

**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 XII**

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

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1 A No, sir, with my friend Kymani.

2 Q Kymani?

3 A Yes.

4 Q All right. Keep the voice up --

5 A Yes.

6 Q -- please.

7 And is Kymani someone that that came in here and  
8 testified earlier?

9 A Yes.

10 Q Okay. And were you and Kymani friends at that time?

11 A Yes.

12 Q Why did you want Kymani to go with you?

13 A I don't know?

14 Q Okay. Did you know Jaiden very well?

15 A No.

16 Q Okay. But did you have some interaction with him before  
17 this date?

18 A Yes.

19 Q Okay. Just not really close friends or knew him really  
20 well.

21 A No, sir.

22 Q Okay. And when you and Kymani got there, how did you  
23 get there?

24 A My mom dropped us off.

25 Q Okay. And did she drive you?

1       A     Yes, sir.

2       Q     And do you remember about what time it was?

3       A     1:44 we arrived at the house.

4       Q     Okay. And why do you remember that number?

5       A     I don't know?

6       Q     Okay. Well are there some other times in this afternoon

7     that you do remember? I guess what I'm saying is later on, did you

8     leave this house?

9       A     Yes.

10      Q     How did you leave this house?

11      A     Because I was --

12      Q     No, how, how. How did you leave it?

13      A     I ran out the back door.

14      Q     Okay. And did you get a ride?

15      A     Yes, sir, I called an Uber.

16      Q     Okay. And with that Uber, were you able to look and see

17     what time it was that you had --

18      A     Yes.

19      Q     -- called for that Uber?

20             Does that help you put into timeframe, some of these

21     events?

22      A     Yes.

23      Q     Okay. That's what I was trying to get at.

24             So let's go before the Uber, when your mom drops you

25     off, you and Ghunnar -- I'm sorry, you and Kymani. Do you have

1 any instructions on how you're supposed to get in that house?

2 A Hop the back wall and then enter through the back sliding

3 glass door.

4 Q All right. And you thought what kind of a party was this

5 going to be?

6 A A pool party.

7 Q Okay. So were you looking for a pool?

8 A Yes.

9 Q Did you find a pool?

10 A No.

11 Q Okay. Did you go to the right house at first?

12 A No, I did not.

13 Q Where did you go?

14 A To the next-door neighbor's house.

15 Q And why'd you go to that one?

16 A Because it had a pool --

17 Q Okay.

18 A -- and I was told there is a pool at the house.

19 Q All right. And then after you got to that house where

20 there was a pool, did you stay or leave? What happened?

21 A Some guy came out and we left.

22 Q It wasn't Jaiden?

23 A Uh-uh.

24 Q Is that a no?

25 A No, sir.

1 Q It's okay.

2 And when you left, where did you go? What did you do?

3 A We jumped back over the other wall that was, I guess the  
4 right -- that was the right house --

5 Q Okay.

6 A -- and we went in there.

7 Q All right. When you went in there, did you go in through  
8 the back sliding door?

9 A Yes.

10 Q Okay. When you got there, do you recall who was there?

11 A Charles, Jaiden, Kody, and Alaric, and Kymani.

12 Q And when you say Kymani, he came with you?

13 A Yes.

14 Q All right. Now were Kody and Jaiden there when you first  
15 got there or did they come after you?

16 A They were there when I got there -- when I first got there.

17 Q Okay. And then what happened when you got there, what  
18 did you guys do?

19 A We just hung out and smoked.

20 Q Okay. What were you smoking?

21 A Weed.

22 Q All right. Was there at the house also alcohol?

23 A Yes.

24 Q All right. And as far as other drugs besides weed, were  
25 there any other drugs?

1       A     Yes.

2       Q     What was it?

3       A     Xanax.

4       Q     Okay. Now you were smoking some of the weed?

5       A     Yes.

6       Q     All right. Did you drink?

7       A     Yes.

8       Q     Okay. And how about the Xanax, did you take any

9     Xanax?

10      A     No.

11      Q     All right. Did you see who took the Xanax?

12      A     Yes.

13      Q     Who was that?

14      A     Jaiden and Kody.

15      Q     All right. Now speaking of Jaiden and Kody, did you see

16     any firearms on either of them during this time period?

17      A     Yes.

18      Q     Describe those please.

19      A     One was a revolver that Jaiden had and then one was a

20     handgun, pistol that --

21      Q     Okay.

22      A     -- Kody had.

23      Q     Kody had.

24             Was the one Kody had different from the one Jaiden had?

25      A     Yes.



1 Q How would you describe the difference?

2 A One had a magazine and one was -- had a cylinder that  
3 you put bullets in.

4 Q Okay. And the one with the magazine, was that the one  
5 with Jaiden or with Kody?

6 A One with -- will you repeat that?

7 Q I apologize. The one with the magazine, was that the one  
8 that Jaiden had or Kody had?

9 A Kody.

10 Q Okay. And then what were they doing, Kody and Jaiden  
11 with those firearms?

12 A Pointing the guns at people.

13 Q All right. Do you recall if there was any sort of laser sight  
14 on any of those guns?

15 A Yes, sir. Jai -- Kody's.

16 Q Okay. And do you remember seeing that sight being put  
17 out?

18 A Yes, sir.

19 Q Where was it pointed to?

20 A Directly at my house when I walked into the house.

21 Q Was it pointed anywhere else during the time that you  
22 were there?

23 A At my friend Kymani.

24 Q Okay. Did that make you nervous?

25 A Yes.

1 Q All right. But you stayed?

2 A Yes.

3 Q Okay. And when you stayed, you guys were smoking  
4 marijuana, there was drinking going on. Do you remember  
5 anybody using their phones?

6 A Jaiden was.

7 Q Okay. Did you see what Jaiden was doing with his  
8 phone?

9 A Recording us.

10 Q Okay. And did you see -- with those guns, did you ever  
11 see bullets being taken out or put back in?

12 A Multiple times.

13 Q All right. Who did what?

14 A Jaiden was emptying the cylinder out of the revolver  
15 multiple times and putting a bullet back in and pointing it at  
16 everyone in the room.

17 Q Okay. Now you gave us the list of people that were there.  
18 At some point did a person by the name of Matt or Matthew show  
19 up?

20 A Yes.

21 Q All right. Did you know him?

22 A I knew of him.

23 Q Okay. When you say you knew of him, how did you know  
24 of him?

25 A He was popular.

1 Q Okay. Did you know him from -- was it from school or  
2 social media?

3 A Social media.

4 Q Okay. And was he there when you first got there or did he  
5 get there after you had been there?

6 A He got there after I got there.

7 Q Okay. Now using that kind of a timeframe from when  
8 Matt got there, was there -- what was -- well, did more -- when  
9 Matthew got there, were any more drugs brought into the house?

10 A Yeah, Xanax.

11 Q Okay. So there was Xanax before Matthew and after  
12 Matthew?

13 A No, after Matthew.

14 Q Okay. So that Xanax came at the time Matthew came in?

15 A Yes.

16 Q All right. Who -- how did Matthew get there, do you  
17 know?

18 A Jaiden and Kody left to pick him up.

19 Q Okay. And did you see Jaiden and Kody come with  
20 Matthew when he came back to the house?

21 A Yes.

22 Q All right. Prior to Jaiden and Kody leaving to go get  
23 Matthew, was there any conversation about doing a lick?

24 A Yes.

25 Q And what was the conversation and who was saying it?

1           A     Jaiden was saying that he wanted to kill somebody and  
2 rob somebody that day and do a lick.

3           Q     Okay. Did you understand what a lick meant?

4           A     Yes.

5           Q     And how did you know what that meant?

6           A     Street slang.

7           Q     Okay. Is it something you had heard before?

8           A     Yes.

9           Q     Okay. When Jaiden was talking about that, who was  
10 present?

11          A     Kymani, Alaric, Charles, I was, Kody --

12          Q     Okay.

13          A     -- and Jaiden.

14          Q     So was that comment made where those other people  
15 were?

16          A     Yes, it was.

17          Q     And you were able to hear that?

18          A     Yes.

19          Q     Okay. After that conversation that was brought up, what  
20 happened?

21          A     They went -- they left and went to pick Matthew up.

22          Q     Okay. So when you say they, are you speaking of Jaiden  
23 and Kody?

24          A     Jaiden and Kody.

25          Q     All right. So the comments about a lick and a robbery,

1 was that just Jaiden or was that Jaiden and Kody?

2 A Just Jaiden.

3 Q All right. So those were words Jaiden said?

4 A Yes.

5 Q Okay. When they come back with Matthew, you talked  
6 about some Xanax. Tell us what happens after that?

7 A They pulled out the bags of Xanax and they rolled up --  
8 we rolled up some more weed and smoked.

9 Q Okay. So did the party continue after Matt got there?

10 A Yes, it did.

11 Q All right. And then did something kind of change the  
12 party later on?

13 A Yes.

14 Q What happened?

15 A A gunshot through the ceiling.

16 Q Okay.

17 A The roof.

18 Q Where were you when that happened?

19 A I was sitting right next to -- not right next, but parallel to  
20 Jaiden.

21 Q Okay. I want to show you State's 88.

22 Do you recognize this location?

23 A Yes.

24 Q Is this the place where you went to this party?

25 A Yes.

1 Q And where were you -- the Court's going to help you out.  
2 To your left is a screen and this little mouse.

3 THE COURT: So you can just kind of left click with the  
4 mouse and then draw on the screen, okay?

5 THE WITNESS: Okay.

6 THE COURT: You want him to show where he was  
7 seated?

8 MR. PESCI: Yes, thank you.

9 THE COURT: If you could, please.

10 BY MR. PESCI:

11 A Okay. Right there.

12 Q All right. And you said you were near Jaiden?

13 A Yes, I was --

14 THE COURT: You made kind of a small mark.

15 THE WITNESS: Oh, I'm sorry.

16 THE COURT: That's all right.

17 You were on that white chair?

18 THE WITNESS: No, Jaiden was on that white chair.

19 THE COURT: Oh, Jaiden was on the white chair --

20 THE WITNESS: Yes, sir.

21 THE COURT: -- all right.

22 BY MR. PESCI:

23 Q And where were you?

24 A I was right here. In that -- this white chair was right there.

25 Q Oh, okay. So that white chair had -- was moved -- it was

1 over in the area that you just indicated in the middle of the floor,  
2 kind of in between those sheets and that disinfectant wipe can?

3 A Right on top of that.

4 Q Okay. And so what did you do when the shot went off?

5 A I ran out the back door.

6 Q Okay. Did you wait around?

7 A No.

8 Q Okay. So did you see any interaction with Jaiden and the  
9 other people before you ran off?

10 A No, I did not see any interaction.

11 Q You didn't stick around for that.

12 A No, sir.

13 Q Okay. When you left, do you know if you got out before  
14 Kymani?

15 A I was the first one out, he was right behind me.

16 Q Okay. He being Kymani?

17 A Yes, Kymani was right behind me.

18 Q All right. And when you went out, what did you do?

19 A I jumped the back wall.

20 Q Okay. And did you leave that area?

21 A I -- we went back to the house and then we left.

22 Q Okay. So first you got out of the house and then at some  
23 point you went back to the house?

24 A Yes.

25 Q All right. Was Kymani going back to get something?

1 A Yes.

2 Q All right. Were you excited about going back?

3 A No, sir.

4 Q Did you stay long when you got back?

5 A No.

6 Q Did you leave after retrieving -- or after Kymani retrieved  
7 that item?

8 A Yes.

9 Q All right. And when you left, how did you get a ride  
10 home?

11 A We -- I called an Uber.

12 Q Okay. Now, I want to focus in on before that Uber, right?  
13 After the shot, before the Uber. Was there a phone call that you  
14 received from anybody?

15 A Yes.

16 Q Who was it from?

17 A Jaiden.

18 Q And how do you know it's Jaiden?

19 A Because it came up on my contact list -- his name came  
20 up on --

21 Q So did you have him in your contact list?

22 A Yes.

23 Q All right. Did you answer?

24 A Yes.

25 Q And what was said?



1       A     The police aren't coming, come back to the house.

2       Q     The police aren't coming, come back to the house?

3       A     Yes.

4       Q     And who said that?

5       A     Jaiden

6       Q     Okay. And is that before you went back with Kymani for

7     Kymani to grab something he left behind?

8       A     Yes, that was before.

9       Q     All right. So subsequent to that phone call, you went back

10    with Kymani got something and you left again?

11      A     Yes.

12      Q     Okay. And then when you got the Uber, how did that

13    work out? Did you do it on your phone?

14      A     Yes.

15      Q     And then did you give a location for the Uber to pick you

16    up?

17      A     Yes.

18      Q     And then did you get a ride home in the Uber?

19      A     I'm sorry, what'd you say?

20      Q     That's okay. Did you get a ride home with the Uber?

21      A     Yes.

22      Q     And then when you made it home, was there any more

23    contact on the phone from Jaiden or anybody else in the house to

24    you?

25      A     Yes.

1 Q What happened?

2 A Jaiden called me and I handed the phone to Kymani and  
3 Kymani said that Jaiden told him that he just killed Matthew. And  
4 he wanted us to hang out with him and smoke with him.

5 Q Okay. Did you go back?

6 A No.

7 Q All right. Why'd you hand the phone off to Kymani?

8 A Because I was a little freaked out.

9 Q All right. Freaked out by the shot to the ceiling?

10 A No, by him saying he wanted to kill somebody and then I  
11 was wondering why he's calling me a couple house later after I left,  
12 after -- yes, I guess I was freaked out by the shot.

13 Q Okay. And then what he had said on that phone call, were  
14 you also nervous based on that?

15 A Yes.

16 Q Okay. And then did police come and talk to you?

17 A Yes, they did.

18 Q All right. And did they ask you actually some times, as far  
19 as when you picked up the Uber and things like that?

20 A Yes.

21 Q All right. Well, do you remember exactly what they asked  
22 you?

23 A They --

24 Q The police, as far as what they asked you.

25 A They asked me --

1 Q About being dropped off by your mom?

2 A Yes.

3 Q Times and things of that nature?

4 A Yes.

5 Q Okay. And then after you got home and after you got that

6 call, did you talk to the police?

7 A No, not that same day.

8 Q All right. So was it a few days later?

9 A Yes.

10 Q All right. And did they ask you some questions?

11 A Yes, they did.

12 Q Okay. And then did you give them answers?

13 A Yes, I did.

14 Q Okay. Now, you told us about the lick and wanting to kill

15 somebody. Did you say that in your original statement to the police

16 on June 12th or -- I'm sorry. But that timeframe close to when this

17 occurred?

18 A No, I did not.

19 Q All right. Is it be -- why is it that you didn't tell them that

20 portion?

21 A They did not ask me.

22 Q Okay. So that portion of what you are telling us here

23 today, did that really happen?

24 A Yes.

25 Q All right. Are --

1 A It did.

2 Q -- you making that up?

3 A No.

4 Q Is there any reason why you would be making that up?

5 A No.

6 Q You haven't been charged with anything?

7 A No, sir.

8 Q Do you have any ill will or anger towards the Defendants?

9 A No.

10 Q Any reason to try to make something up against them?

11 A No.

12 Q Okay. There's some video I want to show you.

13 All right. This is State's Exhibit 147.

14 Just one second, it's going to take a minute to pull it up,

15 okay?

16 [Video playing]

17 BY MR. PESCI:

18 Q Ghunnar, do you recognize that gun?

19 A Yes.

20 Q What gun was that?

21 A Jaiden's gun.

22 [Video playing]

23 BY MR. PESCI:

24 Q Who's that, Ghunnar?

25 A Kymani.

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[Video playing]

BY MR. PESCI:

Q And who's that?

A Me.

Q All right. Is this before the shot to the ceiling?

A Yes, it is.

Q All right. Thank you very much.

MR. PESCI: Pass the witness.

THE COURT: Mr. Helmick?

MR. HELMICK: Thank you, Your Honor.

[Colloquy between Counsel]

**CROSS-EXAMINATION**

BY MR. HELMICK:

Q Ghunnar, I want to go back to the beginning, okay?

You were invited over by Jaiden, isn't that right?

A Yes.

Q Okay. Via Snapchat, right?

A Yes.

Q Jaiden only is the one who sent you the Snapchat, right?

A Yes.

Q Okay. You're not invited over by Kody, isn't that right?

A No.

Q Okay. When you get to the house, Charles is there, right?

A Yes.

Q Alaric?

1 A Yes.

2 Q An unknown African American kid was there as well, isn't  
3 that right?

4 A Yes.

5 Q Okay. And then Jaiden and Kody show up too, right?

6 A They were --

7 Q Or were they already --

8 A -- there.

9 Q -- there? They were there. Okay.

10 When you walked into the house and you saw what  
11 position that you were sitting in in the house, right? In that chair?

12 A Yes.

13 Q Did you stay in that position the majority of the time that  
14 you were in the house?

15 A The whole time.

16 Q The whole time, okay. And Kymani was always to your  
17 right, right?

18 A Yes.

19 Q And was Jaiden always to your left?

20 A Yes.

21 Q Okay. And Kody was laying down on the couch, right?

22 A Yes.

23 Q You didn't speak to Kody too much that day, did you?

24 A No, I did not.

25 Q And he didn't speak to you, right?

1           A     Uh-uh. No.

2           Q     No. Okay.

3                     In reference to the gun, the revolver specifically, you said  
4 that Jaiden was taking all but one of the bullets out of the gun,  
5 right?

6           A     Yes.

7           Q     And then he would take the gun and he would point it at  
8 other people, including you in the room, right?

9           A     Yes.

10          Q     And then he would click the trigger, right?

11          A     Yes.

12          Q     Okay. And you knew that there was one bullet still in the  
13 gun when he was doing that, right?

14          A     Yes, I did.

15          Q     Okay. And that ended up being the bullet that was shot  
16 into the ceiling, right?

17          A     Yes.

18          Q     Okay. Now you said that Kody had the gun with the laser  
19 on it, right?

20          A     Yes.

21          Q     Now he was never clicking the gun at anybody in that  
22 house, right?

23          A     No.

24          Q     Okay. In fact, you don't know if -- even if that gun was  
25 loaded, right?

1       A     No, it was loaded.

2       Q     What's that?

3       A     It was loaded.

4       Q     You checked it?

5       A     Yeah.

6       Q     You checked the gun?

7       A     No, I did not check the gun, but I know it was loaded.

8       Q     You know it was loaded --

9       A     Yes.

10      Q     -- but you didn't check it?

11      A     Yes.

12      Q     Okay. It had the laser on the bottom of it, right?

13      A     Yes.

14      Q     Okay. Now in regards to -- let's talk about this shot to the

15 ceiling, okay?

16      A     Okay.

17      Q     When Jaiden shot to the ceiling that obviously scared the

18 heck out of you, right?

19      A     Yes.

20      Q     And he had his hands on his stomach, acting as if he had

21 been hit, right? Jaiden?

22      A     Yes.

23      Q     Okay. And then he started laughing and pointing to the

24 ceiling, right?

25      A     Yes.



1 Q Okay. There was some conversation by Mr. Pesci and you  
2 just now about the Xanax? Do you remember that talk about --

3 A Yes.

4 Q -- the Xanax?

5 Okay. Now you had said that when Matthew showed up  
6 there was more Xanax that was brought over, right?

7 A Yes.

8 Q Okay. Now you had your interview with the police, right?

9 A Yes.

10 Q And you wanted to be truthful with them, right?

11 A Yes.

12 Q You wanted to tell them everything you could to help their  
13 investigation, right?

14 A Yes.

15 Q Okay. Did you tell them anything about Matthew coming  
16 over with Xanax or -- in general Kody and Jaiden coming over with  
17 Xanax when they had Matthew?

18 A Yes.

19 Q You did?

20 A Yes.

21 Q Now I know this is lengthy and I recognize obviously this  
22 was a year ago, right?

23 A Yes.

24 Q And so I understand that it may be -- you would agree that  
25 your memory was fresher when you had this interview, right?

1 A Yes.

2 Q With regard to the events in this case, right?

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

4 Q Okay. So I'm just going to have you just briefly look  
5 through this and I want you to point out to me where you said that  
6 they came with Xanax, okay?

7 A Okay.

8 Q Okay.

9 MR. HELMICK: May I approach?

10 THE COURT: Yes.

11 BY MR. HELMICK:

12 Q Now you had an interview with police, right?

13 A Yes.

14 Q And you know it was being recorded, right?

15 A Yes.

16 Q Okay. And that recording was transcribed, right?

17 A Yes.

18 Q Okay. I'm going to show you your transcribed statement  
19 to the police. Just briefly look through that. I know it's lengthy but  
20 take your time because this is important.

21 [Witness complies]

22 BY MR. HELMICK:

23 Q And what we're looking for is Xanax, right?

24 A Yes.

25 Q Okay.

1 [Witness continues reading through statement]

2 BY MR. HELMICK:

3 Q Let me ask you this, Ghunnar, has it been awhile since  
4 you've -- have you ever read this statement?

5 A Yeah, I did -- I have.

6 Q Has it been a while since you've read it?

7 A Four or five days maybe.

8 Q Oh four or five days ago?

9 A Yeah.

10 Q I mean, do you recall anything about them coming over  
11 with Xanax?

12 A [No audible response - shakes head no].

13 I don't see.

14 Q That's okay. Thank you.

15 Okay. So let's talk about this robbery and lick talk that Mr.  
16 Pesci was talking to you about, okay? You said that Jaiden was the  
17 only one talking about wanting to rob someone or do a lick on  
18 someone, right?

19 A Yes.

20 Q Okay. And Kody was laying down on the couch, he was  
21 not involved in that conversation at all, isn't that right?

22 A Yes.

23 Q Thank you. Okay.

24 So you leave, you go to your house from the Uber, right?

25 A Yes.

1 Q Okay. And Jaiden ends up calling you a little while later,  
2 multiple times, right?

3 A Yes.

4 Q Okay. And you didn't want to answer the phone because  
5 you were scared of what just took place in that house, right?

6 A Yes.

7 Q Yeah. And that's understandable. And so you handed the  
8 phone to Kymani, right?

9 A Yes.

10 Q And he answered the phone and he put it on FaceTime.  
11 You were in the living room of your house, right?

12 A Yes.

13 Q Okay. And when you were on FaceTime, you could hear  
14 the conversation that Jaiden was having, right?

15 A No, I couldn't actually.

16 Q You couldn't hear it?

17 A No, the volume was turned all the way down because my  
18 mom was in the kitchen.

19 Q Your mom was in the kitchen.

20 A Yes.

21 Q Okay. But you're aware that Jaiden said he killed Matt, he  
22 shot him, bro?

23 A Yes.

24 Q Okay. nothing about doing a lick on him or robbing him,  
25 isn't that right?

1           A     Through the call.

2           Q     On that phone call.

3           A     No.

4           Q     Okay. And also nothing about Kody's name ever being  
5 mentioned at all on that phone call, right?

6           A     He said that he was with Kody.

7           Q     Okay. So now you're saying the phone call, he says he  
8 was with Kody?

9           A     Yes.

10          Q     Okay. Did you tell the police anything about that in your  
11 interview? Because that's a new fact that we just received.

12          A     No.

13          Q     Okay. So you never said that Matt called -- I mean, sorry,  
14 Jaiden called and he said he was with Kody. You never told the  
15 police that, right?

16          A     No, he never said he was with Kody, but they were  
17 together.

18          Q     Okay. So they were -- yeah, I mean, I agree with you,  
19 Kody was at the house, right?

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

21          Q     Okay. But I'm asking you specifically, when Jaiden called  
22 you and you handed the phone to Kymani, he didn't say we killed  
23 Matt, right?

24          A     No, he said I killed Matt.

25          Q     Okay. In fact Kody's name was never mentioned at all,

1 isn't that right?

2 A Yes.

3 Q Okay. And again, in regards to this lick, you said the  
4 reason that you didn't tell the police, although you knew this was  
5 an ongoing investigation, was because they never asked you, right?

6 A Yes, they did not ask me those questions.

7 Q But you wanted to -- they -- when they interviewed you,  
8 they wanted to know what happened in that house, isn't that right?

9 A Yes.

10 Q Yeah. And you wanted to help your investigation because  
11 of this unfortunate incident, right?

12 A Yes.

13 Q You wanted to do everything you could, right?

14 A Yes.

15 Q And that was never mentioned to them, right?

16 A No, it wasn't.

17 Q All right. Thank you, Ghunnar.

18 THE COURT: Mr. Yampolsky?

19 MR. YAMPOLSKY: Thank you.

20 **CROSS-EXAMINATION**

21 BY MR. YAMPOLSKY:

22 Q When you went to the house that we're all talking about,  
23 you brought some weed, correct?

24 A Yes, I did.

25 Q Approximately how much weed did you have?

1       A     Two grams.

2       Q     You only had two grams?

3       A     Two grams.

4       Q     So that's what, enough for one joint?

5       A     Yes.

6       Q     Okay. And then Matthew brought some?

7       A     Yes, he did.

8       Q     Okay. Now you originally interviewed with the police on

9     June 12th of 2000 -- wait --

10           MR. PESCI: I think that's a typo.

11           MR. YAMPOLSKY: Court's indulgence.

12     BY MR. YAMPOLSKY:

13       Q     Did you -- when you interviewed with the police for the

14     first time, it was about four days after this happened, correct?

15       A     Yes.

16       Q     Okay. And you wanted to help the police.

17       A     Yes.

18       Q     You wanted to be truthful?

19       A     Yes.

20       Q     You wanted to be accurate?

21       A     Yes.

22       Q     You wanted to be complete as possible?

23       A     Yes.

24       Q     Okay. And on that day, you never said anything about

25     Jaiden wanting to kill someone, correct?

1 A Yes.

2 Q And you didn't think that was important?

3 A Well, I was very shaken up.

4 Q Excuse me.

5 A I was very shaken up after the incident.

6 Q Okay. But you gave them all these other details about  
7 what happened, correct?

8 A Yes, I did.

9 Q You said that Jaiden shot the gun into the ceiling, correct?

10 A Yes, I did.

11 Q Said he pointed the gun at you and everyone else except  
12 Kody --

13 A Yes.

14 Q -- correct?

15 And you said Kody pointed the gun -- his gun at people  
16 also?

17 A Yes.

18 Q Okay. But you never mention -- you know what a lick  
19 means?

20 A Yes.

21 Q Okay. And you never mentioned a lick to that detective  
22 when you were interviewing with him, correct?

23 A Yes.

24 Q Is that a yes?

25 A Yes.



1           Q     Okay. And prior to testifying today, you interviewed with  
2 law enforcement, correct?

3           A     Yes.

4           Q     Okay. And who'd you interview with?

5           A     They were two Henderson detectives.

6           Q     And do you remember their names?

7           A     I do not.

8           Q     At that time did you tell the Henderson detective about  
9 this lick that you heard?

10          A     No, I did not.

11          Q     Okay. When's the first time you mentioned about this  
12 lick?

13          A     When I ran it with Mr. Pesci.

14          Q     So when you spoke to Mr. Pesci. And when was that?

15          A     A week or two ago.

16          Q     Okay.

17          A     A week ago.

18          Q     And you told him oh by the way --

19          A     Not --

20          Q     -- Jaiden said something about doing a lick?

21          A     I didn't say by the way. I told him that's what he said.

22          Q     Okay. And you told him that Jaiden also said he wanted  
23 to kill someone.

24          A     Yes.

25          Q     Okay. And when you spoke to Mr. Pesci, that was over a

1 year from the time that this happened.

2 A Yes.

3 Q Yes? Okay.

4 MR. YAMPOLSKY: I have nothing further.

5 THE COURT: Mr. Pesci?

6 MR. PESCI: Thanks.

7 **REDIRECT EXAMINATION**

8 BY MR. PESCI:

9 Q So Ghunnar, in June of 2018, how old were you?

10 A I was 16.

11 Q Okay. So June of 2018 is when you gave this statement,  
12 correct?

13 A Yes.

14 Q So as a 16-year old kid you didn't know what the police  
15 wanted or didn't want, did you?

16 A No, sir.

17 Q You weren't a homicide detective with the police  
18 department, were you?

19 A Sir, will you repeat that?

20 Q Well when you were a 16-year old in June of 2018, you  
21 weren't a homicide detective for the Henderson Police Department?

22 A No, sir.

23 Q You didn't know all the ins and outs of this case.

24 A No, I did not.

25 Q You didn't know what the police would want.

1           A     I did not know what they would want.

2           Q     So they just asked you about meeting with the District  
3 Attorney's Office and talking to us about what occurred, do you  
4 remember that?

5           A     Yes, I do.

6           Q     Did we ask you to tell us what happened?

7           A     Yes, you did.

8           Q     And when you were telling us what happened, is that  
9 when you mentioned what it was that Jaiden said?

10          A     Yes, it was.

11          Q     Did I tell you to make that up?

12          A     No, you did not.

13          Q     Did I tell you I need to this, this, and this information; give  
14 it to me when you get on the stand?

15          A     No, you did not.

16          Q     Talking about killing somebody, let's go to your  
17 statement, page 13. Take a moment to review what it is you said  
18 on that page.

19                   Just read it to yourself.

20                                   [Witness complies]

21       BY MR. PESCI:

22          Q     Did you get a chance to read that?

23          A     Yes, sir.

24          Q     Okay. And did you actually mention to the police, back in  
25 June, a few days after this concept of somebody getting killed?

1 Did you say: I felt like it was like a y'all guys need to leave  
2 before I kill somebody shot?

3 A Yes.

4 Q Like it was not an accident.

5 A Yeah.

6 Q Like I really felt like he was like planning on doing  
7 something to somebody in that house that day.

8 A Yes, I did say that.

9 Q All right. So you said that to police in June of 2018, just  
10 days after.

11 A Yes.

12 Q Thank you.

13 THE COURT: Mr. Helmick?

14 MR. HELMICK: Thank you.

15 **RECROSS-EXAMINATION**

16 BY MR. HELMICK:

17 Q Just to touch on that Ghunnar, the statement that you just  
18 read, Mr. Pesci mentioned the word he, right? The person that  
19 invited you over was Jaiden, right?

20 A Yes.

21 Q Okay. And when you said the word, he, you're referring  
22 to Jaiden, right?

23 A Yes.

24 Q Thank you. Okay.

25 Now let's talk about the interview for a second. I

1 recognize that you were 16 at the time, right?

2 A Yes.

3 Q Okay. But you weren't in that interview alone, right?

4 A No, I was not.

5 Q You had your mother there with you, didn't you?

6 A Yes, I did.

7 Q Okay. And you felt comfortable having your mother there

8 with you, right?

9 A She was there because it was in my house.

10 Q Sure. But my question was --

11 A No.

12 Q -- you felt comfortable with having your mother there with

13 you?

14 A No.

15 Q You didn't feel comfortable?

16 A No.

17 Q Okay. Did you ask your mother to leave?

18 A No, I did not.

19 Q Okay. You could have, couldn't you?

20 A I don't remember.

21 Q Okay. The interview was in your house your said, not at a

22 police station, right?

23 A Yes.

24 Q Okay. Now you're friends with Kymani, isn't that right?

25 A Yes.

1 Q And certainly -- I mean, you're still friends to this day?

2 A Yes.

3 Q And certainly you and Kody have had conversations about  
4 this case after the incident, right?

5 A Yes.

6 Q Yeah. And you've talked about, you know, maybe what  
7 you thought had happened that day, right?

8 A Yes.

9 Q Okay. And he offered his opinion to you and likewise you  
10 offered your opinion to him, right?

11 A Yes.

12 Q Okay. Thank you very much.

13 THE COURT: Anything, Mace?

14 **RECROSS-EXAMINATION**

15 BY MR. YAMPOLSKY:

16 Q When Mr. Pesci was questioning you, he said that you  
17 said I felt like it was like a y'all guys need to leave before I kill  
18 somebody shot, correct?

19 A Yes.

20 Q And that was in answer to a question, so -- and if you  
21 don't remember, I'm happy to come up and refresh your  
22 recollection but that was in answer to a question: So when he fires  
23 a warning shot, we did see it in the roof.

24 Did you get the impression that that was an accident or  
25 it's deliberate watch this?

1 Right?

2 A Yes.

3 Q And then you said I felt like all you guys need to leave  
4 before I kill someone shot, correct?

5 A Yes.

6 Q That was your perception.

7 A Yes.

8 Q He didn't say y'all guys need to leave before I kill  
9 someone shot, right?

10 A No.

11 THE COURT: He?

12 MR. YAMPOLSKY: He didn't --

13 THE COURT: He meaning --

14 MR. YAMPOLSKY: -- say that, that was your perception?

15 THE COURT: When you say he, you're meaning Mr.

16 Caruso?

17 MR. YAMPOLSKY: I'm reading --

18 THE COURT: I know but you're asking --

19 THE WITNESS: Jaiden.

20 MR. YAMPOLSKY: Yes, I am referring --

21 THE COURT: -- the witness that --

22 MR. YAMPOLSKY: -- to Mr. Caruso.

23 THE COURT: -- Mr. Caruso didn't say that, the --

24 MR. YAMPOLSKY: Correct.

25 THE COURT: -- witness is saying that's what the witness

1 felt.

2 MR. YAMPOLSKY: Right.

3 THE COURT: Okay.

4 BY MR. YAMPOLSKY:

5 Q Mr. Caruso didn't say y'all guys need to leave before I kill  
6 someone shot, correct?

7 A No.

8 Q And you said like I really felt like he was planning on  
9 doing something to somebody in that house that day, correct?

10 A Yes.

11 Q He never said I'm planning on doing something to  
12 somebody in this house today?

13 A Yes, he said he was --

14 Q He said that.

15 A -- going to kill somebody.

16 Q Okay. So he said I feel like I -- I'm planning on doing  
17 something to somebody in that house today? He said that?

18 A No.

19 Q Right. So that's your perception?

20 A Yeah.

21 Q Okay.

22 MR. YAMPOLSKY: I have nothing further.

23 THE COURT: Mr. Pesci?

24 MR. PESCI: Thank you.

25 ...



1 **FURTHER REDIRECT EXAMINATION**

2 BY MR. PESCI:

3 Q I'm just going to follow up on the things that they just  
4 said. Your perception ended up being correct, right?

5 A Yes.

6 Q And then as far as --

7 MR. YAMPOLSKY: Objection, that misstates the  
8 testimony. Correct in what?

9 THE COURT: Well overruled. Go ahead.

10 BY MR. PESCI:

11 Q Speaking specifically about what was just asked you by  
12 Mr. Helmick about you having a conversation with Kymani about  
13 this case, do you remember those questions?

14 A Yes.

15 Q Ghunnar, is your testimony here today your own  
16 testimony?

17 A Yes, it is.

18 Q Are you saying something because Kymani told you to  
19 say it?

20 A No.

21 Q Are you saying it because you saw it and you heard it?

22 A Yes.

23 MR. PESCI: Thanks.

24 THE COURT: Do you have anything further?

25 MR. HELMICK: Nothing further. Thank you.

1 THE COURT: Mr. Yampolsky?

2 **FURTHER RECROSS-EXAMINATION**

3 BY MR. YAMPOLSKY:

4 Q So the statement about needing to leave before I kill  
5 someone, you never heard Mr. Caruso say that?

6 A No.

7 MR. YAMPOLSKY: I have nothing further.

8 THE COURT: Anything from our jurors?

9 Yes?

10 Just sit tight for --

11 THE WITNESS: Oh.

12 THE COURT: -- just a second.

13 THE WITNESS: Sorry.

14 [Bench conference transcribed as follows.]

15 MR. HELMICK: Yes, please. No objection.

16 MR. PESCI: No objection on Juror 13's question from the  
17 State.

18 THE COURT: [Indiscernible] or was he meaning the  
19 African American boy?

20 MR. YAMPOLSKY: Who's he?

21 THE COURT: [Indiscernible] talking about the African  
22 American boy [indiscernible] kind of the question or it's referring to  
23 Ghunnar himself, but I'll ask.

24 MR. PESCI: I don't know, you'll just have to ask him.  
25 objection from the State.

1 MR. HELMICK: No objection.  
2 MR. YAMPOLSKY: No objection.  
3 THE COURT: Okay. Thank you.  
4 [End of bench conference.]  
5 THE COURT: All right. Ghunnar, I have a couple  
6 questions for you.  
7 THE MARSHAL: One more, Your Honor.  
8 THE COURT: Oh, okay.  
9 THE MARSHAL: Sorry.  
10 THE COURT: Hold on guys, come back.  
11 Thank you.  
12 [Bench conference transcribed as follows.]  
13 MR. PESCI: Can anybody read that?  
14 THE COURT: It's very small.  
15 MS. OVERLY: [Indiscernible] Jaiden say he wanted to do  
16 a lick. He didn't mention [indiscernible].  
17 MR. YAMPOLSKY: But he already said he didn't hear him  
18 say that.  
19 MR. HELMICK: What's the question?  
20 THE COURT: What do you mean?  
21 MR. YAMPOLSKY: Well --  
22 THE COURT: Didn't hear him say what?  
23 He did say --  
24 MR. YAMPOLSKY: Okay.  
25 THE COURT: He said he heard that.

1 MR. YAMPOLSKY: All right.

2 THE COURT: Okay.

3 MR. PESCI: No objection from the State.

4 [End of bench conference.]

5 THE COURT: Okay. I got a couple questions for you, if I  
6 could, Ghunnar.

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

8 BY THE COURT:

9 Q Do you know -- there was reference made to another  
10 young man that was at that house and he was simply described as  
11 an African American young man. Do you recall anybody being  
12 there other than the folks you've mentioned?

13 A There was one kid I didn't know that was there.

14 Q Okay. Was he an African American boy?

15 A He was light skinned. No, he wasn't Black.

16 Q Okay. You weren't sure?

17 A No, I was -- I guess no, I wasn't sure on that one.

18 Q Okay. Do you know what his name was?

19 A I do not know.

20 Q Okay. Do you know was --

21 THE COURT: Well let me just clarify. What the bottom  
22 part of this question references was he there at the house when  
23 Jaiden shot into the ceiling. Are you asking about was the African  
24 American boy?

25 Okay.

1 BY THE COURT:

2 Q Was this other boy, that you don't know the name of, was  
3 he there at the time that shot went into the ceiling?

4 A Yes, he was.

5 Q Okay. Got it.

6 How long before Jaiden and Kody left to get Matthew did  
7 you hear Jaiden say he wanted to kill someone and do a lick?

8 A Not even 20 minutes.

9 Q Okay.

10 THE COURT: And did he, meaning Mr. Caruso?

11 UNKNOWN JUROR: Yes.

12 BY THE COURT:

13 Q Did Mr. Caruso mention Matt's name when he was saying  
14 these things?

15 A No, he did not.

16 Q Okay. Did you ever hear Kody speak about a lick or killing  
17 someone?

18 A No, I did not.

19 Q And where was Kody when Jaiden talked about a lick and  
20 killing someone?

21 A Sitting down on the couch.

22 THE COURT: Okay. Mr. Pesci, any questions based on  
23 mine?

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

25 THE COURT: Mr. Helmick?

1 MR. HELMICK: Let me see here.

2 Your Honor, the second question in regards to -- was it in  
3 regard to Matt being picked up?

4 THE COURT: Okay.

5 MR. HELMICK: What was that question again, I'm sorry?

6 THE COURT: The second part of that question was did he,  
7 meaning Mr. Caruso, mention Matt's name when saying this.

8 MR. HELMICK: What was the first part of that question?

9 THE COURT: How long before Jaiden and Kody left to get  
10 Matthew did you hear Jaiden say he wanted to kill someone and do  
11 a lick.

12 MR. HELMICK: Yeah, okay.

13 THE COURT: And the gentleman answered about 20  
14 minutes.

15 MR. HELMICK: Yeah, okay.

16 THE COURT: Not even 20 minutes, correct?

17 THE WITNESS: Yes.

18 THE COURT: Okay.

19 MR. HELMICK: Yeah. No questions. Thank you.

20 THE COURT: Mr. Yampolsky?

21 MR. YAMPOLSKY: No questions.

22 THE COURT: All right. Mr. Methvin, you are excused, sir.  
23 Thank you very much for your time, okay?

24 THE WITNESS: Okay.

25 THE COURT: The State have any further witnesses?

1 MR. PESCI: Not today, Your Honor, I apologize.

2 THE COURT: All right. So Ladies and Gentlemen, I got  
3 bad news, I got good news, I got pretty good news, and I got really  
4 good news. So which one do you want first?

5 UNKNOWN JUROR: Go in order.

6 THE COURT: Go in order?

7 Okay. Well I'll give you a little bit out of order. So the  
8 good news is you're done for today so that's early. The bad news  
9 is you don't get to see me tomorrow. I'm sure you're going to be  
10 really disappointed by that. But that's also the really good news is  
11 we're going to be dark tomorrow. The really, really good news is  
12 that the State anticipates that they're going to finish with their case  
13 probably by about lunch time or early afternoon on Monday, so  
14 we're way ahead of schedule in that regard.

15 There was one witness scheduled for tomorrow, but I  
16 asked them to move him to Monday because I didn't want to bring  
17 you in just for like an hour. So we're going to start Monday at 9:00  
18 but we'll be dark all tomorrow instead of just in the afternoon. So  
19 you have your lives back for tomorrow. And then we'll start up  
20 Monday morning at 9:00, okay?

21 So that's kind of like really good news and really, really  
22 good news, right?

23 All right. During the recess you're admonished not to talk  
24 or converse among yourselves or with anyone else on any subject  
25 connected with the trial. Or read or watch or listen to any report of

1 or commentary on the trial by any medium of information  
2 including, without limitation, newspapers, television, the internet,  
3 and radio. Or form or express any opinion on any subject  
4 connected with the case until it's finally submitted to you. No legal  
5 or factual research, or investigation, or social media  
6 communication on your own.

7 One of the things I should have added is the other  
8 witnesses weren't available until Monday so there was no way to  
9 get them all in and have them finish up tomorrow. That's why we  
10 decided to kick the one witness over to Monday, okay?

11 But anyway, three-day weekend, I hope you enjoy  
12 yourselves, and I will see you Monday morning. Thank you very  
13 much for your time.

14 [Outside the presence of the jury]

15 THE COURT: Anything outside the presence?

16 MR. PESCI: Judge, the only thing I would ask, I'm going  
17 to try to get the instructions done --

18 THE COURT: Okay.

19 MR. PESCI: -- either tonight or tomorrow. And if we could  
20 all try to get them to each other tomorrow --

21 THE COURT: Yeah.

22 MR. PESCI: -- that way --

23 THE COURT: I would like for you guys to use that time to  
24 kind of get together in some fashion, whether it's phone conference  
25 or what. So just exchange everything and kind of include us on the



1 e-mails, so we have them.

2 MR. PESCI: And then on Monday you're saying we'll hash  
3 those out --

4 THE COURT: Yeah.

5 MR. PESCI: -- settle them and we'll argue Tuesday.

6 THE COURT: Yes.

7 MR. PESCI: Of course accommodating --

8 MR. YAMPOLSKY: Tuesday, not Monday.

9 MR. PESCI: -- Mace's time schedule.

10 THE COURT: Tuesday afternoon at 1:00.

11 MR. PESCI: But he's admitted that he knows we're closing  
12 on Tuesday.

13 MR. HELMICK: Your Honor, what time on Monday?

14 THE COURT: 9:00.

15 MR. HELMICK: 9:00. Okay.

16 THE COURT: Yeah.

17 [Evening recess at 4:00 p.m.]

18 \* \* \* \* \*

19  
20  
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

MONDAY, AUGUST 05, 2019

**TRANSCRIPT OF PROCEEDINGS**  
JURY TRIAL - DAY 5

APPEARANCES:

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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

1 **WITNESS INDEX**

2 **STATE'S WITNESSES**

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Las Vegas, Nevada, Monday, August 05, 2019

[Trial began at 9:09 a.m.]

[Outside the presence of the jury]

THE COURT: All right. Do you all have anything outside the presence?

MR. PESCI: No, Your Honor.

MR. HELMICK: Just one thing.

THE COURT: Okay.

MR. HELMICK: I have some exhibits from the clips of the videos. The State has agreed to stipulate those into evidence.

THE COURT: Okay.

MR. HELMICK: They're just clips from particular parts of the video. That's all.

[Colloquy between the Court and the Clerk]

THE COURT: And is that correct, no objection?

MR. PESCI: No objection from the State. And I just showed D and E to Mr. Yampolsky.

THE COURT: Okay.

MR. YAMPOLSKY: I don't know if this --

THE COURT: Mace, you don't have any objection either?

MR. YAMPOLSKY: To what?

THE COURT: Defense Exhibits D and E?

MR. YAMPOLSKY: No.

**[DEFENSE EXHIBIT NUMBERS D and E ADMITTED]**

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THE COURT: Okay. And then with regard to Mr. Meadows testimony this morning, my understanding is that the Defense does not have any disagreement with the proposed exhibit regarding his written agreement to testify. That exhibit was redacted to remove -- Mace?

MR. PESCI: Mace.

THE COURT: The exhibit on Mr. Meadows' agreement to testify was redacted to remove all the truthfully language from it. I mean, I think that's a fair characterization, correct?

MR. PESCI: Yes.

MR. YAMPOLSKY: Yeah.

THE COURT: Understanding that that really wasn't relevant to his testimony, questioning him about the document, and impeaching him, anything like that because that's the portion that the Court decides later on if he says truthfully.

And so the Defense doesn't have any objection to the redacted document, correct? Mr. Helmick?

MR. HELMICK: That's correct, Your Honor.

MR. YAMPOLSKY: That's correct.

THE COURT: All right. And under the statute and case law, the Court shall allow the -- or permit the jury to review that. So we'll have that introduced as Exhibit --

THE CLERK: 152.

THE COURT: 152. Understanding that if you feel the need

1 that the unredacted version somehow becomes relevant and  
2 admissible, then we'll talk about that at the bench first, okay?

3 [Colloquy between the Court and the State]

4 THE COURT: Okay. You guys have anything else before  
5 we get started?

6 MR. PESCI: Not from the State.

7 MR. HELMICK: No, Your Honor.

8 THE COURT: No. All right. We can go ahead and get our  
9 jurors, please.

10 [Colloquy between Counsel]

11 THE COURT: Yeah?

12 MR. YAMPOLSKY: Just before the jury comes in, I just  
13 want to address something, okay?

14 THE COURT: That's why I just asked that question.

15 MR. YAMPOLSKY: Oh, okay.

16 THE COURT: But go ahead.

17 MR. YAMPOLSKY: But now I'm listening.

18 In any event, this weekend I decided that in an abundance  
19 of caution I might want to have Nathan Planells testify so we sent  
20 out our investigator who tried to serve -- and there's all these  
21 permutations but anyway, I get a call from the mother essentially  
22 saying well I haven't heard from the DA investigator, so I don't  
23 know if I'll be able to show up or not.

24 And I said you know with all due respect, mom, you've  
25 been served with a subpoena, you know, this isn't optional.

1 THE COURT: And he's still under 18?  
2 MR. PESCI: Yes.  
3 THE COURT: Okay.  
4 MR. PESCI: That's my understanding.  
5 THE COURT: Okay. Go ahead.  
6 MR. YAMPOLSKY: And, you know, I spoke to Mr. Pesci,  
7 he said he talked to his investigator. We got the direct number for  
8 the kid, called that, mom called back again, and I said, you know, I  
9 just want to make sure -- oh no, I talked to the investigator, I'll be  
10 here at 1:00 --  
11 THE COURT: Okay.  
12 MR. YAMPOLSKY: -- today.  
13 We may not need her but if we -- I was just saying in an  
14 abundance of caution, I'm sure she heard from you --  
15 THE COURT: Okay.  
16 MR. YAMPOLSKY: -- she would show up. I don't think it's  
17 going to be necessary, but I just wanted to put it on the record just  
18 in case we're scrambling.  
19 THE COURT: Heard from me?  
20 MR. YAMPOLSKY: Yeah, why not  
21 THE COURT: Well I mean, I don't --  
22 MR. YAMPOLSKY: You're the Judge.  
23 THE COURT: -- reach out to witnesses though.  
24 MR. YAMPOLSKY: What?  
25 THE COURT: I don't reach out to witnesses in any fashion.



1 MR. YAMPOLSKY: Well you could.

2 THE COURT: Well.

3 MR. PESCI: So, Judge, to perfect the record, Mr.

4 Yampolsky did contact me over the weekend saying he was having  
5 difficulty with this witness. I asked him has the witness been  
6 subpoenaed and he said yes and so I reached out to my  
7 investigator and I said please reach out to mom and explain to her  
8 if she's been subpoenaed, she needs to come to court.

9 The last thing I understood was that she was planning on  
10 being here at 1:00 because we had asked Mace what time did you  
11 want her to be here --

12 THE COURT: Okay.

13 MR. PESCI: -- he had said 1:00. So it's my belief that she  
14 will be here at 1:00.

15 THE COURT: Okay.

16 MR. PESCI: I think that Mace is saying that potentially  
17 through a different witness he might get out what he wants --

18 THE COURT: Okay.

19 MR. PESCI: -- so we'll see but --

20 MR. YAMPOLSKY: Right.

21 MR. PESCI: -- we tried to help with that situation.

22 THE COURT: All right.

23 MR. YAMPOLSKY: And --

24 THE COURT: You can have your investigator reach out to  
25 her and indicate to her that the Court said I expect her to be here at

1 1:00 or I'll issue a material issue warrant, but I don't phone --

2 MR. YAMPOLSKY: No, I --

3 THE COURT: -- witnesses or anything like that.

4 MR. YAMPOLSKY: And I told her that if in fact she didn't  
5 show up I was going to ask the Court --

6 THE COURT: Sure. Sure. No worries.

7 Okay. You can go ahead and get them in. Thank you.

8 [In the presence of the jury]

9 THE MARSHAL: All rise for the jury.

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

11 We are going to be back -- well first off, Good morning,  
12 Ladies and Gentlemen. Welcome back.

13 We're going to be on the record. Mr. Caruso, Mr. Harlan,  
14 the attorneys, all of our jurors are present.

15 We're going to continue on, folks, with the State's case in  
16 chief. So you all can call your next witness.

17 MR. PESCI: The State calls Traceo Meadows.

18 THE COURT: Thank you.

19 **TRACEO MEADOWS**

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

22 THE CLERK: Thank you, please be seated.

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

25 ...

1 THE WITNESS: Traceo Meadows. T-R-A-C-E-O,  
2 M-E-A-D-O-W-S.

3 THE COURT: Thank you very much.

4 All right. Mr. Pesci.

5 MR. PESCI: Thank you very much.

6 **DIRECT EXAMINATION**

7 BY MR. PESCI:

8 Q Mr. Meadows, how are you?

9 A Good.

10 Q Thank you for being here. There's a microphone in front  
11 of you. You're somewhat soft-spoken at times, so just make sure  
12 you keep your voice up so everybody can you hear, okay?

13 A All right.

14 Q Thank you very much.

15 I want to direct your attention to June of this year -- or  
16 June of 2018 actually, and specifically focus in on the timeframe of  
17 June 7th and June 8th of 2018. I want to ask you specifically if you  
18 went to a party at a house on Cool Lilac?

19 A Yes.

20 Q All right. I want to show you -- and I believe to your left.  
21 there should be a monitor on.

22 And State's 71. Do you recognize that location?

23 A Yes.

24 Q Is this the house that you went to?

25 A Yes.

1 Q How did you first hear about a party being at this house?

2 A From a friend.

3 Q And did the friend reach out to you on a phone or some  
4 other way?

5 A Yes.

6 Q Okay. And then did you go to this location?

7 A Yes.

8 Q And how did you get there?

9 A The bus.

10 Q Did you get there on, was it June the 8th?

11 A I don't remember the date.

12 Q Okay. Well let put it to you this way. The day that these  
13 vents all occurred, is that the day that you went to the house or  
14 were you there more than one day?

15 A The day before.

16 Q Okay. So your first day there was the day before?

17 A Yes.

18 Q Okay. And I want to show you State's Exhibit 87.

19 Do you recognize the inside of the house?

20 A Yes.

21 Q Okay. So if you were there the day before on June the  
22 7th, do you recall who is there when you were there?

23 A Not everybody.

24 Q Okay. Were there some people there, as far as like  
25 numbers? What do you think as far as how many people?

1 A 10? 15?

2 Q All right. Were there some girls?

3 A Yes.

4 Q Were there some boys?

5 A Yes.

6 Q Okay. Did you stay the night?

7 A No.

8 Q All right. Did you eventually leave that house depicted in

9 State's 71, on the night of the 7th?

10 A Yes.

11 Q All right. Did you come back on the 8th?

12 A Yes.

13 Q All right. And how did you get there on the 8th?

14 A The bus.

15 Q Okay. When you got there on the 8th, did you come with

16 anybody?

17 A No.

18 Q All right. When you got there on the 8th, how did you get

19 in?

20 A The back.

21 Q Okay. And when you came in on the 8th, was anybody

22 there?

23 A No.

24 Q Okay. Did you do anything or were you looking for

25 anything, had someone told you something such that you'd be

1 looking around when you got there?

2 A Yes.

3 Q All right. What had you been told?

4 A That there was a body.

5 Q Okay. And when you got to the house on June 8th, do  
6 you remember about what time it was, estimated?

7 A No.

8 Q Okay. Was it the morning or was it the evening?

9 A Morning.

10 Q Okay. Did you see a body?

11 A Yes.

12 Q Where did you see it?

13 A On the floor in the kitchen.

14 Q Okay. On the floor you said?

15 A Yes.

16 Q All right. I want to show you State's Exhibit 84.

17 On the floor in State's 84, there seems to be some bloody  
18 towels and things. Is that the area where you saw the body?

19 A Yes.

20 Q Okay. When you first got there you said you were alone?

21 A No.

22 Q Okay. Who was there?

23 A Some guy. I don't know who he was.

24 Q Okay. And was he inside -- let me show you State's  
25 Exhibit 87.

1                   Was he in somewhere in the house like in this area or  
2 somewhere else?

3       A     No, he was in the backyard coming out of the house.

4       Q     Okay. Did you exchange some words with him?

5       A     Yes.

6       Q     Okay. Is that where you got information about a body?

7       A     Yes.

8       Q     Okay. When you got inside, was there anybody there at  
9 that point?

10      A     No.

11      Q     Okay. So did that guy leave or did he stay?

12      A     He left.

13      Q     Okay. Do you know him?

14      A     No.

15      Q     All right. How would you describe him generally?

16      A     Light skin, curly hair.

17      Q     All right. Male?

18      A     Yes.

19      Q     Okay. Under 18? 18?

20      A     I couldn't tell.

21      Q     Okay. Didn't seem like an adult though?

22      A     No.

23      Q     Okay. So when you got in there and you saw the body in  
24 that area -- and actually in State's Exhibit 87, you can kind of see  
25 some of those towels. What, if anything, did you do?

1           A     Can you repeat the question?

2           Q     Yeah, I apologize. When you got there and you saw the

3 body, what, if anything, did you do?

4           A     Nothing.

5           Q     All right. Did you touch that body?

6           A     No.

7           Q     Okay. Were you kind of stunned at what you were

8 seeing?

9           A     Yes.

10          Q     Was there someone you were expecting to meet or who

11 did you think you were going to be seeing there?

12          A     People that invited me.

13          Q     Okay. And who was that?

14          A     Alaric.

15          Q     Alaric?

16          A     Yes.

17          Q     All right. And did you see Alaric at some point?

18          A     No.

19          Q     All right. Did somebody else come to the house?

20          A     Can you repeat that?

21          Q     Did somebody else come to the house?

22          A     Yes.

23          Q     Who came to the house?

24          A     Jaiden and Kody.

25          Q     All right. And are Jaiden and Kody seated in here today in



1 the courtroom?

2 A Not that I can see.

3 Q You don't see them here in court?

4 A No.

5 Q Okay. When they came to the court -- or I'm sorry, when  
6 they came to this room, what did they do?

7 A They told me what happened.

8 Q Okay. What did they tell you happened?

9 A That they -- that Jaiden killed the dude.

10 Q Okay. Was Jaiden speaking?

11 A Yes.

12 Q All right. Did Kody say anything?

13 A No.

14 Q Okay. And then after Jaiden said he had killed the dude,  
15 what did he say needed to happen?

16 A To move the body.

17 Q Okay. And then was anything done to move the body?

18 A A plastic bag was put over the body.

19 Q Okay. And what happened after the plastic bag was put  
20 over the body?

21 A He was moved.

22 Q And moved from where to where?

23 A The kitchen to the closet.

24 Q The kitchen to the closet. Okay.

25 Who was involved in moving him?

1           A     Me and Jaiden.

2           Q     Okay. I know this is kind of difficult but what specifically  
3 did you do and what did Jaiden do to move that body?

4           A     I grabbed his legs, he grabbed his arms.

5           Q     Okay. I want to stop for a second here and just approach  
6 with State's Exhibit 152.

7                   MR. PESCI: I believe it's been entered by stipulation, Your  
8 Honor.

9                   THE COURT: Okay.

10          BY MR. PESCI:

11          Q     After this was all over, later on, did the police speak to  
12 you?

13          A     Yes.

14          Q     And then in fact, did you get charged in relation to  
15 moving the body?

16          A     I'm not sure.

17          Q     Okay. Well, do you remember having charges in Juvenile  
18 Court?

19          A     Yes.

20          Q     Okay. And as a part of your charges, was there an  
21 agreement made as far as you testifying?

22          A     Yes.

23          Q     Okay. And looking at State's, looks like Exhibit 152, do  
24 you recognize that?

25          A     Yes.

1 Q Okay. is this in fact your agreement that you entered into  
2 between the State of Nevada and you and your attorney regarding  
3 your case and your involvement in this case?

4 A Yes.

5 Q All right. In fact, did the DA, not me but a different DA,  
6 sign off on this and then you and your attorney sign off on this?

7 A Yes.

8 Q All right. And then as a part of that agreement, is the  
9 concept that your other juvenile charges, you'd be addressing those  
10 and this associated with the accessory would be held off, kind of  
11 stayed until after you testified?

12 A Yes.

13 Q Okay. So this is the deal that you worked out, right?

14 A Yes.

15 Q Okay. Now when you helped move that body, how did it  
16 get into that closet?

17 A I'm confused on your question.

18 Q Yeah. That was a bad question, sorry.

19 Were you able to get his body all the way into the closet?

20 A For the most part, yeah.

21 Q All right. Was he laying flat or no?

22 A Yeah.

23 Q Okay. So he was completely flat?

24 A Yeah.

25 Q Okay. I'm sorry, was that a yes?

1       A     Yes.

2       Q     All right. Thank you.

3             When you did that, that was with Jaiden you said?

4       A     Yes.

5       Q     And what was Kody doing?

6       A     I'm not sure.

7       Q     Okay. Do you recall what happened with -- well let me ask

8     you this, the individual on the floor, did you know him?

9       A     Yes.

10      Q     And who did you know him to be?

11      A     Matthew Minkler.

12      Q     All right. Do you know what happened -- I want to show

13     you State's 84. What happened to Matt's shoes?

14      A     They were taken off.

15      Q     All right. Showing you State's 84, specifically looking at

16     this area here, are those his shoes?

17      A     Yes.

18      Q     All right. Who took his shoes off?

19      A     Kody.

20      Q     Kody took his shoes off?

21      A     Yes.

22      Q     Okay. And then was there anything else that Kody did to

23     the body before it got moved by you and Jaiden?

24      A     We searched his pockets.

25      Q     He checked the pockets?

1           A     Yes.

2           Q     And that was Kody, you said?

3           A     Yes.

4           Q     Okay. Did you check the pockets?

5           A     No.

6           Q     Did Jaiden check the pockets?

7           A     No.

8           Q     All right. And that was done before his body was moved

9 away?

10          A     Yes.

11          Q     All right. And then after he was put into the closet, what

12 did you do?

13          A     I got some spray paint.

14          Q     Okay. And what did you do with the spray paint?

15          A     I spray painted the wall where the pool table was.

16          Q     Where this pool table was?

17          A     Yeah.

18          Q     So looking at -- let's go back, maybe it'll be a little easier.

19 State's 87.

20                Is that the area where the spray paint you put on the wall?

21          A     Yes.

22          Q     Okay.

23                THE COURT: Just -- could you put that up please,

24 Giancarlo?

25                MR. PESCI: I'm sorry. State's 87.

1 THE COURT: As you're looking into the picture at the very  
2 back wall, that's kind of running parallel from the view that you  
3 have as where it was -- beyond those doors into the next room? Is  
4 that correct?

5 MR. PESCI: Yes.

6 THE COURT: Okay. Thank you.

7 BY MR. PESCI:

8 Q Mr. Meadows, is that accurate, that you're referring to  
9 beyond these doors into that room area?

10 A Yes.

11 Q Okay. Now that spray paint there, are you talking about --  
12 well let me ask you this. Did you spray paint F-Matt?

13 A No.

14 Q Okay. Was that spray painted like that when you first got  
15 there before the body was moved?

16 A No.

17 Q All right. So was this spray painted after the body was  
18 moved?

19 A Yes.

20 Q Did you spray paint it?

21 A No.

22 Q Did you see who spray painted it?

23 A Yes.

24 Q Who spray painted it?

25 A Kody.

1 Q All right. Now after that spray painting happened and you  
2 spray painted in the room with the pool table, what did you do?

3 A I went outside.

4 Q Okay.

5 [Colloquy between Counsel]

6 BY MR. PESCI:

7 Q So I want to show you State's Exhibit 77.

8 When you talk about outside, are you referring to the  
9 backyard area?

10 A Yes.

11 Q Okay. And did wait out there?

12 A Yes.

13 Q Were you by yourself?

14 A Yes.

15 Q Where were Jaiden and Kody?

16 A In the house.

17 Q And how long do you think you were out there for?

18 A A couple minutes.

19 Q Okay. While you were out there, what did you hear?

20 A A lot of noise, glass breaking.

21 Q Okay. Noise and glass breaking?

22 A Yes.

23 Q Okay. To be clear, was there anybody in the house at that  
24 point other than Kody and Jaiden?

25 A No.

1 Q You were outside.

2 A Yes.

3 Q And the young men you talked about earlier had left

4 before even Kody and Jaiden arrived?

5 A Yes.

6 Q Okay. So after those, how many minutes did you say you

7 thought they were in?

8 A A couple.

9 Q A couple of minutes. After that, what happened?

10 A They came outside.

11 Q When they came outside, what, if anything, did you three

12 do?

13 A Left.

14 Q All right. And how did you leave?

15 A In a car.

16 Q All right. Was it a Mercedes?

17 A Yes.

18 Q Did you get in the Mercedes?

19 A Yes.

20 Q And then where did you go?

21 A To the mall.

22 Q Okay. Do you remember which mall it was?

23 A The Galleria.

24 Q And what happened in the Galleria Mall?

25 A They bought some clothes, stole some stuff.



1 Q Okay. Who's driving when you left this house and you  
2 went to the Galleria Mall?

3 A Kody.

4 Q Okay. Was there any conversation after leaving that  
5 house and on the way to buy the clothes about what had happened  
6 and what you'd seen?

7 A Yes.

8 Q What was the conversation?

9 A That Jaiden killed him. That he accidentally killed him.

10 Q So did he say to you that it was an accident?

11 A Yes.

12 Q All right. Did his -- did he continue to say it was an  
13 accident or did he change as far as the way he described it?

14 A It changed.

15 Q How did it change?

16 A That it wasn't so much as an accident.

17 Q And how did it seem to you that it wasn't an accident?  
18 What was it that you heard or saw that made you think that?

19 A He was kind of like boasting about it.

20 Q Okay. Did you see any videos of it?

21 A Yes.

22 Q All right. Speaking of videos, are you actually -- you've  
23 seen some of these videos after the fact?

24 A Yes.

25 Q Are you in the video?

1 A Yes.

2 Q In fact -- I guess I should say, is your voice in the video?

3 A Yes.

4 Q All right. Are you the one that says, are we just going to  
5 leave this person here?

6 A Yes.

7 Q Okay. After the mall, what did -- well, you said what was  
8 the shopping that was done at the mall?

9 A Clothes. Shoes.

10 Q Okay. And then after the shopping at the mall, what  
11 happened?

12 A We left.

13 Q All right. Did all three of you leave together?

14 A Yes.

15 Q Did you get back in the Mercedes?

16 A Yes.

17 Q And did you go somewhere?

18 A Somewhere, but then I left.

19 Q Okay. Why was that?

20 A I just didn't feel comfortable.

21 Q What was it that made you not feel comfortable?

22 A They just killed somebody.

23 Q Okay. Was there anything else that made you feel  
24 uncomfortable as far as the way people were behaving towards  
25 you?

1           A     Just like the way they were looking at me.

2           Q     All right. And who in particular was looking at you?

3           A     Kody.

4           Q     Okay. Now did you see Kody with spray paint inside that

5 house on that day?

6           A     Yes.

7           Q     Okay. At some point, going back to the moving of the

8 body, was Kody asked to be involved in moving the body?

9           A     No.

10          Q     Okay. Was there a reason why he wasn't moved? Why

11 he wasn't involved in the move, I'm sorry?

12          A     Not necessarily.

13          Q     Okay. Did you see anything happen in the sink area?

14                Looking at State's 84.

15                THE COURT: At which point in time are you taking about?

16                MR. PESCI: I apologize. Thank you, Your Honor.

17 BY MR. PESCI:

18          Q     So back to around the time where the body's there and

19 the body's moved, did you see anything happen with the sink? The

20 water from the sink?

21          A     Yes.

22          Q     What happened?

23          A     Jaiden was spraying the little spray thing from the sink.

24          Q     Okay.

25                MR. PESCI: Court's indulgence.

1 BY MR. PESCI:

2 Q When you first arrived at the house that morning on the  
3 8th, was the Mercedes Benz there?

4 A No. Not that I know of.

5 Q You didn't see it.

6 A No.

7 Q And then when you first got there, Jaiden and Kody were  
8 not there.

9 A No.

10 MR. PESCI: Court's indulgence.

11 Pass the witness.

12 THE COURT: Mr. Helmick.

13 MR. HELMICK: Thank you, Your Honor.

14 **CROSS-EXAMINATION**

15 BY MR. HELMICK:

16 Q Okay. Traceo, let's talk about when you first arrived to the  
17 house. When you arrived to the house, you said that you ran into  
18 somebody who was on the side of the house, right?

19 A Yes.

20 Q Okay. It was a kid that was Mexican-looking, isn't that  
21 right? Light skinned.

22 A He was light skinned.

23 Q Okay. And he was Mexican-looking, he had a Mexican-  
24 style haircut, right?

25 A It was light skin.

1 Q No, I'm asking --  
2 A He had curly hair.  
3 Q -- was he Mexican-looking?  
4 A He had curly hair.  
5 Q Was he Mexican-looking, is the question.  
6 A No, he was light skinned.  
7 Q Okay. And you had a conversation with him, isn't that  
8 right?  
9 A Yes.  
10 Q Okay. And he told you that somebody had been shot in  
11 that house, right?  
12 A Yes.  
13 Q Okay. And you walked into the house, right?  
14 A Yes.  
15 Q You saw the body on the floor, right?  
16 A Yes.  
17 Q Moments after that, Jaiden walked into the house as well,  
18 right?  
19 A Jaiden and Kody, yes.  
20 Q Okay. Jaiden walked into the house, isn't that right?  
21 A Yes.  
22 Q Okay. And when Jaiden walked into the house, he said it  
23 was an accident, he was playing Russian Roulette and accidentally  
24 shot Matt, isn't that right?  
25 A He told me it was an accident, yes.

1 Q Okay. My question, Traceo, is he said it was an accident.  
2 He was playing Russian Roulette and he accidentally shot Matt,  
3 isn't that right?

4 A He told me it was an accident. That's all he told. He said  
5 it was an accident.

6 Q Okay. That's all he told you?

7 A Yes.

8 Q Okay. Do you remember having a conversation with the  
9 police, Traceo?

10 A Yes.

11 Q In this case?

12 A Yes.

13 Q Do you remember that conversation being interviewed?

14 A Yes.

15 Q Okay. And you were truthful in that conversation with the  
16 police, isn't that right?

17 A Yes.

18 Q Okay.

19 MR. HELMICK: Page 14.

20 May I approach?

21 THE COURT: Yes.

22 BY MR. HELMICK:

23 Q And you knew that that conversation like I said was being  
24 recorded, right?

25 A Yes.

1 Q Have you read the transcription of your recording lately?

2 A Yes.

3 Q When's the last time you read it?

4 A Last week.

5 Q Okay. Good. So I'm going to point you to page 14 and I  
6 want you to read here at the bottom starting on Line 17.

7 A I'm like what's going on, he told me it was an accident.  
8 He told me they were playing Russian Roulette. He say he  
9 accidentally -- that he accidentally shot him.

10 Q Okay. Thank you.

11 Okay. Now you also talked to the police about Kody's  
12 demeanor that day, right?

13 A Yes.

14 Q Right. How he was acting and so forth, right?

15 A Yes.

16 Q Okay. And you specifically said that Kody was out of it,  
17 right?

18 A Yes.

19 Q Okay. That he wasn't really even talking, right?

20 A Yes.

21 Q Okay. And that he was awful to the point where he  
22 couldn't even comprehend what was going on, he was just  
23 standing there. Isn't that what you said?

24 A Yes.

25 Q Okay. Now you said that Kody was the one who did the

1 spray paint, right?

2 A Yes.

3 Q Okay. Now you were the -- you talked to the police about  
4 the spray painting, right?

5 A Yes.

6 Q All right. Do you remember telling the police that Kody  
7 never spray painted?

8 A No.

9 Q You don't remember that?

10 A No.

11 Q Okay. Do you remember telling the police that you didn't  
12 know who spray painted?

13 A No.

14 Q Okay. So let me refresh your memory then.

15 MR. HELMICK: Page 50 and 51.

16 May I approach, again?

17 THE COURT: Yeah.

18 MR. YAMPOLSKY: Did you says 50/51?

19 MR. HELMICK: 50/51.

20 MR. YAMPOLSKY: Thank you.

21 BY MR. HELMICK:

22 Q Okay. Go ahead and read that for me there?

23 A I don't know what he did with the spray paint.

24 Q Okay. And who is the officer talking about?

25 A I don't know?



1 Q Let's go back. Let's go to 45.  
2 Okay. What'd you say there?  
3 A So yes, Kody has spray paint.  
4 Q Okay. And the officer said at a -- so who does the spray  
5 paint? That's -- that part's important, right?  
6 And then you say what?  
7 A I don't know who spray painted.  
8 Q You don't know who spray painted. Who had the spray  
9 paint in their hand?  
10 A Kody  
11 Q You sure?  
12 A Yes.  
13 Q Okay. But when he came in, he did not have it in his  
14 hand, isn't that right?  
15 A Right.  
16 Q Okay. But you don't ever see him spray paint, isn't that  
17 what you said? I mean, that's what the officer said, right?  
18 A Yes.  
19 Q And what'd you say? Uh-huh?  
20 A Yes.  
21 Q Okay. And then you also said did you ever hear what was  
22 spray painted in the house? And what'd you say to that? You said  
23 no to that, right?  
24 A Yes.  
25 Q I'm sorry, the officer asked you did you ever hear what

1 was spray painted and you said no, right?

2 A Right.

3 Q Okay. And this -- when you gave this interview to the  
4 detective in this case, this is when it was all fresh in your mind,  
5 right? It just had happened just a few days before, right?

6 A Right.

7 Q Okay. Interestingly enough, you had spray painted that  
8 day in the house, right?

9 A Yes.

10 Q Okay. And you spray painted the night before in the  
11 house when you were there on Thursday too, right?

12 A No.

13 Q You didn't?

14 A No.

15 Q Okay. Well I guess we got to refresh your memory again  
16 here, Traceo.

17 MR. HELMICK: Page 24 and 26.

18 May I approach again, please?

19 THE COURT: Yeah.

20 MR. HELMICK: Thank you.

21 BY MR. HELMICK:

22 Q Okay. So the officer asked -- go ahead and look at this,  
23 Traceo: Did you see anybody spray painting?

24 We had spray paint there and we spray painted the room  
25 that had the pool table in it.

1                   Yeah.

2                   We did. I partake in it. That's what important, right? I did  
3 partake in it.

4                   That's what you said, right?

5                   Go ahead and read that to yourself.

6           A       Okay.

7           Q       Does that make sense? I know it's kind of broken up a  
8 little bit, right?

9           A       Yes.

10          Q       Okay. So you told the police during that first part of the  
11 interview that you didn't know what was spray painted on that  
12 door, right?

13          A       Yes.

14          Q       Okay. Later in the interview, as the interview progressed  
15 you said now you did remember what was spray painted on the  
16 door and you remembered it being Fuck Matt. Do you remember  
17 telling the police that later in the interview?

18          A       No.

19          Q       Okay. Do you remember calling Kristin Prentiss later that  
20 evening?

21          A       No.

22          Q       You don't remember calling her and telling her that --  
23 about the Fuck Matt on the door?

24          A       No.

25          Q       Okay. So let's go to the claim that you saw Kody taking

1 Matt's wallet out of his pocket.

2 A Uh-huh.

3 Q Do you remember making that claim just a minute ago?

4 A Yes.

5 Q Yeah. You were -- you talked to the police about that too,  
6 right? They asked you about that?

7 A Yes.

8 Q Yeah. Okay. So I'm going to show you a photo here in a  
9 minute, but I want to just point something out to you. Didn't you  
10 tell the police that you actually never saw Kody touch Matt's  
11 pockets? Isn't that what you told them?

12 A When?

13 Q When you had the interview with the police.

14 A I don't recall.

15 Q You don't recall, okay. We'll get you freshened up.

16 MR. HELMICK: 62.

17 BY MR. HELMICK:

18 Q Okay. What's that say there when he's asking about the  
19 pockets?

20 A That he never touched any of his pockets.

21 THE COURT: What's the page reference, Ryan?

22 MR. HELMICK: Sorry. Page 62, Your Honor. Page 62.

23 BY MR. HELMICK:

24 Q Go ahead and repeat that.

25 A That he never touched any of his pockets.

1 Q Okay. Thank you.

2 You also had mentioned on direct examination that  
3 Kody's body, according to you lay -- I mean, sorry, Matthew's body  
4 laid in the same position in that house the whole time you were  
5 there. Do you remember making that statement?

6 A No.

7 Q Okay. Do you remember being asked about the position  
8 of Matthew's body when you walked in the house?

9 A No.

10 Q Okay. Do you remember telling the police the whole time  
11 you were in the house Matt laid in the same position?

12 A Can you repeat your question?

13 Q Yeah, no problem. Do you remember telling police the  
14 whole time that you were in the house that Matt laid in the same  
15 position? Until he was moved obviously.

16 A Okay. Yes.

17 Q Okay. I want to show you Defense Exhibit D. Now you  
18 recall that there was some videos taken in that house by Jaiden,  
19 right?

20 A Yes.

21 Q Okay. And you were present -- your voice was on one of  
22 those videos, right?

23 A Yes.

24 Q Okay. Now -- situate this. Okay. This is from Video  
25 Number 1. Do you remember this?

1           A     No.

2           Q     Okay. Well look at the position of Matt's body in Video  
3 Number 1, okay? You see that?

4           A     Yes.

5           Q     Okay. His body had not been moved to the closet at that  
6 point, right?

7           A     Right.

8           Q     Okay. Now let's look at the position of Matt's body in  
9 Defense Exhibit E. That's a different position, isn't it?

10          A     Yes.

11          Q     Yeah. And who's standing behind him with the black  
12 jeans and the shoes?

13          A     Me.

14          Q     That's you, right?

15          A     Yes.

16          Q     Yeah. You said you had taken the bus to the house that  
17 day, right?

18          A     Yes.

19          Q     That you had slept in the park just the night before this  
20 incident had happened, right?

21          A     Yes.

22          Q     So safe to say you needed some money, right?

23          A     Why would you say that?

24          Q     Well I mean, would you -- were your finances okay at that  
25 particular time in your life?

1           A     I guess so.

2           Q     Okay.

3           A     I'm confused on what your question means.

4           Q     Sure. That's okay.

5                     Now you had also said that you were -- actually let's go  
6 back to the wallet for a second. When you drove to the mall, you  
7 sat in the right rear back seat of the car, right? Of the Mercedes  
8 Benz.

9           A     I sat in the back. I don't remember what side I sat on. It's  
10 in the back, yes.

11          Q     Okay. So Kody was driving, right?

12          A     Yes.

13          Q     Jaiden was in the passenger seat?

14          A     Yes.

15          Q     And you were in the right rear back seat? You said you  
16 don't remember where though.

17          A     Yes, I was in the back.

18          Q     Okay. You said that while you were in the house that you  
19 didn't first see the Fuck Matt written on the door, right?

20          A     Yes.

21          Q     And then you -- after you helped move the body you all  
22 the sudden just went outside by yourself, right?

23          A     Yes.

24          Q     And you just sat out there, right?

25          A     Yes.

1 Q While they just stayed inside the house?  
2 A Yes.  
3 Q Kody and Jaiden, right?  
4 A Yes.  
5 Q Okay. This was June 8th, 2018, right?  
6 A Yes.  
7 Q Yeah. Summertime, right?  
8 A Yes.  
9 Q Okay. There were no chairs in the backyard, isn't that  
10 right?  
11 A Yes.  
12 Q And it was the middle of the day, right?  
13 A Yes.  
14 Q Okay. I'm going to show you State's Exhibit 77.  
15 Is that an accurate picture of the backyard there?  
16 A Yes.  
17 Q Okay. Show you State's 81.  
18 Is that also an accurate picture of the backyard there?  
19 A Yes.  
20 Q Okay. Do you see any place to sit outside other than  
21 those big rocks?  
22 A No.  
23 Q Now there was some talk about your voice on the video,  
24 right?  
25 A Yes.



1 Q I think we all heard what it said.

2 A Yes.

3 Q You didn't say are we just going to leave this person here  
4 as you were concerned, isn't that right?

5 A Yes.

6 Q Yeah. You said are we just going to leave this nigger  
7 here; isn't that what you said?

8 A Yes.

9 Q Yeah. Okay.

10 And part of the negotiation for you in this case to testify  
11 here was for being charged with being an accessory to murder,  
12 right?

13 A Yes.

14 Q And for another charge, malicious destruction of property,  
15 right?

16 A I'm not sure.

17 Q Okay. Well let me show you your charge here.

18 MR. HELMICK: May I approach?

19 THE COURT: Yes.

20 MR. HELMICK: Showing him the petition from Juvenile  
21 Court.

22 BY MR. HELMICK:

23 Q Do you recognize that petition?

24 MR. PESCI: Judge, I apologize. I don't think that's a  
25 marked exhibit.

1 MR. HELMICK: Well I thought this was --

2 MR. PESCI: No.

3 MR. HELMICK: Oh --

4 THE COURT: That's not marked. I mean, you can use it to  
5 refresh his memory.

6 MR. HELMICK: Okay. Sure. That's what I'll do then.

7 Thank you.

8 THE COURT: Okay.

9 BY MR. HELMICK:

10 A Okay.

11 Q Okay. So does that help you refresh your memory in  
12 regards to one of the other charges in Juvenile Court?

13 A Yes.

14 Q Yeah. And malicious destruction of private property was  
15 that charge, right?

16 A Yes.

17 Q Okay. So spray painting inside of a house, you would  
18 agree is destruction of private property, right?

19 A Yes.

20 Q Okay. So you're prone, isn't that right, to doing things like  
21 that?

22 A Prone?

23 Q Prone.

24 MR. PESCI: Judge, I object as to the --

25 THE COURT: I will --

1 MR. PESCI: -- accusation of prone.  
2 THE COURT: -- sustain the objection.  
3 MR. HELMICK: Sure, I'll move on.  
4 MR. PESCI: And I'd move to strike.  
5 THE COURT: I'll strike the last questions and answers  
6 on --  
7 MR. PESCI: Thank you, Your Honor.  
8 THE COURT: -- asking about whether he's prone to  
9 something.  
10 MR. HELMICK: Thank you.  
11 BY MR. HELMICK:  
12 Q Now you had said that when you were in the car you felt  
13 nervous because Jaiden was, you know, bragging about the killing,  
14 right?  
15 A Yes.  
16 Q But isn't it true that you had taken picture of blood towels  
17 and feet -- and your feet in the water and sent those picture to  
18 Kristin Prentiss?  
19 A That I took pictures?  
20 Q Yeah.  
21 A No.  
22 Q Okay. Didn't you also say -- you're friends with Alaric,  
23 right?  
24 A Yes.  
25 Q Well he's the one that invited you over there, right?

1 A Yes.

2 Q And you found out that he was in this house at the time  
3 that Matthew was shot, right?

4 A Yes.

5 Q Okay. Didn't you say to Kristin Prentiss that you would kill  
6 Alaric's whole family because he was the one who ratted on you?

7 A No.

8 Q Okay.

9 MR. HELMICK: All right. Thank you. Nothing further.

10 THE COURT: Mr. Yampolsky?

11 **CROSS-EXAMINATION**

12 BY MR. YAMPOLSKY:

13 Q Traceo, when you spoke to the police initially, you told  
14 them that Jaiden said that the killing was an accident --

15 A Yes.

16 Q -- correct?

17 A Yes.

18 Q And that they were playing Russian Roulette. Yes?

19 A Is that a question?

20 Q And that they were playing Russian Roulette?

21 A Yes.

22 MR. YAMPOLSKY: I have nothing further.

23 THE COURT: Mr. Pesci?

24 MR. PESCI: Yes. Thank you.

25 ...

1 **REDIRECT EXAMINATION**

2 BY MR. PESCI:

3 Q So Traceo, I want to go over some things here --

4 A Okay.

5 Q -- so it's really clear to the jury. You're almost done. So  
6 you were just asked some questions about some video --

7 [Colloquy between Counsel]

8 BY MR. PESCI:

9 Q So Traceo, let's start off with this. You were asked  
10 questions -- State's E, you identified yourself in that video with the  
11 white shoes, correct?

12 A Yes.

13 Q And that's the position that Matt was in when you arrived,  
14 correct?

15 A Yes.

16 Q So Matt's in this position and he never moves from that  
17 position until he gets moved by you and Jaiden to the closet,  
18 correct?

19 MR. HELMICK: I'm sorry, that misstates my testimony.  
20 The other pictures --

21 MR. PESCI: Well it's not your testimony.

22 THE COURT: Okay. So it's not your testimony.

23 MR. HELMICK: I mean, sorry. My question.

24 THE COURT: But --

25 THE WITNESS: Yes.

1 THE COURT: I'm going to allow him to go ahead on  
2 redirect. Go ahead.

3 BY MR. PESCI:

4 Q Is this the way Matt appeared when you first arrived?

5 A Yes.

6 Q When I mean that -- what I'm saying is Matt's face down;  
7 is that correct?

8 A Yes.

9 Q All right. Did he stay in that position until you and Jaiden  
10 moved him to the closet?

11 A Yes.

12 Q Okay. So in State's D, he's in a different position and  
13 those aren't your shoes next to him, are they? I mean, you're the  
14 white shoe person, right?

15 A Yes.

16 Q Who -- I mean, the black shoe person is somebody else.

17 A Yes.

18 Q So when Matt's in a different position before you get  
19 there, it's somebody else standing next to his body.

20 A Yes.

21 Q Right by where his wallet would be in his pants, correct?

22 A Yes.

23 Q There was some sort of like almost an insinuation that  
24 you took the money, right?

25 A Yes.

1 Q This concept that maybe you took the money?  
2 A Yes.  
3 Q Did you buy anything at that mall?  
4 A No.  
5 Q In fact let's watch some video, Traceo.  
6 THE COURT: Which exhibit, please?  
7 MR. PESCI: It's the video from the Galleria Mall. I think  
8 it's 148.  
9 THE CLERK: 149.  
10 MR. PESCI: 149, I stand corrected.  
11 THE COURT: Thank you.  
12 BY MR. PESCI:  
13 Q Traceo, let's play that.  
14 [Video playing]  
15 BY MR. PESCI:  
16 Q Do you recognize everybody in that video?  
17 A Yes.  
18 Q Let's play it again.  
19 [Video playing]  
20 MR. PESCI: And if we could stop it right there,  
21 BY MR. PESCI:  
22 Q Where's you?  
23 A In the front.  
24 Q Who's the next person?  
25 A Jaiden.

1 Q And who's the next person?

2 A Kody.

3 Q Who's the only person without any bags from the store  
4 and from the Galleria Mall?

5 A Me.

6 Q Okay. Thanks.

7 Now, you were just asked a whole bunch about talking  
8 about the spray paint being in Kody's hands and spray paint Kody --  
9 Kody spray painted. Do you remember that?

10 A Yes.

11 Q Could you turn to page -- oh, I'm sorry. Page 48. On page  
12 48, who do you say has the spray paint?

13 A Kody.

14 Q On page 49, who do you say has the spray paint?

15 A Kody.

16 Q On page 50, who do you say has the spray paint?

17 A Kody.

18 Q On page 58, who do you say has the spray paint?

19 A Kody.

20 Q I'm a little confused. You seem to be pretty consistent in  
21 this, right?

22 A Yes, sir.

23 Q On page 69, who do you say has the spray paint?

24 A Kody.

25 Q Okay. So you were pretty clear with the police back then



1 that Kody was the one with the spray paint?

2 A Yes.

3 Q Okay. And now counsel just read a portion of the  
4 statement about the pockets, right? Let's read the whole thing on  
5 page 62. Doesn't it read: But when I was there with them, they  
6 never touched him in his pockets or none of that without putting  
7 the bag over him and putting him in the closet.

8 A Yes.

9 Q All right. So you're indicating to the police that he was in  
10 fact touched and his pockets were gone through.

11 A Yes.

12 Q Okay. And that's in your statement back then?

13 A Yes.

14 Q You would agree that way you agreed, it's kind of hard to  
15 understand, but was that what you were trying to tell?

16 A Yes.

17 Q Okay. Are you making that up?

18 A No.

19 Q Are you here telling us that you didn't say these things  
20 because you might get a benefit?

21 A Can you repeat that?

22 Q I -- you would agree that you can get a benefit out of  
23 being here to testify, right?

24 A Yes.

25 Q Okay. But are you telling us there's things because in fact

1 this this is what you saw, this is what you heard, and this is what  
2 you did?

3 A Yes.

4 Q And in fact, when you gave this statement, would you  
5 agree that it was on June 13th of 2018?

6 A Yes.

7 Q And your agreement to testify, you would agree was on  
8 August 30th of 2018?

9 A Yes.

10 Q So you told the police all this long before you had an  
11 agreement?

12 A Yes.

13 Q All right. Thank you.

14 MR. PESCI: Nothing further.

15 THE COURT: Thank you. Mr. Helmick.

16 MR. HELMICK: Thank you.

17 **RECROSS-EXAMINATION**

18 BY MR. HELMICK:

19 Q Okay. So although you said just now that Kody had the  
20 spray paint in his hand --

21 A Yes.

22 Q -- you said that he never spray -- you never saw him spray  
23 paint? Isn't that what you told the police; that you never saw him  
24 spray paint?

25 A I don't remember telling them that.

1 Q Okay. Let's go back. I showed you this earlier, but I'll  
2 show it to you again.

3 MR. HELMICK: 51.

4 BY MR. HELMICK:

5 Q Okay. Page 51. The officer says: But he has the spray  
6 paint in his hand?

7 Uh-huh.

8 That's what you said.

9 But you don't ever seen him spray paint?

10 Uh-huh.

11 Isn't that what you said?

12 A Yes.

13 Q Okay. Thank you.

14 Okay. We were talking about the position of Matt's body  
15 and the reason I objected -- well I'll tell you why in a second here --  
16 was that this one -- Defense Exhibit D, that's Exhibit D. Guess  
17 where I got that picture from? That's from the first video at 2:54  
18 p.m. that that was taken. Are you aware of that?

19 A No.

20 Q Okay. So this second clip is from the second video, six  
21 minutes later. You understand?

22 A Okay.

23 Q Okay. So that means that his body was moved from this  
24 position to this position and that's you standing behind him, isn't  
25 that right?

1           A     Yes.

2                   MR. PESCI: Judge, objection. First, it calls for speculation  
3 and it assumes facts not in evidence. This witness is not aware of  
4 the timestamps in the video.

5                   MR. HELMICK: May we approach?

6                   THE COURT: Sure.

7                   [Bench conference transcribed as follows.]

8                   MR. HELMICK: Okay. So I mean, I'll play the videos if I  
9 have to. I don't want to play the video again to show him, you  
10 know, what was --

11                  THE COURT: I think that the import of it is -- I understand  
12 that you were arguing that --

13                  MR. HELMICK: Yeah.

14                  THE COURT: -- the videos are going to have whatever  
15 timestamps they --

16                  MR. HELMICK: Yeah.

17                  THE COURT: -- have on the videos that the extraction  
18 now show but that he has no idea --

19                  MR. HELMICK: Sure.

20                  THE COURT: -- whether it's -- you know, is the video --

21                  MR. HELMICK: Okay.

22                  THE COURT: -- taken at that time or is it posted to  
23 Instagram at that time or --

24                  MR. HELMICK: No, it's taken at that time. It's taken --  
25 from Spangler -- I mean, I guess I'll get it through Spangler then.

1 MR. PESCI: Right.

2 MR. HELMICK: Okay. That's fine. Yeah.

3 [End of bench conference.]

4 THE COURT: So I'll sustain the objection as it pertains to  
5 talking about the time periods with this gentleman.

6 MR. HELMICK: Okay. Thank you, Your Honor.

7 BY MR. HELMICK:

8 Q Okay. And then you were shown some -- a picture of you  
9 walking out of the mall -- or a video of you walking out of the mall,  
10 you remember that?

11 A Yes.

12 Q And why didn't you have anything bags, you remember  
13 that question ?

14 A Yes.

15 Q Right. Yeah, because you didn't buy anything, right?

16 A Yes.

17 Q Yeah, because you stole from the mall, isn't that right?

18 A Yes.

19 Q Okay. Now if you had spray painted in that house that  
20 day and if you had taken Matt's wallet, you certainly wouldn't tell  
21 us, would you?

22 A Can you repeat that question?

23 Q I said if you had spray painted Fuck Matt on that wall and  
24 taken Matt's wallet, you certainly wouldn't tell us now, would you --

25 A Why --

1 Q -- Traceo?

2 A -- wouldn't I?

3 Q Thank you.

4 THE COURT: Mr. Yampolsky?

5 MR. YAMPOLSKY: I have nothing.

6 THE COURT: Mr. Pesci?

7 MR. PESCI: No, thank you.

8 THE COURT: All right. Anything from our jurors?

9 Okay. Mr. Meadows, thank you very much for your time,  
10 sir. I appreciate it. You are excused.

11 Oh, we got a question?

12 Hold on one second -- oh, hold a second, Traceo.

13 Thank you.

14 [Bench conference transcribed as follows.]

15 THE COURT: I think that when Ryan was asking about the  
16 wallet, I don't think he ever said on direct that it was a wallet, he  
17 just said he saw him check the pockets.

18 MR. PESCI: On direct, check pockets; on cross, took  
19 wallet.

20 THE COURT: Okay.

21 MS. OVERLY: [Indiscernible].

22 MR. YAMPOLSKY: [Indiscernible].

23 THE COURT: Well obviously she's a little confused but I  
24 think -- any objection?

25 MR. HELMICK: I'll object to it.

1 MR. PESCI: No objection from the State.

2 MR. YAMPOLSKY: No objection.

3 THE COURT: Well I think it's appropriate.

4 MR. HELMICK: Okay.

5 THE COURT: I mean, she's trying to clarify, so. Okay.

6 [End of bench conference.]

7 THE COURT: All right. Traceo, I got a couple of questions  
8 for you. We're just kind of -- we're looking for some clarification.

9 THE WITNESS: Yes, sir.

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

11 BY THE COURT:

12 Q Did you see anyone remove anything from Matt's  
13 pockets?

14 A Yes.

15 Q And who removed -- well first off, what did you see them  
16 remove?

17 A A wallet and a phone.

18 Q Okay. And who removed those items?

19 A Kody.

20 Q Thank you.

21 THE COURT: Mr. Pesci, any questions based on mine?

22 MR. PESCI: Yes.

23 **FOLLOW-UP EXAMINATION**

24 BY MR. PESCI:

25 Q Did you see what happened to the wallet and the phone?