

IN THE SUPREME COURT OF THE STATE OF NEVADA

KATHERINE DEE FLETCHER

Appellant,

v.

STATE OF NEVADA

Respondent.

CASE NO. 82047

Appeal from a Judgment of Conviction After Jury Verdict
in Case CR17-0690A
Second Judicial District Court of the State of Nevada, Washoe County
Honorable Egan Walker, District Judge

APPELLANT'S APPENDIX VOLUME 5

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

ATTORNEY FOR APPELLANT

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

ATTORNEY FOR RESPONDENT

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1 4185
2 STEPHANIE KOETTING
3 CCR #207
4 75 COURT STREET
5 RENO, NEVADA
6

7 IN THE SECOND JUDICIAL DISTRICT COURT
8 IN AND FOR THE COUNTY OF WASHOE
9 THE HONORABLE EGAN WALKER, DISTRICT JUDGE

10 --oOo--

11 STATE OF NEVADA,)	
)	
12 Plaintiffs,)	
)	
13 vs.)	Case No. CR17-0690
)	
14 KATHERINE DEE FLETCHER,)	Department 7
)	
15 Defendant.)	
_____)	

16
17
18 TRANSCRIPT OF PROCEEDINGS

19 TRIAL VOLUME II

20 January 28, 2020

21 9:30 a.m.

22 Reno, Nevada
23

24 Reported by: STEPHANIE KOETTING, CCR #207,
Computer-Aided Transcription

1 APPEARANCES:

2 For the State:

3 OFFICE OF THE DISTRICT ATTORNEY
4 By: AMOS STEGE, ESQ.
5 P.O. Box 30083
6 Reno, Nevada

7 For the Defendant:

8 SCOTT EDWARDS, ESQ.
9 Attorney at Law
10 Reno, Nevada
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1 RENO, NEVADA, January 28, 2020, 9:30 a.m.

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3 --oOo--

4 THE COURT: This is case number CR17-0690, State
5 of Nevada versus Katherine Dee Fletcher. Ms. Fletcher is
6 present with her attorney and I show the appearance of the
7 State. Mr. Stege, we remain in your case. Your next
8 witness, please.

9 MR. STEGE: Kevin Osbourn, please.

10 (One witness sworn at this time.)

11 THE COURT: Mr. Osbourn, welcome to you. Once
12 you're comfortably seated there, go ahead and pull that
13 microphone in front of your face. Give your attention to
14 Mr. Stege.

15 KEVIN ALLEN OSBOURN

16 called as a witness and being duly sworn did testify as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. STEGE:

20 Q. Hello, sir. Please state and spell your name?

21 A. Kevin Allen Osbourn.

22 Q. How do you spell Osbourn?

23 A. O-s-b-o-u-r-n.

24 Q. How long have you lived in Washoe County?

1 A. 30 years.

2 Q. What part of town do you live in?

3 A. Basically downtown on Dickerson.

4 Q. Are you familiar with Oxbow Park?

5 A. I live right down the street from it.

6 Q. Do you frequent Oxbow Park?

7 A. Quite a bit.

8 Q. To do what?

9 A. I run down there.

10 Q. I want to bring your attention back to July 28th,
11 2016, the evening of that day, were you at Oxbow Park?

12 A. Yes.

13 Q. Tell us about what you were doing there and what
14 happened?

15 A. I was just going for my usual after work run. It
16 takes about an hour. I do ten laps inside the park there.

17 Q. Did anything unusual happen on your run?

18 A. Yeah, I heard a gunshot and I kind of looked
19 around and didn't see anybody, saw some little kids'
20 footprints from where I thought it came from. I thought it
21 was just some kids, so --

22 Q. While you're doing your laps, did you run into
23 anyone or see anyone else?

24 A. It was in the evening, so late afternoon, so there

1 was really nobody.

2 Q. No one around?

3 A. No.

4 Q. Where was it that you think you heard the gunshot
5 come from?

6 A. Right on the river.

7 Q. And what did you do after that? You said you sort
8 of looked around.

9 A. Yeah, I just kind of looked around, didn't think
10 much of it after that and continued on my run.

11 Q. Is that when you saw the footprints, the kids'
12 footprints?

13 A. When I went down to look around, yes.

14 Q. At some point, did you exit the park or end up in
15 the parking lot of Oxbow Park?

16 A. Yes, at the end of the run, because I live right
17 down the street, so I go through the park a lot to get home.

18 Q. And what did you see in the parking lot or when
19 you got to the parking lot?

20 A. Quite a few officers.

21 Q. And what were they doing?

22 A. Questioning me.

23 Q. Okay. And they essentially asked you what, if
24 anything, you had seen in the park?

1 A. Yes.

2 Q. I'm going to direct your attention here to the
3 monitor in front of you. Let's go, for example, to -- I
4 guess Exhibit 1, page three. Do you recognize this to be
5 Oxbow Park?

6 A. Yes, the parking area.

7 Q. Is the area where you were running or where you
8 thought you heard the gunshots depicted -- the gunshot
9 depicted in this exhibit?

10 A. Yeah. The trail runs along the river here and I
11 think I heard it right in here somewhere.

12 Q. And where was it that you were when you heard this
13 single gunshot?

14 A. Fairly close. Like I said, the trail runs right
15 along the river there and that's where I heard the gunshot.

16 Q. Do you think you were sort of along the river, but
17 further, I guess, up river?

18 A. Yes.

19 MR. STEGE: I'll pass the witness.

20 THE COURT: Cross examination.

21 CROSS EXAMINATION

22 BY MR. EDWARDS:

23 Q. Mr. Osbourn, about what time was it that you heard
24 this gunshot?

1 A. I want to say 7:00, 7:30, somewhere in there.

2 Q. 7:39 p.m.?

3 A. Yes.

4 Q. And you were in the park at the time you heard the
5 gunshot?

6 A. Like I said, I usually get into the park and
7 there's an area where you can do about ten different laps and
8 I was, I don't know maybe on the third one on that when I
9 heard it.

10 Q. How long had you been in the park at the time you
11 heard the gunshot?

12 A. Maybe 15 minutes.

13 Q. Did you see anybody else in the park?

14 A. I didn't see anybody in the park. I just saw a
15 couple of cars in the parking lot.

16 Q. Do you remember what they were?

17 A. No. It might have been when I talked to the
18 police officers.

19 Q. It's been a while?

20 A. Yeah.

21 Q. Did you hear anything else other than a gunshot?

22 A. No.

23 Q. And what did you do as soon as you heard it?

24 A. Like I said, I didn't -- I just thought about it

1 for a minute and I walked down to where I thought I heard it
2 and looked around, and like I said, I saw some footprints and
3 that was about it, and I just went on my way.

4 Q. Where did you walk to where you heard it? Where
5 did you go?

6 A. Like I said, the trail is not too far from the
7 river there, so there's a lot of trails down towards the
8 river.

9 Q. Did you see anybody?

10 A. No.

11 Q. Anybody lying on the ground?

12 A. No.

13 Q. Did you ever get to, I think, the bridge or the
14 overlook?

15 A. There's two or three of them throughout the park.

16 Q. But that's not part of your running trail?

17 A. I go by two of them, but not the first one there.

18 Q. Could you point out where the first one is?

19 A. Yeah. It's this one here.

20 Q. Is that in the same area that you heard the
21 gunshot, that overlook?

22 A. No. It was farther up the creek where I thought I
23 heard it.

24 Q. Could you point that out?

1 A. Like I said, I was farther up this way.

2 Q. So that marking you've just put there, is that
3 where you were or where you thought the gunshot?

4 A. That's where I thought I heard it, so I just cut
5 down right there and looked around.

6 Q. How long did you stay at the park?

7 A. Well, like I said, I finished my run, so maybe
8 another 25 minutes.

9 Q. And you believe you started around 7:30?

10 A. Yes, somewhere around there.

11 Q. And did you eventually make contact with police
12 officers at the scene?

13 A. Yes. As soon as I came out, they were all in the
14 parking lot here.

15 Q. After you finished your run?

16 A. Yes.

17 Q. Did they ask you a lot of questions?

18 A. Oh, yeah, they asked me quite a few questions. I
19 was there for two hours.

20 Q. Did they take any testing? Did they test your
21 hands or --

22 A. No.

23 Q. Did they search your person?

24 A. No.

1 MR. EDWARDS: That's all I have, your Honor.

2 THE COURT: Redirect.

3 MR. STEGE: No, thank you, your Honor.

4 THE COURT: May this witness be excused?

5 MR. STEGE: No.

6 REDIRECT EXAMINATION

7 BY MR. STEGE:

8 Q. That last series of questions was sort of getting
9 at, did you shoot a gun in the park that day? Did you?

10 A. No.

11 Q. That park, you said you saw no one else around.
12 Is that in your daily runs there, is that pretty typical?

13 A. There's not a whole lot people that go down there.
14 Every once in a while, kids go down there, a bus load of
15 kids, but you see more homeless people down there than
16 anything.

17 Q. The size of the footprints, how big were they?

18 A. Little kids' feet.

19 MR. EDWARDS: Could you show me that?

20 THE WITNESS: Like show.

21 THE COURT: He's holding his fingers approximately
22 four inches apart.

23 BY MR. STEGE:

24 Q. At the time you heard the shot, were you also

1 along the river?

2 A. I was fairly close to the river.

3 Q. So, for example, might it be the case that you
4 were somewhere down here, I put a red X on the bottom left of
5 this, and would this sort of be the direction that you heard
6 the gunshot in?

7 A. Yeah, that's the direction that the trail runs
8 right there. So I might have kept on going a little bit
9 before I stopped to think about it, but gunshots are hard to
10 judge how far they are coming from.

11 Q. And it was distinctly in your mind a gunshot?

12 A. Oh, yeah.

13 MR. STEGE: Thank you. Nothing further.

14 THE COURT: Recross.

15 RECROSS EXAMINATION

16 BY MR. EDWARDS:

17 Q. How do you know gunshots, Mr. Osbourn?

18 A. I shoot guns.

19 Q. You didn't have a weapon that day?

20 A. No, not when I'm running.

21 MR. EDWARDS: That's all I have.

22 THE COURT: Thank you. Thank you, Mr. Osbourn,
23 you may step down. Your next witness, Mr. Stege.

24 MR. STEGE: How about Ryan Gott, please.

1 (One witness sworn at this time.)

2 THE COURT: Once you're comfortably seated there,
3 officer, go ahead and pull that microphone in front of your
4 face, if you would, and give your attention to Mr. Stege.

5 RYAN GOTT

6 called as a witness and being duly sworn did testify as
7 follows:

8 DIRECT EXAMINATION

9 BY MR. STEGE:

10 Q. Good morning. Could you state and spell your
11 name?

12 A. Good morning, sir. My name is Ryan, R-y-a-n, last
13 is Gott, G-o-t-t.

14 Q. You're a police officer?

15 A. I am, sir.

16 Q. With what agency?

17 A. City of Reno Police.

18 Q. How long have you been a police officer?

19 A. 13 and a half years.

20 Q. You're dressed as a patrolman today. Are you a
21 patrolman?

22 A. I am now, yes.

23 Q. What about in July of 2016?

24 A. I was an undercover detective for the same agency.

1 Q. Did you have any involvement in this case?

2 A. Yes, I did.

3 Q. What was your involvement?

4 A. I was part of the regional crime suppression unit.

5 At the time, it was a team comprised of undercover detectives
6 from surrounding agencies. We specialized in surveillance
7 and locating persons involved in crimes.

8 Q. Did you make any efforts to locate one Katherine
9 Fletcher?

10 A. Yes, sir, I did.

11 Q. How did that come about?

12 A. In the evening of July 28th, 2016, we were
13 contacted by the Reno Police robbery/homicide unit and asked
14 to conduct surveillance on Fletcher's residence in the North
15 Valleys.

16 Q. And you commenced to do that?

17 A. Yes, I did. I took up a position directly across
18 the street from Fletcher's house where I conducted my
19 surveillance.

20 Q. And specifically where across the street were you?

21 A. Directly across the street in her neighbor's
22 driveway. I believe it's 3430 War Paint Circle.

23 Q. At what time did you begin that surveillance?

24 A. At approximately 2100 hours. That's 9:00 at

1 night.

2 Q. What did you see?

3 A. As I spoke with the neighbors briefly, went to ask
4 permission to park my unmarked vehicle in their driveway,
5 they stated I was welcome to park there any time and that
6 Ms. Fletcher's vehicle, the one she normally drove, was a
7 dark blue Dodge Neon, which was pointed out in the driveway
8 at the time I started my surveillance.

9 Q. You saw the Neon at the house?

10 A. I did.

11 Q. Where was it?

12 A. It was parked in the driveway of Ms. Fletcher's
13 house.

14 MR. STEGE: May I approach the witness?

15 THE COURT: You may. Please approach freely.

16 BY MR. STEGE:

17 Q. Officer, would you review Exhibit 7, which
18 contains two pages, proposed exhibit?

19 A. Yes.

20 Q. Do you recognize that proposed exhibit?

21 A. I do.

22 Q. How?

23 A. It is Fletcher's residence and side yard and the
24 driveway and the house I was parked in front of.

1 Q. Is it a fair and accurate depiction of that area?

2 A. Yes, it is.

3 MR. STEGE: I move to introduce the exhibit pages
4 one and two.

5 THE COURT: Any objection to Exhibit 7?

6 MR. EDWARDS: No, your Honor.

7 THE COURT: Exhibit 7 pages 1 and 2 are admitted.

8 BY MR. STEGE:

9 Q. Let's go to seven here. We'll do it with one. Do
10 you see the area that it was that you parked?

11 A. Yes, I do.

12 Q. Can you point that out for the jury?

13 A. I was parked in my police vehicle, you can see the
14 green line, directly across the street from Fletcher's
15 residence.

16 Q. Which is Fletcher's residence?

17 A. This one.

18 Q. And where did you see the car parked?

19 A. The Dodge Neon was parked in the driveway next to
20 me right there.

21 Q. Do you recall if it was front in or backed in?

22 A. I don't remember.

23 Q. Tell us what you saw as you surveilled the
24 residence.

1 A. As I was conducting my surveillance, I could see
2 Fletcher through the front of her residence right here is a
3 large window and glass door, several windows on that side.
4 And as I was conducting my surveillance from my vehicle, I
5 could see clearly into the living room portion and part of
6 the kitchen of the residence where I could see Fletcher and
7 several others walking back and forth. Then I noticed that
8 Fletcher was in a bathing suit as she was walking back and
9 forth through the house.

10 Q. What kind of a bathing suit?

11 A. I'm not sure of the kind.

12 Q. Well, as I recall there may be one-piece and
13 two-piece?

14 A. It was a two-piece bathing suit.

15 Q. What did she do in there?

16 A. She paced back and forth for approximately
17 30 minutes in the bathing suit talking to a younger boy,
18 which I believe was her son, and her mother in her house
19 before going to the far west end of the residence where she
20 was out of my sight for approximately 30 minutes. And then
21 she returned without the bathing suit on. It was a gray
22 shirt and gray sweats I believe she was wearing at that time.

23 Q. Anything else change about her appearance when she
24 came back?

1 A. After she changed her clothes, she came back out,
2 it appeared her hair was wet like she had just taken a
3 shower.

4 Q. And then what happened?

5 A. Her and her son went outside over to this area is
6 a chicken coop on the outside of the house where they were
7 out there for approximately 30 minutes before returning back
8 into the residence.

9 Q. Then what?

10 A. Approximately that time, it was around 2300 hours,
11 which is 11:00, Fletcher is back in the living room with her
12 mother. Through the big glass windows, I could see they were
13 watching the 11:00 news. At which time, the breaking news
14 story of the crime had come on and Fletcher appeared panicked
15 and pointing to her mom at the story on the TV that I could
16 see through the window.

17 Q. Please continue.

18 A. After a few minutes of talking with her mom and
19 they both seemed panic and pointing at the TV in a panicked
20 manner, as I would describe it, Fletcher comes outside and
21 gets into the Dodge Neon and leaves the residence west
22 towards North Valleys High School.

23 Q. What do you do?

24 A. I follow her out. I call out to the rest of the

1 detectives that are in the area in unmarked cars and we
2 conducted a traffic stop on Fletcher in the area of North
3 Valleys High School.

4 Q. Is the area of the car stop depicted in page two
5 of this exhibit?

6 A. Yes, it is.

7 Q. Could you point that out for us, please?

8 A. It was stopped somewhere in this vicinity just off
9 of the roadway.

10 Q. And were you the one conducting the car stop or
11 sort of as the group that did it?

12 A. It was the group that did it.

13 Q. So what did you do once that happened?

14 A. Fletcher was taken to the RPD main station for an
15 interview and I remained with the vehicle until approximately
16 0840 hours when a search warrant was obtained for the vehicle
17 and I released the vehicle to Detective Allen from Reno
18 Police.

19 Q. Was there a delay from the car stop to having
20 Fletcher transported to the main station downtown?

21 A. She left from the car, as far as I know. I just
22 remained with the car. I'm not sure how long it took her to
23 get to the main station.

24 Q. You're watching the car and making sure nothing

1 happened to it?

2 A. Yes, making sure nobody enters it.

3 Q. Did you in the morning -- what did you do after
4 Detective Allen arrived?

5 A. I returned to the residence to help execute the
6 search warrant on the residence and property.

7 Q. And what was your particular role in that?

8 A. I searched the chicken coop where I'd seen
9 Fletcher and her son that night and the backyard to start
10 with. During my search out there, I was contacted by another
11 RPD robbery/homicide detective, Detective Thomas, asking if I
12 could point out the bathing suit I saw Fletcher wearing in
13 the house. So I returned into the residence, went into
14 Fletcher's room and found the bathing suit that I had seen
15 her wearing on the floor, which was still damp.

16 Q. What were you looking for at the chicken coop and
17 the yard?

18 A. Firearm or any evidence related to the crime.

19 Q. It was you and other officers doing this
20 searching?

21 A. Yes, it was.

22 Q. Executing a search warrant?

23 A. Yes.

24 Q. What room was it that you went into and found the

1 bathing suit?

2 A. It was Fletcher's bedroom on the west end of the
3 residence.

4 Q. Where in particular was the bathing suit?

5 A. It was on the floor of her room.

6 Q. And you did indicate it was still damp?

7 A. Yes. It was pink with a dark stripe, very
8 brightly colored.

9 Q. Okay. Directing your attention, I'm going to do
10 just a few -- well, in the course of going back in the house,
11 did you recognize it as what you had seen through the window?

12 A. Yes, I did.

13 Q. Handing you Exhibit 8, pages 1 through 7. Just
14 double check my counting, 1 through 7. Would you review
15 these, please?

16 A. Yes.

17 Q. You know what, officer, I'm going to ask you to
18 review the remainder of them as well 8 through 24.

19 THE COURT: So a total of 24 pages, Mr. Stege?

20 MR. STEGE: Yes.

21 THE COURT: Thank you.

22 BY MR. STEGE:

23 Q. Officer, do you recognize that proposed exhibit?

24 A. Yes, I do.

1 Q. How do you recognize it?

2 A. I recognize it as Katherine Fletcher's house and
3 her bedroom. The bathing suit is depicted in one of these.

4 Q. Before you show it, ask you how you recognize it?

5 A. I'm involved in some of the pictures and I
6 recognize it as the house that we executed the search warrant
7 on.

8 Q. Is this a fair and accurate depiction of the house
9 and portions of the inside of the house?

10 A. Yes, it is.

11 MR. STEGE: I move in Exhibit 8.

12 MR. EDWARDS: There's no objection.

13 THE COURT: Thank you. Exhibit 8, 27 pages in
14 content, is admitted.

15 THE CLERK: I think it's 24, your Honor.

16 THE COURT: I'm sorry, 24. I can't read my own
17 writing.

18 BY MR. STEGE:

19 Q. What are we seeing here?

20 A. This is the front of the house that faces the
21 street.

22 Q. What about page two?

23 A. Yes. It's the large glass window and glass door
24 from the front of the house.

1 Q. Would you clear this? It's the bottom left corner
2 of the. Page three?

3 A. The front door of the residence.

4 Q. And, actually, as we go back, does this
5 approximate the angle that you were seeing or how does it
6 relate to the angle that you could see?

7 A. It is pretty close to the angle I had. I would
8 have been as you see it just to the left-hand side of this
9 picture so I could see farther into the living room and area
10 towards the TV.

11 Q. And were the shades open or closed?

12 A. They were open.

13 Q. Okay. Page four?

14 A. That's the living room.

15 Q. Is this stepping in through that front door?

16 A. Yes, it is.

17 Q. Page five?

18 A. It's the television in the living room and still
19 through the front door.

20 Q. Do you see the area that you saw the defendant
21 pacing?

22 A. It would be to this area over in front of the
23 other couch on the side of the TV.

24 Q. Let's move over there, page six?

1 A. That is still the living room from the front of
2 the house.

3 Q. This is the TV you're able to see through the
4 window?

5 A. Yes.

6 Q. And did you distinctly see that it was the news?

7 A. Yes, I did.

8 Q. And about the shooting?

9 A. Yes.

10 Q. Page seven?

11 THE COURT: Mr. Stege, I don't know if you wanted
12 to take a moment to see if both screens could be connected?

13 MR. STEGE: I have sought help on that with
14 whispers at the bar.

15 THE COURT: I understand.

16 MR. STEGE: That's beyond my narrow skill set.

17 THE COURT: Let me reassure you, ladies and
18 gentlemen, you'll have these exhibits with you in the jury
19 room as well when you deliberate.

20 BY MR. STEGE:

21 Q. Eight?

22 A. That's looking down the hallway from the living
23 room towards the west end of the house towards the bedrooms.

24 Q. Where is the bedroom?

1 A. It's back here is one of them, the one I searched.

2 Q. Okay. What about nine?

3 A. It would be the same. It's this half of the
4 house.

5 Q. And ten?

6 A. I believe that's the entrance into the bedroom.

7 Q. Okay. Page 11?

8 A. That's the bedroom.

9 Q. 12?

10 A. Bunk beds, they were located in the same bedroom.

11 Q. 13 showing the bottom bunk? 14?

12 A. Still the same bedroom.

13 Q. So this area was of interest to you and the other
14 detectives?

15 A. Yes, it was.

16 Q. Page 15?

17 A. Is mail and things belonging to Katherine on the
18 floor.

19 Q. At the time, we see just under the railing of that
20 bottom bunk a pamphlet. At the time did, it draw your
21 attention?

22 A. Yes.

23 Q. Why?

24 A. It's gun safety rules. It's how to safely operate

1 a handgun.

2 Q. 16 is what?

3 A. A letter showing that she lived there, that
4 Katherine Fletcher received mail there.

5 Q. And put it in a room?

6 A. Yes. It's her room of the house.

7 Q. Leading to what sort of inference?

8 A. That all the belongings in the room were hers.

9 Q. 17, more mail. Let's do 18?

10 A. It's clothes and a cellular phone.

11 Q. 19 showing detail of the phone?

12 A. The cellular phone.

13 Q. As well as 20?

14 A. Yes.

15 Q. Now, while this is happening, who is collecting
16 the evidence? Is it you?

17 A. FIS from the county is collecting evidence as we
18 go along with detectives from the robbery/homicide unit.

19 Q. What is FIS?

20 A. It's the forensics, basically, like CSI, they come
21 out and professionally take photos and collect evidence of
22 crimes.

23 Q. 21?

24 A. The room looking back into the hallway.

1 Q. And was anything found in this area?

2 A. Yes. Notably important as I was in there, you can
3 see the described bathing suit as I described pink with a
4 dark stripe in the corner.

5 Q. And 22?

6 A. Is a picture of me holding up the bathing suit
7 that was located that was still damp.

8 Q. 23?

9 A. It's the bathing suit that I saw Fletcher wearing.

10 Q. This is laid out on paper by FIS?

11 A. Yes, it is.

12 Q. As well as 24?

13 A. Yes.

14 Q. Now, as this is happening, are other detectives
15 searching other portions of the property?

16 A. Yes, they are.

17 Q. And did you have a role in that, say, for example,
18 the garage or any other areas?

19 A. After I located the bathing suit and it was
20 collected as evidence, I did search the attached garage. It
21 was a large piece of property. There was multiple structures
22 on the property. I searched the attached garage that was
23 just described.

24 Q. Any items of evidence?

1 A. I did not locate any further items, no.

2 Q. Could you repeat the time that it was that you
3 arrived and began your surveillance?

4 A. It was approximately 9:00 at night.

5 Q. And the car stop?

6 A. Was after the news, after 11:00. I'm not sure of
7 the exact time. I'd have to review my report for that.

8 MR. STEGE: Okay. Thank you.

9 THE COURT: Cross examination.

10 CROSS EXAMINATION

11 BY MR. EDWARDS:

12 Q. So from 9:00 p.m. to 11:00 p.m., you surveyed this
13 house?

14 A. Yes, sir.

15 Q. And did you have a picture of Katherine Fletcher?

16 A. I did.

17 Q. So you knew who you were looking for?

18 A. Yes.

19 Q. She was wearing gray sweats? You said gray
20 sweats, but could it have been purple pajamas?

21 A. I'd have to review my report, but I believe it was
22 gray.

23 Q. And you said you were sure they were looking at
24 the 11:00 p.m. newscast?

1 A. Yes.

2 Q. Is that right?

3 A. Yes, sir.

4 Q. What channel were they watching?

5 A. I'm not sure.

6 Q. How do you know it was the newscast?

7 A. It was breaking news 11:00 news broadcast.

8 Q. Didn't recognize what channel they were watching?

9 A. I did not, no, sir.

10 Q. You stayed with Ms. Fletcher's car, you said?

11 A. Yes.

12 Q. How long did you stay there?

13 A. Until approximately 0840 hours, 8:40 in the
14 morning after the traffic stop.

15 Q. So you were in from 9:00 at night until almost
16 9:00 in the morning, right?

17 A. Yes, sir.

18 Q. Stayed at the car?

19 A. Yes.

20 Q. How long did it take you to participate in the
21 search?

22 A. After the warrant was executed at the residence,
23 I'm not sure what time we left, approximately noon to 1300,
24 1:00 in the afternoon, we were released by the regional crime

1 suppression guys.

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

3 THE COURT: Redirect.

4 REDIRECT EXAMINATION

5 BY MR. STEGE:

6 Q. You did have a photo of Ms. Fletcher?

7 A. Yes, I did.

8 Q. Is Ms. Fletcher in the courtroom today?

9 A. Yes.

10 Q. Would you point her out for us?

11 A. Ms. Fletcher is wearing a black shirt, long dark
12 hair, light colored top underneath it.

13 Q. Who is she sitting next to her?

14 A. Her attorney.

15 MR. STEGE: Will the record reflect the ID of the
16 defendant?

17 THE COURT: He has identified her.

18 BY MR. STEGE:

19 Q. You were asked about the color of the clothing she
20 was wearing and indicated it might refresh your recollection
21 if you reviewed the report?

22 A. Yes.

23 Q. Would you like to do that?

24 A. Yes.

1 Q. I'm going to hand it to you. Please review it,
2 hand it back to me and then I'll ask if it refreshes you.
3 Does that refresh your recollection?

4 A. Yes, sir, it does.

5 Q. What color was the clothing?

6 A. Gray.

7 MR. STEGE: Nothing further. Thank you.

8 THE COURT: Recross.

9 MR. EDWARDS: Nothing, your Honor.

10 THE COURT: Thank you. May this witness be
11 excused?

12 MR. STEGE: Yes, thank you.

13 THE COURT: Thank you for your time, officer. You
14 may step down. Mr. Stege, your next witness.

15 MR. STEGE: Your Honor, may I have a brief
16 conversation with Ms. Oates about this issue?

17 THE COURT: Yes, you may. Take a moment.

18 MR. STEGE: Ben Russell.

19 THE COURT: We're trying to problem solve the
20 monitor. Just so you know, it's probably my fault, so hold
21 it against me.

22 Good morning, sir, welcome.

23 THE WITNESS: Good morning, your Honor.

24 THE COURT: If you would step over to the witness

1 stand, face the clerk and raise your right hand, please.

2 (One witness sworn at this time.)

3 THE COURT: Please direct your attention to
4 Mr. Stege.

5 BEN RUSSELL

6 called as a witness and being duly sworn did testify as
7 follows:

8 DIRECT EXAMINATION

9 BY MR. STEGE:

10 Q. Please state and spell your name.

11 A. Ben Russell, R-u-s-s-e-l-l.

12 Q. Are you a police officer?

13 A. Yes, sir.

14 Q. With what agency?

15 A. Sparks Police Department.

16 Q. July of 2016, what was your assignment?

17 A. I was a detective with the regional crime
18 suppression unit.

19 Q. Were you on the team with Officer Gott?

20 A. I was. It's a regionalized team that consists of
21 Reno and Sparks detectives.

22 Q. And we've heard testimony about surveillance
23 conducted by Officer Gott. Did you have any role in that?

24 A. Yes, sir, I did.

1 Q. Can you tell us about that?

2 A. We were tasked by our sergeant at the time,
3 robbery/homicide with Reno was working a shooting
4 investigation, they gave us a name, a vehicle and a possible
5 address to go watch and be on the look out for a person. We
6 went out to the North Valleys and conducted a stationary
7 surveillance out in that area.

8 Q. And Officer Gott has indicated he was directly
9 across the street from the War Paint address. Where were
10 you?

11 A. I was down closer to the high school, North
12 Valleys High School, not too far from the address where Gott
13 was sitting.

14 Q. And what else did you do?

15 A. Just sat and just waited. We were waiting for the
16 vehicle to leave to see if Ms. Fletcher would be in that
17 vehicle. We had not confirmed license plates on the vehicle
18 that was given to us that was at the original scene.

19 As Officer Gott was sitting across the street, he
20 would update the team via our radio as far as movements and
21 what was happening. At a certain point, he advised that the
22 vehicle was leaving. He believed that Ms. Fletcher was the
23 sole occupant of that vehicle and rolling surveillance was
24 conducted on the vehicle as it left the residence and began

1 to travel westbound on -- I don't even remember the street in
2 front of the high school. A traffic stop was conducted on
3 that vehicle once the plates were confirmed that it did match
4 the vehicle that was said to be at the scene.

5 Q. And who was inside that vehicle?

6 A. Katherine Fletcher.

7 Q. Is Katherine Fletcher in the courtroom today?

8 A. Yes, sir, she is.

9 Q. Would you identify her, please?

10 A. She's wearing a black and purple top sitting to my
11 right.

12 MR. STEGE: Ask the record reflect the ID of the
13 defendant.

14 THE COURT: He has identified her.

15 BY MR. STEGE:

16 Q. What was your role in this car stop and subsequent
17 actions?

18 A. I made contact with Ms. Fletcher, asked her to
19 step out of the vehicle and I asked her to join me back by my
20 vehicle. She agreed to do so. I conducted or asked her for
21 a pat down search of her person to confirm there's no weapons
22 on her. She consented to the pat down.

23 And then once that was completed, we were sitting
24 really close to the roadway, so I asked if she would join in

1 me my vehicle and we would drive across the street and park
2 in the high school. She agreed to do so. And we drove from
3 the traffic stop to across the street, roughly maybe a
4 hundred yards, and sat in the parking lot where it was off
5 the road and well lit.

6 Q. During your time with Ms. Fletcher, did she make
7 any statements about where it was she was going?

8 A. She did. She had told me that she was just going
9 down to the market or the store down the street, a gas
10 station, I believe, to buy some cigarettes. I had cigarettes
11 in my vehicle, so I gave her some of my cigarettes.

12 Q. Did she make any statements about -- related to
13 calling the police?

14 A. Yeah. She said that she was just going to go pick
15 up her cigarettes and then she was going to call the police
16 department.

17 Q. And when was that in this interaction from the car
18 stop to moving over to the high school parking lot?

19 A. As far as like time line when she was making that
20 comment?

21 Q. Yes.

22 A. It was once we got over to the parking lot. There
23 wasn't any words really exchanged that I can recall during
24 the short ride across the street. But once we got across the

1 street and out of the vehicle, she explained she was going to
2 buy some cigarettes and then call the police.

3 Q. How would you describe her demeanor -- before we
4 get to the high school, how would you describe her demeanor
5 at the car stop?

6 A. It fluctuated. It was calm and then a little more
7 elevated like she was upset. Kind of just, what's going on?
8 Explain that some detectives wanted to talk to her. But
9 fairly calm, actually.

10 Q. Given the circumstances?

11 A. Correct.

12 Q. And given -- how many police officers or police
13 vehicles were involved in making this car stop?

14 A. To be honest with you, I don't recall. At the
15 time, I think we had eight or nine guys working that day and
16 Gott remained on the residence, as far as I can recall.
17 There's two or three cars there originally and then more. As
18 the surveillance broke down, more units came over to the
19 traffic stop. So there was several of us. I can remember
20 three or four for sure.

21 Q. And given sort of the nature of the investigation,
22 would you expect to use more than -- or what number of police
23 cars? How would that affect the number of police cars and
24 officers?

1 A. Normally, it would be a large amount with our
2 team. We didn't need that many.

3 Q. So what happens there waiting in the parking lot
4 of the high school?

5 A. We're -- we had obviously notified the RHU
6 detectives. They were already in route to come out to meet
7 with us at our location. As I was giving Ms. Fletcher
8 cigarettes, I asked if she would be willing to speak with
9 detectives when they came up to our location. Also informed
10 her that the detectives would like her to go down to the Reno
11 Police Department for an interview. She agreed to do so.

12 I continued to allow her to smoke cigarettes. We
13 were standing outside the vehicle. I explained she wasn't
14 under arrest, but they did want to speak with her an incident
15 that occurred earlier in the day, which she agreed to.

16 She made the utterance that her and her mom had
17 watched the news and they don't believe it's him, but would
18 not elaborate any further on what news she was watching or
19 who him was.

20 Q. And were you in the position to know details about
21 the investigation?

22 A. We had been briefed about the general idea of what
23 had happened. We got a general brief. We didn't have a ton
24 of details.

1 Q. And, for example, did you inquire of her, hey,
2 what happened at the park or based on what you --

3 A. I did not.

4 Q. And why not?

5 A. Because of our setting and my position. We were
6 tasked to try to go locate the vehicle and Ms. Fletcher and I
7 wasn't one of the case agents. I wasn't in a position where
8 I was recorded. We were plain clothes undercover unit. At
9 that time, we didn't wear cameras or anything like that. I
10 didn't have any recording device nor did I want to step on
11 the detectives' toes, because I didn't have all the
12 information. So I didn't pry or ask any questions.

13 Q. Did you even tell Ms. Fletcher what the nature
14 of --

15 A. No.

16 Q. -- of what was going on?

17 A. No, I didn't.

18 Q. What was her demeanor there at the high school?

19 A. It fluctuated. At points she would be elevated,
20 breathing heavily crying but was able to carry on a
21 conversation with myself and other detectives that were in
22 the parking lot with us.

23 Q. Did she ever have any, I guess, outbursts, such as
24 screaming mom?

1 A. No.

2 Q. Was she sleepy?

3 A. That. I don't recall anything like that.

4 Q. Was she cooperative?

5 A. Yes, sir.

6 Q. And at some point, an RHU detective arrives?

7 A. Yes, sir.

8 Q. Do you know that time frame between that -- how
9 long did you wait for detectives?

10 A. I never tracked it or anything. It was not that
11 long. It had to be less than 30 minutes from the time of the
12 stop until the time they had arrived. We weren't out there
13 very long.

14 Q. And from there, did you have any involvement at
15 the execution of the search warrant of the house?

16 A. No. We just stood by as helping at the scene.
17 Didn't do anything other than stand by, not in the house or
18 the occupants.

19 Q. What does stand by, sort of a cop term, what does
20 that mean?

21 A. Right. I just stood there, really. We were just
22 holding the scene. The house, I guess, not the scene. We
23 just stood by at the house waiting for detectives, I believe
24 they were getting a warrant, so we just stayed out there

1 holding tight, waiting for instructions. Long night of
2 standing.

3 MR. STEGE: Thank you. I'll pass the witness.

4 THE COURT: Cross examination.

5 CROSS EXAMINATION

6 BY MR. EDWARDS:

7 Q. Mr. Russell, what time was it that you conducted
8 the traffic stop?

9 A. That I don't recall.

10 Q. Was it dark?

11 A. Yes, it was getting dark out. It had already been
12 dark.

13 Q. It was dark?

14 A. Yes.

15 Q. Did you have a patrol vehicle?

16 A. No. It's an unmarked vehicle. It's equipped with
17 lights and siren, so I do have red and blue flashing lights
18 in that vehicle, but it does not have any police markings on
19 it.

20 Q. Did you activate those? Is that how you conducted
21 the stop?

22 A. I didn't actually conduct the stop. Another
23 officer conducted the stop. But I was the second vehicle in,
24 if I recall correctly. But, yes, all vehicles had red and

1 blue lights.

2 Q. Who conducted the stop if you recall?

3 A. I don't recall.

4 Q. You don't recall what time it was?

5 A. No. I know we got the call to head out to the
6 residence probably around 8:30 p.m.. I don't know how long
7 we were out there before we made the traffic stop.

8 Q. And you had her pull into the high school parking
9 lot, is that correct?

10 A. No, sir.

11 Q. How did that happen?

12 A. I asked her if she would get in my vehicle and go
13 across the street with me. Her vehicle remained on the side
14 of the road. She had pulled over to the north side of the
15 road when the vehicle stop was conducted.

16 Q. So she pulls over, not in response to you, but in
17 response to another police vehicle?

18 A. I was there as well, yes. The red and blue lights
19 were on and we conducted the traffic stop.

20 Q. And you're the first one to make contact with her?

21 A. On the driver's side, yes.

22 Q. And she agreed to go with you across the street?

23 A. Yes, sir.

24 Q. And you did that in your vehicle?

1 A. Correct.

2 Q. And you described her as cooperative, is that
3 right?

4 A. Yes, sir.

5 Q. Calm demeanor?

6 A. Correct.

7 Q. And how long did this detention last?

8 A. As I answered earlier, I don't know how long we
9 were there for before the robbery/homicide unit detectives
10 showed up.

11 Q. But you said it was certainly less than half an
12 hour?

13 A. Roughly. I can't say exactly how long. It didn't
14 feel like it was very long before they were already out
15 there.

16 Q. And then what happens next once the detectives
17 arrive on the scene?

18 A. Once they arrive, I introduced Ms. Fletcher to
19 Detective Scott Johnson and asked she would be willing --
20 this is the detective I had talked to her about and wanted to
21 go down to the police station and speak with her and asked if
22 she would be willing to go. She said yes. And Detective
23 Johnson and he had another partner with him, Ms. Fletcher
24 went with them.

1 Q. Again, do you know what time that was?

2 A. I don't.

3 Q. Did you have a body cam on?

4 A. No. We didn't have body cameras back then.

5 Q. Any audio/video recording?

6 A. No, sir.

7 Q. And I imagine you had a watch?

8 A. I wasn't paying attention.

9 Q. But it wasn't important to you to measure the
10 length of time of that detention?

11 A. I didn't, no.

12 MR. EDWARDS: That's all I have. Thank you.

13 THE COURT: Redirect.

14 REDIRECT EXAMINATION

15 BY MR. STEGE:

16 Q. On this body cam issue, why was it that you didn't
17 have body cams at that time?

18 A. We weren't -- that was before the whole body cams
19 stuff came out. The body cameras came out a couple of years
20 ago. This was well before that. Also, in that unit, if they
21 were there, we weren't obligated to wear them as we are
22 today.

23 Q. The law changed subsequent to this case?

24 A. Yes, sir.

1 Q. Requiring them?

2 A. Correct.

3 MR. STEGE: Nothing further. Thank you.

4 THE COURT: Any other questions?

5 MR. EDWARDS: No, thank you, your Honor.

6 THE COURT: May this witness be excused?

7 MR. STEGE: Yes.

8 THE COURT: Thank you for your time, officer.

9 THE WITNESS: Thank you.

10 THE COURT: Your next witness, please.

11 MR. STEGE: Court's indulgence.

12 THE COURT: Sure.

13 MR. STEGE: Mike Mullen, please.

14 (One witness sworn at this time.)

15 THE WITNESS: Good morning, your Honor.

16 THE COURT: Good morning, sir. Once you're
17 comfortably seated, pull that over in front of your face.
18 Please give your attention to Mr. Stege.

19 MICHAEL MULLEN

20 called as a witness and being duly sworn did testify as
21 follows:

22 DIRECT EXAMINATION

23 BY MR. STEGE:

24 Q. Please state and spell your name.

1 A. Michael Mullen.

2 Q. And how are you currently employed?

3 A. I'm retired with the Reno Police Department after
4 24 years.

5 Q. Congratulations.

6 A. Thank you.

7 Q. Directing your attention back to July of 2016, you
8 were a police officer?

9 A. Yes, I was. I was working for the regional crime
10 suppression unit.

11 Q. We heard the testimony from Detective Russell and
12 Officer Gott, were you on that team?

13 A. Yes, I was.

14 Q. Were you involved in the surveillance of 3425 War
15 Paint?

16 A. Yes, I was.

17 Q. What was your role in that?

18 A. While we were on surveillance, Detective Gott
19 followed the vehicle away from that location and then I
20 arrived on scene to meet with whoever was at the house.

21 Q. Okay. And tell us what happened when you met at
22 the house?

23 A. I looked inside the open door. I saw two older
24 gentlemen sleeping in their recliners with the TV on. I

1 didn't want to scare them, so I knocked softly. They both
2 awakened. Their dog woke up as well. And they came to the
3 door and allowed us inside.

4 Q. You said two gentlemen. Was it two gentlemen?

5 A. I'm sorry, no. Two older folks, male and female.

6 Q. They opened the door. Who opened the door?

7 A. I believe he did with the dog. He had the dog.

8 Q. And then what happened next?

9 A. I asked if we could come inside and they said yes.
10 And then Katherine, the older lady, asked what this was
11 about. And I said it had to do with her daughter Karen.

12 Q. You are you sure about that? Karen is the mother
13 and Katherine the daughter?

14 A. Karen is the mother, yeah. Katherine is the
15 daughter.

16 Q. You said it had to do with her daughter?

17 A. Yes.

18 Q. And so what happened then?

19 A. They asked what we were there for and I said, your
20 daughter was just stopped down the street. Karen, the
21 mother, said that her daughter just left. She was going to
22 go get some cigarettes. And I said, well, we had some
23 detectives down the street just stop her in her vehicle and
24 that's why we're here.

1 Q. And what happened next?

2 A. They asked what was involved in the stop and I
3 said we were there to investigate a shooting.

4 Q. And then?

5 A. Karen said to me, she's -- Katherine told her --
6 MR. EDWARDS: Objection, hearsay.

7 THE COURT: Do you want to respond?

8 MR. STEGE: I think he's right. I think it is
9 hearsay at this point.

10 THE COURT: I sustain the objection.

11 MR. STEGE: Thank you.

12 MR. EDWARDS: Thank you.

13 BY MR. STEGE:

14 Q. Did you continue speaking with the mother?

15 A. Yes, I did. And I learned that at that time a
16 person named Robert was shot in the back.

17 Q. And did you also speak with the father or the
18 older gentleman?

19 A. I did a little bit, just normal conversations
20 about things.

21 Q. Was there a point that the mother left?

22 A. I believe some time later that morning, I believe
23 the mom -- I'm sorry -- the mother left and the older
24 gentleman stayed there and went to sleep and we stayed there

1 throughout the night.

2 Q. With permission?

3 A. With permission, of course.

4 Q. So it was you and some other officers spent the
5 night there?

6 A. Yes. And Max which is the grand child that was in
7 one of the bedrooms sleeping.

8 Q. Did you yourself seeing him sleeping in the room?

9 A. I did see him sleeping in the room.

10 Q. What became of him?

11 A. I don't know.

12 Q. And why was it that you stayed there the night?

13 A. We were securing or holding the scene until
14 detectives, robbery/homicide detectives came to the house
15 with a warrant.

16 Q. Did that happen? They came to the house with a
17 warrant?

18 A. That did happen.

19 Q. Did you have a role in that execution of the
20 search warrant?

21 A. I don't believe I did.

22 Q. Did you go out to the -- is there a detached
23 garage?

24 A. Yes, there is, with a safe. Okay. Yes. It's

1 coming back.

2 Q. The retirement has been kind to you. Go out to
3 the detached garage?

4 A. Yes. And Bob, the older gentleman, whose house it
5 was, had a safe in the garage, which had a bunch of firearms
6 in it. He had he told me the only key to the safe and we
7 opened up the safe. And then I don't know what happened, if
8 the guns were removed from the safe. I don't know what
9 happened after that, but I know the safe was opened with his
10 key.

11 Q. And you weren't the only one there when the safe
12 was opened?

13 A. No.

14 Q. Pursuant to the search warrant?

15 A. No.

16 Q. But FIS was there when that happened, the safe
17 opening?

18 A. I don't remember FIS being there at that time. I
19 know it was Bob, myself and Detective Butler. FIS might have
20 been in the house at that time.

21 Q. But they were on scene?

22 A. Yes.

23 Q. As well as robbery/homicide detectives?

24 A. Yes.

1 Q. As search warrants are executed, tell us about
2 that process?

3 A. It's common practice when FIS gets there, they
4 take over alls of the outside of the house, the inside of the
5 house, the inside of the sheds, the out rooms and that kind
6 of stuff, they take over alls of the scene.

7 Q. And multiple detectives of the various groups
8 within the police departments are all searching?

9 A. Once overall photos are taken, yes.

10 Q. Okay.

11 MR. STEGE: I'll pass the witness.

12 THE COURT: Cross examination.

13 CROSS EXAMINATION

14 BY MR. EDWARDS:

15 Q. Mr. Mullen, what time was it that you began your
16 stay at the residence on War Paint Circle?

17 A. 2055 hours, 2100 hours.

18 Q. That's 11:00 at night?

19 A. That would be 9:00 at night.

20 Q. 9:00 at night. And you testified that you knocked
21 on the door and were granted admission, is that right?

22 A. Yes. Yes.

23 Q. Who greeted you at the door?

24 A. Bob, the older gentleman at the house that I

1 learned later was the defendant's mother.

2 Q. Bob or? Bob or her mother came to the door?

3 A. Bob did.

4 Q. Bob came to the door. And you went inside?

5 A. Yes. Myself and Detective Cragg went inside.

6 Q. What happened next?

7 A. We just started conversations. She was asking why
8 we were there. And that's when I told her we just stopped
9 her daughter down the street related to a shooting.

10 Q. Okay. And that was at 9:00 p.m. that you entered?

11 A. No. That's when we started our surveillance is at
12 9:00 p.m..

13 Q. So when did you enter the residence on War Paint
14 Circle?

15 A. I believe it was 2200 hours, 11:00.

16 THE COURT: 2200 hours would be ten.

17 THE WITNESS: I'm sorry, 10:00. 2200 hours.

18 BY MR. EDWARDS:

19 Q. So 10:00 p.m., you entered the residence, is that
20 right?

21 A. Yes, right after the vehicle left.

22 Q. And do you just sit down and small talk?

23 A. We stand there and small talk. We make sure
24 nobody else is there. And we did small talk. And they were

1 very cooperative with us.

2 Q. How did you make sure nobody else was there?

3 A. Just walked through the house, clear it, make sure
4 there's nobody else there. That's when we saw Max in the
5 bedroom sleeping.

6 Q. Did you see anything else?

7 A. Like what?

8 Q. Did you touch anything?

9 A. No.

10 Q. No items?

11 A. No.

12 Q. No pictures?

13 A. No.

14 Q. So you're basically securing the house waiting for
15 a search warrant?

16 A. Yes.

17 Q. And when did you -- when did the detectives
18 finally arrive with the search warrant?

19 A. I believe it was 9:00 in the morning.

20 Q. So you were there almost 12 hours?

21 A. Yes, sir.

22 Q. In the house?

23 A. Inside the house and outside the house, yes. I
24 know Bob, the older man, went to sleep. He said he was

1 tired, because he just drove in. So he was tired and he went
2 to sleep and we just hung out in the house and outside the
3 house.

4 Q. Was Max asleep?

5 A. Yes.

6 Q. And did he sleep through the night there?

7 A. He must have. I don't remember him getting up.
8 But he did sleep through the night.

9 Q. Was there ever a time that the detectives took him
10 to the police station?

11 A. I don't remember him going to the police station.

12 Q. And he was in the house when you entered it at
13 10:00 p.m.?

14 A. Yes, sir.

15 Q. So during that 11-hour period while you were at
16 the house -- and who was with you, by the way? What police
17 officers were with you?

18 A. Our whole team was there. It was Detective Cragg,
19 there was Detective Butler, a couple of sergeants, a handful
20 of us. I can't tell you exactly which, but there was like
21 five or six of us.

22 Q. And they're securing the scene, too?

23 A. Yes.

24 Q. And checking out things?

1 A. No. Just sitting in there, standing in there.

2 Q. So you stand in their living room after making a
3 search, is that -- not a search for items of evidence, but to
4 make sure that there's no one else there?

5 A. Correct.

6 Q. And then the rest of that 11-hour period, you just
7 sit in the living room?

8 A. Just standing there, yes.

9 Q. And Mr. Jorgensen, Sr., goes to sleep, is that
10 right?

11 A. Yes, sir.

12 Q. Is that right?

13 A. Yes, sir.

14 Q. How about Karen, the mother?

15 A. I think she ends up leaving. I believe she ends
16 up leaving.

17 Q. And Max stayed there the whole time with you?

18 A. Yes. I believe so, yes.

19 MR. EDWARDS: All right. That's all I have.

20 Thank you.

21 THE COURT: Redirect.

22 REDIRECT EXAMINATION

23 BY MR. STEGE:

24 Q. May I refresh your recollection on the time you

1 went into the house if you review your report?

2 A. Okay.

3 Q. Would it or would it not?

4 A. Yes, please.

5 THE COURT: Has the report been marked?

6 MR. STEGE: It will forthwith.

7 THE CLERK: Exhibit 48 marked for identification.

8 BY MR. STEGE:

9 Q. On this issue of the time, as well as Max's
10 location, please review that and then I'll ask for it back
11 and then ask if it refreshes your recollection.

12 A. Okay.

13 Q. Does that refresh your recollection?

14 A. Yes, it does.

15 Q. Do you remember the time?

16 A. 2330 hours.

17 Q. Do you remember what became of Max?

18 A. Max was in that first bedroom on the left hand
19 side sleeping.

20 Q. And didn't Detective Jenkins wake him and take him
21 to the police station?

22 A. Yes, she did.

23 Q. It sounds like a lot of officers were there sort
24 of this overnight period.

1 A. Yes.

2 Q. Were all of those officers inside the house?

3 A. No. There was always an officer or two in the
4 house, but we weren't all in there at one time.

5 Q. So others were standing by outside, perhaps?

6 A. Yes.

7 Q. The question of small talk came up under cross
8 examination. Were there periods also where it was more than
9 small talk?

10 A. As far as what had occurred, yes.

11 Q. Right. Or as far as did in fact the mom relay
12 statements made by the defendant to her?

13 A. Yes. I learned that it took Max three hours to
14 calm down before he was put to bed. He was hysterical when
15 he got home.

16 Q. And that the daughter had made a statement about
17 what had happened at the park?

18 A. Yes, sir.

19 MR. STEGE: No further questions.

20 THE COURT: Recross.

21 RE CROSS EXAMINATION

22 BY MR. EDWARDS:

23 Q. Let me ask you, then, while we're talking about
24 what other people said, how did you -- what exactly did

1 Ms. Jorgensen say to you about Max?

2 A. That when he got home, when they arrived on scene,
3 he was hysterical and it took him three hours to put him to
4 bed.

5 Q. Did she talk about chickens or anything like that?

6 A. Chickens, no.

7 Q. Did he have anything to eat that you knew?

8 A. I didn't ask.

9 Q. When you saw him, made contact with him, was he
10 hysterical?

11 A. He was sleeping when I got there. I was told that
12 he was hysterical when he got home.

13 Q. Do you know when he got home?

14 A. I don't know when he got home.

15 Q. But we know when you got there, right, it was
16 10:00 p.m.?

17 A. 2330.

18 Q. You entered the house at what time?

19 A. 2330 hours, 11:30.

20 Q. 11:30. What happened at 10:00 p.m.? Where were
21 you?

22 A. I was on surveillance.

23 Q. Had Ms. Fletcher been detained at that time?

24 A. I don't believe so.

1 MR. EDWARDS: All right. Thank you.

2 THE COURT: May this witness be excused?

3 MR. STEGE: Subject to recall on that objection we
4 heard.

5 THE COURT: You may step down at this time, sir.
6 You remain subject to recall on the subpoena.

7 THE WITNESS: Okay. Thank you, sir.

8 THE COURT: Mr. Stege.

9 MR. STEGE: Sue Klino, please. May I approach Ms.
10 Oates?

11 THE COURT: You may.

12 THE CLERK: Exhibit 17 marked for identification.

13 (One witness sworn at this time.)

14 THE COURT: Please go ahead and seat yourself
15 comfortably there. Please give your attention to Mr. Stege
16 after you pull that microphone in front of you.

17 SUSAN KLINO

18 called as a witness and being duly sworn did testify as

19 follows:

20 DIRECT EXAMINATION

21 BY MR. STEGE:

22 Q. Hello. Please state and spell your name?

23 A. Susan Klino, K-l-i-n-o.

24 Q. How are you currently employed?

1 A. I'm self-employed.

2 Q. Doing?

3 A. My husband and I own a business.

4 Q. Was there a time where you worked as a legal
5 secretary?

6 A. Yes.

7 Q. Did that time include July of 2016?

8 A. Yes.

9 Q. And you worked for a judge, is that right?

10 A. Yes.

11 Q. And the judge's name?

12 A. Debbie Lumkes.

13 Q. And as part of your duties, what would you do for
14 Judge Lumkes?

15 A. I was her administrative assistant.

16 Q. And did part of those duties included sending --
17 well, lots of duties, I imagine.

18 A. Yes.

19 Q. Are you familiar with the case that Judge Lumkes
20 heard related to Katherine Fletcher?

21 A. Yes.

22 Q. And did you assist the judge in administrating
23 that case?

24 A. Yes.

1 Q. Did something happen in the case on July 1st of
2 2016?

3 A. On July 1st?

4 Q. Yes.

5 A. She --

6 Q. I'll ask that maybe a little more carefully. Was
7 there an order or anything signed by the judge on July 1st?

8 A. She signed a decision on July 1st, 2016.

9 Q. And was that decision, could you characterize that
10 decision as an appeal?

11 A. Yes.

12 Q. By Ms. Fletcher?

13 A. Yes.

14 Q. And that appeal, how did Ms. Fletcher fair in that
15 appeal?

16 A. She lost the appeal.

17 Q. And so Judge Lumkes signs that order?

18 A. Yes.

19 Q. She lost the appeal. What do you do with that
20 order that she signed?

21 A. I didn't personally, but our office mailed that
22 decision to Ms. Fletcher certified return receipt requested.

23 Q. Which is -- is that normal in appeals for your
24 office to send out copy to the --

1 A. Yes.

2 Q. Who does it get sent out to?

3 A. It gets sent to Washoe County Social Services, to
4 the District Attorney's Office and to the person who filed
5 the appeal.

6 Q. The parties in the case?

7 A. Yes.

8 Q. And so that happened under your supervision in
9 this case?

10 A. Yes.

11 Q. And the records of that are kept in the ordinary
12 course of business.

13 A. Yes.

14 Q. And are there records related to that mailing in
15 this case?

16 A. Yes, sir.

17 Q. What do you have in your hand right now?

18 A. I have the return receipt, the certified mail
19 receipt and the receipt for the mailing.

20 Q. Now, in addition to bringing the original today,
21 you provided copies of those to the parties?

22 A. Yes.

23 MR. STEGE: May I see what you have, ma'am? May I
24 approach Ms. Oates?

1 THE COURT: You may.

2 THE CLERK: Exhibit 49 marked for identification.

3 BY MR. STEGE:

4 Q. So the exhibit I just took from you has been now
5 as Exhibit 49.

6 A. Yes.

7 Q. And this is a document kept in the ordinary course
8 of business?

9 A. Yes.

10 Q. And after this case arose, did you go back and
11 look at the file and see that this was there?

12 A. Yes.

13 Q. Is this a true and accurate -- in fact, this is
14 the original?

15 A. Yes.

16 Q. -- of the mailing.

17 MR. STEGE: Move to introduce 49.

18 THE COURT: Any objection?

19 MR. EDWARDS: No objection, your Honor.

20 THE COURT: 49 is admitted.

21 BY MR. STEGE:

22 Q. Let's look at this together. Tell us what we're
23 seeing here.

24 A. The certified receipt that shows that it was

1 mailed on July 1st, 2016.

2 THE COURT: Which part of it? If you could point
3 to it. You can actually mark on the monitor if you want.
4 Use your fingertip.

5 THE WITNESS: Okay. This is the certified copy.
6 This is the receipt showing that it was mailed on July 1st,
7 2016 and the return receipt showing that it was signed.

8 BY MR. STEGE:

9 Q. And do you know whose signature that is?

10 A. It says initial K. Jorgensen.

11 Q. And based upon your familiarity with the case,
12 does that have any meaning to you?

13 A. No, it doesn't.

14 Q. Let's go to the back side of this. What is this?

15 A. That is the back side of the return receipt.

16 Q. And so that is Judge Lumkes' address?

17 A. Yes.

18 MR. STEGE: I'll pass the witness.

19 THE COURT: Cross examination.

20 CROSS EXAMINATION

21 BY MR. EDWARDS:

22 Q. Ms. Klino, do you know who Karen Jorgensen is?

23 A. No, I do not.

24 Q. Is there any indication on the exhibit that we've

1 just been looking at when it was received by whoever signed
2 K. Jorgensen?

3 A. If you look at the back of it, it's very difficult
4 to read, because there's a barcode, but there's a stamp
5 there. And as far as I can tell, it looks like 2 July 2016,
6 22 July 2016.

7 Q. What does that mean, July 22nd?

8 THE COURT: Perhaps I might suggest, if you
9 wouldn't mind putting the exhibit on the projector, it might
10 help the jury. I think we're assuming everybody understands
11 how certified mail works. And it might help the jury if you
12 explain the process you undergo, ma'am, when you send a
13 letter certified and how the pieces, if you will, sort of fit
14 together.

15 THE WITNESS: Okay.

16 THE COURT: You asked her a question that refers
17 to the back of the green card if that's helpful.

18 BY MR. EDWARDS:

19 Q. Would this assist you in that regard?

20 A. The other side.

21 THE COURT: The other side.

22 BY MR. EDWARDS:

23 Q. The other side.

24 THE COURT: The back side of it. So if you fold

1 it over so that the back of the green card is displayed.

2 Perfect.

3 BY MR. EDWARDS:

4 Q. Is that visible?

5 A. Yes.

6 MR. STEGE: I wonder if I might?

7 THE COURT: Certainly, go ahead and help if you'd
8 like. You can zoom in the -- the date is embedded in the
9 barcode she's referring to.

10 MR. STEGE: Could you zoom in?

11 BY MR. EDWARDS:

12 Q. Ms. Klino, can you help us out here?

13 THE COURT: Are you able to circle on your screen,
14 ma'am, what you're looking at when you say --

15 THE WITNESS: Okay. Looking at the date, I
16 believe, if you look carefully, but I see is 22 J-U-L,
17 2016 p.m..

18 BY MR. EDWARDS:

19 Q. And that indicates to you the date this was
20 received?

21 A. That's what I believe.

22 Q. And your knowledge of how this procedure works?

23 A. Yes.

24 Q. And you don't know who Karen Jorgensen is, is that

1 correct?

2 A. That's correct.

3 Q. Who affixed the signature on that document?

4 A. That's correct.

5 Q. Was this order that you were mailing out a final
6 order?

7 A. For that case, yes.

8 Q. So there was no appeal from that?

9 A. Not as far as I know.

10 Q. Could there have been an appeal?

11 A. There could have been.

12 MR. EDWARDS: Thank you.

13 REDIRECT EXAMINATION

14 BY MR. STEGE:

15 Q. I might pick up where the judge suggested. What
16 does the green card mean? Why is there a green card in this
17 mailing?

18 A. When we send out a decision, we send it out
19 certified return receipt so that we can prove that the letter
20 was delivered to the address that it was sent to.

21 Q. So when the letter gets to a person, what happens,
22 or an address?

23 A. Then where it is received, the person who receives
24 and accepts that letter signs it showing that the letter was

1 received. And then we receive it back from the post office
2 showing that it was received.

3 Q. And the address was on file and the one associated
4 with Ms. Fletcher?

5 A. Yes.

6 Q. Going a step further, isn't it true that you can
7 use the numbers provided on the -- both the receipt and the
8 mailing to look up on the USPS website the delivery history
9 of a piece of mail?

10 A. Yes.

11 MR. STEGE: May I approach with -- this may be
12 awkward, but I'll make this Exhibit 17, page three. I'll
13 keep the whole exhibit for now.

14 THE COURT: Yes. Please don't modify an exhibit.
15 BY MR. STEGE:

16 Q. Will you review Exhibit 17 containing, I think,
17 four pages?

18 A. Yes.

19 Q. Do you recognize that exhibit?

20 A. I recognize the front two pages. The tracking, I
21 don't remember -- I don't know where that came from, but it
22 looks like it is tracking.

23 Q. It looks like tracking and are the numbers on that
24 tracking the same numbers as -- may I use 49 so you can look

1 at both numbers?

2 A. I can see those. Yes, the tracking is the same.

3 Q. The same. And you yourself have used this
4 USPS.com website to track mailings?

5 A. I have.

6 Q. And that appeared to be an authentic result from a
7 USPS.com?

8 A. Yes.

9 Q. Bearing the numbers in this case?

10 A. Yes.

11 MR. STEGE: Move to introduce the exhibit.

12 MR. EDWARDS: Can I have a question before?

13 THE COURT: Yes.

14 VOIR DIRE EXAMINATION

15 BY MR. EDWARDS:

16 Q. Ms. Klino, did you generate this document that
17 you're looking at there?

18 A. I did not personally generate this document, I was
19 out of town at the time, but another assistant in our office
20 did.

21 Q. So this is something in your file?

22 A. Yes.

23 Q. I guess you would qualify as a custodian of that
24 record?

1 A. Yes.

2 Q. Somebody else did it, not you?

3 A. Yes. Correct.

4 Q. So do you know that it's accurate?

5 A. I do.

6 Q. How do you know that?

7 A. Because I trust the person who sent it. It is
8 normal procedure in our office and I don't have any reason
9 not to -- I don't have any reason to not believe it.

10 Q. Not to belabor this any more, who was the person
11 who sent it?

12 A. Nicole Fairfield.

13 Q. She was an employee of Debbie Lumkes as well?

14 A. Yes.

15 MR. EDWARDS: That's all I have, your Honor. I
16 don't have to the admission.

17 THE COURT: 17 is admitted.

18 REDIRECT EXAMINATION CONTINUED

19 BY MR. STEGE:

20 Q. I think it's -- what page is it that shows the --
21 I'll take that from you. Let's refer to page three. What
22 does this tell us?

23 A. It tells us that the letter was delivered on
24 July 1st, 2016, and it was accepted.

1 Q. And signed for on -- delivered right here, right?

2 A. Excuse me. I was looking at the wrong line. I'm
3 sorry.

4 Q. July 2nd at 2:32 p.m., right?

5 A. Yes.

6 MR. STEGE: Thank you. No further questions.

7 THE COURT: Any follow-up?

8 CROSS EXAMINATION

9 BY MR. EDWARDS:

10 Q. Just so I'm clear, ma'am, this says to you that
11 this letter went out on July 1st and it was signed for on
12 July 2nd?

13 A. That's what this looks like, yes.

14 Q. So does that conflict with your testimony about
15 what we saw in that barcode?

16 A. I believe that barcode was very hard to read.
17 That's what I could see from the barcode.

18 Q. What did you see in the barcode?

19 A. It's very hard to read.

20 THE COURT: Let me help. When you send a
21 certified mailing physically, what do you, ma'am?

22 THE WITNESS: It is taken directly to the post
23 office.

24 THE COURT: I'm so sorry. Even before you go to

1 the post office, you had Judge Lumkes' order, what did you do
2 with that order?

3 THE WITNESS: Like I said, I wasn't the person who
4 actually --

5 THE COURT: What is normally done with it?

6 THE WITNESS: Normally done, the order is put into
7 an envelope.

8 THE COURT: And what's put on the outside of the
9 envelope?

10 THE WITNESS: The address of the recipient.

11 THE COURT: This card, correct, this green card?

12 THE WITNESS: Yes.

13 THE COURT: Is affixed to the envelope?

14 THE WITNESS: Yes.

15 THE COURT: When that envelope is then delivered
16 by the postal service to whoever signed for it at the address
17 listed, what's done with the green card?

18 THE WITNESS: The green card is returned to us.

19 THE COURT: The postal carrier removes the green
20 card from the envelope, correct?

21 THE WITNESS: Correct.

22 THE COURT: And mails it back to you?

23 THE WITNESS: Correct.

24 MR. EDWARDS: Thank you, your Honor. If I could

1 follow that up?

2 THE COURT: Yes.

3 BY MR. EDWARDS:

4 Q. So would that indicate to you, this record that we
5 have now above us is indicating that that letter that was
6 mailed out, that decision, left on the 1st of July, was
7 delivered on the 2nd of July?

8 A. Yes.

9 Q. And perhaps that 22nd of July indication was the
10 date that it was sent back to you? Would that be fair to
11 say?

12 A. I don't know.

13 MR. EDWARDS: Fair enough. That's all I have,
14 your Honor.

15 THE COURT: Do you want to follow up at all?

16 MR. STEGE: No, thank you, ma'am.

17 THE COURT: May she be excused?

18 MR. STEGE: Yes.

19 THE COURT: Ladies and gentlemen, this is
20 completely unrelated to this case. I'm so sorry for Debbie's
21 loss.

22 THE WITNESS: Thank you.

23 MR. STEGE: Your Honor, may I have a brief --

24 THE COURT: You certainly may. Let's take a brief

1 recess. We've been at it a little over an hour and a half or
2 so. During this recess, it is your duty not to converse
3 among yourselves or with anyone on any subject connected with
4 this trial or to read, watch or listen to any report of or
5 commentary on the trial by any person connected with the
6 trial, or by any medium of information, including, without
7 limitation, newspaper, television, radio, Internet or smart
8 phones. You're not to form or express an opinion on any
9 subject connected with this case until it is finally
10 submitted to you after the presentation of evidence and
11 arguments of counsel are concluded. We'll be in recess for
12 approximately 20 minutes.

13 (The following proceedings were had outside the
14 presence of the jury.)

15 THE COURT: We remain on the record outside the
16 presence of the jury. I think you wanted to take up a
17 matter, Mr. Stege?

18 MR. STEGE: I wanted to answer the call of nature,
19 catch my wits, but also we have left over from yesterday this
20 issue related to Mr. Hensley.

21 THE COURT: Yes, sir.

22 MR. STEGE: I'm told and I offer that the man has
23 not appeared this morning. I also have for the Court the
24 original subpoena and the copy.

1 THE COURT: Let's make the subpoena for
2 Mr. Hensley and a copy or the original as you choose.

3 MR. STEGE: Let's have the original.

4 THE COURT: A part of this record, Ms. Clerk, but
5 not a part of the record that would be given to the jury.

6 THE CLERK: Your Honor, we can still mark the
7 exhibit, but the exhibit won't go back to the jury.

8 THE COURT: That is indeed my request.

9 THE CLERK: Exhibit 50 marked for identification.

10 THE COURT: Go ahead, Mr. Stege.

11 MR. STEGE: The man has not appeared.
12 Mr. Gurriere would offer testimony, but I would offer it as
13 an officer of the Court.

14 THE COURT: I believe your representation.

15 MR. STEGE: He has not appeared this morning.
16 We're at the point of either material witness warrant or a
17 declaration of unavailability pursuant to the evidentiary
18 code in cases interpreting that.

19 THE COURT: I need to press you for more detail in
20 this way: It would appear to me that there is a lead, for
21 lack of a better term, on the location of Mr. Hensley.

22 MR. STEGE: I agree.

23 THE COURT: And your investigator is working hard,
24 I can tell. Would you agree with me that if I were to issue

1 a warrant for Mr. Hensley, there is no guarantee he would
2 actually be apprehended on that warrant during the confines
3 of this trial?

4 MR. STEGE: Yes, I agree with that.

5 THE COURT: And as a consequence, it would seem to
6 me that a warrant would be the least favorable of the choices
7 for relief you might choose.

8 MR. STEGE: Although, I do, and in fairness, you
9 know, I worry about potential appellate issues. Even though
10 the case law says we don't have to exhaust every remedy, it's
11 not a prerequisite to try to arrest him beforehand, but that
12 --

13 THE COURT: Are you asking for both?

14 MR. STEGE: I think both is a good idea, because
15 then we can come in, if we have him, the issue of his
16 unavailability is moot and away we go. I also wish -- will
17 seek to expand beyond the narrow scope of the pretrial
18 hearing that issue of the jammed gun, that it may become
19 relevant to other issues.

20 THE COURT: Well, I don't get much right, but I've
21 always gotten right the fact that trials are living,
22 breathing things and the issue of a gun or guns in
23 Ms. Fletcher's possession and/or manipulation of firearms is
24 becoming possibly more relevant as the evidence develops.

1 I'm not yet deciding whether or not you could
2 expand on Mr. Hensley's testimony if he were to appear in
3 person, but the pointed response to my question is you would
4 request both the material witness warrant and that he be
5 declared unavailable at least at this time.

6 MR. STEGE: At least at this time, of course,
7 subject to the --

8 THE COURT: Your response, please.

9 MR. EDWARDS: You know, I don't represent
10 Mr. Hensley, your Honor, so his issues with the State and
11 disobedience to a subpoena is his issue. I would agree that,
12 and Mr. Stege has intimated this, if he is declared
13 unavailable due to his disobedience of that subpoena, the
14 only testimony under oath and subject to cross examination
15 was that pretrial hearing. And so there won't be any
16 additional evidence presented, just what was present to the
17 Court at that time.

18 THE COURT: Well, I will issue a -- first,
19 Mr. Hensley was lawfully served with a subpoena noticing the
20 date and time of the commencement of this trial. He was
21 given additional communications with additional dates and
22 times within the trial. He has neither answered the call of
23 the subpoena nor additional requests for more particularized
24 appearance during the trial.

1 The State has made numerous attempts to locate
2 Mr. Hensley informally and formally in addition to that
3 subpoena and Mr. Hensley has failed to answer an order of the
4 Court.

5 I issue a material witness warrant pursuant to the
6 appropriate chapter of the NRS for the arrest and detention
7 of Mr. Hensley. The warrant shall indicate he shall be, once
8 arrested, returned directly to me so he can be made available
9 for testimony. In other words, there's no bail affixed to a
10 material witness warrant. If you have a warrant, I would
11 welcome that. Otherwise, I'll ask you to promulgate such a
12 warrant, please, Mr. Stege.

13 In addition, at this juncture, I gather,
14 Mr. Stege, and I'm asking, but you needn't reply if you don't
15 want to, that you don't intend to adduce Mr. Hensley's
16 testimony today or immediately.

17 MR. STEGE: No. I've built in time that one of
18 these -- if one of these options works.

19 THE COURT: All right. Are you willing to
20 disclose when you had that in mind?

21 MR. STEGE: As soon as we catch him. I will say
22 tomorrow morning I have sort of fixed pieces, meaning, for
23 example, Max. That's a time that I want to know the time and
24 go with it regardless, as well as Dr. Piasecki, same,

1 analogous scheduling issue.

2 THE COURT: You answered my question.

3 MR. STEGE: Sort of fill in at the back end of
4 that or --

5 THE COURT: You don't need to pin it down any more
6 than that. I will just say, at this juncture, were you to
7 call Mr. Hensley now, he is unavailable. I would recommend
8 you make a similar record if in fact you intend to introduce
9 his -- a transcript of his prior testimony.

10 MR. STEGE: Very good.

11 THE COURT: Anything else we need to discuss?

12 MR. STEGE: No.

13 MR. EDWARDS: Your Honor, I don't think -- do you
14 think the warrant should expire at the conclusion of these
15 proceedings?

16 THE COURT: It should. And, in fact, I think does
17 by operation of law. I would happily promulgate a document
18 confirming that the warrant no longer is in existence at the
19 conclusion of this trial.

20 MR. EDWARDS: Thank you, your Honor. As I said, I
21 don't represent Mr. Hensley. I was just --

22 THE COURT: Well, I suspect Mr. Hensley is going
23 to quick discover that although subpoenas get handled with
24 some informality and jocularity by folks, they are court

1 orders and it was a mistake not to honor them. Thank you for
2 your time, gentlemen. Anything else?

3 MR. STEGE: I want to key the Court into another
4 issue that is coming. Which is included in the Piasecki
5 production is a handwritten version of the events written by
6 the defendant containing matters which we've sort of agreed
7 or were all wanting to stay away from.

8 I anticipate and I prepared some redactions along
9 those lines, but I imagine or foresee that the Court may have
10 to weigh in on some of those. So I might propose that to the
11 Court.

12 THE COURT: Well, I would anticipate, gentlemen,
13 then, discussing this at a more extended period. So, for
14 example, if we lunch or take a lunch recess generally from
15 noon to 1:30, perhaps at 1:00. More particularly for
16 purposes of that hearing, I want to see the original and then
17 the proposed redactions and hear any objections or comments
18 you may have. If you have any contrary redactions, if you
19 can work it, I'd appreciate seeing that as well.

20 MR. STEGE: Let's not go to that point yet.

21 MR. EDWARDS: I'm not clear here, your Honor,
22 ready to discuss that.

23 THE COURT: Okay. Thank you for the heads up.

24 (A short break was taken.)

1 THE COURT: This is CR17-0690, State of Nevada
2 versus Katherine Dee Fletcher. Ms. Fletcher is here with her
3 attorney. Mr. Stege is here on behalf of the State.
4 Mr. Stege, your next witness.

5 MR. STEGE: Thank you, your Honor. Dustin Allen.
6 (One witness sworn at this time.)

7 THE COURT: Once you're comfortably seated, pull
8 the microphone in front of your face. Please give your
9 attention to Mr. Stege.

10 DUSTIN ALLEN

11 called as a witness and being duly sworn did testify as
12 follows:

13 DIRECT EXAMINATION

14 BY MR. STEGE:

15 Q. Please state and spell your name.

16 A. Dustin Allen, D-u-s-t-i-n, A-l-l-e-n.

17 Q. You are a Reno Police Officer?

18 A. I am.

19 Q. In July of 2016, what part of the police
20 department were you working in?

21 A. In the robbery/homicide unit.

22 Q. And specifically on the 28th of July, did you
23 receive a phone call from a supervisor related to an incident
24 at Oxbow Park?

1 A. Yes, I did.

2 Q. And were you assigned specific duties as it
3 relates to this case?

4 A. Yes. I was assigned the crime scene.

5 Q. And what does that mean?

6 A. It means overlooking and securing the crime scene
7 to make sure we collect all pertinent evidence, make sure
8 people don't come in and out, and keep it secure so we have a
9 clean crime scene.

10 Q. Are you the only one collecting evidence?

11 A. No.

12 Q. Who else?

13 A. Investigators, Zeronowski and Ivers from the
14 Washoe County Crime Lab.

15 Q. So you respond at about 2100 hours?

16 A. That's correct.

17 Q. So it was dark?

18 A. Yes, it was.

19 Q. If you could give us an overview of the scene?

20 A. Yes. Oxbow Park is at the very end of Dickerson
21 Road. It's about the 3100 block of Dickerson Road. It's an
22 observatory for wildlife and it's a rather large park. There
23 is a rather large pavilion as you first come into the park on
24 your right-hand side. And then as you go a little bit to

1 your left, which we call to the east, there's a dirt parking
2 lot. And then from the dirt parking lot, it goes to a little
3 walkway. The walkways goes from basically asphalt to
4 concrete and then on to a composite wood decking platform.

5 From that wood decking platform, it actually
6 buttons up next to the Truckee River. Next to that even
7 further east is a chain link fence separating the park from a
8 private residence.

9 Once you get to the wood decking, it actually goes
10 and runs along with the river and going to the west and it's
11 a wood decking section that goes several feet and then it
12 goes to another deck section where people can observe
13 wildlife.

14 And then there's another quite a few feet where it
15 goes into a third composite deck section where you can
16 observe wildlife and the Truckee River.

17 From that point, you can exit the composite
18 decking area. You can actually walk on a dirt path. The
19 dirt path will take you through parts of Oxbow Park, the
20 actual park. It's a very forested, tree area with shrubs, et
21 cetera, that also runs along the Truckee River.

22 And then as you get to about a hundred yards from
23 that dirt path, there's a split kind of in the path. One
24 path goes further to the west and runs along the Truckee

1 River for approximately a thousand yards and then to the
2 right it actually brings you back around to the other side of
3 Oxbow Park.

4 It's all dirt right there, a dirt path and it
5 brings you up to the most western side of the park. And at
6 the western side of the park, you have another observation
7 deck that's on ground level. And then you have another one
8 that's elevated to where you can look at the wildlife and
9 what have you from there.

10 From there, you go underneath, there's a pathway
11 that goes underneath. It brings you out to kind of a picnic
12 area or a grass area. That grass area has some picnic
13 tables, some other benches, et cetera. And as you're walking
14 out, you're basically coming back full circle and looking at
15 that pavilion that I talked about earlier.

16 There's also a chain link fence that's going to be
17 on the left hand side or the most western side that goes all
18 the way to the entrance of the park.

19 The center of the park itself, the place that you
20 actually walk through, again, it's very forested, there's
21 lots of trees, there's only the one pathway that goes all the
22 way through and then there's the big grass area.

23 Q. And as it relates to this case, which area was of
24 interest to you?

1 A. The interesting part for me was the most southeast
2 corner of the park, which was the very first area where the
3 composite wood decking was.

4 Q. This is where the gentleman had been found on the
5 ground?

6 A. Yes.

7 Q. And so what do you do? What do you do next?

8 A. Because it's dark, I actually requested a tree,
9 big lighting tree to come in from the City of Reno. So we
10 requested extra lighting to come in. And then we began to
11 photograph the area.

12 I requested that Investigator Zeronowski take
13 photographs of the area. And then we decided to figure out
14 how to mark each piece of evidence that we saw at that point.
15 Initially, when we're looking at it, there are little paper
16 tents and a lot of times officers as they respond to a
17 violent crime where there's evidence or a robbery or anything
18 like that, they'll use anything they can in the car to
19 actually mark that piece of evidence. So that as detectives
20 show up, we can kind of highlight the areas so we don't miss
21 anything.

22 There were several of these paper tents that
23 actually started on the southeast corner of the park from
24 where the asphalt and the concrete came together and then all

1 the way through where the wood decking was inside of that
2 first little enclosed decking area.

3 Q. I wonder if I might interrupt you and let's start
4 further back at the parking lot. Tell us the condition of
5 the parking lot or what -- anything going on in the parking
6 lot?

7 A. There's a couple of cars in the parking lot.

8 Q. And did any of those cars draw your attention?

9 A. Yeah. There was a brown Nissan Altima which later
10 I learned belonged to Mr. Trask.

11 Q. And so was that vehicle and other vehicles
12 photographed in place?

13 A. Yes, they were.

14 Q. Do you recognize the proposed Exhibit 3 containing
15 15 pages? Do you recognize that exhibit?

16 A. Yes, I do.

17 Q. How?

18 A. These are the photographs that Investigator
19 Zeronowski took of the vehicles parked there.

20 Q. And they're a fair and accurate depiction of the
21 parking lot portion of this scene?

22 A. Yes.

23 MR. STEGE: Move to introduce 3.

24 MR. EDWARDS: All 15?

1 MR. STEGE: Yes.

2 MR. EDWARDS: No objection.

3 THE COURT: Exhibit 3, all 15 pages, are admitted.

4 BY MR. STEGE:

5 Q. If you could orient us here, where are we?

6 A. This is going to be the east side of the park.
7 It's the parking lot area I mentioned before. The first car
8 you see there is Mr. Trask's car and the second car that you
9 see is a blue Yukon that belongs to one of the witnesses.

10 Q. Let's go through these. Where is the path down to
11 this platform area from here, if you see it?

12 A. I don't see it, see it, but I know where it's at.
13 It's just to the right of where the cars are and it's moving
14 southbound until you hit the Truckee River right there.

15 Q. Right here?

16 A. Yes.

17 Q. This is your light tower that was brought in?

18 A. Yes.

19 Q. It was quite dark, it appears?

20 A. Yes.

21 Q. Let's go to four. So this is sort of indicating
22 the distance between the two cars?

23 A. Yes.

24 Q. And were you involved in interviewing any

1 witnesses at all or --

2 A. I was not.

3 Q. You're focused on the scene?

4 A. Yes, sir.

5 Q. So what was your particular interest in the
6 vehicle of Mr. Trask?

7 A. Interest was that because it belonged to him, was
8 to go ahead and make sure that it got sealed up, not knowing
9 if there was going to be anything of evidentiary value inside
10 of it.

11 Q. So you sort of do an initial photographing of it
12 in place?

13 A. Yes.

14 Q. Was it in fact sealed up?

15 A. Later it was, yes.

16 Q. What does that mean?

17 A. Sealed up means that they grab -- there's these
18 little orange stickers. It basically lists the officer's
19 name, the date and time, and then they place it on all the
20 openings to know that it has not been disturbed when we
21 receive it. And if needed, then we apply for a search
22 warrant and we break them to enter and we know it's not been
23 disturbed.

24 Q. If it's been disturbed, it tears the sticker?

1 A. Correct.

2 Q. Let's go, perhaps, to page nine of this exhibit.

3 A. Uh-huh.

4 Q. This is like peaking into the vehicle?

5 A. Yes.

6 Q. And what are we seeing there?

7 A. That's the passenger seat. That's actually a
8 medical wristband for Mr. Trask and then there's a backpack
9 right there where your feet would normally go.

10 Q. This medical bracelet, it had nothing to do with
11 him going to the hospital from the gunshot but something
12 else?

13 A. Correct.

14 Q. 11?

15 A. That's the backpack.

16 Q. Let's move to 12 now.

17 A. That's the witness, and this information was given
18 to me by Sergeant Chalmers, saying that was the witness'
19 vehicle.

20 Q. And 13 being the other side of that vehicle?

21 A. Correct.

22 Q. So from here looking at 13, where would the path
23 be?

24 A. The path is directly to your right and due south

1 is where the path is.

2 Q. 14 documenting the condition of the back of this
3 vehicle, correct?

4 A. Yes.

5 Q. Let's end here at 15. Let's go to Exhibit 4.
6 I'll ask you to review that in a minute here. But tell us
7 about going down that path, what evidence was observed?

8 A. It was going down the path as you reached where
9 the concrete and asphalt kind of came together, there was a
10 large pool of what appeared to be blood, red in color.

11 Next to that was some rubber Latex gloves and then
12 a ball cap, dark in color, and a Yoo-hoo drink, a chocolate
13 drink all there. And then as you move a little bit further
14 south, there were several areas of blood stain, more
15 droplets, almost like a blood trail that were later divided
16 up into where these placards were.

17 As you got towards the middle of the little deck
18 system, there was a half smoked Pall Mall cigarette. And
19 just barely off to the right of that, just a little bit to
20 the left of that was a spent nine-millimeter Ruger Hornady
21 casing plus P.

22 Q. All those items were documented by photography?

23 A. Yes.

24 Q. And evidence collected?

1 A. Yes.

2 Q. Would you review Exhibit 4? Do you recognize the
3 contents of proposed Exhibit 4?

4 A. Yes, I do.

5 Q. How do you recognize them?

6 A. I recognize the photos. I was present when
7 Investigator Zeronowski took the photos.

8 Q. Are they a fair and accurate depiction of the
9 scene you described?

10 A. Yes, they are.

11 MR. STEGE: I move in 4.

12 THE COURT: I didn't hear how many pages.

13 MR. STEGE: I don't remember.

14 THE CLERK: 20 pages.

15 THE COURT: 20 pages in length. Thank you.

16 BY MR. STEGE:

17 Q. Detective, I have up here a previously marked
18 exhibit, that being Exhibit 1, page one. If during your
19 testimony, it would be helpful to refer to this, please tell
20 me and I can switch over to it.

21 A. Okay. Thank you.

22 Q. Can you describe what we're seeing here?

23 A. Yes. This is the general area where we found a
24 majority of the evidence and items of interest.

1 Q. And this is that platform?

2 A. This is the platform I spoke of earlier. You can
3 see that the asphalt buttons up to the concrete and the
4 concrete goes to the composite wood decking.

5 Q. Can you tell us a little bit more about the use of
6 placards?

7 A. Placards assist us in identifying specific items
8 of evidence, as well as areas of evidence so we can stay as
9 organized as possible as we move through the evidence.

10 Q. So let's talk about placard one. What items are
11 we seeing here?

12 A. So we have obviously a large red pooling blood
13 stain right there between the asphalt and the concrete, dark
14 colored hat, Latex gloves and the Yoo-hoo drink.

15 Q. One being a close up of placard one?

16 A. Yes.

17 Q. Page four, what is this?

18 A. That's a Yoo-hoo drink. It's like a chocolate
19 drink.

20 Q. Let's move now to 5, showing placard two?

21 A. Placard two.

22 Q. What's at placard two?

23 A. Placard two are blood droplets.

24 Q. And you looked at all the blood droplets here on

1 scene?

2 A. Yes, I did.

3 Q. You describe them as a blood trail?

4 A. Yes.

5 Q. Did you look further at the blood drops?

6 A. Yes, I did.

7 Q. What is it that you're looking for?

8 A. Based on looking at the blood drops, one can also
9 determine and have a pretty good hypothesis of the direction
10 that the blood letting source is moving based on what is seen
11 on the scene.

12 Q. What does the shape of this one at page six
13 indicate?

14 A. It's a satellite stain and it's also a little bit
15 thinner, meaning that there's an angle of -- an angle that it
16 actually drops and hits the concrete and then it satellites
17 out. When you see those little tiny arms out, it points in
18 the direction that the blood is traveling.

19 Q. So what does that mean as it relates to this?

20 A. As it means to this, if you look at the totality
21 of placards 2, 3, 4 and 5 and you look at them all, you'll
22 see that the satellite little arms that you see on here --

23 Q. Can you point those out for us?

24 A. Sure. So that's the droplet, but these little

1 tiny arms that you see right here going one direction, moving
2 all from the south to the north.

3 Q. And could you indicate which direction moving by
4 an arrow?

5 A. Sure.

6 Q. By a better arrow.

7 A. That's a terrible arrow.

8 Q. Page seven, it looks like we're still at placard
9 two?

10 A. Uh-huh.

11 Q. Is this part of what you mentioned, sort of
12 grouping of placards by evidence?

13 A. Yes. You'll see that placards 2, 3, 4 and 5 are
14 very similar. You have the blood droplet and then you have
15 the satellite staining and it's all pointing in one
16 direction, which is moving from the south to the north.

17 Q. Is that arrow you've drawn pointing to the left of
18 the screen still accurate?

19 A. Yes.

20 Q. And eight?

21 A. That's going to be going this way.

22 Q. Do you know how to clear?

23 A. No.

24 Q. Bottom left. So this is where the concrete meets

1 the composite decking?

2 A. Yes.

3 Q. Close up?

4 A. Close, yes.

5 Q. And why is there like a general picture and then a
6 closer photograph?

7 A. General picture gives us an idea sometimes if
8 there's multiple droplets there and then the more close up
9 gives us specifics on that particular droplet if there's
10 anything that would be helpful to the investigation.

11 Q. Three appears to show the relation between -- I'm
12 sorry. Page ten shows the relation between placards 3 and 4?

13 A. Correct.

14 Q. Four?

15 A. Same. You can see multiple droplets here and all
16 of the satellite stainings face to the north.

17 Q. Arrow still accurate?

18 A. Yes.

19 Q. Pointing down in this photograph?

20 A. Uh-huh.

21 Q. Page 12?

22 A. Correlation between 4 and 5.

23 Q. And which direction are we moving here?

24 A. Right now, we're moving to the south, but all the

1 satellite staining is moving to the north. So we're moving
2 deeper into the actual composite wood decking area, moving
3 towards the river.

4 Q. Five?

5 A. Same. You can see the one in between here. I'll
6 circle that one. You can see the satellite staining all
7 facing to the north. And then the same with this one here,
8 it's also facing to the north.

9 Q. Let's look at 14, page 14.

10 A. Okay.

11 Q. Additional blood drops?

12 A. Yes.

13 Q. Which direction is the satellite staining if you
14 see any?

15 A. Still north, going to the north.

16 Q. And here we are page 15, placard six. Can you
17 describe what we're seeing here?

18 A. It's a half smoked Pall Mall cigarette.

19 Q. Close up of it at page 16?

20 A. Yes.

21 Q. Was that collected?

22 A. Yes.

23 Q. Page 17?

24 A. Correlation between 5, 6 and 7 placards.

1 Q. And you had earlier indicated we were heading
2 south or towards the river?

3 A. Yes.

4 Q. And where is seven in relation to six if you're
5 using --

6 A. It's going to be just a little bit west and a
7 little bit north of placard six. It's going to be going
8 towards the inside portion of the park is where number seven
9 is at.

10 Q. So the top of this photograph, is that near the
11 river?

12 A. It is.

13 Q. Placard 7, we're looking at page 19 here?

14 A. Right.

15 Q. What is this?

16 A. Page 19, this is a Hornady spent nine millimeter
17 casing. It's a plus P.

18 Q. What is plus P?

19 A. Plus P stands for pressure. So there's additional
20 pressure added to the bullet when it's actually made. When a
21 nine millimeter bullet is made, it's made at 35,000 PSI. But
22 the plus P will actually make it 38,500 PSI. So there's an
23 increased amount of pressure to that bullet, so that's the
24 plus P.

1 Q. What's the effect of that on the round when this
2 bullet is fired?

3 A. On the actual casing or --

4 Q. On the result of fired --

5 A. The projectile has more power behind it, but
6 everything is dependent upon the shape and size and grain of
7 the bullet. So if it's a heavier grain bullet, it's going to
8 be less effective, a higher grain bullet, more effective.

9 Q. This was collected?

10 A. Yes.

11 Q. Picked up and photographed?

12 A. Yes.

13 Q. So are you able to -- how is it you can tell it's
14 a Hornady plus P nine millimeter round?

15 A. If you actually just read at the very top or the
16 right hand side, it says Hornady. And then just to the left
17 of that or going down and around, it says nine millimeter, it
18 says Luger and then has plus P.

19 Q. Nine millimeter Luger being what?

20 A. The caliber of the bullet.

21 Q. Now, did you just look for evidence on that
22 platform or dock?

23 A. No.

24 Q. Where else did you look?

1 A. I walked that entire park. Starting -- did the
2 entire fence line on the east side, walked all the grassy
3 area. You can see on the -- just east of the chain link
4 fence coming in from the entrance --

5 Q. We have a series here of maps.

6 A. Yeah.

7 Q. And was it -- are you the only detective or law
8 enforcement person looking in the park?

9 A. I am at that time and I have Investigators
10 Zeronowski and also Ivers with me. They're present, but I'm
11 doing the majority of the searching. Yeah.

12 So, basically, there's a chain link fence that
13 runs just as you come into the entrance of the park and it's
14 on the east side and I followed that entirely all the way
15 down until I actually hit the platform where the decedent's
16 body was found and all of the evidence.

17 And then from there, I walked this path, and you
18 can kind of see it right here, here and here, those are the
19 three decking systems that go up next to the river and
20 searched the sides of these as well.

21 Now, you can only see these from above, because
22 at that time there was water kind of brushed up all
23 underneath that. So with a flashlight, I went all the way
24 down and then there's a pathway that starts right here and

1 that's that dirt pathway that starts and it comes kind of
2 straight down here and it hooks back around on this other
3 pathway, goes along the river and it goes about a thousand
4 yards, it just goes and goes and goes.

5 So I searched this whole pathway all the way back
6 until we hit the other decking system. And I'm trying to see
7 if it's actually there and I don't see it. But there's a
8 decking system that is right about here that is ground level
9 and then there's another one that's elevated that's about
10 right about here.

11 So this was all searched through here. And then
12 as you walk back through, you're kind of pointing towards the
13 pavilion again, which is here. Searched all of this forested
14 area through here and this whole picnic area, which is all
15 right through here. And then walked this west line, which is
16 another chain link fence all the way back to the entrance.

17 Q. That first chain link fence you described, can you
18 indicate where that is, please?

19 A. Yes. So as you come in, it is -- this is the
20 parking area and it's connected back here and it goes all the
21 way to kind of here and it actually attaches right here on
22 that composite decking right there in the corner.

23 Q. Now, having a shell casing so close to where the
24 man went down, what was sort of the investigative

1 significance of that to you?

2 A. Said to me that the shooting was close. That we
3 would have found a casing somewhere in the water or up in the
4 shrubs or what have you had it occurred outside of that
5 little pavilion area.

6 With the nine millimeter casing, the other thing
7 that is of interest is when it gets ejected, it goes 5:00.
8 So it won't hit you 6:00 right in the nose, but it goes 5:00.
9 And then from there, it only travels anywhere between six and
10 eight feet is the average for nine millimeter with the amount
11 of gunpowder, et cetera.

12 Q. So you said 5:00?

13 A. Uh-huh.

14 Q. That would be to the shooter's right?

15 A. Yes.

16 Q. Sort of back and to the right?

17 A. One other thing to take into consideration is you
18 can't really say exactly which direction the shooter was
19 facing. I've been on many crime scenes when I've believed a
20 shooter had shot either, north, south, east or west and later
21 found that the casing had been kicked, moved, et cetera. So
22 to be able to say specifically the direction the shooter was
23 facing, there's no way to tell that.

24 Q. Right. You don't know that. But you know if a

1 casing is undisturbed might give you an idea of where the
2 shooter was standing?

3 A. Yes, much more helpful.

4 Q. All right. Were you briefed or did you know
5 whether police had control of the scene since arriving?

6 A. I did know that they had control of the scene. My
7 only concern was that during the shooting, if anybody
8 accidentally kicked it or that was unknown so I couldn't tell
9 exactly.

10 Q. This is part of the reason you searched through
11 this whole park?

12 A. Correct.

13 Q. And did you find anything of evidentiary value?

14 A. No, not there.

15 Q. What is that terrain like?

16 A. It's very grassy. The parking area is very --
17 it's like compacted sand and dirt and rock, like light rock.
18 The pathways, there's really good pathways that are closest
19 to the river, which are all composite wood. Then you go all
20 dirt, everything is kind of a hard compacted trail, if you
21 will, all the way around the rest of it.

22 THE COURT: Mr. Stege, bookmark your spot there,
23 hard compacted trail. We're hard upon the lunch hour. Let's
24 go ahead and take a recess. Ladies and gentlemen, for your

1 purposes, we'll be in recess until 1:30.

2 During this recess, it is your duty not to
3 converse yourselves or with anyone else on any subject
4 connected with this trial or to read, watch or listen to any
5 report of or commentary on the trial by any person connected
6 with the trial or by any medium of information, including,
7 without limitation, newspaper, television, radio, Internet or
8 smart phones. You're not to form or express an opinion on
9 any subject connected with this case until it is finally
10 submitted to you after the presentation of evidence and
11 arguments of counsel are concluded. Again, ladies and
12 gentlemen, we'll be in recess until 1:30.

13 (The following proceedings were had outside the
14 presence of the jury.)

15 THE COURT: Gentleman, is there a need for a
16 hearing at 1:00?

17 MR. EDWARDS: No.

18 MR. STEGE: No.

19 THE COURT: So I'll look to the two of you, then,
20 to confer about the perimeters and/or admissibility or scope
21 of admissibility of any written statements by Ms. Fletcher
22 that were mentioned by Mr. Stege. Thank you.

23 (A lunch break was taken.)

24 THE COURT: Anything we need to put on the record,

1 counsel?

2 MR. STEGE: Yes, please.

3 THE COURT: Let's go ahead and go on the record.

4 We are on the record in CR17-0690, State of Nevada versus

5 Katherine Fletcher. Ms. Fletcher is present with her

6 attorney. I show the appearance of Mr. Stege.

7 Mr. Mr. Stege, I believe there's something you want to put on

8 the record?

9 MR. STEGE: I foreshadowed this with the Court

10 earlier, both Mr. and Mrs. Jorgenson are present. It's my

11 belief they're unhappy with the framework prohibition on

12 details about the CPS case, drug use by the victim, the sex

13 abuse allegations, as well as physical abuse allegations of

14 the victim upon Ms. Fletcher.

15 THE COURT: Okay. What are you seeking?

16 MR. STEGE: I seek an out of jury's presence

17 admonishment from this Court for maybe enforcement of this

18 idea that we have a framework of staying away from those

19 issues unless specifically asked.

20 THE COURT: Do you have any objection to me

21 bringing them in, Mr. Edwards, identifying them as witnesses

22 that will testify, indicating that the subject matters of CPS

23 involvement at all and in particular allegations their

24 daughter's made about sexual and/or physical abuse by the

1 victim in this case against either Max or Ms. Fletcher are
2 not to be discussed by them as well as any alleged drug use
3 by the victim as they're simply not relevant.

4 MR. EDWARDS: Yes, I agree.

5 THE COURT: Are they outside?

6 MR. STEGE: Yes.

7 THE COURT: Let's go ahead and bring them in.

8 What I anticipate, deputy, so you'll know is I'll let them
9 sit in the first two juror chairs just so I can make eye
10 contact with them and so they're close in line with me if
11 that makes sense.

12 DEPUTY VIETTI: Yes, your Honor.

13 THE COURT: Good afternoon, folks. Welcome to
14 both of you. Before you sit, would you please stand, raise
15 your right hands and take the oath of a witness.

16 (Two witnesses sworn at this time.)

17 THE COURT: Thank you. Please be seated, folks.

18 Mr. and Mrs. Jorgenson, my name is Egan Walker. I'm a
19 District Judge. We are meeting on the record, meaning this
20 is being recorded, outside the presence of the jury in a case
21 entitled State of Nevada versus Katherine Dee Fletcher. My
22 understanding is Ms. Fletcher is your daughter, is that
23 correct?

24 MR. JORGENSEN: Yes.

1 THE COURT: Mr. Stege indicates to me that both of
2 you are subpoenaed as witnesses in this case. I just had my
3 clerk administer the oath of witnesses to both of you. It's
4 a serious oath and I'd like to talk to you about things that
5 you may not discuss during your testimony. Do you
6 understand? I see you nodding your head yes. Ms. Jorgenson,
7 do you understand that? Ms. Jorgenson, do you understand as
8 well, ma'am?

9 MS. JORGENSEN: I will when you explain what it
10 is.

11 THE COURT: Let me jump right to the point. The
12 attorneys are going to ask you questions in front of the jury
13 in this case. Please listen to the questions and answer only
14 the questions asked.

15 Let me give you an example. Let's say this case
16 were about something that it's not about, it's about
17 something much more important than an auto accident, but
18 let's say this case was about an auto accident and you were
19 witnesses to the auto accident.

20 Let's just say the State were to ask you a
21 question to the effect of: What color was the light before
22 the cars entered the intersection and crashed? And you were
23 to answer, well, I knew the first driver was at fault,
24 because the first driver ran the red light and ran right into

1 the second driver without braking or any explanation. That
2 answer is not responsive to the question. The question is:
3 What color is the light? So I want you to make sure that you
4 listen carefully to the questions and answer only the
5 questions which have been offered.

6 Let me be more particular in my cautions to the
7 two of you. It's been represented to me by the attorneys,
8 specifically by the State, that there are recordings of
9 telephone conversations between either or both of you and
10 your daughter while she's been in custody in this case. It's
11 been further represented to me that your daughter has
12 suggested in particular to you, Ms. Jorgenson, that you
13 should volunteer certain information on the stand whether or
14 not an attorney were to ask you about it.

15 If you do that, I want you to understand you could
16 be in trouble with me and you'll be in violation of the order
17 I'm about to give. The order I'm about to give is this:
18 There are subjects of conversation which you may not testify
19 about unless one of the attorneys specifically asks you about
20 it or I give you permission to talk about it.

21 For example, there have been a number of
22 circumstances of Social Services or so-called Child
23 Protective Service's involvement in your grandchildren's
24 lives, in your lives and in your daughter's life. I direct

1 that neither of you talk about the CPS cases or those
2 circumstances if and until I determine that they're relevant.
3 So that means you may not volunteer any information or talk
4 about that subject matter.

5 Neither of you may discuss the drug use or alleged
6 drug use by Mr. Trask. Mr. Trask may or may not have used
7 drugs. If he did or didn't use drugs, that is not relevant
8 to this case. It is not information that the jury is allowed
9 to hear in this case if and until I deem it to be relevant.

10 Finally, there are two other topics that I know
11 must be of some concern, at least within your family unit,
12 and that is allegations that I've been told about that your
13 daughter's made that Mr. Trask physically abused her and
14 allegations that your daughter's made that Mr. Trask sexually
15 or physically abused Max. Neither of you may discuss those
16 subjects either without my express permission. Those
17 subjects generally are irrelevant to the issues at hand in
18 this trial. Do you have any questions about my instructions
19 to you, Mr. Jorgenson?

20 MR. JORGENSEN: No.

21 THE COURT: Do you have any questions about my
22 instructions to you, Ms. Jorgenson?

23 MS. JORGENSEN: Well, one thing that you called an
24 allegation is a fact.

1 THE COURT: Well, let us not argue, you and I.

2 MS. JORGENSEN: Can I get my jacket. It's cold in
3 here.

4 THE COURT: No, ma'am. It's adequate to the task.
5 If you're cold, I promise you you'll be able to step out and
6 get a jacket.

7 MS. JORGENSEN: It's in the hall. Can one of them
8 bring it to me?

9 THE COURT: No, ma'am. Let's concentrate on the
10 conversation you and I are having now. I understand that you
11 have close felt feelings about the truth of allegations, the
12 word I'm using allegations, related to sexual or physical
13 abuse. This trial isn't about those allegations. It's about
14 something altogether different.

15 Do you have any questions about the instructions
16 I've given you. I know you disagree about whether or not
17 they're allegations, but do you have any questions. You're
18 shaking your head no. Is that a no?

19 MS. JORGENSEN: It was a no.

20 THE COURT: I need you to answer out loud, I'm not
21 trying to be rude, only because the court reporter sitting
22 below me has to take everything someone communicates and she
23 has no way to record what a nod of the head is. So that's
24 the only reason I followed up on it.

1 Please understand I understand I can't imagine how
2 difficult it is to be sitting where you're sitting in a case
3 where a loved one is accused of a very serious crime. I'm
4 not interested -- please just listen to my conversation.

5 MS. JORGENSEN: I can't hear well. That's why I
6 did this so you know I need you to speak louder, please.

7 THE COURT: All right. I, too, have a hearing
8 loss and I'm speaking loudly and directly to you. That's why
9 I had you brought into the jury box just a few feet away from
10 me. I'm confident that I'm projecting and I'll continue to
11 project.

12 I can only imagine how difficult it must be to sit
13 where you're sitting with your daughter accused of what she's
14 accused of. Please don't put me in the position of seeking
15 or finding that either of you were in contempt of Court for
16 following my order. That would, just so you know, be the
17 worst possible thing you could do for your daughter.

18 If, for example, you were to volunteer information
19 that is not relevant or that I would find to be not relevant
20 and I had to caution you about it in front of the jury,
21 that's the worst possible evidence you could give for your
22 daughter. So please keep that in mind as you are called upon
23 to testify here today. Do you have any questions,
24 Mr. Jorgenson, about what I've indicated are the bounds or

1 limits of your testimony?

2 MR. JORGENSEN: No.

3 THE COURT: Do you have any questions,
4 Ms. Jorgenson? You're shaking your head no. Thank you for
5 that. Thank you for taking a few moments to speak with me.
6 Please, if you would step outside and Mr. Stege will call you
7 as he sees fit in this case. I appreciate you taking a
8 moment to talk with me.

9 MS. JORGENSEN: Thank you, judge.

10 THE COURT: You're welcome. Thank you.

11 The Jorgensons are now outside of the courtroom.
12 Is there anything else you'd like to place on the record,
13 Mr. Stege?

14 MR. STEGE: Not on that issue. This does bring up
15 that other issue, which is the purchase of the gun. I think
16 the Court has previously stated that issue sort of has come
17 to the forefront and I would argue has become relevant and I
18 do intend to question them about that.

19 THE COURT: Mr. Jorgenson or Ms. Jorgenson or both
20 of them?

21 MR. STEGE: Both of them. Mr. Jorgenson being
22 more specific in his recollection in pretrial conference with
23 me. Ms. Jorgenson being less specific, however, in her
24 police interview telling the police that she did -- that the

1 defendant did have a gun and in fact later being in the same
2 room -- interview room with the defendant and a discussion
3 about that particular gun.

4 THE COURT: I want to check my understanding of
5 your representation of the facts as it's been made. As I
6 understand it, shortly in time before the alleged murder in
7 this case, the defendant in this case, Ms. Fletcher, worked
8 at a gun show here in Reno. Is that accurate?

9 MR. STEGE: Yes.

10 THE COURT: At the same time, maybe not while she
11 was working at the gun show, but at the same gun show at
12 which she worked, she purchased a nine millimeter handgun to
13 her father's recollection?

14 MR. STEGE: Yes.

15 THE COURT: You seek to adduce those facts from
16 Mr. and Ms. Jorgenson?

17 MR. STEGE: Yes. Going further, that gun was the
18 gun used at my target shooting motion. Mrs. Jorgenson will
19 affirm same gun as part of that. It was asked by
20 Mrs. Jorgenson to keep the gun not in the house. She
21 indicates she saw Fletcher put the gun in her car.

22 There was also probably separate discussion or
23 statement by Mr. Jorgenson, oh, it's okay, she can keep it in
24 her room. But it's really surrounding this possession of a

1 gun.

2 THE COURT: Okay. Any objection or objections,
3 Mr. Edwards?

4 MR. EDWARDS: Your Honor, this is the first time
5 I'm really hearing the scope of he says will be presented.
6 This wasn't in the discovery, obviously, and it's come from
7 his pretrial interviews with those two witnesses. So perhaps
8 I could clarify a little bit more of what he is seeking. I
9 don't object in the most general sense, but I'd like to know
10 what shortly before the crime means.

11 THE COURT: Mr. Stege.

12 MR. STEGE: Mr. Jorgenson in pretrial indicating
13 three to four weeks or three weeks to month, I think, were
14 his words.

15 THE COURT: I recollect the testimony about this
16 and the representations to be a month.

17 MR. STEGE: And Mrs. Jorgenson not able to give a
18 time frame.

19 MR. EDWARDS: In relation to the target shooting?

20 MR. STEGE: Only indicating it was the same gun.
21 It was the gun related to the target shooting.

22 THE COURT: I think his question was when was the
23 target shooting?

24 MR. STEGE: I don't remember. That is from her

1 police interview. I would need to check my notes.

2 THE COURT: We're not going to have, as it were, a
3 discovery session about the full extent of the Jorgensons'
4 testimony. I will simply say this: In contradistinction to
5 my prior rulings about target shooting, for example, and
6 possession of firearms, there are circumstances in which we
7 know as a matter of an adjudicated fact that Ms. Fletcher was
8 in possession of stolen firearms, because she's been
9 adjudicated related to that incident and we're not discussing
10 that.

11 The context, however, of our prior conversations
12 about target shooting, clearing a jam and guns was this: At
13 the time of those hearings, there was no factual connection
14 or representation made to me about a nine millimeter handgun
15 in Ms. Fletcher's possession. That has changed.

16 In other words, it's represented to me that now
17 coordinate with this notice from Judge Lumkes about the loss
18 of an administrative appeal within about a month or three
19 weeks of that, Ms. Fletcher worked at a gun show, allegedly,
20 and purchased a nine millimeter handgun, which Mr. Stege
21 represents to me will be connected to target shooting with
22 the handgun and/or clearing of a jam related to that handgun.

23 That's clearly probative evidence. It's clearly
24 evidence which demonstrates opportunity to possess a firearm,

1 intent to use a firearm, not to kill with it, I understand,
2 but to use a firearm.

3 That evidence has now to my eye become more
4 probative than any prejudicial impact. There's nothing
5 unlawful about purchasing a firearm or target shooting with a
6 firearm or otherwise and it is now to my eye connected,
7 possibly, to the shooting in this case. So for all of those
8 reasons, I would allow it.

9 MR. EDWARDS: I just didn't know about it, judge.

10 THE COURT: I understand completely.

11 MR. STEGE: I would add two things. First, a
12 possible additional rationale under the guise of preparation,
13 sort of our bad acts analysis. Second, looking at my notes
14 here, I think page 65 of -- 4 or 5, Ms. Jorgenson's statement
15 that three weeks to a month ago on the target shooting.

16 MR. EDWARDS: I don't think it's a bad act
17 analysis, your Honor.

18 THE COURT: I don't either. I used it as a bad
19 act analysis, because those are the buckets in which it's
20 easy to put probative evidence. It's not traditionally a bad
21 act. I had said previously, and I know you've read these
22 transcript and I don't mean to repeat them for your benefit
23 so much as mine, but intellectually in my mind, I said
24 previously, well, how, squashing it altogether, how,

1 Mr. Stege, is it relevant that she may have stolen guns
2 different in caliber than nine millimeter or possessed guns
3 legally different than a nine millimeter or fired guns
4 different than a nine millimeter. All of that has changed
5 based on the representation of what the evidence will be to
6 me now. That's my only point in saying it. The only thing I
7 can think of for relevance is the hooks for preparation,
8 intent, opportunity, which are also buckets in the 48.045
9 analysis.

10 MR. EDWARDS: I understand that, your Honor. I
11 just didn't know about the extent of this information. Like
12 you said, it's not the perfect time to do discovery in the
13 midst of a trial, but -- and I understand your ruling on the
14 relevance of it. The weight of it, you know, is arguable.

15 THE COURT: Indeed.

16 MR. EDWARDS: But I do understand your ruling on
17 its admissibility.

18 THE COURT: Thank you. Thank you for the heads up
19 again, Mr. Stege. Who do you intend to call in order just so
20 we may know.

21 MR. STEGE: Continue Allen and then probably
22 Mrs. and then Mr..

23 THE COURT: All right. Thank you. Let's go ahead
24 and invite the jury in.

1 DEPUTY VIETTI: Yes, your Honor.

2 (The following proceedings were had in the
3 presence of the jury.)

4 THE COURT: This is CR17-0960, State of Nevada
5 versus Katherine Dee Fletcher. Ms. Fletcher is here together
6 with her attorney. I show the appearance of Mr. Stege for
7 the State. I show the appearance of the jurors and the
8 alternates.

9 Ladies and gentlemen, thank you for being back
10 timely. So that you know, the attorneys and I were in court
11 before 1:30 working on this case. And in the way of things,
12 matters come up that we need to discuss outside your
13 presence. I apologize for the late start, but please
14 understand we were here well in advance of 1:30 and I thank
15 you for your timely arrivals as well.

16 Please, if you would, Mr. Allen, return to the
17 stand. I remind you, sir, you're under oath. Mr. Allen,
18 please give your attention to Mr. Stege.

19 BY MR. STEGE:

20 Q. Detective, I think we were sort of finishing up
21 your walk through of areas beyond the decks. I wonder before
22 we move on if you could point out Exhibit 1, page two, which
23 of the decks, you said there's a number of them, which of the
24 decks is the one you've seen photographs of to include the

1 shell casing?

2 A. It's this deck right here.

3 Q. Let's move on. Did you ever look in trash cans
4 that day?

5 A. Yes.

6 Q. Why?

7 A. Because I try to look everywhere that is
8 accessible. There was no specific reason why, but there was
9 two garbage cans that were next to the pavilion, looked
10 inside both of them. One of them had a -- like a bunch of
11 shrubbery and stuff like that and garbage that didn't seem to
12 be related to anything.

13 And then the other one had garbage on top and then
14 it had like a broken Styrofoam looked like an old broken up
15 cooler, maybe, and then below it there was a pizza box. The
16 pizza box was a Little Caesar's Pizza box.

17 Q. At this point, are you making any determination in
18 searching for trash, this is going to be a piece of evidence
19 or not or do you have some other outlook on it?

20 A. I have a different outlook, because I had received
21 a phone call talking with Detective Johnson and Detective
22 Millsap that there was -- they had learned that there was
23 some pizza purchased just before Mrs. Fletcher had gone to
24 the park and that it was purchased at Little Caesar's.

1 Q. Would you review Exhibit 5? It contains four
2 pages. Do you recognize that proposed exhibit?

3 A. Yes, I do.

4 Q. Is it a true and accurate depiction of the trash
5 cans you just described?

6 A. Yes, it is.

7 Q. And contents?

8 A. Yes.

9 MR. STEGE: I'd move in 5.

10 MR. EDWARDS: No objection.

11 THE COURT: Five is admitted.

12 BY MR. STEGE:

13 Q. Where are these trash cans?

14 A. They're going to be on the west side of the
15 pavilion.

16 Q. In the parking lot?

17 A. In the parking lot, yes, sir.

18 Q. We have closer views of them, leading us to, for
19 example, page three.

20 A. Yes. That's the garbage can that had the broken
21 Styrofoam looked like a cooler to me and then below it some
22 trash and then what looks like a pizza box there on the
23 bottom from Little Caesar's.

24 Q. Which was pulled out at page four?

1 A. Yes.

2 Q. Was there anything indicating how long the pizza
3 box had been there?

4 A. Well, it had a date stamped on it on one of the
5 sides. It had 7/22 of 2016. When I later visited the Little
6 Caesar's, I asked the question to, I believe his name was
7 Edwin Carrera, he was the manager, and I asked him about the
8 date and he said normally --

9 MR. EDWARDS: Objection, hearsay.

10 THE COURT: Sustained.

11 BY MR. STEGE:

12 Q. Have you ever yourself bought pizza from Little
13 Caesar's?

14 A. No.

15 Q. You're in the minority. Let's move, then, to --
16 does that sort of finish up your scene work that night?

17 A. Yes, it does.

18 Q. Did you ever go back to the scene?

19 A. Yes, I did.

20 Q. And who did you go back with?

21 A. I went back with Ashlyn Zeronowski. I can't say
22 her name.

23 THE COURT: Can you spell it?

24 THE WITNESS: Probably no. Z-i-a-r-o-n-s-k-i.

1 MR. STEGE: No.

2 MR. STEGE:

3 THE WITNESS: Even close?

4 MR. STEGE: No.

5 THE COURT: I'll ask you, of course, as you always
6 do, to provide the spelling of these names for Ms. Koetting's
7 benefit at a convenient break.

8 BY MR. STEGE:

9 Q. Let's call her Ashlyn.

10 A. Ashlyn. Fair enough.

11 Q. You went back and that was on the 30th of July?

12 A. Yes, in the morning hours.

13 Q. To do what?

14 A. I wanted to do a complete walk over during
15 daylight hours so I can get an even better look of the park
16 and make sure we hadn't missed any potential evidence or
17 anything of interest.

18 Q. And was there any additional evidence located?

19 A. No.

20 Q. And let me take you back. You indicated that
21 night you're over the railing looking around in the terrain
22 there. What was that terrain like around the shooting scene?

23 A. Over-grown, there was a lot of shrubbery, trees,
24 limbs, branches, grass. There was water that was up much

1 closer to the decking area.

2 Q. Was that area disturbed at all?

3 A. Not that I could see.

4 Q. Had there been someone in there, do you think the
5 nature of the terrain would have caused a disturbance?

6 A. Potentially, it potentially could have been muddy.
7 I didn't see anything that night, though.

8 Q. Do you recognize proposed Exhibit 6?

9 A. Yes, I do.

10 Q. How do you recognize it?

11 A. These are the photos that Ashlyn took.

12 Q. On that 30th?

13 A. On that morning.

14 MR. STEGE: Move in this exhibit.

15 MR. EDWARDS: All 21 pages?

16 MR. STEGE: Yes.

17 THE COURT: Any objection?

18 MR. EDWARDS: No.

19 THE COURT: 6, 21 pages in content is admitted.

20 BY MR. STEGE:

21 Q. So now it's daylight, can you walk us through
22 this?

23 A. Sure. Where this picture is being taken is part
24 of the parking lot right in front of the initial parkway or

1 the pathway that leads down to where Mr. Trask was located.

2 Q. And by reference, do you see the area where that
3 Chevy Tahoe was parked?

4 A. Yes. It would be immediately to your left.

5 Q. Would you mark it, please? Page two, where are
6 from the last photograph?

7 A. We've moved just a little bit south and we've
8 entered on to the pathway where it leads where Mr. Trask was
9 located.

10 Q. And page three?

11 A. That is the adjoining asphalt with the concrete
12 which then adjoins to the composite decking. This is the
13 decking portion where the evidence was located on the 28th.

14 Q. And page four, we're getting closer?

15 A. Yes.

16 Q. You mentioned earlier a chain link fence. Do you
17 see that?

18 A. I do.

19 Q. So that's that chain link fence that extends up
20 along, what is that, the east portion of the park?

21 A. The entire east portion of the park and separates
22 the park from some private property, a residence which is
23 just further east.

24 Q. Did you ask or are you aware of any assignment to

1 look on the other side of that fence?

2 A. No.

3 Q. No, no one was asked, or, no, you don't know?

4 A. I don't know.

5 Q. Five, where are we here?

6 A. This is a picture from the back of the decking
7 area looking back towards the pathway that we would have
8 approached earlier. And then, of course on the right where
9 you can see some of the cars parked, that's going to be the
10 parking area where the Yukon was parked and Mr. Trask's car.

11 Q. That's as if someone walked out on the deck and
12 turned around and looked back towards the parking lot?

13 A. Yes.

14 Q. Six?

15 A. That's just a little bit more forward moving
16 northward. You can see where the concrete meets the asphalt
17 and where it's kind of been disturbed right here is where
18 some of the evidence was.

19 Q. What evidence?

20 A. That was the Yoo-hoo bottle, the ball cap and the
21 Latex gloves and also the blood pooling.

22 Q. Seven, it looks like we've moved a couple steps
23 forward from the last?

24 A. Yes.

1 Q. And eight?

2 A. That's going to be showing the fence attached,
3 again, to the decking portion.

4 Q. And nine, where are we here?

5 A. I'm not sure. I don't know if that's the second
6 one or the third decking.

7 Q. Well, here's the fence on the left.

8 A. Okay. Yeah, that's the same one. That's going to
9 be the decking portion where the evidence was located.

10 Q. So here we'll see sort of a walk around of this
11 deck. And let's go to, for example, page 11. This is that
12 right hand portion?

13 A. Correct.

14 Q. And where, if you recall, what evidence was in
15 this area?

16 A. This area kind of here in the center area was a
17 Pall Mall cigarette and over here closer was where the nine
18 millimeter casing was located.

19 Q. Okay. Would you clear that, just everything. 12?

20 A. That's going to be facing out in the far left
21 corner looking out pretty much to what I was seeing with all
22 the overgrown brush, trees, grass, et cetera, right on the
23 railing.

24 Q. This gives you an idea of the terrain?

1 A. Yes.

2 Q. 13?

3 A. The same, a real good idea of the terrain and how
4 the overgrowth has kind of closed in on the decking area.

5 Q. And we've moved -- if before we're on the left
6 hand portion of it, where did we move?

7 A. To the right side further west.

8 Q. And 14?

9 A. That's going to be the west side of the decking,
10 facing west.

11 Q. So you're sort of moving clockwise from the left?

12 A. Yes. This is going between west and going closer
13 to north.

14 Q. Let's move to 17.

15 A. That's the very edge of the decking there and then
16 there's a pathway that leads off that goes off to the west
17 that walks down to the deck number two and then further on to
18 deck number three.

19 Q. 18, you said you've taken a few steps back?

20 A. Yes.

21 Q. And 19?

22 A. That's the adjoining corner, again, where to the
23 right is the pathway that leads down to deck number two and
24 deck three and then of course the one to the left is what we

1 just explored.

2 Q. Okay. And so 20 sort of being an overall view of
3 that, I guess, the west side of the entrance to the deck?

4 A. Yes.

5 Q. Sort of in your investigative thinking, sort of
6 going back and seeing it in the daylight, what are your
7 thoughts as it relates to evidence or as the scene detected?

8 A. I'm looking for anything that is out of place that
9 I don't believe should be there. I'm also looking for maybe
10 more casings. I'm looking for a gun. Anything that would be
11 out of place from, you know, a nature park, extra blood,
12 anything out of the ordinary. But specifically the gun I was
13 looking for, any ammunition, any of those things and we
14 didn't locate anything.

15 Q. Now, in between these two things, had you had
16 other sort of evidence related assignments?

17 A. Yes.

18 Q. To include one Dodge Neon?

19 A. Yes.

20 Q. Will you review page ten -- or Exhibit 10 and tell
21 us how many pages it is?

22 A. Uh-huh. 17 and I do recognize them.

23 Q. How do you recognize them?

24 A. These are photos that Ashlyn took on scene just

1 before we did the search of the vehicle.

2 Q. You were present for that?

3 A. Yes, I was.

4 Q. They're a true and accurate depiction of the
5 vehicle?

6 A. Yes.

7 MR. STEGE: I move this exhibit into evidence.

8 MR. EDWARDS: No objection.

9 THE COURT: Exhibit 10, 17 pages in volume, is
10 admitted.

11 THE CLERK: Thank you.

12 BY MR. STEGE:

13 Q. Where is this photograph taken?

14 A. 3205 Lemmon Valley Drive. It's the residence just
15 directly to the north of this and this is out on Lemmon
16 Valley Drive obviously across from the high school.

17 Q. And taking a step back, we heard testimony from
18 detective or Officer Gott that he sort of watched the car
19 until others arrived. Are you this other group that arrived?

20 A. Yes. It's myself and Ashlyn that arrive.

21 Q. And you had a search warrant for the car?

22 A. I did. I was given a search warrant from Sergeant
23 Chalmers who initially had from Detective Jones.

24 Q. Who had secured it from a judge?

1 A. Yes.

2 Q. And so we have a number of overall views of the
3 car, that being 1, 2, 3 and 4?

4 A. Yes.

5 Q. As well as 5?

6 A. Five.

7 Q. What's going on in 6?

8 A. Just the driver's side door is opened up, as well
9 as the passenger, and it's just a photo of the inside. Shows
10 a grayish colored hat with a small bill and a soda.

11 Q. What's the process of executing a search warrant
12 on a car?

13 A. Try to photograph everything in place, try to
14 start with the exterior portion of the car and photograph all
15 exterior photos. And then we focus our attention to the
16 inside without disturbing anything and try to photograph
17 things in place. And then after that, we conduct the search.

18 Q. And was there anything in particular you were
19 looking for?

20 A. Again, I was looking for a gun. I was looking for
21 ammunition, evidence of a gun. Also, GSR, gunshot residue.
22 Obviously, I can't see that with my own eyes, but we would
23 test for that as well. That was part of the warrant.

24 Q. And, in fact, Ms. Ashlyn is specially trained in

1 that and did you witness her collect the GSR?

2 A. Oh, yes.

3 Q. Let's go through Exhibit 10, page nine.

4 A. Okay.

5 Q. Talk about this, please.

6 A. It's a hat. There was a hat that later I was able
7 to see in the Little Caesar's video, the surveillance video
8 when the pizza was being purchased. And the female in that
9 picture had a hat that was kind of similar to that. So that
10 later became important to me.

11 Q. When you watched the video, did you recognize who
12 was in it?

13 A. It appeared to be Ms. Fletcher, but I couldn't be
14 100 percent sure.

15 Q. Did you in the course of the investigation ever
16 have contact with Ms. Fletcher?

17 A. No. Never.

18 Q. So that hat was collected?

19 A. Yes.

20 Q. Moving to the -- what part of the car is this?

21 A. This is the passenger front of the car.

22 Q. Anything collected in this area as you recall?

23 A. No.

24 Q. 11?

1 A. This was photographed as indicia of occupancy. It
2 shows the ownership of the vehicle is. This is her
3 registration from the DMV.

4 Q. And address on the War Paint Circle?

5 A. Yes.

6 Q. Page 12, what part of the car?

7 A. This is the rear passenger or rear both driver's
8 side and passenger of the car. It looks like it has a bunch
9 of items you would use for water activities.

10 Q. 13?

11 A. Same, other side, life vest, I'm not sure what the
12 middle thing was, it looked like it was made out of the
13 rubber, some type of floating device.

14 Q. 14?

15 A. Is going to be the driver's side rear of the car.

16 Q. Maybe cutting to the chase a little bit, did you
17 find any guns in the car?

18 A. No.

19 Q. Any ammunition in the car?

20 A. No.

21 Q. But you looked through the trunk as indicated in
22 15?

23 A. Yes.

24 Q. Located some sort of briefcase?

1 A. Yes.

2 Q. And within the cab a prescription in the name of
3 Fletcher?

4 A. Yes.

5 Q. Is this also under the category of indicia?

6 A. Yes, it is.

7 Q. Tending to show what?

8 A. Ownership.

9 Q. Did you also search Mr. Trask's vehicle?

10 A. Yes, I did.

11 Q. And was that also with Ashlyn?

12 A. Yes.

13 Q. Where did that occur?

14 A. It occurred at 455 West Second Street at RPD
15 station.

16 Q. How did the car get there?

17 A. It was towed. It was sealed and towed by Officer
18 Griffin and it arrived and it was inside the secured police
19 gates at 455 East Second Street.

20 Q. And the seals, were they disturbed?

21 A. No.

22 Q. Would you review Exhibit 11, which contains 14
23 pages?

24 A. Okay.

1 Q. Do you recognize that proposed exhibit?

2 A. Yes, I do.

3 Q. Is it a true and accurate depiction of the
4 condition of the car of Mr. Trask?

5 A. Yes, it is.

6 MR. STEGE: Move to introduce 11, 1 through 14.

7 MR. EDWARDS: No objection.

8 THE COURT: Exhibit 11, 14 pages in volume, is
9 admitted.

10 BY MR. STEGE:

11 Q. Can you walk us through this, please?

12 A. This is Mr. Trask's car. You can see the seals,
13 the orange stickers that we talked about before that are
14 covering up the open areas that you could open the car up and
15 disturb potential evidence. They're sealed and they're on
16 the doors and on the trunk.

17 Q. Let's go to page three and talk about the front
18 portion of the interior.

19 A. Okay. The front portion of the car, there's a
20 backpack on the passenger front seat and under that was --
21 appeared to be some small children's clothing, jeans, et
22 cetera.

23 Q. Page four?

24 A. This is a gaggle of smoked Pall Mall cigarettes.

1 Q. Did you find any unsmoked Pall Mall cigarettes?

2 A. Yes. There was a package of those as well.

3 Q. Here at five, more information about indicia?

4 A. Yes, in the name of Mr. Trask, this is his car,
5 the same car that we're conducting the search on.

6 Q. Six?

7 A. These are the clothes that were underneath the
8 backpack, children's clothing, jeans, jeans shorts and some
9 type of shoes.

10 Q. Seven?

11 A. This is the driver's side passenger rear with the
12 child seat.

13 Q. Eight?

14 A. This was from Mr. Trask's wallet that has his
15 driver's license and some cards, et cetera.

16 Q. Where was the license or the wallet containing the
17 license found?

18 A. It was in the front console of the car.

19 Q. Nine?

20 A. This is the backpack that was in the front
21 passenger seat of the car with miscellaneous food and water.

22 Q. Ten?

23 A. The backpack and some of its contents, including a
24 cell phone, some Pall Mall cigarettes, a swim shirt and half

1 eaten granola bar.

2 Q. What was the half smoked cigarette on the shooting
3 scene, what brand was that?

4 A. Pall Mall.

5 Q. What became of this cell phone?

6 A. The cell phone was delivered to Detective Johnson
7 and Detective Millsap.

8 Q. 12?

9 A. The trunk of Mr. Trask's car with miscellaneous
10 items, mostly items you would use playing in the water, life
11 jackets, water wings.

12 Q. 14?

13 A. Further digging into the trunk, ball cap, a
14 jacket, some detergent.

15 Q. And 14?

16 A. Beach towels and --

17 Q. Were those in the backpack? Is that why the
18 backpack --

19 A. That's why the backpack is there, yeah.

20 Q. Will you grab the exhibit I placed before you and
21 remind me what number it is?

22 A. 30.

23 Q. Would you review proposed Exhibit 30?

24 A. One Hornady nine millimeter Luger plus P spent

1 casing.

2 Q. Without reading from it, I want to ask you if you
3 recognize it?

4 A. Do I recognize it? Yeah.

5 Q. How do you recognize it?

6 A. I was present when it was packaged and collected.

7 Q. Do you recognize some other portions of the
8 packaging such as you see a red portion?

9 A. The evidence tape.

10 Q. Evidence tape. What is evidence tape?

11 A. It's what seals our evidence. Same as what we do
12 when we seal a car, if the evidence tape is broken, we know
13 it has potentially been tampered with.

14 MR. STEGE: More to introduce the exhibit and
15 contents.

16 THE COURT: Any objection to 30?

17 MR. EDWARDS: No, your Honor.

18 THE COURT: 30 is admitted.

19 BY MR. STEGE:

20 Q. Will you open that?

21 A. Do you have gloves?

22 THE COURT: We do have a pair of gloves.

23 THE WITNESS: I would prefer that.

24 BY MR. STEGE:

1 Q. What are you holding?

2 A. A Hornady nine millimeter Luger plus P spent
3 casing silver-colored.

4 Q. From what?

5 A. This is from Oxbow. This is from the crime scene.

6 Q. Can you tell us about head stamps?

7 A. Yes. This particular head stamp, each bullet that
8 one manufactures, there's going to be a head stamp that
9 identifies the caliber of the bullet, usually the make of the
10 bullet, who it comes from, the manufacturer. Sometimes they
11 leave smaller lettering, initials. This one actually spells
12 out Hornady on it. And it's a nine millimeter plus P.

13 Q. I wonder if you might step over with the Court's
14 permission to the projector and let's see if we can't
15 demonstrate that to the jury. Can you read that?

16 A. Hornady nine millimeter Luger with a plus and a P.

17 Q. Can you point out the plus P?

18 A. It's right here. It's right here.

19 Q. Will you retrieve that?

20 A. Yes.

21 MR. STEGE: Thank you. I'll pass the witness.

22 THE COURT: Cross examination.

23 CROSS EXAMINATION

24 BY MR. EDWARDS:

1 Q. Detective Allen, before we took a lunch break, you
2 were testifying that Oxbow Park is a rather large park, is
3 that right?

4 A. Yes, sir.

5 Q. Can you give us an estimation of how large?

6 A. That's an excellent question. I don't think I can
7 answer it accurately. It's big.

8 Q. You mentioned that you did the search, you walked
9 the park?

10 A. Yes.

11 Q. Looking for items of evidence?

12 A. Yes.

13 Q. How long did it take you to walk the entire park?

14 A. An estimate time, probably 45 minutes to an hour
15 to walk where I needed to walk, not only the exterior but to
16 go through the grassy area, the shrubs, the fence line and
17 then hit each one of those deck lines and then look on both
18 sides and follow that path all the way back as well.

19 Q. You covered substantial distance, I would assume?

20 A. Yes.

21 Q. And the evidence was concentrated on the, what do
22 you call it, the bridge or the overlook area?

23 A. Yes. Southeast deck portion, yes.

24 Q. Southeast deck portion?

1 A. Yes.

2 Q. And there was a chain link fence to the east, is
3 that accurate?

4 A. That's accurate.

5 Q. Was the property on the other side of the chain
6 link fence part of the park?

7 A. My understanding is it was private property and we
8 didn't proceed over there. I could see maybe four feet in
9 that direction, but I did not enter over there.

10 Q. Can you contact the property owners?

11 A. No.

12 Q. Did you see anyone?

13 A. I did not. There was a dog. I saw a dog that was
14 on the fence most of the day.

15 Q. Is there a dwelling on that property?

16 A. There is a house that sits up, but whether or not
17 they own that, I don't know. There's a house that sits up
18 outside of the park area.

19 Q. Can you see this from the deck, the house?

20 A. No. There's a lot of trees going around the
21 corner. I don't think you can see the house. I don't
22 remember per se, but I remember it being surrounded with a
23 lot of trees.

24 Q. Is it before you get to the river?

1 A. I'm sorry, is what before?

2 Q. The east side of the fence, the chain link fence,
3 there's property on the other side that you said was private?

4 A. Yes.

5 Q. Is that property on the same side as the bridge --
6 of the river?

7 A. I'm confused. I'm sorry.

8 Q. So am I, obviously. The bridge where the evidence
9 was concentrated --

10 A. Yes.

11 Q. -- has a chain link fence to the east?

12 A. Yes.

13 Q. And the property to the east is private property?

14 A. To the east of the chain link fence, yes.

15 Q. And where is the river in relation to that
16 property?

17 A. It is just south of that. And during that time
18 that I remember, the water was all the way up. It was like a
19 swamp area right close to where the decking is, the edge of
20 the deck there, the lookout area.

21 Q. All right. You found a Pall Mall cigarette that
22 you were testifying about --

23 A. Yes.

24 Q. -- on the bridge, I'm calling it?

1 A. Yes.

2 Q. Did you ever find who smoked it?

3 A. No.

4 Q. Or was smoking it?

5 A. No.

6 Q. Was it DNA tested or anything like that?

7 A. No.

8 Q. I know you found a pack of Pall Malls in the
9 victim's car?

10 A. Yes.

11 Q. Is that right?

12 A. Yes.

13 Q. Did you identify the cigarettes in Ms. Fletcher's
14 car?

15 A. No.

16 Q. The date on the pizza box, the Little Caesar's
17 Pizza box you found to be July 22?

18 A. Accurate, yes.

19 Q. On the pizza box?

20 A. Yes.

21 Q. So it was dated five days before?

22 A. Yes.

23 Q. Was there any pizza in it?

24 A. No.

1 Q. Is Little Caesar's on Fourth Street -- and I know
2 it was part of your investigation, you went there, right?

3 A. Yes.

4 Q. Is that the closest pizza parlor or place that
5 you're aware of to Oxbow Park?

6 A. That I don't know for sure. I was just instructed
7 with that address to go check for video, because that's where
8 the pizza was allegedly purchased. So I don't know if
9 there's another one that's even closer. It was 901 Fourth
10 Street, I believe, was the address I responded to.

11 Q. Fourth and Keystone?

12 A. Yes, there close.

13 MR. EDWARDS: That's all I have, your Honor.

14 THE COURT: Redirect.

15 REDIRECT EXAMINATION

16 BY MR. STEGE:

17 Q. You testified earlier about the 6- to 8-foot
18 radius?

19 A. Yes.

20 Q. Is that, the other side of the fence, within or
21 without that 6- to 8-foot radius?

22 A. It's without.

23 Q. This -- during your walk of the park, would this
24 be like you're making -- I'll start over. How fast are you

1 walking?

2 A. Pretty slow, because I was tired.

3 Q. You were tired. Are you just walking it or are
4 you sort of zigzagging looking for evidence?

5 A. No. I'm looking. I've got my flashlight on my
6 side and my other flashlight in my left hand and I'm looking
7 on both sides and checking to see what we could find.

8 Q. So walking for evidence is different than a walk
9 in the park?

10 A. Oh, yes. I'm slowly processing area by area
11 trying to find anything of evidentiary value.

12 Q. You might even say evidence collection is no walk
13 in the park?

14 THE COURT: You couldn't resist, could you?

15 THE WITNESS: I don't want to respond.

16 THE COURT: Please don't.

17 BY MR. STEGE:

18 Q. The DNA testing of the cigarette, why not of the
19 Pall Mall?

20 A. There was -- we would have submitted that at a
21 later date, and because I had located the empty pack of Pall
22 Malls and then all the smoked Pall Malls in there, and then
23 in the back, there was also a little card that Pall Mall all
24 over it and it seemed very obvious that that Pall Mall came

1 from Mr. Trask.

2 MR. STEGE: Thank you. I'll pass the witness.

3 THE COURT: Recross.

4 RECROSS EXAMINATION

5 BY MR. EDWARDS:

6 Q. You said it seemed pretty obvious, but you didn't
7 check the cigarettes inside Katherine Fletcher's vehicle?

8 A. I did not, counsel, no.

9 Q. You saw an ashtray full?

10 A. Yes. It did not get checked.

11 MR. EDWARDS: All right. Thank you.

12 THE COURT: Thank you, officer, for your time.

13 Good day to you, sir.

14 THE WITNESS: Thank you.

15 THE COURT: Mr. Stege, your next witness.

16 MR. STEGE: Karen Jorgenson, please.

17 (One witness sworn at this time.)

18 THE COURT: Once you're comfortably seated there
19 as it appears you are, please go ahead and pull that
20 microphone in front of your face and give your attention to
21 Mr. Stege. Thank you, Ms. Jorgenson.

22 KAREN JEAN JORGENSON

23 called as a witness and being duly sworn did testify as

24 follows:

DIRECT EXAMINATION

BY MR. STEGE:

Q. Ma'am, would you please state your name?

A. Karen Jean Jorgenson.

Q. How do you spell Jorgenson?

A. J-o-r-g-e-n-s-o-n.

Q. Where do you currently reside? What's your address?

A. 3435 War Paint Circle, Reno, Nevada.

Q. How long have you lived there?

A. About 12 years.

Q. I want to direct your attention back to July of 2016. Who was living there with you at that time?

A. My husband and Kathy.

Q. Who is Kathy?

A. Katherine Fletcher.

Q. She's your daughter?

A. Yes.

Q. And she stayed in what room?

A. Max's old bedroom.

Q. Is that a room that has bunk beds?

A. It did at the time.

Q. Was it the only room at the time with bunk beds?

A. Yes.

1 THE COURT: Thank you for answering with your
2 voice. I appreciate it. The lady sitting in front of me has
3 to take down every word, so we have to answer with our voice
4 as you did. Thank you. Go ahead.

5 BY MR. STEGE:

6 Q. Do you remember the day that your daughter got
7 arrested in July of 2016?

8 A. Yes.

9 Q. I want to talk to you about that day.

10 A. About what?

11 Q. What happened that day. When she left -- well, do
12 you remember her leaving your house?

13 A. Yes.

14 Q. Do you remember what time it was or even time of
15 day it was that she left?

16 A. It was about 3:30.

17 Q. And what vehicle was she in?

18 A. She was driving her car.

19 Q. What kind of a car is that or was that?

20 A. I'm not the one that's into cars.

21 Q. Okay. She drove her car, you can say? Will you
22 answer out loud?

23 A. It was her car. My husband could probably tell
24 you what kind. She can probably tell you what kind. I have

1 no idea. I don't pay attention.

2 Q. Okay. She left at 3:30. What was she wearing
3 when she left?

4 A. She was wearing a white dress, two-piece. It went
5 down to her ankles.

6 Q. Did she have a purse?

7 A. Yes.

8 Q. Do you remember what kind of a purse?

9 A. I think it was her small blue denim purse.

10 Q. Did you also know her to have a white colored
11 purse?

12 A. I don't know what other purses she had. She had
13 more than one purse.

14 Q. So it is possible she had in addition to the denim
15 purse, a white purse?

16 A. It's possible. I don't remember a white purse.

17 Q. So she leaves at 3:30, did she have -- at this
18 time, did your daughter have a cell phone?

19 A. She usually always took her purse and cell phone
20 with her.

21 Q. Do you know specifically whether she took her cell
22 phone with her?

23 A. I don't know specifically.

24 Q. But it sounds like you know that she did have a

1 cell phone at that time? Not necessarily when she left, but
2 she owned a cell phone?

3 A. She owned a cell phone. Whether she took it with
4 her, I don't know.

5 Q. Do you know what her cell phone looked like?

6 A. If I saw it, I would probably recognize it, but I
7 couldn't draw you a picture of it.

8 Q. Okay. Could you maybe describe the brand of it or
9 the color if you know?

10 A. I think it was black.

11 Q. At some point, Katherine comes home, right?

12 A. Yes. She was headed to the peace center when she
13 left.

14 Q. Okay. And she got back at what time?

15 A. Around 8:30 or 9:00.

16 Q. And who was with her?

17 A. I think 8:30.

18 Q. And who was with her when she got back?

19 A. Max.

20 Q. And who is Max?

21 A. Her son.

22 Q. And what happened when they got back?

23 A. Max was crying.

24 Q. How long was he crying for?

1 A. Off and on for probably more than an hour and a
2 half. She said his father had been shot.

3 Q. And did he make that statement more than one time?

4 A. Probably.

5 Q. Did he make that statement when he was crying?

6 A. I don't know, because you can't cry and talk at
7 the same time.

8 Q. But you would agree you can talk in between
9 crying? You can talk in between crying, don't you agree?

10 A. Yes.

11 Q. Is that what Max was doing?

12 A. Yes.

13 Q. What did Katherine say?

14 A. She said the same thing, that Rob had been shot.

15 Q. And so --

16 A. At the park.

17 Q. She said he got shot at the park?

18 A. And I think I asked her, at what park? And she
19 said she didn't know the name of it. And --

20 Q. And what?

21 A. When she went in the bedroom with him to try to
22 get him to go to sleep, I looked some things up on the
23 computer. But she also kept saying she needed to find her
24 purse and her phone, because she needed to call the police

1 and she needed to call Kevin, who was Rob's roommate.

2 Q. So when she came in with Max, she had no purse?

3 A. No.

4 Q. And how soon before she tries to get Max to bed?

5 A. Well, I kind of took over for a few minutes. I
6 had a grandson that was crying and I asked him if he wanted
7 to come sit on my lap and he said yes. And so I held him and
8 hugged him. And he said, my dad is hurt, and I said -- and
9 he said he saw his dad's blood. And I put my arms around him
10 and I said, we're going to pray for your dad.

11 Q. Did he say where on his dad he saw blood?

12 A. No. Anyway, we prayed. We prayed that --

13 Q. You prayed for Rob?

14 A. To get better in the hospital.

15 Q. And Rob is Max's dad, right?

16 A. Yes.

17 Q. So you hug him, you say a prayer for Rob with Max.
18 What is Katherine doing?

19 A. I don't remember.

20 Q. Was she calling the police?

21 A. No. She couldn't find her phone.

22 Q. And how many times do you think she told you that
23 she couldn't find her phone?

24 A. I don't remember.

1 Q. Was it more than once?

2 A. Yes.

3 Q. Did you see her do anything that made you think
4 maybe she was looking for her phone? Did she go anywhere
5 looking for her phone?

6 A. She went out to her car, I think, to see if it was
7 in the car.

8 Q. Did she say that's why she was going out to her
9 car?

10 A. Yes.

11 Q. At some point, she comes back and is Max still
12 crying?

13 A. This has been over three years ago, I don't
14 remember which moments when he was still crying or not.

15 Q. Okay.

16 A. I know she took him in the bedroom and laid down
17 with him to try to calm him down and she put a video on to
18 try to get his mind off of it. She didn't want to talk about
19 any of this in front of him and have him relive it. She
20 wanted to calm him down and have him go to sleep.

21 Q. Did Katherine ever say anything else about what
22 had happened at the park?

23 A. No. But I read on the computer, because I looked
24 it up, she said something happened in the park, and I went to

1 the news thing --

2 Q. So --

3 A. -- on the computer and I read that a man had been
4 shot in the park.

5 THE COURT: Hang on. Hang on. I'm sorry to
6 interrupt. The question was: Did Katherine ever say
7 anything else about what happened at the park? And you said
8 no. Do you have another question?

9 BY MR. STEGE:

10 Q. Yes. So I'm going to jump a little bit ahead, but
11 then come back. But at some point, Katherine leaves the
12 house, is that right? She gets home, puts Max down and at
13 some point she leaves?

14 A. About two and a half hours later, she -- he had
15 finally gone to sleep and she was a nervous wreck and she --

16 Q. She left, is that true?

17 A. What?

18 Q. She got in her car and left two and a half to
19 three hours later, right?

20 A. Yeah, to go get some cigarettes.

21 Q. And that's what she said she was going to do is go
22 get cigarettes?

23 A. Yes.

24 Q. Thank you. Now, in that time between 8:00 or 8:30

1 and the time she leaves, does Katherine say anything else
2 about what had happened to Rob?

3 A. I don't remember whether it was Katherine that
4 said it or Max, but I was told that she told somebody to call
5 911. And she did tell me that she picked Max up to get him
6 out of a dangerous place and to get him away from seeing any
7 more of the bad scene.

8 Q. Okay. As to that question of her reason for
9 getting Max out of there, were you ever asked about that in
10 an interview with Detective Allison Jenkins?

11 A. Probably.

12 Q. Isn't it true you never said that Katherine
13 explained to you why she picked up Max?

14 A. I don't know. That interview was three and a half
15 years ago.

16 Q. So you would agree with me, then, that your memory
17 was probably a little bit fresher?

18 A. What?

19 Q. Your memory was better the night that Katherine
20 came home than it is today?

21 A. Yes. But that night I was so frustrated and
22 flustered from what happened that --

23 Q. Right.

24 A. -- I don't know whether I was giving him all my

1 details.

2 Q. But it's also true that when you gave your police
3 interview, as opposed to now, your daughter had not been
4 arrested for murder?

5 A. They arrested her that night and I was shocked.

6 Q. But that was after your interview, right?

7 A. He came back out and told me he was arresting her.
8 I couldn't hardly believe it.

9 Q. Okay. Anything else in this time frame where she
10 gets home and she leaves that Katherine says about the
11 shooting?

12 A. Says about what?

13 Q. The shooting of Robert Trask?

14 A. Can I tell you what she said when I had her read
15 what the computer said?

16 Q. We'll get to that point. But isn't it true that
17 you told police that she never said anything except that Rob
18 got shot or Rob got shot in the park?

19 A. That's basically all she told me.

20 Q. And you didn't inquire of her, hey, this is kind
21 of serious, why don't you tell me more about what happened to
22 Rob?

23 A. She didn't want to talk about it in front of Max.
24 Max was already upset enough.

1 Q. And when Max went to sleep, she didn't want to
2 talk about it either, did she?

3 A. She was nervous. She was pacing. She didn't want
4 to talk about it. She wanted to go get a cigarette.

5 Q. And not only did she not want to talk about it,
6 she did not in fact talk about the shooting?

7 A. What?

8 Q. Not only did she not want to talk about it, the
9 truth is she did not talk about it after Max went to bed?

10 A. No.

11 Q. I'm struck that it seems like Max has more details
12 in that he says, my dad got shot.

13 MR. EDWARDS: Objection what Max said, your Honor.

14 THE COURT: What Max has said has been testified
15 about broadly in the range of excited utterance. For that
16 reason, I overrule the objection. I'll allow you to inquire
17 on cross examination.

18 BY MR. STEGE:

19 Q. Is it true that Max gives more details in this
20 time frame than your daughter does to you?

21 A. Yes. Basically, told me that he saw blood.

22 Q. And that --

23 A. And that I was also told, and I don't know whether
24 it was Kathy or Max, one of them said that they saw someone

1 in the bushes.

2 Q. Right. And you were asked about that during this
3 interview. Do you remember if you could recall who said
4 that, Max or Kathy?

5 A. I just reread some of it and I reread it. Even
6 though I reread it, I don't know how to answer you, because I
7 don't remember.

8 Q. If you don't remember, it's okay to say you don't.

9 A. I can't even recall everything that I reread, but
10 you asked me to reread it, so I did reread it.

11 Q. Was the TV on? Is the TV typically on in your
12 house?

13 A. Yes.

14 Q. Was the TV on that night?

15 A. Yes.

16 Q. Did you see a news story on the TV about a
17 shooting in the park?

18 A. No.

19 Q. Was Katherine ever standing by you watching TV
20 that night after Max went to bed?

21 A. No.

22 Q. You mentioned you looked something up on the
23 computer?

24 A. Yes.

1 Q. Where did you look that up?

2 A. I think I looked it up on KOLO 8 News.

3 Q. And what did you see?

4 A. I saw that someone had been shot in a park and
5 so --

6 Q. And when you saw that, did you show that to
7 anybody?

8 A. I did. And I told Kathy, either there were two
9 shootings in two different parks or this is about Rob. And I
10 had her read it and said it that he had passed away. And she
11 started to cry and said, he was my best friend.

12 Q. But -- okay. You had your cell phone that night,
13 right?

14 A. I did.

15 Q. Let me ask you: Did Katherine ever find her cell
16 phone?

17 A. I don't know. Not that I know of.

18 Q. Did you ever see it with her?

19 A. No.

20 Q. Maybe in her hand or somewhere?

21 A. No.

22 Q. Did she make any phone calls?

23 A. No.

24 Q. But you had your cell phone?

1 A. Yes. And once he was asleep, I was going to give
2 it to her and have her do the call she wanted, but she was a
3 nervous wreck and wanted a cigarette first.

4 Q. So she didn't want to?

5 A. I don't even remember whether I offered it to her.
6 In my mind, I thought about it. Now, whether I said
7 anything, I can't remember that long ago.

8 Q. Was that unusual for you to not, I guess, call the
9 police when you had two people who witnessed a shooting in
10 your house?

11 A. I was told that someone else had already called
12 911.

13 Q. By who?

14 A. I don't know whether it was Kathy or Max.

15 Q. Isn't it true that it was Max who said, my mom
16 said she saw someone in the bushes?

17 A. Yeah. I think that's what he said.

18 Q. Okay. Not that Max saw someone, but that his mom
19 said she did?

20 A. That's correct.

21 Q. Is there a home phone in your, like a --

22 A. No.

23 Q. -- wired phone in your house?

24 A. No.

1 Q. Did you ever use your phone to try to call
2 Katherine's phone?

3 A. I did, because she was looking for it.

4 Q. What happened when you did that?

5 A. Nothing. It didn't ring.

6 Q. In your interview with Detective Jenkins, did you
7 say that it went right to voicemail?

8 A. I probably did.

9 Q. Is that what happened?

10 A. If I said so on that paper, I guess so, but I
11 don't remember.

12 Q. Right. Because, not only was it fresher in your
13 mind back then, but you told the truth in that interview to
14 the best of your ability?

15 A. I'm telling the truth to the best of my ability
16 right now also.

17 Q. How soon -- or what time do you think Max finally
18 fell asleep?

19 A. Quarter to 11:00.

20 Q. And so how long was Katherine -- what did she do
21 after he fell asleep?

22 A. Paced the floor and said, I'm going for a
23 cigarette.

24 Q. And so it was right after you think?

1 A. Yes.

2 Q. And who put Max to bed?

3 A. Katherine.

4 Q. So how was it you knew or believed he was asleep?

5 A. She told me he was asleep.

6 Q. And then said she's going -- did you ever offer
7 her your cell phone to call 911 or Kevin?

8 A. I don't think I did, but I really don't remember.

9 Q. Let's suppose you did not -- well, would you have
10 offered it to her to call 911?

11 A. Yes, once Max was asleep, but we really didn't
12 have time for a conversation, because she just wanted to go
13 get cigarettes.

14 Q. Well, couldn't she talk to the police and Max also
15 be asleep at the same time?

16 A. That's the whole idea. She was waiting for him to
17 be asleep. She didn't want to have him overhear anything
18 that would upset him some more. He had already been through
19 enough.

20 Q. Do you remember after your daughter left your
21 house, there was some police officers who came to your house?

22 A. Yes, they came back to my house.

23 Q. Some plain clothes or police officers not dressed
24 in police uniforms?

1 A. I thought they had police uniforms on.

2 Q. Okay.

3 A. But three years, I can't say for sure.

4 Q. Let's move to maybe a more important detail. You
5 and Bob allowed them into your home?

6 A. Yes.

7 Q. And there was some conversation with one of the
8 detectives or the peace officers?

9 A. He said they had arrested Kathy and I was shocked.
10 She got pulled over right in our neighborhood.

11 THE COURT: There's no question yet. Please wait
12 for the question. Go ahead, Mr. Stege.

13 BY MR. STEGE:

14 Q. Did you tell one of the officers, Detective
15 Mullen, the following statement, that Kathy said Rob got shot
16 in the back?

17 A. She never said in the back.

18 Q. So if you told --

19 A. All I was told was that he got shot.

20 Q. Okay. Okay. So she didn't even know enough to
21 say it was in the back or the front or the leg or the hand or
22 anything else, as far as you knew?

23 A. Correct.

24 Q. Did she ever find the purse to your knowledge?

1 A. No, not to my knowledge.

2 Q. And we've mentioned Bob. Who is Bob?

3 A. My husband.

4 Q. And where was he on this day that we're talking
5 about?

6 A. He was in California when Kathy and Max came home.

7 Q. And he arrived sometime after they got home?

8 A. He phoned me -- I'm sorry. I shouldn't give you
9 information.

10 Q. Yes. How about this: What time did he get back?

11 A. 10:00.

12 Q. At which time Max and Kathy had been -- Max and
13 Kathy had been there for an hour and a half or so?

14 A. Yes.

15 Q. Okay. Did Kathy say anything about the shooting
16 to Bob that you witnessed?

17 A. No. I didn't witness or I don't remember. I
18 don't know.

19 Q. Did Kathy ever go, besides to her car, did you
20 ever see her go outside anywhere else?

21 A. I think she went out in the backyard to smoke once
22 before she ran out and then she ran out of her cigarettes.

23 Q. Okay. But what about -- is there a chicken coop
24 at your house where you have chickens?

1 A. Yeah. She went in the backyard where the chickens
2 are to have a cigarettes.

3 Q. Did Max ever go outside?

4 A. I don't remember.

5 Q. Did Max describe in this state -- in this
6 emotional state, I mean, he's -- I'll start over. Max was
7 pretty distraught or shaken up by this?

8 A. Of course.

9 Q. And it was obvious from being around him that was
10 the case?

11 A. Yes.

12 Q. And in that state, did he make -- did he tell you
13 any more details about where he was and his dad was when the
14 shooting happened?

15 A. I know where they were, but I don't think I found
16 out that information until I was at the police station.

17 Q. Okay.

18 A. Overhearing them interview Max. I got to watch
19 that via TV.

20 Q. Yes, because you went to the police station and
21 you were interviewed yourself?

22 A. What?

23 Q. You were interviewed at the police station?

24 A. Yes.

1 Q. And Detective Jenkins, Allison Jenkins, also
2 allowed you to watch the interview of Max?

3 A. Yes. I found out more information from them
4 interviewing because I'm not the type of person who asks
5 questions. Police are.

6 Q. Okay. But they let you watch that interview?

7 A. Yes, they did.

8 Q. And then, as a matter of fact, after your
9 interview, you went into a room where your daughter was?

10 A. After they had told me what they were doing.

11 Q. Okay.

12 A. With her.

13 Q. And you went into the interview room where she was
14 and it was just the two of you?

15 A. Yes.

16 Q. And talked about the case?

17 A. I don't know what we talked about.

18 Q. Okay. And you do know those interviews are
19 recorded on video?

20 A. I didn't know they were videoed, but I knew they
21 were -- the words were recorded. Is it both?

22 Q. It is both. I want to talk to you about any
23 firearms that your daughter owned. Did she own any?

24 A. She owned one gun that I know of.

1 Q. Where did she get that gun?

2 A. She was working at a gun show and she bought it
3 from the gun show.

4 Q. When was it that she was working at the gun show?

5 A. I don't recall.

6 Q. Do you have maybe a time frame or an idea? Like,
7 was it a week before this, a month, six months, a year, do
8 you have --

9 A. Approximately three months, four at the most.

10 Q. And how was it that you learned she bought a gun
11 at the gun show?

12 A. She showed it to me one time and I told her I
13 don't want that gun in my house.

14 Q. So what did she do with it when you told her you
15 don't want the gun in the house?

16 A. She said she would keep it in her car.

17 Q. What did she do with it after she said that? Did
18 she put it in her car?

19 A. Yes.

20 Q. What did the gun look like?

21 A. A pistol, but I don't know one gun from another.

22 Q. Do you know the difference, say, between a
23 revolver and a semi-automatic firearm, pistol?

24 A. I don't know the difference, but I'm sure it was

1 not semi-automatic.

2 Q. Well, you know who John Wayne is, right?

3 A. What?

4 Q. John Wayne, famous movie cowboy. He had a
5 revolver where there's a wheel that spins. Was it like that?
6 Or was it like a modern firearm without the wheel that has
7 many shots? Police officers carry it.

8 A. I don't know.

9 Q. What color was it in?

10 A. I think it was dark gray.

11 Q. Do you know what caliber means when talking about
12 a firearm?

13 A. No.

14 Q. What did Katherine have the gun in? Where was the
15 gun? Was she holding it in her hand? Was it in some other
16 container, a sheathe or a holster?

17 A. When she showed it to me, it was in her hand, both
18 of her hands like that.

19 Q. This occurred at your house?

20 A. Yes.

21 Q. And then she put it in her car?

22 A. Yes.

23 Q. In the time frame leading up to this shooting, did
24 Katherine ever go target shooting with that gun?

1 A. Yes.

2 Q. How soon before this shooting?

3 A. She was going target hunting, because it helped
4 her with her anxiety -- target shooting, I mean.

5 Q. Is that what she said?

6 A. Yeah, and about two months.

7 Q. You did say you reviewed the transcript outside
8 before testifying today?

9 A. I didn't get to the end of them.

10 Q. But you did say she went target shooting in that
11 interview?

12 A. Yes.

13 Q. Thank you. Didn't you say it was three weeks to a
14 month ago?

15 A. Three weeks to a month of target shooting?

16 Q. Before your interview -- on the day of your
17 interview, you said three weeks to a month ago.

18 A. That's what I said. I was trying to --

19 Q. Do you still have that transcript with you?

20 A. It's outside.

21 Q. Okay. Would you like to read it or do you want to
22 take my word for it?

23 A. I'll take your word for it, because when I said
24 two or three months, I'm just trying to remember.

1 Q. Right.

2 A. But it seemed like that long. I don't know,
3 though.

4 Q. On the day of your interview, it had just
5 happened, so you probably had a better idea of when it was?
6 I'm sorry. You do have to answer out loud. The court
7 reporter is kind of charge of this courtroom.

8 THE COURT: You're shaking your head yes, but not
9 saying yes. Do you recall the question?

10 THE WITNESS: What was your question?

11 THE COURT: The question was, on the day of your
12 interview, it had just happened, so you probably had a better
13 idea of when it was, meaning the target shooting?

14 THE WITNESS: Yes, probably.

15 BY MR. STEGE:

16 Q. And was there any further discussion about whether
17 the gun should be in the house involving Katherine and Bob?

18 A. No. Katherine was compliant.

19 Q. When Katherine was showing you the gun in her
20 hand, where did she take it out of?

21 A. I don't recall.

22 Q. Could it have been a purse?

23 A. It could have been a purse. It could have been a
24 paper bag. It could have been a box that holds the gun. I

1 don't remember.

2 Q. And when Katherine came back, was she wearing the
3 same thing that she was wearing when she left?

4 A. I thought she was wearing just her bathing suit,
5 which she had underneath the white dress, but it's been so
6 long, I could be wrong.

7 Q. You think it was just the bathing suit?

8 A. Possibly.

9 Q. Was that a one-piece or two-piece bathing suit?

10 A. Two-piece.

11 Q. Did she take a shower, Katherine?

12 A. No.

13 Q. Was her hair wet at any time when she gets back
14 between and then leaves?

15 A. I don't remember. I don't know if they went
16 swimming in the river and her hair got wet. I have no idea.

17 Q. Okay. But you are certain that she didn't take a
18 shower?

19 A. Yes.

20 Q. And you don't remember if her hair was wet?

21 A. Yes. I don't remember.

22 Q. Later police searched your house and particularly
23 Katherine's room.

24 A. Did you say, did they search?

1 Q. Yes.

2 A. I thought you just made the statement. Yes, they
3 did search.

4 Q. And the room they searched was Katherine's room?

5 A. Yes.

6 Q. The bunk bed room?

7 A. Yes.

8 Q. And located in that room, did you know or do you
9 know what was in that room?

10 A. A lot of clothes, a lot of toys, a lot of CDs.

11 Q. And wasn't there also a cell phone in there?

12 A. Oh, she had lots of old cell phones in a box.

13 Q. And one of the --

14 A. But none of the ones in the box were activated.
15 They were old and just sitting in a box.

16 Q. And, in fact, you were asked about that in your
17 interview and indicated the phone they recovered was an old
18 phone, right?

19 A. I don't recall. But if it said that, then whether
20 I remember it or not, then that's the way it was.

21 Q. Is it true that among her old phones, she plugs in
22 and charges one of her old phones?

23 A. I don't know if she charged an old phone. I
24 didn't even know they took a phone.

1 Q. I want to show you a couple of photographs from an
2 exhibit that already been admitted. So please stand by,
3 please. Do you see a photograph on the monitor in front of
4 you?

5 A. I do.

6 Q. Do you recognize where this is?

7 A. It's the bunk bed.

8 Q. Inside of?

9 A. In her room.

10 MR. EDWARDS: Can we identify the exhibit for the
11 record?

12 MR. STEGE: Yes, thank you. Exhibit 8, page 13.

13 BY MR. STEGE:

14 Q. Would you please look at page 18 of Exhibit 8? Do
15 you see the middle portion there?

16 A. I see that, but I'm not the one who searched her
17 room. I didn't even know they saw that or what they were
18 looking for.

19 Q. This is a difficult situation for you, isn't it,
20 testifying in the trial of your daughter?

21 A. Yes. And that night was a difficult night for all
22 of us.

23 MR. STEGE: I thank you for your time, ma'am, and
24 I pass the witness, your Honor.

1 THE COURT: We're going to take the afternoon
2 break now. Ladies and gentlemen, we'll be in recess until
3 approximately 3:35.

4 During this recess, it is your duty not to
5 converse among yourselves or with anyone else on any subject
6 connected with this trial or to read, watch or listen to any
7 report of or commentary on the trial by any person connected
8 with the trial or by any medium of information, including,
9 without limitation, newspaper, television, radio, Internet or
10 smart phones. You're not to form or express an opinion on
11 any subject connected with this case until it is finally
12 submitted to you after the presentation of evidence and
13 arguments of counsel are concluded. Please rise for the
14 jury.

15 (The following proceedings were had outside the
16 presence of the jury.)

17 THE COURT: We remain on the record outside the
18 presence of the jury. You're welcome to step down and take a
19 break, Ms. Jorgensen. During this break, I instruct you not
20 to discuss your testimony with any other witness or any other
21 person other than the attorneys. Any question about that?

22 THE WITNESS: Am I done?

23 THE COURT: No, ma'am. You must return after the
24 break.

1 (A short break was taken.)

2 (The following proceedings were had in the
3 presence of the jury.)

4 THE COURT: Case number CR17-0690, State of Nevada
5 versus Katherine Dee Fletcher. I show the appearance of
6 Ms. Fletcher and her attorney. Mr. Stege is here on behalf
7 of the State. We're in the middle of the examination of
8 Ms. Jorgenson. Please proceed.

9 MR. EDWARDS: Thank you, your Honor.

10 CROSS EXAMINATION

11 BY MR. EDWARDS:

12 Q. Ms. Jorgenson, did your daughter ever tell you
13 when she came back from the park with Max that day anything
14 other than Rob was shot?

15 THE COURT: Could you step just away from the
16 jury.

17 MR. EDWARDS: I'm sorry. I was trying to look at
18 her. I'm sorry.

19 THE COURT: Been there, done that, bought the
20 T-shirt.

21 MR. EDWARDS: I apologize.

22 BY MR. EDWARDS:

23 Q. Would you like me to repeat my question?

24 A. No. The other thing she told me was that it

1 happened in the park.

2 Q. What else did she tell you? Anything else? Did
3 she tell you -- did she ever tell you that she shot Rob?

4 A. No.

5 Q. Okay. Did you ever see her with a gun that night?

6 A. No.

7 Q. You have talked about the fact that she bought a
8 gun at the gun show?

9 A. Yes.

10 Q. Is that right?

11 A. Yes.

12 Q. And she showed it to you when she bought it?

13 A. Yes.

14 Q. And how long was that before Rob got shot?

15 A. Just guessing, three or four months.

16 Q. Three or four months. Okay. And you said to
17 Mr. Stege that the gun she bought at the gun show was not a
18 semi-automatic? Is that correct?

19 A. I don't think it was, but I don't really know one
20 gun from another.

21 Q. Okay. But you said it wasn't a semi-automatic?
22 I'm just trying to quote you correctly. Is that right?

23 A. As far as I know, it was not a semi-automatic.

24 Q. I'd like to show you something. This is

1 Exhibit 17, counsel.

2 MR. STEGE: Thank you.

3 BY MR. EDWARDS:

4 Q. Ms. Jorgenson, do you see the document that I put
5 on the screen?

6 A. I see the document.

7 Q. Okay. Do you see on the right hand side of the
8 document there are the words K. Jorgenson? Do you see that?

9 A. Yes.

10 Q. Is that your signature?

11 A. It sure looks like it.

12 Q. Thank you.

13 A. What kind of a document was that?

14 THE COURT: There's no question, ma'am.

15 MR. EDWARDS: That's all I have, ma'am. Thank
16 you.

17 THE COURT: Redirect?

18 REDIRECT EXAMINATION

19 BY MR. STEGE:

20 Q. Did she ever tell you that she didn't shoot Rob
21 when she was at the house?

22 A. I didn't ask her. I just assumed she didn't.

23 Q. Did she ever tell you it was an accident?

24 A. No.

1 Q. Did she ever tell you maybe she had some reason to
2 shoot him?

3 A. No.

4 Q. Did she ever tell you that she couldn't remember
5 what happened?

6 A. No.

7 Q. Did she ever in your presence sort of exclaim,
8 mom, mom, maybe as a tick?

9 A. You mean saying my name?

10 Q. Not just say your name, but she would be just
11 talking in a conversation or just sitting there and say, mom,
12 mom?

13 A. Not that I recall.

14 Q. That document that you looked at, you maybe
15 remember a couple of -- sort of three to four weeks
16 beforehand, getting a letter addressed to Katherine that you
17 had to sign for with the mail man or mail woman, mail carrier
18 I think is the word?

19 A. Well, it looked like my signature, so I must have.

20 Q. Well, is it a thing you remember or not?

21 A. I don't remember.

22 Q. Do you remember a piece of mail coming from
23 someone named Debbie Lumkes or a Judge Lumkes?

24 A. What was the last name?

1 Q. Lumkes, L-u-m-k-e-s?

2 A. No.

3 MR. STEGE: Thank you, ma'am.

4 THE COURT: Recross.

5 MR. EDWARDS: I don't have any questions for her.

6 THE COURT: May this witness be excused?

7 MR. STEGE: Yes.

8 THE COURT: Thank you very much for your time,
9 ma'am. You're free to leave the courtroom.

10 Who is your next witness, please?

11 MR. STEGE: Mr. Jorgenson, Bob Jorgenson.

12 (One witness sworn at this time.)

13 THE COURT: Go ahead and pull that microphone in
14 front of your face, if you would, Mr. Jorgenson, and give
15 your attention to Mr. Stege.

16 ROBERT DEAN JORGENSEN

17 called as a witness and being duly sworn did testify as
18 follows:

19 DIRECT EXAMINATION

20 BY MR. STEGE:

21 Q. Sir, would you please state your full name?

22 A. Robert Dean Jorgenson.

23 Q. You're married to Karen Jean Jorgenson?

24 A. Yes.

1 Q. You live on War Paint Circle?

2 A. Yes.

3 Q. And you lived there for some time?

4 A. Yes.

5 Q. I want to ask you about the date that your
6 daughter was arrested related to this case. Were you in town
7 that day?

8 A. No.

9 Q. Where were you?

10 A. Grass Valley.

11 Q. What did you do in Grass Valley?

12 A. Huh?

13 Q. What were you doing in Grass Valley?

14 A. I was visiting.

15 Q. Do you know what time you got home?

16 A. I called home from the top of Donner Summit at
17 9:04 or 9:02, something like that.

18 Q. p.m.?

19 A. p.m.

20 Q. And you drove from there to your house?

21 A. Yes.

22 Q. And your house is in what part of Washoe County,
23 what part of the valley?

24 A. Golden Valley.

1 Q. And when you got home, Katherine was there?

2 A. Yes.

3 Q. And Max as well?

4 A. Yes.

5 Q. And Jeannie?

6 A. Yes.

7 Q. Did you learn -- I'll start over. Did Katherine
8 tell you anything about what had happened earlier that day?

9 A. When I called from Donner Summit, she told me Rob
10 had been shot.

11 Q. Did she say how he had been shot?

12 A. No. All I said was, I'm going to be the first son
13 of a bitch they look for, because I didn't like him.

14 Q. You didn't like him and your daughter didn't like
15 him either?

16 A. Obviously.

17 Q. They couldn't look for you, because you were in
18 California and you were not the shooter?

19 A. Yes.

20 Q. You're not the shooter, right?

21 A. No.

22 Q. When you got home, was there more discussion about
23 that, about the shooting in particular?

24 A. Not that I can remember. She just said she was

1 going out to get some cigarettes.

2 Q. And did she go out for cigarettes?

3 A. Yes.

4 Q. How soon after you got home do you think she left
5 for cigarettes?

6 A. It wasn't very long. I would say ten minutes,
7 maybe.

8 Q. Did you see Max or did you interact with Max?

9 A. Yes.

10 Q. What was his demeanor or emotional state?

11 A. Just he was okay.

12 Q. Okay.

13 A. Seemed okay.

14 Q. Okay. Like normal or okay under the
15 circumstances?

16 A. He didn't say too much.

17 Q. Did he say anything about the shooting?

18 A. No.

19 Q. I want to ask you about firearms. Have you ever
20 seen in the lead up to this case Katherine with a firearm?

21 A. Yes.

22 Q. When?

23 A. When she would come home from the gun show.

24 Q. And what did she say about the gun?

1 A. She just showed it to me.

2 Q. And what kind of a gun was it?

3 A. A nine millimeter.

4 Q. Revolver or semi-automatic?

5 A. Semi.

6 Q. As you sit here today or do you know, say, the
7 make or model of it?

8 A. No, I don't.

9 Q. And when she showed it to you, where did she get
10 it out of, do you know?

11 A. She had it in her hand.

12 Q. And how soon before this shooting was that?

13 A. I believe ten days. I can't remember.

14 Q. Okay. But it was shortly before this case, the
15 shooting?

16 A. Say that again.

17 Q. She had the gun, got the gun from the gun show
18 shortly before this shooting?

19 A. Yes.

20 Q. What color was the gun?

21 A. Black. I think it was black, yeah.

22 Q. Do you know if there was ammunition in there?

23 A. I didn't see it.

24 Q. You're familiar with firearms?

1 A. Yes.

2 Q. Are you familiar with a round manufactured by
3 Hornady called Critical Defense?

4 A. Yes.

5 Q. Do you know if Katherine was familiar with that
6 round, had maybe seen that round that you have or anything
7 like that?

8 A. I don't know.

9 Q. And there were that ammunition in nine millimeter
10 caliber standard load in your shop?

11 A. Yes. I use military. I never bought anything,
12 too high priced.

13 Q. But those rounds were not a plus P load, is that
14 right?

15 A. The ones I had?

16 Q. The ones you had, yes.

17 A. No, they're military. They're not them explosive
18 ones.

19 Q. Did you also have a box that was given over to
20 Detective Johnson of this Hornady?

21 A. There was one bullet left in the top of my desk.

22 Q. Okay.

23 A. And then it was about maybe I'm going to say a
24 week and I was going through the bottom of my desk and there

1 was another whole box of them and they weren't mine.

2 Q. Okay. And those are rounds that have an orange
3 piece of plastic within the hollow point? Is that right?

4 A. They spread out when they hit.

5 Q. But if you recall, isn't it true those are not a
6 plus P load, they're a standard load? Do you understand
7 that?

8 A. I don't understand that.

9 Q. You know that some, especially hollow point rounds
10 come in a standard load and then a plus P, which is like a
11 high pressure round?

12 A. Yeah. When they hit, they spread out. They do
13 more damage.

14 Q. Anyway, those rounds that you found, those were
15 given over to the Reno Police Department?

16 A. Johnson.

17 Q. Detective Johnson. Did Kathy ever tell you or did
18 you ever overhear her that they say what had happened at the
19 park?

20 A. She said somebody shot him, I think. I'm not
21 sure.

22 MR. STEGE: Thank you, sir. I'll pass the
23 witness.

24 THE COURT: Cross examination.

CROSS EXAMINATION

BY MR. EDWARDS:

Q. Mr. Jorgenson, you now testified that Katherine showed you a gun she bought at a gun show?

A. Yes.

Q. What gun show was it?

A. I'm not sure.

Q. Do you remember what time of year it was?

A. It was before the shooting.

Q. Was it in the summertime?

A. Yeah, July. No, before that. It might have been June, I guess.

Q. Do you know of any gun shows around here at that time of year?

A. I'm not familiar. I've only been to one.

Q. What time of year was that?

A. It was a long time ago. My cousin invited me up to it before we moved up here.

Q. Was it here in Reno?

A. Yes.

Q. But you don't remember what time of year that was?

A. When I went to the show?

Q. Yes.

A. Geez, I can't remember that far back.

1 Q. Fair enough. So you were in Grass Valley on the
2 day you heard that Rob got shot?

3 A. No. I called home from the top of Donner Summit
4 around 9:00 at night and then they -- and then Jeannie told
5 me that Rob had been shot. And I told her, I said, well,
6 looks like I'm going to be the first son of a bitch they look
7 for, because I didn't like him.

8 Q. Okay. And just so I'm clear here, when you called
9 from the top of Donner Summit, you were on your way back to
10 Reno?

11 A. Yes.

12 Q. Is that right?

13 A. Yes.

14 Q. And it was at 9:00 at night?

15 A. Either 9:02 or 9:04.

16 Q. Wow. And do you remember with any kind of
17 precision when you got home?

18 A. About one hour, right about 10:00.

19 Q. When you got there, were there police --

20 A. No.

21 Q. -- at the house yet?

22 A. No.

23 Q. How long after you got home did the police show
24 up?

1 A. After she went out to get cigarettes, then they
2 showed up a little after that.

3 Q. So how long had you been home?

4 A. I don't know, 10, 15 minutes.

5 Q. Not very long?

6 A. Not very long.

7 Q. And when you arrived, you said Max seemed okay?

8 A. Yeah. He don't talk very much.

9 Q. Was he crying?

10 A. No.

11 Q. Anything like that?

12 A. No.

13 Q. He didn't say anything to you about the shooting?

14 A. No.

15 Q. Then there came a time, didn't there, where the
16 police came into your house, right?

17 A. Yes.

18 Q. That night?

19 A. Yes.

20 Q. And they basically stayed all night in your house,
21 isn't that right?

22 A. No. They went outside when I went to bed. I
23 wouldn't go downtown with them. I'm tired, I'm going to bed.

24 Q. So you did, you went to sleep?

1 A. I went to bed. It was about midnight or maybe --
2 yeah, after midnight. They kept me up. I was tired. I had
3 been driving.

4 MR. EDWARDS: That's all I have, your Honor.

5 THE COURT: Redirect.

6 MR. STEGE: No, thank you, sir

7 THE COURT: May this witness be excused?

8 MR. EDWARDS: Yes.

9 MR. STEGE: Yes.

10 THE COURT: Thank you for your time. You're
11 welcome to step down. Good day to you, sir.

12 THE WITNESS: I can go home now?

13 THE COURT: Yes, sir, you can. Mr. Stege.

14 MR. STEGE: Dave Nevills.

15 (One witness sworn at this time.)

16 THE COURT: Once you're comfortably seated, pull
17 the microphone in front of your face. Please give your
18 attention to Mr. Stege.

19 THE WITNESS: Thank you.

20 THE COURT: Your welcome.

21 DAVE NEVILLS

22 called as a witness and being duly sworn did testify as
23 follows:

24 DIRECT EXAMINATION

1 BY MR. STEGE:

2 Q. Please state and spell your name.

3 A. Dave Nevills, N-e-v-i-l-l-s.

4 Q. You're a police detective, right?

5 A. Yes, sir.

6 Q. With what agency?

7 A. Reno Police Department.

8 Q. What particular assignment?

9 A. I'm a robbery/homicide detective.

10 Q. Did you have any involvement in the case involving
11 Ms. Fletcher?

12 A. Yes.

13 Q. Could you tell us about that?

14 A. On the 29th of July, I was requested by Detective
15 Sergeant KC Myers to do some video canvass and then
16 ultimately a search of the area at Oxbow Park.

17 Q. I want to talk to you about the search of the area
18 of Oxbow Park. What particular task did you engage in? What
19 did you do?

20 A. I met with Deputy Masten of the Washoe County
21 Sheriff's Department who called the search and rescue team to
22 assist us in searching the park there.

23 Q. What particular areas of the park?

24 A. Specifically, there's a I guess you call it a

1 walkway or it's near -- it's hard to explain, but it's near
2 the river and you can walk down and you can view some of the
3 river and some of the wetlands in there.

4 Q. Let's maybe use one of these maps we have here.
5 Will this one aid you in your testimony?

6 A. Yes. This is Oxbow Park and you can see the
7 specific area I'm talking about, which is right in there.

8 THE COURT: This is Exhibit 1 page, page three,
9 for the record.

10 MR. STEGE: Thank you.

11 BY MR. STEGE:

12 Q. So did you coordinate that or oversee that search
13 by search and rescue personnel?

14 A. I did.

15 Q. And what did that involve?

16 A. That time of the year and the foliage was very
17 thick in the area, there was a lot of run-off from the snow,
18 the river is little bit deeper than it is now and that
19 specific area there was very swampy and muddy, a lot of
20 foliage, so I specifically requested them to bring some
21 waders and some metal detectors.

22 Q. And they did that?

23 A. Yes.

24 Q. And searched the area?

1 A. Yes.

2 Q. Did you yourself do any searching that day?

3 A. Yes.

4 Q. Where?

5 A. Be around the front from the decking, that
6 specific decking right there, I could look down over the
7 decking and around it. It was very swampy in there, but you
8 could visually see the area in there.

9 Q. What did you see in that area?

10 A. A bunch of muck, some water, weeds, trees.

11 Q. Any evidence?

12 A. No.

13 Q. Any indication, as you saw it, that maybe there
14 had been a person there?

15 A. Not that I could tell.

16 Q. What about, we've heard testimony about some
17 property to the east of there. What did you do, if anything,
18 related to that?

19 A. That specific area is private property and I had
20 to obtain permission to go over there, which was a few days
21 later. I met with the owner of that property, Nona Baker,
22 who allowed me to go on the property. I took a metal
23 detector as well and then I searched that area myself.

24 Q. Is this on the -- what divides the park from this

1 gentleman's fence?

2 A. A cyclone fence.

3 Q. I don't know what that is.

4 A. A metal, it's a metal cyclone fence, made of
5 chain.

6 Q. Like a chain link fence?

7 A. Yes.

8 Q. Took a metal detector and looked around there?

9 A. Yes.

10 Q. Anything found?

11 A. Nothing.

12 Q. As a product of the search by the search and
13 rescue folks, was a map prepared or a sketch?

14 A. Yes.

15 Q. Do you recognize proposed Exhibit Number 16, which
16 is a one-page document?

17 A. Yes.

18 Q. How do you recognize it?

19 A. That's the map I obtained from the search and
20 rescue team that day.

21 Q. To your observation of the search and rescue team,
22 is that sketch accurate as to the area searched by the search
23 and rescue team?

24 A. Yes.

1 MR. STEGE: Move in the exhibit.

2 THE COURT: Any objection to 16?

3 MR. EDWARDS: No, your Honor.

4 THE COURT: 16 is admitted.

5 BY MR. STEGE:

6 Q. So this being a rough sketch, can you orient us to
7 where we were before?

8 A. This here is the specific area that I was talking
9 about where I stood. I could stand there and I could look
10 over the edges on either side and search that area there.

11 Search and rescue team mainly searched this yellow
12 area. This is the chain link fence right here that borders
13 the private property they searched a few days later. And
14 this area here is the wet, swampy marshland all through here.

15 Q. Are you certain you're marking on the correct spot
16 as to where it was you looked over the railing?

17 A. Yes, because this is part of the Truckee River
18 right here. The Truckee River is right here. So I could see
19 over the railing on all these parts here.

20 Q. Did you also look on this railing here?

21 A. Yes.

22 Q. So --

23 A. That was also searched by search and rescue here.
24 That's the yellow.

1 Q. So you're looking all around the park for any
2 indication there might be additional evidence?

3 A. Yes.

4 Q. And in particular a gun?

5 A. Yes.

6 Q. Because at that time, did you know whether -- what
7 did you know about the recovery of a firearm?

8 A. That it had not been recovered.

9 Q. You mentioned a video canvass. What does that
10 mean?

11 A. Check the area, specifically, along Dickerson Road
12 all the way to Keystone all the way to the park for any
13 surveillance cameras that might be in the area that may have
14 captured the suspect vehicle coming and going or even the
15 victim vehicle coming and going.

16 Q. And tell us about the fruits of that canvass.

17 A. The one specifically, Castle Foods, had a video
18 surveillance there at that location. I requested them to
19 download it, however, they were unable to. So I requested
20 Detective Millsap respond, because he's more tech savvy than
21 I am and he was later able to obtain video surveillance from
22 them.

23 Q. So searching sort of up and down that Dickerson
24 Road, did you find or locate any other surveillance video

1 showing either the suspect or victim vehicle?

2 A. I did not.

3 Q. And to be clear, you've seen the Castle Foods --

4 A. Yes, I've watched part of it years ago.

5 Q. Is Castle Foods close enough -- where is Castle
6 Foods, I guess?

7 A. 2500 block of Dickerson Road which is relatively
8 close to Oxbow Park.

9 MR. STEGE: Thank you. Pass the witness.

10 THE COURT: Cross examination.

11 CROSS EXAMINATION

12 BY MR. EDWARDS:

13 Q. So Detective Nevills, you mentioned that you
14 conducted a search of the private property that was -- now
15 I'm moving it, but this is Exhibit 16?

16 THE COURT: Perhaps, Mr. Stege, you could help
17 clear the screen.

18 MR. STEGE: I'm happy to.

19 THE COURT: Thank you.

20 BY MR. EDWARDS:

21 Q. So could you please indicate on the diagram where
22 the private property was that you searched?

23 A. Right here.

24 Q. And how many days after the shooting?

1 A. August 4th and the shooting was on the 28th of
2 July.

3 Q. So how many days is that?

4 A. Five.

5 Q. Five.

6 MR. EDWARDS: That's all I have. Thank you, your
7 Honor.

8 THE COURT: Redirect.

9 REDIRECT EXAMINATION

10 BY MR. STEGE:

11 Q. Why was there a delay?

12 A. I couldn't get ahold of the private property
13 owner. Her name is Nona Baker, who wasn't available, and I
14 was able to contact her on that day.

15 MR. STEGE: Very good. Thank you.

16 THE COURT: Any follow-up as a result of that
17 question?

18 MR. EDWARDS: No.

19 THE COURT: May this witness be excused?

20 MR. STEGE: Yes, your Honor.

21 THE COURT: Officer, thank you for your time.

22 Mr. Stege.

23 MR. STEGE: Officer Weaver, please.

24 (One witness sworn at this time.)

1 THE COURT: If you can get comfortably seated
2 there, officer, go ahead. Once you are, it's hard with all
3 the equipment, I know. Once you're there, go ahead and pull
4 that microphone in front of your face and give your attention
5 to Mr. Stege.

6 AJ WEAVER

7 called as a witness and being duly sworn did testify as
8 follows:

9 DIRECT EXAMINATION

10 BY MR. STEGE:

11 Q. Please state and spell your name.

12 A. It's AJ Weaver, W-e-a-v-e-r.

13 Q. You're a police officer?

14 A. Yes, sir.

15 Q. And what is your current assignment?

16 A. Assigned to the K-9 team.

17 Q. How long have you been on the K-9 team?

18 A. Since May of 2014.

19 Q. So you have a K-9 or dog issued to you?

20 A. That's correct.

21 Q. In 2016, were you assigned to that unit?

22 A. Yes.

23 Q. Did you respond to Oxbow Park on July 28th of
24 2016?

1 A. Yes.

2 Q. With your canine?

3 A. Yes.

4 Q. Do you have any training in canine -- what sort of
5 training do you have relative to that?

6 A. When I first got the dog, I went to school in
7 Southern California for two months. We trained every day in
8 multiple canine disciplines.

9 Q. What are some of those disciplines?

10 A. My dog is a drug dog, he's also trained for
11 patrol, meaning he can find people, track, and protect me.

12 Q. That sounds like the middle two were in play here,
13 finding people and tracking?

14 A. That's correct.

15 Q. And did you arrive while the, I guess, with the
16 patrol officer presence?

17 A. There were patrol officers there when I arrived.

18 Q. Do you know how soon after the initial call it
19 was?

20 A. I don't remember the exact time of the call, but I
21 know that the victim was being transported out of the park
22 when I arrived on scene.

23 Q. Okay. So what did you do on scene then?

24 A. First thing I did was mark some evidence with some

1 piece of paper so it didn't get trampled and moved around.
2 And then with a team of officers, we used the dog and we went
3 through the park and made sure there was nobody else in the
4 park.

5 Q. Let's talk about the marking of the evidence.
6 When you got there, was there anyone around the evidence or
7 that was at risk of disturbing it?

8 A. Just other officers.

9 Q. So you marked it with paper tents?

10 A. Correct.

11 Q. Tell me about this search in the park, how does
12 that proceed?

13 A. We basically just cleared the park. We went
14 through the park. The dog was on a leash. I didn't turn him
15 loose. But as part of our being a team and working together,
16 I'm trained to recognize his behavior changes should he see
17 or smell or recognize that somebody is there that I don't
18 see. So we searched the park as a team and did not locate
19 anybody else.

20 Q. Neither did the dog give you a no words or a
21 behavior change that would lead you to believe that he did or
22 is it she?

23 A. That's correct. He is a male.

24 Q. What parts of the park did you search?

1 A. We went from the parking lot, there's -- I'm
2 trying to orient myself with the photograph here on the
3 screen.

4 Q. Let's maybe go to something that is more of a map
5 than a diagram, which is page 3 of Exhibit 1.

6 A. Okay. So we went down towards the water. I'm
7 pointing. It's probably not helping a whole lot.

8 THE COURT: You can draw on the screen with your
9 fingertips.

10 THE WITNESS: I'm going to mark where we went. We
11 went down this way here. Is it working?

12 THE COURT: If you drag with your fingernail, it
13 seems to work the best.

14 THE WITNESS: Like this and then kind of over into
15 here and then we wound up -- somehow or another, we came back
16 out into here.

17 BY MR. STEGE:

18 Q. Okay. What about the area sort of below where
19 this line is right here?

20 A. This direction?

21 Q. Yes.

22 A. Yes, we visually looked into that, but that was
23 some pretty heavy vegetation.

24 Q. Okay.

1 A. We didn't really go down into the mud and the
2 stuff that's down in that way.

3 Q. So that's more mud and water?

4 A. That's what I memory is, yes.

5 Q. Now, you're looking for people?

6 A. Correct.

7 Q. And also evidence?

8 A. Two different searches, but, yes.

9 Q. Tell us about that, please.

10 A. We did a deployment on a 30-foot leash into the
11 areas adjacent to the parking lot like through here and
12 around here and in the bushes looking for any evidence or
13 anything that had -- the dog is trained to find fresh human
14 scent on any sort of article. So it could be keys, it could
15 be weapons, anything that has fresh human scent and it has
16 been discarded in the brush, the dog is trained to locate and
17 alert to.

18 Q. And how is it that the dog knows what to search
19 for, either the drugs, the person search or article search?

20 A. You know, I can tell you he knows the difference
21 between searching for people and searching for drugs and/or
22 articles. But I don't necessarily know that when you have
23 him search for evidence versus search for drugs, it's all
24 scent work in searching. So he would look for either/or.

1 Q. And either/or or any of those categories, he
2 alerts, give you an alert?

3 A. No, sir, he did not.

4 Q. But he would if he found them?

5 A. That's correct.

6 Q. So in that area, nothing?

7 A. Correct.

8 Q. Now, at this point, was the evidence still fresh
9 there on the area where the shooting occurred?

10 A. Yes.

11 Q. So why didn't you search around there, sort of
12 around where the evidence was?

13 A. Just -- why did I?

14 Q. Did you?

15 A. We did.

16 Q. Okay.

17 A. We were just looking to see if there was anything
18 that had been discarded that might be of evidentiary value in
19 the case.

20 Q. And did you find anything?

21 A. No, sir.

22 Q. Or any indication that a person had been there?

23 A. No, sir.

24 MR. STEGE: I'll pass the witness.

1 THE COURT: Cross examination.

2 CROSS EXAMINATION

3 BY MR. EDWARDS:

4 Q. Officer Weaver, you made sure no one else is in
5 the park, right?

6 A. Correct.

7 Q. And what time did this search begin?

8 A. I don't have the exact time, sir.

9 Q. Could you estimate?

10 A. We arrived -- I know from my report that we
11 arrived at the call around 19:38 hours, so shortly after
12 that.

13 Q. How long did your search take?

14 A. I'd guess maybe 15 minutes. Honestly, I don't
15 know exactly how long.

16 Q. Did you search the entire park?

17 A. Correct.

18 Q. And you didn't turn up any evidence?

19 A. No, sir.

20 Q. And when you said you put down paper, that was
21 evidence, right? You put down pieces of paper so certain
22 evidence wouldn't be trampled upon?

23 A. Correct.

24 Q. You didn't discover that evidence?

1 A. No. There was, I believe Officer Bellinger was
2 the one that was in the area there initially.

3 Q. And so you were just putting it down to mark it
4 and make sure that nobody walked on it?

5 A. Correct.

6 Q. Including your canine?

7 A. Correct.

8 Q. You mentioned that your canine hits on human
9 scents?

10 A. Correct.

11 Q. Is it a he or a she?

12 A. He.

13 Q. So would he hit on something that human had
14 touched?

15 A. Yes.

16 Q. Did he hit on this? Did he hit on this?

17 A. No, sir.

18 THE COURT: That's exhibit which, please?

19 MR. EDWARDS: That's Exhibit 5, your Honor, page
20 four. That's all I have, sir.

21 THE COURT: Redirect.

22 REDIRECT EXAMINATION

23 BY MR. STEGE:

24 Q. Do you know where that pizza box came from?

1 A. It appears to have been in a trash can.

2 Q. Did you see it that day or that night?

3 A. No, sir.

4 MR. STEGE: Thank you. Nothing further.

5 THE COURT: Any follow-up as a result of that?

6 MR. EDWARDS: No, thank you.

7 THE COURT: May this witness be excused?

8 MR. STEGE: Yes. Thank you.

9 THE COURT: Thank you very much for your time.

10 THE WITNESS: Yes, sir.

11 THE COURT: Mr. Stege.

12 MR. STEGE: Officer Bassett.

13 (One witness sworn at this time.)

14 THE COURT: Go ahead and pull the microphone in
15 front of your face and give your attention to Mr. Stege.

16 STEPHEN BASSETT

17 called as a witness and being duly sworn did testify as
18 follows:

19 DIRECT EXAMINATION

20 BY MR. STEGE:

21 Q. Please state and spell your name.

22 A. Stephen Bassett, S-t-e-p-h-e-n, B-a-s-s-e-t-t.

23 Q. You're a police officer?

24 A. Yes.

1 Q. Were you a patrol officer in July of 2016?

2 A. Yes, I was.

3 Q. Did you respond to the call in this case, that
4 being at Oxbow Park?

5 A. Yes, I did.

6 Q. Where specifically did you go to?

7 A. I responded to Idlewild, 2855 Idlewild, which is a
8 condo.

9 Q. And where is that in relation to Oxbow Park?

10 A. It's on the other side of the river. So it's on
11 the south side of the river.

12 Q. And you respond, sir, shortly after the initial
13 call for service?

14 A. Yes. I responded at 8:00 p.m..

15 Q. And what were doing on the other side of the
16 river?

17 A. Looking for witnesses, anybody that saw anything
18 happen.

19 Q. And did you locate anyone who saw what happened?

20 A. I didn't locate anyone that saw anything happen.

21 Q. Did you locate people who had heard a gunshot?

22 A. Yes, I did.

23 Q. What else did you do over at Idlewild?

24 A. I walked the river path there. There's a walking

1 path on the south side of the river and there's a few park
2 benches and different areas that people could be seated. So
3 I walked over there to see if there was anybody over there.

4 Q. Was there anybody over there?

5 A. No, there wasn't.

6 Q. Were there any, for example, wet footprints, maybe
7 if somebody ha crossed the river and got out on that side?

8 A. No, there wasn't.

9 MR. STEGE: Pass the witness.

10 THE COURT: Cross examination.

11 MR. EDWARDS: No questions.

12 THE COURT: May this witness be excused?

13 MR. STEGE: Yes. Thank you.

14 THE COURT: Thank you for your time, officer.

15 Mr. Stege.

16 MR. STEGE: May I inquire briefly with my partner?

17 THE COURT: Yes, you certainly may.

18 MR. STEGE: Dave Millsap, please.

19 (One witness sworn at this time.)

20 THE COURT: Go ahead and pull the microphone over.
21 Perfect. When he's available, go ahead and give your
22 attention to Mr. Stege.

23 DAVID MILLSAP

24 called as a witness and being duly sworn did testify as

1 follows:

2 DIRECT EXAMINATION

3 BY MR. STEGE:

4 Q. Please state and spell your name.

5 A. David Millsap, M-i-l-l-s-a-p.

6 Q. You're a detective with the Reno Police
7 Department?

8 A. I am.

9 Q. And assigned to what unit?

10 A. Assigned to the robbery/homicide unit.

11 Q. And how long have you worked on robbery/homicide?

12 A. Approximately nine years.

13 Q. Did you have any involvement in the instant case,
14 that being against Katherine Fletcher?

15 A. Yes, I did.

16 Q. And what was your particular role?

17 A. I was asked by Detective Nevills to assist him in
18 getting video surveillance at a business in that area.

19 Q. Is part of that -- well, did you do that?

20 A. I did.

21 Q. And what did that entail?

22 A. I just went to the location, it was Castle Foods,
23 which is off of Dickerson Road. I met with the owner there,
24 Mr. Klein, who informed me that he was unsure how to make

1 copies for the video. He gave me permission to access the
2 systems and collect the video of interest.

3 Q. Now, did you know what it was you were after or
4 what evidence you were looking for?

5 A. Detective Nevills had advised me that he was
6 interested in Dickerson Road, the cars going on Dickerson
7 Road from July 28th in the evening hours, I believe.

8 Q. And so what does that process entail recovering
9 the surveillance?

10 A. Being able to access the DVR system, finding if
11 the footage is actually still there or if it was actually
12 recording. Once I determined there was a video there and
13 that the time frame I was looking for was still there, I was
14 able to use the archiving software within the DVR itself to
15 make a copy of the video.

16 Q. And as part of your process, do you take notes of
17 whether the time stamp on the video is accurate?

18 A. I do.

19 Q. How do you do that?

20 A. So I look at the live view, if you will, from the
21 video surveillance system. Most systems I deal with have a
22 date and time stamp on there. From there, I take a
23 photograph of that current date and time. And then later go
24 back to my station, look at the photograph, look at the meta

1 data from that photograph that tells me exactly what time I
2 took that photo and then I do simple math and figure out the
3 time difference.

4 Q. And in this case, what was that?

5 A. This system was approximately 22 minutes and
6 44 seconds slow. So if the time stamp said 4:00 p.m., it was
7 actually 4:22:44 in real time.

8 Q. And what particular cars did you observe?

9 A. I observed traffic on Dickerson Road, but the cars
10 in question, what appeared to be me the victim's vehicle and
11 the suspect's vehicle.

12 Q. The victim's being a Nissan and the suspect's
13 being a Dodge Neon?

14 A. Yes.

15 MR. STEGE: May I approach the witness?

16 THE COURT: You may.

17 BY MR. STEGE:

18 Q. Could you review proposed Exhibit 26?

19 A. It's flash drive labeled Castle Foods court copy
20 with my initials and badge number on it.

21 Q. And that's how you recognize it to be an authentic
22 copy of clips relevant to this case from that surveillance?

23 A. Yes. I had an opportunity to review these.

24 MR. STEGE: Move that into evidence.

1 THE COURT: Any objection?

2 MR. EDWARDS: No objection.

3 THE COURT: The exhibit is admitted.

4 BY MR. STEGE:

5 Q. Before we get there, I've now put up page five of
6 Exhibit 1. Are you able to see where Castle Foods is in
7 relation to Oxbow Park?

8 A. I am.

9 Q. Would you please show us?

10 A. It's kind of a large property in that area. I
11 think I covered up the main building.

12 Q. Let's try the paper copy here. Are you able to
13 better see it now?

14 A. So the main office building where the DVR system
15 was is that building right there. These other buildings are
16 kind of like loading docks and storage over here.

17 Q. And how many cameras were there that we're about
18 to watch?

19 A. Well --

20 Q. Or views?

21 A. There were a total of six cameras hooked up to the
22 machine. One camera was nonfunctioning based on me being
23 there and it not working and also talking with the owner.
24 There were two cameras of mostly interest to me which showed

1 Dickerson Road.

2 Q. One facing what direction or what direction do
3 they face?

4 A. So one was in position on the main office building
5 facing generally to the east this way. And then there was
6 another camera underneath the loading dock facing west this
7 way.

8 Q. Let's look at the document entitled Castle
9 6:12 p.m., court copy. Before we get too far, where is this?
10 What direction is this facing?

11 A. So this is facing eastbound or towards downtown
12 Reno, generally. This is the camera that I spoke about that
13 was on the main office building. You can see the main view
14 is of the loading dock. However, on the far right hand side
15 it would be Dickerson Road, on the left hand side would be
16 further into the property.

17 Q. What's this here, there's a logo or top right
18 corner?

19 A. I believe that's the connection of the cameras to
20 the system.

21 Q. Okay. Let's continue.

22 (DVD played at this time.)

23 So in this clip, we're switching to a separate
24 camera?

1 A. Yes. So, basically, this is the camera that is
2 facing more westbound towards Dickerson park, again,
3 underneath that loading dock showing now Dickerson will be on
4 the left side of your screen and then further into the
5 property on your right.

6 Q. Those two vehicles, are those the two vehicles --
7 or believed to be the two vehicles in question?

8 A. Yes, they are.

9 Q. Let's watch this 7:14. So they are, if you can --
10 this is named 7:14 and the time stamp is 7:14, yet the true
11 time is, what, 22 minutes?

12 A. 44 seconds. This is 22 minutes 44 seconds slow,
13 so --

14 Q. So you would add?

15 A. Yes. Thank you.

16 Q. 22:44 on a piece of paper not in open court.

17 (DVD played at this time.)

18 And this being consistent with the car of

19 Ms. Fletcher, the Neon?

20 A. Yes.

21 Q. And now police respond at 7:18 and change or
22 nearly 7:19?

23 A. On this time stamp, yes.

24 Q. On this time stamp. Were you involved in research

1 into the number or existence of calls to 911?

2 A. I was not.

3 MR. STEGE: Thank you. Pass the witness.

4 THE COURT: Cross examination.

5 CROSS EXAMINATION

6 BY MR. EDWARDS:

7 Q. Officer Millsap, is it correct that the Dodge Neon
8 is seen entering or at least passing by on the way to Oxbow
9 Park at 6:34 p.m.?

10 A. I can't say for the time, but, yes, that's what I
11 believe so.

12 Q. I'm adding the 6:12 time stamp, 22 minutes?

13 A. Okay.

14 Q. So give or take the 40 seconds?

15 A. I'd agree with you.

16 Q. And it's seen leaving or at least traveling away
17 from the park at 7:36 p.m., is that right?

18 A. I believe so.

19 Q. So almost exactly one hour at the park?

20 A. Yes.

21 Q. We saw on the first clip, the one at 6:12 on their
22 time stamp, that there's a car following -- the Dodge Neon is
23 following another car, is that right?

24 A. That's correct.

1 Q. And what was that car, if you recall?

2 A. Based on the investigation, it was a Nissan
3 Altima, I believe.

4 MR. EDWARDS: Thank you. That's all I have.

5 THE COURT: Redirect.

6 MR. STEGE: No, thank you.

7 THE COURT: May this witness be excused?

8 MR. STEGE: Yes. Thank you.

9 THE COURT: Thank you for your time, officer.

10 MR. STEGE: Edwin Cabrera, please.

11 (One witness sworn at this time.)

12 THE COURT: Go ahead and pull that microphone in
13 front of your face, Mr. Cabrera. Please give your attention
14 to Mr. Stege.

15 EDWIN ALBERTO CABRERA

16 called as a witness and being duly sworn did testify as
17 follows:

18 DIRECT EXAMINATION

19 BY MR. STEGE:

20 Q. Hello, sir. Please state your name and spell your
21 last name.

22 A. My name is Edwin Alberto Cabrera Graciano. Last
23 name, C-a-b-r-e-r-a.

24 Q. And you said another last name after that?

1 A. Graciano, yeah, it's my second last name.
2 Q. How are you currently employed?
3 A. Echo -- oh, Edwin Cabrera.
4 Q. Are you a little nervous this afternoon?
5 A. Yes.
6 Q. Have you ever testified in court before?
7 A. I've never. First time.
8 Q. Okay. Where do you work right now?
9 A. Echo.
10 Q. And where did you work in July of 2016?
11 A. Little Caesar's.
12 Q. Which Little Caesar's?
13 A. The one on Fourth Street, 901 West Fourth Street.
14 Q. Is that Fourth and what's the cross street?
15 A. Keystone, Fourth and Keystone.
16 Q. And what was your job there?
17 A. I was a store manager at the time.
18 Q. And how long had you been the store manager?
19 A. Around that time, about six years.
20 Q. And were you working on July 28th of 2016?
21 A. Yes.
22 Q. At some point later, did a detective come to your
23 store and ask about video surveillance?
24 A. Yes.

1 Q. And you gave him permission to get surveillance
2 from your system?

3 A. Yes.

4 Q. Or did you burn it for him?

5 A. I helped him with it.

6 Q. Did you watch the surveillance with the detective?

7 A. Yes.

8 Q. And he expressed interest in a particular
9 transaction or a person who had been in there?

10 A. Yes.

11 Q. Were you the person who had helped that person?

12 A. Yes, I did. Yes.

13 Q. Did you remember what the transaction was like?

14 A. Yes. Yes. I do recall.

15 Q. What was it like?

16 A. I mean, the way she was coming in?

17 Q. Yeah. How did she come in? What happened?

18 A. She came in. She just bought a pizza. She kind
19 of looked a little suspicious at the time and she just paid,
20 got it and left.

21 Q. Pretty standard. Do you remember what she was
22 wearing?

23 A. Yes. She was in a bikini.

24 Q. Is that a thing that stood out to you?

1 A. Yes.

2 Q. Since giving a copy of that to the police, have
3 you had a chance to review it or to look at a copy of it?

4 A. Yes.

5 Q. I'm going to hand you this CD, which is marked as
6 proposed Exhibit 27. Would you please look at that? Do you
7 recognize that?

8 A. Yes.

9 Q. How do you recognize it?

10 A. My signature and then I dated it.

11 Q. And you signed and dated it after reviewing what's
12 on that disk?

13 A. Yes.

14 Q. Did you recognize it to be a true and accurate
15 copy of the original?

16 A. Yes.

17 MR. STEGE: Move to introduce 27.

18 MR. EDWARDS: No objection.

19 THE COURT: 27 is admitted.

20 BY MR. STEGE:

21 Q. May I have that back, please? Let's start here at
22 the beginning. I'm going to let it play and you tell us when
23 you see yourself.

24 A. Okay.

1 (Video played at this time.)

2 Q. Let me ask it a different way. Do you see the
3 woman you were just talking about in this still? I paused it
4 here at eight seconds in.

5 A. Yes.

6 Q. We have here in this courtroom monitors where if
7 you use your finger, you can draw on it. I wonder if you
8 might circle her.

9 A. And that's myself right there on the register.

10 Q. Will you circle yourself? So you're in the bottom
11 of the frame?

12 A. Yes.

13 Q. Do you remember if she paid -- how she paid, cash
14 or credit or something else?

15 A. I believe it was cash.

16 Q. Will you be able to tell from watching what
17 happens?

18 A. I'm pretty sure, yes.

19 (Video played at this time.)

20 Q. Let's watch the second clip.

21 (Video played at this time.)

22 I'm going to ask you, are there stickers that go
23 on the box of pizza?

24 A. Now there is.

1 Q. Was there ever any sticker placed with a date on
2 the pizza?

3 A. No. That barely came out maybe two years ago. So
4 at that time when I was employed by Little Caesar's, we
5 didn't have that yet.

6 Q. You didn't have a sticker that might have the date
7 and time?

8 A. No.

9 MR. STEGE: Pass the witness. Thank you.

10 THE COURT: Cross examination.

11 CROSS EXAMINATION

12 BY MR. EDWARDS:

13 Q. Mr. Cabrera, was the stamp at the bottom of the
14 video correct?

15 A. It's maybe two or three minutes ahead or after. I
16 don't recall exactly. But it's about two or three minutes
17 difference, either back or forward, the time.

18 Q. Okay. And would it be fair to say that this
19 transaction lasted about one minute, is that right?

20 A. Yes.

21 Q. And that would be either 6:29 or 6:20?

22 A. Uh-huh.

23 Q. Real time?

24 A. Yes.

1 Q. Actual time. You mentioned that when Ms. Fletcher
2 walked in there, you do recognize her to be the same person,
3 don't you?

4 A. She looks familiar, yes.

5 Q. She's not wearing a bikini now?

6 A. Yes. The face, yes.

7 Q. On the face you recognize her?

8 A. Yes, I do.

9 Q. You indicated you thought she was suspicious?

10 A. Well, the way she was carrying all of that stuff.
11 She was taking a while to pay and then she just kept looking
12 down with her head. I mean, that was my perspective.

13 Q. Why did you use the word suspicious? Did you
14 suspect her of doing something?

15 A. No, I did not. No.

16 Q. Just caught your attention?

17 A. Yeah. It was just the area that location is
18 located, you know, we have a lot of people coming in and out,
19 and from my perspective as the store manager, I always had to
20 keep an eye out of what was going on.

21 Q. For crime?

22 A. For -- no, for the employee safety.

23 Q. And looking at her bag made you feel alert for the
24 employees' safety?

1 A. Not technically her, but the way she was waiting
2 to take the money out.

3 Q. She did pay you the money, didn't she?

4 A. Yes, she did.

5 Q. You didn't suspect she was trying to steal a
6 pizza?

7 A. No, she didn't.

8 MR. EDWARDS: Thank you.

9 THE COURT: Any follow-up?

10 MR. STEGE: No.

11 THE COURT: May this witness be excused?

12 MR. STEGE: Yes.

13 THE COURT: Ladies and gentlemen, we're going to
14 take the evening recess at this time. It's a little bit
15 before 5:00, but I'm sure you won't quarrel with that.

16 We're going to be in recess over night until 10:30
17 tomorrow morning. I have a law and motion calendar.

18 You may step down. Thank you have I much for your
19 time.

20 During this recess, it is your duty not to
21 converse among yourselves or with anyone else on any subject
22 connected with this trial or to read, watch or listen to any
23 report of or commentary on the trial by any person connected
24 with the trial or by any medium of information, including,

1 without limitation, newspaper, television, radio, Internet or
2 smart phones. You're not to form or express an opinion on
3 any subject connected with this case until it is finally
4 submitted to you after the presentation of evidence and
5 arguments of counsel are concluded. Please stand for the
6 jury.

7 (The following proceedings were had outside the
8 presence of the jury.)

9 THE COURT: We remain on the record outside the
10 presence of the jury. All parties are present. We're 16 or
11 the next witness will be 16th by my count.

12 MR. STEGE: Thank you.

13 THE COURT: That's moving efficiently, Mr. Stege.

14 MR. STEGE: Thank you.

15 THE COURT: Who do you have remaining.

16 MR. STEGE: Tomorrow morning, I've arranged for
17 Dr. Piasecki to be here as the first witness. And perhaps,
18 depending on how long that goes, a witness or two, and then
19 Max in the afternoon, starting off the afternoon. I am right
20 where I want to be for an on time resting of my case.

21 THE COURT: This is a request and not -- I'm
22 pleased with the progress of the case, let me say it. Do you
23 have a sense of where you will close your case?

24 MR. STEGE: Early Thursday is my best guess now.

1 And the Max piece and Piasecki piece may be big and long or
2 they may be the opposite. So I could get to the end tomorrow
3 with witnesses.

4 THE COURT: All right. I suspected my guess would
5 have been Thursday. I'm not going to hold you to that.
6 We're using the jury's time well. I have no quarrel with
7 that. I just was sort of putting a finger in the wind. I'm
8 not going to hold you to that time.

9 MR. STEGE: But I'll be asking the Court for a
10 fair amount of time between end of case to argument, just I
11 find at least for myself it -- I get a better product the
12 longer I have between resting and arguing.

13 THE COURT: Well, let me see if I'm interpreting
14 what you're suggesting. Let's just say for the sake of
15 argument, you rest Thursday at 10:00 a.m.. I'm not holding
16 you to that. I'm just suggesting you rest early.

17 Let's just say the defense case, we'll talk more
18 about that in a moment, is short. Let's just say there's no
19 rebuttal case. I'm not holding you to that or suggesting
20 that, but let's just say there's no rebuttal case. Likely,
21 if we finished Thursday, even before noon, but Thursday
22 anywhere in the afternoon, I'd recess.

23 We're going to need to settle jury instructions.
24 You all need to get sometime to get your thoughts together.

1 And we will be a week early. This jury will be ecstatic with
2 us. Trust me when I say, if what you're -- teasing is the
3 word that comes to mind, but if what you're fishing for or
4 hoping for, there's the word I was struggling for, is a
5 healthy break, I will more than accommodate it.

6 Particularly, if as I suspect, we close this week, this jury
7 will have no complaint with us. Does that reassure you?

8 MR. STEGE: Yes. Thank you.

9 THE COURT: You're welcome. So we need to discuss
10 whether or not we need to have any discussions about
11 purported written statements by the defendant.

12 MR. STEGE: Right.

13 THE COURT: Do we need to discuss that or can we
14 discuss it usefully tonight or do you both still more time to
15 confer?

16 MR. STEGE: I have delivered my or shared my
17 proposed redactions with Mr. Edwards. That was, I think, at
18 the lunch hour. I don't know how far he's gotten in those.
19 I know the Court is doing other things tomorrow morning, but
20 I had suggested perhaps we at least give over the unredacted
21 version so the Court has a sense of what we're doing.

22 Perhaps there's an agreement after that. You
23 know, as a tactic, I might say, here's mine and maybe like
24 first impression you like mine, but I think it's fair for you

1 to have a sense of what we're going to argue over.

2 THE COURT: I'd like to see --

3 MR. EDWARDS: The entirety, I would imagine.

4 THE COURT: Yes, of Dr. Piasecki's file so I can
5 be best informed. I would record it for purposes of the
6 record in a confidential way. Obviously, any reviewing court
7 would have the availability to see it. But if I'm going to
8 be asked to make judgments about what should be admissible
9 related to the defendant's statements in terms of her
10 consultation -- that's not the right word -- her contact,
11 there we go, with Dr. Piasecki, more and sooner will be best
12 for me to make the best decision without an unnecessary
13 delay.

14 MR. STEGE: I have a copy.

15 THE COURT: So what is it that you're going to
16 give me?

17 MR. STEGE: It needs a slight explanation, which
18 is the original disclosure, I will call it, is a number of
19 sort of the doctor's notes, file's notes and contained
20 portions of what was clear to me the defendant's written
21 statement. Did not contain all of the pages.

22 This is a unique writing in that Ms. Fletcher
23 apparently leaves intentional blanks, right, sort of nouns
24 blank. It appears and it's my belief that in the course of

1 evaluation, went through with Dr. Piasecki and in some places
2 Dr. Piasecki filled in the blanks with the defendant.

3 Subsequent to that, there was a minor skirmish
4 between Dr. Piasecki and myself over the balance of that
5 writing. So that was deliberate over Sunday night, as well
6 as additional pages of sort of blanks filled in. And I hope
7 I have all of those today.

8 THE COURT: What physically are you handing me?
9 It sounds like you're handing me portions of Dr. Piasecki's
10 file that were given to you in response to my order to her
11 after the hearing last week.

12 MR. STEGE: In response to the order. And I have
13 stapled to the front only for my own purposes what I'm
14 calling the written narrative time line entire, that being
15 the full writing of the defendant. The final version of
16 annotated, that being blanks filled in by Dr. Piasecki. As
17 well as the, I call it the original disclosure, and maybe
18 another portion.

19 THE COURT: Ms. Fletcher, you're more than welcome
20 to sit down.

21 THE DEFENDANT: Sorry.

22 THE COURT: You've been sitting all afternoon.
23 You're welcome to stand, as long as it's okay with the
24 deputies.

1 MR. STEGE: Sitting here, your Honor, I do believe
2 of the last document mentioned there may be a document
3 missing, but that can be -- I would obviously be going after
4 her full narrative plus the final annotated.

5 THE COURT: I think I understand there to be three
6 batches. One is with your notes, one is as you got it and
7 one is as filled in by Dr. Piasecki?

8 MR. STEGE: The first mostly being notes and the
9 imperfect disclosure or pre-skirmish disclosure. The second
10 two being full disclosure after or post-skirmish.

11 THE COURT: Do you have any quarrel with me
12 examining these only for purposes of context, putting our
13 conversation related to them in context?

14 MR. EDWARDS: No, your Honor. I think what you
15 have here, I hope you understand, we're on the same page
16 about what this is. This is a narrative Ms. Fletcher
17 composed relative to her evaluations and contact with
18 Dr. Piasecki relative to the crime.

19 And Dr. Piasecki went through it and annotated it
20 where there were blanks and her notes are in the version
21 called the final version annotated.

22 THE COURT: Okay.

23 MR. STEGE: Those are the two main. I would seek
24 both or one of those.

1 THE COURT: Why don't we mark both of them for my
2 review. These will be marked not to go to the jury, but
3 maintained as a part of the trial record, please.

4 THE CLERK: As one exhibit, your Honor?

5 THE COURT: That's fine with me.

6 THE CLERK: Exhibit 51 marked for identification.

7 MR. EDWARDS: I think when you look at it, your
8 Honor, you'll understand the distinction we're trying to make
9 here.

10 THE COURT: All right. Thank you. Is there
11 anything else we need to discuss tonight, only because I
12 won't be available to you. I have nine matters that I'm
13 going to start at 9:00 and then we'll get right to this at
14 10:30.

15 MR. STEGE: No. Only I want the Court to
16 understand that there may be a portion that I misfiled, but
17 those are the two I'm really after. I can say that. There
18 may be -- I may be in a position with Dr. Piasecki to say,
19 hey, your first disclosure, some pages had notes, now there's
20 more pages with notes. But those are the two that matter.

21 THE COURT: Let me reassure both of you this way,
22 a compliment I would offer. I tried a number of first degree
23 murder cases as a litigant. I tried to couple now as a
24 judge. It's hard work. There's a lot of moving parts.

1 You've both been working very hard. We're going to be at our
2 16th witness. If you missed something, if something got
3 shuffled inadvertently, I'm not going to growl.

4 MR. EDWARDS: Your Honor, I anticipate what we
5 need to talk about regarding this exhibit is what Mr. Stege
6 has not provided you is his proposed redacted version of it.

7 THE COURT: Correct.

8 MR. EDWARDS: I like this way that we're doing it.
9 You're reading it clean and then coming back with whether
10 this is an appropriate read.

11 THE COURT: I understood him, he didn't say it
12 this gutturally, but I understood him not to want to poison
13 the well with me, about what he thought should come in, which
14 I think is professional of him. I just want to be able to
15 put the conversation in context and that's what I've been
16 given.

17 MR. STEGE: And the issue is, we're going to be
18 the time to decide on the redactions and the presenting of
19 the witness at the same time.

20 THE COURT: I understand and it may be
21 Dr. Piasecki, I get it, as example.

22 MR. STEGE: Yes, it is her.

23 THE COURT: So I understand we may be stealing a
24 little bit of time from the jury. I'll be as flexible as I

1 can.

2 MR. STEGE: Okay.

3 MR. EDWARDS: Okay.

4 THE COURT: Have a good evening, gentlemen.

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1 STATE OF NEVADA)
) ss.
2 County of Washoe)

3 I, STEPHANIE KOETTING, a Certified Court Reporter of the
4 Second Judicial District Court of the State of Nevada, in and
5 for the County of Washoe, do hereby certify;

6 That I was present in Department No. 7 of the
7 above-entitled Court on January 28, 2020, at the hour of 9:30
8 a.m., and took verbatim stenotype notes of the proceedings
9 had upon the trial volume II in the matter of THE STATE OF
10 NEVADA, Plaintiff, vs. KATHERINE DEE FLETCHER, Defendant,
11 Case No. CR17-0690, and thereafter, by means of
12 computer-aided transcription, transcribed them into
13 typewriting as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 476, both inclusive, contains a full, true and
16 complete transcript of my said stenotype notes, and is a
17 full, true and correct record of the proceedings had at said
18 time and place.

19
20 DATED: At Reno, Nevada, this 20th day of January 2021.

21
22 S/s Stephanie Koetting
23 STEPHANIE KOETTING, CCR #207
24