

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 6

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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.)	
<hr/>)	

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17
18 TRANSCRIPT OF PROCEEDINGS

19 TRIAL VOLUME III

20 January 29, 2020

21 10:00 a.m.

22 Reno, Nevada
23

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

1 APPEARANCES:

2 For the State:

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7 For the Defendant:

8 SCOTT EDWARDS, ESQ.
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10 Reno, Nevada
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1 RENO, NEVADA, January 29, 2020, 10:00 a.m.

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3 --oOo--

4 THE COURT: Case number CR17-0690, State of Nevada
5 versus Katherine Dee Fletcher. We're on the record outside
6 the presence of the jury. Ms. Fletcher is present with her
7 attorney. I show the appearance of Mr. Stege. Thank you for
8 coming a little early, gentlemen.

9 I asked to meet and confer and discuss what has
10 been marked as Exhibit 51, which is three versions, if you
11 will, of pretrial handwritten statements, apparently,
12 prepared by Ms. Fletcher related to her consultation with Dr.
13 Piasecki. Progress as to agreement, status, where are we at?

14 MR. STEGE: I don't know. Just before the Court
15 came out, we were discussing what I had proposed. There are
16 a few additions from that and one subtraction. I don't know
17 if we can go as far to say there's an agreement on it right
18 now.

19 THE COURT: Is Dr. Piasecki going to be your first
20 witness?

21 MR. STEGE: Yes. And due to her schedule, she
22 couldn't fit in a pretrial until five minutes from now.

23 THE COURT: So you need to talk with her?

24 MR. STEGE: She'll be out in the hall is what she

1 volunteered. As well any redactions, I will need to build in
2 some time to finalize those and print them.

3 THE COURT: Let's deal with legal issues. Do you
4 have a legal objection to interpose, Mr. Edwards, related to
5 some or all of this statement?

6 MR. EDWARDS: I would say it's legally based, the
7 redactions that I've requested. And they're not very
8 extensive, your Honor. We're talking around edges of these
9 redactions.

10 THE COURT: Okay. So I hear that you will not be
11 offering a legal objection related to written statements of
12 your client offered against her?

13 MR. EDWARDS: Not in the entirety, just in
14 portions of it, that's all.

15 THE COURT: All right. And so I'm going to --

16 MR. EDWARDS: Based on hearsay, normal rules of
17 evidence, no reference to her custody status, those type
18 things. Words, not paragraphs.

19 THE COURT: I appreciate that. So her statements
20 offered against her, of course, are not hearsay by
21 definition. Her statements about what other people said may
22 or may not be hearsay and I suppose we'll deal with it.

23 It sounds like what you need from me is to get out
24 of your way so both of you can talk to each other and you can

1 talk to Dr. Piasecki.

2 MR. EDWARDS: She's out there.

3 MR. STEGE: Yes. And just to tell the Court what
4 I -- if objections come up, I looked at this with that in
5 mind as well as hearsay rules and relevance with always in
6 the background rule of completeness.

7 I think I'm in agreement as to the majority of
8 those. It's really the first page we might have an objection
9 to sort of setting up the date.

10 THE COURT: And how, if at all, gentlemen, do you
11 want me to comment to the jury? It looks to me like doing
12 the hard work I expect you to do, the document will have
13 large blacked out sections. How, if at all, do you want me
14 to approach that with the jury? Let me ask it more
15 particularly: Do either of you want a limiting or clarifying
16 instruction to the jury about it?

17 MR. STEGE: Right. Something to the effect you're
18 not consider. They've been made by either agreement of the
19 parties or by a ruling of the Court, you're not to speculate
20 about the remainder or the excluded portions.

21 THE COURT: Mr. Edwards.

22 MR. EDWARDS: I agree.

23 THE COURT: Thank you for the work you're
24 continuing to do. I know you're going to try to be sensitive

1 to us not chopping this up more than we need to and there are
2 certainly circumstances where we need to and/or delaying the
3 start of trial relative to the jury. I'm going to go and
4 step off the been much. Please continue the work you need to
5 do.

6 (A short break was taken.)

7 THE COURT: This is CR17-0690, the State of Nevada
8 versus Katherine Dee Fletcher. Ms. Fletcher is present with
9 her attorney. I show the appearance of Mr. Stege.

10 Gentlemen, you wanted to have a conversation?

11 MR. STEGE: Yes. We're to page 23 and we need to
12 argue about the relevance of --

13 THE COURT: The relevance of?

14 MR. STEGE: -- post offense visions of angels, et
15 cetera. And they're not numbered, but, say, for example,
16 proposed a redaction, not like when I conversed earlier with
17 my mom, but while earlier that summer, Jesse, et cetera. The
18 current redaction -- well, I would propose the -- so
19 Piasecki's notes indicate she said, I think my cousin Pam,
20 who told me, get the gun, but I'm not sure. A proposed
21 redaction from there, I think down to the sentence six or so
22 lines, I've even seen blank of Rob. The Court's general
23 ruling, I guess, is the relevance.

24 THE COURT: The objection is relevance as to

1 claims of visions, spirits, compulsion from visions or
2 spirits related to the gun, her actions, et cetera.

3 MR. STEGE: Right. Because there are earlier a
4 voice telling her, get the gun or use the gun, Kathy.
5 Question is the relevance of those afterwards.

6 THE COURT: Do you have an agreement or
7 disagreement that that should be redacted, please,
8 Mr. Edwards?

9 MR. EDWARDS: Your Honor, I don't think they
10 should be redacted. We didn't redact the earlier references.
11 It pertains to her state of mind, albeit afterwards, they're
12 still statements of the defendant.

13 THE COURT: How are they relevant to a fact in
14 issue? What I mean by that is, the defense in this case, as
15 I understand the defense and it has not developed completely
16 and will, I'm sure, over time is basically, it was either
17 another shooter or an accident. And these statements to my
18 eye have no relevance to those assertions.

19 MR. EDWARDS: Well, it's her motivation.

20 THE COURT: Well, how does claiming someone, a
21 vision told me to do it provide evidence of her motive?

22 MR. EDWARDS: That's her state of mind.

23 THE COURT: I apologize. I don't mean to be
24 dense, but, Mr. Stege.

1 MR. STEGE: And I would submit the voices heard
2 before the offense is relevant, use the gun goes to sort of a
3 mens rea, sort of, even with the insanity portion off the
4 table.

5 THE COURT: Well, go ahead, Mr. Edwards.

6 MR. EDWARDS: Well, in that regard, your Honor,
7 the statements are made after the offense in this writing,
8 all of them are.

9 THE COURT: To my eye, evidence to be relevant
10 must be connected meaningfully to a fact in issue in this
11 case. The elements of first degree murder are the malicious
12 unlawful killing of a human being with malice aforethought.

13 And her statements after the fact about these
14 visions to my eye are both confusing to the jury, if you
15 will, and/or not relevant to her state of mind. Let me be
16 more particular in my explanation.

17 Ms. Fletcher is competent and evidence which tends
18 to suggest to the jury that she is not competent is not
19 relevant. She has had the opportunity to assert insanity as
20 a factor, either that she's not guilty by reason of insanity
21 or some mitigator as to her mens rea and has changed course
22 on that topic.

23 Ms. Fletcher, please do not interrupt the dialogue
24 between your attorney and I. I promise I'll give you an

1 opportunity to talk with him. It appears we have matters to
2 take up at any rate which may be relevant to your
3 interruption of him as he and I talk.

4 But because that is the course chosen in this
5 trial, I do not believe it is relevant -- I do not believe
6 her statements after the fact about historical visions or
7 things that she's seen or communications she alleges she's
8 had while in custody, for example, and the in custody part is
9 particularly inflammatory and I suspect you wouldn't want
10 that in at any rate, I don't view those as relevant.

11 I will tell you, as I did with Mr. Stege, we, of
12 course, need to have a Carter canvass at some point, your
13 client and I. If your client chooses to testify, these
14 issues may become relevant based on things she says. I don't
15 know, because I don't know what she will testify to.

16 But standing as it is now on the brink, as it
17 were, of Dr. Piasecki's testimony, I would direct that those
18 statements, meaning statements about her either visions as a
19 young woman, as it were, or prior years and months prior to
20 this incident and/or her statements about what happened after
21 related to these visions are not relevant.

22 I might offer as an aside, and your silence is in
23 no way in agreement with this, nor is your client's, I
24 think -- I fear Ms. Fletcher has no appreciation for

1 unbelievable her claims of visions are. In other words, my
2 concern is that they are more prejudicial to her than
3 relevantly probative. Because even if I did admit them for
4 state of mind, it is so unbelievable to the average juror,
5 her claim that some spirit, as it were, compelled her to do
6 this, when in the rest of her statement, as written here,
7 she's clear, concise, logical, clearly as it were of right
8 mind and clearly has a sequential understanding and detailed
9 memory of things that occurred.

10 And so my additional reason is I fear that the
11 jury would also misuse it against Ms. Fletcher,
12 notwithstanding that I understand she wants it. I'll let you
13 make whatever record you would like about it.

14 MR. EDWARDS: I'll leave it there, your Honor.

15 THE COURT: All right.

16 MR. EDWARDS: I think that's what Mr. Stege wanted
17 as well is that we have a record on this portion of the --

18 THE COURT: All right. Does that answer your
19 request for direction, Mr. Stege?

20 MR. STEGE: Yes. And pursuant that direction, at
21 page 23, I've begun the redaction after, the blank was very
22 authoritative, because she's referring to that gun, voice,
23 gun related voice.

24 THE COURT: All right.

1 MR. STEGE: And ends, finishes that paragraph.

2 THE COURT: All right. Are there any other issues
3 related to this written statement by Ms. Fletcher that we
4 need to discuss before Dr. Piasecki testifies?

5 MR. STEGE: We had to switch to going page by
6 page, because Ms. Fletcher and her counsel were -- were going
7 back to things that I'd already done, which are very
8 difficult to undue. We're going page by page, but we're
9 getting very close.

10 MR. EDWARDS: We're on page 24 with that ruling.

11 THE COURT: I've been made aware of a fugitive
12 document. What I mean by that is there's been some
13 conversation, I believe appropriate, between both counsel and
14 my clerk related to a kite that Ms. Fletcher lodged last week
15 pretrial.

16 And in that kite, Ms. Fletcher makes a request for
17 a Young hearing. Ms. Fletcher, you should know, that kite is
18 a fugitive document. I repeatedly told you kites are
19 fugitive documents in this and other cases. So we've many
20 times had this conversation before.

21 I do not act on fugitive documents, so that you
22 know. But it's apparent to me as I watch your demeanor as
23 you work with your attorney this morning, that there's some
24 tension between you and he. And I intend to address that,

1 but I am not going to address it until the attorneys have an
2 opportunity to do the work they need to do related to the
3 redaction of the statement.

4 So I've asked the bailiff, so that you know, to
5 inform the jury that we are working hard and that we need to
6 work hard outside of their presence. We're stealing some of
7 their time, but I told them it's on me and I believe it an
8 appropriate use of their time. Please be sensitive to that,
9 gentlemen.

10 I'm going to leave you to the completion, if you
11 will, of the investigation and redaction of Ms. Fletcher's
12 statements to Dr. Piasecki. Once you've accomplished that,
13 please let Ms. Oates know, and then I intend to conduct a
14 Young hearing with Ms. Fletcher.

15 (A short break was taken.)

16 THE COURT: This is again CR17-0690, the State of
17 Nevada versus Katherine Dee Fletcher. Ms. Fletcher is
18 present with her attorney. I show the appearance of
19 Mr. Stege. Gentlemen, where are we at?

20 MR. STEGE: I'm sorry, your Honor, but we need the
21 Court's guidance one additional time.

22 MR. EDWARDS: Fortunately, it's on the last page,
23 your Honor, page 26, the last paragraph.

24 THE COURT: Yes, sir.

1 MR. STEGE: The question of the relevance of the
2 following statement. May I be seated to address the Court?

3 THE COURT: You may. Thank you for asking.

4 MR. STEGE: So even after I do my time, I have to
5 worry about the repercussions of telling on Jesse if he does
6 any time, et cetera, ending at about to, the whole next
7 paragraph being out.

8 THE COURT: So you want to go from the sentence
9 that begins, so even after I do my time, until -- for the
10 rest of the page?

11 MR. STEGE: Rest of that paragraph.

12 THE COURT: Sorry. And what is your agreement or
13 disagreement, if any, related to that, Mr. Edwards?

14 MR. EDWARDS: Well, the redaction that Mr. Stege
15 proposed was, so even after I do my time, that was in.

16 MR. STEGE: Right in. I thought you disagreed
17 with that or are disagreeing with the --

18 MR. EDWARDS: I don't know how to feel about the
19 next paragraph, your Honor. I mean, that's her feelings
20 about Jesse Hensley. He's been mentioned prior in this
21 document and in some critical ways.

22 THE COURT: What is your belief about the legal
23 basis to challenge the section that begins with so and ends
24 with the last word to, Mr. Stege? What is the legal basis

1 for your challenge to the admissibility of that?

2 MR. STEGE: I'm fond of the first portion of it,
3 sort of an understanding of doing time for --

4 THE COURT: Consciousness of guilt.

5 MR. STEGE: -- what has happened.

6 THE COURT: I don't hear a dispute about that, so
7 much as Mr. Edwards, if I may, suggesting that if nothing
8 else under the doctrine of completeness, the balance would
9 come in.

10 MR. STEGE: Right. And the doctrine of
11 completeness talks about, especially in the federal context,
12 which is arguably a broader rule, talks about whether it sort
13 of changes the context or makes the context of the admitted
14 one sort of unfair context. So not necessarily disagreeing
15 with the Court, but I'm not certain that it comes in under
16 completeness.

17 THE COURT: Well, your objection is what, whether
18 it comes in under completeness or not?

19 MR. STEGE: Would be the relevance of whether or
20 not -- I would tie it to the jury instruction, which says
21 you're here to consider only the guilt of the defendant and
22 no one else.

23 THE COURT: Mr. Edwards.

24 MR. EDWARDS: I don't think she's -- she's stating

1 her feelings about Mr. Hensley.

2 THE COURT: Let me ask this, gentleman, because I
3 have yet to see the redactions to which you have agreed. I
4 have had the benefit, thank you, of in camera, meaning not
5 for admission or evidentiary purposes by the jury, reviewing
6 Exhibit 51. I assume that in the portions which you agree
7 will be admitted, there will be references to her possession
8 of the gun, her coded messages to Mr. Hensley about clothing
9 items that were intended to refer to the gun, it's
10 ammunition, et cetera, and her intimation is the best word I
11 can think of to describe that perhaps it was an accidental
12 discharge, because her lip stick was in the trigger guard of
13 the gun and other items of her purse were disturbed by a
14 discharge. Are all those things going to be in by your
15 agreement?

16 MR. STEGE: Yes.

17 THE COURT: Mr. Edwards.

18 MR. EDWARDS: Yes, your Honor.

19 THE COURT: Well, then, the jury will know if that
20 evidence is admitted that your client, according to this
21 statement, deposited in Mr. Hensley's vehicle the gun, her
22 purse and other items. And it would be a logical inference
23 for the jury to conclude that Mr. Hensley was somehow
24 involved, unwittingly or wittingly.

1 There is, of course, an instruction that I will
2 give that will tell the jury they are here to determine the
3 guilt or innocence of Ms. Fletcher and no other person, to be
4 sure. But that's a different thing than talking about the
5 complicity of an aider and abettor or another person. Do you
6 know, have you located Mr. Hensley?

7 MR. STEGE: No.

8 THE COURT: I will rule, then, that the phrase, if
9 you want it, and only if you want it, Mr. Edwards, so even
10 after I do my time, I have to worry about the repercussions,
11 to that point would be admitted.

12 The balance of telling on Jesse, if he does any
13 time for being an accessory, et cetera, is marginally
14 relevant and the probative value of that marginal relevance
15 is far outweighed by the prejudice in the sense that it will
16 tend to confuse the jury as about who is on trial for what
17 and that is my thinking about it.

18 If you want it, I'll order that the State's
19 redactions leave in place, so even after I do my time, I have
20 to worry about the repercussions is how she spelled it,
21 r-e-p-r-e-c-a-u-t-i-o-n-s.

22 And I acknowledge that leaves pregnant the
23 possibility that the jury, even though I will instruct them
24 not to speculate, might speculate, well, repercussions from

1 whom? And logically that would be Jesse given the other
2 facts they'll know. I'm trying to strike a balance between
3 that which the defense desires and the probative value and
4 prejudicial nature of it.

5 MR. EDWARDS: Your Honor, we'll take it out.

6 THE COURT: So the redaction will begin with the
7 word so and end with the word to, as I understand it,
8 Mr. Stege.

9 MR. STEGE: Thank you.

10 THE COURT: Are there any other issues we need to
11 discuss relating to these redactions?

12 MR. EDWARDS: The last paragraph, your Honor.

13 THE COURT: What is your legal objection?

14 MR. EDWARDS: She wants the last two words of that
15 paragraph in there.

16 THE COURT: I'm sorry.

17 MR. EDWARDS: I'm sorry. Mr. Stege has redacted
18 the whole paragraph with his proposed redaction.

19 THE COURT: Again, much of what I'm suggesting is
20 dependent on my assumption that your client will not testify.
21 I don't want her to make that decision now and I'm not going
22 to put her in that box now. But if, for example, she were to
23 testify and express remorse in some way for the death of
24 another human being, that arguably might make the I'm sorry

1 portion of it relevant.

2 Again, I would offer as a reflection to your
3 client as you offer to give her advice, making a statement,
4 it would be a lot easier to say I did it and ditched the gun,
5 but the truth is not always easy, is incredibly
6 incriminating.

7 Twelve jurors and two alternates who hear that in
8 my view, given the state of the evidence thus far in the
9 case, it could always change, will think that's nothing but
10 minimization and avoidance of what is obviously true.

11 MR. EDWARDS: I understand.

12 THE COURT: And so I would allow her to put it in
13 if she's insistent, but I would advise strongly against it.

14 MR. EDWARDS: I think we should just leave it
15 about that, too.

16 THE COURT: Leave it out?

17 MR. EDWARDS: Yes, out.

18 THE COURT: I agree, the entire paragraph.

19 MR. STEGE: The entire paragraph.

20 THE COURT: Yes. Mr. Stege, I'm going to instruct
21 you to make those redactions, provide copies, thank you, and
22 I'm going to impose on you to step out, sir, so I can conduct
23 a confidential Young hearing with the defendant. I'll ask
24 your agents to step out as well if you would be so kind.

1 MR. STEGE: I don't want to lose my work here.

2 THE COURT: I understand completely. Take
3 whatever time you need.

4 MR. STEGE: Ms. Oates has volunteered to allow me
5 to use the printer of the Court.

6 THE CLERK: You want to email it to me and I'll
7 print it.

8 THE COURT: Certainly, you can apprise yourself of
9 the courtesy she offered. Please remember her kindly in this
10 and other cases moving forward.

11 MR. STEGE: As always. Thank you.

12 THE COURT: So the record will reflect we remain
13 on the record in CR17-0690, State of Nevada versus Katherine
14 Fletcher. Ms. Fletcher is present only in the room with her
15 attorney and court personnel. Ms. Fletcher, is it your
16 desire to have a Young hearing?

17 THE DEFENDANT: Yes.

18 THE COURT: I know you know what it that is and I
19 want to offer a few comments before you say anything further,
20 if I may. You must know better than anybody in this room and
21 I that you're here with your life in the balance, meaning the
22 sentence that could be imposed. This is, of course, not a
23 capital case, potentially, but the sentence that could be
24 imposed in this case includes life without the possibility of

1 parole. There can be no more serious a circumstance a human
2 being might find themselves in.

3 This will be perhaps the seventh or eighth time
4 you've discussed with me across case types dissatisfaction
5 with your attorneys. In this criminal case, your attorneys
6 have twice been removed, once at your request and once
7 because of a conflict which arose. But you have repeatedly
8 expressed dissatisfaction and changed, if you will, tactics
9 and courses in this case.

10 I just you want to consider that this is so much
11 more important, for example, than any horse race could ever
12 be, so I don't mean to minimize the importance of this case,
13 but there is an apt analogy, changing horses in the middle of
14 a horse race is way to lose. It's almost guaranteed.

15 Further, I fear you're about to tell me things, as
16 you have at a Young hearing previously, that might be
17 incriminating to you. You and I will recall that when you
18 chose to change the Public Defender's Office and had
19 conversations with me in front of Ms. Meyer and Ms. Nordvig,
20 you made incriminating, potentially, comments or started to
21 make incriminating comments about the gun in this case. That
22 was a very bad idea.

23 I hope you'll note that that confidence has been
24 kept, the confidentiality of that hearing has not been

1 pierced and that confidence has been kept, but you run the
2 risk of saying statements now that will incriminate you and
3 hurt you and hurt your attorney's ability to help you.

4 So I beseech you before you say anything to confer
5 with your attorney and to consider what you're doing is such
6 an extraordinarily bad why idea in my view. With all of that
7 said, what is it that you want to say to me?

8 THE DEFENDANT: Namely, my reasons for wanting a
9 Young hearing?

10 THE COURT: Yes. You have a multi-page document
11 in front of you. I'm not going to allow you to read a
12 multi-page document. If your disagreements with your
13 attorney are so grave and to such a degree that he simply
14 cannot effectively represent you, you should be able to
15 express them directly to me. Please do that.

16 THE DEFENDANT: Okay. I have 14 reasons why I
17 believe -- I believe it's 14. And one is there has been a
18 substantial breakdown of communication between Mr. Edwards
19 and I due to irreconcilable differences.

20 Two, Mr. Edwards refuses to present witnesses,
21 evidence and questioning that is crucial in my defense.
22 Three, his refusal drastically limits my defense. Four,
23 Mr. Edwards has been instructing, coaching me to lie on the
24 stand. An example, he wants me to replace the word rape with

1 the simple word abuse when it comes to what Robert Trask did
2 to my son Max. Lying is not okay under an oath that demands
3 the whole truth and nothing but the truth so help me God.

4 Five, not once has Mr. Edwards replied to any of
5 my letters. Six, he has been outright neglecting ongoing
6 competency issues. Seven, in neglecting my case for that
7 matter, an example, Mr. Edwards and I have not fully
8 discussed what happened on the day of Robert's death, only
9 bits and pieces.

10 Eight, Mr. Edwards is not ready to represent me.
11 Nine, Mr. Edwards insisted on going forward with a motion to
12 confirm, though he was aware that I have not been provided
13 much of my discovery and we had not discussed much of the
14 case. We were not ready to move forward to trial, we needed
15 a continuance, but he spoke to the contrary.

16 Ten, I informed Mr. Edwards of my wish to change
17 my plea to not guilty by reason of insanity prior to our
18 hearing on January 24th, 2020, however, he did not assert
19 this in court.

20 Eleven, Mr. Edwards refuses to gather evidence for
21 my defense. An example, Northern Nevada Medical Center
22 records that show I was in fact at the hospital for
23 legitimate reasons on the day I missed the CPS hearing, which
24 the DA has taken major issue with, even up until our hearing

1 on January 24th.

2 Another example of this is Mr. Edwards will not
3 have the cigarette I was holding at the time of the shooting
4 retrieved to prove there is no GSR on it, gunshot residue.
5 That is major.

6 Twelve, he has refused to tell me who will be
7 witnesses at my trial from the first time I wrote him on
8 October 30th, 2019, until my first day of trial in which the
9 Court offered that list.

10 Thirteen, God is making me see clearly that
11 Mr. Edwards is an evil, filthy man. I've seen a snake for
12 his tongue. This is definitely a vision from God warning me
13 of his evilness. He should not be on this case.

14 Fourteen, last but not least, Scott Edwards is not
15 defending me. This was made clear on how he handled
16 Mr. Preciado on January 27th, 2020. Mr. Edwards should have
17 given Mr. Preciado a direct line of questioning regarding his
18 change of story three and a half years later that he now saw
19 me putting something in my purse and never told anybody that
20 fact before, though he went through being questioned many
21 times, the 911 call, on the scene, and at the station.

22 The way Mr. Edwards did not handle Preciado is
23 just one example of him not using -- I'm sorry -- anyway, the
24 way Mr. Edwards did not handle Mr. Preciado in a common sense

1 fashion, clearly shows he is working against me.

2 THE COURT: Are there any other reasons you would
3 like to assert?

4 THE DEFENDANT: That's all, your Honor.

5 THE COURT: I did not understand as a young lawyer
6 and then a young District Attorney and then a seasoned
7 District Attorney and then in the very modest amount of
8 defense work I did how hard our oath as officers of the Court
9 is, Mr. Edwards. I have come to discover that.

10 Ms. Fletcher, this is the second time in my
11 presence you have made scurrilous, unfounded, nasty, snide
12 and candidly unnecessary assertions against your attorneys.

13 I recall, and I know you recall, for example, that
14 you accused two of the more hard-working and professional
15 attorneys who appear in front of me of some sort of sexual
16 misconduct with you. That was just flat wrong and you're
17 doing the same with Mr. Edwards is just flat wrong.

18 More than whether I'm right about that
19 characterization or not is this: You cannot by your conduct
20 choose to delay the proceeding by how you act with your
21 attorney. You, ma'am, have consistently for the years now
22 I've had the privilege of knowing you, sought to delay,
23 confuse, by changes of mind, by whim, let's use the not
24 guilty by reason of insanity withdrawal, as an example. By

1 changing your mind, you sought to, I believe, manufacture or
2 attempt to manufacture error in the record to delay the
3 proceedings and candidly to just throw everybody off balance.

4 You stood where you're sitting now in front of me
5 mere weeks ago when you asked with your attorney present to
6 withdraw the not guilty by reason of insanity plea and I
7 confirmed personally with you that was your desire. You now
8 say, last week I told my attorney I want to change my mind
9 again, you're not allowed to do that by whim, ma'am.

10 Your attempt -- no, ma'am, I'm talking now -- your
11 attempt to do that is clearly designed to create delay,
12 confusion and chaos around you. In my view, this record
13 anyone who reads the entire record and all of the evaluations
14 will see is replete with the base of it all, you being
15 completely competent, but trying to make crazy around you for
16 purposes of your own ends.

17 You have offered no facts and no assertions which
18 justify an irreconcilable breakdown, save and except your own
19 choices and you can't choose to be mean to your attorney, for
20 lack of a better term, and then expect to be given a new
21 attorney. That's not how it works.

22 The witnesses and evidence in this case who have
23 been called have been called in your defense. The limits
24 that are being placed on what you say are appropriate limits.

1 In a while, you and I will talk about whether or not you
2 decide to testify. Before you testify, I will instruct you
3 to make no reference to your claims that Max was sexually
4 abused by his father. There are in fact no facts which
5 support that assertion by you.

6 And if you choose to testify and make that claim,
7 I will admonish you in front of the jury, which could be the
8 absolute worst evidence that would happen in this case. And
9 so, for example, as one of the other grounds when you accuse
10 your attorney of telling you to lie, instead what Mr. Edwards
11 is doing is being consistent with the choices you made in
12 front of me, trying to manage very difficult and negative
13 evidence against you and suggesting to you as you saw me
14 suggest to your parents that there are areas of testimony and
15 areas of claims by you that you can't mention, because
16 they're not relevant.

17 I know you claim Max was sexually assaulted by his
18 father. There is no evidence to support that and we will not
19 be discussing that in this case.

20 THE DEFENDANT: Yes, there is.

21 THE COURT: We simply will not discuss it. I
22 won't allow you to discuss it, and if you try to, I'll
23 admonish the jury against you. Let's not go there. What
24 else do you want me to consider, if anything, ma'am?

1 THE DEFENDANT: We didn't address his lack of
2 questioning Mr. Preciado's new embellishments.

3 THE COURT: I don't know how to communicate this
4 to you, except as one human being to the another, and I'll
5 try to do it as directly as I can, Ms. Fletcher. That you
6 would attempt to attack Mr. Preciado is one of the unkind
7 things I've watched you do.

8 I have had the privilege of hearing testimony from
9 thousands of witnesses, literally thousands. Across
10 30 years, I personally examined, cross-examined and listened
11 to the examination and cross examination of thousands of
12 witnesses.

13 Mr. Preciado when he was heard on the phone to be
14 offering a prayer over the dying or dead body of Mr. Trask
15 was a man clearly telling the truth, clearly speaking the
16 truth about a circumstance that he had nothing to do with.

17 If you attempt to blame Mr. Preciado and had your
18 attorney attempted to blame Mr. Preciado in any way for the
19 death of Mr. Trask, it would be an obscenity and the jury
20 would recognize it and hold it against you. That would be
21 the worst possible tactic I would have seen an attorney
22 undertake.

23 Your attorney's examination of Mr. Preciado was an
24 attempt, in my view, to manage very damaging and difficult

1 evidence against you. And you, ma'am, notwithstanding your
2 continued efforts to unfairly criticize your multiple
3 attorneys simply don't understand as someone not trained in
4 the law when evidence should be, as it were, attacked, and
5 when it shouldn't be.

6 I'm not going to go through all 14 of your claims,
7 because in summary all 14 of your claims are, again, a
8 continuing attack by you on your attorneys, manufactured by
9 you in an attempt to inject crazy making into this case.
10 That's all it is. It's patent, it's clear, it's very evident
11 in the record and anyone reviewing it will see it for what it
12 is. Is there anything else you want to say?

13 THE DEFENDANT: Just that I am missing over 700
14 pages of discovery.

15 THE COURT: I think you're confused. I've told
16 you before and I'll tell you again, you're not entitled in
17 your jail cell to every page of discovery. You're not
18 entitled to a copy of it, you're not entitled to demand it.
19 This is a distraction by you. It is an attempt, I believe,
20 by you to put into the record facts that you can use at a
21 later date to seek to minimize or overturn any conviction
22 which may enter against you.

23 THE DEFENDANT: Well, the fact that him and I have
24 not even been able to talk about what happened is, I believe,

1 a serious issue.

2 THE COURT: I'm sorry you feel that way. I would
3 suggest to you, that you couldn't be more wrong. For
4 example, when you attempted at a prior Young hearing to
5 discuss the location of the gun in front of your attorneys,
6 you put yourself and your attorneys in a very, very dangerous
7 spot.

8 If you talk about what happened to your attorney
9 and he knows the facts are contrary to it or that you've
10 revealed evidence to him of a crime or crimes you may have
11 committed, for example, hiding a gun after a shooting,
12 whether you pulled the trigger intentionally or not, is a
13 crime.

14 If you discuss that with him, he cannot allow you
15 to testify about it differently in a way that would be
16 untruthful. He must either withdraw or tell me you are being
17 untruthful or both. And so it's a common misconception by
18 people, unfortunately, sitting where you are, that your
19 attorney will say to you, well, geez, Katherine, what
20 happened? Tell me all about it. That is not the way a
21 defense works.

22 I have seen and witnessed Mr. Edwards working very
23 hard in this case. It's very easy for you or me or anyone
24 outside of this case to make criticisms about the choices

1 he's made, but he has worked remarkably hard, remarkably
2 well, in my opinion, under very difficult circumstances.

3 Imagine, if you will, sitting next to somebody, as
4 you just did, being responsible to defend them, as
5 Mr. Edwards is, and calling him the names you just called
6 him. Is there anything else you would like to say?

7 THE DEFENDANT: No, your Honor.

8 THE COURT: I deny your motion to relieve
9 Mr. Edwards and appoint another attorney. It's clear you
10 still desire representation, correct?

11 THE DEFENDANT: Desire what?

12 THE COURT: An attorney to help you?

13 THE DEFENDANT: Yes.

14 THE COURT: I will not replace Mr. Edwards.
15 Mr. Edwards, your assistance is critical, is deeply
16 appreciated and I'm thankful for your presence here.

17 MR. EDWARDS: I appreciate it, your Honor. Thank
18 you.

19 THE COURT: We'll be in recess. Let's do this,
20 deputy, if you would alert Mr. Stege that what I intend to do
21 with the jury is this: Inasmuch as we have a couple of
22 nursing moms, I intend simply to call them in, it will be
23 close to 11:30 by the time we do that, and release them for
24 lunch until 1:00 so that they can go about their business and

1 then we'll recommence at 1:00. But I want to understand the
2 timing of Dr. Piasecki if we do that. So let's invite
3 Mr. Stege back in if he's available.

4 Let's go on the record in CR17-0690, State of
5 Nevada versus Katherine Dee Fletcher. Ms. Fletcher is
6 present with her attorney, Mr. Edwards, I show the appearance
7 of Mr. Stege. We are outside of the presence of the jury.
8 It's 11:25.

9 I might offer this suggestion, gentlemen, what I
10 had discussed with my bailiff prior to inviting you in,
11 Mr. Stege, was that we invite the jury in and I simply
12 release them for lunch. I have two, I know you have -- I
13 want to hear how that may create scheduling issues for you --
14 I have two nursing moms, we've kept them for a while. I'd
15 rather release them, bring us back at 1:00 and have a full
16 afternoon of it than chop it up. Will that be workable with
17 your witnesses, sir?

18 MR. STEGE: I would seek the Court's powers of you
19 persuasion, influence and compulsion with Dr. Piasecki, who
20 has a very busy schedule, has blocked off the morning for
21 this. She is here.

22 THE COURT: Is she under subpoena?

23 MR. STEGE: She's under subpoena.

24 THE COURT: I don't know that I need to have a

1 conversation with her, do I?

2 MR. STEGE: It's a lot easier for you to do it
3 than for me.

4 THE COURT: Deputy, would you invite Dr. Piasecki
5 in, please? Dr. Piasecki, you're welcome to remain
6 comfortable in the audience. Thank you for stepping into the
7 courtroom. I appreciate your time. Here is the circumstance
8 we find ourselves in. We were scheduled to commence trial
9 this morning at 10:30. In the way of trials and homicide
10 trials in particular, things have arisen, things which I
11 can't share with you, which are outside the control, for
12 example, of either of the attorneys.

13 We have two nursing mothers on the jury panel and
14 I have invaded their time as I have invaded your time this
15 morning. My inclination, doctor, is to break for lunch from
16 11:30 until 1:00 so that I can meet their needs without
17 invading their lunchtime. And I think pursuant to the
18 Americans With Disabilities Act, I'm required to do that.

19 I understand that may create some scheduling
20 challenges for you, ma'am. Let me say, it is a Godsend to
21 this community that you're here, that you practice, that you
22 make yourself available. I see your name frequently utilized
23 on both sides of the bar. That is a testament to what people
24 think of you and I certainly share in those opinions. I'm so

1 sorry this will create some scheduling challenges for you,
2 ma'am. Is there anything else you would like me to know?

3 DR. PIASECKI: Thank you for your kind words, your
4 Honor. I would like to look at my schedule for today. I
5 have a flight out this afternoon and it's after 5:00.

6 THE COURT: I can assure you, you will leave the
7 Courthouse before 5:00.

8 DR. PIASECKI: The other area that I'm looking at
9 is a meeting that I would lake to attend scheduled at
10 3:00 p.m., if I could possibly count on attending that
11 meeting. Other things, I can cancel for the afternoon.

12 THE COURT: Well, I will invite, I'm not going to
13 order, I will invite the attorneys to undertake your
14 examination and cross examination with alacrity, conciseness
15 and brevity where possible. The good news is part of the way
16 we spent our time this morning was to narrow issues related
17 to the written statement that Ms. Fletcher provided to you in
18 the course of your work with her. I suspect that may or I
19 hope that will be some reassurance to you about the length of
20 your testimony.

21 I will draw a balance, first, to the due process
22 rights of this defendant whose life in custody is literally
23 on the line and your needs and I assure you I hope I've
24 demonstrated how highly I hold you and your time. I'll do

1 what I can to meet those needs. I can assure you, you'll
2 make your flight as long as it's not at 5:15. You will leave
3 here no later than 5:00 and certainly I would suspect much
4 sooner.

5 The final offer I'll make to you, Dr. Piasecki, is
6 this: That meeting I suspect, you don't need to tell me, may
7 be with some of your peers at the university. I continue an
8 overture to you that I've made over the years to connect with
9 the university community and particularly the medical school.
10 Any time you need it, I would be happy to talk to your peers
11 in the university administration and the medical school
12 administration or with the medical students so that we might
13 help you better understand what it is we do and how and when
14 we do it. If that's of any use to you.

15 DR. PIASECKI: Extremely kind offer. I appreciate
16 all the consideration and all of the work we can do together.
17 At this time, I understand how the schedule will be. I just
18 need to know when I should return to your courtroom.

19 THE COURT: I would suspect Mr. Stege would
20 appreciate it some minutes in advance of 1:00. We will
21 reconvene at 1:00 with you as the first witness.

22 DR. PIASECKI: I'll be here some minutes before
23 1:00.

24 THE COURT: Thank you very much, doctor, I

1 appreciate your time. I'm sorry, deputy, would you call the
2 jury in.

3 DEPUTY VIETTI: Yes, your Honor.

4 (The following proceedings were had in the
5 presence of the jury.)

6 THE COURT: This is case number CR17-0690, the
7 State of Nevada versus Katherine Dee Fletcher. Ms. Fletcher
8 is present with her attorneys. I show the appearance of
9 Mr. Stege on behalf of the State. I show the appearance of
10 the jurors and alternates. The record will reflect it is
11 11:30 a.m.. I asked you all to be here in advance of
12 10:30 a.m. and you were.

13 If nothing else, ladies and gentlemen, I hope you
14 see that I'm consistently inconsistent. I warned you there
15 was work that would come up in a case of this magnitude, in
16 particular, but in any case that we would need to undertake
17 outside of your presence. That was the case this morning.

18 I can assure you that your time spent reflecting
19 on your lives, wondering those things that we're
20 interrupting, et cetera, in the jury room is necessary time,
21 because without you, we can't do the work we have to do in
22 this room. So please understand, even though you're not here
23 in this room, you are a part of this process for which I'm
24 deeply thankful.

1 Because we took so much of your time -- let me say
2 it differently, because I took so much of your time, I'm
3 going to release you for lunch. There are necessities that
4 various of you need to undertake and I'm going to release you
5 until 1:00 p.m. so you can have a good, solid lunch break, go
6 about your business. We'll have a good solid afternoon.
7 Come well-rested and well-prepared, because I intend to take
8 but one break if we can at all undertake it.

9 Let me offer a final good observation for you. I
10 think you will agree with me the attorneys in this case are
11 skilled. I think you can see from the direct nature in which
12 the way the evidence is being presented to you that they are
13 working very hard. This trial I doubt very much will go to
14 the second week.

15 So even though we stole -- I stole some of your
16 time this morning, I anticipate or am hopeful that we may
17 conclude the trial this week. I'm not promising that to you.
18 But that's by way of offsetting and reassuring you how hard
19 we're working whenever we don't start when I tell you we're
20 going to start.

21 So, again, I thank you for your time. I'm sorry
22 for the delay. We'll be in recess for your purposes until
23 1:00 p.m.. During this recess, it's your duty not to read,
24 watch or listen to any reports about this case, not to

1 converse among yourselves or with anyone else on any subject
2 connected with this trial, not to make reference to any
3 medium of information, including, without limitation,
4 newspapers, television, radio, Internet or smart phones.
5 You're not to form or express an opinion on any subject
6 connected with this case until it is finally submitted to you
7 after the presentation of evidence. Again, we'll be in
8 recess for your purposes until 1:00 p.m..

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

11 THE COURT: We remain on the record outside the
12 presence of the jury. All parties and counsel are present.
13 Counsel, I need the written stipulation confirming the
14 stipulation we placed into the record previously as to the
15 process of sentencing should that become necessary in this
16 case.

17 MR. EDWARDS: Your Honor, Ms. Fletcher refused to
18 sign that document after my advice. Which has been from the
19 very beginning of my representation, I brought this issue up
20 with her, gave her my thoughts, asked her to consider it.
21 She didn't have any questions of me, but when the document
22 was presented, she refused to sign it.

23 THE COURT: Ms. Fletcher, you heard Mr. Edwards
24 tell me that you agreed and I saw you nod your head yes that

1 you would, as it were, have the sentencing conducted by the
2 Court as opposed to the jury. Why have things changed?

3 THE DEFENDANT: I'm not sure. I don't recall
4 that.

5 THE COURT: I have a recollection of it
6 specifically and it's in the record as well. And my concern
7 is this is a, for lack of a better term, tactical choice by
8 you to again delay proceedings.

9 I will ask you to consider this. I'm not going to
10 ask for a final decision now. If Ms. Fletcher has declined
11 to sign a stipulation, this jury will be the sentencing jury.
12 But I want you to consider this, you heard me just tell them
13 likely we would conclude this week, because I was telling
14 them what you had told me and your attorney had told me and
15 Mr. Stege had told me, which is that they would not be
16 considering sentence.

17 It happened during voir dire in front of you. It
18 happened during opening statements in front of you. I
19 emphasized multiple times that they would not be considering
20 the sentence. You should consider this: For any reasonable
21 person seated where a juror is sitting to see you waffle,
22 particularly because they're going to receive your written
23 statement in which you make admissions against your interest
24 about the killing of Mr. Trask, to see you waffle about who

1 should impose sentence, and if you will, by your change of
2 heart making them impose sentence, I'm very fearful that you
3 will pay for it in the sentence.

4 Do you know what I mean by that? That they'll
5 hold it against you. I invite you to consider this, please
6 confer with Mr. Edwards, in my view it would be a grave error
7 on your part for me now to tell the jury that contrary to
8 your representations through your attorney you want them to
9 impose sentence, that I would now tell them they're going to
10 impose sentence. I just think that would be a grave error.

11 Finally, I'll leave you with this, Ms. Fletcher.
12 I have, of course, been very direct with you at times. I'm
13 sure you must feel that at times I don't care for you or I
14 don't agree for your position or otherwise and let me assure
15 you nothing could be further from the truth.

16 I take my job very seriously. If I am called
17 upon, notice how I said that, if I am called upon to impose a
18 sentence in this case, I take my job very seriously. I can
19 assure you any sentence I would impose would not be because
20 of passion, prejudice, sympathy, revenge or otherwise.

21 And I would suggest to you, given the
22 representations you allowed your attorney to make to me and
23 me to make to the jury in your presence, without any
24 objection, changing stream would be a terrible mistake.

1 We'll return.

2 I also want you, Mr. Edwards, if you were to touch
3 on the subject of a canvass, a Carter canvass between your
4 client and me. We're coming towards the end of the State's
5 case in chief. Generally, at a logical break, I intend to
6 canvass Ms. Fletcher about her right to remain silent and her
7 choice to testify or not. I'll do that, of course, outside
8 the presence of the jury. But I think we're closing in upon
9 that, so I would invite to you reinvigorate that conversation
10 with her.

11 MR. EDWARDS: Will do.

12 THE COURT: Mr. Stege.

13 MR. STEGE: Separate and more light-hearted
14 matter, by way of apology, my rationale for asking the Court
15 to speak to Dr. Piasecki not did come out right. It's simply
16 as a person of intimidating persona and intellect and on past
17 history, I've had difficulty scheduling her. It came out
18 wrong to the Court.

19 THE COURT: It did not. So don't -- I've sat
20 where you gentlemen are sitting. Let me assure you, I'm
21 deeply appreciative of the work you both do. This is a
22 difficult, difficult case, not just because someone lost
23 their lives, but in addition to the fact that someone lost
24 their life. And I want you to know, Mr. Stege, in fact what

1 was going through my mind was I thought it was a good idea
2 and here's why: Dr. Piasecki is a peerless professional. I
3 don't think it would ever really apply to her, but I don't
4 want any witness to hold it against either side that they're
5 compelled to be here. I try to deflect that anger or angst
6 to me, because in the end it is my order and away from you.
7 That's all that went there my mind.

8 MR. STEGE: Thank you.

9 THE COURT: We'll be in recess until 1:00.

10 (A lunch break was taken.)

11 THE COURT: This is CR17-0690, the State of Nevada
12 versus Katherine Dee Fletcher. I show the appearance of
13 Ms. Fletcher and her attorney. I show the appearance of
14 Mr. Stege. We're meeting outside the presence of the jury.
15 First, I've been presented with a stipulation and waiver of
16 jury penalty hearing. Ms. Fletcher, this stipulation and
17 waiver is signed by you, is that correct?

18 THE DEFENDANT: Yes.

19 THE COURT: Is it your agreement that the jury
20 will not impose sentence in this case?

21 THE DEFENDANT: Yes.

22 THE COURT: Have you had adequate time to discuss
23 that with your attorney?

24 THE DEFENDANT: Yes.

1 THE COURT: Are you satisfied that the right
2 decision for you is to have me impose sentence as opposed to
3 the jury?

4 THE DEFENDANT: I'm sorry?

5 THE COURT: I just wanted to make sure this is
6 freely, voluntarily and knowingly undertaken by you. That
7 this decision that the jury would not impose sentence, that I
8 would in this case, if there's any conviction, let me say
9 again, if there's any conviction, is what you want to do. Is
10 that what you want to do?

11 THE DEFENDANT: Yes.

12 THE COURT: All right. I'll sign the order
13 confirming that stipulation, then. Thank you for that.
14 Counsel, I think there's matters we need to take up.

15 MR. STEGE: Only this, your Honor, Max Trask is
16 scheduled this afternoon. He comes in the company in a group
17 called BACA, which is a biker group.

18 THE COURT: I'm very familiar with them.

19 MR. STEGE: Familiar with them and familiar with a
20 potential issue involving the wearing of certain clothing.

21 THE COURT: I will not allow -- I'll make a record
22 on it when it comes to it, but I will not allow cuts and
23 colors in the courtroom.

24 MR. STEGE: They have indicated they will abide by

1 that and sort of sought guidance on it.

2 THE COURT: How many accompany Max, do you know?

3 MR. STEGE: Roughly six.

4 THE COURT: I'll ask you to just gently indicate
5 to them, of course, this is a public proceeding and, of
6 course, Max may know about their presence and their
7 significance, but I would ask by their conduct and demeanor
8 no one else be made aware of their conduct and significance.

9 MR. STEGE: An indication from them in the past,
10 either held them on their laps or locked them somewhere else,
11 does the Court have a preference?

12 THE COURT: I would ask that they give them over
13 to the deputies for safekeeping. I think you're referring to
14 their cuts and colors?

15 MR. STEGE: Yes, cuts.

16 THE COURT: I would ask that they be given over to
17 the deputies for safe keeping. The deputies will acknowledge
18 that. You can reassure them, I was aware, for example, of
19 the presence of BACA at Chief Judge Flanagan's funeral. So
20 it's nothing personal. I think they know they can trust the
21 deputies.

22 I just don't want anything by conduct or demeanor
23 of any of us to influence the jury in this way one way or
24 another. It is for that reason I would say no cuts and

1 colors. Their cuts and colors are distinctive. They happen
2 to be red and white, which also ironically enough happens to
3 be the colors of Hells Angels among others.

4 MR. STEGE: I have some familiarity with that
5 group, your Honor.

6 THE COURT: So do I. We'll just leave it at that,
7 no cuts and colors in the courtroom. I'll ask them to
8 surrender them to the deputy so I know they'll keep them
9 safe. Thank you for the heads up. Anything else we need to
10 discuss?

11 MR. STEGE: No. Let's go.

12 (The following proceedings were had in the
13 presence of the jury.)

14 THE COURT: All right. This continues to be
15 CR17-0690, the State of Nevada versus Katherine Dee Fletcher.
16 Ms. Fletcher is present with her attorney. I show the
17 appearance of Mr. Stege. I show the appearance of the jurors
18 and the alternates. Thank you for returning, ladies and
19 gentlemen. Mr. Stege, your next witness.

20 MR. STEGE: Melissa Piasecki.

21 (One witness sworn at this time.)

22 THE COURT: Once you're comfortably seated there,
23 Dr. Piasecki, if you would pull the microphone over in front
24 of your face. Please give your attention to Mr. Stege.

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MELISSA PIASECKI

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

DIRECT EXAMINATION

BY MR. STEGE:

Q. Hello. Please state and spell your name.

A. My name is Melissa Piasecki, M-e-l-i-s-s-a,
P-i-a-s-e-c-k-i.

Q. You are a medical doctor, is that right?

A. That's correct.

Q. In what discipline?

A. My specialty is psychiatry and my subspecialty is
forensic psychiatry.

Q. As it relates to this case, you were hired by an
attorney which led to a series of interviews with the
defendant Katherine Fletcher?

A. That's correct.

Q. And in the process of the interviews or
conversations with Ms. Fletcher, did she provide to you a
letter?

A. She provided a letter to an attorney, who then in
turn provided it to me.

Q. And to be clear, was this interview compelled or
forced upon her?

1 A. No. She agreed to participate in the interview.

2 Q. And as a general principle, as a doctor, many of
3 your conversations are protected by physician/patient
4 privilege?

5 A. That's true.

6 Q. And was this in that class of privilege or
7 protected statements?

8 A. No. This conversation was not protected, because
9 it was not a doctor/patient conversation.

10 Q. And was Ms. Fletcher made aware of that?

11 A. She was.

12 Q. And nonetheless continued in it?

13 A. Yes.

14 Q. And with that letter, tell us what you did with
15 that letter and Ms. Fletcher?

16 A. The letter included a narrative of information and
17 parts of the narrative were missing. And my conversation
18 with her was directed at the parts where there were missing
19 words or missing phrases and understanding what needed to be
20 put into those places or what the words were that were
21 appropriate for those missing spots.

22 Q. And did she say why it was that there were missing
23 spots?

24 A. I don't recall.

1 Q. This is a case from 2016, when was the events you
2 just described about?

3 A. I had two interviews with her related to this
4 document and they were about a year ago, February 2019.

5 Q. So in February of 2019 was when this happened.
6 And you were aware that Ms. Fletcher by that point had
7 received what's called discovery in the criminal case?

8 A. I actually wasn't tracking what the document
9 exchange or status was at that time.

10 Q. Can you tell us what is discovery in a criminal
11 case?

12 A. I'll tell you what my understanding is as a
13 medical but not a legal professional. My understanding is
14 that discovery are the documents related to the
15 investigations related to a criminal case. And those could
16 be police reports, lab reports, witness statements, things
17 along those lines.

18 Q. So things like police reports and witness
19 statements are provided to defense counsel by the
20 prosecution?

21 A. I believe that's the way it works, yes.

22 Q. And there are also duties on the defense to hand
23 over documents to the prosecution?

24 A. Likely, but I don't know the rules.

1 Q. You do have some experience with the rules,
2 because you've done criminal work as part of your career or
3 field?

4 A. In forensic psychiatry, I have done criminal work.
5 I just haven't been as involved in some of the specifics
6 around document exchange, because that's really -- I see that
7 as activity that happens between attorneys.

8 Q. And in your conversations with Ms. Fletcher, did
9 she mention at all going over the discovery that was provided
10 in the case?

11 A. I don't recall if she mentioned that or not.

12 Q. But in this letter, doesn't she in fact mention
13 having reviewed, for example, the interview of Max?

14 A. Yes.

15 MR. STEGE: May I approach the witness?

16 THE COURT: You certainly may. Please approach
17 freely.

18 BY MR. STEGE:

19 Q. Will you review proposed Exhibit 53?

20 A. Yes.

21 Q. Do you recognize that proposed exhibit?

22 A. Yes. This is the document that we were discussing
23 just a moment ago that was a narrative with some open spaces
24 where there are missing words.

1 Q. And did Ms. Fletcher affirm that in fact she had
2 written this document?

3 A. Yes.

4 MR. STEGE: I move to introduce 53.

5 MR. EDWARDS: No objection.

6 THE COURT: 53 is admitted.

7 MR. STEGE: Your Honor, we discussed --

8 THE COURT: Do you intend to publish?

9 MR. STEGE: Yes, I do.

10 THE COURT: Ladies and gentlemen, what you're
11 going to see is a multi-page document. The multi-page
12 document has some portions of pages or even entire pages that
13 are blacked out. The document is blacked out in sections,
14 because there is conversation or information in those
15 sections is that of no use to you. I instruct you
16 specifically not to speculate on or guess or consider what
17 may or may not be in those sections.

18 I think you'll all agree that we are being careful
19 in this case to focus your energy on deciding on facts that
20 are relevant to the elements of the crimes alleged in this
21 case. And so other facts that aren't relevant to this case
22 have been removed intentionally so that we can more narrowly
23 focus your consideration. Again, I order that you not
24 speculate or guess or try to consider on portions of the

1 document that aren't revealed to you. Please go ahead.

2 BY MR. STEGE:

3 Q. Perhaps you could in general, what are the
4 contents of this document, 53?

5 A. It's a narrative that describes the activities and
6 observations that Ms. Fletcher had on the day of the incident
7 leading to her arrest.

8 Q. You might call this a version of events written by
9 Fletcher?

10 A. Yes.

11 Q. Which begins at page one. I hate to impose upon a
12 doctor, but if you could read this aloud, please?

13 A. Certainly. It was a beautiful, hot and sunny day.
14 I was scheduled to have a visit with my son, Max, at the
15 peace center. Rob called me wanting to do a mutual
16 cancellation so we could all cool down at the river instead.
17 That sounded good to me.

18 We had already had two or three off-site visits
19 that week at the river and Rob's place, but I wanted to make
20 sure this was okay with the peace center. We had done mutual
21 cancellations before, but I still wanted confirmation. I
22 called the peace center a few times and left messages. They
23 didn't call back. So I just showed up for my scheduled visit
24 at 4:00 I think it was. The lady at the peace center gave me

1 the okay to go have fun with my family at the river.

2 Would you like me to continue after the --

3 Q. Because of the length of this, let's perhaps go to
4 page two, which is more narrative about sort of leading up to
5 the events at the park.

6 A. I'm not sure I see the top line.

7 THE COURT: Is that where you want her to begin,
8 Mr. Stege?

9 MR. STEGE: Yes.

10 THE COURT: Please go ahead.

11 THE WITNESS: So we were playing in the river,
12 sitting on a little waterfall, taking off down the rapids,
13 then veering to the right edge of the water before hitting
14 bigger rapids that would carry us away. Then we'd run down
15 the rocks and grass back to where we started and do it again
16 and again countless times. It was so fun.

17 One time I didn't veer right soon enough and was
18 struggling against the current to return to the edge of the
19 water and Max called out, this is blacked out, and he staged
20 a water rescue pulling me ashore. It was super cute and
21 funny at the time, a bit ironic now, though, looking back.

22 Shall I continue?

23 BY MR. STEGE:

24 Q. Let's move forward, because this is a narrative

1 about having been at a different park prior to the events of
2 the shooting. Is that your recollection?

3 A. I believe so, yes.

4 Q. Let's move now to page six. If you'll start with
5 the first line in the exhibit starting, so back?

6 A. So back to what happened. And then skipping over
7 blacked out part?

8 THE COURT: Yes, please.

9 THE WITNESS: I had been to that park once when
10 Max was a baby. I remembered it as being woodsy and desolate
11 and I did not like Rob's idea, so I pretended I didn't know
12 how to get there. He said, it's okay, we'll meet you at
13 Little Caesar's and you can follow us from there. Though
14 this made me very uneasy, I couldn't say no in front of my
15 son, so I agreed.

16 There were a couple of guys within earshot of our
17 conversation that kept looking at me strangely for a while
18 now.

19 THE COURT: Do you want her to continue?

20 BY MR. STEGE:

21 Q. Yes, please.

22 A. Then I had blocked out all of traumatic memories.

23 Q. Please continue.

24 A. It's just that every possible scenario of what

1 could have happened that day crossed my mind before I
2 remembered. Anyways, so it was time to go. I made my way
3 back to the car. I had my keys clipped on to my swimsuit. I
4 opened the trunk to get my purse out. That's when -- and
5 here's a sentence that is interrupted by a number of blanks.

6 Q. Yes. And so did you inquire during the interview
7 of Ms. Fletcher or your interviews, why are there blanks
8 here?

9 A. I don't recall if I inquired specifically. I had
10 an understanding of why there was blanks prior to meeting
11 with her.

12 Q. And that understanding, was that affirmed by
13 Ms. Fletcher in your work with her?

14 A. I don't remember specifically confirming the
15 understanding with her. But when she and I met and reviewed
16 the document, she appeared to be ready to have the
17 conversation that I was prepared to have with her regarding
18 the blanks.

19 Q. So there was discussion about the reason for the
20 blanks?

21 A. I don't recall specifically.

22 Q. So you did work, for example, on these particular
23 blanks sort of to fill in the blank?

24 A. Yes.

1 MR. STEGE: Ms. Oates, may I have proposed
2 Exhibit 54?

3 BY MR. STEGE:

4 Q. Could you review 54, please?

5 A. I've reviewed it.

6 Q. Do you recognize it?

7 A. I do.

8 Q. What is it?

9 A. 54 is a copy of the document that I've been
10 reading, but a copy in which I had added notes based on my
11 interviews with Ms. Fletcher.

12 Q. And based on her statements to you about the
13 subjects in question?

14 A. Yes.

15 MR. STEGE: I would move to introduce 54.

16 THE COURT: Any objection to 54?

17 MR. EDWARDS: No, I don't object to its admission.

18 THE COURT: 54 is admitted.

19 BY MR. STEGE:

20 Q. So, for example, if you could go to the
21 corresponding page, which is page seven?

22 A. Yes.

23 Q. Did you fill in these blanks?

24 A. I filled in all but one blank on that page.

1 Q. Would you start with, that's when, that first one?

2 A. That's when an angel of the lord told me, get the
3 gun, Kathy, get the gun now.

4 Q. If you could continue reading page seven?

5 A. It was an undeniable influence, completely
6 compelling me to do as they said. So I did. Next, I got in
7 the car and went to Little Caesar's where I found Max and Rob
8 already waiting, sitting upon the trunk of their car. I
9 parked next to them, said our hellos and headed into Little
10 Caesar's.

11 When I got into my purse to pay, I -- and shall I
12 continue to fill in the blanks?

13 Q. Yes.

14 A. When I got into my purse to pay, I saw the gun and
15 it made me nervous that someone would see it. So I grabbed a
16 handful of makeup and junk from the bottom of the purse of
17 my, and there's a blank that was not completed, to cover up
18 the gun. I was not one bit worried about having a gun.

19 Q. Let's continue to page eight. So I'll show the
20 original up here being 53 and if any blanks are filled in on
21 yours, would you please read those?

22 A. So I'm going to continue by starting with the last
23 sentence on the page previous, because it's all one sentence.
24 I was not one bit worried about having a gun loose in my

1 purse, because as far as I knew, it was not loaded and
2 completely jammed, totally nonfunctional. I paid for the
3 pizza, brought it out to Max and Rob and then went to Ben's
4 Wine and Spirits right next to the Little Caesar's out there
5 on West Fourth Street.

6 I believe I bought a 12-pack of cans of beer.
7 Then we took off together, me following Rob down to Oxbow
8 Park.

9 Q. Please continue.

10 A. On the way down Dickerson Road, I felt the
11 presence of the lord and everything got brighter. I saw a
12 sign on the side of a building, one word started with W and
13 the next with an I. I translated that to mean with thee --
14 I'm sorry. One word started with a W and the next with a T.
15 I translated that to mean with thee. This may have been an
16 angel and not the lord himself, because it was powerful but
17 not as nearly as powerful as when I was in the presence of
18 God when Max was born.

19 As I entered the park, the presence dimmed and
20 everything was normal again. I parked next to Rob, filled my
21 purse with beer and got out to meet them.

22 Q. Let's switch to the first of the two exhibits, 53,
23 and read page nine.

24 A. Earlier that day, I'd been trying and trying to

1 install Pokemon Go on my phone for Max. He's a super big
2 Pokemon fan, has a Pokemon club at his daycare and
3 everything. He has plenty of Pokemon cards that are valuable
4 collectors item, too.

5 Anyways, so I was trying to do that for my son,
6 but couldn't get the darn thing to work. So I gave Rob my
7 phone so he could try and we were all eating pizza and
8 finally Rob gave up, too.

9 This must have been around the time a stranger
10 with two kids stopped by and made small talk. The guy said
11 he wouldn't let his kids play that game and I let him know
12 that we wouldn't either without parental permission, because
13 it was all over the news about kids getting hurt over that
14 game. One kid even fell off a cliff chasing a Pokemon not
15 watching where he was going. I only glanced at the guy
16 against the sun, saw he had kids and figured he was okay.

17 Then turned my attention back to Max who was
18 playing by the water with no life jacket. So my focus was on
19 Max as we all chatted. Then everyone kind of went silent for
20 a minute. So the guy and his kids said good-bye or something
21 and carried on.

22 So, anyways, like I was saying, Rob finally gave
23 up on installing Pokemon Go. Max was a bit disappointed, so
24 I looked up the Pokemon jokes I had been saving on my phone

1 for him from an app called IFunny that sends you lots of
2 funny memes every day. It's great.

3 So I was showing Max the child appropriate jokes
4 and turning to Rob to show him the dirtier jokes. I had a
5 whole collection of Pokemon jokes. There's a dirty one you
6 can look up called how to can draw Pikachu. This was so
7 funny, Rob and I laughed so hard we had tears in our eyes. I
8 mean, you would have to see the end results of the Pikachu
9 this guy draws. It's hilarious.

10 We were having just a really great time eating
11 pizza, drinking beer, feeding the ducks our pizza crusts.
12 Rob was in and out of the bushes a few times I think to pee.

13 Q. Can you tell us what's happening at the bottom of
14 page ten?

15 A. There's three lines. Two are written on the
16 regular page lines and one is inserted. All three of the
17 lines are crossed out.

18 Q. Let's move to page 11.

19 A. Would you like me to try to read the lines that
20 are crossed out at the top.

21 Q. For these purposes, let's start at, at some point.

22 A. At some point, we saw rafters pull off the river
23 into some bushes. We also saw four intertubers going down
24 the river. Rob was really charismatic and funny and had lots

1 of great qualities, reasons I was in love with him for years.
2 Then we stayed best friends still inseparable for even more
3 years.

4 Q. Continue on 12 if you will.

5 A. Back to what happened that day, Max then wanted to
6 show me another part of the park that he likes. So we headed
7 back to the parking lot, past a picnic table and down to a
8 dock that overlooked the water. As we walked, I was still
9 working on my pizza. The guys had finished theirs. I just
10 finished mine as we walked. So I have wanted a -- there's a
11 blank there.

12 Q. And is there corresponding filled in blanks on
13 your notes, that being Exhibit 54?

14 A. Yes.

15 Q. Would you please read from your notes page 12?

16 A. So I wanted a cigarette after eating. I put the
17 pizza box under my left arm, held my purse up with my left
18 hand, got into my purse for my cigarettes with my right hand.
19 Then as I let the purse down, that's when I heard it, the
20 gunshot. My senses immediately became alert.

21 I saw Max and Rob at the railing. Rob turned to
22 his right, grabbed Max, doing a full 180-degree to his right
23 to where he was facing away from the railing with Max in his
24 arms, swinging Max back and forth, from side to side, while

1 screaming ah, ah, two pretty long screams. It was scary. I
2 held up my arms while this was happening as if to say, please
3 hand me Max. It seemed like forever, though it was just
4 moments.

5 Q. In the left hand margin of your exhibit there, is
6 handwriting?

7 A. Yes.

8 Q. Whose handwriting is that?

9 A. The margin notes are mine.

10 Q. And what do the margin notes say?

11 A. It says, scariest time in her life, felt Rob was
12 using my son as human shield.

13 Q. And then on the right hand bottom, nearly across
14 from that appears also your handwriting?

15 A. Yes. And those notes say, Rob was swinging Max
16 and screaming.

17 Q. And both of those notes are based on, again, this
18 statements of the defendant?

19 A. That she was making while I was talking with her
20 that day, yes.

21 Q. Let's move to 13 back to 53. To complete that
22 sentence, it looks like the prior page says, Rob finally.

23 A. Rob finally set Max down to his left now. I took
24 Max's hand as Rob ran off back towards our cars. I didn't

1 realize what was going, but thought Rob knew what he was
2 doing, so I followed him, hand in hand with Max. I saw a guy
3 in the bushes. In retrospect it had to have been Eric -- I'm
4 not sure how to pronounce that name.

5 Q. We've been pronouncing it Preciado?

6 A. Preciado, the same guy we talked Pokemon with down
7 on the other dock, but I didn't know that then. One thing I
8 do know, it was not my dad. I would have definitely
9 recognized him. Back to Rob running.

10 Q. If I can interrupt you. I'm sorry. Did you know
11 when you're having these conversations with Ms. Fletcher who
12 Eric Preciado is?

13 A. I don't recall. I don't think I did.

14 Q. Did you yourself review the discovery?

15 A. I did.

16 Q. And are you aware of a witness being near the
17 scene of the shooting?

18 A. Yes. I remember there was a witness.

19 Q. And so -- okay. Let's continue.

20 A. Back to Rob running. Rob called out, I fucking
21 been shot, then he collapsed. As Max and I approached, Max
22 said, ah, there's blood. I saw it, too. And it went from a
23 tiny dot to a two-and-a-half-inch pool of blood on his shirt
24 in less than one second. So now we know Rob has been shot

1 and we began to run.

2 We must have run right past Mr. Preciado, but I
3 don't even know it. I didn't see him. We ran to my car. I
4 opened it up and told Max to sit in the front seat and to
5 stay down. Max was still small and was supposed to sit in
6 the backseat for safety, but my backseat was full of summer
7 junk like a big raft of junk.

8 When I was getting into the car, I saw a man
9 running at us. I was terrified. I thought he was the
10 shooter. He forcibly opened my car door and was saying
11 stuff. He said, what happened?

12 I was all, I don't know, the last thing I wanted
13 was become accusing fearing he would shoot me and Max too. I
14 think he said something like, I think that man has been shot,
15 he needs help. Then I said, then help him, please. The guy
16 got up and disappeared from my sight.

17 I need a drink of water.

18 THE COURT: Do you have water there, Dr. Piasecki?

19 THE WITNESS: I have a little cough drop.

20 THE COURT: I had to do the same, Dr. Piasecki,
21 'tis the season.

22 THE WITNESS: 'Tis the season. Shall I continue?

23 BY MR. STEGE:

24 Q. Yes, please, if you're ready.

1 A. The guy got up and disappeared from my sight. I
2 buckled u Max and I and cautiously backed out.

3 THE COURT: Perhaps for a moment, this is in
4 evidence, you might read and give Dr. Piasecki's throat a
5 break. I leave it to your good graces. I'm not pushing one
6 way or another.

7 MR. STEGE: If the Court will permit that, I'm
8 happy to.

9 THE COURT: It is in evidence.

10 BY MR. STEGE:

11 Q. I cautiously backed out, not knowing if the guy
12 was behind my car or what. On the way out, Max told me that
13 guy was calling 911 for us. About two minutes later, Max and
14 I saw two emergency vehicles with their sirens on racing
15 towards the scene as we were leaving the area. So we knew
16 help was on the way.

17 I had not recognized the man at my car whatsoever.
18 I guess I was in major shock. It was later explained to me
19 that that man was the same man I had seen with two children
20 earlier.

21 Dr. Piasecki, do you know who or do you talk about
22 who it was who explained to her that it was the same person?

23 A. I don't know.

24 Q. I'll continue. I turned down a wrong street off

1 of Dickerson Road. It led to a dead end in an industrial
2 type area. It turned around and came back out. I guess
3 that's why we were still in the area to see that help was on
4 the way.

5 So I've gotten Max safely away from the shooting
6 scene. Calling 911 did cross my mind, but I know I did not
7 have custody of Max and that the police would put Max into
8 foster care if I did not get Max to a safe relative's home.
9 So that was what I set out to do to get Max safe. Max is a
10 really smart kid.

11 Redacted portion. Anyway, I told him, no, you
12 can't go to sissy's or grandma's -- I'm sorry, no, you can go
13 to sissy's or grandma's but if you do go to Kids Cottage, it
14 will only be for a short time. Then I asked Max if he wanted
15 to go to grandma's or sissy's and she said, redacted.

16 At some point, crossed out language, I pull off
17 the road, stopped and discreetly as I could vomited in the
18 pizza box. Then we got back on the road. So the plan was to
19 go to sissy's. I told Max we would call the police and the
20 hospital to see how his dad was doing just as soon as we got
21 there.

22 I think we were in Lemmon Valley or Stead when I
23 realized I did not know how to get to sissy's house. I had
24 only driven past sissy's once a long time ago just to see

1 where she lived. So I decided to go the next place I knew of
2 that was on the way, Jesse's place. I parked where I always
3 park right next to his Jeeps. I got my phone out only to
4 realize that I couldn't even remember the name of sissy's
5 street to look it up on Google maps. And I knew I knew the
6 name of her street, I was just in too much shock for my mind
7 to work.

8 Next I tried to call Jesse twice. There was no
9 answer and his white Jeep wasn't home. I don't know if I was
10 in or out of my car when I made these calls. I probably
11 dialed the first call from in the car and got out while it
12 was ringing.

13 So next thing I remember is wanting a cigarette.
14 I'm standing next to Jesse's red Jeep truck with my purse
15 propped on the side of the truck bed. I grab a cigarette,
16 put it on my car and went for a beer, too, thinking it would
17 help calm my nerves and that's when I saw it.

18 Dr. Piasecki, if you'll take over at 16 of your
19 notes filling in these blanks?

20 A. Yes. My gun had an eyeliner through the trigger
21 area and there was a broken eye shadow by the front of the
22 gun and I just thought, this can't be. This isn't possible.
23 Then I thought, oh, my God, what if it goes off again?

24 Q. I do see some handwriting in the upper right

1 corner appearing to be yours. Would you read that?

2 A. The handwriting says, I couldn't have a gun, I
3 couldn't shoot anybody. Should I continue reading?

4 Q. Yes, please.

5 A. So I very carefully and slowly lowered my purse
6 into the back of Jesse's truck. Then I thought, oh, my God,
7 I'm going to be arrested for this. I'm going to be arrested
8 in front of Max. I did not want that to happen. Max had
9 been through enough that day.

10 So I decided to put all of my gun accessories in
11 the back of Jesse's truck, too, that way I could get Max to
12 safety without being arrested on the spot and deal with
13 police later. I really thought Jesse would call the police
14 when he found my items in his truck.

15 Looking back, what I did was very careless and
16 stupid. There are tons of apartments overlooking that
17 parking lot. Anyone could have seen me leave my -- then
18 there's both purse and gun in that blank.

19 Q. Why is that?

20 A. Because I either reviewed this with her on two
21 occasions and there were two different words offered or she
22 made two statements during the same interview that put two
23 different words in that blank.

24 Q. Could it also be that she's putting both purse and

1 gun?

2 A. It could be. It could be, yes.

3 Q. Please continue.

4 A. Anyone could have seen me leave my purse, gun and
5 bag of accessories, been intrigued and went and snagged them.

6 Q. I'm sorry. Does it say also bag of gun
7 accessories?

8 A. And bag of gun accessories, yes.

9 Q. You have some notation there. Would you please
10 read that?

11 A. Yes. It says, orange target ammo can.

12 Q. Off to the -- continue that paragraph, please.

13 A. So next I get back in my car, explain to Max that
14 I'm very sorry, but I don't know how to get to sissy's house.
15 Max said, redacted portion. Then I agreed and asked Max, is
16 it okay if I smoke? He said, redacted. So we took off
17 towards grandma's house driving and smoking with a kid in my
18 car.

19 Q. Off of the left hand margin, near the portion
20 talking about leaving purse, gun and bag of gun accessories
21 is a note by you.

22 A. Yes.

23 Q. Would you please read that?

24 A. I wrote, kept gun in car because mother didn't

1 like it in the house. Went shooting because supporting
2 political gun right issues.

3 Q. Let's go to 18. You want me to continue reading
4 or are you okay?

5 A. I think I'm okay. Thank you. Not a normal
6 practice for me, but I was very stressed out to say the
7 least. The cigarette made me nauseous again, so I pulled
8 into a gas station and went into the bathroom to throw up,
9 but it was just dry heaves. All the pizza had come up
10 already. In Max's interview, he said, and that's redacted.

11 Q. And so this is the portion I was referring to when
12 we first began on this subject of discovery, this indicates
13 to you that she was aware of what other witnesses was --
14 statements were?

15 A. She was aware of at least Max's statements, yes.

16 Q. Please continue.

17 A. When we finally got to grandma's, I carried Max
18 from the car inside. He woke up as I was carrying him.
19 Grandma was home in the living room chair, I think. Max and
20 I both told grandma that Rob had been shot. I think that was
21 when Max went to sit on her lap and hug his grandma.

22 I went to get my -- and here there's two words --
23 phone or purse, out of the car.

24 Q. And is there something above that maybe in

1 parenthesis?

2 A. It says white, so white purse. I had no
3 recollection of what I had seen and done with it at Jesse's.
4 I had no recollection of bringing my -- and here, I only have
5 a question mark.

6 Q. Why only a question mark?

7 A. When I was talking with Ms. Fletcher, she didn't
8 have a recall or she didn't have a word to provide for that
9 blank.

10 Q. Was it that she didn't remember what was supposed
11 to be in that blank or she was not willing to tell you what
12 was goes in that blank?

13 A. My recall is she said, I don't know, when we came
14 to these places where there's no word, that she said, I don't
15 know what that is.

16 Q. Okay. Please continue.

17 A. So I had no recollection of bringing my blank with
18 me that day.

19 Redacted section, then, I knew Rob had been shot,
20 but I couldn't recall the moment that happened either. I had
21 repressed all the bad parts already. I did remember putting
22 the box that should contain my gun and all my gun accessories
23 in the back of Jesse's truck so that I wouldn't be arrested
24 right away.

1 Q. Above truck, the blank for truck, you wrote, is
2 that unsecured truck bed?

3 A. It is.

4 Q. Please continue.

5 A. Anyways, I couldn't find my purse and phone. I
6 came back in and was being very attentive to Max. I remember
7 putting on a movie for him, The Prince of Egypt. I told Max
8 I would be right back, looked over my car once more, found my
9 beer and brought that back in with me.

10 At some point, I'm not sure if it was before or
11 after, I went back out to the car and my mother called to me
12 and said, come here, I want to show you something. She was
13 sitting at her computer desk, she said, look, is this the
14 park you guys were at pointing to a photograph on the
15 computer screen. I did not recognize it and I said, I don't
16 know.

17 She said, read this, pointing at a headline that
18 it took me a few moments to comprehend, because I was still
19 in shock. But it read something like Sparks man killed in a
20 shooting at Oxbow Park, I guess. I said, oh, my God, should
21 we tell Max? Mom said, redacted section. I said something
22 like, okay, well, let him go to sleep before I call the
23 police and find out. So I went back to comfort Max. We laid
24 on my bed watching a movie thinking that would get him to

1 sleep, but it didn't.

2 Q. The last line starts --

3 A. I drank my beer and went to the bathroom a couple
4 of times. When I used the restroom, I let Max know that I
5 would leave the door open so he could call if he needed me
6 and I would hear him. I don't usually go with the door open,
7 but under the circumstances, I had to try to be there for Max
8 100 percent. He didn't need to be alone and afraid.

9 So the movie didn't put Max asleep. He got up and
10 he went and talked to his grandma again. He must have said
11 something like, redacted, because I was like, yeah, we ran so
12 fast that I broke my flip flop. Anyways, grandma took Max in
13 the kitchen for some milk to try to help him sleep. It was
14 getting late.

15 I think it was after that that Max and I went into
16 the garage to talk to grandpa. Max told grandpa that his dad
17 was shot. Grandpa just said, do you want to go out and see
18 the chickens? Max nodded, yes. My dad told me to take Max
19 out there and I said, okay, and did.

20 So I picked up a chicken for Max and handed it to
21 him and we both just hugged and held the chickens for a
22 while. After we went back in, Max wanted to play his
23 Nintendo Wi. Wanting to do anything I could to comfort him,
24 I hooked it up, only to find I could not find the wi-motes.

1 Max said, it's okay, mommy, and we put on another movie. I
2 think it was Disney cartoons about Joseph on the same disk as
3 The Prince of Egypt, which is about Moses, and it wasn't too
4 long before Max finally fell asleep.

5 I softly got out bed, careful not to wake Max.
6 Went to my desk and took \$8 worth of quarters off of it. And
7 I told my mom that Max was finally asleep and I was going to
8 make phone calls, but I really needed a cigarette and I was
9 going to run down the street to get some smokes first and I
10 left.

11 The police pulled me over on Golden Valley Road on
12 the way to go buy cigarettes. The first thing them was I was
13 just about to call them. The next thing I remember saying is
14 that I had been drinking. They weren't concerned with that.
15 I think they took me to the high school parking lot where
16 they gave me cigarettes while speaking to me. I think all
17 but one of these guys had a beard.

18 They were some kind of special force that works
19 for both Reno and Sparks. I think two of them were talking
20 to me. It was a whole circle of them around me and they all
21 looked alike because of the beards. How many of them talked
22 to me, I'm not sure, but what mattered is what they said.

23 And that's redacted section. I knew what they
24 were getting at. They thought I did it. They put such

1 stress on me that I could feel mind block building up as they
2 spoke. When I repress memories, I can actually feel it.
3 It's a weird sensation that goes through my eyes into my
4 brain accompanied by headaches at times. It's weird.
5 Anyways, I sat doing all the listening while we waited for
6 the detective to show up for about an hour.

7 Q. I might interrupt you here. I'm sorry. This
8 subject of mind block or starting to not remember, is that
9 how memory loss or amnesia works, people can feel it coming
10 on?

11 A. I just want to clarify if you're asking me as a
12 fact witness or an expert witness.

13 Q. You are a doctor and you know what amnesia is.

14 A. The question is whether or not people's memories
15 can lead to blocks or events can lead to memory blocks?

16 Q. Do people feel memory blocks coming on?

17 A. Typically, people don't describe memory blocks as
18 a physical sensation, no.

19 Q. Beyond that, in your interview with the defendant,
20 because she's feeling a mind block coming on, did you inquire
21 or discuss when the mind block came undone?

22 A. I don't recall asking her that.

23 Q. But you know it was at least some time prior to
24 2019, which was last year?

1 A. Yes.

2 Q. Please continue. Let's start with, anyways I sat
3 doing.

4 A. Anyways, I sat doing all the listening, redacted
5 section, while we waited for the detective to show up for
6 about an hour. Then I agreed to go with the detective down
7 to RPD to talk and the rest is recorded in an interview.

8 I left a few things out, probably more, but for
9 now, this is what else I remember. When we were at the first
10 dock doing the Pokemon thing, I remember feeling -- here I'll
11 go to my notes here -- feeling the presence of my cousin Pam.

12 Q. There's a note below that?

13 A. Yes. Pam died or was dead at age 22 when
14 Ms. Fletcher was I believe nine years old and she feels her a
15 lot.

16 Q. Okay. Felt the presence of her cousin Pam?

17 A. Yes.

18 Q. Please continue.

19 A. So I told the guys a funny story about her at the
20 lake. I think it was my cousin Pam who told me, get the gun,
21 but I'm not sure. The voice was very authoritative.

22 Another thing I overlooked was when Max saw blood,
23 I had said, come on, and then we went faster. While we were
24 running, I think I said, your dad has been shot, we need to

1 get out of here. And I believe I told Mr. Preciado at my
2 ear, I need to get him safe -- I'm sorry -- Mr. Preciado at
3 my car, I need to get him safe, him meaning Max. When I went
4 to buckle Max in, I dropped the cigarette that had been in my
5 hand the whole time and it went straight down into the
6 plastic cover of the seatbelt reels. It must still be there
7 to this day.

8 Now, something that shows how badly I had
9 repressed traumatic memory was a phone call I made to Jesse,
10 redacted section. It lasted 3:45. In this call, I describe
11 orange dangly earrings, green boxers, black Daisy Dukes and a
12 blue dress that I left with Freckles, meaning Jesse's.

13 I expressed that the black Daisy Dukes were clean.
14 That's in quotes. And I said that I needed to get them back.
15 And he was like, redacted section, and hung up. What's
16 significant about this is that I was speaking in code. The
17 orange dangly earrings meant orange dangly targets. The
18 green boxers was a green box used to hold ammunition and ammo
19 can. The black Daisy Dukes meant the gun. And the blue
20 dress was the blue bag it was all in or so I thought.

21 I fully believe that the gun was its case, as I'd
22 forgotten the traumatic realization that I had at the side of
23 Jesse's truck and I fully believed that it was clean, that I
24 had just left it so I wouldn't be arrested. In fact, I was

1 trying to get this back from Jesse to clear my name. I
2 didn't remember.

3 Memory repression is something that's mentioned
4 repeatedly in court files. Sadly, I also repressed the
5 memory of, and there's a blank. I played the tape, which
6 triggered my memories. I had a nervous breakdown.

7 Q. I think I omitted, back to a note, a handwritten
8 note of yours on page 23.

9 A. Yes. So you said page 23?

10 Q. Yes, 23, regarding it was my cousin Pam told me,
11 get the gun?

12 A. And then my little handwritten addendum notes is,
13 Pam who told me, and then told when I got the gun out of my
14 trunk.

15 Q. When was it -- this letter, it was in your
16 possession until quite recently, is that right?

17 A. Yes.

18 Q. And that was given over to the State when?

19 A. I sent that to the State late last week.

20 Q. In particular, the first of the two exhibits on
21 Sunday night?

22 A. So then early this week, then, yes, Sunday night.

23 Q. And what was the reason or why were there two
24 separate interviews on this?

1 A. There were two separate interviews using the same
2 narrative document, because I met with Ms. Fletcher on two
3 occasions. On the first occasion, she provided some
4 additional information, but was not able to provide all of
5 the information for all of the blanks. And so I met with her
6 a second time, I was able to obtain more information.

7 Q. What do you mean by not able to?

8 A. Perhaps I should rephrase. I was not able to
9 receive all of the information for all of the blanks on the
10 first interview. And on the second interview, I followed up
11 and was able to receive almost all the additional
12 information.

13 Q. What would happen when you would try to receive
14 the information or ask for the information?

15 A. I believe she was reluctant. She was unsure at
16 that time if she was prepared or ready or able to give me
17 that information.

18 Q. Do you know which of those were which? Which
19 blanks were filled in on the second one or even were more
20 blanks filled in on the first one or the second one?

21 A. The second one.

22 Q. And you indicated that the document came to you
23 with an understanding of why there were blanks?

24 A. Yes.

1 Q. And that understanding was made clear to you
2 through someone authorized to speak on her behalf or
3 authorized to make a statement for her?

4 A. Yes.

5 Q. And what was that understanding?

6 A. The understanding was that she prepared this
7 document, she is unprepared to give the narrative without the
8 blanks, but during an interview, it's very likely that she
9 would provide me with the additional information.

10 Q. And so it was not a case of lack of memory, that
11 if there was a memory block. It was just as to the blanks,
12 but sort of a willingness to -- or emotional preparation to
13 fill in the blank?

14 A. I think emotional preparation is the best fit
15 explanation.

16 Q. Was it unusual to you the location of the blanks?

17 A. Was it unusual?

18 Q. What were your thoughts about the placement of the
19 blanks?

20 A. I thought they were key pieces of information that
21 were potentially high impact with regards to her legal
22 charges.

23 Q. High impact with relation to the possibility of
24 guilt?

1 A. Possibility of being found guilty.

2 Q. And having you yourself looked at discovery, was
3 there any conversation with the defendant about the discovery
4 being sort of the materials in the case and this version of
5 events?

6 A. I had met with Ms. Fletcher on numerous occasions
7 and had talked about the discovery with her on previous
8 occasions. I don't recall if I then again talked to her
9 about discovery at the time of these conversations.

10 Q. So in those prior ones, you had brought up sort of
11 what's in discovery?

12 A. I had, yes.

13 Q. But there was no, for example, the question posed
14 or the subject of, how do you square this with discovery?

15 A. Not specifically, no.

16 Q. Did it take, I guess, persuasion on your part to
17 get over her emotional reluctance to fill in the blanks?

18 A. Interestingly, I personally don't believe that I
19 persuaded her. I believe she was persuaded by other factors
20 or other individuals. I don't believe it was my doing.

21 Q. It wasn't your own persuasion?

22 A. Correct.

23 MR. STEGE: Very good. I'll pass the witness.

24 THE COURT: Cross examination.

1 MR. EDWARDS: I don't have anything for
2 Dr. Piasecki.

3 THE COURT: May this witness be excused?

4 MR. STEGE: Yes, thank you.

5 THE COURT: Doctor, thank you very much for your
6 time. Good day to you. Mr. Stege, your next witness.

7 MR. STEGE: I apologize into the Court, but if we
8 can have a sidebar discussion on a matter.

9 THE COURT: Certainly. We're an hour, ladies and
10 gentlemen, we'll take this opportunity to take break for
11 necessities. During this recess, it's your duty not to
12 discuss this case among yourselves or with anyone else on any
13 subject connected with this trial or to read, watch or listen
14 to any report of, or commentary on the trial by any person
15 connected with the trial, or by any medium of information,
16 including, without limitation, newspaper, television, radio,
17 Internet or smart phone. You're not to form or express an
18 opinion on any subject connected with this case until it is
19 finally submitted to you after the presentation of evidence
20 and arguments of counsel are concluded. We'll be in recess
21 for awhile. I don't know the duration of that. Please be
22 patient with us as we do the work we need to do.

23 (The following proceedings were had outside the
24 presence of the jury.)

1 THE COURT: We remain on the record in CR17-0690.
2 All parties are present. We're outside the presence of the
3 jury. Mr. Stege, you wanted to discuss something?

4 MR. STEGE: The following issue: The Court may be
5 aware, there are a number of therapy type dogs or comfort
6 animals as part of an organization called Paws For Love. We
7 got one of those at Max's request and discussed him sort of
8 having the dog before and after court.

9 It's been requested of me and I make the request
10 of the Court that the animal be able to accompany Max upon
11 the stand. It is a small dog.

12 THE COURT: And who will be accompanying the dog
13 or will Max bring the dog on a leash?

14 MR. STEGE: We have the dog's owner here, which I
15 imagine is not the Court's first preference

16 THE COURT: Who is the dog's owner, please?

17 MR. STEGE: I don't know the man's name.

18 THE COURT: Well, before I would agree that anyone
19 could join the well of the Court, I would need to know their
20 identity. While your investigator summons that information,
21 this will give me an opportunity to expand on another subject
22 and then enter into your subject.

23 First, this is not a criticism, but for the first
24 time you made me aware that Max would be accompanied by

1 persons. Those persons you identified are known by the
2 acronym BACA. BACA stands for Bikers Against Child Abuse.

3 The issue of BACA's involvement has been a matter
4 of some discussion now for a couple of years in the district.
5 BACA has prominently displayed on its website interviews with
6 its founding members, sort of it's mission statement, et
7 cetera, but BACA on the website has a prominent display of a
8 fist, with the letters B-A-C-A across the fist in the colors
9 red and white.

10 In my view, the mission of BACA as I understand
11 our conversations in the district and my review of BACA in
12 other cases where I've been asked to consider their
13 participation, particularly in the child welfare system when
14 I was the child welfare judge, BACA's mission, as it were, is
15 to send a message to children, you'll be safe and there's no
16 way anybody is getting past us big, tough bikers. I have
17 nothing against big, tough bikers, but that's clearly the
18 message of it.

19 I had ruled previously that BACA cannot wear their
20 cuts and colors in the court and I stand on that ruling,
21 because the courtroom is a stage. It is a stage
22 appropriately open to the public and I do mean to interfere
23 with BACA's participation, but I also don't want BACA's
24 participation to interfere with the process.

1 The courtroom is open to the jurors. It's open to
2 their view and jurors watch everything that happens in it.
3 So I would not want any display, as it were, of support by
4 demeanor, attire or otherwise showing particular support
5 either for Max or for the alleged victim or for the defendant
6 in this case. And for all of those reasons, I've directed
7 that BACA not wear their cuts and colors in the courtroom.

8 To that now we've added a request that comfort
9 animal be provided for the use of Max. When first were you
10 made aware of that, please, Mr. Edwards?

11 MR. EDWARDS: The same time as you, your Honor.

12 THE COURT: Are you prepared to answer that,
13 answer the request?

14 MR. EDWARDS: No. I'll leave it to you.

15 THE COURT: Well, here is the information about
16 which I'm aware. First, Chapter 51 provides for the
17 testimony of children by alternative means after a process is
18 undertaken and that process contemplates a hearing outside
19 the presence of either the factfinding incident, either a
20 trial or a bench trial, as the case may be, but consideration
21 on my part of the needs of the child.

22 Let's be clear, this is a first degree murder
23 case. The allegations are that the child's mother killed his
24 father in front of him. I can't imagine no more loaded a

1 circumstance for a young child than that. However, I suspect
2 Mr. Stege was surprised as are you by the timing of this. I
3 cast my aspersions.

4 As an aside, I need to put into the record Paws
5 For Love has been a participant in the Courthouse now for
6 years. I have had Paws For Love dogs regularly, for example,
7 in the family treatment court where I presided and in other
8 cases in the Courthouse. So Paws For Love participating is
9 not new.

10 It is new in this case, a first degree murder case
11 and in a circumstance where it's first come to your
12 attention, I suspect, Mr. Stege.

13 MR. STEGE: Yes. I was aware and was part of the
14 planning of sort of the surrounding outside the courtroom
15 arrangements, but this is new.

16 THE COURT: The request that the dog accompany him
17 into the court?

18 MR. STEGE: Yes.

19 THE COURT: It's new to you, it's new to
20 Mr. Edwards. We simply cannot resolve this issue by the
21 appropriate -- in the appropriate time and with the
22 appropriate hearing without some advanced notice. I'm
23 strongly supportive of reducing trauma for all persons in the
24 courtroom. Confrontation is a constitutional right.

1 Diluting, diminishing or affecting confrontation
2 by theater, theater is not pejorative, but how a child
3 appears in court is a thing that should be approached
4 cautiously, in advance and very deliberatively. Because this
5 has first been raised now, I must indicate that the dog may
6 not accompany Max with an unknown person into the courtroom.
7 That is not to say that in all cases or in any other case,
8 but given the way it's been raised here, I simply cannot
9 allow it.

10 Let's be clear, I know Mr. Edwards, I know he will
11 exercise his client's right to constitutional confrontation,
12 but with a child in a sensitive, meaningful way. I will
13 certainly message to this child, unless there's any
14 objection, that this is a safe, neutral place. That in the
15 end, what we want is truthful recollection from him, if he
16 has any truthful recollection about what occurred and we will
17 handle him as a child.

18 MR. EDWARDS: Yes, your Honor. I can promise you
19 that.

20 THE COURT: I know you will. Unfortunately,
21 because of how the issue of the dog participating in this
22 first degree murder case has been raised, I simply must make
23 the ruling in that manner. Any question about that,
24 Mr. Stege?

1 MR. STEGE: No.

2 THE COURT: Anything else we need to discuss,
3 then?

4 MR. STEGE: No.

5 THE COURT: Max will be next, I assume?

6 MR. STEGE: Yes.

7 THE COURT: It's five minutes into the break.

8 Let's take a break until about 2:20 so you may all undertake
9 as necessary, you prepare Max and his attendants as
10 necessary.

11 MR. STEGE: The Court indicating to Max this is a
12 safe space, is that going to be in front of the jury or some
13 other form?

14 THE COURT: Well, I don't expect expounding on it
15 greatly. But the way in my experience it's come up is this:
16 For example, you will of necessity have to qualify Max as a
17 witness. I imagine at 12 now that should be fairly straight
18 forward, but I don't know.

19 Assuming he qualifies as a witness, I fear he may
20 be emotional. If he is emotional at times, I likely will say
21 something, unless you have an objection, Mr. Edwards, to the
22 effect of, Max take a moment. This is a safe place. You are
23 safe and all of us in this room are safe. No one is going to
24 embarrass you or hurt you by their questions or their

1 actions. Take a moment. Words to that effect.

2 MR. STEGE: Copy.

3 THE COURT: Only if appropriate to his demeanor,
4 if that make sense.

5 MR. STEGE: Yes.

6 THE COURT: Any quarrel with that, Mr. Edwards?

7 MR. EDWARDS: Not at all, your Honor.

8 THE COURT: We'll be in recess until 2:20.

9 (A short break was taken.)

10 THE COURT: This is CR17-0690, the State of Nevada
11 versus Katherine Dee Fletcher. We are on the record outside
12 the presence of the jury. Ms. Fletcher is present with her
13 attorney. I show the appearance of Mr. Stege.

14 I just will observe for the record, the courtroom
15 is noticeably more full now than it was a few moments ago.
16 There is, of course, no problem with that whatsoever. I'm
17 given to believe there are some persons here who for lack of
18 a better term may be aligned with the next witness in
19 whatever way that is. I honestly don't know if they are
20 aligned, what the alignment is.

21 I'll simply offer this, ladies and gentlemen, I
22 would ask that there be no reactions, audibly or by body
23 language or otherwise to any testimony that may occur. In
24 the end, it is for the jury to determine what credibility to

1 give to any statements that Max may have. I literally don't
2 know and of course the jury doesn't know what Max will
3 testify to.

4 So whatever may come, ladies and gentlemen, I ask
5 that there not be an audible or a body language response to
6 this young man's testimony. Would you please invite the
7 jury?

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

10 THE COURT: This is CR17-0690, State of Nevada
11 versus Katherine Dee Fletcher. Ms. Fletcher is present with
12 her attorney. I show the appearance of the State on behalf
13 of Stege. Your next witness, Mr. Stege.

14 MR. STEGE: Max Trask, T-r-a-s-k.

15 (One witness sworn at this time.)

16 THE COURT: Make sure you can get comfortably
17 seated, Max. Perfect. Well done. Pull that microphone in
18 front of your face. Perfect again. Please give your
19 attention to Mr. Stege.

20 MAX CLOVER TRASK

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

22 follows:

23 DIRECT EXAMINATION

24 BY MR. STEGE:

1 Q. Hello, Max. I'm Amos. I'm going to be asking you
2 some questions. Tell us your full name, please.

3 A. Max Clover Trask.

4 Q. How old are you right now?

5 A. I'm 12 years old.

6 Q. When is your birthday?

7 A. September 23rd, 2007.

8 Q. And what state do you live in right now?

9 A. Utah.

10 Q. How long have you lived there?

11 A. About two years.

12 Q. What grade are you in?

13 A. Seventh.

14 Q. What's the name of your school?

15 A. Walkers Junior High.

16 Q. And this is going -- might sound weird to you, but
17 do you know the difference between a truth and a lie?

18 A. Yes, I do.

19 Q. What is the difference?

20 A. Well, the truth is something that you say that is
21 true. A lie is something that you say that is false.

22 Q. And so, for example, if I were to say, I am
23 probably the shortest person in this room, would that be the
24 truth or a lie?

1 A. That would be a lie.

2 Q. Okay. Have you ever lived in Reno?

3 A. Yes, I have.

4 Q. Do you know where you were born?

5 A. Renown hospital.

6 Q. And when you lived in Reno, who did you live with?

7 A. Back and forth between my mom, my dad, this lady
8 named Amy. I forgot her last name, but --

9 Q. So your mom and dad. And your dad's name?

10 A. Robert Jeffrey Trask.

11 Q. You know we're here about a trial, right?

12 A. Yes, I do.

13 Q. In the time before the events we're going to talk
14 about, you were living with your dad, is that right?

15 A. Uh-huh.

16 THE COURT: Max, I'm going to ask you to do me a
17 favor. You're being perfect. The lady in front of me is
18 called a court reporter. It's her job -- yeah, her name is
19 Stephanie Koetting. It's her job to record by the special
20 machine she says, every word we say, and her machine doesn't
21 have a button or uh-huh or huh-uh, if that makes sense. So
22 when we answer the questions, it has to be with a response to
23 the question or a yes or a no. Does that make sense?

24 THE WITNESS: Okay.

1 THE COURT: Thank you very much. Go ahead,
2 Mr. Stege.

3 BY MR. STEGE:

4 Q. So before what we're going to talk about, you were
5 living with your dad, is that right?

6 A. Yes.

7 Q. And at your dad's place, who all lived there?

8 A. Me, my dad, Kevin and five animals.

9 Q. What were the five animals?

10 A. Bobby, Rocky, Wiser, Jamers and Star, three dogs
11 and two cats.

12 Q. And whose cats and dogs were those?

13 A. Kevin's and my dad's.

14 Q. Where are those animals today, do you know?

15 A. No, I don't. Except Bobby passed away a little
16 while ago.

17 Q. I'm sorry to hear that. And who is Kevin?

18 A. Kevin is a good friend of mine. Yeah.

19 Q. And he was a friend of your dad's, too?

20 A. Uh-huh. Yeah. Sorry.

21 THE COURT: Good job. You caught yourself right
22 away. That's perfect.

23 BY MR. STEGE:

24 Q. Is he a kid or a grown up?

1 A. He's a grown up.

2 Q. Okay. And around that time -- let me ask you, are
3 you prepared to talk about what happened at the park?

4 A. Yes, I am.

5 Q. Okay. Why don't you tell us what happened at the
6 park.

7 A. Okay. Well, I woke up and I was watching TV and
8 then I ate a TV dinner that my dad cooked up for me.

9 Q. Was that in the morning or at night a TV dinner?

10 A. This was in the morning.

11 Q. TV dinner for breakfast?

12 A. Yeah.

13 Q. What happened after that?

14 A. After that, I -- oh, yeah, I played Clash of the
15 Clans with my dad.

16 Q. What is that?

17 A. It's an app where you collect elixer and you spawn
18 troops to raid other bases and you earn gold to upgrade your
19 base. So when it's raided, you're ready.

20 Q. Is it like a video game?

21 A. Yes, it is.

22 Q. And do you play that on the same machine or a
23 different machines?

24 A. Different machines.

1 Q. Okay. So you and your dad played that? What
2 happened after that?

3 A. Well, my dad told me that I was going to the river
4 to swim with my mom. We were all going to go swimming.

5 Q. Okay. And did you do that?

6 A. Yes, but like we kept on playing until she got
7 here.

8 Q. Okay. So your mom came over to your place, right?

9 A. I think so. I don't remember clearly.

10 Q. Okay. And in any event, you went to the river?

11 A. Yeah.

12 Q. How did you get there?

13 A. We took two separate cars.

14 Q. Whose car did you ride in?

15 A. My dad's.

16 Q. Do you remember anything about that car, what it
17 looked like?

18 A. It was like tannish, it was like peach, it was
19 like metallic peach and it was a pretty nice car, small one,
20 though.

21 Q. Did you ride in the front seat or the backseat?

22 A. The backseat.

23 Q. Do you know where it was that you went or just the
24 river?

1 A. Just the Truckee River. That's all I can
2 remember.

3 Q. And what did you do when you got to the river?

4 A. We just swam and had fun, sort of.

5 Q. Who swam? I assume you did?

6 A. Yeah, I did.

7 Q. What about your dad?

8 A. I think he did.

9 Q. And your mom?

10 A. I think she did. I'm not sure. I think -- I'm
11 pretty sure my dad did. I think my mom stayed out of the
12 water until later on and then she got in the water.

13 Q. Was she wearing a bathing suit?

14 A. Yes.

15 Q. Okay. And your mom, what's your mom's name? Do
16 you know?

17 A. Kathleen Fletcher.

18 Q. Okay. And so that's who was at the park, the
19 three of you?

20 A. Yes.

21 Q. Did it feel like you played for a long time?

22 A. I think like an hour and a half, maybe, so, kind
23 of.

24 Q. And what happened after that?

1 A. After that, well, we got out of the water and we
2 went over to this spot of which me and my dad labeled the
3 pizza eating spot.

4 Q. Why would you name it that?

5 A. Because it was where whenever we got Little
6 Caesar's and we were at the river, we would go there, because
7 if it was raining, there was lots of trees overhead so we
8 wouldn't get rained on. And it was quite and there was a
9 little dock by the river where ducks with swim against the
10 rapids and you could throw pizza crust at them and they would
11 swim and kind of peck each other for it. It was fun.

12 Q. Is the pizza eating spot the same spot you were
13 playing and having fun in the water?

14 A. No. It's a different spot. I think we even drove
15 a little bit. It's another part. I think it's like a creek
16 trailing off from the Truckee River judging by its size.

17 Q. So the pizza eating spot, was that the first or
18 second place you went?

19 A. That's the second place I went.

20 Q. So what did you do at the pizza eating spot?

21 A. We weren't actually eating pizza that time, but
22 we -- my mom had downloaded Pokemon Go so she asked me to get
23 her phone, so I went through her purse and I found her phone
24 and then I pulled it out and then she opened up Pokemon Go

1 and then it wasn't really working. I don't remember why.

2 Q. You couldn't get it to work?

3 A. No, not in the end. So we just put the phone
4 away.

5 Q. And you said you went and got your mom's phone?

6 A. Uh-huh. I did.

7 Q. Where did you get it from?

8 A. Her purse.

9 Q. Where was her purse?

10 A. I don't remember. I think it was like a few feet
11 away from where we were all sitting.

12 Q. Okay. And were you sitting at the pizza eating
13 spot, that dock you mentioned?

14 A. I think we were sitting 15 feet away from it, down
15 a little wooden trail.

16 Q. Okay. On what were you sitting on?

17 A. Just a few wood planks. I think we were near the
18 end where it just turned to trail like dirt.

19 Q. Okay. Does anyone else besides you try to get the
20 Pokemon game to work?

21 A. Me and my mom.

22 Q. But it didn't work?

23 A. No.

24 Q. Did you see anyone else in the park?

1 A. One person in the parking lot that led to it. He
2 was there and I asked him to -- well, my mom asked him to
3 call the police. I don't know why, because she had her
4 phone, but she asked him to call the police. And he asked
5 why. So then he -- we said, like, that's like later on,
6 though. So, yeah, we encountered him later.

7 Q. Later?

8 A. Later.

9 Q. But okay. After the Pokemon Go, what happened?
10 What did you guys do?

11 A. I think we were about to go home. I think. I'm
12 not too sure --

13 Q. Okay.

14 A. -- about that. I think we might have just went to
15 go swim a little bit more and then go home or something like
16 that.

17 Q. Okay. Was there a time when you were back on the
18 dock and you were leaning over like a railing?

19 A. Yes.

20 Q. How did that happen?

21 A. We were just walking and then my dad said, that
22 looks pretty, and then we looked over and it was just this
23 little stream, it was a smaller one than the one with rapids.

24 Q. Okay.

1 A. Where the pizza seating spot was. So, yeah.

2 Q. And did you go all the way up to the rail or were
3 you just nearby it if you remember?

4 A. A little farther, like a few inches away from it.

5 Q. Okay. And where was your dad?

6 A. My dad, he was on the left.

7 Q. Standing to your left?

8 A. Yes.

9 Q. And what about your mom?

10 A. To the right.

11 Q. Were you guys talking?

12 A. My dad told me to go get -- there was this water
13 bottle and he told me to go get it out of the creek, because
14 it was so pretty and he didn't want to ruin it or something
15 like that. So I didn't really know why, but I just went and
16 got it.

17 Q. Like someone had littered a bottle?

18 A. Yes. Yeah.

19 Q. And you picked it up?

20 A. Uh-huh. Yes. My bad.

21 Q. Then what happened?

22 A. Then I heard this big bang and then I turned
23 around and my mom had her hands over her mouth and my dad was
24 on the ground with a blood stained shirt in one area on his

1 back.

2 Q. What part of his back?

3 A. Under the right shoulder blade.

4 Q. If you remember just before that happened, where
5 were you standing?

6 A. Down -- I was bending over, I think, to pick up
7 the water bottle.

8 Q. And your dad was where?

9 A. He was up on the bridge thing.

10 Q. On that railing we were talking about?

11 A. Uh-huh. Yeah. Oh, my, I'm bad at this.

12 THE COURT: You're doing great.

13 BY MR. STEGE:

14 Q. I would say you're not bad at this. Where was
15 your mom?

16 A. My mom? I don't know.

17 Q. And so you heard the bang?

18 A. Uh-huh. Yes. Yeah. Yeah.

19 Q. Let's together take like two deep breaths.

20 A. Okay.

21 THE COURT: Great job, Max. Let's pause for a
22 minute. This is a safe place, right. We're all safe in this
23 room, and in the end, what the people sitting next to you in
24 the jury want to know is just the truth. You're doing a good

1 job, I think, of saying what you remember and what you
2 remember. That's all this is about. Everybody in this room
3 is safe, including you.

4 Please go ahead and give your attention to
5 Mr. Stege and maybe he'll ask a couple more questions.

6 BY MR. STEGE:

7 Q. Where did the bang come from?

8 A. I wasn't quite sure. It was so loud. It kind of
9 like came from everywhere. It was like it echoed off the
10 trees. I have no clue.

11 Q. And that's when you saw what was happening to your
12 dad?

13 A. Yes.

14 Q. With the blood on his back?

15 A. Uh-huh. Yes.

16 Q. What happened next?

17 A. What happened next, I think my mom grabbed my
18 wrist and pulled me away and started running. So I was kind
19 of running, too. And then we just went up the trail and then
20 we saw the guy and then my mom was like, hey, call the
21 police, somebody just got shot over there.

22 And then I was like just crying and wailing. I
23 was like, my dad got shot, my dad got shot, over and over.
24 So then, you know, it was like, oh, crap, I got to go see

1 this and then he ran off. And he eventually did call the
2 police. I know that for a fact, because I know nobody else
3 did.

4 Q. Okay.

5 A. So and then --

6 Q. Before we move on, you were crying that your dad
7 got shot?

8 A. Yes.

9 Q. You described it earlier as a bang. Was it a
10 shot?

11 A. It sure did sound like it. I've heard gunshots
12 before that. I had heard those. I had heard explosives go
13 off. So I believe that was a gunshot.

14 Q. It sounded like a gun?

15 A. Yes.

16 Q. And it sounded like a pretty scary thing to be
17 around?

18 A. Yeah.

19 Q. So you said you saw a guy and he was the one who
20 called 911?

21 A. He seemed friendly.

22 Q. Okay.

23 A. He was like, oh, crap, I got to go see this. Not
24 as in like, oh, so cool, as in like, I'm not going to call

1 the police if this is just a prank. So he took off running.

2 Q. Okay. Where did he run off to?

3 A. The way we came out.

4 Q. Towards where your dad was?

5 A. Yeah, the general area.

6 Q. And where did you run to, you and your mom?

7 A. We ran to the car.

8 Q. Did you get in the car?

9 A. Yeah.

10 Q. And what happened in the car?

11 A. In the car, my mom was like telling me, it's going
12 to be okay. Nothing is going to happen. Your dad is a tough
13 guy. He'll get through this. He will live. And all of that
14 stuff. And she was just trying to make me feel better, so
15 then I, okay, okay, okay. So --

16 Q. Now, you said a thing, you said that you know for
17 a fact that guy called 911, because no one else did.

18 A. No one else was in the area to my knowledge. So
19 according to what I know, he had to have called 911.

20 Q. Because when you're on that dock, is there anyone
21 else around besides you and your mom and your dad?

22 A. No.

23 Q. Do you guys leave in the car or do you stay there?

24 A. We leave in the car and we make a few stops.

1 First, my mom stops at some random place of which I really
2 don't know.

3 Q. And then?

4 A. Then she gets out of the car and is talking to
5 somebody on the phone.

6 Q. Okay.

7 A. So I was kind of confused. She just told me to
8 stay there. I was like done crying, I was still really sad
9 and stuff, and just confused overall. All I had to do was
10 sit there. So then she came back in. We went and stopped
11 for gas. And then she went, got gas and then we went to my
12 grandma's house.

13 Q. And what happened at your grandma's house?

14 A. Well, I was so tired and wiped from all of the
15 swimming or something, I basically just got right in bed and
16 then my mom turned on The Prince of Egypt for me to watch and
17 I got through ten minutes of it and then I fell asleep.

18 Q. Did your mom ever say anything else about -- to
19 you about what happened at the park?

20 A. Yes. She said that she thought she heard rustling
21 in some bushes, although I never did. I'm not sure if I just
22 didn't catch it or what.

23 Q. And when did she say that?

24 A. I think in the car on the way to the place that I

1 don't really know of.

2 Q. One of the random stops?

3 A. Uh-huh. The random stop and then once before I
4 went to bed, I think. I know twice, it happened twice,
5 whether or not you were aware.

6 Q. You mentioned your mom being on her phone. Did
7 you see her be on the phone?

8 A. Yeah. I was looking out the window and she was
9 just talking to somebody on the phone. It was pretty
10 obvious. I could see her lips moving and her phone to her
11 ear, so, yeah.

12 Q. Was that the same phone, the Pokemon phone?

13 A. I don't remember. I'm pretty sure she only had
14 one phone at the time. So I'm pretty sure it was the Pokemon
15 phone.

16 Q. And did you see where -- you said you got your
17 mom's phone out of her purse earlier in the day. Do you
18 remember what her purse looked like?

19 A. No, I do not. I have no clue. I think it was a
20 medium sized one, though. That's all I can remember.

21 Q. Your grandma said that when you got home, you were
22 still crying. Do you think you were still crying?

23 A. I was definitely still crying. I just like didn't
24 even notice I was crying. I just felt tears.

1 Q. And did you talk to your grandma about what had
2 happened at the park? Do you know?

3 A. I'm pretty sure when I got there. All I heard
4 before I fell asleep completely was my grandma saying, oh,
5 no, when my mom told her the news. And then I heard muffled
6 talking when I went into my room and watched the stuff.
7 Well, the kids' room now, but it was kind of my room, because
8 I had lived with my grandma before and that was my room
9 before, so it had a bunch of my stuff in there.

10 Q. What kind of beds were in that room?

11 A. I think it was a bunk bed.

12 Q. Okay.

13 A. And I was sleeping on the lower bunk.

14 Q. And then did someone wake you up?

15 A. Yeah, the police.

16 Q. And what happened with the police?

17 A. Well, they took me to this place. I don't really
18 remember. I think it might have been the place that we were
19 just at, just like a different room or something. Actually,
20 I'm pretty darn sure it was. And they just asked me to tell
21 this entire story and they were just asking me questions,
22 what's your name, your favorite color, all of those things
23 and then they got into the --

24 Q. What had happened that day?

1 A. The skeletons, yes.

2 Q. They asked you about what had happened that day?

3 A. Yeah.

4 Q. The officer?

5 A. Yeah.

6 Q. I want to go back, if I can, about your mom
7 talking about the bushes. Did you believe or think that
8 there was someone in the bushes?

9 A. I had no clue. I don't really know. I didn't
10 see, hear anything, except the gunshot and myself occurring,
11 so that's all I heard.

12 Q. Did you ever see a gun?

13 A. I never saw a gun. I don't know how it happened.
14 It had to have been a longer ranged gun or a shorter ranged
15 gun.

16 Q. What makes you say that?

17 A. Because if my mom shot my dad, it had to have been
18 a short range gun, because she wouldn't pull out that giant
19 gun enough long for him to scream or say something. And she
20 would have to like -- it would be hard to hide.

21 If she used a shorter range gun, like just a
22 pistol, she could just shoot him and throw it somewhere or do
23 something with it, discard of it.

24 But if it wasn't my mom, it could have been

1 someone with something that shoots better from a longer range
2 hiding in bushes. I don't know.

3 Q. Did you ever make following statement, that you
4 thought your mom was trying to convince you there was someone
5 in the bushes?

6 A. Yes, I have. I'm not 100 percent sure, but she
7 mentioned it twice, so -- and I didn't see or hear anybody.
8 So I'm not sure if she was trying to convince me or just --
9 or if she actually heard or saw somebody in the bushes.

10 Q. Okay. Have I left anything out about that day at
11 the park from and the dock?

12 A. No, not really.

13 MR. STEGE: Well, thank you. Your Honor, I pass
14 the witness.

15 THE COURT: Cross examination.

16 CROSS EXAMINATION

17 BY MR. EDWARDS:

18 Q. Hi, Max. My name is Scott. I'm going to ask you
19 a few questions and we'll be done here. Okay?

20 A. Okay.

21 Q. A couple of things you said today. Were you
22 having a good time before your dad got shot?

23 A. Yes, a great time.

24 Q. Was everybody getting along?

1 A. Everybody was getting along fine.

2 Q. No screaming or fighting between your mom and dad?

3 A. No.

4 Q. Not at all?

5 A. Not at all.

6 Q. When you get to the pizza park, as I think you

7 called it, right, you looked in your mom's purse for Pokemon

8 Go, is that right?

9 A. Yeah.

10 Q. And you don't remember what kind of a purse it

11 was?

12 A. I don't. It was either a small purse or a medium

13 sized purse. I'm pretty sure it was just a medium sized

14 purse. I think it was a pretty nice one. I don't remember

15 the color or anything.

16 Q. No color? You don't remember the color?

17 A. I don't remember.

18 Q. And you went in and got the Pokemon Go out?

19 A. Yes.

20 Q. Did you look around the purse?

21 A. Yeah, I did.

22 Q. Did you see a gun in there?

23 A. I did -- I actually thought of that before. I saw

24 zero weapons, except for one thing. I think I saw a little

1 scissors thing. That couldn't have been it, so --

2 Q. Scissors?

3 A. Like those ones that you -- I think they were like
4 that big.

5 THE COURT: About four, four and a half inches
6 long by his finger width?

7 THE WITNESS: Maybe. They were just those metal
8 ones that some barbers will use on your hair.

9 BY MR. EDWARDS:

10 Q. Haircutting scissors?

11 A. Yes, I think so.

12 Q. Anything else in there you didn't see?

13 A. Well, the phone was near the bottom of the purse,
14 so I saw pretty much everything. There was nothing else.
15 That's the most dangerous thing I saw.

16 Q. All right. Did you see anybody with a gun that
17 day?

18 A. No. I didn't see anybody with a gun that day.

19 MR. EDWARDS: Thank you, Max. Thank you for
20 coming.

21 THE WITNESS: Uh-huh.

22 THE COURT: Thank you, Mr. Edwards. Redirect,
23 Mr. Stege?

24 MR. STEGE: No.

1 THE COURT: May Max be excused?

2 MR. STEGE: Please.

3 THE COURT: Max, you've done one of the better
4 jobs of following instructions I've seen. Thank you for your
5 time. Please go ahead and step down. Your next witness,
6 Mr. Stege.

7 MR. STEGE: Deputy Masten.

8 (One witness sworn at this time.)

9 THE COURT: Once you're comfortably seated, pull
10 the microphone in front of your face. Give your attention to
11 Mr. Stege, please.

12 JEFFREY MASTEN

13 called as a witness and being duly sworn did testify as
14 follows:

15 DIRECT EXAMINATION

16 BY MR. STEGE:

17 Q. Please state and spell your name.

18 A. Jeffrey Masten, M-a-s-t-e-n.

19 Q. How are you currently employed?

20 A. I am retired.

21 Q. From what?

22 A. I was a deputy sheriff for Washoe County.

23 Q. Let's talk about your role or your duties in July
24 of 2016.

1 A. I was the search and rescue coordinator.

2 Q. What does that entail?

3 A. I managed a unit of five volunteer groups that
4 when called upon we did a variety of different types of
5 searches.

6 Q. And you coordinate that within the sheriff's
7 office?

8 A. Yes, I did.

9 Q. In July of 2016, were you called upon to gather a
10 team to do a search at Oxbow Park?

11 A. Yes, I was.

12 Q. So you called a team?

13 A. Yeah. We were requested by Reno PD. They thought
14 maybe we need swimmers and divers from what we understood,
15 because there was some water that we needed to check. Upon
16 arrival, realized those things weren't going to be required,
17 because there wasn't enough water for that type of a search
18 and subsequently we did an evidence search.

19 Q. How do you do an evidence search?

20 A. Well, in this particular one, there was a couple
21 of different types of terrain. One of them, there was a --
22 kind of a platform, wooden deck type platform with a rail.
23 And all the way around the railing, there was, you know,
24 thick vegetation. There was also some standing water, two

1 and a half, three feet, maybe.

2 So what we decided to do was to put two guys with
3 like fishing waders on and they went into the water and kind
4 of felt around to see if they could find anything. We were
5 looking for a firearm.

6 Q. Is there a sort of methodologies or do you just
7 say, all right, guys, get in the muck?

8 A. Well, for this one, you kind of had to do the muck
9 thing. The vegetation was really thick, so we tried to use
10 metal detectors reaching through the trees and the branches
11 and kind of operating above the water level.

12 If we were looking for some, you know, solid
13 metal, like we were expecting, it was our theory that it
14 should set off a -- the metal detectors, that they would
15 handle that.

16 In addition, we were asked to do a search of the
17 areas adjacent to the walkway from the parking lot to the
18 platform. So I organized the remaining guys that weren't
19 involved in that part and to do an area search.

20 And for this, what we did was put the guys
21 shoulder to shoulder, basically, in a line, depending on how
22 much vegetation or how thick the area is that you're
23 checking, that kind of depends on or causes us to either
24 increase or decrease the distances between the searchers so

1 that the search areas are overlapping. If you have a wide
2 open area, you can be further apart.

3 Q. Of those two, sort of the wide open versus not
4 wide open, which was this terrain?

5 A. It was wide open and fairly clear, but we had
6 enough guys where we actually had them work on a -- at a
7 closer distance. And then we had them kind of just weave
8 back and forth until we covered the entire area we were
9 looking to cover.

10 Q. Were there also -- this is along the trail, but
11 were there also more thicker areas?

12 A. Well, for that part of the search --

13 Q. Or that part was wide open?

14 A. That part was wide open. The area around the
15 platform was quite dense, so we had guys in feeling.

16 Q. In the muck feeling with their hands?

17 A. Feeling with their hands and also with metal
18 detectors where you couldn't get to, trying to reach in as
19 far as they could, just to see if we can get a reading.

20 Q. As part of that process, someone on your team drew
21 a diagram or a sketch of the areas that were searched?

22 A. That's right.

23 Q. That was under your supervision?

24 A. Yes.

1 Q. And the yellow on that indicating the areas that
2 were searched?

3 A. Yes.

4 Q. Did you find anything?

5 A. No, we did not.

6 MR. STEGE: Pass the witness.

7 THE COURT: Cross examination.

8 MR. EDWARDS: I don't have any questions. Thank
9 you.

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

12 MR. STEGE: Yes, sir.

13 THE COURT: Deputy, thank you for your time.
14 Please enjoy that retirement. Mr. Stege, your next witness,
15 please.

16 MR. STEGE: Allison Jenkins.

17 (One witness sworn at this time.)

18 THE COURT: Once you're comfortably seated, pull
19 the microphone in front of your face give your attention to
20 Mr. Stege.

21 ALLISON JENKINS

22 called as a witness and being duly sworn did testify as
23 follows:

24 DIRECT EXAMINATION

1 BY MR. STEGE:

2 Q. Ma'am, please state and spell your name.

3 A. My name Allison Jenkins, J-e-n-k-i-n-s.

4 Q. How are you employed?

5 A. I'm currently employed as a Reno Police Officer
6 with the Reno Police Department.

7 Q. Which part of the police department?

8 A. I'm a robbery/homicide detective.

9 Q. How long have you been a robbery/homicide
10 detective?

11 A. For the past four years.

12 Q. You were involved in the investigation of this
13 case, is that right?

14 A. Yes, it is.

15 Q. And could you give us an overview of that
16 involvement?

17 A. I believe I was called the night of July 28th at
18 about 11:15 hours by my sergeant. He explained to me that
19 there had been a homicide at Oxbow Park several hours prior
20 and he asked for my help contacting the family members
21 involved in that homicide.

22 Q. And you did contact a number of them, is that
23 right?

24 A. Yes, I did.

1 Q. Which ones?

2 A. I contacted Ms. Fletcher's parents, Jeannie
3 Jorgenson and her father, Bob Jorgenson, initially, as well
4 agency her son Max.

5 Q. Contacted, that's kind of a police jargon, but how
6 is it that you came to meet up with those two?

7 A. I drove to their house and I met other detectives
8 there. I was invited inside their home and I met with them
9 briefly and explained our purpose for being there.

10 Q. And were let in?

11 A. I was, yes.

12 Q. And once in, who did you speak with?

13 A. Initially, I spoke with Mr. and Mrs. Jorgenson.

14 Q. With regards to Mrs. Jorgenson, what did you end
15 up doing with her?

16 A. I explained to her our reasons for being there and
17 told her that I believed she had some historical information
18 very relevant to what we were investigating. And I asked her
19 if it would be okay or if she would consent to going down to
20 the police station and talking to us further about any
21 information she may have.

22 Q. And she agreed to that?

23 A. Yes, she did.

24 Q. What about Max?

1 A. I also told her that I felt it was very important
2 that we speak to Max and it was my understanding Max may have
3 had some involvement in what occurred and I told her that
4 we'd like to speak with him also at the police station.

5 Q. And going back to Karen Jorgenson at her house
6 there, did she say -- give you any information that may have
7 come from Ms. Fletcher, the defendant?

8 A. She did.

9 Q. Such as?

10 A. She told me that she had met with Ms. Fletcher who
11 informed her that Max's father had been shot and she provided
12 me several details about the time they spent together after
13 the shooting.

14 Q. And that was of interest to you for follow-up at
15 the police station?

16 A. Yes.

17 Q. You sought an interview with young Max?

18 A. I did.

19 Q. Did you get that interview?

20 A. I did not personally interview him. He was
21 interviewed by another detective, who has experience
22 interviewing forensically young children who have been
23 involved in traumatic events.

24 Q. But you're at the house, you end up going to Max's

1 room that night?

2 A. I did. I did initially have contact with Max.

3 Q. Can you tell us about that, please?

4 A. Yes, I can. When I arrived at the house, Max was
5 sleeping in a bedroom that was later identified as
6 Ms. Fletcher's bedroom. When I went into the bedroom, Max
7 was sleeping on the bottom bunk bed. I woke Max up. I can
8 tell he had been crying. His face was very swollen.

9 When I woke him up, I introduced myself and I told
10 him that I wanted to talk to him about anything he may have
11 seen or heard that night.

12 Q. And you said you could tell he was crying,
13 overall, when you woke him up, what was his emotional state
14 or demeanor?

15 A. Initially, he was very quite, a little bit shy.
16 It wasn't until we got him up, got his shoes on and got
17 moving and he broke down and he told me that his dad had been
18 shot and he told me that he remembered his mom telling him
19 that somebody in the bushes -- that she had seen somebody in
20 the bushes, who she believed was responsible for shooting
21 him. And then as an afterthought, he looked at me and told
22 me, I didn't see anybody.

23 Q. What time of day was this that you woke him up?

24 A. This would have been shortly after midnight.

1 Q. And at this time, you knew that Katherine -- did
2 you know the whereabouts of Katherine Fletcher?

3 A. I did. I knew that she had been contacted by the
4 police and she was currently at the police station was my
5 understanding.

6 Q. So you helped Max get his shoes, get together and
7 what happens?

8 A. He drove to the police station with my partner. I
9 remember my partner offering him the front seat of his car.
10 It's an unmarked car. It doesn't look like a police car.
11 But he opted to sit in the backseat with his grandmother and
12 they drove and I followed them to the station in my car.

13 Q. And once at the police station, you engaged
14 Mrs. Jorgenson in an interview or which happened first, her
15 or Max?

16 A. Max was interviewed first by Detective Lynch.
17 Ms. Jorgenson actually requested to watch Max's interview.
18 And so I sat with her in a different room and we watched it
19 remotely from a TV screen together.

20 Q. And during that interview, did Ms. Jorgenson have
21 any reaction, emotional reaction that you saw or change of
22 demeanor while watching it?

23 A. From our location, it was difficult to hear
24 everything that was being said. I remember her commenting to

1 me that she was very impressed with Detective Lynch's
2 demeanor and the way he treated Max and how comfortable Max
3 seemed talking to him.

4 Q. To your observation, was Max able to sort of relay
5 or tell a version of what had happened at the park?

6 A. It seemed like it, yes.

7 Q. And you said Detective Lynch. Who is Detective
8 Lynch if you didn't say already?

9 A. Detective Lynch is a detective who at the time was
10 assigned to the child -- it's a combined unit, they handle
11 sex crimes, but they also handle child abuse. So Detective
12 Lynch has training in forensic interviews of kids who have
13 been involved in traumatic events.

14 Q. Right. So because it was a traumatic event and
15 his specialized training --

16 A. Yes.

17 Q. -- he was the selected interviewer?

18 A. Correct.

19 Q. And you watched that. After watching that
20 interview, what happened?

21 A. After watching that interview, I interviewed
22 Ms. Jorgenson.

23 Q. And, now, we have met Mrs. Jorgenson, but can you
24 describe her demeanor during the interview?

1 A. I would say her demeanor changed several times
2 throughout the interview. Initially, and even upon my
3 initial contact with her, she was very irritated. She
4 expressed to me a couple of different times throughout the
5 night that she didn't understand why we needed to talk to her
6 and why we felt it was necessary to talk to her in the middle
7 of the night.

8 Q. Okay. I want to ask you about -- this is a
9 carefully crafted question about a specific portion of the
10 interview, that being the statements about Ms. Fletcher going
11 target shooting. Do you recall that portion of the
12 interview?

13 A. I do.

14 Q. And do you recall what she said about the time
15 frame of that target shooting in relation to this case?

16 A. I do. I believe she told me that it was several
17 weeks prior, about three to four weeks prior, she recalled
18 her daughter going target shooting with a firearm. And she
19 couldn't remember exactly who she had gone with, but she told
20 me that she had gone with a friend.

21 Q. But the time frame being just three to four weeks?

22 A. Prior to the homicide, yes.

23 Q. And let's move from that interview to, did you
24 have any involvement in a search at the residence, the War

1 Paint residence?

2 A. Yes, I did.

3 Q. What was your role in that?

4 A. The following day, I was made aware that a warrant
5 to search that house for evidence of the shooting had been
6 obtained and I was assigned to search Ms. Fletcher's bedroom
7 for evidence.

8 Q. And were the only one who searched that?

9 A. I was not.

10 Q. So was detective or Officer Gott there?

11 A. He was.

12 Q. As well as forensic investigator Zernowski?

13 A. Yes, she was also there.

14 Q. And tell us about that search.

15 A. Also present was another detective with us named
16 Detective Thomas in that bedroom. During that bedroom, we
17 were looking for items specifically related to the homicide.
18 Near the bed, we located a gun safety pamphlet that was
19 photographed. We also located a cell phone that was believed
20 to have belonged to Ms. Fletcher. That was also photographed
21 and collected.

22 There was also information that undercover
23 officers or detectives prior to our arrival there had
24 observed Ms. Fletcher in the house wearing a neon colored

1 bikini. We located several bikinis, different bikinis inside
2 the room. That specific detective who had seen her wearing
3 those clothing, wearing the bikini was brought in and shown
4 the bikinis that we initially found and he told us, no, none
5 of those look right. We later found another bikini and
6 called him into look at that and he said, yes, that's the
7 bikini that I saw her wearing and that was also collected.

8 Q. I interrupted you.

9 A. I'm sorry.

10 Q. And that was also collected?

11 THE COURT: Collected, she said.

12 BY MR. STEGE:

13 Q. Do you recognize proposed Exhibit 32?

14 A. Yes, I do.

15 Q. How do you recognize it?

16 A. This is the bikini packaged, obviously, located
17 the one identified by Detective Gott that said, yes, this is
18 the bikini I saw Ms. Fletcher wearing earlier.

19 Q. How can you tell that's what it is?

20 A. So on the front of all of our evidence, this one
21 was collected by Washoe County, their forensic unit, there's
22 a label and it specifies the collection date and time and it
23 also gives a description of the item that was collected or
24 the specific item and where it was collected from.

1 Q. And that bearing handwriting that you recognize
2 and other information indicating it was from this case?

3 A. Correct.

4 MR. STEGE: Move to introduce 32.

5 THE COURT: Any objection to 32?

6 MR. EDWARDS: No, your Honor.

7 THE COURT: 32 is admitted.

8 THE CLERK: Thank you.

9 BY MR. STEGE:

10 Q. What is the condition of that bag besides the tape
11 and writing?

12 A. It's open. I'm sorry. Yeah.

13 Q. We opened it before court. But when it was
14 recovered, was it wet or dry?

15 A. It was damp. Unlike all the other previous
16 swimwear we had located that was dry, this one was noticeably
17 damp.

18 Q. And can you tell by the bag that maybe it was put
19 in there damp?

20 A. Yeah, I think so.

21 Q. Were you also involved in searching other parts of
22 the residence?

23 A. I was.

24 Q. Did you ever come across a white purse?

1 A. I did.

2 Q. Where?

3 A. It was hanging on the doorknob of the laundry room
4 door.

5 Q. Are you talking about a white purse or a denim
6 purse?

7 A. I believe it was a white denim purse.

8 Q. Okay. And that was located hanging on a?

9 A. On a doorknob of the laundry room door, if I
10 remember correctly.

11 Q. Okay. And that was also photographed and
12 recovered?

13 A. Yes, I believe so.

14 Q. Any guns found?

15 A. Not by me, no.

16 Q. Besides the -- in the out buildings, sort of the
17 garage of Mr. Jorgenson, any guns located in the room of
18 Ms. Fletcher?

19 A. No, there were not.

20 Q. Or within that purse?

21 A. No, there were not.

22 Q. Let's move forward for now. Max was interviewed
23 that night. Did you make contact with him at a later date?

24 A. Yes, I did.

1 Q. And where was that?

2 A. I'm sorry, what?

3 Q. Where was that?

4 A. I met with him at the Kids Cottage, which is a
5 temporary living arrangement for kids who have been
6 displaced.

7 Q. And you picked him up, you and Detective Lynch?

8 A. Yes, we did.

9 Q. Where did you go?

10 A. Well, we told Max that we would like to with his
11 permission take him back to where the shooting occurred to
12 see if he could remember anything in addition to what he told
13 us he remembered the night we initially spoke with him.

14 Q. And so you did that with Max at Oxbow Park?

15 A. Yes, we did.

16 Q. And after that, did you also look -- take him
17 anywhere else?

18 A. We did. After leaving Oxbow Park, we drove around
19 with him for a while. He told us that he remembered his mom
20 stopping a couple of times prior to going to the Jorgensons'
21 home. He said he specifically remembered stopping in a
22 location that was framed by a gray brick building and then a
23 white brick building.

24 There's several buildings matching that

1 description in that area. So we drove by several of them to
2 see if he could identify anything that looked familiar to
3 him.

4 Q. And so was he able to do that?

5 A. He was. He pointed out a location that he said
6 looked familiar to him. The location he pointed out was, I
7 believe, 245 Vine Street. It's a barber shop on one side and
8 then actually a radio shop for the police department on the
9 other side. And similar to how he described it, the barber
10 shop had white brick and the radio shop is comprised of gray
11 brick or cinder block.

12 Q. Where is that in relation to Oxbow Park?

13 A. It's quite a ways east of it. But, really, Oxbow
14 Park is at the very end of Dickerson Road, which is just an
15 extension of West Second Street. So it's just on the other
16 side, the east side of Keystone from West Second Street.

17 Q. And did you inquire or did you get a sense of the
18 level of certainty of Max in identifying this location?

19 A. He seemed excited about that particular location.
20 You know, but there are several locations in Reno that look
21 very similar. So, you know, we had driven him to several
22 other locations, and he told us, no, I don't think so. When
23 we did get to that location, he did seem excited about it,
24 more so than the other locations we had driven by.

1 Q. Did you seek other locations?

2 A. We did.

3 Q. Such as what?

4 A. We also took him by a gas station in the area. He
5 said he remembered his mom stopping at a gas station. We
6 took him to the, I believe it's Valero on the area on
7 Keystone near Second Street. And he told us that he
8 remembered there being numbers on the gas pump and that may
9 have been the spot.

10 Q. Anywhere else in terms of trying to identify
11 locations?

12 A. We took him several places looking for brick
13 buildings that may be similar. I don't remember exactly
14 which locations we took him to.

15 Q. But sort of the Valero and near the radio shop was
16 identified as potential areas?

17 A. Yes.

18 Q. So did you do any follow-up to that?

19 A. I did.

20 Q. That's after dropping Max off?

21 A. Yes. Correct.

22 Q. Did you cause searches -- a search to be made of
23 either of those locations?

24 A. I did. Another partner of mine was actually

1 tasked with following up at the gas station, but myself and a
2 former sergeant that I worked with went back to the area of
3 those brick buildings on Vine Street. We called the fire
4 department out so we could go up to the roofs of each
5 location and search the roofs to make sure nothing had been
6 thrown up there.

7 We hand searched through all the shrubbery around
8 that location. We also searched the dumpster at that
9 location, but found it had recently, very recently been
10 emptied.

11 We also went across the street. Across Vine
12 Street is a water company and they had video that showed
13 traffic on Vine Street and we watched that video to see if we
14 could identify Ms. Fletcher's vehicle ever in that area.

15 Q. Could you?

16 A. Not from Vine Street. It is possible to access
17 that location also from Keystone and we didn't see any
18 evidence of that, but we could only clearly see what was on
19 Vine Street.

20 Q. It's also possible it was the wrong location?

21 A. Absolutely.

22 Q. And what in particular were you looking for?

23 A. We were looking for the purse that Ms. Fletcher
24 had that night, but we were also looking for a gun and for

1 her cell phone.

2 Q. You mentioned a purse at the house. Was it
3 believed that the purse at the house is the purse Fletcher
4 had that night?

5 A. It was not.

6 Q. Did you find anything on the roof or bushes near
7 the radio shop?

8 A. No, nothing of evidentiary value.

9 Q. Or the gas station?

10 A. No.

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

12 THE COURT: Cross examination.

13 CROSS EXAMINATION

14 BY MR. EDWARDS:

15 Q. So, Ms. Jenkins, all of these searches you did as
16 a result of your drive around of Max in the car yielded
17 nothing, no evidence?

18 A. Correct.

19 Q. You spoke early on in your testimony about Max in
20 your interview with him and you said, quote, his mother told
21 him she'd seen a man in the bushes who was responsible for
22 the shooting. Did he use the word responsible?

23 A. No, he did not. That's me paraphrasing.

24 Q. So how far back do you want to go to the exact

1 quote of what Max said?

2 A. It may be documented in my report if you let me
3 refer to that.

4 Q. Can you recall him saying his mother told him she
5 saw a man in the bushes?

6 A. I can.

7 Q. Beyond that, do you recall anything more
8 precisely?

9 A. Again, without looking at my report. It's my
10 recollection that he told me that he -- that his mother told
11 him she saw somebody in the bushes and that he believed his
12 mother was telling him that person was responsible for
13 shooting his dad.

14 Q. Responsible? He word the responsible?

15 A. No. I've already told you he didn't say
16 responsible. That's me paraphrasing.

17 Q. What did he say?

18 A. If you let me look at my report, I'd be happy to
19 tell you.

20 Q. I don't have your report in front of me.

21 A. Okay.

22 Q. So you don't recall?

23 A. I don't recall the exact quote he said, no.

24 Q. And especially the word responsible he didn't use?

1 A. I don't believe so, no.

2 MR. EDWARDS: Thank you.

3 THE COURT: Redirect?

4 REDIRECT EXAMINATION

5 BY MR. STEGE:

6 Q. Sounds to me, detective, like it might refresh
7 your recollection to review your report on the exact words of
8 Max?

9 A. I think so.

10 MR. STEGE: I will approach Ms. Oates for a
11 sticker.

12 THE CLERK: Exhibit 55 marked for identification.

13 BY MR. STEGE:

14 Q. I will approach you with what has been marked as
15 proposed 55 or 55 for the Court purposes. Could you review
16 that and then I'll ask for it back and then your answer.

17 A. Yes. Okay.

18 Q. What did he say?

19 A. I did not actually quote Max in that. So I did
20 have a quote in there from him telling me that his dad had
21 been shot in the back. And then I proceeded to document that
22 he told me that his mom said she saw somebody in the bushes
23 who she blamed for shooting his father.

24 MR. STEGE: Okay. Nothing else.

1 THE COURT: Recross.

2 RECROSS EXAMINATION

3 BY MR. EDWARDS:

4 Q. That's not an exact quote of what Max said?

5 A. No, it's not.

6 Q. What exactly did he say?

7 A. I would have to listen to the interview to tell
8 you exactly what he said.

9 Q. You didn't do that in preparation for your
10 testimony today?

11 A. I did listen to the interview, but I don't
12 remember an exact quotation what he told me.

13 Q. And the word responsible is a word you recall Max
14 saying?

15 A. No. I don't remember him saying that. That was
16 me paraphrasing.

17 Q. Putting words in his testimony?

18 A. It was my interpretation of what he told me.

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

20 THE COURT: May this witness be excused?

21 MR. STEGE: May I ask another question?

22 THE COURT: I'll give you some latitude, I
23 suppose. Go ahead.

24 REDIRECT EXAMINATION

1 BY MR. STEGE:

2 Q. Is responsible a word you -- in your mind that
3 most exact word -- why did you use responsible?

4 A. I guess to me responsible is consistent with the
5 word blame. Blame and responsibility, I see as being
6 similar.

7 MR. STEGE: Thank you.

8 THE COURT: Any follow-up?

9 RECROSS EXAMINATION

10 BY MR. EDWARDS:

11 Q. Did you say the word blame?

12 A. Again, I would have to listen to the audio to tell
13 you exactly what he told me.

14 MR. EDWARDS: Thank you. This is enough, your
15 Honor. I'm done.

16 MR. STEGE: I agree.

17 THE COURT: May the witness be excused?

18 MR. STEGE: I would like to reserve her.

19 THE COURT: Ms. Jenkins, you'll be happy to step
20 down, I'm sure, this afternoon, but subject to recall by
21 subpoena. Thank you for your time.

22 THE WITNESS: You're very welcome.

23 THE COURT: Mr. Stege, your next witness.

24 MR. STEGE: Ryan Williamson.

1 (One witness sworn at this time.)

2 THE COURT: Please be seated, Ms. Williamson.

3 Once you're comfortably seated, go ahead and pull the
4 microphone in front of your face. Please give your attention
5 to Mr. Stege.

6 RYAN WILLIAMSON

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

9 DIRECT EXAMINATION

10 BY MR. STEGE:

11 Q. Good afternoon. Please state and spell your name.

12 A. My name is Ryan Williamson, W-i-l-l-i-a-m-s-o-n.

13 Q. And you are employed as a social worker, is that
14 correct?

15 A. Yes, I am.

16 Q. And through the course of your duties, did you
17 become aware of a custody dispute between Katherine Fletcher
18 and Robert Trask?

19 A. Yes.

20 Q. In fact, you were a witness to a number of events
21 in that case?

22 A. Yes.

23 Q. Which included hearings, in court hearings?

24 A. Yes.

1 Q. And from 2013 until the date of this offense, what
2 was the custody status as between Fletcher and Trask?

3 A. From the beginning to the end?

4 Q. Well, was there a trend from '13 to '16?

5 A. Yes.

6 Q. What was that trend?

7 A. It involved motions for changes of custody and
8 changes of custody from one parent to another.

9 Q. And the result of which was custody went from who
10 to who?

11 A. Custody went from Ms. Fletcher to Mr. Trask.

12 Q. In the end, at the time of this offense, what was
13 the custody status of young Max?

14 A. Mr. Trask had primary custody of Max with
15 Ms. Fletcher having supervised visitation.

16 Q. Sort of in layman's terms, we sometimes hear the
17 term having full custody.

18 A. Yes.

19 Q. Is that applicable to what you're describing?

20 A. Yes. Mr. Trask had full custody of Max.

21 Q. And visitation, what is visitation?

22 A. Visitation is with the noncustodial parent
23 involving some sort of degree of duration and supervision.

24 Q. And are there different types of visitation?

1 A. Yes.

2 Q. What types are there?

3 A. There is unsupervised visitation where the
4 noncustodial parent can have contact and visitation with the
5 child at their agreement with the custodial parent. There is
6 supervised visitation that occurs out in the community with
7 one parent supervising the visitation with the noncustodial
8 parent. And then there's supervised visitation that
9 typically in custodial cases occurs at the Family Peace
10 Center.

11 Q. And what's the Family Peace Center?

12 A. The Family Peace Center is a program that is run
13 by the courts to assist with custodial exchanges. Visitation
14 can occur at the Family Peace Center. Typically, one parent
15 goes in with the child, another parent comes in another door,
16 visitation occurs in one of their rooms supervised by a
17 Family Peace Center staff member recorded for the judge for
18 the custodial proceedings. And then custody is again
19 exchanged at the Family Peace Center and the child goes home
20 with the custodial parent.

21 Q. Was that the case with Max Trask?

22 A. That was the case.

23 Q. How much of this supervised visitation at the
24 peace center did Ms. Fletcher have leading up to this?

1 A. It was my understanding that the supervised
2 visitation at the Family Peace Center was inconsistently
3 followed.

4 Q. Was there an order, though, from a court setting
5 what the supervised visitation at Family Peace Center was?

6 A. Yes, there was.

7 Q. What was it?

8 A. To my understanding, it was one time a week
9 supervised visitation at the Family Peace Center for one hour
10 or one hour to two hours.

11 Q. And within the realm of -- well, full custody is
12 long-term. Are there other types of custody between two
13 parents?

14 A. Yes.

15 Q. Split custody, joint custody, can you educate us
16 on that?

17 A. Joint custody is where each parent has care and
18 custody of the child roughly 50 percent of the time, but it
19 can also be 40, 60, but the parents both share equal amounts
20 of custody, legal and physical.

21 Q. And so sole custody or custody going to just one
22 parent and visitation to the other, within the spectrum or
23 possibilities or range available to the Court, where is that?

24 A. I'm sorry. Can you repeat that?

1 Q. It sounds like this is more on the extreme end,
2 having one hour of supervised visitation at the Family Peace
3 Center?

4 A. In my experience, when visitation is allotted to a
5 one hour during a week that is supervised, there are other
6 circumstances involved to make that determination.

7 Q. Because -- okay. Where is the Family Peace
8 Center?

9 A. It's here at the Court building.

10 Q. Do you know how long was it that this one hour
11 supervised was in effect leading up to this?

12 A. From the moment that Mr. Trask was awarded
13 primary, or as you like to call it, sole custody, that
14 visitation order was in effect until his death.

15 Q. Do you know the date of that? Was it a year, a
16 month, what sort of was the time frame?

17 A. I would estimate it was over a year.

18 Q. You did mention that there were -- it was not
19 being followed, you learned?

20 A. Yes.

21 Q. Such that there was visitation being given outside
22 of that court order?

23 A. Yes, there was.

24 Q. Given by Rob?

1 A. Yes.

2 Q. Now, during the history of this dispute, how would
3 you characterize Ms. Fletcher's attitude towards Mr. Trask?

4 MR. EDWARDS: Objection, your Honor.

5 THE COURT: Don't answer the question yet. Thank
6 you for stopping. What is the legal basis of your objection?

7 MR. EDWARDS: I don't know how she can -- it's
8 vague, attitude.

9 MR. STEGE: I'll give him that. I'll rephrase.

10 THE COURT: Thank you. Please rephrase. I
11 sustain the objection. Go ahead.

12 BY MR. STEGE:

13 Q. It's been suggested that Rob and Katherine were
14 friends, that despite this order, they got along. To your
15 observation, having been involved, is that true?

16 A. Not in my opinion, no.

17 Q. And what is that based on in terms of -- are you
18 talking about statements from Fletcher, observations of court
19 or things that happened in court?

20 A. All of the above.

21 Q. In terms of if you can recall as to statements
22 made by Fletcher about Trask or about the custody situation,
23 what was she saying?

24 A. Ms. Fletcher had disclosed that she did not want

1 Mr. Trask to have sole custody.

2 Q. And that belief, was that borne out in the
3 proceedings of the court or courts?

4 A. Yes.

5 Q. Such that she would make filings with the Court?

6 A. Yes.

7 Q. And with various agencies?

8 A. Yes.

9 Q. Making allegations against Rob?

10 A. Yes.

11 Q. And as you viewed it, were those made in an
12 attempt to disrupt or end this situation where Rob had
13 custody?

14 A. Yes.

15 Q. And were those allegations investigated?

16 A. Yes.

17 Q. And were they found to be true or untrue?

18 A. Untrue.

19 Q. Were there multiple of these unsubstantiated
20 allegations made?

21 A. Yes.

22 Q. All by who?

23 A. Ms. Fletcher.

24 Q. Were those brought in fact before the Court?

1 A. Yes.

2 Q. Did the Court -- did that cause any Court to
3 change the custody situation?

4 A. Yes.

5 Q. In whose favor?

6 A. Mr. Trask.

7 Q. And did you yourself investigate these
8 allegations?

9 A. Yes, I did.

10 Q. Did you find them to be substantiated or
11 unsubstantiated?

12 A. Against Mr. Trask, I found them to be
13 unsubstantiated.

14 Q. Did during the course of this dispute when these
15 were reported -- were found to be unsubstantiated, did that
16 deter or stop Ms. Fletcher from making further additional
17 allegations?

18 A. No, it did not deter her.

19 Q. We've heard testimony of the legal secretary for
20 Judge Lumkes or Lumkes. I don't know how to pronounce it.

21 THE COURT: It's Lumkes.

22 BY MR. STEGE:

23 Q. Judge Lumkes, were you a witness to that
24 particular proceeding on July 1st of 2016?

1 A. Yes.

2 Q. In which Fletcher lost an appeal related to these
3 issues?

4 A. Yes.

5 Q. If you know, is that -- strike that. It's been
6 suggested that this custody situation was, like Fletcher was
7 okay with it, is that your observation based on your history
8 following the case or cases?

9 A. Can you repeat that question?

10 Q. It has been suggested that Fletcher was okay, like
11 she was satisfied with the custody situation leading up to
12 the death of Robert Trask. Having witnessed some of these
13 events, do you agree with that assessment?

14 A. No. I disagree.

15 Q. And what's that based on? Again, in a general
16 sense, what's it based on?

17 A. My witnessing proceedings related to their custody
18 and to their visitation.

19 Q. And in addition to sort of being at the hearings,
20 you would talk with both Fletcher and Trask?

21 A. Yes.

22 Q. We heard a suggestion with respect to -- your
23 Honor, may we have a short just bench conference because of
24 the nature of this question?

1 THE COURT: Yes. Please approach.

2 (Conference at the bench.)

3 THE COURT: Thank you for the conference in
4 private. Go ahead, Mr. Stege.

5 MR. STEGE: No further questions. I'll pass.

6 THE COURT: Thank you. Cross examination.

7 MR. EDWARDS: I have a few questions, your Honor.

8 CROSS EXAMINATION

9 BY MR. EDWARDS:

10 Q. Ms. Williamson, you indicated that the custody
11 arrangement between Mr. Trask and Ms. Fletcher was
12 inconsistently followed, is that correct?

13 A. The visitation.

14 Q. Okay. Visitation aspect of the custody
15 arrangement?

16 A. Yes.

17 Q. Okay. So that means that there was some times
18 more and some times less? What does that mean?

19 A. That means Mr. Trask would allow visitation out in
20 the community.

21 Q. Rather than at the peace center?

22 A. Yes.

23 Q. And do you know if that occurred on July 28th,
24 2016?

1 A. Yes.

2 Q. It did occur?

3 A. That's my recollection, yes.

4 Q. Does the peace center have any involvement in
5 that? Can they prohibit extra visitation, for example?

6 A. No, they can't.

7 Q. On this order that we've talked about that came
8 down from Debbie Lumkes setting this visitation schedule --

9 THE COURT: Let's be clear. It was Judge
10 Gardner's order. Judge Lumkes acted in an administrative
11 appeal.

12 MR. EDWARDS: Beg your pardon.

13 MR. EDWARDS: So farther along the line?

14 THE COURT: Indeed.

15 BY MR. EDWARDS:

16 Q. We had an administrative appeal that you spoke of?

17 A. Yes.

18 Q. Debbie Lumkes?

19 A. Yes.

20 Q. And a letter was generated from that with an order
21 attached?

22 A. Yes.

23 Q. Okay. Do you know if Ms. Fletcher had the right
24 to seek further review of that situation?

1 A. The third tier of appeal?

2 Q. Uh-huh.

3 A. Yes. That is a right.

4 Q. And so she had that right?

5 A. Yes. That's a time sensitive right, yes.

6 Q. On July 28th, 2016?

7 A. Yes.

8 Q. Do you know if it was exercised?

9 A. It was not.

10 MR. EDWARDS: Thank you.

11 THE COURT: Any follow-up, Mr. Stege.

12 REDIRECT EXAMINATION

13 BY MR. STEGE:

14 Q. If not exercised, what happens to that next level
15 of appeal?

16 A. It's my understanding if the next level of appeal
17 is not noticed and heard within a time period, that the
18 decision stands.

19 Q. It's a final decision?

20 A. Yes.

21 Q. On the subject of this extra sort of visitation
22 outside of the bounds of the order, you said you were aware
23 of that?

24 A. Yes.

1 Q. And are you aware of the motivations for that?

2 A. Yes.

3 Q. What were the motivations?

4 MR. EDWARDS: Objection, your Honor, what's in
5 somebody else's head.

6 THE COURT: If I understand correctly, you're
7 asking her to opine as to someone else's motivations and that
8 would be speculation. I sustain that objection. You may
9 rephrase.

10 BY MR. STEGE:

11 Q. Did Rob ever tell you why he was giving extra
12 visitation?

13 MR. EDWARDS: Objection, calls for hearsay.

14 THE COURT: It does. Are you aware of an
15 exception?

16 MR. STEGE: Only door opening exception, but
17 probably not sufficient in this instance.

18 THE COURT: Thank you. I sustain the objection.
19 Please ask another question.

20 MR. STEGE: No more questions.

21 THE COURT: Thank you. Any follow-up with
22 Ms. Williamson?

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

24 THE COURT: Ms. Williamson, thank for your time.

1 Mr. Stege.

2 MR. STEGE: Kevin Natzel.

3 (One witness sworn at this time.)

4 THE COURT: Please pull that microphone over in
5 front of you. If you would give your attention to Mr. Stege.

6 KEVIN WILLIAM NATZEL

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

9 DIRECT EXAMINATION

10 BY MR. STEGE:

11 Q. Would you please state your name and spelling your
12 last name?

13 A. Kevin William Natzel, N-a-t-z-e-l.

14 Q. How can you currently employed?

15 A. I work for Central Rheem Corporation.

16 Q. Do you know a person named Max Trask?

17 A. Yes, I do.

18 Q. Did you know his father?

19 A. Yes, I did.

20 Q. How did you know his father?

21 A. I met him at a yard sale and then we became good
22 friends and roommates and stuff.

23 Q. And the two of you, you and Robert became
24 roommates?

1 A. Yes.

2 Q. Where did you live?

3 A. I lived in trailer park.

4 Q. In what part of town?

5 A. 220 South 19th Street.

6 Q. And who else lived there with you?

7 A. Max.

8 Q. How long did this arrangement develop where you
9 and Rob were living together, how long before his death?

10 A. Probably three and a half, four years.

11 Q. So you were privy to the relationship or observed
12 any relationship between Robert and Katherine Fletcher?

13 A. Yes.

14 Q. Did you know Katherine Fletcher?

15 A. Yes, I did.

16 Q. And how was it that you would know her?

17 A. She used to come over with Max all the time and
18 see Max and stuff.

19 Q. Was there a time, though, where Robert got like
20 all of the custody?

21 A. Yes.

22 Q. Would Katherine still come over?

23 A. Yes, she would.

24 Q. Was she allowed into the house?

1 A. I really didn't want her in, but it was for Max
2 and Rob.

3 Q. How would you characterize -- I'll ask it a
4 different way. Was there animosity, leading up to Robert's
5 death, animosity, which means bad feelings between Katherine
6 and Rob?

7 A. I never noticed it. It was one day --

8 Q. I want you to -- we don't want to -- okay. If you
9 just narrow it to sort of statements of the defendant or
10 things she did. That's a terrible question.

11 THE COURT: That's okay.

12 BY MR. STEGE:

13 Q. Did they seem to get along?

14 A. Yes. They got along together when Max was there
15 and all that.

16 Q. What about when Max wasn't there, would they be
17 together?

18 A. They would go someplace. They wouldn't come in
19 the house.

20 Q. And what kind of car did Rob drive?

21 A. It was a little Nissan Altima.

22 Q. You said you were aware of the custody situation?

23 A. Yes.

24 Q. To your observation, did Fletcher want custody

1 back of Max?

2 A. Yes, she did.

3 Q. And this is a general question, but did you ever
4 see her do anything to try to force custody back to her
5 favor?

6 A. No.

7 Q. Were you aware of the allegations made by Fletcher
8 against Trask?

9 A. Yes.

10 MR. STEGE: Nothing further. Pass.

11 THE COURT: Cross examination.

12 CROSS EXAMINATION

13 BY MR. EDWARDS:

14 Q. So, Mr. Natzel, did I hear you say that Katherine
15 Fletcher and Robert Trask got along when they were with Max?

16 A. Yes.

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

18 THE COURT: Any redirect.

19 MR. STEGE: No.

20 THE COURT: Thank you very much for your time,
21 sir. You're free to go.

22 THE WITNESS: Thank you.

23 THE COURT: Mr. Stege.

24 MR. STEGE: The aforementioned Ms. Zernowski.

1 (One witness sworn at this time.)

2 THE COURT: Once you're comfortably seated, pull
3 the microphone in front of your face. When he's ready,
4 please give your attention to Mr. Stege.

5 ASHLYN BURKE

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

8 DIRECT EXAMINATION

9 BY MR. STEGE:

10 Q. Hello. Please state and spell your name.

11 A. My Ashlyn Burke, A-s-h-l-y-n, B-u-r-k-e.

12 Q. Were you previously known as Zernowski?

13 A. Yes, I was.

14 Q. And how are you currently employed?

15 A. I am currently at the Washoe County Public
16 Administrator's Office as an estate investigator.

17 Q. Before that, did you have other employment within
18 the county?

19 A. Yes. I was a forensic investigator with the
20 Washoe County Sheriff's Office.

21 Q. And what does that job entail?

22 A. It was basically going out to crime scenes,
23 photographing, evidence collection, swabbing for DNA,
24 fingerprint processing, diagraming, kind of the grunt work

1 out there.

2 Q. And you did that in this case?

3 A. Yes, I did.

4 Q. And you're in an awkward position, because some of
5 your work has already come in through other witnesses, but I
6 would like to jump to you processed the scene at Oxbow Park?

7 A. Yes, I did.

8 Q. Along with Detective Allen?

9 A. Yes.

10 Q. Came back the next day and took photographs?

11 A. Yes.

12 Q. A diagram was prepared?

13 A. I don't think I came back the next day. I think
14 there was -- we worked it on the 28th and I don't think I
15 came back until August, a few days later.

16 Q. Okay. Then a diagram was prepared between you and
17 Investigator Ivers?

18 A. Correct.

19 Q. Let's talk, though, move to War Paint, the War
20 Paint address?

21 A. Yes.

22 Q. Tell us about what happened there.

23 A. I was asked to go process the house at War Paint
24 Circle and it was my understanding that is where Ms. Fletcher

1 was residing.

2 Q. And you did that?

3 A. Yes.

4 Q. With the assistance of detectives?

5 A. Correct.

6 Q. Let's move to one particular portion of that
7 residence, that being the detached garage?

8 A. Yes.

9 Q. Drawing your attention to that. Will you review a
10 proposed Exhibit 9? Do you recognize what's depicted in that
11 proposed exhibit?

12 A. Yes, I do.

13 Q. How do you recognize it?

14 A. They were firearms that were present at the scene.

15 Q. The detached garage?

16 A. Correct.

17 Q. And they are a true and accurate depiction of what
18 you just described?

19 A. Yes.

20 MR. STEGE: I'd move in 9, which contains --

21 MR. EDWARDS: 12 pages. No objection.

22 THE COURT: Thank you. Exhibit 9 is admitted.

23 BY MR. STEGE:

24 Q. Can you narrate or describe what we're seeing

1 here?

2 A. That was the out building at the residence.

3 Q. So the house from here would be off to which
4 direction, if you remember?

5 A. Off to the left.

6 Q. Looking at page two, what are we looking at?

7 A. That was the a gun safe in the out building.

8 Q. And so this gun safe was processed for a number of
9 firearms?

10 A. Yes.

11 Q. Including a nine millimeter Luger?

12 A. Correct.

13 Q. And the number of rounds. Now, how is it -- we
14 these being held in the hand, how does this relate to the
15 prior page, that being three?

16 A. May I refer to my report?

17 Q. If that would you fresh your recollection.

18 THE COURT: Is this marked?

19 MR. STEGE: It shortly will be, your Honor.

20 THE COURT: We'll need to mark anything you use to
21 refresh your recollection. You're doing nothing wrong.
22 Please, if you would provide whatever you were going to use
23 to counsel so he can reveal it to Mr. Edwards. Don't refresh
24 your recollection with it yet until you give it to Mr. Stege.

1 It's a fancy dance we have to dance, because the
2 purpose, ladies and gentlemen, so you know, is this, we're
3 entitle to the recollection of any witness. When we go to
4 law school, we learn this interesting tidbit, if you will,
5 that you can refresh someone's recollection with a banana
6 peel if that provokes their recollection.

7 The issue is what they remember, not what the
8 banana peel says if that makes any sense. You've seen
9 throughout the trial I've required whatever is used to
10 refresh somebody's recollection to be marked so anybody who
11 looks at this record knows what was used. Literally, they
12 can see the banana peel.

13 THE CLERK: Your Honor, that was Exhibit 56 that
14 was marked.

15 THE COURT: Go ahead, Mr. Stege.

16 BY MR. STEGE:

17 Q. Will you look at 56, review it. Don't answer from
18 it until you give it back to me. Does that refresh your
19 recollection?

20 A. Yes.

21 Q. What's the relation between page four, the handful
22 of bullets, and page three?

23 A. These were from a magazine in the gun safe.

24 Q. In fact, is that the convention within the field

1 is to remove the ammunition and photograph the ammunition?

2 A. Yes. You want to see the head stamps.

3 Q. And why the head stamps?

4 A. Different head stamps have different features. I
5 feel like that would be a better question for the firearms.

6 Q. For example, does it give you information about
7 the --

8 A. Yes, it does.

9 Q. Page five?

10 A. That is the other side of the same cartridges.

11 Q. And page six?

12 A. That is a box of the Hornady ammunition that was
13 also in the gun safe.

14 Q. Seven?

15 A. That was another cartridge.

16 Q. And this from a desk within the detached garage?

17 A. Yes, it was.

18 Q. Also showing you Hornady head stamp.

19 A. Yes.

20 Q. And nine being the?

21 A. Reverse side, yes.

22 Q. The business end. Ten also another nine
23 millimeter firearm?

24 A. Correct.

1 Q. And 11 being assorted ammunition?

2 A. Correct.

3 Q. All of which was photographed and collected as
4 evidence?

5 A. Yes.

6 Q. And placed in the evidence vault, correct?

7 A. Correct.

8 Q. Let's talk about moving to the processing of the
9 vehicle of Ms. Fletcher. Do you recall that?

10 A. Yes, I do.

11 Q. A Dodge Neon. We've heard testimony from
12 Detective Allen about looking through it, looking for pieces
13 of evidence, but he mentioned gunshot residue collection?

14 A. Yes.

15 Q. Do you have experience or training in that
16 process?

17 A. Yes, I do.

18 Q. That was a part of your duties at the sheriff's
19 office?

20 A. Correct.

21 Q. How is gunshot residue collected?

22 A. It comes in a little kit. It's basically sterile,
23 so, you know, there's no contamination. You open it up and
24 there are two little capsules, essentially. They have a

1 sticky adhesive end. You remove the caps and you press them
2 firmly on whatever surface you're testing, put the back cap
3 on, place them in the box and send them off for testing if
4 need be. The whole point is to collect microscopic particles
5 and another lab looks at them under a microscope.

6 Q. And you're collecting or looking for the presence
7 of what? What is gunshot residue in its most general term?

8 A. Basically, powder that emits from the gun when a
9 shot is fired.

10 Q. And did you do that as to the car?

11 A. Yes, I did.

12 Q. Which parts of the car?

13 A. I did three different kits. One was done on the
14 trunk exterior where one would grab, essentially, around that
15 area to open the trunk. I did another set on the driver's
16 door interior and exterior handles where one would touch to
17 get and out of the vehicle. And then another one on the
18 steering wheel and the gear shift.

19 Q. Why the steer wheel and gear shift?

20 A. That's also where one would assume a driver would
21 touch.

22 Q. So you collected those samples and what became of
23 them?

24 A. They are packaged and labeled and then put into

1 our evidence. We do not send them off right away. If the
2 detectives working the case wish to do so, they may request
3 that it be sent out.

4 Q. Will you review proposed Exhibit 33 and I'll leave
5 34 and we'll get to that, but review 33, please. Do you
6 recognize proposed 33?

7 A. I do.

8 Q. How do you recognize it?

9 A. It's my handwriting. It has the case identifiers,
10 the date, my initials and commission number and the location
11 along with the description of the items inside.

12 Q. This being the envelope you placed some samples
13 into?

14 A. Yes.

15 MR. STEGE: Move to introduce 33.

16 THE COURT: Any objection?

17 MR. EDWARDS: I just have one question.

18 VOIR DIRE EXAMINATION

19 BY MR. EDWARDS:

20 Q. Have you identified what that is? What's inside
21 there?

22 A. Would you like me to read the descriptions?

23 Q. Yes, please.

24 A. It's one gunshot residue collection kit performed

1 on the exterior of the trunk at 0802 hours, one gunshot
2 residue collection kit performed on the driver's door
3 interior and exterior at 0805, one gunshot residue collection
4 kit performed on the steering wheel and gear shift at
5 0810 hours, all kits collected from a Dodge Neon with Nevada
6 plate 17D488 and VIN 1B3ES46C72D617496.

7 MR. EDWARDS: Thank you. I don't have any
8 objection.

9 THE COURT: Exhibit 33 is admitted.

10 BY MR. STEGE:

11 Q. Will you review 34, proposed 34? Do you recognize
12 that?

13 A. I do not.

14 Q. I realized that after I -- moving forward, did you
15 go to the Reno Police Department police station, I guess that
16 would be in the early morning hours of the 29th of July?

17 A. I went to the police station prior to processing
18 the vehicle.

19 Q. Okay. Did you process the defendant?

20 A. I did, yes.

21 Q. And what does that mean?

22 A. Take photos, identifying photos, also photos of
23 limbs, hands, close-ups of the face and the neck, to verify
24 if there's any injuries, defects, those sorts of things.

1 Q. And as part of that process, were Ms. Fletcher's
2 clothes collected?

3 A. May I review my report?

4 Q. Let's do this part first and let's start talking
5 about it in general. Do you recognize proposed Exhibit 12?
6 Do you recognize that proposed exhibit?

7 A. I do.

8 Q. How do you recognize that?

9 A. Those are the photos I took of Ms. Fletcher.

10 Q. At the police station?

11 A. Correct.

12 MR. STEGE: Move to introduce 12.

13 MR. EDWARDS: No objection.

14 MR. STEGE: This exhibit, your Honor, contains
15 seven pages.

16 THE COURT: Thank you.

17 BY MR. STEGE:

18 Q. Walk us through this. What is that page one?

19 A. We call that an overall view. It's just to see
20 Ms. Fletcher in her entirety. It's identifying and it also
21 shows the condition as I first see her.

22 Q. So after overalls, what are the next type of
23 photographs?

24 A. You take close-ups, what we call close-ups or

1 specific views, select views and move to certain areas to
2 highlight certain things.

3 Q. Which begins at page two?

4 A. That is a facial view.

5 Q. What is page three?

6 A. A view of the hands.

7 Q. And page four?

8 A. Views of the palms of the hands.

9 Q. Page five?

10 A. Those were defects on her right leg.

11 Q. Appearing to be scratches?

12 A. Correct.

13 Q. And page six?

14 A. Ms. Fletcher, I asked if her if she had any
15 injuries or marks and she said she had one on her lower back.
16 That was the only thing I could see was slightly a different
17 color.

18 Q. And page seven?

19 A. That was the back of her neck.

20 Q. Were you present when any clothing, if you recall,
21 was taken from Ms. Fletcher, for example, the clothing she's
22 wearing here?

23 A. I'm sorry, I do not remember if I collected it or
24 not.

1 Q. Would it refresh your recollection to see your
2 report?

3 A. Yes, please. It's actually a different report. I
4 need to look at that.

5 Q. Is it in your purse?

6 A. Yes.

7 Q. Actually, would we expect to see your name on her
8 if you were the collector?

9 A. Yes.

10 Q. I am sorry for jumping you around a little bit.
11 We saw in a previous exhibit a photograph of a single round
12 taken from a drawer?

13 A. Yes.

14 Q. Drawing your attention back to that, would you
15 review proposed Exhibit 31? Do you recognize proposed 31?

16 A. Yes, I do.

17 Q. How?

18 A. It, again, has the identifying information of the
19 case, the date, the location, the descriptor, my initials and
20 my handwriting.

21 MR. STEGE: Move to introduce this exhibit.

22 MR. EDWARDS: No objection.

23 THE COURT: It's admitted.

24 BY MR. STEGE:

1 Q. Has that been opened? Yes. I'll take it. So
2 this envelope contains an additional envelope and so you
3 would expect inside here to be that round recovered?

4 A. Correct.

5 MR. STEGE: I'm going to publish this, please,
6 your Honor.

7 THE COURT: Yes, go ahead.

8 BY MR. STEGE:

9 Q. This being a -- is this the head stamp portion
10 that we've mentioned?

11 A. Yes.

12 Q. And the other end?

13 A. Correct.

14 MR. STEGE: I pass the witness.

15 THE COURT: Cross examination.

16 MR. EDWARDS: I don't have any questions, your
17 Honor.

18 THE COURT: May this witness be excused?

19 MR. STEGE: Yes.

20 THE COURT: Thank you very much for your time.
21 You may step down. Before you leave, ma'am, can you confirm
22 you don't have any of the items marked as exhibits in this
23 case?

24 THE WITNESS: I do have the reports.

1 THE COURT: Your report that was marked? Just
2 make sure you don't have --

3 THE WITNESS: I see what you're saying. That one.
4 That's it.

5 THE COURT: Thank you very much.

6 THE WITNESS: Thank you.

7 THE COURT: Mr. Stege.

8 MR. STEGE: Your Honor, may I have a very short
9 recess? I do have additional witnesses, I just have --

10 THE COURT: Might I suggest that we rest for the
11 day? It has been a long, difficult day for all involved and
12 we're moving quickly. I don't want to lose time
13 unnecessarily, but I also, because I'm at the verge of either
14 giving these folks a break or just sending them home. That's
15 why I suggest that, Mr. Stege. Do you have a sense of how
16 many more witnesses you're going to call?

17 MR. STEGE: I have two folks outside. Perhaps the
18 first, the first should be quite brief and then --

19 THE COURT: Let's do that.

20 MR. STEGE: -- the second one we'll do tomorrow.

21 THE COURT: Let's do that.

22 MR. STEGE: That thereby Victor Ruvalcava.

23 (One witness sworn at this time.)

24 THE COURT: Be seated, Mr. Ruvalcava. Give your

1 attention to Mr. Stege.

2 THE WITNESS: Okay.

3 VICTOR RUVALCAVA

4 called as a witness and being duly sworn did testify as
5 follows:

6 DIRECT EXAMINATION

7 BY MR. STEGE:

8 Q. Hello. Please state and spell your name.

9 A. Victor Ruvalcava, R-u-v-a-l-c-a-v-a.

10 Q. Have you ever been employed as a FIS personnel?

11 A. Yes, I have.

12 Q. From when to when?

13 A. In that section, I had two tours of duty in the
14 forensic science division. My first tour was from 2000 to
15 2001, just a one-year temporary tour, and then I was
16 permanently assigned into the section in 2005 and worked in
17 that section until retirement in December of 2016.

18 Q. And we've heard from Ashlyn Burke, formerly
19 Zernowski, did you have similar training and experience as
20 her, in fact, more training and experience?

21 A. Yes. We performed the same duties. I was an
22 officer at the time of my tour of duty there.

23 Q. And as it relates to this case, were you present
24 during the autopsy of one Robert Trask?

1 A. Yes, I was.

2 Q. As part of your duties at autopsy, do you collect
3 evidence?

4 A. Yes.

5 Q. What sorts of evidence is collected?

6 A. Well, we collect evidence from the body. As the
7 pathologist does the examination, she determines things that
8 need to be collected. There's also items that are routinely
9 collected. We collect the clothing, any evidence of weapons.
10 We take photographs of all the procedures. We collect
11 samples from the body and then anything that was used to
12 protect the body.

13 Q. The body bag in fact gets collected?

14 A. Yes. The body bag and paper bags that are used on
15 the hands.

16 Q. And as it relates to this case, were GSR samples
17 collected from Mr. Trask?

18 A. Yes, they were.

19 Q. Was a bullet recovered from Mr. Trask?

20 A. Yes, there was.

21 Q. Will you please review proposed 37? I'm not going
22 to ask you to open it, but would you just review the
23 envelope?

24 A. The envelope?

1 Q. Yes.

2 A. Okay. Okay.

3 Q. Do you recognize that proposed exhibit?

4 A. Yes, I do.

5 Q. How do you recognize it?

6 A. That's the chain of custody that I created for an
7 item of evidence that was collected from the body of
8 Mr. Trask. It's a chain of custody that accompanies the item
9 of evidence through the process of collection from when the
10 pathologist gave it to me up to its current location.

11 Q. And if we were to open that, you'd expect to be
12 inside the bullet or missile recovered from Mr. Trask?

13 A. Yes. And the accompanying -- there's also an
14 orange plug that was with it.

15 MR. STEGE: I'd move to introduce the exhibit.

16 MR. EDWARDS: Can you give me the number of your
17 exhibit, please?

18 MR. STEGE: 37.

19 MR. EDWARDS: No objection.

20 THE COURT: 37 is admitted.

21 BY MR. STEGE:

22 Q. Should this contents of this envelope be handled
23 without gloves?

24 A. They should not.

1 MR. STEGE: Nothing further.

2 THE COURT: Cross examination.

3 MR. EDWARDS: No questions, your Honor.

4 THE COURT: May this witness be excused?

5 MR. STEGE: Yes, with my thanks.

6 THE COURT: Thank you very much. You may step
7 down. Good day to you.

8 THE WITNESS: Thank you, your Honor.

9 THE COURT: Ladies and gentlemen, we're going to
10 take the evening recess. We'll be in recess until 9:00 a.m.
11 tomorrow morning. We'll start right back up. During this
12 recess, it is your duty not to converse among yourselves or
13 with anyone else on any subject connected with this trial or
14 to read, watch or listen to any report of or commentary on
15 the trial by any person connected with the trial or by any
16 medium of information, including, without limitation,
17 newspaper, television, radio, Internet or smart phones.
18 You're not to form or express an opinion on any subject
19 connected with this case until it is finally submitted to you
20 after the presentation of evidence and arguments of counsel
21 are concluded. We'll be in recess for your purposes until
22 tomorrow morning at 9:00 a.m.

23 (The following proceedings were had outside the
24 presence of the jury.)

1 THE COURT: Please be seated, ladies and
2 gentlemen. I want to first put one thing on the record, lest
3 I forget. There was a request for a sidebar by Mr. Stege
4 related to good discretion he showed before he sought to ask
5 questions of a witness about generally the custody
6 circumstances related to Ms. Fletcher's daughter Bay or
7 Bianca Trask.

8 At sidebar, argument was offered that Mr. Stege
9 believed broadly custody issues relating to Bay might answer
10 or weigh into assertions made by the defense during opening
11 statement and otherwise.

12 In fact, the parentage and/or custody of Bay is
13 very different than the parentage and/or custody of Max.
14 And, in fact, there is a guardianship case involving Bay
15 unlike the custody circumstances involving Max.

16 And it's understandable how folks might be
17 concerned, but my ruling was that I would not allow Mr. Stege
18 to, as it were, enter into conversation about custody
19 circumstances related to Bay, because, candidly, they're so
20 different.

21 I think, Mr. Stege, it would be fair to say you
22 were concerned this door was opened and/or reference was made
23 to it in Mr. Edwards' opening statement. I think Mr. Edwards
24 acknowledged he was unaware of the different parentage and/or

1 custody circumstances related to Bay and so he made an
2 innocent misstatement for lack of a better term. Is there
3 any other record used like to make about that objection?

4 MR. STEGE: My overall concern is the narrative as
5 part of the defense case of sort of everything being
6 Honkey-Dory with this situation, sort of when the --
7 especially mentioning they had two kids together, Max and
8 Bay, and I submit.

9 THE COURT: It's okay. Well, this bears some
10 comment, perhaps, for benefit of the record, if nothing else.
11 Understandably, counsel, particularly a Deputy District
12 Attorney in the criminal division would not have clear
13 recollection or understanding of the law related to custody.

14 Let's be clear for the record that there is a
15 custody order or was, I should say, active at the time of
16 this incident between Mr. Trask and Ms. Fletcher and it is
17 contained in FE13-02679. Judge Gardner entered an order on
18 August 13th, 2014 granting sole legal and sole physical
19 custody of Max to Mr. Trask and indicating that
20 Ms. Fletcher's contact with Max would be only at the Family
21 Peace Center. That was the order that, if you will,
22 precipitated the peace center visits that were required.

23 Overlaid to that were some criminal allegations
24 against Ms. Fletcher unrelated to and irrelevant to this

1 case, then the guardianship matters, et cetera. But I might
2 offer just as helpful information to the two of you for
3 purposes of closing argument, there's actually two kinds of
4 custody, legal custody, that is, literally the right to be a
5 parent, who his mother, who is father, who can make decisions
6 in a child's life, consent to medical treatment, enroll and
7 dis-enroll a child from school, et cetera.

8 And legal custody, typically, can be divided
9 between the parents, so-called joint legal custody, or
10 primarily with one. In fact, Judge Gardner would smile with
11 me, the family division judges of which I was one were
12 sometimes loose to say there would be so-called sole legal
13 custody. There really isn't such creature under the law.

14 Physical custody involves where a child's head
15 hits the pillow, who is responsible for day to day care.
16 And, in fact, at the time of this incident, so-called sole
17 legal and sole physical custody resided with Mr. Trask.

18 A devolution into conversations about the
19 guardianship over Bay Trask would be too confusing, candidly,
20 for all of us, quite understandably, and certainly more
21 importantly for the child. But I just offer that helpfully
22 to the two of you as I you offer your closing comments.
23 Perhaps that will help the crowded forest that can be custody
24 related issues. Are there any other issues you would like to

1 place into the record, Mr. Stege?

2 MR. STEGE: No.

3 MR. EDWARDS: I appreciate that, your Honor. If
4 you have termination of a parent's rights, is that sole legal
5 custody devolved on to the other parent?

6 THE COURT: There is only one kind of custody that
7 then exists and that is the custody to the remaining parent.
8 That parent has the custody any parent has over a child,
9 right. It's just not shared with another person, because one
10 of the parents' rights have been terminated. I don't know if
11 that answers your question or not.

12 MR. EDWARDS: Sounds like the same thing.

13 THE COURT: Yes.

14 MR. EDWARDS: Thank you.

15 THE COURT: I don't invite it, unless you're
16 having trouble sleeping tonight, but there is a long line of
17 cases you might both -- Mr. Edwards knows it, because he does
18 work in custody land, but there's a long line of cases
19 talking about legal and physical custody in the Nevada
20 Supreme Court. Rivero is among them. Should you have any
21 such interest, I invite you reading there. I'm sure you'll
22 find it scintillating.

23 MR. STEGE: That was meant as sort of shorthand to
24 talk about the entirety of it, probably inaccurately, and to

1 the chagrin of Ms. Williamson, who is an expert in the field.

2 THE COURT: I heard no manifest error. Candidly,
3 as you all have done a good job of demonstrating by your
4 questions and your agreements related to how you're going to
5 handle Social Services' involvement and custody, that is not
6 a fact in issue in this case, in fact, except as it may
7 provide circumstantial evidence related to the motivations of
8 Ms. Fletcher and/or Mr. Trask.

9 Thank you for a hard day's work. I appreciate
10 very much how well you both sensitively handled Max's
11 testimony.

12 MR. EDWARDS: Thank you, your Honor.

13 THE COURT: Housekeeping matter, I invite you to
14 come prepared tomorrow at some point with some conversation
15 about a Carter canvass of your client and jury instructions.

16 MR. EDWARDS: Will do.

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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 29, 2020, at the hour of
8 10:00 a.m., and took verbatim stenotype notes of the
9 proceedings had upon the trial volume III in the matter of
10 THE STATE OF NEVADA, Plaintiff, vs. KATHERINE DEE FLETCHER,
11 Defendant, 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 652, 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 23rd day of January 2021.

21
22 S/s Stephanie Koetting
23 STEPHANIE KOETTING, CCR #207
24