

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

KODY HARLAN

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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**APPELLANT'S APPENDIX  
Volume IX**

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**Harlan v. State Case No. 80318**

**INDEX TO APPELLANT'S APPENDIX**

<b><u>Document</u></b>	<b><u>Page</u></b>
Information (7.17.2018)	1-4
Instructions to the Jury (8.7.2019)	50-94
Judgment of Conviction (12.12.2019)	178-179
Motion in Limine re Bad Acts (4.18.2019)	37-37
Motion for New Trial (8.13.2019)	95-99
Motion to Sever (4.8.2019)	5-17
Notice of Appeal filed (12.23.2019)	180-181
Response to State's OPP to MTN for New Trial (10.3.2019)	167-177
State's OPP to MTN in Limine re bad Acts (4.25.2019)	38-47
State's OPP to MTN to Set Aside Verdict (8.20.2019)	100-117
State's OPP to MTN to Sever(4.11.2019)	18-30
State's Supplemental Opposition to MTN for New Trial (9.26.2019)	139-166
Supplemental Briefing for MTN for New Trial (9.12.2019)	118-138
Verdict Form (8.7.2019)	48-49
<b><u>Transcript/Minutes</u></b>	<b><u>Page</u></b>
Transcript of Evidentiary Hearing (1.22.2020)	1529-1600
Transcript of Hearing on MTN for New Trial (1.22.2020)	1504-1528
Transcript of Hearing on MTN to Sever (5.1.2020)	1644-1653
Transcript of Jury Trial Day 1 (1.22.2020)	182-503

Transcript of Jury Trial Day 2 (1.22.2020)	504-699
Transcript of Jury Trial Day 3 (1.22.2020)	700-954
Transcript of Jury Trial Day 4 (1.22.2020)	955-1146
Transcript of Jury Trial Day 5 (1.22.2020)	1147-1375
Transcript of Jury Trial Day 6 (1.22.2020)	1346-1495
Transcript of Jury Trial Day 7 (1.22.2020)	1496-1503
Transcript of Sentencing (1.22.2020)	1601-1643

1 Q -- just agree?

2 A Yeah.

3 Q Okay.

4 MR. HELMICK: May I approach, Your Honor?

5 THE COURT: You may.

6 BY MR. HELMICK:

7 Q Okay. So I'm showing you the transcripts of your  
8 interview for that day. Just go ahead and just briefly look through  
9 it and then look up at me when you're done.

10 [Witness complies.]

11 Q You don't have to look through the whole thing if you  
12 don't want to.

13 Let me ask you this, Angie, while you're looking at it, did  
14 you -- when's the last time -- have you ever read those reports in  
15 this case?

16 A No.

17 Q Okay. So it was a long time ago, right?

18 A Yeah.

19 Q A year ago?

20 A Uh-huh.

21 Q Okay. So safe to say that you did not make those  
22 comments to the police at that time; about being on the other side  
23 of the house and overhearing that comment?

24 A Yeah, I guess. Yeah.

25 Q That's safe to say?

1           A     I think so.

2           Q     Okay. Thank you, Angie.

3           THE COURT: Anything further, Ryan?

4           MR. HELMICK: No, Your Honor. Thank you.

5           THE COURT: Mace?

6           MR. YAMPOLSKY: I have no questions.

7           THE COURT: State, anything further?

8           MS. OVERLY: No, Your Honor.

9           THE COURT: Anything from our jurors?

10          Okay. All right. Ms. Knox, thank you very much for your

11 time. I appreciate it. You're excused.

12          The State may call their next witness.

13          MR. PESCI: The State calls Olivia Mancuso.

14                   **OLIVIA MANCUSO**

15          [having been called as a witness and being first duly sworn,

16                   testified as follows:]

17          THE CLERK: Thank you, please be seated.

18          If you could state and spell your name for the record,

19 please?

20          THE WITNESS: Olivia Mancuso. O-L-I-V-I-A,

21 M-A-N-C-U-S-O.

22          THE COURT: All right. Thank you, Officer.

23          You can go ahead.

24          ...

25          ...

**DIRECT EXAMINATION**

BY MR. PESCI:

Q Ma'am, what do you do for a living?

A I'm a Henderson police officer.

Q And how long have you been with the Henderson Police Department?

A Approximately two years.

Q I want to direct your attention to June 8th of 2018, in the evening hours, you -- were you working as an officer that day?

A Yes, sir.

Q And did you respond to the intersection of Sunset Road and Green Valley Parkway?

A Yes, sir.

Q Specifically showing you State's Exhibit 1.

Did you respond to that area?

A Yes, sir.

Q And why did you respond to that area?

A There was an accident and juveniles running from the scene.

Q You said an accident and juveniles running from the scene?

A Yes, sir.

Q Okay. Was another officer, an Officer Cochran, the first on scene?

A Yes, sir.

1 Q Is that the officer that testified earlier that left the  
2 courtroom?

3 A Yes, sir.

4 Q Okay. When you arrived on the scene, showing you  
5 State's 15, was this one of the vehicles that you saw at this scene?

6 A Yes, sir.

7 Q And then specifically State's 11.

8 Is that another vehicle that you saw at that scene?

9 A Yes, sir.

10 Q All right. So when you're at this specific scene, showing  
11 you State's 12, what was your responsibility there?

12 A Once I arrived on scene, we were getting word from  
13 dispatch that there was a white male juvenile with Germany on his  
14 shirt and jeans, hopping walls.

15 Q Okay.

16 A So my sergeant told me and another officer to start  
17 locating him.

18 Q And what did you do to try to locate him?

19 A We --- well I went southbound on Green Valley and was  
20 just following updates from dispatch on to where he was last seen.

21 Q When you say following on dispatch, what exactly does  
22 that mean?

23 A It means that they're giving over the air what witnesses  
24 are seeing. based on calls coming in.

25 Q Okay. And is that information given to you over some

1 sort of an audio device?

2 A Yes, sir.

3 Q And were you dressed as a police officer that day?

4 A Yes, sir.

5 Q And did you respond in a marked patrol vehicle?

6 A I did, sir.

7 Q Were you assigned as a patrol officer at that time?

8 A Yes, sir.

9 Q Okay. And when you got to that location, did you head --  
10 well what direction did you head from this intersection?

11 A South on Green Valley.

12 Q Okay. I want to show you -- you've previously seen  
13 State's Exhibit 1. I want to show you State's Exhibit 4 and State's  
14 Exhibit 2. There's 4 and then 2 and ask if you recognize that?

15 A Yes, sir.

16 Q What do you recognize State's 4 to be?

17 A It is the area which I drove to get to the location where I  
18 contacted the suspect.

19 Q All right. Can you raise your voice just a little?

20 A Sorry. Yes.

21 Q That's okay.

22 And is that a fair and accurate aerial photo of that  
23 location?

24 A Yes, sir.

25 Q State's 4.



1 A Yes.

2 Q Okay.

3 MR. PESCI: Move for the admission of State's 4.

4 THE COURT: Any objection?

5 MR. HELMICK: No, Your Honor.

6 THE COURT: 4 will be --

7 MR. YAMPOLSKY: No, Your Honor.

8 THE COURT: -- admitted. Thank you.

9 **[STATE'S EXHIBIT NUMBER 4 ADMITTED]**

10 MR. PESCI: Mace, do you object?

11 MR. YAMPOLSKY: No, Your Honor.

12 BY MR. PESCI:

13 Q Looking at State's 2 --

14 THE COURT: I thought you said no.

15 MR. PESCI: I couldn't hear him, I'm sorry.

16 BY MR. PESCI:

17 Q In State's 2, you talked about how there was reports -- or  
18 information about someone running through yards, is that correct?

19 A Yes, sir.

20 Q And did the information that you receive bring you to the  
21 area of an apartment complex in Henderson?

22 A Yes, sir.

23 Q What's the name of that apartment complex?

24 A The Villas.

25 Q And is that depicted in State's Exhibit 2?

1           A     Yes, sir.

2           Q     And does that show the proximity of the crash scene to  
3 that apartment?

4           A     Yes, sir.

5           Q     and is that a fairly and accurate aerial photo of that?

6           A     Yes, sir.

7           MR. PESCI: Move for the admission of State's 2.

8           MR. HELMICK: No objection.

9           MR. YAMPOLSKY: No objection.

10          THE COURT: 2 will be admitted as well. Thank you.

11                   **[STATE'S EXHIBIT NUMBER 2 ADMITTED]**

12          MR. PESCI: Thank you, Your Honor.

13   BY MR. PESCI:

14          Q     Showing you State's 4. Could you with the screen and  
15 with --

16          MR. PESCI: Oh, Judge is going to prep it.

17          THE COURT: So you can just use the mouse and left click  
18 and draw.

19   BY MR. PESCI:

20          A     The direction --

21          Q     Yes. I think I froze this a little bit. I apologize.

22          THE COURT: Once we've clicked on it, it won't -- you can't  
23 move the picture again.

24          MR. PESCI: Yeah. Sorry.

25          THE COURT: It's okay.

1 BY MR. PESCI:

2 Q Officer, is this a green line on State's Exhibit 4 that you've  
3 done from the northern portion of Green Valley Parkway in the  
4 intersection of Sunset Road heading south towards the Villas at the  
5 Green Valley apartments on North Valley Green Parkway?

6 A Yes, sir.

7 Q Okay. Showing you now State's 2.

8 It looks I made you do this for nothing. Does this show  
9 that same area of the interaction [sic] of the car crash and then  
10 making your way down to the Villas?

11 A Yes, sir.

12 Q All right. And then what is the distance from the crash to  
13 the apartments?

14 A Approximately 0.7 miles.

15 Q All right. And then if someone tries to walk, about how  
16 much time does it take you?

17 A 14 minutes around.

18 Q All right. Would you assume then if someone were to run  
19 it'd be faster?

20 A Yes, sir.

21 Q Okay. And now I'm going to show you State's Proposed  
22 Exhibits 6, 7, and 8.

23 And ask you if you recognize those?

24 A Yes, sir.

25 Q And what are these of?

1           A     This is of the suspect I detained at the Villas?

2           Q     Okay. And you said earlier that you had a description as  
3 far as some specific clothing that you were searching for, is that  
4 correct?

5           A     Yes, sir.

6           Q     And what was that?

7           A     It was a black shirt with Germany lettering on the back  
8 and blue ripped jeans.

9           Q     All right. And are State's 6, 7, and 8 fair and accurate  
10 depictions of the individual that you did come into contact when  
11 you searched for someone in those clothes?

12          A     Yes, sir.

13               MR. PESCI: Move for the admission of 6, 7, and 8, Your  
14 Honor.

15               MR. HELMICK: No objection.

16               MR. YAMPOLSKY: No objection.

17               THE COURT: Those will be admitted. Thank you.

18               **[STATE'S EXHIBIT NUMBER 6, 7, and 8 ADMITTED]**

19 BY MR. PESCI:

20          Q     All right. This individual that you came into contact with,  
21 did you come into contact with them right there at the crash scene?

22          A     No.

23          Q     Okay. Did you come into contact with him all the way  
24 away at -- looking at State's 4, the Villas apartment?

25          A     Yes, sir.

1 Q Okay. With that description, did you come across an  
2 individual fitting that description in the apartments?

3 A Can you repeat the question?

4 Q Yeah. You had the description in your mind.

5 A Yes, sir.

6 Q When you got to the villas, did you find someone that fit  
7 the description?

8 A Yes, sir.

9 Q Tell us about it. What happened? Where was he? What  
10 was he doing?

11 A He was by Building -- between Building 11 and 13 and he  
12 was on a little kid's bicycle.

13 Q Okay. Showing you State's Exhibit 6.  
14 Do you recognize that individual?

15 A Yes, sir.

16 Q And who do you recognize that to be?

17 A Kody.

18 Q And do you know Kody's last name?

19 A Harlan.

20 Q Okay. Showing you State's 7.  
21 Do you recognize that?

22 A Yes, sir.

23 Q Okay. And does this show the word Germany on the  
24 shirt?

25 A Yes, sir.

1 Q And that was information that you had from a person  
2 fleeing the scene of the crash?

3 A Yes, sir.

4 Q Okay. And in fact on the front, does it also have the word  
5 Germany?

6 A Yes, sir.

7 Q And then showing you State's Exhibit 8.  
8 Who is that?

9 A Kody Harlan.

10 Q And that individual you came into contact you said on a  
11 kid's bike?

12 A Yes, sir.

13 Q Okay. What if anything happened when you came into  
14 contact with him on a kid's bike?

15 A Multiple officers, we approached him, we had -- and then  
16 we took him, patted him down for weapons because we got word  
17 that he had a gun, and --

18 Q Okay.

19 A -- brought him --

20 Q So let me stop you there. So the information that you had  
21 was someone dressed in, you said blue ripped jeans and then a --

22 A Germany --

23 Q -- a shirt --

24 A Sorry. Germany lettering.

25 Q Okay. And then you also had information about a

1 firearm?

2 A Yes, sir.

3 Q Okay. So after finding the person fitting the description --  
4 by the way, do you see him here in court today?

5 A I do.

6 Q Could you point to him and describe something he's  
7 wearing?

8 A A blue suit jacket. Glasses.

9 MR. PESCI: Would the record reflect the identification of  
10 the Defendant Kody Harlan?

11 THE COURT: I'll note that she pointed at the gentleman as  
12 well. Yes.

13 MR. PESCI: Thank you very much, Your Honor.

14 BY MR. PESCI:

15 Q Were you able to find a weapon in that area?

16 A No.

17 Q Did you and other officers with you personally search for  
18 a weapon?

19 A Yes, sir.

20 Q And were you ever able to find one?

21 A No, sir.

22 MR. PESCI: Pass the witness, Your Honor.

23 THE COURT: Mr. Helmick?

24 MR. HELMICK: Court's indulgence.

25 Pass the witness. Thank you.

1 THE COURT: Mister --  
2 MR. YAMPOLSKY: I have no questions.  
3 THE COURT: No questions.  
4 Anything from our jurors?  
5 Okay. All right. Officer, thank you very much for your  
6 time. I appreciate it. You are excused.  
7 THE WITNESS: Thank you, Judge.  
8 THE COURT: Okay.  
9 The State may call their next witness.  
10 MS. OVERLY: The State calls Michael Condratovich.  
11 **MICHAEL CONDRATOVICH**  
12 [having been called as a witness and being first duly sworn,  
13 testified as follows:]  
14 THE CLERK: Thank you, please be seated.  
15 If you could state and spell your name for the record,  
16 please.  
17 THE WITNESS: It's Michael Condratovich. It's  
18 M-I-C-H-A-E-L, C-O-N-D-R-A-T-O-V-I-C-H.  
19 THE COURT: All right. Thank you, Detective.  
20 **DIRECT EXAMINATION**  
21 BY MS. OVERLY:  
22 Q Hi, sir. How are you employed?  
23 A I'm a detective with the Henderson Police Department.  
24 Q And how long have you been a detective?  
25 A It's 14 years next month.



1 Q And are you assigned a specific unit?

2 A Yes.

3 Q And what is that?

4 A Robbery and homicide.

5 Q Now were you working in that capacity on June 8th of

6 2018?

7 A I was, but I was off that day.

8 Q Okay. So you were employed, but you were off that day.

9 A Yes.

10 Q Okay. And were you called in on that day?

11 A Yes, I was.

12 Q And what was that in reference to?

13 A I was called in to assist with an investigation on a

14 homicide.

15 Q And was that in the evening hours?

16 A Yes.

17 Q Now when you were called in to help investigate, what

18 was it that you were tasked with doing?

19 A I was assigned to author a search warrant for a residence,

20 a vehicle, and for DNA for two individuals.

21 Q And was that residence at 2736 Cool Lilac?

22 A Yes.

23 Q And what kind of vehicle was that?

24 A I believe it was a Mercedes?

25 Q And was there anything else that you were to obtain a

1 search warrant for?

2 A For DNA for Jaiden Caruso and Kody Harlan.

3 Q Are you -- were you present for the execution of that  
4 search warrant at the vehicle?

5 A No.

6 Q Okay. What about at the home?

7 A No, I was not.

8 Q And what about obtaining the DNA?

9 A I was not there either.

10 Q Okay. So you authored those, but you weren't there for  
11 the execution of it?

12 A Yes.

13 Q Okay. Now did you also have cause to issue and execute  
14 a warrant at another residence?

15 A Yes.

16 Q And what location was that?

17 A It was Jaiden's apartment on Green Valley Parkway.

18 Q Would that have been 2338 North Green Valley Parkway?

19 A I believe that's it, yes.

20 Q Showing you what's been admitted as State's Exhibit 2.  
21 Does that look familiar?

22 A Yes.

23 Q And are you aware of where the Mercedes that you  
24 executed -- or authored a search warrant for was located at?

25 A I know that it was at Sunset and Green Valley Parkway,

1 but I never responded to the scene.

2 Q And do you know precisely on this map -- can you reflect  
3 here where the apartment was? Specifically Jaiden's apartment?

4 A I don't recall exactly which building it is but --

5 Q Right.

6 A -- for the apartment complex, it's this apartment complex  
7 here on --

8 Q Oh I think you can use the little mouse in front of you.

9 A Oh, this?

10 THE COURT: Yeah.

11 THE WITNESS: Got you.

12 THE COURT: So hold on, let me do something real quick.

13 Okay. Then just left click and draw.

14 BY MS. OVERLY:

15 A So it's in this area here. [Drawing on monitor.]

16 Q So would that be the area of the Villas?

17 A Oh, I'm sorry. The Villas are --

18 THE COURT: So if you hit the little --

19 THE WITNESS: Yeah. The Villas are here.

20 THE COURT: Okay. Thank you.

21 BY MS. OVERLY:

22 A Yeah. The two are associated apartment complexes so.

23 Q Okay. So does the Villas expand across a large area?

24 A Yeah, it does. But like I said, they're associated but

25 they're actually two separate complexes.

1 Q Okay. And what is it that gave you cause to get a search  
2 warrant for that apartment?

3 A As part of the investigation, we were listening to jail calls  
4 and there was a conversation between Jaiden and his mom where  
5 she mentioned something about a firearm. And then there was  
6 things we found on his phone where his mom talked about the fact  
7 that Kody had stopped by -- it was actually the day of the incident  
8 where she said hey, your friend just stopped by the apartment, so  
9 we were under the impression that he may have possibly ditched  
10 the gun at the apartment.

11 Q Now, do you recall when that text message was sent to  
12 Jaiden with regards to his friend being there?

13 A I believe it was within minutes of him being taken into  
14 custody. Or I'm sorry, when Kody was taken into custody.

15 Q Okay. So it was in the time of Kody being apprehended?

16 A Yes.

17 Q Okay. And were you present for the execution of that  
18 warrant?

19 A Yes, I was.

20 Q Okay. At that apartment?

21 A Yes.

22 Q And what, if anything, was recovered as a result?

23 A We recovered some magazines for a handgun. I believe  
24 there was two of them but there was no firearms recovered.

25 Q So did you -- you never recovered a semi-automatic

1 weapon?

2 A I don't recall.

3 Q I'm sorry?

4 A I don't recall recovering one.

5 Q Okay. And do you recall when that warrant was  
6 executed?

7 A I don't remember the exact date, but it was about a week  
8 after the incident.

9 Q Okay. So even though you authored it at a previous  
10 time -- or I'm sorry. Even though you had Kody apprehended on  
11 June 8th, the warrant for Jaiden's apartment wasn't done until a  
12 week later?

13 A Yes.

14 Q And again, that was based off of information through  
15 investigation?

16 A Yes.

17 Q Okay.

18 MS. OVERLY: I'll pass the witness, Your Honor.

19 THE COURT: Mr. Helmick?

20 MR. HELMICK: Thank you, Your Honor. I'll pass the  
21 witness as well.

22 THE COURT: Mister --

23 MR. YAMPOLSKY: No questions, Your Honor.

24 THE COURT: Thank you. Anything from our jurors?

25 Detective, thank you much for your time, sir. You are

1 excused.

2 THE WITNESS: Thank you.

3 THE COURT: Can you all call your next witness?

4 MS. OVERLY: Yes, Your -- Jennifer Hornback.

5 **JENNIFER HORNBACK**

6 [having been called as a witness and being first duly sworn,

7 testified as follows:]

8 THE CLERK: Thank you, please be seated.

9 If you could state and spell your name for the record,  
10 please.

11 THE WITNESS: My name is Jennifer Hornback. That's  
12 J-E-N-N-I-F-E-R, H-O-R-N-B-A-C-K.

13 THE COURT: Thank you.

14 Ms. Overly.

15 **DIRECT EXAMINATION**

16 BY MS. OVERLY:

17 Q Hi. Ma'am, how are you employed?

18 A I'm currently employed with the City of Henderson as a  
19 crime scene analyst.

20 Q And what does a crime scene analyst do?

21 A A crime scene analyst is in charge of responding to a  
22 crime scene, documenting a crime scene, and collecting any  
23 evidence that might be at the crime scene.

24 Q And are you responsible for processing any of that  
25 evidence in terms of testing it?

1       A     Yes.

2       Q     Okay. And is that forensic testing?

3       A     We do -- we will swab if there's blood involved or we will  
4 take GSR, for instance, if that would be relevant to the case. But we  
5 don't do any actual examination of anything that we collect.

6       Q     So that would be left to like a forensic scientist to do.

7       A     That's correct.

8       Q     Okay. So were you working as a crime scene analyst on  
9 June 8th of 2018?

10      A     Yes, I was.

11      Q     And did you have cause to go out to a scene located in the  
12 area of Sunset and Green Valley?

13      A     Yes.

14      Q     And was that in regards to an accident involving a  
15 Mercedes?

16      A     Yes, it was a traffic accident.

17      Q     And when you went out there, what were you tasked with  
18 doing?

19      A     I was tasked with documenting the actual traffic accident.

20      Q     Okay. And what does that consist of?

21      A     That will consist of overall photographs that will show the  
22 vehicle in relation to the intersection, as well as anything that it  
23 might have hit.

24      Q     And did you have an opportunity to also process the  
25 Mercedes vehicle?

1           A     I did end up taking photographs inside the vehicle and  
2 processing it at a later date.

3           Q     Okay. And did you document what you found on the  
4 outside and inside of the vehicle?

5           A     Yes, I did.

6                 MS. OVERLY: And if I may approach, Your Honor?

7                 THE COURT: You may.

8 BY MS. OVERLY:

9           Q     I'd like to show you what's been marked as State's  
10 Proposed Exhibits 20 through 43.

11                 Do those look familiar to you?

12           A     Yes. These are the photographs that I took at the car  
13 accident.

14           Q     Okay. And that would be at the scene at Sunset and  
15 Green Valley?

16           A     That is correct.

17           Q     Okay. And do those fairly and accurately depict the scene  
18 as you documented it that day?

19           A     Yes.

20                 MS. OVERLY: And, Your Honor, at this point the State  
21 would move to admit State's Proposed Exhibits 20 through 43.

22                 MR. HELMICK: No objection.

23                 MR. YAMPOLSKY: No objection.

24                 THE COURT: 20 through 43 will be admitted.

25                 **[STATE'S EXHIBIT NUMBER 20 through 43 ADMITTED]**



1 BY MS. OVERLY:

2 Q Now, if I may, showing you what's already been admitted  
3 as State's Exhibit 12.

4 Does that look familiar?

5 A Yes, it does.

6 Q And is this a photograph that you documented at the  
7 scene?

8 A Yes, it is.

9 Q And if we show State's Exhibit 15.

10 Is that the Mercedes that you processed?

11 A Yes, it is.

12 Q Now, you indicated that you had documented by  
13 photographing the Mercedes and looking inside of it. What, if  
14 anything -- what was the first thing that you recovered from the  
15 Mercedes?

16 A The first thing that I recovered was a black Ruger revolver.

17 Q And where was that black Ruger revolver located?

18 A That was located on the front passenger side floorboard.

19 Q And showing you what's been marked as State's 26.

20 Do you see the revolver there?

21 A Yes, I do.

22 Q And just so you know, in front of you there's a mouse  
23 right there so if you want to identify anything on the screen you can  
24 use that.

25 A Okay.

1 Q And showing you State's 27.

2 Is that a closer image?

3 A Yes, it is.

4 Q And showing you State's 30.

5 What does this photo reflect?

6 A That photo was a relationship photo between the gun and  
7 one live round of ammunition that was also found on the floor  
8 which is right here.

9 THE COURT: If you --

10 THE WITNESS: Like -- oh.

11 THE COURT: There you go.

12 THE WITNESS: Thank you very much.

13 THE COURT: Now left click and you can draw.

14 BY MS. OVERLY:

15 A Right there.

16 Q Okay. So that was to show the distance between the two?

17 A Yes.

18 Q Okay. And showing State's 31.

19 Is that a closer image of that?

20 A Yes, it is.

21 Q Okay. Now, you indicated that that was the first thing that  
22 you did observe. Did you later document inside of the gun;  
23 specifically inside the chamber of it?

24 A The cylinder, yes I --

25 Q Yeah.

1           A     -- did.

2           Q     Okay. Showing you State's 35.

3                     And what does that reflect there?

4           A     That is the revolver cylinder open and taking a document  
5 of what is inside that cylinder.

6           Q     And showing you State's Exhibit 36.

7                     What does that reflect?

8           A     That is the front passenger side door the -- and showing  
9 inside the door pocket.

10          Q     Okay. And what did you find inside the door pocket?

11          A     I recovered one gun magazine containing live rounds of  
12 ammunition.

13          Q     And showing State's 37.

14                     Would that be a closer image of that magazine?

15          A     Yes, it is.

16          Q     And I'm sorry, you indicated how many live rounds?

17          A     Four.

18          Q     Showing you 39.

19                     What does that photograph reflect?

20          A     That photograph reflects the contents inside that  
21 magazine.

22          Q     Okay. So you took them outside of the --

23          A     I did.

24          Q     -- magazine to identify how many there were?

25          A     Yes, I did.

1 Q Additionally, did you recover any phones from the  
2 vehicle?

3 A Yes, I did.

4 Q And where were those located?

5 A There were two phones. One was located on the front  
6 driver's side and the other was located on the front passenger side.

7 Q And showing you State's 28.

8 What does that reflect?

9 A That is the phone from the front passenger side of the  
10 vehicle.

11 Q And 29.

12 Would that just be a closer flat surface image of the  
13 phone?

14 A Yes, that's correct.

15 Q Now, with regards to the back seat, did you recover any  
16 items from the back seat of the vehicle?

17 A Yes, I did.

18 Q Showing you State's Exhibit 20.

19 A So you were able to see a couple of the items that I  
20 recovered.

21 Q And if you can identify them with the mouse in front of  
22 you, what items did you recover?

23 A There is a laptop that's right here. It's a little hard to see  
24 but there's a blue wallet that's on the floorboard right there. And I  
25 also collected the shirt that is on that seat. There are other items

1 but it's hard to tell inside that photograph.

2 Q So showing you State's 21.

3 Is that a closer image?

4 A Yes.

5 Q And so that's the blue wallet here in the center that you  
6 were talking about?

7 A Yes, it is.

8 Q Okay. And this shirt, what looks like the passenger side,  
9 behind the driver's seat, is that fair to say?

10 A Yes.

11 Q Okay. Now, did you recover any identification inside that  
12 wallet?

13 A I did. There was one item inside the wallet. It was an  
14 identification -- a school ID for a Matthew Minkler.

15 Q And aside from that identification, and the name of  
16 Matthew Minkler, did you recover anything else from that wallet?

17 A No.

18 Q Showing you State's 22.

19 Would that be the inside of that wallet?

20 A Yes.

21 Q Now, did you process and document anything recovered  
22 from the trunk of the vehicle?

23 A Yes, I did.

24 Q And showing you State's 40.

25 Does that reflect the trunk?

1           A     Yes, it does.

2           Q     And what, if anything, was recovered from the trunk?

3           A     We ended up recovering this shoe, as well as this shoe  
4 box that contained additional shoes. And it's hard to tell some of  
5 the other items that are on the lefthand of that screen.

6           Q     Showing you 42.

7                     Would that be the left side of the trunk?

8           A     Yes. That is after I've removed some of the items, you're  
9 able to see a receipt right there.

10          Q     And showing you State's Exhibit 43.

11          A     That is a close-up of the receipt.

12          Q     Okay. And did the receipt have a time and date  
13 associated with it?

14          A     Yes, it does.

15          Q     And what does that show?

16          A     It shows the same date, June 8th, at 3:52 p.m.

17          Q     And would that have been a receipt at Footlocker located  
18 at Galleria at Sunset?

19          A     Yes, it is.

20          Q     And you also indicated that there was some shoes in the  
21 trunk, correct?

22          A     That's correct.

23          Q     Showing you 41.

24          A     That was the box of shoes circled earlier.

25          Q     Okay. That were found in the trunk?

1           A     Correct.

2           Q     And just to go back and verify. With regards to the wallet,  
3 showing you 52. Is that the ID that you found inside the wallet?

4           A     Yes, it is.

5           Q     And again, nothing -- no other contents inside?

6           A     No.

7           Q     Now was there anything else in the back seat that you  
8 documented?

9           A     There were multiple items in the back seat that I  
10 documented.

11          Q     Okay. Now showing you State's 54.

12          A     That photograph represents the back of the front  
13 passenger seat and it's showing the handle of a folding knife.

14          Q     And showing you State's 55.

15                Would that be a closer image of that knife?

16          A     Yes, it is.

17          Q     Okay. Was there another knife that was also recovered  
18 from the vehicle?

19          A     Yes, there was.

20          Q     And where was that?

21          A     That was located under the shirt that was on the seat of  
22 the rear driver's side.

23          Q     And showing you State's Exhibit 57.

24          A     That is the knife.

25          Q     And that would have been after you had removed some

1 clothing?

2 A Yes.

3 Q And what piece of clothing was on top of that?

4 A That was a multicolored polo shirt.

5 Q And showing you State's Exhibit 58.

6 Is that the polo shirt that was on top of that knife?

7 A Yes, it is.

8 Q And with regards to the knife that was found in the  
9 backseat pocket behind the passenger seat, showing you 56. Does  
10 that reflect that knife?

11 A Yes, it does.

12 Q Okay. And it looks like that's a Metropolitan Police  
13 Department logo, correct?

14 A Yes.

15 Q Okay. And showing you 59.

16 Would that have been the knife underneath the polo shirt?

17 A Yes, it is.

18 Q Now in addition to the white sneakers that we found  
19 inside the box, was there -- were there other sneakers that were in  
20 the trunk of that vehicle?

21 A There was a matching pair of sneakers inside the vehicle.  
22 One of the shoes, the left one was in the trunk and the right one  
23 was on the floorboard of the front passenger side.

24 Q Showing you 60.

25 Can you identify for us there the shoe you're referring to?



1           A     This is the left shoe.

2           Q     And showing you 61.

3                     Is that a closer image of the shoe?

4           A     Yes, it is.

5           Q     And you indicated that there was the matching shoe

6 located in the front passenger seat of the Mercedes, is that correct?

7           A     That's correct.

8           Q     Okay. And showing you 62.

9                     Is that the other shoe?

10          A     That looks like it is still the left shoe.

11          Q     The left shoe, okay.

12          A     Yes.

13          Q     Now, showing you 63. Is that also the left shoe?

14          A     Yes, it is.

15          Q     Now it looks like there is a close image taken of this shoe.

16 Why was that?

17          A     It's a little hard to see in the photograph, but I -- it

18 appeared to me that there was a stain on the top of the shoe, so I

19 photographed it to show the location.

20          Q     And when you say stain, did you document or were you

21 able to determine what kind of stain that appeared to be?

22          A     I believe I tested it presumptively for blood and it came

23 positive; as a presumptive test.

24          Q     So that's not a conclusive test, it's just a presumptive test

25 you do at the scene?

1           A     That's correct.

2           Q     Okay. And in addition to that, did you have an  
3 opportunity to take photographs of anything else in this case? Of  
4 any individuals?

5           A     Yes, I did.

6           Q     And who were those?

7           A     I photographed two individuals identified to me as Jaiden  
8 Caruso and Kody Harlan.

9           Q     And was that pursuant to the investigation of the car  
10 crash or was that something else?

11          A     That belonged -- that was in regards to a different case.

12          Q     Okay. Would that pursuant to a homicide investigation?

13          A     Yes.

14                MS. OVERLY: And, Your Honor, if I may approach?

15                THE COURT: Sure.

16          BY MS. OVERLY:

17          Q     Showing you what's been marked as State's Proposed  
18 Exhibit 5.

19          A     Thank you.

20          Q     Do you recognize that?

21          A     I do.

22          Q     And is that one of the individuals that you photographed?

23          A     It is.

24          Q     And who was that?

25          A     That was Jaiden Caruso.

1           Q     And does that fairly and accurately reflect the photo you  
2 took that day?

3           A     Yes, it does.

4           Q     And showing you what's already been admitted as State's  
5 Proposed -- or State's Exhibit 6 through 8. Did you also take these  
6 photographs?

7           A     Yes, I did.

8           Q     And who were those of?

9           A     Kody --

10          Q     Would it be Harlan?

11          A     Harlan, yes. I apologize.

12          Q     And those are the only two individuals that you took  
13 photographs of?

14          A     That's correct.

15                 MS. OVERLY: And the State would move to admit State's  
16 Proposed Exhibit 5.

17                 MR. HELMICK: No objection.

18                 THE COURT: So--

19                 MS. OVERLY: Publish.

20                 THE COURT: -- for the record, I believe you are showing  
21 some photographs of the vehicle that weren't part of the initial  
22 group that you admitted. So 55 through 58 and 61 through 63, I  
23 don't think have been moved for admission.

24                 MS. OVERLY: Oh of the vehi -- oh, of the -- you're right,  
25 Your Honor. At this point I would --

1 THE COURT: Was there any objection to those?  
2 MS. OVERLY: I would move to admit those.  
3 MR. HELMICK: I'm sorry, I --  
4 THE COURT: They were photos of the car. She moved --  
5 MR. HELMICK: Oh right, right, right.  
6 THE COURT: -- 20 through 42 but we went into a few  
7 extra ones --  
8 MS. OVERLY: Correct.  
9 THE COURT: -- that were of the car. Were there any  
10 objections to those?  
11 MR. HELMICK: Yeah. Just based off of what we agreed  
12 upon earlier, but we're okay with --  
13 THE COURT: You're okay.  
14 MR. HELMICK: -- there earlier stuff, yeah.  
15 THE COURT: And you as well?  
16 MR. YAMPOLSKY: I have no problem.  
17 THE COURT: All right. So 55 through 58 and 61 through  
18 63 will also be admitted.  
19 **[STATE'S EXHIBITS 55 through 58 and**  
20 **61 through 63 ADMITTED]**  
21 MS. OVERLY: Thank you.  
22 THE COURT: All right.  
23 MS. OVERLY: And just to go back and -- may I approach,  
24 Your Honor?  
25 THE COURT: Yeah.

1 BY MS. OVERLY:

2 Q So in addition to documenting the scene of the Mercedes  
3 car crash, did you also document the Mercedes and the evidence  
4 down therein at a later date?

5 A I did.

6 Q And when was that?

7 A That was the morning of. So the accident happened the  
8 8th, we ended up taking it back to our criminalistics garage and  
9 documenting it again a little more thoroughly on the 9th.

10 Q And showing you what's been marked as State's  
11 Proposed Exhibits 49 through 69. Can you take a look at those and  
12 let me know if those are the photos that you took?

13 A Yes, they are.

14 Q And again, do those fairly and accurately depict reflect the  
15 scene as you saw it that day?

16 A Yes, it does.

17 MS. OVERLY: And, Your Honor, at this point the State  
18 would move to admit Proposed 49 through 69.

19 THE COURT: Any objection?

20 MR. HELMICK: No, Your Honor.

21 MR. YAMPOLSKY: No objection.

22 THE COURT: All right. So except for the ones we already  
23 admitted, all the rest of 49 through 69 will be admitted.

24 **[STATE'S EXHIBIT NUMBER 49 through 69 ADMITTED]**

25 MS. OVERLY: Thank you, Your Honor.

1 BY MS. OVERLY:

2 Q And just to reflect, showing you State's Proposed Exhibit  
3 5. You indicated that was Jaiden Caruso?

4 A Yes.

5 Q And again, State's Exhibit 6. That is Kody Harlan?

6 A Yes, it is.

7 MS. OVERLY: I'll pass the witness, Your Honor.

8 THE COURT: Mr. Helmick?

9 MR. HELMICK: Just one question, just to clarify.

10 **CROSS-EXAMINATION**

11 BY MR. HELMICK:

12 Q Matthew Minkler's blue wallet was found in the right rear  
13 passenger seat, right?

14 A Right, rear -- it was in the rear passenger side. It wasn't  
15 on the seat, it was actually on the floorboard.

16 Q On the right side though, isn't that right?

17 A Yes.

18 Q Okay. Thank you.

19 THE COURT: Mr. Yampolsky?

20 MR. YAMPOLSKY: I have no questions.

21 THE COURT: Anything from our jurors?

22 No? All right. You are excused. Thank you very much. I  
23 appreciate your time.

24 THE WITNESS: Thank you.

25 THE COURT: All right. Ladies and Gentlemen, at this time

1 we're going to go ahead and take our lunch recess.

2           During the recess you're admonished not to talk or  
3 converse among yourselves or with anyone else on any subject  
4 connected with the trial. Or read or watch or listen to any report of  
5 or commentary on the trial by any medium of information  
6 including, without limitation, newspapers, television, the internet,  
7 and radio. Cannot form or express any opinion on any subject  
8 connected with the case. Cannot engage in any legal or factual  
9 research or social media communication on your own.

10           I'll see you back in an hour. So we'll start back --

11           MR. PESCI: Judge, can we approach --

12           THE COURT: Yeah.

13           MR. PESCI: -- on one point?

14           THE COURT: Sure.

15           So hold that thought.

16           [Bench conference transcribed as follows.]

17           MR. PESCI: Sorry. So the next witness --

18           THE COURT: My guess is you got through people a lot  
19 quicker than you thought?

20           MR. PESCI: Right. There was no cross, so we told the  
21 next one it's 1:15, because I didn't know when we were going to  
22 break.

23           THE COURT: Oh, it's okay.

24           MR. PESCI: So --

25           THE COURT: I'll tell them 1:15.

1 MR. PESCI: All right. Thank you.

2 THE COURT: All right.

3 [End of bench conference.]

4 THE COURT: It's actually going to be a little more than an  
5 hour. We'll start back at 1:15, kind of give the next witnesses time  
6 to get here, okay? So we'll see you in a little bit. Thank you.

7 [Outside the presence of the jury]

8 THE COURT: Do you guys have anything outside the  
9 presence?

10 MR. PESCI: Only the conversation we had earlier as far as  
11 canvassing the Defendants. I don't know when you want to do that.

12 THE COURT: Okay. I think we're going to do that now.  
13 Anything else from the Defense?

14 MR. HELMICK: No, Your Honor.

15 THE COURT: Okay. So one other thing I just wanted to  
16 make sure of in light of some of the positions that were taken in the  
17 opening statements and we'll start with you, Mr. Harlan -- and you  
18 guys can sit down.

19 MR. HELMICK: Oh, okay.

20 THE COURT: Thank you.

21 Obviously during the opening statement, your attorney  
22 conceded that he would be asking the jury at the end of the case to  
23 find you guilty of things but only what it was that evidence showed  
24 that you were guilty of and specifically he referenced the accessory  
25 charge. And what was represented to me at the bench was if you



1 had had conversations with him about that as a trial strategy, is that  
2 correct?

3 THE DEFENDANT HARLAN: Yes, sir.

4 THE COURT: And that you understood the wisdom of  
5 what he was doing in the opening statement and that you agreed  
6 with that?

7 THE DEFENDANT HARLAN: Yes, Your Honor.

8 THE COURT: Okay. And then Mr. Caruso, in a similar  
9 vein, Mr. Yampolsky during opening statement mentioned that he  
10 wasn't contesting the fact that you were at that residence and had  
11 fired the gun, you understand that?

12 THE DEFENDANT CARUSO: Yeah.

13 THE COURT: And he had represented at the bench in the  
14 same vein that he had had conversations with you about that being  
15 a trial strategy -- and essentially you're talking about maintaining  
16 credibility with the jury based on items of evidence, but that he had  
17 had conversations with you about that and that you were in  
18 agreement with that, That is correct.

19 THE DEFENDANT CARUSO: Yes, sir.

20 THE COURT: Okay. Anything further from either side?

21 MR. PESCI: No. Thank you very much, Your Honor.  
22 We've got four lined up for the afternoon. So if it goes as fast as  
23 this, which we did not expect, it might come up a little short.

24 THE COURT: Okay. All right. Who do you have for the  
25 afternoon?

1 MR. PESCI: We've got Crime Scene Analyst Dan Proietto.  
2 We have Crime Scene Analyst Randi Newbold. And then it could  
3 slow down -- we should have -- we hope to have Alaric Oliver and  
4 then another lay witness, Kristin Prentiss, so that --

5 THE COURT: Okay.

6 MR. PESCI: -- might slow it down.

7 THE COURT: Sounds good. Thank you.

8 All right. We'll see you back in little over an hour guys.

9 [Court recessed at 12:02 p.m., until 1:28 p.m.]

10 [Outside the presence of the jury]

11 THE MARSHAL: Court come to order.

12 THE COURT: Okay. Do you guys have anything outside  
13 the presence?

14 MR. PESCI: No, Your Honor.

15 MR. YAMPOLSKY: No.

16 MR. HELMICK: No.

17 THE COURT: No. All right.

18 You can go ahead and get them back in.

19 THE MARSHAL: Yes, Your Honor.

20 THE COURT: Who's your next witness?

21 MR. PESCI: Crime Scene Analyst Dan Proietto.

22 THE COURT: Thank you.

23 [In the presence of the jury]

24 THE MARSHAL: All rise for the jury.

25 THE COURT: You all can be seated.

We will be back on the record. Mr. Harlan, Mr. Caruso are present with their attorneys, States' attorneys, all of our jurors are present.

We will continue, Ladies and Gentlemen, with the State's case in chief. Mr. Pesci.

MR. PESCI: Your Honor, the State calls Crime Scene Analyst Dan Proietto.

THE COURT: Thank you.

# DANIEL PROIETTO

[having been called as a witness and being first duly sworn,  
testified as follows:]

THE CLERK: Thank you, please be seated.

If you could state and spell your name for the record, please.

THE WITNESS: My first name's Daniel, D-A-N-I-E-L. Last name Proietto, P-R-O-I-E-T-T-O

THE COURT: All right. Mr. Pesci.

MR. PESCI: Thank you.

## DIRECT EXAMINATION

BY MR. PESCI:

Q Sir, what do you do for a living?

A I am a Crime Scene Analyst II.

**Q What is a Crime Scene Analyst II?**

A It's an advanced level of crime scene analyst.

Q And where do you work?

1           A     I work for Henderson Police Department.

2           Q     And what training and experience do you have that brings  
3 you to this position?

4           A     I've had extensive training. Basically we go through an  
5 academy to start. That's a certain length of time where we learn all  
6 the basics of the job. Then we're put through a field training  
7 process, similar to police officers, with all the crime scene training  
8 put into use --

9           Q     And --

10          A     -- at that time.

11          Q     I cut you off, I'm sorry.

12          A     Oh, that's okay. And extensive training -- in-service  
13 training past that.

14          Q     Now when you say in-service, does that mean after your  
15 hire date, you continue to do training?

16          A     Correct.

17          Q     Okay. And in fact, you worked with the Metropolitan  
18 Police Department as a crime scene analyst prior to coming to the  
19 Henderson Police Department?

20          A     I did.

21          Q     All right. So how long have you been doing this line of  
22 work?

23          A     15 and a half years.

24          Q     Okay. I want to direct your attention to June 8th of 2015.  
25 Did you work a scene in Henderson, specifically on Cool Lilac --

1 A It's 36 --

2 Q 2763 Cool Lilac -- little voice --

3 A I think it was 36.

4 Q 27 --

5 A 36.

6 Q Did you work that?

7 A Yes, sir.

8 Q Okay. And when you got there, what was your  
9 responsibility?

10 A I was the crime scene analyst in charge of basically  
11 photos, notes, and report.

12 Q Was there another crime scene analyst?

13 A Yes.

14 Q And who was that?

15 A Crime Scene Analyst Mike Cromwell.

16 Q And what was Mr. Cromwell doing?

17 A His responsibilities were evidence and diagram.

18 Q So do you work as a team at a scene?

19 A Yes.

20 Q All right. When you first get to a scene, is there a way of  
21 memorializing what it is that's there?

22 A Yes.

23 Q What do you do?

24 A One of the first steps is photography and note taking. So  
25 basically walk through the scene with the detectives, typically and

1 make notations on everything that we observe and is seen as  
2 pertinent and then photographically document everything as we  
3 see it in the scene before it's moved or disturbed.

4 Q So when you first go there, had the crime scene been kind  
5 of closed off to people and is secured?

6 A Yes.

7 Q So when you go there to work it, did you have -- or did the  
8 detectives have the search warrant to let you get in to do this?

9 A As far as I recall, yes.

10 Q And then when you worked that scene, in conjunction  
11 with the other crime scene analyst, did you notate what it was you  
12 were doing as you went?

13 A Yes.

14 Q Okay. And then later on, are there reports that are  
15 generated that explain what it is that you do so you could refresh  
16 yourself later on as to what went where?

17 A Yes.

18 Q In addition, was there a crime scene diagram that was  
19 generated?

20 A Yes.

21 Q Was that generated by your colleague?

22 A It was.

23 Q Notwithstanding the fact that he did it, were you present  
24 for everything that occurred in there to be able to say this is the  
25 way it looked?

1           A     Yes.

2           Q     Okay. I'm showing you what's been marked previously  
3 and shown to Defense Counsel as Exhibits 70 through 124.

4                 MR. PESCI: I believe, Your Honor, that there is a  
5 stipulation to the admission of those items.

6                 THE COURT: Correct?

7                 MR. HELMICK: That's correct.

8                 THE COURT: Mace?

9                 MR. YAMPOLSKY: No objection.

10                THE COURT: All right. Those will all be admitted. Thank  
11 you.

12                **[STATE'S EXHIBIT NUMBERS 70 through 124 ADMITTED]**

13                MR. PESCI: Thank you.

14           BY MR. PESCI:

15           Q     So looking at those, specifically let's start with 70. Do you  
16 recognize that?

17           A     Yes, I do.

18           Q     All right. While you look at the others and familiarize  
19 yourself, I'm going to put 70 up on the display.

20                 And to your left, later on when you're done looking, there  
21 is a computer. It's a little different than it used to be. In the past  
22 you could just your hands. You have to use the mouse now. Judge  
23 is prepping it for you.

24           A     Okay.

25                 THE COURT: So just left click and then you can draw.

1 And then if you hit this little arrow here, that'll erase everything and  
2 then you can move on to another exhibit, okay?

3 THE WITNESS: Okay.

4 THE COURT: Thank you.

5 BY MR. PESCI:

6 Q As you're looking at those, in anticipation of your  
7 testimony, did you review these photos prior to testifying?

8 A Yes, I did.

9 Q And were you familiar with those photographs?

10 A Yes.

11 Q Now you were the one who took these photographs?

12 A Yes.

13 Q Okay. And the diagram was done by the other crime  
14 scene analyst.

15 A Correct.

16 Q And then you talked about the other crime scene analyst  
17 doing the diagram. Did the other one also impound the evidence?

18 A Yes, he did.

19 Q Just to explain while you're multitasking here --

20 A Sure.

21 Q -- what does it mean to impound evidence?

22 A To impound evidence, essentially you're placing it in a  
23 secure bag and there might be some additional processing that you  
24 might utilize and then the item is ultimately placed in a bag,  
25 secured in that bag, tamper-proof tape is placed on the bag to make



1 sure that no one has been able to go into the bag and tamper with  
2 that evidence.

3 Q And then is there something done that makes it unique to  
4 this particular investigation?

5 A Yes.

6 Q As far as notating the bag?

7 A Yes.

8 Q What's done?

9 A There's what we call a DR or a report number that's  
10 notated on the bag and then the sealing tape that's used is both  
11 initialed and dated by the person closing that bag.

12 Q Okay. And in this particular case, the DR number that  
13 you're referring to, was that 18-12238?

14 A Yes.

15 Q All right. So the physical evidence that was impounded  
16 by the other crime scene analyst was impounded under that DR  
17 number?

18 A Correct.

19 Q Is that a unique number?

20 A Yes.

21 Q What does that mean?

22 A So it's a sequential number. The first two numbers are  
23 the year, so in this case 18. And then the numbers are just  
24 sequential starting with 1, and then going however far we need to  
25 go for that year.

1 Q So any time that a police -- or a call from police comes  
2 out, it generates this number?

3 A Yes. I'm not -- DRs aren't generated for every single call --

4 Q I'm sorry.

5 A -- but any call that a report number is needed, they would  
6 generate that next number.

7 Q Okay. So we know that items evidence -- or items of  
8 evidence impounded in this case are unique to this case because of  
9 that DR number.

10 A Correct.

11 Q And it was Crime Scene Analyst Cromwell that  
12 impounded the evidence that we're going to see in the photographs  
13 in a minute?

14 A Correct.

15 I'm sorry. I'm just --

16 Q That's okay.

17 What -- describe this house as we're going through it.

18 A It's a two-story residence, it faces south, and has a three-  
19 car attached garage. And it has a yard with a gate on the east side  
20 and a double-entry door --

21 Q Okay.

22 A -- front door.

23 Q And did you take photographs starting off from the  
24 outside and in essence try to walk the jury through this scene by  
25 way of your photographs?

1           A     Yes.

2           Q     Okay. I'm going to keep that to the side.

3                 Looking at State's Exhibit 71 --

4           MR. PESCI: Do we have to click the bottom?

5           THE COURT: Yeah, he can do it there.

6           THE WITNESS: Is it just the arrow button?

7           THE COURT: Yep.

8           THE WITNESS: Okay.

9           MR. PESCI: Thank you, Your Honor.

10          BY MR. PESCI:

11           Q     Is this an outside view of this house, to be able to orient it  
12          in the neighborhood?

13           A     Yes.

14           Q     And to know which house, when we look at State's 72, do  
15          you take a picture of the specific number?

16           A     Yes.

17           Q     And working our way to the front door in State's 73, did  
18          you take a photograph of that door?

19           A     Yes.

20           Q     And up close on the door, State's 74, did you note or see  
21          something of interest that you took a photograph of?

22           A     Yes, it was a Census business card that was stuck in that  
23          front entry door.

24           Q     Left in that door.

25           A     Correct.

1 Q Now you spoke of a gate a moment ago. In State's 75, is  
2 that the gate you referred to?

3 A Yes.

4 Q As we look at the building -- at the house in this direction,  
5 to your left, would the gate be on the righthand side?

6 A Correct.

7 Q State's 76, did you get a close-up of that photograph?

8 A Yes.

9 Q Now is this kind of how you will go about -- even with  
10 some physical evidence, you'll take an overall photograph, and  
11 then come in close to the particular piece of evidence?

12 A Yes.

13 Q And will see that later on with pieces of evidence in the  
14 house.

15 A Correct.

16 Q Did your make your way to the back of the house?

17 A I did.

18 Q Showing you State's 77. Is that the backyard?

19 A Yes.

20 Q All right. Now, was there a -- were there some things in  
21 the house or the outside of the house that got your attention?

22 A Yes.

23 Q And did you photograph those items?

24 A I did.

25 Q State's 78, was there a broken window?

1           A     Yes.

2           Q     Below that window in State's 79, did you find evidence of  
3 broken glass?

4           A     Yes.

5           Q     And then in State's 80, did you do an in-close photograph  
6 of that particular window?

7           A     Yes.

8           Q     All right. That's the first floor, so access can be obtained  
9 through this window.

10          A     Correct.

11          Q     To the inside of the house, I should say.

12          A     Correct.

13          Q     While still outside, did you give a perspective from the  
14 house out into the backyard?

15          A     Yes, I believe I did.

16          Q     Showing you State's 81. Is that what you see here?

17          A     That's actually -- I believe it's still standing outside on that  
18 back porch, so it's near the sliding glass door and that's looking  
19 towards the -- it's looking north towards the fence.

20          Q     Okay. Is there a street on the other side of that wall?

21          A     Yes.

22          Q     And are there homes in the area?

23          A     Yes.

24          Q     This is not an isolated house by itself.

25          A     Correct.

1 Q And inside, do you photograph this home?

2 A I did.

3 Q State's 82. A moment ago when we looked at the  
4 backyard photograph, was there a sliding glass door to the far left  
5 from the perspective of this exhibit, Exhibit 77?

6 A Yes.

7 Q Making our way inside, State's 82, is that that same  
8 sliding door?

9 A It is.

10 Q And are you inside the kitchen taking a photograph of  
11 that?

12 A Yes.

13 Q So if someone were to go out that sliding door, would  
14 they be in the backyard we just saw?

15 A Yes.

16 Q Changing perspective at State's 83, did you take a  
17 photograph from the sliding door into the kitchen?

18 A Yes.

19 Q Okay. Off to the right here, what is this area?

20 A So that's a hallway heading north and there's a hallway  
21 off to the righthand side, and then it's like a living room area, at  
22 least to the front of the house, by the front doors.

23 Q And then showing you State's 85, that hallway that you  
24 spoke of, do we see it here?

25 A Yes.

1 Q Okay.

2 A It's just a small edge of it. So that's the beginning of the  
3 hallway right there.

4 Q Okay. Was the hallway to the right?

5 A To the right.

6 Q And is this a stairwell to go upstairs?

7 A Yes.

8 Q Showing you State's 84. After entering the house in the  
9 sliding glass area, if you pan or turn to the right, is this what we're  
10 going to see?

11 A Yes.

12 Q Is that a living room area?

13 A I call it a family room, but yes, essentially a living room or  
14 a family room.

15 Q Okay. State's 87. Does that give another perspective of  
16 the family room area?

17 A Yes.

18 Q Okay. And then was there some items of interest that  
19 you photographed in that area?

20 A Yes.

21 Q State's 88. What is seen on the floor by the kitchen  
22 island?

23 A By the kitchen island, there are both a light towel -- or  
24 sorry, a tan towel and a white sheet and both of them have blood.

25 Q All right. Showing you State's 86. Did you close up -- did

1 you take a close-up of that particular item?

2 A Yes.

3 Q What was that?

4 A There's a package of wipes so a canister of wipes.

5 Q And that was impounded by Crime Scene Analyst  
6 Cromwell?

7 A It was.

8 Q Did you see any graffiti inside the house

9 A Yes, I did.

10 Q Showing you State's 89. Where is that?

11 A This is looking at an entertainment nook that's along that  
12 south wall of the family room or living room.

13 Q So earlier you talked about stairs, would the stairs go up  
14 to the left on this item?

15 A Yes.

16 Q And the hall, does it run behind where's it's spray painted  
17 F-12?

18 A Yes.

19 Q Did you take a photograph of perspective from the living  
20 room towards the kitchen?

21 A Yes.

22 Q Showing you State's 90. What is that?

23 A Exactly what you described. It's now standing in the  
24 family room, looking towards the kitchen area.

25 Q All right. Does this help provide us with context and



1 perspective all around that area?

2 A Yes, that's the goal.

3 Q And then in particular the evidence that you referred to as  
4 blood in State's 91, did you photograph that?

5 A Yes, I did.

6 Q And what was that?

7 A So it's a collection of different states of the blood. So it's  
8 blood on the items themselves and there's also you can see drops  
9 of the blood on the floor, as well as some diluted blood as well.

10 Q Did you find some other items that had blood on them in  
11 the house?

12 A Yes.

13 Q State's 92. What is that?

14 A There's -- off to the righthand side there's a Wendy's bag  
15 with blood on it, and also the garbage can had blood on it as well.

16 Q Okay. All right. I'm going to back to State's 70 and the  
17 diagram.

18 So what we were just seeing, is that in the area of what's  
19 numbered 1 and 2?

20 A Correct.?

21 Q So is there a legend on the diagram --

22 A Yes.

23 Q -- that shows where these particular pieces of evidence  
24 were found?

25 A Yes.

1 Q So the jury can look at that later and know where those  
2 items were within this whole scene?

3 A Yes.

4 Q While we're looking at State's 70, on the top lefthand  
5 corner, is that a game room?

6 A It is.

7 Q All right. So if we're in the kitchen and we look into the  
8 living room, is the game room just past it?

9 A It is.

10 Q Showing you State's Exhibit 93. What is that?

11 A That's inside that gaming room.

12 Q All right. Was there more graffiti inside there?

13 A Yes.

14 Q A moment ago you talked about a hallway, which was  
15 behind where we first saw the graffiti F-12. Showing you State's  
16 Exhibit 94. What is that?

17 A That's a view of the hallway, looking essentially from the  
18 other perspective that we looked at from looking at -- from the  
19 kitchen towards the front of the house and now it's looking down  
20 that hallway.

21 Q Would I be safe in saying that where you are standing is  
22 somewhat near those bloody rags that we saw on the floor?

23 A Yeah, within a short distance.

24 Q Okay. And then you're looking up the hallway. So -- and  
25 from this perspective off to the right would be where that gaming

1 room was.

2 A Correct.

3 Q All right. Now I want you to focus on State's 94. The door  
4 jamb area of kind of the corner of that hall, was there some blood  
5 that you found?

6 A Yes.

7 Q And then did you, in State's 95, do a close-up from that  
8 area, to show that blood?

9 A I did.

10 Q And then additionally, on the lefthand side of State's 94,  
11 was there also some blood in the hallway?

12 A Yes.

13 Q Did you take a photograph of that, State's 96?

14 A I did.

15 Q Now as we look at State's 94 with the door open and the  
16 spray paint, if you take a left and you look inside that door, was  
17 there something that you notated and photographed?

18 A Yes.

19 Q Okay. Showing you Exhibit 97. Is that the area that we're  
20 looking at?

21 A Yes.

22 Q All right. When you made entry into this home, where  
23 was the body?

24 A The body was located in a closet that was along that  
25 hallway and it's located underneath the staircase.

1 Q Who's working that scene with you, in addition to the  
2 detectives you spoke of and the other Crime Scene Analyst  
3 Cromwell?

4 A A coroner investigator.

5 Q All right. Who -- what is a coroner investigator? What are  
6 they doing there? Tell us about that.

7 A Sure. So a coroner investigator is essentially the eyes and  
8 the ears of the medical examiner that looks at the body, the  
9 decedent later on. And so they're doing reports as well, and also  
10 taking photographs of the scene.

11 Q Does a coroner investigator, after you and the detectives  
12 process the scene, take custody of the body?

13 A They do.

14 Q Do they then transport it to the coroner's office for an  
15 autopsy?

16 A Yes.

17 Q Okay. Is there any time when this body's at this scene  
18 that you're not aware of where it is and with it when it's moved?

19 A Absolutely not.

20 Q You stay with it.

21 A Yes.

22 Q Are you able to document what's going on with that  
23 body --

24 A Yes.

25 Q -- that entire time?

1 A Yes.

2 Q Okay. So speaking of the body, State's 98, did you  
3 photograph what would be the -- is that the left foot?

4 A That is.

5 Q Okay. So if we could step back out and we look at State's  
6 97, we're talking about the left foot here.

7 A Correct.

8 Q And we talk about left for the jury's benefit, it's from the  
9 anatomical position of the person you're photographing?

10 A Correct.

11 Q Okay. So State's 98 is the left.  
12 State's 99, is that the right foot?

13 A It is.

14 Q All right. Obvious question but any footwear on the feet  
15 at that point?

16 A No.

17 Q Did you see any blood on the bottom of those feet or  
18 apparent blood I should say?

19 A I did not.

20 Q Okay. Outside that door on the one side there was  
21 nothing on the door, correct?

22 A I'm sorry.

23 Q Let me jump back to --

24 A On the interior portion of the door?

25 Q Yeah. No, I apologize. If we look at State's 94. This door

1 is pretty much clean, is that correct?

2 A Other than the apparent blood at the bottom left corner.

3 Q Right. But when you went to the other side of that door,  
4 did you see what's depicted in State's 100?

5 A Yes, I did.

6 Q All right. So we need to make sense to the jury as to  
7 where this is. Is that the very door that goes to where Matt's body  
8 was found?

9 A Yes.

10 Q All right. And then in State's 101, did you do a close-up of  
11 that?

12 A I did.

13 Q All right. Now, was there other evidence of interest inside  
14 of the home, other than what we've gone over so far?

15 Let me do it better than that.

16 A Yes.

17 Q Do you see any bullet holes?

18 A Yes, I did.

19 Q Okay. Apparent bullet holes.

20 A Yes.

21 Q Okay. State's 102. I'm going to try to zoom in. Did you  
22 photograph a bullet hole in the ceiling of the living room area?

23 A Yes.

24 Q And to try to put that in perspective, is it on the righthand  
25 side of State's 102, the sliding glass door that we spoke of earlier?

1           A     Yes.

2           Q     And then did you, in State's 103, do a close-up of that  
3 particular hole in the ceiling?

4           A     I did.

5           Q     And eventually after you took other photographs, did you  
6 analyze that particular hole in the sense of trying to follow it  
7 through the house?

8           A     Yes.

9           Q     Okay. Before we get on that, we saw a moment ago the  
10 body in the closet and there was a tarp over the top?

11          A     Correct.

12          Q     Was there anything found on top of the tarp, on top of the  
13 body you found?

14          A     Yes.

15          Q     Showing you State's 104. What is that?

16          A     It's a cellular telephone.

17          Q     Was that -- where was that found?

18          A     It was found on top of the plastic tarp --

19          Q     Okay.

20          A     -- which was on top of the body, again.

21          Q     And then showing you -- did you recover -- or was that  
22 recovered?

23          A     Yes.

24          Q     And was it photographed out from and away from the  
25 plastic tarp?

1           A     Yes.

2           Q     Showing you State's 105. What is that?

3           A     That's the same cellular telephone.

4           Q     It seems to have kind of a black finish to it. Can you tell us  
5 about what you observed on that phone?

6           A     Yes. It appeared to have some type of damage, as well as  
7 apparent spray paint.

8           Q     Okay. So the spray paint you're referring to and the  
9 damage in 106, the backside, did you notate that damage?

10          A     Yes.

11          Q     Now, when you first started the scene, you take pictures  
12 of everything untouched and before anybody does anything with  
13 the evidence, correct?

14          A     Yes.

15          Q     Later do you then put in some sort of placard or number  
16 to be able to designate this is this piece of evidence and this is  
17 where it is inside of the scene?

18          A     Yes.

19          Q     Was that done in conjunction with the other crime scene  
20 analyst?

21          A     Yes.

22          Q     Showing you State's 107, going back to what we saw  
23 earlier, do we now see some yellow numbered placards?

24          A     We do.

25          Q     Tell us about that.



1           A     So the placards are placed again, to show where those  
2 items are located within the scene and then typically, they'll  
3 correspond to the item number that is designated to that item when  
4 it's placed in impound.

5           Q     Okay. And in fact, if I go back to State's 70 and State's  
6 107, do you see Placards 1, 2, 4, and 6; is that correct?

7           A     Correct.

8           Q     When we look at State's 70, if we zoom in on that, do we  
9 have corresponding numbers to that?

10          A     Yes.

11          Q     And then below in the legend, does it then say what those  
12 particular items are?

13          A     Yes.

14          Q     Okay. And then are photographs taken of those individual  
15 items up close with those placards?

16          A     Yes.

17          Q     Showing you 108. Is that that -- would you call it a sheet?

18          A     It's a sheet, it's -- I believe it's a bed skirt.

19          Q     A bed skirt, okay?

20          A     It's sheet or bed skirt.

21          Q     Something to do with beds? Linens?

22          A     Exactly. We're not experts, but --

23          Q     All right. State's 109. What is that and where is that?

24          A     That is a sink nozzle that extends out and that's the sink  
25 that's in that same kitchen.

1 Q Okay. And where the nozzle is close to the edge of the  
2 island, is the area of the blood off that island and off to the left a  
3 little bit?

4 A Yes.

5 Q We saw the disinfectant wipes earlier. State's 110. Is that  
6 a close-up with its accompanying number that's been given?

7 A Yes.

8 Q And then were there some shoes found?

9 A Yes.

10 Q State's 111. What are those?

11 A A pair of shoes.

12 Q And then were they given the number 3 as far to  
13 designate which items they were?

14 A Yes.

15 Q Did you find a spray paint can?

16 A We did.

17 Q State's 112. Is that the spray paint can?

18 A Yes.

19 Q And was it given Number 5?

20 A Yes.

21 Q Okay. Next to those shoes, showing 113, was there  
22 another item that you notated?

23 A Yes.

24 Q What was that?

25 A It was a cigar filter or a cigar mouthpiece.

1 Q Now why would something like that be notated or  
2 documented?

3 A At this early stage of the scene we're trying to place  
4 people in the scene. So essentially this was for either prints or  
5 DNA --

6 Q Okay.

7 A -- or both.

8 Q So at the time that you're doing this, did you tell me it  
9 was June the 8th of 2018?

10 A I believe so, yes.

11 Q All right. And is this early on in the investigation?

12 A Yes.

13 Q Okay. The police don't get -- have the benefit of talking to  
14 other witnesses or more information at that point.

15 A Correct.

16 Q So video evidence or things of that nature to really show  
17 who is there, you don't know yet, so you take things like this in case  
18 you want to try to show by DNA who was there?

19 A Yes.

20 Q Because you don't know if it'll matter or not later on.

21 A Absolutely.

22 Q Okay. Showing you State's 114. We saw the hole earlier  
23 in the ceiling. Did you do something to try to put that in context of  
24 where it was inside the house?

25 A Yes.

1 Q Showing you State's 115. Does that better orient where  
2 inside that kitchen area or living area that was?

3 A It does.

4 Q Kind of in parallel with the island?

5 A Yes.

6 Q And then did you take a close-up of that in State's 116?

7 A Yes.

8 Q All right. Now the linen products we spoke of earlier,  
9 were they recovered and impounded?

10 A They were.

11 Q State's 117. Did you then document the area after you  
12 removed those items?

13 A Yes.

14 Q Okay. And that's what we're seeing in that exhibit?

15 A Yes.

16 Q Speaking of removing some items, going back to 118 -- or  
17 I should say back to the closet, did you photograph Matt's body  
18 after the tarp and the phone had been removed?

19 A Yes.

20 Q Okay. And then were you present when the body was  
21 physically removed from there by the coroner investigator?

22 A Yes.

23 Q Showing you State's 119. Is that the method in which the  
24 body will be taken from scene by a coroner's investigator and then  
25 put in a body bag?

1           A     Yes.

2           Q     All right. Did you photograph that body prior to it being  
3 taken away?

4           A     Yes.

5           Q     State's 120. What are we looking at?

6           A     We're looking at the pants of the decedent. And what we  
7 noticed at the scene was that the pants were partially turned out.

8           Q     The pants, did you say?

9           A     Pants pockets were partially --

10          Q     Pants pockets. All right. So for orientation purposes, as  
11 we look at State's Exhibit 120, on the righthand side, is that the  
12 anatomical right side of those pants?

13          A     Yes.

14          Q     So the righthand pocket is pulled out.

15          A     Correct.

16          Q     There seems to be, what is that, apparent blood?

17          A     Yes.

18          Q     And then on the lefthand side, does that pocket seem to  
19 be turned out, but just not as much as the righthand side?

20          A     Correct.

21          Q     Okay. And again, no one touched that body from when  
22 you got there until it was taken away like this.

23          A     The coroner investigator has a team of mortuary  
24 assistants who come out and typically physically move the body  
25 but we're there during the entire process, documenting it to make

1 sure, again, as little as possible is disturbed on that body so we can  
2 document it.

3 Q Well let me put it to you this way, as you saw them put  
4 the body in the body bag, they didn't turn out those pockets, did  
5 they?

6 A Absolutely not.

7 Q After the body's removed, did you photograph  
8 underneath the body?

9 A Yes.

10 Q Okay. State's 121. What was underneath the body?

11 A Again, more apparent blood and also fragments of teeth.

12 Q Okay. Are they in these areas here?

13 A Yes.

14 Q Looking at State's 123. Is that the condition of the tarp  
15 and the phone before it was removed?

16 A Yes.

17 Q And then State's 124, did you do somewhat more of a  
18 close-up?

19 A Yes.

20 Q Okay. And then lastly just going back to the backyard,  
21 State's 122, did you take a photograph of that back wall?

22 A I did.

23 Q Did there appear to be some damage to the fencing on the  
24 wall?

25 A Yes.

1 Q And again this is a -- there's a street that runs behind the  
2 house?

3 A Correct.

4 MR. PESCI: Court's indulgence.

5 Pass the witness, Your Honor.

6 THE COURT: Mr. Helmick?

7 MR. HELMICK: No cross, Judge.

8 THE COURT: Mr. Yampolsky?

9 MR. YAMPOLSKY: No questions.

10 THE COURT: Anything from our jurors?

11 Yes.

12 [Bench conference transcribed as follows.]

13 THE COURT: That's a good question [indiscernible]  
14 occupy [indiscernible].

15 MR. YAMPOLSKY: I have no problem.

16 THE COURT: It's like the model of the neighborhood.

17 MR. PESCI: No.

18 THE COURT: It's just like --

19 MR. PESCI: It's not a model.

20 THE COURT: It's a foreclosure?

21 MR. PESCI: [Indiscernible].

22 THE COURT: Foreclosure?

23 MR. PESCI: No, I think it was potentially going to be  
24 something they would put on the market for renting, like maybe Air  
25 BNB.

1 THE COURT: Oh.

2 MR. PESCI: It was in the process. I can follow-up based  
3 on that one though.

4 THE COURT: Okay. Why don't you do that before I even  
5 ask that then.

6 MR. PESCI: Oh, you don't want to?

7 THE COURT: Well, I mean, I can ask that, but does he  
8 know the answer to that particular question?

9 MR. PESCI: I don't think he knows the answer about the  
10 model. I think he could deduce that it's not -- but as far as being  
11 vacant I would ask are there other items around the house. I just  
12 didn't want to be up forever, so I don't have every picture of the  
13 house.

14 THE COURT: Does he have knowledge that he thinks it's a  
15 rental?

16 MR. PESCI: I don't think that he knows that, but he can  
17 say that there are beds, that there are items in the house, that the  
18 water's running.

19 THE COURT: Okay. All right. Okay.

20 [End of bench conference.]

21 THE COURT: Okay. A question for you if I could, please,  
22 sir?

23 THE WITNESS: Yes, sir.

24 THE COURT: If you know the answer to that.

25 ...



1                   **EXAMINATION BY THE COURT [JURY QUESTIONS]**

2   BY THE COURT:

3           Q     Do you know, was that house a model home? It had been  
4   said earlier that it was a vacant home?

5           A     I'm not aware if it was a model at any point in its history;  
6   however, we later determined that it was owned by a private  
7   owner.

8           THE COURT: All right. Mr. Pesci, any questions based on  
9   mine?

10          MR. PESCI: Yes, please.

11                   **FOLLOW-UP EXAMINATION**

12   BY MR. PESCI:

13          Q     So inside of the house, were there items that people could  
14   live there; for example, were there beds?

15          A     Yes.

16          Q     Did you find other furniture?

17          A     Yes.

18          Q     Were there certain rooms that had furniture stacked up in  
19   them?

20          A     Yes.

21          Q     Instead of having you on for another half an hour with  
22   every photograph you took, we tried to kind of narrow it down?

23          A     Yes.

24          Q     But inside of that house there were other items that  
25   people could utilize to live there.

1 A Correct.

2 Q Do you know if the water was turned on or running?

3 A Yes.

4 Q Was there electricity for you to be able to see?

5 A Yes.

6 Q So those items were on.

7 A Correct.

8 Q Thank you.

9 THE COURT: Any questions, gentlemen?

10 MR. HELMICK: No, Your Honor.

11 MR. YAMPOLSKY: No, Your Honor.

12 THE COURT: No. Okay.

13 All right. Thank you very much, Mr. Proietto. I appreciate

14 it. You are excused, sir.

15 THE WITNESS: Thank you, Your Honor.

16 THE COURT: The State may call their next witness.

17 MS. OVERLY: The State calls Randi Newbold.

18 **RANDI NEWBOLD**

19 [having been called as a witness and being first duly sworn,

20 testified as follows:]

21 THE CLERK: Thank you, please be seated.

22 If you could state and spell your name for the record,

23 please.

24 THE WITNESS: My name is Randi Newbold, R-A-N-D-I,

25 N-E-W-B-O-L-D.

1 THE COURT: All right. Ms. Overly.

2 MS. OVERLY: Thank you.

3 **DIRECT EXAMINATION**

4 BY MS. OVERLY:

5 Q Hi, ma'am, how are you employed?

6 A I'm employed with the City of Henderson Police  
7 Department, Crime Scene Unit.

8 Q And in what capacity? What do you do there?

9 A I'm a crime scene analyst.

10 Q And in your capacity as a crime scene analyst, were you  
11 called to assist on a homicide investigation that happened in June  
12 of 2018?

13 A Yes.

14 Q And specifically, were you working on June 10th of 2018?

15 A Yes.

16 Q And were you called out to the coroner's office?

17 A Yes.

18 Q And who was that in reference to that you were going to  
19 document?

20 A A deceased individual.

21 Q And who was that?

22 A Matthew Minkler.

23 Q And when you responded to the scene, what is it that you  
24 did?

25 A Upon my arrival to the scene, I enter a room -- it's a

1 processing roommate where there's a body bag on a gurney. I  
2 document that and then once we open the body bag, the victim's  
3 inside wrapped in a sheet and we photograph layer by layer. So  
4 we'll photograph as is, we'll open the sheet, we'll photograph how  
5 the victim is, and then proceed to do -- you know, take the next  
6 layer of clothing off, things like that.

7 MS. OVERLY: And if I may approach, Your Honor?

8 THE COURT: You may.

9 BY MS. OVERLY:

10 Q I'd like to show you what's been marked as State's  
11 Proposed Exhibits 44 through 48 and 139 through 145.

12 Can you take a look at these photographs and let me  
13 know if they look familiar to you?

14 A Yes.

15 Q And with regards to State's Proposed 44 through 48, were  
16 these photographs that you personally took?

17 A No.

18 Q Okay. But were you present when those images were  
19 captured?

20 A Yes.

21 Q So with regards to State's Proposed 44 through 48 and  
22 139 through 145, do these fairly and accurately depict the  
23 photographs that were taken at the coroner's office when we were  
24 there in June of 2018?

25 A Yes.

1 MS. OVERLY: Your Honor, the State would move the  
2 State's Proposed Exhibit 44 through 48 and 139 through 145.

3 THE COURT: Any objection?

4 MR. HELMICK: I'm sorry, Your Honor, I just don't which  
5 ones those are for sure.

6 THE COURT: Oh, yeah, you can come up.

7 MR. HELMICK: Sure. I'll just take a look. Sorry.

8 [Colloquy between Counsel]

9 MR. HELMICK: No objection.

10 MR. YAMPOLSKY: No objection.

11 THE COURT: Thank you. Those will all be admitted.

12 **[STATE'S EXHIBIT NUMBERS 44 through 48 and**  
13 **139 through 145 ADMITTED]**

14 BY MS. OVERLY:

15 Q And publishing State's 139.

16 Again, is that a photograph that you took?

17 A Yes.

18 Q Okay. And what does that reflect?

19 A It's the tag and the seal outside of the body bag.

20 Q And it looks as though there's a coroner case number on  
21 the top, correct?

22 A Yes.

23 Q And is that different than the case number associated with  
24 the Henderson Police Department?

25 A Yes.

1 Q Okay. And showing you State's Exhibit 140.  
2 Is that how Matthew Minkler look that day that you were  
3 there -- being photographed?  
4 A Eventually, yes.  
5 Q Yes. And again, State's 141.  
6 Does that --  
7 A Yes.  
8 Q -- reflect -- yes.  
9 And 142, that looks like a closer image of the bullet intact?  
10 A Yes.  
11 Q And showing you 143.  
12 What are these that we're looking at here?  
13 A The clothing on the victim.  
14 Q So those are the clothes that the victim was wearing at  
15 the time and they were since removed?  
16 A Correct.  
17 Q And were these impounded as well?  
18 A Yes.  
19 Q And 144.  
20 Is that a closer image of the shirt?  
21 A Yes.  
22 Q And it looks as though there's some staining on that.  
23 Were you able to determine, at least presumptively, what that stain  
24 was?  
25 A That's apparent blood.

1 Q And showing you State's Exhibit 145.  
2 What does this reflect?  
3 A It's a photograph of a computer monitor. The image is an  
4 x-ray taken by the coroner's office.  
5 Q And if we move to State's 48, what does that reflect?  
6 A Bullet fragment removed from the victim.  
7 Q And did you impound those as well?  
8 A Yes.  
9 Q And who provided those to you?  
10 A Dr. Roquero.  
11 Q And would that have been the coroner?  
12 A Yes.  
13 Q State's 47.  
14 Is that a fair and accurate depiction of the front of the  
15 deceased?  
16 A Yes.  
17 MS. OVERLY: Court's indulgence.  
18 I'll pass the witness.  
19 THE COURT: Mr. Helmick, any questions?  
20 MR. HELMICK: Thank you, Your Honor, but we'll pass.  
21 THE COURT: Mr. Yampolsky?  
22 MR. YAMPOLSKY: No questions.  
23 THE COURT: Anything from our jurors?  
24 Ms. Newbold, thank you very much for your time. I  
25 appreciate it. You are excused.

1 State may call their next witness.

2 MR. PESCI: Can we approach, Your Honor?

3 THE COURT: Yeah.

4 Do you need to take a break?

5 MR. PESCI: Yes.

6 THE COURT: Okay. We'll take a short recess, Ladies and  
7 Gentlemen.

8 During the recess you're admonished not to talk or  
9 converse among yourselves or with anyone else on any subject  
10 connected with the trial. Or read or watch or listen to any report of  
11 or commentary on the trial by any medium of information  
12 including, without limitation, newspapers, television, the internet,  
13 and radio. Or form or express any opinion on any subject  
14 connected with the case until it's finally submitted to you. No legal  
15 or factual research or investigation on your own.

16 And just so you know, this kind of happens during trial. I  
17 ask the attorneys a lot of times to stack up a lot of witnesses. If  
18 we're going through witnesses a lot quicker, sometimes we need to  
19 take a break while we're waiting for next witnesses to get here. I  
20 don't tell them you need to have all 30 of your witnesses sitting  
21 outside every day.

22 So we kind of rely on being able to stagger people so that  
23 they're able to kind of do what they need to do in their life before  
24 they need to get down here and testify.

25 So we'll be in break for hopefully about 15 or 20 minutes,



1     okay?

2                     [Court recessed at 2:10 p.m., until 2:32 p.m.]

3                     [In the presence of the jury]

4             THE MARSHAL: All rise for the jury.

5             THE COURT: You all can be seated. Thank you.

6             We'll be back on the record. Our Defendants, our  
7 attorneys, our jurors are all present.

8             So we will continue on with the State's case in chief. And  
9 your next witness is?

10            MS. OVERLY: The State calls Alaric Oliver.

11                         **ALARIC OLIVER**

12            [having been called as a witness and being first duly sworn,  
13 testified as follows:]

14            THE CLERK: Thank you, please be seated.

15            If you could state and spell your name for the record,  
16 please?

17            THE WITNESS: I'm sorry, what?

18            THE COURT: Could you state your name, please?

19            THE WITNESS: Yes, it's Alaric Oliver.

20            THE COURT: And how do you spell your first name?

21            THE WITNESS: That is A-L-A-R-I-C.

22            THE COURT: Last name?

23            THE WITNESS: Oliver, O-L-I-V-E-R.

24            THE COURT: All right. Thank you, Mr. Oliver.

25            Ms. Overly.

1 MS. OVERLY: Thank you.

2 **DIRECT EXAMINATION**

3 BY MS. OVERLY:

4 Q Hi, Alaric. How old are you?

5 A I'm 20.

6 Q And in June of last year, how old would you have been?

7 A 19.

8 Q And at 19, did you already graduate high school?

9 A Yes.

10 Q And where'd you go to high school?

11 A Silverado.

12 Q Now, in June, specifically I want to take your attention

13 back to around June 7th of 2018. On that date, did you know

14 someone by the name of Charles Osurman?

15 A Yes.

16 Q And how did you know him?

17 A School.

18 Q And did you go to high school together?

19 A Yes.

20 Q Now around that time or on that date, did Charles

21 Osurman invite you Somewhere?

22 A Yes.

23 Q And where was that?

24 A To a house over by the Coronado area.

25 Q Okay. Now I'm going to show you State's Exhibit 71. And

1 this will be on the screen in front of you as well, if that makes it  
2 easier.

3 Is that the house that he invited you over to?

4 A Yes.

5 Q Okay. And had you ever been there before?

6 A No.

7 Q Now what was your understanding of who lived in this  
8 house?

9 A Him and some friends.

10 Q So why were you going over there?

11 A They said that they had just gotten the place and they just  
12 moved in. He had invited me to come hang out, see the new place.

13 Q Okay. Would it have been summer break around that  
14 time?

15 A Yes.

16 Q And did Charles graduate with you from high school?

17 A I don't believe so.

18 Q So on June 7th, which would have been a Thursday or  
19 maybe a Wednesday, did you go over to that house?

20 A Yes.

21 Q And when you went there, who was there?

22 A It was Charles and a few of -- and some other people that  
23 I'm not aware of their name.

24 Q Okay. Now do you someone by the name of Kymani  
25 Thompson?

1 A Yes.

2 Q Was he there that day?

3 A Yes.

4 Q And how do you know Kymani?

5 A My apologies, I don't believe he was there on the night of

6 the 7th -- or the day of the 7th.

7 Q Okay. So the night of the 7th Charles was there, but

8 you're not sure if Kymani was.

9 A No.

10 Q Okay. Now did you stay over at the house that night?

11 A Yes.

12 Q And where did you stay?

13 A I stayed upstairs.

14 Q In a bed?

15 A Yes.

16 Q And the next morning, what did you do that morning?

17 A I -- awake -- woken up and went to Wendy's.

18 Q And where's Wendy's?

19 A It was probably a street block away.

20 Q Did you walk there?

21 A Yes.

22 Q And did you go with anyone?

23 A No.

24 Q So you just went by yourself.

25 A Yes.

1 Q Around what time was this?

2 A Maybe 7:00/8:00.

3 Q So you just -- you woke up, you walked to Wendy's. Did  
4 you eat there, or did you bring the food back?

5 A I had brought the food back.

6 Q And when you came back, was -- who was at the house at  
7 that point?

8 A About the same people. I'm not sure really who stayed. I  
9 was the only one awake at the time.

10 Q Okay. So people were asleep still when you came back?

11 A Yeah.

12 Q Okay. Now at some point in time did other people come  
13 to the house?

14 A Yes.

15 Q Now do you know someone named Jaiden Caruso?

16 A Yes.

17 Q And do you see him here in court today?

18 A Yes.

19 Q Can you point to him and identify something he's  
20 wearing?

21 A [Witness complies]. Gray, I believe it is.

22 Q And is it the first gentleman at the table or the second?

23 A The second.

24 MS. OVERLY: Your Honor, may that --

25 THE WITNESS: Or the first.

1 MS. OVERLY: -- record reflect -- I'm sorry?  
2 THE WITNESS: It's the first?  
3 MS. OVERLY: The first.  
4 THE COURT: From your left or your -- going right to left  
5 or --  
6 THE WITNESS: My left.  
7 THE COURT: Left  
8 MS. OVERLY: Your left, okay.  
9 THE COURT: So the record will reflect the identification of  
10 Mr. Caruso.  
11 BY MS. OVERLY:  
12 Q And did Jaiden Caruso show up at the house?  
13 A Yes.  
14 Q And do you know someone else by the name of Kody  
15 Harlan?  
16 A Yes.  
17 Q Do you see him in court today?  
18 A Yes.  
19 Q Can you --  
20 MR. HELMICK: We'll stipulate to identification.  
21 THE COURT: Thank you.  
22 BY MS. OVERLY:  
23 Q So you knew Jaiden and Kody. How did you know  
24 Jaiden?  
25 A I didn't really know them per se, I knew of them just from

1 other ppl knowing them. But I didn't personally know them.

2 Q Okay. But you knew of them.

3 A Yes.

4 Q Had you seen them before?

5 A Not of my knowledge. I may have in the past, I just don't  
6 recall it.

7 Q And at some point, they showed up to this residence?

8 A Yes.

9 Q Do you remember when?

10 A June 8th.

11 Q Okay. Do you remember what time of day?

12 A It might have been possibly around 1:00ish. I don't recall.

13 Q Would it have been after you went and picked up Wendy's  
14 and came back?

15 A Yes.

16 Q Okay. And when they arrived, do you know if they arrived  
17 together or separately?

18 A I believe it was together, I'm just not too sure.

19 Q Okay. And when they came into the house, when Jaiden  
20 and Kody were there, did anyone else show up?

21 A When they initially had went or --

22 Q When -- well when they arrived, was anyone else there  
23 besides you?

24 A Yes.

25 THE COURT: Inside the house or where --

1 MS. OVERLY: Inside the house.

2 THE COURT: Not with them, but inside the house at the  
3 time they got there.

4 THE WITNESS: Yes.

5 BY MS. OVERLY:

6 Q And who would that have been?

7 A Charles, one of the people, I don't recall his name, but he  
8 was there. There was another person as well and then that's when  
9 Jaiden and Kody had came.

10 Q Okay. And when did -- did Kymani Thompson arrive?

11 A Yes.

12 Q And when was that?

13 A I believe it was after they -- I believe it was before they  
14 had came.

15 Q And that's Jaiden and Kody?

16 A Yes.

17 Q And was Ghunnar Methvin another that was there?

18 A Yes.

19 Q And do you know Ghunnar?

20 A Not personally, no.

21 Q Okay. But were you aware of him before that date?

22 A No.

23 Q No. Okay. But did you meet him on that day?

24 A Yes.

25 Q Okay. So he was another person that was at the house?



1           A     Yes.

2           Q     Okay. Now, where were you guys primarily hanging out  
3 inside the house?

4           A     In the back, living room kitchen area.

5           Q     Okay. So Showing you State's Exhibit 82.  
6 Does that look familiar to you?

7           A     Yes.

8           Q     Okay. And what is that of?

9           A     I believe that's the back sliding door.

10          Q     Okay. And showing you State's 83.  
11 Does that look familiar?

12          A     Yes.

13          Q     Is that the kitchen?

14          A     Yes.

15          Q     Okay. So that would be if you were standing by the back  
16 sliding door --

17          A     Yes.

18          Q     -- looking in.

19                 And what about 85?

20          A     That would be the same area.

21          Q     Okay. So is this a kitchen island here at the bottom of the  
22 photo?

23          A     Yes.

24          Q     And if we kind of look to the right corner here, which looks  
25 to be somewhat dark in lighting, where does that lead to?

1           A     The main front room, some more rooms, these stairs to  
2 go upstairs.

3           Q     Okay. So where I'm pointing here in the right corner,  
4 were those stairs?

5           A     I believe so.

6           Q     Okay.

7           THE COURT: So sometimes when you're finishing up an  
8 answer your voice gets a lot softer and quieter, so I need you to  
9 keep it up so we can hear you, okay?

10          THE WITNESS: All right.

11          THE COURT: Thank you.

12 BY MS. OVERLY:

13          Q     And showing you State's 87.

14                Is that the back living room area that you were  
15 referencing?

16          A     Yes.

17          Q     So is this primarily where everyone was hanging out?

18          A     Yes.

19          Q     Okay. And what were you guys doing at the house?

20          A     We were hanging out, talking, smoking marijuana.

21          Q     Was there any alcohol?

22          A     I believe someone had bring some, yes.

23          Q     Okay. And you said smoking marijuana. Were you  
24 smoking any marijuana?

25          A     Yes.

1 Q Okay. Were you drinking any alcohol?

2 A No.

3 Q And were the other people that were there also smoking  
4 and drinking?

5 A Yes.

6 Q Do you recall who exactly was?

7 A Everyone was smoking. I also do believe everyone else  
8 was drinking. The only one I don't believe was drinking that --  
9 during the incident was Charles.

10 Q Charles Osurman.

11 A [No audible response - nods head yes].

12 Q And --

13 THE COURT: Was that a yes?

14 MS. OVERLY: I'm sorry, is that a yes?

15 THE COURT: Did you say yes?

16 THE WITNESS: Yes.

17 THE COURT: You got to answer out loud --

18 THE WITNESS: All right.

19 THE COURT: -- because we're recording everything.

20 Thank you.

21 BY MS. OVERLY:

22 Q Now when Jaiden and Kody arrived, did you ever see  
23 them with weapons; with guns?

24 A Yes.

25 Q Okay. And did -- what did you see Jaiden have?

1           A     He had a revolver.

2           Q     And what was he doing with that revolver?

3           A     He wasn't really doing much with it. I had seen he had  
4 pulled it out a couple times and was just looking at it. But he  
5 wasn't doing much at first.

6           Q     Okay. So what about Kody?

7           A     Kody, he was just on the couch. I believe he had one too,  
8 but I don't really recall him having one. But he was just on the  
9 couch.

10          Q     Okay. And do you recall there being some discussion  
11 about Matthew Minkler coming over?

12          A     Yes.

13          Q     And do you know who Matt Minkler is?

14          A     Yes.

15          Q     And how do you know him?

16          A     I knew him from school and some mutual friends.

17          Q     Okay. Did he go to Silverado too?

18          A     Yes.

19          Q     Okay. And you had met him prior to this day obviously?

20          A     Yes.

21          Q     And so who brought up the idea of Matt Minkler coming  
22 over?

23          A     I don't recall.

24          Q     Okay. Now do you recall how Matt Minkler arrived at the  
25 residence?

1       A     Jaiden and Kody had picked him up.

2       Q     Okay. So at this point is Kymani there?

3       A     Yes.

4       Q     Is Ghunnar there?

5       A     Yes.

6       Q     And Charles is there?

7       A     Yes.

8       Q     And you are there?

9       A     Yes.

10      Q     And the Defendants, correct?

11      A     Yes.

12      Q     Okay. Anyone else that you can think of?

13      A     No.

14      Q     Okay. And so of all those people, Kody and Jaiden go and

15      pick Matt up?

16      A     Yes.

17      Q     Do you know where they picked him up from?

18      A     No.

19      Q     Okay. And when did they come back to the house with

20      Matt?

21      A     It may have been 20/30 minutes after they had left. I don't

22      recall what time it would be around.

23      Q     Okay.

24            THE COURT: You got to keep your voice up, okay?

25            THE WITNESS: All right.

1 BY MS. OVERLY:

2 Q And when they came back, did they have anything else  
3 with them?

4 A When they had gone back with Matthew?

5 Q Yes.

6 A Yes. I'm not sure who had brought it in, but someone had  
7 brought a bag of Xanax.

8 Q Okay. When you say a bag of Xanax, are you referring to  
9 pills?

10 A Yes.

11 Q Okay. So before Jaiden and Kody left, they didn't have  
12 these pills?

13 A I don't believe so.

14 Q Okay. And then they came back with Matt and now  
15 they're with these bag of pills.

16 A [No audible response - nods head yes].

17 Q And so when they came back with Matt, what were you  
18 guys doing then?

19 A Everyone was doing the same thing. Matthew had sat  
20 down and then everyone was doing the same thing, but then they  
21 open -- had opened up the bag of pills.

22 Q Okay. When you say doing the same thing, are you  
23 talking about smoking weed.

24 A Yes.

25 Q Yes. Drinking alcohol.

1           A     Yes.

2           Q     And were you all still hanging out in this area here in the  
3 living room?

4           A     Yes.

5           Q     Okay. Now at some point did Jaiden Caruso ever fire that  
6 revolver that you saw?

7           A     Yes.

8           Q     And where did he fire it?

9           A     It was at the roof.

10          Q     At the roof?

11          A     [No audible response - nods head yes].

12          Q     Okay. When you say roof, are you talking about, when  
13 looking at State's Exhibit 87 here -- can you use that mouse that  
14 you have in front of you and try to show me what you're talking  
15 about when you say roof?

16                THE COURT: Just left click and you can draw with it.

17          BY MS. OVERLY:

18          A     It's not exactly in this area, but the ceiling.

19          Q     And where was Jaiden when he shot into the roof?

20          A     I believe he was sitting on this couch.

21          Q     Okay.

22                THE COURT: So for the record he indicated a white  
23 patterned either chair or loveseat-style couch that's right by the  
24 coffee table. And then he indicated a circle up on the ceiling of the  
25 residence, to the left of the ceiling fan.

1 BY MS. OVERLY:

2 Q And when he shot, were you startled by that?

3 A Yes.

4 Q What about everyone else?

5 A I believe so.

6 Q Did he announce that he was going to do that?

7 A No.

8 Q And when that happened, what did the other people in the  
9 house do?

10 A Kymani and Ghunnar had left. I stayed there and I was  
11 startled, but -- I don't know why but I did stay there.

12 Q Okay. When you say Ghunnar and Kymani left, did they  
13 just leave by chance or did they leave because of that?

14 A I believe they left because of that.

15 Q So after the gunshot into the ceiling, Kymani and Ghunnar  
16 left the house?

17 A Yes.

18 Q Okay. So would that have left you, the Defendants, Matt  
19 Minkler, and Charles there?

20 A Yes.

21 Q Okay. Now do you remember anybody taking a video  
22 after the shot into the ceiling?

23 A I don't recall.

24 Q Okay.

25 [Colloquy between Counsel]



1 MR. PESCI: Judge, I have State's 148 in my computer  
2 prepped up. It's been shown to Defense Counsel in advance. It's  
3 my understanding that they're not objecting to its admission.

4 THE COURT: Correct?

5 MR. HELMICK: Correct.

6 MR. YAMPOLSKY: Correct.

7 THE COURT: Okay.

8 **[STATE'S EXHIBIT 148 ADMITTED]**

9 THE COURT: Do you want to publish it now?

10 MS. OVERLY: Yes.

11 THE COURT: Go ahead.

12 BY MS. OVERLY:

13 Q So Alaric, I'm just going to play a video and you tell me --

14 [Video playing]

15 BY MS. OVERLY:

16 Q Okay. So that kind of goes pretty fast. So we can start in  
17 the beginning and kind of pause it as we go.

18 [Video playing]

19 MS. OVERLY: Stop.

20 BY MS. OVERLY:

21 Q Do you recognize that voice?

22 A Yes.

23 Q And who is that?

24 A It's Matthew Minkler.

25 Q I'm sorry?

1           A     It's Matthew.

2           Q     Matt Minkler?

3           A     Yes.

4           Q     Okay. And it looks like he's filming what appears to be  
5 the ceiling in that room, is that fair to say?

6           A     Yes.

7           Q     And was that after the bullet hole?

8           A     I believe so.

9           Q     Okay. And then after this, it looks like he scans among the  
10 room and --

11                               [Video playing]

12 BY MS. OVERLY:

13           Q     -- if we stop there, do you recognize who that individual is  
14 sitting in that loveseat?

15           A     Yes.

16           Q     And who is that?

17           A     That's Jaiden.

18           Q     And I believe before you indicated that you believed  
19 Jaiden was sitting in that seat when he shot into the ceiling, is that  
20 correct?

21           A     Yes.

22           Q     Okay.

23                               [Video playing]

24 BY MS. OVERLY:

25           Q     And then if we continue on with the video, he kind of pans

1 across the room and we see some more individuals sitting there on  
2 the couch. Do you recognize who those individuals are?

3 A Yes, it's myself, Charles, and Kody.

4 Q Okay. So if you can use the mouse in front of you, if it'll  
5 let you.

6 THE COURT: He can use the mouse.

7 Okay, you can go ahead now.

8 BY MS. OVERLY:

9 Q Can you identify who each person is?

10 A I believe this one was Kody, this one was Charles, and I'm  
11 right here.

12 THE COURT: So you're kind of -- we can see, I guess your  
13 arm?

14 THE WITNESS: Yeah.

15 THE COURT: Maybe to the far right of the frame.

16 MR. YAMPOLSKY: Your Honor?

17 THE COURT: Yep.

18 MR. YAMPOLSKY: Could you have him speak up a little  
19 more?

20 THE COURT: Sure.

21 Just try and remember to keep your voice up.

22 THE WITNESS: All right. My apologies.

23 BY MS. OVERLY:

24 Q Okay. So you indicate that on the -- kind of left side of the  
25 screen the individual who's kind of leaning over on the couch is

1 Kody.

2 A Yes.

3 Q Okay. And the video reflects that he -- looks like he has  
4 something in his hand?

5 A Yes.

6 Q And what was that?

7 A I believe it was a handgun.

8 Q Okay. And is that the handgun that you saw him with that  
9 day?

10 A Yes.

11 Q And it looks like in this video he's pointing it directly in the  
12 area of Matthew Minkler, is that fair?

13 A Yes.

14 Q Was he doing that throughout the day?

15 A I'm not aware. I personally didn't see him point the gun at  
16 anyone. So --

17 Q Okay.

18 A -- I wouldn't be able to answer that.

19 Q Okay. That's fine.

20 So then the next person, you indicated next to Kody  
21 would be Charles Osurman, is that correct?

22 A Yes.

23 Q Okay. And then on the last person to the right would be  
24 you.

25 A Yes.

1 Q Okay. Would this video have been after Kymani and  
2 Ghunnar had left?

3 A Yes.

4 Q Okay.

5 [Video playing]

6 BY MS. OVERLY:

7 Q So is that a better image there we see of Kody and  
8 Charles?

9 A Yes.

10 [Video playing]

11 BY MS. OVERLY:

12 Q And is it fair to say that it looks like Kody's waving the gun  
13 somewhat?

14 A Yes.

15 Q And is there something attached or part of the gun that  
16 looks like some sort of laser?

17 A Yes.

18 Q Did you see that that day?

19 A Yes.

20 Q Okay. But you don't necessarily recall Matt taking that  
21 video, but you recognize that that's --

22 A Yes.

23 Q -- what happened that day?

24 A Yes.

25 Q Okay. So at this point in time Kymani and Ghunnar had

1 left, and it's just 1, 2 -- the four -- five of you that remain there. So  
2 what happened after that?

3 A Sorry, can you rephrase?

4 Q Yeah, so after the gunshot into the ceiling, what did you  
5 guys do after that?

6 A Kymani and Ghunnar had left and everyone was just  
7 doing the same thing really.

8 Q Continuing to hang out?

9 A Yeah.

10 Q Okay. And so at some point in time, did Matt Minkler  
11 want to look at Jaiden's gun?

12 A Yes.

13 Q And where was he when he did that?

14 A He was on the island area in the kitchen.

15 Q Okay. So if we -- showing you 85.

16 Is this the island that you're referring to?

17 THE COURT: You got to hit the button.

18 MS. OVERLY: Sorry.

19 BY MS. OVERLY:

20 A Yes.

21 Q And so --

22 THE COURT: And if I could, you said on the island, like  
23 sitting up on it?

24 THE WITNESS: He was sitting at the chair at the island.

25 THE COURT: I got it. Thank you.

1 BY MS. OVERLY:

2 Q And when we're talking about chair by the island -- I'll  
3 show you 83. Are you talking about there's kind of these bar stools  
4 that are --

5 A Yes.

6 Q -- around the island?

7 Okay. So Matt's sitting over by the island on one of the  
8 bar stools and where is the revolver?

9 A At the time Matthew had it or --

10 Q Yeah, at the time Matthew had it.

11 A He had looked at it and then he had set it down back on  
12 the island.

13 Q Okay. I'm going to show you State's Exhibit 84.

14 And if you could show me with the mouse you have in  
15 front of you. So show me where Matt was standing. Or sitting,  
16 rather.

17 A He was sitting right here.

18 Q Okay. And you said that he asked to see Jaiden's gun.

19 A Correct.

20 Q Was the gun already sitting on the counter?

21 A No.

22 Q Where was it?

23 A Jaiden had it.

24 Q Okay. So did he walk over and retrieve from Jaiden?

25 How did that happen?