IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
May 08 2020 10:13 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

RALPH EDMOND GOAD, No. 79977

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

_____/

Appeal from a Judgment of Conviction in Case CR19-0999
The Second Judicial District Court of the State of Nevada
Honorable David Hardy, District Judge

JOINT APPENDIX VOLUME ONE

JOHN L. ARRASCADA
Washoe County Public Defender

KATHRYN REYNOLDS
Deputy Public Defender
350 South Center Street,
5th Floor
Reno, Nevada 89501

Attorneys for Appellant

CHRISTOPHER J. HICKS
Washoe County District Attorney

JENNIFER P. NOBLE
Chief Appellate Deputy
One South Sierra Street,
7th Floor
Reno, Nevada 89501

Attorneys for Respondent

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DA #19-2557

RPD RP19-003098

DC-0990008647-007
CR19-0999 3 Pages
STATE VS. RALPH GOAD (D4) 06/12/2019 05:00 PM
District Court 1795
Washoe County SHTGRTNR

CODE 1795
Christopher J. Hicks
#7747
One South Sierra Street
Reno, NV 89501
(775) 328-3200

FILED ORIGINAL
JUN 12 2019
JACQUELINE BRYANT, CLERK
By: M. Conway
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

RALPH GOAD,

Defendant.

Case No.: CR 19-0999

Dept. No.: 4

INDICTMENT

The defendant, RALPH GOAD, is accused by the Grand Jury of Washoe County, State of Nevada, of the following:

MURDER WITH THE USE OF A DEADLY WEAPON, a violation of NRS 200.010 and 200.030 and NRS 193.165, a category a felony, (50001) in the manner following, to wit:

That the said defendant, RALPH GOAD, on or about January 22, 2019, within the County of Washoe, State of Nevada, did willfully, unlawfully, and with malice aforethought, deliberation, and premeditation, kill and murder Theodore Gibson, a human being, by means of stabbing the said victim with a deadly weapon, which was a knife, scissors, or other sharp force instrument, thereby inflicting

mortal injuries upon Theodore Gibson from which he died on or about January 22, 2019; or,

That the said defendant, RALPH GOAD, on or about January 22, 2019 within the County of Washoe, State of Nevada, did willfully and unlawfully kill Theodore Gibson in the perpetration or attempted perpetration of a robbery and/or burglary in that the killing occurred when the defendant did enter Theodore Gibson's room or apartment at 33 Park Street #205, Reno, with the intent to commit larceny, robbery, assault, or battery and thereafter did take or attempt to take personal property from the person of Theodore Gibson or from his presence against Theodore Gibson's will by means of force of violence or fear of injury to the person, and in the course of the crime did stab Theodore Gibson with a deadly weapon, which was a knife, scissors, or other sharp force instrument, inflicting mortal injuries upon Theodore Gibson from which he died on or about January 22, 2019.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 12th day of June, 2019.

CHRISTOPHER J. HICKS
District Attorney

By _____
AMOS STEGE
9200
Deputy District Attorney

PCN RPD0044113C-GOAD

The following are the names of witnesses examined before the Grand Jury:

MONIQUE WARNECKE
VICTORIA JUAREZ
PATRICK BILLINGS
DAVID MILLSAP
DAVID L NEVILLS
SCOTT A NAPIER
BERNARD ROBINSON
GLEN SOLBERG
MADISON DAHLQUIST
ELLIE KOEDER
MONICA SIEWERTSEN
DR. KATHERINE CALLAHAN

"A TRUE BILL"

Linda R. Nixon
FOREPERSON

"NO TRUE BILL"

FOREPERSON

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CODE 2490
Christopher J. Hicks
#7747
One South Sierra Street
Reno, NV 89501
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No: CR19-0999

v.

Dept: D04

RALPH GOAD,

Defendant.

_____/

MOTION TO ADMIT EVIDENCE OF MOTIVE

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS, District Attorney of Washoe County and AMOS STEGE, Deputy District Attorney, and files this Motion to Admit Evidence of Motive.

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

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///

POINTS AND AUTHORITIES

The victim and the defendant lived on the same floor of the Park Manor Apartments, the victim in apartment 205 and the defendant in 213. The men were friends. They each used the same payee service to manage payment of their rent from their Social Security benefit. But at the end of 2018 the payee service closed. The victim found a new payee service and his rent continued to be paid. The defendant did not, and as a consequence, his rent was not paid for the month of January[1]. Eviction proceedings were initiated. He was served with a five day notice on January 11, 2019. The Justice Court granted the eviction and the Sheriff locked him out on January 30, 2019.

According to records, the victim received two government benefits: $482 monthly VA benefit, and $583 Social Security benefit[2]. The defendant's only benefit came from Social Security in the amount of $780[3]. Upon closing, the payee service issued a final check to the defendant of $253.90 on November 5, 2018. As he had no new payee, the defendant would have had no income since that date.

The victim is last known to be alive on January 18th[4]. The victim was likely murdered on January 22nd. A wall calendar in the victim's apartment had every day in January crossed off up to the 23rd[5]. His body was not discovered until February 13th. His body wore evidence of over two hundred stab wounds. The body was covered

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[1] See Exhibit 1, eviction packet.
[2] See Exhibit 2, 2018 lease income statement and Exhibit 3, victim payee documents.
[3] See Exhibit 4, defendant payee documents and Exhibit 5, 2016 lease income statement (listing annual income of $8,088).
[4] In that he is last seen on surveillance video entering his apartment and never leaving.
[5] I.e. the 22nd was crossed out, the 23rd was not.

with a blanket. The victim's wallet lay on the floor open, next to the body, its contents strewn about. It contained no cash. In the victim's right front pants pocket was $45 cash. Of note, the victim was laying on his right side, with this pocket was underneath him.

A review of hallway video surveillance shows only two people entering the victim's apartment after January 18th: the victim and the defendant. After the 22nd, the defendant enters the apartment on two dates: twice on January 23rd and once on January 25th. Goad is never seen on surveillance after January 30th.

Police located the defendant in Sacramento, California on or about March 7th and arrested him for murder.

Admissibility of Eviction

The Court should allow testimony surrounding the eviction of the defendant under the following theories: 1) res gestae, and 2) evidence of motive.

The defendant is charged with murder under two theories: open murder, and felony murder on a robbery motive.

The general rule of law pertaining to the "complete story" or res gestae is set forth in NRS 48.035(3) and Dutton v. State[6]. The State is entitled to present full and accurate account of circumstances of commission of a crime. The Dutton court held,

> "[A]ll the facts . . . necessary to prove the crime charged in the in(dictment), when linked to the chain of events which support that crime, are admissible. The state is entitled to present a full and accurate account of the circumstances of the commission of the crime, and if such an account also implicates the defendant or defendants in the commission of other crimes for which

[6] Dutton v. State, 94 Nev. 461, 581 P.2d 856 (1978) overruled on other grounds in Gray v. State, 100 Nev. 556 (1984).

they have not been charged, the evidence is nevertheless admissible." Dutton at 464.

Apparent from the Nevada Supreme Court's holdings, is the preference for permitting the State to present a full and accurate picture of the offense charged. As applied here, the chain of events that supports the crime begins with the failure to change payees, flows through the eviction, then the murder, and finally the defendant's flight to California.

Motive

Under NRS48.045(2) evidence of other crimes, wrongs or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. It may, however, be admissible for "other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident". The Nevada Supreme Court has interpreted this rule to include "a presumption of inadmissibility attaches to all prior bad act evidence"[7]. . In order to overcome the presumption of inadmissibility, the prosecutor must request a hearing and establish that: (1) the prior bad act is relevant to the crime charged and for a purpose other than proving the defendant's propensity, (2) the act is proven by clear and convincing evidence, and (3) the probative value of the evidence is not substantially outweighed by the danger of unfair prejudice[8]. As applied here, the court should admit the prior acts as evidence of motive for murder. Specifically, the

[7] Bigpond v. State, 128 Nev. 108, 117, 270 P.3d 1244, 1250 (2012)
[8] Id.

defendant's destitute financial situation (no money) and subsequent eviction (no place to live) provides motive for robbery and/or murder.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 3rd of July, 2019.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By /s/ Amos Stege
AMOS STEGE
9200
DEPUTY DISTRICT ATTORNEY

CERTIFICATE OF SERVICE BY E-FILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court. A notice will be sent electronically to the following:

James "Jay" Slocum
Deputy Public Defender

Dated this 3rd of July, 2019.

/s/DESTINEE ALLEN
DESTINEE ALLEN

LIST OF EXHIBITS

		Pages
1.	Eviction Paperwork for Defendant	12
2.	Victim lease income statement.	1
3.	Victim payee register	1
4.	Goad payee register	1
5.	Goad lease income statement	1
6.	Photo (calendar)	1

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EXHIBIT 1

EXHIBIT 1

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DEXTER THOMAS
RENO JUSTICE COURT
BY
DEPUTY

IN THE JUSTICE'S COURT OF RENO TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

Park Manor
Landlord

vs.
Ralph Goad
Tenant

Case No. REV2019-000111
Department 6

LOCKOUT ORDER

UPON APPLICATION duly and regularly made by **Park Manor**, Landlord, and proof thereon being supported by a sworn affidavit on the date hereinafter mentioned, and good cause appearing therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

That the Sheriff of Washoe County, or one of their duly authorized agent, are hereby directed to remove each and every person found upon and within those certain premises located at **33 S Park Street #213 Reno, NV 89502**, Washoe County, Nevada within 24 hours after receipt of this order.

DATED: January 23, 2019.

P. Moss

JUSTICE OF THE PEACE

I hereby certify that the document to which this certificate is affixed is a full, true and correct copy of the original document found in the records or files of the Reno Justice Court.

Reno Justice Court
By: _____
Deputy Clerk of the Court

FILED

2019 FEB -5 PM 2:49

DEXTER THOMAS
RENO JUSTICE COURT
BY R. Wolfe
DEPUTY

IN THE RENO TOWNSHIP JUSTICE COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

Park Manor PLAINTIFF	)	Dated: 1/31/2019
	)	Civil File Number: 19000558
Vs	)	
Ralph Goad DEFENDANT	)	CASE No.: REV2019000111

DECLARATION OF SERVICE

STATE OF NEVADA)
) ss:
COUNTY OF WASHOE)

Bryan Radli, being first duly sworn, deposes and says: That affiant is a citizen of the United States, over 18 years of age, not a party to the within entered action, and that in the County of Washoe, State of Nevada, personally served the described documents upon:

Posted: Ralph Goad
Location: 33 S Park Street #213 Reno, NV 89502
Date: 1/30/2019 **Time:** 11:00 AM

The document(s) served were: EVICTION ORDER

I declare under penalty of perjury under the law provided of the State of Nevada that the foregoing is true and correct. No notary is required per NRS 53.045.

DARIN BALAAM, SHERIFF

By: Bryan Radli
Sheriff's Authorized Agent

Northern Nevada Community Housing
PO Box 20604
Reno, NV 89515

I hereby certify that the document to which this certificate is affixed is a full, true and correct copy of the original document found in the records or files of the Reno Justice Court.

Reno Justice Court
By: _____
Deputy Clerk of the Court

911 PARR BOULEVARD, RENO, NV 89512-1000 (775) 328-3310

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Submitted 1/23/2019 12:31 PM
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Reno Civil
Accepted: 1/23/2019 2:56 PM

IN THE JUSTICE COURT RENO TOWNSHIP,
IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

Owner's Name: Park Manor, LLC
Business Name: Park Manor
Agent's Name: Joselyn Graham
Address: PO Box 20604
City, State, Zip: Reno, NV 89515
Phone: 775.337.9155 x 107
E-Mail jgraham@nnch.org
Landlord,

vs.

Tenant's Name: Ralph Good
Address: 335. Park St. #213
City, State, Zip: Reno, NV 89502
Phone:
E-Mail
Tenant.

Case No.: REV2019-000111
Dept. No.:

LANDLORD AFFIDAVIT FOR SUMMARY EVICTION FOR NONPAYMENT OF RENT

Landlord or Landlord's authorized agent states as follows pursuant to NRS 40.253:

1. I am the (*check one box*) ☐ owner or ☒ owner's agent of the rental premises located at (*insert rental's address*) 33 S. Park Street #213, Reno, Nevada.

2. The tenancy started on (*insert date*) 10/19/2010.

3. The amount of Tenant's rent is (*insert amount*) $ 490.00 per (*check one*) ☒ month, ☐ week, ☐ other (*specify*) _____.

4. Tenant paid the following deposits in advance (*insert amounts*): (1) rent deposit of $_____; (2) security deposit of $ 300.00; (3) cleaning deposit of $_____; and/or (4) other deposit $_____ (specify) _____.

5. Tenant's rent became delinquent on (*insert date*) 1/4/19, and Tenant has remained in possession without paying rent since 23 days (insert length of time Tenant did not pay rent).

6. I verified Tenant continued in possession of the rental premises following the expiration of the Five-Day Notice to Pay Rent or Quit on (*insert date you checked rental premises*) 1/23/19 at (*insert time you checked rental premises*) 9:00 ☒ a.m. ☐ p.m.

RJC 4/16/2018

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Reno Civil
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7. Tenant has not complied with the obligations of tenants set forth in Chapter 118A of the NRS by defaulting on the rent.

8. Tenant owes the following amounts:

$ 490.00 in rent (from 1/1/2019 to 1/31/2019);

$ 50.00 in late fees;

$ _____ in dishonored check fees;

$ _____ in unpaid security deposit;

$ 5.00 in other costs/fees (*you must describe in detail each cost/fee and reference the Lease provisions (section and line) authorizing their recovery*)

$5.00 Rent Short Payment in Previous Month.

_____;

$ 545.00 TOTAL rent/charges are now due and delinquent.

9. Tenant was served with a written notice to pay rent or quit on (*insert date notice served*) 1/11/19 in compliance with NRS 40.280. **A copy of that notice must be attached with the Certificate of Mailing to this Affidavit.**

10. Tenant (*check one box*) ☐ did not sign a written rental agreement, or ☒ did sign a written rental agreement. **A copy of that agreement must be attached to this Affidavit.**

THEREFORE, Landlord asks the Court to enter an Order for Summary Eviction of Tenant.

Pursuant to NRS 53.045, I declare under penalty of perjury that this Declaration is executed in the County of Washoe and under the laws of the State of Nevada, and that the foregoing is true and correct.

1/23/19	Jocelyn Graham	Jocelyn Graham
(*Date*)	(*Type or print name*)	(*Signature*)

RJC 4/16/2018

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FIVE-DAY NOTICE TO PAY RENT OR QUIT

TO:	Ralph Good Tenant(s) Name(s)	FROM:	Park Manor Landlord's Name/Business Name
	33 S. Park Street # 213 Address		PO Box 20604 Address
	Reno, NV 89502 City, State Zip Code		Reno, NV 89515 City, State Zip Code
	Phone No.		775.337.9155 x103 Phone No.
	E-mail Address		parkmanor@nncb.org E-mail Address

Date of Service: 1.11.19

Manner of Service:
[ ] Personal
[ ] Substituted/Mailing
[x] Posting/Mailing

PLEASE TAKE NOTICE that you are in default in payment of rent for the above described premises in the sum of $ 545.00 for the period 1.1.19 to 1.31.19. Rental payment(s) became delinquent on 1.10.19.

Your failure to pay rent, leave the premises, or contest this Notice within five (5) judicial days[1] (Judicial days do not include the date of service, weekends, or certain legal holidays) may result in the landlord applying to the Justice of the Peace of Reno Township for an Eviction Order.

If the Justice of the Peace determines that you are guilty of an unlawful detainer, the Justice of the Peace may thereupon issue a summary order to remove you from, or provide for your non-admittance to, the above described premises that directs the Constable or Sheriff of this County to remove you within twenty-four (24) hours after receipt of the Order.

The tenant is hereby advised of his right to contest this Notice by filing with the Justice of the Peace of Reno Township an Affidavit stating that he is not in default in the payment of rent.

The Affidavit must be filed with Reno Justice Court located at 1 So. Sierra St., Reno, NV 89501 no later than noon on the fifth full judicial day following the date of service. The Affidavit may be accessed on the Reno Justice Courts website: https://www.washoecounty.us/rjc/forms.php.

Pursuant to NRS 118A.390, you may seek relief if a landlord unlawfully removes you from the premises, or excludes you by blocking or attempting to block your entry upon the premises, or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or Chapter 118A of the Nevada Revised Statutes.

[1] If mailing of service is used, Landlord must file with the court a "certificate of mailing" issued by the United States Post Office pursuant to NRS 40.280(3) (JCRCP 6(a)).

RJC 6/26/18

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Landlord PROOF OF SERVICE Summary Eviction (NRS 40.251-40.260)

JUSTICE COURT, RENO TOWNSHIP Washoe, Nevada

Owner's Name: Park Manor, LLC
Business Name: Park Manor
Agent's Name: Jocelyn Graham
Address: PO Box 21001
City, State, Zip: Reno, NV 89515
Phone: 775.337.9155 x107
E-Mail jgraham@nnch.org
Landlord,

vs.

Tenant's Name: Ralph Goad
Address: 33 S. Park St. #213
City, State, Zip: Reno, NV 89502
Phone:
E-Mail
Tenant.

Check One:

- [x] **Nonpayment of Rent Notice**
- [ ] **No Cause Notice**
- [ ] **Nuisance/Waste Notice**
- [ ] **Unlawful Detainer Notice**
- [ ] **Unlawful Entry Notice**
- [ ] **Breach of Contract**

MUST ATTACH A COPY OF THE NOTICE

On *(insert date of service)* 1/11/19, I served this notice in the following manner *(check only one)*:

- [ ] By delivering a copy to the tenant(s) personally, in the presence of a witness *(server, witness, and tenant must all sign landlord's copy of notice below)*;

-OR-

- [ ] I attempted personal service in the presence of a witness who signed below but the tenant(s) was absent from tenant's place of residence or business or found the tenant but tenant would not sign so I left a copy with *(insert name)* _____, a person of suitable age and discretion AND mailed[1] a copy to tenant(s) place of [ ] residence or [ ] business.

-OR-

- [x] I attempted personal and substituted service above in presence of a witness who signed below but because I could not find the tenant at tenant's place of residence or business and could not find a person of suitable age or discretion, I posted a copy in a conspicuous place on the property at Front door *(e.g. front door, etc.)* AND mailed a copy to the tenant(s) place of [x] residence or [ ] business.

1/11/19	Kirsten Menshew	
(Date)	*(Type or print witness' name)*	*(Witness' signature)*
(Date)	*(Type or print tenant's name)*	*(Tenant's signature)*

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

1/11/19	Jocelyn Graham	
(Date)	*(Type or print servers' name)*	*(Servers' signature)*

If any of the below applies you MUST check one of the following boxes and sign the unsworn declaration per NRS § 53.045 ***(block on the right)*:**

- [ ] I am a licensed process server or an employee of a licensed process server; my license or registration number is *(insert license or registration number)*:_____
- [ ] I am a sheriff or constable; my badge number is_____
- [x] I am not a licensed process server[2]

"I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Signature: _____
Print name: Jocelyn Graham

[1] When notice is also mailed you cannot include nonjudicial days in the computation and you must add an additional three (3) (calendar) days for mailing. (JCRCP 6(a)). Judicial days do not include the date of service, weekends and certain holidays.
[2] If mailing of service is used and you are not a process server or sheriff you must file with the court a "certificate of mailing" issued by the United States Post Office per NRS 40.280(3).

RJC 4/16/2018

UNITED STATES POSTAL SERVICE

Firm Mailing Book For Accountable Mail

Name and Address of Sender

N.N. Community Housing
PO Box 20604
Reno, NV 89515

Check type of mail or service

- ☐ Adult Signature Required
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery (COD)
- ☐ Insured Mail
- ☐ Priority Mail
- ☐ Priority Mail Express
- ☐ Registered Mail
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation
- ☐ Signature Confirmation Restricted Delivery

Affix Stamp Here
(for additional copies of this mailing)
Postmark with Date

U.S. POSTAGE PAID
RENO, NV
89502
JAN 11, 19
AMOUNT
$2.00
R2304W119645-04

0000

	USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Adult Signature Required	Adult Signature Restricted Delivery	Certified Mail	Collect on Delivery	Insured Mail	Priority Mail	Priority Mail Express	Registered Mail	Return Receipt for Merchandise	Signature Confirmation	Signature Confirmation Restricted Delivery	Insured Value
		Ralph Good 33 S. Park St. #213 Reno, NV 89502															
2.		Cecia Benaccistio 33 S. Park St. #131 Reno, NV 89502			Handling Charge - If Registered and over $50,000 in value												
3.		Jennifer Sprague 33 S Arlington #117 Reno, NV 89502							Adult Signature Required	Adult Signature Restricted Delivery	Certified Mail	Collect on Delivery	Insured Mail	Signature Confirmation	Signature Confirmation Restricted Delivery	Insured Value	
4.		Julia Reiz 430 Jeanell Dr. #202 Carson City, NV 89703															
5.		Robert Gareth 430 Jeanell Dr. #205 Carson City, NV 89703															
6.																	
7.																	
8.																	

GALENA STATION
JAN 11 2019
RENO NV 89502-9998

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)
05	05	

PS Form 3877, January 2017 *(Page 1 of 2)* Complete in Ink

Privacy Notice: For more information on USPS privacy policies, visit *usps.com/privacypolicy.*

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PARK MANOR APARTMENTS

33 Park Street ♦ Reno, Nevada 89502 ♦ Phone: (775) 337-9222 ♦ Fax: (775) 337-9229

EQUAL HOUSING OPPORTUNITY

LEASE AGREEMENT

THIS LEASE AGREEMENT (the "Lease") is executed by and between PARK MANOR APARTMENTS (hereinafter the "Landlord") and Ralph E Goad (hereinafter "Resident/s") who agree jointly and severally to rent Apartment forth herein. Occupancy is limited to the Residents named herein.

TERM: This Lease creates a 12 month tenancy, commencing 10/19/10 and terminating 10/31/11. The address is 33 Park Street, Reno, NV 89502; Apartment # 213.
RENT: The periodic monthly rental (the "Rent") for the Premises is $ 475.00 per month. Resident agrees to pay Landlord, in advance, without deduction or offset, at Rental Office of the property at Park Manor Apartments, 33 Park Street, Reno, NV 89502. Payments made in check or money order to Park Manor Apartments.

	PAYABLE PRIOR TO OCCUPANCY	RECEIVED
Total Rent for the period from 10/19/10 to 10/31/10	$ 205.00	$ 205.00
Security Deposit	$ 300.00	$ 300.00
Other	$	$
TOTA L	$ 505.00	$ 505.00

DISCLOSURE: (Northern Nevada Community Housing Resource Board, P.O. Box 189, Reno NV 89501 ; authorized to manage the Premises and Property, receive rents, execute leases, enforces leases, and receives legal notice on behalf of the owner of the Property.

Resident acknowledges that Park Manor Apartments at 33 Park Street, Reno, NV 89502, is operated to t rules and regulations of the Federal Low Income Housing Tax Credit program (the " program"), The Program provides for a specific maximum monthly rent which may be charges for the Premises, which amount is subject to annual adjustment based upon median incomes as determined by HUD. The Progr also requires that the Property be leased to "Qualified Households" as defined be Section 42 of the IRS. . this property, Qualified Households must meet certain income limitation.

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Resident agrees that 90 days prior to the Expiration, Resident will submit to Landlord all documentatio required by Landlord necessary to insure that Resident remains a Qualified Household. In the event tha Resident fails to deliver such information or Landlord determines (whether in connection with a renewal otherwise) that Resident is no longer a Qualified Household under the Program Resident agrees to vaca the Premises upon the earlier of the Expiration or upon 30 day's written notice from Landlord of no qualifying status.

It is specifically agreed that each obligation of the Lease, Application and Certification is material and th violation of any obligation or misrepresentation of any information shall constitute a breach of the Leas Resident is fully aware that this Lease may not be canceled or otherwise terminated prior to its Expirati without the written consent of Landlord. Abandonment of the Premises or Termination of the Lease for breach will not release Resident from the obligation to pay future Rent payments as provided for herein.

If the unit leased under this agreement is a unit specifically designed for persons with handicaps or disabilities, Tenants acknowledge that priority for such units is given to those needing special design features; that they are permitted to occupy the unit until Owner issues a notice that a priority applicant is on the waiting list that they must move to another suitably sized vacant unit in the project, that they, upon receiving this notice, agree to move at their own expense within thirty (30) calendar days to the suitably sized vacant unit within the project, if one is available, and that they understand their rental rate may change, when appropriate, to the rental rate for the unit they move to and this lease will be modified accordingly.

It is a misdemeanor to commit or maintain a public nuisance or to allow any building or boat to be used for a public nuisance. Any person who willfully refuses to remove such a nuisance when there is a legal duty to do so, is guilty of a misdemeanor. Summary NRS 202.470.

A public nuisance may be reported to the local sheriff's department. A violation of building, health or safety codes or regulations may be reported to the responsible government entity in your local area such as the code enforcement division of the county/city government or the local health or building departments.

Rent shall be payable as follows:
Total Rent for the period from 10/19/10 to 10/31/10 .....$ 205.00
The sum of $ 475.00 on the first day of each calendar month commencing 11/1/10 .

PRORATIONS: All pro-rations made during the term of this tenancy shall be made on the basis of a thi (30) day month.

LATE CHARGES: The Rent is due and payable in advance no later that 5:00 p.m. on the first day of eac month. Subsequent to a grace period, any Rent received after the fifth (5) day of each month will be considered delinquent and will be subjected to a late charge as hereinafter defined. Rent may be paid at the Rental Office by personal check, cashier's check or money order. Second Party checks will not be accepted. Payments should be made with one check or money order per apartment payable to **Park Ma Apartments** at 33 Park St., Reno, NV 89502.

$25.00 late charge when rent is delinquent, and
$25.00 for each check returned by the bank for any reason.

AGENT: The name and address of the person authorized to act for and on behalf of MANAGEMENT for t purpose of service of process and receiving notices and demands is as follows: Matthew Fleming, 33 Par Street, Reno, NV 89502.

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OWNER: The name and address of the principal or corporate owner(s) of the leased premises is: Kuenzl Partners, P.O. Box 189, Reno NV 89504.

The acceptance by Landlord of any late payments shall not change the due date or amount of any requi: payment in the future nor shall relieve Resident from any obligation to pay the balance of the Rent and any applicable late fees or charges. Landlord and Resident agree that the charge is presumed to be the damages sustained because of Resident's late payment of Rent.

SECURITY Deposit: Resident has paid Landlord, upon execution of this Lease, a security deposit of $300.00. Said deposit shall be held by the Landlord as security for the faithful performance by Resident all the terms of this agreement. Landlord may at anytime use any part/portion or all of said deposit to remedy Resident's repair damages caused by painting and carpet cleaning. Resident agrees that soilage not ordinary wear and agrees to restore the premises to original condition at commencement of tenancy evidenced by the Move-In Inspection Check List signed by the Resident prior to occupancy. As applicabl any deposit or refund check will be made payable jointly in the name of each Resident who has executec this Lease unless Landlord received written instruction to the contrary, executed by all such Residents.

USE OF PREMISES:

A. The premises are rented for residential use only and shall be occupied by not more than the following listed occupants: Ralph E. Goad.

B. Resident shall not disturb, annoy, endanger or inconvenience other residents or neighbors, nor use premises for any immoral or unlawful purpose, nor violate any law or ordinance, nor commit waste or nuisance upon or about the premises.

ALTERATIONS OF PREMISES: Resident may not alter the premises in any manner without Landlord's prior written consent. Alterations include, but are not limited to, painting, wallpaper, changing of locks, modification of electrical appliances.

MAINTENANCE OF PREMISES: Resident has examined the premises and is satisfied with its physical condition, order and repair. Upon termination or expiration of the Lease, Resident agrees to surrender t Premises to Landlord in the same condition, reasonable wear . Resident shall maintain the Premises in neat, clean and undamaged condition and, in particular, shall comply with all applicable provisions of building codes regarding public heath and safety. Resident agrees to (a) dispose of all ashes, rubbish, garbage and waste in a clean and safe manner; (b) use all plumbing, electrical, sanitary, heating, ventilating, air conditioning facilities and appliances in a safe and reasonable manner, and (c) generally conduct themselves and invited guest in a manner so as not to disturb other tenants, deface, damage, o otherwise harm any part of the premises. Resident shall be responsible for all glass on the premises. Landlord shall at all times comply with the requirements of all applicable building codes and shall make all repairs necessary to keep the premises and property in a fit and habitable condition.

UTILITIES: Landlord agrees to pay for the sewer, water, garbage, electricity, local telephone services, a extended basic cable.

ACCESS: As required by statue, Resident shall not unreasonably withhold consent for Landlord to ente the premises in order to inspect the premises, make necessary repairs or services, deliver legal notices, and verify occupancy. Landlord may also allow a licensed exterminator to enter the premises for the purpose of pest control. Except in the case of emergency or of it is impractical to do so, Landlord shall g resident advance notice of at least twenty-four (24) hours of Landlord's intent to enter the premises. Housekeeping services will be provided according to the posted schedule.

PARKING: Landlord reserves the right to assign specific parking spaces at the property; Landlord may also designate specific areas for prospective residents or handicapped parking. Boats, trailers, and oversized vehicles are not permitted on the property at any time. Prohibited vehicles, inoperative vehicle unlicensed vehicles, uninsured vehicles, vehicles parked in a space assigned to another. and vehicles

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parked in a tow-away zone or otherwise impeding traffic will be towed away without notice at the vehicle owner's expense. Motorcycles are not permitted on the sidewalks, in landscaped areas, or any building a any time. Additional regulations regarding parking are contained in the Rules and Regulations.

DEFAULTS AND REMEDIES: The failure of the Resident to make any rent payment or other payment required where such failure shall continue for a period of five (**5**) days after written notice thereof, shal constitute default under this Lease. Additionally, the failure by Resident to observe or perform any of all covenants, conditions or provisions of the Lease shall also constitute and event of default where such failure shall continue for a period of five (**5**) days after written notice thereof from Landlord to Resident provided, however, that if the nature of Resident's default is such that more than five (**5**) days are reasonably required for its cure, then Resident shall not be deemed to be in default if Resident commen such cure within said 5-day period and thereafter diligently prosecutes such cure to completion.

Remedies in Default: In the event of any such default or breach by Resident, Landlord may, at any tin thereafter, with or without notice or demand and without limiting Landlord in the exercise of any right c remedy which Landlord may have by reason of such default or breach, exercise any one or more of the following remedies: (a) Terminate Resident's right to possession of the Premises by any lawful mean, in which case this Lease shall terminate, and Resident shall immediately surrender possession of the Premises to Landlord. In such event, Landlord shall be entitled to recover from Resident all damages incurred by Landlord by reason of Tenant's default including, but not limited to, the cost of recovering possession of the Premises, the expense of rerenting, including necessary renovation and alteration of th Premises, and reasonable attorney's fees. (b) Pursue any other remedy now or hereafter available to Landlord under the laws or judicial decisions of the State of Nevada.

Default by Landlord: Landlord shall not be in default unless Landlord fails to perform obligations required of Landlord within a reasonable time, but in no event later than thirty (**30**) days after written notice by Resident to Landlord, specifying the default of Landlord; provided, however, that if the nature Landlord's obligation is such that more than thirty (**30**) days are required for performance, the Landlor shall not be in default if Landlord commences performance within such thirty (**30**) day period and thereafter diligently prosecutes the same to completion.

WAIVER OF LIABILTY: Landlord shall not be liable for damages by reason of any injury to any person including Resident and their family, or to any property belonging to any person, including Resident and their family (except as caused by Landlord's negligence), which injuries or damages may in any way be connected with said premises or the land surrounding said premises, the acts or neglects of co-resident or other occupants of said premises or of any owners or occupants of adjacent and contiguous property, and Resident hereby agrees to indemnify and hold harmless Landlord from any liability, loss or obligatic resulting from any such injuries or damages. Landlord recommends that Resident secure renter's insurance to protect against liability, property damage and casualty losses.

ASSIGMENT: Resident shall not sublet, transfer, or assign this Lease. Only persons listed herein and temporary guest registered with the management office and residing for less than three (3) days may occupy the premises. Landlord may permit changes or one Resident with the full release of such Reside only upon application by a replacement Resident, verification of credit, income, program eligibility and written modification of the Lease.

EXPIRATION: At Expiration, this Lease shall automatically create a month-to-month tenancy. Residen has delivered a 30-day notice to Landlord of Resident's intent to vacate the premises by the expiration. Failure by Resident to provide such notice to intent to vacate shall be deemed an election to continue th Lease on a month-to-month basis.

Resident acknowledges that renewal rates and month-to-month tenancy rates may result in an increase the Rent. Landlord will provide Resident with notice of any such increase at least 45 days prior to the Expiration.

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MONTH-TO-MONTH TENANCY: Should this Lease create a month tenancy, the expiration shall be extended on a month-to-month basis.

HOLDOVERS: under Nevada law, this Rental Agreement and any changes agreed to in writing will rem. in effect on a monthly basis after the initial term. A 30-day written notice to vacate must be issued by tl RESIDENT prior to vacating, anytime during or after the initial term of this agreement. If improper notic or no notice to vacate is given by the RESIDENT, resident is liable for prorated rent until lawful termination and MANAGEMENT may deduct this from the Security Deposit on hand or collect any moni due by other lawful means.

ADDENDUMENTS TO LEASE: This lease cannot be altered, amended or changes in any manner whatsoever unless in writing and properly signed by Landlord and Resident.

WAIVER OF BREACH: The waiver by Landlord of any breach shall not be constructed to be a continuin waiver of any subsequent breach.

RULES & REGULATIONS: Resident agrees to comply with all occupancy Rules and Regulations govern the property whether now in effect or hereinafter promulgated and delivered to Resident. Resident acknowledges receipt of program eligibility and recertification requirements in effect as of the date herec

THIS LEASE CONSITUTES A LEGALLY BINDING CONTRACT ENFORCEABLE BY LAW. EXECUTION BY THE PARTIES ACKOWLEDGES FULL ACCEPTANCE OF ALL THE TERMS AND CONDITIONS CONTAINI HEREIN.

Dated this 19 day of October, 2010.

Resident — Date: 10-19-10

Co-Resident — Date

Park Manor Apartments — Date: 10-19-10

I hereby certify that the document to which this certificate is affixed is a full, true and correct copy of the original document found in the records or files of the Reno Justice Court.

Reno Justice Court

By: _____
Deputy Clerk of the Court

C:\Documents and Settings\Melany\Desktop\Park Manor\Lease\Lease-PM 01-08.doc

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EXHIBIT 2

EXHIBIT 2

INTAKE - 10/17/18 11:40 AM

Client Name: Theodore Gibson Place of Birth: PA Upper Darby P.A.

DOB: 7/3/42 SSN: [redacted] Mother's Maiden Name: Reno [redacted]

Address: 7/3/42 [redacted] 33 S. Park St

Phone Number: 829 - 9222 APT. 205 Email Address: NA

Race: Caus Marital Status: Single

Living Arrangement:

☑ Alone ☐ Group Home: _____ Move in Date: _____

☐ Motel: _____ ☐ Transitional: _____ Move in Date: _____

☐ Assisted Living: _____ Move in Date: _____

☐ With Family (list all in the house & relationship):

Type of Income:	Amount:	Date Received:	Current Overpayment?
☑ SSA Retirement	607.00	2 WED OF MO.	☐ YES ☐ NO
☐ SSA Disability			☐ YES ☐ NO
☐ SSI			☐ YES ☐ NO
☑ VA	495.00		☐ YES ☐ NO
☐ DFAS			☐ YES ☐ NO
☐ Private Pension			☐ YES ☐ NO
☐ Other			

Current Services:	Amount:	Application needed:
☐ Food Stamps		☐ YES ☐ NO
☐ NV Energy Assistance		☐ YES ☐ NO
☐ Medicare Saving Plan		☐ YES ☐ NO
☐ Community HCBW (agency & hours/week)	Rent $485	
☐ GH HCBW		
☐ Homemaker (agency & hours/week)		
☐ PAS (agency & hours/week)		
☐ COPE (agency & hours/week)		

ADSD Worker Contact Info:

Emergency Contact Information:

Name: Scott Napier Relationship: friend

Phone Number: 775 843-9804 Address: 2622 Betsy Ct. Sparks NV 8943

Health Information:

Primary Care Physician: VA Hospital Phone Number:

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EXHIBIT 3

EXHIBIT 3

Transactions By Client

Account: Checking #2
Client Type: All
Acct Mgr: All

Support Type: All
Date Range: 2/1/2010 thru 6/25/2019

Client Name: Theodore T Gibson
SSN: [redacted]

Acct Mgr: Colly Garde
Account: Checking #2

Date	Withdraw	Deposit	Category	Pay To	Balance
11/29/2017		$985.00	Transfer		$985.00
12/01/2017	$41.00		Client Fees	Payee Counseling Service	$944.00
12/01/2017	$485.00		Rent	Park Manor Apartment	$459.00
12/13/2017		$595.00	SSA		$1,054.00
01/03/2018	$42.00		Client Fees	Payee Counseling Service	$1,012.00
01/03/2018	$485.00		Rent	Park Manor Apartment	$527.00
01/10/2018		$607.00	SSA		$1,134.00
02/02/2018	$42.00		Client Fees	Payee Counseling Service	$1,092.00
02/02/2018	$485.00		Rent	Park Manor Apartment	$607.00
02/14/2018		$607.00	SSA		$1,214.00
03/02/2018	$42.00		Client Fees	Payee Counseling Service	$1,172.00
03/02/2018	$485.00		Rent	Park Manor Apartment	$687.00
03/14/2018		$607.00	SSA		$1,294.00
04/03/2018	$42.00		Client Fees	Payee Counseling Service	$1,252.00
04/03/2018	$485.00		Rent	Park Manor Apartment	$767.00
04/11/2018		$607.00	SSA		$1,374.00
05/03/2018	$42.00		Client Fees	Payee Counseling Service	$1,332.00
05/03/2018	$485.00		Rent	Park Manor Apartment	$847.00
05/09/2018		$807.00	SSA		$1,654.00
06/01/2018	$42.00		Client Fees	Payee Counseling Service	$1,612.00
06/01/2018	$485.00		Rent	Park Manor Apartment	$1,127.00
06/13/2018		$607.00	SSA		$1,734.00
07/03/2018	$42.00		Client Fees	Payee Counseling Service	$1,692.00
07/03/2018	$485.00		Rent	Park Manor Apartment	$1,207.00
07/11/2018		$607.00	SSA		$1,814.00
08/03/2018	$42.00		Client Fees	Payee Counseling Service	$1,772.00
08/03/2018	$485.00		Rent	Park Manor Apartment	$1,287.00
08/08/2018		$607.00	SSA		$1,894.00

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EXHIBIT 4

EXHIBIT 4

Transactions By Client

Account: Checking #2
Client Type: All
Acct Mgr: All

Support Type: All
Date Range: 7/1/2015 thru 6/25/2019

Client Name: Ralph E Goad
SSN: [redacted]

Acct Mgr: Colly Garde
Account: Checking #2

Date	Withdraw	Deposit	Category	Pay To	Balance
07/03/2018	$485.00		Rent	Park Manor Apartment	$135.80
07/12/2018	$70.00		Personal Needs	Ralph E Goad	$65.80
08/03/2018		$780.90	SSA		$846.70
08/03/2018	$200.00		Personal Needs	Ralph Goad	$646.70
08/03/2018	$42.00		Client Fees	Payee Counseling Service	$604.70
08/03/2018	$485.00		Rent	Park Manor Apartment	$119.70
08/13/2018	$75.00		Personal Needs	Ralph E Goad	$44.70
08/31/2018		$780.90	SSA		$825.60
08/31/2018	$200.00		Personal Needs	Ralph Goad	$625.60
08/31/2018	$42.00		Client Fees	Payee Counseling Service	$583.60
08/31/2018	$485.00		Rent	Park Manor Apartment	$98.60
09/14/2018	$70.00		Personal Needs	Ralph E Goad	$28.60
10/03/2018		$780.90	SSA		$809.50
10/03/2018	$200.00		Personal Needs	Ralph Goad	$609.50
10/03/2018	$42.00		Client Fees	Payee Counseling Service	$567.50
10/03/2018	$485.00		Rent	Park Manor Apartment	$82.50
10/10/2018	$82.50		Personal Needs	Ralph E Goad	$0.00
11/02/2018		$780.90	SSA		$780.90
11/02/2018	$42.00		Client Fees	Payee Counseling Service	$738.90
11/02/2018	$485.00		Rent	Park Manor Apartment	$253.90
11/05/2018	$253.90		FINAL PAYMENT	Ralph E Goad	$0.00
Totals:	$9,729.40	$9,729.40	**Transactions for Period:** 60		$0.00

Payment Category	Total
Client Fees	$503.00
FINAL PAYMENT	$253.90
Personal Needs	$3,072.50
Rent	$5,900.00

Deposit Category	Total
SSA	$9,378.60
Transfer	$350.80
Deposit Total	$9,729.40

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EXHIBIT 5

EXHIBIT 5

EXHIBIT NV-1c

LOW INCOME HOUSING TAX CREDIT PROGRAM
ALTERNATE CERTIFICATION

Property Name: Park Manor Unit #: 213 Bedroom size: 0

Certification Effective Date: **10/19/16** Move-in Date: 10-19-10 % of Set Aside: % Tenant Paid Rent: **$475**

Household Income at move-in: $8088 Utility Allowance: $0

Gross Household Income: $9924 Rental Subsidy: $0

Max Income Limit: $20000 Total Gross Rent **$475**

Income Limit x 140%: $28000 Max Allowable Rent Limit: $500

List all occupants of the unit and indicate if full-time student(s)

Household members name	Birth Date	Full-time Student?
Ralph Goad	8/22/46	Yes ☐ No ☒
		Yes ☐ No ☒
		Yes ☐ No ☒
		Yes ☐ No ☒
		Yes ☐ No ☒
		Yes ☐ No ☒
		Yes ☐ No ☒
		Yes ☐ No ☒

Are any of the above Adult occupants original members of the household? Yes ☒ No ☐

Answer only if all members are full-time students:

(Definition of student: Anyone who has been or will be a full-time student at an educational institution with regular facilities and students during 5 months of the year this Certification is completed.)

If yes, are the students married and filing a joint tax return (*verification required*)? . . . . . Yes ☐ No ☒

If yes, does the household receive Temporary Assistance to Needy Families (TANF) (*verification required*)? . . Yes ☐ No ☒

If yes, is the household comprised of a single parent & child(ren) none of whom are dependents of a third party (*verification required*)? Yes ☐ No ☒

If yes, are the students enrolled in a job training program under the Job Training Partnership Act (*verification required*)? Yes ☐ No ☒

If yes, has any household member previously been part of a foster care program (*verification required*)? . . . . Yes ☐ No ☒

Resident's Statement: I understand that the above information has been collected to determine my eligibility for residency. I certify that the statements made in this certification are true and complete to the best of my knowledge and belief and are aware that false statements may be cause for termination of my lease and may be punishable under Federal Law. I agree to immediately inform the project manager of any changes to my household's family composition. I also agree to immediately inform the project manager if all members of my household become full-time students.

Signature of all adult household members:

Ralph Goad Date: 8-17-16

Date:

Date:

Date:

Project Sponsor's Statement: Based on the representations herein, the household defined in this certification is eligible under the provisions of Section 42 of the Internal Revenue Code, as amended, to live in a unit in this development.

Management Representative: Victoria Juarez Date: 8-17-16

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Transaction # 7356369 : yviloria

EXHIBIT 6

EXHIBIT 6

Before the mountains were born or you brought forth the whole world,
from everlasting to everlasting you are God.
psalm 90 NIV
January 2019
SUNDAY
MONDAY
TUESDAY
WEDNESDAY
THURSDAY
FRIDAY
SATURDAY
1
2
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4
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DECEMBER
FEBRUARY

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CODE 2245
WASHOE COUNTY PUBLIC DEFENDER
JAY SLOCUM, BAR # 9099
JENNIFER MAYHEW, BAR# 11349
350 S. CENTER ST, 5TH FLOOR
RENO, NV 89501
ATTORNEYS FOR DEFENDANT

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs.

RALPH GOAD,

Defendant.

Case No. CR19-0999

Dept. No. 4

_____/

MOTION IN LIMINE RE: ALLEGED OTHER BAD ACTS, NRS 48.045

The Defendant, RALPH GOAD, by and through counsel, Washoe County Deputy Public Defenders JAY SLOCUM and JENNIFER MAYHEW, and hereby moves this Court for an order in limine precluding the State from proffering at trial "other bad act" evidence and other evidence prohibited by NRS 48.045 and construing case law, subject to trial court determination of admissibility at a hearing outside the presence of the jury, in accordance with the law referenced in the attached Points and Authorities.

This Motion is made and based upon NRS 48.045 and the cases cited in the attached Points and Authorities.

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POINTS AND AUTHORITIES

I. SUMMARY OF APPLICABLE LAW

NRS 48.045(2) prohibits admission of a defendant's other crimes, wrongs or acts and is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. The Nevada Supreme Court has approached such evidence cautiously, repeatedly holding that "[a] presumption of inadmissibility attaches to all prior bad act evidence." *Rosky v. State*, 121 Nev. 184, 195, 111 P.3d. 690, 697 (May 26, 2005). *Bigpond v. State*, 128 Nev. Adv. Op. 10, p.11 (. . . "we reemphasize that '[a] presumption of inadmissibility attaches to all prior bad act evidence.'" quoting and citing *Rosky* (underscore added). "In order to overcome the presumption of inadmissibility, the prosecutor must request a hearing and establish that: (1) the prior bad act is relevant to the crime charged and for a purpose other than proving the defendant's propensity, (2) the act is proven by clear and convincing evidence, and (3) the probative value of the evidence is not substantially outweighed by the danger of unfair prejudice." *Bigpond v. State*, 128 Nev. Adv. Op. 10, pp. 11-12.

"The improper admission of bad act evidence is common grounds for reversal." *Rosky*, 121 Nev. at 194. Bad act evidence is inadmissible to prove propensity. *Bigpond v. State*, 128 Nev. Adv. Op. 10, p.8 (2012). The hearing must be outside the presence of the jury. *See generally Petrocelli v. State*, 101 Nev. 46 (1985).

Even where the Court holds an out-of-the-presence hearing and determines that the evidence is admissible, if requested, a limiting instruction pertaining to such evidence is required. *Tavares v. State*, 117 Nev. 725, 729-30 (2001). *See also Bigpond*, 128 Nev. Adv. Op. 10, pp. 14-15. "...before admitting evidence of a prior bad act or collateral offense, the district court must conduct a hearing outside the

presence of the jury. During the hearing, the state must present its justification for admission of the evidence, the state must prove by clear and convincing evidence that the defendant committed the collateral offense, and the district court must weigh the probative value of the proffered evidence against its prejudicial effect." *Armstrong v. State*, 110 Nev. 1322, 1323-24 (1994); *See generally Petrocelli v. State*, 101 Nev. 46, 692 P.2d 503 (1985).

In addition to the concerns addressed directly by the Nevada Supreme Court and NRS 48.045(2), a jury being permitted to consider evidence other than the elements of the crime must be clearly instructed. A jury must be clearly instructed that the other acts evidence, if admitted, is not an element of the crime and cannot be considered by them as an element of the crime. If a jury were permitted to consider other acts evidence to establish an element of charged offenses, the conviction could not stand. The United States Supreme Court has made clear that every element of a charged offense must be proven to a jury, beyond a reasonable doubt. *In re Winship*, 397 U.S. 358, 90 S.Ct. 1068, 25 L.Ed.2d 368 (1970). To allow less would permit the State to avoid its constitutionally imposed burden of proof, and to convict not based upon proof of the elements of the offense, but other, non-charged acts. This would clearly contravene the defendant's rights under the Nevada and United States Constitutions to due process of law, fair trial by jury and proper notice. U.S. Const. Fifth, Sixth and Fourteenth Amendments; Nevada Const., Art. 1, Sec. 8.

Furthermore, in accordance with the legal authorities cited in the Defendant's Motion, as well as the Fifth and Sixth Amendments to the United States Constitution, the Defense maintains that a defendant in a criminal action cannot make a knowing, intelligent and voluntary decision regarding trial tactics, theory of the case, and whether or not to testify at trial or invoke the protections of

the Fifth Amendment to the United States Constitution, unless the State provides in advance of trial any alleged "PBA's" which it seeks to admit at trial. The State's failure to do so places the defendant in a position of being unreasonably surprised at the jury trial if subject to evidence of "PBA's" without having been advised of such possible evidence in advance of trial.

Failure of the State to disclose such evidence and provide pre-trial opportunity to litigate its admissibility and/or scope of admissibility violates the Fifth Amendment right against self-incrimination, the Fifth Amendment right to due process by way of proper notice of anticipated impeachment and the Sixth Amendment right to effective assistance of counsel by having been deprived of meaningful consultation by defense counsel of whether or not to testify by virtue of defense counsel having been untimely notified of the State's intent to proffer such evidence.

Under the legal authorities cited hereinabove, the State must disclose anticipated "other wrongs, crimes, or acts" and "request a hearing" by which it proffers evidence of the other wrongs, crimes or acts and proves them up under the cited authorities. The burden of disclosure and to request a hearing, under the *Bigpond* case, above, and other legal authorities cited herein, is on the State. The Defendant's Motion seeks to obtain pretrial disclosure of anticipated "PBA's" which the State may offer at trial, so that proper determination of admissibility could be made before the trial date and so that defense counsel could properly and effectively advise the Defendant of whether or not to settle the case, whether to proceed to trial, whether to testify or not, and whether to proffer evidence in rebuttal against State-offered "PBA" evidence.

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II. ANTICIPATED POSSIBLE BAD ACTS THE STATE MAY SEEK TO HAVE ADMITTED

This Motion is intended to require the State to identify such other wrongs, crimes or acts in advance of trial so their admissibility may timely and adequately be litigated and determined without need to halt the jury trial every time a possible "PBA" is proffered. *See* Fed. R. Evid. 404(b)(2) (On request by defendant in criminal case, prosecutor must provide reasonable notice, before trial, of the general nature of any such evidence that the prosecutor intends to offer at trial).

Defense formally objects to any evidence of prior bad acts whether or not resulting in convictions and requests a hearing as to admissibility thereof prior to any proffer by State before the jury at trial. Indeed, under the case law cited herein, the State must "request a hearing" at which it proffers evidence of the other wrongs, crimes or acts, proves them up with competent evidence under the cited authorities and articulates persuasive justification for use of such evidence at trial on the merits in the instant case. Simply waiting until trial to then "take a break and hold hearing outside the jury's presence" to litigate such evidence is neither efficient nor consistent with the practice of utilizing pretrial motion practice to determine, before trial, admissibility or contingent admissibility of evidence.

III. CONCLUSION

Accordingly, it is respectfully requested that this Motion be granted and that the State be required to disclose, in writing and sufficiently in advance of trial, to permit a pretrial hearing, any and all evidence of other wrongs, crimes, or acts

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which it will seek to admit against the Defendant, so that such matters may be properly litigated in a pretrial hearing in accordance with the legal authorities cited hereinabove.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 8th day of July, 2019.

JOHN L. ARRASCADA
Washoe County Public Defender

By: /s/ Jay Slocum
JAY SLOCUM
Deputy Public Defender

By: /s/ Jennifer Mayhew
JENNIFER MAYHEW
Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 8th day of July, 2019, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

DISTRICT ATTORNEY
1 SOUTH SIERRA STREET
RENO, NV

/s/ Jessica Haro
JESSICA HARO

FILED
Electronically
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2019-07-08 03:26:43 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7360553 : csulezic

CODE 2490
WASHOE COUNTY PUBLIC DEFENDER
JAY SLOCUM, BAR # 9099
JENNIFER MAYHEW, BAR# 11349
350 S. CENTER ST, 5TH FLOOR
RENO, NV 89501
ATTORNEYS FOR DEFENDANT

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs.

RALPH GOAD,

Defendant.

Case No. CR19-0999

Dept. No. 4

MOTION TO PRECLUDE OR LIMIT USE OF PREJUDICIAL PHOTOGRAPHS, VIDEOS AND DEMONSTRATIVE EVIDENCE

The Defendant, RALPH GOAD, by and through counsel, Washoe County Deputy Public Defenders JAY SLOCUM and JENNIFER MAYHEW, hereby moves this Court for an Order precluding or limiting the introduction of prejudicial photographs, videos and demonstrative evidence at the trial in this case. This Motion is made and based upon the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and Article One, Section Eight of the Nevada Constitution, which guarantee an accused in a criminal case due process of law, effective assistance of counsel and a fair trial.

This Motion is based on the attached Memorandum of Points and Authorities, all other documents and papers filed herein, and any physical and testimonial evidence presented should this matter be set for a hearing.

MEMORANDUM OF POINTS AND AUTHORITIES

I. RELEVANT FACTS

RALPH GOAD (hereinafter Mr. Goad) is scheduled for Jury Trial on July 31, 2019 on a charge of Murder with Use of a Deadly Weapon. Defense anticipates the State will proffer several crime scene and autopsy photographs containing views of the alleged victim.

Defendant requests a pretrial hearing at which State will produce the photographs, videos and demonstrative evidence it intends to offer at trial, so they may be examined for any potential Defense objections as to prejudicial impact, cumulativeness, or other objections. Defendant moves this Court for an Order precluding or limiting introduction of unfairly prejudicial photos, videos, and demonstrative evidence, including but not limited to unnecessarily or excessively gruesome photographs of the crime scene and/or the autopsy. Such evidence should be precluded during the trial. Additionally, Defendant moves for exclusion of multiple or cumulative photographs of the decedent.

II. LEGAL ARGUMENT

A. ANY PROBATIVE VALUE OF THE PHOTOGRAPH(S) IS SUBSTANTIALLY OUTWEIGHED BY THE RISK OF UNFAIR PREJUDICE, CONFUSION OF THE ISSUES, OR MISLEADING THE JURY.

Even relevant evidence is "not admissible if its probative value is substantially outweighed by the danger of unfair prejudice, of confusion of the issues or of misleading the jury." NRS 48.035(1). Even if the Court considers the photograph(s) as relevant, they should be excluded because any probative value is substantially outweighed by the risk of unfair prejudice, confusion of the issues, or misleading the jury. *See Id.*

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Autopsy photographs cannot be admitted for viewing by the jury if unfairly prejudicial and not necessary to the testimony of the expert sponsoring the photographs. *See Sipsas v. State*, 102 Nev. 119, 716 P.2d 231 (1986). In *Sipsas*, the Court recognized the value and danger of photographs: "It is of no surprise that the district court originally found the photographs to be more prejudicial than probative. No jury could be free from thoughts of compassion and sympathy after viewing an 8x10 inch color photograph of an eviscerated child. A photograph lends dimension to otherwise non-dimensional testimonial evidence. That an erroneous admission of a photograph would cause undue prejudice is certain. The extent of that prejudice is immeasurable." *Sipsas*, 102 Nev. at 124, fn. 6.

Several Nevada cases have permitted the use of photographs, but no case has ever suggested that all photographs will be admissible. *See Wallace v. State*, 84 Nev. 603, 447 P.3d 30 (1968)(photos concededly accurate, but a single photograph was used), *Shuff v. State*, 86 Nev. 736, 476 P.2d 22 (1970) (photos concededly accurate, but a single color photograph admitted), *Nalls v. State*, 90 Nev. 124, 520 P.2d 611 (1974) (non-murder case, asserted defense was accident, two photos admitted), *Allen v. State*, 91 Nev. 78, 530 P.2d 1195 (1975) (color photos of the victims were taken prior to autopsy, thus avoiding the problems presented by gruesome photos), *Athey v. State*, 106 Nev.520, 797 P.2d 956 (1991) (two photos were admitted to explain cause of death).

Here, the photograph(s) prejudices Mr. Goad because the depiction is passion-inflaming, emotion and sympathy invoking and, therefore, patently prejudicial. Further, any juror that sees the photograph(s) will be misled by focusing attention on the grotesque nature of the alleged injuries rather than ascertaining the truth.

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III. CONCLUSION

For the foregoing reasons, Mr. Goad requests a pretrial hearing at which time counsel and the Court can evaluate the admissibility of photographs, video and demonstrative evidence which the State anticipates proffering at trial and a ruling from this Court precluding or limiting introduction of unfairly prejudicial evidence, including autopsy and crime scene photographs, and other gruesome photographs, videos, and demonstrative evidence.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 8th day of July, 2019.

JOHN L. ARRASCADA
Washoe County Public Defender

/s/ Jay Slocum
JAY SLOCUM
Deputy Public Defender

/s/ Jennifer Mayhew
JENNIFER MAYHEW
Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 8th day of July, 2019, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

DISTRICT ATTORNEY
1 SOUTH SIERRA STREET
RENO, NV

/s/ Jessica Haro
JESSICA HARO

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CODE 2650
WASHOE COUNTY PUBLIC DEFENDER
JAY SLOCUM, BAR # 9099
JENNIFER MAYHEW, BAR# 11349
350 S. CENTER ST, 5TH FLOOR
RENO, NV 89501
ATTORNEYS FOR DEFENDANT

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs.

RALPH GOAD,

Defendant.

Case No. CR19-0999

Dept. No. 4

_____/

OPPOSITION TO STATE'S MOTION TO ADMIT EVIDENCE OF MOTIVE

The Defendant, RALPH GOAD ("Mr. Goad"), by and through his attorneys, JOHN ARRASCADA, Washoe County Public Defender, and Deputy Public Defenders JAY SLOCUM and JENNIFER MAYHEW, hereby opposes the State's Motion to Admit Evidence of Motive and requests this Court for a pretrial Order precluding the State from introducing *res gestae* and specific evidence of any other crimes, wrongs, or prior bad acts of Mr. Goad pursuant to NRS 48.045(2) and NRS 48.015 through NRS 48.035.[1]

This Motion is made and based upon NRS 48.045, construing case law, the attached Memorandum of Points and Authorities, as well as any evidence or

[1] On July 8, 2019 Mr. Goad filed a Motion in Limine Re: Alleged Other Bad Acts, NRS 48.045.

argument adduced at a hearing on the motion. Finally, Mr. Goad requests this Court conduct an evidentiary hearing to determine the admissibility of the State's proposed evidence.

BRIEF STATEMENT OF FACTS

Mr. Goad stands accused of Murder with the Use of a Deadly Weapon. Jury trial is set for July 31, 2019. The State's alleges Mr. Goad murdered Theodore Gibson ("Mr. Gibson") for money.

Mr. Goad has been living in Park Manor Apartments for at least thirteen years. Mr. Goad collected social security in an amount between $827.00 and $916.00 per month. *See* Exhibit 1. He was also the recipient of an inheritance from his mother's last will and testament. *See* Exhibit 2. Mr. Goad has a payee service through Northern Nevada Adult Mental Health Services that assists with facilitating rent and other financial matters. *See* Exhibit 3. Mr. Goad became delinquent with his $490 rental payment which was due on January 11, 2019. The reason for his delinquency stems from the payee service closing and its inability to pay his rent. On January 30, 2019, Mr. Goad was evicted and subsequently locked out of his apartment. On January 30, 2019 Mr. Goad went to Sacramento, California in an attempt to collect his inheritance his mother bequeathed to him in her will.

The State is seeking to admit motive evidence that Mr. Goad killed Mr. Gibson for money. The State failed to prove that this evidence be admitted under the narrow constraints of the *res gestae* rule. Moreover, the State has failed to prove that the prior bad act evidence is admissible under Nevada law. This Opposition follows.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. The evidence is inadmissible under *res gestae.*

A trial witness may only testify to another uncharged act or crime if it is so closely related to the act in controversy that the witness cannot describe the act without referring to the other uncharged act or crime. *Cf. State v. Shade*, 111 Nev. 887, 894, 900 P.2d 327, 331 (1995)(upholding the admission of uncharged acts based on the strict language of NRS 48.035 (*to wit:* the *res gestae* doctrine codified)); *Bellon v. State*, 121 Nev. 436, 444, 117 P.3d 176, 181 (2005)(expressly concluding that, under NRS 48.035, "a witness may only testify to another *uncharged* act or crime if it is so closely related to the act in controversy that the witness cannot describe the act without referring to the other uncharged act or crime")(emphasis added). The operative language, of course, is that the trial witness may only testify to "uncharged" acts or crimes allegedly committed by the accused.

The *Complete Story of the Crime*, or commonly referred to as the *res gestae* doctrine, allows occasion for the State to "present a full and accurate account of the crime, and such evidence is admissible even if it implicates the defendant in the commission of other uncharged acts." *Bellon v. State*, 121 Nev. 436, 444, 117 P.3d 176, 181 (2005)(citing *Bletcher v. State*, 111 Nev. 1477, 1480, 907 P.2d 978, 980 (1995)). "However, the 'complete story of the crime doctrine' must be construed ***narrowly***." *Id.* (citing *Tabish v. State,* 119 Nev. 293, 307, 72 P.3d 584, 593 (2003)(emphasis added)).

> "[the] admission of evidence under NRS 48.035(3) is limited to the statute's express provisions. Under the statute, a witness may only testify to another uncharged act or crime if it is so closely related to the act in controversy that the witness cannot describe the act without referring to the other uncharged act or crime."

Id. at 444. In other words, for the "res gestae" doctrine to apply, certain and specific elements must be satisfied, and the crimes must blend together and "form an indivisible criminal transaction" whereby proof of "any one of them cannot be given without showing the others." *Sutton v. State*, 114 Nev. 1327, 1331, 972 P.2d 334, 337 (1998)(citation omitted). The Supreme Court of Nevada has applied the "res gestae" doctrine when the uncharged act or crimes: (1) occur contemporaneously; (2) arise out of the same transaction; (3) involve the same participants; *and* (4) are inextricably intertwined with the charged crime. *Id.* (citing *State v. Shade*, 111 Nev. 887, 894, 900 P.2d 327, 331(1995)).

None of the above elements apply to this case. The alleged acts are simply irrelevant to the State's case-in-chief, i.e., whether Mr. Goad committed the crime of murder. The State has not provided a substantial nexus between the eviction/lockout and proving the commission of the alleged murder. Furthermore, the State has not sufficiently articulated how it cannot effectively prosecute Mr. Goad for the charged offense without referring to eviction/lockout. Of note, the alleged eviction/lockout did not occur at the same time as the alleged murder, both events are completely separate factual transactions, and is not "inextricably intertwined with the charged crime" of murder. Ultimately, the State has failed to describe how the exclusion of this evidence from its case-in-chief completely destroys the ability to present a "coherent and comprehensive story regarding the commission of the crime . . . ." to a jury. Even if determined to be relevant by this Court—could mislead or confuse the jury as to what the germane issues are in the trial and possibly cause the jury to associate his guilt on the charged offense based solely on his propensity to commit violence. See NRS 48.035 (permitting the exclusion of relevant evidence if its probative value is substantially outweighed by

the danger of unfair prejudice, undue delay, confusion of the issues, and misleading the jury, etc . . .).

In this case, there is no correlation between Mr. Goad's eviction/lockout and murder. Under the narrow *res gestae* rule, a witness may only testify to another uncharged act or crime if it is so closely related to the act in controversy that the witness cannot describe the act without referring to the other uncharged act or crime. The witnesses in this case can testify about the crime involving murder without describing Mr. Goad's uncharged crime of alleged eviction and subsequent lockout.

Further, the State has not sufficiently explained why not presenting the proposed *res gestae* evidence will be so detrimental to its case or will prejudice it in any way. Again, Mr. Goad's alleged eviction and lockout are irrelevant to whether the State can prove he committed a murder beyond a reasonable doubt. Furthermore, the State has not argued that avoiding this evidence will leave the jury baffled, wondering, and primed to punish the State for cloaking this limited information. And, the State has not established to this Court either that the flow or relevant content of the State's presentation will certainly be interrupted and the testimony of its witnesses cannot be taken in a seamless manner.

Therefore, any and all evidence pertaining to Mr. Goad's financial status including but not limited to an alleged eviction and/or lockout from his apartment is inadmissible under the narrow *res gestae* rule.

II. <u>The evidence is inadmissible as a prior bad act.</u>

It is well-established law in Nevada that evidence of other crimes, wrongs, or acts, whether prior or subsequent, is "heavily disfavored" and presumptively inadmissible. *See* NRS 48.045(2); *Rosky v. State*, 121 Nev. 184, 195, 111 P.3d 690, 697 (2005); *Tavares v. State*, 117 Nev. 725, 730, 30 P.3d 1128, 1131 (2001) *holding*

modified by Mclellan v. State, 124 Nev. 263, 182 P.3d 106 (2008). As eloquently stated by the Nevada Supreme Court, the use of other bad acts to convict a defendant is heavily disfavored in our criminal justice system, due to the fact that "such bad acts are often irrelevant or prejudicial and force the accused to defend against vague and unsubstantiated charges." *Walker v. State*, 116 Nev. 442, 445, 997 P.2d 803, 806 (2000). Consequently, evidence of other bad acts is inherently prejudicial and its improper admission can rarely be deemed harmless. *Id.* at 446; *see also Richmond v. State*, 118 Nev. 924, 935, 59 P.3d 1249, 1256 (2002)("[i]t is error for a witness to testify in such a manner that the jury could infer that the defendant had engaged in prior criminal activity"). Beginning with *Petrocelli v. State*, 101 Nev. 46, 51-52, 692 P.2d 503, 507 (1985), the Nevada Supreme Court has progressively developed procedures and substantive criteria to regulate the admission of other bad acts evidence. *See Tavares*, 117 Nev. at 733, 30 P.3d at 1133; *Tinch v. State*, 113 Nev. 1170, 1176, 946 P.2d 1061, 1064-65 (1997); *Armstrong v. State*, 110 Nev. 1322, 1324, 885 P.2d 600, 601 (1994).

Accordingly, to overcome the initial presumption of inadmissibility, the State bears the burden of: (1) requesting the evidence's admission through proper notice; and (2) establishing, at a Petrocelli hearing outside the presence of the jury, that: (a) the prior act has independent relevance under NRS 48.045(2) to the crime charged; (b) the act is proven by clear and convincing evidence; and (3) the probative value of the proffered evidence is not substantially outweighed by the danger of unfair prejudice. *See Tinch*, 113 Nev. 1176, 946 P.2d at 1064, *holding modified by Bigpond v. State*, 128 Nev. Adv. Op. 10, 270 P.3d 1244 (2012). Furthermore, in order to admit such evidence, this Court must make specific findings of fact and conclusions of law for purposes of direct appellate review. *See Armstrong v. State*, 110 Nev. 1322, 1324, 885 P.2d 600, 601 (1994).

Based upon the State's moving papers, the State is seeking to introduce testimonial motive evidence at trial specific to Mr. Goad's financial status including an alleged eviction and/or lockout from his apartment. First, Mr. Goad was not financially destitute. He had been collecting social security and was bequeathed money from his mother's will. Second, none of these acts, whether construed as prior bad act, are relevant to the issue of whether a murder took place and whether it was committed by Mr. Goad. Third, the prospective probative value of this evidence, if any, does not outweigh the danger of unfair prejudice to Mr. Goad. If offered by the State and admitted, there is a concrete danger that the evidence will encumber Mr. Goad's presumption of innocence; he will be immediately saddled with the prejudicial effect that this evidence would bring with it. The danger here is that the jury might associate guilt or otherwise deem this evidence as the kind which establishes Mr. Goad's propensity to commit other crimes, especially even the crime for which he is now charged. The danger of unfair prejudice in this case is evident, unnecessary, and should be avoided at all costs.

Accordingly, and after an evidentiary hearing on the matter, this Court should conclude that the alleged prior acts are inadmissible and must be precluded from admission at trial. These allegations have no probative value with respect to the offense charged against Mr. Goad.

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CONCLUSION

In sum, the State failed to prove that evidence related to Mr. Goad's financial status including the alleged eviction and/or lockout be admitted under the narrow constraints of the *res gestae* rule. Moreover, the State has failed prove that the prior bad act evidence is admissible under Nevada law. Mr. Goad requests this Court to hold a pretrial evidentiary hearing on the issues raised.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 11th day of July, 2019.

JOHN L. ARRASCADA
Washoe County Public Defender

By: /s/ Jay Slocum
JAY SLOCUM
Deputy Public Defender

By: /s/ Jennifer Mayhew
JENNIFER MAYHEW
Deputy Public Defender

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada; that on this 11th day of July, 2019, I electronically filed the foregoing documents with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

DISTRICT ATTORNEY
1 SOUTH SIERRA STREET
RENO, NV

/s/ Jessica Haro
JESSICA HARO

INDEX OF EXHIBITS

1. Social Security Income — 2 pages
2. Inheritance — 1 page
3. Payee Information — 2 pages

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Jacqueline Bryant
Clerk of the Court
Transaction # 7368097 : csulezic

EXHIBIT 1

EXHIBIT 1

NNCHRB
Northern Nevada
COMMUNITY HOUSING
RESOURCE BOARD

P.O. Box 20604
Reno, NV 89515
tel (775) 337-9155 fax (775) 337-9166
email info@nnchrb.org

SUPPLEMENTAL RENTAL APPLICATION

Applicant Name: RALPH GOAD Date: 10-16-14

NOTE: Applicants must complete this section in order to determine qualifications for residency within the Federal Low Income Housing Tax Credit Program. Although this information is voluntary under the Federal Fair Housing Act, failure to provide such information may result in non-qualification for residency for any rental unit in the LIHTC Program.

INCOME

Income includes GROSS amount of wages, salaries, overtime pay, commissions, fees, tips, bonuses, meal allowances, uniform allowances, social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, unemployment compensation, disability compensation, worker's compensation, severance pay, welfare assistance (TANF), alimony and child support, recurring monetary gifts or contributions regularly received, net income from a business, and other compensation for all adults in the household.

INCOME DOES NOT INCLUDE

Student financial assistance, personal loans, meals on wheels, special pay to household member serving in the Armed Forces exposed to hostile fire, value of allotment provided under the Food Stamp Act of 1977, payments received under Domestic Volunteer Service Act of 1973, payments received under Title V of the Older Americans Act, earned income tax credit, and income from the employment of children under the age of 18 years.

Are you entitled to, or do you anticipate receiving income from any of the following sources during the next 12 months? If you answer with a YES to any of the following, please explain.

Are you entitled to or do you expect the following?		Amount/ Year	Name of Source
Employment	Yes ( ) No (✓)		
Second Employer	Yes ( ) No (✓)		
Unemployment	Yes ( ) No (✓)		
Child Support	Yes ( ) No (✓)		
Alimony	Yes ( ) No (✓)		
Social Security	Yes (✓) No ( )	916 MONTH	DISABILITY
Supplemental Security Income (SSI)	Yes ( ) No (✓)		
TANF (Not Food Stamps)	Yes ( ) No (✓)		
Recurring Gifts	Yes ( ) No (✓)		
Other	Yes ( ) No (✓)		

NNCHRB
Northern Nevada
COMMUNITY HOUSING
RESOURCE BOARD

P.O. Box 20604
Reno, NV 89515
tel (775) 337-9155 fax (775) 337-9166
email info@nnchrb.org

ASSETS

Assets include cash (whatever held), trust corpus, equity in real estate or capital investment, notes receivable, mortgages, stocks, bonds, money market accounts, IRA's, retirement & pension funds, and luxury personal property (gems, jewelry, art, coin collections, etc.)

ASSETS DO NOT INCLUDE

Do not include necessary personal property such as clothing, furniture, daily use autos, tools, dishes, etc. Also excluded is any special equipment for use by the handicapped, and assets of a business.

If you answer YES to any of the following items please fill in blanks to the right. Include assets of minors.

Do you have?		Bank Name	Account No.	Balance	Interest Rate
Checking	Yes( ) No(✓)				
Savings	Yes( ) No(✓)				
Certificate of Deposit	Yes( ) No(✓)				
Money Market	Yes( ) No(✓)				
Trust	Yes( ) No(✓)				
Stocks/Bond	Yes( ) No(✓)				
Mutual Fund	Yes( ) No(✓)				
IRA/Keogh	Yes( ) No(✓)				
Retirement Accounts	Yes( ) No(✓)				
Rental Property	Yes( ) No(✓)				
Other	Yes( ) No(✓)				

Are TOTAL household assets over $5,000? (Include the assets of all occupants? ( )Y(✓)N

Have you sold, given as gift or disposed of any real property or other assets in the past 2 years? ( ) Yes (✓) No List any assets currently being sold:_____

Warning: Section 1001 of the Title 18, US Code provides, "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, device or material fact, or makes any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years or both."

I certify that the information above is true and correct to the best of my knowledge and belief. I authorize Park Manor, NNCHRB to make such investigations into my history as they may deem appropriate, including but not limited to, verification of employment & salary, assets, rental history and consumer credit reports.

Ralph Good
Applicant / Tenant Signature

10-16-14
Date

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Jacqueline Bryant
Clerk of the Court
Transaction # 7368097 : csulezic

EXHIBIT 2

EXHIBIT 2

Proud Supporter of
Nevada
HUMANE SOCIETY

SHAWN J. ERVIN (SBN 179450)
COLLINS, RITCHIE & ERVIN, LLP
331 J Street, Suite 200
Sacramento, CA 95814
(916) 273-4902
(916) 273-4891 (Fax)

Attorneys for Conservator
ROBERT GOAD

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SACRAMENTO

Conservatorship of ELNA GOAD	Case No.: 34-2016-00192099 ORDER SETTLING FIRST AND FINAL ACCOUNT AND REPORT OF CONSERVATOR, DISCHARGING CONSERVATOR AND OTHER RELIEF Date: April 20, 2017 Time: 9:00AM Dept.: 129

The report and first and final account of the conservator of the estate of Elna Goad was regularly heard on April 20, 2017 in Department 129, for hearing and settlement by the Court. All notices of the hearing having been given as required by law, the Court, after hearing the evidence, settles the account and grants the petition. Good cause appearing,

IT IS ORDERED THAT:

1) The conservator had in his possession on December 31, 2016 assets belonging to the estate of the conservatee, after deducting the credits to which it is entitled, a balance of $122,522.33, of which $122,522.33 was cash;

2) The final account, report and acts of the conservator, as more particularly set forth in the final account and report, are approved;

F I L E D
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2019-07-11 01:58:43 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7368097 : csulezic

EXHIBIT 3

EXHIBIT 3

JIM GIBBONS
Governor

STATE OF NEVADA

MICHAEL WILLDEN
Director

DEPARTMENT OF HUMAN RESOURCES
DIVISION OF MENTAL HEALTH AND DEVELOPMENTAL SERVICES
NORTHERN NEVADA ADULT MENTAL HEALTH SERVICES
480 Galletti Way
Sparks, Nevada 89431-5574
(775) 688-2001 • FAX (775) 688-2192

September 15, 2010

To: Park Manor Apartments
From: Paula Proulx, SC
RE: Ralph Goad

To: Angela

I am writing you a letter in regards to Mr. Ralph Goad. NNAMH is presently his Rep Payee. NNAMHS will be forwarding a deposit check and his rent checks. He is allotted personal money, food money and a bus pass. I understand the rent is $475 and Mr. Goad has the income to support this amount of rent.

Mr. Goad keeps his apartment very neat and tidy.

If you have any questions regarding Mr. Goad, please feel free to contact me at 688-2134.

Sincerely,

Paula Proulx, SC
Northern Nevada Adult Mental Health
(775) 688-2134

M3

Social Security Administration
Retirement, Survivors, and Disability Insurance
Important Information

Southeastern PSC
Birmingham Social Security Center
1200 Rev. Abraham Woods, Jr. Blvd.
Birmingham, Alabama 35285-0001
Date: July 28, 2015
Claim Number: 226-68-2092 D1

0000254 CTPMK3 1A 0.440
RALPH EDMOND GOAD
33 S PARK STREET
APT 213
RENO NV 89502-0823

We have chosen PAYEE COUNSELING SERVICES INC to be your representative payee. Your payee will receive your checks each month and will use this money for your needs.

Information About Your Checks

We are sending your regular monthly check of $827.00 to PAYEE COUNSELING SERVICES INC around August 3, 2015.

Suspect Social Security Fraud?

Please visit http://oig.ssa.gov/r or call the Inspector General's Fraud Hotline at 1-800-269-0271 (TTY 1-866-501-2101).

If You Have Questions

We invite you to visit our website at www.socialsecurity.gov on the Internet to find general information about Social Security. If you have any specific questions, you may call us toll-free at 1-800-772-1213, or call your local Social Security office at 1-888-808-5481. We can answer most questions over the phone. If you are deaf or hard of hearing, you may call our TTY number, 1-800-325-0778. You can also write or visit any Social Security office. The office that serves your area is located at:

SOCIAL SECURITY
1170 HARVARD WAY
RENO,NV 89502

SEE NEXT PAGE

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9,924.*

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2019-07-12 03:00:30 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7371129

CODE 4105
WASHOE COUNTY PUBLIC DEFENDER
JAY SLOCUM, BAR # 9099
JENNIFER MAYHEW, BAR# 11349
350 S. CENTER ST, 5TH FLOOR
RENO, NV 89501
ATTORNEYS FOR DEFENDANT

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs. Case No. CR19-0999

RALPH GOAD, Dept. No. 4

Defendant.

_____/

SUPPLEMENT TO EXHIBIT

COMES NOW, Defendant RALPH W. GOAD, by and through his attorneys of record, Deputy Public Defenders JAY SLOCUM and JENNIFER MAYHEW, and hereby files the attached Supplement to Exhibit 2, to the previously filed, *Opposition to State's Motion to Admit Evidence of Motive.*

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the following document does not contain the social security number of any person.

Dated this 12th day of July, 2019.

JOHN L. ARRASCADA
Washoe County Public Defender

By: /s/ Jay Slocum
JAY SLOCUM
Deputy Public Defender

By: /s/ Jennifer Mayhew
JENNIFER MAYHEW
Deputy Public Defender

CERTIFICATE OF SERVICE

I certify that I am an employee of the WASHOE COUNTY PUBLIC DEFENDER'S OFFICE, and that on the 12th day of July, 2019, I electronically served, a true copy of the attached document, addressed to:

DEPUTY DISTRICT ATTORNEY

/s/ Jessica Haro
JESSICA HARO

INDEX OF EXHIBITS

2. Supplement 16 pages

FILED
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2019-07-12 03:00:30 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7371129

Exhibit 2

(Supplemental)

Exhibit 2

(Supplemental)

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.:
NAME: Shawn J. Ervin 179450
FIRM NAME: Collins, Ritchie & Ervin, LLP
STREET ADDRESS 331 J Street, Suite 200
CITY: Sacramento STATE CA ZIP CODE 95814
TELEPHONE NO.: (916) 273-4902 FAX NO.: (916) 273-4891
E-MAIL ADDRESS: servin@crellp.com
ATTORNEY FOR (name): Petitioner, Robert Goad

FOR COURT USE ONLY

FILED
Superior Court Of California, Sacramento
02/01/2017
tbrice
By _____, Deputy
Case Number:
34-2017-00207298

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Sacramento
STREET ADDRESS: 3341 Power Inn Road
MAILING ADDRESS:
CITY AND ZIP CODE: Sacramento, CA 95826
BRANCH NAME: William Ridgeway Family Relations Court

ESTATE OF (name): Elan Goad
DECEDENT

PETITION FOR
- [X] Probate of [ ] Lost Will and for Letters Testamentary
- [ ] Probate of [ ] Lost Will and for Letters of Administration with Will Annexed
- [ ] Letters of Administration
- [ ] Letters of Special Administration [ ] with general powers
- [X] Authorization to Administer Under the Independent Administration of Estates Act [ ] with limited authority

CASE NUMBER:

HEARING DATE AND TIME: 4.20.17 9 am

DEPT.: 129

1. Publication will be in (specify name of newspaper): The Daily Recorder
   a. [ ] Publication requested.
   b. [X] Publication to be arranged.
2. Petitioner (name each): Robert Goad

   requests that
   a. [X] decedent's will and codicils, if any, be admitted to probate.
   b. (name): Robert Goad be appointed
      (1) [X] executor
      (2) [ ] administrator with will annexed
      (3) [ ] administrator
      (4) [ ] special administrator [ ] with general powers
      and Letters issue upon qualification.
   c. [X] full [ ] limited authority be granted to administer under the Independent Administration of Estates Act.
   d. (1) [X] bond not be required for the reasons stated in item 3d.
      (2) [ ] $ bond be fixed. The bond will be furnished by an admitted surety insurer or as otherwise provided by law. *(Specify reasons in Attachment 2 if the amount is different from the maximum required by Prob. Code, § 8482.)*
      (3) [ ] $ in deposits in a blocked account be allowed. Receipts will be filed. *(Specify institution and location):*

3. a. Decedent died on (date): 11/3/2016 at (place): Sacramento, CA
   (1) [X] a resident of the county named above.
   (2) [ ] a nonresident of California and left an estate in the county named above located at *(specify location permitting publication in the newspaper named in item 1):*

   b. [ ] Decedent was a citizen of a country other than the United States *(specify country):*
   c. Street address, city, and county of decedent's residence at time of death *(specify):*
   [redacted]
   Sacramento, CA 95831

Form Adopted for Mandatory Use
Judicial Council of California
DE-111 [Rev. January 1, 2017]

PETITION FOR PROBATE
(Probate-Decedents Estates)

Probate Code, §§ 8002, 10450.
www.courts.ca.gov

Essential Forms

ESTATE OF *(name)*: Elan Goad DECEDENT	CASE NUMBER:

3. d. **Character and estimated value of the property of the estate** *(complete in all cases)*:
   (1) Personal property: $ 98,700.00
   (2) Annual gross income from
      (a) real property: $ 0.00
      (b) personal property: $ 0.00
   (3) **Subtotal** *(add (1) and (2))*: $ 98,700.00
   (4) Gross fair market value of real property: $ 0.00
   (5) (Less) Encumbrances: ($ 0.00)
   (6) Net value of real property: $ 0.00
   (7) **Total** *(add (3) and (6))*: $ 98,700.00

   e. (1) [X] Will waives bond. [ ] Special administrator is the named executor, and the will waives bond.
   (2) [ ] All beneficiaries are adults and have waived bond, and the will does not require a bond. *(Affix waiver as Attachment 3e(2).)*
   (3) [ ] All heirs at law are adults and have waived bond. *(Affix waiver as Attachment 3e(3).)*
   (4) [ ] Sole personal representative is a corporate fiduciary or an exempt government agency.

   f. (1) [ ] Decedent died intestate.
   (2) [X] Copy of decedent's will dated: 3/3/2010 [X] codicil dated *(specify for each)*: 2/16/2011
   are affixed as Attachment 3f(2). *(Include typed copies of handwritten documents and English translations of foreign-language documents.)*
   [X] The will and all codicils are self-proving (Prob. Code, § 8220). Will is self-proving. Codicil is holographic.
   (3) [ ] The original of the will and/or codicil identified above has been lost. *(Affix a copy of the lost will or codicil or a written statement of the testamentary words or their substance in Attachment 3f(3), and state reasons in that attachment why the presumption in Prob. Code, § 6124 does not apply.)*

   g. **Appointment of personal representative** *(check all applicable boxes)*:
   (1) Appointment of executor or administrator with will annexed:
      (a) [X] Proposed executor is named as executor in the will and consents to act.
      (b) [ ] No executor is named in the will.
      (c) [ ] Proposed personal representative is a nominee of a person entitled to Letters. *(Affix nomination as Attachment 3g(1)(c).)*
      (d) [ ] Other named executors will not act because of [ ] death [ ] declination [ ] other reasons *(specify)*:

      [ ] Continued in Attachment 3g(1)(d).
   (2) Appointment of administrator:
      (a) [ ] Petitioner is a person entitled to Letters. *(If necessary, explain priority in Attachment 3g(2)(a).)*
      (b) [ ] Petitioner is a nominee of a person entitled to Letters. *(Affix nomination as Attachment 3g(2)(b).)*
      (c) [ ] Petitioner is related to the decedent as *(specify)*:
   (3) [ ] Appointment of special administrator requested. *(Specify grounds and requested powers in Attachment 3g(3).)*
   (4) [ ] Proposed personal representative would be a successor personal representative.

   h. Proposed personal representative is a
   (1) [X] resident of California.
   (2) [ ] nonresident of California *(specify permanent address)*:

   (3) [X] resident of the United States.
   (4) [ ] nonresident of the United States.

ESTATE OF *(name)*: Elan Goad DECEDENT	CASE NUMBER:

4. [X] Decedent's will does not preclude administration of this estate under the Independent Administration of Estates Act.

5. a. Decedent was survived by *(check items (1) or (2), and (3) or (4), and (5) or (6), and (7) or (8))*

   (1) [ ] spouse.
   (2) [X] no spouse as follows:
      (a) [X] divorced or never married.
      (b) [ ] spouse deceased.
   (3) [ ] registered domestic partner.
   (4) [X] no registered domestic partner. *(See Fam. Code, § 297.5(c); Prob. Code, §§ 37(b), 6401(c), and 6402.)*
   (5) [X] child as follows:
      (a) [X] natural or adopted.
      (b) [ ] natural adopted by a third party.
   (6) [ ] no child.
   (7) [ ] issue of a predeceased child.
   (8) [X] no issue of a predeceased child.

   b. Decedent [ ] was [X] was not survived by a stepchild or foster child or children who would have been adopted by decedent but for a legal barrier. *(See Prob. Code, § 6454.)*

6. *(Complete if decedent was survived by (1) a spouse or registered domestic partner but no issue (only a or b apply), or (2) no spouse, registered domestic partner, or issue. (Check the first box that applies):*
   a. [ ] Decedent was survived by a parent or parents who are listed in item 8.
   b. [ ] Decedent was survived by issue of deceased parents, all of whom are listed in item 8.
   c. [ ] Decedent was survived by a grandparent or grandparents who are listed in item 8.
   d. [ ] Decedent was survived by issue of grandparents, all of whom are listed in item 8.
   e. [ ] Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
   f. [ ] Decedent was survived by next of kin, all of whom are listed in item 8.
   g. [ ] Decedent was survived by parents of a predeceased spouse or issue of those parents, if both are predeceased, all of whom are listed in item 8.
   h. [ ] Decedent was survived by no known next of kin.

7. *(Complete only if no spouse or issue survived decedent.)*
   a. [ ] Decedent had no predeceased spouse.
   b. [ ] Decedent had a predeceased spouse who
      (1) [ ] died not more than 15 years before decedent and who owned an interest in real property that passed to decedent,
      (2) [ ] died not more than five years before decedent and who owned **personal property** valued at $10,000 or more that passed to decedent, *(If you checked (1) or (2), check only the first box that applies):*
         (a) [ ] Decedent was survived by issue of a predeceased spouse, all of whom are listed in item 8.
         (b) [ ] Decedent was survived by a parent or parents of the predeceased spouse who are listed in item 8.
         (c) [ ] Decedent was survived by issue of a parent of the predeceased spouse, all of whom are listed in item 8.
         (d) [ ] Decedent was survived by next of kin of the decedent, all of whom are listed in item 8.
         (e) [ ] Decedent was survived by next of kin of the predeceased spouse, all of whom are listed in item 8.
      (3) [ ] neither (1) nor (2) apply.

8. Listed on the next page are the names, relationships to decedent, ages, and addresses, so far as known to or reasonably ascertainable by petitioner, of (1) all persons mentioned in decedent's will or any codicil, whether living or deceased; (2) all persons named or checked in items 2, 5, 6, and 7; and (3) all beneficiaries of a trust named in decedent's will or any codicil in which the trustee and personal representative are the same person.

ESTATE OF (name): Elan Goad DECEDENT	CASE NUMBER:

8. Name and relationship to decedent	Age	Address
Robert Goad Son	adult	[redacted] Sacramento, CA 95831
Heather Schuchardt Granddaughter	adult	[redacted] Woodland, CA 95695
Ryan Schuchardt Great Grandson	12	[redacted] Woodland, CA 95695
Tyler Schuchardt Great Grandson	9	[redacted] Woodland, CA 95695
Ralph E. Goad Son	adult	[redacted] Reno, NV 89502-0823
Roy L. Goad Son	adult	[redacted] Sacramento, CA 95814
Doctors Without Borders USA Charitable Beneficiary	n/a	[redacted] New York, NY 10001-5004
The Smile Train Charitable Beneficiary	n/a	[redacted] New York, NY 10010
Goodwill Charitable Beneficiary	n/a	[redacted] Rockville, MD 20855

☐ Continued on Attachment 8.

9. Number of pages attached: 12

Date: 01/31/2017

Shawn J. Ervin ▶ [signature]
(TYPE OR PRINT NAME OF ATTORNEY) (SIGNATURE OF ATTORNEY)*

*(Signatures of all petitioners are also required. All petitioners must sign, but the petition may be verified by any one of them (Prob. Code, §§ 1020, 1021; Cal. Rules of Court, rule 7.103).)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 01/31/2017

Robert Goad ▶ [signature]
(TYPE OR PRINT NAME OF PETITIONER) (SIGNATURE OF PETITIONER)

▶
(TYPE OR PRINT NAME OF PETITIONER) (SIGNATURE OF PETITIONER)

Signatures of additional petitioners follow last attachment.

Attachment 3f(3)

ORIGINAL ??

Last Will
and
Testament
of

Elna
Louise
Goad

Last Will And Testament

Of

Elna Louise Goad

Social Security Number [redacted]

[redacted]

West Sacramento. CA 95691

I, Elna Louise Goad, a resident of and domiciled in the State of California, hereby declare that this is my Last Will and Testament and that I hereby revoke, cancel and annul all wills and codicils previously made by me either jointly or severally. I declare that I am of legal age, and being of sound mind, to make this Will and Testament expressing my wishes without undue influence or duress.

1. Family Details

I am single.

I have the following children:

Name: Ralph Edmond Goad Date of Birth: [redacted]

Name: Roy Lawrence Goad Date of Birth: [redacted]

Name: Robert James Goad Date of Birth: [redacted]

2. Appointment of Executors

2.1 I hereby nominate, constitute and appoint Robert James Goad as Executor or if this Executor is unable or unwilling to serve then I appoint Evan Auberry as alternate Executor.

2.2 I hereby give and grant the Executor all powers and authority as are required or allowed in law, especially that of assumption.

2.3 I hereby direct that my Executors shall not be required to furnish security and shall serve without any bond.

2.4 My Executors shall have authority to borrow money for any purpose connected with the liquidation and administration of my estate and to that end may encumber any assets of my estate.

2.5 My Executors shall have authority to engage the services of attorneys, accountants and other advisors as he/she may deem necessary to assist with the execution of this Last Will and Testament and to pay reasonable compensation for their services from my estate.

3. Bequests

3.1 I bequeath unto the persons named below, if he/she survives me by 5 (five) days, the following cash, understanding that all bank and financial accounts which reflect cash investments only, includes checking and savings accounts, bank CD's (Certificates of Deposit), money markets, etc. which make up the bulk of my estate:

Name: Robert J. Goad
Relationship: Son
Address: [redacted] Courtland, CA 95615
Cash: 50%

Name: Heather Schuchardt
Relationship: Grand Daughter
Address: [redacted] Woodland, CA 95695
Cash: 10%

Name: Ryan Schuchardt, Tyler Schuchardt
Relationship: Great Grandchildren
Address: [redacted] Woodland, CA 95695
Cash: 10 % To be divided equally among surviving great grandchildren. Cash to be held in a bank CD until they reach an age of 28 years old.

Name: Ralph E. Goad

Relationship: Son

Address: (Estate to contact Social Security for location.)

Cash: 5%

Name: Roy L. Goad

Relationship: Son

Address: (Can be contacted through Heather Schuchardt)

Cash: 5%

Name: Doctors Without Borders USA

Relationship: Charity

Address [redacted], Hagerstown, MD 21741

Cash: 15%

Name: The Smile Train

Relationship: Charity

Address [redacted] New York, NY 10010

Cash: 5%

3.2 If at the time of my death any of the property described in 3.1, above is no longer in my possession or part of my estate, then the bequest of such property shall be deemed null and void and shall no longer form part of this Will and Testament.

3.3 If any of the persons named in 3.1, above do not survive me by 5 (five) days, the property bequeathed to such person shall become part of the remainder of my estate.

4. Remaining Property and Residual Estate

4.1 I bequeath the remainder of my estate, property and effects, whether moveable or immovable, wheresoever situated and of whatsoever nature to Robert James Goad named in 1. above.

4.2 I direct that the inheritance devolving upon any of my children under my Last Will and Testament as well as the proceeds, the reinvestment of such proceeds and the income thereon shall be free from legal effects of any present or future marriage of any of my children, whether in or out of community property including any accrual system and with or without the presence of any pre-marital agreement.

4.3 Should any of my children not survive me by 5 (five) days I direct that the remainder of my estate, property and effects, whether moveable or immovable, wheresoever situated and of whatsoever nature to Dravo Sansom [redacted] Courtland, CA 95615.

5. Special Requests

I direct that on my death my remains shall be cremated and all cremation expenses shall be paid out of my estate. My wishes regarding burial are as follows:

I have donated my body for medical research. Any remains are to be cremated and placed with my grandmother Elizabeth Salisbury in the old Cherokee Cemetery north of Oroville California (Just off Highway 70). A small engraved stone marker is to be placed at the site.

6. General

6.1 Words signifying one gender shall include the others and words signifying singular shall include the plural and vice versa where appropriate.

6.2 Should any provision of this will be judged by an appropriate court of law as invalid it shall not affect any of the remaining provisions whatsoever.

SELF-PROVING AFFIDAVIT

State of California

County of Yolo, SS., [redacted]

We, Elna Louise Goad, and John Rhodes, Evelyn Ochipinti and Helen Lindsay, the Testator and the witnesses respectively, whose names are signed to the attached or foregoing instrument, have been sworn, declared to the undersigned officer that the Testator, in the presence of the witnesses, signed the instrument as the Testator's Last Will and Testament and that each of the witnesses, in the presence of the Testator and in the presence of each other, signed the Will as a witness.

Elna L. Goad - 3-3-10

Testator and Date

John Rhodes [redacted]

Witness and Date 2-3-10 Address:

Evelyn Ochipinti [redacted] Davis, Ca.

Witness and Date 2-3-10 Address:

Helen Lindsay [redacted]

[redacted] - Davis

Witness and Date 3-3-10 Address:

5 of 6 ELG

STATE OF CALIFORNIA

COUNTY OF YOLO, SS., [redacted]

Subscribed and sworn to (or affirmed) before me on this 3RD day of MARCH, 2010, by ELNA L GOAD, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

SANJEEV PATHAK
COMM. #1786039
Notary Public-California
SACRAMENTO COUNTY
My Comm. Exp. DEC 20, 2011

(Seal)

Signature of Notary Public

Codicil, Original

2-16-11

Page 1

Under 3. Bequests:

Should my son Robert J. Goad of [redacted], Courtland, Ca. 95615 preceed me in death:

I want the percentages of my money bequests be as follows:

Heather, my Granddaughter of [redacted], Woodland, Ca. 95695 should receive: 27.50 %

My son Ralph Edmond Goad (contact Social Security for address: Should receive 10 %

Ray J. Goad, my middle son, of, to Heather D. Schuchardt of address above, to receive 7.5 %

To be held in Trust until Child age 28 (each)

Great Grand children Ryan & Tyler & if others to equally split 12.5 % (to Heather S. as above.

Alfred J. Goad 2-16-11

My son, Roberta, domestic partner, Grace Lanson at Roberta address above, to receive 10.0 %

Continued page 2

2-16-11
Page 2

3. Bequests - Charities Orig.

A. Smile Train

receives 7.5%

B. Doctors Without Borders

receive 22.5%

Goodwill (California

receive 2.5%

(100% herewith)

Under 4.3 Please delete (cancel) this Paragraph

Remaining Property 4.1

Under 4.1 Robert is my son (Executor) my personal and household items with my Granddaughter, Heather D. Schuchardt of [redacted] Woodland, Ca. 95695

for original will only Heather gets 5% instead of 15%

→ My son Robert will choose items he wants, before I die.

Also under 3. Bequests Robert gets 45% + Heather 15%

(In original will of 1. date 1st quotes above.)

Sincerely,

Elna L. Goad

Robert is to take no more during 5 days after my death except the Co. signed C.D.

2-16-11

TRANSCRIPTION OF HOLOGRAPHIC CODICIL

2-16-11

Page 1

Codicil Original

Under 3. Bequests:

Should my son Robert J. Goad of [redacted] Courtland, CA 95615 preceed me in death:

I want the percentages of my money requests be as follows:

Heather, my granddaughter of [redacted] Woodland, CA 95695 should receive: 27.50.%

My Son Ralph Edmond Goad (contact social security for address: should receive 10%

Ray L. Goad, my middle son, of c/o Heather D. Schnehardt of address above, to receive 7.5 %

To be held in bank trust *(illegible)* till age 28 (each)

Great Grand children Ryan + Tyler + if others to equally split 12.5% (c/o Heather S as above.

My son, Roberts', domestic partner, Dravo Samson at Robert's address above, to receive 10.0 %

Elna L. Goad 2-16-11 continued page 2

2-16-11

Page 2 Codicile (continued) Original

3. Bequests – Charities

A. Smile Train

Receives 7.5 %

B. Doctors Without Borders

Receive 22.25 %

Goodwill (California

Receive 2.5 %

(100% herewith)

Under 4.3 Please delete (Cancel) this Paragraph

Remaining Property 4.1

Under 4.1 Robert my son (Executor) is sharing my personal and household items with my Granddaughter Heather D. Schuchardt of [redacted] Woodland, CA 95695

For original will only Heather gets 15% Instead of 10% -> My son Robert will choose items he wants, before I die. Also under 3. Requests Robert gets 45% + Heather 15% In original will if I die 1st.

Sincerely, Elma L. Goad

2-16-'11

Robert as written above is to take no monies during 5 days after my death except the co signed CD.

FILED
Electronically
CR19-0999
2019-07-18 11:15:05 AM
Jacqueline Bryant
Clerk of the Court
Transaction # 7380569 : csulezic

CODE 2645
Christopher J. Hicks
#7747
One South Sierra Street
Reno, NV 89501
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff, Case No: CR19-0999

v. Dept: D04

RALPH GOAD,

Defendant.

_____/

OPPOSITION TO MOTION TO PRECLUDE OR LIMIT USE OF PREJUDICIAL PHOTOGRAPHS, VIDEOS AND DEMONSTRATIVE EVIDENCE

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS, District Attorney of Washoe County and AMOS STEGE, Deputy District Attorney, and files this Response to Motion Preclude or Limit Use of Prejudicial Photographs, Videos and Demonstrative Evidence.

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

///

///

POINTS AND AUTHORITIES

The defendant stabbed the Theodore Gibson to death in a studio apartment. His body was discovered three weeks later in a mild state of decay. His body lay face down, covered with a blanket, his feet sticking out. When the blanket was removed, stab wounds covered the victim's head and back. Beside the body lay a bloody pair of scissors and the victim's ransacked wallet. Blood spattered the walls. Near the bathroom sink a bloody hunting knife had been hastily washed.

Responding officers wore body cameras which depict the scene and body. Many photographs were taken.

The medical examiner discovered that Mr. Gibson had been stabbed over 200 times. The wounds evidenced the use of at least two different weapons. There were stab wounds to the face, eyes, neck, scalp, ears, chest, abdomen, sides, back, arms, and hands[1]. Blows had punctured each lung.

The defendant is charged with open murder to include a theory of felony murder (robbery/burglary).

Lacking an eyewitness to the crime the crime scene as well as the number, type, location, and extent of the injuries is highly relevant and probative of malice, premeditation, willfulness, deliberation, and robbery.

///

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[1] Amongst the coroner's findings are 151 wounds to the face/head, 76 wounds to the chest, 17 to right forearm and wrist, and 5 to the left hand.

Law

Photographs may be gruesome and shocking due to the brutality of the crime. While gruesome, photographs are probative of reality. In Browne, the Nevada Supreme Court held:

> We have repeatedly held that despite gruesomeness, photographic evidence has been held admissible when ... utilized to show the cause of death and when it reflects the severity of wounds and the manner of their infliction." Thus, gruesome photos will be admitted if they aid in ascertaining the truth[2].

In this case, the defendant makes naked and blanket statements that the photographs are not relevant, immaterial, cumulative, and unfairly prejudicial.

Jason Browne beat his wife to death with a baseball bat. Responding officers found blood splattered on the floor, ceiling, and walls of the kitchen and a baseball bat lying across the victim's body. The medical examiner found that the victim's face was unrecognizable, her head was one large bruise, she had defense wounds to her arms, a hinge fracture to her skull, her skull was exposed, and there were "no real life-like contours to the head"[3]. The Supreme Court found no abuse of discretion in admission of the photographs[4].

Robert Byford executed an eighteen year old girl by shooting her twice in the head. He then poured gasoline on her and lit her body on fire. He returned a week later and partially buried her decomposing, maggot-covered body. Two weeks later her body was found

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[2] Browne v. State, 113 Nev. 305, 314 (1997)(citing Theriault v. State, 92 Nev. 185, 193 (1976); Scott v. State, 92 Nev. 552, 556 (1976); Allen v. State, 91 Nev. 78, 82, (1975)).

[3] Browne supra at 310.

[4] Browne at 314.

having been partly eaten by coyotes or wild dogs. At trial the State admitted evidence of maggots found on the victim's body, and photographs of her body. The Supreme Court found no error in the district court's decision to admit these disturbing photos[5].

Claude Theriault and his accomplice repeatedly stabbed a couple to death in a motel room. He complained to the Supreme Court that the photographs used to convict him were gruesome. The Court responded:

> "The photos are gruesome. They do, however, depict the scene of the crime. Despite gruesomeness, photographic evidence has been held admissible when it accurately shows the scene of the crime, or when utilized to show the cause of death and when it reflects the severity of wounds and the manner of their infliction, In the instant case, the district judge found that the probative value of the photographic evidence outweighed the prejudicial effect, if any, and properly received the photos in evidence."[6]

A "gruesome" label is merely the first among this Court's analysis.

The defendant's reading of Sipsas is flawed. At issue in Sipsas was the admission of a single autopsy photograph of a deceased child, specifically "the body during evisceration with the skin opened, exposing the child's organs"[7]. The trial court excluded the photograph on grounds of undue prejudice. Later the prosecutor admitted the photo to refresh the pathologist's recollection[8]. The

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[5] Byford v. State, 116 Nev. 215,231 (2000) ("The district court considered them and Byford's objections and concluded that the photos were relevant to show the crime scene and the condition of the victim's body").

[6] Theriault v. State, 92 Nev. 185, 193, (1976) overruled on other grounds by Alford v. State, 111 Nev. 1409, 906 P.2d 714 (1995) and Bigpond v. State, 128 Nev. Adv. Op. 10, 270 P.3d 1244 (2012).

[7] Sipsas v. State, 102 Nev. 119, 122, 716 P.2d 231, 233 (1986).

[8] Sipsas v. State, 102 Nev. 119, 124, 716 P.2d 231, 234 (1986) ("The record does not reflect that the trial court ever reversed this previous finding. Instead, the court incorrectly admitted the photograph under the guise of NRS 50.125(1)(d). This is an abuse of the court's discretion").

Court found error because the expert had not testified to lack of recollection ("it was not used, nor was it needed to refresh [the doctor's] recollection"[9]). In spite of the defendant's misleading recitation of a footnote from the opinion, the Court found "[s]tanding alone, the admission of the photograph might not warrant reversal.[10]" It was only after also finding prosecutorial misconduct ("The hired gun from Hot Tub Country") that the Supreme Court reverse on cumulative error grounds.

Relevance

"The prosecution's burden to prove every element of the crime is not relieved by a defendant's tactical decision not to contest an essential element of the offense.[11]" Further:

> "Regardless of the defendant's willingness to stipulate, the government is entitled to prove the crime by introduction of probative evidence." The unwillingness of courts to force the prosecutor to accept a criminal defendant's stipulation is based on the long-standing rule that "the criminal accused cannot 'plead out' an element of the charged offense by offering to stipulate to that element.[12]"

While prejudicial to the defendant's case, the Court must determine if the prejudice is unfair and whether it substantially outweighs the probative value of the photographs under NRS 48.035(2). Among the

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[9] Id. at 119, 234.
[10] Id.
[11] Estelle v. McGuire, 502 U.S. 62, 70, 112 S.Ct. 475, 481 (1991).
[12] United States v. Breitkreutz, 8 F.3d 688, 690-91 (9th Cir. 1993)(internal citation, quotations omitted) abrogated on other grounds by Old Chief v. United States, 519 U.S. 172, 117 S. Ct. 644 (1997).

most basic and legitimate reasons is that scene and autopsy photos prove elements of the offense, namely malice, willfulness, premeditation and deliberation[13].

Misleading Citations

In addition to ignoring cases directly on point, supra, the defendant makes several misleading citations. First, Allen v State, for which the defendant enters the parenthetical "color photos of the victims were taken prior to autopsy thus avoiding the problems presented by gruesome photos". The reality is that this minor claim in Allen bears no such 'avoiding the problems' rationale. The entirety of the discussion in Allen is:

> Appellant also contends that the district court erred by admitting into evidence color photographs of the victims, which he claims were taken after autopsies were performed. The record clearly shows that they were taken prior to the autopsies. Color photographs of a victim used by a doctor to explain the cause of death to a jury are properly admissible because they aid in the ascertainment of truth. The probative value of the photographs outweighs any prejudicial effect they might have on the jury[14].

In the same string citation the defendant assigns the parenthetical "two photos were admitted to explain cause of death" to Athey. Reading Athey it is clear that Athey challenged the admission two

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[13] DePasquale v. State, 106 Nev. 843, 848, 803 P.2d 218, 221 (1990)("Premeditation and deliberation can be inferred from the nature and extent of the injuries, coupled with repeated blows"). See also, Jones v. State, 113 Nev. 454, 468 n. 3, (1997) (concluding that evidence of 36 stab wounds was, in itself, "overwhelming evidence upon which the jury could have found ... first-degree murder"); Valdez v. State, 124 Nev. 1172, 1204, (2008) (evidence the defendant sliced the victim's chin consistent with an attempt to slice her throat and the victim suffered a total of nine stab wounds and multiple blunt force injuries among facts that "strongly demonstrate that Valdez committed a willful, premeditated, and deliberate murder").

[14] Allen v. State, 91 Nev. 78, 82, 530 P.2d 1195, 1197-98 (1975).

specific photographs of the deceased child's head[15]. The case cannot be read to mean that only two photographs were admitted or, as the defense urges, as a precedent for only two photos. The same can be said for the defendant's assertion in Nalls that only two photographs were admitted. Nalls only challenged two[16]. Shuff is a poor case to rely on as the issue was whether a color photograph was too inflammatory when a black and white one was already in evidence[17]. Finally in Wallace, the defendant reads too much into a 1968 case. The entirety of the discussion is four sentences:

> The colored photograph of the nude decedent was taken at the morgue. The doctor used that photograph to explain to the jury the various wounds and their relation to the cause of death. It is not suggested that the photograph was inaccurate. Since the purpose of trial is to ascertain and disclose the truth we will not subvert that purpose and declare relevant photographic evidence inadmissible simply because it damages the defense[18].

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[15] "Athey further contends that under Sipsas, the district court abused its discretion in admitting two autopsy photographs of Paul's head…" Athey v. State, 106 Nev. 520, 525-26, 797 P.2d 956, 959 (1990). The Court later finding ", [T]he trial judge determined that the two autopsy photographs were more probative than prejudicial." Id.

[16] Nalls v. State, 90 Nev. 124, 125, 520 P.2d 611, 612 (1974)("Appellant contends the trial court erred by admitting into evidence two color photographs of the wound, which he claims were offered solely to inflame the passions of the jury").

[17] Shuff v. State, 86 Nev. 736, 739-40, 476 P.2d 22, 24 (1970). Shuff's:

> "[P]rimary objection is to the considerable amount of blood shown in the photograph, which he contends had a tendency to inflame the jury. He also asserts that the colored photograph was duplicative and that it was introduced by the state for the sole purpose of inflaming the minds and passions of the jury.
>
> In his testimony the appellant stated that he placed the knife in the victim's hand before she crumpled to the floor. It therefore became very important that the jury be able to see the position of the knife in the victim's hand. Although, it is true that **a black and white photograph**, in evidence, did show the victim's right arm and hand, it did not picture the knife with the same clarity found in the **colored** photograph".

[18] Wallace v. State, 84 Nev. 603, 606, 447 P.2d 30, 31 (1968) (citing Langley v. State, 84 Nev. 295, 439 P.2d 986 (1968))

Timing

The defendant seeks an empty placeholder objection to unfairly limit the prosecution's case. The defendant claims that:

> Here, the [**unspecified**] photograph(s) prejudices Mr. Goad because the depiction is passion-inflaming, emotion and sympathy invoking and, therefore, patently prejudicial. Further, any juror that sees the photograph(s) will be misled by focusing attention on the grotesque nature of the alleged injuries rather than ascertaining the truth[19].

By not identifying specific photographs, the defendant hamstrings the prosecution's ability to respond. Context is everything.

The request for a pretrial hearing intentionally ignores trial realities. The prosecution does not know what theory the defense will advance at trial. The specifics of witness testimony have not been heard. The State cannot know or predict what adjustments, including to exhibits, must be made.

Best Course

The wiser course is this: after exhibit marking the defendant will know what photographs he may want to object to. As the trial progresses to admission of specific photographs any objections can be brought up outside the jury's presence.

Conclusion

For the reasons above the defendant's motion should be denied.

[19] Defense motion at page 3, line 21-25.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 18th day of July, 2019.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By /s/ Amos Stege
AMOS STEGE
9200
DEPUTY DISTRICT ATTORNEY

CERTIFICATE OF SERVICE BY E-FILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court. A notice will be sent electronically to the following:

James "Jay" Slocum
Deputy Public Defender

Jennifer A. Mayhew
Deputy Public Defender

Dated this 18th day of July, 2019.

By /s/ Amos Stege
AMOS STEGE
9200
DEPUTY DISTRICT ATTORNEY

FILED
Electronically
CR19-0999
2019-07-18 05:00:21 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7381972 : yvilcria

CODE 3880
Christopher J. Hicks
#7747
One South Sierra Street
Reno, NV 89501
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff,

v.

RALPH GOAD,

Defendant.

Case No: CR19-0999

Dept: D04

OPPOSITION TO DEFENDANT'S MOTION IN LIMINE RE: OTHER ACT EVIDENCE

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS, District Attorney of Washoe County and AMOS STEGE, Deputy District Attorney, and files this Opposition to the Defendant's "Motion in Limine Re: Alleged Other Bad Acts, NRS 48.045".

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

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POINTS AND AUTHORITIES

The parties and the Court are well versed in the contours of other act evidence. See, e.g. NRS 48.045(2), Bigpond v. State, 128 Nev. 108, 270 P.3d 1244, 1249 (2012) (recognizing other act evidence may be admissible for a relevant nonpropensity purpose other than those listed in the statute and modifying three part test); Tinch v. State, 113 Nev. 1170 (1997) (requirement of hearing outside presence of jury); Tavares v State, 117 Nev. 725 (2001)(requirement of contemporaneous jury instruction).

The statute and case law are clear that prior act analysis applies to witnesses as well as the defendant. Mortensen v. State, 115 Nev. 273, 280, 986 P.2d 1105, 1110 (1999) (rejecting the claim that NRS 48.045(20 applies only to the accused as "[t]he plain language of NRS 48.045(2) uses the term "person," rather than "defendant," or "accused." and "[H]ad the legislature intended NRS 48.045(2) to apply only to an accused, it would have clearly stated so"). Indeed character evidence is generally not admissible. NRS 48.045(1).

First NRS 48.045(1)(a) permits:

> Evidence of a person's character or a trait of a character offered by the accused, and similar evidence offered by the prosecution to rebut such evidence.

Next, NRS 48.045(1)(b) permits:

> Evidence of the character or a trait of character of the victim of the crime offered by an accused, subject to the procedural requirements of NRS 48.069 where applicable, and similar evidence offered by the prosecution to rebut such evidence

Importantly when character evidence is admissible it is limited to reputation evidence and specific acts are not admissible except on cross examination of the witness (for the character trait). NRS 48.055. Specifically NRS 48.055 reads:

NRS 48.055 Methods of proving character.

> 1. In all cases in which evidence of character or a trait of character of a person is admissible, proof may be made by testimony as to reputation or in the form of an opinion. On cross-examination, inquiry may be made into specific instances of conduct.
>
> 2. In cases in which character or a trait of character of a person is an essential element of a charge, claim or defense, proof of specific instances of the person's conduct may be made on direct or cross-examination.

All evidence, including character evidence, must be relevant to be admissible. NRS 48.025. ("Evidence which is not relevant is not admissible"), see Coombs v. State, 91 Nev. 489, 490(1975)("[b]efore any evidence is admissible, it must be relevant. Character evidence is no exception").

The State will abide by the above framework and has already filed one other act motion.

Opposition

Nonetheless the Court should deny the motion. On the one hand it may appear as an innocuous exhortation to abide by the law. On the other though, it seeks to upset that very law. Procedurally the motion invites the State to place any other act evidence in the

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instant opposition, depriving the State of its reply as the moving party.

Substantively the defendant seeks change, all of it thin on rationale or legal citation. First, by asking that any hearing occur only before the trial ignores that legitimate possibility that a hearing be conducted at any time thereafter. In fact, the only legal requirement is that such a hearing occur "outside the presence of the jury". See, inter alia, Bigpond v. State, 128 Nev. 108, 119, 270 P.3d 1244, 1251 (2012)(Trial court properly conducted hearing outside presence of the jury after witness recanted her testimony);Ledbetter v. State, 122 Nev. 252, 259, 129 P.3d 671, 677 (2006) (While trial should conduct "[a] hearing outside the presence of the jury" failure to hold a proper hearing will not mandate reversal if 1) the record is sufficient or 2) where result would have been the same if the court had not admitted the evidence); Tinch v. State, 113 Nev. 1170, 1175, 946 P.2d 1061, 1064 (1997), holding modified by Bigpond, supra ("The trial court conducted a hearing outside of the presence of the jury on [the other act evidence]"). This recognizes the realities of trial. The State does not know the defense strategy, or other ways that other act evidence may become relevant.

In broad, unsupported terms the defendant "maintains" that the defendant cannot make trial tactic decisions unless it knows the entire universe of other acts prior to trial. First, it ought to go without saying that without citation, the assertion fails. Second, the defendant lived the other acts, so he is aware of them. Third, having to make a trial strategy decision, such as whether to testify

must always be made with risk and the instant issue does not have a constitutional dimension. The United States Supreme Court reasoning in Williams is analogous. Williams v. Florida, 399 U.S. 78, 90 S. Ct. 1893 (1970). The Williams court rejected the contention that notice-of-alibi statues violate Due Process and Fifth Amendment rights, and noted that:

> The defendant in a criminal trial is frequently forced to testify himself and to call other witnesses in an effort to reduce the risk of conviction. When he presents his witnesses, he must reveal their identity and submit them to cross-examination which in itself may prove incriminating or which may furnish the State with leads to incriminating rebuttal evidence. That the defendant faces such a dilemma demanding a choice between complete silence and presenting a defense has never been thought an invasion of the privilege against compelled self-incrimination. The pressures generated by the State's evidence may be severe but they do not vitiate the defendant's choice to present an alibi defense and witnesses to prove it, even though the attempted defense ends in catastrophe for the defendant. However 'testimonial' or 'incriminating' the alibi defense proves to be, it cannot be considered 'compelled' within the meaning of the Fifth and Fourteenth Amendments. Williams at 83-84, 1897.

The defendant has the procedural protection Bigpond et al., the Court should not expand it.

The defendant also lumps in the rationale that it will help him decide whether to testify or not. Related rationales have been rejected. United States v. Burreson, 643 F.2d 1344, 1350 (9th Cir. 1981)(rejecting claim that edited statements admitted against defendant's compelled them to testify in violation of Fifth Amendment; "Their testimony, even if partly motivated by a desire to respond to evidence admitted against them, was not "compelled"

testimony")(citing United States v. Hearst, 563 F.2d 1331, 1339 (9th Cir. 1977), cert. denied, 435 U.S. 1000, 98 S.Ct. 1656 (1978).

Conclusion

For the reasons stated the motion should be denied.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 18th day of July, 2019.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By /s/ Amos Stege
AMOS STEGE
9200
DEPUTY DISTRICT ATTORNEY

CERTIFICATE OF SERVICE BY E-FILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court. A notice will be sent electronically to the following:

James "Jay" Slocum
Deputy Public Defender

Jennifer A. Mayhew
Deputy Public Defender

Dated this 18th day of July, 2019.

/s/ Amos Stege
AMOS STEGE
9200
DEPUTY DISTRICT ATTORNEY

FILED
Electronically
CR19-0999
2019-07-22 02:10:01 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7386008

CODE 4105
WASHOE COUNTY PUBLIC DEFENDER
JAY SLOCUM, BAR # 9909
JENNIFER MAYHEW, BAR# 11349
350 S. CENTER ST, 5TH FLOOR
RENO, NV 89501
ATTORNEYS FOR DEFENDANT

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

vs. Case No. CR19-0999

RALPH GOAD, Dept. No. 4

Defendant.

_____/

SECOND SUPPLEMENT TO EXHIBIT

COMES NOW, Defendant RALPH W. GOAD, by and through his attorneys of record, Deputy Public Defenders JAY SLOCUM and JENNIFER MAYHEW, and hereby files this Supplement to Exhibit 2, to the previously filed, *Opposition to State's Motion to Admit Evidence of Motive,* with emphasis on page 4 of 5 reflecting a $4,244.47 deposit from Elna Louise Goad Estate to Ralph Goad.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the following document does not contain the social security number of any person.

Dated this 22nd day of July, 2019.

JOHN L. ARRASCADA
Washoe County Public Defender

By: /s/ Jay Slocum
JAY SLOCUM
Deputy Public Defender

By: /s/ Jennifer Mayhew
JENNIFER MAYHEW
Deputy Public Defender

CERTIFICATE OF SERVICE

I certify that I am an employee of the WASHOE COUNTY PUBLIC DEFENDER'S OFFICE, and that on the 22nd day of July, 2019, I electronically served, a true copy of the attached document, addressed to:

DEPUTY DISTRICT ATTORNEY

/s/ Jessica Haro
JESSICA HARO

INDEX OF EXHIBITS

1. WCJ Main Balance Log 5 pages

FILED
Electronically
CR19-0999
2019-07-22 02:10:01 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7386008

EXHIBIT 1

EXHIBIT 1

Main Balance Trans Details

Transactions From 3/20/2019 12:00 AM to 7/22/2019 11:59 PM

P00172307 : GOAD, RALPH E

WC H07 12 CPAN

Main Balance: $1336.24

Receipt	Date	Type	Comment	Adjust	Spend Balance
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3345348	7/17/2019	BillPay	PAYMENT FOR TRANS 3345347	-$74.70	$2854.89
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P00172307 : GOAD, RALPH E

WC H07 12 CPAN

Main Balance: $1336.24

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P00172307 : GOAD, RALPH E

WC H07 12 CPAN

Main Balance: $1336.24

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P00172307 : GOAD, RALPH E

WC H07 12 CPAN

Main Balance: $1336.24

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3190356	4/12/2019	BillPay	PAYMENT FOR TRANS 3190355	-$14.49	$4135.48
3188817	4/11/2019	BillPay	PAYMENT FOR TRANS 3188816	-$14.58	$4149.97
3187097	4/10/2019	BillPay	PAYMENT FOR TRANS 3187096	-$59.16	$4164.55
3186379	4/10/2019	BillPay	PAYMENT FOR TRANS 3186378	-$9.98	$4223.71
3184649	4/9/2019	BillPay	PAYMENT FOR TRANS 3184648	-$12.43	$4233.69
3182961	4/8/2019	BillPay	PAYMENT FOR TRANS 3182960	-$26.35	$4246.12
3177552	4/4/2019	BillPay	PAYMENT FOR TRANS 3177551	-$20.44	$4272.47
3175754	4/3/2019	BillPay	PAYMENT FOR TRANS 3175753	-$19.97	$4292.91
3175048	4/3/2019	BillPay	PAYMENT FOR TRANS 3175047	-$21.88	$4312.88
3172804	4/2/2019	Add	Check# [redacted] From: Elna Louise Goad Estate (c/o Evan M. Auberry)	$4244.47	$4334.76
3163414	3/27/2019	BillPay	PAYMENT FOR TRANS 3163413	-$14.16	$90.29
3150678	3/20/2019	Add	Check# [redacted] BOOKING CHECK VER 4517	$104.45	$104.45

P00172307 : GOAD, RALPH E

WC H07 12 CPAN

Main Balance: $1336.24

Receipt	Date	Type	Comment	Adjust	Spend Balance
3150673	3/20/2019	Open	OPENING ACCOUNT	$0.00	$0.00

FILED
Electronically
CR19-0999
2019-07-22 04:46:28 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7386950 : yviloria

CODE 3660
Christopher J. Hicks
#7747
One South Sierra Street
Reno, NV 89501
(775) 328-3200
Attorney for Plaintiff

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No: CR19-0999

v.

Dept: D04

RALPH GOAD,

Defendant.

_____/

REPLY IN SUPPORT OF MOTION TO ADMIT EVIDENCE OF MOTIVE

COMES NOW, the State of Nevada, by and through CHRISTOPHER J. HICKS, District Attorney of Washoe County and AMOS STEGE, Deputy District Attorney, and files this Reply in Support of its Motion to Admit Evidence of Motive.

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

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POINTS AND AUTHORITIES

The defendant offers in opposition evidence that the defendant received an inheritance after being booked into jail. Money received after the fact is of little consequence. The defendant had no money on hand because his payee service closed, issued him a final check ($253.90), and had no new payee to either receive his check or pay his rent. He was evicted.

According to the defendant's statement once he was evicted he took a bus to California, was living on the street, found himself in the hospital, and was reconnected with services there. See Exhibit 2, transcript at Bates 1343 (discussion of taking the train, drinking whiskey, ending up in hospital, then being sent to a group home). The defendant states that he went to California with the plan of getting his inheritance money. Exhibit 2 at Bates at 1371 ("I had kind of planned on get, gettin' my money here and goin' to pay back my debts and goin' back [to Reno]"). The defendant said he had $70 and change when he left Reno. Exhibit 2 at Bates 1396 ("[Det. Smith]: Okay. Where did you get the money to pay for that ticket? Ralph Goad: I had $70.00 and change in my pocket"). The defendant states that he received his payee service payout in $249.50 in November and it lasted him two months during which time the victim was giving him food. Exhibit 2 at Bates at 1396/ audio at 1:24:20("[Det. Smith]: So November, and I apologize **** how much money did she give you in November? Ralph Goad: 2, $249.50. [Det. Smith]: Okay. And that lasted you for 2 months? Ralph Goad: Yep. Because Ted he's the one, he's giving me food **to live on** so I don't

have to buy the food. And I was making **all the runs to** the store for him so it kind of worked out. And I, as soon as I got this check I was gonna pay **a few things** back plus the, uh, the late charges and everything")(this author's insertions of transcription omissions in bold). Once he got to Sacramento he received his back checks (those issued when he had no payee) but after numerous deductions he only ended up with $200:

> Well, they, the Clay Street people took me to somethin' called SEPS, and they, well, first they took my Social Security, then to SEPS. So when the Social Security finally gave back those four checks they owed me, they gave it to SEPS, not to me. So I couldn't do anything at all. And after 3 weeks or so, they gave me a $200.00 check, which I couldn't cash 'cause I don't have any I.D. So then they took me to a market that cashed checks that don't have I.D., charged me $7.00 to cash it, so they gave me $193.00. And I've been runnin' around in the rain drinkin' beer and whiskey and, and keepin' up in these board and care homes that I don't want anything to do with. Exhibit 2 at Bates 1340.

As such, the evidence suggests the defendant was, in fact, destitute. This situation tends to show a financial motive for the murder. Realistically, there is little propensity inference from the evidence. Finally, the defendant's exhortation of prejudice, vague as they are, do not substantially outweigh their probative value. Bigpond v. State, 128 Nev. 108, 116-17, 270 P.3d 1244, 1249 (2012)(Third prong test is whether "the probative value of the evidence is not substantially outweighed by the danger of unfair prejudice").

///

///

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 22nd day of July, 2019.

CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

By /s/ Amos Stege
AMOS STEGE
9200
DEPUTY DISTRICT ATTORNEY

CERTIFICATE OF SERVICE BY E-FILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court. A notice will be sent electronically to the following:

James "Jay" Slocum
Deputy Public Defender

Jennifer A. Mayhew
Deputy Public Defender

Dated this 22nd day of July, 2019.

/s/ Amos Stege
AMOS STEGE
9200
DEPUTY DISTRICT ATTORNEY

F I L E D
Electronically
CR19-0999
2019-07-22 04:46:28 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7386950 : yviloria

EXHIBIT 2

EXHIBIT 2

Other Speaker: ****.

Other Speaker: Walk out. You're right, it's in there.

Det. Nevills: Oh, perfect.

Other Speaker: Yeah, we'll take that with us. Do ya have my phone?

Other Speaker: Uh, as soon as you guys are ready, just come back ****.

Det. Nevills: Okay. I appreciate it. Thank you. Thank you.

Other Speaker: He's all yours.

Det. Nevills: Hi, Mr. Goad.

Ralph Goad: Hi.

Det. Nevills: How are you?

Other Speaker: How you doin', sir?

Ralph Goad: Good.

Det. Nevills: My name's Dave Nevills. I'm a detective with robbery, homicide, Reno, Nevada. This is my partner, Nick Smith.

Ralph Goad: Reno?

Det. Nevills: Reno, Nevada, yeah. How's it goin' today?

Ralph Goad: Okay.

Det. Nevills: You mind slidin' down a little bit so I can have a seat next to you?

Ralph Goad: Yeah, yeah.

Det. Nevills: So, I'd like to have a little chat with ya. Is that all right?

Ralph Goad: Yeah.

Det. Nevills: Where are you, uh, where you livin' at right now?

Ralph Goad: Nowhere, really.

Det. Nevills: Nowhere? Aren't you stayin' on Clay Street?

Ralph Goad: No.

Det. Nevills: No?

Ralph Goad: I'm not there. Um, I don't know. I didn't like that place.

Det. Nevills: You didn't like that place? So where'd you get arrested at?

Ralph Goad: Some new place.

Det. Nevills: Some new place, okay. You don't know the address of it though?

Ralph Goad: It's on my papers.

Det. Nevills: Okay, all right. Um, I heard that you were at the hospital. Were you at the hospital for somethin'?

Ralph Goad: I fell down and hit my head.

Det. Nevills: Oh, okay. Nothin' major then?

Ralph Goad: No.

Det. Nevills: Okay. Well, we got some, some things that I want to talk to you about. Oh, 2832 Pepper Oaks?

Ralph Goad: I don't know.

Det. Nevills: How long you been there?

Ralph Goad: I don't know that either. I was tryin' to get 'em to send me back to, uh, Reno at the mental hospital, but they sent me to another. **** I cost 'em, like, $3,000.00 to be, **** room and board, but I won't stay on this.

Det. Nevills: Okay.

Ralph Goad: Yeah.

Det. Nevills: Well, we got somethin' that we'd like to talk to you about. And I need to let you know about a couple things first. You understand you have the right to remain silent. You don't have to talk to me. You understand that?

Ralph Goad: Yeah, yeah.

Det. Nevills: Uh, anything you say can and will be used against you in a court of law. You understand that?

Ralph Goad: Yeah.

Det. Nevills: And, uh, you have the right to have a lawyer with you, uh, any time, –

Ralph Goad: Yeah.

Det. Nevills: – uh, before and during any questioning. And if you don't have, can't afford a lawyer, one will be appointed to you free of charge.

Ralph Goad: Yeah, I know that.

Det. Nevills: So you were livin' in Reno a while back. Right?

Ralph Goad: I've been livin' in Reno for 25 years.

Det. Nevills: 25 years? And what was your last place of, uh, residence? Where were you last living?

Ralph Goad: 33 Park Street, Apartment 213, uh, right across from the police station, right, right across from there.

Det. Nevills: And how many, how long did you live there?

Ralph Goad: 13 years.

Det. Nevills: 13 years?

Ralph Goad: Yeah.

Det. Nevills: Okay. You married?

Ralph Goad: Well, I was until 2010, she died.

Det. Nevills: Oh, I'm sorry about that. Yeah, that's too bad. How 'bout kids?

Ralph Goad: No, we never had kids. We didn't get married until we was 34 years old.

Det. Nevills: Okay. So –

Ralph Goad: She **** 34 years old.

Det. Nevills: Oh, okay. So what, uh, how'd you end up in Sacramento?

Ralph Goad: Well, the, **** didn't pay the rent for December and then January. I thought Dicky was not serious. And then they came up and evicted me on January, January 30th. I should have had 24 hours to get out, but they locked the door and pulled out the lock without giving me 1 minute. So everything I have is in there, all my paperwork, death certificates, marriage license, my I.D., uh, Social Security car, ev, everything is in there.

Det. Nevills: And where did you go after you left there?

Ralph Goad: I walked downtown and I got a ticket in the damn truck, and I came here to Sacramento, 'cause I have a brother somewhere in Sacramento, but I don't, he, my brother **** in that room that they locked up.

Det. Nevills: Uh huh.

Ralph Goad: Also, this lawyer, I have a, well, I don't have a wallet, but anyway, it's three names of lawyers. And my mother died, and I was supposed to pick up money 2 years ago, but I never came up and got it.

Det. Nevills: Okay.

Ralph Goad: So I was here to pick up the money, go see my brother, Roy. My bro, brother, Robert, just died last year, so I didn't know what's goin' on over here. And, uh, mainly I went to go to see Roy, and then go to that lawyer and see what, with that.

Det. Nevills: Okay.

Ralph Goad: Yeah.

Det. Nevills: So what day do you think you got here in Sacramento?

Ralph Goad: January the 30th.

Det. Nevills: January 30th?

Ralph Goad: **** on the 30th and shoot up here about 7:00, 7:30 at night. And I pulled up at the **** gas station, and I **** so I've been wanderin' around in the rain. And there's nothin' to do over here.

Det. Nevills: Right.

Ralph Goad: And I, I needed just that one thing, well, two things. My brother's address so I could talk to him.

Det. Nevills: Mm hmm.

Ralph Goad: And then he would take me over to the lawyer's to get straight with them.

Det. Nevills: Mm hmm.

Ralph Goad: And that would have been about when I got myself an apartment here. I went over, went back to pay eviction for the 2 months and the late charges and just stayed there, 'cause I was there 13 years. I like it. I've never ****.

Det. Nevills: How did you get, uh, how'd you get set up here with the place that you're stayin' at now? How, how did you do that?

Ralph Goad: Oh, I was, uh, in the hospital, uh, UC Davis for 4 days, and a man came in and said would you like to go somewhere. I, he told me it was an alcohol treatment thing. And yeah, okay. But it turned out to be that 3045 Clay Street, just a whole bunch of drug addicts and alcoholics and ex-convicts. I didn't like that whatsoever. So I, I talked to the boss *** and he gave me $200.00. I had 4 months, December, January, February and March's checks comin' to me. But they only gave me $200.00 out of that. They wouldn't let me have anything else. They did let me, uh, they let them take away 1,900 for rent for one place and 750 on rent for the other place. But $200.00 is all I ever got out of 4 months Social Security checks.

Det. Nevills: So when you lived in Reno, you had a payee service. Right?

Ralph Goad: Yes.

Det. Nevills: And how 'come they didn't pay your rent? And why'd you get evicted? You don't know? So, uh, why did you have a, why do you have a payee ser, and you have a payee service here now?

Ralph Goad: Well, they, the Clay Street people took me to somethin' called SEPS, and they, well, first they took my Social Security, then to SEPS. So when the Social Security finally gave back those four checks they owed me, they gave it to SEPS, not to me. So I couldn't do anything at all. And after 3 weeks or so, they gave me a $200.00 check, which I couldn't cash 'cause I don't have any I.D. So then they took me to a market that cashed checks that don't have I.D., charged me $7.00 to cash it, so they gave me $193.00. And I've been runnin' around in the rain drinkin' beer and whiskey and, and keepin' up in these board and care homes that I don't want anything to do with.

Det. Nevills: Well, how, why do you have a payee service?

Ralph Goad: I don't know.

Det. Nevills: You don't know?

Ralph Goad: No, oh, yes, I do, because I had one in, in Reno.

Det. Nevills: But why did you have it in Reno?

Ralph Goad: Oh, because the mental hospital gave me Vicki, Bec, Becky Corn as my payee for the last 7 years.

Det. Nevills: Right.

Ralph Goad: And then she ****. Then all of a sudden she just disappeared.

Det. Nevills: You said a mental hospital?

Ralph Goad: Yeah, uh, the, the state mental hospital at Glendale and Galletti.

Det. Nevills: Why were you in there, if you don't mind me asking?

Ralph Goad: I, I don't know. Well, they said because depression.

Det. Nevills: Okay.

Ralph Goad: But, um, the nurses would tell ya you got somethin' else. They'd tell the doctor to write that down. They write that down even though they're not doctors. The doctors **** doctor. So it was a mess. So some years they'd say it was this and give me these pills.

Det. Nevills: Mm hmm.

Ralph Goad: And some years they'd say it was that and give me those pills. The only thing that really worked was Amitriptyline for sleep and ****. And, uh, 1 milligram of Ativan three times a day to stop the shakes and the, the ****.

Det. Nevills: What are the shakes from?

Ralph Goad: This and that. See, I've been a nervous wreck all of my life.

Det. Nevills: Okay.

Ralph Goad: My mother's the same way.

Det. Nevills: What kind of nightmares have you had?

Ralph Goad: Um, I had just, uh, but with them, just **** 15 minutes, then you get hungry. And then usually you fall asleep before you can even get up and get somethin' to eat. And then you wake up a few minutes later, it's 8 hours later.

Det. Nevills: Mm hmm.

Ralph Goad: You feel great.

Det. Nevills: Uh huh. Do you see things and stuff like that, or –

Ralph Goad: No.

Det. Nevills: No, no? All right. Uh, what do you think? Do you think you're fine and –

Ralph Goad: No, I'm definitely not fine.

Det. Nevills: What do you think's wrong?

Ralph Goad: I don't know. I just don't get along like, um, I'm different.

Det. Nevills: You just don't get along with people?

Ralph Goad: Yeah, because I can't sleep right and I'm nervous all the time.

Det. Nevills: Okay.

Ralph Goad: So that makes me shy and I don't talk to people. Like, at school, all I did is sit there quiet.

Det. Nevills: Right.

Ralph Goad: And, uh, I did my work. I **** one to two, uh, B, like, to C student. I didn't want to attract attention to anything.

Det. Nevills: Do you hear voices or anything like that?

Ralph Goad: No.

Det. Nevills: No? No voice, or anything like that? No, all right. Um, so you lived at the Reno one in about, for about 13 years then?

Ralph Goad: Well, the –

Det. Nevills: In Reno, that, that specific room, about 13 years did you say? Uh, **** –

Ralph Goad: No, I **** 226 for 5 years.

Det. Nevills: Okay.

Ralph Goad: And then I moved to, um, 213 for the rest of the years.

Det. Nevills: Okay.

Ralph Goad: And before that, I was 5 years over at the one out by the Peppermill Casino.

Det. Nevills: Okay.

Ralph Goad: Um, I forget the name of it. It was, all together, I had my own apartment since 1998.

Det. Nevills: Oh, okay.

Ralph Goad: That's, yeah, that's when they gave me my, back then it was **** check. Then there's been a check when my wife died. And I haven't even filed for, uh, Social Security Retirement check for my own self, workin' all those years. And some places, I've made a lot of money –

Det. Nevills: Mm hmm.

Ralph Goad: – for workin' in hospitals 4 years, ****, all kinds of little jobs.

Det. Nevills: Mm hmm.

Ralph Goad: Yeah. But I've never even, 'cause every time I try to, even over here, they, what they call board and care, they take everybody else to get the, I don't even, they didn't even take me to get my I.D. My **** Social Security **** Social Security Retirement. So eventually, I couldn't have paid **** if I stayed there.

Det. Nevills: Mm hmm.

Ralph Goad: And so –

Det. Nevills: So you said when you got over here, you ended up at UC Davis Hospital?

Ralph Goad: Yeah, the first one.

Det. Nevills: And how did that happen, when did that happen? Why, Why'd you go to the hospital?

Ralph Goad: Well, as soon as we got off the train, I drank some whiskey, I went over and I fell asleep under some trees, which is, we, I woke up about 4 hours later. It was freezing cold. So I got back into the hospital, uh, I was **** somethin' ****. And they put me back in for another day. And that's when that man sent me over to Clay Street.

Det. Nevills: Ah.

Ralph Goad: And the place he, I just left there and got out of there. And then Wednesday night I tripped, fell and thought I busted my nose.

Det. Nevills: And that's what's all the bruisin' around your face now is from when you fell on Wednesday?

Ralph Goad: Yeah. So I'm in the hospital this morning. And he said well, do you wanna go back to Reno to the mental hospital. And I said yeah, I've been in and out of there 22 years. And so what'd they do? They sent me to another board and care, and it cost me another $750.00. Now, I was just gettin' ready to leave before you guys showed up.

Det. Nevills: Why'd, why'd they want to send you to the mental hospital?

Ralph Goad: That's where I belong, in the mental hospital.

Det. Nevills: Why, why do you belong –

Ralph Goad: Not, not to live there, just to, you know, I'd check in to see the doctor every 3 months, talk to the doctor and he gets me my medication.

Det. Nevills: What kind of medications do you take?

Ralph Goad: The Amitriptyline and the Ativan.

Det. Nevills: Ativan and Amitriptyline. What, what's it for?

Ralph Goad: Well, the Amitriptyline is for depression and sleep. And the Ativan is for bad nervous, anxiety. It's much better than Valium. Valium just makes you sleepy. Ativan calms you down like that.

Det. Nevills: What happens if you don't take either of those?

Ralph Goad: Then I get like this and I drink. See, I can self-medicate with beer.

Det. Nevills: Okay.

Ralph Goad: Whiskey's real bad because it makes me sick ****. But beer is just, just perfect.

Det. Nevills: When was the last time you took, you took your medications?

Ralph Goad: 7 years ago, 'cause when they took me out of the mental hospital and gave me that payee, she was independent, so I wasn't allowed to go back and see a doctor or get medicine anymore. So it was good in a way. But I wasn't able to get any medication anymore. So 7 years, I went without medicine.

Det. Nevills: So how do you feel when you're not on the medication?

Ralph Goad: Not good, just real nervous all the time.

Det. Nevills: Real nervous? Do you feel angry?

Ralph Goad: Yeah.

Det. Nevills: Angry? Like, how?

Ralph Goad: Well, you get angry because you have to drink beer to calm down.

Det. Nevills: Uh huh.

Ralph Goad: And then when you drink beer to calm down, it wears off and you're nervous again.

Det. Nevills: Okay.

Ralph Goad: Yeah, that was --

Det. Nevills: Is it nervous or angry? Uh, those are two different things in my mind.

Ralph Goad: Well, when I, the beer wears off, it makes you angry 'cause now I gotta walk to the store and buy more beer to get to calm down again.

Det. Nevills: Okay.

Ralph Goad: Yeah.

Det. Nevills: Are you angry enough to hurt someone?

Ralph Goad: No.

Det. Nevills: No?

Ralph Goad: I wouldn't hurt someone. But it makes you real nervous, so it's real hard to get across the street.

Det. Nevills: Uh huh.

Ralph Goad: And once you get the beer in your hands and you're headed back to **** or Ted's or to Raymond's, one of the two, we, well, Raymond doesn't drink anymore, but I still go up there and drink a couple with him.

Det. Nevills: Yeah.

Ralph Goad: But Ted, we'd sit there from, he called me at 5:30 in the morning, 6:00 we went to the History Channel, the half hour ****. Then at 7, he sends me over to get some beer and cigarettes for the day.

Det. Nevills: Is that, who, is it Ray you said?

Ralph Goad: No, Ted.

Det. Nevills: Oh, Ted.

Ralph Goad: Ted gets it, he's in Apartment 205. And Raymond's in 240. But I know a lot of other people in ****. I used to know everybody in there, but over the years, they've moved, died or got arrested.

Det. Nevills: Do you ever feel like hurtin' yourself or anyone else?

Ralph Goad: Yeah, I'd hurt myself, but never hurt anyone else.

Det. Nevills: Okay, all right.

Ralph Goad: Well, verbally, I called my mother names and stuff like that.

Det. Nevills: Okay. Nothin' physical though? You never –

Ralph Goad: No.

Det. Nevills: – hurt anybody physical?

Ralph Goad: Not physical, no.

Det. Nevills: Okay. So we had an incident over there at 33 Park Street that we're hopin' that you can help us out with.

Ralph Goad: Yeah.

Det. Nevills: And you mentioned Ted. Ted Gibson?

Ralph Goad: Yeah, yeah, he's the one –

Det. Nevills: You know him? When was the last time you saw him?

Ralph Goad: Oh, about 7, somewhere a day before I left. He's, uh, he didn't answer the phone. He didn't call me. And I knocked on the door and he didn't answer. So I'm pretty sure he went to the VA office 'cause he had a stroke once, and he's, like, 75 or 72. He's older than I am. And he goes in there now and then. So I'm tryin' to tell him I'm goin', I'm goin' there and I'm homeless out in the street. I got four checks piled up that I can't ****. And, uh, but he wasn't –

Det. Nevills: He wasn't there?

Ralph Goad: No. So I told all the other guys, you know, tell Ted I'm gone, and, uh, the women. And, uh, I couldn't talk to Vicki 'cause she wasn't there that day.

Det. Nevills: When was the last day that you saw Ted, if you remember?

Ralph Goad: Let me see. We was sittin' there drinkin' a beer. I went up and talked to Raymond and drank one up there, came back down and talked to Ted and drank one more beer there. Oh, I took one for the road. **** and that's the last time I saw him.

Det. Nevills: Do you know what day that was though?

Ralph Goad: No.

Det. Nevills: How, how many days before you left, do you think?

Ralph Goad: A week.

Det. Nevills: A week before you left you saw him?

Ralph Goad: Somethin' like that.

Det. Nevills: Uh, –

Ralph Goad: And I was just figured he's back in the VA again.

Det. Nevills: Okay. Would it surprise you to –

Ralph Goad: Oh, Scott is the one you need to talk to. Scott is the one that takes him to the VA, takes him to Denny's for breakfast, takes him to get his I.D., takes him to get a, a doctor or anything.

Det. Nevills: Right.

Ralph Goad: He, 'cause he has a car. Ted and I, we was **** walkin' and, uh, Ted was blind in his left eye, so he couldn't see ****, and his left foot was bad.

Det. Nevills: So the last time you saw Ted, how was things between you two?

Ralph Goad: Fine.

Det. Nevills: Totally fine?

Ralph Goad: Yeah.

Det. Nevills: Yeah. You guys get in an argument or a fight or anything?

Ralph Goad: No, we never did that.

Det. Nevills: Never did?

Ralph Goad: Not in the 9 years we've been sittin' there dr, drinkin' together. Well, we started off with coffee and watchin' that History Channel. Then later, we drank a beer, talked about the old days. He was in, um, he's from somewhere in Pennsylvania.

Det. Nevills: Mm hmm.

Ralph Goad: And I lived at ****, Pennsylvania.

Det. Nevills: Mm hmm.

Ralph Goad: And he was arrested one time, but he killed somebody. And I was arrested one time for breakin' into a house, and I had a gun.

Det. Nevills: Mm hmm.

Ralph Goad: I didn't hurt anybody, and I didn't steal anything. I was wavin' it around. So I ended up doin' 5 years. And I don't know how long he did, but he was down for murder. So we was both ex-convicts, he was, other than Waynesburg, he lived at that other town in Pennsylvania. And I believe he **** Maryland and Howard County, Maryland. And he ****. And then we lived in the **** City. That's all before my father died. And then afterwards, I worked at Baltimore County General Hospital. And that ended in 1981. But that's the same time when I met my wife, and we got married in 1983. So we've been runnin' around ever since. So, uh, Atlantic City, got jobs there and went up to **** back down to **** Maine, uh, went and took it there, and went back down to Atlantic City. Oh, then we came over to Las Vegas for 5 years, or because he lives there. And then we ended up in Reno for the last 20, well, 25 years, but she's been dead for 9.

Det. Nevills: How long have you known Ted?

Ralph Goad: Uh, let's see, when I moved in 9 years ago. I didn't know him right away. But he and the other guy drank coffee. And then he invited me in to drink coffee, so the three of us were drinkin' coffee. And the other guy got thrown out for drugs or somethin'. He was real young. Ted and I are pretty close to the same age.

Det. Nevills: Where'd you meet Ted?

Ralph Goad: Right here in the building.

Det. Nevills: In the building? So you've known him for how long, 9 years, is that what you said?

Ralph Goad: Mm, 8 ½.

Det. Nevills: 8 ½ ****.

Ralph Goad: I'd seen him for 9 years sittin' outside smokin' cigarettes, but I didn't really talk to him –

Det. Nevills: Uh huh.

Ralph Goad: – for 6 months. Then we did every day almost. Yeah, just about every day.

Det. Nevills: But you guys never got in any, any type of arguin' or physical fight or anything like that? Has he ever threatened you with anything, a knife or a gun or anything like that?

Ralph Goad: No, not with, with nothin' like that.

Det. Nevills: All right.

Ralph Goad: He was, like, my best brother, best friend and everything.

Det. Nevills: Okay.

Ralph Goad: My real brother ****. Uh, I thought he was my best friend, but he died in 1977.

Det. Nevills: Uh huh.

Ralph Goad: So Ted was kind of, like, my father and older brother, my best friend, he was everything.

Det. Nevills: Well, we had a little incident over there, and we found Ted dead in his room.

Ralph Goad: He, –

Det. Nevills: He's dead.

Ralph Goad: – stroke?

Det. Nevills: No.

Ralph Goad: Well, he didn't have any money.

Det. Nevills: What's that?

Ralph Goad: He didn't have any money. He didn't have any jewelry or –

Det. Nevills: How do you know he didn't have any money?

Ralph Goad: Because I know everything about him. He was always gettin, uh, you know, gettin' these papers out, lookin' through these 'cause he's tryin' to find this or that, –

Det. Nevills: Mm hmm.

Ralph Goad: – or goin' through his **** to find that card or that card or –

Det. Nevills: Mm hmm.

Ralph Goad: – that one. So everything in that apartment, I knew, from the refrigerator, oh, I, I'd change the channels to control the ****. He couldn't see so good, and he couldn't move around real good. So I, I did all that kind of stuff.

Det. Nevills: Did you have anything with his, to do, did you have anything to do with Ted's death?

Ralph Goad: No.

Det. Nevills: No?

Ralph Goad: I didn't even know, didn't even know he was dead?

Det. Nevills: No?

Ralph Goad: He looked fine to me the last time I saw him.

Det. Nevills: Yeah? So, um, what I'd like to do is 'cause we're runnin' an investigation, I'd like to get a sample of your DNA. Would –

Ralph Goad: Sure.

Det. Nevills: – that be all right?

Ralph Goad: Yeah.

Det. Nevills: Yeah?

Ralph Goad: Well, I spent every day for 8 ½ years in there, so **** covered with that all over the place.

Det. Nevills: Well, it's, yeah, yeah. I'm sure it is. But it'd be nice to, for elimination kind of thing. Right?

Ralph Goad: No, I was there all the time. **** mornings **** drinkin' beers. And **** I never stopped back by after I went to Raymond's.

Det. Nevills: So if you're okay with that, uh, just read the, uh, what, uh, what year of school did you finish?

Ralph Goad: Uh 12th?

Det. Nevills: All 12? So you can read and write just fine?

Ralph Goad: Yeah, yeah.

Det. Nevills: Okay.

Ralph Goad: Yeah.

Det. Nevills: Wanna just read this, and then if it's okay with you, just initial right there and sign right there.

Ralph Goad: This on the top one?

Det. Nevills: Initial that one and sign the bottom one. All right, thank you. And you got a time there, Nick?

Other Speaker: The time is 1744 hours.

Det. Nevills: ****.

Other Speaker: ****.

Other Speaker: Yeah.

Other Speaker: ****.

Other Speaker: ****.

Det. Nevills: All right. This is so simple, it's not even funny. Take those sticks right there, grab hold of them. Pull 'em out, and stick 'em in the crease of your mouth just like this, really good. All right.

Ralph Goad: It's easy to do. I've got no teeth.

Det. Nevills: That's probably good. And stick 'em right in this little box. And we're gonna do one more. Same thing with that one. All right. So why do you think we're here talkin' to you today?

Ralph Goad: Well, you think I must have killed the guy because I'm in there every day of the week. I was there **** die, I was there that morning for coffee, and then went and got the beer and drank it. And then I would have left and went home. And then somethin' happened.

Det. Nevills: What happened between you and Ted?

Ralph Goad: Nothin' between Ted and I. It was, like I keep tellin' you, we were best friends. We never had an argument. Somethin' happened after I left. I kept tellin' him not to open his door to look at the peephole.

Det. Nevills: Who's this?

Ralph Goad: I don't know.

Det. Nevills: That's Ted.

Ralph Goad: That's Ted?

Det. Nevills: Yeah. Doesn't that look like Ted to you?

Ralph Goad: No.

Det. Nevills: No?

Ralph Goad: He don't wear, um, army pants. And, uh, I never remember his hair to look like that. Uh, I guess he combed it. But he, is that army khaki or camouflage?

Det. Nevills: No, no, no, no, they're not camo, no.

Ralph Goad: Oh then, –

Det. Nevills: It's **** –

Ralph Goad: – oh, okay.

Det. Nevills: Does that look like Ted, or no?

Ralph Goad: It could be.

Det. Nevills: Who's this guy?

Ralph Goad: That's me, yeah.

Det. Nevills: How 'bout that one?

Ralph Goad: That's me.

Det. Nevills: And how 'bout that one?

Ralph Goad: That's me.

Det. Nevills: And that one?

Ralph Goad: It looks like me, and I'm not wearin' my coat.

Det. Nevills: Nope.

Ralph Goad: I don't know, well, I guess it is **** the back real quick.

Det. Nevills: How 'bout that one?

Ralph Goad: Uh, that's me, yeah.

Det. Nevills: Do you know where these are from?

Ralph Goad: No.

Det. Nevills: That's the hallway.

Ralph Goad: Oh, yeah, the, the camera in, in the –

Det. Nevills: Yeah.

Ralph Goad: – hallway from both ends.

Det. Nevills: Yeah.

Ralph Goad: It shoots this way, this way and, uh, that way and that way. That's always been that way.

Det. Nevills: So we're here not because we think you killed Ted, because we know you killed Ted.

Ralph Goad: I was in there that morning, but that's it. You know, well, I might have drank 'til afternoon.

Det. Nevills: You un, you understand, you understand there's video on that hallway. Right?

Ralph Goad: Yeah.

Det. Nevills: There's video on that hallway that shows your door, your apartment and as, as well as Ted's.

Ralph Goad: Yeah, but I do this every single day.

Det. Nevills: I know. And you're the only one, the only person that goes in Ted's room other than Ted.

Ralph Goad: No, –

Det. Nevills: Yeah.

Ralph Goad: – I'm not.

Det. Nevills: Listen to me.

Ralph Goad: No, I'm, I'm the only one that goes in there every day –

Det. Nevills: No, you're the only, –

Ralph Goad: – **** –

Det. Nevills: – I have watched the video. This video right here is of Ted January 18th, 2019. That's of Ted.

Ralph Goad: 18.

Det. Nevills: I've watched video 24/7 from January 18th all the way to February 13th when we found Ted, and you are the only one that goes in that room besides Ted.

Ralph Goad: But that's, that's not, there are other people that go in there.

Det. Nevills: No. Listen to me. You're not listenin' to me. No one else goes in that room but you.

Ralph Goad: Bernard goes in there.

Det. Nevills: No one else has been in that room but you.

Ralph Goad: See, the black guy's name –

Det. Nevills: Listen to me.

Ralph Goad: – was Bernard –

Det. Nevills: Look at me. No one else has been in Ted's room but you.

Ralph Goad: No, that's not, absolutely not true.

Det. Nevills: It is true. From the, –

Ralph Goad: Bernard goes in there.

Det. Nevills: – listen to me, from the 18th to the day we found Ted's body, you were the only one who went in Ted's room.

Ralph Goad: That's wrong.

Det. Nevills: No, it's not.

Ralph Goad: Bernard and I came up, uh, he come up there three times drinkin' with us. He's a black guy, short guy, and he drinks beer just like us.

Det. Nevills: Listen to me. Listen to me. No one else has been in that room but you. Why did you kill Ted?

Ralph Goad: ****.

Det. Nevills: Why did you kill Ted?

Ralph Goad: I didn't kill Ted.

Det. Nevills: Yes you did.

Ralph Goad: And Bernard has been in there. You have to have photos of the little black guy knockin' on the door and comin' in and **** –

Det. Nevills: Mr. Goad, Mr. Goad, –

Ralph Goad: – drinkin' with us.

Det. Nevills: – I don't think you're a bad guy. I don't think you're a bad guy at all.

Ralph Goad: I –

Det. Nevills: I think, listen to me. I think somethin' happened between you and Ted that day, and I'm interested in hearing it.

Ralph Goad: We've never had an argument.

Det. Nevills: Well, you did that day.

Ralph Goad: No, we never, ever had an argument. Well, I mean, you know, little things like is that my last beer or your last beer, somethin' like that, but Bernard comes in there, yes.

Det. Nevills: Not on, not between those times, he was not in there. I'm tellin' ya, listen to me.

Ralph Goad: These, these last 2 weeks, –

Det. Nevills: You haven't been there for the last 2 weeks.

Ralph Goad: – before, the last 2 weeks before I left, Bernard was up there three times drinkin' with us. He bought beer, and one time he bought some Vodka.

Det. Nevills: He has not been in –

Ralph Goad: And he sat right there and talked with us.

Det. Nevills: Bernard has not been in that room since the 18th.

Ralph Goad: There's somethin' wrong, 'cause yes, he was.

Det. Nevills: ****. I have watched all the video.

Ralph Goad: Yeah, he was up there, yeah.

Det. Nevills: What happened between you –

Ralph Goad: Nothing happened between Ted and I except we got drunk together **** –

Det. Nevills: Why would you, why would you kill him?

Ralph Goad: I didn't kill him. I didn't even hurt him.

Det. Nevills: Yes, you did.

Ralph Goad: I never touched him. No, I didn't.

Det. Nevills: Yes, you did.

Ralph Goad: **** is sittin' there **** –

Other Speaker: Just let me ask you somethin' real quick. When we told you that Ted had passed away, you didn't seem very surprised about that. When did you know Ted had passed away?

Ralph Goad: He's been very sick.

Other Speaker: But when did you know, you told us a second ago that you saw him that morning when he died.

Ralph Goad: No, I said whatever morning he died, I saw him that morning because I'd bring, he'd call me at 5:30, I'd go up there, we'd have coffee. Then we'd watch that History show –

Other Speaker: But what I'm askin' you is when did you know Ted was dead? It wasn't today.

Ralph Goad: You just told me he was dead.

Other Speaker: You guys were friends for 9 years. You acted not surprised –

Ralph Goad: Yeah.

Other Speaker: – at all when we told you Ted was **** –

Ralph Goad: 8 ½. Um, –

Other Speaker: 8 ½, okay.

Ralph Goad: – why would I be surprised? I figured he'd kick off any day now.

Other Speaker: Okay. That was the question I had.

Ralph Goad: Yeah, he'd been sick for years and years. He's always goin' to the VA. And I'm not real good. So, so we, we both thought, jokingly, one of us is going to die sometime. Bernard was certainly up there three times, so there's somethin' wrong there.

Det. Nevills: There's nothin' wrong.

Ralph Goad: Little black guy and he drinks beer with us all –

Det. Nevills: I've seen, –

Ralph Goad: – the time.

Det. Nevills: I've seen him. I know who he is.

Ralph Goad: We'd talk and –

Det. Nevills: Be, between the 18th of January until the February 13th of this year, he has not been in that room. The only room, person –

Ralph Goad: He **** –

Det. Nevills: – that's been in that room is you.

Ralph Goad: I don't know about dates. All I know is, like I told you, –

Det. Nevills: Listen to me.

Ralph Goad: – I'd come up there every day.

Det. Nevills: Yep.

Ralph Goad: And then he wasn't answering his door, and he didn't call me at 5:30 in the morning. **** at his VA. But Bernard, of course, had come up –

Det. Nevills: And when you went in that, –

Ralph Goad: – ****.

Det. Nevills: – and you went in that room and he was dead.

Ralph Goad: I didn't go in any room and do anything. I knocked on the door, and he didn't answer. And he didn't call me at 5:30 every morning.

Det. Nevills: We have –

Ralph Goad: I didn't see him come outside and smoke cigarettes anymore, and he disappeared, so I **** he was at the Veteran's Administration Hospital. That's all.

Det. Nevills: We're not here because I think you did it.

Ralph Goad: **** I didn't do it.

Det. Nevills: I know, I know you did.

Ralph Goad: I, no, –

Det. Nevills: I know you did it.

Ralph Goad: – you know I didn't do it.

Det. Nevills: No, I know you did do it.

Ralph Goad: ****.

Other Speaker: You gotta understand, we watched the whole video from every day. You're the only one that enters that room. **** –

Ralph Goad: **** I'm not the only one. I've seen a lot of other people who knocked on the door and he let them in. They let him in for a ****. Bernard come in and drank when, sometimes when I was up there.

Det. Nevills: But not between those days. Not on those days. No one else went in your, –

Ralph Goad: Just the times when –

Det. Nevills: – in that room.

Ralph Goad: – Bernard was comin' up there, he came up and drank with us, a beer and, uh, vodka. Then he was givin' us a hard time because we were drinkin', and he comes up with two different kinds of liquor at the same time.

Det. Nevills: Mr. Goad, –

Ralph Goad: ****.

Det. Nevills: – look at me, look at me. Listen to me. January 18th I have watched video, the entire video, 24 hours a day from January 18th 'til February 13th. You know how long that is? January 18th to February 13th.

Ralph Goad: I don't care.

Det. Nevills: Listen to me, listen to me, listen to me. Look at me.

Ralph Goad: I **** –

Det. Nevills: Look at me. Look at me.

Ralph Goad: No, you look at me.

Det. Nevills: I'm listening, I'm lookin' at you.

Ralph Goad: I come to see Ted every day for 8 ½ years. He'd give me a call, come on over, we had coffee, **** and **** beer, we'd get the beer and cigarettes for the day. We'd sit there, and then I go home.

Det. Nevills: And somethin' happened, –

Ralph Goad: It'd have to be 1, 1:30 or the afternoon, or it could be 11:00 if we're not feelin' ****.

Det. Nevills: – and somethin' happened between you and him, and –

Ralph Goad: Nothin' –

Det. Nevills: – you got in an argument and you stabbed him.

Ralph Goad: There's nothing happen between us.

Det. Nevills: Yeah, something happened.

Ralph Goad: And somethin' couldn't happen between us. I don't have money. He doesn't have money.

Det. Nevills: You –

Ralph Goad: I'm in bad health. He's in bad health.

Det. Nevills: Right?

Ralph Goad: He was a convicted. I was a convicted. We, and both of us spent time in Pennsylvania. We just had everything in common, like brothers. But he was more than that, kind of older than me, so kind of like a father **** get along with. The only one I have out here is Gordon. And I haven't seen him since 1983. All I know is he did let people in. The man down there in 222 borrowed cigarettes. Bernard come up and drank with him whether I was there or not. And, um, he's always answerin' the door instead of lookin' out the peephole. He's always ****.

Other Speaker: When did you figure out you were gonna get **** –

Ralph Goad: I would still be in that apartment.

Other Speaker: When did you figure out you were gonna get evicted?

Ralph Goad: Uh, when, January the 30th, when he opened the door. No, I was downstairs talkin' to that guy, and these two sheriffs went in there and said they was evictin' somebody. Then when I went upstairs about 2 hours later to get in my room, I'm the one that got evicted. And they pulled the locks so I can't get in.

Other Speaker: Is Ted the type of guy that would have let you stay with him?

Ralph Goad: Ted would have because I –

Other Speaker: He would have let you stay with him?

Ralph Goad: Yeah, because all I gotta do is pay $40.00 and you, you could stay. It said one, and then $40.00, it could be two. But the main thing was **** I got my back checks, then I'd be able to pay the 2-month's rent and that late fee, and still had a month and a half left over. So that wasn't a problem. It was –

Other Speaker: What do you think he'd say to you if you asked him if you could stay in that room after you got evicted?

Ralph Goad: Oh, we already talked about that. He said that, that, absolutely.

Other Speaker: He said that he would let you stay?

Ralph Goad: Well, of course. Why wouldn't he? Same way I would do for him.

Other Speaker: Okay.

Ralph Goad: We had –

Other Speaker: How did that conversation go?

Ralph Goad: That's it. He had to. He's not gonna let somebody go out and die in the, you know, the wintertime.

Other Speaker: Okay.

Ralph Goad: ****. We just had so much in common.

Other Speaker: But what did you, what did you say to him? What did you guys exactly say about stayin' there?

Ralph Goad: Nothin'. He, he said, uh, well, you can stay here, uh, sleep on the floor, get a sleepin' bag, and it's only an extra 40. I said yeah. Well, we talked about that years ago in case somethin' happened. And I said the same thing. And there was one other one that, that moved or somethin'.

Other Speaker: You were friends for 8 ½ years. He wouldn't turn you out in, into the cold, yeah?

Ralph Goad: No. Why would he?

Other Speaker: I don't know.

Ralph Goad: There's just, **** out in the cold. See, I didn't kill the guy. And he certainly wouldn't, it don't even make sense. All I did is do what I did over here. **** here or stay in a homeless, if I hung around at night long enough, they would have let me in. They say I wasn't there, but I'd been there since 1995. Sometimes for many, stay inside, they would all **** 'til another time where they get me an apartment for 1 year or 5 years, and this time 13 years, except for I missed that 1 year 'cause I went to Portland, Oregon. In fact, I stayed at the civic center for ****, then I came back to ****.

Det. Nevills: So you notice on that, this photo right here, you notice you have a coat on. Right?

Ralph Goad: Yeah, that's my gray coat.

Det. Nevills: That's your gray sweatshirt.

Ralph Goad: This, this is the heavy one that the mental hospital bought me.

Det. Nevills: That's your gray sweatshirt right there.

Ralph Goad: I don't have a sweatshirt.

Det. Nevills: Yeah, you do, 'cause I have it.

Ralph Goad: No, I don't. I don't have a sweatshirt.

Det. Nevills: Yes, you do. I have it.

Ralph Goad: Oh, you, yeah, that's right. I went over to that, uh, the hospital –

Det. Nevills: Your Apartment 213, right? Is there anybody else's property inside that apartment, or is that all your stuff?

Ralph Goad: Everything's mine.

Det. Nevills: Everything's yours. Well, guess what? I got that sweatshirt with blood on it.

Ralph Goad: How could it have blood on it?

Det. Nevills: Uh, you tell me.

Ralph Goad: I got the sweatshirt, and it had a pair of pants, but I gave the pants to, uh, to that –

Det. Nevills: Mr. Goad, Mr. Goad, you tell me. How's it gonna have, why does it have blood on it?

Ralph Goad: 'Cause I always wear a coat. I either wear this coat or the gray sweatshirt.

Det. Nevills: The same sweatshirt that you had on the day that you killed Ted, I got out of your room and it has blood on it.

Ralph Goad: That's impossible because I always wear a coat.

Det. Nevills: You don't have a coat on right there. You have that gray sweatshirt on, 'cause you were wearin' that gray sweatshirt when you killed Ted.

Ralph Goad: I didn't kill Ted.

Det. Nevills: Yes, you did.

Ralph Goad: No, I didn't. Take it to trial. If you can prove I killed Ted, good. I'll get room and board or a death sentence, whatever. But I didn't kill Ted. Ain't no way. I got too little bit of time to live myself, and I wouldn't hurt the only friend I have, no.

Det. Nevills: What did you –

Other Speaker: We're just tryin' to understand, Ralph.

Det. Nevills: What did you take from the room? What'd you take from his wallet?

Ralph Goad: I didn't take anything. He didn't have anything I would want. That's what I keep tellin' you. He didn't have anything.

Det. Nevills: And that's why I don't understand.

Ralph Goad: He had two checks, one took care of all the bills. The other one, it would pay for the rent. And the rest of it, he let, he'd keep it, like it was a bank or somethin'.

Det. Nevills: That's why I don't understand. That's why I would like you to try to help me understand what happened between you and Ted that you would get so angry and kill him.

Ralph Goad: I didn't get angry, and I didn't kill him. You keep runnin' around in circles with this dream of yours.

Det. Nevills: No, it's not a dream.

Ralph Goad: And I, no, I'm livin' in a real world, and you're, what do these pictures mean? They don't mean a damn thing.

Det. Nevills: Well, they mean that you were the only one in his room.

Ralph Goad: No, I've told you a hundred times.

Det. Nevills: I've told you.

Ralph Goad: Bernard was in there.

Det. Nevills: Listen, listen to me.

Ralph Goad: There was, uh, Mike that **** –

Det. Nevills: Yeah, but not on –

Ralph Goad: – ****.

Det. Nevills: – the timeframe, not from the 18th 'til February 13th when we find his body.

Ralph Goad: That's exactly the time they would be, –

Det. Nevills: No, because it, –

Ralph Goad: – yes.

Det. Nevills: – it would be on the video.

Ralph Goad: That would be when Mike loaned his cigarettes, and that would be when Bernard was up there drinkin'.

Det. Nevills: No, no.

Ralph Goad: Yeah.

Det. Nevills: No one else went in that room but you.

Ralph Goad: No, no. That's what you say.

Det. Nevills: I know.

Ralph Goad: I **** –

Det. Nevills: ****.

Ralph Goad: – I know other people went in there.

Other Speaker: Ralph, how would you know someone went into the room after the time when you were ****?

Ralph Goad: After the ****, I couldn't possibly tell you that. I'm talkin' about –

Other Speaker: So before, you're talkin' before?

Ralph Goad: Yeah. But somebody went in there **** Mike come up and bum a cigarette, –

Other Speaker: But we're tellin' you –

Ralph Goad: – or Bernard would come up and **** –

Other Speaker: And we have video of Ted goin' in the room and you goin' in the room later, and no one else goin' in the room. And Ted ended up dead there.

Ralph Goad: It's impossible.

Det. Nevills: No, it's not.

Ralph Goad: There's other people **** around.

Det. Nevills: ****.

Ralph Goad: You know what he does for me, he's **** –

Other Speaker: We're not makin' that up there, Ralph.

Ralph Goad: Yes, you are.

Det. Nevills: No, we're not.

Other Speaker: We're not.

Ralph Goad: Yeah.

Other Speaker: You can see, you can see the footage. You realize that we're detectives and we've had weeks to **** –

Ralph Goad: **** today. How many pictures did you not bring –

Det. Nevills: I've got video.

Ralph Goad: – that shows Bernard and shows, uh, Mike and, uh, what's his name, Raymond comin' in there, and several others? He's, like, got people he knows comin' in and out of there.

Other Speaker: But he doesn't.

Ralph Goad: Yes, he does.

Det. Nevills: No, no. That's what we're tryin' to tell you.

Ralph Goad: You're both lying.

Det. Nevills: No, no we're not.

Ralph Goad: **** there's five or six people that wanted to go in there for 5, 10 minutes, and never had. And I've been watchin' it **** –

Other Speaker: How would they get in there –

Ralph Goad: **** –

Other Speaker: – if Ted's, uh, dead?

Ralph Goad: ****.

Other Speaker: He wouldn't have let 'em in after ****.

Ralph Goad: I'm not talkin' about when he's dead. I'm talkin' about, like, before he was dead, that was his pattern.

Other Speaker: Okay.

Ralph Goad: He always let –

Other Speaker: But we're tellin' you that after Ted dies, there is no one else that goes in. And you know that because –

Ralph Goad: There was not.

Other Speaker: – Ted can't open the door because he's dead inside.

Ralph Goad: It isn't what I said. I said his pattern was to always let 'em come in, talk to 'em, loan 'em a cigarette, have a beer with 'em –

Other Speaker: But you know we're not lyin' to you because you know that Ted couldn't have let anybody in 'cause he was dead after you left.

Ralph Goad: I'm not ****. I'm talkin' before Ted was dead. His pattern his whole life, –

Other Speaker: Okay.

Ralph Goad: – that's the way he did things.

Other Speaker: Okay.

Det. Nevills: That's not the point though.

Other Speaker: But let's be logical here. Right? You and I know that you killed him. When Ted –

Ralph Goad: I **** –

Other Speaker: – is dead on the floor, –

Ralph Goad: – ****.

Other Speaker: – how could Ted let anybody in the room?

Ralph Goad: – **** people **** and killed him **** –

Other Speaker: No, no, no. I'm just sayin' logically, for you, how could anyone enter that room if Ted's dead? You know Ted's dead. You –

Ralph Goad: Man, I'm talkin' about before Ted was dead. All I know is his pattern of what he did when he was alive. I don't know what he did when he's dead. He probably laid there. He's dead.

Other Speaker: Lay where?

Ralph Goad: ****.

Other Speaker: Where would he lay?

Ralph Goad: Wherever he was dead at. If he was dead, he's not up on the roof.

Other Speaker: Okay.

Ralph Goad: But he wouldn't change his pattern and so somebody come in there and, and did somethin'.

Other Speaker: Which is true.

Ralph Goad: Yeah.

Other Speaker: But you're the person that goes in there.

Ralph Goad: So they shot him, they choked him, they stabbed him, they did somethin' to him, and he's dead. But that doesn't stop the fact that all of these people were goin' in there before –

Other Speaker: Look over here, Ralph. We'll show you the video.

Ralph Goad: The video doesn't mean anything.

Det. Nevills: Sure it does.

Ralph Goad: You should, no it doesn't.

Det. Nevills: That's you right there.

Ralph Goad: It doesn't show a thing.

Det. Nevills: Sure it does.

Ralph Goad: **** every single, –

Det. Nevills: It shows every person that goes in that room.

Ralph Goad: – every single day I go up and down to that room. Every –

Det. Nevills: Exactly.

Ralph Goad: – single day.

Det. Nevills: Exactly.

Ralph Goad: Every day.

Det. Nevills: Exactly. Every single day you got up and down to that room.

Ralph Goad: Right.

Det. Nevills: And you were the only one that goes in Ted's room between the 18th of January and –

Ralph Goad: No, I **** –

Det. Nevills: – the 13th of February.

Ralph Goad: – not the truth. Bernard –

Det. Nevills: Yes, it is.

Ralph Goad: – goes in there. **** –

Det. Nevills: Yeah, they, they may, they may go in there, but they didn't go in there in that timeframe. That's what you're not understanding.

Ralph Goad: No, no.

Det. Nevills: Between, listen to me. Between January 18th of 2019 and February 13th of 2019, the only person that was in and out of Ted's room was you and Ted.

Ralph Goad: No.

Det. Nevills: Yes.

Ralph Goad: No.

Det. Nevills: Yes.

Ralph Goad: Then he would have had his door locked, or he went to the VA Hospital.

Det. Nevills: Mr. Goad, Mr. Goad, –

Ralph Goad: There's somethin' wrong with that ****.

Det. Nevills: – Mr. Goad, Mr. Goad, if there was other people in and out, out of that room, why would I be here talking to you after you've been arrested for murder?

Ralph Goad: You're **** wastin' my time. Take me over there and have me tried, get a jury and all that –

Other Speaker: We're tryin' to understand what happened.

Ralph Goad: – **** do something.

Other Speaker: We think that there's more that happened, Ralph. We understand –

Ralph Goad: Maybe something happened that shouldn't have happened, because he should be alive right now.

Det. Nevills: He should be alive right now?

Ralph Goad: I ****, should be. Don't lie.

Det. Nevills: No, I, I didn't lie.

Ralph Goad: **** –

Det. Nevills: I'm wonderin' what all you said.

Ralph Goad: He should be alive right now, unless he had a stroke or a heart attack, 'cause he was very sick. That's the only reason he could really die. I can't believe, ain't nobody gonna no old man with no money. That's just completely impossible. Nobody ever argued with Ted. Everybody got along with the guy. He never had any enemies.

Det. Nevills: A lot of people are gonna read my report, Mr. Goad.

Ralph Goad: I don't care.

Det. Nevills: Well, you will because they're gonna want –

Ralph Goad: **** film **** films of 8 ½ years ago going up to the day before he died, the day he died. **** to see the same film. I'm still goin' up and down the hallway, stop and knock on Ted's door. He don't answer. ****. I go down there and talk to other people and smoke a cigarette, come back up and call him. He don't answer. The next morning he never called me up to watch the movie, the news, drink our coffee and then **** same thing **** –

Other Speaker: You've been doin' the same thing every day. Right?

Ralph Goad: He didn't come out here.

Other Speaker: Did you tell anybody that, uh, you couldn't get a hold of him?

Ralph Goad: Yes, I did. The only ones **** there, well why would they evict you and not give you 30 days?

Other Speaker: I don't know. So you said you hadn't seen him for 7 or 8 days.

Ralph Goad: And **** –

Other Speaker: You're sayin' on the, –

Ralph Goad: – ****. I said I have knocked on the door. I called him. He doesn't answer. He's probably over at the VA again. And Scott was the, the one, you know, he'd taken him over to the VA. Scott took him everywhere, shoppin' at Wal-Mart and stuff. Yeah, so, but Scott is this old guy and married, and he ain't gonna be knockin' anybody off either.

Det. Nevills: Who else would want to hurt Ted? Who'd want to hurt Ted?

Ralph Goad: That's what I'm sayin'. As far as I know, he had no enemies. None. I know he got along with Scott, everybody, uh, Vicki, neighbors. He didn't have any enemies, none whatsoever. He got along with everybody, or he just wouldn't say a word to 'em and just go out and smoke a cigarette and mind his own business. But he had no enemies. He never argued with anybody.

Other Speaker: Did he have a relationship with anybody, a girlfriend?

Ralph Goad: No.

Other Speaker: Nothin' like that?

Ralph Goad: Too old. He's like me.

Other Speaker: Too old?

Ralph Goad: Yeah, I'm 72. He was 74 or 75, I forget which. We were very similar, except I was from Maryland and he was from Pennsylvania. **** got married and divorced three times. It wasn't very similar there too. Both went to prison. Both got a job **** after that. Both ended up in that place.

Other Speaker: ****.

Ralph Goad: So we'd just sit around and talk about **** TV, –

Other Speaker: Do you feel bad about what happened?

Ralph Goad: – people. I do and I don't. He was dyin' badly. He was sick. I'm still sick, but he was a lot sicker. Um, I don't know. I'm not a doctor. But he was pretty sick. **** comb his hair back more and shave every now and then and, and get a shower and –

Other Speaker: How do you feel about him dying?

Ralph Goad: Well, I don't like it 'cause I had kind of planned on get, gettin' my money here and goin' to pay back my debts and goin' back ****. Now, I can't do that. The rest of 'em are okay. I talked to Raymond because he's from the mental hospital like me. So he's been ****
20 somethin' years old though. There used to be a lot of others.

Other Speaker: But do you think what happened to Ted, do you think he deserved what happened to him?

Ralph Goad: Deserved?

Other Speaker: Yeah.

Ralph Goad: No. He didn't, he didn't have any enemies. So he shouldn't deserve it. And he hasn't ****, well, –

Other Speaker: So would do you think should happen to, uh, whoever –

Ralph Goad: – ****.

Other Speaker: – killed him?

Ralph Goad: I don't know. He shouldn't have, uh, –

Other Speaker: No, but what should happen to the person that killed him?

Ralph Goad: I don't know because I don't know why they would do that.

Other Speaker: He was your friend for 8 ½ years.

Ralph Goad: Yeah, but there's probably **** these guys from 215 ****. That, that would be, it makes no sense. And that's exactly the kind of thing ****.

Det. Nevills: This is what happened to Ted.

Ralph Goad: Man. More like he was shot ****. That's his **** over there.

Det. Nevills: It's what happened to him there too. That's his back.

Ralph Goad: Mm, somebody was very, somebody that hated for years or somethin' to do somethin' like that, or they got the wrong person.

Det. Nevills: Why would you do that?

Ralph Goad: I didn't do that. I told you that. Don't ever ****. You're wastin' your time with that. Oh, we know you did it. No, you don't because if you did, ****. But you know I didn't do it.

Other Speaker: You don't understand, Ralph. We didn't come down here 'cause we, you're arrested.

Ralph Goad: Yeah, I know I'm arrested.

Other Speaker: We didn't come down here **** you know.

Ralph Goad: I said I know –

Other Speaker: We're not bullshittin' you though. We've watched the video. We just, the only reason we came down is to try and understand what happened.

Ralph Goad: Those videos are every day, it recycles.

Det. Nevills: No, it doesn't.

Ralph Goad: And then it, yes –

Det. Nevills: No, it doesn't.

Ralph Goad: Yes. They just –

Det. Nevills: No, it doesn't.

Ralph Goad: I've been livin' there for 13 years.

Det. Nevills: Well, you're wrong. You're absolutely wrong, Ralph.

Ralph Goad: No, I'm absolutely right.

Det. Nevills: No, you're not.

Ralph Goad: So you would have gotten a recycled **** –

Det. Nevills: I've got video. Listen to me.

Ralph Goad: – ****.

Det. Nevills: Listen to me. I've got video from January 17th all the way to February 13th, –

Ralph Goad: No you don't.

Det. Nevills: – 24/7, 365.

Ralph Goad: You don't, no.

Det. Nevills: Yes, I do.

Ralph Goad: What you have is somethin' –

Other Speaker: Wouldn't you be excited to hear that? Wouldn't you be excited to hear that maybe we could catch who killed your friend and we had that video **** –

Ralph Goad: If you had the real, uh, you know, the real film, then you would have who went in there and who did it and **** –

Other Speaker: I'm just sayin', if someone killed my friend and the detective said hey, we got a video of the whole time, I would be excited. You seem to say no.

Ralph Goad: Why would I be excited?

Other Speaker: Because you **** –

Ralph Goad: You're tellin' me **** –

Other Speaker: – it could, it should, it should clear you.

Ralph Goad: Somebody killed Ted. And somebody will get caught for that. But that has nothing –

Det. Nevills: Ted, look at this –

Ralph Goad: – to do, –

Det. Nevills: Ted, –

Ralph Goad: I can't do anything about it.

Det. Nevills: Ted, look at this date right here. What's that date say?

Ralph Goad: It doesn't matter what date it says.

Det. Nevills: Yes it does. What's the date say?

Ralph Goad: It doesn't matter what –

Det. Nevills: It say January 18th, 2019.

Ralph Goad: **** 17.

Det. Nevills: What's this one say? January 22nd, 2019.

Ralph Goad: I walk up and down the hall every day.

Det. Nevills: What's this one say? January 30th, 2019.

Ralph Goad: I'm doin' the same thing I did every day for 8 ½ years.

Det. Nevills: That proves that I have video all the way from January 18th to the 30th –

Ralph Goad: No, what you have is a video for 4 days.

Det. Nevills: From January 18th to the 30th, that's not 4 days. That's the 18th.

Ralph Goad: Yeah.

Det. Nevills: This is the 30th.

Ralph Goad: So you got 12 days video.

Det. Nevills: 12 days. I've got more than that. But that's all I can prove to you because you don't believe me.

Ralph Goad: I do not –

Det. Nevills: That's 12 days.

Ralph Goad: All I know is –

Det. Nevills: That's 12 days from the day that, that you and, uh, Ted were in that, the only ones in the room –

Ralph Goad: I walk down the hallway every day. So when the exact same thing **** I've been **** –

Other Speaker: Here's the thing though, Ralph. We don't have to ask anybody because we have the video.

Ralph Goad: The only time I didn't go to Ted's is when I, I'd be in the hospital myself. So you, you don't make sense.

Det. Nevills: No, you don't make sense.

Ralph Goad: No, you don't make sense.

Det. Nevills: I –

Ralph Goad: And seein' those pictures of Ted, that's somebody that, he, he didn't have enemies, the hate like that.

Det. Nevills: That's what I don't understand. I don't understand. You said, –

Ralph Goad: He didn't have –

Det. Nevills: – you, you say –

Ralph Goad: – enemies to hate like that.

Det. Nevills: – you, that you and Ted were good friends. I don't understand. That's what I'm trying to say. Tell me what happened. Tell me the truth.

Ralph Goad: Just take that to court.

Det. Nevills: I will.

Ralph Goad: Anybody that hated him did that kind of thing, it's not me. It's not, Ted has nothing to do with anybody in that building. That's somethin' else. They got the wrong man.

Det. Nevills: There's no one else, –

Ralph Goad: He went to the door and he opened it.

Det. Nevills: – there was no one else in the room, Ted, or, uh, Ralph.

Ralph Goad: You don't know that.

Det. Nevills: Yes, I do.

Ralph Goad: No, you don't.

Det. Nevills: Yes, I do. Listen to me. Why, why are, –

Ralph Goad: Obviously not.

Det. Nevills: – why are you under arrest right now?

Ralph Goad: I'm under arrest because you think I killed Ted.

Det. Nevills: I know you did.

Ralph Goad: No, you don't know I did.

Det. Nevills: Yes, I do.

Ralph Goad: No, you don't.

Det. Nevills: Yes, I do.

Ralph Goad: No, you don't. I'm being charged with it.

Det. Nevills: You are charged.

Ralph Goad: You don't know, no. It's your job to accuse me, try and intimidate me and try to confess to somethin' I didn't do.

Det. Nevills: I'm not tryin' to intimidate you.

Ralph Goad: Of course you are, of course you are.

Det. Nevills: No, I'm not. I just want the truth.

Ralph Goad: Of course you are. You're wastin' my time and yours.

Det. Nevills: My idea is –

Ralph Goad: Take me to trial and prove it, fine.

Other Speaker: Ralph, we just want to understand why somethin' like that happened. There's obviously a reason **** –

Ralph Goad: I don't know why somebody would do that to Ted. To, to the, they had to hate him for years and years to do somethin' like that. It had to be great hate.

Other Speaker: It did.

Ralph Goad: Somebody that could kill, you know, **** stab somebody or shoot somebody, they wouldn't do that.

Other Speaker: You didn't seem real shocked. I was pretty shocked when I saw that photo.

Ralph Goad: I've seen all kinds of dead people, and that's just one.

Other Speaker: I don't, I've worked in homicide for quite some time, and I don't think I've ever seen anything like that.

Ralph Goad: Well, I've seen a lot worse, a lot worse.

Other Speaker: That was your friend of 8½ years.

Ralph Goad: Yeah.

Det. Nevills: You don't seem too broke up about it.

Ralph Goad: My body be dead soon and it'll be just as ugly and messed up. I'll be all punched full of holes with – somebody hated him, and then –

Other Speaker: Why do you think somebody would hate him to that, to that ****?

Ralph Goad: It had to be for years.

Other Speaker: For years?

Ralph Goad: Had to be. Okay. He killed his father, and he went to prison for that. He supposedly had another son or a daughter. I think somebody had got the wrong room.

Other Speaker: How do you think his blood ends in your room on your shirt?

Ralph Goad: That's impossible. How did, how can blood get on my clothes from his apartment? That don't even make sense.

Det. Nevills: 'Cause you were in it.

Ralph Goad: If it's true to, 'cause it could be false.

Det. Nevills: Whatta ya mean if it's true?

Ralph Goad: It could be false.

Det. Nevills: We know it's true.

Ralph Goad: Good. Well, I'm enjoyin' through all, and we'll go through all that crap. If it's guilty, fine. If I'm innocent, fine, but I have nothing to do with that.

Other Speaker: This is your chance –

Ralph Goad: I'll get my **** –

Other Speaker: – to set the record straight. Otherwise, people are gonna look at that photo, and they're gonna think you're a monster.

Ralph Goad: No, they're not because they know I wouldn't do anything to Ted.

Other Speaker: Well, they're gonna see the video and they're gonna see that you did do it –

Ralph Goad: They're gonna see us run around and get ****.

Other Speaker: – and that we talked to ya and gave ya an opportunity to tell us –

Ralph Goad: No.

Other Speaker: – what happened and you ****.

Ralph Goad: You're the two guys that don't know who accuses me of doin' somethin' like that, that's what it's gonna come to. Two strangers, the two **** down there, like no, no way on Earth.

Other Speaker: Do you think we're makin' the video up?

Ralph Goad: It didn't happen. I didn't do that so there's somethin' wrong somewhere. This can't –

Other Speaker: You don't seem to have a lotta remorse for what happened or any explanation.

Ralph Goad: I can't. It's too important. All that –

Other Speaker: Is it important.

Ralph Goad: – would happen later, if I'm convicted or if I'm found innocent. Then I'll worry about –

Other Speaker: So you, what you're tellin' us is –

Ralph Goad: No.

Other Speaker: – it's too important for you to tell us the truth.

Ralph Goad: I didn't say that. No, you go –

Other Speaker: What did you mean?

Ralph Goad: – then there was –

Other Speaker: Well, tell me what ya meant when ya said it was –

Ralph Goad: – when ya said I was a plain, old liar, and I don't want –

Other Speaker: I did not. You said it was too important.

Ralph Goad: Yes, you did.

Other Speaker: What did you mean by that?

Ralph Goad: You just called me a liar and said I killed him.

Other Speaker: I didn't call ya a liar.

Ralph Goad: The hell you didn't.

Other Speaker: You said it's too important. Whatta ya mean?

Ralph Goad: When ya bend it around, ****.

Other Speaker: I'm not tryin' to bend it. Set it straight.

Ralph Goad: You already did. It's too late. All I know is it shouldn't a happened and that's –

Det. Nevills: What shouldn't have happened?

Ralph Goad: That's somebody that hated him.

Det. Nevills: Well, why did you hate him so much?

Ralph Goad: I didn't hate him, see. Don't ever say I, I, I. You don't know anything. If you know something, take it to trial and find me guilty, get over with. I don't care what the hell –

Det. Nevills: Mr. Goad? Mr. Goad? If I didn't know anything, you wouldn't be sitting in this jail right now bein' under arrest for murder.

Ralph Goad: Yes, you would.

Det. Nevills: No.

Ralph Goad: As good as what, one third of everybody convicted of the crime didn't do it. Everybody knows that.

Det. Nevills: That's not true.

Ralph Goad: That's a fact.

Det. Nevills: I don't believe that.

Ralph Goad: Every one of 'em that sit there lookin' at ****, oh, you did it, you did it.

Det. Nevills: Here's what you keep forgettin'.

Ralph Goad: The poor son of a bitch.

Det. Nevills: Here's what you –

Ralph Goad: ****.

Det. Nevills: Mr. Goad, here's what you keep forgettin'. You keep forgettin' that we have video of that hallway, and the only people who go in and outta that room between Jan – listen to me.

Ralph Goad: That's a lie.

Det. Nevills: Listen. No, listen to me.

Ralph Goad: I already heard that lie.

Det. Nevills: Between – and so have I.

Ralph Goad: Five times you said this.

Det. Nevills: Between January 18 and between –

Ralph Goad: You're a liar.

Det. Nevills: – February 13th is you and Mr. Dixon.

Ralph Goad: And there'll be Bernard, there'll be Mike.

Det. Nevills: Nope, they are not, they do not go in there.

Ralph Goad: The woman that lives down the hall.

Other Speaker: How would, how would they go in there?

Ralph Goad: ****.

Other Speaker: No, no, no. How would they go in there?

Ralph Goad: They'd go in the same way I got in. Ya knock on the door. If he opens his door, ya go in.

Other Speaker: But he wasn't answerin' the door, you said.

Ralph Goad: You don't know that.

Other Speaker: You told me that, that he didn't answer the door for you.

Ralph Goad: When I knocked, he didn't answer.

Other Speaker: But ya saw him every day before that, and that –

Ralph Goad: ****, yeah. I don't get **** 5:30. That means somethin'. Through 6, nothin'. So, I get there about 8:00, knock on the door, I get nothin'. **** went out **** cigarette and see Ted ****.

Other Speaker: I don't think Ted would let you stay in his room.

Ralph Goad: Ted would let me stay in his room –

Other Speaker: I don't think that –

Ralph Goad: – until I got my check or if he was in the same position 'cause it's only $40.00. You're not payin' full rent, and it's not forever, couple weeks, 3 weeks, it woulda been straightened out.

Other Speaker: But he wasn't gonna let you do that.

Ralph Goad: Of course he would.

Det. Nevills: No, I think that's what the argument was about. I think you guys got in an argument.

Ralph Goad: No, you don't understand what a very good friend.

Det. Nevills: Well, ya weren't that good of friends because I saw what ya did to him.

Ralph Goad: I didn't do anything to him.

Det. Nevills: You're the only one who could have done it.

Ralph Goad: You're runnin' around in circles **** nothin'.

Det. Nevills: And you're –

Ralph Goad: He's my best friend **** no problem. There's just no reason 'cause we'd do the same thing.

Other Speaker: You don't –

Ralph Goad: We'd still get up, drink coffee, smoke cigarettes, watch the TV, took me to the store. We'd, uh, eat food and, uh, usually after we eat somethin', I'd go on back to the house and maybe it's time to sleep. All that, all the time.

Other Speaker: Ralph, I wish you'd be honest with yourself.

Ralph Goad: I wish you'd stop lyin'.

Other Speaker: About what?

Ralph Goad: Intimidator, intimidator.

Other Speaker: What did I lie about?

Ralph Goad: Tellin' me I committed murder when I know goddam well I wouldn't even hurt the man, and that is somethin' that somebody really hated him.

Other Speaker: That's for sure.

Ralph Goad: For years, it hadda be for years and years and years.

Det. Nevills: But you say that –

Other Speaker: But you said he didn't have any friends like that for years and years and years.

Ralph Goad: That's just it, he didn't that I knew of, but I don't know who else he, I've only known him for 8½ years. He moved in 9 years ago ****. So, I don't know who and what he was doin' before that.

Other Speaker: What do you think people are gonna think when they look at that photo of Ted?

Ralph Goad: They're gonna think that you two strangers are tryin' to lay this on me.

Other Speaker: Why?

Ralph Goad: Oh, he killed him. No, and, and like that? No. They could see if he argued **** who pushed him and he fell down the stairs or somethin', but nothing like that.

Other Speaker: I mean, there comes a certain point where you understand what we have and the benefits of tellin' us the truth are ****.

Ralph Goad: Everything ya have, take it to the courts. We'll have a trial, and they'll decide what's what. There is no way you're gonna past some other people goin' in and out of there. You can't delete that when ya go to court.

Det. Nevills: Did you take anything from Ted's room that night?

Ralph Goad: Nope.

Det. Nevills: Did ya ever taken anything –

Ralph Goad: Night.

Det. Nevills: – from Ted's room?

Ralph Goad: I wasn't there at night.

Det. Nevills: Have ya ever taken anything from Ted's room?

Ralph Goad: In the morning. I left in the afternoon, about 1:30.

Det. Nevills: Mr. Goad?

Ralph Goad: And, uh –

Det. Nevills: Mr. Goad, have ya ever taken anything from Ted's room?

Ralph Goad: Of course.

Det. Nevills: Like what?

Ralph Goad: He give me this food, and he give me that food. Or he gives me this sugar and coat or something, and, and I give him food, and I give him a bag of tools and back and forth. That's the way things are for years. Oh, can of beer goin' through the ****.

Det. Nevills: Did anything, did he have any valuables or anything like that in his room?

Ralph Goad: That's what I mean, he didn't have anything of value, and he didn't have any money. He had a checking account, bank account –

Other Speaker: Ya know what? He did have a value. He had a roof over his head.

Ralph Goad: Yep, we both had that.

Other Speaker: Well, you didn't.

Ralph Goad: Oh, I did.

Other Speaker: You were gettin' evicted.

Ralph Goad: There you go lying again.

Other Speaker: You got evicted.

Ralph Goad: I had 4 months' back rent that they, the federal government did not, didn't pay the rent. That's all. I mean, Ted knew all about that ****.

Other Speaker: How'd ya feel when they kicked ya out? Did ya think that was fair?

Ralph Goad: Of course I didn't. I didn't like that. It's January 3rd, and they didn't even give me the 24 hours **** outta here. Ya know, my clothes and my I.D. was in there. I was at, I was **** comin' over here.

Other Speaker: So they didn't tell ya that the rent wasn't gettin' paid until the day you got evicted?

Ralph Goad: First I heard it. They were, um, sayin' something about – no, we went over there to see the women because she said she was retirin'. We went Columbus Day and they weren't open, so we didn't see 'em.

Other Speaker: So she told you she was retiring? Did you transfer to a different lady?

Ralph Goad: No, she didn't tell me we were retirin'.

Other Speaker: No, that she was retiring. That's what you just told me. Am I, I'm not tryin' to put words in your mouth.

Ralph Goad: She did not tell me anything. I never heard. I never saw. Ted said to me that she's retiring and we had to get a new –

Other Speaker: Gotcha.

Ralph Goad: – payee. That's the, and then Ted somewhere got a new payee. Then Scott was gonna take me he said, uh, then he said to take me over to get my same thing, but we never got that far.

Other Speaker: Ya never did it?

Ralph Goad: We never got that far.

Other Speaker: Okay.

Ralph Goad: I'm knockin' on the door, and he's not answerin'. **** again ****.

Other Speaker: So, Ted, I just wanna be clear. I don't wanna put words in your mouth. Ted told you that his, your, the payee was goin' outta business.

Ralph Goad: Yeah.

Other Speaker: Or was retirin'. So Scott took him over there and got a new payee, but he never took you over there to get a new payee.

Ralph Goad: No, he, he was going to. That was, um, **** 'cause when I got up, it was too late. He went real early, and Vicki told me that you gotta, um, have them pay December's rent and so this is January the 11th. Why would you wait to tell me that December's rent hasn't been paid when you're the one that collects the rent? And she hasn't given a rent receipt in 10 years so you couldn't prove, even if you paid every single month for 10 years, you can't prove that you paid any rent. She don't do that.

Other Speaker: So Vicki tells ya on January 11th that ya didn't pay rent way back in December.

Ralph Goad: No, that'd be about January the 8th.

Other Speaker: January the 8th.

Ralph Goad: Because the 11th is the exact day when they came in and –

Other Speaker: Well, did ya tell Ted that, hey, I gotta get a new payee 'cause they're sayin' I'm not payin' rent.

Ralph Goad: Oh, no, no. We'd done that weeks before, but **** us around and **** and all that.

Other Speaker: But once Vicki tells ya that hey, ya haven't paid rent, what do you do about that?

Ralph Goad: Well, ya try to get your four checks. Social Security checks come out every month. Why wouldn't ya have the check to pay your rent from Social Security, but they said they don't know anything about it. So it all shows up here in California 4 years later, and they took it all for these room and boards. I'm not seeing any room and board.

Other Speaker: So from January 8th though, you don't tell anybody –

Ralph Goad: **** –

Det. Nevills: – or try and get some help or talk to Ted about hey, they're tellin' me I didn't pay my rent?

Ralph Goad: Oh, I went, went to the mental hospital. That's, that's the one that's supposed to take care of everything when ya get into trouble, but –

Other Speaker: Except I called them and they said you didn't go over there.

Ralph Goad: Yes, I did go over there. You're –

Other Speaker: Which –

Ralph Goad: – callin' me a liar again.

Other Speaker: – well, which one –

Ralph Goad: I went over to the main one where you go, right there down the hall ****, and that lady sent me over to Building 5, and I sat over there for 2 hours, and nobody even spoke to me, so I went home.

Det. Nevills: Lemme ask ya this question. Have you ever been in Ted's room when he's not there?

Ralph Goad: No.

Det. Nevills: Never been in there when he's not there?

Ralph Goad: No, because when he comes out, he locks his door.

Det. Nevills: Okay. So –

Ralph Goad: Even when we go out to smoke, and when he comes out, he locks the door.

Det. Nevills: – so if you went in Ted's room when he wasn't there, what would you be doin' in there?

Ralph Goad: I've never been in Ted's room when he wasn't there.

Det. Nevills: Okay.

Ralph Goad: Because it's locked. Ted locked his door if he's not in his apartment. Ain't that stupid. **** answered the door sometimes when he's in there instead of lookin' out the peephole, unlocks the door, what do ya want? Bad move.

Det. Nevills: You ever black out? You ever have any blackouts or anything like that?

Ralph Goad: No.

Det. Nevills: No? Never have?

Ralph Goad: Never.

Det. Nevills: How much do ya drink a day?

Ralph Goad: Mm, let's see, we drank, he's up here and we get twelve 16-ouncers so that's 6 quarts so we each drink 3 quarts a day.

Det. Nevills: Three quarts a day?

Ralph Goad: Yeah.

Det. Nevills: And ya never have a blackout?

Ralph Goad: Nope.

Det. Nevills: Nope?

Ralph Goad: And sometimes he sends me over for more.

Det. Nevills: Ya have a good memory?

Ralph Goad: No, I couldn't say that. Um, comes and goes.

Det. Nevills: Help me out, Mr. Goad.

Ralph Goad: I don't know. I can't remember what I remember and what I don't remember. I don't know. I could remember things in detail from 1949, '50, '51 but somethin' that happened, mm, 2 years ago, I wouldn't –

Det. Nevills: Yeah, you'd remember somethin' that happened like this, right?

Ralph Goad: Ya just told it to me. Of course I remember it.

Det. Nevills: So you remembered killin' him then?

Ralph Goad: I didn't kill him, and ya keep repeatin' it. It isn't gonna help.

Det. Nevills: Well, I just asked ya –

Ralph Goad: I'm not gonna say I killed him because you keep sayin' I killed him.

Det. Nevills: I, I want ya to just tell me the truth.

Ralph Goad: Then I have to, she told ya I didn't kill him.

Det. Nevills: So –

Ralph Goad: You want the truth? Didn't kill him. You want me to lie? I'm not gonna do it.

Det. Nevills: I don't want ya to lie. I want you to tell me the truth, but the problem is –

Ralph Goad: You want me to lie.

Det. Nevills: No, I want ya to tell me the truth.

Ralph Goad: You want me to lie.

Other Speaker: Is this, is it –

Det. Nevills: That's what we want.

Other Speaker: – we're not here to debate whether ya killed him. We came to see if you would tell us the reasons, if –

Det. Nevills: Why?

Other Speaker: – there was some sorta ****.

Ralph Goad: There was absolutely nothing. You can either take it to court the way it is.

Det. Nevills: Okay.

Ralph Goad: Go talk to everybody that lives in that building **** mental hospital, talk to all the workers, talk to the lady I met over here and put it together and then figure out somethin' that –

Other Speaker: You see, but we have done all that though.

Ralph Goad: – **** me.

Other Speaker: No, you don't.

Ralph Goad: You're obviously not doin' your job. There's somethin' wrong, somethin' wrong, doesn't set.

Other Speaker: I think ya got a lotta anger in ya, Ralph, to do somethin' like that.

Ralph Goad: I feel a lotta anger with you two 'cause ya keep messin' with me and keep somethin' I didn't do, lyin' to me. Now they're livin' –

Other Speaker: People look at that picture –

Ralph Goad: – livin' in ****.

Other Speaker: – they are gonna think that you are a monster.

Ralph Goad: No, they're not.

Other Speaker: You gave us no reason to the contrary.

Ralph Goad: No, they're not. Ya got two strangers showin' a picture. It's worth half a damn, but by who, you don't know and they don't know –

Other Speaker: But ya see, we got his blood on your clothes.

Ralph Goad: – and **** nobody –

Other Speaker: And we got a video of the room.

Ralph Goad: I don't believe that.

Other Speaker: Okay. Well, you can take that to the bank then.

Ralph Goad: I don't believe the whole thing. Don't believe it. I believe ya got pictures of the room **** dead. Ya know, if those pictures of are of him, like what **** –

Det. Nevills: What, ya think we just made it up?

Ralph Goad: – **** him and it don't look like him. Ted doesn't look like that. **** this easygoin' guy sittin' over in that gray chair ****.

Other Speaker: I think it's sad that you guys were friends for that long, drinkin' buddies and then this happened.

Ralph Goad: We were more than drinkin' buddies, sober, drunk, ****.

Other Speaker: I think it's sad ****.

Ralph Goad: ****.

Other Speaker: I don't know what ****.

Ralph Goad: And you keep turnin' it around. **** kill them ****. You're lying. You want me to lie and say I did something I didn't do.

Other Speaker: I want you to tell us the truth.

Ralph Goad: No, you want me to lie and say somethin' I didn't do, and then you wanna say that that's the truth. You're the liar. You're the one who's tryin' to make me lie, and I won't do that. **** so much better. **** and you can't **** tried. Only hope to God he opened the door, only wanted ****.

Other Speaker: I don't think Ted deserved that.

Ralph Goad: I know he didn't deserve that, but you come runnin' around now with your lie here. Ooh, we know you did this. No, ya don't know whether he ****. No, I don't but I'm not gonna lie and say I did somethin' I didn't do. Take it to trial. That's the way it is. You'll waste your time, the lawyers and everybody else. Lotta money. Or just go out and investigate and find out who did it.

Det. Nevills: We did investigate and find out who did it.

Ralph Goad: No, it isn't me so don't keep lying 'cause then when you say it's me, you're the liar.

Det. Nevills: Nope, no, no, I mean –

Ralph Goad: You're the liar. You're the intimidator.

Det. Nevills: – **** you were the only one in and outta that room besides Ted.

Ralph Goad: That's a goddam lie.

Det. Nevills: No, it's not.

Ralph Goad: Well.

Det. Nevills: Well, from the 18th to the 13th.

Ralph Goad: Three, four, five, that puts **** –

Other Speaker: Ralph, how would anybody go in that room after he's dead?

Ralph Goad: They, oh, after he's dead? I'm not ****.

Other Speaker: But how would anyone **** –

Ralph Goad: **** go in the room before.

Det. Nevills: So you know we're not bullshitting you. You know nobody can go in that room on the video afterwards because he's already dead.

Ralph Goad: They can't. The door would be locked and –

Det. Nevills: Exactly.

Ralph Goad: Yeah, nobody's goin' in there.

Det. Nevills: That's what I'm tellin' ya, so you know the video's not lyin'. Nobody can go –

Ralph Goad: No.

Det. Nevills: – in that room after.

Ralph Goad: **** all these people came in before that you say didn't come in here before that. No, I was in there drinkin' **** time.

Other Speaker: We watched Ted go in.

Ralph Goad: **** cigar.

Other Speaker: We watched you go in. We watched you come out.

Ralph Goad: Couple of girls.

Other Speaker: No one else goes in.

Ralph Goad: Nope, that's a lie. Too many other people went in there for small amounts of time, and Bernard sat around for hours with him.

Det. Nevills: We already talked to Bernard. He even said he didn't go in.

Ralph Goad: Yeah, sure he did.

Det. Nevills: Okay.

Ralph Goad: What's he gonna do? Oh, yeah, I just ran right in there and killed him. I did it. He'd have to be an idiot to say you went in there.

Det. Nevills: Not necessarily.

Ralph Goad: He'd have to be. Nobody goes to ****. I went at noon ****.

Other Speaker: People do 'cause at a certain point, the evidence outweighs the story. At least they can get their side of the story out.

Ralph Goad: Well, that's not evidence or anything. That's intimidation **** on that.

Other Speaker: I'm not tryin' to intimidate ya.

Ralph Goad: Wastin' time, my time, your time. Well, ya clear a case and you can move onto the next poor son of a bitch, set him up. ****. ****, ya know, I, I can't plan it around what ****. **** that I killed the guy, well, I didn't, and you convince **** I killed the guy, and it would be a lie. That's not what happened.

Det. Nevills: Well, we don't want ya to lie.

Ralph Goad: If you have the evidence –

Det. Nevills: We do.

Ralph Goad: – and, and I'm sure there's somethin' wrong with this 'cause I go down that hallway every day for 8½ years, and now ya say that didn't happen.

Other Speaker: And ya knew those two cameras were there which is –

Ralph Goad: Not two cameras, four cameras.

Other Speaker: You knew they were there.

Ralph Goad: Two over here, two there and there, and they're the same around the stairs, and they also got 'em there, uh, by the garbage.

Other Speaker: Has that been eatin' at ya since ya been down here?

Ralph Goad: Huh?

Other Speaker: Has it been eatin' at ya since ya been down here?

Ralph Goad: Ain't nothin' eatin' at me about anything.

Other Speaker: Okay.

Ralph Goad: You keep wanting and –

Other Speaker: You don't feel bad about what happened?

Ralph Goad: – **** of something, you accuse me of something I didn't do. **** you didn't do and something **** does this.

Other Speaker: Doesn't eat at me at all. 'Cause I watched the video of you going in that room.

Ralph Goad: You intimidate. You **** only time I went in the room was when he's there. He doesn't **** I can't get ****.

Det. Nevills: You give us consent to search your room?

Ralph Goad: Huh?

Det. Nevills: Will you give us consent to search your room?

Ralph Goad: You've been in there a hundred times already.

Det. Nevills: I haven't.

Ralph Goad: **** January ****.

Det. Nevills: I, no, no, no, no, the room here.

Ralph Goad: Room here.

Det. Nevills: The room here on Pepper Oaks. Isn't that where you're living, Pepper Oaks?

Ralph Goad: Uh, Pepper what?

Det. Nevills: Pepper Oaks?

Ralph Goad: I wouldn't know. I've only been there a few hours. All I did was lay on the bed.

Det. Nevills: Or is it Clay Street? Which one you staying at? Are you staying at ****?

Ralph Goad: **** like I told you. I was over at the Clay Street. Can't stand that, drugs, gambling, turning ****. No ****.

Other Speaker: That's where you were arrested today though, right? Clay Street?

Ralph Goad: I wasn't arrested. Oh, no you mean, no, I was just over there. I was over there just a little while. And I came outside to smoke a cigarette and that's ****. It's that other place. What do you –

Det. Nevills: The Pepper Oaks place? Is there, is there a room number there?

Ralph Goad: Pepper Oaks?

Det. Nevills: Yeah.

Ralph Goad: No, there's no room number. There's a house number. I don't know what it –

Det. Nevills: Well, can we go there and search your room?

Ralph Goad: Yes. **** I laid on the mattress last night. That's it.

Other Speaker: Do you have anything over there? Any bags or anything?

Ralph Goad: Well, **** –

Other Speaker: ****. Okay.

Ralph Goad: What I'm wearing when I left ****, I left with $70 and some change in my pocket. Well, **** for $40.50 and **** 30 and that's what I've been doing ever since. ****. And there's four jackets still not and they do come in they said well, you can't have it. Well ****.

Other Speaker: And it all could've been avoided if Ted would've just let you stay there, huh?

Ralph Goad: Say **** wouldn't let **** stay there any **** I told you that a hundred times. You probably tell him **** but you seem to hate the guy's guts. He ****.

Det. Nevills: Alrighty.

Ralph Goad: Now let's give it a break.

Det. Nevills: If it's okay that we go there and search your room why don't you sign right there for me. Right by the X.

Ralph Goad: Well it's been there about 12 hours. Slept on the mattress and then, then I left.

Det. Nevills: Then **** now you were staying at the Clay Street, right?

Ralph Goad: I was staying at Clay Street first.

Det. Nevills: So can we search that room, too?

Ralph Goad: Yeah.

Det. Nevills: Okay.

Ralph Goad: And there's no number on that room either.

Det. Nevills: Sign right there for me.

Ralph Goad: They don't do that at places. **** and don't have numbers. You just click **** and you just sit there.

Det. Nevills: Thank you. Got anything else, Nick?

Other Speaker: No.

Det. Nevills: Well –

Ralph Goad: You got a card?

Det. Nevills: Yes, I do. Absolutely.

Ralph Goad: Yeah, thanks, oh, I don't have the wallet to stick –

Det. Nevills: That's all right. And I appreciate you –

Other Speaker: ****.

Ralph Goad: Well, I'll stick 'em **** the other papers.

Det. Nevills: Appreciate you talking with us, Mr. Goad, but, uh –

Ralph Goad: Yeah, well –

Det. Nevills: – I don't, I don't believe you're being truthful. Sorry.

Ralph Goad: And I think you both lied so **** you. Even, even. I don't trust you two. I think you're lying and you don't trust me. You think I'm lying. Dave Nevills?

Det. Nevills: Dave Nevills, yes.

Ralph Goad: And, Nick Smith.

Other Speaker: Yes, sir.

Ralph Goad: Okay. **** over there **** and **** through where I ****.

Other Speaker: Can I ask you about the bus ticket? You said it's 40 bucks, or the train ticket.

Ralph Goad: Uh, it was a bus. I went there **** but they don't have trains anymore. So it's $40.50.

Other Speaker: So you took, and it was Amtrak but they put you on a bus?

Ralph Goad: Yes.

Other Speaker: Okay. Where did you get the money to pay for that ticket?

Ralph Goad: I had $70.00 and change in my pocket.

Other Speaker: Where did that come from ****.

Ralph Goad: ****.

Other Speaker: But how do you get your money?

Ralph Goad: Oh, I just got –

Other Speaker: You didn't have a pay service for months.

Ralph Goad: No, uh, 200, $40.50 of it was given ****.

Det. Nevills: Who gave it to you?

Other Speaker: Who gave you that?

Ralph Goad: The **** she was still there. 'Cause she said she was quitting in September but she paid **** again in **** and November's ****.

Other Speaker: So November, and I apologize **** how much money did she give you in November?

Ralph Goad: 2, $249.50.

Other Speaker: Okay. And that lasted you for 2 months?

Ralph Goad: Yep. Because Ted he's the one, he's giving me food. **** so I don't have to buy the food. And I was making **** the store for him so it kind of worked out. And I, as soon as I got this check I was gonna pay **** back plus the, uh, the late charges and everything.

Other Speaker: Have you ever been in Ted's wallet?

Ralph Goad: Huh?

Other Speaker: Ever been in Ted's wallet?

Ralph Goad: Yes. He'd say give me this or give me that. So I'm digging through all the cards and, oh, is this one it? Said something other, something other, yes. And he had some kind of papers he'd dig out there.

Det. Nevills: What would he want you to get his cards for?

Ralph Goad: Because he couldn't see.

Other Speaker: Okay.

Ralph Goad: And he wanted it. And then he had other papers with something about **** and Pennsylvania **** thing. And **** and he said what year. And it was like 2009 or 2010. Anyway, I'd get that for him and **** and he was calling people and doing something with that. I, I don't know what he was doing. I was just, now that, he **** it's something to do with Pennsylvania.

Det. Nevills: Other ****. All right. Well, I guess we'll see you again.

Ralph Goad: Yeah. ****.

Det. Nevills: You seem awful lackadaisical about it.

Ralph Goad: I don't care one way or the other.

Det. Nevills: You don't care one way or the other?

Ralph Goad: **** 72 mother of god, mother of god. I can't get the money for **** and I don't ****. And he lives right here in Sacramento somewhere. **** all of that information's in that black leather bag in the room over there in ****.

Other Speaker: All right, Mr. Goad.

Ralph Goad: **** just give me ****.

Other Speaker: All right.

Det. Nevills: Thanks for talking to us, Mr. Goad.

Ralph Goad: Yeah, okay.

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