

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * * * *

CLEMON HUDSON,

S.C. CASE NO. 82231

Appellant,

Electronically Filed
Aug 06 2021 05:23 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

vs.

THE STATE OF NEVADA,

Respondent.

APPEAL FROM A JUDGMENT OF CONVICTION PURSUANT
TO LOZADA V. STATE AND DENIAL OF PETITION
FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)
EIGHTH JUDICIAL DISTRICT COURT THE HONORABLE
JUDGE CARLI KIERNY, PRESIDING

~~~~~  
APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME I  
~~~~~

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IN THE SUPREME COURT OF NEVADA

CLEMON HUDSON,

CASE NO. 82231

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

APPELLANT'S APPENDIX

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 6th August, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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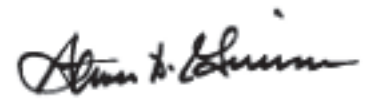
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EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA


CLERK OF THE COURT

THE STATE OF NEVADA,)
)
 Plaintiff,)
)
 vs.) GJ No. 15AGJ055AB
) DC No. C309578
 STEVEN TURNER, CLEMON HUDSON,)
)
 Defendants.)

Taken at Las Vegas, Nevada
Tuesday, September 22, 2015
2:08 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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

12:00 1 GRAND JURORS PRESENT ON SEPTEMBER 22, 2015
2
3 ANN KLING, Foreperson
4 SHAWNTAE TURNER, Deputy Foreperson
12:00 5 LORI ANN KENYON, Secretary
6 ROSEMARY RODMAN, Assistant Secretary
7 KEVIN BAKER
8 LLOYD CURTIS
9 KATHRYN MARIE DIAMOND
12:00 10 TAMMY FORGET
11 SUSAN FRANZESE
12 ROSEANNE LANE
13 KAREN SCHNEUER
14 REGINALD SCOTT
12:00 15 NINA SEDOVA
16 THOMAS SHOLTIS
17 RUTH TOLBERT
18
19 Also present at the request of the Grand Jury:
12:00 20 Leah Beverly, Deputy District Attorney
21
22
23
24
25

12:00	1	<u>INDEX OF WITNESSES</u>	
	2		<u>Examined</u>
	3		
	4	MALIK GREGO-SMITH	7
12:00	5	ERIC CLARKSON	23
	6	WILLOUGHBY POTTER DE GRIMALDI	39
	7	JOSHUA BITSKO	58
	8	JEREMY VANCE	72
	9	JOSEPH PATTON	83
12:00	10	JOSEPH PANNULLO	105
	11	EDUARDO PAZOS	112
	12		
	13		
	14		
	15		
	16		
	17		
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12:00	1	<u>INDEX OF EXHIBITS</u>	
	2		
	3	<u>Grand Jury Exhibits</u>	<u>Identified</u>
	4	1 - PROPOSED INDICTMENT	6
12:00	5	2 - INSTRUCTIONS	6
	6	3 - PHOTOGRAPH	9
	7	4 - 24 - PHOTOGRAPHS	10
	8	25 - PHOTOGRAPH	26
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12:00	10	28 - PHOTOGRAPH	78
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12:00 1 LAS VEGAS, NEVADA, SEPTEMBER 22, 2015

2 * * * * *

3

4 DANETTE L. ANTONACCI,

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

9 MS. BEVERLY: Good afternoon ladies and
02:08 10 gentlemen of the Grand Jury. My name is Leah Beverly.
11 I'm a deputy district attorney with the Clark County
12 District Attorney's Office. Today I'm going to be
13 presenting the case under Grand Jury case number
14 15AGJ055A-B, State of Nevada versus Steven Turner and
02:09 15 Clemon Hudson.

16 Prior to calling any witnesses, I would
17 like to make a couple of amendments to the proposed
18 Indictment. The amendments are going to be on page 2,
19 line 24. After the word AK-47, I would ask to add
02:09 20 "and/or SKS," followed by the word rifle. I will be
21 asking to make that exact same amendment to page 3, line
22 17 dealing with Count 3. Same exact amendment to page
23 4, line 8, dealing with Count 4 of the proposed
24 Indictment. Page 5, line 1, exact same amendment
02:10 25 dealing with Count 5 of the Indictment. And page 5,

02:10 1 line 17, exact same amendment dealing with Count 6 of
2 the Indictment. So again all of those amendments would
3 be to add the word "and/or SKS" before the word rifle
4 and after the word AK-47.

02:10 5 A copy of the proposed Indictment I believe
6 has been marked as Grand Jury Exhibit Number 1. A copy
7 of the proposed, or, excuse me, of the Grand Jury
8 instructions have been marked as Grand Jury Exhibit
9 Number 2. Are there any questions before we get
02:10 10 started?

11 May I call my first witness?

12 THE FOREPERSON: Yes.

13 MS. BEVERLY: The State is going to call
14 Officer Grego-Smith.

02:11 15 THE FOREPERSON: Please raise your right
16 hand.

17 You do solemnly swear the testimony you are
18 about to give upon the investigation now pending before
19 this Grand Jury shall be the truth, the whole truth, and
02:11 20 nothing but the truth, so help you God?

21 THE WITNESS: Yes.

22 THE FOREPERSON: Please be seated.

23 You are advised that you are here today to
24 give testimony in the investigation pertaining to the
02:11 25 offenses of conspiracy to commit burglary, attempt

02:11 1 burglary while in possession of a firearm or deadly
2 weapon, attempt murder with use of a deadly weapon,
3 battery with use of a deadly weapon resulting in
4 substantial bodily harm, discharging firearm at or into
02:12 5 occupied structure, vehicle, aircraft or watercraft,
6 involving Steven Turner and Clemon Hudson.

7 Do you understand this advisement?

8 THE WITNESS: Yes.

9 THE FOREPERSON: Please state your first
02:12 10 and last name and spell both for the record.

11 THE WITNESS: First name is Malik,
12 M-A-L-I-K, last name Grego-Smith. G-R-E-G-O hyphen
13 S-M-I-T-H.

14 MS. BEVERLY: May I proceed?

02:12 15 THE FOREPERSON: Yes.

16 MS. BEVERLY: Thank you.

17 MALIK GREGO-SMITH,
18 having been first duly sworn by the Foreperson of the
19 Grand Jury to testify to the truth, the whole truth,
02:12 20 and nothing but the truth, testified as follows:

21

22 EXAMINATION

23

24 BY MS. BEVERLY:

02:12 25 Q. Sir, how are you currently employed?

02:12 1 A. Employed with Las Vegas Metropolitan Police
2 Department.

3 Q. In what capacity?

4 A. Police officer.

02:12 5 Q. How long have you been a police officer
6 with Metro?

7 A. Approximately seven years.

8 Q. What is your current assignment?

9 A. Patrol Northwest area.

02:13 10 Q. Were you working as a patrol officer with
11 Metro on September the 4th of 2015?

12 A. Yes.

13 Q. What shift were you working that day?

14 A. Graveyard.

02:13 15 Q. What time is graveyard?

16 A. Graveyard starts 2200, ends at 0800.

17 Q. Is that --

18 A. 10 o'clock p.m. to 8:00 a.m.

19 Q. Okay. Thank you.

02:13 20 Around 3:30, 3:40 in the morning, did you
21 receive a dispatch to respond to the location of 6729
22 Oveja, O-V-E-J-A, Circle, here in Las Vegas, Nevada,
23 Clark County?

24 A. Yes.

02:13 25 Q. Were you alone that day or were you with a

02:13 1 partner?

2 A. I was driving alone but I received a call
3 with a partner.

4 Q. And did you in fact respond to that
02:13 5 location?

6 A. Yes.

7 Q. When you responded to that location what
8 were the general details of the call? And before you
9 answer that, for the record I am asking that not for the
02:13 10 purpose of the truth, but to show what the officer did
11 and his state of mind while going to the house.

12 A. The call I received was there was a prowler
13 which is, basically details were the homeowner saw
14 somebody in his backyard.

02:14 15 Q. When you arrived at the house, did you have
16 your lights and sirens on when pulling up to the house?

17 A. No.

18 Q. I'm going to first show you what has been
19 marked as Grand Jury Exhibit or State's Exhibit

02:14 20 Number 3. Do you recognize the person depicted in this
21 photo?

22 A. Yes.

23 Q. Who is that?

24 A. Myself.

02:14 25 Q. Is this how you appeared on the night of or

02:14 1 the early morning hours of September the 4th?

2 A. Yes.

3 Q. Now I'm going to show you also what has
4 been marked as Grand Jury Exhibits Number 4 through 24.

02:15 5 If you can just flip through these briefly and tell me
6 if you recognize what's depicted in these particular
7 photos just briefly.

8 A. First couple of photos are --

9 Q. It's okay, you don't have to tell me. Just
02:15 10 flip through all of them and tell me if you recognize
11 the nature of those photos.

12 A. It's the residence where we received the
13 call.

14 Q. You can just flip through all of them
02:15 15 actually and then we'll talk about them in just a few
16 minutes.

17 Do Grand Jury Exhibits 4 through 24 fairly
18 and accurately depict the location of the address you
19 responded to as well as the outside and the inside of
02:16 20 that residence?

21 A. Yes.

22 Q. Where in particular did you go when you
23 first arrived at the house, what part of the house?

24 A. The front of the house.

02:16 25 Q. And was Officer -- who was with you, I'm

02:16 1 sorry, again?

2 A. Officer Jeremy Robertson.

3 Q. So you indicated you first went to the
4 front of the house. I'm going to publish Grand Jury

02:17 5 Exhibit Number 6, I'm sorry, Number 9. Is this the
6 address that we are talking about?

7 A. Yes.

8 Q. And is the front door of that house to the
9 right or to the left of the photo?

02:17 10 A. To the left.

11 Q. And was this vehicle, this white vehicle,
12 parked in the driveway when you arrived?

13 A. Yes.

14 Q. Once you get to the front of the house what
02:17 15 do you do?

16 A. I, both Robertson and I checked the sides
17 of the house to see if there was an entrance, entryway
18 we could make to the backyard to clear the backyard.

19 Q. Was there at the time?

02:17 20 A. There was a gate on the right side of the
21 house that was locked and a brick wall on the left side
22 of the house.

23 Q. What did you decide to do?

24 A. Decided to get on the air and ask dispatch
02:18 25 to ask the homeowner to open the front door so we could

02:18 1 get to the backyard through the house.

2 Q. And did the homeowner in fact come and open
3 the door?

4 A. Yes.

02:18 5 Q. What happens after the homeowner opens the
6 door?

7 A. Jeremy walks through the front door, I
8 follow, and I tell the homeowner to stay where he is at
9 the front door.

02:18 10 Q. I'm going to publish Grand Jury Exhibit
11 Number 20. Would this be the front door to the house
12 that we're talking about?

13 A. Yes.

14 Q. And so in fact you tell the homeowner stay
02:18 15 by that front door?

16 A. Correct.

17 Q. Then showing you Grand Jury Exhibit
18 Number 19. What are we looking at in this photo?

19 A. It looks like you're standing at the front
02:19 20 door looking towards the inside of the house.

21 Q. Would that be the living room area?

22 A. Correct, the living room, the kitchen in
23 the distance.

24 Q. So when you walk into the house, where is
02:19 25 it that you and Officer Robertson go to?

02:19 1 A. We walk through the living room, past the
2 couch, into the kitchen area.

3 Q. And what happens once you walk to the
4 kitchen area?

02:19 5 A. Jeremy noticed there was a window in the
6 kitchen that leads, that looks to the backyard so --

7 Q. Let me stop you right there. Is that
8 window depicted in Grand Jury Exhibit Number 19?

9 A. Yes.

02:19 10 Q. Is that kind of to the right middle of the
11 screen?

12 A. Correct, it's to the right of the clock.

13 Q. Thank you. So what happens when Officer
14 Robertson goes to the window?

02:19 15 A. He peers through the shade that's there and
16 I ask him if he can see anything and he told me no.

17 Q. Without telling us what he said -- so I ask
18 that you strike that -- you indicated that Officer
19 Robertson peered through the window; is that correct?

02:20 20 A. Yes.

21 Q. The inside of this house, is it dark or are
22 there lights on?

23 A. It's dark.

24 Q. So what happens after Officer Robertson --

02:20 25 well, let me ask you this. Where were you as Officer

02:20 1 Robertson is looking through that window by the clock?

2 A. There's a kitchen table and I was standing
3 just behind the kitchen table.

4 Q. So once Officer Robertson looks through the
02:20 5 window, what happens next?

6 A. We formulated a plan to clear the backyard.

7 Q. What do you mean by clear the backyard;
8 what does that entail?

9 A. Basically search the backyard to see if
02:20 10 anybody is back there.

11 Q. When you received a call from dispatch, did
12 you have any information about any weapons maybe being
13 involved in this prowler call?

14 A. Yes.

02:20 15 Q. What information did you have?

16 And again not for the purpose of the truth
17 but to show what he did as he arrived at the house.

18 Go ahead.

19 A. Before we arrived dispatch said that the
02:21 20 homeowner stated they saw a subject in the backyard that
21 possibly had a gun.

22 Q. When you decided to clear the residence --
23 do you carry a duty weapon actually first?

24 A. Yes.

02:21 25 Q. What kind of weapon do you carry?

02:21 1 A. It's a Glock 17 handgun.

2 Q. When you decide to clear the backyard, do

3 you pull out your duty weapon?

4 A. Yes.

02:21 5 Q. And why do you do that?

6 A. That's how we train.

7 Q. Now once you decide to clear the backyard,

8 where do you go, where does Officer Robertson go?

9 A. Officer Robertson stands on the right side

02:21 10 of the door and I stand on the left side of the door.

11 Q. And the door that we're talking about, is

12 that door depicted in Grand Jury Exhibit Number 19?

13 A. Yes.

14 Q. And is that kind of in the middle a little

02:21 15 bit towards the left?

16 A. Yes.

17 Q. Behind the couch?

18 A. Yes.

19 Q. So you stand to the left of the door and

02:22 20 Officer Robertson stands to the right?

21 A. Yes.

22 Q. What exactly is the plan?

23 A. That he was going to open the door and I

24 was going to go through the door first to clear the

02:22 25 backyard, he was going to follow me.

02:22 1 Q. Could you see any lights on in that back
2 area?
3 A. No.
4 Q. And that back area in particular, was it a
02:22 5 patio area, what kind of area was it?
6 A. It was a covered patio area right when you
7 first walk out the back door and then it was just an
8 open backyard.
9 Q. So what happens as you both are by the back
02:23 10 door?
11 A. Jeremy unlocked the door, there was a key
12 in the door, needed to be unlocked, so he unlocked the
13 door and opened it.
14 Q. And what happens as Officer Robertson opens
02:23 15 the back door?
16 A. I take one step to walk out the door and
17 heard two shots.
18 Q. Gunshots?
19 A. Yes.
02:23 20 Q. I'm going to publish Grand Jury Exhibit
21 Number 13. You were talking about the outside of that
22 back door you were talking about is a covered patio. Is
23 that the area that you're talking about?
24 A. Yes.
02:24 25 Q. And now putting back on the screen Grand

02:24 1 Jury Exhibit Number 19.

2 So you said Officer Robertson opens the
3 door, you take one step to walk outside and you hear two
4 shots; is that correct?

02:24 5 A. Yes.

6 Q. Are the shots back to back or is there a
7 pause between the shots?

8 A. They're back to back.

9 Q. Are you very familiar with guns?

02:24 10 A. A little bit.

11 Q. Could you tell from the sound of the shots
12 what possible gun they could have come from?

13 A. I could tell that it was a high powered
14 rifle.

02:24 15 Q. And is that from your training and
16 experience in firearm training as an officer?

17 A. Yes.

18 Q. When you hear those two shots, what do you
19 do?

02:24 20 A. I take one step behind cover behind the
21 wall, drop to one knee and returned fire.

22 Q. And when you heard the shots being fired
23 from -- was it from the patio?

24 A. Yes.

02:25 25 Q. Could you see where the shots were coming

02:25 1 from on the patio?

2 A. I knew that it was in front of me.

3 Q. Did it sound close to you or kind of
4 further back into the backyard?

02:25 5 A. It sounded very close.

6 Q. When you heard the first two shots, did you
7 look over to Officer Robertson?

8 A. No.

9 Q. Did you ever look over to Officer
02:25 10 Robertson?

11 A. No.

12 Q. When you returned fire are you shooting out
13 onto the patio?

14 A. Yes.

02:25 15 Q. Do you hear anymore shots after those first
16 two shots from the patio?

17 A. No.

18 Q. How many rounds do you carry in your duty
19 weapon, is it loaded with?

02:26 20 A. It's 17 in the magazine and one in the
21 chamber, so total of 18.

22 Q. At some point do you stop firing your
23 weapon?

24 A. Yes.

02:26 25 Q. What makes you stop firing your weapon?

02:26 1 A. I stopped to assess and see if there was
2 any other shots being fired.

3 Q. Are you still inside the house the entire
4 time that you're firing outside?

02:26 5 A. Yes.

6 Q. At any point had you turned on the lights
7 to the patio?

8 A. No.

9 Q. Once you stopped to reassess the situation,
02:26 10 at that point do you call -- do you call for back up?

11 A. Yes.

12 Q. Does back up eventually get there?

13 A. Yes.

14 Q. How quickly do they get there?

02:27 15 A. It was approximately five minutes.

16 Q. After the time that you had stopped firing,
17 at that point do you ever look over to Officer
18 Robertson?

19 A. No.

02:27 20 Q. Once back up gets there, what do you do?

21 A. I'm still focused on the backyard because
22 there was a suspect back there.

23 Q. How do you know a suspect was back there?

24 A. I was issuing verbal commands to him.

02:27 25 Q. And without telling us what the person

02:27 1 said, was the person responding back to you?

2 A. Yes.

3 Q. Did you hear one voice, more than one
4 voice?

02:27 5 A. One voice.

6 Q. And you indicated when the first two shots
7 came out you couldn't see how many people were in the
8 backyard?

9 A. Correct.

02:28 10 Q. Now at some point after other officers
11 arrived. Is there a suspect that you see being taken
12 from the back patio into custody?

13 A. Yes.

14 Q. Okay. That particular person you saw being
02:28 15 taken into custody, is that the person you heard or you
16 saw fire the shots that you heard?

17 A. No.

18 Q. How do you know that?

19 A. After the first two shots were fired and I
02:29 20 returned fire, I turned on my flashlight on my handgun
21 and what I saw was a black male with no shirt and
22 basketball shorts.

23 Q. And the person that you saw being taken
24 into custody, did that person -- what was the

02:29 25 difference?

02:29 1 A. The person that was taken into custody had
2 a shirt on with a light colored jacket.

3 MS. BEVERLY: I have no further questions
4 for this witness. Do any of the members of the Grand
02:29 5 Jury have any questions?

6 Seeing none.

7 THE FOREPERSON: By law, these proceedings
8 are secret and you are prohibited from disclosing to
9 anyone anything that has transpired before us, including
02:29 10 evidence and statements presented to the Grand Jury, any
11 event occurring or statement made in the presence of the
12 Grand Jury, and information obtained by the Grand Jury.

13 Failure to comply with this admonition is a
14 gross misdemeanor punishable by a year in the Clark
02:29 15 County Detention Center and a \$2,000 fine. In addition,
16 you may be held in contempt of court punishable by an
17 additional \$500 fine and 25 days in the Clark County
18 Detention Center.

19 Do you understand this admonition?

02:29 20 THE WITNESS: Yes.

21 THE FOREPERSON: Thank you. You are
22 excused.

23 THE WITNESS: Thank you.

24 MS. BEVERLY: The next witness I just need
02:30 25 to check if he's outside or not.

02:30 1 The State's next witness is going to be
2 Eric Clarkson.

3 THE FOREPERSON: Please raise your right
4 hand.

02:30 5 You do solemnly swear the testimony you are
6 about to give upon the investigation now pending before
7 this Grand Jury shall be the truth, the whole truth, and
8 nothing but the truth, so help you God?

9 THE WITNESS: I do.

02:31 10 THE FOREPERSON: Please be seated.

11 You are advised that you are here today to
12 give testimony in the investigation pertaining to the
13 offenses of conspiracy to commit burglary, attempt
14 burglary while in possession of a firearm or deadly
02:31 15 weapon, attempt murder with use of a deadly weapon,
16 battery with use of a deadly weapon resulting in
17 substantial bodily harm, discharging firearm at or into
18 occupied structure, vehicle, aircraft or watercraft,
19 involving Steven Turner and Clemon Hudson.

02:31 20 Do you understand this advisement?

21 THE WITNESS: Yes, ma'am.

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

24 THE WITNESS: Eric Clarkson. First name

02:31 25 E-R-I-C, last name C-L-A-R-K-S-O-N.

02:31 1 MS. BEVERLY: Thank you. May I proceed?

2 THE FOREPERSON: Yes.

3 MS. BEVERLY: Thank you.

4 ERIC CLARKSON,

02:31 5 having been first duly sworn by the Foreperson of the
6 Grand Jury to testify to the truth, the whole truth,
7 and nothing but the truth, testified as follows:

8

9 EXAMINATION

02:31 10

11 BY MS. BEVERLY:

12 Q. Sir, I want to direct your attention to the
13 early morning hours of September the 4th of 2015. On
14 that day were you here in Las Vegas?

02:32 15 A. Yes.

16 Q. On that day were you living at the location
17 of 6729 Oveja, again O-V-E-J-A, Circle, here in Las
18 Vegas, Clark County?

19 A. Yes.

02:32 20 Q. Who did you live at that address with?

21 A. Willough De Grimaldi.

22 Q. Can you spell that?

23 A. W-I-L-L-O-U-G-H, D-E-G-R-I-M-A-L-D-I.

24 Q. And is he your roommate?

02:32 25 A. Roommate.

02:32 1 Q. This particular address, how many bedrooms
2 are in this house?

3 A. Originally it was four. It's three now
4 with a den.

02:32 5 Q. And how many bathrooms?

6 A. Two.

7 Q. So again directing your attention to the
8 early morning hours of September the 4th around 3:30 in
9 the morning. Were you at home at that time?

02:33 10 A. Yes, ma'am.

11 Q. Was your roommate also home at that time?

12 A. Yes, ma'am.

13 Q. What were you doing around that time?

14 A. At approximately 3:30 I was going to bed.

02:33 15 Q. When you went to bed, did something kind of
16 wake you up?

17 A. Yes, ma'am.

18 Q. What woke you up?

19 A. There was a noise on the back patio that I
02:33 20 know was one of my metal patio chairs being moved.

21 Q. How long have you lived at this house for?

22 A. Nine years.

23 Q. I'm going to put a couple of exhibits on
24 this screen. Just ask that you look at them for me.

02:33 25 A. Okay.

02:33 1 Q. The first is going to be Grand Jury Exhibit
2 Number 9. Is this your house?

3 A. Yes, it is.

4 Q. And that white vehicle out front, is that
02:34 5 your vehicle?

6 A. Yes, it is.

7 Q. Was that vehicle there on the morning hours
8 of September the 4th?

9 A. Yes, it was.

02:34 10 Q. Now you indicated that you, the noise that
11 you heard was coming from your back patio; is that what
12 you said?

13 A. That's correct.

14 Q. Showing you on the monitor Grand Jury
02:34 15 Exhibit Number 13. Is this your patio?

16 A. Yes, it is.

17 Q. And Grand Jury Exhibit Number 14, is this
18 also your patio?

19 A. Yes, it is.

02:34 20 Q. Now towards the bottom right hand of the
21 photo it looks like there's some guns in that photo. Do
22 you see that on the bottom right hand corner?

23 A. It's an angle but I do see something laying
24 on the ground.

02:35 25 Q. Do those belong to you?

02:35 1 A. No.

2 Q. Were those there prior to the morning hours
3 of September the 4th?

4 A. No.

02:35 5 Q. And Grand Jury Exhibit Number 15, is this
6 kind of the back part of your patio?

7 A. Yes, it is.

8 Q. And in this photo you see like a screen is
9 damaged; is that correct?

02:35 10 A. Yes, ma'am.

11 Q. Was that screen damaged prior to September
12 the 4th?

13 A. No.

14 Q. Okay. So you indicated that you hear a
02:35 15 noise on your patio. What do you do at that point?

16 A. I sat up in bed immediately and looked out
17 my bedroom window which faces out towards the patio.

18 Q. I'm going to show you what's been marked as
19 Grand Jury Exhibit Number 25. Do you recognize this?

02:36 20 A. I do.

21 Q. Is this a fair and accurate depiction of
22 the backyard of your house?

23 A. It is.

24 Q. I'm going to publish this Grand Jury
02:36 25 Exhibit Number 25. When you said you looked out of your

02:36 1 back window, is it your room window or your --

2 A. My bedroom window is not depicted in that
3 picture.

4 Q. Would your bedroom window be where kind of
02:36 5 in relation to this photo?

6 A. Directly opposite of the small window.
7 That small window that you're seeing is my master
8 bathroom window and directly on the opposite side of
9 that building, the house, is my bedroom window.

02:36 10 Q. Okay. So you look out your bedroom window
11 and you said you see what, if anything?

12 A. I saw a shadow of a young black man walking
13 on my patio.

14 Q. Were you expecting anyone that night?

02:37 15 A. No.

16 Q. What do you decide to do?

17 A. I got up and I immediately looked through,
18 I have a fan in my window for air ventilation, and I
19 quietly looked through the fan and verified that there
02:37 20 was somebody on the back patio.

21 Q. The same person we were just talking about,
22 the shadowy figure?

23 A. Yes, ma'am.

24 Q. What do you decide to do next?

02:37 25 A. I grabbed my cell phone and ran into my

02:37 1 best friend and roommate's room.

2 Q. And I don't want you to tell us anything
3 about what Willough said, but when you go into
4 Willough's room, do you tell him what you saw?

02:37 5 A. Yes.

6 Q. What do you do next?

7 A. I dialed 911.

8 Q. What happens next?

9 A. At that point Willough came out of the
02:37 10 bedroom and I was talking with the 911 operator letting
11 her know what was going on.

12 Q. At some point do you hear a sound at your
13 front door?

14 A. Yes, somebody started knocking at my front
02:37 15 door on the metal screen door.

16 Q. Do you go to the front door to see what
17 that noise is?

18 A. I was already standing right near the front
19 door when it happened.

02:38 20 Q. Publishing Grand Jury Exhibit Number 20.
21 Is this the front door of your house that we're talking
22 about?

23 A. Yes, ma'am, it is.

24 Q. Is this kind of in between the den and the
02:38 25 living room?

02:38 1 A. Correct, that is looking directly from the
2 den into my living room.

3 Q. Okay. So you indicated that you hear the
4 noise and you're already by the front door; is that
02:38 5 correct?

6 A. Yes. When somebody started knocking at the
7 front door I was standing right there by that front door
8 but the door was closed.

9 Q. And what do you do when you hear that
02:38 10 knocking?

11 A. I informed the 911 operator that there was
12 somebody at the front door.

13 Q. Do you ever look out your door or your
14 window to see who is at the front door?

02:39 15 A. I did not, no.

16 Q. Now at the time that this is going on, are
17 the lights in your house on?

18 A. There's no light in my home.

19 Q. Is there lights on the patio that are on?

02:39 20 A. No, ma'am.

21 Q. At some point do the police arrive at your
22 home?

23 A. Yes, ma'am.

24 Q. How many police officers arrive?

02:39 25 A. Initially two.

02:39 1 Q. Did you later learn their names?

2 A. Yes, ma'am.

3 Q. What were their names?

4 A. I believe the last names are Grego-Smith

02:39 5 and Robertson.

6 Q. And what does Officer Robertson look like?

7 A. Officer Robertson is mid forties, white

8 male, slightly graying hair, heavyset.

9 Q. And Officer Grego-Smith, is that the person

02:39 10 we just saw leaving the Grand Jury room?

11 A. I did not recognize him.

12 Q. Okay. No problem.

13 Officer Robertson and Officer Grego-Smith

14 get to your home and do you let them in the home?

02:40 15 A. Yes, ma'am.

16 Q. Where do Officer Robertson and Officer

17 Grego go when you let them in the house?

18 A. Initially -- if I may. I asked them to

19 stop and note that there was a shadow on the back door

02:40 20 window that they could see and then they immediately

21 started towards the back of my home.

22 Q. So you were still seeing this shadowy

23 figure on your back patio; is that correct?

24 A. Through the back door, yes, ma'am.

02:40 25 Q. And you informed the officers of that?

02:40 1 A. Yes, ma'am.

2 Q. And then you indicated that officers begin
3 to come through your house?

4 A. Correct. They were already in the house
02:40 5 and they started to walk through my home towards the
6 back of the home.

7 Q. So just for clarity sake, I'm going to put
8 up Grand Jury Exhibit Number 19 for awhile. Is this a
9 photo looking from your front door to your back door?

02:41 10 A. Yes, ma'am.

11 Q. Now what happened as officers walked
12 towards your back door?

13 A. It all happened very quickly but I did
14 inform Officer Robertson of how to open the back door
02:41 15 because the door was locked and the key was in the lock.
16 And Willough was informing Officer --

17 Q. Don't tell me what Willough said. But you
18 personally said you told --

19 A. This is what you have to do in order to
02:41 20 open the back door to get out back.

21 Q. And the key to the back door is kind of
22 inside of the house though?

23 A. It is inside the master dead bolt lock,
24 yes.

02:41 25 Q. What if anything do you see Officer

02:41 1 Robertson do once he gets to that area?

2 A. I saw Officer Robertson click his
3 flashlight on and off but it was facing the floor as he
4 was crossing the living room.

02:41 5 Q. Does Officer Robertson go towards the door
6 or towards that window we see depicted in Exhibit
7 Number 19?

8 A. They both initially went towards the door,
9 but Officer Robertson made a sharp right and went
02:42 10 towards that back window you see next to the right of
11 the clock.

12 Q. Do you see what Officer Robertson does when
13 he gets to the window?

14 A. Yes, ma'am. He backed up against, so right
02:42 15 next to that window there's a refrigerator and he backed
16 up next to the refrigerator, looked back out and looked
17 at Officer Grego-Smith and said --

18 Q. And for the record you're pointing up two
19 fingers?

02:42 20 A. Correct.

21 Q. So you saw him indicate towards Officer
22 Smith two fingers?

23 A. Yes, ma'am.

24 Q. What happens next?

02:42 25 A. At that point I was called back into the

02:42 1 911 call, I had taken the phone away from me while this
2 was all going on, and the 911 operator said sir, are you
3 still there, and when I heard that I immediately pulled
4 the phone back to my ear and said yes, I am. She asked
02:43 5 if the officers had arrived, I said yes they had, and
6 she said I'll let you go and I hung up the phone.

7 Q. What happens when you hang up the phone?

8 A. I looked directly back towards the back
9 door where everything was going on and I saw Officer
02:43 10 Robertson kneeling on the floor in front of the back
11 door and Officer Grego-Smith to his left with his gun
12 drawn.

13 Q. Where are you standing when you see Officer
14 Robertson kneeling and Officer Grego-Smith?

02:43 15 A. Basically right there in the very, very
16 furthest lower corner. That is a demi wall that goes
17 back to Willough's bedroom. And if you go back one
18 picture where the door was swung open, we were standing
19 in that space between where the door had been swung open
02:43 20 and the demi wall.

21 Q. Okay. Actually let's do that. Let's do
22 Grand Jury Exhibit Number 20. Is this where you're
23 talking about in terms of where you were standing?

24 A. Correct. Willough and I were both
02:44 25 standing, as you can see that is the demi wall, it's a

02:44 1 beige color, and that's the door, and we were standing
2 right there in between that space.

3 Q. Were you at all peering around the wall to
4 see what officers were doing?

02:44 5 A. Yes, initially when I looked back.

6 Q. So you testified that you saw Officer
7 Robertson kneeling and Officer Grego-Smith -- was he
8 standing or kneeling?

9 A. Standing.

02:44 10 Q. And you said he had his gun drawn?

11 A. Yes, ma'am.

12 Q. What if anything do you see Officer
13 Robertson do next?

14 A. I saw him turn the key of the door and
02:44 15 start to pull the door open.

16 Q. What happens next?

17 A. Gunshots came into the home.

18 Q. How many shots do you hear?

19 A. Somewhere between three and five.

02:44 20 Q. And the shots, are they coming from --
21 where are they coming from actually?

22 A. They're coming through my back door and
23 straight through my front door.

24 Q. But are they coming from the patio area?

02:45 25 A. Yes, ma'am.

02:45 1 Q. Do the shots sound pretty close up to the
2 door, the back door?

3 A. Yes, ma'am.

4 Q. When you hear the shots coming from the
02:45 5 patio, are they back to back to back or is it shot,
6 break, shot break?

7 A. Back to back.

8 Q. So quickly?

9 A. Rapid fire.

02:45 10 Q. What happens when you hear these three to
11 five shots, what's the next thing that you saw?

12 A. I watched the bullets go across the living
13 room.

14 Q. Can you describe what the bullet that
02:45 15 looked like, that was going across the living room, what
16 it looked like?

17 A. The first one that I noticed looked like it
18 was molten on the inside and it was metal on the outside
19 and it went right by my head.

02:46 20 Q. Did you see any of the other shots that
21 were fired?

22 A. Yes, ma'am. The other shot that I saw
23 exploded in midair and sort of pepper sprayed molten
24 metal across my living room.

02:46 25 Q. So from your perspective was it two

02:46 1 different types of bullets?

2 A. Yes, ma'am.

3 Q. Did you see anything about Officer

4 Robertson when the shots started from outside?

02:46 5 A. I did not because at the point that the
6 bullet shots came in I believe that at least I backed
7 the hell up. Pardon my French.

8 Q. Okay. Did you see Officer Grego-Smith do
9 anything after the shots came into your house?

02:46 10 A. I did not because I had moved back behind
11 the demi wall of the last shot.

12 Q. At some point did more officers arrive to
13 your home?

14 A. Yes, ma'am.

02:46 15 Q. And eventually did you give a statement to
16 the police?

17 A. Yes, ma'am.

18 MS. BEVERLY: I have nothing further for
19 this particular witness. Are there any questions from
02:47 20 the Grand Jury?

21 BY A JUROR:

22 Q. Sir, when you made the initial call did you
23 mention to the operator that you thought one of the
24 persons was armed?

02:47 25 A. Yes, sir.

02:47 1 BY MS. BEVERLY:

2 Q. For the record, did you personally see that
3 or is that what you heard from someone else?

4 A. That is not what I saw, that is what I
02:47 5 heard from my roommate who had informed me.

6 MS. BEVERLY: So I would ask that the Grand
7 Jury disregard that. His roommate will be testifying.

8 Q. But you personally did not see that?

9 A. I did not see that. I only informed the
02:47 10 911 operator.

11 MS. BEVERLY: Any other questions from the
12 Grand Jury?

13 THE FOREPERSON: By law, these proceedings
14 are secret and you are prohibited from disclosing to
02:47 15 anyone anything that has transpired before us, including
16 evidence and statements presented to the Grand Jury, any
17 event occurring or statement made in the presence of the
18 Grand Jury, and information obtained by the Grand Jury.

19 Failure to comply with this admonition is a
02:47 20 gross misdemeanor punishable by a year in the Clark
21 County Detention Center and a \$2,000 fine. In addition,
22 you may be held in contempt of court punishable by an
23 additional \$500 fine and 25 days in the Clark County
24 Detention Center.

02:47 25 Do you understand this admonition?

02:47 1 THE WITNESS: I believe so, yes, ma'am.

2 THE FOREPERSON: Thank you. You are

3 excused.

4 THE WITNESS: Thank you. Thank you.

02:48 5 MS. BEVERLY: The State's next witness is

6 going to be Mr. Willoughby Grimaldi.

7 THE FOREPERSON: Please raise your right

8 hand. Stand and raise your right hand please.

9 You do solemnly swear the testimony you are

02:49 10 about to give upon the investigation now pending before

11 this Grand Jury shall be the truth, the whole truth, and

12 nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE FOREPERSON: Please be seated.

02:49 15 You are advised that you are here today to

16 give testimony in the investigation pertaining to the

17 offenses of conspiracy to commit burglary, attempt

18 burglary while in possession of a firearm or deadly

19 weapon, attempt murder with use of a deadly weapon,

02:49 20 battery with use of a deadly weapon resulting in

21 substantial bodily harm, discharging firearm at or into

22 occupied structure, vehicle, aircraft or watercraft,

23 involving Steven Turner and Clemon Hudson.

24 Do you understand this advisement?

02:49 25 THE WITNESS: Yes.

02:49 1 THE FOREPERSON: Please state your first
2 and last name and spell both for the record.
3 THE WITNESS: My name is Willoughby Potter
4 De Grimaldi. W-I-L-L-O-U-G-H-B-Y, last name P-O-T-T-E-R
02:49 5 space D-E space G-R-I-M-A-L-D-I.

6 THE FOREPERSON: Thank you.

7 MS. BEVERLY: May I proceed?

8 THE FOREPERSON: Yes.

9 MS. BEVERLY: Thank you.

02:50 10 WILLOUGHBY POTTER DE GRIMALDI,
11 having been first duly sworn by the Foreperson of the
12 Grand Jury to testify to the truth, the whole truth,
13 and nothing but the truth, testified as follows:
14

02:50 15 EXAMINATION

16
17 BY MS. BEVERLY:

18 Q. Sir, I want to direct your attention to
19 September the 4th, 2015 during the early morning hours
02:50 20 around 3:30 in the morning. On that day were you here
21 in Las Vegas?

22 A. Yes.

23 Q. Were you living at that time at the
24 location of 6729 Oveja Circle here in Las Vegas, Clark
02:50 25 County, Nevada?

02:50 1 A. Yes.

2 Q. Who were you living with at that time?

3 A. My roommate, best friend and pseudo sister,

4 Eric R. Clarkson.

02:50 5 Q. And you guys were roommates?

6 A. Uh-huh.

7 Q. Is that a yes?

8 A. Yes.

9 Q. She has to type down everything we're

02:50 10 saying.

11 A. Of course.

12 Q. So we have to say yes or no. Okay?

13 Around 3:30 in the morning what were you

14 doing.

02:50 15 A. 3:30 in the morning I was asleep, I had to

16 work the next day.

17 Q. At some point around that time period were

18 you woken up by someone?

19 A. Yes. My roommate Eric came into my room

02:50 20 very unexpectedly and woke me up.

21 Q. And I don't want you to tell me what Eric

22 said, but did Eric give you some information that was

23 concerning to him?

24 A. Yes.

02:51 25 Q. What did you do when you heard that

02:51 1 information?

2 A. I immediately got dressed and proceeded to
3 prep to see what was going on in the backyard.

4 Q. So fair to say you looked into your
02:51 5 backyard?

6 A. I walked out and looked into the backyard,
7 yes.

8 Q. What window did you look out of?

9 A. I looked out of the dining room side window
02:51 10 that has the swamp cooler in it.

11 Q. If you look on this overhead up here, this
12 is going to be Grand Jury Exhibit Number 19. The window
13 that you looked out of, is that depicted in the photo?

14 A. Yes. It is to the right of the clock that
02:51 15 is on the wall in the photo.

16 Q. And that window faces where in your
17 backyard?

18 A. That window faces west out to the backyard.

19 Q. Does it face your patio at all?

02:52 20 A. Yes, it looks out over the patio into the
21 backyard.

22 Q. Okay. When you look out of that window,
23 what, if anything, do you see?

24 A. I saw a, the shadow/silhouette of a adult
02:52 25 black male, shirtless, cocking a shotgun.

02:52 1 Q. And what do you do when you see this?

2 A. I walked back across the room to talk to
3 Eric who was on the phone at the time with the 911
4 operator and I told him what I saw.

02:52 5 Q. At some point then do you hear any noise
6 coming from the front of your house?

7 A. It immediately started happening after I
8 got across the living room to the hallway in the front
9 of the house. After I said what I saw, then immediately
02:52 10 the knocking, banging, doorbell ringing began.

11 Q. So there's knocking, there's banging and
12 there's doorbell ringing; is that correct?

13 A. Correct. It started with a knock and then
14 banging and then one ring of the doorbell and then
02:53 15 continuous knocking and banging.

16 Q. Do you go to your front, the front of your
17 house to look out and see what the noise is?

18 A. Yes, I crossed maybe five feet to my left
19 directly in front of the corner of the front main
02:53 20 window. That way I could see through the middle of the
21 blinds out at whomever was standing at the front door
22 and banging.

23 Q. And did you see a description of a person
24 who's outside your door?

02:53 25 A. Absolutely.

02:53 1 Q. What was that description?

2 A. The description was a tall, about 6-foot or
3 6-foot 1 tall black man, also shirtless but with a
4 completely different hair style. The person in the back
02:53 5 I saw had a cap of some kind with a bill, however the
6 person in the front had a round two-inch Afro.

7 Q. So fair to say that the person that you saw
8 in the back with the shotgun was not the same person
9 that you saw in the front of the house?

02:54 10 A. Correct.

11 Q. Now as you are standing at your front
12 window and looking at the person who is banging on the
13 door, do you see anybody else outside your house?

14 A. Outside of the corner of my eye I actually
02:54 15 saw someone run past my bedroom window which has a giant
16 fan in it for the air flow of the swamp cooler and I
17 rushed immediately over while banging was still
18 happening at the front door and I rushed over to see
19 what was going on in the backyard. Because I did not
02:54 20 recognize the person that ran across my window.

21 Q. Okay. I'm going to publish for the Grand
22 Jury Grand Jury Exhibit Number 25.

23 Can we see your bedroom window in this
24 photo?

02:55 25 A. Yes. It is the third on the right, so the

02:55 1 first looking from the right to left.

2 Q. And you said you looked out that window and
3 saw someone else?

4 A. Yes. I saw them cross from the left of the
02:55 5 house, so the left part of the picture, across my window
6 span, jump up onto the wall, the demi wall first, and
7 then up to the wall.

8 Q. Do they leave the backyard or stay in the
9 backyard?

02:55 10 A. They stood at the top of that wall that's
11 all the way to the right and at that point the banging
12 stopped so I ran back to the front of the house inside
13 of the den to see what I could see.

14 Q. So just to be clear. We have the person in
02:55 15 the back patio with the shotgun you said wearing kind of
16 a bill cap type hat?

17 A. Uh-huh. I thought at the time that it was
18 a baseball cap but I learned later it was a billed cap.

19 Q. Okay. But from your just perspective that
02:55 20 night, some type of hat; is that correct?

21 A. Yes, a hat with a bill specifically.

22 Q. So that person -- that's one person. Then
23 you said there's another completely different person
24 who's doing the banging and the knocking at the door; is
02:56 25 that correct?

02:56 1 A. Yes.

2 Q. And then the person that you see run across
3 your backyard, is that a different person than the first
4 two we just talked about?

02:56 5 A. Correct. He was as well a black male that
6 had somewhat of an Afro. It was more of just wild,
7 spiky hair, but short to probably two inches, maybe one
8 to two inches.

9 Q. So three different people that you
02:56 10 observed?

11 A. Yes.

12 Q. The person that was knocking at the front
13 door with kind of the two-inch Afro that you described,
14 did you see that person go anywhere?

02:56 15 A. Yes. Once the banging stopped and I looked
16 out the front den window, that's when I saw him exit
17 down our driveway running and then ran directly across
18 the cul-de-sac in front of our house as if he was
19 running northeast I guess you could say and he sharply
02:57 20 turned down Nunca which is the first left.

21 Q. So that person ran away from your house?

22 A. Correct. And as I saw them they just
23 disappeared around a corner of a house.

24 Q. The person who was banging at the front
02:57 25 door?

02:57 1 A. Yes.

2 Q. Now we're going to kind of skip ahead for
3 one second and we'll go back.

4 A. Of course.

02:57 5 Q. Eventually did the police show you two
6 people who had been arrested in connection with this
7 incident?

8 A. They did not tell me at the time that they
9 were two people arrested in connection with the

02:57 10 incident. But they did show me two faces and asked if
11 either of these people were whom I saw that night.

12 Q. Okay. Could you identify either of the two
13 people they showed you?

14 A. I identified the hairline of one gentleman
02:57 15 as the one that ran by my window. And the other man I
16 did not identify because I did not recognize him. And I
17 did state to the police that neither of them were at the
18 front of the house.

19 Q. So the two people the officers eventually
02:58 20 showed you, neither of those people were the person who
21 was banging at the front door and that ended up running
22 across the street from your house?

23 A. Correct.

24 Q. But the person with the hairline is the one
02:58 25 you saw running past your window that we just talked

02:58 1 about?

2 A. Correct.

3 Q. Now after you see the person at the front
4 door run across and away from your house, do you see any
02:58 5 officers come up?

6 A. I do. I was staring intently down that
7 road thinking maybe they were going for a car and then I
8 saw two officers run up the road, up the street of Oveja
9 from Lorenzi, which is about a full block down, and I
02:58 10 saw them running up on the right side of the road
11 together, dark, pitch blackness, and they walked up
12 into, or ran into our front area to look on both sides
13 of the front to see if there was anything.

14 Q. Do those officers eventually come into your
02:59 15 home?

16 A. Yes. They came to the front door, knocked
17 once, and after being verified over 911 call that it was
18 the officers we proceeded to let them in, Eric and I.
19 Eric attempted to unlock the door but was unable to so I
02:59 20 took over and unlocked the door and let them in.

21 Q. Going back to Grand Jury Exhibit Number 19
22 being published. Once you let the officers into your
23 home, did you see where the officers went in your home?

24 A. Yes, absolutely.

02:59 25 Q. Where did they go?

02:59 1 A. They entered immediately at the carpet area
2 as displayed in the picture and after our direction of
3 how to open the back door and turn on the light switch
4 for the backyard, they proceeded to the left of the
03:00 5 couch towards the door. The first officer immediately
6 went across the wall and stood with his back against the
7 refrigerator that is all the way to the right not
8 pictured in this photo, and the second officer stood to
9 the left of the door, also not visible in this photo,
03:00 10 and were visually communicating back and forth.

11 Q. Let me just go back one second. The person
12 that you saw running across your back window, did you
13 see any weapons in that person's hand?

14 A. At the time I did not. However at that
03:00 15 same time there was still a visual of a shadow standing
16 at the back door.

17 Q. So when you see the person run across your
18 backyard, there is still somebody else at the back door?

19 A. Yes.

03:00 20 Q. And that's the person with the shotgun?

21 A. Yes.

22 Q. All right. Now once the officers kind of
23 take up those two positions that you've just described,
24 what's the next thing that happens that you saw?

03:01 25 A. I saw the officer standing with his back to

03:01 1 the refrigerator visually confirmed that there was two
2 armed people.

3 Q. Okay. I don't want you telling me what the
4 officer said. What do you mean visually confirmed?

03:01 5 A. With two fingers, holding up two fingers
6 connecting to the other officer and then saying as he
7 walked closer to him --

8 Q. Don't tell me what he said.

9 A. Right.

03:01 10 Q. But you saw him put up two fingers; is that
11 correct?

12 A. Yes. And then walk back to the same spot
13 where the second officer was standing at the door. Next
14 to the door.

03:01 15 Q. What happens next?

16 A. First officer gets down into, onto one knee
17 in position to open the door and the second officer
18 stands somewhat behind but somewhat blocked by the wall
19 as well for protection.

03:01 20 Q. And what happens next?

21 A. The first officer reached for the door as
22 the second officer had his hand hovered over the light
23 switch in preparation to turn the light on. The first
24 officer immediately unlocks the door and reaches for the

03:02 25 door handle and pulls it open and an immediate shot

03:02 1 fires into the house hitting him.

2 Q. So where are you standing, if you can look
3 at Grand Jury Exhibit Number 19, where are you standing
4 when you see this?

03:02 5 A. May I stand and visually show?

6 Q. Absolutely.

7 A. I am standing right here by this beam,
8 however half foot on carpet and half foot on the wood
9 tile that is here in the hallway.

03:02 10 Q. Is Mr. Clarkson there with you too?

11 A. Yes, he is standing with his shoulder next
12 to this actual wall. So he's actually touching the wall
13 and I'm standing right next to him.

14 Q. For the record we're talking about to the
03:02 15 left of Grand Jury Exhibit Number 19.

16 So are you kind of peering around the wall
17 or do you have a more clear view?

18 A. It was, my vantage point was more clear. I
19 was more on both carpet and tile versus Eric who was
03:03 20 specifically only on the tile and leaning forward
21 looking over.

22 Q. I see. So you said the first officer turns
23 the key, opens the door and then you hear a shot?

24 A. Yes, I visually saw and heard. At that
03:03 25 point I did pull back immediately.

03:03 1 Q. Sure. The shot that you saw, where did the
2 shot go?

3 A. The shot went directly into the officer's
4 leg and I saw him fall to the ground, as well a second
03:03 5 shot come straight through the house and go right past
6 the place that both Eric and I were standing and go
7 right out the screen door that was left ajar.

8 Q. The two shots that we're talking about, did
9 they look the same or different to you?

03:04 10 A. I didn't have a very good close visual to
11 the first shot that hit the officer, but I could
12 definitely tell the difference between the second shot
13 that flew through the air and the third shotgun blast
14 that flew through the air lighting up with glitter and
03:04 15 glass.

16 Q. So we're talking about there was a
17 difference between the second shot and the third shot
18 that you heard?

19 A. Yes.

03:04 20 Q. What was the difference between the two
21 shots?

22 A. The third shot was more of an even level
23 straight through the house versus the second shot which
24 was more at an angle flying out of the house. And the
03:04 25 third shot was a shotgun blast as I watched it explode

03:04 1 somewhere in the living room to my left, I'd say over
2 the ottoman that is sitting in the picture and then
3 blasts of glitter and fire flying through the air.

4 Q. And that is not what the second shot looked
03:05 5 like?

6 A. Correct. The second shot looked like a
7 bullet with, it looked like a shooting star but not
8 pretty.

9 Q. So in your opinion two different types of
03:05 10 bullets?

11 A. Absolutely.

12 Q. And are you familiar at all with guns?

13 A. Slightly, yes. My father was military
14 trained and had them around the house. I was not a fan
03:05 15 of guns all of my life but I am familiar enough with
16 guns to know what they look like and do.

17 Q. Okay. So we talked about shot number one
18 hits officer in the leg you said?

19 A. Yes.

03:05 20 Q. And he falls to the ground?

21 A. Yes.

22 Q. Then shot number two and three we just
23 talked about; is that correct?

24 A. Correct.

03:05 25 Q. Are those shots coming from your patio area

03:05 1 or from somewhere else?

2 A. They were coming from the patio. By this
3 point the first shot that came into the house, the
4 second officer that was still standing, flung the door
03:06 5 of the back door open to where it is in the position as
6 it is shown in the picture here. That door opens from
7 the left and swings open. Terrible design for a door.
8 Sorry.

9 Q. It's okay. But the shot that we just
03:06 10 talked about were definitely coming from the outside of
11 the house into your house?

12 A. Absolutely.

13 Q. And do you hear any other shots coming from
14 the outside?

03:06 15 A. From the outside, yes, after the second
16 officer begins returning fire.

17 Q. Okay. So do you see the second officer
18 beginning returning fire?

19 A. I do. I see him immediately standing next
03:06 20 to the wall where the light switch is and he was trying
21 to visually see as he's actually returning fire.
22 Verbally stating cease fire --

23 Q. Don't tell me what he said.

24 A. Of course. Of course.

03:06 25 Q. Thank you. Are the lights on on the patio

03:07 1 at this point?

2 A. No. The shots came first before the lights
3 even came on. So the three shots that came into the
4 house that I visually saw, those were complete darkness
03:07 5 at the time, that's how I saw them so bright and so
6 memorably. Then the light came on.

7 Q. Do you know who turned on the light?

8 A. I do not. I would assume --

9 Q. I don't want you to assume. Do you know or
03:07 10 you don't know?

11 A. Yes, I would have to say yes I do know that
12 it was the officer that was still standing.

13 Q. Okay.

14 A. Because he was at the shoulder.

03:07 15 Q. Okay. Thank you.

16 Now you and Mr. Clarkson, are you guys kind
17 of backing up at this point?

18 A. Yes, at this point we have backed up and
19 he's basically in, in this picture, in the far left of
03:07 20 this picture there are robes and jackets, that is the
21 actual hallway, that is where he backed up into and then
22 I was in front of him.

23 Q. Now these first three shots, are they going
24 fast or slow? For example, is it shot, break in time,
03:08 25 shot, or is it boom, boom, boom?

03:08 1 A. No, it was very quick. Very quick. Boom,
2 boom, boom.

3 Q. At some point does the gunfire stop?

4 A. Yes.

03:08 5 Q. And do other officers arrive at your home?

6 A. Yes.

7 Q. And at some point do you give a statement
8 to officers?

9 MS. BEVERLY: I have no further questions

03:08 10 for this witness. Are there any questions from the
11 Grand Jury?

12 BY A JUROR:

13 Q. Sir, what do you think the time delay was
14 between the initial 911 call and the time the officers
03:08 15 showed up, estimate?

16 A. I would estimate between five minutes and
17 three minutes. Between three and five minutes.

18 Q. Thank you.

19 A. You're welcome.

03:09 20 BY MS. BEVERLY:

21 Q. So would you say it was pretty quick that
22 they arrived?

23 A. Absolutely.

24 THE FOREPERSON: By law, these proceedings

03:09 25 are secret and you are prohibited from disclosing to

03:09 1 anyone anything that has transpired before us, including
2 evidence and statements presented to the Grand Jury, any
3 event occurring or statement made in the presence of the
4 Grand Jury, and information obtained by the Grand Jury.

03:09 5 Failure to comply with this admonition is a
6 gross misdemeanor punishable by a year in the Clark
7 County Detention Center and a \$2,000 fine. In addition,
8 you may be held in contempt of court punishable by an
9 additional \$500 fine and 25 days in the Clark County
03:09 10 Detention Center.

11 Do you understand this admonition?

12 THE WITNESS: Yes.

13 THE FOREPERSON: Thank you. You are
14 excused.

03:09 15 MS. BEVERLY: If I could just have one
16 second.

17 THE WITNESS: May I exit?

18 MS. BEVERLY: Yes.

19 THE WITNESS: Thank you.

03:10 20 MS. BEVERLY: The State's next witness is
21 going to be Sergeant Bitsko, B-I-T-S-K-O.

22 THE FOREPERSON: Please raise your right
23 hand.

24 You do solemnly swear the testimony you are
03:11 25 about to give upon the investigation now pending before

03:11 1 this Grand Jury shall be the truth, the whole truth, and
2 nothing but the truth, so help you God?

3 THE WITNESS: I do.

4 THE FOREPERSON: Please be seated.

03:11 5 You are advised that you are here today to
6 give testimony in the investigation pertaining to the
7 offenses of conspiracy to commit burglary, attempt
8 burglary while in possession of a firearm or deadly
9 weapon, attempt murder with use of a deadly weapon,
03:11 10 battery with use of a deadly weapon resulting in
11 substantial bodily harm, discharging firearm at or into
12 occupied structure, vehicle, aircraft or watercraft,
13 involving Steven Turner and Clemon Hudson.

14 Do you understand this advisement?

03:11 15 THE WITNESS: I do.

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

18 THE WITNESS: Sergeant Joshua Bitsko.
19 J-O-S-H-U-A, B-I-T-S-K-O.

03:12 20 THE FOREPERSON: Thank you.

21 MS. BEVERLY: May I proceed?

22 THE FOREPERSON: Yes.

23 ///

24 ///

03:12 25 ///

03:12 1 JOSHUA BITSKO,
2 having been first duly sworn by the Foreperson of the
3 Grand Jury to testify to the truth, the whole truth,
4 and nothing but the truth, testified as follows:

03:12 5
6 EXAMINATION

7
8 BY MS. BEVERLY:

9 Q. Sergeant, how are you currently employed?

03:12 10 A. I'm currently a K-9 sergeant with LVMPD.

11 Q. How long have you been a K-9 sergeant?

12 A. For a year give or take.

13 Q. What exactly do you do as a K-9 sergeant?

14 A. I supervise the deployment and handling of

03:12 15 a squad of police dogs. I also handle a police dog as
16 well.

17 Q. How long have you actually worked for
18 Metro?

19 A. I've worked for Metro for 15 years.

03:12 20 Q. I want to direct your attention to the
21 early morning hours of September the 4th of 2015. Were
22 you working on that day?

23 A. I was.

24 Q. And do you work a shift or are you just

03:12 25 kind of on call?

03:12 1 A. I work 7:00 p.m. to 5:00 a.m. It's a
2 modified graveyard shift.

3 Q. Were you called out around 3:45, 4 o'clock
4 in the morning to the area of or to the address of 6729
03:12 5 Oveja Circle here in Las Vegas?

6 A. I was.

7 Q. Can you tell me the general nature of the
8 call that you were responding to?

9 And before you answer that, again for the
03:13 10 record, it's being, I'm offering that not for the truth
11 but to show what the sergeant did in relation to his
12 investigation.

13 Go ahead.

14 A. As a K-9 handler and a K-9 sergeant I
03:13 15 respond to most high priority calls in the valley. I
16 was actually on a separate K-9 search when I was, I
17 heard over the radio about an officer being shot and
18 being down and injured. So I switched over channels,
19 because I was on our Enterprise channel, I switched over
03:13 20 to the Northwest channel to listen to the details
21 knowing that, knowing that an officer has been shot, an
22 officer is down, and I heard that the suspects weren't
23 in custody. So generally, you know, our dogs are
24 primarily a search tool, we use them for their nose and
03:13 25 their capabilities. Knowing that this was possibly

03:13 1 going to turn into a K-9 search, I responded as well as
2 every K-9 officer that was on duty at that time.

3 Q. When you arrived at the particular
4 location, and if you look on the screen, looking at
03:14 5 Grand Jury Exhibit Number 19, does this look familiar to
6 you?

7 A. Yes, it does.

8 Q. Would this be the inside of that address we
9 just talked about?

03:14 10 A. Yes, it does. It is the inside of the
11 address.

12 Q. When you arrived at the location did you
13 have any information about someone who might be outside?

14 A. Yes. Our air unit stated there was a
03:14 15 subject laying down in the backyard next to a long gun
16 but he couldn't identify it as being a shotgun or a
17 rifle or whatever at that point. But he was laying down
18 behind some bushes.

19 Q. And for the record, the statements of the
03:14 20 air officer again are not being offered for the truth
21 but to show what this particular sergeant did once he
22 arrived at the house and to show what he was looking
23 for.

24 So you got some information and what do you
03:14 25 decide to do once you get to the house?

03:14 1 A. As I arrive, other K-9 officers arrive as
2 well. So we meet outside of the house and come up with
3 a tactical plan to attempt to take the suspect that was
4 in the backyard in custody, as well as there being a
03:15 5 possibility of a second suspect which we were told at
6 the time. After getting the first suspect into custody
7 we would have to then begin a yard to yard search due to
8 the fact that an armed subject may be in somebody else's
9 backyard in this neighborhood and this subject already
03:15 10 showing the propensity for violence.

11 Q. At some point did you and your fellow
12 officers come up with a plan of attack?

13 A. Yes. I have one K-9 officer, he had a
14 ballistic to offer cover because we knew we were going
03:15 15 up against, based on the information I was receiving on
16 the radio, we were going up against a subject that was
17 armed, also a glass sliding door or a glass back door
18 that may or may not provide cover to us. So I had an
19 officer with a shield to provide cover. He would also
03:15 20 be verbal to try and make contact with the suspect we
21 took into custody. I also had another K-9 officer that
22 was my coverage for deadly force. He had his firearm
23 and was able to cover me, cause I was our less lethal
24 option, that being a police K-9. And then I had one
03:16 25 more K-9 officer that was outside for containment if the

03:16 1 suspect did go mobile again, to get up and run, we had
2 another dog outside. And then our plan was to go up and
3 offer the suspect an opportunity to surrender, to listen
4 to commands or comply with what we're telling him to do
03:16 5 and then if not, because from our, the way, we couldn't
6 see him from the backyard, the helicopter was stating he
7 could see him, see that he still had a weapon, but we
8 couldn't see him from the backyard, so it's still in our
9 minds also a search because we don't know where the
03:16 10 subject's at.

11 Q. Let me just show you Grand Jury Exhibit
12 Number 17 on the screen here. Is this a closer up view
13 of that back door that we're talking about?

14 A. Yes. So it wasn't a slide up door, it was
03:16 15 dark in the house, you know, but that is the back, I
16 recognize it immediately.

17 Q. And does that back door lead to a patio
18 type area?

19 A. Yeah, there's a patio type area and then
03:17 20 beyond that there was the backyard and then a pool to
21 the left.

22 Q. And when you first come in the house and
23 you and the officers come up with the plan, are you
24 standing still inside the house?

03:17 25 A. We are. Well, we came up with the plan

03:17 1 outside of the house initially. My team specifically.
2 There were already officers inside the house, patrol
3 officers, but as we were the first, you know, tactical
4 team to arrive, we came up with a plan outside, because
03:17 5 knowing that it could be loud, it could be a lot going
6 on inside the house.

7 Q. So once you and your fellow officers come
8 into the house and you develop your plan, at some point,
9 and without saying specifically what was said, do you or
03:17 10 your fellow officers start giving commands to anybody
11 outside?

12 A. Yes. One of the other K-9 officers began
13 to give the subject commands.

14 Q. And did someone reply?

03:18 15 A. He yelled back. I couldn't hear that
16 specifically from where I was at because I was further
17 back and I was a supervisor in my position, not only
18 having a dog with me but I want to be able to see what's
19 going on in front of me, so I wasn't right up on the
03:18 20 front line. But one of my officers advised me that he's
21 yelling back but I can't understand what he's saying to
22 us or he's not making sense.

23 Q. At some point do you decide to utilize your
24 K-9 dog?

03:18 25 A. I did.

03:18 1 Q. Tell us about that.

2 A. Well, after giving commands, giving the
3 suspect an opportunity to comply with our commands to
4 surrender and him not, my concern is we already have one
03:18 5 officer that's been shot, I know based on the
6 information provided to me through our air unit that the
7 subject may be armed, is armed, not may be armed, but he
8 has a long gun next to him, we make the decision to,
9 after those commands, I deployed my K-9 partner Loki
03:18 10 into the backyard.

11 Q. What kind of dog is Loki?

12 A. A four and a and a half year old Belgian
13 Malinois.

14 Q. Does Loki make contact with anyone?

03:19 15 A. He does. He begins, he goes in the
16 backyard, he begins searching the backyard, once again
17 because I can't see, we can't see where the subject is
18 in the backyard. I can hear what the air unit is trying
19 to tell us but I can direct the dog in a direction. So
03:19 20 I send him in the backyard, he begins to search back and
21 forth and then he does apprehend the suspect.

22 Q. I'm going to show you on the monitor Grand
23 Jury Exhibit Number 14. Is this the patio area that we
24 were referring to earlier?

03:19 25 A. Yes, it is.

03:19 1 Q. Do you see on this particular photo where
2 Loki makes contact with someone?

3 A. It's not actually on this photo. It's
4 beyond to the right of this photo past that little
03:19 5 screen area.

6 Q. Let's show another photo. Grand Jury
7 Exhibit Number 15. Is that better?

8 A. Yes, that is much better.

9 Q. If you can actually stand up and point to
03:20 10 where you see Loki make contact with a person.

11 A. So the subject is laying right here. His
12 head is facing this way, I believe it was north, and his
13 feet were facing this way. We initially made our
14 approach through the screen door once, when my dog
03:20 15 apprehends a subject I'm then able to see where the
16 suspect was at and I was able to see my dog had the
17 suspect by his wrist, but then his other hand came up to
18 grab the dog. I was able to see that both of his hands
19 were clear, that he didn't have a firearm in his hands,
03:20 20 now it being safe for us as an arrest team to go up and
21 then take him into custody. As not to leave the dog on
22 for an excessive amount of time or anything like that.
23 So we immediately went up and as we came, I actually
24 reached through this hole because as we exited there was
03:21 25 a, this shotgun that's up against the wall was between

03:21 1 the subject's legs, the barrel was facing out actually
2 towards us as our arrest time. So I reached down and I
3 grabbed the shotgun from between his legs and moved it
4 because I was concerned, because the subject was moving
03:21 5 still that it might discharge into us which is why I
6 grabbed it and I moved it from him because his legs were
7 flipping around as well.

8 Q. Were there any other weapons by the
9 suspect?

03:21 10 A. When I leaned through this hole and I moved
11 the shotgun, I looked down and I saw the action of an
12 assault rifle directly where the subject would have been
13 laying when my dog initially made contact with him. But
14 they moved outwards which was able to allow me to see
03:21 15 where the suspect was and that's this rifle right here.

16 Q. So we're talking, there was a shotgun
17 between his legs and then there was a rifle close to
18 where he was?

19 A. Yeah, like right next to him. Because I
03:21 20 was able to reach over through that and move the shotgun
21 and I'm directly over where I can see the rifle and I'm
22 reaching between basically where his legs are. So my
23 estimate would be that he was laying on top of it prior
24 to my dog making contact with him, but as my dog bit him
03:22 25 he came out of the bush or out of the area that he

03:22 1 initially was.

2 Q. Okay. And you indicated that you see that
3 the suspect isn't holding any weapons.

4 A. At that point because my dog had
03:22 5 apprehended him or was in the process of apprehending
6 him and it was then safe for us to make our approach
7 because now I see where he's at. I know through my
8 training and experience that hands are what I worry
9 about as an officer because hands can kill you. When I
03:22 10 can see both of his hands with my dog, the one being
11 bit, the other one where he comes up and he's grabbing
12 at my dog.

13 Q. And after you moving the shotgun do you and
14 your team take the suspect into handcuffs?

03:22 15 A. We do. I go up, I take physical control of
16 my K-9 partner Loki, I give him the command to release,
17 which he did, and there was already an officer that was
18 on top of the subject and was handcuffing him.

19 Q. I'm going to show you what's been marked as
03:23 20 Grand Jury Exhibits Number 26 and 27. Do you recognize
21 the person depicted in these photographs?

22 A. Yes, that is the subject that we took into
23 custody in the backyard that night.

24 Q. Do you recall who that suspect was
03:23 25 identified as?

03:23 1 A. I believe his last name's Hudson.

2 Q. And this was the person with the shotgun in
3 the backyard?

4 A. Correct.

03:23 5 Q. And for the record I'm just publishing
6 Grand Jury Exhibit Number 26 again. That would be
7 Mr. Hudson; is that correct?

8 A. Yes, it is.

9 Q. Now after taking Mr. Hudson into custody,
03:23 10 do you do any search with your dog or in the neighboring
11 areas?

12 A. Yeah. Well, my team began a yard-to-yard
13 search as we were getting good information that there
14 was a second suspect involved that could still possibly
03:24 15 armed that just shot into a house. In the initial call,
16 I could see from looking in my computer while I was
17 responding, was a prowler call with somebody in the
18 backyard. My concern for public safety is somebody that
19 was just in, you know, for what I knew at the time,
03:24 20 someone that was randomly in a backyard opened fire
21 through a door.

22 Q. Let me stop you right there.

23 For the record, this is just for the
24 purposes of showing what the officer did after taking
03:24 25 Mr. Hudson into custody, not for the truth of the

03:24 1 matter.

2 So fair to say you and your dog conducted a
3 search?

4 A. Well, actually at that point, as a
03:24 5 supervisor again, I had to back out and I began
6 directing the search with the other K-9 officers on
7 scene. We took the subject that we saw or that we knew
8 was there into custody, but the other K-9 handlers, I
9 began making teams of patrol officers with the K-9
03:25 10 officer and I assigned each K-9 officer an area in the
11 neighborhood to search to make sure that we covered
12 everything. So I pulled back, I didn't specifically
13 search after this incident, I managed the search.

14 Q. Did you ever see any other weapons on that
03:25 15 patio other than the rifle and the shotgun?

16 A. There was. Directly -- after we took him
17 into custody the rest of the backyard was cleared, we
18 were confident there was nobody else, I was walking out
19 of the backyard through the house and I looked down and
03:25 20 I saw a small semi-automatic handgun.

21 Q. And how close was that to the area where
22 the other guns were?

23 A. Approximately five feet.

24 Q. And about five feet from where the suspect
03:25 25 was initially found?

03:25 1 A. Yeah, five feet, that's an approximation
2 based on my memory, but around five feet between where
3 the subject was taken into custody and the door, the
4 back door of the house.

03:25 5 MS. BEVERLY: I have no further questions
6 for this witness. Do any of the members of the Grand
7 Jury have any questions?

8 THE FOREPERSON: By law, these proceedings
9 are secret and you are prohibited from disclosing to
03:26 10 anyone anything that has transpired before us, including
11 evidence and statements presented to the Grand Jury, any
12 event occurring or statement made in the presence of the
13 Grand Jury, and information obtained by the Grand Jury.

14 Failure to comply with this admonition is a
03:26 15 gross misdemeanor punishable by a year in the Clark
16 County Detention Center and a \$2,000 fine. In addition,
17 you may be held in contempt of court punishable by an
18 additional \$500 fine and 25 days in the Clark County
19 Detention Center.

03:26 20 Do you understand this admonition?

21 THE WITNESS: I do.

22 THE FOREPERSON: Thank you. You're
23 excused.

24 THE WITNESS: Thank you.

03:26 25 MS. BEVERLY: Does anyone need a break?

03:26 1 The next witness is going to be Officer
2 Vance.

3 THE FOREPERSON: Please raise your right
4 hand.

03:27 5 THE WITNESS: Sure.

6 THE FOREPERSON: You do solemnly swear the
7 testimony you are about to give upon the investigation
8 now pending before this Grand Jury shall be the truth,
9 the whole truth, and nothing but the truth, so help you
03:27 10 God?

11 THE WITNESS: I do.

12 THE FOREPERSON: Please be seated.

13 THE WITNESS: Thank you.

14 THE FOREPERSON: You are advised that you
03:27 15 are here today to give testimony in the investigation
16 pertaining to the offenses of conspiracy to commit
17 burglary, attempt burglary while in possession of a
18 firearm or deadly weapon, attempt murder with use of a
19 deadly weapon, battery with use of a deadly weapon
03:28 20 resulting in substantial bodily harm, discharging
21 firearm at or into occupied structure, vehicle, aircraft
22 or watercraft, involving Steven Turner and Clemon
23 Hudson.

24 Do you understand this advisement?

03:28 25 THE WITNESS: Yes, ma'am.

03:28 1 THE FOREPERSON: Please state your first
2 and last name and spell both for the record.
3 THE WITNESS: My first name is Jeremy, it's
4 JEREMY, last name is Vance, V-A-N-C-E.

03:28 5 MS. BEVERLY: May I proceed?
6 THE FOREPERSON: Yes.
7 MS. BEVERLY: Thank you.

8 JEREMY VANCE,
9 having been first duly sworn by the Foreperson of the
03:28 10 Grand Jury to testify to the truth, the whole truth,
11 and nothing but the truth, testified as follows:
12
13 EXAMINATION
14

03:28 15 BY MS. BEVERLY:
16 Q. Officer Vance, how are you currently
17 employed?
18 A. I'm employed with the Las Vegas
19 Metropolitan Police Department Northeast Area Command.

03:28 20 Q. How long have you been with Metro?
21 A. About nine and a half years.
22 Q. What is your current assignment?
23 A. Patrol in Northeast Area Command on
24 graveyard.

03:28 25 Q. Are you a -- you said graveyard?

03:28 1 A. Yes, ma'am.

2 Q. Are you a uniformed officer or plain
3 clothes officer?

4 A. No, I'm a uniformed officer now.

03:29 5 Q. Directing your attention back to September
6 the 4th of 2015. Were you working that day?

7 A. Yes, ma'am.

8 Q. And were you working your graveyard shift?

9 A. Yes, I was. It's a directed patrol unit.

03:29 10 Q. What does that mean?

11 A. It means uniformed officer in a plain car.

12 Q. So not like a typical black and white?

13 A. Correct. I was in a silver Nissan Maxima
14 in fact.

03:29 15 Q. Around the very early morning hours around
16 4 o'clock in the morning, were you dispatched to the
17 area of 6729 Oveja Circle?

18 A. Yes, ma'am.

19 Q. Is that area here in Las Vegas, Clark
03:29 20 County?

21 A. Yes, ma'am.

22 Q. Were there other officers to your knowledge
23 also dispatched to that location?

24 A. Probably a hundred to a hundred and fifty.
03:29 25 There was a lot of officers.

03:29 1 Q. What did you do when you were dispatched to
2 the location?

3 A. When I was dispatched there, I checked in
4 with the command center, with the lieutenant there to
03:29 5 see which assignment they had for us. Ended up being in
6 a plain car with a two-man unit. We ended up roving the
7 interior perimeter, it was a very large perimeter from
8 where the scene was to the outer edge, so we patrolled
9 that area looking for the subject.

03:30 10 Q. When you say perimeter, are we talking
11 about an area of the neighborhood that is blocked off?

12 A. We're actually talking about multiple city
13 blocks from Antelope on the west to Torrey Pines on the
14 east, Alta on the south and Westcliff on the north.

03:30 15 Q. So pretty large location?

16 A. Very large, affirmative.

17 Q. I'm actually going to show you Grand Jury
18 Exhibit Number 4. Is this a overview map of that
19 location, that area we're talking about?

03:30 20 A. Approximately. It looks like it's missing
21 Alta but.

22 Q. It's even greater than this map?

23 A. Yes.

24 Q. When you say a perimeter, does that mean
03:30 25 officers kind of patrolling those borders to make sure

03:31 1 nobody gets in or out?

2 A. They're not even patrolling. They're at
3 each static spot. Every point of entry and access to
4 that perimeter is locked down, there is no in or out
03:31 5 until the later hours.

6 Q. You indicated that your responsibility was
7 what?

8 A. I was patrolling from the center area. In
9 fact I think the map shows it there, the red dot in the
03:31 10 middle of the map, that's where the incident occurred,
11 and I was patrolling all the side streets from the
12 center area to the outer perimeter.

13 Q. And how do you go about that?

14 A. Well, in a -- how I decided where I would
03:31 15 start is where I would have ran if I would have been the
16 suspect knowing the cops were flooding that area. I
17 started on the west side assuming that the suspect could
18 have heard units arriving in the neighborhood
19 immediately around the target and fled west so that's
03:31 20 where I began my search.

21 Q. At some point did you come into contact
22 with a person with the last name of Turner?

23 A. Yes, ma'am.

24 Q. How long after you were dispatched did you
03:32 25 actually come into contact with Mr. Turner?

03:32 1 A. I actually would have to look at CAD to get
2 the exact time, but it was several hours.

3 Q. Can you actually stand up if you would
4 please.

03:32 5 A. Yes, ma'am.

6 Q. And point to, for the Grand Jury, on Grand
7 Jury Exhibit Number 4, where you came into contact with
8 Mr. Turner?

9 A. You're going to smile. It's actually
03:32 10 blocked slightly.

11 Q. Oh, sorry.

12 A. It's right in here. It's going to be
13 Westcliff on your north, 95 there and then Antelope I
14 believe is right up here. Right there.

03:32 15 Q. How is it that you came in contact with the
16 person later identified as Mr. Turner?

17 A. Like I said we were patrolling that
18 interior area and citizens would occasionally see
19 possible persons of interest or potential suspects they
03:32 20 were calling into 911.

21 Q. Don't tell us what people were calling in
22 and saying.

23 A. Oh, okay. No.

24 Q. Go ahead.

03:33 25 A. They were reporting these prowlers in the

03:33 1 area so I had been dispatched to several possible
2 prowler locations. This one popped up and we were
3 dispatched to an area, if you can see the businesses on
4 the map, kind of in the center, there's a large black
03:33 5 parking lot with two large buildings, there was a call
6 that came in that said someone was back in that
7 neighborhood walking around wearing a purple T-shirt and
8 orange kind of pajama bottoms.

9 MS. BEVERLY: And for the record this
03:33 10 information is being offered not for the truth of the
11 matter but to show what the officer did in terms of his
12 patrol.

13 THE WITNESS: Correct.
14 And we left the area where we were at which
03:33 15 was more towards US 95 which would have been on the
16 right side of this photograph, got onto Westcliff, drove
17 up Westcliff, and I spotted a person matching that
18 description. There was a K-9 unit that was rolling with
19 us, it was a truck, large K-9 truck, he was running with
03:33 20 his lights and sirens on going westbound on Westcliff, I
21 was behind him by about 300, 400 yards and saw this same
22 gentleman. He watched the K-9 truck go by, kept looking
23 at it, walked right out into the road for me and I
24 stopped that individual wearing a purple T-shirt and
03:34 25 orange pants right there in the middle of the road.

03:34 1 Q. Showing you Grand Jury Exhibit Number 28.
2 Do you recognize the person depicted in this photo?

3 A. Yes, ma'am.

4 Q. Is that the person that you ended up
03:34 5 stopping?

6 A. It is.

7 Q. And was that person later identified as
8 Mr. Turner?

9 A. Eventually yes, it was Steve Turner.

03:34 10 Q. Did you identify him as Steve Turner?

11 A. Yes. It took awhile.

12 Q. But eventually you did?

13 A. Yes, ma'am.

14 Q. Publishing Grand Jury Exhibit Number 28.
03:34 15 Is this Mr. Turner?

16 A. It is.

17 Q. And is that the person that you stopped?

18 A. Yes, ma'am.

19 Q. In that area we just talked about?

03:34 20 A. It was.

21 Q. What happened when you stopped Mr. Turner?

22 A. Well, Mr. Turner says he was coming from a
23 friend's house. I explained to him why we were stopping
24 him, what had been happening in the neighborhood, and
03:35 25 while I was speaking to him I looked down on his left

03:35 1 leg, he was wearing -- well, you can see the orange
2 pants, but the pants did not completely cover his ankle
3 and his shoe area and I could see dried, partially dried
4 and wet blood covering that area and, pardon me, but
03:35 5 what I really said was "My man, what happened to you?"
6 And he said "I cut myself going over a fence." A clue.
7 And I asked him if we could look at it and he rolled up
8 his pant leg and you could see it and to me it looked
9 like -- over the radio I said, "Hey, he's been very
03:35 10 suspicious and it looks like he's got a major wound to
11 his left calf."

12 Q. Let me stop you right there. Showing you
13 Grand Jury Exhibit Numbers 29 and 30. Do you recognize
14 what's in these photos?

03:35 15 A. Yes, that's Turner's left calf.

16 Q. And are these photos fair and accurate
17 depictions of how his leg looked when you saw it that
18 day?

19 A. Yes, ma'am.

03:36 20 Q. I'm going to show on the monitor Grand Jury
21 Exhibit Number 29. What are we looking at here?

22 A. We're actually looking at the backside of
23 his left calf. The swelling's not quite as evident in
24 this photo, but to give you kind of a mental
03:36 25 representation of it, it looked about like the size of a

03:36 1 baseball cut in half taped onto the back of his calf
2 with that large wound.

3 Q. Have you seen wounds like this in your
4 career?

03:36 5 A. Yes, I have seen gunshot wounds many times.

6 Q. Did you believe it was a gunshot wound?

7 A. I suspected it may be.

8 Q. What gave you that suspicion?

9 A. The bleeding and the trauma to the soft
03:37 10 tissue right there.

11 Q. Once you stopped Mr. Turner and looked at
12 his leg, did you end up calling for other officers?

13 A. Absolutely. Yeah. They, other officers
14 including detectives and several other uniformed
03:37 15 officers as well as two or three K-9 units showed up to
16 where we were at.

17 Q. Was he eventually taken into custody?

18 A. Yes. Yes. Yes. He was taken into
19 custody.

03:37 20 MS. BEVERLY: Okay. I have no further
21 questions for this witness. Do any of the grand jurors
22 have any questions?

23 THE FOREPERSON: By law, these proceedings
24 are secret and you are prohibited from disclosing to
03:37 25 anyone anything that has transpired before us, including

03:37 1 evidence and statements presented to the Grand Jury, any
2 event occurring or statement made in the presence of the
3 Grand Jury, and information obtained by the Grand Jury.

4 Failure to comply with this admonition is a
03:37 5 gross misdemeanor punishable by a year in the Clark
6 County Detention Center and a \$2,000 fine. In addition,
7 you may be held in contempt of court punishable by an
8 additional \$500 fine and 25 days in the Clark County
9 Detention Center.

03:37 10 Do you understand this admonition?

11 THE WITNESS: I do.

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

14 THE WITNESS: Thank you all for your
03:38 15 service as well.

16 A JUROR: Thank you.

17 MS. BEVERLY: The State's next witness is
18 Detective Patton.

19 A JUROR: Can we go to the restroom?

03:38 20 MS. BEVERLY: Sure. Absolutely. Just let
21 me know.

22 THE FOREPERSON: Ten minutes everybody.

23 (Recess.)

24 MS. BEVERLY: May I proceed?

03:44 25 THE FOREPERSON: Yes.

03:44 1 MS. BEVERLY: The next witness is Detective
2 Joe Patton.

3 THE FOREPERSON: Please raise your right
4 hand.

03:44 5 You do solemnly swear the testimony you are
6 about to give upon the investigation now pending before
7 this Grand Jury shall be the truth, the whole truth, and
8 nothing but the truth, so help you God?

9 THE WITNESS: I do.

03:44 10 THE FOREPERSON: Please be seated.

11 THE WITNESS: Thank you.

12 THE FOREPERSON: You are advised that you
13 are here today to give testimony in the investigation
14 pertaining to the offenses of conspiracy to commit
03:44 15 burglary, attempt burglary while in possession of a
16 firearm or deadly weapon, attempt murder with use of a
17 deadly weapon, battery with use of a deadly weapon
18 resulting in substantial bodily harm, discharging
19 firearm at or into occupied structure, vehicle, aircraft
03:45 20 or watercraft, involving Steven Turner and Clemon
21 Hudson.

22 Do you understand this advisement?

23 THE WITNESS: Yes, ma'am.

24 THE FOREPERSON: Please state your first
03:45 25 and last name and spell both for the record.

03:45 1 THE WITNESS: Joseph Patton. J-O-S-E-P-H,
2 P-A-T-T-O-N.

3 MS. BEVERLY: May I proceed?

4 THE FOREPERSON: Yes.

03:45 5 JOSEPH PATTON,
6 having been first duly sworn by the Foreperson of the
7 Grand Jury to testify to the truth, the whole truth,
8 and nothing but the truth, testified as follows:

03:45 10 EXAMINATION

11
12 BY MS. BEVERLY:

13 Q. Detective, how are you currently employed?

14 A. I'm a detective with the Las Vegas
03:45 15 Metropolitan Police Department.

16 Q. How long have you been with Metro?

17 A. I've been with Metro for 11 years and a
18 detective for six.

19 Q. What is your current assignment as a
03:45 20 detective?

21 A. I'm assigned to the Force Investigation
22 Team.

23 Q. I want to direct your attention to the
24 early morning hours of September the 4th, 2015. Were
03:45 25 you working that day?

03:45 1 A. I was actually, I was called out, yes. It
2 was one of my normal days off.

3 Q. Were you called out to the location of 6729
4 Oveja, O-V-E-J-A, Circle here in Las Vegas?

03:46 5 A. Yes. I was.

6 Q. Can you tell us the general nature of the
7 call that you responded to?

8 A. So we received a communicator notification
9 of an officer involved shooting and during that initial
03:46 10 information of the officer involved shooting we also
11 learned that an officer had been shot.

12 Q. And for the record that's not being offered
13 for the truth, it's being offered to show what the
14 detective did in his investigation.

03:46 15 So once you had that information, you
16 responded to that address; is that correct?

17 A. Yes.

18 Q. Did you go with a partner or who were you
19 with?

03:46 20 A. My partner is Detective Marc Colon.

21 Q. And Detective Colon was with you on the
22 scene?

23 A. Yes, we were on the scene together.

24 Q. And once you got to the scene, the officer
03:46 25 who you had information had been shot, was he still at

03:46 1 the scene?

2 A. No, ma'am, he was already at the hospital.

3 Q. And I'm going to show you Grand Jury
4 Exhibit Number 50. Do you recognize the person depicted
03:47 5 in this photo?

6 A. Yes, it's Officer Jeremy Robertson.

7 Q. Is this a fair and accurate depiction of
8 how he looked in the hospital?

9 A. Yes.

03:47 10 Q. This is going to be Grand Jury Exhibit
11 Number 50 I'm publishing.

12 When you arrived on the scene did you have
13 information that another officer had engaged in fire?

14 A. Yes, we knew that originally, yes.

03:47 15 Q. And did you also have information that
16 other non-officer fire had occurred, gunshots had
17 occurred?

18 A. Yes, we knew that was as well.

19 Q. And again, I'm sorry to keep repeating
03:47 20 this, but again this is not being offered for the truth,
21 but to show how the detective went about his
22 investigation.

23 When you arrived on scene did you do a
24 walk-through through the scene?

03:48 25 A. Yes. When we, when my partner and I first

03:48 1 arrived, we got a quick walk-through of the scene with
2 the crime scene analyst and the supervisor as well as
3 the director. The purpose of that is just to get a fair
4 understanding of the crime scene, where's potential
03:48 5 evidence, we're just looking, just kind of getting a
6 quick overview. We will then have a briefing with
7 everyone that was involved where they would give us more
8 information. We would then conduct a walk-through with
9 the involved officer or the officer that fired the
03:48 10 shots.

11 Q. Let's just start by, if you can flip
12 through what's been marked as Grand Jury Exhibit Number
13 31 through 49 just briefly and tell me if you recognize
14 what is depicted in these photos and if these photos are
03:48 15 a fair and accurate depiction of the way the address
16 looked during your investigation.

17 A. Each one would you like me to talk about --

18 Q. No, just flip through all of them and tell
19 me if they're all fair or none of them.

03:49 20 A. Yes, those are all of the scene, yes,
21 ma'am.

22 Q. Okay. Now did you have information from
23 your briefing about how many potential weapons had been
24 involved in this incident?

03:49 25 A. Yeah. It was a very dynamic scene in the

03:49 1 beginning so we were getting some different information.
2 But eventually we learned that there were three
3 different weapons that were on scene.

4 Q. What type of weapons?

03:49 5 A. The first weapon was originally thought to
6 be a AK-47 or an SKS, an assault rifle. There was a
7 pump action shotgun and there was a very small frame
8 .25 caliber handgun.

9 Q. And did you also have information about the
03:50 10 officer's weapon?

11 A. Yes, that would have been the fourth weapon
12 involved. There was initially a fifth weapon that was
13 involved, that was Officer Robertson's, however we were
14 able to determine that weapon was never fired, it just
03:50 15 happened to be left at the scene during the downed
16 officer rescue.

17 Q. Did you have any information about
18 potentially how many shots actually had been fired
19 during this situation?

03:50 20 A. Yes, 16 total rounds were fired from all
21 four guns.

22 Q. And all this information about the number
23 of shots fired and the weapons involved, was all of that
24 information later confirmed by you after going through
03:50 25 the actual scene of the house?

03:50 1 A. Yes, that's correct.

2 Q. So let's start with the front of the house

3 and I'm going to put these on the board for you.

4 A. Okay.

03:51 5 Q. Starting with Grand Jury Exhibit Number 32.

6 What are we looking at here?

7 A. This is a security gate that faces east and

8 it protects the front door of the home, 6729.

9 Q. Was there any damage to the front door?

03:51 10 A. Yes, there was an impact to the top of the

11 door.

12 Q. Showing you Grand Jury Exhibit Number 31.

13 Is that what you're referring to, that impact?

14 A. Yes, that was a gunshot impact.

03:51 15 Q. Could you tell what type of bullet or

16 weapon caused that damage?

17 A. Yes. After conducting our investigation we

18 learned that this particular round that struck this

19 security gate was the round that went through Officer

03:51 20 Robertson's leg. It was fired from the SKS rifle which

21 is a high capacity assault rifle. It moves very

22 quickly, it has a lot of power. So it was able to

23 travel through his leg, it continued through the house

24 where it struck the security gate causing that hole and

03:52 25 then it continued into the front yard where it cut a

03:52 1 rock in half and then was lost in the front yard, we
2 weren't able to find the bullet.

3 Q. And you determined that based on your
4 investigation as a whole; is that correct?

03:52 5 A. Yes, ma'am, that's correct.

6 Q. All right. Now showing you Grand Jury
7 Exhibit Number 33. Do you recognize what's depicted in
8 this photo?

9 A. Yes, this is the front window to the house.
03:52 10 This is the inside of the window. You would be looking
11 out and I'd be looking east. And that was the window
12 that was struck by gunfire as well.

13 Q. Could you tell for these particular impacts
14 what type of weapon impacted this?

03:52 15 A. Yes. This one was fired from the shotgun
16 and we know that because the shotgun was loaded with a
17 bird shot round as opposed to a double-aught buck round.

18 Q. What does that mean in layman's terms?

19 A. Sure. So there's three typical shotgun
03:52 20 rounds that would fire from a shotgun. There's a slug
21 round which is just kind of a big circle and it fires
22 out like a normal bullet. And then a double-aught buck
23 round is a shotgun shell that has approximately eight or
24 nine small pellets in it equal to approximately a
03:53 25 9-millimeter and when the shotgun's fired the nine

03:53 1 rounds will then spread out. A bird shot is just what
2 it's for, it's for hunting and shooting birds and
3 there's several very, very small pellets that are packed
4 into this small bullet and when it's discharged from the
03:53 5 shotgun it spreads very, very quickly and creates a lot
6 of damage. And we were able to recover pellets that
7 were consistent with the bird shot from the shotgun from
8 this part of the house.

9 Q. Okay. Great. Thank you.

03:53 10 Showing you Grand Jury Exhibit Number 35.
11 What are we looking at here?

12 A. This is a picture of the backyard and this
13 would be from the back door. This faces west into the
14 backyard so this is what the officers would have seen as
03:54 15 they opened the door. Well, I mean it was dark outside
16 so they wouldn't see that exactly but.

17 Q. Was there any damage to any of the
18 property, specifically the chair in the middle, was
19 there any damage to that?

03:54 20 A. Yes, there was. There was a bullet impact
21 to the back of the metal handle of the chair.

22 Q. And I'll show you Grand Jury Exhibit
23 Number 34. Is that a better view of that?

24 A. Yes.

03:54 25 Q. And could you tell what type of impact that

03:54 1 damage came from?

2 A. From which gun?

3 Q. Yes.

4 A. Yes, that came from the AK-47, the SKS

03:54 5 rifle.

6 Q. And how do you know that?

7 A. Well, we know that three shots were fired

8 from the rifle. We know that one shot was fired from

9 the shotgun through our investigation and we also know

03:54 10 that 12 rounds were fired from the officer's weapon. We

11 were able to account for every single round that was

12 fired in this event. So just being able to piece it in

13 the investigation we were able to determine that that

14 round was discharged from the assault rifle.

03:55 15 Q. Okay. And Grand Jury Exhibit Number 37,

16 what are we looking at here?

17 A. This is a television. If you remember two

18 pictures ago when you were looking outside and you saw

19 the chair sitting there, this is immediately to the

03:55 20 left, so as soon as you walk out of the backyard it's

21 going to be on the left. This was a TV that they would,

22 the homeowners would use and sit in the backyard and

23 watch TV. To the top of the television you can see

24 there's an impact and there's some damage as it moves

03:55 25 onto the left of your photograph there and that was

03:55 1 caused by the AK-47 as well.

2 Q. How do you know that?

3 A. Again just from piecing it together from
4 our investigation. We know that the three rounds from
03:56 5 the rifle were fired from the backyard. And the one
6 round from the shotgun, we know exactly where the one
7 round from the shotgun impacted. So we were able to
8 piece together where all three of the rifle rounds
9 impacted.

03:56 10 Q. Okay. Now you indicated that you knew that
11 three particular shots had been fired from the rifle.
12 Were there any casings found anywhere that helped you
13 determine that three shots were fired from the rifle?

14 A. Yes, there were three, they call them cart
03:56 15 casings or casings, but casing is a layman's term, but
16 yes, we found three of them in the backyard.

17 Q. And did that give credence to the fact that
18 three shots had been fired?

19 A. Yes, ma'am. That with the three impacts,
03:57 20 we were able to match that up.

21 Q. What makes you think one shot was fired
22 from the shotgun?

23 A. Because the shotgun was actually damaged
24 and we were able to recover one shotgun round which you
03:57 25 guys saw into the window. During the exchange of

03:57 1 gunfire, the individual holding the shotgun actually
2 fell through a sun screen that the homeowners had put up
3 to protect them from the west setting sun and as he
4 falls through the screen there's, one of the officer's
03:57 5 rounds goes through the screen and impacts the pump
6 action of the shotgun rendering it disabled so he was
7 unable to manipulate the shotgun after that.

8 Q. And the fact that you said one of the
9 suspects fell through that area, was that confirmed by
03:57 10 observing the scene as well?

11 A. Yes, that was one of the factors, yes.

12 Q. And did you also have information from
13 Sergeant Bitsko about where that suspect had been
14 located?

03:58 15 A. Yes, we had information.

16 Q. Okay. Now you said the officer also fired
17 some rounds; is that correct?

18 A. Yes, ma'am.

19 Q. And who would that officer be?

03:58 20 A. Officer Grego-Smith.

21 Q. I'm going to show you Grand Jury Exhibit
22 Number 43. What are we looking at here?

23 A. So you're looking east. This is the sun
24 screen that I described to you. If you look in the top
03:58 25 right corner there's some duct tape there and we

03:58 1 actually had to use that duct tape to recreate that
2 screen because it was damaged during the event. The
3 green arrows that you see indicate impacts and there are
4 12 impacts into the screen. And we know that Officer
03:58 5 Grego-Smith fired 12 rounds because we recovered 12 cart
6 cases or casings from inside of the house from his
7 position. And then we also did a count down of his
8 weapon which revealed that he fired 12 rounds. So we're
9 able to account for all 12 of his rounds.

03:59 10 Q. Did that also help you determine how many
11 shots were fired from the other weapons involved?

12 A. Yes, absolutely it does. And it also helps
13 us in the placement of each person during the event.

14 Q. Thank you. Now I'm going to show you --
03:59 15 and you talked about this AK-47 or the SK rifle and then
16 a shotgun and then another handgun.

17 A. Yes, ma'am.

18 Q. None of those belonged to Officer Smith;
19 correct?

03:59 20 A. That's correct.

21 Q. Were you actually able to locate those
22 weapons?

23 A. Yes, we were.

24 Q. I'm going to show you Grand Jury Exhibit
03:59 25 Number 45. Are these two of the weapons that we're

03:59 1 referring to?

2 A. Yes. The one standing up is the shotgun
3 which we learned was placed there by Sergeant Bitsko
4 when the subject was being taken into custody and the
03:59 5 one on the ground is the SKS assault rifle.

6 Q. And showing you Grand Jury Exhibit
7 Number 46. What are we looking at here?

8 A. That's the small frame semi-automatic
9 handgun. It's a small Beretta .25 caliber.

04:00 10 Q. And Grand Jury Exhibit Number 47, is that a
11 closer up view of that weapon?

12 A. Yes, it's a close up view of it.

13 Q. Grand Jury Exhibit Number 48, is that the
14 shotgun we're talking about?

04:00 15 A. Yes, it is.

16 Q. Did you have a chance to actually look
17 inside of the shotgun?

18 A. So we were, on the scene we were unable to
19 because again one of the officer's rounds went into the
04:00 20 pump, and that's going to be on the right side of your
21 picture, on the bottom portion of the shotgun there's a
22 small black plastic area of the weapon and right in the
23 middle of it is where the round went in and it actually
24 bent the tube. The second tube on the bottom of the

04:00 25 shotgun actually houses the other rounds that you can

04:00 1 immediately put into the gun as you pump the shotgun.
2 That was bent a little bit from the round so it was
3 rendered, it was disabled. We were unable to manipulate
4 it on the scene. So they had to take it back to the
04:01 5 lab. The crime scene analysts immediately took it back
6 to the lab and were able to take the weapon apart and
7 pull the shotgun casing or shotgun hole out of the
8 barrel of the shotgun which is the one that was fired,
9 the bird shot.

04:01 10 Q. That would be just one shot?

11 A. That's correct.

12 Q. And finally Grand Jury Exhibit Number 49.
13 Is this the rifle that we're referring to?

14 A. Yes, that's the one. And each round when
04:01 15 we found it, every gun had, the small handgun had a
16 round in the chamber as well as more rounds in the
17 magazine. The shotgun had more rounds in the tube and
18 the AK-47 or SKS rifle had one in the chamber, which
19 means it was in the barrel ready to be shot, as well as
04:01 20 more ammo in the magazine.

21 Q. Thank you. At some point did you issue a
22 or apply for a search warrant for this particular
23 residence?

24 A. Yes, I did. I applied for a search
04:02 25 warrant.

04:02 1 Q. And did you help execute that search
2 warrant for the house?

3 A. Yes, I did.

4 Q. I forget if I asked you this or not, I'm
04:02 5 sorry. As part of the search warrant did you recover
6 those weapons that we just looked at?

7 A. Yes.

8 Q. Did you recover any casings belonging to
9 any of those weapons?

04:02 10 A. We recovered all of the casings belonging
11 to all four weapons that were used.

12 Q. Now I want to fast forward a little bit.
13 Later on in your investigation did you learn that a
14 person by the name of Steven Turner had been arrested in
04:02 15 connection, in possible connection with this case?

16 A. He had been detained, yes.

17 Q. And would that be by Officer Vance that we
18 just saw leave?

19 A. I'm sorry, I'm not sure which officer took
04:02 20 him into custody. Yes, one of the officers did on the
21 perimeter.

22 Q. Now at some point did you learn whether
23 Mr. Turner had any injuries to him or not?

24 A. Yes, we did. We knew that almost
04:03 25 immediately.

04:03 1 Q. Did you ever actually see those injuries?
2 A. I've only seen pictures of them.
3 Q. So you didn't see them up front or actually
4 on him?
04:03 5 A. I did not personally see them from his
6 person on the scene or at the hospital.
7 Q. Are you the case agent of this
8 investigation? Partly?
9 A. Yes. My partner is the technical case
04:03 10 agent but we work in teams so I did the arrests and we
11 were at the scene together.
12 Q. So did you learn about whether Mr. Turner
13 had any injuries?
14 A. Yes.
04:03 15 Q. What injuries would those be?
16 A. We learned that, originally we were told
17 that his injury, we were told that he was bleeding from
18 his left calf and we were told originally that that
19 injury occurred while he was hopping a fence or hopping
04:03 20 a wall and that's how he cut his leg. We then very
21 shortly after that learned from Mr. Turner that he had
22 been shot.
23 Q. Let me stop you right there.
24 A. Sure.
04:04 25 Q. That was going to be my next question. Did

04:04 1 you later on in your investigation learn that Mr. Turner
2 had actually acknowledged that he had been shot in the
3 backyard of that house?

4 A. Yes, we did.

04:04 5 Q. And was that from a statement that he gave?

6 A. That's correct.

7 Q. And for the record for the Grand Jury,
8 those statements will be coming in through a different
9 officer who will be testifying shortly.

04:04 10 Were you able to investigate how Mr. Turner
11 had been shot in the leg?

12 A. Yes. So once we determined that Mr. Turner
13 was suffering from a gunshot wound, he was transported
14 to the hospital where medical staff in the hospital
04:04 15 confirmed that there was a small fragment that was in
16 his leg. So we had to determine then on the scene if it
17 was from Officer Grego-Smith's rounds or did that round
18 come from somewhere else.

19 Q. How did you determine that?

04:04 20 A. Well, we knew that Officer Grego-Smith, we
21 knew all 12 of his rounds struck the sun screen that you
22 guys saw the picture of. So in order for a round to
23 strike a human being, or a shotgun for instance, the
24 person would have to be on the other side of that
04:05 25 screen. We know through our investigation that

04:05 1 Mr. Turner was never on the other side of the screen
2 when shots were fired. We were also able to determine
3 through the investigation that Officer Turner, or excuse
4 me, Mr. Turner, as the last round, potentially last
04:05 5 round was discharged into the chair, which you guys saw
6 the chair, the round goes into the chair -- would you
7 like me to explain that part?

8 Q. Sure. Go ahead.

9 A. The round goes into the chair, it goes in
04:05 10 and immediately kind of comes back at him. And we know
11 this because, as you saw in the picture, there were some
12 arrows that were pointed into the cushions. We were
13 able to take some of that cushion apart and we found
14 bullet fragments that are consistent with a 7.62 or a
04:05 15 round that's fired from an AK-47, an SKS. And we were
16 also able to determine that the round, and this is from
17 medical staff as well --

18 Q. I don't want you to tell me what medical
19 staff said. But he had a shot to his leg?

04:06 20 A. Yes, and it was very small we knew.

21 Q. And you accounted for all of Officer
22 Grego-Smith's bullets?

23 A. That's correct.

24 Q. So based on that, did you determine that
04:06 25 Mr. Turner had actually not been shot by Officer Grego?

04:06 1 A. Yes, that's correct.

2 Q. Okay. All right. Now Detective, did you

3 have a chance to visit Officer Robertson in the

4 hospital?

04:06 5 A. Yes, I did. My partner Detective Colon and

6 I went to visit him.

7 Q. When?

8 A. We went the morning of September the 8th.

9 Q. Was he still in the hospital?

04:06 10 A. Yes, he was.

11 Q. Had he been in the hospital to your

12 knowledge since this incident occurred?

13 A. Yes.

14 Q. So that would be at least four days?

04:06 15 A. Yes.

16 Q. When you went to the hospital to see

17 Officer Robertson, what was his condition like from your

18 observations?

19 A. Officer Robertson was in a lot of pain and

04:07 20 we were able to speak to him briefly.

21 Q. I don't want you to tell me what he said.

22 But physically what did you observe about him?

23 A. Sure. Physically I observed his injuries

24 and I know that he was shot in the leg and I do know the

04:07 25 extent of the injuries and what happened during the

04:07 1 surgery.

2 Q. But he was still in the hospital?

3 A. He was still in the hospital.

4 Q. Did he have any bandages or anything that

04:07 5 you saw on his leg?

6 A. Yes, his leg was all bandaged up, yes.

7 Q. And you indicated that he appeared to be in

8 pain to you?

9 A. Yes, he was.

04:07 10 Q. Do you know how long he was in the hospital

11 for?

12 A. Approximately 12 to 13 days.

13 Q. Do you know what his status is today?

14 A. Recovering at home.

04:07 15 MS. BEVERLY: Okay. I have no further

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

17 Jury have any questions?

18 THE WITNESS: Yes, ma'am.

19 BY A JUROR:

04:07 20 Q. Where was Clemon Hudson at that particular

21 time when this was going on?

22 BY MS. BEVERLY:

23 Q. Okay. Before you answer that, do you have

24 actual, did you actually see Mr. Turner or Mr. Hudson in

04:08 25 the backyard when the shots were going on?

04:08 1 A. I personally did not, no.

2 Q. So I'm going to ask that you don't answer
3 that question.

4 BY A JUROR:

04:08 5 Q. Detective, so it's believed through your
6 investigation that Mr. Hudson's wound was
7 self-inflicted?

8 A. Mr. Turner's wound?

9 Q. Mr. Turner's wound. I'm sorry.

04:08 10 A. Was self-inflicted, yes.

11 Q. Okay. Thank you.

12 MS. BEVERLY: Any other questions?

13 THE FOREPERSON: By law, these proceedings

14 are secret and you are prohibited from disclosing to

04:08 15 anyone anything that has transpired before us, including
16 evidence and statements presented to the Grand Jury, any
17 event occurring or statement made in the presence of the
18 Grand Jury, and information obtained by the Grand Jury.

19 Failure to comply with this admonition is a
04:08 20 gross misdemeanor punishable by a year in the Clark
21 County Detention Center and a \$2,000 fine. In addition,
22 you may be held in contempt of court punishable by an
23 additional \$500 fine and 25 days in the Clark County
24 Detention Center.

04:08 25 Do you understand this admonition?

04:08 1 THE WITNESS: Yes, ma'am.

2 THE FOREPERSON: Thank you. You are
3 excused.

4 THE WITNESS: Thank you.

04:09 5 MS. BEVERLY: Next officer is going to be
6 Officer Pannullo.

7 THE FOREPERSON: Please stand and raise
8 your right hand.

9 You do solemnly swear the testimony you are
04:10 10 about to give upon the investigation now pending before
11 this Grand Jury shall be the truth, the whole truth, and
12 nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE FOREPERSON: Please be seated.

04:10 15 You are advised that you are here today to
16 give testimony in the investigation pertaining to the
17 offenses of conspiracy to commit burglary, attempt
18 burglary while in possession of a firearm or deadly
19 weapon, attempt murder with use of a deadly weapon,
04:10 20 battery with use of a deadly weapon resulting in
21 substantial bodily harm, discharging firearm at or into
22 occupied structure, vehicle, aircraft or watercraft,
23 involving Steven Turner and Clemon Hudson.

24 Do you understand this advisement?

04:10 25 THE WITNESS: Yes, I do.

04:10 1 THE FOREPERSON: Please state your first
2 and last name and spell both for the record.

3 THE WITNESS: Detective Joseph Pannullo.
4 J-O-S-E-P-H, P-A-N-N-U-L-L-O.

04:11 5 MS. BEVERLY: Thank you. May I proceed?

6 THE FOREPERSON: Yes.

7 JOSEPH PANNULLO,

8 having been first duly sworn by the Foreperson of the
9 Grand Jury to testify to the truth, the whole truth,
04:11 10 and nothing but the truth, testified as follows:

11

12 EXAMINATION

13

14 BY MS. BEVERLY:

04:11 15 Q. Sir, how are your currently employed?

16 A. Detective with Las Vegas Metropolitan
17 Police Department.

18 Q. How long have you been a detective?

19 A. I've been a detective for 15 years.

04:11 20 Q. How long have you been with Metro?

21 A. Eighteen and a half years.

22 Q. I want to direct your attention to the
23 morning hours of September the 4th, 2015. Were you
24 working on that day?

04:11 25 A. I was called out that day, yes.

04:11 1 Q. Were you asked to assist in an interview
2 with a person by the name of Mr. Hudson?
3 A. Yes.
4 Q. Clemon Hudson?
04:11 5 A. Yes, I was.
6 Q. I'm showing you on the monitor Grand Jury
7 Exhibit Number 27. Do you recognize the person depicted
8 in this photo?
9 A. Yes, that's Mr. Hudson.
04:11 10 Q. Is that the person that you assisted in the
11 interview with?
12 A. That's correct.
13 Q. Where did this interview take place?
14 A. At UMC hospital.
04:11 15 Q. Were you present if or when Mr. Hudson was
16 read any Miranda rights?
17 A. Yes, I was.
18 Q. Was he read his Miranda rights?
19 A. Yes, he was.
04:12 20 Q. Now I only want to talk about things about
21 Mr. Hudson's involvement. Did Mr. Hudson give you a
22 statement?
23 A. Yes. Me and Detective Jex. Craig Jex.
24 Q. So let's kind of start at the beginning.
04:12 25 Was Mr. Hudson questioned about an incident that

04:12 1 occurred over on Oveja Avenue?

2 A. Yes, he was.

3 Q. Did he say, did he acknowledge anything
4 about that address initially?

04:12 5 A. Yes. That he had gone over there with a
6 friend to, there was a female there that had a pound of
7 marijuana that they were going to rob for a pound of
8 marijuana from the house.

9 Q. And before we continue, I just want to
04:13 10 advise the members of the Grand Jury that all statements
11 made by Mr. Hudson are only to be considered for
12 Mr. Hudson's involvement, not the involvement of any
13 other person. So please only consider those statements
14 as to Mr. Hudson.

04:13 15 So you said Mr. Hudson said he was going
16 over to this particular address to get some weed?

17 A. Yes, a pound of marijuana.

18 Q. Was he going to get it willingly or what
19 was he --

04:13 20 A. They were going to rob it from a female.

21 Q. So Mr. Hudson admitted going to that
22 particular house; correct?

23 A. Yes, he did.

24 Q. Did he say he was driving?

04:13 25 A. He was driving, yes, in a, I believe a

04:13 1 white Camry. Or I'm sorry, a Nissan Maxima. He changed
2 that a couple times as far as vehicles go, but yes, he
3 drove over there.

4 Q. When he got to the house, what if anything
04:14 5 did Mr. Hudson say he did?

6 A. They were, or he was going to go to the
7 front door to see if it was unlocked and then the front
8 door was locked.

9 Q. So what did he decide to do?

04:14 10 A. Going to jump over the wall on the left
11 side of the house to try the back door to go in through
12 there.

13 Q. And did he say whether he actually did jump
14 over that back wall?

04:14 15 A. Yes, he did, he told me that he jumped over
16 the wall.

17 Q. Did he say anything about trying, how he
18 was trying to get in the house?

19 A. Well, first they were going to try, or he
04:14 20 was going to try the door, and if that didn't work they
21 were going to break a window and go through a window.

22 Q. Did he actually try to get in the house?
23 Did he acknowledge that?

24 A. That he tried the door, yes.

04:15 25 Q. Did Mr. Hudson say whether or not he saw

04:15 1 anyone at home at the house?

2 A. He said he could see somebody like looking
3 or peering through the door, the glass door or the
4 window.

04:15 5 Q. Did Mr. Hudson say anything about whether
6 he had any weapons or not with him when he went to the
7 house?

8 A. Mr. Hudson stated he was carrying a shotgun
9 when he went over the wall into the backyard.

04:15 10 Q. And I'm just going to ask you just straight
11 out. Initially did Mr. Hudson say that another person
12 by the name of Chubs actually brought both the SK and
13 the shotgun out of the car?

14 A. Correct.

04:15 15 Q. But later on did Mr. Hudson admit to having
16 a shotgun?

17 A. Yes, Mr. Hudson stated that he had the
18 shotgun to go over the wall and he had it when they went
19 over the wall into the backyard.

04:16 20 Q. Did Mr. Hudson ever say anything about
21 shots being fired?

22 A. He stated that when he had saw somebody in
23 the house, shots began being fired and he stated it was,
24 that the shots were coming from inside the house first

04:16 25 and then more rounds were being shot.

04:16 1 Q. Fair to say in the particular interview
2 that you were doing with Mr. Hudson, he never admitted
3 to actually firing the shotgun?

4 A. Correct, he stated he never fired a gun.

04:16 5 MS. BEVERLY: Okay. That's all the
6 questions I have. Are there any questions from the
7 members of the Grand Jury?

8 BY A JUROR:

9 Q. Detective, can you tell me what wounds the
04:16 10 gentleman had?

11 A. He had a, when I was at the hospital he had
12 a bite wound to the back of his head from the dog and to
13 his wrist.

14 Q. So no gunshot wounds or anything like that?

04:17 15 A. No.

16 Q. Thank you.

17 MS. BEVERLY: Any further questions?

18 THE FOREPERSON: By law, these proceedings
19 are secret and you are prohibited from disclosing to
04:17 20 anyone anything that has transpired before us, including
21 evidence and statements presented to the Grand Jury, any
22 event occurring or statement made in the presence of the
23 Grand Jury, and information obtained by the Grand Jury.

24 Failure to comply with this admonition is a
04:17 25 gross misdemeanor punishable by a year in the Clark

04:17 1 County Detention Center and a \$2,000 fine. In addition,
2 you may be held in contempt of court punishable by an
3 additional \$500 fine and 25 days in the Clark County
4 Detention Center.

04:17 5 Do you understand this admonition?

6 THE WITNESS: Yes, I do.

7 THE FOREPERSON: Thank you. You are
8 excused.

9 THE WITNESS: Thank you.

04:17 10 MS. BEVERLY: State's last witness is
11 Detective Pazos.

12 THE FOREPERSON: Please raise your right
13 hand.

14 You do solemnly swear the testimony you are
04:18 15 about to give upon the investigation now pending before
16 this Grand Jury shall be the truth, the whole truth, and
17 nothing but the truth, so help you God?

18 THE WITNESS: I do.

19 THE FOREPERSON: Please be seated.

04:18 20 THE WITNESS: Thank you.

21 THE FOREPERSON: You are advised that you
22 are here today to give testimony in the investigation
23 pertaining to the offenses of conspiracy to commit
24 burglary, attempt burglary while in possession of a
04:18 25 firearm or deadly weapon, attempt murder with use of a

04:18 1 deadly weapon, battery with use of a deadly weapon
2 resulting in substantial bodily harm, discharging
3 firearm at or into occupied structure, vehicle, aircraft
4 or watercraft, involving Steven Turner and Clemon
04:19 5 Hudson.

6 Do you understand this advisement?

7 THE WITNESS: Yes.

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

04:19 10 THE WITNESS: My first name is Eduardo,
11 last name is Pazos. Spelling on Eduardo is
12 E-D-U-A-R-D-O, last name is P-A-Z-O-S.

13 MS. BEVERLY: May I proceed?

14 THE FOREPERSON: Yes.

04:19 15 MS. BEVERLY: Thank you.

16 EDUARDO PAZOS,

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

04:19 20

21 EXAMINATION

22

23 BY MS. BEVERLY:

24 Q. Sir, how are you currently employed?

04:19 25 A. With the Las Vegas Metropolitan Metro

04:19 1 Police.

2 Q. How long have you been with Metro?

3 A. I've been with Metro 15 years, going on 16

4 years.

04:19 5 Q. How long have you been a detective?

6 A. Nine years approximately.

7 Q. And what current assignment are you in?

8 A. Right now I'm in the Force Investigation

9 Team which is called FIT for short.

04:19 10 Q. How long have you been in FIT?

11 A. Little over a year.

12 Q. I want to direct your attention to

13 September the 4th, 2015. Were you working as a FIT

14 detective on that day?

04:20 15 A. Yes, I was.

16 Q. Were you called to assist in an

17 investigation involving a shooting at 6729 Oveja Circle?

18 A. I was.

19 Q. As part of your investigation did you help

04:20 20 execute a search warrant on a particular vehicle?

21 A. Yes, I did.

22 Q. Do you know who authored that search

23 warrant?

24 A. I don't recall the judge because our

04:20 25 sergeant usually does the search warrant and at the time

04:20 1 I was at the hospital when it was getting all done.

2 Q. But you had a valid search warrant to
3 search the vehicle?

4 A. Yes.

04:20 5 Q. If you can for me just flip through State's
6 marked Exhibits Number 51 through 59. Just flip through
7 all of them and tell me if you recognize what's depicted
8 in those photos. Not one by one, just flip through all
9 of them first.

04:20 10 A. Gotcha.

11 It's the vehicle that we did the search
12 warrant on is what I'm looking at. And then towards the
13 middle it's what we recovered from the car. We
14 recovered a projectile that matches the one that was at
04:21 15 the scene. I believe it's 7.62 round in the center
16 console. And then along with that we also found an ID
17 in the name of Hudson, first name Clemon Lamar.

18 Q. Okay. Are these fair and accurate
19 depictions of the car and the contents of the car as you
04:21 20 saw it?

21 A. Yes, ma'am.

22 Q. So let me show you Grand Jury Exhibit
23 Number 51 on the monitor. Is this the Maxim, Maxim car
24 that we're talking about, is that what it's called?

04:21 25 A. I don't recall the make. It's not on

04:21 1 there. Can I see that?

2 Q. Sure.

3 A. Yeah, I think that's a Toyota.

4 Q. Okay. I'm sorry. But is this a vehicle

04:22 5 that you searched?

6 A. Yes, it is.

7 Q. And was this vehicle found near the

8 location of the residence or somewhere else?

9 A. It was near the location of the residence.

04:22 10 Then it was towed to the crime lab where we executed the
11 search warrant.

12 Q. And once you executed the search warrant,
13 you indicated earlier that you found a bullet in the
14 car?

04:22 15 A. That's correct, ma'am.

16 Q. Showing you Grand Jury Exhibit Number 58.
17 Towards the bottom of the photo, is that the bullet that
18 you're talking about?

19 A. Yes. The person who does the photographs,

04:22 20 Randy McPhail, he's the one that actually does the
21 searches, they do the fingerprints, but when he finds it
22 they show us because we have to be accountable for
23 everything that's found in the car or what's found in a
24 search warrant.

04:22 25 Q. What kind of bullet is that?

04:22 1 A. It's a rifle round.

2 Q. And finally Grand Jury Exhibit Number 59.
3 I believe you said ID of Clemon Hudson was also found in
4 the vehicle?

04:23 5 A. Yes, it's a Nevada DL belonging to Hudson
6 and it gives obviously his pertinent information, date
7 of birth, social, I mean not social, date of birth, DL
8 number and his address.

9 Q. Okay. Thank you.

04:23 10 Detective, did you, as part of your
11 assistance in the investigation, get an opportunity to
12 interview a person identified as Steven Turner?

13 A. Yes, I did.

14 Q. And did you actually conduct two separate
04:23 15 interviews with him?

16 A. Two separate interviews.

17 Q. I'm going to put on the overhead Grand Jury
18 Exhibit Number 28. Do you recognize the person depicted
19 in this photo?

04:23 20 A. Yes.

21 Q. Who is that?

22 A. That's Mr. Turner.

23 Q. So let's talk about those interviews.

24 And again, I don't want to sound like a

04:24 25 broken record, but I want to advise the members of the

04:24 1 Grand Jury that any statements made by Mr. Turner are
2 only to be considered for Mr. Turner's involvement or
3 lack of involvement in this particular incident. They
4 are not to be considered for any other people who may or
04:24 5 may not have been involved in this incident.

6 Okay. So let's talk about the first time
7 you talked to Mr. Turner. Did you read him his Miranda
8 rights?

9 A. Yes, I did, at the beginning of the
04:24 10 statement and it was recorded.

11 Q. Did he agree to speak with you?

12 A. Yes, he did.

13 Q. How did Mr. Turner first identify himself?

14 A. He gave me the wrong name of Davontae
04:24 15 Turner along with an incorrect date of birth and
16 incorrect social.

17 Q. Did you begin to ask Mr. Turner questions
18 related to the shooting that happened at Oveja Circle?

19 A. Yes, I did.

04:25 20 Q. What did Mr. Turner initially say about the
21 Oveja shooting?

22 A. Initially he said he was outside in front
23 of the house, the house where this occurred, smoking a
24 cigarette, and that his partner went to the backyard, he
04:25 25 heard a commotion, he heard shots, he started to run

04:25 1 away and as he was running away somewhere along the line
2 he got caught up in the fence and that's why he was
3 bleeding.

4 Q. Okay. So first he says, so first he admits
04:25 5 to actually being at the address; is that correct?

6 A. Yes, ma'am.

7 Q. But he says that he stays in the car the
8 whole time?

9 A. Yes.

04:25 10 Q. And someone else gets out of the car?

11 A. That someone else gets out of the car with
12 weapons.

13 Q. With weapons. Did he say anything about
14 the weapons that were taken out of the car?

04:25 15 A. He said there was a shotgun that his friend
16 was carrying and the SKS rifle that he believed was his
17 uncle's.

18 Q. So shotgun and then a rifle that he
19 believed may be his uncle's?

04:26 20 A. Yes, ma'am.

21 Q. And then he said that he stayed in the car
22 smoking a cigarette?

23 A. He said several. Because I tried to get
24 him down to a time frame. So we finally settled on a

04:26 25 few cigarettes times worth. So five to ten minutes is

04:26 1 what I was guessing cause he wouldn't give me an exact
2 time, but he said two or three cigarettes.

3 Q. Initially could Mr. Turner describe how the
4 rifle looked?

04:26 5 A. Yes, he did. He described it as a brown
6 and green or tan and green, almost camouflage color, SKS
7 rifle.

8 Q. So just to be clear. After he smokes the
9 cigarettes, he says he then hears shots and he takes
04:26 10 off?

11 A. Correct.

12 Q. And then he ends up scraping his leg
13 jumping over a fence?

14 A. Correct.

04:27 15 Q. Was that basically the substance of your
16 first interview with him?

17 A. That's correct.

18 Q. Did you later interview him again?

19 A. Yes, at the hospital, UMC.

04:27 20 Q. And what was he being treated for at UMC if
21 you recall?

22 A. He was treated for a projectile to his leg
23 or a gunshot wound to his leg.

24 Q. And you got a second chance to interview

04:27 25 Mr. Turner. How did that happen?

04:27 1 A. Yes, he wanted to speak to me. Somehow or
2 another he heard that, what the charges were, the
3 charges were very serious, and he asked to speak to me
4 at the hospital. He said he would tell me whatever and
04:27 5 tell me the truth this time.

6 Q. So on the second interview did you talk
7 about how his Miranda rights were still in effect?

8 A. Yes, I did. I reminded him he was free to
9 talk to me or not talk to me at any time.

04:27 10 Q. Did he give you a different name than he
11 first gave you?

12 A. Yes, he did. This time he gave me Steven
13 Turner.

14 Q. Is that his actual name?

04:27 15 A. Yes, it is.

16 Q. Let's talk about Mr. Turner's second
17 interview. Did Mr. Turner say, admit to knowing there
18 was a rifle in the vehicle?

19 A. Yes.

04:28 20 Q. And did he say who that rifle might belong
21 to?

22 A. He said it might belong to his uncle.

23 Q. Was he a hundred percent sure though?

24 A. He was a hundred percent sure, yes.

04:28 25 Q. Did Mr. Turner say why he was even at the

04:28 1 house?

2 A. Initially when his friend called him up
3 they were supposed to hang out and smoke weed, but then
4 somewhere along the lines they decided to go do a lick
04:28 5 in his own words. And a lick is do a robbery or rob
6 somebody.

7 Q. Did he explain that to you in the
8 interview?

9 A. He tried to explain it, because I
04:28 10 understood what it meant, and if you listen to the
11 interview you hear me asking him hey, can you describe
12 what a lick is and he's kind of like, well, you know
13 what I mean. I told him hey, some people that are going
14 to be listening to this don't know what a lick is. He
04:29 15 explained it but not how I wanted him to explain it.

16 Q. Did he explain a lick involved getting
17 money from some people?

18 A. Correct.

19 Q. Now in the first interview Mr. Turner says
04:29 20 he didn't even get out of the car; is that correct?

21 A. He got out of the car but only, but stayed
22 by the car.

23 Q. Did that change in the second interview?

24 A. That's correct, yes, it did.

04:29 25 Q. How did that change?

04:29 1 A. This time he said he watched his partner
2 get out of the car, as you're facing the victim's house,
3 he jumped over the fence on the left hand side. He
4 waited a few minutes, was wondering what took so long so
04:29 5 he did the same thing. He described that there was a
6 vehicle in the driveway. It was a single story house.
7 When he jumped the fence, on the other side of the fence
8 there was a pool, as you look to the right there was a
9 patio area and a TV underneath the patio area and then
04:30 10 the sliding glass door.

11 Q. Did Mr. Turner indicate how many people
12 were in the backyard?

13 A. It was him and his friend.

14 Q. Okay. So just two people in the backyard?

04:30 15 A. Just two.

16 Q. Did he indicate that there was no one else
17 there in the backyard besides those two people?

18 A. I asked him that several times and he
19 always, he kept saying, he stuck to the two people.

04:30 20 Q. Did Mr. Turner admit to being in the
21 backyard but claimed that he didn't have a gun?

22 A. That's correct.

23 Q. Did he claim that he didn't shoot anybody?

24 A. That's correct.

04:30 25 Q. Did he claim to be in the backyard though

04:30 1 when shoots were fired?

2 A. Yes, he did, he was in the backyard when
3 shoots were fired.

4 Q. Did Mr. Turner admit to being on the patio
04:30 5 by the TV when the shots were, according to him, when
6 the shots were fired?

7 A. That's his description. He was near the
8 TV, near the patio close to the TV when the shots were
9 fired.

04:30 10 Q. Did Mr. Turner say anything about whether
11 he knew somebody was home or not?

12 A. He believed the homeowners were at home.

13 Q. And what did he say about that?

14 A. Because there was a car in the driveway.

04:31 15 Q. And did Mr. Turner claim that he never had
16 any firearms in the backyard?

17 A. Never had a firearm. The only thing he
18 would say is that his fingerprints would be on the
19 rifle.

04:31 20 Q. Why?

21 A. He told me because from using it in the
22 past when his uncle would have it, but that's the only
23 one that would have fingerprints, not the shotgun.

24 MS. BEVERLY: All right. I have no further

04:31 25 questions for this witness. Do any of the Grand Jury

04:31 1 members have any questions at this time?

2 Seeing none.

3 THE FOREPERSON: By law, these proceedings
4 are secret and you are prohibited from disclosing to
04:31 5 anyone anything that has transpired before us, including
6 evidence and statements presented to the Grand Jury, any
7 event occurring or statement made in the presence of the
8 Grand Jury, and information obtained by the Grand Jury.

9 Failure to comply with this admonition is a
04:31 10 gross misdemeanor punishable by a year in the Clark
11 County Detention Center and a \$2,000 fine. In addition,
12 you may be held in contempt of court punishable by an
13 additional \$500 fine and 25 days in the Clark County
14 Detention Center.

04:31 15 Do you understand this admonition?

16 THE WITNESS: Yes, I understand fully.

17 THE FOREPERSON: Thank you. You are
18 excused.

19 THE WITNESS: Thank you very much. You
04:32 20 have a great day.

21 THE FOREPERSON: Thank you. You too.

22 MS. BEVERLY: Before I conclude, I just
23 need to make one additional amendment to the proposed
24 Indictment. Where Officer Grego is listed, the actual
04:32 25 spelling of his name is G-R-E-G-O dash Smith. And with

04:32 1 that I will ask that the members of the Grand Jury
2 deliberate on the proposed Indictment.

3 (At this time, all persons, other than
4 members of the Grand Jury, exit the room at 4:32 p.m.
04:32 5 and return at 4:36 p.m.)

6 THE FOREPERSON: Madame District Attorney,
7 by a vote of 12 or more grand jurors a true bill has
8 been returned against defendants Steven Turner and
9 Clemon Hudson charging the crimes of conspiracy to
04:36 10 commit burglary, attempt burglary while in possession of
11 a firearm or deadly weapon, attempt murder with use of a
12 deadly weapon, battery with use of a deadly weapon
13 resulting in substantial bodily harm, discharging
14 firearm at or into occupied structure, vehicle, aircraft
04:36 15 or watercraft, in Grand Jury case number 15AGJ055AB. We
16 instruct you to prepare an Indictment in conformance
17 with the proposed Indictment previously submitted to us.

18 MS. BEVERLY: Thank you.

19 (Proceedings concluded.)

04:36 20 --oo0oo--

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04:36

1

REPORTER'S CERTIFICATE

2

3

STATE OF NEVADA)

: Ss

4

COUNTY OF CLARK)

04:36

5

6

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

7

hereby certify that I took down in Shorthand (Stenotype)

8

all of the proceedings had in the before-entitled matter

9

at the time and place indicated and thereafter said

04:36

10

shorthand notes were transcribed at and under my

11

direction and supervision and that the foregoing

12

transcript constitutes a full, true, and accurate record

13

of the proceedings had.

14

Dated at Las Vegas, Nevada,

04:36

15

October 5, 2015.

16

17

/s/ Danette L. Antonacci

18

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

19

04:36

20

21

22

23

24

25

04:36 1 AFFIRMATION

2 Pursuant to NRS 239B.030

3

4 The undersigned does hereby affirm that the

04:36 5 preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER

6 15AGJ055AB:

7

8 X Does not contain the social security number of any

9 person,

04:36 10 -OR-

11 ___ Contains the social security number of a person as

12 required by:

13 A. A specific state or federal law, to-

14 wit: NRS 656.250.

15 -OR-

04:36 16 B. For the administration of a public program

17 or for an application for a federal or

18 state grant.

19 /s/ Danette L. Antonacci

20 Signature

21 10-5-15

22 Date

23 Danette L. Antonacci

24 Print Name

25 Official Court Reporter

Title

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82/15 98/19	31/16 31/17 33/24	wound [9] 79/10
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125/10	28/4 33/17	103/6 103/8 103/9
white [5] 11/11	Willoughby [3]	110/12 119/23
25/4 30/7 73/12	38/6 39/3 39/10	wounds [4] 80/3
108/1	window [47]	80/5 110/9 110/14
who [24] 9/23	wit [1] 127/13	wrist [2] 65/17
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37/5 40/2 42/3	19/25 63/9	wrong [1] 117/14
	witness [16] 6/11	

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yard-to-yard [1]

68/12

yards [1] 77/21

Yeah [7] 62/19

66/19 68/12 70/1

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37/20 56/6 58/12

64/12 70/15 81/5

103/20 110/25

113/11 124/10

years [10] 8/7

24/22 58/19 72/21

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yelled [1] 63/15

yelling [1] 63/21

yes [258]

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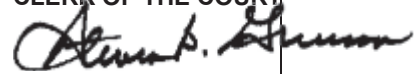
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1 **RTRAN**

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5 **DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

7
8 **THE STATE OF NEVADA,**
9 **Plaintiff,**

10 **vs.**

11 **STEVEN TURNER,**
12 **CLEMON HUDSON,**
13 **Defendants.**

CASE#: C-15-309578-1
C-15-309578-2

DEPT. XVIII

14 **BEFORE THE HONORABLE DAVID BARKER, SENIOR DISTRICT COURT JUDGE**
15 **WEDNESDAY, SEPTEMBER 23, 2015**

16 ***RECORDER'S TRANSCRIPT OF PROCEEDINGS***
17 ***GRAND JURY INDICTMENT RETURNS***

18 **APPEARANCES:**

19 **For the State:** **TINA TALIM, ESQ.**
Chief Deputy District Attorney

20 **For Defendants:** **No Appearances**

21 **ALSO PRESENT:** **ANN KLING**
22 **Grand Jury Foreperson**

23
24
25 **RECORDED BY: CHERYL CARPENTER, COURT RECORDER**

1 Las Vegas, Nevada, Wednesday, September 23, 2015

2
3 [Proceedings began at 11:45 a.m.]

4 MS. TALIM: Your Honor, yesterday the Grand Jury met on
5 Grand Jury case number 15AGJ055A and B, and by a vote of 12 or
6 more returned a true bill against Steven Turner and Clemon Hudson on
7 one count conspiracy to commit burglary; one count attempt burglary
8 while in possession of a firearm or deadly weapon; two counts attempt
9 murder with use of a deadly weapon; one count battery with use of a
10 deadly weapon resulting in substantial bodily harm, and one count
11 discharge firearm at or into occupied structure, vehicle, aircraft, or
12 watercraft.

13 THE COURT: Ms. Kling, did 12 or more members of the
14 Grand Jury concur in finding a true bill as to each count on these
15 Defendants?

16 THE FOREPERSON: They did, Your Honor.

17 THE COURT: Very well. It will be assigned case number
18 309578. Tracking is to Department II.

19 What is the request, warrant or summons?

20 MS. TALIM: Your Honor, the State is requesting a warrant in
21 the amount of \$500,000. That was the amount set down in Justice
22 Court VIII.

23 THE COURT: So the action's pending out of Justice Court.
24 \$500,000 bench warrant issued as to each. Both, per Court staff, are in
25 custody?

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MS. TALIM: Yes, Your Honor.

THE COURT: So one week return in Department II.

THE COURT CLERK: October 1st at 9 a.m.

THE COURT: Is there a case to be dismissed?

MS. TALIM: Yes, Your Honor, 15F13307A and B. Prelim in Justice Court VIII on -- pardon me, September 24th.

THE COURT: The case is dismissed. Exhibits 1 through 59 have been lodged with the Clerk of the Court.

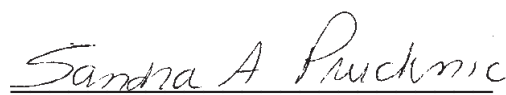
MS. TALIM: Thank you.

THE COURT: Thank you.

[Proceedings concluded at 11:46 a.m.]

* * * * *

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


SANDRA PRUCHNIC
Court Recorder/Transcriber

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


Jessica Kirkpatrick
Court Recorder/Transcriber

1 **IND**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **FRANK COUMOU**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #004577**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-15-309578-2

-vs-

DEPT NO: II

STEVEN TURNER, #2717636
CLEMON HUDSON, #7025101

Defendant(s).

INDICTMENT

STATE OF NEVADA }
COUNTY OF CLARK } ss.

The Defendant(s) above named, STEVEN TURNER, CLEMON HUDSON, accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY TO COMMIT BURGLARY (Gross Misdemeanor - NRS 205.060, 199.480 - NOC 50445); ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM OR DEADLY WEAPON (Category C Felony - NRS 205.060.4 - NOC 50443); ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.481 - NOC 50226) and DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT (Category B Felony - NRS 202.285 - NOC 51442), committed at and within the County of Clark, State of Nevada, on or about the 4th day of September, 2015, as follows:

1 COUNT 1 - CONSPIRACY TO COMMIT BURGLARY

2 did willfully and unlawfully conspire with each other and/or an unknown co-
3 conspirator to commit a burglary, by the defendants committing the acts as set forth in Count
4 2, said acts being incorporated by this reference as though fully set forth herein.

5 COUNT 2 - ATTEMPT BURGLARY WHILE IN POSSESSION OF A FIREARM OR
6 DEADLY WEAPON

7 did then and there willfully, unlawfully, and feloniously attempt to enter, with intent
8 to commit larceny and/or a felony, to-wit: robbery, that certain residence occupied by ERIC
9 CLARKSON and/or WILLOUGHBY GRIMALDI, located at 6729 Oveja Circle, Las Vegas,
10 Clark County, Nevada, said Defendants did possess and/or gain possession of a firearm during
11 the commission of the crime and/or before leaving the structure, by the Defendants being
12 criminally liable under one or more of the following principles of criminal liability, to-wit: (1)
13 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this
14 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,
15 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
16 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,
17 Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering
18 into a course of conduct whereby one or more of the defendants and/or unknown co-
19 conspirator went to the residence of ERIC CLARKSON and/or WILLOUGHBY GRIMALDI
20 to steal marijuana, repeatedly knocked on the front door of the residence, rang the doorbell
21 and pounded on the security door to the residence, one or more of the defendants and/or
22 unknown co-conspirators ran into the backyard of the residence, thereafter Defendant
23 STEVEN TURNER shot at Las Vegas Metropolitan Police Department Officers J.
24 ROBERTSON and M. GRECO-SMITH with an AK-47 rifle, striking Officer J. ROBERTSON
25 in the right leg, Defendant CLEMON HUDSON fired one round from a shotgun toward said
26 officers, striking the doorway of the residence, Defendants acting in concert throughout.

27 ///

28 ///

COUNT 3 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill J. ROBERTSON, Las Vegas Metropolitan Police Department, a human being, with use of a deadly weapon, to-wit: a firearm, by shooting at the body of the said J. ROBERTSON; the Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed, Defendants aiding or abetting and/or conspiring in the following manner, to wit: by entering into a course of conduct whereby one or more of the defendants and/or unknown co-conspirators repeatedly knocked on the front door of the residence of ERIC CLARKSON and/or WILLOUGHBY GRIMALDI, rang the doorbell and pounded on the security door to the residence, one of more of the defendants and/or unknown co-conspirators ran into the backyard of the residence, thereafter Defendant STEVEN TURNER shot at Las Vegas Metropolitan Police Department Officers J. ROBERTSON and M. GREGO-SMITH with an AK-47 and/or SKS rifle, striking Officer J. ROBERTSON in the right leg, Defendant CLEMON HUDSON fired one round from a shotgun toward said officers, striking the doorway of the residence, Defendants acting in concert throughout.

COUNT 4 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought attempt to kill M. GREGO-SMITH, Las Vegas Metropolitan Police Department, a human being, with use of a deadly weapon, to-wit: a firearm, by shooting at the body of the said M. GREGO-SMITH; the Defendants being criminally liable under one or more of the following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or (2) by aiding or abetting in the commission of this crime, with the intent that this crime be committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this

1 crime be committed, Defendants aiding or abetting and/or conspiring in the following manner,
2 to wit: by entering into a course of conduct whereby one or more of the defendants and/or
3 unknown co-conspirators repeatedly knocked on the front door of the residence of ERIC
4 CLARKSON and/or WILLOUGHBY GRIMALDI, rang the doorbell and pounded on the
5 security door to the residence, one of more of the defendants and/or unknown co-conspirators
6 ran into the backyard of the residence, thereafter Defendant STEVEN TURNER shot at Las
7 Vegas Metropolitan Police Department Officers J. ROBERTSON and M. GREGO-SMITH
8 with an AK-47 and/or SKS rifle, striking Officer J. ROBERTSON in the right leg, Defendant
9 CLEMON HUDSON fired one round from a shotgun toward said officers, striking the
10 doorway of the residence, Defendants acting in concert throughout.

11 COUNT 5 - BATTERY WITH USE OF A DEADLY WEAPON RESULTING IN
12 SUBSTANTIAL BODILY HARM

13 did willfully, unlawfully, and feloniously use force or violence upon the person of
14 another, to-wit: J. ROBERTSON, Las Vegas Metropolitan Police Department, with use of a
15 deadly weapon, to-wit: a firearm, by shooting into the body of the said J. ROBERTSON with
16 said firearm, resulting in substantial bodily harm to J. ROBERTSON, Las Vegas Metropolitan
17 Police Department, by the Defendants being criminally liable under one or more of the
18 following principles of criminal liability, to-wit: (1) by directly committing this crime; and/or
19 (2) by aiding or abetting in the commission of this crime, with the intent that this crime be
20 committed, by counseling, encouraging, hiring, commanding, inducing and/or otherwise
21 procuring the other to commit the crime; and/or (3) pursuant to a conspiracy to commit this
22 crime, with the intent that this crime be committed, Defendants aiding or abetting and/or
23 conspiring in the following manner, to wit: by entering into a course of conduct whereby one
24 or more of the defendants and/or unknown co-conspirators, repeatedly knocked on the front
25 door of the residence of ERIC CLARKSON and/or WILLOUGHBY GRIMALDI, rang the
26 doorbell and pounded on the security door to the residence, one of more of the defendants
27 and/or unknown co-conspirators ran into the backyard of the residence, thereafter Defendant
28 STEVEN TURNER shot at Las Vegas Metropolitan Police Department Officers J.

1 ROBERTSON and M. GREGO-SMITH with an AK-47 and/or SKS rifle, striking Officer J.
2 ROBERTSON in the right leg, Defendant CLEMON HUDSON fired one round from a
3 shotgun toward said officers, striking the doorway of the residence, Defendants acting in
4 concert throughout.

5 COUNT 6 - DISCHARGING FIREARM AT OR INTO OCCUPIED STRUCTURE,
6 VEHICLE, AIRCRAFT, OR WATERCRAFT

7 did then and there willfully, unlawfully, maliciously, and feloniously discharge a
8 firearm at or into a structure, said structure, not having been abandoned, located at 6729 Oveja
9 Circle, Las Vegas, Clark County, Nevada; the Defendant being criminally liable under one or
10 more of the following principles of criminal liability, to-wit: (1) by directly committing this
11 crime and/or (2) by aiding or abetting in the commission of this crime, with the intent that this
12 crime be committed, by providing counsel and/or encouragement and by entering into a course
13 of conduct whereby one or more of the defendants and/or unknown co-conspirators repeatedly
14 knocked on the front door of the residence of ERIC CLARKSON and/or WILLOUGHBY
15 GRIMALDI, rang the doorbell and pounded on the security door to the residence, one or more
16 of the defendants and/or unknown co-conspirators ran into the backyard of the residence,
17 thereafter Defendant Turner shot at LVMPD Officers J. ROBERTSON and M. GREGO-
18 SMITH with an AK-7 and/or SKS rifle, striking LVMPD Officer J. ROBERTSON in the right
19 leg, Defendant CLEMON HUDSON fired one round from a shotgun toward the Officers,
20 striking the doorway of the residence, and/or (3) pursuant to a conspiracy to commit this crime.

21 DATED this 23rd day of September, 2015.

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

25 BY

26 
27 FRANK CONMOU
28 Chief Deputy District Attorney
Nevada Bar #004577

27 ENDORSEMENT: A True Bill

28 
Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

BITSKO, JOSHUA, LVMPD# 6928

CLARKSON, ERIC, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

GREGO-SMITH, MALIK, LVMPD# 13451

GRIMALDI, WILLOUGHBY, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

PANNULLO, JOSEPH, LVMPD# 5455

PATTON, JOSEPH, LVMPD# 8289

PAZOS, EDUARDO, LVMPD# 6817

VANCE, JEREMY, LVMPD# 9004

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

COLON, MARC, LVMPD# 7585

CUSTODIAN OF RECORDS, CCDC

CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

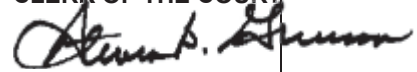
CUSTODIAN OF RECORDS, LVMPD RECORDS

HENRY, JACOB, LVMPD# 14753

JEX, CRAIG, LVMPD# 5597

ROBERTSON, JEREMY, LVMPD# 7626

15AGJ055A-B/15F13307A-B/ed-GJ
LVMPD EV# 1509040516; 1508271259
(TK8)



RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

vs.

STEVEN TURNER,
CLEMON HUDSON,
Defendants.

S.C. CASE#: 76465
D.C. CASE#: C-15-309578-1
D.C. CASE#: C-15-309578-2

DEPT. 2

BEFORE THE HONORABLE RICHARD SCOTTI, DISTRICT COURT JUDGE
THURSDAY, OCTOBER 1, 2015

**RECORDER'S PARTIAL TRANSCRIPT OF HEARING:
INITIAL ARRAIGNMENT; INDICTMENT WARRANT RETURN**

APPEARANCES:

For the State: LEAH C. BEVERLY, ESQ.
Deputy District Attorney

For Defendant Turner: TEGAN C. MACHNICH, ESQ.
Deputy Public Defender

For Defendant Hudson: JESS R. MARCHESE, ESQ.

RECORDED BY: ELSA AMOROSO, COURT RECORDER

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Las Vegas, Nevada, Thursday, October 1, 2015

[Hearing began at 9:15 a.m.]

THE COURT: If all counsel are present, this is State of Nevada versus Steven Turner, C309578-1, and State of Nevada versus Clemon Hudson, C309578-2. Looks like the Defendants are present and in custody. Mr. Steven Turner, which one -- is that you, sir?

DEFENDANT TURNER: Yes.

THE COURT: Alright, hello, sir.

DEFENDANT TURNER: Doin' alright.

THE COURT: And then we also have Clemon Hudson. Is that you, sir?

DEFENDANT HUDSON: Yes, sir.

THE COURT: Alright, hello, sir.

DEFENDANT HUDSON: Hello.

THE COURT: Alright, Defendants are present, in custody. And who are their counsels?

MS. MACHNICH: Your Honor, Tegan Machnich here on behalf of Mr. Turner who is present and in custody.

MR. MARCHESE: And Jess Marchese on behalf of Mr. Hudson, he's present in custody.

THE COURT: Counsel, I understand -- is this the time for initial arraignment?

MS. MACHNICH: It is, Your Honor. Today Mr. Turner

1 and, I believe, Mr. Hudson as well will be pleading not guilty,
2 waiving the reading of the Information and asking to set the trial in
3 the ordinary course; so waiving the rights to a speedy trial.

4 Obviously I'll confirm with Mr. Hudson's attorney.

5 MR. MARCHESE: It's all correct, Your Honor.

6 THE COURT: Excellent. Well, let's check with the
7 Defendants and see what they want to do.

8 Mr. Turner, sir, I need to canvas you briefly, ask you some
9 questions to confirm to find out what your plea is in this case and to
10 make sure you understand the charges against you. So, first of all,
11 sir, please state your full name.

12 DEFENDANT TURNER: Steven Anthony Turner, Junior.

13 THE COURT: Sir, how old are you?

14 DEFENDANT TURNER: I'm 24.

15 THE COURT: How far did you go in school?

16 DEFENDANT TURNER: Eleventh grade.

17 THE COURT: Do you read, write and understand the
18 English language, sir?

19 DEFENDANT TURNER: Yes, sir.

20 THE COURT: Sir, have you received a copy of the
21 indictment that was filed on September 23, 2015 in this case
22 charging you with conspiracy to commit burglary, a gross
23 misdemeanor, attempt burglary while in possession of a firearm or
24 deadly weapon, a Category C felony, attempt murder with use of a
25 deadly weapon, a Category B felony, battery with use of a deadly

1 weapon resulting in substantial bodily harm, a Category B felony,
2 and discharging firearm at or into occupied structure, vehicle, aircraft
3 or watercraft, a Category B felony? Have you, in fact, received a
4 copy of that indictment, sir?

5 DEFENDANT TURNER: Yes, sir.

6 THE COURT: Have you had an opportunity to read it, sir?

7 DEFENDANT TURNER: Yes, sir.

8 THE COURT: And have you had an opportunity to discuss
9 that indictment and your case with your attorney?

10 DEFENDANT TURNER: Yes, sir.

11 THE COURT: Sir, how do you -- let me ask your counsel.
12 Counsel, do you waive the reading, I think you said that on the
13 record, let's say it again. Do you waive the reading of the
14 indictment as well as the list of witnesses that's attached to the
15 indictment?

16 MR. MACHNICH: Yes, Your Honor.

17 THE COURT: Alright. Then, sir, Mr. Turner, how do you
18 plead to the charges against you in the indictment?

19 DEFENDANT TURNER: Not guilty.

20 THE COURT: A not guilty plea shall be entered. Sir, you
21 have a right to a trial within 60 days. Do you wish to waive your
22 right to a speedy trial, sir?

23 DEFENDANT TURNER: Yes.

24 THE COURT: The Court will set a trial date in the ordinary
25 course.

1 MS. BEVERLY: Your Honor, I'm sorry. We're asking if
2 possible, if it's convenient with the Court's schedule, and this is Mr.
3 Coumou's case and mine as well as we are asking if possible for
4 some time in the beginning of March or later in April into May, if
5 Your Honor can accommodate that.

6 THE COURT: Ms. Machnich, what is your preference on
7 trial?

8 MS. MACHNICH: If Your Honor -- whatever Your Honor
9 has in stack in that time period is fine.

10 THE COURT: Alright, what about the co-defendant?

11 MR. MARCHESE: Ms. Beverly brought up that issue to
12 me. We have no objection. I mean, our hope is to resolve the case
13 but you never know.

14 THE COURT: Well, let's check and see what my stack
15 looks like in that time period.

16 THE COURT CLERK: You're good for March 7th, Your
17 Honor.

18 THE COURT: March 7th, it looks like will work. Does that
19 work for everybody?

20 MS. MACHNICH: It sounds like Mr. Coumou needs a little
21 bit later than that date because of his trial schedule.

22 MS. BEVERLY: Actually March -- do you have anything in
23 late April or early May?

24 THE COURT: We're checking.

25 MS. BEVERLY: Thank you.

1 THE COURT CLERK: May 9th.
2 MS. BEVERLY: That's perfect.
3 THE COURT CLERK: Okay, calendar call is May 5th at 9
4 a.m., jury trial is May 9th at 10 a.m.
5 MS. BEVERLY: Thank you.
6 THE COURT: So, Mr. Turner, you heard that your trial will
7 be May 9 at 9 a.m. and calendar call is May 5th at 9 a.m. You
8 understand that, sir?
9 DEFENDANT TURNER: Yes, sir.
10 THE COURT: Is there bail set in this case yet?
11 MS. BEVERLY: It's at 500,000 for each defendant.
12 THE COURT: Alright.
13 MS. MACHNICH: Yea, --
14 THE COURT: Alright, the Court's not going to modify bail
15 at this time and will consider any modification if a written motion is
16 filed; alright?
17 Anything else as to Mr. Turner:
18 THE COURT CLERK: State, can I get your name?
19 MS. BEVERLY: Leah Beverly, Bar number 12556.
20 THE COURT CLERK: Thank you.
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1 THE COURT: Counsel, anything else for Mr. Turner? Ms.
2 Machnich?

3 MS. MACHNICH: No, there's nothing further.

4 THE COURT: Okay, very good.

5 [Further proceedings for Defendant Hudson, not transcribed.]

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18 [Hearing concluded at 9:20 a.m.]

19 * * * * *

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

23 
24 DALYNE EASLEY
25 Court Recorder/Transcriber