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7 IN THE SUPREME COURT OF THE STATE OF NEVADA

8 JAIDEN CARUSO,

9 Appellant,

10 vs.

11 THE STATE OF NEVADA,

12 Respondent.

Case No. 80361

13
14 APPELLANT'S APPENDIX VOLUME VIII

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1 clothing?

2 A Yes.

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

4 A That was a multicolored polo shirt.

5 Q And showing you State's Exhibit 58.

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

7 A Yes, it is.

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

11 A Yes, it does.

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

14 A Yes.

15 Q Okay. And showing you 59.

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

17 A Yes, it is.

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

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

24 Q Showing you 60.

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

1 A This is the left shoe.

2 Q And showing you 61.

3 Is that a closer image of the shoe?

4 A Yes, it is.

5 Q And you indicated that there was the matching shoe

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

7 A That's correct.

8 Q Okay. And showing you 62.

9 Is that the other shoe?

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

11 Q The left shoe, okay.

12 A Yes.

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

14 A Yes, it is.

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

16 Why was that?

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

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

19 photographed it to show the location.

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

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

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

23 positive; as a presumptive test.

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

25 you do at the scene?

1 A That's correct.

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

5 A Yes, I did.

6 Q And who were those?

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

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

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

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

13 A Yes.

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

15 THE COURT: Sure.

16 BY MS. OVERLY:

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

19 A Thank you.

20 Q Do you recognize that?

21 A I do.

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

23 A It is.

24 Q And who was that?

25 A That was Jaiden Caruso.

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

3 A Yes, it does.

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

7 A Yes, I did.

8 Q And who were those of?

9 A Kody --

10 Q Would it be Harlan?

11 A Harlan, yes. I apologize.

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

14 A That's correct.

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

17 MR. HELMICK: No objection.

18 THE COURT: So--

19 MS. OVERLY: Publish.

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

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

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

1 BY MS. OVERLY:

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

5 A I did.

6 Q And when was that?

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

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

13 A Yes, they are.

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

16 A Yes, it does.

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

19 THE COURT: Any objection?

20 MR. HELMICK: No, Your Honor.

21 MR. YAMPOLSKY: No objection.

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

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

25 MS. OVERLY: Thank you, Your Honor.

1 BY MS. OVERLY:

2 Q And just to reflect, showing you State's Proposed Exhibit

3 5. You indicated that was Jaiden Caruso?

4 A Yes.

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

6 A Yes, it is.

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

8 THE COURT: Mr. Helmick?

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

10 **CROSS-EXAMINATION**

11 BY MR. HELMICK:

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

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

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

17 A Yes.

18 Q Okay. Thank you.

19 THE COURT: Mr. Yampolsky?

20 MR. YAMPOLSKY: I have no questions.

21 THE COURT: Anything from our jurors?

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

24 THE WITNESS: Thank you.

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

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

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

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

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

12 THE COURT: Yeah.

13 MR. PESCI: -- on one point?

14 THE COURT: Sure.

15 So hold that thought.

16 [Bench conference transcribed as follows.]

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

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

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

23 THE COURT: Oh, it's okay.

24 MR. PESCI: So --

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

1 MR. PESCI: All right. Thank you.

2 THE COURT: All right.

3 [End of bench conference.]

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

7 [Outside the presence of the jury]

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

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

12 THE COURT: Okay. I think we're going to do that now.

13 Anything else from the Defense?

14 MR. HELMICK: No, Your Honor.

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

19 MR. HELMICK: Oh, okay.

20 THE COURT: Thank you.

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

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

3 THE DEFENDANT HARLAN: Yes, sir.

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

7 THE DEFENDANT HARLAN: Yes, Your Honor.

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

12 THE DEFENDANT CARUSO: Yeah.

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

19 THE DEFENDANT CARUSO: Yes, sir.

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

21 MR. PESCI: No. Thank you very much, Your Honor.

22 We've got four lined up for the afternoon. So if it goes as fast as
23 this, which we did not expect, it might come up a little short.

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

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

5 THE COURT: Okay.

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

7 THE COURT: Sounds good. Thank you.

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

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

10 [Outside the presence of the jury]

11 THE MARSHAL: Court come to order.

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

14 MR. PESCI: No, Your Honor.

15 MR. YAMPOLSKY: No.

16 MR. HELMICK: No.

17 THE COURT: No. All right.

18 You can go ahead and get them back in.

19 THE MARSHAL: Yes, Your Honor.

20 THE COURT: Who's your next witness?

21 MR. PESCI: Crime Scene Analyst Dan Proietto.

22 THE COURT: Thank you.

23 [In the presence of the jury]

24 THE MARSHAL: All rise for the jury.

25 THE COURT: You all can be seated.

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

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

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

8 THE COURT: Thank you.

9 **DANIEL PROIETTO**

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

12 THE CLERK: Thank you, please be seated.

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

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

17 THE COURT: All right. Mr. Pesci.

18 MR. PESCI: Thank you.

19 **DIRECT EXAMINATION**

20 BY MR. PESCI:

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

22 A I am a Crime Scene Analyst II.

23 Q What is a Crime Scene Analyst II?

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

25 Q And where do you work?

1 A I work for Henderson Police Department.

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

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

9 Q And --

10 A -- at that time.

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

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

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

16 A Correct.

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

20 A I did.

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

23 A 15 and a half years.

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

1 A It's 36 --

2 Q 2763 Cool Lilac -- little voice --

3 A I think it was 36.

4 Q 27 --

5 A 36.

6 Q Did you work that?

7 A Yes, sir.

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

9 responsibility?

10 A I was the crime scene analyst in charge of basically

11 photos, notes, and report.

12 Q Was there another crime scene analyst?

13 A Yes.

14 Q And who was that?

15 A Crime Scene Analyst Mike Cromwell.

16 Q And what was Mr. Cromwell doing?

17 A His responsibilities were evidence and diagram.

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

19 A Yes.

20 Q All right. When you first get to a scene, is there a way of

21 memorializing what it is that's there?

22 A Yes.

23 Q What do you do?

24 A One of the first steps is photography and note taking. So

25 basically walk through the scene with the detectives, typically and

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

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

6 A Yes.

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

9 A As far as I recall, yes.

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

13 A Yes.

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

17 A Yes.

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

20 A Yes.

21 Q Was that generated by your colleague?

22 A It was.

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

1 A Yes.

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

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

6 THE COURT: Correct?

7 MR. HELMICK: That's correct.

8 THE COURT: Mace?

9 MR. YAMPOLSKY: No objection.

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

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

13 MR. PESCI: Thank you.

14 BY MR. PESCI:

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

17 A Yes, I do.

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

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

24 A Okay.

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

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

3 THE WITNESS: Okay.

4 THE COURT: Thank you.

5 BY MR. PESCI:

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

8 A Yes, I did.

9 Q And were you familiar with those photographs?

10 A Yes.

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

12 A Yes.

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

15 A Correct.

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

18 A Yes, he did.

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

20 A Sure.

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

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

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

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

5 A Yes.

6 Q As far as notating the bag?

7 A Yes.

8 Q What's done?

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

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

14 A Yes.

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

18 A Correct.

19 Q Is that a unique number?

20 A Yes.

21 Q What does that mean?

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

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

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

4 Q I'm sorry.

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

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

10 A Correct.

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

14 A Correct.

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

16 Q That's okay.

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

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

21 Q Okay.

22 A -- front door.

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

1 A Yes.

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

3 Looking at State's Exhibit 71 --

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

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

6 THE WITNESS: Is it just the arrow button?

7 THE COURT: Yep.

8 THE WITNESS: Okay.

9 MR. PESCI: Thank you, Your Honor.

10 BY MR. PESCI:

11 Q Is this an outside view of this house, to be able to orient it

12 in the neighborhood?

13 A Yes.

14 Q And to know which house, when we look at State's 72, do

15 you take a picture of the specific number?

16 A Yes.

17 Q And working our way to the front door in State's 73, did

18 you take a photograph of that door?

19 A Yes.

20 Q And up close on the door, State's 74, did you note or see

21 something of interest that you took a photograph of?

22 A Yes, it was a Census business card that was stuck in that

23 front entry door.

24 Q Left in that door.

25 A Correct.

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

3 A Yes.

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

6 A Correct.

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

8 A Yes.

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

12 A Yes.

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

15 A Correct.

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

17 A I did.

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

19 A Yes.

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

22 A Yes.

23 Q And did you photograph those items?

24 A I did.

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

1 A Yes.

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

4 A Yes.

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

7 A Yes.

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

10 A Correct.

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

12 A Correct.

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

15 A Yes, I believe I did.

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

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

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

21 A Yes.

22 Q And are there homes in the area?

23 A Yes.

24 Q This is not an isolated house by itself.

25 A Correct.

1 Q And inside, do you photograph this home?

2 A I did.

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

6 A Yes.

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

9 A It is.

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

12 A Yes.

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

15 A Yes.

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

18 A Yes.

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

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

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

25 A Yes.

1 Q Okay.

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

3 hallway right there.

4 Q Okay. Was the hallway to the right?

5 A To the right.

6 Q And is this a stairwell to go upstairs?

7 A Yes.

8 Q Showing you State's 84. After entering the house in the

9 sliding glass area, if you pan or turn to the right, is this what we're

10 going to see?

11 A Yes.

12 Q Is that a living room area?

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

14 a family room.

15 Q Okay. State's 87. Does that give another perspective of

16 the family room area?

17 A Yes.

18 Q Okay. And then was there some items of interest that

19 you photographed in that area?

20 A Yes.

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

22 island?

23 A By the kitchen island, there are both a light towel -- or

24 sorry, a tan towel and a white sheet and both of them have blood.

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

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

2 A Yes.

3 Q What was that?

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

5 Q And that was impounded by Crime Scene Analyst

6 Cromwell?

7 A It was.

8 Q Did you see any graffiti inside the house

9 A Yes, I did.

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

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

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

15 A Yes.

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

18 A Yes.

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

21 A Yes.

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

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

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

1 perspective all around that area?

2 A Yes, that's the goal.

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

5 A Yes, I did.

6 Q And what was that?

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

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

12 A Yes.

13 Q State's 92. What is that?

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

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

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

20 A Correct.?

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

22 A Yes.

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

25 A Yes.

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

3 A Yes.

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

6 A It is.

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

9 A It is.

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

11 A That's inside that gaming room.

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

13 A Yes.

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

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

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

23 A Yeah, within a short distance.

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

1 room was.

2 A Correct.

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

6 A Yes.

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

9 A I did.

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

12 A Yes.

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

14 A I did.

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

18 A Yes.

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

21 A Yes.

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

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

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

4 A A coroner investigator.

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

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

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

13 A They do.

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

16 A Yes.

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

19 A Absolutely not.

20 Q You stay with it.

21 A Yes.

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

24 A Yes.

25 Q -- that entire time?

1 A Yes.

2 Q Okay. So speaking of the body, State's 98, did you

3 photograph what would be the -- is that the left foot?

4 A That is.

5 Q Okay. So if we could step back out and we look at State's

6 97, we're talking about the left foot here.

7 A Correct.

8 Q And we talk about left for the jury's benefit, it's from the

9 anatomical position of the person you're photographing?

10 A Correct.

11 Q Okay. So State's 98 is the left.

12 State's 99, is that the right foot?

13 A It is.

14 Q All right. Obvious question but any footwear on the feet

15 at that point?

16 A No.

17 Q Did you see any blood on the bottom of those feet or

18 apparent blood I should say?

19 A I did not.

20 Q Okay. Outside that door on the one side there was

21 nothing on the door, correct?

22 A I'm sorry.

23 Q Let me jump back to --

24 A On the interior portion of the door?

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

1 is pretty much clean, is that correct?

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

3 Q Right. But when you went to the other side of that door,

4 did you see what's depicted in State's 100?

5 A Yes, I did.

6 Q All right. So we need to make sense to the jury as to

7 where this is. Is that the very door that goes to where Matt's body

8 was found?

9 A Yes.

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

11 that?

12 A I did.

13 Q All right. Now, was there other evidence of interest inside

14 of the home, other than what we've gone over so far?

15 Let me do it better than that.

16 A Yes.

17 Q Do you see any bullet holes?

18 A Yes, I did.

19 Q Okay. Apparent bullet holes.

20 A Yes.

21 Q Okay. State's 102. I'm going to try to zoom in. Did you

22 photograph a bullet hole in the ceiling of the living room area?

23 A Yes.

24 Q And to try to put that in perspective, is it on the righthand

25 side of State's 102, the sliding glass door that we spoke of earlier?

1 A Yes.

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

4 A I did.

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

8 A Yes.

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

11 A Correct.

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

14 A Yes.

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

16 A It's a cellular telephone.

17 Q Was that -- where was that found?

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

19 Q Okay.

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

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

23 A Yes.

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

1 A Yes.

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

3 A That's the same cellular telephone.

4 Q It seems to have kind of a black finish to it. Can you tell us

5 about what you observed on that phone?

6 A Yes. It appeared to have some type of damage, as well as

7 apparent spray paint.

8 Q Okay. So the spray paint you're referring to and the

9 damage in 106, the backside, did you notate that damage?

10 A Yes.

11 Q Now, when you first started the scene, you take pictures

12 of everything untouched and before anybody does anything with

13 the evidence, correct?

14 A Yes.

15 Q Later do you then put in some sort of placard or number

16 to be able to designate this is this piece of evidence and this is

17 where it is inside of the scene?

18 A Yes.

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

20 analyst?

21 A Yes.

22 Q Showing you State's 107, going back to what we saw

23 earlier, do we now see some yellow numbered placards?

24 A We do.

25 Q Tell us about that.

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

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

7 A Correct.

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

10 A Yes.

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

13 A Yes.

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

16 A Yes.

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

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

19 Q A bed skirt, okay?

20 A It's sheet or bed skirt.

21 Q Something to do with beds? Linens?

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

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

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

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

4 A Yes.

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

7 A Yes.

8 Q And then were there some shoes found?

9 A Yes.

10 Q State's 111. What are those?

11 A A pair of shoes.

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

14 A Yes.

15 Q Did you find a spray paint can?

16 A We did.

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

18 A Yes.

19 Q And was it given Number 5?

20 A Yes.

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

23 A Yes.

24 Q What was that?

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

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

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

6 Q Okay.

7 A -- or both.

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

10 A I believe so, yes.

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

12 A Yes.

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

15 A Correct.

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

19 A Yes.

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

21 A Absolutely.

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

25 A Yes.

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

3 A It does.

4 Q Kind of in parallel with the island?

5 A Yes.

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

7 A Yes.

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

10 A They were.

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

13 A Yes.

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

15 A Yes.

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

19 A Yes.

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

22 A Yes.

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

1 A Yes.

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

4 A Yes.

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

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

8 Q The pants, did you say?

9 A Pants pockets were partially --

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

13 A Yes.

14 Q So the righthand pocket is pulled out.

15 A Correct.

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

17 A Yes.

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

20 A Correct.

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

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

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

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

6 A Absolutely not.

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

9 A Yes.

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

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

12 Q Okay. Are they in these areas here?

13 A Yes.

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

16 A Yes.

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

19 A Yes.

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

22 A I did.

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

25 A Yes.

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

3 A Correct.

4 MR. PESCI: Court's indulgence.

5 Pass the witness, Your Honor.

6 THE COURT: Mr. Helmick?

7 MR. HELMICK: No cross, Judge.

8 THE COURT: Mr. Yampolsky?

9 MR. YAMPOLSKY: No questions.

10 THE COURT: Anything from our jurors?

11 Yes.

12 [Bench conference transcribed as follows.]

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

15 MR. YAMPOLSKY: I have no problem.

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

17 MR. PESCI: No.

18 THE COURT: It's just like --

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

20 THE COURT: It's a foreclosure?

21 MR. PESCI: [Indiscernible].

22 THE COURT: Foreclosure?

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

1 THE COURT: Oh.

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

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

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

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

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

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

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

19 THE COURT: Okay. All right. Okay.

20 [End of bench conference.]

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

23 THE WITNESS: Yes, sir.

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

25 ...

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

2 BY THE COURT:

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

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

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

10 MR. PESCI: Yes, please.

11 **FOLLOW-UP EXAMINATION**

12 BY MR. PESCI:

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

15 A Yes.

16 Q Did you find other furniture?

17 A Yes.

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

20 A Yes.

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

23 A Yes.

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

1 A Correct.

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

3 A Yes.

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

5 A Yes.

6 Q So those items were on.

7 A Correct.

8 Q Thank you.

9 THE COURT: Any questions, gentlemen?

10 MR. HELMICK: No, Your Honor.

11 MR. YAMPOLSKY: No, Your Honor.

12 THE COURT: No. Okay.

13 All right. Thank you very much, Mr. Proietto. I appreciate
14 it. You are excused, sir.

15 THE WITNESS: Thank you, Your Honor.

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

17 MS. OVERLY: The State calls Randi Newbold.

18 **RANDI NEWBOLD**

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

21 THE CLERK: Thank you, please be seated.

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

24 THE WITNESS: My name is Randi Newbold, R-A-N-D-I,
25 N-E-W-B-O-L-D.

1 THE COURT: All right. Ms. Overly.

2 MS. OVERLY: Thank you.

3 **DIRECT EXAMINATION**

4 BY MS. OVERLY:

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

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

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

9 A I'm a crime scene analyst.

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

13 A Yes.

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

15 A Yes.

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

17 A Yes.

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

20 A A deceased individual.

21 Q And who was that?

22 A Matthew Minkler.

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

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

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

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

8 THE COURT: You may.

9 BY MS. OVERLY:

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

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

14 A Yes.

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

17 A No.

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

20 A Yes.

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

25 A Yes.

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

3 THE COURT: Any objection?

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

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

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

8 [Colloquy between Counsel]

9 MR. HELMICK: No objection.

10 MR. YAMPOLSKY: No objection.

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

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

14 BY MS. OVERLY:

15 Q And publishing State's 139.

16 Again, is that a photograph that you took?

17 A Yes.

18 Q Okay. And what does that reflect?

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

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

22 A Yes.

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

25 A Yes.

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

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

1 State may call their next witness.

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

3 THE COURT: Yeah.

4 Do you need to take a break?

5 MR. PESCI: Yes.

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

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

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

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

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

1 okay?

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

3 [In the presence of the jury]

4 THE MARSHAL: All rise for the jury.

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

6 We'll be back on the record. Our Defendants, our

7 attorneys, our jurors are all present.

8 So we will continue on with the State's case in chief. And

9 your next witness is?

10 MS. OVERLY: The State calls Alaric Oliver.

11 **ALARIC OLIVER**

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

13 testified as follows:]

14 THE CLERK: Thank you, please be seated.

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

16 please?

17 THE WITNESS: I'm sorry, what?

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

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

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

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

22 THE COURT: Last name?

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

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

25 Ms. Overly.

1 MS. OVERLY: Thank you.

2 **DIRECT EXAMINATION**

3 BY MS. OVERLY:

4 Q Hi, Alaric. How old are you?

5 A I'm 20.

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

7 A 19.

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

9 A Yes.

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

11 A Silverado.

12 Q Now, in June, specifically I want to take your attention
13 back to around June 7th of 2018. On that date, did you know
14 someone by the name of Charles Osurman?

15 A Yes.

16 Q And how did you know him?

17 A School.

18 Q And did you go to high school together?

19 A Yes.

20 Q Now around that time or on that date, did Charles
21 Osurman invite you Somewhere?

22 A Yes.

23 Q And where was that?

24 A To a house over by the Coronado area.

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

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

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

4 A Yes.

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

6 A No.

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

9 A Him and some friends.

10 Q So why were you going over there?

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

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

15 A Yes.

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

17 A I don't believe so.

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

20 A Yes.

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

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

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

1 A Yes.

2 Q Was he there that day?

3 A Yes.

4 Q And how do you know Kymani?

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

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

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

8 you're not sure if Kymani was.

9 A No.

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

11 A Yes.

12 Q And where did you stay?

13 A I stayed upstairs.

14 Q In a bed?

15 A Yes.

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

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

18 Q And where's Wendy's?

19 A It was probably a street block away.

20 Q Did you walk there?

21 A Yes.

22 Q And did you go with anyone?

23 A No.

24 Q So you just went by yourself.

25 A Yes.

1 Q Around what time was this?

2 A Maybe 7:00/8:00.

3 Q So you just -- you woke up, you walked to Wendy's. Did

4 you eat there, or did you bring the food back?

5 A I had brought the food back.

6 Q And when you came back, was -- who was at the house at

7 that point?

8 A About the same people. I'm not sure really who stayed. I

9 was the only one awake at the time.

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

11 A Yeah.

12 Q Okay. Now at some point in time did other people come

13 to the house?

14 A Yes.

15 Q Now do you know someone named Jaiden Caruso?

16 A Yes.

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

18 A Yes.

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

20 wearing?

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

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

23 A The second.

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

25 THE WITNESS: Or the first.

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

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

2 Q Okay. But you knew of them.

3 A Yes.

4 Q Had you seen them before?

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

6 recall it.

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

8 A Yes.

9 Q Do you remember when?

10 A June 8th.

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

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

13 Q Would it have been after you went and picked up Wendy's

14 and came back?

15 A Yes.

16 Q Okay. And when they arrived, do you know if they arrived

17 together or separately?

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

19 Q Okay. And when they came into the house, when Jaiden

20 and Kody were there, did anyone else show up?

21 A When they initially had went or --

22 Q When -- well when they arrived, was anyone else there

23 besides you?

24 A Yes.

25 THE COURT: Inside the house or where --

1 MS. OVERLY: Inside the house.

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

4 THE WITNESS: Yes.

5 BY MS. OVERLY:

6 Q And who would that have been?

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

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

11 A Yes.

12 Q And when was that?

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

15 Q And that's Jaiden and Kody?

16 A Yes.

17 Q And was Ghunnar Methvin another that was there?

18 A Yes.

19 Q And do you know Ghunnar?

20 A Not personally, no.

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

22 A No.

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

24 A Yes.

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

1 A Yes.

2 Q Okay. Now, where were you guys primarily hanging out

3 inside the house?

4 A In the back, living room kitchen area.

5 Q Okay. So Showing you State's Exhibit 82.

6 Does that look familiar to you?

7 A Yes.

8 Q Okay. And what is that of?

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

10 Q Okay. And showing you State's 83.

11 Does that look familiar?

12 A Yes.

13 Q Is that the kitchen?

14 A Yes.

15 Q Okay. So that would be if you were standing by the back

16 sliding door --

17 A Yes.

18 Q -- looking in.

19 And what about 85?

20 A That would be the same area.

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

22 photo?

23 A Yes.

24 Q And if we kind of look to the right corner here, which looks

25 to be somewhat dark in lighting, where does that lead to?

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

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

5 A I believe so.

6 Q Okay.

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

10 THE WITNESS: All right.

11 THE COURT: Thank you.

12 BY MS. OVERLY:

13 Q And showing you State's 87.

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

16 A Yes.

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

18 A Yes.

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

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

21 Q Was there any alcohol?

22 A I believe someone had bring some, yes.

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

25 A Yes.

1 Q Okay. Were you drinking any alcohol?

2 A No.

3 Q And were the other people that were there also smoking

4 and drinking?

5 A Yes.

6 Q Do you recall who exactly was?

7 A Everyone was smoking. I also do believe everyone else

8 was drinking. The only one I don't believe was drinking that --

9 during the incident was Charles.

10 Q Charles Osurman.

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

12 Q And --

13 THE COURT: Was that a yes?

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

15 THE COURT: Did you say yes?

16 THE WITNESS: Yes.

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

18 THE WITNESS: All right.

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

20 Thank you.

21 BY MS. OVERLY:

22 Q Now when Jaiden and Kody arrived, did you ever see

23 them with weapons; with guns?

24 A Yes.

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

1 A He had a revolver.

2 Q And what was he doing with that revolver?

3 A He wasn't really doing much with it. I had seen he had

4 pulled it out a couple times and was just looking at it. But he

5 wasn't doing much at first.

6 Q Okay. So what about Kody?

7 A Kody, he was just on the couch. I believe he had one too,

8 but I don't really recall him having one. But he was just on the

9 couch.

10 Q Okay. And do you recall there being some discussion

11 about Matthew Minkler coming over?

12 A Yes.

13 Q And do you know who Matt Minkler is?

14 A Yes.

15 Q And how do you know him?

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

17 Q Okay. Did he go to Silverado too?

18 A Yes.

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

20 A Yes.

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

22 over?

23 A I don't recall.

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

25 residence?

1 A Jaiden and Kody had picked him up.
2 Q Okay. So at this point is Kymani there?
3 A Yes.
4 Q Is Ghunnar there?
5 A Yes.
6 Q And Charles is there?
7 A Yes.
8 Q And you are there?
9 A Yes.
10 Q And the Defendants, correct?
11 A Yes.
12 Q Okay. Anyone else that you can think of?
13 A No.
14 Q Okay. And so of all those people, Kody and Jaiden go and
15 pick Matt up?
16 A Yes.
17 Q Do you know where they picked him up from?
18 A No.
19 Q Okay. And when did they come back to the house with
20 Matt?
21 A It may have been 20/30 minutes after they had left. I don't
22 recall what time it would be around.
23 Q Okay.
24 THE COURT: You got to keep your voice up, okay?
25 THE WITNESS: All right.

1 BY MS. OVERLY:

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

4 A When they had gone back with Matthew?

5 Q Yes.

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

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

10 A Yes.

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

13 A I don't believe so.

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

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

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

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

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

24 A Yes.

25 Q Yes. Drinking alcohol.

1 A Yes.

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

4 A Yes.

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

7 A Yes.

8 Q And where did he fire it?

9 A It was at the roof.

10 Q At the roof?

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

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

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

17 BY MS. OVERLY:

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

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

20 A I believe he was sitting on this couch.

21 Q Okay.

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

1 BY MS. OVERLY:

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

3 A Yes.

4 Q What about everyone else?

5 A I believe so.

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

7 A No.

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

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

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

14 A I believe they left because of that.

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

17 A Yes.

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

20 A Yes.

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

23 A I don't recall.

24 Q Okay.

25 [Colloquy between Counsel]

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

4 THE COURT: Correct?

5 MR. HELMICK: Correct.

6 MR. YAMPOLSKY: Correct.

7 THE COURT: Okay.

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

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

10 MS. OVERLY: Yes.

11 THE COURT: Go ahead.

12 BY MS. OVERLY:

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

14 [Video playing]

15 BY MS. OVERLY:

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

18 [Video playing]

19 MS. OVERLY: Stop.

20 BY MS. OVERLY:

21 Q Do you recognize that voice?

22 A Yes.

23 Q And who is that?

24 A It's Matthew Minkler.

25 Q I'm sorry?

1 A It's Matthew.

2	Q	Matt Minkler?
---	---	---------------

3	A	Yes.
---	---	------

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

6 | A Yes.

7 Q And was that after the bullet hole?

8 | A I believe so.

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

11 [Video playing]

12 BY MS. OVERLY:

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

15	A	Yes.
----	---	------

16 Q And who is that?

17 A That's Jaiden.

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

21 | A Yes.

22	Q	Okay.
----	---	-------

23 [Video playing]

24 BY MS. OVERLY:

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

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

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

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

6 THE COURT: He can use the mouse.

7 Okay, you can go ahead now.

8 BY MS. OVERLY:

9 Q Can you identify who each person is?

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

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

14 THE WITNESS: Yeah.

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

16 MR. YAMPOLSKY: Your Honor?

17 THE COURT: Yep.

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

20 THE COURT: Sure.

21 Just try and remember to keep your voice up.

22 THE WITNESS: All right. My apologies.

23 BY MS. OVERLY:

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

1 Kody.

2 A Yes.

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

5 A Yes.

6 Q And what was that?

7 A I believe it was a handgun.

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

10 A Yes.

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

13 A Yes.

14 Q Was he doing that throughout the day?

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

17 Q Okay.

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

19 Q Okay. That's fine.

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

22 A Yes.

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

25 A Yes.

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

3 A Yes.

4 Q Okay.

5 [Video playing]

6 BY MS. OVERLY:

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

9 A Yes.

10 [Video playing]

11 BY MS. OVERLY:

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

14 A Yes.

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

17 A Yes.

18 Q Did you see that that day?

19 A Yes.

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

22 A Yes.

23 Q -- what happened that day?

24 A Yes.

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

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

3 A Sorry, can you rephrase?

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

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

8 Q Continuing to hang out?

9 A Yeah.

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

12 A Yes.

13 Q And where was he when he did that?

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

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

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

17 THE COURT: You got to hit the button.

18 MS. OVERLY: Sorry.

19 BY MS. OVERLY:

20 A Yes.

21 Q And so --

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

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

25 THE COURT: I got it. Thank you.

1 BY MS. OVERLY:

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

5 A Yes.

6 Q -- around the island?

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

9 A At the time Matthew had it or --

10 Q Yeah, at the time Matthew had it.

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

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

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

17 A He was sitting right here.

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

19 A Correct.

20 Q Was the gun already sitting on the counter?

21 A No.

22 Q Where was it?

23 A Jaiden had it.

24 Q Okay. So did he walk over and retrieve from Jaiden?
25 How did that happen?

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

2 Q Okay. But you said he looked at it at some point and then

3 put it back down.

4 A Yes.

5 Q Where did he put it down?

6 A That would be here.

7 Q So what seems to be on the edge of the kitchen island,

8 closest to the living room.

9 A Yes.

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

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

12 Q And what did Jaiden do?

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

14 Q Okay. So he stood up. Was he still in that loveseat that's

15 reflected in the photo here?

16 A Yes.

17 Q Okay. So he stood up and he walked over where Matthew

18 was standing?

19 A Yes.

20 Q And --

21 A Sorry.

22 Q It's okay.

23 And he picked up the firearm; the revolver?

24 A Yes.

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

1 counter?

2 A Correct.

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

5 A In the head.

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

7 A I don't recall.

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

9 A His body dropped.

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

11 THE COURT: Here you go.

12 THE WITNESS: Thank you.

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

14 THE WITNESS: I'm okay.

15 BY MS. OVERLY:

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

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

18 THE COURT: Got it.

19 MS. OVERLY: Thank you, Judge.

20 BY MS. OVERLY:

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

24 A Yes.

25 Q And what did you do?

1 A I had left.

2 Q Okay.

3 A I ran. I was scared.

4 Q And where did you run?

5 A I don't know. I wasn't too familiar with the area. I just ran

6 until I kind of knew the area I was in.

7 Q And when you ran from the house, did you run out the

8 front door or the back door?

9 A The back.

10 Q Back door. And when this happened, when Jaiden had

11 stood up and walked over to Matt and shot him, where was Kody?

12 A Kody, he was on the couch.

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

14 A Yes.

15 Q Okay. Was he positioned the same way?

16 A He was in the same position, but his head was resting on

17 the other side.

18 Q Okay. So he seemed to be in that video resting his head

19 closest to the side of the sofa you were sitting on?

20 A Correct.

21 Q But you're saying at this time he had moved positions and

22 now his head was on the opposite side.

23 A Correct.

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

25 A Uh-uh. I did not.

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

2 A No.

3 Q What did Jaiden do?

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

5 Q You're not sure.

6 A I'm not sure.

7 Q Just because you fled.

8 A Yeah.

9 Q Okay.

10 A Yes.

11 Q Now when you saw Jaiden shoot Matt Minkler, did you

12 believe that it was an accident?

13 A I --

14 Q In terms of -- let me rephrase, it's a bad question. Did you

15 think that the gun accidentally went off?

16 A No.

17 Q Okay. And why is that you didn't think that the gun

18 accidentally went off?

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

20 it --

21 Q Okay.

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

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

24 you call the police?

25 A No.

1 Q And why not?

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

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

6 A Yes.

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

8 I'll pass the witness, Your Honor.

9 THE COURT: Mr. Helmick?

10 MR. HELMICK: Thank you, Your Honor.

11 **CROSS-EXAMINATION**

12 BY MR. HELMICK:

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

15 A Okay.

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

18 A Yes.

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

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

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

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

3 A Yes.

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

5 A Yes.

6 Q Okay. Kody, right?

7 A Yes.

8 Q Okay. Jaiden, right?

9 A Yes.

10 Q Kymani, right?

11 A Yes.

12 Q Ghunnar, right?

13 A Yes.

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

16 A Yes.

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

18 A Correct.

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

21 A Correct.

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

24 A No.

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

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

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

4 Q Okay.

5 A -- but --

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

8 [Colloquy between Counsel]

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

10 THE COURT: You may.

11 BY MR. HELMICK:

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

15 A Correct.

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

17 A Yes.

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

19 A Correct.

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

24 Got it?

25 A Yes.

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

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

4 [Bench conference transcribed as follows.]

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

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

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

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

21 MS. OVERLY: But --

22 MR. HELMICK: For knowledge.

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

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

1 calling up Jaiden and Kody to come over.

2 MR. YAMPOLSKY: That Matt was what?

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

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

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

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

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

12 THE COURT: Yeah.

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

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

15 [End of bench conference.]

16 THE COURT: Okay. Mr. Helmick.

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

18 BY MR. HELMICK

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

22 A Yes.

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

25 A Correct.

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

3 A Correct.

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

5 A Correct.

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

8 A Correct.

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

11 A I believe it was his.

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

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

15 Q Sure.

16 A -- it was there.

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

19 A I don't recall.

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

22 A I believe so.

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

25 A No.

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

3 A Yes.

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

6 A Yes.

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

10 A No.

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

13 A No.

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

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

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

20 A Yes.

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

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

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

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

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

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

6 THE WITNESS: Sorry.

7 BY MR. HELMICK:

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

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

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

12 A Correct.

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

15 A Correct.

16 Q Jaiden took Xanax, right?

17 A Yes.

18 Q Matthew took Xanax, right?

19 A Yes.

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

22 A Correct.

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

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

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

4 A All right.

5 Q Hold on.

6 [Colloquy between Counsel]

7 BY MR. HELMICK:

8 Q This is State's 87.

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

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

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

15 A Yes.

16 Q Very good. Thanks for clearing that up.

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

19 A Correct.

20 Q -- like that?

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

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

25 A I believe so.

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

4 A Correct.

5 Q -- the gun?

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

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

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

12 A No.

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

16 A Correct.

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

19 A Correct.

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

22 A Correct.

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

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

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

3 A Yes.

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

6 A Correct.

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

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

10 Q Isn't that right?

11 A Correct.

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

15 Did you tell him that?

16 A I believe so.

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

20 A I believe so.

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

24 A Yes.

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

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

3 A Correct.

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

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

8 Q Sure.

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

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

14 A Correct.

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

17 A Correct.

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

20 A Correct.

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

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

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

1 A No.

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

3 A No.

4 MR. HELMICK: Court's indulgence.

5 THE COURT: Okay.

6 BY MR. HELMICK:

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

9 A I believe so.

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

11 A An acquaintance.

12 Q Acquaintance, okay.

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

15 A Correct.

16 Q And then you called Kristin Prentiss.

17 A Correct.

18 Q Right. You told her also what happened.

19 A Correct.

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

21 THE COURT: Mr. Yampolsky.

22 MR. YAMPOLSKY: Thank you.

23 **CROSS-EXAMINATION**

24 BY MR. YAMPOLSKY:

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

1 gun --

2 A Correct.

3 Q -- correct?

4 And he handled the gun, Matthew, correct?

5 A Correct.

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

7 A Yes.

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

9 A Yes.

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

11 A Yes.

12 Q Okay. And pre -- you didn't say it here but previously you

13 gave a statement that said Jaiden was slurring his words, correct?

14 A A little bit, yes.

15 Q And your -- and if -- I'm paraphrasing but you said

16 because -- that, quote: He wasn't all there.

17 Do you remember saying something like that?

18 A Yes.

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

20 A Correct.

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

22 Xanax --

23 A Correct.

24 Q -- correct?

25 Did you notice who brought the Xanax?

1 A No.

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

3 A I don't know.

4 Q Was it a little? A lot?

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

6 say it was about halfway full.

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

8 A Correct.

9 Q And you said it was about halfway full?

10 A Correct.

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

12 A Correct.

13 Q You saw Jaiden take some Xanax?

14 A Yes.

15 Q And you saw Kody take some Xanax?

16 A Yes.

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

18 long before that did they take the Xanax?

19 A I'm not too sure.

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

21 Somewhere in between?

22 A It had to have been within the hour.

23 Q It had -- within the hour.

24 A Yes.

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

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

2 A Correct.

3 Q And that was a gun?

4 A Yes.

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

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

7 can you show where Kody was on the couch?

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

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

10 A Yeah.

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

12 pointed?

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

14 had moved it to the armrest --

15 Q Okay, so --

16 A -- of the couch.

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

18 to the left of his body, correct?

19 A Correct.

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

21 correct?

22 A Correct.

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

24 right of his body, correct?

25 A Correct.

1 Q And still was watching Jaiden and Matthew?

2 A Correct.

3 Q Okay.

4 MR. YAMPOLSKY: Court's indulgence.

5 THE COURT: Okay.

6 MR. YAMPOLSKY: I have nothing further.

7 THE COURT: Thank you.

8 Ms. Overly?

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

10 **REDIRECT EXAMINATION**

11 BY MS. OVERLY:

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

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

17 [Colloquy between Counsel]

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

20 BY MS. OVERLY:

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

25 A Correct.

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

3 A Yes.

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

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

7 Q Okay.

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

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

12 A Yes.

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

15 A I don't recall.

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

17 [Video playing]

18 BY MS. OVERLY:

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

21 A Yes.

22 Q So it would have been the afternoon?

23 A Yes.

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

1 A Yes.

2 Q It was still light out. Okay.

3 Do you recall around what time that was?

4 A It was really hot so it may have been during the middle of

5 the day and possibly 4:00ish.

6 Q Okay. So it's your estimation that within a -- at least a few

7 hours of this happening is when Matt Minkler was shot.

8 A Yes.

9 Q Okay. And in this video, is it fair to say that everyone's

10 conscious and awake?

11 A Yes.

12 Q Okay. And when you were at the house, during the entire

13 time, did you see anybody, including the Defendants, get sick as a

14 result of taking the drugs?

15 A No.

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

17 A No.

18 Q No. Needing to go to the hospital?

19 A No.

20 Q Okay. So if anything they just seemed to be like what you

21 said wobbly, or is fair to say lethargic?

22 A Yes.

23 Q Okay. But in this video, we do see that Kody's awake and

24 waving around his gun; is that correct?

25 A Yes.

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

2 THE COURT: Mr. Helmick.

3 MR. HELMICK: Thank you.

4 **RECROSS-EXAMINATION**

5 BY MR. HELMICK:

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

10 A Correct.

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

12 A Correct.

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

14 A Correct.

15 Q And you don't when they exactly took the Xanax, right?
16 You're not sitting there watching them, waiting for them to put the
17 pill in their mouth, right?

18 A Correct.

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

20 A Yes.

21 Q -- right?

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

24 A Correct.

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

1 little bit, right?

2 A Yes.

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

5 A I don't believe he was --

6 Q Or he --

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

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

10 A Yes.

11 Q Okay.

12 MR. HELMICK: Page 20; Interview 2.

13 May I approach?

14 THE COURT: Yes.

15 BY MR. HELMICK:

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

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

21 A Yes.

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

24 A Correct.

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

1 THE COURT: Mr. Yampolsky, anything further?

2 MR. YAMPOLSKY: Thank you.

3 **RECROSS-EXAMINATION**

4 BY MR. YAMPOLSKY:

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

8 A About, yes.

9 Q Okay. Thank you.

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

11 THE COURT: Anything further, Ms. Overly?

12 MS. OVERLY: No, Your Honor.

13 THE COURT: Anything from our jurors?

14 Yes.

15 [Bench conference transcribed as follows.]

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

17 MR. PESCI: Okay.

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

20 MR. PESCI: Okay.

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

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

24 THE COURT: Bigger sheet of paper.

25 THE MARSHAL: I told her, Judge.

1 THE COURT: Thank you.

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

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

4 MR. HELMICK: Yeah.

5 MR. YAMPOLSKY: No objection.

6 Oh, that's a big one.

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

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

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

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

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

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

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

14 the Xanax was taken.

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

16 Maybe I wasn't clear.

17 THE COURT: You were saying it was somewhere around

18 an hour before --

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

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

21 clarify that as well.

22 MR. YAMPOLSKY: Okay.

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

24 MR. PESCI: I don't know.

25 MR. YAMPOLSKY: He has it.

1 MR. PESCI: I don't know if that's necessarily appropriate
2 to ask.
3 THE COURT: Was he charged?
4 MR. PESCI: No.
5 THE COURT: No. Okay. You can ask him if he was
6 arrested or charged with any crime.
7 MR. PESCI: I don't mind.
8 MR. YAMPOLSKY: I don't care.
9 THE COURT: Okay. And then we're okay with this?
10 MR. YAMPOLSKY: Yeah.
11 THE COURT: Okay.
12 MR. PESCI: All as is, right? All three of them as is?
13 THE COURT: Pardon?
14 MR. PESCI: You're going to read them as is?
15 THE COURT: Well hold --
16 MR. YAMPOLSKY: [Indiscernible] --
17 THE COURT: -- on --
18 MR. YAMPOLSKY: [Indiscernible] -- of it.
19 THE COURT: -- so what about this? Can you explain --
20 MR. YAMPOLSKY: He's not going to be able to explain --
21 MR. HELMICK: I mean, --
22 MR. PESCI: How do you know?
23 MR. HELMICK: Well I mean because -- yeah, he might
24 know. He might know what it is.
25 THE COURT: And then do you know if Ghunnar and

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

3 MR. HELMICK: Yeah.

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

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

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

10 THE COURT: Okay.

11 MS. OVERLY: -- and Kymani.

12 MR. PESCI: He's --

13 MR. HELMICK: I mean --

14 THE COURT: When he fled --

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

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

18 [End of bench conference.]

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

21 THE WITNESS: Yes.

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

23 BY THE COURT:

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

1 A No.

2 Q Okay. Was the first shot into the ceiling on the first floor

3 of the residence, or were you guys on the second floor?

4 A It was on the first floor.

5 Q On the first floor, okay.

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

7 A Yes.

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

9 A Robbing someone.

10 Q Okay. Were you saying something else?

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

12 THE WITNESS: Yes.

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

14 THE COURT: He said robbing someone.

15 THE WITNESS: Correct.

16 THE COURT: Okay.

17 BY THE COURT:

18 Q Do you know if Ghunnar and Charles fled from the

19 residence after Matt was shot?

20 A Ghunnar and Kymani had left together --

21 Q Got it.

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

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

24 A He was right behind me, yes.

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

1 or stay together, or what?

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

3 Q Okay. Kind of lost track of him?

4 A Yes.

5 Q Okay. How much time was there, if you can recall,

6 between the first shooting of the gun into the ceiling and the

7 shooting of Matt?

8 A Possibly within two hours.

9 Q Within two hours, okay.

10 THE COURT: And then let me just clarify. So the last

11 question that says and last attorney's questioning shooting referred

12 to ceiling or victim. Are you saying when he was asking about how

13 much time prior to the shooting was the taking of --

14 JUROR NUMBER 12: Pills.

15 THE COURT: -- Xanax?

16 JUROR NUMBER 12: Uh-huh.

17 THE COURT: Okay.

18 BY THE COURT:

19 Q Did you say that it was around an hour before Matt was

20 shot that you believe they had ingested Xanax?

21 A Yes.

22 Q Okay.

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

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

25 ...

FOLLOW-UP EXAMINATION

BY MS. OVERLY:

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

A Correct.

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

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

Q Okay.

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

Q That's fine.

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

A Correct.

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

A Yes.

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

A Correct.

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

A Correct.

Q And then you fled.

A Yes.

1 Q And you don't know what Charles did?
2 A No.
3 Q Nor do you know what the Defendant, Jaiden, or Kody
4 did?
5 A No.
6 Q Okay.
7 MS. OVERLY: I'll pass the witness, Your Honor.
8 THE COURT: Mr. Helmick, anything?
9 MR. HELMICK: No, thank you, Judge.
10 THE COURT: Mr. Yampolsky?
11 MR. YAMPOLSKY: No questions.
12 THE COURT: All right. Mr. Oliver, Thank you very much
13 for your time. I appreciate it. You are excused, okay?
14 THE WITNESS: Thank you.
15 THE COURT: The State may call their next witness.
16 MR. PESCI: The State calls Kristin Prentiss.
17 THE COURT: By the way, who was it that posed the
18 question have you been charged with any crimes?
19 Okay. Got it. Just remember to write your juror number
20 on there if you would. Thank you.
21 **KRISTIN PRENTISS**
22 [having been called as a witness and being first duly sworn,
23 testified as follows:]
24 THE CLERK: Thank you, please be seated.
25 If you could state and spell your name for the record,

1 please.

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

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

5 All right. Mr. Pesci.

6 MR. PESCI: Thank you.

7 **DIRECT EXAMINATION**

8 BY MR. PESCI:

9 Q Ma'am, how are you?

10 A Good. How are you, sir?

11 Q Good, thanks for asking.

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

15 A Yes, sir.

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

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

20 THE WITNESS: Yes, sir.

21 BY MR. PESCI:

22 Q Do you recognize that house?

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

24 Q Did you go to that house?

25 A Yes.

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

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

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

5 A Yes.

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

7 A Maybe two or three hours.

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

10 A They went to my school.

11 Q Okay. So did you know of them?

12 A Yes.

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

15 A No.

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

19 A Yes.

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

22 A Yes.

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

24 A Jaiden.

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

1 Kody there?

2 A No.

3 Q Okay. How about Alaric?

4 A Yes.

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

6 A Yes.

7 Q Was he there on the night before?

8 A Yes.

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

10 A Yes.

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

12 A No.

13 Q Okay. Did he leave with you?

14 A No.

15 Q All right. After you left --

16 THE COURT: Can I just clarify something?

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

18 gone?

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

20 THE COURT: Got it.

21 MR. PESCI: And I apologize.

22 BY MR. PESCI:

23 Q The last one I was hoping to try to say was, did you see

24 Alaric leave with you?

25 A No.

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

3 A Yes.

4 Q Okay.

5 MR. PESCI: Thank you, Judge.

6 BY MR. PESCI:

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

8 A No.

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

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

12 A Yes.

13 Q This kind of living room area.

14 A Yes?

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

17 A Not that setup, sir.

18 Q Okay.

19 A But, yes.

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

22 A Yes.

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

1 A Yes.

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

4 A Yes.

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

8 A Yes.

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

10 A Define evening or afternoon, please.

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

13 A No.

14 Q Okay. Before?

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

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

19 A Yes.

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

21 A Yes.

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

24 A Yes.

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

1 FaceTime or some other medium like that?

2 A Yes.

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

5 A Yes.

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

9 A Yes.

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

11 A Male.

12 Q What did that male voice say?

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

14 Q Okay. What did you say?

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

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

18 A Briefly, yes.

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

21 A Yes.

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

24 A Yes.

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

1 should say on the 7th?

2 A No.

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

5 A No.

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

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

10 Q Oh, okay.

11 A -- that I had left.

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

14 A Yes.

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

17 A Yes.

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

20 A Yes, briefly.

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

23 A Yes.

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

1 A No.

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

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

4 Q Okay. So I probably worded that poorly. Did you know

5 him to sell drugs?

6 A Yes.

7 Q Okay.

8 MR. PESCI: Court's indulgence.

9 Pass the witness, Your Honor.

10 THE COURT: Mr. Helmick.

11 MR. HELMICK: Thank you, Your Honor.

12 **CROSS-EXAMINATION**

13 BY MR. HELMICK:

14 Q Hi, Kristin.

15 A Hello, sir.

16 Q Okay. So let's talk about the phone call you received

17 from, it was Charles, right?

18 A Yes.

19 Q Okay. And Charles called you while he was at the Cool

20 Lilac House, right?

21 A Yes.

22 Q And that call was on FaceTime, right?

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

24 Q Yeah.

25 A It was like that.

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

3 A Okay.

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

5 A Yes.

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

8 A Yes.

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

12 A I received both.

13 Q Oh, you received both.

14 A Yes.

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

17 A Yes.

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

21 A Yes.

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

24 A Yes.

25 Q Okay. And Charles was telling you --

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

3 MR. HELMICK: May we approach, please?

4 THE COURT: Sure.

5 [Bench conference transcribed as follows.]

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

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

11 MR. HELMICK: Yeah.

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

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

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

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

20 THE COURT: Okay.

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

23 THE COURT: But I mean --

24 MR. HELMICK: That's a --

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

1 say --

2 MR. HELMICK: Moments earlier he says that Jaiden was

3 on Xanax and they decided to play a modified version of Russian

4 Roulette, in which Jaiden was the only one clicking the gun.

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

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

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

8 MR. YAMPOLSKY: [Indiscernible].

9 THE COURT: -- impression --

10 MR. HELMICK: Immediately --

11 THE COURT: -- body on the floor, not what just happened

12 in the past.

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

14 immediately thereafter.

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

16 MR. HELMICK: Oh, you are?

17 MR. PESCI: Yeah.

18 MR. HELMICK: Well thanks.

19 MR. YAMPOLSKY: Say that again.

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

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

22 THE COURT: Yeah.

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

24 least?

25 THE COURT: No --

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

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

6 MR. HELMICK: Or --

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

8 MR. HELMICK: -- immediately thereafter.

9 MR. YAMPOLSKY: That's not --

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

11 MR. YAMPOLSKY: -- in the rules.

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

13 MR. YAMPOLSKY: Not present --

14 MR. HELMICK: Yes, it is.

15 MR. YAMPOLSKY: -- enough.

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

17 MR. HELMICK: Okay.

18 [End of bench conference.]

19 THE COURT: All right. Mr. Helmick.

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

21 BY MR. HELMICK:

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

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

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

5 A I said I assumed so.

6 Q Well --

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

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

10 MR. HELMICK: Yeah.

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

13 BY MR. HELMICK:

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

18 A Yes.

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

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

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

25 A Yes.

1 Q Okay. But you heard Jaiden's voice, right, on --

2 MR. YAMPOLSKY: Objection --

3 THE WITNESS: I assume so.

4 MR. YAMPOLSKY: -- Your Honor, that misstates it. She
5 said she assumed it was Jaiden, so now he's saying well so you
6 heard it was Jaiden's voice.

7 THE COURT: He's asking if she ever heard Jaiden's voice.
8 So at any time did you hear Jaiden's voice?

9 THE WITNESS: Not that I could definitively say yes to.

10 THE COURT: Okay. Thank you.

11 BY MR. HELMICK:

12 Q Do you remember telling me that in our phone call?

13 MR. PESCI: Jaiden, I apologize --

14 THE WITNESS: No.

15 MR. YAMPOLSKY: Objection, Your Honor.

16 MR. PESCI: -- asked and answered.

17 MR. YAMPOLSKY: If he wants to be an investigator then
18 it's fine, but he's an attorney --

19 THE COURT: Over --

20 MR. YAMPOLSKY: -- not a witness.

21 THE COURT: Overruled. He's laid the foundation that he
22 had the phone call with her with another person present that
23 potentially could be a witness if necessary. He's -- the question is
24 proper.

25 MR. HELMICK: Thank you.

1 THE COURT: Do you remember that question?

2 THE WITNESS: Can you restate it, please?

3 MR. HELMICK: Sure. No problem.

4 BY MR. HELMICK:

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

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

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

11 A Yes.

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

14 MR. PESCI: Judge, objection --

15 MR. YAMPOLSKY: Objection --

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

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

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

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

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

21 MR. HELMICK: I'll move on.

22 BY MR. HELMICK:

23 Q Okay. So you were also sent videos in this case, isn't that
24 right?

25 A Yes.

1 Q Okay. Two videos, right?

2 A Yes.

3 Q All right. Charles sent you a video of his feet being wet in

4 some form of water --

5 A Yes.

6 Q -- right?

7 Okay. You also know a guy named Traceo Meadows?

8 A Yes.

9 Q Okay. Traceo Meadows was at the house when you got

10 the call from Charles, right?

11 A I believe so.

12 Q Thank you. He sent you a video of bloody towels and lots

13 of water on the floor, isn't that right?

14 A Yes.

15 Q Okay. And you also had saw that Jaiden posted

16 something on Snapchat, right?

17 A Yes.

18 Q Okay. And that was about catching the body?

19 A I believe so.

20 Q Okay. You also received a phone call from the individual

21 Alaric Oliver that evening, right?

22 A Yes.

23 Q Okay. And he told you he was --

24 MR. PESCI: Judge --

25 MR. HELMICK: Well, sorry --

1 MR. PESCI: -- objection as to what --

2 MR. HELMICK: I will move on.

3 MR. PESCI: -- Alaric said.

4 MR. HELMICK: I'll move on. Thank you. Caught myself
5 there.

6 THE COURT: Thank you.

7 MR. HELMICK: Okay.

8 Court's indulgence.

9 THE COURT: Okay.

10 MR. HELMICK: Okay. Kristin, that's all I have for you.
11 Thank you very much.

12 THE WITNESS: Thank you, sir.

13 THE COURT: Mister -- oh, oh, oh --

14 THE WITNESS: Oh.

15 THE COURT: Hold on.

16 Mr. Yampolsky.

17 MR. YAMPOLSKY: Thank you.

18 **CROSS-EXAMINATION**

19 BY MR. YAMPOLSKY:

20 Q So Ms. Prentiss -- excuse me.

21 You said that you knew Matthew Minkler sold narcotics?

22 A Yes.

23 Q And when you say he sold narcotics, you mean
24 marijuana?

25 A I believe so, yes.

1 Q And were you aware that he sold any other drug -- so you
2 weren't aware that he sold Xanax?

3 A No.

4 Q Okay. And when Mr. Helmick asked you was it Jaiden's
5 voice, you said you assumed it was his voice, correct?

6 A Yes.

7 Q So you didn't know.

8 A No.

9 MR. YAMPOLSKY: Thank you. I have nothing further.

10 THE COURT: Anything further from the State?

11 MR. PESCI: No. Thank you, Your Honor.

12 THE COURT: Anything from our jurors?

13 No. Ms. Prentiss, thank you very much for your time. I
14 appreciate it. You are excused.

15 THE WITNESS: Thank you, sir.

16 THE COURT: All right. The State may call their next
17 witness.

18 MR. PESCI: So Judge, that's all --

19 THE COURT: Do you have any other witnesses?

20 MR. PESCI: No. Sorry.

21 THE COURT: Okay. So that -- look that's a good sign.

22 That means we're getting through things more rapidly than the
23 attorneys anticipated.

24 So we're going to go ahead and break for the day. We're
25 going to start tomorrow at 11:00. My calendar's a little longer, so I

1 don't want to try and have you sticking around at 10:30 and get
2 started late so we'll say 11:00.

3 During the recess you're admonished not to talk or
4 converse among yourselves or with anyone else on any subject
5 connected with the trial. Or read or watch or listen to any report of
6 or commentary on the trial by any medium of information
7 including, without limitation, newspapers, television, the internet,
8 and radio. Or form or express any opinion on any subject
9 connected with the case until it's finally submitted to you. No legal
10 or factual research, or investigation, or social media
11 communication.

12 And I will see you tomorrow. Thank you for your time
13 today.

14 [Outside the presence of the jury]

15 THE COURT: All right. Anything outside the presence?

16 MR. PESCI: Not from the State.

17 THE COURT: You guys can all be seated.

18 Anything from the Defense?

19 MR. HELMICK: No, Your Honor.

20 THE COURT: And just to kind of further expand, I didn't
21 want to get too long into talking at the bench but while I understand
22 the present sense impression that you were trying to get at and the
23 immediately thereafter part of that statute, there really wasn't any
24 foundation from her as to how immediately this was.

25 I think the only way you were going to get into that would

1 be even attempting to do further hearsay with Charles about how
2 long after the shooting it was that he was FaceTiming with her,
3 especially since the State's already indicated they're calling Charles
4 as a witness.

5 MR. PESCI: That's correct, Your Honor.

6 MR. HELMICK: Okay.

7 THE COURT: All right. Then I will see everybody
8 tomorrow at 11:00.

9 MR. PESCI: Thank you.

10 MR. HELMICK: All right. Thank you, Your Honor.

11 THE COURT: Thank you.

12 [Evening recess at 3:46 p.m.]

13 * * * * *

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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 Mangerson
Independent Transcriber