

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

RALPH EDMOND GOAD,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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**Appeal from a Judgment of Conviction in Case CR19-0999  
The Second Judicial District Court of the State of Nevada  
Honorable David Hardy, District Judge**

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**JOINT APPENDIX VOLUME SEVEN**

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Electronically Filed  
May 08 2020 10:23 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court  
No. 79977

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5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF WASHOE  
7 HONORABLE DAVID A. HARDY, DISTRICT JUDGE

8 -o0o-

9 THE STATE OF NEVADA, Case No. CR19-0999  
10 Plaintiff, Dept No. 15  
11 vs.  
12 RALPH EDMOND GOAD,  
13 Defendant.

14 \_\_\_\_\_/

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16

17 TRANSCRIPT OF PROCEEDINGS

18 JURY TRIAL

19 AUGUST 9, 2019

20 RENO, NEVADA

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24 REPORTED BY: CORRIE L. WOLDEN, NV CSR #194, RPR, CP

25 JOB NO. 565711

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A P P E A R A N C E S

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1           RENO, NEVADA, FRIDAY, AUGUST 9, 2019, 9:05 A.M.

2                               -o0o-

3                       (Whereupon the following proceedings  
4                       were outside the presence of the jury.)

5           THE COURT: For the record, I'm in the presence of  
6 counsel. Mr. Goad is not present. The jury is not present.  
7 It is 9:05.

8           The deputies told me about 8:15 that Mr. Goad was  
9 not transported. The only message I got from them was that  
10 he chose not to be transported. I asked -- they asked what  
11 to do and I said just stand by until we have the court clerk  
12 and the attorneys.

13           We convened off the record for probably five  
14 minutes when I explained what information I have. I shared  
15 a case with counsel, Hanley v. State, which is a 1967  
16 decision, 83 Nevada, and then I left the room.

17           It's my understanding that defense counsel has now  
18 had independent contact with the jail or Mr. Goad. I did  
19 not hear anything from the state. He didn't say anything on  
20 behalf of the state, Mr. Stege did not.

21           Since then, counsel, I have also located 178.388,  
22 which in subparagraph 2(a) provides specific -- I have a  
23 copy here for you. "The defendant's voluntary absence after  
24 the trial has commenced in the defendant's presence must not  
25 prevent continuing the trial to include the return of the

1 verdict."

2               So voluntariness I think is the issue that you are  
3 going to explore, but, counsel, I will give you a copy of  
4 this as well. Do any of the three of you want to correct  
5 anything that I have said on the record?

6               MR. STEGE: No.

7               MR. SLOCUM: No thank you.

8               THE COURT: You have now received the jury  
9 instructions?

10              MR. STEGE: Yes.

11              MR. SLOCUM: Yes.

12              THE COURT: Are you ready to make your objections  
13 on the record or do you want to reconvene in 30 minutes to  
14 do that?

15              MS. MAYHEW: Reconvene.

16              THE COURT: All right. We will go off the record.

17

18              (Whereupon a break was taken from 9:04 a.m. to 9:38 a.m.)

19

20                               (Whereupon the following proceedings  
21                               were outside the presence of the jury.)

21

22              THE COURT: We continue in Mr. Goad's absence.

23              The jury is all present in the jury deliberation room, not  
24 in the courtroom.

25              Counsel, do you wish to make any objections for



1 our record to the instructions?

2 MS. MAYHEW: Yes, Your Honor. With regard to the  
3 absence of the law enforcement instruction, we do think that  
4 it's necessary in this particular case, and the reason for  
5 that is it's very law enforcement heavy testimony.

6 And I think it's important to note that just  
7 because you are an officer doesn't necessarily mean you are  
8 more credible than anybody else, and so with that we think  
9 that it is appropriate to have an instruction so the jurors  
10 are aware of that.

11 THE COURT: Thank you. To the state?

12 MR. STEGE: As are many cases law enforcement  
13 heavy, there are no special rules for law enforcement in  
14 terms of judging credibility.

15 The instruction when read carefully indicates  
16 that, in fact, they are to be judged, their credibility is  
17 to be judged the same as other witnesses, which is a way of  
18 hinting to the jury that perhaps you should suspect their  
19 credibility, which is not -- that's an argument that is not  
20 an objective legal principle. The authorities supporting it  
21 also do not hold up.

22 THE COURT: Thank you. Any other objections?

23 MS. MAYHEW: No, Your Honor.

24 THE COURT: All right. Is Mr. Goad going to  
25 arrive this morning?

1                   MR. SLOCUM: He is, Your Honor. In fact, we spoke  
2 with him. He had indicated the same concern, which I had  
3 addressed earlier with respect to the diarrhea, and he said  
4 it had cleared up and that he was ready to come to court and  
5 there was not anymore, frankly, to it than that.

6                   THE COURT: Do we have an estimated time of  
7 arrival?

8                   THE DEPUTY SHERIFF: They are picking him up at  
9 the jail right now. He will be here I would say ready to go  
10 in about 30 minutes.

11                  THE COURT: That was one of our deputy sheriffs  
12 who just spoke.

13                  I can proceed in his absence, but I wish to avoid  
14 any potential prejudicial inference by beginning with his  
15 absence and then having him arrive tardy. Mr. Stege?

16                  MR. STEGE: Without speaking directly to this  
17 situation, this trial seems to be plagued or dogged by  
18 delay. We haven't really heard evidence as to a lot of  
19 those delays with the exception of Deputy Cox and his folks  
20 related to the medication issue.

21                  If we run up against another delay, the state will  
22 be urging the Court not to suffer for their delay.

23                  THE COURT: So noted.

24                  MR. SLOCUM: And if I could just make one more  
25 record, with respect to the medication which Mr. Goad was

1 given that was the cause of our early, our early adjournment  
2 ~~on Wednesday, one of the side effects of that medication is~~  
3 diarrhea per the research that I did on the internet, just  
4 so the Court is aware of that.

5 THE COURT: I understand what both of you have  
6 said. As always, I must balance competing perspectives.  
7 There have been delays never caused by defense counsel.

8 When Mr. Goad has been here, he has been  
9 respectful to the jury. He stands at all times. He has no  
10 disruptive body language, certainly no verbal outbursts, and  
11 I have been pleased with his in presence participation, so I  
12 have to balance that against the state's legitimate concern  
13 that there have been delays.

14 The fact is I have the right to go right now  
15 without him. I have the right to duct tape in the presence  
16 of the jury a disruptive defendant.

17 I have great latitude as I sit at this bench and I  
18 balance that authority with some modesty of use. We will  
19 await Mr. Goad's presence so that his tardiness does not  
20 create any prejudicial inferences.

21 We should communicate with the jury, however.  
22 Please be very limited in what you say. Don't answer any  
23 questions and don't provide any information.

24 Just say that the Court continues to work on some  
25 matters and my best guess is that we will bring everyone

1 into the jury deliberation room, from the jury deliberation  
2 room to the courtroom at 10:05 or 10:10. That's all I want  
3 you to say.

4 THE DEPUTY SHERIFF: Yes.

5 THE COURT: Now, I can't have jurors outside of  
6 the deliberation room when we bring Mr. Goad in, and so I  
7 can go one of two ways. I can simply set them free for the  
8 next 30 minutes. As soon as I count noses again at 10:15,  
9 for example, I can have Mr. Goad brought in, or I can just  
10 have them sit in the jury deliberation room.

11 My experience is they don't like to be held  
12 captive in that room, but I cannot risk any observations of  
13 Mr. Goad's custody. Do any of the three of you wish to be  
14 heard?

15 MR. SLOCUM: Yes, Your Honor. My preference would  
16 be to let them go for 30 minutes, have them come back at  
17 10:15. We will by that point have Mr. Goad available to  
18 come into the courtroom and then we can go from there.

19 MR. STEGE: Comfort seems paramount.

20 THE COURT: Strike my prior instructions. Tell  
21 the jury the Court continues to work and I will not have  
22 them into the courtroom until 10:15. They are free to leave  
23 the jury deliberation room as long as they are in the jury  
24 deliberation room at 10:15. Hold Mr. Goad downstairs until  
25 we are able to count 14.

1 THE DEPUTY SHERIFF: Yes, Your Honor.

2

3 (Whereupon a break was taken from 9:45 a.m. to 10:17 a.m.)

4 (Whereupon the following proceedings  
were outside the presence of the jury.)

5

6 THE COURT: Ms. Mayhew, if I need to take a break,  
7 just make --

8 THE CLERK: Your Honor, we are waiting for  
9 Mr. Stege.

10 THE COURT: All right. I just indicated to  
11 Ms. Mayhew if at any time Mr. Goad needs attention make  
12 contact with me and I will see what happens.

13 All right. Please join me in standing for the  
14 jury.

15 (Whereupon the following proceedings.  
were in the presence of the jury.)

16

17 THE COURT: The entire jury is present, as are  
18 trial counsel and Mr. Goad.

19 Ladies and gentlemen, all of the evidence has been  
20 presented in this case. I will now instruct you on the  
21 principles of law that will govern your deliberation.

22 The instructions are lengthy. We each learn  
23 differently, sometimes by sound and sometimes by our eyes,  
24 and so I would ask a lawyer and my partner to use the  
25 overhead projector so that you can read along as I read the

1 instructions out loud. I'm required to read them out loud.

2 You will have a few copies of the instruction  
3 packet with you in the jury deliberation room if you choose  
4 to refer to the instructions during your deliberations.

5 And, Ms. Reporter, you are not required to write  
6 the instructions.

7 (Whereupon the jury instructions were read.)

8  
9 THE COURT: Ms. Reporter, we will go on the  
10 record, please. Ladies and gentlemen, we work very hard to  
11 prevent error, and I own all errors that occur within this  
12 room, and it appears that I have sequentially numbered two  
13 instructions which are the same.

14 I am going to omit Instruction 17, not filling the  
15 gap of 17, so the packet of instructions that goes to you  
16 will be numbered 1 through 16 and 18 through 36. There will  
17 not be an Instruction 17.

18 (Whereupon the jury instructions continued to be read.)

19 THE COURT: The instructions referred to 12 of  
20 you. There are 14 of you seated in the jury box. Two of  
21 you are alternates.

22 I occasionally notify the alternates who they are  
23 at the beginning of trial, because I wish to avoid the  
24 surprise of their surprise of not deliberating. Sometimes I  
25 identify the alternates at the conclusion of the trial

1     because I want them to participate fully throughout the  
2     presentation of evidence.

3                 To be honest, I didn't think about it this time.  
4     I just overlooked it, and so jurors 13 and 14 are the  
5     alternates, which means that you will not be part of the  
6     deliberations, but I ask that you continue to participate as  
7     a member of this jury panel during the closing arguments by  
8     participation by your attentive, by your attentive  
9     participation.

10                After the jury is authorized to deliberate, you  
11     will leave the jury room taking all of your personal  
12     belongings with you, but you will remain under oath and  
13     duty, which means that should any reason arise you would be  
14     summoned into jury service. Frankly, it happens almost  
15     never, but you need to still be available and give the  
16     deputies your contact information.

17                We are about to hear closing arguments, and,  
18     counsel, speaking of what I have overlooked, I also  
19     yesterday overlooked to discuss today's lunch schedule and I  
20     regret that, because you are -- once you begin deliberations  
21     there are different rules about when you are together, where  
22     you are together, and you are not allowed to be apart from  
23     each other and so we provide lunch, sometimes dinner. Well,  
24     always a meal at whatever appropriate time at our expense.

25                I should have told you that, because you could

1 have made arrangements if you don't like what we provide. I  
2 think in the middle of the day we will provide Jimmy John  
3 sandwiches, and so I don't want to interrupt any of the  
4 attorneys as they are in their closing arguments, so we are  
5 going to recess just long enough for you to fill out an  
6 order form so we can get the food en route so that it will  
7 be available to you as soon as you begin your deliberations.

8 Jurors 13 and 14, I want you to also order a meal,  
9 please, if you would like. Now, this is going to take 7 or  
10 10 minutes, I presume. Do you have the order forms,  
11 deputies?

12 THE DEPUTY SHERIFF: Yes.

13 THE COURT: During this recess, you are not to  
14 discuss this case amongst yourselves. You are very close,  
15 but not yet there. Please do not form or express any  
16 opinion about this matter until you have heard from the  
17 attorneys.

18 The deputy will give you the instruction forms,  
19 menu forms, and then if you will just knock on the door as  
20 soon as all of you have decided upon the sandwich you want,  
21 and then the deputy will alert us and we will bring you back  
22 into the courtroom. We will stand for our jury.

23 (Whereupon a break was taken from 10:50 a.m. to 11:10 a.m.)

24 (Whereupon the following proceedings  
25 were outside the presence of the jury.)



1                   THE COURT: I will now read Instruction 17. I  
2 made a mistake and I won't make a big deal about it, but I  
3 will just read it to the jury. Are we ready for the jury?

4                   All right. If you will stand with me as we await  
5 the jury's presence. Ms. Clerk, do you have the jury  
6 instruction?

7

8                   (Whereupon the following proceedings  
9 were in the presence of the jury.)

10                  THE COURT: The following Instruction 17 will be  
11 included in your packet, and you are not required to write  
12 it, Ms. Reporter.

13                  (Whereupon Jury Instruction Number 17 was read.)

14                  THE COURT: To the state, you may begin.

15                  MR. STEGE: Two men enter, one man leaves. Two  
16 men enter. Ralph Goad, Theodore Gibson enter. One man  
17 leaves, Ralph Goad.

18                  You now know from the evidence that two men  
19 entered, one man left. There is one man left, Ralph Goad.  
20 The evidence in the case, video, right, we have video  
21 surveillance, weeks, gigabytes of video.

22                  The killer went in that room and murdered  
23 Mr. Gibson. The only man to go in there is Ralph Goad. We  
24 know this from the video surveillance. The last date that  
25 Mr. Gibson was alive outside his apartment was the 18th,

1 right?

2           The detectives learn of this transaction at  
3 Walmart looking to verify that the man was alive on January  
4 the 18th and there they are able to work forward. And in  
5 the video, right, the man leaves early in the morning. He  
6 is at Walmart at 7:00 in the morning. Comes home the same  
7 date. Immediately in, who but Ralph Goad.

8           And we see this pattern develop, right, this loose  
9 pattern, right? In the morning he is visiting the  
10 apartment, coming and going in the morning and generally  
11 leaving around midday until the 22nd, right?

12           The pattern holds generally in the morning, right?  
13 We learned, the detectives learned in watching the video  
14 that Ralph Goad, this is Ralph Goad, baseball cap, Boston,  
15 easily identifiable not only by the detective but by  
16 Victoria Juarez.

17           Continue to the 20th, the pattern, right, in the  
18 morning, entering 6:00 in the morning with a bag, something  
19 in his hand.

20           Now, there was focus in this case on the date, the  
21 22nd and 23rd. After I summarize the facts, we will talk  
22 about the law and the elements, the things that need to be  
23 proven. The date is not a thing that needs to be proven.  
24 This is alleged on or about the 22nd of January.

25           It's a law while voluminous is reasonable, right?

1 It would be unreasonable for a killer to be set free or  
2 acquitted because of the wrong date. We didn't know the  
3 date. You can't always know the date, right? Date is not  
4 an element, but the evidence certainly suggests that it was  
5 the 22nd.

6 So the 22nd, 5:00 in the morning, he goes in. He  
7 comes out at 7:30 wearing a sweatshirt, right? The jacket  
8 he went in with, he is no longer wearing.

9 He does this coming and going pattern, goes in,  
10 comes back out wearing the jacket again. Goes back in with  
11 a white bag. Goes out briefly at 8:11, comes back inside.  
12 That's him going to his apartment and coming back in.

13 At 12:00, out again, something in his hand. 12:06  
14 out again. 1419 hours, that's 2:00, back into Mr. Gibson's  
15 apartment. Out again, a sweatshirt, sweatshirt with a black  
16 collar which appears to be or consistent with a black shirt  
17 worn underneath, comes back in, the only man ever besides  
18 Mr. Gibson to enter this apartment between the last time he  
19 is known to be alive and the time his decomposing corpse was  
20 found.

21 We have on this date a figure peeking out. Who is  
22 this figure? Does it matter? Does this man ever leave? Is  
23 this man ever seen going in and poking his head out? If  
24 it's Gibson, yes. If it's Goad, same thing.

25 We are not here to prove the identity of a man

1 peeking out, because we already know the evidence already  
2 shows the two people who went in there are known.

3           The man, the figure at the corner, the man, and  
4 Victoria Juarez said it was Gibson. Detective Nevills  
5 thought it was Goad. Again, it doesn't matter, because  
6 there is only two people involved here and only one of them  
7 is left.

8           So between this 1533 to 1700, two hours, the  
9 evidence suggests that this is when Ralph Goad stabbed  
10 Theodore Gibson to death. From there leaves clothing,  
11 right?

12           Earlier in the day we didn't see him wearing this  
13 parka with the sort of floppy collar, which we know is a  
14 floppy collared parka, which we know is a flashy colored  
15 parka because we see him face-to-face at the casino, right?

16           And then the calendar, what's the significance of  
17 this calendar? Isn't this circumstantial evidence,  
18 corroboration, if you will, that it was between the 22nd and  
19 the 23rd, sometime after Mr. Gibson scratched off the 22nd  
20 and the 23rd.

21           And was the -- it may be suggested that it's not  
22 January 22nd that you need to look at. You need to look at  
23 other days, right, as if other days tend to disprove this  
24 last date, January 22nd.

25           And we could speculate, right, why are there marks

1 on the, why is there bleed through on the next dates.  
2 Context, right? The 22nd is a pivotal date. The 22nd is  
3 likely the date the murder occurred.

4 So as a means of identifying it, is there a  
5 question that it's Ralph Goad in the surveillance, right,  
6 face-to-face, sweatshirt, floppy collared parka? He is  
7 there for a long time. He returns home the next day. Where  
8 does he go? Right back in.

9 And still really the question, right, is the  
10 person who murdered Gibson had to be in that room and across  
11 this where he is going, is that really the question, because  
12 it must be true that the killer was in that room when  
13 Mr. Gibson was murdered.

14 So we have him in this pattern, the 22nd, spends  
15 the night away, and on two more dates he was there, he is  
16 there. So he comes back after being out all night. The  
17 23rd, he is in, sort of in and out, right, a period of a few  
18 minutes leaving ultimately with a bag, coming back.

19 And we can go back, but where is the sweatshirt?  
20 Doesn't the evidence suggest that after -- So he comes back.  
21 You see him go in his apartment. After going in his  
22 apartment do we ever see this sweatshirt again? We know he  
23 had it at the Cal Neva.

24 Here he comes in perhaps, right, knowing he killed  
25 his friend and knowing there is blood on it and seeing the

1 blood takes it off, and you will see this black collared  
2 shirt in the surveillance. Back again, so the first date  
3 that he goes back in is the night after, the day next after  
4 being gone the whole time.

5 The 25th, again, in, out, and from there acts as  
6 if, if they are friends, acts as if the guy never existed.  
7 Never knocks on the door. Never comes back the 25th on as  
8 if he is dead to him, because he is. But the time, it's in  
9 the video, right, he spends minutes, quarter hour, half an  
10 hour before he comes back.

11 We also talked about some additional information  
12 from the investigation to include, here is Exhibit 14,  
13 right? Officers discover a body covered with a blanket, two  
14 murder weapons, right, blood-stained scissors, blood-stained  
15 knife in the apartment of Mr. Goad, blood-stained shirt.

16 The blood-stained shirt, which that blood DNA  
17 conclusively, right, is the victim's blood on the shirt,  
18 conclusively where DNA, Ralph Goad's DNA is all over that,  
19 and in the spot where you would expect blood DNA to be,  
20 that's where it is and we know it because he was wearing it.

21 The pants, right in the spot where you would  
22 think. Same thing, the victim's blood DNA on the pants, the  
23 stains, and we are aware the DNA was conclusively Ralph  
24 Goad's.

25 You know those facts, because you witnessed them,

1 and now we turn from witnessing that to analyzing those  
2 facts in light of the law, and I will now attempt to reason  
3 with you, reason together as to what murder is and explain  
4 how this is first degree murder and Ralph Goad is guilty.

5 Murder, there is two degrees of murder. This is  
6 kind of a thing I think most people know who aren't educated  
7 in the law, first and second degree. This is first degree.  
8 But to get to murder, we also have to recognize that there  
9 is two theories of first degree murder. One being willful,  
10 deliberate, premeditated murder on the one hand. On the  
11 other hand, felony murder.

12 By chance, since the Judge read that one last, 17  
13 talks about a concept of not having to agree on a theory.  
14 At the end of this, you will have to agree is Ralph Goad  
15 guilty. It's possible parts of the jury may embrace  
16 portions of those theories.

17 So what is murder? The elements, I talked about  
18 elements. Elements are a legal term for things that must be  
19 shown. The law is in this packet, things that must be  
20 shown. There is one count that is murder. The elements of  
21 murder are willful and unlawful killing of a human being  
22 with malice.

23 Now, you will learn shortly that this general  
24 definition of murder is second degree murder, so that you  
25 have those three elements, and I will focus on three, on the

1 third element mostly because the person doing the killing I  
2 don't really think that's the question. The question here  
3 is intent.

4 Malice, what is malice? We have under the law  
5 express malice, which is not say expressed or spoken, but  
6 for shorthand -- well, the instruction is here. Express  
7 malice is that deliberate intention to unlawfully take away  
8 the life of a creature, fellow creature, which is manifested  
9 by external circumstances capable of proof.

10 I, in my argument to you and presentation to you,  
11 I will call this sort of obvious, obvious malice, and what  
12 we are looking at here is the circumstances of the killing.  
13 We don't engage in psychology here, right. This is a  
14 question of does the evidence show evidence that this was a  
15 malicious killing.

16 Deliberate intent to take away the life, all  
17 right, the obvious. This killing, it's obvious the man  
18 wanted to take away his life. This is 250 stab wounds.  
19 That is a deliberant intent to take someone's life. You  
20 have expressed, you have implied malice, which I will use in  
21 my talk here, circumstantial evidence that the killing was  
22 with malice or malicious. That is, in looking at the  
23 circumstances do they show an abandoned and malignant heart  
24 on behalf of the killer?

25 Where does malice come from? Anything



1 essentially, right? Now, malice can come from anger,  
2 hatred, revenge, ill will, spite, grudge, any unjustifiable  
3 motive or reckless disregard for a person's safety.

4           There is a fine distinction here and a big and  
5 important one, which is this is about at the time of the  
6 killing, right? All of this, what we do in determining  
7 murder is we are looking at a snapshot of the mind at the  
8 time of the killing.

9           This isn't long term. This isn't a detective.  
10 This isn't like was it over sex or is it over money? This  
11 is about at the time of the killing is there evidence of  
12 malice.

13           I will skip over malice aforethought. It only  
14 means that it has to precede the killing, not come after the  
15 killing. I sense there is a time often in malice, it is a  
16 kind of unique concept and let's bring it back here in terms  
17 of this instruction.

18           Malice can be inferred from the intentional use of  
19 a deadly weapon. You can't say by law if you use a weapon  
20 it's automatic, but if you use a weapon, that's malice,  
21 right, a murder with a weapon is malice, or that's second  
22 degree murder.

23           To get to first degree murder, you add to that. A  
24 concept that may be familiar with a popular culture, sort of  
25 a street understanding is circumstantial versus direct

1 evidence which is, oh, the case can't be proven. It's a  
2 circumstantial case. It's just a circumstantial case.

3 Well, the takeaway on direct and circumstantial  
4 evidence, there is no difference. The law treats each  
5 equally. Direct evidence, what people saw, what they  
6 testified to. Circumstantial evidence, a series of events  
7 or events linked together that tell you facts, that prove  
8 facts.

9 And I have quoted it here. The law makes no  
10 distinction between the two. And this is where we really  
11 get into the issue with murder and first degree murder,  
12 which is how do we know what's going on in the mind of a  
13 killer? Can we ever know that?

14 Well, you look to the law which says  
15 circumstantial evidence, the circumstances of the crime,  
16 direct and circumstantial, because intent may be proved by  
17 circumstantial evidence.

18 In fact, there is an instruction that says there  
19 can be no eyewitness to a state of mind with which an act is  
20 done. In fact, this instruction says intent can rarely be  
21 proven by means other than circumstantial.

22 So what is first degree murder? It's either  
23 willful, deliberate, and premeditated or felony murder.  
24 Choose either option, choose a combination of both, but this  
25 is a first degree case, willful, deliberate, and

1 premeditated killing. So we are adding on top of our second  
2 degree willful, deliberate, and premeditated.

3 I will use the shorthand here, willfulness is the  
4 forming, right, the concept of can you observe that the man  
5 formed the intent, that deliberation is weighing, right, the  
6 formation. It goes formation, weighing, and deciding.

7 This is a first degree murder case. Willfulness  
8 is the intent to kill. There is a big, there is a theme  
9 within first degree murder, which is the time, right? There  
10 is no minimum amount of time that's necessary for willful,  
11 deliberate, premeditated, forming, weighing, deciding.

12 It can be as an instruction says as quick as  
13 successive thoughts, because that is how fast someone can  
14 decide to weigh the consequences of their actions and decide  
15 to take the life of a fellow creature. So willfulness is  
16 the intent to kill, formation. Deliberation is weighing of  
17 the reasons and consequences.

18 I'm going to try to draw you back here a little  
19 bit and we are going to talk about the circumstances of this  
20 killing, the circumstances of this killing shortly, but  
21 let's talk about premeditation, is that decide to kill, and  
22 this case is overflowing with evidence of premeditation,  
23 deliberation, and willfulness, and we will go right to it,  
24 forming, weighing, determining.

25 The objective evidence here, right, evidence found

1 at the scene of the body tells us that this killing took  
2 time. You have to get the guy down, right? You have to,  
3 there is evidence he is doing this. You have a knife in  
4 your hand. You are seeing the direct consequences before  
5 you even get the guy down.

6 How long did this take? If Ralph Goad inflicts a  
7 stab wound every second, if a man of his age, if any man can  
8 do one a second, if not more, and there is evidence, isn't  
9 there, that -- well, there is two weapons. Somewhere in  
10 there he switched weapons.

11 You are seeing the consequences, right, a stab  
12 wound to the eye, right, blood. This is strong evidence  
13 that this is a first degree case.

14 And the man's, Mr. Gibson's body is left on the  
15 right side, right? There is injuries to the front and back.  
16 This killing takes a long time. It takes determination.

17 It takes, right, if he is laying on his right  
18 side, right, but he also has a bunch of stab wounds on his  
19 right side, so at some point his back wasn't on the ground.

20 This takes the will. Here he is seeing this,  
21 hearing it, right, the man dying. It takes an incredible  
22 amount of determination to stab him into oblivion and that's  
23 what Ralph Goad did. We know it's Ralph Goad because no one  
24 else went in there.

25 An alternative theory, second theory of first

1 degree murder is felony murder, which I will summarize as  
2 follows. If a killing occurs during an attempted  
3 perpetration or perpetration of a felony, it's first degree  
4 murder, whether it's accidental, intentional, and the reason  
5 is this.

6           There are certain felonies, including burglary and  
7 robbery, which are dangerous. You engage or commence or  
8 even attempt to begin a robbery or a burglary, things get  
9 out of hand, things can get out of hand, and the law says if  
10 you commence that, you start a robbery and things get out of  
11 hand, it's on the person, the guy who put it in motion.

12           So now I will read some of those excerpts from  
13 some of those instructions. Big takeaway, you don't need  
14 malice. You don't need premeditation and deliberation. You  
15 don't even need the intent to kill the person.

16           And so what are the felonies, right? So this is  
17 the concept that includes accidental and unintentional or  
18 intentional killings. Don't need to prove malice. The  
19 felony is the question here, burglary and robbery. You are  
20 fully instructed on them, but let's talk about robbery  
21 first.

22           So in the same way you don't have to, if you are  
23 in deliberation and a portion of the jury is for felony  
24 murder and a portion is for first degree premeditated  
25 murder, but in the same way you don't each have to agree as

1 long as you agree on that it's first degree. Same thing  
2 with the felony, you can have a burglary portion and a  
3 robbery portion.

4 Robbery is a nice crime, because it sounds like  
5 what it is when we read something in the paper or hear  
6 someone talk about a robbery. Robbery is taking property by  
7 force. And recall felony murder is not just completing a  
8 crime, but even the attempt. So in this case is there  
9 objective circumstantial or direct evidence that this is a  
10 robbery?

11 Now, there is testimony and evidence that  
12 Mr. Gibson got out, had a \$100 bill on the 18th of January.  
13 He had five 20's and I think it was \$245 in total. But we  
14 do see him come back with some shopping bags, right? We see  
15 him come back with I think two shopping bags.

16 We know he never left after that day and we know  
17 Ralph Goad, the man who had not been paid since November,  
18 was in low income housing, knew he was getting evicted, we  
19 know he had a \$100 bill at the Cal Neva, so that's  
20 circumstantial evidence suggesting that this killing was  
21 during a robbery, right?

22 But is that the best piece of evidence? Because  
23 we have to admit that we often don't know how much money is  
24 in our own pocket if you are talking cash, much less a dead  
25 man, right? That proposition while strong is not

1 conclusive.

2           Here is another one. Here is another source of  
3 robbery, which is the scene, right? The man is dead and his  
4 wallet is empty and the contents are strewn about. Ah, but  
5 what about the money in his right pocket?

6           It's obvious, of course, that the man was laying  
7 on his pocket, so that's psychology. We don't have to, the  
8 proof isn't why didn't he take the money from the right hand  
9 pocket, right?

10           Because while we have instructions on how to  
11 determine at the time of the killing was there malice, were  
12 there these other elements, you can't know, we can't pretend  
13 to know or engage in an exercise of knowing that after that  
14 killing, right, we can't know and we can't sort of assume  
15 after the fact if Ralph Goad has the intestinal fortitude  
16 left to roll his friend's body over and take the \$45. We  
17 don't, right.

18           It's easy after the fact knowing the contours of  
19 the evidence to navigate around them and to ask why things  
20 didn't happen. The money was left. Here is some things  
21 that point directly to robbery; an empty wallet, contents  
22 strewn about.

23           This may be a felony murder, robbery, which is  
24 first degree murder. It may also be felony murder under the  
25 burglary theory, which I think we all understand why robbery

1 is dangerous. It's inherently dangerous, right? You  
2 commence a robbery and you can't predict what is going to  
3 happen.

4 A burglary, a similar concept, which burglary is  
5 going into a room, a house, an apartment, going into  
6 someone's room and at the time you enter you have an intent  
7 to commit a crime in there. A man's, a woman's home, it's  
8 their castle. You can't predict how someone is going to  
9 react when you are intending to commit that crime.

10 I'm going to come now to deadly weapon, so under  
11 either theory this is a first degree murder case. The  
12 evidence of guilt is substantial.

13 The last piece that needs to be proven is was a  
14 deadly weapon used? What is a deadly weapon? A thing  
15 that's used in a deadly manner or a thing that is designed  
16 to be used in a deadly manner. In this case we have each of  
17 those and there were each it looks like used.

18 Are these the specific weapons? The evidence  
19 certainly suggests so, that Ralph Goad's DNA is all over the  
20 handle of those scissors, the victim's, everywhere else  
21 where you would expect it to be.

22 And the knife and the location of the red stains  
23 suggest that it was washed, right, on that knife not Ralph  
24 Goad's. Mr. Gibson's blood DNA was on the base of the knife  
25 where it wasn't washed thoroughly. But we do have, we have



1 two weapons consistent with what the coroner said and the  
2 forensic evidence indicated.

3 Now, it's one thing to see a photo of it and to  
4 hear the professional testimony of what a murder weapon  
5 looks like. It's another thing to see it. You see an  
6 implement that took a man's life. They are here. We have  
7 them and this proves this is murder with use of a deadly  
8 weapon.

9 Order of consideration, the instructions tell you  
10 that you must -- I pause here to reflect that it's rare in  
11 our world that we take oaths. We swore an oath. You swore  
12 an oath to follow the law and the law says you must first  
13 consider is this first degree murder.

14 If you find him guilty of first degree murder, you  
15 are done. Check the box whether it's a deadly weapon or not  
16 and sign the verdict form. Second in consideration is  
17 second degree murder.

18 Punishment is not a subject of your deliberations,  
19 it may not, and if necessary in the deliberations you may  
20 come back to this and it needs to be discussed. Sympathy,  
21 we decide cases on evidence. We decide cases on evidence,  
22 not sympathy or prejudice or passion.

23 I hope I'm through the more difficult legal  
24 concepts and about to embrace some that I think are easier  
25 to understand. The first being credibility, and we hardly

1 need to say this, but we say it anyway. The beauty in this  
2 system is that the case is decided by lay people, people not  
3 lawyers. And while you have to assess the credibility of  
4 witnesses, a thing that lay people are especially good at,  
5 there is an instruction on credibility.

6 Finally, commonsense. Although you are to  
7 consider only the evidence in the case, you may bring, in  
8 fact, I think it says you must bring to the consideration  
9 your everyday commonsense as reasonable people. That's  
10 instruction 32.

11 So what makes factual sense, what makes legal  
12 sense, and what makes commonsense is the guy who came out of  
13 that room, the only guy ever to go in there besides the  
14 victim is Ralph Goad, and Ralph Goad is guilty of first  
15 degree murder.

16 I will finish with this concept, which is there is  
17 an instruction that the arguments of counsel are not  
18 evidence. The evidence is the evidence, right? We are not  
19 asking you to believe this presentation, but to judge on two  
20 things you have, a packet of jury instructions and the facts  
21 that you have.

22 So do not take, we are not asking you to take the  
23 state's word or any attorney's word, but the evidence, and  
24 you have the evidence, and it is if anyone went in that  
25 room, the surveillance would catch it. We know that.

1           The compilation says that, but you also have in  
2 evidence Detective Millsap testified about the volume of  
3 surveillance. I believe it's 25 and 26, I'm sorry, 26  
4 and -- 25 is Millsap's stack of thumb drives. The next one  
5 is only camera 10, and the third one is the compilation.  
6 That evidence is at your disposal. That is yours.

7           So if you wanted to, for example, watch everyday,  
8 I will play this at a fast speed, but if you wanted to watch  
9 everyday of this, don't take my word for it. Take the  
10 surveillance camera's word for it. Watch it.

11           This is the 27th, right, the day omitted from the  
12 compilation and the evidence showed 1323 hours, 1333 hours,  
13 and 2117 you will see Ralph Goad. This is after he has  
14 acted like his friend was dead to him, because he was.

15           You have all of that, and so I leave the  
16 consideration of this case to you, the evidence to you.  
17 Everything that was evidence in the case is yours, and I  
18 thank you for your time.

19           THE COURT: Ladies and gentlemen, let's stand for  
20 a moment.

21           Be seated. To the defense.

22           MR. SLOCUM: Is there anything that was presented  
23 to you to change your mind about whether or not Ralph Goad  
24 was the killer of Ted Gibson? That was the question that  
25 was asked and Detective Nevills said no.

1                   And, ladies and gentlemen, I would submit to you  
2   that there is nothing, nothing that could have been  
3   presented to Detective Nevills that would have changed his  
4   mind.

5                   I showed him surveillance from the 22nd at 3:00 in  
6   the afternoon. I compared it with the man that on the 22nd  
7   in the morning we knew couldn't have been Ralph Goad,  
8   because Ralph Goad was down the hall. They are in the same  
9   frame together.

10                  Well, we can't really know that. Oh, really?  
11   Well, no. Okay. So how about we look at your report? In  
12   your report, you wrote Ralph Goad got captured on  
13   surveillance, and I would suggest to you, ladies and  
14   gentlemen, that the words that people use are important.

15                  When I'm asking the detective about the Walmart  
16   surveillance and he says purchase, that has meaning, and he  
17   doesn't say purchase one time as if that's just a typo. He  
18   writes purchase five times. There is nothing in his report  
19   about a withdrawal of cash.

20                  This is a situation in which the investigation was  
21   sloppy. You will recall that there is a compilation of all  
22   the times supposedly Ralph Goad was on video, and you will  
23   remember the district attorney asking the detective, okay,  
24   there wasn't any surveillance on the 27th, right? No, there  
25   is no surveillance.

1                   Okay. But we see on the 26th he goes into his  
2 apartment and we see on the 28th he is walking down the  
3 hall. Well, something must have happened, and I gave  
4 Detective Nevills an opportunity to explain that. I didn't  
5 save that until the end in this closing argument to show it  
6 to you. I gave him the opportunity and I gave the state the  
7 opportunity then to show him the surveillance on the 27th.

8                   But what is that, ladies and gentlemen? That's  
9 reasonable doubt. And the difference in what we think the  
10 issue in the case is and what the state just presented to  
11 you could not be starker.

12                  The issue in this case is did Ralph Goad commit  
13 this murder. It's not about was this a first degree murder,  
14 was this a second degree murder, was this done with malice.  
15 Those are not issues in the case.

16                  The issue in the case is whether or not you are  
17 convinced beyond a reasonable doubt that this man sitting  
18 before you stabbed Ted Gibson 250 times. Left, did not go  
19 back to his apartment, left and went and gambled for  
20 21 hours, but we don't know whether or not he had the energy  
21 to roll him over to get the other \$45 that was supposed to  
22 be the motivation?

23                  That, ladies and gentlemen, is reasonable doubt.  
24 A man who had just stabbed someone 250 times doesn't go back  
25 to his apartment, doesn't change clothes. He walks to the

1 Cal Neva and he gambles for 21 hours.

2 Now, you are entitled to consider the manner upon  
3 the stand of the witnesses. You are entitled to consider  
4 every time that I had to redirect the witness and politely  
5 ask could you please answer the question that I asked you.

6 You are entitled to consider every time that  
7 rather than listening to the question that the witness turns  
8 to the jury and is so oblivious to what is happening in the  
9 courtroom to what the question that was asked was, that it  
10 gets to a point where the Judge finally has to say you have  
11 to answer the question. Ms. Reporter, can you please read  
12 the question back? You are entitled to consider that.

13 You are entitled to consider that when I asked  
14 Detective Nevills so is that all of the surveillance that we  
15 have for Ralph Goad, and he said, well, it's a lot of  
16 surveillance. So we don't even know. We don't even know if  
17 that's all of the surveillance that deals with Ralph Goad,  
18 let alone all of the surveillance that was captured during  
19 the entire time, right? That's reasonable doubt, ladies and  
20 gentlemen.

21 And why we're arguing about whether or not it was  
22 Ted Gibson at 3:00 in the afternoon on the 22nd, think about  
23 this, ladies and gentlemen. There is a focus on the idea  
24 that the last time that Ted was found, or was seen alive was  
25 on the 18th when he withdrew this money or made a purchase,

1 but I think we can now agree that he was withdrawing some  
2 money with some help from Scott.

3           We know that Scott tells us he talked to  
4 Mr. Gibson everyday, everyday he talked to him, and then if  
5 he hadn't heard from him for a week or so, he would have  
6 become concerned and that that's the point at which he would  
7 have decided, hey, I need to, I need to do a welfare check.  
8 I need to get a hold of the apartment manager in order to  
9 check and see how he is doing, so that would have taken  
10 about a week or so.

11           But Scott remembers that on the 3rd of February he  
12 gets his deposit, and we have a corroboration of that,  
13 because we have the records from Ms. Arrascada, who is his  
14 payee, that he did receive that deposit on February 3rd, so  
15 that information is corroborated. So we have a witness who  
16 says he was alive on February 3rd.

17           Now, the district attorney suggested to you that  
18 time doesn't matter, that these days aren't important. Oh,  
19 really, because on February 3rd Ralph had already been  
20 evicted. We have an eviction notice that says he is no  
21 longer welcome on the premises, and Detective Nevills agrees  
22 that Ralph Goad is never seen again on surveillance.

23           Now, Ralph Goad had already told the apartment  
24 manager it's okay, I understand I'm going to get evicted,  
25 I'm going to Sacramento, and that was on or about the 10th

1 of January, so even by the state's account of the 22nd that  
2 would have been 12 days prior.

3 So what would the theory be, that he had been  
4 planning for 12 days to steal money from Ted Gibson and then  
5 go to Sacramento? Is that how that would work?

6 There is a false narrative, to use Mr. Stege's  
7 word, that Mr. Goad did not have any money. We know that  
8 Rebecca Korn came in. She was the former payee from  
9 November, and she says, hey, we stopped paying the rent in  
10 November.

11 And then she went on a long speech, if you recall,  
12 about, well, yeah, I didn't get paid and then he got  
13 evicted. And then finally Mr. Stege pointed out, well, you  
14 don't really know what happened, do you? Well, no, but she  
15 had her own idea about how he didn't have a payee and things  
16 didn't get paid and so on. But the apartment manager,  
17 Ms. Juarez, came in and told all of you that the rent did  
18 get paid in December.

19 Now, Ms. Arrascada indicated she wasn't the payee  
20 at that time. She never had Mr. Goad as a client, so she  
21 didn't pay that rent.

22 We know that Ms. Korn didn't pay the rent, because  
23 she stopped paying in November and she had gone out of  
24 business, but that rent got paid. That is a fact in  
25 evidence.



1                   And we know when there was a problem in January,  
2 Mr. Goad had already made the decision, hey, I'm going to  
3 Sacramento, and we know that he did go to Sacramento,  
4 because Detective Nevills went and got him in Sacramento, so  
5 we know that.

6                   Now, what the state is asking you to believe is  
7 that Mr. Goad with his blood-stained pants, and I would  
8 submit to you, ladies and gentlemen, no one ever said it was  
9 blood. They said it was red brown appearing stains that  
10 then were tested for DNA.

11                   With respect to the pants, we find out that  
12 Mr. Gibson's blood, Mr. Gibson's DNA is found there, but  
13 what the state would like you to believe is that he walked  
14 over to the Cal Neva with his blood-stained pants and  
15 gambled for 21 hours after stabbing a man 250 times.

16                   That's what the state wants you to believe, this  
17 man, that's what they would have you believe. And you don't  
18 think there is a reasonable doubt about whether it was  
19 Ralph Goad that committed this murder?

20                   What happened to Mr. Gibson is terrible. Whoever  
21 did this to Mr. Gibson hated him. There is no question.  
22 Why would you need to stab someone 250 times? That's  
23 brutal. Is that what the evidence in the case is?

24                   The evidence in the case is that Mr. Goad was  
25 friendly with Mr. Gibson. That they were drinking buddies.

1 That he would go there on a daily basis. They would drink,  
2 they would smoke their cigarettes, and he would be there for  
3 hours. That's what the evidence is.

4 The evidence isn't that Mr. Goad had any problem  
5 whatsoever with Mr. Gibson, and you heard that from multiple  
6 witnesses. You heard that from Ms. Juarez who said, no, he  
7 came down. He would get the, he would get the beer and the  
8 cigarettes. And where would he go, to Mr. Gibson's room.

9 And I said that happened everyday? Well, not  
10 everyday. I'm only there four days out of the week. Okay.  
11 Well, so of the four days you are there, what was the  
12 average of the number of days? Yeah, 3 out of 4 days that's  
13 what he would do, come down very early, go get beer, go get  
14 cigarettes, and go back to Ted's room.

15 They were friendly. They hung out together. And  
16 Scott said, yeah, we would sometimes go out all three of us  
17 together. Did you observe any problems between them? No.

18 And to go back to the false narrative of Mr. Goad  
19 not having any money, what Ms. Arrascada spoke to is the  
20 fact that the money continues to accumulate. It's just the  
21 money can't go out because there is no payee.

22 So there is no evidence to suggest that the money  
23 that Mr. Goad was receiving before was in any way cut off.  
24 There was just this issue with the payee and how the money  
25 was going to be distributed. That was the only issue.

1                   So the theory would be somehow that Mr. Goad one  
2   day would wake up and decide I'm going to go steal \$100?  
3   That's the theory, \$100. That defies commonsense, and we  
4   agree that you have to bring your commonsense to the jury  
5   room.

6                   And motive is not an element of the crime, but  
7   thinking about something that defies any sort of logic is  
8   something you are entitled to consider. If the explanation  
9   is truly not believable, then you should question whether or  
10  not it really happened in the way that's being presented.

11                  The state would have you believe, well, there is  
12  no other possibility, so the issue here isn't identity. And  
13  why do we think that? Well, Detective Nevills watched the  
14  surveillance. That's what we are relying on? We are  
15  relying on Detective Nevills watching the surveillance?

16                  And, again, ladies and gentlemen, I see this case  
17  very, very differently from what Mr. Stege just presented,  
18  but at the end when you go back and deliberate and you think  
19  about this case, you will come back and you will let us know  
20  whether it was Mr. Stege that saw the case correctly or  
21  whether I did.

22                  But it couldn't be more stark where the issue in  
23  the case is, and this idea that I'm just going to gloss over  
24  the identity piece because that's so clear is something you  
25  should really question.

1                   Now, I will tell you that this is my one  
2 opportunity to address you. This is my one opportunity to  
3 speak on Mr. Goad's behalf before you. The state gets  
4 another opportunity to rebut anything that I have said and I  
5 don't get a chance to come back. That's not how it works.

6                   And why is that? Why is it that it works that  
7 way? It's because the state has the burden in the case, and  
8 what that means, ladies and gentlemen, is I don't have any  
9 obligation to tell you who it was that killed Mr. Gibson and  
10 you should not hold me to that burden, because I don't have  
11 a burden.

12                  I am not appearing on behalf of the State of  
13 Nevada. This case is the State of Nevada versus Ralph Goad.  
14 What that means is they bring the power of investigation,  
15 right? They have detectives who watch surveillance.

16                  They also have detectives who say, huh, well, I  
17 did get some information subsequently that Mr. Gibson had  
18 withdrawn some money. Okay. Well, when was that? Well, he  
19 withdrew some money on the 18th.

20                  Okay, Detective Kazmar, so he withdrew some money,  
21 and then do you know, did he go anywhere else? Well, I  
22 don't know. Okay. Well, did he make any purchases with the  
23 money? Well, I don't know. Well, did he give the money to  
24 anybody else? Well, I don't know.

25                  And that's your subsequent information which

1 informs us about the fact that this was a robbery?  
2 Mr. Stege would have you believe, hey, he came back with  
3 these bags. Okay. Yeah, he probably did make some kind of  
4 purchase. All right.

5 Now, we don't know, for example, was Mr. Gibson  
6 giving Ralph money to go buy the cigarettes and the alcohol?  
7 Were they splitting the costs? Sometimes would Ralph pay?  
8 Sometimes would Ted pay?

9 We don't know. We don't have any information on  
10 that, but there is this idea that we somehow can come up  
11 with a theory of a motivation for a murder over a \$100 bill.  
12 Really? That's what we are here about?

13 And, again, ladies and gentlemen, I don't have to  
14 show you who on this surveillance went into Ted Gibson's  
15 room. That is not my burden.

16 And to think for a second that, well, the defense  
17 never showed me anybody going into the room so I just have  
18 to accept what was presented is wrong, because your  
19 reasonable doubt about whether or not you have seen all of  
20 the surveillance, and, frankly, Mr. Stege invited you to  
21 watch all of the surveillance. I would suggest to you that  
22 that's not necessary, because it is as clear as could be  
23 that there is reasonable doubt in the case.

24 You are entitled to consider, for example, the  
25 difference in the approach that Dr. Callahan had with me

1 yesterday, and it was so diametrically opposed to what you  
2 heard from Ms. Siewertsen, this idea that I don't really  
3 have to answer Mr. Slocum's question. I can just turn to  
4 the jury and tell them whatever I want. You are entitled to  
5 consider that, manner on the stand.

6           You are entitled to consider when we are debating  
7 whether or not the report is amended or amendment, and it's  
8 ironic, it's ironic that they made a correction to the  
9 report and then wrote amendment.

10           And you will remember Ms. Siewertsen said, well,  
11 no, it should be amended. And I asked her to take a look at  
12 it, and she said, oh, yeah, it says amendment. Well, that's  
13 a bit of a misnomer, isn't it? An amendment would suggest  
14 there is something added afterwards, and she had to agree.

15           And this idea of who is on the, who is on the  
16 scene and saying, well, in my case summary I talk about  
17 people arriving, and then I have to say to her don't you  
18 see, don't you see that when you put something in the case  
19 summary and say I arrive that there is no presumption that  
20 those people were actually on the scene?

21           And what could she say? Yeah, I guess so. Yeah,  
22 of course so. Why are you fighting with me about this? And  
23 that is something you are entitled to consider. You are  
24 entitled to consider every time that you understood the  
25 question I was asking, but this witness couldn't understand

1     what I was asking. You are entitled to consider that.

2                     And I would submit to you, you are not only  
3     entitled to submit, you are not only entitled to consider  
4     that, you are obligated to consider that. That's your role.  
5     Your role is to follow the law.

6                     And we had a long discussion during the jury  
7     selection about this concept of innocence. You are not here  
8     to determine whether Mr. Goad is innocent. That would be a  
9     totally separate thing.

10                    You are here by the nature of our criminal justice  
11    system to determine whether or not Mr. Goad is guilty beyond  
12    a reasonable doubt, and that means that even if you think  
13    probably he is guilty, maybe you think, hey, yeah, I think  
14    he did it, that your obligation under the law is to return a  
15    not guilty verdict, that's your obligation, and that is  
16    following the law and that is what you swore an oath to do.

17                    Now, I should say if you find my manner off  
18    putting, I would ask you not to hold that against me. In  
19    the same way that each of you see the cases in your own  
20    ways, I have my way of seeing things, but that, ladies and  
21    gentlemen, should not be held against Mr. Goad.

22                    Okay. So we talked about this calendar and the  
23    fact that this was an important element in determining when  
24    the time and date of death was. And you will remember that  
25    Detective Nevills said, well, yeah, the calendar was on the

1 wall. I didn't really examine it. So I said please, please  
2 examine it, and then each of you got to examine it.

3 But you remember, we don't know who was marking  
4 the calendar, why they were marking the calendar. The state  
5 would like you to make an inference that somehow he would  
6 mark off the days and this is the last time he did that.

7 We don't know that. That is not evidence that has  
8 been admitted. We are theorizing about, well, what could  
9 this mean or what could this be, and I invited each of you  
10 to look at the calendar and note that the marks don't  
11 actually match up.

12 There was something else going on there and it's  
13 not entirely clear who was doing the marking, why they were  
14 doing the marking, whatever the case may be. So to rely  
15 upon that as important information about when the death  
16 occurred I submit to you is not, is not appropriate.

17 Beyond that, the state points to what they  
18 describe as changes in Mr. Goad's behavior. Okay. I invite  
19 you to watch the surveillance, if you think that that's  
20 necessary. I would suggest to you that there is not any  
21 change in his behavior. Sometimes he went in without  
22 knocking. Sometimes he knocked, okay, and?

23 Now, we don't know what was missing from  
24 Ted Gibson's apartment. There was some suggestion there is  
25 no more cash, but you remember my pointing out that that's



1 really wrong to say that, no more cash.

2 Well, we know that there was cash. There was cash  
3 on Mr. Gibson. We just don't know if there was any other  
4 cash. But we do know that there is a debit card. We do  
5 know that there is a PINNR. Oh, you mean a PIN number?  
6 Yeah, a PIN number.

7 Okay. Well, all right, and so let me show you  
8 some other information that was filed -- that was found at  
9 the scene, Detective Nevills. Okay. So we got this date of  
10 birth. Do you know the significance of that date? No, no,  
11 I don't know.

12 Okay. This is a lead detective, ladies and  
13 gentlemen, in a murder investigation and he doesn't know the  
14 date of birth of the decedent?

15 And you remember yesterday how easy it was to get  
16 that information. Dr. Callahan, do you have that  
17 information? Yes. This is the medical examiner. This  
18 isn't the lead detective in the investigation. This is a  
19 medical examiner. I said, okay, do you have that  
20 information? Sure, it's on my face sheet. Okay. Great.

21 How about the last four of the Social Security  
22 Number? Yeah, got that right here on my face sheet.  
23 Really? Okay. But the lead detective doesn't know the  
24 significance of this information in this investigation?  
25 That, ladies and gentlemen, should raise questions in your

1 mind about the investigation that was done.

2 Mr. Stege talked to you about psychology and how  
3 somebody who stabs somebody 250 times does so with malice.  
4 That's not at all a part of what I have to talk with you  
5 about.

6 I'm not here to argue with you about whether or  
7 not 250 stabs is malicious or whether it meets the legal  
8 standard for malice. Nope. Why am I not talking about  
9 that? Because that's not an issue in this case. And that's  
10 important for you to consider. It's important for you to  
11 consider that the issue isn't whether or not this was done  
12 with malice.

13 There may be some question in your mind about  
14 whether or not this was done as a robbery or not, but I'm  
15 not talking about that either. And why not? Because that's  
16 not an issue in this case.

17 I would submit to you there is ample evidence to  
18 question whether or not there is a robbery, but you know  
19 what, that doesn't matter, because that's not our issue.

20 Our issue is this man who is on trial for murder  
21 and whether or not he was the one who did it. So why would  
22 Mr. Stege spend most of the time talking to you about issues  
23 of malice, issues of intent? That's not, that's not what  
24 this case is about.

25 And certainly this case is not an indictment of

1 any of these officers. You don't get an opportunity in this  
2 case to weigh in on how good a job they did with the  
3 exception, with the exception of saying what you came and  
4 talked about was not enough for me to believe that  
5 Ralph Goad was the man who stabbed Ted Gibson 250 times  
6 maliciously, viciously and then, as I said, would not go  
7 back to his apartment, but would walk to the Cal Neva and  
8 gamble for 21 hours.

9 I would invite you to consider what it would be  
10 like to have stabbed somebody 250 times and measure that  
11 against the reasonableness that he would have walked out of  
12 Ted Gibson's apartment and gone and gambled for 21 hours,  
13 but somehow he didn't have the intestinal fortitude to roll  
14 Mr. Gibson over to get 45 more dollars that was in his  
15 pocket? That's our question?

16 And I would invite you to recognize that for us, I  
17 can't answer every question for you. I can't bring the real  
18 murderer into court and have a Perry Mason moment with you,  
19 because that's not real life. But real life is your ability  
20 to come into court, swear an oath, swear to follow the law,  
21 to consider the evidence that was presented, the manner in  
22 which it was presented. The strength or weakness of the  
23 recollection. The reasonableness or unreasonableness of the  
24 statements. The impartiality.

25 We all want to get things right, ladies and

1 gentlemen. We don't like to admit we are wrong. It's  
2 human. It's human not to want to admit you are wrong, but,  
3 ladies and gentlemen, you should question the impartiality.

4 And at the end, you are going to go back to the  
5 jury room, after Mr. Stege has had his opportunity to  
6 respond to anything I have said, you are going to have that  
7 opportunity. You are going to have that opportunity to  
8 discuss the case amongst yourselves.

9 Each of you, each of you will decide the case for  
10 yourself and that's your obligation. Your obligation is to  
11 decide the case for yourselves.

12 Each of you, like Judge Hardy, wear your own  
13 robes. You are the judges of the facts. You are the ones  
14 who get to decide whether or not it really was Ted Gibson  
15 that was standing in the doorway at 3:00 on the 22nd of  
16 January.

17 What would it have taken, ladies and gentlemen,  
18 what would it have taken for Detective Nevills to have gone  
19 to Victoria Juarez and said, hey, you have been here for  
20 four years. You see these people everyday. What do you  
21 think?

22 Really, what would that have taken? But, no,  
23 that's Ralph Goad. It's what we describe as a confirmation  
24 bias where we think we know and so we are going to make  
25 things fit into how we view them, and that's human, too.

1                   But this is your opportunity to come in from the  
2 outside as lay people in the community. You get to come in  
3 and you get to say, hey, this is how I see it. We are  
4 reasonable men and women here.

5                   And that's why we have the system that we do,  
6 because it would be wrong if the same person who is trying  
7 to investigate were to be able to make the conclusion. That  
8 would be wrong because of this idea of confirmation bias,  
9 that we decide something and so we adjust how we view it to  
10 conform to what we think we already know. And I would  
11 submit to you, ladies and gentlemen, that's what has  
12 happened in this case.

13                  Again, in a moment I will give you the opportunity  
14 to tell us who is seeing this case correctly. Who has seen  
15 where the issue is. Who killed Ted Gibson? Who is the  
16 killer of Ted Gibson?

17                  That's the question you have to answer, but your  
18 involvement in it is only to decide whether or not it was  
19 Ralph Goad, this man sitting before you. Unfortunately, in  
20 a perfect world we would know who killed Ted Gibson, but the  
21 world is not perfect.

22                  And so the questions that you have at the end of  
23 the trial about who did it, I can't answer that for you, but  
24 I can tell you who didn't do it and that's Ralph Goad. And  
25 if that's the case, then I would ask you upon retiring to

1 the jury room and deliberating about this case to return a  
2 verdict of not guilty. Thank you.

3 THE COURT: Thank you, Counsel. Ladies and  
4 gentlemen, during this recess, you are not authorized to  
5 discuss this case amongst yourselves. Please await the  
6 final arguments before forming or expressing any final  
7 opinion about this matter. We will be in recess for 15  
8 minutes. We will stand for our jury.

9 (Whereupon the following proceedings  
10 were outside the presence of the jury.)

11 THE COURT: All right. I will see you in 15  
12 minutes.

13 (Whereupon a break was taken from 12:36 p.m. to 12:54 p.m.)

14 (Whereupon the following proceedings  
15 were in the presence of the jury.)

16 THE COURT: The state, your rebuttal arguments.

17 MR. STEGE: Mr. Slocum confuses volume for  
18 content. Confuses passion for reason. He stood up here and  
19 yelled and screamed at you. 14 members of this community  
20 came in to reason through this case, to apply the law to the  
21 facts, and he has a very difficult time given the evidence,  
22 right, coming up with an argument.

23 It's not talking about the law. It's all along  
24 the scheme of setting an impossible standard, Mr. Slocum's  
25 own standard, which was in a way foreshadowed in my initial

1 argument that when you know the contours looking back, you  
2 can always ask the opposite, right? Why didn't this happen,  
3 right?

4 Why did the guy go to the casino after he murdered  
5 someone? Don't know, don't have to prove it. But if he had  
6 gone to his apartment, Mr. Slocum in his argument style  
7 would say why did he go to his apartment, right?

8 I don't have to, that's not what we are here to  
9 prove, because as a knife in this case or a pair of scissors  
10 in this case, that little task, that facile is the word,  
11 right, appears neat and orderly, but betrays the complexity  
12 of the case. That's really easy.

13 Lawyers, you know, you don't need to be a lawyer.  
14 That's a basic thing. You can speculate the opposite. Why  
15 the opposite? Why not the opposite?

16 So Mr. Slocum is trying to attack really the gold  
17 standard, two gold standards, DNA and video surveillance  
18 instead of reasoning through that passion, right, which he  
19 apologizes for at the end.

20 Why did he kill him? I don't know, but I know for  
21 sure as Mr. Slocum conceded, I noticed he had a hard time  
22 both conceding that, yeah, whoever killed this person did it  
23 in cold blood, it's first degree, but then at the same time  
24 he had to argue, well, why would he rob him?

25 He has a hard time, because it's obvious it's

1 first degree. He killed, as I said, murdered this guy  
2 straight into oblivion. Murder, overkill.

3 Everything Mr. Slocum says, he is setting up his  
4 own standard, not the law, not a legal standard. And so  
5 another example, oh, the state took so long in explaining  
6 the law, right. It took so long when it's not a case about  
7 the law. Every case is about the law, right? He is saying  
8 that and, you know, he is not arguing about the law.

9 He asks who killed, I don't know, who killed  
10 Theodore Gibson? Sir, it's Ralph Goad who killed him.

11 And as well Mr. Slocum, his argument hinges on, he  
12 is going to hinge his defense argument on the difference,  
13 ladies and gentlemen, between amended and amendment.  
14 Notice, and it becomes this issue of, right, he wanted, he  
15 had to go pretty deep into the bag, right, that argument  
16 goes really past the issues deep into the bag to say between  
17 amended and amendment.

18 When he had a DNA expert, 20 year scientist in the  
19 field say the clothes in Ralph Goad's apartment have  
20 Ralph Goad's DNA all over them and they have the victim's  
21 blood all over them. Avoiding the main issue, right?  
22 That's a damning piece of evidence. That really is  
23 compelling to guilt, but the argument is about amended or  
24 amendment.

25 And then there is an instruction, an invitation



1 from Mr. Slocum, right, from his argument, from the argument  
2 of the defendant. Ms. Siewertsen, what was the testimony?  
3 The testimony was the stuff below the threshold, right, the  
4 stuff, the trace, it's unreliable, scientifically  
5 unreliable.

6 Mr. Slocum directs not to what the evidence was,  
7 but that she had a, a 20 year scientist had a hard time  
8 eating the words, right, the leading question, eating the  
9 words of why don't you test scientifically unreliable  
10 evidence? Why didn't you look at it?

11 And then invites instruction 34, which says the  
12 Judge, right, the Judge makes rulings, right, all the time.  
13 He invites that ruling to be held against the state.

14 He invites you to do that in contradiction, the  
15 same way sort of these, whatever they are, right. This  
16 instruction says if something the Judge does makes you think  
17 that he is favoring a party or another witness that's not  
18 his intent, right? Judge Hardy is here to make legal  
19 determinations with Mr. Slocum, right.

20 It's about how his own, in the same way he sets up  
21 his own standard here. He tried to do it with theatrics and  
22 during the trial, right, his own indignation or view of  
23 what, you know what, an expert said this is scientifically  
24 reliable, and, again, skirted around the issue that this DNA  
25 is bad, it's bad for Mr. Goad, so we have got to go down to

1 this trace thing and ask the Judge, invite the Judge to  
2 help.

3           Detective Nevills, you should disbelieve Detective  
4 Nevills according to the argument of the defense. Same  
5 thing, what is really damning in this case for the  
6 defendant? He is the only guy in there. There is not a  
7 challenge on that, right? Again, deep in the bag.

8           What is the guy's date of birth? I don't know,  
9 right. Can't remember it. Is this his date of birth? I  
10 don't know. I can't remember it.

11           And the argument says, well, contrast that to  
12 Dr. Callahan, and the same way inviting you to do something  
13 the law says not to, which is I'm tempted to use a strong  
14 word, but not exactly was in the rules, but right at the  
15 edge of the rules, is it fair to say Callahan remembered but  
16 Nevills didn't, when in reality what happened?

17           Callahan didn't remember, and he said do you want  
18 to see your report? And, yes, she had the report and the  
19 social. Yet under the defendant's impossible standard,  
20 along with watching three weeks of video, right, testifying  
21 about all of the circumstances in the case to remember a  
22 dead man's exact date of birth and social, his standard,  
23 which is that what we are here for?

24           If I have to prove the man's date of birth and  
25 social beyond a reasonable doubt there is ways, right? I

1     could order a copy of the man's Social Security Number and  
2     birth certificate and prove that.

3             Impossible standards, we can't show what is  
4     missing, that's true. I don't know what's missing. You  
5     know who knew what was in the dead man's room? The dead  
6     man. The gold standard, the DNA, not attacked, right?  
7     Attack the person, go deep in the bag.

8             I want to get to this question of an assertion  
9     here, if the killer was on video we would know it. The  
10    killer can't sneak by surveillance, right? We know that.  
11    He had to go in there.

12            The window argument never came up because no one  
13    came in that window and scaled up that, et cetera, et  
14    cetera, et cetera, all of the evidence we presented. And it  
15    points out that Mr. Slocum's argument and the defendant's  
16    argument, I will move away from Mr. Slocum, because this is  
17    really about the case.

18            All right. The defendant's argument, in  
19    constructing an argument you sit here and listen to the  
20    evidence and you want to construct an argument, and the best  
21    you can say is what about the video?

22            In forming your argument, if you had something,  
23    now is when you do it. If you want to create or attempt to  
24    create reasonable doubt as opposed to confusion, rather than  
25    sewing understanding, sewing confusion, this is it. This is

1     when you argue it, the true killer.

2                     And it was during the testimony when Detective  
3     Nevills said, you know, I don't know how sensitive it is.  
4     It seemed pretty sensitive, but a cat, a cat set it off. A  
5     cat, in fact, did set it off. Don't believe Detective  
6     Nevills, the man who can't remember a dead man's birthday,  
7     or doesn't know how fast in particular Ralph Goad can walk.

8                     Again, not attacking the main issue. He doesn't  
9     know how fast he can walk, but believe the evidence, because  
10    there are -- that's this whole exercise, right? There are  
11    very charismatic lawyers, right, but we don't judge on who  
12    is the most charismatic or impassioned or best dressing  
13    lawyer or anything else. It's about the facts.

14                    But here, folks, is the cat. February 1st, 2019,  
15    in the hallway. I will get there. I just need to let it  
16    scroll. A cat sets it off. 2:00 a.m., I will go back. I  
17    don't want to be making an error here.

18                    8:59 a.m., a man walks down the hallway, goes in  
19    his apartment. Shuts the door. It's now almost exactly  
20    9:00. Two minutes later a cat.

21                    I don't know why he killed him. Brothers kill  
22    brothers. Parents kill children. Husbands kill wives. We  
23    search for meaning. We don't have it. We can't find it.

24                    But that's not why we are here. We are here to  
25    prove a murder. And there is this invitation as well,

1 Mr. Goad, the nice guy who apparently had money, but that  
2 wasn't shown by the evidence that he is a nice guy.

3 Agatha Christie, the defense opened their case  
4 with a quote, which I didn't quite catch all of it, but I  
5 will near the end with a quote of Agatha Christie up here.

6 He killed his friend. I mean, I don't know why.  
7 On the flip side, you know, that argument that, hey, we can  
8 fill in the blanks ourselves on both sides.

9 To believe that someone else killed Theodore  
10 Gibson, the true killer, the killer would have to know that  
11 there was surveillance. He would have to or she would have  
12 to know how to get around it, would have to know the  
13 sensitivity and be better than the cat.

14 They would have to be able to get into his room,  
15 avoid surveillance, all the while Goad is coming and going,  
16 right. He has got to avoid that. You would have to get  
17 into the man's room by talk or by force. You got to murder  
18 the man heinously.

19 You have to put Ralph Goad's DNA cells onto the  
20 handle of the murder weapon, not leave behind your own and  
21 get out of there before anyone comes in. You have to know  
22 Ralph Goad is not coming, and incredibly you have to know  
23 that Ralph Goad will have 100 bucks, and it will sure look  
24 like Ralph Goad killed him and you will have to wear  
25 Ralph Goad's clothes while you do the murder so that you can

1 frame him.

2 And why in the world would anyone frame  
3 Ralph Goad? Why would Detective Nevills, right? He has got  
4 the surveillance. Why would he, why stick with it, right?  
5 Why pin it on Ralph Goad? It's not right.

6 The cops, they swear to uphold the law, too,  
7 right? They know better than anyone. Perjury is a big  
8 deal. It's a lot of effort, and what it comes down to is  
9 this defendant is guilty beyond a reasonable doubt. Thank  
10 you.

11 THE COURT: Thank you, Counsel.

12 All right. Deputy, if you will stand and be  
13 sworn, please.

14 (Whereupon the Deputy Sheriff was sworn.)

15 THE COURT: You will have available to you at your  
16 request all exhibits that have been admitted into evidence.  
17 You may review, discuss, circulate your notes as you wish.

18 You will have a copy of the Court's instructions  
19 in the jury deliberation room, and you will communicate, if  
20 at all, through the deputy. Only through the deputy in  
21 writing will you request additional information or convey  
22 information.

23 After you have begun your deliberation, you may  
24 only deliberate when you are altogether in the same room.  
25 So there may come a time when some of you wish to go outside

1 and enjoy the air and maybe service a nicotine habit.

2 If you do, that's permitted, but you will do so  
3 accompanied by a deputy sheriff, and during the absence of  
4 any member of the jury, the jury may not deliberate.

5 We will stand for our jury subject to their call.

6 (Whereupon the following proceedings  
7 were outside the presence of the jury.)

8 THE COURT: Some evidence may be referred to as  
9 biohazardous. There is physical evidence that could be  
10 described as weaponry. I will invite your thoughts about  
11 how we manage the evidence should the jury request to see  
12 it.

13 MR. STEGE: We can cross that bridge when we get  
14 there as option one, but I think that's what we do.

15 THE COURT: Just await their request?

16 MR. STEGE: Just await them. Give them gloves. I  
17 think that's the best way to do it if we have to, just give  
18 them gloves.

19 THE COURT: To the defense?

20 MR. SLOCUM: Correct, Your Honor. Of course, my  
21 first inclination is to say we will wait and see when and if  
22 that happens, but then, secondly, they are entitled to see  
23 it, if they choose to do that. I don't think we can stop  
24 them. The question would just be the parameters in which  
25 that happens.

1                   THE COURT: It is not my intention to bring  
2 counsel into the courtroom if the jury requests an exhibit.  
3 Of course, if that request comes with any other note, then I  
4 will summons you in, but I will just have, the clerk and I  
5 will manage it somewhat consistent with your suggestions.  
6 The boxes will be taken in with a box of gloves without any  
7 comment.

8                   MR. SLOCUM: But you don't put all of the evidence  
9 in there. You await them to request it, is that the --

10                  THE COURT: On this biohazardous material and the  
11 weapons, I think I'm just going to await their request to  
12 see it.

13                  MR. SLOCUM: Okay.

14                  THE COURT: Deputy, make sure alternates 13 and 14  
15 are gone.

16                  Mr. Goad, thank you for the way you participated  
17 this week. I appreciate your respect for the tribunal, for  
18 the jury. Counsel, it's always a pleasure to have you in  
19 Department 15. We will see you at some point.

20

21 (Whereupon a break was taken from 1:17 p.m. to 2:18 p.m.)

22                               (Whereupon the following proceedings  
23                               were in the presence of the jury.)

24                  THE COURT: We are on the record in the case State  
25 of Nevada versus Ralph Edmond Goad, CR19-0999. The jury is



1 present, trial counsel, and Mr. Goad are present.

2 I will explain to you what happens in the next few  
3 moments. When I'm done talking, I will ask if you have  
4 selected a foreperson, and, if so, that foreperson will  
5 identify himself or herself.

6 I will then ask the foreperson to stand up and I  
7 will ask if the jury has reached a verdict to which the  
8 foreperson would say yes or no. Then without announcing the  
9 verdict, the foreperson will hand the verdict forms to the  
10 deputy. I will review them, and then Mr. Goad and his  
11 attorneys will stand and the court clerk will recite the  
12 verdict.

13 Because the jury verdict must be unanimous, I will  
14 direct the clerk to poll each of you individually. It's the  
15 same question sequentially from the 1st to the 12th  
16 position. The clerk will ask juror number 1, is this your  
17 verdict as read? To which you will either say yes or no. I  
18 will speak after that.

19 Members of the jury, have you selected a  
20 foreperson?

21 JUROR NUMBER 1: Yes, we have.

22 THE COURT: All right. The foreperson in the  
23 first position, has your jury reached a verdict?

24 JUROR NUMBER 1: Yes, we have.

25 THE COURT: If you will be so kind as to hand it

1 to the deputy.

2 Ladies and gentlemen, go ahead and be seated.

3 Before reviewing the verdict forms, I acknowledge your  
4 participation this week. The verdict belongs to you and you  
5 alone.

6 The Court will not question publicly or privately  
7 what you have decided. I just acknowledge that you have  
8 come together as members of our community to participate  
9 fairly and to deliberate reaching a decision of some type.

10 It is through this experience that you will  
11 closely touch our constitutional principles and you will  
12 join a great legacy of jury justice upon which our system of  
13 justice is built.

14 I also want to acknowledge Mr. Goad's  
15 participation at trial, his respect for the tribunal, for  
16 counsel, for each of you, and I acknowledge the work of our  
17 trial attorneys. Their work is difficult and different and  
18 the three attorneys in this matter have exemplified the  
19 highest standards that we expect in Washoe County and proud  
20 to have them in Department 15, and I hope that you have been  
21 inspired by their work.

22 And now I turn to the verdict forms. Mr. Goad and  
23 Counsel, if you will please stand. Ms. Clerk.

24 THE CLERK: In the Second Judicial District Court  
25 of the State of Nevada, in and for the County of Washoe, the

1 State of Nevada, Plaintiff, versus Ralph Edmond Goad,  
2 Defendant, Case Number CR19-0999, Department Number 15.

3 Verdict. We, the jury in the above-entitled case,  
4 find the Defendant, Ralph Edmond Goad, as follows: Murder  
5 with the use of a deadly weapon, guilty of first degree  
6 murder.

7 Question 1: If you find Ralph Edmond Goad guilty  
8 of first degree murder or second degree murder, do you find  
9 that Ralph Edmond Goad used a deadly weapon? Yes.

10 Dated this 9th day of August, 2019, signed  
11 Foreperson.

12 THE COURT: Thank you. Counsel and Mr. Goad, if  
13 you will be seated, please.

14 Ms. Clerk, will you please poll the jury.

15 THE CLERK: Juror number 1, is this your verdict  
16 as read?

17 JUROR NUMBER 1: Yes.

18 THE CLERK: Juror number 2, is this your verdict  
19 as read?

20 JUROR NUMBER 2: Yes.

21 THE CLERK: Juror number 3, is this your verdict  
22 as read?

23 JUROR NUMBER 3: Yes.

24 THE CLERK: Juror number 4, is this your verdict  
25 as read?

1 JUROR NUMBER 4: Yes.  
2 THE CLERK: Juror number 5, is this your verdict  
3 as read?  
4 JUROR NUMBER 5: Yes.  
5 THE CLERK: Juror number 6, is this your verdict  
6 as read?  
7 JUROR NUMBER 6: Yes.  
8 THE CLERK: Juror number 7, is this your verdict  
9 as read?  
10 JUROR NUMBER 7: Yes.  
11 THE CLERK: Juror number 8, is this your verdict  
12 as read?  
13 JUROR NUMBER 8: Yes.  
14 THE CLERK: Juror number 9, is this your verdict  
15 as read?  
16 JUROR NUMBER 9: Yes.  
17 THE CLERK: Juror number 10, is this your verdict  
18 as read?  
19 JUROR NUMBER 10: Yes.  
20 THE CLERK: Juror number 11, is this your verdict  
21 as read?  
22 JUROR NUMBER 11: Yes.  
23 THE CLERK: Juror number 12, is this your verdict  
24 as read?  
25 JUROR NUMBER 12: Yes.

1 THE COURT: Thank you, Ms. Clerk.

2 The jury verdict is unanimous. We will enter the  
3 verdict into the minutes of the Court to be part of this  
4 Court record.

5 Mr. Goad, I will speak for a moment about what is  
6 your future. In a few moments, I will remand you to the  
7 custody of the Washoe County Sheriff where you will be held  
8 until you return to court. You will return to court in  
9 approximately 45 days for entry of judgment and imposition  
10 of sentence.

11 In the meantime, the Division of Parole and  
12 Probation will prepare a Presentence Investigation Report.  
13 That report will be reflective of your participation. I  
14 hope you participate in that report. Your attorneys will  
15 participate, and at the time of sentencing I will -- so I  
16 missed a step. I presume I know what you are talking about.  
17 Do you have a document to present to the Court, Mr. Stege?

18 MR. STEGE: Shortly, Your Honor, is the answer to  
19 that.

20 THE COURT: Let me then not jump over any  
21 questions. In fact, I will confront them directly and seek  
22 the defense's answer. Thank you, Mr. Stege.

23 Because Mr. Goad is convicted of first degree  
24 murder, he has the choice to be immediately sentenced by  
25 this same jury or to waive sentencing by the jury and appear

1 before the Court for entry of judgment and imposition of  
2 sentence.

3 Counsel, have you discussed this possibility, I  
4 presume, or will you need additional time to confer?

5 MR. SLOCUM: Yes, Your Honor, I have spoken with  
6 Mr. Goad. It's my understanding he does desire to waive the  
7 sentencing by the jury.

8 THE COURT: Mr. Goad, do you understand my  
9 question to your attorney?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you agree that you will waive  
12 sentencing by this jury and appear before me, the sentencing  
13 Judge --

14 THE DEFENDANT: Yes.

15 THE COURT: -- at some future time?

16 THE DEFENDANT: Yes.

17 THE COURT: Thank you. Counsel, will you prepare  
18 those documents accordingly?

19 MR. STEGE: If I can impose on the court clerk, I  
20 have directed staff to e-mail that.

21 THE COURT: We will take care of that housekeeping  
22 matter in a few minutes. Thank you.

23 Returning to you, Mr. Goad, at the time of  
24 sentencing you have the right to address the Court. Your  
25 attorneys will make arguments on your behalf. The State

1 will also make arguments. The Division of Parole and  
2 Probation will include a recommendation for sentence.

3 Our law contemplates that anybody who is affected  
4 by this crime can appear personally, through a  
5 representative, or through an attorney to be heard.

6 Ms. Clerk, if you will set entry of judgment and  
7 imposition of sentence.

8 THE CLERK: Your Honor, does this need to be a  
9 special set?

10 THE COURT: It does, approximately somewhere after  
11 45 days and before 60 days.

12 THE CLERK: Sentencing will be Wednesday,  
13 October 2nd at 2:00 p.m.

14 THE COURT: At the end of every court session, I  
15 have admonished you not to discuss the case with others or  
16 amongst yourselves. I have asked you not to form or express  
17 any opinion about this matter.

18 In a moment when I discharge you from jury  
19 service, there will be no restrictions of any conversations  
20 you may wish to have with each other, family and friends,  
21 and maybe even representatives from the prosecution and the  
22 defense. There is no restriction at all upon your First  
23 Amendment Rights of speech.

24 As we close this session, I will explain the  
25 procession of people. Mr. Goad in a moment will be remanded

1 to custody. He will remain in the well of the court until  
2 members of the public have exited the courtroom.

3 In fact, I may reverse that. Mr. Goad will be the  
4 first to leave and then we will have the deputy staff hold  
5 any members of the public for about two or three minutes so  
6 there is no, there is no contacts in the hallways.

7 After the members of the public behind the bar  
8 have left, the attorneys will leave, the court reporter and  
9 the deputy will leave. I will stay with the court staff for  
10 just a few moments to ensure there is some delay between all  
11 of your departures and the jury's departure.

12 I want counsel to know and I will affirm on the  
13 record that I will not speak to the jury about their  
14 deliberations. I have further work to do and any  
15 information I obtain should be in your presence.

16 We will talk a little bit about the week. I will  
17 answer questions. My conversation will probably be no more  
18 than five or six minutes, and then when the courthouse is  
19 cleared, the jurors will collect their belongings and the  
20 deputies will walk them out.

21 I have a stipulation and waiver of jury penalty  
22 hearing pursuant to NRS 175.552. I will sign this and cause  
23 it to be filed in the Court's record.

24 Attorneys regularly wish to know how they did. It  
25 is both fun and informative for them to hear from you, but



1 that will not occur today in this courtroom. It might never  
2 occur, but occasionally staff from the attorney's office  
3 will reach out to you and determine if you are willing to  
4 talk on the telephone, and I encourage you to do so  
5 remembering that what occurred in that room belongs to you.

6 I do not expect these attorneys will question or  
7 challenge, they will simply want to know about their  
8 performance and your experience. So at this time, ladies  
9 and gentlemen, I discharge you from your faithful service as  
10 jurors in this matter.

11 Counsel, if you will approach real quick, please,  
12 to sign the stipulation and present that to Mr. Goad.

13 Thank you. At this time, Deputy, I remand  
14 Mr. Goad to your custody.

15 Ladies and gentlemen behind the bar, you are free  
16 to leave.

17 (Whereupon the proceedings concluded at 2:35 p.m.)

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STATE OF NEVADA     )  
                              )   ss.  
WASHOE COUNTY        )

I, CORRIE L. WOLDEN, an Official Reporter of the  
Second Judicial District Court of the State of Nevada, in  
and for Washoe County, DO HEREBY CERTIFY;

That I am not a relative, employee or independent  
contractor of counsel to any of the parties; or a relative,  
employee or independent contractor of the parties involved  
in the proceeding, or a person financially interested in the  
proceeding;

That I was present in Department No. 15 of the  
above-entitled Court on August 9, 2019, and took verbatim  
stenotype notes of the proceedings had upon the matter  
captioned within, and thereafter transcribed them into  
typewriting as herein appears;

That the foregoing transcript, consisting of pages 1  
through 70, is a full, true and correct transcription of my  
stenotype notes of said proceedings.

DATED: At Reno, Nevada, this 5th day of January,  
2020.

/s/Corrie L. Wolden  
\_\_\_\_\_  
CORRIE L. WOLDEN  
CSR #194, RPR, CP