

1 THE CLERK: October?

2 MR. HENDRICKS: -- October maybe even better.

3 THE CLERK: Okay.

4 MR. MANINGO: Yeah, that makes more sense.

5 THE CLERK: Okay. Okay, your Calendar -- how about October 26th?

6 MR. MANINGO: That looks fine. Is that the trial date?

7 [Off road discussions]

8 THE CLERK: It's a four-day week. I can get you October 27th

9 [indecipherable].

10 MR. MANINGO: That's fine.

11 MR. HENDRICKS: That is.

12 THE CLERK: Okay. October 27th, 8 a.m. is your Calendar Call. November
13 2nd, 10 a.m. is your trial date.

14 MR. HENDRICKS: Thank you, Judge.

15 THE COURT: All right. We'll see you back.

16 MR. HENDRICKS: Thank you, Ms. Clerk.

17 THE COURT: All right.

18 MR. MANINGO: Thank you.

19 THE COURT: Thank you.

20 [Proceeding concluded at 8:00 a.m.]

21 * * * * *

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

24 
25 Michelle Ramsey
Court Recorder/Transcriber

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

EDWARD MICHAEL ADAMS,

Defendant.

CASE NO. C241003

DEPT. XVII

BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE

TUESDAY, OCTOBER 27, 2009

**RECORDER'S TRANSCRIPT OF HEARING RE:
ALL PENDING MOTIONS**

APPEARANCES:

For the State:

CRAIG L. HENDRICKS, ESQ.,
RICHARD H. SCOW, ESQ.,
Deputy District Attorneys

For the Defendant:

JEFFREY S. MANINGO, ESQ.,
Deputy Public Defender

RECORDED BY: MICHELLE L. RAMSEY, COURT RECORDER

1 **LAS VEGAS, NEVADA; TUESDAY, OCTOBER 27, 2009**

2 [Proceeding commenced at 8:55 a.m.]

3
4 THE COURT: 241003, Edward Adams. Mr. Adams is present in custody.

5 MR. MANINGO: Jeff Maningo on behalf of Mr. Adams' behalf.

6 MR. HENDRICKS: Good morning, Judge. Craig Hendricks and Richard
7 Scow on behalf of the State.

8 THE COURT: Time set for Calendar Call; is this matter ready to go to trial?

9 MR. HENDRICKS: It is, Judge.

10 MR. MANINGO: We are ready, Judge.

11 THE COURT: How many days?

12 MR. HENDRICKS: At least four. I anticipate approximately 15 State
13 witnesses with several out-of-state witnesses.

14 MR. MANINGO: And we also have probably 4 to 5 witnesses.

15 THE COURT: If I send it to overflow, it's got to be completed in 1 week.

16 MR. HENDRICKS: I think we can.

17 MR. MANINGO: I don't know. I mean --

18 MR. HENDRICKS: If it's a fast Judge. If it was in here, yeah we'd be done
19 with it, but if it's --

20 MR. MANINGO: I don't know that we can guarantee a week, so -- and
21 especially if we have out-of-state witnesses.

22 THE COURT: Well, that's no longer an issue on overflow, but we'll send you
23 over there and we'll have Kristen make a note that we need to have it completed in
24 5 days. So someone's going to have to give you -- a Judge that picks up the case is
25 going to have full trial days.

1 THE CLERK: That'll be October 29th, 9 a.m., Department 18. What about the
2 motions to dismiss?

3 MR. MANINGO: Oh, Judge, the defense is actually withdrawing that motion.
4 I spoke with Mr. Hendricks and we have come to an agreement regarding the
5 witness at issue and getting some leeway during the cross-examination regarding
6 that witness -- during the cross-examination of the detective.

7 MR. HENDRICKS: We'll come up with an agreement on what the detectives
8 can state in regards to what that witness would have stated because he hasn't been
9 located yet.

10 THE COURT: All right.

11 MR. HENDRICKS: So we'll work around it.

12 THE COURT: Okay.

13 MR. HENDRICKS: We'll be fine.

14 MR. MANINGO: That's correct.

15 THE COURT: All right. Thank you.

16 MR. HENDRICKS: Thanks, Judge.

17 THE COURT: You're welcome.

18 THE CLERK: Thursday at 9 a.m. in Department 18 for overflow.

19 [Proceeding concluded at 8:57 a.m.]

20 * * * * *

21
22 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/video
23 proceedings in the above-entitled case to the best of my ability.

24 
25 Michelle Ramsey
Court Recorder/Transcriber

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DISTRICT COURT
CLARK COUNTY, NEVADA

COPY

APR 14 7 51 AM '10

THE STATE OF NEVADA,

Plaintiff,

vs.

EDWARD MICHAEL ADAMS,

Defendant.

CASE NO. C-241003

DEPT. NO. 18

**Transcript of
Proceedings**

BEFORE THE HONORABLE DAVID BARKER, DISTRICT COURT JUDGE

JURY TRIAL - DAY 1

MONDAY, NOVEMBER 2, 2009

APPEARANCES:

FOR THE PLAINTIFF:

CRAIG L. HENDRICKS, ESQ.
Chief Deputy District Attorney

RICHARD H. SCOW, ESQ.
Deputy District Attorney

FOR THE DEFENDANT:

JEFFREY S. MANINGO, ESQ.
Deputy Public Defender

COURT RECORDER:

RICHARD KANGAS
District Court

TRANSCRIPTION BY:

VERBATIM DIGITAL REPORTING, LLC
Littleton, CO 80120
(303) 798-0890

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

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1 LAS VEGAS, NEVADA, MONDAY, NOVEMBER 2, 2009, 10:00 A.M.

2 (Outside the presence of potential jurors)

3 THE COURT: This is C-241003, State of Nevada v.
4 Edward Michael Adams. The record should reflect the
5 representatives -- the presence of the representatives of the
6 State and defense. Mr. Adams is here, dressed up, prepared for
7 trial.

8 Mr. Adams, before you walked in the door, I was
9 explaining to all parties, jury selection. We're going to
10 qualify 32 people for cause for your jury. Your attorney gets
11 an opportunity -- the State gets an opportunity, your attorney
12 gets an opportunity to ask the jury questions. In that process
13 there's challenge for cause. Initially, once we get 32
14 qualified for cause, then we move on to peremptory challenges.

15 Talk with your attorney about how he wants -- how you
16 two want to discuss who you believe to be appropriate or
17 questions or concerns that you might have as we move through
18 the process, okay?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: All right. I also have received from my
21 clerk a copy of an exhibit list. It looks like it's been
22 prepared by the State and it lists 56 exhibits. Most of them
23 appear to be photographs and some evidence bags. I'd like the
24 parties just to discuss whether there's any stipulations to the
25 exhibits. If not, that's fine. If there are, then we can put

1 them on the record outside the presence, or state the
2 stipulation to the jury at the time whoever's making this --
3 agreeing to the stipulation wants to do it. So talk about that
4 before.

5 Mr. Hendricks, you indicated that you've received
6 proposed jury instructions from Mr. Maningo and you've
7 incorporated those in, at least in some respect, into your
8 submitted jury instructions?

9 MR. HENDRICKS: Yes. Mr. Scow has.

10 THE COURT: Mr. Scow has.

11 MR. HENDRICKS: And there may be some other specials
12 that Mr. Maningo wants and we would take care of those for him
13 also, so.

14 THE COURT: All right. All I ask is the parties
15 confer on those. If you can settle on those instructions,
16 great. If not, then we'll settle up those instructions. You
17 anticipate four days to try the case, both sides? At least
18 that's what was briefly mentioned to me.

19 MR. HENDRICKS: You may want to say five just in
20 case.

21 THE COURT: I'll qualify the jury through Friday,
22 just so they know.

23 MR. HENDRICKS: Okay.

24 THE CLERK: Oh, Friday's -- oh, yeah, we're here.

25 THE COURT: Yeah, we're here Friday. And I do, I

1 work -- I mean, we'll start at probably maybe 9:30 tomorrow
2 morning. It's a small calendar. So let's rack them and stack
3 them. Use the time effectively. I'm not telling you, you
4 don't need -- nobody needs to rush your case, but just use your
5 time effectively. And I hate breaking at 3:30 in the
6 afternoon, because, oh, surprise, we're out of witnesses.

7 MR. HENDRICKS: Out of witnesses.

8 THE COURT: I don't like doing that. I think it's
9 more -- it shows more respect for the jury. They commit, you
10 know, five days to the process and we need to use their time.
11 We need to respect that, so that's all I ask.

12 (Pause in proceedings)

13 THE COURT: Have the parties had an opportunity to go
14 through the proposed charging document, Mr. Maningo, Mr.
15 Hendricks and Mr. Scow? I want you to read the indictment --
16 or is it an indictment or information? Information that my
17 clerk is prepared that she's going to read to the jury. Make
18 sure you're in agreement. She eliminates the felony, the
19 statutes, a couple of things and she'll have it up here for you
20 to look at and make sure you're all in agreement.

21 Mr. Scow's approved it. Mr. Maningo, have you had a
22 chance to look at it?

23 MR. MANINGO: I have not, but I will.

24 THE COURT: All right. Thank you.

25 (Pause in proceedings)

1 THE COURT: Any idea that we might need interpreters
2 or anything? Any issues that we need to get in front of?

3 MR. HENDRICKS: Not for us. We don't have
4 interpreters for our witnesses, Judge.

5 THE COURT: Okay. We had the entire interpreter's
6 office last week in here. Everybody.

7 (Pause in proceedings)

8 (In presence of prospective jurors)

9 THE MARSHAL: First 32, Your Honor.

10 THE COURT: Thank you. Good morning, Ladies and
11 Gentlemen. As soon as we get the balance of the panel, we'll
12 be with you. We just need to get everybody in the courtroom.

13 (Pause in proceedings)

14 THE MARSHAL: Your Honor, complete panel is present.

15 THE COURT: Thank you. This is C-241003, State of
16 Nevada, plaintiff versus Edward Michael Adams. Record should
17 reflect the presence of representatives of the State, defense.
18 All members of the jury panel appear to be present.

19 Again, good morning, Ladies and Gentlemen. My name
20 is David Barker, I'm the presiding Judge here in Department 18.
21 Welcome. You're on the 11th Floor, B Department, 11 Bravo is
22 the floor and courtroom designation. Department 18 is how you
23 find me.

24 You've been summoned here, Ladies and Gentlemen, to
25 participate in jury selection in a criminal case. Before we

1 get into the jury selection process, I have some explanation
2 and I need to do some introductions so you understand who
3 everybody is and kind of their function.

4 To my far right is Mr. Kangas, Richard Kangas, he's
5 my court recorder. It's his job to maintain an electronic
6 record of everything that happens in court and during a jury
7 trial. Jury selection is obviously an important part of that
8 process. We use a hand-held electronic microphone or wireless
9 microphone during jury selection and Mr. Kangas has a few words
10 of explanation for you. Richard?

11 MR. KANGAS: Good morning.

12 ALL PROSPECTIVE JURORS: Good morning.

13 MR. KANGAS: This courtroom, like most in this
14 courthouse, uses an electronic method of keeping a record.
15 There is video cameras up here, up there and one over here that
16 keep a video record. And the cameras are directed by the
17 microphones. So when I'm standing here, the cameras are
18 focused in on me.

19 But, excuse me, by design, however, there's no camera
20 coverage of the ordinary jury box back there. So consequently,
21 there is very little coverage as far as microphones. So during
22 jury selection, from time to time the Judge and the attorneys
23 are going to be asking you individual questions. So when they
24 do that, we're going to ask that you wait until we can pass you
25 this hand-held microphone and then I want you to identify

1 yourself by the last three digits of your badge number and by
2 your name so we'll know who's speaking on the record.

3 And, a word of warning, this is a low powered hand-
4 held microphone. It only works when you hold it right up to
5 your mouth. It doesn't work like this or like this. I realize
6 you're nervous, but I appreciate if you could accommodate me on
7 that.

8 And also, if anybody can't hear, please let us know
9 so we can make some accommodations for you. Thank you.

10 THE COURT: If anybody's concerned about, there's a
11 lot of talk in the media, there's a lot of flu virus going
12 around, everybody's a little worried about it. Richard keeps
13 the -- he sterilizes that thing every time he touches it. So
14 don't be afraid, he's going to wipe that down right now with a
15 little wiper.

16 Also, I need you all to power down any type of
17 personal communications, cell phones, PDA's, anything like
18 that. The frequencies on -- for many of those units are very
19 close to the frequencies we use for maintaining this record and
20 frankly, you're going to hear a feedback as a consequence of
21 somebody just putting it on standby or silent mode. So I just
22 ask you to power down your personal devices until you -- we're
23 on a break.

24 Now, to my immediate right is Sharon Chun. She's my
25 court clerk. It's Ms. Chun's responsibility to maintain the

1 official record of the court. She marks exhibits, swears
2 witnesses and generally helps, as the clerk, keep us focused
3 and going in the right direction.

4 You've met very briefly Officer Reichert, Dan
5 Reichert. You can call him Dan. He is the Bailiff assigned
6 here in Department 18. He is your point of contact. If you
7 need to communicate with the Court, you can't do it just coming
8 up and say, Judge, I got to talk to you about something.
9 There's a formality to the process that I'll get into in a few
10 minutes or later on. But he will be your point of contact
11 should the situation require it. Those are the folks that
12 you're going to be seeing and talking with here in a few
13 minutes, or seeing work.

14 On behalf of the State, would you please introduce
15 yourself, make a brief statement on the nature of the case and
16 state the names of witnesses that the State anticipates
17 calling.

18 MR. SCOW: Thank you, Judge. Good morning. My name
19 is Richard Scow and with me is Craig Hendricks. We're the
20 prosecutors for this case, the State of Nevada v. Edward Adams.

21 Briefly, the nature of this case is Amber Valles, a
22 student at Johnson Middle School, on December 14th, 2007 was
23 taken to an abandoned apartment at the 1111 Apartment Complex,
24 that's 1111 Warbonnet is the address, it's near Charleston and
25 Buffalo. At that location, she was sexually assaulted by the

1 defendant, Edward Adams. And so in this case, he's charged
2 with first degree kidnaping with use of a deadly weapon,
3 battery with intent to commit a crime with a deadly weapon,
4 sexual assault of a minor under 14 years of age with the use of
5 a deadly weapon and open or gross lewdness. Thank you.

6 THE COURT: List of witnesses.

7 MR. SCOW: Our list of witnesses. I've mentioned
8 Amber Valles. She's a 15-year-old now. Her mother, Louise
9 Valles. Cierra Cipriani; Jonathan Cerboni; Angela Abarzua; Amy
10 Russell, she's the apartment manager for the 1111 Apartment
11 Complex; Gabe Lebario, detective with Las Vegas Metro; Jonathan
12 Fried; Randy McPhail, Shayla Joseph, those are each crime scene
13 analysts with Las Vegas Metropolitan Police Department; Amy
14 Coe, a sexual assault examination nurse; Vicki Farnham, a
15 fingerprint examiner with Las Vegas Metropolitan Police
16 Department; and Kellie Gauthier, she's a DNA forensic scientist
17 with the Las Vegas Metropolitan Police Department. Those will
18 be the witnesses that the State anticipates calling in this
19 trial.

20 THE COURT: On behalf of the defendant, would you
21 please introduce yourself, your client and identify any
22 anticipated witnesses.

23 MR. MANINGO: Good morning. My name is Jeff Maningo.
24 I am an attorney, I represent Edward Adams. You've heard a
25 brief synopsis of what the State expects the case to be like.

1 We just want to add that Mr. Adams has entered pleas of not
2 guilty to all of those charges.

3 Any witnesses that the defense may decide to call can
4 come from the list that Mr. Scow has already read you, as well
5 as the possible additional witnesses of Jamie Galloway, Briana
6 Galloway, Daniel Galloway, Tom Galloway and Laurie Galloway who
7 all reside in Las Vegas.

8 THE COURT: Thank you. The clerk will now call roll
9 of the panel of prospective jurors. Ladies and Gentlemen, I
10 just need to make sure that all who need to be here are present
11 and those of you who might have gotten in the wrong line in the
12 confusion that always exists on the third floor on Mondays,
13 send you back if you don't need to be here in Department 18.

14 THE CLERK: Thank you. I'm going to call the last
15 three digits of your badge number and if I make a mistake on
16 pronouncing your name, please correct me at this time.

17 Badge number 104, Michael Schiffman.

18 PROSPECTIVE JUROR NO. 104: Here.

19 THE CLERK: 131, Janice Raymond.

20 PROSPECTIVE JUROR NO. 131: Here.

21 THE CLERK: 133, Starr Winterbottom.

22 PROSPECTIVE JUROR NO. 133: Here.

23 THE CLERK: 135, Michael Washington.

24 PROSPECTIVE JUROR NO. 135: Here.

25 THE CLERK: 136, Royce Callowhill.

1 PROSPECTIVE JUROR NO. 136: Here.
2 THE CLERK: 137, Lawrence Wheeler.
3 PROSPECTIVE JUROR NO. 137: Here
4 THE CLERK: 138, Zenaida Alvarez.
5 PROSPECTIVE JUROR NO. 138: Here.
6 THE CLERK: 141, Andrew Beirne?
7 PROSPECTIVE JUROR NO. 141: Beirne, here.
8 THE CLERK: Beirne, thank you. 143, Bridget Carroll.
9 PROSPECTIVE JUROR NO. 143: Here.
10 THE CLERK: 145, Steven Harris.
11 PROSPECTIVE JUROR NO. 145: Here.
12 THE CLERK: 146, Paula Lisy-Meikle?
13 PROSPECTIVE JUROR NO. 146: Lisy-Meikle, here.
14 THE CLERK: Thank you. 147, Kevin Marvin.
15 PROSPECTIVE JUROR NO. 147: Here.
16 THE CLERK: 149, Grace Aguas.
17 PROSPECTIVE JUROR NO. 149: Helen Grace Aguas.
18 THE CLERK: Helen Grace Aguas, thank you. 150, Keith
19 Oyamot Jr.
20 PROSPECTIVE JUROR NO. 150: Here.
21 THE COURT: 151, Gail Sheikewitz.
22 PROSPECTIVE JUROR NO. 151: Here.
23 THE CLERK: 152, Martin Scott.
24 PROSPECTIVE JUROR NO. 152: Here.
25 THE CLERK: 154, Randle Parker.

1 PROSPECTIVE JUROR NO. 154: Here.
2 THE CLERK: 155, Ruth Lopez.
3 PROSPECTIVE JUROR NO. 155: Here.
4 THE CLERK: 156, Margaret Clayton.
5 PROSPECTIVE JUROR NO. 156: Here.
6 THE CLERK: 158, James McKenzie.
7 PROSPECTIVE JUROR NO. 158: Here.
8 THE CLERK: 159, Daniel Grassian.
9 PROSPECTIVE JUROR NO. 159: Here.
10 THE CLERK: 166, Elena Farfan.
11 PROSPECTIVE JUROR NO. 166: Here.
12 THE CLERK: 167, Dion R. Cooper.
13 PROSPECTIVE JUROR NO. 167: Here.
14 THE CLERK: 168, Rodel Viernes.
15 PROSPECTIVE JUROR NO. 168: Here.
16 THE CLERK: 172, Michael Cianci.
17 PROSPECTIVE JUROR NO. 172: Seanse (phonetic).
18 THE CLERK: See-ante?
19 PROSPECTIVE JUROR NO. 172: See an See (phonetic).
20 THE CLERK: See an See, thank you.
21 PROSPECTIVE JUROR NO. 172: Here.
22 THE CLERK: I see that. 174, Christina Alberts.
23 PROSPECTIVE JUROR NO. 174: Here.
24 THE CLERK: 176, Thomas Johnson.
25 PROSPECTIVE JUROR NO. 176: Here.

1 THE CLERK: 177, Wade Perkins.
2 PROSPECTIVE JUROR NO. 177: Here.
3 THE CLERK: 180, Janet Laba.
4 PROSPECTIVE JUROR NO. 180: Here.
5 THE CLERK: 186, Harvey Stein.
6 PROSPECTIVE JUROR NO. 186: Here.
7 THE CLERK: 188, Gregory Carter.
8 PROSPECTIVE JUROR NO. 188: Here.
9 THE CLERK: 190, Olga Ramsey.
10 PROSPECTIVE JUROR NO. 190: Here.
11 THE CLERK: 191, Megan Loveless.
12 PROSPECTIVE JUROR NO. 191: Here.
13 THE CLERK: 192, Suzanne Byrkit.
14 PROSPECTIVE JUROR NO. 192: Here.
15 THE CLERK: 194, Risa Clayton.
16 PROSPECTIVE JUROR NO. 194: Here.
17 THE CLERK: 195, Dustin Payne.
18 PROSPECTIVE JUROR NO. 195: Here.
19 THE CLERK: 197, Bergit Velasquez.
20 PROSPECTIVE JUROR NO. 197: Here.
21 THE CLERK: 199, Lovella Malicdem.
22 PROSPECTIVE JUROR NO. 199: Here.
23 THE CLERK: 202, Juvenal Castillo-Martinez.
24 PROSPECTIVE JUROR NO. 202: Yes.
25 THE CLERK: Thank you. 203, Dayna Wilson.

1 PROSPECTIVE JUROR NO. 203: Here.

2 THE CLERK: 204, Darrius Banks.

3 PROSPECTIVE JUROR NO. 204: Here.

4 THE CLERK: 205, Sylvia Tran.

5 PROSPECTIVE JUROR NO. 205: Here.

6 THE CLERK: 209, Wendy Garcia.

7 PROSPECTIVE JUROR NO. 209: Here.

8 THE CLERK: 210, Dick Bruno.

9 PROSPECTIVE JUROR NO. 210: Here.

10 THE CLERK: And 211, Linda Sattler.

11 PROSPECTIVE JUROR NO. 211: Here.

12 THE CLERK: Thank you.

13 THE COURT: Is anybody's name -- who's present whose
14 name was not called? All right.

15 Ladies and Gentlemen, the process of jury selection
16 is done under oath. So I need you all to stand as a panel and
17 raise your right hand to be sworn.

18 (Prospective jury panel sworn)

19 THE CLERK: Thank you. You may be seated.

20 THE COURT: Now, Ladies and Gentlemen, as I stated,
21 we're about to begin the process of jury selection. During
22 this process, you'll be asked questions bearing upon your
23 ability to sit as fair and impartial jurors. To accomplish
24 this, I'll ask some initial questions and then I give each side
25 an opportunity to inquire, too.

1 The questions, I hope they don't -- you don't
2 consider them to be too personal. They will be somewhat
3 personal. They're basically designed to help parties make an
4 intelligent determination as to your capability to serve as a
5 fair and impartial juror based upon the unique nature of the
6 facts as they believe them and understand them to be.

7 It's important for you to understand the significance
8 of full, complete and honest answers to all the questions that
9 you're about to be asked. Please try not to withhold or hide
10 any information which might affect your ability or indicate
11 your ability to be fair and impartial.

12 Answer the question truthfully, try not to withhold
13 anything. If you do withhold any information, that fact may
14 tend to contaminate the verdict of the jury and subject you to
15 further inquiry by this Court. I'm required by law to read
16 that to you just so you understand that it's important for you
17 to make complete disclosure about any situation or information
18 that you might hold.

19 If, and I like to say to prospective jurors, if
20 there's something in your mind as a consequence of the question
21 asked that you feel that either side might want to know about
22 you, please don't hesitate to offer up that information in a
23 general sense so that they can consider that in terms of making
24 the decisions in this case.

25 As I said, I'll ask some questions first and then

1 each party will have the opportunity to do followup questions.
2 This is known, commonly, as the challenge for cause portion of
3 jury selection. So, as questions are asked you and answer
4 questions, you might hear a challenge for cause interposed by
5 one of the lawyers. It's not because, if they do that, it's
6 not because they don't believe you can't be a fair person, but
7 based upon all the information that they have in their minds
8 and your answers to the questions, they might feel that your
9 services, energy, time might be better served on a different
10 type of case. Don't take it personally. It's not intended to
11 be a personal attack on your basic ability to be fair and
12 impartial.

13 So the way it's going to work is I'm going to ask a
14 question first. The first individual to raise your hand is
15 going to get that microphone by Mr. Kangas and then answer the
16 question, and then we'll pass that microphone back and forth.
17 It will go from the front to the back and back to the front.

18 I ask people just to treat it like you would if you
19 were at a baseball game or any type of other event where you
20 need to move something in a crowd. If you happen to be one of
21 the lucky individuals that are sitting on the edge, just hand
22 the microphone to one of the parties and we'll move it back and
23 forth. Don't hesitate to stand up and hand it to anybody who
24 might be court personnel just to move that device back and
25 forth.

1 You might see Mr. Kangas stand up and say, I need you
2 to speak in the mike or you might hear me say you need to speak
3 up, it's because he's watching his little monitor and it's not
4 -- whatever you're saying isn't registering in the system and
5 we need to be careful that everything that's said here is
6 recorded.

7 So that's how it's going to work. Let's get to it.
8 Has anyone here been convicted of a felony offense? Uniform
9 negative response.

10 Is everyone here a citizen of the United States?
11 Uniform negative response.

12 Is there anyone here who has such sympathy,
13 prejudice, bias relating to age, religion, race, gender,
14 national origin that they feel they couldn't sit as a fair,
15 open-minded and impartial juror? Uniform negative response.

16 All right. Is anyone here acquainted with any of the
17 people in the courtroom, including the parties who have been
18 identified? In here. Myself, I get around a little bit, it's
19 okay. We already had a hand up. But know anybody here?
20 Ma'am, you had your hand up. And you can identify yourself by
21 your badge number, so the last three numbers on your badge.
22 That's given to you so you don't have to keep saying your last
23 name if you're not comfortable with that. Yes, ma'am.

24 PROSPECTIVE JUROR NO. 156: Your Honor, I'm juror
25 number 156. You and I have met socially several times over the

1 past 20 years. I worked with your wife at the Attorney
2 General's office back in the 1990s.

3 THE COURT: Okay. Anything about that association or
4 relation that might cause you to --

5 PROSPECTIVE JUROR NO. 156: No, sir.

6 THE COURT: -- judge this case unfairly or be -- you
7 wouldn't --

8 PROSPECTIVE JUROR NO. 156: No.

9 THE COURT: -- affect your ability to be fair and
10 impartial?

11 PROSPECTIVE JUROR NO. 156: No.

12 THE COURT: All right. Thank you very much. Anyone
13 else?

14 Is anyone familiar with any of the names of
15 witnesses? We have a hand in the back. If we could move that
16 microphone, hand that microphone to one of the parties. Mr.
17 Scow, if you could move that back. Thank you. Yes, ma'am.

18 PROSPECTIVE JUROR NO. 203: I'm juror 203.

19 THE COURT: 203, thank you.

20 PROSPECTIVE JUROR NO. 203: One of the boys that were
21 actually a witness was my next door neighbor and he did briefly
22 mention it.

23 THE COURT: So you know something about this case
24 other than what's been said briefly here in court?

25 PROSPECTIVE JUROR NO. 203: Yes, I do, but he briefly

1 mentioned it.

2 THE COURT: Don't tell me anything.

3 PROSPECTIVE JUROR NO. 203: I'm not going to.

4 THE COURT: Okay, good.

5 PROSPECTIVE JUROR NO. 203: Okay. So I don't
6 remember details about it, I just remember him mentioning it,
7 so.

8 THE COURT: Okay. So you remember, Ms. Wilson, that
9 there might have been some communication with a witness outside
10 the courtroom. And is that one of the individuals that was
11 named by the District Attorney as a potential witness?

12 PROSPECTIVE JUROR NO. 203: Yes.

13 THE COURT: All right. I got to tell you what, Ms.
14 Wilson. I can't have anybody -- I might as well just move you
15 onto a trial where you don't have any personal knowledge at
16 all.

17 PROSPECTIVE JUROR NO. 203: Okay.

18 THE COURT: It doesn't mean you can't be fair. I'm
19 just saying out of an abundance of caution --

20 PROSPECTIVE JUROR NO. 203: Okay.

21 THE COURT: -- I think that's the best choice, okay?

22 PROSPECTIVE JUROR NO. 203: Okay. Do --

23 THE COURT: So just hand that microphone to the young
24 man sitting next to you. So he'll hold on to that. Ms.
25 Wilson, I'm going to send you back to the third floor, Jury

1 Services. They'll probably put you on another panel. There's
2 lots going on today.

3 PROSPECTIVE JUROR NO. 203: Okay.

4 THE COURT: Thank you so much. All right. Anyone
5 else know any, think they might know any of the names of the
6 witnesses that were called? Okay.

7 Now, this is -- before I ask this question, because I
8 always get a few hands. I understand that everybody here, all
9 the prospective, all of you folks have lives and
10 responsibilities to take care of. And you're probably very
11 concerned about getting back to those responsibilities.

12 But understand, in the process of sitting as a member
13 of a jury, it's a cherished right and responsibility and that
14 I'm very limited by law on how I can excuse you in terms of
15 committing to the process and understanding that this trial,
16 based upon communication with the attorneys, should take about
17 -- frankly through the end of the week, probably till Friday.

18 Is there anyone here that believes that that type of
19 commitment to this important process creates such an undue
20 burden on you that they don't believe they could sit as a fair
21 and impartial juror? All right. Let's do -- since the
22 microphone's in the back, I always get a few hands and you're
23 going to see how my response goes here.

24 Yes, sir, your badge number?

25 PROSPECTIVE JUROR NO. 195: I'm juror 195, my name's

1 Dustin Payne. I have an interview tomorrow at 9:00 with an
2 important company, State of Nevada. I've been unemployed for
3 about six months now.

4 THE COURT: Okay.

5 PROSPECTIVE JUROR NO. 195: So --

6 THE COURT: So you have the interview at 9:00
7 tomorrow. If we don't start till 10:00 tomorrow, can you do
8 that interview and -- if you're picked to be a member of this
9 jury, can you make that interview and still be here, do you
10 think?

11 PROSPECTIVE JUROR NO. 195: I believe so, yeah.

12 THE COURT: All right. Appreciate that, sir. Next.

13 PROSPECTIVE JUROR NO. 197: Juror 197. I'm a shop
14 owner, saloon owner and I need to work to pay the bills.

15 THE COURT: I appreciate that, ma'am. I can't let
16 you go for that at this point. The general rule, Ladies and
17 Gentlemen, is a commitment of about a week, a week and a half
18 is what we kind of use as a benchmark. I listen to everybody
19 and everybody's unique, has a unique circumstance, but I can't
20 let you out for that reason right now. Sorry.

21 PROSPECTIVE JUROR NO. 197: Even if it means that I
22 have to close my business and don't make the rent?

23 THE COURT: Well, I don't -- I never want to put
24 anybody in the position where they suffered too much, but I
25 can't let you go for that at this point, sorry.

1 Anyone else? Back row back. Yes, ma'am.

2 PROSPECTIVE JUROR NO. 205: Hi, Your Honor. I'm
3 juror 205.

4 THE COURT: Yes.

5 PROSPECTIVE JUROR NO. 205: I'm still nursing a 7-
6 month-old son at home.

7 THE COURT: You're nursing --

8 PROSPECTIVE JUROR NO. 205: I'm still nursing a 7-
9 month-old son at home.

10 THE COURT: Okay. And is your son -- how are you
11 taking care of those responsibilities today?

12 PROSPECTIVE JUROR NO. 205: I mean, when I go to
13 work, I usually pump. So if I have time to pump, that would be
14 okay.

15 THE COURT: Okay. So you pumped today. And I don't
16 mean to be too indiscreet. Let's see where we go. I
17 appreciate that disclosure. I'm sure there will be further
18 questions for you.

19 PROSPECTIVE JUROR NO. 205: Okay, thank you.

20 THE COURT: Thank you. Anyone else? Back row, back
21 section. Okay, yes, ma'am.

22 PROSPECTIVE JUROR NO. 190: I'm juror 190. I'm a
23 nurse and I work in Clark County Detention Center.

24 THE COURT: Okay. So you're employed at the Clark
25 County Detention Center as an independent contractor?

1 PROSPECTIVE JUROR NO. 190: Yes.

2 THE COURT: Okay. Anything about the nature of that
3 work -- anything about the nature of that work that might
4 affect your ability to be fair and impartial?

5 PROSPECTIVE JUROR NO. 190: Yeah, we deal with the
6 inmates and for me they're all, like, guilty to me, so.

7 THE COURT: Okay. Well, you understand that no one
8 is guilty until they're proven guilty beyond a reasonable doubt
9 based upon the evidence?

10 PROSPECTIVE JUROR NO. 190: (No audible response)

11 THE COURT: All right. I appreciate that. We'll see
12 where we go. Thank you, ma'am. Next.

13 PROSPECTIVE JUROR NO. 211: Juror 211.

14 THE COURT: Yes.

15 PROSPECTIVE JUROR NO. 211: I work for -- I'm the
16 only office person and I take care of payroll and I have to
17 call in payroll this week.

18 THE COURT: I appreciate that. I'm sure we'll have
19 further questions about that. Thank you, ma'am. Anyone else?
20 Front row, back.

21 All right. Let's move the microphone forward. Yes,
22 sir.

23 PROSPECTIVE JUROR NO. 210: Richard Bruno, 210. I
24 have my folks. My dad is 87 years old and my mom is 84 and
25 they live with me. So, I'm responsible for taking care of

1 them.

2 THE COURT: Okay. Thank you, sir. Anyone else front
3 row? If we can move that microphone to the top 32, please.

4 Folks, you're going to see there's -- you're two
5 different sections and that -- there is an intent there.
6 You'll see that in a few minutes, I'm sure.

7 Back row, front? Anybody? We can just do them by
8 row, it's easier that way. All right. Middle row? Or second
9 row. Yes, ma'am.

10 PROSPECTIVE JUROR NO. 146: Your Honor, I'm juror
11 number 146.

12 THE COURT: Yes.

13 PROSPECTIVE JUROR NO. 146: Basically, I don't have
14 anyone else to take care of my one-year-old daughter. It's
15 just my husband and I that live out here. He basically had to
16 take off of work today. We don't have any type of daycare set
17 up nor can we afford it at this time.

18 THE COURT: Okay.

19 PROSPECTIVE JUROR NO. 146: He works full-time and I
20 work a couple hours in the evening, but he and I are basically
21 the only ones that can take care of her.

22 THE COURT: Okay. Let's see where we go with that.
23 I'm sure the parties are going to have some additional
24 questions. Anyone else that row? Yes, ma'am.

25 PROSPECTIVE JUROR NO. 143: I'm juror number 143.

1 THE COURT: Yes, ma'am.

2 PROSPECTIVE JUROR NO. 143: And I don't -- from my
3 employment, I'm not paid for the rest of the week, but I'm a
4 dental hygienist who sees eight patients a day and if I knew
5 ahead of time to reschedule these patients, then I might be
6 able to -- to be able to stay.

7 THE COURT: You were scheduled before a jury --

8 PROSPECTIVE JUROR NO. 143: Today. For jury duty?

9 THE COURT: For jury duty.

10 PROSPECTIVE JUROR NO. 143: No.

11 THE COURT: So this is your first time here?

12 PROSPECTIVE JUROR NO. 143: Um-hum.

13 THE COURT: I tell you what, let's see where we go.

14 PROSPECTIVE JUROR NO. 143: Okay.

15 THE COURT: I'm sure there will be some additional
16 questions.

17 PROSPECTIVE JUROR NO. 143: Okay.

18 THE COURT: If you haven't continued or rescheduled
19 your duties, they may be more understanding maybe.

20 PROSPECTIVE JUROR NO. 143: Okay, thanks.

21 THE COURT: All right. Anyone else? Second row,
22 from the wall. Yes, ma'am.

23 PROSPECTIVE JUROR NO. 149: I'm juror 149.

24 THE COURT: Yes.

25 PROSPECTIVE JUROR NO. 149: I'm a stay-at-home mom.

1 I have three kids ages 6, 8 and 10 that I transport to and from
2 school.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR NO. 149: And I have no friends who
5 live close by that I can really ask a favor to stay with them.

6 THE COURT: I will note that and see if there are any
7 followup questions on that. I appreciate it.

8 PROSPECTIVE JUROR NO. 149: Okay, thank you.

9 THE COURT: Thank you. Anyone else, second row?
10 Yes, ma'am.

11 PROSPECTIVE JUROR NO. 138: I am juror 138.

12 THE COURT: Yes.

13 PROSPECTIVE JUROR NO. 138: And I don't feel
14 comfortable about because I don't understand too much English.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 138: I understand a little
17 bit, but I don't feel comfortable.

18 THE COURT: Okay. How long you been here in the
19 United States?

20 PROSPECTIVE JUROR NO. 138: Sixteen years.

21 THE COURT: Do you own a home?

22 PROSPECTIVE JUROR NO. 138: Yeah.

23 THE COURT: And you work?

24 PROSPECTIVE JUROR NO. 138: Yeah.

25 THE COURT: Have you ever bought a car, signed a

1 contract in English for the purchase of a car or home?

2 PROSPECTIVE JUROR NO. 138: They had somebody to read
3 it to me.

4 THE COURT: Okay. They read it to you?

5 PROSPECTIVE JUROR NO. 138: Yeah.

6 THE COURT: If I could get you some assistance from a
7 court interpreter, would that assist you in this?

8 PROSPECTIVE JUROR NO. 138: Okay.

9 THE COURT: Okay. We'll see about that. All right.
10 Thank you, ma'am.

11 PROSPECTIVE JUROR NO. 138: Okay. Okay.

12 THE COURT: Anyone else? Second, first, back row.

13 PROSPECTIVE JUROR NO. 141: Hi, I'm juror 141. I do
14 consulting work and I was unemployed for about five and a half
15 months. I got another assignment last Tuesday that's started.

16 THE COURT: It's supposed to start today?

17 PROSPECTIVE JUROR NO. 141: No, it started last
18 Tuesday.

19 THE COURT: Okay. We'll see where we go. Anyone
20 else? Second row back. Third -- or second row from the front.
21 Hand that microphone straight up. Yes, sir?

22 PROSPECTIVE JUROR NO. 159: Hello, I'm juror 159.
23 I'm a college professor. My classes meet Tuesday/Thursday, so
24 I wouldn't be able to meet my classes and the students would
25 suffer.

1 THE COURT: What do you teach, sir?

2 PROSPECTIVE JUROR NO. 159: English.

3 THE COURT: Oh, okay. Well, we'll see where we go.

4 PROSPECTIVE JUROR NO. 159: Okay.

5 THE COURT: Appreciate that. Anyone else?

6 PROSPECTIVE JUROR NO. 166: I'm juror number 166 and
7 I am an elementary teacher. And it's just I've been out
8 because I was sick and I'm going to be out because I'll be on
9 maternity leave and I just feel very bad being out and getting
10 (indiscernible) from my kids because they will suffer honestly.

11 THE COURT: Okay. Well, I don't want anybody to
12 suffer. I appreciate that.

13 PROSPECTIVE JUROR NO. 166: No. And I don't want
14 them to.

15 THE COURT: I'm sure there will be followup questions
16 for you.

17 Yes, sir.

18 PROSPECTIVE JUROR NO. 168: Hi, I'm juror 168.

19 THE COURT: Yes, sir.

20 PROSPECTIVE JUROR NO. 168: I'm not working right
21 now, but I'm babysitting two kids.

22 THE COURT: Okay.

23 PROSPECTIVE JUROR NO. 168: One is, their dad is a
24 correctional officer and the other kid is, my niece has
25 juvenile diabetes.

1 THE COURT: Okay. Thank you, sir. We'll see where
2 we go. In the front row. Yes, sir.

3 PROSPECTIVE JUROR NO. 176: Sir, I'm juror -- what is
4 it?

5 THE COURT: Last three.

6 PROSPECTIVE JUROR NO. 176: Oh, 176.

7 THE COURT: 176.

8 PROSPECTIVE JUROR NO. 176: Yeah, I probably should
9 have gotten a doctor's note. I really don't have the presence
10 of mind to be doing this right now. I have too many burdens.
11 And --

12 THE COURT: Doctor's notes are always a very -- I
13 listen to doctors, but I usually -- I need a note.

14 PROSPECTIVE JUROR NO. 176: Okay. And also, I have
15 many misdemeanors in the State of California, was on probation
16 for drug offenses.

17 THE COURT: Okay.

18 PROSPECTIVE JUROR NO. 176: So I'm probably
19 prejudiced.

20 THE COURT: Okay. Well, you've talked about two
21 things. We'll see where we go.

22 PROSPECTIVE JUROR NO. 176: All right.

23 THE COURT: Anyone else? Yes, sir.

24 PROSPECTIVE JUROR NO. 177: Your Honor, badge number
25 177.

1 THE COURT: Yes, sir.

2 PROSPECTIVE JUROR NO. 177: I don't get paid for
3 being here either. So my job don't pay me.

4 THE COURT: Thank you, sir. All right, anyone else?

5 All right. Understand that 14 will be selected,
6 there's 32 of you up here. So there's many who are called, few
7 that will serve. Yes, we have a hand in the back. Can you --
8 and it's okay to raise your hand late as long as we're talking
9 about the information. I know I move along kind of quick.
10 People complain sometimes that I talk kind of fast. I don't
11 mean to. If you don't understand something I've said, just
12 don't hesitate to tell me. Yes, ma'am.

13 PROSPECTIVE JUROR NO. 194: I am juror 194.

14 THE COURT: Yes, ma'am.

15 PROSPECTIVE JUROR NO. 194: I am also an elementary
16 school teacher. I don't know if that's relevant, but I wanted
17 to share that information.

18 THE COURT: I appreciate that. We'll get to what
19 everybody does in the general sense in a few minutes.

20 PROSPECTIVE JUROR NO. 194: Okay.

21 THE COURT: Anyone else in the back? We'll go on the
22 top row, Mr. Schiffman.

23 PROSPECTIVE JUROR NO. 104: I'm 104. I'm not sure if
24 it's relevant right now or not, but my girlfriend was sexually
25 assaulted a few years ago.

1 THE COURT: We'll get to that in a few minutes.

2 PROSPECTIVE JUROR NO. 104: I figured, okay.

3 THE COURT: All right. Thank you, sir. Hold on to
4 that microphone.

5 All right. Is here anybody here who has been either
6 personally, have a spouse or close relative engaged in law
7 enforcement work? We usually get a few hands. Anybody back
8 row? If you can hand that microphone all the way down, Mr.
9 Schiffman. Yes, ma'am.

10 PROSPECTIVE JUROR NO. 136: Hi, I'm 136.

11 THE COURT: Yes.

12 PROSPECTIVE JUROR NO. 136: Royce Callowhill. My
13 brother-in-law was LAPD, Sergeant.

14 THE COURT: Anything about the nature of his work
15 that might affect your ability to sit as a fair and impartial
16 juror in this case if you're selected to do so?

17 PROSPECTIVE JUROR NO. 136: No.

18 THE COURT: Thank you very much. Anyone else? Back
19 row, law enforcement question? Second row up. Just hand that
20 microphone straight up. Anybody second row? Third row up?
21 Yes, sir.

22 PROSPECTIVE JUROR NO. 168: Hi, my brother is a
23 correction officer.

24 THE COURT: Okay, yeah. And you're Mr. -- is it
25 Viernes?

1 PROSPECTIVE JUROR NO. 168: Rodel Viernes.

2 THE COURT: And it's 108 [sic]. And your brother is
3 a CO. Anything about the nature of his work that might affect
4 your ability to sit as a fair and impartial juror?

5 PROSPECTIVE JUROR NO. 168: No.

6 THE COURT: Thank you very much. Anybody else?
7 Third row. Yes, ma'am.

8 PROSPECTIVE JUROR NO. 156: Your Honor, I'm 156. I'm
9 currently dating somebody who just left law enforcement, but it
10 would not affect my ability to rule on this case.

11 THE COURT: Thank you very much. Anybody else?
12 Front row.

13 PROSPECTIVE JUROR NO. 180: I'm juror 180 and I have
14 a nephew who is LAPD, but I rarely see him.

15 THE COURT: Anything about his work that might affect
16 you or you might have to try to justify some decision if you're
17 selected to be a member of this jury one way or the other?

18 PROSPECTIVE JUROR NO. 180: No. He's out-of-state.

19 THE COURT: All right. Thank you very much. Yes,
20 sir.

21 PROSPECTIVE JUROR NO. 186: My number is 186. And my
22 father and two uncles were court officers in New York City.

23 THE COURT: I have you as 186. Is that correct?

24 PROSPECTIVE JUROR NO. 186: Yes, that's correct.

25 THE COURT: All right. And --

1 PROSPECTIVE JUROR NO. 186: It wouldn't affect me,
2 but it's just something you should know.

3 THE COURT: Good. Thank you, sir. Because that's
4 what I'm after. If that type of relationship, having relatives
5 or your personally involved in -- as a law enforcement officer
6 might affect your ability to sit as a fair and impartial juror.
7 Is that everybody that we've talked to on that question?

8 All right. Is there anyone here who would not be
9 able to follow the instructions that I give you on the law
10 because you might personally disagree with those instructions?
11 Before you raise your hand, let me give you a few words of
12 explanation.

13 If this were a case, a criminal case involving the
14 possession of marijuana, there are many in our society that
15 don't believe that possession of marijuana should be a crime,
16 yet it remains so in certain circumstances in Nevada to possess
17 marijuana.

18 Having that type of personal belief would not
19 preclude somebody from sitting as a member of a jury if they
20 could pledge to the Court that they could follow the law as it
21 is in Nevada, even if they might have a personal disagreement
22 with that law.

23 Does everybody kind of understand the context of the
24 question? Can everybody here follow the law that I give you as
25 it applies to this case, even if you might find that you

1 personally disagree with what that law is? All right.

2 Now, as a followup to that question, it's important
3 for you to understand the distinctions and everybody's
4 difference in roles. In real life, and it's not so commonly
5 showed in drama, on TV or movies, the jury sits as a collective
6 trier of fact. They decide what the facts are. They decide
7 those facts from what they hear from this witness stand, from
8 the witnesses, the exhibits and from no other source. That's
9 the role of the jury. They decide what the facts are.

10 My job as a judge is much different. I am -- I sit
11 up here as a neutral arbiter. That's a fancy way of saying I
12 call balls and strikes. I have no interest in the outcome of
13 the case other than to make sure that the evidence that's
14 presented is within the legal bounds. It's up to the jury to
15 decide what evidence that comes before them, what that evidence
16 means.

17 Does everybody understand that important distinction
18 on how the process needs to work?

19 Is there anyone here, as a consequence of
20 understanding your role as the trier of fact that believes for
21 any type of religious or philosophical or any other reason they
22 couldn't sit as a fair, open-minded and impartial juror? Mr.
23 Stein, 186, you raised your hand, sir.

24 PROSPECTIVE JUROR NO. 186: Yes. I live in a
25 household with my wife, daughter and granddaughter and I've

1 raised her from infancy.

2 THE COURT: Yes, sir.

3 PROSPECTIVE JUROR NO. 186: And I find this kind of a
4 trial very repugnant. I may not be fair to the defendant.

5 THE COURT: So, based upon the nature of the charge,
6 you're concerned about your ability to be fair and impartial?

7 PROSPECTIVE JUROR NO. 186: All right. Well, that's
8 an important consideration. We're going to get into that in a
9 little bit more detail in a few minutes. I appreciate that
10 disclosure now.

11 Anybody else? Really what I'm looking for is there
12 are some faith systems out there that don't -- that can't sit
13 in judgment. They're not -- their faith prohibits them from
14 doing so. Or they might have some other philosophic reason
15 that they have trouble sitting in judgment of someone else.
16 Anybody of that type of particular mindset at this time?
17 Anybody? We have a hand in the back. Mr. Stein, if you could
18 hand that microphone to -- thank you.

19 PROSPECTIVE JUROR NO. 205: Hi. I'm juror number
20 205.

21 THE COURT: Yes, ma'am.

22 PROSPECTIVE JUROR NO. 205: I am a mother of two
23 young children. I feel very passionate about certain things
24 and I don't feel that I can be completely impartial.

25 THE COURT: Okay. I appreciate that disclosure.

1 PROSPECTIVE JUROR NO. 205: To the defendant.

2 THE COURT: Okay. We'll see where we go with that.

3 PROSPECTIVE JUROR NO. 205: Okay. Thank you.

4 THE COURT: We'll get into that more in a just few
5 minutes. Anybody else? Okay.

6 Now under our system of criminal justice, an
7 Information has been filed in this case. An Information is a
8 mere accusation and is not any evidence of guilty. Understand
9 that as the defendant sits here right now, as Mr. Adams sits
10 here right now, because no evidence has been presented from
11 this witness stand, he must be presumed innocent till the
12 contrary is proved. Does everybody understand that important
13 concept of our criminal justice system? No evidence has been
14 presented, so he must be presumed innocent at this time.

15 Does anybody believe simply because he's under
16 charge, under charge of indictment, a criminal indictment, that
17 he must have done something wrong? All right, good.

18 You understand that based upon the fact that an
19 indictment's been filed, the State has the burden of proving
20 every element of the crime charged beyond a reasonable doubt?
21 That's how it works, the State must prove their case beyond a
22 reasonable doubt.

23 Does anybody have a problem with that concept, in
24 understanding the breakdown of responsibilities? That the
25 responsibility of the burden lies completely with the State?

1 All right.

2 Let's get that microphone up to Mr. Schiffman if we
3 could. Mr. Schiffman, do you still have that mike? Oh, good.
4 Now, I'm going to have some questions of just the top -- I call
5 you my top 32 and I'm going to have the same questions for all
6 of you Ladies and Gentlemen. You're going to see the pattern
7 develop here real quick.

8 Mr. Schiffman, how long have you been here in Nevada?

9 PROSPECTIVE JUROR NO. 104: Oh, about four years.

10 THE COURT: What do you do for a living, sir?

11 PROSPECTIVE JUROR NO. 104: A couple of things.

12 THE COURT: Okay.

13 PROSPECTIVE JUROR NO. 104: Professional poker
14 player, computer research.

15 THE COURT: Okay. So you do some computer work --

16 PROSPECTIVE JUROR NO. 104: Yes.

17 THE COURT: -- and you play poker to support
18 yourself.

19 PROSPECTIVE JUROR NO. 104: Yes, sir.

20 THE COURT: Are you married, single? Do you have any
21 children?

22 PROSPECTIVE JUROR NO. 104: Not married, no children.

23 THE COURT: All right. Any prior -- ever served on a
24 jury before?

25 PROSPECTIVE JUROR NO. 104: No.

1 THE COURT: Any -- here or anywhere else?

2 PROSPECTIVE JUROR NO. 104: No.

3 THE COURT: Thank you very much. If you could hand
4 that microphone to Ms. Raymond next to you.

5 Ms. Raymond, how long have you been here in Nevada?

6 PROSPECTIVE JUROR NO. 131: About 25 years.

7 THE COURT: What do you do for a living?

8 PROSPECTIVE JUROR NO. 131: I'm an office coordinator
9 for a wholesale distributor of fertilizer and chemicals.

10 THE COURT: Okay. Married, single, kids?

11 PROSPECTIVE JUROR NO. 131: Divorced.

12 THE COURT: And any kids out of that relationship?

13 PROSPECTIVE JUROR NO. 131: No, no, sir.

14 THE COURT: All right. Any prior jury service?

15 PROSPECTIVE JUROR NO. 131: Yes, sir.

16 THE COURT: All right. Without telling us -- well,
17 first of all, was that here in Nevada or elsewhere?

18 PROSPECTIVE JUROR NO. 131: Here in Nevada.

19 THE COURT: Was it a criminal or civil -- civil or
20 criminal if you recall? About how long was it?

21 PROSPECTIVE JUROR NO. 131: I believe it was a civil.
22 About two years ago.

23 THE COURT: Okay. So you believe it was a civil. If
24 it was civil, you understand there was an important distinction
25 in the burdens of proof between a civil case and a criminal

1 case. And I'll explain that when I give you the law in the
2 case. It's just important for you to recognize that.

3 Without telling us what the verdict was in that case,
4 was your jury, the jury able to reach a verdict in that case?

5 PROSPECTIVE JUROR NO. 131: Yes, we were, but I
6 abstained from voting.

7 THE COURT: Okay. Were you the foreperson of that
8 jury?

9 PROSPECTIVE JUROR NO. 131: No, sir.

10 THE COURT: Anything about that experience that might
11 affect your ability to sit as a fair and impartial juror here
12 in this case?

13 PROSPECTIVE JUROR NO. 131: No, sir.

14 THE COURT: Thank you very much. If you could hand
15 that microphone, is it Winterbottom? Ms. Winterbottom.

16 PROSPECTIVE JUROR NO. 133: Um-hum.

17 THE COURT: How long have you been here in Nevada?

18 PROSPECTIVE JUROR NO. 133: Three years.

19 THE COURT: What do you do for a living?

20 PROSPECTIVE JUROR NO. 133: I bartend for Excaliber
21 Casino.

22 THE COURT: Okay. Married, single, kids?

23 PROSPECTIVE JUROR NO. 133: Single, no children.

24 THE COURT: Any prior jury service?

25 PROSPECTIVE JUROR NO. 133: No.

1 THE COURT: Thank you, ma'am. Mr. Washington, how
2 long have you been here in Nevada?

3 PROSPECTIVE JUROR NO. 135: About 10 years.

4 THE COURT: What do you do for a living?

5 PROSPECTIVE JUROR NO. 135: Engineering at South
6 Point Maintenance.

7 THE COURT: So you take care of the infrastructure,
8 make --

9 PROSPECTIVE JUROR NO. 135: Yeah.

10 THE COURT: -- sure everything's running and the
11 bells are doing what they need to do?

12 PROSPECTIVE JUROR NO. 135: Yep.

13 THE COURT: Married, single, kids?

14 PROSPECTIVE JUROR NO. 135: Single, no kids.

15 THE COURT: Any prior jury service?

16 PROSPECTIVE JUROR NO. 135: No.

17 THE COURT: Thank you, sir. Is it Callowhill?

18 PROSPECTIVE JUROR NO. 136: Yes.

19 THE COURT: Ms. Callowhill, how long have you been
20 here in Nevada?

21 PROSPECTIVE JUROR NO. 136: Ten and a half years.

22 THE COURT: What do you do for a living?

23 PROSPECTIVE JUROR NO. 136: I'm an account executive
24 at World Market Center.

25 THE COURT: Okay. Married, single, kids?

1 PROSPECTIVE JUROR NO. 136: Widowed, one daughter in
2 California.

3 THE COURT: Thank you. Any prior jury service?

4 PROSPECTIVE JUROR NO. 136: No.

5 THE COURT: Thank you, ma'am. Mr. Wheeler, how long
6 have you been here in Nevada?

7 PROSPECTIVE JUROR NO. 137: Seven years, Your Honor.

8 THE COURT: What do you do for a living, sir?

9 PROSPECTIVE JUROR NO. 137: I'm a gaming
10 transactional attorney with the Venetian.

11 THE COURT: Okay. Married, single, kids?

12 PROSPECTIVE JUROR NO. 137: Married, no children.

13 THE COURT: Any prior jury service?

14 PROSPECTIVE JUROR NO. 137: Approximately 25 years
15 ago out of state.

16 THE COURT: Okay. Was it criminal or civil if you
17 recall?

18 PROSPECTIVE JUROR NO. 137: I believe it was civil.

19 THE COURT: I understand that you, as an attorney,
20 will understand the important distinction between the burdens
21 of proof in a civil and a criminal case?

22 PROSPECTIVE JUROR NO. 137: Yes, Your Honor.

23 THE COURT: Without telling us what the verdict was
24 in that case, if you recall, were you able to reach a verdict?

25 PROSPECTIVE JUROR NO. 137: Yes, Your Honor.

1 THE COURT: Were you the foreperson of that jury?

2 PROSPECTIVE JUROR NO. 137: No.

3 THE COURT: Anything about that experience that might
4 affect your ability to sit as a fair and impartial juror here?

5 PROSPECTIVE JUROR NO. 137: No.

6 THE COURT: Thank you, sir. Ms. Alvarez, how long
7 have you been here in Nevada?

8 PROSPECTIVE JUROR NO. 138: Thirteen years.

9 THE COURT: And what do you do for a living?

10 PROSPECTIVE JUROR NO. 138: I'm working Mandalay Bay.

11 THE COURT: And what do you do for Mandalay?

12 PROSPECTIVE JUROR NO. 138: Pantry.

13 THE COURT: Painting?

14 PROSPECTIVE JUROR NO. 138: Pantry, in the kitchen.

15 THE COURT: Pantry, okay. So you work in the
16 kitchen.

17 PROSPECTIVE JUROR NO. 138: Yeah.

18 THE COURT: Married, single, kids?

19 PROSPECTIVE JUROR NO. 138: Married, three kids.

20 THE COURT: Three kids. And have you ever served on
21 a jury before?

22 PROSPECTIVE JUROR NO. 138: No.

23 THE COURT: Thank you very much. Mr. Beirne, how
24 long have you been here in Nevada?

25 PROSPECTIVE JUROR NO. 141: I've been here 19 years.

1 THE COURT: What do you do for a living, sir?

2 PROSPECTIVE JUROR NO. 141: Accounting and financial
3 consulting.

4 THE COURT: You're an independent contractor? You
5 sound like you're a --

6 PROSPECTIVE JUROR NO. 141: No, I work for -- I work
7 for a consulting firm.

8 THE COURT: Okay. Married, single, kids?

9 PROSPECTIVE JUROR NO. 141: Married, three kids.

10 THE COURT: Any prior jury service?

11 PROSPECTIVE JUROR NO. 141: About three years ago, I
12 was called in and we filled out a questionnaire and apparently
13 they settled the case and we didn't have to come back.

14 THE COURT: Okay.

15 PROSPECTIVE JUROR NO. 141: And about 20 years ago, I
16 -- in Colorado, I was -- I came in for jury service, but they
17 got the jury before they called me, so.

18 THE COURT: So you never actually went back and
19 deliberated a case and made decisions on a case?

20 PROSPECTIVE JUROR NO. 141: No.

21 THE COURT: All right. Anything about those, those
22 contacts with the system that might affect your ability to be
23 fair and impartial?

24 PROSPECTIVE JUROR NO. 141: No.

25 THE COURT: Thank you. If we can get that microphone

1 up to Ms. Carroll in seat number nine. Ms. Carroll, how long
2 have you been here in Nevada?

3 PROSPECTIVE JUROR NO. 143: Twenty-seven years.

4 THE COURT: What do you do for a living?

5 PROSPECTIVE JUROR NO. 143: I'm a dental hygienist.

6 THE COURT: Right. Married, single, kids?

7 PROSPECTIVE JUROR NO. 143: Single, no kids.

8 THE COURT: Any prior jury service? You ever served
9 on a jury before?

10 PROSPECTIVE JUROR NO. 143: No.

11 THE COURT: Thank you very much. Mr. Harris, how
12 long you been here in Nevada?

13 PROSPECTIVE JUROR NO. 145: About three years.

14 THE COURT: And what do you do for a living, sir?

15 PROSPECTIVE JUROR NO. 145: Retired.

16 THE COURT: Now that you're retired, what do you do
17 to fill your day?

18 PROSPECTIVE JUROR NO. 145: Watch TV.

19 THE COURT: I mean, I've had retired folks tell me
20 they're passionate about growing their tomatoes.

21 PROSPECTIVE JUROR NO. 145: Oh, I love to.

22 THE COURT: A lot of people like to play the
23 machines. A lot of golfing. What -- you know, you're retired,
24 you earned it. So, you would say if you weren't sitting here
25 right now talking with me, you'd be home watching TV?

1 PROSPECTIVE JUROR NO. 145: Right.

2 THE COURT: Okay. What did you retire from?

3 PROSPECTIVE JUROR NO. 145: Engineering.

4 THE COURT: So you were an engineer. What type of
5 engineer?

6 PROSPECTIVE JUROR NO. 145: Maintenance, Bellagio.

7 THE COURT: Okay. And you retired with, what, 20-
8 25-30 in?

9 PROSPECTIVE JUROR NO. 145: Actually, it was a layoff
10 retirement.

11 THE COURT: Okay. All right. But that's the kind of
12 work you do or did?

13 PROSPECTIVE JUROR NO. 145: Right, yeah.

14 THE COURT: All right. Are you married, single, have
15 any children?

16 PROSPECTIVE JUROR NO. 145: Yes, married, no
17 children.

18 THE COURT: Any prior jury service?

19 PROSPECTIVE JUROR NO. 145: No.

20 THE COURT: Thank you, sir. Is it -- help me.

21 PROSPECTIVE JUROR NO. 146: Lisy-Meikle.

22 THE COURT: Lisy-Meikle.

23 PROSPECTIVE JUROR NO. 146: Yes.

24 THE COURT: Miss, is it, Lisy-Meikle.

25 PROSPECTIVE JUROR NO. 146: Yes.

1 THE COURT: Tell me about yourself. How long have
2 you been here in Nevada?

3 PROSPECTIVE JUROR NO. 146: About two years.

4 THE COURT: And you have one child as I recall.

5 PROSPECTIVE JUROR NO. 146: Yes. A daughter.

6 THE COURT: And is that what your responsibilities
7 now? Are you working outside the home?

8 PROSPECTIVE JUROR NO. 146: I'm a stay-at-home mom
9 during the day and then I tutor students for a couple hours in
10 the evening.

11 THE COURT: So are you -- if you didn't have those
12 child issues, would you be a teacher? Or what would you be
13 doing, if anything else?

14 PROSPECTIVE JUROR NO. 146: Well, I recently applied
15 for the school district to be a full-time teacher.

16 THE COURT: Okay. You have the credential to do
17 that?

18 PROSPECTIVE JUROR NO. 146: Yes.

19 THE COURT: Okay. Ever served on a jury before?

20 PROSPECTIVE JUROR NO. 146: No.

21 THE COURT: All right. Thank you very much. Could
22 you hand that microphone to Mr. Marvin, is that right? Mr.
23 Marvin --

24 PROSPECTIVE JUROR NO. 147: That's correct, sir.

25 THE COURT: What do you do for a living, sir?

1 PROSPECTIVE JUROR NO. 147: IT Engineer.

2 THE COURT: Or excuse me, how long have you been here
3 in Nevada?

4 PROSPECTIVE JUROR NO. 147: I've been here 20 years.
5 I'm an IT Engineer, I'm single.

6 THE COURT: Okay. Any --

7 PROSPECTIVE JUROR NO. 147: And I've never been on a
8 jury.

9 THE COURT: Thank you very much. Ms. Aguas, how long
10 have you been here in Nevada?

11 PROSPECTIVE JUROR NO. 149: Eleven years.

12 THE COURT: What do you do for a living?

13 PROSPECTIVE JUROR NO. 149: I'm a stay-at-home mom.

14 THE COURT: Okay. And you, I think you said three?

15 PROSPECTIVE JUROR NO. 149: Three kids, yes.

16 THE COURT: And you take care of them and you gave us
17 their ages.

18 PROSPECTIVE JUROR NO. 149: Yes, 6, 8 and 10.

19 THE COURT: Right.

20 PROSPECTIVE JUROR NO. 149: Yeah.

21 THE COURT: Have you ever served on a jury before?

22 PROSPECTIVE JUROR NO. 149: No.

23 THE COURT: Thank you very much, ma'am. Sir, is it
24 -- help me with --

25 PROSPECTIVE JUROR NO. 150: Oyamot.

1 THE COURT: I'm terrible with the pronunciation of
2 names and I don't like to butcher. O --

3 PROSPECTIVE JUROR NO. 150: Oyamot.

4 THE COURT: Mr. Oyamot, how long have you been here
5 in Nevada?

6 PROSPECTIVE JUROR NO. 150: Ten years.

7 THE COURT: What do you do for a living, sir?

8 PROSPECTIVE JUROR NO. 150: I manage a warehouse.
9 Food products.

10 THE COURT: Food products and through -- for the
11 casinos or whatever commercial --

12 PROSPECTIVE JUROR NO. 150: Sushi bars and Hawaiian
13 food products.

14 THE COURT: Okay. Married, single, kids?

15 PROSPECTIVE JUROR NO. 150: Married, three girls.

16 THE COURT: Any prior jury service?

17 PROSPECTIVE JUROR NO. 150: No.

18 THE COURT: Thank you, sir. Is it Sheikewitz?

19 PROSPECTIVE JUROR NO. 151: Sheikewitz.

20 THE COURT: Sheikewitz. Ma'am, how long have you
21 been here in Nevada?

22 PROSPECTIVE JUROR NO. 151: Six years.

23 THE COURT: And what do you do for a living?

24 PROSPECTIVE JUROR NO. 151: Retired.

25 THE COURT: What do you do now to fill your day?

1 PROSPECTIVE JUROR NO. 151: Just keep myself busy.

2 THE COURT: Just kind of give me broad strokes. Are
3 you the lady that does the flowers or the tomatoes? Or are you
4 the lady -- just kind of an idea. Or a golfer?

5 PROSPECTIVE JUROR NO. 151: Bowler.

6 THE COURT: Bowler, okay. And what did you retire
7 from?

8 PROSPECTIVE JUROR NO. 151: I was working with
9 mortgages in New Jersey.

10 THE COURT: Okay. In a bank kind of context or a
11 title company?

12 PROSPECTIVE JUROR NO. 151: No. No, it was a -- it
13 was a little office they had that contacted to the mortgages.

14 THE COURT: Okay. I know they do it a little
15 different back there than they do on the west coast.

16 PROSPECTIVE JUROR NO. 151: Way different.

17 THE COURT: So in broad strokes, your job is kind of
18 involved in writing mortgages for people who are trying to buy
19 homes?

20 PROSPECTIVE JUROR NO. 151: Pulling the credit, yes.

21 THE COURT: Okay. Married, single, kids?

22 PROSPECTIVE JUROR NO. 151: Married, two daughters.

23 THE COURT: Any prior jury service?

24 PROSPECTIVE JUROR NO. 151: No.

25 THE COURT: Thank you, ma'am. Mr. Scott, how long

1 have you been here in Nevada?

2 PROSPECTIVE JUROR NO. 152: Six years.

3 THE COURT: What do you do for a living, sir?

4 PROSPECTIVE JUROR NO. 152: Computer Consultant.

5 THE COURT: Married, single, kids?

6 PROSPECTIVE JUROR NO. 152: Married, one kid.

7 THE COURT: Any prior jury service?

8 PROSPECTIVE JUROR NO. 152: Yes, sir.

9 THE COURT: Civil or criminal.

10 PROSPECTIVE JUROR NO. 152: Here in Nevada or
11 elsewhere?

12 PROSPECTIVE JUROR NO. 152: Out of state.

13 THE COURT: Do you understand the difference there's
14 an important distinction in the burdens of proof.

15 PROSPECTIVE JUROR NO. 152: I do.

16 THE COURT: Without telling us what the verdict was
17 in that case, was that jury able to reach a verdict?

18 PROSPECTIVE JUROR NO. 152: Yes, they were.

19 THE COURT: Were you the foreperson of that jury?

20 PROSPECTIVE JUROR NO. 152: No.

21 THE COURT: Anything about that experience that might
22 affect your ability to sit as a fair and impartial jury here?

23 PROSPECTIVE JUROR NO. 152: No.

24 THE COURT: Thank you very much. Get that microphone
25 up to Mr. Parker. Mr. Parker, how long have you been here in

1 Nevada?

2 PROSPECTIVE JUROR NO. 154: About a year and a half.

3 THE COURT: What do you do for a living, sir?

4 PROSPECTIVE JUROR NO. 154: I'm a plumber.

5 THE COURT: Married, single, kids?

6 PROSPECTIVE JUROR NO. 154: Married with four kids.

7 THE COURT: Any prior jury service?

8 PROSPECTIVE JUROR NO. 154: No.

9 THE COURT: Thank you, sir. Ms. Lopez, how long have
10 you been here in Nevada?

11 PROSPECTIVE JUROR NO. 155: About 12 years.

12 THE COURT: What do you do for a living?

13 PROSPECTIVE JUROR NO. 155: I'm an accountant with

14 UNLV.

15 THE COURT: All right. Married, single, kids?

16 PROSPECTIVE JUROR NO. 155: Divorced, two kids, three
17 grandkids.

18 THE COURT: Any prior jury service?

19 PROSPECTIVE JUROR NO. 155: Yes.

20 THE COURT: Civil or criminal?

21 PROSPECTIVE JUROR NO. 155: Civil.

22 THE COURT: Here in Nevada or elsewhere?

23 PROSPECTIVE JUROR NO. 155: Here about six years ago.

24 THE COURT: Were you able to reach a verdict in that
25 case?

1 PROSPECTIVE JUROR NO. 155: Yes, sir.

2 THE COURT: And were you the foreperson of that jury?

3 PROSPECTIVE JUROR NO. 155: No.

4 THE COURT: Anything about that experience that might
5 affect your ability to sit as a fair and impartial juror?

6 PROSPECTIVE JUROR NO. 155: No, sir.

7 THE COURT: Thank you very much. Ms. Clayton, how
8 long have you been here in Nevada?

9 PROSPECTIVE JUROR NO. 156: Nineteen years.

10 THE COURT: And what do you do for a living?

11 PROSPECTIVE JUROR NO. 156: I teach criminal law
12 classes at the College of Southern Nevada.

13 THE COURT: Married, single, kids?

14 PROSPECTIVE JUROR NO. 156: Divorced with a teenage
15 daughter.

16 THE COURT: Any prior jury service?

17 PROSPECTIVE JUROR NO. 156: No.

18 THE COURT: Thank you very much. Mr. McKenzie, how
19 long have you been here in Nevada?

20 PROSPECTIVE JUROR NO. 158: Nine years.

21 THE COURT: And what do you do for a living, sir?

22 PROSPECTIVE JUROR NO. 158: I work freelance
23 production work for commercials and conventions.

24 THE COURT: Okay. So you put that type of -- gather
25 that information and put commercials together for --

1 PROSPECTIVE JUROR NO. 158: Yeah.

2 THE COURT: All right. Married, single, kids?

3 PROSPECTIVE JUROR NO. 158: Single, no kids.

4 THE COURT: Any prior jury service?

5 PROSPECTIVE JUROR NO. 158: No.

6 THE COURT: Thank you very much. Is it Grassian?

7 PROSPECTIVE JUROR NO. 159: Grassian.

8 THE COURT: Professor Grassian, how long have you
9 been here in Nevada?

10 PROSPECTIVE JUROR NO. 159: About four and a half
11 years.

12 THE COURT: You've -- well, you're a professor of
13 English at UNLV?

14 PROSPECTIVE JUROR NO. 159: Actually, Nevada State
15 College.

16 THE COURT: Nevada State College. Married, single,
17 kids?

18 PROSPECTIVE JUROR NO. 159: Single, soon to be
19 married.

20 THE COURT: Any prior jury service?

21 PROSPECTIVE JUROR NO. 159: No.

22 THE COURT: Thank you, sir. Ms., is it Farfan?

23 PROSPECTIVE JUROR NO. 166: Yes.

24 THE COURT: How long have you been here in Nevada?

25 PROSPECTIVE JUROR NO. 166: Fourteen years.

1 THE COURT: What do you do for a living?

2 PROSPECTIVE JUROR NO. 166: I'm an elementary
3 teacher.

4 THE COURT: Elementary school teacher, CCSD?

5 PROSPECTIVE JUROR NO. 166: Um-hum.

6 THE COURT: Was that a yes?

7 PROSPECTIVE JUROR NO. 166: Yes.

8 THE COURT: Okay. Married, single, kids?

9 PROSPECTIVE JUROR NO. 166: I'm married and I have
10 one kid and one on the way.

11 THE COURT: All right, yes. And any prior jury
12 service?

13 PROSPECTIVE JUROR NO. 166: No.

14 THE COURT: Thank you, ma'am. Mr. Cooper, how long
15 have you been here in Nevada?

16 PROSPECTIVE JUROR NO. 167: Twenty-one years.

17 THE COURT: What do you do for a living, sir?

18 PROSPECTIVE JUROR NO. 167: Bartender at the
19 Flamingo.

20 THE COURT: All right. Married, single, kids?

21 PROSPECTIVE JUROR NO. 167: Divorced, I have an 18-
22 year-old daughter that I've raised by myself for the last 15
23 years.

24 THE COURT: Any prior jury service?

25 PROSPECTIVE JUROR NO. 167: No.

1 THE COURT: Thank you, sir. Mr. Viernes?

2 PROSPECTIVE JUROR NO. 168: Yes, Your Honor.

3 THE COURT: How long have you been here in Las Vegas?

4 PROSPECTIVE JUROR NO. 168: Thirteen years.

5 THE COURT: And what do you do for a living?

6 PROSPECTIVE JUROR NO. 168: I'm a full-time
7 babysitter to my nephew and niece.

8 THE COURT: Okay. So you're at home full-time.

9 PROSPECTIVE JUROR NO. 168: Um-hum.

10 THE COURT: Are you married?

11 PROSPECTIVE JUROR NO. 168: Single.

12 THE COURT: And you've already told us a little bit.
13 You're babysitting your grandchild.

14 PROSPECTIVE JUROR NO. 168: Yeah, the other one is,
15 has juvenile diabetes, uncontrolled one.

16 THE COURT: Okay. Any prior jury service?

17 PROSPECTIVE JUROR NO. 168: Yes, Your Honor.

18 THE COURT: Here -- here or elsewhere?

19 PROSPECTIVE JUROR NO. 168: Here.

20 THE COURT: Civil or criminal?

21 PROSPECTIVE JUROR NO. 168: Criminal.

22 THE COURT: Without telling us what the verdict was
23 in that case, were you able to reach -- was that jury able to
24 reach a verdict?

25 PROSPECTIVE JUROR NO. 168: Yes, we did.

1 THE COURT: Were you the foreperson of that jury?

2 PROSPECTIVE JUROR NO. 168: I served as an alternate
3 juror.

4 THE COURT: So you were an alternate juror. You
5 listened to the evidence --

6 PROSPECTIVE JUROR NO. 168: Yes.

7 THE COURT: -- but did you ever deliberate on the
8 case?

9 PROSPECTIVE JUROR NO. 168: No.

10 THE COURT: All right. Anything about that
11 experience that might effect your ability to sit as a fair and
12 impartial juror?

13 PROSPECTIVE JUROR NO. 168: None, Your Honor.

14 THE COURT: Thank you very much. Get that microphone
15 up to Mr. Cianci.

16 PROSPECTIVE JUROR NO. 172: Ci-an-ci.

17 THE COURT: Cianci, sorry.

18 PROSPECTIVE JUROR NO. 172: See an See.

19 THE COURT: See -- I got to write it out. See an
20 see. How long have you been here in Nevada, Mr. Cianci?

21 PROSPECTIVE JUROR NO. 172: Fifteen years.

22 THE COURT: And what do you do for a living, sir?

23 PROSPECTIVE JUROR NO. 172: I'm a business
24 representative for Bartender's Local 165 here in Las Vegas.

25 THE COURT: Okay. Married, single, kids?

1 PROSPECTIVE JUROR NO. 172: Married, one child 7
2 years old, boy.

3 THE COURT: Any prior jury service?

4 PROSPECTIVE JUROR NO. 172: No.

5 THE COURT: Thank you, sir. Ms. Alberts, how long
6 have you been here in Nevada?

7 PROSPECTIVE JUROR NO. 174: About two years.

8 THE COURT: What do you do for a living?

9 PROSPECTIVE JUROR NO. 174: I am a copywriter for a
10 PR and Marketing firm in Henderson.

11 THE COURT: All right. Married, single, kids?

12 PROSPECTIVE JUROR NO. 174: Married, no kids.

13 THE COURT: Any prior jury service?

14 PROSPECTIVE JUROR NO. 174: Yes, sir.

15 THE COURT: Civil or criminal.

16 PROSPECTIVE JUROR NO. 174: Criminal.

17 THE COURT: Here in Nevada or elsewhere?

18 PROSPECTIVE JUROR NO. 174: Elsewhere.

19 THE COURT: Where?

20 PROSPECTIVE JUROR NO. 174: Alaska.

21 THE COURT: About how long ago?

22 PROSPECTIVE JUROR NO. 174: Let's see, it would have
23 probably five years ago.

24 THE COURT: Okay. Without telling us what the
25 verdict was in that Alaska case, was your jury able to reach a

1 verdict?

2 PROSPECTIVE JUROR NO. 174: Yes, sir.

3 THE COURT: Were you the foreperson of that jury?

4 PROSPECTIVE JUROR NO. 174: No, sir.

5 THE COURT: Anything about that experience that might
6 affect your ability to sit as a fair and impartial jury here?

7 PROSPECTIVE JUROR NO. 174: No, sir.

8 THE COURT: Thank you very much. Mr. Johnson.

9 PROSPECTIVE JUROR NO. 176: Yes, sir.

10 THE COURT: How long have you been here in Nevada?

11 PROSPECTIVE JUROR NO. 176: Twenty years.

12 THE COURT: And what do you do for a living?

13 PROSPECTIVE JUROR NO. 176: Work for Budget Rent-a-
14 Car.

15 THE COURT: In what -- broad strokes, what do you do
16 for Budget?

17 PROSPECTIVE JUROR NO. 176: Wash cars.

18 THE COURT: Okay. Married, single, kids?

19 PROSPECTIVE JUROR NO. 176: Single, one kid.

20 THE COURT: Any prior jury service?

21 PROSPECTIVE JUROR NO. 176: No, sir.

22 THE COURT: Thank you very much. Mr. Perkins, how
23 long have you been here in Nevada?

24 PROSPECTIVE JUROR NO. 177: Thirty-two years.

25 THE COURT: What do you do for a living, sir?

1 PROSPECTIVE JUROR NO. 177: Cook.

2 THE COURT: For who?

3 PROSPECTIVE JUROR NO. 177: Bill's Gambling Hall.

4 THE COURT: All right. Married, single, kids?

5 PROSPECTIVE JUROR NO. 177: Divorced, three boys.

6 THE COURT: Any prior jury service?

7 PROSPECTIVE JUROR NO. 177: No, sir.

8 THE COURT: Thank you, sir. Is it Laba, Ms. Laba?

9 PROSPECTIVE JUROR NO. 180: Yes.

10 THE COURT: How long have you been here in Nevada?

11 PROSPECTIVE JUROR NO. 180: Eleven years.

12 THE COURT: And what do you do for a living?

13 PROSPECTIVE JUROR NO. 180: I'm retired, formally
14 materials manager -- manager and logistics for a major water
15 company.

16 THE COURT: All right. Married, single, kids?

17 PROSPECTIVE JUROR NO. 180: Married, three grown
18 children.

19 THE COURT: Any prior jury service?

20 PROSPECTIVE JUROR NO. 180: Yes. Once here in
21 Nevada, civil case and we did come to a verdict. And ten times
22 in California, one plea bargain, mostly criminal cases, and we
23 came to verdicts.

24 THE COURT: And were you the foreperson of any of
25 those juries?

1 PROSPECTIVE JUROR NO. 180: No.

2 THE COURT: Anything about those prior commitments to
3 the process, being a member of the jury, that might affect your
4 ability to sit as fair and impartial juror here today?

5 PROSPECTIVE JUROR NO. 180: No.

6 THE COURT: Thank you very much. Mr. Stein, how long
7 have you been here in Nevada?

8 PROSPECTIVE JUROR NO. 186: Thirteen years.

9 THE COURT: And what do you do for a living, sir?

10 PROSPECTIVE JUROR NO. 186: I'm unemployed, but I
11 used to sell timesharing.

12 THE COURT: Okay. Married, single, kids?

13 PROSPECTIVE JUROR NO. 186: Married, two grown
14 children.

15 THE COURT: Any prior jury service?

16 PROSPECTIVE JUROR NO. 186: Yes.

17 THE COURT: Civil or criminal?

18 PROSPECTIVE JUROR NO. 186: Both, New York and New
19 Jersey.

20 THE COURT: Okay. So you've done both.

21 PROSPECTIVE JUROR NO. 186: Yes.

22 THE COURT: So you understand there's differences in
23 the burdens of proof?

24 PROSPECTIVE JUROR NO. 186: Yes, I do.

25 THE COURT: Without telling us what the verdicts were

1 in any of those cases, were the jurors -- juries able to reach
2 verdicts in those cases?

3 PROSPECTIVE JUROR NO. 186: Only in the criminal one.

4 THE COURT: In the civil you were unable to reach a
5 verdict?

6 PROSPECTIVE JUROR NO. 186: Yeah, it came to a
7 decision without us.

8 THE COURT: So you didn't have to make a verdict?

9 PROSPECTIVE JUROR NO. 186: That's correct.

10 THE COURT: Were you the foreman of any of those
11 juries?

12 PROSPECTIVE JUROR NO. 186: No, I was not.

13 THE COURT: Anything about those experiences that
14 might effect your ability to sit as a fair and impartial juror?

15 PROSPECTIVE JUROR NO. 186: No.

16 THE COURT: Thank you very much. Mr. Carter, how
17 long have you been here in Nevada?

18 PROSPECTIVE JUROR NO. 188: Eight years.

19 THE COURT: What do you do for a living, sir?

20 PROSPECTIVE JUROR NO. 188: Marina manager.

21 THE COURT: All right. Marina out at Lake Mead?

22 PROSPECTIVE JUROR NO. 188: Cottonwood Cove, Lake
23 Mojave.

24 THE COURT: Okay. Married, single, kids?

25 PROSPECTIVE JUROR NO. 188: Married, two stepsons.

1 THE COURT: Any prior jury service?

2 PROSPECTIVE JUROR NO. 188: No.

3 THE COURT: Thank you, sir. Ms., is it Ramsey?

4 PROSPECTIVE JUROR NO. 190: Yes, Your Honor.

5 THE COURT: How long have you been here in Nevada?

6 PROSPECTIVE JUROR NO. 190: Nineteen years.

7 THE COURT: And what do you do for a living?

8 PROSPECTIVE JUROR NO. 190: Elementary school

9 teacher?

10 THE COURT: CCSD?

11 PROSPECTIVE JUROR NO. 190: Yes.

12 THE COURT: Married, single, kids?

13 PROSPECTIVE JUROR NO. 190: Married, two children.

14 THE COURT: And any prior jury service?

15 PROSPECTIVE JUROR NO. 190: No.

16 THE COURT: Thank you very much. All right. And

17 these next few questions are just for the top 32.

18 Ladies and Gentlemen, is there anyone here -- anybody

19 here in the top 32 who's had a close family member or friend or

20 personally ever been a victim of a crime, if you haven't

21 already disclosed it? I just don't -- need you to talk about

22 it once so everybody can make their notes. But we're talking

23 about a close family member or friend, victim of a crime.

24 Front row? Next row back?

25 PROSPECTIVE JUROR NO. 168: Yes, Your Honor.

1 THE COURT: Yes, sir. Just your badge number so we
2 keep the record.

3 PROSPECTIVE JUROR NO. 168: 168.

4 THE COURT: Yes, sir.

5 PROSPECTIVE JUROR NO. 168: I had a family member was
6 molested 30 years ago.

7 THE COURT: Okay. Family member molested 30 years
8 ago. Here in Nevada or elsewhere?

9 PROSPECTIVE JUROR NO. 168: Back in the Philippines.

10 THE COURT: Back in the Philippines. Anything about
11 the nature of that family situation that might affect your
12 ability to sit as a fair and impartial juror?

13 PROSPECTIVE JUROR NO. 168: None.

14 THE COURT: Thank you very much. Anyone else?
15 Second row.

16 PROSPECTIVE JUROR NO. 167: My brother and my
17 daughter both have gotten mugged.

18 THE COURT: This is Mr. Cooper?

19 PROSPECTIVE JUROR NO. 167: Yes.

20 THE COURT: 167. Both your --

21 PROSPECTIVE JUROR NO. 167: My brother and my
22 daughter have both been mugged.

23 THE COURT: Here in Nevada or elsewhere?

24 PROSPECTIVE JUROR NO. 167: Here.

25 THE COURT: Anything about the nature of those

1 situations that might affect your ability to sit as a fair and
2 impartial juror?

3 PROSPECTIVE JUROR NO. 167: I don't think so.

4 THE COURT: Thank you, sir. Anyone else? Yes,
5 ma'am.

6 PROSPECTIVE JUROR NO. 166: Number 166. When I was
7 growing up, I was molested.

8 THE COURT: You were molested by -- was it a family
9 member?

10 PROSPECTIVE JUROR NO. 166: It was a guy, I don't
11 even know his name.

12 THE COURT: Anything about that life experience that
13 might affect your ability to be fair and impartial in this
14 case?

15 PROSPECTIVE JUROR NO. 166: It will because I still
16 remember things and it affects me, so.

17 THE COURT: So you do -- as a consequence, you
18 believe that that personal experience might affect your ability
19 to sit as a fair and impartial juror. State?

20 PROSPECTIVE JUROR NO. 166: Yes.

21 THE COURT: Mr. Scow and Mr. Hendricks, you want to
22 inquire?

23 MR. HENDRICKS: Yes, thanks, Judge. Ms. Farfan?

24 PROSPECTIVE JUROR NO. 166: Yes.

25 MR. HENDRICKS: You said this was some time ago;

1 right?

2 PROSPECTIVE JUROR NO. 166: Yes, I was eight years
3 old.

4 MR. HENDRICKS: And did you know the person?

5 PROSPECTIVE JUROR NO. 166: No.

6 MR. HENDRICKS: Was the person ever apprehended?

7 PROSPECTIVE JUROR NO. 166: No.

8 MR. HENDRICKS: And so I assume he was never
9 prosecuted or anything; right?

10 PROSPECTIVE JUROR NO. 166: No.

11 MR. HENDRICKS: Okay. Thank you. Well, based upon
12 that, do you think that you can set that aside and still be
13 fair to both the State and the defense in regards to this case?

14 PROSPECTIVE JUROR NO. 166: Probably not, just
15 because thinking about it, remembering hurts me so.

16 MR. HENDRICKS: Understand.

17 PROSPECTIVE JUROR NO. 166: Um-hum.

18 MR. HENDRICKS: Okay. Thank you.

19 THE COURT: Mr. Maningo, any questions?

20 MR. MANINGO: No, Judge. And no objection to
21 excusing Ms. Farfan.

22 THE COURT: Ms. Farfan, based upon -- I appreciate
23 your disclosure. I'm going to let you go to the third floor
24 now. It doesn't mean -- frankly, it's Monday morning. There's
25 lots of juries going out. They're going to put you on another

1 panel this afternoon and send you out.

2 PROSPECTIVE JUROR NO. 166: Okay.

3 THE COURT: I just -- I appreciate your honesty and
4 disclosure here. I'm going to send you back to the third
5 floor. Please don't leave the building.

6 PROSPECTIVE JUROR NO. 166: Okay.

7 THE COURT: Okay. Just leave that microphone.
8 Actually, we're moving down the row here. You are excused, but
9 I tell you what. We're going to call another name to fill seat
10 number 22.

11 THE CLERK: That's number 191, Megan Loveless,
12 please.

13 THE COURT: Ms. Loveless, come on up. And you're --
14 and thank you, again, Ms. Farfan, you're excused. Ms.
15 Loveless, I'm going to catch you up here since we just -- on
16 the first series of questions. I'll get you in just a second,
17 Mr. Stein. If you can hand that microphone to Ms. Loveless,
18 number -- badge number 90 -- 191. Just hand it to her.

19 Ms. Loveless, how long have you been here in Nevada?

20 PROSPECTIVE JUROR NO. 191: Seven years.

21 THE COURT: What do you do for a living?

22 PROSPECTIVE JUROR NO. 191: A bartender.

23 THE COURT: For who?

24 PROSPECTIVE JUROR NO. 191: For Encore.

25 THE COURT: Encore. Married, single, kids?

1 PROSPECTIVE JUROR NO. 191: Single, no kids.

2 THE COURT: Any prior jury service?

3 PROSPECTIVE JUROR NO. 191: No.

4 THE COURT: Have you ever had a close family member
5 or friend the victim of a crime?

6 PROSPECTIVE JUROR NO. 191: No.

7 THE COURT: Person -- all right. Yes.

8 PROSPECTIVE JUROR NO. 159: Juror 159. I actually
9 have two family members who were victims of sexual abuse.

10 THE COURT: Okay. Here in Nevada or elsewhere?

11 PROSPECTIVE JUROR NO. 159: Elsewhere.

12 THE COURT: Anything about that situation with you
13 that might affect your ability to sit as a fair and impartial
14 juror?

15 PROSPECTIVE JUROR NO. 159: Possibly.

16 THE COURT: Why?

17 PROSPECTIVE JUROR NO. 159: I'm not sure I can
18 objectively judge, given --

19 THE COURT: How long ago was -- were those?

20 PROSPECTIVE JUROR NO. 159: One was about 20 years
21 ago. The other one was about 8 years ago.

22 THE COURT: And who were -- and these relatives, who
23 were they?

24 PROSPECTIVE JUROR NO. 159: One was a brother and
25 another is my fiancée.

1 THE COURT: Okay. Are you angry at the authorities
2 for the way they handled or they didn't handle it? Or angry --
3 tell me why you don't believe you can set that aside. I mean,
4 you're a professor of English. You understand that those life
5 events happen.

6 PROSPECTIVE JUROR NO. 159: I'm not sure I can give
7 the person the benefit of the doubt completely.

8 THE COURT: Well, it's about being fair and impartial
9 to both sides.

10 PROSPECTIVE JUROR NO. 159: Right.

11 THE COURT: Why can't -- again.

12 PROSPECTIVE JUROR NO. 159: I'm not sure that I can
13 and I'm not sure that I can't either. I think there's --
14 because the one that affected my brother was never caught, I
15 think there's some residual anger towards the fact that that
16 person wasn't caught that could affect me.

17 THE COURT: Okay. I appreciate that disclosure.
18 We'll see where we go. Anyone else in that row? Mr. Stein,
19 why don't you just -- move that microphone up, Mr. Stein had
20 his hand up. And it's okay to raise your hand, even after we
21 have passed you in the row, folks, because I -- all I want is
22 full disclosure. Yes, sir.

23 PROSPECTIVE JUROR NO. 186: Approximately 40 years
24 ago, our apartment was burglarized.

25 THE COURT: Anything about the nature --

1 PROSPECTIVE JUROR NO. 186: Not at all.

2 THE COURT: Thank you very much. That's exactly what
3 I want to hear. Can we hand the microphone down to Ms.
4 Alberts there. Yes, ma'am.

5 PROSPECTIVE JUROR NO. 174: About 20 years ago, my
6 sister was sexually assaulted.

7 THE COURT: Here in Nevada or elsewhere?

8 PROSPECTIVE JUROR NO. 174: State of Oregon.

9 THE COURT: Anything about that situation with your
10 sister that might affect your ability to sit as a fair and
11 impartial juror?

12 PROSPECTIVE JUROR NO. 174: The person who was
13 guilty, the Eugene police never prosecuted and nothing ever
14 happened. It's very difficult for me to put that aside.

15 THE COURT: Okay. Do you believe you can -- as
16 difficult as it is, do you believe you can set it aside and be
17 fair and impartial?

18 PROSPECTIVE JUROR NO. 174: Possibly, yes.

19 THE COURT: Okay. We'll see where we go. Anyone
20 else? Ms. Clayton?

21 PROSPECTIVE JUROR NO. 194: I was a -- I had a car
22 stolen in the 1980s and my mom was a victim of sexual assault
23 when she was younger. But I don't think either of those two
24 things would affect my ability to be fair.

25 THE COURT: Thank you very much. Anyone else in that

1 row? Yes, sir.

2 PROSPECTIVE JUROR NO. 158: I had a long term
3 girlfriend who was raped in high school.

4 THE COURT: Mr. McKenzie.

5 PROSPECTIVE JUROR NO. 158: Yes.

6 THE COURT: Anything about that situation that might
7 affect your ability to sit as a fair and impartial juror?

8 PROSPECTIVE JUROR NO. 158: I don't believe so.

9 THE COURT: Thank you, sir. Anyone else? Mr.
10 Parker?

11 PROSPECTIVE JUROR NO. 154: Yeah. I'm -- I've had my
12 house broken into before. I've been a victim of, you know,
13 assaults or shootings and also I have plenty of friends and
14 family who have been victims of violent crimes.

15 THE COURT: And can you set those difficulties aside
16 and judge this case based upon what you hear in the witness
17 stand?

18 PROSPECTIVE JUROR NO. 154: Sure, yeah.

19 THE COURT: Thank you very much. Anyone else?
20 Second row. Third row back. Actually, Mr. Johnson, you had
21 your hand up?

22 PROSPECTIVE JUROR NO. 176: Yes, sir.

23 THE COURT: I just need you to grab the microphone.

24 PROSPECTIVE JUROR NO. 176: Yeah, I've been the
25 victim of many assaults.

1 THE COURT: Okay. Okay. Anything about that
2 experiences that might affect your ability to be fair and
3 impartial here?

4 PROSPECTIVE JUROR NO. 176: I assume so.

5 THE COURT: So you don't believe you can be fair?

6 PROSPECTIVE JUROR NO. 176: No, I don't.

7 THE COURT: Okay. State, do you have any inquiry as
8 to Mr. Johnson?

9 MR. HENDRICKS: No, thank you, Judge.

10 THE COURT: Mr. Maningo, any?

11 MR. MANINGO: No, sir.

12 THE COURT: All right. Mr. Johnson, based upon the
13 totality of the answers to questions posed so far, I'm going to
14 send you back to jury services, third floor.

15 PROSPECTIVE JUROR NO. 176: Yes, sir.

16 THE COURT: They'll probably send you out this
17 afternoon, probably on a civil case. Hopefully it's not a
18 three week med mal. But we'll send you back in that direction.

19 PROSPECTIVE JUROR NO. 176: Third floor?

20 THE COURT: Third floor.

21 PROSPECTIVE JUROR NO. 176: Yes, sir. Thank you.

22 THE COURT: Call another name to fill seat number 27.

23 THE CLERK: That would be 192, Suzanne Byrkit,
24 please.

25 THE COURT: Ms. Byrkit. Is it -- can we get that

1 microphone to you, Ms. Byrkit. Is it Byrkit?

2 PROSPECTIVE JUROR NO. 192: Byrkit.

3 THE COURT: How long have you been here in Nevada?

4 PROSPECTIVE JUROR NO. 192: Ten years.

5 THE COURT: What do you do for a living?

6 PROSPECTIVE JUROR NO. 192: I'm a banquet server at
7 the Four Seasons Hotel.

8 THE COURT: Okay. Married, single, kids?

9 PROSPECTIVE JUROR NO. 192: Married, no kids.

10 THE COURT: Any prior jury service?

11 PROSPECTIVE JUROR NO. 192: No.

12 THE COURT: Any prior life experience personally or
13 close family member or friend victim of a crime?

14 PROSPECTIVE JUROR NO. 192: My cousin was attacked or
15 raped by her boyfriend at the time.

16 THE COURT: How long ago?

17 PROSPECTIVE JUROR NO. 192: Seven years.

18 THE COURT: Anything about that experience that might
19 affect your ability to sit as a fair and impartial juror?

20 PROSPECTIVE JUROR NO. 192: No.

21 THE COURT: Thank you. All right. We were on the
22 second row heading for the third row, I believe. Anybody in
23 that row, close family member or friend, personally a victim of
24 a crime? Yes, ma'am.

25 PROSPECTIVE JUROR NO. 133: My mother and all six of

1 her siblings were physically and sexually abused by their
2 grandfather, my great grandfather.

3 THE COURT: This is 133?

4 PROSPECTIVE JUROR NO. 133: Um-hum.

5 THE COURT: Anything about that experience in your
6 family that might affect your ability to sit as a fair and
7 impartial --

8 PROSPECTIVE JUROR NO. 133: I don't think so.

9 THE COURT: Thank you very much. Anyone else? All
10 right. All the way at the end, Mr. Beirne.

11 PROSPECTIVE JUROR NO. 141: My daughter was raped
12 about five years ago.

13 THE COURT: Anything about that experience that might
14 affect your ability to sit as a fair and impartial juror?

15 PROSPECTIVE JUROR NO. 141: I don't think so.

16 THE COURT: Thank you very much. Mr. Scott.

17 PROSPECTIVE JUROR NO. 152: 152.

18 THE COURT: Yes, sir.

19 PROSPECTIVE JUROR NO. 152: And my wife was assaulted
20 as a teenager and I don't feel I could be impartial.

21 THE COURT: Okay. You believe based upon what
22 happened to your wife, that would affect your ability to sit as
23 a fair and impartial juror?

24 PROSPECTIVE JUROR NO. 152: Yes.

25 THE COURT: Was it here in Nevada or elsewhere?

1 PROSPECTIVE JUROR NO. 152: No, it was in another
2 state.

3 THE COURT: In terms of how do you feel? Are you
4 angry at the system for not handling it appropriately? Or
5 angry at the individual who did it and that might transfer into
6 this --

7 PROSPECTIVE JUROR NO. 152: In this case, the crime
8 went unreported, but I've lived with this woman over the years
9 and helped her recover her self-esteem and build her life back
10 up and it's left me -- I'm not sure of the right word, but I
11 just don't think --

12 THE COURT: And so --

13 PROSPECTIVE JUROR NO. 152: -- I could be impartial
14 to the --

15 THE COURT: And as a consequence of that experience,
16 you've had to help your wife deal with that issue?

17 PROSPECTIVE JUROR NO. 152: Yes.

18 THE COURT: And you don't believe you can set the
19 fact that that is a completely separate and independent thing
20 that, terrible thing as it was that happened, set it aside and
21 judge this case fairly?

22 PROSPECTIVE JUROR NO. 152: No. I'll be honest, I'm
23 sitting here trembling just at the thought of it. It's --

24 THE COURT: That's what I want, honesty. State, any
25 inquiry?

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

2
3 EDWARD MICHAEL ADAMS,)
)
4 Appellant,)
)
5 v.)
)
6 THE STATE OF NEVADA,)
)
7 Respondent.)
8)

No. 55494

9 **APPELLANT'S APPENDIX – VOLUME I – PAGES 001-249**

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16 **CERTIFICATE OF SERVICE**

17 I hereby certify that this document was filed electronically with the Nevada
18 Supreme Court on the 22nd day of February, 2010. Electronic Service of the foregoing
19 document shall be made in accordance with the Master Service List as follows:

20 CATHERINE CORTEZ MASTO
21 STEVEN S. OWENS

P. DAVID WESTBROOK
PHILIP JAY KOHN

22 I further certify that I served a copy of this document by mailing a true and correct
23 copy thereof, postage pre-paid, addressed to:

24 EDWARD MICHAEL ADAMS
25 NDOC No. 1046775
26 c/o High Desert State Prison
27 P.O. Box 650
28 Indian Springs, NV 89018

BY Cheryl Zisavia
Employee, Clark County Public
Defender's Office

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Adams, Edward

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1 JUSTICE COURT, LAS VEGAS TOWNSHIP

2 CLARK COUNTY, NEVADA

3 JAN 15 12 16 PM '08

4 THE STATE OF NEVADA,

5 Plaintiff,

JUSTICE COURT
LAS VEGAS NEVADA

BY

DEPUTY

CASE NO: 08F00902X

DEPT NO: 9

-vs-

6 EDWARD MICHAEL ADAMS, aka,
7 Edward Adams #1969904,

8 Defendant.

CRIMINAL COMPLAINT

9 The Defendant above named having committed the crimes of FIRST DEGREE
10 KIDNAPPING (Felony - NRS 200.310, 200.320); BATTERY WITH INTENT TO
11 COMMIT A CRIME (Felony - NRS 200.400); SEXUAL ASSAULT WITH A MINOR
12 UNDER FOURTEEN YEARS OF AGE (Felony - NRS 200.364, 200.366) and OPEN OR
13 GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210), in the manner following, to-
14 wit: That the said Defendant, on or about the 14th day of December, 2007, at and within the
15 County of Clark, State of Nevada,

16 COUNT 1 - FIRST DEGREE KIDNAPPING

17 did wilfully, unlawfully, feloniously, and without authority of law, seize, confine,
18 inveigle, entice, decoy, abduct, conceal, kidnap, or carry away AMBER VALLES, a human
19 being, with the intent to hold or detain the said AMBER VALLES against her will, and
20 without her consent, for the purpose of sexual assault, by taking the said AMBER VALLES
21 against her will, saying he has a gun and by tying her wrists and taping her mouth.

22 COUNT 2 - BATTERY WITH INTENT TO COMMIT A CRIME

23 did then and there wilfully, unlawfully, and feloniously use force or violence upon
24 the person of another, to-wit: AMBER VALLES, with intent to commit sexual assault, by
25 grabbing the said AMBER VALLES by the neck to restrain her and by grabbing her by the
26 arm forcing her to go with him.

27 ///

28 ///

1 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE

3 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
4 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
5 digital penetration, by inserting his finger(s) into the genital opening of the said AMBER
6 VALLES, against her will, or under conditions in which Defendant knew, or should have
7 known, that the said AMBER VALLES was mentally or physically incapable of resisting or
8 understanding the nature of Defendant's conduct.

9 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE

11 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
12 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
13 digital penetration, by inserting his finger(s) into the genital opening of the said AMBER
14 VALLES, against her will, or under conditions in which Defendant knew, or should have
15 known, that the said AMBER VALLES was mentally or physically incapable of resisting or
16 understanding the nature of Defendant's conduct.

17 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE

19 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
20 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
21 sexual intercourse, by placing his penis into the genital opening of the said AMBER
22 VALLES, against her will, or under conditions in which Defendant knew, or should have
23 known, that the said AMBER VALLES was mentally or physically incapable of resisting or
24 understanding the nature of Defendant's conduct.

25 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
26 AGE

27 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
28 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:

1 sexual intercourse, by placing his penis into the genital opening of the said AMBER
2 VALLES, against her will, or under conditions in which Defendant knew, or should have
3 known, that the said AMBER VALLES was mentally or physically incapable of resisting or
4 understanding the nature of Defendant's conduct.

5 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
6 AGE

7 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
8 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
9 anal penetration, by digital penetration, by inserting his finger(s) into the anal opening of the
10 said AMBER VALLES, against her will, or under conditions in which Defendant knew, or
11 should have known, that the said AMBER VALLES was mentally or physically incapable of
12 resisting or understanding the nature of Defendant's conduct.

13 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
14 AGE

15 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
16 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
17 anal intercourse, by placing his penis into the anal opening of the said AMBER VALLES,
18 against her will, or under conditions in which Defendant knew, or should have known, that
19 the said AMBER VALLES was mentally or physically incapable of resisting or
20 understanding the nature of Defendant's conduct.

21 COUNT 9 - OPEN OR GROSS LEWDNESS

22 did then and there wilfully and unlawfully commit an act of open or gross lewdness
23 by Defendant masturbating his penis in the direct view and presence of AMBER VALLES.

24 ///

25 ///

26 ///

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

5 Danene Adams
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ORIGINAL

JUSTICE COURT, LAS VEGAS TOWN

CLARK COUNTY, NEVADA

FILED IN OPEN

COURT

January 30, 2008

Monica M. Hall

COURT CLERK

THE STATE OF NEVADA,

Plaintiff,

-vs-

EDWARD MICHAEL ADAMS, aka,
Edward Adams #1969904,

Defendant.

CASE NO: 08F00902X

DEPT NO: 9

AMENDED

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Felony - NRS 200.310, 200.320, 193.165); BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A DEADLY WEAPON (Felony - NRS 200.400, 193.165); SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON (Felony - NRS 200.364, 200.366, 193.165) and OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210), in the manner following, to-wit: That the said Defendant, on or about the 14th day of December, 2007, at and within the County of Clark, State of Nevada,

COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

did wilfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away AMBER VALLES, a human being, with the intent to hold or detain the said AMBER VALLES against her will, and without her consent, for the purpose of sexual assault, by taking the said AMBER VALLES against her will, saying he has a gun and by tying her wrists and taping her mouth, said defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

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1 COUNT 2 - BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A
2 DEADLY WEAPON

3 did then and there wilfully, unlawfully, and feloniously use force or violence upon the
4 person of another, to-wit: AMBER VALLES, with intent to commit sexual assault, by
5 grabbing the said AMBER VALLES by the neck to restrain her and by grabbing her by the
6 arm forcing her to go with him, said defendant using a deadly weapon, to-wit: a firearm,
7 during the commission of said crime.

8 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
9 AGE WITH USE OF A DEADLY WEAPON

10 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
11 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
12 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
13 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
14 have known, that the said AMBER VALLES was mentally or physically incapable of
15 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
16 weapon, to-wit: a firearm, during the commission of said crime.

17 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE WITH USE OF A DEADLY WEAPON

19 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
20 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
21 digital penetration, by defendant inserting his penis into the genital opening of the said
22 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
23 have known, that the said AMBER VALLES was mentally or physically incapable of
24 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
25 weapon, to-wit: a firearm, during the commission of said crime.

26 //

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1 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE WITH USE OF A DEADLY WEAPON

3 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
4 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
5 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
6 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
7 have known, that the said AMBER VALLES was mentally or physically incapable of
8 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
9 weapon, to-wit: a firearm, during the commission of said crime.

10 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE WITH USE OF A DEADLY WEAPON

12 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
13 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
14 digital penetration, by defendant inserting his penis into the genital opening of the said
15 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
16 have known, that the said AMBER VALLES was mentally or physically incapable of
17 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
18 weapon, to-wit: a firearm, during the commission of said crime.

19 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
20 AGE WITH USE OF A DEADLY WEAPON

21 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
22 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
23 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
24 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
25 have known, that the said AMBER VALLES was mentally or physically incapable of
26 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
27 weapon, to-wit: a firearm, during the commission of said crime.

28 //

1 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE WITH USE OF A DEADLY WEAPON

3 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
4 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
5 digital penetration, by defendant inserting his penis into the genital opening of the said
6 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
7 have known, that the said AMBER VALLES was mentally or physically incapable of
8 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
9 weapon, to-wit: a firearm, during the commission of said crime.

10 COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE WITH USE OF A DEADLY WEAPON

12 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
13 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
14 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
15 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
16 have known, that the said AMBER VALLES was mentally or physically incapable of
17 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
18 weapon, to-wit: a firearm, during the commission of said crime.

19 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
20 AGE WITH USE OF A DEADLY WEAPON

21 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
22 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
23 digital penetration, by defendant inserting his penis into the genital opening of the said
24 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
25 have known, that the said AMBER VALLES was mentally or physically incapable of
26 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
27 weapon, to-wit: a firearm, during the commission of said crime.

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

FILED

ORIGINAL

FEB 8 9 59 AM '08

THE STATE OF NEVADA,

) DC Case No. CCR 08-003
CLERK OF THE COURT

Plaintiff,)

vs.)

) JC Case 08F00902X

EDWARD MICHAEL ADAMS,

) Department IX

Defendant.)

REPORTER'S TRANSCRIPT
OF
PROCEEDINGS

BEFORE THE HONORABLE JOE BONAVENTURE
JUSTICE OF THE PEACE

Taken on January 30, 2008
At 9:00 a.m.

APPEARANCES:

For the State:

MARY KAY HOLTHUS, ESQ.
Deputy District Attorney

For the Defendant:

JEFFREY S. MANINGO, ESQ.
Deputy Public Defender

Reported by: TOM MERCER, CCR No. 33

MERCER & ASSOCIATES
(702) 388-2973

000010

1 Las Vegas, Nevada, January 30, 2007

2 9:00 a.m.

3 * * * * *

4 P R O C E E D I N G S

5 THE COURT: State of Nevada versus Edward
6 Adams, 08F00902X.

7 Mr. Adams is present, in custody,
8 represented by Mr. Maningo, of the Public Defender's
9 Office.

10 This is the time set for preliminary
11 hearing. I have received an amended criminal
12 complaint this morning. Counsel, have you received
13 the amended criminal complaint?

14 MR. MANINGO: I have.

15 THE COURT: Will you waive the formal
16 reading?

17 MR. MANINGO: We would.

18 THE COURT: Are you ready to proceed this
19 morning?

20 MR. MANINGO: We are.

21 THE COURT: Any preliminary matters?

22 MR. MANINGO: We would invoke the
23 exclusionary rule.

24 THE COURT: Is the State ready to proceed?

25 MS. HOLTHUS: Yes, Judge.

1 THE COURT: How many witnesses?

2 MS. HOLTHUS: I anticipate one.

3 THE COURT: Any preliminary matters by the
4 State?

5 MS. HOLTHUS: No.

6 THE COURT: The exclusionary rule is in
7 effect on this case. Any witnesses on the Adams case
8 need to remain right outside. Who is your first
9 witness?

10 MS. HOLTHUS: Amber Valles.

11 THE COURT: Miss Holthus, are there any
12 other witnesses present in the courtroom?

13 MS. HOLTHUS: There are not.

14
15 (Whereupon, the witness was duly sworn.)
16

17 THE CLERK: State your name, for the
18 record, and spell it.

19 THE WITNESS: Amber Valles, A-m-b-e-r,
20 V-a-l-l-e-s

21
22 DIRECT EXAMINATION

23
24 MS. HOLTHUS:

25 Q. Amber, how old are you?

1 A. 13.

2 Q. What's your birth date?

3 A. October 12, 1994.

4 Q. What school do you go to?

5 A. Johnson Junior High.

6 Q. What grade are you in?

7 A. 7th.

8 Q. Where is your junior high?

9 A. On Buffalo and Alta.

10 Q. What kind of grades do you get?

11 A. A's and B's.

12 Q. You pretty much know why you're here today,
13 right?

14 A. Uh-huh, yes, ma'am.

15 Q. December 14, 2007. What day of the week was
16 that?

17 A. Friday.

18 Q. Did you go to school that day?

19 A. Yes.

20 Q. Did something happen to you that day?

21 A. Yes.

22 Q. Tell me what happened?

23 A. I was -- I got out of school and my mom
24 called me and I told her -- I asked her if I could
25 walk home --

1 Q. Where do you live in relation to the school?

2 I don't need an address, just about distance?

3 A. Four blocks about.

4 Q. Okay.

5 A. And when I got to my friend's, she had called
6 her mom and her mom had said I could not spend the
7 night.

8 Q. You say you got to your friend's. Did you go
9 to her house?

10 A. No. We were in the parking lot.

11 Q. Of the school?

12 A. Yeah.

13 Q. And that's in Clark County, Nevada; is that
14 right?

15 A. Yes. So I told her that was fine. And then
16 I started to walk home.

17 Q. Did you walk home every day?

18 A. No.

19 Q. How did you usually get home?

20 A. My mom picked me up.

21 Q. But this day, because you were going to go to
22 your friend's, you decided to just walk home?

23 A. Yes.

24 Q. From which way did you start out from the
25 school?

1 A. Well, I walked through our field and then out
2 on to Alta. And when I walked out I got to the light
3 and I could see him cross over the street, on the
4 other side the --

5 Q. When you talk about "him," are you talking
6 about a guy?

7 A. Yes.

8 And so the light changed, so I walked across
9 Buffalo and he followed me across Buffalo. And then I
10 walked a little bit, it was right after, it was about
11 a block down.

12 Q. Were you walking with anyone?

13 A. No.

14 Q. Were there other kids on the street?

15 A. Yes.

16 Q. So was it like school had just let out, there
17 were a number of people out or . . .

18 A. There were just a couple kids. There was
19 like a group of girls on the other side of the street
20 and a few people behind me, a little bit behind me.

21 Q. So a few minutes, at least, since school let
22 out?

23 A. Yeah.

24 Q. And in your immediate area you were the only
25 one?

1 A. Yes.

2 Q. What happened then?

3 A. Then it was right after the shopping
4 center --

5 Q. Which is on what street?

6 A. It's right after Buffalo and Alta.

7 Q. Okay.

8 A. And then I walked past the street Altamira, a
9 little street, and right there, and he came up to me
10 and he told me to come with him and not to yell and
11 not to scream and that he had a gun.

12 Q. Came up from which direction?

13 A. From behind me.

14 Q. Did he touch you when he approached you?

15 A. Yes.

16 Q. How did he touch you?

17 A. He touched me on my shoulder.

18 Q. Was it one hand? How?

19 A. One hand. And then just like turned me
20 around.

21 Q. Describe how he was standing?

22 A. Straight up.

23 Q. You said he said he had a gun?

24 A. Yes.

25 Q. Did you see the gun?

1 A. No.

2 Q. Did you see where you believed he had the
3 gun?

4 A. Yes.

5 Q. What did you see exactly with respect to a
6 gun?

7 A. His hands were in his pocket and he just had
8 them in his pocket.

9 Q. Did you see the outline of what appeared to
10 be a gun in his pocket? Can you show me how he was
11 holding his hands in his pocket? Obviously, one hand
12 was on you?

13 A. No, they were in his pocket and -- one was in
14 his pocket and he made me hold his hand while we
15 walked there.

16 Q. Show me what the other hand was doing?

17 A. It was just in his pocket, like this.

18 Q. Did you see what could have been the outline
19 of a gun there.

20 Let me ask you this, did you believe he had a
21 gun?

22 A. I did when he told me he did.

23 Q. And he had at least one hand in his pocket
24 that you couldn't see?

25 A. Yes.

1 Q. What did you do then?

2 A. I walked with him and we walked back up to
3 Buffalo and crossed over Buffalo and walked about --
4 we walked all the way down to Charleston and Buffalo.

5 Q. Is this away from your home?

6 A. Yes.

7 Q. What happened then?

8 A. Then we crossed Buffalo again and walked past
9 McDonalds and past that nail center and stuff that was
10 right there. And then it was past little condo houses
11 into the apartments there.

12 Q. What happened there?

13 A. And he took me in there and then he sat there
14 for a while -- not a while but.

15 Q. Took you where?

16 A. Into an apartment.

17 Q. How did he get in to the apartment? Was it
18 locked?

19 A. No.

20 Q. How did he get in?

21 A. He just opened the door.

22 Q. What happened then?

23 A. There was candles lit and there was a couch,
24 a black couch, and there was shoes on the floor. And
25 then he told me to sit down on the couch, and he sat

1 on the other end.

2 Q. During the time that he first approached you
3 and said I have a gun, come with me, to the time you
4 got all the way to this apartment, did he say anything
5 to you?

6 A. Yeah. Well, I asked him why he was taking
7 me. And he told me that it was because he needed help
8 with his son, because his cousin, all she did, she
9 didn't know how to handle him.

10 Q. What happened when you actually got inside
11 the apartment? Was it lit?

12 A. No, it was just candles lit.

13 Q. The candles were lit?

14 A. Uh-huh.

15 Q. Yes?

16 A. Yes.

17 Q. About what time of day was this?

18 A. Like when we got there?

19 Q. Uh-huh. What time does school let out?

20 A. 2:15.

21 Q. So about what time did you leave the school?

22 A. About 2:25, 2:20.

23 Q. So it's in the middle of the afternoon?

24 A. Yes.

25 Q. Was it sunny out? Bright out?

1 A. Yes.

2 Q. When you got in to the apartment, were there
3 drapes or blinds or anything?

4 A. There were blinds and they were closed.

5 Q. So other than the candle light was the
6 apartment dark?

7 A. Yes.

8 Q. Were the candles actually burning then?

9 A. Yes.

10 Q. So you were able to see?

11 A. Yes.

12 Q. But couldn't see out?

13 A. No.

14 Q. What did he do as soon as he got inside?

15 A. He took his hand out of his pocket and put
16 something under the pillow.

17 Q. Was it a pillow or cushion?

18 A. It was the cushion.

19 Q. Was it the same hand that he had in his
20 pocket when he said he had a gun? What kind of
21 pockets was he wearing?

22 A. They went all the way through, like a hooded
23 sweat shirt and the pockets went all the way through.

24 Q. So he took his hands out of his pocket and
25 reached under the couch cushion?

1 A. Yes.

2 Q. What happened then?

3 A. Then when we were sitting there he said they
4 must have gone to go get milk or something else. And
5 then a little bit, like 30 seconds passed and then he
6 started telling me to take off my clothes and --

7 Q. Did you?

8 A. Yes.

9 Q. What happened then?

10 A. And then --

11 Q. Let me ask you this. Do you see the man that
12 you met on the street and went to the apartment with
13 here in the courtroom?

14 A. Yes.

15 Q. Can you point to him and tell me where he's
16 sitting and what he's wearing?

17 A. Right there, wearing blue jump suit and
18 orange shoes.

19 MS. HOLTHUS: May the record reflect
20 identification of the defendant?

21 THE COURT: Yes, it will.

22 MS. HOLTHUS:

23 Q. What happened after you took your clothes
24 off?

25 A. He told me to get on the floor. And he got

1 on top of me.

2 Q. Did you get on the floor?

3 A. Yes.

4 Q. What position on the floor were you?

5 A. On my back.

6 Q. Were you laying out flat? Laying flat down
7 on the ground?

8 A. Yeah.

9 Q. What was he wearing when he got on top of
10 you?

11 A. Nothing.

12 Q. At what point did he take off his clothes?

13 A. When he told me to.

14 Q. What happened then?

15 A. And then he started touching me.

16 Q. Where was he touching you?

17 A. In my private area.

18 Q. What was he touching you with?

19 A. His hands at first.

20 Q. What did he do with his hand in your private
21 area?

22 A. He put his finger inside of my private area.

23 Q. Do you have another name for your private
24 area? Do you know another name for it? What's
25 another name?

1 A. Vagina.

2 Q. Did he stick his fingers in your vagina?

3 A. Yes.

4 Q. What happened then?

5 A. Then, after he put his fingers in me, he put
6 his penis inside of me.

7 Q. Was he lying on top of you?

8 A. Yes.

9 Q. What happened then?

10 A. Then he was just touching me a lot in my
11 vagina and then a little bit, after a little bit he
12 told me to get up and he, like, leaned me over the
13 couch, over the arm of the couch and he was touching
14 my butt area.

15 Q. With what?

16 A. His hands.

17 Q. Did he put anything inside your butt hole?

18 A. Not that I remember.

19 Q. Did he touch your butt hole at all?

20 A. Yes.

21 Q. What did he touch it with?

22 A. His hands.

23 Q. Did he touch it with anything else?

24 A. No.

25 Q. When he was touching your butt hole with his

1 hands, what did it feel like?

2 A. I don't know. It felt really painful.

3 Q. We are talking about the actual hole where
4 poop comes out, right?

5 A. Yes.

6 Q. Was he trying to push a finger in there?

7 MR. MANINGO: I'm going to object to "was
8 he trying," speculative as to what the assailant is
9 trying to do and what he's thinking. She doesn't
10 know --

11 THE COURT: Sustained.

12 MS. HOLTHUS: I'll rephrase it.

13 Q. Did it feel like there was something that was
14 trying to get into your butt hole?

15 A. Yes.

16 Q. Were you able to tell what that was that was
17 trying to get in your butt hole?

18 A. No.

19 Q. Where was he positioned when that was
20 happening?

21 A. Behind me.

22 Q. Could you tell if it was a body part versus
23 an object?

24 A. No.

25 Q. So it could have been anything?

1 A. Yes.

2 Q. Could have been a finger?

3 A. Yes.

4 Q. Could have been any object -- did you feel
5 size?

6 A. No.

7 Q. But it was pushed hard enough to cause pain?

8 A. Yes.

9 Q. What happened then?

10 A. Then he told me to get back on the floor.
11 And he got back on top of me.

12 Q. Were you in the same position this time?

13 A. Yes.

14 Q. Okay.

15 A. And he did the same thing again.

16 Q. By the "same thing," what is that? What did
17 he do?

18 A. He put his fingers in me and his penis.

19 Q. When you say "in me"?

20 A. Like in my vagina.

21 Q. Then what happened?

22 A. Then he told me to get on the couch.

23 Q. Okay.

24 A. And he did that again.

25 Q. Did what again?

1 A. Put his finger in me, in my vagina and his
2 penis.

3 Q. When you were on the couch this time, how
4 were you sitting on the couch?

5 A. Sitting like I am now.

6 Q. And where was he positioned?

7 A. On top of me.

8 Q. Was he sitting? How was it he was able to
9 get his fingers and penis inside you in that position?

10 A. He was like -- he had his legs on the
11 opposite sides of mine.

12 Q. So, straddling you?

13 A. Yes.

14 Q. What happened after that?

15 A. And then he told me get on the floor again.

16 Q. Did you go back on the floor?

17 A. Yes.

18 Q. What happened when you got back on the floor?

19 A. He stuck his fingers inside of me and his
20 penis.

21 Q. Then what happened?

22 A. And then he told me to get up, and then he
23 went in the back room and he got a towel. And he told
24 me to clean myself down there, down in my private
25 area.

1 Q. And did you do that?

2 A. Yes.

3 Q. What happened then?

4 A. And then he told me to get dressed and so I
5 did. And then he got dressed, too, and then I grabbed
6 my cell phone.

7 Q. Where had your cell phone been?

8 A. My telephone was on the couch.

9 Q. How did it get there?

10 A. He took it from me when I got in the
11 apartment, and he took the battery out.

12 Q. And then what happened?

13 A. And then I took my cell phone and I turned it
14 on and then he told me I can leave.

15 Q. And did you leave?

16 A. Yes. And he told me not to call anybody
17 until I got down to the McDonalds.

18 Q. So did you do that?

19 A. I waited, and about halfway my mom called me
20 and I told her to hurry up and get to McDonalds and I
21 would tell her when she got there.

22 Q. And did you do that, did you tell your mom
23 everything?

24 A. Yes.

25 Q. Did she call the police?

1 A. Yes.

2 Q. And the police came?

3 A. Yes.

4 Q. During the time that you were with the man,
5 did he ever hit you, strike you, grab you, anything?

6 A. No.

7 Q. After that were you taken to the hospital?

8 A. Well, when the cops -- I sat in the ambulance
9 for a little bit and then they said -- the cops called
10 my mom's cell phone and they said that they were at
11 the McDonalds and they had someone in custody and
12 another man had ran out the back. So they took me in
13 the police car over to where they had him and they had
14 someone, like, with the lights shined on him but it
15 wasn't him.

16 Q. It wasn't him?

17 A. No.

18 Q. Did you ever see the man's penis?

19 A. Yes.

20 Q. At what point did you see it?

21 A. When he was undressed.

22 Q. Was he doing anything with his penis in front
23 of you?

24 A. Yes.

25 Q. What was he doing?

1 A. He was putting something on it, like lotion
2 maybe.

3 Q. With what?

4 A. With his hands.

5 MS. HOLTHUS: I'll pass the witness.

6 I will be moving to combine -- Court's
7 indulgence, Counts 11 and 12 to be one count
8 reflecting either finger and/or penis and/or unknown
9 object.

10 With that I'll pass the witness.

11 THE COURT: Cross?

12 MR. MANINGO: Does the Court have any
13 objection to having me remain seated?

14 THE COURT: No. Please proceed.

15
16 CROSS EXAMINATION

17
18 MR. MANINGO:

19 Q. Amber, my name is Jeff Maningo, I'm a lawyer
20 and I'm going to ask you some questions a lot like
21 Mary Kay did. If at any time you don't understand my
22 question, stop me and let me know and I'll try to
23 clear it up.

24 If I ask you any questions I'm not trying
25 to embarrass you, I know some of this is hard for you

1 to talk about. Okay?

2 You said that school ends at what time?

3 A. 2:15.

4 Q. And you were walking across Alta at about
5 what time?

6 A. About 2:30.

7 Q. About 15 minutes later?

8 A. Yes.

9 Q. So school had just gotten out about 15
10 minutes before that?

11 A. Yes.

12 Q. So were there a lot of kids getting out of
13 school?

14 A. When I was walking or after school? Like
15 when the bell had rung?

16 Q. During that 15 minutes, from when the bell
17 rang until you were at Alta?

18 A. Yes.

19 Q. There were a lot of kids?

20 I'm sorry, I need you to answer out loud for
21 me?

22 A. Well, when I was walking there wasn't but --
23 when I was at school there was a lot, but when I was
24 walking there wasn't.

25 Q. How far away is Alta from your school?

1 A. My school, it's my school and then there's a
2 cul-de-sac and then the street's right there.

3 Q. So it takes you about 15 minutes to walk that
4 distance? Or did you wait at school for a while?

5 A. I was with my friend at school for a while.

6 Q. So how long would it take you, approximately,
7 to walk from your school to Alta?

8 A. From where I was after school?

9 Q. Yes.

10 A. About five minutes.

11 Q. Now, I'm just trying to get an idea of the
12 layout of where things were. You said you live about
13 four blocks away from your school?

14 A. Yes.

15 Q. And where is this apartment where everything
16 took place?

17 A. It's between -- it's on Charleston between
18 Buffalo and Cimarron, closer to Cimarron.

19 Q. Is it directly in between your house and the
20 school?

21 A. No.

22 Q. How far away is this apartment complex?

23 A. About a mile.

24 Q. About a mile?

25 A. Yes.

1 Q. Is it in the same direction as your home or
2 is it in a different direction?

3 A. A different direction.

4 Q. Now, that night your original plan was you
5 were going to go to your friend Sierra's house?

6 A. Yes.

7 Q. And that's what your mom thought that you
8 were going to do, right?

9 A. No. I had just asked her if I could walk
10 home, and if Sierra's mom said yes I was going to call
11 her and ask her.

12 Q. So your mom didn't know whether you were
13 going to go to Sierra's house or walk straight home?

14 A. Right.

15 Q. And the way things turned out Sierra's mom
16 said it wouldn't be a good night for you to come over?

17 A. Yes.

18 Q. So then you decided to walk home?

19 A. Yes.

20 Q. Did you call your mom at that point and tell
21 her that you were on your way home or anything like
22 that?

23 A. No.

24 Q. Before you started walking home, what friends
25 were you with at school?

1 A. Sierra and Anthony.

2 Q. Is that Anthony Hanson?

3 A. Yes.

4 Q. Anyone else?

5 A. No.

6 Q. Do you know Angela Arbarsua (ph)?

7 A. Yes.

8 Q. Was she there with you?

9 A. No.

10 Q. Do you know Jonathan Cerboni?

11 A. Yes.

12 Q. Was he there with you?

13 A. No.

14 Q. When you started -- excuse me, let's skip to,
15 after you crossed over the school field and you got to
16 Alta, when do you see the man that did this, that took
17 you?

18 A. There's a gate there and it was right when I
19 walked out the gate I could see him sitting on the
20 wall on the opposite side, smoking a cigarette.

21 Q. Do you remember what he was sitting in front
22 of? What kind of building or . . .

23 A. It was on a house wall. There was no
24 buildings there.

25 Q. And is that when he approached you?

1 A. No. He had gotten off the wall and when I
2 had gotten to the light he crossed over so he was on
3 the same side, and he was behind me. And then when I
4 crossed over he followed behind.

5 Q. How long did he follow you, do you think, in
6 minutes?

7 A. About two.

8 Q. About how long of a distance is that? Is
9 that like a block that he followed you?

10 A. There's a shopping center right there and
11 then there's a street and then there's -- then it's
12 like a little bit after the street, like ten seconds
13 after the street.

14 Q. So he followed you past the shopping center?

15 A. Yes.

16 Q. Did you have your cell phone with you?

17 A. Yes.

18 Q. Did you call anyone at this point?

19 A. After I crossed over?

20 Q. Right. While you were walking home?

21 A. When I left school, when I was walking
22 through the field I had talked to my mom's friend
23 Nancy, because she called me, she was trying to get
24 hold of my mom. So then when I hung up with her I
25 called my dad and I told him that Nancy, if you could

1 tell my mom that Nancy was looking for her. And I
2 told him I'd be home soon.

3 Q. You noticed this man right away?

4 A. Yes.

5 Q. What made you notice him?

6 A. I'm not really sure.

7 Q. Was there anything that sticks out in your
8 mind as to why you might have said -- you might have
9 seen this guy and watched him as he started to follow?

10 A. Maybe because he was the only other person
11 and I'm really aware of things.

12 Q. Okay. Now, this location that -- I'm sorry,
13 I'm skipping too far ahead.

14 The man walked up and put his hand on your
15 shoulder?

16 A. Yes.

17 Q. And he had, you said, a hoodie sweat shirt?

18 A. Yes.

19 Q. So the pockets are those that go in the front
20 where your hands could touch inside?

21 A. Yes.

22 Q. And he told you that he had a gun?

23 A. Yes.

24 Q. You never saw a gun?

25 A. No.

1 Q. You couldn't describe anything about any gun?

2 A. No.

3 Q. Mary Kay asked you if you could see the
4 outline of a gun. You couldn't see the outline of a
5 gun, could you?

6 A. It could have been an outline or it could
7 have been his finger. It looked more like it was
8 thicker than his finger.

9 Q. You said later on he took his hand out of his
10 pocket and put it under the cushion?

11 A. Yes.

12 Q. Of the couch?

13 A. Yes.

14 Q. At that point you still didn't see a gun, did
15 you?

16 A. No.

17 Q. How long were you in the apartment about?

18 A. About an hour.

19 Q. About an hour. During that entire hour, did
20 you ever see a gun?

21 A. No.

22 Q. Did you ever see a knife or anything like
23 that?

24 A. No.

25 Q. When you were getting ready to leave, did you

1 see a gun at that point?

2 A. No.

3 Q. When he told you not to call anyone or not to
4 tell anyone did you see a gun?

5 A. No.

6 Q. After you got to the apartment, did he ever
7 reach back underneath the couch?

8 A. Not that I'm aware of, no.

9 Q. You talked to the police about all this,
10 right?

11 A. Yes.

12 Q. Did you ever mention it to the police, that
13 he took his hand out of his pocket and put it under
14 the cushion?

15 A. I can't remember.

16 Q. Can you describe for me -- do you know what
17 "demeanor" means? What the word "demeanor" means?

18 A. No.

19 Q. Sort of like how you're acting at the time,
20 like if you're really mad sometimes you might act
21 angry and clench up your fists or something like that.
22 Explain to me how you were acting when this man was
23 walking with you down the street, before you got to
24 the apartment?

25 A. I was scared and I was crying and shaking.

1 Q. You were crying and shaking?

2 A. Yes.

3 Q. Anything else that you remember?

4 A. No.

5 Q. Do you remember at any time a tall African
6 American man walking up close to you and maybe saying
7 something to the man you were with?

8 A. No.

9 Q. No? Okay.

10 How long -- I'm talking about like seconds
11 or minutes. How long were you with the man walking
12 down the street before you started crying and shaking?

13 A. From the time he grabbed me?

14 Q. Right away?

15 A. Yes.

16 Q. So as soon as he approached you he grabbed
17 your shoulder or your arm?

18 A. Yes.

19 Q. Then immediately you were crying and shaking?

20 A. Yes.

21 Q. Did you give a description of the man's shoes
22 to the police?

23 A. Yes.

24 Q. Do you remember what that description was?

25 A. They were, I'm not positive if they were

1 Nike's but they were like the Nike-type running shoes
2 and they were really dirty and beat up.

3 Q. Do you remember what color you said they
4 were?

5 A. White and black.

6 Q. When you arrived at the apartment, had you
7 ever seen that apartment complex before?

8 A. The complex or where the --

9 Q. The building?

10 A. No. I didn't know what it was called, but I
11 knew it was there.

12 Q. Did you tell the police that people used to
13 call it the Eleven Eleven?

14 A. That's what it is called, I guess.

15 Q. Do people live in that apartment building?

16 A. Not in that building, but in other buildings.

17 Q. Do you know why they don't live in that
18 building?

19 A. Yes.

20 Q. Why is that?

21 A. Because it was being redone because it caught
22 on fire.

23 Q. So at that time it was abandoned or there was
24 no one in there?

25 A. Yes.

1 Q. And had you ever been in there before?

2 A. No.

3 Q. Had any of your friends that you're aware of
4 ever been in there before?

5 A. No, I don't think so.

6 Q. Now, you had told Mary Kay a little bit
7 earlier that when you went inside he touched you with
8 his fingers, right?

9 A. Yes.

10 Q. On your private area?

11 A. Yes.

12 Q. And also put his penis in your private area?

13 A. Yes.

14 Q. And it was four times of each event?

15 A. Yes.

16 Q. Do you remember, is that what you told the
17 police?

18 A. Yes.

19 Q. Afterwards, after this had happened, did you
20 notice any injuries to yourself?

21 A. No.

22 Q. Was there any bleeding? Was there any blood,
23 any that you noticed?

24 A. No. Because when I had gotten right home the
25 cops had followed right in behind us and an ambulance

1 and I wasn't allowed to go to the bathroom or drink
2 anything.

3 Q. Now, you said that he had you clean yourself
4 off with a towel?

5 A. Yes.

6 Q. When you did that did you notice any blood or
7 anything like that?

8 A. No.

9 Q. You had told the police that he went and wet
10 a towel down?

11 A. Yes.

12 Q. Like from a sink or something?

13 A. Yes.

14 Q. Do you know where he wet the towel down?

15 A. Like in the kitchen.

16 Q. He went in to the kitchen?

17 A. The kitchen was connected to where we were
18 and the only thing that was blocking it was the
19 counter.

20 Q. So you could see him do this?

21 A. Yes.

22 Q. And how did he do this? How did he wet the
23 towel down?

24 A. He just turned on the sink and ran it under
25 the water for like a second and then he handed it to

1 me.

2 Q. Did you know that there's no running water in
3 that apartment building? No?

4 A. No.

5 Q. When he told you to take your clothes off he
6 also took his own clothes off?

7 A. Yes.

8 Q. Was there anything on the floor, like carpet
9 or rug or anything?

10 A. It was just the carpet.

11 Q. No blanket or anything?

12 A. No.

13 Q. When you first arrived at the apartment he
14 took your cell phone away from you?

15 A. Yes.

16 Q. And he put it on the couch?

17 A. He took the battery out of it and he put it
18 on the couch, yes.

19 Q. What did he do with the battery?

20 A. He placed it next to the phone, on the couch.

21 Q. Did you tell the police about this?

22 A. Yes.

23 Q. And how he took the battery out?

24 A. Yes.

25 Q. When you left you called -- who did you call

1 first?

2 A. I didn't call anybody, my mom called me.

3 Q. On your phone?

4 A. Yes.

5 Q. So he gave you your cell phone and the
6 battery back?

7 A. Yes.

8 Q. And then you walked to McDonalds?

9 A. Well, I didn't walk into it, I walked to the
10 gas station right there because I could see my mom at
11 the light. So I just waited right there by the gas
12 station.

13 Q. You could see your mom driving by?

14 A. No, I could see her at the light to where she
15 was going to turn and she'd be right there.

16 Q. And then she called you?

17 A. She called me before I saw her. And then I
18 told her to hurry up and get to the McDonalds and that
19 I would tell her everything from the car. So when she
20 hung up with me I started walking and she called right
21 back and she seemed mad. She wanted to know why I was
22 at McDonalds and I just told her to hurry up and get
23 here. And at that time I was just getting to
24 McDonalds. So then I walked a little bit past there
25 and I could see her at the light.

1 Q. And it was your mom that called the police?

2 A. Yes.

3 Q. And did you stay there at that location?

4 A. No, we drove home right away.

5 Q. So the police contacted you at your house?

6 A. When?

7 Q. That day, when the police came did they come
8 to your house?

9 A. Yes.

10 Q. I want to ask you a little bit about school.
11 You said your grades are good?

12 A. Yeah, except for one grade, which is my
13 science grade, but I'm out of that class now.

14 Q. Is that a tougher one for you?

15 A. Not the class, it's just the teacher.

16 Q. But you're doing okay in school?

17 A. Yes.

18 Q. Do you have friends at school?

19 A. Yes.

20 Q. How about your sleeping? Have you been
21 sleeping okay?

22 A. I sleep in my mom and dad's room. I brought
23 my bed up from downstairs and I sleep on the floor
24 next to them.

25 Q. Have you been eating normal, that kind of

1 thing?

2 A. Yes.

3 Q. Anthony Hanson, at the time this all happened
4 was Anthony's your boyfriend?

5 A. No.

6 Q. Did you want him to be your boyfriend?

7 MS. HOLTHUS: I'd object to the relevance.

8 THE COURT: What's the relevance, counsel?

9 MR. MANINGO: Judge, right now what we are
10 talking about is inconsistencies that she made to the
11 police officer regarding other people who were around
12 at the time and her involvement with other people.
13 Unfortunately, we are at the disadvantage that neither
14 one of us has a transcript of this witness' actual
15 interview, so I'm going off of only what was in the
16 police report. The police report talks about the fact
17 they asked her about Anthony Hanson and that there
18 were inconsistencies regarding that.

19 MS. HOLTHUS: I'm still -- she's 13 years
20 old. There's a bunch of media here and we are asking
21 her about boys, if she wants him to be her boyfriend.
22 I don't know what that has to do with this guy who
23 grabs her off the street and rapes her.

24 MR. MANINGO: I can ask the question as to
25 what she told the police.

1 THE COURT: I think that would be a more
2 appropriate way to phrase the question.

3 MR. MANINGO: That's fine.

4 THE COURT: The objection is sustained.
5 Please rephrase.

6 MR. MANINGO:

7 Q. You talked to the police about Anthony,
8 right?

9 A. Yes.

10 Q. And you told the police that he was just
11 someone at school that you occasionally say hi to?

12 A. Yes, and I gave him hugs before third period
13 and fifth period.

14 Q. Did you have on your cell phone as the screen
15 saver on your cell phone "I love Anthony"?

16 A. Yes.

17 Q. Were the two of you close friends or . . .

18 A. No.

19 Q. When the police took you by McDonalds to show
20 you someone that they had a light on, do you remember
21 that?

22 A. Yes. It wasn't by McDonalds, it was right
23 after -- right before Antelope and Charleston.

24 Q. What did that man look like, do you remember?

25 A. No. I know he had black hair and that was

1 about it.

2 Q. Now, the man who took you to the apartment
3 and did this, on that day what did his hair look like?

4 A. It was bald, like there was only a little bit
5 of hair there.

6 Q. What about his face? Did he have hair on his
7 face?

8 A. No, I don't think so.

9 Q. I'm sorry, I couldn't hear you?

10 A. No, I don't think so.

11 Q. So no mustache, right?

12 A. Right.

13 Q. No beard or goatee?

14 A. Right.

15 Q. Do you know what a goatee is?

16 A. Yes.

17 Q. So nothing on his face?

18 A. No, he had a Band-aid over his eye.

19 Q. When you were talking about what happened and
20 what went on inside the apartment, some of this took
21 place on the floor, right?

22 A. Yes.

23 Q. Some of it also took place on the couch?

24 A. Yes.

25 Q. Have you ever talked to your parents about

1 sex?

2 A. Not really, because I really didn't like to
3 talk about it. And every time they would like mention
4 something about it I would just like walk out of the
5 room and say that it was disgusting.

6 Q. It's pretty embarrassing?

7 A. Yes.

8 Q. Trying to talk to your parents about that,
9 right?

10 A. Yes.

11 Q. Did you learn about it in school, in like a
12 health class or sex education class?

13 A. In fifth grade we did, but I missed the day
14 where they watched all of it.

15 Q. You're a smart young girl. Where did you
16 learn the terms "penis" and "vagina," and stuff like
17 that?

18 A. Just hearing it from people, like friends at
19 school and stuff.

20 Q. Have you ever seen TV shows or anything on
21 the Internet site about it?

22 A. No.

23 Q. I think we are just about done.

24 Thank you for answering my questions. I
25 would pass the witness.

1 THE COURT: Any other questions?

2 MS. HOLTHUS: No, Judge, thank you.

3 THE COURT: Thank you for your time,
4 Amber. You can step down now and have a seat.

5 THE COURT: State.

6 MS. HOLTHUS: I'll rest, Judge.

7 THE COURT: The State's rested. Anything
8 on behalf of defense?

9 MR. MANINGO: Judge, I've advised my
10 client of his right to testify and that no one can
11 force him either way, it's completely his decision;
12 and it's my understanding Mr. Adams would not testify.
13 So we would have nothing else.

14 THE COURT: Mr. Adams, please stand.
15 Did you discuss that with your attorney?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand your rights?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Is that a correct statement,
20 you do not wish to testify?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: You can have a seat.

23 MR. MANINGO: We would rest, Judge.

24 THE COURT: Any argument on behalf of the
25 State.

1 MS. HOLTHUS: I'll reserve.

2 THE COURT: Argument?

3 MR. MANINGO: Judge, I think Miss Holthus
4 has already cleared up the fact regarding the anal
5 incidents, that there's only one, so she's asking to
6 amend and combine Count 11 and 12. We would have no
7 objection, we agree with that.

8 My main concern at this point right now is
9 that she had added the weapon enhancement to each of
10 the charges. I don't think that there's enough to go
11 forward with that. There was, according to the
12 witness, a single statement on the street that he had
13 a gun. There was no gun ever seen, there was no gun
14 found, whether it was on Mr. Adams or at the scene
15 underneath the cushion of the couch or anything else,
16 and there was extensive evidence taken from the scene.
17 So I don't think anything has been shown that an
18 actual weapon was involved, and I'm asking the Court
19 to strike that part of each of the counts so that it
20 would essentially read as the original, which would be
21 the sexual assault with a minor under 14 years of age.
22 Also the kidnapping, first degree kidnapping and the
23 battery.

24 On the counts as they stand, Three through
25 Ten and count 13, we would submit it.

1 THE COURT: Your response?

2 MS. HOLTHUS: The State's not required to
3 recover the weapon. The victim is not even required
4 to have seen a weapon, it's simply that a weapon was
5 used. The facts are in broad daylight he abducts a
6 child off the street where friends are around. It is
7 a reasonable inference he had a gun because this is
8 pure craziness to try it without a gun. She certainly
9 believed, and the case law is clear that a victim can
10 take a perpetrator at his word and if a guy says he
11 has a gun, a victim is allowed to believe he's good
12 for it. She also testified he had his hands in his
13 pocket. She said it could have been his finger but it
14 seemed more likely a gun. Moreover, it's
15 corroborated. The first thing he does when he gets to
16 the apartment is he takes something out of his pockets
17 and puts it under a cushion. That is a reasonable
18 inference that he had a gun, he took the gun out of
19 his pocket while he raped her. Certainly at probable
20 cause that's sufficient to establish that a gun was
21 used.

22 THE COURT: I agree, there is no
23 requirement that there be testimony that the witness
24 actually saw a gun. The testimony here is that the
25 witness believed there was a gun, there was testimony

1 that there was a hand in the pocket, that it could
2 have been the outline of a gun or a finger, that the
3 outline seen was possibly thicker than a finger. The
4 testimony is sufficient to establish the weapon
5 element. For purposes of today's hearing the State
6 has met their burden.

7 MS. HOLTHUS: I'm again going to inquire
8 on bail.

9 THE COURT: It appearing to me from the
10 complaint on file and testimony adduced at today's
11 hearing that the crimes of first degree kidnapping
12 with use of a deadly weapon, battery with intent to
13 commit a crime with use of a deadly weapon, nine
14 counts of sexual assault with a minor under the age of
15 14 with use of a deadly weapon and open or gross
16 lewdness have been committed, there's sufficient
17 evidence that the defendant, Edward Adams, has
18 committed said offense, I hereby order that he be
19 bound over and held to answer in the Eighth Judicial
20 District Court.

21 Before we give a bindover date, you had
22 another motion?

23 MS. HOLTHUS: I would move to increase
24 bail now that the Court has heard from the witness in
25 this case to establish probable cause. He's looking

1 at a minimum mandatory 35 to life if he's convicted.
2 In addition to the victim positively identifying him
3 here in court, she's previously positively identified
4 him out of photo lineup wherein she was positive it
5 was him. Even beyond that his fingerprints were found
6 at the scene, which is how we eventually caught him in
7 the first instance. I can tell you one of the places
8 the latent prints was lifted from happened to be from
9 a package of lotion that was found in the apartment,
10 coincidentally, she described him massaging his penis
11 with putting lotion on his penis. Therefore, the
12 evidence will ultimately be great at trial, the
13 likelihood of conviction tremendous and the danger to
14 the community, it doesn't get more dangerous than
15 grabbing our kids off the streets with guns and raping
16 them.

17 I would therefore suggest at least 500,000
18 bail. The man is looking at literally dying in prison
19 if he's convicted of these charges.

20 MR. MANINGO: Judge, I respect the opinion
21 and summation of Miss Holthus, but I don't think any
22 of that is any different from when the case was
23 originally filed and when bail was originally set. I
24 think all those things were still in place. It was
25 still considered dangerous, the charges were still

1 taken very seriously, the penalty was still severe.
2 None of that has been changed by the fact we've put on
3 a preliminary hearing. So I don't think any change in
4 the bond should be considered at this time.

5 We were given no notice also that any kind
6 of bond argument would be made and have not looked
7 into or prepared any type of a bond argument in this
8 matter. Quite frankly, Judge, whether it's thousands
9 of dollars or a couple of pennies, my client isn't
10 going anywhere. He's not making any bond as it is.

11 MS. HOLTHUS: I would just add there was
12 no allegation of a deadly weapon at the time bail was
13 initially set.

14 MR. MANINGO: Actually, there was an
15 allegation.

16 MS. HOLTHUS: In the complaint?

17 MR. MANINGO: But it wasn't part of the
18 complaint. The police report never changed, her story
19 to the police regarding that was always the same.

20 THE COURT: The defendant in this case is
21 now facing these very serious charges in district
22 court and that's what the Court is most taking into
23 consideration now, the potential punishment. He's
24 facing numerous life in prison offenses.

25 As such, the State's motion is granted.

1 I'll reset bail at \$50,000 on Count One, \$50,000 on
2 Count Two, \$30,000 each on the remaining sexual
3 assault counts and \$5,000 on the last count, open or
4 gross lewdness. I show that a total of \$375,000.

5 MS. HOLTHUS: Thank you, judge.

6 THE COURT: The defendant is ordered bound
7 over to district court.

8 THE CLERK: February 14, 1:30, Department
9 Five, lower level, district court arraignments.

10 MR. MANINGO: Could we get a different
11 date than that, because I need to be there for this
12 and I --

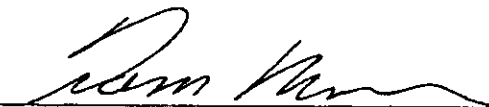
13 THE CLERK: I have the 19th, at nine.

14 MR. MANINGO: That would be better.

15 MS. HOLTHUS: That's fine.

16 THE CLERK: February 19, nine a.m.,
17 Department Five, lower level.

18
19
20
21 ATTEST: Full, true and accurate transcript of
22 proceedings.

23
24 
25 TOM MERCER, C.C.R. No. 33

Justice Court, Las Vegas Township

STATE VS. ADAMS, EDWARD MICHAEL aka ADAMS, EDWARD CASE NO. 08F00902X

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

JANUARY 15, 2008

CRIMINAL COMPLAINT FILED:
COUNT 1 — FIRST DEGREE KIDNAPPING
COUNT 2 — BATTERY WITH INTENT TO COMMIT A CRIME
COUNTS 3, 4, 5, 6, 7, 8 — SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE
COUNT 9 — OPEN OR GROSS LEWDNESS

SDF

JANUARY 16, 2008
J. GUBLER FOR
J. BONAVENTURE
M. SCHIFALACQUA, DA
K. SPEED, PD
(APPOINTED)
T. MERCER, CR
M. KRAUS, CLK

INITIAL ARRAIGNMENT
DEFENDANT PRESENT IN COURT **IN CUSTODY**
DEFENDANT ADVISED OF CHARGES/WAIVES READING OF COMPLAINT
RESET BAIL: COUNT 1 - \$50,000/\$50,000
PRELIMINARY HEARING DATE SET

DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF

1-30-08 9:00 #9

SDF

JANUARY 30, 2008
J. BONAVENTURE
M.K. HOLTHUS, DA
J. MANINGO, PD
T. MERCER, CR
M. KRAUS, CLK

TIME SET FOR PRELIMINARY HEARING
DEFENDANT PRESENT IN COURT **IN CUSTODY** COUNTS 1 — 8
STATE FILES AN AMENDED CRIMINAL COMPLAINT IN OPEN COURT
COUNT 1 — FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON
COUNT 2 — BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A DEADLY WEAPON
COUNTS 3 — 12 — SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON
COUNT 13 — OPEN OR GROSS LEWDNESS
MOTION BY DEFENSE TO EXCLUDE WITNESSES, MOTION GRANTED
STATE WITNESS — AMBER VALES — WITNESS ID DEFT
MOTION BY STATE TO COMBINE COUNTS 11 & 12, GRANTED
STATE RESTS
DEFENDANT ADVISED OF HIS STATUTORY RIGHT TO MAKE A SWORN OR UNSWORN STATEMENT, TO WAIVE MAKING A STATEMENT, AND/OR OF HIS RIGHT TO CALL WITNESSES

2/19/08 9:00 DC
ARRAIGNMENT

DEFENDANT WAIVES HIS RIGHT TO MAKE A STATEMENT
DEFENSE RESTS
MOTION BY DEFENSE TO STRIKE "WITH USE OF A DEADLY WEAPON" ALLEGATION IN EACH COUNT, ARGUMENT AGAINST SAID MOTION BY STATE, MOTION DENIED
MOTION BY STATE TO INCREASE BAIL, ARGUMENT BY DEFENSE, MOTION GRANTED
BAIL RE-SET: COUNTS 1 & 2 - \$50,000/\$50,000 PER COUNT
COUNTS 3 — 11 - \$30,000/\$30,000 PER COUNT
COUNT 13 - \$5000/\$5000

COUNT 12 DISMISSED
DEFENDANT BOUND OVER TO DISTRICT COURT #5 AS CHARGED
DEFENDANT TO APPEAR IN THE LOWER LEVEL ARRAIGNMENT COURTROOM A
DATE SET

CASE FORWARDED TO

FEB 11 2008

COUNTY CLERK'S OFFICE

JUDGEMENT ENTERED

DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF COUNTS 1-11,


CLERK OF THE COURT

1 **INFO**

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781

5 MARY KAY HOLTHUS
6 Chief Deputy District Attorney
7 Nevada Bar #003814
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 I.A. 02/19/08
13 9:00 A.M.
14 PD

DISTRICT COURT
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,

16 Plaintiff,

17 -vs-

18 EDWARD MICHAEL ADAMS,
19 #1969904

20 Defendant.

Case No: C241003
Dept No: V

INFORMATION

21 STATE OF NEVADA }
22 COUNTY OF CLARK } ss.

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

25 That EDWARD MICHAEL ADAMS, the Defendant(s) above named, having
26 committed the crimes of **FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY**
27 **WEAPON (Felony - NRS 200.310, 200.320, 193.165); BATTERY WITH INTENT TO**
28 **COMMIT A CRIME WITH USE OF A DEADLY WEAPON (Felony - NRS 200.400,**
193.165); SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
AGE WITH USE OF A DEADLY WEAPON (Felony - NRS 200.364, 200.366, 193.165)
and OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210), on or about
the 14th day of December, 2007, within the County of Clark, State of Nevada, contrary to
the form, force and effect of statutes in such cases made and provided, and against the peace

1 and dignity of the State of Nevada,

2 COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

3 did wilfully, unlawfully, feloniously, and without authority of law, seize, confine,
4 inveigle, entice, decoy, abduct, conceal, kidnap, or carry away AMBER VALLES, a human
5 being, with the intent to hold or detain the said AMBER VALLES against her will, and
6 without her consent, for the purpose of sexual assault, by taking the said AMBER VALLES
7 against her will, saying he has a gun and by tying her wrists and taping her mouth, said
8 defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

9 COUNT 2 - BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A
10 DEADLY WEAPON

11 did then and there wilfully, unlawfully, and feloniously use force or violence upon the
12 person of another, to-wit: AMBER VALLES, with intent to commit sexual assault, by
13 grabbing the said AMBER VALLES by the neck to restrain her and by grabbing her by the
14 arm forcing her to go with him, said defendant using a deadly weapon, to-wit: a firearm,
15 during the commission of said crime.

16 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
17 AGE WITH USE OF A DEADLY WEAPON

18 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
19 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
20 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
21 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
22 have known, that the said AMBER VALLES was mentally or physically incapable of
23 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
24 weapon, to-wit: a firearm, during the commission of said crime.

25 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
26 AGE WITH USE OF A DEADLY WEAPON

27 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
28 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:

1 digital penetration, by defendant inserting his penis into the genital opening of the said
2 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
3 have known, that the said AMBER VALLES was mentally or physically incapable of
4 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
5 weapon, to-wit: a firearm, during the commission of said crime.

6 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
7 AGE WITH USE OF A DEADLY WEAPON

8 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
9 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
10 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
11 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
12 have known, that the said AMBER VALLES was mentally or physically incapable of
13 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
14 weapon, to-wit: a firearm, during the commission of said crime.

15 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
16 AGE WITH USE OF A DEADLY WEAPON

17 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
18 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
19 digital penetration, by defendant inserting his penis into the genital opening of the said
20 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
21 have known, that the said AMBER VALLES was mentally or physically incapable of
22 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
23 weapon, to-wit: a firearm, during the commission of said crime.

24 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
25 AGE WITH USE OF A DEADLY WEAPON

26 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
27 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
28 digital penetration, by defendant inserting his finger(s) into the genital opening of the said

1 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
2 have known, that the said AMBER VALLES was mentally or physically incapable of
3 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
4 weapon, to-wit: a firearm, during the commission of said crime.

5 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
6 AGE WITH USE OF A DEADLY WEAPON

7 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
8 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
9 digital penetration, by defendant inserting his penis into the genital opening of the said
10 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
11 have known, that the said AMBER VALLES was mentally or physically incapable of
12 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
13 weapon, to-wit: a firearm, during the commission of said crime.

14 COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
15 AGE WITH USE OF A DEADLY WEAPON

16 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
17 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
18 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
19 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
20 have known, that the said AMBER VALLES was mentally or physically incapable of
21 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
22 weapon, to-wit: a firearm, during the commission of said crime.

23 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
24 AGE WITH USE OF A DEADLY WEAPON

25 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
26 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
27 digital penetration, by defendant inserting his penis into the genital opening of the said
28 AMBER VALLES, against her will, or under conditions in which defendant knew, or should

1 have known, that the said AMBER VALLES was mentally or physically incapable of
2 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
3 weapon, to-wit: a firearm, during the commission of said crime.

4 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
5 AGE WITH USE OF A DEADLY WEAPON

6 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
7 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
8 anal penetration, by digital penetration, by inserting his finger(s) and/or penis and/or
9 unknown object into the anal opening of the said AMBER VALLES, against her will, or
10 under conditions in which Defendant knew, or should have known, that the said AMBER
11 VALLES was mentally or physically incapable of resisting or understanding the nature of
12 Defendant's conduct, said Defendant using a deadly weapon, to-wit: a firearm, during the
13 commission of said crime.

14 COUNT 12 - OPEN OR GROSS LEWDNESS

15 did then and there wilfully and unlawfully commit an act of open or gross lewdness
16 by Defendant masturbating his penis in the direct view and presence of AMBER VALLES.

17 DAVID ROGER
18 DISTRICT ATTORNEY
19 Nevada Bar #002781

20 BY /s//MARY KAY HOLTHUS
21 MARY KAY HOLTHUS
22 Chief Deputy District Attorney
23 Nevada Bar #003814
24
25
26
27
28

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

NAME

ADDRESS

MCPHAIL, RANDALL – LVMPD P#3326

RICHARDSON, VICTORIA – LVMPD P#4199

HUNTE, MICHAEL – LVMPD P#4538

DAVIS, JASMIN – LVMPD P#5163

JAEGER, RYAN – LVMPD P#5587

LEBARIO, GABRIEL – LVMPD P#5849

FRIED, JONATHAN – LVMPD P#8149

RIDDLE, JONATHAN – LVMPD P#9306

VALLES, AMBER – 7221 ROSE ST., LVN 89145

VALLES, LOUISE – 7221 ROSE ST., LVN 89145

CERBONI, JONATHAN – 7201 SKYTAIL AVE., LVN 89145

ABARZUA, ANGELA – 6813 ASHLAND DR., LVN 89145

COE, AMY – UNIVERSITY MEDICAL CENTER

DA#08F00902X/mmw/SVU
LVMPD EV#0712141983
(TK9)


CLERK OF THE COURT

1 **NOTC**
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 CRAIG HENDRICKS
6 Chief Deputy District Attorney
7 Nevada Bar #004360
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12
13 **DISTRICT COURT**
14 **CLARK COUNTY, NEVADA**

15 THE STATE OF NEVADA,)
16)
17 Plaintiff,)

CASE NO: C241003

18 -vs-)

DEPT NO: V

19 EDWARD MICHAEL ADAMS,
20 aka Edward Adams,
21 #1969904)

22 Defendant.)

23 **NOTICE OF WITNESSES AND/OR EXPERT WITNESSES**
24 **[NRS 174.234]**

25 **TO: EDWARD MICHAEL ADAMS, aka Edward Adams, Defendant; and**

26 **TO: JEFFERY MANINGO, DPD, Counsel of Record:**

27 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the STATE
28 OF NEVADA intends to call the following witnesses/expert witnesses in its case in chief:

NAME

ADDRESS

ABARZUA, ANGELA

6813 ASHLAND DR., LVN 89145

CERBONI, JONATHAN

7201 SKYTAIL AVE., LVN 89145

COE, AMY

UNIVERSITY MEDICAL CENTER

Will testify as a medical expert as to the
sexual assault examination, treatment,
observations and diagnosis of the victim in
the instant case.

1	COR or Designee	CCDC
2	COR or Designee	ELEVEN/ELEVEN APARTMENTS
3		1111 WARBONNET WAY, LVN 89117
4	COR or Designee	LVMPD DISPATCH
5	DAVIS, JASMIN	LVMPD#5163
6	FARNHAM, VICKI	LVMPD#7836
7		Will testify as an expert as to the collection,
8		analysis and identification of fingerprint
9		evidence.
10	FRIED, JONATHAN	LVMPD#8149
11	HUNTE, MICHAEL	LVMPD#4538
12	JAEGER, RYAN	LVMPD#5587
13	KRUEGER, LINDA or Designee	LVMPD#1471
14		Will testify as a DNA expert as to the
15		collection, analysis and identification of
16		DNA evidence.
17	LEBARIO, GABRIEL	LVMPD#5849
18	MCPHAIL, RANDALL	LVMPD#3326
19	PARENT/GUARDIAN	
20	<i>LVNU</i> , SIERRA	UNK
21	PROPERTY MANAGAER	ELEVEN/ELEVEN APARTMENTS
22		1111 WARBONNET WAY, LVN 89117
23	RICHARDSON, VICTORIA	LVMPD#4199
24	RIDDLE, JONATHAN	LVMPD#9306
25	<i>LVNU</i> , SIERRA	UNK
26	SMITH, BOBBY	LVMPD#4991
27	VALLES, AMBER	7221 ROSE ST., LVN 89145
28	VALLES, LOUISE	7221 ROSE ST., LVN 89145

1 These witnesses are in addition to those witnesses endorsed on the Information and
2 any other witness for which a separate Notice has been filed. The substance of each expert
3 witness testimony and copy of all reports made by or at the direction of the expert witness
4 has been provided in discovery.

5 A copy of each expert witness curriculum vitae, if available, is attached hereto.

7 DAVID ROGER
8 DISTRICT ATTORNEY
 Nevada Bar #002781

9
10 BY Craig Hendricks
 CRAIGHENDRICKS
 Chief Deputy District Attorney
 Nevada Bar #004360

12
13
14 **CERTIFICATE OF FACSIMILE TRANSMISSION**

15 I hereby certify that service of NOTICE OF WITNESSES AND/OR EXPERT
16 WITNESSES, was made this 16th day of April, 2008, by facsimile transmission to:

17
18 JEFFERY MANINGO, DPD
 FAX #366-9370

19
20 /s/ HOWARD CONRAD
 Secretary for the District Attorney's Office

21
22
23
24
25
26
27
28 hjc/SVU

Curriculum Vitae
AMHERSTINA (AMY) V. COE

P.O. Box 35624
Las Vegas, NV 89133
(702) 501-0986
amycoellc@cox.net

EDUCATION

- 2004 **University of Nevada Las Vegas**
Las Vegas, Nevada
Masters of Science in Nursing
(emphasis on Family Nurse Practitioner)
- 2001 **University of Nevada Las Vegas**
Las Vegas, Nevada
Bachelor of Science in Nursing
- 1998 **Community College of Southern Nevada**
Las Vegas, Nevada
Associate of Applied Science Degree in Nursing
- 1995 **Community College of Southern Nevada**
Las Vegas, Nevada
Certified Nursing Assistant Certificate
- 1995 **Community College of Southern Nevada**
Las Vegas, Nevada
Emergency Medical Technician Basic & Intermediate
Training and Certification

EMPLOYMENT

- 1/06 **Sexual Assault Nurse Examiner – Adult Family Nurse Practitioner**
- Respond to reports of sexual assault at local hospitals.
Conduct a physical assessment, including a pelvic examination. Document and collect evidence, to include photographs, DNA material, secretions and other debris. Maintain a verified chain of evidence and collaborate with law enforcement, medical staff and victim advocates. Educate patients concerning sexually transmitted diseases, pregnancy risks, behavioral risk factors, and refer for follow-up care. Testify & in court proceedings as an Expert

Witness. Act as a Sexual Assault Nurse Examiner Preceptor for trainees.

11/01

Registered Nurse, Pediatric Intensive Care Unit

Monitor, evaluate and document patients' outcome and response to treatment, Administer medications and treatments. Obtain blood and other specimens for laboratory tests and perform standard diagnostic procedures. Collaborate with physicians, nurses and ancillary staff to ensure proper patient care. Develop and revise plans of care. Assess discharge needs and provide instructions regarding follow-up. Act as a Nursing Preceptor for students and trainees

5/99 – 11/01

Registered Nurse, Family Birth Care Center

Provide specialized care for post-partum patients and their newborn infants. Assess, plan, implement and evaluate patient care plans. Provide thorough education to mothers regarding their newborns. Supervise other nurses as a relief charge nurse. Assess discharge plans and provide referrals if needed. Act as a Nursing Preceptor for students and trainees.

1998-1999

Certified Nursing Assistant, Rancho Rehabilitation Center

Performed basic nursing and assistant restorative services for patients which involve safety, comfort, personal hygiene, basic mental health, protection of patients and patient rights under the direction of a licensed nurse.

CERTIFICATIONS

- Pediatric Acute Care Life Support (PALS)
- Adult Care Life Support (ACLS)
- Basic Life Support (BLS)

LANGUAGE SKILLS

- Tagalog (Philippines)

HONORS AND AWARDS

- Clark County Medical Society Alliance Nursing Scholarship, 2001
- The National Honor Society of Collegiate Scholars, 2001
- Awarded the Federal Traineeship Scholarship from Human Resources and Service
- Administration, Division of Nursing, August 2003

Statement of Qualifications

Name:

Page: 2

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 7-14-03Name: Vicki FarnhamP#: 7836Classification: Latent Print Examiner ICurrent Discipline of Assignment: Latent Prints**EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)**

Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	X
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	

EDUCATION

<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
Leeward Community College	1985 - 1986	General Education	
Grossmont College	1987 - 1988	Criminal Justice evidence Technology	A.S.

ADDITIONAL TRAINING / SEMINARS

<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
88 th International Association for Identification Educational Conference	Ottawa, Canada	7/03
FW21 and LEXS Upgrade User Methods and Operations - NEC	Las Vegas, NV	2/03

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Statement of Qualifications

Name:

Page: 2

ADDITIONAL TRAINING / SEMINARS

<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Civilian Orientation for Civilians	Las Vegas, NV	1/03
Driver's Training	Las Vegas, NV	12/02
LEXS AFIS Software	Las Vegas, NV	12/02
CPR & First Aid - American Medical Response	Las Vegas, NV	11/02
3 rd Annual Educational Conference - Nevada State Division IAI	Las Vegas, NV	4/01
1 st Annual Educational Conference - Nevada State Division IAI	Las Vegas, NV	4/99
Advanced Ridgeology Techniques IAI - Pat Wertheim	Nokesville, VA	9/97
Fingerprint Examiners' Seminar - Commonwealth of VA	Virginia Beach, VA	5/97
Educational Seminar - Chesapeake Bay Division of IAI	Virginia Beach, VA	11/96
Educational Seminar - Chesapeake Bay Division of IAI	Williamsburg, VA	3/96
3 rd Annual Investigation for Identification Conference - Florida Association of Medical Examiners	Pensacola, FL	9/95
Latent Print Development Techniques - FBI	Hampton, VA	1/95
AFIS Users Training Session - Commonwealth of VA	Hampton, VA	1/94
Basic Investigation School - Hampton Roads Regional Academy of CJ	Hampton, VA	8/93
Advanced Palm Print Identification - Ron Smith, Mississippi Crime Lab	Williamsburg, VA	7/93
Fingerprint Examiners' Seminar - Commonwealth of VA	Virginia Beach, VA	5/93
Regional AFIS Seminar - Commonwealth of VA	Chesapeake, VA	2/92
Defensive Driving Course - City of Hampton	Hampton, VA	9/91
Fingerprint Examiners' Seminar - Commonwealth of VA	Virginia Beach, VA	9/91
Evidence Handling & Submission Seminar -	Hampton, VA	6/91

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Statement of Qualifications

Name:

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ADDITIONAL TRAINING / SEMINARS

<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Commonwealth of VA		
Impression Evidence Seminar - Commonwealth of VA	Hampton, VA	6/91
Omnichrome 1000 Training - Omnichrome	Hampton, VA	2/91
Fingerprint Examiners' Seminar - Commonwealth of VA	Virginia Beach, VA	5/90
Bloodstain Pattern Workshop - Commonwealth of VA	Hampton, VA	5/90
American Institute of Applied Science - AIAS	Correspondence	3/90
Advanced Latent Fingerprint Techniques - FBI	Norfolk, VA	1/90
Fingerprint Classification - FBI	Hampton, VA	12/89
Crime Scene Photography Course - Commonwealth of VA	Richmond, VA	8/89
Identi-Kit System - Identi-Kit Co., Inc	Virginia Beach, VA	8/89
Collection & Preservation of Physical Evidence - FBI	Hampton, VA	5/89
Latent Print Tracing Techniques - State of CA	San Diego, CA	9/88
Internship / Forensic Photography & Fingerprinting - San Diego County Morgue	San Diego, CA	Spring 1988
Fingerprint Science AOJ 148 - Grossmont College	El Cajon, CA	Fall 1987

COURTROOM EXPERIENCE

<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Philadelphia, PA Federal Court	Crime Scene / Latent Prints	1
Norfolk, VA	Crime Scene / Latent Prints	1
Hampton General District Court	Latent Prints	~ 20
Hampton General District Court	Crime Scene	~ 25
Hampton Circuit Court	Latent Prints	~ 20
Hampton Circuit Court	Crime Scene	~ 50

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Statement of Qualifications

Name:

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COURTROOM EXPERIENCE

<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Hampton Juvenile Court	Latent Prints	~ 20
Hampton Juvenile Court	Crime Scene	~ 25
San Diego County	Latent Prints	1
Newport News General District Court	Latent Prints	~ 3
Newport News Circuit Court	Latent Prints	~ 3

EMPLOYMENT HISTORY

<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
Hampton Police Department / Hampton, VA	Forensic Technician	4/89 to 10/98
San Diego County Sheriff's Department	Fingerprint Examiner Technician	6/88 to 2/89

PROFESSIONAL AFFILIATIONS

<i>Organization</i>	<i>Date(s)</i>
International Association of Identification Parent Body	1992 to present
Nevada State Division of International Association of Identification	1999 to present
Chesapeake Bay Division of International Association of Identification	1992 to 1998

PUBLICATIONS / PRESENTATIONS:

DNA Impact Presentation

AFIS Impact Presentation

ALS Impact Presentation

Vacuum Chamber Impact Presentation

OTHER QUALIFICATIONS:

Certified Latent Print Examiner since 2/10/96

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Statement of Qualifications

Name:

Page: 5

[FL 11/00]

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Curriculum Vitae
LINDA KRUEGER
Las Vegas Metropolitan Police Department
Forensic Laboratory
Director of Laboratory Services
P# 1471

EMPLOYMENT

8/93 – Present	Las Vegas Metropolitan Police Department Director of Lab Services
1988 – 1995	University of Nevada at Las Vegas Guest lecturer/instructor
8/77 – 8/93	Las Vegas Metropolitan Police Department Criminalist

DISCIPLINES

- Controlled Substances
- Trace Evidence –hairs
- Toxicology
- Serology
- Blood Alcohol

EDUCATION

9/76 – 6/77	University of Pittsburgh Forensic Chemistry, M.S.
9/72 – 5/76	Thiel College, Greenville, PA Chemistry

TRAINING/SEMINARS

10/76	Northeast Association of Forensic Scientists New York
8/75	Beckman Infrared Seminar Las Vegas
2/77	American Academy of Forensic Sciences San Diego

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LINDA KRUEGER
Curriculum Vitae
Page - 1 -

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2/85, 2/89	American Academy of Forensic Sciences Las Vegas
2/91	American Academy of Forensic Sciences Anaheim
2/95	American Academy of Forensic Sciences Seattle
2/00	American Academy of Forensic Sciences Reno, NV
10/87	California Association of Criminalists Irvine
5/80	Toxicology Workshop Orange County Sheriff's Office
10/85	Semen Identification Course Serological Research Institute, Emeryville, CA
4/91	Rofin Polilight Training Las Vegas
3/92	Isoelectric Focusing Analytical Genetic Testing Center, Inc., Denver, CO
9/93, 9/95, 9/96	American Society of Crime Lab Directors FBI FSRTC, Quantico, VA
4/96	CA Association Crime Lab Directors Las Vegas
4/97	CA Association of Crime Lab Directors San Diego, CA
9/97	American Society of Crime Lab Directors San Antonio, TX
9/98	American Society of Crime Lab Directors Memphis, TN

9/00	American Society of Crime Lab Directors Buffalo, NY
12/01	American Society of Crime Lab Directors Phoenix, AZ
10/02	American Society of Crime Lab Directors Tampa, FL
10/03	American Society of Crime Lab Directors St. Petersburg, FL
6/99	The National Forensic Science Technology Center Laboratory Auditing Course, Las Vegas, NV
2/01	American Academy of Forensic Science Seattle, WA
5/02	Convicted Offender Statute Meeting Reno, NV
6/02	Daubert Seminar sponsored by the American Board of Forensic Document Examiners, Las Vegas, NV
9/02	US Dept. of Justice / FBI / 30 th Annual Symposium on Crime Laboratory Development, St. Louis, MO
10/02	Why Things Go Right, Why Things Go Wrong; Ethical Decision Making, Las Vegas, NV
11/02	Employee Performance Support System Las Vegas, NV
01/03	Executive Development – LVMPD Las Vegas / Mesquite, NV
04/03	Forensic Approaches to Mass Disasters / CAC/NWAFS Meeting, Reno, NV
3/04	<i>What You Need to Know About Public Records and Open Meetings</i> - Lorman Education Services, Las Vegas, NV
6/04	Forensic Epidemiology / Southern Nevada Area Health Education Center, Las Vegas, NV

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LINDA KRUEGER
Curriculum Vitae
Page - 3 -

000076

2/05	American Academy of Forensic Sciences New Orleans, LA
6/05	Culture Training: Arabs, Muslims and Sikhs Las Vegas, NV
10/05	ASCLD Meeting and Workshops Phoenix, AZ
10/05	National Incident Management System (NIMS) an Introduction, Las Vegas, NV

COURTROOM EXPERIENCE

Qualified as an Expert Witness over 300 times.

- Clark County District Court, All above disciplines
- Justice Court of Las Vegas Township, Clark County, Nevada, All above disciplines
- Municipal Court of Las Vegas, Blood Alcohol, Controlled Substances
- Municipal Court of Henderson, Blood Alcohol
- Municipal Court of Boulder City, Blood Alcohol
- Justice Court of Beatty, Nye County, Nevada, Blood Alcohol, Controlled Substances and Serology
- Nye County District Court, Controlled Substances
- United States Federal Court, Blood Alcohol , Controlled Substances and Serology
- Nellis A.F.B. Adjutant General's Office, Serology, Controlled Substances

PROFESSIONAL AFFILIATIONS

1996 – Present	Northwest Association of Forensic Scientists
1995 – Present	California Association of Crime Lab Directors
1994 – Present	American Society of Crime Lab Directors
1987 – Present	California Association of Criminalists
1986 – Present	American Academy of Forensic Sciences

PUBLICATIONS/PRESENTATIONS

- "Detection of Drugs in Bloodstains, II: Morphine" *Journal of Forensic Science*, Vol 25, No. 2, April 1980.
- "Victims, Suspects, and Aids" California Association of Crime Lab Directors 1/1990
- "DNA: Meaningful - Not Magical" Western States Sexual Assault Seminar, May, 1991.

OTHER QUALIFICATIONS

- Governor's Committee on Testing for Intoxication, member, 1984, 1993 → present
- Technical Working Group on Education and Training in Forensic Sciences, member, July 01 - August 02
- American Society of Crime Lab Directors / Laboratory Accreditation Board, Delegate Assembly Member, July 2003 - present.
- American Society of Crime Lab Directors, Management Survey Committee Member (97); Nominating Committee Member (99); Membership Committee (99); Board of Directors 2000 - 2003.

ORIGINAL

FILED

2008 OCT -6 P 3:59

Emil Smith
CLERK OF THE COURT

0026
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

EDWARD ADAMS,
Defendant.

CASE NO. *C241003*
~~08100902X~~

DEPT. NO. 5

DATE: October 9, 2008
TIME: 9:00 a.m.

MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, EDWARD ADAMS, by and through his attorney, Jeff Maningo, Deputy Public Defender, and respectfully moves this court for an order vacating the October 13, 2008 trial date and requesting a new trial setting on a date convenient to the court.

This Motion is made based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 5th day of October, 2008.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By *Jeff Maningo*
JEFF MANINGO, #8845
Deputy Public Defender

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OCT - 6 2008

CLERK OF THE COURT

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DECLARATION

JEFF MANINGO makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and I am familiar with the facts and circumstances of this case.

2. Mr. Adams is charged with Kidnapping with Use of a Deadly Weapon, Sexual Assault of a Minor Under Fourteen Years of Age, Lewdness with a Minor Under Fourteen Years of Age, and Open or Gross Lewdness.

3. In the police reports, at least one witness states the contact between Defendant and alleged victim is contrary to what has been described by the alleged victim. However, no contact information is provided for this witness and our investigator is still attempting to find this witness. Another witness contacted by police, by the name of Seth Goldberg, matches the defendants physical description. Mr. Goldberg, however, is transient.

4. Also, DNA results have recently been received, but there has not been sufficient time for the defense to have our own expert examine the results and testing procedures.

5. All of this discovery and potential evidence is crucial to effectively preparing for trial in this matter.

6. The prosecution, specifically Mr. Hendrix, has no objection to a continuance.

7. This Motion is being made in good faith and not for the purpose of unnecessary delay.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 5th day of October, 2008.


JEFF MANINGO #8845

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NOTICE OF MOTION

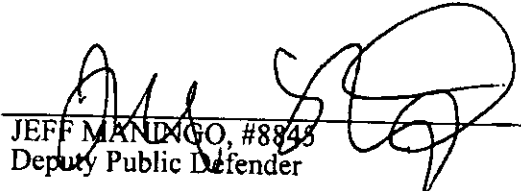
TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing Motion to Continue Trial
Date will be heard on October 7 at 9:00 a.m. in Department No. 5 of the District Court.

DATED this 5th day of October, 2008.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By


JEFF MANNING, #8843
Deputy Public Defender

RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing Motion to Continue Trial Date is
hereby acknowledged this 6 day of October, 2008.

CLARK COUNTY DISTRICT ATTORNEY

By



ORIGINAL

ll

1 PHILIP J. KOHN, PUBLIC DEFENDER
2 NEVADA BAR NO. 0556
3 309 South Third Street, Suite 226
4 Las Vegas, Nevada 89155
5 (702) 455-4685
6 Attorney for Defendant

FILED
OCT 21 2009
Clerk of Court

DISTRICT COURT
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 v.

10 EDWARD MICHAEL ADAMS,

11 Defendant.

CASE NO. C241003

DEPT. NO. XVII

DATE: October 27, 2009
TIME: 8:00 a.m.
8:15

13 DEFENDANT'S MOTION TO DISMISS BASED UPON THE STATE'S FAILURE TO
14 PRESERVE EXCULPATORY EVIDENCE, AND MOTION TO DISMISS DUE TO
15 THE STATE'S FAILURE TO PROVIDE BRADY MATERIAL

16 COMES NOW, the Defendant, EDWARD ADAMS, by and through JEFF MANINGO,
17 Deputy Public Defender and hereby moves the court to dismiss the case based upon the State's
18 failure to preserve material evidence, and provide, pursuant to law, Brady material.

19 This Motion is made and based upon all the papers and pleadings on file herein, the
20 attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

21 DATED this 20 day of October, 2009.

22 PHILIP J. KOHN
23 CLARK COUNTY PUBLIC DEFENDER

24 By: 
25 JEFFREY S. MANINGO, #8845
26 Deputy Public Defender

27 DEPARTMENT XVII
28 NOTICE OF HEARING
DATE 10/27/09 TIME 8:15 am
APPROVED BY EP

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MC
RECEIVED
OCT 21 2009
CLERK OF THE COURT

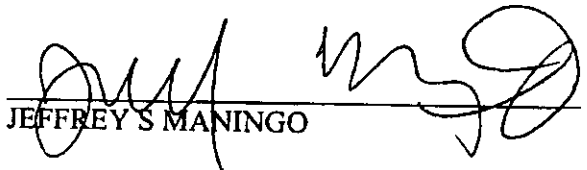
DECLARATION

JEFFREY S MANINGO makes the following declaration:

1. I am an attorney duly licensed to practice law in the State of Nevada; I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and the Defendant has represented the following facts and circumstances of this case.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 17 day of October, 2009.


JEFFREY S MANINGO

1 **FACTS**

2 Mr. Adams has been charged, by way of criminal complaint, with Multiple counts
3 of Sexual Assault with a Minor Under 14 years of age, Lewdness with a Minor Under 14 years of
4 age, First Degree Kidnapping, Use of a Deadly Weapon. According to the police reports on file,
5 as well as the alleged victim's testimony at preliminary hearing, Mr. Adams abducted the alleged
6 victim in broad daylight near her school, and forcibly escorted her across the street, with the use of
7 a handgun, to an abandoned building where he sexually assaulted her. It is also alleged that during
8 the kidnap, the accuser was highly emotional and frightened.

9 During the ensuing investigation, Metropolitan Police detective Gabriel Lebario
10 located an eye witness who saw Mr. Adams and the alleged victim crossing the street together.
11 The witness described the demeanor of the young girl as normal, unemotional, and unafraid. He
12 stated that Mr. Adams was also acting normal, and that he exchanged greetings with Mr. Adams.
13 This contradicts the accuser's testimony and lays the foundation for a defense based on consent.

14 This information was provided by the detective in his report, however, the only
15 information about the witness himself is "tall, physically fit, adult black male". No name, address,
16 phone number, or any other potential means of contacting this witness was provided. This
17 witness' name and information appear nowhere in the discovery, nor on any witness lists. No
18 follow up investigation was ever done by the Detective in this case regarding this unidentified
19 witness.

20 **ARGUMENT**

21 I. **The State failed to preserve evidence because the detective who elicited**
22 **exculpatory evidence from a witness failed to identify the witness or obtain any**
23 **contact information for the witness.**

24 A district attorney shall permit a defendant to "inspect and to copy or photograph
25 any...[b]ooks, papers, documents, tangible objects...which the prosecuting attorney intends to
26 introduce during the case in chief of the state and are within the possession, custody, or control of
27 the state, the existence of which is known, or by the exercise of due diligence may become known
28 to the prosecuting attorney." NRS 174.235(1)(c). Additionally, "a conviction may be reversed
when the state loses evidence if the defendant is prejudiced by the loss." Sanborn v. State, 107

1 Nev. 399, 407, 812 P.2d 1279, 1287 (1991); citing Sparks v. State, 104 Nev. 316, 759 P.2d 180
2 (1988).

3 A defendant can establish a due process violation when the state loses or destroys
4 evidence by demonstrating either "(1) that the state lost or destroyed the evidence in bad faith, or
5 (2) that the loss unduly prejudiced the defendant's case and the evidence possessed an exculpatory
6 value that was apparent before the evidence was destroyed." Sheriff v. Warner, 112 Nev. 1234,
7 1239-40, 926 P.2d 775, 778 (1996); citing State v. Hall, 105 Nev. 7, 9, 768 P.2d 349, 350 (1989).

8 **a. The State's failure to provide access to this exculpatory witness was a result of**
9 **bad faith because the police have an affirmative duty to properly preserve and**
10 **document evidence as a result of their investigation.**

11 "Bad faith" can either be intentional deception or dishonesty, or an intentional
12 failure to meet an obligation or duty. Here, the police who responded to the alleged crime scene
13 and who retrieved the lap-top computer had a duty to impound the computer as it was evidence of
14 the alleged crime of robbery. The police turned over the lap-top to the alleged victim immediately
15 after it was recovered. As such, any forensic evidence, or lack thereof, that was on the computer is
16 now forever lost.

17 Additionally, a defendant has a right, pursuant to Nevada statute, to inspect
18 evidence of a crime. See NRS 174.235. It is axiomatic that the right to inspect evidence means
19 nothing if the State intentionally fails to meet its obligation to secure the evidence. Due to the
20 elapsed time since this crime was alleged, locating a witness, even if given information now, is
21 much more difficult if not impossible.

22 **b. Even if the loss or destruction of evidence was not due to bad faith, the**
23 **defendant has nevertheless suffered prejudice because the exculpatory**
24 **statements made by the witness are arguably hearsay, and the defense cannot**
25 **locate an unidentified witness to testify at trial.**

26 To establish prejudice, a defendant "must show that it could be reasonably
27 anticipated that the evidence would have been exculpatory and material to the defense."
28 Mortensen v. State, 115 Nev. 273, 284, 986 P.2d 1105, 1112 (1999); quoting Leonard v. State, 114
Nev. 639, 654, 958 P.2d 1220, 1232 (1998)(citing Boggs v. State, 95 Nev. 911, 913, 604 P.2d 107,

1 108 (1970)). "Mere assertions by defense counsel that an examination of the evidence will
2 potentially reveal exculpatory evidence does not constitute a sufficient showing of prejudice."
3 Warner, 112 Nev. at 1242, 926 P.2d at 779.

4 Here, it is undisputed that Detective Lebario was first aware of the alleged victim's
5 story regarding the forcible kidnap, and later found out from the unidentified witness that the
6 accuser's story was being contradicted. The mystery witness was obviously beneficial to the
7 defense in this case, showing that the accuser was inconsistent, and that the contact between Mr.
8 Adams and the alleged victim was consensual.

9 II. The State continues to violate Brady, and its progeny, by not providing the
10 defense with information concerning the identification or whereabouts of this
11 essential defense witness.

12 "[T]he suppression by the prosecution of evidence favorable to an accused upon
13 request violates due process where the evidence is material either to guilt or to punishment,
14 irrespective of the good faith or bad faith of the prosecution." Brady v. Maryland, 373 U.S. 83, 87
15 (1963). The Nevada Supreme Court has held, "Brady and its progeny require a prosecutor to
16 disclose evidence favorable to the defense when the evidence is material to either guilt or
17 punishment." Mazzan v. Warden, 116 Nev. 48, 66, 993 P.2d 25, 34 (2000). Additionally,
18 "[e]vidence must also be disclosed if it provides grounds for the defense to attack the reliability,
19 thoroughness, and good faith of the police investigation, to impeach the credibility of the state's
20 witness, or to bolster the defense case against prosecutorial attacks." Id. at 67, 993 P.2d at 37
21 (citing Kyles v. Whitley, 514 U.S. 419, 439-40 (1995)). Lastly, evidence need not be
independently admissible to be material. Mazzan, 116 Nev. at 67, 993 P.2d at 37 (quoting
Carriger v. Stewart, 132 F.3d 463, 481 (9th Cir. 1997)).

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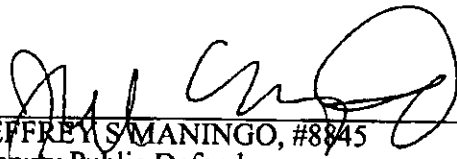
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CONCLUSION

Based upon the foregoing, Mr. Adams respectfully requests that this court dismiss the case based upon the State's failure to preserve evidence, or based upon the State's refusal to provide Brady material. In the alternative, Mr. Adams requests this court admit evidence of the hearsay statements and provide the defense with a specific jury instruction regarding spoliation of the evidence.

DATED this 20 day of October, 2009.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: 
JEFFREY S. MANINGO, #8845
Deputy Public Defender

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the above and foregoing Motion on for hearing before the Court on the 27th day of October, 2009, at 8:00 a.m.

DATED this 27 day of October, 2009.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: 

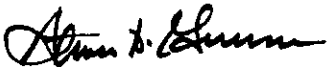
JEFFREY S. MANINGO, #8845
Deputy Public Defender

RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing DEFENDANT'S MOTION TO DISMISS BASED UPON THE STATE'S FAILURE TO PRESERVE EXCULPATORY EVIDENCE, AND MOTION TO DISMISS DUE TO is hereby acknowledged this 21 day of October, 2009.

CLARK COUNTY DISTRICT ATTORNEY

By: 



CLERK OF THE COURT

1 **NOTC**
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 CRAIG HENDRICKS
6 Chief Deputy District Attorney
7 Nevada Bar #004360
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 EDWARD MICHAEL ADAMS,
16 aka Edward Adams,
17 #1969904

18 Defendant.

CASE NO: C241003

DEPT NO: V

SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES
[NRS 174.234]

19 TO: EDWARD MICHAEL ADAMS, aka Edward Adams, Defendant; and

20 TO: JEFFERY MANINGO, Deputy Public Defender, Counsel of Record:

21 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF
22 NEVADA intends to call the following witnesses/expert witnesses in its case in chief:

***Indicates an additional witness**

NAME

ADDRESS

23 ABARZUA, ANGELA

6813 ASHLAND DR., LVN 89145

24 CERBONI, JONATHAN

7201 SKYTAIL AVE., LVN 89145

25 COE, AMY

UNIVERSITY MEDICAL CENTER

Will testify as a medical expert as to the

sexual assault examination, treatment,

observations and diagnosis of the victim in

1		the instant case.
2	COR or Designee	CCDC
3	COR or Designee	ELEVEN/ELEVEN APARTMENTS
4		1111 WARBONNET WAY, LVN 89117
5	COR or Designee	LVMPD DISPATCH
6	DAVIS, JASMIN	LVMPD#5163
7	FARNHAM, VICKI	LVMPD#7836
8		Will testify as an expert as to the collection,
9		analysis and identification of fingerprint
10		evidence.
11	FRIED, JONATHAN	LVMPD#8149
12	*GAUTHIER, KELLIE	LVMPD P#8691
13		Will testify as a DNA expert as to the
14		collection, analysis and identification of
15		DNA evidence.
16	HUNTE, MICHAEL	LVMPD#4538
17	JAEGER, RYAN	LVMPD#5587
18	*JOSEPH, SHAYLA	LVMPD P#8178
19	KRUEGER, LINDA or Designee	LVMPD#1471
20		Will testify as a DNA expert as to the
21		collection, analysis and identification of
22		DNA evidence.
23	LEBARIO, GABRIEL	LVMPD#5849
24	*MARTIN, JENNIFER	1909 SAND DOLLAR DR.,
25		MARYVILLE, CA
26	MCPHAIL, RANDALL	LVMPD#3326
27	PARENT/GUARDIAN	
28	LVNU, SIERRA	UNK

1 PROPERTY MANAGAER

ELEVEN/ELEVEN APARTMENTS

2 1111 WARBONNET WAY, LVN 89117

3 RICHARDSON, VICTORIA

LVMPD#4199

4 RIDDLE, JONATHAN

LVMPD#9306

5 LNU, SIERRA

UNK

6 SMITH, BOBBY

LVMPD#4991

7 VALLES, AMBER

7221 ROSE ST., LVN 89145

8 VALLES, LOUISE


7221 ROSE ST., LVN 89145

9 These witnesses are in addition to those witnesses endorsed on the Information and
10 any other witness for which a separate Notice has been filed. The substance of each expert
11 witness testimony and copy of all reports made by or at the direction of the expert witness
12 has been provided in discovery.

13 A copy of each expert witness curriculum vitae, if available, is attached hereto.

14 DAVID ROGER
15 DISTRICT ATTORNEY
Nevada Bar #002781

16
17 BY


18 CRAIGHENDRICKS
19 Chief Deputy District Attorney
Nevada Bar #004360

20 CERTIFICATE OF FACSIMILE TRANSMISSION

21 I hereby certify that service of NOTICE OF WITNESSES AND/OR EXPERT
22 WITNESSES, was made this 21st day of October, 2009, by facsimile transmission to:

23
24 JEFFERY MANINGO, DPD
FAX #366-9370

25
26 /s/ HOWARD CONRAD
27 Secretary for the District Attorney's Office

28 mmw/SVU

Curriculum Vitae
Kellie M. (Wales) Gauthier
Las Vegas Metropolitan Police Department
Forensic Laboratory
P#: 8691 Criminalist - DNA / Biology

EMPLOYMENT

5/05 - Present **Las Vegas Metropolitan Police Department**
Criminalist I

8/03 - 5/05 **Florida Dept. of Law Enforcement Forensic**
Technologist

EDUCATION

8/98 - 5/02 **University of West Florida**
B.S., Biology

EXPERIENCE

- Controlled Substances Blood Alcohol
- Tool marks Breath Alcohol
- Trace Evidence Arson Analysis
- Toxicology Firearms
- Latent Prints Crime Scene Investigations
- Serology X Clandestine Laboratory Response Team
- Document Examination DNA Analysis X
- Quality Assurance Technical Support / DNA X

ADDITIONAL TRAINING / SEMINARS

06/06 Bode Advanced DNA Technical Workshop
Captiva Island, FL

06/06 Bode Meeting - "Presenting Statistics in the Courtroom"
Captiva Island, FL

06/06 Differential Extraction
Las Vegas, NV

- 5/06 Serological Techniques and DNA Screening -
Colleen Proffitt, MFS, Las Vegas, NV
- 2/06 American Academy of Forensic Sciences 58th Annual Meeting,
Seattle, WA
- 8/05 National Incident Management System (NIMS) an Introduction
Las Vegas, NV
- 7/05 Drivers Training II
Las Vegas, NV
- 9/04 Future Trends in Forensic DNA Technology – Applied Biosystems
Orlando, FL
- 9/04 Southern Association of Forensic Scientists (SAFS) -Paternity
Index DNA Statistics
Orlando, FL
- 7/04 Forensic Epidemiology - Joint Training for Law Enforcement
Hazardous Materials and Public Health Officials on Investigative
Response to Bio-terrorism
Orlando, FL
- 4/04 Forensic Technology Training - Florida Department of Law
Enforcement
Orlando, FL
- 3/04 Biology Discipline Meeting
Tampa, FL
- 9/03 Future Trends in Forensic DNA Technology – Applied Biosystems
Orlando, FL

COURTROOM EXPERIENCE

Court Discipline Number of
Times

ORIGINAL

FILED

OCT 21 2009

John J. Blum
CLERK OF COURT

1 NOTC
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite #226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

«DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

EDWARD MICHAEL ADAMS,

Defendant.

CASE NO. C241003

DEPT. NO. XVII

DEFENDANT'S NOTICE OF WITNESSES, PURSUANT TO NRS 174.234

TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, EDWARD MICHAEL ADAMS, intends to call the following witness in his case in chief:

Lori Galloway	2630 Wyandotte St. Apt #6	Las Vegas, NV 89102
Tom Galloway	2630 Wyandotte St. Apt #6	Las Vegas, NV 89102
Jamie Galloway	2630 Wyandotte St. Apt #6	Las Vegas, NV 89102
Breanna Galloway	2630 Wyandotte St. Apt #6	Las Vegas, NV 89102
Daniel Irish	2630 Wyandotte St. Apt #6	Las Vegas, NV 89102
Mark Alberti	6753 Carrera Drive	Las Vegas, NV 89103

DATED this 20 day of October, 2009.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: *Jeffrey S Maningo*
JEFFREY S MANINGO #8845
Deputy Public Defender

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CLERK OF THE COURT

OCT 21 2009

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RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing Notice is hereby acknowledged this

21 day of October, 2009.

CLARK COUNTY DISTRICT ATTORNEY

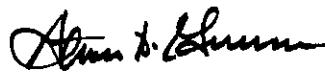
By: UN Maldonado

Case Name: Edward Michael Adams

Case No.: C241003

Dept. No.: XVII

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CLERK OF THE COURT

AINF
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
CRAIG HENDRICKS
Chief Deputy District Attorney
Nevada Bar #004630
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

EDWARD MICHAEL ADAMS,
#1969904

Defendant.

Case No: C241003
Dept No: V

AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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

That EDWARD MICHAEL ADAMS, the Defendant(s) above named, having committed the crimes of **FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Felony - NRS 200.310, 200.320, 193.165); BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A DEADLY WEAPON (Felony - NRS 200.400, 193.165); SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON (Felony - NRS 200.364, 200.366, 193.165) and OPEN OR GROSS LEWDNESS (Gross Misdemeanor - NRS 201.210)**, on or about the 14th day of December, 2007, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace

1 and dignity of the State of Nevada,

2 COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

3 did wilfully, unlawfully, feloniously, and without authority of law, seize, confine,
4 inveigle, entice, decoy, abduct, conceal, kidnap, or carry away AMBER VALLES, a human
5 being, with the intent to hold or detain the said AMBER VALLES against her will, and
6 without her consent, for the purpose of sexual assault, by taking the said AMBER VALLES
7 against her will, saying he has a gun and by tying her wrists and taping her mouth, said
8 defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

9 COUNT 2 - BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A
10 DEADLY WEAPON

11 did then and there wilfully, unlawfully, and feloniously use force or violence upon the
12 person of another, to-wit: AMBER VALLES, with intent to commit sexual assault, by
13 grabbing the said AMBER VALLES by the neck to restrain her and by grabbing her by the
14 arm forcing her to go with him, said defendant using a deadly weapon, to-wit: a firearm,
15 during the commission of said crime.

16 COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
17 AGE WITH USE OF A DEADLY WEAPON

18 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
19 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
20 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
21 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
22 have known, that the said AMBER VALLES was mentally or physically incapable of
23 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
24 weapon, to-wit: a firearm, during the commission of said crime.

25 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
26 AGE WITH USE OF A DEADLY WEAPON

27 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
28 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:

1 sexual intercourse, by defendant inserting his penis into the genital opening of the said
2 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
3 have known, that the said AMBER VALLES was mentally or physically incapable of
4 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
5 weapon, to-wit: a firearm, during the commission of said crime.

6 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
7 AGE WITH USE OF A DEADLY WEAPON

8 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
9 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
10 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
11 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
12 have known, that the said AMBER VALLES was mentally or physically incapable of
13 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
14 weapon, to-wit: a firearm, during the commission of said crime.

15 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
16 AGE WITH USE OF A DEADLY WEAPON

17 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
18 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
19 sexual intercourse, by defendant inserting his penis into the genital opening of the said
20 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
21 have known, that the said AMBER VALLES was mentally or physically incapable of
22 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
23 weapon, to-wit: a firearm, during the commission of said crime.

24 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
25 AGE WITH USE OF A DEADLY WEAPON

26 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
27 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
28 digital penetration, by defendant inserting his finger(s) into the genital opening of the said

1 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
2 have known, that the said AMBER VALLES was mentally or physically incapable of
3 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
4 weapon, to-wit: a firearm, during the commission of said crime.

5 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
6 AGE WITH USE OF A DEADLY WEAPON

7 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
8 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
9 sexual intercourse, by defendant inserting his penis into the genital opening of the said
10 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
11 have known, that the said AMBER VALLES was mentally or physically incapable of
12 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
13 weapon, to-wit: a firearm, during the commission of said crime.

14 COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
15 AGE WITH USE OF A DEADLY WEAPON

16 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
17 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
18 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
19 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
20 have known, that the said AMBER VALLES was mentally or physically incapable of
21 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
22 weapon, to-wit: a firearm, during the commission of said crime.

23 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
24 AGE WITH USE OF A DEADLY WEAPON

25 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
26 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
27 sexual intercourse, by defendant inserting his penis into the genital opening of the said
28 AMBER VALLES, against her will, or under conditions in which defendant knew, or should

1 have known, that the said AMBER VALLES was mentally or physically incapable of
2 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
3 weapon, to-wit: a firearm, during the commission of said crime.

4 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
5 AGE WITH USE OF A DEADLY WEAPON

6 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
7 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
8 anal penetration, by inserting his finger(s) and/or penis and/or unknown object into the anal
9 opening of the said AMBER VALLES, against her will, or under conditions in which
10 Defendant knew, or should have known, that the said AMBER VALLES was mentally or
11 physically incapable of resisting or understanding the nature of Defendant's conduct, said
12 Defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

13 COUNT 12 - OPEN OR GROSS LEWDNESS

14 did then and there wilfully and unlawfully commit an act of open or gross lewdness
15 by Defendant masturbating his penis in the direct view and presence of AMBER VALLES.

16 DAVID ROGER
17 DISTRICT ATTORNEY
18 Nevada Bar #002781

19 BY /s//CRAIG HENDRICKS
20 CRAIG HENDRICKS
21 Chief Deputy District Attorney
22 Nevada Bar #004630
23
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Names of witnesses known to the District Attorney's Office at the time of filing this
Information are as follows:

NAME

ADDRESS

MCPHAIL, RANDALL – LVMPD P#3326

RICHARDSON, VICTORIA – LVMPD P#4199

HUNTE, MICHAEL – LVMPD P#4538

DAVIS, JASMIN – LVMPD P#5163

JAEGER, RYAN – LVMPD P#5587

LEBARIO, GABRIEL – LVMPD P#5849

FRIED, JONATHAN – LVMPD P#8149

RIDDLE, JONATHAN – LVMPD P#9306

VALLES, AMBER – 7221 ROSE ST., LVN 89145

VALLES, LOUISE – 7221 ROSE ST., LVN 89145

CERBONI, JONATHAN – 7201 SKYTAIL AVE., LVN 89145

ABARZUA, ANGELA – 6813 ASHLAND DR., LVN 89145

COE, AMY – UNIVERSITY MEDICAL CENTER

DA#08F00902X/mmw/SVU
LVMPD EV#0712141983
(TK9)

1 INST

2 FILED IN OPEN COURT

3 NOV - 4 2009 -

4 STEVEN D. GRIERSON
CLERK OF THE COURT

5 BY

Sharon Chun

DEPUTY

6 DISTRICT COURT
CLARK COUNTY, NEVADA

SHARON CHUN

7
8 THE STATE OF NEVADA,

9 Plaintiff,

10 -vs-

11 EDWARD MICHAEL ADAMS,

12 Defendant.

CASE NO: C241003

DEPT NO: XVIII

13 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

14 MEMBERS OF THE JURY:

15 It is now my duty as judge to instruct you in the law that applies to this case. It is
16 your duty as jurors to follow these instructions and to apply the rules of law to the facts as
17 you find them from the evidence.

18 You must not be concerned with the wisdom of any rule of law stated in these
19 instructions. Regardless of any opinion you may have as to what the law ought to be, it
20 would be a violation of your oath to base a verdict upon any other view of the law than that
21 given in the instructions of the Court.

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000102

INSTRUCTION NO. 2

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

000103

An Information is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an Amended Information that on or about the 14th day of December, 2007, the Defendant committed the offenses of First Degree Kidnapping with Use of a Deadly Weapon, Battery with Intent to Commit a Crime with Use of a Deadly Weapon, Sexual Assault with a Minor Under Fourteen Years of Age with Use of a Deadly Weapon, and Open or Gross Lewdness.

COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON

did wilfully, unlawfully, feloniously, and without authority of law, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away AMBER VALLES, a human being, with the intent to hold or detain the said AMBER VALLES against her will, and without her consent, for the purpose of sexual assault, by taking the said AMBER VALLES against her will, saying he has a gun and by tying her wrists and taping her mouth, said defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

COUNT 2 - BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A DEADLY WEAPON

did then and there wilfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: AMBER VALLES, with intent to commit sexual assault, by grabbing the said AMBER VALLES by the neck to restrain her and by grabbing her by the arm forcing her to go with him, said defendant using a deadly weapon, to-wit: a firearm, during the commission of said crime.

COUNT 3 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON

did then and there wilfully, unlawfully, and feloniously sexually assault and subject AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit: digital penetration, by defendant inserting his finger(s) into the genital opening of the said AMBER VALLES, against her will, or under conditions in which defendant knew, or should

1 have known, that the said AMBER VALLES was mentally or physically incapable of
2 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
3 weapon, to-wit: a firearm, during the commission of said crime.

4 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
5 AGE WITH USE OF A DEADLY WEAPON

6 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
7 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
8 sexual intercourse, by defendant inserting his penis into the genital opening of the said
9 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
10 have known, that the said AMBER VALLES was mentally or physically incapable of
11 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
12 weapon, to-wit: a firearm, during the commission of said crime.

13 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
14 AGE WITH USE OF A DEADLY WEAPON

15 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
16 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
17 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
18 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
19 have known, that the said AMBER VALLES was mentally or physically incapable of
20 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
21 weapon, to-wit: a firearm, during the commission of said crime.

22 COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
23 AGE WITH USE OF A DEADLY WEAPON

24 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
25 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
26 sexual intercourse, by defendant inserting his penis into the genital opening of the said
27 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
28 have known, that the said AMBER VALLES was mentally or physically incapable of
resisting or understanding the nature of defendant's conduct, said defendant using a deadly

1 weapon, to-wit: a firearm, during the commission of said crime.

2 COUNT 7 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
3 AGE WITH USE OF A DEADLY WEAPON

4 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
5 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
6 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
7 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
8 have known, that the said AMBER VALLES was mentally or physically incapable of
9 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
10 weapon, to-wit: a firearm, during the commission of said crime.

11 COUNT 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
12 AGE WITH USE OF A DEADLY WEAPON

13 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
14 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
15 sexual intercourse, by defendant inserting his penis into the genital opening of the said
16 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
17 have known, that the said AMBER VALLES was mentally or physically incapable of
18 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
19 weapon, to-wit: a firearm, during the commission of said crime.

20 COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
21 AGE WITH USE OF A DEADLY WEAPON

22 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
23 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
24 digital penetration, by defendant inserting his finger(s) into the genital opening of the said
25 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
26 have known, that the said AMBER VALLES was mentally or physically incapable of
27 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
28 weapon, to-wit: a firearm, during the commission of said crime.

///

1 COUNT 10 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE WITH USE OF A DEADLY WEAPON

3 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
4 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
5 sexual intercourse, by defendant inserting his penis into the genital opening of the said
6 AMBER VALLES, against her will, or under conditions in which defendant knew, or should
7 have known, that the said AMBER VALLES was mentally or physically incapable of
8 resisting or understanding the nature of defendant's conduct, said defendant using a deadly
9 weapon, to-wit: a firearm, during the commission of said crime.

10 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
11 AGE WITH USE OF A DEADLY WEAPON

12 did then and there wilfully, unlawfully, and feloniously sexually assault and subject
13 AMBER VALLES, a female child under fourteen years of age, to sexual penetration, to-wit:
14 anal penetration, by Defendant inserting his finger(s) and/or penis and/or unknown object
15 into the anal opening of the said AMBER VALLES, against her will, or under conditions in
16 which Defendant knew, or should have known, that the said AMBER VALLES was
17 mentally or physically incapable of resisting or understanding the nature of Defendant's
18 conduct, said Defendant using a deadly weapon, to-wit: a firearm, during the commission of
19 said crime.

20 COUNT 12 - OPEN OR GROSS LEWDNESS

21 did then and there wilfully and unlawfully commit an act of open or gross lewdness
22 by Defendant masturbating his penis in the direct view and presence of AMBER VALLES.

23 It is the duty of the jury to apply the rules of law contained in these instructions to the
24 facts of the case and determine whether or not the Defendant is guilty of one or more of the
25 offenses charged.
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INSTRUCTION NO. 4

Every person who willfully seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any person by any means whatsoever with the intent to hold or detain, or who holds or detains, the person for the purpose of committing sexual assault upon the person is guilty of Kidnapping in the First Degree.

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INSTRUCTION NO. 5

Every person who leads, takes, entices, or carries away or detains any minor with the intent to keep, imprison, or confine him from his parents, guardians, or any other person having lawful custody of the minor, or with the intent to hold the minor to unlawful service, or perpetrate upon the person of the minor any unlawful act is guilty of Kidnapping in the First Degree.

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INSTRUCTION NO. 6

The crime of Kidnapping in the First Degree, as charged in this case is a specific intent crime. A specific intent, as the term implies, means more than the general intent to commit the act. To establish specific intent the state must prove that the defendant knowingly did the act which the law forbids, purposely intending to violate that law.

An act is "knowingly" done if done voluntarily and intentionally, and not because of mistake or accident or other innocent reason.

The intention or purpose for which the victim was held against his or her will is a question of fact to be determined by your consideration of the evidence. The intention may be inferred from the defendant's conduct and all other circumstances.

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In order for you to find the defendant guilty of both first-degree kidnapping and an associated offense of sexual assault, you must also find beyond a reasonable doubt either:

(1) That any movement of the victim was not incidental to the sexual assault;

(2) That any incidental movement of the victim substantially increased the risk of harm to the victim over and above that necessarily present in the sexual assault;

(3) That any incidental movement of the victim substantially exceeded that required to complete the sexual assault;

(4) That the victim was physically restrained and such restraint substantially increased the risk of harm to the victim; or

(5) The movement or restraint had an independent purpose or significance.

"Physically restrained" includes but is not limited to tying, binding, or taping.

1
2 If you find the Defendant guilty of First Degree Kidnapping, you must also determine
3 whether or not a deadly weapon was used in the commission of this crime.

4 If you are convinced beyond a reasonable doubt that the defendant committed the
5 offense of First Degree Kidnapping, and you are convinced beyond a reasonable doubt that a
6 deadly weapon was used in the commission of that offense, then you are instructed to return
7 a verdict of Guilty of First Degree Kidnapping with the Use of a Deadly Weapon.

8 If you are convinced beyond a reasonable doubt that the defendant committed the
9 offense of First Degree Kidnapping but you have a reasonable doubt that a deadly weapon
10 was used in the commission of that offense, then you are instructed to return a verdict of
11 Guilty of First Degree Kidnapping.

12 You are instructed that only one verdict may be returned for each count.
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"Deadly weapon" means any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death; any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death; or a dangerous or deadly weapon specifically described as a gun, pistol, spring pistol, revolver or other firearm.

You are instructed that a firearm is a deadly weapon.

INSTRUCTION NO. 10

In order to "use" a deadly weapon, there need not be conduct which actually produces harm but only conduct which produces a fear of harm or force by means or display of the deadly weapon in aiding the commission of the crime.

The State is not required to have recovered the deadly weapon used in an alleged crime, or to produce the deadly weapon in court at trial, to establish that a deadly weapon was used in the commission of the crime.

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INSTRUCTION NO. 11

Battery means any willful and unlawful use of force or violence upon the person of another.

Any person who commits a battery upon another with the specific intent to commit a crime is guilty of the offense of Battery with Intent to Commit a Crime.

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INSTRUCTION NO. 12

If you find the Defendant guilty of Battery with Intent to Commit a Crime, you must also determine whether or not a deadly weapon was used in the commission of this crime.

If you are convinced beyond a reasonable doubt that the defendant committed the offense of Battery with Intent to Commit a Crime, and you are convinced beyond a reasonable doubt that a deadly weapon was used in the commission of that offense, then you are instructed to return a verdict of Guilty of Battery with Intent to Commit a Crime with the Use of a Deadly Weapon.

If you are convinced beyond a reasonable doubt that the defendant committed the offense of Battery with Intent to Commit a Crime but you have a reasonable doubt that a deadly weapon was used in the commission of that offense, then you are instructed to return a verdict of Guilty of Battery with Intent to Commit a Crime.

INSTRUCTION NO. 13

A person who subjects a minor under the age of 14 to sexual penetration against the minor's will or under conditions in which the perpetrator knows or should know that the minor is mentally or physically incapable of resisting or understanding the nature of his conduct, is guilty of Sexual Assault with a Minor Under 14.

As used in these instructions, "sexual penetration" means any intrusion, however slight, of any part of a person's body into the genital or anal opening of the body of another.

INSTRUCTION NO. 14

Where multiple sexual acts occur as part of a single criminal encounter, each separate and distinct act may be charged as a separate offense.

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Physical force is not a necessary ingredient in the commission of sexual assault. The crucial question is not whether the victim was physically forced to engage in a sexual assault but whether the act was committed without her consent. There is no consent where the victim is induced to submit to the sexual act through fear of death or serious bodily injury.

The requirements of force and fear are of a different and less degree for a child than a person of more mature years. The fact that the defendant may not have employed violence nor expressed threats to obtain a child's submission does not preclude a finding of sexual assault. A sexual assault victim is not required to do more than his or her age, strength, surrounding facts and all attending circumstances make it reasonable to do in order to manifest opposition.

INSTRUCTION NO. 16

It is a defense to a charge of sexual assault that the Defendant entertained a reasonable and good faith belief that the female person voluntarily consented to engage in sexual intercourse. If from all the evidence you have a reasonable doubt whether the Defendant reasonably and in good faith believed she voluntarily consented to engage in sexual intercourse, you must give the Defendant the benefit of that doubt and find him not guilty of said charge.

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INSTRUCTION NO. 17

There is no requirement that the testimony of a victim of sexual assault be corroborated, and her testimony standing alone, if believed beyond a reasonable doubt, is sufficient to sustain a verdict of guilty.

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If you find the Defendant guilty of Sexual Assault you must also determine whether or not a deadly weapon was used in the commission of this crime.

If you are convinced beyond a reasonable doubt that the defendant committed an offense of sexual assault, and you are convinced beyond a reasonable doubt that a deadly weapon was used in the commission of that offense, then you are instructed to return a verdict of Guilty of Sexual Assault with the Use of a Deadly Weapon.

If you are convinced beyond a reasonable doubt that the defendant committed an offense of sexual assault but you have a reasonable doubt that a deadly weapon was used in the commission of that offense, then you are instructed to return a verdict of Guilty of Sexual Assault.

You are instructed that only one verdict may be returned for each count.

INSTRUCTION NO. 19

"Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse, or any other sexual penetration committed by a person 21 years of age or older with a consenting person under the age of 16 years.

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INSTRUCTION NO. 20

Every person who willfully masturbates his penis in the direct view of a minor in an offensive manner is guilty of the crime of Open and Gross Lewdness.

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INSTRUCTION NO. 21

The law does not compel a defendant in a criminal case to take the stand and testify, and no presumption may be raised and no inference of any kind may be drawn, from the failure of a defendant to testify.

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INSTRUCTION NO. 22

You have heard evidence of defendant's character, that is, opinion evidence about a character trait for violence or nonviolence. You should consider character evidence together with and in the same manner as all the other evidence in the case.

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INSTRUCTION NO. 23

To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

The intent with which an act is done is shown by the facts and circumstances surrounding the case.

Do not confuse intent with motive. Motive is what prompts a person to act. Intent refers only to the state of mind with which the act is done.

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

INSTRUCTION NO. 24

The Defendant is presumed innocent until the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every material element of the crime charged and that the Defendant is the person who committed the offense.

A reasonable doubt is one based on reason. It is not mere possible doubt but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

INSTRUCTION NO. 26

The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

INSTRUCTION NO. 27

A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his opinion as to any matter in which he is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 29

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

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INSTRUCTION NO. 30

When you retire to consider your verdict, you must select one of your number to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

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INSTRUCTION NO. 31

If, during your deliberation, you should desire to be further informed on any point of law or hear again portions of the testimony, you must reduce your request to writing signed by the foreperson. The officer will then return you to court where the information sought will be given you in the presence of, and after notice to, the district attorney and the Defendant and his counsel.

Playbacks of testimony are time-consuming and are not encouraged unless you deem it a necessity. Should you require a playback, you must carefully describe the testimony to be played back so that the court recorder can arrange his/her notes. Remember, the court is not at liberty to supplement the evidence.

INSTRUCTION NO. 32

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:


DISTRICT JUDGE

NOV - 4 2009

STEVEN D. GRIERSON
CLERK OF THE COURT

BY

Sharon Chun
SHARON CHUN DEPUTY

1 VER

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3
4
5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)

8 Plaintiff,)

CASE NO: C241003

9 -vs-)

DEPT NO: XVIII

10 EDWARD MICHAEL ADAMS,)

11 Defendant.)

12
13 VERDICT14 We, the jury in the above entitled case, find the Defendant EDWARD MICHAEL
15 ADAMS, as follows:16 COUNT 1 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON17 *(please check the appropriate box, select only one)*18 ☐ Guilty of First Degree Kidnapping with Use of a Deadly Weapon19 ☒ Guilty of First Degree Kidnapping20 ☐ Not Guilty21
22 COUNT 2 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT WITH USE
OF A DEADLY WEAPON23 *(please check the appropriate box, select only one)*24 ☐ Guilty of Battery with Intent to Commit Sexual Assault with Use of a
25 Deadly Weapon26 ☒ Guilty of Battery with Intent to Commit Sexual Assault27 ☐ Not Guilty28
000137

1 **COUNT 3** - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE WITH USE OF A DEADLY WEAPON

3 *(please check the appropriate box, select only one)*

4 ☐ Guilty of Sexual Assault with a Minor Under Fourteen Years of Age with
Use of a Deadly Weapon

5 ☒ Guilty of Sexual Assault

6 ☐ Guilty of Statutory Sexual Seduction

7 ☐ Not Guilty

8 **COUNT 4** - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
9 AGE WITH USE OF A DEADLY WEAPON

10 *(please check the appropriate box, select only one)*

11 ☐ Guilty of Sexual Assault with a Minor Under Fourteen Years of Age with
Use of a Deadly Weapon

12 ☒ Guilty of Sexual Assault

13 ☐ Guilty of Statutory Sexual Seduction

14 ☐ Not Guilty

15 **COUNT 5** - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
16 AGE WITH USE OF A DEADLY WEAPON

17 *(please check the appropriate box, select only one)*

18 ☐ Guilty of Sexual Assault with a Minor Under Fourteen Years of Age with
Use of a Deadly Weapon

19 ☒ Guilty of Sexual Assault

20 ☐ Guilty of Statutory Sexual Seduction

21 ☐ Not Guilty

22 **COUNT 6** - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
23 AGE WITH USE OF A DEADLY WEAPON

24 *(please check the appropriate box, select only one)*

25 ☐ Guilty of Sexual Assault with a Minor Under Fourteen Years of Age with
Use of a Deadly Weapon

26 ☒ Guilty of Sexual Assault

27 ☐ Guilty of Statutory Sexual Seduction

28 ☐ Not Guilty

1 **COUNT 7** - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE WITH USE OF A DEADLY WEAPON

3 *(please check the appropriate box, select only one)*

- 4 ☐ Guilty of Sexual Assault with a Minor Under Fourteen Years of Age with
5 Use of a Deadly Weapon
6 ☒ Guilty of Sexual Assault
7 ☐ Guilty of Statutory Sexual Seduction
8 ☐ Not Guilty

9 **COUNT 8** - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
10 AGE WITH USE OF A DEADLY WEAPON

11 *(please check the appropriate box, select only one)*

- 12 ☐ Guilty of Sexual Assault with a Minor Under Fourteen Years of Age with
13 Use of a Deadly Weapon
14 ☒ Guilty of Sexual Assault
15 ☐ Guilty of Statutory Sexual Seduction
16 ☐ Not Guilty

17 **COUNT 9** - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
18 AGE WITH USE OF A DEADLY WEAPON

19 *(please check the appropriate box, select only one)*

- 20 ☐ Guilty of Sexual Assault with a Minor Under Fourteen Years of Age with
21 Use of a Deadly Weapon
22 ☐ Guilty of Sexual Assault
23 ☐ Guilty of Statutory Sexual Seduction
24 ☒ Not Guilty

25 **COUNT 10** - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
26 AGE WITH USE OF A DEADLY WEAPON

27 *(please check the appropriate box, select only one)*

- 28 ☐ Guilty of Sexual Assault with a Minor Under Fourteen Years of Age with
Use of a Deadly Weapon
☐ Guilty of Sexual Assault
☐ Guilty of Statutory Sexual Seduction
☒ Not Guilty

1 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
2 AGE WITH USE OF A DEADLY WEAPON

3 *(please check the appropriate box, select only one)*

4 ☐ Guilty of Sexual Assault with a Minor Under Fourteen Years of Age with
5 Use of a Deadly Weapon

6 ☒ Guilty of Sexual Assault

7 ☐ Guilty of Statutory Sexual Seduction

8 ☐ Not Guilty

9 COUNT 12 - OPEN OR GROSS LEWDNESS

10 *(please check the appropriate box, select only one)*

11 ☒ Guilty of Open or Gross Lewdness

12 ☐ Not Guilty

13 DATED this 4th day of November, 2009

14 
15 FOREPERSON

JOC

FILED

FEB 02 2010

Ann L. Blum
CLERK OF COURT

ORIGINAL

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

EDWARD MICHAEL ADAMS
#1969904

Defendant.

CASE NO. C241003

DEPT. NO. XVIII

JUDGMENT OF CONVICTION

(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.310, 200.320, 193.165; COUNT 2 – BATTERY WITH INTENT TO COMMIT A CRIME WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.400, 193.165; COUNT 3 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.364, 200.366, 193.165; COUNT 4 – SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.364, 200.366,

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1 193.165; COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS
2 OF AGE WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS
3 200.364, 200.366, 193.165; COUNT 6 - SEXUAL ASSAULT WITH A MINOR UNDER
4 FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON (Category A
5 Felony) in violation of NRS 200.364, 200.366, 193.165; COUNT 7 - SEXUAL ASSAULT
6 WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A DEADLY
7 WEAPON (Category A Felony) in violation of NRS 200.364, 200.366, 193.165; COUNT
8 8 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH
9 USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS 200.364,
10 200.366, 193.165; COUNT 9 - SEXUAL ASSAULT WITH A MINOR UNDER
11 FOURTEEN YEARS OF AGE WITH USE OF A DEADLY WEAPON (Category A
12 Felony) in violation of NRS 200.364, 200.366, 193.165; COUNT 10 - SEXUAL
13 ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE WITH USE OF A
14 DEADLY WEAPON (Category A Felony) in violation of NRS 200.364, 200.366, 193.165;
15 COUNT 11 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF
16 AGE WITH USE OF A DEADLY WEAPON (Category A Felony) in violation of NRS
17 200.364, 200.366, 193.165; COUNT 12 - OPEN OR GROSS LEWDNESS (Gross
18 Misdemeanor) in violation of NRS 201.210, and the matter having been tried before a
19 jury and the Defendant having been found guilty of the crimes of COUNT 1 - FIRST
20 DEGREE KIDNAPPING (Category A Felony) in violation of NRS 200.310, 200.320;
21 COUNT 2 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A
22 Felony) in violation of NRS 200.400; COUNT 3 - SEXUAL ASSAULT (Category A
23 Felony) in violation of NRS 200.364, 200.366; COUNT 4 - SEXUAL ASSAULT
24 (Category A Felony) in violation of NRS 200.364, 200.366; COUNT 5 - SEXUAL

1 ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT 6 -
2 SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT
3 7 - SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366;
4 COUNT 8 - SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364,
5 200.366; COUNT 9 - NOT GUILTY; COUNT 10 - NOT GUILTY; COUNT 11 - SEXUAL
6 ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT 12 -
7 OPEN OR GROSS LEWDNESS (Gross Misdemeanor) in violation of NRS 201.210;
8 thereafter, on the 13TH day of January, 2010, the Defendant was present in court for
9 sentencing with his counsel, JEFFREY S. MANINGO, Deputy Public Defender, and
10 good cause appearing,
11

12
13 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in
14 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee
15 including testing to determine genetic markers and \$500.00 Indigent Defense Fee, the
16 Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as follows:
17 AS TO COUNT 1 - TO LIFE with a MINIMUM Parole Eligibility of SIXTY (60) MONTHS
18 and PAY \$2,932.00 in Restitution; AS TO COUNT 2 - TO LIFE with a MINIMUM Parole
19 Eligibility of SIXTY (60) MONTHS, COUNT 2 to run CONSECUTIVE to COUNT 1; AS
20 TO COUNT 3 - TO LIFE with a MINIMUM Parole Eligibility of ONE HUNDRED
21 TWENTY (120) MONTHS, COUNT 3 to run CONSECUTIVE to COUNT 2; AS TO
22 COUNT 4 - TO LIFE with a MINIMUM Parole Eligibility of ONE HUNDRED TWENTY
23 (120) MONTHS, COUNT 4 to run CONSECUTIVE to COUNT 3; AS TO COUNT 5 - TO
24 LIFE with a MINIMUM Parole Eligibility of ONE HUNDRED TWENTY (120) MONTHS,
25 COUNT 5 to run CONSECUTIVE to COUNT 4; AS TO COUNT 6 - TO LIFE with a
26 MINIMUM Parole Eligibility of ONE HUNDRED TWENTY (120) MONTHS, COUNT 6 to
27
28

1 run CONSECUTIVE to COUNT 5; AS TO COUNT 7 - TO LIFE with a MINIMUM Parole
2 Eligibility of ONE HUNDRED TWENTY (120) MONTHS, COUNT 7 to run
3 CONSECUTIVE to COUNT 6; AS TO COUNT 8 - TO LIFE with a MINIMUM Parole
4 Eligibility of ONE HUNDRED TWENTY (120) MONTHS, COUNT 8 to run
5 CONSECUTIVE to COUNT 7; AS TO COUNT 11 - TO LIFE with a MINIMUM Parole
6 Eligibility of ONE HUNDRED TWENTY (120) MONTHS, COUNT 11 to run
7 CONSECUTIVE to COUNT 8; AS TO COUNT 12 - TO TWELVE (12) MONTHS in the
8 Clark County Detention Center (CCDC), COUNT 12 to run CONCURRENT with
9 BALANCE OF COUNTS; with SEVEN HUNDRED THIRTY-ONE (731) DAYS credit for
10 time served.
11
12

13 FURTHER ORDERED, a SPECIAL SENTENCE of LIFETIME SUPERVISION
14 is imposed to commence upon release from any term of imprisonment, probation or
15 parole.
16

17 ADDITIONALLY, the Defendant is ORDERED to REGISTER as a sex offender
18 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any
19 release from custody.
20

21 FEB 01 2010
22 DATED this _____ day of January, 2010

23
24
25 DAVID BARKER
26 DISTRICT JUDGE
27
28

18

1 NOAS

2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR No. 0556
309 South Third Street, Suite 226
4 Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

FILED
FEB 22 2010
CLERK OF COURT

5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,)
8)
9 Plaintiff,)
10 v.)
11 EDWARD MICHAEL ADAMS,)
12 Defendant.)

CASE NO. C241003

DEPT. NO. XVIII

NOTICE OF APPEAL

13 TO: THE STATE OF NEVADA

14 DAVID ROGER, DISTRICT ATTORNEY, CLARK COUNTY, NEVADA and
15 DEPARTMENT NO. XVIII OF THE EIGHTH JUDICIAL DISTRICT
16 COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF
CLARK.

17 NOTICE is hereby given that Defendant, Edward Michael
18 Adams, presently incarcerated in the Nevada State Prison, appeals
19 to the Supreme Court of the State of Nevada from the judgment
20 entered against said Defendant on the 2nd day of February, 2010,
21 whereby he was convicted of Ct. 1 - First Degree Kidnapping With
22 Use of a Deadly Weapon; Ct. 2 - Battery With Intent to Commit a
23 Crime With Use of a Deadly Weapon; Cts. 3, 4, 5, 6, 7, 8, 11 -
24 Sexual Assault With a Minor Under Fourteen Years of Age With Use
25 of a Deadly Weapon; Ct. 12 - Open or Gross Lewdness and sentenced
26 to \$25 Admin. fee; \$150 DNA analysis fee; genetic testing; \$500
27 Indigent Defense Fee, Ct. 1 - 60 months to Life in prison, \$2,932
28 in restitution; Ct. 2 - 60 months to Life in prison; Ct. 2 to run
consecutive to Ct. 1; Ct. 3 - 120 months to Life in prison, Ct. 3

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FEB 22 2010
CLERK OF THE COURT

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1 to run consecutive to Ct. 2; Cts, 4, 5, 6, 7, 8, 11 - 120 months
2 to Life in prison; Ct. 4 to run consecutive to Ct. 3; Ct. 5 to run
3 consecutive to Ct. 4; Ct. 6 to run consecutive to Ct. 5; Ct. 7 to
4 run consecutive to Ct. 6; Ct. 8 to run consecutive to Ct. 7; Ct.
5 11 to run consecutive to Ct. 8; Ct. 12 - 12 months in CCDC to run
6 concurrent with balance of counts; 731 days credit for time
7 served; special sentence of lifetime supervision imposed upon
8 release from any term of imprisonment, probation or parole;
9 register as sex offender within 48 hours of release.

10 DATED this 22nd day of February, 2010.

11 PHILIP J. KOHN
12 CLARK COUNTY PUBLIC DEFENDER

13 By: 


14 P. DAVID WESTBROOK, #9278
15 Deputy Public Defender
16 309 S. Third Street, Ste. 226
17 Las Vegas, Nevada 89155
18 (702) 455-4685
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I declare under penalty of perjury that the foregoing is true and correct.

An employee of the Clark County
Public Defender's Office

DAVID ROGER
CLARK COUNTY DISTRICT ATTORNEY

By: 

CRIMINAL COURT MINUTES

08-C-241003-C STATE OF NEVADA vs Adams, Edward M

02/19/08 09:00 AM 00 INITIAL ARRAIGNMENT

HEARD BY: Kevin V Williams, Hearing Master; Dept. AA

OFFICERS: Roshonda Mayfield, Court Clerk
Kiara Schmidt, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004031 Porterfield Jr, Owen W.	Y
	0001 D1 Adams, Edward M	Y
	PUBDEF Public Defender	Y
	008845 Maningo, Jeffrey S.	Y

DEFT. ADAMS ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial.

CUSTODY

6/10/08 8:30 A.M. CALENDAR CALL (DEPT. 5)

6/16/08 10:00 A.M. JURY TRIAL (DEPT. 5)

06/10/08 08:30 AM 00 CALENDAR CALL

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Sandra Jeter, Court Clerk
Rachelle Hamilton, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004630 Hendricks, Craig L.	Y
	0001 D1 Adams, Edward M	Y
	PUBDEF Public Defender	Y
	008845 Maningo, Jeffrey S.	Y

Mr. Maningo moved to continue stating he just filed a motion and they are missing essentials on both sides to include the Preliminary Hearing transcript and DNA. There being no opposition, COURT ORDERED, current trial date VACATED; matter RESET for TRIAL.

CUSTODY

10/7/08 8:30 AM CALENDAR CALL

10/13/08 10:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

08-C-241003-C STATE OF NEVADA vs Adams, Edward M
CONTINUED FROM PAGE: 001

10/07/08 08:30 AM 00 ALL PENDING MOTIONS 10/7/08

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Sandra Jeter, Court Clerk
Rachelle Hamilton, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	004630 Hendricks, Craig L.	Y
	0001 D1 Adams, Edward M	Y
	PUBDEF Public Defender	Y
	008845 Maningo, Jeffrey S.	Y

CALENDAR CALL ... DEFT.'S MOTION TO CONTINUE TRIAL DATE

There being no opposition, COURT ORDERED, deft.'s Motion GRANTED; current trial date VACATED; matter CONTINUED two weeks for status check on negotiations.

CUSTODY

10/28/08 8:30 AM STATUS CHECK: NEGOTIATIONS AND/OR TRIAL SETTING

10/28/08 08:30 AM 00 STATUS CHECK: NEGOTIATIONS AND/OR TRIAL SETTING

HEARD BY: James Brennan, Senior Judge; Dept. VJ6

OFFICERS: Denise Trujillo, Court Clerk
Rachelle Hamilton, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	003814 Holthus, Mary Kay	Y
	0001 D1 Adams, Edward M	Y
	PUBDEF Public Defender	Y
	008845 Maningo, Jeffrey S.	Y

Counsel advised they need a new trial in early April. COURT SO ORDERED.

CUSTODY

3/31/09 8:30 AM CALENDAR CALL

4/6/09 10:00 AM JURY TRIAL

CRIMINAL COURT MINUTES

08-C-241003-C STATE OF NEVADA

vs Adams, Edward M

CONTINUED FROM PAGE: 002

03/31/09 08:00 AM 00 CALENDAR CALL

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004630	Hendricks, Craig L.	Y
0001 D1	Adams, Edward M	Y
PUBDEF	Public Defender	Y
008845	Maningo, Jeffrey S.	Y

Mr. Maningo requested the trial date be reset in the ordinary course. Mr. Hendricks stated this is a joint request. COURT ORDERED, Trial VACATED and RESET. Upon Court's inquiry, counsel stated the trial will take one week.

CUSTODY

10/27/09 8:00 AM CALENDAR CALL

11/02/09 10:00 AM JURY TRIAL

10/27/09 08:00 AM 00 ALL PENDING MOTIONS 10-27-09

HEARD BY: Michael Villani, Judge; Dept. 17

OFFICERS: Kristen Brown, Court Clerk
Michelle Ramsey, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004630	Hendricks, Craig L.	Y
009182	Scow, Richard H.	Y
0001 D1	Adams, Edward M	Y
PUBDEF	Public Defender	Y
008845	Maningo, Jeffrey S.	Y

CALENDAR CALL...PUBLIC DEFENDER'S MOTION TO DISMISS BASED UPON STATE'S FAILURE TO PRESERVE EXCULPATORY EVIDENCE AND MOTION TO DISMISS DUE TO THE STATE'S FAILURE TO PROVIDE BRADY MATERIAL

Mr. Hendricks stated he is ready to proceed to trial which will take about 4-5 days with 15 witnesses, several being out of state. Mr. Maningo stated the defense will have about 4-5 witnesses. COURT ORDERED, trial VACATED and matter REFERRED to Overflow. Upon Court's inquiry, Mr. Maningo stated that the Motion on calendar today is WITHDRAWN, COURT SO ORDERED.

CRIMINAL COURT MINUTES

08-C-241003-C STATE OF NEVADA

vs Adams, Edward M

CONTINUED FROM PAGE: 003

CUSTODY

10/29/09 9:00 AM OVERFLOW (17)
C. HENDRICKS/R. SCOW/J. MANINGO
4-5 DAYS
19-20 WITNESSES
SOME OUT OF STATE

10/29/09 09:00 AM 00 OVERFLOW (17) C. HENDRICKS/J. MANINGO
19-20 WITNESSES/5 DAYS/SOME OUT-OF-STATE

HEARD BY: David Barker, Judge; Dept. 18

OFFICERS: Tia Everett/te, Relief Clerk
Richard Kangas, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	009182 Scow, Richard H.	Y
	0001 D1 Adams, Edward M	Y
	PUBDEF Public Defender	Y
	008845 Maningo, Jeffrey S.	Y

COURT ORDERED, REFERRED to Department 18 and Set for trial. FURTHER
ORDERED, matter REASSIGNED to Department 18.

CUSTODY

11/2/08 10:00 AM JURY TRIAL

11/02/09 10:00 AM 00 TRIAL BY JURY

HEARD BY: David Barker, Judge; Dept. 18

OFFICERS: Sharon Chun, Court Clerk
Richard Kangas, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
	009182 Scow, Richard H.	Y
	004630 Hendricks, Craig L.	Y
	0001 D1 Adams, Edward M	Y
	PUBDEF Public Defender	Y
	008845 Maningo, Jeffrey S.	Y

TRIAL CONVENED at 9:55 A.M. and JURY PANEL SEATED. Introductions presented
by the Court and counsel. Following roll call of Panel, Panel was placed
under oath and general voir dire was conducted by the Court. Panel members

CRIMINAL COURT MINUTES

08-C-241003-C STATE OF NEVADA

vs Adams, Edward M

CONTINUED FROM PAGE: 004

thanked and excused for cause. The State conducted additional voir dire and passed the Panel. COURT ORDERED, LUNCH RECESS.

COURT RECONVENED OUTSIDE PANEL MEMBERS. Mr. Maningo noted the racial make-up of the Jury Panel members. JURY PANEL SEATED, Mr. Maningo conducted additional voir dire. Bench Conference, following which COURT ORDERED additional Panel Members excused for cause. Peremptory Challenges were conducted, during which COURT ORDERED, JURORS RECESSED. Mr. Maningo raised a Batson Challenge and arguments presented by both sides. COURT ORDERED, BATSON CHALLENGE OVER-RULED, it does not find the State demonstrated a pattern of bias. Peremptory Challenges continued.

COURT DIRECTED the State to present a hard-copy of their Power Point presentations, which will be marked as Court's Exhibits. Mr. Maningo objected to most of the Power Point presentations which depicts Deft in jail cloths. COURT ORDERED, ALLOWED, there is nothing which indicates the custody status of Deft and it is not more prejudicial than probative.

JURY PANEL SEATED. COURT THANKED and EXCUSED those Panel Members which were removed during Peremptory Challenges. Remaining Jurors placed under oath and seated. Court presented preliminary instructions to the Jury. Information was read to Jurors by the Clerk.

Opening statements presented by the State with Power Point presentation. Defense presented its opening statement. BENCH CONFERENCE HELD.

COURT ORDERED, JURORS RECESSED AND TO RETURN TOMORROW AT 10:00 A.M.

OUTSIDE PRESENCE OF JURY: COURT ADVISED that since Panel Member #202 was absent after lunch an Order Show Cause will be requested. Both sides stated that no additional inquiry will be requested. COURT STATED Jury Services is to inquire of panel Member #202 as to why not present after lunch and perhaps schedule him before the Chief Judge for hearing.

COURT ORDERED, EVENING RECESS; CONTINUED TOMORROW.

CONTINUED TO: 11/03/09 09:30 AM 01

CRIMINAL COURT MINUTES

08-C-241003-C STATE OF NEVADA

vs Adams, Edward M

CONTINUED FROM PAGE: 005

11/03/09 10:00 AM 01 TRIAL BY JURY

HEARD BY: David Barker, Judge; Dept. 18

OFFICERS: Sharon Chun, Court Clerk

PARTIES:	STATE OF NEVADA	Y
009182	Scow, Richard H.	Y
004630	Hendricks, Craig L.	Y
0001 D1	Adams, Edward M	Y
PUBDEF	Public Defender	Y
008845	Maningo, Jeffrey S.	Y

TRIAL RECONVENED at 10:08 A.M. with JURY SEATED. State called forth witnesses who were placed under oath, testified, and identified Deft Adams; exhibits presented. (Please see Witness and Exhibit Lists.)

OUTSIDE PRESENCE OF JURY: Court advised Deft of his Fifth Amendment right not to testify; Carter Instruction.

JURY SEATED. State called additional witnesses. COURT ORDERED, JURY RECESSED; to return tomorrow at 10:00 A.M.

OUTSIDE PRESENCE OF JURY: Mr. Hendricks stated the black witness was found and the State plans to call him tomorrow, although not on the Witness list. Mr. Maningo had no objection. Mr. Hendricks advised he will make the witness available to Defense.

COURT ORDERED, EVENING RECESS.

CONTINUED TO: 11/04/09 10:00 AM 02

CRIMINAL COURT MINUTES

08-C-241003-C STATE OF NEVADA

vs Adams, Edward M

CONTINUED FROM PAGE: 006

11/04/09 10:00 AM 02 TRIAL BY JURY

HEARD BY: David Barker, Judge; Dept. 18

OFFICERS: Sharon Chun @ 11 AM/sc, Court Clerk
Dameda Scott @ 10:00 AM/ds, Relief Clerk
Richard Kangas, Reporter/Recorder

PARTIES:	STATE OF NEVADA	Y
004630	Hendricks, Craig L.	Y
009182	Scow, Richard H.	Y
0001 D1	Adams, Edward M	Y
PUBDEF	Public Defender	Y
008845	Maningo, Jeffrey S.	Y

TRIAL RECONVENED with JURY PRESENT. State called forth additional witnesses; exhibits presented. (Please see Witness and Exhibit Lists.) Photographs were published in open court. JURY RECESSED.

OUTSIDE PRESENCE OF JURY: Jury Instructions settled on the record. Counsel argued re allowing in Deft's prior arrests. COURT ORDERED, MUST BE CONVICTIONS with Certified Copies, otherwise not allowed. Discussion also held regarding "alibi witnesses being introduced", but, Mr. Maningo stated he is not going to present alibi witnesses. Mr. Maningo raised issue of a "consensual" theory, and Mr. Hendricks argued. OUTSIDE PRESENCE OF THE STATE: Discussion between the Court and Deft re consensual conduct.

JURY INSTRUCTIONS settled on the record.

JURY SEATED. STATE RESTED its case in chief. Defense called forth witnesses who were sworn and testified. DEFENSE RESTED. No rebuttal arguments made by the state. JURY RECESSED. JURY INSTRUCTIONS FINALIZED.

JURY SEATED and COURT READ Jury Instructions to Jury.

Closing arguments presented.

COURT ANNOUNCED Alternate Jurors to be #13 and 14. The Marshal and Judicial Executive Assistant were sworn to take charge of Jurors and ORDERED, JURORS TO DELIBERATION at 4:35 P.M.

VERDICT REACHED. All counsel, Deft Adams, and jurors returned to the court room and the TRIAL RECONVENED AT 6:35 P.M. COURT ANNOUNCED the Foreperson to be Juror #7.

VERDICT READ by the Clerk, as follows:

"We, the jury in the above entitled case, find the Defendant EDWARD MICHAEL ADAMS, as follows:

COUNT 1 - GUILTY OF FIRST DEGREE KIDNAPPING;

CONTINUED ON PAGE: 008

CRIMINAL COURT MINUTES

08-C-241003-C STATE OF NEVADA

vs Adams, Edward M

CONTINUED FROM PAGE: 007

COUNT 2 - GUILTY OF BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT;
COUNT 3-8, & 11 - GUILTY OF SEXUAL ASSAULT;
COUNT 9 - NOT GUILTY;
COUNT 10 - NOT GUILTY; and
COUNT 12 - GUILTY OF OPEN OR GROSS LEWDNESS".

COURT POLLED JURORS at request of Defense; all twelve jurors responded that was their verdict, as read.

COURT THANKED and EXCUSED JURORS.

OUTSIDE PRESENCE OF JURORS: COURT ORDERED, matter referred to the Division of Parole and Probation (P&P) and set for sentencing.

COURT FURTHER ORDERED, DEFT ADAMS REMANDED TO CUSTODY; WITHOUT BAIL.

CUSTODY

1/13/10 8:15 AM SENTENCING (COUNTS 1-8 AND 11-12)...STATUS CHECK: DISMISSAL OF COUNTS 9 AND 10

11/09/09 09:00 AM 00 MINUTE ORDER RE: SEALING OF STATE'S TRIAL EXHIBITS 86-92

HEARD BY: David Barker, Judge; Dept. 18

OFFICERS: Sharon Chun, Court Clerk

PARTIES: NO PARTIES PRESENT

COURT ORDERED, State's Exhibits 86-92, as admitted during the Jury Trial of 11/2/09 are to be SEALED, and, not to be released unless by Court Order.

CRIMINAL COURT MINUTES

08-C-241003-C STATE OF NEVADA

vs Adams, Edward M

CONTINUED FROM PAGE: 008

01/13/10 08:15 AM 00 ALL PENDING MOTIONS OF 1/13/10

HEARD BY: David Barker, Judge; Dept. 18

OFFICERS: Sharon Chun/SC, Court Clerk
 Shelly Landwehr, Relief Clerk
 Richard Kangas, Reporter/Recorder

PARTIES: STATE OF NEVADA
 004630 Hendricks, Craig L.
 0001 D1 Adams, Edward M
 PUBDEF Public Defender
 008845 Maningo, Jeffrey S.

Y
 Y
 Y
 Y
 Y

PURSUANT TO JURY VERDICT OF 11/4/09, COURT ADJUDGED DEFT ADAMS GUILTY OF COUNT 1 - FIRST DEGREE KIDNAPPING (F); COUNT 2 - BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (F); COUNTS 3-8 AND 11 - SEXUAL ASSAULT (F); COUNT 12 - OPEN OR GROSS LEWDNESS (GM). COURT FURTHER ORDERED, COUNTS 9 AND 10 DISMISSED PURSUANT TO JURY VERDICT OF NOT GUILTY.

Mr. Hendricks noted that no victim impact statements will be presented today because the State did not provide them with notice, but, it was agreed to go forward with sentencing today. COURT NOTED Deft Adams prior criminal history. Mr. Maningo presented argument in support of Deft. Mr. Hendricks argued in support of life sentence because Deft is a threat to the community. COURT STATED IT FINDS DEFT ADAMS A THREAT TO THE COMMUNITY.

COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, and \$500.00 Indigent Defense Fund fee, Deft. SENTENCED, as follows:

COUNT 1 - a MINIMUM TERM of SIXTY (60) MONTHS and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), and TO PAY RESTITUTION IN THE AMOUNT OF \$2,932.00;

COUNT 2 - a MINIMUM TERM of SIXTY (60) MONTHS and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 1;

COUNT 3 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 2;

COUNT 4 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 3;

COUNT 5 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 4;

COUNT 6 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 5;

COUNT 7 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC),

CONTINUED ON PAGE: 010

CRIMINAL COURT MINUTES

08-C-241003-C STATE OF NEVADA

vs Adams, Edward M

CONTINUED FROM PAGE: 009

CONSECUTIVE TO COUNT 6;

COUNT 8 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 7;

COUNT 11 - a MINIMUM TERM of ONE-HUNDRED-TWENTY MONTHS (120) and a MAXIMUM TERM OF LIFE in the Nevada Department of Corrections (NDC), CONSECUTIVE TO COUNT 8;

COUNT 12 - TWELVE (12) MONTHS IN THE CLARK COUNTY DETENTION CENTER, CONCURRENT WITH BALANCE OF COUNTS.

COURT FURTHER ORDERED, Deft to receive 731 DAYS CREDIT for time served.

COURT FURTHER ORDERED, pursuant to NRS 179D.460, DEFT SHALL REGISTER AS A SEX OFFENDER WITHIN 48 HOURS OF SENTENCING OR RELEASE FROM CUSTODY.

COURT FURTHER ORDERED, A SPECIAL SENTENCE OF LIFETIME SUPERVISION TO COMMENCE UPON RELEASE FROM ANY TERM OF PROBATION, PAROLE OR IMPRISONMENT.

COURT NOTED, BEFORE DEFT IS ELIGIBLE FOR PAROLE, a panel consisting of the Administer of the Mental Health and Development Services of the Dept of Human Resources or his designee; the Director of the Dept of Corrections or his designee; and a psychologist licensed to practice in this State; or a psychiatrist licensed to practice medicine in NV must certify that the Deft does not represent a high risk to re-offend based on current accepted standards of assessment.

If bond, exonerated.

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CLERK

4
5 DISTRICT COURT

6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 EDWARD MICHAEL ADAMS,

12 Defendant.

) CASE NO. C241003

) DEPT. XVIII

) (ARRAIGNMENT HELD IN DEPT. LLA)

13
14
15 BEFORE THE HONORABLE KEVIN V. WILLIAMS, HEARING MASTER
16 TUESDAY, FEBRUARY 19, 2008

17 **RECORDER'S TRANSCRIPT OF HEARING RE:**
18 **ARRAIGNMENT**

19 **APPEARANCES:**

20 For the State:

OWEN PORTERFIELD, ESQ.,
Chief Deputy District Attorney

21
22 For the Defendant:

JEFFREY S. MANINGO, ESQ.,
Deputy Public Defender

23
24
25 RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 TUESDAY, FEBRUARY 19, 2008

2 * * * * *

3 P R O C E E D I N G S

4
5 THE COURT: Adams, Case 241003.

6 MR. MANINGO: Good morning, Judge.

7 THE COURT: Good morning.

8 MR. MANINGO: Jeff Maningo on behalf of Mr. Adams, who is present in
9 custody. Mr. Adams is entering a not-guilty plea to all counts. We would waive the
10 reading of those counts.

11 THE COURT: Okay, and you do have a copy of the Information, right?

12 MR. MANINGO: I do.

13 THE COURT: Okay. What's your true name?

14 THE DEFENDANT: Edward Adams.

15 THE COURT: How old are you?

16 THE DEFENDANT: Twenty-five.

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

18 THE DEFENDANT: Twelfth grade.

19 THE COURT: Read, write, and understand the English language?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Understand what you're charged with?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: What's your plea?

24 THE DEFENDANT: Not guilty.

25 THE COURT: You have a right to a speedy trial within 60 days. Do you want

1 a speedy trial?

2 THE DEFENDANT: No.

3 THE COURT: Ordinary-course trial date.

4 THE CLERK: Calendar call is June 10th -- I'm sorry. Calendar call is June
5 17th, 8:30 a.m. Trial date is June 23rd, ten a.m., Department 5.

6 MR. MANINGO: Thank you.

7 (Proceedings concluded)

8 * * * * *

9
10 ATTEST: I do hereby certify that I have truly and correctly transcribed the
11 audio/video proceedings in the above-entitled case to the best of my ability.

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14 Kiara Schmidt, Court Recorder/Transcriber
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5 DISTRICT COURT CLERK

6 CLARK COUNTY, NEVADA

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9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 EDWARD MICHAEL ADAMS,

13 Defendant.

CASE #: C241003

DEPT. V

14
15 BEFORE THE HONORABLE JACKIE GLASS, DISTRICT COURT JUDGE
16 TUESDAY, JUNE 10, 2008

17 **TRANSCRIPT OF PROCEEDINGS**
18 **CALENDAR CALL**

19 **APPEARANCES:**

20 For the State:

CRAIG L. HENDRICKS, ESQ.
Deputy District Attorney

21
22 For the Defendant:

JEFFREY S. MANINGO, ESQ.
Deputy Public Defender

23
24
25 RECORDED BY: RACHELLE HAMILTON, Court Recorder

1 TUESDAY, APRIL 10, 2008; 8:58 A.M.

2
3 THE COURT: Also on page 4 on Adams. I saw -- there he is, Mr. Hendricks.

4 MR. HENDRICKS: I'm here. Thanks, Judge.

5 THE COURT: What are we doing? It's on for calendar call. Where's Mr.
6 Adams?

7 MR. MANINGO: He's in custody here.

8 THE DEFENDANT: I'm here, Your Honor.

9 THE COURT: Great. What are we doing?

10 MR. MANINGO: We're asking for a continuance, Judge. I just filed a motion
11 yesterday. I'm sure it probably hasn't made it over yet so I did fax over a copy of
12 the motion and I also called Elana and let her know what our intentions were. Mr.
13 Hendricks agrees to the continuance.

14 We don't have a preliminary hearing transcript. We don't have DNA test
15 results back. We are missing quite a few essentials, both sides.

16 THE COURT: Okay, so how long do you think you need?

17 MR. MANINGO: We looked at our collective calendars and I think we've
18 agreed on any time in October if that's acceptable to the Court.

19 THE COURT: Sure.

20 COURT CLERK: The 13th.

21 THE COURT: How's that?

22 MR. MANINGO: That's fine.

23 COURT CLERK: It'll be October 13th at 10 a.m. for jury trial. Calendar call
24 October 7th at 8:30.

25 THE COURT: All right, thank you.

1 MR. HENDRICKS: Thank you, Judge.

2 MR. MANINGO: Thank you.

3 THE COURT: The trial's vacated.

4
5 [Proceeding concluded at 8:59 a.m.]
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20 ATTEST: I do hereby certify that I have truly and correctly transcribed the
21 audio/video recording in the above-entitled case to the best of my ability.

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23 RACHELLE HAMILTON
24 Recorder/Transcriber
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DISTRICT COURT

CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 EDWARD MICHAEL ADAMS,

13 Defendant.

CASE #: C241003

DEPT. V

14
15 BEFORE THE HONORABLE JACKIE GLASS, DISTRICT COURT JUDGE
16 TUESDAY, OCTOBER 7, 2008

17 **TRANSCRIPT OF PROCEEDINGS**
18 **CALENDAR CALL**

19 **APPEARANCES:**

20 For the State:

CRAIG L. HENDRICKS, ESQ.
Deputy District Attorney

22 For the Defendant:

JEFFREY S. MANINGO, ESQ.
Deputy Public Defender

25 RECORDED BY: RACHELLE HAMILTON, Court Recorder

1 TUESDAY, OCTOBER 7, 2008; 9:34 A.M.

2
3 THE COURT: Who's on Adams on page 3? Mr. Maningo?

4 MR. MANINGO: Thanks, Judge.

5 THE COURT: He's present in custody. It's on for calendar call.

6 MR. MANINGO: I think the Court should probably have a motion in the file
7 that I sent over yesterday to continue.

8 MR. HENDRICKS: He didn't even need to file one. It's -- we're agreeing with
9 the continuance. I know the Court's very, very busy and out of town, so.

10 MR. MANINGO: That's correct, and what we're proposing to do, Judge, is set
11 it over for two weeks on October 28th for a status check on negotiations because
12 there's still --

13 THE COURT: Can't do -- well is somebody hearing my calendar?

14 COURT CLERK: Yes.

15 THE COURT: Okay, I'm not here --

16 MR. MANINGO: Okay.

17 THE COURT: -- for a while but we can put it on the 28th for status check on --

18 MR. MANINGO: And then if we can work something out I'm sure -- if not we'll
19 set the trial date on that day.

20 THE COURT: That'd be fine.

21 MR. MANINGO: Great.

22 MR. HENDRICKS: Thank you, Judge.

23 COURT CLERK: It'll be October 28th at 8:30.

24 THE COURT: No problem.

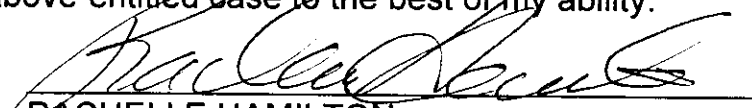
25 MR. MANINGO: Thank you.

1 THE COURT: Okay, thanks.

2 MR. HENDRICKS: Thanks.

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4 [Proceeding concluded at 9:35]
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18 ATTEST: I do hereby certify that I have truly and correctly transcribed the
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CLERK COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

EDWARD MICHAEL ADAMS,

Defendant.

CASE #: C241003

DEPT. V

BEFORE THE HONORABLE JAMES BRENNAN, SENIOR DISTRICT COURT
JUDGE

TUESDAY, OCTOBER 28, 2008

TRANSCRIPT OF PROCEEDINGS
STATUS CHECK: NEGOTIATIONS AND/OR TRIAL SETTING

APPEARANCES:

For the State:

JOHN FATTIG, ESQ.
MARY KAY HOLTHUS, ESQ.
Deputy District Attorneys

For the Defendant:

JEFFREY S. MANINGO, ESQ.
Deputy Public Defender

RECORDED BY: RACHELLE HAMILTON, Court Recorder

1 TUESDAY, OCTOBER 28, 2008; 8:52 A.M.

2
3 THE COURT: Bottom of four, 241003, State versus Edward Adams.

4 MR. MANINGO: Jeff Maningo on behalf of Mr. Adams, who is present in
5 custody. I think we're waiting on the special team DA.

6 MR. FATTIG: We are, Judge.

7 [Matter continued at 8:52 a.m.]

8 [Matter recalled at 8:58 a.m.]

9 THE COURT: 241003, State versus Edward Adams.

10 MR. MANINGO: Judge, this was settled for status check on negotiations. It
11 has now been negotiated and we just need to reset the trial date. I spoke with
12 counsel and I think if it's agreeable with the Court's calendar we're looking at early
13 April.

14 THE COURT: All right, your client's waived the 60-day rule, right?

15 MR. MANINGO: Yes.

16 THE COURT: And show the presence of counsel and the Defendant.

17 MS. HOLTHUS: Judge, the only caveat is Mr. Hendricks is on this as well and
18 if for some reason whatever date you pick today doesn't work we'll put it on quickly
19 to move it, if that's okay.

20 THE COURT: Okay.

21 MR. MANINGO: And that'll be fine with us.

22 MS. HOLTHUS: Thanks.

23 COURT CLERK: Do you want early April?

24 MR. MANINGO: That's what we've discussed.

25 COURT CLERK: April 6th at 10 a.m. for jury trial. March 31st at 8:30 for

1 calendar call.

2 MS. HOLTHUS: Thank you.

3 MR. MANINGO: Thank you.

4 THE COURT: Okay.

5
6 [Proceeding concluded at 8:59 a.m.]
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17 ATTEST: I do hereby certify that I have truly and correctly transcribed the
18 audio/video recording in the above-entitled case to the best of my ability.

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 EDWARD MICHAEL ADAMS,

12 Defendant.
13
14

CASE NO. C241003

DEPT. XVII

15 BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE

16 TUESDAY, MARCH 31, 2009

17 **RECORDER'S TRANSCRIPT OF HEARING RE:**
18 **CALENDAR CALL**

19 APPEARANCES:

20 For the State:

CRAIG L. HENDRICKS, ESQ.,
Deputy District Attorney

22 For the Defendant:

JEFFREY S. MANINGO, ESQ.,
Deputy Public Defender

24
25 RECORDED BY: MICHELLE L. RAMSEY, COURT RECORDER

1 LAS VEGAS, NEVADA; TUESDAY, MARCH 31, 2009

2 [Proceeding commenced at 7:58 a.m.]

3
4 THE COURT: All right. C241003, State of Nevada versus Edward Adams.
5 Mr. Adams is present in custody with Mr. Maningo. Mr. Hendricks for the State.
6 Time set for Calendar Call. I did meet with counsel in Chambers and there's some
7 outstanding discovery; is that correct?

8 MR. MANINGO: That's correct, Judge. And so we are requesting a
9 continuance and set it in the ordinary course.

10 THE COURT: Was this a joint request or one-sided request?

11 MR. HENDRICKS: It is, Judge. I know Mr. Maningo filed the motion to
12 continue, but actually I need a continuance also for the record. And I appreciate you
13 pointing that out, Judge.

14 THE COURT: All right. We'll vacate the trial date. And how long is this trial
15 scheduled to take?

16 MR. MANINGO: I would say a week. We do mornings?

17 THE COURT: Yes. We start at 9:30.

18 MR. MANINGO: Then --

19 THE COURT: We typically do.

20 MR. MANINGO: -- I would say it would take a week.

21 MR. HENDRICKS: I agree with that, Judge.

22 THE COURT: All right.

23 THE CLERK: How's the month of August? Any time during the month of
24 August? Any week better than the other?

25 MR. HENDRICKS: I think early --