

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARLEO 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.

No. 82271

Electronically Filed  
Apr 09 2021 12:05 p.m.

D.C. Case No. 20-316920-3  
Elizabeth A. Brown  
Clerk of Supreme Court

**PETITIONER'S OPPOSITION TO THE  
STATE'S MOTION TO DISMISS APPEAL**

COMES NOW Petitioner, ARLEO DAVIS, by and through his counsel in this matter, Josh Tomsheck, Esq., of the firm of Hofland & Tomsheck, and hereby submits the following OPPOSITION TO THE STATE'S MOTION TO DISMISS APPEAL pursuant to NRAP 27. This opposition is made and based upon the attached points and authorities all pleadings and papers on file herein.

Dated this 9<sup>th</sup> day of April 2021.

Respectfully submitted,

/s/ J. Tomsheck  
Joshua Tomsheck Esq.  
State Bar of Nevada No. 9210  
Counsel for Petitioner

## **MEMORANDUM**

Arleo Earl Davis (hereinafter “Mr. Davis”) has petitioned this Court for a Writ of Mandamus related to the Eighth Judicial District Court’s erroneous decision denying Mr. Davis’ Petition for Writ of Habeas Corpus (pre-trial). The arguments in both Mr. Davis’ Petition for Habeas Corpus and Writ of Mandamus relate to the Grand Jury testimony of Mackeshia Murphy, an unindicted co-conspirator and accomplice who was given immunity for the same charges faced by Mr. Davis and his co-Defendants, in exchange for her testimony against Mr. Davis and his co-Defendants. [PA 000063-000064; 000093-000117]. Mr. Davis’ request for relief, an order directing the District Court to issue an order stating that Ms. Murphy is an accomplice as a matter of law, is ripe for adjudication before this Court as there is no other plain, adequate or speedy remedy available to Mr. Davis, independent of the State’s obtaining a Second Superseding Indictment, which only served to add an additional co-Defendant (Anthony Woods) into the Indictment of the case.

On February 13, 2020 Grand Jury proceedings took place wherein Arturo Alvarado of the San Bernardino County Sheriff’s Department and Mitchell Dosch of the Las Vegas Metropolitan Police Department testified. [PA 000001-000055]. Following this presentation, an Indictment was obtained against Jecory Kemp and Tyeshia James (the girlfriend of Jecory Kemp). Exhibit 1. Mr. Davis was not

indicted after this Grand Jury presentation.

Thereafter, on March 19, 2020, two additional witnesses were called to testify before the Grand Jury, namely Mackeshia Murphy and Las Vegas Metropolitan Police Department Homicide Detective Breck Hodson. [PA 000056-000092]. Following this Grand Jury presentation, Mr. Davis was charged by way of Superseding Indictment. Exhibit 2. The State's witness Mackeshia Murphy was in custody at the time for charges of Conspiracy, Murder and Robbery. [PA 000063]. Ms. Murphy is the sister of co-Defendant Tyeshia James and the girlfriend of co-Defendant Davon Hickman. [PA 000064]. During the presentation of evidence, it was placed on the record that Ms. Murphy was provided with immunity by the State for the charges for which she was in custody, which were the same charges included in the Superseding Indictment of Mr. Davis. *Id.* In other words, the State elicited testimony from a witness who was in custody for the same allegations as Mr. Davis and offered her immunity for those crimes.

On May 5, 2020, Mr. Davis filed a Petition for Writ of Habeas Corpus arguing that the testimony provided by Mackeshia Murphy was uncorroborated accomplice testimony, as defined by NRS 175.291, and without the testimony of Ms. Murphy, there was no corroborating evidence sufficient to support the Superseding Indictment against Mr. Davis. [PA 000093-000117]. After a Return was filed by the State on May 19, 2020 and argument was heard on June 26, 2020,

the District Court denied Mr. Davis' pretrial Writ of Habeas Corpus. [PA 000118-000140 & 000141-000144]. As discussed in the Writ of Mandamus pending before this Court, this decision was in error because Mackeshia Murphy was an accomplice as defined by NRS 175.291(2) and the State failed to elicit corroborating testimony at the second Grand Jury presentation.

On October 8, 2020, the State returned to the Grand Jury seeking a Second Superseding Indictment, which simply included yet another co-Defendant, Anthony Woods, which was filed the following day, on October 9, 2020. Exhibit 3. At the third Grand Jury presentation, the State made a record that all Grand Jurors were either present at the prior presentations or had read the transcripts from the proceeding. Exhibit 5, page 6. This confirmed that all jurors present at the third presentation heard and considered the uncorroborated accomplice testimony of Mackeshia Murphy. At this presentation, the State recalled LVMPD Detective Mitchell Dosch, who previously testified on February 13, 2020 to testify about the involvement of Anthony Woods and to add him into the Indictment. Exhibit 5, page 5. The majority of the testimony elicited from Detective Dosch was pertaining to an interview of Anthony Woods, which cannot be considered as to the Indictment of Mr. Davis because "a codefendant's confession inculcating the accused is inadmissible against the accused as hearsay." *Bruton v. United States*, 391 U.S. 123, 123, 88 S. Ct. 1620, 1621 (1968). As such, any statements made by

Anthony Woods do not, and cannot as a matter of law, corroborate the testimony of Mackeshia Murphy.

The only testimony from Detective Dosch that refers to Mr. Davis is that he and Anthony Woods are related and were at a convenience store generally near the scene of the murder over an hour after the murder occurred. Exhibit 5, pages 10-13. There is no testimony elicited in this presentation of evidence leading to the Second Superseding Indictment that serves to corroborate the testimony of accomplice Mackeshia Murphy. When evaluating corroborating evidence, this Court has previously emphasized, “[w]here the connecting evidence shows no more than opportunity to commit a crime, simply proves suspicion, or is equally consonant with a reasonable explanation pointing toward innocent conduct on the part of the defendant, the evidence is deemed insufficient.” *Heglemeier v. State*, 111 Nev. 1244, 1250 (1995) citing *State v. Dannel*, 226 Mont. 80 (1987).

Subsequently, on November 5, 2020, the State of Nevada ***again*** presented before the Grand Jury on the matter, this time offering no evidence but instead having the Grand Jury deliberate again, this time to include yet another co-Defendant in the now Third Superseding Indictment, which was filed on November 6, 2020. Exhibits 6 & 7.

The State now moves this Court to dismiss Mr. Davis’ Petition for Writ of Mandamus with the instant “Motion to Dismiss Appeal.” While this is not an

Appeal, but rather a Petition for Writ of Mandamus, pursuant to Nevada Revised Statute (“NRS”) 34.170, as there is “not a plain, speedy and adequate remedy in the ordinary course of law,” the State’s attempt to thwart consideration of their actions and ask this Court to hold the matter moot, is unfounded in either fact or law. Here, the State claims the Petition is moot, simply because the State returned to the Grand Jury (not once, but twice) to add in previously uncharged co-Defendants in a Second Superseding Indictment (which did nothing related to Mr. Davis Indictment, but simply added in co-Defendant Anthony Woods) and a Third Superseding Indictment (which again did nothing related to Mr. Davis’ Indictment, but simply added in co-Defendant Davon Hickman). Exhibits 3, 4 & 7. “A case is ripe for review when the degree to which the harm alleged by the party seeking review is sufficiently concrete, rather than remote or hypothetical, and yields a justiciable controversy.” *Cote H. v. Eighth Judicial Dist. Court*, 124 Nev. 36, 37, 175 P.3d 906, 907 (2008). “The factors to be weighed in deciding whether a case is ripe for judicial review include: (1) the hardship to the parties of withholding judicial review, and (2) the suitability of the issues for review.” *Herbst Gaming, Inc. v. Heller*, 122 Nev. 877, 879, 141 P.3d 1224, 1226 (2006).

In sum, the State filed an Indictment against Jecory Kemp and Tyeshia James on February 14, 2020. Exhibit 1. Thereafter, they proceeded to the Grand Jury on March 19, 2020, offering immunity to in custody witness Mackeshia

Murphy (for the same crimes as her alleged co-conspirators and for the same factual predicate as her sister Tyeshia James) in exchange for her insufficiently corroborated accomplice testimony against Mr. Davis. [PA 000062-000076]. A Superseding Indictment was filed that same day, now including Mr. Davis. Exhibit 2. Thereafter, the State returned to the Grand Jury a third time, this time filing a Second Superseding Indictment on October 9, 2020, which had no bearing on the charges against Mr. Davis but simply added yet another co-Defendant, Anthony Woods. Exhibits 3, 4 & 5. Finally, the State returned to the Grand Jury a fourth time, this time filing an Indictment which again did not impact the charges against Mr. Davis, but simply added an additional co-Defendant, Davon Hickman. Exhibits 6 & 7.

As the Motion to Dismiss Appeal is procedurally incorrect and factually without merit, Mr. Davis' request for relief is ripe for review and the State's Motion to Dismiss should be denied.

Dated this 9<sup>th</sup> day of April 2021.

Respectfully submitted,

/s/ J. Tomsheck  
Joshua Tomsheck Esq.  
State Bar of Nevada No. 9210  
228 South 4<sup>th</sup> Street, First Floor  
Las Vegas, Nevada 89101  
(702) 895-6760  
Counsel for Petitioner

## **CERTIFICATE OF SERVICE**

I hereby certify that on this day, the 9<sup>th</sup> day of April 2021 I submitted for filing and service the foregoing **Opposition to the State's Motion to Dismiss Appeal** via the Court's eFlex electronic filing system.

/s/ *Brittany Giorgione*  
Employee of Hofland & Tomsheck



EXHIBIT 1

EXHIBIT 1

ORIGINAL

1 IND

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MARC DIGIACOMO  
6 Chief Deputy District Attorney  
7 Nevada Bar #006955  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

FEB 14 2020

BY, 

KIM ESTALA, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-20-346920-1  
IND  
Indictment  
4896555



9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-20-346920-1

DEPT NO: III

12 JECORY ELES KEMP, aka,  
13 Jecory Kemp, #7066250  
14 TYESHIA EVAN JAMES, #8351796

Defendant(s).

INDICTMENT

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

17 The Defendant(s) above named, JECORY ELES KEMP, aka, Jecory Kemp, TYESHIA  
18 EVAN JAMES and/or others yet unknown to the conspiracy accused by the Clark County  
19 Grand Jury of the crime(s) of CONSPIRACY TO COMMIT ROBBERY (Category B Felony  
20 - NRS 200.380, 199.480 - NOC 50147); MURDER WITH USE OF A DEADLY WEAPON  
21 (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001); FIRST DEGREE  
22 KIDNAPPING WITH USE OF A DEADLY WEAPON RESULTING IN SUBSTANTIAL  
23 BODILY HARM (Category A Felony - NRS 200.310, 200.320, 193.165 - NOC 50056) and  
24 ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380,  
25 193.165 - NOC 50138), committed at and within the County of Clark, State of Nevada, on or  
26 about the 30th day of December, 2019, as follows:

27 //

28 //

1 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

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

5 COUNT 2 - MURDER WITH USE OF A DEADLY WEAPON

6 did willfully, unlawfully, feloniously and with malice aforethought, kill MARION B.  
7 JABBAR ANDERSON, a human being, with use of a deadly weapon, to wit: a firearm, by  
8 shooting at and into the body of the said MARION B. JABBAR ANDERSON, the said killing  
9 having been 1) willful, deliberate and premeditated and/or 2) committed during the  
10 perpetration or attempted perpetration of a kidnapping and/or robbery, the Defendant(s) being  
11 criminally liable under one or more of the following principles of criminal liability, to wit: (1)  
12 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
13 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
14 commanding, inducing ad/or otherwise procuring the other to commit the crime; and/or (3)  
15 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,  
16 Defendants and/or others yet unknown to the conspiracy acting in concert throughout.

17 COUNT 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
18 RESULTING IN SUBSTANTIAL BODILY HARM

19 did willfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy,  
20 abduct, conceal, kidnap, or carry away MARION B. JABBAR ANDERSON, a human being,  
21 with the intent to hold or detain the said MARION B. JABBAR ANDERSON against his will,  
22 and without his consent, for the purpose of committing a robbery, with use of a deadly weapon,  
23 to wit: a firearm(s), resulting in substantial bodily harm to MARION B. JABBAR  
24 ANDERSON, the Defendant(s) being criminally liable under one or more of the following  
25 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by  
26 aiding or abetting in the commission of this crime, with the intent that this crime be committed,  
27 by counseling, encouraging, hiring, commanding, inducing ad/or otherwise procuring the other  
28 to commit the crime, whereby one of their number lured and/or enticed the said victim to the

1 crime scene under the guise of a drug deal with the intent to rob him, thereafter during the  
2 course of the robbery and/or attempted robbery, one of their number shot at and into the body  
3 of the said victim; and/or (3) pursuant to a conspiracy to commit this crime, with the intent  
4 that this crime be committed Defendants and/or others yet unknown to the conspiracy acting  
5 in concert throughout.

6 COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

7 did willfully, unlawfully, and feloniously take personal property, to wit: Marijuana  
8 and/or US Currency and/or vehicle and/or vehicle keys, from the person of MARION B.  
9 JABBAR ANDERSON, or in his presence, without the consent and against the will of  
10 MARION B. JABBAR ANDERSON, by means of force or violence or fear of injury,  
11 immediate or future, to his person, the person of a member of his family, or of anyone in his  
12 company at the time of the robbery, defendant using force or fear to obtain or retain possession  
13 of the property, to prevent or overcome resistance to the taking of the property, and/or to  
14 facilitate escape, with use of a deadly weapon, to wit: a firearm; the Defendant(s) being  
15 criminally liable under one or more of the following principles of criminal liability, to wit: (1)  
16 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
17 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
18 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)  
19 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,  
20 Defendants and/or unknown individuals acting in concert throughout.

21 DATED this 13 day of February, 2020.

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

25 BY

 *for*  
26 MARC DIGIACOMO  
27 Chief Deputy District Attorney  
28 Nevada Bar #006955

26 ENDORSEMENT: A True Bill

27   
28 Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

ALVARADO, ART – SAN BERNARDINSO COUNTY SHERRIF

DOSCH, MITCHELL – LVMPD #7907

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

BOGATAY, MAUREEN – LVMPD #7782

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

HICKAMN, DAVON – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

HODSON, BRECK – LVMPD #9034

JAMES, TYSHIA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

KATOWICH, TODD – LVMPD #6360

MAGNESS JR., GARY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

OGAZ, ERIC – SAN BERNARDINO COUNTY SHERIFF

TRAYLOR, WAYNE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

19CGJ007A-B/20F00659A-B/ed-GJ

LVMPD EV# 200100003412

(TK11)

EXHIBIT 2

EXHIBIT 2

ORIGINAL

IND

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

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

MAR 19 2020

BY:   
KIM ESTALA, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JECORY ELES KEMP, aka,  
Jecory Kemp, #7066250  
TYESHIA EVAN JAMES, #8351796  
ARLEO EARL DAVIS, aka,  
Arleo Earl Davis, Jr., #7054823

Defendant(s).

CASE NO: C-20-346920-<sup>3</sup>

DEPT NO: III

SUPERSEDING  
INDICTMENT

C-20-346920-3  
SIND  
Superseding Indictment  
4905114



STATE OF NEVADA }  
COUNTY OF CLARK } ss.

The Defendant(s) above named, JECORY ELES KEMP, aka, Jecory Kemp, TYESHIA EVAN JAMES, ARLEO EARL DAVIS, aka, Arleo Earl Davis, Jr., and/or others yet unknown and/or DAVON WILLIAM HICKMAN, aka, Davon Hickman and PRESTON ALOOKHAI HUTESON 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 at and within the County of Clark, State of Nevada, on or about the 30th day of December,

2019, as follows:

COUNT 1 - 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; 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 3 - 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



1 to commit the crime, whereby one of their number lured and/or enticed the said victim to the  
2 crime scene under the guise of a drug deal with the intent to rob him, thereafter during the  
3 courtse of the robbery and/or attempted robbery, one of their number shot at and into the body  
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6 in concert throughout.


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11 MARION B. JABBAR ANDERSON, by means of force or violence or fear of injury,  
12 immediate or future, to his person, the person of a member of his family, or of anyone in his  
13 company at the time of the robbery, defendant using force or fear to obtain or retain possession  
14 of the property, to prevent or overcome resistance to the taking of the property, and/or to  
15 facilitate escape, with use of a deadly weapon, to wit: a firearm; the Defendant(s) being  
16 criminally liable under one or more of the following principles of criminal liability, to wit: (1)  
17 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
18 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
19 commanding, inducing and/or otherwise procuring the other to commit the crime; and/or (3)  
20 pursuant to a conspiracy to commit this crime, with the intent that this crime be committed,  
21 Defendants and/or unknown individuals acting in concert throughout.

22 DATED this 19<sup>th</sup> day of March, 2020.

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

25 BY

  
26 MARC DIGIACOMO  
27 Chief Deputy District Attorney  
Nevada Bar #006955

28 ENDORSEMENT: A True Bill

  
Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

ALVARADO, ART – SAN BERNARDINSO COUNTY SHERRIF

DOSCH, MITCHELL – LVMPD #7907

HODSON, BRECK – LVMPD #9034

MURPHY, MACKESHIA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

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

BOGATAY, MAUREEN – LVMPD #7782

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

HICKAMN, DAVON – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

JAMES, TYSHIA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

KATOWICH, TODD – LVMPD #6360

MAGNESS JR., GARY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

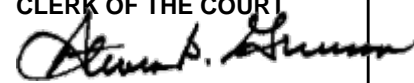
OGAZ, ERIC – SAN BERNARDINO COUNTY SHERIFF

TRAYLOR, WAYNE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

19CGJ007A,B,E/20F00659A,B,E/ed-GJ  
LVMPD EV# 200100003412  
(TK11)

EXHIBIT 3

EXHIBIT 3



1 **IND**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MARC DIGIACOMO  
6 Chief Deputy District Attorney  
7 Nevada Bar #006955  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-20-346920-3

11 -vs-

DEPT NO: X

12 JECORY ELES KEMP, aka,  
13 Jecory Kemp, #7066250  
14 **ARLEO EARL DAVIS, aka,**  
15 **Arleo Earl Davis, Jr., #7054823**  
16 ANTHONY CLAUDE WOODS JR., aka,  
17 Anthony Woods #8436597

Defendant(s).

SECOND  
SUPERSEDING  
INDICTMENT

17 STATE OF NEVADA }  
18 COUNTY OF CLARK } ss.

19 The Defendant(s) above named, JECORY ELES KEMP, aka, Jecory Kemp, ARLEO  
20 EARL DAVIS, aka, Arleo Earl Davis, Jr., ANTHONY CLAUDE WOODS JR., aka, Anthony  
21 Woods and/or others yet unknown and/or DAVON WILLIAM HICKMAN, aka, Davon  
22 Hickman to the conspiracy accused by the Clark County Grand Jury of the crime(s) of  
23 CONSPIRACY TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 -  
24 NOC 50147); MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS  
25 200.010, 200.030, 193.165 - NOC 50001); FIRST DEGREE KIDNAPPING WITH USE OF  
26 A DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category A  
27 Felony - NRS 200.310, 200.320, 193.165 - NOC 50056) and ROBBERY WITH USE OF A  
28 DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138), committed

1 at and within the County of Clark, State of Nevada, on or about the 30th day of December,  
2 2019, as follows:

3 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

4 did willfully, unlawfully, and feloniously conspire with each other and/or unknown  
5 individuals to commit a robbery, by the Defendants committing the acts as set forth in Counts  
6 2 through 4, said acts being incorporated by this reference as though fully set forth herein.

7 COUNT 2 - MURDER WITH USE OF A DEADLY WEAPON

8 did willfully, unlawfully, feloniously and with malice aforethought, kill MARION B.  
9 JABBAR ANDERSON, a human being, with use of a deadly weapon, to wit: a firearm, by  
10 shooting at and into the body of the said MARION B. JABBAR ANDERSON, the said killing  
11 having been 1) willful, deliberate and premeditated and/or 2) committed during the  
12 perpetration or attempted perpetration of a kidnapping and/or robbery, the Defendant(s) being  
13 criminally liable under one or more of the following principles of criminal liability, to wit: (1)  
14 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
15 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
16 commanding, inducing ad/or otherwise procuring the other to commit the crime, to-wit: by  
17 Defendants formulating a plan to lure MARION B. JABBAR ANDERSON to an apartment at  
18 6555 S. Boulder Highway under the pretext of a drug deal wherein the Defendants planned to  
19 rob MARION B. JABBAR ANDERSON; thereafter, Defendants executing the plan and when  
20 MARION B. JABBAR ANDERSON arrived at the apartment, one of the Defendants/Co-  
21 Conspirators shot and killed MARION B. JABBAR ANDERSON; and/or (3) pursuant to a  
22 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
23 and/or others yet unknown to the conspiracy acting in concert throughout.

24 COUNT 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
25 RESULTING IN SUBSTANTIAL BODILY HARM

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

1 and without his consent, for the purpose of committing a robbery, with use of a deadly weapon,  
2 to wit: a firearm(s), resulting in substantial bodily harm to MARION B. JABBAR  
3 ANDERSON, the Defendant(s) being criminally liable under one or more of the following  
4 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by  
5 aiding or abetting in the commission of this crime, with the intent that this crime be committed,  
6 by counseling, encouraging, hiring, commanding, inducing ad/or otherwise procuring the other  
7 to commit the crime, whereby one of their number lured and/or enticed the said victim to the  
8 crime scene under the guise of a drug deal with the intent to rob him, thereafter during the  
9 course of the robbery and/or attempted robbery, one of their number shot at and into the body  
10 of the said victim; and/or (3) pursuant to a conspiracy to commit this crime, with the intent  
11 that this crime be committed Defendants and/or others yet unknown to the conspiracy acting  
12 in concert throughout.

13 COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

14 did willfully, unlawfully, and feloniously take personal property, to wit: Marijuana  
15 and/or US Currency and/or vehicle and/or vehicle keys, from the person of MARION B.  
16 JABBAR ANDERSON, or in his presence, without the consent and against the will of  
17 MARION B. JABBAR ANDERSON, by means of force or violence or fear of injury,  
18 immediate or future, to his person, the person of a member of his family, or of anyone in his  
19 company at the time of the robbery, defendant using force or fear to obtain or retain possession  
20 of the property, to prevent or overcome resistance to the taking of the property, and/or to  
21 facilitate escape, with use of a deadly weapon, to wit: a firearm; the Defendant(s) being  
22 criminally liable under one or more of the following principles of criminal liability, to wit: (1)  
23 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
24 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,

25 //

26 //

27 //

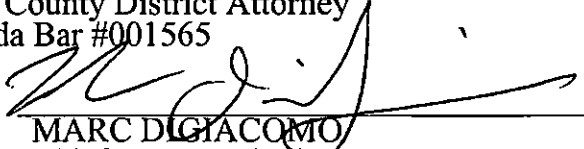
28 //

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 8<sup>th</sup> day of October, 2020.

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

8 BY

  
9 MARC DIGIACOMO  
10 Chief Deputy District Attorney  
11 Nevada Bar #006955

12 ENDORSEMENT: A True Bill

  
13 Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

ALVARADO, ART – SAN BERNARDINSO COUNTY SHERRIF

DOSCH, MITCHELL – LVMPD #7907

HODSON, BRECK – LVMPD #9034

MURPHY, MACKESHIA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

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

BOGATAY, MAUREEN – LVMPD #7782

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

HICKAMN, DAVON – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

JAMES, TYSHIA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

KATOWICH, TODD – LVMPD #6360

MAGNESS JR., GARY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

OGAZ, ERIC – SAN BERNARDINO COUNTY SHERIFF

TRAYLOR, WAYNE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

19CGJ007A,E,G/20F00659A,E/20CR019949/ed-GJ  
LVMPD EV# 200100003412  
(TK11)



EXHIBIT 4

EXHIBIT 4

Felony/Gross Misdemeanor

COURT MINUTES

October 16, 2020

---

C-20-346920-3      State of Nevada  
                                 vs  
                                 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.

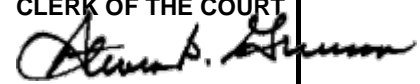
Upon Court's inquiry, counsel advised this case has been in front of Judge Villani, since March of last year. Further, its the same charges, however, deft. will need to be arraigned procedurally on the Second Superceding Indictment. DEFT. DAVIS ARRAIGNED, PLED NOT GUILTY. Mr. Tomsheck advised deft., 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

EXHIBIT 5

EXHIBIT 5



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID

DISTRICT COURT

THE STATE OF NEVADA,

Plaintiff,

vs.

JECORY ELES KEMP, aka Jecory  
Kemp,

ARLEO EARL DAVIS, aka Arleo Earl  
Davis, Jr.,

ANTHONY CLAUDE WOODS, aka Anthony  
Woods,

Defendants.

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GJ Case No. 19CGJ007A, C, D

DC Case No. C346920

**Taken at Las Vegas, Nevada**

**Thursday, October 8, 2020**

**3:28 p.m.**

**REPORTER'S TRANSCRIPT OF PROCEEDINGS**

**Second Superseding Indictment**

Reported by: Donna J. McCord, C.C.R. No. 337

15:06:24 1 GRAND JURORS PRESENT ON OCTOBER 8, 2020:  
2  
3 KENNETH DICKINSON, Foreperson,  
4 JANSSEN REMBERT, Deputy Foreperson  
15:06:25 5 WENDY MOORE, Secretary  
6 GULLIVER FLYNN, Assistant Secretary  
7 TINA D'EON  
8 JUDITH FOY  
9 JENNIFER LOUGHREY  
15:06:25 10 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  
15:06:25 20  
21 Also present at the request of the Grand Jury:  
22 Marc DiGiacomo  
23 Chief Deputy District Attorney  
24 Jory Scarborough  
Deputy District Attorney  
15:06:26 25

<u>15:06:26</u>	1	<u>INDEX OF WITNESSES</u>	
	2		<u>EXAMINED</u>
	3	MITCHELL DOSCH	8
	4		
<u>15:06:26</u>	5		
	6		
	7		
	8		
	9		
<u>15:06:26</u>	10		
	11		
	12		
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	14		
<u>15:06:26</u>	15		
	16		
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	18		
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	21		
	22		
	23		
	24		
<u>15:06:27</u>	25		

15:06:27

1

**INDEX OF EXHIBITS**

2

3

**GRAND JURY EXHIBITS****IDENTIFIED**

4

EXHIBIT 1B - SECOND SUPERSEDING INDICTMENT

5

15:06:27

5

EXHIBIT 42 - TRANSCRIPT OF INTERVIEW

19

6

EXHIBIT 43 - VIDEO

10

7

8

9

15:06:27

10

11

12

13

14

15:06:27

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16

17

18

19

20

21

22

23

24

25

15:06:28

1

LAS VEGAS, NEVADA, OCTOBER 8, 2020

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

15:28:00

10

gentlemen. My name is Mark DiGiacomo. I'm here with

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

15:28:31

15

Indictment. The charges have not changed, the only

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. This

15:28:49

20

case was presented on two separate occasions to you and

21

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

15:29:12

25

but also added a person by the name of Arleo Earl Davis



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.

15:30:56 1                   You do solemnly swear that the testimony  
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  
15:31:10 10 are here today to give testimony in the investigation  
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  
15:31:25 15 deadly weapon involving Jecory Eles Kemp, Arleo Earl  
16 Davis and Anthony Claude Woods, Jr.

17                   Do you understand this advisement?

18                   THE WITNESS: I do.

19                   THE FOREPERSON: Please state your first  
15:31:36 20 and last name and spell both for the record.

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

EXAMINATION

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 A 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 A I'm aware of it.

6 Q And you're generally aware of the nature of  
7 her testimony based upon statements that she's  
8 previously given and during the investigation?

9 A Correct.

15:32:54 10 Q During the course of your investigation in  
11 this case there comes a time where there's a discussion  
12 that there's an ongoing conspiracy involving four males  
13 and then there's two female accessories, correct?

14 A Correct.

15:33:08 15 Q And those four males are who?

16 A It's Jecory James —

17 Q Jecory Kemp?

18 A Sorry, Jecory Kemp, Davon Hickman, Arleo  
19 Davis and Anthony Woods.

15:33:23 20 Q Okay. And Arleo had a nickname?

21 A He did.

22 Q And what was that?

23 A Sayso, S-A-Y-S-O.

24 Q And then Mr. Anthony Woods, how was he  
15:33:33 25 initially identified? 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

15:34:51 1 you collected?

2 A It does.

3 Q I'm going to play for you and the ladies  
4 and gentlemen of the Grand Jury and ask you to sort of  
15:34:57 5 describe what we're looking at during it.

6 (Video playing.)

7 A 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  
15:35:18 10 were rotated like 90 degrees, or excuse, 180 degrees you  
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  
15:35:36 15 Sinclair gas station. If you go directly straight  
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  
15:35:51 20 was the black gentleman with the black jacket and the  
21 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  
24 building of the Sinclair gas station.

15:36:07 25 Q And the date and time that this video was

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.

15:38:40 14 Q Based upon the information you got from  
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.

15:38:49 19 Q Can you describe when and where that  
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.

15:44:02 4 Q And then him and his brother Sayso are in  
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.

15:44:23 14 Q Okay. When you lay that all out for him  
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.

15:45:07 24 Q Okay. Essentially what he said to you was  
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

15:46:41 1 to infer any guilt.

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 A Correct.

7 MR. DiGIACOMO: That completes my questions  
8 to the witness if the Grand Jury has any questions.

9 THE FOREPERSON: No questions?

15:47:01 10 By law these proceedings are secret and you  
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  
15:47:01 15 obtained by the Grand Jury.

16 Failure to comply with this admonition is a  
17 gross misdemeanor punishable up to 364 days in the Clark  
18 County Detention Center and a \$2,000 fine. In addition  
19 you may be held in contempt of court punishable by an  
15:47:01 20 additional \$500 fine and 25 days in the Clark County  
21 Detention Center.

22 Do you understand this admonition?

23 THE WITNESS: I do.

24 THE FOREPERSON: Thank you. You're  
15:47:36 25 excused.

15:47:37 1 THE WITNESS: Thank you.

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  
15:48:05 10 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  
14 Davis and Anthony Claude Woods, Jr. charging with the  
15:52:12 15 crimes of conspiracy to commit robbery, murder with use  
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.

15:52:31 20 We instruct you to prepare an Indictment in  
21 conformance with the proposed Indictment previously  
22 submitted to us.

23 MR. DiGIACOMO: Thank you. I will.

24 (Proceedings concluded.)

15:52:37 25 --oo0oo--



15:52:37

1

**REPORTER'S CERTIFICATE**

2

3

**STATE OF NEVADA** )

: ss

4

**COUNTY OF CLARK** )

15:52:37

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

15:52:37

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

15:52:37

25

## 1 AFFIRMATION

2 Pursuant to NRS 239B.030

3  
4 The undersigned does hereby affirm that the preceding  
5 TRANSCRIPT filed in GRAND JURY CASE NUMBER 19CGJ007A,E,G:  
6  
78 X Does not contain the social security number of any  
9 person,

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:  
14 NRS 656.250.

-OR-

15 B. For the administration of a public program  
16 or for an application for a federal or  
17 state grant.18 /S/DONNA J. MCCORD  
19 SignatureOctober 25, 2020  
Date20 Donna J. McCord  
21 Print Name22 Official Court Reporter  
23 Title  
24  
25

<p><b>A JUROR:</b> [1] 6/15  <b>BY MR. DiGIACOMO:</b> [1] 8/6  <b>MR. DiGIACOMO:</b> [5] 5/7 6/17 20/6 21/1 21/22  <b>THE FOREPERSON:</b> [9] 6/13 6/23 7/5 7/8 7/18 7/22 20/8 20/23 21/10  <b>THE WITNESS:</b> [6] 7/4 7/7 7/17 7/20 20/22 20/25</p> <p><b>\$</b></p> <p><b>\$2,000</b> [1] 20/18  <b>\$500</b> [1] 20/20</p> <p>-</p> <p>--oo0oo [1] 21/25  <b>-OR</b> [2] 23/10 23/14</p> <p>/</p> <p><b>/S/DONNA</b> [2] 22/17 23/18</p>	<p><b>6</b></p> <p><b>656.250</b> [1] 23/13  <b>6th</b> [2] 13/21 19/13</p> <p><b>7</b></p> <p><b>71</b> [1] 19/21</p> <p><b>9</b></p> <p><b>90</b> [1] 11/10</p> <p><b>A</b></p> <p><b>ability</b> [1] 5/7  <b>able</b> [4] 6/11 13/3 13/3 15/9  <b>about</b> [11] 6/16 7/2 12/7 12/8 14/11 14/17 14/25 15/8 16/4 19/21 19/25  <b>accessible</b> [1] 15/16  <b>accessories</b> [1] 9/13  <b>account</b> [3] 15/9 15/10 15/15  <b>accurate</b> [3] 10/25 19/14 22/12  <b>accurately</b> [1] 5/6  <b>acknowledged</b> [2] 14/9 14/23  <b>acknowledges</b> [1] 19/22  <b>actually</b> [1] 14/2  <b>added</b> [1] 5/25  <b>addition</b> [3] 5/16 14/19 20/18  <b>additional</b> [2] 20/4 20/20  <b>adjustment</b> [1] 12/11  <b>administration</b> [1] 23/15  <b>admonition</b> [2] 20/16 20/22  <b>advised</b> [1] 7/9  <b>advisement</b> [1] 7/17  <b>affirm</b> [1] 23/4  <b>AFFIRMATION</b> [1] 23/1  <b>AFORESAID</b> [1] 1/4  <b>after</b> [4] 13/11 16/20 19/20 19/21  <b>afternoon</b> [3] 5/9 8/8 12/9  <b>against</b> [4] 5/22 6/19 19/25 21/13  <b>aka</b> [3] 1/10 1/11 1/12  <b>all</b> [9] 5/17 6/5 6/6 12/13 18/14 21/5 21/6 21/8 22/7  <b>Allegedly</b> [1] 18/12  <b>alleging</b> [1] 5/21  <b>allowed</b> [2] 15/17 16/9  <b>almost</b> [1] 14/14  <b>already</b> [1] 12/19  <b>also</b> [3] 2/21 5/25 6/1  <b>am</b> [1] 19/18  <b>Anderson</b> [7] 8/16 12/12 18/2 18/6 18/9 18/17 18/19  <b>ANEDA</b> [1] 2/11  <b>ANTHONY</b> [10] 1/12 1/12 5/17 7/16 9/19</p>	<p>9/24 11/22 14/15 15/9 21/14  <b>anticipate</b> [1] 6/22  <b>any</b> [11] 6/4 14/2 14/18 19/25 20/1 20/4 20/8 20/12 20/13 20/14 23/8  <b>anyone</b> [2] 14/22 20/11  <b>anything</b> [2] 19/24 20/11  <b>anyways</b> [1] 16/3  <b>anywhere</b> [1] 16/13  <b>apartment</b> [1] 16/18  <b>apartments</b> [4] 15/24 15/25 16/5 16/17  <b>appear</b> [1] 10/24  <b>appeared</b> [1] 15/23  <b>appears</b> [2] 12/23 13/10  <b>applicable</b> [1] 14/20  <b>application</b> [1] 23/15  <b>apply</b> [1] 5/19  <b>Apprehension</b> [1] 13/23  <b>April</b> [1] 16/8  <b>are</b> [14] 6/7 6/12 7/9 7/10 9/15 10/5 11/18 13/11 14/6 18/4 18/5 20/10 20/11 21/6  <b>area</b> [5] 10/6 11/14 11/23 12/24 13/12  <b>ARLEO</b> [14] 1/11 1/11 5/25 7/15 8/23 9/18 9/20 13/7 14/22 15/10 17/3 17/4 18/19 21/13  <b>around</b> [2] 10/5 10/7  <b>arrives</b> [1] 18/6  <b>ask</b> [3] 6/5 11/4 21/5  <b>asked</b> [3] 16/11 18/16 18/21  <b>asking</b> [2] 6/3 17/14  <b>Assistant</b> [1] 2/6  <b>associated</b> [1] 12/4  <b>attention</b> [1] 8/10  <b>Attorney</b> [3] 2/22 2/23 21/11  <b>aware</b> [4] 8/24 9/2 9/5 9/6</p>	<p><b>being</b> [2] 16/19 16/21  <b>believe</b> [3] 5/13 11/17 15/11  <b>best</b> [1] 5/7  <b>between</b> [1] 10/18  <b>bill</b> [1] 21/12  <b>black</b> [2] 11/20 11/20  <b>bodily</b> [2] 7/14 21/17  <b>both</b> [3] 6/8 7/20 15/19  <b>Box</b> [1] 11/17  <b>break</b> [2] 16/24 17/1  <b>Breeze</b> [2] 10/14 11/9  <b>brother</b> [9] 10/2 14/22 14/23 14/25 15/3 15/10 17/2 18/4 18/19  <b>brothers</b> [1] 15/19  <b>brought</b> [1] 13/23  <b>building</b> [2] 11/19 11/24</p>	<p><b>Compton</b> [2] 15/11 15/11  <b>concluded</b> [1] 21/24  <b>conformance</b> [1] 21/21  <b>consistent</b> [1] 15/23  <b>conspiracy</b> [5] 5/18 7/11 9/12 18/2 21/15  <b>conspirator</b> [1] 6/21  <b>constitutes</b> [1] 22/12  <b>contain</b> [1] 23/8  <b>Contains</b> [1] 23/11  <b>contempt</b> [1] 20/19  <b>convenience</b> [5] 10/12 10/15 11/8 11/12 11/23  <b>correct</b> [16] 8/12 8/17 9/9 9/13 9/14 12/10 12/15 13/13 14/10 15/7 16/2 17/25 18/11 19/2 20/5 20/6  <b>corroborate</b> [1] 10/5  <b>could</b> [1] 11/7  <b>couldn't</b> [1] 15/6  <b>COUNTY</b> [4] 1/2 20/18 20/20 22/4  <b>course</b> [5] 8/18 9/10 14/22 15/21 17/21  <b>court</b> [4] 1/1 1/5 20/19 23/22  <b>crime</b> [1] 10/6  <b>crimes</b> [2] 5/21 21/15</p>
<p><b>1</b></p> <p><b>10</b> [1] 4/6  <b>12</b> [1] 21/12  <b>13:03</b> [1] 12/3  <b>17</b> [1] 12/7  <b>17-minute</b> [1] 12/10  <b>180</b> [1] 11/10  <b>19</b> [1] 4/5  <b>19CGJ007A</b> [2] 5/13 21/19  <b>19CGJ007A,C,D</b> [1] 1/9  <b>19CGJ007A,E,G</b> [1] 23/5  <b>1:03</b> [1] 12/3  <b>1:20</b> [1] 12/8  <b>1B</b> [2] 4/4 5/12</p>	<p><b>2</b></p> <p><b>2019</b> [4] 12/2 12/17 15/19 16/8  <b>2020</b> [9] 1/17 2/1 5/1 5/23 5/24 13/21 19/13 22/15 23/18  <b>239B.030</b> [1] 23/2  <b>25</b> [3] 20/20 22/15 23/18</p>	<p><b>B</b></p> <p><b>back</b> [10] 5/23 5/24 6/23 12/23 17/5 18/5 18/9 19/1 19/22 20/4  <b>backdrop</b> [1] 15/22  <b>backpack</b> [2] 11/21 12/20  <b>barrier</b> [1] 10/18  <b>based</b> [3] 9/7 12/12 13/14  <b>become</b> [1] 9/2  <b>been</b> [16] 5/5 5/12 5/14 5/19 6/3 6/8 8/2 8/21 16/6 16/9 16/11 16/12 16/17 16/17 19/8 21/12  <b>before</b> [7] 1/4 7/3 9/3 10/19 10/20 20/12 22/8  <b>before-entitled</b> [1] 22/8  <b>began</b> [1] 17/18</p>	<p><b>C</b></p> <p><b>C.C.R</b> [2] 1/25 22/6  <b>C346920</b> [1] 1/9  <b>call</b> [1] 6/13  <b>called</b> [1] 10/14  <b>came</b> [2] 5/24 10/19  <b>camera</b> [1] 11/9  <b>Can</b> [2] 13/19 17/13  <b>can't</b> [1] 20/2  <b>cannot</b> [2] 19/24 19/25  <b>case</b> [10] 1/9 1/9 5/13 5/14 5/20 6/3 6/22 9/11 21/18 23/5  <b>CCR</b> [1] 22/18  <b>Center</b> [2] 20/18 20/21  <b>CERTIFICATE</b> [1] 22/1  <b>certify</b> [1] 22/7  <b>change</b> [1] 17/10  <b>changed</b> [1] 5/15  <b>charges</b> [4] 5/15 6/6 6/12 21/6  <b>charging</b> [2] 6/20 21/14  <b>Chief</b> [1] 2/22  <b>claiming</b> [1] 16/4  <b>CLARK</b> [4] 1/2 20/17 20/20 22/4  <b>CLAUDE</b> [4] 1/12 5/17 7/16 21/14  <b>co</b> [1] 6/21  <b>co-conspirator</b> [1] 6/21  <b>code</b> [1] 12/5  <b>collected</b> [2] 11/1 13/16  <b>comes</b> [1] 9/11  <b>coming</b> [6] 18/8 18/21 18/22 18/25 19/22 20/3  <b>commit</b> [3] 7/11 16/15 21/15  <b>common</b> [2] 11/14 11/23  <b>company</b> [2] 10/13 11/9  <b>completely</b> [1] 11/19  <b>completes</b> [2] 20/7 21/3  <b>comply</b> [1] 20/16</p>	<p><b>D</b></p> <p><b>D'EON</b> [1] 2/7  <b>D-O-S-C-H</b> [1] 7/22  <b>DANIEL</b> [1] 2/15  <b>date</b> [2] 11/25 23/18  <b>Dated</b> [1] 22/14  <b>dates</b> [2] 6/9 6/10  <b>DAVIS</b> [22] 1/11 1/11 5/25 6/2 7/16 8/23 8/24 9/19 10/1 10/5 13/7 13/10 13/21 14/22 15/10 17/3 17/4 17/8 17/10 18/19 21/4 21/14  <b>Davis'</b> [2] 10/2 15/15  <b>Davon</b> [1] 9/18  <b>day</b> [1] 18/2  <b>days</b> [3] 10/6 20/17 20/20  <b>DC</b> [1] 1/9  <b>deadly</b> [6] 7/12 7/13 7/15 21/16 21/17 21/18  <b>December</b> [3] 12/2 12/15 15/18  <b>December 30th</b> [2] 12/2 12/17  <b>decide</b> [1] 13/16  <b>defendants</b> [4] 1/13 6/6 21/5 21/13  <b>degree</b> [2] 7/13 21/16  <b>degrees</b> [2] 11/10 11/10  <b>deliberate</b> [4] 6/4 6/5 6/12 21/5  <b>denied</b> [1] 14/17  <b>denying</b> [1] 16/12  <b>depicted</b> [1] 15/19  <b>Deputy</b> [3] 2/4 2/22</p>

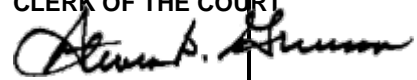
<p><b>D</b></p> <p><b>Deputy...</b> [1] 2/23</p> <p><b>describe</b> [2] 11/5 13/19</p> <p><b>describing</b> [1] 17/22</p> <p><b>detained</b> [2] 13/23 14/1</p> <p><b>Detective</b> [4] 8/8 13/25 14/5 17/16</p> <p><b>detectives</b> [1] 8/15</p> <p><b>Detention</b> [2] 20/18 20/21</p> <p><b>DICKINSON</b> [1] 2/3</p> <p><b>did</b> [17] 9/2 9/2 9/21 10/8 10/10 10/20 10/22 13/16 13/18 14/16 14/21 15/5 15/7 16/23 17/9 17/12 18/18</p> <p><b>didn't</b> [1] 19/1</p> <p><b>DiGiacomo</b> [2] 2/22 5/10</p> <p><b>direct</b> [2] 8/10 19/18</p> <p><b>direction</b> [1] 22/10</p> <p><b>directly</b> [1] 11/15</p> <p><b>disclosing</b> [1] 20/11</p> <p><b>discuss</b> [1] 17/18</p> <p><b>discussion</b> [1] 9/11</p> <p><b>DISTRICT</b> [5] 1/1 1/5 2/22 2/23 21/11</p> <p><b>do</b> [16] 7/1 7/5 7/17 7/18 10/3 10/9 16/20 16/24 17/1 17/5 17/7 19/9 19/10 20/22 20/23 22/6</p> <p><b>document</b> [1] 6/20</p> <p><b>does</b> [5] 10/24 11/2 17/10 23/4 23/8</p> <p><b>don't</b> [1] 18/25</p> <p><b>done</b> [1] 19/13</p> <p><b>Donna</b> [7] 1/25 5/4 22/6 22/17 22/18 23/18 23/20</p> <p><b>door</b> [1] 11/8</p> <p><b>DOSCH</b> [3] 3/3 7/22 8/1</p> <p><b>down</b> [1] 22/7</p> <p><b>duly</b> [2] 5/5 8/2</p> <p><b>during</b> [6] 8/18 9/8 9/10 11/5 15/20 17/21</p>	<p><b>eventually</b> [2] 10/9 13/2</p> <p><b>ever</b> [1] 15/3</p> <p><b>everybody</b> [1] 6/8</p> <p><b>everyone</b> [1] 6/11</p> <p><b>evidence</b> [3] 10/4 20/12 21/3</p> <p><b>EXAMINATION</b> [1] 8/6</p> <p><b>EXAMINED</b> [1] 3/2</p> <p><b>except</b> [1] 21/8</p> <p><b>excuse</b> [2] 11/10 17/14</p> <p><b>excused</b> [1] 20/25</p> <p><b>EXHIBIT</b> [6] 4/4 4/5 4/6 5/12 10/24 19/9</p> <p><b>Exhibit 1B</b> [1] 5/12</p> <p><b>Exhibit 42</b> [1] 19/9</p> <p><b>EXHIBITS</b> [2] 4/1 4/3</p> <p><b>exit</b> [1] 11/18</p> <p><b>exited</b> [1] 21/9</p> <p><b>explain</b> [2] 17/13 18/21</p> <p><b>explicitly</b> [1] 16/21</p> <p><b>F</b></p> <p><b>face</b> [1] 13/3</p> <p><b>Facebook</b> [4] 15/8 15/8 15/13 15/15</p> <p><b>fact</b> [2] 14/25 19/6</p> <p><b>Failure</b> [1] 20/16</p> <p><b>fair</b> [4] 8/19 8/20 10/24 19/14</p> <p><b>faithfully</b> [1] 5/5</p> <p><b>far</b> [1] 12/6</p> <p><b>fast</b> [1] 11/16</p> <p><b>February</b> [1] 5/23</p> <p><b>federal</b> [2] 23/13 23/15</p> <p><b>felony</b> [1] 5/18</p> <p><b>female</b> [1] 9/13</p> <p><b>filed</b> [1] 23/5</p> <p><b>find</b> [1] 15/9</p> <p><b>fine</b> [2] 20/18 20/20</p> <p><b>first</b> [9] 5/5 5/21 7/12 7/19 8/2 14/11 14/13 15/2 21/16</p> <p><b>FLYNN</b> [1] 2/6</p> <p><b>followed</b> [1] 18/18</p> <p><b>following</b> [1] 5/6</p> <p><b>follows</b> [1] 8/4</p> <p><b>food</b> [1] 11/16</p> <p><b>foregoing</b> [1] 22/11</p> <p><b>Foreperson</b> [3] 2/3 2/4 8/2</p> <p><b>four</b> [2] 9/12 9/15</p> <p><b>FOY</b> [1] 2/8</p> <p><b>frame</b> [1] 13/1</p> <p><b>friends</b> [2] 15/12 15/16</p> <p><b>front</b> [2] 11/8 18/6</p> <p><b>Fugitive</b> [1] 13/22</p> <p><b>full</b> [1] 22/12</p> <p><b>further</b> [1] 15/14</p>	<p><b>gets</b> [1] 18/9</p> <p><b>give</b> [2] 7/2 7/10</p> <p><b>given</b> [3] 9/8 14/2 14/4</p> <p><b>GJ</b> [1] 1/9</p> <p><b>GLORIA</b> [1] 2/16</p> <p><b>go</b> [4] 11/15 11/17 11/18 17/5</p> <p><b>God</b> [1] 7/4</p> <p><b>goes</b> [1] 14/25</p> <p><b>going</b> [7] 8/10 11/3 11/14 12/19 12/21 19/18 19/24</p> <p><b>gone</b> [1] 12/23</p> <p><b>Good</b> [2] 5/9 8/8</p> <p><b>got</b> [2] 13/14 20/4</p> <p><b>GRAND</b> [21] 1/4 2/1 2/21 4/3 5/12 5/13 7/3 8/3 8/22 9/4 10/23 11/4 19/8 20/8 20/13 20/14 20/15 21/9 21/12 21/18 23/5</p> <p><b>grant</b> [2] 9/3 23/16</p> <p><b>gross</b> [1] 20/17</p> <p><b>guilt</b> [1] 20/1</p> <p><b>GULLIVER</b> [1] 2/6</p> <p><b>H</b></p> <p><b>H-O-D-S-O-N</b> [1] 13/25</p> <p><b>had</b> [13] 5/24 6/9 8/21 9/20 10/23 16/6 16/8 16/11 16/12 16/17 16/17 22/8 22/13</p> <p><b>half</b> [2] 10/15 10/16</p> <p><b>halves</b> [2] 10/14 14/14</p> <p><b>hand</b> [1] 6/25</p> <p><b>happened</b> [2] 12/13 13/20</p> <p><b>happens</b> [1] 18/15</p> <p><b>harm</b> [2] 7/14 21/17</p> <p><b>has</b> [8] 5/12 5/14 6/3 6/8 6/9 17/8 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EXHIBIT 6

EXHIBIT 6



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID  
DISTRICT COURT

THE STATE OF NEVADA, )

Plaintiff, )

vs. )

GJ No. 19CGJ007A, C, D, E  
DC No. C346920-3

JECORY ELES KEMP, aka, Jecory )

Kemp, ARLEO EARL DAVIS, aka, Arleo )

Earl Davis, Jr., ANTHONY CLAUDE )

WOODS, JR., aka, Anthony Woods, )

DAVON WILLIAM HICKMAN, aka, Davon )

Hickman, )

Defendants. )

Taken at Las Vegas, Nevada

Thursday, November 5, 2020

9:31 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

THIRD SUPERSEDING INDICTMENT

Reported by: Lisa Brenske, C.C.R. No. 186



1 GRAND JURORS PRESENT ON NOVEMBER 5, 2020

2

3 KENNETH DICKINSON, Foreperson

4 JANSSEN REMBERT, Deputy Foreperson

5 WENDY MOORE, Secretary

6 GULLIVER FLYNN, Assistant Secretary

7 DONNA DEAN-HANCOCK

8 JUDITH FOY

9 JENNIFER LOUGHREY

10 BELINDA MILLER

11 EMMETT MORGAN

12 ANEDA MURRAY

13 JENNIFER MURRELL

14 JOHN PLUNKETT

15 VIRGIL RAYOS

16 SCOTT STEVENSON

17 DANIEL WILLIAMS

18 GLORIA WYETH

19

20

21 Also present at the request of the Grand Jury:

22 Marc DiGiacomo, Chief Deputy District Attorney

23

24

25

LAS VEGAS, NEVADA, NOVEMBER 5, 2020

\* \* \* \* \*

LISA BRENSKE,

having been first duly sworn to faithfully  
and accurately transcribe the following  
proceedings to the best of her ability.

MR. DIGIACOMO: Good morning, ladies and

gentlemen. My name is Marc DiGiacomo. I'm a Deputy  
District Attorney here in Clark County. I'm here to  
have you guys -- we're not actually presenting any  
evidence but to deliberate on the fourth suspect  
Mr. Hickman. I'm actually going to ask you to  
deliberate on all four defendants even though you  
previously indicted Mr. Kemp, Mr. Davis and Mr. Woods  
on prior occasions. I'm going to ask you to vote as to  
them again as well as Mr. Hickman. There's no  
additional evidence. There were three prior  
presentments. Has everybody here either been present  
for all three or have previously read the transcripts  
from any missing time that they were here? Seeing no  
affirmative responses. I'd ask you to deliberate  
against all four suspects, defendants, all four charges  
that are in the Indictment in Grand Jury Case Number

9:32AM 1 19CGJ007A, C, E and G.

2 And the most recent superseding proposed  
3 Indictment is marked as Grand Jury Exhibit Number 1C.  
4 Thank you.

9:32AM 5 (At this time, all persons, except the  
6 members of the Grand Jury, left the room at 9:32 and  
7 returned at 9:37.)

8 THE FOREPERSON: Mr. District Attorney, by  
9 a vote of 12 or more Grand Jurors a true bill has been  
9:37AM 10 returned against defendants Jecory Eles Kemp, Arleo  
11 Earl Davis, Anthony Claude Woods, Jr. and Davon William  
12 Hickman charging with the crimes of conspiracy to  
13 commit robbery, murder with use of a deadly weapon,  
14 first degree kidnapping with use of a deadly weapon  
9:37AM 15 resulting in substantial bodily harm and robbery with  
16 use of a deadly weapon in Grand Jury Case Number  
17 19CGJ007A, C, E and G. We instruct you to prepare an  
18 Indictment in conformance with the proposed Indictment  
19 previously submitted to us.

9:37AM 20 MR. DIGIACOMO: Thank you. I will.

21 (Proceedings concluded.)

22 --oo0oo--

23

24

25

**REPORTER'S CERTIFICATE**

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

I, Lisa Brenske, C.C.R. 186, do hereby  
certify that I took down in Shorthand (Stenotype) all  
of the proceedings had in the before-entitled matter at  
the time and place indicated and thereafter said  
shorthand notes were transcribed at and under my  
direction and supervision and that the foregoing  
transcript constitutes a full, true, and accurate  
record of the proceedings had.

Dated at Las Vegas, Nevada,  
November 15, 2020.

/S/LISA BRENSKE

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Lisa Brenske, C.C.R. 186

## AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the  
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
19CGJ007A,C,D,E:

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

-OR-

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

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

-OR-

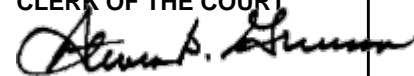
B. For the administration of a public program  
or for an application for a federal or  
state grant.

/S/LISA BRENSKE

\_\_\_\_\_  
SignatureNovember 15, 2020  
DateLisa Brenske  
Print NameOfficial Court Reporter  
Title

EXHIBIT 7

EXHIBIT 7



1 **IND**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MARC DIGIACOMO  
6 Chief Deputy District Attorney  
7 Nevada Bar #006955  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

CASE NO: C-20-346920-3

11 -vs-

DEPT NO: X

12 JECORY ELES KEMP, aka,  
13 Jecory Kemp, #7066250  
14 **ARLEO EARL DAVIS, aka,**  
15 **Arleo Earl Davis, Jr., #7054823**  
16 ANTHONY CLAUDE WOODS JR., aka,  
17 Anthony Woods #8436597  
18 DAVON WILLIAM HICKMAN, aka,  
19 Davon Hickman, #2591186

THIRD  
SUPERSEDING  
INDICTMENT

Defendant(s).

18 STATE OF NEVADA }  
19 COUNTY OF CLARK } ss.

20 The Defendant(s) above named, JECORY ELES KEMP, aka, Jecory Kemp, ARLEO  
21 EARL DAVIS, aka, Arleo Earl Davis, Jr., ANTHONY CLAUDE WOODS JR., aka, Anthony  
22 Woods and DAVON WILLIAM HICKMAN, aka, Davon Hickman and/or others yet unknown  
23 to the conspiracy accused by the Clark County Grand Jury of the crime(s) of CONSPIRACY  
24 TO COMMIT ROBBERY (Category B Felony - NRS 200.380, 199.480 - NOC 50147);  
25 MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010,  
26 200.030, 193.165 - NOC 50001); FIRST DEGREE KIDNAPPING WITH USE OF A  
27 DEADLY WEAPON RESULTING IN SUBSTANTIAL BODILY HARM (Category A  
28 Felony - NRS 200.310, 200.320, 193.165 - NOC 50056) and ROBBERY WITH USE OF A

1 DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138), committed  
2 at and within the County of Clark, State of Nevada, on or about the 30th day of December,  
3 2019, as follows:

4 COUNT 1 - CONSPIRACY TO COMMIT ROBBERY

5 did willfully, unlawfully, and feloniously conspire with each other and/or unknown  
6 individuals to commit a robbery, by the Defendants committing the acts as set forth in Counts  
7 2 through 4, said acts being incorporated by this reference as though fully set forth herein.

8 COUNT 2 - MURDER WITH USE OF A DEADLY WEAPON

9 did willfully, unlawfully, feloniously and with malice aforethought, kill MARION B.  
10 JABBAR ANDERSON, a human being, with use of a deadly weapon, to wit: a firearm, by  
11 shooting at and into the body of the said MARION B. JABBAR ANDERSON, the said killing  
12 having been 1) willful, deliberate and premeditated and/or 2) committed during the  
13 perpetration or attempted perpetration of a kidnapping and/or robbery, the Defendant(s) being  
14 criminally liable under one or more of the following principles of criminal liability, to wit: (1)  
15 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
16 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,  
17 commanding, inducing ad/or otherwise procuring the other to commit the crime, to-wit: by  
18 Defendants formulating a plan to lure MARION B. JABBAR ANDERSON to an apartment at  
19 6555 S. Boulder Highway under the pretext of a drug deal wherein the Defendants planned to  
20 rob MARION B. JABBAR ANDERSON; thereafter, Defendants executing the plan and when  
21 MARION B. JABBAR ANDERSON arrived at the apartment, one of the Defendants/Co-  
22 Conspirators shot and killed MARION B. JABBAR ANDERSON; and/or (3) pursuant to a  
23 conspiracy to commit this crime, with the intent that this crime be committed, Defendants  
24 and/or others yet unknown to the conspiracy acting in concert throughout.

25 COUNT 3 - FIRST DEGREE KIDNAPPING WITH USE OF A DEADLY WEAPON  
26 RESULTING IN SUBSTANTIAL BODILY HARM

27 did willfully, unlawfully, and feloniously, seize, confine, inveigle, entice, decoy,  
28 abduct, conceal, kidnap, or carry away MARION B. JABBAR ANDERSON, a human being,



1 with the intent to hold or detain the said MARION B. JABBAR ANDERSON against his will,  
2 and without his consent, for the purpose of committing a robbery, with use of a deadly weapon,  
3 to wit: a firearm(s), resulting in substantial bodily harm to MARION B. JABBAR  
4 ANDERSON, the Defendant(s) being criminally liable under one or more of the following  
5 principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) by  
6 aiding or abetting in the commission of this crime, with the intent that this crime be committed,  
7 by counseling, encouraging, hiring, commanding, inducing ad/or otherwise procuring the other  
8 to commit the crime, whereby one of their number lured and/or enticed the said victim to the  
9 crime scene under the guise of a drug deal with the intent to rob him, thereafter during the  
10 course of the robbery and/or attempted robbery, one of their number shot at and into the body  
11 of the said victim; and/or (3) pursuant to a conspiracy to commit this crime, with the intent  
12 that this crime be committed Defendants and/or others yet unknown to the conspiracy acting  
13 in concert throughout.

14 COUNT 4 - ROBBERY WITH USE OF A DEADLY WEAPON

15 did willfully, unlawfully, and feloniously take personal property, to wit: Marijuana  
16 and/or US Currency and/or vehicle and/or vehicle keys, from the person of MARION B.  
17 JABBAR ANDERSON, or in his presence, without the consent and against the will of  
18 MARION B. JABBAR ANDERSON, by means of force or violence or fear of injury,  
19 immediate or future, to his person, the person of a member of his family, or of anyone in his  
20 company at the time of the robbery, defendant using force or fear to obtain or retain possession  
21 of the property, to prevent or overcome resistance to the taking of the property, and/or to  
22 facilitate escape, with use of a deadly weapon, to wit: a firearm; the Defendant(s) being  
23 criminally liable under one or more of the following principles of criminal liability, to wit: (1)  
24 by directly committing this crime; and/or (2) by aiding or abetting in the commission of this  
25 crime, with the intent that this crime be committed, by counseling, encouraging, hiring,

26 //

27 //

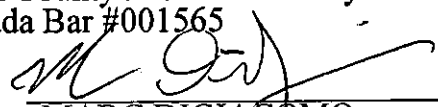
28 //

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.

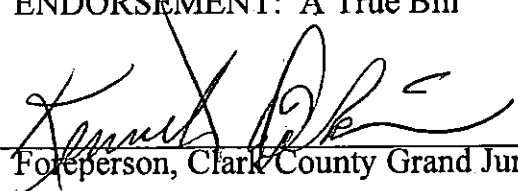
4 DATED this 5<sup>th</sup> day of November, 2020.

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

8 BY

  
9 MARC DIGIACOMO  
10 Chief Deputy District Attorney  
11 Nevada Bar #006955

12 ENDORSEMENT: A True Bill

  
13 Foreperson, Clark County Grand Jury

Names of Witnesses and testifying before the Grand Jury:

ALVARADO, ART – SAN BERNARDINSO COUNTY SHERRIF

DOSCH, MITCHELL – LVMPD #7907

HODSON, BRECK – LVMPD #9034

MURPHY, MACKESHIA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

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

BOGATAY, MAUREEN – LVMPD #7782

CUSTODIAN OF RECORDS - CCDC

CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS - LVMPD RECORDS

HICKAMN, DAVON – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

JAMES, TYSHIA – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

KATOWICH, TODD – LVMPD #6360

MAGNESS JR., GARY – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

OGAZ, ERIC – SAN BERNARDINO COUNTY SHERIFF

TRAYLOR, WAYNE – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

19CGJ007A,C, E,G/20F00659A,C,E/20CR019949/ed-GJ  
LVMPD EV# 200100003412  
(TK11)