

IN THE SUPREME COURT OF THE STATE OF NEVADA

JEFFREY KENT BROWN,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

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)
)

Case No. 81648

Electronically Filed
Jan 04 2021 02:11 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

RESPONDENT'S APPENDIX

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INDEX

<u>Document</u>	<u>Page No.</u>
District Court Minutes of 6/18/19 (All Pending Motions)	92
Guilty Plea Agreement, filed in Open Court 1/17/18	81-89
Indictment, filed in Open Court 10/19/16.....	76-80
Recorder's Transcript of 10/11/16 (Grand Jury – Vol. 1) Filed 10/24/16	1-75
Supplement to Post-Conviction Writ of Habeas Corpus Legal Authorities, filed 10/7/19	93-99
Third Amended Indictment, filed in Open Court 1/17/18	90-91

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on January 4, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Chief Deputy District Attorney

BY /s/ E. Davis
Employee, District Attorney's Office

AC/Julia Barker/ed

12:00AM

1

EIGHTH JUDICIAL DISTRICT COURT

2

CLARK COUNTY, NEVADA

Electronically Filed
10/24/2016 04:06:04 PM

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BEFORE THE GRAND JURY IMPANELED BY THE HONORABLE



CLERK OF THE COURT

12:00AM

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DISTRICT COURT

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7

THE STATE OF NEVADA,

)

8

Plaintiff,

)

9

vs.

)

GJ No. 16AGJ114X

12:00AM

10

JEFFREY BROWN,

)

DC No. C318858

11

Defendant.

)

12

13

14

Taken at Las Vegas, Nevada

12:00AM

15

Tuesday, October 11, 2016

16

2:18 p.m.

17

VOLUME 1

18

19

12:00AM

20

REPORTER'S TRANSCRIPT OF PROCEEDINGS

21

22

23

24

12:00AM

25

Reported by: Lisa Brenske, C.C.R. No. 186

12:00AM 1 GRAND JURORS PRESENT ON OCTOBER 11, 2016
2 PAUL MORTALONI, Foreperson
3 WAYNE CLEVELAND, Assistant Foreperson
4 MARY ANN GOTHARD, Secretary
12:00AM 5 SHERRY LAYNE, Assistant Secretary
6 ARTHUR BYRD
7 NORMA MARTIN
8 MELVINA MISSOURI-DONOVAN
9 KATHERINE MUNIZ
12:00AM 10 ADRIENNE ODONOGHUE
11 JOHN ORESCHAK
12 MARRENA POUNCY
13 DELORES POWELL
14 MICHAEL TALKINGTON
12:00AM 15 GERALDINE WOJNAROWSKI
16 LAWRENCE WONG
17
18
19 Also present at the request of the Grand Jury:
12:00AM 20 K. Nicholas Portz, Deputy District Attorney
21 Kristina Rhoades, Deputy District Attorney
22
23
24
25

12:00AM

1

INDEX OF WITNESSES

2

Examined

3

4

VERL CONOVER

13

12:00AM

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FARHA BROWN

23

6

MONEQUIE SHORT

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MEKHI SHORT

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RA 000003

12:00AM

1

INDEX OF EXHIBITS

2

3

Grand Jury ExhibitsIdentified

4

1 - PROPOSED INDICTMENT

5

12:00AM

5

2 - PHOTOGRAPH

51

6

3 - PHOTOGRAPH

19

7

4 - MAP

19

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RA 000004

12:00AM

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LAS VEGAS, NEVADA, OCTOBER 11, 2016

2

* * * * *

3

4

LISA BRENSKE,

12:00AM

5

having been first duly sworn to faithfully

6

and accurately transcribe the following

7

proceedings to the best of her ability.

8

9

MR. PORTZ: Good afternoon everyone,

2:18PM

10

members of the Grand Jury. My name is Nick Portz and

11

with me today is Kristina Rhoades. We are Deputy

12

District Attorneys in the Clark County DA's office and

13

we will be presenting to you today the case State of

14

Nevada versus Jeffrey Brown which has been given the

2:18PM

15

case number 16AGJ114X.

16

And the record will reflect that we have

17

marked a copy of the proposed Indictment as Exhibit 1

18

and all members of the Grand Jury have a copy of that

19

Indictment. The defendant in this case is charged with

2:18PM

20

aggravated stalking, attempt murder with use of a

21

deadly weapon, battery with use of a deadly weapon

22

resulting in substantial bodily harm constituting

23

domestic violence, battery with use of a deadly weapon

24

resulting in substantial bodily harm, assault with a

2:19PM

25

deadly weapon, child abuse and neglect or endangerment

RA 000005

2:19PM 1 with use of a deadly weapon and discharge of a firearm
2 from or within a structure or vehicle. The elements of
3 the crime set forth in the proposed Indictment are
4 contained in each of the charges set forth therein.

2:19PM 5 I will, however, take a moment to read to
6 you instructions associated with each of the charged
7 offenses. As you may have heard we will not be asking
8 you to deliberate today. We will come back a week from
9 today's date for deliberations. At that point in time
2:19PM 10 if you should have any questions about the elements of
11 the charged crimes, Miss Rhoades and myself will be
12 here to answer those questions prior to deliberations.

13 So the Grand Jury instructions for the
14 crimes set forth are as follows: Aggravated stalking.
2:19PM 15 A person who, without lawful authority, wilfully or
16 maliciously engages in a course of conduct that would
17 cause a reasonable person to feel terrorized,
18 frightened, intimidated, harassed or fearful for the
19 immediate safety of a family or household member, and
2:20PM 20 that actually causes the victim to feel terrorized,
21 frightened, intimidated, harassed or fearful for the
22 immediate safety of a family or household member,
23 commits the crime of stalking.

24 A person who commits the crime of stalking
2:20PM 25 and in conjunction therewith threatens the person with

2:20PM 1 the intent to cause the person to be placed in
2 reasonable fear of death or substantial bodily harm
3 commits the crime of aggravated stalking.

4 Attempt murder is the performance of an
2:20PM 5 act or acts which tend but fail, to kill a human being,
6 when such acts are done with express malice, namely,
7 with the specific, deliberate intention unlawfully to
8 kill.

9 It is not necessary to prove the elements
2:20PM 10 of premeditation and deliberation in order to prove
11 attempt murder.

12 Malice aforethought means the intentional
13 doing of a wrongful act without legal cause or excuse
14 or what the law considers adequate provocation. The
2:21PM 15 condition of mind described as malice aforethought may
16 arise from anger, hatred, revenge or from particular
17 ill will, spite or grudge towards the person killed.

18 It may also arise from unjustifiable or unlawful motive
19 or purpose to injure another, proceeding from a heart
2:21PM 20 fatally bent on mischief, or with reckless disregard of
21 consequences and social duty. Malice aforethought does
22 not imply deliberation or the lapse of any considerable
23 time between the malicious intention to injure another
24 and the actual execution of the intent but denotes an
2:21PM 25 unlawful purpose and design as opposed to accident and

2:21PM 1 mischance.

2 Battery constituting domestic violence
3 occurs when an individual commits a battery upon his
4 spouse, former spouse, any other person to whom he is
2:21PM 5 related by blood or marriage, any other person with
6 whom he is or was actually residing, a person with whom
7 he has had or is having a dating relationship or a
8 person with whom he has a child in common.

9 Battery is defined as the willful and
2:22PM 10 unlawful use of force or violence upon the person of
11 another.

12 Substantial bodily harm means: One.
13 Bodily injury which creates a substantial risk of death
14 or which causes serious, permanent disfigurement or
2:22PM 15 protracted loss or impairment of the function of any
16 bodily member or organ; or, Two. Prolonged physical
17 pain.

18 Prolonged physical pain necessarily
19 encompasses some physical suffering or injury that
2:22PM 20 lasted longer than the pain immediately resulting from
21 the wrongful act.

22 Deadly weapon. A deadly weapon means any
23 instrument which, if used in the ordinary manner
24 contemplated by its design and construction, will or is
2:22PM 25 likely to cause substantial bodily harm or death, or

2:22PM 1 any weapon, device, instrument, material or substance
2 which, under the circumstances in which it is used,
3 attempted to be used or threatened to be used, is
4 readily capable of causing substantial bodily harm or
2:22PM 5 death, or, three, a pistol, revolver or other firearm.

6 A firearm is a deadly weapon whether
7 loaded or unloaded, operable or inoperable. In order
8 to use a deadly weapon, there need not be conduct which
9 actually produces harm but only conduct which produces
2:23PM 10 a fear of harm or force by means or display of a deadly
11 weapon in aiding the commission of a crime.

12 Assault with use of a deadly weapon. A
13 person who unlawfully attempts to use physical force
14 against the person of another or intentionally places
2:23PM 15 another person in reasonable apprehension of immediate
16 bodily harm by or through the use of a deadly weapon
17 has committed the crime of assault with a deadly
18 weapon.

19 To constitute an assault, it is not
2:23PM 20 necessary that any actual injury be inflicted.

21 Child abuse. A person who wilfully causes
22 a child who is less than 18 years of age to suffer
23 unjustifiable physical pain or mental suffering as a
24 result of abuse or neglect or to be placed in a
2:23PM 25 situation where the child may suffer physical pain or

2:23PM 1 mental suffering as a result of abuse or neglect has
2 committed the crime of child abuse, neglect or
3 endangerment.

4 As used in these instructions: Abuse or
2:23PM 5 neglect means physical or mental injury of a
6 non-accidental nature, or negligent treatment or
7 maltreatment of a child under the age of 18 years,
8 under circumstances which indicate that the child's
9 health or welfare is harmed or threatened with harm.

2:24PM 10 Mental injury means an injury to the
11 intellectual or psychological capacity or the emotional
12 condition of a child as evidenced by an observable and
13 substantial impairment of the ability of the child to
14 function within a normal range of performance or
2:24PM 15 behavior.

16 Negligent treatment or maltreatment of a
17 child occurs if a child has been subjected to harmful
18 behavior that is terrorizing, degrading, painful or
19 emotionally traumatic, has been abandoned, is without
2:24PM 20 proper care, control or supervision or lacks
21 subsistence, education, shelter, medical care or other
22 care necessary for the well-being of the child because
23 of the faults or habits of the person responsible for
24 the welfare of the child or the neglect or refusal of
2:24PM 25 the person to provide them and able to do so.

2:24PM 1 Physical injury means permanent or
2 temporary disfigurement; or impairment of any bodily
3 function or organ of the body.

4 Discharge of a firearm from or within a
2:25PM 5 structure. A person who is in, on or under a structure
6 or vehicle and who maliciously or wantonly discharges
7 or maliciously or wantonly causes to be discharged a
8 firearm within or from the structure or vehicle and the
9 structure or vehicle is within an area designated by
2:25PM 10 the city or county ordinary as a populated area for
11 purposes of prohibiting the discharge of weapons, has
12 committed the crime discharging a firearm from or
13 within a structure or vehicle.

14 Vehicle means any motor vehicle or trailer
2:25PM 15 designed for use with a motor vehicle, whether or not
16 it is self-propelled, operates on rails or propelled by
17 electric power obtained from overhead wires.

18 You are instructed that the unincorporated
19 town of Paradise is designated by Clark County
2:25PM 20 ordinance 12.04.230 as a populated area for the purpose
21 of discharging a weapon.

22 And with that unless there are any
23 questions the State will call its first witness.
24 Showing no hands the State will be calling Detective
2:26PM 25 Conover.

2:26PM 1 THE FOREPERSON: Please raise your right
2 hand.

3 You do solemnly swear the testimony you
4 are about to give upon the investigation now pending
2:26PM 5 before this Grand Jury shall be the truth, the whole
6 truth, and nothing but the truth, so help you God?

7 THE WITNESS: I do.

8 THE FOREPERSON: Please be seated. You
9 are advised that you are here today to give testimony
2:26PM 10 in the investigation pertaining to the offenses of
11 aggravated stalking, attempt murder with use of a
12 deadly weapon, battery with use of a deadly weapon
13 resulting in substantial bodily harm constituting
14 domestic violence, battery with use of a deadly weapon
2:26PM 15 resulting in substantial bodily harm, assault with a
16 deadly weapon, child abuse, neglect or endangerment
17 with use of a deadly weapon and discharge of a firearm
18 from or within the structure or vehicle involving a
19 Jeffrey Brown.

2:27PM 20 Do you understand this advisement?

21 THE WITNESS: Yes.

22 THE FOREPERSON: Please state your first
23 and last name and spell both for the record.

24 THE WITNESS: Verl Conover. V-E-R-L.

2:27PM 25 C-O-N-O-V-E-R.

2:27PM

1

VERL CONOVER,

2

having been first duly sworn by the Foreperson of the

3

Grand Jury to testify to the truth, the whole truth,

4

and nothing but the truth, testified as follows:

2:27PM

5

6

EXAMINATION

7

BY MR. PORTZ:

8

Q. Detective Conover, where do you work?

9

A. I work at the south central area command.

2:27PM

10

Q. And is that for the Las Vegas Metropolitan

11

Police Department?

12

A. Yes.

13

Q. And how long have you been with the Las

14

Vegas Metropolitan Police Department?

2:27PM

15

A. Twelve years.

16

Q. And how long have you been a detective

17

with the Las Vegas Metropolitan Police Department?

18

A. Six.

19

Q. Prior to that were you a patrol officer?

2:27PM

20

A. Yes.

21

Q. I am going to direct your attention to

22

September 19th, 2016 at approximately 5:57 p.m. Were

23

you on duty that day?

24

A. Yes.

2:27PM

25

Q. And at around that time did you receive a

2:27PM 1 call out to an incident that had occurred at the
2 McCarran Airport at 5757 Wayne Newton Drive here in
3 Clark County, Nevada?

4 A. Yes.

2:28PM 5 Q. What was the nature of that call?

6 A. It was a shooting call.

7 Q. And did you actually respond to McCarran
8 Airport?

9 A. Yes.

2:28PM 10 Q. And specifically where at McCarran did you
11 respond to?

12 A. We were inside the -- it was on the
13 parking garage. I want to say it was the sixth level.

14 Q. Is that the top level of the parking
2:28PM 15 garage?

16 A. Yes.

17 Q. And when you arrived at that scene what
18 did you see?

19 A. We were one of the last units to arrive.

2:28PM 20 Numerous officers, crime scene tape of course was
21 stretched all about. We made contact with the lead
22 detective at that time and got our instructions from
23 there.

24 Q. And when you arrived at the scene was
2:28PM 25 there anything involved in the shootings that remained

2:28PM 1 at the scene?

2 A. There was clothing that was taken from
3 the -- or cut off of the victims that were still on
4 scene.

2:28PM 5 Q. Was there a vehicle as well?

6 A. Numerous vehicles. I don't recall any one
7 vehicle specifically.

8 Q. Okay. After meeting with the lead
9 detective were you assigned a task in the investigation
2:29PM 10 behind the shooting?

11 A. Detective Edge asked us to go to the
12 suspect's home. To his address.

13 Q. And was the suspect at this point in time
14 your understanding to be an individual by the name of
2:29PM 15 Jeffrey Brown?

16 A. Yes.

17 Q. And did you respond to his known residence
18 or address at that point in time?

19 A. Yes.

2:29PM 20 Q. And when you arrived there did you
21 encounter anyone?

22 A. His son and I want to say it was either
23 the girlfriend or his wife and there were two officers
24 on scene.

2:29PM 25 Q. Was Jeffrey Brown the individual you were

2:29PM 1 looking for at the scene?

2 A. Yes.

3 Q. The individual you were looking for was at
4 the residence?

2:29PM 5 A. No, he was not. It was his son. And the
6 wife.

7 Q. Did you speak with the son in an attempt
8 to locate Jeffrey Brown?

9 A. We did.

2:29PM 10 Q. And did he give you a potential location
11 or area where Jeffrey Brown may be?

12 A. No.

13 Q. Did he give you any leads that you decided
14 to follow up on in your attempts to locate Jeffrey
2:30PM 15 Brown?

16 A. He had informed us that his dad was very
17 sick, that he had spent a lot of time at the VA
18 Hospital. So Detective Treppis and I on a hunch drove
19 to the VA to see if we could locate him.

2:30PM 20 Q. Is that the VA hospital at 6900 North
21 Pecos in North Las Vegas?

22 A. Yes.

23 Q. Did his son indicate to you what vehicle
24 Jeffrey Brown may have been driving?

2:30PM 25 A. The son told us that he was driving his

2:30PM 1 vehicle, that he'd actually left -- he had a Corvette,
2 that he'd actually left the Corvette at home and taken
3 his -- he has a Ford Escape, a gray vehicle, an SUV.

4 Q. I want to be clear. Jeffrey Brown had
2:30PM 5 taken his son's gray Ford Escape?

6 A. Yes.

7 Q. And left behind a red Corvette?

8 A. Yes.

9 Q. When you and Detective Treppis responded
2:30PM 10 to the VA Hospital on North Pecos, did you locate
11 anything in the parking lot that was important for your
12 investigation?

13 A. The suspect's vehicle was parked in the
14 parking lot.

2:31PM 15 Q. And that was that gray Ford Escape?

16 A. Yes.

17 Q. And did you approach that vehicle?

18 A. We did.

19 Q. Was anyone inside the vehicle?

2:31PM 20 A. No.

21 Q. Did you notice anything inside the vehicle
22 that was pertinent to your investigation?

23 A. You could see the handle of a handgun in
24 the center console that was covered by a towel. So the
2:31PM 25 handle part was sticking out from underneath the towel.

2:31PM 1 Q. From your vantage point when you were
2 standing outside the car is when you saw that?

3 A. Yes. We were outside.

4 Q. From your vantage point could you tell
2:31PM 5 whether this was a semiautomatic or revolver firearm?

6 A. The handle was very similar to a gun that
7 I carry off duty so we figured that it was a revolver.

8 Q. But you couldn't visually confirm other
9 than --

2:31PM 10 A. The towel was covering the main part of
11 the firearm.

12 Q. While you're there do you come into
13 contact with the individual Jeffrey Brown?

14 A. We did.

2:31PM 15 Q. And can you describe how you came into
16 contact with him.

17 A. He was coming out of the front entrance of
18 the VA Hospital in a wheelchair. A federal officer was
19 pushing him out into the parking lot.

2:32PM 20 Q. And at that point when you saw him in the
21 wheelchair what did you do?

22 A. Detective Treppis and I pulled our
23 firearms, identified ourselves as police officers and
24 took the suspect into custody.

2:32PM 25 Q. The individual wheeling Jeffrey Brown out

2:32PM 1 of the hospital, was that a police officer who worked
2 at the VA Hospital?

3 A. Yes.

4 Q. Was it a male or a female?

2:32PM 5 A. Female.

6 Q. How did she appear when you drew your
7 firearm and took him into custody?

8 A. Startled.

9 Q. I am going to show you Grand Jury Exhibit

2:32PM 10 3. Do you recognize the individual in Grand Jury
11 Exhibit 3?

12 A. That's Mr. Brown.

13 Q. And that's the individual you arrested on
14 September 19th?

2:32PM 15 A. Yes, sir.

16 Q. And, sir, are you familiar with the county
17 ordinance that prohibits the discharge of a firearm in
18 the unincorporated town of Paradise here in Clark
19 County, Nevada?

2:32PM 20 A. I am.

21 Q. And I am showing you Grand Jury Exhibit 4.
22 Do you recognize what's depicted in Grand Jury Exhibit
23 4?

24 A. I do.

2:33PM 25 Q. What is that?

2:33PM 1 A. That's the area of Paradise. That's
2 incorporated -- it's in the county.

3 Q. Is it a map depicting the specific area of
4 Paradise within Las Vegas, Clark County, Nevada?

2:33PM 5 A. Yes.

6 Q. And this is a record provided by the
7 Paradise Town Board; is that correct?

8 A. Yes.

9 Q. And does McCarran Airport fall within the
2:33PM 10 jurisdiction of Paradise, the unincorporated town of
11 Paradise?

12 A. It does.

13 MR. PORTZ: At this point I have no
14 further questions for this witness. Do any members of
2:33PM 15 the Grand Jury?

16 BY A JUROR:

17 Q. Did Mr. Brown receive any treatment at the
18 VA? Was that noted or brought up as a question?

19 A. At that time we didn't ask. His son had
2:33PM 20 told us that he had been there earlier in the day, that
21 he had several ongoing health issues.

22 MR. PORTZ: At this point I am actually
23 going to direct the detective not to discuss
24 conversations he had with third parties who are not
2:33PM 25 here to testify or are legally inadmissible at this

2:34PM 1 point of the proceedings.

2 THE FOREPERSON: By law these proceedings
3 are secret and you are prohibited from disclosing to
4 anyone anything that transpired before us including
2:34PM 5 evidence presented to the Grand Jury, any event
6 occurring or statement made in the presence of the
7 Grand Jury or any information obtained by the Grand
8 Jury.

9 Failure to comply with this admonition is
2:34PM 10 a gross misdemeanor punishable up to 364 days in the
11 Clark County Detention Center and a 2000-dollar fine.
12 In addition you may be held in contempt of court which
13 is punishable by an additional 500-dollar fine and 25
14 days in the Clark County Detention Center.

2:34PM 15 Do you understand this admonition?

16 THE WITNESS: I do.

17 THE FOREPERSON: Thank you. You're
18 excused.

19 MR. PORTZ: The next witness will be Farha
2:35PM 20 Brown.

21 THE FOREPERSON: Please raise your right
22 hand.

23 You do solemnly swear the testimony you
24 are about to give upon the investigation now pending
2:35PM 25 before this Grand Jury shall be the truth, the whole

2:35PM 1 truth, and nothing but the truth, so help you God?

2 THE WITNESS: I do.

3 THE FOREPERSON: Please be seated. You
4 are advised that you are here today to give testimony

2:35PM 5 in the investigation pertaining to the offenses of

6 aggravated stalking, attempt murder with use of a

7 deadly weapon, battery with use of a deadly weapon

8 resulting in substantial bodily harm constituting

9 domestic violence, battery with use of a deadly weapon

2:35PM 10 resulting in substantial bodily harm, assault with a

11 deadly weapon, child abuse, neglect or endangerment

12 with use of a deadly weapon and discharge of a firearm

13 from or within a structure or vehicle involving a

14 Jeffrey Brown.

2:36PM 15 Do you understand this advisement?

16 THE WITNESS: Yes.

17 THE FOREPERSON: Please state your first
18 and last name and spell both for the record.

19 THE WITNESS: Farha Brown. F-A-R-H-A

2:36PM 20 B-R-O-W-N.

21

22

23

24

2:36PM 25

2:36PM

1

FARHA BROWN,

2

having been first duly sworn by the Foreperson of the

3

Grand Jury to testify to the truth, the whole truth,

4

and nothing but the truth, testified as follows:

2:36PM

5

6

EXAMINATION

7

BY MR. PORTZ:

8

Q. Miss Brown, I am going to show you Grand

9

Jury Exhibit 3 and ask if you recognize the individual

2:36PM

10

depicted in that image?

11

A. Yes.

12

Q. Who is that person?

13

A. Jeffrey Brown, my husband.

14

Q. How long have you and Jeffrey Brown been

2:36PM

15

married?

16

A. Twenty-two years.

17

Q. Do you and Jeffrey have any children

18

together?

19

A. Yes.

2:36PM

20

Q. Have you and Jeffrey ever resided with one

21

another?

22

A. Yes.

23

Q. Are you currently residing with one

24

another?

2:36PM

25

A. No.

2:36PM 1 Q. How many children do you and Jeffrey have
2 together?
3 A. One.
4 Q. And how long have you and Jeffrey lived in
2:36PM 5 Las Vegas?
6 A. Four years and four months.
7 Q. And when you moved to Las Vegas where did
8 you come from?
9 A. Chicago.
2:37PM 10 Q. And during your time in Las Vegas the last
11 four years and four months were you living with one
12 another at the initial point four years ago?
13 A. Yes.
14 Q. At some point did you move out?
2:37PM 15 A. Yes.
16 Q. And at what point in time was it that you
17 moved out of the residence?
18 A. July.
19 Q. Of what year?
2:37PM 20 A. This year.
21 Q. 2016?
22 A. Yes.
23 Q. And what was the reason for your moving
24 out of the house?
2:37PM 25 A. Separation.

2:37PM 1 Q. So you and Jeffrey were separating?

2 A. Correct.

3 Q. As you testify here today you're still

4 married to Jeffrey Brown; is that correct?

2:37PM 5 A. Correct.

6 Q. When you moved out, did you move into a

7 new home, did you buy a place, what did you do?

8 A. Rented an apartment.

9 Q. Did you sign a lease on that apartment?

2:37PM 10 A. Yes.

11 Q. And where was that apartment? I don't

12 need a specific address, but what city?

13 A. Henderson.

14 Q. At some point in time after moving out of

2:38PM 15 Jeffrey Brown's house did you begin a new relationship

16 with another individual?

17 A. I'm sorry?

18 Q. Did you start seeing someone else after

19 you left?

2:38PM 20 A. After, correct.

21 Q. And what was that person's name?

22 A. Mo Short.

23 Q. Now, I want to move forward to September

24 of 2016. Were you and Mo Short dating at this time?

2:38PM 25 A. Correct.

2:38PM 1 Q. Were the two of you living together?

2 A. No.

3 Q. Does Mo have any children that you're

4 aware of?

2:38PM 5 A. Yes.

6 Q. How many children does he have?

7 A. Two.

8 Q. Are they boy, girl?

9 A. Boy and girl.

2:38PM 10 Q. What's the girl's name?

11 A. Michelle.

12 Q. And the boy's name?

13 A. Mekhi.

14 Q. You testified that Mo lived in a different

2:39PM 15 residence from you, correct?

16 A. Correct.

17 Q. At some point do you and Mo take a trip to

18 Indiana?

19 A. Yes.

2:39PM 20 Q. What prompts this trip?

21 A. The death of his sister.

22 Q. And so you two are heading out there for a

23 funeral?

24 A. Correct.

2:39PM 25 Q. Did anyone else come with you on that

2:39PM 1 trip?

2 A. His son.

3 Q. And that would be Mekhi?

4 A. Correct.

2:39PM 5 Q. Who paid for the travel expenses to

6 Indiana?

7 A. I did.

8 Q. And how did you pay for it?

9 A. Southwest credit card.

2:39PM 10 Q. And have you booked trips on your

11 Southwest credit card before?

12 A. With him or in general?

13 Q. Just in general.

14 A. Yes.

2:40PM 15 Q. Typically when you book a trip on your

16 Southwest credit card do you receive a flight

17 itinerary?

18 A. Yes.

19 Q. How is that flight itinerary sent to you?

2:40PM 20 A. Email.

21 Q. In September of 2016 did anyone else have

22 access to your email other than you?

23 A. Yes.

24 Q. Who would that be?

2:40PM 25 A. Jeffrey Brown.

2:40PM 1 Q. So Jeffrey Brown had a password to access
2 your email account?

3 A. Yes.

4 Q. Was this also Jeffrey Brown's account or
2:40PM 5 was it your account personally?

6 A. Ours.

7 Q. Both of you had access to it?

8 A. Uh-huh.

9 Q. Would you be the primary user of that
2:40PM 10 email account?

11 A. Yes.

12 Q. Would Jeffrey often email you from a
13 separate email account?

14 A. Yes.

2:41PM 15 Q. Now, with regards to your trip to Indiana
16 you said you booked your tickets through your Southwest
17 card, correct?

18 A. Yes.

19 Q. And how were you to get to Indiana? Were
2:41PM 20 you flying?

21 A. Correct.

22 Q. And were you flying out of McCarran
23 Airport?

24 A. Yes.

2:41PM 25 Q. How did you get to McCarran Airport?

2:41PM 1 A. In my car.

2 Q. Do you recall what day it was that you
3 were flying out to Indiana?

4 A. Wednesday, September 14th.

2:41PM 5 Q. And you said you took your car. What type
6 of car do you drive?

7 A. 2015 Chevy Equinox.

8 Q. And did you drive yourself to the airport
9 or was there someone else with you?

2:41PM 10 A. The three of us.

11 Q. The three of us being who?

12 A. Mo and Mekhi.

13 Q. And where did you park your vehicle?

14 A. On the sixth floor of the long term
2:41PM 15 parking garage.

16 Q. And then after parking your vehicle did
17 you, Mo and Mekhi all fly out to Indiana?

18 A. Correct.

19 Q. Now, at some point while you were in
2:42PM 20 Indiana were you contacted by Jeffrey Brown?

21 A. Yes.

22 Q. Prior to leaving for Indiana did you tell
23 Jeffrey Brown that you were going to Indiana with Mo?

24 A. No.

2:42PM 25 Q. Was Jeffrey Brown aware that you were

2:42PM 1 seeing Mo at this point in time?

2 A. Yes.

3 Q. And while you were in Indiana you
4 testified that Jeffrey Brown contacted you, correct?

2:42PM 5 A. Yes.

6 Q. And how did he contact you?

7 A. Email and through my son's phone.

8 Q. And specifically or to the best of your
9 recollection what was that email or text message that

2:42PM 10 you received, what did it say?

11 A. The first one?

12 Q. Sure.

13 A. I don't recall. There's too many of them.

14 Q. Did he at any point indicate that he knew
2:43PM 15 that you were in Indiana?

16 A. He did on Friday, the day of the funeral.

17 Q. Let's talk about that. Was that through
18 email or a phone conversation?

19 A. Phone.

2:43PM 20 Q. So how did you first begin I guess talking
21 to Jeffrey Brown on the phone? Let me ask you this:
22 Who called who? Did Jeffrey call you or did you call
23 Jeffrey?

24 A. When we talk on the phone it's through my
2:43PM 25 son's phone. He doesn't have my number.

2:43PM 1 Q. Who doesn't? Jeffrey doesn't have your
2 number?

3 A. No.

4 Q. Why is that?

2:43PM 5 A. I told my son not to give it to him since
6 I changed it because he would randomly text me
7 inappropriate stuff, whether it's mean or nice. I
8 just -- he was stressing me out.

9 Q. So Jeffrey didn't have your cell phone
2:44PM 10 number?

11 A. No.

12 Q. Based on those texts and messages that he
13 would send you?

14 A. Uh-huh.

2:44PM 15 Q. So you said you talked to him on your
16 son's phone?

17 A. Yes.

18 Q. So did you call your son's phone or did
19 Jeffrey call you from your son's phone if you recall?

2:44PM 20 A. I'm trying to figure out who initiated the
21 call, but I know I talked to him over the phone.

22 Q. When you talked to him how did the
23 conversation begin?

24 A. You're a liar, I know where you're at.

2:44PM 25 Q. And was that Jeffrey saying that to you?

2:44PM 1 A. Yes.

2 Q. What was his demeanor on the phone?

3 A. Upset.

4 Q. And what did you say in response to him

2:44PM 5 calling you a liar and saying I know where you're at?

6 A. How do you know.

7 Q. And did he explain how he knew?

8 A. Yes.

9 Q. What did he say?

2:44PM 10 A. I checked your email itinerary.

11 Q. Okay. At that point where does the

12 conversation go?

13 A. I said yes, that's where I'm at.

14 Basically what's it to you. Not those exact words but

2:45PM 15 that's what I meant.

16 Q. And what did he say in response?

17 A. He was just upset that I was out of town

18 with a man going to a funeral with a guy that I just

19 met.

2:45PM 20 Q. Does he ask you any questions about the

21 man that you're with at the funeral?

22 A. Yes.

23 Q. What kind of questions does he ask you?

24 A. How old is he, is he still married, what

2:45PM 25 does he look like.

2:45PM 1 Q. Did the defendant or did Jeffrey Brown
2 explain how he knew Mo was married?

3 A. Yes.

4 Q. How did he say he learned that?

2:45PM 5 A. After he asked me that, I said no to his
6 question is he married and he said you're lying. I saw
7 the email of the divorce papers that he sent to his
8 wife.

9 Q. And the emails of the divorce paper he
2:46PM 10 sent to his wife, where were those located?

11 A. In my email address folder.

12 Q. Why did you have those in your email
13 address folder?

14 A. Because I asked him questions about how he
2:46PM 15 filed online, where it would be cheaper, and he said
16 I'll send you mine and you could look over it. It's
17 cheap and it's easy if there's no contest between each
18 party.

19 Q. So you were asking Mo for information on
2:46PM 20 how to do it?

21 A. Because I was going to file when we got
22 back.

23 Q. Does the defendant make any references
24 that cause you any concern at that point?

2:46PM 25 A. He said he broke into my car.

2:46PM 1 Q. And this is the car that you had left at
2 McCarran Airport on the sixth floor of the parking lot?

3 A. Correct.

4 Q. First of all how did he know where you
2:47PM 5 were parked?

6 A. Well, he had already told me that he knew
7 I was out of town so he knew I was going to be at the
8 airport. So I said well, how do you know where I'm at,
9 somewhere down those lines, and he said I called On
2:47PM 10 Star.

11 Q. And On Star is what exactly?

12 A. A GPS navigation. It tracks where your
13 car is. If you lock your keys in the car or if it's
14 stolen, they can track it for you and tell you.

2:47PM 15 Q. Is that a service that you pay for?

16 A. Extra, yes.

17 Q. And you have access to your On Star
18 account to your vehicle; is that correct?

19 A. Correct.

2:47PM 20 Q. Were you aware that Jeffrey had access to
21 the On Star account tied to your vehicle?

22 A. I did not.

23 Q. Did he say anything else about your
24 vehicle?

2:48PM 25 A. I asked him why he went in or why did he

2:48PM 1 unlock it and he said I was looking for my gun.

2 Q. So he indicated to you that he actually
3 went up to your vehicle at the McCarran Airport; is
4 that correct?

2:48PM 5 A. Correct.

6 Q. Did he explain to you how he was able to
7 get into your vehicle?

8 A. Yes.

9 Q. What did he say about that?

2:48PM 10 A. I called On Star and they unlocked it for
11 me.

12 Q. Is that a service that On Star will do for
13 you that you pay for?

14 A. Yes.

2:48PM 15 Q. What sort of reason would On Star open the
16 vehicle?

17 A. If you lock your keys in the car.

18 Q. Did you ever give him permission to access
19 that vehicle?

2:48PM 20 A. No.

21 Q. You testified that he said he went into
22 the vehicle to look for a gun, correct?

23 A. Correct.

24 Q. Did you have a gun inside that car?

2:48PM 25 A. No.

2:48PM 1 Q. Did he tell you during that phone
2 conversation about anything else he located inside the
3 car?

4 A. Yes.

2:49PM 5 Q. What did he say?

6 A. I found a set of keys that belong to your
7 boyfriend.

8 Q. Did Mo leave a set of keys behind in your
9 car when you flew to Indiana?

2:49PM 10 A. Yes.

11 Q. And where did he leave them?

12 A. In the armrest. Holder compartment.

13 Q. So was it covered?

14 A. Yes.

2:49PM 15 Q. You have to actually open it to access it?

16 A. Yes.

17 Q. So the center console?

18 A. Uh-huh.

19 Q. Did the defendant or Jeffrey Brown tell
20 you how he knew the keys belonged to Mo?

21 A. Yes.

22 Q. What did he say?

23 A. It was a set of car keys that I know
24 weren't yours and it had a couple of other keys and I
2:49PM 25 wanted to see if he lived with you.

2:49PM 1 Q. So did he say what he did with those keys?

2 A. He took them all the way to my apartment
3 in Henderson and tried every key to see if one of them
4 fits in my door and he said one of them did. And he
2:50PM 5 again said you're a liar. You guys live together.

6 Q. Had you previously told him that Mo was
7 not living with you?

8 A. When he asked me at that time, that
9 moment, I said no, he's not living with me. He has his
2:50PM 10 own place.

11 Q. And that's the point when Jeffrey Brown
12 told you well, I took the keys to the apartment?

13 A. Yes.

14 Q. Was Mo actually living with you?

2:50PM 15 A. No.

16 Q. Why did he have a spare key to your
17 apartment?

18 A. In case of emergency or if he was meeting
19 me and I was at work so he could let himself in.

2:50PM 20 Q. What did you say to the defendant in
21 regards to him telling you that he went inside your
22 vehicle, took Mo's keys, went to your apartment and
23 found one of your keys had access to your apartment?

24 A. What was the question?

2:50PM 25 Q. What did you say to the defendant after he

2:50PM 1 told you all those things?

2 A. Why would you do that.

3 Q. Did he have any response?

4 A. I said why would you do that and I swear

2:50PM 5 to God if you took his keys and didn't return it, I'm

6 calling the police.

7 Q. And did he say anything about returning

8 the keys?

9 A. He said I don't want that man's keys

2:51PM 10 there. I put them back in the car. I just wanted to

11 see if you were lying or not. And I said why did you

12 do that. I have a security alarm on my door. He said

13 yes, I know. I did not open the door because I didn't

14 want the alarm to go off, but the key did work.

2:51PM 15 Q. At any point during this conversation does

16 he say anything to you about Mo's wife, contacting Mo's

17 wife?

18 A. I remember having that conversation later

19 on in the day after the funeral. That same day.

2:51PM 20 Because all this happened that Wednesday the 16th of

21 September.

22 Q. So what did Jeffrey Brown say to you about

23 Mo's wife?

24 A. I am going to email her and let her know

2:51PM 25 what you guys are up to.

2:52PM 1 Q. Did he tell you how he got Mo's wife's
2 contact information?

3 A. No, but I figured it out. That's the only
4 way.

2:52PM 5 Q. I don't want you to speculate. I just
6 want to know if he told you or not. So he didn't tell
7 you?

8 A. No.

9 Q. Okay. At any point during the
2:52PM 10 conversation with Jeffrey Brown did he make any threats
11 to you or to Mo?

12 A. To me about Mo.

13 Q. And what specifically did he say to the
14 best of your memory?

2:52PM 15 A. Basically don't make me regret what I am
16 going to do or what I am capable of. Or you don't
17 know -- he doesn't know what I'm capable of.

18 Q. So Jeffrey said something to the effect he
19 doesn't know what I'm capable of?

2:52PM 20 A. Uh-huh.

21 Q. And you took that to be referencing Mo?

22 A. Yes.

23 Q. Based on that statement and the other
24 statements that he said about what he had done did you
2:53PM 25 have any concerns for your safety or the safety of Mo?

2:53PM 1 A. Absolutely.

2 Q. To be clear we've talked a lot about Mo's
3 wife. Was he also in the process of getting a divorce?

4 A. Yes.

2:53PM 5 Q. At the time that the two of you were
6 dating?

7 A. Yes.

8 Q. After that phone call with the defendant
9 where he had told you he had access to both your car
2:53PM 10 and the apartment did you take any steps after you got
11 off the phone call to I guess protect yourself?

12 A. Yes.

13 Q. What did you do?

14 A. I called On Star right away and changed

2:53PM 15 the pass code and told them to remove his name off my
16 account.

17 Q. And why did you do that?

18 A. Because I did not want him to track my car
19 again in the future and find us somewhere together and
2:53PM 20 start something.

21 Q. Did you do anything with or try to do
22 anything with regards to the fact that he had taken the
23 key and tried to access your apartment?

24 A. Yes.

2:54PM 25 Q. What did you do?

2:54PM 1 A. I called my apartment complex and told
2 them I needed my locks changed for safety concerns and
3 they said I had to be there in their office to sign a
4 form and pay for it before they do anything.

2:54PM 5 Q. So you were unable to change your locks
6 until some point --

7 A. Until I got home.

8 Q. You got back to Las Vegas?

9 A. Yes.

2:54PM 10 Q. I want to talk about your flight back to
11 Las Vegas. Do you recall what day it was that you came
12 back to Las Vegas from Indiana?

13 A. Monday, September 19th.

14 Q. And before your flight back did you have
2:54PM 15 any concerns based on your previous conversations with
16 Jeffrey Brown?

17 A. Yes.

18 Q. What were your concerns?

19 A. The morning of as I'm packing to leave I
2:54PM 20 mentioned to Mo that I have a really strange feeling
21 that he's going to meet us there at the airport and I
22 think I should text my son or call him and tell him
23 that I'm not arriving around five but that it's delayed
24 and we'll get there around midnight and kind of hint
2:55PM 25 that to your dad. And if you don't know how to do

2:55PM 1 that, just say mom's not coming home till -- she's not
2 picking up the cat, which my son was babysitting, till
3 the next day.

4 Q. The itinerary of your flight was to return
2:55PM 5 to Vegas around 5:00 p.m.; is that correct?

6 A. Yes.

7 Q. And that would be part of the itinerary
8 that you received in an email after purchasing those
9 tickets?

2:55PM 10 A. Correct.

11 Q. What time did your flight arrive back in
12 Las Vegas?

13 A. I don't know the exact time. I want to
14 say 5:19, 5:20 p.m.

2:55PM 15 Q. So around the time it was scheduled to
16 arrive?

17 A. Yes.

18 Q. When you landed did you have any concerns
19 again for your safety or the safety of Mo or Mekhi?

2:55PM 20 A. Yes. As soon as we landed we were still
21 taxiing to the gate I mentioned to Mo that I have this
22 weird feeling that he is going to be there and I think
23 we should go to airport security to get escorted to our
24 car.

2:56PM 25 Q. Did you and Mo get security to escort you?

2:56PM 1 A. Mo said why, I don't think we need it. I
2 think we'll be fine. There's a lot of people out.
3 Q. So you go to your car at that point?
4 A. Uh-huh.
2:56PM 5 Q. Do you have luggage with you that you have
6 to pack away?
7 A. Uh-huh.
8 Q. When you get to your car on the sixth
9 floor, are you doing anything to look out for Jeffrey
2:56PM 10 Brown?
11 A. Yes.
12 Q. What are you doing?
13 A. As the elevator door opens I look to Mo
14 and whisper so not to startle or scare his son, look,
2:56PM 15 keep an eye out for a red two-door Corvette convertible
16 because if he is going to meet us there, that's what
17 he'll be in.
18 Q. That's the car he typically drives?
19 A. That's his car, yes.
2:56PM 20 Q. As you get to your vehicle do you start to
21 pack it, pack up your luggage?
22 A. Walking fast, looking around over my
23 shoulders I turn on the car from my automatic starter
24 on the remote and as I get closer and unlock the back
2:57PM 25 door and as I approach the vehicle I, with my hand,

2:57PM 1 open the back trunk and start to load two suitcases
2 before I got to the third I noticed him pull up.

3 Q. When you say you noticed him pull up, who
4 is that?

2:57PM 5 A. Jeffrey Brown.

6 Q. What was he driving?

7 A. My son's car, 2007 Ford Escape.

8 Q. And is that an SUV?

9 A. Correct.

2:57PM 10 Q. What color is it?

11 A. Gray.

12 Q. And when Jeffrey Brown pulls up in that
13 car, is anyone else with him?

14 A. No.

2:57PM 15 Q. Does he say anything to you or to Mo?

16 A. Yes.

17 Q. What does he say?

18 A. So this is him? This is my replacement?
19 What do you see in him?

2:57PM 20 Q. And what happens after that?

21 A. I say Jeff, we're not going to do this
22 right now. In fact, Jeff, this is Mo. Mo, this is
23 Jeff. And instantly I get nervous and walk away so I
24 can hurry and pack the car, turn it on and get in so we
2:58PM 25 can quickly leave.

2:58PM 1 Q. As you're packing does something happen
2 that draws your attention away?

3 A. All I hear is Mo walking towards him
4 saying do you have a problem with me, man.

2:58PM 5 Q. And then what happens after that?

6 A. And as I start to go grab the third
7 suitcase which was far away from the vehicle, it was
8 actually next to Mo, I hear three shots.

9 Q. And did you actually see the shots or did
2:58PM 10 you just hear them?

11 A. I heard and out of the corner of my eye
12 see Mo drop to the floor.

13 Q. At that point what do you do?

14 A. I scream and I run to the right side of
2:58PM 15 the vehicle to get to the -- by the time I got to the
16 passenger front seat I hear cars -- the tires
17 screeching and stops and shoots and I fall, trip over a
18 step that was right there on the concrete.

19 Q. Do you see who shoots you?

2:59PM 20 A. No. But I know it's him. Because I said
21 Jeff, no, after the first shot, and all I kept thinking
22 was he's going to keep shooting until I die.

23 Q. At any point do you turn around and see
24 Jeffrey in the vehicle?

2:59PM 25 A. Speeding off down the ramp.

2:59PM 1 Q. At any point do you see the firearm,
2 Jeffrey pointing a firearm?
3 A. No.
4 Q. Where were you shot?
2:59PM 5 A. Lower left back.
6 Q. How many times were you shot?
7 A. Once.
8 Q. When you heard the shots being fired at
9 you, did you hear more than one or just one?
2:59PM 10 A. Two.
11 Q. And where is the bullet that you were shot
12 with?
13 A. Still in my back.
14 Q. And do you have any physical symptoms or
2:59PM 15 pain as a result --
16 A. Yes.
17 Q. -- of being shot?
18 Just describe briefly the pain that you
19 still feel.
3:00PM 20 A. Severe back pain and numbness in my left
21 thigh and knee.
22 Q. And it did not exist prior to your being
23 shot?
24 A. Correct.
3:00PM 25 MR. PORTZ: At this point I have no

3:00PM 1 further questions for this witness. Do any of the
2 members of the Grand Jury have any questions?
3 BY A JUROR:
4 Q. Where was -- was Mo's son with you when
3:00PM 5 you came home and where was he when this happened? Was
6 he injured?
7 A. No, but as soon as the three shots went
8 off towards Mo and when Mo drops to the ground, I hear
9 him screaming Mekhi, run. And he ran when the first
3:00PM 10 three shots went off.
11 Q. And how old is he?
12 A. Fifteen.
13 BY A JUROR:
14 Q. He had access to your On Star, he knew
3:01PM 15 your password and everything on On Star?
16 A. Correct.
17 BY A JUROR:
18 Q. When Mo was shot, was he facing Mr. Brown
19 or was he shot in the back?
3:01PM 20 A. He was shot in the back, but from what Mo
21 told me --
22 MR. PORTZ: I will direct the witness not
23 to discuss what other individuals stated.
24 BY A JUROR:
3:01PM 25 Q. Where was Mo shot? Was he shot all three

3:01PM 1 times or just only a couple of times?

2 A. He was shot once. It went in the right
3 hip and out the back left buttocks.

4 BY A JUROR:

3:01PM 5 Q. How many shots were fired, total shots?

6 A. I heard three when the first shots went
7 off.

8 THE FOREPERSON: By law these proceedings
9 are secret and you are prohibited from disclosing to
3:01PM 10 anyone anything that transpired before us including
11 evidence presented to the Grand Jury, any event
12 occurring or statement made in the presence of the
13 Grand Jury or any information obtained by the Grand
14 Jury.

3:01PM 15 Failure to comply with this admonition is
16 a gross misdemeanor punishable up to 364 days in the
17 Clark County Detention Center and a 2000-dollar fine.
18 In addition you may be held in contempt of court which
19 is punishable by an additional 500-dollar fine and 25
3:01PM 20 days in the Clark County Detention Center.

21 Do you understand this admonition?

22 THE WITNESS: Yes.

23 THE FOREPERSON: Thank you.

24 THE WITNESS: You're welcome.

3:02PM 25 A JUROR: With the Court's indulgence can

3:02PM 1 we look at the pictures of the suspect?

2 MR. PORTZ: Yes. I will pass that around.

3 This will be an exhibit that you'll have during your

4 deliberations as well.

3:02PM 5 A JUROR: Thank you.

6 MR. PORTZ: Our next witness is Monequie

7 Short.

8 THE FOREPERSON: Please raise your right

9 hand.

3:03PM 10 You do solemnly swear the testimony you

11 are about to give upon the investigation now pending

12 before this Grand Jury shall be the truth, the whole

13 truth, and nothing but the truth, so help you God?

14 THE WITNESS: Yes.

3:03PM 15 THE FOREPERSON: Please be seated. You

16 are advised that you are here today to give testimony

17 in the investigation pertaining to the offenses of

18 aggravated stalking, attempt murder with use of a

19 deadly weapon, battery with use of a deadly weapon

3:03PM 20 resulting in substantial bodily harm constituting

21 domestic violence, battery with use of a deadly weapon

22 resulting in substantial bodily harm, assault with a

23 deadly weapon, child abuse, neglect or endangerment

24 with use of a deadly weapon and discharge of a firearm

3:04PM 25 from or within a structure or vehicle involving Jeffrey

3:04PM 1 Brown.

2 Do you understand this advisement?

3 THE WITNESS: Yes.

4 THE FOREPERSON: Please state your first

3:04PM 5 and last name and spell both for the record.

6 THE WITNESS: Monequie Short.

7 M-O-N-E-Q-U-I-E. S-H-O-R-T.

8

9 **MONEQUIE SHORT,**

3:04PM 10 having been first duly sworn by the Foreperson of the

11 Grand Jury to testify to the truth, the whole truth,

12 and nothing but the truth, testified as follows:

13

14 **EXAMINATION**

3:04PM 15 BY MS. RHOADES:

16 Q. Sir, I am going to direct your attention
17 to July 2016. During that month did you start a dating
18 relationship with Farha Brown?

19 A. Yes.

3:04PM 20 Q. Did you guys live separately?

21 A. Yes.

22 Q. In September of 2016 was there a trip
23 planned to Indianapolis?

24 A. Yes.

3:04PM 25 Q. And you and Farha and your son Mekhi were

3:04PM 1 all going to go on that trip; is that right?

2 A. Correct.

3 Q. Do you recall what date you were going to

4 leave?

3:05PM 5 A. We were there five days so it was either

6 the 13th or the 14th.

7 Q. Was this for a funeral for your sister?

8 A. Yes.

9 Q. What day was the funeral?

3:05PM 10 A. The 19th was the day so the 16th.

11 Q. And then what day were you planning on

12 coming back?

13 A. The 19th.

14 Q. Would that have been Monday?

3:05PM 15 A. Yes.

16 Q. When you went to the airport, did Farha

17 drive you all in her car?

18 A. Correct.

19 Q. What kind of car does she have?

3:05PM 20 A. It's the Equinox SUV.

21 Q. I am going to show you Grand Jury Exhibit

22 Number 2. Is that her car depicted in that photo?

23 A. Yes.

24 Q. And does that also show where you guys

3:05PM 25 parked when you parked the day you left the airport?

3:05PM 1 A. Yes.

2 Q. Did you park in long term parking on the
3 sixth floor?

4 A. Correct.

3:05PM 5 Q. Is that the very top floor of that
6 structure?

7 A. Yes.

8 Q. Why did you guys park on the sixth floor?

9 A. Because we couldn't find anything below
3:06PM 10 and it was getting close so I just said let's go to the
11 top and knew there would be space.

12 Q. Prior to you guys going on this trip did
13 you know Farha's husband?

14 A. Like personally or just knew?

3:06PM 15 Q. Just know of him in general.

16 A. Yes.

17 Q. Did you know his name?

18 A. Yes.

19 Q. What was his name?

3:06PM 20 A. Jeff.

21 Q. Sometime before this trip did you learn
22 that Jeff had made some comment to the effect that you
23 don't know how dangerous Jeff is?

24 A. Yes.

3:06PM 25 Q. Did you learn that from Farha?

3:06PM 1 A. Yes.

2 Q. Do you recall about how long before this

3 trip that you learned of that comment?

4 A. It was within two, three weeks. Things

3:06PM 5 are so blurred, but it was between two to three weeks

6 before.

7 Q. Before the trip?

8 A. Yeah.

9 Q. Did you at some point before this trip

3:07PM 10 also email Farha some divorce proceeding documents that

11 you had in your possession?

12 A. Right.

13 Q. Did those documents contain your address?

14 A. Yes.

3:07PM 15 Q. The day that you came back, the 19th,

16 what time did you guys land?

17 A. I believe it was between 5:30 and six.

18 Q. Sometime in the evening hours of the

19 19th?

3:07PM 20 A. Yeah.

21 Q. While you were on your trip did you learn

22 that Jeff and Farha had a conversation?

23 A. Yes.

24 Q. Did you talk to Farha about this

3:07PM 25 conversation?

3:07PM 1 A. Yeah. When I went into the room she was
2 like upset and had tears in her eyes.

3 Q. Was it your understanding that it was
4 close in time to the time she had the conversation with
3:07PM 5 Jeff?

6 A. Right.

7 Q. What did she tell you that Jeff said?

8 A. That he had used -- got into her email,
9 saw her itinerary, got into her On Star and tracked the
3:08PM 10 car and that he told her that he saw my keys and he
11 also went to her -- he took my keys and went to her
12 apartment and opened the door -- he turned the knob is
13 what he said -- she said he said but he never went in
14 because he thought she had an alarm.

3:08PM 15 Q. Did those statements coupled with what you
16 had learned previously about Jeff Brown cause you any
17 concerns for yours and Farha's safety?

18 A. Yes.

19 Q. When you arrived at the airport on the
3:08PM 20 19th was Farha concerned that Jeffrey would be at the
21 airport?

22 A. Yes, she was.

23 Q. What did she tell you about her concerns?

24 A. She just said she had a bad feeling, she
3:09PM 25 knew him, that he might be there waiting, we should

3:09PM 1 call security to walk us over there.

2 Q. Did you guys call security?

3 A. No. Because it was my fault that we
4 didn't call security.

3:09PM 5 Q. Why didn't you call security?

6 A. You know, I was concerned but I just said
7 let's look and see if we see his car first.

8 Q. What kind of car were you on the lookout
9 for?

3:09PM 10 A. A red Corvette.

11 Q. When you got to the vehicle on the sixth
12 floor of that long term parking garage, the vehicle was
13 parked facing in, is that correct, so the trunk was
14 facing the street; is that correct?

3:09PM 15 A. Yes.

16 Q. What happened when you guys approached the
17 car?

18 A. Well, she went to -- she opened the hood
19 and that's when maybe six, seven stalls down this car
3:09PM 20 pulls out and she says oh, my God, that's him and he
21 comes towards us in the car.

22 Q. What kind of car was it?

23 A. It was a Ford Escape.

24 Q. Was there anyone else on the sixth floor
3:10PM 25 of the parking garage at this time?

3:10PM 1 A. Nope. No one.

2 Q. Was there anyone else in that Ford Escape

3 except for Jeff Brown?

4 A. It was just him.

3:10PM 5 Q. Just looking at this -- because I can't

6 get that to work -- so that's Farha's car parked in

7 front ways and she's at the trunk of the vehicle; is

8 that right?

9 A. Correct.

3:10PM 10 Q. Where on the vehicle were you?

11 A. I was about right here. My son and I were

12 about right here.

13 Q. On the passenger side?

14 A. Yeah.

3:10PM 15 Q. When he came out, was his vehicle facing I

16 guess on this picture to the right or to the left?

17 A. It was like coming straight towards us.

18 So we're like this and he's coming like that.

19 Q. So he's driving toward the right in this

3:10PM 20 photograph?

21 A. He parked like right there like right

22 where we were. He parked right there.

23 Q. Was he directly behind Farha's car?

24 A. Not directly. Probably about right here.

3:11PM 25 Q. So kind of to the left of the vehicle?

3:11PM 1 A. Right.

2 Q. The exit ramp, is that right around this

3 corner?

4 A. Correct.

3:11PM 5 Q. And he was facing in the direction of the

6 exit ramp; is that right?

7 A. Yes.

8 Q. When you saw him, what if anything did he

9 say to you?

3:11PM 10 A. He didn't say anything. He just started

11 immediately cursing at her is this the guy you replaced

12 me with and he just went on a rant.

13 Q. And what did she say to him?

14 A. I think she was kind of like, you know, in

3:11PM 15 shock. And only thing I remember her saying this is

16 Mo. Jeff, this is Mo, and I can't remember -- because

17 she was just yelling. I don't remember anything else

18 that was said.

19 Q. Did you stay at this passenger side with

3:11PM 20 Mekhi?

21 A. I stayed there for maybe a couple of

22 minutes and then I saw this was escalating and I got

23 worried. So that's when I kind of like tried to

24 interfere for her to get out the way and that's when I

3:12PM 25 just said to him if you want to say anything to me, you

3:12PM 1 can say something to me. And then he never said
2 anything to me. He just looked and then he turned and
3 reached in like the middle where the cup holder is and
4 I saw him reaching for the gun and that's when I
3:12PM 5 started backing away.

6 Q. About how many feet would you say he was
7 parked -- how many feet away from Farha was he when
8 they were exchanging words?

9 A. I would say maybe 5 feet.

3:12PM 10 Q. Did you get in the middle of him and
11 Farha?

12 A. I got -- she was like standing next to me
13 and I kind of like just get his attention off of her
14 and then I don't remember how she got behind me or
3:12PM 15 anything like that. I mean, that's all I remember.

16 Q. When you said do you want to say anything
17 to me, about how close were you to him?

18 A. Probably about 5 feet -- I was not like at
19 the window. But I mean, I was close where I could see
3:13PM 20 him reaching so you could say that.

21 Q. And he was still in the car?

22 A. He was still in the car.

23 Q. When he reached, did you see what he
24 reached for?

3:13PM 25 A. Yeah.

3:13PM 1 Q. What was it?

2 A. It was a revolver. Silver, black, yeah.

3 Q. What did you do when you saw that?

4 A. I was just backing away because I didn't

3:13PM 5 know if he was going to shoot or just try to scare me.

6 I just knew I just needed to get back so I just started

7 walking backwards.

8 Q. When you were walking backwards, you were

9 facing him still; is that right?

3:13PM 10 A. Correct.

11 Q. And were you on the driver's side door of

12 the car?

13 A. Yes.

14 Q. Or driver's side of the car.

3:13PM 15 A. Yes.

16 Q. So what happened as you were walking away?

17 A. I just -- he reached out the window and I

18 saw the barrel and I'm still, I'm like just walking

19 away like is he going to shoot or whatever. Then I

3:13PM 20 heard one gunshot and then he shot again and that's

21 when I just fell over.

22 Q. And was he in the car when he was firing

23 the shots?

24 A. Yes.

3:14PM 25 Q. Did one bullet hit you?

3:14PM 1 A. Yeah.

2 Q. Where on your body did it hit you?

3 A. On my hip.

4 Q. Did it exit?

3:14PM 5 A. It exited my left cheek.

6 Q. So it hit your right hip and exited your

7 left cheek?

8 A. Correct.

9 Q. After those two shots what do you remember

3:14PM 10 happening?

11 A. I fell down but I didn't know I was shot.

12 I fell down. Farha started screaming and then I saw

13 him just point the gun at her and my son and her

14 like -- my son ran behind the front of the car. He ran

3:14PM 15 like this and he fell right there and then he took off

16 running and I guess he hit her but she didn't really

17 know. So he shot the two shots at her, he hit her and

18 she came out on this side and she came around and he

19 just took off.

3:15PM 20 Q. Did you see him shoot the two shots at

21 Farha?

22 A. Yes.

23 Q. Was that from inside of his car?

24 A. That was inside the car. You know, I was

3:15PM 25 thinking about it. I kind of like think he may have

3:15PM 1 opened the door a little, but, you know, I can't be
2 100 percent sure. But I know he reached out and I kind
3 of think he did. Just when I was thinking about it.
4 Because I sort of remember the door like closing back.

3:15PM 5 Q. And he was within his vehicle --

6 A. Right. He never got his whole body out of
7 the car.

8 Q. Did you say anything to Mekhi?

9 A. I told Mekhi to run.

3:15PM 10 Q. Did you realize at some point that you
11 were shot?

12 A. First thing I did when I was on the ground
13 I was like did I get shot and -- because when I got hit
14 it felt like something hit me but it didn't feel like a

3:15PM 15 shot. I guess maybe I was just so in shock and then I
16 looked over my body because he fired twice and I didn't
17 know if he hit me. And I didn't see anything and I
18 looked at my hip and that's when I saw it. But, you
19 know, I wasn't like unconscious or I mean I just was

3:16PM 20 stunned. And then she was screaming and I'm telling
21 her -- because she was like you shot my boyfriend, you
22 shot my boyfriend. And that was right when he took
23 off.

24 And then I was just telling her to calm .

3:16PM 25 down, call 9-1-1. I said I'm okay. I was calling my

3:16PM 1 son but he was gone. He had went down to the other
2 floor. And then I -- because she was hysterical and
3 she couldn't call 9-1-1 right away. So I called and
4 then she eventually called. And then I think
3:16PM 5 everything was a blur. I saw a bicycle -- security on
6 a bicycle show up first.

7 Q. And the police came eventually; is that
8 right?

9 A. Yes.

3:16PM 10 Q. And did you at some point realize you had
11 been shot?

12 A. Once I looked. You know, once I looked at
13 my hip because I was checking myself because I knew I
14 fell down and I saw. But I didn't know there was a
3:17PM 15 exit wound until the ambulance got there and they told
16 me that there was an exit wound because I did not feel
17 it leave or anything. It just felt like I fell over.

18 Q. When you went to the hospital, were you in
19 pain from this?

3:17PM 20 A. Yeah.

21 Q. What kind of pain?

22 A. I was in pain before. When I was laying
23 on the floor, I'm like how long is this going to take
24 for the ambulance to get here. And I just was just

3:17PM 25 trying to stay calm.

3:17PM 1 Q. What kind of pain were you in?
2 A. Well, the first thing was like when he
3 shot me, my leg just went like numb. I couldn't feel
4 my leg. So that was pretty much a pain. And then I
3:17PM 5 felt like I was getting cold so that's when I was
6 getting worried. But other than that. And then when I
7 got -- when they moved me, I just felt pain in my lower
8 part. So it was painful when they moved me.
9 Q. After you were treated at the hospital did
3:17PM 10 you still feel pain from this incident?
11 A. Oh, yeah. I still. I mean, I haven't
12 been able to sleep more than two hours because my leg
13 is either numb or it's just like pain. It's like
14 stone. I mean, it's gotten better, but it's still --
3:18PM 15 like I get tired if I walk too long. Because I can
16 walk, but if I walk too much it just starts hurting.
17 Q. And you have a cane today; is that right?
18 A. Yes.
19 Q. Did you use a cane before this incident?
3:18PM 20 A. No.
21 Q. Do you have scars on your body from this?
22 A. The bullet at the entry and the exit.
23 Q. When did you see Mekhi run away?
24 A. When I fell on the ground I was looking up
3:18PM 25 and that's when I saw him shoot and Mekhi started

3:18PM 1 running when he started shooting.

2 Q. At Farha you mean?

3 A. Yeah. So he was by Farha. I couldn't see

4 him like until he came on the other side of the car

3:19PM 5 because I know he tripped on the other side of the car

6 and then he took off running.

7 Q. So you saw him take off running only after

8 you and Farha were shot at?

9 A. Right.

3:19PM 10 Q. And he was by Farha when this was

11 happening?

12 A. Right.

13 MS. RHOADES: I have no further questions

14 for this witness.

3:19PM 15 BY A JUROR:

16 Q. You said he shot you first?

17 A. Yeah.

18 Q. And then where did the second bullet go?

19 A. I don't know.

3:19PM 20 Q. And the third bullet shot your girlfriend?

21 A. He shot twice at me and when I fell, Farha

22 started screaming and yelling and that's when he turned

23 toward her and shot at her.

24 Q. The one bullet hit you and we don't know

3:19PM 25 where the other one went?

3:19PM 1 A. No.

2 BY A JUROR:

3 Q. Were you ever told what caliber weapon
4 shot you?

3:19PM 5 A. No. I knew. I saw it. So I mean, I knew
6 it was a revolver.

7 BY A JUROR:

8 Q. Is your son suffering any ill will effects
9 of this situation?

3:20PM 10 A. Well, my son is like really -- he's like
11 me, like keeps things in. So we're having him go to a
12 therapist. But he's been pretty strong. He's been
13 pretty strong about it. I mean, he originally thought
14 that I was dead and so that kind of bothered me. But
3:20PM 15 he's been okay.

16 BY A JUROR:

17 Q. Have you been able to return to your
18 normal activities?

19 A. No.

3:20PM 20 Q. Work?

21 A. I was supposed to go Monday, but
22 yesterday -- because I tested it on Sunday, I went out
23 for awhile, and when I got home it was just like
24 throbbing. I mean, just -- it's just like when your
3:20PM 25 leg falls asleep and you can't wake it up, it's like

3:20PM 1 that. And it's like tingling and it feels heavy. And
2 at first I couldn't move like my toes, big toe,
3 couldn't move it at all. That took like three days
4 before feeling came back into my toe.

3:21PM 5 BY A JUROR:

6 Q. How many days did you have to remain in
7 the hospital and did you have to have any type of
8 surgical procedure of anything?

9 A. Fortunately for me it went straight
3:21PM 10 through and it didn't hit any vital. So I was very
11 lucky. And since we were at Sunrise they want to get
12 you out of there so I was there for Monday, checked out
13 Wednesday night.

14 THE FOREPERSON: By law these proceedings
3:21PM 15 are secret and you are prohibited from disclosing to
16 anyone anything that transpired before us including
17 evidence presented to the Grand Jury, any event
18 occurring or statement made in the presence of the
19 Grand Jury or any information obtained by the Grand
3:21PM 20 Jury.

21 Failure to comply with this admonition is
22 a gross misdemeanor punishable up to 364 days in the
23 Clark County Detention Center and a 2000-dollar fine.
24 In addition you may be held in contempt of court which
3:21PM 25 is punishable by an additional 500-dollar fine and 25

3:21PM 1 days in the Clark County Detention Center.

2 Do you understand this admonition?

3 THE WITNESS: Yes.

4 THE FOREPERSON: Thank you. You're

3:22PM 5 excused.

6 THE WITNESS: Thank you.

7 MS. RHOADES: I am going to briefly call
8 Mekhi Short.

9 THE FOREPERSON: Please raise your right
3:22PM 10 hand.

11 You do solemnly swear the testimony you
12 are about to give upon the investigation now pending
13 before this Grand Jury shall be the truth, the whole
14 truth, and nothing but the truth, so help you God?

3:22PM 15 THE WITNESS: Yes.

16 THE FOREPERSON: Please be seated. You
17 are advised that you are here today to give testimony
18 in the investigation pertaining to the offenses of
19 aggravated stalking, attempt murder with use of a

3:23PM 20 deadly weapon, battery with use of a deadly weapon

21 resulting in substantial bodily harm constituting

22 domestic violence, battery with use of a deadly weapon

23 resulting in substantial bodily harm, assault with a

24 deadly weapon, child abuse, neglect or endangerment

3:23PM 25 with use of a deadly weapon and discharge of a firearm

3:23PM 1 from or within a structure or a vehicle involving a
2 Jeffrey Brown.

3 Do you understand this advisement?

4 THE WITNESS: Yeah.

3:23PM 5 THE FOREPERSON: Please state your first
6 and last name and spell both for the record.

7 THE WITNESS: Mekhi Short. M-E-K-H-I.
8 S-H-O-R-T.

9

3:23PM 10 **MEKHI SHORT,**
11 having been first duly sworn by the Foreperson of the
12 Grand Jury to testify to the truth, the whole truth,
13 and nothing but the truth, testified as follows:

14

3:23PM 15 **EXAMINATION**

16 BY MS. RHOADES:

17 Q. Hi Mekhi. How old are you?

18 A. Fifteen.

19 Q. Are you in tenth grade?

3:23PM 20 A. Yes.

21 Q. Is your dad Mo Short?

22 A. Yes.

23 Q. And is your dad's girlfriend Farha Brown?

24 A. Yes.

3:23PM 25 Q. In September of this year did you go on a

3:23PM 1 trip to Indianapolis with your dad and Farha?

2 A. Yes.

3 Q. On September 19th, 2016 did you guys come

4 back from that trip?

3:24PM 5 A. Yes.

6 Q. And did Farha drive to the airport?

7 A. To the airport?

8 Q. To the airport when you guys first drove

9 there and parked in order to go on this trip.

3:24PM 10 A. Yeah.

11 Q. Did she park on the sixth floor of the

12 long term parking garage?

13 A. Yeah.

14 Q. So did you walk back to that same car on

3:24PM 15 September 19th?

16 A. Yes.

17 Q. When you got there what happened?

18 A. We were walking to the car and I looked to

19 my left and I saw the car coming by and my dad started

3:24PM 20 talking to him and he told me to get in the car.

21 Q. Did you see how many people were in the

22 car that was driving by?

23 A. Just him.

24 Q. Just one person?

3:24PM 25 A. Yeah.

3:24PM 1 Q. What happened after your dad started
2 talking to that one person?

3 A. They just started talking and Farha just
4 said I knew he'd be here. And then they were still
3:24PM 5 talking and then I was about to open the door and then
6 I hear gunshots and then I turn around and I see my dad
7 fall to the floor. Then I look to my left and I see
8 Farha fall to the floor and I ran from the car and I
9 ran all the way to the enter ramp and down there.

3:25PM 10 Q. Did you run to the fifth floor of the
11 garage?

12 A. Yes.

13 Q. When Farha was shot, how close were you to
14 Farha when she was shot?

3:25PM 15 A. Maybe 7 feet.

16 Q. Were you on the passenger side of the car
17 when Farha was shot?

18 A. Yes.

19 Q. And when your dad was shot was he on the
3:25PM 20 driver's side of the car?

21 A. He was behind the car. Behind the trunk.

22 Q. On the driver's side or the passenger
23 side?

24 A. Directly behind the car.

3:25PM 25 Q. On the left or right side I guess?

3:25PM 1 A. Like directly behind the car.

2 Q. So let me get this picture for you. I'm

3 easily confused. So I am going to show you Grand Jury

4 Number 2. Where do you remember your dad being when he

3:26PM 5 was shot?

6 A. Like right here.

7 Q. And where were you when your dad was shot?

8 A. Like right here.

9 Q. So for the record you were on the

3:26PM 10 passenger side and your dad was exactly how you were

11 telling me in front of the car, right?

12 A. Yes.

13 Q. Before you ran did you see this man do

14 anything else?

3:26PM 15 A. I saw him point the gun at me.

16 Q. Was he in the car when he did that or out

17 of the car?

18 A. Out of the car.

19 Q. Did you see him get out of the car?

3:26PM 20 A. No.

21 Q. Did you see him shoot at your dad or

22 Farha?

23 A. No. I just saw my dad -- like the bullet

24 and I just saw the blood. That's all.

3:26PM 25 Q. Did you hear gunshots also?

3:26PM 1 A. Yes.

2 Q. When he pointed the gun at you, can you

3 tell us on this picture where you were at?

4 A. I was like probably running from like this

3:27PM 5 right here.

6 Q. Is the ramp to go down to the other floors

7 over here to the left?

8 A. I think so.

9 Q. About how far away was he if you remember

3:27PM 10 when he pointed the gun at you?

11 A. Twenty to 30 feet away.

12 Q. Do you remember if he said anything to

13 you?

14 A. No.

3:27PM 15 MS. RHOADES: I have no further questions

16 for this witness. Do any members of the Grand Jury

17 have any questions?

18 BY A JUROR:

19 Q. After you saw him shoot your dad but he

3:27PM 20 pointed the gun at you too?

21 A. No. I ran in front of the car. Then I

22 started running. Then I looked to my left and I saw

23 him point the gun at me.

24 Q. And what was running through your mind?

3:27PM 25 Did you say oh, no?

3:27PM 1 A. No. I just kept running.

2 Q. You saw him point the gun at you, though?

3 A. Yeah.

4 THE FOREPERSON: Your testimony before the

3:28PM 5 Grand Jury today is secret and you're not to discuss

6 any of your testimony outside this room. Do you

7 understand that admonition?

8 THE WITNESS: Yes.

9 THE FOREPERSON: Thank you. You're

3:28PM 10 excused.

11 THE WITNESS: Thank you.

12 MR. PORTZ: Ladies and gentlemen, that

13 concludes the presentment of witnesses. As we

14 mentioned you won't be deliberating on this matter

3:28PM 15 until next week. Thank you for your time.

16

17

18 (Proceedings concluded.)

19 --oo0oo--

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3:28PM

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25**REPORTER'S CERTIFICATE**

STATE OF NEVADA)
 : Ss
COUNTY OF CLARK)

3:28PM

I, Lisa Brenske, C.C.R. 186, do hereby
certify that I took down in Shorthand (Stenotype) all
of the proceedings had in the before-entitled matter at
the time and place indicated and thereafter said
shorthand notes were transcribed at and under my
direction and supervision and that the foregoing
transcript constitutes a full, true, and accurate
record of the proceedings had.

3:28PM

Dated at Las Vegas, Nevada,
October 16, 2016.

3:28PM

/S/LISA BRENSKE

Lisa Brenske, C.C.R. 186

3:28PM

3:28PM

1

AFFIRMATION

2

Pursuant to NRS 239B.030

3

4

The undersigned does hereby affirm that the
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER
16AGJ114X:

3:28PM

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8

X Does not contain the social security number of any
person,

9

3:28PM

10

-OR-

11

___ Contains the social security number of a person as
required by:

12

13

A. A specific state or federal law, to-
wit: NRS 656.250.

14

-OR-

3:28PM

15

B. For the administration of a public program
or for an application for a federal or
state grant.

16

17

18

/S/LISA BRENSKE

19

Signature

October 16, 2016

Date

3:28PM

20

21

Lisa Brenske

22

Print Name

23

Official Court Reporter

24

Title

25

ORIGINAL

1 IND

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11 Attorney for Plaintiff

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

OCT 19 2016

BY: 
ALAN PAUL CASTLE, SR, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-16-318858-1

11 -vs-

DEPT NO: XII

12 JEFFREY BROWN, aka,
13 Jeffery Kent Brown #3074249

14 Defendant.

INDICTMENT

15 STATE OF NEVADA }
16 COUNTY OF CLARK } ss.

17 The Defendant above named, JEFFREY BROWN, aka, Jeffery Kent Brown, accused
18 by the Clark County Grand Jury of the crime(s) of AGGRAVATED STALKING (Category B
19 Felony - NRS 200.575 - NOC 50333); ATTEMPT MURDER WITH USE OF A DEADLY
20 WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031);
21 BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL
22 BODILY HARM CONSTITUTING DOMESTIC VIOLENCE (Category B Felony - NRS
23 200.481; 200.485; 33.018 - NOC 57936); BATTERY WITH USE OF A DEADLY WEAPON
24 RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 -
25 NOC 50226); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471
26 - NOC 50201); CHILD ABUSE, NEGLECT, OR ENDANGERMENT WITH USE OF A
27 DEADLY WEAPON (Category B Felony - NRS 200.508, 193.165 - NOC 55228); and
28 DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE

C-16-318858-1
IND
Indictment
4692048



W:\2016\2016F\IND-002.docx RA 000076

5

1 (Category B Felony - NRS 202.287 - NOC 51445), committed at and within the County of
2 Clark, State of Nevada, on or between the 1st day of September 2016, and the 19th day of
3 September, 2016, as follows:

4 COUNT 1 - AGGRAVATED STALKING

5 did on or between September 1, 2016 and September 19, 2016, willfully, unlawfully,
6 feloniously, and intentionally engage in a course of conduct that would cause a reasonable
7 person to feel terrorized, frightened, intimidated, or harassed, to-wit: by locating the vehicle
8 of FARHA BROWN at the McCarran International Airport parking lot while she was out of
9 town and/or entering and/or searching the unoccupied vehicle of FARHA BROWN, and/or
10 retrieving from said vehicle keys belonging to MONEQUIE SHORT, and/or using said keys
11 to access the unoccupied apartment of the said FARHA BROWN and/or by calling and/or
12 texting FARHA BROWN and/or accessing the email account of FARHA BROWN, and that
13 course of conduct did, in fact, cause FARHA BROWN and/or MONEQUIE SHORT to feel
14 terrorized, frightened, intimidated or harassed, and in conjunction therewith Defendant did
15 threaten FARHA BROWN and/or MONEQUIE SHORT with the intent that FARHA
16 BROWN be placed in reasonable fear of death or substantial bodily harm.

17 COUNT 2 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

18 did on or about September 19, 2016, willfully, unlawfully, feloniously and with malice
19 aforethought attempt to kill FARHA BROWN, a human being, with use of a deadly weapon,
20 to-wit: a firearm, by shooting at or into the body of the said FARHA BROWN.

21 COUNT 3 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
22 SUBSTANTIAL BODILY HARM CONSTITUTING DOMESTIC VIOLENCE

23 did on or about September 19, 2016, willfully, unlawfully, and feloniously use force
24 or violence upon the person of FARHA BROWN, his spouse and a person with whom the
25 Defendant has a child in common, with use of a deadly weapon, to-wit: a firearm, by shooting
26 into the back and/or body of the said FARHA BROWN with said firearm, resulting in
27 substantial bodily harm to FARHA BROWN.

28 ///

did on or about September 19, 2016, willfully, unlawfully, feloniously and with malice aforethought attempt to kill MONEQUIE SHORT, a human being, with use of a deadly weapon, to-wit: a firearm, by shooting at or into the body of the said MONEQUIE SHORT with said firearm.

did on or about September 19, 2016, willfully, unlawfully, and feloniously use force or violence upon the person of another, to-wit: MONEQUIE SHORT, with use of a deadly weapon, to-wit: a firearm, by shooting into the back and/or body of the said MONEQUIE SHORT with said firearm, resulting in substantial bodily harm to MONEQUIE SHORT.

did on or about September 19, 2016, willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to-wit: M.S., with use of a deadly weapon, to-wit: a firearm, by displaying and/or pointing said firearm at the said M.S.

did on or about September 19, 2016, willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-wit: M.S., being approximately 15 year(s) of age, to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit: physical injury of a non accidental nature and/or negligent treatment or maltreatment, and/or cause M.S. to be placed in a situation where he might have suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to-wit: physical injury of a non accidental nature and/or negligent treatment or maltreatment, with use of a deadly weapon, to-wit: a firearm, by shooting at or into the body of FARHA BROWN and/or by shooting at or into the body of MONEQUIE SHORT, the father the said M.S., while the said M.S. was in close proximity to

1 FARHA BROWN and/or MONEQUIE SHORT, and/or by pointing a firearm at the person of
2 M.S.

3 COUNT 8 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR
4 VEHICLE

5 did on or about September 19, 2016, willfully, unlawfully, maliciously, and
6 feloniously, while in, on or under a vehicle, located at 5757 Wayne Newton Boulevard, Las
7 Vegas, Clark County, Nevada, discharge a firearm within or from the vehicle, while being
8 within an area designated by a City or County Ordinance as a populated area for the purpose
9 of prohibiting the discharge of weapons.


10 COUNT 9 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR
11 VEHICLE

12 did on or about September 19, 2016, willfully, unlawfully, maliciously, and
13 feloniously, while in, on or under a vehicle, located at 5757 Wayne Newton Boulevard, Las
14 Vegas, Clark County, Nevada, discharge a firearm within or from the vehicle, while being
15 within an area designated by a City or County Ordinance as a populated area for the purpose
16 of prohibiting the discharge of weapons.

17 DATED this 18th day of October, 2016.

18 STEVEN B. WOLFSON
19 Clark County District Attorney
Nevada Bar #001565

20
21 BY


22 K. NICHOLAS PORTZ
23 Deputy District Attorney
24 Nevada Bar #012473

25 ENDORSEMENT: A True Bill

26
27 
28 Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

BROWN, FARHA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

CONOVER, VERL, LVMPD #8388

M.S., c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

SHORT, MONEQUIE, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

Additional Witnesses known to the District Attorney at time of filing the Indictment:

BROWN, FAHEEB, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

CUSTODIAN OF RECORDS, CCDC

CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS, LVMPD RECORDS

EDGE, FARRAH, LVMPD #8645

FROSCH, THOMAS, LVMPD #8552

MALDONADO, JOCELYN, LVMPD #6920

TRZPIS, STEPHEN, LVMPD #8563

WILLIAMS, AMY, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

16AGJ114X/16F15698X/mc-GJ
LVMPD EV# 1609193279
(TK5)

ORIGINAL

1 **GPA**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **K. NICHOLAS PORTZ**
6 **Deputy District Attorney**
7 **Nevada Bar #012473**
8 **200 Lewis Avenue**
9 **Las Vegas, NV 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JAN 17 2018

BY, 
SUSAN BOTZENHART, DEPUTY

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-vs-**

12 **JEFFREY BROWN,**
13 **aka Jeffery Kent Brown, #3074249**
14 **Defendant.**

CASE NO: C-16-318858-1

DEPT NO: XII

15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: **COUNT 1 - ATTEMPT MURDER WITH USE OF**
17 **A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 -**
18 **NOC 50031) and COUNT 2 - ASSAULT WITH A DEADLY WEAPON (Category B**
19 **Felony - NRS 200.471 - NOC 50201), as more fully alleged in the charging document attached**
20 **hereto as Exhibit "1".**

21 My decision to plead guilty is based upon the plea agreement in this case which is as
22 follows:

23 The State will retain the full right to argue including for consecutive treatment between
24 counts.

25 I agree to the forfeiture of any and all weapons or any interest in any weapons seized
26 and/or impounded in connection with the instant case and/or any other case negotiated in
27 whole or in part in conjunction with this plea agreement.

28 //

C-16-318858-1
GPA
Guilty Plea Agreement
4713476



9

1 I understand and agree that, if I fail to interview with the Department of Parole and
2 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
3 by affidavit review, confirms probable cause against me for new criminal charges including
4 reckless driving or DUI, but excluding minor traffic violations, the State will have the
5 unqualified right to argue for any legal sentence and term of confinement allowable for the
6 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
7 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
8 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
9 twenty-five (25) year term with the possibility of parole after ten (10) years.

10 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
11 plea agreement.

12 CONSEQUENCES OF THE PLEA

13 I understand that by pleading guilty I admit the facts which support all the elements of
14 the offense(s) to which I now plead as set forth in Exhibit "1".

15 I understand that as a consequence of my plea of guilty as to COUNT 1, the Court must
16 sentence me to imprisonment in the Nevada Department of Corrections (NDC) for a minimum
17 term of not less than two (2) years and a maximum term of not more than twenty (20) years
18 plus a consecutive term of not less than one (1) year and a maximum term of not more than
19 twenty (20) years for the deadly weapon enhancement. The minimum term of imprisonment
20 may not exceed forty percent (40%) of the maximum term of imprisonment.

21 As to COUNT 2, the Court must sentence me to imprisonment in the Nevada
22 Department of Corrections for a minimum term of not less than one (1) year and a maximum
23 term of not more than six (6) years. The minimum term of imprisonment may not exceed forty
24 percent (40%) of the maximum term of imprisonment. I understand that I may also be fined
25 up to \$5,000.00.

26 I understand that the law requires me to pay an Administrative Assessment Fee.

27 I understand that, if appropriate, I will be ordered to make restitution to the victim of
28 the offense(s) to which I am pleading guilty and to the victim of any related offense which is

1 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
2 reimburse the State of Nevada for any expenses related to my extradition, if any.

3 As to COUNT 1, I understand that I am eligible for probation for the offense to which
4 I am pleading guilty. I understand that, except as otherwise provided by statute, the question
5 of whether I receive probation is in the discretion of the sentencing judge.

6 As to COUNT 2, I understand that I am eligible for probation for the offense to which
7 I am pleading guilty. I understand that, except as otherwise provided by statute, the question
8 of whether I receive probation is in the discretion of the sentencing judge.

9 I understand that I must submit to blood and/or saliva tests under the Direction of the
10 Division of Parole and Probation to determine genetic markers and/or secretor status.

11 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
12 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or
13 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
14 and may receive a higher sentencing range.

15 I understand that if more than one sentence of imprisonment is imposed and I am
16 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
17 the sentences served concurrently or consecutively.

18 I understand that information regarding charges not filed, dismissed charges, or charges
19 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

20 I have not been promised or guaranteed any particular sentence by anyone. I know that
21 my sentence is to be determined by the Court within the limits prescribed by statute.

22 I understand that if my attorney or the State of Nevada or both recommend any specific
23 punishment to the Court, the Court is not obligated to accept the recommendation.

24 I understand that if the offense(s) to which I am pleading guilty was committed while I
25 was incarcerated on another charge or while I was on probation or parole that I am not eligible
26 for credit for time served toward the instant offense(s).

27 I understand that if I am not a United States citizen, any criminal conviction will likely
28 result in serious negative immigration consequences including but not limited to:

1. The removal from the United States through deportation;
2. An inability to reenter the United States;
3. The inability to gain United States citizenship or legal residency;
4. An inability to renew and/or retain any legal residency status; and/or
5. An indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status.

Regardless of what I have been told by any attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or a legal resident.

I understand that the Division of Parole and Probation will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, the District Attorney may also comment on this report.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I am waiving and forever giving up the following rights and privileges:

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.

1 6. The right to appeal the conviction with the assistance of an attorney,
2 either appointed or retained, unless specifically reserved in writing and
3 agreed upon as provided in NRS 174.035(3). I understand this means I
4 am unconditionally waiving my right to a direct appeal of this conviction,
5 including any challenge based upon reasonable constitutional,
6 jurisdictional or other grounds that challenge the legality of the
7 proceedings as stated in NRS 177.015(4). However, I remain free to
8 challenge my conviction through other post-conviction remedies
9 including a habeas corpus petition pursuant to NRS Chapter 34.

10 VOLUNTARINESS OF PLEA

11 I have discussed the elements of all of the original charge(s) against me with my
12 attorney and I understand the nature of the charge(s) against me.

13 I understand that the State would have to prove each element of the charge(s) against
14 me at trial.

15 I have discussed with my attorney any possible defenses, defense strategies and
16 circumstances which might be in my favor.

17 All of the foregoing elements, consequences, rights, and waiver of rights have been
18 thoroughly explained to me by my attorney.

19 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
20 that a trial would be contrary to my best interest.

21 I am signing this agreement voluntarily, after consultation with my attorney, and I am
22 not acting under duress or coercion or by virtue of any promises of leniency, except for those
23 set forth in this agreement.

24 I am not now under the influence of any intoxicating liquor, a controlled substance or
25 other drug which would in any manner impair my ability to comprehend or understand this
26 agreement or the proceedings surrounding my entry of this plea.

27 //

28 //

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1 My attorney has answered all my questions regarding this guilty plea agreement and its
2 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

3 DATED this 17th day of January, 2018.

4
5 
6 JEFFREY BROWN,
7 aka Jeffery Kent Brown
8 Defendant

9 AGREED TO BY:

10 
11 K. NICHOLAS PORTZ
12 Deputy District Attorney
13 Nevada Bar #012473
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1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status; and/or
16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.

18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
25 5. To the best of my knowledge and belief, the Defendant:
26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

29 Dated: This 17 day of January, 2018.

30 
31 ATTORNEY FOR DEFENDANT

32 rj/L-3

1 **AIND**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **K. NICHOLAS PORTZ**
6 **Deputy District Attorney**
7 **Nevada Bar #012473**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

CASE NO: C-16-318858-1

11 **-vs-**

DEPT NO: XII

12 **JEFFREY BROWN,**
13 **aka Jeffery Kent Brown, #3074249**

14 **Defendant.**

THIRD
AMENDED
INDICTMENT

15 **STATE OF NEVADA** }
16 **COUNTY OF CLARK** } ss.

17 **The Defendant above named, JEFFREY BROWN, aka, Jeffery Kent Brown, accused**
18 **by the Clark County Grand Jury of the crime(s) of ATTEMPT MURDER WITH USE OF**
19 **A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 -**
20 **NOC 50031) and ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS**
21 **200.471 - NOC 50201), committed at and within the County of Clark, State of Nevada, on or**
22 **about the 19th day of September, 2016, as follows:**

23 **COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON**

24 **did willfully, unlawfully, feloniously and with malice aforethought attempt to kill**
25 **FARHA BROWN and/or MONEQUIE SHORT, a human being, with use of a deadly weapon,**
26 **to-wit: a firearm, by shooting at or into the body of the said FARHA BROWN and/or**
27 **MONEQUIE SHORT.**

28 **//**

EXHIBIT "1"


1 COUNT 2 - ASSAULT WITH A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and intentionally place another person in
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
4 attempt to use physical force against another person, to-wit: M.S., with use of a deadly weapon,
5 to-wit: a firearm, by displaying and/or pointing said firearm at the said M.S.

6 DATED this 17th day of January, 2018.

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY


11 K. NICHOLAS PORTZ
12 Deputy District Attorney
13 Nevada Bar #012473
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27 16AGJ114X/16F15698X/rj
28 LVMPD EV# 1609193279
(TK5)

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JAN 17 2018

BY, 
SUSAN BOTZENHART, DEPUTY

1 AIND
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 K. NICHOLAS PORTZ
6 Deputy District Attorney
7 Nevada Bar #012473
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 JEFFREY BROWN,
16 aka Jeffery Kent Brown, #3074249

17 Defendant.

CASE NO: C-16-318858-1

DEPT NO: XII

THIRD
AMENDED
INDICTMENT

18 STATE OF NEVADA }
19 COUNTY OF CLARK } ss.

20 The Defendant above named, JEFFREY BROWN, aka, Jeffery Kent Brown, accused
21 by the Clark County Grand Jury of the crime(s) of **ATTEMPT MURDER WITH USE OF**
22 **A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 -**
23 **NOC 50031) and ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS**
24 **200.471 - NOC 50201), committed at and within the County of Clark, State of Nevada, on or**
25 **about the 19th day of September, 2016, as follows:**

26 COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

27 did willfully, unlawfully, feloniously and with malice aforethought attempt to kill
28 FARHA BROWN and/or MONEQUIE SHORT, a human being, with use of a deadly weapon,
to-wit: a firearm, by shooting at or into the body of the said FARHA BROWN and/or
MONEQUIE SHORT.

//

C-16-318858-1
AIND
Amended Indictment
4713477



RA 000090


1 COUNT 2 - ASSAULT WITH A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and intentionally place another person in
3 reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully
4 attempt to use physical force against another person, to-wit: M.S., with use of a deadly weapon,
5 to-wit: a firearm, by displaying and/or pointing said firearm at the said M.S.

6 DATED this 17th day of January, 2018.

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

10 BY


11 K. NICHOLAS PORTZ
12 Deputy District Attorney
13 Nevada Bar #012473
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27 16AGJ114X/16F15698X/rj
28 LVMPD EV# 1609193279
(TK5)

A-19-793350-W Jeffrey Brown, Plaintiff(s)
vs.
Isidro Baca, Warden, Defendant(s)

June 18, 2019 08:30 AM All Pending Motions

HEARD BY: Leavitt, Michelle COURTROOM: RJC Courtroom 14D

COURT CLERK: Pannullo, Haly

RECORDER: Santi, Kristine

REPORTER:

PARTIES PRESENT:

Ann Marie Dunn

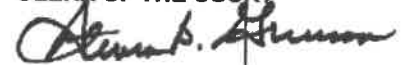
Attorney for Defendant

JOURNAL ENTRIES

PETITION FOR WRIT OF HABEAS CORPUS ... MOTION TO REVISIT PETITIONER'S
MOTION FOR TRANSCRIPTS AT STATE'S EXPENSE BY CONSIDERATION OF THE
SUPPLEMENTAL

Upon review of the Petition, COURT ORDERED, Post Conviction Counsel APPOINTED;
matter SET for Status Check regarding appointment of counsel; pending matters
CONTINUED.

08/08/19 8:30 AM STATUS CHECK: CONFIRMATION OF COUNSEL



SUPP

JEANNIE N. HUA, ESQ.
Law Office of Jeannie N. Hua, Inc.
Nevada Bar # 5672
5550 Painted Mirage Road, Suite 320
Las Vegas, Nevada 89149
(702) 239-5715
(702) 901-6032 (f)
jeanniehua@aol.com
Attorney for Petitioner
Jeffrey Brown

DISTRICT COURT
CLARK COUNTY, NEVADA

Jeffrey Brown,

Petitioner,

vs.

Isidro Baca, Warden, NNCC,

Respondent.

Case No.: **A-19-793350-W**

Dept. No.: XII

SUPPLEMENT TO POST CONVICTION WRIT OF HABEAS CORPUS

LEGAL AUTHORITIES

The United States Supreme Court in Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984) set forth the standard for determining the merits of a claim of ineffective assistance of counsel. In Strickland, *supra*, the Court stated in relevant portion:

A convicted defendant's claim that counsel's assistance was so defective as to require reversal of a conviction or death sentence, has two components. First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the counsel guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense. This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable. Unless a defendant makes both showings, it cannot be said that the conviction or death sentence resulted from a breakdown in the adversary process that renders the result unreliable.

1
2 Id. 466 U.S. at 687, 194 S.Ct. at 2064.
3

4 The Sixth Amendment guarantees that a person accused of a crime receive effective
5 assistance of counsel for his defense. The right extends from the time the accused is charged up
6 to and through his direct appeal and includes effective assistance for any arguable legal points.
7 Anders v. California, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). The United State
8 Supreme Court has consistently recognized that the right to counsel is necessary to protect the
9 fundamental right to a fair trial, guaranteed under the Fourteenth Amendment's Due Process
10 Clause. Powell v. Alabama, 287 U.S. 45, 53 S.Ct.55, 77 L.Ed. 158 (1932); Gideon v.
11 Wainwright, 372 U.S. 335, 83 S.Ct. 792, 9 L.Ed.2d 799 (1963). Mere presence of counsel does
12 not fulfill the constitutional requirement: The right to counsel is the right to effective counsel,
13 that is, "an attorney who plays the role necessary to ensure that the trial is fair." Strickland v.
14 Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 657 (1984); McMann v. Richardson, 439
15 U.S. 759, 771, 90 S.Ct. 1441, 25 L.Ed.2d. 763 (1970).
16

17 ARGUMENT

19 **I. Trial Counsel violated Petitioner's Sixth Amendment Right to Counsel,** 20 **Fourteenth Amendment Right to Due Process under the United State's Constitution and** 21 **Article One, Section Eight of the Nevada State Constitution by failing to investigate his case** 22 **prior to entering negotiations** 23

24 Pre-trial investigation is a critical area in any criminal case and failure to accomplish
25 same has been held to constitute ineffective assistance of counsel. The Nevada Supreme Court in
26 Jackson v. Warden, 91 Nev. 430, 537 P.2d 473 (1975) stated, "It is still recognized that a
27 primary requirement is that counsel...conduct careful factual and legal investigations and
28 inquiries with a view toward developing matters of defense in order that he make informed

1 decisions on his client's behalf both at the pleading stage...and at trial.” Jackson 91 Nev. at 433,
2 537 P.2d at 474. The Federal Courts are in accord that pre-trial investigation and preparation for
3 trial are keys to effective representation of counsel. U.S. v. Tucker, 716 F.2d 576 (1983).
4

5 In U.S. v. Baynes, 687 F.2d 659 (1982) the Court, in language applicable to this case,
6 stated, "Defense counsel, whether appointed or retained is obligated to inquire thoroughly into all
7 potential exculpatory defenses and evidence, mere possibility that investigation might have
8 produced nothing of consequences for the defense could not serve as justification for trial
9 defense counsel's failure to perform such investigations in the first place."
10

11 In Warner v. State, 102 Nev. 635, 729 P.2d 1359 (1986) the Nevada Supreme Court
12 found that trial counsel was ineffective where counsel failed to conduct adequate pre-trial
13 investigation, failed to use an investigator, and failed to properly prepare for trial. See also,
14 Sanborn v. State, 107 Nev. 399, 812 P.2d 1279 (1991).
15

16 A. Trial counsel was ineffective because he failed to pursue Petitioner’s explanation
17 of self defense.
18

19 Petitioner had told trial counsel that he was forced to defend himself because the victim
20 was behaving aggressively. Trial Counsel failed to follow up on Petitioner’s need for self
21 defense by hiring a ballistics experts to study the trajectory of the bullets and positions of
22 Petitioner and victims at the time of the shooting. Trial counsel also failed to hire an investigator
23 to see if there were any witnesses present during the shooting to corroborate Petitioner’s account
24 of what had happened. A self defense claim would have cancelled out the specific intent element
25 for Attempt Murder with Use of a Deadly Weapon that Petitioner was charged with or at least
26 justified Petitioner’s actions. Pursuant to authorities cited above, trial counsel was ineffective in
27 not hiring a ballistics expert and an investigator and Petitioner was prejudiced by the failure
28 because he could not pursue his claim of self defense.

1
2 B. Trial counsel was ineffective for failing to interview the victims, the security
3 guards at the time of the incident and to investigate if there were any corroborating witnesses to
4 Petitioner's claim of self-defense
5

6 This Court has held that testimony corroborating one party and discredits the other is
7 material and essential where the jury's determination of guilt or innocence depends upon their
8 assessment of the credibility of the defendant. Banks v State, 101 Nev. 771, 710 P.2d 723 (1988).
9 In United States v. Tucker, 716 F.2d 576 (9th Cir. 1983) the Court found that a failure to identify
10 and interview witnesses to corroborate the defendant's testimony was below the objective
11 standard of reasonableness. The Court noted that "Counsel has been found to be ineffective
12 where he neither conducted a reasonable investigation nor made a showing of strategic reasons
13 for failing to do so." Hendricks v. Vasquez, 974 F.2d 1099, 1109 (9th Cir. 1992). In Hendricks,
14 the Court vacated a judgment of the district court where it was not possible to determine if
15 counsel's decision was a strategic one, and, if so, whether the decision was a sufficiently
16 informed one. Pursuant to Hendricks, Petitioner was clearly prejudiced by the obvious lack of
17 investigation into Petitioner's case prior to being advised to enter into negotiations.
18

19 **II. Petitioner's trial counsel violated Petitioner's Sixth Amendment right to counsel**
20 **and Fourteenth Amendment right to Due Process under the United State's Constitution**
21 **and Section One, Article Eight of the Nevada State Constitution by failing to tell Petitioner**
22 **his right to testify at grand jury proceeding and preventing Petitioner from offering the**
23 **exculpatory evidence of self defense to grand jury.**
24

25 Pursuant to NRS 172.241(1),
26

27 A person whose indictment the district attorney intends to seek or the
28 grand jury on its own motion intends to return, but who has not been subpoenaed
to appear before the grand jury, may testify before the grand jury if the person

1 requests to do so and executes a valid waiver in writing of the person's
2 constitutional privilege against self-incrimination.

3
4 Trial counsel failed to tell Petitioner regarding the grand jury proceeding and his
5 opportunity to testify. Had Petitioner known of his opportunity to present exculpatory evidence
6 by testifying how he was forced to defend himself, Petitioner would have taken the opportunity
7 to testify. Pursuant to the authorities cited above, Petitioner was prejudiced by trial counsel's
8 failure to inform him of his right to testify and thus was deprived of his opportunity to present
9 exculpatory evidence.

10
11 **III. Petitioner's trial counsel violated Petitioner's Sixth Amendment right to counsel**
12 **and Fourteenth Amendment right to Due Process under the United State's Constitution**
13 **and Section One, Article Eight of the Nevada State Constitution by failing to prepare and**
14 **file a Sentencing Memorandum to counter the State's Sentencing Memoradum.**

15
16 In Drake v. State, 108 Nev. 523, 836 P.2d 52 (1992) the Court remanded the case for an
17 evidentiary over the State's objection where counsel had not adequately opposed a Motion in
18 Limine filed by State. The purpose of such a hearing was to determine if counsel had sufficient
19 cause for the noted failure. Drake, 108 Nev. at 527-28. Similar to Drake, trial counsel failed to
20 file sentencing memorandum to address prejudicial information in the State's sentencing
21 memorandum. As a result, Petitioner was sentenced to the maximum sentence. Thus, pursuant to
22 authorities cited above, trial counsel's failure to counter State's motion prejudiced Petitioner.

23 CONCLUSION

24
25 It has long been the holding of this Court that, if a petition for post-conviction relief
26 contains allegations of facts outside the record, which, if true, would entitle the petitioner to
27 relief, an evidentiary hearing is required. Bolden v. State, 99 Nev. 181, 659 P.2d 886 (1983);
28

1 Doggett v. State, 91 Nev. 768, 542 P.2d 1066 (1975). Petitioner's case satisfies both
2 requirements, it contains facts outside the record, and if true, any number of the allegations
3 would entitle Petitioner to relief.
4

5 Oft times in denying requests for post conviction evidentiary hearings the trial court
6 merely bases its decision on the perceived strength of the State's case at trial without considering
7 the allegations of the Petition. Allegations concerning failure to oppose a State's motion have
8 been found sufficient to mandate an evidentiary hearing. For instance in Drake v. State, 108 Nev.
9 523, 836 P.2d 52 (1992) the Court remanded the case for an evidentiary over the State's
10 objection where counsel had not adequately opposed a Motion in Limine filed by State. The
11 purpose of such a hearing was to determine if counsel had sufficient cause for the noted failure.
12 Drake, 108 Nev. at 527-28.
13

14 Based on the authorities and arguments contained herein it is respectfully requested that
15 the Court set this matter for an evidentiary hearing on the allegations set for by Petitioner that
16 establish that he was denied effective assistance of counsel under the Sixth Amendment and due
17 process under the Fourteenth Amendment of the United State's Constitution and Article One,
18 Section Eight of the Nevada State Constitution.
19

20 Dated this 7th day of October, 2019.
21

22 RESPECTFULLY SUBMITTED:
23 /s/ Jeannie Hua
24 Jeannie N. Hua, Esq.
25 NEVADA BAR NO. 5672
26 5550 Painted Mirage Road, #320
27 Las Vegas, Nevada 89149
28 702-239-5715
 ATTORNEY FOR Petitioner

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3 **TRANSMISSION BY FACSIMILE**

4 The undersigned does hereby certify that on October 7, 2019, a copy of Supplement to
5 Petitioner's Post Conviction Writ of Habeas Corpus was sent via facsimile to the following:
6 District Attorney's Office (702) 382-5815

7 Dated: October 7, 2019

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9 /s/ Jeannie Hua
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