

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD ABDIEL SILVA

Appellant,

v.

STATE OF NEVADA

Respondent.

CASE NO. 81627

Appeal from a Judgment of Conviction After Jury Verdict
in Case CR18-1135(B)
Second Judicial District Court of the State of Nevada, Washoe County
Honorable David A. Hardy, District Judge

APPELLANT'S APPENDIX VOLUME 4

VICTORIA T. OLDENBURG, ESQ.
OLDENBURG LAW OFFICE
P.O. Box 17422
Reno, NV 89511
Tel. (775) 971-4245

ATTORNEY FOR APPELLANT

JENNIFER P. NOBLE, ESQ.
CHIEF APPELLATE DEPUTY
P.O. Box 11130
Reno, NV 89502
Tel. (775) 337-5750

ATTORNEY FOR RESPONDENT

INDEX TO APPELLANT'S APPENDIX

<i>Document</i>	<i>Date</i>	<i>Vol.</i>	<i>Page</i>
Amended Criminal Complaint	06.29.18	1	0004
Criminal Complaint	11.21.17	1	0001
Defendant's Offered and Rejected Jury Instructions	02.28.20	7	1489
Information	07.03.18	1	0007
Judgment of Conviction	08.07.20	8	1790
Jury Question(s) During Penalty Deliberation; Court Response	03.02.20	8	1752
Jury Questions During Trial; No Court Response	02.28.20	2	0310
Jury Instructions	02.28.20	7	1501
Motion in Limine Seeking Admission of Translated Statements of the Defendant, Richard Abdiel Silva, and Request for Hearing	02.04.20	2	0208
Motion to Prohibit Uncorroborated Accomplice Testimony	02.11.20	2	0220
Motion to Suppress	08.08.19	1	0014
Notice of Appeal	08.11.20	8	1792
Opposition to Motion in Limine Seeking Admission of Translated Statements of the Defendant, Richard Abdiel Silva, and Request for Hearing	02.17.20	2	0226

INDEX TO APPELLANT'S APPENDIX (continued)

Opposition to Motion to Suppress	08.21.19	1	0037
Order After Hearing	02.24.20	2	0303
Order Granting Motion to Suppress	09.19.19	2	0195
Penalty Verdict	03.02.20	8	1755
Reply to Defendant's Opposition to Motion in Limine Seeking Admission of Translated Statements of the Defendant, Richard Abdiel Silva	02.20.20	2	0238
Reply to State's Opposition to Defense Motion to Suppress	08.27.19	1	0046
Response to Defendant's Motion to Prohibit Uncorroborated Accomplice Testimony	02.17.20	2	0234
Transcript of Proceedings Jury Trial Day 1	02.24.20	2	0312-0345
		3	0346-0563
Transcript of Proceedings Jury Trial Day 2	02.25.20	3	0564-0595
		4	0596-0845
Transcript of Proceedings Jury Trial Day 3	02.26.20	5	0846
Transcript of Proceedings Jury Trial Day 4	02.27.20	5	1083-1087
		6	1088-1337

INDEX TO APPELLANT'S APPENDIX (continued)

Transcript of Proceedings Jury Trial Day 5	02.28.20	7	1338
Transcript of Proceedings Jury Trial – Penalty Phase	03.02.20	8	1556
Transcript of Proceedings Oral Arguments	09.04.19	1	0053- 0095
		2	0096- 0147
Transcript of Proceedings Oral Arguments	09.10.19	2	0148
Transcript of Proceedings Oral Arguments	02.21.20	2	0245
Transcript of Proceedings – Sentencing	08.03.20	8	1757
Verdict	02.28.20	2	0308

1 ///

2 ///

3 ///

4 ///

5 REDIRECT EXAMINATION

6 BY MR. LEE:

7 Q Was this individual wearing a hoody?

8 A Yes.

9 MR. LEE: No further questions.

10 MS. RISTENPART: Nothing further.

11 THE COURT: You may step down and leave the
12 courtroom.

13 Ladies and gentlemen, let's stand while we await the
14 next witness.

15 MR. LEE: Juan Gonzalez.

16 THE COURT: Be seated, please.

17 THE BAILIFF: Step all the way up and face the
18 clerk, please.

19 THE COURT CLERK: Please raise your right hand.

20 THE COURT: Counsel please.

21 MR. LEE: Thank you.

22

23 JUAN GONZALEZ,

24 having been first duly sworn, was examined

1 and testified as follows:

2

3 DIRECT EXAMINATION

4 BY MR. LEE:

5 Q Sir, could you give us your full name.

6 A Juan Pablo Gonzalez. Juan J-U-A-N. Gonzalez
7 G-O-N-Z-A-L-E-Z.

8 Q And then, sir, back on November 2nd of 2017, do you
9 recall where you lived at?

10 A Yes.

11 Q What was the address?

12 A 3601 Neil Road.

13 Q Do you see the map there on your screen in front of
14 you?

15 A I do.

16 Q If you push really hard on your screen, you can put
17 a dot, or if you circle, however, is best. Could you show us
18 your house. Sometimes using your fingernail if you've got
19 one.

20 A Yeah. There, I believe so.

21 Q Okay. You've marked what appears to be southwest
22 corner of Park View and Neil Road; is that accurate?

23 A Yep.

24 Q On November 2nd, did you go to work early in the

1 morning?

2 A I did.

3 Q Before 5:00?

4 A Yes.

5 Q Which way that morning -- first, where did you park?

6 A I parked right here, side of the -- on the street
7 right here.

8 Q On Park View or on Neil?

9 A It was Park View.

10 Q On Park View?

11 A Uh-huh.

12 Q Okay. When leaving for work, did you hear anything?

13 A I heard gunshots.

14 Q Were you outside when that happened?

15 A Yeah. I was warming up my truck.

16 Q Okay. Were you in your truck?

17 A Yes.

18 Q And then what did you think when you heard that?

19 A I got out of my car and went back home. And ten
20 minutes later, I went back outside.

21 Q Was it a whole ten minutes?

22 A I can't really tell. It seemed like ten minutes.

23 Q Did it feel like ten minutes?

24 A It did.

1 Q Why did you go back inside?

2 A Because I didn't want to get shot.

3 Q Did you leave the car running?

4 A I did.

5 Q When you got -- when you got back in your car and
6 left, were you behind any other vehicle?

7 A Yes.

8 Q What kind of vehicle?

9 A It was a Toyota, a gray Toyota.

10 Q A car?

11 A No. SUV.

12 Q Okay. Which way did you go?

13 A I went towards Moana.

14 Q You know what? Let me -- one moment, here.

15 So correct me if I'm wrong. You're parked facing
16 eastbound on Park View, right at the corner?

17 A Yes.

18 Q With Neil?

19 A Uh-huh.

20 Q Did this SUV pass by you?

21 A It did.

22 Q And which way did the SUV turn?

23 A Towards Moana as well.

24 Q So is that -- is that going north?

1 A Yes. Just towards right here.

2 Q Okay. Is that the way you headed?

3 A Yeah, toward the highway, yeah.

4 Q Why did you notice this SUV?

5 A It's the only vehicle around at that time. It's the
6 only vehicle I saw.

7 Q Where did the SUV go after that?

8 A Towards.

9 Q Whoops. One moment.

10 A Towards the -- it's going to go towards the highway.

11 Q So towards I580?

12 A Yes.

13 Q Were you behind the vehicle?

14 A Yes.

15 Q At some point, did you come back home during the
16 day?

17 A Yeah, I did.

18 Q Did you see some police activity around your area?

19 A Yeah. My street was closed down.

20 Q Did you make contact with any officers?

21 A I did.

22 Q What for?

23 A It didn't make sense to me at the time, but I
24 started collecting in my head, you know, five minutes after I

1 heard the gun shots, I saw a car leave the scene.

2 Q Okay. Did you provide officers with anything?

3 A Yeah. That information about -- the vehicle
4 information.

5 Q Did you actually go on the Internet and print
6 something off and give it to them?

7 A I did.

8 Q I'll show you what's been marked Exhibit 33.

9 MS. RISTENPART: No objection.

10 THE COURT: 33 is admitted without objection from
11 the defense.

12 THE COURT CLERK: 33.

13 (Exhibit 33 was admitted.)

14 BY MR. LEE:

15 Q Showing you Exhibit 33. So is this the printout you
16 found on the Internet, printed it, and gave it to the
17 officers?

18 A Yes.

19 Q And what was this for? Why did you print this and
20 give it to them?

21 A Because it looked very similar to the vehicle that I
22 saw.

23 Q Sir, did you know an individual name Luz
24 Linarez-Castillo?

1 A No.

2 Q Did you work with an individual who had been killed
3 that morning?

4 A Yes, I did.

5 Q Where were you working at that time?

6 A Cintas.

7 Q So that name though doesn't sound familiar to you?

8 A No. She was very new. I didn't get a chance to
9 know her.

10 Q And when you were leaving to work early that
11 morning, were you requesting to work and Cintas?

12 A I was.

13 Q When did you learn that a fellow employee at Cintas
14 had been murdered that morning?

15 A It was actually that morning when my boss broke the
16 news to all of us.

17 MR. LEE: Thank you, sir.

18 That's all the question I have, Your Honor.

19 THE COURT: To the defense.

20

21 CROSS-EXAMINATION

22 BY MS. RISTENPART:

23 Q Mr. Gonzalez, you stated you were warming up your
24 truck for work?

1 A Yes.

2 Q And that's when you heard the gunshots?

3 A Uh-huh.

4 Q But you went inside?

5 A I did.

6 Q And for approximately ten minutes because you didn't
7 want to get shot?

8 A Yeah. I was scared of possibly getting shot.

9 Q And you went back outside where your car was still
10 warming up?

11 A Yes.

12 Q And you got back in your car?

13 A Yes. I left for work.

14 Q And you noticed a car that looked similar to the
15 photo that you later gave officers?

16 A Yes.

17 Q So before you heard the gunshots, you don't know
18 anything about what happened. Right?

19 A Yeah. That's about it.

20 Q And ten minutes later, when you saw this SUV -- it
21 had tinted windows. Correct?

22 A I think so. I -- it's hard to recall because I
23 don't -- I might not be able to remember, to be honest with
24 you.

1 Q Let me phrase it a different way.

2 Could you see inside the car?

3 A I could see people, yes. But I could not see
4 people, whether female or male.

5 Q And you couldn't see how many. Right?

6 A I remember seeing two people in the car.

7 Q Do you remember testifying differently at
8 preliminary hearing?

9 A What was that?

10 Q Do you remember testifying differently at
11 preliminary hearing?

12 A I don't remember. It's been two years.

13 Q Remember at preliminary hearing you testified that
14 you couldn't see into the vehicle. Right?

15 A I don't remember. I just --

16 Q At preliminary hearing, you testified that the
17 windows were tinted and you couldn't see inside at all?

18 A They were tinted, but I do remember seeing people,
19 but I don't remember -- I do remember seeing two people now
20 that I think clearly.

21 Q Since preliminary hearing, you've met with this
22 prosecutor, haven't you?

23 A Uh-huh.

24 Q In fact, you met at his office. Right?

1 A Yes.

2 Q And you went over your testimony for today.

3 Correct?

4 A Yes.

5 Q So at preliminary hearing when you testified when
6 you told us -- you swore under oath -- that you could not see
7 into the car and you couldn't tell how many people were in
8 there. But your testimony is different today after meeting
9 with the prosecutor. Right?

10 A There's lot of things in my head. I don't remember
11 what I said last year.

12 THE COURT: Remember to speak up if you would,
13 please. You either need to use the microphone or amplify your
14 voice.

15 THE WITNESS: Uh-huh.

16 MS. RISTENPART: No further questions.

17 THE COURT: To the State. Any redirect?

18

19 REDIRECT EXAMINATION

20 BY MR. LEE:

21 Q In our meeting, did we even talk about any
22 individuals in the car?

23 A I don't think we did discuss that.

24 Q Did I tell you to say anything? Did I tell you to

1 say -- did I tell you to direct your testimony to something or
2 I just ask you what happened?

3 A No. You just asked me what happened.

4 Q Was your testimony today truthful?

5 A Yes.

6 MR. LEE: That's all the questions I have.

7 THE COURT: Recross.

8 RECROSS-EXAMINATION

9 BY MS. RISTENPART:

10 Q Was your testimony just as truthful when you swore
11 under oath at the preliminary hearing?

12 A Repeat that, please.

13 Q When you swore under oath to tell the truth at the
14 preliminary hearing, was your testimony just as truthful?

15 A Yes.

16 MS. RISTENPART: No further questions.

17 THE COURT: Thank you. You're free to step down and
18 leave the courtroom.

19 To the State.

20 MR. LEE: State will call Andrew Massey.

21 THE BAILIFF: If you'll step all the way up and then
22 face the clerk, please.

23 (The witness was sworn.)

24 THE COURT: Be seated, please. Become comfortable

1 with that microphone please.

2 THE WITNESS: Okay. Okay.

3 THE COURT: You can either speak loudly or speak
4 into the mic.

5 THE WITNESS: Yes.

6 THE COURT: To the State.

7 ///

8 ///

9 ANDREW MASSEY,

10 having been first duly sworn, was examined

11 and testified as follows:

12

13 DIRECT EXAMINATION

14 BY MR. LEE:

15 Q Sir, could you please give us your first and last
16 name spell your last name for us.

17 A Yes. It's Andrew Massey. M-A-S-S-E-Y.

18 Q What do you do for a living, sir?

19 A I'm a paramedic supervisor for REMSA.

20 Q How long have you been with REMSA?

21 A Since 2013.

22 Q How long have you been a supervisor?

23 A Since 2016.

24 Q So on November 2nd of 2017, you were in the

1 supervising capacity then?

2 A That's correct.

3 Q On that day, November 2nd, 2017 were you dispatched
4 to an area of Park View Street near Neil Road in Reno?

5 A I was.

6 Q Do you see Exhibit 2 here on the screen? Does that
7 show the area that you were dispatched to?

8 A Yes, sir.

9 Q If I look towards the bottom third, I see a street
10 going horizontal across the picture, Park View. Is that the
11 area?

12 A Yes, sir.

13 Q Were you called and go -- did paramedics or EMTs go
14 right to the scene?

15 A We were requested to stage in the area stand by in
16 the area until we were cleared to her by law enforcement.

17 Q Does that happen regularly?

18 A Yes, sir.

19 Q What does that mean? What does staging mean?

20 A If there's any form of scene safety, security
21 issues, subjects with weapons, we are required to stand by out
22 of the area until we are cleared to come to the scene by law
23 enforcement.

24 Q Okay. When you were cleared to go to the scene, did

1 you see a vehicle? A red vehicle?

2 A I did.

3 Q Where was that vehicle at?

4 A It was parked in a parking lot near an apartment
5 complex.

6 Q From this map would you be able to tell which
7 apartment complex it was?

8 A It was the large concrete pad. I can't see the
9 street names.

10 Q Hold on one moment.

11 A Right off of Park View and Mazzone.

12 Q Okay. Let me show you Exhibit 1. Does this help at
13 all?

14 A Yes.

15 Q And you said it's right off of Park View and
16 Mazzone?

17 A Park View and Mazzone.

18 Q Do you see the concrete pad you talked about?

19 A Yes, sir.

20 Q Would you circle that on the screen for us?

21 (The witness complies.)

22 Q So you've drawn a picture of Mazzone, but not on
23 Park View; is that accurate?

24 A I'm sorry. It's right here. Right off of the

1 intersection south of Park View.

2 Q Okay. Was there anything about this vehicle that
3 caught your attention when you first arrived?

4 A I noticed that there was broken glass and multiple
5 holes and damage to the driver's side window.

6 Q Okay. Was there an individual inside that vehicle?

7 A There was.

8 Q How many?

9 A One individual.

10 Q Where was that individual at?

11 A In the driver's seat.

12 Q Okay. I'm going to show you a series of exhibits,
13 74, 77, and 78. These are not yet admitted here, so just hold
14 those to yourself.

15 A Okay.

16 Q Scroll through those really quick or take as much
17 time as you need and then look up at me when you're done. Do
18 you recognize what's depicted in 74, 77, and 78?

19 A Yes, sir.

20 Q Is that the vehicle you described just a moment ago?

21 A It is.

22 Q And is that the individual inside the vehicle you
23 described?

24 A Yes, sir.

1 MR. LEE: Move to admit.

2 MS. RISTENPART: No objections, Your Honor.

3 THE COURT: 74, 77, and 78 are admitted, Miss Clerk.
4 You may publish them, Counsel.

5 MR. LEE: Thank you.

6 (Exhibit 74, 77, 78 were admitted.)

7 BY MR. LEE:

8 Q First showing you Exhibit 74. Is this that red
9 vehicle?

10 A Yes, sir.

11 Q When you arrived, was that door shut?

12 A Upon my arrival, the door was open.

13 Q It was open.

14 Looking from -- was the passenger door open as well?

15 A It was.

16 Q Did you have contact with this patient?

17 A Other than briefly checking a pulse, no.

18 Q Showing you Exhibit 78, is this the view from the
19 passenger door?

20 A Yes.

21 Q And Exhibit 77, is this of the driver's door?

22 A Yes.

23 Q What did you do with the patient?

24 A I checked for a pulse, sign of breathing. I noted

1 that there was no pulse, no breathing, and the individual had
2 sustained injuries incompatible with life, so I pronounced
3 death.

4 Q What do you mean injuries incompatible with life?

5 A Injury that is considered beyond any form of medical
6 treatment or help.

7 Q Did you see any injury?

8 A I did.

9 Q Where at?

10 A There was significant head injury, penetrating
11 trauma with brain matter in the vehicle.

12 Q Did you leave, then, the patient undisturbed at that
13 point?

14 A I did.

15 Q And that patient wasn't transported anywhere?

16 A No. We did not move the patient in any way, shape,
17 or form.

18 Q Did one of your employees leave a cell phone on
19 scene by accident?

20 A Yes.

21 Q Was it a black cell phone?

22 A Yes.

23 Q As far as you know, did that have any significance
24 in this at all?

1 A As far as I know, it did not.

2 Q And is this area in Washoe County?

3 A Yes, sir.

4 Q Thank you.

5 MR. LEE: Your Honor, I'll tender the witness.

6 THE COURT: Cross-examination.

7 ///

8 ///

9 CROSS-EXAMINATION

10 BY MS. RISTENPART:

11 Q Where was that cell phone left?

12 A It was under the passenger seat of the vehicle.

13 Q So it fell out of your colleague's pocket while they
14 were reaching into the car?

15 A As far as I know.

16 Q And who was the colleague?

17 A Her name is Nicole Barfknect. I can spell it for
18 you. It's B-A-R-F-K-N-E-C-T.

19 Q And when was it that someone left the cell phone?

20 A Oh, it had to have been at least an hour. We were
21 calling the cell phone believing it to be in the ambulance and
22 it was not found. We were contacted by Reno dispatch and
23 advised it was in the vehicle.

24 Q And did she get her cell phone back?

1 A Yes, ma'am.

2 Q Same day?

3 A Yes. Later in the evening.

4 MS. RISTENPART: No further questions. Thank you.

5 THE COURT: So any redirect?

6 MR. LEE: No, thank you.

7 THE COURT: Thank you. You're free to step down and
8 leave the courtroom.

9 State.

10 MR. LEE: State will next call Dr. Katherine
11 Callahan.

12 THE BAILIFF: Please step up and face the clerk.

13 (The witness was sworn.)

14 THE COURT CLERK: Thank you.

15 THE COURT: You may proceed, Counsel.

16 MR. LEE: Thank you.

17

18 KATHERINE CALLAHAN,

19 having been first duly sworn, was examined

20 and testified as follows:

21

22 DIRECT EXAMINATION

23 BY MR. LEE:

24 Q Good morning, Doctor. Could you please give us your

1 first and last name and spell your last.

2 A Katherine Callahan. C-A-L-L-A-H-A-N.

3 Q What do you do for a living?

4 A I'm the assistant medical examiner at the Washoe
5 County Regional Medical Examiners office.

6 Q What do your duties entail?

7 A So as a medical examiner, I'm a physician who
8 investigates deaths which may include performing autopsies to
9 determine cause of death and a manner of death.

10 Q Do you have an education that qualifies you for this
11 position?

12 A Yes. I received my Bachelor of Science from the
13 University of New Mexico.

14 After that I completed four years of medical school
15 and received my medical degree from the University of New
16 Mexico.

17 After that, I completed four years of residency in
18 anatomic and clinical pathology at Stanford University.

19 After residency, I completed a one-year fellowship
20 in forensic pathology at the New Mexico office of the medical
21 investigator.

22 And after fellowship, I worked at the Travis County
23 Medical Examiner's Office in Austin, Texas for about
24 3.5 years, and then I start working here.

1 Q What year did you start working in Washoe County?

2 A I start working here in March of 2017.

3 Q Are you required by your employment and/or licenses
4 to keep up to date?

5 A Yes. So I'm a board certified in anatomic
6 pathology, clinical pathology, forensic pathology. I have
7 licenses to practice medicine in California, Nevada, and
8 Texas.

9 Q On November 3rd of 2017, did you perform an autopsy
10 under Medical Examiner Case No. 2017 3860 involving a patient
11 Luz Linarez-Castillo?

12 A Yes, I did.

13 Q As you start that autopsy, what's the first thing
14 that's done?

15 A So the first thing we do is we break the seal on the
16 body bag and open up the body bag and take pictures to
17 represent how the body was received to us before anything is
18 done to the body.

19 Q And then are x-rays taken as well?

20 A Yes, we do full body x-rays on certain types of
21 cases, and on this case x-rays were performed.

22 Q Just in a general sense, Doctor, was anything noted
23 in the x-rays?

24 A Yes. In this case, there were some bullets that

1 were identified in the head area and in the chest area.

2 Q The patient, Miss Linarez-Castillo, was she
3 otherwise -- did she appear healthy to you?

4 A Yes, she was a --

5 THE COURT: Hold on. Counsel, I would like to have
6 a quick sidebar, please.

7 Would you pause that.

8 Ladies and gentlemen, feel free to stand and be
9 comfortable if you wish. You're not required to.

10 Counsel.

11 (A sidebar discussion was held.)

12 THE COURT: Ladies and gentlemen, we are going to be
13 take a quick recess.

14 During this recess, please do not discuss this case
15 amongst yourself. Please don't express any opinion about this
16 matter until it has been submitted to you.

17 We'll be in recess probably eight to ten minutes.
18 We will give you time to use the facilities and hydrate and so
19 forth.

20 If you'll be so kind as to step out of the
21 courtroom.

22 (The jury left the courtroom.)

23 THE COURT: Our sidebar was approximately 60 seconds
24 in length in which I asked the State's attorney about whether

1 this witness was coached and admonished to avoid a certain
2 topic. He said yes, but would appreciate the reminder. If
3 you'll take a moment and just visit with this witness.

4 As long as the jury is out, we'll all hydrate and
5 use the facilities. We'll see you back here in about eight
6 minutes.

7 MR. LEE: Thank you.

8 THE COURT: And, Counsel, would you agree or clarify
9 the sidebar recollection?

10 MR. LEE: Agree.

11 MS. RISTENPART: Agree.

12 THE COURT: Thank you.

13 (A break was taken.)

14 THE COURT: The jury is present. Be seated, please.
15 And to the State.

16 Ms. Reporter, can you read back the last question.

17 THE REPORTER: "The patient,
18 miss Linarez-Castillo, was she otherwise -- did
19 she appear healthy to you?"

20 THE COURT: And you may answer.

21 THE WITNESS: Yes. Otherwise she was a healthy
22 26-year-old woman.

23 BY MR. LEE:

24 Q Dr. Callahan, I'm going to show you a series of

1 exhibits numbered 6 through 19. These are not yet admitted,
2 so I would ask just to hold them to yourself, don't show them
3 to anybody else. And if you can take whatever time you need
4 and scroll through that.

5 Sorry. I said scroll. I guess thumb through it
6 would be the right word.

7 Have you had time to look through each of those?

8 A Yes.

9 Q Exhibits 6 through 19, are those all photographs of
10 Miss Luz Linarez-Castillo and/or something identifying her?

11 A Yes, they are.

12 Q Did they also include the bullets that were pulled
13 from her body?

14 A Yes.

15 MR. LEE: Your Honor, I move to admit Exhibits 6
16 through 19.

17 MS. RISTENPART: Your Honor, I believe some are
18 cumulative and also prejudicial.

19 THE COURT: Mr. Lee, may I see, please.

20 The defense has lodged the -- well, several and an
21 appropriate objection to the cumulative nature of graphic
22 images.

23 Having reviewed these images and noting that of
24 these 13 proposed images, only seven reflect the decedent.

1 The other are -- I'll let you describe them, but they are more
2 forensic in nature.

3 I'll overrule the objection and admit Exhibits 6
4 through 19.

5 You may publish.

6 THE COURT CLERK: Thank you.

7 (Exhibits 6-19 admitted into evidence.)

8 ///

9 BY MR. LEE:

10 Q Dr. Callahan, you have a screen in front of you or
11 the big screen in the back of the courtroom, whatever is
12 easiest for you. I'm showing you Exhibit Number 6. What is
13 this?

14 A So this is a photograph of the label that's attached
15 to the body bag, and then the red cord there, it's a plastic
16 cord, is part of the body bag seal.

17 So this identifies the body that is inside this body
18 bag as Ms. Luz Castillo Linarez.

19 Q And is there often a photograph -- I think perhaps
20 colloquial we'll call it, an ID photograph?

21 A Yes, there is.

22 Q Showing you Exhibit 7, is this Miss Luz
23 Linarez-Castillo?

24 A Yes. This is what we called an identification

1 photograph that we take on all of our cases after the body has
2 been cleaned and all the clothing and medical intervention has
3 been removed. So this is a photograph taken of her after
4 we've done all of that.

5 Q And then with each injury, do you place any markers
6 on them to help aid in photographs and identifying?

7 A Yes, we do. So what I do with cases where there's
8 multiple injuries, I will label them alphabetically from the
9 top of the head downward. So A being the injury that's
10 closest to the top of the head and the next closest injury
11 being B, C, so on and so forth.

12 Q So showing you now Exhibit Number 8, is this the
13 injury you identified as A?

14 A Yes. So this is the injury that's closest to the
15 top of the head, so it was designated A.

16 Q If you could describe that injury for us.

17 A So this is what we call an entrance gunshot wound.
18 You can see there's a circle, like a hole in the center, and
19 then it's surrounded by tears in the skin. We call those
20 lacerations.

21 Entrance gunshot wounds can sometimes have this star
22 shaped or stellar appearance and the reason it has that
23 appearance, is because in the area of the forehead, the skin
24 is stretched tightly over the bone. So once the bullet hits

1 the skin, that surrounding tightly stretched skin is going to
2 tear. So that's why this entrance gunshot wound has that
3 appearance.

4 Q Can you discuss the pathway of that bullet.

5 A Yes. So this bullet goes through the skin and
6 underlying soft tissue of the forehead. It goes through the
7 frontal bone, which is the bone of the skull just under the
8 forehead, and then it enters into the brain tissue.

9 Q What injuries did this cause?

10 A So this is causes laceration or tearing of the brain
11 tissue along the way the bullet pathology goes.

12 It also caused some subarachnoid and subdural
13 hemorrhage. Those are just names for hemorrhage or blood on
14 the surface of the brain.

15 And it also caused pretty extensive skull
16 fracturing. So fracturing of the calvarium or top of the
17 skull, and fracturing of the basal skull or the bottom of the
18 skull.

19 Q Were you able to recover the bullet from the wound
20 you identified as A?

21 A Yes. So I recovered -- so this particular bullet
22 had a copper-colored jacket, and then the core was a gray
23 metal. So I -- they separated once they enter the body. So I
24 recovered them separately from the brain tissue.

1 Q Showing you Exhibit 14. Is this the bullet that was
2 recovered?

3 A Yes. So here on the left side, we have the photo or
4 it's the photograph of the gray metal core, and then on the
5 right side is the copper-colored jacket and both of those were
6 recovered within the cranial cavity and more specifically from
7 the brain tissue itself.

8 Q Let me ask you one more question going back to
9 Exhibit 8. If we were to look surrounding the injury
10 identified as A, I see other marks on the forehead and
11 elsewhere. Could you identify that?

12 A Sure. I don't know if you guys can see on the
13 forehead on the skin surrounding the wound, there's these red
14 dots, kind of really small to maybe half a centimeter in size.
15 That's what we call stippling from an intermediary object or
16 sometimes it's referred to as pseudo stippling. What it is is
17 just the body's physiologic response to being struck by
18 something.

19 So in this case, she was shot through a car window,
20 and so those little red marks are caused by the skin being
21 struck with fragments of that broken glass.

22 Q Doctor, if you'll go to -- if I circle -- I'm
23 drawing circles on the right of her forehead on our picture,
24 her left forehead, several dots. Is this what you're talking

1 about?

2 A Yes, that's exactly what I'm talking about.

3 Q I'm showing you Exhibit, now, 9. What are we
4 looking at here?

5 A So these are two more entrance gunshot wounds on the
6 left side of the face. C is on the left side of the chin.
7 And D is just behind it. And you can see the C has that same
8 kind of star-shaped stellate appearance. And that's because
9 that area of the body, the skin is tightly stretched over the
10 mandible or the jaw bone.

11 And D doesn't have that star-shaped appearance. It
12 has more of a circular defect. And that's because in that
13 area, the skin isn't stretched tight over the bone. And you
14 can see on the skin surrounding, we have some more of these
15 red little dots. And again, that's from the glass striking
16 her skin.

17 Q Can you tell us about the pathway of the injuries
18 sustained from C or the pathway of the bullet?

19 A Yes. So C enters in the left side of the chin. It
20 goes through the skin, the soft tissue in that area. It
21 fractures the left side of the mandible. It goes through the
22 tongue and then it fractures the maxilla which is the bone
23 just on the side of the nose here, the maxilla, and it exits
24 out the left -- or the right side of the face, rather.

1 Q Exhibit Number 10 you identified as B. Is that what
2 you just described?

3 A Yes. So B is an exit gunshot wound. And unlike an
4 entrance gunshot wound, it's not really circular in size. So
5 we can tell the difference between entrance wounds and exit
6 wounds based on their characteristics.

7 And classic exit wounds will just be what we call a
8 laceration or tear, meaning that if I were to take the edges
9 of those wounds and put them close together, there would be no
10 missing tissue in the center like I would see in an entrance
11 gunshot wound.

12 So this is an exit gunshot wound and it's the exit
13 that belongs to entrance C.

14 Q Do you also have the ability to -- using some type
15 of probe to show the trajectory of a bullet?

16 A Yes. Oftentimes if we are able to probe an entrance
17 to an exit we will photograph those with a probe in place.

18 Q Exhibit 11. Does it show just that?

19 A Yes. So this is a photograph with an probe through
20 entrance gunshot wound C through its pathway and exiting out
21 exit gunshot wound B.

22 Q I'm going to put back Exhibit 9 and ask you to talk
23 about the wound described, as we'll call it, D.

24 A Yes. So D is an entrance gunshot wound. This one,

1 the bullet goes through the skin and soft tissue and fractures
2 the left side of the mandible or the jaw bone. It lacerates
3 or tears the tongue, and then it fractures the opposite side
4 of the mandible or jaw bone on the right side. And then the
5 bullet is recovered in the right cheek, facial cheek.

6 And associated with gunshot wounds C and D are
7 multiple fractured teeth. So several of the teeth were
8 broken.

9 Q And, Doctor, I failed to ask you about one picture.
10 Let me back up to the injury on C. I'll show you Exhibit 15.
11 What are we looking at here?

12 A So this is a small fragment of the jacket of a
13 bullet. And so just because a bullet exits doesn't mean that
14 all of it has to exit. So actually, along the pathway of this
15 bullet, I recovered a small piece of jacket fragment and that
16 is what is in this photograph.

17 Q Thank you. And again, back to the injury on injury
18 letter D, could you describe the pathway of that bullet?

19 A So again, that one goes through the skin and soft
20 tissue. It breaks or fractures the left side of the mandible
21 or jaw bone, lacerates or tears the tongue.

22 Q I'm sorry. Was that D?

23 A Yes, D.

24 Q Okay.

1 A And then it fractures the right side of the mandible
2 and comes to a stop in the right facial cheek, and that's
3 where I recovered the bullet.

4 Q Exhibit 16. Is this the bullet that you recovered
5 from that area?

6 A Yes.

7 Q I'm going to show you now Exhibit Number 12. The
8 injury that's marked as letter E, can you describe that for
9 us?

10 A So this looks like an entrance gunshot wound. It
11 looks very similar to D. It's round. The edges around it are
12 kind of abraded or dried. But this -- actually, this wound is
13 just limited to the skin and soft tissue. So that kind of --
14 the underlying tissue is kind of glistening and like a
15 yellow/pink, that's the subcutaneous tissues, just the fatty
16 tissue immediately deep to the skin surface. And that's all
17 that's injured in that wound. There's no pathway, nothing was
18 recovered. So no glass, no bullet, no bullet fragments, none
19 of the structures of the neck are injured. So it's really is
20 just a skin or cutaneous injury.

21 Sometimes when somebody is shot through an
22 intermediary object like a door or window, all of the
23 fragments of the wood or the glass, they injure the body and
24 that may be -- this injury may be the result of being struck

1 by a piece of glass, but there's no bullet pathway associated
2 with that injury.

3 Q I'm showing you Exhibit Number 13. What are we
4 looking at here?

5 A So this is the left shoulder. So this is F is kind
6 of more towards the front, and G and H are on the back.

7 And all of these are entrance gunshot wounds, and
8 again, you can see these abrasions here, even this larger
9 abrasion here, those are just little skin scrapes caused by
10 the intermediary object or the window fragmenting and pieces
11 of glass striking the body.

12 Q Now, let's focus on letter F.

13 Could you describe that injury for us?

14 A Yes. So letter F is an entrance gunshot wound. The
15 bullet goes through the skin and the soft tissue and injures
16 the bones of the shoulder. So those include the head of the
17 humerus. So the humerus is just the long bone in your upper
18 arm. And the glenoid fossa which is the name given to the
19 articulating surface of the head of the humerus. Then it
20 travels into the deep musculature just behind the clavicle or
21 the collar bone and that's where the bullet comes to stop.

22 Q And Exhibit 17. Is that the bullet that was
23 recovered from that injury?

24 A Yes. This is the bullet that was recovered from

1 that soft tissue just deep to the clavicle.

2 Q So all of these bullets that we are looking at,
3 those were recovered, they're described by this handwriting as
4 to the region they are found in, and then they're sealed up?

5 A Yes, they are.

6 Q Let's talk about G at this point.

7 A So G is an entrance gunshot wound. The bullet goes
8 through the skin and soft tissue. It travels in the
9 musculature on the left side of the back and then it fractures
10 what we call the spinous process of T6 vertebra. So the
11 vertebra are just the bones in the spine and the spinous
12 process is the most posterior -- part of the bone that's
13 closest to the back. And then it travels in the muscle on the
14 right side of the back, and that's where I recovered the
15 bullet.

16 Q Did this bullet cause any injuries to any organs?

17 A No. So this bullet did not enter the chest cavity,
18 so it did not injure any of the lungs.

19 Q Showing you Exhibit 18, is that the bullet that was
20 recovered?

21 A Yes. So this bullet was recovered in the muscle on
22 the upper back.

23 Q And now lastly from Exhibit 13, let's talk about
24 letter H.

1 A So letter H is an entrance gunshot wound. The
2 bullet goes through the skin and soft tissue in that region.
3 It fractures the scapula which is the shoulder blade. This
4 bullet enters the lateral side or the side of the left chest
5 cavity. It injures the left lung and then it exits the back
6 of the left chest cavity and travels in the muscle into the
7 right side of the back and is recovered in the region kind of
8 similar to where I recovered the bullet from G. So they are
9 recovered pretty close to one another.

10 Q So this one did hit somewhere?

11 A Yes. So this one injured the left lung and I
12 collected 500 milliliters, which equals about 17 ounces of
13 blood from the left chest cavity.

14 Q And Exhibit 19. Is this the bullet that was pulled
15 from that injury H?

16 A Yes. This is the bullet and near the bullet was a
17 piece of black fabric which I collected with the bullet and
18 placed in an envelope.

19 Q Is that consistent with what
20 Ms. Linarez-Castillo was wearing when she came to your office?

21 A Yes. She was wearing a black hooded jacket or kind
22 of sweatshirt.

23 Q So Dr. Callahan, how many times was
24 Miss Linarez-Castillo shot?

1 A She was shot six times.

2 Q Did you determine from all of this together what the
3 cause of death was?

4 A Yes. Cause of death is multiple gunshot wounds.

5 Q And how about the manner of death?

6 A Manner of death is homicide.

7 MR. LEE: Thank you.

8 Your Honor, I'll tender the witness.

9 THE COURT: Thank you. To the defense.

10

11

CROSS-EXAMINATION

12

BY MS. RISTENPART:

13

14

Q Doctor, all of this testimony, none of this tells us
who shot her. Correct?

15

A Correct. Correct.

16

MS. RISTENPART: No further questions.

17

THE COURT: On that, limited questions?

18

MR. LEE: No. Nothing.

19

20

THE COURT: Thank you. You're free to step down and
leave.

21

To the State.

22

MR. LEE: Officer Kevin Collins.

23

24

THE BAILIFF: Please step all the way up and face
the clerk, please.

1 (The witness was sworn.)

2 THE COURT: Deputy -- excuse me. Mr. Lee, I looked
3 at you and said "Deputy." I don't know why.

4 MR. LEE: I'm honored. Thank you.

5 THE COURT: To the State, you may begin.

6 MR. LEE: Thank you. May I have a moment?

7

8 KEVIN COLLINS,

9 having been first duly sworn, was examined

10 and testified as follows:

11

12 DIRECT EXAMINATION

13 BY MR. LEE:

14 Q Sir, while I'm fumbling around, could you please
15 give us your first and last name and spell your last name.

16 A Kevin Collins. C-O-L-L-I-N-S.

17 Q And what do you do for a living?

18 A I work for the Reno Police Department.

19 Q In what capacity?

20 A I work south graveyard patrol.

21 Q How long have you been a police officer?

22 A A little over 18 years.

23 Q All with Reno?

24 A Yes.

1 Q Now, describe when you said south graveyard patrol,
2 tell us what that means.

3 A Graveyard is 10:00 p.m. to 7:00 a.m. South
4 district, which is the river pretty much heading all the way
5 to Curti Ranch. South district.

6 Q Were you working in that capacity on November 2nd of
7 2017?

8 A I was.

9 Q Was there a dispatch at approximately 4:50 a.m. to
10 shots fired?

11 A There was.

12 Q Where was that area at?

13 A It was Park View and Mazzone.

14 Q Do we see it on this map here on Exhibit 1?

15 A Yes.

16 Q Was that your normal area?

17 A It's south district, but not my exact beat.

18 Q Okay. So how did you end up responding to that?

19 A I was the available officer at the time.

20 Q So tell us what happens then. You -- I take it you
21 respond to that area. And what goes on?

22 A It was a call of four shots heard, one person called
23 in. I checked both sides of the street with my spotlight. I
24 saw a couple of cars warming up. No people out and about, and

1 then checked the surrounding streets.

2 Q Were there other cars on at the time?

3 A There were.

4 Q In what -- on, meaning, like, did you see lights?

5 A Yes. That time of morning, people were warming
6 their cars up probably for work.

7 Q Did -- were you able to find the vehicle right away?

8 A No. I drove -- it looked like another car just
9 warming up. I drove past it initially. I saw it, but it
10 looked like it was just parked and warming up.

11 Q Okay. Where was it parked at?

12 A It was parked on the south side of the intersection
13 of Park View and Mazzone in front of 1196 Park View.

14 Q So south side of Mazzone and Park View?

15 A Yes.

16 Q There's a -- is that a parking lot of some sort that
17 I've circled?

18 A Yes.

19 Q And was it parked there?

20 A It was.

21 Q Did it appear to be out of place to you?

22 A It didn't. It looked like it was properly parked
23 and warming up.

24 Q So what did you do as you searched for it? You said

1 you saw it but didn't think anything of it?

2 A I looked at it and noted, you know, what it looked
3 like, had a paper plate on it, and just kept going searching
4 the surrounding streets see if there was anybody down, hurt,
5 injured.

6 Q So when you first saw that vehicle, did you get out
7 of your car or were you still in your car using the spotlight?

8 A I was still in my car.

9 Q About how long did it take to find the car?

10 A A little over five minutes maybe.

11 Q Did you receive or did dispatch inform you of a
12 second call?

13 A Yes.

14 Q Only to show why you did what you did, what does
15 that call tell?

16 A So I was probably a block away, Neil and -- I can't
17 think of the street. It's right by the south sub station.

18 Q Is it south of Park View though?

19 A Yes, that street. One street south.

20 Q Okay.

21 A Maybe -- anyway, I was in that area when the second
22 call came out. It said again, shots fired, and this one added
23 that a vehicle crashed into a building.

24 Q Okay. So what did that cause you to do?

1 A It caused me to go back. I had my window open and I
2 was only about a block away, and I didn't hear any of that.
3 So I assume it was the second caller pertaining to the first
4 call. So I went back to Park View and Mazzone looking for a
5 vehicle that crashed somewhere.

6 Q And did you find that vehicle?

7 A I didn't. I saw a fluid trail, it looked old but I
8 followed that to a car down on south of Mazzone that ended up
9 not being related.

10 Q So Mazzone, somewhere on this street?

11 A Yes. On the south side.

12 Q Okay. After then what did you do?

13 A I read the call and it said that the car slow rolled
14 into the building, taillights were on, and nobody got out. So
15 the only vehicle in that area that could possibly be related
16 was the red Dodge Charger.

17 Q I'm going to show you Exhibit 72 and 73. And these
18 are not yet admitted so just hold these to yourself and take a
19 look at them and look up at me when you've had enough time.

20 A Okay.

21 Q Do you recognize those?

22 A Yes.

23 Q Do they depict the vehicle as it appeared on
24 November 2nd of 2017?

1 A Yes.

2 MR. LEE: Move to admit, Your Honor.

3 MS. RISTENPART: I didn't see them, Your Honor.

4 THE COURT: You did not see them?

5 MS. RISTENPART: No.

6 No objection.

7 THE COURT: Did you say 72 and 73?

8 MR. LEE: Correct.

9 THE COURT: Those are admitted, Ms. Clerk.

10 THE COURT CLERK: Thank you.

11 (Exhibits 72 and 73 were admitted.)

12 BY MR. LEE:

13 Q Officer Collins, was it dark outside?

14 A It was.

15 Q Cold?

16 A Yes.

17 Q So Exhibit 72. Was there another officer that
18 arrived approximately the same time you did?

19 A Just shortly after, yes.

20 Q Who was that?

21 A Officer Chris Johnson.

22 Q Did he take this photo?

23 A He took photos. I assume he took that one.

24 Q Okay. But this was of the vehicle?

1 A Yes.

2 Q And certainly -- I see some wheel jocks. Those
3 weren't there when you first saw the vehicle, were they?

4 A No. I don't remember those.

5 Q Okay. Did you look inside that vehicle?

6 A I did.

7 Q Just through the window?

8 A Yes.

9 Q What did you see?

10 A I saw a female down, appeared to have bullet strikes
11 to her face and head.

12 Q Did you do anything to be able to reach the victim?

13 A We went to the passenger side rear door for
14 evidentiary reasons and broke that window. Officer Johnson
15 reached in and opened the passenger side front door and I
16 entered and check her pulse.

17 Q Did you find anything?

18 A She was still warm to the touch and had what I
19 thought was a slight pulse.

20 Q Was she responsive?

21 A She was not. We had on gloves.

22 Q I'm sorry?

23 A We also had on latex gloves when we entered the --
24 touched the vehicle.

1 Q Exhibit 73, what are we looking at here?

2 A That would be the window we broke on the rear
3 passenger side. Officer Johnson broke it.

4 Q Did you call -- I think I may have asked this but
5 just give context. Did you call out subject down?

6 A I did. When I first got to the driver's side
7 window, I called out, appeared to be multiple bullet strikes
8 with one down inside.

9 Q And after that, was there a pretty heavy response
10 from the police department.

11 A There was.

12 Q What did you do after that?

13 A I called EMS. They arrived on scene along with
14 several other officers.

15 Q What did your duties and function at that point
16 become?

17 A I was directing some officers as they arrived on
18 scene until the supervisor got there and then he started
19 directing them in.

20 Q Okay. When did your association with this call end?

21 A Probably -- I'm not sure of the time. But it was
22 daylight. Day shift started arriving and my car was within
23 the crime scene, so they gave me a ride back to the station.

24 Q And left your car at the scene?

1 A Yes.

2 That street I was trying to remember was Mauldin.

3 MS. RISTENPART: Unresponsive, Your Honor.

4 THE COURT: Go ahead. If you want to lead on this
5 issue, the questions.

6 MR. LEE: Thank you.

7 BY MR. LEE:

8 Q Let me show you one more Exhibit 48. Do you
9 recognize that?

10 A I recognize the intersection and the tape. I don't
11 think those cones were set up before I left.

12 Q Okay. Do you see your car there?

13 A Yes.

14 Q Which car is it?

15 A It's the one off to the left behind the red Dodge
16 Charger.

17 Q Is it an SUV or a sedan?

18 A It's a Ford Explorer SUV.

19 Q Thank you.

20 MR. LEE: That's all the questions I have,
21 Your Honor.

22 THE COURT: To the defense.

23 MS. RISTENPART: No questions of this witness.

24 THE COURT: Thank you. You're free to step down and

1 leave the courtroom.

2 THE WITNESS: Thank you.

3 MR. LEE: Next witness is Officer Evan Thomas.

4 THE BAILIFF: Just step all the way up and face the
5 clerk, please.

6 THE COURT CLERK: Please raise your right hand.

7 (The witness was sworn.)

8 ///

9 ///

10 ///

11 ///

12 ///

13 ///

14 EVAN THOMAS,

15 having been first duly sworn, was examined

16 and testified as follows:

17

18 DIRECT EXAMINATION

19 BY MR. LEE:

20 Q Good morning, Officer. Could you please give us
21 your first and last name and spell your last.

22 A Yes. It's Evan Thomas, T-H-O-M-A-S.

23 Q What do you do for a living?

24 A I'm a police officer with the Reno Police

1 Department.

2 THE COURT: All right. So you're going to have to
3 speak up or use the microphone, if you would, please. We want
4 everyone in the courtroom to be able to hear you. Thank you.

5 THE WITNESS: You're welcome.

6 BY MR. LEE:

7 Q How long have you -- your last answer, you're a
8 police officer with the Reno Police Department?

9 A Yes.

10 Q How long have you been a police officer?

11 A 15 years.

12 Q All with Reno?

13 A Yes.

14 Q Were you working the early morning of November 2nd
15 of 2017?

16 A Yes, I was.

17 Q That morning did you respond to the area of Park
18 View and Mazzone in the Neil Road/Moana area?

19 A Yes.

20 Q Was it a call of shots fired?

21 A Yes.

22 Q And also before you arrived, was there a call out of
23 subject down?

24 A Yes.

1 Q When you arrived on that scene, what did you see?

2 A I believe there were two other officers already on
3 scene over by a vehicle that appeared to have like struck the
4 side of a building.

5 Q Was one of those officers Kevin Collins who was just
6 here?

7 A Yes.

8 Q Exhibit 1, is this the area you responded to?

9 A Yes.

10 Q Was the vehicle up against the building?

11 A I'm not totally sure if it was all the way against
12 the building, but I believe it was.

13 Q Okay. But regardless, was it in the parking lot in
14 front of the building?

15 A Yes.

16 Q When you arrived on scene, did you know exactly
17 where the crime scene was?

18 A No, I did not.

19 Q Did you know what caused the subject down?

20 A No.

21 Q So where did you park when you arrived?

22 A I parked north of where that vehicle and the other
23 two officers were, I believe on Park View.

24 Q Let me zoom in just a little bit.

1 If you could, just with your finger there, mark on
2 the screen where you parked your vehicle.

3 A I believe it was here.

4 Q Okay. And you're marking an area on Mazzone just
5 after, say, a right northbound turn off of Park View; is that
6 correct?

7 A Yes.

8 Q What did you do when you got out of the vehicle?

9 A Once I got out of my vehicle, I crossed the street
10 of Park View and met with Officer Collins I believe at that
11 vehicle that was in the parking lot and still running.

12 Q And why did you park in that location?

13 A I parked in that location to -- in an attempt to
14 stay away from where everybody else was believing that that
15 possibly was the initial crime scene where that vehicle was
16 stopped.

17 Q Did you assist in putting up crime scene tape?

18 A Yes.

19 Q And then at some point did you head back to your
20 vehicle?

21 A Yes.

22 Q Upon returning to your vehicle, what happened?

23 A As I approached my driver's side door, I heard
24 metallic kind of object had kicked away from my shoe, and I

1 looked down and there was -- it was shell casing.

2 Q Was there anything else on the road or was the road
3 totally clean?

4 A For the most part, it was clean.

5 Q Okay. I'm going to show you Exhibits 48, 49, and
6 50.

7 Just look at those to yourself. Let me know when
8 you're done.

9 A Okay.

10 Q Do you recognize 48, 49, and 50?

11 A Yes I do.

12 Q What are those showing?

13 A That shows my patrol vehicle and a placard showing
14 where the shell casings were.

15 MR. LEE: Your Honor, I move to admit that series.

16 MS. RISTENPART: No objection.

17 THE COURT: Thank you, Defense.

18 48, 49, and 50 --

19 MR. LEE: Yes.

20 THE COURT: -- are admitted.

21 MR. LEE: Thank you.

22 THE COURT CLERK: Thank you.

23 (Exhibit 48, 49, and 50 were admitted into evidence.)

24 BY MR. LEE:

1 Q First, Officer, Exhibit 48. If you could, just
2 describe for us what we are looking at.

3 A My patrol vehicle is parked in the front with
4 License 639. That's my vehicle.

5 Over here is the initial vehicle where I responded
6 with Officer Collins.

7 And then the placards are indicating where we
8 located shell casings.

9 Q And the placards appear in, roughly, the middle of
10 the picture?

11 A Yes, they do.

12 Q Are they green in color?

13 A Yes.

14 Q And, again, just so the record is clear, what you
15 had circled as the subject vehicle, is that roughly right in
16 the center facing the building?

17 A Yes.

18 Q I see tape. It looks like yellow tape going across.
19 What is that?

20 A That is our crime scene tape.

21 Q You assisted indicating some of that up?

22 A Yes.

23 Q In all, how many shell casings were located?

24 A Six.

1 Q And what is -- are you familiar with firearms?

2 A Yes.

3 Q As part of your job, do you carry a firearm?

4 A Yes, I do.

5 Q And do you go shooting regularly?

6 A Yes.

7 Q Is your firearm a semi-automatic?

8 A Yes, it is.

9 Q When you pull the trigger, what happens with the
10 casing?

11 A Casing is ejected.

12 Q And ejected from the gun?

13 A Yes.

14 Q Okay. Do you recognize on this same Exhibit 48 an
15 SUV parked just to the back and left of the subject vehicle
16 that I'm circling in red?

17 A Yes.

18 Q Is that Officer Collins' vehicle?

19 A Yes.

20 Q Showing you Exhibit 49, describe this for us.

21 A This is looking north. So basically the opposite
22 direction. Again, this is my vehicle here and that's looking
23 across Park View up Mazzone.

24 Q Now, those -- you mention that the bullets are

1 marked with green placards. Correct?

2 A Yes.

3 Q If you look closely at this photograph, there's some
4 other little marking right next to the placard. Do you
5 recognize what that is or what those are?

6 A Yes.

7 Q What is that?

8 A Those are notebook pieces of paper that I took out
9 of my notebook to mark the shell casings before the placards
10 were available to be placed there.

11 Q Okay. Are placards placed by the scene
12 investigators?

13 A Yes.

14 Q But you had just marked them to make sure you kept
15 track of them?

16 A Correct.

17 Q And then lastly, Exhibit 50, is this the same thing,
18 though, looking directly northbound on Mazzone?

19 A Yes, it is.

20 Q And do we see all six casings and placards?

21 A Yes.

22 Q Officer Thomas. Thank you. That's all the
23 questions I have here.

24 THE COURT: To the defense.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CROSS-EXAMINATION

BY MS. RISTENPART:

Q Officer Thomas, in your 15 years, you just testified you had a lot of experience in firearms. Correct?

A Yes.

Q And shell casing, the ones that were on this scene, they tend to bounce. Correct?

A Correct.

Q Once they are ejected from the firearm?

A Correct.

Q If they get kicked like you did in this one?

A Yes.

Q And they can get rolled over by a car?

A Yes.

Q They -- where they are depicted in these photos -- May I get Exhibit Number 50, please.

Showing you Exhibit Number 50, this is just where you happened to find them while you were on scene, right?

A Correct.

Q It doesn't mean exactly where the person was standing while shots were fired. Right?

A Correct.

Q And, in fact, you can see your colleague's car that

1 appears to have gone past you and parked further up the
2 street?

3 A Yes.

4 Q Going through the intersection?

5 A Yes.

6 Q And in addition --

7 Can I see Exhibit Number 51, please? Thank you.

8 Showing you Exhibit Number 49, I see three different
9 strands of what we call crime scene tape. Right?

10 A Yes.

11 Q And that's the yellow tape that you guys put up?

12 A Yes.

13 Q And "you guys" meaning police officers?

14 A Correct.

15 Q To kind of mark off what you think is the scene?

16 A Yes.

17 Q And I see going to your colleagues' car that we just
18 talked about. Right?

19 A Yes.

20 Q There's also another one just going in the fence
21 right there.

22 A Correct.

23 Q And there's a third one in front of this car that
24 looks like a black, small, four-door sedan?

1 A Yes.

2 Q And that was to rope off what you thought was the
3 scene. Correct?

4 A Yes.

5 Q And also evidentiary value?

6 A Yes.

7 MS. RISTENPART: No further questions. Thank you.

8 THE COURT: To the State.

9 MR. LEE: Nothing further.

10 THE COURT: Thank you. You're free to step down and
11 leave.

12 Ladies and gentlemen, let's stand and stretch while
13 we await the next witness.

14 MR. LEE: State will call Sergeant John Silver.

15 THE BAILIFF: Step all the way up and face the
16 clerk, please.

17 (The witness was sworn.)

18 THE COURT CLERK: Thank you.

19 THE COURT: Let's all be seated.

20 Will you remember to speak into the microphone,
21 please.

22

23 JOHN SILVER,

24 having been first duly sworn, was examined

1 and testified as follows:

2

3 DIRECT EXAMINATION

4 BY MR. LEE:

5 Q Good morning, Sergeant.

6 A Good morning.

7 Q Could you please give us your first and last name
8 spell your last name?

9 A John Silver, S-I-L-V-E-R.

10 Q And how are you employed?

11 A I'm with the Reno Police Department.

12 Q And currently what's your assignment?

13 A Currently the sergeant of the Robbery/Homicide Unit.

14 Q And how about back in 2017, what was your
15 assignment?

16 A I was the sergeant in our Burglary Detective Unit.

17 Q So as part of your duties at the time, did you
18 help -- did you respond to and assist in a crime scene located
19 at Park View and Mazzone?

20 A I did.

21 Q Now, as a burglary unit, how did you come to be
22 involved in that?

23 A At times I'll be assisting homicide investigations
24 or significant cases. I was specifically assistive. One of

1 the supervisors was unable to come or had something else going
2 on, so I will assist in those cases.

3 Q When you first arrive, does that mean you take
4 charge of a scene?

5 A Correct.

6 Q Describe the scene for us by the time you got there.

7 A From what I remember, they had -- there was patrol
8 officers on scene. I remember seeing a vehicle that was --
9 that had some officers around it as well as, like, crime scene
10 tape set up kind of at an intersection near Park View.

11 Q And did you have anything to do with any of the
12 crime scene tape?

13 A Not initially.

14 Q But at some point you did?

15 A Correct.

16 Q Was that based on what you had or officers had
17 learned from a witness?

18 A Correct.

19 Q Based on what that witness had told officers, what
20 did you do?

21 A I expanded the crime scene getting more tape added.
22 Sometimes -- well, a lot of times in these investigations,
23 when officers get to a scene, they think that something just
24 occurred in this one small location, but as you receive

1 information, you realize that actually you're going to need to
2 expand your search or investigative area that could be
3 potentially involved in the crime.

4 Q Okay. Let me show you Exhibit 1 which is a map of
5 the area. Can you see that okay despite the light?

6 A Yes.

7 Q There was tape going in a lot of different
8 directions; is that fair?

9 A Yeah, it was all over that intersection I believe of
10 Mazzone and Park View. I can't see -- that is Mazzone there.
11 Right?

12 Q You're talking the north/south?

13 A Correct.

14 Q So it has a label, but I'm going to ask you if that
15 is accurate?

16 A Yes, I believe that is.

17 Q And is it one intersection in from Neil Road?

18 A Yes.

19 Q Okay. So based on what you had learned from those
20 witnesses, was that the Vasquez?

21 A Sorry. I actually got the information from an
22 officer.

23 Q Okay. But based on what you learned, what did you
24 do?

1 A I expanded our crime scene on -- it would be Park
2 View to go further east --

3 Q Okay.

4 A -- from Mazzone.

5 Q Where did you go? If you could draw us roughly.

6 A So the house that --

7 And this is a touch screen, isn't it?

8 Q It is a touch screen. You can use your fingernails,
9 that's the easiest, or push hard with your finger.

10 A I don't think that's coming across. Oh, there we
11 go.

12 Q Okay. You've drawn a line that shows just to the
13 east of the northeast corner house of Park View and Mazzone;
14 is that accurate?

15 A That is my memory. Somewhere in -- I wanted to kind
16 of include that residence or specifically the walkway going to
17 that residence as part of the crime scene.

18 Q And walkway from Park View?

19 A Yeah, the walkway that actually kind of has one of
20 those little dots on it.

21 Q Okay. You'll mark it in red. Is this it?

22 A Perfect.

23 Q And that's just to the left of the green line you've
24 just described?

1 A Correct.

2 Q About how far is that walkway from where the casings
3 were located?

4 A I think it was about 20 yards. 10 or 20 yards.
5 Somewhere in there.

6 Q Let me show you Exhibit 49. Looking all the way to
7 the left, do you see tape to the far left of the picture
8 attached to a Reno police vehicle?

9 A I do.

10 Q Do you see tape in the middle of the photograph
11 attached to a fence?

12 A I do.

13 Q Do you see tape coming across toward the right
14 attached also to a fence and appearing to go above a sedan, a
15 Chevrolet sedan?

16 A Yes.

17 Q And then as well, behind. Do you see tape
18 protruding, tying to a fence in an area you just described?

19 A Correct.

20 Q And is that the scene tape that you had put up?

21 A Yeah, the further east. The furthest one. It's
22 very difficult to see in this photo.

23 MR. LEE: 63 through 69.

24 BY MR. LEE:

1 Q Sir, in a moment I'm going to show you a series of
2 photographs and I'll have you take a look at them to yourself.
3 Spend as much time as you need and let me know when you've had
4 enough time. These have not been admitted, so if you wouldn't
5 mind just holding them to yourself.

6 Have you had sufficient time?

7 A Yes.

8 Q Do you recognize each of these photographs in 63
9 through 69?

10 A I do.

11 Q Do those accurately depict how the scene looked on
12 November 2nd of 2017?

13 A Yes.

14 MR. LEE: Move to admit.

15 MS. RISTENPART: No objection.

16 THE COURT: I'll need help with exhibit numbers,
17 please.

18 MR. LEE: 63 through 69.

19 THE COURT: 63 through 69 are admitted.

20 THE COURT CLERK: Thank you.

21 (Exhibits 53-69 were admitted.)

22 BY MR. LEE:

23 Q First, Exhibit 63. Now, I see some tape on the
24 left-hand side. Is that tape that you put up extending the

1 scene?

2 A I didn't put it up. But yes, I have some in there.

3 Q Thank you for that clarification.

4 Is this -- on the right side, is this the sidewalk
5 that you mentioned?

6 A It is.

7 Q And in front of that sidewalk, I see four green
8 placards; is that right?

9 A Correct.

10 Q What are those?

11 A Those are like evidence placards. So something I
12 believe could potentially be evidence, we put those down so we
13 know exactly where they are at and can come back to them.

14 Q Did you identify things at those placards or
15 marking.

16 A I did.

17 Q Looking at Exhibit 64, same placard, just a little
18 closer?

19 A Correct.

20 Q Okay. In the gutter here it looks like there's
21 some -- is that tape?

22 A It looks maybe like a tape measure.

23 Q Was it measurements of the scene being taken at the
24 same time you were there?

1 A Correct.

2 Q Now these Placards, 1, 2, 3, and 4, what do they
3 show? What do they mark?

4 A They were marking some cigarette butts.

5 Q Now, why did you pay attention to cigarette butts?

6 A The information I had was that a potential suspect
7 had been seen standing in that area, so that's why I expanded
8 the crime scene in the first place. As I walked over to
9 expand that crime scene, I noticed the cigarette butts and
10 took note of it and wanted it to be marked in case it came
11 back to be related.

12 Q Did you believe they had evidentiary value at the
13 time?

14 A I did.

15 Q How come?

16 A I think there's a few reasons. One is potential for
17 DNA on those cigarette butts as well as they looked to me to
18 be fresh, that they had been there recently. It wasn't
19 something that appeared very old. So had a suspect been in
20 that area and smoking cigarettes, then we would have DNA from
21 those cigarettes.

22 Q And then how do you describe them as fresh? Why did
23 you believe they were fresh?

24 A There's a few reasons. One would be the color of

1 them being white. They didn't looked weathered to me. As
2 well as, like, fresh ash that was kind of by there, which to
3 me, if they had been there for awhile, that ash would no
4 longer be there. The wind blows it. People step on it.
5 Things like that. So there was fresh ash near the cigarette
6 butts, so to me it looked like they were fresh cigarette
7 butts.

8 Q Showing you Exhibit 60, a little closer-up of
9 Placards 1 and 2, does this just show the cigarette butts you
10 just described?

11 A It does and some of the little -- some of the ash
12 coming out of the cigarette on No. 1 and I think also on the
13 sidewalk there is one.

14 Q And let me zoom in a little bit on Placard 1.
15 Exhibit 66. Just a moment. Okay. Describe all of that for
16 us.

17 A Yeah. The white cigarette butt, you can see the ash
18 at the very end of it as well as still kind of on it, as well
19 as it to the right with the cigarette butt and further towards
20 the -- kind of the ruler, there's some black ash on the
21 cement.

22 Q Now, were all of these cigarettes of the same brand
23 and make?

24 A I believe so.

1 Q Do you recall what that was?

2 A It was like NXT.

3 Q Exhibit 67 which is by Placard No. 2, same thing?

4 A Correct.

5 Q Exhibit 68, Placard No. 3. What do you see here?

6 A I have NXT cigarette butt with the ash right at the
7 very end of it.

8 Q Again, the cigarette butt to you looks clean?

9 A Yes.

10 Q And then Exhibit 69, Placard No. 4. Do you see ash?

11 A Yeah, I can see the ash at the very end of it.

12 Q And also identified as an NXT?

13 A Correct.

14 Q Now, if you see on the cigarette butt on Placard 4,
15 I'm circling right in the middle of the cigarette butt, do you
16 see that?

17 A It looks like a blue dot.

18 Q Thank you.

19 Sergeant Silver, who put these placards down?

20 A It could be a detective or FIS.

21 Q What is FIS?

22 A It's the crime scene investigator. They handle all
23 the evidence in these major crime scenes.

24 Q Are you aware of whether these items found under

1 Placard 1 through 4 were actually submitted or taken as
2 evidence?

3 A I am.

4 Q Were you aware that they were submitted to the crime
5 lab for testing?

6 A Yes.

7 MR. LEE: Thank you. That's all the questions I
8 have.

9 THE COURT: To the defense.

10
11 CROSS-EXAMINATION

12 BY MS. RISTENPART:

13 Q Sergeant, you were just called on that early morning
14 to cover, really, for Sergeant Chalmers. Right?

15 A Chalmers. Yes.

16 Q Chalmers. Thank you.

17 He was one of your colleagues who was actually the
18 on call who was going to take over once he got to the scene?

19 A Correct.

20 Q And the extent of what you did in this entire
21 investigation is exactly what we just talked about. Right?
22 Extended the crime scene tape. Right?

23 A Yes.

24 Q You saw some cigarettes that you thought maybe

1 looked a little more fresh?

2 A Yes.

3 Q And may have some evidentiary value.

4 A Yes.

5 Q And that's all you did?

6 A Well, I -- I mean, I passed off the investigation to
7 Chalmers and then kind of explained some of that stuff. My
8 unit was also involved in helping later on.

9 Q But you, personally, that's all you did. Right?

10 A No. I was personally involved with my unit being
11 involved in it, in the further investigation. So a lot of
12 those -- the details of the case as having my unit help and
13 involved in those conversations.

14 Q As far as at the scene that was the extent of your
15 help?

16 A Yes. I'm sorry. I thought you meant the whole
17 investigation.

18 MS. RISTENPART: No further questions.

19 THE COURT: To the State.

20

21 REDIRECT EXAMINATION

22 BY MR. LEE:

23 Q What else did your unit -- how else did your unit
24 have involvement?

1 A I believe they had helped later on with surveillance
2 of potential suspects that were involved in this case. So we
3 assisted the Robbery/Homicide Unit in the surveillance at
4 which time when they contacted people that were involved.

5 Q Did your unit also help in canvassing the area?

6 A Correct.

7 Q What is canvassing the area?

8 A At these major crime scenes, we want to talk to
9 everybody that might live or have seen or heard things. So
10 the Robbery/Homicide Unit might not have enough detectives to
11 do that as well as completing the investigation. So
12 oftentimes, the burglary detectives are involved in the
13 canvass, so contacting the neighbors or anyone that saw or
14 heard anything.

15 MR. LEE: Thank you. That's all the questions,
16 Your Honor.

17 MS. RISTENPART: Nothing based upon that.

18 THE COURT: All right. If you will remain where you
19 are, please.

20 Deputy would you see me at sidebar real quick.

21 (A side bar discussion occurred.)

22 THE COURT: Ladies and gentlemen, during this
23 recess, please do not discuss this case amongst yourselves.
24 Please do not form or express any opinion about this matter

1 until it's been submitted to you.

2 We'll be in recess for 20 minutes.

3 We'll stand for our jury.

4 (The jurors left the courtroom.)

5 THE COURT: I'll excuse members of the public.

6 You're free to leave the courtroom -- invited to leave the
7 courtroom.

8 Mr. Silva, I would like to accommodate any personal
9 need you have.

10 THE DEFENDANT: I'm good, sir.

11 THE COURT: Are you okay?

12 THE DEFENDANT: Yes, sir. Thank you.

13 THE COURT: I'm trying to reduce the visual imagery.
14 I'm going to visit with the officer for a moment but not at
15 all about the case, and I don't want there to appear any favor
16 or disfavor.

17 Counsel, if you'll just see me at sidebar real
18 quick. If everyone will remain here -- we can't go in there.
19 How about right through there.

20 (A sidebar discussion was held.)

21 (A break was taken.)

22 THE COURT: Deputy, make sure you invite the public
23 in.

24 All right. Deputy, the jury, please.

1 (The jurors entered the courtroom.)

2 THE COURT: The entire jury is present.

3 Please be seated.

4 State you may continue.

5 MR. LEE: The State will next call Shaun Brady.

6 THE BAILIFF: Step all the way up and face the
7 clerk, please.

8 (The witness was sworn.)

9 MR. LEE: Thank you.

10

11 SHAUN BRALY,

12 having been first duly sworn, was examined

13 and testified as follows:

14

15 DIRECT EXAMINATION

16 BY MR. LEE:

17 Q Good morning, sir.

18 A Good morning.

19 Q Could you please state your first and last name and
20 spell those for us.

21 A My name is Shaun Brady. Shaun spelled S-H-A-U-N.

22 Braly spelled B-R-A-L-Y.

23 Q And what do you do for a living Mr. Braly?

24 A I'm employed as a criminalist with the Washoe County

1 Sheriff's Office in the Forensic Science Division.

2 Q So currently what do your duties entail?

3 A I'm currently assigned to the FIS section which is
4 the Forensic Investigation Section where we respond to major
5 crime scenes throughout northern Nevada to assist with the
6 identification, collection, and preservation of evidence.

7 Q Do you work with specific police departments only?

8 A There's a lot.

9 Q So what areas -- what areas of police involvement
10 would you cover?

11 A All of northern Nevada. I believe it's the
12 northern, about, 13 counties.

13 Q So even as far as Elko?

14 A Yes.

15 Q How about any into California?

16 A I believe so. I do not know for certain.

17 Q Back in -- oh, do you have any education that
18 qualifies you for that position?

19 A Yes. I have a bachelor off science degree from the
20 University of Nevada Reno in chemistry and I'm currently
21 completing a master's of science program at the University of
22 California at Davis in forensic science.

23 Q And as part of your duties, do you have to have
24 ongoing, continuing education to keep up to date?

1 A Yes.

2 Q Explain that to us. What are your requirements?

3 A I have 250 hours of external crime-scene related
4 courses as well as extensive in-house training programs.

5 Q Let me bring you backwards to November 2nd of 2017.
6 Were you involved with the crime scene that occurred at the
7 area of Park View and Mazzone?

8 A Yes.

9 Q That entire area within Washoe County?

10 A Yes.

11 Q What was your job there with that scene?

12 A I was there to assist with the diagramming of the
13 scene.

14 Q So explain the diagramming. How it works?

15 A Once I arrive on scene, it kind of sets the scale of
16 the scene. I'll begin by taking a quick sketch of the scene,
17 take measurements of the perimeter of the scene and then
18 measure in any areas of interest or placards that may be
19 placed down.

20 Q Now is there a program -- a computer program of
21 sorts that you use to finish the diagram?

22 A Yes. It's similar to like a CAD-type program. It's
23 called Crash Zone or Crime Zone.

24 Q And did you use that in this case?

1 A Yes.

2 Q Did you take measurements of the scene in this case?

3 A Yes.

4 Q And with that CAD-like program, did you mark places
5 of evidence and other placards that are on the scene?

6 A I did.

7 Q I'm going to show you what's been marked as Exhibit
8 4 and 5. Those are not yet in evidence, so just hold them to
9 yourself, please, and let me know when you've had enough time
10 to review those. Do you recognize those?

11 A I do.

12 Q How do you recognize them?

13 A Those are the scene diagrams that I created.

14 Q Did they fairly and accurately depict the scene?

15 A Yes.

16 MR. LEE: I move to admit 4 and 5.

17 THE COURT: 4 and 5?

18 MS. RISTENPART: I'm sorry. Did he go through that
19 he did measurements on scene?

20 THE COURT: He did.

21 MS. RISTENPART: No objection then.

22 THE COURT: 4 and 5 are admitted, Ms. Clerk.

23 THE COURT CLERK: Thank you.

24 (Exhibits 4 and 5 were admitted.)

1 BY MR. LEE:

2 Q First, Exhibit 4 what are we looking at here?

3 A This is --

4 Q Is that correct? North and south this way?

5 A North is facing up right now, yes.

6 Q Okay.

7 A This is the intersection of Park View and Mazzone on
8 the diagram that I created.

9 Q Okay. And generally speaking, what I've circled
10 here 1, 2, 3, and 4, is that the cigarette butts?

11 A I have my key there, but yes, I believe so.

12 Q In fact, are you aware there was another -- did you
13 work with another individual from FIS who processed the crime
14 scene?

15 A I did, yes.

16 Q Is that Ashlyn Ziaranowski at the time?

17 A That's correct.

18 Q And is she actually outside the courtroom right now?

19 A She is.

20 Q Exhibit 5. Is this just a little bit broader view?

21 A Yes.

22 MR. LEE: That's all the questions I have.

23 THE COURT: To the defense.

24

1 CROSS-EXAMINATION

2 BY MS. RISTENPART:

3 Q How long have you been working in FIS?

4 A I've been employed approximately two and a half
5 years.

6 Q So you just started when this case came. Right?
7 Two years ago?

8 A I started in June of 2017.

9 Q Okay. So you had been working for a couple of
10 months.

11 A Yes. A few months.

12 MS. RISTENPART: No further questions.

13 THE COURT: Thank you.

14 Any redirect?

15 MR. LEE: No.

16 THE COURT: You're free to step down and leave the
17 courtroom.

18 MR. LEE: The State will next call Ashlyn Burke.

19 THE BAILIFF: Please step all the way up and face
20 the clerk. Please clerk please Ristenpart witness sworn.

21 (The witness was sworn.)

22 THE COURT: To the State.

23 MS. RISTENPART: Your Honor, I noticed the witness
24 brought up a whole stack of paperwork which I believe are her

1 reports.

2 THE COURT: So did I. We'll see what happens. I am
3 on notice.

4 MS. RISTENPART: Thank you, Your Honor.

5

6 ASHLYN BURKE,
7 having been first duly sworn, was examined
8 and testified as follows:

9

10 DIRECT EXAMINATION

11 BY MR. LEE:

12 Q Good morning, Ms. Burke.

13 A Good morning.

14 Q Could you please state your first and last name and
15 spell your last name.

16 A Ashlyn Burke, B-U-R-K-E.

17 Q Since November 2nd of 2014 has your last name
18 changed?

19 A Yes, it has.

20 Q What was it before.

21 A It was Ziaranowski.

22 Q Can you spell that?

23 A Z, as in zebra, I-A-R-N-O-W-S-K-I.

24 Q Ms. Burke, what do you do for a living currently?

1 A I am a state investigator with the Washoe County
2 Public Administrators Office.

3 Q What does that entail?

4 A Securing and protecting the assets of deceased
5 individuals and seeing through the probate process.

6 Q When did you start working with the Public
7 Administrator?

8 A It was November 27th, 2017.

9 Q So shortly after this case?

10 A Correct.

11 Q Prior to that, what was your job?

12 A I was a forensic investigator with the Washoe County
13 Crime Lab.

14 Q And what were your duties there?

15 A Processing crime scenes, I would go and photograph
16 evidence collection, diagramming, fingerprint processing,
17 evidence swabbing or DNA swabbing for evidence. You know, we
18 would process vehicles and subjects, so suspects, victims as
19 required.

20 Q Everything about a scene it sounds like.

21 A Correct.

22 Q On a crime scene like a murder crime scene, was
23 there often a detective as well assigned to the scene?

24 A Yes, there was.

1 Q Would you work in tandem somewhat with that
2 detective?

3 A Yes.

4 Q And in this particular case involving the crime
5 scene at Park View and Mazzone, did you respond to that scene?

6 A I did.

7 Q On November 2nd of 2017?

8 A Yes.

9 Q Was this one of your last cases before leaving?

10 A It was.

11 Q Besides the crime scene, did you have other areas
12 that you responded to?

13 A I also went to the apartments on Mazzone, one in
14 particular that I was requested to process, as well as I
15 attended the autopsy.

16 Q With the apartment on Mazzone, did you go with
17 Detective Ben Rhodes?

18 A Yes, I did.

19 Q And then at the autopsy, you were there during the
20 autopsy?

21 A I was.

22 Q Are you actually inside the autopsy room?

23 A Yes.

24 Q In all, did you take -- at the crime scene, the

1 autopsy, that apartment -- photographs?

2 A I did.

3 Q Do you know roughly -- I'm not going to ask you an
4 exact number. Do you know roughly how many photographs you
5 took?

6 A 500. I believe 500 plus at the crime scene in the
7 Mazzone/Park View area, and then I don't remember how many of
8 the autopsy.

9 Q Let me show you a series of exhibits.

10 MR. LEE: Your Honor, if I could have just a quick
11 moment.

12 BY MR. LEE:

13 Q First, Ms. Burke, I'm showing you what's been marked
14 as Exhibit Number 4. Do you recognize what this is?

15 A Yes, I do.

16 Q Is that a scene diagram?

17 A It is, yes.

18 Q Was Shaun Braly with you during this investigation?

19 A He was.

20 Q Was he kind of in a training mode at the time?

21 A At the time, he was signed off on diagramming so he
22 was able to do this independently.

23 Q Now, what are we -- I'm going to ask you a couple of
24 these. I recognize this is upside down, but I wanted the

1 north/south view.

2 A Uh-huh.

3 Q Exhibits 1 through 4 are what?

4 A Those were NXT cigarette butts.

5 Q And if I show you Exhibit 63, does this show the
6 Placards 1 through 4?

7 A Yes, it does.

8 Q And that also identifies as the NXT cigarette butts?

9 A Correct.

10 Q Circled on Exhibit 4, 5, 6, 7, 8, 9, and 10, what
11 were those?

12 A Those were six cases, Sphere 9 millimeter Luger
13 casing.

14 Q I'm sorry. You said Sphere?

15 A 9 millimeter Luger.

16 Q And is that identified how?

17 A It's on the headstamp.

18 Q Okay. So first of all, showing you Exhibit 50, are
19 these the six casings you identified?

20 A Yes.

21 Q I'm going to approach you with Exhibits 51 through
22 62. So I'm showing you Exhibits 51 through 62. These are not
23 yet in evidence, so if you could look at them to yourself and
24 don't necessarily hold them up for anyone else to see. Take

1 your time and look through those and look up at me when you're
2 done.

3 Do you recognize those exhibits?

4 A I do.

5 Q How do you recognize them?

6 A Those were the casings at the scene. I took photos
7 and I held them up to be able to read the headstamp.

8 MR. LEE: Your Honor, I move to have admitted 51
9 through 62.

10 MS. RISTENPART: No objection.

11 THE COURT: 51 through 62 are admitted, Ms. Clerk.

12 THE COURT CLERK: Thank you.

13 (Exhibit 51-62 were admitted.)

14 BY MR. LEE:

15 Q So, again, as to Exhibit 50, what I'm about to
16 publish here on the screen, are these exhibits that you just
17 looked at all identified in this picture in Exhibit 50?

18 A Correct.

19 Q So we'll first look at Exhibit 5 -- or excuse me
20 Placard 5, Exhibit 51. Is this that casing?

21 A Yes.

22 Q And then when you mentioned headstamp next to
23 Exhibit 52.

24 A Yes.

1 Q Is that the headstamp?

2 A Yes.

3 Q And it's identified as a Sphere 9 millimeter Luger?

4 A Correct.

5 Q What does Sphere mean?

6 A I believe that's the brand essentially.

7 Q Exhibit 53. I'm showing Placard 6. Is that another
8 casing?

9 A Yes.

10 Q Exhibit 54. Is that the headstamp?

11 A Yes.

12 Q Also a sphere 9 millimeter Luger?

13 A Yes.

14 Q Exhibit 55, is that Placard 7?

15 A Yes.

16 Q And Exhibit 56, is that a close up of the headstamp
17 of Exhibit 7?

18 A Yes.

19 Q Also a Sphere 9 millimeter Luger?

20 A Correct.

21 Q Exhibit 57 showing Placard 8, is that the casing?

22 A Yes.

23 Q And Exhibit 58, is that the headstamp of that
24 casing?

1 A Yes.

2 Q Also a Sphere 9 millimeter Luger?

3 A Correct.

4 Q And Exhibit 59, Placard 9, that's the casing?

5 A Yes.

6 Q Exhibit 60, headstamp of Placard 9?

7 A Correct.

8 Q And also a 9 millimeter Sphere Luger?

9 A Yes.

10 Q And lastly, Exhibit 61 showing the casing marked by
11 Placard 10?

12 A Yes.

13 Q And Exhibit 62. Is that the headstamp of the casing
14 from Placard 10?

15 A Yes.

16 Q Also showing Sphere 9 millimeter Luger?

17 A Correct.

18 Q What did you do with these items of evidence?

19 A As you can see in the photos where you see gloves, I
20 wear sterile gloves. You pick up each casing, essentially,
21 and put it in the little coin envelope and those are labeled
22 with the placard number so you know which placard it's
23 referring to.

24 The smaller envelopes are placed in a larger 9 by 11

1 or 9 by 12 envelope. It's easier to keep track of them and
2 not get lost in the shuffle, and those items are taken back to
3 the lab.

4 Q What lab?

5 A The Washoe County Forensic Science Division has
6 their own evidence section and that's where we book items.

7 Q That's what you did in this case?

8 A Yes.

9 Q You booked them.

10 Going back to the diagram of Exhibit 4, Placard No.
11 11 is what?

12 A That is the red Dodge Charger.

13 Q And what's Placard 12?

14 A Placard 12 was a bent pole at the front of it.

15 Q Did you examine the front of the Dodge Charger?

16 A I did.

17 Q Was there any markings consistent with having struck
18 the pole?

19 A There were, yes.

20 Q How would you describe the markings or the damage?

21 A We just typically call markings defects and it
22 looked like the defects matched whereabouts the pole would
23 have hit it.

24 Q Did you process as well inside the vehicle?

1 A Yes, I did.

2 Q Was that before the individual was removed from the
3 vehicle?

4 A Both before and after.

5 Q When you were there, was the individual still in the
6 vehicle?

7 A She was, yes.

8 Q Are you aware her name is Luz Linarez-Castillo?

9 A Yes.

10 Q How did she get out of the vehicle?

11 A You wait until the coroners come. They have,
12 basically, jurisdiction over the body. So the coroner in this
13 case, Chelsea West, she came in and removed the body. I
14 forget who assisted her because I believe she was pregnant,
15 but she did have help removing the body.

16 Q And once the body was out of the vehicle, that's
17 when you processed it?

18 A Yes.

19 Q What did you find in that vehicle?

20 A Red staining. There were a pair of teeth and there
21 was a bullet.

22 Q Where was that bullet at?

23 A I believe it was on the driver's seat.

24 Q Showing you 81 and 82. Do you recognize what's

1 depicted there?

2 A 81 is a projectile bullet. And 82 is the projectile
3 laid out on a coin envelope.

4 Q And are those the projectiles you found in that red
5 vehicle on November 2nd?

6 A The first photo absolutely was. The second I brief
7 so, but I don't remember for sure.

8 MR. LEE: Move to admit 81.

9 MS. RISTENPART: No objection.

10 THE COURT: 81 is admitted, Miss Clerk.

11 THE COURT CLERK: Thank you.

12 (Exhibit 81 was admitted.)

13 BY MR. LEE:

14 Q Showing you Exhibit 81, is this the location where
15 that bullet was found?

16 A Yes.

17 Q Where is that?

18 A That's on the driver's seat.

19 Q I'm going to show you 70 and 71. Do you recognize
20 those?

21 A I do, yes.

22 Q What is -- what is that that we see?

23 A That is a parking lot that was further north on
24 Mazzone. One of the detectives pointed out a cigarette butt

1 there that he would like to be photographed and collected.

2 Q And did you do so?

3 A I did, yes.

4 Q And do these photographs fairly and accurately
5 depict how it looked on November 2nd of '17?

6 A Yes.

7 MR. LEE: Move to admit 70 and 71.

8 THE COURT: They are admitted, Miss Clerk.

9 THE COURT CLERK: Thank you.

10 (Exhibits 70 and 71 were admitted.)

11 BY MR. LEE:

12 Q Exhibit 70. Show us where the cigarette butt was
13 found.

14 A It is around the placard area.

15 Q Could you circle that on the screen.

16 A In this area.

17 Q And Exhibit 71 right below the placard, is that the
18 cigarette butt?

19 A Yes.

20 Q Was that cigarette butt collected?

21 A It was, yes.

22 Q And brought in for evidence in the same manner?

23 A Yes.

24 Q Was there also a Camel cigarette butt there at the

1 time?

2 A There was, yes.

3 Q Was that collected?

4 A It was.

5 Q Now, let me show you Exhibit 60 -- actually, I'm
6 going to show you Exhibit 64. Placard 1, 2, 3 and 4 show us
7 what?

8 A Those were the NXT cigarette butts.

9 Q I'm just going to go one at a time on these.
10 Exhibit 66, Placard 1. What did you do with that cigarette
11 butt?

12 A It was photographed, as you can see, with the scale.
13 And then it was picked up using clean gloves and placed into,
14 also, a coin envelope and marked as Placard 1.

15 Q Exhibit 67, same thing with Placard 2?

16 A Yes.

17 Q Exhibit 68, exact same thing with Placard 3?

18 A Yes.

19 Q And looking at 69, exact same with Placard 4?

20 A Yes.

21 Q So all four of those were collected and brought up
22 to the crime lab?

23 A They were.

24 Q I'm going to show you now Exhibits 14 through 19.

1 You mentioned before that you were inside the autopsy room?

2 A Yes.

3 Q So Exhibit 14. Was this a bullet that was collected
4 from Luz Linarez-Castillo?

5 A Yes.

6 Q Exhibit 15, was that a fragment collected from
7 Ms. Linarez-Castillo?

8 A Yes.

9 Q 16, another bullet from Ms. Linarez-Castillo?

10 A Yes.

11 Q And in fact, I'll show you 17, 18, and 19 in that
12 order. 17, 18, and 19. Are these all bullets that were
13 recovered from Miss Linarez-Castillo?

14 A Yes.

15 Q Were these bullets all packaged and sealed?

16 A Yes, they were.

17 Q And were they deposited into evidence at the Washoe
18 County Crime Lab by you?

19 A Yes, they were.

20 MR. LEE: If I could have just one moment,
21 Your Honor.

22 BY MR. LEE:

23 Q And at the Mazzone, you said you helped in
24 photographing the scene at the Mazzone address?

1 A Yes.

2 Q Was that just up the street at Mazzone at 3515
3 Mazzone?

4 A It was. It was at the north end.

5 Q That was an apartment that purportedly belonging to
6 Arturo Monzo?

7 A Yes.

8 Q And what did you do there?

9 A Met with the detectives there and went through and
10 photographed -- I do not believe we took any items for
11 evidence, it was strictly photography.

12 Q With regard to the Charger, the red Charger, we
13 talked briefly what you did, that you processed it, but what
14 did you do?

15 A I took photographs. I also dusted for fingerprints.
16 It's called latent print processing. Used a fingerprint
17 brush, a clean one, on areas of the vehicle where it would be
18 likely somebody touched the car. We also swabbed for DNA and
19 then removed items of evidence.

20 Q And in this case, the bullet was one of those items?

21 A Yes.

22 MR. LEE: Ms. Burke, thank you for your time.

23 That's all the questions I have, Your Honor.

24 THE COURT: Cross-examination.

1 ///

2 CROSS-EXAMINATION

3 BY MS. RISTENPART:

4 Q I'm showing you what's already been admitted as
5 Exhibit Number 1, Ms. Burke.

6 THE COURT: I'm sorry. Can we get you a drink of
7 water?

8 UNIDENTIFIED JUROR: Yes, please.

9 THE COURT: Let's all stand for a moment, please.

10 Mr. Lee and Ms. Ristenpart, I do not have a record
11 that 82 was formally admitted.

12 MR. LEE: I did not.

13 THE COURT: Did not. Okay.

14 UNIDENTIFIED JUROR: Thank you.

15 THE COURT: You bet. All right. Here we are. Be
16 seated, please.

17 Counsel, you may proceed.

18 MS. RISTENPART: Thank you.

19 BY MS. RISTENPART:

20 Q And on November 2nd of 2017, you were asked to
21 respond to not only the intersection of Park View and Mazzone
22 but also to the other address which you just answered to the
23 State was Arturo Manzo's apartment?

24 A Correct.

1 Q And you took pictures there, correct?

2 A Correct.

3 Q And you actually searched -- or were there, present,
4 while officers searched what was purported to be Arturo
5 Manzo's apartment?

6 A Correct.

7 MS. RISTENPART: May I approach, Your Honor?

8 THE COURT: Yes.

9 BY MS. RISTENPART:

10 Q Showing you what's been marked as Exhibit Nos. 110
11 and 109, do you recognize those?

12 A I do, yes.

13 Q What do you recognize those to be?

14 A They were photographs taken inside the bedroom that
15 was reported as Arturo's.

16 Q What does the first photograph depict?

17 MR. LEE: Judge, I'm going to object on 48.045 and
18 .051 ground at this point.

19 THE COURT: May I see the exhibit, please.

20 Ladies and gentlemen, during this recess, please do
21 not discuss this case amongst yourselves. Please do not form
22 or express any opinion about this matter until it's submitted
23 to you.

24 This will be a brief recess.

1 We'll stand for our jury.

2 (The jurors left the courtroom.)

3 THE COURT: Be seated please. First, I appreciate
4 the way in which you object, Counsel. I hope this will apply
5 to both of you at the appropriate time. I don't like speaking
6 objections. I don't like evidentiary or dustups in front of
7 the jury.

8 Mr. Lee, do you want to be heard on this on this?
9 This is not something I want to do at sidebar.

10 MR. LEE: Yes, I do, Your Honor. So those two
11 photographs show what I would -- just thinking of them -- I
12 think one is a vest of a Ruthless Riders --

13 THE COURT: That's correct.

14 MR. LEE: -- motorcycle club vest.

15 The other is the other is a drawing of roughly the
16 same thing. These are belonging to Arturo Monzo who is a
17 witness in the case. These have no bearing -- the fact that
18 he was in a motorcycle club have no bearing on the case. They
19 are irrelevant and they are, frankly, inadmissible character
20 items.

21 THE COURT: Ms. Ristenpart.

22 MS. RISTENPART: Your Honor, in conjunction with 111
23 which I'm not putting in through this witness, the way the
24 State has called their order witnesses, things are a little

1 bit out. But if I may proffer 111 which is the picture of
2 Mr. Manzo, it's for identification and also for location
3 purposes, Your Honor.

4 THE COURT: Well, identification and location
5 purposes.

6 MS. RISTENPART: Correct, at his apartment and the
7 totality of the story as to what's going on.

8 THE COURT: Why is it relevant in the first
9 instance?

10 MS. RISTENPART: Your Honor, because he's wearing
11 the exact same outfit on his interview of November 3rd, 2017,
12 that they found in his bedroom.

13 THE COURT: I understand that.

14 MS. RISTENPART: With female clothing.

15 THE COURT: I am not attempting to suggest or
16 anticipate a defense. I'm not asking you to disclose your
17 defense. I want to just understand the parameters of defense
18 theory so I can do everything lawful to allow the vigorous
19 defense. Are you going to be suggesting that there is a
20 shooter other than your client, possibly Arturo?

21 MS. RISTENPART: Your Honor, it depends on what
22 other witnesses state, especially Mr. Guzman.

23 THE COURT: I'm handing the two exhibits, 109 and
24 110, back to the witness. I'm returning to the clerk 111.

1 The objection is overruled.

2 Deputy, the jury, please.

3 I would have sustained an objection if the inquiry
4 goes beyond your explanation of identification and location.
5 I don't want to chill you from that.

6 (The jurors entered the courtroom.)

7 THE COURT: Please be seated.

8 To the defense, you may continue.

9 MS. RISTENPART: Thank you, Your Honor. With
10 permission of 109 and 110.

11 THE COURT: Have you offered 109 and 110 for
12 admission? I didn't hear you then.

13 MS. RISTENPART: I was facing the other way.

14 THE COURT: Over the State's objection which was
15 contemporaneously made, 109 and 110 are admitted.

16 THE COURT CLERK: Thank you.

17 (Exhibits 109 and 110 were admitted.)

18 BY MS. RISTENPART:

19 Q I'm showing 109, actually.

20 Excuse me. Before we get there, where is this
21 address on this map that we are talking about?

22 A Would you like me to circle it?

23 Q Correct.

24 A I believe it's up in this building. I forget the

1 address identifier.

2 Q Would looking at your report refresh your memory?

3 A Yes.

4 Q You have your report in front of you?

5 A Yes, on the floor.

6 MS. RISTENPART: With the State's permission and the
7 Court's permission, may she look at her report to refresh her
8 memory?

9 THE COURT: Yes.

10 BY MS. RISTENPART:

11 Q Go ahead, Ms. Burke. Page 2. Does that refresh
12 your recollection?

13 A It does.

14 Q And what is the address?

15 A 3515 Mazzone.

16 Q And during your search of that room where you found
17 indicia of Arturo Manzo and it was identified to you as Arturo
18 Manzo's room, you found what was depicted in 109?

19 A Yes, I did.

20 Q What was that exactly?

21 A It was a vest.

22 Q And you also found on the wall what is depicted in
23 110?

24 A Yes.

1 Q And what was that?

2 A It was a hand drawing. I don't exactly know what it
3 is, but the detective asked me to photograph it.

4 Q Is it a poster? Does it look like a poster?

5 A Yes, yes.

6 Q And is the middle of that poster similar to what is
7 in the exhibit on the vest in 109?

8 A Yes.

9 Q In that room, did you also find a gray bag involving
10 female clothing and personal items?

11 A Yes, I did.

12 Q And you also found female clothing items on top of
13 the dresser in the nightstand?

14 A Yes, I did.

15 Q But nothing was removed from the scene or collected,
16 right?

17 A Correct.

18 Q And we had a lot of testimony about -- not a lot,
19 but you talked about Placard No. 13.

20 A Yes.

21 Q I'm showing you Exhibit Number 5. This is, of
22 course, upside down, but north is pointing up. Right?

23 A Yes.

24 Q Exactly where is Placard 13 on this map?

1 A It is up here.

2 Q And what was found at Placard No. 13?

3 A That was the NXT cigarette butt and then a Camel,
4 but was located in the same area.

5 Q Going back to Exhibit No. 70 and 71, showing
6 Exhibit 71, that's Placard 13, right?

7 A Yes.

8 Q Where is the Camel butt in that picture?

9 A I don't know. I don't know if it was photographed.

10 Q But you collected it you stated?

11 A Yes.

12 Q Exhibit No. 70, you can see Placard 13 here. Where
13 exactly is the Camel Butt?

14 A I believe it was in the -- you can see the crack in
15 -- well, sorry. I'm not highlighting the right part. That
16 crack, it was in there.

17 Q But yet somehow it's not depict in 71?

18 A Oh, the Camel one. I forget where the Camel one
19 was. The NXT was in that crack. I don't remember where the
20 Camel was.

21 Q Ms. Burke, on that day also, you did some gunshot
22 residue testing. Correct?

23 A Yes.

24 Q What is gunshot residue testing?

1 A I didn't actually do the testing, I did the
2 collection of it. So a gunshot residue collection kit is a
3 small little lit box and it contains two -- they are kind of
4 capsules. They are kind of a lipstick where you pop off the
5 top to expose a sticky adhesive end, and you press that
6 adhesive end against the surface that you're trying to see if
7 there are gunshot residue particles, and you recap it and
8 place it back in the box. And, actually, the crime lab here
9 sends out those kits to a lab -- I believe in Sacramento -- to
10 actually test for gunshot residue particles.

11 Q And the reason its send out to a lab in Sacramento
12 is because Washoe County Sheriff's Office does not have the
13 capability to do gunshot residue testing. Correct?

14 A Not for the GSR kits as far as I understand.

15 Q And we are distinguishing that you can do the
16 collection of it. Essentially you pop off the top of a little
17 thing and you stick it on whatever you think may have gunshot
18 residue?

19 A Yes. We dab it for testing.

20 Q And then it's sent out for further testing?

21 A Correct.

22 Q Were you ever asked to do any gunshot residue
23 testing on any kind of clothing in this case?

24 A No, not clothing.

1 Q In fact, you were only asked to do gunshot residue
2 testing on the red Charger. Correct?

3 A Yes.

4 Q On the outside of the driver's side door on the
5 windows?

6 A Correct.

7 Q And what is the purpose of collecting or using this
8 method to collect gunshot residue? Why do we do that?

9 A As far as I can best remember, it's just -- it helps
10 place the approximate distance somebody might have been.
11 You're just trying to dab and see what sticks. And there --
12 the GSR kit is examined under a microscope of sorts down in
13 Sacramento and they determine whether or not gunshot particle
14 residue was there.

15 Q Because every time a firearm is fired, the potential
16 is that gun shot residue would come off of the firearm and
17 land on other objects. Right?

18 A Correct.

19 Q Like clothing?

20 A Correct.

21 Q On a person themselves?

22 A Correct.

23 Q Their hand?

24 A Correct.

1 Q The side of the car door?

2 A Correct.

3 MS. RISTENPART: No further questions. Thank you.

4 THE COURT: To the State.

5 ///

6 ///

7 REDIRECT EXAMINATION

8 BY MR. LEE:

9 Q You were asked about that GSR. In this case you
10 swabbed the vehicle. Correct?

11 A Yes.

12 Q So if tested, what would be the hope?

13 A I don't know. I imagine that they would be able to
14 see.

15 MS. RISTENPART: Objection. Speculation,
16 Your Honor.

17 THE COURT: "I don't know." Hold on. "I don't
18 know. I imagine that."

19 Sustained.

20 BY MR. LEE:

21 Q So you don't know much about how the GSR testing
22 works?

23 A No.

24 Q You just merely do the collection of it?

1 A Correct.

2 MR. LEE: Thank you. That's all I have.

3 THE COURT: Recross, if any.

4 MS. RISTENPART: None.

5 THE COURT: Thank you. You're free to step down and
6 leave.

7 To the State.

8 MR. LEE: State will next call Detective Ben Rhodes.

9 THE BAILIFF: Please step up and face the clerk
10 please.

11 THE COURT CLERK: Raise your right hand.

12 (The witness was sworn.)

13

14 BEN RHODES,

15 having been first duly sworn, was examined

16 and testified as follows:

17

18 DIRECT EXAMINATION

19 BY MR. LEE:

20 Q Detective, could you please state your first and
21 last name and spell your last name for us?

22 A Yes, it is Ben Rhodes. R-H-O-D-E-S is my last name.

23 Q What do you do for work?

24 A I work at the City of Reno Police Department.

1 Q And what's your current assignment?

2 A I'm a detective in the Robbery/Homicide Unit.

3 Q In the overall sense, Detective, how long have you
4 been a police officer?

5 A Just over 13 years.

6 Q All with the city of Reno?

7 A Yes.

8 Q And how long have you been a detective in the
9 Robbery/Homicide Unit?

10 A Just over three years.

11 Q On -- were you involved in the investigation of a
12 crime occurring at Park View and Mazzone under Reno Police
13 Department Case No. 17-23530?

14 A Yes, I was.

15 Q Initially, in fact, I'm going to walk you through
16 that, Detective Rhodes. Approximately when did you respond to
17 the area?

18 A I received a phone call from Sergeant Chalmers just
19 before 6:00 a.m. and then I started responding.

20 Q Were you already on -- at work or did you get the
21 call from home?

22 A I was at home.

23 Q Are you on an on-call basis at certain times?

24 A I am.

1 Q Explain that if you could at the time in November of
2 '17.

3 A Yes. We are on call basically any time after
4 5:00 p.m. and then before 7:00 a.m.

5 Q And is that always?

6 A No. No. Just based on the rotation that we have
7 for on call.

8 Q Okay. And so is it fair to say that sometimes
9 you're on call, some weeks you're not on call?

10 A That's correct.

11 Q Those weeks you're not on call, can you still be
12 called in?

13 A Yes. Well you have a choice if you want to come in
14 or not to help on those off call weeks.

15 Q So on this particular time, November 2nd of '17,
16 were you on call?

17 A I was.

18 Q Can you work with a specific group of people or how
19 does that work?

20 A Yeah, we have a -- we have a sergeant and then a
21 team of detectives that are on call with us.

22 Q Who were you on call with at the time if you recall?

23 A I was on call with Detective Kazmar and Detective
24 Thomas.

1 Q And then within that team, do you take on different
2 assignment?

3 A We do.

4 Q In this case on November 2nd anyways, what would you
5 call your primary assignment?

6 A I was the crime scene detective.

7 Q So what does that mean?

8 A It means we are responsible for everything that
9 happens at the crime scene which includes scene security,
10 collection of evidence, talking -- talking to people on a
11 canvass.

12 Q And did you work with Ashlyn Ziaranowski?

13 A I did.

14 Q So let me walk through. So the first call comes in
15 at roughly 6:00 or a little before I think you said. What
16 were you assigned to do?

17 A My first assignment was to go to the crime scene and
18 try to find any -- any critical witnesses and then have them
19 go to the station where other detectives would talk to them.

20 Q And what kind of critical witnesses? What does that
21 mean?

22 A Any witnesses that directly witnessed something
23 related to what happened.

24 Q Okay. So did you talk to 911 callers?

1 A I did.

2 Q And then your job was to somewhat shepherd them to
3 the police department for interviews?

4 A That's correct.

5 Q At the crime scene -- you saw Ms. Ziaranowski, now
6 Ms. Burke outside the courtroom. Correct?

7 A Yes.

8 Q Is she the one who's collecting evidence and
9 processing it?

10 A Yes.

11 Q And are you there to perhaps help identify evidence?

12 A Yes. Like I said before, I'm in charge of the crime
13 scene so I decide what is collected and what's not collected.

14 Q So in this case, the six shell casings?

15 A Correct.

16 Q The four cigarette butts on Mazzone?

17 A Correct.

18 Q Was it two cigarette butts up Mazzone a little bit?

19 A Yes.

20 Q What kind were those?

21 A One was an NXT, Marlboro and one was a Camel.

22 Q And as well, there was some type of candy bar, is
23 that right, on the corner of Mazzone and Park View?

24 A Yes.

1 Q What was that?

2 A It was just a partially eaten piece of chocolate
3 candy bar.

4 Q And then as well some type of Styrofoam KFC cup?

5 A Correct.

6 Q All of those were collected?

7 A Yes.

8 Q Does the crime scene itself include the Charger?

9 A Yes, it did.

10 Q I should specify the Dodge Charger. Right?

11 A Yes.

12 Q And within that Dodge Charger, what was found that
13 was of interest to you?

14 A The main thing of interest was the body of a female
15 that was deceased as well as other items.

16 Q And let's separate Ms. Linarez-Castillo from the
17 vehicle.

18 What about the car that was, like I said, of
19 interest to you?

20 A Are you talking about the inside? Outside?

21 Q Both. If you could just describe.

22 A Okay. The vehicle was running at the time. I had
23 discovered the vehicle was in neutral. Looking in the
24 windows, I saw that it was in neutral.

1 And from -- from the driver's side of the vehicle, I
2 noticed that the driver's window had several holes in it with
3 glass shattered around the holes. There was a total of six of
4 those.

5 I noticed that the -- both of the passenger side
6 doors, the front passenger and the rear passenger doors, were
7 open. And I noticed that the wing window behind the rear
8 passenger door was shattered.

9 And then looking into the vehicle, I notice that
10 there was a female sitting in the driver's seat, and she
11 was -- she was leaning over -- over the area between the two
12 seats, and it looked like her right shoulder was up against
13 the gear shifter that was in between the two seats and she was
14 deceased. And she had -- she had several defects to her face
15 that I observed.

16 Q And let me ask you a couple of specifics. Inside
17 that vehicle, were there teeth found?

18 A Correct.

19 Q I'm going show you a couple of exhibits here, sir.
20 I'm going to show you a series of photographs beyond just the
21 question I asked about teeth and ask you if you could identify
22 these.

23 I am going to show you Exhibit 75, 76, 79, 80, 85,
24 and then 121, and 122. Those are not yet admitted, so just

1 show them to yourself.

2 A Okay.

3 Q And once you've had a look at them, just look at up
4 me.

5 So I'm going to hold a few up at a time since they
6 are in a little bit of different order. Exhibits 121 and 122,
7 are those the contents of Ms. Luz Linarez' purse?

8 A Yes.

9 Q Exhibit 85, is that some mail that was found in her
10 vehicle?

11 A Yes.

12 Q 79 and 80, are these the teeth that you just
13 mentioned?

14 A Yes, they are.

15 Q And 75 and 76, are those taken from the vehicle
16 itself --

17 A Yes.

18 Q -- showing the license plate and also the window?

19 A Yes, they are.

20 MR. LEE: Your Honor, I move to admit those. I can
21 repeat them if necessary.

22 THE COURT: Would you please repeat the numbers.

23 MR. LEE: 75, 76, 80, 79, 85, 121, and 122.

24 MS. RISTENPART: Your Honor, 75 and 80, objection.

1 Cumulative to prior photos and not relevant.

2 THE COURT: Mr. Lee, would you please hand 75 and 80
3 to me.

4 Over objection, the form of the exhibits are
5 admitted, 75, 76, 79, 80, 85, 121, and 122.

6 THE COURT CLERK: Thank you.

7 (Exhibits admitted into evidence.)

8 THE COURT: You may publish them.

9 MR. LEE: Thank you.

10 BY MR. LEE:

11 Q First Detective, Exhibit 79, is this the tooth you
12 were talking about?

13 A Yes.

14 Q Where was this located?

15 A That was on the driver's floorboard.

16 Q Exhibit 80, is that another tooth?

17 A It is.

18 Q And where was that?

19 A That was on the inside of the vehicle at the edge of
20 the dashboard in the windshield.

21 Q Exhibit 75, is this the paper license plate attached
22 to the Charger?

23 A Yes.

24 Q And what year is the vehicle? Can you tell from the

1 plate?

2 A It says 2018.

3 Q Exhibit 76, is that just a view of that driver's
4 side window?

5 A Yes.

6 Q And here it shows different cracks?

7 A Yes.

8 Q Exhibit 85. What is this?

9 A That is a piece of mail that was found inside the
10 vehicle.

11 Q And is that in the name of Luz Linarez?

12 A The last name is slightly different there. But,
13 yes.

14 Q It does have the name of Luz and Linarez on it?

15 A It does.

16 Q It appears to have a middle name as well?

17 A Yes.

18 Q Now, in this case, does it give an old address?

19 A It does.

20 Q And is that 1440 Sbragia Way?

21 A Yes.

22 Q S-B-R-A-G-I-A.

23 What about the new address. What is that?

24 A It says 931 Lester Avenue here in Reno, Nevada.

1 Q Detective, do those addresses mean anything to you
2 or are they familiar to you?

3 A Yes, they are.

4 Q How so?

5 A I later learned their significance to the
6 investigation.

7 Q So 1440 Sbragia -- and just only if you know -- do
8 you know whose residence that is?

9 A That's right where Bernard Silva lives as well as
10 Richard Silva.

11 Q And then 931, do you know whose that address belongs
12 to?

13 A I -- the only person I know living there was Luz.
14 I'm not sure if anybody else was living there.

15 Q Is that Luz Linarez-Castillo?

16 A That's correct.

17 Q You also pulled out the contents of Ms. Castillo's
18 purse. Correct?

19 A Yes.

20 Q Showing you Exhibit 122, was this driver's license
21 there?

22 A Yes.

23 Q And what does it say the name to be on that? Sorry.
24 It's a little jumbled. If you can see it.

1 A That's okay. It says Luz Graciella
2 Linarez-Castillo.

3 Q And just to be clear, going back to be Exhibit 85,
4 does that piece of mail match the name that was found?

5 A It does.

6 Q There's also to the left a Social Security card with
7 the same name. Correct?

8 Whoops. I'm sorry.

9 A Yes.

10 Q Now it appears the number has just been blacked out.
11 Correct?

12 A Yes.

13 Q But that's the number that appeared on the actual
14 card that you pulled out; is that right?

15 A It did.

16 Q Exhibit 121, is this just a larger photograph of
17 what you collect?

18 A Yes.

19 Q Anything significant as any of these credit cards?

20 A Yes.

21 Q What is that?

22 A The top two credit cards had some names on them that
23 were of significance.

24 Q Do you know what names of those were?

1 A They were -- sorry. They were Richard Silva and
2 Bernard Silva Guzman.

3 Q And those were inside her purse?

4 A Correct.

5 Q Detective, was there anything else from the scene --
6 excuse me. I need to go over a few things. There was also an
7 Oldsmobile Bravada down the road. Correct?

8 A Correct.

9 Q Where was that at?

10 A It was on Park View Street several feet to the west
11 of the crime scene.

12 Q If I showed you a map, would you be able to remember
13 where it was?

14 A Yes.

15 Q Let me show you Exhibit 1. From this map, are you
16 able to give us the general identity of where that Oldsmobile
17 Bravada was?

18 A It was near Carlos Lane on Park View and it was on
19 the north side of the street of Park View.

20 Q So Carlos Lane is the block -- one block west of
21 Mazzone?

22 A Yes. I don't recall exactly where it was parked,
23 but it was in that area.

24 Q And why did you look into this vehicle? Look into

1 it meaning investigate it.

2 A A patrol sergeant told me about this vehicle saying
3 it was parked there and it appears to have some bullet holes
4 in it.

5 Q Did you examine it?

6 A I did.

7 Q What did you ultimately determine?

8 A I determined it had been parked there for at least a
9 few days and therefore wasn't related to the crime that just
10 occurred.

11 Q And did you learn that from, one, looking at the
12 vehicle, two, talking to some people?

13 A That's correct.

14 Q Tell me about what kind of canvass went on during --
15 at the scene.

16 A Well we did a video canvass as well as a
17 neighborhood canvass. And the neighborhood canvass consisted
18 of going and talking to everybody that was living nearby the
19 crime scene.

20 Q So was that a pretty big effort?

21 A It was, yes.

22 Q Who was used to complete that canvass?

23 A At the very start, I know some patrol officers were
24 doing it and then some burglary detectives came in to help out

1 at the very beginning. And then following that there were
2 several residences that had not been contacted yet and then
3 that fell back on robbery/homicide detectives to take over
4 that which included myself and some other detectives.

5 Q There was a residence north on Mazzone in this white
6 building that appears on the north end of Mazzone at 3515
7 Mazzone. Do you recall that?

8 A I do.

9 Q Whose residence is that?

10 A Arturo Manzo.

11 Q Did you search that residence?

12 A I did.

13 Q Was it by consent?

14 A Yes.

15 Q Meaning you just asked permission and they let you
16 in?

17 A That's correct.

18 Q You didn't get a search warrant for this residence?

19 A No.

20 Q As opposed to -- let me go back to the red Dodge
21 that we've been talking about. Was that by a search warrant?

22 A It was.

23 Q Why was it by search warrant?

24 A At the time, we weren't sure who actually owned the

1 vehicle.

2 Q So was it -- you felt or detectives felt the safer
3 route was to have a judge hear that and decide it?

4 A Yes.

5 Q And so if this search of Mazzone by consent and it
6 was Arturo Manzo who searched with you?

7 A It was myself, Ashlyn Ziaranowski, Detective Barnes.
8 I do not recall who else, if there was anybody else, in it. I
9 don't recall.

10 Q Did you give a thorough search of it?

11 A We did.

12 Q Did you know what you were looking for?

13 A Yes.

14 Q Like what?

15 A I was trying to find a gun, any ammunition, any
16 signs of the crime that occurred.

17 Q Did you find any of that?

18 A We did not.

19 Q Did you find -- you found female clothing though?

20 A We did.

21 Q You found female clothing in a room that appeared to
22 belong to Mr. Manzo?

23 A Yes.

24 Q Was Mr. Manzo there during the search?

1 A No. He decided to leave for the time period.

2 Q And going back to the vehicle, were there -- how
3 many phones were found inside the red Dodge Charger?

4 A There was two in there.

5 Q One white and one black?

6 A I don't recall the color of both of them, but, yeah.

7 Q Okay. Was -- tell us about those phones.

8 A Yeah, there was a white -- a white cell phone that
9 was turned upside down on the driver's floorboard and it
10 had -- it had a \$50 bill in the back of this. And then there
11 was also another -- the second cell phone was found on the
12 door side of the driver's seat and it was in between the seat
13 and the door.

14 Q Did ultimately that phone come back as belonging to
15 a REMSA employee?

16 A It did.

17 Q And was that phone returned to that REMSA employee?

18 A Yes.

19 Q And the Charger, what happened with it when you were
20 finished?

21 A The Charger was towed up to the Washoe County Crime
22 Lab.

23 Q Do you know if GSR swabs were taken?

24 A I believe they were.

1 Q What would -- are you familiar with GSR?

2 A Yes.

3 Q What does it show?

4 A GSR stands for gunshot residue. So in the event a
5 gun was fired, the -- the gun leaves behind residue of the
6 shot being fired.

7 Q So in this case, if gunshot residue tests were
8 conducted on the red Charger by the windshield or the window
9 that was broken, would that -- what would that show you, if it
10 was conducted, and if it came back positive?

11 A Well, I was told by patrol officers that all the
12 doors of the vehicle were locked at the time that they arrived
13 and so the fact that the gunshots were into that window, I was
14 concerned that maybe whoever the shooter was maybe touched the
15 door.

16 Q And so -- but gunshot residue would only be used to
17 show that a gun was fired, essentially. Correct?

18 A That's correct.

19 Q And here you already have bullet holes?

20 A That's correct.

21 Q You did some interviews as well during the time at
22 the scene. Correct?

23 A Yes.

24 Q Was it Juan Gonzalez?

1 A Yes.

2 Q How about Jose Ponce?

3 A Yes.

4 Q And you helped in collecting the video that Jose
5 Ponce had?

6 A I did.

7 Q Did you interview Vincent Vasquez?

8 A Only by phone.

9 Q And as well, part of your investigation, do you
10 study somewhat the life of the victim of the crime?

11 A Yes.

12 Q So in this case, did you talk to an employer of the
13 victim?

14 A I did.

15 Q Where at?

16 A Over at Cintas in Sparks.

17 Q Is that off of Vista?

18 A Yes.

19 Q Was that Deborah Mayfield who you spoke to?

20 A Yes.

21 Q And then you mentioned before, when I asked about
22 canvass, you said a neighborhood canvass and a video canvass.

23 A That's correct.

24 Q Can you tell us something about the extent of the

1 video canvass that was done in this case?

2 A Yeah. Numerous different detectives were doing the
3 video canvass. I did part of it and then once we got all the
4 video together, then we analyzed it.

5 Q Nick Smith was he involved in the video canvass as
6 well?

7 A I believe he was.

8 Q And if you were to look at Neil Road as it goes
9 north and south, was there a video canvass up north Neil Road
10 down south Neil Road?

11 A I'm not sure on that.

12 Q Okay. Do you know if a video canvass extended all
13 the way even to the Atlantis Casino?

14 A I don't recall.

15 Q At some point were you involved in the investigation
16 of a destruction of property charge?

17 A Yes.

18 Q Where at?

19 A It was to a vehicle parked in front of 3515 Mazzone.

20 Q So again, in front of this white building at the
21 north end of Mazzone?

22 A Yes.

23 Q Who did that vehicle belong to?

24 A Arturo Manzo.

1 Q When was it that you went out to investigate that?

2 A That was, I believe, a day after the homicide.

3 Q So this would be November 3rd?

4 A I believe so.

5 Q What was the nature of the destruction?

6 A There were something carved in the hood of the Jeep
7 and all four tires were flat.

8 Q Could you determine how they were flat?

9 A It appeared to have been slashed.

10 Q Do you know what was written in the hood or
11 scratched in the hood of the Jeep?

12 A Yeah. It was the word P-U-T-O.

13 Q Is that a Spanish word?

14 A Yes.

15 Q What did your investigation or how did you
16 investigate that?

17 A I started by trying to find video of that incident
18 and I was able to obtain some video from an apartment complex
19 right nearby.

20 Q Did the video help you identify who did it?

21 A No.

22 Q Was there also some processing of that red Jeep to
23 identify its source of the destruction?

24 A Yes.

1 Q Now, you as a robbery/homicide detective, do you
2 normally investigate destruction of property cases?

3 A No.

4 Q How come in this one you did?

5 A Because it occurred right after the homicide, so it
6 appeared to be related.

7 Q What else did you see around that scene or as part
8 of your investigation? What did you do?

9 A Are you talking about the destruction of property?

10 Q Correct.

11 A Yeah. After learning where the -- where the suspect
12 came from that committed the destruction of property, I went
13 back out to that area and looked around.

14 Q And the suspect came from -- you learned that from
15 video?

16 A That's correct.

17 Q What area did that suspect come from?

18 A So across the street to the west of 3515 Mazzone,
19 there's a space between some buildings and he came from the
20 space between the buildings from the west.

21 Q Okay. And so by -- if I'm drawing just directly
22 across from that building, is it the space between the four
23 white buildings?

24 A Yes.

1 Q And that's on the north end of Mazzone to the west?

2 A Correct.

3 Q Did you find any cigarette butts?

4 A I did.

5 Q What kind?

6 A They -- there was two of them and they had NXT on
7 them.

8 Q Did they appear to be fresh or old? How would you
9 describe them?

10 A They both appeared to be fresh.

11 Q And were those collected and processed?

12 A Yes.

13 Q By whom?

14 A I collected them I'm not sure who processed them.

15 Q But ultimately booked into evidence?

16 A I did.

17 Q Are you aware they were tested by the crime lab?

18 A I believe they were tested. I don't know for sure.

19 Q Because you didn't do the testing. Right?

20 A No.

21 Q So once you book something, you can make a request
22 and then --

23 A Somebody else does the testing.

24 Q Detective, I'm going to bring you forward now in

1 time to November 16th, exactly two weeks after the homicide.

2 All right?

3 A Okay.

4 Q The scene investigation is completed. Right?

5 Meaning you have released the scene long ago?

6 A Yes.

7 Q And now on the 16th, what was happening in general
8 terms with this investigation?

9 That's a terrible question.

10 Were there search warrants being executed?

11 A I don't recall the exact date, but yes, around that
12 time.

13 Q Were there interviews being conducted?

14 A Yes.

15 Q All about the same time that these search warrants
16 were going on?

17 A Yes.

18 Q Did you play a role in any of that?

19 A Yes.

20 Q What did you search?

21 A I searched the residence at 1440 Sbragia Way in
22 Sparks.

23 Q Is that what you identified earlier as having been
24 the residence of Bernard Silva Guzman as well as Richard

1 Silva?

2 A That's correct.

3 Q Did you ever have contact with Richard Silva?

4 A At that time, no.

5 Q What were you looking for in that residence?

6 A We were looking for several clothing items as well
7 as any guns and ammunition. I don't recall what else was
8 listed on the search warrant.

9 Q And did you actually find -- what did you find there
10 that was of value to you?

11 A We did find some ammunition and the same brand as we
12 found at the crime scene. It was a different caliber though.

13 Q So it was a Sphere brand but not 9 millimeter?

14 A That's correct. We also found some clothes that
15 possibly were consistent with the clothes we were looking for.

16 Q How did you know what kind of clothes you were
17 looking for?

18 A From a -- from video that we had obtained from a
19 7-Eleven.

20 Q And let me show you a series of photographs,
21 Detective. I'm going to show you Exhibits 40 through 45.
22 Same drill as before. These are not admitted, so just hold
23 them to yourself.

24 Go ahead and take a look at all of them and look up

1 at me when you're done.

2 A Okay.

3 Q Do you recognize all of those photos?

4 A Yes.

5 Q Were all of these photos of items collected during
6 your search of the 1440 Sbragia way?

7 A I mean, some of the photos are, like, the front of
8 the residence, so that obviously wasn't collected. But, yes.

9 Q True. But these all came from that night during the
10 search?

11 A Yes.

12 Q And the search warrant of 1440 Sbragia Way was by
13 search warrant?

14 A Yes, it was.

15 MR. LEE: Your Honor, I move to admit 40 through 45.

16 MS. RISTENPART: No objection.

17 THE COURT: No objection?

18 MS. RISTENPART: No objection.

19 THE COURT: Thank you. 40 through 45 are ted,
20 Ms. Clerk.

21 THE COURT CLERK: Thank you.

22 (Exhibits 40-45 were admitted.)

23 BY MR. LEE:

24 Q Exhibit 40, is this the front of the residence?

1 A Yes, it is.

2 Q What general area is this at?

3 A It's in Sparks off of Rock Boulevard.

4 Q And you said in Sparks off of what?

5 A Off of Rock Boulevard.

6 Q Is it just south of McCarran?

7 A Yes.

8 Q At least between McCarran and Oddie?

9 A Yes.

10 Q Exhibit 41. Inside that residence, did you find
11 this mail in the name of Richard Silva with that address of
12 1440 Sbragia?

13 A Yes.

14 Q Exhibit 44, was this also located within the
15 residence?

16 A Yes.

17 Q And what is this?

18 A That's a Nevada Department of Motor Vehicles
19 employee ID in the name of Richard.

20 Q Were you aware that Mr. Silva was employed at the
21 DMV?

22 A Yes.

23 Q Exhibit 42, what are we looking at here?

24 A That's a dark colored sweatshirt.

1 Q And why was that of interest to you?

2 A It appeared to be close in -- it was close in
3 appearance to the clothing that we were looking for.

4 Q Is that based on the video from 7-Eleven?

5 A That's correct.

6 Q Is this a hoody?

7 A Yes.

8 Q Exhibit 43, just the front side of the same hoody?

9 A It is.

10 Q Is that Detective Barnes holding that up?

11 A I can't tell from that photo.

12 Q And Exhibit 45, was this also located in the
13 residence?

14 A Yes.

15 Q And what does this appear to be?

16 A It's a marriage certificate between Luz and Bernard.

17 Q What else of interest to you generally speaking did
18 you find in that residence?

19 Actually, let me direct you a little bit. Did you
20 find ammunition?

21 A Yes.

22 Q But again, none that matched? No 9 millimeter
23 Sphere?

24 A That's correct.

1 Q Did you find any weapons?

2 A Yes.

3 Q Firearms?

4 A Yes.

5 Q Did you find a 9 millimeter firearm?

6 A Yes.

7 Q Is it a Taurus brand?

8 A That's correct.

9 Q Was that collected?

10 A Yes.

11 Q And brought into evident?

12 A Yes.

13 Q Are you aware of whether that was tested later on?

14 A I don't recall if it was tested or not.

15 Q Were there other firearms as well?

16 A Yes.

17 Q What kind?

18 A There was a 40 millimeter or I'm sorry a .40 caliber
19 handgun.

20 Q Was that relevant to this case?

21 A No.

22 Q How come?

23 A Because at the crime scene we had 9 millimeter
24 cartridge casings.

1 Q Okay. As well, Detective, was there a search
2 warrant obtained to search a blue Lexus sedan with a license
3 plate Nevada UNLV license plate Willo, W-I-L-L-O?

4 A Yes.

5 Q And did you participate in the search?

6 A I did.

7 Q I'm going to show you Exhibits 37, 38, and 39.

8 A Okay.

9 Q Do you recognize those?

10 A I do.

11 Q What do these all depict in general terms?

12 A It depicts the -- that vehicle, and the
13 registration, and an item found inside the vehicle.

14 Q And that item was found and the registration
15 pursuant to your search?

16 A Yes.

17 MR. LEE: Your Honor, I move to admit 37, 38, and
18 39.

19 MS. RISTENPART: No objection.

20 THE COURT: 37, 38, and 39 are admitted, Okay.
21 Counsel we'll be breaking for our noon recess in five minutes.

22 MR. LEE: Thank you.

23 (Exhibits 37, 38, and 39 were admitted.)

24 BY MR. LEE:

1 Q First Exhibit 37, is this the vehicle you searched?

2 A It is.

3 Q Where is this at?

4 A I'm not sure exactly where that photo was taken.

5 Q Is this from the Reno Police Department yard?

6 A Oh, yes, it is. Sorry. The background threw me
7 off. It is.

8 Q Is it toward the backside of it?

9 A It is. I apologize.

10 Q Was the vehicle before its -- how does it get
11 brought to that location?

12 A It was towed there.

13 Q Are things sealed up before a tow?

14 A That's correct.

15 Q And is that what this tape over the trunk would be?

16 A That's correct.

17 Q Was the same thing done with the red Dodge Charger
18 before it was towed up to the crime lab?

19 A Yes, it was.

20 Q What's the purpose of that tape?

21 A The purpose is to prevent anybody from going into
22 it.

23 Q So if it's -- someone goes into it, that tape would
24 be ripped?

1 A That's correct.

2 Q 38. Are you often when you perform a search warrant
3 are you looking for some type of indicia of ownership of an
4 item?

5 A Yes.

6 Q So on a car, like a registration?

7 A Yes.

8 Q So on Exhibit 38 is that what you found in the
9 vehicle, a registration?

10 A It is.

11 Q So this shows a 2004 Lexus license plate Willo?

12 A Yes.

13 Q And it shows to be registered to a Richard Silva,
14 correct?

15 A Yes.

16 Q But a different address than the Sbragia, correct?

17 A Yes.

18 Q Exhibit 39. What is this and where was it found?

19 A That is a cigarette butt and it was found inside the
20 trunk.

21 Q Where at in the trunk?

22 A So on one of the sides on the inside of the trunk
23 there was an area that had some liquid in it and I found it in
24 the liquid and pulled it out.

1 Q So was it wet?

2 A It was.

3 Q There's something that appears right smack dab in
4 the middle of that cigarette butt. What is that?

5 A It's -- it's a circle that's colored bluish green.

6 Q Does that same circle appear on those Marlboro NXT
7 cigarettes found on Placards 1, 2, 3, and 4 at the scene?

8 A I'm not sure about the placard.

9 Q I'm sorry. On the cigarette butts marked by the
10 placards.

11 A Yes.

12 Q Thank you. And then as well, Detective did you aid
13 in the search warrant of a gray Toyota Sequoia?

14 A Yes.

15 Q Was that Sequoia brought to the Reno Police
16 Department yard?

17 A It was.

18 Q And is that where you searched it?

19 A Yes.

20 Q Did you search it with Detective Barnes?

21 A Yes, I did.

22 Q Showing you Exhibits 34, 35, and 36, same routine,
23 Detective. Do you recognize each of these pictures?

24 A I do.

1 Q Are these taken of the Sequoia and of the
2 registration found within the Sequoia?

3 A Yes.

4 MR. LEE: Your Honor, I move to admit 34, 35, and
5 36.

6 MS. RISTENPART: No objection.

7 THE COURT: 34, 35, and L36 will admitted.

8 (Exhibits 34, 35, and 36 were admitted.)

9 THE COURT: Mr. Lee -- well, this witness must be
10 available after the lunch hour for cross-examination.

11 Ladies and gentlemen, during this noon recess,
12 please do not discuss this case amongst yourself. Please do
13 not form or express any opinion about this matter until it has
14 been submitted to you.

15 We will be in recess until 1:45 which is an hour and
16 15 minutes.

17 We'll stand for our jury.

18 (A recess was taken.)

19 THE COURT: Counsel, I have not forgotten by the end
20 of the day we will visit with Juror No. 1, and the end of the
21 day I will ask for an updated schedule. No guarantees, but I
22 want to know how you're doing.

23 Bring the jury in, please.

24 (The jurors entered the courtroom.)

1 THE COURT: Be seated. Good afternoon. The entire
2 jury is present.

3 To the State, you may continue.

4 MR. LEE: Thank you.

5 BY MR. LEE:

6 Q Detective, we ended with talking about Exhibits 34
7 through 36. Exhibit 34, what are we looking at here?

8 A That's a Silver Toyota Sequoia.

9 Q Now, let me back up a little bit of how contact was
10 made or why this is important at this point.

11 Did you have anything to do with investigating that
12 Sequoia?

13 A Yes.

14 Q What did you -- what role did you take in that?

15 A After learning about the vehicle showing up on video
16 at a 7-Eleven, I began a video canvass trying to find it on
17 video at other locations.

18 Q Did -- there's a license plate here on the front
19 bumper, did you see that as part of the 7-Eleven?

20 A I did.

21 Q Did that help you also in locating who was the
22 registered owner?

23 A It did.

24 Q Were you able to identify who the registered owner

1 was?

2 A Yes.

3 Q Who was that?

4 A Sylvia and Arturo. I don't recall their last name.

5 Q Okay. And then at some point, did you involve
6 yourself in some type of surveillance about -- with regard to
7 the registered owners of that vehicle?

8 A Yes.

9 Q What was that?

10 A I learned that they were staying -- their last known
11 address was an apartment complex on El Rancho and I went out
12 there trying to find the vehicle. I wasn't able to find it
13 and I went to the management office to get information.

14 Q And did you have to use other police agencies to
15 help track down that address as well or at some point did you
16 have contact with the school district police?

17 A Yes, I did.

18 Q Just to help locate an address?

19 A Yeah. Not that address in particular, but another
20 address, yes.

21 Q Okay. And then Exhibit 34 here that we see, this is
22 from the Reno police yard. Correct?

23 A Yes, it is.

24 Q Exhibit 35, same thing just the other angle?

1 A Same vehicle, yes.

2 Q And then Exhibit 36, it's a question I asked before
3 from the blue Lexus, is it correct that you're often looking
4 for some indicia of ownership or occupancy?

5 A Yes.

6 Q So Exhibit 35, does it show just that?

7 A Yes, it does.

8 Q And so in this case, does this show to be registered
9 to an Arturo Guzman?

10 A It does.

11 Q As well as you said before up at the top Arturo and
12 Sylvia Gonzalez. Right?

13 A Correct.

14 Q You mentioned before that you had contact with Juan
15 Gonzalez?

16 A Yes.

17 Q Did he provide you a picture of a Sequoia?

18 A He did.

19 Q Showing you Exhibit 33, is that what Mr. Gonzalez
20 had provided to you?

21 A It is.

22 Q How would you describe that in relation to what we
23 have in Exhibit 34?

24 A It looks very close.

1 Q And then lastly, Detective, I had asked you before
2 about a destruction of property investigation you got involved
3 in.

4 A Yes.

5 Q Take a look at Exhibits 123, 124, and 125. Do you
6 recognize all of those?

7 A I do.

8 Q Are those photographs of -- of what?

9 A That's the Jeep that was -- that was damaged.
10 Apparently, destruction of property.

11 Q So the first exhibit shows some of that damage you
12 described earlier across the hood; is that correct?

13 A Yes.

14 Q The second Exhibit 124 shows the tires -- at least
15 one of the tires. Right?

16 A Yes.

17 Q And then 125 is a picture not in that same location.
18 Can you describe that, what that is. Sorry, do you mind if I
19 see that again?

20 A That is the same Jeep at the time of the homicide.

21 Q On November 2nd?

22 A That's correct.

23 MR. LEE: Your Honor, move to admit 123, -24 and
24 -25.

1 MS. RISTENPART: Objection. Relevance.

2 THE COURT: Let me see them, please. Thank you.

3 The objection is sustained as to exhibit -- the
4 objection is overruled. Exhibits 123, 124, and 125 are
5 admitted.

6 THE COURT CLERK: Thank you.

7 (Exhibits 123, 124, and 125 were admitted.)

8 BY MR. LEE:

9 Q I'm going to show them in backwards order. 125
10 first.

11 Is that -- whose Jeep is that?

12 A That's Arturo Manzo's.

13 Q And this is outside of the crime scene back on
14 November 2nd?

15 A That's correct.

16 Q Did you meet with Mr. Manzo?

17 A I did not.

18 Q And then Exhibit 123, what are we looking at here?

19 A That is after the destruction of property and that
20 is the damage to the same Jeep.

21 Q And when was this found?

22 A That was discovered the day after the homicide.

23 Q And then Exhibit 124, is it showing one of the
24 tires?

1 A It is.

2 Q You said -- were all four tires slashed?

3 A Yes.

4 Q You described a little bit before about efforts that
5 went into the investigation of that Jeep. Did anything
6 fruitful come of that investigation?

7 A No.

8 Q Meaning were you able to identify any perpetrator?

9 A No.

10 Q And is that using the crime lab's help as well?

11 A Yes.

12 MR. LEE: Thank you. That's all I have for
13 Detective Rhodes.

14 THE COURT: To the defense, cross-examination.

15 MS. RISTENPART: Thank you, Your Honor.

16

17 CROSS-EXAMINATION

18 BY MS. RISTENPART:

19 Q Detective, you interviewed Juan Gonzalez twice
20 throughout your investigation. Correct?

21 A I believe it was two or three times.

22 Q The first time you interviewed him was on November
23 2nd at 4:15 p.m. Correct?

24 A I'm not sure on the time, but it was on the 2nd.

1 Q It was later in the day on the 2nd?

2 A It was afternoon. I'm not sure of the exact time.

3 Q Will looking at your report refresh your memory,
4 Detective Rhodes?

5 A Yes, it would.

6 Q Page 16, supplement 19.

7 MR. LEE: Thank you.

8 MS. RISTENPART: May I approach?

9 THE COURT: Yeah.

10 BY MS. RISTENPART:

11 Q Does that refresh your memory?

12 A Yes.

13 Q Was it later in the day, Detective?

14 A It was.

15 Q Around 4:10 actually?

16 A Yes.

17 Q And, in fact, Mr. Gonzalez contacted you. Right?

18 A That's correct.

19 Q He indicated he had information about what had
20 happened earlier in the day?

21 A That's correct.

22 Q And he described to you seeing a gray Toyota SUV
23 sometime after hearing the shots?

24 A Yes.

1 Q And during that initial interview, Mr. Gonzalez, he
2 told you that he could not see who was in the car. Right?

3 A That's correct.

4 Q And he also told you that he didn't know how many
5 people were in the car, didn't he?

6 A Yes.

7 Q And you also did a follow-up interview with him on
8 November 5th of 20 -- excuse me 15 of 2017; is that correct?

9 A I'm not sure on the date.

10 Q You were doing a telephonic follow-up, telephonic
11 interview with him?

12 A Yes. I just don't know on the date.

13 MS. RISTENPART: May I approach, Your Honor?

14 THE COURT: Yes.

15 BY MS. RISTENPART:

16 Q Would looking at your report refresh your memory?

17 A Yes, it would.

18 Q Page 30. The highlight.

19 A Okay.

20 Q Does that refresh your memory?

21 A Yes, it does.

22 Q Did your follow-up telephonic interview occur on
23 November 17th of 2017 --

24 A Yes.

1 Q -- with Mr. Juan Gonzalez?

2 A Yes.

3 Q And during both of those interviews, Detective,
4 Mr. Gonzalez never told you that he worked with the deceased,
5 Luz, did he?

6 A I do not recall.

7 Q In both of those interviews, Mr. Gonzalez never
8 disclosed that he and Luz, the deceased, were actually
9 coworkers at the same company. Did he?

10 A I do not recall.

11 Q But you had gone through in your investigation and
12 interviewed some of Ms. Castillo's coworkers, didn't you?

13 A I did.

14 Q You went over is to Cintas, the company that she was
15 currently employed at, and interviewed some coworkers there?

16 A I did.

17 Q And from your interviews, you knew that
18 Luz -- excuse me, Ms. Castillo had talked to her coworkers
19 about her problems. Right?

20 A That's correct.

21 Q Detective, from your investigation, you knew that
22 Ms. Castillo was married to Bernard Silva?

23 A Yes.

24 Q Right?

1 And Bernard Silva is Richard Silva's older brother.

2 Correct?

3 A That's correct.

4 Q And we just threw out some other names there, but
5 Sylvia and Arturo Guzman, they are Yiovanni's parents.

6 Correct?

7 A That's correct.

8 Q And when I say Yiovanni, I'm referring to Yiovanni
9 Guzman. Right?

10 A I'm not sure on the last name, but, yeah.

11 Q And Yiovanni Guzman is Bernard and Richard's cousin?

12 A I'm not sure on that.

13 Q But through your investigation, you knew that prior
14 to Ms. Castillo's death, there were some significant problems
15 between Ms. Castillo and Bernard Silva. Right?

16 A Yes.

17 Q You learned that Ms. Castillo was having an affair
18 with Arturo Manzo. Right?

19 A Not him specifically, but yes, she was having an
20 affair, but the name wasn't specified to me during those
21 interviews I was doing.

22 Q And you also learned from your investigation that
23 there had been a significant incident that occurred on
24 October 20th of 2017. Right?

1 A Yes.

2 Q That there was a big fight between Ms. Castillo and
3 Bernard?

4 A Yes.

5 Q About Ms. Castillo asking for a divorce?

6 A I don't recall that part of it, but yes.

7 Q Something about a divorce?

8 A Yes.

9 Q And Bernard Silva shot himself in the chest?

10 A Yes.

11 Q And this case was investigated by Sparks Police
12 Department. Right?

13 A Yes.

14 Q And through your investigation, Detective, you knew
15 that Bernard Silva had been released by the hospital just days
16 before Ms. Castillo was shot?

17 A That's correct.

18 Q And through your investigation, you knew that
19 Ms. Castillo had obtained a Temporary Protection Order against
20 Bernard Silva while he was in the hospital?

21 A Yes.

22 Q And that there had been a hearing on that Temporary
23 Protection Order scheduled for November 8th of 2017?

24 A I don't recall that part of it.

1 Q When you went to search 1440 Sbragia Way, you were
2 shown a picture of a marriage certificate. Correct?

3 A Yes.

4 Q Remember you saw that?

5 And that was a marriage certificate between Bernard
6 Silva and Luz Castillo. Right?

7 A Yes.

8 Q And that wasn't found near the clothing or the
9 hooded sweatshirt. Right?

10 A I don't recall where it was found.

11 Q It wasn't like in the pocket of a sweatshirt.
12 Right?

13 A No.

14 Q It was found somewhere else?

15 A Correct.

16 Q And in that search, Detective, the State kind of
17 just asked you some brief questions about it, but during the
18 search you found a nine-millimeter firearm. Correct?

19 A Yes.

20 Q And you found that nine-millimeter -- let me back
21 up.

22 For people who aren't gun people, nine-millimeter,
23 what am I referring to?

24 A The caliber of the handgun.

1 Q So when I say something is a 9 millimeter caliber or
2 you describe it as that, why are you describing it as a
3 nine-millimeter firearm?

4 A That's the specific caliber the gun shoots.

5 Q So a nine-millimeter firearm would only shoot
6 nine-millimeter bullets?

7 A Yes.

8 Q And so you also reference a .40 caliber firearm. So
9 that would only shoot what kind of firearm?

10 A 40 caliber.

11 Q Ammunition.

12 So you state you found a nine-millimeter firearm and
13 you actually --

14 MS. RISTENPART: With the Court's indulgence. May I
15 have this marked, Your Honor?

16 THE COURT: Yes. Next in order, please.

17 THE COURT CLERK: Exhibit 126 marked for
18 identification.

19 (Exhibit 126 was marked.)

20 MS. RISTENPART: Thank you. Your Honor, may I
21 publish Exhibit 126 for admission?

22 MR. LEE: No objection.

23 THE COURT: 126 is admitted, Miss Clerk.

24 THE COURT CLERK: Thank you.

1 (Exhibit 126 was admitted.)

2 BY MS. RISTENPART:

3 Q Showing 126, what's depicted here, Detective?

4 A That's Sphere .44 caliber ammunition.

5 Q And when you are looking at the search -- excuse me.

6 You found a nine-millimeter firearm. Correct?

7 A Yes.

8 Q You do you understand nine-millimeter ammunition.

9 Right?

10 A There was a couple of rounds in the gun.

11 Q There was also some loose rounds on the nightstand?

12 A I don't recall that.

13 Q Would looking at your report refresh your memory?

14 A Yes.

15 MS. RISTENPART: May I approach, Your Honor?

16 THE COURT: Yes.

17 MS. RISTENPART: Page 34.

18 MR. LEE: Thank you.

19 THE WITNESS: Okay. I'm done.

20 BY MS. RISTENPART:

21 Q Does that refresh your memory, Detective?

22 A It does.

23 Q Do did you find some loose ammunition, 9-millimeter,
24 on the nightstand?

1 A Yes.

2 Q And this 9-millimeter firearm and the ammunition,
3 that was located and found in Bernard Silva's room. Correct?

4 A That's correct.

5 Q And the .40-caliber that you described for the
6 State, that was found in Bernard Silva's room. Correct?

7 A Yes.

8 Q And there was also an empty gun holster that was
9 found in Bernard Silva's room. Right?

10 A Yes.

11 Q Now, moving forward, Detective, or maybe backwards,
12 because the search took place first, was your search of Arturo
13 Manzo's house an apartment?

14 A I'm sorry. Say the question again. I'm sorry.

15 Q The search of Arturo Manzo's apartment?

16 A Yes.

17 Q Did you that, right?

18 A I did.

19 Q And you did that on November 2nd of 2017, right?

20 A I did.

21 Q And you located a leather jacket that said Ruthless
22 Riders on it?

23 A I did.

24 Q And the State asked you questions if you located any

1 firearms. Right?

2 A I'm sorry?

3 Q The State asked you the question if you located any
4 firearms. Right?

5 A They did.

6 Q And you said you hadn't found any firearms. Right?

7 A That's correct.

8 Q But you did find some weapons?

9 A I do not recall.

10 Q Would looking at a picture refresh your memory?

11 A It may.

12 MS. RISTENPART: May I approach?

13 THE COURT: Yes.

14 MR. LEE: Judge, I object to relevance.

15 THE COURT: Okay.

16 MS. RISTENPART: I'm asking if this is refreshing
17 memory, Your Honor.

18 THE WITNESS: It does.

19 BY MS. RISTENPART:

20 Q In your search of Arturo Manzo's room, do you find
21 some weapons?

22 A Yes.

23 MR. LEE: Again, relevance and character.

24 THE COURT: The objection is contemporaneously made

1 following the same rational.

2 The objection is overruled.

3 Well, the objection may have been premature. You
4 will seek admission of this document?

5 MS. RISTENPART: Your Honor, I will seek admission
6 of the document.

7 Move to admit and I'll have it marked, Your Honor.

8 THE COURT: Okay. Let's first mark it in order.

9 THE COURT CLERK: Exhibit 127 marked for
10 identification.

11 (Exhibit 127 was marked.)

12 THE COURT: The State has objected on both relevance
13 and NRS 48.045 grounds. I've considered the objection. I
14 have overruled it.

15 It is admitted, Ms. Clerk.

16 THE COURT CLERK: Thank you.

17 (Exhibit 127 was admitted.)

18 BY MS. RISTENPART:

19 Q Showing you Exhibit 127, what's depicted in that
20 picture, Detective?

21 A That's a jacket and a pair of brass knuckles.

22 Q And that's the jacket we were referring to earlier
23 about the leather with the name Ruthless Riders on it?

24 A Yes.

1 Q And the brass knuckles?

2 A Yes.

3 Q And you didn't collect either of those. Correct?

4 A No. Did not collect.

5 Q Now, let's talk about this destruction of property.

6 Mr. Arturo Manzo stated that he found his car like that on

7 November 3rd of 2017. Right?

8 A Yes.

9 Q And you went out and actually had the car
10 fingerprinted and dusted. Correct?

11 A Yes.

12 Q And also some DNA swabs taken?

13 A Yes.

14 Q Because where the location is on the hood of the car
15 of the defamatory term, Puto, it's someone would have to lean
16 over and scratch it in. Right?

17 A Yes.

18 Q And, in fact, through your forensics, you found
19 there was a palm print on the hood of the car. Right?

20 A That's correct.

21 Q And you got a palm print from Mr. Silva. Right?

22 A That's correct.

23 Q And a palm print is just the whole -- well, whole
24 palm, right? It's different than a fingerprint. It's the

1 palm?

2 A Are you talking about the print that was collected?

3 Q Correct.

4 A Or the print that was on the Jeep?

5 Q Both.

6 A I don't recall if it was a full print on the Jeep or
7 not.

8 Q So it was a partial, but it was a palm print not a
9 fingerprint is what we are talking about?

10 A Yes.

11 Q And you can match a palm print just like you can
12 match a fingerprint. Right?

13 A I'm not trained in that.

14 Q But you collected a palm print from Mr. Silva?

15 A That's correct.

16 Q And to specify Mr. Richard Silva. Right?

17 A That's correct.

18 Q And your investigation, you learned that Mr. Richard
19 Silva's palm print did not match the palm print that was left
20 on Arturo's car. Correct?

21 A That's correct.

22 Q In fact, through your investigation, you know that
23 Arturo Manzo was having some significant issues of his own
24 with his ex-girlfriend Esmeralda Castillo?

1 A I did not hear that directly. I heard that in a
2 roundabout way.

3 Q But you knew that through your investigation that
4 Arturo's ex-girlfriend, Esmeralda, did not care for Luz
5 Castillo?

6 MR. LEE: Objection. Hearsay.

7 MS. RISTENPART: Affect on listener, Your Honor.

8 THE COURT: Overruled.

9 THE WITNESS: Sorry. Do you remind repeating the
10 question.

11 BY MS. RISTENPART:

12 Q Through your investigation, you learned that
13 Esmeralda Castillo did not care for Luz Castillo?

14 A That's correct.

15 Q And that there had been an incident just days before
16 Luz had been killed where Esmeralda tried to fight Luz
17 Castillo?

18 A I don't recall when that occurred.

19 Q But from your investigation, you knew that
20 information?

21 A I don't recall.

22 Q Did you ever go interview Esmeralda Castillo?

23 A Not me personally.

24 Q I'm showing Exhibits 108, 107, 106, and 105.

1 A Okay.

2 Q Detective, on November 4th of 2017, you went back to
3 the area of Park View and Mazzone. Right?

4 A Yes.

5 Q And specifically you went back to the area in front
6 of Arturo Manzo's apartment. Right?

7 A I did.

8 Q And the reason you went back is you were just
9 looking for more potential evidence or things of evidentiary
10 nature. Right?

11 A Well, the reason for going back there was I learned
12 about the destruction of property, and I saw the video. And
13 so I knew -- knew where that suspect came from.

14 Q And in that area where that suspect came from, you
15 testified for the State that you found some cigarettes that
16 were NXT with a little green dot on it. Right?

17 A Yes.

18 Q And the pictures I just showed you, 109, 107, 105,
19 and 106, do those accurately represent where you found those?

20 A Yes, except that first photo, I don't recognize
21 that, that first photo you showed me.

22 MS. RISTENPART: May I approach again, Your Honor?

23 THE COURT: Yes.

24 MS. RISTENPART: So I can get the name here,

1 Detective.

2 THE WITNESS: This one.

3 THE ATTORNEY:

4 Q And do the 106, 107 and 108, do they accurately
5 reflect what you saw on November 4th of 2017?

6 A Yes.

7 MS. RISTENPART: Move for admission, Your Honor.

8 THE COURT: So I did not write this series of
9 numbers. I apologize would you cite them.

10 MS. RISTENPART: 106, 107, 108.

11 MR. LEE: No objection.

12 THE COURT: Those exhibits are admitted, Ms. Clerk.

13 THE COURT CLERK: Thank you.

14 (Exhibit 106, 107, and 108 were admitted.)

15 BY MS. RISTENPART:

16 Q And just to orient ourselves, showing you Exhibit
17 Number 1 again, where is Arturo Manzo's apartment?

18 A It's the upper middle section of the page.

19 Q Go ahead. It's a touch screen, Detective. You can
20 use it. And that green dot where you indicate is Arturo
21 Manzo's apartment?

22 A Yes.

23 Q And I'm showing Exhibit Number 107. Is this --
24 sorry. Is that outside the apartment complex?

1 A Yes.

2 Q Or actually facing the apartment complex?

3 A You're talking about the picture?

4 Q Correct.

5 A Yes.

6 Q And that apartment complex is where Arturo Manzo
7 lives?

8 A Yes.

9 Q And I moved the exhibit up a little bit and you
10 quite clearly see a cigarette in the foreground. Right?

11 A Yes.

12 Q With that green dot that we talked about?

13 A Yes.

14 Q There's also another cigarette there?

15 A Yes.

16 Q It's brown. Right?

17 A Yes.

18 Q You didn't collect that one, did you?

19 A I did not.

20 Q And the cigarette you turn over for forensic
21 testing. Right?

22 A Yes, the one that I collected.

23 Q And forensic testing, I mean DNA testing. Right?

24 A Correct.

1 Q And through your investigation, you learned that the
2 DNA on that cigarette came back as female DNA. Correct?

3 MR. LEE: Objection. Hearsay.

4 MS. RISTENPART: Affect on listener.

5 THE COURT: No. I'm going to overrule it. We are
6 not speaking to a specific out-of-court declarant, but instead
7 probing what he learned and how he made have reacted to it.

8 Overruled.

9 BY MS. RISTENPART:

10 Q So showing Exhibit 107 again, Detective, and
11 certainly this cigarette is the one you selected. Right?

12 A That's correct.

13 Q And based upon your investigation, you learned the
14 DNA came back as female DNA on that cigarette. Right?

15 A I do not recall. Well, looking at the records,
16 looking back.

17 Q And that case is still unsolved today?

18 A I'm sorry?

19 Q The destruction of property.

20 A Yes.

21 MS. RISTENPART: No further questions, Your Honor.

22 THE COURT: Any redirect?

23
24 REDIRECT EXAMINATION

1 BY MR. LEE:

2 Q First of all, Detective, with regard to your
3 interview of Juan Gonzalez, the first time you talked to him,
4 did he state that he, after hearing gunshots, went back
5 inside?

6 A He did.

7 Q And then came back out to his car?

8 A Yes.

9 Q Did he tell you about how long that period of time
10 was?

11 A I do not recall.

12 Q Would seeing your report refresh your recollection?

13 A It may.

14 MR. LEE: 19 page 16.

15 May I approach, Your Honor?

16 THE COURT: Yes.

17 BY MR. LEE:

18 Q I'm going to draw your attention to the third
19 paragraph down. Take a look at that and look up when you're
20 done. Take your time reading through that.

21 A Okay.

22 Q Does that refresh your recollection, Detective
23 Rhodes?

24 A It does.

1 Q What did he tell with you regard to how long from
2 the time he went back in the house until he got back out and
3 started driving again?

4 A He said one to two minutes.

5 Q With regard to Mr. Gonzalez working with Luz
6 Linarez-Castillo, did you ever ask him that?

7 A I actually talked to him at Cintas once.

8 Q At Cintas?

9 A I did.

10 Q The same place where Miss Linarez-Castillo worked?

11 A That's correct.

12 Q So even you knew he worked there?

13 A Yes.

14 Q At least the same place she worked at?

15 A Yes.

16 Q Bernard's room. A question was asked. Bernard's
17 room. Do you know anything about the makeup of those rooms?

18 A Makeup? I'm sorry.

19 Q Why Bernard was staying at that house?

20 A I do not recall.

21 Q Do you know that Bernard was staying there just to
22 recover from his gunshot wound?

23 A I do not recall.

24 Q And do you know or do you not know regarding whether

1 Mr. Bernard Silva was staying in Richard Silva's room?

2 A I do not know about that.

3 Q And again, that Taurus handgun that was found in
4 Sbragia, that was collected as evidence. Correct?

5 A That's correct.

6 Q Turned over to the crime lab?

7 A Yes.

8 Q And were you aware that Steve Shinmei at the crime
9 lab did testing on that firearm to compare it with the bullets
10 in the casings?

11 A I was not aware of who specifically did the testing.

12 Q I'm sorry?

13 A I was not aware of who specifically did the testing.

14 Q Are you aware that the crime lab did testing --

15 A Yes.

16 Q -- on that 9-millimeter gun?

17 A Yes, I was.

18 MR. LEE: Thank you. That's all I have.

19 THE COURT: To the defense.

20 MS. RISTENPART: Nothing further, Your Honor.

21 THE COURT: Thank you. You're free to step down.

22 MS. RISTENPART: Your Honor, I ask that he be kept
23 under subpoena.

24 THE COURT: All right. You're not released from

1 subpoena which means you're subject to recall.

2 THE WITNESS: Okay.

3 THE COURT: Let's all stand as we await the State's
4 next witness.

5 MR. LEE: The State would call Detective Mike
6 Barnes.

7 THE COURT: All right. Let's be seated.

8 THE BAILIFF: Step all the way up and face the
9 clerk, please.

10 THE COURT CLERK: Please raise your right hand.

11

12 MIKE BARNES,
13 having been first duly sworn, was examined
14 and testified as follows:

15

16 DIRECT EXAMINATION

17 BY MR. LEE:

18 Q Good afternoon, Detective.

19 A Good afternoon.

20 Q Could you please give us your first and last name
21 and just for the record spell your last name.

22 A Yeah. My name is Detective Michael Barnes.

23 B-A-R-N-E-S.

24 Q What do you do for a living?

1 A I'm a police officer for the city of Reno.

2 Q How long have you been in law enforcement?

3 A Approximately 13 years.

4 Q Has that all been with Reno?

5 A Yes.

6 Q What is your current assignment?

7 A I am currently assigned to the Robbery/Homicide
8 Division.

9 Q When were you assigned to that division?

10 A The fall of 2017.

11 Q So was it around the time of November 2nd, 2017?

12 A Correct.

13 Q And were you involved in the investigation as a
14 robbery/homicide detective into that crime that occurred at
15 Park View and Mazzone involving the victim Luz
16 Linarez-Castillo?

17 A Yes.

18 Q Do you recall the Charger that was at the scene of
19 the crime?

20 A Yes, I do.

21 Q Were you assisting at all in the scene
22 investigation?

23 A Yes.

24 Q In what capacity?

1 A I was assisting Detective Rhodes in the scene
2 processing.

3 Q Did you have prior detective experience?

4 A Yes, I did.

5 Q In what capacity?

6 A I was a financial crime detective for two years
7 prior to joining the Robbery/Homicide Unit.

8 Q Showing you what's been marked as 81 and 82. Do you
9 recognize 81 and 82?

10 A Yes, I do.

11 Q How do you recognize those?

12 A It's a fired bullet that was located on the driver's
13 seat of the red Charger.

14 MR. LEE: Your Honor, move to admit 82.

15 THE COURT: 82 only?

16 MR. LEE: 81 is already in.

17 MS. RISTENPART: No objection.

18 THE COURT: 82 is admitted.

19 THE COURT CLERK: Thank you.

20 (Exhibit 82 was admitted.)

21 BY MR. LEE:

22 Q So showing you 81, that's the bullet from the
23 Charger?

24 A Correct.

1 Q And 82, that's the collected bullet from the
2 Charger?

3 A Correct.

4 Q At some point, Detective, were you aware that some
5 cigarettes became a key piece of evidence in the case?

6 A Yes.

7 Q Were those the Marlboro NXT cigarettes?

8 A Yes.

9 Q Were those found at Placards 1, 2, 3, and 4 of the
10 crime scene?

11 A I believe so.

12 Q With regard to those Marlboro NXT cigarettes, did
13 you set out to try to find where they came from?

14 A Yes, I did.

15 Q So what did you -- needle in a haystack?

16 A Correct.

17 Q What did you do to first start investigating that?

18 A So I first canvassed the different convenience
19 stores within the area where the crime scene was located.

20 Q Such as what?

21 A Moana Market, the Speedway Market as well as the
22 Golden Gate Gas Station at Kietzke and Peckham.

23 Q Did you find anything fruitful from that?

24 A No, I did not.

1 Q What did you do after that?

2 A At that time, I emailed the loss prevention
3 associate from 7-Eleven in charge of the whole west coast.
4 His name is Graham Twaddle.

5 Q Have you had contact with Mr. Twaddle?

6 A Yes, I did.

7 Q In other cases you investigated?

8 A Correct.

9 Q Was Mr. Twaddle able to provide you with something?

10 A Yes, he did.

11 Q Generally speaking, he provided you with a number of
12 documents. Right?

13 A Correct.

14 Q What was it he provided you?

15 A He researched the transaction of NXT cigarettes in
16 Reno and Sparks for specific timeframes from 3:00 p.m. on
17 November 1st all the way through 6:00 a.m. on November 2nd for
18 all the 7-elevens located in our area.

19 Q I'm showing you Exhibit 94. Go ahead and take a
20 look at that. Do you recognize what Exhibit 94 is?

21 A Yes, I do.

22 Q What is the first page of that?

23 A So this is a printout from the transaction from a
24 7-Eleven store at Greenbrae in Sparks, Nevada for two packs of

1 NXT cigarettes on November 1st, 2017, at 10:48 p.m.

2 Q Page 2, do you recognize that as a custodian of
3 records affidavit?

4 A Yes, I do.

5 MR. LEE: Your Honor, I move to admit 94.

6 MS. RISTENPART: No objection.

7 THE COURT: 94 is admitted, Miss Clerk.

8 THE COURT CLERK: Thank you.

9 (Exhibit 94 was admitted.)

10 BY MR. LEE:

11 Q Detective Barnes, at the time you were able to
12 retrieve this, did you have an identity on the shooter?

13 A No, we did not.

14 Q When you retrieved -- when you obtained this
15 specific Exhibit --

16 MS. RISTENPART: I'm going to object to that,
17 Your Honor, as to the identity of the shooter. That's for the
18 trier of fact to decide.

19 THE COURT: It's overruled. What did you mean --
20 what I heard the question to ask is did you know who caused
21 the decedent's death or have any suspicion as to who the
22 person might be.

23 MR. LEE: My question I think was directly was, at
24 the time did you have an identity of the shooter.

1 THE COURT: Right. So overruled.

2 BY MR. LEE:

3 Q So again, just to reiterate, did the Reno Police
4 Department know the identity of the shooter at this point?

5 A No.

6 Q Were there certainly individuals that were being
7 looked at?

8 A Yes.

9 Q When you obtained this exhibit from Mr. Twaddle, was
10 it surprising to you?

11 A Yes.

12 Q Did you recognize somebody in that picture?

13 A I knew a description of an individual and I emailed
14 that image to other individuals, detectives within our unit.

15 Q Do you know who specifically?

16 A Detective Kazmar.

17 Q Was Detective Kazmar working with another lead
18 detective?

19 A Yes.

20 Q Who was that?

21 A Detective Reid Thomas.

22 Q And you sent this to them?

23 A Correct.

24 Q Did they indicate to you that it was of

1 significance?

2 A Yes, they did.

3 Q Showing you now what's been admitted as
4 exhibit -- excuse me -- 94, this is what you received from
5 Mr. Twaddle?

6 A Yes, it is.

7 Q And halfway down, is this the receipt on the left
8 side?

9 A Correct.

10 Q Surveillance stills from the -- from that purchase
11 that is indicated on the receipt on the right side?

12 A Yes, correct.

13 Q Halfway down the receipt, what do we have purchased
14 here?

15 A Two boxes of NXT Marlboro cigarettes.

16 Q At the very bottom of the receipt, there's a date
17 and time. What do we have here?

18 A The date is November 1st, 2017 at 10:48 p.m.

19 Q And the location of this 7-Eleven?

20 A It states Greenbrae at 4th, Sparks, Nevada.

21 MR. LEE: Thank you. That's all the questions I
22 have.

23 THE COURT: To the defense.

24 MS. RISTENPART: No, Your Honor, but we would like

1 to hold him to the subpoena.

2 THE COURT: What that means is you are free to
3 leave, but you may still be recalled. But you are free to
4 leave.

5 THE WITNESS: Thank you, your Honor.

6 THE COURT: Thank you. You may step down and leave.

7 MR. LEE: State's next witness is Roman Aurora.

8 THE BAILIFF: Please step all the way up and then
9 face the clerk, please.

10 THE COURT CLERK: Please raise your right hand.

11

12 ROMAN ARORA,

13 having been first duly sworn, was examined

14 and testified as follows:

15

16 DIRECT EXAMINATION

17 BY MR. LEE:

18 Q Good afternoon, sir.

19 A Good afternoon.

20 Q Could you please state your first and last name and
21 spell both your first and last name for us.

22 A First name Roman, R-O-M-A-N. Last name Arora
23 A-R-O-R-A.

24 Q Sir, back in November of 2017, did you own a

1 7-Eleven store located on Greenbrae?

2 A Yes, sir.

3 Q In Sparks, Nevada?

4 A Yes, sir.

5 Q Were you contacted by police sometime after November
6 2nd of 2017 to look at surveillance video?

7 A Yes, sir.

8 Q Were you able to provide them with surveillance
9 video?

10 A Yes, sir.

11 Q I'm going to hand you an exhibit identified and
12 marked as Exhibit 95. Exhibit 95, if you can take a look at
13 that, do you recognize anything on that exhibit?

14 A Yes, sir. My initial, date, and my signatures.

15 Q So with your initial, and date, and signature, what
16 does that indicate to you that this contains?

17 A The surveillance footage.

18 Q And the surveillance that you provided, is it a fair
19 and accurate depiction of the surveillance taken from your
20 store?

21 A Yes, sir.

22 MR. LEE: Move to admit 95, Your Honor.

23 MS. RISTENPART: Brief voir dire, if possible.

24 THE COURT: Yes, as to Exhibit 95.

1 VOIR DIRE EXAMINATION

2 BY MS. RISTENPART:

3 Q Is this actually a compilation of different videos
4 that you had given police?

5 A It was one surveillance video with different
6 cameras.

7 Q Okay. So your store actually has different camera
8 angles. Right?

9 A Yes.

10 Q And you turned over all the camera angles to the
11 police?

12 A Yes.

13 Q And what they showed you when you met with the State
14 was this video that had compiled all your camera angles
15 together into a video?

16 A I think it was only one camera mainly. One or two
17 cameras. And yes, you're right. Yeah.

18 Q So you didn't actually make this compilation of
19 videos that we are going to see?

20 A No, I did not.

21 Q Do you know who did?

22 A I'm sorry?

23 Q Do you know who did make it?

24 A No.

1 MS. RISTENPART: There's a lack of foundation,
2 Your Honor.

3 THE COURT: The objection is overruled.
4 95 is admitted.

5 THE COURT CLERK: Thank you.

6 (Exhibit 95 was admitted.)

7 DIRECT EXAMINATION CONTINUED

8 BY MR. LEE:

9 Q Sir, I'm putting on the screen now Exhibit 95.
10 Hopefully you can see it there in front of you. If not, look
11 at the big monitor in the back.

12 Is this your 7-Eleven store?

13 A Yes, sir.

14 Q In fact, at the time, is that your vehicle on the
15 left side?

16 A Yes, sir.

17 Q There's another vehicle on the far back. Whose is
18 that?

19 A That's my employee's car.

20 Q I'll push play. At the beginning there's no sound
21 on this. Correct?

22 A No sound.

23 (A video was played.)

24 ///

1 BY MR. LEE:

2 Q Is the vehicle exiting toward Pyramid?

3 A Yes.

4 Q Now, sir, drawing your attention to Exhibit 94, do
5 you recognize what's here?

6 A Yes, sir. That's my store and the receipt.

7 Q Is what you saw in the video consistent with the
8 purchase of Marlboro NXT cigarettes?

9 A Yes, sir.

10 Q And two boxes?

11 A Yes, sir.

12 Q Is there something about having two boxes of those
13 type of cigarettes?

14 A There was a special discount going on Marlboro
15 packs. That's what it's showing there after two packs.
16 Promotion sales minus 1.64.

17 Q That's this promotional sales?

18 A Yes, sir.

19 Q So if you buy two you get \$1.64 off?

20 A Yes. That's how we train our employees, and I think
21 that's what he told the customer.

22 Q And the box of Marlboro NXT, are you familiar with
23 what it looks like?

24 A Yes, sir, I do.

1 Q What does it look like?

2 A It's kind of greenish, dark greenish pack.

3 Q I'm sorry?

4 A Dark green-colored pack.

5 Q Does it have writing on the pack?

6 A I'm sorry?

7 Q Does it have writing on the pack, too?

8 A It says NXT. Marlboro NXT.

9 MR. LEE: Thank you, Your Honor. I'll tender the
10 witness.

11 THE COURT: To the defense.

12

13 CROSS-EXAMINATION

14 BY MS. RISTENPART:

15 Q Sir, that video we just watched, I already asked you
16 some questions, but just to make sure, this is not the exact
17 video you gave to the police. Correct?

18 A That's the exact video.

19 Q This exact video or you gave different angles and
20 then this was somehow compiled into the video we see today?

21 A Yes.

22 Q So there were actually different camera angles?

23 A Different angles. Yes.

24 Q On separate videos?

1 A Yes.

2 Q And you don't know who made this exact --

3 A No.

4 Q -- video we are seeing today?

5 Now, sir, I'm going to fast-forward our exhibit, No.

6 95. Down in the corner here, you see a date and a time?

7 A Yes.

8 Q And it says 11-1-2017?

9 A Correct.

10 Q At 22:47?

11 A Yes.

12 Q Which is like 10:47?

13 A Yeah.

14 Q And, in fact, the receipt says the purchase occurred
15 at 10:48, right?

16 A Yeah.

17 Q Fast forwarding to 1:37.

18 MR. LEE: I put it on there.

19 MS. RISTENPART: Oh. Thank you.

20 (A video was played.)

21 BY MS. RISTENPART:

22 Q Looking at this, down in the lower corner on the
23 screen it says date and time. Correct?

24 A Yes.

1 Q So right here for you. Right? Correct?

2 A Yes.

3 Q Now, your 7-Eleven parking lot, it's pretty well
4 lit. Right?

5 A Yes, it is.

6 Q You have a lot of lights there?

7 A Yeah.

8 Q Starting at 1:40.

9 (A video was played.)

10 BY MS. RISTENPART:

11 Q In fact, there's numerous lights in your parking
12 lot. Correct?

13 A Yes.

14 Q You can kind of see the glare of one up in, I think,
15 the corner over here.

16 Where are the parking lot's lights?

17 A I think these are the lights at the front of --
18 right after the main door. And that's what its showing.

19 Q And there's also other lights in your parking lot
20 including over here. Correct?

21 A Yes. It's the same. Same. The camera is angled
22 from these side, so these are the lights from the front.

23 (A video was played.

24 MS. RISTENPART: Stopping at 2:27.

1 No further questions, Your Honor.

2 THE COURT: Thank you. To the State. Any redirect?

3 MR. LEE: None from that. Thank you.

4 THE COURT: All right. You're free to step down and
5 leave the courtroom.

6 THE WITNESS: Thank you.

7 THE COURT: Ladies and gentlemen, let's stand while
8 we await the next witness.

9 MR. LEE: State will next call Steve Shinmei.

10 THE COURT: We will take our midafternoon break at
11 3:15.

12 MR. LEE: Thank you.

13 THE COURT: Is everyone all right?

14 UNIDENTIFIED JUROR: Bathroom break.

15 THE COURT: We'll do a very brief break now and an
16 extended break probably in about 45 minutes.

17 During this recess, please do not discuss this case
18 amongst yourselves. Please do not form or discuss any
19 opinions about this matter until submitted to you.

20 We'll be in recess, Deputy, subject to your call.
21 Hopefully about seven minutes.

22 THE BAILIFF: All right.

23 THE COURT: All right. Thank you.

24 (A break was taken.)

1 THE COURT: All right. Deputy, the jury please.

2 (The jurors entered the courtroom.)

3 THE COURT: Please be seated.

4 To the State.

5 MR. LEE: The State calls Steve Shinmei.

6 THE BAILIFF: Step all the way up and face the
7 clerk, please.

8 (The witness was sworn.)

9 STEVE SHINMEI,

10 having been first duly sworn, was examined

11 and testified as follows:

12

13 DIRECT EXAMINATION

14 BY MR. LEE:

15 Q Good afternoon, sir.

16 A Good afternoon.

17 Q Could you please give us your first and last name
18 and spell your last.

19 A Steve Shinmei. S-H-I-N-M-E-I.

20 Q N-M, Nancy, Mary?

21 A Yes.

22 Q And how are you employed?

23 A I'm employed with the Washoe County Sheriff's Office
24 in the Forensic Science Division.

1 Q And in what capacity within the Forensic Science
2 Division?

3 A I'm a firearm and tool mark examiner.

4 Q How long have you been overall with the Washoe
5 County Crime Lab?

6 A Overall I've been there for ten years.

7 Q And all of that time in the firearms section?

8 A Yes.

9 Q Do you have any education that can qualify you for
10 this position?

11 A Yes, I do.

12 Q Explain that, please.

13 A I have a bachelor's degree in physiology from UCLA.

14 Q And then how about any training and experience that
15 would also qualify you for this position?

16 A Yes, I do.

17 Q Explain that to me.

18 A The training program at the Sheriff's Office is a
19 two year training program. It involves training both within
20 the Sheriff's office as well as outside the Sheriff's office.

21 For my particular training, I attended the National
22 Firearm Examiners Academy which is a year long training
23 program that's conducted by the ATF, and that included four
24 months of training at ATF's national laboratory in Maryland.

1 After completing the academy, I returned to the Sheriff's
2 office and did about another year of training exercises with
3 my trainer.

4 Q And since then, does that mean your wings are on,
5 you're ready to fly?

6 A Yes.

7 Q Have you testified before as an expert witness in
8 firearms examination in Washoe County?

9 A Yes, I have.

10 Q Any other jurisdiction?

11 A Yes, I have.

12 Q Where at?

13 A I testified in Elko, in Carson City, Minden,
14 Gardnerville, and I believe in Fernley as well.

15 Q Does the crime lab service agency requests
16 throughout northern Nevada?

17 A Yes, they do.

18 Q How about California? Anything from California?

19 A Yes, I've also testified in California.

20 Q And so does the crime lab assist police agencies
21 within some parts of northern California as well?

22 A Yes.

23 Q Sir, did you do certain testing in Forensic Science
24 Division Case No. 17-326?

1 A Yes.

2 Q The testing, generally was it to compare bullets to
3 bullets?

4 A Yes.

5 Q Was it to compare casings to casings?

6 A Yes.

7 Q Did you also compare a Taurus 9-millimeter firearm?

8 A Yes.

9 Q I guess compare it with bullets?

10 A Yes.

11 Q Generally speaking, have you prepared a PowerPoint
12 so you can describe what kind of work you do and how you do
13 it?

14 A Yes, I did.

15 Q I'm going to show you what's been marked as
16 Exhibit 103. Do you recognize that?

17 A Yes, I do.

18 Q And how do you recognize?

19 A I recognize this with my initial and date both on
20 the tag and on the flash drive itself.

21 Q What's the date that appears?

22 A The date that appears is 2-20-2020.

23 Q So did you look at the contents of this thumb drive
24 on 2-20-2020?

1 A Yes, I did.

2 Q And that's accurate as to the PowerPoint
3 presentation you created?

4 A Yes.

5 MR. LEE: Your Honor, I move to admit 103.

6 MS. RISTENPART: For demonstrative purposes? Is
7 that what I'm hearing?

8 THE COURT: That is my understanding.

9 MR. LEE: That's fine.

10 THE COURT: 103 is admitted. It is demonstrable
11 evidence.

12 THE COURT CLERK: Thank you.

13 (Exhibit 103 was admitted.)

14 BY MR. LEE:

15 Q Sir, if I hand you a pointer, will that work?

16 A Yes.

17 Q If you could just walk us through your PowerPoint,
18 please.

19 A The term ballistics, you may have heard associated
20 with someone like myself, what they do with firearms in a
21 forensic laboratory. Ballistics is the science of a bullet in
22 flight. And indeed, some of the things that I do involve
23 ballistics, however --

24 THE COURT: Sir, will you hold that answer for just

1 a moment. Stand if you wish. Be comfortable.

2 Counsel, at sidebar, please.

3 (Sidebar discussion.)

4 THE COURT: All right. You may continue.

5 THE WITNESS: As I was saying, you may have heard
6 the term ballistics, but a more accurate term for what I do in
7 the lab is firearms identification.

8 Firearms identification is the examination of
9 ammunition components; namely, fired bullets and fired
10 cartridge cases and determining if they were fired from a
11 particular firearm.

12 Now, how am I able to do this? The science behind
13 that? Well, when a firearm is manufactured, the various
14 parts, usually made up of very durable materials such as
15 metals, are shaped, it is during the shaping process that they
16 can acquire very small microscopic marks on them that are very
17 unique to that particular firearm.

18 These are some tools that can be used to shape
19 different parts of a firearm. These are many different
20 broaches. What a broach is is a tool with multiple teeth on
21 it, and each tooth is slightly longer than the tooth next to
22 it. So when they move this across a tool surface or the
23 surface of a gun, it actually removes some of that material,
24 and in doing so, it imparts very microscopic marks onto the

1 firearm. These marks are imparted randomly. They are part of
2 the manufacturing process. Where they are at, the number of
3 them, all are random and are different from each gun to gun.

4 So here is a part of a firearm. This is part of a
5 slide. The circle you say right there, that's where the
6 firing pin protrudes through, and you can maybe see very fine
7 lines that are going across the surface here. Those fine
8 lines were imparted by the broach on that particular firearm
9 when it was being manufactured, and then those get imparted
10 onto the cartridge case when it's fired.

11 Here is another firearm. This is a revolver. And
12 in this case, they have used a file, just a regular hand file
13 to actually shape this part of the gun. It's left all of
14 these marks on that part of the gun. Again, this will get
15 imparted onto the cartridge case when it's fired.

16 The same is true for the barrel of a gun. They need
17 to drill that hole in there and get those spiral marks which
18 is the rifling. Those are also imparted by broaches. This is
19 a particular gun broach that they used. And that also imparts
20 microscopic marks onto the barrel of the firearm.

21 So when a gun is fired, it's an incredible amount of
22 pressure that that cartridge develops when the gun powder
23 burns. Of course it's going to push that bullet out of the
24 gun, but also forces the cartridge back into the different

1 parts of the gun, and that's what imparts those marks.

2 So in the laboratory when I do get a firearm, I
3 begin with a general examination. I look at all the pertinent
4 information such as the make, the model, the serial number. I
5 will examine the general condition of the firearm and I'll
6 also look at its safety features. And what I am looking for,
7 what I'm trying to determine, is is that gun going to be safe
8 to test fire. And once I have determined that, we have a
9 large tank at the Sheriff's office, large stainless steel
10 tank, it's filled with water, and this allows me to collect
11 the bullets and cartridge cases without damaging them.

12 So when I have the test fired bullets, or test fired
13 cartridge cases, or suspected bullets and cartridge cases, I
14 put them on a comparison microscope such as this. A
15 comparison microscope is basically two microscopes that are
16 put together. And when I look through the eye pieces, half of
17 the image is what I put on one side and half of the image is
18 what I put on the other side.

19 So here is an example. There is a dividing line in
20 the middle here. And on the left side I have one cartridge
21 case and the right side I have another cartridge case. The
22 Silver area in the middle is called the primer. That
23 impression, that dot in the middle of it is the firing pin
24 that actually struck that cartridge case and discharged it.

1 And these lines that you see going across on both of
2 these, those are the manufacturing marks from the firearm that
3 were impressed onto the primer of this -- of these cartridge
4 cases.

5 So the comparison microscope allows me to magnify
6 and align these marks, and when I get an agreement or
7 alignment that's this good, I can say that those two cartridge
8 cases were fired from the same firearm.

9 The process is the same with bullets. I will put
10 these on a comparison microscope, look at the marks imparted
11 on them, and then I can determine whether or not the two
12 bullets were fired from the same firearm.

13 BY MR. LEE:

14 Q Mr. Shinmei, then as well, in this case, what did
15 you do comparisons on?

16 A I did a comparison on both fired bullets and fired
17 cartridge cases.

18 Q If I show you -- let's see. I'm going to show you
19 Exhibits 20 through 32. And I'll ask you to identify these if
20 they are a part of things you examined in this case.

21 A Yes, they are.

22 Q And are these all pictures that you had taken of the
23 evidence?

24 A Yes.

1 MR. LEE: Your Honor, I move to admit 20 through 32.

2 MS. RISTENPART: No objection.

3 THE COURT: 20 through 32?

4 MR. LEE: Correct.

5 THE COURT: They are admitted, Ms. Clerk.

6 THE COURT CLERK: Thank you.

7 (Exhibit 20-32 were admitted.)

8 BY MR. LEE:

9 Q So first of all, Mr. Shinmei, Exhibit 20. Are these
10 items of evidence you examined?

11 A Yes, they are.

12 Q And these are specifically cartridge casings?

13 A Yes.

14 Q In this case, Item 5, 6, 7, 8, and then on
15 Exhibit 21, 9 and 10. That's actually happened to match up
16 with the placard numbers from the scene. Correct?

17 A Yes, they did.

18 Q So in in other words, casings from Placard no. 5 at
19 the scene is Item No. 5 that you tested?

20 A Yes.

21 Q That's not always the case though. Right?

22 A That's not always the case.

23 Q So the bottom of Exhibit 21, these two are items --
24 these are bullets. Correct? Or fragments?

1 A Item 51 is a fragment. Item 52 is a fired bullet.

2 Q And if we zoom in, we can see from the name of the
3 evidence where that bullet comes from. Correct?

4 A That's correct. Correct.

5 Q And then same as Exhibit 22, are these all bullets?

6 A Item 53, 54, and 55 are fired bullets.

7 Q And explain Item 56 to us.

8 A Item 56 came in two parts which I then called
9 Item 56.1, which is a fired bullet jacket, and Item 56.2 which
10 is a fired bullet core.

11 Q And Item 56 purportedly comes from the cranial
12 cavity. Correct?

13 A That's correct.

14 Q Looking at Exhibit 23. What's the top picture of?

15 A These are pictures from the comparison microscope.
16 In that particular top picture, those are two test-fired
17 cartridge cases from the Taurus pistol.

18 Q Now, the Taurus pistol --

19 THE COURT CLERK: Exhibit 128 marked for
20 identification.

21 (Exhibit 128 was marked.)

22 BY MR. LEE:

23 Q Sir, take a look at Exhibit 128. Do you recognize
24 that?

1 A Yes, I do.

2 Q What is that?

3 A That is Taurus pistol that I examined for this case.

4 MR. LEE: Your Honor, move to admit.

5 MS. RISTENPART: No objection.

6 THE COURT: 128 is admitted, Miss Clerk.

7 THE COURT CLERK: Thank you.

8 (Exhibit 128 was admitted.)

9 BY MR. LEE:

10 Q 128, again, that is the Taurus that you examined?

11 A Yes.

12 Q And the upper picture is in a box. Is that how it
13 comes to you?

14 A Yes, it is.

15 Q And what are the identifying marks just to the right
16 of the middle picture?

17 A Those are the markings that are on the firearm
18 including the make, model, caliber, and serial number.

19 Q So, again, looking at the top picture again, explain
20 how that's related to the Taurus.

21 A Those are two test fired cartridge cases from the
22 Taurus pistol.

23 Q How about the picture below?

24 A The picture below on the left is a test-fired

1 cartridge case from the Taurus pistol, and the one on the
2 right is one of the cartridge cases submitted from this case.

3 Q So what can you tell from that?

4 A From this I made a determination that these two
5 cartridge cases were not fired from the same pistol.

6 Q So the cartridge case from Item 5 is not fired from
7 the Taurus?

8 A That's correct.

9 Q Exhibit 24, then, did you begin comparing Item 5
10 with all the other cartridge cases?

11 A Yes, I did.

12 Q And what did you find?

13 A I found that all six of the fired cartridge cases
14 were fired from the same firearm.

15 Q Again that continues in Exhibit 25 as well.
16 Correct?

17 A That's correct.

18 Q And lastly, Exhibit 26, were you comparing the
19 Placard 5 casing with the Placard 10 casing?

20 A That's correct.

21 Q Now, let's move on to the bullet aspect of it.
22 Exhibit 27, what do we see in the top photo?

23 A In the top photograph are two test-fired bullets
24 from the Taurus pistol.

1 Q And the bottom photo?

2 A The bottom photo on the left is a test-fired bullet
3 from the Taurus pistol. And on the right is Item 52, a fired
4 bullet from the case.

5 Q And is Item 52 from the left clavicle?

6 A Yes, it is.

7 Q Exhibit 28, again, still comparing, is it 52 from
8 the left clavicle now with other bullets?

9 A Yes.

10 Q And so if it's Item 52 and 53, comparing the left
11 clavicle with the right upper back bullet?

12 A Yes.

13 Q And are they a match?

14 A Yes.

15 Q And if I were to continue on down to Exhibit 29 and
16 Exhibit 30, do these all show that -- show what?

17 A They all show that the four fired bullets and the
18 one fired bullet jacket were all fired from the same firearm.

19 Q Now, does your science allow you to compare casings
20 to bullet?

21 A It can be done, but it's very difficult.

22 Q In this case, did you attempt to do it?

23 A In this case I did not.

24 Q And also, what kind of bullets were these?

1 A I believe they were total metal jackets, but I would
2 have to check my notes to be sure.

3 Q And I'm sorry, the question really was the weight of
4 the bullets. Can you tell about the weight of the bullets?

5 A Yes, I do weigh the bullet when I examine them.

6 Q And so what did you determine as to any identity as
7 to the weight of the bullets?

8 A I believe they were all consistent with
9 9 millimeter Luger bullets.

10 Q You were aware the shell casings found were 9
11 millimeter Luger shell casings?

12 A Yes.

13 Q As well, from examining the bullets, can you
14 determine what kind of gun it comes from?

15 A We can determine -- well, put it this way, I believe
16 I can give you a list of possible firearms.

17 Q Okay. And how about the casings?

18 A In this case, the casings had very
19 characteristics -- characteristic markings from a particular
20 model of firearm.

21 Q Which kind of firearm is that?

22 A That would be a Smith and Wesson MMP pistol.

23 Q And the casings, going back now with the list of
24 types of firearms that could be represented by that. Correct?

1 A The bullets would be represented by that list.

2 Q Excuse me. Is a Smith and Wesson MMP part of that
3 list?

4 A Yes.

5 Q And is that list primarily Smith and Wesson type
6 firearms?

7 A Yes, it is.

8 MR. LEE: Mr. Shinmei, thank you.

9 Your Honor, I tender the witness.

10 THE COURT: Cross-examination.

11

12 CROSS-EXAMINATION

13 BY MS. RISTENPART:

14 Q Mr. Shinmei, what's the difference between a
15 9 millimeter firearm and a revolver?

16 A Are you talking about a semi-automatic versus a
17 revolver?

18 Q Let's just talk about the casings that you saw here.
19 Right? They came from a 9 millimeter firearm?

20 A Yes, they did.

21 Q And you testified you think it may have been a Smith
22 and Wesson MP?

23 A Yes.

24 Q Based upon the little markings we just looked at on

1 the back of the bullet; is that right?

2 A That's correct.

3 Q And a 9 millimeter, that's a semi-automatic kind of
4 firearm?

5 A That is a caliber that can be semi-automatic, yes.

6 Q You just don't know in this case particularly.
7 Right?

8 A To be absolutely sure, no, I do not.

9 Q And a 9 millimeter, it -- the casing -- after the
10 bullet is fired, the casing is ejected out of the firearm.
11 Correct?

12 A That's correct.

13 Q And then left there unless someone picks it up?

14 A That's correct.

15 Q How is a revolver different?

16 A The revolver, the cartridge cases do not eject
17 manually -- excuse me -- do not eject automatically. You need
18 to eject them manually.

19 Q So walk us through. A revolver would have the
20 casings remain in the firearm even after firing that bullet?

21 A That's correct.

22 Q And we kind of watched over it real quickly, but
23 with every kind of firearm emission, there's the casing which
24 is the outside. Right?

1 A Yes.

2 Q And then the bullet is actually inside the casing?

3 A Yes.

4 Q Now, in this particular case, you did your
5 examination that we just talked about on July 28th of 2019.
6 Correct?

7 A I believe so, yes.

8 Q So almost -- almost two years after the shooting
9 itself. Right?

10 A I believe so, yes.

11 Q Now, the bullets themselves and specifically the
12 casings, you know they were collect on scene. Right?

13 A Yes.

14 Q And that they were collected by forensics?

15 A Yes.

16 Q And there was an option to send it first to get DNA
17 tested. Correct?

18 A Yes, that can be -- that is possible.

19 Q And what happens is, is because Washoe County
20 Sheriff's forensic lab, you guys work upon the request of the
21 detectives investigating the case, really. Right?

22 A Yes.

23 Q So the detective who was investigator, the lead
24 detective investigating this case, made the decision as to

1 whether to send it to DNA testing or to you. Right?

2 A I believe so. I'm not sure about that.

3 Q You get a little examination request form?

4 A Yes, we do.

5 Q And you're aware that these particular casings and
6 bullets did not go to DNA portion of the lab before you.
7 Right?

8 A I believe so, yes.

9 Q They did not. Correct?

10 A I could look on the -- I believe I have a copy of
11 the blue sheet, and I don't know whether or not it was checked
12 or not.

13 Q And that order and sequence is important because it
14 has to go to DNA first for them to swab before it comes to
15 your section. Correct?

16 A That's correct.

17 Q Why is that important that it must go to DNA first
18 before it comes to your section?

19 A It's generally to preserve any DNA or latent prints
20 that may be on those items.

21 Q And why is it important to preserve it before it
22 comes to your section?

23 A Because we do handle it when it comes to our
24 section.

1 Q So any DNA or latent fingerprints that may have been
2 on the casings or on the bullets are lost after it comes to
3 your section?

4 A Yes. They may be lost, yes.

5 Q At the very least, contaminated?

6 A Yes.

7 Q And I say that because you're manipulating the
8 evidence and touching it?

9 A Yes.

10 Q So you can't go back after you have reviewed it to
11 go get DNA on the bullets and casings?

12 A Generally speaking, yes.

13 Q Mr. Shinmei, what is gunshot residue?

14 A Gunshot residue is any form of residue from the
15 burning of the gun powder that is expelled from the firearm.

16 Q Do you have experience with a 9 millimeter,
17 particularly Smith and Wesson, whether it leaves gunshot
18 residue on people?

19 A Yes. If something were to be close enough to the
20 firearm itself, yes, it would leave gunshot residue.

21 Q So if someone was holding the firearm and fired it,
22 depending on where it was held, correct, right? There could
23 be gunshot residue on the person's hand?

24 A There could be a form of gunshot residue on the

1 hand, yes.

2 Q There could be gunshot residue on the person's
3 sleeve or arm?

4 A Yes.

5 Q Could be on their body?

6 A Yes.

7 Q Referring to their chest?

8 A Yes.

9 Q Their face, depending where the firearm is held?

10 A Yes.

11 Q Their pants, depending on where the firearm is held?

12 A Yes.

13 Q And gunshot residue can transfer. Correct?

14 A Yes, it can.

15 Q So if I fired a firearm and had gunshot residue on
16 me, I could touch something else and leave gunshot residue on
17 that?

18 A It's possible to transfer, yes.

19 Q A .44 caliber, does that go to a revolver?

20 A There are different .44 calibers, but it is -- one
21 of them is a revolver caliber.

22 MS. RISTENPART: No further questions.

23 Thank you, Your Honor.

24 THE COURT: Redirect.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

REDIRECT EXAMINATION

BY MR. LEE:

Q Mr. Shinmei, do you test for GSR?

A For that particular type of GSR testing, we do not do that in our laboratory.

Q Not at the Washoe County Crime Lab?

A That's correct.

Q Why not?

A We do not have the equipment to do that type of testing.

Q So in a case where there's GSR that was swabbed on a car, okay, would that be used to explain that a gunshot was used near that car?

A You would probably have to speak to somebody who has done the interpretation of that.

Q Are you not qualified for GSR?

A Yes, I'm not qualified for that particular type of gunshot residue.

Q Is that what was just being asked of you by the defense?

A Yes.

Q So have you filled out all your answers? Are you qualified to answer all of that?

1 A I know the basic principle behind it and what the
2 test actually shows --

3 Q Okay.

4 A -- but interpretation of what's on the vehicle, I
5 couldn't answer that.

6 Q Let me stick with the basics, then. If a gun is
7 fired near a vehicle and it -- could that GSR get on the
8 vehicle?

9 A Yes.

10 Q And so if that vehicle is swabbed for GSR, could
11 that show simply that a gun was fired near the vehicle?

12 A That is a possibility.

13 Q If the vehicle has bullet holes in it, is it pretty
14 obvious that a gun was fired near the vehicle? I'm talking to
15 you common sense now, not as an expert.

16 A I would assume so, yes.

17 MR. LEE: Thank you. That's all I have.

18 THE COURT: Recross.

19 MS. RISTENPART: No further questions.

20 THE COURT: Thank you. You're free to step down and
21 leave.

22 Let's all stand as we await the State's next
23 witness.

24 MR. LEE: State will next call Ernie Kazmar.

1 THE COURT: Be seated please.

2 THE BAILIFF: Step all the way up and face the
3 clerk.

4 THE COURT CLERK: Please raise your right hand.
5

6 ERNIE KAZMAR,
7 having been first duly sworn, was examined
8 and testified as follows:
9

10 DIRECT EXAMINATION

11 BY MR. LEE:

12 Q Good afternoon, sir.

13 A Good afternoon.

14 Q Could you please give us your first and last name
15 and spell your last.

16 A Ernie Kazmar, K-A-Z-M-A-R.

17 Q How are you employed?

18 A With the city of Reno, Reno Police Department.

19 Q How long have you been a police officer?

20 A Total almost 17 years.

21 Q Not all with Reno?

22 A No.

23 Q Where at? Where else were you?

24 A I started out with the Nye County Sheriff's office

1 and then the UNR Police Department.

2 Q How long have you been with Reno?

3 A Over ten years.

4 Q In 2017, what unit were you assigned to?

5 A I was a detective with the Robbery/Homicide Unit.

6 Q In total how much time did you have in the
7 Robbery/Homicide Unit?

8 A Six and a half years.

9 Q And now I'm assuming based on uniform, you're back
10 on patrol?

11 A I am.

12 Q How is that?

13 A It's pretty fun.

14 Q Officer Kazmar, what was your role in the
15 investigation of the death of Luz Linarez-Castillo?

16 A Primarily my role as assigned by my sergeant at the
17 time, Sergeant Chalmers, was to assist the lead detective in
18 this case, Detective Thomas.

19 Q And Detective Thomas retired sometime shortly after
20 this case; is that right?

21 A He did.

22 Q And was your role in assisting him in anticipation
23 of retirement?

24 A It was.

1 Q And upon retirement, did you have control of the
2 case?

3 A I did.

4 Q Detective, did you, during the course of your
5 investigation, become familiar with a man by the name of
6 Richard Silva?

7 A I did.

8 Q Did you have an opportunity to speak with Mr. Silva?

9 A I did on multiple occasions.

10 Q Do you see Mr. Silva in the courtroom today?

11 A I do.

12 Q Would you please identify him for us.

13 A Mr. Silva is currently seated at the defense table
14 wearing the purple shirt, I believe.

15 MR. LEE: Your Honor, may the record reflect
16 Detective Kazmar has identified Mr. Silva?

17 THE COURT: Yes.

18 BY MR. LEE:

19 Q Detective, did you, as part of your investigation,
20 attend the autopsy?

21 A I did.

22 Q Did you as part of that see multiple gunshot wound
23 on Miss Linarez-Castillo?

24 A I did.

1 Q Did she have a tattoo on her left thigh?

2 A She did.

3 Q What was it?

4 A It spelled out Bernard.

5 Q How is she linked to Bernard?

6 A She -- Mrs. Linarez was his wife.

7 Q Do you know how long they had been married?

8 A I don't recall exactly how long they had been
9 married, but I believe during one of the interviews I was told
10 they had been together approximately 13 -- either 11 or
11 13 years.

12 Q And that's just time together?

13 A Correct.

14 Q Not necessarily being married?

15 A Correct.

16 Q How is she related to Mr. Silva?

17 A Mr. Silva would have been Ms. Linarez's
18 brother-in-law.

19 Q When the investigation began, were you on call at
20 the time?

21 A I was not.

22 Q And then did you respond to the scene however?

23 A I did.

24 Q That scene, was that -- was that on Park View?

1 A Correct.

2 Q Did you spend some time there?

3 A I did. But that was after the initial portion of
4 the investigation --

5 Q Okay.

6 A -- was initiated.

7 Q Okay. So how did your role start in this case?

8 A It was a normally scheduled workday for me, but I
9 was, however, not on call. When I arrived at the main station
10 at approximately 6:00 in the morning, I received a call from
11 Sergeant Chalmers informing me that a murder had occurred
12 about an hour or so before and requested I remain at the
13 station to assist Detective Thomas with potential interviews
14 that we were anticipated.

15 Q Okay. And did you do so?

16 A I did.

17 Q Interview a number of people?

18 A I did.

19 Q Did you come into contact with an individual named
20 Arturo Manzo?

21 A I did.

22 Q Did you assist in an interview with him?

23 A I did not. Actually, Detective Reid handled that
24 interview.

1 Q How is Arturo Manzo connected to this case?

2 A Mr. Manzo lived at 3515 Mazzone which is
3 approximately one block away from where Ms. Linarez was
4 murdered. Through the investigation, he was identified
5 because he had responded to the scene, and subsequently was
6 identified as someone associated to Ms. Linarez.

7 During the interview of Mr. Manzo, it was learned
8 that he had a romantic relationship with Ms. Linarez.

9 THE COURT: If you'll pause for just a moment.

10 Counsel, regarding one of our sidebar conversations
11 yesterday -- or was it this morning? With the medical
12 examination.

13 MR. LEE: This morning.

14 THE COURT: Are you confident to proceed?

15 MR. LEE: Yes.

16 THE COURT: Go ahead, please.

17 BY MR. LEE:

18 Q I think you ended they were having a romantic
19 relationship?

20 A Correct.

21 Q Had she been staying at his house?

22 A She had.

23 Q In fact, the morning of her murder, she had been
24 staying at the house?

1 A Correct.

2 Q You're aware of an individual named Esmeralda
3 Castillo?

4 A I am.

5 Q Was she involved at some point with Mr. Manzo?

6 A She was. She was identified as an ex-girlfriend of
7 Mr. Manzo.

8 Q And how was she linked into this?

9 A During the initial portion of the investigation, a
10 report was located that dealt with Ms. Linarez, Mr. Manzo, and
11 Ms. Castillo in which there had been an argument that had been
12 documented under a report taken by a patrol officer at the
13 time. Based on that fact, Miss Castillo was contacted for an
14 interview.

15 Q You interviewed her. Correct?

16 A I did.

17 Q Ultimately, did your investigation have any links to
18 her as having committed the murder?

19 A No, it did not.

20 Q Did you have contact with Bernard Silva Guzman?

21 A I did.

22 Q On November 2nd?

23 A Yes.

24 Q How did that come about?

1 A Mr. -- well, Bernard was contacted later in the day
2 on November 2nd, I believe, by other detectives and requested
3 to come down and speak with Detective Thomas and I, which he
4 did.

5 During that time, I think Detective Thomas primarily
6 spoke with him. And later that night after the interview was
7 concluded, I went with Detective Thomas to Bernard's house.

8 Q Now, Bernard had something happen to him on
9 October 20th of that year. Right?

10 A He did.

11 Q What happened?

12 A He suffered a self-inflicted gunshot wound to his
13 chest.

14 Q Survived it?

15 A Correct.

16 Q So on November 2nd when you saw him, explain his
17 physical condition.

18 A I noted when I met him in person that his mobility
19 appeared very, very limited. I recall when we exited the
20 station after his interview, his father was also on scene and
21 was driving him back home. And I noted when he got into the
22 car, he was walking with a cane at the time. He had extreme
23 difficulty just getting into the car. And again, when we
24 arrived at his address -- or his residence, had extreme

1 difficulty just getting out of the vehicle.

2 Q How about at some point during the investigation and
3 talking to Bernard, was an ambulance even called?

4 A Yes, it was.

5 Q As precautionary?

6 A Yes.

7 Q Was that just because of his condition?

8 A Yes.

9 Q How about breathing, coughing, anything like that?
10 How was he?

11 A He exhibited all those signs and, sort of, symptoms.
12 Yes, I do recall talking to him. But he would cough
13 frequently, seemed to wheeze during long, like, narrative
14 answers.

15 Q Are you -- at some point you went to Bernard's house
16 you stated. Right?

17 A Correct.

18 Q That night, I think, November 2nd?

19 A Correct.

20 Q What was the purpose?

21 A During the interview, Bernard had told Detective
22 Thomas that he owned a firearm, a handgun to be specific. I
23 believe he told him at the time that it was a .40 caliber
24 handgun. So we wanted to respond to the address to verify the

1 handgun.

2 Q And you went -- did you verify?

3 A I did.

4 Q And .40 isn't linked to this case?

5 A No. The only expended casings that we recovered on
6 scene on scene were all 9 millimeter.

7 Q Detective, did you ever find the gun, the 9
8 millimeter?

9 A No, we did not.

10 Q Do you know what happened to it?

11 A I do not.

12 Q Now, Bernard and Luz had children. Correct?

13 A They did.

14 Q Do you know how many?

15 A Two in common and one -- I believe Fernando, the
16 oldest -- was not fathered by Bernard.

17 Q And so pending the investigation, was CPS involved?

18 A They were.

19 Q That's pretty common --

20 A It is.

21 Q -- in this kind of a case. Right?

22 A Correct.

23 Q How did you utilize that in your investigation?

24 A During the course of the investigation because CPS

1 was involved, the children were involved, a reference sample,
2 a reference DNA sample was collected from Bernard.

3 Q Voluntarily?

4 A It was, correct.

5 That sample, in turn, was tested or analyzed against
6 some of the evidence found at the crime scene and found not to
7 be a direct match.

8 However, I requested that the crime lab also do
9 another additional testing in regard to DNA which is called
10 YSTR testing which tests the link -- the familial link between
11 different samples.

12 When that test was run and completed, we learned
13 that there was a match to -- on the familial side, the male
14 familial side, to the sample Bernard had provided against the
15 samples we collected at the crime scene.

16 Q You said of the tested evidence. Are you talking
17 the cigarette butts found at the scene?

18 A Right.

19 Q When you say a familial connection, is it to male
20 medicals of Bernard?

21 A Yes.

22 Q Male members of Bernard's family I should say.

23 A Correct.

24 Q So you requested the lab to test the YSTR. Did that

1 help you out in your investigation?

2 A It did. And to, I think, further answer your
3 question regarding CPS, once we had that information, the
4 samples collected from the crime scene matched on the male
5 familial side of the sample from Bernard, we wished to conduct
6 additional interviews with male members of Bernard's family as
7 well as get potentially surreptitious DNA samples from those
8 males.

9 Q So the YSTR, you got a preliminary result from the
10 crime lab?

11 A Yes.

12 Q And positive saying it is from his male familial
13 line?

14 A Correct.

15 Q And so at that point you have brothers, father,
16 uncles. Right?

17 A Correct.

18 Q And then so back to the earlier question about using
19 the CPS matter. So how did -- did you interview Mr. Richard
20 Silva?

21 A I did.

22 Q How did you -- how did he come down to the station?

23 A Initially we explained to Bernard that to expedite
24 the open CPS case and potentially get the children back in

1 custody -- in his custody, that it would be helpful to conduct
2 additional interviews with other member of the family who
3 lived in the household to include all of the males, of course.

4 Q And Richard is part of that?

5 A Correct.

6 Q Did Bernard help in that regard?

7 A He did.

8 Q How so?

9 A He spoke with his family members and requested that
10 they respond to the station for the purposes of the interview.

11 Q Was Richard one of those of individuals who
12 responded?

13 A He was.

14 Q And who interviewed Richard?

15 A Myself and Detective Thomas.

16 Q Was that interview recorded?

17 A It was.

18 Q We'll come back to that in just a moment.

19 At the Sbragia Way address, 1440 Sbragia Way, were
20 you made aware that there was a DVR -- or excuse me, a video
21 camera?

22 A On November 9th, yes.

23 Q And did detectives go to Sbragia and attempt to try
24 to obtain that?

1 A We did.

2 Q And was the DVR obtained?

3 A It was.

4 Q Generally speaking, what did it show?

5 A The --

6 MS. RISTENPART: Objection. Not the best evidence.

7 THE COURT: Do you have it coming in?

8 MR. LEE: Let me ask a follow-up question. I think
9 it will be okay.

10 THE COURT: All right. Temporarily overruled.

11 MR. LEE: Thank you.

12 BY MR. LEE:

13 Q Detective, ultimately on the video was it not able
14 to decipher the timestamp and the date stamp?

15 A It was not.

16 Q And so ultimately it became of no use to you?

17 A Correct.

18 Q However, who provided that DVR to you?

19 A Bernard's mother.

20 Q Did she tell you that it wasn't recording?

21 A She did.

22 Q Now, how did Mr. Richard Silva start to become
23 involved?

24 A As I said earlier, he was a member of Bernard's

1 family. Bernard had spoken with his family members at our
2 request to have them come down for interviews, and Mr. Silva
3 did so on November 8th.

4 Q Did you learn that Mr. Silva worked at the DMV?

5 A I did.

6 Q As an employee of the DMV, does he have access to
7 information?

8 A He does.

9 Q What kind of information?

10 A Registration information, driver's license
11 information, things that would list addresses and other
12 personal information that the general public would not have
13 access to.

14 Q And did detectives contact the DMV for assistance?

15 A They did.

16 Q Did the DMV provide such assistance?

17 A They did.

18 Q In the form of did they perform documents about
19 searches performed by Mr. Silva?

20 A They did.

21 Q And also other individuals linked to the case such
22 Arturo Manzo and Luz Linarez-Castillo?

23 A Yes.

24 THE COURT: During this break, ladies and gentlemen,

1 please do not discuss this case amongst yourselves, please do
2 not form or express any opinion about this matter until it's
3 been submitted to you.

4 We are in recess for 15 minutes. I will at the end
5 of the trial express the trial schedule and what it means for
6 Friday.

7 We will stand for the jury.

8 (The jury left the courtroom.)

9 THE COURT: I anticipate that Officer Kazmar will
10 take the rest of the day?

11 MR. LEE: No.

12 THE COURT: All right. So you have other witnesses
13 lined up?

14 MR. LEE: Yes.

15 THE COURT: Okay. Very well.

16 MR. LEE: Your Honor, can I ask you something
17 outside the presence?

18 Your Honor, my intent with Detective Kazmar is to
19 play an interview with Mr. Silva from November 8th. Just
20 literally as Your Honor walked into the room and my review of
21 the notes again, there is some discussion from Mr. Silva that
22 he knew that Luz had made an appointment at a pregnancy center
23 two months ago. I'm not alleging that he knew about it at the
24 time of the murder, however, that's what's in the interview.

1 As I'm playing it here, I can skip that portion if
2 the Court would allow, and then simply provide a redacted
3 portion later if the Court is willing.

4 MS. RISTENPART: Your Honor, but -- my objection is
5 to use the term in front of the jury, skipping over something
6 that you can clearly see my client saying. And they've had
7 this interview since November 8th of 2017, it's just now
8 coming to their idea, I would ask they take it, cut it
9 properly, proffer it to the defense so I can review that.

10 THE COURT: Are you suggesting that you hit stop and
11 manually fast-forward to another point and it would only be a
12 couple of seconds?

13 MR. LEE: No. So I would -- I could skip a lot of
14 the interview I could actually bounce around so it wouldn't
15 look suspicious. But if that's what we need to do, we would
16 simply have to continue with Detective Kazmar's interview
17 tomorrow.

18 THE COURT: So as to the argument the State has had
19 the video for a long time, I see it differently. While true,
20 I believe that the Court's order -- it's been since September.
21 But in a trial of this magnitude, there are a lot of moving
22 parts. And I have observed both the State and defense
23 attorneys approach this question in good faith. I'm not
24 suggesting there's any dilatory efforts. In fact, I

1 appreciate the State's pre review and candor. If we sent
2 Detective Kazmar home to return tomorrow, who else do you have
3 to go today?

4 MR. LEE: I would have a lady from Caliber
5 Collision. She would be pretty quick. Custodian of records.
6 And then I have Detective Nick Smith who would also be
7 20 minutes maybe.

8 THE COURT: Okay. So I probably have without him a
9 half-hour.

10 How much time do you have with Kazmar before that
11 part of the video?

12 MR. LEE: This part of the video goes up to
13 40 minutes the video itself is one hour 20 minutes.

14 THE COURT: But how much more questioning do you
15 have before you play the video?

16 MR. LEE: Probably five or ten minutes.

17 THE COURT: Let's get Detective Kazmar until the
18 very cusp of the video and then just give me a signal and I'll
19 say something to the jury about my authority and the evidence
20 code to rearrange witnesses. And I find it appropriate to
21 call two witnesses who have been waiting because Kazmar is
22 going to have to return tomorrow anyway for cross-examination
23 and get that cut.

24 MR. LEE: Can I have just a moment to talk to

1 Mr. Kazmar and shoot an email to our IT guy?

2 THE COURT: Yes.

3 MR. LEE: Thank you, Your Honor. My apologies.

4 THE COURT: All right. The jury, please.

5 Hold on, Deputy. I'd like to explain the sidebar
6 that occurred in which I initiated the conversation with
7 counsel. I expressed some concern about NRS 48.035 and the
8 prepared presentation by Mr. Shinmei. After talking with the
9 attorneys, I withdrew my concern and allowed the presentation
10 to continue. Counsel, will you add anything?

11 MR. LEE: No.

12 MS. RISTENPART: No, Your Honor.

13 THE COURT: Thank you.

14 (The jury entered the courtroom.)

15 THE COURT: Please be seated.

16 Ladies and gentlemen, I have authority in our
17 evidence code to alter the order of witnesses. And I have
18 decided that because this witness will be returning tomorrow
19 morning that his testimony will end in probably five or ten
20 minutes because there's another witness that will be quick who
21 can participate today and not return tomorrow. That explains
22 why there appears to be disruption in this witness. I have
23 made the decision.

24 You may continue.

1 MR. LEE: Thank you.

2 BY MR. LEE:

3 Q Sir, at this time -- Detective at this time, when
4 you -- we were just ending on talking about Mr. Silva's
5 employment at the DMV. Had you also learned of a possible
6 motive in the case?

7 A I had.

8 Q Such as involving an affair?

9 A Correct.

10 Q Who was that affair involving?

11 A Mr. Silva and Ms. Linarez.

12 Q And then was there also another affair between Ms.
13 Linarez, and I think we've already talked about that,
14 Mr. Arturo Guzman. Correct?

15 A Arturo Manzo.

16 Q Excuse me. Arturo Manzo. Correct?

17 A Correct.

18 Q Were you also aware that she and Bernard were having
19 trouble?

20 A I was.

21 Q And there had been an incident on December -- on
22 October 20th of 2017 where police were actually called?

23 A Correct. That was documented in our Sparks Police
24 case number.

1 Q Did you also learn anything about how close
2 Mr. Silva and Bernard were?

3 A I did through the interviews in speaking with them.

4 Q What is your feeling about that?

5 A That they were brothers but had a very close
6 relationship.

7 Q Let me show you an item that's been marked, I
8 believe, 94. I'm displaying in front of you Exhibit 94.
9 You've seen this before?

10 A I have.

11 Q Now, we've talked a lot about the cigarette that was
12 found at the scene. Who is this depicted in this -- these
13 surveillance still images?

14 A This is Mr. Silva.

15 Q What kind of hat is that?

16 A It was a San Francisco 49ers hat.

17 Q At some point, was Mr. Silva placed under arrest?

18 A He was.

19 Q What kind of hat was he wearing when he was placed
20 under arrest?

21 A A San Francisco 49ers hat.

22 Q Was it like this?

23 A It was.

24 Q The clothing that Mr. Silva is wearing in this

1 surveillance, was it similar to anything you had learned
2 through your investigation?

3 A It was.

4 Q What was that?

5 A When the search warrant was executed at the 1440
6 Sbragia Way address on November 16th, I believe a similar
7 clothing article was recovered.

8 Q Are you aware also that with regard to a witness at
9 the scene who saw an individual stand at the corner of Park
10 View and Mazzone just prior to the shooting?

11 A I was.

12 Q Did that individual describe clothing similar?

13 A He did.

14 Q But very general terms; is that correct?

15 A Correct.

16 Q But a hoody?

17 A Yes.

18 Q So from this surveillance video, what important
19 things did you take away from all of this?

20 A Not only the clothing that Mr. Silva was wearing
21 that night but obviously the purchase of the same type of
22 cigarettes.

23 Q Do you recall when he's entering the store he's
24 actually doing something with the cigarette? Do you recall

1 that?

2 A I'm sorry. I do not.

3 Q Did you -- so he purchased cigarettes you said and
4 --

5 A Along with the clothing, and then the exterior
6 portion of the surveillance from the 7-Eleven which is not
7 depicted in this still photo, shows him associated to a Silver
8 SUV.

9 Q Does he get out as the driver of the SUV?

10 A He does not.

11 I'm not sure, actually. I'm not sure I recall.

12 Q At some point did you believe that perhaps a second
13 person is involved?

14 A Yes. And I'm sorry, and that would be why. I
15 apologize for my lapse in memory. But I believe he gets out
16 of the passenger seat which led us to believe there was
17 another person in the driver's seat, because that person was
18 never observed on the video surveillance and that vehicle
19 obviously pulls up to the store and then leaves the store.

20 Q And then -- so obviously detectives are interested
21 in that Silver SUV or gray SUV. Right?

22 A Correct.

23 Q Other detectives looked into the registered owner
24 and location of it?

1 A Correct.

2 MR. LEE: Then at this point, Your Honor, I would
3 ask that we break.

4 THE COURT: All right. Officer, please return
5 tomorrow morning. Mr. Lee about what time -- you coordinate
6 it or will coordinate the time.

7 MR. LEE: We will coordinate it somehow.

8 THE COURT: Thank you.

9 Ladies and gentlemen this disruption is caused by
10 me. Please do not hold it against the State or the defense.

11 With that, you may call your next witness.

12 MR. LEE: Thank you.

13 Regina Rhodes.

14 THE BAILIFF: If you will step up and face the
15 clerk, please.

16 THE WITNESS: Okay.

17 THE COURT CLERK: Please raise your right hand.

18 (The witness was sworn.)

19 THE COURT: You may begin.

20

21 REGINA RHODES,

22 having been first duly sworn, was examined

23 and testified as follows:

24

1 DIRECT EXAMINATION

2 BY MR. LEE:

3 Q Good afternoon, ma'am.

4 A Hi.

5 Q Could you state your first and last name for us?

6 A Regina Rhodes.

7 Q How are you employed?

8 A I work as a regional manager for Calibration
9 Collision Center.

10 Q As a regional manager, do you cover several stores?

11 A I do. I cover three for northern Nevada Reno,
12 Sparks, and cartridge case.

13 Q Were you in that capacity also in 2017?

14 A No, actually.

15 Q What was your job in 2017?

16 A I was in training and compliance for a different
17 collision agency -- or collision centers that Caliber ended up
18 buying.

19 Q When did you start working for Caliber?

20 A Technical start date would be February of 2019 and I
21 started over these centers April 1st, 2019.

22 Q Okay. Does Caliber keep records of other
23 transactions or business that they have dealt with?

24 A Oh, absolutely. Any -- we keep records of anyone

1 that comes in for an estimate or has a vehicle repair or even
2 a vehicle in possibly to be repaired.

3 Q And then does Caliber -- what does Caliber Collision
4 do in general terms?

5 A We fix vehicles that have been in accidents.

6 Q So body work?

7 A Body work. Paint work. Uh-huh.

8 Q Okay. In your current capacity -- regional manager
9 you said?

10 A Yes.

11 Q Do you have access to databases controlled by
12 Caliber collision?

13 A Yes.

14 Q And specifically involving those three stores that
15 you have control over?

16 A Correct.

17 Q Are those -- does anyone have access to those
18 databases?

19 A There's more people than myself, yes.

20 Q Sure. How about a guy like me?

21 A No.

22 Q Can I come off the street?

23 A No.

24 Q Is it password protected?

1 A Correct.

2 Q Is it kept in the regular course of business?

3 A Yes.

4 Q And these items are kept and maintained at the time
5 they're created and then maintained ongoing?

6 A Correct.

7 Q Okay. I'm going to show you an exhibit.

8 A Okay.

9 Q Exhibit 86 has multiple pages. If you can just
10 thumb through those?

11 A Okay.

12 Q And when you've had a chance to fully look at that,
13 go ahead and look up.

14 Have had a chance -- do you recognize those
15 documents?

16 A I have do.

17 Q Are those all from Caliber Collision?

18 A Yes.

19 MR. LEE: And I move to admit Exhibit 86.

20 MS. RISTENPART: No objection.

21 THE COURT: 86 is admitted, Ms. Clerk.

22 THE COURT CLERK: Thank you.

23 (Exhibit 86 was admitted.)

24 BY MR. LEE:

1 Q Ms. Rhodes this will be brief.

2 Just on the first page here --

3 A Uh-huh.

4 Q -- what I'm interested in are a couple of things.

5 First of all, demographics at the top. Does this show the

6 customer's name?

7 A Correct.

8 Q As Arturo Guzman?

9 A Yes.

10 Q The license plate of the vehicle is 4GUZMAN?

11 A Yes.

12 Q And is this the type of vehicle?

13 A Yes. 2002 --

14 Q In this case, a 2002 Toyota Sequoia?

15 A Uh-huh.

16 Q And this is the estimate itself on page 1 and page

17 2?

18 A Correct.

19 Q Now, in this case, does this show from a loss

20 occurring on October 12th?

21 A Yes.

22 Q Of 2017?

23 A Correct.

24 Q Exhibit 86 also contains some photographs. Right?

1 A Yes.

2 Q Are these photographs of how the vehicle looked at
3 the time it came into the store? Are these photographs -- I'm
4 sorry.

5 A That's all right.

6 Q One moment. There we go. Are these photographs of
7 how the vehicle looked on 10-19 of 2017?

8 A Yes. The computer automatically timestamps when
9 they are entered into the computer.

10 Q Okay. And so in this case, looking at the bottom
11 left picture where it says 10-19-2017, bumpers intact?

12 A Correct.

13 Q There is damage to the left taillight?

14 A Yes. And the left quarter.

15 Q I'm sorry?

16 A And the left quarter panel as well.

17 Q And the left quarter panel. Thank you.

18 A Yeah.

19 Q And then looking at the second to last page, again,
20 we have a license plate of 4GUZMAN?

21 A Uh-huh.

22 Q And then the middle right photograph, bumper is
23 somewhat intact. Correct?

24 A That's correct.

1 Q Later, as part of the work of Caliber Collision, was
2 something done to that bumper that you're aware of?

3 A We would have probably disassembled it to see what
4 damage was underneath so we can do a thorough estimate.

5 MR. LEE: Okay. Your Honor, that's all the
6 questions I have.

7 THE COURT: To the defense.

8

9 CROSS-EXAMINATION

10 BY MS. RISTENPART:

11 Q The dates of this was 10-12-2017. Right?

12 A The date of the loss, it shows 10-12.

13 Q And the pictures were from 10-17 as notated?

14 A Correct.

15 Q So well before November 2nd of 2017?

16 A Correct.

17 MS. RISTENPART: No more questions.

18 THE COURT: Redirect.

19 MR. LEE: None, Your Honor. Thank you have.

20 THE COURT: You're free to step down and leave.

21 THE WITNESS: Okay. Thank you.

22 THE COURT: Your next and last witness, Mr. Lee.

23 MR. LEE: Detective Nicholas Smith.

24 THE BAILIFF: Step all the way up and face the

1 clerk, please.

2 THE COURT CLERK: Please raise your right hand.

3 (The witness was sworn.)

4 THE COURT CLERK: Thank you.

5 THE COURT: You may proceed.

6 MR. LEE: Thank you.

7

8 NICHOLAS SMITH,

9 having been first duly sworn, was examined

10 and testified as follows:

11

12 DIRECT EXAMINATION

13 BY MR. LEE:

14 Q Detective, could you please give us your first and
15 last name.

16 A Detective Nicholas Smith.

17 Q Are you a police officer with the city of Reno?

18 A Yes, sir.

19 Q How long having been a police officer?

20 A Approximately eight years.

21 Q And what's your current assignment?

22 A Currently assigned to the Robbery/Homicide Unit.

23 Q As a detective?

24 A Yes, sir.

1 Q Were you so assigned as well on November 2nd of '17?

2 A I was.

3 Q Did you become involved in the investigation of the
4 death of Luz Linarez-Castillo?

5 A Yes.

6 Q At the time, were you fairly new, actually, in the
7 unit?

8 A That's correct.

9 Q Would it -- fair to say you had many duties with
10 regard to this investigation?

11 A That would be fair.

12 Q One of those duties is a -- the unfortunate
13 obligation of notifying the victim's family?

14 A Yes, sir.

15 Q Who did you notify of the death of Luz
16 Linarez-Castillo?

17 A Her mother and her two sisters.

18 Q Where did you go to do that?

19 A Roxanda's house which was 391 Lester Avenue.

20 Q What general area of town is Lester Avenue in?

21 A I would say south of Mill Street and west of
22 Kietzke.

23 Q Okay. Is it near a dealership of any kind?

24 A It's close by the Nissan dealership.

1 Q Okay. And you just arrived to the house. Is it
2 unannounced?

3 A That's correct. Yes.

4 Q Okay. As part of -- as the investigation went
5 further, did you conduct some surveillance that day, November
6 2nd, with the intent to make contact with a Bernard Silva
7 Guzman?

8 A Yes, we did over at Jack and Jill Daycare which is
9 1850 Sullivan, I think. Sullivan Lane, Sparks, Nevada.

10 Q What did you see when you were there?

11 A We waited for Bernard for about an hour or so and
12 then I walked in to meet with staff to see the typical time
13 that Bernard would arrive. While I was talking to staff, I
14 looked out the front window and I saw Bernard Guzman and his
15 father Arturo Guzman walking toward the business.

16 Q Did -- was there any noticeable about Bernard.

17 A Bernard was walking with a cane. His movement
18 seemed slow and labored. We made contact. I stated that we
19 were there to see if he would be willing to meet with
20 detectives at the police department. He was transported
21 there. Once there, he had a lot of difficulty walking up a
22 short flight of stairs. I think we had to assist him up the
23 stairs.

24 Q Did you make him aware of why you wanted to talk to

1 him?

2 A At that point, we didn't reveal that
3 Miss Linarez was deceased. We simply stated that something
4 had happened to Luz and we would like to talk to him at the
5 police station to which he agreed.

6 Q Your vehicle that you were at the daycare in, was it
7 a marked vehicle with red and blues on it?

8 A It is not.

9 Q Unmarked car?

10 A Unmarked. Correct.

11 Q And when you saw Bernard for the first time, you
12 were inside the daycare?

13 A Yes, sir.

14 Q Later on in the investigation -- let me back up.
15 Throughout the investigation, then, you assisted in
16 surveillance canvassing. Correct?

17 A That's correct. I did do a surveillance canvass.

18 Q Meaning trying to locate any surveillance around
19 that area?

20 A Correct.

21 Q The area of the homicide. Right?

22 A That's correct. Near Park View.

23 Q Did surveillance canvassing extend pretty far?

24 A Initially we didn't have many details and in an

1 effort to preserve it -- because typically surveillance is
2 perishable, it will disappear after a period of time -- we
3 covered a large area at that point, that's correct.

4 Q Even all the way say to the Atlantis Casino?

5 A I believe so, yes.

6 Q South on Neil Road, Peckham area and things?

7 A South to the two gas stations near Peckham, correct.

8 Q Okay. And then let me bring you to November 16th of
9 2017. At some point during that evening the investigation was
10 ongoing. Correct?

11 A That is correct.

12 Q That evening, interviews happening?

13 A Yes.

14 Q Multiple?

15 A I believe there were at least two going on at that
16 time.

17 Q And search warrants being executed at different
18 locations?

19 A I'm unaware of that.

20 Q Okay. At some point as information was learned from
21 an interview, did you respond to Caliber Collision?

22 A I did.

23 Q This is after hours?

24 A Yes, sir.

1 Q Is it dark outside?

2 A Yes.

3 Q What was your purpose of going to Caliber Collision?

4 A At some point during the interviews we became aware
5 of a Toyota Sequoia bearing license plate 4GUZMAN -- I wasn't
6 aware of how it was involved in the investigation, however I
7 was tasked with going to Caliber Collision to see if I could
8 make contact to locate the vehicle.

9 Q What did you find?

10 A The business was closed. I found an after hours
11 phone number and was able to get ahold of the manager.

12 Q Were they helpful to you?

13 A Yes. They arrived on scene.

14 Q And what ultimately did do you?

15 A Ultimately, it was an auto body repair shop. They
16 opened up a gate to their car storage area which was outside,
17 and we located a Toyota Sequoia, Silver in color, bearing
18 license plate 4Guzman.

19 Q Prior to November 16th, had Reno Police Department
20 found that vehicle?

21 A No.

22 Q That you're aware of anyways?

23 A Not that I'm aware of.

24 Q Once with Caliber Collision's help were you able to

1 take the vehicle?

2 A That's correct. It was towed back to a secured area
3 at the Reno police station.

4 Q And searched later on?

5 A It was searched later on, but not by myself.

6 MR. LEE: Thank you. That's all the questions I
7 have.

8 THE COURT: To the defense.

9 MS. RISTENPART: Thank you.

10

11

CROSS-EXAMINATION

12 BY MS. RISTENPART:

13 Q Officer, you state that you were the first to inform
14 Ms. Luz Castillo Linarez's family about her death. Correct?

15 A Detective Pat Blas and I went together. That's
16 correct.

17 Q And it's pretty emotional?

18 A Yes.

19 Q They were upset?

20 A They were distraught.

21 Q And asked a lot of questions about what happened?

22 A I don't recall the exact contexts. When we first
23 arrived it was only Roxanda. She was so distraught that she
24 called her two daughters who arrived on the scene shortly

1 thereafter.

2 Q But there was questions as to what had happened and
3 what had gone on. Correct? I mean, you couldn't answer them
4 at the time, but there was some questions.

5 A I don't recall the specifics, to be honest with you.

6 Q Now, on November 2nd, you stated that you were doing
7 some surveillance to look for Bernard Silva. Correct?

8 A On the 2nd, correct. Yes.

9 Q And you were doing surveillance to find Bernard
10 Silva because he was a suspect in the case. Correct?

11 A He was a person of interest at the time because he
12 was previously married to the decedent.

13 Q And you went to the Jack and Jill daycare?

14 A That's correct.

15 Q Where one of his children was in daycare there?

16 A Ruby had previously been there, however CPS had
17 taken custody of her prior to my contact with Bernard.

18 Q And CPS, you're referring to Child Protective
19 Services?

20 A Yes, ma'am.

21 Q So while you waited there, you observed Bernard
22 Silva get out of the car, walk over to the daycare?

23 A I don't recall him getting out of the car. I was
24 standing inside and I recall him walking past a window.

1 Q And you're the one who approached him. Correct?

2 A No. He entered the daycare and I spoke with him
3 once he entered inside.

4 Q And you told us -- you were just asked this by the
5 State -- you told Bernard Silva that you wanted to talk to him
6 about something that happened to Luz?

7 A Correct.

8 Q Referring to Luz --

9 A Luz Linarez.

10 Q His wife?

11 A Yes.

12 Q And in response, Bernard Silva didn't ask any
13 questions?

14 A I don't recall him asking questions at that time.

15 Q Didn't ask what happened?

16 A He did not.

17 Q Didn't ask about the condition of his wife?

18 A I don't believe so.

19 Q Did not appear to show any emotion?

20 A I can't recall him showing emotion.

21 MS. RISTENPART: No further questions. Thank you.

22 THE COURT: Redirect if any.

23 MR. LEE: Nothing.

24 THE COURT: All right. Thank you. You're free to

1 step down and leave.

2 I said that was your next and last. I think I'm
3 going to hold to that.

4 MR. LEE: Thank you.

5 THE COURT: Ladies and gentlemen, in a moment we'll
6 invite you to the jury deliberation, but you can't leave just
7 yet. I know it appears inefficient, but there's a possibility
8 I would call you in and give you more detail about the
9 schedule. I'm not sure that I will.

10 As of this moment, the State is ahead of it's
11 schedule and I ask that you not alter any weekend plans that
12 you might have to include Friday afternoon and Monday
13 mornings. Of course no guarantees, but this is progressing
14 well.

15 During this overnight recess -- when I say this is
16 progressing well, I am not speaking to the substance of the
17 case in any way. I'm talking only about the timing of the
18 case. I have no opinion about the evidence that has been
19 presented.

20 During this evening recess, you are admonished not
21 to converse amongst yourselves or with anyone else on any
22 subject connected with this trial.

23 You will not read, watch, or listen to any report of
24 or commentary on the trial by any person connected with this

1 case or by any medium of information including, without
2 limitation newspaper, television, Internet, or radio.

3 You are further admonished not to conduct any form
4 of investigation, research, or experimentation.

5 You're not authorized and in fact admonished not to
6 perform any field trip visits.

7 Please do not form or express any opinion on any
8 subject connected with this trial until the case is submitted
9 to you for deliberations.

10 Please return to the courthouse -- if I don't see
11 you again, please return to the courthouse tomorrow morning
12 for entering into the courtroom at 8:45. We will stand for
13 our jury.

14 I ask Juror No. 1 to stay, please.

15 You're free to go into the jury deliberation room.

16 (The jurors left the courtroom with the
17 exception of Juror No. 1.)

18 THE COURT: Please be seated. Juror No. 1, I'm
19 responding to a note that you gave me this morning. You're
20 not in trouble. I want a better understanding in the presence
21 of the attorneys.

22 You've indicated that you recognize one of the
23 sheriff's deputies who was attending to the jury this week,
24 Deputy Guzman; is that correct?

1 JUROR 1: Correct.

2 THE COURT: All right. How -- would you describe
3 the nature of the relationship with her, please.

4 JUROR 1: Well, I worked at Lake's Crossing, the
5 mental health maximum security prison, and I was a mental
6 health technician. I was taking care of one of the inmates
7 who was really old and couldn't move around and stuff, so
8 I -- you know I -- I'm a face person, so I recognized the face
9 and it wasn't until the end where I got that.

10 THE COURT: I'm raising my hand to interrupt you
11 because it's a very long day for our reporter. I think I
12 heard what I need to hear.

13 Are you personal friends with Deputy Guzman?

14 JUROR 1: No.

15 THE COURT: Have you been to her home -- have you
16 been to her home? Do you know anything about her personal
17 life and so forth?

18 JUROR 1: No.

19 THE COURT: That's fine. Thank you for the
20 disclosure. I have invited her to adhere to the boundaries
21 that we set, so just don't have any interactions with her and
22 she will not have any with you.

23 JUROR 1: Okay.

24 THE COURT: Second, you indicated that you may know

1 some of Mr. Silva's family.

2 JUROR 1: Correct.

3 THE COURT: Have you come to that recognition
4 because you've seen people in the courtroom?

5 JUROR 1: Correct.

6 THE COURT: Okay. Describe to me what's going on.

7 JUROR 1: I recognize someone that I thought I knew.

8 THE COURT: One single person?

9 JUROR 1: Correct.

10 THE COURT: Is that person in the courtroom now?

11 JUROR 1: Correct.

12 THE COURT: Okay.

13 JUROR 1: And so I -- I didn't really recall where I
14 knew that individual from, and so on my way home I was
15 processing, you know, yesterday, all the information and
16 stuff, and it was on my drive home where I recalled that yes,
17 I do know this person.

18 THE COURT: How do you know that person?

19 JUROR 1: Through -- I think it's two different
20 reasons why. One would be through my wife that we attended an
21 event from her work. And another would be, I believe, from
22 school.

23 THE COURT: Is your wife a coworker with this
24 person.

1 JUROR 1: I don't believe now, but at some point in
2 the past.

3 THE COURT: Do you know this person's name?

4 JUROR 1: No.

5 THE COURT: Is this person in your cell phone
6 contacts?

7 JUROR 1: Negative.

8 THE COURT: Have you been to this person's home or
9 this person to your home?

10 JUROR 1: Negative.

11 THE COURT: If you saw this person at Walmart on a
12 Saturday, would you stop and warmly communicate or would you
13 keep passing by each other?

14 JUROR 1: Yeah, I would just pass them by. I
15 wouldn't stop.

16 THE COURT: And who is that person?

17 JUROR 1: Would you like me to --

18 THE COURT: Just describe that person. Just tell me
19 who it is. We need to know.

20 JUROR 1: It's a female in the second row.

21 THE COURT: Does the person in the second row know
22 who we are talking about? Just raise your hand.

23 (An unidentified person responds.)

24 THE COURT: Thank you.

1 Does your familiarity with this person influence you
2 to vote for or against the State, for or against Mr. Silva?

3 JUROR 1: I don't believe it influences me either
4 way.

5 THE COURT: Okay. Counsel, do you have any
6 questions?

7 MR. LEE: I do. How did you know it's family?

8 THE COURT: Because yesterday it was all just
9 jurors. Right? And then eventually all the jurors cleared
10 out and then I saw -- I saw her stick around, so I figured she
11 wasn't a juror.

12 MR. LEE: So do you know if she's family?

13 JUROR 1: No. I don't think so. But if, you know,
14 you're around for cases, usually it's family that's around.

15 MR. LEE: Do you like her?

16 JUROR 1: Absolutely. She's never given me a reason
17 not to like her or anything like that.

18 MR. LEE: So you have a positive relationship with
19 her?

20 JUROR 1: I wouldn't say positive. I just, you
21 know, I say hi to everybody I see. I'm that type of person.
22 So she's never given me a reason not to like her is what I'm
23 saying.

24 THE COURT: Let me confirm. Do you know her name or

1 do you not know her name?

2 JUROR 1: I do not know her name.

3 MR. LEE: That's all I have.

4 MS. RISTENPART: Nothing further, Your Honor.

5 THE COURT: Thank you. You're free to return to the
6 jury deliberation room.

7 JUROR 1: Okay.

8 THE COURT: All right. Goodnight.

9 JUROR 1: Thank you.

10 (Juror 1 left the courtroom.)

11 THE COURT: My inclination is to keep this juror. I
12 see no cause to excuse this juror. I think the juror is being
13 hypervigilant about rules which is a good thing. It indicates
14 that the juror will participate in good faith throughout this
15 process.

16 Different opinions, Counsel.

17 MS. RISTENPART: No, Your Honor.

18 MR. LEE: Thank you.

19 THE COURT: I do -- I do want to close this session
20 immediately so -- just so we can end our day. And so I'm
21 going to do that. I'm going to close this session and then,
22 Counsel, I'll have you stay long enough to talk procedurally
23 only about the schedule. All right. Goodnight, everybody.

24 (Proceedings concluded.)

1 STATE OF NEVADA)
2 COUNTY OF WASHOE) ss.
3)

4 I, SUSAN KIGER, an Official Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, State of Nevada, DO HEREBY CERTIFY:

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

12 That I was present in Department No. 15 of the
13 above-entitled Court on February 25, 2020, and took verbatim
14 stenotype notes of the proceedings had upon the matter
15 captioned within, and thereafter transcribed them into
16 typewriting as herein appears;

17 That the foregoing transcript, consisting of
18 pages 1 through 282, is a full, true and correct transcription
19 of my stenotype notes of said proceedings.

20 DATED: At Reno, Nevada, this 25th day of
21 March, 2020.

22 /s/ Susan Kiger

23 SUSAN KIGER, CCR No.
24

343