

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

KODY HARLAN

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Elizabeth A. Brown  
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**APPELLANT'S APPENDIX  
Volume X**

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

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1           A     I don't recall exactly how it happened.

2           Q     Okay. But you said he looked at it at some point and then  
3 put it back down.

4           A     Yes.

5           Q     Where did he put it down?

6           A     That would be here.

7           Q     So what seems to be on the edge of the kitchen island,  
8 closest to the living room.

9           A     Yes.

10          Q     And after he put it down, what did Matt do?

11          A     He -- I believe he was looking at his phone. I don't recall.

12          Q     And what did Jaiden do?

13          A     Jaiden, he had stood up and showed Matthew.

14          Q     Okay. So he stood up. Was he still in that loveseat that's  
15 reflected in the photo here?

16          A     Yes.

17          Q     Okay. So he stood up and he walked over where Matthew  
18 was standing?

19          A     Yes.

20          Q     And --

21          A     Sorry.

22          Q     It's okay.

23                   And he picked up the firearm; the revolver?

24          A     Yes.

25          Q     Okay. And that was the one that was sitting on the

1 counter?

2 A Correct.

3 Q And when he picked up you said he shot Matthew. Where  
4 did he shoot Matthew?

5 A In the head.

6 Q And did he say anything before he did it?

7 A I don't recall.

8 Q Okay. And what did you see happen to Matthew?

9 A His body dropped.

10 Q And if you look here on State's 84, you'll see some --

11 THE COURT: Here you go.

12 THE WITNESS: Thank you.

13 MS. OVERLY: You okay? Do you need a minute?

14 THE WITNESS: I'm okay.

15 BY MS. OVERLY:

16 Q So if you look at the photo in front here --

17 MS. OVERLY: I'm not sure how we clear the --

18 THE COURT: Got it.

19 MS. OVERLY: Thank you, Judge.

20 BY MS. OVERLY:

21 Q If we look here on the corner, it looks like there's some  
22 bloody towels and sheets there. Do you recall that that's where  
23 Matt fell?

24 A Yes.

25 Q And what did you do?

1       A     I had left.

2       Q     Okay.

3       A     I ran. I was scared.

4       Q     And where did you run?

5       A     I don't know. I wasn't too familiar with the area. I just ran  
6 until I kind of knew the area I was in.

7       Q     And when you ran from the house, did you run out the  
8 front door or the back door?

9       A     The back.

10      Q     Back door. And when this happened, when Jaiden had  
11 stood up and walked over to Matt and shot him, where was Kody?

12      A     Kody, he was on the couch.

13      Q     Okay. And the same couch that we saw in the video?

14      A     Yes.

15      Q     Okay. Was he positioned the same way?

16      A     He was in the same position, but his head was resting on  
17 the other side.

18      Q     Okay. So he seemed to be in that video resting his head  
19 closest to the side of the sofa you were sitting on?

20      A     Correct.

21      Q     But you're saying at this time he had moved positions and  
22 now his head was on the opposite side.

23      A     Correct.

24      Q     Okay. Did you see what he did after Matt was shot?

25      A     Uh-uh. I did not.

1 Q Did he flee with you out of the house?

2 A No.

3 Q What did Jaiden do?

4 A I'm -- I don't know?

5 Q You're not sure.

6 A I'm not sure.

7 Q Just because you fled.

8 A Yeah.

9 Q Okay.

10 A Yes.

11 Q Now when you saw Jaiden shoot Matt Minkler, did you  
12 believe that it was an accident?

13 A I --

14 Q In terms of -- let me rephrase, it's a bad question. Did you  
15 think that the gun accidentally went off?

16 A No.

17 Q Okay. And why is that you didn't think that the gun  
18 accidentally went off?

19 A Because he had pointed it at him. If he just had grabbed  
20 it --

21 Q Okay.

22 A -- it would have shot possibly somewhere else, but.

23 Q Okay. And when you left and fled the house that day, did  
24 you call the police?

25 A No.

1 Q And why not?

2 A I was scared. I thought it was a big dream. A big  
3 nightmare.

4 Q And did you ultimately speak with police officers about  
5 this incident?

6 A Yes.

7 MS. OVERLY: Court's indulgence, Your Honor.

8 I'll pass the witness, Your Honor.

9 THE COURT: Mr. Helmick?

10 MR. HELMICK: Thank you, Your Honor.

11 **CROSS-EXAMINATION**

12 BY MR. HELMICK:

13 Q Alaric, I know this may be difficult for you. Just hang in  
14 there, okay?

15 A Okay.

16 Q You understand I have to ask you some questions too,  
17 right?

18 A Yes.

19 Q Okay. Going back to the people that were present in the  
20 house that day -- and I understand this was a year ago, just do the  
21 best you can to remember. If you can't remember, I'll try to refresh  
22 your memory with some of the statements that you gave earlier,  
23 okay?

24 When you were at the house it was Charles, right?

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



1 Q And we're talking about June 8th, right? Just go ahead  
2 and say yes for us --

3 A Yes.

4 Q -- if that's what your answer was.

5 A Yes.

6 Q Okay. Kody, right?

7 A Yes.

8 Q Okay. Jaiden, right?

9 A Yes.

10 Q Kymani, right?

11 A Yes.

12 Q Ghunnar, right?

13 A Yes.

14 Q And then there was also an unknown African American  
15 kid named Vince, isn't that right?

16 A Yes.

17 Q Okay. And then obviously Matthew came later, right?

18 A Correct.

19 Q Okay. And so while you're at the house, you guys were  
20 hanging out, smoking marijuana, listening to music, right?

21 A Correct.

22 Q There was no hostility towards anybody in that house,  
23 right?

24 A No.

25 Q Okay. When you saw -- let me backtrack a tad, actually.

1     Isn't it true that Matt came over to the house because he had asked  
2     somebody over at the house to pick him up?

3         A     I believe so. I'm not too sure --

4         Q     Okay.

5         A     -- but --

6         Q     So let me refresh your memory on that real quick here,  
7     Alaric.

8                     [Colloquy between Counsel]

9             MR. HELMICK: Your Honor, may I approach?

10            THE COURT: You may.

11     BY MR. HELMICK:

12         Q     Okay. Alaric, I'm showing you -- let me ask you this -- let  
13     me lay some foundation. You have an interview with the police,  
14     right?

15         A     Correct.

16         Q     Okay. And they were recording that interview, right?

17         A     Yes.

18         Q     In fact you had two interviews with the police, right?

19         A     Correct.

20         Q     Okay. I'm showing you the second interview and I want  
21     you to look at page 2, okay? And then just look at the highlighted  
22     part at the bottom and look at me -- look up at me when you're  
23     done.

24             Got it?

25         A     Yes.

1 Q Okay. All right. So Matt had wanted --

2 MR. PESCI: Judge, I apologize. Can we approach real  
3 fast?

4 [Bench conference transcribed as follows.]

5 MR. PESCI: So while it's in Alaric's statement, it calls for a  
6 hearsay statement because it's what Matthew is alleged to have  
7 said, so that's inadmissible to hearsay being offered for the truth of  
8 the matter asserted. Matthew is dead and is not going to be  
9 testifying. And so that's hearsay. Introducing somebody else's  
10 statement.

11 MR. HELMICK: Well it's also two things. One, it's  
12 knowledge, so it's an exclusion to the hearsay rule; the knowledge  
13 of why Matt was coming over there. And Number two, it's  
14 impeachment because Sarah was asking him how he got over there  
15 as showing that they came and picked Matt up as if he wasn't the  
16 one who wanted to come over there in the first place.

17 THE COURT: How does knowledge an exception to the  
18 hearsay rule?

19 MR. HELMICK: An existing -- what is it? Statement by a  
20 [indiscernible] and not offered for the truth --

21 MS. OVERLY: But --

22 MR. HELMICK: For knowledge.

23 THE COURT: But what's the purpose if it's not offered for  
24 the truth of the matter? What's the purpose --

25 MR. HELMICK: That he had knowledge that Matt was

1 calling up Jaiden and Kody to come over.

2 MR. YAMPOLSKY: That Matt was what?

3 THE COURT: That is the truth of the matter --

4 MR. YAMPOLSKY: I'm sorry, I didn't hear that.

5 MR. HELMICK: I'm trying to fit something in here.

6 THE COURT: I think it's kind of similar to what you  
7 objected to earlier and then when she asked that question I said  
8 you know what, you're right, I'm going to sustain your objection.  
9 Just asking her to say something that was hearsay and it wasn't  
10 so --

11 MR. HELMICK: All right. I'll move on.

12 THE COURT: Yeah.

13 MR. HELMICK: Fair enough. I'll move on.

14 THE COURT: [Indiscernible] similar fashion. Okay.

15 [End of bench conference.]

16 THE COURT: Okay. Mr. Helmick.

17 MR. HELMICK: Okay. Thank you very much.

18 BY MR. HELMICK

19 Q Okay. So, you know, let's talk about when Matthew  
20 showed up, right? So Matthew showed up with Jaiden and Kody,  
21 right?

22 A Yes.

23 Q Okay. And you were asked some questions about  
24 whether or not he had a bag of Xanax, right?

25 A Correct.

1 Q Okay. Now you don't know who actually brought out this  
2 bag of Xanax, right?

3 A Correct.

4 Q So you don't if it came out of Jaiden's pocket, right?

5 A Correct.

6 Q And Matt did show up though with a little bit of marijuana  
7 though, right?

8 A Correct.

9 Q Okay. And when he got there, you guys were smoking  
10 some of that marijuana, right?

11 A I believe it was his.

12 Q Okay. Did anybody else in the house have marijuana as  
13 well?

14 A I believe so. I'm not exactly sure who had it, but --

15 Q Sure.

16 A -- it was there.

17 Q Do you remember Ghunnar having marijuana? Do you  
18 remember that?

19 A I don't recall.

20 Q That's okay if you don't. Do you remember Jaiden having  
21 marijuana?

22 A I believe so.

23 Q Okay. So Matt was letting others smoke the marijuana,  
24 right? He wasn't being stingy with it, so to speak?

25 A No.

1 Q Okay. When you were in the house, you guys all hung out  
2 in that living room area the majority of the time, right?

3 A Yes.

4 Q Okay. And you were sitting next to -- when Kymani and  
5 Ghunnar were there, you were sitting next to them?

6 A Yes.

7 Q Okay. And so in regards to any conversation, did you  
8 hear any conversation when you were there about wanting to rob  
9 Matt?

10 A No.

11 Q Okay. Did you hear any conversation at all about wanting  
12 to do a lick on Matt?

13 A No.

14 Q Okay. Was there any hostility towards Matt at all while  
15 you were there?

16 A I didn't notice any. Everyone that was having a good  
17 time. I personally didn't see any hostility.

18 Q Okay. So kind of everybody was just friendly with each  
19 other.

20 A Yes.

21 Q Okay. Let's talk about Kody for just a moment here. What  
22 was Kody's demeanor like the majority of the time that you were at  
23 the house?

24 A He was on the couch in the same position.

25 Q Okay. Was he awake or asleep on the couch?

1           A     He was awake prior to the Xanax. But after the fact that  
2 the Xanax had came into the picture, he was starting to I guess you  
3 could say fall asleep --

4           MR. YAMPOLSKY: Excuse me, Your Honor. I can't hear.

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

6           THE WITNESS: Sorry.

7 BY MR. HELMICK:

8           A     And -- sorry, can you repeat the question?

9           Q     That's okay. Yeah, let's go back over it.

10           So you said that Kody was laying down on the couch,  
11 right?

12          A     Correct.

13          Q     Okay. And you had -- you knew that Kody took Xanax  
14 while you were there, right?

15          A     Correct.

16          Q     Jaiden took Xanax, right?

17          A     Yes.

18          Q     Matthew took Xanax, right?

19          A     Yes.

20          Q     Okay. After they took the Xanax, you notice Kody started  
21 to fall asleep on the couch, right?

22          A     Correct.

23          Q     And you had actually said that his face was turned  
24 towards the couch at the time that Matt -- that Jaiden shot Matt,  
25 right?

1           A     Not towards the couch. He wasn't -- so say if he was  
2 laying -- say --

3           Q     Let me see if I can get you the picture, Alaric.

4           A     All right.

5           Q     Hold on.

6                               [Colloquy between Counsel]

7 BY MR. HELMICK:

8           Q     This is State's 87.

9                       Okay. Just point out -- use that little marker there, just  
10 show us where Kody was laying.

11          A     So his body was right here and originally his head was on  
12 this side, but he hadn't moved and so his head just moved over to  
13 this side.

14          Q     Oh, okay. That's what you're saying.

15          A     Yes.

16          Q     Very good. Thanks for clearing that up.

17                       And you said that he was barely awake or asleep or  
18 something --

19          A     Correct.

20          Q     -- like that?

21          A     Yeah, he was -- from what I noticed he didn't seem he was  
22 fully there.

23          Q     Okay. Now at the time that the gun was shot into the roof,  
24 Kody was asleep at that time, right?

25          A     I believe so.



1 Q Okay. But then we saw the video after it was shot into the  
2 roof and obviously, he's awake because he's flashing the laser  
3 thing, right --

4 A Correct.

5 Q -- the gun?

6 Okay. Now I mean, did you know if that gun was armed --  
7 I mean, loaded at all with any ammunition?

8 A I'm -- I wasn't aware it was.

9 Q Sure. I mean, he wasn't taking the clip out of the gun and  
10 taking the bullets out and putting them on the table like Jaiden was,  
11 was he?

12 A No.

13 Q So let's talk about this for a second now. In regards to  
14 Jaiden and the revolver, he would take the bullets out of the  
15 revolver, right?

16 A Correct.

17 Q Okay. And then he would point the gun and pull the  
18 trigger, right?

19 A Correct.

20 Q Okay. And he would put it even to his own head and pull  
21 the trigger, right?

22 A Correct.

23 Q Okay. And he would point it at other kids in the room?

24 A I didn't recall him pointing at anyone else. The only  
25 person I seen was at himself.

1 Q Okay. Do you remember after this incident -- we're just  
2 going to fast forward a little bit. You know who Kymani is, right?

3 A Yes.

4 Q Okay. After this incident you called Kymani, isn't that  
5 right?

6 A Correct.

7 Q Okay. And you told him what you saw when you were  
8 there that day, right?

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

10 Q Isn't that right?

11 A Correct.

12 Q Okay. Then you tell Kymani that Jaiden was clicking the  
13 gun, dry firing the bullets but one of these times it didn't click no  
14 more and you saw Matt fall to the ground.

15 Did you tell him that?

16 A I believe so.

17 Q Okay. And didn't you also say that Kody was asleep at the  
18 time that Matt pulled the trigger and the bang caused him to pop  
19 up?

20 A I believe so.

21 Q Yeah. Now, in regard to Jaiden getting the gun and  
22 pulling the trigger on Matt, let's talk about that for a second, okay?  
23 Is that okay?

24 A Yes.

25 Q Okay. So he takes the gun off the kitchen counter, right?

1     Actually, let me back track. He asked Jaiden first if he could see the  
2     gun, right?

3         A     Correct.

4         Q     Was there any hesitation at all by Jaiden to give him the  
5     gun?

6         A     I don't believe so. I didn't really pay attention to the  
7     handoff of the weapon.

8         Q     Sure.

9         A     I just heard from what was [indiscernible] and that's what  
10    I had heard.

11        Q     Okay. And then when Jaiden stood up after Matt was  
12    done looking at the gun, he kind of stood up all wobbly, isn't that  
13    right?

14        A     Correct.

15        Q     When he fired the gun, you thought -- you got out of  
16    there, right, because you were scared, right?

17        A     Correct.

18        Q     And you thought that he was going to shoot you maybe,  
19    right?

20        A     Correct.

21        Q     Yeah. You didn't think he was going to try to rob you  
22    though, right?

23        A     I don't know what his intentions were that day.

24        Q     Okay. I mean, being in the house though, did you ever  
25    think that there was some robbery or lick going on to rob Matt?

1 A No.

2 Q Okay. And you heard no conversation about that, right?

3 A No.

4 MR. HELMICK: Court's indulgence.

5 THE COURT: Okay.

6 BY MR. HELMICK:

7 Q After you called Kymani, you called a friend named Kristin  
8 Prentiss, right?

9 A I believe so.

10 Q Yeah. She's a friend of yours?

11 A An acquaintance.

12 Q Acquaintance, okay.

13 So you called Kymani and let him know what happened,  
14 right?

15 A Correct.

16 Q And then you called Kristin Prentiss.

17 A Correct.

18 Q Right. You told her also what happened.

19 A Correct.

20 Q All right. Thank you very much, Alaric.

21 THE COURT: Mr. Yampolsky.

22 MR. YAMPOLSKY: Thank you.

23 **CROSS-EXAMINATION**

24 BY MR. YAMPOLSKY:

25 Q Alaric, you said that first Matthew asked Jaiden to see the

1 gun --

2 A Correct.

3 Q -- correct?

4 And he handled the gun, Matthew, correct?

5 A Correct.

6 Q And then you said Jaiden walked over to him --

7 A Yes.

8 Q -- and picked up the gun and shot him.

9 A Yes.

10 Q Did you say when Jaiden walked over, he looked wobbly?

11 A Yes.

12 Q Okay. And pre -- you didn't say it here but previously you  
13 gave a statement that said Jaiden was slurring his words, correct?

14 A A little bit, yes.

15 Q And your -- and if -- I'm paraphrasing but you said  
16 because -- that, quote: He wasn't all there.

17 Do you remember saying something like that?

18 A Yes.

19 Q In other words, he wasn't fully engaged.

20 A Correct.

21 Q Okay. Now, you said that you noticed there was a bag of  
22 Xanax --

23 A Correct.

24 Q -- correct?

25 Did you notice who brought the Xanax?

1 A No.

2 Q No. Approximately how many Xanax were in the bag?

3 A I don't know.

4 Q Was it a little? A lot?

5 A It was a sandwich Ziploc. It was about -- I guess you could

6 say it was about halfway full.

7 Q So it's a sandwich bag, like a baggie?

8 A Correct.

9 Q And you said it was about halfway full?

10 A Correct.

11 Q Okay. And you saw Matthew take some Xanax?

12 A Correct.

13 Q You saw Jaiden take some Xanax?

14 A Yes.

15 Q And you saw Kody take some Xanax?

16 A Yes.

17 Q And in relation to the time that Jaiden shot Matthew, how

18 long before that did they take the Xanax?

19 A I'm not too sure.

20 Q I mean, was it an hour before? A minute before?

21 Somewhere in between?

22 A It had to have been within the hour.

23 Q It had -- within the hour.

24 A Yes.

25 Q Okay. Now when the video was played, Kody was

1 holding something in his hand that was blinking, correct?

2 A Correct.

3 Q And that was a gun?

4 A Yes.

5 Q Okay. Now, I hope I can do this. Going back to State's 87.

6 And that's in front of you. Can you -- like you did for Mr. Helmick,

7 can you show where Kody was on the couch?

8 A He was in the same area. He was over here.

9 Q So was he laying like straight off that arm?

10 A Yeah.

11 Q Okay. And you said first which way was his head

12 pointed?

13 A Originally his head was pointed in the pillows and then he

14 had moved it to the armrest --

15 Q Okay, so --

16 A -- of the couch.

17 Q -- as he's sitting there, in the beginning his head would be

18 to the left of his body, correct?

19 A Correct.

20 Q And he was facing Jaiden and Matthew at that time,

21 correct?

22 A Correct.

23 Q And then he changed positions and his head was to the

24 right of his body, correct?

25 A Correct.

1 Q And still was watching Jaiden and Matthew?

2 A Correct.

3 Q Okay.

4 MR. YAMPOLSKY: Court's indulgence.

5 THE COURT: Okay.

6 MR. YAMPOLSKY: I have nothing further.

7 THE COURT: Thank you.

8 Ms. Overly?

9 MS. OVERLY: Yes, just briefly, Your Honor.

10 **REDIRECT EXAMINATION**

11 BY MS. OVERLY:

12 Q And Alaric, I understand that you might not remember  
13 specific timeframe between when the Xanax was taken and when  
14 Matt was shot. But in reference to that video that we saw --

15 MS. OVERLY: And if we could just play it one more -- oh  
16 did you --

17 [Colloquy between Counsel]

18 MS. OVERLY: And this is State's Exhibit 148. And this  
19 would be the video that Matt took of the shooting under the ceiling.

20 BY MS. OVERLY:

21 Q So by the time that this video was taken, again, just for  
22 time purposes, Matt was already obviously at the house and Jaiden  
23 was there, you were there, and you guys were already smoking  
24 weed and drinking, correct?

25 A Correct.



1 Q And at that point in time, Matt and Jaiden and Kody had  
2 already come back with that bag of Xanax.

3 A Yes.

4 Q Okay. So do you recall if any of that Xanax was taken  
5 before that shot was fired into the ceiling?

6 A I'm not aware that anyone had taken any prior.

7 Q Okay.

8 A I just noticed that there was a big bag of pills after they all  
9 had came back.

10 Q Okay. So when they came back, the shot into the ceiling  
11 happened, correct?

12 A Yes.

13 Q So you're not familiar exactly what time they started  
14 taking the Xanax when they got back?

15 A I don't recall.

16 Q Okay. But is it fair to say -- and we can play the video.

17 [Video playing]

18 BY MS. OVERLY:

19 Q So you said that you believed originally that Matt and  
20 Kody and Jaiden had come back to the house around 1:00?

21 A Yes.

22 Q So it would have been the afternoon?

23 A Yes.

24 Q Do you recall that -- when you fled the house after Matt  
25 was shot, do you recall if it was still light out?

1       A     Yes.

2       Q     It was still light out. Okay.

3             Do you recall around what time that was?

4       A     It was really hot so it may have been during the middle of  
5 the day and possibly 4:00ish.

6       Q     Okay. So it's your estimation that within a -- at least a few  
7 hours of this happening is when Matt Minkler was shot.

8       A     Yes.

9       Q     Okay. And in this video, is it fair to say that everyone's  
10 conscious and awake?

11      A     Yes.

12      Q     Okay. And when you were at the house, during the entire  
13 time, did you see anybody, including the Defendants, get sick as a  
14 result of taking the drugs?

15      A     No.

16      Q     Okay. And by sick, I mean throwing up.

17      A     No.

18      Q     No. Needing to go to the hospital?

19      A     No.

20      Q     Okay. So if anything they just seemed to be like what you  
21 said wobbly, or is fair to say lethargic?

22      A     Yes.

23      Q     Okay. But in this video, we do see that Kody's awake and  
24 waving around his gun; is that correct?

25      A     Yes.

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

2 THE COURT: Mr. Helmick.

3 MR. HELMICK: Thank you.

4 **RECROSS-EXAMINATION**

5 BY MR. HELMICK:

6 Q Alaric, let's just talk about the timeline just for a moment,  
7 okay? So I mean, when Matt gets there, you guys are just -- like  
8 you said you were smoking marijuana, listening to music, just  
9 hanging out, right?

10 A Correct.

11 Q Everything's going fine for a while, right?

12 A Correct.

13 Q Kymani's there, Ghunnar's there right?

14 A Correct.

15 Q And you don't when they exactly took the Xanax, right?

16 You're not sitting there watching them, waiting for them to put the  
17 pill in their mouth, right?

18 A Correct.

19 Q You just know when they -- that you saw them do it --

20 A Yes.

21 Q -- right?

22 And so you're hanging out there and then all the sudden  
23 out of nowhere, Jaiden shoots a shot into the roof, right?

24 A Correct.

25 Q Okay. And that's kind of where things started to change a

1 little bit, right?

2 A Yes.

3 Q Okay. And so before the shot into the roof, Kody was  
4 laying down on the couch asleep, right?

5 A I don't believe he was --

6 Q Or he --

7 A -- asleep. He was on the couch, but he was conscious.

8 Q Okay. So I got to show you your interview with the police  
9 again, is that going to maybe help refresh your memory?

10 A Yes.

11 Q Okay.

12 MR. HELMICK: Page 20; Interview 2.

13 May I approach?

14 THE COURT: Yes.

15 BY MR. HELMICK:

16 Q Okay. Showing you page 20 of your Interview 2 with the  
17 police. Go ahead and look at the bottom there and then look up at  
18 me when you're done.

19 Okay. So didn't you tell the police that Kody was asleep  
20 that the shot was fired in the ceiling?

21 A Yes.

22 Q Okay. And then obviously a gunshot goes off in a small  
23 living room like that, he wakes up, right?

24 A Correct.

25 Q Okay. All right. Thank you, again, Alaric.

1 THE COURT: Mr. Yampolsky, anything further?

2 MR. YAMPOLSKY: Thank you.

3 **RECROSS-EXAMINATION**

4 BY MR. YAMPOLSKY:

5 Q Now I thought I heard you say that Matthew, Kody, and,  
6 Jaiden took the Xanax from the bag almost an hour prior to the  
7 shooting, is that accurate? Or did I mishear you?

8 A About, yes.

9 Q Okay. Thank you.

10 MR. YAMPOLSKY: That's all I have.

11 THE COURT: Anything further, Ms. Overly?

12 MS. OVERLY: No, Your Honor.

13 THE COURT: Anything from our jurors?

14 Yes.

15 [Bench conference transcribed as follows.]

16 THE COURT: So Jackie says she can do you first at 9:30.

17 MR. PESCI: Okay.

18 THE COURT: I don't know how long it's going to take. I  
19 just figured we'll start at 11:00 --

20 MR. PESCI: Okay.

21 THE COURT: -- so you get plenty of time.

22 MR. PESCI: Assuming that schedule, would we break at  
23 lunch from noon to 1:00. I'm just trying to line up --

24 THE COURT: Bigger sheet of paper.

25 THE MARSHAL: I told her, Judge.

1 THE COURT: Thank you.

2 MR. HELMICK: The ceiling, the room, yeah, okay.

3 MR. YAMPOLSKY: It's through the ceiling, that's fine.

4 MR. HELMICK: Yeah.

5 MR. YAMPOLSKY: No objection.

6 Oh, that's a big one.

7 THE COURT: It's got a few parts to it.

8 MR. HELMICK: On the last attorney's question, shooting

9 referred to ceiling or victim. I'll be -- I can clear that up.

10 THE COURT: I think that that may be Mace's.

11 MR. HELMICK: Oh, Mace's? Oh, sorry.

12 THE COURT: Within an hour of the shooting. So you

13 were asking was it within an hour of the shooting the ceiling that

14 the Xanax was taken.

15 MR. YAMPOLSKY: Well I meant the shooting of Matthew.

16 Maybe I wasn't clear.

17 THE COURT: You were saying it was somewhere around

18 an hour before --

19 MR. YAMPOLSKY: Yeah, and I thought I said that.

20 THE COURT: Okay. Maybe you did. Okay. But I can

21 clarify that as well.

22 MR. YAMPOLSKY: Okay.

23 THE COURT: What about the -- [indiscernible] question

24 MR. PESCI: I don't know.

25 MR. YAMPOLSKY: He has it.

1 MR. PESCI: I don't know if that's necessarily appropriate  
2 to ask.

3 THE COURT: Was he charged?

4 MR. PESCI: No.

5 THE COURT: No. Okay. You can ask him if he was  
6 arrested or charged with any crime.

7 MR. PESCI: I don't mind.

8 MR. YAMPOLSKY: I don't care.

9 THE COURT: Okay. And then we're okay with this?

10 MR. YAMPOLSKY: Yeah.

11 THE COURT: Okay.

12 MR. PESCI: All as is, right? All three of them as is?

13 THE COURT: Pardon?

14 MR. PESCI: You're going to read them as is?

15 THE COURT: Well hold --

16 MR. YAMPOLSKY: [Indiscernible] --

17 THE COURT: -- on --

18 MR. YAMPOLSKY: [Indiscernible] -- of it.

19 THE COURT: -- so what about this? Can you explain --

20 MR. YAMPOLSKY: He's not going to be able to explain --

21 MR. HELMICK: I mean, --

22 MR. PESCI: How do you know?

23 MR. HELMICK: Well I mean because -- yeah, he might  
24 know. He might know what it is.

25 THE COURT: And then do you know if Ghunnar and

1 Charles fled? It wasn't Ghunnar and Charles, it was Kymani and the  
2 other guy. Okay.

3 MR. HELMICK: Yeah.

4 THE COURT: And then do you know if Ghunnar and  
5 Charles fled? Oh, Ghunnar and Charles. I was thinking Kymani and  
6 the other guy. Okay.

7 MR. YAMPOLSKY: Do you know if Ghunnar and  
8 Charles --

9 MS. OVERLY: Well he testified to Ghunnar --

10 THE COURT: Okay.

11 MS. OVERLY: -- and Kymani.

12 MR. PESCI: He's --

13 MR. HELMICK: I mean --

14 THE COURT: When he fled --

15 MR. HELMICK: He's not -- because he ran --

16 THE COURT: I think he already said [indiscernible].  
17 Okay.

18 [End of bench conference.]

19 THE COURT: Okay. I have a few questions for you if I  
20 could, Alaric?

21 THE WITNESS: Yes.

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

23 BY THE COURT:

24 Q First off, were you arrested or charged with any kind of  
25 crimes in relation to this?



1 A No.

2 Q Okay. Was the first shot into the ceiling on the first floor  
3 of the residence, or were you guys on the second floor?

4 A It was on the first floor.

5 Q On the first floor, okay.

6 And then do you know what the term lick means?

7 A Yes.

8 Q And what is your understanding of what that means?

9 A Robbing someone.

10 Q Okay. Were you saying something else?

11 MR. YAMPOLSKY: I'm sorry, Your Honor. I heard --

12 THE WITNESS: Yes.

13 MR. YAMPOLSKY: -- robbery. I didn't hear anything else.

14 THE COURT: He said robbing someone.

15 THE WITNESS: Correct.

16 THE COURT: Okay.

17 BY THE COURT:

18 Q Do you know if Ghunnar and Charles fled from the  
19 residence after Matt was shot?

20 A Ghunnar and Kymani had left together --

21 Q Got it.

22 A -- right after the first gunshot had went off.

23 Q Okay. What about Charles? Do you know if Charles fled?

24 A He was right behind me, yes.

25 Q Okay. Did you guys separate after you left the residence,

1 or stay together, or what?

2 A I kept going. I was concerned about my own safety.

3 Q Okay. Kind of lost track of him?

4 A Yes.

5 Q Okay. How much time was there, if you can recall,  
6 between the first shooting of the gun into the ceiling and the  
7 shooting of Matt?

8 A Possibly within two hours.

9 Q Within two hours, okay.

10 THE COURT: And then let me just clarify. So the last  
11 question that says and last attorney's questioning shooting referred  
12 to ceiling or victim. Are you saying when he was asking about how  
13 much time prior to the shooting was the taking of --

14 JUROR NUMBER 12: Pills.

15 THE COURT: -- Xanax?

16 JUROR NUMBER 12: Uh-huh.

17 THE COURT: Okay.

18 BY THE COURT:

19 Q Did you say that it was around an hour before Matt was  
20 shot that you believe they had ingested Xanax?

21 A Yes.

22 Q Okay.

23 THE COURT: Ms. Overly, any questions based on mine?

24 MS. OVERLY: Yes, just briefly, Your Honor. Clarify.

25 ...

**FOLLOW-UP EXAMINATION**

**BY MS. OVERLY:**

**Q** Alaric, when we're referencing the shooting to the ceiling that was in the living room, correct?

**A** Correct.

**Q** And Matt makes reference to it going through both ceilings. Do you know what that was about?

**A** I'm -- I don't even recall him doing the video of it.

**Q** Okay.

**A** So I don't recall him -- hearing him say that as well.

**Q** That's fine.

But the shot to the ceiling was when you were in the living room and it was the ceiling of the living room, correct?

**A** Correct.

**Q** Okay. And after the shot to the ceiling, Kymani and Ghunnar left the house.

**A** Yes.

**Q** Okay. So then only you stayed, the Defendants stayed, Matt, and Charles?

**A** Correct.

**Q** And then what you estimate to be within a couple of hours, Jaiden shoots Matt, right?

**A** Correct.

**Q** And then you fled.

**A** Yes.

1 Q And you don't know what Charles did?

2 A No.

3 Q Nor do you know what the Defendant, Jaiden, or Kody  
4 did?

5 A No.

6 Q Okay.

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

8 THE COURT: Mr. Helmick, anything?

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

10 THE COURT: Mr. Yampolsky?

11 MR. YAMPOLSKY: No questions.

12 THE COURT: All right. Mr. Oliver, Thank you very much  
13 for your time. I appreciate it. You are excused, okay?

14 THE WITNESS: Thank you.

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

16 MR. PESCI: The State calls Kristin Prentiss.

17 THE COURT: By the way, who was it that posed the  
18 question have you been charged with any crimes?

19 Okay. Got it. Just remember to write your juror number  
20 on there if you would. Thank you.

21 **KRISTIN PRENTISS**

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

24 THE CLERK: Thank you, please be seated.

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

1 please.

2 THE WITNESS: Kristin Hyun Prentiss. K-R-I-S-T-I-N,  
3 H-Y-U-N, P-R-E-N-T-I-S-S

4 THE COURT: All right. Thank you, Ms. Prentiss.

5 All right. Mr. Pesci.

6 MR. PESCI: Thank you.

7 **DIRECT EXAMINATION**

8 BY MR. PESCI:

9 Q Ma'am, how are you?

10 A Good. How are you, sir?

11 Q Good, thanks for asking.

12 I want to direct your attention to June of 2018, specifically  
13 looking at June the 7th of 2018. Did you go to a house party in the  
14 Henderson area?

15 A Yes, sir.

16 Q I want to show you State's Exhibit 71 and ask you if you  
17 look to your left -- to your left, I apologize.

18 THE COURT: Kristin, you can look at the monitor right  
19 here if you want or the big monitor.

20 THE WITNESS: Yes, sir.

21 BY MR. PESCI:

22 Q Do you recognize that house?

23 A Yes, it's the corner house on Cool Lilac Avenue.

24 Q Did you go to that house?

25 A Yes.

1 Q On the -- was the night of June, the 7th?  
2 A Yes.  
3 Q Was there a party going on?  
4 A Yes.  
5 Q Did you go there with somebody?  
6 A Yes.  
7 Q Who'd you go with?  
8 A Currently my boyfriend at the time.  
9 Q Okay. And were there other people there?  
10 A Yes.  
11 Q How many people would you estimate?  
12 A Maybe 20.  
13 Q Were there boys?  
14 A Yes.  
15 Q Were there girls?  
16 A Yes.  
17 Q Was there drinking?  
18 A Yes.  
19 Q Was there smoking of any marijuana?  
20 A Yes.  
21 Q Or anybody doing any other drugs?  
22 A Yes.  
23 Q What other drugs?  
24 A Xanax, maybe some other prescription drugs.  
25 Q All right. How did you hear about this house party?

1           A     I was contacted through Snapchat from a friend and they  
2 asked me if I wanted to come.

3           Q     Okay. And when you went there, did you go with, did you  
4 say it was your boyfriend?

5           A     Yes.

6           Q     And did you -- how long did you stay there for?

7           A     Maybe two or three hours.

8           Q     When you were there that night, did you see -- or let me  
9 ask you this. Do you know Kody Harlan and Jaiden Caruso?

10          A     They went to my school.

11          Q     Okay. So did you know of them?

12          A     Yes.

13          Q     All right. Did you -- were you very -- were you friends or  
14 close with them?

15          A     No.

16          Q     All right. This might put this more in context today. With  
17 a lot of kids today, do you have people that you know on social  
18 media?

19          A     Yes.

20          Q     Will you have contact on social media, even though in  
21 person you don't actually interact with the person?

22          A     Yes.

23          Q     Did you have any such contact with Jaiden or Kody?

24          A     Jaiden.

25          Q     Okay. On the Thursday, I think on the 7th, was Jaiden or

1 Kody there?

2 A No.

3 Q Okay. How about Alaric?

4 A Yes.

5 Q Is that the gentleman that just left the courtroom?

6 A Yes.

7 Q Was he there on the night before?

8 A Yes.

9 Q Okay. You said you stayed there for a few hours?

10 A Yes.

11 Q And when you left, did you see if Alaric was still there?

12 A No.

13 Q Okay. Did he leave with you?

14 A No.

15 Q All right. After you left --

16 THE COURT: Can I just clarify something?

17 No, you didn't see if he was there or no, he was already  
18 gone?

19 THE WITNESS: No, he was still there when I left.

20 THE COURT: Got it.

21 MR. PESCI: And I apologize.

22 BY MR. PESCI:

23 Q The last one I was hoping to try to say was, did you see  
24 Alaric leave with you?

25 A No.



1 Q And you're telling us that's because Alaric stayed after  
2 you left.

3 A Yes.

4 Q Okay.

5 MR. PESCI: Thank you, Judge.

6 BY MR. PESCI:

7 Q Going now to June the 8th, did you go back to that house?

8 A No.

9 Q All right. Before we move to the 8th, I just want to show  
10 you Exhibit 87.

11 Were you in -- on the 7th, in this area of the house?

12 A Yes.

13 Q This kind of living room area.

14 A Yes?

15 Q Okay. Well, I guess what I should say is you are familiar  
16 with this having been there the night of the 7th.

17 A Not that setup, sir.

18 Q Okay.

19 A But, yes.

20 Q But you recognize that as being inside that house, which  
21 is State's 71?

22 A Yes.

23 Q Okay. Now going to the 8th, did you receive some sort of  
24 communication with some other individuals; specifically an  
25 individual by the name of Charles Osurman?

1           A     Yes.

2           Q     Did you also hear or have some sort of communication  
3 with Alaric?

4           A     Yes.

5           Q     Okay. Now, please listen really closely to my question,  
6 without saying what they said, did they relay any information to  
7 you?

8           A     Yes.

9           Q     Was this in the evening hours of June the 8th?

10          A     Define evening or afternoon, please.

11          Q     Okay. So let's say afternoon, at least. Was it afternoon on  
12 June the 8th? 12:00, noon?

13          A     No.

14          Q     Okay. Before?

15          A     It was before 5:00, but between the hours of 12:00 and  
16 4:00.

17          Q     Okay. So between 12:00 p.m. and 4:00 p.m. you received  
18 some sort of communication by Charles and/or Alaric?

19          A     Yes.

20          Q     All right. Was some of that over social media?

21          A     Yes.

22          Q     All right. Was any of the communication actual old school  
23 telephone call, person to person?

24          A     Yes.

25          Q     Okay. And then was there anything that was maybe

1 FaceTime or some other medium like that?

2 A Yes.

3 Q Okay. And again, without saying what they said, did they  
4 relay information to you about what had happened at that house?

5 A Yes.

6 Q Okay. During the course of one of these conversations,  
7 did a different person get on the call that was not Charles and was  
8 not Alaric?

9 A Yes.

10 Q What did -- was it a male voice or a female voice?

11 A Male.

12 Q What did that male voice say?

13 A They asked me how to dispose of a body.

14 Q Okay. What did you say?

15 A At that point I said I didn't know and hung up.

16 Q All right. Did you even have any idea what was going on  
17 for that question to come to you?

18 A Briefly, yes.

19 Q Was that based on, and again, without saying, what you'd  
20 been told earlier?

21 A Yes.

22 Q Okay. Now, shifting back to the 7th, did you know an  
23 individual by the name of Matthew Minkler?

24 A Yes.

25 Q Did you see him at that house party or at that house, I

1 should say on the 7th?

2 A No.

3 Q On the 8th, you told us you never went to the house,  
4 correct?

5 A No.

6 Q No, you had not gone? I'm asking double negatives, it's  
7 my fault. I'm sorry. Did you go to the house on the 8th?

8 A In my statement I said that I was there the night of the 7th,  
9 into the early morning of the 8th --

10 Q Oh, okay.

11 A -- that I had left.

12 Q All right. So you're telling us that it could technically have  
13 gotten into the early, early morning hours of the 8th?

14 A Yes.

15 Q Okay. But the phone communication you spoke of earlier  
16 was later on, on the 8th, when you were no longer at that house.

17 A Yes.

18 Q All right. Did you know Matthew before this June  
19 7th/June 8th time period?

20 A Yes, briefly.

21 Q Okay. And in the time that you knew him, did you know  
22 him to have or sell narcotics?

23 A Yes.

24 Q Did you know him based on that sale of narcotics to have  
25 money?

1 A No.

2 Q You didn't know him to have any cash?

3 A I knew he sold a few times but other than that, no.

4 Q Okay. So I probably worded that poorly. Did you know  
5 him to sell drugs?

6 A Yes.

7 Q Okay.

8 MR. PESCI: Court's indulgence.

9 Pass the witness, Your Honor.

10 THE COURT: Mr. Helmick.

11 MR. HELMICK: Thank you, Your Honor.

12 **CROSS-EXAMINATION**

13 BY MR. HELMICK:

14 Q Hi, Kristin.

15 A Hello, sir.

16 Q Okay. So let's talk about the phone call you received  
17 from, it was Charles, right?

18 A Yes.

19 Q Okay. And Charles called you while he was at the Cool  
20 Lilac House, right?

21 A Yes.

22 Q And that call was on FaceTime, right?

23 A No. It was -- you know how you Star-6-7 a number?

24 Q Yeah.

25 A It was like that.

1 Q Okay. Well let me maybe try to refresh your memory here  
2 a little bit.

3 A Okay.

4 Q You and I have talked before, isn't that right?

5 A Yes.

6 Q And you talked with me with my secretary present in my  
7 office while we were on speakerphone, isn't that right?

8 A Yes.

9 Q Okay. And do you recall telling me during that interview  
10 that Charles was FaceTiming you while you were talking to him on  
11 the phone?

12 A I received both.

13 Q Oh, you received both.

14 A Yes.

15 Q Okay. So at some point there was a FaceTime phone call,  
16 right?

17 A Yes.

18 Q And because it was a FaceTime phone call you were able  
19 to see exactly what was going on while child -- while Charles was  
20 describing it and it was live, basically on the phone, right?

21 A Yes.

22 Q Okay. So Charles showed you Matt's body on the floor,  
23 isn't that right?

24 A Yes.

25 Q Okay. And Charles was telling you --

1 MR. PESCI: Judge, I object as far as what Charles said.  
2 It's hearsay.

3 MR. HELMICK: May we approach, please?

4 THE COURT: Sure.

5 [Bench conference transcribed as follows.]

6 MR. HELMICK: I just laid the foundation for present sense  
7 impression. Live, FaceTime phone call. He's describing it while it's  
8 live, while it's going on, immediately thereafter it happened.

9 THE COURT: But what is -- I mean, she can describe what  
10 she sees on the video --

11 MR. HELMICK: Yeah.

12 THE COURT: -- so what is -- I mean --

13 MR. HELMICK: All I was going to ask is Charles told you  
14 what happened. I wasn't going to say the statement until after that.

15 THE COURT: Well but -- I mean, assuming you're asking  
16 her what did Charles after this is not part of FaceTime, it's what  
17 happened before the FaceTime.

18 MR. HELMICK: No, no, while he's on the phone  
19 FaceTiming her --

20 THE COURT: Okay.

21 MR. HELMICK: This is what -- he's telling her hey, this is  
22 what happened while he's FaceTiming her, going like this.

23 THE COURT: But I mean --

24 MR. HELMICK: That's a --

25 THE COURT: -- this is what happened -- what does he

1 say --

2 MR. HELMICK: Moments earlier he says that Jaiden was  
3 on Xanax and they decided to play a modified version of Russian  
4 Roulette, in which Jaiden was the only one clicking the gun.

5 MR. YAMPOLSKY: I'd say that like it's hearsay.

6 MR. HELMICK: Well that's here present sense impression.

7 THE COURT: No, if it's present sense --

8 MR. YAMPOLSKY: [Indiscernible].

9 THE COURT: -- impression --

10 MR. HELMICK: Immediately --

11 THE COURT: -- body on the floor, not what just happened  
12 in the past.

13 MR. HELMICK: She's describing what happened or  
14 immediately thereafter.

15 MR. PESCI: I'm bringing Charles to court.

16 MR. HELMICK: Oh, you are?

17 MR. PESCI: Yeah.

18 MR. HELMICK: Well thanks.

19 MR. YAMPOLSKY: Say that again.

20 MR. PESCI: I'm bringing Charles, assuming he comes.

21 MR. HELMICK: I didn't think you could find that guy.

22 THE COURT: Yeah.

23 MR. HELMICK: Well can I ask her then what he said at  
24 least?

25 THE COURT: No --



1 MR. HELMICK: Gosh, come on. I was -- I thought that was  
2 a good exception. I laid the foundation and everything.

3 THE COURT: Present sense impression is that  
4 [indiscernible] describing what he's seeing as he sees it. If he was  
5 FaceTiming her while Jaiden shot Matt --

6 MR. HELMICK: Or --

7 THE COURT: -- it'd be a different story.

8 MR. HELMICK: -- immediately thereafter.

9 MR. YAMPOLSKY: That's not --

10 MR. HELMICK: It's in the rules.

11 MR. YAMPOLSKY: -- in the rules.

12 MR. HELMICK: Yes, it is present sense.

13 MR. YAMPOLSKY: Not present --

14 MR. HELMICK: Yes, it is.

15 MR. YAMPOLSKY: -- enough.

16 MR. PESCI: Great argument, he's ruled.

17 MR. HELMICK: Okay.

18 [End of bench conference.]

19 THE COURT: All right. Mr. Helmick.

20 MR. HELMICK: Okay. Thank you very much, Your Honor.

21 BY MR. HELMICK:

22 Q Okay. So now you could also hear on the FaceTime call,  
23 Jaiden, right?

24 A I told them in my statement it wasn't declarative who it  
25 was over the phone.

1           Q     Okay. I know that's what you told them in your statement  
2 but I'm talking about when me and you talked on the phone, right?  
3 Didn't you tell me that you heard Jaiden and you actually -- he  
4 actually got on the phone?

5           A     I said I assumed so.

6           Q     Well --

7                   MR. YAMPOLSKY: Your Honor, she assumes so. I'd ask  
8 that that be stricken because --

9                   THE COURT: Well she hasn't said anything about --

10                  MR. HELMICK: Yeah.

11                  THE COURT: -- what was said. She's just talking about  
12 who it was that she believed was there, so.

13 BY MR. HELMICK:

14           Q     So I don't want you to assume anything, Kristin, do you  
15 recall -- and I'll try to do just do my best to refresh your memory  
16 because me and you talked a few months ago, right? This is when  
17 you were in Texas, right?

18           A     Yes.

19           Q     Okay. And do you recall telling me over the phone that  
20 Jaiden got on the phone call with Charles?

21           A     I told you that I assumed so because I didn't know who it  
22 was.

23           Q     Okay. So you're just -- you're telling me that you  
24 assumed that it was Jaiden?

25           A     Yes.

1 Q Okay. But you heard Jaiden's voice, right, on --  
2 MR. YAMPOLSKY: Objection --  
3 THE WITNESS: I assume so.  
4 MR. YAMPOLSKY: -- Your Honor, that misstates it. She  
5 said she assumed it was Jaiden, so now he's saying well so you  
6 heard it was Jaiden's voice.  
7 THE COURT: He's asking if she ever heard Jaiden's voice.  
8 So at any time did you hear Jaiden's voice?  
9 THE WITNESS: Not that I could definitively say yes to.  
10 THE COURT: Okay. Thank you.  
11 BY MR. HELMICK:  
12 Q Do you remember telling me that in our phone call?  
13 MR. PESCI: Jaiden, I apologize --  
14 THE WITNESS: No.  
15 MR. YAMPOLSKY: Objection, Your Honor.  
16 MR. PESCI: -- asked and answered.  
17 MR. YAMPOLSKY: If he wants to be an investigator then  
18 it's fine, but he's an attorney --  
19 THE COURT: Over --  
20 MR. YAMPOLSKY: -- not a witness.  
21 THE COURT: Overruled. He's laid the foundation that he  
22 had the phone call with her with another person present that  
23 potentially could be a witness if necessary. He's -- the question is  
24 proper.  
25 MR. HELMICK: Thank you.

1 THE COURT: Do you remember that question?

2 THE WITNESS: Can you restate it, please?

3 MR. HELMICK: Sure. No problem.

4 BY MR. HELMICK:

5 Q Do you remember telling me that you heard Jaiden's  
6 voice on the phone call?

7 A No. As I stated before, I assumed it was his voice.

8 Q Okay. So there was some talk about -- let me back track.  
9 You were considered amongst these kids, the smarter kid in high  
10 school, right?

11 A Yes.

12 Q Okay. And so that's why these individuals called you to  
13 ask you crazily, right, if you knew how to hide a body?

14 MR. PESCI: Judge, objection --

15 MR. YAMPOLSKY: Objection --

16 MR. PESCI: -- that calls for speculation.

17 MR. YAMPOLSKY: -- that calls for speculation.

18 THE COURT: I'll sustain that objection --

19 MR. HELMICK: Okay. I'll move on.

20 THE COURT: -- from both sides. Thank you.

21 MR. HELMICK: I'll move on.

22 BY MR. HELMICK:

23 Q Okay. So you were also sent videos in this case, isn't that  
24 right?

25 A Yes.

1 Q Okay. Two videos, right?

2 A Yes.

3 Q All right. Charles sent you a video of his feet being wet in  
4 some form of water --

5 A Yes.

6 Q -- right?

7 Okay. You also know a guy named Traceo Meadows?

8 A Yes.

9 Q Okay. Traceo Meadows was at the house when you got  
10 the call from Charles, right?

11 A I believe so.

12 Q Thank you. He sent you a video of bloody towels and lots  
13 of water on the floor, isn't that right?

14 A Yes.

15 Q Okay. And you also had saw that Jaiden posted  
16 something on Snapchat, right?

17 A Yes.

18 Q Okay. And that was about catching the body?

19 A I believe so.

20 Q Okay. You also received a phone call from the individual  
21 Alaric Oliver that evening, right?

22 A Yes.

23 Q Okay. And he told you he was --

24 MR. PESCI: Judge --

25 MR. HELMICK: Well, sorry --

1 MR. PESCI: -- objection as to what --  
2 MR. HELMICK: I will move on.  
3 MR. PESCI: -- Alaric said.  
4 MR. HELMICK: I'll move on. Thank you. Caught myself  
5 there.  
6 THE COURT: Thank you.  
7 MR. HELMICK: Okay.  
8 Court's indulgence.  
9 THE COURT: Okay.  
10 MR. HELMICK: Okay. Kristin, that's all I have for you.  
11 Thank you very much.  
12 THE WITNESS: Thank you, sir.  
13 THE COURT: Mister -- oh, oh, oh --  
14 THE WITNESS: Oh.  
15 THE COURT: Hold on.  
16 Mr. Yampolsky.  
17 MR. YAMPOLSKY: Thank you.

18 **CROSS-EXAMINATION**

19 BY MR. YAMPOLSKY:

20 Q So Ms. Prentiss -- excuse me.  
21 You said that you knew Matthew Minkler sold narcotics?  
22 A Yes.  
23 Q And when you say he sold narcotics, you mean  
24 marijuana?  
25 A I believe so, yes.

1 Q And were you aware that he sold any other drug -- so you  
2 weren't aware that he sold Xanax?

3 A No.

4 Q Okay. And when Mr. Helmick asked you was it Jaiden's  
5 voice, you said you assumed it was his voice, correct?

6 A Yes.

7 Q So you didn't know.

8 A No.

9 MR. YAMPOLSKY: Thank you. I have nothing further.

10 THE COURT: Anything further from the State?

11 MR. PESCI: No. Thank you, Your Honor.

12 THE COURT: Anything from our jurors?

13 No. Ms. Prentiss, thank you very much for your time. I  
14 appreciate it. You are excused.

15 THE WITNESS: Thank you, sir.

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

18 MR. PESCI: So Judge, that's all --

19 THE COURT: Do you have any other witnesses?

20 MR. PESCI: No. Sorry.

21 THE COURT: Okay. So that -- look that's a good sign.  
22 That means we're getting through things more rapidly than the  
23 attorneys anticipated.

24 So we're going to go ahead and break for the day. We're  
25 going to start tomorrow at 11:00. My calendar's a little longer, so I

1 don't want to try and have you sticking around at 10:30 and get  
2 started late so we'll say 11:00.

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

12 And I will see you tomorrow. Thank you for your time  
13 today.

14 [Outside the presence of the jury]

15 THE COURT: All right. Anything outside the presence?

16 MR. PESCI: Not from the State.

17 THE COURT: You guys can all be seated.

18 Anything from the Defense?

19 MR. HELMICK: No, Your Honor.

20 THE COURT: And just to kind of further expand, I didn't  
21 want to get too long into talking at the bench but while I understand  
22 the present sense impression that you were trying to get at and the  
23 immediately thereafter part of that statute, there really wasn't any  
24 foundation from her as to how immediately this was.

25 I think the only way you were going to get into that would



1 be even attempting to do further hearsay with Charles about how  
2 long after the shooting it was that he was FaceTiming with her,  
3 especially since the State's already indicated they're calling Charles  
4 as a witness.

5 MR. PESCI: That's correct, Your Honor.

6 MR. HELMICK: Okay.

7 THE COURT: All right. Then I will see everybody  
8 tomorrow at 11:00.

9 MR. PESCI: Thank you.

10 MR. HELMICK: All right. Thank you, Your Honor.

11 THE COURT: Thank you.

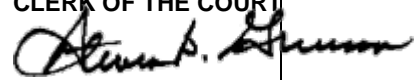
12 [Evening recess at 3:46 p.m.]

13 \* \* \* \* \*

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

24 

25 Brittany Mangelson  
Independent Transcriber



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JAIDEN CARUSO &  
KODY HARLAN,

Defendants.

CASE NO. C-18-333318-1  
C-18-333318-2

DEPT. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON,  
DISTRICT COURT JUDGE

THURSDAY, AUGUST 01, 2019

**TRANSCRIPT OF PROCEEDINGS**  
JURY TRIAL - DAY 4

APPEARANCES:

For the State:

GIANCARLO PESCI, ESQ.  
SARAH E. OVERLY, ESQ.  
Chief Deputy District Attorneys

For the Defendant  
Jaiden Caruso:

MACE J. YAMPOLSKY, ESQ.  
JASON R. MARGOLIS, ESQ.

Kody Harlan:

RYAN K. HELMICK, ESQ.

RECORDED BY: JILL JACOBY, COURT RECORDER

TRANSCRIBED BY: MANGELSON TRANSCRIBING

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Las Vegas, Nevada, Thursday, August 01, 2019

[Trial began at 11:17 a.m.]

[Outside the presence of the jury]

THE COURT: Any of the sides have anything outside the presence?

MR. PESCI: No, Your Honor.

[In the presence of the jury]

THE MARSHAL: All rise for the jury.

THE COURT: You all can be seated, thank you.

We'll be back on the record. Mr. Caruso, Mr. Harlan, the attorneys, all of our jurors are present.

Good morning, Ladies and Gentlemen. We're going to continue on with the State's case in chief. You all can call your next witness.

MS. OVERLY: The State calls Charles Osurman.

**CHARLESTON OSURMAN**

[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: Charleston Osurman.

C-H-A-R-L-E-S-T-O-N. Osurman, O-S-U-R-M-A-N.

THE COURT: Thank you, sir.

1 Ms. Overly.

2 **DIRECT EXAMINATION**

3 BY MS. OVERLY:

4 Q Hi, Charles.

5 Back in June of 2018, were you living here in Las Vegas?

6 A Yes.

7 Q And how old were you then?

8 A 17.

9 Q And around June, were you still in high school at that  
10 time?

11 A Yes.

12 Q Now, specifically, I'm going to reference June 8th of 2018,  
13 and I'm going to show you State's Exhibit 71.

14 Does that look familiar to you?

15 A Yes.

16 Q And what is that?

17 A What you mean? That's the house.

18 Q Okay. The house. So that would be -- was that the  
19 residence at Cool Lilac Avenue?

20 A Yes.

21 Q And did you live there?

22 A Not really live.

23 Q Okay. What do you mean?

24 A Like just, we was in and out.

25 Q Okay. When you say we, who are you referring to?

1           A     Me and my other friend.

2           Q     Okay. So on June 8th of 2018, were you staying there on  
3 and off?

4           A     Yes.

5           Q     Okay. So on June 8th, who was at the house?

6           A     That's the first day, right?

7           Q     Well, let's talk about the day where you saw Matt Minkler  
8 at the house.

9           A     Just that day?

10          Q     Yes.

11          A     It was me -- wait hold on, hold on. Can you like --

12          Q     Okay. So let's talk about the morning --

13          A     All right.

14          Q     -- of June 8th.

15                So June 8th, that morning, who was at the house?

16          A     Me and Alaric.

17          Q     And is that Alaric Oliver?

18          A     Yeah.

19          Q     Okay. So it's you and Alaric. And around what time was  
20 that?

21          A     Around 9:00 or 8:00.

22          Q     Okay. And at some point in time, did other people come  
23 over?

24          A     Yeah.

25          Q     And who was that?

1           A     Kymani, his friend -- you want me to name everybody?  
2           Q     Yeah. If you can.  
3           A     Jaiden, Kody, and then that's all I remember.  
4           Q     Okay. So at first it was you and Alaric and then at some  
5 point in time Kymani and his friend came over?  
6           A     Yeah.  
7           Q     Would that be Ghunnar?  
8           A     Yeah.  
9           Q     And did they come over at the same time as Jaiden and  
10 Kody?  
11          A     No.  
12          Q     When did they come over?  
13          A     Right after Jaiden and Kody?  
14          Q     Okay. So you mentioned Jaiden and Kody?  
15          A     Yeah.  
16          Q     Are -- do you see Jaiden in court here today?  
17          A     Yeah.  
18          Q     Can you point to him and identify him?  
19          A     He right there.  
20          Q     Is he in the --  
21                MR. YAMPOLSKY: We'll stipulate to the identification.  
22                THE COURT: Thank you very much.  
23                MS. OVERLY: Thank you.  
24                And do you see Kody here in court?  
25                MR. HELMICK: Likewise, we'll do the same and stipulate.



1 THE COURT: Okay.

2 BY MS. OVERLY:

3 Q You can go ahead and answer.

4 A Yeah.

5 Q And when is that Jaiden and Kody came to the house?

6 A Like what time?

7 Q Yeah. Approximately, if you could think.

8 A Probably 10:00.

9 Q In the morning?

10 A Yeah.

11 Q And how did they get there?

12 A Car they drove.

13 Q Sorry?

14 A They drove.

15 Q Do you know how they -- what car they drove in?

16 A Benz Mercedes.

17 Q A Mercedes?

18 A Yeah.

19 Q Do you know who drove?

20 A Either or. I mean, you all should know.

21 THE COURT: Hey.

22 MS. OVERLY: Well I'm asking if you know.

23 THE COURT: Hey, hey, hey, hey.

24 THE WITNESS: I'm sorry.

25 THE COURT: Yeah, I don't need the attitude here in court,

1 you got it?

2 THE WITNESS: Yeah.

3 THE COURT: Just listen to the young lady's questions  
4 and answer them as best you can, please.

5 BY MS. OVERLY:

6 Q So do you know? Did you see who drove up in the car?

7 A Yeah.

8 Q And who was it?

9 A Jaiden.

10 Q Okay. So showing you State's Exhibit 87.

11 Does that look familiar?

12 A Yeah.

13 Q Is that inside the house?

14 A Yep.

15 Q Okay. So is that primarily where you were all hanging  
16 out?

17 A Yeah.

18 Q So at this point in time it's you, Alaric, Kymani, and  
19 Ghunnar, correct? And then Jaiden and Kody show up?

20 A Yeah.

21 Q So what were you guys doing at the house?

22 A Smoking weed, alcohol, we was just listening to music,  
23 just hanging.

24 Q Okay. Now when Jaiden and Kody came over, did they  
25 have any weapons on them?

1 A Yeah.

2 Q What about Jaiden?

3 A Yeah.

4 Q What kind of weapon?

5 A Just a little Glock.

6 Q I'm sorry?

7 A Glock .45.

8 Q Glock .45.

9 A Yeah.

10 Q Okay. Was that a revolver?

11 A A semi -- semi-automatic.

12 Q Jaiden did?

13 A Yeah.

14 Q Okay. What about Kody?

15 A He had a revolver.

16 Q Kody had a revolver?

17 A Yeah.

18 Q Okay. And what were they doing with the guns?

19 A They were just showing up with it.

20 Q Okay. And when you say showing them, did they always

21 have them out?

22 A Yeah, they just had it on the table.

23 Q Okay. Both of them?

24 A Both of them.

25 Q Okay. So at some point in time, was there a conversation

1 about Matt Minkler --

2 A Can you be more --

3 Q -- coming over?

4 A Yeah.

5 Q And who had that conversation?

6 A I guess them.

7 Q I'm sorry?

8 A I guess they did.

9 Q No, I don't want you to --

10 A Jaiden and them.

11 MR. HELMICK: Objection, speculation

12 BY MS. OVERLY:

13 Q I don't want you to guess. I just want you to tell me if you  
14 personally heard anything about a conversation?

15 A No.

16 Q Okay. So do you know who Matt Minkler is?

17 A Yeah.

18 Q And how do you know him?

19 A School.

20 Q Would that be high school?

21 A Yeah.

22 Q So at some point in time, does Matt come over?

23 A Yeah.

24 Q Do you know how he got there?

25 A He got picked up.

1 Q By who?

2 A Jaiden and them.

3 Q I'm sorry?

4 A Jaiden and Kody.

5 Q Okay. Is that in the same car that you saw them --

6 A Yeah.

7 Q -- show up in?

8 And do you know around what time that was?

9 A No.

10 Q Okay. So now it's you, Alaric, Kymani, Ghunnar, Jaiden,

11 and Kody, and Matt?

12 A Yup.

13 Q Okay. So did Matt bring anything with him?

14 A Not that I know of.

15 Q Okay. So when Matt shows up, what do you guys

16 continue to do?

17 A Same thing we was doing.

18 Q Just smoking and drinking?

19 A Yeah.

20 Q Okay. And again, were you primarily in this living room?

21 A Yes, I was.

22 Q Okay. And were people coming and going or did people

23 just stay there?

24 A People was in and out.

25 Q Okay. When you say in and out, where were they going?

1           A     I don't pay attention to their business.

2           Q     Okay. But you mean in and out of the house?

3           A     Yeah.

4           Q     Okay. So at some point in time, do you recall Jaiden ever

5 shooting his gun?

6           A     Yeah.

7           Q     And when was that?

8           A     Can you be more specific like --

9           Q     Sure. Let me ask this. Where was he when he shot the

10 gun?

11          A     Probably in the kitchen.

12          Q     In the kitchen?

13          A     Yeah.

14          Q     Okay. And did this shot go into the ceiling?

15          A     Yeah.

16          Q     Okay. And what happened after he shot into the ceiling?

17          A     Everybody was shocked. Everybody was standing up,

18 asking for stuff, what's going on?

19          Q     Okay.

20          A     And then he explained it was an accident.

21          Q     Okay. And so after he shoots into the ceiling, does

22 anybody leave?

23          A     Kymani did, I think.

24          Q     Kymani and who?

25          A     His friend.

1 Q Would that be Ghunnar?

2 A Yeah.

3 Q Okay. And so they left after that shot into the ceiling.

4 A Yeah.

5 Q Okay. Did you stay or did you leave?

6 A I stayed.

7 Q And what about Matt?

8 A He stayed.

9 Q Okay. And so do you recall a video that you watched  
10 shortly after -- that was taken shortly after that shot into the ceiling?  
11 A video taken by Matt Minkler?

12 A Oh yeah.

13 Q Okay.

14 MS. OVERLY: And I'm going to publish what's already  
15 been admitted as State's 148.

16 THE COURT: Okay.

17 BY MS. OVERLY:

18 Q So you indicated that you saw this video. Do you recall  
19 who took that video?

20 A Matthew, right? The one that you just talked about?

21 Q Yeah. The --

22 A Yeah.

23 Q -- video that I'm talking about.

24 A Yeah, Matthew.

25 Q Okay. So Matthew took it. And did you recall seeing

1 yourself in that video?

2 A Yeah.

3 Q Okay. And where were you?

4 A Do I got to point on here?

5 Q Sure. So in front of you is a mouse --

6 THE COURT: Here, hold on a second. I'll get it for you.

7 Then you can just kind of left click and draw on the screen as to  
8 where you're indicating.

9 THE WITNESS: Okay.

10 BY MS. OVERLY:

11 Q So if you could show me in this photo, where was Jaiden?

12 A He was either over here or he was over here.

13 Q Okay. And where was Kody?

14 A He was sleeping right here.

15 Q Okay. And where were you?

16 A Right next to him.

17 Q Right next to him on the couch?

18 A Yep.

19 Q And where was Alaric?

20 A Right next to me.

21 Q And what about Kymani?

22 A I wasn't paying attention to him.

23 Q And same with Ghunnar?

24 A Same with Ghunnar.

25 THE COURT: So for the record, the gentleman indicated



1 that Mr. Caruso was in the white chair, the side of which is facing  
2 out in the photograph and/or a little ahead of that off -- off the  
3 photo where the kitchen is?

4 THE WITNESS: Yeah.

5 THE COURT: Okay. And then Mr. Harlan was laying on  
6 the couch on the lengthwise part furthest away in the photo and  
7 Mr. Osurman is saying he was kind of in the corner area of the  
8 couch?

9 THE WITNESS: Yeah.

10 THE COURT: And then Mr. Oliver on the part that's  
11 parallel to the wall with the two blinds on the windows and then the  
12 last gentleman further down. Okay.

13 [Video playing]

14 MS. OVERLY: Sorry, we'll --

15 MR. PESCI: Try it again?

16 MS. OVERLY: Yeah. If we could play it again. Sorry.

17 [Video playing]

18 BY MS. OVERLY:

19 Q So is that the video that we're talking about?

20 A Yeah.

21 Q And you recognize the voice in the video?

22 A Yeah.

23 Q And who's that?

24 A Matthew.

25 Q Okay. So if we back up just a little bit --

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[Video playing]

BY MS. OVERLY:

Q And if we stop there, do we see who that is?

A Yeah.

Q And who's that?

A Jaiden.

Q Okay. So is it -- is Jaiden sitting in that chair after the shot  
or do you believe he was sitting there when he shot?

A I wasn't really paying attention.

Q Okay. But in that general area, you think?

A Yeah.

Q Okay. And then if we continue.

[Video playing]

BY MS. OVERLY:

Q And who's reflected in that spot?

A Myself and Kody.

Q Okay. And it looks like Kody has something in his hand;  
do you see that?

A Yeah.

Q And what does that look like?

A His gun.

Q Okay. And would that be the firearm that you saw him  
with that day?

A Yeah.

Q Now is that the revolver that you were referencing?

1           A     No.

2           Q     It's another gun.

3           A     Yeah.

4           Q     So do you believe that they switched guns at some point

5     or were you mistaken?

6           A     No, they never switched guns.

7           Q     Okay. So Kody was actually the one with --

8           A     I first said in the beginning that Kody had the revolver.

9           Q     Okay. So Kody had the revolver?

10          A     Yeah.

11          Q     Does --

12          A     No, no, no. He had the semi and he had the revolver.

13          Q     Okay. So that's what I just want to clarify.

14          A     Yeah.

15          Q     So Kody had the semi-automatic --

16          A     Yeah, they never --

17          Q     -- and --

18          A     -- switched guns.

19          Q     Okay. And Jaiden had the revolver.

20          A     Yeah.

21          Q     Okay. And that's what we kind of see here?

22          A     Yeah.

23          Q     Okay. And then on the kind of corner almost out of view,

24     do you see who that is?

25          A     No.

1 Q Not really. Okay.

2 [Video playing]

3 BY MS. OVERLY:

4 Q And you see that Kody's kind of waving around the gun  
5 with what looks like a laser kind of attached to it --

6 A Yeah.

7 Q -- is that correct?

8 A Yeah.

9 Q Did you see him doing that more than just that time?

10 A No.

11 Q Okay. So you said that after that shot went off -- what  
12 happened after that?

13 A The first shot?

14 Q The first shot into the ceiling.

15 A They -- everybody was just shocked, like I said. Then we  
16 just got back to what we was doing. Some people --

17 Q Okay. So at this --

18 A -- left.

19 Q Sorry, I don't mean to cut you off. So at this point though  
20 you said that Ghunnar and Kymani left?

21 A I don't know who Ghunnar is.

22 Q I'm sorry, Kymani and his friend left.

23 A Yeah.

24 Q Okay. And so now it was just Jaiden and Kody, you and  
25 Alaric, and Matt?

1           A     Yeah.

2           Q     Okay. So after that at any point in time, did Matt get up or  
3 go to the kitchen area?

4           A     After the shot?

5           Q     Uh-huh.

6           A     Yeah.

7           Q     And how long after the first shot, did he do that?

8           A     Like right after.

9           Q     Okay. And so showing you State's 84.

10                Does that look like the kitchen?

11          A     Yeah.

12          Q     Okay. So again, if you can point with the mouse in front  
13 of you, can you show us where Matt walked over?

14          A     Probably like right here.

15          Q     Okay. And is he on the side by the sink or by the chairs?

16          A     Behind, right here.

17          Q     So by the sink.

18          A     By the sink, yeah.

19          Q     Okay. And --

20                THE COURT: And he's indicating in the island area of the  
21 kitchen between like the kitchen and the fridge side?

22                THE WITNESS: Yeah.

23                THE COURT: Okay. Thank you.

24 BY MS. OVERLY:

25          Q     And when he walks over there, what does he do?

1       A     Take a video about the first shot and then that's all he did.

2       Q     Did he ever ask to see Jaiden's gun?

3       A     Yeah.

4       Q     And --

5       A     Well he didn't ask.

6       Q     Okay.

7       A     He grabbed it.

8       Q     Okay. He grabbed it from him.

9       A     Well, I don't really remember if he grabbed it from him or

10      if it was on the island.

11      Q     Okay. But this is the revolver?

12      A     Yeah.

13      Q     So Matt either takes the gun from Jaiden or picks it up

14      from the island. And what does he do when he has it?

15      A     Threatens Jaiden.

16      Q     He threatens Jaiden?

17      A     Yep.

18      Q     And what does he say?

19      A     You're lucky you're my friend or else I would have blown

20      your head off.

21      Q     Okay. And do --

22      A     Took a video of it too.

23      Q     Okay. And do you know what he's referencing when he

24      says that to Jaiden?

25      A     To shoot him.

1 Q But I mean, when he's saying you're lucky. What is he  
2 talking about?

3 A What you mean?

4 Q Is he talking about the shot to the ceiling? That Jaiden's  
5 lucky Matt doesn't shoot him because he almost shot him when  
6 he's shooting into the ceiling?

7 A I don't get what you're saying.

8 Q Why is he threatening Jaiden?

9 A I guess cause he shot in the ceiling. And then I guess he  
10 got threatened by that.

11 Q Okay. So Matt felt threatened when Jaiden shot into the  
12 ceiling?

13 A Yeah.

14 MR. YAMPOLSKY: Objection, that calls for speculation.

15 THE COURT: Well I'll sustain the objection.

16 BY MS. OVERLY:

17 Q So did that -- did Matt threaten Jaiden shortly after the  
18 shot to the ceiling?

19 A Yeah.

20 Q And when he was threatening Jaiden, what was he doing  
21 with the gun?

22 A Pointing it at him.

23 Q Okay. And what happened after that?

24 A We just got back to what we was doing.

25 Q Okay. And when you say you got back to what you were

1 doing, did you all just continue to smoke and drink?

2 A Yeah.

3 Q And Matt stayed?

4 A Yeah.

5 Q So at some point in time, did anybody take Xanax?

6 A Yeah.

7 Q And when did that start happening?

8 A I think when Matthew came.

9 Q Okay. So some time after Matthew came, you guys

10 started taking it?

11 A Yeah.

12 Q Do you know who took it?

13 A Everybody.

14 Q Everybody?

15 A Well, I don't know about everybody, but I know I did.

16 Q Okay. So how soon after when Matt came back did you

17 take the Xanax?

18 A Probably like five minutes.

19 Q Okay. And how long after you took the Xanax did the

20 shot to the ceiling happen?

21 A Which -- I don't recall.

22 Q Okay. So after the shot to the ceiling and Matt threatens

23 Jaiden, what happened after that? What did you do?

24 A What did I do personally?

25 Q Uh-huh.



1       A     I just went back on the couch.

2       Q     And at some point, did you hear a second shot?

3       A     Yeah.

4       Q     And when was that?

5       A     Well I was sleeping, and I heard it and then I just woke up.

6       Q     Okay. When you say you were sleeping, where were you

7 sleeping?

8       A     Same place you guys showed the video.

9       Q     Okay. So going back to State's 87.

10       Q     Were you sleeping in this area?

11       A     Do I got to point?

12       Q     Sure, you can show us.

13       A     Right here.

14       Q     So kind of at the corner of the L-shape of the couch?

15       A     Yeah.

16       Q     Okay. And was anyone else on the couch with you?

17       A     Kody.

18       Q     And what was Kody doing?

19       A     Sleep.

20       Q     Okay. And anyone else?

21       A     Alaric, but he wasn't on the couch.

22       Q     Where was Alaric?

23       A     He was like more over here.

24       Q     He was kind of at the end of the couch, closer to the

25 kitchen?

1       A     Yeah. Standing up.

2       Q     Okay. And you hear this shot and what did you do?

3       A     I woke up, saw what happened -- well I didn't see what

4 happen, I see like the outcome and I'm like oh, shit and I left.

5       Q     Okay. So I'm going to show you State's Exhibit 84 again.

6 When you say you woke up and you saw the outcome, what did

7 you see?

8       A     Matthew's body right there, right on the floor.

9       Q     Can you point in the area?

10      A     [No audible response - marking on monitor].

11      Q     Okay. So kind of where the bloody towel is --

12      A     Yeah.

13      Q     -- on the ground.

14            And so you said Matt was on the floor?

15      A     Yeah.

16      Q     Where was Jaiden?

17      A     I don't know.

18      Q     You don't know.

19      A     No.

20      Q     So what did you do?

21      A     I left.

22      Q     And how'd you leave?

23      A     Through the back.

24      Q     And why did you leave?

25      A     I was scared.

1 Q Scared of what?

2 A I don't know? I was just in the moment, you know, I was  
3 shocked, so I was like oh -- so I left.

4 Q And did you hear Jaiden say anything?

5 A No.

6 Q What about anyone else?

7 A No. Well, like I said they was shocked too, so they was  
8 just all freaking out.

9 Q Okay. Did anyone leave with you?

10 A Alaric.

11 Q Okay. So after this happens, do you contact anybody  
12 about this?

13 A Yeah.

14 Q Who'd you reach out to?

15 A This girl.

16 Q And what's her name?

17 A I don't remember, but --

18 Q Do you know someone by the name of Kristin Prentiss?

19 A Yeah.

20 Q Okay. And how did you know her?

21 A I just met her.

22 Q Okay. And you reached out to her?

23 A Yeah.

24 Q Do you know how?

25 A I called her.

1 Q Was that on the phone, like an audio call or FaceTime?

2 A FaceTime.

3 Q And why'd you call her?

4 A Because I knew she had a car so she could pick me up  
5 when I need to go somewhere.

6 Q And did you tell her about what happened?

7 A Yeah.

8 Q Okay. So after you left the house, did you ever return?

9 A No.

10 Q And are you friends with either Jaiden or Kody on social  
11 media?

12 A No.

13 Q Were you at the time?

14 A Yeah.

15 Q Okay. So what kind of social media?

16 A iSnap.

17 Q Would that be Snapchat?

18 A Yeah.

19 Q Okay. So after this happened, did you see any posts from  
20 Jaiden on Snapchat about what happened in the house?

21 A Yeah.

22 Q Okay.

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

24 THE COURT: Thank you.

25 Mr. Helmick?

1 MR. HELMICK: Thank you, Your Honor, but we don't have  
2 any questions.

3 THE COURT: Mr. Yampolsky?

4 **CROSS-EXAMINATION**

5 BY MR. YAMPOLSKY:

6 Q Mr. Osurman, you said that Kody was sleeping on the  
7 couch --

8 A Yup.

9 Q -- next to you.

10 You saw the video where he had the gun in his hand and  
11 it was flashing?

12 A Yeah.

13 Q Okay. Obviously, he wasn't sleeping at that time.

14 A No.

15 Q And you said Matthew threatened Jaiden.

16 A Yup.

17 Q And you said he threatened Jaiden and he pointed the  
18 gun at him.

19 A Yup.

20 Q Did he say anything when he pointed the gun at him?

21 A Who, Jaiden?

22 Q Did Matthew say anything to Jaiden?

23 A Yeah.

24 Q What did he say?

25 A I mean, didn't you just hear? Oh, no my -- I'm sorry. He

1 said -- fuck. You're lucky you're my friend or else I would have  
2 blown your head off. You know, shot you or something.

3 MR. YAMPOLSKY: I have nothing further.

4 THE COURT: Ms. Overly.

5 MS. OVERLY: Nothing, Your Honor.

6 THE COURT: Anything from our jurors?

7 Yes.

8 [Bench conference transcribed as follows.]

9 MR. HELMICK: I'm okay with that.

10 MR. PESCI: No objection from the State.

11 No objection to Juror Number 12's question from the  
12 State.

13 THE COURT: You guys?

14 MR. HELMICK: Yeah, no objection to both.

15 THE COURT: Okay.

16 MR. YAMPOLSKY: No objection.

17 [End of bench conference.]

18 THE COURT: All right. Mr. Osurman, I have a couple  
19 questions for you, if I could.

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

21 BY THE COURT:

22 Q If you could -- if you know, I mean, how much passed  
23 between the time you stated that Matt threatened Jaiden until you  
24 heard the second gunshot?

25 A Probably like 15/20 minutes.

1 Q 15/20 minutes?

2 A Yeah.

3 Q Okay. And how long after Matt was shot, did you leave?

4 A Like two minutes after.

5 Q Okay. And why didn't you contact the police at all?

6 A I was scared, like I said.

7 Q Okay. Do you know where Matt was when Jaiden shot

8 into the ceiling? Like where in that area?

9 A Like specifically?

10 Q Yeah. Or generally, if you can.

11 THE COURT: Can we show --

12 MS. OVERLY: Sure.

13 THE COURT: -- that photograph again. And I apologize, I

14 forgot the exhibit number.

15 THE WITNESS: And that's when he first shot?

16 THE COURT: Yeah.

17 MS. OVERLY: This would be 87.

18 THE COURT: Hold on one second.

19 Okay. Thank you.

20 BY THE COURT:

21 Q Do you know where Matt was in this area or the kitchen

22 off the photograph when the shot was fired? The first shot?

23 A Yeah, he was in the kitchen.

24 Q He was in the kitchen area?

25 A Yeah.

1 Q Okay. And then do you know if Matt was near Jaiden  
2 when that shot that went into the ceiling occurred?

3 A Like what you mean?

4 Q Yeah. I guess the best way to ask it. You told us where  
5 you believe Matt was. Where do you believe Jaiden was when the  
6 shot into the ceiling occurred?

7 A Like I said, either right here --

8 Q Okay.

9 A -- or over here.

10 Q Okay. So he could have either been seated in that chair --

11 A Either or.

12 Q -- or closer into the kitchen --

13 A Yeah.

14 Q -- correct?

15 Okay.

16 THE COURT: Ms. Overly, you have any questions based  
17 on mine?

18 MS. OVERLY: Just briefly, Your Honor.

19 **FOLLOW-UP EXAMINATION**

20 BY MS. OVERLY:

21 Q So Charles, I believe you said that Matt was in the kitchen  
22 area when Jaiden shot into the ceiling. So showing you Exhibit 84.  
23 Can you identify the area that Matt was standing in?

24 A Right here by the sink.

25 Q Okay. And was he the closest person to Jaiden when



1 Jaiden shot in the ceiling?

2 A Like right where he shot?

3 Q Was he closest in proximity to Jaiden --

4 A Oh, yeah.

5 Q -- when Jaiden shot?

6 A Yeah.

7 Q Okay.

8 A There was a whole bunch of people next to him.

9 Q Next to Jaiden?

10 A Yeah, he was standing up.

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

12 THE COURT: Mr. Helmick, anything?

13 MR. HELMICK: No, Your Honor.

14 THE COURT: Mr. Yampolsky?

15 MR. YAMPOLSKY: Yes.

16 **FOLLOW-UP EXAMINATION**

17 BY MR. YAMPOLSKY:

18 Q When you heard the first shot, how long -- I mean --  
19 when -- after you took the Xanax, how long after did the first shot --  
20 was the first shot?

21 A I don't know?

22 Q But you took the Xanax first?

23 A Yeah.

24 MR. YAMPOLSKY: That's all I have, Your Honor.

25 THE COURT: Sarah, anything?

1 MS. OVERLY: No, Your Honor.

2 THE COURT: All right. Mr. Osurman, thank you much for  
3 your time. I appreciate it. You are excused.

4 The State may call their next witness.

5 MR. PESCI: The State calls Detective Nathan Calvano.

6 MR. OSURMAN: 3:30.

7 MS. OVERLY: What did he say?

8 THE MARSHAL: Can I get that witnesses name again,  
9 State?

10 MR. PESCI: Nathan Calvano. Detective Nathan Calvano.

11 **NATHAN CALVANO**

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 THE WITNESS: Thank you.

16 THE CLERK: If you could state and spell your name for  
17 the record.

18 THE WITNESS: Nathan, N-A-T-H-A-N. Last is Calvano, C,  
19 as in Charlie, A-L-V, as in Victor, A-N-O.

20 THE COURT: Thank you, sir.

21 All right. You can go ahead.

22 MR. PESCI: Thank you, Your Honor.

23 **DIRECT EXAMINATION**

24 BY MR. PESCI:

25 Q Sir, what do you do for a living?

1           A     I'm a police officer with the City of Henderson.

2           Q     How long have you been with the Henderson Police

3 Department?

4           A     A little over 13 years.

5           Q     And where are you currently assigned within the

6 department?

7           A     I'm assigned to the Robbery/Homicide unit.

8           Q     In June of 2018, were you in that same unit?

9           A     Yes, sir.

10          Q     Specifically on June 8th of 2018, did you respond to the

11 intersection shown in State's 1 of Sunset and North Green Valley

12 Parkway?

13          A     I did.

14          Q     Was there an automobile accident there?

15          A     Yes, sir.

16          Q     Showing you State's Exhibit 9. Is that near Sunset?

17                And State's Exhibit 10, in Green Valley?

18          A     That is correct.

19          Q     And specifically in State's 12, does it show the car

20 accident -- where the cars were located afterwards?

21          A     It does.

22          Q     Did you respond to this scene?

23          A     I did.

24          Q     Originally, did patrol handle this.

25          A     Yes, sir.

1 Q Now without saying what you were told, did you receive  
2 information that made a homicide detective get involved?

3 A Yes.

4 Q Based on that, did you respond to this traffic accident  
5 area?

6 A Yes, sir.

7 Q Okay. In the course of your investigation, looking at  
8 State's Exhibit 2, did the area of the apartments at the Villas at the  
9 Green become a subject of your investigation?

10 A It did.

11 Q Did you, after responding to the crash scene, go to the  
12 Villas scene?

13 A On that day, no.

14 Q Okay. Later on.

15 A Yes.

16 Q Okay. Were you involved with the execution of a search  
17 warrant?

18 A I was.

19 Q And when I say that I mean after a search warrant's  
20 obtained from a Judge, giving you permission to search, were you  
21 involved in the actual search of those areas that the search warrant  
22 told you, you could search?

23 A Yes, sir.

24 Q Okay. And specifically looking at State's Exhibit 49.

25 The car that we saw earlier at the crash scene, the

1 Mercedes, was it brought back to the Henderson Crime Lab?

2 A It was.

3 Q And then with the search warrant, was a search  
4 conducted -- a further search, of the challenge back at the lab?

5 A Yes, sir.

6 Q All right. What's the rationale of taking it back to the lab,  
7 as opposed to staying in the middle of an intersection?

8 A Well at the time once the search warrant was obtained,  
9 it's dark outside, it's difficult to see. It's also more of a sterile  
10 environment when we bring it back.

11 Q All right. How do you know you were a part of this  
12 search?

13 A That's actually me standing in the background.

14 Q All right. So this is you depicted in State's 49?

15 A Correct.

16 Q All right. So as you're there, is there a crime scene  
17 analyst that's taking the photographs?

18 A There is.

19 Q And is -- do you work in conjunction with the crime scene  
20 analyst as far as what you're looking at, what's photographed, and  
21 what's impounded?

22 A I do.

23 Q And in this case, State's 50, does that show the damage to  
24 the other side of that vehicle?

25 A Yes, sir.

1 Q That's how we know we're dealing with the same car in  
2 State's 51, we have the license plate, which is the same from the  
3 car or crash scene?

4 A That's correct.

5 Q All right. Inside of this vehicle, was there a wallet from  
6 the victim, Matthew Minkler found?

7 A There was.

8 Q Showing you State's Exhibit 52.  
9 Is that that photograph?

10 A That is.

11 Q Now inside of the wallet, was -- or I should say was the  
12 identification inside of the wallet?

13 A Yes, sir.

14 Q All right. So is this photograph taken to depict what was  
15 inside and taken out to show what it was?

16 A The contents of the wallet, yes.

17 Q All right. Speaking of the contents, State's 53, is that a  
18 close-up of Matthew?

19 A It is.

20 Q Okay. Was anything else found inside of that wallet?

21 A No, sir.

22 Q Any cash?

23 A No, sir.

24 Q Were other items found inside of that wallet that became  
25 of interest to you or things that you thought you might want to

1 follow up on?

2 A Particularly in the wallet, no.

3 Q And I apologize, I should have said the car. I'm sorry.

4 A Yes, sir.

5 Q Showing you State's Exhibit 60.

6 Was the trunk of that car searched?

7 A Yes, it was.

8 Q Okay. And then what's that long piece of paper on top of  
9 what appears to be a bag?

10 A That is a receipt.

11 Q Okay. Did you look into that receipt? Let me specifically  
12 show you State's 64. Is that -- well, that's not [indiscernible]  
13 picture, but is that that receipt a little further up close?

14 A It is.

15 Q And in State's 65. Is that a little better?

16 A Yes, sir.

17 Q All right. What information did you have from the  
18 receipt?

19 A So it's a receipt from Foot Locker. The address is the  
20 Galleria Mall. It has a date and a time listed at the top of it, an item  
21 that was purchased, and then what was used, as far as monetarily,  
22 to purchase that item.

23 Q Okay. So did you look in the car based on that receipt to  
24 see if the very item that was purchased might have been in the car?

25 A I did.

1 Q All right. Showing you State's Exhibit 66.

2 Did you find what you thought was in fact that time that  
3 was purchased?

4 A Yes, sir.

5 Q And then looking at State's 67.

6 Does that show the exact, I don't know if the right term is  
7 make and model, but the specifics of the sneaker?

8 A Yes, sir.

9 Q Okay. And did you look at those when they were taken  
10 out in State's 68?

11 A I did.

12 Q All right. And did that match up the information that you  
13 saw on the receipt?

14 A It did.

15 Q Okay. So based on that information, what, if anything, did  
16 you do?

17 A The next thing I did was went over and made contact with  
18 Foot Locker.

19 Q Okay. When you say you made contact with Foot Locker,  
20 do you mean did you go to the Galleria Mall?

21 A I did.

22 Q Okay. And what was the purpose of you going to the  
23 Galleria Mall?

24 A In order to obtain the transaction information, as well as  
25 any video surveillance footage of the purchase.



1 Q Okay. Before we get there, I apologize, I forgot to ask you  
2 a couple other things.

3 The search warrant we just spoke of, that was of the car  
4 out at the crash scene, correct?

5 A Correct.

6 Q Did you also participate or were you a part of the search  
7 warrant done at the house on Cool Lilac?

8 A I was.

9 Q And were you familiar -- showing you State's Exhibit 77.  
10 Is that the house where the search warrant was conducted?

11 A Yes, that's the back of it.

12 Q And much like we just spoke of with the car, were you  
13 present when crime scene analysts took photographs and  
14 impounded evidence?

15 A Yes, sir.

16 Q All right. And then from the car, were two iPhones  
17 obtained?

18 A Yes.

19 Q And were they impounded into evidence?

20 A They were.

21 Q And at this particular scene, was there a different phone  
22 that was found?

23 A Correct. A non-iPhone.

24 Q And the non-iPhone, where was that found?

25 A That was found on the decedent inside of the closet.

1 Q Okay. And then was that also impounded to be able to be  
2 looked at later?

3 A It was.

4 Q Okay. Now circling back to the Galleria Mall. When you  
5 went to the mall, you talked about Foot Locker. Did you make  
6 contact with somebody at Foot Locker?

7 A I did.

8 Q And did you ask to try to -- or what did you do? What did  
9 you try to find out?

10 A So I made contact with the manager over there, inquired  
11 about the purchase, as well as any video surveillance.

12 Q All right. And were you able to find the transaction  
13 associated with that particular receipt?

14 A We were.

15 Q Did you have a photograph or something of the receipt  
16 that you could bring to the store?

17 A Correct. It was a photograph like the one you showed me.

18 Q Okay. Was the person there able to verify that that was in  
19 fact their store?

20 A Yes.

21 Q And then were they able to get you video surveillance?

22 A They were.

23 Q And did you obtain that video surveillance?

24 A I did.

25 Q Okay. And then you submitted it with this case?

1           A     Correct.

2           Q     Separate from the Foot Locker, was there other video  
3 surveillance that you obtained from the Galleria Mall?

4           A     Correct. Yes.

5           Q     And where was that of?

6           A     So in general, I guess we could say public area, not  
7 specific to a mall -- or specific to a store, but the corridor of the  
8 mall, I obtained that surveillance.

9           Q     All right. Are you familiar with that surveillance?

10          A     I am.

11          Q     Did you obtain and get copies of that surveillance?

12          A     I did.

13          Q     And did you submit it with this case?

14          A     I did.

15          Q     Showing you State's Proposed Exhibit 149.

16                Are you familiar with portions or segments of that video  
17 where you found the individuals you were looking for walking  
18 inside the mall?

19          A     Yes, sir.

20          Q     Is it safe to say there's a lot of video?

21          A     Yes.

22          Q     But you were able to look at certain portions where  
23 suspects were shown in the mall?

24          A     Yes.

25          Q     And they were at different camera angles?

1           A     Multiple different camera angles.

2           Q     And this is a synopsis or kind of a condensed version of  
3 the portions where the suspects are seen walking?

4           A     Yes.

5           Q     And are they fair and accurate copies of the originals that  
6 you saw?

7           A     Yes.

8                   MR. PESCI: Move for the admission of State's 149, Your  
9 Honor.

10                  MR. YAMPOLSKY: No, objection.

11                  MR. HELMICK: No objection.

12                  THE COURT: That'll be admitted. Thank you.

13                               **[STATE'S EXHIBIT 149 ADMITTED]**

14 BY MR. PESCI:

15           Q     So we're going to take a second, we'll have to switch over  
16 and there'll be a monitor to your left where you'll be able to see.

17                   Just one second.

18                   So Detective, do we have here four different angles that  
19 you obtained from the overall surveillance?

20           A     Yes, sir.

21           Q     Okay. We'll just start with Camera Number 5.

22                               [Surveillance video playing]

23 BY MR. PESCI:

24           Q     Do you recognize this angle?

25           A     I do.

1 Q Okay. What were you looking for?

2 A Well in particular after reviewing the Foot Locker  
3 surveillance, I knew what they were wearing. So in this particular --  
4 do you want me to just describe what I'm seeing?

5 Q Sure.

6 A So at the top of the camera here there's a gentleman  
7 walking with looks like light pants and a multicolored striped shirt.  
8 Another gentleman next to him in a gray shirt and black pants,  
9 white shoes. And then behind him is another gentleman wearing a  
10 black polo shirt, light-colored pants with a black backpack.

11 Q All right. Now, kind of going back in time, when we talk  
12 about the crash --

13 THE COURT: If I may, just for --

14 MR. PESCI: I'm sorry.

15 THE COURT: -- the record. That video appears to be the  
16 food court area of the mall?

17 THE WITNESS: That is correct, sir.

18 THE COURT: Thank you.

19 MR. PESCI: Thank you, Your Honor.

20 BY MR. PESCI:

21 Q So as you responded to that crash scene, was that shirt --  
22 multicolored shirt something that you saw in the car -- the  
23 Mercedes?

24 A Yes, that shirt was located on the back seat.

25 Q Okay. And then speaking of the individual with the dark

1 black shirt, this is now on to Camera Angle -- I'll get the name  
2 after -- but Number 9.

3 [Surveillance video playing]

4 BY MR. PESCI:

5 Q Did you also have information as far as one of the people  
6 fleeing from the scene wearing a black shirt?

7 A That I don't recall.

8 Q All right. You personally don't recall that.

9 A I don't.

10 Q Okay. But from the Foot Locker, you said you were able  
11 to see that black shirt as well.

12 A Correct.

13 Q And now Camera Angle 10.

14 [Surveillance video playing]

15 THE COURT: And 9 was just one of the upper walkway  
16 areas of the mall?

17 THE WITNESS: Correct. And 10 is an upper walkway as  
18 well in front of Shoe Palace.

19 MR. PESCI: Thank you, Your Honor.

20 BY MR. PESCI:

21 Q And Shoe Palace, was that something of note to you?

22 A It was.

23 Q And why was that?

24 A Because -- well after reviewing this video, it became of  
25 note to me.

1 Q All right. During the search warrant of the Mercedes back  
2 at the crime lab, was there anything of note from the Shoe Palace?

3 A Not that I recall.

4 Q And now is this video cut up in time because there was a  
5 period of time when the three individuals were still inside the store,  
6 outside of the video?

7 A That's correct.

8 Q So it picks back up when they come back out?

9 A That's correct.

10 Q And then lastly, Camera Angle 28.

11 [Surveillance video playing]

12 BY MR. PESCI:

13 A So this is the exit from the food court going out to the  
14 parking lot.

15 Q All right. And do the individuals walking out appear to  
16 have bags?

17 A Yes, sir.

18 MR. PESCI: Pass the witness.

19 THE COURT: Mr. Helmick.

20 **CROSS-EXAMINATION**

21 BY MR. HELMICK:

22 Q All right. Detective, I want to ask you some questions  
23 about Kody's wallet, okay?

24 A Okay.

25 Q You looked at the surveillance in the Foot Locker, right?