

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH EDMOND GOAD,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Electronically Filed
May 08 2020 10:19 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
No. 79977

**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 FOUR

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6 IN THE SECOND JUDICIAL DISTRICT COURT
7 STATE OF NEVADA, COUNTY OF WASHOE
8 THE HONORABLE DAVID HARDY, DISTRICT JUDGE

9
10 STATE OF NEVADA, Department No. 15
11 Plaintiff, Case CR19-0999
12 vs.
13 RALPH EDMOND GOAD,
14 Defendant.

15
16 Pages 1 to 209, inclusive.

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TRANSCRIPT OF PROCEEDINGS
JURY TRIAL - DAY TWO
Tuesday, August 6, 2019

A P P E A R A N C E S:

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I N D E X

WITNESS: DIRECT CROSS REDIRECT RECROSS

Madrigal-Pintor	3	14	17	
Craig	19	21		
Napier	21	32	45	49
Millsap	52	63	68	71
Nevills	75	125	147	153
Idso	157			
Billings	159	168		
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No. Admitted

44	11
14	13
3 series	28
24A-H	59
26	60
33	80
30A-D	83
12	109
45-50	142
22	182, 187

1
2 RENO, NEVADA -- WED. 8/6/19 -- 9:00 A.M.

3 -o0o-

4 THE COURT: Good morning. Please be
5 seated. Deputy, have you counted our jurors?

6 THE BAILIFF: Yes.

7 THE COURT: Then we're ready to go.
8 Anything from you before we bring the jury in?

9 MR. STEGE: No.

10 (Jury enters courtroom.)

11 THE COURT: Good morning. Please be
12 seated. The night after jury selection is always
13 restless for the judge as you return this morning.
14 Thank you. We turn now to the state.

15 Your first witness, please.

16 MR. STEGE: Marco Madrigal-Pintor.

17 (Witness sworn.)

18 THE COURT: Counsel, you may begin.

19 MR. STEGE: Thank you.

20 DIRECT EXAMINATION

21 BY MR. STEGE:

22 Q. Sir, please state and spell your name.

23 A. Marco Madrigal-Pintor. Last name

24 M-a-d-r-i-g-a-l, hyphen, P-i-n-t-o-r.

1 Q. How are you employed, sir?
2 A. City of Reno Police Department.
3 Q. How long have you been a police officer?
4 A. Going on three years.
5 Q. What is your shift?
6 A. Day shift.
7 Q. Are you familiar with the address of 33
8 Park Street?
9 A. I am.
10 Q. Is that located within the city of Reno,
11 county of Washoe, State of Nevada?
12 A. Yes.
13 Q. On February 13th of this year were you
14 dispatched there around 12:30 p.m.?
15 A. I was.
16 Q. And you're a patrol officer?
17 A. Correct.
18 Q. So, you drive a black and white?
19 A. Yes, sir.
20 Q. And dress in a patrolman's uniform?
21 A. Correct.
22 Q. What happened when you got there?
23 A. When I arrived on scene, there was Fire,
24 EMS, two of my coworkers, officers on scene already.

1 They were coming out.

2 Q. Did you proceed to Apartment No. 205?

3 A. I did.

4 Q. And what, briefly, did you observe within
5 the Apartment 205?

6 A. When I walked in, like I said, there was a
7 lot of people inside, so I didn't see right away.
8 As soon as I walked in, I noticed a blanket covering
9 an object and I waited until they came out before I
10 made entrance.

11 Q. And did you and only officers make -- at
12 least a brief investigation in terms of what was
13 under the blanket?

14 A. We did.

15 Q. And can you tell us where this blanket was?

16 A. This blanket was at the foot of the bed
17 closer to a window, I believe on the south side
18 facing the south side.

19 Q. And while that was happening, did you
20 observe Officer Warneke take photographs of the
21 blanket?

22 A. I did.

23 Q. What happened when the blanket was moved?

24 A. They moved -- located the deceased victim.

1 Q. And how could you tell the man was
2 deceased?

3 A. It was apparent. A lot of blood. He had
4 lividity and REMSA confirmed.

5 Q. Now, let's step away from there.

6 Did you at least make a brief view or tour
7 of what was going on in the rest of the apartment?

8 A. I did.

9 Q. Did you notice anything near the man's
10 feet?

11 A. There was a pair of scissors, there was his
12 ID, his Social Security Number, and I believe
13 objects that I don't recall.

14 Q. Did you go into the bathroom of the
15 apartment?

16 A. I did.

17 Q. What did you notice, if anything, in there?

18 A. I noticed what appeared to be dry blood on
19 the sink as well as a knife.

20 Q. What kind of knife?

21 A. It seemed like a pocket knife with --
22 wasn't a foldable one but a straight blade.

23 Q. Like a fixed-blade knife?

24 A. Yes.

1 Q. When you went in there did you notice
2 anything about the temperature of the room?

3 A. It was very cold.

4 Q. Did you make investigation or learn why it
5 was very cold?

6 A. The AC was on and part of the window was
7 open.

8 Q. How did you know the AC was on?

9 A. Because it was pretty loud and it was very
10 cold.

11 Q. I'd like to direct your attention here to
12 proposed Exhibit Number 1. It's a two-page exhibit.
13 I'm going to hand this to you and ask you to review
14 it.

15 (Witness reviewing document.)

16 BY MR. STEGE:

17 Q. Do you recognize what's depicted in
18 proposed Exhibit 1?

19 A. Yes.

20 Q. How do you recognize it?

21 A. Because that's where the -- I recognize the
22 scissors. Like I said, they were at the bottom of
23 the deceased, towards his feet, and then the other
24 one, like I said, was the blanket was covering him.

1 Q. Okay. And you recognize those to be --

2 THE COURT: Pause for a moment, please.
3 Counsel, I'd like to meet you at sidebar with the
4 court clerk.

5 Ladies and gentlemen, we're just going to
6 talk about technology. It has nothing to do with
7 this witness or the case presentation. It will be
8 just a moment. Be at ease, if you would, please.

9 (Recess taken).

10 THE COURT: I spoke with counsel about
11 having a second monitor to broadcast to the
12 spectator gallery any evidence that's also published
13 to the jury. With that, you may continue.

14 BY MR. STEGE:

15 Q. Do you recognize those to be the
16 photographs taken by Officer Warneke in your
17 presence?

18 A. Yes.

19 MR. STEGE: I move to introduce Exhibit 1.

20 MS. MAYHEW: No objection.

21 THE COURT: One is admitted.

22 MR. STEGE: May I have publish these
23 exhibits.

24 THE COURT: Yes.

1 BY MR. STEGE:

2 Q. Let's talk about Exhibit 1, page one. What
3 do we see here?

4 A. That's where we see the deceased and the
5 blanket that was covering had to be pulled over to
6 confirm what it was.

7 Q. Now, before pulling the blanket away, could
8 you see the man's head?

9 A. I did not see him until after the fact when
10 the blanket was already off.

11 Q. Okay. Page two, tell us what this is.

12 A. That's where, like I said, we located his
13 Social, his ID card, and scissors that appeared to
14 have blood. Officer Warneke and I were talking
15 about it.

16 THE COURT: Will you either speak up or
17 speak more into that microphone, please.

18 THE WITNESS: Yes, sir.

19 THE COURT: Thank you.

20 BY MR. STEGE:

21 Q. As you sit here today, do you remember the
22 man's name --

23 A. The victim?

24 Q. -- on the ID card?

1 A. His first name. Theodore.

2 Q. Okay. Let's talk about page three.

3 A. Like I said, that's where the scissors were
4 located, the pants, so the photograph as well.

5 Q. I want to talk to you about a body-worn
6 camera. What is a body-worn camera?

7 A. We wear that on our body to record any
8 interactions we have with the public or any
9 investigative we have to do so that we can refer to
10 that later.

11 Q. In this case you turned your body-worn
12 camera on before you entered the room?

13 A. Correct.

14 Q. Prior to court you reviewed -- did you
15 review a clip or a portion of your body-worn camera
16 footage?

17 A. I did.

18 Q. I'll hand to you Exhibit 44.

19 Do you recognize that exhibit?

20 A. I do.

21 Q. How do you recognize it?

22 A. It's the one I signed off on for viewing.

23 Q. And you signed off on it because --

24 A. Because I viewed it and it's my body cam

1 footage.

2 Q. I move to introduce the exhibit.

3 MS. MAYHEW: No objection.

4 MR. STEGE: Which is No. 44.

5 THE COURT: 44 is admitted, Ms. Clerk.

6 THE CLERK: Thank you.

7 MR. STEGE: May I publish this exhibit,
8 your Honor?

9 THE COURT: Yes.

10 (Exhibit 44 admitted.)

11 BY MR. STEGE:

12 Q. Before we start this, let's talk about
13 where it is you're standing within the apartment.

14 A. I was standing by the window.

15 Q. And where would -- the body we saw, where
16 would that be from right here?

17 A. It was to my left. It would have been on
18 my left-hand side.

19 (Body-cam footage played.)

20 BY MR. STEGE:

21 Q. What's that noise we hear in the
22 background?

23 A. That would be the AC unit that was on.

24 Q. And where is the AC unit?

1 A. Directly in front of me, right below the
2 window.

3 (Body-cam footage played.)

4 BY MR. STEGE:

5 Q. You mentioned earlier in your testimony
6 that a window was cracked. Do you see the window
7 that was cracked in this video?

8 A. Yes, the left panel of the window.

9 Q. I don't know if you're familiar with this,
10 but you can touch and you can circle where the
11 window was cracked.

12 A. (Witness complies).

13 Q. Thank you.

14 (Body-cam footage played.)

15 BY MR. STEGE:

16 Q. So, the voice we heard in the background,
17 who was that?

18 A. That was Officer Warneke.

19 Q. Handing you proposed Exhibit 14, would you
20 please review this two-page exhibit.

21 Do you recognize that?

22 A. Yes. This is a still from my body-cam
23 footage as I was walking in facing the window and
24 the other one is another still with my body-cam

1 where the deceased was.

2 MR. STEGE: Move to introduce this exhibit.

3 THE COURT: So, I'm not tracking your
4 numbers as you're moving them.

5 MR. STEGE: This is 14, your Honor.

6 THE COURT: To the defense.

7 MS. MAYHEW: No objection.

8 THE COURT: 14 is admitted, Ms. Clerk.

9 THE CLERK: Thank you.

10 (Exhibit 14 marked.)

11 MR. STEGE: May I publish these exhibits?

12 THE COURT: Yes.

13 BY MR. STEGE:

14 Q. Let's talk about page one here.

15 What are we seeing here?

16 A. That's a still of me looking for any items
17 around the deceased where he was laying, any other
18 clues to find.

19 Q. That flashlight on the left, that's yours?

20 A. Correct.

21 Q. Page two.

22 A. Again, that's a still from my body-cam
23 footage of the window as I was walking in.

24 Q. Also showing it to be cracked.

1 A. Yes.

2 Q. And so I think you mentioned you did a
3 brief investigation or saw what was going on. At
4 the conclusion of that, what do you do?

5 A. At the conclusion I went down to review any
6 surveillance in the hallway to see if we can find
7 who was the last person to see him, maybe, walk into
8 his room, the last known time and date the victim
9 was alive.

10 Q. And it's true that this became a murder
11 investigation.

12 A. Correct.

13 Q. Both the scene and the followup on the
14 video was turned over to detectives.

15 A. It was.

16 MR. STEGE: I'll pass the witness.

17 THE COURT: Thank you. To the defense.

18 CROSS-EXAMINATION

19 BY MS. MAYHEW:

20 Q. Officer, when you walked into Room 205, you
21 testified on direct examination that you saw a
22 blanket at the foot of the bed. Is that correct?

23 A. Correct.

24 Q. So, when you walked in, you didn't

1 immediately see a body?

2 A. No, not immediately.

3 Q. In fact, you just saw a blanket at the foot
4 of the bed?

5 A. Correct.

6 Q. Mr. Stege showed you some photographs with
7 regards to what you saw on the floor.

8 Is that correct?

9 A. Yes.

10 Q. And on the floor did you see a credit card?

11 A. No.

12 Q. On the floor did you see papers thrown?

13 A. There were papers thrown about, yes.

14 Q. Did you look at those papers?

15 A. I did not.

16 Q. Do you know who looked at those papers?

17 A. No, I do not.

18 Q. You also testified that it was cold in the
19 apartment. Is that correct?

20 A. Correct.

21 Q. And this was in February?

22 A. It was.

23 Q. It was cold outside?

24 A. It was.

1 Q. And you indicated that the air-conditioning
2 was running.

3 A. Yes.

4 Q. How were you able to determine that? Did
5 you put your hand over it?

6 A. When I got in front of it by the window,
7 yes, it was blowing cold air.

8 Q. And did you look at the thermostat on the
9 AC?

10 A. No, I didn't look at that. I didn't see
11 what the temperature was set to but it was blowing
12 cold air.

13 Q. And it was cold outside, correct?

14 A. Correct.

15 Q. And the AC was still running?

16 A. Yes.

17 Q. You also testified on direct that the
18 window was open.

19 A. It was.

20 Q. And was there any mechanism that prevented
21 it from not opening further?

22 A. I did not see if there was or not.

23 Q. Also, outside the window there was a ledge,
24 correct?

1 A. I don't recall.

2 Q. When you looked outside the window of Room
3 205, did you see any platform outside the window?

4 A. I don't recall. I was -- my body cam was
5 pointed out, but I was looking down so I didn't
6 really look outside.

7 Q. Now, did you obtain the surveillance video
8 in this case?

9 A. I did not.

10 Q. Another officer did so?

11 A. Detectives.

12 MS. MAYHEW: Court's indulgence.

13 THE COURT: Yes.

14 MS. MAYHEW: No further questions.

15 REDIRECT EXAMINATION

16 BY MR. STEGE:

17 Q. As you observed it, was there anything
18 suspicious about the blanket when you get into the
19 room?

20 A. From what my Officer Warneke told me, it
21 was completely covering the victim, so from that we
22 thought it was suspicious.

23 MS. MAYHEW: Objection, hearsay, your
24 Honor.

1 THE COURT: Overruled.

2 BY MR. STEGE:

3 Q. Did you see anything around the blanket
4 that might make you think there was a body
5 underneath?

6 A. All the blood.

7 MS. MAYHEW: Objection, calls for
8 speculation.

9 THE COURT: Overruled.

10 BY MR. STEGE:

11 Q. That means you can answer.

12 A. All the blood.

13 MR. STEGE: Thank you. Nothing further.

14 THE COURT: Recross?

15 MS. MAYHEW: Nothing, your Honor.

16 THE COURT: You're free to step down.

17 Thank you.

18 Next witness, please.

19 MR. STEGE: Ms. Aliona Craig.

20 (Witness sworn.)

21 THE COURT: Good morning. Please remember
22 to speak into the microphone. Counsel.

23 DIRECT EXAMINATION

24

1 BY MR. STEGE:

2 Q. Hello, would you please state your name and
3 spell it for us.

4 A. Aliona Craig, A-l-i-o-n-a, C-r-a-i-g.

5 Q. How are you employed, ma'am?

6 A. Yes. I work for REMSA.

7 Q. How long have you worked for REMSA?

8 A. Two and a half years.

9 Q. And what do you do for REMSA?

10 A. I'm a paramedic FTO and supervisor.

11 Q. And in this case did you respond to 33 Park
12 Street on February 13th of 2019?

13 A. Yes.

14 Q. And what happened when you got there?

15 A. When we arrived on scene, I believe the
16 police department was already there when we arrived
17 near the same time that the fire department did.

18 Q. Okay.

19 A. Went upstairs to the apartment -- like I
20 said, PD was already there -- and I saw the patient
21 lying on his back on the backside of the floor of
22 the apartment.

23 Q. And your role was -- did you assess the
24 patient or the person under the blanket?

1 A. I did, but it was briefly because he was
2 obviously deceased.

3 Q. And how did you make the determination that
4 he was obviously deceased?

5 A. As I entered the room, he wasn't moving, he
6 wasn't breathing, he wasn't tracking me with his
7 eyes, and when I actually went up to the patient, he
8 was cold and had rigor mortis.

9 Q. And, in fact, did the blanket over the man
10 have to be moved to assess whether he was alive?

11 A. Yes. I removed the top blanket slightly
12 off of his body and pulled it down a little bit so
13 that I could actually touch his body to confirm that
14 he was deceased.

15 Q. And he was cold and he had rigor mortis?

16 A. Correct.

17 Q. And after that, what did you do?

18 A. Since it was obvious, like I said, he was
19 deceased and the police department was there, it
20 also appeared to be a traumatic death and so I
21 assumed that it would be a crime scene, so I didn't
22 do anything more in the apartment. I just had to
23 write a report.

24 Q. So, you left the apartment and left it to

1 the police department.

2 A. That's correct.

3 MR. STEGE: Pass the witness.

4 THE COURT: To the defense.

5 CROSS-EXAMINATION

6 BY MS. MAYHEW:

7 Q. The blanket was completely covering the
8 body, correct?

9 A. I don't remember if it was covering his
10 face but it was completely covering the body.

11 MS. MAYHEW: No further questions.

12 THE COURT: Redirect on that question?

13 MR. STEGE: No thank you.

14 THE COURT: You're free to step down and
15 leave.

16 MR. STEGE: Scott Napier, please.

17 (Witness sworn.)

18 THE COURT: Please speak right into the
19 microphone after you've settled in your seat.

20 THE WITNESS: Okay.

21 THE COURT: Counsel.

22 DIRECT EXAMINATION

23 BY MR. STEGE:

24 Q. Sir, please state and spell your name.

1 A. Scott A. Napier, "A" is for Alexander.
2 Scott, Alexander Napier, N-a-p-i-e-r.
3 Q. How are you employed, sir?
4 A. I'm retired.
5 Q. How long have you been retired?
6 A. A few years.
7 Q. And do you remember what year you retired?
8 A. Two years ago, I think.
9 Q. And what did you -- what work did you
10 retire from?
11 A. I worked at Gold and Silver as a cashier.
12 Q. And where do you live within Washoe County?
13 A. I live in Sparks off of El Rancho.
14 Q. Do you know or did you know a person by the
15 name of Theodore Gibson?
16 A. Yes, I do.
17 Q. Ted Gibson?
18 A. Yes.
19 Q. How did you know -- I've been calling him
20 "Theodore." What did you call him?
21 A. "Ted."
22 Q. Ted. How long did you know Ted?
23 A. Fifteen, twenty years.
24 Q. And how was it that you met him?

1 A. He came to work at Gold and Silver as a
2 dishwasher for a few years and I was friends with
3 him after he left that as well.

4 Q. And since you've been retired, what was
5 your relationship with Ted like?

6 A. He had no car or anything so I drove him
7 around wherever he had to go, doctor's, cash his
8 check, go to the store. Wherever he had to go, he'd
9 call me and I'd go take him over there. We'd go
10 have breakfast once in a while.

11 Q. And leading up to this event, how often
12 would you say that you would take him shopping or
13 take him on errands?

14 A. At least once a month.

15 Q. And did you know, was there a certain time
16 of month that you would go or would it vary?

17 A. Usually the 1st that he got his check and
18 then that would be when we would go.

19 Q. And what sort of stores would you take him
20 shopping to?

21 A. I'd take him to WinCo or -- I call it "can
22 food stores." It's a discount food store.

23 Q. So, you'd drive him in your car?

24 A. Wherever he wanted to go.

1 Q. And where would you pick him up from?

2 A. His apartment, Park Manor.

3 Q. At 33 Park Street?

4 A. Correct.

5 Q. So, you'd pick him up, take him shopping
6 and drop him off at the same spot?

7 A. Yes.

8 Q. Do you know how old Mr. Gibson was, Ted
9 was?

10 A. I believe he was 78 or 74 -- 78, I think.

11 Q. Okay. How many years do you think it was
12 that you would take Mr. Gibson shopping?

13 A. Fifteen, twenty years, as long as I've
14 known him.

15 Q. I want to talk to you about something that
16 happened at the end of November involving a payee
17 service. Are you familiar with what a payee service
18 is?

19 A. Yes, I am.

20 Q. Did you have occasion to assist Mr. Gibson
21 with his payee service?

22 A. I went and took him down, got him all set
23 up with it.

24 Q. Was that in November or was that at some

1 other time that you had him set it up?

2 A. That was some other time, but he ended up
3 having two.

4 Q. Okay.

5 A. I set him up with both.

6 Q. And in November isn't it true he switched
7 payees?

8 A. Yeah, I think so.

9 Q. And were you present for that?

10 A. Yes.

11 Q. And did you, in fact, help him switch from
12 the old payee to a new payee?

13 A. Yes, I did.

14 Q. And did you drive him to that -- those
15 appointments?

16 A. Yes.

17 Q. And did you sit with him while that process
18 occurred?

19 A. Yes.

20 Q. So, do you know what the payee service did
21 with the money that Mr. Gibson got?

22 A. Yes. He had a social security check that
23 went to him and he had a military check. The social
24 security check, they paid his rent, and the only

1 bill he had, because the utilities, everything, was
2 included, was the rent. That was the only bill.
3 And then his military check would go to his shopping
4 and whatever else he needed.

5 Q. And that's the money that he would use when
6 you guys went shopping?

7 A. Yes, correct.

8 Q. Let's talk about -- move into 2019. Do you
9 recall a time in January where you took Ted shopping
10 at Wal-Mart?

11 A. I took him to go get his check -- go get
12 his money.

13 Q. Okay. What do you mean by that?

14 A. He would get his military check as a check
15 he was getting at that time --

16 Q. Okay.

17 A. -- as a check and he would take that check
18 in and cash it because he was in the computer system
19 so he could cash his check there.

20 Q. And this is at Wal-Mart?

21 A. That was Wal-Mart on Glendale.

22 Q. And prior to testifying today, did you have
23 occasion to review a number of still surveillance
24 photographs?

1 A. Yes, I did.

2 Q. And after reviewing those, did you
3 recognize any of the people in them, the persons
4 depicted in the still photographs?

5 A. Ralph.

6 Q. I'm talking --

7 A. They showed me some at Wal-Mart and
8 Glendale which was just myself and Ted.

9 Q. Okay. And you --

10 A. That's why I was mixed up.

11 Q. So, you and Ted shopping at or going to
12 Wal-Mart.

13 A. Correct, right.

14 Q. I'm going to hand you proposed Exhibit No.
15 3. It is an eight-page exhibit. I want you to
16 review this and then I'll ask you some questions
17 about it.

18 A. Okay.

19 (Witness reviewing document.)

20 THE WITNESS: Okay.

21 BY MR. STEGE:

22 Q. Do you recognize those photographs and that
23 proposed exhibit?

24 A. Yes, all eight of them.

1 Q. And is that -- are they a true and accurate
2 depiction of the events?

3 A. Very true, very accurate.

4 MR. STEGE: Move to introduce the exhibits.

5 MR. SLOCUM: We've already stipulated to
6 Exhibit 3.

7 THE COURT: The three series is admitted,
8 Ms. Clerk.

9 THE CLERK: Thank you.

10 (3-series exhibits admitted.)

11 MR. STEGE: May I publish three, your
12 Honor?

13 THE COURT: Yes, counsel.

14 BY MR. STEGE:

15 Q. Exhibit 3, page one, who do we see here?

16 A. This is Ted Gibson, Theodore Gibson.

17 Q. Page two, who is that?

18 A. That's Scott Napier, which is me.

19 Q. Three?

20 A. That's both of us there, Ted and myself.

21 Q. And at the cashier --

22 A. At the cashier.

23 Q. Four, who is here?

24 A. This is Ted Gibson and Scott Napier,

1 myself.

2 Q. Do you recognize what's appearing at page
3 five of Exhibit 3?

4 A. Yes. Ted is getting his ID out so he can
5 cash his check.

6 Q. Okay. And at six we have him in the
7 interaction with the cashier?

8 A. Yes.

9 Q. And here we have who leaving Wal-Mart?

10 A. This is Scott Napier. I'm going to go get
11 the car to pick him up right there.

12 Q. Okay. And why would you go get the car to
13 pick him up?

14 A. Because he has trouble walking and a lot of
15 times at Wal-Mart you have to park far away and so I
16 usually drop him off and pick him up.

17 Q. And page eight?

18 A. Ted Gibson.

19 Q. Let's move into February. Were you trying
20 to call Ted in February?

21 A. Yes, I was trying several times.

22 Q. How long had you been trying to call him?

23 A. For maybe three or four days.

24 Q. And how many times do you think you tried

1 to call him?

2 A. One time I had on my phone 38 times.

3 Q. And did he ever pick up?

4 A. No.

5 Q. What did you do when you didn't hear from
6 Ted?

7 A. When I didn't hear from him, I couldn't go
8 see if he was there because it's under lock, the
9 lobby's locked and his room. So, I called the
10 manager of the apartment complex, which I had the
11 number and stuff, because I was with him when he
12 got -- went in there and everything, so I had all
13 the information.

14 Q. So, you were with him when he got the
15 apartment.

16 A. Yeah.

17 Q. So, you called the management and what
18 happened then?

19 A. There was no answer so I left the recording
20 asking if she would go check his room because I
21 explained what we normally do and it's -- he's not
22 answering. And I didn't know whether the phone was
23 out because sometimes he had trouble with it.

24 Q. So, when do you think the last time it was

1 that you heard from Ted prior --

2 A. Probably the 3rd.

3 Q. Okay.

4 A. Because when he got that -- when he changed
5 to a new payee, he was getting a military check that
6 was going in to pay where he could take the money
7 out of the bank on the 3rd and 17th.

8 Q. Okay.

9 A. So, I think it was the 3rd the last time I
10 took him to get any money out.

11 Q. The 3rd of January or February?

12 A. February.

13 Q. Okay. And after you called management, did
14 you ever hear the result or what happened after you
15 called management?

16 A. Police came to my house and picked me up
17 and took me down to the police station. I was
18 heading towards the apartments because the street to
19 the police station, High Street, the apartments are
20 one side and the police are on the other.

21 So, I was going to the apartment and I
22 didn't know. The officer said, We're going this
23 way, so I said, Okay.

24 Q. What was it you didn't know?

1 A. Huh?

2 Q. You said you didn't know that you were
3 going to --

4 A. That I went to the police station.

5 Q. To be interviewed about what you've
6 testified about today?

7 A. Correct.

8 MR. STEGE: Nothing further.

9 THE COURT: To the defense.

10 CROSS-EXAMINATION

11 BY MR. SLOCUM:

12 Q. Good morning.

13 A. Good morning.

14 Q. The district attorney asked you some
15 questions about the payee system --

16 A. Can you --

17 Q. Okay. I'll try to speak a little bit
18 louder.

19 A. Okay.

20 Q. The district attorney asked you about the
21 payee system.

22 A. Correct.

23 Q. That was set up for Ted, right?

24 A. Correct.

1 Q. Okay. And I just wanted to make sure that
2 the jury was clear that in Ted's case he received
3 money that went directly to the payee, correct?

4 A. Correct.

5 Q. And that money was used to pay the rent.

6 A. Yeah.

7 Q. Now, he got more money than was necessary--

8 A. He got two places he got money.

9 THE COURT: Hold on.

10 An important rule of court is that only one
11 person speak at the same time so the reporter can
12 make sure that she switches between voices.

13 THE WITNESS: Okay.

14 THE COURT: And this first request goes to
15 everybody in the court that will speak. Please
16 await the end of the question before you begin your
17 answer. Please await the end of the answer before
18 you begin your question.

19 THE WITNESS: Thank you. Because I've
20 never done this before.

21 THE COURT: That's okay.

22 BY MR. SLOCUM:

23 Q. So, sir, I was asking you about the payee
24 system and your testimony was that Ted received some

1 money directly to the payee, correct?

2 A. Correct.

3 Q. And that payee's responsibility is to pay
4 the rent at the Park Manor Apartments.

5 A. Correct.

6 Q. However, he received more money than was
7 necessary to pay the rent at Park Manor, correct?

8 A. Correct.

9 Q. So, then, it operates like a savings
10 account.

11 A. Correct.

12 Q. And that money would just continually
13 accumulate when he didn't take so much money out.

14 Is that right?

15 A. Correct.

16 Q. But, then, separately from the money that
17 was going to the payee, he got a check.

18 A. Correct.

19 Q. And that check he would actually go and
20 cash.

21 A. Correct.

22 Q. And that's what we see depicted at the
23 Wal-Mart, is he's cashing a check?

24 A. I think that one was changed over to the

1 new payee, which he didn't get a check. The other
2 check went into the payee as well.

3 Q. Okay. So, there was a point at which he
4 was receiving a check and then a point at which he
5 was not receiving a check.

6 A. Yes and no. The old one that went out of
7 business, he would receive the check. When we went
8 over to the new one, he set it all up so all his
9 checks went to the payee.

10 Q. Okay. So, prior to November he received a
11 physical check that he would go and cash.

12 A. Correct.

13 Q. But your testimony is that after November
14 he didn't receive a check.

15 A. He did not receive a check.

16 Q. Okay. Do you remember that you talked
17 about on February 3rd you went and helped him with
18 the check?

19 A. It was with his debit card to get the money
20 out from the military check because he had a debit
21 card to get the money out from the savings from the
22 other check or from the -- and on the 3rd and 17th
23 they said there would be the money in there from his
24 military check. So, I went down the 3rd and he used

1 his debit card to get it out.

2 Q. Okay. On February 3rd you go with him.
3 There's not a physical check but he will take the
4 debit card and he'll withdraw money.

5 A. Correct.

6 Q. And that was on February 3rd that you did
7 that.

8 A. Yes.

9 Q. Now, Ted was generous to you with his
10 money. Is that correct?

11 MR. STEGE: Objection, relevance.

12 THE COURT: Overruled.

13 THE WITNESS: I don't know what you mean by
14 that.

15 BY MR. SLOCUM:

16 Q. Okay. There was a point at which he loaned
17 you \$3,000.

18 A. Correct.

19 Q. He was willing to give you money when you
20 requested it.

21 A. That's the only time I ever did but, yes,
22 he did.

23 Q. Was there a point at which you were helping
24 people out at the McGregor Inn?

1 A. Yes.

2 Q. And could you talk to the jury about the
3 circumstance under which you were helping people at
4 the McGregor Inn.

5 A. I would give him a ride to wherever he
6 needed to go. I got him into the same place that
7 Ted lived and that's about it.

8 Q. Okay. So, with the individual at the
9 McGregor Inn it was a similar sort of situation --

10 A. Correct.

11 Q. -- in which he would -- if I may finish the
12 question before you answer.

13 It was a similar sort of situation where
14 you were assisting with rides and with getting
15 people -- getting him at least to where he needed to
16 go.

17 A. Yes.

18 Q. Was there any exchange of money involved in
19 that?

20 A. No.

21 Q. So, you're not aware of whether or not Ted
22 was also providing money for that individual.

23 A. Ted didn't really know him, so there was no
24 money exchanged that I know of.

1 Q. Okay. Well, that's the question. You were
2 unaware of that.

3 A. I'm unaware.

4 MR. STEGE: Objection to the form of the
5 question. It assumes a fact exists when the man is
6 saying that it's uncertain.

7 MR. SLOCUM: The answer to the question --

8 THE COURT: Refer to the jury. It does
9 assume facts in evidence at the home. It is
10 sustained.

11 BY MR. SLOCUM:

12 Q. I want to talk to you a little bit about
13 your relationship with Ted, okay?

14 A. Okay.

15 Q. You said that you knew him for 15 to 20
16 years.

17 A. Correct.

18 Q. During those 15 or 20 years, how much time
19 did you spend with him?

20 A. I don't know what you mean by that.

21 Q. During the course of the 15 or 20 years,
22 did you see him every day?

23 A. Yes, pretty much.

24 Q. Up until the middle of February of this

1 year.

2 A. Correct.

3 Q. You saw him every day.

4 A. Pretty much.

5 Q. And during the time that you saw him, did
6 you also see Ralph Goad?

7 A. What's that?

8 Q. Did you also see Ralph Goad when you were
9 seeing Ted every day?

10 A. I would see Ralph sometimes.

11 Q. So, you would see Ted every day but you
12 would see Ralph only sometimes?

13 A. Just once in a while.

14 Q. So, you don't know as you sit here how much
15 time Ralph spent with Ted.

16 A. No, I don't.

17 Q. Did Ted talk to you about when he'd arrived
18 at Reno?

19 A. What was that?

20 Q. Did Ted discuss with you --

21 MR. STEGE: Objection, hearsay.

22 THE COURT: Sustained.

23 BY MR. SLOCUM:

24 Q. Do you know when Ted arrived in Reno?

1 A. No, I do not.

2 Q. Do you know where he was before he was in
3 Reno?

4 MR. STEGE: Objection, hearsay.

5 THE COURT: Overruled.

6 THE WITNESS: No, I don't.

7 BY MR. SLOCUM:

8 Q. I'm sorry?

9 A. What was the question?

10 Q. Do you know where he was before he was in
11 Reno?

12 A. No, I do not.

13 Q. You said that based on your personal
14 knowledge that he received a check from the
15 military.

16 A. Correct.

17 Q. Do you know where the other money that he
18 was receiving came from?

19 A. Social Security.

20 Q. Was it Social Security for retirement?

21 A. Yes.

22 Q. So, he received, as you understand it, a
23 Social Security retirement and a military -- was it
24 a retirement?

1 A. No.

2 Q. Okay. Do you know what the nature of that
3 check was?

4 A. Ted was in the military and the benefit
5 office said he wasn't making enough money to make a
6 living, which I think is \$900. So, they gave him
7 the difference between his Social Security check and
8 what the military thought he should have and that
9 was the second check.

10 Q. Did you have personal knowledge of the
11 arrangements of Ted's estate?

12 A. Nothing. Know nothing about that.

13 Q. So, that was -- that was outside of
14 anything that you were aware of.

15 A. Never brought up.

16 Q. Now, you described the McGregor Inn as
17 having a locked door at the front entrance.

18 Is that right.

19 A. Locked door where?

20 Q. At the front entrance --

21 A. Correct.

22 Q. -- of the Park Manor Apartments.

23 A. Correct.

24 Q. And in order to get in you would use a key

1 card, correct?

2 A. Electronic card, yes.

3 Q. So, it's a card that you just hold over the
4 lock and then you could open it?

5 A. And the door would pop open, yes.

6 Q. Did you ever have one of those cards?

7 A. Never.

8 Q. So, when you would go to visit Ted, what
9 was your procedure to be able to see him?

10 A. I called him or he called me and I told him
11 he'd be there in about 10, 15 minutes and usually he
12 was outside waiting for me.

13 Q. Okay. When you say "outside," do you mean
14 literally outside that front door that we just
15 talked about?

16 A. Correct.

17 Q. And he would wait for you and then you
18 would leave together?

19 A. Usually when I showed up he was out there
20 already --

21 Q. Okay.

22 A. -- and we'd take off.

23 Q. And did that happen every day? Is that the
24 everyday contact that you had with him?

1 A. Pretty much.

2 Q. Were there other sorts of arrangements that
3 you would sometimes make?

4 A. If he wasn't there, I would call him at his
5 room and I'd just wait in the car until he came out.

6 Q. Okay. So, you had a cell phone you would
7 call him on?

8 A. Yes.

9 Q. And you would just wait in the parking lot
10 and then he would come out?

11 A. Correct.

12 Q. So, you didn't spend time with him in his
13 actual apartment.

14 A. Not very much.

15 Q. When you say "not very much," how often
16 would you go up there?

17 A. Maybe a couple times a year.

18 Q. And when was the last time that you were
19 actually in his apartment?

20 A. Maybe six months ago.

21 Q. Okay. So, this is now August, right?

22 A. I think so.

23 Q. So, you were in his apartment in February?

24 A. No. Before that.

1 Q. How much before that do you think?

2 A. I thought it was six months. I'm not good
3 at -- it might have been three months before that.

4 Q. Okay. And did you provide Ted a calendar?

5 A. Yes.

6 Q. And why did you do that?

7 A. Because he asked for it.

8 Q. And what did he ask for specifically, if
9 you recall?

10 A. I have no idea. He just said he liked the
11 pictures, so I don't know -- I got the big ones.

12 Q. But you don't know what he did with the
13 calendar?

14 A. Absolutely not.

15 Q. Or if he did anything with the calendar.

16 A. I don't know.

17 Q. So, on those times that you saw Ted with
18 Ralph, how was the relationship between them?

19 A. Seemed to be good.

20 Q. They seemed to be friendly with one
21 another?

22 A. Yep.

23 Q. And you would sometimes all three go out to
24 eat, right?

1 A. Yes, we would.

2 Q. Were there ever any disagreements that you
3 were aware of between them?

4 MR. STEGE: Objection, hearsay.

5 THE COURT: Overruled.

6 THE WITNESS: Not that I know of.

7 BY MR. SLOCUM:

8 Q. Did you ever see them fighting or any
9 problems?

10 A. Didn't have any problems that I know of.

11 Q. When you would see Ted on a daily basis,
12 did you ever have any concerns for his safety?

13 A. No, not at all.

14 Q. Did he seem always to be in good spirits?

15 A. What was that?

16 Q. Did he seem to be in good spirits?

17 A. Yes.

18 MR. SLOCUM: I don't have any further
19 questions.

20 THE COURT: Redirect.

21 REDIRECT EXAMINATION

22 BY MR. STEGE:

23 Q. You also know Ralph Goad, right?

24 A. Who?

1 Q. Ralph Goad.

2 A. Oh, I know Ralph. I don't know his last
3 name too well.

4 Q. Is Ralph in the courtroom today?

5 A. Yes, he is.

6 Q. Will you point to him and tell the jury
7 what he's wearing today.

8 A. He's wearing a dark blue shirt.

9 MR. STEGE: Ask the record to reflect ID of
10 the defendant.

11 THE COURT: Yes.

12 BY MR. STEGE:

13 Q. You were asked about Mr. Gibson's demeanor
14 or mood, that he was kind of a happy guy.

15 What was Ralph Goad's -- Ralph's demeanor
16 like?

17 A. He liked to complain a lot.

18 Q. During your cross-examination you said
19 you're not good with dates.

20 A. Correct.

21 Q. Would you agree that you could be mistaken
22 about the dates that you last saw Ted?

23 A. Could be.

24 Q. Would you admit that it could have been

1 January 18th is the last time you took him shopping?

2 MR. SLOCUM: Objection, leading, your
3 Honor.

4 THE COURT: Overruled.

5 THE WITNESS: It could be. I don't write
6 down things, so I have no idea when you ask me later
7 on. I'm not really sure.

8 BY MR. STEGE:

9 Q. At the time you took him shopping it didn't
10 stick out that it was -- the date. It just stuck
11 out that you're taking him shopping.

12 A. Correct.

13 Q. Now, you said that you saw Ted every day.
14 Is it true you saw -- like in 2019, so, let's say
15 two months before they found his body, were you
16 seeing Ted every day?

17 MR. SLOCUM: Asked and answered, your
18 Honor.

19 THE COURT: Overruled.

20 THE WITNESS: Not at that time.

21 BY MR. STEGE:

22 Q. Okay. At what time frame was it that you
23 were seeing Ted every day?

24 A. On a regular basis we were going to Denny's

1 on Friday, Saturday for breakfast, and at that time
2 we had stopped doing that. We would just do it on
3 occasion --

4 Q. Okay.

5 A. -- when he wanted to.

6 Q. When you were working with Ted, is that
7 when you'd see him every day?

8 A. Correct.

9 Q. So, leading up to this killing, his death,
10 besides the shopping, how often would you think
11 you'd see him?

12 MR. SLOCUM: Asked and answered, your
13 Honor.

14 THE COURT: Overruled.

15 THE WITNESS: Usually I just saw him when I
16 took him to breakfast, when he went and got his
17 money out. Sometimes he didn't go shopping that day
18 and go the next day, but that was the only times
19 that I saw.

20 BY MR. STEGE:

21 Q. This loan from Ted, what was the amount of
22 that loan?

23 A. It was \$3,000.

24 Q. And what was the purpose of it?

1 A. I was short on money to pay my bills and
2 that's what I needed to square things up.

3 Q. And when was this loan?

4 A. Dates --

5 Q. Was it a long time before his murder?

6 A. Way long time. Way long time.

7 Q. And did you pay him back?

8 A. Huh? Yeah.

9 MR. STEGE: Nothing further.

10 THE COURT: Any recross.

11 MR. SLOCUM: Thank you, your Honor.

12 RECROSS-EXAMINATION

13 BY MR. SLOCUM:

14 Q. Sir, I just want to make sure we're clear
15 with respect to these dates. Mr. Gibson received
16 checks, or later deposits, we could say, on the 3rd
17 and the 17th of the month, correct?

18 A. From his military, yes.

19 Q. So, on February 3rd when you indicated
20 that you helped him to withdraw the money, that was
21 a normal activity at that time, right?

22 A. Correct.

23 Q. But then when you were expecting that you
24 would hear something from him after the 3rd,

1 correct?

2 A. Yes.

3 Q. And then you hadn't heard anything for a
4 period of time and so then you decided you would try
5 to call him and then ultimately you tried to call
6 the apartment manager, correct?

7 A. Correct.

8 Q. Because you were in pretty regular contact
9 with Ted before the middle of February, right?

10 A. Pretty much.

11 Q. So, if any period of a week or more had
12 gone by where you hadn't heard from him, you would
13 start getting concerned, right?

14 A. What was that again?

15 Q. If a period of time had gone by, say a
16 week, where you hadn't heard from him, you would be
17 concerned, correct?

18 A. Correct.

19 Q. Because you were having such regular
20 contact with him.

21 A. Correct.

22 Q. So, after February 3rd when you hadn't
23 heard from him for a period of a week or more,
24 that's when you started to get concerned.

1 MR. STEGE: Objection, asked and answered.

2 THE WITNESS: Overruled.

3 BY MR. SLOCUM:

4 Q. Answer the question.

5 A. I forgot. What was it?

6 Q. Sure. So, February 3rd, we talked about,
7 is when he would have gotten the money out from the
8 ATM and you would have taken him to do that.

9 Then, if a week or more had gone by after
10 the 3rd, that's the point at which you would have
11 gotten concerned and that's when you would have
12 tried to call him.

13 A. Correct.

14 Q. And that's when you would have -- I have to
15 finish the question.

16 -- and that's when you would have then
17 subsequently contacted the apartment manager.

18 A. Correct.

19 MR. SLOCUM: I don't have any further
20 questions, your Honor.

21 THE COURT: All right. Thank you. You're
22 free to step down and leave the courtroom.

23 Let's all stand, ladies and gentlemen.

24 MR. STEGE: David Millsap.

(Witness sworn.)

DIRECT EXAMINATION

BY MR. STEGE:

Q. Good morning. Please state and spell your name.

A. David Millsap.

THE COURT: All right. Hold on. You'll have to speak right into the microphone or amplify your voice.

THE WITNESS: Sorry, sir.

THE COURT: That's okay.

THE WITNESS: David Millsap.

M-i-l-l-s-a-p.

BY MR. STEGE:

Q. How are you employed?

A. I'm employed by the City of Reno with the Reno Police Department.

Q. In what capacity?

A. Currently assigned to Detectives in the Robbery Homicide Unit.

Q. How long have you been a Robbery Homicide detective?

A. Approximately nine years.

Q. On February 13th of this year, did you

1 respond to 33 Park Street in Reno, Washoe County,
2 Nevada?

3 A. I did.

4 Q. And what did you do when you got there?

5 A. Originally entered into the scene as a
6 death investigation. We were told by patrol
7 officers that it appeared suspicious, the death.
8 Shortly after that, I was assigned to collect video
9 of the complex.

10 Q. And within an investigation is it true that
11 there's different assignments made in each
12 particular case?

13 A. Yes, depending on the case.

14 Q. And your assignment in this case was to
15 collect video surveillance.

16 A. Yes, it was.

17 Q. How did you go about doing that?

18 A. I met with the apartment manager of that
19 complex inside of her office where there was a DVR
20 system.

21 Q. Have you ever collected video surveillance
22 before?

23 A. I have.

24 Q. Do you have any -- well, do you have

1 experience doing it?

2 A. Yes, I do.

3 Q. Do you have any training in doing that?

4 A. I do. I'm a certified video forensic
5 technician.

6 Q. And so take us to the office to the
7 manager. There's a DVR there.

8 How do you begin the process?

9 A. Well, I note the system itself. It was a
10 standalone system, which means it was actually
11 housed inside of the office complex or in the office
12 area.

13 I note the current date and time as usually
14 my first step to make sure that it appears to be an
15 accurate date and time stamp so when I go back to
16 review I know what the offset might be.

17 Q. And in this case what was the offset?

18 A. The date was accurate, however the system
19 appeared to be eight minutes and 21 seconds fast.

20 Q. What do you do next?

21 A. In this case I looked for the video of
22 interest making sure that it was still there, still
23 saved on the system. A lot of systems tend to
24 recycle video just for storage capacity. This had

1 the video of interest. From there I used the -- I
2 guess it's the archiving system within the system to
3 gather data.

4 Q. And gather data how or what did you do with
5 the data that you gathered?

6 A. So, it's placed onto a thumb drive. The
7 system has USB ports so I select the date and time
8 range that I'm looking for and then I archive that
9 onto the thumb drive.

10 Q. And what was the date range that you
11 selected in this case?

12 A. It changed but originally it was January 1,
13 2019, up until February 13th, 2019.

14 Q. And while you were doing that, something
15 changed?

16 A. Yes.

17 Q. What changed?

18 A. I started with January 1st because we were
19 originally told that the victim in this case was
20 potentially last seen around the 1st of January and
21 so I began that process starting on January 1.

22 I will note that it takes several days to
23 pull that amount of data so I let that go over my
24 weekend. Came back, and then by the time I came

1 back from my weekend, I learned from Detective
2 Nevills that they had found the victim alive through
3 other video surveillance at the Wal-Mart on -- I
4 believe the 18th of January. So, from that point I
5 went from the 18th up until past -- it would be
6 February 13th.

7 Q. And same thing using the archiving system
8 to export it to a thumb drive?

9 A. Correct.

10 Q. Did you observe the layout of the cameras
11 at the apartment complex?

12 A. I did.

13 Q. And what did you note about it?

14 A. So, the system itself has 16 cameras
15 covering various angles, both interior and exterior
16 of the property. The cameras -- the ones interior
17 to the hallways were mounted above on the ceiling
18 facing the hallways going both east and west on the
19 first and second floor.

20 Q. And it's true you became particularly
21 interested in Camera 10.

22 A. That's correct.

23 Q. And where was Camera 10 in relation to
24 Apartment 205?

1 A. So, Camera 10 is on the second floor. If
2 you look at the building, it's got the lobby
3 downstairs, upstairs another seating area, and then
4 it has hallways going either west or east. Camera
5 10 is on the second floor on the east side of the
6 hallway facing -- I'm sorry -- on the west side of
7 the hallway facing east, which would point towards
8 202.

9 Q. And was this camera motion-activated or a
10 continuous feed camera?

11 A. All cameras were set to motion.

12 Q. Meaning they record when there's motion
13 within the range of the camera.

14 A. Correct. Usually settings -- or DVR
15 systems have the settings of either continuous or
16 motion. Motion settings would only activate when
17 the camera itself detects motion within that frame.

18 Q. And let's jump back to your export of all
19 the video from -- well, so, you'd start with the 1st
20 and then learn about the 18th, so you collect the
21 18th through the February 13th.

22 A. That's correct.

23 Q. And those are all exported to what?

24 A. Multiple thumb drives.

1 Q. And those multiple -- did you focus just on
2 Camera 10 or on all the other cameras within the--

3 A. I originally focused on Camera 10 so that
4 Detective Nevills could review that first. So, I
5 did complete an export of Camera 10 first and then
6 went back and collected all cameras from that same
7 time frame.

8 MR. STEGE: Could I approach the witness?

9 THE COURT: Yes.

10 BY MR. STEGE:

11 Q. Sir, handing you proposed Exhibit 25, which
12 contains -- it's 25-A through G, I'd like you to
13 please review this proposed exhibit.

14 THE COURT: Would you recite it in --
15 Exhibit 25-A through?

16 MR. STEGE: G.

17 THE WITNESS: I recognize them, however,
18 there is an H.

19 MR. STEGE: A through H.

20 BY MR. STEGE:

21 Q. And how do you recognize them?

22 A. These are the thumb drives that I
23 downloaded.

24 Q. And containing the surveillance of the

1 dates we just mentioned?

2 A. Correct.

3 MR. STEGE: Move to introduce 25-A through
4 H.

5 MS. MAYHEW: No objection.

6 THE COURT: The exhibit is admitted
7 Ms. Clerk, 25-A through H.

8 (Exhibits 24-A through H admitted.)

9 THE CLERK: Thank you.

10 BY MR. STEGE:

11 Q. Would you put them back in there. So, this
12 contains hundreds of hours of video surveillance.

13 A. That's correct.

14 Q. From there did you also make a thumb drive
15 consisting of just Camera 10?

16 A. I did.

17 MR. STEGE: Approach the witness?

18 THE COURT: Yes.

19 BY MR. STEGE:

20 Q. Do you recognize exhibit -- proposed
21 Exhibit 26?

22 A. Yes, I do. It's a thumb drive bearing my
23 initials and badge number.

24 Q. Why does it bear your initials and badge

1 number?

2 A. Because I had opportunity to review it and
3 verify it's Camera 10.

4 MR. STEGE: Move to introduce 26.

5 MS. MAYHEW: No objection.

6 THE COURT: 26 is admitted, Ms. Clerk.

7 (Exhibit 26 admitted.)

8 BY MR. STEGE:

9 Q. So, that also contains hundreds of hours of
10 video related to Camera 10.

11 A. Yes.

12 Q. Many hours --

13 A. Many hours, yes.

14 Q. So, once you've collected this amount of
15 video surveillance, is there anything else you'd do
16 with respect to the video surveillance?

17 A. On this case specifically, to preserve any
18 additional video that may be needed, I actually took
19 the DVR from the office. From there I took the DVR
20 apart, grabbed that hard drive. It was a one
21 terabyte hard drive within that DVR and completed an
22 image of that DVR hard drive.

23 Q. And is that completed in a forensically
24 sound manner?

1 A. It is a one-for-one copy, so starting with
2 zero all the way up to a thousand gigabytes or one
3 terabyte it makes that copy.

4 Q. And what sort of equipment is necessary to
5 complete that process?

6 A. So, I used -- it's called a Tableau, is the
7 brand name, but it's basically a small computer
8 unit. You hook up the hard drive there, remove it
9 from the DVR. It's write-block, which means I can't
10 write to that or add data to that drive, but the
11 machine copies it to another drive.

12 Q. And upon completing that is there an
13 additional verification process that you undertook
14 in this case?

15 A. There is. There's special software you
16 utilize with the Secret Service. It's called "DVR
17 Examiner," is the brand name. From there I'm able
18 to plug that into a computer, open up the software,
19 and it's able to verify that the data is there and
20 readable by that system.

21 Q. And that gets you every bit of data that's
22 on the DVR.

23 A. Yes.

24 Q. You did mention --

1 MR. STEGE: Can I approach the witness,
2 please.

3 THE COURT: Yes.

4 MR. STEGE: Proposed 18, will you please
5 review that.

6 THE WITNESS: This is a photo that I took
7 of the monitor of the DVR system.

8 BY MR. STEGE:

9 Q. It's a true and accurate copy of that
10 photo, isn't it?

11 A. Yes.

12 MR. STEGE: Move to introduce 18.

13 MS. MAYHEW: No objection.

14 THE COURT: 18 is admitted, Ms. Clerk.

15 MR. STEGE: May I publish it?

16 THE COURT: Yes.

17 BY MR. STEGE:

18 Q. So, what is 18?

19 A. So, 18 is, again, a photograph that I took
20 that shows all camera angles of the DVR system with
21 an addition of a date and time stamp right here.

22 Q. The video after you collected it, who was
23 it turned over to or who was tasked with reviewing
24 it the surveillance?

1 A. The lead investigator, Detective David
2 Nevills.

3 MR. STEGE: Pass the witness.

4 THE COURT: Cross-examination?

5 CROSS-EXAMINATION

6 BY MS. MAYHEW:

7 Q. Detective, your involvement in this case is
8 -- was limited to obtaining the surveillance video.

9 Is that correct?

10 A. Correct.

11 Q. And you indicated that the surveillance
12 video is motion-detected.

13 A. Yes.

14 Q. And with motion detection, the motion is
15 activated when there's movement, correct?

16 A. Yes. The system recognizes movement.

17 Q. So, it only records when there's movement.

18 A. Yes and no. This system had a -- where it
19 was set to prerecord five seconds and then after the
20 movement stopped, it would record for five seconds,
21 so it doesn't just capture movement. It goes back
22 and captures five seconds prior to that movement.

23 Q. What if the movement is continuous? Does
24 it capture that?

1 A. Yes, I believe so.

2 Q. And is there -- once the motion stops, then
3 it stops recording, right?

4 A. Five seconds later.

5 Q. So, it's not an actual continuous
6 recording. There are moments where it stops
7 recording.

8 A. That's correct.

9 Q. So, it's not an accurate depiction of
10 everything that occurred at Park Manor.

11 A. It is an accurate depiction of movement
12 during those times.

13 Q. But there's --

14 A. But it's not 24 hours, seven days a week
15 recording, no.

16 Q. But there are times where the camera has to
17 reset.

18 A. I'm not sure what you --

19 Q. So, you testified that there's movement,
20 right, and then the camera's activated?

21 A. Correct.

22 Q. And then when the movement stops, the
23 camera is not activated.

24 A. That's correct.

1 Q. So, at that point there's no recording.

2 A. When there's no movement, yes, five seconds
3 after the movement has stopped.

4 Q. And what triggers the movement? Is there
5 sort of a temperature that the camera is activated
6 or how does that work?

7 A. I'm not too familiar with the inner
8 workings of the camera. I know that the settings on
9 each camera were set to sensitivity nine. Again,
10 that kinda depends on manufacturer settings but that
11 is not the highest, according to this model number.
12 Ten is the highest sensitivity. These were set to
13 nine.

14 Q. And you were trained as a certified video
15 forensic technician?

16 A. That's correct.

17 Q. And did you receive training in motion
18 detection?

19 A. Not because the -- again, because camera
20 manufacturers vary so much, you know, we talked
21 about it and, I guess, my theory of how they work
22 but not specific to that model.

23 Q. And what was the model of this specific
24 camera?

1 A. I do not know the model of the camera. The
2 system itself was Versiton Video Technologies, I
3 believe.

4 Q. And do you know the resetting time for
5 when -- after there's movement when it's not
6 recording?

7 A. I don't know if there is a time, and if
8 there is, I don't know that time.

9 Q. Okay. But you agree with me that there's a
10 period where the cameras are not recording after the
11 movement.

12 A. Yes, I do. I guess I do.

13 Q. Because it's not continuous, right?

14 A. Yes.

15 Q. It's motion-activated.

16 A. Yes.

17 Q. Did you attain surveillance video outside
18 the apartment building?

19 A. From that same system, yes. There were, I
20 believe, two cameras that captured the parking lot
21 and entryway -- actually, probably three cameras. I
22 apologize.

23 Q. Did you obtain surveillance video of the --
24 looking at the apartment building?

1 A. The cameras that I captured from that
2 system showed portions of that exterior, if that's
3 what you mean.

4 Q. Does it show depictions or video of the
5 windows on the outside?

6 A. Portions of the windows, yes.

7 Q. Okay. Did you review that, that
8 surveillance video?

9 A. Not for content.

10 Q. Did you obtain the surveillance video of
11 outside of the apartment building?

12 A. Yes, I did.

13 Q. And is it your understanding that the
14 window in Apartment 205 was open?

15 A. Based on what I know about the
16 investigation, I was told that it was partially
17 opened.

18 Q. And did you observe the outside of the
19 apartment building?

20 A. I made several trips to that apartment
21 building so, yes, I viewed that apartment.

22 Q. Do you recall seeing almost like a CMU
23 block ledge on the outside of the windows?

24 A. I don't recall that specifically.

1 MS. MAYHEW: Court's indulgence.

2 THE COURT: Yes.

3 MS. MAYHEW: No further questions, your
4 Honor.

5 THE COURT: Any redirect?

6 REDIRECT EXAMINATION

7 BY MR. STEGE:

8 Q. Collecting surveillance is pretty common in
9 homicide cases, right?

10 A. Yes, it is.

11 Q. And you probably do it -- on a monthly
12 basis it's something you do.

13 A. I would say on every homicide there's video
14 to be collected.

15 Q. And the idea of a 24/7 constant recording
16 surveillance, how often do you run into that?

17 A. If I had to give it a number, most of the
18 time it is large casinos that have the capability
19 and the money generally to have a continuous system.

20 Q. And more common is the motion-detected
21 system.

22 A. Correct.

23 Q. In this -- you were asked about, Well, if
24 there's no movement, it stops, right?

1 A. Yes.

2 Q. In your limited review of the surveillance,
3 did you see evidence that, perhaps, someone had been
4 there but the camera did not catch the movement?

5 A. In my review I did not see that. I viewed
6 it to make sure that the data was there and each
7 time there was movement within that time frame.

8 Q. And the Apartment 205, the one with Mr.
9 Gibson's body in it, is that in close proximity to
10 the camera?

11 A. From Camera 10, yes, I believe it's two
12 doors away from the camera.

13 Q. You talked about sensitivity levels. This
14 was set to nine of ten.

15 A. That's correct.

16 Q. And is ten being the highest, the most
17 sensitive or least sensitive?

18 A. The most sensitive.

19 Q. Meaning it takes less movement to trigger
20 it?

21 A. Minimal movement to trigger that camera.

22 Q. You were asked about -- well, about other
23 surveillance besides the 16 channels that you
24 recorded that you recovered.

1 A. Yes.

2 Q. And this other surveillance that was -- all
3 these cameras that's contained in Exhibit 25, that
4 was given to the DA to give to the defense.

5 A. Yes, it was.

6 Q. Is that true?

7 So everyone may review it.

8 A. It is on those thumb drives.

9 Q. The term I had never heard is "resetting
10 time." What is resetting time?

11 A. I'm not sure what defense's -- what their
12 definition of it is. I guess the best analogy I can
13 give is mostly what I see on internet-based systems
14 like at the Ring or Arlo or Blink systems, where
15 once it's done recording, based on your settings, it
16 won't start recording again for a certain amount of
17 time.

18 So, if I record 60 seconds' worth of video,
19 the system says, I'm not going to start recording
20 for 30 seconds because it just -- it's more for
21 storage reasons, so I can't comment on how this
22 system worked.

23 Q. But in your experience, you see that -- did
24 I hear you say you see that more in sort of

1 internet-based consumer-grade surveillance --

2 A. Yes, I do.

3 Q. -- where the video is stored on the Cloud?

4 A. Correct.

5 Q. And this is not that.

6 A. No. It's stored in-house on that DVR.

7 Q. Is this a commercial-grade surveillance?

8 A. I believe so. I'm not familiar with the
9 company, but based on the size of the hard drive and
10 where it's set up, I know it was professionally
11 installed.

12 Q. Did you -- well, what's a CMU wall?

13 A. To be honest, I do not know.

14 Q. Why did you answer if you don't know?

15 Okay. So, you don't know what a "CMU" is?

16 A. I do not.

17 MR. STEGE: Okay. Thanks. Nothing
18 further.

19 THE COURT: Any Recross?

20 RECROSS-EXAMINATION

21 BY MS. MAYHEW:

22 Q. Detective, I apologize. Going back into
23 construction defect in my day, so a CMU block wall
24 is just a big block wall that typically -- I mean,

1 it's just a wall.

2 So, you don't recall seeing anything
3 outside of that?

4 A. I know there was a -- I don't know if the
5 camera kinda captured it. There's an awning, if you
6 will, right outside the front door and then there's
7 a wall that has mailboxes in it. I believe if you
8 look at Camera 4 you can kinda see the start of that
9 awning.

10 Q. And that's what I was referring to. So, in
11 Camera 4, that wall is right outside the window,
12 correct?

13 A. If you're talking this wall there, is that
14 the wall you're talking about?

15 Q. Yes.

16 A. That would not be right outside of the
17 victim's window. His window would have been, if my
18 memory serves me, more in that area. Sorry to --

19 Q. So, but the wall extends throughout the
20 entire below half or middle of the outside of the
21 apartment building.

22 A. I can't be for certain if it does or not.

23 Q. You were asked about -- I know that we
24 talked about resetting, and I apologize for not

1 exactly explaining what that was. But do you have
2 an understanding of what I was trying to elicit?

3 A. I took it as being what I had discussed
4 about the more streaming cameras, where based on
5 user settings, it will not record for an additional
6 usually 30 to 60 seconds until there's -- if there's
7 movement within that time, it won't record until
8 that time is up, if that makes sense.

9 Q. Okay. It does. And, then, if there is
10 continuous movement, does it capture that continuous
11 movement?

12 A. From my understanding the system does.

13 Q. And where did you get that understanding?

14 A. Just based on my limited review of the
15 camera, seeing people walk from the beginning of the
16 hallway all the way down to past the camera.

17 Q. But you don't know as you sit here today
18 that the camera captured all movement.

19 A. I believe it captures up until that, you
20 know, that setting of 9, again, depending on what
21 the manufacturer states that sensitivity is. I
22 would disagree that it does capture movement or at
23 least all movement within those settings.

24 Q. And talk to me a little bit about the

1 settings. You said the system was a level nine.

2 Can you describe what that is?

3 A. I don't know the specifics of this
4 manufacturer so I can't comment on the sensitivity
5 settings.

6 Q. Okay. So, then, how can you sit here today
7 and say it captures all movement if you don't have
8 an understanding of the settings?

9 A. I'm saying within that settings, you know,
10 it captured movement.

11 Q. But you don't have an understanding of the
12 settings.

13 A. I don't know what level of sensitivity
14 other than the system saying that it's set as a
15 nine.

16 Q. Okay. But you can't sit here today and say
17 that it captures --

18 MR. STEGE: Objection, argumentative?

19 THE COURT: Overruled.

20 THE WITNESS: Again, I guess my response
21 would be that when I was able to review it, it
22 captured motion. Can I say it captured, you know,
23 every motion, I guess I cannot, because there is
24 some gaps in time.

1 MS. MAYHEW: No further questions.

2 THE COURT: Thank you. You're free to step
3 down and leave the courtroom.

4 We will take our morning recess.

5 (Whereupon, jury was admonished
6 and excused.)

7 THE COURT: Please be seated. The entire
8 jury is present.

9 To the state, you may call your next
10 witness.

11 MR. STEGE: David Nevills.

12 (Witness sworn.)

13 THE COURT: Counsel, you may begin.

14 MR. STEGE: Thank you.

15 DIRECT EXAMINATION

16 BY MR. STEGE:

17 Q. Sir, please state and spell your name.

18 A. Dave Nevills.

19 Q. We have had this morning an issue with
20 people's voices needing to be projected, so please
21 be mindful of that during your testimony.

22 A. Okay.

23 Q. Are you employed?

24 A. I work for Reno Police Department.

1 Q. As -- in what capacity?

2 A. Robbery homicide detective.

3 Q. How long have you been a robbery and
4 homicide detective?

5 A. About four years.

6 Q. What was your role in this case, the case
7 involving Mr. Goad?

8 A. I was assigned as the lead detective.

9 Q. And we've heard some about assignment
10 within Detectives. What is a lead detective?

11 A. Lead detective is in control of the overall
12 investigation, assigns other detectives' specific
13 assignments in regards to -- in this case the scene
14 was assigned to a Detective Kazmar. Detective Nick
15 Smith was assigned to assist me with interviews and
16 financial information.

17 Q. And Detective Millsap was tasked with the
18 surveillance?

19 A. Yes.

20 Q. How did this investigation begin for you?

21 A. I received a call from Detective Sergeant
22 Myers asking me to respond to 33 Park Street,
23 Apartment 205 regarding a suspicious death.

24 Q. And were patrol officers or detectives in

1 charge or controlling of the scene?

2 A. Yes.

3 Q. And what did you do when you got there?

4 A. I went inside. I met with Sergeant Conklin
5 and went inside and observed the scene.

6 Q. And we will later hear from Detective
7 Kazmar, but can you give us an overview of the
8 scene.

9 A. It's a small apartment, similar to a studio
10 apartment. It's very similar to like a motel room
11 with kitchenette. As you walk in the front door,
12 you immediately arrive in the kitchen area. The
13 stove and refrigerator is on the right side, which
14 would be the west wall.

15 As you continue down the hallway, which is
16 relatively short, maybe 10, 12 feet, you enter into
17 the bedroom combination living and dining room area.
18 You make a right-hand turn towards the west wall and
19 there's a small bathroom off to the right.

20 Q. Tell us about your observations within the
21 bathroom.

22 A. Inside the bathroom there were several
23 items on the vanity which consisted of a pair of
24 scissors, a smaller pair of scissors, a

1 black-handled fixed-blade knife. And then also we
2 noticed some red staining inside the sink that was
3 consistent with blood.

4 Q. Take us back to the living area.

5 A. The living area is a small bed. I believe
6 it was a twin-sized bed. The headboard was along
7 the west wall. There's a small nightstand on either
8 side. The foot of the bed actually faces the east
9 wall. There's a small dresser at the foot of the
10 bed. Above that's a television. Calendar was
11 posted on that wall.

12 Q. And what did you notice about the general
13 condition of the main living area?

14 A. General condition was somewhat disheveled.
15 There appeared to be a disturbance inside the room.

16 Q. And what makes you say that?

17 A. Mr. Gibson was laying somewhat on his right
18 side and back at the foot of the bed. His head was
19 against the south wall below the large window which
20 is also next to a heating and air-conditioning unit.
21 There was some red staining on the wall that was
22 consistent with blood.

23 On the south side of the bed there was
24 pillows, some blankets, and paperwork. There was a

1 billfold wallet laying on the ground and the foot of
2 the bed with numerous different cards strewn about.
3 There's some ashes on the ground near the small
4 table, but there was an ashtray on top of the table
5 that was empty. And so it appeared that at some
6 point the ashtray had been knocked off and someone
7 put the ashtray back leaving the contents of the
8 ashtray on the ground.

9 Q. And the ashes on the ground, the ashtray,
10 was that close to the body of Mr. Gibson?

11 A. Yes. It was near his feet.

12 Q. And in your review, you know, your initial
13 review or getting to that room, what if anything
14 stuck out in terms of trying to assess either who
15 had been the perpetrator or when it had occurred?

16 A. Well, there was -- Mr. Gibson had defects
17 on him that were consistent with a sharp-force
18 object. There was, obviously, a struggle inside the
19 room. We knew there was surveillance cameras in the
20 hallway.

21 Q. And you mentioned the calendar. Tell us
22 about the calendar.

23 A. The calendar was open to January 2019. It
24 had a scribble or X mark on every day beginning on

1 the first to the 22nd. After the 22nd there was
2 no more marks. Led me to believe that he was killed
3 sometime after the 22nd when he made that mark or
4 sometime on the 23rd prior to making the mark.

5 Q. Okay.

6 MR. STEGE: Can I approach the witness?

7 THE COURT: Yes.

8 BY MR. STEGE:

9 Q. Do you recognize proposed Exhibit 33?

10 A. Yes, the 2019 calendar I just described
11 from the --

12 Q. And it's packaging indicating it's been in
13 the Reno Police Department evidence vault.

14 A. Yes.

15 Q. Prior to testifying today, we met with the
16 clerk along with defense counsel and opened or broke
17 the seal on that evidence envelope.

18 A. Yes.

19 MR. STEGE: I move to introduce this
20 exhibit.

21 MR. SLOCUM: We stipulate.

22 THE COURT: Thirty-three is admitted.

23 (Exhibit 33 admitted.)

24 MR. STEGE: May the detective publish the

1 calendar?

2 THE COURT: Yes.

3 BY MR. STEGE:

4 Q. You may need to stand up, Detective.

5 A. This is the calendar I described and it was
6 open to this page, January 2019. As you can see,
7 there's a mark checking off each day until the
8 23rd.

9 Q. And this was in February.

10 Is there anything marked in February?

11 A. There's bleed-through, it looks like to me,
12 that from the previous days it's been marked off.

13 Q. Okay. Thank you. In fact, going back to
14 -- this was hung January.

15 A. Yes, sir.

16 Q. Okay. Did you observe the December
17 portion? I guess it's the last portion of '18.

18 A. No, I did not particularly see that portion
19 on that particular day.

20 Q. Okay.

21 A. I only saw the January, when it was still
22 posted on the wall.

23 Q. Okay. Let's continue from there.

24 So, you have an idea that this might have

1 happened around the 22nd. What do you do next?

2 A. After that we -- Detective Millsap and I
3 responded to the main office area and we observed a
4 short portion of video.

5 Q. And in that short portion -- well, what
6 short portion?

7 A. It was specifically cued up to
8 January 22nd -- yeah, January 22nd -- and it was
9 approximately 15 to 30 hours indicating -- showing
10 Mr. Goad in the hallway, Ms. Juarez, the manager
11 there, was also on scene and she positively
12 identified Mr. Goad for me on video.

13 Q. Was that in your presence?

14 A. Yes.

15 Q. Did you later show to Ms. Juarez still
16 photographs from the surveillance?

17 A. Yes.

18 Q. And seeking to identify a particular
19 suspect?

20 A. Yes.

21 Q. And was she able to do that?

22 A. Yes.

23 MR. STEGE: Approach the witness?

24 THE COURT: Yes.

1 BY MR. STEGE:

2 Q. Can you please review Exhibit 30.

3 A. Yes. These are the photos that I showed to
4 Victoria Juarez.

5 MR. STEGE: Move to introduce 30.

6 MR. SLOCUM: No objection.

7 THE COURT: 30 is admitted, Ms. Clerk.

8 MR. STEGE: May we publish?

9 THE COURT: Yes. Tell me about what 30 is.
10 Is it a sealed document or contain a series?

11 MR. STEGE: It contains a series of
12 documents, which I will count for the clerk.

13 THE COURT: Multiple pages?

14 MR. STEGE: Four pages. They're, in fact,
15 individually marked 30A through D.

16 THE COURT: 30A through D are admitted,
17 Ms. Clerk.

18 (Exhibit 30A through D admitted.)

19 THE CLERK: Thank you.

20 MR. STEGE: And I may publish, your Honor?

21 THE COURT: Yes.

22 BY MR. STEGE:

23 Q. 30A, what are we seeing here?

24 A. That particular photo is from Camera 10 of

1 the hallway. That one is dated 1/29/2019 at 10:38
2 hours in the morning. That is one of the photos
3 that she identified as Mr. Goad.

4 Q. As well as B showing a different date.

5 A. Different date and time, which includes one
6 1/21/19 at 0412 hours, and she also identified that
7 as Mr. Goad.

8 Q. 30C.

9 A. That specific one is 1/21/19 at 7:21 hours
10 and she also identified that as Mr. Goad.

11 Q. Finally, 30D, David.

12 A. And that one is dated 1/18/19 at 0659 hours
13 and she also identified that as Mr. Gibson.

14 Q. And let's talk about there were a number of
15 different photographs you used of Mr. Goad. Why was
16 -- why use the different --

17 A. I wanted to show it in different periods of
18 time.

19 Q. Can you give us an example.

20 A. Well, I think one was dated 1/21. One was
21 dated -- I don't recall.

22 Q. So, for example, let's slow this down a
23 little bit. So, Exhibit A is from January 29th.

24 A. Correct.

1 Q. And you have C being from the 21st.

2 A. Correct.

3 Q. And it appears from this -- these stills
4 there's different clothing.

5 A. Yes. He dresses similar every day but he
6 does wear similar clothing to every day.

7 Q. Okay. I think we left off you and
8 Detective Millsap were reviewing video from the
9 22nd. What did you do after that?

10 A. After that I met with witness and
11 interviewed her at the station while Detective
12 Millsap began obtaining video surveillance.

13 Q. And what about interviewing the witness?

14 A. I'm sorry?

15 Q. After the witness, what did you do?

16 A. I came back to the scene for a brief moment
17 and then ultimately contacted another witness and
18 reinterviewed him.

19 Q. At some point did you become interested in
20 finding the last known whereabouts of Mr. Gibson or
21 last time --

22 A. Yes.

23 Q. -- he was known alive?

24 A. Yes, when he was last known alive.

1 Q. And how did you do that?

2 A. I received information from Detective Smith
3 that there was a transaction at the Wal-Mart on East
4 2nd Street on the 18th of January about 0722 hours
5 that Mr. Gibson had made.

6 Q. What did you do to follow up with that
7 piece of information?

8 A. Based on that I responded to the Wal-Mart
9 and the security officer there obtained video of Mr.
10 Gibson making his purchase on the 22nd --
11 correction, on the 18th.

12 Q. Did you review that video?

13 A. Yes, I did.

14 Q. What did you notice?

15 A. It depicted Mr. Gibson with Mr. Scott
16 Napier, a friend of his. They made a -- Mr. Napier
17 assisted Mr. Gibson in making a transaction there
18 for around \$253.

19 Q. Were you able to observe the nature of the
20 transaction in terms of -- let me ask you, You said
21 it was \$253.

22 A. Yes. And I think it was 74 cents.

23 Q. And during this transaction do you see what
24 bills or denominations?

1 A. He ultimately uses a credit card for the
2 transaction and then receives some change. The
3 clerk hands him some cash. One specific bill he
4 gives back to the clerk and then receives five
5 additional bills in exchange for that one bill.

6 Q. And are you able to tell -- or based on the
7 position of the drawers, did you have a theory of
8 what bill was changed for the five smaller bills?

9 A. Yes. Based on the position of the bills,
10 it appears that the bill that he gave back to the
11 clerk was a \$100 bill and then he got five \$20s in
12 exchange for that.

13 Q. So, he initially had two hundred-dollar
14 bills and exchanged one of them.

15 A. I believe so, yes.

16 Q. Okay. And from that were you then able to
17 locate Mr. Gibson, his last time known to be alive
18 on the video surveillance of Park Manor?

19 A. Yes.

20 Q. I sort of jumped into this, but tell us
21 about your review of the video surveillance from
22 Park Manor.

23 A. I reviewed video surveillance beginning
24 January 17th all the way until February 13th.

1 Q. And of which camera or cameras?

2 A. Specifically Camera 10.

3 Q. And what, if anything, did you notice about
4 Apartment 205 in your review?

5 A. Apartment 205 is relatively close to where
6 the camera is. It's on the right-hand side or on
7 the south wall.

8 Q. And what were you looking for in your
9 review of the surveillance?

10 A. Anyone entering and exiting Mr. Gibson's
11 room.

12 Q. Did you ever see Mr. Gibson enter his room?

13 A. Yes, on the 18th.

14 Q. Did you ever see Mr. Gibson exit the room
15 after the 18th of January?

16 A. No.

17 Q. Did you see anyone else on the surveillance
18 enter Apartment 205?

19 A. Yes, Mr. Goad.

20 Q. Did you ever see anyone besides Mr. Goad
21 enter the Apartment 205 in that time period?

22 A. No.

23 Q. Based on -- so, you have from the 18th
24 onward and you have the calendar.

1 What did you do from there in terms of
2 video surveillance review?

3 A. I began watching it for the entire time.

4 Q. And what did you notice, if anything, on
5 the 22nd of January?

6 A. On the 22nd I noticed that -- I think it
7 was around 1531 hours -- actually, prior to that Mr.
8 Goad was in Mr. Gibson's apartment. At about 1531
9 hours it appears Mr. Goad peeks out slightly, goes
10 back inside the apartment, and then about two
11 minutes later it's a recurrence of the same thing.
12 About 1700, which is like 5:00 p.m., I want to say
13 1747, Mr. Goad exits the apartment.

14 Q. Let's talk about the lead-up between the
15 18th up until the 22nd.

16 What do you observe about Mr. Goad as it
17 relates to 205?

18 A. Mr. Goad is constantly in and out of 205,
19 Mr. Gibson's apartment. He's sometimes seen as
20 early as 5:30 in the morning going there. He makes
21 numerous trips on specific days and is usually gone
22 back to his apartment by around 12:30 or so.

23 Q. Detective Millsap has previously -- we
24 previously admitted the Camera 10 surveillance.

1 That is the surveillance that you reviewed, right?

2 A. Yes.

3 Q. Now, subsequent to that there was a
4 compilation made from Camera 10 depicting Mr. Goad's
5 involvement with 205.

6 A. Yes.

7 Q. And did you have an opportunity to review
8 that compilation of Camera 10?

9 A. Yes.

10 MR. STEGE: May I approach the witness with
11 proposed 27?

12 THE COURT: Yes.

13 BY MR. STEGE:

14 Q. Do you recognize 27?

15 A. Yes, I do.

16 Q. How do you recognize it?

17 A. It has my initials with my badge number and
18 date that I reviewed it.

19 Q. And is that a true and accurate copy of the
20 surveillance as it relates to Mr. Goad's involvement
21 in 205?

22 A. Yes.

23 MR. STEGE: Move to introduce 27.

24 MR. SLOCUM: No objection, your Honor.

1 THE COURT: 27 is admitted, Ms. Clerk.

2 THE CLERK: Thank you.

3 BY MR. STEGE:

4 Q. So, let's move 27 -- go ahead. So, 27 we
5 just admitted, but let's begin with 26, which is the
6 one that's not the compilation, just Camera 10.

7 A. Okay.

8 Q. So, let's start with the 17th of January.
9 If you could just orient us to where we are here.

10 A. This is the hallway that Mr. Gibson and Mr.
11 Goad's room is on and this is the view of Camera 10
12 and it's facing eastbound.

13 Q. And can you tell where Apartment 205 is in
14 this?

15 A. So, you have the partial door on the far
16 right, which is the first one, and then you have a
17 full door. Then if you go down one more, it's that
18 door right there. That's Mr. Gibson's room.

19 Q. I don't think we can -- we're seeing your
20 marks.

21 A. Can I touch it?

22 Right there. That's Mr. Gibson's room.

23 Q. So, this entryway here, and put a mark
24 here. Is it similar to this one in the foreground

1 where there's a door on the right and door on the
2 left?

3 A. Yes.

4 Q. And this entryway, which of the doors is
5 205? Right or left?

6 A. The right.

7 Q. Okay. So, to be clear, this is just a day
8 at the apartment complex.

9 A. Yes.

10 Q. It collects the coming and going of the
11 residents.

12 A. The hallway, yes.

13 Q. We heard testimony or questioning about the
14 issue of the sensitivity of the camera.

15 What were your observations in viewing
16 these multiple days of video about the sensitivity
17 level of the camera?

18 A. I found that the sensitivity of the camera
19 was very high. On one occasion it captured a cat.
20 It's the only thing that was in the hall, was a cat.
21 On another occasion it captured a small dog and that
22 was the only thing in the hallway.

23 There's also one other circumstance where
24 Mr. Goad is actually exiting his apartment, which is

1 213, which is way farther down the hallway and he
2 exits the east door. Even though it's that far
3 away, it still activates and captures it.

4 Q. Looking at the 17th of January, it looks
5 like 14 minutes after midnight we see people coming
6 out from the far end of the hallway, which does
7 trigger the camera. In fact, I'll go back briefly
8 to that.

9 A. Correct. So, it's very sensitive.

10 In that particular incident there it
11 captures a gentleman, two people exiting the room.

12 Q. The area where those people exit, is that
13 near the apartment of Ralph Goad?

14 A. It's near the apartment, yes.

15 Q. Okay. And what apartment is Mr. Goad's?

16 A. 213.

17 Q. Let's switch from the full days of Camera
18 10 to the compilation, please, switching now of
19 Exhibit 27. Let's begin with the 17th.

20 A. So, it's the 17th at 0514 and that's Mr.
21 Goad coming out of his apartment. He's approaching
22 Mr. Gibson's apartment and then continues on. Mr.
23 Goad dressing similar almost every day. He has on a
24 dark jacket and dark pants on that particular time.

1 He also has shoes that have somewhat of a
2 neon or white sole. It's hard to tell in black and
3 white video, but they're relatively consistent.
4 That's Mr. Goad returning and he wears a ball cap.
5 You can see the white soles in this video. It's
6 easier to see it from the back. There's Mr. Goad
7 going to Mr. Gibson's apartment and he knocks. The
8 ball cap has a letter "B" on it. In this incident
9 he's waiting to be let inside. He receives no
10 answer and continues back to his room.

11 Q. Were you -- let's pause this. As you're
12 watching this, you're reviewing it, did you notice
13 anything about or are you looking for whether Goad
14 knocks or just enters the door?

15 A. Yes. I'm looking to see if he knocks or if
16 he goes inside without knocking without hesitation.
17 I'm also watching his body movements so I can
18 identify him each time I see him as early as
19 possible. He has kind of a specific gate. His hat
20 is often tilted to one side and he swings his arms
21 in a specific motion, kind of behind him and to the
22 side.

23 I also recognize that he seems to go back
24 to the same apartment. Obviously, it's 213. Mr.

1 Goad, again, is exiting his apartment at 0524.

2 Q. So, this down here is the time of day.

3 A. Yes. And the time on the -- the date is
4 correct, however, the time is approximately ten
5 minutes fast. Mr. Goad is arriving at Mr. Gibson's
6 apartment and there he knocks. He's ultimately let
7 inside.

8 And about 7:18 on the same day he's exiting
9 with the bags. That's common. He often carries
10 bags out. You can see the letter "B" on his hat.

11 This is 0728 hours, a short time later he
12 returns carrying a white bag. He returns to Mr.
13 Gibson's apartment and there you see he goes right
14 inside. He doesn't hesitate or doesn't knock.

15 Q. In the days before the 22nd, do you see a
16 pattern with the knocking versus not knocking?

17 A. It's -- it varies. Sometimes he knocks,
18 sometimes he doesn't. Mr. Goad, again, no jacket,
19 still wearing the letter "B," you can see the way he
20 swings his arms.

21 Q. I'd like to pause here for a moment.
22 You're using the term -- you're saying this is Mr.
23 Goad in the video.

24 A. Yes.

1 Q. Based on what?

2 A. I can tell by his clothing, the way he
3 walks, his gait and the fact that Victoria Juarez
4 had positively identified him on video prior to me
5 watching this, which made it very easy for me to
6 identify him. And I can see facial structures.

7 Q. And sort of jumping ahead to the end of
8 your investigation, you ultimately saw Ralph Goad
9 face to face, and is that part of how you're able to
10 identify him on this video?

11 A. Correct, yes.

12 Q. And do you see Ralph Goad in the courtroom
13 today?

14 A. Yes, I do.

15 Q. Would you identify him for the record,
16 please.

17 A. Mr. Goad is wearing blue. He has a beard
18 and sitting at defense table.

19 MR. STEGE: Ask the record reflect the ID
20 of the defendant.

21 THE COURT: Yes.

22 BY MR. STEGE:

23 Q. Let's continue.

24 A. Mr. Goad is returning. It's 9:06 a.m. He

1 goes to Mr. Gibson's apartment and let's himself in.
2 9:59 Mr. Goad is exiting carrying a white bag and
3 returning to his apartment. He hesitates at his
4 apartment, so that makes me believe he locks his
5 door when he leaves. 10:02 hours he's exiting his
6 apartment now.

7 This particular incident he passes Mr.
8 Gibson's apartment. Still dressed the same as he
9 was before. Same day at 11:40 Mr. Goad returned.
10 On this particular occasion he knocks on the door of
11 Mr. Gibson's apartment. He's allowed inside.

12 Still 1/17 at 1300, which is 1 p.m., Mr.
13 Goad exits with a dark-colored bag in his right
14 hand. Returns to his apartment and goes inside.
15 Approximately 1:41, or 1341 hours, on the 17th, Mr.
16 Goad is exiting.

17 This particular occasion he passes Mr.
18 Gibson's apartment and now he's wearing his jacket.
19 He still has the hat with the letter "B" tilted off
20 to the side.

21 Q. So, that's the end of the 17th.

22 A. January 18th, 06:00 a.m. It appears that
23 Mr. Gibson's looking out. Mr. Gibson steps out and
24 appears he locks his door, because he takes some

1 time while he's there.

2 Q. Where does January 18th fit in the
3 timeline?

4 A. This is the last time I'm able to
5 positively identify him as being alive on this
6 particular day.

7 Mr. Gibson makes his way down to the
8 building entrance where. This is the same day at
9 9:30 a.m. Mr. Gibson is returning carrying what
10 appears to be some groceries, or something of that
11 nature, back to his room. He pauses at the door.
12 Appears that he's getting his keys out so he can
13 unlock the door and go inside.

14 A few minute later he comes back out.
15 Appears to lock the door again. Now the bag is
16 empty.

17 Now it's about 0940 hours on the same day,
18 the 18th, and he returns with a second bag. He
19 retrieves his keys, unlocks the door, and goes
20 inside.

21 Same day, about 10:16 a.m. Mr. Goad is
22 walking down the hallway dressed as he was before.
23 Stops at Mr. Gibson's apartment and knocks. He
24 ultimately goes inside.

1 Still the 18th about 11:48 hours, Mr. Goad
2 exits Mr. Gibson's apartment and walks back towards
3 his. He goes back inside his own apartment.

4 Still the 18th at 11:58 hours it appears
5 Mr. Gibson is looking out down the hallway and then
6 goes back inside.

7 1513 hours, still the same day, Mr. Goad
8 exits his apartment -- I'm sorry. This is another
9 individual, I believe. Yeah, this individual meets
10 with Mr. Gibson and they have a brief conversation,
11 shaking hands. Ultimately the individual goes back
12 to their apartment.

13 Q. Do you know who that person is?

14 A. I don't know who exactly that person is,
15 no.

16 Q. Go to the 19th.

17 A. Now, the 19th about 06:00 a.m. Mr. Goad is
18 exiting his apartment carrying a bag. Stops at Mr.
19 Gibson's apartment and goes inside without
20 hesitation on this occasion.

21 Mr. Goad then is -- it's 0720 and exits Mr.
22 Gibson's apartment and is carrying a white bag,
23 still wearing the hat he usually wears with the
24 letter "B." 0734 hours he's returning to -- Mr.

1 Goad is returning. He goes to Mr. Gibson's
2 apartment and he goes inside without hesitation.

3 Now 11:49 hours and Mr. Goad is seen
4 exiting Mr. Gibson's apartment and returning to his
5 own.

6 It's now 11:54 hours and Mr. Goad is
7 exiting his apartment. Mr. Goad goes to Mr.
8 Gibson's apartment and knocks. After a brief wait,
9 he goes inside. 11:56 hours Mr. Goad is exiting Mr.
10 Gibson's apartment carrying a white bag.

11 Now about 1331 hours, or 1:31 p.m., Mr.
12 Goad is returning. He goes to Mr. Gibson's
13 apartment, doesn't knock and pauses or anything, and
14 then returns to his apartment.

15 Q. Move now to the 20th.

16 A. About 0533 hours in the morning and Mr.
17 Goad is exiting his apartment.

18 Q. This is part of that loose pattern of early
19 morning going to Mr. Gibson's apartment.

20 A. Correct. Brief pause at the door and then
21 continues on. So, now it's 534 hours and Mr. Goad
22 is returning. Goes to Mr. Gibson's apartment and
23 knocks. After a short wait, he goes inside. 0718
24 hours same day, Mr. Goad coming out of Mr. Gibson's

1 apartment carrying a bag.

2 0726 hours he returns. Goes to Mr.

3 Gibson's apartment and goes directly inside.

4 Q. We've seen a lot of white bags, sort of
5 shopping bags?

6 A. Yes. Those are shopping bags consistent
7 with something you get at Raley's or any
8 supermarket.

9 11:19 hours Mr. Goad exits Mr. Gibson's
10 apartment.

11 Q. Do you recall if there were such white bags
12 in Mr. Gibson's apartment?

13 A. Yes, there were several.

14 Q. Jumping ahead, any in Goad's apartment,
15 those white shopping bags?

16 A. Yes. There were shopping bags in both
17 apartments, yes.

18 11:52 hours still on the 20th, Mr. Goad is
19 exiting his room. On this particular occasion he
20 doesn't stop at Mr. Gibson's and continues out the
21 hallway. 11:57 he returns carrying a bag. On this
22 particular occasion he does not stop at Mr. Gibson's
23 apartment and continues on to his own.

24 Q. Let's go to the 21st. I want to ask you

1 something.

2 Getting the impression from the compilation
3 that it's not a very busy hallway. In looking at
4 the raw footage of Camera 10, is this a busy
5 hallway?

6 A. It's very busy. Even though the camera's
7 motion-activated, it's almost constant.

8 This is the 21st now at 0411 hours and
9 this is Mr. Goad exiting his apartment. On this
10 particular day he stops by but does not knock and
11 ultimately leaves down the hallway.

12 0413 hours he returns and knocks on Mr.
13 Gibson's door.

14 Q. This is four in the morning?

15 A. 4:00 in the morning, yes.

16 Q. And ultimately he does not receive any
17 answer so he continues back to his apartment.

18 A. Still the 21st, it's 0428. Mr. Goad
19 exiting his apartment. Walks to Mr. Gibson's
20 apartment, tries the door. After a brief wait, he's
21 allowed inside.

22 It's now 0721. Mr. Goad exiting Mr.
23 Gibson's apartment. About 0734 he returns carrying
24 a white bag. He returns to Mr. Gibson's apartment

1 and in this case he does not knock. He just goes
2 right inside.

3 Now about 9:10 a.m. Mr. Goad exiting Mr.
4 Gibson's apartment carrying a white bag heading back
5 towards his apartment.

6 THE COURT: Counsel, will you please hit
7 pause and let's all stand, ladies and gentlemen.

8 (Recess taken.)

9 BY MR. STEGE:

10 Q. Let's pick back up at 9:19 hours on the
11 21st of January.

12 A. Mr. Goad exiting his apartment and he's
13 carrying -- I think he's -- yes, carrying a white
14 bag in his right hand. Passes by Mr. Gibson's
15 apartment.

16 11:21, still the 21st, Mr. Goad is
17 returning. He's carrying a bag, goes to Mr.
18 Gibson's apartment and knocks. After a short wait,
19 he's allowed inside.

20 Still the 21st about 12:48 hours, Mr.
21 Goad is exiting Mr. Gibson's apartment, walks
22 towards his apartment and he goes inside.

23 Q. So, these are days, for example, we've just
24 watched the 21st where he enters the apartment and

1 we don't see him until the next day.

2 A. Yes.

3 Q. Right. So, let's move to the 22nd.

4 A. The 22nd at 0504 hours Mr. Gibson looks
5 like he's peeking out and Mr. Goad is exiting his
6 apartment. Mr. Goad walks down to Mr. Gibson's
7 apartment and goes inside.

8 5:45 hours Mr. Goad exits Mr. Gibson's
9 apartment and walks back towards his own and he goes
10 inside. Approximately 5:53 Mr. Goad exits his
11 apartment. Mr. Goad on this particular occasion is
12 carrying that dark bag that's similar to the one I
13 saw earlier. He goes to Mr. Gibson's apartment and
14 goes inside with out hesitation and does not knock.

15 Q. The black bag you just talked about, did
16 you ever see that, a similar bag later?

17 A. Yes.

18 Q. Where?

19 A. Inside Mr. Goad's apartment.

20 Q. And what does it look like?

21 A. It's like a black leather duffle bag.

22 07:28 hours the same day Mr. Goad exits Mr.
23 Gibson's apartment. On this particular occasion he
24 does not wear any jacket. The shoes and ball cap

1 are still the same.

2 Q. Can you tell from the video what is it that
3 he's wearing?

4 A. Appears to be like a sweatshirt dark in
5 color, light gray, maybe. About 7:28 hours he
6 returns still wearing the sweatshirt, goes inside
7 Mr. Gibson's apartment without hesitation.

8 0730 hours he exits Mr. Gibson's apartment
9 carrying a bag and now he's wearing a jacket. 0742
10 hours Mr. Goad returns carrying a bag still wearing
11 the jacket. Returns to Mr. Gibson's apartment where
12 he allows himself inside.

13 It's now same day 0811. Mr. Goad is
14 exiting Mr. Gibson's apartment and now it looks like
15 the jacket he's no longer wearing, just the
16 sweatshirt. He goes back to his apartment. He goes
17 inside. 0813 hours Mr. Goad exits. Mr. Goad
18 returns to Mr. Gibson's apartment and allows himself
19 inside.

20 It's now 12:01 hours, same day. Mr. Goad
21 is exiting Mr. Gibson's apartment carrying the white
22 bag and it looks like the black duffle bag again
23 going back to his apartment.

24 About 1206 hours Mr. Goad is exiting his

1 apartment, he's carrying a white bag. On this
2 particular occasion he passes Mr. Gibson's apartment
3 wearing a sweatshirt, no jacket.

4 About 1419 hours Mr. Goad returns wearing
5 the sweatshirt, no jacket, carrying a white bag and
6 he returns to Mr. Gibson's apartment where he
7 knocks.

8 Q. And this time frame, 1400 hours, how is
9 that significant?

10 A. It's odd in the fact that this is one of
11 the latest times he's ever been to Mr. Gibson's
12 apartment. After a brief wait, he's allowed inside.
13 About 1422, 2:22 p.m., same day, Mr. Goad is seen
14 exiting Mr. Gibson's apartment and he's carrying
15 what appears to be a bowl light in color, still
16 wearing the sweatshirt, no jacket.

17 1423 hours he returns and he goes back
18 into Mr. Gibson's apartment without hesitation. So,
19 that's that 1423.

20 Q. So, now we're an hour --

21 A. Yeah. Same day 1531 hours it appears Mr.
22 Goad is looking out, goes back inside. At 1533
23 hours he appears again. He goes back inside.

24 Q. Let's pause here at the 1534 mark. Based

1 on the behavior you saw leading up to this, what was
2 your working assumption or your belief?

3 A. Well, the behavior's odd. That's the first
4 time I've seen that, Mr. Gibson peeked out earlier,
5 but the first time I've seen Mr. Goad peek out
6 earlier. It's also consistent with the day we
7 suspect it occurred, the 22nd -- sometime between
8 the 22nd and the 23rd after Mr. Gibson marks the
9 calendar or sometime on the 23rd before he marks
10 the calendar again. So, somewhat odd behavior in
11 the fact that Mr. Goad is also in there later than
12 normal. He's not usually in there this late.

13 It's now 1734 hours still on the 22nd and
14 Mr. Gibson -- or correction. Sorry -- Mr. Goad is
15 seen exiting Mr. Gibson's apartment and now he's
16 wearing his jacket.

17 Q. Let's go now to the 23rd.

18 A. So, it's now the 23rd, the following day,
19 at about 1443, or 2:43 p.m.

20 Q. And I'm just touching on this briefly.
21 We'll come back to it.

22 Between the 22nd when he leaves in the
23 evening and until now, did you make investigation
24 into his whereabouts?

1 A. Yes.

2 Q. Did you discover where that was?

3 A. Yes.

4 Q. So, you believe he's gone for the night?

5 A. Correct.

6 Q. Or he's gone the whole time until he
7 returns?

8 A. Correct.

9 Q. Now, this is the exception, right, where we
10 put in one clip as an illustration of the doors, the
11 right and left doors.

12 A. Correct. This individual here, his first
13 name is Cody. He lives in 207, which I believe is
14 next to Mr. Gibson. And as you can see when he
15 approaches the door there, because the doorknob is
16 on the left, you can see his pull back as he opens
17 the door and he goes in.

18 You can see his back and he -- the way he
19 has to slide into the room because of the way of the
20 knob orientation on the door.

21 Q. How does that differ from entering into
22 205?

23 A. Mr. Gibson's room the doorknob is on the
24 right. Subsequently, in order to enter the room,

1 you have to almost fully face the door. So, when
2 anybody stands at the door waiting to be allowed in
3 or goes in, you can actually see the right side of
4 their body and they go directly into the room.

5 Q. Their body has to face the camera.

6 A. Yes.

7 Q. Approach with 12.

8 Do you recognize Proposed 12?

9 A. Yes. It's a photo I took.

10 Q. Move to introduce 12.

11 MR. SLOCUM: No objection.

12 THE COURT: Twelve is admitted, Ms. Clerk.

13 THE CLERK: Thank you.

14 (Exhibit 12 admitted.)

15 MR. STEGE: May I publish this?

16 THE COURT: Yes.

17 BY MR. STEGE:

18 Q. What's 12?

19 A. That's a photograph of the doors of 207 and
20 205, 205 being Mr. Gibson's room.

21 Q. So, where would the camera be from here?

22 A. The camera would be off to the right down
23 the hallway.

24 Q. So, the door we just saw that gentleman

1 walk in would have been this 207?

2 A. Correct.

3 Q. Okay. Go back to the video.

4 A. So, we're on January 23rd at 2:47 p.m.

5 It's Mr. Goad returning. He goes right into Mr.

6 Gibson's room. There's no hesitation. There's no

7 knocking.

8 Q. After the 22nd, do you ever see
9 hesitation or knocking?

10 A. No. A few moments later he comes back out
11 and heads towards his room. For an unknown reason,
12 he stops and returns to Mr. Gibson's room. Again,
13 he enters without hesitation.

14 Short time later he returns, exits the room
15 carrying a white bag, heads back towards his room.

16 Still on the 23rd it's now 2341, which is
17 11:41 p.m., Mr. Goad exits his room. This is the
18 latest I've seen him in Mr. Gibson's room. Doesn't
19 hesitate. Goes right inside.

20 About 2347 he comes back out, and it
21 appears he may be carrying something in his right
22 arm. He normally swings his arm but you can't see
23 his right arm swinging there. He returns to his
24 room.

1 Q. Let's go to the 24th.

2 A. The 24th at 0736 Mr. Goad is seen exiting
3 his room and this particular time he's later than
4 normal. He doesn't stop at Mr. Gibson's room. He
5 just walks right on by. He's now wearing his coat.

6 It should be noted I also did not mention
7 that on the video the day before at 2347 he's no
8 longer wearing his sweatshirt. He's back to a
9 short-sleeve shirt.

10 Q. So, now --

11 A. 0744 a.m.

12 Q. Can you repeat what you said about the
13 sweatshirt?

14 A. On the 23rd, the day before, at about
15 2347, Mr. Goad returns that late night to Mr.
16 Gibson's room. He's no longer wearing the
17 sweatshirt he was wearing earlier. He's back to a
18 short-sleeved polo low shirt.

19 Q. Okay.

20 A. On this particular day 7444 a.m. on the
21 24th, he doesn't hesitate at Mr. Gibson's room.
22 He walks right on by.

23 Q. Back to the 24th, you don't see him in
24 Gibson's room?

1 A. The last day he's in Mr. Gibson's room is
2 the 25th.

3 Q. Let's watch the 25th.

4 A. 25th at 07:08 a.m. Mr. Goad exiting his
5 room. On this particular occasion he does not stop
6 at Mr. Gibson's room. He's wearing his jacket, a
7 ball cap with the letter "B."

8 It's now 0717, Mr. Goad is returning. He
9 does not stop at Mr. Gibson's room and goes directly
10 to his.

11 Now 1804 hours, 6:04 p.m., the same day on
12 the 25th, Mr. Goad exiting his room in the
13 short-sleeve shirt. Goes to Mr. Gibson's room. No
14 hesitation. Goes inside. About 1818 hours Mr. Goad
15 exits Mr. Gibson's room carrying something.

16 Q. About 13 minutes later.

17 A. Yes. Heads back to his room.

18 Q. Is that the last time you see Goad?

19 A. That's the last time Mr. Goad is in Mr.
20 Gibson's room, yes.

21 Q. Let's go to the 26th.

22 A. It's the 26th about 0802 hours. Mr. Goad
23 comes out of his room. Mr. Goad passes Mr. Gibson's
24 room wearing a ball cap, jacket as he normally

1 would.

2 0813 hours Mr. Goad returns carrying a bag.
3 He does not go to Mr. Gibson's room. Passes by and
4 goes back to his apartment.

5 So, the 26th about 10:39 hours Mr. Goad
6 exits his room.

7 THE COURT: We'll take a recess, ladies and
8 gentlemen.

9 (Whereupon, jury was admonished
10 and excused for lunch at 12:10
11 p.m.)
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AFTERNOON SESSION

MR. STEGE: My pretrial or mid-trial memo probably applies this to witness. Also, I am planning to release this witness subject to re-call and call him at a -- later in the trial for some -- there's some foundational matters that I need to tie up first.

THE COURT: You've read the pretrial memo, I presume.

MR. SLOCUM: I have read it.

THE COURT: I don't expect that there is a written response.

MR. SLOCUM: Well, I got it this morning and over the lunch hour, no, I didn't.

THE COURT: So, I don't expect -- let me just reflect out loud for a moment.

I agree with the state's principles of law that the defense cannot elicit the defendant's hearsay statements through specific hearsay statements through cross-examination and a witness that the defendant spoke to. As a general concept, I agree with his principles. It's always finding where that tension point is. Because if the defense were to ask specifically, What did my client say

1 then, what did my client say then, well, clearly,
2 I'm on one wrong side of it.

3 There's probably a very early general form
4 of testimony I would allow, for example, Did you
5 speak to the defendant and is it true that he
6 denied, you know, being involved, something like
7 that. I'd probably let it go just a little bit but
8 we're not going to get the defendant's words in.

9 But so far with this -- and I read Glover
10 as well this morning -- I would make that decision
11 based upon what happened on direct examination.
12 It's not fair and I'm not -- I'm not suggesting you
13 do nefarious work, but it's not fair to the state to
14 pound one side of it and then disallow an equal
15 response.

16 So, that's my general feeling, that I'm
17 with the state mostly, but depending on trial flow,
18 I can see unlocking it just a little bit. However,
19 this witness specifically, there's been nothing so
20 far about this witness's interaction with Mr. Goad.
21 I would disallow any form of testimony from this
22 witness about interactions with Mr. Goad, what Mr.
23 Goad may have said during interactions with the
24 officer. It just hasn't been addressed on direct.

1 MR. STEGE: And so the question of the
2 propriety of asking a question, Well, you spoke to
3 him and he denied it, can we -- will the Court make
4 that decision prior -- require that they do that
5 prior, bring it up to the Court before they ask it
6 of the witness?

7 Because, you know, Glover's -- the catch 22
8 that it puts the state in is I can't argue a
9 negative inference. Or I can't say, In opening they
10 said his statements to the police was this. I get
11 close to it, a line when I say, Well, that wasn't
12 the evidence that was presented.

13 THE COURT: Right. So, so far this trial
14 is entirely different than the Glover fact pattern
15 and trial itself.

16 MR. STEGE: Right.

17 THE COURT: It's cautious. If you think
18 you're going to on cross-examination begin eliciting
19 out-of-court declarations by your client, I think
20 it's cautious to let the court know and I could make
21 that duty binding upon you as the state requests,
22 because I just don't like these pre-evidentiary
23 decisions. I'm always bound in civil cases to these
24 motions in limine but the jurisprudence is clear. I

1 get to make the decision as it happens.

2 As the direct has happened so far with this
3 witness, there's nothing the defense could do to
4 introduce Mr. Goad's statements. The jury, please.

5 (Jury enters courtroom.)

6 THE COURT: Good afternoon. Everyone be
7 seated, please.

8 Shall we continue with the same witness?

9 MR. STEGE: Yes, please.

10 THE COURT: Deputy, if you will assist.
11 Continuation of Officer Nevill's testimony.

12 DIRECT EXAMINATION (continued)

13 BY MR. STEGE:

14 Q. All right. Let's pick up on January 26th,
15 10:39.

16 A. Mr. Goad walking down the hallway with a
17 bag, passes Mr. Gibson's door.

18 Mr. Goad returning about 10:51 hours.
19 Passes Mr. Gibson's room and continues on to his
20 room.

21 Same day about 10:56 Mr. Goad exiting his
22 room and in this case Mr. Goad passes Mr. Gibson's
23 room again.

24 Same day about 12:40 Mr. Goad returns,

1 continues past Mr. Gibson's room.

2 Q. And are we going to see Goad in the days
3 from the 26th forward ever go back in the apartment?

4 A. To Mr. Gibson's room?

5 Q. Right.

6 A. No. And here he goes back into his own
7 apartment. Also note that I noticed on several
8 occasions where the video we're watching just now,
9 the only person in the video is Mr. Gibson -- I'm
10 sorry -- Mr. Goad, who just stepped out prior to
11 this lady below stepping out.

12 Even though he's at the far end of the
13 hallway, the camera is activated. This is a
14 particular incident where Mr. Goad actually goes out
15 the east door there, which is the first time I saw
16 him do that and the only time I saw him do that.

17 Same day about 2149 hours Mr. Goad is
18 coming back, passes Mr. Gibson's room, and he goes
19 into his apartment.

20 Q. Let's turn -- anything on the 27th?

21 A. No.

22 Q. Go to the 28th.

23 A. That's 01 a.m. on the 28th. Mr. Goad is
24 coming back passing by Mr. Gibson's room and goes

1 into his apartment.

2 Same day about 11:22 a.m. Mr. Gibson comes
3 out of his apartment. He passes Mr. Gibson's room.

4 11:41 hours on the same day Mr. Goad is
5 returning. Got a plastic bag. He goes by Mr.
6 Gibson's room and goes to his apartment.

7 Q. Let's go to the 29th.

8 A. The 29th about 10:38 a.m. Mr. Goad exits
9 his room, passes by Mr. Gibson's room.

10 About 10:53 the same day Mr. Goad returns
11 with a plastic bag and passes Mr. Gibson's room and
12 he goes inside his apartment.

13 Q. Let's go to the 30th. What's the
14 significance of the 30th?

15 A. This is the date that Mr. Goad is -- it's
16 about 9:44 hours and he's exiting his room now. Mr.
17 Goad passes Mr. Gibson's room.

18 Now about 11:07 hours. That's a Washoe
19 County Deputy Sheriff and his partner and that is
20 Mr. Patrick Billings. He's the maintenance man and
21 they are responding to Mr. Goad's room. They're
22 knocking on the door, go inside, make entry. Post a
23 notice of eviction. Then Mr. Billings actually
24 removed the locking mechanism of the dead bolt so no

1 one could get inside. Mr. Goad returning about
2 11:26, passes Mr. Gibson's apartment. Tries to get
3 in his apartment and discovers the lock.

4 Here he's leaving his apartment passing Mr.
5 Gibson's. It appeared that he had the eviction
6 notice in his hand and now he's switching to his
7 left and going back downstairs.

8 About 11:46 hours the same day he's
9 returning to his home. Still has the eviction
10 notice in his left hand. Still can't get in his
11 apartment and comes back. Again, he passes Mr.
12 Gibson's room.

13 Same day about 11:50 Mr. Goad returning to
14 his room. He's carrying a white bag and it looks
15 like he still has the eviction notice in his left
16 hand. Mr. Billings with Maintenance ultimately
17 allows Mr. Goad inside.

18 Q. Did you observe or pay attention to
19 anything in Mr. Goad's hands during this time?

20 A. Yeah. When he first got there, he had a
21 bag in his right hand and it appeared to be the
22 eviction notice in his left hand. When he exits he
23 appears to have the exact same thing. He doesn't
24 appear to take anything else. And Mr. --

1 MR. STEGE: I'd pause here, your Honor, and
2 seek admission of proposed Exhibit 24, a certified
3 copy of the proceedings in the Reno Justice Court
4 relative to the eviction. I'll renew that motion at
5 a later date, your Honor.

6 THE COURT: Okay.

7 MR. STEGE: May I briefly speak with the
8 clerk?

9 THE COURT: Yes.

10 (Sotto voce discussion between
11 Counsel and the clerk.)

12 THE WITNESS: About 1154 hours Mr. Goad is
13 leaving, still has the same -- appears to be the
14 same bag he had before with Mr. Billings.

15 MR. STEGE: Let's pause here before we get
16 to the next section.

17 BY MR. STEGE:

18 Q. After the 30th is Mr. Goad ever seen on the
19 premises?

20 A. No.

21 Q. Let's go from after the eviction, 12:01
22 p.m.

23 A. That gentleman is Bernard Robinson. He
24 approaches Mr. Gibson's room and knocks. After a

1 brief wait, he leaves. He does not go inside.

2 THE COURT: I can't hear you, sir. Will
3 you please speak in the microphone and amplify your
4 voice. I missed the name.

5 THE WITNESS: Mr. Bernard Robinson.

6 THE COURT: Thank you.

7 BY MR. STEGE:

8 Q. We are to -- anything on February 1st?

9 A. I believe that his door's approached by --
10 I'm not sure who it is, so I'll wait for the video.

11 Q. Let's go to February 2nd.

12 A. Ms. -- approaches his door. I should have
13 mentioned this earlier. She's not technically
14 unknown. I don't know her name. I can't tell you
15 her name right now.

16 But during these investigations we do
17 what's called a canvass. Detective Smith and Guider
18 were assigned to canvass of this building. We go to
19 each and every door and knock on every door.

20 If they develop any information from anyone
21 who lives and identify the people that are there,
22 then they develop -- they need to follow up on that
23 information with another interview or they tell me
24 about it and I assign someone to do the interview or

1 I do the other interview. We also obtain the roll,
2 or tenant list, of everyone in the building.

3 So, from my purposes here today, I can't
4 tell you what her name is but we have everyone's --
5 the names, the list of everyone who lives in this
6 building.

7 Q. Can you tell us if this woman enters the
8 apartment?

9 A. She does not.

10 Q. Let's continue picking up at 1:26.

11 A. After a brief moment, she moves on.

12 Q. So, from there is there any action or
13 anyone approaching the door of Mr. Gibson's
14 apartment?

15 A. The same lady approaches the door on the
16 second occasion. Same thing. She approaches the
17 door but she doesn't go in and moves on to the -- to
18 her own apartment.

19 Q. Let's go to February 3rd.

20 A. Approaches the door, is there for a brief
21 moment, and then moves on to her own apartment.

22 Q. So, from the 3rd to the 12th of February,
23 is there any people -- persons approaching Apartment
24 205?

1 A. Victoria Juarez, she's the manager of the
2 complex. She's posted notices on doors and she
3 posted a notice on Mr. Gibson's door as well.

4 Q. But the time frame from the previous video,
5 which was February 3rd to the 12th, there's
6 nothing in between there of anyone approaching the
7 door.

8 A. No.

9 Q. Let's go to the 12th.

10 A. This is Victoria here.

11 Q. Let's now go to the 13th.

12 A. 12:30, that's Mr. Billings and Victoria
13 Juarez approaching Mr. Gibson's door and doing a
14 welfare check. He knocks on the door first. He
15 goes inside.

16 Discovering Mr. Gibson and Mr. Billings
17 locks the door and he returns to the office and
18 calls 911.

19 12:41 hours, the police officers, Fire
20 respond and arrive on the scene along with REMSA, I
21 believe.

22 Q. From here it just takes us to the police
23 contact with the room.

24 A. Yes.

1 Q. All right. Who was the assigned scene
2 detective for the subsequent search of Room 213?

3 A. Detective Kasmar.

4 MR. STEGE: Subject to re-call, your Honor,
5 I'll pass the witness.

6 THE COURT: Cross-examination.

7 CROSS-EXAMINATION

8 BY MR. SLOCUM:

9 Q. Good afternoon.

10 A. Good afternoon. How are you?

11 Q. So, how much time did you devote to
12 actually watching all of these videos?

13 A. I began watching video around
14 February 14th and concluded around March 5th.

15 Q. And you were ultimately able to conclude
16 that January 22nd was the date of particular
17 interest. Is that right?

18 A. Correct.

19 Q. And the reason that it was of particular
20 interest is it was your belief that you see Mr.
21 Gibson in the morning, but that's the last time that
22 you see him. Is that right?

23 A. Coupled with -- yes, coupled with the
24 calendar, coupled with the changes in Mr. Goad's

1 activity, yes.

2 Q. Okay. I'm speaking now specifically about
3 the video on the 22nd.

4 A. Yes.

5 Q. And my question was initially how much of
6 the video did you watch, how much time did you
7 spend.

8 A. Uh-huh.

9 Q. And then you narrowed it down to the 22nd
10 as being a date of particular interest.

11 A. Yes.

12 Q. Now, you had watched a whole bunch of
13 videos so you were able to identify Mr. Goad, for
14 example?

15 A. Yes.

16 Q. And throughout all of the videos we just
17 watched, Mr. Goad is always wearing dark pants.

18 Is that right?

19 A. Yes.

20 Q. He always has a baseball cap?

21 A. Yes.

22 Q. So, you could pretty easily identify him.
23 He's the guy with the dark pants and the guy with
24 the "B" baseball cap.

1 A. Yes.

2 Q. So, let me take you back here to our video.
3 This is Exhibit 27. These are all the videos that
4 we've been watching today, so I want to go now to
5 January 22nd.

6 Who is the individual here at the back?

7 A. That's Mr. Goad.

8 Q. Who is this that was just -- maybe we need
9 to back it up to see, because it looks like there's
10 somebody in this room right here.

11 A. Yes. I believe that's Mr. Gibson.

12 Q. Okay. How are you able to identify that as
13 Mr. Gibson?

14 A. I cannot positively identify him as Mr.
15 Gibson.

16 Q. So, you don't know as you sit here today
17 whether that's Mr. Gibson or not?

18 A. I can -- I reasonably believe it is him
19 because no one else came outside or went into that
20 room other than Mr. Gibson and Mr. Goad.

21 Subsequently to that on February 13th we
22 discovered Mr. Gibson, whoever that was would still
23 have to be in there.

24 Q. Okay. So, do you make any conclusion about

1 whether or not this individual is wearing a baseball
2 cap?

3 A. It doesn't look like he's wearing a
4 baseball cap.

5 Q. Does it look like he's bald?

6 A. Or balding, yes.

7 Q. So, you've watched this a number of times,
8 right?

9 A. Yes.

10 Q. So, you've come to a conclusion that you
11 believe that that's actually Mr. Gibson --

12 A. Yes.

13 Q. -- right?

14 We've got the fact that it's 213, which is
15 his apartment, correct?

16 A. 205.

17 Q. 205 is his apartment?

18 A. Mr. Gibson's apartment is 205, yes.

19 Q. We know that Mr. Goad is down the hall at
20 213.

21 A. Yes.

22 Q. So, we make the conclusion that this is Mr.
23 Gibson here.

24 A. Yes.

1 Q. Now it's your belief this is the last time
2 that we see Mr. Gibson. Is that right?

3 A. Yes.

4 Q. And you've had lots of opportunities to
5 review this video?

6 A. Yes.

7 Q. And I'm asking this question again because
8 I want to make sure we're on the same page.

9 That's what you put in your report --

10 A. Yes.

11 Q. -- this is the last time that we see Mr.
12 Gibson.

13 A. Yes.

14 Q. Okay. And that's at about 5:04 in the
15 morning that we were just looking at, right?

16 A. Yes. And, actually, I have to correct
17 myself. In my report it documents the last time I
18 see Mr. Gibson is on the 18th and that's because on
19 that video I can positively identify him as Mr.
20 Gibson based on the video clarity.

21 This as I testified earlier today, said
22 that I believe this is Mr. Gibson. So, my report
23 actually reflects the positive identification on the
24 18th rather than this specific date.

1 Q. Okay. But we've just talked about the fact
2 that your report, you believe, that it's Mr. Gibson
3 at 5:04, correct?

4 A. Yes.

5 Q. Now I want to take you to 3:31:43.

6 Do you see a gentleman standing in the --

7 A. Yes.

8 Q. -- doorway there at 205?

9 A. Yes.

10 Q. Who do you believe that to be?

11 A. I believe that's Mr. Goad.

12 Q. Okay. Can you identify what color pants
13 this gentleman has?

14 A. No, I cannot.

15 Q. Can you identify whether or not he's
16 wearing a ball cap?

17 A. It doesn't appear he is, no.

18 Q. Does it appear that he's bald?

19 A. He could be but it's also glaring light.
20 Sometimes it could be a reflection.

21 Q. Okay. Well, how would you compare this --
22 what we're looking at right now to what I just
23 showed you at 5:00 morning? How would you compare
24 as to those two images?

1 A. I would say they're both -- I can't
2 positively identify either one of them.

3 Q. To you as an experienced professional, do
4 they not look like the same person?

5 A. I can't tell. They look very similar but I
6 believe Mr. Gibson and Mr. Goad in this light and in
7 these circumstances could look very similar.

8 Q. Did you have the opportunity to make an
9 assessment of how large an individual Mr. Gibson
10 was?

11 A. He's larger than Mr. Goad but I can't tell
12 exactly by how much.

13 Q. Were you present for the autopsy?

14 A. I did not attend the autopsy, no.

15 Q. Did you have an opportunity to review the
16 autopsy report?

17 A. I did not review the report. I got the
18 information from Detective Kazmar.

19 Q. Okay. So, as you sit here today, when
20 you're telling us that Mr. Gibson was bigger or
21 larger than Mr. Goad, that's based on information
22 you got from Detective Kazmar?

23 A. No. It's based on I've seen Mr. Goad and
24 I've seen Mr. Gibson.

1 Q. Oh, okay. So, you have seen Mr. Gibson.

2 A. Yes.

3 Q. Okay. When did you do that?

4 A. The day that he was discovered.

5 Q. Okay. So, you're talking about the body of

6 Mr. Gibson --

7 A. Correct.

8 Q. -- when you say that. Is that right?

9 A. Yes.

10 Q. Okay. And you just saw his body in 205.

11 A. Correct.

12 Q. But your recollection is that he appeared
13 to be bigger than Mr. Goad.

14 A. Yes. More heavyset, yes.

15 Q. But you don't know as you sit here how much
16 larger he was.

17 A. Correct.

18 Q. Okay. Have you had an opportunity to
19 review the surveillance from Wal-Mart?

20 A. Yes.

21 Q. Okay. Is it accurate that Mr. Gibson is
22 depicted in the video at Wal-Mart?

23 A. Yes.

24 Q. So, you've got a sense of what Mr. Gibson

1 does look like on video.

2 A. Yes.

3 Q. And you've got a sense of how much larger
4 he is, even if you say as you sit here today you're
5 not sure exactly how large.

6 A. Correct.

7 Q. But if I'm understanding your testimony
8 correctly, as you're looking at this individual
9 standing in the doorway, you believe that that could
10 be Mr. Goad.

11 A. Yes, based on the calendar, based on the
12 time of events.

13 Q. Sir, can you please answer the question I'm
14 asking.

15 MR. STEGE: Objection.

16 THE WITNESS: Yes. The answer's yes.

17 BY MR. SLOCUM:

18 Q. The question is, Just looking at this image
19 of this gentleman standing in the doorway, you
20 believe that that could be Mr. Goad?

21 A. Yes.

22 Q. And, in fact, not only do you believe it
23 could be, you believe that it is.

24 A. Yes.

1 Q. So, it's actually stronger than could be.
2 Isn't that right?

3 A. It could be.

4 Q. Okay. So, is your testimony now that it is
5 or that it could be Mr. Goad?

6 A. I said that in my original testimony with
7 Mr. Stege that it appears to be him. I'm sticking
8 with the same answer. It appears to be Mr. Goad.
9 And I came up with that conclusion because of those
10 other reasons as well.

11 Q. Okay. You wrote a report, as you
12 indicated, correct?

13 A. Yes.

14 Q. So, would it be accurate, then, that you
15 wrote in your report on page 12 of 27 of Supplement
16 No. 9 15:31:50 hours "Goad is captured peeking out
17 of Gibson's apartment."

18 A. Yes.

19 Q. That's what you wrote.

20 A. Yes.

21 Q. You didn't write "it could be Mr. Goad,"
22 correct?

23 A. Correct.

24 Q. Then you went on to say, "Goad stepped

1 partially out of the door and looked toward the
2 surveillance camera as if he is checking to see if
3 anyone heard anything." Is that correct?

4 A. Correct.

5 Q. You didn't write "what could be Mr. Goad
6 stepped out of the doorway." Is that right?

7 A. That's correct.

8 Q. Then you wrote, "Goad went back inside
9 after a short time." You didn't write "it could be
10 Mr. Goad," right?

11 A. That's correct.

12 Q. And then you went on to write, "In all the
13 video I watched, this is the first time I saw Goad
14 act in this manner." Isn't that right?

15 A. Yes.

16 Q. You didn't write "in all this video I
17 watched this is the first time the man I think is
18 Mr. Goad or could be Mr. Goad act in this manner."
19 Isn't that right?

20 A. Yes.

21 Q. Now I want to take you to the surveillance
22 on the 26th. So, this is at 2150 hours. This is
23 Mr. Goad going into his apartment. Is that right?

24 A. Yes.

1 Q. Okay. So, we know that on the 26th at the
2 end of the evening he went into his apartment,
3 correct?

4 A. Yes.

5 Q. And then Mr. Stege asked and you said
6 there's no surveillance on the 27th, correct?

7 A. There's surveillance, yes.

8 Q. No surveillance of Mr. Goad.

9 A. Correct.

10 Q. You watched all the surveillance and
11 there's no Mr. Goad and the 27th. Is that correct?

12 A. I don't recall any surveillance on the 27th
13 of Mr. Goad.

14 Q. I want to take you to the 28th, because
15 that's the next day there's surveillance of Mr.
16 Goad. And this is 01:11 a.m., correct?

17 A. Yes.

18 Q. Who is walking down the hall?

19 A. Mr. Goad.

20 Q. So, how do you explain the fact he went
21 into his apartment on the 26th, we see him do that.
22 And now we know there's no surveillance on the 27th
23 and now on the 28th he's returning to his apartment?

24 A. Well, I would have to refer to my report

1 and see if I documented Mr. Goad leaving on the
2 27th.

3 Q. I thought we just said there's no
4 surveillance on the 27th.

5 A. There's surveillance on the 27th. I don't
6 recall, as I testified here today, Mr. Goad
7 appearing on the 27th but I could be incorrect.

8 Q. Well, didn't you tell Mr. Stege that Mr.
9 Goad's nowhere on the 27th?

10 A. That's what I recall but I could be wrong
11 based on this video.

12 Q. Well, you are wrong based on this video,
13 aren't you?

14 A. It appears that way but I'd have to --

15 Q. What do you mean when you say "it appears
16 that way"?

17 MR. STEGE: Objection.

18 THE COURT: Overruled. I'm going to allow
19 it. It's cross-examination.

20 THE WITNESS: I would have to check my
21 report, sir.

22 BY MR. SLOCUM:

23 Q. Sir, I want to direct you to Exhibit No.
24 33. This has been previously marked and admitted.

1 A. Yes. The calendar.

2 Q. Can you take that out of the bag.

3 A. Yes.

4 Q. So, Mr. Stege asked you about the calendar
5 and you indicated that, as you observed it, it was
6 hanging on the wall with January being the month
7 that was depicted. Is that right?

8 A. Yes.

9 Q. Mr. Stege asked you about dates in December
10 but you said you hadn't seen those.

11 A. No.

12 Q. Okay. If I could just direct your
13 attention to something. You indicated, if I
14 understood your testimony, that there's some -- what
15 you described as bleed-through.

16 A. Yes.

17 Q. And can you describe for the jury what you
18 meant by that?

19 A. Sometimes when you mark on a calendar or
20 certain pieces of paper and there's something
21 underneath it, then it makes a mark on the paper
22 behind it.

23 Q. Did you compare the marks that were made in
24 January to the bleed-over in February?

1 A. The specific scribbles, no, I did not.

2 Q. So, as you sit here today, you don't know
3 whether or not they correspond or not.

4 Is that accurate?

5 A. Yes.

6 Q. Well, then what I would like you to do,
7 sir, is take a look at January and then February and
8 make the comparison. And then if you could tell the
9 jury whether or not you believe that the marks that
10 are made on January directly correspond to those on
11 February.

12 (Witness reviewing document.)

13 THE WITNESS: The 15th -- I'm sorry. The
14 18th of January or the 15th of February seems odd
15 and so does the 19th of January and the 16th of
16 February. However, that could be explained if the
17 pen did not leave ink on those specific days at a
18 certain point in time.

19 MR. SLOCUM: Your Honor, I would seek
20 permission of the Court to publish this directly to
21 the jury.

22 THE COURT: I understand.

23 Any objection, Mr. Stege?

24 MR. STEGE: On the overhead.

1 THE COURT: Pass it to the jury.

2 MR. SLOCUM: Thank you, your Honor.

3 BY MR. SLOCUM:

4 Q. While the jury is looking at that, you
5 don't know who made the mark on that calendar.

6 Is that accurate?

7 A. Yes.

8 Q. You just know where the calendar was found.

9 A. That's correct.

10 Q. Do you know where the calendar originated
11 from?

12 A. No.

13 Q. Sir, I'm going to approach you with Exhibit
14 45. I just want you to take a look at this.

15 A. Sure. This is a photograph.

16 Q. Do you recognize the items in the
17 photograph?

18 A. Yes. This U.S. Bank receipt, and it looks
19 like some pin numbers for a credit card, piece of
20 paper with a date of birth, Social Security, some
21 numbers and a second -- another piece of paper with
22 the same. It says "Pin NR."

23 Q. Sir, I'm asking you right now just if you
24 recognize what's depicted --

1 A. Yes.

2 Q. -- in that photograph?

3 A. Yes.

4 Q. Do you recognize where those items came
5 from?

6 A. Yes.

7 THE COURT: Would you all stand, ladies and
8 gentlemen, for a couple minutes. We'll take our mid
9 afternoon break somewhere after 3:00, not long after
10 3:00.

11 BY MR. SLOCUM:

12 Q. I'm going to hand you the rest of this
13 series going from 46 to 50 and ask you if you
14 recognize the items that are in the photograph.

15 MR. STEGE: I'd stipulate.

16 (Witness reviewing document.)

17 THE WITNESS: Yes, sir.

18 MR. SLOCUM: My understanding, your Honor,
19 is these exhibits have now been admitted but I want
20 to make sure this witness was in a position to
21 recognize the items.

22 THE COURT: Right. They have not been
23 admitted, although Mr. Stege said a moment ago he
24 would move for their admission.

1 MR. SLOCUM: Then I would move for their
2 admission, your Honor.

3 MR. STEGE: Stipulate to their admission.

4 THE COURT: 46 through 50 are admitted
5 Ms. Clerk.

6 THE CLERK: 45 through 50?

7 MR. SLOCUM: So, I just handed 46 through
8 50, but 45 was the first one, so I would go 45
9 through 50.

10 THE COURT: All right.

11 (Exhibits 45 through 50 admitted.)

12 BY MR. SLOCUM:

13 Q. So, you recognize the items depicted in
14 there?

15 A. Yes.

16 Q. Okay. What do you recognize them to be?
17 I'll get them back from you and I'll have to play
18 with the monitor.

19 So, this is the first exhibit that we
20 talked about. This is Exhibit 45. You indicated
21 there appeared to be some different paperwork.

22 A. Yes, sir.

23 Q. Is that right?

24 A. Yes.

1 Q. And you had identified a U.S. Bank receipt.

2 A. Yes.

3 Q. And do you recognize the date on that?

4 A. Yes.

5 Q. It's 12/18/18. And I asked you if you
6 recognize where these items came from, but I don't
7 think that I asked you directly.

8 Where did they come from?

9 A. The foot of Mr. Gibson's bed near his body.

10 Q. Objection. So, earlier when we heard about
11 items that were strewn about from the wallet, this
12 is among those items that you meant.

13 A. Yes.

14 Q. Okay. And then you indicated that there's
15 a piece of paper that reflects "PIN NR" and then a
16 four-digit number.

17 A. Yes, sir.

18 Q. And then information that indicates 070342
19 birthday. Do you know whose birthday that is?

20 A. I don't recall if that's Mr. Gibson's or
21 not, so, no, I do not.

22 Q. As you sit here today, you don't know
23 whether that's Mr. Gibson's birth date or not?

24 A. No, I do not.

1 Q. And then Social Security Number, 2846. Do
2 you recognize that last four, we'll presume, of a
3 Social Security Number?

4 A. I do not.

5 Q. So, as you sit here you don't know who that
6 number belongs to?

7 A. I do not.

8 Q. And then a different piece of paper that
9 reflects "PIN NR" but the same four-digit number
10 that was reflected on the first piece of paper.

11 Is that right?

12 A. Correct.

13 Q. I'll show you Exhibit 47.

14 Do you recognize that?

15 A. Yes.

16 Q. And what is that?

17 A. It's a debit card.

18 Q. It's a debit card?

19 A. Yes.

20 Q. Does it have a name on it.

21 A. Yes. "Theodore Gibson."

22 Q. And this was actually taken in place,
23 correct?

24 A. Yes.

1 Q. And do you recognize where that was?
2 A. It's at the foot of the bed.
3 Q. So, what we see on the right-hand side,
4 that's the foot of the bed?
5 A. That's the caster of the bed, yes.
6 Q. I'll show you Exhibit 48.
7 And what is that?
8 A. It's the same card.
9 Q. So, that's just once it was removed from
10 the scene?
11 A. That's correct.
12 Q. Do you recognize Exhibit 50?
13 A. Yes. It's a key card to access -- like a
14 hotel card to access the building.
15 Q. The building?
16 A. The Park building.
17 Q. Okay. Do you know which building we're
18 talking about?
19 A. Yes, 33 Park Street, where Mr. Gibson
20 resides.
21 Q. So, this is what you have to use in order
22 to get into the building.
23 A. Yes.
24 Q. Do you use this card once you're in the

1 building at all?

2 A. No.

3 Q. This was on the floor as well?

4 A. Yes.

5 Q. So, I'm going to show you Exhibit 49.

6 That's kinda how things looked originally before
7 anything was moved.

8 A. Yes, sir.

9 Q. That's your definition of "things were
10 strewn about," just so we're clear.

11 A. Yes.

12 Q. Sir, we talked about the fact that you were
13 present to see Mr. Gibson's body.

14 Were you involved at all in any search of
15 what was on his person?

16 A. No.

17 Q. So, somebody else was responsible for doing
18 that?

19 A. Yes, sir.

20 MR. SLOCUM: I don't have any further
21 questions at this time, your Honor.

22 THE COURT: Redirect?

23 MR. STEGE: Yes.

24 REDIRECT EXAMINATION

1 BY MR. STEGE:

2 Q. You think it would be reliable to -- have
3 you ever made an ID simply on the paused video of a
4 surveillance video?

5 A. If I made identification off a paused
6 video?

7 Q. I'm referring to the moment or the very
8 still image we saw of the person standing in the
9 doorway in the afternoon of January 22nd.

10 A. No, not just from that paused video, no.

11 Q. And why not?

12 A. Because you can't recognize his face. So
13 there's other circumstances that involve and make me
14 believe that that specific person is Mr. Goad or Mr.
15 Gibson.

16 Q. Such as what circumstance?

17 A. Circumstances based on the calendar, the
18 odd behavior and the fact that Mr. Goad's pattern of
19 visiting Mr. Gibson totally changes after that time.

20 Q. Right. It breaks the pattern on the
21 22nd.

22 A. That's correct.

23 MR. STEGE: Your Honor, may I get the
24 exhibit back from the jury?

1 THE COURT: Yes.

2 BY MR. STEGE:

3 Q. Do you know what was hanging on this
4 calendar before it was used?

5 A. No.

6 Q. Do you know if there was a 2018 calendar
7 sitting over here as this one sat behind it?

8 A. I do not.

9 Q. Do you know why these bleed marks are on
10 February 2019?

11 A. No.

12 Q. Is there, to your knowledge, a science of
13 matching up bleed marks?

14 A. Not that I know of.

15 Q. Did you submit it to lab for such an
16 analysis?

17 A. I did not.

18 Q. Is there any doubt in your mind that after
19 the 22nd of January this calendar is not marked?

20 A. No doubt.

21 Q. Did you observe whether the December of the
22 2018 has bled through either to January or February?

23 A. I did not.

24 Q. And the moment this was shown to you, the

1 match-ups, the theory of matching up, did that cause
2 you to doubt that the -- between 22nd and 23rd
3 was the date that you were particularly interested
4 in?

5 A. No, it does not.

6 Q. Did you just focus on the 22nd? Did you
7 just take that the calendar says "22nd," you're
8 running with it?

9 A. No.

10 Q. Well, what else did you do to see if it
11 wasn't the 22nd?

12 A. Well, originally, because we didn't know
13 exactly when it was, we just suspected or, you know,
14 we had developed that theory, so we obtained the
15 first video surveillance from the 19th to the
16 24th. We really didn't know exactly when it
17 occurred but we had to start somewhere, so that's
18 what we chose.

19 Q. And do you also look after the 22nd to
20 see, Hey, did anyone else go in this apartment?

21 A. Yes. I watched the video all the way from
22 the 22nd to 13th of February when we discovered
23 Mr. Gibson.

24 Q. And that was the exercise we went through

1 this morning?

2 A. Yes.

3 Q. May I see 26. Let me ask you about the
4 issue of the 27th.

5 During cross-examination you did state that
6 it would help your recollection to see a copy of a
7 report to know what happened on the 27th.

8 A. Yes.

9 Q. And, in fact, in your report did you take
10 detailed notes of every date that we've talked about
11 so far?

12 A. Yes.

13 Q. And I think you said your review of the
14 evidence took you a number of weeks.

15 A. Yes. A considerable amount of time, yes.

16 Q. Would it refresh your recollection as to
17 whether, in fact, there is a surveillance of Mr.
18 Goad on the 27th?

19 A. Yes.

20 Q. At page 14. If you'll review this. And if
21 it refreshes your recollection, let me know and then
22 I'll take your answer.

23 (Witness reviewing document.)

24 THE WITNESS: Yes, it does.

1 BY MR. STEGE:

2 Q. And what is the answer?

3 A. Mr. Goad leaves his apartment, returns and
4 then leaves again around 2100 hours on the 27th and
5 not seen again until the following day, which would
6 be the 28th.

7 Q. And referring to Exhibit 27, that is a
8 compilation, right?

9 A. Yes.

10 Q. And that is made from a disk containing all
11 of the surveillance of Camera 10, right?

12 A. Yes.

13 Q. I'm going to publish now for you the
14 26th -- Exhibit 26 for the question of the 27th of
15 January. So, this is an illustration uncut of --
16 huh, nothing at the moment because my ...

17 A. So, this is January 27th, 0033 hours.

18 Q. Let's go to -- let's pick up here at 1321
19 hours. We're calling it the 26th we had him going
20 inside in the afternoon or evening. Let's pick up
21 on the 27th.

22 A. That's Mr. Goad exiting his apartment.

23 Q. On the 27th 1323 hours?

24 A. Yes, dressed in the same manner, wearing

1 his ball cap.

2 Q. So, let's review the surveillance as it
3 relates to Goad of the 27th. Try to get to 1333.

4 A. Mr. Goad returning to his apartment,
5 passing Mr. Gibson's apartment, carrying a white
6 bag.

7 Q. Which leads us to?

8 A. 2117 hours, same day on the 27th. That's
9 Mr. Goad walking towards the stairway exiting the
10 apartment.

11 Q. This explains why on the compilation one we
12 see him return on the 28th, because he's gone, he
13 leaves on the 27th, returns on the 28th.

14 A. Correct.

15 Q. And the compilation of this date is absent
16 from Exhibit 27.

17 A. Correct.

18 Q. The date on that receipt shown to you by
19 Mr. -- my colleague, Mr. Slocum, is that consistent
20 with the Wal-Mart dates?

21 A. December 18th?

22 Q. Yes.

23 A. No.

24 Q. Now, I understand you were not assigned to

1 the scene but at some point you stood near the body
2 of Mr. Gibson.

3 A. Yes.

4 Q. As you were standing there, were you able
5 to observe the debit card near the foot of the bed
6 or the caster of the bed?

7 A. Yes.

8 MR. STEGE: Nothing further.

9 THE COURT: Nothing further. Recross?

10 RECROSS-EXAMINATION

11 BY MR. SLOCUM:

12 Q. Just so we're clear, Mr. Stege just went
13 through the 27th with you. Are there any other
14 dates of surveillance with Mr. Goad or with Mr.
15 Gibson, for that matter, that we did not look at?

16 A. Well, we interviewed -- we watched the
17 compilation, a shortened version of all the dates
18 that we watched -- of all the videotape.

19 No, to my knowledge, no. We watched from
20 the 17th all the way to the February 13th when he
21 was found.

22 Q. Did you understand the question I was
23 asking you?

24 A. Apparently, not. Sorry.

1 Q. Well, I just want to make sure we're on the
2 same page. So, the question I asked you, We
3 initially saw a compilation --

4 A. Right.

5 Q. -- and the idea, as I understood it, with
6 the compilation was we would have all of those
7 instances where Mr. Goad was caught, to use your
8 word, on surveillance.

9 A. Yes.

10 Q. Okay. I pointed out to you that the 27th
11 we seem to be missing something because we see Mr.
12 Goad go into his apartment and then on the 28th we
13 see him coming back from somewhere, so we knew there
14 had to be something missing.

15 A. Yes, sir.

16 Q. So, Mr. Stege directed you to what was not
17 a compilation but was, frankly, all of the
18 surveillance from the 27th. And he pulled out some
19 pieces from the 27th to indicate that Mr. Goad was
20 actually, to use your word, caught on surveillance.

21 A. Yes.

22 Q. So, my question for you is, Have we now
23 seen all of the surveillance from the time period
24 that you looked at that regards Mr. Goad?

1 A. I believe so. But you're asking me to
2 remember an incredible amount of surveillance. But
3 to my knowledge we have seen everything, yes, and to
4 compare all the contemplation that we've gone
5 through today to everything I've watched in the
6 past.

7 Q. Okay. Mr. Stege asked you about making an
8 identification just based on a still or a pausing of
9 a video, right?

10 A. Yes.

11 Q. Okay. But that isn't what I actually asked
12 you to do, right? I played the video for you and
13 asked you several times how often and how much
14 you've watched this video. Isn't that correct?

15 A. Yes, you did.

16 Q. So, when we were talking about what's on
17 the video, I did pause it so that the jury could see
18 it, correct?

19 A. Yes, sir.

20 Q. But I did not ask you just based on that
21 still photo to make an identification.

22 Isn't that correct?

23 A. I don't believe so, but I can't exactly
24 recall the verbatim the question you asked me.

1 Q. Well, let me ask you this: Now having
2 watched the video many, many times, you're
3 familiarity with it after having watched it many,
4 many times, would watching it again help you any
5 better to identify who is depicted on the 22nd in
6 the afternoon?

7 A. The 22nd of the --

8 Q. On the 22nd in the afternoon --

9 A. Correct. I understand.

10 Q. -- the focus --

11 A. I understand.

12 No, it would not.

13 Q. Okay. And no matter how much more I would
14 play it rather than pause it, it wouldn't help you.

15 Is that fair to say?

16 A. Correct, yes.

17 MR. SLOCUM: No further questions, your
18 Honor.

19 THE COURT: Thank you. The witness may
20 step down subject to re-call.

21 (Whereupon, jury was admonished
22 and excused.)

23 THE COURT: Please be seated. The entire
24 jury is present. The state, your next witness.

1 MR. STEGE: Cody Idso.

2 (Witness sworn.)

3 DIRECT EXAMINATION

4 BY MR. STEGE:

5 Q. Sir, please state your name and spell your
6 last name.

7 A. My name is Cody Idso, I-d-s-o.

8 Q. And how are you currently employed?

9 A. I'm a painter through Custom Painting and
10 Decorating.

11 Q. Are you familiar with the address of 33
12 Park Street?

13 A. That would be my residence.

14 Q. How long have you lived there?

15 A. Pushing ten years, probably.

16 Q. And what apartment?

17 A. 207.

18 Q. Do you know where 205 is in relation to
19 your apartment?

20 A. That would be right next door.

21 Q. We have seen some video surveillance of a
22 person on crutches in January of this year.

23 Do you know who that is?

24 A. That would be me.

1 Q. And what was the circumstances of being on
2 crutches?

3 A. I had a forklift-related accident at work.

4 Q. And did that cause you to be at home on
5 crutches?

6 A. Yes, sir.

7 Q. Do you know the approximate time of -- when
8 that was you went on crutches?

9 A. I was worker's comp for two months.

10 Q. Do you know when you got off worker's comp?

11 A. Like a date of release, not really. April,
12 at some point in there.

13 Q. Did you know who your neighbor was in 205?

14 A. On a personal level, no. Did I know of
15 him? I did.

16 Q. But you knew what he looked like?

17 A. Yeah.

18 Q. During the time you were -- well, were you
19 present or made aware that police came to your
20 neighbor's apartment February 13th?

21 A. I did, because they knocked on my door as
22 well.

23 Q. And at the time you learned that the man
24 had been killed?

1 A. No, no.

2 Q. When did you learn he had been killed?

3 A. Not for several months later, having a
4 discussion with the lady who runs the office.

5 Q. I want you to cast your mind back to the
6 time of around the time the police came to your
7 door.

8 Had you heard or seen anything to make you
9 believe maybe someone had been murdered next door?

10 A. No, sir, not at all.

11 MR. STEGE: Pass the witness.

12 THE COURT: To the defense.

13 MS. MAYHEW: No questions, your Honor.

14 THE COURT: Thank you. You're free to step
15 down and leave the courtroom.

16 Next witness to the state.

17 MR. STEGE: Patrick Billings.

18 (Witness sworn.)

19 THE COURT: Have a seat and please remember
20 to speak into the microphone.

21 THE WITNESS: Yes, sir.

22 DIRECT EXAMINATION

23 BY MR. STEGE:

24 Q. Would you please state and spell your name.

1 A. Patrick Billings. Patrick, P-a-t-r-i-c-k,
2 Billings, B-i-l-l-i-n-g-s.

3 Q. How are you employed, sir?

4 A. Northern Nevada Community Housing as a
5 maintenance technician.

6 Q. How long have you been doing that
7 particular job?

8 A. Roughly a year and two months.

9 Q. And so you were doing -- employed in that
10 capacity in January of this year?

11 A. Yes, sir.

12 Q. We have seen video surveillance
13 specifically referring to February 13th of a man in
14 a plaid jacket approaching Apartment 205.

15 Do you know who that person is?

16 A. That would probably be myself.

17 Q. And on the 13th do you know -- why did you
18 approach Apartment 205?

19 A. Received a wellness check call.

20 Q. What is a wellness check call?

21 A. When you go and check on the tenant to see
22 if they're okay and well.

23 Q. And who did you do that with?

24 A. Victoria, the leasing agent.

1 Q. Now, in your job are you assigned just to
2 33 Park Street?

3 A. No, sir. I believe we have 13 properties
4 in town.

5 Q. So, you handle a number of them.

6 A. Yes.

7 Q. Not all of them yourself.

8 A. Me and several other maintenance men.

9 Q. So, on the 13th walk us through what you
10 did.

11 A. So, I received the call from my boss asking
12 if I can do the wellness check with Vicky because no
13 one was available, and so I went to the property and
14 met with Vicky and we proceeded to the unit.

15 And I announced myself when we got to the
16 door and knocked and didn't receive an answer, so I
17 put the key in the door and opened the door and
18 announced myself again and walked in and checked the
19 room.

20 Q. Before we get there, how was it that you
21 opened the door?

22 A. I have a key to the unit and put my key in
23 and unlocked the door and opened it.

24 Q. Now, when you put the key in, did you check

1 first to see if the unit was locked?

2 A. I did not. As far as I understand, our
3 protocol is we treat every door as if it was locked,
4 so I always put my key in and turn it after I
5 announce "Maintenance."

6 Q. So, as you sit here today, do you know if
7 the bolt was locked when you keyed the door?

8 A. I don't recall if it was or wasn't locked,
9 because I always put my key in and turn.

10 Q. Can you tell us about the lock on this door
11 and the other doors in the complex?

12 A. These locks have a handle on the bottom
13 with the dead bolt lock on the top, only one key for
14 the top lock and no key for the handle. It locks
15 from the inside, and then if you open it, it'll
16 unlock it from the inside.

17 MR. STEGE: We've lost a part of the
18 microphone, your Honor.

19 THE WITNESS: I did.

20 THE COURT: Thank goodness we have a
21 maintenance man on the stand.

22 BY MR. STEGE:

23 Q. So, the handle itself does not lock?

24 A. The handle does not lock.

1 Q. Once you keyed the door, what happened
2 inside?

3 A. I keyed the door and opened the door. I
4 announced myself, Maintenance, wellness check."
5 Didn't receive an answer so I proceeded into the
6 unit and I walked back and then to the side, looked
7 in the bathroom, looked around, I didn't see anybody
8 on the bed or in the room.

9 And then I looked on the ground at the base
10 of the bed at the end of the room and I noticed a
11 person under a blanket and some dried blood on the
12 wall. And I turned to Vicky and said, "I don't
13 think he's with us, we gotta go call 911," and I
14 exited the room and locked it.

15 Q. Did you ever touch anything in the room?

16 A. Well, I recall only touching the door
17 handle and maybe the dead bolt, but just the door.

18 Q. And when you came out, did you see where
19 Vicky was?

20 A. I believe she was at the doorway and then
21 she was right outside the doorway by the wall when I
22 walked out.

23 Q. And from there --

24 A. We proceeded back to the office and called

1 911 and then they showed up pretty quickly, because
2 they asked if we would do like a CPR and we were
3 like, Oh, I think he's gone. They're like, well --
4 right at that point the ambulance and fire truck
5 pulled up so we didn't have to go back in there and
6 we let them into it.

7 Q. Did you ever go back in?

8 A. Just to let the people in. I don't think I
9 went in, necessarily. I just opened the door for
10 them, the first responders.

11 Q. When you left the room and decided to call
12 the police, did you lock the door?

13 A. Yes. I locked it behind me and then opened
14 it when I let the first responders in.

15 Q. Are you familiar with the eviction process?

16 A. Yes. I would say mostly familiar with it.

17 Q. Well, are you familiar with your role in
18 that?

19 A. Yes.

20 Q. And what is your role in that?

21 A. I accompany the police and they post a
22 notice and I give them access to the unit if a
23 tenant does not answer the door. And then I get a
24 copy, which I take to my boss.

1 Q. And do you do anything to ensure that the
2 evicted person can't come back in and enter?

3 A. Yes. Once they serve the paper to the
4 person or post it on the door, we check the unit and
5 make sure all the windows are locked and nobody's in
6 the unit.

7 Q. And then what do you do about the door?

8 A. We lock the door and pull the core, if it
9 has one, which removes from the dead bolt with a
10 special key.

11 Q. And the apartments or the doors at 33 Park
12 Street, do they have the movable core?

13 A. Yes, these units have removable cores.

14 Q. And when the core is removed, how would
15 someone get back into the apartment?

16 A. I don't believe they could unless they had
17 a core and a key.

18 Q. And is that how you get back into the
19 apartment once that eviction process is complete and
20 maybe someone comes?

21 A. Yes. We would go back to the main office
22 and get the core and the key out of the box and then
23 take it back to the unit and reinsert it.

24 Q. In this case do you recall if you did an

1 eviction and lockout on January 30th?

2 A. It's definitely a possibility being that
3 far back. I don't remember the exact dates of
4 lockouts, but it's definitely possible.

5 Q. Have you reviewed video surveillance from
6 the 30th showing a man in a black and white plaid
7 jacket going down to 213?

8 A. I believe I have, yes.

9 Q. Is that person you?

10 A. Yes.

11 Q. As you sit here today you don't have a
12 memory?

13 A. No. We do so many lockouts and accesses
14 with people and it's just hard to remember all of
15 them.

16 Q. So, it's kind of a routine matter for you.

17 A. It really is, yes.

18 Q. So, it doesn't stick out in your mind.

19 A. No.

20 Q. I want to direct your attention to the
21 monitor, Exhibit 12. If you might describe or point
22 out what the core of the door is.

23 A. So, the core would be the little part of
24 the lock in the dead bolt above the handle. It

1 sleeves in and out with a special key.

2 Q. Okay. Is that --

3 A. The center of the dead bolt.

4 Q. Okay. So, I see a portion where you might
5 put a key to unlock the door. Is that the core?

6 A. Yes, same thing, just a different key.

7 Q. Okay. And the circle above it?

8 A. Is also part of it.

9 Q. This. I'm pointing to it here
10 (indicating).

11 A. Right.

12 Q. What's that?

13 A. So, that's -- should also be part of the
14 core. That whole little figure eight sleeves in and
15 out of that part.

16 Q. And you have a special key to remove that
17 core.

18 A. Yes. It's called a "control key," and
19 those are only in the office box.

20 MR. STEGE: Nothing further. Pass the
21 witness.

22 THE COURT: Cross-examination?

23 MR. SLOCUM: Yes, your Honor.

24 CROSS-EXAMINATION

1 BY MR. SLOCUM:

2 Q. Good afternoon.

3 A. Hello.

4 Q. So, as I understood it, you were asked to
5 respond to Room 213 -- is it 205 or 213 that you go
6 to first on the 13th?

7 A. I'm not really familiar with the dates. I
8 do believe I was responding to both of those units,
9 205 and 213.

10 Q. Okay. So, on February 13th, the first time
11 you were talking about with Mr. Stege, what room did
12 you respond to on February 13th?

13 A. I believe that was 205.

14 Q. Okay. And so 205 you were just told by the
15 manager that you should do a welfare check?

16 A. Yes. My boss told me that I had to go do a
17 welfare check. He didn't mention who called for it,
18 via friend or who -- I'm not sure who called in for
19 it, but I met Vicky there to do it.

20 Q. Okay. So, when you show up at the Park
21 Manor Apartments, you meet with Vicky.

22 A. Yes. In the leasing office.

23 Q. I'm sorry?

24 A. Inside the leasing office.

1 Q. So, that's as you're first going in on the
2 left-hand side?

3 A. Yes.

4 Q. And when you met with her, your
5 understanding was that you were going to have to
6 unlock the door to get into 205?

7 A. Protocol would say that I would if he
8 didn't answer, yeah.

9 Q. So, you came equipped with a key of some
10 sort.

11 A. Yeah.

12 Q. Now, do you use a control key for that
13 purpose?

14 A. I have a master key for that unit or for
15 that property.

16 Q. Okay. So, you've got a master key and that
17 means you can open all of the doors at that
18 property.

19 A. Correct.

20 Q. And then we've got a control key, and that
21 means you can actually pull out the core, you said?

22 A. Yes, the lock.

23 Q. So, those are two different keys.

24 A. Yes.

1 Q. But you have both of them?

2 A. No. I only have the master. The core key,
3 the key-pulling key, stays in the office.

4 Q. Well, you get it out at some point when
5 you're going to remove a core, right?

6 A. Yes.

7 Q. But you would have gotten instructions if
8 you were to do that.

9 A. Yeah.

10 Q. The idea is you know which key to bring.

11 A. Right, yeah.

12 Q. And you are told in this instance on the
13 13th you just needed to bring your master key.

14 A. Well, there was no specific -- anybody
15 telling me to do such a thing. I have my property
16 keys on me whenever I'm at work, so it just happens
17 to be on me at all times and I use my key.

18 Q. Okay. The master key is with you at all
19 times.

20 A. Yes.

21 Q. So, if anyone were to take your keys, they
22 would be able to get into any of the apartments.

23 A. Yes.

24 Q. You have your master key with you and your

1 protocol says you go to the room and you knock on it
2 first, right?

3 A. Yes.

4 Q. And then if you don't get a response, the
5 protocol is you go into the room.

6 A. Yes.

7 Q. And because of the protocol, as you sit
8 here today, you don't know whether the door was
9 locked or unlocked on the 13th.

10 A. Correct.

11 Q. When you go into the room, on the
12 right-hand side is where the kitchen is, right?

13 A. Yes.

14 Q. Now, if I understand your testimony
15 correctly, you don't immediately recognize that
16 there's something covered in a blanket in the
17 apartment. Is that correct?

18 A. Not immediately. I walked in and I looked
19 on the bed. No one on the bed and I glanced in the
20 bathroom. Nobody in there.

21 Then I'm just kinda just scanning the room
22 and I saw at the foot of the bed the outline of a
23 body under a blanket.

24 Q. Okay. And that was only because you were

1 specifically looking to see, Hey, is there somebody
2 here?

3 A. Yeah, just making sure to see if anyone's
4 there.

5 Q. And you don't actually see a body but you
6 see blankets that are covering something that maybe
7 has the general form of a body. Is that correct?

8 A. Correct.

9 Q. Did you touch anything as far as that
10 blanket was concerned?

11 A. No. Because once I saw the blanket over
12 the body and the outline of the body, I looked in
13 the general direction upwards and saw dried blood on
14 the wall behind him and on the AC. And at that
15 point I knew, well, there's dried blood. He's
16 probably gone so ...

17 Q. And just so that we've got the sequence of
18 events, you notice that there's something that looks
19 like a body with a blanket on it. It's completely
20 covered with a blanket?

21 A. Yes.

22 Q. There was no part of the body that you
23 could physically see --

24 A. No. Possibly a shoe --

1 Q. -- everything's covered?

2 A. -- sticking out, but as far as I can
3 remember, I just remember seeing pure blanket.

4 Q. Your recollection is only of a blanket.

5 A. Yes.

6 Q. But after you see this outline of the body
7 completely covered and the blanket, then you're
8 looking further and at that point you notice that
9 there's some blood on the wall.

10 A. Right. As I was working my way up from his
11 -- the body upwards towards the wall, I just kinda
12 scanned and I noticed the blood, yeah.

13 Q. But that was the exact sequence of events.
14 It's not like you walked in and saw the blood or
15 anything like that. The sequence of events is
16 exactly where you're looking around, looking around,
17 looking around, see the blanket covering what looks
18 like a body, and then you're looking more and then
19 you see blood on the wall.

20 A. Yes, sir.

21 Q. That's exactly how it happened.

22 A. Yes.

23 Q. From there you exit the room, lock it up,
24 and go and call 911?

1 A. Yes. I turned around and said, I don't
2 think he's with us, to Vicky, exited, locked it, and
3 called 911.

4 MR. SLOCUM: No further questions.

5 THE COURT: Any redirect?

6 MR. STEGE: No.

7 THE COURT: Thank you. You're free to step
8 down and leave the courtroom.

9 Let's stand as we await the next witness.

10 (Witness sworn.)

11 THE COURT: Counsel.

12 DIRECT EXAMINATION

13 BY MR. STEGE:

14 Q. Ma'am, please state and spell your name.

15 A. Victoria Juarez, J-u-a-r-e-z.

16 Q. How are you currently employed?

17 A. I'm a manager for Park Manor Apartments.

18 Q. How long have you been the manager at Park
19 Manor?

20 A. Four years.

21 Q. Is this your only stint working at Park
22 Manor?

23 A. No.

24 Q. When did you work there before?

1 A. 2005.
2 Q. Just for that year or for --
3 A. Until 2007.
4 Q. Okay. So, you have a number of years being
5 the --
6 A. Yes.
7 Q. -- manager --
8 A. It's a leasing consultant, but I do
9 manager's work.
10 Q. Okay. Are you sort of the management
11 person on property?
12 A. Yes.
13 Q. And you have a relationship with the other
14 -- the ownership who is in a separate office?
15 A. Yes.
16 Q. Do you know Ralph Goad?
17 A. Yes, I do.
18 Q. How do you know him?
19 A. He's -- was a tenant at Park Manor back in
20 2005 also.
21 Q. And in your tenure at Park Manor, how long
22 has Mr. Goad been a tenant?
23 A. I believe that he left -- I don't know how
24 long ago. He left in between my time in 2005 and

1 2007 and then they let him back in.

2 Q. So, in the 2005 section when you worked
3 there was Mr. Goad --

4 A. The whole time.

5 Q. He was there?

6 A. Yes.

7 Q. And then you come back, and is he there
8 when you get back?

9 A. Yes.

10 Q. Okay. And do you know what his last
11 apartment number was?

12 A. 213.

13 Q. Do you know how long he lived there in 213?

14 A. I do not.

15 Q. During your tenure there, do you know if he
16 was in other apartments?

17 A. I believe so. I'm not sure. I don't
18 remember. That was very long ago.

19 Q. Okay. In the recent portion he's been in
20 213.

21 A. Yes, the whole four years that I've been
22 there.

23 Q. And what about Ted, or Theodore Gibson?

24 A. 205.

1 Q. How long have you known him?

2 A. Four years.

3 Q. In the time you've been there, has he
4 always lived in Apartment 205?

5 A. Yes, sir.

6 Q. Let's talk about February 13th. Let's
7 start earlier.

8 Are you aware or involved in the eviction
9 process?

10 A. Normally I do the five-day notice for a
11 non-payment or if they're a nuisance. It just
12 depends on what it is.

13 Q. Are you familiar with the eviction
14 involving Mr. Goad?

15 A. I believe I was out on medical leave.

16 Q. Okay.

17 A. I believe I was on medical leave when that
18 took place.

19 Q. When the five-day notice occurred or when
20 the actual eviction --

21 A. Both.

22 Q. When was it that you were on medical leave?

23 A. I had surgery in January on the 19th.

24 Q. Okay. Prior to going on your medical

1 leave, did you -- were you aware that Mr. -- the
2 status of Mr. Goad's rent?

3 A. His rent had not been paid and I approached
4 him, asked him to come into my office. He was
5 slightly intoxicated and I asked him about rent
6 because he was gonna be soon to be evicted, and he
7 said, That's okay. I'm going to go back to
8 Sacramento, and I was like, Okay.

9 Q. And did you discuss with him or he with you
10 the reason that he had not paid his rent?

11 A. He hadn't gotten his payee. The payee
12 service closed their doors and he didn't get a new
13 payee.

14 Q. Is that something you learned from him?

15 A. Yes.

16 Q. Are you aware that Mr. -- or we've seen
17 evidence that Mr. Goad was evicted or locked out on
18 the 30th of January.

19 A. I believe so.

20 Q. When was it that you spoke to Mr. Goad
21 about --

22 A. It was prior, before my surgery. I don't
23 know the exact date. It was probably around the
24 10th, because rent's due by the 10th, so it was

1 probably around that time.

2 Q. Do you know how far behind Mr. Goad was on
3 his rent?

4 A. I believe it was for January's rent.

5 Q. Once the police came in February, did you
6 provide a copy of Mr. Goad's file, lease file?

7 A. Yes.

8 Q. May I approach the witness?

9 THE COURT: Yes.

10 BY MR. STEGE:

11 Q. Proposed Exhibit 22, would you please
12 review that.

13 (Witness reviewing document.)

14 THE WITNESS: I'm sorry. I don't have my
15 reading glasses.

16 So, this is the eviction for non-payment.

17 BY MR. STEGE:

18 Q. Before you answer questions, I just want
19 you to review it.

20 A. Okay.

21 (Witness reviewing document.)

22 BY MR. STEGE:

23 Q. Do you recognize that -- those documents?

24 A. Yes.

1 Q. How do you recognize them?

2 A. These are eviction papers, five-day
3 notices, lease. We used to do recertifications
4 because it's a tax credit property and we had to
5 verify all income and assets.

6 Q. Do you recognize that to be the leasing
7 file of Mr. Goad from the Park Manor Apartments?

8 A. Yes.

9 MR. STEGE: We'd like to introduce Exhibit
10 22.

11 MR. SLOCUM: If I could briefly ask on voir
12 dire.

13 THE COURT: Yes, you may.

14 BY MR. SLOCUM:

15 Q. Thank you. Ma'am, are you the employee who
16 handles this leasing file?

17 A. Yes.

18 Q. Okay. So, there's a separate management
19 office. Is that right?

20 A. It's the main office.

21 Q. Okay. And you don't work at the main
22 office, correct?

23 A. I do not.

24 Q. And those records are really the property

1 of the management office, right? You're just an
2 officer that operates under that management office.

3 Isn't that correct?

4 A. This file -- these files stay at Park
5 Manor.

6 Q. But are you the custodian, so to speak, of
7 those records, or is that not the management office?

8 A. The management has access to the files but
9 they stay at Park Manor. The main office, we have a
10 system that's called "Rent Manager" that has this
11 information.

12 Q. Is that a print-off from a computer
13 program?

14 A. The Rent Manager has the person's
15 information as far as how the rent's paid, if
16 there's a payee, if there's RHA. These files stay
17 in my office.

18 Q. Okay. Just so we're clear, what do those
19 files consist of?

20 A. These are leases, rules and regulations,
21 addendums to the lease, recertifications, because
22 we're a tax credit property. So, we had to do
23 recertifications to verify that they qualify to live
24 under the tax credit guidelines.

1 Q. If I could just approach and take a look at
2 the document.

3 MR. SLOCUM: Your Honor, if I could ask to
4 lodge the objection but we might want to handle that
5 privately.

6 THE COURT: So, 22 has been proffered as
7 admissible evidence and I presume your next step is
8 to make inquiry with this witness.

9 MR. STEGE: Yes.

10 THE COURT: And so I can't conditionally
11 enter it if the state's attorney is going to examine
12 the witness. How much time? Did you just want to
13 review it?

14 MR. SLOCUM: No. I want to lodge an
15 objection but I didn't want to do that --

16 THE COURT: Oh, I misunderstood. All
17 right.

18 Subject to our conversation out of the
19 jury's presence, the objection is noted.

20 The Exhibit 22 is admitted.

21 (Exhibit 22 admitted.)

22 MR. STEGE: Thank you.

23 MR. SLOCUM: But, your Honor, I haven't
24 made the objection.

1 THE COURT: I thought you were just doing a
2 placeholder based upon foundation.

3 Have I misunderstood that?

4 MR. SLOCUM: I think so, your Honor. I
5 wanted to make the objection but I was concerned to
6 not have a speaking objection, which I've been
7 cautioned against.

8 THE COURT: Is there any way Mr. Stege can
9 continue with this evidence in the way you see it at
10 the moment or must I -- shall I take a break with
11 the jury and hear more fully from you?

12 MR. SLOCUM: Well, I was hoping, your
13 Honor, that we could do what we've done in the past,
14 which is --

15 THE COURT: You wish a sidebar. So
16 ordered. Will you stand at ease, please.

17 (Sidebar held among all counsel and judge.)

18 THE COURT: Be seated, please. That
19 conclusions the defense voir dire. I'm going to
20 invite the state to return to the document before
21 seeking its admission again, but before you do,
22 Counsel, I just want -- go ahead.

23 BY MR. STEGE:

24 Q. These records here, do you know where they

1 came from?

2 A. My office.

3 Q. And how did they get from your office into
4 my possession?

5 A. We gave them to you.

6 Q. And --

7 A. I gave them to you.

8 Q. You gave them to the police department?

9 A. Yes.

10 Q. After they came on February 13th?

11 A. Yes.

12 Q. And so you went into -- where was it that
13 you went to get these documents?

14 A. My file cabinet.

15 Q. And you keep your -- what goes in the files
16 of your tenants that -- and speaking of the files in
17 your filing cabinet?

18 A. Their leases, the rules and regulations
19 addendums, work orders, complaints, the
20 recertifications that we no longer do.

21 Q. So, if there's paperwork related to a
22 tenant --

23 A. Everything goes in their file.

24 Q. And their tenancy and you made a copy of

1 that file and provided it to the police department--

2 A. Yes.

3 Q. -- right? And this Exhibit 22 is a copy of
4 what you gave them.

5 A. Yes.

6 Q. And, in fact, you have access to, not only
7 Mr. Goad's file, but who else's file within the --

8 A. All 83 units.

9 Q. All of the tenants?

10 A. All the tenants.

11 Q. You testified that within 2004 Mr. Goad was
12 a tenant --

13 A. 2005.

14 Q. I'm sorry. 2005.

15 Does the file go back to 2005?

16 A. I'm not sure.

17 Q. Okay. When you provided these records was
18 this the -- everything in your file in your filing
19 cabinet?

20 A. Except for work orders and if there was any
21 complaints.

22 Q. Okay.

23 A. Everything else.

24 Q. And this record does, in fact, include,

1 because in the course of business you and other
2 people are able to add tenant-related paperwork to
3 the file.

4 A. Only me.

5 Q. Okay. And is one of the documents related
6 to the eviction? I think you testified --

7 A. Yes.

8 Q. And did you put that eviction paperwork
9 into the file?

10 A. I did not.

11 Q. Then why is it on -- why isn't it in this
12 packet you said came from your file?

13 A. It came from the file but somebody else --
14 like I said, I was on medical leave.

15 Q. Okay.

16 A. So, I'm sure it was our HR lady who is on
17 that paperwork.

18 Q. So, someone in your absence minds the
19 files.

20 A. Yes.

21 MR. STEGE: Renew the motion, Judge.

22 THE COURT: So, I want to be very careful
23 that I don't chill your advocacy. You're invited to
24 advocate in front of the jury. I understand the

1 point. Do you wish to reference any authority or --

2 MR. SLOCUM: Now that we've had a further
3 opportunity, I think I was under the impression
4 initially that this was eviction paperwork, which
5 we've talked about.

6 But now I'm objecting on relevance grounds
7 that now we're talking about a history with regard
8 to these records and so I'm going to object on
9 relevance grounds.

10 THE COURT: All right. Thank you. The
11 objection's overruled. Twenty-two is admitted.

12 THE CLERK: Thank you.

13 (Exhibit 22 reaffirmed.)

14 BY MR. STEGE:

15 Q. So, by looking in this file, would you be
16 able to tell how much rent a person was paying?

17 A. As of right now?

18 Q. No. At the time you pulled the file.

19 A. Rents are \$490.

20 Q. Okay. And this leasing -- or this exhibit
21 contains that information.

22 A. There should be a -- when the tenant gets a
23 rent increase, they get a letter from the main
24 office that goes into the file as well as the rent

1 being increased to the rent of \$490.

2 Q. And you did mention the eviction paperwork.

3 MR. STEGE: Your Honor, may I publish a
4 brief portion of this?

5 THE COURT: Yes.

6 BY MR. STEGE:

7 Q. Starting with the fourth page in with the
8 flag on it, does this indicate information about the
9 lease?

10 A. This is just showing that this is an
11 eviction notice. It's the affidavit, I believe.

12 Q. And the next page shows or demonstrates at
13 line four, paragraph eight, the length of the
14 delinquency.

15 A. Yes.

16 Q. Let's move forward now to you return from
17 medical leave and let's talk about February 13th.

18 Did you receive a phone call that day that
19 caused you to go up to Apartment 205?

20 A. Yes.

21 Q. And who was the phone call from?

22 A. The gentleman, Scott. I don't know his
23 last name.

24 Q. Had you seen Scott before?

1 A. Yes.

2 Q. Did you know who he was?

3 A. Yes.

4 Q. And after receiving that call, what did you
5 do?

6 A. I called Maintenance and asked them to come
7 and do a well-check.

8 Q. And you and Mr. Billings did that
9 well-check?

10 A. Yes.

11 Q. And during the course of that well-check,
12 did you ever enter the apartment?

13 A. I did not. My foot was at the door holding
14 it open.

15 Q. And from that day -- later that day you did
16 not go into the apartment.

17 A. Nope.

18 Q. Do you know who paid the rent of Mr. Goad?

19 A. It was a payee service.

20 Q. Subsequent to the police coming, were you
21 asked to review some video surveillance?

22 A. I'm sorry. I didn't hear that.

23 Q. Did the police ask you to review some video
24 surveillance?

1 A. Yes.

2 Q. Did they ask you to identify anyone in the
3 video surveillance?

4 A. Yes.

5 Q. Were you able to do that?

6 A. Yes.

7 Q. Who was it that you identified?

8 A. Ralph Goad and Ted Gibson.

9 Q. And how is it that you were able to
10 identify them on video?

11 A. I've worked there for four years so I know
12 them. And I know Ted wore his hair like my uncle
13 with the feather in the back, and Ralph always wore
14 the same hat and the same pullover shirt or the
15 zip-up jacket and the way he walked.

16 Q. And you would see -- how often would you
17 see Mr. Goad?

18 A. Pretty much every morning.

19 MR. STEGE: I'll pass the witness.

20 THE COURT: Cross-examination.

21 CROSS-EXAMINATION

22 BY MR. SLOCUM:

23 Q. Good afternoon.

24 A. Hi, how are you?

1 Q. So, Mr. Stege asked you about a period of
2 time in January where you spoke with Mr. Goad to ask
3 him about the rent being paid. Is that right?

4 A. Yes.

5 Q. And we saw earlier Mr. Stege showed you
6 where there was a delinquency in January, correct?

7 A. Correct.

8 Q. Is there a delinquency paperwork for
9 December?

10 A. I don't think so.

11 Q. When you say you don't think so, do you
12 want to take a look at the records?

13 MR. SLOCUM: If I may approach, your Honor,
14 and give her Exhibit 22.

15 THE COURT: Yes.

16 (Witness reviewing document.)

17 THE WITNESS: So, the five-day notice was
18 only for January.

19 BY MR. SLOCUM:

20 Q. Okay. So, there's no delinquency, then,
21 for December, correct?

22 A. Correct.

23 Q. Do you know if the rent was paid in
24 December?

1 A. I believe so.

2 Q. You believe the rent was paid in December?

3 Would looking at these records assist you?

4 A. Well, there's no -- I can look at it again.

5 MR. SLOCUM: Okay. If I may approach again
6 with Exhibit 22.

7 (Witness reviewing document.)

8 THE WITNESS: So, there's no other five-day
9 notice in here so December's was paid. If there was
10 a -- there would be a five-day notice if rent was
11 not paid.

12 BY MR. SLOCUM:

13 Q. So, your understanding is rent was paid in
14 December.

15 A. Correct.

16 Q. And that would have been paid by a payee
17 service.

18 A. Yes.

19 Q. So, we know the payee service was
20 operational in December, right?

21 A. I'm assuming so.

22 Q. Well, I don't want to make any assumptions
23 here so I want to be very clear.

24 Mr. Stege asked you how was the rent paid

1 and you said the rent was paid by a payee, correct?

2 A. Correct.

3 Q. And you just told us that the rent was paid
4 in December, correct?

5 A. Correct.

6 Q. So, if the rent was paid in December, it
7 was paid by a payee, correct?

8 A. Correct.

9 Q. That's not an assumption, right? That's
10 what happened.

11 A. I don't know when the payee services closed
12 their doors so I can't say if a payee actually paid
13 it --

14 Q. Okay. So --

15 A. -- in December.

16 Q. -- let me back up, then, because maybe
17 we're not on the same page about this.

18 Mr. Stege asked you about how Mr. Goad's
19 rent was paid, correct?

20 A. Correct.

21 Q. And you said his rent was paid by a payee,
22 correct?

23 A. Correct, yep.

24 Q. And you said that the rent was paid in

1 December, correct?

2 A. Correct.

3 Q. So, therefore, the rent had to be paid by
4 the payee in December.

5 A. Okay. So, I just have to -- I didn't get
6 their check -- his check. It went to the main
7 office. So I'm assuming that it was paid by the
8 payee because I don't -- their checks have never
9 went to -- Ted and Ralph had the same payee and it
10 went to the main office, so it was put in by the
11 main office.

12 Q. You're not sure whether their rent was paid
13 by a payee or not.

14 A. Correct.

15 Q. Because you're not entirely sure how the
16 rents got paid at all.

17 A. I know there was a payee.

18 Q. Oh, you do know there was a payee.

19 A. Yes. Because on the Rent Manager, the
20 program that's in the system, if you type, you
21 know -- put in his apartment number, it would show
22 under "Memo," it would be the payee services.

23 Q. Okay. Is that part of the records that you
24 have here on Exhibit 22 that have been admitted?

1 A. No.

2 Q. Okay. So --

3 A. There's no -- there's no ledger part.

4 Q. Excuse me. When we spoke earlier about

5 these records and you talked about the rent manager

6 program, this is not a printout from that, right?

7 A. No.

8 Q. Is that part of the records, though, that

9 are kept?

10 A. No. That's in a program when we enter

11 rents.

12 Q. Okay. So, you enter rents in the program

13 but you don't consider that a record?

14 A. Well, I'm assuming it's a record, but I

15 don't have access. I mean, we have the access to it

16 and --

17 Q. I'm sorry. You do have access to it?

18 A. Yes.

19 Q. Okay. Did you provide --

20 A. But what it is is the ledger part.

21 Q. Okay. So, you have access to it.

22 Did you provide it to the police?

23 A. No.

24 Q. Why not?

1 A. They didn't ask for it.

2 Q. Because if they had asked for it, you would
3 have given it to them, right?

4 A. Of course.

5 Q. So, as a result of the fact you didn't give
6 it to them, we now don't know whether or not the
7 payee paid the rent in December, correct?

8 A. Correct.

9 Q. You're operating with the idea that the
10 rent must have been paid in December because there's
11 no five-day notice. Is that correct?

12 A. Correct.

13 Q. Because the process is, if rent doesn't get
14 paid in a month, a five-day notice goes into the
15 records that you keep.

16 A. If it doesn't get paid by the 10th.

17 Q. So, if it had not been paid by
18 December 10th, there would be a record in what you
19 provided us to show that it wasn't paid.

20 A. Correct. There would have been a five-day
21 notice.

22 Q. So, we're clear, because there's no
23 five-day notice that you operate, it's been paid but
24 we can't access specifically how it was paid.

1 A. Correct.

2 Q. Now I want to bring us to January. You
3 said there was a discussion because the rent hadn't
4 been paid by the 10th of the month in January.

5 A. Correct.

6 Q. And so sometime between the 10th of January
7 and the 19th of January when you go out on medical
8 leave, you talk to Mr. Goad and you ask him about
9 the rent.

10 A. It was before the 10th, around -- it was
11 around the 10th. Because rent hadn't been paid and
12 I asked him about his rent. He said -- I asked him
13 about his payee. They closed their doors and he
14 said that -- I said, What's going to happen? You're
15 going to get a five-day notice. And he said, I'm
16 just going to go back to Sacramento, and I was like,
17 Okay.

18 Q. Okay. That was actually before the 10th,
19 you were already aware that it hadn't been paid?

20 A. So, when we look at the computer, when we
21 do our five-day notices, we go to the main office
22 and fill the five-day notices out there. They give
23 us a printout of who hasn't paid.

24 So, if the 10th landed on a weekend, we'd

1 do it that following Monday and so I'm not sure what
2 the 10th landed on, but I was out on medical leave.
3 But your five-day notice has to lapse and, of
4 course, it probably lapsed into the time that I was
5 out on medical leave.

6 Because you have to file the unlawful
7 detainer, the affidavit, and then they have the
8 sheriff come and lock them out if nobody can -- they
9 can go to court and say, I have the rent right here.

10 Q. Okay. So, to make sure we're clear, you
11 said you think it was before even the 10th of
12 January that you had the discussion with Mr. Goad.

13 A. It was more closer to the 10th because I
14 was getting ready -- we were getting ready to do the
15 five days, I'm sure. They probably -- I don't know
16 what the actual date is on that five-day notice, but
17 if it lapses over into the time I was on medical
18 leave, I can't answer those questions.

19 Q. Sure. But my question is with regard to
20 the conversation you had with Mr. Goad and trying to
21 pinpoint when that would have happened.

22 A. I was trying to help him, trying to get his
23 payee, because him and Ted had the same payee that
24 closed their doors. So, I was trying to help him to

1 get a new payee so he gets his rent so he wouldn't
2 lose his housing.

3 Q. You said as early as around the 10th he was
4 already telling you, It's okay, I'm planning to go
5 to Sacramento.

6 A. Correct.

7 Q. Okay. Now, did I understand you correctly
8 that you reviewed surveillance in the case?

9 A. I didn't review it.

10 Q. Okay. So, you just provided it to the
11 police.

12 A. Correct. And then they would ask me if I
13 knew who the person was on the surveillance.

14 Q. Okay. They were entrusting you to
15 recognize people because you saw them on a
16 day-to-day basis?

17 A. Correct.

18 Q. And so you did that for the police?

19 A. I did.

20 Q. And so if I were to show you some
21 surveillance, you believe you could identify people
22 who are at Park Manor?

23 A. I could surely try. I've been there for
24 four years.

1 Q. And you have contact with the residents
2 there?

3 A. Every day.

4 Q. Okay.

5 A. I'm there eight hours-plus.

6 Q. So, I'm showing you exhibit 27. We're on
7 January 22nd at 5:04 a.m.

8 Do you see that there seems to be two
9 different people in the frame here? Are you able at
10 this vantage point to recognize either of them?

11 A. So, the one -- the first one is -- it
12 appears that it's 205, Ted Gibson.

13 Q. And then further back are you able to
14 identify that individual?

15 A. What I'm doing is counting the doors
16 because I know how to count the doors to see who it
17 is.

18 Q. Absolutely. Sure.

19 A. And that looks like Ralph's unit.

20 Q. Okay. Now, what I'm doing is going to
21 15:31:43 on the 22nd of January.

22 Do you see any individuals depicted in this
23 frame?

24 MR. STEGE: I object to lack of context.

1 THE COURT: Overruled.

2 BY MR. SLOCUM:

3 Q. I can play it for you more, but I want to
4 make sure that we're on the same page as far as what
5 we're talking about. But if you want me to play
6 some more, I'd be happy to do that.

7 A. Okay.

8 Q. Would you like me to do that?

9 A. Yes, please.

10 This appears to be Ted.

11 Q. And can you give the jury an idea of why
12 you think it's Ted?

13 A. So --

14 Q. And I can play it for you again, if you
15 want. Would you like that?

16 A. Yes. So, I have my landmarks of Park
17 Manor's hallways, and if you look at the baseboard,
18 that's 207. And Ted is a heavyset guy and that one
19 came out at 205.

20 Q. When you say "heavyset," the individual
21 that seems to come out of 205 is a heavyset
22 individual.

23 A. Yes. And he had his jacket on. He always
24 wears that jacket.

1 Q. Okay. So, this is actually a jacket that
2 you recognize to be Ted's jacket?

3 A. I believe so.

4 Q. And what about a cap? Does he have a cap
5 on?

6 A. Ted never wore a cap. He was bald on the
7 top and then feather on the sides.

8 Q. So, having looked at the video
9 surveillance, would there sometimes be a reflection
10 because he was bald? Would you see a reflection
11 sometimes or did you not ever observe that?

12 A. I never.

13 Q. Okay. To the pants, are you able to see
14 whether or not it appears he's wearing light pants
15 or dark pants?

16 A. It looks like dark -- light pants because
17 he always wore Khaki-color pants.

18 Q. So, you said it looks like light pants to
19 you. Is that what you said?

20 A. Yeah.

21 Q. And you said he always wore Khaki pants, so
22 that was completely normal for him.

23 A. Yes.

24 Q. You said that you were pretty familiar with

1 the residents at Park Manor. Is that right?

2 A. Yes.

3 Q. And you said you actually recognize Ralph
4 Goad --

5 A. Yes.

6 Q. -- the man sitting in court.

7 Did you make any observations about his
8 day-to-day behaviors? On a day-to-day basis would
9 you see him?

10 A. Yes.

11 Q. And in what context would you see him?

12 A. He would be coming down -- I get to work
13 fairly early. He would be coming down with a bag of
14 trash and he'd walk to the store and come back with
15 a bag that appeared to be beer and cigarettes.

16 Q. Do you know where he would go?

17 A. He would go to Ted Gibson's house, Theodore
18 Gibson's. They were drinking buddies.

19 Q. And how long would he spend there on a
20 day-to-day basis?

21 MR. STEGE: Objection, lack of foundation.

22 THE COURT: Overruled. Please don't guess.

23 THE WITNESS: I don't know it.

24

1 BY MR. SLOCUM:

2 Q. So, is it fair to say you saw Ralph every
3 day go down and leave and go to the store, come back
4 with beer and cigarettes?

5 A. I can't say every day.

6 Q. Okay.

7 A. I'm only there four days a week.

8 Q. So, the four days that you were there, how
9 often would it happen during the four days?

10 A. I'd say three days.

11 Q. So, three out of four days was his pattern?

12 A. But then I really didn't pay attention to
13 midday. Morning would be the main I would see him.

14 Q. And how late do you work?

15 A. I work 6:30 to 3:30.

16 Q. Okay. So, some days before you left at
17 3:30 you would see Ralph again. Is that right?

18 A. In the midday? Not often.

19 Q. So, you didn't observe him leave again?

20 A. No, because I'm busy doing paperwork or
21 other things, so no. I would see him in the morning
22 because he'd be sitting on the couch when I'd get
23 there.

24 Q. And what about Ted? Would you see him

1 every day?

2 A. No. Ted was a homebody. Once in a great
3 while I would see him come down and dump his
4 garbage. I always asked him if he needed help
5 dumping it. And he would say, "I may be old but I
6 can still walk to the garbage can," and that was not
7 often.

8 Q. And so what was your understanding of the
9 relationship, if you know, between Ralph and Ted?

10 A. They were drinking buddies.

11 Q. And to you what does that mean?

12 A. They would hang out and drink and smoke
13 their cigarettes.

14 Q. During the time you observed that, did you
15 ever observe any problems?

16 A. No.

17 MR. SLOCUM: I don't have any further
18 questions.

19 THE COURT: Is there any redirect?

20 REDIRECT EXAMINATION

21 BY MR. STEGE:

22 Q. Ma'am, you mentioned during the brief
23 portions of the video you saw that you were making
24 the identification based in part that it's outside

1 of Mr. Gibson's apartment, right?

2 A. Yes.

3 Q. Based on the landmark.

4 A. Yes.

5 Q. Based on a black and white video
6 surveillance.

7 A. Yes.

8 Q. And what's your level of confidence?

9 Mr. Slocum artfully got you to say that
10 that was Mr. Gibson in the doorway of 205. What is
11 your level of confidence that that's Mr. Gibson as
12 opposed to Mr. Goad as opposed to anyone else?

13 A. I think it's him. I think it's Theodore.
14 I don't think it's Ralph. And nobody ever went to
15 his unit.

16 Q. Well, you just said that Ralph Goad went to
17 the unit.

18 A. Ralph is the only one that has ever gone to
19 his unit that I'm aware of.

20 MR. STEGE: Nothing further.

21 THE COURT: Recross, if any?

22 MR. SLOCUM: No thank you.

23 THE COURT: All right. Thank you. You're
24 free to step down and leave the courtroom.

1 THE WITNESS: Thank you.

2 (Whereupon, jury was admonished
3 and released at 4:32 p.m.)

4 THE COURT: We might have a later start
5 time in the morning and just go through the day,
6 which means there won't be a hour-and-a-half lunch.
7 So, if we start at 10:30 or 11:00, I'll have you
8 arrive at the courthouse well fed and bring a brown
9 bag or something to put in the microwave, because
10 we'll limit our lunch to 30 minutes.

11 That's what I'm thinking. I'll send Deputy
12 Coss in with a final instruction on what time to be
13 here tomorrow morning. We'll stand for our jury.

14 (Jury exits courtroom.)

15 THE COURT: So, I looked at the calendar
16 for tomorrow. First, we're starting at 8:30 and not
17 9:00. I think 10:30 is probably a good start time.
18 I'll tell the jury they just have to be patient if
19 we go past that.

20 Would you be ready to go at 10:30?

21 MR. STEGE: Yeah.

22 MR. SLOCUM: I could be ready, certainly,
23 at 10:30. The question is they should eat something
24 beforehand and we're going straight through.

1 THE COURT: Yes.

2 MR. SLOCUM: Okay. Because that's why I
3 thought maybe 11:00 would be better in the sense
4 that may be early for them to go the whole day.

5 THE COURT: I don't mind sending them away
6 from lunch. I just don't want to take your time
7 away from you.

8 MR. STEGE: Tomorrow's Wednesday and I
9 think we're well on track for -- if pushing, I rest
10 my case tomorrow. If not, early on Thursday. So,
11 if given the choice, I think I'd rather finish it on
12 Thursday and maybe argue it Thursday afternoon.
13 It's hard to predict.

14 THE COURT: 11:00. There will be a break
15 for them, not enough to go offsite, and we'll see
16 them at 10:50 for entering the courtroom at 11:00.
17 Thanks, Deputy.

18 MR. STEGE: Thank you, your Honor.

19 MR. SLOCUM: Thank you, your Honor.

20 THE COURT: Thank you. Goodnight. Thank
21 you for a job well done. See you in the morning.

22 (Whereupon, proceedings were
23 adjourned at 4:35 p.m.)

24 -o0o-

1 STATE OF NEVADA)
2) SS.
3 COUNTY OF WASHOE)

4 I, CHRISTINA MARIE AMUNDSON, official reporter
5 of the Second Judicial District Court of the State
6 of Nevada, in and for the County of Washoe, do
7 hereby certify:

8 That as such reporter, I was present in
9 Department No. 15 of the above court on August, 6,
10 2019, at the hour of 9:00 a.m. of said day, and I
11 then and there took verbatim stenotype notes of the
12 proceedings had and testimony given therein in the
13 case of the State of Nevada vs. Ralph Edmond Goad,
14 Case No. CR19-0999.

15 That the foregoing transcript is a true and
16 correct transcript of my said stenotype notes so
17 taken as aforesaid, and is a true and correct
18 statement of the proceedings had and testimony given
19 in the above-entitled action to the best of my
20 knowledge, skill and ability.

21 DATED: At Reno, Nevada, on 16th day of November
22 2019.

23 /S/ Christina Marie Amundson, CCR #641

24

Christina Marie Amundson, CCR #641