

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

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**LARRY BROWN**

Appellant,

vs.

**THE STATE OF NEVADA**

Respondent.

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**Docket No. 81962**

---

Direct Appeal From A Judgment of Conviction  
Eighth Judicial District Court  
The Honorable Valerie Adair, District Judge  
District Court No. C-17-326247-1

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**APPELLANT'S APPENDIX VOLUME 1 OF 18**

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Deputy Special Public Defender  
JoNell Thomas  
State Bar #4771  
Special Public Defender  
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Las Vegas, NV 89155  
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1 EIGHTH JUDICIAL DISTRICT COURT  
 2 CLARK COUNTY, NEVADA  
 3  
 4 BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID  
 5 DISTRICT COURT  
 6  
 7 THE STATE OF NEVADA, )  
 8 Plaintiff, )  
 9 vs. ) GJ Case No. 17AGJ060A-B  
 10 LARRY DECORLEON BROWN, ) DC Case No. C326247  
 11 ANTHONY CARTER, )  
 12 Defendants. )

13 Taken at Las Vegas, Nevada

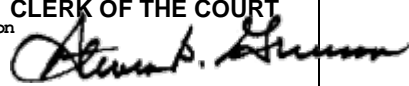
14 Tuesday, August 29, 2017

15 8:25 a.m.

16  
 17  
 18  
 19 REPORTER'S TRANSCRIPT OF PROCEEDINGS

20  
 21 VOLUME 1

22  
 23  
 24  
 25 Reported by: Donna J. McCord, C.C.R. No. 337

1 GRAND JURORS PRESENT ON AUGUST 9/9/2017 3:28 PM  
 2  
 3 Morgan Devlin, Foreperson, Steven D. Grierson  
 4 Sandra Moore, Deputy Foreperson, CLERK OF THE COURT  
 5 Raelynn Castaneda, Secretary   
 6 Janis Rogers, Assistant Secretary  
 7 Mary Anderson  
 8 Dominique Cardenas  
 9 Ivan Caylor  
 10 Jerry Divincenzo  
 11 Lisa Eggert  
 12 Michelle Fendelander  
 13 Bobbi Florian  
 14 Sarah Hernandez-Rodelo  
 15 Gregory Korniloff  
 16 Amy Knudson  
 17 Patricia Prather  
 18 Gustavo Zavala

19 Also present at the request of the Grand Jury:

20  
 21 John Giordani  
 22 Chief Deputy District Attorney  
 23  
 24  
 25

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1 LAS VEGAS, NEVADA, AUGUST 29, 2017  
 2 \* \* \* \* \*  
 3  
 4 DONNA J. McCORD,  
 5 **having been first duly sworn to faithfully**  
 6 **and accurately transcribe the following**  
 7 **proceedings to the best of her ability.**  
 8  
 9 THE FOREPERSON: Let the record reflect  
 10 that I have canvassed the waiting area and no one has  
 11 appeared in response to Notice of Intent to Seek  
 12 Indictment.  
 13 MR. GIORDANI: All right. Good morning,  
 14 ladies and gentlemen. I'm Chief Deputy District  
 15 Attorney John Giordani here on behalf of the State of  
 16 Nevada, Clark County District Attorney's office,  
 17 prosecuting the case of State of Nevada versus Larry  
 18 Decorleon Brown and Anthony Carter, Grand Jury case  
 19 number 17AGJ060A through B.  
 20 Today's presentation is going to be a  
 21 portion of the evidence. I'm going to ask you to take  
 22 some notes because I'm going to be coming back to you in  
 23 the not too distant future hopefully.  
 24 The charges in this case are of course  
 25 listed in the Indictment. I have not yet provided

1 instructions on the law but I will do that at that later  
 2 date as necessary.  
 3 I will call my first witness at this time.  
 4 THE FOREPERSON: Please raise your right  
 5 hand.  
 6 You do solemnly swear that the testimony  
 7 you're about to give upon the investigation now pending  
 8 before this Grand Jury shall be the truth, the whole  
 9 truth, and nothing but the truth, so help you God?  
 10 THE WITNESS: I swear.  
 11 THE FOREPERSON: Please be seated.  
 12 You are advised that you're here today to  
 13 give testimony in the investigation pertaining to the  
 14 offenses of conspiracy to commit robbery, robbery with  
 15 use of a deadly weapon, murder with use of a deadly  
 16 weapon, ownership or possession of a firearm by  
 17 prohibited person and possession of controlled substance  
 18 with intent to sell involving Larry Brown and Anthony  
 19 Carter.  
 20 Do you understand this advisement?  
 21 THE WITNESS: Yes, ma'am.  
 22 THE FOREPERSON: Please state your first  
 23 and last name and spell both for the record.  
 24 THE WITNESS: Joseph Trawicki, J-O-S-E-P-H  
 25 T-R-A-W-I-C-K-I.

1 JOHN TRAWICKI,  
 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:  
 5  
 6 EXAMINATION  
 7 BY MR. GIORDANI:  
 8 Q Sir, what do you do for a living?  
 9 A I'm one of the records custodians for  
 10 Sprint.  
 11 Q As a records custodian for Sprint, are you  
 12 responsible for maintaining and providing cell phone  
 13 records, cell phone history to law enforcement agencies  
 14 in response to subpoenas or court orders?  
 15 A Yes, sir.  
 16 Q Can you tell me in the instant case if you  
 17 provided cell phone records for a phone number  
 18 (404)808-2233?  
 19 A Yes, sir.  
 20 Q Outside in the hall just now I provided you  
 21 with a disk and asked you to review it on a laptop, and  
 22 that's Grand Jury Exhibit Number 4. Do you recognize  
 23 this disk?  
 24 A Yes, sir.  
 25 Q Is this the same disk that you just

1 reviewed in the hall?  
 2 A Yes, it is.  
 3 Q And does that disk contain the records  
 4 related to that number I just listed?  
 5 A Yes, it does.  
 6 Q And are those a fair and accurate depiction  
 7 of all the records you provided to the Las Vegas  
 8 Metropolitan Police Department in response to a  
 9 subpoena?  
 10 A It would have been a warrant or an order.  
 11 Q A warrant or an order?  
 12 A Yes, sir.  
 13 Q Thank you. And just briefly if you could  
 14 describe what types of records are contained on that  
 15 disk.  
 16 A On that disk there is subscriber  
 17 information which is to whom a phone is registered,  
 18 where we send the bill basically, call detail records  
 19 which are a listing of incoming and outgoing calls and  
 20 text messages to a specific number including cell tower  
 21 information, the towers that were used at the beginning  
 22 of the call and at the end of the call. There was also  
 23 some data records or data usage.  
 24 Q So essentially from those records we can  
 25 see who that number called and received calls from?

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1 A Correct.

2 Q We can see when text messages were sent or

3 received?

4 A Yes, sir.

5 Q And in addition we can see the cell towers

6 that that cell phone was next to when those calls and/or

7 texts were made or received?

8 A The towers that were actually utilized, not

9 necessarily the closest tower.

10 Q Okay. And just describe that briefly.

11 A Your phone is always looking for the

12 strongest available signal and that is a determination

13 made by your phone and not by the network. All things

14 being equal, it will be the closest tower; however,

15 things such as terrain, urban density and the volume and

16 network traffic can all dictate where the strongest

17 signal comes from.

18 Q Thank you very much, sir.

19 I have no further questions for this

20 witness. Any questions? Seeing no hands.

21 THE FOREPERSON: By law these proceedings

22 are secret and you are prohibited from disclosing to

23 anyone anything that transpired before us including any

24 evidence presented to the Grand Jury, any event

25 occurring or a statement made in the presence of the

1 Grand Jury or any information obtained by the Grand

2 Jury.

3 Failure to comply with this admonition is a

4 gross misdemeanor punishable up to 364 days in the Clark

5 County Detention Center and a \$2,000 fine. In addition

6 you may be held in contempt of court punishable by an

7 additional \$500 fine and 25 days in the Clark County

8 Detention Center.

9 Do you understand this admonition?

10 THE WITNESS: Yes, ma'am.

11 THE FOREPERSON: Thank you. You're

12 excused.

13 THE WITNESS: Thank you.

14 THE FOREPERSON: Please raise your right

15 hand.

16 You do solemnly swear that the testimony

17 you're about to give upon the investigation now pending

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

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

20 THE WITNESS: Yes.

21 THE FOREPERSON: Please be seated.

22 You are advised you're here today to give

23 testimony in the investigation pertaining to the

24 offenses of conspiracy to commit robbery, robbery with

25 use of a deadly weapon, murder with use of a deadly

1 weapon, ownership or possession of firearm by prohibited

2 person and possession of controlled substance with

3 intent to sell involving Larry Brown and Anthony Carter.

4 Do you understand this advisement?

5 THE WITNESS: Yes.

6 THE FOREPERSON: Please state your first

7 and last name and spell both for the record.

8 THE WITNESS: Nicole Wright, N-I-C-O-L-E

9 W-R-I-G-H-T.

10

11 **NICOLE WRIGHT,**

12 having been first duly sworn by the Foreperson of the

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

14 and nothing but the truth, testified as follows:

15

16 **EXAMINATION**

17 BY MR. GIORDANI:

18 Q Thank you, ma'am. What do you do for a

19 living?

20 A I'm a custodian of records for Verizon

21 Wireless.

22 Q And you're the person most knowledgeable,

23 or at least one of them, that relates to cell phone

24 records kept by Verizon Wireless?

25 A Yes.

1 Q And in response to a court order, warrant

2 or subpoena, did your company provide records to the Las

3 Vegas Metropolitan Police Department related to phone

4 numbers (702)755-2805 and (702)277-4856?

5 A Yes.

6 Q Did you have an opportunity in the hallway

7 just before we started today to open and observe the

8 contents of Grand Jury Exhibit Number 5, this disk?

9 A Yes.

10 Q Does that disk appear to contain all the

11 records related to those two phone numbers that I just

12 listed to you?

13 A Yes.

14 Q Now, we just had someone from Sprint

15 testify so I want to ask you, does Verizon also provide

16 in response to orders, call detail records, subscriber

17 information, texts received and sent as well as cell

18 phone tower data?

19 A Yes.

20 Q And does that disk contain those items with

21 regard to those two phone numbers?

22 A Yes.

23 Q Thank you.

24 No further questions for this witness.

25 Anyone? Seeing no hands.

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

8 Failure to comply with this admonition is a  
9 gross misdemeanor punishable up to 364 days in the Clark  
10 County Detention Center and a \$2,000 fine. In addition  
11 you may be held in contempt of court punishable by an  
12 additional \$500 fine and 25 days in the Clark County  
13 Detention Center.

14 Do you understand this admonition?

15 THE WITNESS: I do.

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

18 THE WITNESS: Thank you.

19 MR. GIORDANI: Let's get him sworn in.  
20 I'll be right back.

21 THE FOREPERSON: Raise your right hand.

22 You do solemnly swear that the testimony  
23 you're about to give upon the investigation now pending  
24 before this Grand Jury shall be the truth, the whole  
25 truth, and nothing but the truth, so help you God?

1 THE WITNESS: I do.

2 THE FOREPERSON: Please be seated.

3 You're advised that you're here today to  
4 give testimony in the investigation pertaining to the  
5 offenses of conspiracy to commit robbery, robbery with  
6 use of a deadly weapon, murder with use of a deadly  
7 weapon, ownership or possession of a firearm by  
8 prohibited person and possession of controlled substance  
9 with intent to sell involving Larry Brown and Anthony  
10 Carter.

11 Do you understand this advisement?

12 THE WITNESS: I do.

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

15 THE WITNESS: My name is Mitchell,  
16 M-I-T-C-H-E-L-L, Dosch, D-O-S-C-H.

17 **MITCHELL DOSCH,**

18 having been first duly sworn by the Foreperson of the  
19 Grand Jury to testify to the truth, the whole truth,  
20 and nothing but the truth, testified as follows:

21 **EXAMINATION**

22 BY MR. GIORDANI:

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

1 A Currently employed as a detective with the  
2 Las Vegas Metropolitan Police Department assigned to the  
3 homicide section.

4 Q How long have you been with homicide?

5 A Approximately four and a half years.

6 Q Did you become involved in the  
7 investigation related to the murder of Kwame Banks back  
8 on February 21st of 2017?

9 A Yes, I did.

10 Q Did you respond personally to the scene?

11 A I did.

12 Q And did you respond along with a Detective  
13 Darin Cook?

14 A I did.

15 Q Typically when you respond to a homicide  
16 scene, how do assignments go or what happens when you  
17 first arrive?

18 A In this particular case Detective Cook, who  
19 was my then partner, I've been since assigned a new  
20 partner, but we are assigned as basically co-lead  
21 investigators in the sense that we are going to break up  
22 the duties, not just between the rest of the squad that  
23 accompanies us to those scenes but our individual items  
24 that we have to take care of at the scene. So in this  
25 particular case Detective Cook was assigned the scene

1 and then I was assigned the task of meeting with  
2 available witnesses.

3 Q Okay. And that scene, can you describe it  
4 generally? Are we talking about a public place or what?

5 A We are. It's actually located at 5850 Sky  
6 Pointe Drive which is an apartment complex by the name  
7 of the Sky Pointe Landing Apartment Homes.

8 Q And that would be here in Clark County,  
9 Nevada?

10 A It is in Las Vegas.

11 Q Thank you. At the scene was the body of  
12 the decedent still present?

13 A It was.

14 Q And who is the decedent?

15 A Kwame Banks.

16 Q Was he later identified I guess during the  
17 autopsy process that you were present for?

18 A That's correct. The positive  
19 identification of the body occurs through the coroner's  
20 office.

21 Q I want to show you an exhibit, Grand Jury  
22 Exhibit Number 3. Do you generally recognize what we're  
23 looking at here?

24 A I do.

25 Q Does that appear to be a fair and accurate

1 depiction of the scene as documented by crime scene  
2 analysts on the day of the murder?

3 A It does.

4 Q Thank you. While this is booting up,  
5 Detective, can you describe generally what was on or  
6 around the body?

7 A The body was underneath a carport in the  
8 parking lot of the apartment complex which is adjacent  
9 to building 21, and in this particular case the body is  
10 surrounded, loosely if you will, by certain items of  
11 evidence to include blood and some articles of clothing  
12 and a .40 caliber cartridge case.

13 Q Okay. So now that this is up I'm showing  
14 the jury Grand Jury Exhibit Number 3. I don't think I  
15 can zoom out anymore. So what is this large gray thing  
16 in the center here?

17 A It's the building.

18 Q Okay. There are several items of evidence  
19 that are documented and I believe you described most of  
20 them just now. The decedent's body, is that the little  
21 figure of the human there?

22 A That's correct. If you will notice in  
23 between what is marked V1 and V2 is an empty carport  
24 parking space. That's where the body was located.

25 Q And did you describe, there was obviously

1 blood at the scene, but there was also what appeared to  
2 be foot impressions through the blood?

3 A Yes, there was.

4 Q And where did those lead to?

5 A If you'll — the top of that diagram  
6 reflects to the north and the head is essentially in a,  
7 extending in a northern direction. The impressions or  
8 the footwear impressions went from the body to the  
9 south. That would be going toward the bottom of that  
10 diagram that you see in front of you.

11 Q Okay. And did you at least try to follow  
12 those tracks as best you could?

13 A We did.

14 Q And where did those lead?

15 A They lead almost to the south end of the  
16 aforementioned carport where there was a blank, or  
17 excuse me, an unoccupied parking space and they seem to  
18 terminate at that point.

19 Q Okay. So based upon your training and  
20 experience, did it appear to you that whoever tracked  
21 that blood through the scene got into whatever vehicle  
22 was parked in that spot?

23 A It's a high likelihood. Another thing  
24 that's noteworthy about those impressions is that they  
25 were long strides suggesting that this individual is

1 either sprinting or has some extremely, extremely long  
2 legs.

3 Q And I presume in your experience with  
4 homicide investigations you've dealt with foot  
5 impressions before?

6 A Many times.

7 Q Okay. In addition to the blood and the  
8 foot impressions you described a cartridge case. Where  
9 was that located?

10 A It was next to the body.

11 Q Pretty close to the body?

12 A Yes.

13 Q And what caliber was that cartridge case?

14 A .40.

15 Q For the ladies and gentlemen of the Grand  
16 Jury, real briefly what is a cartridge case?

17 A If you think of a bullet and you have a  
18 cartridge case which is the lower portion of the bullet  
19 and then you have kind of a rounded tip. That is what  
20 is known as basically the bullet projectile. When the  
21 bullet is fired, the bullet projectile is the item that  
22 is fired but left behind is the cartridge case. That's  
23 the area where the powder is stored and that is  
24 typically left in the area where the shooting took  
25 place. Now, the bullet projectile might be elsewhere,

1 but the cartridge case is what's left behind after a  
2 bullet is fired.

3 Q Was there any firearms found at the scene?

4 A None.

5 Q So the cartridge case, do those come from  
6 both semiautomatics and revolvers or is it more likely  
7 that one would be at a scene?

8 A For this case in the sense that, there will  
9 be cartridge cases in both scenarios, if a revolver is  
10 fired or a semiautomatic is fired, except in a revolver  
11 somebody then has to open the cylinder and take out  
12 those cartridge cases so in which case they would have  
13 to open it and then dump it onto the ground. A  
14 semiautomatic automatically dispels or shoots or pushes  
15 out the cartridge case after it's fired.

16 Q Okay. In addition to the items of  
17 evidentiary value you've already described, were there  
18 some gloves found at the scene?

19 A Yes, there was actually two types of gloves  
20 that I noted at the scene.

21 Q What types of gloves were there?

22 A If I could draw everyone's attention back  
23 to this diagram, there was a cloth glove, I believe it's  
24 labeled 7 which is kind of in the top left corner of V1.  
25 It appeared to be a cloth glove. And then next to the



1 body there was what I would describe as a black latex  
2 glove.

3 Q Okay. I'm going to zoom in a little bit  
4 here because I can't see it from way back there. Cloth  
5 glove and a latex glove.

6 A Yes, and that's what we're talking about,  
7 two different kinds of gloves.

8 Q Okay. In addition were there several cell  
9 phones surrounding this scene?

10 A There were. There were two in the  
11 immediate presence of the body and then there was  
12 another one that was several feet away.

13 Q Specifically was there a black LG Samsung  
14 with a cracked screen underneath Mr. Banks' body?

15 A There was.

16 Q Was there also a black Samsung  
17 approximately ten to fifteen feet away from his body?

18 A There was.

19 Q And near that cell phone was there, based  
20 upon your training and experience, signs of a potential  
21 fight or struggle?

22 A Yes. And if I could, what that area is,  
23 typically in your apartment complexes, in this case  
24 where you have the parking lot, you have the carport  
25 that covers those parking spots, then just to the west

1 of that area is a sidewalk, landscaping and then  
2 building 21. The area that the second cell phone was  
3 recovered from was just west of that sidewalk, or excuse  
4 me, just west of where the vehicle or where the body is  
5 in some landscaped area which is covered with decorative  
6 rock. That area had been disturbed, meaning that the  
7 rocks had been suddenly displaced in all kinds of  
8 directions suggesting that there's been some type of  
9 activity in that particular area causing these rocks to  
10 be moved and displaced.

11 Q In addition to that cell phone, was there a  
12 third cell phone, black cell phone with a cracked  
13 screen, located approximately a hundred feet away near  
14 the main entrance of the apartment complex?

15 A Yes. Unfortunately that particular cell  
16 phone is not depicted in this diagram that you see  
17 before you because it's several feet to the north. It's  
18 actually closer to the main entrance/exit which is  
19 adjacent to the office.

20 Q Was there something found near or around  
21 that third cell phone that caused you to believe that it  
22 was probably linked to this scene?

23 A There was. There was actually a couple  
24 items of evidence that again from the body we would go  
25 north to find that last cell phone which appeared to be

1 in three different parts; the battery, the battery cover  
2 and then the actual cell phone housing itself. They had  
3 all been kind of broken apart. That was very close to  
4 where the office is which is in line with the  
5 entrance/exit. That entrance/exit has an entrance that  
6 goes to the east and then an exit lane that goes to the  
7 west leading out to Sky Pointe Drive. Along the exit  
8 lane there was a \$10 bill and another one of those what  
9 appeared to be very similar black latex glove.

10 Q Okay. Just in general, in your experience  
11 when a cell phone is broken apart in that manner,  
12 meaning the battery is essentially removed, does that  
13 prevent you or others from obtaining records from that  
14 cell phone?

15 A No. As long as we're able to reassemble  
16 the actual phone itself in terms of the internal  
17 components aren't just completely obliterated, we're  
18 able to be able to get some information from the phone.

19 Q Okay. And before I move on from the scene  
20 and the body, if I didn't already ask, when you observed  
21 the body itself he was obviously deceased, right?

22 A Correct.

23 Q Were his pants pockets turned out?

24 A Yes, both of his front right and left  
25 pockets were rabbit eared is the best way to put it.

1 Q And in your training and experience what is  
2 that typically indicative of?

3 A That indicates to me that a robbery has  
4 taken place as part of the murder meaning somebody has  
5 gone through the decedent's pockets.

6 Q Did you yourself and Detective Cook attend  
7 the autopsy on Mr. Banks on February 22nd of 2017?

8 A Yes, we did.

9 Q During the course of that autopsy, the  
10 clothes are removed from the body before the actual  
11 autopsy commences, right?

12 A That's correct.

13 Q And was there anything found within Mr.  
14 Banks' clothes that caught your attention?

15 A Yes, his upper garment, he had on like a  
16 green vest, I apologize, I'm not good with nomenclature  
17 with the clothing, but his upper, his top, inside his  
18 shirt was a little pocket and in there was I believe  
19 \$1900 in U.S. currency.

20 Q Okay. Now that pocket, just generally,  
21 would you consider it hidden or just not readily  
22 visible?

23 A I would consider both of those things.  
24 Obviously the wearer of the garment would be the person  
25 to know where that pocket is located within the garment.

1 Q Okay. And obviously his pants pockets were  
2 turned out but not that pocket?

3 A No, that pocket appeared to be in tact;  
4 however, the pants pocket, which is a different garment,  
5 were rabbit eared.

6 Q Got it. And during your observation of the  
7 autopsy, was there any apparent cause of death to you?

8 A Yes, he had an apparent gunshot wound to  
9 his chest that appeared to exit the back.

10 Q During the course of your investigation,  
11 whether it was that day or later, did you determine that  
12 the victim owned a vehicle?

13 A Yes, over the next 24 hours we were advised  
14 that he did in fact have a vehicle.

15 Q And what type of vehicle was that?

16 A A Nissan Altima, black in color.

17 Q Okay. And I presume you have various  
18 investigative means, DMV records, et cetera, in order to  
19 determine if someone owns a vehicle; is that correct?

20 A That's correct.

21 Q Did you eventually put that vehicle's  
22 descriptor or plates into a database to essentially flag  
23 it if it's found?

24 A That is correct.

25 Q Was it found?

1 A It was.

2 Q Where was it found?

3 A Detective Cook and I located the vehicle  
4 not far from the crime scene. It was -- I believe just  
5 north of that apartment complex is the intersection of  
6 Sky Pointe Drive and Azure, A-Z-U-R-E, which then turns  
7 into Tropical. Just east of that intersection there is  
8 a business complex on the south side of the street which  
9 is where the vehicle was found parked and unoccupied.

10 Q Okay. Was there anything notable about  
11 that vehicle?

12 A Yes, the exterior of the vehicle appeared  
13 to be in decent shape, but a couple noteworthy items was  
14 that the interior had been torched and it was devoid of  
15 any license plates meaning that the plates had been  
16 taken off the vehicle.

17 Q When you say torched, apparent black --

18 A Yes, it looks like somebody had set  
19 multiple fires within the vehicle.

20 Q Okay. I assume ultimately that vehicle was  
21 impounded and crime scene analysts took care of  
22 documenting that?

23 A That's correct.

24 Q And at some point in time did you develop  
25 two suspects in this case?

1 A We did.

2 Q And who are those subjects?

3 A Larry Brown and Anthony Carter.

4 Q How was it that you first came to develop  
5 Larry Brown as a suspect?

6 A If I may go back to the cell phone that is  
7 discovered west of the body, I guess in this case it's  
8 more of a southwest, it's indicated as number 8, that  
9 cell phone was able to be tracked back to Larry Brown.

10 Q Okay. And in finding the identity of the  
11 owner of one of the cell phones, did that Larry Brown  
12 development lead you to Anthony Carter?

13 A It did.

14 Q Okay. Did you attempt to locate Anthony  
15 Carter?

16 A Yes.

17 Q And did you locate a residence for him?

18 A We did.

19 Q And was he present at that residence?

20 A The day that we went to that residence he  
21 was not there.

22 Q Okay. But eventually did you make contact  
23 with a Tiffany Carter?

24 A We did.

25 Q During the course -- did you interview her?

1 A Yes.

2 Q And what is the relationship with Anthony  
3 Carter?

4 A Now, Tiffany Carter is the ex-wife to  
5 Anthony Carter; however, the couple still live in the  
6 same residence with their children.

7 Q Okay. And I'm going to have Miss Carter  
8 testify but I want to ask you a question about her  
9 interview. During the course of that interview, she's  
10 going to testify to looking at a photograph and  
11 identifying it. Were you present when that photograph  
12 was shown to her?

13 A There's times in the interview that I am  
14 not present but there is a time when she was shown a  
15 photograph of an individual that she did recognize  
16 although she could not name him.

17 Q Okay. Who was that individual?

18 A That individual was Larry Brown.

19 Q Okay.

20 Now, ladies and gentlemen of the Grand  
21 Jury, I'll just stop here and admonish you that anything  
22 that Tiffany Carter said identifying Larry Brown is only  
23 to be considered by you for purposes of her husband's  
24 connection to him, not to infer in any way that he was  
25 involved in this murder or anything of that nature, it's

1 simply to show the link between Larry Brown and Anthony  
 2 Carter.  
 3 Does everyone understand that advisement?  
 4 Does everyone promise and agree to follow that? And  
 5 everyone is nodding their head yes.  
 6 One more admonishment before I get into the  
 7 next portion of this question. You're about to hear  
 8 statements from Anthony Carter himself. Any statement  
 9 you hear, any single statement you hear coming out of  
 10 Anthony Carter's mouth is only to be considered against  
 11 Anthony Carter and Anthony Carter alone and not to be  
 12 considered for any purpose against Larry Brown.  
 13 Does everyone understand that advisement?  
 14 Does everyone promise and agree to follow that?  
 15 Everyone is nodding their head yes.  
 16 Okay. As I said you also participated in  
 17 an interview with Anthony Carter; is that right?  
 18 A Subsequent to the interview with Tiffany  
 19 Carter.  
 20 Q And Anthony Carter was subject to or his  
 21 home was subject to a search warrant prior to the  
 22 interview; is that accurate?  
 23 A That is accurate.  
 24 Q During the course of that search warrant  
 25 execution were you present?

1 A I was not.  
 2 Q Okay. Now, although you were not present  
 3 were you aware of a couple of things that were found  
 4 inside his home that you eventually questioned him  
 5 about?  
 6 A Yes.  
 7 Q Okay. One of those things being a  
 8 Springfield 9-millimeter semiautomatic firearm?  
 9 A That's correct.  
 10 Q Another being three very large -- well,  
 11 strike that. Three relatively large bags of marijuana?  
 12 A I am aware of that as well.  
 13 Q Okay. And you questioned him briefly about  
 14 that; is that right?  
 15 A That is correct.  
 16 Q Did he admit ownership or possession of the  
 17 Springfield 9-millimeter firearm?  
 18 A Yes, he did.  
 19 Q And I'm going to stop for a moment.  
 20 For the ladies and gentlemen of the Grand  
 21 Jury, I've marked Grand Jury Exhibit Number 2, it is a  
 22 certified judgment of conviction for Anthony Jerome  
 23 Carter in case number C225371 from 2007 here in Clark  
 24 County, Nevada, felony convictions for trafficking in  
 25 controlled substance and two counts of forgery, all

1 felonies.  
 2 In addition did you question him about the  
 3 large baggies of marijuana?  
 4 A Yes.  
 5 Q And what was his response to those  
 6 questions?  
 7 A He claimed ownership of the marijuana as  
 8 well.  
 9 Q Did he admit to you that he sometimes sold  
 10 marijuana?  
 11 A Yes.  
 12 MR. GIORDANI: And ladies and gentlemen,  
 13 I'm going to admonish you at this point as well, there's  
 14 a charge of possession of controlled substance with  
 15 intent to sell that is listed in this Indictment. It's  
 16 a charged offense as to Anthony Carter. Any reference  
 17 that he is, that the detective is about to make with  
 18 regard to statements of Anthony Carter saying he bought  
 19 or sold marijuana in the past, that is not to be  
 20 considered by you as bad character evidence or any  
 21 evidence that he is simply a drug dealer, it's only  
 22 being elicited and offered to you in order to show the  
 23 context of the conversation Detective Dosch is having  
 24 with regard to this possession of controlled substance  
 25 with intent to sell.

1 Does everyone understand that advisement?  
 2 Does everyone promise and agree to follow it? Everyone  
 3 is nodding yes.  
 4 Okay. So obviously, Detective, when you  
 5 find large amounts of marijuana you question the  
 6 individual about whether it's for sale purposes, right?  
 7 A I don't recall having a detailed  
 8 conversation with him about any trafficking aspects.  
 9 Q Okay. Do you recall him discussing or  
 10 saying that, yes, I'll sell a little weed here and  
 11 there?  
 12 A Yes.  
 13 Q Okay. I want to get into the murder at  
 14 hand. Did you ask him whether or not he was at the  
 15 scene or around the scene at the time of the murder?  
 16 A Yes.  
 17 Q What was his initial response to you?  
 18 A Is that I believe he said that he was not  
 19 there. Well, you know what, I'm trying to recall  
 20 because it was a real lengthy conversation.  
 21 Q Let me ask you in a different way.  
 22 Throughout the course of the lengthy conversation, did  
 23 he change his version of where he was and how he was  
 24 involved?  
 25 A Yes, he did.

1 Q Okay. Initially did he indicate that the  
2 victim Kwame Banks texted him earlier in the day but  
3 later texted and basically there was a conversation that  
4 someone didn't have the marijuana at that time and it  
5 would have to be the following day?

6 A Yes.

7 Q Okay. Later did he provide a different  
8 version wherein the victim actually came to the  
9 apartment complex and then entered the apartment that  
10 Anthony Carter was in?

11 A That is correct.

12 Q What apartment was Anthony Carter in?

13 A I believe that was 2003. It was an  
14 associate's apartment.

15 Q Was that Carnell Cave?

16 A Yes.

17 Q So throughout this -- before I move on,  
18 does he remain relatively consistent that he's at the  
19 scene but he's with this guy Carnell Cave at his  
20 apartment?

21 A Yes, and then more importantly that they  
22 are engaged in playing video games.

23 Q Okay. Do you continue to question him and  
24 essentially confront him with things you already know?

25 A Absolutely.

1 walked up to the driver's window and purchased marijuana  
2 from Mr. Banks?

3 A Making the actual transaction through the  
4 driver's window of Banks' vehicle.

5 Q Okay. And then he claims he saw Mr. Banks  
6 drive away thereafter?

7 A He says that he drove away after we  
8 completed the transaction.

9 Q Did you ask him, well, hey, didn't you say  
10 earlier that you saw the victim's vehicle outside the  
11 apartment complex?

12 A Yes.

13 Q And what was his response?

14 A It was a little unsure who we were talking  
15 about, which vehicle, but then we came back to the fact  
16 that he just believes that for some unknown reason Banks  
17 returned to the complex after the transaction was  
18 concluded.

19 Q Okay. So I'm going to summarize this and  
20 if I'm incorrect in any way let me know.

21 A Yes, sir.

22 Q Initially he says there was some kind of  
23 transaction supposed to go down with Mr. Banks but it  
24 was canceled and they were discussing it happening the  
25 next day.

1 Q Did he then indicate to you that after he  
2 had this exchange with the victim inside the apartment,  
3 a few minutes later he heard four to five gunshots and  
4 looked outside?

5 A That is correct.

6 Q During that little portion of the interview  
7 did he indicate when he looked outside he saw police and  
8 he also claimed he saw the victim's vehicle, Mr. Banks'  
9 vehicle, still parked at the apartment complex?

10 A Yes, he did.

11 Q Okay. And does that become relevant later  
12 in your interview?

13 A Absolutely.

14 Q And why is that?

15 A Because that vehicle was taken from the  
16 scene.

17 Q Okay. Did he provide a different version  
18 at some point claiming that Mr. Banks actually did not  
19 come inside Mr. Cave's apartment, instead they met at a  
20 basketball court?

21 A Yes. On the west side of the parking lot  
22 is building 21. On the east side there's a series of  
23 basketball courts.

24 Q Okay. And when Mr. Banks allegedly came to  
25 this basketball court, Mr. Carter indicated he himself

1 A Correct.

2 Q Then he says he was at Carnell Cave's  
3 apartment, Mr. Banks actually came inside the apartment,  
4 the marijuana transaction goes down, Mr. Banks, the  
5 victim, leaves.

6 A Leaves.

7 Q Then a third version where he did not come,  
8 Mr. Banks did not come to the apartment, they met him at  
9 a basketball court, transaction occurs inside the  
10 vehicle and then Mr. Banks leaves.

11 A Not inside the vehicle but at the vehicle  
12 which is parked on the east side of the parking lot  
13 opposite from building 21. Coincidentally Cave's  
14 apartment is also located in building 21.

15 Q Okay. Did you show him a photograph of  
16 Mr. Larry Brown as well?

17 A Yes, I believe that occurred throughout the  
18 interview.

19 Q Did Mr. Carter acknowledge that they knew  
20 each other from Atlanta?

21 A Yes, we had some conversation about sort of  
22 the, how these two individuals knew each other. They're  
23 both from Atlanta, GA, or excuse me, Georgia, and that  
24 they knew each other apparently back I want to say the  
25 late 90's or the early 90's. Then there was a period of

1 time where they weren't in contact with each other and  
 2 then recently they began to associate with each other.  
 3 Q Okay. And to be fair and to be very clear  
 4 here, to be fair to Mr. Brown, Anthony Carter didn't  
 5 indicate in any way that Mr. Brown was involved in the  
 6 murder, right?  
 7 A That is correct.  
 8 Q Okay. Did Mr. Carter himself repeatedly  
 9 deny any knowledge of being present for the murder or  
 10 the murder being around him?  
 11 A That is correct.  
 12 Q At some point in time did you ask him where  
 13 he went when he left Carnell Cave's apartment?  
 14 A That conversation took place while I was  
 15 out of the interview room.  
 16 Q Okay. Now, you said that previously that  
 17 you had interviewed Tiffany Carter before Anthony?  
 18 A Yes.  
 19 Q During the course of that interview with  
 20 Tiffany Carter, was there reference to the name of the  
 21 victim?  
 22 A Yes.  
 23 Q Okay. Was that relevant to you in any way?  
 24 A Well, according to Anthony Carter he knew  
 25 Kwame Banks by the moniker, the street name of B, the

1 letter B as in Baker.  
 2 Q Okay. At the time of your interviews with  
 3 these two, had the coroner or yourself or your partner  
 4 or anybody in Metro released the victim's information in  
 5 the media?  
 6 A No.  
 7 Q Okay. During the course of Mr. Carter's  
 8 interview did he provide you two of his cell phone  
 9 numbers?  
 10 A Yes, he confirmed the existence of two  
 11 phone numbers.  
 12 Q (702)503-4645 and (702)581-2072?  
 13 A Correct.  
 14 Q Did he tell you why he had two different  
 15 phones or phone numbers?  
 16 A Yes. The phone number that he had at the  
 17 time of the murder, he indicated to us that he got rid  
 18 of because he was under the impression that police would  
 19 do a review of Mr. Banks' cell phone and link that  
 20 number back to Mr. Carter in terms that there will be  
 21 contact from the victim's phone, from Mr. Banks' phone,  
 22 with another number which we would then link to Carter  
 23 and then go talk to him as part of the investigation.  
 24 Q Okay. And again, to be fair to Mr. Carter  
 25 now, he's not saying I got rid of it because I was

1 involved in a murder, he just didn't want to get in  
 2 trouble for the drug deal, his story?  
 3 A Yes, and he disposed I think of the phone  
 4 within 24 hours of the murder.  
 5 Q And then he got that new phone number?  
 6 A Yes.  
 7 Q All right.  
 8 I don't believe I have any further  
 9 questions for this witness. Do any of the Grand Jurors  
 10 have questions? Seeing no hands.  
 11 THE FOREPERSON: By law these proceedings  
 12 are secret and you are prohibited from disclosing to  
 13 anyone anything that transpired before us including any  
 14 evidence presented to the Grand Jury, any event  
 15 occurring or a statement made in the presence of the  
 16 Grand Jury or any information obtained by the Grand  
 17 Jury.  
 18 Failure to comply with this admonition is a  
 19 gross misdemeanor punishable up to 364 days in the Clark  
 20 County Detention Center and a \$2,000 fine. In addition  
 21 you may be held in contempt of court punishable by an  
 22 additional \$500 fine and 25 days in the Clark County  
 23 Detention Center.  
 24 Do you understand this admonition?  
 25 THE WITNESS: I do.

1 THE FOREPERSON: Thank you. You're  
 2 excused.  
 3 MR. GIORDANI: Before I call my next  
 4 witness I'll let Detective Dosch leave the room and I'll  
 5 admonish the Grand Jury one more time, any statement  
 6 that came out of Anthony Carter's mouth cannot be used  
 7 in any way whatsoever against Larry Brown.  
 8 Does everyone understand that? Does  
 9 everyone promise and agree to follow that? Everyone is  
 10 nodding yes. All right.  
 11 THE FOREPERSON: Please raise your right  
 12 hand.  
 13 You do solemnly swear that the testimony  
 14 you're about to give upon the investigation now pending  
 15 before this Grand Jury shall be the truth, the whole  
 16 truth, and nothing but the truth, so help you God?  
 17 THE WITNESS: I do.  
 18 THE FOREPERSON: Please be seated.  
 19 You're advised that you're here today to  
 20 give testimony in the investigation pertaining to the  
 21 offenses of conspiracy to commit robbery, robbery with  
 22 use of a deadly weapon, murder with use of a deadly  
 23 weapon, ownership or possession of a firearm by  
 24 prohibited person and possession of controlled substance  
 25 with intent to sell involving Larry Brown and Anthony

1 Carter.  
2 Do you understand this advisement?  
3 THE WITNESS: I do.  
4 THE FOREPERSON: Please state your first  
5 and last name and spell both for the record.  
6 THE WITNESS: First name is Dereka, last  
7 name Nelson. First name spelled D-E-R-E-K-A, last name  
8 N-E-L-S-O-N.  
9  
10 DEREKA NELSON,  
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  
15 EXAMINATION  
16 BY MR. GIORDANI:  
17 Q Ma'am, I want to draw your attention back  
18 to February 21st of 2017. Where were you living at that  
19 time?  
20 A At that time I lived at 5850 Sky Pointe  
21 Landing, apartment number 2005.  
22 Q Is apartment number 2005 on the second  
23 story?  
24 A Yes.  
25 Q And do you have a room that looks down upon

1 the carports and the parking lot?  
2 A Yes.  
3 Q I want to draw your attention specifically  
4 to about 10:40 p.m. Were you in your apartment and just  
5 watching T.V. at that time?  
6 A Yes, I was.  
7 Q And did something catch your attention?  
8 A The sound of the resemblance of a gunshot.  
9 Q Okay. When you heard that gunshot did it  
10 cause you to pay more attention to what was happening  
11 outside your apartment?  
12 A Absolutely, especially when I heard a voice  
13 yelling for help.  
14 Q Okay. Describe that a little more.  
15 A After the first gunshot I wasn't sure but  
16 when I heard a person screaming help me, I definitely  
17 knew that it was a gunshot.  
18 Q Okay. Do you recall previously saying that  
19 the person screamed help me, please help me, and you  
20 described it as a young man's voice?  
21 A Yes, I did.  
22 Q When you heard that what did you do?  
23 A I looked for my cell phone and I went to my  
24 bedroom window.  
25 Q When you went to your bedroom window could

1 you see down into the parking lot?  
2 A I did and what I actually saw were two men  
3 tussling on top of my vehicle.  
4 Q Okay. Now, before I get into more detail,  
5 can you describe how far away you are from that area and  
6 your line of vision?  
7 A I had a bird's eye view and maybe less than  
8 a hundred feet. It's not that far away from the  
9 carport.  
10 Q Okay. So when you say you have a bird's  
11 eye view, you're looking down on these men?  
12 A I am.  
13 Q Where were they exactly when you first  
14 looked out?  
15 A On top of my car right center of the hood.  
16 Q Okay. Was one man on top of another?  
17 A Yes. I could only see feet underneath one  
18 person and then a pretty large man on top of the other.  
19 Q Okay. That pretty large man on top of the  
20 other, can you do your best to describe what he was  
21 wearing?  
22 A He had on all dark colors. He had on a  
23 baseball cap, maybe black, black and gray.  
24 Q Okay.  
25 A Black jacket, dark jeans.

1 Q Okay. You previously described him to  
2 officers as, you were kind of unsure, you said maybe  
3 between five-ten and six foot, medium build, hat, dark  
4 clothing; does that sound right?  
5 A Yes.  
6 Q And you said he looked a little bit heavier  
7 than the guy that he was on top of?  
8 A Yes.  
9 Q And again you're looking from bird's eye?  
10 A I am.  
11 Q From second floor down; is that right?  
12 A Yes.  
13 Q That man that was on the top, was he also  
14 wearing gloves?  
15 A Not at that time he was not.  
16 Q Okay. Describe that.  
17 A I didn't actually like physically see his  
18 hands. I didn't see gloves until I went into my closet  
19 and I was describing to dispatch what was going on, and  
20 when I came back out from my closet I saw him have on  
21 gloves and physically him reaching into a pocket.  
22 Q Got it. We'll get to that in a second.  
23 Let me back up. So when you first see the larger man on  
24 top of the smaller man, they're on your hood and you can  
25 see the legs of the man on the bottom; is that right?

000011

1 A Yes.

2 Q Now, I want to be clear, could you see the

3 man on top, his hands?

4 A No.

5 Q Okay.

6 A I see all backside.

7 Q So he could have been wearing gloves at

8 that time, you just didn't see them?

9 A That is correct.

10 Q Okay. I wanted to be clear about that.

11 When you saw that tussle had you already called 911?

12 A No.

13 Q Okay. Tell me what you do then.

14 A I quickly called 911 right after and waited

15 for dispatch inside my closet to console myself.

16 Q Obviously it's a little scary when you hear

17 a gunshot outside your window, right?

18 A Yes.

19 Q At some point in time did you come back to

20 the window?

21 A I did. When dispatch answered my call they

22 said can you describe to me what you're seeing so I had

23 to look back outside my window.

24 Q Okay. And when you did that what did you

25 see?

1 A First I just saw a body laying there by

2 himself and then a few seconds after I saw him

3 reapproach and dig into his pockets with the gloves on.

4 Q Okay. Can you describe the gloves?

5 A They were black and shiny, no decorations,

6 just plain.

7 Q Shiny?

8 A Uh-huh.

9 Q All right. Is that a yes?

10 A Yes.

11 Q Okay. When you said I saw him reapproach,

12 so based upon your observation was it the same person

13 the guy had been tussling with before?

14 A Yes.

15 Q Okay. When you saw him come back did he

16 pull out the person on the ground pockets?

17 A He did.

18 Q And what did you do then?

19 A I couldn't see, it was too dark from my

20 view to see if anything came out of his pocket.

21 Q Okay. Did you continue to watch what was

22 happening?

23 A Yes, because I was still on the phone with

24 dispatch.

25 Q And what did the man do then?

1 A He disappeared out of my view, and then a

2 few minutes later I saw vehicle wheels.

3 Q Did you get a look at the actual vehicle?

4 A I did not. Due to the view of the carport

5 I could only see tires.

6 Q Okay. At some point do you remember seeing

7 a black or navy four-door sedan, either a Mazda or

8 Suzuki or something else?

9 A It looked like it was heading toward

10 southbound and it looked like it was a pretty dark car,

11 maybe black or maybe navy.

12 Q And by southbound you mean towards the 95

13 freeway?

14 A Yes.

15 Q How long did it take for officers to arrive

16 after that?

17 A Maybe five minutes or less.

18 Q Okay. So pretty quick thereafter?

19 A Yes.

20 Q When they arrived did you provide a written

21 statement and then do an actual audio recorded statement

22 with detectives?

23 A I did.

24 Q Thank you.

25 I don't have any further questions for this

1 witness. Do any of the Grand Jurors have questions?

2 Seeing no hands.

3 THE FOREPERSON: By law these proceedings

4 are secret and you are prohibited from disclosing to

5 anyone anything that transpired before us including any

6 evidence presented to the Grand Jury, any event

7 occurring or a statement made in the presence of the

8 Grand Jury or any information obtained by the Grand

9 Jury.

10 Failure to comply with this admonition is a

11 gross misdemeanor punishable up to 364 days in the Clark

12 County Detention Center and a \$2,000 fine. In addition

13 you may be held in contempt of court punishable by an

14 additional \$500 fine and 25 days in the Clark County

15 Detention Center.

16 Do you understand this admonition?

17 THE WITNESS: I do.

18 THE FOREPERSON: Thank you. You're

19 excused.

20 Please raise your right hand.

21 You do solemnly swear that the testimony

22 you're about to give upon the investigation now pending

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

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

25 THE WITNESS: I do.

1 THE FOREPERSON: Please be seated.  
 2 You are advised that you're here today to  
 3 give testimony in the investigation pertaining to the  
 4 offenses of conspiracy to commit robbery, robbery with  
 5 use of a deadly weapon, murder with use of a deadly  
 6 weapon, ownership or possession of firearm by prohibited  
 7 person and possession of controlled substance with  
 8 intent to sell involving Larry Brown and Anthony Carter.  
 9 Do you understand this advisement?  
 10 THE WITNESS: I do.  
 11 THE FOREPERSON: Please state your first  
 12 and last name and spell both for the record.  
 13 THE WITNESS: Tiffany Carter, T-I-F-F-A-N-Y  
 14 C-A-R-T-E-R.  
 15  
 16 TIFFANY CARTER,  
 17 having been first duly sworn by the Foreperson of the  
 18 Grand Jury to testify to the truth, the whole truth,  
 19 and nothing but the truth, testified as follows:  
 20  
 21 EXAMINATION  
 22 BY MR. GIORDANI:  
 23 Q Miss Carter, are you in a relationship with  
 24 Anthony Carter, one of the subjects of this Indictment?  
 25 A I am.

1 Q And how long have you been in a  
 2 relationship with Anthony Carter?  
 3 A Off and on for 20 plus years. Since high  
 4 school.  
 5 Q Since high school?  
 6 A Uh-huh.  
 7 Q Did you go to high school together out in  
 8 Atlanta?  
 9 A We did.  
 10 Q And then eventually you move out here  
 11 together?  
 12 A We didn't come together originally but,  
 13 yes, we ended up together out here, yes.  
 14 Q And approximately how long was that ago?  
 15 A 2000, when we moved from Atlanta in 2000.  
 16 Q Now, I want to ask you just generally what  
 17 does Anthony do to make money?  
 18 A He does not work.  
 19 Q Okay. Does he sell marijuana?  
 20 A That I'm aware of.  
 21 Q Okay.  
 22 And again, ladies and gentlemen, I'll  
 23 admonish you that that cannot be used for any purpose  
 24 against Anthony Carter other than to establish the one  
 25 charge of possession of controlled substance with intent

1 to sell and not for any prior bad acts or anything of  
 2 that nature.  
 3 Does everyone understand that? Does  
 4 everyone agree and promise to follow that? Everyone is  
 5 nodding their heads yes.  
 6 So do you share a home together, ma'am?  
 7 A We do.  
 8 Q And have you seen on any prior occasions,  
 9 and I want to draw your attention specifically to about  
 10 March 20th of this year, did you see or know of  
 11 marijuana inside your home at that time?  
 12 A At the time, no, I did not know that there  
 13 was any in the home.  
 14 Q Okay. Were you aware of a firearm inside  
 15 your home at that time?  
 16 A Not at all.  
 17 Q Okay. I want to ask you just a few  
 18 questions about a month prior to that, February 21st,  
 19 2017. You've been previously interviewed by detectives  
 20 about that night?  
 21 A I have.  
 22 Q And you know what I'm talking about  
 23 happened on that night?  
 24 A I do know now, yes.  
 25 Q There was a murder that eventually you had

1 seen on the news, I think it was the following morning?  
 2 A Correct.  
 3 Q Okay. Now, back up to that night. Did  
 4 Anthony Carter stay at home that night?  
 5 A No.  
 6 Q Do you know where he went?  
 7 A I know he goes over to his friend's house  
 8 to play the game, yes.  
 9 Q What game?  
 10 A The Play Station. I don't know what exact  
 11 game but I know they play Play Station all the time,  
 12 yes.  
 13 Q Okay. And at that apartment, do you know  
 14 the name of the person that stays there?  
 15 A I know him as Big.  
 16 Q Big?  
 17 A Yes.  
 18 Q B-I-G?  
 19 A B-I-G, yes, Big.  
 20 Q Okay. That night did Anthony stay out all  
 21 night?  
 22 A Yes.  
 23 Q Did he come home at all during the night?  
 24 A Not during the night, no.  
 25 Q What time did you wake up the next day?



1 A I get up about 5:00 o'clock in the morning  
 2 to start getting ready to go to work.  
 3 Q Was he still gone when you got up?  
 4 A Yes.  
 5 Q Okay. Did you have a conversation with him  
 6 about what happened at the apartment complex?  
 7 A Not that night, no. It was the next  
 8 morning he called and said something had happened over  
 9 there but --  
 10 Q Okay. When he said something had happened  
 11 over there, did he tell you that someone had been shot?  
 12 A No. Originally he said there was a lot of  
 13 police cars over there. He wasn't sure what was going  
 14 on originally.  
 15 Q What do you mean by originally?  
 16 A Well, after we were talked to by the  
 17 investigators, that's when I found out that somebody had  
 18 died.  
 19 Q Okay. Do you recall telling detectives  
 20 that Anthony told you that a person had been killed in a  
 21 shooting near Big's apartment?  
 22 A Yes, that was the next day. It wasn't that  
 23 night, it was the next day after I had gotten home, yes.  
 24 Q Right. No, I understand that. It was the  
 25 next day after you had gotten home from work?

1 A Yes.  
 2 Q And when you say next day you mean the  
 3 22nd?  
 4 A If that's the date that was the next day,  
 5 yes.  
 6 Q If I were to tell you that the shooting  
 7 occurred on the night of February 21st, the conversation  
 8 you're referring to where Anthony told you the man had  
 9 been shot was on the 22nd?  
 10 A Correct.  
 11 Q Okay. And that would obviously have been  
 12 prior to when you were interviewed by detectives?  
 13 A Correct. That is correct.  
 14 Q Do you recall during the course of that  
 15 interview being asked about Anthony Carter's associates?  
 16 A Yes.  
 17 Q And at some point in time you indicated  
 18 that he had a friend that had recently been to your home  
 19 that had a white SUV or drove a white SUV?  
 20 A I was shown a picture and asked did I know  
 21 who this person was and I don't know the person but I  
 22 have seen the person in my home, yes.  
 23 Q Okay. So would you know a name or no?  
 24 A I don't know the name, no.  
 25 Q Okay. But you recall that same person

1 being associated or driving a white SUV?  
 2 A Yes.  
 3 Q Okay. You provided two cell phone numbers  
 4 to detectives when they asked you for Anthony's cell  
 5 phone number; is that right?  
 6 A Possibly, yes.  
 7 Q Okay. Now, as you sit here today have you  
 8 had any conversations whatsoever with Anthony Carter  
 9 about what happened at the apartment complex on that  
 10 night?  
 11 A Yeah, we've talked. We live in the same  
 12 home so, yes, we've talked, especially after we had  
 13 gotten interviewed by the detectives, yes.  
 14 Q Okay. And does he deny any involvement in  
 15 the murder?  
 16 A Yeah, he denies everything. He doesn't  
 17 know anything about it.  
 18 Q Okay. Did he admit to you at all having  
 19 contact with the person that was murdered that night?  
 20 A I know he knows the person, yes.  
 21 Q No, I mean did he tell you at all that he  
 22 had contact with the person that was murdered that night  
 23 he was murdered?  
 24 A Oh, no, he didn't mention anything to me  
 25 about it.

1 Q Did he have any conversations with you  
 2 about making some kind of drug transaction with that  
 3 person?  
 4 A No.  
 5 Q Okay.  
 6 I don't have any further questions for this  
 7 witness. Do any of the Grand Jurors have questions?  
 8 Seeing no hands.  
 9 THE FOREPERSON: By law these proceedings  
 10 are secret and you are prohibited from disclosing to  
 11 anyone anything that transpired before us including any  
 12 evidence presented to the Grand Jury, any event  
 13 occurring or a statement made in the presence of the  
 14 Grand Jury or any information obtained by the Grand  
 15 Jury.  
 16 Failure to comply with this admonition is a  
 17 gross misdemeanor punishable up to 364 days in the Clark  
 18 County Detention Center and a \$2,000 fine. In addition  
 19 you may be held in contempt of court punishable by an  
 20 additional \$500 fine and 25 days in the Clark County  
 21 Detention Center.  
 22 Do you understand this admonition?  
 23 THE WITNESS: I do.  
 24 THE FOREPERSON: Thank you. You're  
 25 excused.

1 THE WITNESS: Thank you.

2 MR. GIORDANI: Ladies and gentlemen, I'm

3 waiting on a witness so we can take a quick break.

4 (Recess from 9:39 until 10:03.)

5 THE FOREPERSON: Please raise your right

6 hand.

7 You do solemnly swear that the testimony

8 you're about to give upon the investigation now pending

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

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

11 THE WITNESS: Yes, I do.

12 THE FOREPERSON: You may be seated.

13 You are advised that you're here today to

14 give testimony in the investigation pertaining to the

15 offenses of conspiracy to commit robbery, robbery with

16 use of a deadly weapon, murder with use of a deadly

17 weapon, ownership or possession of a firearm by

18 prohibited person and possession of controlled substance

19 with intent to sell involving Larry Brown and Anthony

20 Carter.

21 Do you understand this advisement?

22 THE WITNESS: Yes, I do.

23 THE FOREPERSON: Please state your first

24 and last name and spell both for the record.

25 THE WITNESS: Detective Fred Merrick,

1 F-R-E-D M-E-R-R-I-C-K.

2

3 FRED MERRICK,

4 having been first duly sworn by the Foreperson of the

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

6 and nothing but the truth, testified as follows:

7

8 EXAMINATION

9 BY MR. GIORDANI:

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

11 A I work for Las Vegas Metropolitan Police

12 Department.

13 Q In what --

14 A What section?

15 Q What section, I'm sorry.

16 A Homicide section.

17 Q How long have you been in homicide?

18 A I've been in homicide for seven years.

19 Q Did you become involved in an investigation

20 of a homicide that occurred back on February 21st of

21 2017?

22 A Yes, I was.

23 Q And were you assisting in the investigation

24 approximately a month later when you conducted or were

25 present for the execution of a search warrant?

1 A Yes, I was.

2 Q Was that search warrant executed at 6828

3 Rosinwood Street?

4 A Yes, sir.

5 Q And was the subject related to this

6 investigation an Anthony Carter?

7 A Yes.

8 Q During the course of the execution of that

9 search warrant were there several items of evidence that

10 were impounded by either yourself or crime scene

11 analysts at that home?

12 A Yes. In homicide, crime scene analysts,

13 they impound all our evidence and it was Erik Tufteland.

14 Q Got it. I want to draw your attention to a

15 few specific items, first a firearm. Do you recall, was

16 there a 9-millimeter firearm Springfield XD (M)-9 located

17 in that home?

18 A Yes, there was.

19 Q And do you recall where that was located?

20 A Yeah, it was up in the upstairs master

21 bedroom underneath the nightstand.

22 Q Okay. In addition to that were there three

23 large baggies or bags of marijuana located in the

24 residence?

25 A Yes, same bedroom underneath the bed and

1 the nightstand.

2 Q Okay. Just tell us, Detective, I don't

3 know the answer, with the quantity we're about to

4 describe, is that something you can smell when you enter

5 the bedroom?

6 A Yes, you can smell it.

7 Q So anyone who had been in that bedroom

8 potentially could have smelled or known that it was

9 there?

10 A Oh, yeah, they knew it was there.

11 Q Okay. And we're speculating obviously but

12 you're basing that on the sensory experience you had

13 when you were around that nightstand?

14 A Correct.

15 Q The three bags, were they like clear

16 plastic bags?

17 A Yes, and they had writing on them I

18 believe.

19 Q And based upon your training and experience

20 when you looked through that clear bag what did you see?

21 A A green leafy substance that looked like

22 marijuana.

23 Q And also obviously smelled like marijuana?

24 A Smelled like marijuana.

25 Q The first bag impounded as Item Number 6,

1 was that approximately 121 grams?  
 2 A Yes.  
 3 Q The second bag impounded as Item Number 7,  
 4 was that approximately 122 grams?  
 5 A Yes.  
 6 Q And the third bag impounded as Number 9,  
 7 did that have a combined weight of approximately 350  
 8 grams?  
 9 A Correct.  
 10 Q And do you recall, was it three or four  
 11 bags, multiple bags that were found?  
 12 A They were multiple bags. I believe there  
 13 was two that were approximately the same size which  
 14 would be the 121 and 122 and then there was a big bag  
 15 that had over 300 --  
 16 Q Okay.  
 17 A -- grams.  
 18 Q Understood. Do you recall whether the  
 19 firearm had any rounds in it?  
 20 A It had a magazine in it. The magazine was  
 21 empty that was in it. We recovered two extra magazines  
 22 that were also empty.  
 23 Q Okay. Thank you very much.  
 24 That's the end of this questioning for this  
 25 witness. Do any Grand Jurors have questions? Seeing no

1 hands.  
 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 any  
 5 evidence presented to the Grand Jury, any event  
 6 occurring or a 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 a  
 10 gross misdemeanor punishable up to 364 days in the Clark  
 11 County Detention Center and a \$2,000 fine. In addition  
 12 you may be held in contempt of court punishable by an  
 13 additional \$500 fine and 25 days in the Clark County  
 14 Detention Center.  
 15 Do you understand this admonition?  
 16 THE WITNESS: Yes, ma'am.  
 17 THE FOREPERSON: Thank you. You're  
 18 excused.  
 19 THE WITNESS: Okay. Thank you. You guys  
 20 have a great day.  
 21 A JUROR: You too.  
 22 A JUROR: You too.  
 23 MR. GIORDANI: If I can have everyone's  
 24 indulgence one more time, I want to check with the last  
 25 witness.

1 All right. Ladies and gentlemen, the  
 2 witness is on his way but he's not present yet so if we  
 3 could take another break, I apologize.  
 4 (Recess from 10:09 until 10:25.)  
 5 MR. GIORDANI: He's still not here, I  
 6 apologize. I'm going to tell Mr. Dickerson who has the  
 7 next case that he can jump in in between if that's okay  
 8 with everybody or if you want to take a break you can do  
 9 that.  
 10 A JUROR: Let's go.  
 11 MR. GIORDANI: All right.  
 12 (Recess from 10:26 until 10:56.)  
 13 THE FOREPERSON: Please raise your right  
 14 hand.  
 15 You do solemnly swear that the testimony  
 16 you're about to give upon the investigation now pending  
 17 before this Grand Jury shall be the truth, the whole  
 18 truth, and nothing but the truth, so help you God?  
 19 THE WITNESS: I do.  
 20 THE FOREPERSON: Please be seated.  
 21 You're advised that you're here today to  
 22 give testimony in the investigation pertaining to the  
 23 offenses of conspiracy to commit robbery, robbery with  
 24 use of a deadly weapon, murder with use of a deadly  
 25 weapon, ownership or possession of a firearm by

1 prohibited person and possession of controlled substance  
 2 with intent to sell involving Larry Brown and Anthony  
 3 Carter.  
 4 Do you understand this advisement?  
 5 THE WITNESS: Yes.  
 6 THE FOREPERSON: Please state your first  
 7 and last name and spell both for the record.  
 8 THE WITNESS: Melvyn F. English, II. It's  
 9 M-E-L-V-Y-N E-N-G-L-I-S-H.  
 10  
 11 **MELVYN F. ENGLISH, II,**  
 12 having been first duly sworn by the Foreperson of the  
 13 Grand Jury to testify to the truth, the whole truth,  
 14 and nothing but the truth, testified as follows:  
 15  
 16 **EXAMINATION**  
 17 BY MR. GIORDANI:  
 18 Q What do you do for a living?  
 19 A I'm a police officer with the Las Vegas  
 20 Metropolitan Police Department currently assigned to the  
 21 K-9 division.  
 22 Q How long have you been with Metro?  
 23 A Twenty-five and a half years.  
 24 Q I want to draw your attention back to the  
 25 early morning hours of February 22nd, approximately

1 midnight, so it could have been the late hours of the  
2 21st to the early morning hours of the 22nd. Around  
3 that time did you come into contact with a vehicle that  
4 appeared to be suspicious to you?

5 A Yes. Originally I came into that area, we  
6 had had a homicide in that area. I was originally  
7 dispatched to that homicide to do an article search with  
8 my K-9. They wanted to do a search of the crime scene  
9 to try and locate some evidence. Specifically they  
10 wanted to see if my dog could locate firearms or  
11 anything like that. The scene was still too dynamic at  
12 the time and it was too premature to bring my dog in so  
13 I cleared the scene and started to just patrol the area.

14 Q Okay. Let me stop you for a moment.

15 A Yep.

16 Q A couple terms. Cleared the scene,  
17 that's you left the scene?

18 A I left, yes.

19 Q When you say the scene was too dynamic at  
20 the time, too many people, too much going on?

21 A Too much going on. As much as there was  
22 still too many people there, they were still trying to  
23 lock down and secure witnesses and things like that. In  
24 order to bring a K-9 in and do an article search and  
25 that, it needs to be very sterile. You can't have

1 witnesses milling around, you can't have crime scene  
2 investigators there at that time. It needs to be very  
3 stable to allow the dog to move and we need to already  
4 be in there and lock it down so that the dog can freely  
5 move throughout the crime scene. So at that point it  
6 wasn't advisable to bring the dog in. I told them, you  
7 know, when you guys get it a little bit more sterile if  
8 you guys want me back call me back.

9 Q Okay. What did you do when you left the  
10 scene?

11 A When I left the scene I went ahead and just  
12 went back into what I routinely do and that's just go  
13 back into patrol mode.

14 Q Okay.

15 A So I proceeded northbound which took me up  
16 to the intersection of Azure, basically where Sky Pointe  
17 dead ends up there. I proceeded to turn eastbound.  
18 When you turn eastbound onto Azure up there you actually  
19 are higher in elevation than the businesses around  
20 there. When I turned and started to head eastbound it  
21 puts you above the parking lot that's just south of you,  
22 and when I was in that parking lot I looked down into  
23 the parking lot and that's where I saw a vehicle parked  
24 right there facing northbound and there was a large BMA  
25 standing next to the car.

1 Q Was that vehicle and the BMA isolated or  
2 were there other vehicles around?

3 A At that time I could only just see them.

4 Q Okay.

5 A They were parked just west of the large  
6 office building right there up against the farthest  
7 northern curve, puts them right on the edge of Azure.

8 Q Okay. Now, at that point in time were you  
9 aware at all that there was a vehicle that was  
10 potentially linked to the victim of the homicide?

11 A I did not.

12 Q Okay. So this is something that you're  
13 coming upon, not based upon follow-up on the homicide  
14 scene, you're just out patrolling?

15 A No, this is just me doing my job.

16 Q Okay. Now go ahead. What did you do from  
17 there?

18 A Just the way he, when he turned and looked  
19 up at me and recognized me as a patrol unit, I did three  
20 years as a deputy sheriff up in Northern Nevada and then  
21 my time here, doing it as long as I have, when people  
22 look at you that way it goes back to basic law  
23 enforcement, that doesn't look right. The way he looked  
24 at me and we made eye contact, I said that doesn't look  
25 right. And he stopped and stared at me for a second and

1 I proceeded eastbound to the next entrance into the  
2 complex and I continued to watch him and he continued to  
3 watch me. That's not normal for citizens to do.

4 Q Okay.

5 A They don't care about police. And at this  
6 time of night as he watched me and I watched him, now  
7 because I have a K-9 vehicle, my vision is limited as I  
8 pass him because of the cages that hold the dogs. I  
9 lose sight of him once I make it past him. So I don't  
10 know -- and not to mention the building, I don't know  
11 what he does after that, I just lose sight of him.

12 Q Okay.

13 A The entrance to the complex is on the east  
14 side of that large business right there that he's parked  
15 on the west side of. As I enter into that east  
16 entrance --

17 Q Let me stop you for a moment.

18 A Yep.

19 Q A couple of things. So at this point in  
20 time you had a visual on the suspect. How long would  
21 you say that you had eyes on him?

22 A Driving distance it's a good, I'm going to  
23 estimate it's a good 70 yards worth of driving time so  
24 it's a pretty good distance.

25 Q Okay. And would you also describe the

1 distance between you and him as relatively far away?  
 2 A No, we're pretty close.  
 3 Q Oh, okay.  
 4 A Because you're talking a sidewalk and a  
 5 small barrier wall at first which is to my right but  
 6 that drops away and then small foliage which is no more  
 7 than knee high roughly.  
 8 Q Could you describe him?  
 9 A He was well over six-foot tall and very,  
 10 very large build, well into the probably 230 plus  
 11 pounds. I stand at 225 pounds so he was bigger than me.  
 12 Q Okay. And his clothing?  
 13 A He was dressed in dark clothes.  
 14 Q Okay. When you initially saw him by the  
 15 vehicle I don't believe you described that vehicle yet.  
 16 A It was a smaller four-door sedan if I  
 17 remember correctly. This is going back quite a few  
 18 months.  
 19 Q It's okay. Was it dark in color?  
 20 A Darker in color four-door sedan.  
 21 Q Okay. Now, you described proceeding to the  
 22 entrance and then what do you do from there?  
 23 A I make the southbound turn into the  
 24 entrance and it takes you back along the sides of that  
 25 building which is several stories tall. I don't

1 remember if it's a three or four-story tall building.  
 2 It's a large office building. And then you have to make  
 3 a -- I had to make a westbound turn to come back to  
 4 where he was. When I make that westbound turn I  
 5 actually meet a white smaller mid-size SUV right there  
 6 at that turn.  
 7 Q Did you see any occupants in that SUV?  
 8 A It was being driven by a female, I saw the  
 9 female, and all I could tell is that she was dark  
 10 skinned.  
 11 Q Could you see the male inside the vehicle?  
 12 A There was nobody else in the passenger seat  
 13 and I could not see the back seats.  
 14 Q Okay.  
 15 A So the passenger seat was clear and I  
 16 cannot say what was in the back seats but I know the  
 17 passenger seat was clear and that it was definitely a  
 18 female driver.  
 19 Q Did you proceed then to the small dark  
 20 colored --  
 21 A I did. Because I didn't see a second  
 22 occupant in that SUV I immediately went, I scanned the  
 23 parking lot as I went to see if I could see him on the  
 24 move and I did not see him in that parking lot. I took  
 25 a wide turn and centered up on the back of the car and I

1 did not see him anywhere near the car or anywhere near  
 2 the building and then I scanned the foliage. And then I  
 3 made my, quickly made my approach up to the car and  
 4 scanned the seats and the interior of the car and he was  
 5 not anywhere near the car.  
 6 Q When you scanned the seats and the interior  
 7 of the car, were there any visible signs of burning or  
 8 arson at any point when you were there?  
 9 A No, the car was perfectly fine.  
 10 Q Okay. Normal car in regular condition?  
 11 A Yes.  
 12 Q Okay. At that point in time you previously  
 13 testified that you didn't know the homicide was linked  
 14 to the vehicle or vice versa. Did you run the plates on  
 15 the vehicle at that time?  
 16 A Yes, I did.  
 17 Q And at that point in time was there  
 18 anything in the system related to the homicide?  
 19 A Not at all. The only thing I checked was  
 20 is the, it's normal for us on doing something quick is  
 21 just check the last four digits of the VIN number to  
 22 make sure that the plate on the rear of the vehicle  
 23 matches the VIN plate on the car. I did that super  
 24 quick and then I went to go look for that SUV. I wanted  
 25 to talk to the people in the SUV at that point.

1 Q Did you ever find the SUV?  
 2 A I couldn't. The only thing I remember is  
 3 that SUV made an eastbound turn and I exited the parking  
 4 lot and went east to try and find it and I never could.  
 5 Q Okay. You referenced this in passing. You  
 6 said that you ran the VIN, the last four of the VIN to  
 7 the plate. So I can presume at the time you came upon  
 8 this vehicle there was a license plate on the back?  
 9 A Yes, there was.  
 10 Q Okay.  
 11 I have no further questions for this  
 12 witness. Do any of the Grand Jurors have questions?  
 13 Seeing none.  
 14 THE FOREPERSON: By law these proceedings  
 15 are secret and you are prohibited from disclosing to  
 16 anyone anything that transpired before us including any  
 17 evidence presented to the Grand Jury, any event  
 18 occurring or a statement made in the presence of the  
 19 Grand Jury or any information obtained by the Grand  
 20 Jury.  
 21 Failure to comply with this admonition is a  
 22 gross misdemeanor punishable up to 364 days in the Clark  
 23 County Detention Center and a \$2,000 fine. In addition  
 24 you may be held in contempt of court punishable by an  
 25 additional \$500 fine and 25 days in the Clark County

1 Detention Center.  
 2 Do you understand this admonition?  
 3 THE WITNESS: Yes, ma'am.  
 4 THE FOREPERSON: Thank you. You're  
 5 excused.  
 6 THE WITNESS: Thank you.  
 7 MR. GIORDANI: All right. Ladies and  
 8 gentlemen, that concludes the presentation for today's  
 9 purposes. We'll hopefully be back with you at a later  
 10 date to finish this up. Thank you very much for your  
 11 patience.  
 12 (At this time, the proceedings were  
 13 continued until an undetermined date and time.)  
 14 --oo0oo--  
 15  
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# REPORTER'S CERTIFICATE

1  
 2  
 3 **STATE OF NEVADA** )  
 4 **COUNTY OF CLARK** ) ss

6 I, Donna J. McCord, C.C.R. 337, do hereby  
 7 certify that I took down in Shorthand (Stenotype) all of  
 8 the proceedings had in the before-entitled matter at the  
 9 time and place indicated and thereafter said shorthand  
 10 notes were transcribed at and under my direction and  
 11 supervision and that the foregoing transcript  
 12 constitutes a full, true, and accurate record of the  
 13 proceedings had.

14 Dated at Las Vegas, Nevada,  
 15 September 4, 2017.  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

/S/DONNA J. MCCORD  
 Donna J. McCord, CCR 337

# AFFIRMATION

Pursuant to NRS 239B.030

4 The undersigned does hereby affirm that the preceding  
 5 TRANSCRIPT filed in GRAND JURY CASE NUMBER 17AGJ060A-B:

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

-OR-

11 \_\_\_ Contains the social security number of a person as  
 12 required by:

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

-OR-

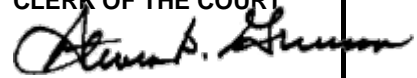
15 B. For the administration of a public program  
 16 or for an application for a federal or  
 17 state grant.

18 /S/DONNA J. MCCORD  
 19 Signature

September 4, 2017  
 Date

20 Donna J. McCord  
 21 Print Name

22 Official Court Reporter  
 23 Title  
 24  
 25



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
LARRY DECORLEON BROWN, ANTHONY )  
CARTER, )  
 )  
Defendants. )

GJ No. 17AGJ060AB  
DC No. C326247

Taken at Las Vegas, Nevada

Tuesday, September 5, 2017

1:16 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 2

Reported by: Danette L. Antonacci, C.C.R. No. 222

12:00 1 GRAND JURORS PRESENT ON SEPTEMBER 5, 2017

2

3 MORGAN DEVLIN, Foreperson

4 SANDRA MOORE, Deputy Foreperson

12:00 5 RAELENN CASTANEDA, Secretary

6 JANIS ROGERS, Assistant Secretary

7 DOMINIQUE CARDENAS

8 IVAN CAYLOR

9 JERRY DIVINCENZO

12:00 10 LISA EGGERT

11 MICHELLE FENDELANDER

12 BOBBI FLORIAN

13 SARAH HERNANDEZ-RODELO

14 AMY KNUDSON

12:00 15 GREGORY KORNILOFF

16 PATRICIA PRATHER

17 GUSTAVO ZAVALA

18

19 Also present at the request of the Grand Jury:

12:00 20 John Giordani, Chief Deputy District Attorney

21 Michael Dickerson, Deputy District Attorney

22

23

24

25



12:00

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Examined

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1A - AMENDED PROPOSED INDICTMENT

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12:00

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6 - CD DISK

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7 - INSTRUCTIONS

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12:00 1 LAS VEGAS, NEVADA, SEPTEMBER 5, 2017

2 \* \* \* \* \*

3

4 DANETTE L. ANTONACCI,

12:00 5 having been first duly sworn to faithfully  
6 and accurately transcribe the following  
7 proceedings to the best of her ability.  
8

9 MR. GIORDANI: Good afternoon ladies and  
01:16 10 gentlemen of the Grand Jury. John Giordani, chief  
11 deputy district attorney with the DA's office, as well  
12 as Michael Dickerson, deputy district attorney present.  
13 We've presented previously on this case and I'm now  
14 finalizing the presentation in 17AGJ060AB, Larry Brown  
01:17 15 and Anthony Carter.

16 Marked as Grand Jury Exhibit 1A a copy of  
17 the proposed Indictment that adds one or two counts, I  
18 apologize, one or two counts in addition to what we  
19 initially presented the first time. I've also marked as  
01:17 20 Grand Jury Exhibit Number 7 a packet of instructions on  
21 the law related to the charges in this case. There are  
22 a total of seven pages with 22 instructions on the law.  
23 As always if you require further instruction on the law  
24 prior to coming to your decision in this case please let  
01:18 25 me know. We will be asking you to deliberate today on

01:18 1 all charges except for one and that would be Count  
2 Number 7. As to Count 7, I'm going to ask you to  
3 withhold your deliberation so we can come back at a  
4 later date. With regard to Counts 1 through 6 we will  
01:18 5 be asking you to deliberate today.

6 THE FOREPERSON: Please raise your right  
7 hand.

8 You do solemnly swear the testimony you are  
9 about to give upon the investigation now pending before  
01:18 10 this Grand Jury shall be the truth, the whole truth, and  
11 nothing but the truth, so help you God?

12 THE WITNESS: Yes, I do.

13 THE FOREPERSON: Please be seated.

14 You are advised that you are here today to  
01:19 15 give testimony in the investigation pertaining to the  
16 offenses of conspiracy to commit robbery, robbery with  
17 use of a deadly weapon, murder with use of a deadly  
18 weapon, third degree arson, possession of controlled  
19 substance with intent to sell, and ownership or  
01:19 20 possession of firearm by prohibited person, involving  
21 Larry Brown and Anthony Carter.

22 Do you understand this advisement?

23 THE WITNESS: Yes, I do.

24 THE FOREPERSON: Please state your first  
01:19 25 and last name and spell both for the record.

01:19 1 THE WITNESS: My first name is Darin,  
2 D-A-R-I-N, last name is Cook, C-O-O-K.

3 DARIN COOK,  
4 having been first duly sworn by the Foreperson of the  
01:19 5 Grand Jury to testify to the truth, the whole truth,  
6 and nothing but the truth, testified as follows:

7

8 EXAMINATION

9

01:19 10 BY MR. GIORDANI:

11 Q. What do you do for a living, sir?

12 A. I work for the Las Vegas Metropolitan  
13 Police Department. I'm a homicide detective.

14 Q. How long have you been a homicide

01:19 15 detective?

16 A. Just about a year.

17 Q. And prior to that what was your assignment?

18 A. I was working in criminal intel and the  
19 gang unit. I've been on for approximately 19 and a half  
01:19 20 years.

21 Q. In those approximately 19 and a half years  
22 did you have several opportunities to deal with cell  
23 phone records and obtaining cell phone records from cell  
24 phone companies?

01:20 25 A. Yes, I did.

01:20 1 Q. I want to draw your attention back to  
2 February of this year. Did you become involved in the  
3 investigation of the murder of Kwame Banks?

4 A. Yes, I did.

01:20 5 Q. Were you assigned as the lead detective in  
6 the case?

7 A. I was, yes.

8 Q. Was your partner Mitchell Dosch also  
9 assigned with you?

01:20 10 A. Yes, he was.

11 Q. Did you initially respond to the scene,  
12 Detective?

13 A. Yes, I did.

14 Q. Where was that scene located?

01:20 15 A. It was at 5850 Sky Pointe Drive at the Sky  
16 Pointe Apartments.

17 Q. Here in Clark County, Nevada?

18 A. Yes.

19 Q. When you responded to the scene was the  
01:20 20 decedent still there?

21 A. Yes, he was.

22 Q. And can you briefly describe how he was  
23 prone out and kind of a general description of the  
24 area?

01:20 25 A. When we arrived at the scene, we initially

01:20 1 get a brief at all homicide scenes from the first  
2 responders, patrol officers and patrol detectives. The  
3 body of Kwame Banks was underneath the carport towards  
4 the west part of the complex at the front north entrance  
01:21 5 there. He was laying prone in a position with his head  
6 facing northwest and his feet facing southeast. There  
7 was a 9-millimeter cartridge casing, correction, I think  
8 it was a 40 caliber cartridge casing, sorry about that,  
9 40 caliber cartridge casing that was laying at the  
01:21 10 scene. There was some black latex gloves, one by his  
11 body. There was a broken up cell phone that was in the  
12 north driveway along with another black latex glove and  
13 a 10-dollar bill. As well as underneath his left arm  
14 there was, armpit, there was another cell phone and then  
01:21 15 there was another cell phone in the rocks, landscape  
16 rocks which were just west of his body across the  
17 walkway into the landscaped rocks and they looked  
18 disturbed like there was a scuffle in the dirt there.

19 Q. Okay. With regard to the cell phones, I  
01:22 20 presume all of those were impounded?

21 A. They were.

22 Q. And did you obtain records related to all  
23 the various cell phones or at least attempt to obtain  
24 records as to all the cell phones?

01:22 25 A. Yes, I did.

01:22 1 Q. I previously had testimony from witnesses  
2 on this case regarding Verizon records related to  
3 (702)755-2805 and (702)277-4856. Are you familiar with  
4 those phone numbers?

01:22 5 A. Yes, they are the victim Kwame Banks.

6 Q. Okay. Two separate cell phones that go  
7 back to the victim Kwame Banks?

8 A. Yes.

9 Q. And like I mentioned I had previous  
01:22 10 testimony with regard to the authentication of these  
11 records. But did you have an opportunity to review  
12 these records after they were received from Verizon  
13 Wireless?

14 A. Yes, I did.

01:22 15 Q. In addition we've had testimony regarding  
16 Sprint cell phone records related to phone number  
17 (404)808-2233. Did you have an opportunity to review  
18 those Sprint cell phone records with regard to that  
19 number?

01:23 20 A. Yes, I did.

21 Q. Who is that number associated with?

22 A. That is a cell phone that is owned by Larry  
23 Brown.

24 Q. I want to show you now Grand Jury Exhibit

01:23 25 Number 6. Prior to entering the room today, this is a



01:23 1 CD disk, did you have an opportunity to review the  
2 contents of this CD disk?

3 A. Yes, I did.

4 Q. And the disk is labeled (702)581-2072. Are  
01:23 5 the contents of that disk the records that you received  
6 from T-Mobile with regard to a phone number I just  
7 listed related to Anthony Carter?

8 A. Yes.

9 Q. And are those records that you obtained  
01:23 10 through ordinary legal process?

11 A. Yes.

12 Q. How did you go about obtaining those  
13 particular records?

14 A. These particular records for Anthony Carter  
01:24 15 was called a pen register, it's a search warrant. It  
16 gives us cell phone data as well as cell tower  
17 information, text messaging, phone calls, listing all of  
18 the data from the phones.

19 Q. And when you reference text message  
01:24 20 information and phone calls, are you referring to actual  
21 content of those items or just the fact that they  
22 existed or occurred?

23 A. Sometimes you will get content. In some  
24 phone calls you have some content, other phone calls  
01:24 25 you're just, when it's a voice call you just get the

01:24 1 date and time the voice call was made, the time, the  
2 point, where it was originating from and where it ended  
3 at, their cell tower locations. Some of the text  
4 message or text messages you may get content, others you  
01:24 5 may not.

6 Q. Okay. In that particular case with regard  
7 to the phone associated with Anthony Carter, is that  
8 just records related to when texts were sent and  
9 received and not the actual content?

01:24 10 A. There was some content, yes.

11 Q. Okay. The phone number I just described,  
12 did you have an opportunity to take that phone number  
13 and look at those records and compare them to the other  
14 phone numbers that I previously listed?

01:25 15 A. Yes, I did.

16 Q. And sorry to kind of switch gears here, but  
17 the date and time of the actual homicide, do you recall  
18 that?

19 A. I do.

01:25 20 Q. When was that?

21 A. The date was February 21st and the time  
22 that Metro received the phone call was 2247 hours that  
23 we first got the first initial call into dispatch.

24 Q. 2247 in layman's terms would be?

01:25 25 A. 10:47 p.m.

01:25 1 Q. Okay. Those records in Grand Jury Exhibit  
2 Number 7 and the other two disks that I described, do  
3 those essentially provide information with regard to all  
4 those phone numbers leading, that day leading up to that  
01:25 5 time of the homicide?

6 A. Yes, they do.

7 Q. Okay. I want to go to contact between both  
8 of the victim's phone numbers and the phone associated  
9 with Anthony Carter. Did you have an opportunity to  
01:26 10 review the contacts leading up to the murder with those  
11 numbers?

12 A. Yes, I did.

13 Q. Can you briefly describe the amount and  
14 type of contacts that was happening between the victim's  
01:26 15 phone number and Anthony Carter's phone number prior to  
16 the shooting?

17 A. The phone number that is associated with  
18 Anthony Carter, that phone number had significant texts,  
19 more than 30 or 40, extending all the way back prior to  
01:26 20 December 16th of 2016. However, going through the  
21 course of each month there was more and more calls and  
22 when we got to the day of the 21st there was  
23 approximately about seven or eight direct phone calls  
24 and text messages correlating between Kwame Banks and  
01:26 25 Anthony Carter.

01:27 1 Q. Did you also observe, and let's stick now  
2 to the day of the murder. Did you also observe phone  
3 contacts, I mean voice call contacts between Anthony  
4 Carter and the victim's phones?

01:27 5 A. Yes, I did.

6 Q. Do you recall how many contacts there were,  
7 voice contacts?

8 A. Voice messages there were probably about  
9 four, maybe five, and there were at least three or four  
01:27 10 text messages.

11 Q. Okay. Let me ask you a very simple  
12 question. Was there any contact between the phone  
13 associated with Larry Brown and the phones associated  
14 with the victim?

01:27 15 A. No.

16 Q. Okay. So for all intents and purposes the  
17 only contact you're seeing between the victim and the  
18 people charged in this case are several contacts up  
19 until the point of the murder between Anthony Carter and  
01:27 20 Kwame Banks?

21 A. Yes.

22 Q. Were there however contacts between Anthony  
23 Carter and Larry Brown leading up to the murder?

24 A. Yes, there were.

01:28 25 Q. Can you describe the amount and type of

01:28 1 contacts those two had?

2 A. So if we're looking at the day of the crime  
3 on February 21st, there's approximately 17 calls between  
4 Anthony Carter and Larry Brown. During those voice and  
01:28 5 text messages, during those messages they get to be more  
6 frequent as we get closer to the time frame of the  
7 murder.

8 Q. Okay. Is there, you previously described  
9 several contacts between Carter and the victim Kwame  
01:28 10 Banks. Now you're also describing several contacts  
11 between Carter and Brown leading up to the shooting.

12 A. Yes.

13 Q. Was there a pattern to them or one after  
14 another or --

01:28 15 A. Yes. So as we get closer to the time frame  
16 of 2247 hours, 10:47 p.m., at about 9:30 -- or 7:30,  
17 1930, 7:30 in the evening p.m., there's multiple  
18 contacts between Carter and Kwame Banks. However, as  
19 soon as he makes those phone calls he starts to call  
01:29 20 Banks (sic). There's a string of phone calls, between  
21 7:00 and about 8:30, between Larry Brown and Anthony  
22 Carter. When we get to about 10:06 in the evening time,  
23 there is a phone call between Kwame Banks and Anthony  
24 Carter followed by several phone calls to Larry Brown.

01:29 25 Q. From Anthony Carter?

01:29 1 A. From Anthony Carter.

2 Q. So essentially several times when you see  
3 contact between Anthony Carter's phone and Kwame Banks,  
4 the victim's phone, you see a follow-up call from Carter  
01:29 5 to Brown?

6 A. Yes.

7 Q. Okay. Did the contacts between Carter and  
8 Brown ever cease that evening?

9 A. Yes, they did.

01:30 10 Q. When?

11 A. So after the 10:47 p.m. hour, the phone by  
12 Anthony Carter no longer called Larry Brown's phone.  
13 There was no communication with that phone the rest of  
14 the night and into the following day.

01:30 15 Q. Okay. So as soon as essentially the  
16 shooting occurs or what we believe the time the shooting  
17 occurred based on the calls to dispatch, the contact  
18 between Carter and Brown cease?

19 A. Yes.

01:30 20 Q. And never continue after that?

21 A. That's right.

22 Q. Based upon the scene, it appeared to you  
23 that Brown's phone was obviously left there, right?

24 A. Brown's phone was left there, yes.

01:30 25 Q. And to be clear, Carter's phone that we've

01:30 1 been referencing was not found at the scene?

2 A. No, they were not.

3 Q. And there's no actual forensic evidence or  
4 DNA or anything as of this point that would link Carter  
01:30 5 to the actual scene?

6 A. No, there is not.

7 Q. And witness statements indicated that there  
8 was one person involved in the scuffle leading up to the  
9 shooting?

01:31 10 A. Yes.

11 Q. With regard to cell phone tower  
12 information, did you have an opportunity to review those  
13 as it relates to all those numbers I've described?

14 A. Yes, I did.

01:31 15 Q. What was Larry Brown's cell tower  
16 information or what did it show you leading up to the  
17 murder?

18 A. Larry Brown's cell phone tower is very  
19 sporadic. It wasn't on the west side of Las Vegas as in  
01:31 20 the Sky Pointe/95 area. It all, all the towers were  
21 associated with over here off of Smoke Ranch and Rancho  
22 area where that tower is. And sorry, I don't know that  
23 address at this time.

24 Q. That's okay. But eventually that phone  
01:31 25 makes it to the scene?

01:31 1 A. Yes.

2 Q. Cause it's found there?

3 A. So later in the evening, later in the

4 evening around the 7:30 p.m. hour, that phone begins to

01:32 5 ping or hit the cell tower when the calls are being made

6 over at 7101, no, excuse me, 5904 Centennial Parkway

7 which is directly west across the freeway.

8 Q. Okay. So a cell tower that's close to the

9 scene where the shooting occurred?

01:32 10 A. Yes.

11 Q. And not to beat a dead horse, pardon the

12 pun, but you described previously several contacts

13 between Carter and Brown. Did those contacts precede or

14 happen before Brown's phone began to head towards the

01:32 15 scene?

16 A. Yes, they were in contact pretty much the

17 whole day.

18 Q. Got it.

19 A. Brown and Anthony Carter.

01:32 20 Q. Okay. Did you have an opportunity to

21 review cell tower data as it related to Anthony Carter's

22 phone?

23 A. Yes, I did.

24 Q. Please describe that.

01:32 25 A. So Anthony Carter, his home address is 6828



01:33 1 Rosenwood which is Las Vegas, Nevada, 89131. That  
2 address is in a neighborhood just east of Buffalo and  
3 Deer Springs. His tower is at 7101 North Buffalo and  
4 pretty much through the whole day up until about the  
01:33 5 7:30 p.m. hour he was, his phone, every time it made a  
6 phone call, was hitting off of that tower which is at a  
7 park and fire station right there on North Buffalo.  
8 However, after 7:30 p.m. his phone began to hit the  
9 tower over across the highway at the Centennial Parkway  
01:33 10 cell tower and it stayed there until the following  
11 morning.

12 Q. Okay. So after these contacts between  
13 Carter and the victim Kwame Banks, and Carter and Larry  
14 Brown, both Carter and Brown's phones converge on the  
01:33 15 area that is associated with the shooting; is that  
16 accurate?

17 A. Yes.

18 Q. Okay. Did you have an opportunity to  
19 conduct -- excuse me a second.

01:34 20 At some point conduct an interview along  
21 with Detective Dosch of Anthony Carter?

22 A. Yes, I did.

23 Q. I believe Detective Dosch previously  
24 testified to the bulk of that interview but I want to  
01:34 25 ask you a couple specific questions. With regard to the

01:34 1 cell phone records and the contacts between Carter and  
2 Brown, did Carter's story to you seem to match up with  
3 the cell phone records and/or cell tower data?

4 A. No, they did not.

01:34 5 Q. And did Anthony Carter describe three  
6 different versions of what occurred that evening?

7 A. Yes, he did.

8 Q. Okay. You did indicate though that his  
9 phone stayed in that area until the early morning or the  
01:35 10 morning hours of the following day; is that right?

11 A. Yes, until the 22nd, yes.

12 Q. Okay. Detective, I want to move on a  
13 little bit. Just a couple of housekeeping things.

14 The victim had an autopsy performed on him,  
01:35 15 right?

16 A. Yes, he did.

17 Q. Were you present for that?

18 A. I was.

19 Q. Did it appear to you that he had an  
01:35 20 apparent injury associated with his death?

21 A. He did. He had a gunshot wound to the  
22 center of his chest that appeared to be right to left  
23 and slightly upward.

24 Q. Did you have an opportunity to look over  
01:35 25 his body and can you describe his general height and

01:36 1 weight?

2 A. Kwame Banks is a medium framed black male,  
3 he's approximately 160 pounds, he's approximately 5'8",  
4 kind of a muscular build.

01:36 5 Q. And did you ever have an opportunity to  
6 review the sizes, the various sizes of both Larry Brown  
7 and Anthony Carter?

8 A. I did, yes.

9 Q. Can you describe that?

01:36 10 A. Larry Brown is a much considerably taller  
11 black male. He's approximately 6'3", 230, 240 pounds.  
12 He's a darker skinned black male.

13 Q. And Mr. Carter?

14 A. And Mr. Carter, he's also a black male,  
01:36 15 he's approximately 6'1", he's about 215 pounds, he's  
16 more muscular build.

17 Q. Thank you.

18 You said previously that there was a  
19 40 caliber cartridge case located under the victim's  
01:37 20 body; is that right?

21 A. There was one next to the body when we  
22 first arrived and then as the coroner's investigator,  
23 they turned the body to place it into the body bag,  
24 there was also another 40 caliber cartridge casing  
01:37 25 laying next to his chest sternum area.

01:37 1 Q. Okay. Detective, previously you referenced  
2 contact between Kwame Banks and Anthony Carter back  
3 through December of 2016.

4 A. Yes.

01:38 5 Q. Were there, can you describe the level of  
6 contact; several contacts, daily, weekly?

7 A. There were multiple daily contacts and the  
8 content in the text messages that we received on that  
9 was indicating large amounts of drug transactions,  
01:38 10 marijuana, talking about quarter pounds, pounds.

11 Q. Let me stop you for a moment. What you're  
12 referencing, is that content?

13 A. That is content.

14 Q. Okay. I'm going to ask the ladies and  
01:38 15 gentlemen to strike that from the record. Do not  
16 consider that last portion of the testimony with regard  
17 to cell phone content of text messages. You are not to  
18 consider that for any purpose whatsoever against Anthony  
19 Carter or Larry Brown. Does everyone understand that  
01:38 20 advisement? Does everyone promise and agree to follow  
21 that advisement?

22 And everyone is nodding their heads yes.

23 With regard to Anthony Carter's interview,  
24 did he reference prior contact with Kwame Brown?

01:39 25 A. Kwame Banks.

01:39 1 Q. Kwame Banks.

2 A. Kwame Banks, yes.

3 Q. Did he reference any prior drug  
4 transactions with Kwame Banks?

01:39 5 A. I don't recall right this minute. I do  
6 know that he talked about transactions and drug, but I  
7 don't, I believe that he was, he was actually selling,  
8 not purchasing.

9 Q. Okay. If I could have the ladies and  
01:39 10 gentlemen indulgence for a moment.

11 Did you ask Mr. Anthony Carter what  
12 happened to the phone associated with (702)581-2072  
13 after the murder occurred?

14 A. Yes, I did.

01:40 15 Q. What was his response?

16 A. His response was that he got rid of it, he  
17 discarded it because he didn't want the police to find  
18 out that he was involved in narcotics transactions.

19 MR. GIORDANI: Okay. And ladies and  
01:40 20 gentlemen, at this time I don't have any further  
21 questions for this witness. Do any of the ladies and  
22 gentlemen have questions? Seeing no hands.

23 THE FOREPERSON: By law, these proceedings  
24 are secret and you are prohibited from disclosing to  
01:40 25 anyone anything that has transpired before us, including

01:40 1 evidence and statements presented to the Grand Jury, any  
2 event occurring or statement made in the presence of the  
3 Grand Jury, and information obtained by the Grand Jury.

4 Failure to comply with this admonition is a  
01:40 5 gross misdemeanor punishable up to 364 days in the Clark  
6 County Detention Center and a \$2,000 fine. In addition,  
7 you may be held in contempt of court punishable by an  
8 additional \$500 fine and 25 days in the Clark County  
9 Detention Center.

01:40 10 Do you understand this admonition?

11 THE WITNESS: Yes, I do.

12 THE FOREPERSON: Thank you. You're  
13 excused.

14 THE WITNESS: Thank you very much.

01:42 15 MR. GIORDANI: Thanks for your patience,  
16 ladies and gentlemen. At this time we are going to ask  
17 you to deliberate. As I previously referenced, we do  
18 not want you to deliberate on Count, I believe it was 7.  
19 On Count 7. And since I'm not having you deliberate on  
01:42 20 that today, any reference in Count 7 of the charging  
21 document related to prior felony convictions for  
22 defendant Larry Brown are not to be considered by you  
23 for any purpose whatsoever in this case. You've  
24 obviously not heard any reference to evidence with  
01:43 25 regard to those prior convictions. You just had

01:43 1 reference to them in the pleading document. Since we're  
2 not asking you to deliberate on that today, can everyone  
3 promise and agree not to hold any prior felony  
4 convictions against Larry Brown at this time?

01:43 5 And everyone is nodding their head yes.

6 All right. We will leave the room and  
7 allow you to deliberate. And I've made available in  
8 case you need it a laptop here. If you need to actually  
9 look at any of the cell phone records on this, all you  
01:43 10 have to do is hit the space bar to open.

11 (At this time, all persons, other than  
12 members of the Grand Jury, exit the room at 1:43 p.m.  
13 and return at 1:57 p.m.)

14 THE FOREPERSON: Mr. District Attorney, by  
01:57 15 a vote of 12 or more grand jurors a true bill has been  
16 returned against defendants Larry Brown and Anthony  
17 Carter charging the crimes of conspiracy to commit  
18 robbery, robbery with use of a deadly weapon, murder  
19 with use of a deadly weapon, possession of controlled  
01:57 20 substance with intent to sell, and ownership or  
21 possession of firearm by prohibited person, in Grand  
22 Jury case number 17AGJ060AB. We instruct you to prepare  
23 an Indictment in conformance with the proposed  
24 Indictment previously submitted to us.

01:57 25 MR. GIORDANI: Thank you. Did you

01:57 1 deliberate on arson?

2 THE FOREPERSON: Yes, it was a no true  
3 bill.

4 MR. GIORDANI: On arson?

01:58 5 THE FOREPERSON: On arson.

6 MR. GIORDANI: And only one count of --

7 THE FOREPERSON: Ownership or possession of  
8 firearm by prohibited person, yes.

9 MR. GIORDANI: Okay. Thank you.

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01:58 1 I forgot to ask. Was there anyone who was  
2 not present for the last presentation last week?

3 Okay. Everyone was present for the  
4 previous presentation?

01:59 5 THE FOREPERSON: Yes.

6 MR. GIORDANI: Everyone is nodding their  
7 heads yes.

8 That's it. Thank you very much.

9 (Proceedings concluded.)

01:59 10 --oo0oo--

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**REPORTER'S CERTIFICATE**

**STATE OF NEVADA**       )  
                                  :   ss  
**COUNTY OF CLARK**       )

I, Danette L. Antonacci, C.C.R. 222, 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.

Dated at Las Vegas, Nevada,  
September 12, 2017.

/s/ Danette L. Antonacci

\_\_\_\_\_  
Danette L. Antonacci, C.C.R. 222

01:59

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  
17AGJ060AB:

01:59

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7

8

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

9

01:59

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-

01:59

15

16

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

17

18

/s/ Danette L. Antonacci

19

Signature

9-12-17

Date

01:59

20

21

Danette L. Antonacci

Print Name

22

23

Official Court Reporter

Title

24

25

	<b>1930</b> [1] 15/17	<b>4856</b> [1] 10/3
<b>BY MR. GIORDANI:</b>	<b>1:16</b> [1] 1/15	<b>5</b>
<b>[1]</b> 7/8	<b>1:43</b> [1] 25/12	<b>5'8</b> [1] 21/3
<b>MR. GIORDANI:</b> [8]	<b>1:57</b> [1] 25/13	<b>581-2072</b> [2] 11/4
5/7 23/18 24/14	<b>1A</b> [1] 5/16	23/12
25/24 26/3 26/5	<b>2</b>	<b>5850</b> [1] 8/15
26/8 27/5	<b>2016</b> [2] 13/20	<b>5904</b> [1] 18/6
<b>THE FOREPERSON:</b>	22/3	<b>6</b>
<b>[10]</b>	<b>2017</b> [4] 1/14 2/1	<b>6'1</b> [1] 21/15
<b>THE WITNESS:</b> [5]	5/1 28/15	<b>6'3</b> [1] 21/11
6/11 6/22 6/25	<b>2072</b> [2] 11/4	<b>656.250</b> [1] 29/13
24/10 24/13	23/12	<b>6828</b> [1] 18/25
<b>\$</b>	<b>215 pounds</b> [1]	<b>7</b>
<b>\$2,000</b> [1] 24/6	21/15	<b>702</b> [4] 10/3 10/3
<b>\$500</b> [1] 24/8	<b>21st</b> [3] 12/21	11/4 23/12
<b>-</b>	13/22 15/3	<b>7101</b> [2] 18/6
<b>--oo0oo</b> [1] 27/10	<b>22</b> [1] 5/22	19/3
<b>-OR</b> [2] 29/10	<b>222</b> [3] 1/25 28/6	<b>755-2805</b> [1] 10/3
29/14	28/18	<b>7:00</b> [1] 15/21
<b>/</b>	<b>2233</b> [1] 10/17	<b>7:30</b> [2] 15/16
<b>/s</b> [2] 28/17	<b>2247</b> [3] 12/22	15/17
29/18	12/24 15/16	<b>7:30 p.m</b> [3] 18/4
<b>1</b>	<b>22nd</b> [1] 20/11	19/5 19/8
<b>10-dollar</b> [1]	<b>230</b> [1] 21/11	<b>8</b>
9/13	<b>239B.030</b> [1] 29/2	<b>808-2233</b> [1]
<b>10:06</b> [1] 15/22	<b>240 pounds</b> [1]	10/17
<b>10:47 p.m</b> [3]	21/11	<b>89131</b> [1] 19/1
12/25 15/16 16/11	<b>25</b> [1] 24/8	<b>8:30</b> [1] 15/21
<b>12</b> [2] 25/15	<b>277-4856</b> [1] 10/3	<b>9</b>
28/15	<b>2805</b> [1] 10/3	<b>9-12-17</b> [1] 29/18
<b>160 pounds</b> [1]	<b>3</b>	<b>9-millimeter</b> [1]
21/3	<b>30</b> [1] 13/19	9/7
<b>16th</b> [1] 13/20	<b>364</b> [1] 24/5	<b>95</b> [1] 17/20
<b>17</b> [2] 15/3 29/18	<b>4</b>	<b>9:30</b> [1] 15/16
<b>17AGJ060AB</b> [4]	<b>40</b> [1] 13/19	<b>A</b>
1/7 5/14 25/22	<b>40 caliber</b> [4]	<b>ability</b> [1] 5/7
29/5	9/8 9/9 21/19	<b>about</b> [13]
<b>19</b> [2] 7/19 7/21	21/24	
	<b>404</b> [1] 10/17	

<b>A</b>	<b>also</b> [8] 2/19 5/19 8/8 14/1 14/2 15/10 21/14 21/24 <b>always</b> [1] 5/23 <b>AMENDED</b> [1] 4/4 <b>amount</b> [2] 13/13 14/25 <b>amounts</b> [1] 22/9 <b>AMY</b> [1] 2/14 <b>and/or</b> [1] 20/3 <b>another</b> [5] 9/12 9/14 9/15 15/14 21/24 <b>ANTHONY</b> [31] <b>Antonacci</b> [7] 1/25 5/4 28/6 28/17 28/18 29/18 29/21 <b>any</b> [12] <b>anyone</b> [2] 23/25 27/1 <b>anything</b> [2] 17/4 23/25 <b>Apartments</b> [1] 8/16 <b>apologize</b> [1] 5/18 <b>apparent</b> [1] 20/20 <b>appear</b> [1] 20/19 <b>appeared</b> [2] 16/22 20/22 <b>application</b> [1] 29/15 <b>approximately</b> [8] 7/19 7/21 13/23 15/3 21/3 21/3 21/11 21/15 <b>are</b> [16] <b>area</b> [6] 8/24	17/20 17/22 19/15 20/9 21/25 <b>arm</b> [1] 9/13 <b>armpit</b> [1] 9/14 <b>around</b> [1] 18/4 <b>arrived</b> [2] 8/25 21/22 <b>arson</b> [4] 6/18 26/1 26/4 26/5 <b>as</b> [26] <b>ask</b> [7] 6/2 14/11 19/25 22/14 23/11 24/16 27/1 <b>asking</b> [3] 5/25 6/5 25/2 <b>assigned</b> [2] 8/5 8/9 <b>assignment</b> [1] 7/17 <b>Assistant</b> [1] 2/6 <b>associated</b> [10] <b>attempt</b> [1] 9/23 <b>attention</b> [1] 8/1 <b>attorney</b> [5] 2/20 2/21 5/11 5/12 25/14 <b>authentication</b> [1] 10/10 <b>autopsy</b> [1] 20/14 <b>available</b> [1] 25/7
<b>accurate</b> [2] 19/16 28/12 <b>accurately</b> [1] 5/6 <b>across</b> [3] 9/16 18/7 19/9 <b>actual</b> [5] 11/20 12/9 12/17 17/3 17/5 <b>actually</b> [2] 23/7 25/8 <b>addition</b> [3] 5/18 10/15 24/6 <b>additional</b> [1] 24/8 <b>address</b> [3] 17/23 18/25 19/2 <b>adds</b> [1] 5/17 <b>administration</b> [1] 29/15 <b>admonition</b> [2] 24/4 24/10 <b>advised</b> [1] 6/14 <b>advisement</b> [3] 6/22 22/20 22/21 <b>affirm</b> [1] 29/4 <b>AFFIRMATION</b> [1] 29/1 <b>after</b> [7] 10/12 15/13 16/11 16/20 19/8 19/12 23/13 <b>afternoon</b> [1] 5/9 <b>against</b> [3] 22/18 25/4 25/16 <b>agree</b> [2] 22/20 25/3 <b>all</b> [16] <b>allow</b> [1] 25/7 <b>along</b> [2] 9/12 19/20	<b>B</b> <b>back</b> [5] 6/3 8/1 10/7 13/19 22/2 <b>bag</b> [1] 21/23 <b>Banks</b> [18] <b>bar</b> [1] 25/10 <b>based</b> [2] 16/17 16/22 <b>be</b> [11]	

<b>B</b>	<b>build</b> [2] 21/4 21/16	<b>Centennial</b> [2] 18/6 19/9
<b>beat</b> [1] 18/11	<b>bulk</b> [1] 19/24	<b>center</b> [3] 20/22 24/6 24/9
<b>because</b> [1] 23/17	<b>C</b>	<b>CERTIFICATE</b> [1] 28/1
<b>become</b> [1] 8/2	<b>C-O-O-K</b> [1] 7/2	<b>certify</b> [1] 28/7
<b>been</b> [6] 5/5 7/4 7/14 7/19 17/1 25/15	<b>C.C.R</b> [3] 1/25 28/6 28/18	<b>charged</b> [1] 14/18
<b>before</b> [4] 6/9 18/14 23/25 28/8	<b>C326247</b> [1] 1/7	<b>charges</b> [2] 5/21 6/1
<b>before-entitled</b> [1] 28/8	<b>caliber</b> [4] 9/8 9/9 21/19 21/24	<b>charging</b> [2] 24/20 25/17
<b>began</b> [2] 18/14 19/8	<b>call</b> [9] 11/25 12/1 12/22 12/23 14/3 15/19 15/23 16/4 19/6	<b>chest</b> [2] 20/22 21/25
<b>begins</b> [1] 18/4	<b>called</b> [2] 11/15 16/12	<b>chief</b> [2] 2/20 5/10
<b>being</b> [1] 18/5	<b>calls</b> [12]	<b>CLARK</b> [5] 1/2 8/17 24/5 24/8 28/4
<b>believe</b> [4] 16/16 19/23 23/7 24/18	<b>can</b> [8] 6/3 8/22 13/13 14/25 20/25 21/9 22/5 25/2	<b>clear</b> [1] 16/25
<b>best</b> [1] 5/7	<b>CARDENAS</b> [1] 2/7	<b>close</b> [1] 18/8
<b>between</b> [22]	<b>carport</b> [1] 9/3	<b>closer</b> [2] 15/6 15/15
<b>bill</b> [3] 9/13 25/15 26/3	<b>CARTER</b> [41]	<b>come</b> [1] 6/3
<b>bit</b> [1] 20/13	<b>Carter's</b> [6] 13/15 16/3 16/25 18/21 20/2 22/23	<b>coming</b> [1] 5/24
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<b>both</b> [4] 6/25 13/7 19/14 21/6	<b>CASTANEDA</b> [1] 2/5	<b>compare</b> [1] 12/13
<b>brief</b> [1] 9/1	<b>Cause</b> [1] 18/2	<b>complex</b> [1] 9/4
<b>briefly</b> [2] 8/22 13/13	<b>CAYLOR</b> [1] 2/8	<b>comply</b> [1] 24/4
<b>broken</b> [1] 9/11	<b>CD</b> [3] 4/5 11/1 11/2	<b>concluded</b> [1] 27/9
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<b>Brown's</b> [7] 16/12 16/23 16/24 17/15 17/18 18/14 19/14	<b>cell</b> [28]	<b>conformance</b> [1] 25/23
<b>Buffalo</b> [3] 19/2 19/3 19/7		<b>consider</b> [2]

<b>C</b>	24/18 24/19 24/20 26/6	<b>deal</b> [1] 7/22
<b>consider...</b> [2] 22/16 22/18	<b>counts</b> [3] 5/17 5/18 6/4	<b>death</b> [1] 20/20
<b>considerably</b> [1] 21/10	<b>COUNTY</b> [5] 1/2 8/17 24/6 24/8	<b>decedent</b> [1] 8/20
<b>considered</b> [1] 24/22	28/4	<b>December</b> [2] 13/20 22/3
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<b>constitutes</b> [1] 28/12	<b>course</b> [1] 13/21	<b>decision</b> [1] 5/24
<b>contact</b> [9] 13/7 14/12 14/17 16/3 16/17 18/16 22/2 22/6 22/24	<b>court</b> [3] 1/1 24/7 29/23	<b>DECORLEON</b> [1] 1/8
<b>contacts</b> [19]	<b>crime</b> [1] 15/2	<b>Deer</b> [1] 19/3
<b>contain</b> [1] 29/8	<b>crimes</b> [1] 25/17	<b>defendant</b> [1] 24/22
<b>Contains</b> [1] 29/11	<b>criminal</b> [1] 7/18	<b>defendants</b> [2] 1/9 25/16
<b>contempt</b> [1] 24/7	<b>D</b>	<b>degree</b> [1] 6/18
<b>content</b> [10]	<b>D-A-R-I-N</b> [1] 7/2	<b>deliberate</b> [8] 5/25 6/5 24/17 24/18 24/19 25/2 25/7 26/1
<b>contents</b> [2] 11/2 11/5	<b>DA's</b> [1] 5/11	<b>deliberation</b> [1] 6/3
<b>continue</b> [1] 16/20	<b>daily</b> [2] 22/6 22/7	<b>Department</b> [1] 7/13
<b>controlled</b> [2] 6/18 25/19	<b>Danette</b> [7] 1/25 5/4 28/6 28/17 28/18 29/18 29/21	<b>deputy</b> [5] 2/4 2/20 2/21 5/11 5/12
<b>converge</b> [1] 19/14	<b>Darin</b> [2] 7/1 7/3	<b>describe</b> [8] 8/22 13/13 14/25 18/24 20/5 20/25 21/9 22/5
<b>convictions</b> [3] 24/21 24/25 25/4	<b>darker</b> [1] 21/12	<b>described</b> [5] 12/11 13/2 15/8 17/13 18/12
<b>Cook</b> [2] 7/2 7/3	<b>data</b> [4] 11/16 11/18 18/21 20/3	<b>describing</b> [1] 15/10
<b>copy</b> [1] 5/16	<b>date</b> [5] 6/4 12/1 12/17 12/21 29/19	<b>description</b> [1] 8/23
<b>coroner's</b> [1] 21/22	<b>Dated</b> [1] 28/14	<b>detective</b> [8] 7/13 7/15 8/5 8/12 19/21 19/23 20/12 22/1
<b>correction</b> [1] 9/7	<b>day</b> [8] 13/4 13/22 14/2 15/2 16/14 18/17 19/4 20/10	
<b>correlating</b> [1] 13/24	<b>days</b> [2] 24/5 24/8	
<b>could</b> [1] 23/9	<b>DC</b> [1] 1/7	
<b>count</b> [6] 6/1 6/2	<b>dead</b> [1] 18/11	
	<b>deadly</b> [4] 6/17 6/17 25/18 25/19	

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<b>SANDRA</b> [1] 2/4	<b>side</b> [1] 17/19	<b>Sprint</b> [2] 10/16 10/18
<b>SARAH</b> [1] 2/13	<b>Signature</b> [1] 29/19	<b>ss</b> [1] 28/3
<b>scene</b> [11]	<b>significant</b> [1] 13/18	<b>starts</b> [1] 15/19
<b>scenes</b> [1] 9/1	<b>simple</b> [1] 14/11	<b>state</b> [5] 1/5 6/24 28/3 29/12 29/16
<b>scuffle</b> [2] 9/18 17/8	<b>since</b> [2] 24/19 25/1	<b>statement</b> [1] 24/2
<b>search</b> [1] 11/15	<b>sir</b> [1] 7/11	<b>statements</b> [2] 17/7 24/1
<b>seated</b> [1] 6/13	<b>sizes</b> [2] 21/6 21/6	<b>station</b> [1] 19/7
<b>second</b> [1] 19/19	<b>skinned</b> [1] 21/12	<b>stayed</b> [2] 19/10 20/9
<b>secret</b> [1] 23/24	<b>Sky</b> [3] 8/15 8/15 17/20	<b>Stenotype</b> [1] 28/7
<b>Secretary</b> [2] 2/5 2/6	<b>slightly</b> [1] 20/23	<b>sternum</b> [1] 21/25
<b>security</b> [2] 29/8 29/11	<b>Smoke</b> [1] 17/21	<b>stick</b> [1] 14/1
<b>see</b> [2] 16/2 16/4	<b>so</b> [12]	<b>still</b> [1] 8/20
<b>seeing</b> [2] 14/17 23/22	<b>social</b> [2] 29/8 29/11	<b>stop</b> [1] 22/11
<b>seem</b> [1] 20/2	<b>solemnly</b> [1] 6/8	<b>story</b> [1] 20/2
<b>sell</b> [2] 6/19 25/20	<b>some</b> [6] 9/10 11/23 11/24 12/3 12/10 19/20	<b>strike</b> [1] 22/15
<b>selling</b> [1] 23/7	<b>Sometimes</b> [1] 11/23	<b>string</b> [1] 15/20
<b>sent</b> [1] 12/8	<b>soon</b> [2] 15/19	<b>submitted</b> [1] 25/24
<b>separate</b> [1] 10/6		<b>substance</b> [2] 6/19 25/20
<b>September</b> [4] 1/14 2/1 5/1 28/15		<b>supervision</b> [1] 28/11
<b>seven</b> [2] 5/22 13/23		<b>swear</b> [1] 6/8

<b>S</b>	15/17 15/20 17/3	<b>true</b> [3] 25/15
<b>switch</b> [1] 12/16	<b>thereafter</b> [1]	26/2 28/12
<b>sworn</b> [2] 5/5 7/4	28/9	<b>truth</b> [6] 6/10
<b>T</b>	<b>these</b> [5] 10/10	6/10 6/11 7/5 7/5
<b>T-Mobile</b> [1] 11/6	10/12 11/14 19/12	7/6
<b>take</b> [1] 12/12	23/23	<b>Tuesday</b> [1] 1/14
<b>Taken</b> [1] 1/13	<b>they</b> [12]	<b>turned</b> [1] 21/23
<b>talked</b> [1] 23/6	<b>things</b> [1] 20/13	<b>two</b> [5] 5/17 5/18
<b>talking</b> [1] 22/10	<b>think</b> [1] 9/7	10/6 13/2 15/1
<b>taller</b> [1] 21/10	<b>third</b> [1] 6/18	<b>type</b> [2] 13/14
<b>terms</b> [1] 12/24	<b>this</b> [22]	14/25
<b>testified</b> [2] 7/6	<b>those</b> [20]	<b>U</b>
19/24	<b>though</b> [1] 20/8	<b>under</b> [2] 21/19
<b>testify</b> [1] 7/5	<b>three</b> [2] 14/9	28/10
<b>testimony</b> [6] 6/8	20/5	<b>underneath</b> [2]
6/15 10/1 10/10	<b>through</b> [5] 6/4	9/3 9/13
10/15 22/16	11/10 13/20 19/4	<b>undersigned</b> [1]
<b>text</b> [9] 11/17	22/3	29/4
11/19 12/3 12/4	<b>time</b> [17]	<b>understand</b> [3]
13/24 14/10 15/5	<b>times</b> [1] 16/2	6/22 22/19 24/10
22/8 22/17	<b>Title</b> [1] 29/23	<b>unit</b> [1] 7/19
<b>texts</b> [2] 12/8	<b>today</b> [6] 5/25	<b>until</b> [5] 14/19
13/18	6/5 6/14 10/25	19/4 19/10 20/9
<b>than</b> [2] 13/19	24/20 25/2	20/11
25/11	<b>took</b> [1] 28/7	<b>up</b> [12]
<b>Thank</b> [6] 21/17	<b>total</b> [1] 5/22	<b>upon</b> [2] 6/9
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<b>Thanks</b> [1] 24/15	<b>tower</b> [14]	<b>us</b> [3] 11/16
<b>that</b> [77]	<b>towers</b> [1] 17/20	23/25 25/24
<b>that's</b> [4] 16/21	<b>transactions</b> [4]	<b>use</b> [4] 6/17 6/17
17/24 18/8 27/8	22/9 23/4 23/6	25/18 25/19
<b>their</b> [4] 12/3	23/18	<b>V</b>
22/22 25/5 27/6	<b>transcribe</b> [1]	<b>various</b> [2] 9/23
<b>them</b> [3] 12/13	5/6	21/6
15/13 25/1	<b>transcribed</b> [1]	<b>Vegas</b> [6] 1/13
<b>then</b> [2] 9/14	28/10	5/1 7/12 17/19
21/22	<b>transcript</b> [3]	19/1 28/14
<b>there</b> [37]	1/19 28/12 29/4	<b>Verizon</b> [2] 10/2
<b>there's</b> [4] 15/3	<b>transpired</b> [1]	10/12
	23/25	

<b>V</b> <b>versions</b> [1] 20/6 <b>very</b> [4] 14/11 17/18 24/14 27/8 <b>victim</b> [7] 10/5 10/7 14/14 14/17 15/9 19/13 20/14 <b>victim's</b> [5] 13/8 13/14 14/4 16/4 21/19 <b>voice</b> [6] 11/25 12/1 14/3 14/7 14/8 15/4 <b>VOLUME</b> [1] 1/21 <b>vote</b> [1] 25/15	<b>whatsoever</b> [2] 22/18 24/23 <b>when</b> [12] <b>where</b> [5] 8/14 12/2 12/2 17/22 18/9 <b>which</b> [4] 9/16 18/7 19/1 19/6 <b>who</b> [2] 10/21 27/1 <b>whole</b> [4] 6/10 7/5 18/17 19/4 <b>will</b> [4] 5/25 6/4 11/23 25/6 <b>Wireless</b> [1] 10/13 <b>wit</b> [1] 29/13 <b>withhold</b> [1] 6/3 <b>witness</b> [2] 17/7 23/21 <b>witnesses</b> [2] 3/1 10/1 <b>work</b> [1] 7/12 <b>working</b> [1] 7/18 <b>would</b> [3] 6/1 12/24 17/4 <b>wound</b> [1] 20/21	<b>Z</b> <b>ZAVALA</b> [1] 2/17
<b>W</b> <b>walkway</b> [1] 9/17 <b>want</b> [7] 8/1 10/24 13/7 19/24 20/12 23/17 24/18 <b>warrant</b> [1] 11/15 <b>was</b> [57] <b>wasn't</b> [1] 17/19 <b>way</b> [1] 13/19 <b>we</b> [18] <b>we're</b> [2] 15/2 25/1 <b>we've</b> [3] 5/13 10/15 16/25 <b>weapon</b> [4] 6/17 6/18 25/18 25/19 <b>week</b> [1] 27/2 <b>weekly</b> [1] 22/6 <b>weight</b> [1] 21/1 <b>well</b> [3] 5/11 9/13 11/16 <b>were</b> [18] <b>west</b> [4] 9/4 9/16 17/19 18/7 <b>what</b> [10]	<b>Y</b> <b>year</b> [2] 7/16 8/2 <b>years</b> [2] 7/20 7/21 <b>yes</b> [53] <b>you</b> [89] <b>you're</b> [5] 11/25 14/17 15/10 22/11 24/12 <b>You've</b> [1] 24/23 <b>your</b> [8] 5/24 6/3 6/6 6/24 7/17 8/1 8/8 24/15	



ORIGINAL

1 IND

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JOHN GIORDANI  
6 Chief Deputy District Attorney  
7 Nevada Bar #012381  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

FILED IN OPEN COURT

SEPT. 6, 2017

STEVEN D. GRIERSON  
CLERK OF THE COURT

BY

DULCE MARIE ROMEA DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-17-326247-1

11 -vs-

DEPT NO: III

12 LARRY DECORLEON BROWN,  
13 #8376788  
14 ANTHONY CARTER #1976097

Defendants.

INDICTMENT

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

17 The Defendant above named, LARRY DECORLEON BROWN and ANTHONY  
18 CARTER, accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY TO  
19 COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);  
20 ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380,  
21 193.165 - NOC 50138); MURDER WITH USE OF A DEADLY WEAPON (Category A  
22 Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); POSSESSION OF CONTROLLED  
23 SUBSTANCE WITH INTENT TO SELL (Category D Felony - NRS 453.337 - NOC 51141);  
24 and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category  
25 B Felony - NRS 202.360 - NOC 51460), committed at and within the County of Clark, State  
26 of Nevada, on or between February 21, 2017 and March 20, 2017 as follows:

27 ///

28 ///

C-17-326247-1  
IND  
Indictment  
4679711



1 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

2 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
3 about February 21, 2017 willfully, unlawfully, and feloniously conspire with each other to  
4 commit a robbery, by the defendants committing the acts as set forth in Counts 2 and 3, said  
5 acts being incorporated by this reference as though fully set forth herein.

6 COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON

7 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
8 about February 21, 2017 willfully, unlawfully, and feloniously take personal property, to wit:  
9 U.S. Currency and/or vehicle keys and/or vehicle, from the person of KWAME BANKS, or  
10 in his presence, by means of force or violence, or fear of injury to, and without the consent and  
11 against the will of KWAME BANKS, with use of a deadly weapon, to wit: a firearm, defendant  
12 using force or fear to obtain or retain possession of the property, to prevent or overcome  
13 resistance to the taking of the property, and/or to facilitate escape, the Defendants being  
14 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)  
15 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
16 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
17 commanding, inducing and/or otherwise procuring the other to commit the crime, whereby  
18 Defendant ANTHONY CARTER lured and/or set up a meeting with KWAME BANKS under  
19 the ruse of a drug deal, thereafter, Defendants LARRY DECORLEON BROWN and/or  
20 ANTHONY CARTER robbed and/or attempted to rob the said KWAME BANKS; and/or (3)  
21 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed.

22 COUNT 3 - MURDER WITH USE OF A DEADLY WEAPON

23 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
24 about February 21, 2017 willfully, unlawfully, feloniously and with malice aforethought, kill  
25 KWAME BANKS, a human being, with use of a deadly weapon, to wit: firearm, by shooting  
26 at or into the body of the said KWAME BANKS, the said killing having been (1) willful,  
27 deliberate and premeditated, and/or (2) committed during the perpetration or attempted  
28 perpetration of a robbery and/or attempt robbery, the Defendants being criminally liable under

one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime, whereby Defendant ANTHONY CARTER lured and/or set up a meeting with KWAME BANKS under the ruse of a drug deal, thereafter, Defendants LARRY DECORLEON BROWN and/or ANTHONY CARTER robbed and/or attempted to rob the said KWAME BANKS, thereafter the said KWAME BANKS was shot in the chest and killed during the course of the robbery and/or attempted robbery by Defendants LARRY DECORLEON BROWN and/or ANTHONY CARTER; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed.

COUNT 4 - POSSESSION OF CONTROLLED SUBSTANCE WITH INTENT TO SELL

Defendant ANTHONY CARTER did on or about March 20, 2017 willfully, unlawfully, and feloniously possess, for the purpose of sale, a controlled substance, to wit: Marijuana.

COUNT 5 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

Defendant ANTHONY CARTER did on or about March 20, 2017 willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to wit: a Springfield 9mm handgun bearing Serial No. MG975091, the Defendant being a convicted felon, having in 2006, been convicted of Trafficking in Controlled Substance and Forgery (2 Counts), in Case No. C225371, in the Eighth Judicial District Court, Clark County, a felony under the laws of the State of Nevada.

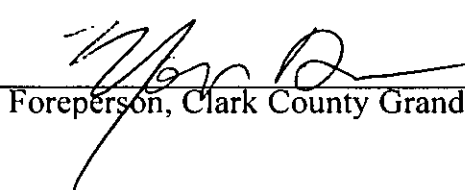
DATED this 5<sup>th</sup> day of September, 2017.

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

BY

 12.19.15  
JOHN GIORDANI  
Chief Deputy District Attorney  
Nevada Bar #012381

ENDORSEMENT: A True Bill

  
Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

CARTER, TIFFANY, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

COOK, DARIN, LVMPD #5730

DOSCH, MITCHELL, LVMPD #7907

ENGLISH, TIMOTHY, LVMPD #13404

MERRICK, FRED, LVMPD #7549

NELSON, DEREKA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

TRAWICKI, JOSEPH, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

WRIGHT, NICOLE, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

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

BANKS, LAQUANDA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

CODY, LORA, LVMPD #7294

CUSTODIAN OF RECORDS, CCDC

CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS, LVMPD RECORDS

CUSTODIAN OF RECORDS, METRO PCS

CUSTODIAN OF RECORDS, SPRINT WIRELESS

CUSTODIAN OF RECORDS, T-MOBILE

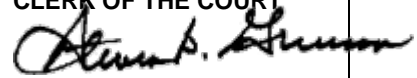
CUSTODIAN OF RECORDS, VERIZON WIRELESS

JAEGER, RYAN, LVMPD #5587

LONG, DANIEL, LVMPD #3969

RYDER, ANGELISA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

17AGJ060A-B/17F07976X/17F09115X/mc-GJ  
LVMPD EV# 1702214563; 1703200757  
(TK2)



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	CASE NO. C-17-326247-1
Plaintiff,	)	
vs.	)	DEPT. XI
	)	
LARRY DECORLEON BROWN,	)	
	)	<b>Transcript of Proceedings</b>
Defendant.	)	
	)	

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**GRAND JURY RETURN**

WEDNESDAY, SEPTEMBER 6, 2017

APPEARANCES:

FOR THE STATE:	JAY P. RAMAN
	JOHN L. GIORDANI, III
	Chief Deputies District Attorney

FOR THE GRAND JURY:	MORGAN DEVLIN
	Foreperson

RECORDED BY: PATTI SLATTERY, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, SEPTEMBER 6, 2017, 11:49 A.M.

2  
3 THE COURT: Next.

4 MR. RAMAN: Yesterday the Grand Jury met on 17AGJ060A  
5 and B, Defendants Larry Decorleon Brown and Anthony Carter. By  
6 a vote of 12 or more grand jurors, they returned true bill  
7 indictments on the following charges:

8 As to Defendant Brown, one count of conspiracy to  
9 commit robbery, one count of robbery with use of a deadly  
10 weapon, one count of murder with use of a deadly weapon.

11 As to Defendant Carter, one count of conspiracy to  
12 commit robbery, one count of robbery with use of deadly weapon,  
13 one count of murder with use of a deadly weapon, one count of  
14 possession of a controlled substance with intent to sell, one  
15 count of ownership or possession of firearm by a prohibited  
16 person.

17 THE COURT: Ms. Devlin, did at least 12 members of the  
18 Grand Jury concur in finding a true bill on each count as to  
19 each defendant charged in this indictment?

20 THE FOREPERSON: Yes.

21 THE COURT: Very well. It will be accepted and  
22 assigned Case Number C17326247-1-2, assigned to Department 3 as  
23 the head of the homicide team.

24 Would you like a warrant or a summons?

25 MR. GIORDANI: We would be requesting warrants, Your

1 Honor, in the amount of 500,000 for Larry Brown, and 350,000 for  
2 Anthony Carter.

3           Anthony Carter was initially only charged with a count  
4 of possess firearm by a felon and PCS with intent to sell. When  
5 we initially reviewed the case, we did have cell phone records  
6 related to not only Mr. Brown but also Mr. Carter and two of the  
7 victim's phone that were -- one was found underneath his body.

8           So upon further review of those records, Mr. Carter is  
9 now charged with a homicide pursuant to a conspiracy theory and  
10 felony murder theory. Essentially this was set up as a drug  
11 deal which turned into a robbery and resulted in the victim  
12 being shot once in the chest.

13           Mr. Carter has an attorney at this point, and I have  
14 been in contact with him. I told him, of course, we would be  
15 requesting a warrant now that he's charged with a murder. And  
16 he, for what it's worth to the Court, intends to turn himself in  
17 on the warrant regardless of the amount, and I've had the  
18 homicide detective briefed on that.

19           With regard to Mr. Brown, his bail was initially  
20 argued in court and set by Judge Sciscento at, I believe, two  
21 fifty or three fifty. But, again, that was prior to a thorough  
22 review of the records -- the phone records. The phone records  
23 not only put Mr. Brown at the scene, but they also put Mr.  
24 Carter conspiring with Mr. Brown up until the moment -- six  
25 minutes actually before the murder when both the phones go into

1 radio silence, essentially. Mr. Carter's phone is then used to  
2 call Mr. Brown's girlfriend at the hospital where he later went  
3 indicating acts after the homicide.

4 So with that, we would ask for half a million on  
5 Brown, and three fifty on Carter.

6 THE COURT: What do you think the current bail is on  
7 Brown? Because you gave me two different numbers?

8 MR. GIORDANI: I think it's three fifty.

9 THE COURT: Does everybody think it's three fifty?

10 So bail will be set for Mr. Brown at three fifty, and  
11 Mr. Carter at three fifty.

12 MR. GIORDANI: Thank you.

13 THE COURT: Do you have some exhibits you'd like to  
14 lodge?

15 MR. GIORDANI: Yes, 1, 1A and 2 through 7, please.

16 THE COURT: Those will be accepted.

17 Any material witness warrants to quash?

18 MR. GIORDANI: No.

19 THE COURT: Okay.

20 / / /

21 / / /

22 / / /

23 / / /

24 / / /

25 / / /



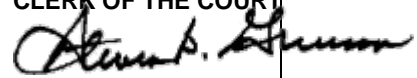
1 THE CLERK: And the arraignment date for Mr. Brown is  
2 September 14 at 9:00 a.m. in Department 3.

3 MR. GIORDANI: Thank you.

4 THE PROCEEDINGS CONCLUDED AT 11:52 A.M.  
5  
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19 ATTEST: I do hereby certify that I have truly and correctly  
20 transcribed the audio-video proceedings in the above-entitled  
21 case to the best of my ability.

22   
23 JILL HAWKINS  
24 Court Recorder  
25



1 RTRAN

2  
3  
4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 THE STATE OF NEVADA,  
9 Plaintiff,

10 vs.

11 LARRY DECORLEON BROWN,  
12 Defendant(s).

CASE#: C-17-326247-1

DEPT. III

13  
14 BEFORE THE HONORABLE DOUGLAS W. HERNDON,  
15 DISTRICT COURT JUDGE

THURSDAY, SEPTEMBER 14, 2017

16 **RECORDER'S TRANSCRIPT OF HEARING RE:**  
17 **INDICTMENT WARRANT RETURN; INITIAL ARRAIGNMENT**

18 APPEARANCES:

19 For the State:

JOHN L. GIORDANI III, ESQ.  
Chief Deputy District Attorney

21  
22 For the Defendant:

NICHOLAS M. WOOLDRIDGE, ESQ.

23  
24  
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 **Las Vegas, Nevada; Thursday, September 14, 2017**

2 [Case called at 9:30 a.m.]

3  
4 MR. WOOLDRIDGE: Good morning, Your Honor.

5 THE COURT: Good morning.

6 MR. WOOLDRIDGE: Larry Brown, page 4.

7 MR. GIORDANI: Good morning, Your Honor.

8 THE COURT: 326247. Mr. Brown's present in custody. This  
9 is on, as well for an initial arraignment, on an indictment return. You  
10 guys have a copy of the indictment?

11 MR. WOOLDRIDGE: We do, Your Honor.

12 THE COURT: All right.

13 MR. WOOLDRIDGE: And I've gone over it with my client.

14 THE COURT: Okay.

15 MR. WOOLDRIDGE: He'll waive its public reading.

16 THE COURT: Mr. Brown, is Larry Decorleon Brown your true  
17 name, sir?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And how old are you, sir?

20 THE DEFENDANT: Thirty-nine years old.

21 THE COURT: You read, write and understand the English  
22 language?

23 THE DEFENDANT: Yeah.

24 THE COURT: You've had a chance to discuss the charges in  
25 the indictment with your attorney?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. I have an indictment that lists Count  
3 1, conspiracy robbery; Count 2, robbery with a deadly weapon; Count 3,  
4 murder with use of a deadly weapon; Count 4, possession of a  
5 controlled substance with intent to sell; Count 5, ownership or  
6 possession of a firearm by a prohibited person. Those are all felonies.  
7 How do you plead to those five charges?

8 MR. WOOLDRIDGE: Your Honor, Count 4 and 5, he's not  
9 listed.

10 MR. GIORDANI: Correct, Your Honor.

11 THE COURT: Oh. I'm sorry.

12 MR. WOOLDRIDGE: Just the first three counts.

13 THE COURT: I apologize.

14 MR. WOOLDRIDGE: Okay.

15 THE COURT: My fault. I'm sorry, Mr. Brown. Count's 1, 2  
16 and 3, how do you plead to those charges?

17 THE DEFENDANT: Not guilty.

18 THE COURT: And are you going to invoke or waive your right  
19 to speedy trial?

20 THE DEFENDANT: [inaudible]

21 THE COURT: Pardon?

22 THE DEFENDANT: [inaudible]

23 THE COURT: Invoke? Yes?

24 MR. WOOLDRIDGE: Waive.

25 THE DEFENDANT: We'll waive.

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MR. WOOLDRIDGE: Waive.

THE COURT: Waive? Okay. He'll waive his right to speedy trial. Transcripts on file yet?

MR. WOOLDRIDGE: They are.

MR. GIORDANI: No.

THE COURT: Okay.

MR. GIORDANI: Oh. They are?

MR. WOOLDRIDGE: They are. Yeah. I got them yesterday.

MR. GIORDANI: Okay.

THE COURT: Twenty-one days from today to file any writs. Is the matter, Mr. Kochevar, going to go to the committee?

MR. GIORDANI: It is, Your Honor, on the 26<sup>th</sup>.

THE COURT: Oh, I'm sorry, Mr. Giordani. On the 25<sup>th</sup>?

MR. GIORDANI: Sixth.

THE COURT: Twenty-sixth. Okay. All right. We will continue this over -- you can give it the same date we did on the other one. We'll keep it in this department for now until we get a decision from the death review committee.

MR. GIORDANI: Thank you.

[Colloquy between Court and Clerk]

THE CLERK: October 11<sup>th</sup> at 9:00 a.m.

MR. WOOLDRIDGE: Okay, great. Thanks, Judge.

THE COURT: Thank you.

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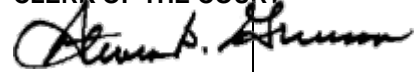
MR. GIORDANI: Thank you.

[Proceedings concluded at 9:32 a.m.]

\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
\_\_\_\_\_  
Stacey Ray  
Court Recorder/Transcriber



NICHOLAS M. WOOLDRIDGE  
Nevada State Bar No. 8732  
WOOLDRIDGE LAW, LTD.  
400 South 7th St., 4<sup>th</sup> Floor  
Las Vegas, NV 89101  
Telephone: (702) 330-4645  
[nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)  
Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

*Plaintiff,*

vs.

LARRY DECORLEON BROWN,

*Defendant.*

Case No.: C-17-326247-1

Dept. III

**PETITION FOR WRIT OF HABEAS CORPUS AND MOTION TO DISMISS**

TO: The Honorable Judge Herndon of the Eighth Judicial District Court of  
The State of Nevada, in and for the County of Clark

The Petition of Larry Decorleon Brown (hereinafter the "Petitioner" or "Mr. Brown"),  
submitted by Nicholas M. Wooldridge, Esq., of the law firm of Wooldridge Law Ltd., attorneys  
for the above-captioned individual, respectfully affirms:

1. That Mr. Wooldridge is a duly qualified, practicing and licensed attorney in the  
City of Las Vegas, County of Clark, State of Nevada.

2. That Petitioner makes this application for a Writ of Habeas Corpus because he is

constructively imprisoned and restrained by the pendency of the Indictment in this matter.

3. That the constructive imprisonment and restraint of said Petitioner is unlawful in that the grand jury notice was because the State failed to state the time, place, and date of the grand jury hearing, even though Mr. BROWN through his counsel served a Notice of Intent to Testify.

4. That Petitioner has waived his right to be brought to trial within 60 days.

5. That Petitioner consents that if the Petition is not decided within 15 days before the date set for trial, the Court may, without notice of hearing, continue the trial indefinitely to a date designated by the Court.

6. That Petitioner personally authorized his aforementioned attorney to commence this action.

This motion incorporates by reference the attached Points and Authorities and any evidence and/or argument adduced at a hearing on this matter.

**WHEREFORE**, Petitioner prays that this Honorable Court make an order directing County of Clark to issue a Writ of Habeas Corpus directed to the Sheriff, commanding him to bring the Petitioner before your Honor, and return the cause of his imprisonment.

DATED this 3<sup>rd</sup> day of October, 2017.

LARRY DECORLEON BROWN,  
by his attorney,

/s/ Nicholas M. Wooldridge

Nicholas M. Wooldridge, Esq.  
Wooldridge Law Ltd.  
400 South 7th St., 4<sup>th</sup> Floor  
Las Vegas, NV 89101  
[nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)  
(702) 330-4645 Tel.  
(702) 359-8494 Fax.



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**NOTICE OF MOTION**

TO: STATE OF NEVADA, Plaintiff; and

TO: DISTRICT ATTORNEY, its attorneys:

PLEASE TAKE NOTICE that the undersigned will bring the foregoing Petition for Writ of Habeas Corpus and Motion to Dismiss on for hearing in the above-entitled Court, on the 18 day of Oct. 2017, at the hour of 9:00 a.m., or as soon thereafter as counsel may be heard.

DATED this 3<sup>rd</sup> day of October, 2017.

LARRY DECORLEON BROWN,  
by his attorney,

/s/ Nicholas M. Wooldridge

Nicholas M. Wooldridge, Esq.  
Wooldridge Law Ltd.  
400 South 7th St., 4<sup>th</sup> Floor  
Las Vegas, NV 89101  
[nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)  
(702) 330-4645 Tel.  
(702) 359-8494 Fax.

**DECLARATION**

NICHOLAS M. WOOLDRIDGE makes the following declaration:

I. I am an attorney duly licensed to practice law in the State of Nevada. I am an attorney engaged to represent the Defendant, LARRY DECORLEON BROWN, in the instant matter, and I am familiar with the facts and circumstances of this case.

2. I am the attorney of record for Petitioner in the above matter. I have read the foregoing Petition, know the contents thereof, and that the same is true of my own knowledge,

1 except for those matters therein stated on information and belief, and as to those matters, I  
2 believe them to be true.

3 3. Petitioner, LARRY DECORLEON BROWN, personally authorizes me to  
4 commence this Writ of Habeas Corpus action.

5 I declare under penalty of perjury under the law of the State of Nevada that the foregoing  
6 is true and correct. (N.R.S. § 53.045).

7 EXECUTED this 3<sup>rd</sup> day of October, 2017.  
8

9  
10 /s/ Nicholas M. Wooldridge

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12 \_\_\_\_\_  
Nicholas M. Wooldridge  
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## I. INTRODUCTION

## II. LEGAL STANDARD

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1  
2 In addition, "[t]he indictment or the information must be a plain, concise and definite  
3 written statement of essential facts constituting the offense charged." *See* N.R.S. § 173.075(1).  
4 This requires that the "indictment, standing alone, must contain: (1) each and every element of  
5 the crime charged and (2) the facts showing how the defendant allegedly committed each  
6 element of the crime charged." *See State v. Hancock*, 114 Nev. 161, 164, 955 P.2d 183, 185  
7 (1998). Nevada courts prohibit indictments that fall short of this standard because such  
8 indictments "permit prosecutors to try cases on theories totally different from those propounded  
9 earlier, in proceedings before the Grand Jury or magistrate." *See Simpson v. Eighth Judicial*  
10 *Dist. Court*, 88 Nev. 654, 660, 503 P.2d 1225, 1230 (1972); *see also Sheriff Clark County v.*  
11 *Levinson*, 95 Nev. 436, 437, 596 P.2d 232, 233 (1979) (per curiam) ("[T]he prosecution is  
12 required to make a definite statement of facts constituting the offense in order to adequately  
13 notify the accused of the charges and to prevent the prosecution from circumventing the notice  
14 requirement by changing theories of the case.")

15  
16  
17  
18 Furthermore, pursuant to *Sheriff v. Marcum*, 105 Nev. 824, 783 P.2d 1389 (1989), a  
19 grand jury target has a statutory right to testify before the grand jury and the target has a right to  
20 reasonable notice of the grand jury proceedings. *See also Sheriff v. Walsh*, 107 Nev. 842, 845,  
21 822 P.2d 109, 111 (1991) ("Being given the opportunity to 'explain away the charges' is  
22 tantamount to being given the opportunity to exercise the right to testify."). In *Sheriff v. Frank*,  
23 103 Nev. 160, 734 P.2d 1241 (1987), the Nevada Supreme Court expounded on the prosecutor's  
24 obligation to present exculpatory evidence to the grand jury, affirming a district court order  
25 granting a pretrial writ of habeas corpus to a grand jury target because the prosecutor had failed  
26  
27  
28

1 to present to the grand jury exculpatory evidence of which the prosecutor was aware. *Id.* at 164,  
2 734 P.2d at 1244.

### 3 **III. ARGUMENT**

#### 4 **THE INDICTMENT SHOULD BE DISMISSED BECAUSE THE STATE FAILED TO** 5 **INFORM THE DEFENDANT OF PLACE AND TIME TO TESTIFY AT THE GRAND** 6 **JURY AFTER BEING SERVED WITH DEFENDANT'S NOTICE OF INTENT TO** 7 **TESTIFY**

8 On August 28, 2017, the State served counsel with a notice of intent to seek an  
9 indictment. Counsel responded on August 29, 2017 and served notice of Mr. Brown's intent to  
10 testify and requesting all notices be served on undersigned counsel.

11 The State's notice did not provide any indication of the time or place for Mr. Brown to  
12 appear and testify. The grand jury convened on September 5, 2017, and an indictment issued the  
13 same day. Mr. Brown had no opportunity to appear before the grand jury and offer to testify.  
14 Consequently, Mr. Brown now seeks dismissal of the Indictment because the grand jury notice  
15 was defective because it failed to state the time, place, and date of the grand jury hearing and Mr.  
16 Brown had no opportunity to appear and testify.

17 N.R.S. 17.241 (Right of certain persons to appear before grand jury; notice of  
18 consideration of indictment; withholding of notice; effect of inadequate notice) sets forth the  
19 noticing requirements for a grand jury and provides in relevant part as follows:  
20

21  
22 1. A person whose indictment the district attorney intends to seek or the  
23 grand jury on its own motion intends to return, but who has not been  
24 subpoenaed to appear before the grand jury, may testify before the grand  
25 jury if the person requests to do so and executes a valid waiver in writing  
of the person's constitutional privilege against self-incrimination.

26 2. A district attorney or a peace officer shall serve reasonable notice upon  
27 a person whose indictment is being considered by a grand jury unless the  
28 court determines that adequate cause exists to withhold notice. The notice  
is adequate if it:

1 (a) Is given to the person, the person's attorney of record or an  
2 attorney who claims to represent the person and gives the person  
3 not less than 5 judicial days to submit a request to testify to the  
4 district attorney; and

5 (b) Advises the person that the person may testify before the grand  
6 jury only if the person submits a written request to the district  
7 attorney and includes an address where the district attorney may  
8 send a notice of the date, time and place of the scheduled  
9 proceeding of the grand jury.

10 ....

11 5. If notice required to be served upon a person pursuant to subsection 2 is  
12 not adequate, the person must be given the opportunity to testify before  
13 the grand jury. If the person testifies pursuant to this subsection, the grand  
14 jury must be instructed to deliberate again on all the charges contained in  
15 the indictment following such testimony.

16 Here, Mr. Brown served his notice of intent to testify and the State failed to provide him  
17 adequate notice. Thus, the State failed to comply with the requirements of N.R.S. 172.241 and  
18 dismissal is the proper remedy pursuant to N.R.S. 172.241(5).

19 It is the State's burden to give the accused reasonable notice of a grand jury hearing. In  
20 *Solis-Ramirez v. District Court*, 112 Nev. 344, 913 P.2d 1293 (1996), the Court addressed a  
21 petition for writ of mandamus regarding the district court's denial of a motion to dismiss an  
22 indictment for lack of sufficient notice. The notice provided to the petitioner placed the burden  
23 on him to call the district attorney's office from jail and locate the information regarding the  
24 grand jury proceeding. The Nevada Supreme Court ruled that the State did not provide  
25 reasonable notice of grand jury hearing as required by NRS 172.241.

26 Here, the State's notice failed to provide the date, and time of the proceeding, it did not  
27 specify which courtroom or meeting room number wherein the proceeding would take place and  
28 thus was defective. Given the short length of the hearing, there was little room for this error.

1 While it is clear that Mr. Brown received notice of the hearing, it is also clear that he was not  
2 properly notified of the actual date or location of the proceeding.

3 In *Solis-Ramirez*, the State contended that the notice provided to the petitioner was  
4 reasonable pursuant to NRS 172.241(2), because it conveyed the intent to seek an indictment.  
5 The State asserted the reasonable notice did not require the inclusion of the time and date of the  
6 hearing. The Nevada Supreme Court disagreed:  
7

8 We have considered the petition and we are satisfied that this Court's  
9 intervention by way of extraordinary writ is warranted. In *Sheriff v.*  
10 *Marcum*, 105 Nev. 824, 826-27, 783 P.2d 1389, 1390-91 (1989), this court  
11 held that a defendant must be given reasonable notice that he is the target  
12 of a grand jury investigation before he is indicted by a grand jury. The  
13 purpose of reasonable notice is to ensure that a defendant has an  
14 opportunity to exercise his right to testify at the grand jury hearing. *Id.*  
15 Without proper notice, the right to testify would be meaningless. *Id.* at  
16 826-27, 783 P.2d at 1390.... The state's contention that the notice provided  
17 to Ramirez constitutes reasonable notice pursuant to NRS 172.241(2)  
18 lacks merit. Although NRS 172.241(2) does not specifically state what  
19 constitutes reasonable notice, we conclude that the notice provided to  
20 Ramirez was not reasonable.

21 112 Nev. at 346. (Emphasis added).

22 In *Sheriff, Humboldt County v. Marcum*, 105 Nev. 824, 783 P.2d 1389 (1989), the Court  
23 held that reasonable notice is required before a defendant can be indicted by a grand jury, and the  
24 trial court was correct in finding that a one-day notice was unreasonable. NRS 172.095(1)(d) and  
25 clearly gives a defendant the right to testify in front of a grand jury before they are indicted. This  
26 right would be meaningless if a defendant is not given reasonable notice that a grand jury will  
27 meet and consider returning an indictment against him. The Nevada Supreme Court recognizes  
28 that giving a defendant reasonable notice “that he is a target of a grand jury investigation is  
consistent with the policy of avoiding unnecessary trials. A defendant who has notice that he is  
the subject of a possible indictment may present the grand jury with evidence which exonerates

1 him. Hence, in some instances notice to the target defendant will eliminate the need for a trial.”  
2 105 Nev. at 826 –827.

3 The State knew Mr. Brown intended to testify yet failed to provide him a date, time or  
4 location. There was no reason the State could not have directly notified Mr. Brown with the  
5 pertinent information regarding the date, time and location of the Grand Jury proceeding against  
6 him. Accordingly, the Indictment should be dismissed pursuant to N.R.S. 172.241(5).  
7

#### 8 IV. CONCLUSION

9 **WHEREFORE**, for all the foregoing reasons, Mr. Brown’s Petition for Writ of Habeas  
10 Corpus and Motion to Dismiss should be granted and the Indictment should be dismissed.

11 DATED this 3<sup>rd</sup> day of October, 2017.

LARRY DECORLEON BROWN,  
by his attorney,

13  
14 /s/ Nicholas M. Wooldridge

15  
16 Nicholas M. Wooldridge, Esq.  
Wooldridge Law Ltd.  
400 South 7th St., 4<sup>th</sup> Floor  
Las Vegas, NV 89101  
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19 (702) 330-4645Tel.  
20 (702) 359-8494 Fax.  
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**CERTIFICATE OF SERVICE**

I confirm that on this 3<sup>rd</sup> day of October, 2017, a copy of the foregoing Petition for Writ of Habeas Corpus and Motion to Dismiss was served on the below District Attorney's Office by having the same e-filed and courtesy copied to [pdmotions@clarkcountyda.com](mailto:pdmotions@clarkcountyda.com), which in turn provides electronic service to:

Chief Deputy District Attorney  
200 Lewis Ave.  
Las Vegas, NV 89155-2212

/s/ Nicholas M. Wooldridge

---

Nicholas M. Wooldridge, Esq.

12:00AM 1 EIGHTH JUDICIAL DISTRICT COURT  
2 CLARK COUNTY, NEVADA  
3  
4 BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID  
12:00AM 5 DISTRICT COURT  
6  
7 THE STATE OF NEVADA,  
8 Plaintiff,  
9 vs.  
12:00AM 10 LARRY DECORLEON BROWN & ANTHONY  
11 CARTER,  
12 Defendants.  
13  
14  
15 Taken at Las Vegas, Nevada  
16 Tuesday, October 3, 2017  
17 9:28 a.m.  
18  
19  
12:00AM 20 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
21 SUPERSEDING INDICTMENT  
22  
23  
24  
12:00AM 25 Reported by: Lisa Brenske, C.C.R. No. 186

GJ No. 17AGJ060A-B  
DC No. C326247-1

12:00AM 1 GRAND JURORS PRESENT ON OCTOBER 10/17/2017 12:45 PM  
2 MORGAN DEVLIN, Foreperson Steven D. Grierson  
3 SANDRA MOORE, Deputy Foreperson CLERK OF THE COURT  
4 RAELENN CASTANEDA, Secretary  
12:00AM 5 JANIS ROGERS, Assistant Secretary  
6 MARY ANDERSON  
7 DOMINIQUE CARDENAS  
8 IVAN CAYLOR  
9 JERRY DIVINCENZO  
12:00AM 10 LISA EGGERT  
11 MICHELLE FENDLANDER  
12 BOBBI FLORIAN  
13 SARAH HERNANDEZ-RODELO  
14 GREGORY KORNILOFF  
12:00AM 15 AMY KNUDSON  
16 PATRICIA PRATHER  
17 GUSTAVO ZAVALA  
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12:00AM 20 Also present at the request of the Grand Jury:  
21 John Giordani, Chief Deputy District Attorney  
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12:00AM 1 INDEX OF WITNESSES  
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3 Examined  
4 ANGELISA RYDER 7  
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12:00AM 1 INDEX OF EXHIBITS  
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3 Grand Jury Exhibits Identified  
4 1B - PROPOSED INDICTMENT 5  
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12:00AM 1 LAS VEGAS, NEVADA, OCTOBER 3, 2017  
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. GIORDANI: Good morning, ladies and  
9:27AM 10 gentlemen of the Grand Jury. John Giordani with the  
11 District Attorney's office here on the superseding  
12 Indictment for Larry Brown and Anthony Carter, Grand  
13 Jury Case 17AGJ060A through B. A copy of the proposed  
14 superseding Indictment is marked as Grand Jury  
9:28AM 15 Exhibit 1B. I will note for you today that there are  
16 no additional charges. All the charges that you  
17 initially returned a true bill on are included in this  
18 Indictment.  
19 I only have one additional witness who I'd  
9:28AM 20 like to put on the record today. So I will not be  
21 adding any exhibits, photographs or instructions on the  
22 law. As always if you need further instruction on the  
23 law, please let me know prior to deliberating.  
24 THE FOREPERSON: Please raise your right  
9:28AM 25 hand.

9:29AM 1 You do solemnly swear the testimony you  
2 are about to give upon the investigation now pending  
3 before this Grand Jury shall be the truth, the whole  
4 truth, and nothing but the truth, so help you God?  
9:29AM 5 THE WITNESS: I do.  
6 THE FOREPERSON: Please be seated.  
7 You are advised that you are here today to  
8 give testimony in the investigation pertaining to the  
9 offenses of conspiracy to commit robbery, robbery with  
9:29AM 10 use of a deadly weapon, murder with use of a deadly  
11 weapon, possession of a controlled substance with  
12 intent to sell and ownership or possession of firearm  
13 by prohibited person involving Larry brown and Anthony  
14 Carter.  
9:30AM 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: Angelisa Ryder.  
9:30AM 20 A-N-G-E-L-I-S-A. R-Y-D-E-R.  
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9:30AM 1 ANGELISA RYDER,  
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:  
9:30AM 5  
6 EXAMINATION  
7 BY MR. GIORDANI:  
8 Q. Ma'am, do you know a Larry Brown?  
9 A. Yes.  
9:30AM 10 Q. How do you know Larry?  
11 A. That's my boyfriend.  
12 Q. How long have you been together?  
13 A. Two years.  
14 Q. Do you share any children in common?  
9:30AM 15 A. No.  
16 Q. Okay. Did you and Larry come from a  
17 different state?  
18 A. Yes.  
19 Q. Where?  
9:30AM 20 A. Georgia.  
21 Q. And specifically Atlanta, Georgia?  
22 A. Yes.  
23 Q. Did you come here together or separate?  
24 A. Separate.  
9:30AM 25 Q. And then did you meet back up once you got

9:30AM 1 here?  
2 A. Well, yes and no. I came first and then  
3 Larry came later.  
4 Q. When was it that you came to Vegas?  
9:30AM 5 A. I came to Vegas in 2013. Like  
6 November 2013.  
7 Q. And when did Larry come approximately?  
8 A. Approximately like March of last year.  
9 Q. So since March of last year which would be  
9:31AM 10 2016 did you and Larry share a home in common?  
11 A. Yes.  
12 Q. And did anyone else live in that home with  
13 you?  
14 A. No. His children came for the summer.  
9:31AM 15 Q. Did you have opportunities to come into  
16 contact with Larry's friends and/or associates at any  
17 point?  
18 A. I had opportunity, but I didn't meet any  
19 of his friends or associates.  
9:31AM 20 Q. Okay. Were you aware of, not actually  
21 meet, but were you aware of an associate from Atlanta  
22 that is named Anthony Carter?  
23 A. No.  
24 Q. Were you aware of someone who Larry knew  
9:31AM 25 that went by an alias of Poe or Pokey or PoeATL?

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9:31AM 1 A. Pokey. I've heard that name before.  
 2 Q. And so you're saying you didn't ever meet  
 3 this person but you heard that name?  
 4 A. I never met the person but I've heard the  
 9:32AM 5 name Pokey before.  
 6 Q. I want to first ask you a couple questions  
 7 just generally. Did Larry have a phone number that he  
 8 had for some amount of time, a cell phone?  
 9 A. As far as I know, yes.  
 9:32AM 10 Q. And what was that number?  
 11 A. (404) 808-2233 I want to say.  
 12 Q. Okay. And you indicated he had that  
 13 number for sometime?  
 14 A. He had the number for the two years we've  
 9:32AM 15 been together.  
 16 Q. Now, are you as you sit here today aware  
 17 of a murder that occurred back on February 21<sup>st</sup>,  
 18 2017?  
 19 A. I became aware when the SWAT team came to  
 9:33AM 20 my house.  
 21 Q. Understood. So as you sit here today  
 22 you're aware that murder occurred on that day, correct?  
 23 A. Correct.  
 24 Q. Do you recall approximately March 20<sup>th</sup>  
 9:33AM 25 of 2017 giving an interview with a Detective Ryan

9:33AM 1 Jaeger of Las Vegas homicide?  
 2 A. Is that who came with the SWAT team?  
 3 Q. Well, do you recall giving an interview  
 4 with a detective?  
 9:33AM 5 A. If he came with the SWAT team. That's the  
 6 only time I've talked to somebody. That's why I asked  
 7 that.  
 8 Q. And I understand why you are asking, but I  
 9 can't give you --  
 9:33AM 10 A. Understood. Understood. I don't know his  
 11 name, but if that's who was with the SWAT team, then,  
 12 yes, I talked to him.  
 13 Q. So we're talking about two weeks after  
 14 that February 21<sup>st</sup> date I gave you, March 7<sup>th</sup> would  
 9:33AM 15 be the day you were interviewed when the SWAT team  
 16 came?  
 17 A. Not March 7<sup>th</sup>. March 7<sup>th</sup>, no. I  
 18 wasn't here. I was in Atlanta then.  
 19 Q. Okay.  
 9:34AM 20 A. March 7 is my birthday.  
 21 Q. That's right. I saw that. I apologize.  
 22 March 20<sup>th</sup>. So about a month after this homicide  
 23 occurred?  
 24 A. Yes.  
 9:34AM 25 Q. Okay. During that interview you were

9:34AM 1 asked several questions by the detective and I want to  
 2 ask you some similar questions, okay?  
 3 A. Okay.  
 4 Q. First of all around that time between  
 9:34AM 5 February and March of this year what type of vehicle  
 6 did you drive?  
 7 A. A Jeep Compass.  
 8 Q. Was it white?  
 9 A. Yes, it is.  
 9:34AM 10 Q. Is that Jeep Compass something you owned?  
 11 A. Yes.  
 12 Q. Did you loan it out to Larry on several  
 13 occasions?  
 14 A. Yes.  
 9:34AM 15 Q. What were typical times or days that Larry  
 16 would use this vehicle?  
 17 A. Any time any day.  
 18 Q. Well, you were working at the time and you  
 19 still are, right?  
 9:35AM 20 A. Right.  
 21 Q. Was it common for you to be dropped off at  
 22 work by Larry and for him to use the vehicle while you  
 23 worked?  
 24 A. Yes.  
 9:35AM 25 Q. And what days and shifts did you work

9:35AM 1 during the months of February and March of 2017?  
 2 A. Well, I work Sunday, Monday, Tuesday night  
 3 but I also pick up extra shifts.  
 4 Q. That's okay. Let's just focus on Sunday,  
 9:35AM 5 Monday, Tuesday nights. What times are we talking?  
 6 A. 7:00 p.m. to around 7:30 a.m.  
 7 Q. And do you work in a hospital?  
 8 A. Yes, I do.  
 9 Q. So between seven and seven approximately  
 9:35AM 10 Sunday, Monday and Tuesday nights would Larry typically  
 11 have your white Jeep Compass?  
 12 A. Yes.  
 13 Q. Was there a time in February on a Tuesday  
 14 night that you recall Larry coming into your work  
 9:36AM 15 unexpectedly?  
 16 A. I want to say unexpectedly but I do  
 17 remember him coming in there. It's common for him to  
 18 come to my job because he pick me up and dropped me  
 19 off.  
 9:36AM 20 Q. But there was something unique about this  
 21 time, right?  
 22 A. Right.  
 23 Q. Now, if I were to represent to you that  
 24 was on Tuesday, February 21<sup>st</sup> that he came in while  
 9:36AM 25 you were working, do you know what I'm referring to

9:36AM 1 now?  
2 A. Yes.  
3 Q. Okay. How was it that you became aware  
4 that Larry was at your work on that day?  
9:36AM 5 A. One of the nurses came to the door of the  
6 room I work in and she asked me did I know a Larry, he  
7 was out there looking for me.  
8 Q. Now, I don't want to get into too much  
9 detail about your work, but is it safe to say you're in  
9:36AM 10 an area where you basically can't leave?  
11 A. Correct.  
12 Q. To just come and go?  
13 A. Correct.  
14 Q. When you were informed that Larry was at  
9:37AM 15 your work, what did you do?  
16 A. I went to the door and looked in the  
17 hallway but I didn't see anybody. So then I think I  
18 either text him or called him but there was no answer.  
19 So I had to come back into the area I work in and  
9:37AM 20 later --  
21 Q. Did you text or call that number that I  
22 previously described?  
23 A. Yes.  
24 Q. And no answer?  
9:37AM 25 A. No.

9:37AM 1 Q. What did you do then?  
2 A. Well, then I had to go back into my work  
3 area because I looked in the hallway and then I came  
4 back in and I had to watch the patients so a little  
9:37AM 5 later on he came back and I stepped into the hallway.  
6 Q. Okay. And did you observe Larry?  
7 A. Yeah.  
8 Q. What was his demeanor and appearance like  
9 at that time?  
9:37AM 10 A. He was shook up and he was limping and he  
11 said somebody had tried to rob him and he didn't have  
12 his phone.  
13 Q. What did he say he did with his phone?  
14 A. I don't recall. I just remember he said  
9:38AM 15 he didn't have it.  
16 Q. Do you remember previously telling a  
17 detective that interviewed you that he claimed he threw  
18 his phone when this person tried to rob him to form a  
19 distraction and it saved his life?  
9:38AM 20 A. I don't recall what he did with the phone,  
21 but I just know that he didn't have it.  
22 Q. So you don't recall telling a detective  
23 that Larry claimed to you that day that night he went  
24 to your work that he had thrown his phone as a  
9:38AM 25 distraction or anything of that nature?

9:38AM 1 A. No, sir, I don't recall that.  
2 Q. When you observed his person, you said he  
3 appeared to be shook up?  
4 A. Yes.  
9:38AM 5 Q. As though he had been in some kind of  
6 altercation physically or something to that effect?  
7 A. Yes.  
8 Q. When he told you his version of what  
9 happened, did you ask him why he didn't call police?  
9:39AM 10 A. No. I asked him was he okay. He said his  
11 head was hurting, I gave him some Advil and again I  
12 went back in my work area.  
13 Q. Was there ever a point in time where you  
14 asked him to call the police or why haven't you called  
9:39AM 15 the police?  
16 A. No, sir.  
17 Q. After that interaction you said you went  
18 back to work, right?  
19 A. Correct.  
9:39AM 20 Q. The following morning did he pick you up  
21 as planned or as --  
22 A. He was there until I got off. He didn't  
23 leave and come back. When he showed up he was there  
24 until I got off that morning.  
9:39AM 25 Q. Okay. When you got off that morning, did

9:39AM 1 you get into the white Jeep Compass, your vehicle?  
2 A. Yes.  
3 Q. And go home?  
4 A. Yes.  
9:39AM 5 Q. Shortly thereafter did Larry leave for  
6 Atlanta?  
7 A. Shortly thereafter I left for Atlanta and  
8 Larry was still here.  
9 Q. And when did you leave for Atlanta?  
9:40AM 10 A. Around March 7<sup>th</sup>.  
11 Q. Do you know when Larry left for Atlanta?  
12 A. I think I came back -- whatever the day  
13 the SWAT team came, I came back the weekend -- that  
14 weekend and he was already gone that weekend when I  
9:40AM 15 came back.  
16 Q. So as you sit here today under oath you're  
17 saying you didn't have contact with Larry in Atlanta  
18 after this incident?  
19 A. That's not what I'm saying.  
9:40AM 20 Q. Okay. Did you see him in Atlanta or not?  
21 A. Oh, when I was -- no, we weren't in  
22 Atlanta at the same time. I'm sorry.  
23 Q. That's what I was asking.  
24 A. Oh, no, no. I was in Atlanta first.  
9:40AM 25 Q. Did you have phone contact with him?

000090

9:40AM 1 A. Yes.  
2 Q. And what number did you have phone contact  
3 with?  
4 A. A number that I do not remember.  
9:40AM 5 Q. But as we kind of inferred his phone was  
6 left wherever it was left so he would have had to get a  
7 new phone; am I right?  
8 A. You're right.  
9 Q. Were you aware that he got a new phone?  
9:41AM 10 A. Yes.  
11 Q. When did that happen?  
12 A. I think the day after he came to my job.  
13 Q. Did you go with him?  
14 A. Yes.  
9:41AM 15 Q. And where did he get that new phone from?  
16 A. I want to say the Sprint store.  
17 Q. And as you sit here today you can't recall  
18 that new number that he would have gotten?  
19 A. No.  
9:41AM 20 Q. Would it surprise you in any way to know  
21 that Anthony Carter or Pokey's phone called the  
22 hospital that evening you were working? Would that  
23 surprise you to hear that?  
24 A. Yes, it would.  
9:41AM 25 Q. Because you're saying you don't know that

9:41AM 1 person and you --  
2 A. Never met him. Ever in my life.  
3 Q. Are you ultimately aware that Larry is  
4 arrested out in Atlanta?  
9:42AM 5 A. Once he got arrested?  
6 Q. Yes.  
7 A. Yes.  
8 Q. So you ultimately learn of that and he's  
9 brought back to Las Vegas, correct?  
9:42AM 10 A. Correct.  
11 Q. And since that time have you had  
12 communications with him?  
13 A. Yes.  
14 Q. How often and how do you communicate?  
9:42AM 15 A. On the phone. I go see him at visitation.  
16 Q. He's in CCDC?  
17 A. Yes.  
18 Q. Clark County Detention Center yes?  
19 A. Yes.  
9:42AM 20 MR. GIORDANI: Ladies and gentlemen, I  
21 will admonish you not to use that for any purpose  
22 against Mr. Brown. Does everyone understand that and  
23 promise to follow that? Everyone is nodding yes.  
24 BY MR. GIORDANI:  
9:42AM 25 Q. Do you talk to him in person weekly or

9:42AM 1 daily or what?  
2 A. Once a week in person at the jail.  
3 Q. And how about phone?  
4 A. Like every day probably.  
9:42AM 5 Q. Okay. So you're still in a relationship  
6 you'd say?  
7 A. You could say that, yes.  
8 Q. Have you ever discussed the circumstances  
9 of this case in any way over those phone calls?  
9:43AM 10 A. Yes.  
11 Q. Have you discussed in person the  
12 circumstances of this case?  
13 A. In visitation?  
14 Q. Yes.  
9:43AM 15 A. Yes. When he first got there, yes.  
16 Q. Since Larry's arrest in Atlanta and being  
17 brought back to Las Vegas has anyone reached out to  
18 you, specifically Pokey or anyone associated with  
19 Pokey --  
9:43AM 20 A. No, sir.  
21 Q. And do you know who Kwame Banks is?  
22 A. I learned who he was when I went to  
23 Larry's Court. He's the victim.  
24 Q. Has anyone associated with Kwame Banks  
9:43AM 25 reached out to you in any way since you learned who he

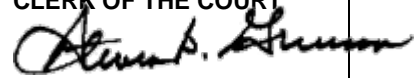
9:43AM 1 was?  
2 A. No.  
3 Q. Did you ever know Larry to possess or  
4 carry a gun within your home?  
9:44AM 5 A. No, sir.  
6 Q. Did you ever know Larry to be involved in  
7 marijuana, either transactions or sales?  
8 A. Not transactions or sales, but using it  
9 personally, yes.  
9:44AM 10 Q. So personal use, that would explain if  
11 there was marijuana found in your home what that was  
12 for?  
13 A. Yes, sir.  
14 Q. But you're saying you don't know of any  
9:44AM 15 drug transactions that he may have been involved in?  
16 A. No, sir.  
17 Q. Okay. Fair enough. After or since this  
18 incident occurred did you receive your white Jeep  
19 Compass back?  
9:44AM 20 A. Yes, sir.  
21 Q. And do you still have it to this day?  
22 A. Yes, sir.  
23 MR. GIORDANI: I don't have any further  
24 questions for the witness at this time. Does any of  
9:44AM 25 the Grand Jurors have any questions? Seeing no hands.

9:44AM 1 THE FOREPERSON: By law these proceedings  
2 are secret and you are prohibited from disclosing to  
3 anyone anything that transpired before us including  
4 evidence presented to the Grand Jury, any event  
9:44AM 5 occurring or statement made in the presence of the  
6 Grand Jury or any information obtained by the Grand  
7 Jury.  
8 Failure to comply with this admonition is  
9 a gross misdemeanor punishable up to 364 days in the  
9:44AM 10 Clark County Detention Center and a 2000-dollar fine.  
11 In addition you may be held in contempt of court which  
12 is punishable by an additional 500-dollar fine and 25  
13 days in the Clark County Detention Center.  
14 Do you understand this admonition?  
9:45AM 15 THE WITNESS: Yes.  
16 THE FOREPERSON: Thank you. You're  
17 excused.  
18 THE WITNESS: Thank you.  
19 MR. GIORDANI: You're free to leave,  
9:45AM 20 ma'am. Thank you.  
21 THE WITNESS: Thank you.  
22 MR. GIORDANI: All right. Ladies and  
23 gentlemen of the Grand Jury, I'll leave the room and  
24 allow you to re-deliberate on both defendants as to all  
9:45AM 25 counts. Thank you.

9:45AM 1 (At this time, all persons, except the  
2 members of the Grand Jury, left the room at 9:45 and  
3 returned at 9:48.)  
4 THE FOREPERSON: Mr. District Attorney, by  
9:48AM 5 a vote of 12 or more Grand Jurors a true bill has been  
6 returned against defendants Larry Brown and Anthony  
7 Carter charging the crimes of conspiracy to commit  
8 robbery, robbery with use of a deadly weapon, murder  
9 with use of a deadly weapon, possession of a controlled  
9:49AM 10 substance with intent to sell and ownership or  
11 possession of firearm by a prohibited person in Grand  
12 Jury Case Number 17AGJ060A and B. We instruct you to  
13 prepare an Indictment in conformance with the proposed  
14 Indictment previously submitted to us.  
9:49AM 15 MR. GIORDANI: Will do. Thank you very  
16 much.  
17 (Proceedings concluded.)  
18 --oo0oo--  
19  
20  
21  
22  
23  
24  
25

9:49AM 1 **REPORTER'S CERTIFICATE**  
2  
3 **STATE OF NEVADA** )  
4 **COUNTY OF CLARK** ) SS  
9:49AM 5  
6 I, Lisa Brenske, C.C.R. 186, do hereby  
7 certify that I took down in Shorthand (Stenotype) all  
8 of the proceedings had in the before-entitled matter at  
9 the time and place indicated and thereafter said  
9:49AM 10 shorthand notes were transcribed at and under my  
11 direction and supervision and that the foregoing  
12 transcript constitutes a full, true, and accurate  
13 record of the proceedings had.  
14 Dated at Las Vegas, Nevada,  
9:49AM 15 October 17, 2017.  
16  
17  
18 /S/LISA BRENSKE  
19 Lisa Brenske, C.C.R. 186  
9:49AM 20  
21  
22  
23  
24  
25

9:49AM 1 **AFFIRMATION**  
2 Pursuant to NRS 239B.030  
3  
4 The undersigned does hereby affirm that the  
9:49AM 5 preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
6 17AGJ060A-B:  
7  
8 X Does not contain the social security number of any  
9 person,  
9:49AM 10 -OR-  
11 Contains the social security number of a person as  
12 required by:  
13 A. A specific state or federal law, to-  
14 wit: NRS 656.250.  
15 -OR-  
9:49AM 16 B. For the administration of a public program  
17 or for an application for a federal or  
18 state grant.  
19 /S/LISA BRENSKE October 17, 2017  
20 Signature Date  
9:49AM 21 Lisa Brenske  
22 Print Name  
23 Official Court Reporter  
24 Title  
25



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA, )  
 ) CASE NO. C-17-326247-1  
Plaintiff, )  
vs. ) DEPT. XI  
 )  
LARRY DECORLEON BROWN, ) **Transcript of Proceedings**  
 )  
Defendant. )  
 )

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**GRAND JURY RETURN  
(SUPERSEDING INDICTMENT)**

WEDNESDAY, OCTOBER 4, 2017

APPEARANCES:

FOR THE STATE: JOHN L. GIORDANI, III  
Chief Deputy District Attorney  
  
KAREN MISHLER  
Deputy District Attorney  
  
FOR THE GRAND JURY: MORGAN DEVLIN  
Foreperson

RECORDED BY: JILL HAWKINS, COURT RECORDER



1 LAS VEGAS, NEVADA, WEDNESDAY, OCTOBER 4, 2017, 11:45 A.M.

2  
3 THE COURT: Any more?

4 MS. MISHLER: And, Your Honor, yesterday the Grand  
5 Jury met in Grand Jury Case Number 17AGJ060A and B, and by a  
6 vote of 12 or more returned a true bill against defendants,  
7 Larry Decorleon Brown and Anthony Carter, and by a vote of 12 or  
8 more returned a true bill as to Defendant Brown on the following  
9 charges: one count of conspiracy to commit robbery, one count of  
10 robbery with use of a deadly weapon, and one count of murder  
11 with use of a deadly weapon.

12 THE COURT: And the true bill was only against  
13 Defendant Brown?

14 MS. MISHLER: No, Your Honor. It was against both  
15 defendants. There's different charges for Defendant Carter.

16 And by a true bill returned -- and by a vote of 12 or  
17 more returned a true bill against Defendant Carter for the  
18 following charges: one count of conspiracy to commit robbery,  
19 one count of robbery with use of a deadly weapon, one count of  
20 murder with use of a deadly weapon, one count of possession of  
21 controlled substance with intent to sell, and one count of  
22 ownership or possession of firearm by a prohibited person.

23 THE COURT: Ms. Devlin, did at least 12 members of the  
24 Grand Jury concur in finding a true bill on each count as to  
25 each defendant charged in this superseding indictment?

1 THE FOREPERSON: Yes.

2 THE COURT: Very well. It will be -- it will remain  
3 assigned to Department 3 as the coordinator for the homicide  
4 team and remain Case Number C17326247-1-2.

5 Would you like a warrant or a summons?

6 MR. GIORDANI: I would be asking for warrants, and,  
7 actually, asking for no bail warrants on each defendant.

8 THE COURT: What's bail currently set at?

9 MR. GIORDANI: Initially, it was at \$350,000. And I  
10 represented to not only the Justice Court department but also  
11 this Court when I previously appeared that it was a largely  
12 circumstantial case at that point, and I conceded that. In  
13 Justice Court, when we argued bail, it was a strong  
14 circumstantial case but nonetheless circumstantial. Since this  
15 date, I have superseded and in the interim received DNA results  
16 that put Defendant Brown at the scene; he's on a latex glove  
17 underneath the victim's body. Their initial argument against  
18 bail was that they can't -- we can't put them at the scene and,  
19 et cetera.

20 So at this point I would ask for no bail and have it  
21 addressed up in the department, but if you're not inclined to do  
22 that, I understand. I can file a motion to revoke in District  
23 Court.

24 THE COURT: I'm going to leave the bail set at  
25 \$350,000 for each defendant. You can address the issue with

1 Judge Herndon.

2 MR. GIORDANI: Thank you.

3 THE COURT: Do you have some exhibits you'd like to  
4 lodge with the Court?

5 MR. GIORDANI: Yes, 1, 1A, 1B and 2 through 7.

6 THE COURT: You probably only want 1B now; right?

7 MR. GIORDANI: Oh. Okay. Yes.

8 THE COURT: Do you have any material witness warrants  
9 you'd like to quash?

10 MR. GIORDANI: Actually, yes, Your Honor. I have a  
11 material witness warrant for Angelisa Ryder, and the case number  
12 is A-17-749007-P.

13 THE COURT: Thank you. And since this is in District  
14 Court already we don't have any Justice Court proceedings to  
15 deal with.

16 MR. GIORDANI: Correct.

17 THE COURT: All right. Anything else today?

18 THE PROCEEDINGS CONCLUDED AT 11:49 A.M.

19  
20  
21 ATTEST: I do hereby certify that I have truly and correctly  
22 transcribed the audio-video proceedings in the above-entitled  
case to the best of my ability.

23  
24  
25   
JILL HAWKINS  
Court Recorder

ORIGINAL

1 IND

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JOHN GIORDANI  
6 Chief Deputy District Attorney  
7 Nevada Bar #012381  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

OCT 04 2017

BY

DULCE MARIE ROMEA, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-17-326247-1

11 -vs-

DEPT NO: III

12 LARRY DECORLEON BROWN,  
13 #8376788  
14 ANTHONY CARTER #1976097

Defendants.

SUPERSEDING

INDICTMENT

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

17 The Defendant above named, LARRY DECORLEON BROWN and ANTHONY  
18 CARTER, accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY TO  
19 COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);  
20 ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380,  
21 193.165 - NOC 50138); MURDER WITH USE OF A DEADLY WEAPON (Category A  
22 Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); POSSESSION OF CONTROLLED  
23 SUBSTANCE WITH INTENT TO SELL (Category D Felony - NRS 453.337 - NOC 51141);  
24 and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category  
25 B Felony - NRS 202.360 - NOC 51460), committed at and within the County of Clark, State  
26 of Nevada, on or between February 21, 2017 and March 20, 2017 as follows:

27 ///

28 ///

C-17-326247-1  
SIND  
Superseding Indictment  
4687819



1 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

2 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
3 about February 21, 2017 willfully, unlawfully, and feloniously conspire with each other to  
4 commit a robbery, by the defendants committing the acts as set forth in Counts 2 and 3, said  
5 acts being incorporated by this reference as though fully set forth herein.

6 COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON

7 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
8 about February 21, 2017 willfully, unlawfully, and feloniously take personal property, to wit:  
9 U.S. Currency and/or vehicle keys and/or vehicle, from the person of KWAME BANKS, or  
10 in his presence, by means of force or violence, or fear of injury to, and without the consent and  
11 against the will of KWAME BANKS, with use of a deadly weapon, to wit: a firearm, defendant  
12 using force or fear to obtain or retain possession of the property, to prevent or overcome  
13 resistance to the taking of the property, and/or to facilitate escape, the Defendants being  
14 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)  
15 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
16 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
17 commanding, inducing and/or otherwise procuring the other to commit the crime, whereby  
18 Defendant ANTHONY CARTER lured and/or set up a meeting with KWAME BANKS under  
19 the ruse of a drug deal, thereafter, Defendants LARRY DECORLEON BROWN and/or  
20 ANTHONY CARTER robbed and/or attempted to rob the said KWAME BANKS; and/or (3)  
21 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed.

22 COUNT 3 - MURDER WITH USE OF A DEADLY WEAPON

23 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
24 about February 21, 2017 willfully, unlawfully, feloniously and with malice aforethought, kill  
25 KWAME BANKS, a human being, with use of a deadly weapon, to wit: firearm, by shooting  
26 at or into the body of the said KWAME BANKS, the said killing having been (1) willful,  
27 deliberate and premeditated, and/or (2) committed during the perpetration or attempted  
28 perpetration of a robbery and/or attempt robbery, the Defendants being criminally liable under

1 one or more of the following principles of criminal liability, to-wit: (1) by directly committing  
2 this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that  
3 this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or  
4 otherwise procuring the other to commit the crime, whereby Defendant ANTHONY CARTER  
5 lured and/or set up a meeting with KWAME BANKS under the ruse of a drug deal, thereafter,  
6 Defendants LARRY DECORLEON BROWN and/or ANTHONY CARTER robbed and/or  
7 attempted to rob the said KWAME BANKS, thereafter the said KWAME BANKS was shot  
8 in the chest and killed during the course of the robbery and/or attempted robbery by Defendants  
9 LARRY DECORLEON BROWN and/or ANTHONY CARTER; and/or (3) pursuant to a  
10 conspiracy to commit this crime, with the intent that this crime be committed.

11 COUNT 4 - POSSESSION OF CONTROLLED SUBSTANCE WITH INTENT TO SELL

12 Defendant ANTHONY CARTER did on or about March 20, 2017 willfully, unlawfully,  
13 and feloniously possess, for the purpose of sale, a controlled substance, to wit: Marijuana.

14 COUNT 5 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

15 Defendant ANTHONY CARTER did on or about March 20, 2017 willfully, unlawfully,  
16 and feloniously own, or have in his possession and/or under his custody or control, a firearm,  
17 to wit: a Springfield 9mm handgun bearing Serial No. MG975091, the Defendant being a  
18 convicted felon, having in 2006, been convicted of Trafficking in Controlled Substance and  
19 Forgery (2 Counts), in Case No. C225371, in the Eighth Judicial District Court, Clark County,  
20 a felony under the laws of the State of Nevada.

21 DATED this 3rd day of October, 2017.

22 STEVEN B. WOLFSON  
23 Clark County District Attorney  
Nevada Bar #001565

24 BY

  
25 JOHN GIORDANI  
26 Chief Deputy District Attorney  
Nevada Bar #012381

27 ENDORSEMENT: A True Bill

28   
Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

CARTER, TIFFANY, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

COOK, DARIN, LVMPD #5730

DOSCH, MITCHELL, LVMPD #7907

ENGLISH, TIMOTHY, LVMPD #13404

MERRICK, FRED, LVMPD #7549

NELSON, DEREKA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

RYDER, ANGELISA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

TRAWICKI, JOSEPH, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

WRIGHT, NICOLE, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

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

BANKS, LAQUANDA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

CODY, LORA, LVMPD #7294

CUSTODIAN OF RECORDS, CCDC

CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS, LVMPD RECORDS

CUSTODIAN OF RECORDS, METRO PCS

CUSTODIAN OF RECORDS, SPRINT WIRELESS

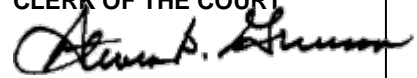
CUSTODIAN OF RECORDS, T-MOBILE

CUSTODIAN OF RECORDS, VERIZON WIRELESS

JAEGER, RYAN, LVMPD #5587

LONG, DANIEL, LVMPD #3969

17AGJ060A-B/17F07976X/17F09115X/mc-GJ  
LVMPD EV# 1702214563; 1703200757  
(TK2)



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Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

*Plaintiff,*

vs.

LARRY DECORLEON BROWN,

*Defendant.*

Case No.: C-17-326247-1

Dept. III

**MOTION TO PLACE ON CALENDAR AND MOTION TO REDUCE BAIL**

COMES NOW, Defendant, LARRY DECORLEON BROWN, by and through his counsel NICHOLAS M. WOOLDRIDGE ESQ., of Wooldridge Law, Ltd., and respectfully requests that this matter be placed on the calendar for purposes of considering Mr. Brown's request for a bail reduction. Bail is currently set at \$350,000.00. As detailed below, Mr. Brown's bail should be reduced to no more than \$100,000.00.

DATED this 5<sup>th</sup> day of October, 2017.

WOOLDRIDGE LAW, LTD.

/s/ Nicholas M. Wooldridge

Nicholas M. Wooldridge, Esq.  
400 South 7th Street, 4<sup>th</sup> Floor  
Las Vegas, NV 89101  
Telephone: (702) 330-4645



Facsimile: (702) 359-8494  
[nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)

**NOTICE OF MOTION**

TO: STATE OF NEVADA, Plaintiff

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff

PLEASE TAKE NOTICE that the undersigned will bring the foregoing MOTION TO PLACE ON CALENDAR AND MOTION TO REDUCE BAIL on the 19th day of October, 2017, at the hour of 9:00 AM am/pm in the Department No. III of the above Court, or as soon thereafter as counsel may be heard.

DATED this 5th day of October, 2017.

WOOLDRIDGE LAW LTD.,

/s/ Nicholas M. Wooldridge

---

Nicholas M. Wooldridge, Esq.  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**ARGUMENT**

**DEFENDANT'S BAIL SHOULD BE REDUCED TO \$100,000.00**

**I. Brief Statement of Facts**

Mr. Brown is charged through a three (3) count Indictment with Conspiracy to Commit Robbery (N.R.S. 200.380), Robbery with Use of Deadly Weapon (200.380), and Murder with Use of a Deadly Weapon (N.R.S. 200.010). Mr. Brown denies all of the pending charges against him.

**A. Applicable Standard for Bail**

Article I, Section 7 of the State of Nevada Constitution articulates:

All persons shall be bailable by sufficient sureties unless for capital offenses or murder punishable by life in prison without possibility of parole when the proof is evident or the presumption is great.

Therefore, bail is a matter of right, except where "the proof is evident or the presumption is great" that the defendant has committed a capital offense or murder punishable by life in prison. *See* Article 1, Section 7 of the State of Nevada Constitution.

As observed by the U.S. Supreme Court in interpreting the federal bail statute, the Sentencing Reform Act of 1984, "[i]n our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." *See United States v. Salerno*, 481 U.S. 739, 747 (1987).

In *Ex parte Wheeler*, 81 Nev. 495, 46 P.2d 713 (1965), our Nevada Supreme Court clearly stated the central thought surrounding bail is that punishment should follow conviction, not precede it. In other words, an accused is innocent until proven guilty. The purpose of bail is not to punish a defendant, rather to secure his attendance in Court. Indeed, as Chief Justice Vinson wrote in *Stack v. Boyle*, 342 U.S. 1, 72 S. Ct. 1, 96 L. Ed. 3 (1951) "...unless the right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning." *Id.*

1 342 U.S. at 4. Moreover, “[t]he command of the Eighth Amendment that ‘Excessive bail shall not  
2 be required,’ at the very least obligates judges passing upon the right to bail to deny relief only for  
3 the strongest of reasons.” *See Sellers v. United States*, 89 S. Ct. 36, 38 (1968).

4 NRS § 178.498 governs the factors to be considered when a court is attempting to determine  
5 an appropriate amount of bail and provides, in pertinent part:

6 If the defendant is admitted to bail, the bail must be set at an amount which in  
7 the judgment of the magistrate will reasonably ensure the appearance of the  
8 defendant and the safety of other persons and of the community, having  
9 regard to:

- 10 1. The nature and circumstances of the offense charged;
- 11 2. The financial ability of the defendant to give bail;
- 12 3. The character of the defendant; and,
- 13 4. The factors listed in NRS § 178.4853.

14 **B. NRS § 178.498 Factors**

15 1. Nature and Circumstances of the Offense Charged

16 Mr. Brown has a factual and legal defense to the pending charges and intends to vigorously  
17 contest the criminal charges and put the State to its proof at trial. Moreover, at this stage of the  
18 proceedings, the weight of the evidence against the accused is the least important factor in  
19 considering bail, *United States v. Motamedi*, 767 F.2d 1403, 1408 (9<sup>th</sup> Cir. 1985).

20 2. Financial Ability of Defendant

21 Mr. Brown has always been gainfully employed and has strong ties to his family and local  
22 community. He is self-employed through his HVAC business. However, crucially, he does not  
23 significant means to finance flight. This strongly supports his request for a bail reduction.  
24

25 3. Character of the Defendant

26 Mr. Brown is a United States citizen and resides in the State of Nevada. His family and his  
27 friends describe him as close to his children and devoted to his family. Mr. Brown went to school  
28

1 for CDL truck driving, HVAC and accounting. Mr. Brown owns his own HVAC business. He has  
2 two children, Latoryia Brown (19 years old) and Quintan Brown (13 years old). His daughter just  
3 graduated and is attending nursing school ant University of Las Vegas. Mr. Brown is an active  
4 member of the Antioch Ease Church and is involved in the PTA at Woodridge Elementary in  
5 Atlanta, Georgia.

6 **C. NRS § 178.4853 Factors**

7  
8 1. Length of Residence In the Community, Status  
9 History of Employment, and Relationship with Family Members

10 Mr. Brown resides in the State of Nevada. He has maintained steady employment throughout  
11 his life and has no incentive to flee. Consequently, because there is no risk or danger to the  
12 community, his bail in the amount of \$350,000.00 is excessive and should be reduced to  
13 \$100,000.00.

14 2. Reputation, Character And Mental Condition

15 To avoid duplicity, and not to repeat what has been set forth above, counsel refers this Court  
16 to the previous paragraphs, which summarizes Mr. Brown's background, reputation, and character.

17 3. Prior Criminal Record

18 Mr. Brown has a previous criminal record. Mr. Brown's previous conviction is from the year  
19 2000 for bank robbery. However, due to the passage of time (nearly 17 years), this conviction does  
20 not provide an accurate picture of Mr. Brown's reputation and character at present.

21  
22 4. Nature Of Offenses, Probability of Conviction And Risk Of Not  
23 Appearing

24 As noted in the previous paragraphs, Mr. Brown has a full factual and legal defense to the  
25 pending charges. Moreover, the probability of conviction in this case is, at this stage of the  
26 proceedings, the least important factor in considering bail, *United States v. Motamedi*, 767 F.2d  
27 1403, 1408 (9<sup>th</sup> Cir. 1985). Most crucially, there is no risk of Mr. Brown not appearing for any and  
28 all court proceedings. In light of Mr. Brown's background, the lack of any continuing danger to the

1 community or victim, there is no risk that he will not appear for any and all scheduled court  
2 appearances and this Court should grant his request for a reduction in bail to \$100,000.00 as  
3 \$350,000.00 is excessive.

4 5. Danger to Alleged Victim(s)

5 This Court can set additional conditions, including electronic monitoring, to insure that there  
6 is no continuing danger or increased risk of flight posed by Mr. Brown.

7 6. Likelihood Of More Criminal Activity

8 None. If this Court were to reduce Mr. Brown's bail, there is no increased risk that he would  
9 engage in any criminal activity.

10 7. Any Other Factors

11 The volume of discovery and other materials in this case means that there is a significant  
12 additional period of time before this case will be ready for trial. It is anticipated that discovery and  
13 trial preparations in this case may take a substantial period of time, involve significant pretrial  
14 motion practice and continued detention would become punitive and handicap defense counsel's  
15 ability to prepare this case for trial. As observed in *State v. Teeter*, 65 Nev. 584, 670 (1948), an  
16 accused who is denied bail is (1) diminished in his ability to prepare for trial, and (2) handicapped  
17 by the appearance at trial that he must be guilty since he is in custody. The State of Nevada's  
18 constitution precludes excessive bail, noting that the object of bail is simply to assure the presence of  
19 the defendant for trial. *See e.g., In the Matter of Jagles*, 44 Nev. 370, 371 (1921). Here, in setting  
20 bail at \$350,000.00, the Justice Court already determined that Mr. Brown poses neither a risk of  
21 flight or a danger to the community; however, bail in the amount of \$350,000.00 is excessive and is  
22 simply unnecessary to insure the defendants' appearance. Therefore, Mr. Brown's request for a bail  
23 reduction to \$100,000.00 should be granted.  
24  
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1 **D. Proposed Conditions**

2 Upon his O.R. release Mr. Brown will comply with any and all requirements imposed by the  
3 court as a condition of said release, including the following:

4 (a) He will appear at all times and places as ordered by the court releasing him and as  
5 ordered by any court before which the charge is subsequently heard;

6 (b) He will comply with any other conditions, including electronic monitoring and/or house  
7 arrest, which may be imposed by the court and are stated in the document;

8 (d) He understands that any court of competent jurisdiction may revoke the order of release  
9 without bail and may order him into custody or require him to furnish bail or otherwise ensure the  
10 protection of the health, safety and welfare of the community or her appearance.  
11

12 Mr. Brown does not pose a risk of flight or any danger to the community and this case should  
13 be placed on the calendar and Mr. Brown's bail should be reduced from \$350,000.00 to \$100,000.00  
14 subject to any additional conditions this Court deems necessary.

15 DATED this 5th day of October, 2017. WOOLDRIDGE LAW LTD.,  
16  
17

18 /s/ Nicholas M. Wooldridge

19 \_\_\_\_\_  
20 Nicholas M. Wooldridge, Esq.  
21 400 South 7th Street, 4<sup>th</sup> Floor  
22 Las Vegas, NV 89101  
23 Telephone: (702) 330-4645  
24 Facsimile: (702) 359-8494  
25 [nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)  
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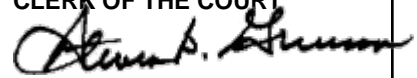
1 **CERTIFICATE OF SERVICE**

2  
3 I confirm that on this 5th day of October, 2017, a copy of the foregoing Motion to Place on  
4 Calendar and Motion to Reduce Bail was served on the below District Attorney's Office by having  
5 the same e-filed and courtesy copied to pdmotions@clarkcountyda.com, which in turn provides  
6 electronic service to:

7 Chief Deputy District Attorney  
8 200 Lewis Ave.  
9 Las Vegas, NV 89155-2212

/s/ Nicholas M. Wooldridge

10 \_\_\_\_\_  
11 Nicholas M. Wooldridge, Esq.  
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MTN  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
JOHN GIORDANI  
Chief Deputy District Attorney  
Nevada Bar #012381  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

LARRY DECORLEON BROWN,  
#8376788  
Defendant.

CASE NO: C-17-326247-1

DEPT NO: III

**STATE'S MOTION AND NOTICE OF MOTION TO REVOKE BAIL**

DATE OF HEARING:  
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through JOHN GIORDANI, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in Support of the State's Motion To Revoke Bail.

This Motion is made and based upon all the papers and pleadings on file herein, the attached points and authorities in support hereof, and oral argument at the time of hearing, if deemed necessary by this Honorable Court.

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1 **NOTICE OF HEARING**

2 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned  
3 will bring the foregoing motion on for setting before the above entitled Court, in Department  
4 III thereof, on \_\_\_\_\_, the 19 day of October, 2014, at 9:00 o'clock AM, or as soon  
5 thereafter as counsel may be heard.

6 DATED this 5th day of October, 2017.

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

10 BY /s/ JOHN GIORDANI  
11 JOHN GIORDANI  
12 Chief Deputy District Attorney  
13 Nevada Bar #012381

14 **POINTS AND AUTHORITIES**

15 **FACTUAL BACKGROUND<sup>1</sup>**

16 On February 21, 2017, at approximately 2247 hours, LVMPD patrol officers  
17 responded to several 9-1-1 calls reporting a shooting in the parking lot of an apartment  
18 complex located at 5850 Sky Pointe Drive in northwest Las Vegas. Patrol officers and  
19 emergency medical personnel arrived and discovered the body of an adult male, later identified  
20 as Kwame Banks, deceased from an apparent gunshot wound. Bank's body was located in a  
21 parking space under a carport, in front of building 21. Bank's pants pockets were turned inside-  
22 out and his sweatshirt was pulled up, which suggested a possible robbery. Evidence at the  
23 crime scene consisted of apparent blood, footwear impressions in apparent blood, two .40  
24 caliber cartridge cases, two black nitrile exam gloves, a black cloth glove, a \$10.00 bill, and  
25 three cell phones.

26 \_\_\_\_\_  
27 <sup>1</sup> The Grand Jury Transcript has not yet been filed, so the following factual background is taken from the police reports,  
28 witness statements, forensic evidence, and cell phone data.

Following the investigation, Detectives determined Larry Brown and Anthony Carter were involved in purchasing marijuana from Kwame Banks. When Banks arrived at the Sky Pointe apartments to sell Carter the marijuana, Brown got into a physical altercation with Banks. During the altercation, Banks was shot and killed. Brown and Carter fled the scene and Brown later fled to Georgia.

## Witness Statements

On February 22, 2017, LVMPD Homicide Detectives located and interviewed several witnesses in the Sky Pointe apartment complex. In sum, the witnesses reported hearing a male's voice screaming for help. Witnesses saw the decedent and at least one other person involved in an altercation and then heard gunshots. Some of the witnesses then reported seeing the shooter go through the decedent's pockets. After the murder, some of the witnesses reported the shooter left on foot and went out the main entrance, while other witnesses reported the shooter possibly left in a vehicle, which was parked to the south of the victim's body.

Eyewitness Dereka Nelson, a resident of Apartment 21/2005A, a second-floor apartment which overlooks the crime scene, stated that around 2240 hours she heard what sounded like a male yelling for help, which was followed by a gunshot. Nelson called 9-1-1 and looked out her bedroom window. She saw two men involved in a physical altercation underneath the carport. The fight moved onto the hood of her parked white Toyota Solara and the victim was under the suspect. Nelson then heard a second gunshot, but did not see a weapon.

Nelson retreated, but about one minute later returned to the window and saw the victim lying motionless on the ground next to her car. A male—Nelson believed most likely the same suspect—then approached the victim’s body from the east and began searching the victim’s pants pockets. The suspect walked away and, within approximately 10 seconds, Nelson saw a navy blue or black four-door sedan travel southbound through the parking lot toward the south entrance. The vehicle had tinted windows and appeared to be an older model.

Branden and Kelly Kohler, residents of Apartment 18/1018A, were home at the time

1 of the shooting entertaining company. Kelly Kohler was sitting on her patio when she heard  
2 screaming and a male voice saying “help, help, help.” Branden Kohler went onto the patio and  
3 heard two men arguing in the direction where the victim was located—Branden heard one of  
4 the men yelling “no, no, no.” The Kohlers then heard one gunshot. Kelly Kohler went inside  
5 her apartment, called 9-1-1, and while she was talking to the operator heard a second gunshot.  
6 Branden was on patio listening to the two men continue to arguing when the second gunshot  
7 rang out. Branden then saw a male wearing a dark hoody with white lettering stand up and  
8 start to walk northbound towards the leasing office, but lost sight of the male. Branden then  
9 saw a vehicle he believed was a dark colored Nissan Maxima or Altima back out of a covered  
10 parking spot, which was south of the victim’s location, and exit south through the parking lot.

### 11 **Statement of Victim’s Girlfriend**

12 Tiffany Seymour, Banks’ long-time girlfriend and mother of Banks’ children, told  
13 detectives that Banks owned a black Nissan Altima, 4-door, bearing California license plates  
14 7PME614. Banks usually carried two cell phones, but recently he started carrying a third. One  
15 was a white iPhone with the number 702-786-9811, which Banks used exclusively for family  
16 contacts. The second was a black cell phone with number 702-755-2805, which he used for  
17 business (i.e. Marijuana sales). Seymour knew nothing about the last black cell phone, as she  
18 had only seen it two or three days prior.

19 According to Seymour, the night of the murder Banks had received a text from a male  
20 known as “Poe ATL” (the ATL was because he was from Atlanta). Seymour saw the name  
21 “Poe ATL” on the screen of Banks’ black cell phone and heard “Poe ATL” talk before and  
22 said he was “Country” and she thought that confirmed that he was from Atlanta. “Poe ATL”  
23 had ordered a delivery and around 2200 hours. Banks didn’t leave until 2215 hours.

### 24 **Cell Phone Evidence**

25 In total, the following three cell phones were located within the crime scene:  
26 (1) A black cell phone with a cracked screen and apparent blood was found approximately 100  
27 feet north of Banks’ body in the parking lot near the main entrance. The phone was in three  
28

1 pieces. A subsequent forensic examination revealed the cell phone number to be 702-277-  
2 4856. No additional leads were developed from this phone. This phone is likely Banks' third  
3 cell phone. The LVMPD Forensic Laboratory later determined Kwame Banks' full DNA  
4 profile was on the front and back of the phone.

5 (2) A black LG Samsung cell phone with a cracked screen and apparent blood was located  
6 under Banks' body. A subsequent forensic examination of the phone identified the phone  
7 number as 702-755-2805, the same number Seymour identified as Banks' marijuana-business  
8 phone. In the cell phone contacts, Detectives located a contact named "Poe ATL" with the  
9 corresponding cell phone number of 702-581-2072. Banks' cell phone showed a lot of activity  
10 between his phone number and "Poe ATL"/702-581-2072. Phone records from T-Mobile  
11 identified the subscriber of 702-581-2072 as Anthony Carter. A SCOPE records check on  
12 Carter revealed he was born in Atlanta, Georgia.

13 (3) A black Samsung cell phone in a black case was found approximately 10 to 15 feet away  
14 from Banks' body in a landscaped area. The phone was locked, but Detectives were able to  
15 trace the serial number of the phone's SIM card, which identified the subscriber as Larry  
16 Brown (DOB: 01/10/1978). Brown's address was located in Atlanta, Georgia and the cell  
17 phone number was identified as 404-808-2233.

18 Brown's phone records showed the last voice call he made on February 21, 2017, was  
19 at 2017 hours. The call phone hit off a cell phone tower located less than a ¼ mile south of the  
20 crime scene. That call was followed by exclusive text message activity between Brown's cell  
21 phone and Anthony Carter's cell phone, between 2206 hours and 2240 hours.

22 Following service of a pen register on Anthony Carter's cell phone, Carter's cell phone  
23 records showed that at the time of the murder his calls hit off a cell tower located less than a  
24 ½ mile northwest of the crime scene. The records revealed significant text message activity  
25 between Carter's cell phone and Brown's cell phone right before the murder, between 2207  
26 and 2222 hours. Then at 2240 hours there was a final text message sent from Carter's phone  
27 to Brown's phone. After that there was no more contact between the two cell phones and  
28

1 Carter turned off his phone by 1230 hours on February 22, 2017.

## 2 **Victim's Vehicle**

3 On February 23, 2017, detectives located Banks' black 4-door Nissan Altima,  
4 registered as CA/7PME614, parked less than a mile from the crime scene in a business  
5 complex located at 7495 Azure Drive. The vehicle's license plates were missing and the  
6 interior of the vehicle had been set on fire in an attempt to destroy evidence.

7 Surveillance video from the car dealerships located acrosss the street captured footage  
8 showing Banks' vehicle pulling into the business complex on February 21, 2017 at 2332 hours,  
9 which was approximately 45 minutes after the murder was reported to law enforcement. At  
10 approximately 2356 hours a newer model, mid-size white SUV arrived and parked next to the  
11 Nissan Altima. Six minutes later, at approximately 0002 hours, a marked LVMPD patrol  
12 vehicle pulled into the same parking lot just as the white SUV exited the business complex.  
13 The marked LVMPD unit pulled up behind the Nissan Altima and appeared to shine a spotlight  
14 on the vehicle.

15 Detectives later learned the LVMPD officer who arrived in the business complex just  
16 as the white SUV was leaving was Officer English. Officer English ran Banks' California  
17 license plate at approximately 0003 hours, but no NCIC alert existed at the time. Officer  
18 English said he was westbound on Azure Drive when he looked into the parking lot and saw  
19 a large-frame (230+ pounds and over 6'0") male wearing all dark clothing standing next to the  
20 black Nissan Altima, which appeared suspicious to Officer English who then pulled into the  
21 parking lot. At the same time, a newer model white SUV driven by an apparent black female  
22 drove next to him. Officer English did not see the male in the white SUV and could not get  
23 the SUV's license plate before it drove away on Azure Drive. Officer English pulled in behind  
24 Banks' vehicle and found the male gone and the vehicle unoccupied.

25 Further review of the video surveillance showed Banks' vehicle still parked in the  
26 business complex in the early morning hours of February 23, 2017. At approximately 0243  
27 hours, the vehicle appeared to be set on fire, but no suspect or vehicle could be seen entering  
28

1 the business complex before the fire. However, a white SUV, similar to the one depicted on  
2 the earlier video surveillance, was seen driving both east and westbound on Azure Drive.

3 Detectives learned that Brown's girlfriend, Angelisa Ryder, owed a white SUV, a 2015  
4 Jeep Compass SUV bearing NV/385AUE registered to the couples' identified local address.  
5 Detectives determined that vehicle bore a strong resemblance to the white SUV depicted in  
6 video surveillance of the business complex where Banks' vehicle was dumped and burned.

### 7 **Surveillance and Search of Brown's Home**

8 On March 9, 2017, a surveillance team set up on the home of Brown and Ryder.  
9 Detectives observed a male exiting the residence, who looked like Larry Brown. The male left  
10 the residence driving the white Jeep.

11 On March 20, 2017, Detectives served a search warrant on the Brown-Ryder residence  
12 and the Jeep Compass parked in the driveway. Among the items seized was a pair of red and  
13 black shoes, size 13D. Though presumptive tests for blood with Phenolphthalein, showed  
14 negative results, the tread of the shoes appeared to be a match to footwear impressions in  
15 apparent blood found at the crime scene.

### 16 **Interview of Brown's Girlfriend**

17 On March 20, 2017 at approximately 0917 hours, Detective Jaeger conducted a taped  
18 interview with Angelisa Ryder. Ryder said she and Larry Brown lived in Atlanta, Georgia  
19 before moving to Las Vegas. Brown normally drives Ryder to work at Summerlin Hospital in  
20 her Jeep Compass and picks her up after work so Brown can use her vehicle. Ryder works  
21 nights at the hospital as a monitor technician.

22 Ryder stated that on February 22, 2017 at approximately 0500 hours, while she was  
23 working in the hospital, she received a message that Brown was at the hospital and wanted to  
24 see her.

25 Ryder left and met Brown, who Ryder described as visibly shaken, walking with a limp,  
26 having a swollen knee and scratches on both arms, and complaining of a headache. Brown  
27 claimed he was with his friend "Poke" (Anthony Carter), when two unknown men tried to rob  
28

1 and kill him. One of the men pointed a gun at Brown, so Brown tossed his phone in the rocks  
2 as a distraction and fought with the man. Ryder said Brown recently left to Georgia on  
3 Allegiant Airlines.

4 On June 29, 2017, members of the Criminal Apprehension Team in Decatur, Georgia,  
5 conducted surveillance to apprehend Larry Brown. Brown was seen and detectives attempted  
6 to apprehend Brown, who fled in a vehicle. A vehicle pursuit was initiated and Brown's  
7 vehicle was later stopped which led to a foot chase where brown was taken into custody. Larry  
8 Brown was arrested and book for his arrest warrants for Murder with Use of a Deadly Weapon  
9 and Robbery with Use of a Deadly Weapon.

#### 10 **LEGAL ARGUMENT**

11 As this Court is aware, defendants charged with the crime of 1<sup>st</sup> Degree Murder are not  
12 entitled to bail:

13 A person arrested for murder of the first degree may be admitted to bail unless the  
14 proof is evident or the presumption great by any competent court or magistrate  
15 authorized by law to do so in the exercise of discretion, giving due weight to the  
evidence and to the nature and circumstances of the offense.

16 NRS 178.484(4).

17 In the instant case, Defendant was arraigned in Justice Court Dept. 2 on August 10,  
18 2017. On that date, the Magistrate heard arguments regarding bail. Defendant argued that the  
19 State's case was largely circumstantial, and that the State could not place him at the scene of  
20 the crime, other than the fact that his cell phone was found near the body. The State conceded  
21 that the case was largely circumstantial, but was in fact a very strong circumstantial case. The  
22 Justice of the Peace agreed with the State regarding the strength of the circumstantial evidence,  
23 but set bail at \$350,000.

24 Since that bail was set, the State's case has become much stronger, and the argument  
25 upon which Defendant's bail setting relied has been debunked by physical evidence.  
26 Specifically, on September 21, 2017, the LVMPD Forensic Laboratory determined that the  
27 major DNA profile obtained from the swabbing of the torn nitrile glove recovered from  
28

1 underneath the victim's body is consistent with Larry Brown (probability of random selection  
2 from general population being 1 in 789 septillion).

3 That fact, coupled with the mounds of circumstantial evidence previously referenced  
4 (the victim's pockets being turned inside-out, the witness statements indicating the victim was  
5 robbed and shot by whomever was wearing the rubber gloves, Defendant's flight to Georgia,  
6 and the cell phone evidence, etc.) render Defendant's current bail setting inappropriate. At this  
7 point, the proof is evident and the presumption great, and Defendant should be held without  
8 bail pending jury trial.

9 On top of all that, Defendant is both a danger to the community and a flight risk.  
10 Defendant has significant ties to Georgia, as evidenced by his girlfriend's statements, the fact  
11 that he fled there after the murder, and his criminal record. Defendant has several felony  
12 convictions, all of which occurred in the State of Georgia:

- 13 1. **Bank Robbery** - Federal (Felony): Convicted on March 14, 2000, and sentenced to 57  
14 months prison.
- 15 2. **Sale of Drug** (Felony): and Possession of Drug with Intent to Distribute (Felony):  
16 Convicted March 18, 1999, and sentenced to 1 year confinement and 3 years probation.
- 17 3. **Probation Violation** (Felony): Convicted February 19, 1997.
- 18 4. **Possession of Drug** (Felony): Convicted July 1, 1996, and sentenced to 2 years  
19 probation.

20 Defendant's criminal record clearly establishes his ties to Georgia, and also supports the  
21 State's assertion that he is a danger to the community.

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**CONCLUSION**

Based upon the foregoing, the State respectfully requests that Defendant's bail be  
revoked, and that he be held without bail pending jury trial.

DATED this 5th day of October, 2017.

Respectfully submitted,

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

BY /s/ JOHN GIORDANI  
JOHN GIORDANI  
Chief Deputy District Attorney  
Nevada Bar #12381

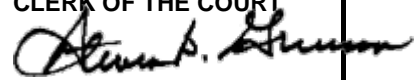
**CERTIFICATE OF ELECTRONIC TRANSMISSION**

I hereby certify that service of the above and foregoing was made this 5th day of  
October, 2017, by electronic transmission to:

NICHOLAS WOOLDRIDGE  
nicholas@wooldridgelawlv.com

BY /s/ E. DEL PADRE  
ESTEE DEL PADRE  
Secretary for the District Attorney's Office

ed/GCU



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
LARRY DECORLEON BROWN, ANTHONY )  
CARTER, )  
)  
Defendants. )

GJ No. 17AGJ060AB  
DC No. C326247

Taken at Las Vegas, Nevada

Tuesday, October 10, 2017

2:02 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SECOND SUPERSEDING INDICTMENT

Reported by: Danette L. Antonacci, C.C.R. No. 222

12:00 1 GRAND JURORS PRESENT ON OCTOBER 10, 2017

2

3 MORGAN DEVLIN, Foreperson

4 SANDRA MOORE, Deputy Foreperson

12:00 5 RAELYNN CASTANEDA, Secretary

6 JANIS ROGERS, Assistant Secretary

7 DOMINIQUE CARDENAS

8 IVAN CAYLOR

9 JERRY DIVINCENZO

12:00 10 MICHELLE FENDELANDER

11 BOBBI FLORIAN

12 AMY KNUDSON

13 GREGORY KORNILOFF

14 PATRICIA PRATHER

12:00 15 LATANIS WATTS

16 GUSTAVO ZAVALA

17

18 Also present at the request of the Grand Jury:

19 John Giordani, Chief Deputy District Attorney

12:00 20

21

22

23

24

25

12:00

1

INDEX OF EXHIBITS

2

3

Grand Jury ExhibitsIdentified

4

1C - PROPOSED SECOND SUPERSEDING INDICTMENT

5

12:00

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8 - CERTIFIED JUDGMENT OF CONVICTION

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12:00

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LAS VEGAS, NEVADA, OCTOBER 10, 2017

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\* \* \* \* \*

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DANETTE L. ANTONACCI,

12:00

5

having been first duly sworn to faithfully

6

and accurately transcribe the following

7

proceedings to the best of her ability.

8

9

MR. GIORDANI: Good afternoon ladies and

02:02

10

gentlemen. I'm here on a second superseding Indictment

11

in the case of State versus Larry Brown and Anthony

12

Carter, 17AGJ060AB. All the prior instructions on the

13

law and exhibits should be accessible to you. Is there

14

anyone here that was not present during the last

02:02

15

presentation?

16

There is one individual who I believe was

17

not in the room for the last presentation, but we have

18

at least 12 others who were present during the last.

19

Today I don't have any witnesses to present to you. All

02:03

20

I'm doing is marking as Grand Jury Exhibit Number 8 a

21

copy of a certified Judgment of Conviction for defendant

22

Larry Brown for the crime of bank robbery in a federal

23

case 199-CR-619 and I'll refer you to Count 6 of the

24

second superseding Indictment.

02:03

25

With that I will leave the room and allow

02:03 1 you to deliberate.

2 Second superseding Indictment would be --

3 A JUROR: 1C.

4 MR. GIORDANI: 1C.

02:03 5 (At this time, all persons, other than  
6 members of the Grand Jury, exit the room at 2:03 p.m.  
7 and return at 2:06 p.m.)

8 THE FOREPERSON: Mr. District Attorney, by  
9 a vote of 12 or more grand jurors a true bill has been  
02:06 10 returned against defendants Larry Brown and Anthony  
11 Carter charging the crimes of conspiracy to commit  
12 robbery, robbery with use of a deadly weapon, murder  
13 with use of a deadly weapon, possession of controlled  
14 substance with intent to sell, and ownership or  
02:06 15 possession of firearm by prohibited person, in Grand  
16 Jury case number 17AGJ060A&B. We instruct you to  
17 prepare an Indictment in conformance with the proposed  
18 Indictment previously submitted to us.

19 MR. GIORDANI: I will. Thank you very  
02:07 20 much.

21 (Proceedings concluded.)

22 --oo0oo--

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24

25

02:07

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**REPORTER'S CERTIFICATE**

2

3

**STATE OF NEVADA** )

: ss

4

**COUNTY OF CLARK** )

02:07

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6

I, Danette L. Antonacci, C.C.R. 222, do

7

hereby certify that I took down in Shorthand (Stenotype)

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all of the proceedings had in the before-entitled matter

9

at the time and place indicated and thereafter said

02:07

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shorthand notes were transcribed at and under my

11

direction and supervision and that the foregoing

12

transcript constitutes a full, true, and accurate record

13

of the proceedings had.

14

Dated at Las Vegas, Nevada,

02:07

15

October 17, 2017.

16

17

/s/ Danette L. Antonacci

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19

---

Danette L. Antonacci, C.C.R. 222

02:07

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## AFFIRMATION

2

Pursuant to NRS 239B.030

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4

The undersigned does hereby affirm that the  
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
17AGJ060AB:

02:07

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

9

02:07

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-

02:07

15

16

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

17

18

/s/ Danette L. Antonacci

19

Signature

10-17-17

Date

02:07

20

21

Danette L. Antonacci

Print Name

22

23

Official Court Reporter

Title

24

25



ORIGINAL

1 IND

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565

5 JOHN GIORDANI  
6 Chief Deputy District Attorney  
7 Nevada Bar #012381  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

OCT 11 2017

BY   
DULCE MARIE ROMEA, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-17-326247-1

11 -vs-

DEPT NO: III

12 LARRY DECORLEON BROWN,  
13 #8376788  
14 ANTHONY CARTER #1976097

Defendants.

SECOND SUPERSEDING  
INDICTMENT

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

17 The Defendant above named, LARRY DECORLEON BROWN and ANTHONY  
18 CARTER, accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY TO  
19 COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);  
20 ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380,  
21 193.165 - NOC 50138); MURDER WITH USE OF A DEADLY WEAPON (Category A  
22 Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); POSSESSION OF CONTROLLED  
23 SUBSTANCE WITH INTENT TO SELL (Category D Felony - NRS 453.337 - NOC 51141);  
24 and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category  
25 B Felony - NRS 202.360 - NOC 51460), committed at and within the County of Clark, State  
26 of Nevada, on or between February 21, 2017 and March 20, 2017 as follows:

27 ///

28 /// C-17-326247-1  
SIND  
Superseding Indictment  
4689613



1 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

2 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
3 about February 21, 2017 willfully, unlawfully, and feloniously conspire with each other to  
4 commit a robbery, by the defendants committing the acts as set forth in Counts 2 and 3, said  
5 acts being incorporated by this reference as though fully set forth herein.

6 COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON

7 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
8 about February 21, 2017 willfully, unlawfully, and feloniously take personal property, to wit:  
9 U.S. Currency and/or vehicle keys and/or vehicle, from the person of KWAME BANKS, or  
10 in his presence, by means of force or violence, or fear of injury to, and without the consent and  
11 against the will of KWAME BANKS, with use of a deadly weapon, to wit: a firearm, defendant  
12 using force or fear to obtain or retain possession of the property, to prevent or overcome  
13 resistance to the taking of the property, and/or to facilitate escape, the Defendants being  
14 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)  
15 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
16 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
17 commanding, inducing and/or otherwise procuring the other to commit the crime, whereby  
18 Defendant ANTHONY CARTER lured and/or set up a meeting with KWAME BANKS under  
19 the ruse of a drug deal, thereafter, Defendants LARRY DECORLEON BROWN and/or  
20 ANTHONY CARTER robbed and/or attempted to rob the said KWAME BANKS; and/or (3)  
21 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed.

22 COUNT 3 - MURDER WITH USE OF A DEADLY WEAPON

23 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
24 about February 21, 2017 willfully, unlawfully, feloniously and with malice aforethought, kill  
25 KWAME BANKS, a human being, with use of a deadly weapon, to wit: firearm, by shooting  
26 at or into the body of the said KWAME BANKS, the said killing having been (1) willful,  
27 deliberate and premeditated, and/or (2) committed during the perpetration or attempted  
28 perpetration of a robbery and/or attempt robbery, the Defendants being criminally liable under

one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime, whereby Defendant ANTHONY CARTER lured and/or set up a meeting with KWAME BANKS under the ruse of a drug deal, thereafter, Defendants LARRY DECORLEON BROWN and/or ANTHONY CARTER robbed and/or attempted to rob the said KWAME BANKS, thereafter the said KWAME BANKS was shot in the chest and killed during the course of the robbery and/or attempted robbery by Defendants LARRY DECORLEON BROWN and/or ANTHONY CARTER; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed.

COUNT 4 - POSSESSION OF CONTROLLED SUBSTANCE WITH INTENT TO SELL

Defendant ANTHONY CARTER did on or about March 20, 2017 willfully, unlawfully, and feloniously possess, for the purpose of sale, a controlled substance, to wit: Marijuana.

COUNT 5 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

Defendant ANTHONY CARTER did on or about March 20, 2017 willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to wit: a Springfield 9mm handgun bearing Serial No. MG975091, the Defendant being a convicted felon, having in 2006, been convicted of Trafficking in Controlled Substance and Forgery (2 Counts), in Case No. C225371, in the Eighth Judicial District Court, Clark County, a felony under the laws of the State of Nevada.

COUNT 6 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

Defendant LARRY BROWN did on or about February 21, 2017 willfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, the Defendant being a convicted felon, having in 1996 and/or 1999, been convicted of

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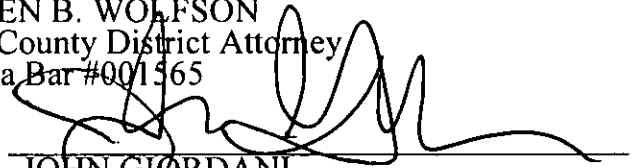
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1 Possession of Controlled Substance in the state of Georgia, and/or in 2000, having been  
2 convicted of Bank Robbery (Federal), felonies under the laws of the State of Nevada.

3 DATED this 10<sup>th</sup> day of October, 2017.

4 STEVEN B. WOLFSON  
5 Clark County District Attorney  
6 Nevada Bar #001565

7 BY

8   
9 JOHN GIORDANI  
10 Chief Deputy District Attorney  
11 Nevada Bar #012381

12  
13 ENDORSEMENT: A True Bill

14   
15 Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

CARTER, TIFFANY, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

COOK, DARIN, LVMPD #5730

DOSCH, MITCHELL, LVMPD #7907

ENGLISH, TIMOTHY, LVMPD #13404

MERRICK, FRED, LVMPD #7549

NELSON, DEREKA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

RYDER, ANGELISA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

TRAWICKI, JOSEPH, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

WRIGHT, NICOLE, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

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

BANKS, LAQUANDA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

CODY, LORA, LVMPD #7294

CUSTODIAN OF RECORDS, CCDC

CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS, LVMPD RECORDS

CUSTODIAN OF RECORDS, METRO PCS

CUSTODIAN OF RECORDS, SPRINT WIRELESS

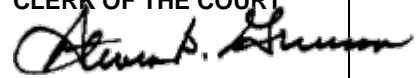
CUSTODIAN OF RECORDS, T-MOBILE

CUSTODIAN OF RECORDS, VERIZON WIRELESS

JAEGER, RYAN, LVMPD #5587

LONG, DANIEL, LVMPD #3969

17AGJ060A-B/17F07976X/17F09115X/mc-GJ  
LVMPD EV# 1702214563; 1703200757  
(TK2)



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	CASE NO. C-17-326247-1
Plaintiff,	)	
vs.	)	DEPT. XI
	)	
LARRY DECORLEON BROWN,	)	
	)	<b>Transcript of Proceedings</b>
Defendant.	)	
	)	

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**GRAND JURY RETURN  
(SECOND SUPERSEDING INDICTMENT)**

WEDNESDAY, OCTOBER 11, 2017

APPEARANCES:

FOR THE STATE:	ELANA L. GRAHAM Chief Deputy District Attorney
	KAREN MISHLER Deputy District Attorney
FOR THE GRAND JURY:	MORGAN DEVLIN Foreperson

RECORDED BY: JILL HAWKINS, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, OCTOBER 11, 2017, 11:49 A.M.

2  
3 THE COURT: I go to the next.

4 MS. MISHLER: Yes, Your Honor, yesterday the Grand  
5 Jury met in Case Number 17AGJ060A and B, and by a vote of 12 or  
6 more returned a true bill against defendants, Larry Decorleon  
7 Brown and Anthony Carter.

8 As to Defendant Brown, those charges were one count  
9 conspiracy to commit robbery, one count robbery with use of a  
10 deadly weapon, one count murder with use of a deadly weapon, and  
11 one count ownership or possession of firearm by a prohibited  
12 person.

13 As to Defendant Carter, those charges were one count  
14 conspiracy to commit robbery, one count robbery with use of a  
15 deadly weapon, one count murder with use of a deadly weapon, one  
16 count possession of controlled substance with intent to sell,  
17 and one count ownership or possession of firearm by a prohibited  
18 person.

19 THE COURT: Thank you.

20 Ms. Devlin, did at least 12 members of the Grand Jury  
21 concur in finding a true bill on each count as to each defendant  
22 charged in this second superseding indictment?

23 THE FOREPERSON: Yes.

24 THE COURT: Very well. It will be accepted and it  
25 remains Case Number C17326247-1-2 and remains assigned to

1 Department Number 3 as the coordinator for the homicide team.  
2 Would you like a warrant or a summons, Ms. Graham?  
3 MS. GRAHAM: A warrant, please, Your Honor.  
4 THE COURT: What's current bail?  
5 MS. GRAHAM: 350,000.  
6 THE COURT: Each defendant?  
7 MS. GRAHAM: For each, yes, Your Honor.  
8 THE COURT: Bail will remain at \$350,000 for each  
9 defendant.  
10 THE COURT: Do you have some exhibits you'd like to  
11 lodge?  
12 MS. GRAHAM: Yes, Your Honor, 1C and 8.  
13 THE COURT: Those will be accepted.  
14 Do you have any material witness warrants you want to  
15 quash?  
16 MS. GRAHAM: No, Your Honor.  
17 THE COURT: Okay.  
18 MS. GRAHAM: Thank you, Your Honor.  
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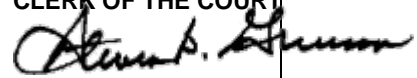
1 THE COURT: Bye'. Have a nice day.

2 THE COURT CLERK: Arraignment date is October 19 at  
3 9:00 a.m.

4 THE PROCEEDINGS CONCLUDED AT 11:50 A.M.  
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20 ATTEST: I do hereby certify that I have truly and correctly  
21 transcribed the audio-video proceedings in the above-entitled  
22 case to the best of my ability.

23   
24 JILL HAWKINS  
25 Court Recorder



1 RTRAN

2  
3  
4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 THE STATE OF NEVADA,  
9 Plaintiff,

CASE#: C-17-326247-1  
C-17-326247-2

10 vs.

DEPT. III

11 LARRY DECORLEON BROWN,  
12 ANTHONY CARTER,  
13 Defendants.

14 BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE  
15 THURSDAY, OCTOBER 19, 2017

16 **RECORDER'S TRANSCRIPT OF HEARING:**  
17 **ALL PENDING MOTIONS**

18 APPEARANCES:

19 For the State: JOHN L. GIORDANI, III, ESQ.  
Chief Deputy District Attorney

20 For the Defendant Brown: NICHOLAS M. WOOLDRIDGE, ESQ.

21 For the Defendant Carter: CONOR M. SLIFE, ESQ.,  
22 CARLI L. KIERNY, ESQ.  
23 Deputy Public Defenders

24  
25 RECORDED BY: SARA RICHARDSON, COURT RECORDER

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Las Vegas, Nevada, Thursday, October 19, 2017

[Case called at 10:02 a.m.]

THE COURT: What about --

MR. WOOLDRIDGE: I'm ready now, Judge.

THE COURT: Okay. Is that page 1?

MR. WOOLDRIDGE: I'm looking.

THE COURT: Is it Brown?

MR. WOOLDRIDGE: Yes, it is page 1.

THE COURT: All right.

Do you have those files?

MS. PANDUKHT: I don't.

THE COURT: Okay. Who's got those?

MS. PANDUKHT: This one is John Giordani.

THE COURT: Okay.

MR. WOOLDRIDGE: Want me to wait? I can wait for him,  
Judge. I don't have a problem doing that.

THE COURT: Yeah, if you would, please.

MR. WOOLDRIDGE: I'll run downstairs on another case I  
have and come right back.

THE COURT: Yeah, we got a lot.

MR. WOOLDRIDGE: All right.

THE COURT: It's fine, Nicholas. Thank you.

MR. WOOLDRIDGE: No problem.

[Proceedings trailed at 10:03 a.m.]

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[Proceedings recalled at 11:26 a.m.]

THE COURT: Okay. On Mr. Brown and Mr. Carter -- we'll do that first. That -- it's been waiting a little while.

MR. GIORDANI: Thank you, Your Honor.

THE COURT: 326247. Mr. Brown and Mr. Carter are both present in custody. This is on on arraignment as to both of them for a Second Superseding Indictment, which I believe Mr. Wooldridge kind of mooted the petition that was originally filed.

MR. WOOLDRIDGE: That -- that's --

THE COURT: I'm not saying if you have the same issues you can file it again on the Second Superseding, but my understanding of the original petition what is -- was that it was dealing with notice issues on the original Indictment, and I think since the Second Superseding Indictment was sought and filed after that petition was filed it kind of moots the issue at least for that now abandoned Indictment.

MR. WOOLDRIDGE: That's fine.

THE COURT: Okay.

MR. WOOLDRIDGE: I actually didn't receive a copy of the Superseding Indictment though. It's been filed.

MR. GIORDANI: And I don't have one.

THE COURT: Let me --

MR. GIORDANI: I thought I did, but I'm sorry.

MR. WOOLDRIDGE: It's okay.

THE COURT: Do you have extra copies?

MR. GIORDANI: I don't have one. I'm sorry.

1 THE COURT: Here you go, Nicholas, you can have --  
2 MR. WOOLDRIDGE: Thanks, Judge.  
3 THE COURT: And do you guys have one on behalf of Mr.  
4 Carter?  
5 MR. SLIFE: No, Your Honor.  
6 THE COURT: No?  
7 MR. GIORDANI: And just for the record, the Second  
8 Superseding, we only added one charge and it was as to Mr. Brown  
9 only.  
10 THE COURT: Okay.  
11 MR. WOOLDRIDGE: Which count was that?  
12 MR. GIORDANI: The very last.  
13 THE COURT: Was it the ownership --  
14 MR. GIORDANI: Possessed firearm.  
15 THE COURT: Okay.  
16 MR. SLIFE: And that was my understanding, Judge, that with  
17 regard to Mr. Carter nothing had changed.  
18 MR. GIORDANI: Correct.  
19 THE COURT: Correct?  
20 MR. GIORDANI: Correct.  
21 MR. WOOLDRIDGE: Your Honor, I've gone over the  
22 Superseding Indictment with Mr. Brown and we're going to waive his  
23 public reading and we'll enter a not guilty plea on that.  
24 THE COURT: Okay.  
25 Same for Mr. Carter, I assume?

1 MR. SLIFE: Same for Mr. Carter.

2 THE COURT: Okay.

3 Mr. Carter, is that correct that you had a chance to discuss  
4 previously with your attorneys the charges that are contained within the  
5 Second Superseding Indictment?

6 Which one is Mr. Carter?

7 Yep. Is that correct?

8 DEFENDANT CARTER: Yes.

9 THE COURT: Okay. And your true name is Anthony Carter?

10 DEFENDANT CARTER: Yes.

11 THE COURT: And you read, write and understand the  
12 English language, correct?

13 DEFENDANT CARTER: Yes, sir.

14 THE COURT: Okay. The Indictment charges you with  
15 several felonies; Count 1, conspiracy robbery; Count 2, robbery with use  
16 of a deadly weapon; Count 3, murder with use of a deadly weapon;  
17 Count 4, possession of controlled substance with intent to sell; Count 5,  
18 ownership or possession of a firearm by a prohibited person. How do  
19 you plead to those five charges?

20 DEFENDANT CARTER: Not guilty.

21 THE COURT: Are you all going to be invoking or waiving your  
22 right to speedy trial?

23 MR. SLIFE: We're going to be waiving, Your Honor.

24 THE COURT: Okay.

25 Are there any transcripts available from the Second

1 Superseding Indictment?

2 MR. GIORDANI: No, Your Honor.

3 THE COURT: No? Okay.

4 MR. GIORDANI: I can represent that I literally marked one  
5 exhibit and had them redeliberate, but that transcript should be here very  
6 shortly based on that.

7 THE COURT: Okay. So, 21 days after receipt of copy of all  
8 transcripts to file any writs. And I don't know if we had a discussion  
9 previously. Did this case go the Review Committee on the original  
10 Indictment?

11 MR. GIORDANI: It did, and it's not going back, of course,  
12 and --

13 THE COURT: Okay.

14 MR. GIORDANI: -- we are not seeking the death penalty.

15 THE COURT: Okay. Very good.

16 All right. Mr. Brown, your true name, Larry Decorleon Brown?

17 DEFENDANT BROWN: Yes, sir.

18 THE COURT: And you have also -- read, write and  
19 understand the English language?

20 DEFENDANT BROWN: Yes, sir.

21 THE COURT: And did you also have a chance to discuss the  
22 charges in the Second Superseding Indictment with your attorney, Mr.  
23 Wooldridge?

24 DEFENDANT BROWN: Yes, I have, sir.

25 THE COURT: All right. Your Indictment, if I understand it, is

1 Count 1, conspiracy to robbery; Count 2, robbery with use of a deadly  
2 weapon; Count 3, murder with use of a deadly weapon; Count 6,  
3 ownership or possession of firearm by prohibited person. How do you  
4 plead to those four felonies?

5 DEFENDANT BROWN: Not guilty, sir.

6 THE COURT: All right.

7 Are you all also waiving, Mr. Wooldridge?

8 MR. WOOLDRIDGE: Yes, Your Honor, we are.

9 THE COURT: Okay. Same deal with the transcripts, 21 days  
10 after receipt of copy of all transcripts to file any writs.

11 And you said, Mr. Giordani, that there was not a notice of  
12 death in either case, correct?

13 MR. GIORDANI: Correct.

14 THE COURT: Okay.

15 The case is going to be assigned to Department XXI. I have  
16 the bail motion and motion to revoke bail, so I'm happy to rule on that  
17 today if you all want to make argument on that. And then we'll give you  
18 your status check date in Department XXI.

19 MR. SLIFE: Yes, Your --

20 MR. WOOLDRIDGE: That's fine.

21 THE COURT: It looked like you both filed your motions on the  
22 same day, so basically I --

23 MR. WOOLDRIDGE: Yeah.

24 THE COURT: -- I'm considering them both as motions and  
25 oppositions to each other's motions.



1 MR. WOOLDRIDGE: That's fine, Judge.

2 THE COURT: Okay. All right. Mr. Wooldridge?

3 MR. WOOLDRIDGE: Sure, Judge. We all know the whole  
4 point of bail is to make sure a person comes to court, protect the  
5 community. Mr. Brown, he does have a criminal record. It's nearly 20  
6 years ago that he -- that he's been -- had any contact with law  
7 enforcement. I understand the serious nature of the case, but Mr. Brown  
8 is pleading not guilty and he means it.

9 He has led a pretty much exemplary life since those -- since  
10 that 20-year-old case happened. He's got -- his fiance's in the  
11 courtroom today; she's pregnant. His daughter lives here in the state of  
12 Nevada. He's got a son that lives here as well. He's been self-  
13 employed for a number of years. He's been doing the right thing for a  
14 long time.

15 I think the -- what we're asking for is a hundred thousand  
16 dollar bail, Judge. I think with a hundred thousand dollar bail with house  
17 arrest if the Court is concerned that Mr. Brown is going to flee, if the  
18 Court's concerned about a danger to the community, I think house arrest  
19 can quail any of those concerns and a hundred thousand dollars would  
20 put him on the hook if anything happened. With that being said, Judge,  
21 I'd submit it and ask that you please reduce bail down to a hundred  
22 thousand.

23 THE COURT: Let me ask you this question.

24 MR. WOOLDRIDGE: Yes.

25 THE COURT: Just out of curiosity. I had an -- a motion. The

1 motion said he's a Nevada resident, but that he's a member of  
2 something involving this -- an elementary school in Georgia. So --

3 MR. WOOLDRIDGE: He has a dual residence, Judge.

4 THE COURT: Okay.

5 MR. WOOLDRIDGE: He is a resident of the state of Nevada.  
6 He has deep ties to the state of Georgia where he still goes back and  
7 forth. And if the Court was concerned about him going back to Georgia  
8 we'd make sure he doesn't, and house arrest would satisfy that concern.

9 THE COURT: Okay.

10 Mr. Giordani?

11 MR. GIORDANI: I'm asking he be held without bail, Your  
12 Honor. Everything set forth in my motion, he's a risk flight, number one.  
13 After this crime was committed he fled back to Georgia with that fiancé  
14 that Mr. Wooldridge referenced. He was picked up by a criminal  
15 apprehension team out there. He has -- my understanding and I believe  
16 the testimony at the grand jury was that he's lived in Nevada for a year  
17 and a half at the most, so I think most of his ties are in Georgia.

18 But all that aside, risk of flight, set that aside, based upon the  
19 evidence in the case -- as I referenced in my motion originally it was a  
20 relatively circumstantial case, and that was the argument made in front  
21 of the justice of the peace. Since then we received DNA results putting  
22 the Defendant, his DNA on the rubber glove that was under the  
23 decedent who had his pockets turned out and who was obviously, based  
24 upon the evidence, robbed.

25 So, the proof is evident and the presumption great that he

1 would be convicted of first degree murder either under a premeditated  
2 and deliberated theory or under a felony murder theory. Based upon  
3 that -- I mean, common sense dictates that when you're facing evidence  
4 like that and a sentence like that you have every reason to flee and  
5 you're a danger to the community. So, I just believe that no bail in this  
6 case is appropriate, and if you are inclined to set any bail I'd ask for  
7 \$5,000,000.00

8 THE COURT: All right.

9 Mr. Wooldridge, anything further?

10 MR. WOOLDRIDGE: One thing on -- just on the evidence,  
11 Judge. I mean, according to the Ninth Circuit, the strength of the  
12 evidence is the least important factor that you're supposed to consider  
13 when granting bail.

14 At the time of trial -- I don't want to give up my theory of the  
15 case at this time, but at the time of trial we will address any of those  
16 concerns that the State thinks that they have such a great case, and we  
17 have an innocent explanation for those.

18 THE COURT: Well, look, I am incredibly concerned about  
19 what's alleged to have occurred here setting aside who it was that did it,  
20 but obviously there has to be some consideration for the strength or  
21 weakness of evidence when you're evaluating bail, so that is a concern  
22 of the Court. I'm concerned about the past criminal history, although I  
23 do acknowledge that there's been a significant, you know, passage of  
24 time. One of my greatest concerns though is the, kind of, nature of what  
25 took place after this happened with him leaving the jurisdiction, being

1 contacted in Georgia, and as I understand what's being alleged, then  
2 fleeing from whoever tried to apprehend him in Georgia in a vehicle and  
3 then fleeing on foot after whatever happened with the vehicle stopping,  
4 all of which I think would lead me to conclude that there's a substantial  
5 risk of flight here and coming back to court.

6 So, I'm going to reset bail in the amount of \$1,000,000.00. I  
7 don't think it's a no bail type case, but I do think a substantial bail is  
8 warranted.

9 MR. GIORDANI: Thanks, Your Honor.

10 MR. WOOLDRIDGE: Thank you, Judge.

11 THE COURT: All right. And then we will reset this matter  
12 over to Department XXI for a trial setting and that date's going to be --

13 THE COURT CLERK: October 31<sup>st</sup> at --

14 THE COURT: Should be 9:30?

15 THE COURT CLERK: Yeah, 9:30.

16 MR. WOOLDRIDGE: Thank you, Judge.

17 THE COURT: Okay. And can I communicate to her anything  
18 about when you think you're going to be trying to request a trial date for?

19 MR. GIORDANI: We discussed June.

20 MR. SLIFE: We were discussing June based on our  
21 schedules, Judge, so --

22 THE COURT: Okay.

23 And that includes you as well, Nicholas?

24 MR. WOOLDRIDGE: Yes, that's fine, Your Honor.

25 THE COURT: Okay.

1 I will let her know the -- that you're going to be looking for at  
2 least June. Okay.

3 MR. GIORDANI: Thank you.

4 MR. WOOLDRIDGE: Thank you.

5 THE COURT: Thank you.

6 MR. WOOLDRIDGE: You have a great day.

7 THE COURT: All right. You too.

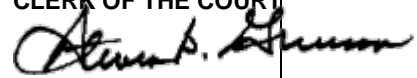
8  
9 [Proceedings concluded at 11:35 a.m.]

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed  
22 the audio/video proceedings in the above-entitled case to the best of my  
23 ability.

24 

25 Trisha Garcia  
Court Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

LARRY DECORLEON BROWN,  
ANTHONY CARTER,  
Defendants.

CASE NO: C-17-326247-1  
CASE NO: C-17-326247-2

DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
TUESDAY, OCTOBER 31, 2017

**RECORDER'S TRANSCRIPT OF HEARING RE:  
STATUS CHECK: TRIAL SETTING**

APPEARANCES:

For the State: JOHN L. GIORDANI, III, ESQ.  
Chief Deputy District Attorney

For Defendant Brown: JHERNA A. SHAHANI, ESQ.

For Defendant Carter: CONNER M. SLIFE, ESQ.  
Deputy Public Defender

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

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**Las Vegas, Nevada; Tuesday, October 31, 2017**

\* \* \* \* \*

[Proceeding commenced at 10:29 a.m.]

THE COURT: State versus Larry Brown and Anthony Carter. And which one is Mr. -- who's Mr. Brown? All right. We have Mr. Brown present in custody. And from -- filling for Mr. Wooldridge, we have Ms. --

MS. SHAHANI: Jherna Shahani, Bar Number 14421.

THE COURT: And are you with Mr. Wooldridge's office or are you just filling in for him today?

MS. SHAHANI: I work at his office, Your Honor.

THE COURT: Okay. And then we have Mr. Slife for Mr. Carter. And this is a new one.

MR. GIORDANI: Yes, Your Honor. They've already been arraigned by Judge Herndon; both waive speedy trial and we're just here for a trial setting.

THE COURT: All right. And how long do we need to be ready on this?

MR. SLIFE: We had discussed mid to late June, Your Honor, if any of those dates are available.

THE COURT: All right.

Is that right, Counsel?

MS. SHAHANI: Your Honor, I understand that that was the discussions with -- amongst counsel. Mr. Brown specifically requests an earlier trial setting if possible.

1 MR. GIORDANI: He already waived.  
2 THE COURT: But he waived, so.  
3 MR. GIORDANI: Right.  
4 THE COURT: All right.  
5 MR. GIORDANI: And that's the date that works for all the  
6 parties, the attorneys at least, so.  
7 THE COURT: Mid to late June -- you heard one just got  
8 set --  
9 MR. GIORDANI: Yes.  
10 THE COURT: -- for early June, so -- but that -- we should  
11 have mid-June.  
12 [Colloquy between the Court and Clerk]  
13 THE CLERK: June 18. The calendar call will be June 14<sup>th</sup>  
14 at 9:30.  
15 MR. GIORDANI: Thank you, Your Honor.  
16 THE COURT: All right. I'm assuming it's too soon to have  
17 discussed negotiations, correct?  
18 MR. GIORDANI: Yes, Your Honor.  
19 THE COURT: What about discovery? Has the State  
20 provided all of its discovery to defense counsel yet?  
21 MR. GIORDANI: I have provided everything that we have  
22 up to this point. If things come as they come --  
23 THE COURT: Okay.  
24 MR. GIORDANI: -- I'll provide those as well.  
25 THE COURT: All right. And what -- what, if anything, you



1 know, like is there DNA testing?

2 MR. GIORDANI: Yes, DNA testing's been provided. I  
3 actually provided a duplicate of the entire homicide file --

4 THE COURT: Okay.

5 MR. GIORDANI: -- other than any work product, so we all  
6 should be up to date at this point.

7 THE COURT: Okay.

8 Mr. Slife.

9 MR. SLIFE: I've been provided what I have.

10 THE COURT: Okay. And let's come back for a status  
11 check in about 120 days regarding whether there's been talk of a  
12 negotiation, outstanding discovery, if anything, motions that still  
13 need to be filed, whether or not there's going to be any experts, and  
14 expert reports, okay.

15 MR. GIORDANI: Yes, Your Honor.

16 THE COURT: How long -- I know it's early, but how long  
17 do we anticipate for trial?

18 MR. GIORDANI: This will probably be about seven days,  
19 maybe a week and a half.

20 THE COURT: Okay.

21 MR. SLIFE: Sounds right.

22 THE COURT: All right.

23 THE CLERK: So the status check will be on February 27<sup>th</sup>  
24 at 9:30.

25 THE COURT: All right. Thank you.

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MR. SLIFE: Thank you very much.

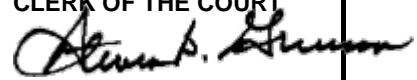
[Proceeding concluded at 10:32 a.m.]

\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and correctly  
transcribed the audio/video proceedings in the above-entitled case  
to the best of my ability.



Robin Page  
Court Recorder/Transcriber



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
LARRY DECORLEON BROWN, ANTHONY )  
CARTER, )  
)  
Defendants. )

---

GJ No. 17AGJ060AB  
DC No. C326247

Taken at Las Vegas, Nevada  
Tuesday, December 12, 2017  
8:23 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THIRD SUPERSEDING INDICTMENT

Reported by: Danette L. Antonacci, C.C.R. No. 222

12:00 1 GRAND JURORS PRESENT ON DECEMBER 12, 2017  
2  
3 MORGAN DEVLIN, Foreperson  
4 SANDRA MOORE, Deputy Foreperson  
12:00 5 RAELYNN CASTANEDA, Secretary  
6 JANIS ROGERS, Assistant Secretary  
7 MARY ANDERSON  
8 DOMINIQUE CARDENAS  
9 IVAN CAYLOR  
12:00 10 JANET COWLEY  
11 JERRY DIVINCENZO  
12 LISA EGGERT  
13 MICHELLE FENDELANDER  
14 BOBBI FLORIAN  
12:00 15 AMY KNUDSON  
16 GREGORY KORNILOFF  
17 PATRICIA PRATHER  
18 LATANIS WATTS  
19 GUSTAVO ZAVALA  
12:00 20  
21 Also present at the request of the Grand Jury:  
22 John Giordani, Chief Deputy District Attorney  
23  
24  
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12:00

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INDEX OF WITNESSES

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Examined

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CARNELL CAVE

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12:00 1 LAS VEGAS, NEVADA, DECEMBER 12, 2017

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4 DANETTE L. ANTONACCI,

12:00 5 having been first duly sworn to faithfully  
6 and accurately transcribe the following  
7 proceedings to the best of her ability.  
8

9 THE FOREPERSON: Let the record reflect  
08:07 10 that I have canvassed the waiting area and no one has  
11 appeared in response to Notice of Intent to Seek  
12 Indictment.

13 MR. GIORDANI: Good morning ladies and  
14 gentlemen of the Grand Jury. My name is John Giordani,  
08:23 15 chief deputy district attorney, assigned to prosecute  
16 the case of State of Nevada versus Larry Brown and  
17 Anthony Carter, 17AGJ060AB. You have heard this case on  
18 a couple prior occasions. I'm not going to take roll.  
19 It appears that all of the grand jurors are here and  
08:23 20 present this morning. Does anyone see anyone that's not  
21 present?

22 All right. Seeing no hands.

23 I'm going to briefly present a single  
24 witness to you on this case today. All of the prior  
08:24 25 instructions on the law still apply. All of the prior

08:24 1 admonishments still apply. All of the prior exhibits  
2 are still admitted. And with that I will bring my  
3 witness in.

4 THE FOREPERSON: Please raise your right  
08:24 5 hand.

6 You do solemnly swear the testimony you are  
7 about to give upon the investigation now pending before  
8 this Grand Jury shall be the truth, the whole truth, and  
9 nothing but the truth, so help you God?

08:24 10 THE WITNESS: I do.

11 THE FOREPERSON: Please be seated.

12 You are advised that you are here today to  
13 give testimony in the investigation pertaining to the  
14 offenses of conspiracy to commit robbery, robbery with  
08:24 15 use of a deadly weapon, murder with use of a deadly  
16 weapon, possession of controlled substance with intent  
17 to sell, ownership or possession of firearm by  
18 prohibited person, involving Larry Brown and Anthony  
19 Carter.

08:25 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: Carnell Cave. C-A-R-N-E-L-L,  
08:25 25 last name is C-A-V-E.

08:25

1

CARNELL CAVE,

2

having been first duly sworn by the Foreperson of the

3

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

4

and nothing but the truth, testified as follows:

08:25

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EXAMINATION

7

8

BY MR. GIORDANI:

9

Q. Sir, I want to draw your attention back to

08:25

10

February 21st of 2017, this year. On that date did you

11

live in an apartment at 5850 Sky Pointe Drive?

12

A. Yes, I did.

13

Q. Is that here in Clark County, Nevada?

14

A. Yes.

08:25

15

Q. On the late evening hours of that date were

16

you hanging out and playing video games with a person by

17

the name of Anthony Carter?

18

A. Yes, I was.

19

Q. Was Carter a friend of yours?

08:25

20

A. Yes, he was.

21

Q. At some point in time that evening did you

22

learn that a murder occurred just outside your

23

apartment?

24

A. Yes, I did.

08:25

25

Q. Okay. Now I want to back up a little bit.



08:26 1 Around what time did Anthony Carter get to your home  
2 that evening?

3 A. I don't remember. I know it was through a  
4 text message that he told me he was coming over but I  
08:26 5 want to say it was probably at least 6:00, 6:30 at that  
6 time.

7 Q. I'm going to ask you a very general  
8 question. Was it your understanding that on occasion  
9 Mr. Carter would set up small marijuana transactions  
08:26 10 either out of your apartment or around your apartment  
11 complex?

12 A. Yes, he did.

13 Q. Ladies and gentlemen of the Grand Jury, I  
14 previously admonished you on several occasions that  
08:26 15 particular fact about Anthony Carter can only be used  
16 against him for the purposes of the context of the  
17 charges in this particular case, not to infer any bad  
18 character and you are not to hold that against him based  
19 upon his character in any way. Does everyone understand  
08:27 20 that advisement? Everyone promise and agree to follow  
21 that advisement?

22 Thank you. Everyone is nodding their  
23 heads.

24 On this particular evening did you and  
08:27 25 Anthony Carter play video games in your apartment?

08:27 1 A. Yes.

2 Q. Throughout the course of your playing video  
3 games do you recall Mr. Carter being on the phone a lot?

4 A. Yes, all the time.

08:27 5 Q. Was he texting or calling or both?

6 A. Both.

7 Q. When he would did he receive any phone  
8 calls?

9 A. Whenever he did get a call he always went  
08:27 10 out on the balcony.

11 Q. So when he did get phone calls, the content  
12 of that conversation he had outside on your balcony?

13 A. Yes.

14 Q. Can I presume that you couldn't hear the  
08:27 15 content of those conversations?

16 A. Right, you can't.

17 Q. At some point in time during the evening  
18 did you pause the video game in order to go to the  
19 restroom?

08:27 20 A. Yes.

21 Q. What happened when you were in the  
22 restroom?

23 A. I went to the restroom, I was going  
24 number two and I was sitting there and then all of a  
08:28 25 sudden I hear a gunshot go off and it startled me. I

08:28 1 jumped up and then as I was washing my hands and  
2 everything, then I hear the other gunshot go off and  
3 then that's when I ran out of the bathroom and that's  
4 when I saw Anthony Carter sitting there looking at me

08:28 5 like he saw a ghost.

6 Q. When you saw him looking at you like he saw  
7 a ghost, did you ask him what the heck just happened?

8 A. I said what the hell was that and he was  
9 like I don't know, turn the lights off.

08:28 10 Q. Okay.

11 A. And that was that.

12 Q. Did you turn the lights off?

13 A. No, I did not.

14 Q. Was that a little odd to you?

08:28 15 A. Yeah, that was odd to me.

16 Q. After you heard the gunshots did you  
17 yourself go outside?

18 A. Yes, I did.

19 Q. Did you check on your neighbors and --

08:28 20 A. Yes, I wanted to check on my neighbors  
21 because I've been there for five years and I have older  
22 people that live there and everything so I went and  
23 knocked on all my neighbors' doors to make sure they  
24 were okay and even text them.

08:29 25 Q. Did Anthony Carter stay inside your

08:29 1 residence?

2 A. Yes, he did.

3 Q. Did you hear police sirens and police  
4 approaching?

08:29 5 A. Not at the time that I went to go check on  
6 the neighbors but --

7 Q. Sure.

8 A. -- like really quick after they really  
9 came.

08:29 10 Q. When the police came did Anthony Carter  
11 ever go outside?

12 A. No, he did not.

13 Q. Did he stay inside your apartment?

14 A. The whole night.

08:29 15 Q. At some point in time in the morning did he  
16 leave your apartment?

17 A. When I woke up he was gone.

18 Q. Now you had said you know Carter pretty  
19 well, right?

08:29 20 A. Yes.

21 Q. So you knew his phone number and you had  
22 frequent communication with him on an old phone number?

23 A. Right.

24 Q. The day of the murder, I mean the morning

08:29 25 when he left, did you receive a contact from him from a

08:29 1 new number?

2 A. Yes, he had changed his phone number.

3 Q. And was that odd to you?

4 A. That was very odd.

08:30 5 Q. Did you ask him why did you change your

6 phone number?

7 A. Yeah, I asked him and he didn't say

8 anything.

9 Q. Did you see him subsequently?

08:30 10 A. Uhm, after, after that he like disappeared

11 for a little bit and then, like but he was still like

12 keep in contact like here and there over time but

13 like --

14 Q. Did you ultimately learn that he not only

08:30 15 got a new phone number but he got a new physical phone?

16 A. Yeah, cause when I did see him it was a new

17 flip phone.

18 MR. GIORDANI: All right. I have no

19 further questions for this witness. Do any of the grand

08:30 20 jurors have questions? Seeing no hands.

21 THE FOREPERSON: By law, these proceedings

22 are secret and you are prohibited from disclosing to

23 anyone anything that has transpired before us, including

24 evidence and statements presented to the Grand Jury, any

08:30 25 event occurring or statement made in the presence of the

08:30 1 Grand Jury, and information obtained by the Grand Jury.  
2 Failure to comply with this admonition is a  
3 gross misdemeanor punishable up to 364 days in the Clark  
4 County Detention Center and a \$2,000 fine. In addition,  
08:30 5 you may be held in contempt of court punishable by an  
6 additional \$500 fine and 25 days in the Clark County  
7 Detention Center.  
8 Do you understand this admonition?  
9 THE WITNESS: Yes, I do.  
08:31 10 THE FOREPERSON: Thank you. You're  
11 excused.  
12 MR. GIORDANI: All right. That concludes  
13 my presentation. I'll leave the room and allow you to  
14 deliberate. Thank you.  
08:31 15 (At this time, all persons, other than  
16 members of the Grand Jury, exit the room at 8:31 a.m.  
17 and return at 8:37 a.m.)  
18 THE FOREPERSON: Mr. District Attorney, by  
19 a vote of 12 or more grand jurors a true bill has been  
08:37 20 returned against defendants Larry Brown and Anthony  
21 Carter charging the crimes of conspiracy to commit  
22 robbery, robbery with use of a deadly weapon, murder  
23 with use of a deadly weapon, possession of controlled  
24 substance with intent to sell, and ownership or  
08:37 25 possession of firearm by prohibited person, in Grand

08:37 1 Jury case number 17AGJ060AB. We instruct you to prepare  
2 an Indictment in conformance with the proposed  
3 Indictment previously submitted to us.

4 MR. GIORDANI: Will do. Thank you very  
08:37 5 much.

6 (Proceedings concluded.)

7 --oo0oo--

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08:37

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**REPORTER'S CERTIFICATE**

2

3

**STATE OF NEVADA** )

: ss

4

**COUNTY OF CLARK** )

08:37

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6

I, Danette L. Antonacci, C.C.R. 222, do

7

hereby certify that I took down in Shorthand (Stenotype)

8

all of the proceedings had in the before-entitled matter

9

at the time and place indicated and thereafter said

08:37

10

shorthand notes were transcribed at and under my

11

direction and supervision and that the foregoing

12

transcript constitutes a full, true, and accurate record

13

of the proceedings had.

14

Dated at Las Vegas, Nevada,

08:37

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December 28, 2017.

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17

/s/ Danette L. Antonacci

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19

---

Danette L. Antonacci, C.C.R. 222

08:37

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08:37 1 AFFIRMATION

2 Pursuant to NRS 239B.030

3

4 The undersigned does hereby affirm that the

08:37 5 preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER

6 17AGJ060AB:

7

8 X Does not contain the social security number of any

9 person,

08:37 10 -OR-

11 \_\_\_\_ Contains the social security number of a person as

12 required by:

13 A. A specific state or federal law, to-

14 wit: NRS 656.250.

15 -OR-

08:37 16 B. For the administration of a public program

17 or for an application for a federal or

18 state grant.

19 /s/ Danette L. Antonacci

20 Signature

21 12-28-17

22 Date

23 Danette L. Antonacci

24 Print Name

25 Official Court Reporter

Title

ORIGINAL

1 IND

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 JOHN GIORDANI  
6 Chief Deputy District Attorney  
7 Nevada Bar #012381  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

DEC 13 2017

BY

DULCE MARIE ROMEA, DEPUTY

C-17-326247-1

SIND

Superseding Indictment  
4704620



DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 LARRY DECORLEON BROWN,  
13 #8376788  
14 ANTHONY CARTER #1976097

Defendants.

CASE NO: C-17-326247-1

DEPT NO: HT XXI

THIRD SUPERSEDING  
INDICTMENT

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

17 The Defendant above named, LARRY DECORLEON BROWN and ANTHONY  
18 CARTER, accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY TO  
19 COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);  
20 ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380,  
21 193.165 - NOC 50138); MURDER WITH USE OF A DEADLY WEAPON (Category A  
22 Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); POSSESSION OF CONTROLLED  
23 SUBSTANCE WITH INTENT TO SELL (Category D Felony - NRS 453.337 - NOC 51141);  
24 and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category  
25 B Felony - NRS 202.360 - NOC 51460), committed at and within the County of Clark, State  
26 of Nevada, on or between February 21, 2017 and March 20, 2017 as follows:

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6 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

7 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
8 about February 21, 2017 willfully, unlawfully, and feloniously conspire with each other to  
9 commit a robbery, by the defendants committing the acts as set forth in Counts 2 and 3, said  
10 acts being incorporated by this reference as though fully set forth herein.

11 COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON

12 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
13 about February 21, 2017 willfully, unlawfully, and feloniously take personal property, to wit:  
14 U.S. Currency and/or vehicle keys and/or vehicle, from the person of KWAME BANKS, or  
15 in his presence, by means of force or violence, or fear of injury to, and without the consent and  
16 against the will of KWAME BANKS, with use of a deadly weapon, to wit: a firearm, defendant  
17 using force or fear to obtain or retain possession of the property, to prevent or overcome  
18 resistance to the taking of the property, and/or to facilitate escape, the Defendants being  
19 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)  
20 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
21 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
22 commanding, inducing and/or otherwise procuring the other to commit the crime, whereby  
23 Defendant ANTHONY CARTER lured and/or set up a meeting with KWAME BANKS under  
24 the ruse of a drug deal, thereafter, Defendants LARRY DECORLEON BROWN and/or  
25 ANTHONY CARTER robbed and/or attempted to rob the said KWAME BANKS; and/or (3)  
26 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed.

27 COUNT 3 - MURDER WITH USE OF A DEADLY WEAPON

28 Defendants LARRY DECORLEON BROWN and ANTHONY CARTER did on or  
about February 21, 2017 willfully, unlawfully, feloniously and with malice aforethought, kill  
KWAME BANKS, a human being, with use of a deadly weapon, to wit: firearm, by shooting  
at or into the body of the said KWAME BANKS, the said killing having been (1) willful,  
deliberate and premeditated, and/or (2) committed during the perpetration or attempted  
perpetration of a robbery and/or attempt robbery, the Defendants being criminally liable under

1 one or more of the following principles of criminal liability, to-wit: (1) by directly committing  
2 this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that  
3 this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or  
4 otherwise procuring the other to commit the crime, whereby Defendant ANTHONY CARTER  
5 lured and/or set up a meeting with KWAME BANKS under the ruse of a drug deal, thereafter,  
6 Defendants LARRY DECORLEON BROWN and/or ANTHONY CARTER robbed and/or  
7 attempted to rob the said KWAME BANKS, thereafter the said KWAME BANKS was shot  
8 in the chest and killed during the course of the robbery and/or attempted robbery by Defendants  
9 LARRY DECORLEON BROWN and/or ANTHONY CARTER; and/or (3) pursuant to a  
10 conspiracy to commit this crime, with the intent that this crime be committed.

11 COUNT 4 - POSSESSION OF CONTROLLED SUBSTANCE WITH INTENT TO SELL

12 Defendant ANTHONY CARTER did on or about March 20, 2017 willfully, unlawfully,  
13 and feloniously possess, for the purpose of sale, a controlled substance, to wit: Marijuana.

14 COUNT 5 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

15 Defendant ANTHONY CARTER did on or about March 20, 2017 willfully, unlawfully,  
16 and feloniously own, or have in his possession and/or under his custody or control, a firearm,  
17 to wit: a Springfield 9mm handgun bearing Serial No. MG975091, the Defendant being a  
18 convicted felon, having in 2006, been convicted of Trafficking in Controlled Substance and  
19 Forgery (2 Counts), in Case No. C225371, in the Eighth Judicial District Court, Clark County,  
20 a felony under the laws of the State of Nevada.

21 COUNT 6 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

22 Defendant LARRY BROWN did on or about February 21, 2017 willfully, unlawfully,  
23 and feloniously own, or have in his possession and/or under his custody or control, a firearm,  
24 the Defendant being a convicted felon, having in 1996 and/or 1999, been convicted of

25 ///

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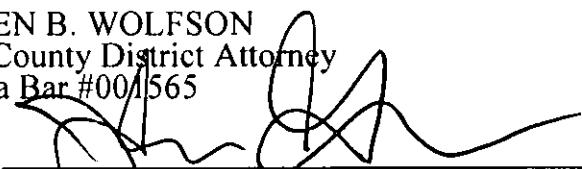
28 ///

1 Possession of Controlled Substance in the state of Georgia, and/or in 2000, having been  
2 convicted of Bank Robbery (Federal), felonies under the laws of the State of Nevada.

3 DATED this 2<sup>nd</sup> day of December, 2017.

4 STEVEN B. WOLFSON  
5 Clark County District Attorney  
6 Nevada Bar #001565

7 BY

8   
9 JOHN GIORDANI  
10 Chief Deputy District Attorney  
11 Nevada Bar #012381

12 ENDORSEMENT: A True Bill

13   
14 Foreperson, Clark County Grand Jury  
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Names of Witnesses and testifying before the Grand Jury:

CARTER, TIFFANY, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

CAVE, CARNELL, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

COOK, DARIN, LVMPD #5730

DOSCH, MITCHELL, LVMPD #7907

ENGLISH, TIMOTHY, LVMPD #13404

MERRICK, FRED, LVMPD #7549

NELSON, DEREKA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

RYDER, ANGELISA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

TRAWICKI, JOSEPH, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

WRIGHT, NICOLE, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

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

BANKS, LAQUANDA, c/o CCDA, 200 Lewis Avenue, Las Vegas, NV

CODY, LORA, LVMPD #7294

CUSTODIAN OF RECORDS, CCDC

CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS, LVMPD RECORDS

CUSTODIAN OF RECORDS, METRO PCS

CUSTODIAN OF RECORDS, SPRINT WIRELESS

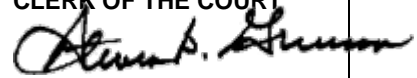
CUSTODIAN OF RECORDS, T-MOBILE

CUSTODIAN OF RECORDS, VERIZON WIRELESS

JAEGER, RYAN, LVMPD #5587

LONG, DANIEL, LVMPD #3969

17AGJ060A-B/17F07976X/17F09115X/mc-GJ  
LVMPD EV# 1702214563; 1703200757  
(TK2)



TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,	)	
	)	CASE NO. C-17-326247-1
Plaintiff,	)	
vs.	)	DEPT. XI
	)	
LARRY DECORLEON BROWN,	)	
	)	<b>Transcript of Proceedings</b>
Defendant.	)	
	)	

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

**GRAND JURY RETURN  
(THIRD SUPERSEDING INDICTMENT)**

WEDNESDAY, DECEMBER 13, 2017

APPEARANCES:

FOR THE STATE:	JAY P. RAMAN Chief Deputy District Attorney
	MICHAEL DICKERSON Deputy District Attorney
FOR THE GRAND JURY:	MORGAN DEVLIN Foreperson

RECORDED BY: JILL HAWKINS, COURT RECORDER

1 LAS VEGAS, NEVADA, WEDNESDAY, DECEMBER 13, 2017, 11:43 A.M.

2  
3 THE COURT: Ms. Devlin, how are you today?

4 THE FOREPERSON: Good. How are you?

5 THE COURT: Well. Thank you. Thank you for your good  
6 work.

7 Good morning, team.

8 Mr. Gayan, can you scoot Mr. Jones's stuff over so the  
9 DA's can come use that part of the table.

10 MR. GAYAN: Yes.

11 THE COURT: Thank you.

12 Are there any matters to be presented to the Court  
13 this morning?

14 MR. RAMAN: Yes, Your Honor. Yesterday the Grand Jury  
15 met on Case Number 17AGJ060A and B, Defendants Larry Decorleon  
16 Brown and Anthony Carter. By a vote of 12 or more grand jurors  
17 they returned true bill indictments on the following charges:

18 As to Defendant Brown, one count conspiracy to commit  
19 robbery, one count robbery with use of a deadly weapon, one  
20 count murder with use of a deadly weapon.

21 As to Defendant Carter, one count conspiracy to commit  
22 robbery, one count robbery with use of a deadly weapon, one  
23 count of murder with use of a deadly weapon, one count  
24 possession of controlled substance with intent to sell, one  
25 count of ownership or possession of firearm by a prohibited



1 person.

2 THE COURT: Ms. Devlin, did at least 12 members of the  
3 Grand Jury concur in finding a true bill on each count as to  
4 each defendant charged in this third superseding indictment?

5 THE FOREPERSON: Yes.

6 THE COURT: Very well. It will be accepted. It  
7 remains Case Number C17326247-1-2 and remains assigned to the  
8 homicide team with Judge Herndon as the coordinator.

9 Do you have any exhibits you'd like to lodge at this  
10 time?

11 MR. DICKERSON: Yes, Your Honor. Exhibit 1C, please.

12 THE COURT: And, Mr. Dickerson, do you have any  
13 material witness warrants you'd like to quash?

14 MR. DICKERSON: No, Your Honor.

15 THE COURT: All right. Thank you.

16 MR. DICKERSON: Thank you very much.

17 THE COURT CLERK: I just wanted to [inaudible]  
18 something.

19 THE COURT: Yes, Dulce.

20 THE COURT CLERK: On October 19, after the Second  
21 Superseding Indictment, Judge Herndon reassigned these two  
22 defendants to Judge Adair.

23 THE COURT: So it's now a Department 20 case?

24 THE COURT CLERK: 21.

25 THE COURT: 21. So the case is assigned to Department

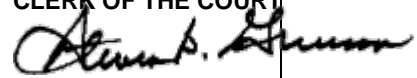
1 21 based upon Judge Herndon's assignment as the homicide  
2 coordinating judge.

3 MR. DICKERSON: Thank you, Your Honor.

4 THE PROCEEDINGS CONCLUDED AT 11:44 A.M.  
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20 ATTEST: I do hereby certify that I have truly and correctly  
21 transcribed the audio-video proceedings in the above-entitled  
22 case to the best of my ability.

23   
24 JILL HAWKINS  
25 Court Recorder



1 **RTRAN**

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5 **DISTRICT COURT**  
6 **CLARK COUNTY, NEVADA**

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**THE STATE OF NEVADA,**  
**Plaintiff,**

**CASE NO: C-17-326247-1**  
**CASE NO: C-17-326247-2**

**vs.**

**DEPT. XXI**

**LARRY DECORLEON BROWN,**  
**ANTHONY CARTER,**  
**Defendants.**

**BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE**  
**TUESDAY, DECEMBER 19, 2017**

***RECORDER'S TRANSCRIPT OF HEARING RE:***  
***INITIAL ARRAIGNMENT***

**APPEARANCES:**

**For the State:                      MICHAEL DICKERSON, ESQ.**  
**Deputy District Attorney**

**For Defendant Brown:            NICHOLAS M. WOOLDRIDGE, ESQ.**

**For the Defendant:               CONNER M. SLIFE, ESQ.**  
**Deputy Public Defender**

**RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER**

1 **Las Vegas, Nevada; Tuesday, December 19, 2017**

2 \* \* \* \* \*

3 [Proceeding commenced at 9:42 a.m.]

4 THE COURT: All right. Next up is Mr. Slife on 11. And  
5 that is State versus Dorie -- no, I'm sorry -- State versus Larry  
6 Brown and Anthony Carter.

7 MR. SLIFE: Judge, I have the State here. I don't have the  
8 other --

9 THE COURT: We don't have Mr. Wooldridge.

10 MR. SLIFE: We don't have Mr. Wooldridge here yet.

11 THE COURT: Well because we're going to be setting a  
12 trial date as to both. Is this just a superseding?

13 MR. DICKERSON: It is, Your Honor. There's nothing  
14 added, we just presented it -- more evidence to the Grand Jury.

15 MR. SLIFE: I think -- I think instead of filing an opposition  
16 to my writ, the State went to the Grand Jury instead.

17 THE COURT: Okay. So there's nothing new to arraign  
18 him on then; is that right?

19 MR. DICKERSON: Same charges, Your Honor.

20 THE COURT: All right. Do you feel that I need to rearraign  
21 Mr. Carter on the superseding indictment?

22 MR. SLIFE: I don't feel that you do, Judge and I --

23 THE COURT: Because it's the same charges.

24 MR. SLIFE: And we already have a trial set that I don't  
25 think --

1 THE COURT: Right. Okay. Which one is Mr. Carter?

2 DEFENDANT CARTER: Right here. Good morning.

3 THE COURT: Mr. Carter, are you aware that the State  
4 went back to the Grand Jury and apparently presented additional  
5 evidence and has now a third superseding indictment against you  
6 with the same charges that you were charged with before?

7 DEFENDANT CARTER: Yes.

8 THE COURT: Okay. And obviously you still maintain your  
9 plea of guilty.

10 MS. SLIFE: Not guilty, Your Honor.

11 DEFENDANT CARTER: Not guilty.

12 THE COURT: I'm sorry, not guilty. I misspoke and I  
13 apologize. And we have a status check set for February 27<sup>th</sup>, so that  
14 date stands.

15 MR. SLIFE: And I guess the writ date of January 9<sup>th</sup> --

16 MR. DICKERSON: We would ask that that stand.

17 THE COURT: Did you --

18 MR. DICKERSON: We're still going respond to -- I think  
19 there's two other claims on there, sufficiency claim and another bad  
20 acts claim. We'll still respond to those.

21 THE COURT: Okay. So you'll respond to that writ, based  
22 on the evidence as it stood at the time of -- I -- would have been the  
23 second superseding indictment, is that --

24 MR. DICKERSON: We'll respond to it based upon what  
25 the evidence is right now --

1 THE COURT: Was.

2 MR. DICKERSON: -- as the third superseding because  
3 that's the most accurate record reflecting what's --

4 THE COURT: Well, I don't think that's fair to Mr. Slife.  
5 Because Mr. Slife hasn't had an opportunity to attack whatever the  
6 new transcript is.

7 MR. DICKERSON: Well, Your Honor, the only thing that's  
8 changed is the fact that Mr. Slife said in his writ there was a third  
9 argument that we didn't present exculpatory evidence in the form  
10 of a Carnell Cave's testimony. That testimony --

11 THE COURT: Oh, so that's the additional evidence.

12 MR. DICKERSON: Right. That testimony has been  
13 presented.

14 THE COURT: All right.

15 MR. DICKERSON: So that issue is moot.

16 THE COURT: I misunderstood. I thought you had  
17 presented additional inculpatory evidence.

18 MR. DICKERSON: No.

19 THE COURT: Okay.

20 MR. SLIFE: I didn't know either, Judge, because I haven't  
21 seen it. Could we just keep that date?

22 THE COURT: Sure.

23 MR. SLIFE: And if I get the transcript before that, I may  
24 supplement the motion.

25 THE COURT: That's fine.

1 MR. SLIFE: And if not, maybe we could just continue from  
2 there.

3 THE COURT: That's fine. That's fine. I misunderstood. I  
4 -- my impression was it was inculpatory.

5 MR. DICKERSON: I should have been more clear, Your  
6 Honor.

7 THE COURT: All right. That date stands.

8 MR. SLIFE: Thank you very much.

9 THE COURT: Thank you.

10 [Matter Trailed]

11 [Matter recalled at 10:31 a.m.]

12 THE COURT: State versus Larry Brown. And Mr. Brown is  
13 present in custody. We already did Mr. Carter's matter.

14 MR. WOOLDRIDGE: Yes.

15 THE COURT: That State apparently -- was any of the  
16 exculpatory information as to Mr. Brown?

17 MR. DICKERSON: Not generally, Your Honor.

18 THE COURT: Okay. So it's a third superseding indictment  
19 with the same exact charges.

20 And do you feel I need to rearraign him?

21 MR. WOOLDRIDGE: I don't think so if the charges are the  
22 same, but I mean --

23 THE COURT: I don't think so either, it's the same charges.

24 So, Mr. Brown, you understand that the State presented --  
25 apparently the exculpatory information was more as to Mr. Carter,

1 was that right?

2 MR. DICKERSON: That's correct, Your Honor.

3 THE COURT: So now it's a third superseding indictment  
4 with the same charges against you. Apparently, essentially -- well,  
5 not even essentially, the same evidence. So we have a status check  
6 coming up on February 27<sup>th</sup>. So status check date stands.

7 MR. WOOLDRIDGE: Great.

8 MR. DICKERSON: Thank you, Your Honor.

9 THE COURT: All right. Thank you.

10 MR. WOOLDRIDGE: Status check stands.

11 [Proceeding concluded at 10:32 a.m.]

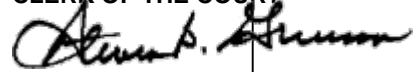
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21 ATTEST: I do hereby certify that I have truly and correctly  
22 transcribed the audio/video proceedings in the above-entitled case  
23 to the best of my ability.

24 

25 Robin Page  
Court Recorder/Transcriber





NICHOLAS M. WOOLDRIDGE  
Nevada State Bar No. 8732  
WOOLDRIDGE LAW, LTD.  
400 South 7th Street, 4<sup>th</sup> Floor  
Las Vegas, NV 89101  
Telephone: (702) 330-4645  
[nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)  
Attorney for Larry D. Brown

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

*Plaintiff,*

vs.

LARRY DECORLEON BROWN,

*Defendant.*

Case No.: C-17-326247-1

Dept. III

**MOTION TO COMPEL  
COMPLIANCE WITH SUBPOENA**

COMES NOW, LARRY DECORLEON BROWN, ("Mr. Brown"), by and through his undersigned counsel, NICHOLAS M. WOOLDRIDGE ESQ., and hereby files this Motion to Compel Compliance With Subpoena. This Motion is accompanied by the attached Memorandum of Points and Authorities, all papers and documents on file, as well as any oral argument, which the Court deems appropriate.

Counsel hereby moves for an Order compelling Sinclair Gas to comply with two subpoenas *duces tecum* that were served on or about September 28, 2017 and October 6, 2017.

1 Dated this 17th day January, 2018.

LARRY DECORLEON BROWN,  
by his attorney,

2  
3  
4 /s/ Nicholas M. Wooldridge

5 Nicholas M. Wooldridge, Esq.  
6 Wooldridge Law Ltd.  
7 400 South 7th Street, 4<sup>th</sup> Floor  
8 Las Vegas, NV 89101  
9 [nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)  
(702) 330-4645 Tel.  
(702) 359-8494 Fax.

10 **NOTICE OF MOTION**

11 TO: STATE OF NEVADA, Plaintiff; and

12 TO: DISTRICT ATTORNEY, its attorneys:

13  
14 **PLEASE TAKE NOTICE** that the undersigned will bring the foregoing Motion to  
15 Compel Compliance With Subpoena for hearing in the above-entitled Court on (day) 30TH  
16 of (month) JAN, 2018 in Department XXI at (time) 9:30 AM m.

17 Dated this 17th day January, 2018.

LARRY DECORLEON BROWN,  
by his attorney,

18  
19  
20 /s/ Nicholas M. Wooldridge

21 Nicholas M. Wooldridge, Esq.  
22 Wooldridge Law Ltd.  
23 400 South 7th Street, 4<sup>th</sup> Floor  
24 Las Vegas, NV 89101  
25 [nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)  
26 (702) 330-4645 Tel.  
27 (702) 359-8494 Fax.  
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1                                   **MEMORANDUM OF POINTS & AUTHORITIES**

2                                   **MR. BROWN'S MOTION TO COMPEL SHOULD BE GRANTED**

3                   **I.       PROCEDURAL BACKGROUND**

4                   On or about September 28, 2017, undersigned counsel served a subpoena *duces tecum* on  
5 Sinclair Oil Corporation at C/O CSC Services of Nevada, Inc, 2215-B Renaissance Dr., Las  
6 Vegas, Nevada 89119. A copy of the subpoena is attached as **Exhibit A**. No response was  
7 received. On or about October 6, 2017, a subpoena *duces tecum* was served on Thomas  
8 Petroleum, LLC, C/O The Corporation Trust Company of Nevada, 701 S. Carson St., Suite 200,  
9 Carson City, Nevada 89107. A copy of the subpoena is attached as **Exhibit B**. No response was  
10 received.  
11

12                   The records requested from Sinclair and Thomas Petroleum are critical for Mr. Brown to  
13 prepare and investigate potential defenses at trial. Despite the service of process of the above  
14 subpoenas neither Sinclair Oil or Thomas Petroleum have n o t served a response on  
15 counsel, appeared, or filed an objection.  
16

17                   Accordingly, Mr. Brown requests an Order from this Court compelling Sinclair Oil and  
18 Thomas Petroleum to comply with the subpoenas *duces tecum*.  
19

20                                   **II.       CONCLUSION**

21                   **WHEREFORE**, in light of the points and authorities discussed in this memorandum, Mr.  
22 Brown's motion should be granted.  
23  
24  
25  
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27  
28

1 Dated this 17th day January, 2018.  
2  
3  
4

LARRY DECORLEON BROWN,  
by his attorney,

/s/ Nicholas M. Wooldridge

Nicholas M. Wooldridge, Esq.  
Wooldridge Law Ltd.  
400 South 7th Street, 4<sup>th</sup> Floor  
Las Vegas, NV 89101  
[nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)  
(702) 330-4645 Tel.  
(702) 359-8494 Fax.

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**CERTIFICATE OF SERVICE**

I confirm that on this 17th day of January, 2018, a copy of the foregoing Motion to Compel was served on the below District Attorney's Office by having the same e-filed and courtesy copied to pdmotions@clarkcountyda.com, which in turn provides electronic service to:

Chief Deputy District Attorney  
200 Lewis Ave.  
Las Vegas, NV 89155-2212

/s/ Nicholas M. Wooldridge

---

Nicholas M. Wooldridge, Esq.

# EXHIBIT A

Nicholas Wooldridge, Esq.  
Nevada Bar # 8732  
Wooldridge Law Ltd.,  
400 South 7th Street  
Las Vegas, NV 89101  
Phone: (702) 330-4645  
Fax: (702) 359-8494  
Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

LARRY BROWN,

Defendant.

Case No.: C-17-326247-1  
Dept. No.: 3

**SUBPOENA (DUCES TECUM)**

(For Production of Documents and  
Things at Trial or Hearing)

**THE STATE OF NEVADA TO:**

Name: SINCLAIR OIL CORPORATION  
C/O CSC SERVICES OF NEVADA INC

Address: 2215-B RENAISSANCE DR  
LAS VEGAS, NV 89119

**YOU ARE ORDERED**, pursuant to N.R.S. § 174.305 to N.R.S. § 174.385, N.R.S. § 213.1089, to produce and permit inspection and copying of the books, documents, or tangible things set forth below that are in your possession, custody, or control, by one of the following methods:

Delivering a true, legible, and durable copy of the records described below to the requesting attorney or party appearing in proper person, by United States mail or similar

1 delivery service, no later than three (15) days of receipt of this subpoena at the following  
2 address:

3  
4  
5  
6  
7 Nicholas Wooldridge, Esq.,  
8 400 South 7th Street, Las Vegas, NV 89101.

9 Or e-mail to the address [nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)

10 All documents shall be produced as they are kept in the usual course of business or shall  
11 be organized and labeled to correspond with the categories listed.


12 **YOU ARE FURTHER ORDERED** to authenticate the business records produced and  
13 to provide with your production a completed Certificate of Custodian of Records in  
14 substantially the form attached as Exhibit "B."

15  
16 **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena  
17 served upon that person may be deemed a contempt of the court, punishable by a fine or  
18 imprisonment. Additionally, a witness disobeying a subpoena shall forfeit to the aggrieved party  
19 \$100 and all damages sustained as a result of the failure to attend, and a warrant may issue for  
20 the witness' arrest. NRS §§ 50.195, 50.205, and 22.100(3).

21  
22 Please see the attached Exhibit A, which lists the documents items to be produced.  
23 Exhibit B provides a certificate of custodian of records.

24  
25 Dated this 28<sup>th</sup> September, 2017.

26 Submitted by:

27  
28   
\_\_\_\_\_  
Nicholas M. Wooldridge Esq.



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**EXHIBIT A**

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**ITEMS TO BE PRODUCED**

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1. INCIDENT REPORTS AND OR ANY OTHER INTERNAL DOCUMENTS THAT MEMORALIZE THE ARREST AND WHAT LED UP TO THE ARREST OF LARRY BROWN ON OR ABOUT FEBRUARY 21, 2017 BETWEEN THE HOURS OF 7 PM AND 12 AM, AT SINCLAIR GAS STATION LOCATED AT 5700 SKY POINTE DRIVE LAS VEGAS NEVADA 89130.

2. VIDEO & AUDIO FOOTAGE OF THE DETENTION AND/OR ARREST OF LARRY BROWN ON OR ABOUT FEBRUARY 21, 2017 BETWEEN THE HOURS OF 7 PM AND 12 AM, AT SINCLAIR GAS STATION LOCATED AT 5700 SKY POINTE DRIVE LAS VEGAS NEVADA 89130.

3. VIDEO & AUDIO FOOTAGE OF AN ALLEGED UNLAWFUL INCIDENT PURPORTEDLY INVOLVING LARRY BROWN ON OR ABOUT FEBRUARY 21, 2017 BETWEEN THE HOURS OF 7 PM AND 12 AM, AT SINCLAIR GAS STATION LOCATED AT 5700 SKY POINTE DRIVE LAS VEGAS NEVADA 89130.

EXHIBIT B

CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF \_\_\_\_\_)

Case

No.:

\_\_\_\_\_) ss.  
COUNTY OF \_\_\_\_\_)

NOW COMES \_\_\_\_\_ (*name of custodian of records*), who after first being duly sworn deposes and says:

1. That the deponent is the \_\_\_\_\_ (*position or title*) of \_\_\_\_\_ (*name of employer*) and in his or her capacity as

\_\_\_\_\_ (*position or title*) is a custodian of the records of \_\_\_\_\_ (*name of employer*).

2. That \_\_\_\_\_ (*name of employer*) is licensed to do business as a \_\_\_\_\_ in the State of

3. That on the \_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of records pertaining to

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person

1 with knowledge, in the course of a regularly conducted activity of the deponent or

2 \_\_\_\_\_ (name of employer).

3  
4 Executed on: \_\_\_\_\_

5 (Date)

\_\_\_\_\_  
(Signature of Custodian of Records)

6 **SUBSCRIBED AND SWORN** to before me this

7 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

8  
9 \_\_\_\_\_  
10 **NOTARY PUBLIC** in and for the

11 County of \_\_\_\_\_, State of \_\_\_\_\_.

# EXHIBIT B

Nicholas Wooldridge, Esq.  
Nevada Bar # 8732  
Wooldridge Law Ltd.,  
400 South 7th Street  
Las Vegas, NV 89101  
Phone: (702) 330-4645  
Fax: (702) 359-8494  
Attorney for Defendant

**EIGHTH JUDICIAL DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

LARRY BROWN,

Defendant.

Case No.: C-17-326247-1  
Dept. No.: 3

**SUBPOENA (DUCES TECUM)**

(For Production of Documents and  
Things at Trial or Hearing)

**THE STATE OF NEVADA TO:**

Name: THOMAS PETROLEUM, LLC  
C/O THE CORPORATION TRUST  
COMPANY OF NEVADA

Address: 701 S CARSON ST. STE 200  
CARSON CITY, NV 89107

**YOU ARE ORDERED**, pursuant to N.R.S. § 174.305 to N.R.S. § 174.385, N.R.S. § 213.1089, to produce and permit inspection and copying of the books, documents, or tangible things set forth below that are in your possession, custody, or control, by one of the following methods:

Delivering a true, legible, and durable copy of the records described below to the requesting attorney or party appearing in proper person, by United States mail or similar

1 delivery service, no later than three (15) days of receipt of this subpoena at the following  
2 address:

3  
4  
5  
6  
7 Nicholas Wooldridge, Esq.,  
8 400 South 7th Street, Las Vegas, NV 89101.

9 Or e-mail to the address [nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)

10 All documents shall be produced as they are kept in the usual course of business or shall  
11 be organized and labeled to correspond with the categories listed.


12 **YOU ARE FURTHER ORDERED** to authenticate the business records produced and  
13 to provide with your production a completed Certificate of Custodian of Records in  
14 substantially the form attached as Exhibit "B."

15  
16 **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena  
17 served upon that person may be deemed a contempt of the court, punishable by a fine or  
18 imprisonment. Additionally, a witness disobeying a subpoena shall forfeit to the aggrieved party  
19 \$100 and all damages sustained as a result of the failure to attend, and a warrant may issue for  
20 the witness' arrest. NRS §§§ 50.195, 50.205, and 22.100(3).

21  
22 Please see the attached Exhibit A, which lists the documents items to be produced.  
23 Exhibit B provides a certificate of custodian of records.

24  
25 Dated this 6<sup>th</sup> October, 2017.

26 Submitted by:

27   
28 \_\_\_\_\_  
Nicholas M. Wooldridge Esq.

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**EXHIBIT A**

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**ITEMS TO BE PRODUCED**

---

1. INCIDENT REPORTS AND OR ANY OTHER INTERNAL DOCUMENTS THAT MEMORALIZE THE ARREST AND WHAT LED UP TO THE ARREST OF LARRY BROWN ON OR ABOUT FEBRUARY 21, 2017 BETWEEN THE HOURS OF 7 PM AND 12 AM, AT SINCLAIR GAS STATION LOCATED AT 5700 SKY POINTE DRIVE LAS VEGAS NEVADA 89130.

2. VIDEO & AUDIO FOOTAGE OF THE DETENTION AND/OR ARREST OF LARRY BROWN ON OR ABOUT FEBRUARY 21, 2017 BETWEEN THE HOURS OF 7 PM AND 12 AM, AT SINCLAIR GAS STATION LOCATED AT 5700 SKY POINTE DRIVE LAS VEGAS NEVADA 89130.

3. VIDEO & AUDIO FOOTAGE OF AN ALLEGED UNLAWFUL INCIDENT PURPORTEDLY INVOLVING LARRY BROWN ON OR ABOUT FEBRUARY 21, 2017 BETWEEN THE HOURS OF 7 PM AND 12 AM, AT SINCLAIR GAS STATION LOCATED AT 5700 SKY POINTE DRIVE LAS VEGAS NEVADA 89130.

EXHIBIT B

CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF \_\_\_\_\_)

Case

No.:

\_\_\_\_\_) ss.  
COUNTY OF \_\_\_\_\_)

NOW COMES \_\_\_\_\_ (*name of custodian of records*), who after first being duly sworn deposes and says:

1. That the deponent is the \_\_\_\_\_ (*position or title*) of \_\_\_\_\_ (*name of employer*) and in his or her capacity as

\_\_\_\_\_ (*position or title*) is a custodian of the records of \_\_\_\_\_ (*name of employer*).

2. That \_\_\_\_\_ (*name of employer*) is licensed to do business as a \_\_\_\_\_ in the State of

3. That on the \_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_, the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of records pertaining to

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person



1 with knowledge, in the course of a regularly conducted activity of the deponent or

2 \_\_\_\_\_ (name of employer).

3  
4 Executed on: \_\_\_\_\_

5 (Date)

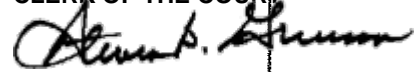
\_\_\_\_\_  
(Signature of Custodian of Records)

6 **SUBSCRIBED AND SWORN** to before me this

7 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

8  
9 \_\_\_\_\_  
10 **NOTARY PUBLIC** in and for the

11 County of \_\_\_\_\_, State of \_\_\_\_\_.



NICHOLAS M. WOOLDRIDGE  
Nevada State Bar No. 8732  
WOOLDRIDGE LAW, LTD.  
400 South 7th Street, 4<sup>th</sup> Floor  
Las Vegas, NV 89101  
Telephone: (702) 330-4645  
[nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)  
Attorney for Larry D. Brown

**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

*Plaintiff,*

vs.

LARRY DECORLEON BROWN,

*Defendant.*

Case No.: C-17-326247-1

Dept. 21

**MOTION FOR ORDER TO SHOW  
CAUSE**

COMES NOW, LARRY DECORLEON BROWN, ("Mr. Brown"), by and through his undersigned counsel, NICHOLAS M. WOOLDRIDGE ESQ., and respectfully requests that the Court order Sinclair Oil Corporation at C/O CSC Services of Nevada, Inc, 2215-B Renaissance Dr., Las Vegas, Nevada 89119 and Thomas Petroleum, LLC, C/O The Corporation Trust Company of Nevada, 701 S. Carson St., Suite 200, Carson City, Nevada 8910 to appear before the Court and show cause, if any, why they should not be held in contempt for the following reasons:

On or about September 28, 2017, undersigned counsel served a subpoena *duces tecum* on Sinclair Oil Corporation at C/O CSC Services of Nevada, Inc, 2215-B Renaissance Dr., Las Vegas, Nevada 89119. A copy of the subpoena and affidavit of service is attached as composite

1 Exhibit A. No response was received. On or about October 6, 2017, a subpoena *duces tecum* was  
2 served on Thomas Petroleum, LLC, C/O The Corporation Trust Company of Nevada, 701 S.  
3 Carson St., Suite 200, Carson City, Nevada 89107. A copy of the subpoena and affidavit of  
4 service is attached as composite Exhibit B. No response was received.  
5

6 The records requested from Sinclair and Thomas Petroleum are critical for Mr. Brown to  
7 prepare and investigate potential defenses at trial. Despite the service of process of the above  
8 subpoenas neither Sinclair Oil or Thomas Petroleum have served a response on counsel,  
9 appeared, or filed an objection.  
10

11 Per NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

12 Dated this 20<sup>th</sup> day February, 2018.

LARRY DECORLEON BROWN,  
by his attorney,

15 /s/ Nicholas M. Wooldridge

16 Nicholas M. Wooldridge, Esq.  
17 Wooldridge Law Ltd.  
18 400 South 7th Street, 4<sup>th</sup> Floor  
19 Las Vegas, NV 89101  
20 nicholas@wooldridgelawlv.com  
21 (702) 330-4645 Tel.  
22 (702) 359-8494 Fax.  
23  
24  
25  
26  
27  
28

1 NOTICE OF MOTION

2 TO: STATE OF NEVADA, Plaintiff;

3 TO: DISTRICT ATTORNEY, its attorneys;

4 TO: Sinclair Oil Corporation at C/O CSC Services of Nevada, Inc.; and

5 TO: Thomas Petroleum, LLC, C/O The Corporation Trust Company of Nevada.

6  
7 PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion For  
8 Order to Show Cause for hearing in the above-entitled Court on (day) 06 of (month)  
9 March, 2018 in Department 21 at (time) 9:30 A m.

10  
11 NOTICE: YOU ARE REQUIRED TO FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE  
12 CLERK OF THE COURT AND TO PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR  
13 RESPONSE WITHIN TEN (10) DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A  
14 WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN TEN (10) DAYS OF YOUR  
15 RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY  
16 THE COURT WITHOUT HEARING PRIOR TO THE SCHEDULED HEARING.

17 Dated this 20<sup>th</sup> day February, 2018.

LARRY DECORLEON BROWN,  
by his attorney,

18 /s/ Nicholas M. Wooldridge

19 Nicholas M. Wooldridge, Esq.  
20 Wooldridge Law Ltd.  
21 400 South 7th Street, 4<sup>th</sup> Floor  
22 Las Vegas, NV 89101  
23 nicholas@wooldridgelawlv.com  
24 (702) 330-4645 Tel.  
25 (702) 359-8494 Fax.

1 MEMORANDUM OF POINTS & AUTHORITIES

2 MR. BROWN'S MOTION SHOULD BE GRANTED

3 **I. Procedural Background**

4  
5 On or about September 28, 2017, undersigned counsel served a subpoena *duces tecum* on  
6 Sinclair Oil Corporation at C/O CSC Services of Nevada, Inc, 2215-B Renaissance Dr., Las  
7 Vegas, Nevada 89119. A copy of the subpoena and affidavit of service is attached as Exhibit A.  
8 No response was received. On or about October 6, 2017, a subpoena *duces tecum* was served on  
9 Thomas Petroleum, LLC, C/O The Corporation Trust Company of Nevada, 701 S. Carson St.,  
10 Suite 200, Carson City, Nevada 89107. A copy of the subpoena and affidavit of service is  
11 attached as Exhibit B. No response was received. The records requested from Sinclair and  
12 Thomas Petroleum are critical for Mr. Brown to prepare and investigate potential defenses at  
13 trial. Despite the service of process of the above subpoenas neither Sinclair Oil or Thomas  
14 Petroleum have served a response on counsel, appeared, or filed an objection.  
15  
16

17 **II. This Court Has Authority to Compel Obedience**

18 Without the power to enforce its Orders, a grant of jurisdiction over a case would be  
19 meaningless. Accordingly, Nevada statutes grant courts the power to punish persons or entities  
20 who fail or refuse to comply with lawful subpoenas, through the power to find them in contempt  
21 of court. N.R.S. § 22.010(4): "4. Disobedience of a subpoena duly served, or refusing to be  
22 sworn or answer as a witness." Id.  
23

24 N.R.S. § 22.010 (3) defines acts of contempt to include: "Disobedience or resistance to  
25 any lawful writ, order, rule or process issued by the court or judge at chambers." N.R.S. § 22.030  
26 provides the Court with the express authority to punish such contempt, even though committed  
27 outside the view and presence of the court: "2. If a contempt is not committed in the immediate  
28

1 view and presence of the court or judge at chambers, an affidavit must be presented to the court  
2 or judge of the facts constituting the contempt, or a statement of the facts by the masters or  
3 arbitrators.”

4  
5 The facts set forth in this Motion, sworn under N.R.S. 53.045, set forth ample evidence of  
6 failure and/or refusal to comply with a duly served subpoena.

7 **III. This Court Should Impose Multiple Penalties Upon Sinclair Oil and Thomas**  
8 **Petroleum, Both As Punishment and To Deter Future Disregard of this Court's**  
9 **Orders**

10 N.R.S. § 22.100 (2) sets forth the permissible penalties for contempt: “Except as  
11 otherwise provided in NRS 22.110, if a person is found guilty of contempt, a fine may be  
12 imposed on the person not exceeding \$500 or the person may be imprisoned not exceeding 25  
13 days, or both.” Where the contempt stems from a failure or refusal to follow a court order,  
14 N.R.S. § 22.100 (3) provides that “the court may require the person to pay to the party seeking to  
15 enforce the writ, order, rule or process the reasonable expenses, including, without limitation,  
16 attorney’s fees, incurred by the party as a result of the contempt.”

17  
18 Finally where, as here, the contempt constitutes a failure or refusal to comply with a  
19 lawful duly served subpoena, “the person may be imprisoned until the person performs it. The  
20 required act must be specified in the warrant of commitment.” N.R.S. § 22.110.

21  
22 **IV. CONCLUSION**

23 Unless this Court imposes significant, and meaningful penalties for the defiance of this  
24 Court's orders, its orders will continue to be disregarded.

25 Accordingly, Mr. Brown hereby requests that all penalties available to this Court under  
26 NRS § 22.100 should be imposed upon Sinclair Oil and Thomas Petroleum including:  
27

- 28 1. A fine in the amount of \$500 on each;

1           2.       An award of reasonable attorneys' fees jointly and severally against Sinclair Oil  
2 and Thomas Petroleum; and

3           3.       A brief period of imprisonment of the responsible employee or agent of Sinclair  
4 Oil and Thomas Petroleum until such time each comply with the orders of this Court.

5  
6 Dated this 20<sup>th</sup> day February, 2018.

LARRY DECORLEON BROWN,  
by his attorney,

7  
8  
9                   /s/ Nicholas M. Wooldridge

10                   Nicholas M. Wooldridge, Esq.  
11                   Wooldridge Law Ltd.  
12                   400 South 7th Street, 4<sup>th</sup> Floor  
13                   Las Vegas, NV 89101  
14                   [nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)  
15                   (702) 330-4645 Tel.  
16                   (702) 359-8494 Fax.

1  
2  
3 **CERTIFICATE OF SERVICE**

4 I confirm that on this 20<sup>th</sup> day of February, 2018, a copy of the foregoing Motion for  
5 Order to Show Cause was served on the below District Attorney's Office by having the same e-  
6 filed and courtesy copied to pdmotions@clarkcountyda.com, which in turn provides electronic  
7 service to the address below and will serve via first class mail postage prepaid addressed as  
8 follows:

9  
10 Chief Deputy District Attorney  
11 200 Lewis Ave.  
12 Las Vegas, NV 89155-2212

13 Sinclair Oil Corporation  
14 C/O CSC Services of Nevada, Inc.  
15 2215-B Renaissance Dr.,  
16 Las Vegas, Nevada 89119

17 Thomas Petroleum, LLC,  
18 C/O The Corporation Trust Company of Nevada,  
19 701 S. Carson St., Suite 200,  
20 Carson City, Nevada 8910

21  
22  
23  
24  
25  
26  
27  
28  
/s/ Nicholas M. Wooldridge

Nicholas M. Wooldridge, Esq.



# **EXHIBIT A**

1 Nicholas Wooldridge, Esq.  
2 Nevada Bar # 8732  
3 Wooldridge Law Ltd.,  
4 400 South 7th Street  
5 Las Vegas, NV 89101  
6 Phone: (702) 330-4645  
7 Fax: (702) 359-8494  
8 Attorney for Defendant

9  
10 **EIGHTH JUDICIAL DISTRICT COURT**

11 **CLARK COUNTY, NEVADA**

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

15 LARRY BROWN,

16 Defendant.

Case No.: C-17-326247-1

Dept. No.: 3

17 **SUBPOENA (DUCES TECUM)**

18 (For Production of Documents and  
19 Things at Trial or Hearing)

20 **THE STATE OF NEVADA TO:**

21 Name: SINCLAIR OIL CORPORATION  
22 C/O CSC SERVICES OF NEVADA INC

23 Address: 2215-B RENAISSANCE DR  
24 LAS VEGAS, NV 89119

25 **YOU ARE ORDERED**, pursuant to N.R.S. § 174.305 to N.R.S. § 174.385, N.R.S. §  
26 213.1089, to produce and permit inspection and copying of the books, documents, or tangible  
27 things set forth below that are in your possession, custody, or control, by one of the following  
28 methods:

Delivering a true, legible, and durable copy of the records described below to the  
requesting attorney or party appearing in proper person, by United States mail or similar

1 delivery service, no later than three (15) days of receipt of this subpoena at the following  
2 address:

3  
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5  
6  
7 Nicholas Wooldridge, Esq.,  
8 400 South 7th Street, Las Vegas, NV 89101.

9 Or e-mail to the address nicholas@wooldridgelawlv.com

10 All documents shall be produced as they are kept in the usual course of business or shall  
11 be organized and labeled to correspond with the categories listed.

12  
13 **YOU ARE FURTHER ORDERED** to authenticate the business records produced and  
14 to provide with your production a completed Certificate of Custodian of Records in  
15 substantially the form attached as Exhibit "B."

16 **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena  
17 served upon that person may be deemed a contempt of the court, punishable by a fine or  
18 imprisonment. Additionally, a witness disobeying a subpoena shall forfeit to the aggrieved party  
19 \$100 and all damages sustained as a result of the failure to attend, and a warrant may issue for  
20 the witness' arrest. NRS §§§ 50.195, 50.205, and 22.100(3).

21  
22 Please see the attached Exhibit A, which lists the documents items to be produced.  
23 Exhibit B provides a certificate of custodian of records.

24  
25 Dated this 28<sup>th</sup> September, 2017.

26 Submitted by:


27  
28   
Nicholas M. Wooldridge Esq.

EXHIBIT A

ITEMS TO BE PRODUCED

1. INCIDENT REPORTS AND OR ANY OTHER INTERNAL DOCUMENTS THAT MEMORALIZE THE ARREST AND WHAT LED UP TO THE ARREST OF LARRY BROWN ON OR ABOUT FEBRUARY 21, 2017 BETWEEN THE HOURS OF 7 PM AND 12 AM, AT SINCLAIR GAS STATION LOCATED AT 5700 SKY POINTE DRIVE LAS VEGAS NEVADA 89130.

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3. VIDEO & AUDIO FOOTAGE OF AN ALLEGED UNLAWFUL INCIDENT PURPORTEDLY INVOLVING LARRY BROWN ON OR ABOUT FEBRUARY 21, 2017 BETWEEN THE HOURS OF 7 PM AND 12 AM, AT SINCLAIR GAS STATION LOCATED AT 5700 SKY POINTE DRIVE LAS VEGAS NEVADA 89130.

EXHIBIT B

CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF \_\_\_\_\_)

Case

No.:

\_\_\_\_\_) ss.  
COUNTY OF \_\_\_\_\_)

NOW COMES \_\_\_\_\_ (*name of custodian of records*), who after  
first being duly sworn deposes and says:

1. That the deponent is the \_\_\_\_\_ (*position or title*) of  
\_\_\_\_\_ (*name of employer*) and in his or her capacity as

\_\_\_\_\_ (*position or title*) is a custodian of the records of \_\_\_\_\_  
\_\_\_\_\_ (*name of employer*).

2. That \_\_\_\_\_ (*name of employer*) is licensed to do  
business as a \_\_\_\_\_ in the State of

3. That on the \_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_,  
the deponent was served with a subpoena in connection with the above-entitled cause, calling  
for the production of records pertaining to

4. That the deponent has examined the original of those records and has made or  
caused to be made a true and exact copy of them and that the reproduction of them attached  
hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event,  
condition, opinion or diagnosis recited therein by or from information transmitted by a person

1 with knowledge, in the course of a regularly conducted activity of the deponent or

2 \_\_\_\_\_ (name of employer).

3  
4 Executed on: \_\_\_\_\_

5 (Date)

\_\_\_\_\_  
(Signature of Custodian of Records)

6 **SUBSCRIBED AND SWORN** to before me this

7 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

8  
9 \_\_\_\_\_  
10 **NOTARY PUBLIC** in and for the

11 County of \_\_\_\_\_, State of \_\_\_\_\_.

AOS

**DISTRICT COURT , CLARK COUNTY  
CLARK COUNTY, NEVADA**

**STATE VS.**

**Plaintiff**

**VS**

**LARRY BROWN**

**Defendant**

**CASE NO: C-17-326247-1**

**HEARING DATE/TIME:**

**DEPT NO: 3**

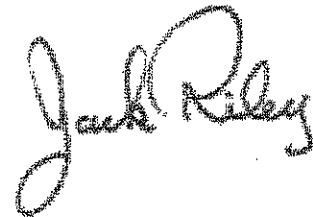
**AFFIDAVIT OF SERVICE**

JACK RILEY R-045599 being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceedings in which this affidavit is made. That affiant received 1 copy(ies) of the SUBPOENA DUCES TECUM, on the 28th day of September, 2017 and served the same on the 29th day of September, 2017, at 16:25 by:

serving the servee SINCLAIR OIL CORPORATION C/O REGISTERED AGENT CSC SERVICES OF NEVADA INC by personally delivering and leaving a copy at (address) 2215-B RENAISSANCE DRIVE, LAS VEGAS NEVADA 89119 with FRANCES GUTIERREZ, pursuant to NRS 14,020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.

**Pursuant to NRS 53.045**

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.



**EXECUTED this 29 day of Sep, 2017.**

**JACK RILEY R-045599**

# **EXHIBIT B**



1 Nicholas Wooldridge, Esq.  
2 Nevada Bar # 8732  
3 Wooldridge Law Ltd.,  
4 400 South 7th Street  
5 Las Vegas, NV 89101  
6 Phone: (702) 330-4645  
7 Fax: (702) 359-8494  
8 Attorney for Defendant

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**EIGHTH JUDICIAL DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

LARRY BROWN,

Defendant.

Case No.: C-17-326247-1

Dept. No.: 3

**SUBPOENA (DUCES TECUM)**

(For Production of Documents and  
Things at Trial or Hearing)

**THE STATE OF NEVADA TO:**

Name: THOMAS PETROLEUM, LLC  
C/O THE CORPORATION TRUST  
COMPANY OF NEVADA

Address: 701 S CARSON ST. STE 200  
CARSON CITY, NV 89107

**YOU ARE ORDERED**, pursuant to N.R.S. § 174.305 to N.R.S. § 174.385, N.R.S. § 213.1089, to produce and permit inspection and copying of the books, documents, or tangible things set forth below that are in your possession, custody, or control, by one of the following methods:

Delivering a true, legible, and durable copy of the records described below to the requesting attorney or party appearing in proper person, by United States mail or similar

1 delivery service, no later than three (15) days of receipt of this subpoena at the following  
2 address:

3  
4  
5  
6  
7 Nicholas Wooldridge, Esq.,  
8 400 South 7th Street, Las Vegas, NV 89101.

9 Or e-mail to the address [nicholas@wooldridgelawlv.com](mailto:nicholas@wooldridgelawlv.com)

10 All documents shall be produced as they are kept in the usual course of business or shall  
11 be organized and labeled to correspond with the categories listed.

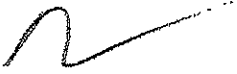
12 **YOU ARE FURTHER ORDERED** to authenticate the business records produced and  
13 to provide with your production a completed Certificate of Custodian of Records in  
14 substantially the form attached as Exhibit "B."

15  
16 **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena  
17 served upon that person may be deemed a contempt of the court, punishable by a fine or  
18 imprisonment. Additionally, a witness disobeying a subpoena shall forfeit to the aggrieved party  
19 \$100 and all damages sustained as a result of the failure to attend, and a warrant may issue for  
20 the witness' arrest. NRS §§§ 50.195, 50.205, and 22.100(3).

21  
22 Please see the attached Exhibit A, which lists the documents items to be produced.  
23 Exhibit B provides a certificate of custodian of records.

24 Dated this 6<sup>th</sup> October, 2017.

25 Submitted by:

26  
27   
28 \_\_\_\_\_  
Nicholas M. Wooldridge Esq.

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**EXHIBIT A**

**ITEMS TO BE PRODUCED**

1. INCIDENT REPORTS AND OR ANY OTHER INTERNAL DOCUMENTS THAT MEMORALIZE THE ARREST AND WHAT LED UP TO THE ARREST OF LARRY BROWN ON OR ABOUT FEBRUARY 21, 2017 BETWEEN THE HOURS OF 7 PM AND 12 AM, AT SINCLAIR GAS STATION LOCATED AT 5700 SKY POINTE DRIVE LAS VEGAS NEVADA 89130.

2. VIDEO & AUDIO FOOTAGE OF THE DETENTION AND/OR ARREST OF LARRY BROWN ON OR ABOUT FEBRUARY 21, 2017 BETWEEN THE HOURS OF 7 PM AND 12 AM, AT SINCLAIR GAS STATION LOCATED AT 5700 SKY POINTE DRIVE LAS VEGAS NEVADA 89130.

3. VIDEO & AUDIO FOOTAGE OF AN ALLEGED UNLAWFUL INCIDENT PURPORTEDLY INVOLVING LARRY BROWN ON OR ABOUT FEBRUARY 21, 2017 BETWEEN THE HOURS OF 7 PM AND 12 AM, AT SINCLAIR GAS STATION LOCATED AT 5700 SKY POINTE DRIVE LAS VEGAS NEVADA 89130.

EXHIBIT B

CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF \_\_\_\_\_)

Case

No.:

\_\_\_\_\_) ss.  
COUNTY OF \_\_\_\_\_)

NOW COMES \_\_\_\_\_ (name of custodian of records), who after  
first being duly sworn deposes and says:

1. That the deponent is the \_\_\_\_\_ (position or title) of  
\_\_\_\_\_ (name of employer) and in his or her capacity as

\_\_\_\_\_ (position or title) is a custodian of the records of \_\_\_\_\_  
\_\_\_\_\_ (name of employer).

2. That \_\_\_\_\_ (name of employer) is licensed to do  
business as a \_\_\_\_\_ in the State of

3. That on the \_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_,  
the deponent was served with a subpoena in connection with the above-entitled cause, calling  
for the production of records pertaining to

4. That the deponent has examined the original of those records and has made or  
caused to be made a true and exact copy of them and that the reproduction of them attached  
hereto is true and complete.

5. That the original of those records was made at or near the time of the act, event,  
condition, opinion or diagnosis recited therein by or from information transmitted by a person

1 with knowledge, in the course of a regularly conducted activity of the deponent or

2 \_\_\_\_\_ (name of employer).

4 Executed on: \_\_\_\_\_

(Date)

\_\_\_\_\_  
(Signature of Custodian of Records)

6 **SUBSCRIBED AND SWORN** to before me this

7 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

9 \_\_\_\_\_  
10 **NOTARY PUBLIC** in and for the

11 County of \_\_\_\_\_, State of \_\_\_\_\_.

IN THE EIGHTH JUDICIAL DISTRICT COURT  
IN AND FOR THE COUNTY OF CLARK

THE STATE OF NEVADA,

Plaintiff(s),

VS.

CASE NO: C-17-326247-1

LARRY BROWN,

Defendant(s),

DECLARATION OF SERVICE

STATE OF NEVADA

COUNTY OF CARSON CITY ss.:

**JAMES WHEATLEY**, being duly sworn says: That at all times herein Affiant was and is a citizen of the United States, over 18 years of age, and not a party to nor interested in the proceedings in which this Affidavit is made.

That Affiant received copy(ies) of the **SUBPOENA DUCES TECUM**; On 10/9/2017 and served the same on 10/9/2017 at 2:10 PM by delivery and leaving a copy with:

**Macie Tuell - Administrative Assistant**, pursuant to NRS 14.020 as a person of suitable age and discretion, of the office of THE CORPORATION TRUST COMPANY OF NEVADA, registered agent for THOMAS PETROLEUM, LLC., at the registered address of:

701 S Carson St Ste 200, Carson City, NV 89701-5239

A description of Macie Tuell is as follows

Gender	Color of Skin/Race	Hair	Age	Height	Weight
Female	White	Brown	18 - 25	5'6 - 6'0	120-140 Lbs

Pursuant to NRS 239B.030 this document does not contain the social security number of any person.

Affiant does hereby affirm under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on: 10/10/2017

by JAMES WHEATLEY

Registration: R-094890

No notary is required per NRS 53.045

X

JAMES WHEATLEY

Registration: R-094890

Reno Carson Messenger Service, Inc #322

185 Martin St.

Reno, NV 89509

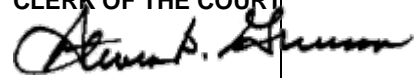
(775) 322-2424

www.renocarson.com



Order#: R18541 NVPRF411

000219



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

LARRY DECORLEON BROWN,  
ANTHONY CARTER,  
Defendants.

CASE NO: C-17-326247-1  
CASE NO: C-17-326247-2

DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
TUESDAY, FEBRUARY 27, 2018

***RECORDER'S TRANSCRIPT OF HEARING RE:  
STATUS CHECK: TRIAL READINESS***

APPEARANCES:

For the State:

JOHN L. GIORDANI, III, ESQ.  
Chief Deputy District Attorney

For Defendant Brown:

NICHOLAS M. WOOLDRIDGE, ESQ.

For Defendant Carter:

CONNER M. SLIFE, ESQ.  
Deputy Public Defender

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1                   **Las Vegas, Nevada; Tuesday, February 27, 2018**

2                   \* \* \* \* \*

3                   [Proceeding commenced at 10:16 a.m.]

4                   THE COURT: State versus Larry Brown, who's present in  
5 custody with Mr. Wooldridge and Anthony Carter.

6                   DEFENDANT CARTER: Good morning, Your Honor.

7                   THE COURT: Good morning -- who's present in custody  
8 with Mr. Slife. This is on for status check, trial readiness.

9                   Any new discovery from the State?

10                  MR. GIORDANI: No, Your Honor. The last item was a  
11 DNA report that I forward to co -- both counsel and I believe that  
12 should be it at this point in time

13                  THE COURT: All right. So there's no outstanding forensic  
14 testing.

15                  MR. GIORDANI: No.

16                  THE COURT: All right. And then offers were made; is that  
17 correct?

18                  MR. GIORDANI: No. There's one housekeeping matter.  
19 You had heard argument on a writ while I was out of the office.

20                  THE COURT: Oh.

21                  MR. GIORDANI: And I guess you were going to do a  
22 chamber's decision. That -- I looked, I believe, yesterday or the day  
23 before and it wasn't issued yet, so --

24                  THE COURT: Okay.

25                  MR. GIORDANI: -- once that's done and I get --



1 THE COURT: I thought that had been done, but --  
2 MR. GIORDANI: No problem.  
3 THE COURT: -- I'll have to review that.  
4 MR. GIORDANI: I just, you know, I'm not really in a  
5 position to make a deal at this point without knowing what's going  
6 on with that and then I'll get something out to both Mr. Wooldridge  
7 and Mr. Slife.  
8 THE COURT: All right. Are you sure there's nothing  
9 posted on this?  
10 MR. GIORDANI: I checked a day or two ago.  
11 THE COURT: All right.  
12 And then what about defense experts?  
13 MR. WOOLDRIDGE: Your Honor, I have a *Widdis* motion  
14 that's been submitted. I haven't gotten an order back yet on the  
15 DNA expert. And, you know, --  
16 THE COURT: Oh, okay.  
17 MR. WOOLDRIDGE: -- we may have submitted that to --  
18 THE COURT: When did you -- you submitted that *ex parte*?  
19 MR. WOOLDRIDGE: Yeah, we may have submitted -- I  
20 mean, I guess I'm disclosing it now, whatever. We're going to have  
21 to disclose it when we submit the witness list, so.  
22 THE COURT: Right. Well, and the expert report.  
23 MR. WOOLDRIDGE: Yeah, and the expert report.  
24 THE COURT: If you use one.  
25 MR. WOOLDRIDGE: I hate reports, though. Anyway, I

1 think we may have submitted that motion to Judge Herndon,  
2 though, because this was originally his case.

3 THE COURT: Okay. Well --

4 MR. WOOLDRIDGE: Do you have the motion? Is it before  
5 you?

6 THE COURT: I don't recall seeing --

7 MR. WOOLDRIDGE: Okay.

8 THE COURT: -- such a motion.

9 MR. WOOLDRIDGE: All right.

10 THE COURT: So, yeah, I don't think he sent it over.  
11 Typically, we would log it in, so I don't think we've gotten it.

12 MR. WOOLDRIDGE: Okay. I'll --

13 THE COURT: Can you just resubmit it?

14 MR. WOOLDRIDGE: Not a problem. I know my staff has  
15 been speaking with them and from -- with Judge Herndon's  
16 department. They were saying that he's been on trial, he hasn't  
17 taken a look at it yet, but I'll make sure it gets to you.

18 THE COURT: Okay. And then any other issues? Any  
19 motions, anything?

20 MR. SLIFE: I'm hopeful the writ was going to be granted.

21 THE COURT: Right. All right. So let's come back -- you'll  
22 see a decision posted in the next day or so. And then the State  
23 could proceed accordingly, obviously, if it's dismissed, the State  
24 can proceed accordingly. So when we come back, if we come back  
25 in two weeks, would that be sufficient for the State to make an offer

1 and then for you folks to go to the jail and discuss those offers with  
2 your client?

3 MR. WOOLDRIDGE: Yes.

4 MR. SLIFE: Sure.

5 MR. GIORDANI: I am starting a trial tomorrow morning in  
6 front of Judge Herndon, so I don't know if I can it done in two  
7 weeks, but maybe three.

8 THE COURT: Let's go out three weeks.

9 MR. WOOLDRIDGE: That's fine.

10 THE CLERK: That's March 20<sup>th</sup> at 9:30.

11 MR. GIORDANI: That should work. Thank you.

12 THE COURT: All right. Thank you.

13 Is that it for all of you?

14 MR. GIORDANI: Yes, thank you, Your Honor.

15 MR. SLIFE: Thank you, Judge.

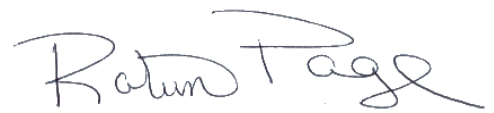
16 MR. WOOLDRIDGE: Thank you.

17 THE COURT: All right. Thank you.

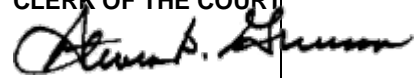
18 [Proceeding concluded at 10:20 a.m.]

19 \* \* \* \* \*

20  
21 ATTEST: I do hereby certify that I have truly and correctly  
22 transcribed the audio/video proceedings in the above-entitled case  
23 to the best of my ability.

24 

25 Robin Page  
Court Recorder/Transcriber



RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

LARRY DECORLEON BROWN,  
Defendant.

CASE NO: C-17-326247-1

DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
TUESDAY, MARCH 6, 2018

***RECORDER'S TRANSCRIPT OF HEARING RE:  
DEFENDANT'S MOTION FOR ORDER TO SHOW CAUSE***

APPEARANCES:

For the State:

VIVIAN LUONG, ESQ.  
Deputy District Attorney

For the Defendant:

NICHOLAS M. WOOLDRIDGE, ESQ.

RECORDED BY: SUSAN SCHOFIELD, COURT RECORDER

1 **Las Vegas, Nevada; Tuesday, March 6, 2018**

2 \* \* \* \* \*

3 [Proceeding commenced at 9:34 a.m.]

4 THE COURT: State versus Larry Brown. And Mr. Brown is  
5 present in custody.

6 This is on for a motion for an order to show cause against  
7 Sinclair Oil and Thomas Petroleum because they did not respond to  
8 your request for documents.

9 MR. WOOLDRIDGE: That's correct, Judge. And I have a  
10 slight issue with my motion.

11 THE COURT: I have a slight issue with your subpoena.

12 MR. WOOLDRIDGE: Unfortunately, my motion was not  
13 served. So I'm going to have to --

14 THE COURT: Oh.

15 MR. WOOLDRIDGE: -- I'm going to have to withdraw --

16 THE COURT: Okay.

17 MR. WOOLDRIDGE: -- the motion and refile it and re-serve  
18 it.

19 THE COURT: All right. The other thing -- this -- the reason  
20 I mention this, is this --

21 MR. WOOLDRIDGE: Yeah.

22 THE COURT: -- comes up with Metro all the time.

23 MR. WOOLDRIDGE: Okay.

24 THE COURT: When people subpoena Metro and they just  
25 ask for documents, but they don't give a date, the position typically

1 is, well, you can't subpoena just for us to turn over the documents.  
2 There has to be a subpoena for a date with a *duces tecum* to bring  
3 the --

4 MR. WOOLDRIDGE: You mean a return date.

5 THE COURT: Right.

6 MR. WOOLDRIDGE: Okay.

7 THE COURT: A date that they're supposed to appear in  
8 court with the documents. So if you want, I can set it over for a  
9 status check for them to appear and/or show cause why they  
10 shouldn't provide those documents to you.

11 MR. WOOLDRIDGE: Okay. That sounds good.

12 THE COURT: But that -- I just know that that problem, that  
13 argument comes up quite a bit. And I looked at the subpoena and  
14 you basically tell them to mail it to you within 15 days.

15 MR. WOOLDRIDGE: That's correct.

16 THE COURT: So it could be that their counsel is saying,  
17 no, that's more like a discovery request.

18 MR. WOOLDRIDGE: They don't even respond to us,  
19 though. I don't think that they --

20 THE COURT: They --

21 MR. WOOLDRIDGE: -- their counsel may have even  
22 gotten it.

23 THE COURT: Okay.

24 MR. WOOLDRIDGE: I mean, their very -- they seem to be  
25 very disorganized over there.

1 THE COURT: I mean, you can either do it as an order to  
2 show cause and serve them with it or you can try reserving them  
3 and ask for a date in here for them to appear with the documents.

4 MR. WOOLDRIDGE: Okay, maybe --

5 THE COURT: So it's counsel's pleasure. I'm just thinking  
6 if they show up on the order to show cause --

7 MR. WOOLDRIDGE: Well --

8 THE COURT: -- they're just going to say, well, we weren't  
9 correctly served with a subpoena because we didn't have a return  
10 date.

11 MR. WOOLDRIDGE: Should we -- what -- maybe what we  
12 should do then, Your Honor, because -- I -- I mean, I believe I'm  
13 going to have to refile this anyway to get another date. So I'll  
14 withdraw it, I'll refile it, I'll get another date and then I'll serve it.

15 THE COURT: Okay.

16 MR. WOOLDRIDGE: And then they can -- if they're going  
17 to raise that issue, they can raise it.

18 THE COURT: Okay.

19 MR. WOOLDRIDGE: All right. Thanks, Judge.

20 THE COURT: No problem

21 MR. WOOLDRIDGE: All right. Have a great day.

22 THE COURT: Thank you. All right. And do we have an  
23 upcoming status?

24 Don't leave, Mr. Wooldridge.

25 MR. WOOLDRIDGE: Oh.

1 THE COURT: Do we have an upcoming status check date?  
2 You have a trial date for --

3 [Colloquy between the Court and Clerk]

4 THE COURT: Okay. So we'll just see you back then either  
5 way for the status check.

6 MR. WOOLDRIDGE: Okay. I look forward to seeing you.

7 THE COURT: All right. Thank you.

8 MR. WOOLDRIDGE: Thank you.

9 [Proceeding concluded at 9:37 a.m.]

10 \* \* \* \* \*

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21 ATTEST: I do hereby certify that I have truly and correctly  
22 transcribed the audio/video proceedings in the above-entitled case  
23 to the best of my ability.

23

24

25

A handwritten signature in blue ink, reading "Robin Page". The signature is written in a cursive, flowing style. The first name "Robin" is written with a large, looped 'R'. The last name "Page" is written with a large, looped 'P' and a trailing flourish.

Robin Page  
Court Recorder/Transcriber



CLERK OF THE COURT  
*Alvin P. Linn*

## ERR

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,  
Plaintiff,

**VS.**

LARRY DECORELEON BROWN,  
ANTHONY CARTER,  
\_\_\_\_\_  
Defendants.

CASE NO: C-17-326247-1  
CASE NO: C-17-326247-2

DEPT. XXI

## ERRATA

A clerical error was discovered on the caption page in said case of the transcript for March 20, 2018, filed October 21, 2020. Said transcript left out co-defendant's name and case number and should have read: LARRY DECORLEON BROWN, ANTHONY CARTER, Defendants. Both case numbers should have been listed on the caption page.

Attached is the correct version of said transcript

Dated this 22<sup>nd</sup> day of October, 2020

Return Page

Robin Page  
Court Recorder/Transcriber

1 **RTRAN**

2  
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4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 THE STATE OF NEVADA,  
9 Plaintiff,

CASE NO: C-17-326247-1  
CASE NO: C-17-326247-2

10 vs.

DEPT. XXI

11 LARRY DECORLEON BROWN,  
12 ANTHONY CARTER,  
13 Defendants.

14 BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE  
15 TUESDAY, MARCH 20, 2018

16 ***RECORDER'S TRANSCRIPT OF HEARING RE:***  
17 ***STATUS CHECK: TRIAL READINESS***

18 **APPEARANCES:**

19 For the State: ALEXANDER G. CHEN, ESQ.  
20 Chief Deputy District Attorney

21 For Defendant Brown: NICHOLAS WOOLDRIDGE, ESQ.

22  
23 For Defendant Carter: CONNOR M. SLIFE, ESQ.  
24 Deputy Public Defender

25 RECORDED BY: SANDRA PRUCHNIC, COURT RECORDER

1 **Las Vegas, Nevada; Tuesday, March 20, 2018**

2 \* \* \* \* \*

3 [Proceeding commenced at 10:23 a.m.]

4 THE COURT: State versus -- is it Larry Brown?

5 MR. WOOLDRIDGE: Actually, Nicholas Wooldridge for Larry Brown,  
6 but I'm stepping in with Mr. Slife.

7 THE COURT: It's Larry Brown and Anthony Carter, correct?

8 MR. SLIFE: Yes, Your Honor.

9 MR. WOOLDRIDGE: So I figured it'd be okay.

10 THE COURT: No, that's fine.

11 MR. SLIFE: And we may be waiting on Mr. Giordani.

12 MR. CHEN: He left one file.

13 MR. WOOLDRIDGE: Or Mr. Dickerson, I don't know.

14 MR. CHEN: I got it right here. Yeah, we can call it.

15 THE COURT: All right. This is on for status check, trial readiness.  
16 And both Defendants are present in custody. So last time the DNA testing had  
17 been forwarded and the defense talked about possible DNA experts.

18 MR. CHEN: Your Honor, I -- just for the record have -- Mr. Giordani  
19 left me, it looks like DNA underlying data, one disc each for each counsel.

20 MR. WOOLDRIDGE: Right.

21 THE COURT: Okay. So those discs are being provided to defense  
22 counsel here in open court.

23 Counsel, approach.

24 MR. WOOLDRIDGE: Yes.

25 [Bench conference - not recorded]

1 THE COURT: We clarified up here at the bench that the Court's ruling  
2 denying the writ was posted in Odyssey, although, for whatever reason it was  
3 either --

4 [Colloquy between the Court and Clerk]

5 THE COURT: -- oh, it wasn't attached until March 1<sup>st</sup>, but it still  
6 should have been up, so I don't know why you didn't see that when you looked.  
7 But in any event, Mr. Giordani was supposed to submit the order.

8 So what does the defense have left to do?

9 MR. SLIFE: Some motions, Judge.

10 THE COURT: Okay.

11 MR. SLIFE: Based on your ruling, there's still more motions that we're  
12 going to do and we're going to try to get those going.

13 THE COURT: Okay. Can you give me a heads up as to what kind of  
14 motions?

15 MR. SLIFE: Not at this time. I could approach. I could approach *ex*  
16 *parte* if you like.

17 THE COURT: Well, I meant, like a motion to suppress or *motions in*  
18 *limine*, or.

19 MR. SLIFE: There'll be some *motions in limine*.

20 THE COURT: Okay. And then you've now got the back -- I'm going  
21 to call it the backup data on the DNA testing.

22 MR. WOOLDRIDGE: That's -- what I'm going to do is give this data to  
23 my expert witness then she and I will consult with each other.

24 THE COURT: Okay.

25 MR. WOOLDRIDGE: I'm not an expert in DNA; she's going to have to

1 get me versed up on --

2 THE COURT: Okay. And then you'll determine whether or not it  
3 behooves your client to actually retain her and have her do a report.

4 MR. WOOLDRIDGE: We've actually -- we applied, Your Honor --

5 THE COURT: Okay.

6 MR. WOOLDRIDGE: -- for the *Widdis* motion. You grant --

7 THE COURT: I think I did sign that, yes.

8 MR. WOOLDRIDGE: Yeah, you granted it. So we have -- I mean, we  
9 have money to be able to pay the expert.

10 THE COURT: Okay.

11 MR. WOOLDRIDGE: I've just got to get the expert the underlying data,  
12 let her know what my theory is, and then see how she can help.

13 THE COURT: All right.

14 And then you have some motions to file, and you are not using a DNA  
15 expert, correct?

16 MR. SLIFE: There's no DNA that ties --

17 THE COURT: All right.

18 MR. SLIFE: -- Mr. Carter in with any of this.

19 THE COURT: Okay. So. All right.

20 MR. SLIFE: As far as I'm concerned, there's no evidence, but --

21 THE COURT: All right. That seems to be the theme of the day,  
22 doesn't it?

23 In any event, so when do you feel like you'll be able to get those  
24 motions filed?

25 MR. SLIFE: As soon as I can, Judge.

1 THE COURT: All right. You have a trial date for June, so let's go out  
2 for a status check early May. By that time I'd like to know whether or not your  
3 expert will be preparing your report based on her review of everything.

4 And then also have those motions either filed or tell me when they will  
5 be filed.

6 MR. SLIFE: Sure.

7 THE COURT: All right.

8 THE CLERK: May 1<sup>st</sup>, 9:30.

9 MR. CHEN: The final thing Mr. Giordani did ask me to just make a  
10 record of is that offers were sent to both of them. Obviously, from what  
11 Mr. Slife's just said, I'm not sure that anyone's going to be accepting anything.  
12 But just for the record, there have been offers extended by Mr. Giordani.

13 MR. WOOLDRIDGE: They were extended on Friday, Judge.

14 THE COURT: Okay.

15 MR. WOOLDRIDGE: I had a brief chance to speak with my client this  
16 morning. I'd like to go over it with him a little bit more. Right now, he's saying  
17 no. I mean, I'm not advising him to take it, but I just want to make sure I have  
18 adequate time to discuss it with him. I had food poisoning over the weekend.  
19 Unfortunately, I wasn't able to see him over the weekend.

20 THE COURT: All right. And as to Mr. Carter, was that --

21 MR. SLIFE: As to Mr. Carter, the offer was made Friday. I have not  
22 had time to speak to him --

23 THE COURT: Okay.

24 MR. SLIFE: -- at all about it.

25 THE COURT: Should we go out maybe two weeks then for an earlier

1 status check on the offer?

2 MR. WOOLDRIDGE: That's fine.

3 MR. SLIFE: That's fine.

4 MR. WOOLDRIDGE: Let's do that.

5 THE COURT: All right. So two weeks is sufficient for you folks to  
6 meet with them at the jail and discuss the offer?

7 MR. WOOLDRIDGE: Yes.

8 THE COURT: Do you know what the offer was, Mr. Chen?

9 MR. CHEN: Yes, I do.

10 THE COURT: All right.

11 MR. CHEN: Do you want me to put it on the record?

12 THE COURT: Sure.

13 MR. CHEN: Sure.

14 With regards to Mr. Brown, it would be one count of murder in the first  
15 degree, no deadly weapon enhancement, and a conspiracy to commit robbery,  
16 right to argue, but stipulate to concurrent between the counts, contingent on Mr.  
17 Carter accepting his deal.

18 Mr. Carter's deal would be for pleading guilty to one count of second  
19 degree murder, no deadly weapon, and a conspiracy to commit robbery, right to  
20 argue, but stip concurrent between counts. And Mr. Carter's offer is not  
21 contingent on Mr. Brown accepting his offer.

22 THE COURT: All right. So you two heard the offers that have been  
23 made. They were just made last Friday, so your lawyers haven't even had a  
24 chance to go meet with you at the jail. They're going to do that in the next  
25 couple of weeks. They'll meet with you, discuss the offer.

1 And then we'll come back to court and you can tell me whether you  
2 want to accept those offers or reject those offers. Entirely up to each of you as  
3 whether you want the offer or don't want the offer. Okay. But you at least need  
4 to have an opportunity to meet with your lawyers and have them explain  
5 everything to you so you can make an informed decision. Okay.

6 THE CLERK: April 3<sup>rd</sup> at 9:30.

7 MR. WOOLDRIDGE: Thank you, Judge.


8 THE COURT: All right. Thank you.

9 MR. SLIFE: Thank you.

10 [Proceeding concluded at 10:30 a.m.]

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio/video proceedings in the above-entitled case to the best of my ability.

23 

24 Robin Page  
25 Court Recorder/Transcriber