IN THE SUPREME COURT OF THE STATE OF NEVADA

ARLEO EARL DAVIS,

Petitioner,

VS,

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE MICHAEL VILLANI, DISTRICT JUDGE

Respondent,

and

THE STATE OF NEVADA,

Real Party in Interest.

Electronically Filed Apr 02 2021 08:21 a.m. Elizabeth A. Brown Clerk of Supreme Court

CASE NO: 82271

D.C. NO: C-20-346920-3

RESPONDENT'S APPENDIX

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Counsel for Respondent

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on 2nd day of April, 2021. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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JOHN T. NIMAN Deputy District Attorney

I, further certify that on April 2, 2021, a copy was sent via email to District Court, Department 17's JEA for Judge Villani:

OLIVIA BLACK – JEA blacko@clarkcountycourts.us

BY /s/ J. Garcia Employee, District Attorney's Office

JEV/Brianna Stutz/jg

				Electronically Filed
<u> 15:06:23</u>	1	EIGHTH JUDICIAL DISTRI	CT COURT	10/25/2020 12:54 PM Steven D. Grierson CLERK OF THE COURT
	2	CLARK COUNTY, NEV	ADA	Others. Att
	3			
	4	BEFORE THE GRAND JURY IMPANELED	BY THE AFORI	ESAID
15 : 06 : 23	5	DISTRICT COURT		
	6			
	7	THE STATE OF NEVADA,)	
	8	Plaintiff,))	
))	1000 10077 0 0
	9	VS.) GJ Case No) DC Case No	. 19CGJ007A,C,D . C346920
15:06:23	10	JECORY ELES KEMP, aka Jecory Kemp,))	
	11	ARLEO EARL DAVIS, aka Arleo Earl Davis, Jr.,))	
	12	ANTHONY CLAUDE WOODS, aka Anthony))	
	13	Woods,))	
	14	Defendants.))	
15:06:24	15			
	16	Taken at Las Vegas, 1	Nevada	
	17	Thursday, October 8,	2020	
	18	3:28 p.m.		
	19			
15:06:24	20			
	21	REPORTER'S TRANSCRIPT OF	PROCEEDINGS	
	22	Second Superseding Ind		
	23	become supersearing line		
	24			
15 06 01			N 005	
15:06:24	25	Reported by: Donna J. McCord, C.C.R	. No. 337	

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1
15:06:24
              GRAND JURORS PRESENT ON OCTOBER 8, 2020:
           2
           3
              KENNETH DICKINSON, Foreperson,
           4
               JANSSEN REMBERT, Deputy Foreperson
           5
15:06:25
              WENDY MOORE, Secretary
           6
              GULLIVER FLYNN, Assistant Secretary
           7
              TINA D'EON
           8
              JUDITH FOY
           9
              JENNIFER LOUGHREY
          10
15:06:25
              EMMETT MORGAN
          11
              ANEDA MURRAY
          12
              JOHN PLUNKETT
          13
              VIRGIL RAYOS
          14
              SCOTT STEVENSON
15:06:25
          15
              DANIEL WILLIAMS
          16
              GLORIA WYETH
          17
          18
          19
          20
15:06:25
          21
              Also present at the request of the Grand Jury:
          22
                      Marc DiGiacomo
                      Chief Deputy District Attorney
          23
                      Jory Scarborough
                      Deputy District Attorney
          24
15:06:26
          25
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1 LAS VEGAS, NEVADA, OCTOBER 8, 2020 15:06:28 2 3 4 DONNA J. McCORD, 15:06:28 5 having been first duly sworn to faithfully 6 and accurately transcribe the following 7 proceedings to the best of her ability. 8 9 MR. DiGIACOMO: Good afternoon, ladies and 10 gentlemen. My name is Mark DiGiacomo. I'm here with 15:28:00 11 Jory Scarborough and we're here to present the matter 12 which has been stylized in Grand Jury Exhibit 1B, I 13 believe it is, Grand Jury case number 19CGJ007A, C and 14 D. This case has been — this is a second superseding 15 Indictment. The charges have not changed, the only 15:28:31 16 thing is that there's the addition of a person by the 17 name of Anthony Claude Woods. So all the previous 18 instructions related to conspiracy and felony murder 19 apply that have been previously provided to you. 20 15:28:49 case was presented on two separate occasions to you and 2.1 the first one that was an Indictment alleging crimes 22. against Mr. Kemp and a woman by the name of Tyshia James 23 back in February of 2020 and then later on in March of 24 2020 we came back, had you reindict on Kemp and James 25 but also added a person by the name of Arleo Earl Davis 15:29:12

15:29:14	1	who also is known as Sayso. Today the Indictment is
	2	only for Kemp, Mr. Davis and now Mr. Woods. Miss James'
	3	case has been resolved so we're not asking you to
	4	deliberate on her any longer. But I would at the end of
15:29:34	5	the presentation ask you to re-deliberate on all three
	6	defendants on all charges for the new second superseding
	7	Indictment. If there are no oh, my understanding is
	8	that everybody here has either been present for both of
	9	those dates or has had an opportunity to review the
15:29:53	10	transcripts from those particular dates. Seeing no
	11	negative responses, so everyone here is able to
	12	deliberate on these particular charges. If there are no
	13	other questions I will call my witness.
	14	THE FOREPERSON: We have a question over
15:30:08	15	here.
	16	A JUROR: You said Kemp. How about
	17	Hickman, you're taking him off?
	18	MR. DiGIACOMO: Mr. Hickman is not named,
	19	we're not seeking an Indictment against Mr. Hickman
15:30:18	20	today in the charging document. He's named as a
	21	co-conspirator but Mr. Hickman isn't present in the
	22	jurisdiction to present the case to you. We anticipate
	23	at a later point in time we'll be back on Mr. Hickman.
	24	THE FOREPERSON: Please raise your right
15:30:55	25	hand.

```
You do solemnly swear that the testimony
           1
15:30:56
           2
              that you're about to give upon the investigation now
           3
              pending before this Grand Jury shall be the truth, the
           4
              whole truth, and nothing but the truth, so help you God?
15:31:06
           5
                            THE WITNESS:
                                         I do.
           6
                            THE FOREPERSON: Thank you. Please be
           7
              seated.
           8
                            THE WITNESS:
                                          Thank you.
           9
                            THE FOREPERSON: You are advised that you
          10
              are here today to give testimony in the investigation
15:31:10
          11
              pertaining to the offenses of conspiracy to commit
          12
              robbery, murder with use of a deadly weapon, first
          13
              degree kidnapping with use of a deadly weapon resulting
          14
              in substantial bodily harm and robbery with use of a
          15
              deadly weapon involving Jecory Eles Kemp, Arleo Earl
15:31:25
          16
              Davis and Anthony Claude Woods, Jr.
                           Do you understand this advisement?
          17
          18
                            THE WITNESS:
                                          I do.
          19
                            THE FOREPERSON: Please state your first
          20
              and last name and spell both for the record.
15:31:36
          21
                            THE WITNESS: My name is Mitchell,
          22
              M-I-T-C-H-E-L-L, Dosch, D-O-S-C-H.
          23
                            THE FOREPERSON: Thank you.
          24
              ///
15:31:49
          25
              ///
```

15:31:49	1	MITCHELL DOSCH,	
	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:	
15:31:49	5		
	6	<u>EXAMINATION</u>	
	7	BY MR. DiGIACOMO:	
	8	Q Good afternoon, Detective.	
	9	A Sir.	
15:31:54	10	Q I'm going to direct your attention well,	
	11	you've previously testified in this matter; is that	
	12	correct?	
	13	A Yes, I have.	
	14	Q Okay. And you were one of the lead	
15:32:01	15	homicide detectives into the murder of an individual	
	16	identified as Marion B. Jabbar Anderson?	
	17	A That's correct.	
	18	Q During the course of your investigation you	
	19	identified a number of suspects; is that fair?	
15:32:15	20	A That's fair.	
	21	Q And some of those had previously been	
	22	indicted by this Grand Jury; Mr. Kemp, Miss James and a	
	23	person by the name of Arleo Davis and, yeah, Mr. Kemp,	
	24	Mr. Davis and Miss James. Were you aware of a suspect	
15:32:34	25	slash witness by the name of Mackeshia Murphy?	

15:32:38	1	А	Yes.
	2	Q	And did you become aware at some point, did
	3	she testify	subject to a grant of immunity before this
	4	Grand Jury?	
15:32:45	5	А	I'm aware of it.
	6	Q	And you're generally aware of the nature of
	7	her testimon	y based upon statements that she's
	8	previously g	iven and during the investigation?
	9	А	Correct.
15:32:54	10	Q	During the course of your investigation in
	11	this case th	ere comes a time where there's a discussion
	12	that there's	an ongoing conspiracy involving four males
	13	and then the	re's two female accessories, correct?
	14	А	Correct.
15:33:08	15	Q	And those four males are who?
	16	А	It's Jecory James
	17	Q	Jecory Kemp?
	18	А	Sorry, Jecory Kemp, Davon Hickman, Arleo
	19	Davis and An	thony Woods.
15:33:23	20	Q	Okay. And Arleo had a nickname?
	21	А	He did.
	22	Q	And what was that?
	23	А	Sayso, S-A-Y-S-O.
	24	Q	And then Mr. Anthony Woods, how was he
15:33:33	25	initially id	entified? What is his relationship to

15:33:35	1	Mr. Davis?
	2	A Mr. Davis' brother.
	3	Q At some point in time do you have an
	4	opportunity to look to see if there's evidence to
15:33:49	5	corroborate that Mr. Davis and Mr. Woods are around
	6	together near the area of the crime scene on the days
	7	around the time that the murder occurs?
	8	A Yes, I did.
	9	Q And eventually do you recover a video?
15:34:02	10	A I did.
	11	Q And where is that video from?
	12	A It's from the neighboring convenience
	13	store. It's known it's a company that owns two
	14	halves and what I mean by that, it's called the Breeze
15:34:17	15	Rite Inn and there's a convenience store half and
	16	there's a liquor store half. Same ownership, same video
	17	surveillance system but physically separated by a
	18	barrier between the two stores.
	19	Q And before you came in here to testify,
15:34:36	20	shortly before that did you have an opportunity to
	21	review a portion of that video?
	22	A Yes, I did.
	23	Q I've had that portion marked as Grand Jury
	24	Exhibit Number 43. Does that appear to be a true, fair
15:34:48	25	and accurate at least portion of some of the video that

you collected? 1 15:34:51 2 Α It does. 3 I'm going to play for you and the ladies Q 4 and gentlemen of the Grand Jury and ask you to sort of describe what we're looking at during it. 15:34:57 5 6 (Video playing.) 7 Α So if we could stop the video right there. 8 This is looking to the front door of the convenience 9 side of the Breeze Rite Inn company. If that camera 10 were rotated like 90 degrees, or excuse, 180 degrees you 15:35:18 11 would see a wall and on the other side of the wall is 12 the liquor store. So this is the convenience store 13 side. That little threshold that you see in the middle 14 of the screen is going out into a common area of a Sinclair gas station. If you go directly straight 15 15:35:36 16 you'll walk into a fast food restaurant known as 17 Jack-in-the-Box. If you go to the right I believe there 18 are restrooms and if you go to the left you will exit 19 the building completely. So in that video what you saw 20 was the black gentleman with the black jacket and the 15:35:51 2.1 red backpack, he's now slinging it over his right 22. shoulder, is Anthony woods. So he's leaving the 23 convenience store walking into the common area of the building of the Sinclair gas station. 24 25 And the date and time that this video was 15:36:07 Q

15:36:10	1	taken?
	2	A It is from December 30th, 2019, and the
	3	timestamp on it is 13:03 and 47 seconds which is 1:03
	4	and 47 seconds p.m. but there was an offset associated
15:36:31	5	with that time code.
	6	Q And how far off is it?
	7	A It's about 17 minutes slow.
	8	Q So this is really about 1:20 in the
	9	afternoon?
15:36:45	10	A Correct, when you make that 17-minute
	11	adjustment.
	12	Q And the murder of Mr. Anderson, based upon
	13	all the investigation, happened sometime shortly prior
	14	to this video?
15:36:58	15	A That's correct.
	16	Q So sometime in the noonish hour of
	17	December 30th of 2019?
	18	A Yes.
	19	Q I'm going to hit play. You've already
15:37:11	20	identified Mr. Woods as the gentleman with the backpack.
	21	I'm just going to keep playing.
	22	(Video playing.)
	23	Q Now, Mr. Woods appears to have gone back to
	24	the restroom area?
15:37:48	25	A Generally speaking.

15:37:58	1	Q And now just walking into frame is an
	2	individual in the red jacket and eventually we'll be
	3	able to see his face as well. Were you able to identify
	4	that person?
15:38:06	5	A Yes.
	6	Q Who is that?
	7	A Arleo Davis.
	8	Q That's Sayso?
	9	A Sayso.
15:38:27	10	Q And it appears that Mr. Davis and Mr. Woods
	11	are together shortly after the homicide in the general
	12	area where the homicide occurred?
	13	A Correct.
	14	Q Based upon the information you got from
15:38:40	15	Miss Murphy, your other investigation as well as the
	16	video you collected, did you decide you needed to talk
	17	to Mr. Woods?
	18	A We did.
	19	Q Can you describe when and where that
15:38:49	20	happened?
	21	A On March 6th of 2020 Mr. Davis and
	22	Mr. Woods were together and stopped by the Fugitive
	23	Apprehension Team. They were detained and brought to
	24	LVMPD headquarters where they were interviewed by me and
15:39:10	25	my partner Detective Hodson, H-O-D-S-O-N.

15:39:13	1	Q And because they were detained prior to you
	2	actually speaking to Mr. Woods was he given any sort of
	3	warnings?
	4	A He was. He was given his warning by
15:39:22	5	Detective Hodson.
	6	Q And those are the standard Miranda
	7	warnings?
	8	A Yes.
	9	Q That he acknowledged and then spoke to you?
15:39:29	10	A Correct.
	11	Q Tell us about the first part of the
	12	interview.
	13	A The first portion of the interview, if you
	14	think of it almost in two halves as it relates to this
15:39:40	15	particular interview, was that Mr. Anthony Woods
	16	indicated that he did not know those names that were
	17	presented earlier that we were talking about, he denied
	18	knowing any of those individuals and to a point he was
	19	even shown photographs of those individuals in addition
15:40:03	20	to their names and, if applicable, their monikers or
	21	street names and he still indicated that he did not know
	22	anyone other than of course his brother Arleo Davis.
	23	Q And he acknowledged he knew his brother?
	24	A Yes.
15:40:18	25	Q What about the fact that his brother goes

15:40:20	1	by Sayso?
	2	A He indicated to us that was the very first
	3	time he'd ever heard his brother referred to in that
	4	manner.
15:40:28	5	Q Did you have information that suggested
	6	that just couldn't possibly be true?
	7	A That's correct. We did make some inquiries
	8	about social media, specifically Facebook. On Facebook
	9	I was able to find an account for Mr. Anthony Woods and
15:40:44	10	an account for his brother Arleo Davis under the name, I
	11	believe it was either Sayso Compton or Compton Sayso.
	12	Q And they obviously were friends on
	13	Facebook?
	14	A To take that one step further, yes, there
15:41:01	15	was a video on Mr. Davis' Facebook account which was
	16	accessible by us because we're not friends with him but
	17	it was, it allowed us to view videos and pictures from
	18	his site, and there was a video posted in December of
	19	2019 which depicted both brothers.
15:41:22	20	Q And why was that video important during the
	21	course of the interview?
	22	A It was important to us because the backdrop
	23	appeared to be consistent with the Sienna Suites
	24	apartments.
15:41:35	25	Q Which is the apartments where the murder

15:41:37	1	occurred?			
	2	A That is correct.			
	3	Q And what was Mr. Woods', initially anyways,			
	4	Mr. Woods' claiming about when the last time he was at			
15:41:45	5	the Sienna Suites apartments?			
	6	A He indicated that he had been there off and			
	7	on but indicated to us that likely the last time that he			
	8	was there was in April of 2019 and told us that he had			
	9	been trespassed, meaning that he was no longer allowed			
15:42:01	10	on the property at that point, so from the Spring he was			
	11	saying that he had been asked to leave.			
	12	Q And so he was denying that he had been			
	13	anywhere near the Sienna Suites at the time that the			
	14	homicide occurred?			
15:42:14	15	A Not necessarily. He would not commit to			
	16	where he was or specifically when the last time that he			
	17	had been on the property and what apartments he had been			
	18	to on the apartment. He was quite evasive as it related			
	19	to him being on that property.			
15:42:31	20	Q After you kind of show him this video, do			
	21	you explicitly tell him he's just not being truthful to			
	22	you?			
	23	A I did.			
	24	Q And then do you take a break?			
15:42:43	25	A Yes.			

15:42:43	1	Q How long a break do you take?			
	2	A It was long enough to interview his brother			
	3	Arleo Davis.			
	4	Q Subsequent to the interview of Arleo Davis,			
15:42:51	5	do you go back into the room with Mr. Woods?			
	6	A Yes.			
	7	Q And do you suggest to Mr. Woods that			
	8	Mr. Davis has provided you kind of a version of events?			
	9	A I did.			
15:43:04	10	Q And at that point does Mr. Davis change his			
	11	story?			
	12	A He did.			
	13	Q Can you explain that to us?			
	14	A We were asking, or excuse me, because when			
15:43:15	15	the interview resumed it was just me in the interview			
	16	room. My partner Detective Hodson was not in the room,			
	17	it was more of an intimate setting, if you will. At			
	18	that point I began to discuss with Mr. Woods his role as			
	19	repeated from the earlier line of questioning in this			
15:43:35	20	particular murder investigation.			
	21	Q And during the course of that as you're			
	22	describing sort of the events and essentially you			
	23	provide him the sequence of events from Mackeshia Murphy			
	24	as well as other people in this investigation?			
15:43:51	25	A Correct.			

15:43:52	1	Q Which includes sort of his part as part of
	2	the conspiracy that day to rob Mr. Anderson?
	3	A Yes.
	4	Q And then him and his brother Sayso are in
15:44:02	5	the back room when Mr. Hickman and Mr. Kemp are in the
	6	front room when Mr. Anderson arrives?
	7	A Yes.
	8	Q And that they're sort of coming out of the
	9	back room at the time that Mr. Anderson gets shot and
15:44:16	10	killed?
	11	A Correct.
	12	Q Allegedly by Mr. Hickman?
	13	A Yes.
	14	Q Okay. When you lay that all out for him
15:44:23	15	what happens?
	16	A So at that point I asked him if he was the
	17	shooter of the victim Mr. Anderson and he said no. I
	18	followed up that line of questioning with did your
	19	brother Arleo Davis shoot Mr. Anderson. Mr. Woods
15:44:43	20	replied no. And at that point Mr. Woods offered I was
	21	coming out of the room. So I asked him to explain what
	22	he just said and Mr. Woods reiterated that he was coming
	23	out of the room inferring at the time of the shooting.
	24	Q Okay. Essentially what he said to you was
15:45:07	25	I really don't know who shot because I was only coming

15:45:10	1	out of the back room and didn't see who shot?			
	2	A Correct.			
	3	Q Now, that entire interview was tape			
	4	recorded?			
15:45:20	5	A It was.			
	6	Q And videoed as a matter of fact?			
	7	A Indeed.			
	8	Q I'm showing you what's been marked as Grand			
	9	Jury Exhibit 42. Do you recognize that?			
15:45:32	10	A I do.			
	11	Q What is it?			
	12	A It's a transcription of the interview that			
	13	was done with Mr. Woods on March 6th, 2020.			
	14	Q And is it a true and fair and accurate			
15:45:42	15	transcription?			
	16	A It is.			
	17	Q Okay. Ladies and gentlemen, this is the			
	18	entire transcription. I am going to direct you to sort			
	19	of the last portion of the transcription here. At the			
15:45:56	20	very end of this transcription shortly after, and I'll			
	21	show you the page, so right about page 71 shortly after			
	22	he acknowledges he's coming out of the back room, within			
	23	this transcript Mr. Woods requests to remain silent.			
	24	I'm going to instruct you that you cannot infer anything			
15:46:37	25	about that, it cannot be used against him in any manner			

to infer any guilt. 1 15:46:41 2 But subsequent to his statement I can't 3 tell you who the shooter is because I was coming out of 4 the back room, you never got any other additional 15:46:52 5 information out of him; is that correct? 6 Α Correct. 7 MR. DiGIACOMO: That completes my questions 8 to the witness if the Grand Jury has any questions. 9 THE FOREPERSON: No questions? 10 By law these proceedings are secret and you 15:47:01 11 are prohibited from disclosing to anyone anything that 12 transpired before us including any evidence presented to 13 the Grand Jury, any event occurring or a statement made 14 in the presence of the Grand Jury or any information 15 obtained by the Grand Jury. 15:47:01 16 Failure to comply with this admonition is a 17 gross misdemeanor punishable up to 364 days in the Clark 18 County Detention Center and a \$2,000 fine. In addition 19 you may be held in contempt of court punishable by an 20 additional \$500 fine and 25 days in the Clark County 15:47:01 2.1 Detention Center. 22. Do you understand this admonition? 23 THE WITNESS: I do. 24 THE FOREPERSON: Thank you. You're 25 15:47:36 excused.

1 THE WITNESS: Thank you. 15:47:37 2 MR. DiGIACOMO: Ladies and gentlemen, that 3 completes the presentation of the evidence at this point 4 as it relates now to Mr. Kemp, Mr. Davis and Mr. Woods. 15:47:55 5 I would ask you to re-deliberate on all three defendants 6 on all charges. If there are no questions we'll step 7 out of the room. Thank you. 8 (At this time, all persons, except the 9 members of the Grand Jury, exited the room at 3:47 and 10 15:48:05 returned at 3:52.) 11 THE FOREPERSON: Mr. District Attorney, by 12 a vote of 12 or more Grand Jurors a true bill has been 13 returned against defendants Jecory Eles Kemp, Arleo Earl Davis and Anthony Claude Woods, Jr. charging with the 14 15 crimes of conspiracy to commit robbery, murder with use 15:52:12 16 of a deadly weapon, first degree kidnapping with use of 17 a deadly weapon resulting in substantial bodily harm and 18 robbery with use of a deadly weapon in Grand Jury case 19 number 19CGJ007A, C and D. 20 We instruct you to prepare an Indictment in 15:52:31 21 conformance with the proposed Indictment previously 22. submitted to us. 23 MR. DiGIACOMO: Thank you. I will. 24 (Proceedings concluded.) 25 15:52:37 --00000--

15:52:37	1	REPORTER'S CERTIFICATE
	2	
	3	STATE OF NEVADA)
	4	COUNTY OF CLARK)
L5:52:37	5	
	6	I, Donna J. McCord, C.C.R. 337, do hereby
	7	certify that I took down in Shorthand (Stenotype) all of
	8	the proceedings had in the before-entitled matter at the
	9	time and place indicated and thereafter said shorthand
L5:52:37	10	notes were transcribed at and under my direction and
	11	supervision and that the foregoing transcript
	12	constitutes a full, true, and accurate record of the
	13	proceedings had.
	14	Dated at Las Vegas, Nevada,
15:52:37	15	October 25, 2020.
	16	
	17	/S/DONNA J. MCCORD
	18	Donna J. McCord, CCR 337
	19	
15:52:37	20	
	21	
	22	
	23	
	24	
5:52:37	25	

15:52:37	1	AFFIRMATION			
	2	Pursuant to NRS 239B.030			
	3				
	4	The undersigned does hereby affirm that the preceding			
15:52:37	5	TRANSCRIPT filed in GRAND JURY CASE NUMBER 19CGJ007A, E, G:			
	6				
	7				
	8	<u>X</u> Does not contain the social security number of any			
	9	person,			
15:52:37	10	-OR-			
	11	Contains the social security number of a person as			
	12	required by:			
	13	A. A specific state or federal law, to-wit: NRS 656.250.			
	14	-OR-			
15:52:37	15	B. For the administration of a public program or for an application for a federal or			
	16	state grant.			
	17				
	18	/S/DONNA J. MCCORD October 25, 2020 Signature Date			
	19				
15:52:37	20	Donna J. McCord Print Name			
	21				
	22	Official Court Reporter Title			
	23				
	24				
	25				

	6	9/24 11/22 14/15 15/9	being [2] 16/19 16/21	Compton [2] 15/11
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Electronically Filed 10/9/2020 9:18 AM Steven D. Grierson CLERK OF THE COURT

1 IND STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565 3 MARC DIGIACOMO Chief Deputy District Attorney Nevada Bar #006955 4 200 Lewis Avenue Las Vegas, Nevada 89155-2212 5 (702) 671-2500 6 Attorney for Plaintiff

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DISTRICT COURT CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

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Plaintiff. CASE NO: C-20-346920-3

DEPT NO: -VS-X

JECORY ELES KEMP, aka, 12 Jecory Kemp, #7066250 13 ARLEO EÁRL DAVIS, aka, Arleo Earl Davis, Jr., #7054823 14

ANTHONY CLAUDE WOODS JR., aka, Anthony Woods #8436597

Defendant(s).

SUPERSEDING INDICTMENT

17 STATE OF NEVADA) ss. 18 COUNTY OF CLARK

> The Defendant(s) above named, JECORY ELES KEMP, aka, Jecory Kemp, ARLEO EARL DAVIS, aka, Arleo Earl Davis, Jr., ANTHONY CLAUDE WOODS JR., aka, Anthony Woods and/or others yet unknown and/or DAVON WILLIAM HICKMAN, aka, Davon Hickman to the conspiracy accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 -NOC 50147); MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50056) and ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138), committed

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SECOND

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at and within the County of Clark, State of Nevada, on or about the 30th day of December, 2019, as follows:

<u>COUNT 1</u> - CONSPIRACY TO COMMIT ROBBERY

did willfully, unlawfully, and feloniously conspire with each other and/or unknown individuals to commit a robbery, by the Defendants committing the acts as set forth in Counts 2 through 4, said acts being incorporated by this reference as though fully set forth herein.

COUNT 2 - MURDER WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, feloniously and with malice aforethought, kill MARION B. JABBAR ANDERSON, a human being, with use of a deadly weapon, to wit: a firearm, by shooting at and into the body of the said MARION B. JABBAR ANDERSON, the said killing having been 1) willful, deliberate and premeditated and/or 2) committed during the perpetration or attempted perpetration of a kidnapping and/or robbery, the Defendant(s) 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 ad/or otherwise procuring the other to commit the crime, to-wit: by Defendants formulating a plan to lure MARION B. JABBAR ANDERSON to an apartment at 6555 S. Boulder Highway under the pretext of a drug deal wherein the Defendants planned to rob MARION B. JABBAR ANDERSON; thereafter, Defendants executing the plan and when MARION B. JABBAR ANDERSON arrived at the apartment, one of the Defendants/Co-Conspirators shot and killed MARION B. JABBAR ANDERSON; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed. Defendants and/or others yet unknown to the conspiracy acting in concert throughout.

<u>COUNT 3</u> - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM

did willfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy, abduct, conceal, kidnap, or carry away MARION B. JABBAR ANDERSON, a human being, with the intent to hold or detain the said MARION B. JABBAR ANDERSON against his will,

and without his consent, for the purpose of committing a robbery, with use of a deadly weapon, to wit: a firearm(s), resulting in substantial bodily harm to MARION B. JABBAR ANDERSON, the Defendant(s) 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 ad/or otherwise procuring the other to commit the crime, whereby one of their number lured and/or enticed the said victim to the crime scene under the guise of a drug deal with the intent to rob him, thereafter during the course of the robbery and/or attempted robbery, one of their number shot at and into the body of the said victim; and/or (3) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed Defendants and/or others yet unknown to the conspiracy acting in concert throughout.

COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

did willfully, unlawfully, and feloniously take personal property, to wit: Marijuana and/or US Currency and/or vehicle and/or vehicle keys, from the person of MARION B. JABBAR ANDERSON, or in his presence, without the consent and against the will of MARION B. JABBAR ANDERSON, by means of force or violence or fear of injury, immediate or future, to his person, the person of a member of his family, or of anyone in his company at the time of the robbery, defendant using force or fear to obtain or retain possession of the property, to prevent or overcome resistance to the taking of the property, and/or to facilitate escape, with use of a deadly weapon, to wit: a firearm; the Defendant(s) 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,

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1	commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)
2	pursuant to a conspiracy to commit this crime, with the intent that this crime be committed
3	Defendants and/or unknown individuals acting in concert throughout.
4	DATED this 8th day of October, 2020.
5	STEVEN B. WOLFSON Clark County District Attorney
6	Clark County District Attorney Nevada Bar #001565
7	BY MARC DIGIACOMO
8	Chief Deputy District Attorney Nevada Bar #006955
9	ENDORSEMENT: A True Bill
11	1 / 1 /
12	Klaud Later 2
13	Foreperson, Clark County Grand Jury
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	II

1	Names of Witnesses and testifying before the Grand Jury:
2	ALVARADO, ART – SAN BERNARDINSO COUNTY SHERRIF
3 ·	DOSCH, MITCHELL – LVMPD #7907
4	HODSON, BRECK – LVMPD #9034
5	MURPHY, MACKESHIA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
6	
7	Additional Witnesses known to the District Attorney at time of filing the Indictment:
8	BOGATAY, MAUREEN – LVMPD #7782
9	CUSTODIAN OF RECORDS - CCDC
10	CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS
11	CUSTODIAN OF RECORDS - LVMPD RECORDS
12	HICKAMN, DAVON – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
13	JAMES, TYSHIA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
14	KATOWICH, TODD – LVMPD #6360
15	MAGNESS JR., GARY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
16	OGAZ, ERIC – SAN BERNARDINO COUNTY SHERIFF
17	TRAYLOR, WAYNE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101
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27	(TK11)
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DISTRICT COURT CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor COURT MINUTES October 16, 2020

C-20-346920-3 State of Nevada

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Arleo Davis

October 16, 2020 01:45 PM Initial Arraignment

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

COURT CLERK: Berkshire, Teri

RECORDER: Michaux, Angelica

REPORTER:

PARTIES PRESENT:

Arleo Earl Davis Defendant

Joshua L. Tomsheck Attorney for Defendant

Michael J. Scarborough Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

APPEARANCES CONTINUED: Deft. present via video from the Jail. Mr. Tomsheck present via video, on behalf of deft. Mr. Scarborough present on behalf of the State, via video, through Bluejeans technology.

Upon Court's inquiry, counsel advised this case has been in front of Judge Villani, since March of last year. Further, its the same charges, however, deft. will need to be arraigned procedurally on the Second Superceding Indictment. DEFT. DAVIS ARRAIGNED, PLED NOT GUILTY. Mr. Tomsheck advised deft., already waived previously. COURT ORDERED, matter SET for Status Check on trial readiness on the date given.

CUSTODY

10/27/20 10:15 A.M. STATUS CHECK: TRIAL READINESS DC 17

Printed Date: 10/27/2020 Page 1 of 1 Minutes Date: October 16, 2020

Prepared by: Teri Berkshire