

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

DAVONTAE WHEELER,	)	SUPREME COURT NO. 81374
	)	
Appellant,	)	
	)	
vs.	)	<b>APPEAL</b>
	)	
STATE OF NEVADA,	)	
	)	
Respondent.	)	
	)	DISTRICT COURT NO. C-17-328587-3
	)	
	)	

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**APPELLANT'S APPENDIX**

**(VOL. 1 OF 14)**

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LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 1

EVENT #: 170809-0029

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**SPECIFIC CRIME:** MURDER WITH A DEADLY WEAPON

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

**CITY OF LAS VEGAS**

**CLARK COUNTY**

---

**NAME OF PERSON GIVING STATEMENT:** DAVONTE WHEELER

**DOB:** 4-27-1995

**SOCIAL SECURITY #:**

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**HOME ADDRESS:**

**PHONE 1:**

**WORK ADDRESS:**

**PHONE 2:**

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE R. JAEGER, P#5587, and DETECTIVE J. HOFFMAN, P#9001, LVMPD HOMICIDE SECTION, on August 15, 2017, at 1722 hours.

Q: Operator, this is Detective R. Jaeger, J-A-E-G-E-R, P# 5587. I'll be conducting one interview in reference to Event# 170809-0029. Person being interviewed's first name is Davonte, that's D-A-V-O-N-T-E, last name of Wheeler, W-H-E-E-L-E-R. His birthday is 4-27-95. His ID number is 5909061. Also present during the interview is Detective D. Hoffman, H-O...

Q1: J.

Q: Or J. Hoffman, H-O-F-F-M-A-N, P# 9001. Today's date is 8-15-2017. The



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EVENT #:170809-0029  
STATEMENT OF: DAVONTE WHEELER

interview is taking place at the LVMPD Headquarters, uh, interview room. The start of the interview is 1722 hours. Sorry it took so long.

A: Yeah, that's okay.

Q: (Unintelligible) up, uh, I had to take care of some things. My name's Ryan Jaeger. Um, I'm a detective with the police department. Um, this is my partner here, Detective Hoffman.

Q1: Hey.

Q: I don't know if you've seen him on TV or not?

A: Um, no.

Q: No? Other people have told us he looks like an actor, but...

Q1: Mm-hm.

Q: We're, uh, here, and we got some questions for you. First question that I have is I just need to know wh- who I'm talking to. Spell your first name for me.

A: D-A-V-O-N-T-A-E.

Q: Okay. Wheeler for your last name?

A: Yes, sir.

Q: Okay, uh, birthday 4-27-95?

A: Yes, it is.

Q: Okay. Um, Davontae, where were you born?

A: Me? I was born in Dayton, Ohio.

Q: Dayton, Ohio?

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A: Yeah.

Q: Okay. Um, we are both detectives, uh, with the police department, and, uh, we need to talk to you about some stuff. Before we get into anything, I'm gonna tell you what's not gonna happen in here. All right, we're not gonna scream at ya. We're not gonna holler at ya. We're not gonna beat the shit out of ya. Uh, we're gonna sit down, and we're gonna talk, and we're gonna find out what's going on. Um, I will promise you that both of us will treat you like a human, but we expect the same back. You know?

A: Of course.

Q: Um, I will give you all the respect in the world, uh, but I - I'm gonna kinda ask for the same back, all right?

A: Of course.

Q: Um, I'm a stickler for the rules. I'm not gonna try to trick ya, um, or trip you up on anything. Um, so there's rules that I have to follow. Um, the first rule that I have to follow is I have to advise you of your rights. Do you know what your rights are?

A: Yeah.

Q: What are your rights?

A: You got the right to remain silent. You got the right to speak with an attorney.

Q: Okay, you - you - I'm half deaf. This ear doesn't work all that well...

A: Oh, you...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

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STATEMENT OF: DAVONTE WHEELER

Q: ...so you're gonna have to speak up a little bit.

A: You can recite them for me, but if I'm correct...

Q: Okay.

A: ...you got the right to remain silent. You got the right to speak to an attorney. If you can't speak to an attorney, we will provide one for you.

Q: You watch a lot of TV, huh?

A: No, it's just, I know.

Q: Just everybody knows 'em. All right, I'm gonna read 'em right off the card to make it official, all right? You have the right to remain silent, and anything you say can be used against you in the court of law. You have the right to consult with an attorney before questioning. You have the right to the presence of an attorney during questioning. If you cannot afford an attorney, one'll be appointed before questioning. Do you understand these rights?

A: Mm-hm.

Q: Okay. Uh, we are doing an investigation, um, into some people that are running around, going into gas stations, open carry with handguns. Uh, we've kinda been searching around with a plate number and stuff, and it led us to you. Um, my first question for you is do you own any guns?

A: Me? No.

Q: Hmm?

A: Uh-uh.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

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STATEMENT OF: DAVONTE WHEELER

Q: What do you mean, me, no?

A: I don't own a gun, no.

Q: Okay. Do you have any buddies that own a gun?

A: N- no.

Q: Are there any guns in your house?

A: Um, not that I know of.

Q: Not that you know of? So I'll take that as a yes?

A: Not that I - no, it's not that I know of. I don't know if there's any in there. I - I don't really keep - I don't keep a gun, so...

Q: Okay. I mean, is - is a gun something you sometimes carry?

A: Uh, y- yeah, I'll say every now and again, but, yeah. I mean, but...

Q: Okay. It's a scary place out there, right?

A: Yeah, of course. Any time I get...

Q: All right. Um, if you're goin' out with your buddies, is it - I mean, is it s- something that you take just for protection?

A: No, not with my friends. It's only if - I only carry my gun if it's - I don't feel safe, honestly.

Q: Okay. I mean, I'll tell you, you carry a gun everywhere I go.

A: Yeah, no, it's - it's just if - like, if I don't feel safe, I carry one.

Q: Okay. And - and the gun that you carry, what kind of gun is it?

A: My gun is a - a Taurus.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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STATEMENT OF: DAVONTE WHEELER

- Q: A Taurus. Is it like a - it that like a revolver or a semi-auto or?
- A: Uh, no, mine's just a - a handgun.
- Q: Okay. But does it have like a slide that goes back or a wheel that turns when you shoot it?
- A: No, no, it's a slide.
- Q: Okay. So a semi-automatic handgun.
- A: Yeah.
- Q: Okay. Um, what caliber is it?
- A: Uh, I don't really know. Probably like - I would say a 9, a .40, I don't know. Um...
- Q: A 9 or a .40, you don't know?
- A: Yeah, I don't buy bullets.
- Q: You don't know what caliber it is?
- A: No, I don't buy bullets.
- Q: I am not a gun guy at all, so I - I was worried you were gonna come in here and you were gonna talk about feet per second and w- weight and - but you should know what caliber it is, right?
- A: I mean, I don't really buy bullets for it. I mean, and it's just for, like, protection, like I said. If - if I don't feel safe, I carry it.
- Q: Okay.
- A: That's the only time I carry it.
- Q: So when you're not carrying it, where is it?

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- A: When I'm not carrying it, it's either in a safe in - in a safe, just always - I make sure I put it up, all the time.
- Q: Okay. So is it put up now?
- A: (Unintelligible).
- Q: Okay. And - and where is it put up at?
- A: Uh, in my safe - safe.
- Q: Okay. In your apartment?
- A: Um.
- Q: Okay, so that brings us all the way back around to the first question.
- A: You could say that. It would be - not in my apartment, but, yeah, it's in - it's safe, honestly. It's safe.
- Q: Okay. So, um, the apartment that you were arrested at, I wasn't there. So when you were picked up there, whose apartment is that?
- A: That's my sister's.
- Q: That's your sister's apartment? Um, is it safe to say that your gun will be at your sister's apartment?
- A: No, I was at my mom's house. I mean, well, um, yeah, it was - yeah.
- Q: All right. So here's what you just said.
- A: Okay.
- Q: I was at my mom's, I mean, uh, yeah.
- A: Y- yeah, it's at her house.



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Q: So it's at your mom's?

A: Yeah.

Q: Okay. Where does your mom live?

A: Uh, I don't even know what the whole conversation is for, like, about my gun, period. Understand?

Q: Okay. Well, I'll tell you, I got - I got some pictures of you in a convenience store with the gun. Now, what happened in that convenience store I need to talk to you about. It could be something, it could be nothing.

A: Okay.

Q: 'Cause you know how there's two parts to every story, right?

A: Yeah.

Q: I'm gonna show you a couple pictures. In this first picture, there is a real good looking dude that's coming in with a gun on his hip. Do you know who that guy is?

A: Um, where is this? I don't even know where this is.

Q: Here.

A: No.

Q: So this convenience store is like Jones and Warm Springs. It's a Chevron or a QuikStop.

A: No. Who was that behind me? I don't know.

Q: Okay, by you saying, "Who is that behind me?" Is that safe to say that this is

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you?

A: No, I mean, that don't even look familiar. I'm gonna keep it 1,000. I don't - I don't own that, none of that, so, yeah, um, no, I don't - no.

Q: Okay. You just confused me.

A: I don't know. I don't know. I - who - can't you show me an- another picture?  
Um...

Q: Sure. I'm gonna hold some of them back, because I think you're tryin' to bullshit me, all right?

A: Uh, yeah. Well, (unintelligible), yeah.

Q: Say - say that?

A: Yeah.

Q: I told you that I'm deaf a little bit, right?

A: Yeah. I'll - we can keep it - yeah, we can keep it 1,000. I don't...

Q: Huh?

A: I can't tell by these. I'm gonna keep it 1,000. I...

Q: Okay. So do you - do you recognize anyone in here? 'Cause I can tell you that I've talked to DJ, right?

A: He look familiar. He look - yeah.

Q: Which one looks familiar? And wh- what do you know him by?

A: DJ.

Q: Okay. Anyone else in there look familiar?

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A: No.

Q: Okay. Would it be a coincidence if that this is you?

A: I mean, it's a far-fetched, but, I mean, I don't - I don't know that the - that I'll say I'm gonna keep it 1,000.

Q: Hmm?

A: I don't know that I would say it honestly.

Q: Okay, why - how 'bout that picture?

A: Nuh-uh.

Q: Let's - let's see.

A: I'm gonna keep it 1,000.

Q: Do you have a big tattoo on your chest...

A: Yeah.

Q: ...that maybe looks like a Superman or something?

A: Yeah, but, I'm gonna keep it 1,000, that I don't own none of that. I don't own no - no clothes like that. I - I don't.

Q: Do you recognize this guy?

A: No, n- no. It look like he about to motherfucking shoot me in the back, that's what it look like. What's in his hand? Oh, I'm gonna keep up - this seem like the night he tried to sell - DJ was tryin' to sell me a gun.

Q: Okay, so wh- which one of these guys is DJ? 'Cause you got me confused.

A: He's the guy, um...

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Q: Okay. So how do you know DJ?

A: I don't know him at all, like. It was basically on Facebook, I asked if anybody got a gun for sale. And he showed me him, he said he got it. I was like, all right.

Q: Okay. So you bought your gun from him?

A: Yeah. No, I - he was tryin' to sell me a gun that night.

Q: What night?

A: It looks like - t- the only time I seen him - him and him and him all in the same time was - I don't even know. Like, like, I would say two weeks ago. Two weeks ago.

Q: Okay. What kind of car does DJ drive?

A: I don't know. Uh, I really, like, I don't even - I didn't really pay attention.

Q: Okay.

A: I'm gonna keep it 1,000. It's not really like that.

Q: Say you're gonna what?

A: I don't pay attention. It's, like, not a - something I really, like, I don't pay attention to the car.

Q: Okay. Does, uh, DJ have any family members that you would know?

A: Um, no, personal, no. I don't know none of DJ family members.

Q: You don't know these family members?

A: No.

Q: So I- let me ask you this. Do you remember being in this gas station?

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A: Honestly, no, but I do know these people. One - I - they...

Q: Okay.

A: This person is the person that was about to try to sell me a gun, and then these is the people that he - and there was two other people he was with.

Q: Okay. So - so do you know what this guy here goes by?

A: No. I don't none of their names. I only know him.

Q: Okay. Do you know what he goes by?

A: No.

Q: What do you go by?

A: Me, I - D- Davontae or Vontae.

Q: You don't go - you don't have any other street names?

A: No, I don't go - I don't got no (unintelligible), honestly. I mean, it's n- I mean, not really, not for me.

Q: Is it that - is it that you're just not proud of your street name?

A: No, it's just - it's not - it's - it's not - I don't got a street name. It's just Vontae. I mean, but Vontae's not even...

Q: Okay.

A: No, I mean, yeah, it Davontae, Vontae's is the short. It's not a nickname. It's a shorter name for me.

Q: All right. Um, if I was to show you a picture, um, of DJ's car, is it something you think you could point out to me, or do you just not remember what kind of car it

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looks like?

A: Probably if I see it, I probably - I don't know.

Q: You don't know?

A: Let me see. No, honestly, there we were getting gas.

Q: Okay. Um, have you ever been in, uh, DJ's car?

A: No, that was the first time.

Q: That was...

A: (Unintelligible) when he came in to sell the gun.

Q: So you saw his car when he came in...

A: Yeah, yeah.

Q: ...to sell it?

A: Yeah, it was just like - it was the first time, so it was really like, all right. And then

I brung my gun with me, of course, 'cause I'm - any gun transactions at all, I'm

always gonna keep my gun with me, so at the same time, I was like, all right.

And then, yeah, that's pretty much - it's pretty - yeah, I don't - it's - I'm trying to,

like - I'm trying to combine all this together. What happened at the store? I - I

didn't steal - I didn't - I didn't do nothing in no store.

Q: Well, I know you did something, because you're not truthful.

A: I mean, but...

Q: Okay, D- Davontae, let - let me - let me just stop you, okay? Um, when we first started this...



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- A: Yes.
- Q: All right, you gave me a story that you're not quite sure who that is. You think you know him from Facebook as a guy that tried to sell you a gun. But you never met him. And then you told me a story...
- A: No, I - I mean, but when you say me, it's meaning me. This isn't me. Like, all right, we gonna meet...
- Q: Yeah, yeah, you meant me, right?
- A: No, like meet is actually no, you're - I know it's a DJ, and he's trying to sell me a gun.
- Q: Okay. So let me - let me describe "meet" if that's - if that - um, have you stood face-to-face and talked to anyone in this picture in person?
- A: Him.
- Q: Okay. And how did you meet him?
- A: On Facebook. Selling - he was selling a gun...
- Q: So you...
- A: ...after I posted on my Facebook if he - if any guns were - anybody got guns for sale.
- Q: So you just posted on your Facebook page lookin' to buy a gun?
- A: Yes.
- Q: Okay. Um, what's your Facebook?
- A: Uh, uh, Davontae. It's Davontae Wheeler. It should be.

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- Q: It - it should be? No, what is it?
- A: Davontae Wheeler. It's my name, exactly my name.
- Q: So Davontae Wheeler.
- A: Yeah.
- Q: And when did you post the gun for sale on Facebook? Or that you were looking to buy a gun on Facebook?
- A: Like - I'd say, like I say, like two - two weeks ago, three weeks ago. Three weeks.
- Q: Um, and he replied, right?
- A: Yeah.
- Q: So where did you meet him?
- A: He ended up going toward my sister house. At my sister house.
- Q: In what area of town is your sister's house?
- A: I don't know. It's Northtown, I don't know - yeah, where y'all picked me up from.
- Q: But, like, is it like Cheyenne Civic Center area or what? I wasn't there, bud.
- A: Yeah, Cheyenne Civic Center, yeah. That's where he picked me up from.
- Q: Okay. So he picked you up. Did he pick you up on a moped?
- A: No. He picked me up inside of a car. I don't - it was hella people in the car. I was really not even focused on it, because I was focused on, like, why you bringin' so many people to sell me a gun. But he said he felt like it was for his safety, so I was like, all right, I'll keep mine for my safety. So he said, cool.

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When we came here, I guess he needed some change.

Q: Okay. So now this is you guys coming here for change?

A: I - this - the only time I remember going to any - anywhere with anybody, uh, this  
- I don't know this - this clothes, none of this, I don't know none of that, honestly.

Q: But does it look like you?

A: I don't - no.

Q: What about this hat?

A: No. No.

Q: All right, it's a bad...

A: What the fuck is that?

Q: It's a bad picture, right? Because I - the actual video surveillance is a hell of a lot  
better. I'm trying to print it out on a bad printer.

A: Right.

Q: But you can see right here a tattoo that looks like the Superman S, right? Like,  
you can make that out?

A: Yeah.

Q: And when I'm looking at your chest, what do I see?

A: Well, yeah, you can see - but at the same time, I - I don't see no Superman S at  
all. I don't - I don't re- I know these clothes. I'm gonna keep it 1,000 with you.  
I'd like to be honest with you. The clothes is - the main thing is - is if I dressed  
like that, it'd be like, all right, cool. But no. I don't.

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Q: Okay. So you - these - you don't have these clothes - this clothing anywhere?

A: No, I - no.

Q: But, uh, why did you tell me that the only time you were in somewhere, he had to get change?

A: No, the only time - yeah, the only time we ever went and left anywhere was when we left from my house to go get change.

Q: Okay. And what part of town would you have went to go get the change?

A: Cheyenne Civic Center.

Q: So that's where he picked you up?

A: Yeah.

Q: So where would you go to get change?

A: Uh, I don't know. He - I don't know where we went. We went, like, up the street. It wasn't even that far. It was like right up the street. He just got - he got on - I guess there was police at the 7-Eleven, so he just kept goin'. He got on the highway and was running straight, like, I'd say five, 10 minutes, or...

Q: Okay. So were you drunk or high that night?

A: Uh, I would just say I was - I was high, but I wasn't really - I wasn't drunk like that.

Q: Okay. But were you high enough to where you wouldn't remember being in the car for 15 or 20 minutes?

A: No. No, I remember going to - going to a gas station to go get some change.

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That's all I remember from it.

Q: Okay. 'Cause this gas station is hella far from Cheyenne and Civic Center.

A: Yeah, I...

Q: It's damn near a half hour drive.

A: Yeah, I think honestly that - yeah, that, um...Like, it was probably 15 minutes, but I - not no 30 minute drive. I'm gonna keep it 1,000. It wasn't no 30 minute drive.

Q: But if - if you recognize him...

A: But I do recognize him. DJ, I do recognize me - him selling - me getting ready to buy a gun from him. I do remember that. Honestly, this one. Him, man, I - no. I'm gonna - is he with them?

Q: Uh-uh.

A: It's just - yeah. Him? He look familiar.

Q: Well - well let me ask you this, 'cause I'm about certain that this is you in here. All right? And if you keep lying, I might just stop talking to you at all, all together, because you're not doing yourself any favor.

A: All right. No, I'm gonna, like...

Q: If - if - if you're walking in there...

A: I'm - hon- honestly, it - it's arrest. I don't even know what I'm being arrest- rested for, number 1. So honestly, may I ask that question first? What - what is...

Q: Okay.

A: What is I'm being arrested for?

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- Q: All right. I'll be 1,000 with you, right? That's - that's your term?
- A: Right, okay, yeah. That mean completely be 100, real.
- Q: You're being arrested for attempt robbery. You're being arrested for conspiracy to commit robbery.
- A: For what, at this store?
- Q: And you're being arrested for open murder.
- A: At this store?
- Q: Not at this store.
- A: What store? I - I - no, I - no, I don't - I didn't even do nothing. No, I didn't hit no store. I didn't do nothing like that, no.
- Q: What - what happened - what's the cut on your forehead from?
- A: The cops.
- Q: Today? What happened there?
- A: I don't know. That - I was - I was walking out. They didn't never say who they was looking for. They just said, Davontae. I put up my hands. They said, Davontae. They said it again. I walked past. The cop was - cops rush in to go finish their job, and the officers grabbed me and slammed me against the wall.
- Q: Okay. So here's where I gotta be 1,000 with you. I'm not believing anything of what you tell me. All right? Am I wrong in saying that?
- A: Honestly, personally I say, because you probably hear a lot of shit, and no, you're not wrong, no. But at the same time, I don't got no reason to lie to you,



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especially when I'm gonna be 100 with you, it don't got nothing to do with me.

Honestly. My - it isn't m- my gun. Nothing. I didn't rob nobody, none of that.

And I'm gonna be 100, I really would not - no, I would not ever hit no store. I gotta a son and all. No.

Q: Okay. So if it wasn't a store, what if it's just a person?

A: I don't...

Q: Somebody with a lot of money, would you...

A: No, I don't do that. I don't rob people. Like, honestly, my gun is for my protection. It's not for me to go rob people and do all that extra shit, no. I buy - I might buy a gun or might - anything like that. But no, as in - far as - that's the only thing I can see criminalized of what I would do is buy a gun. But other than that, no. I don't do none - no, it's for my - my protection, honestly. And especially if I'm gonna keep it on a holster. Think about it. I'm gonna show everybody I'm keep it on a holster? No. Just you gotta really, like, no. That's just - no, that's not me. So but at the same time, like I said, it's I understand that you - you probably hear a lot of different shit. You probably hear people keep on saying shit over and over. You probably even - for us to even be in this predicament, honestly, for you to be talking to me, you probably even heard something that made you - for us to even be talking. So it's a lot of things that can be jeopardizing the way you feel about what I'm saying. But honestly, it's nothing for me to lie about. Especially when you say something that drastic. I'm

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gonna keep it 1,000. Now, real life, we can keep it all 100, since we talking about, um, murder type shit, niggas gettin' murdered, yes, he did come try to buy a gun from me - I mean, try to - yes, try to - when I sold him my - me looking for a gun, he tried to sell me a gun. It was a Beretta. Had a long - it just had a long barrel. And I was - I was like, oh, you trying to sell it? He said it was for \$200. I said, okay. I only had, uh, 150. Then he said, oh, you can give me an eighth of weed. I said, no. Honestly, they would - it was all - we only talked through our interaction over business. There was never nothing - no, I don't know him as a mutual, as a chillin' buddy, none of that. No. And that's the honest truth.

Q: Okay. But you hit him up on Facebook, right?

A: Y- yes, I hit him up on Facebook.

Q: So somebody would've - someone would've had to introduce you, right? I mean...

A: No. It's like with Facebook, it's your - whoever send you likes. You feel me? Like when my Facebook - my Facebook got tons of - I'd say over 390 people is trying to request me. What I do is honestly, like, every now and again, because it get packed where people can't add you. I just add certain people. Just add, just like the - and they - I'm not lying about that. That - this is real live shit that you - that's all you do. I posted on there. He hit me up. I'm gonna keep it 1,000. When I looked at him, he seemed like a normal person, like somebody that's not trying to rob me. Somebody that's not trying to be on some scandalous shit, so I

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was like, all right, cool. It felt sketchy. When I walked up and he was with four other peop- four - it was like four, five, I don't know how many people. I think it was like four, five people. It was a female and four other people. So I was like, all right, cool. But at the same time, it felt weird. But at the same time, he told me he's all about his business. He not none of that fishy shit. We went to the store. He gave me change, then that was the end of it.

Q: So did you buy the gun from him?

A: No. I ended up - I ended up just telling him that honestly I was like, it just don't feel right. It just - just don't feel right. .45 going for 200. Like, it don't feel right. I'm gonna keep it 1,000. And then at the same time, it went lower, to all the way - 'cause I'm - like I said, I do business. Somebody that goes from weed - I mean, a - a gun and cash to the weed. Like, I'm like, no, this - this don't sound right. You feel me? Why you trying to sell me a gun for weed? That don't make sense. And that's the honest truth. So I was like - by that time, it was just mainly like, all right, I'm gonna just catch back up with. You feel me?

Q: All right. So did he bring you back home?

A: He - no, he ended up dropping me off - he said that they all had to end up doin' something. I don't know. But he didn't - he ended up dropping me off halfway, like at the bus stop.

Q: And this was a few weeks ago?

A: Yes, like...

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- Q: Like 15 days ago, a few weeks ago? Like to - today is...
- A: I'm - I'm - what I'm thinkin' - well, I don't - I don't know how long. I mean, it don't really stick to my head like that, honestly. Because, like I said, it was just a business transaction. Other than that, it was nothing else to my knowledge. I'm gonna keep it 1,000, so...
- Q: So - so the gun that you have that you don't know the caliber of...
- A: Uh, it's - it's a - it's probably a .40. .40 or 9.
- Q: A .40 or 9, um, where did you buy that gun from?
- A: Mine, I bought mine's off of Craigslist.
- Q: It - was it like a legit...
- A: Yes. Off - from a - I got a bills of sales and all that.
- Q: Okay. And when did you buy your gun?
- A: I bought my gun, um, January, February, March, April, May, June, Ju- I'd say May.
- Q: So you've had it a while, then?
- A: Yeah. Yeah.
- Q: A few months. Um, have you ever shot it?
- A: Uh, no. I haven't. It was no need for me to.
- Q: Okay. Have you ever loaded it?
- A: Uh-uh.
- Q: Uh, when you bought it, was there ammo that came with it?

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- A: There was already ammo inside the whole clip.
- Q: Okay. Do you know how the - the gun functions?
- A: Yeah, I know how to use a handguns, all that. My mom was a - yeah, I know.
- Q: Your mom was a what?
- A: Uh, she used to be a dispatcher for - in Ohio.
- Q: Okay. So, I mean, as a dispatcher, dispatchers don't normally carry guns.
- A: Yeah, no, it's - she knew a lot about - she knew - I knew a lot of officers. Like, we got family members that's cops.
- Q: Okay. So you have this - it's a 9 or a .40, right? Could it be a .45?
- A: N- no. It's - it's small. It's small. I'm gonna keep it like - it's like little.
- Q: Well, I mean, you can have a little .45 or you can have a big 9 millimeter. The size of the gun...
- A: I mean, yeah, but - not no .45. Um, it's probably - yeah, like I said, it - small, but not no - no big, no. But I'd say the .40 - I seen compact .40s for sale. I haven't seen compact .45s for sale. But okay.
- Q: And it's definitely a Ruger?
- A: Yeah, it - no, it's a Taurus.
- Q: A Taurus?
- A: A Taurus.
- Q: Do you know the make? Is it like a PT 101 or something like that? Or...
- A: Uh, PT - PT 140. PT 140.

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- Q: Okay. And - and that'll be in the house that you were arrested in?
- A: No, that was - that would be at - in a safe where it was, yeah.
- Q: Okay. The safe at your place. And what's your address?
- A: Uh, I mean, why my address? Just by curiosity?
- Q: 'Cause I wanna know where you live.
- A: Uh, (unintelligible) my sister. I stay with my sister.
- Q: Huh?
- A: I don't - I'm gonna keep it - I like - I don't really got a - I don't got a home home.
- Q: Hey, Davontae, Davontae, let me stop you right here. Do you know what kind of cases I investigate?
- A: Yeah.
- Q: What kind of cases do I investigate?
- A: (Unintelligible).
- Q: Okay. I investigate homicides. For me to get called out or my partner to get called out, someone is dead. And the case that I'm investigating right now, we had a nursing student coming home from school. You know why he was stuck late comin' home from school? 'Cause he was tryin' to get caught up on his homework.
- A: That's something.
- Q: Four thugs jump out of the bushes, and because they're not tough enough to beat him up and take his money, they shoot him in the head and they murder

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him, in front of his family members. And guess what? I've been working this for a couple days. It's led me all over town. I've picked off a bunch of people from the group. I love it when there's a group of people that act as one, 'cause it makes my job a lot easier. 'Cause everyone points fingers at everybody else. I come in here, and I gave you the benefit of the doubt, right? You talked in circles and you gave me shit for 45 minutes.

A: My mom just (unintelligible) brain surgery. So I honestly, personally, whoever - whoever it - whatever happened to the person that it been - what it happened to, I don't know. I know the - personally what I can tell you is I didn't rob nobody. And that's the honest to God truth on my son. I didn't shoot nobody.

Q: Okay.

A: I didn't try to - I'm gonna - I'm - I'm just keeping it real. I'm just keeping it honest, since you said that you - honestly, yes, I did - I - I was trying to buy a gun from him. Yes, I did. But as far as anything, I - I - I don't - I don't put myself in that. I'm gonna keep it 1,000. I don't...

Q: Okay.

A: And like I just said...

Q: But you did...

A: No, like I just said...

Q: But you did...

A: ...it's like with him, I would get - if anything, I'm gonna get dropped off. I don't - if

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I'm - you're - I'm...

Q: Sace, listen to me.

A: I'm just - I'm just trying to really hope that - this shit's not making no sense. So...

Q: Listen, buddy. You're not making any sense. All right?

A: I didn't...

Q: I promise you - listen.

A: I didn't rob nobody. I didn't.

Q: Okay.

A: I didn't pull no gun on nobody.

Q: Who did? Who did?

A: I don't know. I'm gonna keep it 1,000. Honestly, you being real, you giving me a motherfucking gun, I don't know - between them three or between w- w- the four or what - I don't know, bro. But honestly, whoever did it or what - whatever happened, they tried to sell me a gun. I felt weird about it from the beginning. I'm gonna keep it 1,000. For so low, you gonna try to sell me a gun for so low? I'm gonna keep it - I didn't - I didn't trus- I didn't trust it. I don't know anything about person being robbed, a store, anybody. Or even wh- okay. People kill people and just say that normal. You seen somebody head blown off?

Q: I can tell you this. I've been in shootings, and I know what you're dealing with.

A: You...

Q: And when you swallow it and you don't want to talk about it, it makes you a



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monster.

A: Honestly, I can only imagine what - what could go through - somebody that could do - you a monster. Bro, I'm gonna keep it 1,000 with you. You kill somebody, you sh- blew their head off, I don't give a fuck what - you shot somebody in the head, and general - in front of their family, you're a monster in general. I'm gonna keep it 1,000. You're - you're not a - a citizen, real life. M- me personally, I'm not that. I'm gonna keep it 1,000. I done did a lot of things. But this is not one of them. Killing somebody is not one of them. And that's on my life and on my son. Robbing somebody is not one of them.

Q: Listen, there's a difference between a mistake, all right, and then there's a mistake followed up by a lie. A mistake followed up by a lie can never be returned from. You know why pencils come with erasers? Because of mistakes. I'm looking at a normal guy that is lying about a mistake.

A: The closest thing that I can do, because I honestly say that my words just (unintelligible).

Q: Your words are cutting?

A: My words don't count for anything, I understand - I understand that. You want my gun? You can check my gun. You - everything about it, because I - it's - no. I would - I was not - I don't know what happened. I was not there.

Q: Okay, so...

A: I'm gonna keep...

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Q: Okay.

A: It - it don't make sense...

Q: So - so...

A: ...to me. It don't. I'm gonna keep it 1,000. The fact that it's coming to me about holding somebody up, they family, killing 'em. Bro, that's not me. I'm gonna keep it 1,000. I'm gonna - I gotta a whole life and a whole son and - and everything else at the same time. I'm not gonna - I'm not 'bout to put myself in a predicament like that. I'm gonna keep it 1,000. Y'all did in- investigations, homicide. You know Jordan?

Q: Mm-hm.

A: That's my cousin. I know what, like, like this shit can lead to, bro. Little shit like the price.

Q: Jordan's your...

A: Not my real cousin, but we - that was my best friend. We grew up together, side by side. He was - football league, me and him both, you can actually look everything up. Honor roll students. Him being with other people got him in jail. I learnt from that. I'm not on the same thing. If you on anything different other than honestly making money and making something better for yourself. I'm not messing with you. I'm not messing with you. I'm not talking to you if you - it's ways you do it. One thing I know and one thing I st- stand up to, and this is real life, is karma come around. Anything you do will come back on you. I don't got

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time for somebody trying to rob me and kill me for what I don't got. I don't got time for somebody trying to hurt me like that. Now, I understand somebody wanna sell me drugs or somebody - I - I understand that shit, yes. But as far as doing somebody like - no. I'm gonna keep it one - no. I gotta kid. I gotta a son.

Q: I don't want to hear that, because everybody's son wants...

A: I mean - I mean, everybody is. But at the same time...

Q1: That doesn't hold water.

A: ...just - just when I think about it in front of y- his family.

Q: Mm-hm. So I wanna compare your gun. Not the one at your sister's house. The one at your house. The place where you won't even give me your address to.

A: The gun at the house is my gun.

Q: That's not what you told me earlier.

A: The gun at the house is my gun. Honestly. I'm gonna keep it 1,000.

Q: So...

A: Because it's...

Q: So you're not...

A: It's not a - it's not a registration here - out here.

Q: You don't have to have it registered.

A: I mean, but, no, I'm just talking about it's not a registration out here, so the fact that I felt like personally if you - we don't need my gun. I'm gonna keep it 1,000. We don't. Because I know what I did, and I knew what I didn't. Honestly. But at

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the same time, forensics, and even to the fact that - the fact that I can tell that you saying that honestly what my word is saying is not going. Honestly. It's not going for you, is it?

Q: And - and let me - let me explain why. It - I'm not...

A: I...

Q: It - it's simple things. A lot of the questions that I'm asking you, I already know the answers to, buddy. The only reason I'm asking 'em is I'm trying to get a read on you. And the simple stuff that I already know, you don't wanna give me. And - and I'll give you an example. What's your address?

A: 5107 Garden Lane

Q: 5107 what?

A: Garden Lane.

Q: Say it - say it? Guarding Light?

A: Lane.

Q: Huh?

A: Lane.

Q: Garden Lane? Is that a house or an apartment?

A: It's a house.

Q: Hmm?

A: It's an apartment.

Q: What - what number?

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- A: How long do it take for your forensics?
- Q: Hmm? However long I want it to take. If I - if...
- A: Well...
- Q: ...I gotta sit in here for...
- A: No, how - for your forensics, how long is it gonna take? Like...
- Q: Yeah, if I gotta - if I gotta sit in here for hours and hours and hours and...
- A: Not at all.
- Q: ...and listen to your dribble, then it takes six, eight months.
- A: Not at all.
- Q: But if you're...
- A: Not...
- Q: If you're up front 1,000 with me, I'll have it back in a few weeks.
- A: No, I want - I just want, honestly, because you said, uh, it's already set up that I'm arrested. I'm gonna keep it 1,000. I al- I'm arrested. I got beat up for somethin' I didn't even do. When they first came to my house. Real life. Yes, I did feel some type of way about my gun. Yes, I did. Because at the same time, my gun, it's not registered to me. It's not. So that's the only reason I even say any...
- Q: So - so the gun that's in your safe at your apartment...
- A: Ain't no safe.
- Q: ...what - what kind of gun is it?

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A: Ain't no safe. The gun that you found is at my house - at my sister house. I keep it on me for protection.

Q: Okay. So what about the other gun that's at your apartment that you told me about?

A: Ain't no other gun. You can check the apartment, ain't no gun. I'll be 100. I don't got no - I - I...

Q: Well, what apartment number?

A: Ain't no safe, ain't no gun or none of that.

Q: What apartment number?

A: Uh, D.

Q: Why would you lie about that?

A: Because from what I heard at my house - at the house y'all got me from, y'all wasn't gonna touch my gun. Y'all wasn't gonna touch none of my stuff. Now, where I live at my mom's house, that's somehow totally different. Now, at my sister house, yes, I'm not lying, I'm gonna keep it 1,000 with you. Like I said, uh, we gonna keep it 100, that's all. Honestly. I got one gun. My gun, it's a .45 PT. A PT 1 - 145. A PT 145. It's a .45. It's still got a full clip. I ain't never used my gun. Still. I ain't never robbed nobody with my gun. You can ask all the people around me. That's number 2. Now, yes, the gun that y'all did probably retrieve, yes, it is mine. I'm not gonna lie about it. Yes, it is. I know from the barrel and everything, I can tell you everything about it. It is. I keep it with me any time I

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don't feel safe. Any time I walk on the street. Any time I go to anywhere, I keep my gun, unless I - unless it's safe. Using it on civilians? Don't sound real clever keeping it on your waist, no. Yes, I do got one, though. Like I said, from beginning to the end of this whole part, you can look it up and see if I'm lying about it, about all the information you got with that gun. From the barrel to the handprints, everything, touching that mother - my handprints is all over that gun.

Q: Well, it's your gun, right? I would hope so.

A: That's my gun. Never discharged it. At all. And that's the real life truth.

Q: Well, but you've given me a - a whole bunch of real life truth.

A: Yeah, I'm keeping it 1,000. I - just the fact of having a burn - a extra gun on - on you saying all this, and you got a stolen gun.

Q: Do you wanna know his name?

A: What was his name? I don't - I don't...

Q: You wanna know the name of the person that was killed?

A: No, I really don't, honestly, but...

Q: I'm gonna tell you. It's Gabriel Valenzuela. And can I tell you something more tragic? His little autistic sister watched it happen. Bleed out in his own driveway. Tried to come up and pick up the blood and the little chunks of skull. And the people responsible for it don't care. Don't care. Don't care. They think themselves are more important. A small, autistic little girl picking up brains off her own driveway. Not understanding why she can't put him back together and get

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him to stand up again. Do you know who had to explain that to her? I did. A mother standing in the driveway.

A: I understand that, trust me. My best friend, my brother, in a car. It hurt. It...

Q: (Unintelligible).

A: And I - hearing it honestly, it put me through the same thing of what I went through.

Q: You know what I call that? Wednesday. 'Cause you know what I deal with? Tragedy. I'm okay with it. What I'm not okay with is people not knowing how to show remorse.

A: I'm gonna be 100, that's not the one. I'm gonna be 100 about what you're saying. Four people shot a dude in front of his family. To me, I'm trying to figure out why.

Q: That's not what you're trying to figure out.

A: I'm - I'm - I'm hoping...

Q: You're trying to figure out...

A: I'm - I'm hoping...

Q: You're trying to figure a way out.

A: No, I'm hoping that it - I'm hoping that it don't got nothing to do with me. And him selling me that - trying to sell me the gun. That's what I'm hoping. But at the same time, by the sound - by the way it keep on going, it sounds like it. I'm gonna be 100 with you, Detective. Fuck being 1,000. 100. As far as me doing



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anything - as far as me seeing somebody do anything to anybody like that, no.

Where like if I say some shit like if he got - if I seen some shit like that, bro - have people talk to me. How people look at me. Put me in a line up. Any - anything, shape or form, because I know I wasn't there. I'm gonna be 100. I'm - I ain't never - I ain't never used my gun.

Q: Davontae, can I tell you something?

A: That's all I can really say is I ain't used my gun. I ain't shoot nobody. I did not do anything. That's the real life.

Q: Normally I sit in this room and I deal with the most callous, soulless, God hating, sadistic people that you're gonna meet. The normal parts of people, they just have missing. Sometimes they think it's funny. Sometimes they're proud of it. Other times, they feel so much guilt that they don't want to even admit that it happened. And what I do is I take all the steps. I'm pretty thorough. Time is on my side. I take every single one of the steps that I can, and then I prove that they did it. And then I play back them denying it. And do you know what the public thinks about 'em?

A: (Unintelligible).

Q: Other times, I have people tell me things went bad. There's always a twist that we don't see. And they get it off their chest. And I take that into consideration, too. 'Cause like I told you earlier, pencils have erasers because of mistakes. Mistakes can be fixed.

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A: If it was a mistake, I did it, yes. I didn't do anything. I didn't. Honestly, I didn't.

Q: Okay. Have you ever been in this car right here?

A: No. This one look like (unintelligible).

Q: No? This white car right here. You can tell it with the big, uh, dent right above the windshield. See this big...

A: That's a dent?

Q: Where the rust - where the rust is. It's a big - the paint's chipped off. It's not really a dent.

A: I - um...

Q: Inside of the car is all messed up. Sheets over the seats. The interior's all ripped up.

A: No, I was in the backseat. I wasn't in - when he was getting ready to sell me - when - when we was talking, I was...

Q: So when I - when I process this car, 'cause I have it, I own this car. It's in police impound. When I process it, am I gonna find your fingerprints or your DNA inside of it?

A: In the car? No. Not - no. You shouldn't like that, no.

Q: I shouldn't?

A: No. Like, I wasn't - we wasn't - I like, no.

Q: Were you ever inside it?

A: Like I said, a while ago. The - this car, but I don't know about this - this car don't

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- I don't - this car don't look familiar. It don't.

Q: Okay. So that car doesn't look familiar. So we're not gonna find you...

A: Or I was thinking I'm - but no, it's - no.

Q: Okay.

A: My fingerprints should not be in that car.

Q: All right. Do you recognize any of these people here?

A: DJ.

Q: What about his little brother?

A: No. I never know that was his little brother.

Q: Okay. What about you?

A: No.

Q: You're not represented in this photo?

A: No.

Q: This person coming in with the sleeve tattoo, in the red shirt, you don't recognize him?

A: No, I don't recognize, no. The red hoodie, I don't know.

Q: And you don't even know what that hat is? That's not you?

A: No. But what is that?

Q: I - I don't know what kinda hat it is. It's a - it's a baseball cap, and there's like a sticker on the - on the bill. I don't know if it's an Atlanta Falcons or I - I don't know what kinda hat it is. It's a white baseball cap with a black bill, a logo on the

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front, and it kinda looks like a baseball sticker or one of the authentic stickers on the - here's a better view. But you should know, right? Not you?

A: Uh-uh. I don't - uh, no.

Q: Are you right or left-handed, buddy?

A: Me? I'm left - right-handed.

Q: You're right-handed?

A: Yes, sir.

Q: What hand does this guy have his gun on?

A: The right side.

Q: Okay. Here's what we're gonna do. I'm gonna step outside, because my phone is blowing up. I got a whole bunch of texts. I'm gonna bring you a bottle of water, and we're gonna be back in. Okay? Give me, uh, just a couple minutes, and I'll be right - I'll be right back in. Okay? I'm just gonna (unintelligible). All right? Operator, we're gonna stop the interview. The time is 1815 hours. Operator, we're back on tape. The time is 1830. Did you have some time to think about what we talked about, Davontae? 'Cause I can tell you that I'm not an idiot.

A: (Unintelligible) time to think about this (unintelligible) with you. I can't help you.

Q: Help me.

A: I can't. I - I - I - I didn't do nothing.

Q: Let me stop you right there. Shut your mouth.

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A: Yes, sir.

Q: Here's what I've done for the last hour with you - I've let you run your suck and dig a huge hole. Young Versace is your Facebook page. Just a few days ago you're like, "Hit me up if you want my new number. Lookin' for a place on the cheap for a week." All that shit's posted. I know about it. I knew about it last time I was talking to you. I know that the address that you gave me on Garden is your old address. Guess what, I know that your sister lives right next door to ya. And, guess what, I've talked to your si- well I haven't talked to your sister but I just took the phone call for guys that did talk to your sister. And you know what she told me, "Yeah, that's my brother in that picture. He's got those clothes." You are a heartless monster. You hearing me? Are you 1,000?

A: Yeah.

Q: And you know how I know you don't have a soul?

A: Yeah.

Q: Because you don't care.

A: I don't.

Q: You are more worried about...

A: I don't.

Q: ...protecting yourself.

A: You think I - you think that's the problem?

Q: I'm pretty sure that's the problem.

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A: You think protecting myself?

Q: You tell me what's the problem.

A: It's because I don't know.

Q: You tell me...

A: It's because I...

Q: ...what's the problem.

A: It's honestly 'cause I don't know. And I'm gonna keep it 1,000, if I could say anything that - to clear it out to make it seem more visualized to you, I would because the simple fact that you said some guys murdered him in front of his kids and all that.

Q: (Unintelligible).

A: I understand.

Q: It's not in front of his kids, in front of his sister...

A: Wh- whoever...

Q: ...little sister.

A: Whoever - I got my own, I got a b- little boy. I keep away from this shit, you feel me? But, honestly, you did let me run my mouth. You did let me just talk - keep talking.

Q: An- and here's how I know you don't keep away from it - one, you lied to me about the gun. It's a nine or a 40...

A: That's the thing.

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Q: ...you know why?

A: That's the thing.

Q: Because you're...

A: That's the thing.

Q: ...keeping the fact that it's...

A: That's the thing.

Q: ...a .45 from me.

A: That's the thing, is I'll let you know. I did hold it back until you talked to me and you told me what the fuck this whole scenario and the ki- and all that...

Q: Mm-hm.

A: ...and then I looked at you and I said, "Honestly, I got a," (unintelligible). I told you my exact (unintelligible). My gun. I'm not gonna lie to you. I told you. I got mine. You can check mine if you want to. You can check me.

Q: I'm going to. It's gonna happen.

A: Uh, anything that, anything that make whatever your process is as far as me being a part of this, it's honestly no farther what I told you.

Q: I- no...

A: These - them doing anything...

Q: Okay. So why - why would you like about what caliber of gun you have?

A: It's not lying about the caliber of gun, it's abo- it's the fact that I got a gun period.

Q: Who cares? Are you a felon?

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A: Am I a felon? It was stolen. That's the thing. That's what I look at.

Q: Mm-hm.

A: Is it - is it a case that's i- I don't - it's not registered. I don't know if y'all gonna look at that as in me - I don't know - I'm a keep it 1,000 but I did let you know. I did.

Q: Yeah, and - and - and here's what you let me know is that since April you've had that gun - you've had that gun a while. And then y- y- you, of course you didn't - you said it was some other kind of bullshit gun and w- eventually you came clear about that. A- and do you know who else is in this building right now?

A: Who?

Q: Other people that you were with in that gas station. You want me to walk 'em up to the door?

A: If you want to you can. But I told you as far as - as far as...

Q: Can you grab, um, the other guy?

Q1: Yeah d- y...

Q: The other...

Q1: Do you have your - your cuff key?

Q: I do. You think I'm giving you a rash of shit right now, don't you?

A: No.

Q: You think I'm only lyin' to you about this stuff.

A: No. I felt like honestly you've - you feel like you've got me.



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Q: I gotcha.

A: No, like, you got me as in I did this, no. Y- th- that's the part I've gotta look at you and I've gotta say you're wrong. But as far as anything else, I don't know your job. I don't know what you do. I don't - I, it could all, everything else is (unintelligible) from what I'm gettin' from you. But at the same time when it comes to me being a part of this, no. No.

Q: So did you get outta the car right before it happened?

A: I don't know what happened. W- until you just told me, I'm a keep it 1,000, the last time we had our interaction was at that gas station. I got on the bus and went home.

Q: And where...

A: I left.

Q: And where is this gas station located?

A: I don't know. I- he was driving. I- we drove on the hi- you've seen where Cheyenne and Civic Center is.

Q: I told you, man...

A: Right there on that little turn it's...

Q: I grew up right there.

A: Right there on that turn it says - it's a highway. We rolled on that highway for, like, 15 minutes, honestly. Yes I was smoking y- but i...

Q: So did you get on the I-15?

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A: I don't know.

Q: Hm. You think I'm bullshittin' with ya, don't ya? Don't ya? Hey, don't ya? Say it  
- at least be man enough to say it to my face.

A: I'm a be 100 with ya.

Q: No you're not.

A: Yes I am. Pictures, look familiar, they do.

Q: That guy's familiar, isn't he?

A: S- yeah. I had a run-in with him. Yeah.

Q: Describe this run-in with him.

A: Uh, kinda like this, just...

Q: What, he handcuffed you to a desk and...

A: No.

Q: ...was interviewing...

A: He i...

Q: ...you about a homicide?

A: No i- in the - in the car me and him got into it a little bit.

Q: Which car?

A: The fuckin' one that was in the gas station. The w- the one that looks familiar to  
me. I don't know which c- f- I, and it's gettin', uh, I apologize sir.

Q: So you got into it in the gas station.

A: Yes.

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Q: What'd you get into it about?

A: We got into it because the simple fact that he wanted - he wanted me to buy it for more. I told him, "No. I've gotta eight." After that it was the end of the conversation. I- and i- we, it was a little bit a words but other than that it was - it was nothin' - it was nothin' like that. As far as leavin' the gas station, bein' at the gas station I didn't do nothin' at the gas station. Leavin' the gas station I went straight home after I left. I went straight home.

Q: (Unintelligible).

A: I didn't wanna k...

Q: Hey...

A: I don't...

Q: You're confusing me. The gas station...

A: We went to the gas station because we (unintelligible).

Q: S- stop. This gas station here?

A: I'm - I don't know if that...

Q: Okay.

A: I don't - oh my God. Is i...

Q: Is this you, yes or no?

A: No. It don't look familiar to me. Not it don't. I don't got none of them...

Q: Y- no, yes or no?

A: No.

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- Q: Okay. Do you know that guy we just showed a picture of right there?
- A: N- once you - once I seen him, yeah.
- Q: I bet you know him a little bit better than that. You've maybe known him a couple of years.
- A: No - no that's honestly I can look at you and say no I don't. Honest.
- Q: You do- what's his name?
- A: I don't know.
- Q: What's he go by?
- A: I don't know.
- Q: Does he go by Sace? Or that's what you go by isn't it?
- A: No.
- Q: Yeah it is. A- and - and let me - let me - let me just end this whole thing...
- A: That's the thing...
- Q: ...because I'm losing interest.
- A: ...it's honestly - it's, I don't go by none of that. I, an- and I apologize if you lose interest, maybe go fi- figure out s- another way or thing, I don't know. But as far as me...
- Q: So...
- A: And I'm a keep it 1000...
- Q: No you're not.
- A: If you - if you talk to all of the people...

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Q: I have.

A: If you talk to all of the people, all four of the people...

Q: The Lofton and Robinson brothers...

A: ...or h- who - whoever - yeah, them two brothers.

Q: Oh, you want me to talk to them? Oh, you know where they're at right now?

A: Where they at?

Q: Jail.

A: Yeah, they are - you think you're a detective?

Q: You know where DJ is?

A: You're a detective. Ask about me. Ask if...

Q: I've been a- uh, but here's where I wanna cut you off because earlier in the day I'm interviewing people. I've talked to a lot of people today. I've talked to a lot of people, um, throughout the week. Some of those people include your sister. That's why I had to step out. I had to take the f- the phone call to your sister. Um, I've talked to your partner out there, Ray.

A: Like I told you...

Q: And you know what Ray's saying a little bit different than what you're telling me.

A: And what he telling you?

Q: I ain't gonna tell you that.

A: I d- honestly...

Q: That it was all you.

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A: Okay.

Q: All you.

A: Okay.

Q: You orchestrated it. You were like, "Fuck this guy."

A: That's fuckin', okay...

Q: That you were laughing and giggling afterwards - excited. "No - no don't..."

A: Why would...

Q: ...don't Sace. Don't do it. It's not worth it."

A: Why?

Q: "Fuck you guys."

A: Why?

Q: "We're doing this."

A: Why wo- why would I - wh- why? Why would I do somethin' like that? No.

That's not me.

Q: It's you.

A: No.

Q: It's you.

A: No it's not me. Honestly like I just told you it's...

Q: It's you.

A: It's - I left right after. D- that's the thing - it's honestly - or fuck bein' - keep saying honestly and shit. The forensics - the forensics is gonna tell everything.

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Q: God damn right they are.

A: And I'm a be 100 with you like I just said from the beginning to the fucking end. I didn't see nothing happen. I didn't see nothing happen at all. I was not even there at all - honestly. After the gas station, I got dropped off. I got dropped off, I went home. I'm a keep it one tho- i- I'm tryin' to make it clear in my head of even when - so I can even put times and brackets on shit so you will know honestly is I - I don't gotta lie about it. I don't. I didn't hurt nobody. I didn't shoot nobody.

Q: You didn't hurt anybody.

A: I - I...

Q: You killed somebody.

A: I didn't hurt nobody.

Q: You shot someone...

A: That's what I'm a say.

Q: ...in the - in ear here and it came out right above their eyes.

A: Okay.

Q: Parts of his nose...

A: What.

Q: ...was on the driveway 'cause a .45 is a very damaging round.

A: I see.

Q: Now a .45 is one of the biggest rounds that you can legally buy in a handgun.

A: Yes for a handgun.

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- Q: Why do you carry a .45? 'Cause you wanna kill somebody.
- A: No.
- Q: You wanna do it right.
- A: It's for protection. No.
- Q: You wanna do it right.
- A: It's for protection. No why you keep a four-five?
- Q: I don't carry a .45. I carry a nine.
- A: Four-five, four-forty it's a- or why do most of you officers do? Y'all carry it 'cause y'all wanna kill people?
- Q: They carry it to protect themselves.
- A: Huh, y'a- exactly. That's the only reason I'm gonna have anything on a holster, honestly. Keep it real with you, I'm bein' 100 with you.
- Q: Then why wouldn't you tell me the truth about it? You're not keeping it real. You're not being 100.
- A: Being, telling...
- Q: I've already caught you in lies.
- A: Telling - telling the truth about it why would I tell you the truth about a gun that's not registered to me? But I honestly still got it.
- Q: Well because you're c...
- A: I got my gun.
- Q: Because you're caught.



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- A: Okay.
- Q: All right...
- A: No.
- Q: ...but the second...
- A: The th...
- Q: ...the cop showed up at your house with a search warrant...
- A: ...the - no...
- Q: ...and drug you out...
- A: No - no.
- Q: ...then you realized that the guns in there...
- A: No.
- Q: ...you first tried to distract me by saying the gun was somewhere else.
- A: The thing was...
- Q: Here's - here's - here's the best thing about this, all right, and I'm gonna be 100,  
I'm gonna be 1,000, whatever, semi-automatic handguns...
- A: Yup.
- Q: ...there is an extractor on 'em. The extractor is a piece of metal that hooks  
around the edge of each round.
- A: Is that...
- Q: That extractor hooks a- i- the round after it's been fired and it spits it out onto the  
ground.

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- A: Exactly.
- Q: Each one of those extractors, when you look at...
- A: Got they own.
- Q: ...microscopic ridges...
- A: Got they own.
- Q: ...have their own signature (unintelligible).
- A: Yup, each and every one of 'em.
- Q: And...
- A: My gun was never discharged - never. Only time my gun was discharged, and I'll be honest, is at the gun range over there on Tropicana and e- Tropicana, Eastern, McCloud and Eastern at the gun range.
- Q: So now it has been fired, your gun has been fired.
- A: I...
- Q: 'Cause for the first 50 minutes I talked to you, it's never been fired. You've never once fired it.
- A: It been fired at the gun range. It been fired at the gun range.
- Q: So are you saying i...
- A: But the thing is is I'm a keep it 1,000 - by the sounds of it, whatever they did, like you said, there's prints. There's bullets. My guns, and this is real life, it's not gonna add up to no cartridge, no bullet, no shell that was ever used. It's not.
- Q: Wishful thinking.

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- A: Now, will my gun come up as a stolen gun? It might. I don't know.
- Q: Hey - hey...
- A: I...
- Q: I - i...
- A: I don't know.
- Q: I'll tell you this, I don't even care if it is a stolen gun.
- A: All right then honestly then - then it's no - then we don't got nothing to worry about honestly at all. 'Cause that was my only worry is that, honestly, I'm walkin' around with a gun. You talkin' about at first I was feeling like the store now I'm keepin' it 1,000 y- you made me feel like the store got hit or something. So n- I'm a keep it, a nigga start gettin' like, "What the fuck?" like nigga I'm w- I - I walk everywhere with my shit. I - in the stores, I didn't know what you was comin' to with that whole scenario. But once you came out and you said it was about a murder, fuck trying to hide a fuck w...
- Q: Hey, wait...
- A: I'm a keep it 1,000...
- Q: Hey...
- A: ...fuck tryin' to hide a stolen gun.
- Q: Let me stop you there.
- A: I'm a keep it 1,000.
- Q: It - it's not just about murder.

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A: It, I'm a keep it 1,000 t...

Q: It - it's about four dudes rolling...

A: T- to me...

Q: ...all right...

A: To me it's - to me it's about a murder. I don't...

Q: Yeah.

A: I don't c- I don't care about them other niggas rollin' around doin' whatever the fuck they doin'. I don't care. It's about murder that honestly you're - you're stating that I'm a part of it. And I can s- visually see it in your eyes when I actually talk to you, yes...

Q: Yeah...

A: You actually t- you're actually physically thinking that I'm - the thing is is, yes, I made a mistake by lying (unintelligible). Yes, I did. I was scared. I was worried. But once you told me the ballistics of what the fuck we're dealing with I don't got time for none of this. I don't got time for my son. I don't w- I don't got time to mess up. So I told you, yes, this is my gun. Yes, this is where it's at.

Q: So when you fired it at the range, are you concerned that someone grabbed one of those cart casings...

A: No.

Q: ...from the range...

A: Not at all.

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Q: ...and driven it...

A: Not at all.

Q: ...way to the other side...

A: Not at all.

Q: ...of town and planted it...

A: Not at all.

Q: ...on the ground and...

A: No.

Q: ...set it right down...

A: Not at all.

Q: ...by a dead guy?

A: Not at all. Completely...

Q: What kind of ammo is in your gun right now?

A: Mines got a semi-automatic I - I don't know if black jackets, yellow jackets, I don't know.

Q: All right, so...

A: Yellow jacket.

Q: ...is it brass...

A: No.

Q: ...colored or silver colored cartridge?

A: It's a gold.

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Q: So they're gold.

A: Like the range bullets, yes. I d- none of my bullets is, no.

Q: How many rounds does a clip hold?

A: My clip holds 10.

Q: How many are gonna be in there?

A: 10.

Q: Are you gonna have one in the chamber?

A: No.

Q: Why would you not carry one in the chamber?

A: Because it - you al- uh, to me you always leave that second to think. When all you gotta do is click the seco- it's too quick to shoot. And that's the real truth.

Q: So I'm not asking if it's unsafe, I'm asking if there's a round...

A: It's too.

Q: ...in the barrel.

A: No it's not.

Q: To - to get your gun to function you'd have to work the action...

A: Exactly.

Q: ...take it off safe and then shoot.

A: Every time.

Q: And...

A: You've gotta think.

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- Q: And the reason you do that is that gives you a second to think.
- A: Exactly to even tell the person in front of you, "Stop." T- whatever is goin' on, if you still feel threatened, it is what it is. But that's what I learned in my knowledge of guns period. I don't see a lot of people have that quick time to think.
- Q: So let me ask you this - what do you think should happen to a guy that would shoot someone in the head in their own driveway and kill 'em?
- A: Personally, max. I'm a be one - the max due to the fact that a doctor, help people, due to the fact that his family was there, due to the fact that he - due to the fact of so many different things that you just stated.
- Q: Think they should get a...
- A: I - I won't i...
- Q: You think they should get a break?
- A: I won't feel no remorse for him, I'm being one - I wouldn't. But people that don't got nothing to do with it or anything like that, then that's a - that's a whole 'nother story. But, like, I said, them people, no. Nobody.
- Q: Okay. L- let me a- why would your sister pick you out in this photo?
- A: I honestly don't know. I'm a be 100 with you, I really don't know why. To me, I said I - I - it don't look familiar to me. It don't.
- Q: And by - by you...
- A: I don't know why my sister...
- Q: I - I just wanna make sure we're - nothing's lost in translation here, by you

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saying, "It doesn't look familiar to me"...

A: It don't l- it don't look like me.

Q: Okay.

A: No.

Q: And the...

A: It don't.

Q: And the reason it doesn't look like you is...

A: Because i- the outfit. It don't look like me.

Q: That's not a outfit that you would have.

A: No. I - no.

Q: Well I can tell you that wearing a - a long-sleeve hoodie a few days ago when it's probably about 104 out is pretty - pretty odd, wouldn't you think?

A: N- not ne- not necessarily. I'm a keep it 1,000, no.

Q: You don't think it's a little hot to be wearing hoodies?

A: N- I - people wear different shit. I'm a keep it 1,000...

Q: N- now if you're go...

A: ...I don...

Q: Now if you're gonna put a hood up over your head 'cause you wanna cover your face...

A: I mean i...

Q: ...that makes perfect sense, right?



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A: Now if you're doin' that then - then that's understandable, yeah. Then, yeah, that's understandable. But that's not somethin' - that's not somethin' I do, like I said before. I don't rob people. I don't do that, no.

Q: Yes or no q- answer, that's all I want, have you ever shot anybody?

A: No.

Q: Have you ever killed anybody?

A: No.

Q: Have you ever robbed anybody?

A: No.

Q: Hoffman, you got any questions?

Q1: The gentleman who we put in front of the door here, d- do you know who he is?

A: I - like I said, I seen him through, like, run-ins, like, just see. I don't, like, I don't fucks with nobody. I don't...

Q1: No, like, actually h- have you seen him before?

A: I seen him, yes.

Q1: Okay. Is he a friend of yours?

A: No. I seen him on the night of this.

Q1: Okay. Well then let me ask you this question, when he's in front of that door, like that, he - he knows you.

A: 'Cause we trippin'.

Q1: Okay.

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A: We got into it.

Q1: Got into it about what?

A: About him m- mo- money.

Q1: Money.

A: Main thing about money, yeah.

Q1: Money over what?

A: The gun the du- the black kid was tryin' to sell, DJ.

Q1: So was he - was he there that night with DJ in the convenience store, gas station?

A: I don't know if it was this night but - but I do know when I was w- went to the gas station Demario was there, I mean, h- he was there. He was there, yes. I don't - I, uh, we got into over a little quick thing but then it was over and done with.

Q1: You said the name d- Demario is that DJ or is that somebody else that was there?

A: I'm - I'm guessing that was - I'm guessing that's DJ. I'm gonna keep it 1,000, I'm guessing that's DJ 'cause he's supposed to get me a bill of sale and all that.

Q1: Here's the question that I have, that gentleman knew you spot on. Okay. It kinda surprised me that - that he - that he recognized you so quickly.

A: I'm gonna be 100, like...

Q1: So - but listen, as we were walking back, you know what, I asked him I go, h- "How do you know him?" Do you know what his re- do you know what his

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response was? "He's my fam." Why would he, a person who you may have just had some run-ins with describe you as his fam?

A: His fam...

Q1: So you know what I a- I asked him, like, "What - what is fam? Is - is he blood related to you?" He goes...

A: That's what I was about to say.

Q1: He goes, "You know what, no, he - he's not blood related. I haven't really known him that long," but he made a, uh, a statement to say he doesn't call many people fam, just the people that are close to him.

A: That's what he stated about me?

Q1: Yeah. So for you to sit here and tell my partner and I that you don't know him but this guy is telling us, or telling me that...

A: The thi...

Q1: ...you're his fam, that kind of i- you kinda see how that's a little - little...

A: To - to...

Q1: ...little off?

A: To me I understand that. Yes, I do understand that. It do, it sound a little bit off. But I don't. Yes we had a little - I don't even know why, I'm a keep it 1,000, I don't know why he would call me his fam real life.

Q1: Well I - I think it's kinda strange if you're sittin' here saying you don't know him...

A: I don't know why he would call me his f...

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- Q1: ...but this guy knew you immediately, he's like, "Oh, that's my fam."
- A: I don't know why he would call me my - his fam.
- Q1: You know what I'm sa- i- if I - if I know Detective Jaeger, even if I met him once, I'm not gonna be like, "He's my fam." So for this...
- A: I'm a keep it 1,000...
- Q1: ...for that gentleman to say that you are...
- A: Personally...
- Q1: ...he would know you...
- A: ...I'm gonna say no.
- Q1: ...he would know you - he would know you more than just a couple of odd (unintelligible) run-ins.
- A: No, I'm - as far as me, no.
- Q1: Okay. Th- that - that's a lie.
- A: Maybe because I fucked with his cousin, the one - the one lil' bitch. But t- no, as far as me and him, no. We don't fuck tw- no, I don't know him. We don't know each other like that. No we don't. We don't even kick it. I'm a keep it 1,000, for somebody to call somebody fam we kick it. We don't kick it. We honestly don't.
- Q1: So is he - so is he mistaken?
- A: He's - I don't i- obviously. I'm a keep it 1,000, either he's lying or he - I don't know. I don't know. But as far as me knowing him, being his fam, no. And as far as me knowing DJ, yes, I had a conversation with him about selling guns.

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Yes. Whole conversation about this gun, a gun conversation, completely. As far as me, as far as the other kid that he said was d- DJ's brother, no. After the conversation at the gas station escalated and I'm a keep it 1,000, I felt like I was in a bad predicament, real life. It was four people and it's just me and first we talking about a price and them prices go down, then somebody get hostile. I got up outta there. I left. I don't know what happened after that. I don't. I know after that, I went home. I relaxed. I went to sleep. I did my normal - normal day everything. But, no, I don't.

Q2: Devontae, you need to stop. You're making it worse.

A: Okay.

Q2: On your Facebook page, Sace, you are standing there with your shirt off on the picture, and you know what you see? Your Superman tattoo.

A: Yeah, I do got a Superman tattoo. It's not a lie. I do.

Q2: Okay. Did someone sneak that selfie of you, sneak in your house to take it...

A: No I take all my...

Q2: ...to create this Facebook account?

A: I take all my own pictures.

Q2: Okay. So let's start by coming clean about your Facebook account, Versace.

A: My Facebook account, it's Sace, not Sace.

Q2: Okay. Sace.

A: I don't go, I don't know no Sace.

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Q2: Okay. Let's go Sace then.

A: Okay.

Q2: Would it be safe to say that Sace could be a street name?

A: No. I don't use it for a street name at all.

Q2: What do you use it for then?

A: My Facebook, it's my Facebook name...

Q2: Okay. Facebook name...

A: ...like music.

Q2: ...Sace.

A: Yes.

Q2: So if there's friends that are reaching out to you on Facebook they would reach out to you on the Sace Facebook page, correct?

A: But it comes into, it says Sace and it also says my real name. It says Davontae on it.

Q2: So earlier when we were talking and I asked you about Sace...

A: You sai...

Q2: ...you gave me a stupid look...

A: You said Sace.

Q2: ...like you didn't know.

A: You said Sace, you didn't say Sace. You said Sace. I know Sace, that's what I go by.

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Q2: Okay. Sace...

A: Sa- no.

Q2: So guess what, the other kids that we arrested for this murder are saying that they're with Sace, "Look, here's his Facebook page." They brought us to this Facebook page. I'm not making it up. An hour and a half we've talked to you and you sat, pulled our dicks, talked circles and lied. I'm done 'cause, guess what, I know that you are a heartless prick. I have no time for in-humans like yourself.

A: Before you leave just say...

Q2: You...

A: ...do you feel like...

Q2: ...murdered.

A: Do you feel like I did it?

Q2: Yes.

A: Okay.

Q2: I do feel like you did it.

A: Okay.

Q2: The only reason...

A: Then w- w...

Q2: ...I wanna talk to you in here...

A: ...w- w...

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Q2: Shut your mouth. The only reason I wanna talk to you in here is to find out why.

A: The thing is is that that's what you feel.

Q2: That is what I feel.

A: All right, that's what you feel.

Q2: And I've given you...

A: And, no, look...

Q2: ...an hour and a half...

A: I'm a keep it 1,000 - I'm a keep it 1,000. After...

Q2: No you're not.

A: After lookin' at two people, after lookin' at other people you can look at me and say I did anything with them people, uh, anything...

Q2: I'm right here.

A: ...and you look at, uh, other people...

Q2: I can't get any closer.

A: ...and you can - you can look at other people. Trust me, you really don't know who hurt people and who don't.

Q2: I do.

A: Because you lookin' at me and you think I did something...

Q2: Mm-hm.

A: ...I did something and you got a, it's like so far past me.

Q2: It's not.



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A: I'm a keep it 1,000.

Q2: It's not.

A: Yes, it's so far past me because even - even...

Q2: You think so little...

A: ...even - even my track record...

Q2: You think so little...

A: Even my track record...

Q2: ...of other humans...

A: ...gang banging, anything, I'm not - I'm not even related on the same, it's - it's not even the same picture.

Q2: There's a first time for...

A: I'm a keep it 1,000, I'm not the same spectrum.

Q2: There's a first time for everything.

A: Hell and business and all that, that's a whole different spectrum too. Hurting people and doing all that, like you said, you's looking at me and I'm - I'm the one that did it. I can't say nothing to you because I'm looking at you in your face and...

Q2: Mm-hm.

A: ...I don't care about the lies I'll say that first.

Q2: I do.

A: I - I don't give a fuck about, fuck 'em.

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Q2: I care.

A: I did not hurt this man.

Q2: If...

A: I did not hurt this man. I did not rob this man. And I was not there to see anything and that's on my son's life. I wasn't. Did we - did I have a conversation with him? Yes I did. Do I know of Ray other than the little bitch? I seen the nigga on TV, honestly. But...

Q2: But you see him on TV.

A: ...as far as this murder go that - I'm not w- I'm not...

Q2: So t- so tell me about...

A: I'm not t- I'm not thinking about that.

Q2: ...what you saw Ray on the TV.

A: I'm not thinking about that. Right now it's about me.

Q2: Okay.

A: Because you're saying that you feel like I'm a murderer. I'm a keep it 1,000, if you know people, they know people, honestly, and you've been in this for years, you know a real killer and not a real killer. You do.

Q2: I do. I know God damned monsters...

A: You do.

Q2: ...that's what I deal with.

A: You do.

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Q2: How old are you, buddy?

A: I'm 22.

Q2: So when you...

A: You know.

Q2: When you were 2 years old I started doing this shit.

A: You know. I - I can look at you and I can tell. I can tell you know certain people.

I can tell that you're not a rookie at this at all. But for pointing at me, if you really do this, and I done been around people that really do hurt people...

Q2: You're one of them.

A: ...you can tell...

Q2: You're one of them.

A: You can tell by they eyes. You can tell by they eyes if they really hurt people or if it's just a front or a fake or a name. I didn't. I didn't shoot nobody regardless of anything that you feel or hear, anything...

Q2: S- so - so you lied earlier, how do I know you're not lying about this?

A: You've been in this for a minute, you know. You know. As far as that go, I asked you to do anything, nothing.

Q2: Well I - I know i- I know it would make sense for you to tell me that.

A: It would make sense but if you look, like I said, that's all I - that's all I can really say. Somebody that be around it, they know it.

Q2: I know it.

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A: I'm pretty sure you've solved a lot of cases as well.

Q2: I know it.

A: You know...

Q2: I've looked evil in the face...

A: You...

Q2: ...like this many times, buddy.

A: You might be able to see that I'm scared. You might be thinking...

Q2: You're not scared.

A: You might be thinking to me that, you know, I'm talking about scared of the whole, the fact of you might feel I lied.

Q2: I know you lied.

A: Yeah - yeah...

Q2: We proved you lied.

A: Yeah, you - you might feel I lied about it and yes you did - you did. I don't got nothing to lie about - about...

Q2: Here's the things...

A: ...all my...

Q2: ...that I proved you lied about.

A: Look, all my cards is out on the table.

Q2: Your Facebook page...

A: I - I never lied about...

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Q2: ...the caliber.

A: ...my Facebook page.

Q2: The, okay, I said Sace and you said Sace.

A: It - I never lied about it...

Q2: Okay.

A: ...at all.

Q2: Yeah you did. You said that your Facebook page, the only Facebook page you had...

A: This the thing...

Q2: ...was under your own name.

A: This the thing, all right...

Q2: So...

A: ...this the thing...

Q2: ...that is a lie.

A: This the thing is we can go through all my shit, everything, from the beginning to the end, honestly, even with a lawyer. But, honestly, with my consent completely. Nothing on my Facebook, nothing that I - that's why I keep saying fuck Facebook. Fuck the front name. Fuck the shit that makes m- the thing is is what happened. That's not me.

Q2: Gabriel Valenzuela...

A: That...

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Q2: ...I want you to remember that name.

A: That's not me.

Q2: I want you to remember that name. I want it etched in your brain.

A: The thing is is...

Q2: When you close your eyes at night I want you to see him.

A: Th- the thing is is it - it - it, just the thought that something happened to somebody doing something good, it hurts enough. It do.

Q2: For no other reason that...

A: But the thing is...

Q2: ...someone had money that someone else wanted.

A: ...you know what - you know what hurts way worser than that?

Q2: What's that?

A: Is being accused for doin' it, honestly. Because I wanna feel remorse for this man but I also wanna fight for my own safety because I feel like you - I'm gettin' attacked for something I didn't even do. I kept everything 100 then i...

Q2: Have we laid hands on you?

A: No, not like that as in my safety as in the fact of you're trying to tell me I did something. You - you...

Q2: All the fingers are pointing at you, buddy.

A: I - I under...

Q2: It's not just me.

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A: Listen...

Q2: It's not just me telling...

A: I - listen....

Q2: ...you that.

A: Listen...

Q2: It's...

A: You know why - you know if, uh, all the fingers pointin' at me wh- I'm a keep it 1,000, personally you don't think they all wanna get it off of them because when you search me, everything is gonna come back clean.

Q2: I hope so.

A: Every - uh, I'm a keep it 1,000, everything is gonna come back clean.

Q2: I'm either...

A: And that's the worstest part. And th...

Q2: I'm either your best friend or your worst enemy. I don't know.

A: I'm - I'm a keep it 1,000, I - I, and I respect that.

Q2: But I - I can tell you this, I'm gonna put in the work. Work's already been put in, buddy.

A: And I - I'm - I and I, I'm a keep it one th- I want you to. I really need you to because for you to feel like me - me...

Q2: So you want me - you want me to do everything, right?

A: I want you to do the work. I'm - my...

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Q2: So...

A: ...m- I - like as, like as far as I said if we got to - if, whatever we need to do as far as my son.

Q2: Okay.

A: As far as my son - as far as anything else, I don't really know others i...

Q2: So - so let me ask you this, do you know what a polygraph test is?

A: Yes.

Q2: What's a polygraph test?

A: A po...

Q2: Explain what you know of it.

A: A polygraph is a test when you - to say if you tell the truth or you lying.

Q2: Okay. So what a polygraph test is is it monitors your - your...

A: Everything.

Q2: ...your biometric chemistry...

A: Everything.

Q2: ...right.

A: And, honestly...

Q2: Little sweat glands.

A: I can take one.

Q2: Eye movement.

A: I can take one.



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Q2: If I set up a polygraph test...

A: I can take one.

Q2: ...are you gonna take one?

A: Yup.

Q2: Now, mind you, during that polygraph test we are gonna ask your involvement...

A: Okay. No, then that's what I'm a let it be stated, honestly. With any of the questions, "Did I see this happen?" and, "Did I do it?"

Q2: I tell you what, we'll write the questions down.

A: "Did I see it happen?" and, "Did I do it?"

Q2: We'll write the questions down.

A: Okay.

Q2: Some of the questions that'll be asked. Now they may have to change the wording around...

A: (Unintelligible).

Q2: ...'cause I'm not, no - no - no, le- let's go through this 'cause I'm not a polygraph but I...

A: That's just the main thing.

Q2: ...I know guys that are.

A: That's just the main thing.

Q2: Okay. So the first question, "Did you shoot anybody?" that'd be a fair question?

A: I mean.

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Q2: Stop.

A: "Did I shoot him?" say that.

Q2: Did you shoot anybody?

A: "Did I shoot him?" him...

Q2: Okay.

A: ...the victim. The person that's g- that's fucking dead. "Did I shoot him?" I don't give a - we don't give a fuck who else got shot 'cause my in - in, no. It's this person that got shot. I did not shoot him. I did not shoot him. And the second one, "Did I see it?" No, I did not.

Q2: Third one...

A: Third one, "Did they drop me off at the bus stop and did I go straight home right after that?" Not fuck with a bitch, not go drink, not do anything else, that can be the third question. I don't gotta lie to you, bro. I don't. I mean, I really don't, honestly.

Q2: All right, let's go...

A: Real life I did it...

Q2: Hey, first - first...

A: If I - if I did s- if I did something I'm a keep it 1,000 as y- if I did it. I can understand like I just did (unintelligible) speaking.

Q2: First question, "Did you shoot anyone?"

A: "Did I shoot the victim?"

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Q2: No, anyone.

A: The victim.

Q2: We can't use the victim. It's gotta be...

A: I- why not use, "the victim"?

Q2: It's gotta be an open-ended question.

A: "Did I shoot the - the victim, the person that's dead?" What the name is, Gabriel what? "Did I shoot that man?" No, even one time, two times, any time. No, I didn't.

Q2: So - so why wouldn't you wanna be asked, "Did you shoot anyone?"

A: 'Cause to me it don't matter.

Q2: It does matter.

A: It don't. It really don't.

Q2: How about...

A: But...

Q2: How about we word it this way, "On August 9, 2017, early morning hours, at midnight 12 to be exact, did you shoot anybody?"

A: No, sir.

Q2: Is that, can that be one of the questions?

A: That can be one of the questions.

Q2: Okay. But you don't want just a broad, "Did you shoot anybody?"

A: No.

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Q2: 'Cause you're hiding something there. I get that.

A: Any- anybody, that's so far-fetched. It's - anybody.

Q2: How about this, we'll narrow it down, "Have you shot anyone with your handgun?"

A: My .45, no.

Q2: With the .45, so...

A: Not at all.

Q2: So, the "Did you shoot anyone?", you don't want that question. You're not gonna answer that one.

A: I don't see no reason to.

Q2: It's a pretty simple question. It's either a yes or no answer and the machine does the rest of the work.

A: I mean...

Q2: And it's not something that you can...

A: Like I said it's - it's a basic statement, "Did I shoot..."

Q2: Okay.

A: ...the victim?"

Q2: So we'll ask it in a question, right? I g- I get what you're saying on that. "In the last four years..."

A: No.

Q2: ...have you shot a human being?"

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A: No.

Q2: W- would that be a better phrased question?

A: Yeah, in the last four years, a human.

Q2: In the last two years, have you robbed a human?

A: No.

Q2: In your life, have you killed another human?

A: Not that I know of, no.

Q2: Not that you know of.

A: Not that I know of.

Q2: What are you thinking about right now, buddy? What are you bringing it back to?

A: Just growin' up, it's just a lot as far as (unintelligible), no.

Q2: Get it off your chest.

A: No, maybe one day when we grown and after this case and I really made my life good, we'll talk about it.

Q2: So...

A: But...

Q2: ...here's what I'm worried about...

A: Honestly, no.

Q2: ...you're hiding something else from me...

A: This case right here, no.

Q2: ...that's gonna come out in this.

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A: This case, no. I n- I - I ain't never hurt him. I ain't never did anything to him -  
ever.

Q2: But there's someone else.

A: I don't know. I don't know.

Q2: Tell me about him.

A: A couple years back I got shot at with a AR-15 in a parking lot.

Q2: All right.

A: No cops came until his gun was out. Only one person was hit.

Q2: Was it you?

A: No.

Q2: Who was hit?

A: That's (unintelligible) I guess.

Q2: And who was shootin' that AR?

A: I don't know.

Q2: Did you shoot back?

A: I don't know.

Q2: Yeah you do. Sh- shooting back is something that should be a yes or a no  
answer. That's not a...

A: Hm, but like I said is I ain't hurt this man.

Q2: Okay. Did you have a gun on you?

A: I couldn't get to it.

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Q2: But you had one on you. So you must have shot it 'cause you were worried about it. You see how dumb that looks? You're sittin' here, man.

A: The thing is is I'm pretty sure nothing happened 'cause we didn't end up here. I was scared, I didn't know in my mind...

Q2: So did you have the a- the AK?

A: No I was duckin', hopin' and prayin' for somebody to come but didn't nobody come until they clicked. I heard the bullets go past my head and they sound like exactly like the movies, they whistle.

Q2: Then what happened?

A: Honestly, glass and everything else breaking. It's scary. All I could do is pray and tell God, "If it is my time, just make it quick."

Q2: Where w...

A: I'm...

Q2: Where i- was this in Ohio?

A: It was out here.

Q2: Where at?

A: The gay and lesbian club on Sahara but it wasn't a- that club for that night. It was a little dome for people to hand out for the - just the night. It was a party. Y'all know how bad it was a couple years back.

Q2: Yeah.

A: Three to four years back, five years back with the SPGs and the small gangs that

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started rai- raising up. It was bad.

Q2: So you were gettin' shot at. I take it you fired a couple rounds back. It's pretty safe to imply because that's what you're worried about coming out on the poly, right? So let's eliminate it. What gun did you have, a handgun?

A: That time or this? That time or what?

Q2: Hm?

A: When?

Q2: At the gay and lesbian club.

A: Yeah, handgun.

Q2: All right, do you remember what caliber?

A: It was a deuce-deuce.

Q2: Okay. So a little .22.

A: Yeah, or like a du- uh, it was either a deuce-deuce or a deuce-five, (unintelligible) thicker (unintelligible).

Q2: Okay. And you fired back but you don't know if you hit anybody.

A: No I don't.

Q2: All right you're me- that's why you don't want me to ask you, "Have you shot anyone," you wa- you want it more narrowed down because you're afraid that you're gonna think of that incident. How long ago was this, like a year or two, five years, what?

A: Like, yeah, like, years ago - like five years. Like when I was - I was a kid, when I



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was a youngster. But at the same time that's why I was typin' or writin' all that shit that that's something be - we talkin' about - something personal....

Q2: I hear you.

A: ...personal, you feel me, 'cause I'm gonna keep it 1,000. Like I said, the main thing that matters is this one.

Q2: Yeah, this is the one that's important.

A: This one is important. This the - honestly, the only one that I - that I'm even thinking about. I'm a keep it 1,000.

Q2: Okay, so.

A: Because for something like I just said is - the main thing you could ask in a polygraph and we can sum it all up, "Did I shoot this man?" whatever his name was.

Q2: But if you don't know what his name was it's not gonna register. So we're gonna ha...

A: I mean...

Q2: We're gonna have to give, uh...

A: Did you sh...

Q2: ...a part of town...

A: "Did you shoot a man at the night of," whatever - what you said, whatever, that night, that morning, whatever you said. I don't - I don't know. N- no. I'm gonna pass that with flying colors. "Did I see somebody shoot somebody?" No I didn't.

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No I didn't. "Did they drop me off?" Yes they did.

Q2: So before they dropped you off, what were they talking about?

A: They wanted me to buy the gun. That was the whole conversation of us even clicking up, even, like, meeting up with each other at all. What's over t- uh, four-five that the kid had. That was all. And then it was so - it was so cheap I was like, "I gotta just see if it - it..."

Q2: What - what - what do you think a - a Beretta would...

A: A Beretta, like, four-five? \$100 for a Beretta, a four-five. Mine's a 750.

Q2: All right, I'm gonna step out and see if I can get this polygraph set up.

A: All right.

Q2: You got any other questions?

Q: Uh-uh.

Q2: Hang out here, I'm gonna see what I can do for you.

A: Okay.

Q3: We hot? Hey, uh, what's your name, bud?

A: Davontae.

Q3: Davontae. Detective Dosch, Las Vegas Metro.

A: Yes sir.

Q3: Okay. Um, I've been listening to the interview for a while now, bud. You're in a world of hurt.

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A: Yes sir.

Q3: Okay? It's time to stop with the lies. Um, your beautiful fiancée, Miss Justice, just spent an hour with my detectives talking about the gun, talking about what happened that night. No. But look at me. This is not a lie. She even looked at the video surveillance and picked you out. I am not making up any of this. I could come in here - no, look at me. No. No. Look at me. Mr. Wheeler, you are in so much trouble. You have no idea. If the State gets you on a first degree murder, you know you can get life for it...

A: Yeah.

Q3: Without...

A: Parole. Yeah.

Q3: W- that's it.

A: Yeah.

Q3: So this is where you have this wonderful opportunity as a very young man who can say, "Hey look. This is what happened, and I genuinely feel bad about it." But if you tell us, "Ah, it wasn't me, and that's not me," other people -- look at me -- other people are going to come in here one-by-one and they're going to point to the other.

A: Okay.

Q3: And you're going to be on an island all by yourself. And the last people that they're going to come to for a deal is you. Because lying will not be tolerated.

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A: (Unintelligible).

Q3: All right? So, I know that you've spent a great deal of time with my partner. Just tell me what happened that night. No. No, no. No.

A: But...

Q3: It's not - that's not. Son, you don't get it.

A: I...

Q3: You are fucked.

A: Yeah.

Q3: Yes. So you need to tell the truth.

A: Yes.

Q3: Your own boys have ratted you out.

A: No sir. They're not my boys. But like I explained to this officer and the other guy...

Q3: Mm-hm.

A: Of course they all want the - to blame the fling off or whatever...

Q3: Mm-hm.

A: I don't know. Whatever. But the thing is is forensics.

Q3: Mm-hm.

A: Basic forensics.

Q3: Mm-hm.

A: The thing is I already said I'm willing to take a lie detector test.

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Q3: Mm-hm.

A: "Did I see that man get shot?" "No I didn't."

Q3: Mm-hm.

A: "Did I shoot that man?" "No I didn't."

Q3: Did anybody tell you that you were a shooter?

A: What you mean?

Q3: Did anybody tell you that you were a shooter?

A: Like, "Go shoot"?

Q3: No, no, no. Like you pulled a trigger on something?

A: No.

Q3: No? Did you...

A: No.

Q3: ...ever hear me say that?

A: No.

Q3: No.

A: But at the s...

Q3: But you...

A: But I (unintelligible)...

Q3: ...were there. And your phone puts you there, young man.

A: But...

Q3: And your - you know who - do you know who Raekwon Robertson is?

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A: No.

Q: Sit tight.

Q3: You know who Raekwon Robert...

Q: (Unintelligible)...

HOFF: We already...

Q3: (Unintelligible)...

Q: We already showed him to him.

Q3: No, no. He's going to see him.

Q: We've already showed him to you.

Q3: Oh you showed - you brought Raekwon over?

Q: Oh yeah.

Q3: Okay.

Q: Yeah. That was an hour ago.

Q3: Oh. Okay. Yeah. Don't.

Q: (Unintelligible).

Q3: Because here is another thing that I...

A: All right.

Q3: ...do -- simple forensics -- is I associate your phone with his phone. He calls your number more times than anybody else's number.

A: He kept trying to get in contact with me.

Q3: Yeah.

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Q: Raekwon called him (unintelligible)...

Q3: Son he called you or texted you somewhere in the area of about 100 times  
between August 1...

A: No.

Q3: ...and the 13th.

A: No. You looked through all my records?

Q3: I did.

A: Um, they are - then they will show a pinpoint of everything...

Q3: Mm-hm.

A: Me and Rae - he was hitting me up. Yes he was. I don't fuck with Rae like that.  
We not cool like that. I don't know...

Q3: Mm-hm.

A: I don't know the cat like that. I'm gonna keep it 1000.

Q3: Mm-hm.

A: This weird - we have one conversation.

Q3: Mm-hm.

A: Other than that, I don't know.

Q3: Mm-hm. So you know that's - who is that?

A: He go by DJ.

Q3: That's DJ. Who is that?

A: I don't know.

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Q3: That's his younger brother. Just...

A: Okay.

Q3: Cut the crap.

A: I don't know him.

Q3: No, no...

A: I don't get...

Q3: Now, okay...

A: We don't...

Q3: I'm not saying that you know him like you...

A: I'm just saying we don't...

Q3: ...know his government name, dude.

A: We don't - we don't kick it.

Q3: Okay. Dude, we...

A: We don't - I don't hang out with them.

Q3: Yes. And then your girlfriend and your sister have both looked at these and said this is you. Are you dumb? No. Look at me. You want to look at the pictures like you think the answer is going to be there, son.

A: Sir...

Q3: It's not.

A: Honestly, forget the pictures.

Q3: No.



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A: The answers...

Q3: Not forget the...

A: The answers is in forensics.

Q3: Yeah.

A: The - honestly, I'm going to keep it - like I keep on keeping it 100 with you...

Q3: Keep it.

A: I - I did not do it.

Q3: Okay. Who did it?

A: I did not - I didn- I don't know. If I n- if I knew...

Q3: Uh-huh.

A: ...and since I'm in this predicament and honestly...

Q3: Mm-hm.

A: One officer already looking at me like honestly it's - it's a great possibility I could have did it, honestly...

Q3: It's a great possibility...

A: I'm...

Q3: You could have did it.

A: That I could have did it. Yes. I'm gonna keep it 1000...

Q3: Uh-huh.

A: ...because I don't want to just say, "Yes it is all pointing to me."

Q3: Uh-huh.

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A: But at the same time all we can do is go through forensics.

Q3: Okay.

A: I'm going to keep it 1000 because I know my gun...

Q3: Mm-hm.

A: My gun...

Q3: Mm-hm.

A: ...was not discharged.

Q3: Okay.

A: I know my gun was - did not get used on anybody and I did not see anybody  
fucking...

Q3: And - and, Davontae, what you're failing to realize, son, is at no point ever since I  
sat down here -- at no point -- did I ever say you fired your weapon.

A: Not true.

Q3: (Unintelligible) only...

A: It's not true, sir.

Q3: It...

A: It's not...

Q3: Sir, you...

A: It's not. I'm not...

Q3: No. I know. Because I - they came out of my own words.

A: I'm not talking about you. What I'm saying that (unintelligible)...

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STATEMENT OF: DAVONTE WHEELER

Q3: Stop with everybody else.

A: ...I'm...

Q3: Start over.

A: Completely over?

Q3: Okay. Here is the thing. Son - son, I could help you. You don't have a friend when I leave this room.

A: Nobody?

Q3: Nobody. And I mean zero. Your own girlfriend is going to bury you. Your sister is going to bury you. And the list is going to keep on coming.

A: I know.

Q3: And there you are going, "Hey, it's not me." Son, I'm not saying that you shot. In fact I don't think so. What I do know is that you were there and why you are afraid to say it. Just look at me and say what happened that night and let's move on, son. I can help you. But I can't do it without your assistance.

A: (Unintelligible). Mmm. Officer...

Q3: Okay.

A: (Unintelligible)...

Q3: That's you.

A: I was....

Q3: Super...

A: I was not there.

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STATEMENT OF: DAVONTE WHEELER

Q3: Superhuman...

A: I got dropped off.

Q3: Superman...

A: I got dropped off.

Q3: Okay. When did you get dropped off?

A: I got dropped off right after we got changed...

Q3: Okay.

A: ...at the store.

Q3: Stop.

A: The gas station...

Q3: Stop...

A: ...from the car...

Q3: Stop. Let's start over, son. Okay? You know I am your ally. Look at me. Look at me. Who is this?

A: I don't know.

Q3: No. Who is...

A: I don't...

Q3: You just said...

A: ...own those clothes.

Q3: ...you just changed out of the store.

A: I don't own them...

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STATEMENT OF: DAVONTE WHEELER

Q3: No. No, no...

A: ...clothes.

Q3: ...no, no, no. Let's start over. Credi...

A: Completely over?

Q3: Credibility.

A: Completely over?

Q3: Yes.

A: This is...

Q3: Who...

A: This is how - this is completely over.

Q3: Okay.

A: How do you know these guys?

Q3: Because I booked them.

A: No. My question: "How do I know these guys?" "I don't know them."

Q3: Mm-hm.

A: "Do you remember going to a gas station?" "Yes I do." But is that me? I don't  
got no clothes like that.

Q3: Okay.

A: But do I n- do I know him? That's a for sure.

Q3: Mm-hm.

A: Did I see other people in the car? Yes. Four other people to be exact.

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Q3: Okay. Where? Where? Just give me a location here in town.

A: They came to my house. They picked dr- they got a ca-

Q3: They picked you up?

A: DJ?

Q3: No, no. No.

A: DJ?

Q3: No, no, no. No.

A: Yes.

Q3: No. Stop. Son, you're slipping now th...

A: (Unintelligible)...

Q3: ...because you know you cannot keep it one...

A: Listen...

Q3: No, no...

A: DJ...

Q3: Don't tell me to listen. I can help you. But you're failing to realize. Go back, get a drink of water...

A: Yes sir.

Q3: And start all over.

A: DJ?

Q3: No. Start over.

A: All right.

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STATEMENT OF: DAVONTE WHEELER

Q3: There you go.

A: I put a post up, looking for a gun.

Q3: Okay.

A: He responded.

Q3: Okay. DJ?

A: When he responded...

Q3: Mm-hm.

A: We talked the price.

Q3: Mm-hm.

A: He said, "Okay." As far as any ties like - no. But, "Was we supposed to do business that night?" "Yes." He was going to sell me a Beretta.

Q3: Okay.

A: Long-nosed Beretta. He told me I got my own (unintelligible).

Q3: Perfect.

A: ...that was only going for 250 bucks.

Q3: Mm-hm.

A: I needed change.

Q3: Mm-hm.

A: I went up to the store.

Q3: What store?

A: I don't know. We was going - we was getting ready to go to 7-Eleven by my

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house.

Q3: Mm-hm.

A: But then he hopped on the highway...

Q3: Okay.

A: ...because he said the police was at the...

Q3: So in...

A: ...- at the store.

Q3: At this point, stop. Who was in the car at this time? Ru- run down the lineup.

A: It - I don't know. I just know it - it was four - it was three in the back. It was w-  
uh, it was me, plus two more in the back, one in the front, and one more in the  
front.

Q3: So there's five people in the car?

A: All together, at this moment.

Q3: Who is driving? DJ. Okay? And looking at these other two individuals, do you  
see them in the car as depicted in this video?

A: Like, what you mean?

Q3: Well I'm just saying that here's some other photos...

A: The thing is is it's...

Q3: And this guy right here - um, where is the rest of the photos?

A: It's...

Q: I got them (unintelligible) - I'll go get them.



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A: It's missing the other two people.

Q3: Yeah. We're - we're missing...

A: (Unintelligible) and they keep on...

Q3: I'm sorry. We're miss...

A: ...trying to look at it.

Q3: We're missing photos. Just hold on for a second because I'm going to bring you  
- because it's important that we get everything out. And I want you to see all  
these photos. That's why I'm a little frustrated they didn't bring them in here.  
And then what - hey, what's the name of your Facebook account?

A: Davontae Wheeler.

Q3: Okay. What else do you have?

A: That's all.

Q3: Sure?

A: Yeah.

Q3: Hundred percent?

A: Yeah.

Q3: Do you have any kids?

A: Like - what you mean? Like what else (unintelligible)...

Q3: No, no. It - do - do you believe in - do you have g- do you believe in God?

A: Yeah.

Q3: Are you - do you put that on God, that you have no other ones?

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STATEMENT OF: DAVONTE WHEELER

A: Like what though? Like other...

Q3: No I'm just...

A: ...Facebooks?

Q3: Other Facebook. Do you...

A: Oh no. I don't got no other Facebooks.

Q3: None?

A: No.

Q3: Okay. All right. I'm just curious if you recognize that guy.

A: Yeah.

Q3: Who is that?

A: That's me.

Q3: That's you.

A: You go right here...

Q3: Uh-huh.

A: ...(unintelligible)...

Q3: Yeah.

A: Davontae underneath, underneath the same pictures.

Q3: Nope.

A: Um, yeah. They're gonna say it's true.

Q3: No. So is Young Sache Versache?

A: No. It's Sace.

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STATEMENT OF: DAVONTE WHEELER

Q3: Oh. Young Sace for Sace, your Facebook?

A: That's my Facebook. Yeah.

Q3: There you go. See. Look I - I wouldn't come in this room not having answers.

A: Yeah but...

Q3: That would be...

A: I mean...

Q3: I'd be an idiot. So...

A: But my - my name a- it goes on my Facebook. If you...

Q3: Oh...

A: ...type in Davontae Wheeler...

Q3: Uh-huh.

A: Then that pops up.

Q3: All right. And, um, have you ever - just so that we're keeping it, uh, t 100, before we get back to these photos: Did you ever send DJ any links to any -- I don't know -- let's just say like any Fox5 media releases?

A: Did I?

Q3: Yeah.

A: About somebody (unintelligible)?

Q3: Yeah. Yeah.

A: Yeah. Is that...

Q3: Is that person close to us right now?

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STATEMENT OF: DAVONTE WHEELER

A: Um, I - I'm...

Q3: Is that person...

A: Um...

Q3: No, no. No, no.

A: I'm be - want to be - my - my whole thing is my case (unintelligible)...

Q3: Okay. But...

A: ...(unintelligible)...

Q3: No, no. Uh...

A: ...(unintelligible)...

Q3: This whole like, "I'm not snitching on other people..."

A: No. It's not the...

Q3: It..

A: It's not - it's...

Q3: It speaks...

A: Look, it's...

Q3: You got...

A: It's - it's...

Q3: You have credibility issues...

A: It's not snitching...

Q3: ...(unintelligible)...

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A: ...on other people.

Q3: Okay.

A: It's the...

Q3: ...(unintelligible)...

A: ...fact that if I - I feel like if he don't got nothing to do with me...

Q3: Uh-huh.

A: Psssh. I (unintelligible)

Q3: Hey, I always send...

A: ...(unintelligible)...

Q3: I always send links to other people talking about other capers. That's what I do.

A: Listen. But if he don't got nothing to me and I'm not...

Q3: Mm-hm.

A: I don't care...

Q: All right...

A: ...about (unintelligible).

Q: Let's dip in - let's dig into these bad boys. So here's a little bit better  
(unintelligible)...

Q3: Now when you - you said that old DJ hopped on the freeway. You were  
supposed to go to 7-Eleven for change to make the burner purchase. What day  
was this and..

A: I...

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STATEMENT OF: DAVONTE WHEELER

Q3: ...about what time?

A: I don't know.

Q3: Okay. All right.

A: So...

Q3: That - that suck.

A: I don't know.

Q3: Um, your phone: Does it have a passcode on it?

A: Uh, I don't got a phone right now.

Q3: You don't?

A: No.

Q3: What about a 801 number?

A: A 801 number? N...

Q3: Yeah.

A: No.

Q3: The one that comes back to you, dude.

A: Nah. It - it's a phone that I've been using, but that's not my phone.

Q3: It's in y...

A: I got a cell, but I don't got my cell.

Q3: It's in your name, Davontae Wheeler.

A: Mmm, well I don't n- I don't even know how that is (unintelligible).

Q3: Dude, I don't even - I tell you what, man. Strange things happen in this world.

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Oh, I'll find that for you.

A: But I'll say my mo- if anything, my mom must have mu- must have put it in my name.

Q3: Yeah, because moms just go around putting stuff in our...

A: Because m...

Q3: ...- in the kids'...

A: No. Because Mom...

Q3: ...names.

A: ...got me my phone.

Q3: Yeah. I got it. So let's get back. So you're - you - you - you, uh, jet onto the freeway. It's five deep. DJ is driving. You're in the back seat. In the middle, right...

A: In the...

Q3: ...left?

A: ...middle by the door.

Q3: So you're the bitch. You're just li- because you're little.

A: I'm by the door.

Q3: Oh. You're by the door. The right door or the left door?

A: Uh - uh, right, behind the passenger.

Q3: Behind the passenger. Okay. Boom. Is it dark outside or day?

A: I'd say when he came it was dark.

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Q3: Okay. Perfect. Now were you - so you get on the freeway. You were supposed to get change, 7-Eleven. That clearly didn't happen because he -- DJ -- says, "Cops are coming." Where do...

A: No. He said cops was at the 7-Eleven.

Q3: All right. Where do you trip to?

A: He just gets on the highway for like 15 minute.

Q3: Got it. So 15 minutes later, where do you get off at?

A: I don't know.

Q3: Got it. Where do you go?

A: We went to a gas station.

Q3: Got it. What kind of gas station?

A: I don't know.

Q3: All right. And do you remember getting out of the car at the gas station?

A: Yes.

Q3: Do you remember buying anything in the store?

A: No.

Q3: Do you remember using the restroom?

A: Yes. I did use the bathroom.

Q3: Okay. How long were you in the toilet?

A: Uh, it was quick. It...

Q3: So you weren't...



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A: It's (unintelligible)...

Q3: ...taking a dump. You were just taking a piss?

A: Yeah. It was - it was...

Q3: Perfect.

A: ...quick.

Q3: What were you wearing that night?

A: I was - I don't remember. I'm going to keep it 1000. It's that - it's just not something that I (unintelligible)...

Q3: One thousand?

A: It went through my head, like...

Q: It's either 100 or 1000.

Q3: I know but - but we just from 100...

Q: Or honestly the...

Q3: Will you text, uh, Detective Merrick and see if they located the hat? Um, so - and how long do you stay at the service station?

A: Um, uh, I thought it was pretty quick.

Q3: Perfect. Now you're in a different part of town from where you normally live, which is at Civic Center. Right? And you're out with the...

A: No, no. I live on McCloud. I live with my mom.

Q3: Oh, okay. All right. So your sister and your, uh, who lives - just coincidentally that apartment next door to yours - it's the one that you were found at today, right

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next to it, is also, um - is owned by your - rented by your sister. So, I guess it's just an abando that you guys are staying in.

A: No.

Q3: It's not?

A: No.

Q3: No?

A: No.

Q3: Who - who has got the (unintelligible)?

A: Uh, I came over because my son was over there.

Q3: Oh, because your girl was over there?

A: My son.

Q3: I know. But sons don't drive.

A: No. My son is a baby.

Q3: I know. He doesn't...

A: My baby mama brung him over there.

Q3: There you go. Perfect. What's her name? Hm?

A: I mean, uh...

Q: I got it.

Q3: You got - we're - we're talking about this...

A: (Unintelligible).

Q3: We're not going to - we're not going to deviate. Y- you're a man of your word.

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A: Yeah.

Q3: So, how do you get out of that service station that you were just at and used the restroom and didn't buy anything?

A: We got into it in the car.

Q3: Perfect. Like a fistfight?

A: No. Me and Rae...

Q3: You and Rae...

A: ...(unintelligible).

Q3: So the driver is like what, throwing punches over his...

A: No. Like we got into a argu- a discussion.

Q3: Okay. And then what happened?

A: I leave.

Q3: Okay. So you never made it back inside the car at the service station?

A: No. I mean we - no. They dropped me off at the bus stop.

Q3: Oh. What...

A: Right down the street. I forgot which street it was on. But...

Q3: Perfect.

A: It was - they - right when I left...

Q3: Uh-huh.

A: I left and went to the bus stop.

Q3: But you need to be able to tell me so that I can go pull that bo- that bus footage.

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STATEMENT OF: DAVONTE WHEELER

A: Uh-huh.

Q3: What part of town?

A: I don't...

Q3: Look, you're...

A: ...know.

Q3: ...not done, Davontae.

A: I'm gonna keep it 1000. It- at that night I wasn't really like...

Q3: Were you high?

A: We - yeah.

Q3: Yeah. Okay. Well...

A: But not...

Q3: But - but were you able to walk...

A: Yeah, totally...

Q3: ...and talk?

A: Yeah. It wasn't like...

Q3: Did you have money in your pocket?

A: Mm-mm. Mm-mm. Other than the - I had like 300 on me.

Q3: Now the burner that we found at the house: Did you have it with you?

A: Yes.

Q3: Okay. And how do you carry it?

A: I keep it on my person.

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Q3: Concealed with a shirt over it or open?

A: No. Always open.

Q3: You know coincidentally -- I'm just going to throw that out there -- this guy has his gun in an open carry capacity.

A: But, like I say that...

Q3: Fuck.

A: I - I seen the whole thing. He (unintelligible) to the right-handed and all that. It's just...

Q3: Oh. Okay.

A: It don't look familiar.

Q3: Okay.

A: It don't...

Q3: But...

A: Like I don't got...

Q3: That's fine.

A: I don't own it.

Q3: I'm just...

A: I don't...

Q3: I'm just...

A: ...own none of them (unintelligible)...

Q3: ...saying that you laid out everything that the other guys have laid out, Davontae.

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A: I'm just like - and, um, like I just said, it's like...

Q3: Okay. So...

A: It's the thing...

Q3: Let's st...

A: That's the main thing that I want to say...

Q3: Okay.

A: Yeah.

Q3: Let's get it out.

A: It's regardless of all of this - regardless of everything...

Q3: Uh-uh.

A: My whole thing is, "Did I shoot somebody? That guy? Did I shoot that man and did I rob that man, or did I see that man?"

Q3: Uh-huh.

A: "No."

Q3: Perfect. Now...

A: At - oh...

Q3: Do you notice that the - when the guy in wearing the maroon top and the, um, white hat -- here's the best photo -- can you - do you notice anything about specifically his left forearm, which is the one that's exposed?

A: Mmm, no.

Q3: Mm-hm. Tattoos.

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A: (Unintelligible)...

Q3: Now just - just I - I mean this is just crazy. It looks like your left arm is primarily  
tatted up.

A: (Unintelligible).

Q3: But your right arm is almost devoid of any tats. I'm not saying you don't have  
one. But that's kind of interesting. Are you right or left-handed?

A: I mean I'm right. I'm right.

Q3: Right-handed? So, why won't you say that that's you?

A: Because it don't - it don't look like me.

Q3: Okay. It don't look like you.

A: It don't. I'm going to keep 1000. It's - it look like he got a full fucking like...

Q3: Yeah.

A: No. It don't.

Q3: Okay.

A: But at the same time, m- I remember certain little things about going to the  
store...

Q3: Mm-hm.

A: ...trying to get - trying to get the money to get him the change. I remember I was  
getting into it. I remember I was going home. I mean I don't - I didn't pay  
attention to shit like this.

Q3: I gotcha.

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A: I'm gonna keep it 1000. It...

Q3: What did Detective Merrick say?

Q: He hasn't gotten back to him yet.

Q3: Okay. You'll handle that?

Q: Yes.

Q3: All right. So if - if - just to recap: You don't know the day. You know that it was dark, that "they," meaning DJ and three other dudes you've never met who do or do not look like these, including the guy in maroon...

A: Nah, the - thee- it - th- these was the same two that was - that was (unintelligible)...

Q3: Okay. So you did - you did recognize...

A: And...

Q3: And I know you don't know his name. But just...

A: Yeah.

Q3: I'm going to be straight with you. That's his younger brother. He's...

A: And there was a...

Q3: He...

A: ...female too.

Q3: There's a female. Okay. Cool. Does that female look by any - anything like your fiancée?

A: No.



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STATEMENT OF: DAVONTE WHEELER

Q3: Perfect. All right. And, let's - so I just want to - this guy DJ, we got his phone and we forensically examined it. Right?

A: Yes sir.

Q3: And, um, so let's get back. Y- the phone that you currently have: What's the number?

A: My phone is...

Q3: Did you write it down?

Q: It's the 801 (unintelligible) I don't have it all written down...

Q3: Okay. So you - you gave that number to my...

Q: He - he...

Q3: ...partner?

Q: No. He never gave it to me.

Q3: Okay. So you understand that that's your phone number. Right?

A: No. My number is...

Q3: Okay.

A: ...the number that I'm...

Q3: You gotta stop this, bro. No, look at me. This is all bullshit.

Q: He's got no soul.

Q3: You - you're - you're s- completely wasting your time and blowing your chance for...

A: Uh, this...

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Q3: ...any type of...

A: This is all I can say...

Q3: Oh no, no.

A: ...(unintelligible)...

Q3: This isn't all you...

A: ...as far as...

Q3: ...can say.

A: ...blowing the chances of anything, I'm going to...

Q3: Blowing the...

A: ...keep on...

Q3: ...chances...

A: ...as in forensics.

Q3: Okay.

A: As in the main thing that I...

Q3: Tell me what...

A: ...can tell you that I...

Q3: ...(unintelligible)...

A: I can tell you that honestly that I did not do anything, that I was not there.

Q3: Okay.

A: That's the main thing. As in anything else, I'm going to keep it 1000. Anything else as far as all this other shit, honestly it's like y'all are trying to - y'all trying to

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say I'm like - the worstest one was honestly looking at somebody and they  
actually saying - say I'm a monster when I know damn well I didn't do nothing.

Q3: Did I call you a monster?

A: Nah, you did.

Q: I did...

A: You did.

Q3: Okay.

Q: Yeah.

Q3: All right.

A: But at the same time the fact that the way it feel.

Q3: Okay.

A: So no. It's - I'm going to keep it 1000. Honestly, fuck the pictures. Fuck the  
conversation. Honestly it's I was - didn't see nothing. I - never. I - I - I...

Q3: When the guy is parked, did you stay in the back seat of the car?

A: When the guy is parked?

Q3: When the guy is parked in the residential area? Is that what you're saying: You  
never got out so you never saw the guy?

A: I n- I never was with nobody.

Q3: Okay. How did...

A: After that - after we left the store, I got home.

Q3: Tell me your route how you got home on the bus.

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- A: Fuck. It - I don't - I don't even know - remember the fuck I was at. I took one shot - one street. I took one street to get back to where I was at.
- Q3: And I need to corroborate that. Right?
- A: I don't - I...
- Q3: You understand that you're giving me information that I need to go look at. That - this is the kind of thing...
- A: This is...
- Q3: ...that...
- A: ...all I can say is honestly all I can really be 100 with you just say - just say give me a - give me a lie detector test. If I'm lying - if I'm really one - if I'm fucking lying, then honestly give me a lie detector test. I'm going to keep it 1000 because there's nothing that I gotta say is a lie right now.
- Q3: Oh.
- A: I didn't a- I did not see no man get shot.
- Q3: Okay.
- A: I did not rob no man.
- Q3: Okay.
- A: And I did not shoot him.
- Q3: Did you stay in the car when everybody got out?
- A: No.
- Q3: And here is a - here is a real - here is a real quick one for you. And then we'll get

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to the bottom of whether or not - so right now: Davontae Wheeler, as of July 25, 2017, did you or did you not get a new phone number that is 702 801-0516?

A: July 25th?

Q3: Is your phone number -- let me ask it even simpler, dude -- 702 801-0516?

A: No.

Q3: Are you sure?

A: Yes.

Q3: Can I show you something? Because I've got - okay. I want you to look...

Q: Hey...

Q3: ...before you...

Q: Let me call Craig (unintelligible)...

Q3: Oh yeah. We're - before y- I know that you said you live somewhere else. But have you ever lived at any other addresses here in Las Vegas? Have you - have you ever lived over off of East Trop?

A: No.

Q3: No. Okay. Look, bud. This is the subscriber information.

A: East Tropicana. No.

Q3: No, no. Look at the name, dude.

A: Yeah. I mean yeah. Look...

Q3: Okay.

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A: ...at the address and shit.

Q3: I know. Look at the date.

A: No.

Q3: Okay. Come on, dude. It's over.

A: That's the whole thing is that...

Q3: No. The whole thing is...

A: My...

Q3: ...over.

A: My thing that I'm...

Q3: Davontae...

A: ...worried about is that honestly I know I didn't do nothing. I know I didn't see nothing.

Q3: Davontae...

A: I know - I know I didn't do nothing. I know I didn't see nothing -- at all. I don't - I didn't see nothing.

Q3: So...

A: And that's honestly the truth. I did not see nothing, and I did not do nothing.

Q3: So Davontae, I'm showing you this phone number with your name as a subscriber dated July 25. And when I go to your awesome Facebook, it just so happens that you put a post in there that said the following, well, on July 27, 2017 at 9:43 am, "Anyone know where I can get a room for the low for a week?"

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HML." Remember typing that? Huh. Oh, July 26, the day before, new number:

"Like it if you want it." That's your post, your Facebook...

A: On the 24th it was...

Q3: No.

A: I had...

Q3: No. It was on the 26th.

A: But on the 24th I supposedly got my new phone?

Q3: Yep. And on the twenty...

A: So I waited three days to tell people my number?

Q3: So what was your new number?

A: 717...

Q3: Mm-hm.

A: ...6904?

Q: (Unintelligible).

Q3: So tell me about the 808 number - or the 801. I apologize.

A: I don't know.

Q3: Got it. So if we could recap - oh. And DJ, how - how do you know him: friend,  
associate...

A: Facebook.

Q3: Facebook? Um, do you ever kick it with him?

A: It was all Facebook.

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Q3: Uh, and the only ha- the time that he picked you up in his car: Do you remember the car you were riding around in?

A: I thought it was this one. But the cops said it was that one. But I thought it was that.

Q3: Oh you...

A: I...

Q3: ...thought it was that one?

A: Yeah.

Q3: Okay.

A: I don't remember. I was getting gas...

Q3: No, no. If you don't remember it, that's perfectly fine. I - I'm just...

A: No. I remember I was getting gas. I don't remember us...

Q3: Okay. Perfect. So you're paying for somebody else's gas?

A: No. They was paying for gas.

Q3: They were paying for gas. All right.

A: I was getting change.

Q3: And then you don't re- well that's a good thing. Because if you can give me that, uh, service station, they keep video...

A: I...

Q3: ...for like 30 days. I can pull that video...

A: I don't even know the - where...



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Q3: Mm-hm.

A: I don't.

Q3: And so moving right along...

A: And then he even asked me when and n- wh- this was like fucking three - three weeks ago.

Q3: Okay. The, uh...

A: Four weeks ago. Like...

Q3: The ammunition that you have inside your gun: Do you know anything about it?

A: Yellow jackets.

Q3: Is it - is it, uh, um, full metal jacket, like a practice ammo? Or is it hollow point?

A: Practice.

Q3: Okay. Do you know what the head stamps are on it?

A: Uh, no.

Q3: No? But you have a box at your house with the ammo?

A: No. No. Uh, I got it with the ammo with the gun.

Q3: Okay. So whatever is in there is whichever you got?

A: Yeah.

Q3: All right. And is the gun stolen?

A: Poss- may- could - I don't know.

Q3: You think it's got a body on it?

A: No. I know for sure it don't got no (unintelligible)...

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Q3: Okay. Hang on...

A: Ain't nobody been shot by it.

Q3: But somebody grabbed it up in a auto burg or a house burg or something like that?

A: I'm - I'm gonna give you this...

Q3: (Unintelligible)...

A: I - got it from - off of Craigslist.

Q3: Well...

A: But I got a bills of sale for it. So...

Q3: Then do you know if...

A: But at the same time...

Q3: ...it comes back to you, you could just say, "Hey, Bob Smith..."

A: Do you feel me?

Q3: ...sold me this gun.

A: But at the same time, it's li- it's like the bills of sale, I'm - yeah, I'm - but yeah...

Q3: Okay. And then, um, do you remember on -- to be specific -- on August 7 you sending DJ a link to Fox5 News?

A: Telling him - telling...

Q3: Do you remember what the - the - what the topic of the link was about?

A: Mmm, yeah.

Q3: What?

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A: Well - well, not really. Like, it was more - more so of what I seen on the news.

Q3: Okay. So you - uh, did you recognize anybody that was depicted in the surveillance stills on part - as part of the link?

A: (Unintelligible).

Q3: What? Was it - is it DJ?

A: No.

Q3: No.

A: No. Not at all.

Q: The Redskins hat...

Q3: Uh-huh?

Q: ...was found.

Q3: Okay. Hey, just so you know, I - just to be fair - and I'm all about like you're keeping it 100 and then you bumped it up to 1000. Davontae, I kid you not my friend, it's just us in this room. I honestly am here to help. I really am. You don't seem to buy into that, and that's okay. I'm not going to spend the whole night trying to convince you, son. I honestly can help you now because my word is my bond.

A: Imma give you my...

Q3: No, no. But you keep saying that...

A: Word is your bond.

Q3: And then...

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A: Word is your bond.

Q3: My word is my bond.

A: My word is - word is all I got.

Q3: Yep.

A: Right now.

Q3: Mm-hm.

A: I didn't hurt nobody.

Q3: Okay. What happened?

A: Personally I - I really don't know.

Q3: What...

A: I'm gonna m...

Q3: Give me what you remember from that night.

A: I - I'm trying to even figure out the night. The night that he tried to sell me the gun, it was just cool. It ju- I just posted it. He replied. He said blasé' blasé' that yes he do go one .45. I said, "Okay. How much?" He said he was going for three. I met up with him. I had 300. Then it ended up going down to 200. And 200 and a eighth. I'm going to keep it 1000 even to this case. I thought that, from th- what the other officer was saying, that he used the gun before he tried to sell it to me.

Q3: Okay...

A: That's why he tried to sell it to me so cheap.

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Q3: Get it off his hands?

A: But I don't - I don't know.

Q3: Hm.

A: I don't know about anything before - I don't know about that gun being used in anything...

Q3: Hm.

A: I don't know about...

Q3: Mm-hm.

A: ...anything of that statement.

Q3: Okay.

A: I'm gonna keep it (unintelligible)...

Q3: I know.

A: ...with you.

Q3: But when you sit here and you tell me that that's not you, it's very, very disconcerting because it is. Robertson -- Raekwon, the one that you sent the photo of in this - in the Fox5 news clip -- had given the whole thing up. Now, his bullshit -- and I'm going to be straight -- "Yeah, that's me. I was there. But I wasn't armed." Now everybody knows that DJ took his burner from his sister. Okay? The...

A: That's what that was...

Q3: DJ took...

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A: ...the gun he was selling...

Q3: DJ took the burner from his sister, which was a .45.

A: He...

Q3: And then that dumbass put it back in his sister's property, thinking it wasn't going to be found when we hit the house. This piece of garbage -- who is good for a bunch of robberies and we all know it -- but we're not going to - we're not going to dwell on that...

A: Worry about...

Q3: Okay? He says, "Dude, look. This is the layout. This is everybody that's there. Detective, it's pretty fucking hard not to notice the handgun that's being carried open. So he - he wants me to go look that way. He wants me to look at DJ, and he wants me to look at you. Because the evidence is depicted in the video. So that's his way out. He says, "Dude, I ain't got a burner. The other two got burners. The .22 that you're talking about, that jammed -- that had mechanical problems -- he says, "That's not me. That's one of the other guys you're going to talk to them about."

A: You said - wait. You said it was a .22 that jammed?

Q3: Yeah, dude. We got multiple weapons that were used. Now, my dead guy has a .22 caliber bullet that's lodged in his gut. All right? I - I can even show you a photo of the bullet that...

A: I believe you.

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Q3: ...was recovered from his stomach.

A: I believe you.

Q3: And I believe without a shadow of a doubt that Raekwon had the .22. Oh my gosh. Look at that robbery right there. What is that in his hand? Oh my gosh. Boy these detectives are smart. So I think that he had the .22 and he dumped it between when the murder happened and now, so that he can say, "Look. I was there. I can't not be there."

A: So what, it was never retrieved?

Q3: No. We don't have that .22. That thing is at the bottom of Lake Mead for all I know. But everybody that we talked to before that says, "Hey bro." Now, what he's doing is he's put - he's laying this shooter-wise at your feet and DJ's feet.

A: Think about it though.

Q3: No, no, no. I'm not going to think about it. I...

A: I mean I understand...

Q3: I - I told you what my...

A: Yeah, (unintelligible)...

Q3: ...m- I already believe...

A: ...your heart. Yes.

Q3: Yes.

A: And I understand it completely.

Q3: Mm-hm. So if he's...

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A: So if that's (unintelligible)...

Q3: ...lying...

A: ...me and DJ?

Q3: Yeah. That's...

A: ...both got...

Q3: Okay.

A: ...- both got .45.

Q3: I know. But that's you. Why don't you just tell me the truth?

A: No. It...

Q3: Look, we just found that stupid hat.

A: Oh? No. They - I don't - these clothes, no. I'm gonna keep it 1000. No, I don't...

Q3: No, you're...

A: I don't rock...

Q3: No. No.

A: ...clothes like that.

Q3: Look, I'm trying to give you every single out, Davontae. And this bu- you can't even tell me the truth about your new fucking phone number. How is anybody going to have credibility with you, sir?

A: You say m- the truth about my new phone.

Q3: Yes. And you denied having...



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A: ...that somebody else...

Q3: ...that 801 number.

A: ...- that somebody else - not - not saying I said (unintelligible) it had to be bought from my mom.

Q3: Okay.

A: But at the same time, I got a number too.

Q3: Yep.

A: I got a whole nother number that I - I just

Q3: Mm-hm.

A: ...told you about that...

Q3: Mm-hm.

A: ...number. As far as this go.

Q3: But you weren't there. So it - it doesn't go.

A: That's the whole thing.

Q3: Mm-hm.

A: As far as this go, it's yes. He can say, "Yeah. They both got their guns out. They..."

Q3: Okay.

A: I'm gonna have...

Q3: This is...

A: ...my gun...

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Q3: But let me tell you...

A: But I'm gonna...

Q3: ...what this is going...

A: ...have my gun...

Q3: ...to shape us as. No.

A: ...and shoot that man...

Q3: We're talking over each other.

A: Okay. Right.

Q3: Listen to me. You admit to being in the car. You admit to that it's nighttime. You admit that DJ is driving. You're not sure about the car. DJ admitted to me that he picked you up in the area of Civic Center and Cheyenne. Is that a lie?

A: But that day he was trying to sell me the gun.

Q3: Okay. Yes or no?

A: No.

Q3: Okay. So, that's not a lie. That's the truth. And could he have picked you up at the 7-Eleven that's right next to the doughnut shop right next to where you...

A: No. Look...

Q3: Okay. Or he could have got you at your apartment complex right around the corner? Where did he scoop you?

A: Yeah. He got me from my place.

Q3: That's right. So when he says, "Hey I got him in the area of - of Civic Center and

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Cheyenne," is - is DJ lying or telling the truth?

A: You said, "I got him in" like - yeah. He - if he - yes.

Q3: He scooped you there. So he's telling the truth there?

A: We was supposed to go to the 7-Eleven...

Q3: Okay.

A: ...right (unintelligible)...

Q3: I know. But you guys don't go because he sees cops...

A: He turns...

Q3: ...there. You get on Interstate 15 going north towards Utah or south toward Cali?

A: He drove up.

Q3: Okay. So he's headed to California. Right?

A: I don't - yeah. I - I don't know, drove up for like 15 minutes.

Q3: Just 15 minutes. On the freeway, right?

A: Yes.

Q3: Solid 15 minute, rolling 65 miles an hour, whatever he's capable of driving this car at. Then you don't re- that night you remember all the stuff that's going on but you can't even remember a stitch of clothing -- pants v. shorts, shoes...

A: No. As - as far as me?

Q3: Yeah.

A: Mmm, wearing - no. I wasn't wearing that.

Q3: Okay. You're young. You're...

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A: I'm going to keep it 1000.

Q3: Oh yeah.

A: I'm going to g- no I wasn't wearing that.

Q3: Perfect.

A: No.

Q3: Then you get down to that, uh - to some part of town which is not your neighborhood. And you go into a service station. You physically exit the car. You go inside. You don't buy anything. You're carrying...

A: No. I got change.

Q3: Oh you got change. Okay. But are you open carry inside the store?

A: Uh, yes.

Q3: So that the clerk...

A: I take...

Q3: ...can see it?

A: Yeah. I took my clip off. I always take my clip off.

Q3: Okay. But the clerk can see a gun on your hip? Perfect. So - and you're right-handed, so it's on your right hand, which you just motioned to.

A: No. I keep it on the front.

Q3: Oh, okay.

A: Right here.

Q3: So...

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A: I would say here or right here.

Q3: Okay.

A: Because th- I heard that if the police feel like you got it on the same way they got it, it looks like you're trying to...

Q3: Oh, okay. But you do...

A: ...(unintelligible)...

Q3: So you...

A: ...(unintelligible)...

Q3: ...know that you had your .45 that night. You got it out so that the clerk can see you. But you take the magazine out to be safe. And then while you're in there and you get change, but you also use the restroom. And then there's - is the falling out happen in the store, outside the store, or back in the car?

A: Uh, I'd say in - it was outside the car going back in the car.

Q3: Okay. And do you make any phone calls while you're inside the store?

A: No.

Q3: Any text messages?

A: No.

Q3: Do you receive any?

A: No.

Q3: And tell me what that other phone number is?

A: 717...

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Q: No. Hold on...

Q3: 702?

A: Yeah.

Q3: 702...

A: Seven...

Q3: 717...

A: ...6904.

Q3: Six nine zero four. And will they find that - where was that phone right now?

A: That phone I - I (unintelligible) I wasn't being able to trace it without - I didn't have it on me.

Q3: Okay. So i- do you - you can - is that the phone that, um, DJ got ahold of you on to do the - the gun transaction?

A: No. It was the Facebook.

Q3: Facebook messenger?

A: It was Facebook. Yeah.

Q3: Okay. Perfect. And has DJ, um, ever called you on this number?

A: No.

Q3: And then the dude that was brought over to the door...

A: No.

Q3: H- he has never. But...

A: Or even the - the eight - the 801 number, e- even that one.

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Q3: Yeah. But you don't know anything about the 801 number. Right?

A: I mean but ain't no calls...

Q3: Okay.

A: ...-- at all. I...

Q3: But you don't know anything about the 801 number by your own admission.

A: Yes. With them, though, I d- I don't...

Q3: Okay.

A: ...(unintelligible)...

Q3: You don't know anything...

A: I don't (unintelligible)...

Q3: ...about the 801...

A: ...like that.

Q3: ...number by your own admission.

A: (Unintelligible)...

Q3: Do you or do you know the existence of the 801 number?

A: Do - no.

Q3: Okay. So as far as..

A: The eight oh - eight oh - what's the - what's the number again? Eight oh one  
what?

Q3: 702...

A: (Unintelligible)...

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Q3: ...801...

A: Eight oh one what?

Q3: ...0516.

A: Zero five one six?

Q3: Yeah. The same number you sent that link to - to DJ. And do you want to see it?

Q: Sorry. IDs are (unintelligible).

Q3: Perfect.

Q: ...(unintelligible) on here. Right?

A: Yeah.

Q3: Mm-hm.

A: I remember that.

Q3: Mmm. Okay. So you remember this number then?

A: But...

Q3: 801-0516.

A: But...

Q3: Okay. So...

A: Right after the - yeah.

Q3: Okay. So is this or is this not your phone number?

A: M- my - yes. My most recent one. Yes it is.

Q3: All right. Why did we have to go through ten lies to get to that?



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A: I mean but it's my most recent one, but it's not the one I use. I just now got it.

Q3: I did a great job -- because I know I did -- laying out how I concluded that that's that...

A: That that's my number?

Q3: And you sat there and told me, "No. No. I don't know." And, "No."

A: Because it's - I'm gonna keep it a thou- because it's not my number. It's n- I'm not - I don't use it as my phone.

Q3: So it's in your name. Who uses it?

A: I don't - I'm going to keep it 1000. It - honestly, my mom got me a phone.

Q3: Okay.

A: My mom must have put the phone under my name. I thought she got it underneath her name.

Q3: Oh.

A: Um, th- that's the only other way.

Q3: Where does your mom live?

A: My mom live on, uh, 3200 McCloud.

Q3: Okay. And if we go and show this photos - these photos to her so she can see kind of what's going on, what do you think she's going to do?

A: She probably going to be like, "Who is these?" So - but at the same time, I don't - I don't really know...

Q3: Do you want us to do that?

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- A: It's - I'm going to keep it 1000. It's all - look (unintelligible)...
- Q3: No, no. Look - we want - if your mom, she's - dude, she's raised you since you were a baby, since you sucked her tit way in - when you were a kid. All right? She's known you when little, to medium, to now adult. She would be able to pick her son out with two eyes...
- A: Well...
- Q3: ...closed.
- A: ...not really my whole time. But yeah, she - she might...
- Q3: Okay. So...
- A: She might be able to.
- Q3: D- you...
- A: But...
- Q3: ...want me to go and show this to her so she can say, "No." Right? "That's not my son."
- A: And no...
- Q3: And - and...
- A: No way...
- Q3: ...confirm your claim that it wasn't you.
- A: No. Confirm the claim that I didn't do nothing. Yes.
- Q3: No, no. No that that's not you. I'm not worried about the - the murder. I'm asking, "Is this you?"

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A: I - it don't - it don't look like me, sir.

Q3: Okay. I didn't ask about you. I asked about should I show this to your mother...

A: If you want to. Yes.

Q3: Okay.

A: I'm not - I'm - I'm not going to say no because at the same time it don't - it don't.  
I'm telling you. My mom know how I dress. She probably would say the same  
thing, like...

Q3: Okay. So if your mom - why would your sister and your girlfriend - your fiancée --  
the person that's closest to you -- both pick you out of this stuff?

A: Because out of all the people, who is light-skinned?

Q3: You don't think it's because...

A: Who is light-skinned?

Q3: ...they know you?

A: No.

Q3: Hm.

A: Keep it one (unintelligible)...

Q3: Okay.

A: Who is light-skinned?

Q3: So they're dumb?

A: Who is light-skinned?

Q3: Your sister and your girlfriend are dumb and...

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A: No. It's not like that. It's - honestly, when you look at this and you say, "Oh, I got a evidenced case about these people ." The way they came to my house was like y- y'all got your (unintelligible) out...

Q3: Oh. So now...

A: Y'all...

Q3: ...harsh police tactics?

A: No. But what this is?

Q3: (Unintelligible)...

A: What are you talking about?

Q3: Your forehead.

A: Yes. I got slammed into the wall with some bullshit over something I didn't even do, over, "I just want to just take you downtown and question you."

Q3: No. You're under arrest for murder (unintelligible)...

A: I know. That's what I just now came down. But...

Q3: Hm.

A: At first they said it was just for questioning.

Q3: Okay.

A: And I end up getting hit.

Q3: Hm.

A: Now at the same time I'm not worried about that. The thing is is you say, "All right. This is the fact." And everybody was saying it was - all the cops there

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were saying, "It's a for-sure (unintelligible). It's a for-sure thing we got the man.

We're w- we - it's a for-sure thing we got this man."

Q3: Hm. Davontae...

A: And then y'all show a picture of a light-skinned with three other people. What - what you think somebody - you think that that's like saying if you got your face like this and it's three other black people, your family won't say, "Oh that - that kinda do look like..."

Q3: Well I've got a...

A: Kind of...

Q3: ...fat face.

A: Did anybody say...

Q3: And somebody would be able to pick...

A: But people says it's...

Q3: ...my fat face out.

A: ...for sure, sir. Because I'm gonna keep it 1000. And no.

Q3: Okay. I'm going to go pick - call your fiancée, and I'm going to go call your girl - or your sister, and I'm going to tell them that you said they're dumb. And then I'm going to go out and I'm going to show your mom this. Because I'm not afraid. All the arrows...

A: But this is all...

Q3: All - no, no.

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A: This is...

Q3: You like to interrupt. What is your problem?

A: All I say is do all your work...

Q3: Mm-hm.

A: And this could be the last arrow or whatever you want to take it. But, I know I didn't do it. I know I didn't shoot nobody...

Q3: I know.

A: I...

Q3: I know you didn't shoot.

A: And I didn't shoot. And I didn't...

Q: But I know you were there.

A: No I wasn't.

Q3: No. I'm looking...

A: Yeah.

Q: You didn't take a bus.

A: I wasn't...

Q: You're lying.

A: I'm dead-ass. I wasn't...

Q3: You can't even tell me what bus you took. You can't even tell...

A: Because I left...

Q3: ...me if it went north...

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A: I left (unintelligible)...

Q3: ...or south or...

A: I'm gonna keep it...

Q3: ...east or west.

A: I'm gonna keep it 1000...

Q3: No. Stop it. You can't keep a thousand unless you put a...

A: Because I left...

Q3: ...negative number...

A: I left...

Q3: ...in front of that.

A: I did not think about it.

Q3: No.

A: I'm gonna keep it 1000...

Q3: No. No.

A: It was not something...

Q3: No.

A: ...in my mind, like...

Q3: Okay.

A: ...(unintelligible)...

Q3: You get dragged out to some part of Las Vegas that you are not familiar with.

A: That's why I left. I'm going to keep it 1000. Because me and the guy got into a

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verbal argument and I don't even know where the fuck...

Q3: So is that...

A: ...I'm at.

Q3: ...or is that not you?

A: No it's not. I didn't - I don't know that person. I don't dress like that.

Q3: You're under arrest for murder.

Q: (Unintelligible) earlier we were talking and you said, "I bet you know what a guy who could kill (unintelligible) looks like," look in a mirror, buddy. I do know.

A: And...

Q: And it's you (unintelligible)...

A: And you said I killed him.

Q: You're being arrested tonight for open murder, conspiracy to commit robbery, and attempt robbery...

A: And that's all because of...

Q: ...(unintelligible)...

A: ...(unintelligible) words he said-she said...

Q: Evidence. Evidence.

A: And...

Q: And - and the fact that your conscious is so perverted that I don't think you know right from wrong.

A: No. But you - honestly, you know - you know when you look at me that it's - I'm



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not a killer.

Q: Operator, this concludes the interview. The time is 2001 hours.

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**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 400 SOUTH MARTIN LUTHER KING BOULEVARD ON THE 15<sup>TH</sup> DAY OF AUGUST, 2017, AT 2001 HOURS.**

RJ:Nettranscripts

RJ048

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**SPECIFIC CRIME:** MURDER WDW

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

**CITY OF LAS VEGAS**

**CLARK COUNTY**

---

**NAME OF PERSON GIVING STATEMENT:** MARCELL SOLOMON

**DOB:** 10/17/1987

**SOCIAL SECURITY #:** 611-52-7916

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**HOME ADDRESS:** 2043 SOMBRERO DRIVE  
LAS VEGAS, NV 89169

**PHONE 1:** 702-353-1420

**WORK ADDRESS:**

**PHONE 2:**

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE M. DOSCH, P# 7907, LVMPD HOMICIDE SECTION, on September 7, 2017 at 1000 hours. Also present is DETECTIVE R. JAEGER, P# 5587, LVMPD HOMICIDE SECTION.

A: Do you want me to turn the light on?

Q: No, that's fine. Do you have an extra chair? Here's my card.

A: Uh, (unintelligible).

Q: Thank you. I'm just gonna take some notes if you don't mind.

Q1: Yeah. So (unintelligible) here?

A: (Unintelligible).

Q1: Okay. So on the 9th - right, or the...

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Q: The 9th.

Q1: So on the 9th, right, or the 8th?

Q: The 9<sup>th</sup>.

Q1: On the 9th we pick up a, uh, murder. So basically what happened was we have a nursing student sittin' in his driveway.

A: Okay.

Q1: He's checkin' his mail. Um, four guys they go to rob him. Um, the robbery kinda goes south 'cause he fights back. Three or four guys end up shooting him, killin' him, and we start, uh, workin' the investigation. We trace the guys back, the whole group, to, uh, it's a Short Line Express at Warm Springs and Jones.

A: Mm-hm.

Q1: ...and we're watchin' the video on there. Um, on the video this handsome gentleman right here appears.

A: That is me.

Q1: Uh, they - we talk to the cashier and the cashier gives us a story that they tried to buy, I don't know, some Grape, Swisher Sweets or somethin', some Cigarillos, and they didn't have ID on 'em so there was someone else in the store that showed his ID, bought 'em, uh, paid for with a credit card. We did check your credit card number. It says to you. Um, our concern is just your interactions, um, with them while they were in the gas station. Um, if you knew 'em from anywhere or if - if they were friends of yours or just kind of random.

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A: Uh, no. I - I just recently got out. I mean I got out the car and they, uh, asked me. They didn't have any ID and they just wanted to see if I could, uh, get that for 'em.

Q1: Okay.

A: So then I went inside. I was doin' Uber at the time, uh, so I went inside and came back out, got it for 'em and they left. It was a real quick interaction but I - I - I do remember that because I remember tellin' my, uh, one of my friends about them bein' out there and it was just weird how they were in the car and there was five of 'em and - there was like four or five of 'em in the car.

Q1: Well, one of 'em had a gun on him, like, was open carry with a gun?

A: Oh, wow. I didn't see that. No, I didn't see that.

Q1: Um, just showin' ya the first picture. You got, like, a red t-shirt...

A: Uh-huh.

Q1: ...and, uh, jean shorts, flip-flops, whatever they are but that's for sure you, right?

A: That's me.

Q1: Um, and do you remember what - in -in this picture here, uh, which one of the kids asked you to buy?

A: Um, it's hard to see that in pictures. It was, uh, all - all I know is, uh, two in the front, two in the back or - no, I couldn't tell ya which one asked me. I wanna say he had long hair but all of them, you know, have long hair, so...

Q1: So do you remember how many - do you remember what kinda car they were in?

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A: It was a - it was a old Cadillac, old Oldsmobile maybe, white one, white car.

Q1: Did it look like that? Did it kinda look like an old cop car?

A: Yeah, somethin' like that. No, that was more of a Cadi - it was more of a, um, no, it was actually like a real - yeah, like that.

Q1: I think it's a - it's a Mercury Grand Marquis.

A: Okay.

Q1: It kinda looks like, you know, an older police car. Do you remember how many people were in the car or...

A: I wanna say five. I'd say two in the front and three in the back.

Q1: Um, was everyone that was in the car going to the store or did one remain in the car? Do you know?

A: Uh, they all were in the car and they were drinkin'.

Q1: Oh, when you talked to 'em they were all in the car?

A: Yeah.

Q1: And you believe there was five in the car?

A: I believe - I wanna say there was five of 'em.

Q1: So they were sittin' in the car. Um, is your car showin'? Is it one of these...

A: No.

Q1: ...cars yours? Um, where - where did you park?

A: I parked right in the front so, um, my car like, um, I wanna say, like, right here...

Q1: And...

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A: ...in front of the store.

Q1: And as - as you were walkin' in did they just say, "Can you go buy us some"?

A: You know, "I for - we forgot our ID can you get it for us?" It was like - it was, uh, Swish, uh, not Swisher, (unintelligible), Black and Mild.

Q1: Okay. And then, um, did they give ya money for it or did you just buy it for 'em then?

A: Uh, no. I had it. Um, I mean he had came down. He gave me some change, I think for it. Coulda been a dollar or somethin' like that.

Q1: Do you remember how much it...

A: Like a dollar.

Q1: Like a dollar?

A: He gave me change for it.

Q1: And then...

A: And that was pretty much it, and then - and then they was like, "Appreciate it, man," and they were drinkin'. I seen 'em drinkin' some alcohol, and the next thing ya know I thought, "Wow, they gonna smoke weed and drive," so I'm thinkin' they're doin' that, but other than that...

Q1: Were you a little bit apprehensive of seein' 'em?

A: Yeah. When I first got out of the car, um, they caught me by surprise. Um, I went, like, "Oh, hey bro," and then, you know, it was a regular kid, so...

Q1: What - I mean what did you think they were up to, like?

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A: Uh, I thought they were just boneheads, you know. I thought they was just havin' fun.

Q1: Okay.

A: They were just sittin' - sit in the car and not, uh, I seen 'em drinkin' and stuff like that so I was, like, they'll wind up gettin' pulled over and goin' to jail, man, if they keep drinkin' and drivin', you know, with all the stuff in the car but...

Q1: And you didn't see any guns on any of 'em?

A: I didn't see anything, no.

Q1: When we print these pictures out they kinda get expanded so when you look at this on a computer screen it's a lot better but, um, the guy here in the maroon he's actually got his hand - he's open carry. He's got, like, a handgun...

A: Oh, wow.

Q1: ...right on his hip and I believe he's comin' from the driver's side - the front passenger side of the vehicle. Is he who you would have talked to or...

A: You know what? Uh, does he, uh, you know, it does show his hair but I know he's light skinned too. Yeah, it could have been him.

Q1: I mean is it something you just don't remember? I don't want to put words...

A: You know, it's, uh, um, I wanna say he had long hair and he was light skinned and, uh, it coulda been him 'cause I know two of the guys were in the backseat so I'm just goin' off the hue of his color and where'd I'd be.

Q1: You mean he was light - he was light skinned?

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- A: Light skinned and had long hair, unnaturally long hair. I don't know why I remember hair but I do.
- Q1: All right. Um, and when you - when you talked to him did he have, like, an accent? Was he - did he swear or was he polite?
- A: Um, you know, just talked, like, you know, I guess slang. Like, "What's up bro?" You know, "How's everything?" You know, just describin' how, "I left my ID at the house," you know, and all that shit. Blah, blah, blah, that's it. (Unintelligible).
- Q1: All right. He didn't...
- A: Real fast.
- Q1: He didn't threaten you in any way?
- A: Mm-mm.
- Q1: He didn't point a gun at ya or anything?
- A: Mm-mm.
- Q1: You were - you weren't afraid of him?
- A: No.
- Q1: Did you...
- A: Yeah. You know, I - I...
- Q: You're a pretty big guy.
- A: I'm from, uh, Compton, California though so it just reminded me of kids back home actually.
- Q1: Okay.



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A: But I - I could see that they were probably up to no good though. You know, seein' them there. You know, seein' them in the car they were all just, like, hangin' out, gettin' ripped, like, pretty much either drinking, smoking, like that, so...

Q1: Okay. Is there anything else that you think is important from your - in your short interaction that you had with 'em...

A: Um...

Q1: ...that you think we need to know?

A: No.

Q1: All right.

Q: It's - is it Marcell?

A: Yes.

Q: M-A-R-C-E-L-L?

A: Yes.

Q: And then what - it's Solomon, right?

A: Yeah, Solomon, S-O-L-O-M-O-N.

Q: What's your date of birth?

A: October 17, '87.

Q: And then Social Security Number?

A: 611 52 7916.

Q: Uh, and you live at 2043 Sombrero Drive, which is where we're at right now?

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A: Yes.

Q: And what's your cell phone number?

A: 702 353 1420.

Q: And do you have any other phone numbers?

A: Uh, no, that's it.

Q: Is that a cell, not a landline?

A: That's my cell. Yeah.

Q: And did I hear correctly that you're a Uber driver?

A: Yes.

Q: Do you driver for Lyft as well?

A: Yes.

Q: Okay. And, uh, the only reason that I ask is - and I, uh, really do appreciate the time, Marcell, 'cause you're not in any trouble. We're just tryin' to clear this up.

A: Mm-hm.

Q: As you might imagine, um, because while there might be video, which you've seen, it doesn't say what the relationship is. It just looks like there's kids and then there's an older gentleman...

A: Mm-hm.

Q: ...and then - then - then those snapshot in time everyone goes away.

A: Yeah.

Q: That particular convenience store do you remember it that night?

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A: Yeah, I do.

Q: Way down in the southwest part of town.

A: Yeah.

Q: Um, were you just finishing a drive or what were you doin'?

A: I was goin' to my friend, Gabrielle's house.

Q: Okay. So you weren't working?

A: No. I just stopped, took a break and then went to her house.

Q: And I - I think I heard Detective Jaeger already ask ya this, but you do not know them?

A: I don't, not at all.

Q: Never seen 'em before that?

A: Nope.

Q: Okay. Didn't trade phone numbers or anything like that that night? Perfect, and when - when you were coming in the store are - is - are they already in the store or are they out?

A: They're out. They're in the car sitting down.

Q: Because I know there's, like, a little park bench out in front of the - the, um, store and then there's the parking lot. I - I don't know if that one photo depicted...

A: Yes.

Q: ...it but...

A: I had pulled in.

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Q: Mm-hm.

A: I was drivin' in for a Red Bull, somethin' like that. I pulled in. Literally there wasn't - there wasn't any car there.

Q: Okay.

A: I pulled in right there, I believe. I can't see where the entrance of the store is, but I pulled right in front. There was - there was no parking spaces. I got out the car. They were just sittin' in the vehicle.

Q: All right. And then up here on the sidewalk they actually have, like, a park bench.

A: Right.

Q: I just didn't know if you encountered 'em there but they're all in the car?

A: They're all in the car, yes, sir.

Q: Um, what kinda car were you driving?

A: Blue Chevy coupe.

Q: The one that's in the front?

A: Yes.

Q: Blue Chevy, and were you with anybody?

A: No.

Q: Uh, so they hit ya up?

A: Yeah.

Q: They don't, uh, they don't - do they offer to give ya anything or is their explanation, "We just don't have ID?"

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- A: Uh, just that "We don't have ID." That's pretty much it.
- Q: And you bought them a what?
- A: I wanna say a Black and Mild.
- Q: A Black and Mild.
- A: It could be a Black and Mild or a Swisher.
- Q: Swisher, okay.
- A: One of the two.
- Q: Do - but you don't buy 'em any alcohol though?
- A: No. I didn't buy 'em alcohol.
- Q: And when you - after you make the purchase do you go out and then hand it through the window or they...
- A: Yeah.
- Q: ...or do they...
- A: Handed it through the window, passenger side.
- Q: I know that he - you first said that you - I mean it was anywhere from four to five people so the car is full?
- A: Mm-hm.
- Q: Um, did you see any girls?
- A: No, no girls.
- Q: Did you hear them arguing or have any type of conflict, either in your initial contact with 'em or when you hand them the cigarettes or the - the tobacco

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product and then leave?

A: It was all laughs and giggles.

Q: They didn't appear to be fighting?

A: Nah, mm-mm.

Q: They didn't appear to be involved in any, uh, altercations? Uh, I mean with one another?

A: Yeah. No, not at all.

Q: And, um, I know that Detective Jaeger was showin' ya photos. At one point they're all four of 'em - before you come in the store they're all gathered by the - the register...

A: Mm-hm.

Q: ...and, uh - uh, obviously this is a quick snapshot in time, but which of those - see these four gentlemen right here? Um, all Black males...

A: Yeah.

Q: ...of course they're all younger gentlemen, but, uh, which one did you think that you actually handed the - the tobacco to?

A: Uh, you know, that, uh...

Q: I know that they all have dark colored tops...

A: I wanna say...

Q: ...but one of the kids actually has a dark green top, um, so there's one guy in a maroon top, one guy with a black top, another kid with a black top, blue jeans,

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red shoes, and then I thought that there was a photo of, uh, and his is blue jeans with a green top...

A: Yeah.

Q: ...but he kinda has the twists?

A: That - yeah.

Q: If you don't know or you don't remember...

A: Yeah, you know, I don't wanna say he had a - a hat on, so, you know, and I remember the hair...

Q: Okay.

A: ...so I would have to go with the guy in the green.

Q: So may - he looks like he's drinkin', uh, something...

A: Yeah.

Q: ...right when he's comin' in?

A: Mm-hm, yeah.

Q: But where was - which window of the four windows did you pass it through?

A: Uh, the passenger side front.

Q: All right. And from there do they have - do you guys have any more contact?

A: None after that.

Q: You get in your car and drive away?

A: I'm on my way, yeah.

Q: Do they - are they still there when you drove away?

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A: Yeah, they're still there, and one of 'em's breakin' down a Swisher in the back.

Q: And it looks like they were drinking alcohol in the car?

A: Yeah, definitely, 'cause I remember callin' and tellin' Gabby about it 'cause I was tellin Gabby. I'm like, "There's four guys in a car. They want - they is fuckin' trouble." I mean she...

Q: I'm sorry, Gabby, who is that?

A: Uh, my - one of my home girls. She does (unintelligible) with us. She does Uber as well. She's like, "There's always some hoodlums, it's the term she used, in this neighborhood. I don't know where they come from," so I was actually talkin' about them and so it's so funny that these guys were...

Q: Well, on those photos, um, you're actually on the phone or you appear to be on the phone?

A: Yeah.

Q: You got your wallet in your right hand. That's probably that very same wallet?

A: And that's who I'm probably talkin' to.

Q: And you're on the phone and you bought - I mean I'm just - I'm gonna go out on a limb here. Is Gabby, uh, a love interest?

A: No. She actually a friend. She...

Q: Because I think you bought some jimmies that night too, right?

A: Uh, I probably could've.

Q: Yeah. I think you buy condoms 'cause we have the...



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A: Yeah.

Q: 'Cause we have the whole receipt, so...

A: Yep, I could've. But, you know, she - she is a friend of mine. You know, we did have one little hook up.

Q: Okay. Okay. I just didn't know if you were gettin' ready to go back over to her house...

A: Uh...

Q: ...and bang her, um, and then that's - you know, I mean that's a good time.

A: Yeah.

Q: That's a good night. Uh...

A: Yeah, No, but, uh, nothin' again happened, but I - I did go that night and I stopped by her house, but that's where I was goin'.

Q: Perfect.

A: She lives right down the street here.

Q: And what's Gabby's last name?

A: Popovici.

Q: A White girl? Hispanic girl?

A: Yeah, she says she's a Mexican-White girl.

Q: But she actually lives down in that part of town?

A: Yeah, she lives there, probably about a mile down from there.

Q: And is that who you'd gone down to see?

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A: Yeah.

Q: And that would, of course, explain why you were - if you're not Ubering why you're way down there, right?

A: Exactly.

Q: I - I - I apologize for taking...

A: Oh, no worries.

Q: ...some of your time. We just wanted to go over all this, and then you obviously recognize yourself in the video. Right?

A: Yeah, that's me.

Q: Okay. That's all I got.

Q1: All right. Well, we appreciate it.

A: All right.

Q1: We just wanted to figure that out.

A: Yeah.

Q1: We'll let ya get back to your Sports Center.

A: Yeah, it's pickin' up. I think I'll go get some Uber now.

Q: Hey, well, you know, you can turn it on right now while you're sittin' in this neighborhood at your house and who knows you'll probably find what you're lookin' for.

A: Yeah, that's what I usually do.

Q: Which do you prefer, Lyft or Uber?

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A: Uh, Uber is a lot busier. Uber - I like Uber.

Q: Thanks, man. If you have any questions you've got my card. Okay?

A: Yeah.

Q: We appreciate all the help.

A: Thank you.

Q1: It's not at all what I expected.

Q: All right. This will conclude the interview. It's approximately 1013 hours. This interview started at 1000 hours on September 7, 2017. The interview took place at 2043 Sombrero Drive, Las Vegas, Nevada, 89169 and it's reference Event 170809-0029. Also present for the interview is Detective Jaeger.

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**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 2043 SOMBRERO DR LAS VEGAS, NV ON THE 7TH DAY OF SEPTEMBER, 2017 AT 1013 HOURS.**

MD:NETTRANSCRIPTS  
MD087



EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

12:00

1

2

3

4

12:00

5

THE STATE OF NEVADA,

)

6

Plaintiff,

)

7

vs.

)

GJ No. 17BGJ017A-C

)

DC No. C328587

8

DEMARIO LOFTON-ROBINSON, aka

)

Demario Loftonrobinson, RAEKWON

)

9

SETREY ROBERTSON, aka Raekwon

)

Robertson, DAVONTAE AMARRI

)

12:00

10

WHEELER,

)

11

Defendants.

)

12

13

14

Taken at Las Vegas, Nevada

12:00

15

Wednesday, November 29, 2017

16

8:30 a.m.

17

18

19

12:00

20

REPORTER'S TRANSCRIPT OF PROCEEDINGS

21

22

VOLUME 1

23

24

12:00

25

Reported by: Danette L. Antonacci, C.C.R. No. 222

12:00 1 GRAND JURORS PRESENT ON NOVEMBER 29, 2017  
2  
3 HOWARD BASCH, Foreperson  
4 CHARLES STANKOSKY, Deputy Foreperson  
12:00 5 TOBIE SPERRY, Secretary  
6 ANGELA MOORE, Assistant Secretary  
7 RODNEY ALLISON  
8 GEORGE CHEESMAN  
9 LINDA COHN  
12:00 10 FRANK COOMBS  
11 WILLIAM DUMKE  
12 LADYHAWK FREEMAN  
13 VICTORIA GUY  
14 CATHERINE HARABURDO  
12:00 15 MARGARET LAAS  
16 ROJEAN LOGAN  
17 NANCY SCHERER  
18 EDWARD WAGNER  
19 COURTNEY WILLIAMS  
12:00 20  
21  
22 Also present at the request of the Grand Jury:  
23 Giancarlo Pesci, Chief Deputy District Attorney  
24 Rachel O'Halloran, Deputy District Attorney  
12:00 25

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12:00 1 LAS VEGAS, NEVADA, NOVEMBER 29, 2017

2 \* \* \* \* \*

3

4

DANETTE L. ANTONACCI,

12:00 5 having been first duly sworn to faithfully  
6 and accurately transcribe the following  
7 proceedings to the best of her ability.

8

9

THE FOREPERSON: Let the record reflect

08:27 10 that I have canvassed the waiting area and no one has  
11 appeared in response to Notice of Intent to Seek  
12 Indictment.

13

MR. PESCI: Ladies and gentlemen of the

14

Grand Jury, my name is Giancarlo Pesci. I am presenting

08:30

15

Grand Jury case number, I believe it's 17BGJ017A-C. Is

16

that correct?

17

A JUROR: Uh-huh.

18

MR. PESCI: The State of Nevada versus

19

Demario Lofton-Robinson, Raekwon Setrey Robertson,

08:30

20

Davontae Amarri Wheeler. The record will reflect that

21

we have marked a copy of the proposed Indictment as

22

Exhibit 1, that all the members of the Grand Jury have a

23

copy of it. You should also have as Exhibit 2, the

24

instructions associated with these particular offenses.

08:30

25

In this particular case the defendants, not all of them

08:30 1 are charged with each one of these, but collectively the  
2 defendants are charged with burglary while in possession  
3 of a firearm, conspiracy to commit robbery, robbery with  
4 use of a deadly weapon, attempt robbery with use of a  
08:31 5 deadly weapon, and murder with use of a deadly weapon.

6 Does anybody have any questions relating to the elements  
7 of the charges? Those elements are laid out in the  
8 instruction packet which is Exhibit Number 2. Are there  
9 any questions regarding the elements of these charges?

08:31 10 If not, my first witness is Dr. Lary Simms.

11 THE FOREPERSON: Sir, please raise your  
12 right hand.

13 You do solemnly swear the testimony you are  
14 about to give upon the investigation now pending before  
08:31 15 this Grand Jury shall be the truth, the whole truth, and  
16 nothing but the truth, so help you God?

17 THE WITNESS: Yes, I do.

18 THE FOREPERSON: Please be seated.

19 You are advised that you are here today to  
08:32 20 give testimony in the investigation pertaining to the  
21 offenses of burglary while in possession of a firearm,  
22 conspiracy to commit robbery, robbery with use of a  
23 deadly weapon, attempt robbery with use of a deadly  
24 weapon, and murder with use of a deadly weapon,  
08:32 25 involving Demario Robinson, Raekwon Robertson and

08:32 1 Davontae Wheeler.

2 Do you understand this advisement?

3 THE WITNESS: Yes.

4 THE FOREPERSON: Please state your first

08:32 5 and last name and spell both for the record.

6 THE WITNESS: My first name is Lary,

7 spelled L-A-R-Y, my last name is Simms, spelled

8 S-I-M-M-S.

9 LARY SIMMS,

08:32 10 having been first duly sworn by the Foreperson of the

11 Grand Jury to testify to the truth, the whole truth,

12 and nothing but the truth, testified as follows:

13

14 EXAMINATION

08:32 15

16 BY MR. PESCI:

17 Q. Sir, what do you do for a living?

18 A. I'm a forensic pathologist?

19 Q. And how long have you been doing this

08:32 20 particular work?

21 A. I did my first forensic case in '91.

22 Q. What training and experience do you have

23 that prepares you or qualifies you for this job?

24 A. I'm a licensed physician and I've been in

08:33 25 medicine, I graduated in '78 so that's, it will be 40

08:33 1 years next year. I went through specialty training in  
2 pathology, Michigan State University, and then I did a  
3 fellowship in forensic pathology at the Cook County  
4 Medical Examiner's Office in Chicago. I stayed there  
08:33 5 for a number of years and then I came out here. I'm  
6 board certified in anatomic pathology, clinical  
7 pathology and forensic pathology by the American Board  
8 of Pathology. I've done about 10,000 cases.

9 Q. When you say cases, is that autopsies?

08:33 10 A. Correct.

11 Q. Is that your job responsibility at the  
12 Clark County Coroner's Office?

13 A. Correct.

14 Q. And prior as I heard you, prior to this you  
08:33 15 did this at the Cook County Coroner's office in Chicago?

16 A. Correct.

17 Q. And have you testified at the Grand Jury,  
18 Justice Courts and District Courts here in the Eighth  
19 Judicial District Court about forensic pathology and  
08:34 20 autopsies before?

21 A. Yes.

22 Q. I want to direct your attention to August  
23 the 9th of this year 2017. Were you involved in the  
24 autopsy of an individual that was identified to you as  
08:34 25 Gabriel Valenzuela?

08:34 1 A. Yes.

2 Q. When you perform an autopsy is there a  
3 unique number assigned to that specific case that you're  
4 working on?

08:34 5 A. Correct.

6 Q. And is that a number that you utilize later  
7 to be able to reference reports and photographs that are  
8 tied to that particular autopsy?

9 A. Yes.

08:34 10 Q. In this case was that reference number a  
11 17-08259?

12 A. Yes.

13 Q. Have you prepared an autopsy report in  
14 relation to this particular autopsy that you performed  
08:34 15 on Gabriel Valenzuela on August the 9th?

16 A. Yes.

17 Q. And have you reviewed that in anticipation  
18 of testifying?

19 A. Yes.

08:35 20 Q. When you perform an autopsy, what is it  
21 that you do to be able to render opinions as far as  
22 cause and manner of death?

23 A. Well, I start out with an external  
24 examination from the top of the head to the bottom of  
08:35 25 the feet, make incisions in the body, remove the

08:35 1 internal organs and examine them and then examine the  
2 internal body surfaces.

3 Q. I'd like to show you Grand Jury Exhibits 5  
4 and 6 and ask you if you recognize these exhibits.

08:35 5 A. Yes.

6 Q. Are these fair and accurate depictions of  
7 photographs that were taken during the autopsy that you  
8 just described?

9 A. Yes.

08:35 10 Q. And I apologize. As you perform the  
11 autopsy that you just told us about, are there  
12 technicians and crime scene analysts also there with you  
13 during parts of the process?

14 A. Yes.

08:35 15 Q. Do they take photographs during the  
16 process?

17 A. Yes.

18 Q. And do these photos reflect some of the  
19 evidence as it was seen during your autopsy?

08:36 20 A. Yes.

21 Q. All right. I'm going to, over your left  
22 shoulder I'm going to put Grand Jury Exhibit 5 up here  
23 for the grand jurors.

24 Is this often referred to as a body bag?

08:36 25 A. Yes.

08:36 1 Q. And is this how the body comes to you  
2 originally?

3 A. Yes.

4 Q. Is it closed up, zipped up?

08:36 5 A. Correct, and it has a little blue seal  
6 that's shaped kind of like a lock there on the zipper.

7 Q. And is that how it is when it first starts,  
8 the autopsy first begins?

9 A. Correct.

08:36 10 Q. And do you have the unique identifying  
11 number utilized by your office also in the picture to be  
12 able to coordinate who this particular autopsy is done  
13 on?

14 A. Yes.

08:36 15 Q. And is that the number we saw earlier or we  
16 spoke of earlier, the 17-08259?

17 A. Correct.

18 Q. And then it reflects that this is Gabriel  
19 Valenzuela?

08:36 20 A. Yes.

21 Q. I'm going to show you Grand Jury Exhibit 6.  
22 Do you recognize that individual?

23 A. That's the decedent.

24 Q. And do we have the exact same  
08:37 25 identification tag utilized in this photograph to let

08:37 1 you know this is the individual you performed the  
2 autopsy on?

3 A. Yes.

4 Q. And turning this slightly to the left.

08:37 5 Does this reflect some of the injuries, but does it  
6 actually cover one of the specific injuries on the head?

7 A. Yes.

8 Q. Sometimes family members, I shouldn't say  
9 sometimes, family members often come to help identify  
08:37 10 the individual?

11 A. Correct.

12 Q. Is there an effort to try to show kind of  
13 the least damaged photograph to the family to make the  
14 identification?

08:37 15 A. Yes.

16 Q. Now setting aside that particular  
17 photograph, what it does not show. Let's talk about  
18 what you did find out during the course of your autopsy.  
19 You said you do an external examination and an internal  
08:37 20 examination. What were your findings?

21 A. Well, he had four gunshot wounds. One of  
22 them was on the right side of the head and went through  
23 the brain and exited on the left front of the head.

24 Q. Let me stop you for a second, Doc. You  
08:38 25 just pointed with your left hand to the left forehead



08:38 1 area. A moment ago when we were looking at Grand Jury  
2 Exhibit 6 there was a towel covering that wound; is that  
3 correct?

4 A. Correct.

08:38 5 Q. Tell us about the entry and the exit of  
6 that particular wound.

7 A. The entrance wound was on the right side of  
8 the head and it went through the brain and exited on the  
9 left side of the head.

08:38 10 Q. Now kind of in layman's terms, what it is  
11 about wounds that help you to know one's an entrance  
12 versus an exit?

13 A. Well, an entrance wound, because the bullet  
14 is spinning and hitting, or generally if it doesn't hit,  
08:38 15 if it doesn't go through an intermediate target, it's  
16 spinning and it's point on and it kind of bores through  
17 the skin as a fairly regular appearing hole with,  
18 commonly with an abrasion collar. It's very  
19 characteristic of an entrance wound. And then as the  
08:38 20 bullet goes through the body it starts to tumble and the  
21 exit wound is very irregular in shape.

22 Q. If you moved, if we had moved that  
23 particular towel that was covering the left side of the  
24 forehead, describe what we would see.

08:39 25 A. Well, there would have been an exit wound

08:39 1 that was, let's see, in the left forehead kind of in the  
2 left front here.

3 Q. So do you associate, and I apologize, my  
4 question should be better worded, do you associate the  
08:39 5 left forehead as the exit wound from the entrance wound  
6 on the right side of the head?

7 A. Correct.

8 Q. And did you ascertain that from looking  
9 internally inside of his head, his brain, to see the  
08:39 10 path of the bullet?

11 A. Well, for the path, for the entrance and  
12 exit components, the entrance wound was a typical  
13 entrance wound and the exit wound was actually about  
14 three inches in diameter so it was really different.

08:39 15 Q. Pretty big hole?

16 A. Yes.

17 Q. So I heard you say four gunshot wounds;  
18 correct?

19 A. Correct.

08:40 20 Q. Just for the sake of numbering, not for the  
21 order of when they actually happened, looking at the one  
22 on the forehead, what's the next one you reference in  
23 your report?

24 A. It came in on the left abdomen.

08:40 25 Q. An entrance wound on the left abdomen?

08:40 1 A. Correct.

2 Q. In your autopsy what did you discover as  
3 far as where that bullet went and what damage it caused?

4 A. It went basically straight back and  
08:40 5 downward. It missed the spleen which is on that side  
6 and it did go through the kidney and then I did recover  
7 a bullet -- just to go back to the other wound on the  
8 head, even though there was an exit wound, I did recover  
9 fragments of a bullet from the head also.

08:40 10 Q. In your experience is it common for a  
11 bullet to fragment when it makes entry and passes  
12 through a body?

13 A. If it's a certain type of bullet.

14 Q. Not all the time, I'm just saying in your  
08:40 15 experience have you seen situations where a bullet will  
16 come apart in pieces and you'll find fragments inside?

17 A. Oh, definitely.

18 Q. Okay. Unlike the head shot, the shot to  
19 the side, the bullet remained inside the body?

08:41 20 A. Correct.

21 Q. So there was no exit wound associated with  
22 that particular wound?

23 A. Correct.

24 Q. When you recover that do you provide it to  
08:41 25 the police?

08:41 1 A. Yes.

2 Q. Are there, we talked about earlier crime  
3 scene analysts, are they the ones that take it or  
4 impound it?

08:41 5 A. Correct.

6 Q. So if I understood correctly I have two  
7 injuries. Tell us about three and four.

8 A. There was a gunshot wound on the outside of  
9 the right ankle, it went through the bones and then  
08:41 10 exited on the inside of the ankle.

11 Q. Okay.

12 A. And then on the opposite ankle, on the left  
13 ankle, that was on the right ankle, the other one is on  
14 the left ankle, you had an entrance wound more so kind  
08:41 15 of toward the back of the ankle and the bullet also went  
16 through the bones but I did, and it went upward in the  
17 leg so I did recover a bullet.

18 Q. So the bullet had traveled upward through  
19 the leg?

08:42 20 A. Correct.

21 Q. Now at the conclusion of your internal and  
22 external examination did you come to an opinion as to  
23 the cause of death of this individual?

24 A. Yes.

08:42 25 Q. What was that?

08:42 1 A. Multiple gunshot wounds.

2 Q. And then the manner of death?

3 A. Homicide.

4 Q. When you say homicide, what does that mean?

08:42 5 A. That's death at the hands of another

6 person.

7 Q. Is that a medical term that you utilize?

8 A. Well, it's based on a legal definition of

9 it but it's a very broad definition which is what we use

08:42 10 of a homicide.

11 Q. I guess what I'm saying is you're not

12 saying it's a first degree murder by saying it's a

13 homicide, you're saying that this individual died at the

14 hands of another human being?

08:42 15 A. Correct. You have homicides where somebody

16 kills somebody and you have legal homicides and then you

17 have illegal homicides and illegal homicides are murders

18 and legal homicides are, there's different legal terms

19 for that including judicial executions, those are legal

08:43 20 homicides.

21 Q. All right. But your opinion in essence is

22 saying that this is not a self-inflicted suicide?

23 A. Definitely.

24 Q. The injuries that you saw do not indicate

08:43 25 that this individual did this to himself?

08:43 1 A. Correct, nor was it an accidental set of  
2 gunshot wounds.

3 MR. PESCI: Thank you, Doctor.

4 Grand jurors' indulgence.

08:43 5 Are there any questions from the ladies and  
6 gentlemen of the Grand Jury? If not, no more questions  
7 for the doctor.

8 THE FOREPERSON: By law, these proceedings  
9 are secret and you are prohibited from disclosing to  
08:43 10 anyone anything that has transpired before us, including  
11 evidence and statements presented to the Grand Jury, any  
12 event occurring or statement made in the presence of the  
13 Grand Jury, and information obtained by the Grand Jury.

14 Failure to comply with this admonition is a  
08:43 15 gross misdemeanor punishable up to 364 days in the Clark  
16 County Detention Center and a \$2,000 fine. In addition,  
17 you may be held in contempt of court punishable by an  
18 additional \$500 fine and 25 days in the Clark County  
19 Detention Center.

08:43 20 Do you understand this admonition?

21 THE WITNESS: Yes, I do.

22 THE FOREPERSON: Thank you and you are  
23 excused.

24 THE WITNESS: Thank you.

08:44 25 MR. PESCI: State calls Nikolaus Spahn.

08:44 1 I'm not sure how he pronounces it. S-P-A-H-N.

2 THE FOREPERSON: Please raise your right  
3 hand.

4 You do solemnly swear the testimony you are  
08:45 5 about to give upon the investigation now pending before  
6 this Grand Jury shall be the truth, the whole truth, and  
7 nothing but the truth, so help you God?

8 THE WITNESS: So help me God, yes.

9 THE FOREPERSON: Please be seated.

08:45 10 You are advised that you are here today to  
11 give testimony in the investigation pertaining to the  
12 offenses of burglary while in possession of a firearm,  
13 conspiracy to commit robbery, robbery with use of a  
14 deadly weapon, attempt robbery with use of a deadly  
08:45 15 weapon, and murder with use of a deadly weapon,  
16 involving Demario Robinson, Raekwon Robertson and  
17 Davontae Wheeler.

18 Do you understand this advisement?

19 THE WITNESS: Yes, I do.

08:45 20 THE FOREPERSON: Please state your first  
21 and last name and spell both for the record.

22 THE WITNESS: My name is Nikolaus Spahn.

23 N-I-K-O-L-A-U-S, my last name is Spahn, S-P-A-H-N.

24 ///

08:45 25 ///

08:45

1

NIKOLAUS SPAHN,

2

having been first duly sworn by the Foreperson of the

3

Grand Jury to testify to the truth, the whole truth,

4

and nothing but the truth, testified as follows:

08:45

5

6

EXAMINATION

7

8

BY MR. PESCI:

9

Q. Sir, I'm going to ask you some questions

08:46

10

and then I'm going to ask you to look over your shoulder

11

in a few minutes to review some surveillance.

12

A. Okay.

13

Q. I'm going to ask you about August the 8th

14

and August the 9th of 2017. Do you remember something

08:46

15

happening that late night/early morning that brings you

16

here to testify?

17

A. They came into my store. I work at Short

18

Line Express on Jones and Warm Springs and I work

19

graveyard and so I work by myself.

08:46

20

Q. Let me slow you down for just one second.

21

This woman is incredibly talented, but if we go too fast

22

she can't take down everything that we say.

23

A. Okay. That's fine.

24

So I work graveyard, 10:00 p.m. to 6:00

08:46

25

a.m., graveyard I work. So that night I was by myself



08:46 1 and I had a few customers sitting in front of my  
2 register. And I'm by myself so I'm observing everyone.  
3 Well, one subject came into my store and he just looked  
4 around and he seemed out of the ordinary, he wasn't my  
08:46 5 regular customer, he's not a regular person. He was  
6 looking around too much, he stood by the doughnut, he  
7 just look very suspicions. So right then and there, I  
8 had my regular customer in front of me, I dropped all my  
9 money. He said why are you doing this and I pointed  
08:47 10 with my eyes and I'm like over here. Well then three  
11 more people came right in along with him. You know what  
12 I mean. So he came in first and three more people came  
13 right in. So right then and there that drew like an  
14 attention to me.

08:47 15 Q. So when your attention was drawn to these  
16 four individuals as I've heard, there's the first one  
17 coming in and then a little bit later the other three.

18 A. Yeah.

19 Q. What did you see those four do?

08:47 20 A. Those four do, just looked, looking around,  
21 looking to see who was in the store. They're just  
22 looking suspicious. I work grave so I'm pretty good at  
23 kind of judging people and they just looked like they  
24 were up to no good. I felt like if there was no one in  
08:47 25 that store they would have robbed me.

08:47 1 Q. Was there anything else about what they  
2 were wearing or what they had with them that made you  
3 concerned?

4 A. One gentleman had a gun on the side of his  
08:47 5 hip and he used my restroom for about 15 to 20 minutes.

6 Q. So you saw one of the four walk in and had  
7 a weapon?

8 A. He had a gun holster right here on the  
9 right side of his hip.

08:48 10 Q. So it was open for your view?

11 A. And he asked to use the restroom key and he  
12 was in there for an amount of time.

13 Q. Did that give you concern?

14 A. Yes.

08:48 15 Q. How many customers do you have that come in  
16 with a weapon on their hip?

17 A. A few, a few of them. They come in, either  
18 detectives or just a couple other ordinary, you know,  
19 but they just seemed out of, they just seemed out of  
08:48 20 punch.

21 Q. Someone coming in with a gun, does that  
22 make you pause?

23 A. Yes.

24 Q. No matter if it's these four individuals --

08:48 25 A. No matter what. It all makes me pause.

08:48 1 It's my life, you know.

2 Q. Inside of that establishment, where was it  
3 again, what's the address?

4 A. 7325 South Jones. Short Line Express

08:48 5 Market.

6 Q. Here in Las Vegas?

7 A. Here in Las Vegas.

8 Q. Now do you have video surveillance inside  
9 and outside of your establishment?

08:48 10 A. Yes, I do.

11 Q. Is it the ordinary course of your business  
12 to maintain that video surveillance?

13 A. Yes.

14 Q. Do you have cameras set up at different  
08:48 15 locations throughout?

16 A. I have 32 cameras on the premises.

17 Q. Have you had cameras there all the time  
18 that you've worked there?

19 A. I've worked there for three years and

08:49 20 they've been having cameras and they're actively running  
21 24/7.

22 Q. Now these four individuals, did they buy  
23 anything? Did they do anything inside?

24 A. They bought a water.

08:49 25 Q. One water?

08:49 1 A. One water.

2 Q. Amongst the four of them?

3 A. One water and they bought, they had a

4 gentleman, he wanted a Black and Mild, he didn't get, I

08:49 5 asked him for his ID, and another gentleman, he sent

6 another gentleman inside to get him a Black and Mild, I

7 assume because they had the same exact one he wanted and

8 he didn't have his ID.

9 Q. So let's slow down a second. What's a

08:49 10 Black and Mild?

11 A. It's a cigar.

12 Q. So are you saying one of the four tried to

13 buy a Black and Mild cigar from you?

14 A. Correct.

08:49 15 Q. Is it required to show ID?

16 A. Correct.

17 Q. Did that individual, one of those four,

18 produce ID?

19 A. No.

08:49 20 Q. So did you decline selling --

21 A. Yes, I did.

22 Q. After you declined, did those four leave

23 the store?

24 A. Yes, they were sitting outside at the

08:49 25 table.

08:49 1 Q. How did you know they were sitting at the  
2 table? Can you see from surveillance that they were  
3 sitting at the table?

4 A. No. Cause I go outside and I see them,  
08:49 5 they were sitting at the table. Because after I was  
6 done helping my customers in the store, with a raised  
7 concern I go outside, I see if they're still there. So  
8 that's how I got the kind of car they were in, that's  
9 how I seen the kind of car they're in, that's how I seen  
08:50 10 them sitting at the table. And I just, I was keep  
11 watching them basically.

12 Q. Tell me about the car.

13 A. It was a white Crown Vic, well, a white  
14 Mercury but it looked like a white Crown Vic. Four  
08:50 15 doors.

16 Q. Okay. And then you said that after the  
17 four went outside, a different individual came in and  
18 bought that exact cigar?

19 A. Yeah, they bought the exact same cigar. I  
08:50 20 don't know if it was for them but I put two and two  
21 together and I assumed it was for him.

22 Q. But we don't know?

23 A. But we don't know, no.

24 Q. But the sequence of events was someone else  
08:50 25 came in and purchased that?

08:50 1 A. Correct.

2 Q. Did the secondary individual produce some  
3 identification?

4 A. Yes, he did.

08:50 5 Q. Now did you call the police? Was there  
6 anything --

7 A. No. Actually the police came to my store.  
8 So they're in my store about 11:20, 11:25, police came  
9 in --

08:50 10 Q. Let me stop you. Is that p.m.?

11 A. P.M., yes, that's p.m.

12 Q. Was that on August the 8th?

13 A. Yes, it was.

14 Q. Thanks. Go ahead.

08:50 15 A. So then they came, police came in about  
16 12:15 a.m. the 9th, that following night, and asked me  
17 hey, how was your night, anything quiet, and I told them  
18 the information I knew, four subjects came in my store,  
19 they kind of seemed like suspicious and I told them what  
08:51 20 happened, they're like we need to call your manager  
21 right now, we need to obtain video surveillance because  
22 it fits a homicide description. And they made me fill  
23 out this --

24 Q. Let me stop you for a second because we

08:51 25 can't have you testify to what the officers said. But

08:51 1 did you have a conversation with the officers?

2 A. Yes, I did.

3 Q. You were about to talk about you filled out  
4 a statement.

08:51 5 A. Correct.

6 Q. I'm showing you a document that we'll mark  
7 later as the next in order. Is this the handwritten  
8 voluntary statement that you used?

9 A. Yes.

08:51 10 Q. Now in this handwritten statement there are  
11 portions that you fill out and portions that the officer  
12 filled out; is that correct?

13 A. Yes.

14 Q. What's the portion that you filled out?

08:51 15 A. I filled out this part. I filled out  
16 everything.

17 Q. So are you pointing to the portion where it  
18 says details and your summary of the event and then the  
19 portion that is your personal information?

08:52 20 A. Correct.

21 Q. But the parts above, that was written by  
22 the officers?

23 A. Correct.

24 Q. Okay. Because a moment ago you said this

08:52 25 occurred at around eleven -- what time?

08:52 1 A. It was about 11:20, 11:25.

2 Q. Did you write actually a number of a time  
3 there and circle it?

4 A. Yes, that's the time.

08:52 5 Q. Okay. So even though this particular  
6 report shows a date that occurred on August the 9th and  
7 it says 0012, did it in fact occur on August 8th at  
8 11 -- what is that?

9 A. 11:28.

08:52 10 Q. 11:28 or 11:38?

11 A. Yes.

12 Q. P.M. on the 8th?

13 A. Correct.

14 Q. Okay. Just so it's clear from that report.

08:52 15 A. Yes. Yes.

16 Q. Okay. So I'm going to give this to the  
17 grand juror and ask if they can mark that as next in  
18 order please.

19 Now you said the officers came inquiring  
08:52 20 about the video surveillance?

21 A. Yes.

22 Q. Was that video surveillance provided to the  
23 police?

24 A. Yes, by my manager.

08:53 25 Q. Were you present however when the



08:53 1 surveillance was downloaded and handed off?

2 A. Yes.

3 Q. Are you familiar with your particular  
4 surveillance?

08:53 5 A. Yes.

6 Q. So I've got here Grand Jury Exhibit 4 which  
7 is a copy of that surveillance that you provided. I'm  
8 going to ask you to look at it and see if you recognize  
9 what we see. Tell us what we're looking at.

08:53 10 A. You're looking at them pull up right now in  
11 that white car between multi other white cars. That car  
12 that's backed up right next to them to the left hand  
13 side is my regular customer that was sitting at the  
14 counter when they first entered the store.

08:53 15 Q. So the car that pulled into the center of  
16 the three is the car that you described earlier that you  
17 saw these four individuals get into?

18 A. Yes.

19 Q. You didn't see this portion when they came  
08:54 20 out cause you --

21 A. No, no. I seen the portion, cause after,  
22 when I come outside after I got done helping all my  
23 customers and I came outside to observe, see where they  
24 went, what kind of car they were in, this was the only  
08:54 25 car left in the parking lot.

08:54 1 Q. I'd like you to focus on the center car.  
2 You talked about it being a Mercury but you thought it  
3 was a Crown Vic?

4 A. It looked like a Crown Vic from inside the  
08:54 5 store until I actually got a look at it.

6 Q. Does there appear to be some sort of paint  
7 damage at the very top of the windshield at the  
8 beginning of the roof?

9 A. Yes.

08:54 10 Q. And is that the car that you recognize from  
11 this event?

12 A. Yes.

13 Q. And this video surveillance does not have  
14 an internal time stamp and date; is that correct?

08:54 15 A. Correct.

16 Q. But do you recognize this as being the  
17 events from August the 8th, late, late on the 8th going  
18 into the 9th?

19 A. Yes.

08:54 20 Q. And that's surveillance from the outside;  
21 is that correct?

22 A. Correct.

23 Q. And do you have surveillance inside?

24 A. Yes.

08:55 25 Q. What are we looking at here?

08:55 1 A. That was the first gentleman that walked  
2 in. Now he went right there to the left, he was  
3 standing right there by the doughnut case. Him right  
4 there, he's the first one that walked in.

08:55 5 Q. Was that the one that first got your  
6 attention?

7 A. Yes.

8 Q. And do you have different angles inside  
9 of --

08:55 10 A. Yes.

11 Q. -- your store?

12 What do we see here?

13 A. We see the other three subjects come in.

08:55 14 Q. Now are these three together with the first  
15 one we saw, those four, are those the ones you saw get  
16 into that white car we described earlier?

17 A. Yes.

18 Q. And all of these angles of surveillance,  
19 are these fair and accurate depictions of your

08:55 20 establishment on that date, the 8th going into the 9th?

21 A. Yes.

22 Q. In fact do we see you now in this video?

23 A. Yes.

24 Q. You're wearing khaki shorts?

08:55 25 A. Yes.

08:55 1 Q. And a black Polo?

2 A. Yes.

3 Q. Which individual had the gun on his hip, do

4 you remember?

08:56 5 A. Yeah, the gentleman right there in the

6 back.

7 Q. You say the back. Which one do you mean?

8 Like describe the clothes.

9 A. Describe the clothes. He's sitting right

08:56 10 there next to the soda machines, right there in the

11 very, very back. He's on his phone.

12 Q. So he's not really prominently depicted

13 right now?

14 A. No. He's wearing a black hoodie.

08:56 15 Q. So it's this individual here?

16 A. Correct.

17 Q. Seems to have, does he have some facial

18 hair?

19 A. A little bit.

08:56 20 Q. And you said a black hoodie?

21 A. Yes.

22 Q. Does this show an angle of these same

23 individuals from the door looking inside?

24 A. Yes.

08:56 25 Q. And the person that has their back to the

08:56 1 soda display, is that the individual who had the gun on  
2 his hip?

3 A. Yes.

4 Q. And then you talked about a water being  
08:57 5 purchased. Is there an individual grabbing a water --

6 A. Yes.

7 Q. -- from the area at the counter?

8 Okay. And you told the police about this  
9 incident when they came in and talked to you and you  
08:57 10 filled out that report?

11 A. Yes.

12 MR. PESCI: Rachel, do you have anything?

13 That concludes my questions. Are there any  
14 questions from the Grand Jury?

08:57 15 THE FOREPERSON: By law, these proceedings  
16 are secret and you are prohibited from disclosing to  
17 anyone anything that has transpired before us, including  
18 evidence and statements presented to the Grand Jury, any  
19 event occurring or statement made in the presence of the  
08:57 20 Grand Jury, and information obtained by the Grand Jury.

21 Failure to comply with this admonition is a  
22 gross misdemeanor punishable up to 364 days in the Clark  
23 County Detention Center and a \$2,000 fine. In addition,  
24 you may be held in contempt of court punishable by an  
08:57 25 additional \$500 fine and 25 days in the Clark County

08:57 1 Detention Center.

2 Do you understand this admonition?

3 THE WITNESS: Yes, I do.

4 THE FOREPERSON: Thank you and you are

08:58 5 excused.

6 THE WITNESS: Thank you.

7 MR. PESCI: The next witness is James

8 Newman.

9 THE FOREPERSON: Sir, please raise your

08:58 10 right hand.

11 You do solemnly swear the testimony you are  
12 about to give upon the investigation now pending before  
13 this Grand Jury shall be the truth, the whole truth, and  
14 nothing but the truth, so help you God?

08:59 15 THE WITNESS: Yes.

16 THE FOREPERSON: Please be seated.

17 You are advised that you are here today to  
18 give testimony in the investigation pertaining to the  
19 offenses of burglary while in possession of a firearm,  
08:59 20 conspiracy to commit robbery, robbery with use of a  
21 deadly weapon, attempt robbery with use of a deadly  
22 weapon, and murder with use of a deadly weapon,  
23 involving Demario Robinson, Raekwon Robertson and  
24 Davontae Wheeler.

08:59 25 Do you understand this advisement?

08:59 1 THE WITNESS: Yes.

2 THE FOREPERSON: Please state your first  
3 and last name and spell both for the record.

4 THE WITNESS: James Newman. J-A-M-E-S,  
08:59 5 N-E-W-M-A-N.

6 JAMES NEWMAN,  
7 having been first duly sworn by the Foreperson of the  
8 Grand Jury to testify to the truth, the whole truth,  
9 and nothing but the truth, testified as follows:

08:59 10  
11 EXAMINATION

12  
13 BY MR. PESCI:

14 Q. Sir, I want to direct your attention to  
08:59 15 August of this year. At that time did you have a  
16 vehicle that you were selling, specifically was it a  
17 Mercury?

18 A. Yes, a Mercury Grand Marquis, 2003, white.

19 Q. Sir, I want to show you Grand Jury  
09:00 20 Exhibits 28, 29 and 30 and ask you if you recognize  
21 what's depicted in those?

22 A. Yeah, that's my car.

23 Q. Okay. Did your car have a little bit of  
24 paint damage on the --

09:00 25 A. Yeah.

09:00 1 Q. -- hood?

2 A. Yeah, the back and the front.

3 Q. And are these fair and accurate depictions

4 of your car back in August of 2017?

09:00 5 A. Yes.

6 Q. Okay. I want to show over your left

7 shoulder Grand Jury Exhibit Number 28. What do you

8 recognize that to be?

9 A. That's my car.

09:00 10 Q. All right. Is there anything about it that

11 helps you to know it's yours?

12 A. Yeah, the license plate, 473YZB. Plus the

13 chips on the paint.

14 Q. Speaking of that, in 29, Grand Jury

09:01 15 Exhibit 29, does that show kind of the left side of your

16 vehicle?

17 A. Yes.

18 Q. And then specifically in 30, does that show

19 your vehicle?

09:01 20 A. Yes.

21 Q. Is there some sort of kind of paint damage?

22 A. Yeah, on the hood, yeah.

23 Q. Like on the ceiling?

24 A. The top, yeah.

09:01 25 Q. Tell us about the sale of your vehicle.



09:01 1 What happened?

2 A. I got off work about, about, what, 6:00 and  
3 I was going up the steps and a guy named G who stayed in  
4 my apartment complex said he had somebody that wanted to  
09:01 5 buy the car.

6 Q. So let me stop you for a second. Without  
7 saying what G said, had you been trying to sell your  
8 car?

9 A. Yes.

09:01 10 Q. Was G someone you knew in your apartment  
11 complex?

12 A. I didn't know him but he stayed over there.  
13 I didn't deal with him or nothing like that.

14 Q. Did you have a for sale sign up?

09:01 15 A. Yes.

16 Q. When you were approached by G, based on  
17 what he said to you, did you then try to make contact  
18 with another individual in order to sell your car?

19 A. No. G told me at the time that we had to  
09:02 20 go pick up somebody from downtown at the bus station.

21 Q. Okay.

22 A. So I got my partner with me named William,  
23 we got in the car, me, him and G, we went down to  
24 Bonneville, I think the bus station is on Bonneville or  
09:02 25 whatever, CAT bus station, so we picked up Demario

09:02 1 Lofton-Robinson at the bus station. So we stopped at  
2 the gas station right there off of Main Street, the  
3 Chevron, put probably \$10 worth of gas, then we headed  
4 back to where I live at over there on H Street.

09:02 5 Q. Did you know Demario Lofton-Robinson before  
6 this?

7 A. Never seen him in my life.

8 Q. Have you come to know that name because of  
9 the case?

09:02 10 A. Yes.

11 Q. But the individual that you now associate  
12 as Demario, was that the person that you sold your car  
13 to?

14 A. Yes.

09:02 15 Q. Tell us about that. What was the price,  
16 how did that --

17 A. Okay. When we got back to my apartment  
18 complex he gave me \$2500 for the car and then he stated  
19 that his grandmother stayed somewhere up on Martin

09:03 20 Luther King or something and he didn't have no tags or  
21 whatever. So I told him to meet me at the DMV the next  
22 day, so I kept the title to the car, he never got the  
23 title or nothing, I never signed the title over to him,  
24 I kept the title.

09:03 25 Q. Did you allow him to keep the license

09:03 1 plate?

2 A. Yes. He drove the car and he supposed to  
3 meet me at DMV the next day. So about 2 o'clock he  
4 called me and told me to meet him at DMV at 2:00. So me  
5 and William, the friend that I took with me to go down  
6 and meet him, we went to DMV. He called me and I told  
7 him I was at DMV about maybe 2:30 and he kept calling  
8 back and forth. I kept calling him, I told him I was  
9 there. So about maybe 45 minutes later he said that he

09:03 10 didn't know where DMV was that was on Sahara so he never  
11 showed up. So that was on, I sold the car on August the  
12 4th, August the 5th, the day we went to DMV, so it was  
13 the weekend, so I told William to come on and let's go.

14 I should have counseled the tags at the time but I

09:04 15 didn't cause the line was real long, it had like 200  
16 people in front of me, so we left. So that was  
17 Saturday. Come Sunday they were closed. Monday I got  
18 off work too late to go down to DMV. Tuesday I got off  
19 work too late. Come Wednesday that's when detectives  
09:04 20 was at my job.

21 Q. When the detectives came to talk to you,  
22 did they ask you about your vehicle?

23 A. Well, they asked me, I told them when they  
24 first came in the office I told them that I had sold

09:04 25 that vehicle because I already knew what they were there

09:04 1 for, something happened in the vehicle, that was the  
2 only thing to make sense.

3 Q. Did you explain to them how you had sold  
4 the vehicle?

09:04 5 A. Yes.

6 Q. And what you in essence just told the grand  
7 jurors you told the detectives?

8 A. Yes.

9 Q. If I understand you correctly, you received  
09:05 10 \$2500. Was it cash?

11 A. Yes.

12 Q. You held onto the title?

13 A. Yes.

14 Q. And you were waiting to meet the individual  
09:05 15 that you sold it to to exchange the title and get your  
16 plates back?

17 A. Yes.

18 Q. But you never met up with him?

19 A. No.

09:05 20 Q. He never came to where you were supposed  
21 to --

22 A. No.

23 Q. When the detectives spoke to you, did they  
24 show you, did they ask you questions about the

09:05 25 individual that you sold it to?

09:05

1 A. Yes.

2 Q. And at some point did they show you some  
3 still photographs from video surveillance?

4 A. Yes.

09:05

5 Q. Were you able to identify or recognize the  
6 individual in the videos?

7 A. Well, yeah, Demario. I never seen the  
8 other people in my life.

9 Q. That's okay.

09:05

10 A. Yeah.

11 Q. But did you recognize the person now that  
12 you come to know as Demario as the person that you sold  
13 the car to in the video surveillance?

14 A. Yeah.

09:05

15 Q. Was the surveillance from a convenience  
16 store?

17 A. Yes.

18 Q. Indulgence of the Grand Jury.

19 Did you explain to the detectives the

09:05

20 location of where you had driven Demario or did you give  
21 them an idea as to where they could find him?

22 A. Find Demario?

23 Q. Yes.

24 A. No. Well, like I said we came from

09:06

25 downtown and then we drove back to my apartment complex.

09:06 1 That's the last time I even seen him.

2 Q. Okay. Did you have the detectives or tell  
3 the detectives about an address of 1327 H Street?

4 A. Yeah, that's where I stay.

09:06 5 Q. That's where you stay?

6 A. Yeah.

7 Q. That's where the original sale occurred?

8 A. Yeah, that's where we did the sale at.

9 MR. PESCI: Okay. All right. That

09:06 10 concludes my questions. Are there any questions of the  
11 ladies and gentlemen of the Grand Jury?

12 THE FOREPERSON: By law, these proceedings  
13 are secret and you are prohibited from disclosing to  
14 anyone anything that has transpired before us, including  
09:06 15 evidence and statements presented to the Grand Jury, any  
16 event occurring or statement made in the presence of the  
17 Grand Jury, and information obtained by the Grand Jury.

18 Failure to comply with this admonition is a  
19 gross misdemeanor punishable up to 364 days in the Clark  
09:06 20 County Detention Center and a \$2,000 fine. In addition,  
21 you may be held in contempt of court punishable by an  
22 additional \$500 fine and 25 days in the Clark County  
23 Detention Center.

24 Do you understand this admonition?

09:07 25 THE WITNESS: Yes.

09:07 1 THE FOREPERSON: Thank you. You are  
2 excused.

3 MR. PESCI: State calls Robert Mason.

4 A JUROR: Sir. After this can we take a  
09:07 5 small break? I need to use the facilities.

6 MS. O'HALLORAN: Would you like to take the  
7 break now?

8 A JUROR: I would.

9 MS. O'HALLORAN: Okay. Absolutely. Let's  
09:07 10 take a break.

11 THE FOREPERSON: Ten minute break for  
12 everybody.

13 (Recess.)

14 MR. PESCI: So State calls Robert Mason.

09:17 15 THE FOREPERSON: Please raise your right  
16 hand.

17 You do solemnly swear the testimony you are  
18 about to give upon the investigation now pending before  
19 this Grand Jury shall be the truth, the whole truth, and  
09:17 20 nothing but the truth, so help you God?

21 THE WITNESS: So help me God I do.

22 THE FOREPERSON: Please be seated.

23 You are advised that you are here today to  
24 give testimony in the investigation pertaining to the  
09:17 25 offenses of burglary while in possession of a firearm,

09:18 1 conspiracy to commit robbery, robbery with use of a  
2 deadly weapon, attempt robbery with use of a deadly  
3 weapon, murder with use of a deadly weapon, involving  
4 Demario Robinson, Raekwon Robertson and Davontae

09:18 5 Wheeler.

6 Do you understand this advisement?

7 THE WITNESS: I do.

8 THE FOREPERSON: Please state your first  
9 and last name and spell both for the record.

09:18 10 THE WITNESS: My name is Robert Mason.

11 R-O-B-E-R-T, M-A-S-O-N.

12 ROBERT MASON,

13 having been first duly sworn by the Foreperson of the  
14 Grand Jury to testify to the truth, the whole truth,

09:18 15 and nothing but the truth, testified as follows:

16

17 EXAMINATION

18

19 BY MS. O'HALLORAN:

09:18 20 Q. Robert, I'd like to direct your attention  
21 to September 8th of this year. At that time were you  
22 residing here in Las Vegas on Zachary Street?

23 A. Yes.

24 Q. And is that near another street by the name  
09:18 25 of Dewey Drive?



09:18 1 A. Yes, it is.

2 Q. Now in the late night hours into the early  
3 morning hours of September, excuse me, August 9th, what  
4 were you doing at that time?

09:19 5 A. I had just got home from work and I decided  
6 to go for a jog.

7 Q. Okay. About what time of day?

8 A. Well, I usually get home from work about  
9 11:45 and then I got ready to go for a jog so it was  
09:19 10 just after 11:45, close to midnight when I left the  
11 house, somewhere in that time frame.

12 Q. So you're talking about 11:45 p.m. on  
13 August 8th is about the time you started your jog?

14 A. More toward midnight, but yeah, around that  
09:19 15 time.

16 Q. As you were on your jog did you see  
17 anything that caused you some concern?

18 A. Uhm, as I was jogging I just noticed four  
19 suspicious individuals in my neighborhood and just  
09:20 20 continued jogging past them, but yeah.

21 Q. Where did you see these four suspicious  
22 individuals?

23 A. Uhm, as I rounded the corner of my street  
24 Zachary, I made a left which was going east on Dewey and  
09:20 25 I noticed, at a distance I noticed the four individuals

09:20 1 were standing not at the corner but more toward, against  
2 the brick wall next to a house on the, I guess it would  
3 be the north, northeast -- would it be north?  
4 Northeastern corner of Lindell I believe.

09:20 5 Q. Okay. So the house that you're referring  
6 to where you saw these four individuals standing there,  
7 is this on the corner of Dewey and Lindell?

8 A. Yes, the northeastern corner I believe.

9 Q. Can you describe these four individuals  
09:21 10 that you saw?

11 A. I only could, I noticed that the, they all  
12 were wearing hoodies so I didn't get a very good look at  
13 any of them except for one, when I jogged by I kind of  
14 glanced at one of the individuals and I noticed that he  
09:21 15 was young. He was, he had a, what I would call like a  
16 curly short hair style. I don't know what to call it.  
17 Like a curly corn row type hair style but not  
18 necessarily corn rows but maybe crop top. I don't know  
19 how they call it, what they call that hair style.

09:21 20 Q. Were you able to notice the race of any of  
21 these four individuals?

22 A. Yeah, all of them were dark skin, black  
23 individuals I guess you would say.

24 Q. So all four were --

09:21 25 A. Yeah. Yeah.

09:22 1 Q. -- black males?

2 A. Yeah, black, young males.

3 Q. I'm going to show you a photograph here and

4 this is Grand Jury Exhibit Number 16.

09:22 5 A. Okay.

6 Q. Do you recognize what is depicted in this

7 photograph?

8 A. Yeah, that's the driveway of the house that

9 I passed.

09:22 10 Q. So is this the house on the corner of Dewey

11 and Lindell?

12 A. Yes.

13 Q. Are you able in this photograph to see

14 where those four young black men were standing as you

09:22 15 jogged by?

16 A. Yeah. As a matter of fact right where the

17 headlights of whatever, I think this is headlights

18 maybe, but right against this edge of the wall here.

19 Q. And I'm going to go ahead and publish this

09:22 20 for the members of the Grand Jury.

21 Just to give some perspective, which way

22 would you have been jogging, from left to right or right

23 to left?

24 A. I would be on this side right where this

09:23 25 sidewalk is going straight, Lindell, or, I'm sorry,

09:23 1 Lindell is just ahead of the picture.

2 Q. Okay. So if we were to -- is there a

3 street that runs parallel to the bottom of this picture?

4 A. Parallel? Uh, well, there is my street

09:23 5 which is Zachary and then this is Dewey which connects

6 with Lindell, and then I was jogging from Zachary to

7 Lindell on Dewey, heading east.

8 Q. Okay. So this house that we're looking at

9 here is actually on Dewey?

09:23 10 A. Yes, it's on Dewey.

11 Q. And you mentioned earlier the area where

12 you saw the four young men is where the headlights are

13 shining in the picture. Is that on the right hand side

14 of the picture near this brick wall?

09:23 15 A. Yeah, right there.

16 Q. Did you continue jogging after that point?

17 A. Yeah. I was really leery as I jogged by so

18 I jogged really fast, I continued as fast as I could

19 jogging around the corner.

09:24 20 Q. When you say around the corner, which

21 direction did you continue to run when you went around

22 the corner?

23 A. Northbound.

24 Q. North on Lindell?

09:24 25 A. North on Lindell.

09:24 1 Q. Did you see anything at that point that  
2 caused you additional concern?

3 A. Yeah. When I rounded the corner I noticed  
4 that there was a white, what I would call a Crown Vic  
09:24 5 style vehicle on the, on that, on Lindell facing  
6 southward.

7 Q. Did you take notes about that vehicle on  
8 your phone as you were running?

9 A. Yeah. The only, as I rounded the corner,  
09:24 10 there's usually never any cars on Lindell, it's a no  
11 parking area all up and down Lindell so nobody ever  
12 parks there. So yeah, when I rounded the corner it just  
13 caught me suspicious so I took the front license plate  
14 and as I continued jogging I looked back at the rear  
09:25 15 license plate also to confirm that it was the same  
16 number.

17 Q. And you wrote that number in your phone;  
18 correct?

19 A. Yes.

09:25 20 Q. Was that a Nevada license plate of 473YZB?

21 A. That is correct, yes.

22 Q. How far was that vehicle parked from where  
23 the four young black males were standing?

24 A. I would say given the, maybe 20, 20 to  
09:25 25 50 feet or so, yeah.

09:25 1 Q. At some point later on were you shown a  
2 photograph by a detective with the Las Vegas  
3 Metropolitan Police Department of a vehicle?

4 A. Yes.

09:25 5 Q. Were you asked to determine whether or not  
6 the vehicle in the photo was the same vehicle that you  
7 saw on scene that night?

8 A. Yes.

9 Q. And I'm showing you Grand Jury Exhibit  
09:25 10 Number 28. Is that the vehicle that you saw that night  
11 as you were jogging past?

12 A. That looks very much like it, yeah.

13 Q. Does it in fact have the same license plate  
14 as the vehicle that you saw that night?

09:26 15 A. Yeah.

16 Q. After you continued jogging did you do  
17 anything at that point?

18 A. Well, as I continued jogging I just got a  
19 really bad feeling about the whole situation. Knowing  
09:26 20 that my family was at home and I had actually forgot to  
21 lock my house up, so I called my wife and informed her  
22 to lock the house and at that point I kind of just told  
23 my wife, I said you know what, if you could just call  
24 311 and let them know that there's some suspicious guys  
09:26 25 in the neighborhood that may be casing houses or

09:26 1 whatnot.

2 MS. O'HALLORAN: Okay. I have no further  
3 questions for this witness. Do the members of the Grand  
4 Jury have any questions?

09:26 5 THE FOREPERSON: By law, these proceedings  
6 are secret and you are prohibited from disclosing to  
7 anyone anything that has transpired before us, including  
8 evidence and statements presented to the Grand Jury, any  
9 event occurring or statement made in the presence of the  
09:26 10 Grand Jury, and information obtained by the Grand Jury.

11 Failure to comply with this admonition is a  
12 gross misdemeanor punishable up to 364 days in the Clark  
13 County Detention Center and a \$2,000 fine. In addition,  
14 you may be held in contempt of court punishable by an  
09:26 15 additional \$500 fine and 25 days in the Clark County  
16 Detention Center.

17 Do you understand this admonition?

18 THE WITNESS: Yes, I do.

19 THE FOREPERSON: Thank you and you are

09:27 20 excused.

21 THE WITNESS: Okay. Thank you.

22 MR. PESCI: State calls Shawn Fletcher.

23 THE FOREPERSON: Please raise your right  
24 hand.

09:28 25 You do solemnly swear the testimony you are

09:28 1 about to give upon the investigation now pending before  
2 this Grand Jury shall be the truth, the whole truth, and  
3 nothing but the truth, so help you God?

4 THE WITNESS: I do.

09:28 5 THE FOREPERSON: Please be seated.

6 You are advised that you are here today to  
7 give testimony in the investigation pertaining to the  
8 offenses of burglary while in possession of a firearm,  
9 conspiracy to commit robbery, robbery with use of a  
09:28 10 deadly weapon, attempt robbery with use of a deadly  
11 weapon, murder with use of a deadly weapon, involving  
12 Demario Robinson, Raekwon Robertson and Davontae  
13 Wheeler.

14 Do you understand this advisement?

09:28 15 THE WITNESS: Yes.

16 THE FOREPERSON: Please state your first  
17 and last name and spell both for the record.

18 THE WITNESS: Shawn Fletcher. S-H-A-W-N,  
19 Fletcher, F-L-E-T-C-H-E-R.

09:28 20 SHAWN FLETCHER,  
21 having been first duly sworn by the Foreperson of the  
22 Grand Jury to testify to the truth, the whole truth,  
23 and nothing but the truth, testified as follows:

24

09:28 25 ///



EXAMINATION

09:28

1

2

3

BY MR. PESCI:

4

Q. I want to direct your attention to August

09:28

5

the 8th going into August the 9th of 2017. Were you

6

working?

7

A. Yes.

8

Q. What's your job?

9

A. I'm a senior crime scene analyst with Las

09:29

10

Vegas Metro.

11

Q. And how long have you been in that job?

12

A. Twenty-one years.

13

Q. And what were your responsibilities, or

14

were you called out on August the 9th to assist homicide

09:29

15

detectives with an investigation?

16

A. I was.

17

Q. And as a crime scene analyst what are your

18

job duties or what were they this particular early

19

morning?

09:29

20

A. On that evening they had found a vehicle

21

that was suspected to be involved in a homicide so I

22

went out and we do what we call sealed the vehicle. So

23

I photographed the vehicle where it was parked and I

24

placed evidence seals on it and I followed the tow back

09:29

25

to our lab.

09:29 1 Q. When you say lab, so the vehicle was towed  
2 to the Las Vegas Metropolitan lab?

3 A. Yes.

4 Q. Did you take photographs of that vehicle?

09:29 5 A. I did.

6 Q. And I apologize. Before the vehicle was  
7 processed, are you aware that a search warrant was  
8 obtained?

9 A. Yes.

09:29 10 Q. And after the search warrant was obtained  
11 did you process the vehicle?

12 A. I did.

13 Q. In addition to taking photographs was there  
14 also photography taken of items recovered from inside of  
09:29 15 the vehicle?

16 A. Yes.

17 Q. Do you often in your job recover items and  
18 take them to another part of the lab where you can lay  
19 them out and take photographs?

09:30 20 A. We do, yes.

21 Q. And that particular case did you do that?

22 A. Yes.

23 Q. I should say in this particular case.

24 A. I did.

09:30 25 Q. Showing you Grand Jury Exhibits 28 through

09:30 1 33. Did you recognize those?

2 A. Yes, these are pictures of that vehicle in  
3 our garage.

4 Q. And are there also items that were  
09:30 5 recovered from the trunk and inside of the vehicle?

6 A. Yes.

7 Q. Are these fair and accurate depictions of  
8 the vehicle and its contents?

9 A. They are.

09:30 10 Q. And now I'm going to, when you're done I'm  
11 going to steal them from you and over your left shoulder  
12 I'm going to display them.

13 A moment ago, showing you Grand Jury  
14 Exhibit 28, you spoke of sealing the vehicle; is that  
09:30 15 correct?

16 A. Yes. This is the vehicle and if you can  
17 see the orange sticker that's up on the top of the hood  
18 there, that's one of our seals.

19 Q. And speaking of that orange seal, looking  
09:30 20 at State's 29, is there more evidence of that seal?

21 A. Yes, the doors, we seal the hood, the doors  
22 and the trunk.

23 Q. What's the purpose?

24 A. The purpose is just to maintain the  
09:31 25 integrity of the evidence. If you open the door the

09:31 1 seals will break because they're just paper.

2 Q. So the photographs that we had looked at,  
3 and now showing you State's Exhibit 30, that's before  
4 entry was made into the vehicle?

09:31 5 A. Correct.

6 Q. Because the seal is still in place?

7 A. Yes.

8 Q. Now after making entry, including the  
9 trunk, is that where certain items were photographed?

09:31 10 A. Yes.

11 Q. State's 31. Is this items taken from the  
12 trunk?

13 A. Yes.

14 Q. In fact I think it's still in the trunk.

09:31 15 Is the spare tire in the top of the photograph?

16 A. Yeah, that's, they're still in the trunk.

17 Q. A moment ago I think you said, was it  
18 homicide detectives that had obtained the search  
19 warrant?

09:31 20 A. Yes, that's correct.

21 Q. You work in conjunction with them?

22 A. Yes.

23 Q. And did they, based on them having gone to  
24 the actual murder scene and spoken with some witnesses  
09:31 25 have information that sometimes you don't necessarily

09:32 1 have?

2 A. Yes. Usually when we work search warrants  
3 like that, they will kind of let us know what we're  
4 looking for.

09:32 5 Q. So that's based on their investigation and  
6 then you try to see if you can find some of those items?

7 A. Correct.

8 Q. Were red shoes something of interest to the  
9 detectives?

09:32 10 A. Yes, they were.

11 Q. And then also was firearms evidence  
12 something also of interest?

13 A. Yes, it was.

14 Q. So in the exhibit that we're looking at,

09:32 15 State's 31 I believe, do we have some red Air Jordan  
16 shoes?

17 A. Yes.

18 Q. Showing you State's 32, what are we looking  
19 at here?

09:32 20 A. This is a box of 45 caliber ammunition that  
21 we found.

22 Q. Now is this box taken out of the vehicle  
23 and then photographed in another location in the lab?

24 A. Yes, it's laid on a piece of butcher paper.

09:32 25 Q. Does that show you that in fact this is no

09:32 1 longer in the vehicle, it's from outside the vehicle?

2 A. Correct.

3 Q. But was that item recovered from inside the  
4 vehicle?

09:32 5 A. It was.

6 Q. And then in State's 33, do you do a closeup  
7 of those particular cartridges?

8 A. Yes.

9 Q. How much experience do you have with  
09:33 10 firearms?

11 A. Quite a bit.

12 Q. Okay. When we talk about a cartridge,  
13 layman's terms sometimes people say a bullet?

14 A. Correct.

09:33 15 Q. What is a cartridge? The definition from  
16 your experience.

17 A. This is an example of a cartridge. So the  
18 cartridge is the entire, it involves the cartridge case  
19 which houses the bullet, the gunpowder and everything  
09:33 20 else. So the cartridge is the whole thing. It's the  
21 cartridge case, the bullet is in there. Those have not  
22 been fired yet.

23 Q. And then are there various manufacturers  
24 that stamp their cartridges with their particular  
09:33 25 company?

09:33

1 A. Yes.

2 Q. Now what brand are we looking at here?

3 A. I believe that's going to be Federal. You

4 can see the FC in the middle and the F is for Federal,

09:33

5 the N and the R is for NATO round and then the 45 auto

6 is the caliber.

7 Q. Again based on conversations with the  
8 homicide detectives that had been at the actual murder  
9 scene, was this particular head stamp of interest?

09:34

10 A. I don't recall but probably. I know

11 45 caliber was of interest.

12 Q. And that's why you were asked to take  
13 photographs?

14 A. That's correct.

09:34

15 Q. And then in addition did you collect other  
16 items from inside of the car including some receipts and  
17 also a cell phone?

18 A. Yes. Detective Merrick I believe took the  
19 cell phone.

09:34

20 Q. Is it common for crime scene analysts to  
21 impound most of the items?

22 A. Yes.

23 Q. But sometimes, especially cell phones, do  
24 you hand them off to the detectives?

09:34

25 A. Yes, a lot of times they'll take the cell

09:34 1 phones.

2 Q. Is that because later on a subsequent  
3 search warrant is obtained to get inside the cell phone?

4 A. Yes.

09:34 5 Q. So you give it to them so they can process  
6 it?

7 A. That's correct.

8 Q. The other items, do you impound them?

9 A. Yes.

09:34 10 Q. Just briefly explain. What does that mean?

11 A. When we impound something we'll do like  
12 you've seen already, we take the photographs. When we  
13 impound something sometimes we fingerprint process  
14 things first. Sometimes we swab them for DNA first.

09:34 15 And then basically they get placed in an evidence bag  
16 after all of that processing, whatever is deemed  
17 necessary is done, they get placed into an evidence bag,  
18 the evidence bag gets fold over or tied depending on  
19 what kind we're using, it's sealed with a red seal, it's  
09:35 20 different than the ones you saw, but it's sealed with an  
21 evidence seal that I would initial and date at that time  
22 and then you can also tell that that seal hasn't been  
23 broken, and then we put a label on the front of the  
24 package that's going to have the case number, it's going  
09:35 25 to have the location where I was recovering the



09:35 1 evidence, so in this case it's going to say either the  
2 CSI garage or where I originally towed the vehicle from  
3 since I towed the vehicle. It's going to have a  
4 description, very detailed, of exactly what is in that  
09:35 5 bag and then again I'm going to sign that and it's going  
6 to have my P number and a package number.

7 Q. And is that so that if later on further  
8 forensic testing is done we all know what item this is,  
9 what event it's associated with?

09:35 10 A. Yes. And there's a chain of custody at the  
11 bottom of that label too. So if that package is opened  
12 for firearms or anything like that, they will cut  
13 through that, cut it and then they'll sign the chain of  
14 custody and they will reseal it.

09:36 15 MR. PESCI: Thank you very much.

16 That concludes our questions. Any  
17 questions from the ladies and gentlemen of the Grand  
18 Jury?

19 THE FOREPERSON: By law, these proceedings  
09:36 20 are secret and you are prohibited from disclosing to  
21 anyone anything that has transpired before us, including  
22 evidence and statements presented to the Grand Jury, any  
23 event occurring or statement made in the presence of the  
24 Grand Jury, and information obtained by the Grand Jury.

09:36 25 Failure to comply with this admonition is a

09:36 1 gross misdemeanor punishable up to 364 days in the Clark  
2 County Detention Center and a \$2,000 fine. In addition,  
3 you may be held in contempt of court punishable by an  
4 additional \$500 fine and 25 days in the Clark County  
09:36 5 Detention Center.

6 Do you understand this admonition?

7 THE WITNESS: Yes.

8 THE FOREPERSON: Thank you. You are  
9 excused.

09:36 10 THE WITNESS: Thank you.

11 MR. PESCI: The State calls William Speas.

12 THE FOREPERSON: Please raise your right  
13 hand.

14 You do solemnly swear the testimony you are  
09:37 15 about to give upon the investigation now pending before  
16 this Grand Jury shall be the truth, the whole truth, and  
17 nothing but the truth, so help you God?

18 THE WITNESS: I do.

19 THE FOREPERSON: Please be seated.

09:37 20 You are advised that you are here today to  
21 give testimony in the investigation pertaining to the  
22 offenses of burglary while in possession of a firearm,  
23 conspiracy to commit robbery, robbery with use of a  
24 deadly weapon, attempt robbery with use of a deadly  
09:37 25 weapon, murder with use of a deadly weapon, involving

09:37 1 Demario Robinson, Raekwon Robertson and Davontae  
2 Wheeler.

3 Do you understand this advisement?

4 THE WITNESS: I do.

09:38 5 THE FOREPERSON: Please state your first  
6 and last name and spell both for the record.

7 THE WITNESS: My name is William Speas.  
8 William, W-I-L-L-I-A-M, Speas, S-P-E-A-S.

9 WILLIAM SPEAS,

09:38 10 having been first duly sworn by the Foreperson of the  
11 Grand Jury to testify to the truth, the whole truth,  
12 and nothing but the truth, testified as follows:

13

14 EXAMINATION

09:38 15

16 BY MR. PESCI:

17 Q. Sir, what do you do for a living?

18 A. I'm a senior crime scene analyst with Las  
19 Vegas Metro CSI.

09:38 20 Q. How long have you been in that position?

21 A. Just over 18 years.

22 Q. What do you do in that position?

23 A. In this position what we'll do is we'll  
24 assist detectives, we'll assist officers at a scene.

09:38 25 Basically we document, we collect evidence, we protect

09:38 1 evidence, we'll process for fingerprints and we'll --

2 Q. When you document do you sometimes take  
3 photographs?

4 A. I take, usually every time I'll take  
09:38 5 photographs.

6 Q. I want to direct your attention to August  
7 the 9th of 2017. Were you called out to assist with  
8 documentation at a scene at 5536 West Dewey Drive here  
9 in Las Vegas, Nevada?

09:39 10 A. I was.

11 Q. And did you as a part of your duties there  
12 take photographs?

13 A. I did.

14 Q. May I show you Grand Jury Exhibits 16  
09:39 15 through 27. If you could take a moment to review those  
16 please.

17 Do you recognize those?

18 A. I do. These were not all at that same  
19 address. Some were at a later address also.

09:39 20 Q. Good point. The second address, were you  
21 also at that one?

22 A. I was.

23 Q. Were you also part of the process of  
24 documenting that scene?

09:39 25 A. Yes, I was there to assist in the search

09:39 1 warrant by documentation.

2 Q. And are these all fair and accurate  
3 depictions of those two scenes?

4 A. Yes, they are.

09:39 5 Q. Over your left shoulder I'm going to  
6 display these. The first scene that we're focusing on  
7 is the Dewey Avenue. Looking at State's 16, do you  
8 recognize that?

9 A. Yes, that's a residence there on Dewey.

09:40 10 Q. And what time did you get there, about what  
11 time?

12 A. I work graveyard shift. This was I believe  
13 just before midnight.

14 Q. Is that why we still have the sky being  
09:40 15 dark?

16 A. Yes. These are timed exposures. It was  
17 actually probably a little bit darker than that.

18 Q. When you say timed exposures, what does  
19 that mean?

09:40 20 A. It means I set the camera on a tripod and  
21 then I did timed exposures to allow for starlight,  
22 moonlight, any available light out there to expose the  
23 whole area. As you can see under the garage awning and  
24 stuff where they have like light bulbs and stuff set up,  
09:40 25 it's kind of burnt out a little bit because it got a

09:40 1 little bit overexposed under there.

2 Q. Focusing in now, we were just looking at  
3 State's 16, but looking at State's 17, is that a closeup  
4 of, is that a retaining wall? What would you call that?

09:41 5 A. That's what I refer to it as a retaining  
6 wall.

7 Q. And what are you trying to document there?

8 A. That's what I have is, I have blood that's  
9 out there on the, it's like an RV pad, that flat area,  
09:41 10 that driveway that's right there in front of the  
11 retaining wall, and we have what's apparent blood on  
12 there.

13 Q. When you arrived at the scene was the  
14 victim present?

09:42 15 A. No, the victim had been transported prior  
16 to my arrival.

17 Q. Do you take photographs before you put any  
18 placards in to notate specific locations and pieces of  
19 evidence?

09:42 20 A. Yes, I photograph the scene as it appears  
21 when I arrive.

22 Q. Later on to document specific pieces of  
23 evidence do you utilize numbered placards?

24 A. Yes, I do.

09:42 25 Q. Looking at State's 18. What are we looking

09:42 1 at?

2 A. These are numbered placards that are set  
3 out to show the location of, in this case it would have  
4 been cartridge cases.

09:42 5 Q. And cartridge cases, were those impounded?

6 A. Yes, they were.

7 Q. And then are they, did you impound them  
8 or --

9 A. No, that was Ebony Stevens did those.

09:42 10 Q. And Ebony Stevens, is she another crime  
11 scene analyst?

12 A. Yes. She worked the scene with me.

13 Q. Now we talked about this scene. This is  
14 the murder scene. Were you also involved with the

09:43 15 homicide detectives of taking some photographs at the  
16 Short Line Market at 7325 South Jones?

17 A. I took one right at the end cause I heard  
18 that was a follow-up area just as I was, just before I  
19 went back to the lab.

09:43 20 Q. Did you also assist homicide with  
21 documenting a scene at 919 Bagpipe Court in North Las  
22 Vegas?

23 A. Yes, I did that the next evening.

24 Q. Showing you Grand Jury Exhibit 19. Do you  
09:43 25 recognize that?

09:43 1 A. Yes, that's the residence on Bagpipe.

2 Q. And was a search warrant obtained by  
3 homicide detectives prior to making entry and searching  
4 inside the home?

09:43 5 A. Yes.

6 Q. And then did you work with homicide as far  
7 as gathering information from them as to what they might  
8 be looking for?

9 A. They will do the search. I documented the  
09:43 10 location, overalls and interiors and then the location  
11 and view of items that they found on their search  
12 warrant.

13 Q. So you're working in tandem in essence?

14 A. Yes, I do.

09:44 15 Q. An item of interest, State's 20, do you  
16 recognize that?

17 A. Yes, that was a pink backpack that was  
18 found up in one of the bedrooms.

19 Q. And then inside of the backpack, in 21,  
09:44 20 what are we looking at?

21 A. Inside was a semi-automatic handgun.

22 Q. And then State's 22?

23 A. That's the handgun outside of the bag.

24 Q. And then did you photograph it outside of  
09:44 25 the holster in State's 23?



09:44 1 A. Yes, I did. In fact there's my scale with  
2 my name and P number on it.

3 Q. And P number, is that personnel number?

4 A. That's my personnel number.

09:44 5 Q. And then were photographs taken of the  
6 magazine in State's 24?

7 A. Yes, that's where it's downloaded. This  
8 shows the magazine out, it shows the number of  
9 cartridges that were inside the magazine and because I  
09:44 10 don't have a cartridge at the top by the chamber, it had  
11 an empty chamber in this case.

12 Q. And then State's 25, did you show, is that  
13 referred to often as the head stamp of the cartridge?

14 A. Yes, it is.

09:45 15 Q. And what particular brand are we looking  
16 at?

17 A. That is R-P 45 auto.

18 Q. And then based on your experience out at  
19 the scene, were 45 caliber cartridge cases found at the  
09:45 20 murder scene?

21 A. Yes.

22 Q. Were there different brands, so different  
23 head stamps on those three 45 caliber cartridges?

24 A. There were three 45 caliber cartridges,  
09:45 25 three different head stamps.

09:45 1 Q. I apologize. Was there also another  
2 cartridge but not a 45?

3 A. Yes, sir, there was also a 22 caliber  
4 cartridge.

09:45 5 Q. And also still at the same location we  
6 spoke of earlier, State's 26, what are we looking at?

7 A. A pair of red shoes.

8 Q. And then I kind of went out of order, I  
9 apologize. Do you normally do State's 27, an overall  
09:45 10 and then State's 26, a closeup?

11 A. Yeah, this was the location of the shoes.  
12 They were behind a desk in the same room that the pink  
13 bag was in.

14 MR. PESCI: All right. Thank you. That  
09:46 15 concludes my questions. Are there any questions from  
16 the ladies and gentlemen of the Grand Jury?

17 BY A JUROR:

18 Q. How many rounds does that magazine hold?

19 A. That particular magazine I am not sure.

09:46 20 Normally -- if I can refer to my notes, I may have put  
21 the capacity in there.

22 BY MR. PESCI:

23 Q. Would that refresh your recollection?

24 A. Yes, it would.

09:46 25 Q. Please do.

09:46 1 A. No, sir, that does not say the number of  
2 rounds in there. Since I did not load it, I unloaded  
3 it, I don't know exactly what the capacity was. It is a  
4 smaller one and normal 45 of that caliber or of that  
09:47 5 design, which would be like a 1911, would hold like I  
6 believe something like seven or eight.

7 Q. But did you indicate that one, there was  
8 one empty space in the magazine?

9 A. Yes. There may have well have been. I'm  
09:47 10 not sure exactly. A lot of times they'll have a  
11 numbering on the edge of the magazine or in the back  
12 will indicate how many go in, but this one did not.

13 BY A JUROR:

14 Q. You indicated that three casings were found  
09:47 15 at the scene. Did one of the casings head stamp match  
16 the casings that were on the cartridges found in the  
17 weapon?

18 A. Yes, one of the 45 caliber cartridge cases  
19 was an R-P 45 auto.

09:47 20 BY MR. PESCI:

21 Q. So I can clarify. Thank you very much. So  
22 there are three 45 caliber cartridges at the murder  
23 scene?

24 A. And one 22 caliber cartridge.

09:47 25 Q. And one 22. And the grand juror's question

09:48 1 is that one of the 45's at the murder scene matched the  
2 caliber that we just showed in our recent photograph?

3 A. Yes, it did.

4 MR. PESCI: Does that answer your question?

09:48 5 A JUROR: Yes.

6 MR. PESCI: Are there any other questions?

7 BY A JUROR:

8 Q. You said caliber. Was it caliber, was it  
9 head stamp that matched? What was --

09:48 10 A. Okay. The caliber that's put on the head  
11 stamp is usually the caliber of the weapon. On the 22  
12 it's because it's such a small cartridge case, usually  
13 like in this one it only had a C on it and we just know  
14 from looking at the size of it that that's a small 22.

09:48 15 It doesn't say 22 on it but the 45 caliber ones do.

16 BY MR. PESCI:

17 Q. So focusing in on State's 25. On the head  
18 stamp does it show in fact the number 45 for the  
19 caliber?

09:48 20 A. Yes.

21 Q. And does it also have the R&P auto?

22 A. Yes, it's R-P 45 auto, yes.

23 Q. So a particular company head stamps their  
24 cartridge that way?

09:49 25 A. They, some of them do. A lot -- they'll be

09:49 1 varying. But that's normally, like for the 45 caliber  
2 they'll have that. So you'll be able to pick it up,  
3 look at it and you'll know what caliber that is and  
4 that's the right caliber for your weapon.

09:49 5 Q. But one of the cartridge cases at the  
6 murder scene matched this particular head stamp?

7 A. Yes, it did.

8 Q. Thank you.

9 BY A JUROR:

09:49 10 Q. And that's the head stamp that was found in  
11 the weapon?

12 A. In the handgun that I recovered at the  
13 search warrant, yes.

14 THE FOREPERSON: By law, these proceedings  
09:49 15 are secret and you are prohibited from disclosing to  
16 anyone anything that has transpired before us, including  
17 evidence and statements presented to the Grand Jury, any  
18 event occurring or statement made in the presence of the  
19 Grand Jury, and information obtained by the Grand Jury.

09:49 20 Failure to comply with this admonition is a  
21 gross misdemeanor punishable up to 364 days in the Clark  
22 County Detention Center and a \$2,000 fine. In addition,  
23 you may be held in contempt of court punishable by an  
24 additional \$500 fine and 25 days in the Clark County  
09:49 25 Detention Center.

09:49 1 Do you understand this admonition?  
2 THE WITNESS: I do.  
3 THE FOREPERSON: Thank you and you are  
4 excused.

09:50 5 THE WITNESS: Thank you.  
6 MR. PESCI: Thank you.  
7 MS. O'HALLORAN: State's next witness is  
8 Glezzelle Tapay.  
9 THE FOREPERSON: Please raise your right  
09:50 10 hand.  
11 You do solemnly swear the testimony you are  
12 about to give upon the investigation now pending before  
13 this Grand Jury shall be the truth, the whole truth, and  
14 nothing but the truth, so help you God?

09:51 15 THE WITNESS: I do.  
16 THE FOREPERSON: Please be seated.  
17 You are advised that you are here today to  
18 give testimony in the investigation pertaining to the  
19 offenses of burglary while in possession of a firearm,  
09:51 20 conspiracy to commit robbery, robbery with use of a  
21 deadly weapon, attempt robbery with use of a deadly  
22 weapon, and murder with use of a deadly weapon,  
23 involving Demario Robinson, Raekwon Robertson and  
24 Davontae Wheeler.

09:51 25 Do you understand this advisement?

09:51 1 THE WITNESS: I do.

2 THE FOREPERSON: Please state your first  
3 and last name and spell both for the record.

4 THE WITNESS: Glezzelle Tapay.

09:51 5 G-L-E-Z-Z-E-L-L-E, last name Tapay, T-A-P-A-Y.

6 GLEZZELLE TAPAY,  
7 having been first duly sworn by the Foreperson of the  
8 Grand Jury to testify to the truth, the whole truth,  
9 and nothing but the truth, testified as follows:

09:51 10

11 EXAMINATION

12

13 BY MS. O'HALLORAN:

14 Q. Miss Tapay, what do you do for a living?

09:51 15 A. I'm a crime scene analyst.

16 Q. How long have you been a crime scene  
17 analyst?

18 A. Just under two years.

19 Q. What are some of your job responsibilities  
09:51 20 as a crime scene analyst?

21 A. As a crime scene analyst we are supposed to  
22 report to a scene, we document the scene in its original  
23 condition through photography, notes and sometimes  
24 diagrams.

09:52 25 Q. I'm going to direct your attention to

09:52 1 August 15th of 2017. Did you respond to an address at  
2 6647 West Tropicana?

3 A. Yes.

4 Q. What was the purpose of responding to that  
09:52 5 address?

6 A. We were there for a search warrant.

7 Q. And did you help to process that apartment?

8 A. I did.

9 Q. What specifically did you do while you were  
09:52 10 there?

11 A. My part in that was to collect the  
12 evidence. We photographed the scene and collected the  
13 evidence.

14 Q. When you go to a scene to process it, do  
09:52 15 you often work in conjunction with other crime scene  
16 analysts?

17 A. Yes.

18 Q. Was there another crime scene analyst at  
19 this particular apartment on that day?

09:53 20 A. There was.

21 Q. And was it you or that crime scene analyst  
22 who took the photographs?

23 A. The other crime scene analyst took the  
24 photos.

09:53 25 Q. But were you present to view all of the



09:53 1 items that you impounded before they were actually  
2 impounded and where they were impounded from?

3 A. Yes.

4 Q. Was there anything of note that you  
09:53 5 impounded from that particular address?

6 A. We impounded a firearm, some ammunition and  
7 clothing.

8 Q. Do you recall what type of firearm it was  
9 that you located?

09:53 10 A. The firearm was a Taurus PT 22.

11 Q. 22 caliber firearm?

12 A. Yes.

13 Q. Was it a handgun?

14 A. Yes.

09:54 15 Q. And would that have been a semi-automatic  
16 handgun?

17 A. Semi-automatic.

18 Q. Where did you locate that firearm inside  
19 the apartment?

09:54 20 A. The firearm was located in the south closet  
21 underneath the bottom drawer of a dresser.

22 Q. You mentioned the south closet. Was that  
23 inside a bedroom?

24 A. Yes.

09:54 25 Q. And how many bedrooms are in this

09:54 1 apartment?

2 A. The apartment was a two bedroom apartment.

3 Q. Which bedroom would the firearm have been  
4 found in?

09:54 5 A. The northeast bedroom.

6 Q. Was there anything else found in that  
7 bedroom that you impounded?

8 A. Ammunition and clothing.

9 Q. Do you recall what type of ammunition you  
09:54 10 impounded?

11 A. There was a box of 22 caliber ammunition  
12 and there was miscellaneous other caliber stamped with  
13 different head stamps also.

14 Q. Regarding the 22 caliber ammunition, do you  
09:55 15 recall the head stamp on that ammunition that you found  
16 in that bedroom?

17 A. There was a C on the head stamp.

18 Q. Now I'm going to show you a packet of  
19 photos. It's going to be Grand Jury Exhibit Number 34  
09:55 20 through 37 and then 39 through 42. Can you tell me if  
21 you recognize what's depicted in those photographs?

22 A. I recognize these three.

23 Q. So you recognize the first three?

24 A. Yes.

09:56 25 Q. So you recognize Exhibits 34, 35 and 36.

09:56 1 And we've been talking about your work at 6647 West  
2 Tropicana. Was that an apartment number 104?

3 A. Correct.

4 Q. Publish Grand Jury Exhibit Number 34. Is  
09:56 5 that the outside of the apartment?

6 A. Yes.

7 Q. And Grand Jury Exhibit Number 35, is that  
8 just a photograph of the address of that apartment?

9 A. Yes.

09:56 10 Q. And then Exhibit Number 36, what are we  
11 looking at here?

12 A. We are looking at the dresser that was  
13 located in the closet with the bottom drawer pulled out,  
14 that way you can see the weapon and ammunition.

09:56 15 Q. So you mentioned a Taurus 22 caliber  
16 firearm that you found in the bedroom. Is that depicted  
17 in this photograph?

18 A. Yes.

19 Q. Okay. And then there appears to be three  
09:57 20 boxes of ammunition. Is that the ammunition that you  
21 spoke of?

22 A. Yes.

23 Q. Are you able to see the 22 caliber  
24 ammunition that you mentioned?

09:57 25 A. Yes, it is in one of those boxes.

09:57 1 Q. Did you find any clothing or did you  
2 impound any clothing?

3 A. Yes.

4 Q. From that bedroom or from somewhere else in  
09:57 5 the apartment?

6 A. In the same closet.

7 Q. Okay. What items of clothing did you  
8 impound?

9 A. We recovered one black jacket, one black  
09:57 10 sweater. There was also a green handkerchief.  
11 Elsewhere in the bedroom there was a scarf that was blue  
12 and brown and also in the same closet there was shoes.

13 Q. Do you recall did you impound any hoodies?

14 A. Yes.

09:58 15 Q. What color was that hoodie that you  
16 impounded?

17 A. A black hoodie.

18 Q. Was it found in that same closet?

19 A. Yes.

09:58 20 MS. O'HALLORAN: I have no further  
21 questions of this witness.

22 THE FOREPERSON: By law, these proceedings  
23 are secret and you are prohibited from disclosing to  
24 anyone anything that has transpired before us,  
09:58 25 including -- oh, I'm sorry.

09:58 1 BY MR. PESCI:

2 Q. So Grand Jury Exhibit 42, do you recognize  
3 that?

4 A. I do.

09:58 5 Q. And what do you recognize that to be?

6 A. The 22 cartridges that have the head stamp  
7 with the C on them.

8 Q. I'm going to have you look over your left  
9 shoulder. As we zoom in, does this indicate the caliber  
10 here on the box?

11 A. Yes.

12 Q. And then as we zoom in, is that the head  
13 stamp with the C?

14 A. That is the head stamp with the C.

09:59 15 MR. PESCI: All right. Thank you. Nothing  
16 further.

17 THE FOREPERSON: No questions?

18 By law, these proceedings are secret and  
19 you are prohibited from disclosing to anyone anything  
09:59 20 that has transpired before us, including evidence and  
21 statements presented to the Grand Jury, any event  
22 occurring or statement made in the presence of the Grand  
23 Jury, and information obtained by the Grand Jury.

24 Failure to comply with this admonition is a  
09:59 25 gross misdemeanor punishable up to 364 days in the Clark

09:59 1 County Detention Center and a \$2,000 fine. In addition,  
2 you may be held in contempt of court punishable by an  
3 additional \$500 fine and 25 days in the Clark County  
4 Detention Center.

09:59 5 Do you understand this admonition?

6 THE WITNESS: Yes.

7 THE FOREPERSON: Thank you and you are  
8 excused.

9 THE WITNESS: Thank you.

10:00 10 MS. O'HALLORAN: State's next witness is  
11 going to be John Relato.

12 THE FOREPERSON: Please raise your right  
13 hand.

14 You do solemnly swear the testimony you are  
10:00 15 about to give upon the investigation now pending before  
16 this Grand Jury shall be the truth, the whole truth, and  
17 nothing but the truth, so help you God?

18 THE WITNESS: I swear.

19 THE FOREPERSON: Please be seated.

10:01 20 You are advised that you are here today to  
21 give testimony in the investigation pertaining to the  
22 offenses of burglary while in possession of a firearm,  
23 conspiracy to commit robbery, robbery with use of a  
24 deadly weapon, attempted robbery with use of a deadly  
10:01 25 weapon, and murder with use of a deadly weapon,

10:01 1 involving Demario Robinson, Raekwon Robertson, Davontae  
2 Wheeler.

3 Do you understand this advisement?

4 THE WITNESS: Yes, sir.

10:01 5 THE FOREPERSON: Please state your first  
6 and last name and spell both for the record.

7 THE WITNESS: First name John Paolo, last  
8 name Relato. J-O-H-N, space, P-A-O-L-O, as for last  
9 name, it's R-E-L-A-T-O, Relato.

10:01 10 JOHN PAOLO RELATO,  
11 having been first duly sworn by the Foreperson of the  
12 Grand Jury to testify to the truth, the whole truth,  
13 and nothing but the truth, testified as follows:

10:01 15 EXAMINATION

16  
17 BY MS. O'HALLORAN:

18 Q. Mr. Relato, I'd like to direct your  
19 attention to August 9th of this year. Where were you  
10:01 20 living on that date?

21 A. I was at my residence at 5536 West Dewey  
22 Drive, Las Vegas, Nevada, 89118.

23 Q. And who did you live with at that time?

24 A. There was my stepdad or ex-stepdad, mother,  
10:02 25 sister and my cousin.