

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

2 _____

3 RONNEKA GUIDRY,) No. 80156

4 Appellant,)

5 v.)

6)

7 THE STATE OF NEVADA,)

8 Respondent.)

Electronically Filed
Mar 23 2021 10:36 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

9 _____)

10 **APPELLANT'S APPENDIX VOLUME III PAGES 486-724**

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Case No. 80156

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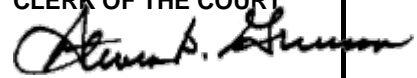
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EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.) GJ No. 17CGJ008X
) DC No. C329810
RONNEKA ANN GUIDRY,)
)
Defendant.)
_____)

Taken at Las Vegas, Nevada

Thursday, February 8, 2018

2:12 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Reported by: Danette L. Antonacci, C.C.R. No. 222

12:00 1 GRAND JURORS PRESENT ON FEBRUARY 8, 2018
2
3 PATRICIA HAYDEN, Foreperson
4 KEITH NELSON, Deputy Foreperson
12:00 5 JODI SHERROD, Secretary
6 GAIL ALCALAY, Assistant Secretary
7 MYRL LEE BOYDEN
8 STEVEN BROWN
9 TAMA CLARK
12:00 10 ARTHUR ELLIOTT
11 CARLTON FOGGS, JR.
12 TIMOTHY GRISWOLD
13 VERNA HALL
14 MARCUS KNICKERBOCKER
12:00 15 MARCIA LUKES
16 OLGA LYLES
17 SHELLEY MYSZ
18 SHIRLEY RITZ
19 SCOTT SEXTON
12:00 20
21
22 Also present at the request of the Grand Jury:
23 Marc DiGiacomo, Chief Deputy District Attorney
24
12:00 25

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Examined

KELLY LOVATO	8
TIMOTHY LANDALE	13
KENNETH SALISBURY	20

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12:00

1

LAS VEGAS, NEVADA, FEBRUARY 8, 2018

2

* * * * *

3

4

DANETTE L. ANTONACCI,

12:00

5

having been first duly sworn to faithfully

6

and accurately transcribe the following

7

proceedings to the best of her ability.

8

9

MR. DIGIACOMO: Good afternoon ladies and

02:12

10

gentlemen. My name is Marc DiGiacomo. I'm a deputy

11

district attorney here in Clark County. I'm here to

12

present a matter which has been stylized in Grand Jury

13

Exhibit Number 1 under Grand Jury case number 17CGJ008X.

14

The proposed Indictment alleges an individual by the

02:12

15

name of Ronneka Ann Guidry committed a variety of crimes

16

including murder with use of a deadly weapon, robbery

17

with use of a deadly weapon, grand larceny, and duty to

18

stop at scene of crash involving death or personal

19

injury. The victim in the case's name is Eduardo Osorio

02:12

20

and the elements of all the offenses are contained

21

within State's Proposed Exhibit Number 1 and thus unless

22

you need other instructions in relation to the elements

23

I ask you to rely on the elements listed in Grand Jury

24

Exhibit Number 1.

02:13

25

There is one somewhat lengthy additional

02:13 1 instruction as it relates to the Felony Murder Rule as
2 associated to a robbery as well as the timing of a
3 robbery and the taking of property and I'm going to read
4 to you now.

02:13 5 There are certain kinds of murder in the
6 first degree which carry with them conclusive evidence
7 of malice aforethought. One of these classes of first
8 degree murder is a killing committed in the perpetration
9 or attempted perpetration of robbery. Therefore, a

02:13 10 killing which is committed in the perpetration of a
11 robbery is deemed to be murder in the first degree
12 whether the killing was intentional, unintentional,
13 accidental or the product of provocation. This is
14 called the Felony Murder Rule. In order for the Felony
02:13 15 Murder Rule to apply under a robbery theory, the intent
16 to take the property must be formed prior to the act
17 constituting the killing.

18 Robbery is not confined to a fixed locus
19 but may spread over considerable and varying periods of
02:14 20 time. All matters antecedent to and having a direct
21 causal connection with the robbery are deemed so closely
22 connected with it as to form in reality a part of the
23 occurrence. Thus, although acts of violence and
24 intimidation preceded or followed the actual taking of
02:14 25 the property and may have been primarily intended for

02:14 1 another purpose is enough to support the charge of
2 robbery when a person takes the property by taking
3 advantage of the terrifying situation she created.

4 If there are no other questions I'd call my
02:14 5 first witness.

6 THE FOREPERSON: Please raise your right
7 hand.

8 You do solemnly swear the testimony you are
9 about to give upon the investigation now pending before
02:15 10 this Grand Jury shall be the truth, the whole truth, and
11 nothing but the truth, so help you God?

12 THE WITNESS: I do.

13 THE FOREPERSON: Please be seated.

14 You are advised that you are here today to
02:15 15 give testimony in the investigation pertaining to the
16 offenses of murder with use of a deadly weapon, robbery
17 with use of a deadly weapon, grand larceny, duty to stop
18 at scene of crash involving death or personal injury,
19 involving Ronneka Guidry.

02:15 20 Do you understand this advisement?

21 THE WITNESS: Yes.

22 THE FOREPERSON: Please state your first
23 and last name, spell both slowly for the record.

24 THE WITNESS: Kelly Lovato. K-E-L-L-Y,
02:15 25 L-O-V-A-T-O.

02:15 1 KELLY LOVATO,
2 having been first duly sworn by the Foreperson of the
3 Grand Jury to testify to the truth, the whole truth,
4 and nothing but the truth, testified as follows:

02:15 5
6 EXAMINATION

8 BY MR. DIGIACOMO:

9 Q. Miss Lovato, I want to direct your
02:15 10 attention back to January 3rd of this year at
11 approximately 2:20 in the morning. Were you in the area
12 of the intersection of Koval and Flamingo Road here in
13 Clark County, Las Vegas, Nevada?

14 A. Yes.

02:16 15 Q. How were you in that area?

16 A. We were just leaving to go home from taking
17 some of my kids' friends to the Strip, show them Vegas
18 cause they've been here visiting for the holiday for
19 their first time.

02:16 20 Q. Were you in a vehicle?

21 A. Yes.

22 Q. Whose vehicle was it?

23 A. Mine.

24 Q. And who was driving?

02:16 25 A. Me.

02:16 1 Q. And which direction, what road are you on?
2 Are you on Flamingo, are you on Koval?

3 A. Koval, going south.

4 Q. Going south on Koval?

02:16 5 A. Uh-huh.

6 Q. Before you get to Flamingo?

7 A. Yes.

8 Q. As you're in your vehicle, is there
9 something that catches your attention?

02:16 10 A. We were stopped at the light, there was a
11 small Mercedes next to us stopped at the light also, and
12 all of a sudden this kid jumps out for some reason,
13 starts, comes around and starts banging on the driver's
14 side of the vehicle, the windshield.

02:17 15 Q. As he's banging on this black vehicle, was
16 he saying anything?

17 A. We couldn't hear anything, our windows were
18 shut.

19 Q. Could you see the driver of the Mercedes at
02:17 20 all?

21 A. It was a small in stature, short person
22 with dark hair is really all I saw. It seemed to me to
23 be a female.

24 Q. Did you see any reaction by them or is it
02:17 25 just you could see through the tint of the window or

02:17 1 anything like that?

2 A. No.

3 Q. So you're both stopped, he's banging on the
4 window of this Mercedes. What happens?

02:17 5 A. The Mercedes turns the corner and hits the
6 gas and starts taking off in the middle or far lane of,
7 whatever, Tropicana or wherever it was, heading west.

8 Q. What about the man that was banging on the
9 window?

02:17 10 A. He was still on the window of the car
11 hanging off the window. It looked like he was hanging
12 onto the windshield wiper.

13 Q. So he's hanging onto the car as the car
14 begins to accelerate?

02:18 15 A. Yes.

16 Q. At some point do you see what happens to
17 the guys as he's holding onto the windshield?

18 A. No. There's a bunch of bushes there and
19 after they went, I don't know, 10, 20 feet, all we heard
02:18 20 was a big really thud like they hit something or
21 something happened.

22 Q. Do you then, how is it that you wind up
23 being at the scene? Do you pull forward and see what
24 happened?

02:18 25 A. Yeah. The light is still red but it goes

02:18 1 green, we pull forward and we see the car taking off and
2 the kid laying in the middle of the street.

3 Q. And then do you remain at the scene in
4 order to give police information?

02:18 5 A. Yes.

6 Q. Did anybody try to render aid to the person
7 in the street?

8 A. Yeah. My daughter's friend Cassandra is an
9 EMT from Colorado and she said you got to let me out,
02:18 10 I've got to go help him. So we put on our flashers, I
11 called 911, she got out of the car to go give him aid.

12 Q. I'm assuming that the police eventually
13 arrive and you provide them a statement?

14 A. Yes.

02:19 15 MR. DIGIACOMO: Thank you very much. That
16 completes my questions for the witness if the Grand Jury
17 has any.

18 THE FOREPERSON: By law, these proceedings
19 are secret and you are prohibited from disclosing to
02:19 20 anyone anything that has transpired before us, including
21 evidence and statements presented to the Grand Jury, any
22 event occurring or statement made in the presence of the
23 Grand Jury, and information obtained by the Grand Jury.

24 Failure to comply with this admonition is a
02:19 25 gross misdemeanor punishable up to 364 days in the Clark

02:19 1 County Detention Center and a \$2,000 fine. In addition,
2 you may be held in contempt of court punishable by an
3 additional \$500 fine and 25 days in the Clark County
4 Detention Center.

02:19 5 Do you understand this admonition?

6 THE WITNESS: Yes.

7 THE FOREPERSON: Thank you. You're
8 excused.

9 THE WITNESS: Thank you.

02:20 10 THE FOREPERSON: Please raise your right
11 hand.

12 You do solemnly swear the testimony you are
13 about to give upon the investigation now pending before
14 this Grand Jury shall be the truth, the whole truth, and
02:20 15 nothing but the truth, so help you God?

16 THE WITNESS: I do.

17 THE FOREPERSON: Please be seated.

18 You are advised that you are here today to
19 give testimony in the investigation pertaining to the

02:20 20 offenses of murder with use of a deadly weapon, robbery
21 with use of a deadly weapon, grand larceny, duty to stop
22 at scene of crash involving death or personal injury,
23 involving Ronneka Guidry.

24 Do you understand this advisement?

02:20 25 THE WITNESS: Yes.

02:20 1 THE FOREPERSON: Please state your first
2 and last name, spell both for the record slowly.

3 THE WITNESS: Timothy Landale.
4 T-I-M-O-T-H-Y, L-A-N-D-A-L-E.

02:21 5 MR. DIGIACOMO: Thank you.

6 TIMOTHY LANDALE,
7 having been first duly sworn by the Foreperson of the
8 Grand Jury to testify to the truth, the whole truth,
9 and nothing but the truth, testified as follows:

02:21 10
11 EXAMINATION

12
13 BY MR. DIGIACOMO:

14 Q. Mr. Landale, I want to direct your
02:21 15 attention back to January 3rd of this year at about 2:20
16 in the morning. Were you in the area of Koval and
17 Flamingo here in Clark County, Las Vegas, Nevada?

18 A. Yes.

19 Q. What were you doing in the area?

02:21 20 A. Walking home.

21 Q. So you were actually physically outside,
22 you were walking out, in the outside area?

23 A. Yes.

24 Q. Where were you when you first noticed

02:21 25 something happening?

02:21 1 A. At the corner of Flamingo and Koval.

2 Q. And you say --

3 A. Right outside --

4 Q. You say the corner. Do you know north,

02:21 5 south, east west, can you tell us which corner it was?

6 A. It's the one right outside the gas station.

7 I don't know the direction.

8 Q. So there's a gas station right next to the

9 Westin parking lot at that corner there?

02:21 10 A. Yeah.

11 Q. Okay. Now as you're standing on that

12 corner, do you see something unusual happen?

13 A. Yeah.

14 Q. Can you describe when you first realize

02:22 15 something weird was going on?

16 A. Yeah. I was waiting to cross the street

17 and I was playing on my phone and someone came running

18 past me into the street and the car that was going

19 slammed on the brakes and so I kind of noticed when

02:22 20 someone came running past me cause that was not normal.

21 The car stopped right in front of him and he started

22 screaming at the driver and like went around the side

23 and jumped up on the like hood and windshield and

24 started like furiously like punching the windshield,

02:22 25 like he was trying to like punch through the windshield,

02:22 1 and the driver seemed to be like animated, I couldn't
2 hear if she was saying or anything or tell if it was a
3 he or she but was saying a bunch of stuff. And then
4 after a few seconds the driver floored it and somehow he
02:22 5 held on for a few seconds and then like let go or
6 couldn't hold on anymore and landed basically like face
7 first on the, I think it was the left side of his face,
8 and the car just kept going down Flamingo towards the
9 Strip and he like bounced and his whole face was, the
02:23 10 whole side of his face was completely messed up from
11 like the road and covered in blood. And me and a few
12 other people went into the street to stop traffic and
13 see if he was alive and I called 911 and someone else
14 was checking his pulse I think and at some point started
02:23 15 to do CPR and I was talking to the person, she said she
16 had like medical training.

17 Q. Let me stop you for just one second.

18 A. Sorry.

19 Q. I'm going to back up to clarify a few
02:23 20 things.

21 So you said that when you first saw the
22 pedestrian that gets injured or first realized where he
23 was, he was running from behind you. Was your back to
24 the gas station?

02:24 25 A. Kind of. So the gas station is like on the

02:24 1 corner and I guess it's kind of to my back, it's over
2 my, I think it would be my left shoulder.

3 Q. Can you tell me where did you perceive this
4 person coming from? You said when you first realized he
02:24 5 came from behind you, do you know where he was before he
6 came past you?

7 A. I mean unless he like turned into the
8 street I would assume he was coming from the gas
9 station. There's like some bushes and stuff there.

02:24 10 Q. Okay. And when he first contact this
11 vehicle, do you remember anything about the vehicle?

12 A. Not really besides that it was a car.

13 Q. When he first contacts, is the vehicle on
14 Koval heading south or is it on Flamingo heading towards
02:24 15 the west?

16 A. I think it was coming from Flamingo going
17 towards the Strip, but it could have also turned. I was
18 playing Pokemon Go on my phone so I wasn't paying too
19 much attention.

02:25 20 Q. So when you first realize it, it's on
21 Flamingo when you say she slams on her brakes and
22 there's back and forth and stuff like that?

23 A. Yeah, it's on Flamingo.

24 Q. And you said during this time period it
02:25 25 appeared like the driver was interacting in some manner

02:25 1 with the person that was banging on her window?

2 A. Yeah. He came out right in front of the
3 car and was like screaming at the car, like not making
4 any sense, and she, or the person inside seemed to be
02:25 5 saying like go away or whatever, and then he jumped up
6 and they were like raising their arms like what's going
7 on.

8 Q. You said he was yelling but it didn't make
9 any sense. Could you tell if he was yelling in English?

02:25 10 A. I mean it didn't sound like English to me.
11 I don't know if he was even yelling like words. Like I
12 speak a little bit of Spanish but not a lot and it just
13 sounded more like mostly screaming than --

14 Q. Just yelling?

02:26 15 A. Yeah.

16 Q. And then you said he sort of got up on the
17 hood of the car and she drove away real fast and then he
18 fell down?

19 A. Yeah. So like he went in front of the car
02:26 20 and the car stopped and then he like, was like yelling
21 and then jumped up on, from the side like to the hood of
22 the car and he was just like whaling on the windshield
23 with his fists, like just, like almost like trying to
24 like brake through the window.

02:26 25 Q. Okay. And so he's whaling on the window

02:26 1 with his fist and she just, or whoever the driver of
2 this vehicle is, just hits the gas, drives away and he
3 falls down and the car drives away?

4 A. Yeah, the driver like didn't do anything
02:26 5 for I think a few seconds, I don't know exactly how
6 long, and then just like floored it. Like I could see
7 the driver like what is going on like inside, like I
8 assume yelling at the guy.

9 MR. DIGIACOMO: Okay. Thank you. That
02:26 10 completes my questions for this witness if the Grand
11 Jury has any.

12 BY A JUROR:

13 Q. So when you, you said that you saw the
14 Mercedes stop and then the guy came around. Is that
02:27 15 what you said?

16 A. Yes. So the, he like sprinted out into the
17 street.

18 Q. Yes.

19 A. And the car stopped.

02:27 20 Q. Yeah.

21 A. And then he was like yelling at the car for
22 a second and then like kind of went to the side and like
23 jumped up on the hood of the car.

24 Q. So it wasn't totally stopped and then the
02:27 25 guy came around? It was like the car was still moving

02:27 1 and then all of a sudden it stopped?

2 A. Yeah, the car had, for sure had the right
3 of way.

4 Q. Yes.

02:27 5 A. And he sprinted out into the road.

6 Q. Oh, okay.

7 A. And then the car stopped so as not to hit
8 the person in the road and then he was like yelling and
9 jumped up on the car.

02:27 10 Q. Thank you.

11 THE FOREPERSON: By law, these proceedings
12 are secret and you are prohibited from disclosing to
13 anyone anything that has transpired before us, including
14 evidence and statements presented to the Grand Jury, any
02:27 15 event occurring or statement made in the presence of the
16 Grand Jury, and information obtained by the Grand Jury.

17 Failure to comply with this admonition is a
18 gross misdemeanor punishable up to 364 days in the Clark
19 County Detention Center and a \$2,000 fine. In addition,
02:27 20 you may be held in contempt of court punishable by an
21 additional \$500 fine and 25 days in the Clark County
22 Detention Center.

23 Do you understand this admonition?

24 THE WITNESS: Yes.

02:28 25 THE FOREPERSON: Thank you. You are

02:28 1 excused.

2 Please raise your right hand.

3 You do solemnly swear the testimony you are
4 about to give upon the investigation now pending before
02:29 5 this Grand Jury shall be the truth, the whole truth, and
6 nothing but the truth, so help you God?

7 THE WITNESS: I do.

8 THE FOREPERSON: Please be seated.

9 THE WITNESS: Thank you.

02:29 10 THE FOREPERSON: You are advised that you
11 are here today to give testimony in the investigation
12 pertaining to the offenses of murder with use of a
13 deadly weapon, robbery with use of a deadly weapon,
14 grand larceny, duty to stop at scene of crash involving
02:29 15 death or personal injury, involving Ronneka Guidry.

16 Do you understand this advisement?

17 THE WITNESS: I do.

18 THE FOREPERSON: Please state your first
19 and last name, spell both slowly for the record.

02:29 20 THE WITNESS: Kenneth Salisbury.

21 K-E-N-N-E-T-H, S-A-L-I-S-B-U-R-Y.

22 KENNETH SALISBURY,

23 having been first duly sworn by the Foreperson of the
24 Grand Jury to testify to the truth, the whole truth,
02:29 25 and nothing but the truth, testified as follows:

02:29

1

EXAMINATION

2

3

BY MR. DIGIACOMO:

4

Q. Detective, how are you employed?

02:29

5

A. With the Las Vegas Metropolitan Police

6

Department.

7

Q. What's your current assignment?

8

A. I work in the fatal detail.

9

Q. What's the fatal detail?

02:29

10

A. Typically we investigate fatalities

11

involving motor vehicle crashes.

12

Q. How long have you been with Metro?

13

A. Since February 23, 2004.

14

Q. And how long have you been in the fatal

02:30

15

detail?

16

A. Since May of 2012.

17

Q. I'm going to direct your attention to the

18

early morning hours of January 3rd of 2018, this year.

19

Were you asked to come out and investigate what

02:30

20

initially gets reported as a car to pedestrian incident

21

that occurred at the corner of Koval and Flamingo Road

22

here in Clark County, Las Vegas, Nevada?

23

A. I was.

24

Q. When you initially respond to the scene of

02:30

25

the accident, what information do you have?

02:30 1 A. I was provided eight voluntary statements.
2 All different witnesses had mixed descriptions of what
3 had occurred and that was something to the effect of a
4 male had engaged a vehicle and that vehicle had sped off
02:30 5 with him on it or clinging to it and he had fallen down
6 and was transported to the hospital and the vehicle did
7 not remain at the scene.

8 Q. During the course of your investigation,
9 I'm going to jump forward a little bit but, during the
02:31 10 course of your investigation do you actually go to the
11 hospital and view the victim and learn his identity?

12 A. I do.

13 Q. What was the name of the decedent?

14 A. Eduardo Gaioli de Sanchez Osorio. It was
02:31 15 if a Brazilian passport so there's multiple last names
16 and I then just identified him as Eduardo Osorio.

17 Q. Now I'm going to show you what's been
18 marked as Grand Jury Exhibit Number 4. Do you recognize
19 the person that's depicted in that photograph?

02:32 20 A. I do.

21 Q. And who is that?

22 A. That is Eduardo Osorio at the hospital.

23 Q. Mr. Osorio appears to have substantial
24 injuries about his head; is that correct?

02:32 25 A. He did.

02:32 1 Q. And when you went to the scene did you see
2 evidence to suggest that those injuries occurred at your
3 scene at Koval and Flamingo?

4 A. I did. Within the prolongation of the
02:32 5 westbound lanes there was evidence of apparent blood in
6 the roadway.

7 Q. I'm going to show you now Exhibit Number 3.
8 Do you recognize that?

9 A. I do.

02:32 10 Q. What is that?

11 A. Those are the westbound lanes of Flamingo
12 depicted west of Koval.

13 Q. Within these photographs there are some
14 cones and some writing, as well as if you look really
02:33 15 far up there there's going to be some blood. Can you
16 describe what we're looking at?

17 A. Within the westbound lanes that's the area
18 we marked as the first onset of evidence. Those first
19 series of three cones appeared to be shoe scuff and then
02:33 20 further in the background in that middle lane, that
21 series of cones, that's what we identified as body scuff
22 mark, and at the end, at the completion of those cones
23 was the area of apparent blood.

24 Q. Just orient us. When you say the westbound
02:33 25 lanes of Flamingo Road, the Westin Hotel is to the right

02:33 1 on this photograph, Bally's is to the left and the
2 Strip's down, sort of down the middle?

3 A. Correct. That's the, off to the right
4 would be your northwest corner of the intersection.

02:33 5 There's a gas station there and out behind that in the
6 parking lot is the Westin Hotel.

7 Q. And this first series of cones appear to be
8 shoe scuff from the decedent?

9 A. It did.

02:34 10 Q. And then there was what you call the body
11 scuff or mark from his movement along the roadway after
12 he came off the vehicle?

13 A. Correct.

14 Q. And at the end of which there was a
02:34 15 substantial amount of blood?

16 A. There was.

17 Q. In addition to the crime scene, did you get
18 any sort of video surveillance evidence that allowed you
19 to further your investigation?

02:34 20 A. I did. I went to the Westin Hotel to see
21 if they had anything.

22 Q. And when you're at the Westin Hotel were
23 you able to recover video that was important to your
24 investigation?

02:34 25 A. I was.

02:34 1 Q. And earlier today did you review Grand Jury
2 Exhibit Number 25 to see that two angles of the Westin
3 video is on there as well as some closeups that you had
4 done that slowed down the video for the ladies and
02:34 5 gentlemen of the jury?

6 A. I did.

7 Q. So I'm going to start first with Exhibit
8 Number 25, but if the Grand Jury opens this disk at all
9 there are four video files marked A, B, C and D. We're
02:35 10 going to show those in order for you. So 25A.

11 Can you explain to the ladies and gentlemen
12 of the jury, I'm going to stop it before we get too far
13 here. Oops, I guess I'm not going to do that. I'm
14 going to just ask you to describe what it is we're
02:35 15 looking at. What's the view we're looking at here?

16 A. So from the northwest corner of that
17 intersection is the Westin Hotel and the front of the
18 hotel faces south. These are cameras from the front
19 facing view of their parking lot. On the left side of
02:35 20 the screen is that gas station and the westbound lanes
21 that were depicted in the previous photos are the lanes
22 you see out ahead. And now this is a vehicle that
23 through, going through all these videos I learn is the
24 vehicle ultimately involved in the incident and it had
02:36 25 pulled in at 2:12 and 40 seconds, makes a couple left

02:36 1 turns, and then if you see over there on the left, I
2 know some of you are a bit back, it's reversing into a
3 parking space now and it still has its headlights on.

4 Q. So at some point during the course of your
02:36 5 investigation you identified this vehicle as the suspect
6 vehicle and it entered at 2:12 and 40 seconds on this
7 tape?

8 A. Correct.

9 Q. Drove through the parking lot and then
02:36 10 backed into a spot where the back of the vehicle is sort
11 of in the area where that gas station is?

12 A. Correct.

13 Q. And it sits there for approximately how
14 long?

02:36 15 A. Eight minutes.

16 Q. And during that time period do the
17 headlights ever go off?

18 A. They do not.

19 Q. I'm going to jump forward the eight
02:36 20 minutes, hopefully I can do that so we don't sit here
21 and just watch eight minutes of a vehicle.

22 So I've just jumped forward to 2:18:56
23 let's say. And as something happens on the video, if
24 you could describe that for the ladies and gentlemen of
02:37 25 the Grand Jury. You can stand up here and point if it

02:37 1 would make it easier for you.

2 A. Sure. So after this time, and while I was
3 at the Westin, they're able to zoom in and interact with
4 the video file while I'm watching. We zoom in this area
02:37 5 and we actually see who will ultimately be our decedent
6 exit the right front passenger door and then the vehicle
7 will make a right turn and pull away what appears to be
8 a normal speed. And then because of curbing, there's a
9 parking garage here out of the frame of the camera and
02:38 10 the vehicle will make a right turn and go to exit to a
11 parking garage that because of curbing will ultimately
12 lead back out onto Koval which is this road running
13 north/south.

14 Q. And then this road over here is the
02:38 15 westbound lane. There's the vehicle go drive away.
16 That is the Flamingo Road, the westbound lanes of
17 Flamingo Road?

18 A. Correct. Those are the lanes depicted in
19 the photo earlier. And here as you, it's very small,
02:38 20 there's pixilation, that male is now running, if my
21 finger covered it I'm sorry, that male has now run
22 towards the front through the parking lot of that gas
23 station.

24 Q. And if we were to continue to roll this,
02:38 25 eventually the incident occurs behind this tree

02:38 1 generally over here on Flamingo?

2 A. Correct.

3 Q. So we have a second view; is that correct?

4 A. We do.

02:39 5 Q. So let me pull up the second view.

6 A. And that last bit was that vehicle speeding
7 off.

8 Q. So these, the time stamp on this, it's
9 slightly off from the time stamp on the other video that
02:39 10 we have?

11 A. It may have been, but if it is it's by
12 seconds.

13 Q. So opposed to 12:40, it's 12:14 that this
14 vehicle pulls in?

02:39 15 A. Correct.

16 Q. And on this view can you actually see the
17 vehicle parked with the lights on?

18 A. I don't believe so. It's out of the frame.

19 Q. And so if we jump forward to shortly before
02:39 20 2:20, we actually see part of the incident between
21 Mr. Osorio and this vehicle?

22 A. We will.

23 In the area we're looking at is right here,
24 this is a red traffic signal. When that light turns to

02:40 25 green is when we're going to start to see the sequence

02:40 1 of events occur as that vehicle comes through.

2 Q. Based on your investigation, that black
3 vehicle is actually stopped in the Koval Lane and then
4 turns onto Flamingo?

02:40 5 A. Correct, it's traveling southbound and
6 starts a right turn to westbound Flamingo.

7 Q. Why don't you stand up here and show them
8 where exactly they should be looking shortly.

9 A JUROR: I was looking at the red light.

02:40 10 THE WITNESS: And it should be coming up.
11 We're waiting for this light to turn green.

12 It's green. There's our vehicle. And
13 here's our suspect vehicle leaving. Based on my
14 experience as a collision reconstructionist, it's
02:41 15 traveling faster than the posted speed limit at that
16 point, but traffic is now stopped because Eduardo is now
17 in the roadway.

18 BY MR. DIGIACOMO:

19 Q. And while it was very quick, and this is
02:41 20 very close, you can actually see a figure on that
21 vehicle when it was between these two trees?

22 A. Correct. He's definitely on or clinging to
23 the vehicle within close proximity as it speeds away.

24 Q. So now I'm going to go to 25C. And explain
02:41 25 to the ladies and gentlemen of the jury what 25C is.

02:41 1 A. The Westin security surveillance system
2 couldn't record the zoomed in locations as we were
3 looking at the video files. This was a video I took of
4 the actual monitor as the video was zoomed in and slowed
02:42 5 down to depict him exiting the vehicle from that right
6 front passenger seat and then if you watch closely he'll
7 apex the corner of that building to run out into the gas
8 station.

9 A JUROR: Uh-huh.

02:42 10 THE WITNESS: And again this is slowed down
11 but there he's actually in a jog out towards that, out
12 towards that corner, but you could tell he had a black
13 sweater on and that the sleeves were a different color,
14 it wasn't solid.

02:43 15 BY MR. DIGIACOMO:

16 Q. And showing you Grand Jury Exhibit
17 Number -- well, let me go back. Let's do the other
18 video and we'll go back to Grand Jury Exhibit Number 5.

19 So this is the actual incident slowed down?

02:43 20 A. Correct. So when, I mentioned before on
21 that area that we're looking for, there's your green
22 light, again this is zoomed in, it's slowed down so this
23 isn't actual speed but we did that to illustrate, and
24 there's Eduardo on the vehicle as it's going by.

02:43 25 Q. Then the vehicle accelerates at a higher

02:43 1 rate of speed?

2 A. It does.

3 Q. Now based on this evidence, when you're
4 initially at the scene what is it that you want to do in
02:43 5 order to help investigate what possibly happened here as
6 opposed -- well, let me ask you this.
7 Vehicle/pedestrian type incidents like this, are they
8 usually people that get out of the vehicle before that
9 vehicle later strikes them?

02:44 10 A. No. In typical auto versus pedestrian
11 collisions I investigate, the pedestrian is not known to
12 the driver of the vehicle. So automatically as a law
13 enforcement investigator flags are going on, okay,
14 something's amiss here.

02:44 15 Q. Now you mentioned the jacket. At the
16 hospital were you able to view the jacket that
17 Mr. Osorio was wearing?

18 A. I did. That's it depicted.

19 Q. And then you also mentioned that the
02:44 20 vehicle had to pass through a parking garage. And I'm
21 going to put up Grand Jury Exhibit Number 6. And then
22 Grand Jury Exhibit Number -- oh, I guess I should have
23 you authenticate these.

24 Looking at Grand Jury Exhibit 6 and 7, are

02:44 25 those shots of the vehicle as it came through the

02:44 1 parking lot?

2 A. They are. And these are from the same
3 Westin surveillance and when I mentioned that parking
4 garage was out of frame of the camera, this is where the
02:45 5 vehicle went through. The first one is the side shot
6 and the rear one is another shot leaving as it's
7 traveling east to go back out onto Koval.

8 Q. Now eventually do you make an inventory of
9 the personal effects of Mr. Osorio?

02:45 10 A. Yes. Our criminalistics analyst collected
11 everything that he had with him at the hospital
12 including that Brazilian passport we used to identify
13 him and they impounded everything.

14 Q. Did you also backtrack where that car had
02:45 15 come from?

16 A. I did. Here in Las Vegas we have cameras
17 that are all over the Strip in different areas and we
18 were able to determine what time it entered Flamingo at
19 the Westin and we backtracked that video and realized it
02:45 20 came from the Caesars Palace Hotel Casino.

21 Q. Did you go to Caesars Palace and pull video
22 of Caesars Palace?

23 A. I did.

24 Q. I'm showing you Grand Jury Exhibits 8, 9,
02:46 25 10, 11, 12, 13, 14, 15 and 16. Are these still shots of

02:46 1 the video from Caesars Palace?

2 A. They are.

3 Q. And they're true, fair and accurate
4 depictions?

02:46 5 A. They are.

6 Q. So I'm going to go through these with you
7 on the screen over here. I'm actually going to start
8 slightly out of order with Grand Jury Exhibit Number 11.
9 Tell us what we're looking at.

02:46 10 A. This is Eduardo Osorio on the bottom left
11 and who we'll later learn who he was with his friend
12 Lucas and the date and time stamp on that is from the
13 previous evening. This is at 10 -- I can't see that
14 far -- 10:51 p.m. Again the collision occurs at

02:47 15 2:21 a.m. so this is technically the same evening just
16 before midnight at the Caesars Palace.

17 Q. Now I'm going to go to Grand Jury Exhibit
18 Number 8. What are we looking at?

19 A. This is 10:05 and we're looking at one of
02:47 20 the bars inside the Caesars Palace. The front desk
21 lobby camera captured him sitting at the bar having
22 drinks.

23 Q. Mr. Osorio based upon the jacket and the
24 other evidence you have in the case?

02:47 25 A. Correct. And we pulled entire video. We

02:47 1 can track when he got there and him walking through the
2 casino with his friend and him sitting at the bar, going
3 to the restroom, coming back, seated again.

4 Q. Grand Jury Exhibit Number 9.

02:47 5 A. So he starts to take off the jacket. This
6 is depicted, he's just getting it off his shoulders.

7 Q. Grand Jury Exhibit Number 10.

8 A. So he's put the jacket on the back of his
9 chair and his arms are now exposed and there appears to
02:48 10 be a watch on his left wrist.

11 Q. There appears to be a watch on his left
12 wrist?

13 A. Correct.

14 Q. During the collection of all the evidence
02:48 15 at the crime scene as well as at the hospital, did you
16 find a watch associated with Mr. Osorio?

17 A. No, I did not.

18 Q. I'm going to move forward to Grand Jury
19 Exhibit Number 12. What are we looking at?

02:48 20 A. This is a couple hours later. This is
21 2:01 a.m. and 46 seconds and there towards the right in
22 the middle is again Eduardo wearing the same jacket and
23 he, this is their first interaction. He appears to be,
24 going through the video and watching it, he hasn't been
02:48 25 with him all night and all of a sudden she walks up and

02:48 1 they start talking.

2 Q. So he begins to have a conversation with at
3 this point an unidentified black female adult?

4 A. Correct. They engage each other. I don't
02:49 5 know who initiated the conversation.

6 Q. And then we go to Exhibit Number 13. What
7 are we looking at?

8 A. They talk briefly and then we track the
9 video and I took, had them take a couple stills of just
02:49 10 them just walking through and they're walking hand in
11 hand holding each other's arms, a couple grooming type
12 gestures, and it eventually shows that they walk to the
13 elevator to the parking garage. And this is the last --

14 Q. Grand Jury Exhibit Number 14.

02:49 15 A. Sorry.

16 Q. Is what?

17 A. And this is the last corner they make right
18 before they get on the elevators and then we get more
19 video of them actually in the elevator.

02:49 20 Q. And Grand Jury Exhibit Number 15.

21 A. Correct. And this is what I was just
22 speaking of. So they've rounded that corner and come in
23 here. It's now 2:06 a.m.

24 Q. Grand Jury Exhibit Number 16.

02:50 25 A. Same thing, few seconds later and she's

02:50 1 playing with his hair, rubbing his arm, stuff like that.

2 Q. Now at this point in time, during the
3 course of this investigation once you see this African
4 American female, do you want to try and locate her?

02:50 5 A. Oh, absolutely.

6 Q. And can you follow her on the video all the
7 way to the suspect vehicle being that black Mercedes?

8 A. I'm trying to understand your question.
9 Does video show her actually go down and get into the
02:50 10 Mercedes?

11 Q. Yes.

12 A. It does not. I know they go into the
13 parking garage and then through the parking garage we
14 pick up that vehicle that she was in and there's a video
02:50 15 showing it exit the parking garage.

16 Q. Do you do something when you see that video
17 to try and identify who this African American female is?

18 A. I do. They have another rear shot from the
19 parking garage surveillance that showed the license
02:51 20 plate wasn't a state issued license plate, it was a
21 paper plate from dealership that read OC Cars and Credit
22 US.

23 Q. So did you travel to, well, did you learn
24 where OC Cars and Credit existed?

02:51 25 A. I did.

02:51 1 Q. Where is it?

2 A. California.

3 Q. Did you travel to California to try to
4 determine who the owner of that vehicle was?

02:51 5 A. I did.

6 Q. Once you spoke to the owner or to the
7 business, did you have the name of a person that you
8 wanted to go look and talk to?

9 A. I did. Ronneka Ann Guidry.

02:51 10 Q. Eventually do detectives, other detectives
11 locate Miss Guidry?

12 A. They do, at her home address.

13 Q. And when she is contacted, is she driving a
14 particular vehicle?

02:51 15 A. She is.

16 Q. And what kind of vehicle is that?

17 A. Black Mercedes with paper plate of OC Cars
18 and Credit US.

19 Q. I'm showing you Grand Jury Exhibit

02:52 20 Number 2. Do you recognize that individual?

21 A. I do.

22 Q. Who is that?

23 A. Ronneka Ann Guidry.

24 Q. Now once Miss Guidry is located, is she

02:52 25 brought to the headquarters for an interview?

02:52 1 A. She was.

2 Q. And did you actually go and speak to
3 Miss Guidry?

4 A. I did. I went into the interview room, I
02:52 5 read her her Miranda rights and asked if she was willing
6 to speak with me.

7 Q. And did she?

8 A. She did.

9 Q. And did she provide you a version of events
02:52 10 of the night of January 3rd?

11 A. She did.

12 Q. What did she tell you?

13 A. At the start or eventually?

14 Q. Well, you can go to start.

02:52 15 A. At the start, I was in California, I don't
16 know what you're talking about, why we're here.

17 Q. Eventually does she acknowledge that she
18 met Mr. Osorio in Caesars and that she was the driver of
19 the vehicle at the time of the incident?

02:53 20 A. She does.

21 Q. Can you tell us sort of what her final
22 version of the story is?

23 A. I met him, he said he needed a ride, as I
24 was giving him a ride I wanted him to get out of my car
02:53 25 so I stopped to let him out and he came just attacking

02:53 1 my car for no reason so I left.

2 Q. Does she say anything about why it is she
3 wanted him out of the vehicle?

4 A. She said he was being all aggressive, all
02:53 5 up on me, and she was gesturing of grabbing at her neck
6 or something.

7 Q. So her story is hey, I met this guy, I was
8 going to give him a ride, he started misbehaving in the
9 car, I kicked him out of the car and then I don't know
02:53 10 why but he just came and attacked my vehicle?

11 A. Correct.

12 Q. Did you ask her about Mr. Osorio's watch?

13 A. I did.

14 Q. Describe that conversation.

02:54 15 A. I didn't touch that watch, I never had that
16 watch, I don't know anything about it.

17 Q. Did she say anything about whether or not
18 that watch could possibly be in her vehicle?

19 A. She was adamant that it was not in her

02:54 20 vehicle.

21 Q. During the course of conversations with
22 Miss Guidry did you tell her what you thought had
23 happened?

24 A. I did.

02:54 25 Q. And what did you tell her?

02:54 1 A. I told her that I believed she had taken
2 his watch, that that is why he had engaged her vehicle
3 and that that is why she left, to retain custody of the
4 watch.

02:54 5 Q. Did she deny that's true?

6 A. She did.

7 Q. Did you also ask her about the nature of
8 her relationship to Mr. Osorio?

9 A. I did.

02:54 10 Q. She said she was just somebody who was
11 giving somebody she just met a ride?

12 A. She said she just went out for a drink, she
13 had just met him, he needed a ride so she wanted to help
14 him out and she was just giving him a ride.

02:55 15 Q. Do you suggest to her that maybe she's a
16 prostitute and this is some sort of what we call a trick
17 roll or an incident where a prostitute takes advantage
18 of a John?

19 A. I had to because she suggested it first.

02:55 20 Q. What do you mean?

21 A. Before I ever even mentioned that there was
22 a stolen watch or that she had taken anything she had
23 said I didn't steal anything of his. She started
24 introducing the theft aspect before I'd ever even

02:55 25 questioned her about that part. Originally I was just

02:55 1 asking her about the vehicle and if she was driving it
2 and she brings up theft.

3 Q. But when you asked her about being a
4 prostitute, what was her response?

02:55 5 A. That she's not.

6 Q. Now in addition to talking to Miss Guidry,
7 did you execute a search warrant on the suspect vehicle?

8 A. I did.

9 Q. And at the time you execute the search
02:56 10 warrant on the suspect vehicle, what's the condition of
11 the windshield?

12 A. It's normal.

13 Q. Did you talk to Miss Guidry about that?

14 A. I did.

02:56 15 Q. What did she tell you?

16 A. She said she had it replaced.

17 Q. During the course of executing the search
18 warrant on her vehicle, did you locate Miss Guidry's
19 cell phone?

02:56 20 A. I did.

21 Q. And when you located Miss Guidry's cell
22 phone, did you impound it?

23 A. I did.

24 Q. Did you get a subsequent warrant to

02:56 25 download the contents of the cell phone?

02:56 1 A. Absolutely.

2 Q. And once that warrant was executed, were
3 you provided the results of the contents of the cell
4 phone?

02:56 5 A. I was.

6 Q. Now I want to back up. You had mentioned
7 that you believed that Mr. Osorio had a watch at Caesars
8 that wasn't on him when he was located in the roadway at
9 the Flamingo, or on Flamingo. Did you recover any
02:56 10 documentation to establish exactly, you know, what that
11 watch, the type of watch, the serial number of the
12 watch, those type of things?

13 A. I did.

14 Q. And I'm showing you now Grand Jury Exhibit
02:57 15 Number 17 and 18. What are we looking at?

16 A. Those were pictures that were provided to
17 me of the documentation for the missing watch.

18 Q. And I'm going to put up first 17.
19 Seventeen is a photograph of what appears to be the back
02:57 20 of a Rolex card saying Eduardo Osorio with a date of the
21 31st of July 2014 from San Paulo, Brazil. Did you learn
22 where Mr. Osorio was originally from?

23 A. He was from Brazil.

24 Q. What was he doing here in the United
02:57 25 States?

02:57 1 A. He was a UCLA student that was going to
2 school for finance I believe and he had come over here
3 to vacation with his friend Lucas and was then leaving
4 later that day to go meet his father in Colorado.

02:58 5 Q. Now I'm going to put up Grand Jury Exhibit
6 Number 18. On the flip side of this Rolex card do we
7 have the model number as well as the serial number and
8 the description of the model of this particular watch?

9 A. We do.

02:58 10 Q. And did you do research into that?

11 A. I did.

12 Q. Showing you Grand Jury Exhibit Number 19.
13 What are we looking at?

14 A. This is a picture of a similar manufacture
02:58 15 and model watch with a listed price and recommended
16 retail price.

17 Q. So the watch you were looking for is a
18 Rolex Submariner 11 66 10 watch and it's value is
19 clearly more than \$3000.

02:58 20 A. Correct.

21 Q. Now when you downloaded Miss Guidry's
22 phone, let's start first with Grand Jury Exhibit
23 Number 21. Do you know what that is?

24 A. I do.

02:59 25 Q. What is it?

02:59 1 A. It's a picture that was retrieved from her
2 cell phone.

3 Q. And did Miss Guidry, well, Miss Guidry had
4 explained to you that her windshield had been replaced
02:59 5 after the incident?

6 A. She did.

7 Q. And this appears to be a photograph of her
8 windshield after the incident but before it's replaced?

9 A. Correct.

02:59 10 Q. And then Grand Jury Exhibit Number 22. Was
11 that photograph located on Miss Guidry's phone?

12 A. It was.

13 Q. And is that a Rolex Submariner 11 66 10 LN
14 watch?

02:59 15 A. It is.

16 Q. Grand Jury Exhibit Number 23. It appears
17 she took a picture of the backside of that watch as
18 well?

19 A. Correct.

03:00 20 Q. And when this was downloaded, this is Grand
21 Jury Exhibit Number 20. I guess I should have you
22 authenticate it first. What's Grand Jury Exhibit
23 Number 20?

24 A. This is part of the computer forensic lab
03:00 25 report from the execution of that warrant for all the

03:00 1 data we retrieved from her phone.

2 Q. When we pull up Grand Jury Exhibit
3 Number 20, I'm just going to go page by page. So why
4 don't you tell us what it is we're looking at on the
03:00 5 first page of Exhibit Number 20 which is page 18 of 44
6 of the download.

7 A. Sure. So the most crucial thing on this I
8 think is the date and time stamp. It's from
9 January 3rd, 2018 at 2:47 a.m. which is almost exactly
03:00 10 27 minutes after Eduardo hit the ground in the road.
11 There's metadata showing where the picture was actually
12 taken and that metadata shows that it's within proximity
13 of the address where she was located and then it's a
14 series of photographs of that watch from different
03:01 15 angles within her house.

16 Q. So 27 minutes after the incident with
17 Mr. Osorio, she's taking pictures of a Submariner watch?

18 A. She is.

19 Q. Let's go to page number 2. What are we
03:01 20 looking at?

21 A. And I said taking pictures. The pictures
22 were actually sent to another number and they're sent to
23 that number and in response to that an address comes
24 back.

03:01 25 Q. Did you do research on that address?

03:01 1 A. I did.

2 Q. And can you tell us what that address is

3 to?

4 A. It's to King's Jeweler in Miami-Dade,

03:01 5 Florida area.

6 Q. After that on bottom of page 2, can you

7 tell me what the photograph being sent there?

8 A. Sure. So that date and time stamp is the

9 same day but now 12:23 p.m. so it's ten hours later in

03:02 10 the middle of the afternoon on that day and it's a

11 picture of a Fed Ex receipt.

12 Q. And where was the Fed Ex -- did you do

13 research into where that Fed Ex was sent?

14 A. I did.

03:02 15 Q. Where was it sent to?

16 A. To that address, the 1199 West Flagler

17 which was the King's Jewelry in Florida.

18 Q. And did you in fact request Miami-Dade to

19 go to King's Jewelry to see if Mr. Osorio's watch with

03:02 20 that serial number was located at King's Jewelry?

21 A. I did.

22 Q. And at this point has that watch been

23 recovered?

24 A. It was.

03:02 25 Q. In addition to the proof that she sent it,

03:03 1 was there proof that the King's Jewelry sent her money
2 in return?

3 A. There was.

4 Q. And how much money did she receive for
03:03 5 sending Mr. Osorio's watch to the jewelry store?

6 A. There's a series of texts that correspond
7 with a negotiated price of \$4500.

8 Q. So she received \$4500 from the sale of
9 Mr. Osorio's watch?

03:03 10 A. Correct.

11 Q. I'm not going to have you go through each
12 and every one of those. But this is essentially the
13 entire string of conversations between her and the
14 jewelry store as it relates to the watch?

03:03 15 A. Correct.

16 Q. Finally in her phone I'm showing you Grand
17 Jury Exhibit Number 24. Did you find that picture or
18 meme within her phone?

19 A. I did.

03:04 20 Q. I know it's going to be somewhat
21 self-explanatory, but for the record can you tell us
22 what we're looking at?

23 A. That is a meme of a girl looking
24 conspicuous I guess and it says when the trick is

03:04 25 looking for his watch and it's in your purse.

03:04 1 Q. Detective, as opposed to a
2 stranger-on-stranger pedestrian collision, does this
3 appear to be, for lack of a better term, when
4 Miss Guidry stealing her trick's watch and when he
03:04 5 attempted to recover it her vehicle causing his death?

6 A. That's what I believe occurred.

7 Q. Thank you very much.

8 A. Thank you.

9 MR. DIGIACOMO: That completes my questions
03:04 10 for this witness. Does the Grand Jury have any
11 questions?

12 THE WITNESS: Yes.

13 BY A JUROR:

14 Q. When she said she wasn't a prostitute, did
03:04 15 she say what she did do for a living?

16 A. She is unemployed and says her, the father
17 of her children takes care of her.

18 THE FOREPERSON: By law, these proceedings
19 are secret and you are prohibited from disclosing to
03:05 20 anyone anything that has transpired before us, including
21 evidence and statements presented to the Grand Jury, any
22 event occurring or statement made in the presence of the
23 Grand Jury, and information obtained by the Grand Jury.

24 Failure to comply with this admonition is a
03:05 25 gross misdemeanor punishable up to 364 days in the Clark

03:05 1 County Detention Center and a \$2,000 fine. In addition,
2 you may be held in contempt of court punishable by an
3 additional \$500 fine and 25 days in the Clark County
4 Detention Center.

03:05 5 Do you understand this admonition?

6 THE WITNESS: I do.

7 THE FOREPERSON: Thank you. You're
8 excused.

9 THE WITNESS: Thank you.

03:05 10 MR. DIGIACOMO: Ladies and gentlemen, that
11 completes the presentation of the evidence in this
12 matter. If there are no questions I'd ask you to
13 deliberate.

14 A JUROR: Can I ask you a question about
03:06 15 the law?

16 MR. DIGIACOMO: Sure.

17 A JUROR: So you said at the beginning when
18 you read that thing about the, you know, is it murder
19 associated with robbery. So the robbery took place
03:06 20 first, therefore the killing, her killing him could be
21 considered first degree murder?

22 MR. DIGIACOMO: Yes. The taking occurred
23 first. The robbery is a ongoing crime that continues
24 until someone gets away with the property. So even if
03:06 25 they take the property without the person's knowledge,

03:06 1 if they use force to maintain the property, that force
2 is considered a robbery. If the death results as a
3 result of the use of that force then it's first degree
4 murder or open murder as we have charged here.

03:06 5 A JUROR: Thanks.

6 MR. DIGIACOMO: Thank you.

7 (At this time, all persons, other than
8 members of the Grand Jury, exit the room at 3:06 p.m.
9 and return at 3:09 p.m.)

03:09 10 THE FOREPERSON: Mr. District Attorney, by
11 a vote of 12 or more grand jurors a true bill has been
12 returned against defendant Ronneka Guidry charging the
13 crimes of murder with use of a deadly weapon, robbery
14 with use of a deadly weapon, grand larceny, duty to stop
03:09 15 at scene of crash involving death or personal injury, in
16 Grand Jury case number 17CGJ008X. We instruct you to
17 prepare an Indictment in conformance with the proposed
18 Indictment previously submitted to us.

19 MR. DIGIACOMO: Thank you. I will.

03:09 20 (Proceedings concluded.)

21 --oo0oo--

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23

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25

03:09

1

REPORTER'S CERTIFICATE

2

3

STATE OF NEVADA)

: ss

4

COUNTY OF CLARK)

03:09

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6

I, Danette L. Antonacci, C.C.R. 222, do

7

hereby certify that I took down in Shorthand (Stenotype)

8

all of the proceedings had in the before-entitled matter

9

at the time and place indicated and thereafter said

03:09

10

shorthand notes were transcribed at and under my

11

direction and supervision and that the foregoing

12

transcript constitutes a full, true, and accurate record

13

of the proceedings had.

14

Dated at Las Vegas, Nevada,

03:09

15

March 9, 2018.

16

17

/s/ Danette L. Antonacci

18

19

Danette L. Antonacci, C.C.R. 222

03:09

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03:09

1

AFFIRMATION

2

Pursuant to NRS 239B.030

3

4

The undersigned does hereby affirm that the
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER
17CGJ008X:

03:09

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8

X Does not contain the social security number of any
person,

9

03:09

10

-OR-

11

 Contains the social security number of a person as
required by:

12

13

A. A specific state or federal law, to-
wit: NRS 656.250.

14

-OR-

03:09

15

16

B. For the administration of a public program
or for an application for a federal or
state grant.

17

18

/s/ Danette L. Antonacci

19

Signature

3-9-18

Date

03:09

20

21

Danette L. Antonacci

Print Name

22

23

Official Court Reporter

Title

24

25

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A JUROR: [5] 29/8 30/8 49/13 49/16 50/4	10 [6] 10/19 32/25 33/13 34/7 43/18 44/13	22 [1] 44/10
BY A JUROR: [2] 18/11 48/12	10:05 [1] 33/19	222 [3] 1/25 51/6 51/18
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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8 THE STATE OF NEVADA,) CASE NO. C-329810-1
9 Plaintiff,) DEPT. III
10 vs.)
11 RONNEKA ANN GUIDRY,)
12 Defendant.)

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

15 TUESDAY, MARCH 20, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 **INDICTMENT WARRANT RETURN**
18

19 APPEARANCES:

20 For the State: MARC P. DIGIACOMO, ESQ.,
21 Chief Deputy District Attorney

22 For the Defendant: MICHAEL R. PANDULLO, ESQ.,
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25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

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TUESDAY, MARCH 20, 2018 AT 9:25 A.M.

MR. DIGIACOMO: Judge, I have one more on Page 21 but your lawyer says --

THE COURT: Mr. Momot withdrew and it's actually Mr. Pandullo, and I'm not sure that Mr. Pandullo would have known about this date. Let's see here. Page 21, 329810, Ronneka Guidry.

THE DEFENDANT: He does know.

MR. DIGIACOMO: He does know. Okay.

THE COURT: All right. Then we'll pass it for a second. I'll be back for it. Thank you.

THE COURT: Thank you.

[Proceedings trailed at 9:26 a.m.]

[Proceedings resumed at 9:57 a.m.]

MR. DIGIACOMO: Page 21.

THE COURT: Page 32. Hold on one second. Let me finish this; okay?

Okay. Guidry is on page 21. 329810. This is on for an Indictment Warrant Return. Mr. Pandullo, you confirmed as counsel?

MR. PANDULLO: Yes.

THE COURT: All right. Thank you. And have you all received a copy of the Indictment?

MR. PANDULLO: Yes.

THE COURT: Okay. You had a chance to discuss it with your client?

1 MR. PANDULLO: Yes.

2 THE COURT: Ms. Guidry, is Ronneka Guidry your true
3 name?

4 THE DEFENDANT: Yes.

5 THE COURT: And how old are you?

6 THE DEFENDANT: I'm 30.

7 THE COURT: Do you read, write, and understand the
8 English?

9 THE DEFENDANT: Yes.

10 THE COURT: You've received a copy of the Indictment?

11 THE DEFENDANT: Yes.

12 THE COURT: With your attorney? Okay. The Indictment
13 charges you with one count murder with use of a deadly weapon, one
14 count robbery with use of a deadly weapon, one count grand larceny,
15 one count duty to stop at scene of crash involving death or personal
16 injury. Those are all felonies. How do you plead to those four charges?

17 THE DEFENDANT: Not guilty.

18 THE COURT: Are you all going to be invoking or waiving your
19 right to speedy trial?

20 MR. PANDULLO: We're invoking.

21 THE COURT: Okay. Is that correct, Ms. Guidry?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. Case going in front of the review
24 committee?

25 MR. DIGIACOMO: Judge, the only thing I have to do is check

1 to see if she was on parole or probation. I believe the other aggravator
2 will be excluded *by McConnell*. So, the answer is not likely unless I find
3 out something more.

4 THE COURT: Okay. Any transcripts available yet?

5 MR. DIGIACOMO: I believe the transcripts are available
6 because this has been in warrant for some time.

7 THE COURT: Okay. Twenty-one days from today, the
8 arraignment date, for any writs. You're going to be assigned to this
9 department, actually. So, we'll go ahead and set a trial date at this time
10 is going to be 60 day trial setting.

11 THE COURT CLERK: That's for calendar call on May 3rd at 9
12 a.m.; jury trial, May 7 at 10 a.m.

13 THE COURT: And then, Marc, if it does go to the committee
14 and there is a decision that involves, you know, and you need to do
15 anything differently, just let us know and we'll put it back on calendar.

16 MR. DIGIACOMO: I will.

17 THE COURT: All right. We're going to also set a status check
18 in 30 days as we're preparing for our trial which is going to be?

19 THE COURT CLERK: April 17, 9 a.m.

20 THE COURT: All right, guys. Thank you.

21 MR. PANDULLO: And, Your Honor, you know there's no bail
22 set.

23 THE COURT: I'll tell you what. If you want to file a motion
24 we'll take it up, but I don't really know anything about it right now. So, if
25 you want to no bail hold, I mean, obviously with a murder charge that's

1 not, you know, terribly uncommon. But without having read anything, I
2 wouldn't feel comfortable trying to set a bail just on the fly today.

3 MR. PANDULLO: Okay.

4 THE COURT: So, if you filed a motion we'll get it on. I can't
5 do it next week. It will probably get on the following week. Okay. All
6 right.

7 MR. PANDULLO: Thank you.

8 THE COURT: Uh-huh.

9 MR. DIGIACOMO: Thank you, Judge.

10
11 [Proceedings concluded at 10:01 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
25 PATRICIA SLATTERY
Court Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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8 THE STATE OF NEVADA,) CASE NO. C-18-329810-1
9 Plaintiff,) DEPT. III
10 vs.)
11 RONNEKA ANN GUIDRY,)
12 Defendant.)

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

15 THURSDAY, APRIL 05, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 ***DEFENDANT'S MOTION TO SET REASONABLE BAIL***
18

19 APPEARANCES:

20 For the State: MARC P. DIGIACOMO, ESQ.,
21 Chief Deputy District Attorney

22 For the Defendant: MICHAEL R. PANDULLO, ESQ.,
23 Not Present
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25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

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THURSDAY, APRIL 05, 2018 AT 10:41 A.M.

THE COURT: 329810 is on page 15. Has he checked in yet?

THE COURT CLERK: No.

THE COURT: All right. This is on for a bail motion. I'm going to pass that over to -- we'll do it on the 17th because it's already on for a status check on that date.

MR. DIGIACOMO: Judge, was that Ms. Guidry going to the 17th?

THE COURT: Yeah, yeah.

MR. DIGIACOMO: Thank you.

[Proceedings concluded at 10:41 a.m.]

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


PATRICIA SLATTERY
Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-18-329810-1
Plaintiff,	)	DEPT. III
vs.)	
RONNEKA ANN GUIDRY,)	
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

TUESDAY, APRIL 17, 2018

RECORDER'S TRANSCRIPT OF PROCEEDINGS:
DEFENDANT'S MOTION TO SET REASONABLE BAIL;
STATUS CHECK: TRIAL READINESS

APPEARANCES:

For the State: MARC P. DIGIACOMO, ESQ.,
Chief Deputy District Attorney

For the Defendant: MICHAEL R. PANDULLO, ESQ.,

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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TUESDAY, APRIL 17, 2018 AT 10:31 A.M.

THE COURT: Ms. Guidry's matter is on page 2, 329810. She's present in custody. This is on for a status check on her upcoming trial. It's also on the bail motion.

So, what's going on with our trial first?

MR. DIGIACOMO: I've dropped a notice of expert yesterday afternoon. It's three weeks out so as far as I know.

MR. PANDULLO: Well, you know --

THE COURT: Let me ask you this. Is there any chance that Lachaux resolves?

MR. PANDULLO: Absolutely none.

THE COURT: Okay. I didn't think there would. That said, just so you know, Marc, or you probably do know, I think that's Dina's case, right, that's set for April 30th.

MR. PANDULLO: Yeah, that's zero percent.

THE COURT: We have the questionnaires. I want to have them filled out. I would expect a couple of weeks to try?

MR. PANDULLO: It's the third.

THE COURT: Okay. So --

MR. PANDULLO: That's with stipulations too.

THE COURT: Pardon?

MR. PANDULLO: That's with the stipulations we intend too.

THE COURT: Understood. So, that may obviously affect our trial date if that case isn't going to resolve in any fashion. Is it not

1 resolving because Dina won't make a decent offer or just because your
2 client's not interested in resolving the case at all?

3 MR. PANDULLO: Well, yeah, I mean, the offer is -- I mean it's
4 quite a high offer.

5 THE COURT: I know.

6 MR. PANDULLO: And so it's -- when you're talking about
7 what's a reasonable offer in a case like that --

8 THE COURT: That case exists on an island --

9 MR. PANDULLO: Tight.

10 THE COURT: -- in terms of being anything else being like it
11 so --

12 MR. PANDULLO: Right.

13 THE COURT: All right. But otherwise are we okay in this
14 case on discovery, no issues with anything? If you didn't have Lachaux
15 would this case be ready for trial?

16 MR. PANDULLO: I mean, it could be in -- in theory it could be.

17 THE COURT: What does that mean?

18 MR. PANDULLO: Well, we could -- I mean, I could possibly
19 prepare for it, but in preparing for Lachaux would be --

20 THE COURT: No, no, no, I get that. I just mean there aren't
21 any outstanding discovery issues.

22 MR. DIGIACOMO: There's one but it's really -- it's not really
23 his fault or my fault. The watch is currently in Miami Dade evidence
24 locker.

25 THE COURT: Right.

1 MR. DIGIACOMO: And there's some discussion I've been
2 having with the lawyer for their police department about exactly what
3 they need to get it out of there. And I may just need to put my detective
4 on a plane there to get.

5 So, we may not have the physical watch in our possession
6 until early May. But I've been guaranteed that one way or the other it
7 will be here.

8 THE COURT: Okay.

9 MR. DIGIACOMO: And obviously that's an important piece of
10 evidence considering the nature of the charges.

11 THE COURT: Understood. Other than that though there
12 aren't any outstanding forensic testing or anything like that that we're
13 trying to finish up or is there?

14 MR. DIGIACOMO: There were DNA swabs taken. I made a
15 request yesterday to ask the lab. The computer forensics work has
16 been completed. I would go if I had to in May without the DNA and if
17 they don't have it done they don't have it done and I could go without it.

18 THE COURT: Okay.

19 MR. DIGIACOMO: But ultimately it's the watch. If I have the
20 watch I'm willing to proceed.

21 THE COURT: Well, from your prospective you're ready for
22 trial May 7 understanding that Mike may not be because he's going to be
23 in another trial?

24 MR. DIGIACOMO: Right. If he needs to move it I understand.
25 She's invoked on a homicide case and if he needs to move it, I'm not

1 going to oppose that.

2 THE COURT: All right. So, do you want to move it today or
3 do you just want to wait and see what -- until we get up to our calendar
4 call and see what's going on with Lachaux and then figure it out?

5 MR. PANDULLO: Yeah, I prefer that way.

6 THE COURT: Okay. All right. So, we'll leave that issue.
7 We'll leave it on calendar for the calendar call for May 3rd right now.

8 Motion for bail, Mike.

9 MR. PANDULLO: Just, additionally, I would state that she
10 does have a complication, a medical complication, due to a broken
11 ankle, and just where she's staying in the jail. She's in a bunk situation
12 and is having increased problems with her -- with her ankle and she
13 showed it to me, it's already quite swollen. So, that's just another
14 consideration.

15 You know, one thing I would also say is that, you know, we did
16 receive surveillance and, you know, I was actually talking to the State
17 about this. You know, in the police report it does -- it does state that the
18 incident is captured on surveillance video but, you know, it's, you know,
19 in talking to the State I believe it might be just difficult to see, but I think
20 that what it does show from the defense prospective is the alleged victim
21 in the case pursuing on foot and, you know, we would say attacking Ms.
22 Guidry in her vehicle or attempting to violently pull out of her vehicle.
23 And so, you know, that is certainly a consideration.

24 I would say too that, you know, what it does not show is in the
25 probable cause documents and stated in the police report specifically

1 that, you know, that she runs over this individual but that, you know, he
2 essentially attacks her. And, you know -- and I believe that would come
3 out at trial is that, you know, this was a person who pursued her very
4 aggressively. And at that point, you know -- and I understand what the
5 State is going to say is the reason for that but that, you know, that this is
6 about a watch. They're saying that she broke the watch not that he gave
7 her the watch but that she took it and that she was pursuing to recover
8 his watch. But there are limits about what a person can do to recover
9 property and, you know --

10 THE COURT: Yeah, you can ask O.J.

11 MR. PANDULLO: Right.

12 THE COURT: Can't really rob anybody to get your own
13 property back. That's a no no.

14 MR. PANDULLO: Right. And so from the defense
15 prospective, this individual is, you know, potentially trying to punch out
16 the windshield glass of a car, the windshield of a car, the side glass.
17 And, you know, I mean, a person that feels like they're going to --
18 outside of a Hollywood movie, if you feel like you're going to punch out
19 the glass of somebody's car, I mean -- and to say nothing of what he
20 was saying at the time, shows a sort of, you know, violent aggressive
21 intent that I think -- and legally speaking, might have an affect over, you
22 know, what the State intends to as their theory which, of course, would
23 be, you know, I believe the odds on favor theory would be robbery by
24 way of taking property and force with a deadly weapon being the car to
25 retain that property.

1 However, if alleged victim, the decedent in this case, first of
2 all, the fact that, you know, they have to establish that she would have
3 taken it that as well, but also that, you know, if he is, you know, violently
4 pursuing her in a way that, you know, would threaten substantial bodily
5 harm maybe that is a different situation. So, of course, that goes to
6 likelihood of conviction.

7 THE COURT: Mr. DiGiacomo.

8 MR. DIGIACOMO: Thank you, Judge. You know, the facts
9 are the facts. We can have a dispute as to whether or not if O.J. tried to
10 retake his property right away, whether or not he could have done so by
11 use of force or not. But ultimately at the end of the day, she took the
12 watch, she drove off. She pawned the watch.

13 Most disconcerting is she was in town when she believed she
14 wasn't going to be charged with a crime. She was asking about getting
15 her car back and the moment that a warrant got issued for her arrest,
16 she fled the jurisdiction. She dropped her kids off in Oregon; she hid out
17 in Atlanta. I have never in my career had a -- the CAT team have such a
18 problem when they knew the location of a person to get that person into
19 custody. They missed her by five minutes in Atlanta when they hit a car
20 and she goes out the back door of the residence and was able to get
21 away before they capture her there.

22 They then finally find out that she left her sister's place in
23 Florida, was heading to New Orleans. They pull the bus over. She
24 gives them a false name, and guess what? She's got another stolen
25 gold Rolex in her possession at that point in time, and they're able to

1 identify her because they were up on her phone. And so what they do is
2 they call the phone and the phone starts ringing. Then they realize,
3 oops, she gave us a false name. She almost got away from them in
4 Mobile, Alabama.

5 The flight risk here is outrageous. The ability of her to appear,
6 her criminal history, she's like a one person crime wave when it comes
7 to prostitution and trick rolls. Between the violent trick rolls versus the
8 pickpocketing trick rolls versus the New York charges that are still
9 outstanding, is my understanding, there are a number of crimes in her
10 past that just suggest she ain't coming back, Judge. And so any bail you
11 set for her that she makes she's not coming back. And so I'd ask you to
12 hold it at no bail.

13 MR. PANDULLO: So, Your Honor, just to that point, you
14 know, we were in communication and the idea of being that she would
15 come back and walk into Court on my motion. Obviously, you know, she
16 was out of state when she was arrested. But we had been in
17 communication about how we were placed on calendar and she would
18 walk in and in order to show that she would intend to show up because,
19 you know, it's not like, you know, it's not like she was thinking that she
20 could -- you know, she knew this was a serious case; has enough
21 experience in the criminal justice system to know tht this was a serious
22 case, it wasn't going away, and she was going to have to address it.
23 She did want to come to Court on her -- I mean, it's sort of a paradox.

24 So, you know, if -- when a person contacts me and they have
25 an arrest warrant, you can go, you know, I guess, turn yourself in but,

1 you know, if you're out of state, I mean, then you have to be extradited
2 and that sort of thing.

3 THE COURT: Right.

4 MR. PANDULLO: But it always -- it's always better if they can
5 get here and I can place the motion on calendar and they can walk in.
6 But if they happen to get caught in between then, then you have, you
7 know, you have me saying, you know, I really do think she was going to
8 show up because otherwise, you know, she would have been talking to
9 somebody else because that was what we talked about when I first
10 talked to her how, you know, I'm going to have to file a motion and we're
11 going to walk in together.

12 And so, you know, I think that if that wasn't her intent that she
13 would have -- she would have talked to somebody else who, you know,
14 I guess she would have consulted about, you know, I suppose how best
15 to flee, I guess. I don't offer that. I offer filing a motion and walking into
16 Court and getting as reasonable a bail as possible so she could, you
17 know, be out and be with her kids. I mean, that's what I offered so that's
18 why she came to me.

19 THE COURT: Well, look, here's the thing. I think that --
20 wasn't it like March when she was first picked up on the case?

21 MR. DIGIACOMO: It was. She had Mr. Momot that entire
22 time --

23 THE COURT: Right.

24 MR. DIGIACOMO: -- and I can tell you she was talking to Mr.
25 Momot's office.

1 THE COURT: Well, I know.

2 MR. PANDULLO: Well and --

3 THE COURT: I just don't think this -- overall, there's a couple
4 of things; number one, she's charged with murder which obviously
5 there's a huge incentive on that because you're looking at life in prison
6 potentially without the possibility of parole; number two, Ms. Guidry, you
7 got kind of a history of criminal activity that is very similar to the activity
8 that's underlying the murder charge in this case.

9 THE DEFENDANT: Your Honor, Your Honor --

10 THE COURT: I agree. But my concern isn't that she's going
11 to go out and murder somebody else. In some of my murder cases
12 that's absolutely my concern. But we also have a history of criminal
13 activity including when you're on probation for other criminal activity.
14 And I would agree with the assessment that there is arguably a really,
15 really extensive plan of flight in this case to go from Nevada to Oregon,
16 to Oregon to Georgia, from Georgia to Florida, Florida trying to get to
17 Louisiana, ultimately get picked up in Mobile, Alabama such that, based
18 on what I have, I have zero confidence in you showing back up. And I
19 think it's a rarity, but I think it's appropriate to keep you on a no bail hold
20 in this case because of my -- because of my concern.

21 THE DEFENDANT: Okay. Can I talk?

22 MR. PANDULLO: Yeah, would you hear from her. She has --

23 THE COURT: What?

24 MR. PANDULLO: I'm sorry to interrupt.

25 THE COURT: I'm really tired of everybody trying to interrupt

1 me here while I'm making a ruling -- zero concern about you coming
2 back to Court should you be released on this case. What would you like
3 to say?

4 THE DEFENDANT: Your Honor, well, actually, when -- before
5 they even put the warrant out or anything, this was January 15th, I went
6 to my sister -- my sister in Miami. I went to my sister house. She went
7 to Oregon. She went to Oregon because my aunt turned yellow or
8 whatever so I was watching her kids. Soon as when -- soon as they told
9 me -- as soon as they told me that I had a warrant, I was coming in. So,
10 when -- it was costing too much to fly out from Atlanta, Georgia.

11 So, that's when I had -- when I was going to catch the bus in
12 New Orleans, come here. I was already talking to them. I was already
13 in contact with Momot's office and everything.

14 I never had a failure to appear anywhere. I was going -- I
15 have three kids. And not only that, but my kid's father came to Las
16 Vegas and came and got my kids. I didn't take them to Oregon under no
17 circumstances. And when my sister came back on -- I believe I was
18 February 8th, so I left February 9th to come back and turn myself in. I
19 never had a failure to appear. Of course I wanted to deal with these
20 charges.

21 THE COURT: You've got at least one failure to appear in
22 January of 2018. Now, granted, that was on --

23 THE DEFENDANT: Oh, for a traffic ticket.

24 THE COURT: Traffic matters, yes.

25 THE DEFENDANT: The traffic ticket. But, yeah, I never had

1 any – either I send an attorney or I come myself.

2 MR. PANDULLO: Judge, I'll tell you what. My wife had a
3 failure to appear in traffic and she forgot about it.

4 THE COURT: Your wife wasn't charged with robbing
5 someone --

6 MR. PANDULLO: I know.

7 THE COURT: -- and running them over with a car and
8 murdering him and then fleeing to --

9 THE DEFENDANT: Oh, and also -- I'm sorry.

10 THE COURT: -- to five states.

11 MR. PANDULLO: I understand.

12 THE COURT: My decision stands. I'm denying bail on the
13 case.

14 MR. DIGIACOMO: Thank you.

15 THE COURT: And trial date -- and trial date will stand.

16
17 [Proceedings concluded at 10:50 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
25 PATRICIA SLATTERY
Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-18-329810-1
Plaintiff,	)	DEPT. III
vs.)	
RONNEKA ANN GUIDRY,)	
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

THURSDAY, MAY 03, 2018

RECORDER'S TRANSCRIPT OF PROCEEDINGS:
CALENDAR CALL

APPEARANCES:

For the State: MARC P. DIGIACOMO, ESQ.,
Chief Deputy District Attorney

For the Defendant: MICHAEL R. PANDULLO, ESQ.,

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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THURSDAY, MAY 03, 2018 AT 10:41 A.M.

THE COURT CLERK: Case number C329810, State of Nevada versus Ronneka Guidry.

THE COURT: All right. Ms. Guidry is present in custody. This is on for calendar call.

THE DEFENDANT: Can I --

THE COURT: Hold on one second. Have you had any contact with Mr. Pandullo?

MR. DIGIACOMO: I've had absolutely no contact with Mr. Pandullo.

THE COURT: Have you had any contact with your attorney?

THE DEFENDANT: He won't answer. My dad done called him. They showed up to his office. He don't answer.

THE COURT: Okay. So, here's the thing. I'm prepared to remove him from your case because there's a lot of things that I know that are going on that you don't know about.

THE DEFENDANT: About my case.

THE COURT: But I don't -- I don't want to interfere with your relationship with your attorney unless you're telling me that you're not comfortable with him continuing as your attorney.

THE DEFENDANT: Well, when he show up next time because cause I'm not out, you know, I'm not out to just, like, you know, keep paying for this attorney.

THE COURT: Well, I know. And it's a different situation --

1 here's all I can tell you. He's been removed off all the cases he's
2 appointed on, but he's retained in your case, obviously.

3 THE DEFENDANT: Mm-hmm.

4 THE COURT: And I can't interfere with your desire to -- that
5 you wanted him to be your attorney so you hired him. But I feel an
6 obligation to tell you that because of some issues that were raised to the
7 Court and the Office of Indigent Counsel who does those appointments,
8 the Office of Indigent Counsel felt it appropriate to remove him off every
9 case that he's appointed on.

10 THE DEFENDANT: So, do we get money back?

11 THE COURT: That isn't something I get involved with. You
12 can obviously file request and complaints with the Bar about the fee
13 issue. If you cannot hire an attorney, I'm going to appoint attorneys for
14 you, obviously. But, I mean, obviously we can't go to a trial next week if
15 your attorney doesn't bother showing up for Court, which is one of the
16 problems, and apparently hasn't been communicating with you to even
17 be ready for trial.

18 So, I'm sure you're not going to oppose the trial date being
19 vacated because then I do it twice.

20 MR. DIGIACOMO: I'm not and we have an issue as it relates
21 to the watch still.

22 THE COURT: Okay.

23 MR. DIGIACOMO: I physically don't have it. So, I wasn't
24 going to announce ready today anyway.

25 THE COURT: All right. So, I'm kind of going to do whatever

1 you want me to do, Ronneka. I can get new attorneys for you, if you
2 want me to do that. If you want to kind of pass it?

3 THE DEFENDANT: Well, he's paid. There's no way I can get
4 my money back. So, I need him to do something.

5 THE COURT: Well, yeah, I know. All I can really do is make
6 sure you have an effective attorney which means, in my mind, getting
7 new attorneys for you.

8 THE DEFENDANT: Right.

9 THE COURT: If you're adamant about proceeding with him,
10 then, you know, at this time all I can do is vacate your trial date and
11 continue and hope that he shows up. But I don't want to keep doing that
12 forever with him not being in Court or available to try to the case.

13 So, how about I do this. How about I pass your case over for
14 a couple weeks and I have another attorney come see you and they can
15 talk to you about what all your options might be; okay? And I can
16 appoint attorneys to represent you and they can at least explain to you
17 everything that's going on, what might happen, and how you might seek
18 trying to get repaid for whatever monies you paid to him if he's being
19 removed from cases. But at least then I know that an attorney was
20 visiting with you that can kind of make sure they're taking care of your
21 rights.

22 THE DEFENDANT: So, he's been removed on every one but
23 mine?

24 THE COURT: Well, there's a difference when you retain an
25 attorney versus people that can't afford an attorney. We have to appoint

1 them.

2 THE DEFENDANT: Mm-hmm.

3 THE COURT: And those appointments, obviously, if there's a
4 concern about somebody's effectiveness as an attorney or other issues,
5 then we can obviously take them off those cases and appoint somebody
6 else. But you're different because you decide you wanted him as your
7 attorney and you paid money to hire him.

8 So, I'm kind of limited, and I don't really want to get too far
9 down that road with you. I just want you know he's been removed from
10 all the cases he was appointed on which, obviously, that's kind of a red
11 flag, right, that there is some kind of an issue. But I'm not telling you to
12 get rid of him. I'm just telling you that he was removed from those other
13 cases and I'm happy to have another attorney come visit with you and
14 then you decide what you want to do.

15 THE DEFENDANT: Like a Court appointed or --

16 THE COURT: A Court appointed attorney that only handles
17 homicide -- that primarily handles homicide cases.

18 THE DEFENDANT: And how long will that be?

19 THE COURT: Well, I would pass the case over to May 23rd to
20 give them time to get a little information from the State about your case
21 so they know what it is you're charged with, basic, you know, kind of
22 discovery issues so they can have an intelligent conversation with you
23 about your case and about whatever issues there are with Mr. Pandullo.

24 THE DEFENDANT: And with him he's not -- he's just not
25 going to show up no more?

1 THE COURT: Well, I just removed him from another homicide
2 case because he didn't talk to the gentleman and that was an appointed
3 case and didn't show up for the calendar call before trial. And so we had
4 to take him off that case as well. So, I don't know where he is. He just --
5 he's not here.

6 THE DEFENDANT: Is there any way you can, like, do it for a
7 couple of days and see if he can show up --

8 THE COURT: I can try for next Wednesday on the 9th. We
9 will try. But I'm still going to have another attorney come talk to you
10 about it --

11 THE DEFENDANT: Okay.

12 THE COURT: -- regardless.

13 THE DEFENDANT: That's fine.

14 THE COURT: Okay. All right. So, we'll continue it over for a
15 status check to May 9th.

16 THE DEFENDANT: And is there any way that you guys can
17 reach out to him?

18 THE COURT: So, Ronneka, I reach out to him --

19 THE DEFENDANT: Oh, there he comes, there he goes. Can
20 I talk to him?

21 THE COURT: Yeah. I've explained to your client that my --
22 that you have removed off all the appointed cases in large part because
23 you didn't show up. So, I was asking her what she wanted to do since
24 she was saying that she hasn't had any communication or contact; that
25 she wants to talk to you. So, go ahead.

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[Pause in proceedings]

Hey, let me do this. Mike, what was I was telling her is I was going to pass it next Wednesday because it seemed like the case wasn't in a posture to be able to go to trial right now.

MR. PANDULLO: That's right.

THE COURT: Okay. So, we'll go ahead and vacate the trial date and continue it over to next Wednesday and give you more time to chat.

THE DEFENDANT: Okay. All right.

THE COURT: Thank you. Okay.

MR. DIGIACOMO: Thank you, Judge. That's fine with me. I'll just check. What date is that?

THE COURT: May 9th, Wednesday, May 9th at 9:30.

MR. DIGIACOMO: Great. Thank you, Judge.

[Proceedings concluded at 10:47 a.m.]

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


PATRICIA SLATTERY
Court Transcriber



1 **RTRAN**

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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 RONNEKA ANN GUIDRY,)
12 Defendant.)

CASE NO. C-18-329810-1
DEPT. III

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

15 WEDNESDAY, MAY 09, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**

17 ***STATUS CHECK: TRIAL SETTING***

18
19 **APPEARANCES:**

20 For the State: MARC P. DIGIACOMO, ESQ.,
21 Chief Deputy District Attorney

22 For the Defendant: MICHAEL R. PANDULLO, ESQ.,

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25 **RECORDED BY: SARA RICHARDSON, COURT RECORDER**

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WEDNESDAY, MAY 09, 2018 AT 11:08 A.M.

THE COURT: Ms. Guidry is C329810. She's present

THE COURT: All right. Ms. Guidry is present in custody. We need to talk about resetting of our trial.

MR. DIGIACOMO: We actually had some preliminary discussions about negotiations.

THE COURT: Okay.

MR. DIGIACOMO: It was my delay because the family is in Brazil and I had to get an interpreter. So, I'm talking to them at three o'clock today.

THE COURT: Okay.

MR. DIGIACOMO: And assuming that all goes well, I think I'll have an offer extended to Mr. Pandullo that we've had some preliminary discussions about it and we may resolve the case. So, maybe a week we might be able to resolve this.

THE COURT: You want me to continue it over to the 17th next week same time?

MR. DIGIACOMO: Yes.

MR. PANDULLO: Yes, sir.

THE COURT: All right. We will continue it over to May 17th at 9 a.m. If it's resolved, great. If not, no worries. We can reset the trial at that time.

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MR. PANDULLO. Thank you.

THE COURT: All right.

Proceedings concluded at 11:3 a.m.]

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


PATRICIA SLATTERY
Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-18-329810-1
Plaintiff,	)	DEPT. III
vs.)	
RONNEKA ANN GUIDRY,)	
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

THURSDAY, MAY 17, 2018

RECORDER'S TRANSCRIPT OF PROCEEDINGS:

STATUS CHECK: TRIAL SETTING

APPEARANCES:

For the State: THOMAS J. MOSKAL, ESQ.,
Chief Deputy District Attorney

For the Defendant: MICHAEL R. PANDULLO, ESQ.,

RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 THURSDAY, MAY 17, 2018 AT 10:27 A.M.

2
3 THE COURT CLERK: Page 15, case C329810, State of
4 Nevada versus Ronneka Guidry.

5 THE COURT: All right. She's present in custody and Mr.
6 Pandullo is here on her behalf. This is on for a status check on our trial
7 setting. We continued this over. The parties were having some
8 discussion about potentially a resolution -- resolving it as well.

9 MR. PANDULLO: Yes, Your Honor. And I spoke with Mr.
10 Moskal who is here for Mr. DiGiacomo apparently. Mr. DiGiacomo has
11 had conversations with the family of decedent in the case and the father
12 of that individual is going to be flying into tomorrow, I think it is. And so
13 -- but we have made progress in that. And so I would just ask for
14 another week if we could and by then I believe we should have it.

15 THE COURT: Okay. We'll continue it over to Wednesday the
16 23rd at 9:30; okay.

17 MR. PANDULLO: Thank you, Your Honor.

18 THE COURT: Thank you.

19 Proceedings concluded at 10:33 a.m.]

20
21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
25 PATRICIA SLATTERY
Court Transcriber



1 **RTRAN**

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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 RONNEKA ANN GUIDRY,)
12 Defendant.)

CASE NO. C-18-329810-1
DEPT. III

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

15 WEDNESDAY, MAY 23, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**

17 ***STATUS CHECK: TRIAL SETTING***

18
19 **APPEARANCES:**

20 For the State: MARC P. DIGICOMO, ESQ.,
21 Chief Deputy District Attorney

22 For the Defendant: MICHAEL R. PANDULLO, ESQ.,

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25 **RECORDED BY: SARA RICHARDSON, COURT RECORDER**

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WEDNESDAY, MAY 23, 2018 AT 10:30 A.M.

THE COURT: Are you ready, Mike, or you need a minute?

MR. PANDULLO: No, I'm ready.

THE COURT: Okay. So, Ms. Guidry's matter is on page 27, C329810. What's going on with this one?

MR. DIGIACOMO: Judge, I had -- actually, you might know this already. I had a conversation with the mother --

THE COURT: Okay.

MR. DIGIACOMO: -- and then she asked me to have a conversation with the father as well as they have an English speaking attorney. The problem is they're in Brazil.

THE COURT: Okay.

MR. DIGIACOMO: So, I have a one o'clock today to speak to them.

THE COURT: Okay.

MR. DIGIACOMO: But I've told -- we've sort of discussed the nature of my discussions with them and the nature of what the offer would be.

THE COURT: Okay.

MR. DIGIACOMO: And I've told him -- I expect this to be the last conversation I'll be able to convey something to them after it.

THE COURT: Okay. So, you want me to pass it over to next week, two weeks? What's your pleasure?

MR. PANDULLO: Well, I mean, if they're going to move

1 today, I just ask, you know, whenever the Court can next accommodate
2 us.

3 THE COURT: I can – well, I can put it on tomorrow, I can put
4 it on next Tuesday, next Thursday, or the following --

5 MR. DIGIACOMO: Just in case there's any question. How
6 about two weeks?

7 THE COURT: All right. It would be June --

8 MR. DIGIACOMO: You want to set a trial date I'm happy to
9 do that too. I'm just -- there's a lot of -- you know, I thought there'd be
10 one conversation, but it was just the mother who was in the states. Now
11 the father wants to talk, but now the meeting is with the attorneys so --

12 THE COURT: Yeah, let's do this. Let's set it for next
13 Thursday, the 31st.

14 MR. DIGIACOMO: Right.

15 THE COURT: If we need to continue it out past that, we can
16 certainly do so but we can also get a trial date in place if we need to.

17 And so as you guys are communicating over the next week, if
18 you realize that, hey, we're not going to have it resolved by the 31st, then
19 call Molly and let her fill you in on trial dates that we can fit it in and that
20 way we can handle that as well. Okay. So, that will be May 31st at 9
21 a.m.

22 MR. PANDULLO: All right. Thank you.

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THE COURT: All right. Thank you.

Proceedings concluded at 10:42 a.m.]

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


PATRICIA SLATTERY
Court Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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8 THE STATE OF NEVADA,) CASE NO. C-18-329810-1
9 Plaintiff,) DEPT. III
10 vs.)
11 RONNEKA ANN GUIDRY,)
12 Defendant.)

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

15 THURSDAY, MAY 31, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**

17 ***STATUS CHECK: TRIAL SETTING***

18
19 **APPEARANCES:**

20 For the State: MARC P. DIGICOMO, ESQ.,
21 Chief Deputy District Attorney

22 For the Defendant: JENNIFER PANDULLO, ESQ.,
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25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

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THURSDAY, MAY 31, 2018 AT 10:41 A.M.

THE COURT: All right. Anybody else?

MR. DIGIACOMO: Yes. Can we call Ms. Guidry on page 9.

THE COURT: C329810. She is present in custody. Mr. Pandullo is present; Mr. DiGiacomo for the State. How we doing?

MR. DIGIACOMO: Well, I'm still working with the family. My interpreter went home sick yesterday. So, my meeting with them yesterday afternoon got cancelled.

THE COURT: Okay.

MR. DIGIACOMO: We have to re-schedule for today. I told the defense, like, you know, because of the problems we're having, if you want to set a trial date so we have a trial date, you know, I'm going to convey an offer at some point. I just need time to talk to dad and mom --

THE COURT: Okay.

MR. DIGIACOMO: -- at the same time.

MS. PANDULLO: And it's all correct, Your Honor. I spoke with the client this morning. She's obviously very anxious to get this resolved, but we all understand the difficulty he's facing with trying to connect with the family and doing so through an interpreter.

One of Ms. Guidry's main issues is that she's being held without bail at present and I know there was previously a bail hearing and that Your Honor ruled on it. So, it's not as though the issue has not been addressed.

1 THE COURT: Right

2 MS. PANDULLO: But I think it was still up on the air as to
3 what Ms. Guidry wanted to do. I let her know that the options were to
4 just set a status check negotiations in a week or to set a status check
5 negotiations and a trial date and calendar call now so that we can
6 ensure she has a firm date in the future --

7 THE COURT: Sure.

8 MS. PANDULLO: -- and this just isn't lingering indefinitely.
9 But one of the questions she had is what the next available date would
10 be and I wasn't sure what your department was setting.

11 THE COURT: Well, I mean, this is a case that my recollection
12 is is not one that was anticipated to take long to try.

13 MS. PANDULLO: I don't believe it would.

14 MR. DIGIACOMO: No, you could go to overflow on this case.

15 THE COURT: Okay. In which case I can reset it within 60
16 days if you want.

17 MS. PANDULLO: And that would be -- that would have been
18 her request as far as what my understanding was between she and I this
19 morning in our conversation, but also keeping a status check
20 negotiations date as well.

21 THE COURT: So, if we were to do it within 60 days it would
22 be July 23rd. I can tell you that I'm going to be in trial then. Do you have
23 Barlow?

24 MR. DIGIACOMO: I have Barlow but that won't still be going
25 by July 23rd I hope.

1 THE COURT: Oh, no, that's right.

2 MR. DIGIACOMO: McCarty will be going. I have one July
3 23rd. I was hoping maybe the next week.

4 THE COURT: Okay. So, if we set it for July 30th, do you
5 think you would be available?

6 MR. DIGIACOMO: Yes.

7 MS. PANDULLO: Your Honor -- and that's trial starting July
8 30th or calendar call?

9 THE COURT: Yeah, yeah, trial would be July 30th.

10 MS. PANDULLO: I believe that should work for us as well.

11 THE COURT: Okay. All right. So, we'll try and set it for July
12 30th. Again, no guarantee. I have another murder trial set then that I will
13 be hearing it, but we'll find a court for you. So, that would be 10 a.m.;
14 calendar call would be?

15 THE COURT CLERK: July 19th at 9 a.m.

16 MS. PANDULLO: And then status check negotiations, please,
17 in one week?

18 THE COURT: Yeah. We'll go ahead and set another status
19 check in a couple weeks and negotiations which will be?

20 THE COURT CLERK: June 14th at 9 a.m.

21 MS. PANDULLO: Thank you very much.

22 THE COURT: Okay. Thank you.

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MR. DIGIACOMO: Thank you, Judge.

[Proceedings concluded at 10:48 a.m.]

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


PATRICIA SLATTERY
Court Transcriber



1 **RTRAN**

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5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 THE STATE OF NEVADA,)
9 Plaintiff,)
10 vs.)
11 RONNEKA ANN GUIDRY,)
12 Defendant.)

CASE NO. C-18-329810-1
DEPT. III

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

15 THURSDAY, JUNE 14, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**

17 ***STATUS CHECK: NEGOTIATIONS***

18
19 **APPEARANCES:**

20 For the State: BRIANNA K. LAMANNA ESQ.,
21 Deputy District Attorney

22 For the Defendant: MICHAEL R. PANDULLO, ESQ.,
23 No Appearance

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25 **RECORDED BY: SARA RICHARDSON, COURT RECORDER**

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THURSDAY, JUNE 14, 2018 AT 9:58 A.M.

THE COURT: Fourteen. Ms. Guidry, I know we've had a series of status checks while you and Mr. Pandullo and the State work on negotiations here. Sorry. But I'm going to go ahead and continue your matter over to Tuesday, okay, since Mr. Pandullo is not here right now.

THE COURT CLERK: June 19th at 9 a.m.

THE COURT: Thank you.

THE DEFENDANT: Your Honor, can I ask a question of you?

THE COURT: Sure.

THE DEFENDANT: Is there any way I can find out how they discussed it with the family?

THE COURT: You know, I don't know. Do you have the file, Brianna, or does Mr. --

MS. LAMANNA: I don't.

THE COURT: Okay. I know that's been ongoing. I also know that Mr. DiGiacomo starts a death penalty trial in front of me on Monday. So, there's -- they probably have been in contact with the family there in between what they're doing to get ready for the other trial.

THE DEFENDANT: Who's DiGiacomo?

THE COURT: He's the prosecutor, the DA.

THE DEFENDANT: Oh.

THE COURT: The one that was getting ahold of the family, I think.

1 THE DEFENDANT: Oh, okay. I was just trying to figure it out
2 [indiscernible].

3 THE COURT: Yeah, I'd like to as well because we've had a
4 bunch of status checks here so --

5 THE DEFENDANT: So, you think next Tuesday, will you
6 know for sure?

7 THE COURT: I would hope so because we got to get it
8 moving or reset the trial or do something. So, I'll get ahold of them to
9 find out and make sure that they're both here early on Tuesday so we
10 can get it done. Okay.

11 THE DEFENDANT: Okay. And did Pandullo, did he contact
12 the Court ever?

13 THE COURT: No. That's not unusual though. They don't
14 usually tell me ahead of time. They just show up and tell me what's
15 going on. But I'll make sure that we reach out to them --

16 THE DEFENDANT: Okay.

17 THE COURT: -- so that we have some idea what's going on
18 on Tuesday. I'll tell him to get ahold of you as well. Okay.

19 THE DEFENDANT: Please do.

20 THE COURT: Okay.

21 Proceedings concluded at 9:59 a.m.]

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

25 
PATRICIA SLATTERY
Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-18-329810-1
Plaintiff,	)	DEPT. III
vs.)	
RONNEKA ANN GUIDRY,)	
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

TUESDAY, JUNE 26, 2018

RECORDER'S TRANSCRIPT OF PROCEEDINGS:
STATUS CHECK: NEGOTIATIONS

APPEARANCES:

For the State:	MARC P. DIGIACOMO, ESQ., Chief Deputy District Attorney No Appearance
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For the Defendant:	MICHAEL R. PANDULLO, ESQ.,
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RECORDED BY: SARA RICHARDSON, COURT RECORDER

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TUESDAY, JUNE 26, 2018 AT 10:19 A.M.

THE COURT: The information I got and I'll note that Mr. Pandullo is not here was that Mr. Pandullo was withdrawing from your case.

THE DEFENDANT: Yes.

THE COURT: Okay.

THE DEFENDANT: He withdrew [indiscernible].

THE COURT: Well, we're going to formally do that right now and I'm going to appoint an attorney to represent you.

THE DEFENDANT: Okay. Did he -- did he try to just withdraw or because I -- I don't know.

THE COURT: No, I -- well, so you know before we had the conversation where I was indicating that I thought there are lot of issues and it was better to get you a new attorney.

THE DEFENDANT: Uh-huh.

THE COURT: But you all had decided to kind of try and see what could be worked out. But apparently nothing's happened in that regard.

And so then after the last court date I was told that he -- his office was going to be withdrawing. First, Jenny told me that and then I think I got that from him as well, that they were going to be withdrawing. And so I don't know if I'm expecting them to be here today. I would have hoped that they would have been here today. But it sounds like you're kind of okay with that at this point.

1 THE DEFENDANT: So, why won't he come and tell me that?

2 THE COURT: I assume that they had told you that.

3 THE DEFENDANT: I didn't speak with him since March.

4 THE COURT: I know, I know.

5 THE DEFENDANT: I never got -- he never came to the jail
6 [indiscernible].

7 THE COURT: The reality was I can't keep doing this where
8 they don't show up and nobody's talking to you and we can't get your
9 case to trial or anything.

10 THE DEFENDANT: Right.

11 THE COURT: So, we're going to go ahead and formally have
12 them withdrawn. I will appoint an attorney for Ms. Guidry so she doesn't
13 have to pay for another attorney.

14 THE DEFENDANT: Oh, there he comes.

15 THE COURT: Yeah -- pardon?

16 THE DEFENDANT: I'm sorry. There he comes.

17 THE COURT: Okay. So, we were just having a discussion,
18 Mr. Pandullo, that my understanding was your office was withdrawing; is
19 that correct?

20 MR. PANDULLO: Yes, that would be my understanding.

21 THE COURT: Okay. So, I'm going to contact Drew to get a
22 new attorney in place and I'll let you know who that is so you can send
23 the discovery over.

24 MR. PANDULLO: Thank you very much.

25 THE COURT: And we're going to continue this over to

1 Tuesday, Ronneka, to get that new attorney here for you. Okay.

2 THE DEFENDANT: Okay. And also can I -- can I, because
3 he never told me what -- who was the DA basically that what they had
4 said --

5 THE COURT: What their offer was?

6 THE DEFENDANT: Yeah, I never knew either.

7 THE COURT: I'll have Mr. DiGiacomo put on the record what
8 the offer was going to be.

9 MR. DIGIACOMO: It was a maxed out. In other words,
10 leaving the scene of an accident resulting in death and a maxed out
11 grand larceny. So, the two of those together, aggregate sentence of ten
12 to 25 years.

13 THE COURT: So, that's the offer. You don't have to
14 comment anything about that right now. Okay. When we get your new
15 attorney in place he'll talk to Michael and find out the history of the case,
16 get the discovery from him, and then he'll visit with you as well and we'll
17 get a trial date reset and start moving from there.

18 THE DEFENDANT: Okay.

19 THE COURT: If you talk to your new attorney and you want to
20 resolve the case in some fashion, great. Just like with Mr. Pandullo, if it
21 needs to go trial that's fine as well. Okay.

22 THE DEFENDANT: And one more thing. My dad wanted me
23 to ask you about the attorney board or something because he
24 [indiscernible]. He wanted to forward and basically get my money back
25 because he's helping me out.

1 THE COURT: All I can tell you about is you and your family
2 need to talk to Mr. Pandullo.

3 THE DEFENDANT: Well, he don't talk to him.

4 THE COURT: Okay. Well, all right. Or the Bar --

5 THE DEFENDANT: Okay.

6 THE COURT: You can talk to State Bar, I guess. I don't ever
7 get involved in those kinds of things. Okay.

8 THE DEFENDANT: Okay. My dad will find out [Indiscernible].

9 THE COURT: Okay. So, we're going to have it on for a status
10 check next Tuesday. Oh, that's the 3rd.

11 THE COURT CLERK: Yeah.

12 THE COURT: The 5th instead.

13 THE COURT CLERK: July 5th at 9 a.m.

14 THE COURT: July 5th. Okay, guys. Thank you.

15 MR. PANDULLO: Thank you.

16 MR. DIGIACOMO: Thank you, Judge.

17
18 [Proceedings concluded at 10:23 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
25 PATRICIA SLATTERY
Court Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 THE STATE OF NEVADA,) CASE NO. C-18-329810-1
9 Plaintiff,) DEPT. III
10 vs.)
11 RONNEKA ANN GUIDRY,)
12 Defendant.)

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

15 THURSDAY, JULY 05, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 **STATUS CHECK: NEGOTIATIONS**
18

19 **APPEARANCES:**

20 For the State: MARC P. DIGIACOMO, ESQ.,
21 Chief Deputy District Attorney
22 TALEEN R. PANDUKHT, ESQ.
Chief Deputy District Attorney

23 For the Defendant: SARAH HAWKINS, ESQ.,
24

25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

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THURSDAY, JULY 05, 2018 AT 9:23 A.M.

THE COURT: Page 11. I don't know if you have the file. It's DiGiacomo's case.

MS. HAWKINS: I don't.

THE COURT: Okay. It's just on for a status check today mainly to make sure that a Public Defender can confirm.

MS. PANDUKHT: Okay.

MS. HAWKINS: And we are ready to confirm --

THE COURT: Okay.

MS. HAWKINS: -- this morning, Your Honor.

THE COURT: We have a trial date set for July 30th. I mean, I've had conversations so I know Ms. Guidry knows how difficult that would be for a new attorney to be able to maintain that trial date.

So, my hope was that you all can confirm, that you get a copy of the discovery; you can have some discussions with the State about whether it can be resolved or not.

MS. HAWKINS: Okay.

THE COURT: And then when we come back I'll just leave it on for the 19th for the calendar call date.

MS. HAWKINS: Okay.

THE COURT: And when we come back on that date if we're looking at resetting the trial, we can go through everybody's calendars and figure that out.

MS. HAWKINS: That sounds good, Your Honor. Thank you

1 so much.

2 THE COURT: Okay, uh-huh.

3 [Proceedings concluded at 9:24 a.m.]

4 [Proceedings recalled at 9:38 a.m.]

5 THE COURT: Marc, are you here on Guidry or just waiting for
6 trial?

7 MR. DIGIACOMO: I'm here on Guidry and waiting for trial.

8 THE COURT: We called Guidry. The Public Defender
9 confirmed. We left it on for the calendar call of July 19th just to make
10 sure you get all the discovery and have conversations with you about the
11 pending offer that was out there at which time if it's not resolved, we can
12 talk about resetting the trial date.

13 MR. DIGIACOMO: Perfect. Thank you.

14
15 [Proceedings concluded at 9:38 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
25 PATRICIA SLATTERY
Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-18-329810-1
Plaintiff,	)	DEPT. III
vs.)	
RONNEKA ANN GUIDRY,)	
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

WEDNESDAY, AUGUST 01, 2018

RECORDER'S TRANSCRIPT OF PROCEEDINGS:

STATUS CHECK: TRIAL SETTING

APPEARANCES:

For the State: MARC P. DIGIACOMO, ESQ.,
Chief Deputy District Attorney

For the Defendant: CONOR M. SIFE, ESQ.,
WILLARD N. EWING, ESQ.
Deputies Public Defender

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WEDNESDAY, AUGUST 01, 2018 AT 10:33 A.M.

THE COURT: Ms. Guidry's matter is 329810. She's present in custody. This is on for a status check. We need to get a trial set. There's also a couple of motions that got filed. One of them has a date on the 7th. One of them got a date of August 15. My inclination would be to put them both on the same date. I don't know if there's been oppositions for that.

MR. SLIFE: There are, yeah, oppositions on file.

THE COURT: Okay. So, if we move them to August 15th I know you guys are going to have other cases on that date anyway; is that okay?

MR. SLIFE: Fine, Judge.

THE COURT: All right. So, the August 7th motion for leave to file petition we'll vacate and move to the 15th. And then are you ready to set a trial today?

MR. SLIFE: Well, before we do that, Judge --

THE COURT: Okay.

MR. SLIFE: -- my understanding from our last conversation with Ms. Guidry is that she wanted to look into retaining a private counsel.

THE COURT: Okay.

MR. SLIFE: But before doing anything I wanted to make that be known.

THE COURT: Okay. Ms. Guidry, are you trying to hire

1 another attorney?

2 THE DEFENDANT: He talking about he was going to try to
3 revoke my rights to a speedy trial.

4 THE COURT: I'm sorry?

5 THE DEFENDANT: So, he was talking about I'm trying to
6 revoke my right to a speedy trial.

7 THE COURT: What do you mean revoking your rights to
8 speedy trial?

9 THE DEFENDANT: He's saying, basically, you know, he's
10 gonna let -- he told me that he's not ready until March.

11 MR. SLIFE: I think -- I think that the problem, Judge, is that
12 based on Mr. Ewing and I's schedule we were going to be looking for a
13 trial date to mid or late March.

14 THE COURT: Okay.

15 MR. SLIFE: Which is obviously several months out and Ms.
16 Guidry's frustrated by that. Obviously, she's in custody so that's
17 frustrating to her.

18 THE COURT: Correct.

19 MR. SLIFE: I had promised to file another bail motion based
20 on those circumstances, but that is what we are looking at based on our
21 individual schedules.

22 THE COURT: Understood. So, here's the thing, Ms. Guidry.
23 My recollection when you had Mr. Pandullo as your attorney that the
24 right to trial within 60 days got waived. I'm trying to remember what date
25 that was on.

1 THE DEFENDANT: Pandullo told me it wasn't waived
2 because he just put it on hold.

3 THE COURT: You can't really put -- you can't put that on
4 hold. I mean, you have a right to trial within 60 days and we either have
5 the trial or not. He moved to continue the trial and then began that
6 series of status checks where, quite honestly, he wasn't showing up or
7 doing anything and ultimately he got taken off the case. But although
8 you invoked your right to speedy trial when you were originally arraigned
9 back in March of this year and the trial was set for May, thereafter when
10 the trial was vacated, the right to speedy trial was waived in order to
11 vacate the trial date and continue it.

12 THE DEFENDANT: Well, yeah, he -- Pandullo --

13 THE COURT: So, all that being said, I mean, the position the
14 case is in now is that the right to speedy trial has been waived. That
15 doesn't mean the trial gets set out for a year or anything like that. I can
16 set the trial as quickly as the attorneys can be ready for it. But you need
17 to recognize they just got your case. So, it's not like they can turn
18 around and be ready in 30 or 60 days to try a murder case.

19 THE DEFENDANT: Well, he said way in March.

20 THE COURT: Pardon?

21 THE DEFENDANT: He said way in March next year so that
22 didn't --

23 THE COURT: Honestly, I wouldn't have been to set your trial
24 and fit it into the Court's schedule with all of our homicide trials before
25 late February anyway. So, if they want March I'm going to set it in

1 March. Now this is all separate from if you're trying to hire another
2 private attorney and you can certainly do so. Is that your desire?

3 THE DEFENDANT: Can I talk with them really quick?

4 THE COURT: Pardon?

5 THE DEFENDANT: Can I talk with them?

6 THE COURT: Sure. And just understand moving forward,
7 even with them as counsel if you decide at some point you want to hire
8 an attorney, you can go out and hire an attorney. Okay. You guys can
9 go ahead.

10 MR. SLIFE: Thanks, Judge.

11 THE COURT: We'll pass it for a just a second.

12 [Proceedings trailed at 10:37 a.m.]

13 [Proceedings resumed at 10:47 a.m.]

14 THE COURT: All right. Same parties present. Ms. Guidry is
15 present in custody. What do we got?

16 MR. SLIFE: It sounds like we're good to go in the March trial
17 date.

18 THE COURT: Okay.

19 MR. SLIFE: Like either mid-March or late March if that's okay
20 with the State and the Court.

21 THE COURT: By mid-March you mean --

22 MR. SLIFE: What do we mean. After March 15th, I guess.

23 THE COURT: After the 15th.

24 MR. DIGIACOMO: The 18th works for me, Judge.

25 THE COURT: This is probably a week and a half.

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MR. DIGIACOMO: At most.

THE COURT: Yeah, okay. I know you all are [indiscernible].
So, we have a case that's set for April 1st that's a death penalty case.
All right. So, we will set our trial date for March 18th, 2019, 10 a.m.
Calendar call will be?

THE COURT CLERK: March 7th at 9 a.m.

THE COURT: All right. Then we'll set a status check in 90
days.

THE COURT CLERK: October 24th at 9:30.

THE COURT: All right, guys. Thank you.

MR. SLIFE: Thank you, Your Honor.

[Proceedings concluded at 10:49 a.m.]

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


PATRICIA SLATTERY
Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-18-329810-1
)	
Plaintiff,	)	DEPT. III
)	
vs.)	
)	
RONNEKA ANN GUIDRY,)	
)	
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

WEDNESDAY, AUGUST 15, 2018

**RECORDER'S TRANSCRIPT OF PROCEEDINGS:
DEFENDANT'S MOTION TO DISMISS BASED ON STATE'S FAILURE
TO PRESENT EXCULPATORY EVIDENCE AT THE GRAND JURY;
DEFENDANT'S MOTION FOR LEAVE TO FILE PETITION FOR WRIT
OF HABEAS CORPOUS DUE TO INEFFECTIVE ASSISTANCE OF
PRIOR COUNSEL; DEFENDANT'S MOTION FOR SETTING OF
REASONABLE BAIL.**

APPEARANCES:

For the State: JACQUELINE M. BLUTH, ESQ.,
Chief Deputy District Attorney

For the Defendant: CONOR M. SIFE, ESQ.,
WILLARD N. EWING, ESQ.
Deputies Public Defender

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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WEDNESDAY, AUGUST 15, 2018 AT 10:17 A.M.

MR. SLIFE: Page 29, Your Honor, the last name is Guidry,.

THE COURT: Ronneka Guidry. She is present in custody.
This is on -- there's several motions on today. Where do you want to start?

MR. SLIFE: It sounds like Mr. DiGiacomo is in trial and he was just going to ask to continue this for a week to which we don't have any objection.

MS. BLUTH: And I'm going -- I'll yell at him. I did not, Judge. I just saw him and he said I apologize. We're arguing instructions at 10. So, could you please pass it for a week for me with Guidry. I am sure that the Court read all these motions --

THE COURT: Mm-hmm.

MS. BLUTH: -- as it was prepared which is why you're upset.

THE COURT: Mm-hmm.

MS. BLUTH: And I will yell at him for you but please don't yell at me.

THE COURT: There are some of you guys that I like to yell at. But others of you --

MS. BLUTH: I know but that's Marc not me.

THE COURT: -- others of you not to so much. All right. I can't pass it -- well, we could do it on Tuesday. That's not too big of a calendar; right? Are you guys available on Tuesday?

MR. SLIFE: Yes.

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THE COURT: Okay. All right. We'll pass it to Tuesday.

THE COURT CLERK: August 21st at 9 a.m.

[Proceedings concluded at 10:18 a.m.]

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


PATRICIA SLATTERY
Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-18-329810-1
)	
Plaintiff,	)	DEPT. III
)	
vs.)	
)	
RONNEKA ANN GUIDRY,)	
)	
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

TUESDAY, AUGUST 21, 2018

**RECORDER'S TRANSCRIPT OF PROCEEDINGS:
DEFENDANT'S MOTION TO DISMISS BASED ON STATE'S FAILURE
TO PRESENT EXCULPATORY EVIDENCE AT THE GRAND JURY;
DEFENDANT'S MOTION FOR LEAVE TO FILE PETITION FOR WRIT
OF HABEAS CORPOUS DUE TO INEFFECTIVE ASSISTANCE OF
PRIOR COUNSEL; DEFENDANT'S MOTION FOR SETTING OF
REASONABLE BAIL**

APPEARANCES:

For the State: MARC P. DIGIACOMO, ESQ.,
Chief Deputy District Attorney

For the Defendant: CONOR M. SIFE, ESQ.,
WILLARD N. EWING, ESQ.
Deputies Public Defender

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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TUESDAY, AUGUST 21, 2018 AT 9:33 A.M.

THE COURT: All right. Ms. Guidry's got three matters on today, and she is present in custody with Mr. Ewing and Mr. Slife.

There is a bail motion, a motion for leave to file petition, and a motion to dismiss. So, start wherever you wish, gentlemen.

MR. SLIFE: I though it would be logical to start with the leave to file --

THE COURT: Okay.

MR. SLIFE: -- the writ, Judge.

THE COURT: Okay.

MR. SLIFE: So, I understand the jurisdictional argument. But in the NRS cited in the State's opposition, it does say the Court may extend for good cause the time to file a petition, and I don't see any qualification in the cases cited or the statute that a motion to extend the time frame can't be outside of the 21 days.

And so this is our request to extend the time and the good cause is prior ineffective assistance of counsel. I do know -- I know that the State seems to suggest in their opposition that prior counsel never filed a writ because he was preserving an offer. What we know based on my exhibit that prior counsel never visited Ms. Guidry in the jail for the three months he was on the case. So, I don't see how you have a meaningful conversation with a client over discussions about an offer as substantial as 10 to 25 without ever seeing her in jail.

And also, Judge, I mean, counsel could have preserved this

1 issue by filing the writ and having an understanding with the State that
2 they never needed to oppose, it never needed to be argued until all
3 negotiations, you know, petered out.

4 And so essentially, Judge, I understand the jurisdiction. I just
5 don't see any law that says you can't file for good cause after the fact.
6 And so that's where we are.

7 THE COURT: Well --Marc.

8 MR. DIGIACOMO: Well, by definition that's not extending it.
9 By definition that's waiving it. I mean, what he's asking you is to go back
10 and not extend the deadline. He's asked you to essentially waive the
11 deadline.

12 THE COURT: Well, that's kind of the point I was going to
13 bring up isn't implicit and the jurisdictional issue of 21 days and the
14 nature of an extension is to extend something that exists not, you know,
15 breathe life back into something that has ended.

16 MR. SLIFE: I would just say I'm asking for extension on the
17 back end rather on the front end.

18 THE COURT: All right. Anything further?

19 MR. DIGIACOMO: No. I mean, look, you have to get to --
20 even if you got to that, then you'd have to have an evidentiary hearing to
21 make a determination, do you make a strategic decision. I mean, this is
22 a rabbit hole that doesn't need to be going down because the statute's
23 plain and clear, and you could also assess the prejudice at this point by
24 reading the petition. The Court wasn't exactly going to grant the petition
25 based upon my reading of the petition and there isn't much where to

1 attack the probable cause of the underlying charges.

2 THE COURT: Well, here's the thing. I'm going to deny the
3 request.

4 I do believe that it's jurisdictional and I think the idea of
5 extending the time period to file a writ is that you need to ask for an
6 extension within the time period and make some justification whether it's
7 a failure to get all the transcripts involved yet or a failure to receive
8 copies of the transcripts or a medical issue with an attorney, whatever it
9 may be. We routinely in our homicide cases, particularly recently, have
10 folks asking for a little more time at the time of arraignment because, you
11 know, complexity of a case, whatever it may be. But that's happening
12 within the time period that already exist to be able to file. Once that time
13 period ends, I mean, we're not talking about asking to file a motion
14 outside of the 15 days before trial that we could still litigated before trial.
15 We're talking about a jurisdictional issue that ends at the end of the 21
16 days.

17 Ms. Guidry hired Mr. Pandullo. Ms. Guidry even wanted to
18 keep Mr. Pandullo after I raised to her issues with things that were going
19 on with Mr. Christensen and his track and his failure to show up on
20 occasion for Court hearings. I do know, however, that there was
21 ongoing communications and that's one of the reasons we kept having
22 the continuation of hearings was because of ongoing negotiations trying
23 to get the case resolved.

24 So, I'm not prepared, even in consideration of *Hathaway*, to
25 say Mr. Pandullo was ineffective for never filing a writ in this case and

1 the time period that it's filed.

2 All right. How about your motion to dismiss?

3 MR. SLIFE: Thank you, Judge. With regard to whether that's
4 time barred, this is not -- we're not dealing with sufficiency of the
5 evidence. This is as I cited NRS 174.105. So, it's objection based on
6 defects in the institution of the prosecution. Whether this is exculpatory,
7 the grand jury wanted -- I mean, the State wanted the grand jury to infer
8 that this watch was stolen and that's how they get to robbery and that's
9 how they get to felony murder because this is only charged as felony
10 murder.

11 THE COURT: Correct.

12 MR. SLIFE: But if the grand jury hears that the Defendant
13 was intoxicated over two times the legal limit --

14 THE COURT: Victim.

15 MR. SLIFE: -- excuse me -- the victim and that the victim was
16 seen running while pulling up his pants, and that prior to that he and the
17 Defendant has been sitting in a dark parking lot in a car for eight
18 minutes, there could be an inference that the watch was payment for
19 services rendered. And if the watch was payment and it wasn't stolen,
20 then there's no grand larceny, there's no robbery, and there's no murder.
21 And so this is exculpatory evidence that the State knew about prior to
22 the grand jury and it was not presented, and based on that it should be
23 dismissed.

24 THE COURT: Mr. DiGiacomo.

25 MR. DIGIACOMO: One, I don't see how it is that you can

1 make a determination as to whether or not something does or does not
2 tend to explain away the charges without looking at the probable cause
3 and what the evidence is. And the one thing I heard missing from Mr.
4 Slife's argument is the Defendant herself says there was some sort of
5 sexual encounter going on. He did not pay me with a watch, there is no
6 watch; nobody took a watch from this guy. I don't have a watch.
7 There's nothing about a watch.

8 So, they want you to infer something that the client denied
9 herself. There is nothing about the nature of him pulling up his pants or
10 the fact that he was drunk that changes the nature of the charges here
11 because the only thing he could go to is the taking of the watch to which
12 even she says there's a sexual encounter going on. He seems to be a
13 little bit too much, too rough. So, I kick him out of the car; I drive off.
14 No, there was no money exchanged, no, there's no watch. I didn't take
15 a watch. There is no watch.

16 And so this evidence doesn't have anything to do with
17 evidence that tends to explain away the charge.

18 THE COURT: Anything further?

19 MR SLIFE: I mean, the grand jury didn't --

20 THE COURT: The grand jurors saw the video; right?

21 MR. DIGIACOMO: Yeah, they did see the video and you can
22 see that he's doing something as he's running. I didn't call the witness
23 to say that she saw that his pants were half down, but you can certainly
24 see that he's doing something with himself as he gets out of that car and
25 starts running.

1 MR. SLIFE: You can't see that he's over two times the legal
2 limit though and that's smack dab in the --

3 THE COURT: How does the blood alcohol tend to explain
4 away the charge though?

5 MR. SLIFE: It gives context. It gives context to whether the
6 watch was stolen. This whole thing hinges on whether this watch was
7 stolen.

8 THE COURT: Well, I agree that since it's a felony murder
9 theory that obviously the stealing of the watch and the grand larceny
10 aspect of things or robbery aspects of things, rather, is the basis for the
11 felony murder charge. But I don't think his BA or whether he was pulling
12 his pants up when he's running really explains away the charge. But I
13 know that very statement was kind of made in the briefing about context
14 or giving a complete picture. I don't disagree with giving a more
15 complete picture, but that's not the definition of potential exculpatory
16 evidence. The more complete picture is really kind of a trial. The bare
17 bones probable cause determinations for a grand jury don't necessarily
18 always involve the full context of things. Now, can context sometimes
19 spill over into potential exculpatory? Sure. But I don't think anything
20 about his blood alcohol or whether he's pulling up his pants any way
21 gives context. That's kind of a nature that would be potential
22 exculpatory for purposes of making the grand jury proceedings in error in
23 any way.

24 So, I'm going to deny the motion to dismiss. And then your
25 bail motion.

1 MR. SLIFE: Yeah, Judge. I heard you say, I think it was the
2 case right before this, that it's a rare case that should we have no bail.

3 THE COURT: Correct.

4 MR. SLIFE: I just don't think this is a no bail case. I know that
5 the State paints Ms. Guidry as kind of a career criminal with this long
6 history, but in reality she's barely 30 years old. She has one prior felony
7 for credit card possession and a few misdemeanors.

8 As I put in the motion, she's lived here for ten years, all kinds
9 of family members in the community; three small children that rely on her
10 that are in a temporary placement with her aunt.

11 With regard to the facts in this case, certainly they're serious.
12 It's a murder charge. I'm not trying to downplay that. But as I put in my
13 writ that I attached to my motion for leave to file writ, our interpretation of
14 all the facts of the grand jury was that this was largely based on
15 assumptions, assumptions that this watch was stolen, and not
16 necessarily evidence that this watch was stolen.

17 But, Judge, I mean, I just don't see this as a case where there
18 should not be any bail. So, we're asking for 50,000. I don't know that
19 it's even clear that she could make that. It's still a lot of money. I think
20 that would ensure that she comes back to Court, but taking everything
21 into consideration I just don't think it's a no bail case.

22 Just one thing, Judge. I know the State put in their opposition
23 that she had ran after the warrant was signed. I haven't seen anything
24 to indicate that in discovery. And my understanding is that she left the
25 State before the warrant was signed. There's also something about she

1 had a stolen Rolex on her at the time of her arrest. I haven't seen
2 anything in discovery to indicate that. There's no other charge for
3 possessing a stolen Rolex. And so I just wanted you to know that. With
4 that, Judge, we'll submit.

5 THE COURT: All right. Mr. DiGiacomo.

6 MR. DIGIACOMO: Thank you, Judge. We're done this
7 argument on exactly the same facts. Nothing has changed. I remember
8 the Court addressing Ms. Guidry and telling her this is the rare
9 circumstance where you believe that a no bail is appropriate not only
10 because of her flight risk and her behavior about the amount of effort
11 she went to to avoid the criminal apprehension team throughout the
12 country, but as well as the fact that she appears to present a danger to
13 the community based upon her behavior in the last ten years.

14 And so as far as I can tell nothing has changed in the nature
15 of the motion and I would submit it to the Court.

16 THE COURT: Anything further?

17 MR. SLIFE: I think the one thing that has changed, Judge, is
18 that she sat in custody for over three months without her prior counsel
19 ever speaking to her about this case, and he was taken off for concerns.
20 What has changed is this was forced to be set for seven, eight months
21 down the road based on Mr. Ewing and I's schedule. And so that's one
22 thing that's changed.

23 THE COURT: No, I get that. But, look, the reality is, Mr.
24 DiGiacomo is correct.

25 When we first addressed the bail motion I did think this was a

1 rare circumstance because of what I felt was a really extensive effort at
2 flight, and an ongoing effort at flight within flight across multiple states,
3 throughout the South and moving every time they would find a residence
4 and going to another residence and buses, et cetera. I don't think
5 there's any charges related to any other stolen watches because it
6 wasn't in this jurisdiction. The allegation was that when she was
7 apprehended at some point she may have had yet another stolen watch
8 but it wasn't in Nevada, if I recall correctly.

9 MR. DIGIACOMO: It's in Alabama, correct.

10 THE COURT: It was in Alabama or Georgia or something.

11 So, yeah, sometimes you -- I mean, those rare cases are do
12 you really think that somebody is a very real risk for more violent
13 offenses if they get out on bail such that should justify a no bail hold.
14 Other times it's all about the flight. And I just had no confidence that we
15 were going to get Ms. Guidry back here without an extensive search
16 again if she got out based upon that the -- what I thought was a pretty
17 good presumption and evidence related to flight the first time.

18 So, I don't think that's changed at all despite the problems with
19 former counsel which was the counsel that she hired for herself. So, I'm
20 going to deny the motion to revisit the bail setting.

21 MR. SLIFE: And, Judge, you would not consider house arrest
22 either?

23 THE COURT: No, no. All right. So, we will leave it as is. We
24 have a status check set for October 24th and our trial date which is set
25 next month.

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MR. DIGIACOMO: Thank you, Judge.

THE COURT: All right, guys. Thank you.

[Proceedings concluded at 9:46 a.m.]

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


PATRICIA SLATTERY
Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	CASE NO. C-18-329810-1
Plaintiff,	)	DEPT. III
vs.)	
RONNEKA ANN GUIDRY,)	
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
TUESDAY, SEPTEMBER 25, 2018

**RECORDER'S TRANSCRIPT OF PROCEEDINGS:
DEFENDANT'S MOTION TO PLACE ON CALENDAR FOR
ATTORNEY TO SUBSTITUTE IN AS ATTORNEY OF RECORD AND
REQUEST DISCOVERY**

APPEARANCES:

For the State: MARC P. DIGIACOMO, ESQ.,
Chief Deputy District Attorney

For the Defendant: CRAIG MUELLER, ESQ.,

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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TUESDAY, SEPTEMBER 25, 2018 AT 11:30 A.M.

THE COURT: Ronneka Guidry is on page nine. Ms. Guidry is present in custody and this is one for Mr. Mueller's substitution.

MR. MUELLER: Thank you, Your Honor. I believe the Court - -- I'd ask for permission to substitute as attorney of record.

THE COURT: Yes. That permission is granted.

MR. MUELLER: Thank you, Your Honor. We, under separate cover, submitted a petition for an investigator under the *Widdis* decision.

THE COURT: I saw that. But I know it's on for the second.

MR. MUELLER: Okay.

THE COURT: I could leave it on for that date if by that time you can get me an affidavit regarding indigency and anything -- and you can file it ex parte or under seal regarding whatever retainer agreement because those are things that Drew wants us to look at before we sign off on these things.

MR. MUELLER: No problem, Judge.

THE COURT: Okay. And then just leave that on for -- it's on for next Thursday, I think; right? Yes.

MR. MUELLER: Yes. And I need to get a copy of the discovery eventually.

THE COURT: You may have --

MR. GLASCOW: Yeah, I know it's in my office. We don't have the file here today but --

THE COURT: Okay. So, I will order that -- and I can't

1 remember, Justin, who it is that had -- Ms. Guidry, who was the other
2 attorney that had your case?

3 MR. GLASCOW: Conor Slife.

4 THE DEFENDANT: Conor Slife.

5 THE COURT: Mr. Slife. Okay. If you'll get ahold of him,
6 Justin, and ask him to send over the discovery and then the State can
7 produce another copy for Mr. Mueller as well.

8 MR. GLASCOW: Will do.

9 MR. MUELLER: Thank you, Your Honor. We'll see you on
10 the second and regarding setting a trial date.

11 THE COURT: Yep.

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13 [Proceedings concluded at 11:32 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

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Court Transcriber



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	CASE NO. C-18-329810-1
Plaintiff,	)	DEPT. NO. III
vs.)	
RONNEKA ANN GUIDRY,)	
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

TUESDAY, OCTOBER 02, 2018

RECORDER'S TRANSCRIPT OF PROCEEDINGS:
DEFENDANT'S MOTION FOR
AUTHORIZATION OF EMPLOYMENT OF EXPERT ASSISTANCE

APPEARANCES:

For the State: MICHAEL J. SCARBOROUGH, ESQ.
Deputy District Attorney

For the Defendant: CRAIG A. MUELLER, ESQ.,

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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TUESDAY, OCTOBER 02, 2018 AT 10:41 A.M.

THE COURT: Ms. Guidry is 329810. She's present in custody with Mr. Mueller. This is on -- we continued this over. I did not get any affidavit.

MR. MUELLER: No, Your Honor. Ms. Guidry was slow being in the jail. She said -- she informed me she mailed it over to my office via the mail yesterday. It has been completed. But I'm sure it's --

THE COURT: But I also -- I need your affidavit with retainer agreement. You can file that under seal.

MR. MUELLER: That's -- okay.

THE COURT: I'll just need to evaluate that as well pursuant to Drew's request. If I pass it over another week can you get that?

MR. MUELLER: Yeah, that would be fine, Judge.

THE COURT: Okay. So, we'll do it next -- maybe next Thursday.

THE COURT CLERK: It will be October 9th at 9 a.m.

MR. MUELLER: All right. Thank you.

THE COURT: Okay. Thank you.

[Proceedings concluded at 10:42 a.m.]

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


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1 **RTRAN**

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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 RONNEKA ANN GUIDRY,)
12 Defendant.)

CASE NO. C-18-329810-1

DEPT. NO. III

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

15 THURSDAY, OCTOBER 11, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**

17 ***DEFENDANT'S MOTION FOR***

18 ***AUTHORIZATION OF EMPLOYMENT OF EXPERT ASSISTANCE***

19
20 **APPEARANCES:**

21 For the State:

TALEEN R. PANDUKHT, ESQ.
Chief Deputy District Attorney

22
23 For the Defendant:

CRAIG A. MUELLER, ESQ.,

24
25 **RECORDED BY: SARA RICHARDSON, COURT RECORDER**

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THURSDAY, OCTOBER 11, 2018 AT 10:30 A.M.

THE COURT: Yeah, on Ms. Guidry's matter.

THE DEFENDANT: Right here.

THE COURT: She's present in custody. So, Ms. Guidry, Mr. Mueller still hasn't filed anything that we need to address that issue of him asking for supplemental money to investigate your case.

THE DEFENDANT: Yeah, he did.

THE COURT: Pardon?

THE DEFENDANT: He had it on in my file.

THE COURT: I told him on the two previous Court dates he has to file an affidavit that explains to me the retainer agreement that was reached with them so I know how much money was paid to him and what the agreement is moving forward in addition to the affidavit he needed you to sign off on.

THE DEFENDANT: I signed and I sent it over to them.

THE COURT: Okay. The problem is he doesn't -- he isn't filing anything with us or giving us any information. So, we're going to pass it over another couple weeks. Hopefully he'll get it done. If you talk to him if you would let him know --

THE DEFENDANT: Yeah, he just came in -- he left.

THE COURT: Okay. But what I'm saying is we're done with our calendar now. So, we'll pass it over a couple weeks and if you talk to him just let him know he needs to get those to me. Don't wait for the Court date. Get me copies of them before we come back to Court.

1 Okay.

2 THE DEFENDANT: Okay.

3 THE COURT: All right. And we're going to set that on the 24th
4 at 9:30.

5 THE COURT CLERK: October 24th at 9:30.

6 THE COURT: Okay.

7 THE DEFENDANT: And can I ask you something, Your
8 Honor? What -- so it can't -- all these things started until this?

9 THE COURT: Yeah, I can't -- I can't grant money for an
10 investigation until he provides me those affidavits so I can review them
11 and make the decision that it's appropriate. It's not that I don't think
12 you're going to meet them, but I kind of have to get that first.

13 THE DEFENDANT: Okay.

14 THE COURT: Okay. All right.

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16 [Proceedings concluded at 10:32 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	CASE NO. C-18-329810-1
Plaintiff,	)	DEPT. NO. III
vs.)	
RONNEKA ANN GUIDRY,)	
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

WEDNESDAY, OCTOBER 24, 2018

**RECORDER'S TRANSCRIPT OF PROCEEDINGS:
DEFENDANT'S MOTION FOR
AUTHORIZATION OF EMPLOYMENT OF EXPERT ASSISTANCE;
STATUS CHECK READINESS**

APPEARANCES:

For the State: MARC P. DIGIACOMO, ESQ.
Chief Deputy District Attorney

For the Defendant: MARTIN HART, ESQ.,

RECORDED BY: SARA RICHARDSON, COURT RECORDER

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WEDNESDAY, OCTOBER 24, 2018 AT 11:16 A.M.

THE COURT: Marty, what do you go?

MR. HART: Page 11, Guidry, appearing for Mr. Mueller.

THE COURT: Got it. So, Ms. Guidry is present in custody.

MR. HART: Yes, sir.

THE COURT: We did finally get the affidavit filed that indicate and it had attached to that, which we'll keep until seal, the retainer agreement.

MR. HART: Yes, sir.

THE COURT: So, based upon all of that, I will find that Ms. Guidry qualifies for the expenses requested and then grant the motion. It was up to \$3,000, I believe.

MR. HART: May I approach, Your Honor?

THE COURT: Yeah. And then we're also going to go ahead and reset a status check and we'll do a 90 day status check which will be?

THE COURT CLERK: January 23rd at 9:30.

MR. HART: Thank you, Your Honor.

MR. DIGIACOMO: January 23rd.

THE COURT: January 23rd at 9:30, Marty.

MR. HART: Thank you, Your Honor.

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THE COURT: Thank you.

[Proceedings concluded at 11:16 a.m.]

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


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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	CASE NO. C-18-329810-1
Plaintiff,	)	DEPT. NO. III
vs.)	
RONNEKA ANN GUIDRY,)	
Defendant.)	

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

TUESDAY, NOVEMBER 20, 2018

**RECORDER'S TRANSCRIPT OF PROCEEDINGS:
DEFENDANT'S MOTION TO SUPPRESS; NOTICE**

APPEARANCES:

For the State:	MARC P. DIGIACOMO, ESQ. Chief Deputy District Attorney NICOLE J. CANNIZZARO, ESQ. Deputy District Attorney
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For the Defendant:	CRAIG A. MUELLER, ESQ.,
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TUESDAY, NOVEMBER 20, 2018 AT 9:53 A.M.

THE COURT: And the other one was?

MR. DIGIACOMO: Ms. Guidry. She's page 16.

THE COURT: All right. This is on for a motion to suppress. We also have a status check upcoming in January. I can continue it over to a different date and get your attorney here so they can argue the motion. The next homicide date would December 5th. You available then?

MR. DIGIACOMO: Fine.

THE COURT: Okay. All right, Ms. Guidry, we'll continue it over so we can get Mr. Mueller here to argue your motion; okay?

THE DEFENDANT: Okay.

THE COURT: So, that will be December 5th at 9:30.

THE DEFENDANT: Okay. Well, we -- on the 5th you're going to reset another one?

THE COURT: Well, if he's present then we'll argue.

THE DEFENDANT: Oh, okay.

THE COURT: The only reason it would be get reset is if for some reason he's not present or if there's any need to have a hearing, any kind of evidentiary hearing, then we might have to reset that. But we'll argue it on that date.

THE DEFENDANT: Okay.

THE COURT: Okay.

MR. DIGIACOMO: Thank you, Judge.

1 THE COURT: Thank you.

2 [Proceedings concluded at 9:54 a.m.]

3 [Proceedings recalled at 10:56 a.m.]

4 MR. MUELLER: Your Honor, Craig Mueller back with Ms.
5 Guidy, Your Honor. We kind of shot this in the dark, this motion to
6 suppress.

7 THE COURT: Okay.

8 MR. MUELLER: I do not believe having been practicing in this
9 jurisdiction for a number of decades -- gasp -- that I have all the
10 discovery. In fact, I'm fact I'm to a near certainty I do no.

11 THE COURT: Okay.

12 MR. MUELLER: I'm going to ask for an evidentiary hearing
13 based on what my client has told me and what my investigator who is in
14 the courtroom has told me.

15 THE COURT: Okay.

16 MR. MUELLER: But before you actually set a hearing date,
17 I'd ask that the State actually canvass their file and make sure I've got
18 everything so we don't waste a lot of time.

19 THE COURT: Well, so here's what we did. Marc was here
20 and then Marc had to leave --

21 MR. MUELLER: Mm-hmm.

22 THE COURT: -- and we knew you were in the building. So,
23 we continued it over to December 5th when you both could be here.

24 MR. MUELLER: Okay.

25 THE COURT: Nicole, if you'll let Marc know that Craig wants

1 to make sure that he has all the discovery as well and maybe they can
2 set up a file review.

3 MS. CANNIZZARO: Yes, sir.

4 THE COURT: And make sure of that. And then when we
5 come back on the 5th, if we need to continue it to supplement the motion,
6 we can do that. If you want to argue just the motion at that point and
7 see whether I think an evidentiary hearing is needed, we can discuss all
8 that on the 5th.

9 MR. MUELLER: Okay. I'm nearly certain an evidentiary
10 hearing will be necessary, but I understand. Let's take a look at it and
11 make sure I got everything correct --

12 THE COURT: Okay.

13 MR. MUELLER: -- buttoned up. Okay.

14 THE COURT: Thank you.

15 MR. MUELLER: Thank you.

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17 [Proceedings concluded at 10:57 a.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

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1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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8 THE STATE OF NEVADA,) CASE NO. C-18-329810-1
9 Plaintiff,) DEPT. III
10 vs.)
11 RONNEKA ANN GUIDRY,)
12 Defendant.)

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

15 WEDNESDAY, DECEMBER 05, 2018

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 **DEFENDANT'S MOTION TO SUPPRESS; NOTICE**
18

19 APPEARANCES:

20 For the State: MARC P. DIGIACOMO, ESQ.,
21 Chief Deputy District Attorney

22 For the Defendant: CRAIG A MUELLER, ESQ.,
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25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

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WEDNESDAY, DECEMBER 05, 2018 AT 11:02 A.M.

THE COURT: All right. And then we have Ms. Guidry's matter. I know I saw -- are they outside?

MS. LUZAICH: Can you trail this for Mr. DiGiacomo, please. He's been here all morning. He had to go to Grand Jury returns. He'll be right back.

THE COURT: All right. We'll be in recess for a few minutes.

[Recess taken at 11:02 a.m.]

[Proceedings resumed at 11:20 p.m.]

THE COURT: Okay. Ms. Guidry's matter is 329810. She's present in custody. This is on today for the defense motion to suppress. Gentlemen.

MR. MUELLER: Thank you, Your Honor. Craig Mueller on behalf of Ms. Guidry. My colleague and I were having a fairly enlightening exchange back in the conference room.

It would appear to me as an officer of the Court that what needs to happen here is a full on evidentiary hearing. I -- over and above arguing Mr. Paredes's legal point, I'd like to make a proffer to the Court what my investigator -- and I introduce to the Court, Patrick Hardy. He's my investigator.

THE COURT: Okay.

MR. MUELLER: He's relatively new to criminal practice as an investigator but he's been doing this for years.

What the evidence will show at a evidentiary hearing is the

1 following things. There was a videotape provided to defense of a
2 automobile sitting in a parking lot. Having spent more than a small
3 amount of time looking at this video, it purports to show or what we saw
4 was a car behind a bush and eventually a car pulling out -- or a tree --
5 and a car pulling out and driving away.

6 The search warrant here purports to have a man hopping out
7 of a car doing a personal inventory. We can't see any human being in
8 that video. I believe that the Court is going to need to see the video.
9 That's important for several key reason; number one, that video and
10 what is purported to be seen in it was taken to Justice of the Peace
11 Harmony and used as a basis to obtain a search warrant of Ms. Guidry's
12 house. It was, and I'm putting this politely with all professional courtesy,
13 due at the moment which would be it was an imaginative representation
14 made to Judge Harmony to get a search warrant over at Ms. Guidry's
15 house.

16 Secondarily, when they arrive at Ms. Guidry's house, it is
17 purported that they got a search warrant for the phone with -- and for the
18 house. What the evidence will show at trial or at hearing is that Ms.
19 Guidry's father up in Portland was actually contacted about three or four
20 in the morning by police officers and instructed to call Ms. Guidry's
21 children and to let them into the house who had the good sense not to
22 let strangers in the house, her having a family of one 14-year-old and
23 two 10-year-old twins.

24 Additionally, in violation and direct violation of statute as a
25 proffer to the Court, I believe an evidentiary hearing would show that Ms.

1 Guidry's child was solicited by the detectives to -- by a bribe to give her
2 the code to the phone to get into and to get access to the phone. Now
3 there's apparently at least three material representations of fact in the
4 search warrant. And I'm not talking little navy blue versus black kind of
5 representations. I'm talking material misrepresentations of facts
6 sufficient that in the school ground someone would say liar, liar, pants on
7 fire representations.

8 Now, much of what is in this video is not there, purported to be
9 in this video is not there. What is -- the representations that make -- to
10 Justice of the Peace Harmony is not there. The representations of how
11 evidence was obtained is in fact different than is purported. Much of the
12 State's representations -- and I'll give Mr. DiGiacomo the benefit of all
13 doubt as an offer to the Court -- but what he's been told by the operative
14 detectives is candidly just false. And I believe an evidentiary hearing is
15 necessary to ferret out the facts.

16 I believe the Court should read both our pleadings, their
17 pleadings, then look at the video and see if you can get anywhere near,
18 and I mean even giving the officers the benefit of a reasonable creative
19 eye, what they say is there is not in fact there.

20 Now, the case itself is a very unusual case as you may recall.
21 A man jumped onto Ms. Guidry's car, started pounding on the windshield
22 with sufficient force to actually shatter the windshield with his bare
23 hands. Ms. Guidry drove off and then the gentleman fell off and
24 sustained injuries due to his own actions sufficient to later cause him to
25 expire at the hospital.

1 Now, based on that, the State has gone back and tried to
2 create a theft of a watch sufficient to justify felony murder under the
3 felony murder rule; a creative effort, and one that certainly would get an
4 A for effort in law school. But in the real world it is a failed effort
5 because they had to concoct -- and I'm going to use that word concoct --
6 at least three different facts to get search warrant information to search a
7 house and then a phone for which they had no probable cause, and then
8 had to make a material misrepresentations of fact to Justice of the
9 Peace Harmony as to what this videotape showed, recognizing a
10 practicality of showing a justice of the peace a security video at four in
11 the morning from home. So, she had to rely on their representations.

12 So, I believe, respectfully, I can argue conclusory, but I
13 suggest to the Court that you need to see the evidence for yourself
14 before you make a final ruling on our motion.

15 THE COURT: All right. Mr. DiGiacomo.

16 MR. DIGIACOMO: Thank you, Your Honor.

17 Mr. Mueller uses a number of issues. Let me see. I tried to lay
18 this out in my opposition because they didn't really give us anything to
19 go on because they just say the search warrant.

20 There's the first search warrant. A first search warrant is
21 generated as a telephonic based upon the investigation of patrol officers.
22 Those patrol officers go into the security room of the Westin, watch on
23 the original Westin hardware, this video. And those patrol officers
24 represent, look, we're watching this video and in this video we see an
25 individual get out of the passenger side of the vehicle and do a personal

1 inventory of himself before he then runs across the parking lot and re-
2 confronts this black vehicle and then the rest of the story is there.

3 Their claim, at least the way I took their claim in the motion,
4 was that you can't see anybody do a personal inventory not that you
5 can't see anybody get out of the car because I've seen the video. You
6 can see that there's an individual who gets out of that vehicle. The video
7 that we used at the grand jury is in fact an exhibit in this courtroom. So,
8 the Court is free to look at it.

9 What happens after that is that the -- during the course of the
10 investigation, and this happens to me all the time, the Westin then saves
11 the video. Well, when they save it you're going to lose a ton of
12 resolution because you're not using their hardware and their video. So,
13 then Detective Salisbury gets the copy of the video, he watches it, and
14 he makes a determination that there is no personal inventory that you
15 can see on that video. There is somebody who gets out of that
16 passenger side of the vehicle, remains standing there for some period of
17 time, and then proceeds to run across the parking lot.

18 In his search warrant, the search warrant for the car, the
19 search warrant for the phone, there is no reference to the personal
20 inventory that occurs.

21 THE COURT: Correct.

22 MR. DIGIACOMO: And so how it is that they claim that you
23 get suppression of the car and/or the phone when the claimed -- the
24 factual allegation is not there and whether or not that factual allegation is
25 material at all to getting the search warrant whatsoever, whether he got

1 out and did a personal inventory or he got out and didn't do a personal
2 inventory, that's not material to -- certainly there's no claim of an
3 intentionally false statement being made. It was an interpretation by the
4 patrol officers that were watching that.

5 That being said, there's a whole separate claim that they
6 provide no law, no analysis, none whatsoever related to the children. It's
7 my understanding that when the search warrant was executed, Ms.
8 Guidry had left her home and she was pulled over some distance away
9 from her home in the vehicle and she was taken into custody on her
10 warrant, misdemeanor warrant that she had at that time; went down and
11 gave an voluntary interview at the police department.

12 During the time period of the original telephonic search
13 warrant for the home, the minor children were present at the home, and
14 during the course of that the police had conversations with the children
15 about the pass code to the phone is. If we had to get that far, you'd find
16 out that it's completely irrelevant because the pass code turned out to be
17 1-2-3-4 or 1-2-3-4-5 which is a pass code that is routinely used by the
18 CFL lab to get into phones. So, it was not something they necessarily
19 needed to get into the phone. But ultimately they learned from one of
20 the children that that pass code is 1-2-3-4 or 1-2-3-4-5 and they
21 document that in some manner. But none of that, the pass code or
22 anything like that, is in either phone -- in either search warrant nor is it
23 material to probable cause to either search warrant.

24 And so why it is that that's a claim in a motion to suppress, I
25 haven't figured it out. It's completely irrelevant. And he's saying that

1 they violated statute by talking to these children. I'm not aware of any
2 statute that precludes a law enforcement officer from speaking to a child,
3 particularly one left alone by their mother at their residence.

4 And so all of it, I don't think there's a need for an evidentiary
5 hearing. Certainly the Court can watch the video that you have, and
6 determine that Detective Salisbury certainly didn't make any material
7 misrepresentation. And as to the interpretation, they have to -- they have
8 to establish that there's a reasonably -- there was a willfully false
9 statement by the officers, and it's my belief tht there's no willfully false
10 statement, that there's an interpretation of what they see and they see it
11 on a different medium than we can watch it now.

12 THE COURT: Mr. Mueller.

13 MR. MUELLER: I've come to respect my colleague's abilities
14 in Court. I believe I did my first trial against him about 20 years ago.

15 MR. DIGIACOMO: Close.

16 MR. MUELLER: Having said that, his argument was concise
17 and brilliant and on point and one hundred percent wrong.

18 There's a six day gap. The videotape that supposedly -- that
19 the office he's referring to that the patrol officer said would have been on
20 the 3rd of January. The warrants are the car is found and impounded on
21 the 8th of January, six days later. The warrant is a search warrant for the
22 residence is on the 9th, and the search warrant for the vehicle for the
23 phone is on the 11th.

24 Now, what he has said doesn't make a lick of sense
25 intellectually. The videotape that was used or the purported viewing of

1 the videotape by the patrol officers to get these warrants couldn't have
2 possibly been used at the same time. He just told you the patrol officer
3 saw it on the 3rd of January.

4 What he's also mentioned -- failed to mention here --

5 THE COURT: Wait. You've lost me. I don't understand.

6 MR. MUELLER: No, okay. It's very simple. The time frame is
7 simple and, Pat, correct me if I'm wrong. I want to make sure I get this a
8 hundred percent concise. This man jumps on the hood of a car,
9 smashes the windows. Eye witnesses say that he's running around with
10 his penis out and is smashing the windows of her car. That is on the 3rd
11 of January.

12 THE COURT: Correct.

13 MR. MUELLER: On the 3rd of January the videotape that I
14 was provided that brought me sitting here or brought me standing here
15 purports to show a car behind a tree with lights on. There's no view of
16 any individual getting out of this car let alone the view of this individual
17 getting out and doing a personal inventory. That appears to this Officer
18 of the Court to be wholly fabricated. My colleague cleverly says well,
19 yeah, Your Honor, that's a different videotape. These were patrol
20 officers. No, that would had to have been the exact same video
21 because that is the video that was purported used.

22 Then they find out or they get a lead on her car or she gets
23 arrested on a traffic stop five days later. All right. Then they impound
24 her -- arrest her on a traffic warrant. Then on the 9th, six days later, the
25 officer makes his representations about a personal inventory in the video

1 tape that's clearly not there and then he goes and gets a warrant for that
2 house or residence. And that's what he alleges to have done.

3 If you'll let me have an evidentiary tape or an evidentiary
4 hearing what you're going to find is that the officers called the
5 grandfather and get themselves into a house at four in the morning. And
6 we requested -- and I'm still concerned, deeply concerned, I don't have
7 all the discovery in this case. I filed this --

8 THE COURT: Let me interrupt you for a moment. My
9 understanding is the first one is for the house and that's the telephonic
10 warrant and that's issued on January 9th. And thereafter there's a
11 warrant for the car on January 11th and a warrant for the phone on
12 January 11th; correct?

13 MR. MUELLER: Yes.

14 THE COURT: Okay. And the telephonic warrant on January
15 9th occurs after the events occur on January 3rd after the vehicle stop on
16 Ms. Guidry and after Ms. Guidry is interviewed. And then they called
17 Metro or they call Judge Leticia and they get a telephonic warrant;
18 correct?

19 MR. DIGIACOMO: We think it's during the time she's being
20 interviewed other detectives get a telephonic.

21 THE COURT: Well, they make reference in the affidavit to
22 the interview and what she says.

23 MR. DIGIACOMO: Yes.

24 THE COURT: So, here's the thing. I don't know you need
25 anything about a videotape to have probable cause for the warrant.

1 Regardless of whether the videotape is correct or not, the warrant
2 affidavit lays out the witnesses describing an event with the pedestrian
3 outside the car, banging on the car, being hit by a car and/or dragged on
4 the hood of a car; that there's a black Mercedes involved. The warrant
5 affidavit lays out that the decedent is identified, that there's contact with
6 his family, that a watch is missing. There is an investigation done trying
7 to locate the black Mercedes. They talk to an owner in California that
8 indicates that this car was sold to Ms. Guidry. They then stop Ms.
9 Guidry who admits that she was with the victim that night. They had
10 some type of argument. He got out of her car and she doesn't know
11 what happened to his watch. To me, that is plenty of probable cause for
12 the police to get the affidavit to go and get a judge to issue a warrant to
13 go in and search the residence to find whatever evidence is available to
14 them --

15 MR. MUELLER: And if they were to --

16 THE COURT: -- separate from the reference in the affidavit
17 to the videotape showing some of these events.

18 MR. MUELLER: Your Honor, respectfully, I disagree.

19 THE COURT: Okay.

20 MR. MUELLER: When you write it and you tell a judge and
21 they wake you up in the middle of the night and say, hey, Judge, I just
22 looked at a videotape --

23 THE COURT: Okay.

24 MR. MUELLER: -- here's what it says, here's what I saw.

25 THE COURT: Okay.

1 MR. MUELLER: You have to trust them. It's your
2 independent job as a magistrate just to review what they've done. When
3 the guy gets on the phone and tells you I just watched a videotape that
4 shows something that's not there, that is grounds for an evidentiary
5 hearing as to what basis they had to search.

6 Now, my colleague seems to push and trying to fuzzy things
7 up. There's a six day gap, almost an entire business week, from the
8 date this warrant is sought and what was purported in this videotape.

9 THE COURT: All right.

10 MR. MUELLER: I can't phrase this politely. This is a lie. This
11 videotape doesn't show anything like this. Now, that's the basis.

12 THE COURT: Okay. But what I'm getting at is the only thing
13 that's represented in the affidavit from the video is that the video shows
14 a black vehicle at a parking space. A gentleman gets out of the vehicle,
15 supposedly he checks himself, and he runs after the vehicle. Okay.

16 MR. MUELLER: None of which is there.

17 THE COURT: Okay. But how does that change what's
18 already been talked about in the affidavit with witnesses saying we see
19 the black vehicle, we see a gentleman outside the vehicle, we see a
20 gentleman banging on the vehicle. The vehicle hits the gentleman and
21 he's on the hood or being dragged in some fashion. The vehicle pulls
22 away. Black Mercedes.

23 MR. MUELLER: The practical problem here is that the only
24 proof of this watch is in the home. They've made --

25 THE COURT: No, you're getting away from the question. The

1 question is how does that video change the other aspects of the
2 affidavit? It doesn't, it doesn't.

3 So, I mean, I'm looking at the warrant and, yes, officers or
4 excuse me judges are allowing on certain aspects of what the police tell
5 them. I mean, it's not a you just believe anything they tell you.
6 Sometimes we deny warrants and say, no, you need to go back and get
7 more probable cause. But even if this is what was represented to Judge
8 Leticia and even if she said, okay, yeah, I see what you're saying there
9 and I believe that, it doesn't change the fact that the rest of the affidavit
10 basically acts as probable cause separate from the video whether it's
11 even being referenced. And there's nothing about this being referenced
12 in the video that is, okay, well, that absent that, the warrant would be
13 bad.

14 MR. MUELLER: Yeah, the practical thing is, and I said this in
15 opening, and we haven't really talked about it so I want to come back to
16 a point I made which is this search was actually done prior to getting a
17 warrant. The kids will testify -- if you give me an evidentiary hearing the
18 kids will testify that they got to -- they were in the house ahead of time;
19 that they already had access to the phone because they bribed the kid
20 and talked to him without -- in violation of the statute, and then they went
21 back and backfilled this with the affidavit. Now, that's also through -- I
22 mean, that's where we also uncover it. I had mentioned that in passing.
23 But, respectfully, as I sit here right now I'm not certain and I'm still not
24 certain that I've got all the discovery and, number two, I filed it just to get
25 it on calendar because we got a trial date coming up.

1 THE COURT: Sure.

2 MR. MUELLER: Number three, I believe an evidentiary -- I
3 have enough and the Court should have heard enough to grant us an
4 evidentiary hearing and a motion to suppress.

5 Number four, there's the very troubling aspect of being told
6 what's in the video, and you've got a point. I understand that, you know,
7 they could have had other information to get a warrant had that been
8 true. But the other thing we found out that's not true is they were in the
9 house without a warrant and they were searching the phone before they
10 had a warrant which is also I can establish, and that's the practical
11 problem. Officer Salisbury went back and basically tried to cover his
12 tracks not -- did an investigation the right way.

13 MR. DIGIACOMO: I want an affidavit under oath from
14 somebody swearing they stopped --

15 THE COURT: Well, here's the thing.

16 MR. DIGIACOMO: -- her beforehand.

17 MR. MUELLER: Okay.

18 THE COURT: So, I'm denying the motion to suppress. If you
19 want to continue doing discovery and you think there's reason to re-raise
20 it, you can do so, but the motion to suppress was about three pages with
21 no affidavits, no information from any alleged witnesses.

22 MR. MUELLER: Okay.

23 THE COURT: It's just saying, you know, the cops are lying.

24 MR. MUELLER: That's --

25 THE COURT: And it -- hold on.

1 MR. MUELLER: I'm sorry. Sorry.

2 THE COURT: And it attacks the video. And what I'm telling
3 you is the video in any of the three warrants, the video, in it of itself,
4 doesn't detract from a probable cause that's in any of those warrants
5 even if you take the video out. So, even if there's something that is
6 incorrect in there, there is still ample probable cause in each of those
7 warrants for the searches that occur.

8 Now, you're kind of changing it today to say no, no, there were
9 illegal searches, things that were occurring before the warrants were
10 issued and the kids are going to say, and none of that was really in this
11 motion. So, we're kind of blossoming this motion into something else in
12 which case you can re-file the motion if you want to and establish an
13 evidentiary basis to get a hearing if you think that's proper. But I think
14 the warrants are all good.

15 MR. MUELLER: All right. Thank you, Judge. The Court's
16 correct. I filed this warrant or this motion pretty rudimentary.

17 THE COURT: Right.

18 MR. MUELLER: I did that for just a practical reason. I don't
19 believe I've got all the discovery --

20 THE COURT: Okay.

21 MR. MUELLER: -- and I've got a trial date coming up.

22 THE COURT: And that's fine. But it would be inappropriate
23 for me to grant an evidentiary hearing on a fishing expedition saying
24 there's nothing in that motion that would warrant this but because you
25 wanted to deal with it all, I'm just going to go ahead and giving you a

1 hearing. That's not an appropriate way to conduct our business.

2 MR. MUELLER: All right. Thank you, Judge. At this time I
3 want to make a formal motion for discovery.

4 THE COURT: Yeah.

5 MR. MUELLER: I've got -- I'm --

6 THE COURT: Discovery is granted pursuant to statute and
7 case law. You're entitled to discovery without even filing a motion. So, if
8 there are things that you think you haven't gotten yet, I would suggest
9 you do a file review and get whatever they have and then if there's a
10 need to re-litigate the motion we can certainly do so.

11 MR. MUELLER: All right. Thank you, Judge. It's the
12 defense's intention. I'll get together with my colleague. I have a
13 colloquial relationship with him.

14 THE COURT: Okay.

15 MR. MUELLER: I'll go through and look at his file.

16 THE COURT: Okay.

17 MR. MUELLER: It is my belief and my obligation under laws
18 to re-bring this motion. I'll accept his invitation to do so with an attached
19 affidavit. We've got -- now discovered enough that I believe we can re-
20 file a properly in more detail motion.

21 THE COURT: Okay.

22 MR. MUELLER: There's also the practical matter is the car --
23 can we get the car released now? This car is sitting -- it's not of any
24 evidentiary value. It's of no moment to the case anymore.

25 MR. DIGICOMO: Well, I would ask for a written motion. I

1 mean, I'd have to ask -- normally we don't release them. I mean, it's
2 evidence of a crime and it's been taken into evidence. We don't
3 normally release evidence pre-trial.

4 MR. MUELLER: Well, I --

5 THE COURT: Yeah, you know, people's vehicles -- excuse
6 me.

7 MR. MUELLER: No, I'm sorry.

8 THE COURT: I was going to say people's vehicles can kind of
9 be a little bit of a different animal. But, first, I would say yes and we had
10 this in the other case I know that you had; right? I would say a written
11 motion is appropriate.

12 If any forensic testing that's going to be done has been done,
13 it's been photographed, things like that, then by all means I don't have a
14 problem releasing something. But I would agree that this is a little bit
15 different since the allegation is the car is the weapon that was used to
16 commit the alleged homicide. So -- but if you want to file a written
17 motion we can take it up on the pleadings.

18 MR. MUELLER: All right. Thank you.

19 THE COURT: Well, we have a status check January 23rd and
20 then the calendar call is not until March 7th.

21 MR. MUELLER: All right. Thank you, Judge. We'll get back
22 to -- get to work and I will renew the motion, I'll get a motion to file for the
23 paperwork.

24 THE COURT: Okay.

25 MR. MUELLER: I've got no photographs in this matter either.

1 I'm certain there's got -- you've got some. Okay. I've not seen them
2 then. All right. We'll get through it, Judge.

3 THE COURT: Okay.

4 MR. DIGIACOMO: Thank you, Judge.

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6 [Proceedings concluded at 11:42 p.m.]
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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

24 
25 PATRICIA SLATTERY
Court Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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8 THE STATE OF NEVADA,) CASE NO. C-18-329810-1
9 Plaintiff,) DEPT. NO. III
10 vs.)
11 RONNEKA ANN GUIDRY,)
12 Defendant.)

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

15 *TUESDAY, JANUARY 08, 2019*

16 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**
17 **DEFENDANT'S MOTION FOR RETURN OF PROPERTY**

18 APPEARANCES:

19 For the State: MARC P. DIGIACOMO, ESQ.
20 Chief Deputy District Attorney

21 For the Defendant: SUSANNA REYES, ESQ.,

22 ALSO PRESENT: MATTHEW J. CHRISTIAN, ESQ.
23 Assistant General Counsel for
24 Las Vegas Metropolitan Police
Department

25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

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TUESDAY, JANUARY 08, 2019 AT 10:28 A.M.

THE COURT: Ronneka Guidry, C329810. She's present in custody.

MR. CHRISTIAN: Good morning, Matthew Christian for Las Vegas Metropolitan Police Department.

THE COURT: Thank you.

MS. REYES: Susann Reyes.

THE COURT: Thank you. This is on for a motion for return of property.

MS. REYES: We're here with our investigator, Patrick.

THE COURT: So, you all's motion.

MS. REYES: Well, we would like to have the property back because the State doesn't have any reason to keep it anymore, and it's a 2014 Mercedes. So -- and, you know, we think that it serves no purpose for the State to keep it. And so we would like to have that and also would any fees be waived on the impound?

THE COURT: What about the fact that it's the subject of a forfeiture action? There's a civil forfeiture action that's been filed against it.

MS. REYES: Well, Your Honor, we just found out about that process this morning. We were not served.

THE COURT: Okay. So, do you want more time to file some kind of opposition. I mean, my sense is they've got possession of it, they filed a forfeiture action to maintain possession of it. It would be

1 inappropriate for me to order its release right now. If somehow that civil
2 forfeiture case gets resolved in some fashion to Ms. Guidry's benefit,
3 then I think it would probably be a more ripe time for us to, you know,
4 talk about what's going happen to it. But I think it would really be -- even
5 if I ordered -- yep, okay, I'm going to return it, it's not going anywhere
6 because of the forfeiture action.

7 MS. REYES: Yeah, we would like to have more time.

8 THE COURT: Okay. So, I tell you what. Why don't you do
9 this. Why don't you look into the forfeiture case if you like and then you
10 all can just re-notice the motion if you wish if you get some information
11 about that or anything to add. On the state of things now, I would deny
12 the motion without prejudice to re-raise it later on if that forfeiture action
13 gets resolved in some fashion. Okay.

14 MR. DIGIACOMO: Judge, just for the record. Apparently
15 there was a wrongful death suit filed by the victim's family and there's a
16 writ of attachment as well filed. So, there's a separate civil case in
17 addition to the forfeiture action out there as well.

18 THE COURT: Okay.

19 MR. CHRISTIAN: And for the record, Your Honor, we'll --

20 THE COURT: So, it's even more complicated now.

21 MR. CHRISTIAN: It's even more complicated. That issue is
22 not part of our opposition because we didn't know at the time whether
23 that was really going to happen.

24 THE COURT: Right.

25 MS. CHRISTIAN: That is a second issue of being --

1 THE COURT: Well, that's a private issue separate from you
2 all --

3 MR. CHRISTIAN: Right.

4 THE COURT: -- the fact that the family files a wrongful death
5 action and they seek a writ of attachment on the property. I mean, all
6 they can really do is attach to it and then if you ever let it go, then they
7 could ask the Court to hold it still before it could potentially be returned
8 to the Defendant.

9 MR. DIGIACOMO: Yeah. They could also intervene in the
10 forfeiture action if that happened as well. So, I don't know if that's going
11 to happen.

12 THE COURT: All right.

13 MR. CHRISTIAN: And they have to name them in the
14 forfeiture action as a claimant to the property.

15 THE COURT: Understood. So, as I said I'm going to deny it
16 without prejudice. So, look into whatever you all want to and if you think
17 there's some basis to move it again on it, you can re-notice the motion.
18 Okay.

19 MS. REYES: Thank you.

20 THE COURT: All right.

21 MR. CHRISTIAN: Thank you.

22 MR. DIGIACOMO: Thank you, Judge.

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THE COURT: Thank you.

[Proceedings concluded at 10:31 a.m.]

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


PATRICIA SLATTERY
Court Transcriber



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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
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8 THE STATE OF NEVADA,) CASE NO. C-18-329810-1
9 Plaintiff,) DEPT. III
10 vs.)
11 RONNEKA ANN GUIDRY,)
12 Defendant.)
13

14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
15 WEDNESDAY, JANUARY 23, 2019

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**
17 **STATUS CHECK: TRIAL READINESS**

18 APPEARANCES:

19 For the State: MARC DIGIACOMO, ESQ
20 Chief Deputy District Attorney

21 For the Defendant: CRAIG A. MUELLER, ESQ
22
23
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25 RECORDED BY: STACEY RAY, COURT RECORDER

1 LAS VEGAS, NEVADA; WEDNESDAY, JANUARY 23, 2019

2 * * * * *

3 [Proceedings commenced at 11:14 a.m.]

4 THE COURT: All right. Ms. Guidry's matter is on page 6,
5 329810. She's present in custody with Mr. Mueller. We have a
6 upcoming trial date on March 18th.

7 MR. MUELLER: Thank you, Judge. We're going to anticipate
8 being ready to go. We are redrafting and resubmitting in the next couple
9 of days our motion to suppress --

10 THE COURT: Okay.

11 MR. MUELLER: -- with more of a great deal, more
12 particularity.

13 THE COURT: Other than that, are we anticipating being
14 ready for a trial then?

15 MR. MUELLER: Yeah. I don't recall my colleagues had any
16 fingerprints or DNA evidence. I have not seen it.

17 THE COURT: What do we have in terms of forensics stuff?

18 MR. DIGIACOMO: Thinking about it now, there is definitely
19 DNA that was collected.

20 MR. MUELLER: I --

21 MR. DIGIACOMO: Whether or not we ran it, I don't know. As
22 it relates to fingerprints, it was her car. I'm not sure that it was printed.

23 MR. MUELLER: Printed.

24 THE COURT: Okay.

25 MR. DIGIACOMO: So I could check that.

1 THE COURT: Well, yeah.

2 MR. DIGIACOMO: I'm sure it has been disclosed previously.
3 I know that this was second counsel, so let me check. Standing here
4 today, I don't have any independent recollection of what forensics were
5 or were not done.

6 THE COURT: Well --

7 MR. MUELLER: Well, I'm just trying to -- in the spirit of a
8 pretrial and readiness, I'm just making a mental checklist in my head
9 about what I remember seeing and not seeing, and I don't remember
10 seeing --

11 THE COURT: Well, here's what I'll say. Any motion you file
12 put on for the 20th, use the date of the 20th --

13 MR. MUELLER: Okay.

14 THE COURT: -- February 20th, because that's when we'll be
15 back in court next.

16 MR. MUELLER: All right.

17 THE COURT: And then --

18 MR. MUELLER: We'll see to it, Judge.

19 THE COURT: -- in the next 30 days, if you guys get together
20 on the discovery issues and maybe do a file review that would be good
21 so we can make sure everything is had by both sides.

22 MR. MUELLER: I hate going to his office, Judge. He doesn't
23 have any beer there.

24 THE COURT: Well, that's okay.

25 MR. MUELLER: He won't come to my office where we have

1 the beer, so I go over there and it's just tedious talking about work all
2 day.

3 THE COURT: Well, sometimes you got to do that.

4 MR. MUELLER: All right. Thank you, Judge. Well, I'll -- you
5 make a good point.

6 THE COURT: What, if any, offers have you all had
7 discussions on? I know there was discussion a long time ago when Mr.
8 Pandullo was involved.

9 MR. DIGIACOMO: Correct. And actually after Mr. Pandullo
10 was involved I conveyed the exact same sort of discussion with Mr.
11 Mueller.

12 THE COURT: Okay.

13 MR. DIGIACOMO: That went nowhere. She's rejected it.
14 We're not in the position to reoffer it. If the Defense obviously comes
15 back to us and wants to discuss it that's fine.

16 THE COURT: Okay.

17 MR. DIGIACOMO: But it was a -- my recollection was it was a
18 maxed-out leaving the scene of an accident and a maxed-out grand
19 larceny over the particular number and with a set sentence of 10 to 25
20 years that was rejected by the Defendant.

21 THE COURT: Okay. All right, I will see you all back on
22 February 20th, okay?

23 MR. MUELLER: All right. Thank you, Judge.

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THE COURT: Thank you.

[Proceedings concluded at 11:17 a.m.]

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



Angelica Michaux
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-18-329810-1
DEPT. III

10 vs.

11 RONNEKA ANN GUIDRY,
12 Defendant.

13
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
15 WEDNESDAY, FEBRUARY 20, 2019

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **STATUS CHECK: TRIAL READINESS**

18 APPEARANCES:

19 For the State:

MARC P. DIGIACOMO, ESQ.
Chief Deputy District Attorney

21 For the Defendant:

SUSANA REYES, ESQ.

22
23
24
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 Las Vegas, Nevada, Wednesday, February 20, 2019

2 [Case called at 10:16 a.m.]

3
4 MS. REYES: Your Honor, can we call Guidry, please?

5 THE COURT: All right. Ms. Guidry is on page 11. 329810.
6 This is on for a status check. We have an upcoming March 18th trial
7 date. Good morning.

8 MS. REYES: We're filing a motion for suppressing of the
9 evidence.

10 THE COURT: Okay.

11 MS. REYES: So that's fine.

12 THE COURT: You have a copy of it you're filing today? Is
13 that --

14 MS. REYES: No, actually no. It hasn't even been written, but
15 --

16 THE COURT: Well, --

17 MS. REYES: -- it will be prepared.

18 THE COURT: -- it's going to need to be written really quickly.
19 So when do we planning on filing it?

20 MS. REYES: Probably by Monday.

21 THE COURT: Okay.

22 MS. REYES: If we're --

23 THE COURT: So considering our trial date is in 30 days we
24 will have any motions filed by this coming Monday. State, how much
25 time would you like to respond? Well, what are we seeking to suppress?

1 You said the evidence. What? Like a statement, a piece of evidence,
2 what is it that's being --

3 MR. DIGIACOMO: The Court may recall --

4 MS. REYES: I --

5 MR. DIGIACOMO: -- they filed a motion to suppress the cell
6 phone and the purse that was inside the house.

7 THE COURT: Correct.

8 MR. DIGIACOMO: The Court denied it and during the hearing
9 they alleged new grounds that Mr. Mueller indicated he was going to file
10 a new motion --

11 THE COURT: Correct.

12 MR. DIGIACOMO: -- alleging the new grounds which will
13 require a hearing based on it. So if he does allege that --

14 THE COURT: But I guess what I'm --

15 MR. DIGIACOMO: -- I have no objection to actually setting
16 the hearing first even before filing the opp.

17 THE COURT: Okay. Well, we're going to get all that in place.
18 But I'm just trying to figure out is he moving to suppress the same things
19 that were the subject of the original motion?

20 MS. REYES: Right.

21 THE COURT: Okay. All right. So that motion will need to
22 filed by Monday by --

23 MS. REYES: Can you give us two weeks at least?

24 THE COURT: My trial's in 30 days. Okay? So I can't have a
25 briefing schedule for a motion that we invited you to file weeks ago that

1 hasn't been done yet. And this woman has been trying to go to trial for
2 how long?

3 THE DEFENDANT: A year now.

4 THE COURT: Yeah. A year now, through multiple attorneys.
5 And what I'm getting from a lot of the attorneys is the same, I'm going to
6 do something and people never appear on her behalf. We had to get rid
7 of Mr. Pandullo. Now we've got Mr. Mueller and I'm having trouble with
8 appearances and getting things done.

9 I plan on her case going to trial March 18th because I think
10 Ronneka want's her case to go to trial on March 18th. She's nodding
11 vigorously, yes. So you can get the motion filed by Monday, which is the
12 first date you gave me five minutes ago.

13 MS. REYES: Okay.

14 THE COURT: I'm going to give the State a week to file any
15 opposition thereafter. And we will set it on calendar --

16 [Colloquy between Court and Clerk]

17 THE COURT: So motion will be filed by Monday the 25th.
18 State will file an opposition by Monday the 4th. We'll come back on
19 calendar on Thursday the 7th at calendar call and we can address the
20 motion at that time.

21 MS. REYES: Okay. Just means I have to work this weekend.
22 Thank you.

23 THE COURT: Thank you.

24 MR. DIGIACOMO: Would you like to have that, sort of --

25 THE COURT: Do you have a problem working on a

1 weekend? I should hope not because I work every weekend and you
2 should as well.

3 MS. REYES: Oh, I agree.

4 MR. DIGIACOMO: Judge, should I just have the witnesses
5 necessary for the hearing on the 7th since you're --

6 THE COURT: Please.

7 MR. DIGIACOMO: -- gonna be gone and so --

8 THE COURT: Please.

9 MR. DIGIACOMO: -- I'll have witnesses present.

10 THE COURT: Yes. Thank you.

11 MR. DIGIACOMO: Thank you.

12 MS. REYES: Thank you, Your Honor.

13 [Proceedings concluded at 10:20 a.m.]

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

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25 Stacey Ray
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
RONNEKA ANN GUIDRY,
Defendant.

CASE#: C-18-329810-1
DEPT. III

**RECORDER'S TRANSCRIPT OF HEARING:
DEFENDANT'S NOTICE OF MOTION AND MOTION TO WITHDRAW
AS ATTORNEY OF RECORD**

For the State: MARC P. DIGIACOMO, ESQ.
Chief Deputy District Attorney

RECORDED BY: SARA RICHARDSON , COURT RECORDER

1 **Las Vegas, Nevada, Tuesday, March 5, 2019**

2 [Case called at 10:18 a.m.]

3
4 THE COURT: And then as to Ms. Guidry, page 8.

5 MR. MUELLER: Ms. Guidry and I have mended fences --

6 THE COURT: Hold on one second, Craig. Thank you.

7 UNIDENTIFIED SPEAKER: Page 8. Case number C329810.
8 State of -- State of Nevada versus Ronneka Guidry.

9 THE COURT: All right. Ms. Guidry is present with Mr.
10 Mueller. You can go ahead, Craig.

11 MR. MUELLER: Thank you, Your Honor. My motion to
12 withdraw is withdrawn.

13 THE COURT: Okay.

14 MR. MUELLER: And we will remain on the case. We are just
15 about done with a renewed motion to suppress. I'll get it done as soon
16 as I can.

17 THE COURT: Okay. We have calendar call Thursday.

18 MR. DIGIACOMO: Right.

19 THE COURT: So --

20 MR. DIGIACOMO: And that motion to suppress was
21 supposed to be filed by last Friday.

22 THE COURT: Look, I'm sympathetic to the fact that the
23 motion wasn't filed since there was this issue about whether you were
24 going to stay on. What I'm not sympathetic to, just between you and I, is
25 Ms. Reyes coming to court, and when I tell her to file the motion, her

1 response is, you expect me to work on the weekend. Really? Really, in
2 a hundred years would you ever say that in a court? No.

3 MR. MUELLER: Sir, I've been coming --

4 THE COURT: No. So you can --

5 MR. MUELLER: -- practicing law with you for 25 years.

6 THE COURT: Right.

7 MR. MUELLER: I've said some inappropriate things, but
8 nothing like that.

9 THE COURT: I know, I know. So that was in a word,
10 shocking.

11 MR. MUELLER: There is a --

12 THE COURT: In any event, but I'm sympathetic to the fact
13 that there were some payment issues and so you weren't going to
14 continue on and it hasn't been filed yet. But can it get filed by -- our trial
15 is set for the 18th. Can --

16 MR. MUELLER: How about if we get it --

17 THE COURT: -- it get filed by Friday?

18 MR. MUELLER: -- yeah.

19 THE COURT: Okay.

20 MR. MUELLER: This Friday?

21 THE COURT: So by the end of the day on Friday --

22 MR. MUELLER: Can I, since I do work on the weekends,
23 maybe how about first thing on Monday morning.

24 THE COURT: Yeah.

25 MR. MUELLER: That'll give me the weekend to put it

1 together.

2 THE COURT: I mean, I'm not going to be prepared, probably
3 to hear the motion until the morning of trial. I mean, we can do it
4 Monday morning and start the trial later if need be.

5 MR. MUELLER: All right. Thank you, Judge.

6 THE COURT: But I'm not going to be available later next
7 week to be able to hear it. But you can have until Monday to get it filed
8 and then Marc, you can get a response filed by the end of the week.

9 MR. DIGIACOMO: What it is he believes I'll have witnesses
10 Monday morning --

11 THE COURT: Okay.

12 MR. DIGIACOMO: -- for --

13 THE COURT: And then we'll talk about what time we're going
14 to start Monday when we come back on, well actually, we don't have to
15 come back Thursday for calendar call if you guys don't want to.

16 MR. MUELLER: I think we should.

17 MR. DIGIACOMO: I don't want to.

18 MR. MUELLER: Well, yes.

19 THE COURT: Okay.

20 MR. DIGIACOMO: I'm ready.

21 MR. MUELLER: My colleague, as much as I enjoy his
22 company, is being a little disingenuous by half. He's pushing me under
23 the bus on an attempted murder that I gotta start tomorrow -- Thursday
24 at 1 o'clock.

25 THE COURT: All right. So we'll come back Monday on

1 calendar call and talk more.

2 MR. MUELLER: Thank you. He's --

3 THE COURT: All right. Thank you.

4 MR. MUELLER: You push me under the bus on that one, sir.

5 THE COURT: Okay.

6 MR. MUELLER: I stand by that.

7 THE CLERK: March 7th.

8 MR. MUELLER: Thank you, Judge.

9 THE COURT: Thank you.

10 MR. MUELLER: We'll take good care, Ronneka.

11 [Proceedings concluded at 10:21 a.m.]

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

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Court Recorder/Transcriber



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DISTRICT COURT
CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

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Plaintiff,

CASE#: C-18-329810-1

10

vs.

DEPT. III

11

RONNEKA ANN GUIDRY,

12

Defendant.

13

14

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
THURSDAY, MARCH 7, 2019

15

**RECORDER'S TRANSCRIPT OF HEARING:
CALENDAR CALL**

16

17

18

APPEARANCES:

19

For the State:

MARC P. DIGIACOMO, ESQ.
Chief Deputy District Attorney

20

21

22

For the Defendant:

CRAIG A. MUELLER, ESQ.

23

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RECORDED BY: SARA RICHARDSON , COURT RECORDER

25

1 **Las Vegas, Nevada, Thursday, March 7, 2019**

2 [Case called at 11:38 a.m.]

3
4 THE COURT: Marc, you guys ready on Guidry?

5 MR. DIGIACOMO: Yes. We're ready.

6 THE COURT: Page 2, 329810. Ms. Guidry's present with Mr.
7 Mueller. Mr. DiGiacomo's here. This is on today for calendar call.

8 MR. MUELLER: Good morning, Ronneka. How are you?
9 Good morning, Your Honor. Craig Mueller back for Ms. Guidry, Your
10 Honor.

11 THE COURT: Thank you.

12 MR. MUELLER: Ms. Guidry.

13 THE COURT: So what do we got?

14 MR. MUELLER: We have -- Mr. DiGiacomo has got me in trial
15 in front of Judge Jones starting in about an hour, in fact, actually about
16 an hour ago.

17 THE COURT: All right.

18 MR. MUELLER: So I cannot do both.

19 THE COURT: Okay. So --

20 MR. MUELLER: We do have the motion being drafted as I left
21 the office today. I've got -- it's getting typed up.

22 THE COURT: State, have any objection to continuing the
23 trial?

24 MR. DIGIACOMO: I do recognize that Mr. Mueller is in
25 another case involving actually the murder that is here, Mr. Fox's other

1 attempt murder case --

2 THE COURT: Oh.

3 MR. DIGIACOMO: -- that's going to trial.

4 THE COURT: Got it.

5 MR. DIGIACOMO: So I do recognize that so historically we
6 do not object to that. Otherwise I anticipated being ready and I believe
7 that Ms. Ronneka deserves a trial. But I recognize the problem that's
8 facing the Court.

9 THE COURT: Okay.

10 MR. MUELLER: More than happy to give her, her trial and
11 that's fine, but --

12 THE COURT: So I'm looking at no earlier than October.

13 MR. MUELLER: Can you stack us?

14 THE COURT: No, I mean they're stacked. I got two or three
15 homicide trials every week of April, every week of May.

16 MR. MUELLER: Let's go to trial, Judge.

17 THE COURT: Pardon?

18 MR. MUELLER: Let's go to trial.

19 THE COURT: All right. I mean, I'll set it.

20 MR. MUELLER: She's upset. I can send my wife in here.

21 Ms. Guidry, we'll get you your trial. You want to go to trial?

22 THE DEFENDANT: Yeah.

23 THE COURT: Okay.

24 MR. MUELLER: Absolutely.

25 THE COURT: All right. So we will leave it on March 18th.

1 Probably going to be a different department that hears it within our
2 homicide rotation, I'll let you know about that. I'll still handle the motion
3 to suppress. It's on calendar for March 18th before any other Judge
4 hears the trial. What are we looking at in terms of trial time, Marc?
5 Number of witnesses?

6 MR. DIGIACOMO: In this department I would've said it's a
7 week. There's not a significant amount of witnesses. I would say 15 to
8 20, in that -- in that range.

9 THE COURT: Okay.

10 MR. DIGIACOMO: There is two out of country witnesses, and

11 --

12 THE COURT: Okay.

13 MR. DIGIACOMO: -- so if Mr. Mueller tries to come in and
14 say, well my wife can't do it on the 18th, I want to make sure that's not
15 gonna happen if we're paying for people from Brazil --

16 THE COURT: Okay.

17 MR. DIGIACOMO: -- to come in here. But I am --

18 THE COURT: So let's do this then. I'll continue it over to
19 Tuesday for a status check, Craig, --

20 MR. MUELLER: Okay.

21 THE COURT: -- just to make sure you're going to have
22 counsel that's available to hear it. And then you'll know for sure about
23 flying in the folks from out of the country. But we have approximately 15
24 to 20 witnesses, and --

25 MR. DIGIACOMO: I would say a week in this department, and

1 most the other departments in the homicide unit --

2 THE COURT: So --

3 MR. DIGIACOMO: -- I would say the same.

4 THE COURT: -- five to seven days.

5 MR. DIGIACOMO: Correct.

6 THE COURT: Do you anticipate any witnesses?

7 MR. MUELLER: I don't have the file with me 'cause I'm down
8 the hallway doing a trial.

9 THE COURT: That's okay.

10 MR. MUELLER: There's -- I would anticipate about four or
11 five witnesses.

12 THE COURT: Have you all had discussions if she's convicted
13 of first-degree murder, about whether to waive or go forward with penalty
14 phase?

15 MR. MUELLER: No, we have not.

16 MR. DIGIACOMO: We have not, but I'm willing to waive if the
17 defense will let me know what their position is.

18 THE COURT: Okay. We'll talk about that more on Tuesday.

19 MR. MUELLER: Okay.

20 THE COURT: All right. Thank you, guys.

21 MR. DIGIACOMO: All right.

22 MR. MUELLER: See you Tuesday.

23 THE DEFENDANT: I want to reset it.

24 MR. MUELLER: I -- you said no, and I said no. We're going
25 to trial.

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THE DEFENDANT: I said reset it.

THE COURT: He'll talk to you before Tuesday, okay?

[Proceedings concluded at 11:42 a.m.]

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



Stacey Ray
Court Recorder/Transcriber

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THE STATE OF NEVADA,
Plaintiff,
vs.
RONNEKA ANN GUIDRY,
Defendant.

CASE#: C-18-329810-1
DEPT. III

**RECORDER'S TRANSCRIPT OF HEARING:
ALL PENDING MOTIONS:
STATUS CHECK: TRIAL READINESS**

For the State: MARC P. DIGIACOMO, ESQ.
Chief Deputy District Attorney

For the Defendant: CRAIG A. MUELLER, ESQ.

Additional appearance: DENA RINETTI, ESQ.

RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 **Las Vegas, Nevada, Tuesday, March 12, 2019**

2 [Case called at 10:05 a.m.]

3
4 THE COURT: Craig.

5 MR. MUELLER: Yes, Judge.

6 THE COURT: Are we waiting on anybody? Or do you --

7 MR. MUELLER: Well, you want to call Guidry? And then do
8 Guidry first.

9 THE COURT: Well that's the one we're waiting on Mr.
10 DiGiacomo. Or do you have that?

11 MS. RINETTI: I -- page 20?

12 THE COURT: Yeah.

13 MS. RINETTI: Mr. DiGiacomo's coming down on that.

14 THE COURT: Okay.

15 MR. MUELLER: Oh. Here he is. Hey, Sparky, we're ready
16 for you.

17 MR. DIGIACOMO: Oh perfect.

18 THE COURT: Perfect timing. All right. Ms. Guidry's matter is
19 on page 20. I did note that the motion to suppress got filed. So we'll
20 leave that on calendar for the 18th on the trial date. And this was just
21 continued over for one more status check about the trial since Craig was
22 in another trial. So what do we got?

23 MR MUELLER: We're looking like were ready to go.

24 THE COURT: Okay.

25 MR. MUELLER: My investigator's tied up with the current

1 case but we've been working on Ms. Guidry's matter. So we anticipate
2 we'd be ready to go.

3 THE COURT: Okay. So I'm going to plan on doing the
4 motion to suppress the morning of trial unless whoever takes the case
5 can do it. Generally we don't do that, but since I'm trying to keep it
6 within the homicide team, I don't have any problem with them doing it so
7 I can start my other case. If they can't do it, then I'll do it but I -- we'll still
8 do it that morning, that Monday morning. I'll just let you know where it's
9 going to be.

10 MR. DIGIACOMO: Can I ask the Court, have you actually
11 read their motion to suppress?

12 THE COURT: I just -- no. I just saw that --

13 MR. DIGIACOMO: Oh.

14 THE COURT: -- it got filed.

15 MR. DIGIACOMO: Could I ask the Court to do so before you
16 order me to respond? They filed on the exact same issue we already
17 had a motion to suppress on. Not on the new issue that they claimed at
18 the oral argument they were going to raise.

19 MR. MUELLER: I will send over the -- we did draft another
20 motion and it was sent over by a law professor. I will call the clerk and
21 get it over to you.

22 THE COURT: Okay.

23 MR. MUELLER: It's -- we did file and draft a new one on the
24 new issue.

25 THE COURT: Okay.

1 MR. MUELLER: Probably just electronic error.

2 THE COURT: Yeah. I assumed it was the new issue.

3 MR. MUELLER: It is.

4 THE COURT: But I haven't read anything yet.

5 MR. DIGIACOMO: No.

6 THE COURT: I just know that something got --

7 MR. DIGIACOMO: This is a different motion, but it was the

8 exact same issue, so --

9 MR. MUELLER: We used the same facts and circumstances.

10 MR. DIGIACOMO: -- someone redrafted it claiming a *Frank's*

11 error for the video and bribing of the witnesses; everything that was

12 always before. Nothing as it relates to the timing of the execution of the

13 warrant was filed.

14 THE COURT: Is that correct or incorrect, in your mind?

15 MR. MUELLER: I've been in trial, Judge. I've had it. I'm

16 sorry.

17 THE COURT: All right.

18 MR. MUELLER: We'll be ready to go on --

19 THE COURT: I will -- I'll -- get me the new motion.

20 MR. MUELLER: Okay.

21 THE COURT: And make sure it's the correct one. Then I'll

22 take a look at it and I'll let you know.

23 MR. MUELLER: Thank you.

24 MR. DIGIACOMO: Thank you, Judge.

25 THE COURT: But other than that, we will plan on the trial

1 starting Monday afternoon at 1 o'clock so that we can do the hearing
2 Monday morning before the trial if necessary. Okay?

3 MR. MUELLER: All right. Thank you.

4 MR. DIGIACOMO: Appreciate it. Thank you.

5 THE COURT: Thanks, guys.

6 [Proceedings concluded at 10:07 a.m.]

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24 
25 Stacey Ray
Court Recorder/Transcriber



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-18-329810-1
DEPT. VIII

10 vs.

11 RONNEKA ANN GUIDRY,
12 Defendant.

13
14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE
15 TUESDAY, MARCH 19, 2019

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **JURY TRIAL**

18
19 APPEARANCES:

20 For the State:

MICHAEL J. SCARBOROUGH, ESQ.
Deputy District Attorney

21
22 For the Defendant:

CRAIG A. MUELLER, ESQ.

23
24
25 RECORDED BY: GINA VILLANI, COURT RECORDER

1 Las Vegas, Nevada, Tuesday, March 19, 2019

2
3 [Hearing began at 9:18 a.m.]

4 THE COURT: This is case C329810, State versus Ronneka
5 Guidry.

6 MR. MUELLER: Good morning, Your Honor, Craig Mueller on
7 behalf of Ms. Guidry.

8 I spoke with Ms. Guidry late on Saturday; I'd learned some
9 additional information that needs to be investigated. I spoke with the
10 District Attorney's Office and I'm going to ask for a brief continuance to
11 prepare the additional work that needs to be done to be ready for trial.

12 THE COURT: All right. Next stack.

13 MR. MUELLER: Yes, please, just as soon as possible,
14 Ms. Guidry's anxious to get this matter resolved.

15 THE COURT: Do we -- did she invoke or waive her right to a
16 speedy trial?

17 MR. MUELLER: I believe she waived the right to a speedy
18 trial prior to me getting involved but I've been trying to do it all.

19 THE COURT: We still will -- we'll try and get it on as soon as
20 possible.

21 MR. MUELLER: Thank you, Your Honor.

22 THE CLERK: So the next stack will be August.

23 THE COURT: August is the next stack.

24 MR. MUELLER: All right. Thank you, Judge.

25 THE CLERK: Calendar call July --

1 MR. MUELLER: Can we maybe go into July is that -- or
2 maybe into --

3 THE COURT: Well, the calendar call is in July.

4 MR. MUELLER: Okay.

5 THE CLERK: Calendar call July 31st 8:00 a.m.; jury trial
6 August 5th, 9:30 a.m.

7 MR. MUELLER: Okay.

8 THE COURT: All right. Thanks.

9 MR. MUELLER: Thank you.

10 MR. SCARBOROUGH: Thank you.

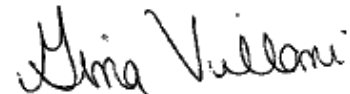
11 THE COURT: Thanks for coming down, Jory.

12 MR. SCARBOROUGH: Yes.

13
14 [Hearing concluded at 9:19 a.m.]

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

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23 Gina Villani
24 Court Recorder/Transcriber
25 District Court Dept. IX

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THE STATE OF NEVADA,
Plaintiff,
vs.
RONNEKA ANN GUIDRY,
Defendant.

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
WEDNESDAY, MARCH 20, 2019

APPEARANCES:

For the Defendant: CRISTINA A. HINDS, ESQ.

Page 1

1 Las Vegas, Nevada, Wednesday, March 20, 2019

2 [Case called at 11:15 a.m.]

3
4 THE COURT: Okay. And then --

5 MR. SCARBOROUGH: Twenty nine, I believe.

6 THE COURT: Yeah. Ms. Guidry.

7 MS. HINDS: Yes.

8 THE COURT: Okay.

9 MS. HINDS: Thank you, Your Honor.

10 THE COURT: All right. Is Marc coming back, or no?

11 MR. SCARBOROUGH: Yeah. I'm with Marc, so. I'll handle
12 the case.

13 THE COURT: Okay. All right. So Ms. Guidry's matter is
14 329810. This matter had been referred over to Department 8 since this -
15 - since I'm in trial right now. The trial was going to start on Monday.
16 Some issues arose that necessitated a continuance. Judge Smith
17 ended up resetting the trial date instead of sending it back to me so I
18 had to pull the case back. And then we need to come up with a trial
19 date. I want to give you same trial date; I just don't know what that trial
20 date was.

21 MR. SCARBOROUGH: It was in August, I believe. August --

22 THE COURT: August 5th?

23 MR. SCARBOROUGH: Yes.

24 THE COURT: Okay. Let me make sure we can do that.
25 'Cause I'm assuming that's a date that you all agreed upon was the date

1 that --

2 MR. SCARBOROUGH: When Judge Smith's department
3 announced it none of us had any objections. And so we also do --

4 THE COURT: Okay.

5 MR. SCARBOROUGH: -- need time for the family to fly back.
6 So --

7 THE COURT: Okay.

8 MR. SCARBOROUGH: -- I think that's feasible.

9 THE COURT: All right. And, Cristina, as far as you know that
10 -- or that date was good for your side?

11 MS. HINDS: That is correct.

12 THE COURT: Okay. So we'll go ahead and give you that
13 same date. It's just going to be in this department, obviously. So it's
14 August 5th and the calendar call date will be --

15 THE CLERK: July 25th at 9:00 a.m.

16 THE COURT: We'll set a status check in 30 days on trial
17 readiness just to make sure, for sure, any experts, attorney's schedules,
18 everything is good for that date.

19 THE CLERK: Can we do May 15th?

20 THE COURT: Yeah.

21 THE CLERK: May 15th at 9:30.

22 THE COURT: So 60 days. All right, guys. Thank you.

23 MR. SCARBOROUGH: Thank you.

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MS. HIND: Thank you, Your Honor. I appreciate it.

[Proceedings concluded at 11:17 a.m.]

* * * * *

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



Stacey Ray
Court Recorder/Transcriber

Albert B. Hanson

RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

VS.

RONNEKA ANN GUIDRY,
Defendant.

CASE#: C-18-329810-1
DEPT. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
WEDNESDAY, MAY 15, 2019

**RECORDER'S TRANSCRIPT OF HEARING:
STATUS CHECK: TRIAL READINESS**

APPEARANCES:

For the State: KELSEY R. EINHORN, ESQ.
Deputy District Attorney

For the Defendant: CRAIG A. MUELLER, ESQ.

RECORDED BY: JILL JACOBY, COURT RECORDER

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Las Vegas, Nevada, Wednesday, May 15, 2019

[Case called at 12:00 p.m.]

MS. EINHORN: And, Judge, I'm standing in for Mr. DiGiacomo's and Mr. Mueller's cases.

THE COURT: Okay. So, Craig, on Ms. Guidry's matter.

MR. MUELLER: Good morning, pardon me, afternoon, Your Honor. Ms. Guidry she is present in custody.

THE COURT: Thank you. That's on page 10. This is just on for a status check as we're moving towards our trial date which is set for August the 5th. It's an older case. We've been through discovery issues and everything. We had moved this over last time because of some issues that developed right before the trial. Everything good?

MR. MUELLER: Everything good.

THE COURT: Okay.

MR. MUELLER: We're on track. Got a paralegal who's actually got the file organized and gotta couple motions in progress.

THE COURT: Okay. So we will go ahead and set another status check in 30 days. Why don't you just use that date when you file your motions. And we'll use that as a hearing date on motions as well.

MR. MUELLER. All right. Thank you, Judge.

THE COURT: Thank you.

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THE CLERK: That'll be June 12th 9:30.

[Proceedings concluded at 12:01 p.m.]

* * * * *

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Stacey Ray
Court Recorder/Transcriber

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Las Vegas, Nevada, Wednesday, June 12, 2019

[Case called at 11:08 a.m.]

THE COURT: Okay. On Ms. Guidry's matter on page 17. 329810. She's present with Mr. Mueller. Mr. DiGiacomo here for the State. This is just on for status check. We have an upcoming trial date of August 5th.

MR. MUELLER: Looks like we're on schedule. We're also done a lot of work on the case and we're on track. We've got a motion to suppress gonna get filed, hopefully, in the next day or so.

THE COURT: Okay. So let's do this. I know we talked previously, Craig for a couple of motions that you all are looking at. So can they be filed by the end of the week?

MR. MUELLER: Mr. Maynard just snuck out of the back of the courtroom, so I'd have to turn to him. He's the one that's actually on them.

THE COURT: Well, I'll tell you what. Let's do this. Let me just set it for -- let's say any motions need to be filed by June 26th. So that's two weeks.

MR. MUELLER: That's fair.

THE COURT: And then State can get any opposition's by July 8th. Is that okay?

MR. DIGIACOMO: Sure.

THE COURT: Okay. And then we don't need to have replies. We can just argue it orally. And we'll set them for argument on July 10th at 9:30.

1 MR. MUELLER: All right. Thank you.

2 THE COURT: All right.

3 MR. MUELLER: Fortunately, I was --

4 THE COURT: And we'll have a further status check on our --

5 THE DEFENDANT: Can I --

6 THE COURT: -- trial when we come back on July 10th.

7 THE DEFENDANT: Can I say something, Judge?

8 THE COURT: Sure.

9 THE DEFENDANT: You've said this previously. You said
10 make sure the motions was gonna be for today.

11 THE COURT: Well, I think last time what it was, was they had
12 a couple of motions to file and I said try and get them filed by today but
13 we were --

14 THE DEFENDANT: Because it's been like months, like
15 months, like he's prolonged them.

16 MR. MUELLER: Ronneka, would you like to represent
17 yourself?

18 THE DEFENDANT: No. But you're prolonging it.

19 MR. MUELLER: Then please be quiet.

20 THE COURT: Okay. It's okay for Ms. Guidry to talk.

21 THE DEFENDANT: It's serious.

22 THE COURT: But, Ms. Guidry, in all fairness, I mean, we've
23 had a lot of issues with a lot of different attorney's you've had in terms of
24 them getting their stuff done. And it's not -- it's not just you they
25 represent. So I know you're eager to get your case to trial, as am I.

1 Trust me. That's why I'm setting a briefing schedule today to make sure
2 we have them so we can argue them the next time. Okay?

3 THE DEFENDANT: Okay.

4 MR. MUELLER: Madam Clerk, can you give me those dates
5 again?

6 THE COURT: Motions by June 26th; by the close of business
7 that day. They have to be filed by that day. Oppositions filed by the
8 close of business on July 8th. And we will hear the motions on July 10th
9 at 9:30. Okay? That's any motions, not just the motion to suppress. So
10 if there's any other things that you all want to file you need to get them
11 all done by then.

12 MR. MUELLER: All right. Thank you, Judge.

13 THE COURT: Got it. All right. And then we'll chat again
14 when we come back on July 10th, Ronneka. Okay?

15 THE DEFENDANT: Okay. Can I get a copy of that motion,
16 please?

17 MR. MUELLER: Absolutely.

18 THE DEFENDANT: Thank you.

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THE COURT: All right, guys. Thank you.

[Proceedings concluded at 11:10 a.m.]

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THE STATE OF NEVADA,
Plaintiff,
vs.
RONNEKA ANN GUIDRY,
Defendant.

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE
WEDNESDAY, JULY 10, 2019

APPEARANCES:

For the Defendant: JAY MAYNARD, ESQ.

RECORDED BY: JILL JACOBY, COURT RECORDER

1 Las Vegas, Nevada, Wednesday, July 10, 2019

2 [Case called at 11:09 a.m.]

3
4 THE COURT: All right. On Ms. Guidry's matter, she's present
5 in custody. This is on for the status check as well as motion to suppress
6 that was filed. Mr. Maynard.

7 MR. MAYNARD: Yes, Your Honor. Just one moment, Court's
8 indulgence. Sorry I was speaking to my client and had to grab my file.

9 THE COURT: That's okay.

10 MR. MAYNARD: Yes. Obviously we have this on for a motion
11 to suppress. Presuming you read the -- presuming the Court had the
12 time to peruse the motion to suppress.

13 THE COURT: I did.

14 MR. MAYNARD: You have the basic outline of it. This is
15 going to be based on a Frank -- we're asking for a *Franks* hearing.
16 We're asking for the evidence to be suppressed, or in the alternative, for
17 a *Franks* hearing given that the evidence provided -- the evidence
18 provided in the affidavit that lead to the search warrants -- indeed all the
19 search warrants, was tragically flawed in an absolutely material way.

20 Their description of all the events that took place on the night
21 where the event allegedly took place involving the victim, and allegedly
22 Ms. Guidry, all of that evidence was mischaracterized, at the very best.
23 And it was -- it showed either a knowing or reckless distain for the truth.

24 THE COURT: So let me interrupt you and cut to the chase
25 about --

1 MR. MAYNARD: Sure.

2 THE COURT: -- one thing. How is this motion different than
3 the first two motions to suppress for the cell phone search that
4 challenged that same information in the affidavit? How is this different?

5 MR. MAYNARD: Your Honor, as I understand it -- and I
6 wasn't here to argue the last one, nor was I here to write the last one.
7 But as I understand it the last time we submitted this you invited us to
8 resubmit with a more robust legal analysis of it. Which I believe I
9 provided in the State. And in the sense that it was -- that the
10 suppression of the evidence was always the end result that should --
11 that we believe should come about. Then basic motivation it's the same
12 in the fact that has -- we have significantly more legal backing and we've
13 cited significantly more law in this case and provided the State with all
14 the evidentiary requirements of *Franks*. We've provided a full and robust
15 *Frank's* request which is dramatically different from last time.

16 THE COURT: All right. Mr. DiGiacomo.

17 MR. DIGIACOMO: Thank you. The dispute last time and as
18 far as I can tell this time, is that there was a claim that the victim took a
19 personal inventory. And as I said last time, that's open to interpretation.
20 It is only in the first warrant for the house. That description, that one
21 line, had -- was taken out every other warrant when the lead detective
22 wrote the other warrants. The Court previously found that no description
23 from the video was necessary to any of the warrants and thus I don't
24 know what it is that we're talking about here.

25 The only thing I see different here, is last time, and it wasn't

1 the Court's suggested a more robust legal analysis. The Court
2 suggested, or Mr. Mueller suggested that the father of Ms. Guidry was
3 gonna testify that the cops were in the house prior to the telephonic
4 actually being authorized by the Court. That turns out not to be the new
5 allegation. The new allegation is, is that the phone was utilized between
6 the time the car was sealed and the time that the search warrant was
7 executed.

8 Although the only evidence of that is that allegedly some
9 person in Oregon got a snapchat. She didn't give us the snapchat
10 account for either herself or Ms. Guidry's account, for Ms. Guidry's
11 account. Now how is it that establishes that that particular device was
12 utilized, there's absolutely no evidence to suggest that particular device
13 was utilized. I provided the court with the tow sheet, the photograph
14 showing the car is sealed and the search warrant that was executed on
15 the vehicle.

16 To the extent that they want to provide me -- and I will tell the
17 Court, I didn't have time to get the answer to this, is we executed a new
18 search warrant on the phone last week to determine can we figure out
19 what the snapchat account is for Ms. Guidry. Can we figure out what the
20 snapchat account with Ms. Patton is, 'cause we'll send a search warrant
21 to snapchat and get the contents of both their snapchat accounts to
22 determine if there was a text sent by snapchat and what time it was
23 done.

24 But there is simply no evidence that this device was used to
25 send a snapchat from Ms. Guidry's account to Ms. Patton's account.

1 And thus, there's no basis for an evidentiary hearing at this point
2 whatsoever. And I submit to the Court that, other than this issue related
3 to this snapchat, there is no new allegation that has been made in this
4 motion.

5 THE COURT: Mr. Maynard, anything further?

6 MR. MAYNARD: Yes. The description of the video's content
7 was flawed in far more ways than just whether or not the victim allegedly
8 took a personal inventory. It was flawed in -- oh, okay. Let's see here.
9 The car could not be easily identified. The distance was far too great to
10 identify a plate, or a lack of a plate, or a dealer plate, or anything of that
11 affect. Every interaction involving anyone getting into or out of the car
12 was utterly indistinguishable. It was not only at such a distance, but it
13 was also through multiple trees.

14 The most that could possibly be said, and I was at pains to
15 buy as much credibility to buy -- to give as much slack to the officers
16 account as humanly possible. But the most that could possibly said is
17 there seemed to be some movement through the trees. Certainly it is
18 not identifiable if anyone got out of the car and, God forbid, much less
19 who got out of the car. Which they do -- which the officer's do insinuate
20 in here. There is no evidence -- that they further go on to say that he
21 stood beside the car while the car pulled away; we can't see that.

22 Again, it's through trees, it's at a distance, you cannot see
23 who or if anyone is even standing there. The tree bank covers several
24 different vehicles. Anyone could've gotten out of any of those cars and
25 quite frankly, the motion that can be detected, there's no certainty that it

1 was --

2 THE COURT: But, let me --

3 MR. MAYNARD: -- even Ms. Guidry's car.

4 THE COURT: -- again, I've got to cut you off because the first
5 motion that was filed challenged this information. And I said very
6 explicitly at that time, even if you take that surveillance video paragraph
7 information out of the affidavit, there was still probable cause for the
8 search warrant because there's reference to what the witnesses saw in
9 the car, reference to getting the license plate of the car, reference to
10 tracking the car to Ms. Guidry, reference to the interview with Ms.
11 Guidry. All of this constitutes a probable cause way above what was
12 necessary for a warrant even if we take this information out. Okay? So I
13 denied that motion.

14 And I did invite, because Mr. Mueller said, oh, well we're
15 going to develop some other information; fine. He filed a second motion;
16 same thing. I ruled on that motion denying it. This is actually the third
17 motion now. I didn't invite this motion because we'd already done it
18 twice. But this is the third motion. The law is the law. It's not -- you
19 guys can add more cases in there if you want but I know what the law is
20 regarding challenging the affidavits in a search warrant. That's not what
21 this is about.

22 I mean, you just keep attacking the same language because
23 you feel like the language about the detectives viewing of the
24 surveillance video is really not representative of the surveillance video.
25 You can't see as much as they're purporting to be able to see. That's,

1 look in my mind, that's just a dispute over what's shown on the video.
2 I've seen the video as well. But even without that, the warrant is still
3 good.

4 The snapchat's a red herring. You know what, you can chase
5 that rabbit hole all you all want but that's a red herring whether
6 somebody posted something on a snapchat somewhere at some point in
7 time. That doesn't change what the facts of this thing are. You need to
8 stop. Right.

9 THE DEFENDANT: Okay.

10 THE COURT: Stop. Your attorney's arguing your case let
11 him argue your case, because you've got about 30 more seconds and
12 then we're done.

13 THE DEFENDANT: Okay.

14 THE COURT: Because this is the third time I've dealt with the
15 same issue in this motion and it's just, in my mind. It's just that you don't
16 like my decision and you guys keep filing this motion. There's no basis
17 here for reconsideration, there are no new facts about anything, there is
18 no new law to anything. That's why I asked in the beginning, what is it
19 that's different here and I haven't heard anything that's different here.

20 MR. MAYNARD: Your Honor, with all due respect, you
21 characterize that there was a link between the license plate or indeed, I
22 believe, that the allegations that it was a dealer plate and the events.
23 That night that also is mischaracterized, that also cannot be identified in
24 the surveillance footage that they provide. There's a blurry -- the angle
25 of the camera that is showing the particular shot that comes the closest

1 to being able to identify, the car hits a speed bump as it goes past. It is
2 entirely blurry. There's no chance that a person could read what is on
3 that in any identifiable way.

4 THE COURT: So how did they end up getting the right car? If
5 nobody could read the license plate, how did they end up getting the
6 right car for Ms. Guidry?

7 MR. MAYNARD: From other -- they eventually got something
8 from some camera -- from some street camera, but it had -- but it was
9 not linked to that parking lot. It was later on and disconnected. Much
10 like in their description of the events --

11 THE COURT: So let's assume --

12 MR. MAYNARD: -- they --

13 THE COURT: -- let's assume that every video camera from
14 that parking-lot shows nothing of value. But they know from witnesses
15 that a black car ran this man over and fled from that area. So they get a
16 traffic camera from that area with the black car and they get the license
17 plate. It's still good probable cause; all of the totality of what they did in
18 the affidavit. So I don't think that there's anything new here and the
19 motion to suppress is going to be denied.

20 All right. Trial's set for August 5th. I'm assuming we're all still
21 good to go for trial?

22 MR. DIGIACOMO: We are.

23 MR. MAYNARD: Yep.

24 THE COURT: Yep?

25 MR. MAYNARD: We are.

1 THE COURT: Okay. So I will see you back on calendar call
2 which is July 25th.

3 MR. DIGIACOMO: Thanks, Judge.

4 THE COURT: Thank you, guys. Officers, thank you very
5 much.

6 MR. MAYNARD: Can I disclose something? Can the record
7 just reflect, for the record, we do object to the ruling. We would ask for
8 leave to appeal this at this time.

9 THE COURT: Yeah. I mean, I -- you don't need my leave to
10 appeal.

11 MR. MAYNARD: This is fine.

12 THE COURT: I can grant a stay, but if you want to file an
13 extraordinary writ or something you can certainly do that. My sense is
14 you're going to get a, our intervention is not warranted --

15 THE DEFENDANT: And --

16 THE COURT: -- at this time because you have an appellate
17 remedy.

18 THE DEFENDANT: -- also my snapchat, all you had to do
19 was click the button it was never on lock and they went into my phone
20 illegally and you don't care.

21 THE COURT: See you at the trial.

22 THE DEFENDANT: [indiscernible]

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THE COURT: See you for trial. Bye, bye.

[Proceedings concluded at 11:21 a.m.]

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



Stacey Ray
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THE STATE OF NEVADA,
Plaintiff,
vs.
RONNEKA ANN GUIDRY,
Defendant.

VS.

**RECORDER'S TRANSCRIPT OF HEARING:
CALENDAR CALL**

For the State: MICHAEL J. SCARBOROUGH, ESQ.
Chief Deputy District Attorney

For the Defendant: JAY MAYNARD, ESQ.

Page 1

1 **Las Vegas, Nevada, Thursday, July 25, 2019**

2 [Case called at 9:39 a.m.]

3
4 MR. SCARBOROUGH: Yes, Your Honor. Page 5, Guidry.

5 THE COURT: Ms. Guidry's matter is 329810. She's present
6 in custody. This is on for calendar call, have our trial coming up on
7 August 5th. How are we doing?

8 MR. SCARBOROUGH: Your Honor, State's gonna announce
9 ready, but the only thing is, is we have a witness that is being flown in
10 from out of the country. There was a sudden illness in his family. He
11 asked for us to ask the Court for just a week later start. But the State is
12 announcing ready.

13 THE COURT: August 12th?

14 MR. SCARBOROUGH: Please, if it's feasible with the Court.

15 THE COURT: I'm sorry?

16 MR. SCARBOROUGH: Yes, please.

17 THE COURT: August 12th. Okay. Are you all available
18 August 12th?

19 MR. MAYNARD: One moment.

20 THE COURT: I mean, my understanding was we we're going
21 into that week anyway.

22 MR. MAYNARD: Yeah.

23 THE COURT: At least --

24 MR. MAYNARD: Yeah. We're available August 12th.

25 THE COURT: Okay. All right. So we will plan on starting

1 August 12th at 10:00 a.m.

2 [Colloquy between Court and Clerk]

3 THE COURT: And how many witnesses total, Jory, do you
4 guys expect you're going to be calling, just to --

5 MR. SCARBOROUGH: So far looks like we've slated 19, but
6 some of them are custodians of records, so might be a little bit more
7 streamlined --

8 THE COURT: Okay.

9 MR. SCARBOROUGH: -- as to some witnesses.

10 THE COURT: And are we still looking at about five to seven
11 days?

12 MR. SCARBOROUGH: I would say yes.

13 THE COURT: Thank you. All right. I'll see you guys on
14 August 12th.

15 MR. SCARBOROUGH: Thank you, Your Honor.

16 THE COURT: Thank you.

17 [Proceedings concluded at 9:41 a.m.]

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22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

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25 Stacey Ray
Court Recorder/Transcriber

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RONNEKA GUIDRY,) No. 80156
)
 Appellant,)
)
 v.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)
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I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 23 day of March 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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

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BY /s/ Rachel Howard
Employee, Clark County Public Defender's Office