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

JUSTIN PORTER, )  
 )  
Appellant, )  
 )  
vs. )  
 )  
THE STATE OF NEVADA, )  
 )  
Respondent. )  
 )  
\_\_\_\_\_ )

Case No: 80738

**APPELLANT'S APPENDIX**  
**Volume III**

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1 THE COURT: Thank you.

2 BY MR. TOMSHECK:

3 Q C-a-l-e-n-d-a-r?

4 A Yes, sir.

5 Q Okay. The wall calendar, where was it at in the  
6 apartment?

7 A It's way at the back. It's like they have, like,  
8 a little pocket at the back of the calendar. That's where he  
9 keep the cashes.

10 Q If you didn't know it was there, like if Gee  
11 hadn't told you or shown you, would you think that there'd be  
12 cash just by looking at the calendar?

13 A No, sir.

14 MR. TOMSHECK: I'll pass, Judge, thank you.

15 THE COURT: Thank you. Anything further?

16 MR. ABOOD: Just very quickly, Your Honor.

17 RECROSS-EXAMINATION

18 BY MR. ABOOD:

19 Q Sir, I guess what you're describing for us is that  
20 Gee had a calendar and that -- in his apartment; is that  
21 correct?

22 A Yes, sir.

23 Q And there was an envelope in the back of each  
24 month to the -- to have money placed in that calendar?

25 A No, I believe it was the last month that had --

1 Q So -- I'm sorry, go ahead.

2 A Yeah, the last month that had like a pocket.

3 What's that, like --

4 Q So there was just one pocket that --

5 A Yes, yes.

6 Q And it's somewhere in the back of the calendar?

7 A Yes.

8 Q Okay. So it's not a calendar that has money for  
9 each month?

10 A No, no.

11 Q Is that what you're saying?

12 A No, sir.

13 Q It's not. Okay. Sir, thank you.

14 A Yes, sir.

15 THE COURT: Anything further?

16 MS. LUZAICH: No, nothing further, sorry.

17 THE COURT: Okay. Sorry. All right. Thank you,  
18 sir, you're all done.

19 THE WITNESS: Thank you.

20 MS. LUZAICH: Rebaca Gonzales.

21 (Pause in proceedings)

22 THE MARSHAL: If you would step up into the box,  
23 remain standing, raise your right hand, face that gentleman  
24 right there.

25 THE COURT: Yes, let's go and swear in the

1 interpreter first.

2 THE CLERK: Please raise your right hand.

3 (Interpreter Ricardo Pico sworn to translate Spanish)

4 THE INTERPRETER: Ricardo Pico, R-i-c-a-r-d-o,  
5 P-i-c-o last name.

6 THE CLERK: Thank you. And the witness, please  
7 raise your right hand.

8 REBACA REGALADO, PLAINTIFF'S WITNESS, SWORN.

9 THE CLERK: Thank you. Please be seated. Please  
10 state your complete name, spelling both your first and last  
11 name for the record, please.

12 THE WITNESS: Rebaca Regalado, R-e-b-a-c-a, R-e-  
13 g-a-l-a-d-o.

14 THE COURT: Ma'am, you probably want to sit in to  
15 be right by the mic. Go ahead, counsel.

16 MS. LUZAICH: Thank you.

17 DIRECT EXAMINATION

18 BY MS. LUZAICH:

19 Q Ma'am, do you live here in Las Vegas?

20 A Yes.

21 Q And in June of the year 2000, did you also live  
22 here in Las Vegas?

23 A Yes.

24 Q In June of 2000, did you live in an apartment at  
25 415 Tenth Street in Las Vegas?

1 A Yes.

2 Q Who did you live there with?

3 A With my sister and my children.

4 Q What's your sister's name?

5 A Dina Regalado (phonetic).

6 Q And is she also here outside?

7 A Yes.

8 Q You said your kids lived with you as well?

9 A Yes.

10 Q How many kids?

11 A I had three.

12 Q And did your sister Dina have any kids living with

13 you guys at the time?

14 A Yes, one girl.

15 Q So you two ladies and four children?

16 A Yes.

17 Q When you were living in 415 Tenth Street, was that

18 an apartment?

19 A Yes.

20 Q And --

21 MS. LUZAICH: You know what? May I approach?

22 THE COURT: Yes.

23 BY MS. LUZAICH:

24 Q I'm going to show you what's been already moved

25 into evidence as State's Exhibit 3. There's a screen in front

1 of you to your right. Can you see that picture?

2 A Yes.

3 Q Does that look like the apartment building you  
4 lived in?

5 A Yes, that's the one.

6 Q And what apartment did you live in? What was the  
7 letter?

8 A This one here. I don't recall the letter.

9 Q Okay. Did you live upstairs or downstairs?

10 A Downstairs.

11 Q And you lived in the front of the building that  
12 we're looking at right now; is that correct?

13 A Yes.

14 Q Because there are also apartments around back;  
15 right?

16 A Yes. That's the front.

17 Q Okay. And the apartment that you lived in  
18 downstairs, was that -- or could you point to it? If you  
19 touch the screen -- okay. So for the record, it's to the left  
20 in the picture; is that correct?

21 A How do you mean?

22 Q In the picture --

23 MS. LUZAICH: Well, for the record, it's on the  
24 left.

25 THE COURT: The arrow that's been placed on the

1 screen is to the left side of the picture.

2 MS. LUZAICH: Thank you.

3 BY MS. LUZAICH:

4 Q The apartment that you lived in, how many bedrooms  
5 were in it?

6 A One.

7 Q Did you all sleep in the same bedroom?

8 A Yes.

9 Q Okay. Now, I'm talking about June of 2000, was  
10 there a commotion in there one night?

11 A Yes.

12 Q Do you remember what time of the night that there  
13 was a commotion?

14 A I believe that it was around 3:00. It was late in  
15 the evening, we were all asleep.

16 Q Okay. So when you say 3:00, around three in the  
17 morning?

18 A Yes.

19 Q Okay. You say you were all asleep. Did something  
20 happen that woke you up?

21 A Yes. A loud noise. A loud noise.

22 Q When you say "a loud noise", what kind of a noise  
23 was it?

24 A I thought it was an earthquake because the lamp  
25 that's on the livingroom was moving very -- very harshly.



1 Q Okay. And when you say "earthquake", that's  
2 really loud. But can you describe the actual noise that you  
3 heard? What kind of a noise was it?

4 A It was a very loud noise. You know, I thought it  
5 was an earthquake because the lamp was moving, you know, very  
6 strongly.

7 Q Okay. After the really loud noise, did you hear  
8 anything else?

9 A My kids were crying and I heard someone, like,  
10 walking, like someone was coming down -- down the stairs. And  
11 then I went over to the bathroom. And in the bathroom, I  
12 heard someone moaning like someone was there dying. It was  
13 very loud moaning. I didn't know what was going on and up to  
14 this day, I feel very bad because I did not call the police  
15 and they could not help that person. I was very much afraid  
16 and I didn't check to see outside.

17 Q What were your kids doing when this was happening?

18 A They were crying. They didn't know what was  
19 happening.

20 Q Were you trying to console your children?

21 A Yes.

22 Q Okay. After you heard the banging, the walking  
23 and the moaning, did you hear anything else after that?

24 A No, there was silence.

25 Q The person who lived upstairs, did you know that

1 person?

2 A Yes, I have seen him.

3 Q Okay. Did you know him to look at him? Or did  
4 you ever have conversation with him?

5 A No, I never talked to him. And I'm a -- you know,  
6 I'm a person who lives alone with her children and I didn't  
7 talk to him.

8 Q Okay. But you knew him by face?

9 A Yes. It was an easy-going fellow.

10 Q Okay. After you heard those noises that night,  
11 did you ever see your neighbor upstairs again?

12 A No, I did not see him.

13 Q Thank you.

14 MS. LUZAICH: I will pass the witness.

15 THE COURT: Cross.

16 MR. ABOOD: Thank you, Your Honor.

17 CROSS-EXAMINATION.

18 BY MR. ABOOD:

19 Q May I ask you a few questions as well?

20 A Yes.

21 Q Thank you. Ma'am, can you tell us, this man that  
22 lived upstairs from the apartment that you lived in, do you  
23 know what time he normally left to go to work?

24 A I saw that around 5:00 in the afternoon.

25 Q And do you know when he normally came back?

1           A     At night, I believe, around 10:00 or 11:00. But  
2 I'm not sure, but it was at night.

3           Q     Did he ever leave the lights on in his apartment  
4 when he left for work?

5           A     Yes, sometimes, yes.

6           Q     And did he ever hang curtains in his front window?  
7 This window that's above the apartment that you lived in?

8           A     I don't know.

9           Q     Okay. Ma'am, you told us about a loud banging  
10 noise that you heard. And I think you indicated that that was  
11 followed by the sound of a man screaming?

12          A     I never heard screams. In the restroom I heard  
13 moaning.

14          Q     So just banging noises.

15          A     Yes.

16          Q     Did you hear any footsteps up in the apartment?

17          A     Yes.

18          Q     Did it sound to you that someone was walking from  
19 one room into the bathroom?

20          A     They were walking in the livingroom.

21          Q     In the livingroom.

22          A     Heading towards the door.

23          Q     Heading towards the door? And did this happen  
24 directly after the banging noise?

25          A     Yes, after the loud noise.

1 Q Okay. Thank you very much.  
2 MR. ABOOD: Thank you, Your Honor.  
3 THE COURT: Redirect?  
4 MS. LUZAICH: No.  
5 THE COURT: Okay. Thank you, ma'am, you're all  
6 done.  
7 THE WITNESS: Thank you.  
8 MS. LUZAICH: Dina Regalado.  
9 (Pause in proceedings)  
10 THE MARSHAL: Step up into the box, remain  
11 standing, raise your right hand, face that gentleman right  
12 there.  
13 DINA REGALADO, PLAINTIFF'S WITNESS, SWORN  
14 THE CLERK: Thank you. Please be seated. Please  
15 state your complete name, spelling both your first and last  
16 name for the record, please.  
17 THE WITNESS: Dina Rejalado, D-i-n-a, R-e-j-a-l-  
18 a-d-o.  
19 THE COURT: Can you confirm that spelling of the  
20 last name, please?  
21 THE INTERPRETER: R-e-j --  
22 THE COURT: I'm sorry, can you confirm with her?  
23 THE INTERPRETER: Oh, I'm sorry.  
24 THE WITNESS: R-e-j-a-l-a-d-o.  
25 THE COURT: Okay. Go on.

1 MS. LUZAICH: Thank you.

2 DIRECT EXAMINATION

3 BY MS. LUZAICH:

4 Q Ma'am, do you live here in Las Vegas?

5 A Yes.

6 Q Did you live here in Las Vegas back in June of  
7 2000, as well?

8 A Yes.

9 Q And in June of 2000, did you live at 415 Tenth  
10 Street?

11 A Yes.

12 Q And if you look at that screen in front of you,  
13 State's Exhibit 3, is that the apartment you lived in, the  
14 building?

15 A Yes.

16 Q Do you remember what the letter was of the  
17 apartment you lived in?

18 A D.

19 Q Was it upstairs or downstairs?

20 A Downstairs.

21 Q Which downstairs apartment was it?

22 A This one here.

23 THE COURT: Can you mark on--

24 BY MS. LUZAICH:

25 Q If you actually touch it, it will show.

1 A I have to touch it?

2 Q If you can touch the screen there will be a mark  
3 on it. Go ahead. Thank you.

4 MS. LUZAICH: And for the record, that's to the  
5 left in the picture.

6 THE COURT: Correct.

7 MS. LUZAICH: Thank you.

8 BY MS. LUZAICH:

9 Q In June of 2000, when you were living in that  
10 apartment, who did you live with?

11 A With my sister.

12 Q Is that Rebaca?

13 A Yes.

14 Q The lady who just left?

15 A Yes.

16 Q Did you guys also have kids living in the  
17 apartment with you?

18 A (In English) Yes, four kids.

19 (Through interpreter) Four kids.

20 Q Okay. You speak a little bit of English; right?

21 A (In English) Yeah, a little.

22 Q Okay. Just so that our record is clean, can you  
23 let the gentleman interpret so that we're sure that you're  
24 answering the appropriate question.

25 A (In English) Okay.

1 Q Thank you. So four kids and you and your sister  
2 live there?

3 A Yes.

4 Q Did you know the person who lived upstairs?

5 A Yes.

6 Q Was it a man or a woman?

7 A It was a man.

8 Q As far as you know, did he live there by himself?

9 A He was living by himself.

10 Q Okay. Now, back in June of 2000, one night was  
11 there a commotion at the apartment?

12 A Yes.

13 Q Can you describe for us what you heard?

14 A Since I was sleeping, I heard like someone banging  
15 on the table. It was a very loud noise.

16 Q Okay. You heard a loud banging noise while you  
17 were sleeping. Did that wake you up?

18 A Yes.

19 Q What else did you hear, if anything?

20 A Well, it was a very loud noise that woke me up,  
21 you know, and I thought someone, you know, banged very hard on  
22 a table and that woke me up. And that's what I heard.

23 Q What did you do when you heard it?

24 A I went out running. I was scared. I didn't know  
25 what was going on. I was just there up the livingroom of my

1 apartment. We decided -- thought that that were -- that noise  
2 was coming from there. That's what I thought.

3 Q You thought the noise was coming from your  
4 livingroom?

5 A Oh, from the upstairs apartment.

6 Q Okay. When you ran into the livingroom because of  
7 the loud noise, did your sister and the kids also get up?

8 A I was the first one who woke up and went out  
9 running to the livingroom. And, you know, I jumped over the  
10 children that were sleeping there because we all sleep in the  
11 same room. And then everyone else came behind me.

12 Q Okay. Were the kids upset?

13 A Well, they cried. They didn't know what was going  
14 on. They were asking me what happened.

15 Q Did you hear anything else -- did you hear  
16 anything else after the loud noise?

17 A Not after the loud noise. Everything was like one  
18 sound after the other. So after the loud noise, I heard, like  
19 oh, oh, like the guy upstairs yelled it.

20 Q Okay. So you heard a man's voice coming from  
21 upstairs?

22 A Yes.

23 Q And did you say it was yelling?

24 A He yelled very loudly and he said two times, oh,  
25 oh.



1 Q Was that the last thing that you remember hearing?

2 A That's all I heard.

3 Q What did you do when you heard all that?

4 A I was standing there waiting for something, some  
5 other noise because I thought that maybe he was having a fight  
6 with someone, a friend or someone. But then, after that oh,  
7 oh noise, I didn't hear anything else. And together with my  
8 sister, we stayed there like 30 minutes trying to hear  
9 something else. But after that first noise, we didn't hear  
10 anything else.

11 Q And did the police come about two days later and  
12 talk to you about what you had heard?

13 A Yes.

14 Q And you and your sister both spoke to them?

15 A Yes.

16 Q Thank you.

17 MS. LUZAICH: I have no further questions.

18 THE COURT: Thanks. Cross.

19 MR. ABOOD: We have no questions, Your Honor.

20 Thank you.

21 THE COURT: Thank you. All right, ma'am, you're  
22 all done. Thank you.

23 THE WITNESS: Okay, thank you.

24 MR. TOMSHECK: The State's next witness will be  
25 Chanel Matthews.

1 (Pause in proceedings)

2 THE MARSHAL: Step up into the box, remain  
3 standing, raise your right hand, face that gentleman right  
4 there for me.

5 CHANEL MATTHEWS, PLAINTIFF'S WITNESS, SWORN

6 THE CLERK: Thank you. Please be seated. Please  
7 state your complete name, spelling both first and last name  
8 for the record, please.

9 THE WITNESS: Excuse me?

10 THE CLERK: Please state your complete name,  
11 spelling both your first and last name for the record, please.

12 THE WITNESS: Chanel Matthews, C-h-a-n-e-l, M-a-  
13 t-t-h-e-w-s.

14 THE CLERK: Thank you.

15 MR. TOMSHECK: Can I have the Court's indulgence  
16 for one moment?

17 THE COURT: Sure.

18 (Pause in proceedings)

19 MR. TOMSHECK: May I proceed, Judge?

20 THE COURT: Yes, go ahead.

21 DIRECT EXAMINATION

22 BY MR. TOMSHECK:

23 Q Good afternoon, Chanel.

24 A Hi.

25 Q How are you?

1 A I'm fine.

2 Q You go by the name Chanel?

3 A Yeah, Chanel, Nell, Nellie, I don't know.

4 Q Is it okay to call you Nell?

5 A Yes.

6 Q I want to direct your attention back to the year  
7 1999 into the year 2000, were you in middle school back then?

8 A Yes.

9 Q And while you were in middle school, did you date  
10 an individual by the name of Justin Porter?

11 A Yes.

12 Q Do you see Mr. Porter in the courtroom today?

13 A Yes.

14 Q Would you point at him and for the record identify  
15 an item of clothing that he's wearing in court today?

16 A That gentleman right there. Is that like a beige  
17 button shirt down shirt, I don't know.

18 Q Seated at defense counsel table?

19 A Yes.

20 Q And there's three guys there. Is he the one in  
21 the middle?

22 A Yes.

23 MR. TOMSHECK: May the record reflect the  
24 identification of the defendant.

25 THE COURT: Yes.

1 BY MR. TOMSHECK:

2 Q While you were dating the defendant, were -- did  
3 the time period that you were dating him lead from the year  
4 1999 into the year 2000?

5 A Yes.

6 Q And in the year 2000, do you remember Valentine's  
7 Day?

8 A Yes.

9 Q Around Valentine's Day, were you still dating the  
10 defendant?

11 A Yes.

12 Q While you were dating the defendant around  
13 Valentine's Day, did the two of you go somewhere and buy some  
14 matching outfits?

15 A Yes.

16 Q Where did you go?

17 A The indoor swap meet.

18 Q And where is the indoor swap meet at?

19 A On Eastern and Bonanza.

20 Q Here in Las Vegas?

21 A Yes.

22 Q Can you describe for us the outfits that you  
23 bought? Did they have a top, a bottom and shoes?

24 A Yes.

25 Q Can you describe the tops for us?

- 1 A It was a grey, Dada is the brand name --
- 2 Q Is that -- is that --
- 3 A -- Dada shirt. It's D-a-d-a.
- 4 Q Dada, D-a-d-a, just for the record.
- 5 A Yeah, uh-huh.
- 6 Q Go ahead.
- 7 A Grey. And the writing on the shirt was a dark
- 8 blur or black, like a dark, dark blue. You would think it was
- 9 black, though.
- 10 Q The bottoms, can you describe those for us?
- 11 A They were shorts and they were navy blue.
- 12 Q Did they match one another?
- 13 A Yes. We both had matching outfits. And white gym
- 14 shoes. They were Saucony's.
- 15 Q The brand was Saucony?
- 16 A The brand was Saucony, yes.
- 17 Q Okay. Is that a brand of tennis shoes?
- 18 A Yes, sir.
- 19 Q Okay. They're not like boots, they're like
- 20 running shoes; right?
- 21 A Yeah.
- 22 Q Do you remember what color they were?
- 23 A They were white. And we had, like white and blue
- 24 laces, I guess, to go with them.
- 25 Q And those you guys purchased together at the

1 indoor swap meet in the first part of 2000?

2 A Yes, sir.

3 Q After you got those outfits, did you wear them  
4 together more than once?

5 A Well, we didn't, like, wear the whole outfit at  
6 the same time. But we did wear it again, numerous of times,  
7 yes.

8 Q Okay. The shoes that you just described being the  
9 Saucony brand shoes, did you see the defendant wearing them  
10 after Valentine's Day in the year 2000? After they were  
11 purchased?

12 A Yes.

13 MR. TOMSHECK: I'll pass the witness, Judge.

14 THE COURT: Cross.

15 MR. ABOOD: No questions, Your Honor.

16 THE COURT: Thank you, ma'am, you're all done.

17 THE WITNESS: Oh, thank you.

18 MS. LUZAICH: Ed Cunningham.

19 (Pause in proceedings)

20 THE MARSHAL: Okay, sir, step up into the box,  
21 remain standing, raise your right hand.

22 EDWARD CUNNINGHAM, PLAINTIFF'S WITNESS, SWORN

23 THE CLERK: Thank you. Please be seated.

24 THE WITNESS: Thank you.

25 THE CLERK: Please state your complete name,

1 spelling both your first and last name for the record, please.

2 THE WITNESS: Detective Edward Cunningham. E-d-  
3 w-a-r-d, C-u-n-n-i-n-g-h-a-m.

4 MS. LUZAICH: May I?

5 THE COURT: Yes.

6 DIRECT EXAMINATION

7 BY MS. LUZAICH:

8 Q Sir, you're not from Las Vegas, are you?

9 A No, ma'am.

10 Q And where you from?

11 A Chicago, Illinois.

12 Q What do you do in Chicago?

13 A I'm a detective.

14 Q Okay.

15 A Police detective, Chicago Police Department.

16 Q How long have you been with the Chicago Police  
17 Department?

18 A Almost 24 years.

19 Q How long you been a detective?

20 A Almost 13.

21 Q And sometimes as a detective with the Chicago  
22 Police Department, are you called upon to aid other agencies  
23 from other jurisdictions with things that may occur in your  
24 jurisdiction?

25 A Yes.

1 Q I'm going to take you back to August of 2000.

2 Were you working as a police officer in August of 2000?

3 A Yes.

4 Q And were you and some other individuals you work  
5 with asked to help the Las Vegas Metropolitan Police  
6 Department in August of 2000?

7 A Yes.

8 Q Were you -- and when I say "you", maybe not you  
9 personally, but you or your commander or supervising officer,  
10 were you guys contacted by the Las Vegas Metropolitan Police  
11 Department about a suspect of theirs that may be located in  
12 your jurisdiction?

13 A Yes.

14 Q And did they give you a name and an address where  
15 this person may be located?

16 A Yes.

17 Q What was the name of the person?

18 A Justin Porter.

19 Q And do you remember the address that you were  
20 given that he may be located at?

21 A 1251 South Kildare (phonetic), I believe it was.

22 Q That's in Chicago, Illinois?

23 A Yes.

24 Q And did you, in fact, go to that address?

25 A Yes.



1 Q What time of day was it that you went there?

2 A It was about 12:45 in the morning.

3 Q Do you remember what day it was?

4 A It was August 12th was the date when we actually  
5 went there.

6 Q Okay. So like 45 minutes into the 12th?

7 A Correct.

8 Q Okay. And when you saw "we went there", how many  
9 of you went there?

10 A Oh, there was several detectives. I'm not sure  
11 all of who was here, but I know a few of the detectives that  
12 were there, though.

13 Q Okay. About how many, how's that?

14 A Probably six to eight.

15 Q When you went there, did you actually have an  
16 arrest warrant for Justin Porter?

17 A I was aware there was a warrant for his arrest,  
18 that's correct.

19 Q Was one sent to your agency?

20 A Yes.

21 Q And was it a warrant for violent offenses?

22 A Correct.

23 Q And were you aware at the time that you went there  
24 that a gun was involved with the violent offenses?

25 A Yes.

1 Q When you went to that address, how were you guys  
2 dressed? Like today, you're in court, you're wearing a  
3 jacket, a tie, pants. How were you dressed when you went to  
4 that home on Kildare?

5 A Similarly, without the jacket, though. A shirt  
6 and a tie and dress pants.

7 Q What were you wearing --

8 A And a vest.

9 Q -- items that were readily identifiable as --

10 A Yeah, a vest and a badge and gun, that kind of  
11 thing.

12 Q Okay. And when you -- the building that you went  
13 to, is it a house or an apartment?

14 A Apartment building.

15 Q And you went to a specific apartment that was  
16 given to you by the Las Vegas Metropolitan Police Department?

17 A Yes, the second floor apartment.

18 Q So did you guys knock on the door?

19 A Yes.

20 Q Was the door answered?

21 A Yes.

22 Q Tell us what happened when the door was answered?

23 A We -- when the door was knocked on, they asked who  
24 it was. We identified it was the police, Chicago police. A  
25 woman answered the door. She was asked is Justin Porter here.

1 She didn't respond verbally, but she stepped back away from  
2 the door and kind of nodding with her head, like this, and  
3 with her eyes, you know, to indicate that he -- where he was  
4 at.

5 Q Like, nodded with her head and her eyes in a  
6 particular direction?

7 A Correct.

8 Q But she did not respond verbally?

9 A No, ma'am.

10 Q So when she did that with her head and her eyes,  
11 what did you guys do?

12 A We entered the apartment and the couch was moved  
13 away from the wall by one of the detectives and Mr. Porter was  
14 hiding behind the couch.

15 Q And as you said that, you kind pointed in the  
16 front. Do you see the person that was hiding behind the couch  
17 here in court today?

18 A Yes. The young man in the yellow shirt in the  
19 middle of the defense table there.

20 MS. LUZAICH: Record reflect the identification  
21 of the defendant.

22 THE COURT: Yes.

23 BY MS. LUZAICH:

24 Q When you found the defendant hiding behind the  
25 couch, did somebody get him out from behind the couch?

1 A Yes.

2 Q What happened then?

3 A Well, he was directed, he put his hands behind his  
4 back, he was handcuffed and he was transported into our  
5 office.

6 Q When you guys knocked on the door and the door was  
7 opened, when you identified yourselves as police, was that, at  
8 least, fairly loud?

9 A Yes.

10 Q You didn't whisper or anything?

11 A No, ma'am.

12 Q Okay. So he was taken back to the police station.  
13 And was he put into a room?

14 A Yes, ma'am.

15 Q Was the Las Vegas Police Department notified that  
16 he was in your custody?

17 A Yes, ma'am.

18 Q And did the Las Vegas police, Metropolitan Police  
19 Department detectives come to Chicago?

20 A Yes, ma'am.

21 Q Do you know about how long it was that he was at  
22 your station until the police detectives from Vegas got there?

23 A He got into our station probably right around 1:00  
24 in the morning. I think they arrived somewhere probably 5:00  
25 that afternoon or thereabouts. I'm not sure of the exact

1 time.

2 Q Okay. And while he was at your police station,  
3 was he in a room, like an interview type room?

4 A Yeah, we call it an interview room, yes.

5 Q Was he handcuffed while he was in there?

6 A No, ma'am.

7 Q Thank you.

8 MS. LUZAICH: I would pass the witness.

9 THE COURT: Cross.

10 CROSS-EXAMINATION

11 BY MR. ABOOD:

12 Q Welcome to Las Vegas, sir.

13 A Thank you.

14 Q I have a couple quick questions for you. This  
15 apartment that you responded to, was it your understanding  
16 that it was Justin's father's apartment?

17 A It was -- from what I recall, it was some  
18 relative's apartment, yes. But I --

19 Q Okay. And the woman -- I'm sorry.

20 A But I don't recall what the relationship was, no.

21 Q Okay. So were you aware that the woman who  
22 answered the door was his stepmother? Is that something that  
23 you were aware of at the time?

24 A I assumed that that's who it was, but I don't  
25 recall having a conversation asking her who she was exactly,

1 no.

2 Q Okay. Thank you very much.

3 MR. ABOOD: Thank you, Your Honor.

4 THE COURT: Anything further?

5 MS. LUZAICH: No, nothing further.

6 THE COURT: Okay, sir, thank you. You're all  
7 done.

8 THE WITNESS: Thank you, Judge.

9 MR. TOMSHECK: State would call Maria Thomas,  
10 also known as Maria Lopez.

11 (Pause in proceedings)

12 THE MARSHAL: Okay, step up into the box and  
13 raise your right hand and remain standing just one second.

14 MARIA LOPEZ, PLAINTIFF'S WITNESS, SWORN

15 THE CLERK: Thank you. Please be seated. Please  
16 state your complete name, spelling both your first and last  
17 name for the record.

18 THE WITNESS: Maria Lopez, M-a-r-i-a, L-o-p-e-z.

19 THE CLERK: Thank you.

20 MR. TOMSHECK: May I approach the clerk before I  
21 start?

22 THE COURT: Yes.

23 BY MR. TOMSHECK:

24 Q Can you tell us how you're presently employed?

25 A Yes. I'm, a crime scene investigator with

1 Huntington Beach Police Department in California.

2 Q And how long have you been employed by the  
3 Huntington Beach Police Department as a crime scene  
4 investigator?

5 A Approximately six months.

6 Q Prior to that, did you work for an agency here in  
7 Las Vegas?

8 A Yes. The Las Vegas Metropolitan Police  
9 Department.

10 Q Is that the organization we commonly refer to as  
11 Metro?

12 A Yes.

13 Q How long did you work with Metro prior to leaving  
14 and going to Huntington Beach?

15 A Approximately 19 years.

16 Q And in what capacity were you employed by Metro?

17 A Senior crime scene investigator.

18 Q And when we talk about a crime scene investigator,  
19 are we talking about the same thing as, for instance, a crime  
20 scene analyst?

21 A Yes.

22 Q Are those terms are kind of used interchangeably?

23 A Interchangeably, that's correct,

24 Q Also, you could be referred to as, like, an ID  
25 technician, something like that?

1 A Yes, also.

2 Q Those are all terms that mean the same employment  
3 capacity?

4 A That's correct.

5 Q As a crime scene analyst or a crime scene  
6 investigator, what generally are your job duties?

7 A To identify, document, collect and preserve  
8 evidence that will prove or disprove, in some cases, that a  
9 crime has been committed.

10 Q When a call goes into 911, does the crime analyst  
11 automatically get dispatched to the scene?

12 A No.

13 Q How is it that a crime scene analyst would wind up  
14 at a crime scene?

15 A Our supervisors will be contacted at the crime lab  
16 and they will assign us a particular case, depending on the  
17 circumstances.

18 Q Some types of crime, some types of crime scenes,  
19 would they warrant more crime scene analyst's attention than  
20 others?

21 A Yes.

22 Q For instance, if my car gets broken into and I  
23 call the police and they might want to get a fingerprint,  
24 might just one crime scene analyst go out?

25 A That's correct.



1 Q And would you take photographs?

2 A Yes.

3 Q Would you try to dust and lift fingerprints?

4 A That's correct.

5 Q Look for items that could be tested forensically,  
6 things like that?

7 A Yes.

8 Q And on a bigger scale, for instance, would that be  
9 a homicide case?

10 A Yes.

11 Q Now, a homicide case, is it common that more than  
12 one crime scene investigator or analyst could be dispatched to  
13 that scene?

14 A Yes. And it also requires the presence of a  
15 supervisor.

16 Q Okay. I want to direct your attention back to a  
17 specific homicide crime scene that occurred back on -- at  
18 least the investigation portion began on June 10th of the year  
19 2000. Do you remember that crime scene?

20 A Yes.

21 Q Okay. And was that at 415 South Tenth Street here  
22 in Clark County, Las Vegas, Nevada?

23 A Yes, it was.

24 Q When a call comes in to Metro, is that call  
25 assigned a specific event number?

1 A Yes, it is.

2 Q And can you tell the Ladies and Gentlemen of the  
3 Jury how it is that an event number is, I guess, created?

4 A It's computer generated by the dispatcher.

5 Q Okay. So if I'm talking to you about a particular  
6 crime scene, and I refer to a particular crime scene event  
7 number, will you know we're talking about the same crime  
8 scene?

9 A Yes.

10 Q I want to direct your attention to the incident  
11 that you just were talking about. Would that be event number  
12 000610-1143?

13 A Yes, that's correct.

14 Q Unless the jury thinks I can memorize a number  
15 that big, are the first few numbers, the 000610, is that a  
16 date?

17 A Yes, it is.

18 Q So the 00 is for the year 2000?

19 A That's correct.

20 Q The 06 is for the month of June.

21 A Yes.

22 Q The 10 would be the 10th day of June?

23 A That's correct.

24 Q Then as a call comes in, chronologically the  
25 numbers would build throughout the day?

1 A That's correct.

2 Q So the fact that we've got a dash 1143, would that  
3 mean that there were 1,143 events generated prior to the one  
4 you responded to?

5 A Yes.

6 Q What time did you physically respond to the crime  
7 scene? Are you aware of, generally, what time of day it was?

8 A I would have to refer to my reports to refresh my  
9 memory.

10 Q Okay. Just generally the time of day. Morning,  
11 afternoon, evening.

12 A It was during the day.

13 Q Okay. Daylight out, sunshine?

14 A Yes, yes.

15 Q Okay. When you responded to that particular crime  
16 scene, were there other crime scene analysts or investigators  
17 there with you?

18 A Yes.

19 Q You mentioned that there had to be a supervisor  
20 present. Was there a supervisor at that scene?

21 A Yes.

22 Q And who was that?

23 A Gary Reed (phonetic).

24 Q Gary Reed, is he still working at Metro?

25 A I believe so.

1 Q At least he did when you left last year or so?

2 A Yes.

3 Q Other crime scene analysts would also be  
4 responding with yourself under the supervision of Mr. Reed; is  
5 that correct?

6 A That's correct.

7 Q Are you familiar with the names David LeMaster and  
8 Jeffrey Smink?

9 A Yes.

10 Q Are they both crime scene analysts with Metro?

11 A Yes, they are.

12 Q Do you remember them being there at that  
13 particular crime scene?

14 A Yes, I do.

15 Q And assuming since there's more than one person  
16 there, you would probably, to some extent, divvy up the  
17 responsibilities at the crime scene?

18 A That's correct.

19 Q And did you do that in this case?

20 A It was done, I believe, by Gary. He assigned  
21 different aspects of the scene.

22 Q Generally speaking, is there, like, one overall  
23 large report compiled at a particular crime scene?

24 A Yes.

25 Q And did you do that in this case, or did someone

1 else?

2 A Someone else.

3 Q Do you know who?

4 A Dave LeMaster.

5 Q Okay. Your particular duties at the crime scene,  
6 obviously, didn't involve taking the report. What did they  
7 involve?

8 A I was to complete a diagram, and also to collect  
9 evidence.

10 MR. TOMSHECK: May I approach the witness, Judge?

11 THE COURT: Yes.

12 MR. TOMSHECK: For the record, I'm showing  
13 opposing counsel what's been marked as State's Proposed 53.

14 BY MR. TOMSHECK:

15 Q Ms. Thomas, or is it Ms. Lopez now?

16 A Yes.

17 Q I'm going to show you what's been marked as  
18 State's Proposed 53. Do you recognize that document?

19 A Yes, I do.

20 Q And do you recognize that as a crime scene  
21 diagram?

22 A Yes.

23 Q And do you see a name and a personnel number under  
24 a date and an address on the right side of that?

25 A Yes.

1 Q Can you tell us, first of all, the address?

2 A Yes. It's 415 South Tenth Street, Apartment H as  
3 in Henry.

4 Q And the date?

5 A June 10th, 2000.

6 Q And the name?

7 A Maria Thomas.

8 Q Is it an M. Thomas?

9 A Yes.

10 Q For the record, it says P and then a number sign.  
11 What does that mean?

12 A That was my personnel number. And there's one  
13 digit cut off, but it's 4032, or was 4032.

14 Q Okay. And do you actually have a copy of the same  
15 crime scene diagram?

16 A Well, mine's -- yes, mine's completed.

17 Q Okay. And that would have -- there would be  
18 another digit there because your number was --

19 A Right, it was 4032.

20 MR. TOMSHECK: Judge, I move for admission of  
21 State's Proposed 53.

22 MR. ABOOD: No objection.

23 THE COURT: Admitted.

24 (Exhibit 53 admitted)

25 MR. TOMSHECK: May I publish?

1 THE COURT: Yes.

2 BY MR. TOMSHECK:

3 Q And the crime scene diagram, is that kind of a  
4 rough sketch of the overall of that address you just  
5 mentioned, 415 South Tenth Street, Apartment H?

6 A Yes.

7 Q I see on that, it looks like there's, on the top  
8 middle portion of State's 53, it looks like a set of stairs.  
9 Do you remember those stairs?

10 A Yes. Yes, I do.

11 Q Okay. At the top of those stairs, it says there  
12 in the middle Apartment H. And if I --

13 A Yes.

14 Q -- zoom in here, you can see where it says  
15 Apartment H.

16 A Right.

17 Q In and around those stairs, it looks like there's  
18 a number of different numbers in no particular order. Can you  
19 tell the Ladies and Gentlemen of the Jury what those numbers  
20 mean?

21 A Evidence. We assign each item of evidence a  
22 number.

23 Q So, for instance, if there's a drop of blood, you  
24 may consider that a piece of evidence, you'd designate it with  
25 a number.

1 A That's correct.

2 Q And then on the left, top-hand portion there,  
3 would you have what's referred to as a legend or kind of a  
4 table of contents of what those items are?

5 A That's correct.

6 Q So, for instance, item seven would be an apparent  
7 blood substance, Item 10 would be a cartridge case, head  
8 stamped REM, so on and so forth?

9 A Yes.

10 Q In this particular case, you mentioned that in  
11 addition to creating the crime scene diagram, you also  
12 impounded particular items of evidence. Are some of those  
13 items of evidence depicted in the crime scene diagram?

14 A Yes.

15 MR. TOMSHECK: And we'll have other crime scene  
16 analysts talk about the overall crime scene. But for our  
17 purposes, I'd ask to approach, after showing opposing counsel  
18 State's Proposed 54 and 55.

19 MR. TOMSHECK: May I approach, Judge?

20 THE COURT: Yes.

21 BY MR. TOMSHECK:

22 Q I'm going to show you what's been marked for  
23 identification purposes as State's Proposed 54. It looks to  
24 be a bag of some type, an envelope with a sticker on the  
25 front. Can you describe what we're looking at there?



1           A     Yes, this is the package containing two items of  
2 evidence. One item of evidence is number 17, the other is 18.  
3 And those numbers would correspond to our diagram, and a  
4 property impound also describing what is in this package. So  
5 we describe the item on the package and we also complete a  
6 report and it's also indicated in our diagram.

7           Q     On the top of that, would it -- the sticker would  
8 have the date that it was prepared?

9           A     Yes, it would have the date, it would have the  
10 time, the number that was assigned to this particular case as  
11 we described before and the charge which was homicide, the  
12 address, my personnel number, again, with my initials, my  
13 signature, description of each item, the number assigned to  
14 each item and the total number of packages that were collected  
15 at the scene.

16          Q     So if you're at a crime scene, and we'll get to it  
17 in a moment, but if you were to open that particular item  
18 there, State's Proposed 54, what would expect to find inside?

19          A     Two projectile fragments.

20          Q     Okay. So when you're at the crime scene and you  
21 see item 17 and 18 as depicted on the diagram there, would  
22 you, with the use of forensics techniques, pick them up from  
23 the crime scene?

24          A     Yes.

25          Q     And then you would bag them, create the tag. You

1 would seal it and then sign it on the tag to indicate that  
2 that's what's inside?

3 A Yes. Once we've documented photographically, in  
4 our notes, in our reports and also on our diagram, it's been  
5 measured in where we picked those items up, then we would  
6 package it. So it has to be documented first, and then we  
7 package it.

8 Q And then I look on the back here. It looks like  
9 there's some red tape. Is that your seal?

10 A Yes. I would seal it.

11 Q And does it have the date 6/10/00 and then M-4032-  
12 T?

13 A Right. My initials at the time with my personnel  
14 number.

15 Q And you write that over the seal to know no one  
16 else has disturbed it?

17 A Right.

18 Q Okay. On this particular one, it looks like  
19 there's some blue tape at the bottom with the name Good and a  
20 P number of 806. Do you know that person?

21 A Yes, I do.

22 Q And is that Richard Good who worked at one point  
23 back in 2000 in the lab at Metro?

24 A Yes.

25 Q Other than that change in seal and Mr. Good's

1 signature on the chain of custody log at the bottom, would you  
2 -- does this appear to be in the same or substantially the  
3 same condition as when you impounded it back in June of 2000?

4 A Yes.

5 MR. TOMSHECK: I move for admission of State's 54  
6 and contents.

7 MR. BROWN: No objection.

8 THE COURT: It'll be admitted.

9 (Exhibit 54 admitted)

10 BY MR. TOMSHECK:

11 Q As it relates to State's Proposed 55, same type of  
12 situation that we just described with the seal without going  
13 through all of it again, does that appear to be bagged,  
14 tagged, sealed and signed the same as State's 54 was?

15 A Yes.

16 Q And the same or substantially the same condition  
17 with the exception of Richard Good's signature and P number  
18 and it looks like --

19 A (Inaudible).

20 Q -- okay, a different --

21 THE COURT RECORDER: I didn't get what she said  
22 on the record.

23 BY MR. TOMSHECK:

24 Q What did you say? She needs to get it on the  
25 record.

1           A     I believe it says Joseph -- it says JRC-1, I have  
2 no idea who that is. Joseph Cello (phonetic)?

3           Q     Okay. Another name on the chain of custody log  
4 with blue tape over it indicating that someone had done some  
5 forensic testing after you impounded it?

6           A     Yes.

7           Q     Okay. Anytime someone would get something out of  
8 evidence and perform a test on it, would you expect to see  
9 their signature and identifying characteristics on the chain  
10 of custody log?

11          A     Yes.

12          Q     And you see two of those here?

13          A     That's correct.

14          Q     Then sealed with blue tape as we just described?

15          A     And signed.

16               MR. TOMSHECK: I move for admission of State's  
17 Proposed 55.

18               MR. BROWN: No objection.

19               THE COURT: Admitted.

20                       (Exhibit 55 admitted)

21               MR. TOMSHECK: And Judge, if I could have them  
22 opened by the witness and then I'll mark the contents as A, B  
23 and so forth.

24               THE COURT: Yes, that's fine.

25 BY MR. TOMSHECK:

1 Q State's 54, if you could go ahead and open State's  
2 54 along the edge without disturbing any of the seals.

3 (Witness opens Exhibit 54)

4 MR. TOMSHECK: For the record, it appears that  
5 all the contents of State's 54 have been removed.

6 BY MR. TOMSHECK:

7 Q Is that right?

8 A Yes.

9 Q It looks like you're holding up two little clear  
10 vials --

11 A Right.

12 Q -- a little bit smaller than, like, a canister  
13 that film would come in; is that right?

14 A That's correct.

15 Q Okay. And on those items, do you see the event  
16 number that you just talked about, and the initials and P  
17 number that you have on your Metro?

18 A Right.

19 MR. TOMSHECK: Judge, I would ask that these be  
20 marked as State's 54A, the one with the number 17 at the top.  
21 And State's 54B, the one with the number 18 at the top.

22 THE COURT: Okay.

23 (Pause in proceedings)

24 MR. TOMSHECK: 54B, I'm just going to use it  
25 while Keith is marking the one there. If I can just publish

1 that, Judge.

2 THE COURT: Sure.

3 BY MR. TOMSHECK:

4 Q Here's -- as if inside that vial, what does that  
5 appear to be to you?

6 A It's a projectile fragment.

7 Q Okay. A portion of a bullet that's been fired out  
8 of a gun?

9 A Yes.

10 Q And I imagine throughout your 19 plus years,  
11 you've seen those at a lot of crime scenes?

12 A Yes.

13 Q Then if we could also open State's 55, same type  
14 of way, along the edge without disturbing the seals.

15 (Witness opens Exhibit 55)

16 BY MR. TOMSHECK:

17 Q And in State's 55, are there also two separate  
18 vials?

19 A Yes.

20 Q And on the top of those vials -- on the side of  
21 those vials, they have your initials and P number; is that  
22 correct?

23 A Right.

24 Q And have that number we talked about before?

25 A Right.

1 Q One of them looks, it's kind of faint, but like  
2 the number 11 on the top?

3 A Yes, and that's also on the side of the vial.

4 Q Okay.

5 A Because that would have been my item number.

6 Q Correct.

7 A So that's the package which was package three,  
8 item 11. So I noted it on the cover and also on the side of  
9 the vial. And plus it's been described on all our reports and  
10 on the diagram.

11 Q Okay. That particular item, Item 11, another  
12 fragment like you described before?

13 A Right.

14 Q Okay. The item that's indicated as Item Number  
15 10, that's not a fragment. What is that?

16 A It's a cartridge case. Or a casing. Some call it  
17 a casing. The terminology we use is cartridge case.

18 Q And that would be Item Number 10?

19 A That's correct.

20 MR. TOMSHECK: And I would ask that the Item  
21 Number 10 cartridge case be marked as 55A, and the projectile  
22 fragment, Item Number 11, be marked as 55B.

23 THE COURT: Okay.

24 (Pause in proceedings)

25 MR. TOMSHECK: With that, Judge, I'll pass the

1 witness.

2 MR. BROWN: Your Honor, I don't have any  
3 questions for this witness.

4 THE COURT: Oh, okay. Thank you, ma'am, you're  
5 free to go.

6 THE WITNESS: Thank you.

7 THE COURT: At this point, we'll go ahead and  
8 take a short break. After we get started up again, I want to  
9 go straight through till 5:00, until we're done for the day.

10 Ladies and Gentlemen, during this recess as  
11 during every recess, you're admonished not to talk or converse  
12 among yourselves or with anyone else on any subject connected  
13 with this trial; or to read, watch or listen to any report of  
14 or commentary on the trial, or any person connected with this  
15 trial by any medium of information including, without  
16 limitation, newspapers, television, the internet and radio; or  
17 to form or express any opinion on any subject connected with  
18 this trial until the case is finally submitted to you.

19 (Court recessed at 3:06 p.m. until 3:18 p.m.)

20 (Outside the presence of the jury)

21 (Court called to order)

22 THE COURT: Next witness.

23 MR. TOMSHECK: The next witness is --

24 THE COURT: Oops, you might want to get the jury  
25 first.



1 MR. TOMSHECK: It will be David LeMaster whenever  
2 they get here.

3 (Pause in proceedings)

4 (In the presence of the jury)

5 THE COURT: All right. Everybody go ahead and  
6 have a seat. Counsel stipulate to the presence of the jury.

7 MR. TOMSHECK: We do, Judge.

8 MR. BROWN: Yes, Your Honor.

9 THE COURT: All right. Next witness.

10 MR. TOMSHECK: State calls Dave LeMaster.

11 THE MARSHAL: Go ahead and step up into the box,  
12 raise your right -- remain standing, raise your right hand and  
13 face that gentleman right there.

14 DAVID LeMASTER, PLAINTIFF'S WITNESS, SWORN

15 THE CLERK: Thank you. Please be seated. State  
16 your complete name spelling both your first and last name for  
17 the record, please.

18 THE WITNESS: David LeMaster, D-a-v-i-d, L-e-  
19 capital M like Mary a-s-t-e-r.

20 THE CLERK: Thank you.

21 MR. TOMSHECK: May I proceed?

22 THE COURT: Um-hm.

23 MR. TOMSHECK: Thank you, Judge.

24 DIRECT EXAMINATION

25 BY MR. TOMSHECK:

1 Q Sir, how are you presently employed?

2 A I'm a senior crime scene analyst with the Las  
3 Vegas Metropolitan Police Department, with CSI.

4 Q How long have you worked for Metro?

5 A I'm been with Metro since 1991.

6 Q Have you been a crime scene analyst that whole  
7 time?

8 A No.

9 Q Can you describe for us, you said you're a senior  
10 crime scene analyst. When you first started with Metro, were  
11 you a senior crime scene analyst then?

12 A When I first started we were called identification  
13 specialists. The titles changed and a hierarchy was set up to  
14 three levels. Those three levels were crime scene analyst,  
15 crime scene analyst two and senior crime scene analyst. And  
16 given training, passing tests, showing proficiency, time on,  
17 and experience, you would go through those certain levels. So  
18 ultimately, I went to senior.

19 Q You stair-stepped your way up to where you're now  
20 a senior crime scene analyst; is that right?

21 A Correct.

22 Q In the time that you've been with Metro, did you  
23 take a break from being a crime scene analyst and work  
24 somewhere else within Metro for a period of time?

25 A Yes.

1 Q And what did you do then?

2 A I went into the forensic laboratory as a forensic  
3 scientist for just shy of two years, and I worked with latent  
4 prints as a latent print specialist.

5 Q So, I think the Ladies and Gentlemen of the Jury  
6 are probably familiar with the television show CSI where the  
7 actors go out, solve a crime, interview witnesses, take a  
8 fingerprint back to the lab, analyze it themselves, catch the  
9 bad guy, get in a shootout. Do you do that kind of stuff?

10 A No.

11 Q Okay. In the real world as a crime scene analyst,  
12 what are your general duties?

13 A Our duties as a crime scene analyst is to respond  
14 to the crime scene when requested, identify, collect, preserve  
15 and ultimately impound evidence and/or evidentiary  
16 observations and then record those in reports, ultimately to  
17 sit here on the stand and give testimony.

18 Q You mentioned that you worked in the lab for a  
19 period of time. Do crime scene analysts, while they're out in  
20 the field, do they lift fingerprints if they can find them?

21 A Yes, that's part of the duties as a crime scene  
22 analyst. It's not only to lift, but to record and document.  
23 So that can be done through photography as well.

24 Q Normal crime scene analysts, would they go back to  
25 the lab and analyze their own lifts?

1           A     As far as analyzing for comparison for generating  
2 reports, no.

3           Q     While you were in the lab, did you do that second  
4 part of the work where you would actually not go out in the  
5 field, but stay in the lab and analyze items of evidence?

6           A     Yes.

7           Q     After that two years, did you then go back out and  
8 are you now currently working as a crime scene analyst?

9           A     Yes, that's correct. I'm currently a senior crime  
10 scene analyst in the field.

11          Q     I want to direct your attention all the way back  
12 to the year 2000 and the month of June. Were you working as a  
13 crime scene analyst at that time?

14          A     Yes.

15          Q     And did you have occasion to be dispatched to a  
16 homicide scene identified by event number 000610-1143?

17          A     Yes, that's it.

18          Q     And is that an address at 415 South Tenth Street  
19 here in Las Vegas, Clark County, Nevada?

20          A     Yes.

21          Q     At the time you responded there, were there other  
22 crime scene analysts with you?

23          A     I had met one crime scene analyst at that  
24 particular scene?

25          Q     And who was there?

1 A That would have been Maria Thomas.

2 Q And she was there when you arrived?

3 A Yes.

4 Q Did other crime scene analysts eventually show up?

5 A Yes.

6 Q And who else from the crime scene analyst section  
7 showed up?

8 A There was another crime scene analyst, Jeff Smink,  
9 and a supervisor that will come out on homicide scenes, being  
10 Gary Reed.

11 Q There were four crime scene analysts on the scene;  
12 is that right?

13 A Yes.

14 Q Are the different job duties of a crime analyst  
15 split up between the people who are there?

16 A Yes. That's what occurs is you have somebody  
17 regulating and designating what happens, being the supervisor  
18 and working. And then depending on how many duties, depending  
19 on is it a simple scene or a very complex scene, those duties  
20 will be delegated to whatever crime scene analysts are there.

21 Q What were your duties on the crime scene at the  
22 address and the event number I just read to you?

23 A My duties assigned that day were photography and  
24 the generation of a report.

25 Q So we've already got some photographs in evidence

1 of the scene. More than likely, did you take those?

2 A Yes. Now, not all of the photograph, the  
3 comparison photography was done by some of my other co-  
4 workers, but the photography of the scene in general, itself,  
5 was my task.

6 MR. TOMSHECK: May I approach the witness, Judge?

7 BY MR. TOMSHECK:

8 Q I've already shown opposing counsel what's been  
9 marked as State's Proposed Exhibits 10 through 42 in  
10 chronological order. Sir, do you recognize those photographs  
11 as being photographs of the crime scene at 415 South Tenth  
12 Street in Las Vegas, Clark County, Nevada?

13 A All the ones that I can see, yes, those are from  
14 that scene.

15 Q Okay.

16 MR. TOMSHECK: And, Judge, by stipulation, I  
17 don't believe the defense has any objection. If I could move  
18 into evidence State's Proposed 10 through 42.

19 MR. BROWN: That's true, Your Honor.

20 THE COURT: Okay. They'll be admitted.

21 (Exhibits 10 through 42 admitted)

22 MR. TOMSHECK: And, Judge, if I can publish them  
23 as the witness talks about them?

24 THE COURT: Sure.

25 BY MR. TOMSHECK:

1 Q Can you describe for us generally what we're  
2 looking at in State's Exhibit 10?

3 A Okay. This is on Tenth Street. It shows the  
4 apartment complex itself. There's eight units, four that are  
5 facing us as you see in the photograph there. There's four  
6 more on the back side. Of this, where the victim's location  
7 was, is here in this upper apartment that I just circled  
8 there. And there's a stairwell that you can see that comes up  
9 fairly steep, well, my arrow isn't the best, right there, for  
10 access into that. That's Apartment H.

11 Q Okay. Are you familiar with how to clear that  
12 screen that I just --

13 A It should be right lower; correct?

14 THE COURT: Um-hm.

15 THE WITNESS: Okay. There it goes, okay.

16 BY MR. TOMSHECK:

17 Q And as you're talking about the photographs, if  
18 you want to go ahead and circle, just go ahead. I'll make a  
19 record of what you're doing and then I'm going to ask you to  
20 clear it, if you could just do that for me.

21 A Yes.

22 Q Now, you mentioned that there were some stairs.  
23 I'm showing you what's already in evidence as State's Exhibit  
24 1. Are you able to see the staircase there?

25 A Yes. You can see there's a concrete walkway

1 leading up to the stairwell going up. You can see the steep  
2 angle of the stairwell going up. And the incident apartment  
3 is up here on the upper left as you're looking at the screen.

4 Q And in State's Exhibit 2, does that show that same  
5 staircase from a vantage point inside the staircase?

6 A Yes. That's the upper portion of the staircase  
7 and there's a door on the right, that door is G and it's  
8 locked. And then there's a door on the left, it's open, and  
9 that's H.

10 Q When you arrived on the scene, was the door to  
11 Apartment H open?

12 A Yes.

13 Q And were you able to see, was there any kind of  
14 damage or anything of note on the door?

15 A Yes.

16 Q Can you describe that for us?

17 A Specifically of note to the door is the deadbolt  
18 lock armature on the side of the door. Well, the door was  
19 damaged. And more looking at the side of the door, which I  
20 see all the time going into crime scenes including today, is a  
21 splintering of the wood, in this case, and the mechanism,  
22 being the top deadbolt of this particular door with this unit,  
23 was missing, later to be found inside.

24 And there was a partial footprint which we  
25 generally find as we get into things, using side-lighting with



1 a flashlight, most of the time, or some lighting source, next  
2 to where the handle is to the door, partial footwear detail on  
3 the side of that.

4 Many times, like a dust print, I'm sure, from low  
5 angles that you've seen dust prints on your television, you  
6 come to the side and you can see where there's been attractive  
7 forces bringing dust to that. So that's something we're  
8 training in identifying. So those were definitely specific  
9 evidentiary observations we made, on top of their being  
10 apparent blood in the area.

11 Q When you're documenting a scene like this, would  
12 you not only take pictures as we see in State's 2, from the  
13 bottom of the stairs looking up, but would you also take  
14 pictures from the top looking down?

15 A Yes.

16 Q And State's Exhibit 39, are you able to see the  
17 staircase from the top looking down?

18 A Yes. And there are -- these yellow things you see  
19 in there are called tent markers. It's marking evidence  
20 items, locations of evidence that we collected. In this case,  
21 it was apparent blood on these particular collection areas.  
22 As you can see, there's nine on the top, eight, and then lower  
23 down is another marker which should be seven, the fourth step  
24 up from the bottom, which is on the top in this photograph.

25 Q Okay. We heard testimony earlier from Maria

1 Thomas relating to a particular crime scene diagram that was  
2 generated. Is it common that sometimes, at different points,  
3 there's subsequent crime scene diagrams that will be created  
4 that have more detail?

5 A Yes, that can certainly occur.

6 Q All right.

7 MR. TOMSHECK: May I approach the witness, Judge?

8 THE COURT: Yes.

9 BY MR. TOMSHECK:

10 Q I'm going to show you what's been marked as  
11 State's Proposed 69. Does that appear to you to be a crime  
12 scene diagram generated by Maria Thomas of the crime scene at  
13 415 South Tenth Street, Apartment H?

14 A Yes.

15 Q And unlike the one that we talked about with Maria  
16 Thomas earlier, does this one have additional drawings in the  
17 diagram related to, for instance, like the stove, the table,  
18 chairs, things like that?

19 A Yes. This has more information in it. It's more  
20 of a complete diagram of the scene.

21 Q Does it fairly and accurately depict the secondary  
22 stage diagram in this case as it relates to that crime scene?

23 A Yes.

24 MR. TOMSHECK: Move for admission of State's 69.

25 MR. BROWN: No objection.

1 THE COURT: Admitted.

2 (Exhibit 69 admitted)

3 BY MR. TOMSHECK:

4 Q In State's 69, Ms. Thomas already testified about  
5 some of the things on there. Are you able to see seven, eight  
6 and nine, the tent markers that you just talked about, on the  
7 stairs?

8 A Yes.

9 Q Are they depicted on what looks like stairs going  
10 up on the top right-hand portion of that diagram?

11 A Yes.

12 Q For each of the items of evidence that are  
13 documented, preserved, collected at the crime scene, would a  
14 majority of them find their way onto this legend and then onto  
15 that diagram?

16 A I'll just say it can. It depends on what we want  
17 to represent, or whoever is asking, there may be certain times  
18 where something extra is wanted to be put on a diagram. So it  
19 kind of depends on the elements, but it's not abnormal to put  
20 evidence like that on a diagram.

21 Q Okay. For instance, you mentioned that there was  
22 some damage to the door as depicted in State's Exhibit 35.  
23 That's something that when you're processing a crime scene, is  
24 that something that you would look for and take photographs of  
25 in order to preserve it as you see it?

1 A Absolutely. That would be essential to our job.

2 Q Would that necessarily make its way onto a  
3 diagram?

4 A Most of the time it would, yes.

5 Q Okay. My point being, although there's something  
6 that's photographed, it doesn't necessarily mean it's on a  
7 diagram?

8 A That's correct.

9 Q All right. In the exhibit that's up there,  
10 State's 35, you mentioned that you had taken some photographs  
11 of a footwear impression on the door. Are you able to see  
12 that there?

13 A Yes.

14 Q Can you, with your finger, go ahead and circle  
15 what you're talking about?

16 A There's partial footwear detail within the white  
17 border that I've just circled, right there.

18 Q So, as you look at that as a crime scene analyst,  
19 you can recognize that that's a shoe print essentially?

20 A It's -- yes. It would be, certainly, if not a  
21 shoe print, more than one shoe print. I'm not sure in the  
22 analysis of that, but there's definitely some form of what we  
23 call out-sole or shoe contact detail to that door.

24 Q Okay. And if you could clear the screen for me,  
25 please. And then State's 11, you mentioned that as you walked

1 into the door, there was a part of the locking mechanism that  
2 was found in the apartment. Are you able to see that and can  
3 you tell us what we're looking at?

4 A Yes. At the bottom of the photo, once again I'll  
5 circle it, right down here is the lock mechanism and the  
6 armature, the part that would stick into the door frame on  
7 this side, at the left side, is this little piece right there  
8 where it stopped at white line.

9 Q It looks, on the right side of that photograph in  
10 State's 11, as if there's a piece of furniture. What type of  
11 furniture is that?

12 A That would be couch that's along the wall.  
13 Outside of the stairwell going down, on that same wall is a  
14 couch.

15 Q And in State's 12, it looks like there's a  
16 photograph of the area behind that couch that not only has the  
17 locking mechanism that you described as the armature, but it  
18 looks like there's a tent marker number 18. What is marker 18  
19 associated with?

20 A Eighteen is an apparent bullet fragment.

21 Q And is that a close up, when I zoomed in there, of  
22 the fragment inside the little ruler-scaled portion of that  
23 tent marker?

24 A Yes.

25 Q In addition to the damage to the door related to

1 the lock, was there other damage denoted in the door that  
2 leads from that landing area into Apartment H?

3 A Yes.

4 MR. TOMSHECK: For the record, I'm publishing  
5 State's 37. It's kind of hard to see, so I'm going to zoom in  
6 on it here.

7 BY MR. TOMSHECK:

8 Q What are we looking at in the, I guess the right-  
9 hand portion of State's 37?

10 A I'm going to circle it. This particular area  
11 right here is a door where the wood has a fragmented look to  
12 it. It's kind of splintered.

13 Q Obviously that's something you took a photograph  
14 of while you were there at the scene. Why was that important  
15 to you?

16 A That is important because that ties into evidence  
17 on the other side of the door, basically in the same area.

18 Q If you could clear that screen for me, please.  
19 I'll put on the overhead State's 42. It looks like to me that  
20 there is four of those tent markers at the base of the door  
21 leading from the landing into the apartment. What are we  
22 looking at there?

23 A Okay. The strip going across, the silver metal  
24 strip is the threshold. I'm going to circle number 11 here.  
25 This is, again, an apparent bullet fragment. And the markers

1 that you see being 12, 13 and 14 are apparent blood locations.  
2 If you look around those tent markers, there's a whole bunch  
3 of other dark circles. That's additional apparent blood  
4 droplets that have went down and landed, but, you know, we're  
5 not going to take hundreds of samples in a common area. So  
6 this is a selective marking of that area.

7 Q In the samples that are at the base of the door  
8 there, and they have a tent marker on them, does that mean  
9 that you impounded them into evidence and preserved that  
10 biological sample?

11 A In this particular case, yes.

12 Q The area where that couch was just inside the  
13 door, what type of room is that?

14 A That's what I would call a livingroom.

15 Q And in State's 14, next, on the left-hand side  
16 there, like there's a piece of furniture. Is that the couch  
17 we were talking about?

18 A Yes. This little piece sticking out here is the  
19 couch.

20 Q Okay. So if we were to walk in the apartment like  
21 we're walking into the photograph on the right side of that  
22 coffee table, would the livingroom be to the left?

23 A That is correct.

24 Q I'm going to show you 15. It looks like that  
25 chair that's also in the living area, and then on the right-

1 hand side, it looks like more of a diningroom table area; is  
2 that correct?

3 A Yes.

4 Q The window that we see there, can you describe, if  
5 you were to look out that window, what you would see.

6 A If you walked right up to that window and looked  
7 outside, you would see the vantage point of when we first  
8 looked at the front of the apartment building itself, looking  
9 at it. So that's the street area where I stood to take the  
10 picture from the -- of the whole complex itself in the front  
11 of the building.

12 THE COURT: What exhibit number is that?

13 MR. TOMSHECK: That would be State's 15. Thank  
14 you, Judge.

15 BY MR. TOMSHECK:

16 Q The window that looks out to the front there, does  
17 it appear to you as if it has blinds or shades or any type of  
18 window covering on it?

19 A Well, it has blinds that are in an open position.

20 Q So there's blinds that could be closed?

21 A Yes.

22 Q You talked about some blood pattern at the  
23 beginning of the door as you first walked in. Was that  
24 isolated to that area, or did you see other blood throughout  
25 the apartment?



1           A     There's additional stains consistent with apparent  
2 blood within the apartment and also in that landing outside  
3 the door, and as you saw, down the stairwell.

4           Q     I'm going to show you State's 18, and then State's  
5 19. What are we looking at there?

6           A     Okay, I need to see 18 again, for a minute,  
7 please. Okay. These are apparent blood stains that are  
8 actually in the bedroom. Want me to describe more?

9           Q     Sure.

10          A     Okay. This -- does that pull back any? Okay. So  
11 I'm going to mark here where the door to the bedroom would be.  
12 So if you're walking in, arrow coming this way, you'd be  
13 coming in the bedroom that way. And here you see these kind  
14 of oval shapes right here. And what those are, are droplets  
15 of apparent blood that have come, hit the surface, and just  
16 kind of skidded down and made that nice curved look to it.  
17 And then the extra blood is kind of running down the wall,  
18 apparent blood is running down the wall. So that's what we're  
19 seeing there.

20          Q     And in State's 20, if you would clear that for me,  
21 please, and 21. Would you agree with me they both have the  
22 number two, so 21 would just be a closeup of number 20?

23          A     Yes. Just, if I could say in 20, you can -- I'll  
24 circle -- see all these little dark droplets?

25          Q     Yes.

1           A     Those dark droplets are consistent with the color  
2 on -- above the 2 marker there that I've put the arrow on.

3           Q     Are those also depicting what you believe to be  
4 apparent blood at the scene of that apartment?

5           A     Yes. And again, we have those oval stains and  
6 they kind of have a little angle to them coming down, versus  
7 like gravity just dropping straight down.

8           Q     Okay. On State's 24, does that show better the  
9 area you described a moment ago, just inside the bedroom door?  
10 You see the blood down in the lower right of that picture?

11          A     Yes. This had the marker, and I'll actually draw  
12 it on there, if it will take it, a 3, this little area right  
13 here, coming in the door that I talked about. And immediately  
14 to the right, we see a bed here and our victim is underneath  
15 that little white line I drew right there. You can see his  
16 right shoulder sticking out.

17          Q     I'm assuming since the photographs that you took  
18 contain photographs of the victim, that he was still present  
19 when you got there?

20          A     Yes.

21          Q     And did you take photographs documenting and  
22 preserving his position as it was when you arrived?

23          A     Yes.

24          Q     And he -- I mean, from your perspective, I mean,  
25 he was clearly deceased and there was nothing that could be

1 done from a lifesaving standpoint in order to help him?

2 A Certainly from my perspective.

3 Q Okay. You can clear that screen for me, please.

4 In State's 25 what are we looking at?

5 A Okay. This is showing the victim. I'm on the  
6 other side of the bed. Again, you can see his head, a little  
7 bit of -- his right arm is distinctly visible, his elbow is on  
8 top of the bed. There's a little bit of his left arm, this  
9 little area right back here. And he's in a slumped position  
10 on this side of the bed.

11 Q Okay. And in State's 27, what are we looking at  
12 there?

13 A Now, I'm directly behind him. Once again, you can  
14 see his head, his complete right arm. He has injury to his  
15 right arm. There's a lot of blood coming out of injured  
16 areas. A lot of light red areas going on which is also going  
17 to be blood. And then heavy areas of staining come around --  
18 or around this area. Here's those little droplets that we  
19 talked about -- whoop, I don't know what I did there, but I  
20 guess we'll --

21 THE COURT: Exit, setup, menu?

22 MR. TOMSHECK: I guess exit, setup, menu.

23 THE WITNESS: Works for me. And there's  
24 distinctly an outline here of something that's going on in  
25 there, too.

1 BY MR. TOMSHECK:

2 Q Okay. You mentioned that you can see some  
3 injuries to the arm there. Could you see those as you were  
4 taking the photographs?

5 A I could see some of the injuries. Blood can cover  
6 up injuries, so some are obvious. For instance, down in this  
7 area right in here. Of course, with the quality of photo,  
8 it's easier to see certain things, but yes, some injuries are  
9 more obvious than others.

10 Q Okay. Some of the more obvious injuries, would  
11 you agree, are depicted in State's 29. Looks to me like a  
12 vantage point from the foot of the bed, are you able to see  
13 injuries to the back of the victim?

14 A There's two distinct injuries on his mid to lower  
15 back area there, right here. You can see two flows coming  
16 down, those flows being blood coming out of a hole.

17 Q And then State's 30, what are we looking at there?

18 A Once again, I'm behind him, stepped back a little  
19 bit. This white item down here is tissue, that's near him.  
20 And once again, there's a whole area of blood staining, little  
21 droplets happening down here by these arrows. And two obvious  
22 injury sites, the best I can draw it with this and then this  
23 is, once again, blood flowing down his back area.

24 Q And in addition to the tissue right by his body,  
25 were there other tissues on the floor of that room?

1           A     There's other tissues, and I'll just draw it, on  
2 the floor on this side of the bed.

3           Q     Okay. And in State's 33, is that what we're  
4 looking at?

5           A     Yeah. We have the closet area here on this line,  
6 and we have the bed on this border. And then, these are  
7 additional tissues right in here. And some of those tissues  
8 did have little teeny, tiny areas of apparent blood.

9           Q     Okay. In State's 31, it looks like another  
10 photograph of -- it almost appears as if you're standing  
11 directly above the victim; is that right?

12          A     That's correct. I'm leaning over him getting a  
13 shot of the evidentiary observations directly below him. Here  
14 we can see his left hand. There's a telephone sitting right  
15 here adjacent to his left hand. This is his wallet and this  
16 little item up here is a letter.

17          Q     Depict the letter?

18          A     Here's the letter.

19          Q     It appears on the left side of that photograph as  
20 if there's a table or a stand of some sort. Can you describe  
21 that for us?

22          A     Yes. That's a wooden table that had several  
23 belongings on it, some photographs, there's a cup there. And  
24 the cradle to this phone that you see right there is sitting  
25 on the edge of that table.

1 Q So that stand has the cradle where the phone would  
2 sit if it was cradled and in the charge position?

3 A Correct.

4 Q And State's 32, is that a closeup of the phone  
5 near the victim's left hand?

6 A Yes.

7 Q You mentioned in State's 31 that his wallet was  
8 depicted there. Would you have looked inside that wallet?

9 A Yes, we did.

10 Q If there had been currency in there, would you  
11 have denoted that in your report?

12 A Yes. And there -- in addition to the photographs  
13 that were taken, there was a photo of that wallet open.

14 Q Do you recall was there any money inside it?

15 A It was empty in the fold area of itself, depicting  
16 that.

17 Q This apartment, how many bedrooms did it have?

18 A This was a single bedroom apartment.

19 Q And how many bathrooms?

20 A It had one bathroom.

21 Q I show you State's 34. It appears to me as if  
22 that's a bathroom because it looks like there's a toilet in  
23 the picture. But there's also one of those tent markers that  
24 you were talking about, number 17. What's depicted by number  
25 17?

1 A Number 17 is a bullet.

2 Q Okay. In the bathroom of the apartment?

3 A In the bathroom.

4 Q In total, how many pieces of items related to  
5 bullets or bullet fragments were found in or around Apartment  
6 H?

7 A There were three.

8 Q The one just inside the door that's in State's 36  
9 that I'm putting up. Or just outside the door, I'm sorry,  
10 depicted in number 11 on the diagram; correct?

11 A Yes.

12 Q The one right behind the couch, number 18;  
13 correct?

14 A Yes.

15 Q And the one on the bathroom floor, number 17?

16 A Correct.

17 Q If I were to show again State's 69, the diagram,  
18 are you able to see on that diagram where items 11, 17 and 18  
19 are located?

20 A Yes. Just to the exclusion of 18. Crime Scene  
21 Analyst Thomas, she put a little arrow, it's sitting more --  
22 well, more like right there where the little dot is, not the  
23 line, near the wall. We had to pull the couch out a little  
24 bit to see that bullet there when we discovered it.

25 Q And if you could circle items 11, 17 and 18 to

1 show where the bullet evidence was recovered from that crime  
2 scene.

3 A 18 more in this area, 11 and 17.

4 Q Okay. If you could clear that screen for me,  
5 please. I'm just going to back up for one second. I was  
6 trying to find a photograph that would show it. Item 25 you  
7 had testified about earlier. Are you able to see on that  
8 night-stand on the other side of, it looks like an insulated  
9 mug there, where that cradle to that phone is?

10 A Yes. I can outline it?

11 Q Yes, please.

12 A Make it easier to see. That's the outline of the  
13 base of the phone, right there. So it's behind the cup. And  
14 it's a large base, much -- you know, 12 inches.

15 Q In addition to the bullets that were recovered,  
16 were there any shell casings recovered from the crimes?

17 A Yes.

18 Q How many?

19 A One.

20 Q And where was it located?

21 A An expended --

22 Q It might help the jury to understand if I put 69  
23 back up there and show the diagram. Would it be depicted on  
24 there?

25 A Yes. There's an expended cartridge case sitting,



1 marked as 10 -- well, sitting right in that area right there  
2 just outside of Apartment G on a mat, a welcome mat. And it  
3 was found on that mat.

4 Q If I could show you State's 40, are you familiar  
5 with what we're looking at there?

6 A Yes.

7 Q Would you describe for us the three different tent  
8 markers depicted in State's 40?

9 A Nine is what we previously discussed being  
10 apparent blood. Fifteen is also apparent blood on the door  
11 area of G, directly across from the forced door. And ten is  
12 the cartridge case that I circled.

13 Q And State's 38, I'm going to zoom in on it real  
14 tight because it's kind of hard to see. Are you able to see  
15 the tent marker on top of that welcome mat to Apartment G  
16 that's depicted as number 10?

17 A Yes.

18 Q And are you able to see the cartridge case in that  
19 photograph, State's 38?

20 A Yes.

21 Q Circle that for the Ladies and Gentlemen of the  
22 Jury.

23 A I'll do a rectangle to make it more obvious.

24 Q The cartridge case that's depicted there, are you  
25 familiar with what caliber is?

1 A Yes.

2 Q What is that?

3 A It's a .22 and --

4 Q So that cartridge case -- in terms of cartridge  
5 cases, would it be a big one or a small one?

6 A It would be a small, small size bullet that would  
7 go into that cartridge case.

8 MR. TOMSHECK: May I approach the clerk, Judge?

9 THE COURT: Yes.

10 MR. TOMSHECK: Ask that you mark this the next in  
11 line, please.

12 BY MR. TOMSHECK:

13 Q While the clerk's marking those, you had talked  
14 about that you had photographed a defect in the door that  
15 appeared to be a hole of some sort. While you were  
16 investigating that particular piece of evidence, did you find  
17 anything around it related to it, in your opinion, that you  
18 felt was important?

19 A Involving firearms observations?

20 Q The hole in the door to Apartment H. Not where  
21 the lock came off, but the hole on the other side of the door?

22 A Yes. Well, there are a couple holes, so I'm  
23 trying to distinguish which hole there is. There's a fairly  
24 tight, circular hole on the interior of the door to H.  
25 There's that splintered wood area on the outside of H. And

1 then there's additional impact areas that were documented.

2 Q I'm going to show you --

3 MR. TOMSHECK: Any objection? Judge, I move for  
4 admission by stipulation of State's Proposed 71 and 72.

5 THE COURT: Okay. They'll be admitted. 71 and?

6 MR. TOMSHECK: 72.

7 (Exhibit 71 and 72 admitted)

8 BY MR. TOMSHECK:

9 Q I'm showing you what's now in evidence as State's  
10 71. Can you tell us what we're looking at there?

11 A Okay. This is showing something that we call  
12 stringing. And from the inside of the apartment door, we've  
13 ran a string through, that has a 5 sticker on the inside. You  
14 see a 6 sticker up here at the top. And that just assist with  
15 descriptions in my reports in explaining later on. And  
16 there's this green, what we call trajectory line coming out.  
17 There was an impact site right here where I'm drawing this  
18 arrow in the stucco. And then it continues out and terminates  
19 on the exterior of G, the door on the other side of H.

20 Q I'm going to show you State's 72, and I can  
21 probably line these up pretty close. I understand that's not  
22 perfect. Does that depict the stringing that you did between  
23 those two locations?

24 A Yes. That's an excellent representation of what  
25 we documented at the scene.

1 Q Okay. On the right-hand side, it looks like  
2 there's a number eight. What is that number eight  
3 referencing?

4 A Again, these numbers are listed to assist with our  
5 observations. So that's impact site 8, impact site 7, impact  
6 site 6 and 5 is on the inside of the door that we see there on  
7 the left.

8 Q Impact site 6 over here, is that the door to  
9 Apartment H where the victim was?

10 A Yes.

11 Q And does that hole go all the way through the  
12 door?

13 A Yes. There's a defect in the door, but it's  
14 coming from inside the door to the outside. So when I say  
15 impact site, on 6 here, it's an exit point.

16 Q So you can see from the inside a nice little hole.  
17 And as it comes on the outside, it takes some wood with it, so  
18 you see kind of a splintered number 6 there; is that right?

19 A Yes. And that's a classic representation of what  
20 occurs when a projectile, bullet, goes into something and then  
21 goes through the outside, whether it's a door, a bone, a  
22 person, a car. We see this all the time.

23 Q And the door to Apartment G on the right-hand  
24 corner over there, is there a defect in that door that's  
25 referenced by number 8?

1           A     There's a defect there, but it didn't go through  
2 the door. It terminated at the 8 site.

3           Q     So you see an impact site, but not a hole through  
4 the door?

5           A     Correct.

6           Q     Okay. From the vantage point where you were  
7 looking at the stringing between the door of Apartment H, off  
8 the wall and the door to Apartment G, did it appear to you as  
9 if the door would have been in an open or closed position  
10 based on the trajectory of the hole through the door and the  
11 other impact sites?

12          A     The door would have been closed.

13          Q     Okay. In other words, when I walk into Apartment  
14 H, when I open the door, would it open to the right?

15          A     Yes.

16          Q     So in order for a bullet hole to come out G -- or  
17 out H, across the hall and hit G, it would have to be coming  
18 from inside of the livingroom area; correct?

19          A     That is correct.

20          Q     Subsequent to your investigation at the crime  
21 scene, did you respond to any other locations away from 415  
22 South Tenth Street related to this homicide?

23          A     Yes.

24          Q     Where did you go?

25          A     Part of my duties assigned the next day was to

1 respond to the coroner's office and assist with the autopsy of  
2 the victim.

3 Q And when you say assist with the autopsy, what do  
4 you mean?

5 A Well, our duties are to document the victim. When  
6 we put them in a body bag, we show a seal, keep the integrity  
7 of the decedent, victims in that case, and then we'll  
8 methodically go through with the assistance of the medical  
9 examiner, documenting observations of the victim, before  
10 cleaning them, after cleaning them and then injury sites and  
11 any associated evidentiary observations as we go along.

12 Q As you took photographs at the crime scene of 415  
13 South Tenth Street, would you also take photographs of the  
14 body of Gyaltsso Lungtok as the autopsy is being conducted?

15 A Yes.

16 Q If there's physical evidence taken from a body,  
17 for instance, there's a bullet found in someone, would you as  
18 a crime scene analyst assigned to the autopsy impound that  
19 evidence?

20 A Yes.

21 MR. TOMSHECK: May I approach your clerk and the  
22 witness, Judge?

23 THE COURT: Yes.

24 BY MR. TOMSHECK:

25 Q I'm going to show you what's been marked as

1 State's Proposed 73. And we've already had Maria Thomas  
2 Lopez, earlier, testify about the process for impounding items  
3 of evidence. Does this bear your name and personnel number?

4 A Yes.

5 Q Is this an evidence envelope where you would  
6 impound an item of evidence?

7 A Yes.

8 Q And does it have the date and event number that  
9 you've been testifying about today?

10 A The date is the next day, but the event number is  
11 the same, yes.

12 Q So June 11th of 2000 is when you would have done  
13 the autopsy?

14 A Yes.

15 Q And during that autopsy, did you impound any items  
16 of evidence?

17 A Yes.

18 Q In addition to impounding the evidence, did you  
19 also take photographs as you've already described?

20 A Yes.

21 Q And we'll have a medical examiner testify about  
22 those photographs later, but as it relates to this particular  
23 item of evidence, if you were to open that envelope, what  
24 would you expect to find inside?

25 A There will be three specific bullet evidence

1 items.

2 Q Okay. And would they be stored in a plastic vial?

3 A Yes. It's standard procedure to put them into a  
4 plastic vial.

5 Q Okay.

6 MR. TOMSHECK: I move for admission of State's  
7 Proposed 73 and contents.

8 MR. BROWN: No objection.

9 THE COURT: Admitted.

10 (Exhibit 73 admitted)

11 BY MR. TOMSHECK:

12 Q And if I could have you go ahead and open State's  
13 73 along the side without disturbing the seal.

14 (Witness opens Exhibit 73)

15 THE WITNESS: Publish?

16 BY MR. TOMSHECK:

17 Q Yes, they're in evidence.

18 A Okay.

19 Q And as you expected, do you find three separate  
20 vials inside?

21 A Yes.

22 Q It looks like in addition to the red seal which  
23 bears your name and P number on here, there's some blue seals  
24 that have the name "Good" and the number 806. Do you know who  
25 that is?



1           A     Yes. That would be firearms examiner Richard  
2 Good.

3           Q     Okay. And his P number would be 806?

4           A     Yes.

5           Q     The blue seals, would that indicate to you that  
6 there had been some testing done on those bullets after they  
7 were impounded by you?

8           A     Yes. The blue seals are used by the forensic  
9 laboratory.

10          Q     And the red seals are crime scene analyst seals?

11          A     Or police officer seals.

12          Q     I'm going to show you item --

13               MR. TOMSHECK: First of all, Judge, it looks like  
14 there's an item 4, 5 and 6. I'd ask that they be marked as  
15 73A, B and C.

16               THE COURT: Okay.

17 BY MR. TOMSHECK:

18          Q     I'm going to zoom in here on item four, which  
19 would be 73A. Would that be one of the bullets that you  
20 impounded at the autopsy on June 11th of 2000?

21          A     Yes.

22          Q     Item number 5, would that be the second of the  
23 bullets that you impounded?

24          A     Yes.

25          Q     Item number 6, which is 73C, the third of the

1 bullets?

2 A Yes.

3 (Pause in proceedings)

4 MR. TOMSHECK: Can I have the Court's indulgence  
5 one second.

6 (Pause in proceedings)

7 MR. TOMSHECK: Now, just a couple more  
8 photographs if I could have your clerk mark them next in line.

9 (Pause in proceedings)

10 MR. TOMSHECK: Judge, I don't believe the defense  
11 has any objection to State's Proposed 74 through 78.

12 MR. BROWN: That's correct.

13 THE COURT: They'll be admitted.

14 (Exhibits 74 through 78 admitted)

15 BY MR. TOMSHECK:

16 Q I'm going to show you first of all State's 74. It  
17 appears as if there's a name written on a diagram next to an  
18 individual on an autopsy table; would you agree with that?

19 A Yes.

20 Q The date 6/11/00; is that correct?

21 A Yes.

22 Q And the number 00-3381. Is that the number that's  
23 associated with the coroner's office autopsy report generated  
24 for that individual on that date?

25 A I'd have to confirm it with my paperwork, but yes,

1 that's a coroner's office number.

2 Q In other words, the reason I read it, it's not the  
3 event number that Metro would use. It's a different one that  
4 a medical examiner would use?

5 A Yes.

6 Q You mentioned that you took some photographs.  
7 Would those photographs document the injuries to Mr. Lungtok  
8 after they'd been cleaned up to some extent?

9 A Yes.

10 Q In State's 75, are you able to see that same  
11 injury on the shoulder that you were talking about earlier?

12 A Yes. On his right shoulder, you can injury there  
13 with the blood coming out of it. There's additional injuries  
14 on there on his chest area.

15 Q And that photograph depicts those injuries?

16 A Yes.

17 Q And State's 76, does that show an injury to the  
18 underside of Mr. Lungtok's right arm?

19 A Yes. Once again we're talking under here. Here  
20 being underneath my elbow.

21 Q And 78, it appears as if there's a scale with some  
22 item numbers written on it, some bullets, and some numbers  
23 below. Can you tell us what we're looking at there?

24 A Okay. These are the, I'll put halos over them,  
25 the three bullets we just looked at in the vials that I

1 impounded with the item numbers that I listed. Here's my  
2 initials and P number and here is the date of autopsy.

3 Q So on June 11th of 2000, you would have taken this  
4 photograph of those items before you impounded them in that  
5 envelope?

6 A Correct.

7 MR. TOMSHECK: I'll pass the witness, Judge.

8 THE COURT: All right. Cross.

9 CROSS-EXAMINATION

10 BY MR. BROWN:

11 Q Good afternoon.

12 A Good afternoon.

13 Q Thanks for being here. Grab some pictures real  
14 quick. I just had a couple of questions regarding some of the  
15 findings, if that's okay with you.

16 We're going to use the -- your updated, souped-up  
17 diagram version as opposed to the original one you had. Let  
18 me see here. Can you see that okay?

19 A Yeah. I can't see the stairwell very well. It  
20 just depends on where your questions are going to go.

21 Q We may go into the stairwell. Let's go ahead.

22 A Okay. That's fine.

23 Q You would agreed there's more evidentiary value in  
24 the stairwell than back here in the kitchen sink area?

25 A Yes.

1           Q     Okay. All right. I'm going to talk a little bit  
2 about the blood first, and then in some of the, you know, like  
3 the pattern trail, and then perhaps we'll get into the  
4 projectiles and follow up on some of that stuff.

5                     Just to be clear, the first thing that I want to  
6 be clear with you is through the walkthrough of the house, or  
7 the apartment rather, and all the photographs you took, you  
8 located there was blood found in the front television room?

9           A     Yes.

10          Q     And when we're talking blood, you noticed blood  
11 droplets on the carpet?

12          A     Correct.

13          Q     You didn't see a large saturated pool or puddle of  
14 blood anywhere. We're -- is that correct?

15          A     That is correct.

16          Q     Okay. We're referencing blood droplets that you  
17 found that appeared to have been dropped most likely from the  
18 victim?

19          A     Yes.

20          Q     Okay. And that was noticed, like, in the  
21 livingroom area, in here?

22          A     I would agree. Right where your pen is showing  
23 there.

24          Q     Okay. The front door area, you know, right in the  
25 threshold?

1 A Yes. With the droplets, if I may --

2 Q Yeah.

3 A I'm trying to -- it's making arrows, heading that  
4 way to the threshold area and then we saw the photographs  
5 earlier.

6 Q Okay. And after each one of those, you can go  
7 ahead and clear it. And actually, out on the patio a little  
8 bit or on the porch area? You know, right past the threshold?

9 A Yes, the landing, porch.

10 Q Some actually on the front door? Near the bottom  
11 of the door?

12 A On both -- both doors, yes.

13 Q Yeah. And three steps, I think you took pictures,  
14 or at least the photograph and I'm getting to it. And I  
15 apologize here. It's probably going to give us a headache  
16 looking at it that way. You took some pictures of -- this is  
17 9, 8 and then 7. So coming up the steps, there's some blood  
18 spotted and this would be number 7; correct?

19 A Evidence collected, area number 7, yes, there.

20 Q Eight?

21 A Yes.

22 Q And nine. Those all depict blood that you found?

23 A Blood that was collected, yes.

24 Q Collected, okay. Yeah, that's a good point  
25 because I was going to ask you that. There may be other blood

1 in or between there and you just, like you said before, you  
2 didn't take photos of every single droplet. Is that accurate  
3 to say?

4 A I would -- that would be an accurate statement.

5 Q Okay. So there may be a little more blood on  
6 either a step or in between. And going up to at least to  
7 number seven.

8 A I would agree with that. I'm sure if we zoomed  
9 in, we could find a little bit more.

10 Q I was looking for the photo that did the zooming  
11 for us and I'm going to do that. I'm going to find the photo  
12 that does the zooming for us. Mr. Tomsheck got these all out  
13 of order.

14 But continuing on with that, in other areas where  
15 you have the placards depicting blood, those are just areas  
16 where you actually took a collection?

17 A That is correct.

18 Q You don't do the testing of the blood yourself?

19 A No.

20 Q Unlike the television show, that gets sent to  
21 somebody else who has the obligation and the duty of doing  
22 that?

23 A Yes. A forensic scientist would do the testing.

24 Q Well, moving on with that, back inside the house,  
25 the apartment, I keep calling it a house, the blood that you

1 noticed continued kind of eastward down the hallway?

2 A Yes.

3 Q Okay. And you showed us the blood that was on the  
4 closet door. We talked about that.

5 A Yes.

6 Q Kind of a hallway closet door near the bottom?

7 A Yes.

8 Q That would be what's depicted here in number two?

9 A Yes.

10 Q Again, a closeup of number two.

11 A Yes.

12 Q And you indicated, and you were trying to make a  
13 point about the swoops go at an angle, and then they seem to  
14 drop down?

15 A Yes.

16 Q Okay. That suggests to you that the blood was  
17 moving in that direction when it hit the wall, and then after  
18 it did what it did, the rest of it is just gravity dripping it  
19 straight now?

20 A That's an extremely accurate description.

21 Q Okay. And if we're looking at number three,  
22 similar, although less a drastic movement.

23 A That is correct.

24 Q So it almost -- it suggests, does it not, that the  
25 person in this case who was bleeding was moving eastward down



1 the hall and depositing blood as he moved?

2 A Yes.

3 Q And some got on the wall. Some got on the closet  
4 and then he worked his way into his bedroom. Does that seem  
5 accurate?

6 A Yes.

7 Q Okay. There was no blood found in the bathroom?

8 A Correct.

9 Q You didn't find any blood, like, in the kitchen  
10 area?

11 A No.

12 Q And you didn't find any blood down here by where  
13 the couch is or the table is?

14 A No.

15 Q Okay.

16 A Although I do want to add, for accuracy, there was  
17 blood -- if I may?

18 Q Yeah.

19 A On a light switch -- well.

20 Q Yeah, I was going to get to that. Good point.

21 A This is off.

22 Q A blood smear?

23 A Right there on the light switch, yes.

24 Q Does that appear to be the light switch for the  
25 porch? Did you check that?

1           A     I'm not sure what it went to? That would be  
2 accurate probably.

3           Q     Okay.

4           A     Although it could be an interior light as well.

5           Q     But you don't know -- you didn't check it? It  
6 just took the blood?

7           A     I don't recall.

8           Q     But it's consistent with where the porch light  
9 would be?

10          A     Could be, yes.

11          Q     Okay. Further on down the stair, there was no  
12 blood on the walkway, or heading in or out of the stairwell at  
13 all?

14          A     Correct.

15          Q     Okay. So based on the observations of the blood  
16 at the door frame, on the door, on the porch and down the  
17 stairways, it's certainly consistent with the victim himself  
18 depositing that blood, at least walking to the stairwell --  
19 I'm not going to assume walking, but getting to the stairwell  
20 and dripping blood there?

21          A     Assuming all the blood was identified, at least in  
22 certain areas, to the victim, that would be one scenario.

23          Q     I just -- all I can ask you at this point is that  
24 that's not inconsistent?

25          A     That would be accurate.

1 Q Okay. Now, you recovered a total of either six  
2 projectiles or fragments; is that accurate?

3 A From which scene or scenes?

4 Q Total.

5 A Total, yes.

6 Q Yeah. I mean, three from the victim at the  
7 autopsy. Three from inside the apartment.

8 A Yes.

9 Q Okay. You found one that was behind the couch?

10 A Yes.

11 Q But you have no idea how it got there?

12 A No.

13 Q And it was fired from a gun, but you don't know  
14 how it got to where it ended up?

15 A Correct.

16 Q Okay. No impact sites that gave us insight as to  
17 where that bullet came from?

18 A There is an additional apparent impact site in the  
19 apartment.

20 Q Just on the other side of the closet?

21 A Yes. May I draw?

22 Q Yes, please.

23 A It would be -- well, my arrow keeps cutting to the  
24 left, but I'll do a little circle. On this area right here, I  
25 believe, between three and four feet on the wall was a

1 horizontal, apparent, impact site in the wall itself.

2 Q I'm going to get a photo of that for you so that  
3 we can clarify what you're talking about. I'm showing you  
4 what's been stipulated for its admission as Defense Proposed  
5 Exhibit, or Admitted Exhibit, or Proposed Exhibit 201.

6 MR. BROWN: Judge, no objection to it.

7 THE COURT: That will be admitted.

8 (Defense Exhibit 201 admitted)

9 MR. BROWN: May I publish?

10 THE COURT: Yes.

11 MR. BROWN: Okay.

12 BY MR. BROWN:

13 Q Is this the impact site you're referring to?

14 A That is correct.

15 Q Okay. And that would be located here on the wall  
16 roughly?

17 A In that area, yes.

18 Q Okay. Do you attribute that impact site with the  
19 bullet you found behind the couch?

20 A I wouldn't scientifically state that right now.

21 Q Hard to say?

22 A Yeah.

23 Q You did find a bullet laying in the bathroom  
24 floor?

25 A Yes. And if you think -- if I may add?

1 Q Yeah.

2 A If you think about it, there's a strike there and  
3 it's horizontal, and we have a bullet that way and we have an  
4 apparent bullet fragment that way. So depending on the  
5 characteristics of it hitting the wall, which way are we going  
6 to go.

7 Q Right. It could be -- this strike could be the  
8 bullet fragment you located in the bathroom?

9 A It probably would lean more that way.

10 Q That's where I would lean as well, but they pay  
11 you to make --

12 A But I didn't analyze the specifics of that bullet  
13 strike into there.

14 Q Okay. But we do have the bullet that was found  
15 behind the couch. And then we have one that was found on the  
16 front porch; is that correct?

17 A Correct. Number 11 on the porch here.

18 Q Number 11 over here. Now, we had some  
19 discussions, you did with the State and you were explaining to  
20 the jury about the bullet that went through the front door,  
21 ricocheted off the wall and then hit G, Apartment G.

22 A Yes. Yes.

23 Q Is the fragment that you found sitting at 11 in  
24 front of Apartment H consistent with being the bullet that  
25 traveled that pathway?

1 A I wouldn't state that.

2 Q Could it be?

3 A Could it be?

4 Q Yeah, could it be?

5 A Yeah. I mean, a bullet's going to have energy.

6 It's going to go -- it will go through. If a bullet were to  
7 strike this podium here, it's going to have energy. Is it  
8 going to have enough energy to bounce that way? Stop dead  
9 where it is? Travel this way a little bit. It just depends  
10 on the dynamics of what's going on, so.

11 Q Okay. Well, based upon the analysis you did do,  
12 you're of the opinion it at least had enough energy to get all  
13 the way through the door; correct?

14 A Yes.

15 Q Okay. It ricocheted, based upon what you can see,  
16 off of this wall here.

17 A Yes.

18 Q Based on your string. Hit the door of Apartment  
19 G.

20 A Yes.

21 Q Okay. And you didn't find a bullet or bullet  
22 fragment directly below Apartment G?

23 A Correct.

24 Q Okay. The closest one you found would be this one  
25 that we're seeing here at 11?

1 A Correct.

2 Q Which could have bounced the other four feet back?

3 A Absolutely.

4 Q I'm not asking you to say it's it. It's just  
5 trying to explain which bullets go where, that's a possible  
6 suggestion?

7 A Yeah, absolutely.

8 Q Okay. Now, the State had indicated that in order  
9 for the string and the impact analysis that you did to fit,  
10 the door had to be closed?

11 A Yes.

12 Q Okay. So somebody went in the apartment, based  
13 upon the evidence we see, kicked the door in.

14 A Yes.

15 Q Knocked the lock off. Closed the door, or the  
16 door was closed before a shot was fired through it?

17 A Unless the door had enough energy swinging open to  
18 where it shut afterward.

19 Q Okay.

20 A I don't know.

21 Q The door was closed.

22 A The door was closed.

23 Q Okay. And the shot came from inside the  
24 apartment?

25 A Yes.

1 Q And I believe you indicated somewhere in your  
2 report it was more likely in this direction?

3 A Based on the angle that was measured off of that  
4 door which was 53 degrees. If we have the door being flat,  
5 everybody knows what a 45 degree angle is, basically where my  
6 arm is coming off of here. Between 90 degrees straight out,  
7 so it was 53 degrees. So basically coming in from somewhere  
8 in this area.

9 Q Okay. I guess what I'm getting at is we know it  
10 didn't come from the kitchen?

11 A Yes.

12 Q We know it didn't come from the bathroom?

13 A Yes.

14 Q And we know it didn't come, you know, from this  
15 area of the hallway.

16 A Yes.

17 Q It came, you know, generally, without having to  
18 get in too much detail, it came from this general area, like,  
19 in front of the couch near the coffee table. Is that fair?

20 A That's fair.

21 Q Okay. You found a cartridge case of a .22 caliber  
22 cartridge on the doorstep -- let's see where it is, on the  
23 doorstep of Apartment G; is that correct?

24 A On the welcome mat.

25 Q A welcome mat. Some welcome, huh? And in talking



1 about that, that's the only one you found?

2 A That is correct.

3 Q Okay. I'm going to guess that you're not going to  
4 propose a suggestion as to how it got there?

5 A No.

6 Q You're not comfortable with that?

7 A No.

8 Q But you are experienced in going to crime scenes;  
9 correct?

10 A That is correct.

11 Q Obviously. And you observe many crime scenes?

12 A Yes.

13 Q And one of the reasons that the initial police  
14 officer is supposed to tape it up and cordon it off is so that  
15 evidence doesn't get moved?

16 A That's one of the reasons, yes.

17 Q But before he gets there, lots of things could  
18 happen?

19 A It could happen, yes.

20 Q A suggestion, for example, is this particular  
21 shell could have been kicked there at any point?

22 A I -- that's a possibility.

23 Q I mean, if the shell initially were near the front  
24 door or inside, and somebody leaving could have kick, bounced  
25 around and ended up right where it ends up?

1           A     That's one possibility.

2           Q     I mean, there are probably -- you know, another  
3 obvious possibility is that that's where it went after being  
4 shot.

5           A     Depending on the firearm, yes.

6           Q     Okay. There's nothing in your findings to suggest  
7 that a firearm was shot on the outside, in towards the  
8 apartment? What I mean by that is you didn't have any impact  
9 sites that would be on the walls over here, let me get back,  
10 into the kitchen area?

11          A     Correct.

12          Q     Okay. I'm not going to ask you to know exactly  
13 where everybody else was standing, but based upon what you  
14 know, that was an accurate answer that you just gave?

15          A     Based on the evidence that I know, yes.

16          Q     Okay. Now, you went into the apartment and you  
17 prepared the report; is that correct?

18          A     Yes. A report.

19          Q     A report. You know, you make observations and you  
20 prepare a report documenting your observations. But maybe not  
21 necessarily included in the report, are you comfortable  
22 characterizing the apartment as relatively small?

23          A     Is your question, am I characterizing it as small?

24          Q     Are you comfortable characterizing, if I were to  
25 ask you that. It's kind of a confined space?

1           A     I would call it a small -- it's not a studio, it's  
2 a one bedroom.

3           Q     Right.

4           A     But it's a very small one.

5           Q     Not a whole lot of room, though. When you walk in  
6 the door and in front of you is the wall, and immediately to  
7 your left is the couch; is that fair?

8           A     Yes.

9           Q     Okay. You -- when you arrived it was daytime.

10          A     Yes.

11          Q     But you noted that the lights were out? Do you  
12 recall that?

13          A     Yes. In my report most of the lights were out,  
14 yes.

15          Q     You had one in the bath -- the bedroom, a table  
16 lamp or something may have been on?

17          A     I would have to check my report, but most of them  
18 were off.

19          Q     Most of the lights were out, okay. We see from  
20 the photos that you took from inside the apartment, you didn't  
21 open those drapes to get better lighting?

22          A     I didn't.

23          Q     No. When you took the photos, the drapes to that  
24 apartment were already open?

25          A     Yes.

1 Q Okay. So from the outside, it appears like this?

2 A Correct. And we're looking here.

3 Q That's the apartment, thank you. You -- now, I  
4 understand and the State has gotten this through other  
5 witnesses, that this obviously wasn't a bank or a palace. But  
6 you did find some items inside the house of value?

7 A Yes.

8 Q Specifically, there was cash in the amount of \$119  
9 that you found inside of a calendar?

10 A Yes.

11 Q Now, this was a monthly calendar; correct?

12 A Correct.

13 Q And the calendar, as you open the door, was  
14 basically just in front right on the wall?

15 A That's accurate.

16 Q But the money wasn't in the month you see, it was  
17 in the next month?

18 A That is correct.

19 Q Okay. And every month had a little envelope in it  
20 and you could just put the money in there?

21 A Yes.

22 Q Okay. And you noticed enough to at least find the  
23 money?

24 A Yes.

25 Q And took a picture of it and put it in your

1 report?

2 A Yes.

3 Q You didn't go to the trouble of thumbing through  
4 all the phone books, looking for money or anything?

5 A I don't recall doing that.

6 Q You found, sitting on a table, the watch?

7 A Yes. There was a watch, I don't recall where it  
8 was. I'd have to check.

9 Q Okay. That's not important, but you found a watch  
10 inside the apartment?

11 A I believe so.

12 Q There was a television?

13 A Yes. A small television.

14 Q Right. Yeah, not a big giant screen. Just kind  
15 of a small television. And you found -- I think we saw a  
16 picture of, you saw a wallet in the bedroom?

17 A There was a wallet near the victim on the floor in  
18 the bedroom.

19 Q Correct. Now, Mr. Tomsheck asked you a question  
20 about whether you had an opportunity to open up the wallet,  
21 look inside, and check the contents and see if there was  
22 anything of value and you did and there was nothing.

23 A The best I can recall. I distinctly know when the  
24 fold was open that it was -- appeared empty.

25 Q Now, part of your duties, and maybe not

1 specifically this day, but as a crime scene analyst, you're  
2 responsible at times for locating and lifting fingerprints?

3 A Yes.

4 Q That's something you certainly are capable of  
5 doing.

6 A Yes.

7 Q A wallet is one of those items where fingerprints  
8 often are checked?

9 A Depending on the surface, but yes, we can, yes.

10 Q You can check for it. And for that matter, maybe  
11 I'm only getting this from the television show, but I don't  
12 think so. Fingerprints, on occasion, have been located on  
13 cartridge casings themselves?

14 A Boy, that -- it depends. If -- fired cartridge  
15 cases that haven't been touched, show me. Now, if it's been  
16 touched afterward, picked up, something like that, possibly.

17 Q And in fairness, this is a very small cartridge  
18 case.

19 A Yes.

20 Q But you didn't do -- before you opened this  
21 wallet, you didn't do any fingerprint checking or fingerprint  
22 analysis on it?

23 A Not on the wallet itself that I recall.

24 Q And nobody asked you to do that at a later time?

25 A I don't recall. No, I don't believe so.