

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

GUSTAVO RAMOS,  
Appellant,

vs.

THE STATE OF NEVADA,  
Respondent.

Electronically Filed  
Mar 31 2020 04:33 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
Supreme Court Case No. 79781

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**APPELLANT'S APPENDIX VOLUME 1 OF 9 PAGES 0001-0134**

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**JUSTICE COURT, LAS VEGAS TOWNSHIP**  
**CLARK COUNTY, NEVADA**

**FILED**  
**DEC 20 2010**

*OK 1/12*  
**CLERK OF COURT**

13

STATE OF NEVADA,  
Plaintiff,

vs.

GUSTAVO RAMOS,  
Defendant

) District Court Case No.: *C-10-269839-1*  
)  
) Justice Court Case No.: 10F19783X  
)  
)  
)  
)  
)  
)

**CERTIFICATE**

I hereby certify the foregoing to be a full, true and correct copy of the proceedings as the same appear in the above case.

Dated this December 17, 2010

*William D. Janson*

Justice of the Peace, Las Vegas Township



**RECEIVED**

**DEC 20 2010**

**CLERK OF THE COURT**

40

## CLARK COUNTY, NEVADA

**GUSTAVO RAMOS,**  
Defendant

) District Court Case No.:  
)  
) Justice Court Case No.: 10F19783X

An Order having been made this day by me that **GUSTAVO RAMOS** be held to answer before the Eighth Judicial District Court, upon the charge(s) of **OPEN MURDER WITH USE OF A DEADLY WEAPON VICTIM 65 YEARS OF AGE OR OLDER (2 COUNTS)**, committed in said Township and County, on or between **MAY 15, 1998** and **MAY 16, 1998**.

**IT IS FURTHER ORDERED** that said defendant is commanded to appear in the Eighth Judicial District Court, Regional Justice Center, Lower Level Arraignment Courtroom "A", Las Vegas, Nevada at 9:00 AM on the 3<sup>RD</sup> day of JANUARY, 2011 for arraignment and further proceedings on the within charge(s).

**TOTAL BAIL: NO BAIL**

Dated this December 17, 2010

William D. Fanson

**Justice of the Peace, Las Vegas Township**

# JUSTICE COURT, LAS VEGAS TOWNSHIP

STATE VS. RAMOS, GUSTAVO

CASE NO. 10F19783X

PAGE: 2

DATE, JUDGE  
OFFICERS OF COURT  
PRESENT

APPEARANCES - HEARING

CONTINUED TO:

DECEMBER 16, 2010  
W. JANSEN  
R. DASKAS, DA &  
P. WECKERLY, DA  
S. COFFEE, SPD &  
A. YANEZ, SPD  
D. GREEN, CR  
L. FOY, CLK

TIME SET FOR PRELIMINARY HEARING  
DEFENDANT PRESENT IN COURT \*\*IN CUSTODY\*\*  
SPANISH COURT INTERPRETER PRESENT  
STATE FILES AN AMENDED CRIMINAL COMPLAINT IN OPEN COURT  
**COUNTS 1 & 2 - OPEN MURDER WITH USE OF A DEADLY WEAPON  
VICTIM 65 YEARS OF AGE OR OLDER**  
**COUNT 3 - SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON VICTIM  
65 YEARS OF AGE OR OLDER**  
**COUNT 4 - SEXUAL PENETRATION OF A DEAD HUMAN BODY**  
STATE WITNESSES  
RAY CHANDLER  
JERRY AUTREY  
DAVID JOHNSON  
JAMES VACCARO  
DAVID LEMASTER  
JULIE MARSCHNER  
ALANE OLSON  
  
EVIDENCE  
STATE'S 1 & 2 - DIAGRAM  
STATES 3 THROUGH 58 - PHOTOGRAPHS  
STATE'S 59 THROUGH 63 - DOCUMENTS  
STATE RESTS  
DEFENDANT ADVISED OF HIS STATUTORY RIGHT TO MAKE A SWORN OR  
UNSWORN STATEMENT, TO WAIVE MAKING A STATEMENT, AND/OR OF  
HIS RIGHT TO CALL WITNESSES - DEFENDANT WAIVES HIS RIGHT TO  
MAKE A STATEMENT  
DEFENSE RESTS  
COURT ORDERS COUNTS 3 & 4 DISMISSED (OBJECTION BY STATE)  
DEFENDANT BOUND OVER TO DISTRICT COURT AS CHARGED -  
COUNTS 1 & 2  
DEFENDANT TO APPEAR IN THE LOWER LEVEL ARRAIGNMENT  
COURTROOM A  
DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF

JANUARY 3, 2011  
9:00 AM  
DISTRICT COURT  
ARRAIGNMENT

LKF

CASE FORWARDED TO

DEC 20 2010  
DISTRICT COURT  
CLERK'S OFFICE

# JUSTICE COURT, LAS VEGAS TOWNSHIP

STATE VS. RAMOS, GUSTAVO

CASE NO. 10F19783X

PAGE: 1

DATE, JUDGE  
OFFICERS OF COURT  
PRESENT

APPEARANCES - HEARING

CONTINUED TO:

OCTOBER 15, 2010	CRIMINAL COMPLAINT FILED: <b>COUNTS 1 &amp; 2 – MURDER WITH USE OF A DEADLY WEAPON, VICTIM 65 YEARS OF AGE OR OLDER</b>	DMC
OCTOBER 18, 2010 W. JANSEN R. DASKAS, DA S. COFFEE, PD A. ABEL, PD R. MORICHETTI, CR L. FOY, CLK	INITIAL ARRAIGNMENT DEFENDANT PRESENT IN COURT *IN CUSTODY* SPANISH COURT INTERPRETER PRESENT IN COURT DEFENDANT ADVISED OF CHARGES/WAIVES READING OF COMPLAINT PRELIMINARY HEARING SET  DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF	11/23/10 8:30AM #5  RST
OCTOBER 18, 2010	MEDIA REQUEST AND ORDER ALLOWING CAMERA ACCESS TO COURT PROCEEDINGS FILED (KSNV LAS VEGAS NBC CHANNEL 3)	
NOVEMBER 16, 2010 W. JANSEN S. SHROCK, JEA	FURTHER PROCEEDINGS NOT CALENDARED DEFENDANT NOT PRESENT IN COURT PER PHONE CALL TO CHAMBERS FROM R. DASKAS, DA STATING THAT PUBLIC DEFENDER AGREED TO A STIPULATED CONTINUANCE MOTION BY STATE AND PUBLIC DEFENDER TO VACATE AND RESET PRELIMINARY HEARING DATE OF 11/23/10 8:30 #5 – MOTION GRANTED PRELIMINARY HEARING DATE RESET DEFENDANT REMANDED INTO THE CUSTODY OF THE SHERIFF	12/16/10 8:30 #5  SLS
	CASE FORWARDED TO  DEC 20 2010 DISTRICT COURT CLERK'S OFFICE	

AA 0004

FILED IN OPEN  
COURT ON

JUSTICE COURT, LAS VEGAS TOWNSHIP

12-16-10

CLARK COUNTY, NEVADA

*Rinda Loy*  
Court Clerk

THE STATE OF NEVADA,

Plaintiff,

-vs-

GUSTAVO RAMOS #1516662,

Defendant.

CASE NO: 10F19783X

DEPT NO: 5

AMENDED  
CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of MURDER WITH USE OF A DEADLY WEAPON, VICTIM 65 YEARS OF AGE OR OLDER (Felony - NRS 200.010, 200.030, 193.165, 193.167), SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON, VICTIM 65 YEARS OF AGE OR OLDER (Felony - NRS 200.364, 200.366, 193.165, 193.167), SEXUAL PENETRATION OF A DEAD HUMAN BODY (Felony - NRS 201.45) in the manner following, to-wit: That the said Defendant, on or between May 15, 1998 and May 16, 1998, at and within the County of Clark, State of Nevada,  
COUNT 1 OPEN MURDER WITH USE OF A DEADLY WEAPON VICTIM 65 YEARS OF AGE OR OLDER

did then and there willfully, feloniously, without authority of law, and with malice aforethought, kill WALLACE SIEGEL, a human being, the victim being 65 years of age or older, by striking the head of said WALLACE SIEGEL with a deadly weapon, to-wit: a dumbbell weight and/or unknown heavy blunt object, the actions of Defendant resulting in the death of said WALLACE SIEGEL, said killing having been (1) willful, deliberate and premeditated; and/or (2) committed during the perpetration or attempted perpetration of burglary and/or robbery.

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RIM  
IMAGED  
LJ



1 COUNT 2 OPEN MURDER WITH USE OF A DEADLY WEAPON VICTIM 65 YEARS  
2 OF AGE OR OLDER

3 did then and there willfully, feloniously, without authority of law, and with malice  
4 aforethought, kill HELEN SABRAW, a human being, the victim being 65 years of age or  
5 older, by stabbing at and into the body of said HELEN SABRAW with a deadly weapon, to-  
6 wit: a knife, the actions of Defendant resulting in the death of said HELEN SABRAW, said  
7 killing having been (1) willful, deliberate and premeditated; and /or (2) committed during the  
8 perpetration or attempted perpetration of burglary and/or robbery and/or sexual assault.

9 COUNT 3 – SEXUAL ASSAULT WITH USE OF A DEADLY WEAPON VICTIM 65  
10 YEARS OF AGE OR OLDER

11 did then and there willfully, unlawfully, and feloniously sexually assault and subject  
12 HELEN SABRAW, a female person, the victim being 65 years of age or older, to sexual  
13 penetration, to-wit: anal intercourse, by inserting his penis and/or an unknown object into  
14 the anal opening of said HELEN SABRAW, with a deadly weapon, to-wit: a knife.

15 COUNT 4 – SEXUAL PENETRATION OF A DEAD HUMAN BODY

16 did then and there willfully, unlawfully, and feloniously sexually penetrate a dead  
17 human body, to-wit: HELEN SABRAW, in the following manner, by inserting his penis  
18 and/or an unknown object into the anal opening of said HELEN SABRAW.

19 All of which is contrary to the form, force and effect of Statutes in such cases made  
20 and provided and against the peace and dignity of the State of Nevada. Said Complainant  
21 makes this declaration subject to the penalty of perjury.

22  
23   
24 10/14/2010

25  
26 10F19783X/cb  
27 LVMPD EV# 1010131210;  
28 9805170848; 9805160400  
(TK5)

RIM  
IMAGED  
LJ

FILED

JUSTICE COURT, LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

OCT 15 8 10 AM '10

THE STATE OF NEVADA,

Plaintiff,

JUSTICE COURT  
LAS VEGAS, NEVADA

BY RC

DEPUTY CASE NO: 10F19783X

-vs-

DEPT NO: 5

GUSTAVO RAMOS #1516662,

Defendant.

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of MURDER WITH USE OF A DEADLY WEAPON, VICTIM 65 YEARS OF AGE OR OLDER (Felony - NRS 200.010, 200.030, 193.165, 193.167), in the manner following, to-wit: That the said Defendant, on or between May 15, 1998 and May 16, 1998, at and within the County of Clark, State of Nevada,

COUNT 1

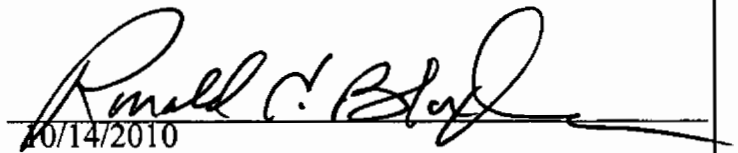
did then and there wilfully, feloniously, without authority of law, and with premeditation and deliberation, and with malice aforethought, kill WALLACE SIEGEL, victim being 65 years of age or older, a human being, by striking the head of the said WALLACE SIEGEL, with a deadly weapon, to-wit: a barbell weight or unknown heavy blunt object, the actions of Defendant resulting in the death of the said WALLACE SIEGEL, the said killing having been (1) done with premeditation and deliberation; and /or (2) committed during the perpetration or attempted perpetration of burglary and/or robbery.

COUNT 2

did then and there wilfully, feloniously, without authority of law, and with premeditation and deliberation, and with malice aforethought, kill HELEN SABRAW, victim being 65 years of age or older, a human being, by stabbing at and into the body of the said HELEN SABRAW, with a deadly weapon, to-wit: a knife, in the following manner, to wit; by stabbing at and into the body of HELEN SABRAW with a knife, the actions of Defendant resulting in the death of the said HELEN SABRAW, the said killing having been

1 (1) done with premeditation and deliberation; and /or (2) committed during the perpetration  
2 or attempted perpetration of burglary and/or robbery and/or sexual assault.

3 All of which is contrary to the form, force and effect of Statutes in such cases made  
4 and provided and against the peace and dignity of the State of Nevada. Said Complainant  
5 makes this declaration subject to the penalty of perjury.

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8 10/14/2010

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27 10F19783X/cb  
28 LVMPD EV# 1010131210;  
9805170848; 9805160400  
(TK5)



## ARREST REPORT

☐ City ☒ County ☒ Adult ☐ Juvenile Sector/Beat N2

ID/EVENT# ID 1516662/ 980516-0400 and 980517-0848		ARRESTEE'S NAME (Last, First, Middle) Ramos- Martinez, Gustavo				S.S.# None	
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 10192 S. Maryland Pkwy LV, NV 89183							
CHARGES: Murder with a Deadly Weapon, 2 Counts, Burglary, 2 counts, Robbery with a Deadly Weapon, Sexual Assault with a Deadly Weapon							
OCCURRED: DATE 5/16/98 and 5/17/98		DAY OF WEEK Saturday and Sunday		TIME 0452 and 1112 Hrs		LOCATION OF ARREST (Number, Street, City, State, Zip Code) 4750 W. Oakey, LV, NV 89102	
RACE W	SEX M	D.O.B. 07/10/79	HT 5'6"	WT 160	HAIR Black	EYES Bro	PLACE OF BIRTH Mexico

## CIRCUMSTANCES OF ARREST

Las Vegas Metropolitan Police Department event or case number 980516-0400

1. On May 16 1998, at approximately 0452 hours, Jack Siegel returned to the Camlu Retirement Home located at 4255 South Spencer to check on his father, Wallace Siegel who lived in unit number 120. Wallace Siegel was recovering from a recent hip replacement surgery.
2. When he arrived, he found the door to his father's unit unlocked as he left it and entered the unit.
3. When he entered the unit he saw the body of his father sitting in the chair in a pool of blood and he immediately placed a 9-1-1 call to the Las Vegas Metropolitan Police Department (LVMPD) Communications Center.
4. Las Vegas Metropolitan Police Department (LVMPD) Patrol Officer M. Craig, P# 5585, Officer D. Lauer, P#5613 and Officer M. Wilson, P# 5319 were dispatched and or responded to the call for service located at 4255 South Spencer, unit 120, Las Vegas, Nevada.
5. Upon arriving at the Camlu Retirement Home, Officers observed who was later positively identified as Wallace Siegel sitting in a chair with a blood-like substance on his head and clothing.
6. Emergency medical units were also dispatched by the Las Vegas Metropolitan Police Department Communications Center. After arriving at the scene, Clark County Fire Department Rescue 18, Paramedics Sprague and Gonzales determined the victim; Wallace Siegel was beyond resuscitation measures and was deceased.

ARRESTING OFFICER(S) <i>[Signature]</i>	P# 6756 4784	APPROVED BY G. CASTRO JR, LT. <i>[Signature]</i>	CONNECTING RPTS. (Type or Event Number)
--	--------------------	--	---

LVMPD 602 (REV. 12-90) - AUTOMATED/WP12

AA 0010

RIM  
IMAGE

VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/Event Number: ID 1516662/  
980516-0400 and  
980517-0848

7. Officers made an initial observation of the room and determined that the incident was a homicide. Officers requested the response of the General Assignment Detectives. Upon their arrival General Assignment Detectives D. Flynn, P# 3028 and J. Brandon, P# 3419 concluded the response of the on-call Homicide Detectives was necessary. Crime Scene Analysts from the Criminalistics Bureau also responded to the scene.
8. Homicide Sergeant R. Alby, P# 1810 responded to the request along with Homicide Detectives R. Chandler, P# 712 and J. Mikolainis, P# 1511.
9. After arriving at the scene, it was determined that Detective Chandler would conduct the crime scene investigation and Detective Mikolainis would interview witnesses pertinent to the investigation.
10. Crime Scene Analysts (C.S.A.) G. Reed, P# 3731, J. Autrey, P#4367, M. Atkin, P#5409 and S. Fox, P# 5712 responded to the crimes scene as well. They assisted Detective Chandler in documenting the crime scene and collecting items of evidence.
11. The deceased is sitting in a slightly reclined chair in the living room area with the back of the chair to the north wall. The decedent is clothed in a maroon type shirt and brown pants and a pair of white tennis shoes. His head is slumped onto his right shoulder and his right arm is extended out with his left elbow resting on the chair's right arm rest. His left arm is bent at the elbow and lying across his lap. His legs are extended to the south and the calves of his legs lying across a pillow that is located on the leg rest of the chair which is in an up position. The arms and chest area is covered with a red substance believed to be blood and the face and neck area has the same type substance. The left side of his skull appears to be depressed and is flat and it appears there is a large sum of brain matter on his right chest area and into his lap.
12. A few items were observed to be located within the apartment and believed to be of evidentiary value.
13. Located on the floor, one foot (1'08") eight inches east of the recliner, was a grey 25 pound barbell on the floor. After a visual examination, the grey 25 pound barbell had what appeared to be a blood-like substance on it.
14. They also observed three pieces of newspaper (Review Journal, 5-15-98, sports section) on the floor somewhat torn, crumpled; friction ridge detail (fingerprints) in apparent blood, could be seen on the two larger pieces of the newspaper.

VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/Event Number: ID 1516662/  
980516-0400 and  
980517-0848

15. The three previously mentioned items were recovered by Crime Scene Analysts and analyzed for trace, hair, fiber and latent impression evidence.
16. Crime Scene Analysts recovered multiple samples of red blood-like substances throughout Siegel's unit and from his vehicle.
17. On May 17, 1998, at or about 0930 hours, an Autopsy was conducted on the body of Wallace Siegel at the Clark County Coroner / Medical Examiner's Office.

A. Persons in Attendance:

1. Doctor G. Sheldon Green M.D.
2. Sergeant R. Alby P# 1810
3. Detective R. Chandler P# 712
4. Detective J. Mikolainis P# 1511
5. Crime Scene Analyst D. Ruffino P# 1502

B. Locations of Injuries / Wounds:

1. Massive skull fracture with lacerations of the scalp
2. Subdural and subarachnoid hemorrhage
3. Multiple lacerations and contusion of the brain
4. Multiple contusions of neck, shoulders and upper chest

C. Results of Autopsy:

After performing a complete autopsy on the body of Wallace Siegel, Medical Doctor G. Sheldon Green opined the cause of Wallace Siegel's death was as a result of massive depressed skull fracture due to blunt trauma to the head.

He ruled the manner of Wallace Siegel's death as a homicide.

18. The Detectives interviewed or spoke with various subjects in this murder investigation. They authored Officers Reports and other documents. They requested various forensic analyses available to them at the time. However, they were unable to identify the patent palm impression in the blood-like substance on the Review Journal newspaper.
19. The investigation into the burglary, robbery and murder with a deadly weapon of Wallace Siegel slowed. No new information or leads were developed or received by Detectives Chandler and Mikolainis to solve the case.

VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/Event Number: ID 1516662/  
980516-0400 and  
980517-0848

20. The Detectives were subsequently assigned new cases until their retirement or reassignment from the homicide section. The investigation into the burglary, robbery and murder with a deadly weapon of Wallace Siegel was carried as an open and unsolved homicide or cold case by the Las Vegas Metropolitan Police Department.

**Las Vegas Metropolitan Police Department event or case number 980517-0848**

1. On May 17 1998, at approximately 1110 hours, Peggy Ann Parks went to the Camlu Retirement Home located at 4255 South Spencer to check on her friend Helen Sabraw who lived in unit number 212.
2. When Parks arrived, she found the door to Sabraw's unit unlocked and entered the unit.
3. Immediately upon entering the room she saw the body of her friend Helen Sabraw lying on the ground with a large amount of blood around the room and on Helen's body. Parks immediately left the unit closing the door and went downstairs to notify management and to call 9-1-1.
4. While Parks was down on the first floor notifying the manager, Mark Sabraw, the victim's son, arrived at her unit accompanied by his girlfriend, Sharon Tyner.
5. Mark Sabraw also found the door to the unit unlocked as was expected. When he entered the room he saw the body of his mother lying on the floor in a pool of blood and he immediately ran to the telephone inside her unit and placed a 9-1-1 call to the Las Vegas Metropolitan Police Department (LVMPD) Communications Center.
6. Mark Sabraw told the call taker that he had found his mother lying in a pool of blood and that he believed she was deceased.
7. Las Vegas Metropolitan Police Department (LVMPD) Patrol Lieutenant, M. Joseph, P#3383, Officer T. Johnson, P# 3171, Officer T. Kyger P#4191, Officer A. Bragg, P# 4150 and Officer K. Cochran P# 4817 were dispatched and or responded to the call for service located at 4255 South Spencer, unit 212, Las Vegas, Nevada.
8. Upon arriving at the Camlu Retirement Home, Officer Almedia Bragg, observed a female who was later positively identified as Helen Sabraw lying in a pool of blood.
9. Emergency medical units were also dispatched by the Las Vegas Metropolitan Police Department Communications Center. After arriving at the scene, Clark County Fire



VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONTINUATION REPORT**

ID/Event Number: ID 1516662/  
980516-0400 and  
980517-0848

Department Rescue 18, Paramedics W. Sprague and R. Porter determined the victim; Helen Sabraw was beyond resuscitation measures and was deceased.

10. Officer Bragg made an initial observation of the room and determined that the incident was a homicide. Officer Bragg notified her supervisors and requested the response of Homicide Detectives.
11. Homicide Sergeant K. Manning, P# 2434 responded to the request along with Homicide Detectives P. Ramos, P# 0799 and J. Vaccaro, P# 1480.
12. After arriving at the scene, it was determined that Detective Ramos would conduct the crime scene investigation and Detective Vaccaro would interview witnesses pertinent to the investigation.
13. Crime Scene Analysts (C.S.A.) K. Adkins, P# 0900, D. LeMaster, P#4234, J. Szeukiewicz, P#5411 and J. Autrey, P# 4367 responded to the crimes scene as well. They assisted Detective Ramos in documenting the crime scene and collecting items of evidence.
14. Detective Ramos described the body of the decedent, Helen Sabraw, as an elderly white female adult. She was found lying on the floor in the approximate center of the room between the bed and a white wicker chair situated on the east wall of the apartment. The body was observed to have suffered an extensive amount of external trauma and a number of apparent stab wounds and cutting wounds were observed on the victim's head, face and upper torso as well as the left upper thigh below the left buttock area.
15. The victim was lying on her back with her arms both extended in a natural position. The left arm was at an approximate 90 degree angle and the right arm at an approximate 45 degree angle. The victim's left leg was raised to her right side and bent at the knee extending it an approximate 90 degree angle. Her right leg was also bent at the knee and extending in an approximate 45 degree angle. The overall position of the victim was in a partial fetal position with her head tilted slightly to the right. The victim's feet were pointing in a northerly direction towards the northeast corner of the apartment while her head was pointed towards the southeast corner of the apartment.
16. The victim was observed to be wearing a pink colored nightgown which had been pulled up above her breasts and below her neck area. The victim was not wearing any footwear and she was noted to be covered with a substantial amount of a red blood like substance particularly in the areas of the previously mentioned stab wounds. The victim appeared to

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have suffered a substantial amount of external trauma to her head area including the left portion of her forehead and her left eye.

17. The carpeting surrounding the victim's body was saturated with a red blood-like substance as well as darker colored biological material which appeared to be fecal matter.
18. The handle of a black colored plastic knife was observed to be extending from below the victim's right knee. A number of small bruises were also observed on the victim's body near the left portion of her lower torso and above the pubic area. The soles of her bare feet were noted to be covered with a moderate amount of a red blood like substance.
19. The victim was not wearing any panties and she was nude except for the nightgown having been pulled up above her breasts and pulled up along her arms.
20. A number of items were observed to be located within the apartment and believed to be of evidentiary value.
21. Located on the floor north of the victim was a grey colored t-shirt which was crumpled and lying on the floor. After a visual examination, the grey tee shirt had what appeared to be blood-like transfers on it.
22. Also on the ground next to the grey tee shirt was a white cotton "muscle" type shirt. This white shirt was also visually examined and had what appeared to be blood-like transfers on it as well.
23. The matching wooden chair to the round table which was situated on top of the bed was observed to be covered with a large amount of blood like substance. Because of its positioning, turned over on top of the bed, it was believed to have been used as a possible weapon against Helen Sabraw. Additionally, a white wicker stool was found in the hallway leading into the living area and a red blood-like substance was observed on that item as well.
24. At the end of the bed near the approximate center of the foot of the bed was a green handled serrated knife which appeared consistent with a "grapefruit" knife.
25. A black colored long-sleeved woman's top with a sequined pattern design was found on the floor next to the bloodied white wicker stool. This black top was observed to have a substantial amount of blood-like substance on it and it was noted to be stuck to the bottom foot ring of the stool.

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26. A brown colored aluminum walking cane was also documented in the approximate center of the bed. The cane was examined and found to be bent and distorted and had a substantial amount of a red blood-like substance on the cane.
27. All of the previously mentioned items were recovered by Crime Scene Analysts and analyzed for trace, hair and fiber evidence.
28. Crime Scene Analysts recovered multiple samples of red blood-like substances throughout Sabraw's unit. A small section of the carpeting was also removed during the crime scene processing as well.
29. On May 18, 1998, at or about thirteen-hundred hours, an Autopsy was conducted on the body of Helen Sabraw at the Clark County Coroner / Medical Examiner's Office.

A. Persons in Attendance:

1. Doctor G. Sheldon Green M.D.
2. Sergeant K. Manning P# 2434
3. Detective P. Ramos P# 0799
4. Detective J. Vaccaro P# 1480
5. Crime Scene Analyst D. LeMaster P# 4234

B. Locations of Injuries / Wounds:

1. Stab wound to the heart
2. Stab wound of the pulmonary artery
3. Multiple cutting and stabbing wounds of the chest, scalp, face and neck.
4. Defensive wounds of hands and arms.

C. Results of Autopsy:

After performing a complete autopsy on the body of Helen Sabraw, Medical Doctor G. Sheldon Green opined the cause of Helen Sabraw's death was a multiple stab wounds of the heart and pulmonary artery. The manner of her death was ruled a homicide.

30. The assigned Detectives interviewed or spoke with various subjects in this murder investigation. They authored Officers Reports and other documents. They requested various forensic analyses available to them at the time however, they were unable to identify the perpetrator(s) involved in the murder.

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The investigation into the burglary, sexual assault with a deadly weapon and murder with a deadly weapon of Helen Sabraw slowed. No new information or leads were developed or received by Detectives Ramos and Vaccaro to solve the case.

The Detectives were subsequently assigned new cases until their retirement or reassignment from the homicide section. The investigation into the burglary, sexual assault with a deadly weapon and murder with a deadly weapon of Helen Sabraw was carried as an open and unsolved homicide or cold case by the Las Vegas Metropolitan Police Department.

It should be noted that some of the assigned Homicide Detectives or other Homicide Detective's familiar with both cases felt the murders of Siegel and Sabraw were committed by the same perpetrator(s) due to both murders being discovered less than thirty (30) hours apart in the same building of the reported address.

**Cold Case Review for Deoxyribonucleic Acid (DNA) event / case number 980517-0848**

1. On June 26, 2009, Detective M. Blasko P#4066 submitted a Forensic Laboratory requesting Deoxyribonucleic acid (DNA) testing for "wearer" to be completed on the gray tee shirt and the white muscle shirt impounded during the processing of the Helen Sabraw crime scene under event or case number 980517-0848.
2. On August 26, 2009, Julie Marschner, P# 8806, a Forensic Scientist II, assigned to the Las Vegas Metropolitan Police Department (LVMPD) Biology / DNA Detail issued a report of examination in this case.

The conclusions are:

- The DNA profile obtained from the t-shirt neck cuttings (JM-10A1) is consistent with a mixture of two individuals, at least one being male.
- An unknown male cannot be excluded as a major contributor to the mixture. It is inconclusive as to whether Helen Sabraw (JM-9\*) is included or excluded as a contributor to the mixture.
- No other conclusions regarding the additional contributor(s) can be made at this time.
- The DNA profile obtained from the t-shirt armpit cuttings (JM-10A2) is consistent with a mixture of three individuals, at least one being male.

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- The unknown male cannot be excluded as a major contributor to the mixture. Helen Sabraw (JM-9\*) cannot be excluded as minor contributor to the mixture.
- The major DNA mixture profile will be searched in the Local DNA Index System (CODIS) and uploaded to the National DNA Index System (CODIS). You will be notified if there is a match.

No other conclusions regarding the additional contributor(s) can be made at this time.

3. On September 10, 2010, the forensic unknown Deoxyribonucleic Acid / DNA profile that was entered into the National DNA Index System (CODIS) as a search by the Las Vegas Metropolitan Police Department, Biology / DNA Detail received a match to a Federal Convicted Offender specimen in the FBI Laboratory, Federal DNA Database Unit.
4. The Federal Convicted Offender (FCO) that corresponds to FBI Federal DNA Database Unit sample ID 2009-040388 is:  
**Martinez, Gustavo Ramos, (AKA Ramos-Martinez, Gustavo)**  
**FBI # 190377FB2 DOB: 07/10/1979 Alien # A77131467**  
**BOP # 42588-048 Sex: Male Race: White**
5. Based on Gustavo Ramos-Martinez's Federal Convicted Offender Deoxyribonucleic Acid (DNA) profile being linked to the crime scene by CODIS from the collar and armpit area on the gray tee-shirt near the victim's body with a red blood-like substance which was impounded under LVMPD event number 980517- 0848, your affiant believes that the items listed below in items one (1) through five (5) would, when submitted to further scientific and forensic examinations and analysis, would disclose the presence of scientific, forensic or identification evidence tending to demonstrate or eliminate Gustavo Ramos-Martinez's involvement in the offense's of; Burglary, Sexual Assault with a Deadly Weapon and Murder with a Deadly Weapon committed against the person of Helen Sabraw.
6. Based on the Combined DNA Index System (CODIS) link of Gustavo Ramos-Martinez to the Helen Sabraw crime scene Detective's Culver and Hall determined that his palm impressions should be directly compared to the unidentified palm impression in the blood-like substance on the Las Vegas Review Journal newspaper that was recovered from the Walter Siegel crime scene.

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7. On September 21, 2010 that request was sent to the Las Vegas Metropolitan Police Department Forensic Laboratory.
8. On September 29, 2010, David Johnson, P# 9933, a Forensic Scientist II, assigned to the Las Vegas Metropolitan Police Department (LVMPD) Latent Print Detail issued a report of examination in this case.  
The conclusions are:  
The latent print from package 4367/1, Lab # dj21 described as, "one photograph of Review Journal, dated 5/15/98 Pg 8C lower left (#3). One suitable print marked dj21A- identified to the right palm of Gustavo Ramos. Exemplar Prints were from Gustavo Ramos, ID 1516662. Exemplars are from LVMPD finger and palm prints dated 06/13/98 and LVMPD archive fingerprints dated 03/15/06.
9. On September 15, 2010, Detective R. DePaulis P# 4784 attempted to locate Ramos-Martinez. A triple III records check on Ramos-Martinez showed he had numerous charges for illegal entry into the United States from Mexico. DePaulis contacted Agent Quihuis of the Bureau of Immigration and Custom Enforcement and was told that if Ramos was located in the United States of America, he would be in direct violation with the terms of his release on 09/27/09 and was subject to immediate arrest.
10. On September 30, 2010, at approximately 0600 hours, Detectives DePaulis and S. Kniffen P# 4574 conducted a surveillance on 10192 S. Maryland Parkway, LV, NV 89183 in an effort to locate Ramos-Martinez. At approximately 0735 hours, Ramos-Martinez was seen leaving the residence and entering a white Dodge Durango bearing Nevada license, "CUENCA." LVMPD patrol officers, J Campor, P# 6438 and C. Yannis P# 6024 operating as marked unit 215 conducted a vehicle stop on the vehicle Ramos-Martinez was driving at Mission Front and Silverado Ranch for illegal u-turn and unlawful display for no front license plate. Upon being contacted by officers, Ramos-Martinez was identified through self admission of his name to the officers as well as photographs and his tattoos. Ramos was then transported to the Immigration and Custom Enforcement office located 3373 Pepper Lane and turned over to their agents.
11. On 10/12/10, Detective R. Hall P# 6756 obtained a search warrant from the Honorable District Court Judge James Bixler to collect Buccal Swabs for DNA confirmation, fingerprints, palm prints, photographs and hair standards from the person of Gustavo Ramos-Martinez.

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12. On 10/13/10 at approximately 0930 hours, Detectives R. Hall and R. DePaulis transported Ramos-Martinez to the Las Vegas Metropolitan Police Department Investigative Services Division at 4750 W. Oakey, LV, NV 89102 in order to be interviewed and for service of the search warrant. Ramos-Martinez was read his Miranda warnings by Detective Hall at approximately 1015 hours. During the interview with Detectives Hall and DePaulis, Ramos-Martinez admitted that he had never been inside the Camlu Retirement Home located at 4255 S. Spencer, LV, NV 89119. Ramos-Martinez also denied knowing Helen Sabraw or Wallace Siegel. Ramos-Martinez stated he didn't know how a t-shirt with his DNA on it would be found inside unit 212, Helen Sabraw's apartment at 4255 S. Spencer, LV, NV 89119. Ramos-Martinez also could not explain how his bloody palm print on a piece of Review Journal was found in unit 120, Wallace Siegel's apartment at 4255 S. Spencer, LV, NV 89119. Ramos-Martinez then stated he wanted to speak to an attorney. The interview was terminated and Ramos-Martinez was transported to the Clark County Detention Center where he was booked for 2 counts of Murder with a Deadly Weapon, 2 counts of Burglary, Robbery with a Deadly Weapon and Sexual Assault with a Deadly Weapon.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**DECLARATION OF ARREST**

I.D. #: 1516662

True Name: RAMOS, GUSTAVO Date of Arrest: 10-13-10 Time of Arrest: 0900

OTHER CHARGES RECOMMENDED FOR CONSIDERATION:

THE UNDERSIGNED MAKES THE FOLLOWING DECLARATIONS SUBJECT TO THE PENALTY FOR PERJURY AND SAYS: That I am a peace officer with LVPD (Department), Clark

County, Nevada, being so employed for a period of 16 years (months). That I learned the following facts and circumstances which lead me to believe that the above named subject committed (or

was committing) the offense of 2CS MURDER W/DC 4/65, 2CS BUNNY S/A at the location of 4255 S. SPENCER L.V. NV. 89121  
(ADDRESS / CITY / STATE / ZIP)

and that the offense occurred at approximately — hours on the 16 day of MAY, 1998, in the county of Clark or ☐ City of Las Vegas, NV.

DETAILS FOR PROBABLE CAUSE:

"SEE ARREST REPORT"

Wherefore, Declarant prays that a finding be made by a magistrate that probable cause exists to hold said person for preliminary hearing (if charges are a felony or gross misdemeanor) or for trial (if charges are a misdemeanor).

Declarant must sign second page with original signature.

Declarant's Signature

R. HALL  
Print Declarant's Name

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**Date : 10-13-10 21:31**



## LAS VEGAS METROPOLITAN POLICE DEPARTMENT

## ARREST REPORT

☐ City☒ County☒ Adult☐ JuvenileSector/Beat N2

ID/EVENT# ID 1516662/ 980516-0400 and 980517-0848		ARRESTEE'S NAME (Last, First, Middle) Ramoa- Martinez, Gustavo				S.S.# None	
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 10192 S. Maryland Pkwy LV, NV 89183							
CHARGES: Murder with a Deadly Weapon, 2 Counts, Burglary, 2 counts, Robbery with a Deadly Weapon, Sexual Assault with a Deadly Weapon							
OCCURRED:		DATE 5/16/98 and 5/17/98	DAY OF WEEK Saturday and Sunday	TIME 0452 and 1112 Hrs	LOCATION OF ARREST (Number, Street, City, State, Zip Code) 4750 W. Oakey, LV, NV 89102		
RACE W	SEX M	D.O.B. 07/10/79	HT 5'8"	WT 160	HAIR Black	EYES Bro	PLACE OF BIRTH Mexico

## CIRCUMSTANCES OF ARREST

Las Vegas Metropolitan Police Department event or case number 980516-0400

- On May 16 1998, at approximately 0452 hours, Jack Siegel returned to the Camlu Retirement Home located at 4255 South Spencer to check on his father, Wallace Siegel who lived in-unit number 120. Wallace Siegel was recovering from a recent hip replacement surgery.
- When he arrived, he found the door to his father's unit unlocked as he left it and entered the unit.
- When he entered the unit he saw the body of his father sitting in the chair in a pool of blood and he immediately placed a 9-1-1 call to the Las Vegas Metropolitan Police Department (LVMPD) Communications Center.
- Las Vegas Metropolitan Police Department (LVMPD) Patrol Officer M. Craig, P# 5585, Officer D. Lauer, P#5613 and Officer M. Wilson, P# 5319 were dispatched and or responded to the call for service located at 4255 South Spencer, unit 120, Las Vegas, Nevada.
- Upon arriving at the Camlu Retirement Home, Officers observed who was later positively identified as Wallace Siegel sitting in a chair with a blood-like substance on his head and clothing.
- Emergency medical units were also dispatched by the Las Vegas Metropolitan Police Department Communications Center. After arriving at the scene, Clark County Fire Department Rescue 18, Paramedics Sprague and Gonzales determined the victim; Wallace Siegel was beyond resuscitation measures and was deceased.

CONFIDENTIAL

ARRESTING OFFICER(S) <i>[Signature]</i>		P# 6752	APPROVED BY G. CASTRO JR, LT. <i>[Signature]</i>	CONNECTING RPTS. (Type or Event Number) RIM IMAGED LU
<i>[Signature]</i>		4789	<i>[Signature]</i>	

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7. Officers made an initial observation of the room and determined that the incident was a homicide. Officers requested the response of the General Assignment Detectives. Upon their arrival General Assignment Detectives D. Flynn, P# 3028 and J. Brandon, P# 3419 concluded the response of the on-call Homicide Detectives was necessary. Crime Scene Analysts from the Criminalistics Bureau also responded to the scene.
8. Homicide Sergeant R. Alby, P# 1810 responded to the request along with Homicide Detectives R. Chandler, P# 712 and J. Mikolainis, P# 1511.
9. After arriving at the scene, it was determined that Detective Chandler would conduct the crime scene investigation and Detective Mikolainis would interview witnesses pertinent to the investigation.
10. Crime Scene Analysts (C.S.A.) G. Reed, P# 3731, J. Autrey, P#4367, M. Atkin, P#5409 and S. Fox, P# 5712 responded to the crime scene as well. They assisted Detective Chandler in documenting the crime scene and collecting items of evidence.
11. The deceased is sitting in a slightly reclined chair in the living room area with the back of the chair to the north wall. The decedent is clothed in a maroon type shirt and brown pants and a pair of white tennis shoes. His head is slumped onto his right shoulder and his right arm is extended out with his left elbow resting on the chair's right arm rest. His left arm is bent at the elbow and lying across his lap. His legs are extended to the south and the calves of his legs lying across a pillow that is located on the leg rest of the chair which is in an up position. The arms and chest area is covered with a red substance believed to be blood and the face and neck area has the same type substance. The left side of his skull appears to be depressed and is flat and it appears there is a large sum of brain matter on his right chest area and into his lap.
12. A few items were observed to be located within the apartment and believed to be of evidentiary value.
13. Located on the floor, one foot (1'08") eight inches east of the recliner, was a grey 25 pound barbell on the floor. After a visual examination, the grey 25 pound barbell had what appeared to be a blood-like substance on it.
14. They also observed three pieces of newspaper (Review Journal, 5-15-98, sports section) on the floor somewhat torn, crumpled; friction ridge detail (fingerprints) in apparent blood could be seen on the two larger pieces of the newspaper.

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15. The three previously mentioned items were recovered by Crime Scene Analysts and analyzed for trace, hair, fiber and latent impression evidence.
16. Crime Scene Analysts recovered multiple samples of red blood-like substances throughout Siegel's unit and from his vehicle.
17. On May 17, 1998, at or about 0930 hours, an Autopsy was conducted on the body of Wallace Siegel at the Clark County Coroner / Medical Examiner's Office.

A. Persons in Attendance:

1. Doctor G. Sheldon Green M.D.
2. Sergeant R. Alby P# 1810
3. Detective R. Chandler P# 712
4. Detective J. Mikolainis P# 1511
5. Crime Scene Analyst D. Ruffino P# 1502

B. Locations of Injuries / Wounds:

1. Massive skull fracture with lacerations of the scalp
2. Subdural and subarachnoid hemorrhage
3. Multiple lacerations and contusion of the brain
4. Multiple contusions of neck, shoulders and upper chest

C. Results of Autopsy:

After performing a complete autopsy on the body of Wallace Siegel, Medical Doctor G. Sheldon Green opined the cause of Wallace Siegel's death was as a result of massive depressed skull fracture due to blunt trauma to the head. He ruled the manner of Wallace Siegel's death as a homicide.

18. The Detectives interviewed or spoke with various subjects in this murder investigation. They authored Officers Reports and other documents. They requested various forensic analyses available to them at the time. However, they were unable to identify the patent palm impression in the blood-like substance on the Review Journal newspaper.
19. The investigation into the burglary, robbery and murder with a deadly weapon of Wallace Siegel slowed. No new information or leads were developed or received by Detectives Chandler and Mikolainis to solve the case.

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980517-0848**

20. The Detectives were subsequently assigned new cases until their retirement or reassignment from the homicide section. The investigation into the burglary, robbery and murder with a deadly weapon of Wallace Siegel was carried as an open and unsolved homicide or cold case by the Las Vegas Metropolitan Police Department.

**Las Vegas Metropolitan Police Department event or case number 980517-0848**

1. On May 17 1998, at approximately 1110 hours, Peggy Ann Parks went to the Camlu Retirement Home located at 4255 South Spencer to check on her friend Helen Sabraw who lived in unit number 212.
2. When Parks arrived, she found the door to Sabraw's unit unlocked and entered the unit.
3. Immediately upon entering the room she saw the body of her friend Helen Sabraw lying on the ground with a large amount of blood around the room and on Helen's body. Parks immediately left the unit closing the door and went downstairs to notify management and to call 9-1-1.
4. While Parks was down on the first floor notifying the manager, Mark Sabraw, the victim's son, arrived at her unit accompanied by his girlfriend, Sharon Tyner.
5. Mark Sabraw also found the door to the unit unlocked as was expected. When he entered the room he saw the body of his mother lying on the floor in a pool of blood and he immediately ran to the telephone inside her unit and placed a 9-1-1 call to the Las Vegas Metropolitan Police Department (LVMPD) Communications Center.
6. Mark Sabraw told the call taker that he had found his mother lying in a pool of blood and that he believed she was deceased.
7. Las Vegas Metropolitan Police Department (LVMPD) Patrol Lieutenant, M. Joseph, P#3383, Officer T. Johnson, P# 3171, Officer T. Kyger P#4191, Officer A. Bragg, P# 4150 and Officer K. Cochran P# 4817 were dispatched and or responded to the call for service located at 4255 South Spencer, unit 212, Las Vegas, Nevada.
8. Upon arriving at the Camlu Retirement Home, Officer Almedia Bragg, observed a female who was later positively identified as Helen Sabraw lying in a pool of blood.
9. Emergency medical units were also dispatched by the Las Vegas Metropolitan Police Department Communications Center. After arriving at the scene, Clark County Fire

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Department Rescue 18, Paramedics W. Sprague and R. Porter determined the victim; Helen Sabraw was beyond resuscitation measures and was deceased.

10. Officer Bragg made an initial observation of the room and determined that the incident was a homicide. Officer Bragg notified her supervisors and requested the response of Homicide Detectives.
11. Homicide Sergeant K. Manning, P# 2434 responded to the request along with Homicide Detectives P. Ramos, P# 0799 and J. Vaccaro, P# 1480.
12. After arriving at the scene, it was determined that Detective Ramos would conduct the crime scene investigation and Detective Vaccaro would interview witnesses pertinent to the investigation.
13. Crime Scene Analysts (C.S.A.) K. Adkins, P# 0900, D. LeMaster, P#4234, J. Szeukiewicz, P#5411 and J. Autrey, P# 4367 responded to the crime scene as well. They assisted Detective Ramos in documenting the crime scene and collecting items of evidence.
14. Detective Ramos described the body of the decedent, Helen Sabraw, as an elderly white female adult. She was found lying on the floor in the approximate center of the room between the bed and a white wicker chair situated on the east wall of the apartment. The body was observed to have suffered an extensive amount of external trauma and a number of apparent stab wounds and cutting wounds were observed on the victim's head, face and upper torso as well as the left upper thigh below the left buttock area.
15. The victim was lying on her back with her arms both extended in a natural position. The left arm was at an approximate 90 degree angle and the right arm at an approximate 45 degree angle. The victim's left leg was raised to her right side and bent at the knee extending it an approximate 90 degree angle. Her right leg was also bent at the knee and extending in an approximate 45 degree angle. The overall position of the victim was in a partial fetal position with her head tilted slightly to the right. The victim's feet were pointing in a northerly direction towards the northeast corner of the apartment while her head was pointed towards the southeast corner of the apartment.
16. The victim was observed to be wearing a pink colored nightgown which had been pulled up above her breasts and below her neck area. The victim was not wearing any footwear and she was noted to be covered with a substantial amount of a red blood like substance particularly in the areas of the previously mentioned stab wounds. The victim appeared to

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have suffered a substantial amount of external trauma to her head area including the left portion of her forehead and her left eye.

17. The carpeting surrounding the victim's body was saturated with a red blood-like substance as well as darker colored biological material which appeared to be fecal matter.
18. The handle of a black colored plastic knife was observed to be extending from below the victim's right knee. A number of small bruises were also observed on the victim's body near the left portion of her lower torso and above the pubic area. The soles of her bare feet were noted to be covered with a moderate amount of a red blood like substance.
19. The victim was not wearing any panties and she was nude except for the nightgown having been pulled up above her breasts and pulled up along her arms.
20. A number of items were observed to be located within the apartment and believed to be of evidentiary value.
21. Located on the floor north of the victim was a grey colored t-shirt which was crumpled and lying on the floor. After a visual examination, the grey tee shirt had what appeared to be blood-like transfers on it.
22. Also on the ground next to the grey tee shirt was a white cotton "muscle" type shirt. This white shirt was also visually examined and had what appeared to be blood-like transfers on it as well.
23. The matching wooden chair to the round table which was situated on top of the bed was observed to be covered with a large amount of blood like substance. Because of its positioning, turned over on top of the bed, it was believed to have been used as a possible weapon against Helen Sabraw. Additionally, a white wicker stool was found in the hallway leading into the living area and a red blood-like substance was observed on that item as well.
24. At the end of the bed near the approximate center of the foot of the bed was a green handled serrated knife which appeared consistent with a "grapefruit" knife.
25. A black colored long-sleeved woman's top with a sequined pattern design was found on the floor next to the bloodied white wicker stool. This black top was observed to have a substantial amount of blood-like substance on it and it was noted to be stuck to the bottom foot ring of the stool.



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26. A brown colored aluminum walking cane was also documented in the approximate center of the bed. The cane was examined and found to be bent and distorted and had a substantial amount of a red blood-like substance on the cane.
27. All of the previously mentioned items were recovered by Crime Scene Analysts and analyzed for trace, hair and fiber evidence.
28. Crime Scene Analysts recovered multiple samples of red blood-like substances throughout Sabraw's unit. A small section of the carpeting was also removed during the crime scene processing as well.
29. On May 18, 1998, at or about thirteen-hundred hours, an Autopsy was conducted on the body of Helen Sabraw at the Clark County Coroner / Medical Examiner's Office.

A. Persons in Attendance:

1. Doctor G. Sheldon Green M.D.
2. Sergeant K. Manning P# 2434
3. Detective P. Ramos P# 0799
4. Detective J. Vaccaro P# 1480
5. Crime Scene Analyst D. LeMaster P# 4234

B. Locations of Injuries / Wounds:

1. Stab wound to the heart
2. Stab wound of the pulmonary artery
3. Multiple cutting and stabbing wounds of the chest, scalp, face and neck.
4. Defensive wounds of hands and arms.

C. Results of Autopsy:

After performing a complete autopsy on the body of Helen Sabraw, Medical Doctor G. Sheldon Green opined the cause of Helen Sabraw's death was a multiple stab wounds of the heart and pulmonary artery. The manner of her death was ruled a homicide.

30. The assigned Detectives interviewed or spoke with various subjects in this murder investigation. They authored Officers Reports and other documents. They requested various forensic analyses available to them at the time however, they were unable to identify the perpetrator(s) involved in the murder.

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980516-0400 and  
980517-0848**

The investigation into the burglary, sexual assault with a deadly weapon and murder with a deadly weapon of Helen Sabraw slowed. No new information or leads were developed or received by Detectives Ramos and Vaccaro to solve the case.

The Detectives were subsequently assigned new cases until their retirement or reassignment from the homicide section. The investigation into the burglary, sexual assault with a deadly weapon and murder with a deadly weapon of Helen Sabraw was carried as an open and unsolved homicide or cold case by the Las Vegas Metropolitan Police Department.

It should be noted that some of the assigned Homicide Detectives or other Homicide Detective's familiar with both cases felt the murders of Siegel and Sabraw were committed by the same perpetrator(s) due to both murders being discovered less than thirty (30) hours apart in the same building of the reported address.

**Cold Case Review for Deoxyribonucleic Acid (DNA) event / case number 980517-0848**

1. On June 26, 2009, Detective M. Blasko P# 4066 submitted a Forensic Laboratory requesting Deoxyribonucleic acid (DNA) testing for "wearer" to be completed on the gray tee shirt and the white muscle shirt impounded during the processing of the Helen Sabraw crime scene under event or case number 980517-0848.
2. On August 26, 2009, Julie Marschner, P# 8806, a Forensic Scientist II, assigned to the Las Vegas Metropolitan Police Department (LVMPD) Biology / DNA Detail issued a report of examination in this case.

**The conclusions are:**

- The DNA profile obtained from the t-shirt neck cuttings (JM-10A1) is consistent with a mixture of two individuals, at least one being male.
- An unknown male cannot be excluded as a major contributor to the mixture. It is inconclusive as to whether Helen Sabraw (JM-9\*) is included or excluded as a contributor to the mixture.
- No other conclusions regarding the additional contributor(s) can be made at this time.
- The DNA profile obtained from the t-shirt armpit cuttings (JM-10A2) is consistent with a mixture of three individuals, at least one being male.

RIM  
IMAGED  
LJ

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
CONTINUATION REPORT**

**ID/Event Number: ID 1516862/  
980516-0400 and  
980517-0848**

- The unknown male cannot be excluded as a major contributor to the mixture. Helen Sabraw (JM-9\*) cannot be excluded as minor contributor to the mixture.
- The major DNA mixture profile will be searched in the Local DNA Index System (CODIS) and uploaded to the National DNA Index System (CODIS). You will be notified if there is a match.

No other conclusions regarding the additional contributor(s) can be made at this time.

3. On September 10, 2010, the forensic unknown Deoxyribonucleic Acid / DNA profile that was entered into the National DNA Index System (CODIS) as a search by the Las Vegas Metropolitan Police Department, Biology / DNA Detail received a match to a Federal Convicted Offender specimen in the FBI Laboratory, Federal DNA Database Unit.
4. The Federal Convicted Offender (FCO) that corresponds to FBI Federal DNA Database Unit sample ID 2009-040388 is:  
**Martinez, Gustavo Ramos, (AKA Ramos-Martinez, Gustavo)**  
**FBI # 190377FB2 DOB: 07/10/1979 Allen # A77131467**  
**BOP # 42588-048 Sex: Male Race: White**
5. Based on Gustavo Ramos-Martinez's Federal Convicted Offender Deoxyribonucleic Acid (DNA) profile being linked to the crime scene by CODIS from the collar and armpit area on the gray tee-shirt near the victim's body with a red blood-like substance which was impounded under LVMPD event number 980517- 0848, your affiant believes that the items listed below in items one (1) through five (5) would, when submitted to further scientific and forensic examinations and analysis, would disclose the presence of scientific, forensic or identification evidence tending to demonstrate or eliminate Gustavo Ramos-Martinez's involvement in the offense's of; Burglary, Sexual Assault with a Deadly Weapon and Murder with a Deadly Weapon committed against the person of Helen Sabraw.
6. Based on the Combined DNA Index System (CODIS) link of Gustavo Ramos-Martinez to the Helen Sabraw crime scene Detective's Culver and Hall determined that his palm impressions should be directly compared to the unidentified palm impression in the blood-like substance on the Las Vegas Review Journal newspaper that was recovered from the Walter Siegel crime scene.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
CONTINUATION REPORT**

**ID/Event Number: ID 1516662/  
980516-0400 and  
980517-0848**

7. On September 21, 2010 that request was sent to the Las Vegas Metropolitan Police Department Forensic Laboratory.
8. On September 29, 2010, David Johnson, P# 9933, a Forensic Scientist II, assigned to the Las Vegas Metropolitan Police Department (LVMPD) Latent Print Detail issued a report of examination in this case.

The conclusions are:

The latent print from package 4367/1, Lab # dj21 described as, "one photograph of Review Journal, dated 5/15/98 Pg 8C lower left (#3). One suitable print marked dj21A- identified to the right palm of Gustavo Ramos. Exemplar Prints were from Gustavo Ramos, ID 1516662. Exemplars are from LVMPD finger and palm prints dated 06/13/98 and LVMPD archive fingerprints dated 03/15/06.

9. On September 15, 2010, Detective R. DePaulis P# 4784 attempted to locate Ramos-Martinez. A triple ill records check on Ramos-Martinez showed he had numerous charges for illegal entry into the United States from Mexico. DePaulis contacted Agent Quihuis of the Bureau of Immigration and Custom Enforcement and was told that if Ramos was located in the United States of America, he would be in direct violation with the terms of his release on 09/27/09 and was subject to immediate arrest.
10. On September 30, 2010, at approximately 0600 hours, Detectives DePaulis and S. Kniffen P# 4574 conducted a surveillance on 10192 S. Maryland Parkway, LV, NV 89183 in an effort to locate Ramos-Martinez. At approximately 0735 hours, Ramos-Martinez was seen leaving the residence and entering a white Dodge Durango bearing Nevada license, "CUENCA." LVMPD patrol officers, J Campor, P# 6438 and C. Yannis P# 6024 operating as marked unit 215 conducted a vehicle stop on the vehicle Ramos-Martinez was driving at Mission Front and Silverado Ranch for illegal u-turn and unlawful display for no front license plate. Upon being contacted by officers, Ramos-Martinez was identified through self admission of his name to the officers as well as photographs and his tattoos. Ramos was then transported to the Immigration and Custom Enforcement office located 3373 Pepper Lane and turned over to their agents.
11. On 10/12/10, Detective R. Hall P# 6756 obtained a search warrant from the Honorable District Court Judge James Bixler to collect Buccal Swabs for DNA confirmation, fingerprints, palm prints, photographs and hair standards from the person of Gustavo Ramos-Martinez.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
CONTINUATION REPORT**

**ID/Event Number: ID 1516662/  
980516-0400 and  
980517-0848**

12. On 10/13/10 at approximately 0930 hours, Detectives R. Hall and R. DePaulis transported Ramos-Martinez to the Las Vegas Metropolitan Police Department Investigative Services Division at 4750 W. Oakey, LV, NV 89102 in order to be interviewed and for service of the search warrant. Ramos-Martinez was read his Miranda warnings by Detective Hall at approximately 1015 hours. During the interview with Detectives Hall and DePaulis, Ramos-Martinez admitted that he had never been inside the Camlu Retirement Home located at 4255 S. Spencer, LV, NV 89119. Ramos-Martinez also denied knowing Helen Sabraw or Wallace Siegel. Ramos-Martinez stated he didn't know how a t-shirt with his DNA on it would be found inside unit 212, Helen Sabraw's apartment at 4255 S. Spencer, LV, NV 89119. Ramos-Martinez also could not explain how his bloody palm print on a piece of Review Journal was found in unit 120, Wallace Siegel's apartment at 4255 S. Spencer, LV, NV 89119. Ramos-Martinez then stated he wanted to speak to an attorney. The interview was terminated and Ramos-Martinez was transported to the Clark County Detention Center where he was booked for 2 counts of Murder with a Deadly Weapon, 2 counts of Burglary, Robbery with a Deadly Weapon and Sexual Assault with a Deadly Weapon.

RIM  
IMAGED  
LJ

**JUSTICE COURT, LAS VEGAS TOWNSHIP**  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

PLAINTIFF

-VS-

RAMOS, GUSTAVO

DEFENDANT

CASE NO: 10F19783XDEPT. NO: 5

**MEDIA REQUEST AND ORDER ALLOWING  
CAMERA ACCESS TO COURT PROCEEDINGS**

\* Please fax to (702) 671-4548 to ensure that the  
request will be processed as quickly as possible.)

JOYCE KOTNIK (name), of KSNV LAS VEGAS NBC CH. 3 (media organization),

hereby requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in

Dept. No. 5, the Honorable Judge William Jansen Presiding, on the 18 day of  
OCTOBER, 20 10.

I hereby certify that I am familiar with, and will comply with Supreme Court Rules 229-249, inclusive. If this request is being submitted less than seventy-two (72) hours before the above-described proceedings commence, the following facts provide good cause for the Court to grant the request on such short notice:

It is further understood that any media camera pooling arrangements shall be the sole responsibility of the media and must be arranged prior to coverage, without asking for the Court to mediate disputes.

Dated this 15 day of OCTOBER, 20 10.

SIGNATURE: JOYCE KOTNIKPHONE: 657-3150

\*\*\*\*\*  
**IT IS HEREBY ORDERED THAT:**

[ ] The media request is denied because it was submitted less than 72 hours before the scheduled proceeding was to commence, and no "good cause" has been shown to justify granting the request on shorter notice.

[ ] The media request is denied for the following reasons: \_\_\_\_\_

[ ] The media request is granted. The requested media access remains in effect for each and every hearing in the above-entitled case, at the discretion of the Court, and unless otherwise notified. This Order is made in accordance with Supreme Court Rules 229-249, inclusive, at the discretion of the judge, and is subject to reconsideration motion of any party to the action. Media access may be revoked if it is shown that participants, impairing the dignity of the Court, or otherwise materially interfering with justice.

[ ] OTHER: \_\_\_\_\_

IT IS FURTHER ORDERED that this document shall be made a part of the record of the proceedings in this case.

Dated this 18 day of October, 20 10.

William Jansen  
JUSTICE OF THE PEACE

RIM  
IMAGED  
L3

Any written objection to the Court's order should be filed at least 24 hours prior to the subject hearing.

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**THE STATE OF NEVADA,**

**PLAINTIFF**

**-VS-**

Gustavo Ramos

**DEFENDANT**

CASE NO. 10F19783X

DEPT. NO.: 03

## NOTIFICATION OF MEDIA REQUEST

**TO: COUNSEL OF RECORD IN THE ABOVE-CAPTIONED CASE:**

You are hereby notified pursuant to Supreme Court Rules 229-249, inclusive, that media representatives from KSNV CHANNEL #3 NBC LV have requested to obtain permission to broadcast, televise, record or take photographs of all hearings in this case. Any objection should be filed at least 24 hours prior to the subject hearing.

OCT 15 2010

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Las Vegas Township Justice Court**

**CERTIFICATE OF SERVICE BY FACSIMILE TRANSMISSION**

I hereby certify that on the \_\_\_\_\_ day of OCT 15 2010, 20\_\_\_\_, service of the foregoing was made by facsimile transmission only, pursuant to Nevada Supreme Court Rules 229-249, inclusive, this date by faxing a true and correct copy of the same to each Attorney of Record addressed as follows:

Plaintiff

District Attorney

455-2294

Defendant

RIM  
IMAGED  
LJ

**Las Vegas Township Justice Court**

**JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

PLAINTIFF

-VS-

Gustavo Ramos

DEFENDANT

CASE NO: 10F19783XDEPT. NO: 05MEDIA REQUEST AND ORDER ALLOWING  
CAMERA ACCESS TO COURT PROCEEDINGS\* Please fax to (702) 671-4548 to ensure that the  
request will be processed as quickly as possible.)Carolyn Kresser (name), of KVVU FOX 5 (media organization),

hereby requests permission to broadcast, record, photograph or televise proceedings in the above-entitled case in

Dept. No. 05, the Honorable Judge \_\_\_\_\_ Presiding, on the 18 day ofOctober, 20 10.

I hereby certify that I am familiar with, and will comply with Supreme Court Rules 229-249, inclusive. If this request is being submitted less than seventy-two (72) hours before the above-described proceedings commence, the following facts provide good cause for the Court to grant the request on such short notice:

It is further understood that any media camera pooling arrangements shall be the sole responsibility of the media and must be arranged prior to coverage, without asking for the Court to mediate disputes.

Dated this 14 day of October, 20 10.SIGNATURE: Car KPHONE: 702-436-8256

\*\*\*\*\*  
IT IS HEREBY ORDERED THAT:

[ ] The media request is **denied** because it was submitted less than 72 hours before the scheduled proceeding was to commence, and no "good cause" has been shown to justify granting the request on shorter notice.

[ ] The media request is **denied** for the following reasons: \_\_\_\_\_

[ ] The media request is **granted**. The requested media access remains in effect for each and every hearing in the above-entitled case, at the discretion of the Court, and unless otherwise notified. This Order is made in accordance with Supreme Court Rules 229-249, inclusive, at the discretion of the judge, and is subject to reconsideration upon motion of any party to the action. Media access may be revoked if it is shown that access is distracting the participants, impairing the dignity of the Court, or otherwise materially interfering with justice.

[ ] OTHER: \_\_\_\_\_

IT IS FURTHER ORDERED that this document shall be made a part of the record of the proceeding.

Dated this 18 day of October, 20 10.RIM  
IMAGED  
LJ2010William D. Hansen  
JUSTICE OF THE PEACEAny written objection to the Court's order should be filed at least 24 hours prior to the subject hearing.





# ***JUSTICE COURT, LAS VEGAS TOWNSHIP***

CLARK COUNTY, NEVADA

## PRETRIAL SERVICES INFORMATION SHEET

CASE #  
10F19783X

DEPT #  
JC-05

REQUESTED BY:

NAME:  
Gustavo Ramos

ID #  
1516662

CHARGES:  
2CTS-MURDER WDW VICTIM OVER 65  
CURRENT BAIL: NO BAIL

---

VERIFIED: ADDRESS: NOT INTERVIEWED,,,  
WITH WHOM/HOW LONG: /

VERIFIED: EMPLOYMENT STATUS: /  
LENGTH:

VERIFIED: RELATIVES - LOCAL :

NOT LOCAL:

---

FELONY/GROSS MISDEMEANOR CONVICTIONS: 98 NV AWDW

MISDEMEANOR CONVICTIONS: 0

FAIL TO APPEAR: 0

COMMENTS: DEFT HAS FED & ICE DETAINERS

---

RECOMMENDATION:

DATE: 12/15/2010

PRETRIAL SERVICES: Maritza Aguilar

CONFIDENTIAL

RM  
IMAGED

**CONFIDENTIAL**

***JUSTICE COURT, LAS VEGAS TOWNSHIP***

CLARK COUNTY, NEVADA

PRETRIAL SERVICES INFORMATION SHEET

CASE #  
10F19783X

DEPT # JC5

REQUESTED BY:

NAME:  
Gustavo Ramos

ID #  
1516662

CHARGES:  
MURDER WDW VICTIM OVER 65 2CTS  
CURRENT BAIL: NO BAIL

---

VERIFIED: ADDRESS: NOT INTERVIEWED,,,  
WITH WHOM/HOW LONG: /

VERIFIED: EMPLOYMENT STATUS: /  
LENGTH:

VERIFIED: RELATIVES - LOCAL : NOT LOCAL:

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FELONY/GROSS MISDEMEANOR CONVICTIONS: 98 NV AWDW

MISDEMEANOR CONVICTIONS: 0

FAIL TO APPEAR: 0

COMMENTS: IMMIGRATION HOLD

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RECOMMENDATION:

DATE: 10/17/2010

PRETRIAL SERVICES: Cheryl Allen

TRAN

CASE NO. C 10-269839-1

FEB 4 9 53 AM '11

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,

ORIGINAL

Plaintiff,

vs.

CASE NO. 10F19783X

GUSTAVO RAMOS,

Defendant.

C-10-269839-1  
TRAN  
Reporters Transcript  
1215327



REPORTER'S TRANSCRIPT OF  
PRELIMINARY HEARING

BEFORE THE HONORABLE WILLIAM D. JANSEN,  
JUSTICE OF THE PEACE

THURSDAY, DECEMBER 16, 2010 at 8:30 A.M.

APPEARANCES:

For the State: ROBERT DASKAS, ESQ.,  
PAM WECKERLY, ESQ.  
DEPUTIES DISTRICT ATTORNEY

For the Defendant: SCOTT COFFEE, ESQ.  
ABEL YANEZ, ESQ.  
DEPUTIES PUBLIC DEFENDER.

ALSO PRESENT: THE INTERPRETER

Reported by: DIANA M. GREEN, CCR #264 (702) 671-3385

DIANA M. GREEN, CCR 264 (702) 671-3385

AA 0041

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RECEIVED  
FEB - 9 2011  
CLERK OF THE COURT

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## State's

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1 TRAN  
2 CASE NO. C 10-269839-1  
3  
4 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP  
5 COUNTY OF CLARK, STATE OF NEVADA  
6  
7 THE STATE OF NEVADA,  
8 Plaintiff,  
9 vs. CASE NO. 10F19783X  
10 GUSTAVO RAMOS,  
11 Defendant.

ORIGINAL

12  
13 REPORTER'S TRANSCRIPT OF  
14 PRELIMINARY HEARING

15 BEFORE THE HONORABLE WILLIAM D. JANSEN,  
16 JUSTICE OF THE PEACE

17 THURSDAY, DECEMBER 16, 2010 at 8:30 A.M.

18 APPEARANCES:

19 For the State: ROBERT DASKAS, ESQ.,  
20 PAM WECKERLY, ESQ.  
DEPUTIES DISTRICT ATTORNEY

21 For the Defendant: SCOTT COFFEE, ESQ.  
22 ABEL YANEZ, ESQ.  
DEPUTIES PUBLIC DEFENDER.

23 ALSO PRESENT: THE INTERPRETER

24  
25 Reported by: DIANA M. GREEN, CCR #264 (702)671-3385

DIANA M. GREEN, CCR 264 (702) 671-3385

1  
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4 EXHIBITS

5 State's

Admitted

6 1-28 Photographs of crime scene, autopsy  
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DIANA M. GREEN, CCR 264 (702) 671-3385

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DIANA M. GREEN, CCR 264 (702) 671-3385

1 THURSDAY, DECEMBER 16, 2010 at 8:30 A.M.

2  
3 PROCEEDINGS

4  
5 THE COURT: This is now the times and place for  
6 the preliminary hearing in the case of State of Nevada  
7 versus Gustavo Ramos.

8 Let the record reflect that the defendant is  
9 present with the Court authorized interpreter and with the  
10 attorneys, Mr. Coffee and Mr. Abel, from the public  
11 defender's office along with the attorneys State who is  
12 represented by Mr. Daskas and Ms. Weckerly.

13 How many witnesses will you have?

14 MR. DASKAS: Seven.

15 THE COURT: Are they in or out of the courtroom?

16 MR. DASKAS: They are out of the courtroom with  
17 the exception of our first witness, Roy Chandler.

18  
19 (Off-the-record discussion  
20 held between counsel.)

21  
22 THE COURT: I will ask all those individuals  
23 subpoenaed for the Ramos matter that you step outside in  
24 the hallway. Do not discuss your testimony between or  
25 among yourselves, only the attorneys presenting the matter

DIANA M. GREEN, CCR 264 (702) 671-3385

1 before the Court. Wait for Mr. Coffee to get back.  
 2 We have a few minutes to mark the exhibits.  
 3  
 4 (Off-the-record discussion  
 5 held between counsel.)  
 6  
 7 (State's Exhibits 1 and 63  
 8 were marked for identification.)  
 9  
 10 THE COURT: I have an Amended Criminal Complaint  
 11 here.  
 12 MR. DASKAS: State it on the record now?  
 13 THE COURT: Sure. Whatever you want to state on  
 14 the record is fine.  
 15 MR. DASKAS: Thank you, Judge.  
 16 THE COURT: I don't want to get started with any  
 17 testimony until you get the documents marked.  
 18 MR. DASKAS: Judge, this morning we filed with  
 19 the clerk an Amended Criminal Complaint. We added two  
 20 charges: Count 3, sexual assault with use of a deadly  
 21 weapon, victim 65 years of age or older; and Count 4, an  
 22 alternative count, sexual penetration of a dead human body.  
 23 We anticipate there will be testimony from the  
 24 pathologist that she's unable to determine whether the trauma  
 25 to the victim occurred pre mortem or postmortem. That's the

DIANA M. GREEN, CCR 264 (702) 671-3385

1 reason for the alternative count. I know Mr. Coffee has an  
 2 objection, and we can address that after he makes his  
 3 objection.  
 4 MR. COFFEE: I don't know if the Court wants to  
 5 address it now or in closing testimony. There will be an  
 6 objection regarding the statute of limitations on the two  
 7 charges.  
 8 THE COURT: If we're going into dates and stuff  
 9 and what have you --  
 10 MR. COFFEE: I can lay the foundation. I think  
 11 we're going to agree on by and large what the dates are.  
 12 This case dates back to 1998, I believe, over ten years  
 13 old. So there is not going to be any dispute. It was  
 14 filed just a few months ago. There's no dispute about the  
 15 filing times.  
 16 The dispute will be whether or not the statute of  
 17 limitations on the sexual assault was told, through  
 18 supervision, that a statute and whether or not sexual  
 19 penetration falls within the exception.  
 20 I don't believe there will be a disagreement that  
 21 he's outside the normal statute of limitation for a felony,  
 22 which would be four years for the sexual assault and three  
 23 years for sexual penetration of a dead body.  
 24 The question is whether the exception qualifies.  
 25 MR. DASKAS: We agreed the crime occurred in May

DIANA M. GREEN, CCR 264 (702) 671-3385

1 of 1988. N.R.S. 171.083, I can provide a copy to the  
 2 Court, it states that: If at any time during the  
 3 limitation period, a victim of sexual assault or someone  
 4 authorized to act on that person's behalf files a report  
 5 regarding that assault, and I'm paraphrasing, but then the  
 6 period of limitation is removed and there is no period of  
 7 limitation.  
 8 This was a homicide and sexual assault regarding  
 9 the second victim, Helen Sabraw who was 86 years old. The  
 10 police responded on May 17, 1998 to the crime scene. Reports  
 11 were taken about the trauma to her body, both by police  
 12 officers and memorialized at the autopsy. And because of  
 13 that, because the reports were filed regarding that sexual  
 14 assault back in May 1998, there is no period of limitation.  
 15 MR. COFFEE: That's the State's position. First  
 16 of all, I would like to say there's no notice problem.  
 17 Mr. Daskas told me yesterday they would file the amended,  
 18 and I appreciate that. We don't have a notice issue for  
 19 going forward today.  
 20 In terms of the statute of limitation, there are a  
 21 couple things the Court needs to consider: There are two  
 22 counts, one sexual assault and one sexual penetration of a  
 23 dead body.  
 24 Sexual perpetration of a dead body is not covered  
 25 by the exception. It says sexual assault. It is limited to

DIANA M. GREEN, CCR 264 (702) 671-3385

1 that. Sexual penetration of a dead body is different, it is  
 2 a different statute number, and it is just outside the  
 3 statute of limitations, plain and simple. The statute of  
 4 limitations is three years. If there's no Complaint filed  
 5 then this shouldn't be allowed to be added. That count is  
 6 pretty straightforward.  
 7 There are some arguments about the sexual assault.  
 8 Those are a little more complicated. Perhaps it would be  
 9 best to deal with the sexual penetration of a dead body  
 10 first, then we can deal with some problems with the sexual  
 11 assault count.  
 12 I think sexual penetration of a dead body should go  
 13 away, even based on what Mr. Daskas just argued in recitation  
 14 of the statute.  
 15 MR. DASKAS: It is our position simply that  
 16 sexual penetration is an alternative count. So it's  
 17 included within the sexual assault exception to the period  
 18 of limitations.  
 19 It just gives the jury an option if they believe  
 20 the assault was post-mortem, then it's a conviction on Count  
 21 4. If they believe it is pre-mortem, then it's a conviction  
 22 on sexual assault on Count 3. One or the other, not both.  
 23 Our position is that sexual penetration of a dead  
 24 human body falls under the exception of sexual assault so the  
 25 period of limitation is removed when the report is filed.

DIANA M. GREEN, CCR 264 (702) 671-3385



1 MR. COFFEE: It doesn't. And he might have a  
2 better argument or would have a better argument if there  
3 was some kind of lesser included offense. If it was,  
4 Mr. Daskas would be right on point. But it is not a lesser  
5 included. It's separate.  
6 I couldn't get an alternative count, if I went to  
7 district court and said, I want an instruction of sexual  
8 penetration of a dead body, because the jury is not going to  
9 want to walk this guy for violating a dead body. I couldn't  
10 get it and they could object to it and prevent me from  
11 keeping it because it's not a lesser included.  
12 Because it's not a lesser included, this  
13 alternative theory doesn't add anything to it. There is no  
14 case law whatsoever. It's just an alternative theory. We  
15 can get around the statute of limitation. It's clear this  
16 count of sexual penetration of a dead body is not covered by  
17 the statute and should fall by the wayside. It's not a  
18 lesser included. There's no way to get around it. This  
19 alternative is a unique and a creative theory but I don't  
20 think it should fly.  
21 THE COURT: I'll tell you, I have never had it  
22 presented to me before, so I may have to reserve a ruling  
23 on this and do some research.  
24 MR. COFFEE: That's fine. If we could be heard  
25 on the sexual assault also, we have an objection to place

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1 on the record. It gets much more complex then sexual  
2 penetration of a dead body. Sexual penetration of a dead  
3 body can be decided simply on the statute without too much  
4 analysis.  
5 Mr. Daskas was paraphrasing and he left out a very  
6 key provision. I assume it was unintentional. But he left  
7 out the provision that says "files a written report." It  
8 doesn't say file a report. It says file a written report.  
9 That becomes key here.  
10 THE COURT: What statute?  
11 MR. DASKAS: I can provide you a copy.  
12 THE COURT: 171.083.  
13 MS. WECKERLY: Here's a copy.  
14 MR. COFFEE: Here's the key language: "A victim  
15 of sexual assault or a person authorized to act on behalf  
16 of the victim of assault sexual files with a law  
17 enforcement officer a written report concerning the sexual  
18 assault.  
19 So it's very specific, a very specific way to get  
20 around the statute of limitations. Here we have a victim  
21 who's dead. Clearly, they did not file any sort of written  
22 report with a law enforcement agency.  
23 There is a phone call from a son who's the son of  
24 the victim who was killed in this case. I am unaware of any  
25 written report that the son has filed. I know he made a

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1 phone call to 9-1-1.  
2 I certainly am unaware of any written report  
3 concerning a sexual assault that was filed. That is what it  
4 says, a written report concerning sexual assault. If, for  
5 example, he files a written report concerning a murder, I  
6 don't think it gets around the statute of limitations for  
7 sexual assault. It defeats the purpose.  
8 It says "written report concerning sexual assault."  
9 I also don't know if there's an agency relationship here. It  
10 says someone authorized by the person reporting. I think  
11 there's arguments that the son might be authorized, I think  
12 there's arguments that the son is authorized absent some kind  
13 of particular authorization.  
14 I think it was probably designed initially for a  
15 parent reporting on behalf of a child. Who knows, this  
16 person may have power for reasons they might be authorized to  
17 file a written report concerning the sexual assault. There  
18 was no written report, there's certainly no written report  
19 concerning the sexual assault. As far as the agency  
20 relationship, it seems to be required, so it doesn't appear  
21 that exists either. So I think there's all sorts of problems  
22 with this count also.  
23 Again, given the Court's ruling on the clearer  
24 issue, I expect the Court wants to do research on this. So I  
25 submit it to your discretion.

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1 MR. DASKAS: Your Honor, based on Mr. Coffee's  
2 logic, then we could never charge a defendant who murders  
3 his sexual assault victim with sexual assault, unless it's  
4 filed within a prescribed period of limitation. That  
5 argument is illogical.  
6 He mentioned a written report was never filed. I  
7 am holding in my hand, and I can provide to the Court, a  
8 ten-page report filed by the detective, Detective Ramos, in  
9 this case, who responded to and drafted a report about the  
10 crime report.  
11 Specifically, the report reflects the victim,  
12 86-year-old Helen Sabraw was found in her apartment nude with  
13 the exception of a nightgown pulled up over her breasts. She  
14 had no underwear on, she was not wearing a bra, and I'm going  
15 to quote from the report so you know --  
16 MR. COFFEE: We will stipulate the report  
17 indicates a sexual assault was filed. We don't need to go  
18 into the facts for purpose of this. This is  
19 straightforward.  
20 Is there a written report filed or not? A written  
21 report doesn't mean a police report. It says report filed  
22 with the police, and it says it has to be done by either the  
23 person, the victim, or one of their agents, not a police  
24 officer.  
25 It doesn't make any sense for a police officer to

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1 file a report with themselves. The statute does make a lot  
2 of sense, and Mr. Daskas may be right, this may prevent  
3 filing of a sexual assault in the case on a dead body. The  
4 legislature can address that. It is not very well drafted.  
5 The fact of the matter is that there is not a  
6 written report. A written report probably comes -- you've  
7 seen many written reports, and the written reports are sworn  
8 and taken under the penalty of perjury.  
9 It doesn't say reporting to the police department.  
10 It says a written report and sworn under penalty of perjury.  
11 The idea is to encourage people who are charged with sexual  
12 assault to come forward and report, people who are victims of  
13 a sexual assault to come forward and report.  
14 So I understand Mr. Daskas's argument. I don't  
15 think that report qualifies as a written report pursuant to  
16 the statute. It says written report from the victim or one  
17 of their agents essentially and has a definition what that  
18 might be. It also provides some incapacity language that  
19 doesn't apply. It's a separate section.  
20 MR. DASKAS: May I finish my argument now?  
21 MR. COFFEE: Absolutely. I didn't know if we  
22 needed to get into the facts of the report because they  
23 don't have anything to do with anything.  
24 MR. DASKAS: Your Honor, they do. Here's why.  
25 The statute says a written report regarding the sexual

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1 assault must be filed. I know Mr. Coffee's concern is I am  
2 about to state the evidence of the sexual assault in open  
3 court. But he is making an argument that no report was  
4 filed. And it was.  
5 The report specifically states the 86-year-old  
6 victim, Helen Sabraw, was found on the floor with numerous  
7 stab wounds with saturated blood with the carpeting below the  
8 victim that was covered with apparent fecal matter, and there  
9 was knives, two knives, found at the scene.  
10 And the other important thing to note, Your Honor,  
11 is that Subsection 3 of 171.083 does take into account a  
12 situation where the victim is dead. What it says is, "If the  
13 victim of sexual assault is under a disability during any  
14 part of the period of limitation, and the written report is  
15 not otherwise filed, then the period during which the victim  
16 under the disability must be excluded from the period of  
17 limitation."  
18 She was completely disabled because she was killed  
19 by the defendant in this case. So the period of limitation  
20 is simply removed when it happens.  
21 MR. COFFEE: Tell you what, I would like you to  
22 contact the IRS because I have a dead uncle and would like  
23 to get benefits. He was disabled before he died. Disabled  
24 and dead aren't the same thing. If they said dead, it  
25 would count. It makes sense. It doesn't say dead. It

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1 says disabled. By the way, Mr. Daskas --  
2 THE COURT: Here's what bothers me, it says, "At  
3 any time during the period of limitation prescribed, a  
4 victim of sexual assault, or a person authorized to act on  
5 behalf of the victim of sexual assault, files with the law  
6 enforcement officers a written report concerning the sexual  
7 assault, the period of limitation is removed." How can a  
8 dead person authorize?  
9 MR. COFFEE: That's the point, you are not trying  
10 to encourage dead people to report. It's a very narrow  
11 exception for reporting.  
12 The other problem with the disability aspect that  
13 Mr. Daskas hoped to rely on, is it specifically lists who  
14 qualifies as disabled. It says, "For the purpose of this  
15 section, a sexual assault victim is under a disability if  
16 they are insane, mentally retarded, mentally incompetent or  
17 in a medically comatose or vegetative state."  
18 It doesn't have dead in there. Disability doesn't  
19 apply. I understand the argument. Dead doesn't fit the  
20 whole disability aspect. Again, I think the last count is  
21 clearer the last count being sexual penetration of a dead  
22 body. I don't think there is any way it fits. I think there  
23 are problems the way they are doing the sexual assault, also.  
24 THE COURT: I will do some research on this. I  
25 think you have a good point, by reading the statute itself.

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1 I know what your argument is. I will take it under  
2 consideration, so let's go ahead and proceed.  
3 MR. COFFEE: Very good.  
4 THE COURT: Call your first witness.  
5 MS. WECKERLY: Roy Chandler.  
6 THE BAILIFF: Please step up, face the clerk and  
7 raise your right hand.  
8 THE CLERK: Do you swear the testimony that you  
9 are about to give is the truth, the whole truth and nothing  
10 but the truth so help you God?  
11 THE WITNESS: I do.  
12 ROY CHANDLER,  
13 A witness for the State, having been first duly sworn,  
14 testified as follows:  
15 THE CLERK: State your full name and spell your  
16 last name.  
17 THE WITNESS: Roy Chandler, R-O-Y  
18 C-H-A-N-D-L-E-R.  
19 DIRECT EXAMINATION  
20 BY MR. DASKAS:  
21 Q. Sir, are you retired from the Las Vegas

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1 Metropolitan Police Department?  
 2 A. Yes, sir, I am.  
 3 Q. When you retired, what was your assignment upon  
 4 retirement?  
 5 A. I was assigned to the homicide section.  
 6 Q. How many years?  
 7 A. I was there for nine years and seven-and-a-half  
 8 months.  
 9 Q. Directing your attention back to May 16th of 1998.  
 10 Did you respond to a homicide at 4255 South Spencer?  
 11 A. Yes, I did.  
 12 Q. Is that location here in Las Vegas, Clark County,  
 13 Nevada?  
 14 A. Yes, sir, it is.  
 15 Q. What time approximately did you arrive at that  
 16 location?  
 17 A. I received the phone call at my residence, and I  
 18 arrived there a little bit after 5:00, I believe possibly  
 19 5:30 a.m.  
 20 Q. Who was your partner back in 1998?  
 21 A. John McLanes.  
 22 Q. Did he respond as well?  
 23 A. Yes, he did.  
 24 Q. Detective, what is at that location at 4255 South  
 25 Spencer. What was back there in May of 1998?

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1 A. It was I wouldn't call it a nursing home, I would  
 2 call it an assisted living facility for the elderly.  
 3 Q. How many stories is it?  
 4 A. Two stories.  
 5 Q. And is it secure?  
 6 A. The front doors are there, secured, and I assume it  
 7 would be considered secured.  
 8 Q. In other words, access to the front doors of the  
 9 apartments within the community, do you have to access  
 10 another door to get to those apartments?  
 11 A. Yes, you do.  
 12 MR. DASKAS: Can I approach the witness?  
 13 THE COURT: You may.  
 14 BY MR. DASKAS:  
 15 Q. Detective Chandler, let me hand you Proposed  
 16 Exhibits 1 through 28. Quickly if you would, thumb through  
 17 those then I have questions for you about those exhibits.  
 18 A. (Witness complied). Yes, sir.  
 19 Q. Have you done so?  
 20 A. Yes, sir.  
 21 Q. Do Proposed Exhibit 1 through 28 fairly and  
 22 accurately depict both the diagram of the retirement  
 23 community itself, the crime scene as it appeared back in May  
 24 of 1998, and the victim as he appeared at autopsy back in  
 25 1998?

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1 A. Yes, sir.  
 2 MR. DASKAS: Move for the admission of Proposed  
 3 Exhibit 1 through 28.  
 4 MR. COFFEE: Mr. Chandler was present during all  
 5 those autopsies?  
 6 THE WITNESS: Yes, sir.  
 7 MR. COFFEE: No objection.  
 8 THE COURT: So admitted.  
 9  
 10 (State's Proposed Exhibit 1 through 28  
 11 were admitted into evidence.)  
 12  
 13 BY MR. DASKAS:  
 14 Q. The scene which you responded, do you recall or do  
 15 you know the room number where the victim was found?  
 16 A. Room 120.  
 17 Q. That was on the first floor?  
 18 A. On the first floor.  
 19 Q. Is that apartment or diagram of that apartment and  
 20 the layout of the retirement community depicted in State's  
 21 Exhibit 1?  
 22 A. Yes.  
 23 Q. Is Room 120 highlighted in that exhibit?  
 24 A. Yes, sir, it is.  
 25 Q. Was the scene that you responded to, Apartment 120,

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1 was the scene confined to Apartment 120?  
 2 A. Yes, sir, it was.  
 3 Q. Describe, if you would, the victim as you observed  
 4 him that morning.  
 5 A. When I arrived, he was n alike a LaZboy lounge  
 6 chair. The chair was leaned back. He had his legs up on the  
 7 leg area, and he had a pillow underneath his legs. He was  
 8 slumped off to the right-hand side.  
 9 There was an extremely large amount of blood on his  
 10 head and his chest area. And there was blood spatter on the  
 11 walls behind him and to the right of him and on the ceiling  
 12 also on the floor.  
 13 Q. Detective Chandler, handing you Exhibits 7  
 14 through 9. Do those photographs depict the victim as you  
 15 described him in that chair back on May 16th of 1998?  
 16 A. Yes, sir, it does.  
 17 Q. Would you please hand those to Judge Jansen so he  
 18 can see those as you testify. Describe the trauma that you  
 19 saw to the victim.  
 20 A. He had extensive abrasions and blood on his upper  
 21 portion of his head also on the left side of his head. He  
 22 also, looking at him as we looked, he had some bruising and  
 23 some abrasions on his hands and there was again blood all  
 24 over.  
 25 Q. Was there something found at the scene that you

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- 1 believed, based on your training and experience, could have  
2 been used as the murder weapon?  
3 A. Yes, sir.  
4 Q. What was that?  
5 A. A 25-pound barbell.  
6 Q. Is that depicted in Exhibit 10?  
7 A. Yes, sir, it is.  
8 Q. Back on May 16, 1998, in the photograph in Exhibit  
9 10, do you see apparent blood and did you see it back then on  
10 the dumbbell?  
11 A. Yes, sir, it was.  
12 Q. Did your investigation reveal that items were  
13 missing from Apartment 120 or the victim himself?  
14 A. Yes, sir.  
15 Q. Please describe that.  
16 A. When we spoke to the son that had reported the  
17 incident, we asked him about --  
18 MR. COFFEE: Objection, Judge. I think that is  
19 outside -- we have a Crawford problem with bringing the son  
20 in.  
21 BY MR. DASKAS:  
22 Q. Without telling me what the son said, did your  
23 investigation reveal the victim's pockets had been gone  
24 through?  
25 A. Yes, sir.

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- 1 MR. COFFEE: Objection, Judge. Also if the basis  
2 is hearsay, simply saying I want to appeal the  
3 investigation, that doesn't get him around, if it is  
4 offered for the truth, to try and establish some kind of  
5 robbery as a result of that.  
6 BY MR. DASKAS:  
7 Q. Exhibit 14, Detective, what is depicted in that  
8 photograph?  
9 A. This is a picture of the victim and his left pocket  
10 had been turned out. There was blood on it. And under his  
11 left leg, we observed or I observed a money clip but there  
12 was no money.  
13 MR. DASKAS: Please hand that exhibit to Judge  
14 Jansen.  
15 THE COURT: Entering it based on your  
16 observations, not what anybody told you.  
17 BY MR. DASKAS:  
18 Q. Detective, the photograph that depicts the victim's  
19 pockets turned inside out with blood on it, did you see that  
20 back on May 16, 1998?  
21 A. Yes, sir.  
22 Q. This isn't what somebody told you?  
23 A. No, sir, it is not.  
24 Q. The money clip under the victim's leg that had no  
25 money in it, is that something you observed May 16, 1998?

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- 1 A. Yes, it is.  
2 Q. It wasn't something somebody told you?  
3 A. No, sir.  
4 Q. Did your investigation reveal any money found on  
5 the victim, Wallace Siegel?  
6 A. No. There was no money at the scene. Also his  
7 wallet was missing.  
8 Q. In other words, a wallet was never recovered either  
9 from the victim, the victim's clothing or Apartment 120?  
10 A. No, sir, it wasn't found.  
11 Q. Were you able to determine the point of entry that  
12 the killer or robber would have made?  
13 A. No, sir, we were not.  
14 Q. How would someone access Apartment 120 in that  
15 retirement community?  
16 A. They would have to come into the complex itself.  
17 They could either come in through a front door or come in  
18 through a back door into the complex and make entry entering  
19 Room 120.  
20 Q. Was there also windows in Apartment 120 that  
21 someone could access from outside the retirement community?  
22 A. Yes, sir.  
23 Q. You don't know whether that happened, correct?  
24 A. No, sir, I do not.  
25 Q. Assuming that crime scene investigators responded

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- 1 to the scene?  
2 A. Yes, sir.  
3 Q. This scene was assigned to a unique event number by  
4 Metro?  
5 A. Yes.  
6 Q. Was that event number 980516-0400?  
7 A. Yes, sir.  
8 Q. Was all evidence impounded in this investigation  
9 impounded under that event number?  
10 A. Yes, sir.  
11 Q. Do you recall seeing a newspaper at the scene in  
12 Apartment 120?  
13 A. Yes, I did.  
14 Q. Were crime scene investigators called to impound  
15 some of those newspaper pages?  
16 A. Yes, sir.  
17 Q. Exhibit 11, what is depicted in that photograph?  
18 A. There's a newspaper beyond the left side of the  
19 victim lying right close to the barbell that I spoke of  
20 earlier.  
21 Q. Exhibits 12 and 13, what do you see in those two  
22 photographs?  
23 A. That is the newspaper that as took photos, the  
24 crime scene analyst took photos at my direction, then they  
25 were impounded.

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- 1 Q. In Exhibit 12 and 13, do you see apparent blood on  
2 those newspaper pages?  
3 A. Yes, sir, I do.  
4 Q. You mentioned that you directed crime scene  
5 investigators to impound these and other pages of newspapers  
6 under the event number you mentioned earlier?  
7 A. Yes, sir.  
8 Q. Now calling your attention to May 17th of 1998, one  
9 day later, did you attend the autopsy of Wallace Siegel, the  
10 victim in this case?  
11 A. Yes, sir.  
12 Q. Do you know who conducted the autopsy?  
13 A. Dr. Green.  
14 Q. Dr. Sheldon Green?  
15 A. Yes, sir.  
16 Q. Was the crime scene investigator or investigators  
17 present at that autopsy also?  
18 A. Yes.  
19 Q. Were photographs taken of the victim?  
20 A. Yes, sir, they were.  
21 Q. Did those photographs include various portions of  
22 the autopsy proceeding?  
23 A. Yes, sir.  
24 Q. Those have been shown to you and were admitted  
25 earlier; is that correct?

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- 1 A. Yes, sir.  
2 MR. DASKAS: Pass the witness, Judge.  
3  
4 CROSS-EXAMINATION  
5  
6 BY MR. COFFEE:  
7 Q. Now as far as items being taken --  
8 THE COURT: Excuse me. Keep them over there.  
9 THE WITNESS: I will.  
10 BY MR. COFFEE:  
11 Q. You don't have personal knowledge whether or not  
12 Mr. Siegel carried a wallet?  
13 A. Not personal knowledge, no.  
14 Q. You don't have any personal knowledge whether or  
15 not there was any money in that clip?  
16 A. Not personal knowledge.  
17 Q. C.S.I.'s were assigned to this case? Yes?  
18 A. Yes.  
19 Q. And you said they took pictures at your direction?  
20 A. Well, they were assigned to the crime scene. I was  
21 in charge of the scene, and I told them this is what we think  
22 we have is a homicide, and this is what we would like to have  
23 taken.  
24 Q. Perfect. That's what I was trying get to, you are  
25 in charge of the homicide?

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- 1 A. I was the lead detective of the crime scene.  
2 Q. Were you lead detective for the entire case or just  
3 the crime scene?  
4 A. The entire case.  
5 Q. This is your case?  
6 A. Yes, sir.  
7 Q. A fair description, right?  
8 A. Yes, sir.  
9 Q. And initially without going into the interview, you  
10 interviewed some people?  
11 A. Yes.  
12 Q. Involved in this case?  
13 A. Yes.  
14 Q. One of the people you interviewed was the victim's  
15 son?  
16 A. Yes, sir.  
17 Q. And the victim's son, in fact, is who the 9-1-1  
18 call came from, right?  
19 A. Yes.  
20 Q. You said inside of the room there had been on that  
21 newspaper apparent blood I think you said?  
22 A. Yes, sir.  
23 Q. It looked like a murder scene, right? You've done  
24 a few of these and there was not much question, was there?  
25 A. Yes, sir.

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- 1 Q. Looks like there might have been blood on the  
2 newspaper, right?  
3 A. Yes, sir.  
4 Q. And based on your training and experience, you have  
5 done this a number of years?  
6 A. Yes, sir.  
7 Q. You know it's apparent blood, you can tell apparent  
8 blood -- you may not always been right, but you have a pretty  
9 good idea?  
10 A. Yes.  
11 Q. Do you recall apparent blood being found someplace  
12 outside of that room?  
13 A. Outside of the room? I believe there was some  
14 found in the hallway on the door.  
15 Q. Do you remember a vehicle?  
16 A. We went to a vehicle that was parked out front that  
17 belonged to the son.  
18 Q. That belonged to the son. Apparent blood was found  
19 in the vehicle that belonged to the son, correct?  
20 A. That is correct.  
21 Q. You were directing the crime scene to some extent?  
22 Those people are trained professionals. You are the lead  
23 detective?  
24 A. Yes.  
25 Q. Do you know if they took any swabs of the vehicle,

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- 1 any blood samples, anything like that?
- 2 A. I believe they would have.
- 3 Q. Okay. To your knowledge, none of that has been
- 4 tested and just don't know at this point?
- 5 A. I don't know at this point, sir.
- 6 Q. Would that be the sort of thing that you would
- 7 direct them to take, given your training and experience?
- 8 A. Yes, sir.
- 9 Q. And something you would expect them to try to keep
- 10 because this case is 12 years old, more or less, right?
- 11 A. Yes, sir.
- 12 Q. Even at 11 or 12 years ago, you knew about the
- 13 D.N.A.?
- 14 A. Twelve years ago, we didn't have D.N.A. It wasn't
- 15 as actively working and wasn't as good as it is now.
- 16 Q. You did take samples of things, did blood typing,
- 17 other things in the past, right?
- 18 A. Yes, sir, we did.
- 19 Q. It wasn't a situation where for example because of
- 20 being 12 years ago, it wouldn't bother to have a sample of
- 21 the fluid inside the car seized because 12 years ago, what
- 22 the heck, we didn't know about it. It's not that situation,
- 23 is it?
- 24 A. I don't believe so.
- 25 Q. Do you remember the C.S.I. assigned to the case?

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- 1 A. I believe Gary Reed and Autrey.
- 2 Q. Did you make an arrest in regards to this case?
- 3 A. No, sir, we did not.
- 4 Q. It remained open?
- 5 A. It was an active murder case.
- 6 Q. Meaning unsolved?
- 7 A. Basically, yes.
- 8 Q. You have been retired a number of years?
- 9 A. I have been retired ten years.
- 10 Q. At the time of the investigation, did you have any
- 11 people of interest?
- 12 A. Yes, we did.
- 13 Q. Who would that be?
- 14 A. The first person of interest, when we arrived, of
- 15 course in my training everyone is a suspect when we first
- 16 arrived.
- 17 Q. Understood.
- 18 A. Then you start eliminating. The son was a person
- 19 that we were interested in because of his alibi and his story
- 20 that he had given. We also looked at the employees of the
- 21 business. We did D.N.A. buccal swabs on each employee.
- 22 Q. For potential financial gains, I suppose.
- 23 Employees thought they might have robbed somebody or more
- 24 that likely some animosity?
- 25 A. Could have been a motive, yes.

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- 1 Q. In your experience it's not uncommon for murder
- 2 victims to have some sort of association with the person
- 3 committing the crime?
- 4 A. That's correct.
- 5 Q. That's where you start looking first, may not be
- 6 the right place, but that's where you begin looking?
- 7 A. That's right.
- 8 Q. In this case the son was a person of interest
- 9 because of the alibi he had given because he was reporting
- 10 and had some financial troubles you found out about also?
- 11 A. Because of what he told us. I didn't know about
- 12 any financial problems.
- 13 Q. I would imagine, because the son is a person of
- 14 interest, you looked him over pretty good to see if he had
- 15 broken fingernails, bruises, that sort of thing?
- 16 A. Yes, we did.
- 17 Q. Did you notice anything like that?
- 18 A. No, sir, we did not.
- 19 Q. How many homicides did you work when you were on
- 20 homicide?
- 21 A. Probably a little less than 500, between 400 and
- 22 500 homicides.
- 23 Q. A substantial number then?
- 24 A. Yes.
- 25 Q. You were on a homicide scene where there was a

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- 1 single shot fired?
- 2 A. Yes.
- 3 Q. Or single stab wound?
- 4 A. Yes.
- 5 Q. This case didn't look like that, did it?
- 6 A. No, sir, it did not.
- 7 Q. It looked like somebody who had been beaten pretty
- 8 badly?
- 9 A. Yes.
- 10 Q. The 25-pound weight was the most likely object?
- 11 A. Yes.
- 12 Q. Was the type of beating involved indicate anything
- 13 to you about animosity towards the victim?
- 14 A. It looked to me like it was overkill.
- 15 Q. Which might indicate some sort of anger?
- 16 A. Yes.
- 17 Q. Again, not having been there, kind of left to piece
- 18 things together from the crime scene as you got, I suppose?
- 19 A. I'm sorry. I don't understand the question.
- 20 Q. Not having been a fly on the wall, you ended up
- 21 having to piece things together from what you'd seen at the
- 22 scene?
- 23 A. That's correct.
- 24 MR. COFFEE: Thank you, Detective.
- 25 MR. DASKAS: No redirect, Judge.

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1 THE COURT: Detective Chandler, thank you for  
 2 coming.  
 3  
 4 (The witness exited the courtroom.)  
 5  
 6 THE COURT: Call your next witness.  
 7 MR. DASKAS: Jerry Autrey.  
 8 THE BAILIFF: Please step up, face the clerk and  
 9 raise your right hand.  
 10 THE CLERK: Do you swear the testimony that you  
 11 are about to give is the truth, the whole truth and nothing  
 12 but the truth so help you God?  
 13 THE WITNESS: Yes, I do.  
 14  
 15 JERRY AUTREY,  
 16 A witness for the State, having been first duly sworn,  
 17 testified as follows:  
 18  
 19 THE CLERK: State your full name and spell your  
 20 last name.  
 21 THE WITNESS: My name is Jerry Autrey, J-E-R-R-Y  
 22 A-U-T-R-E-Y.  
 23 THE COURT: Proceed.  
 24  
 25 ///

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1 other personnel from the crime scene section to arrive.  
 2 And we were told that there was a male victim  
 3 inside, who had passed away, sitting in a recliner in the  
 4 living room of a one-bedroom apartment on the bottom floor.  
 5 Q. Was there crime scene tape surrounding that area?  
 6 A. Yes.  
 7 Q. That was there by the time you arrived?  
 8 A. Yes.  
 9 Q. I ask you if your duties, among other things,  
 10 included collecting evidence? Did you collect evidence at  
 11 the scene on May 16, 1998?  
 12 A. The evidence that was collected at that scene was  
 13 done by Mike Atkins.  
 14 Q. Was that done at your direction?  
 15 A. Yes. Our supervisor Gary Reed showed up a little  
 16 bit later, and at that time it was my duties to do the  
 17 photography of the scene and write the report.  
 18 Q. Let me show you what has been admitted as State's  
 19 Exhibits 11 and 13. Tell me if you recognize these photos as  
 20 the crime scene as it appeared back May 16, 1998?  
 21 A. Yes, they do.  
 22 Q. Do you see items within those two photos that would  
 23 have been impounded at your direction by Crime Scene Analyst  
 24 Atkins?  
 25 A. Yes.

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1 DIRECT EXAMINATION  
 2  
 3 BY MR. DASKAS:  
 4 Q. Mr. Autrey, are you retired from the Las Vegas  
 5 Metropolitan Police Department?  
 6 A. Yes, I am.  
 7 Q. What was your position with Metro?  
 8 A. I was a senior crime scene analyst.  
 9 Q. From what year until?  
 10 A. I started with Las Vegas Metro in May of '92, and I  
 11 retired in July of 2006.  
 12 Q. Your duties and responsibilities include among  
 13 other things responding to crime scenes memorializing  
 14 evidence with photographs, drafting reports and impounding  
 15 evidence?  
 16 A. That's correct.  
 17 Q. Directing your attention to May 16, 1998, did you  
 18 respond to 4255 South Spencer, Apartment 120?  
 19 A. Yes, I did.  
 20 Q. When you arrived, was it obvious that the crime  
 21 scene had been preserved by other police personnel?  
 22 A. Yes.  
 23 Q. What did you see?  
 24 A. Upon arriving, I contacted Sergeant Thompson who  
 25 was the general assignment detail. And I was waiting for

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1 Q. What do you see that would have been impounded?  
 2 A. Towards the bottom left of the recliner are some  
 3 newspapers. On these newspapers there was apparent blood.  
 4 We tested for it and it turned out to be blood and they were  
 5 impounded.  
 6 Q. Did you have some responsibilities with the  
 7 newspaper, whether it's these particular pages or others  
 8 impounded, back at the Crime Lab?  
 9 A. Yes, I did.  
 10 Q. What were those responsibilities?  
 11 A. To look for any type of evidence that we could  
 12 correlate, evidence including the blood, possible  
 13 fingerprints or ridge friction detail to be preserved.  
 14 Q. Did you see -- you mentioned ridge friction detail  
 15 fingerprints. Did you see that type of evidence on the  
 16 newspaper or newspaper pages that were impounded?  
 17 A. Yes, I did.  
 18 Q. I should ask you, all the evidence including the  
 19 newspaper pages, was that impounded under Event No.  
 20 980516-0400?  
 21 A. May I refer to my reports?  
 22 THE COURT: He can lay the foundation.  
 23 BY MR. DASKAS:  
 24 Q. Would that refresh your memory?  
 25 A. Yes, sir.

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- 1 Q. Please do.  
 2 A. It's 980516-0400, yes.  
 3 Q. You mentioned that you saw on the newspaper pages  
 4 items of interest including ridge friction detail  
 5 fingerprints. What did you do when you saw those things?  
 6 How did you preserve that?  
 7 A. Back at the lab section, upon observing these items  
 8 of detail of interest, I took them into a room that we have a  
 9 specialized camera setup, called an MP3 setup, like a  
 10 Polaroid. I photographed these areas of the newspapers that  
 11 had apparent ridge friction detail fingerprints, using the  
 12 MP3 setup.  
 13 Q. You mentioned using what you described as a black  
 14 and white Polaroid camera?  
 15 A. Yes.  
 16 Q. Is that the manner in which what I refer to as a  
 17 bloody finger print or palm print, is that how those are  
 18 preserved, with the black and white Polaroid photographs?  
 19 A. Yes.  
 20 Q. Do those photographs enable down the road latent  
 21 print examiners to compare those prints in the black and  
 22 white Polaroid photos to known fingerprints of suspects?  
 23 A. Yes.  
 24 Q. Is that why you took Polaroids in this case?  
 25 A. Yes.

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- 1 MR. DASKAS: I need to have these marked.  
 2  
 3 (State's Proposed Exhibit 59 and 60  
 4 were marked for identification.)  
 5  
 6 BY MR. DASKAS:  
 7 Q. For the record, Judge, showing defense counsel  
 8 Proposed Exhibit 59 and 60.  
 9 THE COURT: Excuse me. Could I have one second?  
 10  
 11 (Brief recess).  
 12  
 13 THE COURT: Thank you. You may proceed.  
 14 MR. DASKAS: Thank you, Judge.  
 15 BY MR. DASKAS:  
 16 Q. Mr. Autrey, I was showing you Proposed Exhibits 59  
 17 and 60. Do you recognize what is depicted in each of these  
 18 exhibits?  
 19 A. In the first one, yes. The second one, no.  
 20 Q. The first one Proposed Exhibit 60?  
 21 A. Yes.  
 22 Q. How do you recognize that?  
 23 A. This is a Polaroid that I took of a piece of paper,  
 24 and I have it listed from the Review Journal of the date  
 25 5-15-98, Page 8C, like Charlie, the lower left corner of the

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- 1 page.  
 2 Q. Let me clarify a couple things. The date you  
 3 mentioned, May 15, 1998, that is the date of the Review  
 4 Journal?  
 5 A. That's correct.  
 6 Q. It would have been impounded on May 16, 1998 when  
 7 you were at the crime scene at Apartment 120?  
 8 A. Yes.  
 9 Q. Is this an actual photocopy of the Polaroid you  
 10 took back to the Crime Lab of that Las Vegas Review Journal  
 11 Newspaper page?  
 12 A. Yes, it is.  
 13 MR. DASKAS: Move to admit Proposed 60.  
 14 MR. COFFEE: No objection.  
 15 THE COURT: It will be so admitted.  
 16  
 17 (State's Proposed Exhibit 60  
 18 was admitted into evidence.)  
 19  
 20 MR. DASKAS: I will clear up 59 with the next  
 21 witness, Judge.  
 22 BY MR. DASKAS:  
 23 Q. Does Exhibit 60, at least to a trained crime scene  
 24 analyst, depict the friction ridge detail of a fingerprint or  
 25 palm print that you described earlier?

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- 1 A. Yes.  
 2 Q. The reason you did that is to preserve it so a  
 3 latent print examiner could compare it to known prints of a  
 4 suspect?  
 5 A. That's correct.  
 6 MR. DASKAS: Pass the witness.  
 7  
 8 CROSS-EXAMINATION  
 9  
 10 BY MR. COFFEE:  
 11 Q. You were working at the direction of another crime  
 12 scene analyst?  
 13 A. Gary Reed was my supervisor for that shift, yes.  
 14 Q. You were responsible for taking some photographs?  
 15 A. Yes.  
 16 Q. Were you responsible for gathering physical  
 17 evidence such as blood?  
 18 A. I did collect a couple samples, I believe. But as  
 19 far as the crime scene itself, the majority was done by Mike  
 20 Atkins.  
 21 Q. Do you know if you collected any blood from a  
 22 vehicle that was near the crime scene?  
 23 A. There was some collected from a vehicle, yes.  
 24 Q. You don't remember if you did it or not?  
 25 A. I'm pretty sure Mike Atkins did.

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- 1 Q. Is Mike Atkins still with us? I know it's been a  
2 long time.  
3 A. He left Las Vegas Metro quite a few years ago.  
4 Q. Do you know if that was ever processed?  
5 A. That would be at the direction of the detective  
6 requesting that stuff.  
7 Q. It should still be impounded in Metro's Crime Lab  
8 someplace?  
9 A. Yes.  
10 Q. Same thing with -- you said you took photographs of  
11 a newspaper?  
12 A. Yes.  
13 Q. And the photographs are black and white?  
14 A. Yes.  
15 Q. That's for high contrast for a print examiner?  
16 A. For contrast purposes, yes.  
17 Q. Do you know if the actual print in the newspaper  
18 itself was impounded?  
19 A. Yes, it was.  
20 Q. That should also be in the Crime Lab someplace if  
21 somebody wanted to examine it?  
22 A. Yes.  
23 Q. One of the reasons you took those pictures is blood  
24 evidence can degrade over time?  
25 A. Correct.

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- 1 Q. It might fade and you want to keep it as fresh as  
2 you can to get the best pictures?  
3 A. Yes.  
4 Q. Are you a certified print examiner?  
5 A. No.  
6 Q. Do you have training in print examination?  
7 A. Yes, I do.  
8 Q. You are able to tell a finger from a forearm, for  
9 example?  
10 A. Pretty much because forearms don't have --  
11 Q. Prints?  
12 A. -- ridge detail.  
13 Q. That was the point?  
14 A. Yes.  
15 Q. Are you able to tell index fingers from thumbs?  
16 Are you that trained or not?  
17 A. Index fingers from thumbs? There's three  
18 categories of fingerprints, loops, whirls and arches.  
19 Q. Okay.  
20 A. So your ten digits could have any of those.  
21 Q. I understand. I guess my question is: I heard  
22 print examiners say they can tell left hand or right hand and  
23 various things from looking at a print. Are you that trained  
24 in prints?  
25 MR. DASKAS: Objection, irrelevant.

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- 1 MR. COFFEE: I will tie it up in a second as to  
2 photographs.  
3 THE WITNESS: I won't think so, no.  
4 BY MR. COFFEE:  
5 Q. Okay. Were you able to tell me -- all I was trying  
6 get to was not having an expertise on his part, just trying  
7 to figure out if he knew what he was taking pictures of --  
8 were you able to tell what you were taking pictures of, an  
9 index photo or anything else?  
10 A. The reason I took these photos, I felt there was  
11 enough ridge detail for comparison purposes by a latent print  
12 examiner later on.  
13 Q. Can you tell if they were taken from a finger as  
14 opposed to a palm, that sort of thing?  
15 A. I would have to get a glass out and look at these.  
16 Q. If you don't recall, that's okay.  
17 A. I don't recall.  
18 Q. Once those prints were taken, I take it they would  
19 have been sending them, at least ten years ago, to some sort  
20 of print examiner?  
21 A. They are latent print examiners who would have  
22 looked at them.  
23 MR. COFFEE: Thank you very much. Nothing  
24 further.  
25 MR. DASKAS: Nothing else, Your Honor.

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- 1 THE COURT: You are excused, Mr. Autrey. Thank  
2 you very much for coming to testify. Careful stepping  
3 down.  
4 THE WITNESS: Yes, sir.  
5 THE COURT: Who's the next witness?  
6 MR. DASKAS: David Johnson. Your Marshall is  
7 getting him now.  
8  
9 (The witness exited the courtroom.)  
10  
11 THE BAILIFF: Please step up, face the clerk and  
12 raise your right hand.  
13 THE CLERK: Do you swear the testimony that you  
14 are about to give is the truth, the whole truth and nothing  
15 but the truth so help you God?  
16 THE WITNESS: Yes, I do.  
17  
18 DAVID JOHNSON,  
19 A witness for the State, having been first duly sworn,  
20 testified as follows:  
21  
22 THE CLERK: State your full name and spell your  
23 last name.  
24 THE WITNESS: I do. David Johnson, D-A-V-I-D  
25 J-O-H-N-S-O-N.

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1 MR. DASKAS: May I proceed?  
 2 THE COURT: You may.  
 3 MR. DASKAS: Thank you, Judge.  
 4  
 5

6 DIRECT EXAMINATION  
 7

8 BY MR. DASKAS:

9 Q. Mr. Johnson, how are you employed?  
 10 A. I'm a forensic scientist with the Las Vegas  
 11 Metropolitan Police Department working in the forensic lab.  
 12 Q. What is your particular assignment?  
 13 A. I work on the latent print detail as a latent print  
 14 examiner.

15 MR. DASKAS: Mr. Coffee, is there a stipulation  
 16 for prelim purposes only that Mr. Johnson can render an  
 17 opinion regarding fingerprint analysis examination and  
 18 comparison in this case?

19 MR. COFFEE: Certainly.

20 MR. DASKAS: Thank you, Judge. Thank you,  
 21 Mr. Coffee.

22 BY MR. DASKAS:

23 Q. Mr. Johnson, I placed in front of you a number of  
 24 exhibits. I believe one of them has been admitted as Exhibit  
 25 60. First of all, do you recognize Exhibit 60?

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1 What are these?  
 2 A. These are photocopies of the exemplars of Gustavo  
 3 Ramos that was used in the comparison of the same event  
 4 number, 980516-0400.  
 5 MR. DASKAS: Your Honor, before court today  
 6 Mr. Coffee and I spoke. He agreed for prelim purposes  
 7 there would be a stipulation for the known prints  
 8 Mr. Johnson had and compared are in fact the known prints  
 9 being finger and palm prints of the defendant, Gustavo  
 10 Ramos.

11 MR. COFFEE: Or a copy thereof.

12 MR. DASKAS: That's correct, a photocopy of the  
 13 known prints.

14 THE COURT: That is correct.

15 MR. DASKAS: With that stipulation for prelim  
 16 purposes, I move to admit 61, 62 and 63.

17 THE COURT: So admitted.

18 MR. COFFEE: No objection.

19  
 20 (State's Proposed Exhibit 61 through 63  
 21 was admitted into evidence.)  
 22

23 BY MR. DASKAS:

24 Q. Mr. Johnson, did you compare known prints from  
 25 Exhibit 61 through 63 depicted in what is depicted in 60?

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1 A. Yes, I do.  
 2 Q. How do you recognize it? What is it?  
 3 A. This is a photocopy of a photograph of a latent  
 4 print I compared in this case.  
 5 Q. You say in this case. Would that be Metro Event  
 6 Number 980516-0400?

7 A. Yes.

8 Q. Proposed Exhibit 59, do you recognize that?

9 A. Yes. That's the back of that same photograph.

10 Q. So Proposed Exhibit 59 is the back of the  
 11 photograph, which is depicted in Exhibit 60?

12 A. Yes.

13 Q. Does Exhibit 59 accurately depict the back of the  
 14 photograph we see in 60?

15 A. Yes.

16 MR. DASKAS: Move for the admission of 59,  
 17 please.

18 MR. COFFEE: No objection.

19 THE COURT: So admitted.

20  
 21 (State's Proposed Exhibit 59  
 22 was admitted into evidence.)  
 23

24 BY MR. DASKAS:

25 Q. Finally, Mr. Johnson, Proposed Exhibit 61, 62, 63.

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1 A. Yes.  
 2 Q. Tell me how you made that comparison.  
 3 A. First, I conducted a visual examination of the  
 4 latent print in Exhibit 60 marked D.J.J. 21, just my initials  
 5 followed by 21, to keep the numbering of the photographs in  
 6 the case straight.

7 In it, I determined it to be a palm print that I  
 8 then analyzed the palm print to see what kind of ridge detail  
 9 I could see there to determine whether or not there was  
 10 enough in the palm print to conduct a comparison.

11 And I did determine it was enough to continue. So  
 12 then I compared that to the known prints of Gustavo Ramos.  
 13 In doing that, looking for similarities looking for  
 14 differences between the latent print and known print. Once I  
 15 have gone through step by step all of the friction ridge  
 16 detail that is present in the latent print, I made a  
 17 determination as to the source of the latent print.

18 Q. What was that determination or conclusion?

19 A. In this case I determined that it belonged to the  
 20 right palm of Gustavo Ramos.

21 Q. When you say "it" you mean the bloody print that is  
 22 depicted in Exhibit 60?

23 A. Yes, correct.

24 Q. You mentioned the term latent print. What is the  
 25 difference between a latent and a patent print?

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- 1 A. In common usage, we typically use latent to also  
2 mean patent print. In this case this is actually more  
3 specifically a patent print, because it is visible. Latent  
4 usually means invisible and has to be developed by some  
5 means.
- 6 In this case it is a patent print because it was  
7 visible without any processing.
- 8 Q. Make sure I understand to clarify for the record.  
9 So the print that is depict on the R.J. in Exhibit 60 that  
10 was impounded at the crime scene, that was a visible, bloody  
11 print?
- 12 A. Correct.
- 13 Q. So technically you would refer to that as a patent  
14 print as opposed as a latent print?
- 15 A. That's correct. To further clarify, in common  
16 usage, sometimes we use that term interchangeably with  
17 patent.
- 18 Q. I understand in this case the print in Exhibit 60,  
19 nothing had to be done to process it to make it visible. It  
20 was already visible because it was in a blood; is that  
21 accurate?
- 22 A. Correct. Correct, to the best of my knowledge.
- 23 Q. Is that in fact one of the reasons it was  
24 photographed with the black and white Polaroid as opposed to  
25 being processed with lifting powder and tape?

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- 1 A. Correct.
- 2 Q. I'm sorry. Tell me one more time, which palm print  
3 was it of the defendant in the blood?
- 4 A. To his right palm print. The latent or patent  
5 print was identified as his right palm print.
- 6 Q. At the risk of asking an obvious question, is it  
7 true that no two people have the same fingerprints?
- 8 A. Correct.
- 9 Q. Is it also accurate that no two people have the  
10 same palm prints?
- 11 A. That's correct.
- 12 MR. DASKAS: Pass the witness.
- 13
- 14 CROSS-EXAMINATION
- 15
- 16 BY MR. COFFEE:
- 17 Q. So I'm clear, are you working -- let's start with  
18 the bloody print. Were you working with the original or  
19 photograph image?
- 20 A. I was working with the photograph.
- 21 Q. Have you seen the original print?
- 22 A. The original?
- 23 Q. The original print, the original of the piece of  
24 newspaper the print was on?
- 25 A. No, I have not.

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- 1 Q. As far as -- how about as far as the palm print  
2 from Gustavo Ramos? I know we're talking about a copy there.  
3 Do you have the actual lift card of the palm print?
- 4 A. Yes, I did.
- 5 Q. You had the actual lift cards but just a photograph  
6 of the paper?
- 7 A. Correct.
- 8 Q. Now, the photograph of the paper, you said there  
9 was a print visible to the naked eye?
- 10 A. Correct.
- 11 Q. It appeared to be in blood?
- 12 A. As far as my knowledge, that is correct.
- 13 Q. As far as your knowledge. Can you tell from that  
14 photograph whether or not that print has been processed, for  
15 example? You said it hadn't been processed. Could you tell  
16 from the photograph whether they dusted it?
- 17 A. It doesn't appear so.
- 18 Q. Can you tell for certain?
- 19 A. Honestly, I would have to look at the original  
20 evidence to see for sure any part of it had been processed  
21 or been processed after the photograph. It's hard to tell  
22 from the photocopy.
- 23 Q. Okay. They use a variety of things, ninhydrin, a  
24 variety of things to pick up blood, correct?
- 25 A. Correct.

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- 1 Q. There's all sorts of chemical things that stick to  
2 blood and doesn't look like it's been processed but it's hard  
3 to tell without looking at the original?
- 4 A. Correct. If this had been processed typically with  
5 the chemical like ninhydrin, the print would turn from a  
6 brownish red to a purple?
- 7 Q. Good example. The photograph is in --
- 8 A. Black and white.
- 9 Q. And can't see brown, red, purple, black or white?
- 10 A. Of course.
- 11 Q. You could tell shades of gray, you'd expect it to  
12 be darker if it turned purple?
- 13 A. Or additional blood that is not visible to the  
14 naked eye then be dyed and made visible.
- 15 Q. Understood. But you'd agree, from the black and  
16 white photo, you can't see color?
- 17 A. Correct.
- 18 Q. It doesn't appear it's processed, but it may have  
19 been processed by somebody at some point, it's not altogether  
20 certain, right?
- 21 A. Correct.
- 22 Q. Does it appear there were any cuts taken out for  
23 DNA testing and that sort of thing?
- 24 A. No, not in the small corner that is depicted in the  
25 photograph. I wouldn't be able to tell that.

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- 1 Q. Do fingerprint examiners rely on a thing called  
2 points of identification?  
3 A. No, we do not.  
4 Q. You look at the entire print?  
5 A. Correct.  
6 Q. You are looking for what sort of things in the  
7 entire print? Scar tissue, that sort of thing, that might be  
8 unique in addition to the print itself?  
9 A. In addition to the ridges themselves, yes, we will  
10 look at other features such as scars, warts, maybe temporary  
11 damage, other conditions of the skin will also be used.  
12 Q. You are a certified print examiner?  
13 A. Yes, I am.  
14 Q. Where did you get your training?  
15 A. I was trained at the Las Vegas Metropolitan Police  
16 Department. In addition to that, I also received week-long  
17 courses in training outside of the department as well as at  
18 conferences at other classes.  
19 Q. Is testing part of the training?  
20 A. Yes, it is.  
21 Q. And the testing, I assume, you look at a set of  
22 prints and run them against known exemplars making a  
23 conclusion whether or not they might match?  
24 A. Correct.  
25 Q. How did you do?

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- 1 A. Very well.  
2 Q. Have you ever been wrong about a print?  
3 A. Have I ever misidentified a print?  
4 Q. Yes.  
5 A. To the best of my knowledge, I have never  
6 identified the wrong person.  
7 Q. Have you ever failed to make an identification when  
8 you were expected to make identification in the testing?  
9 A. In the testing?  
10 Q. Yes.  
11 A. No.  
12 Q. How about other times?  
13 A. Yes, I have.  
14 Q. You just disagreed with another examiner?  
15 A. No. In cases like that, in some cases you may fail  
16 to find a print. And then when, upon review, that part of  
17 the technical review process somebody goes behind you and  
18 looks and they say "Did you see this one?" You will then  
19 find it and then agree.  
20 Q. I suppose this is scientifically based, somewhat of  
21 an art form; is that a fair characterization? You don't get  
22 numbers like D.N.A.?  
23 A. No, there's no statistical basis, no.  
24 Q. Print examiners have their own standard how close a  
25 print has to look, how much of a print they have to have

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- 1 before they are willing to make an identification?  
2 A. Yes.  
3 MR. COFFEE: All right. Thank you.  
4

#### REDIRECT EXAMINATION

- 5  
6  
7 BY MR. DASKAS:  
8 Q. Mr. Johnson, does the latent print detail at Metro  
9 have a review process?  
10 A. Yes, we do.  
11 Q. Explain what that is.  
12 A. When a print is compared, it will then -- the first  
13 examiner will go through the entire case. Then after that  
14 case is done, it will go on --  
15 MR. COFFEE: I object to getting into somebody  
16 else's results. He already testified to his conclusion.  
17 MR. DASKAS: He has not testified to anybody  
18 else. I am simply asking him about the review process is.  
19 MR. COFFEE: Figuring out whether or not it's  
20 relevant.  
21 THE COURT: I will let him testify to what the  
22 process is, but not to what anybody else said.  
23 MR. DASKAS: I understand that.  
24 THE COURT: It would be hearsay. You can go  
25 ahead and explain what the process is, what your reviewing

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- 1 policy is at Metro.  
2 THE WITNESS: I understand. Okay. To make sure  
3 I don't say anything I'm not supposed to. In general, when  
4 we look at a case, the first examiner will examine all the  
5 evidence. And then once they are done, the case will be  
6 passed -- the case will then be passed on to what's called  
7 the technical reviewer.  
8 The technical review will re-examine and do their  
9 own re-analysis of the conclusions in the case. If there are  
10 any differences between what the case analysts believe and  
11 what the technical reviewer conclusions were, then it will go  
12 to a resolution process and perhaps go to, if there is a  
13 difference, that will go to a third verifier, technical  
14 review, and then determine what the reportable conclusion is.  
15 And then after that, then the technical reviewer  
16 will sign if they agree or don't. Then after the technical  
17 review process, it will also go to an administrative review.  
18 All conclusions have to be verified before they are allowed  
19 to be reported.  
20 BY MR. DASKAS:  
21 Q. Without telling me what the results were, was there  
22 a technical review in this case?  
23 A. Yes, there was.  
24 Q. Did it ever have to go to this resolution process  
25 you mentioned earlier?

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1 A. No, it didn't.  
 2 Q. Without telling me the results, who did the  
 3 technical review?  
 4 A. Forensic Scientist II, Edward Gunther.  
 5 Q. To your knowledge, how many years has Mr. Gunther  
 6 been employed with a Metro as a latent print examiner? Or if  
 7 you know, how many years in total has he been a latent print  
 8 examiner?  
 9 A. He has been a latent print examiner --  
 10 MR. COFFEE: Objection. He is trying to bolster  
 11 his --  
 12 MR. DASKAS: Your Honor, he asked him if he ever  
 13 misidentified a print. He opened the door about the review  
 14 process. This is the last area I have. I think that is a  
 15 fair question.  
 16 THE COURT: Go ahead.  
 17 THE WITNESS: I am not quite sure on the total  
 18 number of years. He's been with Metro quite awhile, and  
 19 his total number is somewhere around 25 to 30.  
 20 BY MR. DASKAS:  
 21 Q. Thirty years?  
 22 A. Correct.  
 23 Q. Nothing else. Thank you?  
 24 THE COURT: MR. Coffee.  
 25 MR. COFFEE: Thank you for your time.

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1 THE COURT: You may.

# DIRECT EXAMINATION

5 BY MS. WECKERLY:

6 Q. Sir, are you retired?  
 7 A. Yes, I am.  
 8 Q. Where did you retire from?  
 9 A. The Las Vegas Metropolitan Police Department.  
 10 Q. When did you retire?  
 11 A. In December of 2007.  
 12 Q. And how were you assigned at Metro prior to your  
 13 retirement?  
 14 A. I was a homicide detective just prior to  
 15 retirement.  
 16 Q. How many years did you work in homicide?  
 17 A. Fourteen years.  
 18 Q. Were you working obviously on May 17th of 1998?  
 19 A. Yes.  
 20 Q. During that time period did you work with a  
 21 partner?  
 22 A. Yes, I did.  
 23 Q. Who was your partner then?  
 24 A. At that time it was a detective named Philip Ramos,  
 25 R-A-M-O-S.

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1 THE COURT: You are excused. Thank you.  
 2  
 3 (The witness exited the courtroom.)  
 4  
 5 THE COURT: Call your next witness, state.  
 6 MS. WECKERLY: James Vaccaro.  
 7 MR. DASKAS: Judge, I will retrieve those  
 8 exhibits.  
 9 THE COURT: That's fine.  
 10 THE BAILIFF: Please step up, face the clerk and  
 11 raise your right hand.  
 12 THE CLERK: Do you swear the testimony that you  
 13 are about to give is the truth, the whole truth and nothing  
 14 but the truth so help you God?  
 15 THE WITNESS: I do.  
 16  
 17 JAMES CHARLES VACCARO,  
 18 A witness for the State, having been first duly sworn,  
 19 testified as follows:  
 20  
 21 THE CLERK: State your full name and spell your  
 22 last name.  
 23 THE WITNESS: James Charles Vaccaro,  
 24 V-A-C-C-A-R-O.  
 25 MS. WECKERLY: May I proceed, Your Honor?

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1 Q. May 17, 1998, were you asked to respond to 4255  
 2 South Spencer?  
 3 A. Yes.  
 4 Q. That is in Las Vegas, Clark County, Nevada?  
 5 A. Yes.  
 6 Q. What type of location is that?  
 7 A. Well, the general area is sort of apartments and  
 8 some low residential housing. But that particular location  
 9 was a senior retirement home at that location 4255, that  
 10 exact address.  
 11 Q. I think I asked if that's in Clark County?  
 12 A. Yes.  
 13 Q. When you responded on the 17th, yourself and  
 14 Detective Ramos, YOU were aware that another murder had  
 15 occurred OR homicide detectives had actually responded a day  
 16 earlier, correct?  
 17 A. Yes. When we were informed of our situation,  
 18 immediately we were told there was another situation inside  
 19 the same building probably within the last 30 hours.  
 20 Q. You responded to the location, and it's actually  
 21 sort of a retirement home or for senior citizens?  
 22 A. Yes. I recall it being called Camlu, the name of  
 23 the company on the marquis out front and was a retirement or  
 24 senior center.  
 25 Q. How would you describe the structure of the

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- 1 building itself?
- 2 A. Sort of like an apartment complex, two story. It
- 3 had a couple of legs to it, if you will, sort of horseshoe
- 4 shaped, had common eating areas and separate apartments with
- 5 long hallways.
- 6 Q. To gain access to the individual apartments, are
- 7 there outer doors to the building itself?
- 8 A. Yes. From the outside world, there was a main
- 9 entrance that faced Spencer Street. However, we noted other
- 10 doors that were at the end of these horseshoes so to speak.
- 11 Probably doors for moving about for service workers, but not
- 12 intentionally used by the patrons because they were the
- 13 locking type of door. Like you go out through with a push
- 14 bar, but you couldn't come back in from the outside.
- 15 People that lived there were encouraged to use the
- 16 main doors. These were other doors maybe used for workers or
- 17 maintenance people.
- 18 Q. Sir, showing you what has been marked as State's
- 19 Proposed Exhibit 29 through 47. If you could look through
- 20 all those and let me know when you are done.
- 21 A. All right. (Witness complied). Okay.
- 22 Q. Now in terms of Exhibits 29 through 43, are those
- 23 the crime scene itself as it appeared on the 17th when you
- 24 responded?
- 25 A. Yes, they are.

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- 1 type of violence.
- 2 Q. In general there was a lot of stuff in the unit?
- 3 A. Yes.
- 4 Q. Then also there appeared to be some signs of
- 5 struggle because of the placement of items in there?
- 6 A. Yes.
- 7 Q. Showing you what has been admitted as State's 31.
- 8 Can you describe what we're looking at in that photograph?
- 9 A. Yes. In this photograph, this is an initial
- 10 impression you get standing just inside after having entered
- 11 the apartment, and you are looking at a wall to the south
- 12 with a window. There is a couch that is converted into a bed
- 13 that looks like the primary bed area for this studio
- 14 apartment. And then other items of furniture around the
- 15 perimeter of the room including a folding chair -- an easy
- 16 chair, a reclining chair, if you will. On top of the bed is
- 17 a wooden chair that looks like it goes to a dinette set
- 18 behind the photographer in the picture.
- 19 Q. The bed depicted in the photograph is a sofa bed in
- 20 the reclined position, correct?
- 21 A. Yes.
- 22 Q. There appears to be a chair on top of it with blood
- 23 as well?
- 24 A. Yes. Clearly you could see what appears to be
- 25 blood on the leg of the chair.

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- 1 Q. Photographs 44 through 47, are those specific items
- 2 of evidence that were taken from the crime scene and
- 3 photographed back at the Crime Lab?
- 4 A. Yes, they are.
- 5 Q. The unit that you responded to was which number?
- 6 A. 212.
- 7 Q. Obviously, that is on the second floor?
- 8 A. Yes.
- 9 Q. When you responded on the 17th, can you give us
- 10 some idea where that unit was in relation to the prior
- 11 homicide?
- 12 A. Yes. Our Unit 212 was on the second floor was more
- 13 centralized on the second floor near the center of the
- 14 horseshoe. Whereas, Unit 120 where the other incident had
- 15 occurred was near one of the outer legs of the horseshoe and
- 16 closer to an exit door that we talked about previously.
- 17 Q. On the bottom floor?
- 18 A. On the first floor, yes.
- 19 Q. The actual unit that concerned your homicide
- 20 investigation, 212, when you went in there, how would you
- 21 describe it generally, the room itself?
- 22 A. My first impression was that it was small and a
- 23 studio-style so everything except the bathroom you could see
- 24 just by entering into this small apartment, very disheveled,
- 25 not well kept and clearly the scene of a struggle of some

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- 1 Q. This is State's 33. What is that photograph?
- 2 A. This is a close-up photograph of a couple of items
- 3 on top of the bed that we were just talking about. In that
- 4 picture you can still see the chair. The chair still bears
- 5 blood along with the blanket that the chair was resting on.
- 6 It bears blood along with a knife with a serrated edge on
- 7 both sides also within that picture, too, on top of the
- 8 blanket.
- 9 Q. Could you hand those three to the Judge, please.
- 10 A. Sure.
- 11 THE COURT: The chair is on the bed. Okay.
- 12 BY MS. WECKERLY:
- 13 Q. Now showing you State's 34. What are we looking at
- 14 in that photograph?
- 15 A. In this photograph we still see, because of the
- 16 smallness of this room, still see the bed to the right-hand
- 17 side that I was describing.
- 18 Now we see the presence of our victim on the floor,
- 19 Helen Sabraw, as I first saw her when I came into the room on
- 20 that morning, and we see her almost nude with what looks like
- 21 sleepwear pulled up above her upper body by her neck. And
- 22 other items of clothing was near her feet and also furniture
- 23 in the room in this photo.
- 24 Q. Looking at the victim, did she have any kind of
- 25 slippers, socks or anything on her feet?

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1 A. No, she does not.  
 2 Q. How about underwear or undergarment?  
 3 A. It doesn't appear there were any undergarments. I  
 4 see a pair of underpants behind her head in the photograph.  
 5 Q. Her nightgown or the item of clothing actually on  
 6 her, how was that positioned on her body?  
 7 A. Well, I recalled this item as a long gown, sort of  
 8 like a sleeping gown, very heavily bloodied and pulled up  
 9 around her neck exposing almost all of her body except her  
 10 arms and neck area.  
 11 Q. Showing you now what is State's 36. Is that  
 12 another sort of view of the victim?  
 13 A. Yes. The photographer stepped around towards the  
 14 head of the victim on the floor here and had taken another  
 15 photograph.  
 16 Q. Towards the left of the victim's body on a rug,  
 17 there appears to be an item of clothing?  
 18 A. Yes.  
 19 Q. What is that?  
 20 A. On top of the carpeting in the apartment is an area  
 21 rug. On top of the area rug on the left side of this  
 22 photograph is what appears to be a gray shirt. I know I'm  
 23 familiar with the shirt. This particular shirt was an item  
 24 of interest and an item of evidence for us in this  
 25 investigation.

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1 photograph.  
 2 A. Here's a pull back photograph of our victim lying  
 3 on the floor again, same positioning with the knife beneath  
 4 the right knee. And here we can see additional wounds that  
 5 appear to be stabbing wounds of her lower or upper left hip  
 6 and thigh area and also of her chest and breast area. We can  
 7 see a little bit better photograph of the discharge from the  
 8 rectal area.  
 9 Q. To the left of the victim's body on the carpet  
 10 area, is there anything there that caught your attention as  
 11 an investigator?  
 12 A. The whole area of the carpeting was interesting  
 13 from the standpoint there was a lot of movement here. Off to  
 14 the left side was a brownish fluid consistent with the fluid  
 15 and fecal matter that I observed at her rectal area. This is  
 16 on the left side. Then there was deposited blood around the  
 17 victim that was indicating a lot of movement by the victim  
 18 while bleeding on the carpet.  
 19 Q. The object, what is below her right foot?  
 20 A. It's another item of interest to us in this case,  
 21 which was the white sleeveless or tank top undershirt.  
 22 Q. Was that, I guess, did that catch your attention as  
 23 a detective?  
 24 A. Yes, it did. It was associated with in my mind the  
 25 other shirt. Those two shirts were impounded as evidence.

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1 Q. Why was it an item of interest?  
 2 A. Because of its condition, the location near the  
 3 victim, and the fact that it did not appear to be an item of  
 4 clothing this woman might use. I knew her to be the sole  
 5 occupant of this room.  
 6 Q. State's 35, is that a closer view of the shirt?  
 7 A. Yes.  
 8 Q. Pass it over to the Court, please.  
 9 A. (Witness complied).  
 10 Q. Sir, now I am showing you what has been admitted as  
 11 State's 41. What is depicted in that photograph?  
 12 A. This is a close up photograph of the lower portion  
 13 of Helen Sabraw's body as she lies in the carpet in the room.  
 14 We see the bloody carpet underneath her legs and the fact she  
 15 has a wound in the upper left thigh, a handle of a knife  
 16 beneath her right knee, protruding in this photograph. We  
 17 can also see in the area of her rectum a fluid, a brownish  
 18 fluid that's extruded headed southward or down as gravity  
 19 pulls it to the carpet.  
 20 Q. There's some discharge in her rectal area?  
 21 A. Yes.  
 22 Q. Also a knife under her knee?  
 23 A. Yes, as well as the right hand of hers is heavily  
 24 bloodied as well.  
 25 Q. This is State's 42. What are we looking at in that

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1 Q. This is lastly State's 43. What does that depict?  
 2 A. In this photograph we have a close-up of Helen  
 3 Sabraw's head on the floor. We can see injuries to her head  
 4 and face from a sharp weapon of some type, and blood is  
 5 present in her hair and also on a garment below her head that  
 6 was determined to be a pair of women's underpants.  
 7 Q. When you looked at the scene and examined the scene  
 8 with Detective Ramos on the 17th, did you consider whether or  
 9 not a sexual assault had taken place?  
 10 A. Yes.  
 11 Q. What conclusions or what information did you take  
 12 in with regard to that?  
 13 A. Well, my initial impression was the appearance of  
 14 the victim on the floor, and in my experience with the  
 15 removal of these clothing items such as the underwear that  
 16 was up by her head and the outer gown pulled above her neck  
 17 exposing her full nude body, along with what appeared to be  
 18 fluid from the rectal area, that further reinforced my  
 19 suspicions there had been a sexual assault.  
 20 Q. How about any indications of a robbery at the  
 21 scene?  
 22 A. Of course, we were looking at that, not knowing a  
 23 lot of about our victim initially. There were some  
 24 indicators that would disprove that to me in the fact she was  
 25 wearing jewelry and she had rather large stoned ring. I

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1 don't know whether it was a wedding or engagement ring on her  
2 finger. Not that that is always taken in the course of a  
3 robbery, but that sure would have been something that a  
4 person, the attacker, in this case should have been able to  
5 see, if robbery was the motive, and taken those items.

6 Q. Did you attend the autopsy of this victim in this  
7 case?

8 A. I did.

9  
10 (Off-the-record discussion  
11 held between State's counsel.)  
12

13 BY MS. WECKERLY:

14 Q. Sir, I'm showing you what has been marked State's  
15 Proposed Exhibits 48 through 58. Can you look through those?

16 A. (Witness complied). Okay. I'm familiar with them.

17 Q. Are they photographs taken at the autopsy of Helen  
18 Sabraw?

19 A. Yes.

20 MS. WECKERLY: State moves to admit 48 through  
21 58?

22 MR. COFFEE: No objection.

23 THE COURT: So admitted.

24  
25 ///

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1 (State's Proposed Exhibits 48 through 58  
2 were admitted into evidence.)  
3

4 BY MS. WECKERLY:

5 Q. Sir, how was it this crime got reported to the Las  
6 Vegas Metropolitan Police Department?

7 A. In this particular case, the report came through  
8 9-1-1 by way of concerned persons that had responded to the  
9 apartment and found Helen Sabraw like that. Those persons I  
10 believe are Helen's son and also a friend, a female friend of  
11 her son.

12 Q. Also was there a woman named Peggy Parks who  
13 reported as well?

14 A. Yes.

15 Q. Do you recall whether or not Ms. Parks filled out a  
16 voluntary statement in this case?

17 A. I believe she did, yes.

18 Q. Is it fair to say in 1998 you didn't have a suspect  
19 immediately available for this particular crime?

20 A. That's correct.

21 Q. You were in homicide years after that?

22 A. Yes.

23 Q. In that time period did it remain in an open  
24 investigation?

25 A. Yes, it did.

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1 Q. Did you retired before it was solved?

2 A. Yes.

3 Q. Thank you.

4 A. You're welcome.  
5

# CROSS-EXAMINATION

6  
7  
8 BY MR. COFFEE:

9 Q. Who is Ms. Parks in relation to the victim, if you  
10 know?

11 A. I don't know exactly. I believe an acquaintance.

12 Q. Not an executor for an estate, for example?

13 A. I don't know that, sir.

14 Q. You don't have any information that would be the  
15 case, would you?

16 A. Not that I recall right now, no.

17 Q. It just looked like it was potentially a sexual  
18 assault based on your training and experience; is that a fair  
19 characterization?

20 A. In combination with a brutal stabbing murder, yes.

21 Q. It's not just a sexual assault, obviously this is  
22 above and beyond?

23 A. Yes.

24 Q. Were you able to determine -- I suppose you knew  
25 there had been a homicide shortly before this body was

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1 discovered, a day or day and a half before?

2 A. That's true.

3 Q. Were you able to determine time of death in this  
4 incident?

5 A. Typically, we don't do that. We have medical  
6 examiners that are way better skilled to make those  
7 determinations.

8 I can tell you that my experience indicates to me,  
9 when I walked into the room and saw our victim, Helen Sabraw,  
10 that this was not a few hours ago kind of murder case. She  
11 had been down for a while.

12 Q. Let's talk about some of those things.

13 The smell told you she had been down for a while?

14 A. The smell, discoloration issues.

15 Q. You saw blood pooling that sort of thing?

16 A. Yes.

17 Q. Did you check for rigor? Do you know if anybody  
18 checked?

19 A. I personally did not handle her. However, I was  
20 present when she was handled. I know the body -- No, it was  
21 not. It was coming out of rigor.

22 THE COURT: One at a time.

23 BY MR. COFFEE:

24 Q. It's not an exact science. I'm not trying to pin  
25 you down on time. We'll go through it and give you the

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- 1 opportunity to explain that. Just trying to get the basic  
2 facts right now.
- 3 A. Sure.
- 4 Q. It looked like it was already coming out of rigor,  
5 based on your observations, what you had been trained for in  
6 the past?
- 7 A. It's hard to say. There's so many factors that  
8 affect rigor. I could give you my opinion. I'm not sure you  
9 want that right now.
- 10 Q. The body didn't appear to be stiff while being  
11 moved?
- 12 A. There was not complete rock solid rigor, as I  
13 recall.
- 14 Q. Again, this is all, unlike T.V., this is all guess  
15 work when talking about times. It didn't look like it was a  
16 minutes-old scene?
- 17 A. Sure. That's true.
- 18 Q. Perhaps several hours longer?
- 19 A. That's true.
- 20 Q. Probably not a month because you didn't see the  
21 sort of decomposition that you'd seen in a body that had been  
22 there a month, based on your training and experience?
- 23 A. That's true.
- 24 Q. One of the things you are trained to figure out is  
25 motive, try and figure out why somebody would do something,

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- 1 not required to prove but are trained?
- 2 A. Yes.
- 3 Q. You thought robbery was a potential motive?
- 4 A. Well, that is something that was explored but we  
5 weren't getting that feel at the scene.
- 6 Q. Didn't find anything in this particular instance  
7 that would support a theory of robbery?
- 8 A. No, not my knowledge. No.
- 9 Q. In fact some things weighed against the possibility  
10 this was a robbery? Not a possibility, but you thought it  
11 was possible, right, a likelihood?
- 12 A. I wouldn't know things that could have been taken  
13 from this victim that would have been things I never had  
14 known she possessed.
- 15 Q. Understood. But there were obvious things that  
16 might be of potential value that was left on the victim?
- 17 A. That's true.
- 18 Q. It made it look like in your opinion like the  
19 motive may have been something other than robbery, perhaps  
20 sexual assault?
- 21 A. That's true, too.
- 22 Q. There was jewelry, for example, that was left?
- 23 A. That's true, too.
- 24 Q. You talked about bed clothing. It was pulled up  
25 around the victim's head to some extent?

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- 1 A. Yes.
- 2 Q. Were you able to tell how that was pulled up around  
3 the head?
- 4 A. No.
- 5 Q. You have been to -- there had been a struggle in  
6 the room based on what you saw?
- 7 A. Clearly.
- 8 Q. You have seen situations where clothing gets  
9 pulled, moved, disheveled because somebody is dragging or  
10 fighting?
- 11 A. That's true.
- 12 Q. Can't say for certain that didn't happen? It  
13 looked like somebody might have pulled it over her head  
14 purposely, but you don't know for certain; is that a fair  
15 characterization?
- 16 A. Yes.
- 17 Q. The fluid you said, fecal matter, there was blood  
18 or potential fecal matter on the carpet, yes?
- 19 A. Yes.
- 20 Q. Do you know that was ever tested?
- 21 A. I don't know.
- 22 Q. May I have a tissue?
- 23 Did you interview -- you were lead detective, start  
24 with that?
- 25 A. Actually, we were working together, Detective Ramos

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- 1 and I. He had the responsibility for documenting the scene  
2 with that report. But there was no particular lead in this  
3 case. I'm responsible for what happened in this case.
- 4 Q. All right. Were there any interviews conducted?
- 5 A. Yes.
- 6 Q. Who did you interview?
- 7 A. I have a list of people here. It's been a few  
8 years for me. You want me to look at my list?
- 9 Q. Please. If that's all right with the district  
10 attorney.
- 11 A. They may be in the crime report. At this time the  
12 scene report indicates that interviewed people would be  
13 referenced in another matter.
- 14 Q. We can get that from you, if we need it at some  
15 point?
- 16 A. I'm sure the persons interviewed were in a section  
17 of the homicide book.
- 18 Q. You didn't have any people of interest in this  
19 particular case, someone targeted or who you thought may have  
20 been responsible?
- 21 A. Yeah. I recall the case. We really worked a lot  
22 on this. No. We tried to determine if there was somebody  
23 that was a suspect for quite awhile. We tried a lot of  
24 different techniques to develop suspects but we were  
25 unsuccessful.

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- 1 Q. One of the miracles of science?
- 2 A. We tried a lot of things. That's true.
- 3 Q. T-shirts in this case, there's one traditional
- 4 t-shirt, a gray t-shirts with sleeves?
- 5 A. Short sleeves, yes.
- 6 Q. There's another, the street term for it?
- 7 A. Don't say it.
- 8 Q. Probably would not be appropriate.
- 9 A. A tank top.
- 10 Q. A tank top. There was a tank top there?
- 11 A. Yes.
- 12 Q. Both were there at the scene when you found the
- 13 scene?
- 14 A. Yes.
- 15 Q. Were they the same size?
- 16 A. As I recall, they were.
- 17 Q. You find that strange that somebody would be
- 18 wearing a tank top and t-shirt?
- 19 A. Not at all.
- 20 Q. You thought it might be a single person?
- 21 A. Oh, sure.
- 22 Q. The potential of two people also, I suppose?
- 23 A. Could have been. But to wear two shirts, I have
- 24 two shirts on today.
- 25 Q. I understand. Might even have three on. Do you

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- 1 have an undershirt?
- 2 A. Yeah, I do.
- 3 Q. You don't wear a t-shirt under that undershirt, do
- 4 you?
- 5 A. Yeah, sometimes I do.
- 6 Q. You are a unique guy. I appreciate your testimony
- 7 today.
- 8 A. You're welcome.
- 9 MR. DASKAS: It's not that unique.
- 10 THE COURT: I will take judicial notice that I
- 11 wear a t-shirt.
- 12 MS. WECKERLY: No redirect.
- 13 THE WITNESS: Thank you.
- 14 THE COURT: Okay. Thank you for coming to
- 15 testify.
- 16 THE WITNESS: Thanks. It's been fun.
- 17 THE COURT: Call your next witness.
- 18 MS. WECKERLY: David Lemaster.
- 19
- 20 (The witness exited the courtroom.)
- 21
- 22 THE BAILIFF: Please step up, face the clerk and
- 23 raise your right hand.
- 24 THE CLERK: Do you swear the testimony that you
- 25 are about to give is the truth, the whole truth and nothing

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- 1 but the truth so help you God?
- 2 THE WITNESS: I do.
- 3
- 4 DAVID LEMASTER,
- 5 A witness for the State, having been first duly sworn,
- 6 testified as follows:
- 7
- 8 THE CLERK: State your full name and spell your
- 9 last name.
- 10
- 11 THE WITNESS: My name is David Lemaster, David
- 12 common spelling, Lemaster, L-E-M-A-S-T-E-R.
- 13 THE COURT: You may proceed.
- 14 MS. WECKERLY: Thank you.
- 15
- 16 DIRECT EXAMINATION
- 17
- 18 BY MS. WECKERLY:
- 19 Q. How are you employed, sir?
- 20 A. I'm a senior crime scene analyst with the Las Vegas
- 21 Metropolitan Police Department.
- 22 Q. How long have you worked for Metro?
- 23 A. I began my career with Metro in 1991.
- 24 Q. Obviously working in May of 1998?
- 25 A. Correct.

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- 1 Q. On the 17th of May 1998, were you had asked to
- 2 respond to 4255 South Spencer?
- 3 A. Yes.
- 4 Q. That would have been Apartment 212?
- 5 A. Yes.
- 6 Q. Why were you asked to go to that location?
- 7 A. I was called there to assist with a homicide
- 8 investigation.
- 9 Q. You were a crime scene analyst, working as a crime
- 10 scene analyst on that date?
- 11 A. Yes.
- 12 Q. What were your job duties with respect to that
- 13 scene?
- 14 A. To assist my supervisor, Catherine Atkins, working
- 15 in homicide to process the crime scene.
- 16 Q. Were you the person responsible for impounding
- 17 actual items of evidence?
- 18 A. Yes, at Apartment 212, yes.
- 19 Q. I'm showing you what has been admitted as State's
- 20 Exhibit 37. Does that appear to be the crime scene as it
- 21 looked when you responded on May 17, 1998?
- 22 A. Yes.
- 23 Q. Drawing your attention to the rug area, does there
- 24 appear to be an item of evidence you would have impounded
- 25 with respect to this investigation?

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- 1 A. Yes.
- 2 Q. What was it that you impounded?
- 3 A. On the rug area is a gray t-shirt.
- 4 Q. Looking at the victim's right leg below her foot,
- 5 was there another item of evidence you would have impounded
- 6 with respect to this scene?
- 7 A. Yes.
- 8 Q. When you impounded an item of evidence for Metro,
- 9 was it impounded under a certain event number?
- 10 A. Yes, it would be the event number for the incident
- 11 we're investigating.
- 12 Q. What was the event number in this case?
- 13 A. 980517-0849.
- 14 Q. The two or actually every item of evidence
- 15 impounded under the event number, is that given a specific
- 16 item number for tracking?
- 17 A. Well, I will speak for myself. Yes, I assigned a
- 18 specific item number.
- 19 Q. The two shirts that I spoke of in the photograph,
- 20 what were the item numbers, if you recall?
- 21 A. Can I be certain?
- 22 THE COURT: If you need to refresh your
- 23 recollection. If you can't recall right now. If you are
- 24 going to guess, if you can't recall, yes. You can go
- 25 ahead, if that refreshes your memory to take a look at it.

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- 1 THE WITNESS: Yes.
- 2 THE COURT: You have no objection, do you?
- 3 MR. COFFEE: No objection.
- 4 THE COURT: Go ahead.
- 5 THE WITNESS: Yes, I have.
- 6 BY MS. WECKERLY:
- 7 Q. Let's start with the gray t-shirt, not the tank
- 8 top. What number was that?
- 9 A. Item 32.
- 10 Q. The white tank top?
- 11 A. Item 33.
- 12 Q. Showing you what has been admitted as State's
- 13 Exhibits 46 and 47. Those are the two items we just spoke
- 14 of?
- 15 A. Yes.
- 16 Q. I should have given you these before because the
- 17 item numbers are on them.
- 18 A. Correct. With my initials and "P" number.
- 19 Q. Looking at 46 first, the white tank top?
- 20 A. Yes.
- 21 Q. When you took this photograph of the tank top,
- 22 obviously this isn't taken at the scene, correct?
- 23 A. Correct.
- 24 Q. Back at the Crime Lab by you?
- 25 A. Yes.

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- 1 Q. It's laid out?
- 2 A. Yes.
- 3 Q. The same thing with respect to the gray t-shirt
- 4 State's 47?
- 5 A. Yes.
- 6 Q. That's also a photograph taken by you with the item
- 7 number and your initials and personnel number?
- 8 A. Correct.
- 9 Q. Now, showing you State's 44 and 45. Do you
- 10 recognize what those items are?
- 11 A. Yes.
- 12 Q. What are they starting with? Let's start with
- 13 State's 44.
- 14 A. State's 44 is a knife that was recovered from the
- 15 pullout couch/bed at Apartment 212.
- 16 Q. And 45?
- 17 A. Exhibit 45 is a black handled knife that was
- 18 underneath the right leg area of the victim.
- 19 Q. And you obviously took those items from the scene,
- 20 and these are photographs you took of them back at the lab?
- 21 A. Yes.
- 22 Q. With respect to this scene, your duties were to
- 23 collect evidence? You didn't do any further testing on the
- 24 items of evidence yourself, did you?
- 25 A. Well, there was additional collection of evidence

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- 1 items and other items, those specific item or others?
- 2 Q. Right. With regards to the two shirts, you didn't
- 3 do any processing?
- 4 A. Not on the shirts, no specific processing.
- 5 Q. You might have done latent print processing on the
- 6 items of evidence that you impounded? Or what you are
- 7 referring to?
- 8 A. There were multiple items of evidence that were
- 9 processed.
- 10 MS. WECKERLY: Thank you. No other questions.
- 11
- 12 CROSS-EXAMINATION
- 13
- 14 BY MR. COFFEE:
- 15 Q. What was the event number again?
- 16 A. 980517-0848.
- 17 Q. I noticed you do that without any notes.
- 18 A. Yes.
- 19 Q. You don't remember from that far back, do you?
- 20 A. I put it in my head before I came here.
- 21 THE COURT: He refreshed his recollection
- 22 earlier.
- 23 BY MR. COFFEE:
- 24 Q. You reviewed things beforehand?
- 25 A. Yes.

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- 1 Q. Before you came in?
- 2 A. Yes.
- 3 Q. You wanted to make an impression, wanted to know
- 4 what you are talking about, you want to right and don't want
- 5 mistakes?
- 6 A. There's a lot things to consider. I did look over
- 7 items.
- 8 Q. You would agree that your notes are a critical tool
- 9 in that regard, keeping track of things? For example, you
- 10 referred to your notes to figure out what t-shirt was seized
- 11 under what event number?
- 12 A. The evidence impound, yes.
- 13 Q. By notes, I didn't mean to trip you up saying an
- 14 impound sheet, not your notes. You wrote it down someplace?
- 15 A. I wanted to be accurate in my answer, yes.
- 16 Q. With the writing it down aspect of things, the
- 17 pictures were taken at the lab? Yes?
- 18 A. Yes.
- 19 Q. When were the pictures taken down?
- 20 A. The date -- (Pause). I don't have that answer
- 21 specifically. It could have been the following day.
- 22 Q. Might have been two?
- 23 A. I don't have that answer, no.
- 24 Q. Is it written down someplace?
- 25 A. It would be associated with -- yes, it would be in

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- 1 a log, especially with the film, we used 35-millimeter film
- 2 back then. So the day I submitted that film would be the
- 3 date I took those photographs.
- 4 Q. Okay. Without actually picking up these t-shirts,
- 5 what day did that happen?
- 6 A. That would be on the 17th.
- 7 Q. The day that you reported?
- 8 A. Yes.
- 9 Q. You were only there one day?
- 10 A. No, I responded several times back to the Camlu
- 11 Retirement Home apartments.
- 12 Q. Are there any notes or documentation that verified
- 13 those were picked up on the 17th?
- 14 A. I recovered those.
- 15 Q. I understand. My question is: We talked about
- 16 documenting other items, looking at notes to get case numbers
- 17 and things. As far as dates, is there any documentation on
- 18 the date those items were picked up?
- 19 A. That would be the report stating we recovered it.
- 20 Q. That is what I was asking, not trying to trip you
- 21 up. Asking if there's a report generated. What date is the
- 22 report signed?
- 23 A. May I look at it?
- 24 Q. Sure.
- 25 A. As far as signatures, which is my supervisor's, the

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- 1 author of the actual report.
- 2 Q. Okay.
- 3 A. And the approving individual is the supervisor or
- 4 C.S.I. There's not a date associated, but it is time stamped
- 5 when it went through, an official time stamp.
- 6 Q. When would that be?
- 7 A. This is time stamped looks like June -- if reading
- 8 it correct, June 1st at 9:38 a.m.
- 9 Q. All right. And the date you responded to gather
- 10 evidence was what again?
- 11 A. The date responded to the scene the first time?
- 12 Q. Yes.
- 13 A. May 17th.
- 14 Q. So this is time stamped about two weeks later?
- 15 A. Somewhere in there.
- 16 Q. Might be off a day or two?
- 17 A. Sure.
- 18 Q. And you responded to the scene on a couple of
- 19 occasions in between the date that report was submitted and
- 20 your initial response? You come out on the 17th. You
- 21 understand the question?
- 22 A. I understand the question.
- 23 Q. The answer is yes?
- 24 A. Yes.
- 25 Q. Are we able to breakdown when certain items were

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- 1 impounded? You thought it was the 17th. Can you say for
- 2 certain the t-shirts were impounded that day, as opposed to
- 3 the 18th, 19th, 20th?
- 4 A. I don't have information for you now.
- 5 Q. Do you know if it existed?
- 6 A. It would certainly exist with the evidence vault
- 7 the day they took the evidence, after I placed it, secured it
- 8 in packages.
- 9 Q. Okay. If we rely on something, the evidence vault
- 10 notes or notations we would rely on as opposed to your
- 11 memory, for example?
- 12 A. They have logs to be more specific about when they
- 13 pick up items and when items are received.
- 14 Q. That is my point. You don't have an independent
- 15 recollection on the first day you responded to picking up
- 16 those t-shirts? It was one crime scene in many? You picked
- 17 up the t-shirts at some point before that was generated, but
- 18 it could have been at any of the times you showed up at the
- 19 crime scene; is that a fair characterization?
- 20 A. The shirt was collected the 17th.
- 21 Q. Okay. That's what I was asking: How do we know
- 22 that is what I'm asking? I'm not trying to confuse you. I
- 23 am trying to figure out how we know that?
- 24 A. The arrival time was 12:30. In the process of
- 25 working the scene with the victim, evidence items in total of

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1 working the scene, were removed as we worked our way through 1  
2 the scene. It would be have on the 17th we placed it in a  
3 bag to transition it back to the lab for additional  
4 photography and impound.

5 Q. Okay. That's what I was trying to get to. Might  
6 be in the crime scene photographs, also. Just trying to  
7 figure out when the shirts were taken in, make sure it's the  
8 17th not another time. Do you understand?

9 A. Yes.

10 Q. The shirts, the State has showed you picture of  
11 them? Yes?

12 A. Yes.

13 Q. You recognize those, State's 46 and 47?

14 A. Yes.

15 Q. Describe State's 47 for me, if you will.

16 A. This is a gray t-shirt. It appears to be the back  
17 of the shirt item listed as Item 32.

18 Q. Is there any blood on that shirt?

19 A. From this photo with the back of the shirt, I do  
20 not specifically see in these lighting conditions any large  
21 stains that I could quantify sitting here under these  
22 conditions that I would state as blood.

23 Q. It looks like a clean t-shirt, more or less,  
24 without better lighting conditions, testing, that kind of  
25 thing; is that a fair characterization?

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A. Yes.

2 Q. If someone is wearing -- you are somewhat of an  
3 expert in the crime scene investigation, crime scene  
4 analysis, right, you are trained to do this?

5 A. I would, depending on the question. I hope I can  
6 answer it.

7 Q. Okay. Let me ask you, the blood stains that are on  
8 the tank top, does it appear to you, based on your training  
9 and experience, they match up with any blood stains on the  
10 back of the shirt? Can you tell if it was the same person  
11 wearing both at the same time when the stabbing occurred;  
12 does that look like that to you?

13 MS. WECKERLY: Objection, speculation.

14 BY MR. COFFEE:

15 Q. Is there anything connecting those two together  
16 forensically that you are aware of other than being at the  
17 same scene, same location, let me ask you that?

18 A. I don't know the dynamics of the totality of the  
19 reports generated from this.

20 Q. Based on your photographs, based on your memory,  
21 based on your other reports, is there anything forensically  
22 that you are aware of -- I understand other people have may  
23 have other conclusions, people who have done other testing --  
24 to your knowledge is there anything connecting those two  
25 items of clothing together?

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1 A. For the back of the shirt?

2 Q. Yes.

3 A. Yes.

4 Q. Do you know if there were pictures taken of the  
5 front?

6 A. There should have been.

7 Q. Do you know there were any stains on the front?

8 A. I believe there was.

9 Q. Take a look other what that is.

10 A. State's Exhibit 46.

11 Q. A different type of shirt, right?

12 A. Yes.

13 Q. A tank top, I think we agreed on to call it for the  
14 hearing. Would you agree there is a substantial amount of  
15 apparent blood on the tank top?

16 A. There are at the upper left area of the tank top  
17 very dark-colored stains and a light-colored apparent blood  
18 stains downward towards the bottom centrally located. Your  
19 term of a lot of blood versus transfer stains happening to a  
20 shirt are two different mechanisms and dynamics.

21 Q. Sure. Do you agree there's blood stains that  
22 appear on the shirt?

23 A. Yes.

24 Q. Might have to do some testing of phenolphthalein to  
25 figure out if it's blood but looks like blood?

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1 A. I would say, yes.

2 Q. What is it?

3 A. They are from the same apartment.

4 Q. And my question, remember the same scene, other  
5 than that, so again take into account my question, other than  
6 the fact they are found at the same location, is there  
7 anything connecting the two together forensically that you  
8 are aware of?

9 A. I think I answered that.

10 Q. The same location, that's the only connection that  
11 you are aware of?

12 A. That's the only answer I would want to give at this  
13 junction. With the other remaining reports, that is outside  
14 of what I have done.

15 Q. I know you think I'm trying to trick you. I'm  
16 really not. Based on your knowledge, location is the only  
17 thing connecting the two items?

18 A. At this point in time, I would say yes.

19 MR. COFFEE: Thank you. Nothing else.

20 MS. WECKERLY: No redirect.

21 THE COURT: You are excused. Thank you very  
22 much.

23 Call your next witness, state.

24 MS. WECKERLY: Julie Marschner.

25 (The witness exited the courtroom.)

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1 MR. DASKAS: Before the next witness, there was  
2 another stipulation. The defense and the state, for prelim  
3 purposes, stipulates that Ms. Marschner, the DNA analysis  
4 had the known DNA profile of the defendant, Gustavo Ramos,  
5 when she made the comparisons to which she is about to  
6 testify.

7 THE COURT: I'm sorry. I'm sure Mr. Daskas  
8 wouldn't misrepresent. I better check.

9  
10 (Off-the-record discussion  
11 between counsel and defendant.)

12  
13 THE COURT: Okay.

14 THE BAILIFF: Please step up, face the clerk and  
15 raise your right hand.

16 THE CLERK: Do you swear the testimony that you  
17 are about to give is the truth, the whole truth and nothing  
18 but the truth so help you God?

19 THE WITNESS: Yes, I do.

20  
21 JULIE MARSCHNER,  
22 A witness for the State, having been first duly sworn,  
23 testified as follows:

24  
25 THE CLERK: State your full name and spell your

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1 last name.

2 THE WITNESS: My name is Julie Marschner,  
3 J-U-L-I-A M-A-R-S-C-H-N-E-R.

4  
5 DIRECT EXAMINATION

6  
7 BY MS. WECKERLY:

8 Q. How are you employed?

9 A. As a forensic scientist with the Las Vegas  
10 Metropolitan Police Department forensic laboratory. I'm  
11 assigned to the biology D.N.A. detail.

12 Q. How long have you worked for Metro biology D.N.A.  
13 detail?

14 A. Approximately five-and-a-half years.

15 MS. WECKERLY: I don't know if counsel wants to  
16 stipulate to her qualifications for prelim?

17 MR. COFFEE: Sure.

18 MS. WECKERLY: Thank you.

19 BY MS. WECKERLY:

20 Q. Ms. Marschner, in your work, are you a D.N.A.  
21 analyst?

22 A. Yes, ma'am.

23 Q. In your work as a D.N.A. analyst for Metro, were  
24 you asked to do some work on items of evidence that was  
25 impounded from a case that occurred in 1998?

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1 A. Yes, I was.

2 Q. Does Metro assign event numbers to particular  
3 cases?

4 A. Yes, they do.

5 Q. What was the case number event number that you wer  
6 asked to work on?

7 A. 980517-0848.

8 Q. In your work for Metro under that event number,  
9 were you called upon to look at two t-shirts that were  
10 impounded under that event number?

11 A. Yes.

12 Q. Do you recall that the item numbers of the t-shirts  
13 what they were for tracking purpose?

14 A. Can I refer to my notes?

15 Q. If that would refresh your recollection.

16 A. The gray t-shirt was in package 10 item 32, then  
17 the white tank top was in the same package that was item 33.

18 Q. Showing you what has been admitted as State's 46  
19 and this one is 47, do those look like the shirts that you  
20 examined?

21 A. Yes, they do.

22 Q. As a D.N.A. analyst, to get these items of  
23 evidence, do you have them delivered to you from the evidence  
24 vault to the lab?

25 A. Yes.

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1 Q. Then you do your analysis?

2 A. Correct.

3 Q. Let's start with the gray T-shirt. Okay?

4 A. Sure.

5 Q. When you started examining an item of evidence, you  
6 actually give it your own label?

7 A. Yes, I designate it with my initials and item  
8 number. In this case the package was the tenth package I  
9 looked at in this case.

10 Q. Talking about the gray t-shirt, what areas of the  
11 shirt were you concentrating on or focusing on to get a  
12 D.N.A. sample?

13 A. I was trying to see who may have been wearing the  
14 shirt, so I was looking at the neck area on the seam and also  
15 in the armpit area where it would have rubbed up against the  
16 skin collecting skin cells.

17 Q. With respect to those two areas, let's talk the  
18 seam on the neck area, were you able to obtain a DNA sample?

19 A. Yes.

20 Q. What were your findings with regards to that  
21 sample?

22 A. There was a mixture of at least two individuals,  
23 and there was a major contributor, and that major contributor  
24 was consistent with Gustavo Ramos Martinez.

25 Q. You actually in this case generated the profile off

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- 1 of the item of evidence because you had a known sample from  
2 Mr. Ramos?
- 3 A. Yes.
- 4 Q. With regards to the profile that was generated off  
5 the neck area that you just spoke of, are you able to give us  
6 any kind of statistical frequency associated with that  
7 analysis?
- 8 A. Yes. The estimated frequency of the major profile  
9 in that mixture is rarer than one in 882,000.
- 10 Q. In your work as a DNA analyst, you certainly have  
11 rarer profiles than that, correct?
- 12 A. Yes.
- 13 Q. Some of them are rarer than one in 600 million?
- 14 A. Yes.
- 15 Q. So when you have a number of like one in 882,000,  
16 does that reflect that a portion of the profile didn't  
17 amplify, or how would you describe that?
- 18 A. I wasn't able to use the major profile at all of  
19 the 15 locations that we looked at in the D.N.A. because  
20 there was evidence of degradation between the time period  
21 when the item was collected and when it was tested. So I was  
22 only able to use the data from the non degraded areas using  
23 that statistic so the number was smaller than had I had all  
24 the profiles to compare.
- 25 Q. So it is still rarer than one in 882,000?

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- 1 A. Yes.
- 2 Q. With regards to the armpit area, what were your  
3 findings with regard to the swabs taken from there?
- 4 A. There were cuttings that I took from the armpit  
5 area, and again I got a mixture of at least three  
6 individuals. And again I had a major profile there. The  
7 major profile was consistent with Gustavo Ramos Martinez.  
8 You want me to provide the statistics?
- 9 Q. Yes.
- 10 A. The estimated frequency of this profile is rarer  
11 than one in 30 million.
- 12 Q. With regards to, you said it was a mixture on both  
13 of those areas?
- 14 A. Yes.
- 15 Q. Are you able to tell us anything about who the  
16 minor contributor might have been or able to exclude the  
17 victim at all for Helen Sabraw?
- 18 A. For the neck area, it was inconclusive whether the  
19 victim was present in the mixture or not. However, I was  
20 able to include her in the armpit area.
- 21 Q. As a possible contributor?
- 22 A. Yes.
- 23 Q. With regards to the tank top, which is Item 33,  
24 were you analyzing the blood on the shirt or the area areas?
- 25 A. No, I was again taking cuttings this time from the

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- 1 armpit area. Again, however, there were limited sample  
2 remaining because it had been tested previously. So I wasn't  
3 able to obtain a D.N.A. profile from that area of the shirt.
- 4 Q. Are you able to render any conclusions all the  
5 about possible contributors to the D.N.A. with regards to  
6 that item of evidence in the area that you cut?
- 7 A. No.
- 8 MS. WECKERLY: Thank you. Pass the witness.
- 9
- 10 CROSS-EXAMINATION
- 11
- 12 BY MR. COFFEE:
- 13 Q. At what a point statistically is that going to be  
14 assumed under the current standards for D.N.A. testing?
- 15 A. In our laboratory, if the number is larger than 650  
16 billion, the world's population is approximately 6.5 billion.  
17 So we take a hundred times the world's population to get that  
18 number.
- 19 Q. So here we're at .5 or .05 percent of where  
20 identity would be assumed at?
- 21 A. I don't know.
- 22 Q. So 300 million, you agree, 300 million is a small  
23 percentage of 650 billion?
- 24 A. Yes.
- 25 Q. Without doing the math, the tank top you tested,

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- 1 you actually had the tank top in your hands?
- 2 A. Yes, I did.
- 3 Q. Did it still look like State's Exhibit 46?
- 4 A. No. There were some cuttings taken from the armpit  
5 areas by an analyst who previously examined it.
- 6 Q. What happened to those cuttings, if I might ask?
- 7 A. The analyst would have saved them inside the tube  
8 they saved for their D.N.A. extractions, and those tubes  
9 would be in custody at our tech lab that we have a freezer  
10 full of cuttings.
- 11 Q. Have you taken a look at that yet?
- 12 A. No, I haven't.
- 13 Q. You said ten items were tested?
- 14 A. This is the tenth package that I looked at for this  
15 case.
- 16 Q. What were the other packages?
- 17 A. There was a sexual assault kit, some swabs.
- 18 Q. Let starts with that, the sexual assault kit. Did  
19 you find anything on the sexual assault kit as far as D.N.A.?
- 20 A. I didn't test anything for D.N.A. I did  
21 presumptive testing for semen first and it was negative.
- 22 Q. Semen, for example with somebody having sex with or  
23 without a condom leaving semen behind, that is a good source  
24 for D.N.A.?
- 25 A. Yes.

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- 1 Q. In this case you did presumptive tests for semen  
2 and it said no, so you didn't do testing?  
3 A. Correct.  
4 Q. These items were seized approximately, I think the  
5 state will agree, ten years or better, 12 years. Would you  
6 still be able to find semen from a sample that old?  
7 A. Yes.  
8 Q. Does that degrade over time to some extent, though?  
9 A. It depends how much was there initially when they  
10 collected it. And again, if it was packaged properly.  
11 Q. Proper packaging I suppose could be very important?  
12 A. Yes.  
13 Q. You said, maybe I heard it wrong, that I will refer  
14 to them as 46 and 47, you know what I'm talking about?  
15 A. Yes.  
16 Q. The two shirts came out of the same package?  
17 A. They were individually packaged within a package.  
18 Q. Okay.  
19 A. So they were in an individual paper bag inside a  
20 larger paper bag.  
21 Q. Okay. It makes more sense. That is important  
22 because -- why do you do you that? Why would you package  
23 them individually?  
24 A. To keep them separate from one another.  
25 Q. Because D.N.A. is transferable?

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- 1 A. Yes.  
2 Q. For example, blood stains might get from one to the  
3 other if they are put in the same package together?  
4 A. Correct.  
5 Q. D.N.A. is transferable in the sense because it's  
6 mobile? For example, the fact you didn't do the D.N.A.  
7 testing at the scene, doesn't make a difference? Somebody  
8 can pick up a shirt, open the bag, open it ten years later  
9 and still find D.N.A.?  
10 A. Yes.  
11 Q. With regards to the t-shirt, not the tank top,  
12 there were only two contributors?  
13 A. Yes.  
14 Q. In regards to the tank top, no D.N.A.?  
15 A. I didn't get any D.N.A. profiles from the area I  
16 tested.  
17 Q. I suppose you are trained to test appropriate areas  
18 for D.N.A. For example, on the t-shirt you looked at, back  
19 of the neck, seams, places where --  
20 A. Yes.  
21 Q. -- skin cells my might be located, a good source of  
22 D.N.A.?  
23 A. Yes.  
24 Q. You use that same training, when you looked at  
25 this, it wasn't just a blind hunt? You looked at the most

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- 1 likely place for D.N.A. on the tank top for this profile?  
2 A. Correct.  
3 Q. Did you review any other testing that had been done  
4 before you tested that?  
5 A. I had reviewed the notes of other analysts  
6 examining the evidence, yes.  
7 Q. Do you remember who the other analysts were?  
8 A. Terry Cook and Dave Welch.  
9 Q. Anything inconsistent in any of that?  
10 MS. WECKERLY: Objection, hearsay.  
11 THE COURT: That would be --  
12 MR. COFFEE: Well.  
13 MS. WECKERLY: We were concerned about the  
14 verification process on the fingerprints, so I assumed  
15 Mr. Coffee has the same concerns about other experts.  
16 MR. COFFEE: Not really.  
17 MS. WECKERLY: It is still hearsay.  
18 MR. COFFEE: The other bigger problem is that  
19 Crawford applies when you guys are trying this. I'm not  
20 sure Crawford applies to us.  
21 MS. WECKERLY: Hearsay is still hearsay.  
22 BY MR. COFFEE:  
23 Q. You rely on other reports to use to figure out who  
24 what you are going to test, for example?  
25 A. No.

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- 1 Q. Why look at them then? Why do you look at them?  
2 MS. WECKERLY: Objection, relevance.  
3 THE COURT: I will let her answer.  
4 THE WITNESS: Why do I look at the notes?  
5 THE COURT: Yeah.  
6 THE WITNESS: I want to see what they tested to  
7 make sure there's sample remaining for me to test before I  
8 open the package.  
9 BY MR. COFFEE:  
10 Q. Were you able to determine what had been tested?  
11 A. Yes.  
12 Q. Those are the things that should be in that freezer  
13 what you said?  
14 A. Yes.  
15 Q. As to results, I suppose, when you talked to  
16 Walsh -- I will ask you in how long have you been working in  
17 the office?  
18 A. Five-and-a-half years.  
19 Q. You guys keep pretty good records on things?  
20 A. Yes.  
21 Q. When you test something you keep track of it?  
22 A. Yes.  
23 Q. For example, if I wanted to see testing Walsh had  
24 done, I should be able to get that at this point?  
25 A. Yes.

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1 Q. In fact, you have looked at it?  
 2 A. Yes, I have.  
 3 Q. Do you have a file?  
 4 A. I don't have it in my file, no.  
 5 Q. Trying to figure a way to get it.  
 6 MR. COFFEE: Thank you for your time.  
 7 MS. WECKERLY: No redirect, Your Honor.  
 8 THE COURT: You are excused. Thank you very much  
 9 for coming to testify. Call your next witness, state.  
 10 MR. DASKAS: My final witness, Dr. Alane Olson,  
 11 please.  
 12 (The witness exited the courtroom.)  
 13  
 14 THE BAILIFF: Please step up, face the clerk and  
 15 raise your right hand.  
 16 THE CLERK: Do you swear the testimony that you  
 17 are about to give is the truth, the whole truth and nothing  
 18 but the truth so help you God?  
 19 THE WITNESS: Yes, I do.  
 20  
 21 ALANE OLSON,  
 22 A witness for the State, having been first duly sworn,  
 23 testified as follows:  
 24  
 25

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1 THE CLERK: State your full name and spell your  
 2 last name.  
 3 THE COURT: Take a short five minutes break.  
 4 MR. DASKAS: Of course, Judge.  
 5 THE COURT: Take a five minute break.  
 6  
 7 (Recess).  
 8  
 9 THE COURT: Okay. Let the record reflect we are  
 10 back from a short recess. The defendant is present, all  
 11 attorneys from the defense and state are present. Swear in  
 12 the next witness.  
 13 THE BAILIFF: Please step up, face the clerk and  
 14 raise your right hand.  
 15 THE CLERK: Do you swear the testimony that you  
 16 are about to give is the truth, the whole truth and nothing  
 17 but the truth so help you God?  
 18 THE WITNESS: I do.  
 19  
 20 ALANE OLSON,  
 21 A witness for the State, having been first duly sworn,  
 22 testified as follows:  
 23  
 24 THE CLERK: State your full name and spell your  
 25 last name.

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1 WITNESS: My name is Alane Olson, A-L-A-N-E  
 2 O-L-S-O-N.  
 3 MR. DASKAS: Before I begin my examination, we  
 4 have a few stipulations entered into between the State and  
 5 defense. One is that the male victim in this case about  
 6 whose autopsy Dr. Olson will testify, was identified as  
 7 75-year-old Wallace Siegel. The second is that the female  
 8 in this case whose autopsy by Alane Olson will testify, was  
 9 86 year old Helen Sabraw. For prelim purposes, Dr. Olson  
 10 is qualified to render her opinion regarding cause and  
 11 manner of death.  
 12 THE COURT: She has been certified as an expert  
 13 in this court on other prior homicide cases. Go ahead. Is  
 14 that correct, Mr. Coffee?  
 15 MR. COFFEE: Yes.  
 16  
 17 DIRECT EXAMINATION  
 18  
 19 BY MR. DASKAS:  
 20 Q. Dr. Olson, you are employed by the Clark County  
 21 coroner's office, is that true?  
 22 A. That's correct.  
 23 Q. You are a forensic pathologist?  
 24 A. Yes.  
 25 Q. At the request of Ms. Weckerly and myself, did you

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1 review a series of two autopsies performed back in May 1998?  
 2 A. Yes, I did.  
 3 Q. Did you review two autopsy reports prepared by  
 4 Dr. Sheldon Green?  
 5 A. Yes, I did.  
 6 Q. With that information, were you able to reach an  
 7 opinion regarding cause and manner of death of both Wallace  
 8 Siegel and Helen Sabraw?  
 9 A. Yes, I was.  
 10 Q. The opinion you reached with respect to both of  
 11 those victims, is that an independent opinion reached based  
 12 on photos that you saw, as opposed to what Dr. Green did when  
 13 he did the autopsy?  
 14 A. Yes, it is an independent opinion.  
 15 Q. When we first ask you about the autopsy and photos  
 16 you reviewed of Wallace Siegel, there are a series of  
 17 photographs in front of you previously admitted, I believe,  
 18 if I'm not mistaken, they are Exhibits 15 through 28. Have  
 19 you previously seen these series of photographs?  
 20 A. Yes, I have.  
 21 Q. We've heard testimony that those were photographs  
 22 taken of the autopsy of Mr. Siegel back on May 17, 1998. Is  
 23 there an identification badge in Exhibit 15 that reflects  
 24 that?  
 25 A. Yes, there is.

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- 1 Q. What information is on that identification?
- 2 A. The identification badge contained Mr. Siegel's
- 3 name, date of May 17, 1998, and the autopsy or coroner's Case
- 4 No. 98-2550.
- 5 Q. Does that number you read correspond to the autopsy
- 6 report Dr. Green prepared back in 1998 that you reviewed in
- 7 this case?
- 8 A. Yes, it does.
- 9 Q. I'd ask you first of all, Dr. Olson, what were the
- 10 significant external injuries that you observed to the
- 11 victim, Mr. Siegel, in the photos that you identified?
- 12 A. The significant injuries externally are primarily
- 13 about the upper body. The most significant injuries are
- 14 those of the head.
- 15 There are lacerations and tears in the scalp.
- 16 There is an obvious external visible extensive skull fracture
- 17 on the left side of head towards the front.
- 18 There are also numerous areas of bruising on the
- 19 body surfaces primarily on the head, neck, upper aspect of
- 20 the torso and on the arms and hands, and there is a
- 21 laceration or tear on the left fourth finger. There is also
- 22 an incised injury or cut-type injury on the left fourth
- 23 finger.
- 24 Q. Dr. Olson, you described a number of injuries that
- 25 you observed. Was the most significant injury the depressed

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- 1 skull fracture?
- 2 A. Yes.
- 3 Q. The other injuries that you mentioned, did those
- 4 appear to occur contemporaneous with the depressed skull
- 5 fracture?
- 6 A. Based upon the information in the photographs, yes,
- 7 they did.
- 8 Q. If you would, please hand it to me so I can show
- 9 Judge Jansen a photo that reflects the depressed skull
- 10 fracture of Mr. Siegel. If you would just hand those
- 11 directly to Judge Jansen.
- 12 A. Of course.
- 13 Q. Your Honor, I'm going to hand to you what has been
- 14 marked as State's Exhibits 21 and 23. These are photographs
- 15 of Mr. Siegel's head after the scalp has been reflected, and
- 16 they show the extensive nature of the skull fracture.
- 17 THE COURT: That's it right there?
- 18 THE WITNESS: You can see there are, in fact,
- 19 large portions of the skull pushed down and the bone is
- 20 actually fractured and broken in that area.
- 21 THE COURT: I see. Okay.
- 22 BY MR. DASKAS:
- 23 Q. Dr. Olson, do you have an opinion about what would
- 24 have caused that type of injury?
- 25 A. That type of injury is consistent with a blow from

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- 1 a blunt object.
- 2 Q. There's been testimony elicited during this
- 3 preliminary hearing that a 25-pound dumbbell was found at the
- 4 murder scene of Wallace Siegel. Is this injury, that is, the
- 5 depressed skull fracture, consistent with having been caused
- 6 by a 25 pound dumbbell?
- 7 A. In my opinion, it could have been caused by such an
- 8 object.
- 9 Q. You mentioned other injuries including, for
- 10 example, an injury to the victim's fourth finger?
- 11 A. Yes, that's correct.
- 12 Q. Do you have an opinion about what could have caused
- 13 that injury?
- 14 A. The injury depicted in the photograph appears to be
- 15 a tear in the skin. Dr. Green actually describes it as a
- 16 laceration.
- 17 MR. COFFEE: Objection, hearsay.
- 18 BY MR. DASKAS:
- 19 Q. It's not offered for the truth of the matter
- 20 asserted. I will ask, Dr. Olson, in the photographs you
- 21 reviewed, how would you describe the injury to the fourth
- 22 finger?
- 23 A. In my opinion, based upon looking at the
- 24 photograph, it appears to be an incised or cut-type injury
- 25 rather than a tear in the skin.

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- 1 Q. Did you see any other injuries or similar injuries
- 2 on Wallace Siegel in the photographs that you observed?
- 3 A. Yes, there was another injury again on the left
- 4 fourth finger. I believe it was not the palmar side but the
- 5 back of the hand. It was, in fact, an incised or cut-type
- 6 injury as well.
- 7 Q. Is there a photograph there in front of you that
- 8 depicts the injuries that you just described?
- 9 A. I believe there is. Yes, there is.
- 10 Q. Please show that to the Court, those photos that
- 11 depict that injury.
- 12 A. The exhibits in question are State's 25 and 26.
- 13 Number 25 shows the back of Mr. Siegel's head -- sorry, his
- 14 left hand. Near the knuckle of his left fourth finger is an
- 15 incised or cut-type injury, and on the side of his left
- 16 fourth finger is another injury which appears to be a cut.
- 17 THE COURT: Yes.
- 18 BY MR. DASKAS:
- 19 Q. Earlier you mentioned the depressed skull fracture
- 20 was caused by blunt force trauma. What is your opinion about
- 21 what caused these two injuries in the photographs you showed
- 22 the Court?
- 23 A. Based upon the appearance of the injuries, the
- 24 instrument that caused them in my opinion would have been
- 25 something with an edge to it that could actually cut you

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1 instead of tear the skin.

2 Q. Would you categorize the two injuries that you

3 described on the hand or hands as defensive wounds?

4 A. They could be considered as such, yes.

5 Q. Understanding that you haven't outlined every

6 individual injury, what is your opinion regarding the cause

7 of death of Wallace Siegel?

8 A. Based upon my review of the photographs, I would

9 term his cause of death as blunt force head trauma.

10 Q. That would include the depressed skull that you

11 mentioned earlier?

12 A. Yes, it would.

13 Q. That is based on the photos that you observed and

14 injuries that you saw regarding the manner of death of

15 Wallace Siegel?

16 A. Yes.

17 Q. What is that opinion?

18 A. The manner of death is homicide.

19 Q. There is a second set of photographs in front of

20 you of 86-year-old Helen Sabraw, and those have been marked

21 and admitted as Exhibits 48 through 58. Have you previously

22 seen that set of photographs?

23 A. Yes, I have.

24 Q. At the request of the state, did you review those

25 photographs as well as an autopsy report prepared by

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1 DASKAS: Let me rephrase the question.

2 THE COURT: Go ahead. Rephrase it.

3 BY MR. DASKAS:

4 Q. Dr. Olson, was there evidence of trauma to Helen

5 Sabraw's rectum?

6 A. As described in the Dr. Green's report, yes.

7 MR. COFFEE: Objection to --

8 THE COURT: It's hearsay --

9 MR. COFFEE: -- what is described in Dr. Green's

10 report.

11 BY MR. DASKAS:

12 Q. Did you review any photographs which depicted

13 trauma to Helen Sabraw's rectum?

14 A. No.

15 Q. Back to you mentioned stab injuries, how many

16 different stab injuries did you observe on Helen Sabraw's

17 body in those photographs?

18 A. Sorry, I didn't total it up.

19 Q. Let me ask you this: Multiple stab injuries?

20 A. Yes.

21 Q. Where on her body in general were those stab

22 injuries located?

23 A. They were generally on the front side of her body

24 primarily concentrated about her head and face, on the left

25 side of her chest, the left side of her back towards the side

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1 Dr. Green in anticipation of your testimony?

2 A. Yes, I did.

3 Q. Based on your observations of the photos, what

4 significant external injuries -- let me ask you, what were

5 the significant injuries to Helen Sabraw?

6 A. She has multiple stab wounds which involve her

7 face, her neck and the front and back of her torso.

8 Q. Other than the stab injuries, let me focus on

9 another aspect of the autopsy and photos for a moment. Was

10 there any evidence to suggest to you that she had been

11 sexually assaulted?

12 MR. COFFEE: Objection. That is outside her

13 scope of her expertise.

14 THE COURT: I don't know how she would determine

15 that without having her physically examined --

16 MR. DASKAS: Let me ask precise questions.

17 THE COURT: -- of the body. If she physically

18 examined the body herself, I think she can answer that. I

19 don't see how she can determine that from pictures, and of

20 course, then can't testify to what the other reports are.

21 MR. DASKAS: Let me ask you about the photos --

22 MR. COFFEE: That is outside the scope of her

23 expertise. She is not a sexual assault expert.

24 THE COURT: It may or may not be. Whether or not

25 she had done so in the past, if she can determine.

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1 of her body. She also had some stab injuries or sharp force

2 injuries on her arms and hands.

3 Q. The injuries to Helen Sabraw's arms and hands,

4 would you characterize those as defensive wounds?

5 A. Yes.

6 Q. There's been testimony elicited in the preliminary

7 hearing that two knives were recovered at the murder scene of

8 Helen Sabraw. Would knives be consistent with having

9 inflicted the injuries you described as stab wounds to Helen

10 Sabraw?

11 A. Yes.

12 Q. Other than the stab injuries that you described,

13 were there any other significant findings that you made based

14 on the photographs you observed?

15 A. Well, in addition to the stab injuries, the sharp

16 force injuries, she did have bruising around her face and

17 scattered about her body.

18 Q. Did those appear to be, based on your observations,

19 contemporaneous with each other and the stab wounds?

20 A. Yes.

21 Q. And did you reach an opinion, based on your

22 observations of the photographs, regarding the cause of death

23 of Helen Sabraw?

24 A. Yes.

25 Q. What was that opinion?

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- 1 A. That she died as a result of multiple sharp force  
2 injuries.  
3 Q. Did you reach an opinion regarding manner of death  
4 of Helen Sabraw?  
5 A. Yes.  
6 Q. What is that opinion?  
7 A. The manner of death is homicide in my opinion.  
8 MR. DASKAS: Thank you.

## CROSS-EXAMINATION

12 BY MR. COFFEE:

- 13 Q. How were you able to eliminate heart attack, for  
14 example?  
15 A. Based upon Dr. Green's internal description of her  
16 injuries, one of the stab wounds actually penetrated her  
17 heart and another went into one of her pulmonary arteries.  
18 Q. Let me rephrase. Looking at the pictures, not  
19 relying on Dr. Green's report, are you able to eliminate  
20 heart attack as a cause of death, for example?  
21 A. In my opinion, based upon the number of stab  
22 wounds, I don't think that a natural cause of death is  
23 consistent with her injuries.  
24 Q. Let's see if I can characterize it. More likely  
25 than not the result of stab wounds, in fact highly likely the

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- 1 Q. Some of the times -- you have done a number of  
2 autopsies at this point?  
3 A. Yes, I have.  
4 Q. You've looked at a number of incised wounds or stab  
5 wounds?  
6 A. Yes.  
7 Q. Some close examination might reveal, for example,  
8 whether a blade with a serrated edge was used?  
9 A. Sometimes that's true, yes.  
10 Q. Those sort of things, though, might be something  
11 you need to actually examine a body for, which might not be  
12 noticed or apparent in a photograph; is that a fair  
13 characterization?  
14 A. Sometimes you can see changes in a photograph that  
15 indicate that a serrated edge was used. Other times the  
16 changes might be very subtle and might not be best depicted  
17 in that photograph.  
18 Q. You would agree with me the best case scenario  
19 would be for you to be able to perform an autopsy yourself,  
20 look at the body yourself?  
21 A. Generally, yes.  
22 Q. Photographs can provide a lot of background for  
23 you, but there might be things they didn't take a picture of  
24 that you would want to see, if you are doing the autopsy, for  
25 example?

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- 1 result of stab wounds, but without having actually your hands  
2 on the body, other than relying on Dr. Green's report, you  
3 can't eliminate a number of potential natural causes; is that  
4 fair to say?  
5 A. Phrased like that, yes.  
6 Q. What you were able to observe were primarily  
7 photographs of the exterior of the two bodies?  
8 A. With the exception of Mr. Siegel, who had  
9 photographs of the inside of his head and brain, yes.  
10 Q. The head had been peeled back to show the depressed  
11 skull fracture?  
12 A. Yes.  
13 Q. Or scalp, I should say. The injury to the hand,  
14 you said, appeared to be a cut or incision of some sort?  
15 A. Are you referring to Sabraw or Siegel?  
16 Q. No. To Mr. Siegel.  
17 A. Yes.  
18 Q. You said there was cut wounds caused by a straight  
19 edge of something most likely on the hand?  
20 A. I believe I described it as an instrument with a  
21 sharp edge or sharp portion.  
22 Q. A knife might fit then?  
23 A. Yes, it could.  
24 Q. Is it necessarily a knife?  
25 A. Not necessarily, no.

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- 1 A. Possible, yes.  
2 Q. There might be details concerning wounds and things  
3 like that that might give you additional clues, like a  
4 serrated-edged weapon was used, if you had your hands on the  
5 actual autopsy?  
6 A. Possibly.  
7 Q. You said straight edge, not necessarily knife. Do  
8 you have other examples what might have caused the wounds?  
9 A. Generally, cuts can be inflicted by anything, paper  
10 cuts can obviously produce cuts in the skin, box cutters,  
11 broken glass can do it, ceramics potentially. There are a  
12 number of instruments that you can produce cuts on the skin.  
13 Q. How about the edge of a table?  
14 A. I think it would depend on the specific edge that  
15 was used.  
16 Q. For example, a cut to the scalp might be caused if  
17 somebody fell against a hard edge of a table or surface like  
18 you are testifying, from an edge?  
19 A. Possibly.  
20 Q. The location of these on the hand, there is soft  
21 tissue around where they are at, and unlikely it was caused  
22 in a fall, for example, because of that, right?  
23 A. In my opinion that's correct, yes.  
24 Q. Is it possible a pinching sort of injury or other  
25 mechanism besides a knife or box cutter could cause injury to

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1 the hand?  
 2 A. Pinching?  
 3 Q. Here's what I'm thinking. Pinching. You saw a  
 4 picture of a 25-pound dumbbell, right?  
 5 A. Actually, I didn't see a picture of 25-pound  
 6 dumbbell.  
 7 Q. I'm sorry. Do you have the photo?  
 8  
 9 (Off-the-record discussion  
 10 held between counsel.)  
 11  
 12 THE COURT: Sure.  
 13 MR. COFFEE: Permission to approach?  
 14 THE COURT: Sure.  
 15 BY MR. COFFEE:  
 16 Q. Showing you a picture of what's been marked and  
 17 admitted as State's Exhibit 7. Do you see the dumbbell I'm  
 18 referring to?  
 19 A. Yes, I do.  
 20 Q. The dumbbell has some edges around it. It's not a  
 21 round dumbbell. The head of the dumbbell is octagonal, is  
 22 that what it appears to be?  
 23 A. Yes.  
 24 Q. You can't tell from the picture if there's sharp  
 25 edges on the dumbbell?

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1 A. No, I can't.  
 2 Q. Would the sharp edges of the dumbbell cause the  
 3 sorts of cuts we're talking about the hand?  
 4 A. I suppose if it were sharp enough.  
 5 Q. Again, without looking at the wounds, anything from  
 6 a butter knife to a box cutter to we don't know what caused  
 7 it for certain?  
 8 A. I think, based upon what I saw in the photographs,  
 9 a butter knife is unlikely.  
 10 Q. Sharper more likely than not?  
 11 A. Yes.  
 12 Q. A serrated steak knife, sword, box cutter, we could  
 13 list a whole number of possibilities?  
 14 A. There are a number of possibilities, yes.  
 15 MR. COFFEE: Thank you for your time, Doctor.  
 16 MR. DASKAS: Nothing else, Your Honor.  
 17 THE COURT: Dr. Olson, thank you very much for  
 18 coming. Always a pleasure.  
 19 THE WITNESS: Thank you.  
 20  
 21 (The witness exited the courtroom.)  
 22  
 23 THE COURT: All right.  
 24 MR. DASKAS: Your Honor, with the exception of  
 25 ensuring that we moved to admit all marked exhibits, we

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1 would be prepared to rest.  
 2 THE COURT: All the exhibits have been admitted.  
 3 MR. COFFEE: Yes.  
 4 THE COURT: All through stipulation.  
 5  
 6 (State's Exhibits 29 through 47  
 7 were admitted into evidence.)  
 8  
 9  
 10 MR. DASKAS: With that, Judge, the State would  
 11 rest.  
 12 THE COURT: Mr. Coffee?  
 13 MR. COFFEE: Judge, I advised Mr. Ramos of his  
 14 right to testify today. He's not going to exercise that  
 15 right. The defense would rest, also.  
 16 THE COURT: No witnesses.  
 17 MR. COFFEE: No witnesses.  
 18 THE COURT: Any arguments?  
 19 MR. DASKAS: Judge, I wanted to raise some  
 20 additional points regarding that statute of limitations  
 21 issue.  
 22 THE COURT: Wait a minute. Before going into  
 23 that, there's no indication of any sexual assault or any  
 24 penetration.  
 25 MR. DASKAS: Well, Judge --

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1 THE COURT: Wait a minute. Where was it?  
 2 MR. DASKAS: Through Detective Vaccaro.  
 3 THE COURT: He's not an expert.  
 4 MR. DASKAS: Doesn't have to be an expert.  
 5 THE COURT: No, I'm not going to buy that.  
 6 MR. DASKAS: Can I make the argument?  
 7 THE COURT: Sure.  
 8 MR. DASKAS: What Detective Vaccaro testified to,  
 9 as depicted in the photographs, that the victim, Helen  
 10 Sabraw, who by the way was 86 years old, was found on the  
 11 floor of her apartment; that her nightgown was pulled up  
 12 above her breasts; that she had no other clothing; that  
 13 significantly her underpants were found on the floor under  
 14 her head and her a bra was found somewhere else on the  
 15 floor near her body; that there was fecal matter running  
 16 down her leg; and that he she was stabbed to death. That  
 17 is clearly evidence of sexual assault.  
 18 Both the force used to incapacity her, as crude as  
 19 it sounds, the fecal matter running out of her body would  
 20 suggest something penetrated her anal cavity, overwhelming  
 21 evidence of assault.  
 22 This Court is permitted to apply common sense in  
 23 assessing the evidence. I think common sense absolutely  
 24 tells us that she was sexually assaulted. The other thing is  
 25 there was evidence that nothing was taken from her or her

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1 apartment.

2           So what's the motive? Well, the motive is  
3 consistent with Detective Vaccaro's testimony, which is  
4 sexual assault, that a perpetrator was inside her apartment.

5           The other significant thing, there are two t-shirts  
6 found inside her apartment, one of which has D.N.A. of the  
7 defendant Gustavo Ramos. At some point he partially  
8 undressed himself having committed sexual assault.

9           Putting all those things together in totality and  
10 the detective's testimony, certainly there is evidence to  
11 support that charge.

12           THE COURT: I disagree.

13           MR. COFFEE: I can make arguments about it.

14           THE COURT: I'll tell you another thing, too,  
15 when a person dies, body fluids extend from the body. That  
16 is known. I have been through autopsies and what have you  
17 before. When a person is murdered, automatically fluids  
18 from the body are ejected from the body.

19           MR. COFFEE: I was going to make that point,  
20 Judge.

21           THE COURT: To me, there is no evidence other  
22 than guessing. There is no substantial evidence, physical  
23 evidence, that shows that. I'm not saying there wasn't,  
24 but to this Court there has been no proof of any type of  
25 sexual assault penetration. So those two charges will be

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1 murder with the use of a deadly weapon, victim the age of  
2 65 years of age or older count II, open murder with use of  
3 a deadly weapon, victim 65 years of age or older, and there  
4 is reasonable grounds to believe the defendant, Gustavo  
5 Ramos, committed those crimes, I hereby order said  
6 defendant to be held to answer said charges in the Eighth  
7 Judicial District Court, State of Nevada, County of Clark.

8           THE CLERK: January 3rd at 9:00 a.m. lower level  
9 Courtroom A.

10           MR. DASKAS: Thank you, Judge.

11

12

13

14

15           ATTEST: FULL, TRUE AND ACCURATE TO THE BEST  
16 OF MY ABILITY, EXPERIENCE AND KNOWLEDGE.

17   
18 DIANA M. GREEN, C.C.R. No. 264

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DIANA M. GREEN, CCR 264 (702) 671-3385

1 dismissed.

2           MS. WECKERLY: In this case, the fecal matter is  
3 on a different part of the carpet than the body.

4           THE COURT: It doesn't make any difference.

5           MS. WECKERLY: It comes out of her after death,  
6 if she's not in the same position.

7           MR. COFFEE: Also we have the coroner saying,  
8 from looking at the photographs, there is nothing in the  
9 photograph showing trauma.

10           MR. DASKAS: That is absolutely untrue. She said  
11 she didn't have a photograph to depict, which is different  
12 from saying --

13           THE COURT: I'm saying, for the purpose of this  
14 hearing, it was not shown or proven or established that  
15 there was sexual assault, penetration. Those two charges  
16 are dismissed.

17           MR. DASKAS: Submit it on the other charges.

18           MR. COFFEE: Our objection stands on the statute  
19 of limitations.

20           THE COURT: I will have to rule on that.

21           MR. COFFEE: If it's dismissed, it's moot at this  
22 point.

23           THE COURT: Therefore, it appearing to me from  
24 the Complaint on file herein that crimes were committed, in  
25 Case No. 10F19783X, and those are the crimes in Count 1 of

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**YANEZ** [1] 1/21  
**Yeah** [4] 76/21 78/2 78/5 104/5  
**year** [6] 12/12 14/5 34/9 107/7 107/9  
 113/20  
**years** [34] 5/21 6/12 6/22 6/23 7/9 8/4  
 17/6 17/7 28/5 29/10 29/12 29/14 29/20  
 29/21 30/8 30/9 41/3 43/19 57/5 57/7  
 57/18 57/21 59/16 59/17 70/21 76/8 94/14  
 101/5 101/5 102/8 104/18 124/10 127/2  
 127/3  
**yes** [281]  
**yesterday** [1] 7/17  
**yet** [1] 100/11  
**you** [577]  
**you'd** [4] 32/21 52/11 52/15 73/21  
**You're** [2] 71/4 78/8  
**you've** [3] 13/6 27/23 119/4  
**your** [122]

yourself [4] 60/13 83/24 119/19 119/20  
 yourselves [1] 4/25

  
CLERK OF THE COURT

**INFO**  
DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
ROBERT J. DASKAS  
Chief Deputy District Attorney  
Nevada Bar #004963  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

I.A. 1/12/11  
9 A.M.  
P.D.

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GUSTAVO RAMOS,  
#1516662

Defendant.

Case No: C-10-269839  
Dept No: VII

I N F O R M A T I O N

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

DAVID ROGER, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That GUSTAVO RAMOS, the Defendant(s) above named, having committed the crimes of MURDER WITH USE OF A DEADLY WEAPON, VICTIM 65 YEARS OF AGE OR OLDER (Felony - NRS 200.010, 200.030, 193.165, 193.167), on or between May 15, 1998 and May 16, 1998, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 – OPEN MURDER WITH USE OF A DEADLY WEAPON VICTIM 65 YEARS OF AGE OR OLDER

did then and there willfully, feloniously, without authority of law, and with malice

aforethought, kill WALLACE SIEGEL, a human being, the victim being 65 years of age or older, by striking the head of said WALLACE SIEGEL with a deadly weapon, to-wit: a dumbbell weight and/or unknown heavy blunt object, the actions of Defendant resulting in the death of said WALLACE SIEGEL, said killing having been (1) willful, deliberate and premeditated; and/or (2) committed during the perpetration or attempted perpetration of burglary and/or robbery.

COUNT 2 - OPEN MURDER WITH USE OF A DEADLY WEAPON 65 YEARS OF AGE OR OLDER

did then and there willfully, feloniously, without authority of law, and with malice aforethought, kill HELEN SABRAW, a human being, the victim being 65 years of age or older, by stabbing at and into the body of said HELEN SABRAW with a deadly weapon, to-wit: a knife, the actions of Defendant resulting in the death of said HELEN SABRAW, said killing having been (1) willful, deliberate and premeditated; and/or (2) committed during the perpetration or attempted perpetration of burglary and/or robbery and/or sexual assault.

BY

Kenneth Rosen

DAVID ROGER  
DISTRICT ATTORNEY  
Nevada Bar #002781

Names of witnesses known to the District Attorney's Office at the time of filing this Information are as follows:

NAME

## ADDRESS

ALBY, ROCKY

LVMPD P#1810

ATKIN, MICHAEL

LVMPD P#5409

BENOIT, LEANITTIA

LVMPD P#6784

BRAGG, ALMEDIA

LVMPD P#4150



1	BRANDON, JACK	LVMPD P#3419
2	CHANDLER, ROY	LVMPD P#712
3	COLEMAN, LUCY	4255 SPENCER, LVN
4	COLEMAN, THOMAS	4255 SPENCER, LVN
5	CRAIG, MICHAEL	LVMPD P#5585
6	CUSTODIAN OF RECORDS	CCDC
7	CUSTODIAN OF RECORDS	CCFD, 575 E. FLAMINGO RD., LVN
8	CUSTODIAN OF RECORDS	LVMPD – DISPATCH
9	CUSTODIAN OF RECORDS	LVMPD RECORDS
10	FLYNN, DENNIS	LVMPD P#3028
11	FOX, STEPHANIE	LVMPD P#5712
12	GARLEY, THOMAS	UNKNOWN ADDRESS
13	GONZALES, FNU	CCFD/575 E. FLAMINGO RD., LVN
14	HALL, RICHARD	LVMPD P#6756
15	HERIFORD, R.	CCME, 1704 PINTO LN., LVN
16	JOHNSON, DAVID	LVMPD P#9933
17	JOHNSON, THOMAS	LVMPD P#3171
18	JOSEPH, MARC	LVMPD P#3383
19	KYGER, TERESA	LVMPD P#4191
20	LAUER, DEAN	LVMPD P#5613
21	LEMASTER, DEAN	LVMPD P#4243
22	MANNING, KEVIN	LVMPD P#2434
23	MARSCHNER, JULIE	LVMPD P#8806
24	MIKOLAINIS, J.	LVMPD P#1511
25	NEVIN, KATHLEEN	LVMPD P#900
26	OLSON, ALANE	CCME, 1704 PINTO LN., LVN
27	PARKS, PEGGY	c/o CCDA/VWAC, 200 LEWIS, LVN
28	PETERSEN, WAYNE	LVMPD P#1913

1	PORTER, R.	CCFD/575 E. FLAMINGO RD., LVN
2	RAETZ, DEAN	LVMPD P#4234
3	RAMOS, PHILLIP	LVMPD P#799
4	REED, GARY	LVMPD P#3731
5	REEDER, ROBERT	4800 E. TROPICANA, LVN
6	SIEGEL, JACK	c/o CCDA/VWAC, 200 LEWIS AVE., LVN
7	SPRAGUE, FNU	CCFD/575 E. FLAMINGO RD., LVN
8	SZUKIEWICZ, JOSEPH	LVMPD P#5411
9	THOMPSON, MICHAEL	LVMPD P#1988
10	VACCARO, JAMES	c/o CCDA/MVU, 200 Lewis Ave., LVN
11	WILSON, MICHAEL	LVMPD P#5319

12

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27 DA#10F19783X/dd-mvu  
28 LVMPD EV#101013-1210;  
980517-0848; 980516-0400  
(TK5)

ORIGINAL FILED

DISTRICT COURT

CLARK COUNTY, NEVADA

JAN 21 10 15 AM '11

*Ann L. Shuman*  
CLERK OF THE COURT

THE STATE OF NEVADA,

Plaintiff,

vs.

GUSTAVO RAMOS,

Defendant.

CASE NO. 269839-1

DEPT. VII

C-10-269839-1  
RTRAN  
Recorders Transcript of Hearing  
1178982



BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE

WEDNESDAY, JANUARY 12, 2011

**RECORDER'S TRANSCRIPT OF  
ARRAIGNMENT CONTINUED  
STATUS CHECK: TRIAL SETTING (MURDER)**

**APPEARANCES:**

For the State:

ROBERT J. DASKAS, ESQ.  
Chief Deputy District Attorney

For the Defendant:

SCOTT L. COFFEE, ESQ.  
Deputy Public Defender

Also present: Hector Vasquez-Mena

RECORDED BY: PATRICIA SLATTERY, COURT RECORDER

RECEIVED

JAN 21 2011

CLERK OF THE COURT

1 Wednesday, January 12, 2011 -- 8:49 a.m.

2  
3 THE COURT: Page 20, State of Nevada versus Gustavo Ramos,  
4 Case Number C269839-1. Let the record reflect the presence of Mr. Ramos  
5 in custody being assisted by the Court Interpreter. Could we get your name  
6 for the record, sir?

7 THE INTERPRETER: Hector Vasquez-Mena.

8 THE COURT: Thank you, sir.

9 MR. DASKAS: Good morning, Judge. Robert Daskas on behalf of the  
10 State.

11 THE COURT: Okay. And Mr. Ramos is represented by Mr. Coffee. So  
12 -- I don't have any information yet. Do you have one?

13 MR. DASKAS: Yes. Can I approach, Judge?

14 THE COURT: Yes, please. Thank you. Was this just sent up from  
15 Lower Level?

16 MR. COFFEE: Yes, Judge. We received a copy and read the  
17 Information.

18 THE COURT: Okay. Sir, what is your true name?

19 THE DEFENDANT: Gustavo Ramos-Martinez.

20 THE COURT: Okay. Sir, if that's not your true name, you must  
21 declare your true name to me or all of the proceedings in this action will be  
22 under the name set forth in the Information of Gustavo Ramos. Sir, are you  
23 okay with it being under just Ramos? That's fine?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. Sir, how old are you?

1 THE DEFENDANT: 31.

2 THE COURT: How far did you go in school?

3 THE DEFENDANT: Ninth grade.

4 THE COURT: And do you read, write and understand the Spanish  
5 language?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand any English?

8 THE INTERPRETER: I'm sorry, I didn't hear you, Your Honor.

9 THE COURT: Do you understand any English, sir?

10 THE DEFENDANT: A little bit.

11 THE COURT: Okay. And you're being assisted here today with the  
12 Spanish interpreter?

13 THE DEFENDANT: Yes.

14 THE COURT: Sir, do you have a copy of the Information charging with  
15 murder with use of a deadly weapon, victim 65 years of age or older?

16 THE DEFENDANT: Yes.

17 THE COURT: There's actually two counts,

18 THE DEFENDANT: My attorney has it.

19 THE COURT: Okay. Was that read to you by the Interpreter?

20 MR. COFFEE: No, we haven't had the Interpreter read it to him. I've  
21 discussed the charges with him. He's well aware --

22 THE COURT: Okay. Your attorney discussed the charges in the  
23 Information with you and the Interpreter?

24 THE DEFENDANT: Yes.

25 THE COURT: Okay. And we'll waive the formal reading of the

1 Information. Sir, you understand the nature of the charges in the Information?

2 THE DEFENDANT: Yes.

3 THE COURT: And you've discussed that with your attorney?

4 THE DEFENDANT: Yes.

5 THE COURT: As to the charge set -- charges set forth in the  
6 Information, which is Count 1, open murder with use of a deadly weapon,  
7 victim 65 years of age or older, and Count 2 is the same charge -- or another  
8 charge of open murder with use of a deadly weapon, 65 years of age or older,  
9 how do you plead, guilty or not guilty?

10 THE DEFENDANT: Not guilty.

11 THE COURT: Sir, you have a right to a trial within 60 days. Would  
12 you like to have your trial within 60 days or waive that right?

13 MR. COFFEE: Waive?

14 THE DEFENDANT: I waive it. Sure.

15 THE COURT: Set a -- do we have a -- have you talked about dates?

16 MR. DASKAS: Judge, I can tell you, and Mr. Coffee is aware of this,  
17 we presented this case to the Death Penalty Committee. The case was  
18 approved for death. So in the next couple weeks --

19 THE COURT: Okay.

20 MR. DASKAS: -- we'll be filing a notice of intent to seek death penalty  
21 against Mr. Ramos-Martinez.

22 MR. COFFEE: I have read that in the paper, Judge, and Mr. Daskas  
23 informed me as much this morning. With that in mind, and I know there's  
24 some more testing, Mr. Daskas has told me the State is going to sit down  
25 with detectives and get (indiscernible). This is a cold case from ten plus years

1 ago. The witnesses, some are gone, but I don't think there's a witness issue,  
2 but -- as far as anybody critical going away in a short period of time. With  
3 that in mind, given the fact that he was born in Mexico and we have to do a  
4 mitigation case and investigation that's going to take part in (indiscernible) --

5 THE COURT: August or October, Mr. Coffee.

6 MR. COFFEE: It was set 2012. Judge, realistically, I don't think  
7 there's any way we can be ready before that, and I'd like to try and make the  
8 trial date. I hate to just set something that we might not make. I expect we'll  
9 be in court on this on a number of other issues before then, but, realistically,  
10 as far as --

11 THE COURT: I don't even have my schedule for -- I mean, our ordinary  
12 course setting, Mr. Coffee, is March, so --

13 MR. COFFEE: I understand.

14 THE COURT: Why don't -- it just makes me a little uncomfortable to  
15 set something so far out, and I know -- I mean, not that -- you know, I know  
16 it's not going to slip through the cracks or anything, but perhaps we can put it  
17 on November 7<sup>th</sup>, which is the last week I have of the schedule here, and then  
18 we'll see how things are going at that point.

19 MR. COFFEE: That will be fine.

20 MR. DASKAS: Whatever the Court's pleasure, Judge.

21 THE COURT: Obviously, if you need additional time, I will be happy to  
22 give that to you as long as you file a motion in writing and -- but I --

23 MR. COFFEE: And we will do that. I just didn't want to come in and  
24 tell the Court I'll be ready for a date when I don't expect to be ready.

25 THE COURT: I understand. And on these cases, I usually anticipate

1 it's going to take a little while, but at least then we can see how things are  
2 going at that point.

3 MR. DASKAS: That's fine.

4 MR. COFFEE: That will be fine.

5 THE COURT: Is that the -- for everybody at this point?

6 MR. COFFEE: Yes.

7 MR. DASKAS; It's the same as any other date at this point, Judge, so  
8 that's fine.

9 THE COURT: Okay.

10 THE CLERK: November 7<sup>th</sup>?

11 THE COURT: November 7<sup>th</sup>.

12 [Court and Clerk confer]

13 THE COURT: We're courtroom sharing, so if we set the trial on a  
14 Monday at 9:30, which doesn't -- we all know doesn't really mean anything.  
15 They're having some issue with that because technically I don't have this  
16 courtroom available between 8:00 and 9:00 on Monday, but --

17 MR. COFFEE: I understand.

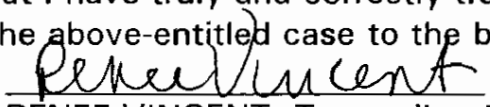
18 THE CLERK: November 7, 9:30 a.m. for jury trial; calendar call,  
19 November 2, at 8:45.

20 MR. COFFEE: Thank you, Judge.

21 MR. DASKAS: Thank you, Judge.

22 [Proceeding concluded at 8:56 a.m.]

23  
24 ATTEST: I hereby certify that I have truly and correctly transcribed the  
25 audio/video proceedings in the above-entitled case to the best of my ability.

  
RENEE VINCENT, Transcriber DC-VII



  
CLERK OF THE COURT

**NISD**  
DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
PAMELA WECKERLY  
Chief Deputy District Attorney  
Nevada Bar #006163  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2211  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

GUSTAVO RAMOS,  
#1516662

Defendant.

CASE NO: C-10-269839

DEPT NO: VII

**NOTICE OF INTENT TO SEEK DEATH PENALTY**

COMES NOW, the State of Nevada, through DAVID ROGER, Clark County District Attorney, by and through PAMELA WECKERLY, Chief Deputy District Attorney, pursuant to NRS 175.552 and NRS 200.033 and declares its intention to seek the death penalty at a penalty hearing. Furthermore, the State of Nevada discloses that it will present evidence of the following aggravating circumstances:

1. The murder was committed by a person who has been convicted of a felony involving violence. (NRS 200.033 (2)). In case number C151842, on July 13, 1998, Defendant Ramos pled guilty to Assault with Use of a Deadly Weapon, in Department XIV. He was sentenced to 12 to 48 months, suspended and placed on 5 years probation. The charged stemmed from the Defendant beating his then-girlfriend, Yolanda Guzman, with a metal folding chair on June 13, 1998. On or about May 9, 2006, the court revoked Defendant's probation and the 12 to 48 month sentence was imposed. The underlying facts of the case indicate that this incident clearly involved violence as Defendant Ramos beat

1 Guzman with a chair. Moreover, the plea to Assault With a Deadly Weapon is a plea to a  
2 crime of violence as the crime of Assault inherently involves the use or threat of violence.

3 2. The murder was committed while the person was engaged in the commission  
4 of a robbery and the person charged killed the person murdered. (NRS 200.033 (4)). To  
5 establish this aggravating circumstance, the State will rely on the fact that the murder of  
6 victim Wallace Siegel was not only willful, deliberate and premeditated, but also involved a  
7 robbery or an attempt to rob. On May 16, 1998, at 4255 South Spencer, Room 120, Wallace  
8 Siegel was found by his son. Wallace Siegel had been beaten to death. Wallace Siegel was  
9 found sitting slumped over in a chair. Below his knee was an empty money clip. The  
10 evidence at the scene indicated that the motive for the murder appeared to be robbery.

11 3. The person subjected the victim to nonconsensual sexual penetration  
12 immediately before, during, or immediately after the commission of the murder. (NRS  
13 200.033 (13)). To establish this aggravating circumstance, the State will present the  
14 testimony of a medical examiner who will state that victim Helen Sabraw sustained injuries  
15 to her anal and/or vaginal area or introitus which were consistent with having suffered a  
16 sexual assault at or near the time of death. The autopsy report notes an injury to the thighs,  
17 pelvic bone and/or hip bone(s). In addition, there are noted lacerations to the anal verge in  
18 two locations as well as a generalized contusion in the area. Moreover, there is some  
19 contusion to the introitus. This aggravating circumstance will also be proven with  
20 photographic evidence. The State will rely on the fact that Ms. Sabraw was found lying on  
21 the floor of her residence wearing only a nightgown. The nightgown was pulled up,  
22 exposing Ms. Sabraw's breasts. Ms. Sabraw's underwear was found underneath her head  
23 with apparent blood. In addition, on the carpet on the residence, away from Ms. Sabraw's  
24 body was the presence of biological material or fecal matter. Biological or fecal matter also  
25 appeared to be issuing from Ms. Sabraw's anal cavity at a different location on the carpet.  
26 Moreover, Ms. Sabraw clearly had suffered extensive injuries, including head and upper  
27 torso trauma. Finally, a shirt belonging to the perpetrator was left at the scene, further  
28 evidence that this crime was sexual in nature.

4. The defendant has, in the immediate proceeding, been convicted of more than one offense of murder in the first or second degree. (NRS 200.033(12)). To establish this aggravating circumstance, the State will rely on the guilty verdict in the instant case for the murder of Wallace Siegel and Helen Sabraw. At the time of the penalty hearing, the defendant will have been convicted of two murders in the same proceeding.

DATED this 24<sup>th</sup> day of January, 2011.

Respectfully submitted,

DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781

BY /s/PAMELA WECKERLY  
PAMELA WECKERLY  
Chief Deputy District Attorney  
Nevada Bar #006163

# CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing, was made this 24th day of January, 2011, by Electronic Filing to:

Clark County Public Defender's Office  
email: [pdclerk@co.clark.nv.us](mailto:pdclerk@co.clark.nv.us)  
Attn: Scott Coffee, Dep. PD

/s/Deana Daniels  
Secretary for the District Attorney's  
Office

  
CLERK OF THE COURT

**MOT**  
DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
ROBERT J. DASKAS  
Chief Deputy District Attorney  
Nevada Bar #004963  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2211  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)		
	)	Case No.	C-10-269839
Plaintiff,	)		
	)	Dept No.	VII
-vs-	)		
	)		
GUSTAVO RAMOS	)		
#1516662	)		
	)		
Defendant.	)		

**NOTICE OF MOTION AND MOTION FOR LEAVE TO  
FILE INFORMATION BY AFFIDAVIT**

DATE OF HEARING: February 9, 2011

TIME OF HEARING: ~~9:00~~a.m. 8:45 AM

COMES NOW, the State of Nevada, by DAVID ROGER, District Attorney, through ROBERT J. DASKAS, Chief Deputy District Attorney, and files this Notice of Motion and Motion for Leave to File Information By Affidavit.

This Motion is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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1 PHT 59-60, 64. Unlike the Wallace Siegel crime scene, robbery was not the motive; rather,  
2 the motive for the murder of Helen Sabraw was sexual assault. *See* PHT 68-69. Nothing  
3 was missing from Helen's apartment. PHT 68-69. In fact, there was valuable jewelry on her  
4 hands. PHT 68-69. At preliminary hearing, Detective Vaccaro testified that, based on his  
5 observations and experience, Helen Sabraw had been sexually assaulted. PHT 68. This  
6 point was re-emphasized at preliminary hearing during the cross-examination of Detective  
7 Vaccaro when the defense attorney asked, "It's not *just* a sexual assault, obviously this is  
8 above and beyond." PHT 72. The detective agreed. PHT 72. The defense attorney also  
9 elicited during cross-examination that the motive for Helen Sabraw's murder was sexual  
10 assault. PHT 74. Detective Vaccaro's testimony at preliminary hearing was corroborated by  
11 his observations at the crime scene and autopsy. Helen Sabraw was found murdered on the  
12 floor of her apartment; she was wearing only a nightgown which was pulled up above her  
13 breasts. PHT 64-65. Her underwear was off and found on the floor under her head. PHT  
14 65, 68. There was fecal matter running down her leg. PHT 66-68. Her bra was off and  
15 found on the floor near her body. *See* PHT 64. A man's gray t-shirt and white 'muscle' shirt  
16 were found on the floor near Helen. PHT 65, 67. The shirts were particularly significant  
17 because they belonged to a man and Helen Sabraw lived alone. PHT 66. Helen had been  
18 stabbed numerous times on her head, face, upper torso, left thigh and left buttock. PHT 114.  
19 Two knives were found near her body - - one under her leg and one at the foot of her bed.  
20 PHT 66. An autopsy later revealed that Helen's cause of death was multiple sharp force  
21 injuries. PHT 117.

22 The murders of Wallace Siegel and Helen Sabraw remained "cold" for more than a  
23 decade. *See* PHT 70-71. On June 26, 2009, a request was submitted to the LVMPD  
24 Biology/DNA detail to determine if a profile could be obtained from either of the two shirts  
25 found at the Helen Sabraw murder scene. *See* PHT 95. Forensic Scientist Julie Marschner  
26 ultimately established a DNA profile from the gray t-shirt armpit cuttings which was  
27 consistent with a mixture of three (3) individuals, the major profile being male. PHT 97-98.  
28 Forensic Scientist Marschner concluded that the major profile was consistent with Gustavo

1 Ramos-Martinez, and the estimated frequency of the profile was rarer than 1 in 30 million.  
2 PHT 98.

3 A forensic request was then submitted to have the known prints of Gustavo Ramos-  
4 Martinez compared to the bloody patent print found on the Las Vegas Review Journal page  
5 from the Wallace Siegel murder scene. The bloody patent print was identified to the right  
6 palm of Gustavo Ramos-Martinez. PHT 48.

### 7 **PROCEDURAL HISTORY**

8 On December 16, 2010, a preliminary hearing was held before Justice of the Peace  
9 William Jansen in Case 10F19783X against Gustavo Ramos-Martinez on two counts of open  
10 murder with use of a deadly weapon victim 65 years of age older, one count of sexual assault  
11 with use of a deadly weapon victim 65 years of age or older, and one count of sexual-  
12 penetration-of-a-dead-human-body.<sup>2</sup> Seven witnesses were called at that proceeding on  
13 behalf of the State. Judge Jansen bound over defendant Ramos-Martinez on the murder  
14 counts; however, Judge Jansen stated he did not believe there was “**substantial evidence**” to  
15 hold defendant to answer to the remaining counts. PHT at 125. Judge Jansen further  
16 explained that it was not “**proven**” or “**established**” that there was sexual assault and  
17 penetration. PHT 126. Therefore, Judge Jansen dismissed the sexual assault and sexual-  
18 penetration-of-a-dead-human-body counts. PHT 126.

### 19 **DISCUSSION**

20 The justice of the peace articulated and applied the wrong standard at the preliminary  
21 hearing stage. At preliminary hearing, the State is not required to present “substantial  
22 evidence” of the charges, nor is the State required to “prove” or “establish” the charges.  
23 Rather, the finding of probable cause may be based on slight, even marginal, evidence  
24 because it does not involve a determination of the guilt or innocence of an accused. Sheriff  
25 v. Hodes, 96 Nev. 184, 186, 606 P.2d 178 (1980); see also Sheriff v. Shade, 109 Nev. 826,  
26 828, 858 P.2d 840 (1993); Sheriff v. Simpson, 109 Nev. 430, 435, 851 P.2d 428 (1993);  
27  
28

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<sup>2</sup> The State was precluded from filing burglary and robbery charges based upon statutes of limitation.

1 Sheriff v. Crockett , 102 Nev. 359, 361, 724 P.2d 203 (1986). Thus, the evidence need not  
2 be sufficient to support a conviction. Sheriff v. Kinsey, 87 Nev. 361, 363, 487 P.2d 340  
3 (1971). The State is required to present only enough evidence to support a reasonable  
4 inference that the accused committed the offense. Id. at 363.

5 The State respectfully calls upon this Court to apply the proper standard and reinstate  
6 the sexual assault and sexual-penetration-of-a-dead-human-body charges against defendant  
7 Ramos-Martinez. If not remedied, the mistake committed by the justice of the peace will  
8 result in a miscarriage of justice; namely, a jury will not be permitted to determine if  
9 Gustavo Ramos-Martinez should be held accountable for sodomizing an 86-year-old victim.  
10 The Nevada State Legislature enacted a statute which provides the State - - and this Court - -  
11 with an avenue to correct this mistake. NRS 173.035 §2<sup>3</sup> provides that an Information may  
12 be filed by affidavit in certain circumstances.

13 If, however, upon the preliminary examination the accused has  
14 been discharged \* \* \* the district attorney may, upon affidavit of  
15 any person who has knowledge of the commission of an offense,  
16 and who is a competent witness to testify in the case, setting  
17 forth the offense and the name of the persons charged with the  
commission thereof, upon being furnished with the names of the  
witnesses for the prosecution, by leave of the court first had, file  
an information, and process must forthwith be issued thereon.

18 This statute is designed to provide a safety valve against an arbitrary or mistaken  
19 decision of the magistrate *in determining probable cause*. Ryan v. District Court, 88 Nev.  
20 638, 503 P.2d 842 (1972); Cranford v. Smart, 92 Nev. 89, 545 P.2d 1162 (1976). In other  
21 words, the statute was created to correct the precise mistake - - application of the wrong legal  
22 standard in determining probable cause - - made in the instant case.

23 Application of the proper “slight” or “marginal” evidence standard to the facts  
24 adduced at preliminary hearing mandates that Ramos-Martinez should have been bound over  
25

---

26  
27 <sup>3</sup> Within two days of the preliminary hearing, the State requested a copy of the preliminary hearing transcript. The  
28 State made repeated requests but did not receive the transcript until January 21, 2011. Therefore, the State is within the  
prescribed time frame for filing the instant Information by Affidavit. *See e.g., Berry v. Sheriff*, 93 Nev. 557 (1977).



1 on the sexual assault and sexual-penetration-of-a-dead-human-body counts. The State  
2 produced evidence that sexual assault was the motive for Helen Sabraw's murder. Nothing  
3 was missing from Helen's apartment. PHT 68-69. In fact, there was valuable jewelry on her  
4 hands. PHT 68-69. This point was re-emphasized by the defense during cross-examination  
5 of Detective Vaccaro. PHT 74. Helen Sabraw was found on the floor of her apartment; she  
6 was wearing only a nightgown which was pulled up above her exposed breasts. PHT 64-65.  
7 The underwear of this 86-year-old victim was off and found on the floor under her head.  
8 PHT 65, 68. Her underwear had been removed for a reason. She had been anally penetrated.  
9 This was corroborated by the fact that there was fecal matter running down her leg. PHT 66-  
10 68. One can infer from these facts that Helen Sabraw had been anally penetrated. PHT 66-  
11 68. Helen Sabraw's bra was off and found on the floor near her body. *See* PHT 65. A  
12 man's gray t-shirt and white 'muscle' shirt were found on the floor near Helen. PHT 65, 67.  
13 In other words, the intruder, later confirmed to be Gustavo Ramos-Martinez, undressed.  
14 Significantly, Detective Vaccaro testified - - unobjected to by the defense - - that, in his  
15 experience and based on his observations, Helen Sabraw had been sexually assaulted. PHT  
16 68. Again, this point was emphasized during the defense cross-examination when Detective  
17 Vaccaro agreed this was not *just* a sexual assault. PHT 71. All of this evidence - - the  
18 intruder getting undressed; the removal of the victim's bra; the removal of the victim's  
19 underwear; the victim's nightgown pulled up to expose her buttocks and breasts; the fecal  
20 matter running down her leg; the presence of valuables left on the victim and in the  
21 apartment - - leads to the inescapable conclusion that Helen Sabraw was anally penetrated.  
22 At a minimum, the State produced marginal evidence that Sabraw was anally penetrated.

23 An affidavit of a witness with knowledge of the crimes has been attached hereto as  
24 Exhibit 2. The facts stated therein are those adduced at the preliminary hearing.

25 ///

26 ///

27 ///

28 ///

1 **CONCLUSION**

2 The function of the justice court is not to attempt to negate or construct possible  
3 explanations for a defendant's conduct or the physical evidence in the case. Rather, the  
4 standard of proof to be applied is only slight or marginal evidence. Certainly, that standard  
5 was met by the State in the instant case regarding the sexual assault counts. The justice of  
6 the peace articulated and applied the wrong standard when he stated there was not  
7 "substantial evidence" to hold defendant to answer to the counts. Therefore, the State  
8 requests leave to file the original charges by Information with attached Affidavit.

9 DATED this 28th day of January, 2011.

10 DAVID ROGER  
11 Clark County District Attorney  
12 Nevada Bar #002781

13 BY /s/ROBERT J. DASKAS  
14 ROBERT J. DASKAS  
15 Chief Deputy District Attorney  
16 Nevada Bar #004963

17 **CERTIFICATE OF ELECTRONIC FILING**

18  
19 I hereby certify that service of the above and foregoing, was made this 28TH day of  
20 January, 2011, by Electronic Filing to:

21 Clark County Public Defender's Office  
22 email: pdclerk@co.clark.nv.us  
23 Attn: Scott Coffee, Dep. PD

24 /s/Deana Daniels  
25 Secretary for the District Attorney's  
26 Office  
27  
28

# EXHIBIT 1

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TRAN  
CASE NO. C 10-269839-1

IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP  
COUNTY OF CLARK, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

COPY

CASE NO. 10F19783X

GUSTAVO RAMOS,

Defendant.

REPORTER'S TRANSCRIPT OF  
PRELIMINARY HEARING

BEFORE THE HONORABLE WILLIAM D. JANSEN,  
JUSTICE OF THE PEACE

THURSDAY, DECEMBER 16, 2010 at 8:30 A.M.

APPEARANCES:

For the State: ROBERT DASKAS, ESQ.,  
PAM WECKERLY, ESQ.  
DEPUTIES DISTRICT ATTORNEY

For the Defendant: SCOTT COFFEE, ESQ.  
ABEL YANEZ, ESQ.  
DEPUTIES PUBLIC DEFENDER.

ALSO PRESENT: THE INTERPRETER

Reported by: DIANA M. GREEN, CCR #264 (702) 671-3385

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1 TRAN  
2 CASE NO. C 10-269839-1  
3  
4 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP  
5 COUNTY OF CLARK, STATE OF NEVADA  
6  
7 THE STATE OF NEVADA,  
8 Plaintiff,  
9 vs. CASE NO. 10F19783K  
10 GUSTAVO RAMOS,  
11 Defendant.  
12  
13 REPORTER'S TRANSCRIPT OF  
14 PRELIMINARY HEARING  
15 BEFORE THE HONORABLE WILLIAM D. JANSEN,  
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DEPUTIES DISTRICT ATTORNEY  
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ABEL YANEZ, ESQ.,  
DEPUTIES PUBLIC DEFENDER.  
22  
23 ALSO PRESENT: THE INTERPRETER  
24  
25 Reported by: DIANA M. GREEN, CCR #264 (702) 671-3385

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1 THURSDAY, DECEMBER 16, 2010 at 8:30 A.M.  
2  
3 PROCEEDINGS  
4  
5 THE COURT: This is now the time and place for  
6 the preliminary hearing in the case of State of Nevada  
7 versus Gustavo Ramos.  
8 Let the record reflect that the defendant is  
9 present with the Court authorized interpreter and with the  
10 attorneys, Mr. Coffee and Mr. Abel, from the public  
11 defender's office along with the attorneys State who is  
12 represented by Mr. Daskas and Ms. Weckerly.  
13 How many witnesses will you have?  
14 MR. DASKAS: Seven.  
15 THE COURT: Are they in or out of the courtroom?  
16 MR. DASKAS: They are out of the courtroom with  
17 the exception of our first witness, Roy Chandler.  
18  
19 (Off-the-record discussion  
20 held between counsel.)  
21  
22 THE COURT: I will ask all those individuals  
23 subpoenaed for the Ramos matter that you step outside in  
24 the hallway. Do not discuss your testimony between or  
25 among yourselves, only the attorneys presenting the matter

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1 before the Court. Wait for Mr. Coffee to get back.  
 2 We have a few minutes to mark the exhibits.  
 3  
 4 (Off-the-record discussion  
 5 held between counsel.)  
 6  
 7 (State's Exhibits 1 and 53  
 8 were marked for identification.)  
 9  
 10 THE COURT: I have an Amended Criminal Complaint  
 11 here.  
 12 MR. DASKAS: State it on the record now?  
 13 THE COURT: Sure. Whatever you want to state on  
 14 the record is fine.  
 15 MR. DASKAS: Thank you, Judge.  
 16 THE COURT: I don't want to get started with any  
 17 testimony until you get the documents marked.  
 18 MR. DASKAS: Judge, this morning we filed with  
 19 the clerk an Amended Criminal Complaint. We added two  
 20 charges: Count 3, sexual assault with use of a deadly  
 21 weapon, victim 65 years of age or older; and Count 4, an  
 22 alternative count, sexual penetration of a dead human body.  
 23 We anticipate there will be testimony from the  
 24 pathologist that she's unable to determine whether the trauma  
 25 to the victim occurred pre mortem or postmortem. That's the

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1 of 1988. N.J.S. 171.083, I can provide a copy to the  
 2 Court, it states that: If at any time during the  
 3 limitation period, a victim of sexual assault or someone  
 4 authorized to act on that person's behalf files a report  
 5 regarding that assault, and I'm paraphrasing, but then the  
 6 period of limitation is removed and there is no period of  
 7 limitation.  
 8 This was a homicide and sexual assault regarding  
 9 the second victim, Helen Sabraw who was 66 years old. The  
 10 police responded on May 17, 1998 to the crime scene. Reports  
 11 were taken about the trauma to her body, both by police  
 12 officers and memorialized at the autopsy. And because of  
 13 that, because the reports were filed regarding that sexual  
 14 assault back in May 1998, there is no period of limitation.  
 15 MR. COFFEE: That's the State's position. First  
 16 of all, I would like to say there's no notice problem.  
 17 Mr. Daskas told me yesterday they would file the amended,  
 18 and I appreciate that. We don't have a notice issue for  
 19 going forward today.  
 20 In terms of the statute of limitation, there are a  
 21 couple things the Court needs to consider: There are two  
 22 counts, one sexual assault and one sexual penetration of a  
 23 dead body.  
 24 Sexual penetration of a dead body is not covered  
 25 by the exception. It says sexual assault. It is limited to

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1 reason for the alternative count. I know Mr. Coffee has an  
 2 objection, and we can address that after he makes his  
 3 objection.  
 4 MR. COFFEE: I don't know if the Court wants to  
 5 address it now or in closing testimony. There will be an  
 6 objection regarding the statute of limitations on the two  
 7 charges.  
 8 THE COURT: If we're going into dates and stuff  
 9 and what have you --  
 10 MR. COFFEE: I can lay the foundation. I think  
 11 we're going to agree on by and large what the dates are.  
 12 This case dates back to 1998, I believe, over ten years  
 13 old. So there is not going to be any dispute. It was  
 14 filed just a few months ago. There's no dispute about the  
 15 filing times.  
 16 The dispute will be whether or not the statute of  
 17 limitations on the sexual assault was told, through  
 18 supervision, that a statute and whether or not sexual  
 19 penetration falls within the exception.  
 20 I don't believe there will be a disagreement that  
 21 he's outside the normal statute of limitation for a felony,  
 22 which would be four years for the sexual assault and three  
 23 years for sexual penetration of a dead body.  
 24 The question is whether the exception qualifies.  
 25 MR. DASKAS: We agreed the crime occurred in May

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1 that. Sexual penetration of a dead body is different, it is  
 2 a different statute number, and it is just outside the  
 3 statute of limitations, plain and simple. The statute of  
 4 limitations is three years. If there's no Complaint filed  
 5 then this shouldn't be allowed to be added. That count is  
 6 pretty straightforward.  
 7 There are some arguments about the sexual assault.  
 8 Those are a little more complicated. Perhaps it would be  
 9 best to deal with the sexual penetration of a dead body  
 10 first, then we can deal with some problems with the sexual  
 11 assault count.  
 12 I think sexual penetration of a dead body should go  
 13 away, even based on what Mr. Daskas just argued in recitation  
 14 of the statute.  
 15 MR. DASKAS: It is our position simply that  
 16 sexual penetration is an alternative count. So it's  
 17 included within the sexual assault exception to the period  
 18 of limitations.  
 19 It just gives the jury an option if they believe  
 20 the assault was post-mortem, then it's a conviction on Count  
 21 4. If they believe it is pre-mortem, then it's a conviction  
 22 on sexual assault on Count 3. One or the other, not both.  
 23 Our position is that sexual penetration of a dead  
 24 human body falls under the exception of sexual assault so the  
 25 period of limitation is removed when the report is filed.

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1 MR. COFFEE: It doesn't. And he might have a  
2 better argument or would have a better argument if there  
3 was some kind of lesser included offense. If it was,  
4 Mr. Daskas would be right on point. But it is not a lesser  
5 included. It's separate.

6 I couldn't get an alternative count, if I went to  
7 district court and said, I want an instruction of sexual  
8 penetration of a dead body, because the jury is not going to  
9 want to walk this guy for violating a dead body. I couldn't  
10 get it and they could object to it and prevent me from  
11 keeping it because it's not a lesser included.

12 Because it's not a lesser included, this  
13 alternative theory doesn't add anything to it. There is no  
14 case law whatsoever. It's just an alternative theory. We  
15 can get around the statute of limitation. It's clear this  
16 count of sexual penetration of a dead body is not covered by  
17 the statute and should fail by the wayside. It's not a  
18 lesser included. There's no way to get around it. This  
19 alternative is a unique and a creative theory but I don't  
20 think it should fly.

21 THE COURT: I'll tell you, I have never had it  
22 presented to me before, so I may have to reserve a ruling  
23 on this and do some research.

24 MR. COFFEE: That's fine. If we could be heard  
25 on the sexual assault also, we have an objection to place

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1 phone call to 9-1-1.

2 I certainly am unaware of any written report  
3 concerning a sexual assault that was filed. That is what it  
4 says, a written report concerning sexual assault. If, for  
5 example, he files a written report concerning a murder, I  
6 don't think it gets around the statute of limitations for  
7 sexual assault. It defeats the purpose.

8 It says "written report concerning sexual assault."  
9 I also don't know if there's an agency relationship here. It  
10 says someone authorized by the person reporting. I think  
11 there's arguments that the son might be authorized, I think  
12 there's arguments that the son is authorized absent some kind  
13 of particular authorization.

14 I think it was probably designed initially for a  
15 parent reporting on behalf of a child. Who knows, this  
16 person may have power for reasons they might be authorized to  
17 file a written report concerning the sexual assault. There  
18 was no written report, there's certainly no written report  
19 concerning the sexual assault. As far as the agency  
20 relationship, it seems to be required, so it doesn't appear  
21 that exists either. So I think there's all sorts of problems  
22 with this count also.

23 Again, given the Court's ruling on the clearer  
24 issue, I expect the Court wants to do research on this. So I  
25 submit it to your discretion.

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1 on the record. It gets much more complex than sexual  
2 penetration of a dead body. Sexual penetration of a dead  
3 body can be decided simply on the statute without too much  
4 analysis.

5 Mr. Daskas was paraphrasing and he left out a very  
6 key provision. I assume it was unintentional. But he left  
7 out the provision that says "files a written report." It  
8 doesn't say file a report. It says file a written report.  
9 That becomes key here.

10 THE COURT: What statute?

11 MR. DASKAS: I can provide you a copy.

12 THE COURT: 171.083.

13 MS. WECKERLY: Here's a copy.

14 MR. COFFEE: Here's the key language: "A victim  
15 of sexual assault or a person authorized to act on behalf  
16 of the victim of assault sexual files with a law  
17 enforcement officer a written report concerning the sexual  
18 assault.

19 So it's very specific, a very specific way to get  
20 around the statute of limitations. Here we have a victim  
21 who's dead. Clearly, they did not file any sort of written  
22 report with a law enforcement agency.

23 There is a phone call from a son who's the son of  
24 the victim who was killed in this case. I am unaware of any  
25 written report that the son has filed. I know he made a

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1 MR. DASKAS: Your Honor, based on Mr. Coffee's  
2 logic, then we could never charge a defendant who murders  
3 his sexual assault victim with sexual assault, unless it's  
4 filed within a prescribed period of limitation. That  
5 argument is illogical.

6 He mentioned a written report was never filed. I  
7 am holding in my hand, and I can provide to the Court, a  
8 ten-page report filed by the detective, Detective Ramos, in  
9 this case, who responded to and drafted a report about the  
10 crime report.

11 Specifically, the report reflects the victim,  
12 86-year-old Helen Sabraw was found in her apartment nude with  
13 the exception of a nightgown pulled up over her breasts. She  
14 had no underwear on, she was not wearing a bra, and I'm going  
15 to quote from the report so you know --

16 MR. COFFEE: We will stipulate the report  
17 indicates a sexual assault was filed. We don't need to go  
18 into the facts for purpose of this. This is  
19 straightforward.

20 Is there a written report filed or not? A written  
21 report doesn't mean a police report. It says report filed  
22 with the police, and it says it has to be done by either the  
23 person, the victim, or one of their agents, not a police  
24 officer.

25 It doesn't make any sense for a police officer to

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1 file a report with themselves. The statute does make a lot  
2 of sense, and Mr. Daskas may be right, this may prevent  
3 filing of a sexual assault in the case on a dead body. The  
4 legislature can address that. It is not very well drafted.

5 The fact of the matter is that there is not a  
6 written report. A written report probably comes -- you've  
7 seen many written reports, and the written reports are sworn  
8 and taken under the penalty of perjury.

9 It doesn't say reporting to the police department.  
10 It says a written report and sworn under penalty of perjury.  
11 The idea is to encourage people who are charged with sexual  
12 assault to come forward and report, people who are victims of  
13 a sexual assault to come forward and report.

14 So I understand Mr. Daskas's argument. I don't  
15 think that report qualifies as a written report pursuant to  
16 the statute. It says written report from the victim or one  
17 of their agents essentially and has a definition what that  
18 might be. It also provides some incapacity language that  
19 doesn't apply. It's a separate section.

20 MR. DASKAS: May I finish my argument now?

21 MR. COFFEE: Absolutely. I didn't know if we  
22 needed to get into the facts of the report because they  
23 don't have anything to do with anything.

24 MR. DASKAS: Your Honor, they do. Here's why.  
25 The statute says a written report regarding the sexual

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1 says disabled... By the way, Mr. Daskas --

2 THE COURT: Here's what bothers me, it says, "At  
3 any time during the period of limitation prescribed, a  
4 victim of sexual assault, or a person authorized to act on  
5 behalf of the victim of sexual assault, files with the law  
6 enforcement officers a written report concerning the sexual  
7 assault, the period of limitation is removed." How can a  
8 dead person authorize?

9 MR. COFFEE: That's the point, you are not trying  
10 to encourage dead people to report. It's a very narrow  
11 exception for reporting.

12 The other problem with the disability aspect that  
13 Mr. Daskas hoped to rely on, is it specifically lists who  
14 qualifies as disabled. It says, "For the purpose of this  
15 section, a sexual assault victim is under a disability if  
16 they are insane, mentally retarded, mentally incompetent or  
17 in a medically comatose or vegetative state."

18 It doesn't have dead in there. Disability doesn't  
19 apply. I understand the argument. Dead doesn't fit the  
20 whole disability aspect. Again, I think the last count is  
21 clearer the last count being sexual penetration of a dead  
22 body. I don't think there is any way it fits. I think there  
23 are problems the way they are doing the sexual assault, also.

24 THE COURT: I will do some research on this. I  
25 think you have a good point, by reading the statute itself.

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1 assault must be filed. I know Mr. Coffee's concern is I am  
2 about to state the evidence of the sexual assault in open  
3 court. But he is making an argument that no report was  
4 filed. And it was.

5 The report specifically states the 86-year-old  
6 victim, Helen Sabraw, was found on the floor with numerous  
7 stab wounds with saturated blood with the carpeting below the  
8 victim that was covered with apparent fecal matter, and there  
9 was knives, two knives, found at the scene.

10 And the other important thing to note, Your Honor,  
11 is that Subsection 3 of 171.083 does take into account a  
12 situation where the victim is dead. What it says is, "If the  
13 victim of sexual assault is under a disability during any  
14 part of the period of limitation, and the written report is  
15 not otherwise filed, then the period during which the victim  
16 under the disability must be excluded from the period of  
17 limitation."

18 She was completely disabled because she was killed  
19 by the defendant in this case. So the period of limitation  
20 is simply removed when it happens.

21 MR. COFFEE: Tell you what, I would like you to  
22 contact the IRS because I have a dead uncle and would like  
23 to get benefits. He was disabled before he died. Disabled  
24 and dead aren't the same thing. If they said dead, it  
25 would count. It makes sense. It doesn't say dead. It

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1 I know what your argument is. I will take it under  
2 consideration, so let's go ahead and proceed.

3 MR. COFFEE: Very good.

4 THE COURT: Call your first witness.

5 MS. WECKERLY: Roy Chandler.

6 THE BAILIFF: Please step up, face the clerk and  
7 raise your right hand.

8 THE CLERK: Do you swear the testimony that you  
9 are about to give is the truth, the whole truth and nothing  
10 but the truth so help you God?

11 THE WITNESS: I do.

12  
13 ROY CHANDLER,  
14 A witness for the State, having been first duly sworn,  
15 testified as follows:

16  
17 THE CLERK: State your full name and spell your  
18 last name.

19 THE WITNESS: Roy Chandler, R-O-Y  
20 C-H-A-N-D-L-E-R.

21  
22 DIRECT EXAMINATION

23  
24 BY MR. DASKAS:

25 Q. Sir, are you retired from the Las Vegas

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1 Metropolitan Police Department?  
 2 A. Yes, sir, I am.  
 3 Q. When you retired, what was your assignment upon  
 4 retirement?  
 5 A. I was assigned to the homicide section.  
 6 Q. How many years?  
 7 A. I was there for nine years and seven-and-a-half  
 8 months.  
 9 Q. Directing your attention back to May 16th of 1998,  
 10 Did you respond to a homicide at 4255 South Spencer?  
 11 A. Yes, I did.  
 12 Q. Is that location here in Las Vegas, Clark County,  
 13 Nevada?  
 14 A. Yes, sir, it is.  
 15 Q. What time approximately did you arrive at that  
 16 location?  
 17 A. I received the phone call at my residence, and I  
 18 arrived there a little bit after 5:00, I believe possibly  
 19 5:30 a.m.  
 20 Q. Who was your partner back in 1998?  
 21 A. John McLanes.  
 22 Q. Did he respond as well?  
 23 A. Yes, he did.  
 24 Q. Detective, what is at that location at 4255 South  
 25 Spencer. What was back there in May of 1998?

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1 A. Yes, sir.  
 2 MR. DASKAS: Move for the admission of Proposed  
 3 Exhibit 1 through 28.  
 4 MR. COFFEE: Mr. Chandler was present during all  
 5 those autopsies?  
 6 THE WITNESS: Yes, sir.  
 7 MR. COFFEE: No objection.  
 8 THE COURT: So admitted.  
 9  
 10 (State's Proposed Exhibit 1 through 28  
 11 were admitted into evidence.)  
 12  
 13 BY MR. DASKAS:  
 14 Q. The scene which you responded, do you recall or do  
 15 you know the room number where the victim was found?  
 16 A. Room 120.  
 17 Q. That was on the first floor?  
 18 A. On the first floor.  
 19 Q. Is that apartment or diagram of that apartment and  
 20 the layout of the retirement community depicted in State's  
 21 Exhibit 1?  
 22 A. Yes.  
 23 Q. Is Room 120 highlighted in that exhibit?  
 24 A. Yes, sir, it is.  
 25 Q. Was the scene that you responded to, Apartment 120,

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1 A. It was I wouldn't call it a nursing home, I would  
 2 call it an assisted living facility for the elderly.  
 3 Q. How many stories is it?  
 4 A. Two stories.  
 5 Q. And is it secure?  
 6 A. The front doors are there, secured, and I assume it  
 7 would be considered secured.  
 8 Q. In other words, access to the front doors of the  
 9 apartments within the community, do you have to access  
 10 another door to get to those apartments?  
 11 A. Yes, you do.  
 12 MR. DASKAS: Can I approach the witness?  
 13 THE COURT: You may.  
 14 BY MR. DASKAS:  
 15 Q. Detective Chandler, let me hand you Proposed  
 16 Exhibits 1 through 28. Quickly if you would, thumb through  
 17 those then I have questions for you about those exhibits.  
 18 A. (Witness complied). Yes, sir.  
 19 Q. Have you done so?  
 20 A. Yes, sir.  
 21 Q. Do Proposed Exhibit 1 through 28 fairly and  
 22 accurately depict both the diagram of the retirement  
 23 community itself, the crime scene as it appeared back in May  
 24 of 1998, and the victim as he appeared at autopsy back in  
 25 1998?

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1 was the scene confined to Apartment 120?  
 2 A. Yes, sir, it was.  
 3 Q. Describe, if you would, the victim as you observed  
 4 him that morning.  
 5 A. When I arrived, he was n alike a LaZboy lounge  
 6 chair. The chair was leaned back. He had his legs up on the  
 7 leg area, and he had a pillow underneath his legs. He was  
 8 slumped off to the right-hand side.  
 9 There was an extremely large amount of blood on his  
 10 head and his chest area. And there was blood spatter on the  
 11 walls behind him and to the right of him and on the ceiling  
 12 also on the floor.  
 13 Q. Detective Chandler, handing you Exhibits 7  
 14 through 9. Do those photographs depict the victim as you  
 15 described him in that chair back on May 16th of 1998?  
 16 A. Yes, sir, it does.  
 17 Q. Would you please hand those to Judge Jansen so he  
 18 can see those as you testify. Describe the trauma that you  
 19 saw to the victim.  
 20 A. He had extensive abrasions and blood on his upper  
 21 portion of his head also on the left side of his head. He  
 22 also, looking at him as we looked, he had some bruising and  
 23 some abrasions on his hands and there was again blood all  
 24 over.  
 25 Q. Was there something found at the scene that you

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1 believed, based on your training and experience, could have  
2 been used as the murder weapon?  
3 A. Yes, sir.  
4 Q. What was that?  
5 A. A 25-pound barbell.  
6 Q. Is that depicted in Exhibit 10?  
7 A. Yes, sir, it is.  
8 Q. Back on May 16, 1998, in the photograph in Exhibit  
9 10, do you see apparent blood and did you see it back then on  
10 the dumbbell?  
11 A. Yes, sir, it was.  
12 Q. Did your investigation reveal that items were  
13 missing from Apartment 120 or the victim himself?  
14 A. Yes, sir.  
15 Q. Please describe that.  
16 A. When we spoke to the son that had reported the  
17 incident, we asked him about --  
18 MR. COFFEE: Objection, Judge. I think that is  
19 outside -- we have a Crawford problem with bringing the son  
20 in.  
21 BY MR. DASKAS:  
22 Q. Without telling me what the son said, did your  
23 investigation reveal the victim's pockets had been gone  
24 through?  
25 A. Yes, sir.

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1 A. Yes, it is.  
2 Q. It wasn't something somebody told you?  
3 A. No, sir.  
4 Q. Did your investigation reveal any money found on  
5 the victim, Wallace Siegel?  
6 A. No. There was no money at the scene. Also his  
7 wallet was missing.  
8 Q. In other words, a wallet was never recovered either  
9 from the victim, the victim's clothing or Apartment 120?  
10 A. No, sir, it wasn't found.  
11 Q. Were you able to determine the point of entry that  
12 the killer or robber would have made?  
13 A. No, sir, we were not.  
14 Q. How would someone access Apartment 120 in that  
15 retirement community?  
16 A. They would have to come into the complex itself.  
17 They could either come in through a front door or come in  
18 through a back door into the complex and make entry entering  
19 Room 120.  
20 Q. Was there also windows in Apartment 120 that  
21 someone could access from outside the retirement community?  
22 A. Yes, sir.  
23 Q. You don't know whether that happened, correct?  
24 A. No, sir, I do not.  
25 Q. Assuming that crime scene investigators responded

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1 MR. COFFEE: Objection, Judge. Also if the basis  
2 is hearsay, simply saying I want to appeal the  
3 investigation, that doesn't get him around, if it is  
4 offered for the truth, to try and establish some kind of  
5 robbery as a result of that.  
6 BY MR. DASKAS:  
7 Q. Exhibit 14, Detective, what is depicted in that  
8 photograph?  
9 A. This is a picture of the victim and his left pocket  
10 had been turned out. There was blood on it. And under his  
11 left leg, we observed or I observed a money clip but there  
12 was no money.  
13 MR. DASKAS: Please hand that exhibit to Judge  
14 Jansen.  
15 THE COURT: Entering it based on your  
16 observations, not what anybody told you.  
17 BY MR. DASKAS:  
18 Q. Detective, the photograph that depicts the victim's  
19 pockets turned inside out with blood on it, did you see that  
20 back on May 16, 1998?  
21 A. Yes, sir.  
22 Q. This isn't what somebody told you?  
23 A. No, sir, it is not.  
24 Q. The money clip under the victim's leg that had no  
25 money in it, is that something you observed May 16, 1998?

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1 to the scene?  
2 A. Yes, sir.  
3 Q. This scene was assigned to a unique event number by  
4 Metro?  
5 A. Yes.  
6 Q. Was that event number 950516-0400?  
7 A. Yes, sir.  
8 Q. Was all evidence impounded in this investigation  
9 impounded under that event number?  
10 A. Yes, sir.  
11 Q. Do you recall seeing a newspaper at the scene in  
12 Apartment 120?  
13 A. Yes, I did.  
14 Q. Were crime scene investigators called to impound  
15 some of those newspaper pages?  
16 A. Yes, sir.  
17 Q. Exhibit 11, what is depicted in that photograph?  
18 A. There's a newspaper beyond the left side of the  
19 victim lying right close to the barbell that I spoke of  
20 earlier.  
21 Q. Exhibits 12 and 13, what do you see in those two  
22 photographs?  
23 A. That is the newspaper that as took photos, the  
24 crime scene analyst took photos at my direction, then they  
25 were impounded.

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1 Q. In Exhibit 12 and 13, do you see apparent blood on  
2 those newspaper pages?  
3 A. Yes, sir, I do.  
4 Q. You mentioned that you directed crime scene  
5 investigators to impound these and other pages of newspapers  
6 under the event number you mentioned earlier?  
7 A. Yes, sir.  
8 Q. Now calling your attention to May 17th of 1998, one  
9 day later, did you attend the autopsy of Wallace Siegel, the  
10 victim in this case?  
11 A. Yes, sir.  
12 Q. Do you know who conducted the autopsy?  
13 A. Dr. Green.  
14 Q. Dr. Sheldon Green?  
15 A. Yes, sir.  
16 Q. Was the crime scene investigator or investigators  
17 present at that autopsy also?  
18 A. Yes.  
19 Q. Were photographs taken of the victim?  
20 A. Yes, sir, they were.  
21 Q. Did those photographs include various portions of  
22 the autopsy proceeding?  
23 A. Yes, sir.  
24 Q. Those have been shown to you and were admitted  
25 earlier; is that correct?

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1 A. I was the lead detective of the crime scene.  
2 Q. Were you lead detective for the entire case or just  
3 the crime scene?  
4 A. The entire case.  
5 Q. This is your case?  
6 A. Yes, sir.  
7 Q. A fair description, right?  
8 A. Yes, sir.  
9 Q. And initially without going into the interview, you  
10 interviewed some people?  
11 A. Yes.  
12 Q. Involved in this case?  
13 A. Yes.  
14 Q. One of the people you interviewed was the victim's  
15 son?  
16 A. Yes, sir.  
17 Q. And the victim's son, in fact, is who the 9-1-1  
18 call came from, right?  
19 A. Yes.  
20 Q. You said inside of the room there had been on that  
21 newspaper apparent blood I think you said?  
22 A. Yes, sir.  
23 Q. It looked like a murder scene, right? You've done  
24 a few of these and there was not much question, was there?  
25 A. Yes, sir.

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1 A. Yes, sir.  
2 MR. DASKAS: Pass the witness, Judge.  
3  
4 CROSS-EXAMINATION  
5  
6 BY MR. COFFEE:  
7 Q. Now as far as items being taken --  
8 THE COURT: Excuse me. Keep them over there.  
9 THE WITNESS: I will.  
10 BY MR. COFFEE:  
11 Q. You don't have personal knowledge whether or not  
12 Mr. Siegel carried a wallet?  
13 A. Not personal knowledge, no.  
14 Q. You don't have any personal knowledge whether or  
15 not there was any money in that clip?  
16 A. Not personal knowledge.  
17 Q. C.S.I.'s were assigned to this case? Yes?  
18 A. Yes.  
19 Q. And you said they took pictures at your direction?  
20 A. Well, they were assigned to the crime scene. I was  
21 in charge of the scene, and I told them this is what we think  
22 we have is a homicide, and this is what we would like to have  
23 taken.  
24 Q. Perfect. That's what I was trying get to, you are  
25 in charge of the homicide?

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1 Q. Looks like there might have been blood on the  
2 newspaper, right?  
3 A. Yes, sir.  
4 Q. And based on your training and experience, you have  
5 done this a number of years?  
6 A. Yes, sir.  
7 Q. You know it's apparent blood, you can tell apparent  
8 blood -- you may not always been right, but you have a pretty  
9 good idea?  
10 A. Yes.  
11 Q. Do you recall apparent blood being found someplace  
12 outside of that room?  
13 A. Outside of the room? I believe there was some  
14 found in the hallway on the door.  
15 Q. Do you remember a vehicle?  
16 A. We went to a vehicle that was parked out front that  
17 belonged to the son.  
18 Q. That belonged to the son. Apparent blood was found  
19 in the vehicle that belonged to the son, correct?  
20 A. That is correct.  
21 Q. You were directing the crime scene to some extent?  
22 Those people are trained professionals. You are the lead  
23 detective?  
24 A. Yes.  
25 Q. Do you know if they took any swabs of the vehicle,

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- 1 any blood samples, anything like that?
- 2 A. I believe they would have.
- 3 Q. Okay. To your knowledge, none of that has been
- 4 tested and just don't know at this point?
- 5 A. I don't know at this point, sir.
- 6 Q. Would that be the sort of thing that you would
- 7 direct them to take, given your training and experience?
- 8 A. Yes, sir.
- 9 Q. And something you would expect them to try to keep
- 10 because this case is 12 years old, more or less, right?
- 11 A. Yes, sir.
- 12 Q. Even at 11 or 12 years ago, you knew about the
- 13 D.N.A.?
- 14 A. Twelve years ago, we didn't have D.N.A. It wasn't
- 15 as actively working and wasn't as good as it is now.
- 16 Q. You did take samples of things, did blood typing,
- 17 other things in the past, right?
- 18 A. Yes, sir, we did.
- 19 Q. It wasn't a situation where for example because of
- 20 being 12 years ago, it wouldn't bother to have a sample of
- 21 the fluid inside the car seized because 12 years ago, what
- 22 the heck, we didn't know about it. It's not that situation,
- 23 is it?
- 24 A. I don't believe so.
- 25 Q. Do you remember the C.S.I. assigned to the case?

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- 1 A. I believe Gary Reed and Autrey.
- 2 Q. Did you make an arrest in regards to this case?
- 3 A. No, sir, we did not.
- 4 Q. It remained open?
- 5 A. It was an active murder case.
- 6 Q. Meaning unsolved?
- 7 A. Basically, yes.
- 8 Q. You have been retired a number of years?
- 9 A. I have been retired ten years.
- 10 Q. At the time of the investigation, did you have any
- 11 people of interest?
- 12 A. Yes, we did.
- 13 Q. Who would that be?
- 14 A. The first person of interest, when we arrived, of
- 15 course in my training everyone is a suspect when we first
- 16 arrived.
- 17 Q. Understood.
- 18 A. Then you start eliminating. The son was a person
- 19 that we were interested in because of his alibi and his story
- 20 that he had given. We also looked at the employees of the
- 21 business. We did D.N.A. buccal swabs on each employee.
- 22 Q. For potential financial gains, I suppose.
- 23 Employees thought they might have robbed somebody or more
- 24 that likely some animosity?
- 25 A. Could have been a motive, yes.

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- 1 Q. In your experience it's not uncommon for murder
- 2 victims to have some sort of association with the person
- 3 committing the crime?
- 4 A. That's correct.
- 5 Q. That's where you start looking first, may not be
- 6 the right place, but that's where you begin looking?
- 7 A. That's right.
- 8 Q. In this case the son was a person of interest
- 9 because of the alibi he had given because he was reporting
- 10 and had some financial troubles you found out about also?
- 11 A. Because of what he told us. I didn't know about
- 12 any financial problems.
- 13 Q. I would imagine, because the son is a person of
- 14 interest, you looked him over pretty good to see if he had
- 15 broken fingernails, bruises, that sort of thing?
- 16 A. Yes, we did.
- 17 Q. Did you notice anything like that?
- 18 A. No, sir, we did not.
- 19 Q. How many homicides did you work when you were on
- 20 homicide?
- 21 A. Probably a little less than 500, between 400 and
- 22 500 homicides.
- 23 Q. A substantial number then?
- 24 A. Yes.
- 25 Q. You were on a homicide scene where there was a

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- 1 single shot fired?
- 2 A. Yes.
- 3 Q. Or single stab wound?
- 4 A. Yes.
- 5 Q. This case didn't look like that, did it?
- 6 A. No, sir, it did not.
- 7 Q. It looked like somebody who had been beaten pretty
- 8 badly?
- 9 A. Yes.
- 10 Q. The 25-pound weight was the most likely object?
- 11 A. Yes.
- 12 Q. Was the type of beating involved indicate anything
- 13 to you about animosity towards the victim?
- 14 A. It looked to me like it was overkill.
- 15 Q. Which might indicate some sort of anger?
- 16 A. Yes.
- 17 Q. Again, not having been there, kind of left to piece
- 18 things together from the crime scene as you got, I suppose?
- 19 A. I'm sorry. I don't understand the question.
- 20 Q. Not having been a fly on the wall, you ended up
- 21 having to piece things together from what you'd seen at the
- 22 scene?
- 23 A. That's correct.
- 24 MR. COFFEE: Thank you, Detective.
- 25 MR. DASKAS: No redirect, Judge.

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1 THE COURT: Detective Chandler, thank you for  
 2 coming.  
 3  
 4 (The witness exited the courtroom.)  
 5  
 6 THE COURT: Call your next witness.  
 7 MR. DASKAS: Jerry Autrey.  
 8 THE BAILIFF: Please step up, face the clerk and  
 9 raise your right hand.  
 10 THE CLERK: Do you swear the testimony that you  
 11 are about to give is the truth, the whole truth and nothing  
 12 but the truth so help you God?  
 13 THE WITNESS: Yes, I do.  
 14  
 15 JERRY AUTREY,  
 16 A witness for the State, having been first duly sworn,  
 17 testified as follows:  
 18  
 19 THE CLERK: State your full name and spell your  
 20 last name.  
 21 THE WITNESS: My name is Jerry Autrey, J-E-R-R-Y  
 22 A-U-T-R-E-Y.  
 23 THE COURT: Proceed.  
 24  
 25 ///

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1 other person... from the crime scene section to arrive.  
 2 And we were told that there was a male victim  
 3 inside, who had passed away, sitting in a recliner in the  
 4 living room of a one-bedroom apartment on the bottom floor.  
 5 Q. Was there crime scene tape surrounding that area?  
 6 A. Yes.  
 7 Q. That was there by the time you arrived?  
 8 A. Yes.  
 9 Q. I ask you if your duties, among other things,  
 10 included collecting evidence? Did you collect evidence at  
 11 the scene on May 16, 1998?  
 12 A. The evidence that was collected at that scene was  
 13 done by Mike Atkins.  
 14 Q. Was that done at your direction?  
 15 A. Yes. Our supervisor Gary Reed showed up a little  
 16 bit later, and at that time it was my duties to do the  
 17 photography of the scene and write the report.  
 18 Q. Let me show you what has been admitted as State's  
 19 Exhibits 11 and 13. Tell me if you recognize these photos as  
 20 the crime scene as it appeared back May 16, 1998?  
 21 A. Yes, they do.  
 22 Q. Do you see items within those two photos that would  
 23 have been impounded at your direction by Crime Scene Analyst  
 24 Atkins?  
 25 A. Yes.

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1 DIRECT EXAMINATION  
 2  
 3 BY MR. DASKAS:  
 4 Q. Mr. Autrey, are you retired from the Las Vegas  
 5 Metropolitan Police Department?  
 6 A. Yes, I am.  
 7 Q. What was your position with Metro?  
 8 A. I was a senior crime scene analyst.  
 9 Q. From what year until?  
 10 A. I started with Las Vegas Metro in May of '92, and I  
 11 retired in July of 2006.  
 12 Q. Your duties and responsibilities include among  
 13 other things responding to crime scenes memorializing  
 14 evidence with photographs, drafting reports and impounding  
 15 evidence?  
 16 A. That's correct.  
 17 Q. Directing your attention to May 16, 1998, did you  
 18 respond to 4255 South Spencer, Apartment 120?  
 19 A. Yes, I did.  
 20 Q. When you arrived, was it obvious that the crime  
 21 scene had been preserved by other police personnel?  
 22 A. Yes.  
 23 Q. What did you see?  
 24 A. Upon arriving, I contacted Sergeant Thompson who  
 25 was the general assignment detail. And I was waiting for

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1 Q. What do you see that would have been impounded?  
 2 A. Towards the bottom left of the recliner are some  
 3 newspapers. On these newspapers there was apparent blood.  
 4 We tested for it and it turned out to be blood and they were  
 5 impounded.  
 6 Q. Did you have some responsibilities with the  
 7 newspaper, whether it's these particular pages or others  
 8 impounded, back at the Crime Lab?  
 9 A. Yes, I did.  
 10 Q. What were those responsibilities?  
 11 A. To look for any type of evidence that we could  
 12 correlate, evidence including the blood, possible  
 13 fingerprints or ridge friction detail to be preserved.  
 14 Q. Did you see -- you mentioned ridge friction detail  
 15 fingerprints. Did you see that type of evidence on the  
 16 newspaper or newspaper pages that were impounded?  
 17 A. Yes, I did.  
 18 Q. I should ask you, all the evidence including the  
 19 newspaper pages, was that impounded under Event No.  
 20 980516-0400?  
 21 A. May I refer to my reports?  
 22 THE COURT: He can lay the foundation.  
 23 BY MR. DASKAS:  
 24 Q. Would that refresh your memory?  
 25 A. Yes, sir.

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1 Q. Please do.  
 2 A. It's 980516-0400, yes.  
 3 Q. You mentioned that you saw on the newspaper pages  
 4 items of interest including ridge friction detail  
 5 fingerprints. What did you do when you saw those things?  
 6 How did you preserve that?  
 7 A. Back at the lab section, upon observing these items  
 8 of detail of interest, I took them into a room that we have a  
 9 specialized camera setup, called an MP3 setup, like a  
 10 Polaroid. I photographed these areas of the newspapers that  
 11 had apparent ridge friction detail fingerprints, using the  
 12 MP3 setup.  
 13 Q. You mentioned using what you described as a black  
 14 and white Polaroid camera?  
 15 A. Yes.  
 16 Q. Is that the manner in which what I refer to as a  
 17 bloody finger print or palm print, is that how those are  
 18 preserved, with the black and white Polaroid photographs?  
 19 A. Yes.  
 20 Q. Do those photographs enable down the road latent  
 21 print examiners to compare those prints in the black and  
 22 white Polaroid photos to known fingerprints of suspects?  
 23 A. Yes.  
 24 Q. Is that why you took Polaroids in this case?  
 25 A. Yes.

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1 page.  
 2 Q. Let me clarify a couple things. The date you  
 3 mentioned, May 15, 1998, that is the date of the Review  
 4 Journal?  
 5 A. That's correct.  
 6 Q. It would have been impounded on May 16, 1998 when  
 7 you were at the crime scene at Apartment 120?  
 8 A. Yes.  
 9 Q. Is this an actual photocopy of the Polaroid you  
 10 took back to the Crime Lab of that Las Vegas Review Journal  
 11 Newspaper page?  
 12 A. Yes, it is.  
 13 MR. DASKAS: Move to admit Proposed 60.  
 14 MR. COFFEE: No objection.  
 15 THE COURT: It will be so admitted.  
 16  
 17 (State's Proposed Exhibit 60  
 18 was admitted into evidence.)  
 19  
 20 MR. DASKAS: I will clear up 59 with the next  
 21 witness, Judge.  
 22 BY MR. DASKAS:  
 23 Q. Does Exhibit 60, at least to a trained crime scene  
 24 analyst, depict the friction ridge detail of a fingerprint or  
 25 palm print that you described earlier?

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1 MR. DASKAS: I need to have these marked.  
 2  
 3 (State's Proposed Exhibit 59 and 60  
 4 were marked for identification.)  
 5  
 6 BY MR. DASKAS:  
 7 Q. For the record, Judge, showing defense counsel  
 8 Proposed Exhibit 59 and 60.  
 9 THE COURT: Excuse me. Could I have one second?  
 10  
 11 (Brief recess).  
 12  
 13 THE COURT: Thank you. You may proceed.  
 14 MR. DASKAS: Thank you, Judge.  
 15 BY MR. DASKAS:  
 16 Q. Mr. Autrey, I was showing you Proposed Exhibits 59  
 17 and 60. Do you recognize what is depicted in each of these  
 18 exhibits?  
 19 A. In the first one, yes. The second one, no.  
 20 Q. The first one Proposed Exhibit 60?  
 21 A. Yes.  
 22 Q. How do you recognize that?  
 23 A. This is a Polaroid that I took of a piece of paper,  
 24 and I have it listed from the Review Journal of the date  
 25 5-15-98, Page 8C, like Charlie, the lower left corner of the

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1 A. Yes.  
 2 Q. The reason you did that is to preserve it so a  
 3 latent print examiner could compare it to known prints of a  
 4 suspect?  
 5 A. That's correct.  
 6 MR. DASKAS: Pass the witness.  
 7  
 8 CROSS-EXAMINATION  
 9  
 10 BY MR. COFFEE:  
 11 Q. You were working at the direction of another crime  
 12 scene analyst?  
 13 A. Gary Reed was my supervisor for that shift, yes.  
 14 Q. You were responsible for taking some photographs?  
 15 A. Yes.  
 16 Q. Were you responsible for gathering physical  
 17 evidence such as blood?  
 18 A. I did collect a couple samples, I believe. But as  
 19 far as the crime scene itself, the majority was done by Mike  
 20 Atkins.  
 21 Q. Do you know if you collected any blood from a  
 22 vehicle that was near the crime scene?  
 23 A. There was some collected from a vehicle, yes.  
 24 Q. You don't remember if you did it or not?  
 25 A. I'm pretty sure Mike Atkins did.

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1 Q. Is Mike Atkins still with us? I know it's been a  
2 long time.  
3 A. He left Las Vegas Metro quite a few years ago.  
4 Q. Do you know if that was ever processed?  
5 A. That would be at the direction of the detective  
6 requesting that stuff.  
7 Q. It should still be impounded in Metro's Crime Lab  
8 someplace?  
9 A. Yes.  
10 Q. Same thing with -- you said you took photographs of  
11 a newspaper?  
12 A. Yes.  
13 Q. And the photographs are black and white?  
14 A. Yes.  
15 Q. That's for high contrast for a print examiner?  
16 A. For contrast purposes, yes.  
17 Q. Do you know if the actual print in the newspaper  
18 itself was impounded?  
19 A. Yes, it was.  
20 Q. That should also be in the Crime Lab someplace if  
21 somebody wanted to examine it?  
22 A. Yes.  
23 Q. One of the reasons you took those pictures is blood  
24 evidence can degrade over time?  
25 A. Correct.

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1 MR. COFFEE: I will tie it up in a second as to  
2 photographs.  
3 THE WITNESS: I won't think so, no.  
4 BY MR. COFFEE:  
5 Q. Okay. Were you able to tell me -- all I was trying  
6 get to was not having an expertise on his part, just trying  
7 to figure out if he knew what he was taking pictures of --  
8 were you able to tell what you were taking pictures of, an  
9 index photo or anything else?  
10 A. The reason I took these photos, I felt there was  
11 enough ridge detail for comparison purposes by a latent print  
12 examiner later on.  
13 Q. Can you tell if they were taken from a finger as  
14 opposed to a palm, that sort of thing?  
15 A. I would have to get a glass out and look at these.  
16 Q. If you don't recall, that's okay.  
17 A. I don't recall.  
18 Q. Once those prints were taken, I take it they would  
19 have been sending them, at least ten years ago, to some sort  
20 of print examiner?  
21 A. They are latent print examiners who would have  
22 looked at them.  
23 MR. COFFEE: Thank you very much. Nothing  
24 further.  
25 MR. DASKAS: Nothing else, Your Honor.

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1 Q. It might fade and you want to keep it as fresh as  
2 you can to get the best pictures?  
3 A. Yes.  
4 Q. Are you a certified print examiner?  
5 A. No.  
6 Q. Do you have training in print examination?  
7 A. Yes, I do.  
8 Q. You are able to tell a finger from a forearm, for  
9 example?  
10 A. Pretty much because forearms don't have --  
11 Q. Prints?  
12 A. -- ridge detail.  
13 Q. That was the point?  
14 A. Yes.  
15 Q. Are you able to tell index fingers from thumbs?  
16 Are you that trained or not?  
17 A. Index fingers from thumbs? There's three  
18 categories of fingerprints, loops, whorls and arches.  
19 Q. Okay.  
20 A. So your ten digits could have any of those.  
21 Q. I understand. I guess my question is: I heard  
22 print examiners say they can tell left hand or right hand and  
23 various things from looking at a print. Are you that trained  
24 in prints?  
25 MR. DASKAS: Objection, irrelevant.

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1 THE COURT: You are excused, Mr. Autrey. Thank  
2 you very much for coming to testify. Careful stepping  
3 down.  
4 THE WITNESS: Yes, sir.  
5 THE COURT: Who's the next witness?  
6 MR. DASKAS: David Johnson. Your Marshall is  
7 getting him now.  
8  
9 (The witness exited the courtroom.)  
10  
11 THE BAILIFF: Please step up, face the clerk and  
12 raise your right hand.  
13 THE CLERK: Do you swear the testimony that you  
14 are about to give is the truth, the whole truth and nothing  
15 but the truth so help you God?  
16 THE WITNESS: Yes, I do.  
17  
18 DAVID JOHNSON,  
19 A witness for the State, having been first duly sworn,  
20 testified as follows:  
21  
22 THE CLERK: State your full name and spell your  
23 last name.  
24 THE WITNESS: I do. David Johnson, D-A-V-I-D  
25 J-O-H-N-S-O-N.

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1 MR. DASKAS: May I proceed?  
 2 THE COURT: You may.  
 3 MR. DASKAS: Thank you, Judge.  
 4  
 5  
 6 DIRECT EXAMINATION  
 7  
 8 BY MR. DASKAS:  
 9 Q. Mr. Johnson, how are you employed?  
 10 A. I'm a forensic scientist with the Las Vegas  
 11 Metropolitan Police Department working in the forensic lab.  
 12 Q. What is your particular assignment?  
 13 A. I work on the latent print detail as a latent print  
 14 examiner.  
 15 MR. DASKAS: Mr. Coffee, is there a stipulation  
 16 for prelim purposes only that Mr. Johnson can render an  
 17 opinion regarding fingerprint analysis examination and  
 18 comparison in this case?  
 19 MR. COFFEE: Certainly.  
 20 MR. DASKAS: Thank you, Judge. Thank you,  
 21 Mr. Coffee.  
 22 BY MR. DASKAS:  
 23 Q. Mr. Johnson, I placed in front of you a number of  
 24 exhibits. I believe one of them has been admitted as Exhibit  
 25 60. First of all, do you recognize Exhibit 60?

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1 What are those?  
 2 A. These are photocopies of the exemplars of Gustavo  
 3 Ramos that was used in the comparison of the same event  
 4 number, 980516-0400.  
 5 MR. DASKAS: Your Honor, before court today  
 6 Mr. Coffee and I spoke. He agreed for prelim purposes  
 7 there would be a stipulation for the known prints  
 8 Mr. Johnson had and compared are in fact the known prints  
 9 being finger and palm prints of the defendant, Gustavo  
 10 Ramos.  
 11 MR. COFFEE: Or a copy thereof.  
 12 MR. DASKAS: That's correct, a photocopy of the  
 13 known prints.  
 14 THE COURT: That is correct.  
 15 MR. DASKAS: With that stipulation for prelim  
 16 purposes, I move to admit 61, 62 and 63.  
 17 THE COURT: So admitted.  
 18 MR. COFFEE: No objection.  
 19  
 20 (State's Proposed Exhibit 61 through 63  
 21 was admitted into evidence.)  
 22  
 23 BY MR. DASKAS:  
 24 Q. Mr. Johnson, did you compare known prints from  
 25 Exhibit 61 through 63 depicted in what is depicted in 60?

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1 A. Yes, I do.  
 2 Q. How do you recognize it? What is it?  
 3 A. This is a photocopy of a photograph of a latent  
 4 print I compared in this case.  
 5 Q. You say in this case. Would that be Metro Event  
 6 Number 980516-0400?  
 7 A. Yes.  
 8 Q. Proposed Exhibit 59, do you recognize that?  
 9 A. Yes. That's the back of that same photograph.  
 10 Q. So Proposed Exhibit 59 is the back of the  
 11 photograph, which is depicted in Exhibit 60?  
 12 A. Yes.  
 13 Q. Does Exhibit 59 accurately depict the back of the  
 14 photograph we see in 60?  
 15 A. Yes.  
 16 MR. DASKAS: Move for the admission of 59,  
 17 please.  
 18 MR. COFFEE: No objection.  
 19 THE COURT: So admitted.  
 20  
 21 (State's Proposed Exhibit 59  
 22 was admitted into evidence.)  
 23  
 24 BY MR. DASKAS:  
 25 Q. Finally, Mr. Johnson, Proposed Exhibit 61, 62, 63,

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1 A. Yes.  
 2 Q. Tell me how you made that comparison.  
 3 A. First, I conducted a visual examination of the  
 4 latent print in Exhibit 60 marked D.J.J. 21, just my initials  
 5 followed by 21, to keep the numbering of the photographs in  
 6 the case straight.  
 7 In it, I determined it to be a palm print that I  
 8 then analyzed the palm print to see what kind of ridge detail  
 9 I could see there to determine whether or not there was  
 10 enough in the palm print to conduct a comparison.  
 11 And I did determine it was enough to continue. So  
 12 then I compared that to the known prints of Gustavo Ramos.  
 13 In doing that, looking for similarities looking for  
 14 differences between the latent print and known print. Once I  
 15 have gone through step by step all of the friction ridge  
 16 detail that is present in the latent print, I made a  
 17 determination as to the source of the latent print.  
 18 Q. What was that determination or conclusion?  
 19 A. In this case I determined that it belonged to the  
 20 right palm of Gustavo Ramos.  
 21 Q. When you say "it" you mean the bloody print that is  
 22 depicted in Exhibit 60?  
 23 A. Yes, correct.  
 24 Q. You mentioned the term latent print. What is the  
 25 difference between a latent and a patent print?

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1 A. In common usage, we typically use latent to also  
2 mean patent print. In this case this is actually more  
3 specifically a patent print, because it is visible. Latent  
4 usually means invisible and has to be developed by some  
5 means.

6 In this case it is a patent print because it was  
7 visible without any processing.

8 Q. Make sure I understand to clarify for the record.  
9 So the print that is depict on the R.J. in Exhibit 60 that  
10 was impounded at the crime scene, that was a visible, bloody  
11 print?

12 A. Correct.

13 Q. So technically you would refer to that as a patent  
14 print as opposed as a latent print?

15 A. That's correct. To further clarify, in common  
16 usage, sometimes we use that term interchangeably with  
17 patent.

18 Q. I understand in this case the print in Exhibit 60,  
19 nothing had to be done to process it to make it visible. It  
20 was already visible because it was in a blood; is that  
21 accurate?

22 A. Correct. Correct, to the best of my knowledge.

23 Q. Is that in fact one of the reasons it was  
24 photographed with the black and white Polaroid as opposed to  
25 being processed with lifting powder and tape?

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1 Q. As far as -- how about as far as the palm print  
2 from Gustavo Ramos? I know we're talking about a copy there.  
3 Do you have the actual lift card of the palm print?

4 A. Yes, I did.

5 Q. You had the actual lift cards but just a photograph  
6 of the paper?

7 A. Correct.

8 Q. Now, the photograph of the paper, you said there  
9 was a print visible to the naked eye?

10 A. Correct.

11 Q. It appeared to be in blood?

12 A. As far as my knowledge, that is correct.

13 Q. As far as your knowledge. Can you tell from that  
14 photograph whether or not that print has been processed, for  
15 example? You said it hadn't been processed. Could you tell  
16 from the photograph whether they dusted it?

17 A. It doesn't appear so.

18 Q. Can you tell for certain?

19 A. Honestly, I would have to look at the original  
20 evidence to see for sure any part of it had been processed  
21 or been processed after the photograph. It's hard to tell  
22 from the photocopy.

23 Q. Okay. They use a variety of things, ninhydrin, a  
24 variety of things to pick up blood, correct?

25 A. Correct.

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1 A. Correct.

2 Q. I'm sorry. Tell me one more time, which palm print  
3 was it of the defendant in the blood?

4 A. To his right palm print. The latent or patent  
5 print was identified as his right palm print.

6 Q. At the risk of asking an obvious question, is it  
7 true that no two people have the same fingerprints?

8 A. Correct.

9 Q. Is it also accurate that no two people have the  
10 same palm prints?

11 A. That's correct.

12 MR. DASKAS: Pass the witness.

#### CROSS-EXAMINATION

16 BY MR. COFFEE:

17 Q. So I'm clear, are you working -- let's start with  
18 the bloody print. Were you working with the original or  
19 photograph image?

20 A. I was working with the photograph.

21 Q. Have you seen the original print?

22 A. The original?

23 Q. The original print, the original of the piece of  
24 newspaper the print was on?

25 A. No, I have not.

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1 Q. There's all sorts of chemical things that stick to  
2 blood and doesn't look like it's been processed but it's hard  
3 to tell without looking at the original?

4 A. Correct. If this had been processed typically with  
5 the chemical like ninhydrin, the print would turn from a  
6 brownish red to a purple?

7 Q. Good example. The photograph is in --

8 A. Black and white.

9 Q. And can't see brown, red, purple, black or white?

10 A. Of course.

11 Q. You could tell shades of gray, you'd expect it to  
12 be darker if it turned purple?

13 A. Or additional blood that is not visible to the  
14 naked eye then be dyed and made visible.

15 Q. Understood. But you'd agree, from the black and  
16 white photo, you can't see color?

17 A. Correct.

18 Q. It doesn't appear it's processed, but it may have  
19 been processed by somebody at some point, it's not altogether  
20 certain, right?

21 A. Correct.

22 Q. Does it appear there were any cuts taken out for  
23 DNA testing and that sort of thing?

24 A. No, not in the small corner that is depicted in the  
25 photograph. I wouldn't be able to tell that.

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- 1 Q. Do fingerprint examiners rely on a thing called  
2 points of identification?
- 3 A. No, we do not.
- 4 Q. You look at the entire print?
- 5 A. Correct.
- 6 Q. You are looking for what sort of things in the  
7 entire print? Scar tissue, that sort of thing, that might be  
8 unique in addition to the print itself?
- 9 A. In addition to the ridges themselves, yes, we will  
10 look at other features such as scars, warts, maybe temporary  
11 damage, other conditions of the skin will also be used.
- 12 Q. You are a certified print examiner?
- 13 A. Yes, I am.
- 14 Q. Where did you get your training?
- 15 A. I was trained at the Las Vegas Metropolitan Police  
16 Department. In addition to that, I also received week-long  
17 courses in training outside of the department as well as at  
18 conferences at other classes.
- 19 Q. Is testing part of the training?
- 20 A. Yes, it is.
- 21 Q. And the testing, I assume, you look at a set of  
22 prints and run them against known exemplars making a  
23 conclusion whether or not they might match?
- 24 A. Correct.
- 25 Q. How did you do?

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- 1 A. Very well.
- 2 Q. Have you ever been wrong about a print?
- 3 A. Have I ever misidentified a print?
- 4 Q. Yes.
- 5 A. To the best of my knowledge, I have never  
6 identified the wrong person.
- 7 Q. Have you ever failed to make an identification when  
8 you were expected to make identification in the testing?
- 9 A. In the testing?
- 10 Q. Yes.
- 11 A. No.
- 12 Q. How about other times?
- 13 A. Yes, I have.
- 14 Q. You just disagreed with another examiner?
- 15 A. No. In cases like that, in some cases you may fail  
16 to find a print. And then when, upon review, that part of  
17 the technical review process somebody goes behind you and  
18 looks and they say "Did you see this one?" You will then  
19 find it and then agree.
- 20 Q. I suppose this is scientifically based, somewhat of  
21 an art form; is that a fair characterization? You don't get  
22 numbers like D.N.A.?
- 23 A. No, there's no statistical basis, no.
- 24 Q. Print examiners have their own standard how close a  
25 print has to look, how much of a print they have to have

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- 1 before they are willing to make an identification?
- 2 A. Yes.
- 3 MR. COFFEE: All right. Thank you.
- 4
- 5 REDIRECT EXAMINATION
- 6
- 7 BY MR. DASKAS:
- 8 Q. Mr. Johnson, does the latent print detail at Metro  
9 have a review process?
- 10 A. Yes, we do.
- 11 Q. Explain what that is.
- 12 A. When a print is compared, it will then -- the first  
13 examiner will go through the entire case. Then after that  
14 case is done, it will go on --
- 15 MR. COFFEE: I object to getting into somebody  
16 else's results. He already testified to his conclusion.
- 17 MR. DASKAS: He has not testified to anybody  
18 else. I am simply asking him about the review process is.
- 19 MR. COFFEE: Figuring out whether or not it's  
20 relevant.
- 21 THE COURT: I will let him testify to what the  
22 process is, but not to what anybody else said.
- 23 MR. DASKAS: I understand that.
- 24 THE COURT: It would be hearsay. You can go  
25 ahead and explain what the process is, what your reviewing

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- 1 policy is at Metro.
- 2 THE WITNESS: I understand. Okay. To make sure  
3 I don't say anything I'm not supposed to. In general, when  
4 we look at a case, the first examiner will examine all the  
5 evidence. And then once they are done, the case will be  
6 passed -- the case will then be passed on to what's called  
7 the technical reviewer.
- 8 The technical review will re-examine and do their  
9 own re-analysis of the conclusions in the case. If there are  
10 any differences between what the case analysts believe and  
11 what the technical reviewer conclusions were, then it will go  
12 to a resolution process and perhaps go to, if there is a  
13 difference, that will go to a third verifier, technical  
14 review, and then determine what the reportable conclusion is.
- 15 And then after that, then the technical reviewer  
16 will sign if they agree or don't. Then after the technical  
17 review process, it will also go to an administrative review.  
18 All conclusions have to be verified before they are allowed  
19 to be reported.
- 20 BY MR. DASKAS:
- 21 Q. Without telling me what the results were, was there  
22 a technical review in this case?
- 23 A. Yes, there was.
- 24 Q. Did it ever have to go to this resolution process  
25 you mentioned earlier?

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1 A. No, it didn't.  
 2 Q. Without telling me the results, who did the  
 3 technical review?  
 4 A. Forensic Scientist II, Edward Gunther.  
 5 Q. To your knowledge, how many years has Mr. Gunther  
 6 been employed with a Metro as a latent print examiner? Or if  
 7 you know, how many years in total has he been a latent print  
 8 examiner?  
 9 A. He has been a latent print examiner --  
 10 MR. COFFEE: Objection. He is trying to bolster  
 11 his --  
 12 MR. DASKAS: Your Honor, he asked him if he ever  
 13 misidentified a print. He opened the door about the review  
 14 process. This is the last area I have. I think that is a  
 15 fair question.  
 16 THE COURT: Go ahead.  
 17 THE WITNESS: I am not quite sure on the total  
 18 number of years. He's been with Metro quite awhile, and  
 19 his total number is somewhere around 25 to 30.  
 20 BY MR. DASKAS:  
 21 Q. Thirty years?  
 22 A. Correct.  
 23 Q. Nothing else. Thank you?  
 24 THE COURT: MR. Coffee.  
 25 MR. COFFEE: Thank you for your time.

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1 THE COURT: You may.  
 2  
 3 DIRECT EXAMINATION  
 4  
 5 BY MS. WECKERLY:  
 6 Q. Sir, are you retired?  
 7 A. Yes, I am.  
 8 Q. Where did you retire from?  
 9 A. The Las Vegas Metropolitan Police Department.  
 10 Q. When did you retire?  
 11 A. In December of 2007.  
 12 Q. And how were you assigned at Metro prior to your  
 13 retirement?  
 14 A. I was a homicide detective just prior to  
 15 retirement.  
 16 Q. How many years did you work in homicide?  
 17 A. Fourteen years.  
 18 Q. Were you working obviously on May 17th of 1998?  
 19 A. Yes.  
 20 Q. During that time period did you work with a  
 21 partner?  
 22 A. Yes, I did.  
 23 Q. Who was your partner then?  
 24 A. At that time it was a detective named Philip Ramos,  
 25 R-A-M-O-S.

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1 THE COURT: You are excused. Thank you.  
 2  
 3 (The witness exited the courtroom.)  
 4  
 5 THE COURT: Call your next witness, state.  
 6 MS. WECKERLY: James Vaccaro.  
 7 MR. DASKAS: Judge, I will retrieve those  
 8 exhibits.  
 9 THE COURT: That's fine.  
 10 THE BAILIFF: Please step up, face the clerk and  
 11 raise your right hand.  
 12 THE CLERK: Do you swear the testimony that you  
 13 are about to give is the truth, the whole truth and nothing  
 14 but the truth so help you God?  
 15 THE WITNESS: I do.  
 16  
 17 JAMES CHARLES VACCARO,  
 18 A witness for the State, having been first duly sworn,  
 19 testified as follows:  
 20  
 21 THE CLERK: State your full name and spell your  
 22 last name.  
 23 THE WITNESS: James Charles Vaccaro,  
 24 V-A-C-C-A-R-O.  
 25 MS. WECKERLY: May I proceed, Your Honor?

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1 Q. May 17, 1998, were you asked to respond to 4255  
 2 South Spencer?  
 3 A. Yes.  
 4 Q. That is in Las Vegas, Clark County, Nevada?  
 5 A. Yes.  
 6 Q. What type of location is that?  
 7 A. Well, the general area is sort of apartments and  
 8 some low residential housing. But that particular location  
 9 was a senior retirement home at that location 4255, that  
 10 exact address.  
 11 Q. I think I asked if that's in Clark County?  
 12 A. Yes.  
 13 Q. When you responded on the 17th, yourself and  
 14 Detective Ramos, YOU were aware that another murder had  
 15 occurred OR homicide detectives had actually responded a day  
 16 earlier, correct?  
 17 A. Yes. When we were informed of our situation,  
 18 immediately we were told there was another situation inside  
 19 the same building probably within the last 30 hours.  
 20 Q. You responded to the location, and it's actually  
 21 sort of a retirement home or for senior citizens?  
 22 A. Yes. I recall it being called Camlu, the name of  
 23 the company on the marquis out front and was a retirement or  
 24 senior center.  
 25 Q. How would you describe the structure of the

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- 1 building itself?
- 2 A. Sort of like an apartment complex, two story. It
- 3 had a couple of legs to it, if you will, sort of horseshoe
- 4 shaped, had common eating areas and separate apartments with
- 5 long hallways.
- 6 Q. To gain access to the individual apartments, are
- 7 there outer doors to the building itself?
- 8 A. Yes. From the outside world, there was a main
- 9 entrance that faced Spencer Street. However, we noted other
- 10 doors that were at the end of these horseshoes so to speak.
- 11 Probably doors for moving about for service workers, but not
- 12 intentionally used by the patrons because they were the
- 13 locking type of door. Like you go out through with a push
- 14 bar, but you couldn't come back in from the outside.
- 15 People that lived there were encouraged to use the
- 16 main doors. These were other doors maybe used for workers or
- 17 maintenance people.
- 18 Q. Sir, showing you what has been marked as State's
- 19 Proposed Exhibit 29 through 47. If you could look through
- 20 all those and let me know when you are done.
- 21 A. All right. (Witness complied). Okay.
- 22 Q. Now in terms of Exhibits 29 through 43, are those
- 23 the crime scene itself as it appeared on the 17th when you
- 24 responded?
- 25 A. Yes, they are.

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- 1 type of violence.
- 2 Q. In general there was a lot of stuff in the unit?
- 3 A. Yes.
- 4 Q. Then also there appeared to be some signs of
- 5 struggle because of the placement of items in there?
- 6 A. Yes.
- 7 Q. Showing you what has been admitted as State's 31.
- 8 Can you describe what we're looking at in that photograph?
- 9 A. Yes. In this photograph, this is an initial
- 10 impression you get standing just inside after having entered
- 11 the apartment, and you are looking at a wall to the south
- 12 with a window. There is a couch that is converted into a bed
- 13 that looks like the primary bed area for this studio
- 14 apartment. And then other items of furniture around the
- 15 perimeter of the room including a folding chair -- an easy
- 16 chair, a reclining chair, if you will. On top of the bed is
- 17 a wooden chair that looks like it goes to a dinette set
- 18 behind the photographer in the picture.
- 19 Q. The bed depicted in the photograph is a sofa bed in
- 20 the reclined position, correct?
- 21 A. Yes.
- 22 Q. There appears to be a chair on top of it with blood
- 23 as well?
- 24 A. Yes. Clearly you could see what appears to be
- 25 blood on the leg of the chair.

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- 1 Q. Photographs 44 through 47, are those specific items
- 2 of evidence that were taken from the crime scene and
- 3 photographed back at the Crime Lab?
- 4 A. Yes, they are.
- 5 Q. The unit that you responded to was which number?
- 6 A. 212.
- 7 Q. Obviously, that is on the second floor?
- 8 A. Yes.
- 9 Q. When you responded on the 17th, can you give us
- 10 some idea where that unit was in relation to the prior
- 11 homicide?
- 12 A. Yes. Our Unit 212 was on the second floor was more
- 13 centralized on the second floor near the center of the
- 14 horseshoe. Whereas, Unit 120 where the other incident had
- 15 occurred was near one of the outer legs of the horseshoe and
- 16 closer to an exit door that we talked about previously.
- 17 Q. On the bottom floor?
- 18 A. On the first floor, yes.
- 19 Q. The actual unit that concerned your homicide
- 20 investigation, 212, when you went in there, how would you
- 21 describe it generally, the room itself?
- 22 A. My first impression was that it was small and a
- 23 studio-style so everything except the bathroom you could see
- 24 just by entering into this small apartment, very disheveled,
- 25 not well kept and clearly the scene of a struggle of some

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- 1 Q. This is State's 33. What is that photograph?
- 2 A. This is a close-up photograph of a couple of items
- 3 on top of the bed that we were just talking about. In that
- 4 picture you can still see the chair. The chair still bears
- 5 blood along with the blanket that the chair was resting on.
- 6 It bears blood along with a knife with a serrated edge on
- 7 both sides also within that picture, too, on top of the
- 8 blanket.
- 9 Q. Could you hand those three to the Judge, please.
- 10 A. Sure.
- 11 THE COURT: The chair is on the bed. Okay.
- 12 BY MS. WECKERLY:
- 13 Q. Now showing you State's 34. What are we looking at
- 14 in that photograph?
- 15 A. In this photograph we still see, because of the
- 16 smallness of this room, still see the bed to the right-hand
- 17 side that I was describing.
- 18 Now we see the presence of our victim on the floor,
- 19 Helen Sabraw, as I first saw her when I came into the room on
- 20 that morning, and we see her almost nude with what looks like
- 21 sleepwear pulled up above her upper body by her neck. And
- 22 other items of clothing was near her feet and also furniture
- 23 in the room in this photo.
- 24 Q. Looking at the victim, did she have any kind of
- 25 slippers, socks or anything on her feet?

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1 A. No, she does not.  
 2 Q. How about underwear or undergarment?  
 3 A. It doesn't appear there were any undergarments. I  
 4 see a pair of underpants behind her head in the photograph.  
 5 Q. Her nightgown or the item of clothing actually on  
 6 her, how was that positioned on her body?  
 7 A. Well, I recalled this item as a long gown, sort of  
 8 like a sleeping gown, very heavily bloodied and pulled up  
 9 around her neck exposing almost all of her body except her  
 10 arms and neck area.  
 11 Q. Showing you now what is State's 36. Is that  
 12 another sort of view of the victim?  
 13 A. Yes. The photographer stepped around towards the  
 14 head of the victim on the floor here and had taken another  
 15 photograph.  
 16 Q. Towards the left of the victim's body on a rug,  
 17 there appears to be an item of clothing?  
 18 A. Yes.  
 19 Q. What is that?  
 20 A. On top of the carpeting in the apartment is an area  
 21 rug. On top of the area rug on the left side of this  
 22 photograph is what appears to be a gray shirt. I know I'm  
 23 familiar with the shirt. This particular shirt was an item  
 24 of interest and an item of evidence for us in this  
 25 investigation.

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1 photograph?  
 2 A. Here's a pull back photograph of our victim lying  
 3 on the floor again, same positioning with the knife beneath  
 4 the right knee. And here we can see additional wounds that  
 5 appear to be stabbing wounds of her lower or upper left hip  
 6 and thigh area and also of her chest and breast area. We can  
 7 see a little bit better photograph of the discharge from the  
 8 rectal area.  
 9 Q. To the left of the victim's body on the carpet  
 10 area, is there anything there that caught your attention as  
 11 an investigator?  
 12 A. The whole area of the carpeting was interesting  
 13 from the standpoint there was a lot of movement here. Off to  
 14 the left side was a brownish fluid consistent with the fluid  
 15 and fecal matter that I observed at her rectal area. This is  
 16 on the left side. Then there was deposited blood around the  
 17 victim that was indicating a lot of movement by the victim  
 18 while bleeding on the carpet.  
 19 Q. The object, what is below her right foot?  
 20 A. It's another item of interest to us in this case,  
 21 which was the white sleeveless or tank top undershirt.  
 22 Q. Was that, I guess, did that catch your attention as  
 23 a detective?  
 24 A. Yes, it did. It was associated with in my mind the  
 25 other shirt. Those two shirts were impounded as evidence.

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1 Q. Why was it an item of interest?  
 2 A. Because of its condition, the location near the  
 3 victim, and the fact that it did not appear to be an item of  
 4 clothing this woman might use. I knew her to be the sole  
 5 occupant of this room.  
 6 Q. State's 35, is that a closer view of the shirt?  
 7 A. Yes.  
 8 Q. Pass it over to the Court, please.  
 9 A. (Witness complied).  
 10 Q. Sir, now I am showing you what has been admitted as  
 11 State's 41. What is depicted in that photograph?  
 12 A. This is a close up photograph of the lower portion  
 13 of Helen Sabraw's body as she lies in the carpet in the room.  
 14 We see the bloody carpet underneath her legs and the fact she  
 15 has a wound in the upper left thigh, a handle of a knife  
 16 beneath her right knee, protruding in this photograph. We  
 17 can also see in the area of her rectum a fluid, a brownish  
 18 fluid that's extruded headed southward or down as gravity  
 19 pulls it to the carpet.  
 20 Q. There's some discharge in her rectal area?  
 21 A. Yes.  
 22 Q. Also a knife under her knee?  
 23 A. Yes, as well as the right hand of hers is heavily  
 24 bloodied as well.  
 25 Q. This is State's 42. What are we looking at in that

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1 Q. This is lastly State's 43. What does that depict?  
 2 A. In this photograph we have a close-up of Helen  
 3 Sabraw's head on the floor. We can see injuries to her head  
 4 and face from a sharp weapon of some type, and blood is  
 5 present in her hair and also on a garment below her head that  
 6 was determined to be a pair of women's underpants.  
 7 Q. When you looked at the scene and examined the scene  
 8 with Detective Ramos on the 17th, did you consider whether or  
 9 not a sexual assault had taken place?  
 10 A. Yes.  
 11 Q. What conclusions or what information did you take  
 12 in with regard to that?  
 13 A. Well, my initial impression was the appearance of  
 14 the victim on the floor, and in my experience with the  
 15 removal of these clothing items such as the underwear that  
 16 was up by her head and the outer gown pulled above her neck  
 17 exposing her full nude body, along with what appeared to be  
 18 fluid from the rectal area, that further reinforced my  
 19 suspicions there had been a sexual assault.  
 20 Q. How about any indications of a robbery at the  
 21 scene?  
 22 A. Of course, we were looking at that, not knowing a  
 23 lot of about our victim initially. There were some  
 24 indicators that would disprove that to me in the fact she was  
 25 wearing jewelry and she had rather large stoned ring. I

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1 don't know whether it was a wedding or engagement ring on her  
2 finger. Not that that is always taken in the course of a  
3 robbery, but that sure would have been something that a  
4 person, the attacker, in this case should have been able to  
5 see, if robbery was the motive, and taken those items.

6 Q. Did you attend the autopsy of this victim in this  
7 case?

8 A. I did.

9  
10 (Off-the-record discussion  
11 held between State's counsel.)

12  
13 BY MS. WECKERLY:

14 Q. Sir, I'm showing you what has been marked State's  
15 Proposed Exhibits 48 through 58. Can you look through those?

16 A. (Witness complied). Okay. I'm familiar with them.

17 Q. Are they photographs taken at the autopsy of Helen  
18 Sabraw?

19 A. Yes.

20 MS. WECKERLY: State moves to admit 48 through  
21 58?

22 MR. COFFEE: No objection.

23 THE COURT: So admitted.

24  
25 ///

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1 Q. But you retired before it was solved?

2 A. Yes.

3 Q. Thank you.

4 A. You're welcome.

5  
6 CROSS-EXAMINATION

7  
8 BY MR. COFFEE:

9 Q. Who is Ms. Parks in relation to the victim, if you  
10 know?

11 A. I don't know exactly. I believe an acquaintance.

12 Q. Not an executor for an estate, for example?

13 A. I don't know that, sir.

14 Q. You don't have any information that would be the  
15 case, would you?

16 A. Not that I recall right now, no.

17 Q. It just looked like it was potentially a sexual  
18 assault based on your training and experience; is that a fair  
19 characterization?

20 A. In combination with a brutal stabbing murder, yes.

21 Q. It's not just a sexual assault, obviously this is  
22 above and beyond?

23 A. Yes.

24 Q. Were you able to determine -- I suppose you knew  
25 there had been a homicide shortly before this body was

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1 (State's Proposed Exhibits 48 through 58  
2 were admitted into evidence.)

3  
4 BY MS. WECKERLY:

5 Q. Sir, how was it this crime got reported to the Las  
6 Vegas Metropolitan Police Department?

7 A. In this particular case, the report came through  
8 9-1-1 by way of concerned persons that had responded to the  
9 apartment and found Helen Sabraw like that. Those persons I  
10 believe are Helen's son and also a friend, a female friend of  
11 her son.

12 Q. Also was there a woman named Peggy Parks who  
13 reported as well?

14 A. Yes.

15 Q. Do you recall whether or not Ms. Parks filled out a  
16 voluntary statement in this case?

17 A. I believe she did, yes.

18 Q. Is it fair to say in 1998 you didn't have a suspect  
19 immediately available for this particular crime?

20 A. That's correct.

21 Q. You were in homicide years after that?

22 A. Yes.

23 Q. In that time period did it remain in an open  
24 investigation?

25 A. Yes, it did.

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1 discovered, a day or day and a half before?

2 A. That's true.

3 Q. Were you able to determine time of death in this  
4 incident?

5 A. Typically, we don't do that. We have medical  
6 examiners that are way better skilled to make those  
7 determinations.

8 I can tell you that my experience indicates to me,  
9 when I walked into the room and saw our victim, Helen Sabraw,  
10 that this was not a few hours ago kind of murder case. She  
11 had been down for a while.

12 Q. Let's talk about some of those things.

13 The smell told you she had been down for a while?

14 A. The smell, discoloration issues.

15 Q. You saw blood pooling that sort of thing?

16 A. Yes.

17 Q. Did you check for rigor? Do you know if anybody  
18 checked?

19 A. I personally did not handle her. However, I was  
20 present when she was handled. I know the body -- No, it was  
21 not. It was coming out of rigor.

22 THE COURT: One at a time.

23 BY MR. COFFEE:

24 Q. It's not an exact science. I'm not trying to pin  
25 you down on time. We'll go through it and give you the

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1 opportunity to explain that. Just trying to get the basic  
 2 facts right now.  
 3 A. Sure.  
 4 Q. It looked like it was already coming out of rigor,  
 5 based on your observations, what you had been trained for in  
 6 the past?  
 7 A. It's hard to say. There's so many factors that  
 8 affect rigor. I could give you my opinion. I'm not sure you  
 9 want that right now.  
 10 Q. The body didn't appear to be stiff while being  
 11 moved?  
 12 A. There was not complete rock solid rigor, as I  
 13 recall.  
 14 Q. Again, this is all, unlike T.V., this is all guess  
 15 work when talking about times. It didn't look like it was a  
 16 minutes-old scene?  
 17 A. Sure. That's true.  
 18 Q. Perhaps several hours longer?  
 19 A. That's true.  
 20 Q. Probably not a month because you didn't see the  
 21 sort of decomposition that you'd seen in a body that had been  
 22 there a month, based on your training and experience?  
 23 A. That's true.  
 24 Q. One of the things you are trained to figure out is  
 25 motive, try and figure out why somebody would do something,

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1 A. Yes.  
 2 Q. Were you able to tell how that was pulled up around  
 3 the head?  
 4 A. No.  
 5 Q. You have been to -- there had been a struggle in  
 6 the room based on what you saw?  
 7 A. Clearly.  
 8 Q. You have seen situations where clothing gets  
 9 pulled, moved, disheveled because somebody is dragging or  
 10 fighting?  
 11 A. That's true.  
 12 Q. Can't say for certain that didn't happen? It  
 13 looked like somebody might have pulled it over her head  
 14 purposely, but you don't know for certain; is that a fair  
 15 characterization?  
 16 A. Yes.  
 17 Q. The fluid you said, fecal matter, there was blood  
 18 or potential fecal matter on the carpet, yes?  
 19 A. Yes.  
 20 Q. Do you know that was ever tested?  
 21 A. I don't know.  
 22 Q. May I have a tissue?  
 23 Did you interview -- you were lead detective, start  
 24 with that?  
 25 A. Actually, we were working together, Detective Ramos

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1 not required to prove but are trained?  
 2 A. Yes.  
 3 Q. You thought robbery was a potential motive?  
 4 A. Well, that is something that was explored but we  
 5 weren't getting that feel at the scene.  
 6 Q. Didn't find anything in this particular instance  
 7 that would support a theory of robbery?  
 8 A. No, not my knowledge. No.  
 9 Q. In fact some things weighed against the possibility  
 10 this was a robbery? Not a possibility, but you thought it  
 11 was possible, right, a likelihood?  
 12 A. I wouldn't know things that could have been taken  
 13 from this victim that would have been things I never had  
 14 known she possessed.  
 15 Q. Understood. But there were obvious things that  
 16 might be of potential value that was left on the victim?  
 17 A. That's true.  
 18 Q. It made it look like in your opinion like the  
 19 motive may have been something other than robbery, perhaps  
 20 sexual assault?  
 21 A. That's true, too.  
 22 Q. There was jewelry, for example, that was left?  
 23 A. That's true, too.  
 24 Q. You talked about bed clothing. It was pulled up  
 25 around the victim's head to some extent?

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1 and I. He had the responsibility for documenting the scene  
 2 with that report. But there was no particular lead in this  
 3 case. I'm responsible for what happened in this case.  
 4 Q. All right. Were there any interviews conducted?  
 5 A. Yes.  
 6 Q. Who did you interview?  
 7 A. I have a list of people here. It's been a few  
 8 years for me. You want me to look at my list?  
 9 Q. Please. If that's all right with the district  
 10 attorney.  
 11 A. They may be in the crime report. At this time the  
 12 scene report indicates that interviewed people would be  
 13 referenced in another matter.  
 14 Q. We can get that from you, if we need it at some  
 15 point?  
 16 A. I'm sure the persons interviewed were in a section  
 17 of the homicide book.  
 18 Q. You didn't have any people of interest in this  
 19 particular case, someone targeted or who you thought may have  
 20 been responsible?  
 21 A. Yeah. I recall the case. We really worked a lot  
 22 on this. No. We tried to determine if there was somebody  
 23 that was a suspect for quite awhile. We tried a lot of  
 24 different techniques to develop suspects but we were  
 25 unsuccessful.

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

GUSTAVO RAMOS,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Supreme Court Case No. 79781

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**APPELLANT'S APPENDIX**

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**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 31st day of March, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Steven Wolfson, Clark County District Attorney's Office

Aaron Ford, Nevada Attorney General

Jamie J. Resch, Resch Law, PLLC d/b/a Conviction Solutions

By: 

Employee, Resch Law, PLLC d/b/a Conviction Solutions