

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAURICE MOORE,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

)
)
)
)
)
)
)

Case No. 79817

Electronically Filed
Apr 13 2020 11:12 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**RESPONDENT'S APPENDIX
Volume 2**

ROBERT M. DRASKOVICH, ESQ.
Nevada Bar #006275
Draskovich Law Group
815 S. Casino Center Blvd.
Las Vegas, Nevada 89101
(702) 474-4222

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
Office of the Clark County District Attorney
Regional Justice Center
200 Lewis Avenue
Post Office Box 552212
Las Vegas, Nevada 89155-2212
(702) 671-2500
State of Nevada

AARON D. FORD
Nevada Attorney General
Nevada Bar #0007704
100 North Carson Street
Carson City, Nevada 89701-4717
(775) 684-1265

Counsel for Appellant

Counsel for Respondent

INDEX

<u>Vol. & Document</u>	<u>Page No.</u>
Vol. 1, Recorder's Transcript of 8/6/19 (Jury Trial – Day 2) Filed 12/3/19	1-221
Vol. 2, Recorder's Transcript of 8/7/19 (Jury Trial – Day 3) Filed 12/3/19	222-344
Vol. 3, Recorder's Transcript of 8/8/19 (Jury Trial – Day 4) Filed 12/3/19	345-452

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on April 13, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

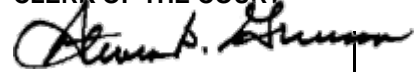
AARON D. FORD
Nevada Attorney General

ROBERT M. DRASKOVICH, ESQ.
Counsel for Appellant

JONATHAN E. VANBOSKERCK
Chief Deputy District Attorney

BY /s/ E. Davis
Employee, District Attorney's Office

JEV/Brittini Griffith/ed



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	CASE NO. C-17-324535-1
)	
Plaintiff,)	DEPT. NO. XX
)	
v.)	
)	
MAURICE TERRANCE MOORE,)	
)	
Defendant.)	
_____)	

BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE

WEDNESDAY, AUGUST 7, 2019

RECORDER'S TRANSCRIPT OF HEARING:
JURY TRIAL - DAY 3

APPEARANCES:

FOR THE STATE:

STACEY L. KOLLINS, ESQ.
Chief Deputy District Attorney

WILLIAM JAKE MERBACK, ESQ.
Chief Deputy District Attorney

FOR THE DEFENDANT:

ROBERT M. DRASKOVICH, ESQ.
MICHAEL W. HORVATH, ESQ.

RECORDED BY: ANGIE CALVILLO, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, NEVADA, WEDNESDAY, AUGUST 7, 2019

2 [Case called at 11:09 A.M.]

3 (Outside the presence of the jury.)

4 THE COURT: Okay. Let's go ahead and call the
5 State of Nevada versus Maurice Moore, Case No. C324525.

6 Counsel, please note your formal appearances, for
7 the record.

8 MR. DRASKOVICH: Robert Draskovich and Michael
9 Horvath on behalf of Mr. Moore, who is present.

10 MS. KOLLINS: Stacey Kollins, Jake Merback on
11 behalf of the State.

12 THE COURT: Okay. You've indicated you've worked
13 out a lot. Do I still need to do a ruling in reference to
14 the -- her comments as far as having previously had sex to
15 the police officer versus the SANE nurse?

16 MR. DRASKOVICH: Yes, Your Honor.

17 THE COURT: Okay. I have looked at it. And while
18 I follow the argument, I do think there is a distinction
19 that's provided under the statute as it relates to motive and
20 proof of motive.

21 As the more I look at the acts that are described
22 here, what we're talking about is an example of the
23 underlying motive, which is the fear of the mother, rather
24 than actual evidence much the motive.

25 And so I -- you've got it in the evidence that

1 you're going to be relying on in terms of the motive of this
2 case, and so this is essentially just a separate act relating
3 to that motive, which I see is more as propensity that she
4 would act this way in one instance and she would in another.

5 And while it does, I think, arguably have some
6 relevance, I think the probative value is outweighed,
7 especially when you look at the statutory prohibition. So I
8 won't allow you to get into the -- her comment to police that
9 she did not have sex previously, versus her comment to the
10 SANE nurse that she did have --

11 MR. DRASKOVICH: Okay.

12 THE COURT: -- sex previously.

13 MR. DRASKOVICH: So just so we're clear, Your
14 Honor's saying I can't inquire --

15 THE COURT: Yes, you can't inquire that.

16 MR. DRASKOVICH: Okay.

17 THE COURT: Now, is the SANE nurse going to testify
18 today or tomorrow?

19 MS. KOLLINS: Today.

20 THE COURT: All right. I don't want her going
21 through a half hour of what is involved in SANE nurse
22 examinations and then starting back over what happened the
23 night or the afternoon of this. I've watched her testimony
24 before. She's very good, don't get me wrong.

25 But I've generally seen is we spend about 20, 30

1 minutes with her talking about each one of the four different
2 examinations, in detail, and then we turn to the issue of
3 what happened the night of the event, and we go back over the
4 four examinations in detail, and what happened.

5 I assume the girl took the most invasive of the
6 options?

7 MR. MERBACK: She did. She did.

8 THE COURT: I want to just focus on what she did
9 with the girl, and what was involved in that examination. We
10 don't need to get into a breakdown and long-term discussion
11 of what is a SANE nurse and what a SANE nurse did.

12 I will let you talk about her background and
13 everything, but we're not going to do 20, 30 minutes of who
14 here's what I do as SANE nurse, I talk with her about this
15 option which involves DA, DA, DA, DA, DA, I talk to them
16 about this often, which is DA, DA, DA, DA, and this option,
17 which is DA, DA, DA, DA, DA, and this option.

18 I want to go to she gets here, I told her this, she
19 took this, and this is what happened. Okay?

20 MR. MERBACK: Okay.

21 THE COURT: All right. Anything else?

22 MR. DRASKOVICH: No, Your Honor.

23 THE COURT: All right. Let's bring in the -- bring
24 in the jury.

25 (Pause in the proceedings)

1 THE MARSHAL: All rise for the jury.
2 (In the presence of the jury at 11:13 A.M.)
3 THE COURT: Okay. Let the record reflect the
4 presence of the attorneys for both sides, the presence of the
5 defendant. Do the parties stipulate to the jury panel --
6 presence of the jury panel?
7 MR. DRASKOVICH: Yes.
8 MS. KOLLINS: Yes, Your Honor.
9 THE COURT: Okay. Very good.
10 All right. Good morning, ladies and gentlemen.
11 Again, thank you for getting here today in a timely fashion.
12 Again, I apologize for getting started just a little bit
13 late. But as I did comment -- or a couple days ago in my
14 introductory instructions, while you were waiting, we are
15 working, and I think we had work through, from the based on
16 my conversations with counsel on both sides some of the --
17 some of the scheduling and issues relating to this case that
18 will actually speed it up.
19 So in the long run, I think we'll be better
20 utilizing your time, and minimizing your time down here.
21 We'll talk about that more when we get done with the
22 proceedings today and get a better sense of where we are with
23 everything. But we are moving forward with the case, and we
24 will get a lot of work done today.
25 And State may call its next witness.

1 MS. KOLLINS: State calls Jose Carrillo.

2 THE COURT: All right. Sir, if you'd come up here

3 to the witness stand. You see there are a couple of steps.

4 When you get to the top, if you'll stay standing for just a

5 second. The lady to my left will swear you in.

6 JOSE CARRILLO, STATE'S WITNESS, SWORN

7 THE CLERK: Please be seated.

8 THE WITNESS: Thank you.

9 THE CLERK: Please state your name, and spell your

10 first and last name for the record.

11 THE WITNESS: Jose Carrillo. First name is

12 J-o-s-e. Last name is C-a-r-r-i-l-l-o.

13 THE COURT: Can I get you to scoot up closer to

14 that red light. That's our microphone.

15 THE WITNESS: All right.

16 THE COURT: That way we make sure we've got your

17 voice heard by everybody.

18 THE WITNESS: Yes, sir.

19 THE COURT: Thank you. Counsel, whenever you're

20 ready.

21 MS. KOLLINS: Thank you, Your Honor.

22 DIRECT EXAMINATION

23 BY MS. KOLLINS:

24 Q Good afternoon, Mr. Carrillo.

25 A Good morning.

1 Q Who's in your family?

2 A My family, it's my wife, Maria, my four daughters,
3 Sandra, Delilah, Elizabeth, and Alexia.

4 Q Okay. And is Alexia your stepdaughter or your
5 daughter?

6 A Technically, my stepdaughter, but I call her my
7 daughter. I've been raising her since she's one-and-a-half.

8 Q Did you and your family travel here at the State's
9 request from Kansas?

10 A Yes, ma'am.

11 Q Okay. Back in February of 2017, where did you
12 live?

13 A 10332, Faustine Avenue, Las Vegas, Nevada 89129.

14 Q And that's here in Las Vegas, Clark County, Nevada?

15 A Yes, ma'am.

16 Q And who was living in that residence at that time?

17 A It was me, Maria, Elizabeth, Delilah, and Alexia.

18 Q Okay. And Alexia is how old?

19 A Alexia now is 16.

20 Q Okay. So in 2014, she would have been -- or excuse
21 me, 2017, she would have been --

22 A 14.

23 Q Turning your attention to February of 2017. Did
24 there come a time when your grand -- or your parents were
25 visiting and some startling events happened?

1 A It was my father-in-law and my mother-in-law.
2 Q Okay.
3 A Yes.
4 Q And what did you do that evening?
5 A That evening for the -- when the event happened
6 or --
7 Q No, earlier that evening, what had everyone been
8 doing?
9 A It was just normal a get-together, family night,
10 just everyone at home getting regular chores down and
11 watching a movie, and called it bedtime.
12 Q Okay. About what time did you go to bed?
13 A I think it might have been 10:00, 11:00-ish, normal
14 time.
15 Q And did you and Maria go to bed at the same time?
16 A Yeah, we both went up to our room at the same time.
17 Q Okay. And where was Alexia when you went to bed?
18 A Alexia was in her room, well, with her sister and
19 her niece, cousin.
20 Q Okay. That is --
21 A Maria's stepsister, so aunt, there we go.
22 Q Okay. And Maria's stepsister's name is?
23 A Rosio.
24 Q And how is Rosio?
25 A Oh, I wouldn't be able to tell you. I think she's

1 Liz's age. Maybe 14, 15.

2 Q And Liz, that's Elizabeth?

3 A That's Elizabeth, yes.

4 Q Is she younger than Alexia?

5 A Yes.

6 Q Okay. And was she home that evening that as well?

7 A Yes, she was.

8 Q Okay. Lady right here is taking down everything we

9 say, so try to wait for me to finish before you answer so --

10 A Yes, ma'am.

11 Q -- we don't have to repeat. Thank you.

12 When you went to sleep, did you have any knowledge or

13 had you given anybody permission, specifically Alexia, to go

14 anywhere, to leave the home?

15 A No, ma'am.

16 Q Okay. Did there come a time when you were awakened

17 by something?

18 A Yes.

19 Q Tell me about that.

20 A So it was after we were all -- well, me and Maria

21 were laid down, and then I heard rustling in the hall. I

22 basically got up, I'm like what's going on. So I got up,

23 opened our room door, and I asked the girls what's going on.

24 Q Okay. And what girls are we talking about?

25 A Elizabeth and Rosio.

1 Q Okay. Was Alexia with them?

2 A No, she wasn't.

3 Q And when you asked the girls what's going on, what
4 do you learn?

5 A I learn from Liz that they couldn't find Alexia.

6 Q Okay. And about what time of the evening is this?

7 A Well, we went asleep around 10:00, I wouldn't be
8 able to exact, but it had to be sometime past 11:00, 12:00
9 o'clock.

10 Q Okay. So into the early morning hours of the 26th;
11 is that fair?

12 A Yes, it is.

13 Q Okay. So when they say they can't their sister,
14 what do you do?

15 A I ask, like any parent, like, what do you mean you
16 can't -- you don't know where your sister's at? Like, what's
17 going on? And that's when Liz tells me that her sister went
18 out to put the dog in the -- in the cage, in the kennel and
19 didn't come back.

20 Q Based on that information, what did you do next?

21 A I did -- I guess, went to go grab my shoes to go
22 outside, throw on a shirt, and we started looking for her in
23 the backyard. I think, once did a sweep in the backyard.

24 Q Who's we?

25 A Everybody in the house. That's my wife. I told

1 her what was going on. That's my father-in-law,
2 mother-in-law. We basically searched the house up and down.

3 Q Okay. And did you find Alexia, based on that
4 search?

5 A No, I didn't, ma'am.

6 Q Okay. It being this late at night, what did you do
7 and Maria decide to do?

8 A Well, my decision was this late at night where did
9 my daughter go? First thought was, okay, she's not here, let
10 me go see outside. So first thought is I jumped in my car.
11 I drove around our neighborhood, which has a little -- it's a
12 little, I guess, sort of like a cul de sac area. There's a
13 small park there. Went out there to go check, see if there
14 was anybody there. And I have a huge spotlight that I carry
15 in my truck because of my work.

16 Q Did you believe that Alexia could be with friends
17 in the neighborhood and --

18 A That was my first thought. Like, okay, she might
19 have gone out. Because we do -- she does have really close
20 friends that live around the neighborhood, either the
21 neighborhood right across the cul de sac right across, or
22 right up top. So that was my first thought.

23 Q Did -- other than putting the dog out, did the
24 little ones -- the younger ones, excuse me, give you any
25 information about where she might be?

1 A It was dogs and then it was, if I remember
2 correctly, the first time I was at the house, when all this
3 happened is, meet up with some friends. That's -- that's the
4 first because there was so much going on, and there was a few
5 times I left the house and came back and got different parts
6 of what was going on.

7 Q Okay. So when you left the house, did you do so in
8 your vehicle?

9 A Yes.

10 Q And where did you go?

11 A I went around our neighborhood, went to the little
12 park, which is across the street. I spotted my flashlight
13 there. And then I went over right across tot north side of
14 our house, we have Lone Mountain, which is a hiking trail. I
15 went out that way and just ran my spotlight down that way,
16 went up towards Cliff Shadows, which is west just straight up
17 the sheet, and went down Cliff Shadows because it was like
18 she's on foot walking, even if she's meeting friends, you
19 know what I mean? What 14-year-old drives?

20 So I'm figuring I might find someone walking down
21 the street.

22 Q Okay. When you accomplished all that travel you
23 just described, was Maria with you or not with you?

24 A The first time I went out, Maria was with me
25 because she wanted to jump in the car with me.

1 Q Okay. And did you all contact law enforcement?

2 A She contacted law enforcement when, I guess, when I

3 was walking around our yard first just on foot. I think

4 that's when she called.

5 Q Okay.

6 A Yes.

7 Q So you said she went out with you the first time.

8 Did you -- you said you went out more than one time.

9 A Yes.

10 Q Did you take her back home, did you --

11 A Yeah, I took her -- once we went around the block,

12 just a quick one, and looked up the street, I took back home

13 because I told her you need to be home when the police show

14 up, so I dropped her back off at home.

15 Q So did you -- after you dropped her back off, did

16 you see Alexia, did you find Alexia?

17 A There was no sign of Alexia.

18 Q Okay. Did she have a working phone that you knew

19 of that was hooked to a phone line that was --

20 A No, ma'am.

21 Q -- out? Okay. So you couldn't call her, you

22 couldn't text her?

23 A Couldn't call her.

24 Q When you returned home, what did you see?

25 A When I came home, I dropped off Maria. Basically,

1 I dropped her off in the driveway, and I took off again --

2 Q Okay.

3 A -- to keep on searching.

4 Q Right. And that second search did you find Alexia?

5 A No, I didn't.

6 Q Did you return home?

7 A I came home.

8 Q And what did you see when you returned home that

9 time?

10 A That time I came home, that's when my wife had

11 talked to Liz, and Liz told her that, I guess, Alexia was

12 texting with friends that they were going to get McFlurries,

13 and then that's when they told me that. So my next instinct

14 was there's a McDonalds on Cheyenne, which is the closest

15 one, and I drove off again. I drove off towards the

16 McDonalds.

17 Q Did you find Alexia when you drove towards

18 McDonalds?

19 A No, I didn't, ma'am.

20 Q That second time that you just described that you

21 went back home, was there any law enforcement present at your

22 house?

23 A No.

24 Q Okay. Did you find Alexia at McDonalds?

25 A No, I didn't, ma'am.

1 Q And after McDonalds, what did you do?

2 A I came back home.

3 Q Okay. And had anything changed at home --

4 A Alexia was actually at home the -- the third time

5 -- that time I came back from the McDonald searches.

6 Q Okay. Was law enforcement there yet?

7 A Not yet.

8 Q Okay. When -- how did you discover that Alexia was

9 back home?

10 A I walked into the house.

11 Q And who is present on the first floor of the house

12 when you walk in?

13 A It was everyone that was there night, which is

14 mother-in-law, father-in-law, Elizabeth, and Alexia, and I

15 think, Rosio, and my daughter were upstairs, the younger

16 ones, yeah.

17 Q Okay. What's Maria demeanor?

18 A She's, I guess, angry and stressed, like any other

19 parent that their kid was gone.

20 Q Okay. And what about Alexia's demeanor?

21 A Alexia's demeanor was, she was more shutdown.

22 Like, just she was listening to us but not at the same time.

23 She was there, but not there at the same time.

24 Q Did you see any physical confrontation between your

25 -- Maria and Alexia?

1 A When I got there, no.

2 Q Okay. Did you learn later about that?

3 A On the physical confrontation? Yes.

4 Q Okay. But you didn't witness any of that?

5 A I didn't witness none of that.

6 Q Okay. Did you learn when you arrived back at the

7 home that Alexia did, in fact, have a telephone?

8 A Yes, ma'am.

9 Q And did you see that telephone?

10 A Yes.

11 Q Did you take possession of it?

12 A Yes, ma'am.

13 Q Did you review the content of that phone?

14 A Yes, ma'am.

15 Q Who did you get the phone from?

16 A I took it from my wife.

17 Q Okay. And did you get in any particular

18 application or, you know, like Instagram, Google, e-mail?

19 Did you open any applications?

20 A It was an app. I just don't remember which one was

21 it.

22 Q Okay. Were there messages in that app?

23 A Yes, ma'am.

24 Q Okay. Based those messages, did you do anything?

25 A Yes.

1 Q Tell me about that.

2 A So I started seeing the messages, and it seemed
3 like my daughter had met up with a guy, she was trying to
4 meet up with a guy. At that time, I didn't know the age, I
5 didn't know nothing, I just knew she met up with a guy on
6 there.

7 So my intent was, okay, I'm going to get this guy
8 to come back home, come back over here, so --

9 Q Okay. Did you and Maria make that decision
10 together?

11 A Yes, ma'am.

12 Q Okay. Did Maria ultimately send him -- send the
13 person on the other end of the phone messages?

14 A I told my wife what to send him.

15 Q Okay. And were you present when she was sending
16 this?

17 A Yes.

18 Q Okay. Were the police there when you began sending
19 those messages with --

20 A No, ma'am.

21 Q Okay. Did you ask Alexia about who the person she
22 was talking to?

23 A I asked who it was, and I didn't get no response.

24 Q Okay. So she wasn't giving you any information?

25 A No.

1 Q Up to point where you're trying to get this person
2 back here, were you aware of anything that transpired with
3 Alexia that evening?

4 A No, ma'am.

5 Q Did you eventually make contact with the police?

6 A Yes, as I was driving away.

7 Q Did the police arrive at your home?

8 A Yeah.

9 Q Okay. So you were driving away for the fourth
10 time?

11 A Yes.

12 Q Okay. And did you stop and talk to police or did
13 you just see them pulling into the neighborhood?

14 A As I was pulling out the driveway, the first
15 officer pulled in, and I told him Alexia was home, and I told
16 him what I was doing as I was driving away.

17 Q And what were you going to accomplish by driving
18 around that last time?

19 A My first thought was figure out who came over, and
20 so the text message was, I think, something about my parents
21 are tripping or something like that, you know, can you come
22 back and pick me up?

23 So my intent was to have that person drive back.
24 Our cul de sac, the way it is, there's only one entrance in,
25 one entrance out.

1 So my -- my thought was I'm going to go over there,
2 see what car pulls in, so I know who she left with, if
3 anything pulls in. And I actually switched vehicles. I
4 didn't take the first vehicle I took. I took a vehicle that
5 was in my garage that was with garage door, so I switched
6 vehicles.

7 As I was driving out, I told the officer that
8 Alexia is there, this is what we did, we sent a text message,
9 I'm hoping whoever was with her comes back, I'm going to go
10 park in the corner over there of my cul de sac, see if I see
11 any cars pull in and I'm going to pull in behind, and I'll
12 let you know.

13 Q Okay. You didn't have any description of anyone?

14 A No, ma'am.

15 Q Okay. Had she ever disappeared in the middle of
16 the night before?

17 A No, ma'am.

18 Q Okay. After you leave this last time to see if you
19 can see this person that you've tried to lure back, then what
20 you do you do?

21 A I sit outside in one of the other corners where I
22 can see the entrance to my neighborhood for about 10, 15
23 minutes, and then nothing happens, no cars drive in or
24 anything, so I drive back into the neighborhood. But instead
25 of going directly into my house, I take the long way around.

1 And as I drive over, there is a police officer a
2 few houses down from where we're at, and he's talking to
3 someone in a car, and that's where I see, I guess, it's
4 Mr. Moore there talking to, that officer there.

5 Q Okay. Did your family know Mr. Moore?

6 A No, ma'am.

7 Q Had he ever been associated with anyone in your
8 groups or your social groups or anything?

9 A No, ma'am.

10 Q Okay. Not a friend of the family?

11 A Nope.

12 Q Okay. You say you guess that was Mr. Moore. Would
13 you recognize Mr. Moore if you saw him again?

14 A Yes, ma'am.

15 Q Do you see him here in court today?

16 A Yes, ma'am.

17 Q Where is he seated and what is he wearing today in
18 court?

19 A He's seated here on the, I guess, it's my left
20 side. He's wearing a gray suit, no tie, with a white shirt.

21 MS. KOLLINS: May the record reflect identification
22 of the defendant?

23 THE COURT: The record will so reflect.

24 BY MS. KOLLINS:

25 Q And you saw him, and he was in a vehicle?

1 A Yes, ma'am.

2 Q Do you have any recollection much the description
3 of that vehicle?

4 A If I remember correctly, the night I don't remember
5 it, but I seen it the next morning. Well, that morning when
6 we came back from UMC, it was a dark blue sports car with --
7 it had dealer tags in the back.

8 Q Okay. After you saw the police talking to the
9 person that you've identified as Mr. Moore, what did you do
10 next?

11 A I pause there a little, I look inside. Well, look
12 at him, and then I pulled into my driveway.

13 Q Okay. When you pulled into your driveway, did you
14 get out of your car? Did you go inside? What did you do?

15 A I went inside the home, yes.

16 Q Okay. And what was going on inside the home when
17 you went back for this final time?

18 A By this time, there was an officer, the officer I
19 ran into in the driveway when I was leaving. He was talking
20 to my wife and Alexia.

21 Q Okay. Older officer or younger officer; do you
22 remember?

23 A I think he was younger.

24 Q Okay. And by this time, how many patrol officers
25 were at your house?

1 A If I remember, two.

2 Q Two. Okay. And after this officer talked to your
3 wife and Alexia, if you know, did Alexia speak to an officer
4 by herself?

5 A After that talk, the officer that was outside with
6 Mr. Moore came into the house and said he needed to speak to
7 our daughter.

8 Q Okay. And did you allow him to speak to your
9 daughter?

10 A Yes, ma'am.

11 Q Did you know at that point from Alexia anything
12 that had transpired in the car?

13 A No, ma'am.

14 Q Okay. Did the police officer tell you why he
15 wanted to speak to your daughter?

16 A No, ma'am.

17 Q Okay. Did you give him permission to speak to your
18 daughter?

19 A Yes, ma'am.

20 Q So where did this officer take Alexia?

21 A He took her outside. Not sure where, but he walked
22 her out the door.

23 Q Walked her out the door? And nobody went with
24 them?

25 A No.

1 Q Okay. After this officer took Alexia outside, did
2 you learn that Alexia needed to be transported?

3 A When he came back inside, he came to inform us that
4 Alexia needed to be transported to UMC Quick.

5 Q Okay. And did you give them permission to take
6 Alexia to UMC?

7 A Yes, ma'am.

8 Q Okay. Did you -- you and Maria go to UMC?

9 A Yes, ma'am.

10 Q Okay. And did you bring Alexia home after her
11 examination?

12 A Yes, ma'am.

13 MS. KOLLINS: Court's indulgence.

14 THE COURT: Sure.

15 MS. KOLLINS: Pass the witness, Your Honor.

16 THE COURT: All right. Cross-examination?

17 MR. DRASKOVICH: Yes, thank you.

18 CROSS-EXAMINATION

19 BY MR. DRASKOVICH:

20 Q Good morning, Mr. Carrillo.

21 A Good morning, sir.

22 Q You had testified when you came into contact with
23 Alexia and in the subject wee hours of the morning she
24 appeared to be shut down, correct?

25 A Yes, sir.

1 Q You'd agree with me that she had just been caught
2 sneaking out and ultimately sneaks back into the residence?

3 A She had been caught come backing into the
4 residence, yes.

5 Q So you'd agree with me that she probably would be,
6 reasonably speaking, shut down, worried, scared?

7 A Scared, no, but she'd be worried.

8 Q Because she just got caught, correct?

9 A She came into the house, she got -- coming back
10 into the house when she was gone, yes, sir.

11 Q She had got caught coming back in the house, just
12 so we're clear?

13 A She got -- I guess, the way you're trying to phrase
14 it, she didn't get caught because she walked into her -- into
15 the house herself.

16 Q Well, let's just put this into context. You all
17 had been up scouring the neighborhood looking for her,
18 correct?

19 A Yes.

20 Q I mean, the whole family had been woken up in the
21 wee hours of the 26th, correct?

22 A Yes, sir.

23 Q You and your wife got in your truck which had a big
24 spotlight, right?

25 A The truck didn't. I had one of the separate

1 spotlights.

2 Q Okay. How --

3 A One you plug into the lighter.

4 Q Okay. So you had a big light, and you're driving

5 around looking for her, correct?

6 A Yes, sir.

7 Q In cracks and crannies, crevasses, bushes, around

8 the neighborhood, correct?

9 A Yes, sir.

10 Q And this had been going on before she arrived back

11 home?

12 A Yes, sir.

13 Q To your knowledge, when she left, everybody was

14 asleep?

15 A Everybody, me and my wife were up there, the girls

16 probably were in their room watching TV, what they do on the

17 weekend.

18 Q Fair to say when she came back or emerged,

19 everybody was awake?

20 A Yes, sir.

21 Q Lights were on both upstairs and downstairs?

22 A Yes, sir.

23 Q Police had been called?

24 A Yes, sir.

25 Q Kind of a big deal, wouldn't you agree?

1 A Yes, sir.

2 Q Now, Lexi's relationship with her mother has been a
3 bit tumultuous prior to this night, correct?

4 A Explain tumultuous to me.

5 Q They had ups and downs, arguments?

6 A To me, it's anything that a teenage daughter that a
7 mother would have, regular -- it's not -- I guess, you can't
8 say they fight every day. It's the regular arguments, you
9 know, don't do chores, don't do homework --

10 Q I see.

11 A -- that kind of stuff.

12 Q Well, Lexi has accused her mother of physical abuse
13 and been investigated, correct?

14 A Yes, it has.

15 Q And you wouldn't say that tumultuous? I mean,
16 daughter, Lexi, accusing mom of physical abuse?

17 A That -- like I said, if I knew the definition of
18 tumultuous, I might be able to answer you a little bit
19 better.

20 Q You've been interviewed in reference to these
21 allegations of physical abuse that Lexi made against her
22 mother, correct?

23 A Yes, sir.

24 MS. KOLLINS: Objection. Mischaracterizes -- can
25 we approach?

1 THE COURT: All right.

2 (Sidebar begins)

3 THE COURT: Okay. You said mischaracterizes?

4 MS. KOLLINS: Well, because it's one allegation.

5 So again, we're characterizing it as multiple things.

6 There's one set of circumstances in that CPS document. And

7 so to make it sound like it's some ongoing protracted series

8 of events because that's just not what it is. So --

9 MR. DRASKOVICH: I think that's right for your

10 redirect. However, it's my understanding there are two

11 separate CPS investigations. Alexia, the alleged victim in

12 this case, had told police that she had accused her mother on

13 two prior occasions that she beat her and called CPS.

14 THE COURT: All right. What's your next question

15 after this?

16 MR. DRASKOVICH: I don't have much more. I'm just

17 addressing -- and this goes to his bias where I would submit

18 that's tumultuous and --

19 THE COURT: Well, tumultuous is -- is -- I know

20 what it means, but a lot of people might not know what it

21 means.

22 MR. DRASKOVICH: I just have a couple more

23 questions [inaudible].

24 THE COURT: All right. What are the questions?

25 MR. DRASKOVICH: I'm going to ask him that through

1 the course of the investigation did he characterize her as a
2 consummate middle child, which is his prior statement, and
3 that she tends to lie and draw attention to herself.

4 THE COURT: Any objection to those two questions?

5 MS. KOLLINS: To the second one, it is compound, so
6 if he would break it up.

7 THE COURT: All right. Okay. All right. All
8 right. Other than that, any objections?

9 MS. KOLLINS: No, not if they -- as they stand.

10 THE COURT: All right.

11 (End of Sidebar)

12 BY MR. DRASKOVICH:

13 Q In reference to this investigation or
14 investigations that we were discussing, would you agree with
15 me that you characterized Alexia, Lexi, as you call her, as
16 the consummate middle child or dealing with middle child
17 syndrome?

18 A When the interview --

19 Q First off, you'll agree with me you've said that?
20 You've described her as --

21 A I didn't use those other words, you did. When I
22 got there, I said she has middle child syndrome, in my -- in
23 my point of view.

24 THE COURT: Okay. That's the answer. Let's go on.

25 BY MR. DRASKOVICH:

1 Q That she has a problem with honesty?

2 A We're talking about the interview with the CPS,
3 right?

4 Q Yes.

5 A Yes, sir.

6 Q And that she is always looking for attention?

7 A I didn't say always looking for attention. I said
8 it looks -- when she does stuff, it does -- it -- I guess,
9 some of the stuff she does, I think it's to -- for us to give
10 her attention, for us. When I talk about us, it's mom and
11 dad.

12 Q Okay. Now, turning your attention to the night in
13 question. There was a physical confrontation that you were
14 made aware of between Lexi and your wife, correct?

15 A There was one, I think, from what they told me.

16 Q Okay. And in reference to this phone that was
17 taken from Lexi's person, you said you reviewed the messages?

18 A Yes, sir.

19 Q You'd agree with me that those messages appeared to
20 be of a sexual nature between her and this individual?

21 A Actually, the messages I reviewed had nothing
22 sexual in them. I didn't go through all of them. I scrolled
23 up to a certain of them.

24 Q Okay. And you'd agree with me that based upon
25 Lexi's demeanor, she didn't want you having that phone, did

1 she?

2 MS. KOLLINS: Objection. Calls for speculation.

3 MR. DRASKOVICH: If he can --

4 THE COURT: He wasn't there. Let's find out if he
5 was there when the phone was recovered from her, and then he
6 can describe what he saw when the phone was recovered, if he
7 was there.

8 MR. DRASKOVICH: And that's my next question.

9 BY MR. DRASKOVICH:

10 Q Were you present when --

11 A No, sir.

12 Q -- mom ultimately got this phone?

13 A When I got there, my wife already had the phone in
14 her presence.

15 Q And what did she say to you, if anything, mom, your
16 wife, when she gave you the phone?

17 A Actually, I cannot recall what she told me at that
18 moment. I just remember somehow the phone ended up in my
19 possession.

20 Q And you did testify on direct either you or your
21 wife messaged this male to return to the residence?

22 A Yes, sir.

23 Q So there had been some review of the content of
24 those --

25 A Yeah.

1 Q -- messages?

2 MR. DRASKOVICH: Thank you. I'll pass this
3 witness.

4 THE COURT: All right. Redirect?

5 REDIRECT EXAMINATION

6 BY MS. KOLLINS:

7 Q The reference that Mr. Draskovich makes about you
8 characterizing Alexia as having an issue with truthfulness,
9 when you were speaking to that interviewer, what were you
10 talking about?

11 A Talking about regular, like, homework, that stuff,
12 regular teenage stuff that she -- like, did she do your
13 homework? That's the problems we had with our daughter at
14 that time. Did you do your homework? Yes, I got in all the
15 assignments.

16 Did she do -- clean? That's the issues we had with
17 her. That's what I'm talking about with her with the honesty
18 on that end.

19 Q Okay. So chores, homework, feed the dog?

20 A Yeah.

21 Q Put the dishes away, those kinds of things?

22 A Yeah. Did you take away this from your younger
23 sister? That's what I'm talking about.

24 Q Okay. All right.

25 MS. KOLLINS: Nothing further, Your Honor.

1 THE COURT: Recross?

2 MR. DRASKOVICH: Yes, and it deserves another

3 sidebar, Your Honor. If we could please have a sidebar.

4 THE COURT: Okay.

5 (Sidebar begins)

6 THE COURT: All right.

7 MR. DRASKOVICH: Thank you. This is Robert

8 Draskovich for the defense. I didn't want to run awry of any

9 previous court rulings without addressing it first.

10 THE COURT: Okay.

11 MR. DRASKOVICH: Because of this redirect that went

12 into the issues that she had with her mother and what issues

13 were going on between -- he characterized them as homework

14 and things of that nature, there were a number of references

15 made to her getting into trouble and having physical

16 altercation because Lexi would wear makeup to school.

17 There were multiple -- there were confrontations

18 concerning her communicating with boys over the Internet.

19 And there were also confrontations that it had in reference

20 to her sexual orientation, which are things that I didn't

21 address, but I would submit now --

22 THE COURT: [Inaudible].

23 MS. KOLLINS: He asked the general question if she

24 was untruthful based on what he read in those CPS records. I

25 think I'm able to redirect.

1 THE COURT: I didn't disagree that you in terms of
2 -- he didn't object, and you -- you were --

3 MS. KOLLINS: Well, I don't think it opens the door
4 to sexual orientation. I think that is purely rape shield.
5 Can you --

6 MR. DRASKOVICH: [Inaudible]?

7 MS. KOLLINS: And what's your foundation for that?

8 THE COURT: That's a good question. What is the --

9 MR. DRASKOVICH: Well, multiple CPS interviews.

10 THE COURT: All right. So -- and you want to ask,
11 you know, beyond just homework and -- I can't remember --
12 homework and cleaning up, chores --

13 MR. DRASKOVICH: Yes.

14 THE COURT: -- she was dishonest as it related to
15 wearing make up to school and communicating with boys on the
16 Internet?

17 MR. DRASKOVICH: That is correct.

18 THE COURT: I mean, I'll let you ask that. I'm not
19 going to let you get into sexual orientation. I don't see --
20 you know, I don't see that adding anything here. But I'll
21 let you ask the other two.

22 MS. KOLLINS: I would just that we very briefly be
23 able to do that outside the presence because he hasn't seen
24 those CPS records. Those are six years old.

25 THE COURT: Again, he can just can him what -- and

1 were some of the issues relating to her dishonesty concerning
2 her wearing makeup to school? He can say yes or he can say
3 no. Were some much those issues relating to honesty
4 concerning her communicating with boys on the Internet? He
5 can say yes or no. And his answer is it. We're done with
6 it.

7 MR. MERBACK: [Inaudible] I think it's important
8 that it's -- the communication on the Internet is placed in
9 terms of boys or kids her age because that's the type of
10 communication that's happening in the CPS records. And if
11 it's characterized wrong, it can sound like she's
12 communicating with men or older men so it's got to --

13 THE COURT: You'll use the word "boys"?

14 MR. DRASKOVICH: I'll use [inaudible].

15 THE COURT: Okay. All right.

16 (End of Sidebar).

17 RECROSS-EXAMINATION

18 BY MR. DRASKOVICH:

19 Q Mr. Carrillo, you referenced these issues that were
20 being discussed in reference to her dishonesty. Were some of
21 those issues concerning her wearing makeup to school?

22 A I can't confirm that on that, and I've heard
23 something about that. But as you know, I travel for work,
24 so --

25 Q Fair enough.

1 A -- I can't confirm it.

2 Q In reference to these issues of her dishonesty,
3 would they also deal with her communicating with boys on the
4 Internet?

5 A Not that I'm aware of, sir.

6 Q Thank you. I have no further --

7 A But like I said, I travel for work.

8 Q Thank you.

9 MR. DRASKOVICH: I have no further questions.

10 THE COURT: Any redirect?

11 MS. KOLLINS: Nothing, Your Honor. Thank you.

12 THE COURT: Any member of the jury have a question
13 for this witness? If you do, write it on a clean sheet of
14 paper with your juror number and signal me or the marshal.

15 Not seeing any hands. All right. Any questions?
16 Okay. Thank you very much, sir --

17 THE WITNESS: Thank you, sir.

18 THE COURT: -- for your testimony. You are
19 excused.

20 THE WITNESS: Appreciate it.

21 THE COURT: State may call its next witness.

22 MR. MERBACK: State calls Officer Michael Carral.

23 THE COURT: All right. Officer, if you'll come up
24 to the witness stand.

25 THE WITNESS: Yes, sir.

1 THE COURT: Will are a couple steps. When you get
2 to the top, stay standing for a second, and our clerk to my
3 left will swear you in.

4 DETECTIVE MICHAEL CARRAL, STATE'S WITNESS, SWORN

5 THE CLERK: Please be seated. Please state your
6 name, and spell your first and last name for the record.

7 THE WITNESS: My name is Michael Carral. It's
8 M-i-c-h-a-e -- a-e-l. Last name is C-a-r-r-a-l.

9 THE COURT: Okay. Officer, if I can get you to
10 scoot up a little bit to that red light. That's our
11 microphone. Mr. Merback, whenever you're ready.

12 MR. MERBACK: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MR. MERBACK:

15 Q Is it Detective Carral?

16 A Yes.

17 Q Detective Carral, how are you currently employed?

18 A Currently a detective at Southeast Area Command.

19 Q And that's with the Las Vegas Metropolitan Police
20 Department?

21 A Yes, it is.

22 Q How were you employed back in February of 2017?

23 A I was a patrol officer.

24 Q I'm going to call your attention to about 1:23 in
25 the morning on February 26th of 2017. Were you dispatched to

1 a Faustine Street address on that day?

2 A Yes, I was.

3 Q Is that address here in Las Vegas, Clark County,
4 Nevada?

5 A Yes, it is.

6 Q Were you dispatched with another officer to that
7 address?

8 A No, we roll single man units, but I was backing on
9 another officer.

10 Q What was the name of the officer you were backing?

11 A It was Officer Brumaghin.

12 Q Okay. Were the two of you the only officers that
13 initially responded to that call?

14 A Yes.

15 Q Was -- were you the more experienced officer or was
16 Officer Brumaghin the more experienced officer?

17 A I believe, I was.

18 Q You were more experienced officer?

19 A Yes.

20 Q Okay. Do you recall what the dispatch was
21 originally regarding?

22 A Yes, it was a missing person call.

23 Q And at some point in time, prior to your arrival,
24 did the nature of the dispatch change?

25 A Yes.

1 Q Do you recall what it changed to?

2 A To a domestic violence call.

3 Q Okay. When you arrived at that location, who did
4 you first come into contact with?

5 A I made contact with the mother of the female that
6 called, the person reporting.

7 Q Was the -- so the mother? Do you recall the
8 mother's name?

9 A No, I don't.

10 Q Okay. Was the female also present, the young
11 female you just described?

12 A Yes.

13 Q Do you recall her name?

14 A No, I don't.

15 Q Okay. Do you recall anything -- did the mother say
16 anything to you in regards to a text that she had sent?

17 A Yes.

18 Q What did she say?

19 A She said she had disciplined the child, her child,
20 because she had ran away and just got -- returned home.

21 Q Okay. Did she say that she obtained a phone from
22 her child? Do you recall that?

23 A Yes.

24 Q And did she indicate whether or not she had sent a
25 text in attempt to communicate with someone using that phone?

1 A Yes.

2 Q Okay. Did you ever see that text or talk to her
3 about it specifically?

4 A No.

5 Q Was there arguing going on in the house between the
6 mother and daughter while you were there?

7 A Yes.

8 Q Did you see -- did you personally see any physical
9 violence between the mother or the daughter?

10 A No.

11 Q What was the arguing about; do you recall?

12 A Yes. The daughter not coming home --

13 Q Okay.

14 A At the time she should have been home.

15 Q Now, at some point, did officers make contact with
16 an individual in a car that was outside of the house --

17 A Yes.

18 Q -- or near the house?

19 A Yes. The mom, she stated that the guy that had
20 picked her up was -- she had pretended to be the daughter and
21 had texted him to come back to pick her up so she could leave
22 with him.

23 Q And did officers then make contact with that
24 individual?

25 A Yes.

1 Q Do you recall where they made -- where you made
2 contact with him?

3 A Yeah, it was outside of the complex.

4 Q Okay. Were you the one who made contact first or
5 was that Officer Brumaghin?

6 A It was Officer Brumaghin.

7 Q And did you -- did you also see him there or did he
8 just have contact with Officer Brumaghin?

9 A No, I also saw him there.

10 Q Okay. Do you see that person here in the courtroom
11 today?

12 MR. DRASKOVICH: We'd stipulate that Mr. Moore is
13 Mr. Moore.

14 THE COURT: All right.

15 MR. MERBACK: Record reflect --

16 THE COURT: So are you good with that?

17 MR. MERBACK: Will the record reflect
18 identification of the defendant, Your Honor?

19 THE COURT: All right. The record will so reflect
20 based on the stipulation of Counsel.

21 BY MR. MERBACK:

22 Q Do you recall when you first saw the defendant?
23 Was he inside the vehicle when you first saw him?

24 A Yes.

25 Q Where was he sitting in the vehicle when you first

1 saw him?

2 A He was in the passenger side of the vehicle.

3 Q Do you recall if the seat on that passenger side
4 was up or was it -- was it leveled down?

5 A It was leveled down.

6 Q Okay. Were you the one that was speaking with the
7 defendant or was that Officer Brumaghin speaking with him?

8 A Officer Brumaghin was primary, but I was also
9 there.

10 Q Okay. At some point in time, did either yourself
11 or Officer Brumaghin also speak with the young female, the
12 juvenile female away from her parents?

13 A Yes.

14 Q Was that you or was that Officer Brumaghin?

15 A It was both of us.

16 Q Were you there when that conversation occurred?

17 A No.

18 Q Okay. So it's just Officer Brumaghin then?

19 A Yes.

20 Q Okay.

21 MR. MERBACK: May I approach, Your Honor?

22 THE COURT: Sure.

23 BY MR. MERBACK:

24 Q I'm going to show you what's been marked and
25 admitted as State's Exhibit 51. Do you recognize the vehicle

1 in that photograph?

2 A Yes, it was registered to Mr. Moore.

3 Q Is that the same vehicle that you located him in on
4 the early morning of the 26th?

5 A I believe it is.

6 Q Okay. And then I'm also going to show you what's
7 been marked and admitted as State's Exhibit 29. Are those
8 the -- is that Mr. Moore?

9 A Yes.

10 Q Are those the clothes that he was wearing when you
11 made contact with him early in the morning on the 26th?

12 A Yes.

13 Q Do you recall noticing any stains on the
14 defendant's clothes when you made contact with him?

15 A Yes, he had white residue by his groin area.

16 Q I'm going to show you what's been marked and
17 admitted as State's Exhibit 28. Is that the stain you're
18 talking about in that photograph?

19 A Yes, it is.

20 Q Okay.

21 MR. MERBACK: I have no further questions, Your
22 Honor.

23 THE COURT: All right. Cross-examination?

24 MR. DRASKOVICH: Yes, thank you.

25 //

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

CROSS-EXAMINATION

BY MR. DRASKOVICH:

Q Officer, Carral, these events that you've testified to occurred following your being contacted and called to the residence at 1:23 a.m. on the 26th of February, 2017, correct?

A Yes.

Q You testified that you approached the subject vehicle that you were shown the photograph of?

A Yes.

Q And was it you that asked the subject male to step out of the vehicle?

A I believe it was Officer Brumaghin.

Q Okay. So you weren't actually the one that was at the door. You were behind whoever it was, the police officer, whoever it was, correct?

A Yes.

Q So you didn't engage this person verbally, did you?

A He lied to -- about his --

MR. DRASKOVICH: Objection.

THE WITNESS: -- information.

THE COURT: Sustained.

MR. DRASKOVICH: Thank you.

THE COURT: The jury will disregard the last comments by the witness. Listen to the question, and just

1 answer what Mr. Draskovich is asking. If the State needs to
2 go on any further, they can do so.

3 BY MR. DRASKOVICH:

4 Q Sir, these photos that you were shown of Mr. Moore,
5 and I'll tell you his name is Mr. Moore, you didn't take
6 those photos, did you?

7 A No.

8 Q These photos would have been taken in the police
9 station following his arrest, right?

10 A Yes.

11 Q In reference to the stain that you testified having
12 seen, you would agree that 1:23 a.m. or shortly thereafter
13 it's dark outside?

14 A Yes.

15 Q You're not making contact with this individual,
16 it's the police officer that's in front of you, correct?

17 A Correct.

18 Q Were you shown a picture of that stain prior to
19 your testifying today?

20 A Yeah, yes.

21 Q Yesterday, day before?

22 A Yes.

23 Q Just recently?

24 A Yes.

25 Q You'd agree with me that you've been on hundreds,

1 if not thousands of calls since February 26, 2017, correct?
2 A Yes.
3 Q You didn't generate a report in reference to your
4 involvement in this case, did you?
5 A No.
6 Q So you have to rely upon what memory you have, if
7 any, based upon a photograph that you didn't take, correct?
8 A Correct.
9 Q In reference to the seat that you were asked, you
10 were asked concerning that reclining seat; do you remember
11 that?
12 A Yes.
13 Q You never inspected the interior of the vehicle,
14 did you?
15 A I was there. I did see the seat, though.
16 Q The reason you had to pause is that you don't have
17 any independent recollection of that, do you?
18 A I remember being there.
19 Q You remember being there?
20 A And seeing -- and seeing the seat down.
21 Q I see. Have you seen a photograph of that seat?
22 A No.
23 Q I see. You didn't ask this individual to leave the
24 vehicle, did you?
25 A I don't recall.

1 Q I see. You'll agree with me, sir, that you're here
2 to help establish a narrative?

3 MR. MERBACK: Objection. Argumentative.

4 THE COURT: I'll sustain.

5 BY MR. DRASKOVICH:

6 Q You'll agree with me that you really don't have
7 much of an independent recollection of this case?

8 MR. MERBACK: Objection. Argumentative.

9 THE COURT: No, I'll overrule.

10 THE WITNESS: I remember the stain, and I remember
11 him having the seat down and being there.

12 BY MR. DRASKOVICH:

13 Q Okay. And you'll agree with me that you're
14 involvement with this individual was momentary -- it was just
15 moments, correct?

16 A No, I believe I was there a couple hours.

17 Q Okay. But I'm talking about your contact or your
18 conversations which you said you didn't have with this
19 individual were just a few minutes, correct?

20 A Correct.

21 MR. DRASKOVICH: I have no further questions.

22 THE COURT: All right. Redirect?

23 REDIRECT EXAMINATION

24 BY MR. MERBACK:

25 Q Mr. Draskovich pointed out you've responded to lots

1 of calls since this call; is that correct?

2 A Yes.

3 Q And it's pretty -- pretty -- is it -- is it normal
4 to say that you often remember specific things from specific
5 calls but not everything that happened in that particular
6 call; is that correct?

7 A Yes, it is.

8 Q Do you have independent recollection of specific
9 things that occur during the course of this particular call?

10 A Yes, I do.

11 Q Separate from anything you read or any pictures
12 you've looked at?

13 A Yes.

14 Q Okay. Is one of those things the position of the
15 seat when you first saw the defendant in the vehicle?

16 A Yes, because it -- I remember it being odd that he
17 was in the passenger seat with the seat down.

18 MR. MERBACK: No further questions, Your Honor.

19 THE COURT: Recross?

20 MR. DRASKOVICH: I have no further questions.

21 Thank you.

22 THE COURT: Any member of the jury have a question
23 for this witness? If you do, write it on a clean sheet of
24 paper with your juror number, signal me and the marshal.

25 I'm not seeing any hands. Anybody have a question?

1 All right. Thank you very much, sir, for your testimony.
2 THE WITNESS: Thank you, sir.
3 THE COURT: You're excused. State may call its
4 next witness.
5 MR. MERBACK: It's going to call Shandra Lynch.
6 THE COURT: Ma'am, if you'll come up to the witness
7 stand. There's a couple steps. When you get to the top,
8 stay standing for just a second, and our clerk to my left
9 will swear you in.
10 SHANDRA LYNCH, STATE'S WITNESS, SWORN
11 THE CLERK: Please be seated. Please state your
12 name, spell your first and last name for the record.
13 THE WITNESS: Shandra Lynch, S-h-a-n-d-r-a,
14 L-y-n-c-h.
15 THE COURT: Whenever you --
16 MR. MERBACK: Thank you, Your Honor.
17 THE COURT: Yeah, whenever you're ready.
18 MR. MERBACK: Thank you.
19 DIRECT EXAMINATION
20 BY MR. MERBACK:
21 Q Ms. Lynch, how are you currently employed?
22 A I am a forensic scientist trainee in the forensic
23 laboratory with LVMPD.
24 Q Okay. Was that your position back in February of
25 2017?

1 A No.

2 Q What was your position at that time?

3 A I was a senior crime scene with LVMPD.

4 Q How long -- in February of 2017, how long had you
5 been working as a senior crime scene analyst?

6 A I had been working for nine years as a crime scene
7 analyst.

8 Q Okay. What specifically does a crime scene analyst
9 do just normally in the course of your duties?

10 A Crime scene analysts respond to the request of an
11 officer to come out to document, collect, and preserve
12 evidence, and that's through photography, through notes, and
13 a report.

14 Q Did you specifically respond to Las Vegas
15 Metropolitan Police Department headquarters in February of
16 2017?

17 A Yes, I did.

18 Q Do you recall what day it was that you specifically
19 responded to?

20 A It was the 26th of February.

21 Q When you first responded to headquarters, did you
22 come into contact with anyone that you see here in the
23 courtroom today?

24 A Yes.

25 Q Could you point to that person and describe

1 something that they're wearing?

2 A A gentleman wearing the gray suit with the
3 button-up shirt.

4 MR. MERBACK: Your Honor, can the record reflect
5 identification of the defendant?

6 THE COURT: Record will so reflect.

7 MR. MERBACK: Court's indulgence. Sorry, Your
8 Honor.

9 THE COURT: It's okay.

10 BY MR. MERBACK:

11 Q When you first made contact with the defendant,
12 what was he wearing?

13 A He was wearing a hooded black sweatshirt and black
14 sweat pants and black shoes and socks.

15 Q Did you photograph the defendant and his clothing
16 when you first made contact with him at Metro headquarters?

17 A Yes, I did.

18 Q I'm going to show you what's been marked and
19 admitted as State's Exhibits 20 through 42.

20 MR. MERBACK: May I approach?

21 THE COURT: Go ahead.

22 BY MR. MERBACK:

23 Q Would you look through those photographs for me,
24 please?

25 Do you recognize those photographs?

1 A Yes.

2 Q Are those all photographs that you took of the
3 defendant and his personal items on February 26th of 2017?

4 A Yes.

5 Q We're going to start by looking at State's Exhibit
6 29. Is that a photograph that you took of the defendant?

7 A Yes.

8 Q And State's Exhibit 23, also the defendant?

9 A Yes.

10 Q I'm going to show you State's Exhibit 28. What is
11 that?

12 A Those are the black sweat pants that he's wearing
13 with the obvious stain on the front.

14 Q Okay. And did you notice that stain when you were
15 photographing the defendant on that day?

16 A Yes, I did.

17 Q And I'm showing you State's Exhibit 37. Is that a
18 closer photograph of that stain?

19 A Yes, it is.

20 Q I'm also going to show you State's Exhibit 35. Did
21 photograph that phone on that day?

22 A Yes, I did.

23 Q Did the defendant have the phone on him? Where did
24 you get the phone from when you photographed it?

25 A The detectives that were at that location when I

1 arrived had property in their possession, and I photographed
2 that property.

3 Q Okay. So that phone was provided to you by the
4 detectives and then you took that photograph of it?

5 A Yes.

6 Q Did you also, when you were with the defendant on
7 February 26th, did you also take swabs from him, DNA related
8 swabs?

9 A Yes, I did.

10 Q Did you describe the process by which you do that?

11 A I took multiple swabs from the defendant. I
12 started with his hands. I collected possible DNA samples
13 from his right and left fingers and fingernails. I used one
14 sterile cotton swab with distilled water, and I rubbed the
15 swab up and down the fingers and around the fingernails, and
16 up under the fingernails. And I booked that as one item.
17 And did the same thing with the left hand.

18 I also collected --

19 Q Let me stop you right there on the --

20 A Okay.

21 Q -- on the fingers. I apologize for interrupting
22 you.

23 When you take these swabs, do you then label those
24 swabs with a specific number, each of them individual low?

25 A Yes, I do.

1 Q Was the right hand finger swab, was that labeled as
2 item number one?

3 A Yes, it was.

4 Q And was the left hand finger swab labeled as item
5 number two?

6 A Yes, it was.

7 Q Okay. Now, all these items that you label are then
8 related to or correlate to a specific event number; is that
9 correct?

10 A That is correct.

11 Q Can you describe what an event number is?

12 A So an event number is a number specific to the
13 incident assigned to that event by Metro or by LVMPD.

14 Every event that gets called in, gets its own
15 individual event number. We have a new system now, but when
16 this case occurred, we had an event that consisted of the
17 last two digits of the year, so 17, and then the month, 02,
18 and the day of the month, 26.

19 And then the last four digits of that number were
20 basically the number of -- the number of incidents that had
21 come in that day, so this was 0295. So it was like the 295th
22 incident that had been called into Metro that day.

23 Q So do you then take those items that you
24 specifically mark as item one or two, and they're impounded
25 under that unique event number related to this case; is that

1 correct?

2 A Yes, along with my information.

3 Q Okay. So you collected the right hand finger swab,
4 which was one, the left hand finger swab, which was two. Can
5 you continue to talk about the other swabs that you took and
6 what specific number they correlated to?

7 A Yes. The -- the next item that I impounded, item
8 number three was a penile swab. And I collected that from
9 the defendant's penis using the same technique, it was a
10 sterile cotton swab with distilled water, and I instructed
11 him on how to collect it. He did it in my presence under my
12 instruction, and then I impounded that in an envelope, and
13 impounded that item.

14 I also collected what we call a buccal swab, which
15 is --

16 Q I'm sorry, ma'am, let me go back to that specific
17 penis swab. Is that labeled as item number three?

18 A Yes, it was.

19 Q Okay. And then you talk about a buccal swab?

20 A Yes.

21 Q Can you describe what a buccal swab is?

22 A Yes. A buccal swab is a known standard. It's a --
23 it's -- if we needed to get a known DNA profile from someone,
24 we would use a buccal swab to do it. A buccal swab is a swab
25 from inside the mouth, and is collected, again, with sterile

1 cotton swabs and you kind of rub them or scrape them up and
2 down inside along your cheeks inside your mouth.

3 Q And did you collect a buccal swab in this case from
4 the defendant?

5 A Yes. I gave him the swabs, instructed him, and
6 watched him do that under my supervision, and then I
7 impounded those swabs.

8 Q Do you recall what number that was impounded under?

9 A That was number four.

10 Q Okay.

11 A Item number four.

12 Q Did you also collect some of the defendant's
13 clothing and impound that?

14 A Yes, I did.

15 Q Do you recall which items of his clothing you
16 collected?

17 A I collected the sweatshirt and the sweat pants.

18 Q Do you recall what number -- what specific item
19 numbers those were given as far as your impound was
20 concerned?

21 A I would have to check my report to make sure.

22 Q Would that refresh your recollection to look at
23 your report?

24 A It would.

25 Q Do you have your report up there with you?

1 A I do.

2 Q Okay.

3 MR. DRASKOVICH: No objection.

4 THE COURT: Do you know what she's looking at?

5 MR. DRASKOVICH: Yes, Your Honor.

6 THE COURT: Okay.

7 MR. DRASKOVICH: I've received it and reviewed it.

8 THE COURT: All right.

9 BY MR. MERBACK:

10 Q Go ahead and review your report to determine what

11 number specific numbers --

12 THE COURT: Well, determine if it reflects -- that

13 it refreshes her recollection.

14 MR. MERBACK: Thank you, Your Honor.

15 THE COURT: Go to past recollection recorded.

16 Don't say anything, read it out loud. Just look at it and

17 then let us know that -- when you're done.

18 BY MR. MERBACK:

19 Q Does that refresh your recollection as to which

20 specific item numbers those pieces of clothing were given?

21 A Yes, it does. Thank you.

22 Q Could you tell the jury what item numbers those

23 pieces of clothing were given?

24 A The sweatshirt was item number five, and the sweat

25 pants were item number six.

1 Q Now, did you perform a presumptive test on any of
2 that clothing?

3 A Yes, I did.

4 Q Can you describe what a presumptive test is?

5 A So a presumptive test is a test that we crime scene
6 analysts, use to determine if something could possibly be the
7 type of biological evidence that we're looking for. We have
8 presumptive tests for blood. We have presumptive tests for
9 semen.

10 And I used presumptive tests for blood and semen on
11 this sample -- or on this --

12 Q Did you --

13 A -- on the sample taken from this item.

14 Q Did you receive a -- any kind of a result from your
15 presumptive test?

16 A Yes. The -- the blood was positive.

17 Q Was that from the stain on the sweatshirt or from
18 the sweat pants or where that was that from?

19 A It was from the stain on the sweat pants. There
20 were two stains on the sweat pants.

21 Q Was there also an interior stain on the sweat
22 pants?

23 A No, there was one -- there's like a trim along the
24 top edge of the sweat pants and then a stain on the front.

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

1 admitted as State's Exhibit 38. Is that the trim piece your
2 talking about? Can you tell?

3 A It is --

4 Q Would it help if I approached and you looked at the
5 photograph?

6 A It's upside down. There you go. Yes, that's it.

7 Q Okay. So that's where you -- you got the
8 presumptive -- the positive presumptive test for blood; is
9 that correct?

10 A Yes, but it's a little over exposed in this
11 picture.

12 Q Would it help if I approached with the photograph?

13 A Yes. I don't know if it's going to help you see
14 it.

15 THE COURT: What exhibit is that again?

16 MR. MERBACK: This is State's Exhibit 38.

17 BY MR. MERBACK:

18 Q Does it help to look at the photograph not over the
19 projector?

20 A Yes. It's not as over exposed. You can see it
21 much better on the photograph.

22 Q Okay. So is that the portion of the clothing where
23 you got the presumptive positive test for blood?

24 A Yes.

25 Q Okay.

1 MR. MERBACK: And that's State's Exhibit 38.

2 BY MR. MERBACK:

3 Q Did you have -- get positive results from any other
4 presumptive tests?

5 A Not from these items, I don't think.

6 Q Okay. After photographing and collecting those
7 items, what did you do next?

8 A After photographing and collecting those items, I
9 took car keys from the property that the detectives had, and
10 I responded to a second location.

11 Q And where was that second location?

12 A It was at 10340 Faustine Avenue.

13 Q Okay. And that's here in Las Vegas?

14 A Yes.

15 Q I'm going to show you what has been marked and
16 admitted as State's Exhibits 43 through State's Exhibits 98.

17 Now, let me just clarify one thing. When you
18 responded initially to the Faustine address, did you come
19 into contact with a vehicle?

20 A Yes, the vehicle was there.

21 Q And did you photograph the vehicle at the Faustine
22 address?

23 A I did.

24 Q Did you subsequently have the vehicle moved to a
25 different location?

1 A I did.

2 Q Where was it moved to?

3 A It was moved to the CSI laboratory.

4 Q Did you also photograph the vehicle at that
5 location?

6 A I did.

7 Q Okay.

8 MR. MERBACK: May I approach, Your Honor?

9 THE COURT: Sure.

10 BY MR. MERBACK:

11 Q She's are State's Exhibits 43 through 98. Would
12 you just look at those?

13 Are those all photographs that you took on February
14 26, 2017 in your response to this particular event?

15 A Yes.

16 Q Were they taken at one location or at two
17 locations?

18 A Those were two locations.

19 Q And which were the two locations?

20 A It was at the 10340 Faustine Avenue and at the CSI
21 garage.

22 Q Okay. I'm going to start with State's Exhibit 47.
23 Do you recognize that?

24 A Yes.

25 Q What is that?

1 A That is the house at 10340 Faustine Avenue with the
2 vehicle in question in front of it.

3 Q And that's the vehicle you responded to process; is
4 that correct?

5 A Yes.

6 Q And State's Exhibit 51, is that also a photograph
7 of that vehicle?

8 A It is.

9 Q And State's Exhibit 50, is that a photograph of
10 that vehicle?

11 A Yes.

12 Q Okay. What did you do when you first responded or
13 went to that address and began to process that vehicle?

14 A I documented with notes and photography the state
15 in which I found the vehicle, and then I rolled up the
16 vehicle, sealed it, photographed it again.

17 Q You said you rolled up the vehicle. What was the
18 status of the vehicle in that regard when you first arrived
19 at the scene?

20 A As you can see in this picture, the front right
21 window is rolled down just a little bit. I had to roll it up
22 to seal the vehicle for transport.

23 Q Okay. So you rolled that window up. Did you do
24 anything else before having the vehicle transported?

25 A I sealed the vehicle.

1 Q Okay. I'm going to show you State's Exhibit 55.

2 What is that?

3 A That is an adhesive seal that we use to seal
4 vehicles.

5 Q Okay. Is that one of the ones you used in this
6 case?

7 A Yes.

8 Q And I'm going to show you State's Exhibit 59. Do
9 you see those seals on the vehicle in this particular
10 photograph?

11 A Yes, I do.

12 Q Okay. Are those seals that you placed on that
13 vehicle?

14 A Yes.

15 Q Now, where is this photograph taken?

16 A That is in the CSI garage.

17 Q Okay. So this is after you've transported the
18 vehicle?

19 A Yes.

20 Q Could you describe for us the process after you
21 seal the vehicle of transporting it from the Faustine address
22 to the CSI garage?

23 A We request a tow truck to come out, and they tow
24 the car to the CSI lab. And I follow the tow truck and keep
25 eyes on the vehicle to maintain chain of custody, and then I

1 take custody of the vehicle when it arrives at the lab.

2 Q And once you take custody of the vehicle when it
3 arrives at the lab, what did you do at that point?

4 A I document it again to show that all of the seals
5 are intact and that nothing has changed since it left the
6 original location.

7 Q What do you do next?

8 A Usually, if we have a warrant, we'll go ahead and
9 make entry. In this case, we did. So I cut the seals open,
10 and I documented the interior of the vehicle.

11 Q Okay. I'm going to show you State's Exhibit 62.
12 Is that the interior of the vehicle after you have opened it
13 up; is that correct?

14 A Yes.

15 Q Okay. What, if anything, did you find when you
16 began to search or began to document the interior of the
17 vehicle?

18 A When I -- I documented the interior of the vehicle,
19 I noticed that the front passenger seat was fully reclined.
20 There was dust disturbance on the shelf next to the rear
21 windshield. There were tissues and a condom in a wrapper
22 inside the center console.

23 Q Okay. I'm going to show you State's Exhibit 66.
24 What do you see there?

25 A That's the view from the front right passenger

1 door. You can see the seat is back, and there's a tissue
2 sticking out of the center console.

3 Q I'll focus this better. And there is -- you said
4 that there are tissues that are shown. You can't see them
5 very well on the project, but there are some tissues out of
6 that center console; is that correct?

7 A Yes.

8 Q And then State's Exhibit 76, do you recognize that?

9 A Yes. That's a photograph of dust disturbance on
10 the back shelf of the vehicle right next to the rear
11 windshield.

12 Q Okay. And then State's Exhibit 67. Can you -- is
13 that a better view of the center console and what was -- what
14 you saw in it?

15 A Yes, that's the front passenger seat and the right
16 side of the center console.

17 Q Was the center console closed like that when you
18 first made entry into the vehicle?

19 A Yes.

20 Q Did you have occasion to open that center console?

21 A I did.

22 Q And what did you discover when you opened it?

23 A Many more tissues and a condom in a wrapper, a
24 couple other items.

25 Q I'm going to show you State's Exhibit 80. Do you

1 recognize that?

2 A Yes.

3 Q What's that?

4 A That is what I found in the opened the console.

5 Q Okay. And then 87 is a closer view; is that

6 correct?

7 A Yes.

8 Q Okay. Do you recall whether or not that condom

9 package was opened or unopened?

10 A It was sealed.

11 Q I'm going to show you State's Exhibit 83. Can you

12 see any markings on the passenger seat in that particular

13 photograph?

14 A Yes, I can.

15 Q Who made those markings on that passenger seat?

16 A I made those markings.

17 Q Can you describe for us what you did that and what

18 specifically you were doing?

19 A After the documented the interior of the vehicle as

20 I found it, I used an alternative light source to identify

21 possible sources of semen, and to be able to see those

22 without the alternative light and without the filtered

23 goggles, after I turned the light off, I circled the

24 locations of the possible -- like, possible sources of semen.

25 I circled them with a Sharpie. And if you can see --

1 Q So I'm going to show you -- I'm sorry, I'm going to
2 show you State's Exhibit 84. Is that a better photograph of
3 the circles that you made?

4 A Yes.

5 Q Go ahead and describe specifically what you were
6 doing when you made those circles, then.

7 A So I circled what I could see with the alternative
8 light source and filtered goggles. I circled those with a
9 Sharpie. And then after I turned the alternative light
10 source off, and was using normal visual light, then I knew
11 the areas that I needed to go back and test for semen using
12 the presumptive test that we've already discussed.

13 Q Could you point out -- and you could use the --

14 MR. MERBACK: Does the screen work in here, Your
15 Honor?

16 THE COURT: The screen does work. If you can move
17 the mouse. There should be a mouse there. Move it. Seeing
18 the red arrow, click --

19 BY MR. MERBACK:

20 Q Would you just use the screen and point out some of
21 those circles that you made.

22 A So there's one. There's one. Oh, sorry, my mouse
23 control is not right.

24 Q So did you find places that you circled or
25 potential sources of semen on both that bottom section of the

1 seat as well as on the back of the seat?

2 A Yes.

3 Q How many do you recall finding on that bottom, the
4 seat area of the seat?

5 A I used the alternative light source.

6 Q Do you recall how many specific --

7 A Oh, how many.

8 Q -- circles you made?

9 A Yes. I made, let's see, one, two, three --

10 Q Would it be --

11 A Six.

12 Q Okay.

13 A I made six circles --

14 Q Okay.

15 A -- on the seat base.

16 Q And then showing you State's Exhibit 86. I think
17 you have to clear it. You have to --

18 THE COURT: Oh, yeah, move the mouse again. See
19 the arrow -- no, the other side of the red. The blank arrow
20 next to the red arrow. Yeah, there you go.

21 BY MR. MERBACK:

22 Q Okay. So State's Exhibit 86, what is that?

23 A That is an area that I circled on the seat back of
24 the front passenger seat.

25 Q Okay. So you had six specific stains you saw with

1 the alternate light source on the seat itself and one on the
2 back of the seat -- on the backrest portion of the seat; is
3 that correct?

4 A Yes.

5 Q Did you find any other specific stains when you
6 were using the alternate light source?

7 A Yes, I found one on the -- like the bottom frame of
8 the front passenger door frame and on the console, and then
9 on one of the tissues from the console.

10 Q Did you circle the one on the console?

11 A Yes.

12 Q You said there was on the passenger door; is that
13 correct?

14 A On the frame, yes.

15 Q I'm going to show you State's Exhibit 65. Would it
16 help if I brought the picture to you? Can you see it on
17 there?

18 A I cannot see the circle on that picture.

19 Q Do you recall if you did circle the stain on the
20 passenger door that you found?

21 A It was on the door frame on the -- on the -- it was
22 on the car on the -- like, where you would step into the
23 vehicle. It's the bottom frame of the door opening.

24 Q Showing you State's Exhibit 97.

25 A There you go.

1 Q Do you recognize that?

2 A Yes, that's it.

3 Q What is that?

4 A That is a stain that I circled on the door frame of
5 the vehicle.

6 Q And then I'm showing you State's Exhibit 90. Do
7 you recognize that?

8 A Yes, that's one of the stains on the seat base that
9 tested positive presumptively for possible semen.

10 Q Okay. Is that the seat base or is that the console
11 stain; do you recall?

12 A That's the seat base.

13 Q Okay. And then I'm showing you State's Exhibit 87.
14 Do you recognize that?

15 A Yes, that's the -- the console and one of the
16 tissues that react to the -- reacted to the alternative light
17 source.

18 Q Okay. So you -- so the alternative light source
19 you saw a stain both on the con sell, which I have circled
20 there, as well as on the tissue which is also circled?

21 A Yes.

22 Q Okay. Once you find all of these stains from the
23 light source, do you then conduct presumptive tests on them?

24 A I did with the exception of the tissue.

25 Q And why didn't you conduct a presumptive test on

1 the tissue?

2 A Because when tissues get wet, they can sometimes
3 fall apart, and I didn't -- I wanted to preserve the evidence
4 and let the lab test that sample.

5 Q Okay. So instead of conducting a presumptive test
6 on the tissue, did you simply impound it?

7 A Yes.

8 Q All right. How many of the stains that you
9 conducted presumptive tests on did you have a positive result
10 for?

11 A Two.

12 Q And where were both of those located?

13 A On the seat base.

14 Q I'm going to show you State's Exhibit 90. And we
15 saw that before. Is that one of the positive stains that you
16 found in the seat base, the presumptive positive test stain?

17 A Yes.

18 Q And then State's Exhibit 91, what is that?

19 A That is another set of stains. I -- they were so
20 close together, I ended up counting them as a single stain
21 that tested positive.

22 Q So that's the second stain that tested positive
23 from your presumptive test?

24 A Yes.

25 Q What did you do once you had that presumptive

1 positive test with both stains one and stain two?

2 A I collected samples, using the same technique that
3 I used to collect samples from the defendant's hands. I used
4 a sterile cotton swab with distilled water, and I rubbed
5 those areas that I identified, and then I impounded those
6 swabs.

7 Q And stain one, do you recall, was that impounded as
8 item number seven? Do you recall that or would it refresh
9 your recollection to look at your notes?

10 A It would.

11 Q Okay. Go ahead and look at your notes.

12 A Yes.

13 Q Okay. So stain number one was impounded as item
14 number seven; is that correct?

15 A Yes.

16 Q And stain number two, what was that -- the swab
17 from that stain, what number was that impounded as?

18 A Item number eight.

19 Q And then finally, what number was the tissue
20 impounded under?

21 A Item number nine.

22 Q Okay.

23 MR. MERBACK: Court's indulgence.

24 THE COURT: Okay.

25 BY MR. MERBACK:

1 Q You indicated that when you arrived at both the
2 Metro headquarters initially and then as well when you
3 conducted the search at the crime scene lab, was there a
4 detective present at both locations?

5 A Yes.

6 Q Okay. Did that -- did those detectives have search
7 warrants under which you conducted both of these searches?

8 A Yes.

9 Q All right. And you didn't obtain those search
10 warrants, but they were provided to you by the detectives; is
11 that correct?

12 A That's correct.

13 MR. MERBACK: No further questions, Your Honor.

14 THE COURT: All right. Cross-examination?

15 MR. DRASKOVICH: Yes, thank you.

16 CROSS-EXAMINATION

17 BY MR. DRASKOVICH:

18 Q Good afternoon.

19 A Good afternoon.

20 Q Ms. Lynch, I just have a few questions.

21 MR. DRASKOVICH: Merback, are these all the
22 exhibits here?

23 MR. MERBACK: Some of them are down below.

24 (Pause in the proceedings)

25 BY MR. DRASKOVICH:

1 Q Ma'am, I'm first going to direct your attention to
2 the photograph taken of the defendant in this case,
3 Mr. Moore.

4 A Okay.

5 Q This is State's Proposed -- actually State's
6 admitted Exhibit No. 23. And there's a series of -- shot
7 from side, shot from the front, but we'll just talk about
8 this for a moment.

9 A Okay.

10 Q Approximately, what time was it that you took this
11 photograph?

12 A I'm not sure of the time of the photograph. I
13 arrived at that location just after 10:30.

14 Q 10:30 in the morning?

15 A In the morning.

16 Q And this location is the crime -- was this the
17 police station that you --

18 A This is LVMPD headquarters.

19 Q Okay. So based upon your knowledge of this case,
20 this gentleman had been in custody for some time?

21 A As far as I know, yes.

22 Q Okay. If I told you the call was initiated or
23 police law enforcement came in contact with the gentleman
24 around 1:30 in the morning, would you have any reason to
25 disagree with that?

1 A I would not.

2 Q So it's fair to say this gentleman had been in
3 custody for at least eight hours, nine hours?

4 A If what you say is correct.

5 Q And I'm in no way going to and mislead you. Okay?

6 A Okay.

7 Q Now, you shot this photograph of him. Did you ever
8 shoot the photograph of him with his hood down?

9 A I honestly do not -- I don't remember.

10 Q Okay. You'd agree with me it would be reasonable
11 to assume that he hadn't had his hood up, if he ever
12 actually, himself put that hood up, correct?

13 A I'm sorry, please repeat the question.

14 Q Absolutely. If had been in police custody or
15 several hours --

16 A Yes.

17 Q -- based upon our previous questions, and when you
18 took his picture, we can obviously see that his hood was up,
19 correct?

20 A Yes.

21 Q And you told him to put his hood up?

22 A No.

23 Q I see. Were you with him -- at what time -- let me
24 ask you this, how long were you in contact with this
25 gentleman?

1 A I arrived at headquarters around -- just after
2 10:30, and I left, I want to say, it was -- I'm guesstimating
3 because I don't rightly remember. I know I arrived at the
4 second location about ten until 12:00, so providing for drive
5 time, I was with him for probably 45 minutes to an hour.

6 Q Okay. You will agree with me that it's safe to say
7 that you didn't know what condition that hoodie was in,
8 either up or down, when he first came into contact with
9 police, correct?

10 A Correct.

11 Q Nor during the hours that transpired prior to your
12 taking this photograph, correct?

13 A Correct.

14 Q In reference to this presumptive bloodstain that
15 you had found on the sweat pants and you recall your
16 testimony in reference to that?

17 A Yes.

18 Q That blood was never tested for type DNA, anything
19 like that, to your knowledge?

20 A I do not know. That is outside of the scope of my
21 job.

22 Q Okay. In reference to the several photographs that
23 you had given testimony concerning of the seat of this
24 subject vehicle --

25 A Yes.

1 Q -- the Aston Martin, you had said that you had
2 found stains with the special light; is that correct?

3 A Yes.

4 Q And then you circled all of these potential stains,
5 correct?

6 A Yes.

7 Q You'd agree with me that you are unable to give
8 testimony as to how long those stains have been there?

9 A That is correct.

10 Q You'd agree with me they could have been there for
11 hours or years?

12 A I -- I do not how long those stains were there.

13 Q And you can't -- and you can't give testimony --

14 A I cannot.

15 Q -- (indecipherable)? Okay.

16 This was a 2003 Aston Martin or was it a 2004 Aston
17 Martin?

18 A It was a 2003 Aston Martin.

19 Q Okay. And these photographs were taken in 2016,
20 correct?

21 A '17.

22 Q I'm sorry. 26, February 26, 2017, correct?

23 A Yes.

24 Q In reference to these circles that you made, you
25 can't say with any degree of certainty that those were, in

1 fact, semen stains?

2 A I cannot.

3 Q Just presumptive stains, or we don't know, do we?

4 A The two that I circled and put a positive sign next
5 to, those are the only two that I can say presumptively
6 tested positive --

7 Q Okay.

8 A -- but with certainty, I cannot.

9 Q And you can't give any testimony concerning who --
10 assuming those were even semen stains, who those stains
11 belonged to, correct?

12 A That is correct.

13 Q Finally, in reference to the sight of the scene, I
14 believe it's State's Exhibit 83 -- excuse me -- it is State's
15 Exhibit 83. Do you recall your testimony in reference to
16 this photograph?

17 A I do.

18 Q This is the passenger side of the subject vehicle,
19 correct?

20 A Yes.

21 Q And you'd agree with me that the passenger seat in
22 this car was electric?

23 A Yes.

24 Q You see the buttons down here at the side?

25 A Yes.

1 MR. DRASKOVICH: Thank you. I have no further
2 questions.

3 THE COURT: All right. Redirect?

4 REDIRECT EXAMINATION

5 BY MR. MERBACK:

6 Q We talked about you impounding these nine different
7 items, these swabs, and then the clothing under this unique
8 Metro event number; is that correct?

9 A Yes.

10 Q Okay. And those items -- once you impound all
11 those items, where do they go?

12 A They are kept in evidence by our evidence
13 technicians, usually at our evidence vault.

14 Q Do you package them in such a way that you can
15 later on tell that they're the same -- it's the same package
16 that you impounded -- that you put the items in originally?

17 A Yes, I do.

18 Q What do you -- what do you do to make sure you can
19 tell that?

20 A Right. So each item of evidence goes into its own
21 package, sometimes I put multiple packages inside a bigger
22 package.

23 But each item of evidence is placed in its own
24 package, and that package is labeled with the event number,
25 the description of the item, the date, my initials, and my

1 personnel number, and the item number that it's being
2 impounded under.

3 Q And then those items are stored in an evidence
4 vault by the Las Vegas Metropolitan Police Department?

5 A That is correct.

6 Q Can they later be taken out and tested in a lab or
7 for other reasons?

8 A Yes.

9 Q But you don't specifically perform that testing; is
10 that correct?

11 A That is correct.

12 MR. MERBACK: No further questions, Your Honor.

13 THE COURT: All right. Any recross?

14 MR. DRASKOVICH: No, Your Honor.

15 THE COURT: Any member of the jury have a question
16 for this witness? Anyone?

17 I'm not seeing any hands. Thank you for your
18 testimony. You're excused.

19 THE WITNESS: Thank you.

20 THE COURT: This is probably a good time for us to
21 take a break. Everybody stretch, run to the restroom.

22 While you're out -- so go out, as soon as you all
23 get back, we'll get back in session.

24 While you're out there, do not talk to each other
25 about the case or about anyone who has anything to do with

1 it. Do not talk with anyone else about this case or about
2 anyone has anything to do with it.

3 Do not let anyone talk to you about the case or
4 about anyone that has anything to do with it. If someone
5 should try to talk to you, please report to me immediately by
6 contacting the marshal.

7 Do not read any newspaper stores or articles or
8 listen to any radio or television reports about the case. Do
9 not visit the scene of any events mentioned during the trial
10 or undertake any investigations, experimentation, or research
11 on your own, including the use of social media to in any way
12 discuss the case or the use of the Internet or other
13 reference materials to do any sort of investigation or
14 research.

15 And do not begin to form or express any opinion on
16 any subject connected with this case until it's finally
17 submitted to you.

18 We'll see you back in just a little while.

19 THE MARSHAL: All rise for the jury.

20 (Outside the presence of the jury at 12:41 P.M.)

21 (Pause in the proceedings)

22 THE COURT: All right. As soon as they all get
23 back and sort of get lined up, we'll keep moving. So feel
24 free to take a bathroom break.

25 MR. MERBACK: Just as a heads-up, Your Honor, we've

1 got the nurse examiner, and that's all we've got for today.

2 We've got three tomorrow, and we're done.

3 THE COURT: Okay. How long do you think the
4 witnesses tomorrow will go?

5 MR. MERBACK: Probably about the same amount of
6 time, a few hours.

7 THE COURT: Okay. I just, sort of, want to give
8 them a little bit of a sense.

9 MR. MERBACK: It's the -- it's one of the
10 responding officers who will take a little bit longer than
11 this one, the one who actually spoke to defendant. It's the
12 detective on the case, which may take a little while, and
13 it's the DNA analyst, but I don't know it will take a ton of
14 time.

15 MR. DRASKOVICH: Actually, the DNA officer, is not
16 going to take much time.

17 MS. KOLLINS: Yeah, the --

18 THE COURT: Okay.

19 MS. KOLLINS: There are a lot of findings in the
20 DNA. I mean, they don't -- they're not contesting the
21 accuracy of it, necessarily. It's just going through it.
22 There are about ten analyses that she's going to describe.

23 THE COURT: Okay.

24 MS. KOLLINS: The detective's going to be a little
25 bit long. I would say --

1 THE COURT: Is there any recording of any
2 interview?
3 MS. KOLLINS: Yes.
4 THE COURT: How long is that?
5 MS. KOLLINS: An hour --
6 MR. DRASKOVICH: It's long.
7 MR. MERBACK: That's what's going to --
8 MR. DRASKOVICH: It's about an hour-and-a-half.
9 MR. MERBACK: -- take the most --
10 THE COURT: All right. So, I mean, it sounds like
11 we've got a full --
12 MS. KOLLINS: Yeah.
13 MR. DRASKOVICH: We do.
14 THE COURT: -- I --
15 MS. KOLLINS: Yeah, about four hours.
16 THE COURT: -- full afternoon. Yeah, full
17 afternoon tomorrow, so -- all right. And then, so at the end
18 of -- when we're done with this next witness, we'll -- I'll
19 tell them it's their lucky day.
20 And then we probably are full tomorrow, so we'll
21 plan on doing jury instructions and any arguments relating to
22 intent, we'll do that maybe Friday morning.
23 MR. DRASKOVICH: Okay.
24 THE COURT: Because, I mean, it sounds like we're
25 going to have a full afternoon with the -- playing the

1 interview sounds like it's a full afternoon tomorrow. I mean
2 -- and I don't -- I'm assuming people aren't ready to do that
3 today?

4 MS. KOLLINS: No, and --

5 MR. DRASKOVICH: No.

6 MS. KOLLINS: -- I don't have Mr. Draskovich's
7 instructions. He's got something in his hand. I have that
8 doctor's appointment, remember, at 9:00 A.M. on Friday??

9 THE COURT: Oh, yeah. Well, I've got some stuff.
10 We'll do it -- I -- we were going to get started around 9:30
11 or whatever on Friday.

12 MR. DRASKOVICH: Okay.

13 THE COURT: We can get started at 10:00. Make it a
14 little bit easier.

15 MS. KOLLINS: I'll try to be here.

16 THE COURT: Well, you know what, what time is your
17 appointment? I forget.

18 MS. KOLLINS: 9:00 a.m.

19 THE COURT: 9:00 a.m.? Okay. Well, we -- we can
20 shoot for the 10:30.

21 MR. DRASKOVICH: Yeah. Your Honor, I told you
22 yesterday that I would have points and authorities prepared.
23 I -- our -- the attorney that does our writing is out of
24 state. He's provided me with points and authorities that we
25 discussed in detail yesterday. It's fairly brief.

1 I'd like to put it in a different format to make
2 it --

3 THE COURT: That's fine.

4 MR. DRASKOVICH: -- for a court filing.

5 THE COURT: I mean, I don't -- like I said, my --

6 MR. DRASKOVICH: If time.

7 THE COURT: -- general sense right now is, like I
8 said, is that we'll get done today. She's going to need to
9 see whatever -- or they're going to need to see whatever
10 you're presenting to me. You're going to need to look at the
11 jury instructions. So it doesn't look like we can get
12 anything done after we get done with the testimony today. It
13 looks like we've probably got a full day --

14 MR. DRASKOVICH: Full day.

15 THE COURT: -- tomorrow to finish up. So we'll
16 shoot for, like I said, just 10:30 on Friday to do jury
17 instructions and then -- or any argument concerning the issue
18 of intent. That will be the sort of general plan.

19 MR. DRASKOVICH: Okay. Thank you, Judge.

20 THE COURT: All right.

21 MS. KOLLINS: I mean, I can tell the Court just by
22 a quick review of this, that I do disagree based on what I've
23 already filed, but we can talk about it [inaudible].

24 THE COURT: Well, I assumed you were going to
25 disagree. Gee, that's a shocker.

1 MS. KOLLINS: I was just -- it's my job.
2 (Court recessed at 12:46 p.m. until 12:59).
3 (Outside the presence of the jury)
4 THE COURT: The jurors are all here. Any reason we
5 can't get started?
6 MR. MERBACK: No, Your Honor.
7 THE COURT: All right. Not hearing anything from
8 defense.
9 MR. DRASKOVICH: We're ready, Your Honor.
10 THE COURT: All right. Let's bring them in and get
11 going.
12 (Pause in the proceedings)
13 THE MARSHAL: All rise for the jury.
14 (In the presence of the jury at 1:00 P.M.)
15 THE COURT: Court let the record reflect the
16 presence of the attorneys for both sides, the presence of the
17 defendant. Do the parties stipulate to the presence of the
18 jury panel?
19 MR. DRASKOVICH: Yes.
20 MS. KOLLINS: Yes, Your Honor.
21 THE COURT: Okay. Very good. All right. The
22 State may call its next witness.
23 MR. MERBACK: The State calls Jeri Dermanelian.
24 THE COURT: All right. Ma'am, if you'll come up to
25 the witness stand. There's a couple of steps. When you get

1 to the top, stay standing for just a second, and I'll clerk
2 will swear you in.

3 JERI DERMANELIAN, STATE'S WITNESS, SWORN

4 THE CLERK: Please be seated. Please state your
5 name, and spell your first and last name for the record.

6 THE WITNESS: Jeri Dermanelian, J-e-r-i,
7 D-e-r-m-a-n-e-l-i-a-n.

8 THE COURT: All right. If I can get you to scoot
9 up a little closer to the microphone. Thank you. Any time,
10 Counsel.

11 MR. MERBACK: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MR. MERBACK:

14 Q Ms. Dermanelian, could you talk about what you do
15 for your employment and the training and experience you have
16 in that area?

17 A I'm a sexual assault nurse examiner. I'm a
18 registered nurse in the state of Nevada, and I've taken a
19 course, a 40-hour course to become a sexual assault nurse
20 examiner.

21 I then did the training with the other nurses and
22 doctors on the actual hands-on performance of a sexual
23 assault exam. I'm required to have continuing education
24 units as a registered nurse for State of Nevada, as well as I
25 have a certification for sexual assault nurse examination for

1 adolescents, pediatrics, and adults.

2 And I'm required by International Association of
3 Forensic Nursing to maintain that certification and
4 continuing education units.

5 I've also taught the 40-hour training course to
6 teach other nurses how to become sexual assault nurse
7 examiners, and then I participate -- now I teach them with
8 the hands-on portion of the -- how to perform the exams.

9 Q How long have you been doing sexual assault nurse
10 examinations for?

11 A Approximately 12 years.

12 Q Do you know approximately how many examinations
13 you've done?

14 A I'm going to estimate, probably around 9,000.

15 Q I want to call your attention to February 26th of
16 2017. Were you working as the sexual assault nurse examiner
17 at UMC on that day?

18 A Yes.

19 Q Did you have an occasion to perform an exam on an
20 individual by the name of Alexia Martinez?

21 A I did.

22 Q I'm going to show you State's Exhibit 1. Do you
23 recognize that?

24 A Yes.

25 Q Who is that in that photograph?

1 A That's Ms. Martinez.

2 Q Did you take that photograph?

3 A Yes.

4 Q And where was that photograph taken at?

5 A In the sexual assault exam room at University
6 Medical Center.

7 Q And then I'm also going to show you State's Exhibit
8 2. Is that also a photo of Ms. Martinez on that day?

9 A Yes.

10 Q Did you also take that photograph?

11 A Yes.

12 Q State's Exhibit 3, what's that?

13 A That the picture of her torso and her arms and
14 hands.

15 Q And then State's Exhibit 4.

16 A That's her lower extremities and her tennis shoes
17 that she had on.

18 Q And you took all of those pictures; is that
19 correct?

20 A Yes.

21 Q Okay. Do you recall about what time it was that
22 Alexia Martinez arrived at UMC?

23 A I believe it was 4:54.

24 Q Okay. In the morning; is that correct?

25 A Yes.

1 Q And was she brought there by the police?

2 A The triage nurse notes say that she came by private
3 vehicle, but I believe she came by transport by Las Vegas
4 Metropolitan Police.

5 Q Okay. And once she arrives -- once Alexia arrives
6 to the hospital, where does -- where would the examination
7 occur?

8 A The exam takes place in the sexual assault exam
9 room, but generally the patient is taken to an area called
10 the quiet room where they wait, and that's where the
11 introductions are done.

12 Q What specific things to you do in preparation for
13 the exam or what things happen in preparation for the exam
14 prior to the exam occurring?

15 A Narrative is taken from either the patrol officer
16 or if a detective is present, they will generally give me a
17 brief narrative of what they know to have occurred. In this
18 case, the parent, the mother was present, so I had a
19 conversation with the mother prior to meeting the -- Ms.
20 Martinez. And I obtained her medical history from her
21 mother, and then verified it later with the patient.

22 Q Okay. After speaking with the mother, do you then
23 -- you said you then speak with the patient, with Alexia; is
24 that correct?

25 A Yes.

1 Q When you speak with Alexia, do you talk to her
2 about why she's there or what occurred?

3 A Yes.

4 Q Do you excuse the mother or does the mother remain
5 in the room when that happens?

6 A The mother was present when I talked to Ms.
7 Martinez regarding her options and then I verified the
8 medical history that the mother had given me with Ms.
9 Martinez, and at that point in time, the mom is asked to
10 leave the exam area so that private conversation can take
11 place, which was done.

12 Q Now, just briefly, you talked about the options.
13 There's different options in regards to the level of exam
14 that the individual or the patient can select; is that
15 correct?

16 A Yes.

17 Q And which level of exam did Ms. Martinez select?

18 A She took option three for an adolescent, which is
19 the full sexual assault kit examination.

20 Q So the most intrusive exam that you can perform; is
21 that correct?

22 A Yes.

23 Q You said you conduct -- once the mother leaves, you
24 conduct an interview or you talk with -- you talk with Alexia
25 in regards to why she was there, what had occurred.

1 Why is that important in your preparation for
2 performing the exam?

3 A I ask them to give me a narrative of what occurred
4 so that I can determine what additional potential evidence
5 collection that may be necessary, as well as correlate her
6 medical history to potential injury patterns that I've seen
7 or may find, and be able to speak as to how the injury
8 patterns may be attributed to a medical condition or if it's
9 attributed to a form of like blunt force trauma.

10 Q Is the patient informed prior to this discussion
11 that the questions you're asking her, her answers are
12 important in regards to the medical treatment you're going to
13 give her?

14 A Yes.

15 Q What specifically -- and just specifically and
16 briefly did Alexia tell you in regards to what had occurred?

17 A She stated that she had a conversation on Tinder.
18 She indicated that she had agreed to meet and go out without
19 her parents knowing that she left the house to meet a male.

20 She indicated that she entered into a car and that
21 there was oral fellatio, penis to vagina intercourse and then
22 penis to rectal intercourse. And she described oral fellatio
23 as being against her will. She described that penis to
24 vagina as causing pain and asking the male to stop. And then
25 she described the rectal intercourse as being the most

1 painful, even though she gave a pain scale on the penis to
2 vagina and the penis to rectum as ten out of ten for each one
3 of those.

4 Q And did she indicate anything about whether or not
5 the penis to rectum was consensual?

6 A She indicated that she asked the male to stop, and
7 he told her it would be okay.

8 Q So once you've conducted that interview, what do
9 you do to run the exam itself?

10 A Describe the head-to-toe assessment, and normally
11 the patient is moved to the exam table itself, and then the
12 superior digital forensics imaging photographs would be
13 initiated, the head-to-toe photos are taken, and the sexual
14 assault kit collection is -- takes place at the same time the
15 head-to-toe assessment is initiated.

16 Q Now, you said the sexual assault collection. Can
17 you describe what that is?

18 A Sexual assault kit has collection DNA swabs that
19 are taken generally orally first, and then buccal swabs are
20 taken from the cheeks. Nail swabs would be taken generally
21 next. In this specific case, the patient indicated that
22 there was potential DNA on the breasts, so breasts swabs were
23 taken.

24 And then she indicated during the assessment of the
25 neck that the neck may have been -- had DNA on it, so a neck

1 swab was taken also and placed in the sexual assault kit.

2 Once the head-to-toe where you look, listen, and
3 feel is completed, then the pelvic exam was initiated. So
4 the patient is in a paper gown at this point, and the crime
5 light has already been utilized when the patient was standing
6 naked with the lights turned off. The crime light would have
7 been used and was used on her head to toe, and that was
8 negative. The --

9 Q Could you describe what that light is that -- you
10 said the crime light; is that correct?

11 A Yeah, it's an alternating light source that looks
12 for potential bruising that may not be present or showing
13 evidently initially. It also helps me find potential fluids.
14 In this evaluation I would be looking possibly for semen or
15 sperm specifically.

16 Q Could you continue with your description of the
17 exam?

18 A Once the head-to-toe was completed, the pelvic exam
19 would be initiated, and the patient is put in what's called a
20 lithotomy position where they're on a -- their on their backs
21 in a supine position and then they're feet are put into
22 stirrups and the speculum exam and the external genitalia
23 exam is initiated.

24 Ms. Martinez was on her menstrual period, and so
25 when evaluating the external genitalia, she had the

1 appearance of menstrual blood on the external genitalia
2 region, so a four by four, which is a four inch by four inch
3 cotton swab was use today wipe off that area so I could
4 ascertain whether she had any injuries present on that -- in
5 that region.

6 She was noted to have a red arrhythmic contusion on
7 an area called the vestibule or the vestibular band, which is
8 next to the urethra where you urinate. And then proceeding
9 from there, the area, technical area, called the posterior
10 fourchette and fossa navicularis area was assessed. There
11 was no signs of blunt force trauma to that region.

12 So toluidine blue dye was applied to the posterior
13 fourchette and the fossa navicularis, and that dye is used to
14 try and ascertain whether there's an injury pattern that may
15 not be present to my direct eye, and that when the dye
16 adheres to that area, then generally, there sometimes is pain
17 associated with the dye being applied or sensation of pain.

18 And then if the dye adheres to that region, then
19 that's telling me that area has an abrasion to it, and that
20 the dye is sticking to it.

21 That was not present on Ms. Martinez's exam.
22 Secured digital forensics imaging would have been taken
23 before and after the dye was applied. Patient was prepared
24 for a speculum exam. So the speculum is shown to Ms.
25 Martinez, it's indicated that sterile normal saline will be

1 used as a lubricant to place inside the vagina, the speculum,
2 which was done.

3 And then the speculum is opened. The vaginal walls
4 are assessed, and she was on her menstrual cycle, so there
5 was something called a fox swab, which is a large Q-tip that
6 is about eight inches long and about a half a inch of cotton
7 swab on the end of that Q-tip was placed after her vaginal
8 swabs and cervical os swab was placed.

9 I used the fox swab to clear the cervix off so that
10 I could find out where the blood was coming from. And the
11 blood was emitted from her cervical os of the uterus, which
12 was consistent with her telling me that she had started her
13 menstrual cycle.

14 There was no signs of blunt force trauma to the
15 cervix or the vaginal walls, the front, top, bottom, right,
16 and left.

17 Once photos were taken, the speculum was removed,
18 and then the patient was asked to sit up, and sit and recover
19 for a minute.

20 This patient had never had a speculum exam done
21 before, so it took a little while to talk to her about what
22 is a speculum and what the job of the speculum is and what it
23 may feel like when it's placed in the vagina.

24 Once she was recovered, then I asked her to stand
25 up and turn around. She was put into a knee/chest position

1 to assess the anus and the rectum. The perianal folds were
2 assessed, and the patient was noted to have lacerations in
3 the perianal folds.

4 So a technique called separation in traction is
5 used to separate the perianal folds, and she had
6 approximately ten lacerations noted from starting at a clock
7 position from the 5:30 position until the 2:30 position of a
8 clock. She had ten lacerations noted there, with the largest
9 one being at the, I called it 14:30, which would be 2:30
10 position for people that read clocks with a normal clock
11 reading.

12 The anal scope was placed into her rectum next.
13 And the patient had swabs taken from her rectum, and on the
14 swabs taken from her rectum, there was the appearance of
15 blood on the swabs. And the patient did have pain when I
16 separated her perianal folds before I inserted the anal
17 scope.

18 The swabs were taken, the photographs were taken of
19 the rectum, and then the anal scope is removed. And the
20 patient is given time to recover. And then once that is
21 completed, antibiotic discussion occurs, morning after
22 medication discussion occurs, and then labs for HIV,
23 Hepatitis B, Hepatitis C, syphilis would be drawn and sent to
24 the lab. Urine pregnancy and a urine drug screen was sent to
25 the lab.

1 And when I did the exam for the cervical os of the
2 uterus, I took -- after the swabs were all taken for the kit,
3 I took a gonorrhea and a chlamydia swab.

4 In addition to that, I didn't mention this, but
5 when I took the swab from the gonorrhea and the chlamydia,
6 after that swab in the cervix, I then take a swab looking for
7 sperm on a slide. I put that material on a slide and then I
8 look on the slide with a microscope for sperm. And in Ms.
9 Martinez's case, there was no sperm noted on that slide.

10 The antibiotics were administered to her. She took
11 the Azithromycin, which is to prevent chlamydia. She took
12 the injection of Rocephin, 250 milligrams of Ceftriaxone to
13 prevent gonorrhea, and then she did take the Levonorgestrel
14 or Plan B, which is the emergency contraceptive medicine to
15 prevent an egg and a sperm from uniting.

16 The patient was given discharge instructions with
17 her mom present, and during the discharge instruction
18 process, the mom was -- mom cried, and then the daughter
19 became upset and started crying. At that point in time, the
20 rape crisis advocate and the patient and her family was told
21 that this sexual assault can affect the entire team.

22 So the rape crisis advocates will help them with
23 the counseling and trying to get to the healing process.
24 Patient was given discharge instructions and reminded with
25 lacerations to the perianal folds it's important not to

1 become constipated, and that she may want to participate in
2 the description of a sitz bath to try and help the anal
3 folds, the lacerations heal, and they will heal fast and
4 quickly because of the vascular nature of the vagina and the
5 rectum.

6 Q Let's go back, Ms. Dermanelian, just briefly. You
7 indicated that you took oral swabs, vaginal swabs. Did you
8 also take cervical swabs?

9 A Yes.

10 Q An anal swab, a neck swab, a breast swab --

11 A Yes.

12 Q -- fingernail swabs, and a fox swab; is that
13 correct?

14 A Yes. And then I used -- put the four by four in
15 the kit also that I used to wipe where her menstrual blood.

16 Q What did you do with all of those swabs after they
17 were taken?

18 A I placed them each one of the, like the oral swabs
19 have a box that's designed with an O on it for oral. The
20 buccal swab has a small box where you put the buccal swabs
21 in. Vaginal swabs have a V, so you put those swabs in the V
22 box for vagina.

23 C is the box for cervix, and then R is the box for
24 rectum. L is the box for left-hand nails. RH is for the
25 right-hand nails. And then I would make -- there's -- in

1 each kit there's extra boxes.

2 So for Ms. Martinez, I made a box for her breast
3 swab and a box for the neck swab. The four by four would
4 have gone in the little envelope, and the fox swab would have
5 gone into its separate box, and I would have labeled this fox
6 swab.

7 And then each one of those swabs are placed into
8 their own envelopes that are labeled vaginal, cervical,
9 rectal. And then each one of those are sealed and placed
10 into a sexual assault kit. And then once I'm done with the
11 paperwork, then everything is sealed with the evidence seal
12 where I initial and then sign, and then I store the kit in a
13 locker in the office until the Las Vegas crime lab
14 technicians come to pick it up.

15 Q Was there anything else placed in this kit besides
16 all of those swabs?

17 A The paperwork that I produce.

18 Q I'm going to show you what's been marked and
19 admitted as State's Exhibit 99. Do you recognize that?

20 A Her underwear and her peri pad. She had indicated
21 that she had started her menstrual period, so I noted in my
22 dictation that she had flecks of brown and red material on
23 the peri pad that appeared to be consistent with her
24 menstrual flow.

25 Q And were those items also placed in the sexual

1 assault kit?

2 A Yes.

3 Q And that kit is then, you said, impounded and
4 stored until it can later be used for testing by the forensic
5 lab; is that correct?

6 A Yes.

7 Q Now, you talked about some injuries you found
8 during the course of the exam. Do you recall -- I'm going to
9 show you State's Exhibit 100. Do you recognize that
10 photograph?

11 A Yes.

12 Q Is that Ms. Martinez?

13 A Yes.

14 Q Did she indicate to you how she received the mark
15 that's shown in that photograph?

16 A Yes.

17 Q What did she say to you?

18 A Her mother hit her with an open hand after the
19 sexual assault had occurred, and that she sustained that
20 abrasion at that time.

21 Q Okay. Now, you talked about the -- a vaginal
22 contusion in a specific area outside of the vagina; is that
23 correct?

24 A It was the vestibular band, yes.

25 Q What is that -- the injury you observed on the

1 vestibular band, is that consistent with anything?

2 A It was a contusion. It was red in color, and that
3 the patient indicated that when the penis to vagina
4 intercourse took pain -- took place, she had pain on penis to
5 vagina intercourse, so it's possible that the penis would
6 have hit that area and caused the contusion to occur.

7 Q So a penis hitting that area would be consistent
8 with the injury that you saw?

9 A The mechanism that the patient gave me was penis to
10 vagina. She had a pain level ten out of ten with the
11 insertion. So it would be possible that you had a blunt
12 force trauma from a item that caused a bruise to occur that
13 was red in color.

14 Q Now, let's move -- you talked about that you
15 observed ten different anal lacerations. Is that the words
16 you used?

17 A Perianal, yes, lacerations.

18 Q Okay. Were those -- were those lacerations varying
19 in their degree?

20 A Yes. In depth, length. The largest one was at the
21 14:30 or the 2:30 position.

22 Q And what are those anal injuries that you observed,
23 those lacerations, are they consistent about anything?

24 A The patient indicated with insertion of, she stated
25 a penis to her rectum, she had the most pain occur while she

1 was in the -- she described it as a -- she used the quote
2 doggy style position.

3 The patient also had, when I separated with the
4 separation in traction technique we use, the patient had pain
5 with the separation. So if you have pain when you open up
6 and separate the skin tissue, that pain generally occurs
7 because the airflow is hitting that open laceration, and you
8 have nerve endings in that skin tissue area.

9 So the laceration had not sealed itself or healed
10 yet, and that's why when I separated the perianal folds, she
11 was indicating she had pain from that airflow hitting the
12 open laceration.

13 And then she had the blood on the swab noted from
14 the rectum. So that was still present. And remember the
15 vagina and the rectum and the anus are very vascular. They
16 have a lot of, you know, small capillaries and venules and
17 veins, and the blood was still present in her rectum, and she
18 has no history of like constipation or hemorrhoids or having
19 blood. She had had a bowel movement the day before with no
20 pain and no blood. So I'm trying to ascertain why that blood
21 would be in the rectum, and would it be possible that a
22 energy force was touching that skin area inside the rectum
23 that could have been irritated enough to leave that red blood
24 on the swabs.

25 Q The level of injuries that you observed inside

1 Alexia's rectum, would you expect the creation of those
2 injuries to be accompanied by pain?

3 A In her case, yes, because the time that she gave
4 that the sexual assault took place was at approximately 00:30
5 in the morning, and she came in soon after the sexual assault
6 that she stated took place, and then the exam was done in a
7 very relatively fast period of time.

8 So the body will heal quickly, but it won't be able
9 to seal itself off in that four, six hour period of time.

10 Q You indicated that she described that when -- that
11 when there was anal -- when she was -- when there's anal
12 intercourse going on, she described a pain level of ten to
13 ten; is that -- ten out of ten; is that correct?

14 A Yes.

15 Q Would that pain level of ten out of ten be
16 consistent with the injuries that you observed?

17 A Yes, even though I believe the rectal pain was more
18 than ten because she said the rectal pain is the one that
19 hurt the most.

20 Q So it would be -- that level of pain she described
21 would be consistent with the type of injuries you observed?

22 A Yes.

23 Q Okay. Now, you can't tell in your observations or
24 in any of your testing, you can't tell whether any of the
25 injuries you observed were caused by consensual intercourse

1 or non-consensual intercourse; is that correct?

2 A I cannot tell consensual or non-consensual
3 intercourse.

4 MR. MERBACK: Court's indulgence.

5 THE COURT: Sure.

6 MR. MERBACK: No further questions, Your Honor.

7 THE COURT: All right. Cross-examination?

8 MR. DRASKOVICH: Yes, thank you.

9 CROSS-EXAMINATION

10 BY MR. DRASKOVICH:

11 Q Good afternoon, Ms. Dermanelian.

12 A Hello.

13 Q Pick up the last portion of your testimony. In
14 reference to the anal lacerations, you cannot give an opinion
15 as to whether or not that was the result of consensual or
16 non-consensual sex, correct?

17 A That's correct.

18 Q Anal lacerations such as those that you viewed can
19 occur through consensual intercourse?

20 A That is possible.

21 Q And you'll agree there is a fair amount of science
22 on this subject, correct?

23 A Yes.

24 Q And the studies have found that you come in and say
25 oh, there's a laceration, this person was raped because it

1 just doesn't work out like that, correct?

2 A In and of itself, that is not enough, sir.

3 Q Okay. Because lacerations do occur through the
4 course of consensual sex?

5 A It most certainly can.

6 Q And in reference to the vaginal, this blunt force
7 trauma that you had testified concerning, that, too, can
8 occur during consensual sex?

9 A Yes, it can.

10 Q And you have to rely upon the history that the
11 patient is giving you, correct?

12 A That's very important, yes.

13 Q And you can't tell us based upon your training,
14 experience, or this interview whether this allegation of
15 sexual assault is true or not, correct?

16 A That's correct.

17 Q You had said at one point when she was initially
18 questioned at her intake, she stated her pain was ten out of
19 ten, correct?

20 A Yes.

21 Q And in your notes, you testified that when you
22 began your examination of her, her pain was six out of ten be
23 for -- I'm sorry, six out of ten out of her rectal pain and
24 four out of ten for vaginal, correct?

25 A Yes, it is.

1 Q So it had dropped substantially in the very short
2 period of time when she was in the hospital?

3 A Which makes sense, yes.

4 Q And in reference to her initial intake at UMC,
5 you'll agree that when asked concerning her pain, it was zero
6 pain?

7 A Not for my intake.

8 Q Okay. I'm talking about the UMC intake prior to
9 your coming into contact.

10 MR. MERBACK: Well, then it's hearsay at that
11 point. It's not her intake.

12 THE COURT: I'll sustain that.

13 BY MR. DRASKOVICH:

14 Q Ma'am, you reviewed this intake in preparation for
15 your notes, correct?

16 A I -- if I could see the page that you're looking
17 at, I could tell you.

18 THE COURT: All right. Do you know what he's
19 showing her, Mr. Merback? All right. You can show it to her
20 and see if she recognizes that.

21 THE WITNESS: Yeah, that is --

22 THE COURT: Hold on. Right now --

23 THE WITNESS: Oh, sorry.

24 THE COURT: -- just tell us if that -- if you
25 recognize that, and you can ask if that refreshes her

1 recollection if she looked at this in forming -- or doing her
2 work.

3 THE WITNESS: Yes.

4 BY MR. DRASKOVICH:

5 Q And ma'am, you'll agree with me you oftentimes
6 review notes that are taken by other physicians or other
7 nurses in preparation of your reports?

8 A Yes.

9 Q And you did review this paperwork in preparation of
10 your examination as well as your notes?

11 A Yes.

12 Q Okay. And you'll agree with me, ma'am, that it
13 appears there it's pain with a zero through and a slash?

14 A In -- in context of her last bowel movement on 2/25
15 of '17 --

16 Q Okay.

17 A -- yes.

18 Q You'll agree with me that her pain -- her claimed
19 pain changed during the time you were in contact with her?

20 MR. MERBACK: I'll object, Your Honor. That's --
21 the -- what we're looking at here --

22 THE COURT: Right. We don't have anything
23 admitted. I mean, I'm going to sustain that. Let's focus on
24 what she can testify to.

25 BY MR. DRASKOVICH:

1 Q Ma'am, you'll agree with me that you had asked for
2 pain in her rectal or vaginal, it had changed from the onset
3 of her intake of your involvement to your time of your
4 examination?

5 THE COURT: All right. So the question is her
6 evaluation of pain changed from when she first met her
7 until --

8 MR. DRASKOVICH: The time of her examination.

9 THE COURT: All right. I'll allow.

10 MR. DRASKOVICH: Thank you.

11 THE COURT: I'll allow as to her.

12 MR. DRASKOVICH: As to her.

13 THE COURT: All right. I'll allow -- I'll overrule
14 -- well, I don't know if there was an objection made yet or
15 not, but I -- I'll allow the question.

16 THE WITNESS: Will you ask me the question one more
17 time, please?

18 //

19 BY MR. DRASKOVICH:

20 Q You bet. I -- thank you.

21 You had testified that in your initial assessment or
22 asking her in reference to the pain she was experiencing, it
23 was ten out of ten, correct?

24 A That it was ten out of ten during the intercourse
25 penis to vagina --

1 Q Okay.

2 A -- penis to rectum.

3 Q Okay. I'm -- thank you. I wanted to clarify that.

4 And then during your time of the examination, it was six

5 out of ten anal, and four out of ten vaginal?

6 A Yes.

7 Q I wanted to clear that up. Thank you very much.

8 And in reference to the pain reported, once again,

9 we can't say that is indicative of consensual or

10 non-consensual sex?

11 A That's correct.

12 Q Through the course of your interview of her, she

13 had said that her buttocks had been slapped, correct?

14 A Yes, right and left buttock.

15 Q Okay. And you'll agree with me that there was no

16 bruising, no injuries left as a result of this alleged

17 slapping of right and left buttock?

18 A Correct.

19 Q Finally, you had testified that upon completion of

20 your examination, you stated that mom appeared upset and

21 began crying, correct?

22 A Yes.

23 Q And then it appears, then in response to mom's

24 crying, then the patient, Alexia Martinez, appeared to have

25 become upset and become crying?

1 A Yeah, she was staring at her mom, and she did start
2 to cry.

3 Q Thank you.

4 MR. DRASKOVICH: I have no further questions.

5 THE COURT: All right.

6 MR. MERBACK: Just briefly.

7 THE COURT: Redirect?

8 MR. MERBACK: Just briefly.

9 REDIRECT EXAMINATION

10 BY MR. MERBACK:

11 Q I just want to clarify the pain scale questions.

12 Alexia indicated to you that during the actual
13 assault, her pain level was ten out of ten; is that correct?

14 A Yes.

15 Q And then when did she indicate to you about her
16 pain level when you actually performed the examination?

17 A The pain level that I recorded, the four vaginal
18 and the six rectal occurred as -- before I actually did the
19 head-to-toe assessment while she's sitting in the chair, I
20 say, as you're sitting there right now, can you tell me what
21 your pain to your vagina is, and she gave a four out of ten.
22 Then I said, as you're sitting there right now in that chair,
23 can you tell me what your pain level is to your rectum or
24 your anus, where you have bowel movements from, and she gave
25 a six out of ten.

1 That would be and was recorded prior to the actual
2 head-to-toe where we move and get undressed and do the
3 separation and the traction techniques.

4 Q So the change in the pain level was from the time
5 of the event, the ten out of ten, down to the time of your
6 examination, which is hours later, to six out of ten and four
7 out of ten?

8 A Yes.

9 Q Okay. And then Mr. Draskovich pointed out an
10 initial intake that you did not fill out; is that correct?

11 A Well --

12 Q That he showed you that you did not fill out?

13 A This is my -- this is my -- these are some of my
14 notes that I took.

15 Q Okay. So those are your notes?

16 A Yeah, my signature on the bottom of that page.

17 Q Okay. And he talked about a place on there where
18 it indicates no pain. Do you recall those questions? That
19 there's a place on there where it says last BM 2/25/17, no
20 pain; do you recall that?

21 A Yes.

22 Q What is that specifically in reference to?

23 A It's important before you do the exam to find out
24 if the patient has any medical history that would cause pain
25 when they have intercourse, have a bowel movement, and so

1 that's part of the medical history to find out when was the
2 last bowel movement, and did they have any pain or blood that
3 could be responsible for what I find later when I do the
4 knee/chest, and head-to-toe.

5 So that response of zero pain and zero blood was to
6 the bowel movement she had on 2/25 of 2017.

7 MR. MERBACK: No further questions, Your Honor.

8 THE COURT: All right. Recross?

9 MR. DRASKOVICH: Just very briefly.

10 RECROSS-EXAMINATION

11 BY MR. DRASKOVICH:

12 Q And I'm sorry, I think I missed this on my initial
13 cross.

14 You had said that there were three levels of exams that
15 she could have undergone, one, two, and three?

16 A Yes, sir.

17 Q And that she chose three, correct?

18 A Yes, sir.

19 Q Again, would you agree that in and of itself, that
20 is not indicative as to whether or not she is giving you a
21 true account of sexual assault or a false account?

22 A As to which kit or what option she picks in.

23 Q Which options.

24 A That would be correct.

25 MR. DRASKOVICH: Thank you. I have no further

1 questions.

2 THE COURT: All right. Does that generate anything
3 further on -- for redirect?

4 MR. MERBACK: No, Your Honor.

5 THE COURT: Any member of the jury have a question
6 for this witness? Okay. I see one hand. Write your
7 question on a clean sheet of paper with your juror number,
8 give it to the marshal. Can I see Counsel at sidebar?

9 (Sidebar begins)

10 THE COURT: Okay. Juror No. 1, "Was the decision
11 to conduct full examination made by Alexia or her mother or
12 by both?" Any objection, State?

13 MR. MERBACK: No, Your Honor.

14 THE COURT: Any objection, defense?

15 MR. DRASKOVICH: No.

16 THE COURT: Okay. All right. So this is your last
17 witness for the day?

18 MR. MERBACK: Yes, Your Honor.

19 THE COURT: All right. So go over with me your
20 witnesses tomorrow. I just want to make sure what I'm
21 telling them in term -- well, hold on. Hold that thought.

22 I don't -- for whatever reason she tears out two
23 sheets of paper every time she asks a question. Okay. Juror
24 No. 9, "Can you tell whether or not she was sexually active
25 before this assault?" Any objection, State?

1 MR. MERBACK: We object, obviously.

2 THE COURT: Any objection?

3 MR. DRASKOVICH: We have no objection to it. This

4 matter has been addressed, therefore --

5 THE COURT: I -- I won't do that question. All

6 right. Okay. Go -- give me the --

7 MR. MERBACK: We have a patrol officer who's going

8 to be longer than the patrol today, is the one who actually

9 spoke to the defendant.

10 THE COURT: All right. He's -- okay.

11 MR. MERBACK: He may take a little while, but not

12 too long. We've got --

13 THE COURT: All right. Hold on just a second. Do

14 you anticipate much in terms of questioning, more than what

15 you did today?

16 MR. DRASKOVICH: Not much more, no.

17 THE COURT: All right.

18 MR. MERBACK: Then it will be the DNA analyst,

19 which will probably take a long time on direct, but not a

20 significant time on cross.

21 THE COURT: Okay.

22 And then the last one, which is going to take a

23 significant amount of time is the case detective, Detective

24 Stark.

25 THE COURT: And you've got -- how long do you think

1 the statement recording is?

2 MS. KOLLINS: Maybe an hour.

3 THE COURT: All right. Okay. I'm going to shoot
4 to get started tomorrow at 12:30. That should give us -- I
5 feel -- it sounds like that should give us enough time to get
6 done tomorrow with your case. And then we'll just --

7 MR. DRASKOVICH: I don't believe so.

8 THE COURT: I mean, no one's holding you to
9 anything. I mean --

10 MR. DRASKOVICH: I -- 20 minutes.

11 THE COURT: Okay. I think we can get it done
12 tomorrow. All right. All right. I'll tell them that you
13 guys have been great working together, and that you cut it
14 down so they're going to get out early this afternoon, and
15 they're going to get off Friday. And -- and so -- all right.

16 (End of Sidebar).

17 THE COURT: All right. Ma'am, ma'am, was the
18 decision to conduct the full examination, option three, made
19 by Alexia or by her mother or by both?

20 THE WITNESS: It was made by the patient and only
21 the patient. But the mother was informed of what the three
22 options were.

23 THE COURT: All right. Does that generate anything
24 further from State?

25 MR. MERBACK: No, Your Honor.

1 THE COURT: Anything further from defense?

2 MS. KOLLINS: No, Your Honor.

3 THE COURT: Thank you very much, ma'am, for your
4 testimony. You're excused.

5 All right. Ladies and gentlemen, as I indicated
6 earlier, when we got started a little bit late, when you're
7 out there waiting, we are working in here. And I can tell
8 you that both sides have been working really well together in
9 terms of trying to streamline this case and minimize your
10 time in here.

11 As a consequence, there's -- we are able to cut out
12 some of your time in here over the next -- today and the next
13 couple days.

14 What we're going to do at this point is break
15 today. I know that we've only gotten in about two-and-a-half
16 hours of testimony, but we're going to break today. We'll
17 get started tomorrow at 12:30 and go until 5:00 o'clock.

18 And then we won't have any trial on Friday. The
19 parties feel that they can get pretty much the entire case
20 done tomorrow. We will have to have you come in on Monday to
21 finish the last of the presentation of evidence. We'll get
22 started at 9:00 o'clock on Monday morning.

23 But we should be able to get the case to you
24 relatively early on Monday for you to start the deliberations
25 on Monday.

1 So while I'm not able this week to get the case
2 done on Friday as I had hoped, we won't be going -- we won't
3 be in trial on Friday, so if you have anything else you want
4 to do this week or work or anything, feel free to do that on
5 Friday.

6 We will have a fairly full afternoon tomorrow from
7 about 12:30 until 5:00 o'clock. And then, like I said,
8 Friday we'll be off, and then we'll start early on Monday,
9 and we should be able get you the case on Monday.

10 So that's the change in the schedule based on the
11 parties working with each other and streamlining this case in
12 terms of its presentation to you.

13 So we will break for today. Like I said, we'll get
14 started tomorrow at 12:30. If you could be here by 12:20,
15 we'll try to get started at 12:30 as close as possible.

16 We will be putting in a pretty full afternoon
17 tomorrow so that we can avoid having to come in at all on
18 Friday.

19 While you're out there tonight, do not talk to each
20 other about the case or about anyone that has anything to do
21 with it until the end of the case when you go to the jury
22 room to decide on your verdict. Do not talk with anyone else
23 about this case or about anyone who has anything to do with
24 it until the trial has ended and you've been discharged as
25 jurors. Anyone else includes members of your family, your

1 employer, and your friends.

2 You may tell them that you are a juror in a
3 criminal case, but don't tell them anything else about it
4 until after you've been discharged by me. Do not let anyone
5 talk to you about the case or about anyone that has anything
6 to do with it. If someone should try to talk to you, please
7 report it to me immediately by contacting the marshal.

8 Do not read any news stories or articles or listen
9 to any radio or television reports about the case or about
10 anyone who has anything to do with it. Do not visit the
11 scene of any of events mentioned during the trial, undertake
12 any investigation, experimentation, or research on your own,
13 including use of social media to in any way discuss the case
14 or use of the Internet or other reference materials to do any
15 sort of investigation or research.

16 And do not begin to form or express any opinion on
17 any subject connected with this case until it's finally
18 submitted to you.

19 I just want to emphasize again, don't talk to each
20 other about this case. I know at times even it's tempting
21 just to make comments about, you know, why someone may have
22 asked a question or, you know, what someone looked like, or
23 how someone acted or anything like that. What you think is
24 sort of innocent in that doesn't really concern the facts of
25 this case or anything like that, but don't do it.

1 Just avoid talking among yourselves about this
2 case. You'll get a chance, I think, pretty early on Monday
3 to talk to each other about the case. So you just have to
4 last out the next four days to not talk among yourselves in
5 any way about the case. Not even what the attorneys are
6 wearing or how bad my ties are or anything like that.

7 I know this sounds sort of trivial, but it is
8 important when people tend to sort of get lax when they think
9 it's not that important an issue that it may be commenting to
10 somebody else.

11 Don't talk about the case. Everything else is
12 great. I hope you guys do become friends with each other
13 during the course of the trial. So, you know, any other
14 conversation is wonderful. But just not about the facts or
15 anything concerning this matter.

16 Have a great evening. We'll see you tomorrow
17 12:20, and get started at 12:30.

18 THE MARSHAL: All rise for the jury.

19 (Outside the presence of the jury at 1:44 P.M.)

20 THE COURT: All right. Mr. Draskovich, if you can
21 put whatever you've got from your legal person into some form
22 and get it to me, I'd prefer today or at least early tomorrow
23 so that my staff can sort of start looking at it and I can
24 take a look at it.

25 I assume, Ms. Collins, you provided him your bench

1 memo?

2 MS. KOLLINS: I did, Your Honor.

3 THE COURT: Okay.

4 MR. DRASKOVICH: She has.

5 THE COURT: So you've got what the State has
6 provided. So I want them to have a chance to see what you've
7 got, if they want to provide any insight on that or what you
8 -- you want to give any insight, additional insight as to
9 what they provided. And that obviously, is going to be a big
10 issue with jury instructions on Friday.

11 We'll get started at 10:30 on Friday. Hopefully,
12 Ms. Collins will be able to get back here by then, and we'll
13 get that -- get those resolved so that Monday morning we can
14 put your witness on the stand and move forward with the trial
15 and whatever other evidence you want to put on the stand and
16 we'll move forward with the trial.

17 MR. DRASKOVICH: We will -- will do, Your Honor. I
18 intend on filing and providing to the Court a one page point
19 and authorities, and I'm going to --

20 THE COURT: You can go two, if you want.

21 MR. DRASKOVICH: Okay. And I'm going to
22 actually --

23 THE COURT: Or three.

24 MR. DRASKOVICH: I'm going to submit it tomorrow so
25 I incorporate the State's position so we don't back and

1 forth. We both will submit a brief or a memorandum.

2 THE COURT: That's fine. Like I said, I'll -- I've
3 already pulled up State's, and even pulled up the cases
4 they've got cited and am looking at that.

5 You know, and feel free, if you have any sort of,
6 you know, reference as to how other states look at these
7 statutes or what's out there, you know, that's -- if we don't
8 have anything in Nevada Supreme, well then we've sort of got
9 to sort of look elsewhere, so --

10 MR. DRASKOVICH: Thank you.

11 THE COURT: I'll be glad to take a look at anything
12 you've got. All right. Anything further from State at this
13 point in time?

14 MS. KOLLINS: No, sir.

15 THE COURT: Anything further from defense?

16 MR. DRASKOVICH: No, Your Honor.

17 THE COURT: All right. We'll see you all tomorrow.

18 (Court recessed at 1:47 P.M., until Thursday,

19 August 8, 2019, at 12:34 P.M.)
20
21
22
23
24
25

I N D E X

WITNESSES

<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
-------------	---------------	--------------	-----------------	----------------

STATE'S WITNESSES:

JOSE CARRILLO	6	23	31	34
DET. MICHAEL CARRAL	36	43	46	--
SHANDRA LYNCH	48	72	78	--
JERI DERMANELIAN	86	104	110	112

* * * * *

EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
--------------------	-----------------

(No exhibits admitted)

* * * * *

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

Julie Lord

VERBATIM DIGITAL REPORTING, LLC