

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

ANDRE GRANT SNIPES,	)	SUPREME COURT NO. 82384
	)	
Appellant,	)	
	)	
vs.	)	<b>APPEAL</b>
	)	
STATE OF NEVADA,	)	
	)	
Respondent.	)	
	)	DISTRICT COURT NO. C-19-344461-2
	)	
	)	

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**APPELLANT'S APPENDIX**

**(VOLUME 4 OF 5)**

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## TABLE OF CONTENTS

(APPELLANT'S APPENDIX)

NAME OF DOCUMENT	DATE	PAGE	VOLUME
BAD ACTS-RT	03-03-2020	0317	0002
BAD ACTS-RT	03-05-2020	0337	0002
BAD ACTS-STATE MOTION	02-19-2020	0261	0002
CALENDAR CALL-RT	11-04-2020	0500	0003
COMPETENCY-RT	11-07-2019	0100	0001
COMPETENCY-RT	12-06-2019	0155	0001
COMPETENCY-RT	12-12-2019	0159	0001
CONTINUE TRIAL-RT	01-14-2020	0235	0001
COUNSEL-ORDER APPOINTING APPELLATE	01-12-2021	1194	0005
COUNSEL-RT	01-12-2021	1196	0005
EXHIBIT LIST	11-10-2020	0930	0004
EXHIBITS-JUROR QUESTIONS	11-10-2020	0984	0004
EXHIBITS-PHOTOS	11-10-2020	0976	0004
EXHIBITS-RECEIPTS	11-10-2020	0946	0004
EXPERT LIST (STATE)	12-24-2019	0165	0001
EXPERT LIST (STATE) -2ND	02-24-2020	0313	0002
EXPERT LIST (STATE) -3RD	11-02-2020	0483	0002
GRAND JURY EXHIBITS	10-31-2019	0062	0001
GRAND JURY EXHIBITS	11-14-2019	0143	0001
GRAND JURY EXHIBITS	01-09-2020	0204	0001
GRAND JURY INSTRUCTIONS	10-31-2019	0058	0001
GRAND JURY-RT	10-31-2019	0001	0001
INDICTMENT	11-01-2019	0086	0001
INDICTMENT (PROPOSED)	10-31-2019	0052	0001
INDICTMENT (SUPERSEDING)	11-14-2019	0135	0001
INDICTMENT (SUPERSEDING)	01-10-2020	0211	0001
INDICTMENT (SUPERSEDING) -3RD AMENDED	11-09-2020	0524	0003
INDICTMENT (SUPERSEDING) -AMENDED	01-14-2020	0226	0001
INDICTMENT (SUPERSEDING) -RT	11-14-2019	0106	0001
INDICTMENT (SUPERSEDING) -RT	01-09-2020	0168	0001
INDICTMENT (SUPERSEDING) -RT	01-10-2020	0220	0001
INDICTMENT-RT	11-01-2019	0095	0001
JUDGMENT OF CONVICTION	12-30-2020	1183	0005
JUDGMENT OF CONVICTIONN (AMENDED)	01-07-2021	1189	0005
JURY INSTRUCTIONS	11-13-2020	1111	0005
JURY TRIAL (DAY FOUR) -RT	11-13-2020	1155	0005
JURY TRIAL (DAY ONE) -RT	11-09-2020	0534	0003
JURY TRIAL (DAY THREE) -RT	11-12-2020	0993	0005

## TABLE OF CONTENTS

(APPELLANT'S APPENDIX)

NAME OF DOCUMENT	DATE	PAGE	VOLUME
JURY TRIAL (DAY TWO) -RT	11-10-2020	0686	0003
JURY VERDICT	11-13-2020	1151	0005
METRO-TEMPORARY CUSTODY RECORD	11-20-2019	0084	0001
NEGOTIATIONS-RT	01-30-2020	0252	0002
NEGOTIATIONS-RT	10-21-2020	0427	0002
NOTICE OF APPEAL	01-17-2021	1203	0005
OR RELEASE-RT	05-05-2020	0392	0002
OR RELEASE-RT	05-07-2020	0399	0002
OR RELEASE-RT	05-21-2020	0405	0002
OR RELEASE-SNIPES MOTION	04-14-2020	0377	0002
OR RELEASE-STATE OPPOSITION	04-30-2020	0384	0002
PHOTO LINE-UP (ALBREGO)	09-25-2019	0072	0001
PHOTO LINE-UP (ALBREGO)	09-30-2019	0075	0001
PHOTO LINE-UP (ALBREGO)	09-25-2019	0933	0004
PHOTO LINE-UP (ALBREGO)	09-30-2019	0943	0004
PHOTO LINE-UP (LAWS)	09-30-2019	0078	0001
PHOTO LINE-UP (LAWS)	09-30-2019	0081	0001
PHOTO LINE-UP (LAWS)	09-30-2019	0936	0004
PHOTO LINE-UP (LAWS)	09-30-2019	0940	0004
SENTENCING-RT	12-29-2020	1167	0005
SEVER-RT	10-29-2020	0466	0002
SEVER-RT	11-03-2020	0487	0002
SEVER-RT	11-05-2020	0518	0003
SEVER-SNIPES MOTION	10-22-2020	0441	0002
SEVER-STATE OPPOSITION	10-26-2020	0447	0002
TRIAL SETTING-MINUTE ORDER	03-17-2020	0376	0002
TRIAL SETTING-RT	06-23-2020	0415	0002
TRIAL SETTING-RT	07-30-2020	0419	0002
WITNESS LIST (STATE)	12-24-2019	0165	0001
WITNESS LIST (STATE) -2ND	02-24-2020	0313	0002
WITNESS LIST (STATE) -3RD	11-02-2020	0483	0002

**TABLE OF CONTENTS**

(APPELLANT'S APPENDIX)

NAME OF DOCUMENT	DATE	PAGE	VOLUME
PHOTO LINE-UP (ALBREGO)	09-25-2019	0072	0001
PHOTO LINE-UP (ALBREGO)	09-25-2019	0933	0004
PHOTO LINE-UP (ALBREGO)	09-30-2019	0075	0001
PHOTO LINE-UP (LAWS)	09-30-2019	0078	0001
PHOTO LINE-UP (LAWS)	09-30-2019	0081	0001
PHOTO LINE-UP (LAWS)	09-30-2019	0936	0004
PHOTO LINE-UP (LAWS)	09-30-2019	0940	0004
PHOTO LINE-UP (ALBREGO)	09-30-2019	0943	0004
GRAND JURY-RT	10-31-2019	0001	0001
INDICTMENT (PROPOSED)	10-31-2019	0052	0001
GRAND JURY INSTRUCTIONS	10-31-2019	0058	0001
GRAND JURY EXHIBITS	10-31-2019	0062	0001
INDICTMENT	11-01-2019	0086	0001
INDICTMENT-RT	11-01-2019	0095	0001
COMPETENCY-RT	11-07-2019	0100	0001
INDICTMENT (SUPERSEDING) -RT	11-14-2019	0106	0001
INDICTMENT (SUPERSEDING)	11-14-2019	0135	0001
GRAND JURY EXHIBITS	11-14-2019	0143	0001
METRO-TEMPORARY CUSTODY RECORD	11-20-2019	0084	0001
COMPETENCY-RT	12-06-2019	0155	0001
COMPETENCY-RT	12-12-2019	0159	0001
WITNESS LIST (STATE)	12-24-2019	0165	0001
EXPERT LIST (STATE)	12-24-2019	0165	0001
INDICTMENT (SUPERSEDING) -RT	01-09-2020	0168	0001
GRAND JURY EXHIBITS	01-09-2020	0204	0001
INDICTMENT (SUPERSEDING)	01-10-2020	0211	0001
INDICTMENT (SUPERSEDING) -RT	01-10-2020	0220	0001
INDICTMENT (SUPERSEDING) -AMENDED	01-14-2020	0226	0001
CONTINUE TRIAL-RT	01-14-2020	0235	0001
NEGOTIATIONS-RT	01-30-2020	0252	0002
BAD ACTS-STATE MOTION	02-19-2020	0261	0002
WITNESS LIST (STATE) -2ND	02-24-2020	0313	0002
EXPERT LIST (STATE) -2ND	02-24-2020	0313	0002
BAD ACTS-RT	03-03-2020	0317	0002
BAD ACTS-RT	03-05-2020	0337	0002
TRIAL SETTING-MINUTE ORDER	03-17-2020	0376	0002
OR RELEASE-SNIPES MOTION	04-14-2020	0377	0002
OR RELEASE-STATE OPPOSITION	04-30-2020	0384	0002



**TABLE OF CONTENTS**

(APPELLANT'S APPENDIX)

NAME OF DOCUMENT	DATE	PAGE	VOLUME
OR RELEASE-RT	05-05-2020	0392	0002
OR RELEASE-RT	05-07-2020	0399	0002
OR RELEASE-RT	05-21-2020	0405	0002
TRIAL SETTING-RT	06-23-2020	0415	0002
TRIAL SETTING-RT	07-30-2020	0419	0002
NEGOTIATIONS-RT	10-21-2020	0427	0002
SEVER-SNIPES MOTION	10-22-2020	0441	0002
SEVER-STATE OPPOSITION	10-26-2020	0447	0002
SEVER-RT	10-29-2020	0466	0002
WITNESS LIST (STATE)-3RD	11-02-2020	0483	0002
EXPERT LIST (STATE)-3RD	11-02-2020	0483	0002
SEVER-RT	11-03-2020	0487	0002
CALENDAR CALL-RT	11-04-2020	0500	0003
SEVER-RT	11-05-2020	0518	0003
INDICTMENT (SUPERSEDING)-3RD AMENDED	11-09-2020	0524	0003
JURY TRIAL (DAY ONE)-RT	11-09-2020	0534	0003
JURY TRIAL (DAY TWO)-RT	11-10-2020	0686	0003
EXHIBIT LIST	11-10-2020	0930	0004
EXHIBITS-RECEIPTS	11-10-2020	0946	0004
EXHIBITS-PHOTOS	11-10-2020	0976	0004
EXHIBITS-JUROR QUESTIONS	11-10-2020	0984	0004
JURY TRIAL (DAY THREE)-RT	11-12-2020	0993	0005
JURY INSTRUCTIONS	11-13-2020	1111	0005
JURY VERDICT	11-13-2020	1151	0005
JURY TRIAL (DAY FOUR)-RT	11-13-2020	1155	0005
SENTENCING-RT	12-29-2020	1167	0005
JUDGMENT OF CONVICTION	12-30-2020	1183	0005
JUDGMENT OF CONVICTIONN (AMENDED)	01-07-2021	1189	0005
COUNSEL-ORDER APPOINTING APPELLATE	01-12-2021	1194	0005
COUNSEL-RT	01-12-2021	1196	0005
NOTICE OF APPEAL	01-17-2021	1203	0005

1 Q. They were shopping, right?

2 A. Yes, sir.

3 Q. They were talking to you, right?

4 A. Yes, sir.

5 Q. They were trying to do returns, right?

6 A. Yes, sir.

7 Q. They even got one return through, true?

8 A. Yes, sir.

9 Q. You returned that money to the debit card?

10 A. Yes, sir.

11 Q. During all this time, nothing is flashed; right?

12 A. Yes, sir.

13 Q. After all this time that they entered the store,  
14 then the two gentlemen left with jerseys; true?

15 A. Yes, sir.

16 Q. All right. And nothing was flashed to you as they  
17 depart; true?

18 A. Yes, sir.

19 Q. At which point you followed them out of the store?

20 A. Yes, sir.

21 Q. Is that customary?

22 A. Say it one more time.

23 Q. Is that -- is that -- is that standard?

24 A. If the -- if the amount of the -- if the amount of  
25 theft is more than a grand total of like \$1,000 to \$1,500;

1 yes, it is.

2 Q. To -- to kind of follow them?

3 A. Metro, yeah. It's strictly Metro. When you -- when  
4 something like that happens, you call Metro straight ahead.  
5 There's nothing -- no security. It's strictly Metro.

6 Q. All right. So the question is, is it normal to  
7 follow them?

8 A. Yes, sir.

9 Q. All right. At any dollar amount?

10 A. Yes, sir.

11 Q. So you don't walk outside the store directly into  
12 the parking garage; true?

13 A. No, it's -- it's an indoor mall, so you have to walk  
14 through a hallway to go to -- outside to the parking garage.

15 Q. Right. About how long is that hallway?

16 A. Oh, I can't --

17 Q. Let's speak in terms of a football field.

18 A. About 25 yards, 30 yards.

19 Q. About 30 yards.

20 A. Yes, sir.

21 Q. All right. And that leads you to what?

22 A. A parking garage.

23 Q. All right. So there is -- at the end of that  
24 hallway there's a door?

25 A. Yes, sir.

1 Q. And that door goes to the parking garage?

2 A. Yes, sir.

3 Q. Directly?

4 A. Yes, sir.

5 Q. All right. And about how far behind the two  
6 gentlemen were you?

7 A. If they were at the -- the ten yard line, I was at  
8 the 35.

9 Q. All right. I was a Latin major, so I'm not able to  
10 do that kind of math.

11 A. So if they were at the goal line, if they were at  
12 the goal --

13 Q. Well, let's back that up. Just about how many feet  
14 behind them were you?

15 A. For --

16 THE COURT: And you're saying 25 yards; right?

17 THE WITNESS: Yeah. From me to the officer sitting  
18 down.

19 BY MR. HILL:

20 Q. All right. And that was down the hallway?

21 A. Yes, sir.

22 Q. All right. And then obviously the two gentlemen  
23 exited the door first?

24 A. Yes, sir.

25 Q. All right. And then the door probably closed all

1 the way --

2 A. Yes, sir.

3 Q. -- right?

4 A. Um-h'm.

5 Q. In that hallway, nothing was flashed to you; right?

6 A. No, sir.

7 Q. All right. And then you exited the door?

8 A. Yes, sir.

9 Q. The door closed behind you.

10 A. Yes, sir.

11 Q. And you see them in the parking garage?

12 A. Yes, sir.

13 Q. All right. And then you continued to walk a little  
14 bit in the parking garage?

15 A. Yes, sir.

16 Q. All right. At some point, they stopped?

17 A. Yes. At the -- in -- so it's a crosswalk between  
18 the door and the parking garage to -- for the tourists and  
19 employees to get in. From that spot right there, it's an  
20 under wall. And then in the back is the -- the back of the  
21 parking garage to where you can walk off and go that way.  
22 They were at the back of that parking garage.

23 Q. So all the way across the parking garage?

24 A. Yes, sir.

25 Q. All right. So -- so they exited the door? Right?



1           A.    Yeah.  They exited the door (indiscernible).  Yes,  
2  sir.

3           Q.    And then you exited the door behind them?

4           A.    Yes, sir.

5           Q.    And then they crossed the crosswalk --

6           A.    Yes, sir.

7           Q.    -- right?  And then you crossed the crosswalk behind  
8  them?

9           A.    Yes, sir.

10          Q.    And then the two gentlemen continued through the  
11 parking lot?

12          A.    Yes, sir.

13          Q.    And then you continued through the parking lot --

14          A.    No, sir.  I stayed.

15          Q.    You stayed?

16          A.    I stayed until I got back on the phone with Metro.  
17 Then that was that time that I got disconnected with Metro.

18          Q.    All right.  And so then there was some going back  
19 and forth with the phone?

20          A.    Yes, sir.

21          Q.    And then you got back on -- with your cell phone?

22          A.    Yes, sir.

23          Q.    And then you -- and then you kept walking?

24          A.    Yes, sir.  After they --

25          Q.    All right.

1           A.    -- they were already gone by the time I got back on  
2 the phone with them. I was figuring out where, well, not  
3 figuring out, looking to where they were going to give Metro  
4 that information.

5           Q.    Understand. So they were gone?

6           A.    No, they were not gone. I could see them still.

7           Q.    You could see them.

8           A.    Yes, sir.

9           Q.    And we still haven't been flashed anything --

10          A.    Yes, I had.

11          Q.    -- right?

12          A.    But when --

13          Q.    I -- I got you. All right. When did that exactly  
14 occur?

15          A.    When I got off the phone with Metro the first time  
16 when I -- the store phone had clicked off.

17          Q.    All right. So this is past the hallway --

18          A.    Yes, sir.

19          Q.    -- right?

20          A.    Uh-huh.

21          Q.    This is past the door?

22          A.    Yes, sir.

23          Q.    And this is past the crosswalk where it occurs?

24          A.    Yes, sir.

25          Q.    All right. In the parking garage?

1 A. Right there.

2 Q. All right. And that's where -- that's where it  
3 occurred?

4 A. Yes, sir.

5 Q. Gotcha. And it was the heavy set man who lifted his  
6 shirt up?

7 A. Yes, sir.

8 Q. All right. And what you saw was something in his  
9 waistband?

10 A. Yes, sir.

11 Q. And it was something black in his waistband?

12 A. It was black and it had a wooden handle.

13 Q. Okay. And it was tucked into the waistband?

14 A. Yes, sir. Under his belt loop.

15 Q. And we can agree that a portion was sticking up;  
16 right?

17 A. Yes, sir.

18 MR. HILL: Can I have one moment, Your Honor?

19 THE COURT: Sure.

20 BY MR. HILL:

21 Q. Certainly, after this incident you spoke to police;  
22 right?

23 A. Yes, sir.

24 Q. Police responded to the scene?

25 A. Yes, sir.

1 Q. And they wanted to talk to you about what you saw?

2 A. Yes, sir.

3 Q. All right. And you told them what you saw?

4 A. Yes, sir.

5 Q. And that was moments after what you saw; right?

6 A. Yes, sir.

7 Q. And that was over a year ago?

8 A. Yeah.

9 Q. All right.

10 A. Exactly, yeah. Yes, sir.

11 Q. So when you talked to the police about what you saw,  
12 it was moments after what you saw; true?

13 A. Yes, sir.

14 Q. All right. And as we sit here today talking to the  
15 jury we're about a year and a month and a -- 13-and-a-half  
16 months out; right?

17 A. Yes, sir.

18 Q. All right. And certainly, it wasn't -- it was a  
19 pretty official conversation you had with the police; right?

20 A. Yes, sir.

21 Q. You know, they were probably writing things down?

22 A. Yes, sir.

23 Q. You saw the cops writing things down?

24 A. Yes, sir.

25 Q. And you probably talked to a number of officers;

1 right?

2 A. Five.

3 Q. One -- one in particular?

4 A. Yes. There was five of them in the office.

5 Q. All right. And you told police on that day, that  
6 you saw what you believed to be a black handle; true?

7 A. Yes, sir.

8 Q. And this isn't the first time that you've testified  
9 about the things that happened in this case; true?

10 A. Yes, sir.

11 Q. In other words, you've -- you've sat in a witness  
12 stand and talked about this stuff before; haven't you?

13 A. Yes, sir.

14 Q. All right. And you are -- you're under oath today;  
15 right?

16 A. Of course.

17 Q. And you were under oath just the same when you  
18 talked about this stuff before --

19 A. Yes, sir.

20 Q. -- right? And you remember giving that -- that  
21 testimony before; right?

22 A. Yes, sir.

23 Q. And that was your opportunity again, you were being  
24 asked questions to talk about everything that happened on that  
25 day, September 20th; true?



1 A. Yes, sir.

2 Q. And during that time you didn't say anything about a  
3 wooden handle; did you?

4 A. No, sir.

5 Q. So we can agree, at a minimum, that what the heavy  
6 set guy flashed was -- was a black something. We can agree  
7 with that?

8 A. Yes, sir.

9 Q. Very well. And when you talked to 911, that was the  
10 first time you were telling someone about what you saw; right?

11 A. Yes, sir.

12 Q. And that happened immediately after what you saw;  
13 right?

14 A. I'm confused with the question, sir.

15 Q. All right. That happened moments after what you saw  
16 is when you were telling 911 what you saw?

17 A. No, sir. Spur of the moment, adrenalin was rushing,  
18 super scared at the same time.

19 Q. Right. Okay. Let -- let me -- let me come at this  
20 a different way. It wasn't an hour later that you were --  
21 that you were on 911 telling them --

22 A. Oh, no, sir. No, sir.

23 Q. -- what happened?

24 A. Yeah.

25 Q. It was moments after what you saw is when you were

1 on 911 --

2 A. Yes, sir.

3 Q. -- right?

4 A. Yes, sir.

5 Q. Not even five minutes later --

6 A. Yes, sir.

7 Q. -- right? Moments later. All right.

8 And you said on the 911 call, did you not, the guy

9 -- the heavy set guy looked like he was clutching?

10 A. Yes.

11 Q. Thank you, so much, sir.

12 MR. HILL: Judge, that's all I have.

13 THE COURT: All right.

14 Let's clean that off. James, let's -- let's clean  
15 that off real quick and redirect.

16 All right. Redirect?

17 REDIRECT EXAMINATION

18 BY MR. SCARBOROUGH:

19 Q. So you heard him ask you about different things  
20 about descriptions of this something that he flashed you --

21 A. Yes, sir.

22 Q. -- do you remember that?

23 A. Yes, sir.

24 Q. Was it a something or was it a gun?

25 A. It was a gun.

1 Q. And you know that for sure?

2 A. Yes, sir.

3 Q. Okay. You described it as black and then he asked  
4 you about you saying something with a wooden handle; correct?

5 A. Yes. I was never asked that question. No, sir.

6 Q. I'm sorry?

7 A. I was never asked that question to begin with, so.

8 Q. Okay. I mean, so something can -- a pistol can be  
9 black and then have a wooden handle too, right?

10 A. Yeah, of course.

11 Q. Yeah. As --

12 A. Yes, sir.

13 Q. -- and you're familiar with guns?

14 A. Yes, sir.

15 Q. Okay. So I'm going to ask again, are you mistaken  
16 that it was a gun?

17 A. No, sir.

18 Q. Is -- would you stop running after him if you didn't  
19 think it was a gun?

20 A. Of course.

21 Q. Yeah?

22 A. Yeah.

23 Q. Of course? So walking back to when defense was  
24 asking you about, you pursue people no matter what theft is  
25 occurring in your store?

1 A. Yes sir.

2 Q. Okay. Just that you can't look and eyeball and see  
3 the value of an item because you can't just tell everything  
4 that they have?

5 A. Exactly. Yes, sir.

6 Q. Am I correct on that?

7 A. Yes, sir.

8 Q. But what triggered something different, as he was  
9 asking --

10 MR. HILL: I'm sorry, Judge. I just have to object  
11 to the leading a little bit.

12 THE COURT: Okay. You are leading, counsel.

13 Go ahead.

14 MR. SCARBOROUGH: Okay.

15 BY MR. SCARBOROUGH:

16 Q. Do you recall when he asked you if it was normal to  
17 pursue people?

18 A. Yes, sir.

19 Q. Okay. Do you recall asking -- do you recall  
20 answering that calling Metro is what isn't normal?

21 A. I'm confused, because it is normal.

22 Q. Based on the amount?

23 A. Yes. Yes, sir.

24 Q. Okay. So certain amounts will you not call Metro?

25 A. Of course. But we still will take pictures of --

1 with our personal cell phones and give it to our security

2 which gives it to Metro.

3 Q. Okay. So the bottom line is there are times where  
4 the amount looks to your eyes so small, you won't call Metro?

5 A. Yes, sir.

6 Q. You called Metro in this case?

7 A. Yes, sir.

8 Q. Okay. Why?

9 A. Because it was a lot.

10 Q. Okay.

11 A. And I know how much those are worth. And it was an  
12 official and they -- NBA had just got a Nike contract so that  
13 was -- it was a lot, it was a lot.

14 Q. Okay. And as you said, right here, right now, 15?

15 A. Yes, sir. 15 to 20. Yes, sir.

16 Q. Okay.

17 MR. SCARBOROUGH: Nothing further.

18 THE COURT: All right. Any recross?

19 MR. HILL: No, thank you, Your Honor.

20 THE COURT: All right.

21 Does any member of the jury have a question that it  
22 would like to ask the witness? If so, write that question  
23 down on a clean sheet of paper with your juror number and  
24 signal at the Marshal.

25 Is there anyone? I'm not seeing any hands.



1 All right. Thank you so much for your testimony  
2 today, sir. You are excused.

3 THE WITNESS: Thank you so much.

4 Well, this is a good time for us to -- to be taking  
5 a break.

6 We'll take a 15-minute break. I encourage you to  
7 get back as soon as possible. If you get back before 15  
8 minutes, we'll probably try to get started before then.

9 While you're out there, do not talk to each other  
10 about this case. Do not talk to -- to anyone else about the  
11 case. Do not let anyone talk to you about the case. If  
12 somebody should try to talk to you about the case, please let  
13 the Marshal know. Do not do any research, experimentation, or  
14 investigation on your own. Do not -- well, you really won't  
15 have time to visit the scene of any place mentioned so far  
16 during the trial, but don't do any of that.

17 And do not begin to form or express any opinion on  
18 the case until it is finally submitted to you.

19 We'll see you back in 15 minutes.

20 THE MARSHAL: All rise for the jury.

21 (Outside the presence of the jury.)

22 THE COURT: Okay. Is the next one going to be your  
23 witness appearing by BlueJeans?

24 MR. SCARBOROUGH: No. We have a witness who's been  
25 here.

1 THE COURT: Okay. That's fine.

2 MR. SCARBOROUGH: Samantha Alvarez.

3 THE COURT: All right. We'll -- we'll clean up  
4 everything. And as soon as they are all back, let me know and  
5 we'll get started. So don't -- anything else before we take  
6 our own break?

7 MR. SCARBOROUGH: Do you have anything else before  
8 we take our break?

9 MR. HILL: No, thank you, Your Honor.

10 MR. SCARBOROUGH: No, thank you, Your Honor.

11 THE COURT: All right. We'll see you back in just a  
12 few.

13 (Court recessed at 10:22 a.m., until 10:39 a.m.)

14 (Outside the presence of the jury.)

15 MR. SCARBOROUGH: Just so you know, I -- I pushed  
16 the -- the A/V testimony, since we already have two witnesses  
17 here, I pushed it to the afternoon, because he has to go get a  
18 COVID test anyway.

19 THE COURT: That's fine. I had the IT guy come  
20 down.

21 THE COURT RECORDER: Yeah. I talked to him already.

22 THE COURT: All right. So, all right. We'll make  
23 it work. All right. Let's get them in here.

24 (Jury enters at 10:40 a.m.)

25 THE MARSHAL: All rise for the jury.

1 (Inside the presence of the jury.)

2 THE COURT: Do the parties stipulate to the presence  
3 of the jury panel?

4 MR. HILL: Yes, Your Honor.

5 MR. SCARBOROUGH: Yes.

6 MR. LEXIS: Yes.

7 THE COURT: And I don't think I confirmed it when we  
8 first -- but I -- do the parties stipulate to the presence of  
9 the jury panel when we went in to start it today with the  
10 opening statements?

11 MR. SCARBOROUGH: Yes, Judge. They've been here all  
12 day.

13 MR. HILL: Absolutely. Yes.

14 THE COURT: Okay. All right.

15 Thank you, ladies and gentlemen. We're going to  
16 continue with the trial and the State may call its next  
17 witness.

18 MR. SCARBOROUGH: The State calls Samantha Alvarez.  
19 Judge, may I approach to grab an exhibit, please?

20 THE COURT: Sure.

21 MR. SCARBOROUGH: Thank you, sir.

22 (Mr. Scarborough approaches Clerk.)

23 THE MARSHAL: Watch your step, ma'am.

24 THE COURT: All right. Ma'am, there's one step  
25 there. When you get to the top, stay standing for just a

1 second. Come on up.

2 THE WITNESS: Oh.

3 THE COURT: Stay standing for just a second and our  
4 Clerk here will swear you in.

5 THE CLERK: Are you ready?

6 THE COURT: Yep.

7 SAMANTHA ALVAREZ, STATE'S WITNESS, SWORN

8 THE CLERK: Please be seated.

9 Please state and spell your first and last name for  
10 the record.

11 THE WITNESS: My name is Samantha Alvarez.  
12 S-a-m-a-n-t-h-a, A-l-v-a-r-e-z.

13 THE CLERK: Thank you.

14 THE COURT: Okay. Can I get you to scoot up as  
15 close as you can, because we need to -- with the plexiglass it  
16 muffles the sounds really, really well. And so we need to  
17 rely on the microphones so.

18 THE WITNESS: Okay.

19 THE COURT: Thank you.

20 THE WITNESS: No problem.

21 MR. SCARBOROUGH: May I proceed?

22 THE COURT: Go ahead, counsel.

23 MR. SCARBOROUGH: Thank you, sir.

24 //

25 //

1 DIRECT EXAMINATION

2 BY MR. SCARBOROUGH:

3 Q. Good morning.

4 A. Good morning.

5 Q. How are you currently employed?

6 A. I am a store manager. Now, I'm located at the  
7 Fashion Show Foot Locker.

8 Q. And when you say now you're located, were you  
9 located at another store previously?

10 A. Yes.

11 Q. Okay. I want to take you back to September 29th of  
12 last year, of 2019. Were you a store manager at another  
13 location?

14 A. Yes, I was.

15 Q. Where were you the store manager of?

16 A. I was the store manager at Downtown Summerlin  
17 located in Foot Locker.

18 Q. Okay. And is that here in Clark County, Las Vegas  
19 Nevada?

20 A. Yes, it is.

21 Q. Okay. So we've heard testimony a little bit before,  
22 but just remind the members of the jury, so what are your  
23 general duties as a store manager?

24 A. I overlook sales, inventory. We do training,  
25 hiring, I mean, any -- every -- we do everything like that.



1 Q. Okay. So I just want to -- you do everything?

2 A. Yeah.

3 Q. So I just want to focus on, you oversee retail sales  
4 and inventory; is that correct?

5 A. Yes.

6 Q. Okay. And as a part of those duties, are you  
7 required to have pretty much an intricate knowledge of your  
8 inventory that you have in the store?

9 A. Yes.

10 Q. Okay. Are you -- do you have personal intricate  
11 knowledge of the pricing of the items that are in your store?

12 A. Yes.

13 Q. Okay. Are you routinely required to interact with  
14 your information management systems pertaining to your  
15 inventory?

16 A. Yes.

17 Q. Okay. And do you interact with them on a daily  
18 basis as a part of your duties as a manager?

19 A. Yes, I do.

20 Q. Do you also interact and are you also familiar with  
21 the record system that is associated with your loyalty  
22 program?

23 A. Yes, I am.

24 Q. What is your loyalty program called?

25 A. Right now it's called the FLX program.

1 Q. F -- so FLX for short?

2 A. Yes.

3 Q. Okay. And we -- again, we've heard a little bit of  
4 testimony on that, but just remind the members of the jury.  
5 So what's the rewards system like? How do you sign people up  
6 and what information do you take?

7 A. So as soon as they get to the POS, we ask them if  
8 they want to sign up for our program. It's not --

9 THE COURT: Let me stop you. You said POS. What do  
10 you mean by POS?

11 THE WITNESS: Our -- our point system. So our  
12 points, like the point of sale to the cash register.

13 THE COURT: All right.

14 THE WITNESS: Sorry.

15 BY MR. SCARBOROUGH:

16 Q. So POS is an acronym for point of sale?

17 A. Yes.

18 Q. Okay. Go ahead.

19 THE COURT: I'm sorry to interrupt you but --

20 THE WITNESS: Oh, that's okay.

21 So as soon as the customer gets to the cash register  
22 they -- we ask them if they want to be part of our program.  
23 If they say, yes, they -- they can say yes. They can decline  
24 if they don't want to sign up. If they do say yes, we just  
25 ask for basic information, first and last name, e-mail, phone

1 number, and zip code.

2 BY MR. SCARBOROUGH:

3 Q. Now, when you get that information at the point of  
4 sale, sometimes you won't at the point of sale; is that  
5 correct?

6 A. Yes.

7 Q. Okay. Is that just because you're more driven to  
8 make the sale and that's okay?

9 A. Yes.

10 Q. Okay. At times when merchandise is returned, is  
11 that more common to get people to sign up to that loyalty  
12 program?

13 A. Yes. And now we ask because we do keep their  
14 receipts on file.

15 Q. Okay. So when you, as a manager and when you're  
16 interacting in the loyalty system database, do you interact  
17 with that routinely and every day?

18 A. Every day.

19 Q. Okay. Are you familiar with all the records or what  
20 records are from that loyalty center database?

21 A. Yes.

22 Q. Okay. So I am going to publish State's -- what's  
23 been admitted into evidence as State's Exhibit 11.

24 MR. SCARBOROUGH: I know it's going to be a delay.  
25 How do I get rid of the yellow hue or --

1 THE COURT RECORDER: We can't get rid of it.

2 THE MARSHAL: Turn the light on.

3 THE COURT RECORDER: Try hitting the AF button.

4 THE COURT: I think you did a pretty good job there.

5 MR. SCARBOROUGH: Wow. There we go. As I figure  
6 out how to work technology.

7 BY MR. SCARBOROUGH:

8 Q. Okay. So I'm zooming in on the first page of  
9 State's 11. Okay. As I grab my pen. So can you see that,  
10 ma'am?

11 A. Yes, I can.

12 Q. Okay. So what is this that we're looking at here?

13 A. It looks like a copy of a receipt. And it has the  
14 customer's first, last name, and their information for their  
15 loyalty.

16 Q. Okay. So is this information that you would get  
17 from the loyalty system database?

18 A. Yes.

19 Q. Okay. Now, just to walk through some of the  
20 information. When we're looking at store, is -- what does  
21 that mean?

22 A. Location.

23 Q. Okay. And that's just a specific store number?

24 A. Yes.

25 Q. Okay. And is that store number location with the

1 Meadows Mall?

2 A. Yes, that is.

3 Q. Okay. We're looking at Register 2. What does that  
4 mean?

5 A. The register that this transaction was done on.

6 Q. Okay. And as we go through this information here,  
7 is this information the accurate encapsulation of the time and  
8 date of the transaction?

9 A. Yes.

10 Q. Okay. So this transaction on these records took  
11 place at 8:00 p.m. on 9/20/2019?

12 A. Yes.

13 Q. At the Meadows Mall Foot Locker?

14 A. Yes.

15 Q. Okay. And when we see the cashier, is that the  
16 cashier who conducted the sale?

17 A. Yes.

18 Q. Okay. Now, let's look at customer. What's the  
19 customer's name in this?

20 A. Andre Snipes.

21 Q. And you're reading that from the record; correct?

22 A. Yes.

23 Q. All right. Now, how is that Andre Snipes name  
24 displayed or associated with this record?

1 A. It's --

2 Q. How did that come to be?

3 A. It is his loyalty program.

4 Q. Okay. So someone named Andre Snipes signed up for  
5 the loyalty program in Foot Locker and was assigned a profile  
6 and created an identity in that system; is that --

7 A. Yes.

8 Q. -- correct? Okay. So then we go down and we look  
9 at loyalty and we see 8204. Is that -- what does that mean?

10 A. That's the last four of his loyalty account.

11 Q. Okay. So this is Andre Snipes's loyalty account  
12 with Foot Locker?

13 A. Yes.

14 Q. And a record [inaudible]. Okay. So we're looking  
15 at something right here circling the bottom. It says, NKLAL  
16 and a bunch of letters. What does that mean?

17 A. So NKLAL is the Nike Lakers Yellow White Anthony  
18 Davis Jersey.

19 Q. So Anthony -- so this is a transaction with an  
20 Anthony Davis Jersey, a Lakers Jersey?

21 A. Yes.

22 Q. Okay. And this transaction took place at 8:00 p.m.?

23 A. Yes.

24 Q. Okay. So flipping to page 2 of State's 11 -- sorry,

1 I'll center it -- is this a continuation of that same record  
2 and receipt?

3 A. Yes.

4 Q. Okay. So as I go up to the top of the page it says,  
5 999 saleable. What does that mean?

6 A. That the item was in good condition.

7 Q. Meaning that you would purchase it back or anything  
8 [inaudible]?

9 A. Yes, that we can resell it back from the sales  
10 floor.

11 Q. Okay. We see this minus 110. What does that mean?

12 A. That it was returned, not purchased.

13 Q. And is that the price of the jersey?

14 A. Yes, it is.

15 Q. So the price of the Anthony Davis NBA Jersey is 110?

16 A. Yes.

17 Q. Okay. And that's all the way down, 110, 110, 110?

18 A. Yes.

19 Q. Okay. We also see -- let's go down to the NKLAL  
20 White Anthony Davis one, this entry.

21 A. Yes.

22 Q. It says, 999 saleable. Correct?

23 A. Yes.

24 Q. What does this next line say?

1           A.    That the item -- that the customer did not have a  
2 receipt.

3           Q.    Okay.  So is it common for you guys to return items  
4 without receipts?

5           A.    Yes.

6           Q.    Okay.  Is that because want to facilitate a customer  
7 service relationship?

8           A.    Yes.

9           Q.    Okay.  And again, the sales associate is Elvin C.?

10          A.    Yes.

11          Q.    The same associate.  So as we go down, we see the  
12 various entries of return without receipt, we're seeing --  
13 what is this one right here that my pen's next to?

14          A.    Another -- it's another -- another Anthony Davis  
15 jersey.

16          Q.    The next one?

17          A.    Is a Williamson Jersey navy and gold.

18          Q.    Z Williamson Zion?

19          A.    Yes.

20          Q.    Okay.  And the next one?

21          A.    Another Zion jersey, navy and gold.

22          Q.    Okay.  And so we see all these minus 110s, that  
23 means what?

24          A.    They were returned without -- they were returned,



1 not purchased.

2 Q. All right. So looking at the bottom of this  
3 transaction we see this area of information that I'm circling.  
4 Sorry. This area of information that I'm circling. Do you  
5 see it?

6 A. Yes.

7 Q. Okay. We're looking at looking at, issue gift card.  
8 What does that mean?

9 A. That he was given store credit.

10 Q. And was it put on a gift card?

11 A. It was put on a gift card, yes.

12 Q. What is the 4494 number?

13 A. The last four digits of the gift card.

14 Q. Okay. So that would mean that \$250 were put on a  
15 gift card ending in 4494?

16 A. Yes.

17 Q. This entry down here where it says 2557, does that  
18 mean the same thing?

19 A. Yes, it does.

20 Q. But it was 226?

21 A. Yes.

22 Q. Okay. So total, these Anthony Davis, Zion  
23 Williamson and other jerseys that were returned were returned  
24 for a total of what, right here?

1           A.    \$476.32.

2           Q.    Okay.  So there's more records on this that we'll  
3 briefly go through, but so this record indicates what, that  
4 happened at this store?

5           A.    That he came into the store with jerseys with no  
6 receipt and returned them for store credit --

7           Q.    Okay.  And "he" --

8           A.    -- under his account.

9           Q.    -- meaning Andre Snipes?

10          A.    Yes.

11          Q.    Okay.  Now, flipping through the third page of  
12 State's Exhibit 11, we're not going to go through every single  
13 thing, but basic -- the basic data that we had already gone  
14 through.  So we're at the Fashion Show Mall.

15          A.    Okay.

16          Q.    On 9/21.  Is that correct?

17          A.    Yes.

18          Q.    Okay.  And then this took place at 9:29 -- or sorry,  
19 12:29 p.m.?

20          A.    Yes.

21          Q.    Okay.  Again, what's the customer here?

22          A.    The customer is Andre Snipes.

23          Q.    All right.  So these are various items that we're  
24 looking down the list like XPLRBK White.  What does that mean?

1           A.    That's an -- that's an Adidas model.  It's an  
2 explorer.  It's a black and white one.

3           Q.    Okay.  And then we see JRDN retro 12.

4           A.    Jordan Retro 12.

5           Q.    Okay.  And then these are the associated prices with  
6 them?

7           A.    Yes.

8           Q.    We don't see minuses here; correct?

9           A.    Yes.

10          Q.    Why is that?

11          A.    They were purchased.

12          Q.    Okay.  So these items were purchased; correct?

13          A.    Yes.

14          Q.    Okay.  And then so we flip to the next page, page 4  
15 of State's Exhibit 11.  We see a total of 409.17 --

16          A.    Yes.

17          Q.    -- is that correct?  What is that a total of?

18          A.    409.17 of those shoes --

19          Q.    Oh, the items that we listed?

20          A.    -- that you just showed, yes.

21          Q.    Okay.  So this record indicate how those items were  
22 purchased?

23          A.    Yes.

24          Q.    Okay.  And what were they purchased with?  Start at  
25 the top.

1 A. A gift card ending in 4494.

2 Q. Okay. Now, flipping back to 9/20. Is that the same  
3 gift card that we're referring to on page 2 of Exhibit 11, the  
4 gift card ending in 4494?

5 A. Yes.

6 Q. Okay. And so when we look at -- what is this right  
7 here? What does that balance of zero mean?

8 A. That gift card is maxed out.

9 Q. Okay. And then going down we see another gift card.  
10 used of 2557?

11 A. Yes.

12 Q. Okay. Is that the same gift card issued on 9/20 on  
13 page 2 of State's 11 of 2557?

14 A. Yes.

15 Q. Okay. And then what does this information right  
16 here indicate to you?

17 A. That there's still a balance of \$67.15 on that gift  
18 card.

19 Q. But that was -- that whole gift card, both gift  
20 cards were maxed out?

21 A. No, just -- only one gift card was maxed out and  
22 then the second one was a balance.

23 Q. Sorry. I misread that. Thank you.

24 A. That's okay.

25 Q. Okay. So quickly we'll go again through this stuff.

1 So we're looking at page 5 of State's 11. We're looking at a  
2 transaction of 9/24?

3 A. Yes.

4 Q. And where is that located?

5 A. At Meadows Mall.

6 Q. Okay. Again, with -- who's the customer?

7 A. Andre Snipes.

8 Q. And the time on this?

9 A. 2:54.

10 Q. All right. We're looking at the same coding as we  
11 did before, a saleable, return without receipt, is that  
12 correct?

13 A. Yes.

14 Q. Okay. And what is this code representative of?

15 A. That is a Nike LeBron Kobe Bryant jersey. I mean,  
16 sorry, it's --

17 Q. So --

18 A. -- Nike Lakers yellow Bryant jersey.

19 Q. Kobe Bryant?

20 A. Yes.

21 Q. Number 8?

22 A. Yes.

23 Q. Okay. And then we see the prices here; correct?

24 A. Yes.

25 Q. And then we see the prices here; correct?

1 A. Yes. And what was it returned for?

2 A. So the price is originally 120. They must have went  
3 on sale through the last 60 days. So they marked it down to  
4 the lowest selling price which was 89.99.

5 Q. Okay. And then with tax included in the refund he  
6 was refunded how much, 97?

7 A. I don't see.

8 Q. Sorry.

9 A. That's okay. 97.41.

10 Q. And again, issued a key -- a gift card with 5981?

11 A. Yes.

12 Q. All right. So now I'm going to keep going through  
13 these. We're on page 6 of State's 11, 9/26/2019 transaction;  
14 correct?

15 A. Yes.

16 Q. And this is located at the Fashion Show Mall?

17 A. Yes.

18 Q. At the time of 10:14?

19 A. Yes.

20 Q. And who's the customer?

21 A. Andre Snipes.

22 Q. All right. And then we look at another transaction  
23 here. We're looking at saleable verified return?

24 A. Yes.

25 Q. What does that mean?

1 A. That means he had a receipt present with him.

2 Q. XPLR black and white?

3 A. That's an Adidas black and white shoe.

4 Q. Okay. Is that the same one as located on page 3 of  
5 State's 11?

6 A. Yes.

7 Q. Bought with the gift cards before at 9/21? Do you  
8 see what I'm talking about here?

9 A. Yes.

10 Q. Okay. And then so we see JRDN Retro 12; is that  
11 correct? Right here?

12 A. Yes.

13 Q. Okay. And then another verified return?

14 A. Yes.

15 Q. Okay. So that would indicate you had a receipt for  
16 that transaction, or he did, anyway?

17 A. Yes, he did.

18 Q. Okay. Flipping to page 8, Roller Crew, again,  
19 verified returns; correct?

20 A. Yes.

21 Q. Okay. So what was -- what does this all mean right  
22 here when it says 923 Citron? What is that transaction?

23 A. So he must have did an exchange. So he returned  
24 those items and then bought a different item under that same  
25 transaction.

1 Q. So under your policy, when you do an exchange of  
2 items, you can exchange an item for a different store?

3 A. Yes.

4 Q. Is that what happened right here?

5 A. Yes.

6 Q. Okay. And then what does this mean?

7 A. He had a difference of \$14, so he had to -- we had  
8 to give him -- issue a gift card for him for \$15.15.

9 Q. And that gift card was last 1699?

10 A. Yes.

11 Q. Okay. Looking to the next page, we're at 10/6;  
12 correct?

13 A. Yes.

14 Q. Okay. And this is at the Meadows Mall?

15 A. Yes.

16 Q. And again, Andre Snipes?

17 A. Yes.

18 Q. Okay. A return without receipt. Is that another  
19 return without receipt transaction?

20 A. Yes.

21 Q. Okay. And he was given what?

22 A. \$216.50.

23 Q. Okay. And a gift card ending in what?

24 A. 3027.

25 Q. Okay. And then going down to the bottom of the



1 page, 10/6. Correct?

2 A. Yes.

3 Q. Meadows Mall? Yes?

4 A. Yes.

5 Q. All right. Okay. And again, who is this?

6 A. Andre -- Andre Snipes.

7 Q. And that's the customer; correct?

8 A. Yes.

9 Q. Okay. And what does this transaction indicate?

10 A. That he did a return without a receipt for \$140.

11 Q. Okay. And then he was -- it's -- again, then he was  
12 issued a gift card ending in 8857 of \$151?

13 A. Yes.

14 Q. Okay. So flipping to the next page. What are we  
15 looking at here? What is this?

16 A. His account. His --

17 Q. Is that a screen shot of the loyalty account?

18 A. Yes, that is.

19 Q. And you see the name Andre Snipes?

20 A. Yes.

21 Q. Okay. We see various information here like a phone  
22 number and an e-mail; correct?

23 A. Yes.

24 Q. Okay. And that's information that's taken in by the  
25 representatives of Foot Locker when they're putting in loyalty

1 information?

2 A. Yes.

3 Q. Okay. And flipping to the next page. What is this  
4 right here?

5 A. So it's his reward summaries letting you know what  
6 -- how many points he has, how long he's been a member. And  
7 his transaction history. So all the transactions he did with  
8 that loyalty.

9 Q. Okay. So he was a member since when, based on this  
10 record?

11 A. 9/20/2019.

12 Q. Okay. And then again, just to run through, these  
13 are transactions taking place on 10/7; correct?

14 A. Yes.

15 Q. Right here. And then flipping back. The last page  
16 of State's 11, is another transaction for 10/7/19; correct?

17 A. Yes.

18 Q. And that took place at the Miracle Mile?

19 A. Yes.

20 Q. Okay. Okay. So what does that -- again, what do  
21 those records indicate? All these records indicate  
22 transactions done by who?

23 A. By Andre Snipes.

24 Q. At these various businesses; correct?

25 A. Yes.

1 Q. Okay. So when you were working at the Downtown  
2 Summerlin location last year on September 29th, 2019, did you  
3 come into contact with Andre Snipes?

4 A. Yes.

5 Q. How did you come into contact with Andre Snipes?

6 A. He came into the store.

7 Q. Okay. And what did --

8 A. Went straight into the store and went straight to  
9 the jerseys.

10 Q. Okay. Was he with anybody?

11 A. Yes, he was.

12 Q. Okay. And what -- what does -- well, what did Andre  
13 Snipes and that other person do when they came into the store?

14 A. They went straight to the jersey section and --  
15 located on the other side of our store, which is called HOH,  
16 picked up a bunch of jerseys. Andre Snipes was actually going  
17 out one direction. He was trying to go out the same direction  
18 he came in. And the other gentleman that was with him was  
19 going out HOH, because we had two entrances in the store.

20 And then he called down and said, hey, this door is  
21 open. Come this way. Then Andre Snipes turned around and  
22 then he went there out -- he went out the second entrance.

23 Q. So can you describe Andre Snipes for the members of  
24 the jury?

25 A. He was a lighter complexion than the other gentleman

1 that he was with. He was bald head.

2 Q. Okay. And can you describe the other gentleman?

3 A. The other guy was darker. He had glasses on with a  
4 low Afro.

5 Q. Okay. So --

6 MR. SCARBOROUGH: Publishing State's 17.

7 BY MR. SCARBOROUGH:

8 Q. Who are we looking at her?

9 A. Gregory Morgan.

10 Q. So you know this man's name?

11 A. Yes.

12 Q. Okay. How were you able to learn Gregory Morgan's  
13 name?

14 A. So he came in the night -- a couple nights before.  
15 I want to say -- I wasn't the associate, but he was with my  
16 co-manager Ruby, and she recognized him when he came in to do  
17 a return and he used a loyalty number as well.

18 Q. Okay. So to be fair, so on 9/29, were you working  
19 with Ruby?

20 A. Yes, I was.

21 Q. Did this person enter the store on 9/29?

22 A. Yes, he did.

23 Q. Okay.

24 MR. SCARBOROUGH: May I approach, Your Honor?

25 THE COURT: Go ahead.

1 MR. SCARBOROUGH: Okay.

2 BY MR. SCARBOROUGH:

3 Q. I'm showing you State's 16.

4 A. Yes.

5 Q. Who is the gentleman in this photograph?

6 A. That's Andre Snipes.

7 Q. Okay.

8 MR. SCARBOROUGH: I'm not going to publish this.

9 THE COURT: No, I understand. Mr. Hill?

10 What Exhibit Number was that, for identification  
11 purposes?

12 MR. SCARBOROUGH: State's Exhibit 16.

13 THE COURT: All right. Mr. Hill, do you concur that  
14 that was a photograph of Mr. Snipes?

15 MR. HILL: I do, Your Honor.

16 THE COURT: All right. The record will reflect  
17 identification of a photograph of Mr. Snipes.

18 BY MR. SCARBOROUGH:

19 Q. Okay. So Mr. Snipes was in that store that day?

20 A. Yes, he was.

21 Q. Okay. Now, when you said "they walked straight  
22 back" be specific in terms of the description.

23 So they entered the store at the same time?

24 A. Yes.

25 Q. Gregory Morgan and Andre Snipes?

1           A.    Yes.  They came in at the same time.

2           Q.    Okay.  And then at the same time, what did both of  
3 those two men do?

4           A.    Well, Gregory Morgan was the one that was leading  
5 Snipes to the jerseys.  So he was like a little bit a head of  
6 him.  He led him to the jerseys.  They were looking at the  
7 jerseys.  Picked up the jerseys.  And then that's when they  
8 was trying to leave out.

9           Q.    So both of those two, Andre Snipes and Gregory  
10 Morgan, left?

11          A.    Yes.

12          Q.    Okay.  They -- did they attempt to even conduct any  
13 transaction?

14          A.    No.

15          Q.    Did they try to stop when they went to the register?

16          A.    No.

17          Q.    Did they even make a gesture towards the register?

18          A.    No.

19          Q.    So when you are, as a manager, as you had testified  
20 before, you're tasked with knowing and understanding what  
21 items you have and don't have; correct?

22          A.    Yes.

23          Q.    Okay.  And were you familiar with your inventory  
24 that day?

25          A.    Yes, I was.

1 Q. Okay. After the -- so roughly -- or how many items  
2 do you believe Gregory Morgan and Andre Snipes took from your  
3 store at Foot Locker at Summerlin -- Downtown Summerlin that  
4 day?

5 A. After we did an inventory check it was 21 jerseys.

6 Q. So you said you did an inventory check. What does  
7 that mean?

8 A. So we had to go back and view the cameras, recount  
9 the jerseys that were sitting in that area and count how many  
10 jerseys were missing from each cutaway.

11 Q. So you were familiar with how many jerseys were in  
12 that area before those two men came and took them?

13 A. Yes.

14 Q. And then afterwards what is the number of jerseys  
15 that was not -- that were not in that area taken by those two  
16 men?

17 A. 21.

18 Q. 21 NBA jerseys?

19 A. It was 21 NBA jerseys. It was three different  
20 models.

21 Q. Okay. And based on your knowledge and just the  
22 records that we had explored, how much does an NBA jersey  
23 cost?

24 A. \$110.

25 Q. Okay. And as your inventory of the 21 jerseys that

1 were taken, what was the amount that you ultimately concluded  
2 was -- the value was -- that was taken?

3 A. Like around \$2300.

4 Q. Around \$2300?

5 A. Yes.

6 Q. Okay.

7 MR. SCARBOROUGH: Brief indulgence, Your Honor.

8 THE COURT: Sure.

9 MR. SCARBOROUGH: I'll pass the witness. Thank you.

10 THE WITNESS: Yeah.

11 THE COURT: All right. Clean -- clean off the  
12 attorney's stand area and we'll let Mr. Hill have an  
13 opportunity to cross-examination.

14 MR. HILL: Well, before Brian gets too into it,  
15 Judge, I don't have any questions.

16 THE COURT: Oh. Does any member of the jury have  
17 any questions for this witness? If so, write it on a clean  
18 sheet of paper with your juror number and then signal.

19 All right. I have one hand. Write it on a sheet of  
20 paper. Oh, two. Did I get three? All right. Well, like I  
21 said, write it on a clean sheet of paper with your juror  
22 number.

23 Why don't you guys get over here to the door and  
24 we'll cut down a little bit of the travel time.

25 While she's writing, you want to -- oh, is she done?



1 Okay.

2 (Sidebar begins.)

3 (Off-record colloquy.)

4 THE COURT: All right. Juror No. 4. Is the loyalty  
5 information attained from identification.

6 Okay?

7 MR. LEXIS: Okay. We can ask that.

8 THE COURT: Any -- I don't see a problem with that.  
9 Do you, Mr. Hill?

10 MR. HILL: No. Shoot, I should have asked that. No  
11 objection.

12 THE COURT: You're going to have a chance to -- to  
13 follow up if you want.

14 Juror No. 2, How do you verify a customer using  
15 their reward program.

16 I don't see a problem with that. Anybody?

17 MR. LEXIS: No.

18 THE COURT: Any objection?

19 MR. LEXIS: No.

20 MR. HILL: No.

21 THE COURT: No. All right.

22 And Juror No. 6, Do you ask for I.D. to enroll a  
23 person to a rewards program FLX to verify the person?

24 I don't see a problem with that. Any objection,  
25 State?

1 MR. LEXIS: No.

2 MR. SCARBOROUGH: No.

3 THE COURT: Defense?

4 MR. HILL: No, Judge.

5 THE COURT: All right.

6 MR. HILL: Could I -- could I put something --

7 MR. SCARBOROUGH: Do you want to ask the same  
8 question twice or?

9 THE COURT: No, that's -- there's a variation.

10 MR. HILL: Can I just put something on the record  
11 real quick?

12 THE COURT: Sure.

13 MR. HILL: It's just for potential future habeas  
14 purposes. And it's probably going to become clear that we're  
15 eating crow on the non-allegedly deadly weapon incidents.  
16 It's something I've talked about with Mr. Snipes.

17 So when I'm not asking questions, it might be a  
18 little dicey strategy but I've discussed it with Mr. Snipes.

19 THE COURT: All right. So it's a strategic  
20 decision?

21 MR. HILL: Yes, Judge.

22 THE COURT: All right. Thank you.

23 (End of sidebar.)

24 THE COURT: All right. Ma'am?

25 THE WITNESS: Yes.

1 THE COURT: I have just -- let me -- hold on just a  
2 second. Let me organize these.

3 All right. When someone signs up for your loyalty  
4 program, is the information that you enter into your system  
5 for that individual attained from identification?

6 THE WITNESS: Yes.

7 THE COURT: All right.

8 THE WITNESS: I mean, they -- they can give it for  
9 spelling purposes, yes.

10 THE COURT: Okay. But is that a requirement?

11 THE WITNESS: No, it's not.

12 THE COURT: All right. So let me just ask, do you  
13 ask for I.D. to enroll a person to the FLX reward program to  
14 verify the person?

15 THE WITNESS: No, we don't.

16 THE COURT: Okay. Then when someone comes in and  
17 says, I'm X, Y, Z in your reward program, how do you verify  
18 that that person who is utilizing the reward program is the  
19 person that was enrolled as the -- in the reward program?

20 THE WITNESS: By phone number and e-mail.

21 THE COURT: Okay. So you ask that for them when  
22 they come in and say, I'm John Doe --

23 THE WITNESS: Yes.

24 THE COURT: -- and I'm already in your reward  
25 program?

1 THE WITNESS: Yes. So we'll ask them for their  
2 e-mail that they had used for the account or we can grab it by  
3 phone number as well.

4 THE COURT: Okay. All right.

5 Does that generate any further questions from the  
6 State?

7 MR. SCARBOROUGH: No follow-up from the State,  
8 Judge.

9 THE COURT: Does that generate any further questions  
10 from defense?

11 MR. HILL: No, Your Honor.

12 THE COURT: All right.

13 Thank you very much, ma'am --

14 THE WITNESS: All right.

15 THE COURT: -- for your testimony. You are excused.

16 THE WITNESS: Thank you.

17 THE COURT: All right. We're going to need to clean  
18 this and it's going to take a couple minutes to get the next  
19 witness. Is everybody good to -- I'm told no more than five  
20 minutes?

21 MR. LEXIS: We're ready to go, Judge. We're ready.

22 THE COURT: Everybody good sitting here relaxing?

23 So just -- you're -- feel free to talk from a  
24 distance to any of your colleagues there about anything other  
25 than the case. But feel free if you want to chat about the

1 weather, work, or whatever it may be.

2 Counsel, or let's take the picture off of the Elmo.

3 MR. SCARBOROUGH: Oh, I'm sorry.

4 MR. LEXIS: Judge, we're going to move State's 21,  
5 22, 23, 24 and 25, as State's exhibits, by stipulation.

6 THE COURT: All right. Any objection then to 21 to  
7 25?

8 MR. HILL: No, Your Honor.

9 THE COURT: All right. 21, 22, 23, 24 and 25 will  
10 be admitted.

11 (State's Exhibits 21, 22, 23, 24 and 25 are admitted  
12 by stipulation.)

13 MR. SCARBOROUGH: Judge, may I approach, grab an  
14 exhibit, please?

15 THE COURT: Sure.

16 MR. SCARBOROUGH: Thank you.

17 THE COURT: All right. If you'll come up here to  
18 the witness stand. There's one step, so watch your step as  
19 you get up there. Stay standing for just a second once you  
20 come up. Come on over. Our Clerk will swear you in.

21 CARMINA PANLILIO, STATE'S WITNESS, SWORN

22 THE CLERK: Please be seated.

23 Please state and spell your first and last name for  
24 the record.

25 THE WITNESS: Carmina Panlilio, C-a-r-m-i-n-a, last

1 name, P-a-n-l-i-l-i-o.

2 THE COURT: All right. Can I get you to scoot up as  
3 close as you can to that Bench?

4 THE WITNESS: Yep.

5 THE COURT: With the plexiglass it really muffles  
6 the sound. So we really need to rely on the speaker, so.

7 THE WITNESS: Got it.

8 THE COURT: Thank you.

9 Whenever you're ready, counsel.

10 MR. SCARBOROUGH: Thank you. Thank you, Judge.

11 DIRECT EXAMINATION

12 BY MR. SCARBOROUGH:

13 Q. Ma'am, how are you currently employed?

14 A. You said how, or where?

15 Q. How are you currently employed?

16 A. I'm a full-time manager.

17 Q. Okay.

18 A. I'm a coach for Nike.

19 Q. Okay. And where -- what Nike store are you employed  
20 at?

21 A. The one on Silverado Ranch, 9851 South Eastern  
22 Avenue.

23 Q. As a manager there, what are your basic duties?

24 A. I'm a consumer experience coach, so dealing with the  
25 consumers and their experience in-store, as well as the loss

1 prevention liaison for the market.

2 Q. So what's a loss prevention Liaison for the market?  
3 What do you do as -- as -- in that capacity?

4 A. So I'm responsible for traveling within the market  
5 and pulling up and compiling information regarding any loss  
6 prevention incidents at any of our stores.

7 Q. So the duties of pulling that up and acquiring that  
8 information, does that require you to be very familiar with  
9 the pricing systems and the inventory systems at that store?

10 A. Yes, sir.

11 Q. Okay. And do you routinely interact with those  
12 information systems pertaining inventory and loss prevention;  
13 correct?

14 A. Yes. On a regular basis.

15 Q. Okay. Now, I want to direct your attention to last  
16 year around October 2nd, 2019. Were you employed in this  
17 capacity back then?

18 A. Yes, sir.

19 Q. Okay. And did something happen or did a loss  
20 prevention incident happen that caused you to conduct an  
21 investigation?

22 A. Yes, it did.

23 Q. Okay. Can you briefly describe what that incident  
24 was, to the members of the jury?

25 A. Yeah. So on October 2nd, 2019, there were two

1 African-American males that entered our store. They came in.  
2 They selected product. They proceeded to walk past the point  
3 of sale. I was standing by the door. I asked them if they  
4 were ready to check out. They ignored what I said and  
5 continued to walk out with our product.

6 Q. Okay. And then based on the investigation of that  
7 incident, did you view video surveillance?

8 A. Yes, sir. That's the normal protocol.

9 Q. Okay.

10 MR. SCARBOROUGH: And publishing State's -- was it  
11 21 through 25?

12 MR. HILL: Yes.

13 MR. SCARBOROUGH: Okay. So publishing State's 21  
14 through 25.

15 THE COURT: Okay. Which one are you putting on now?

16 MR. SCARBOROUGH: They're not numbered yet so --

17 THE COURT: Well, then if you want write on the back  
18 so she knows which number to put on it. But I want to make  
19 sure that we've got a clear record of this. So if you'd walk  
20 -- go back over to your -- all right. If you've got a pen  
21 there, that's good, too. Write which one you marked 21, which  
22 one you mark 22, which one you want marked 23, et cetera, so  
23 that we make sure that we're -- we know what we're showing.

24 MR. SCARBOROUGH: Okay. So I've marked State's 21.

25 THE COURT: Okay.



1 MR. SCARBOROUGH: Publishing State's 21.

2 BY MR. SCARBOROUGH:

3 Q. So are we looking at video -- a screenshot of the  
4 video surveillance of the event that you had just described  
5 for the members of the jury?

6 A. Yes, sir.

7 Q. Okay. And the video surveillance is time-stamped;  
8 yes?

9 A. Yes, it is.

10 Q. Okay. And that timestamp says 10/2/2019 -- or 2019?

11 A. Correct.

12 Q. Okay. And is that a video surveillance from the  
13 store that day of Nike -- that day -- sorry.

14 A. Yes, it is.

15 Q. Okay. And just to identify the people that are in  
16 this, who is this man here?

17 A. Do you want me to give you his name?

18 Q. I'll -- I'll ask you who this man is here. Who is  
19 this?

20 A. That's the subject in question, I believe.

21 Q. Okay.

22 A. Yes.

23 Q. And then were these two individuals depicted on  
24 surveillance operating together?

25 A. Yes, sir. They were.

1 Q. Okay. And then eventually, based on your  
2 investigation, did they ultimately leave the store with all --  
3 like a plethora of items?

4 A. Yes. They selected two Nike mesh shopping bags to  
5 place their product in and they proceeded to exit without  
6 paying for the merchandise.

7 Q. Okay. Did you generate a theft incident report?

8 A. Yes, I did.

9 Q. Okay.

10 MR. SCARBOROUGH: Publishing State's 18.

11 BY MR. SCARBOROUGH:

12 Q. Okay. The incident report that you published, just  
13 focusing right now on the prices and the items. So what are  
14 we looking at on this left column?

15 A. Left column will be the type of product that they  
16 selected.

17 Q. Okay. So we see Jordan Legacy, Jordan Laney, and  
18 Jordan Laney, and it's -- all says footwear. Correct?

19 A. Correct.

20 Q. Okay. And then we see Air Foamposites, three of  
21 those.

22 A. Correct.

23 Q. So what would that indicate the type of merchandise  
24 that was taken by these gentlemen?

25 A. Footwear.

1 Q. Okay.

2 A. Right.

3 Q. So it's three -- six pairs of shoes?

4 A. Correct.

5 Q. Okay. And then these prices right here, are these  
6 the prices associated with these items?

7 A. Correct. So after the incident occurred, I am  
8 responsible for approaching each individual product that they  
9 selected and pulling those numbers and skews to make sure that  
10 we are still appropriately pricing everything.

11 Q. Okay. And then based on you pulling the numbers and  
12 the skews, the total merchandise that was taken was \$1,240?

13 A. That's correct.

14 Q. Okay.

15 MR. SCARBOROUGH: Brief indulgence.

16 THE COURT: Okay.

17 (MR. SCARBOROUGH/MR. LEXIS CONFER.)

18 MR. SCARBOROUGH: Sorry, Your Honor.

19 THE COURT: No problem. Do what you need to do.

20 MR. SCARBOROUGH: May I approach the witness?

21 THE COURT: Sure.

22 BY MR. SCARBOROUGH:

23 Q. So based on your investigation and your collection  
24 of the video surveillance, I'm showing you State's 16.

25 Okay. Is this the man that was a part of this

1 incident that you investigated on October 2nd, 2019?

2 A. Yes, that's correct.

3 Q. Okay.

4 MR. SCARBOROUGH: Thank you.

5 MR. LEXIS: And Judge, can we get the same  
6 stipulation?

7 THE COURT: Well, that's what I was -- 16 is --

8 MR. LEXIS: State's 16.

9 THE COURT: -- a photograph of the defendant, Mr.  
10 Snipes? Counsel, is that what you're representing it to be?

11 MR. SCARBOROUGH: (To Mr. Hill) They're asking  
12 about State's 16.

13 THE COURT: Well, hold --

14 MR. HILL: Yes, Your Honor.

15 THE COURT: All right. The State attorney, you're  
16 representing 16 is a photograph of Mr. Snipes?

17 THE COURT RECORDER: I'm sorry. Mr. Hill, your  
18 microphone is not --

19 THE COURT: All right.

20 THE COURT RECORDER: -- recording.

21 MR. SCARBOROUGH: I am --

22 THE COURT: Mr. Scarborough?

23 MR. SCARBOROUGH: -- representing that. Yes.

24 THE COURT: All right. Is -- do you agree, Mr.

25 Hill, that 16 is a photograph of the defendant, Mr. Snipes?

1 MR. HILL: I do, Your Honor.

2 THE COURT: All right. The record will reflect the  
3 identification of a photograph of Mr. Snipes.

4 MR. SCARBOROUGH: I have nothing further for the  
5 witness.

6 THE COURT: All right. Any cross-examination?

7 MR. HILL: If I could just have -- have a moment,  
8 Judge.

9 THE COURT: Sure. Do what you need to do.

10 MR. HILL: I have no questions, Your Honor,  
11 [inaudible].

12 THE COURT RECORDER: I'm sorry. Can you turn on  
13 your mike, please?

14 MR. HILL: I sure can.

15 THE COURT RECORDER: Thank you.

16 MR. HILL: I have no questions, Your Honor.

17 THE COURT: All right. Does any member of the jury  
18 have a question for this witness?

19 If so, write it on a clean sheet of paper with your  
20 juror number.

21 I'm not seeing any hands.

22 Going once, going twice.

23 All right. Thank you very much, ma'am, for your  
24 testimony here today.

25 THE WITNESS: Thank you, sir.

1 THE COURT: You are excused.

2 THE WITNESS: Appreciate it.

3 THE COURT: Okay. Let's clean that -- clean the  
4 witness stand and then we'll -- the State can call its next  
5 witness.

6 MR. LEXIS: Judge, can we approach?

7 THE COURT: All right.

8 (Sidebar begins.)

9 THE COURT: All right.

10 MR. LEXIS: So our --

11 THE COURT: Whoops, we lost somebody.

12 MR. LEXIS: The -- the A/V guy had to go get his  
13 COVID test and he was our other one for this morning. So he  
14 -- I switched him to this afternoon. So --

15 THE COURT: Okay.

16 MR. LEXIS: -- we could have lunch -- do lunch now  
17 and then we'll have three this afternoon. It's going to be  
18 another COR. It's going to be our A/V guy is a COR. Well,  
19 the three people are going to be the A/V COR, our robbery  
20 victim, and one -- the lead takedown cop.

21 THE COURT: All right. How many -- who -- who does  
22 that leave us with then?

23 MR. LEXIS: Then on Thursday we've got the lead  
24 detective, we've got another -- another cop, and I'm going to  
25 have -- Dan wants the Parole Officer --

1 THE COURT: Okay.

2 MR. LEXIS: -- to come in because -- just so you  
3 know, we'll have -- we'll have -- we should address that, too.  
4 Let's stick around and address that when we come out, because  
5 we're -- I'm bringing it in, and the device, but I still need  
6 to -- I'll talk to Dan on how to [inaudible].

7 MR. HILL: And it's a maybe at this point.

8 MR. LEXIS: Okay.

9 MR. HILL: That I even do it.

10 MR. LEXIS: Well, I'm --

11 THE COURT: The -- the cop who -- other than the  
12 lead detective, any chance we could get him to come in this  
13 afternoon?

14 MR. LEXIS: No. So I was going to have the cop to  
15 come in and he phoned me last night saying his kid's in ICU.  
16 So he's -- that's moved to Thursday.

17 THE COURT: Okay.

18 MR. LEXIS: The Detective, I'm not going to put up  
19 the lead detective until I'm --

20 THE COURT: No, I -- I --

21 MR. LEXIS: -- [inaudible].

22 THE COURT: -- that's why I asked about the cop --

23 MR. LEXIS: And --

24 THE COURT: -- other than the --

25 MR. HILL: So my assessment --

1 THE COURT: -- lead detective.

2 MR. HILL: -- Judge is there is zero chance that  
3 this goes past Thursday.

4 THE COURT: Okay.

5 MR. LEXIS: And the parole guy is -- that's Dan's  
6 witness but I told Dan that I would -- I would subpoena him.

7 THE COURT: All right.

8 MR. LEXIS: So I've done that. And I'm going to --  
9 stick -- stick around after we break because I -- I would --  
10 I've got to talk to Dan about that.

11 THE COURT: All right.

12 MR. LEXIS: [Inaudible].

13 THE COURT: So I'm going to give them an hour.

14 MR. LEXIS: Oh, yeah.

15 THE COURT: So that's -- I'll go to 12:30 --

16 MR. LEXIS: Okay.

17 THE COURT: -- we'll get back in action.

18 MR. LEXIS: Okay.

19 THE COURT: All right.

20 (Off-record colloquy.)

21 (End of sidebar.)

22 All right. Ladies and gentlemen, we're going to be  
23 arranging for at least one of the witnesses to testify through  
24 -- remotely through video. And we're going to need to set up  
25 for that.



1           And so we're going to break now for lunch. We'll  
2 get back in action at 12:30. And we're on track, based upon  
3 what I've -- my conversation with counsel, for us to finish on  
4 Thursday, so everything's good in that regard.

5           But we'll break now, be back at 12:30, by 12:30 and  
6 we'll get started then and put on the next witnesses.

7           So while you're out there for lunch, do not talk to  
8 each other about the case, or about anyone who has anything to  
9 do with it. Do not talk with anyone else about the case or  
10 about anyone who has anything to do with it. Anyone else  
11 includes members of your family, your friends, your employer.  
12 You may tell them that you are a juror on a criminal case, but  
13 don't tell them anything else about it until after you've been  
14 discharged by me.

15           Do not let anyone talk to you about the case or  
16 about anyone who has anything to do with it. If someone  
17 should try to talk to you, please report it to me immediately  
18 by contacting the Marshal.

19           Do not read any news stories or articles or listen  
20 to any radio or television reports about the case or about  
21 anyone who has anything to do with it.

22           And do not -- this -- this would -- do not do -- do  
23 not visit the scene of any events mentioned during the trial  
24 or undertake any investigation, experimentation or research on  
25 your own, including use of social media, to in any way discuss

1 the case, or the use of the Internet to do any sort of  
2 investigation. And do not begin to form or express any  
3 opinion on any subject connected with this case until it's  
4 finally submitted to you.

5 Thank you for your attention here this morning.  
6 We'll get back in action and -- at 12:30 and keep the case  
7 moving.

8 THE MARSHAL: All rise for the jury.

9 (Jury exits at 11:27 a.m.)

10 (Outside the presence of the jury.)

11 (COURT/CLERK CONFER.)

12 THE COURT: All right. Are the doors shut?

13 All right. You said you said you wanted to discuss  
14 something, Mr. Lexis?

15 MR. LEXIS: Judge, I'm going to wait until Mr. Hill  
16 makes his decision with the parole officer, so nothing for  
17 now.

18 THE COURT: All right. It looks like we may finish  
19 up a little bit early today. So be prepared to -- to discuss  
20 jury instructions at the end of the day.

21 Mr. Hill?

22 MR. HILL: Can --

23 THE COURT: Did you get a copy of the jury  
24 instructions --

25 MR. HILL: I have an --

1 THE COURT: -- proposed jury instructions?

2 MR. HILL: I have an e-copy, Judge. Would it be  
3 possible to get a paper copy from the Court?

4 THE COURT: Yeah. If you want -- do you want that  
5 during the lunch hour?

6 MR. LEXIS: I've got a -- I printed out a  
7 [inaudible].

8 MR. HILL: No, just when I -- just when we're going  
9 through it.

10 THE COURT: Well, no, I agree with you.

11 Do you have a copy, Mr. Lexis?

12 MR. LEXIS: I do.

13 (MR. LEXIS/MR. SCARBOROUGH CONFER.)

14 MR. LEXIS: Judge, can I get the exhibits? I need  
15 to -- I want to make sure [inaudible].

16 THE COURT: No, actually, what -- that was going to  
17 be my next thing. I want you, the State to collect all of the  
18 exhibits and to safe keep the exhibits.

19 MR. LEXIS: I will.

20 THE COURT: And --

21 MR. LEXIS: Okay.

22 THE COURT: -- we'll have you hold on them until the  
23 end of the trial so that the Court Clerk doesn't have to deal  
24 with taking them in and giving them back constantly.

25 MR. LEXIS: Okay.

1 THE COURT: All right.

2 THE CLERK: I still -- I -- when we come back,  
3 though I need to mark the other ones that they admitted.

4 THE COURT: Yeah.

5 MR. LEXIS: Yeah, the other ones --

6 THE COURT: Why don't you give -- give her right now  
7 21 through 25. She's got the gloves on, so we might as well  
8 have her take --

9 THE CLERK: Does it matter what -- you only showed  
10 the one so -- you only showed the one, so is it okay how I  
11 mark the other ones?

12 MR. LEXIS: What's that?

13 THE CLERK: He only showed one of them. So is it  
14 okay how I mark the other ones? So he only wrote 21 on this.

15 THE COURT: He only showed 21.

16 MR. LEXIS: No, but all of them are admitted.

17 THE COURT: Right.

18 THE CLERK: No, I know. Does --

19 THE COURT: But is she --

20 THE CLERK: -- it matter what number I put on them?

21 MR. LEXIS: Whatever you want to put.

22 THE CLERK: Okay.

23 THE COURT: Okay.

24 MR. LEXIS: Whatever --

25 THE COURT: Okay.

1 All right. So we'll plan on talking about jury  
2 instructions when we finish up the day today.

3 MR. HILL: Okay, Your Honor.

4 THE COURT: All right.

5 Okay. Anything else before we break for lunch?

6 MR. HILL: No, thank you, Your Honor.

7 THE COURT: And you think the -- Angie, can you ask  
8 IT to be up here at 12:30 for the audio/video?

9 THE COURT RECORDER: Yes.

10 THE COURT: Let's try to minimize any issues with  
11 that.

12 MR. HILL: On an unrelated thing --

13 THE COURT: Unrelated to the case or --

14 MR. HILL: Correct.

15 THE COURT: Okay.

16 THE COURT RECORDER: I'm sorry. Mr. Hill, do you  
17 want this on the record? I need you closer to the mike.

18 MR. HILL: No, no, no.

19 THE COURT RECORDER: Oh, okay.

20 THE COURT: All right. Are we done for right now  
21 with this case?

22 MR. HILL: Yes, Your Honor.

23 MR. SCARBOROUGH: Yes.

24 THE COURT: Okay. We can go off record.

25 THE COURT RECORDER: Okay.

1 (Court recessed at 11:31 a.m. until 12:45 p.m.)

2 (In the presence of the jury.)

3 THE COURT: All right. Do the parties stipulate to  
4 the presence of the jury panel?

5 MR. LEXIS: Yes, Judge.

6 THE COURT: Mr. Hill?

7 MR. HILL: Yes. Yes, Your Honor.

8 THE COURT: All right.

9 All right. Thank you, ladies and gentlemen.

10 We're having some technical difficulties getting the  
11 video conferencing set up with the one witness who is  
12 appearing remotely. We're going work through that and the  
13 State's going to call another witness. We don't think that,  
14 as we are trying to get the audio/video set up, that it will  
15 be that distracting.

16 So we want to keep things moving along. So I'll ask  
17 the State to call its next witness.

18 MR. LEXIS: The State calls Officer Denson.

19 THE COURT: Officer, if you'd come up to the witness  
20 stand. Watch out for this one step. Stay standing for just a  
21 second and our Clerk will swear you in. Over here.

22 OFFICER AARON DENSON, STATE'S WITNESS, SWORN

23 THE CLERK: Please be seated.

24 Please state and -- state and spell your first and  
25 last name for the record.

1 THE WITNESS: Aaron Denson, A-a-r-o-n, D-e-n-s-o-n.

2 THE COURT: All right. Can I get you to scoot up as  
3 close as you can? With the plexiglass, it really knocks down  
4 the sound. So we really have to rely heavily on the  
5 microphone.

6 THE WITNESS: Yes, Your Honor.

7 THE COURT: All right.

8 THE WITNESS: Aaron --

9 THE COURT: I'm sorry?

10 THE WITNESS: I was -- I thought you needed me to  
11 repeat.

12 THE COURT: No, I -- we're -- I think -- you got the  
13 spelling; right?

14 THE CLERK: I did.

15 THE COURT: Okay. Whenever you're ready, counsel.

16 DIRECT EXAMINATION

17 BY MR. LEXIS:

18 Q. Where do you work, sir?

19 A. I work at Convention Center Area Command for the Las  
20 Vegas Metropolitan Police Department.

21 Q. How long have you been a cop?

22 A. Four years.

23 Q. On October 7, 2019, were you part of an apprehension  
24 team to capture the suspects involved in this case, one  
25 Gregory Morgan and Andre Snipes?

1 A. Yes.

2 Q. Did your apprehension team set up a undercover  
3 Facebook and go to suspect Morgan's account to set up a ruse,  
4 basically, a buy?

5 A. Yes.

6 Q. And was that a buy of Nike shoes?

7 A. Yes.

8 Q. Okay. Were your -- was your apprehension team able  
9 to get Morgan to set up a buy at a particular location?

10 A. Yes.

11 Q. And where was that location?

12 A. At the Rebel Gas Station at 4111 Paradise Road.

13 Q. Did your apprehension team go to that location?

14 A. Yes.

15 Q. And what did you observe?

16 A. We observed a Uber drop of Mr. Gregory Morgan and  
17 attempt to meet with the under -- undercover officer who set  
18 up the ruse. Once we observed Gregory Morgan exit the vehicle  
19 he returned to the vehicle and then that's when we took him  
20 into custody.

21 Q. Who else was in that vehicle?

22 A. Mr. Andre Snipes.

23 Q. So in that vehicle was a Lyft driver --

24 A. Yes.

25 Q. -- correct? Is that a "yes"?



1 A. Yes.

2 Q. And the two suspects were in the back?

3 A. Yes.

4 Q. Did any of the suspects have any mechanical device  
5 or any property on them or a gun et cetera?

6 A. No.

7 Q. Okay. What did -- what were you able to recover?

8 A. A pair of red and black Nike shoes.

9 Q. I'm showing you what has been marked as State's  
10 Exhibit 13. Do you recognize this as part of the apprehension  
11 team's Facebook account when they were setting up the buy from  
12 one Gregory Morgan?

13 A. Yes.

14 Q. And those shoes at issue -- were those the shoes  
15 that were recovered in a Lyft vehicle?

16 A. Yes.

17 Q. Do you see Mr. Andre Snipes in court today?

18 A. Yes.

19 Q. Can you please point to him and identify for me what  
20 color of shirt he's wearing?

21 A. White shirt.

22 MR. LEXIS: Your Honor, let the record reflect the  
23 officer has identified the defendant.

24 THE COURT: All right. Defense have any objection?

25 MR. HILL: No, Your Honor.

1 THE COURT: All right. The record will so reflect.

2 BY MR. LEXIS:

3 Q. Officer, I'm showing you State's Exhibit 17. Do you  
4 recognize that photograph?

5 A. Yes.

6 Q. Who is that?

7 A. Gregory Morgan.

8 MR. LEXIS: Your Honor, may I approach?

9 THE COURT: Okay.

10 BY MR. LEXIS:

11 Q. Sir, I'm showing you State's 16. Do you recognize  
12 that photograph?

13 A. Yes. It's Andre Snipes.

14 Q. Same man you identified in court today?

15 A. Yes.

16 MR. LEXIS: Your Honor, I'd move for a stipulation.

17 THE COURT: All right. Mr. Hill, do you -- what  
18 number is the Exhibit?

19 MR. LEXIS: 16.

20 THE COURT: All right. Mr. Hill, do you stipulate  
21 that the Exhibit 16 is a photograph of Mr. Snipes?

22 MR. HILL: I do, Your Honor.

23 THE COURT: All right. The record will reflect the  
24 identification of a photograph of Mr. Snipes.

25 MR. LEXIS: I have no further questions, Judge.

1 THE COURT: All right.

2 Any cross-examination?

3 MR. HILL: If I could have a moment, Your Honor.

4 THE COURT: Sure. Take whatever time you need.

5 (MR. HILL/MR. LEXIS CONFER.)

6 THE COURT: Brian, why don't you go ahead and clean  
7 the -- it off. We'll either --

8 (MR. HILL/DEFENDANT CONFER.)

9 THE COURT: Mr. Hill, I can give you some more time,  
10 but we do need to be moving toward doing any cross, if you  
11 wish to do so.

12 MR. HILL: I don't have any questions, Judge.

13 THE COURT: All right. Any member of the jury have  
14 a question for this witness? If you do, write it on a clean  
15 sheet of paper with your juror number and signal the Marshal  
16 and he'll pick it up.

17 I'm not seeing any hands or signals or anything.

18 Thank you, very much, officer, for your testimony.

19 You are excused.

20 THE WITNESS: Thank you, Your Honor.

21 MR. LEXIS: Judge, I just need two minutes to get my  
22 next witness.

23 THE COURT: Okay.

24 (Pause in the proceedings.)

25 MR. LEXIS: The State calls Alden Abrego.

1 THE COURT: Okay.

2 Sir, come on up here to the witness stand. There is  
3 a step, so watch your step. And stay standing for just a  
4 second before you sit. Our Clerk over here will swear you in.  
5 Raise your right hand.

6 ALDEN ABREGO, STATE'S WITNESS, SWORN

7 THE CLERK: Please be seated.

8 Please state your first and last name and spell it  
9 for the record.

10 THE WITNESS: Alden, A-l-d-e-n, Abrego, A-b-r-e-g-o.

11 THE COURT: All right. Whenever you're ready,  
12 counsel.

13 DIRECT EXAMINATION

14 BY MR. LEXIS:

15 Q. Sir, where do you work?

16 A. Champs Sports inside of Fashion Show Mall.

17 Q. On September 24, 2019, were you working there?

18 A. Yes, sir.

19 Q. And is that at 3200 South Las Vegas Boulevard here  
20 in Clark County?

21 A. Yes, sir.

22 Q. And what was your position?

23 A. The store manager.

24 Q. Okay. As store manager, do you have access to not  
25 only the surveillance, but receipts and prices and everything

1 that goes into that?

2 A. Yes, sir.

3 Q. Okay. At approximately 12:15, what happened, sir?

4 A. At around 12:15, we had two gentlemen walk into our  
5 store. One was wearing a brown t-shirt and the other one was  
6 wearing a white tank top.

7 As they're walking in, I greet them, because I was  
8 at the front of the door greeting people as they were walking  
9 in.

10 Q. Let's stop -- let me stop you right there.

11 Before we go into details, sir, I just want the jury  
12 to get an idea of what we're talking about.

13 MR. LEXIS: State's Exhibit 3.

14 (State's Exhibit 3, surveillance video, played.)

15 BY MR. LEXIS:

16 Q. Sir, I'm backing it up to the beginning.

17 Are those the two individuals you're talking about?

18 A. Yes, sir.

19 Q. Do you recognize this video as what you turned over  
20 to Metro?

21 A. Yes, sir.

22 Q. I'm just going to play it all the way through  
23 without you talking, for the jury, and then we'll talk about  
24 it. Okay?

25 A. Yes, sir.

1 (State's Exhibit 3, surveillance video, continues playing.)

2 BY MR. LEXIS:

3 Q. Is that one of the individuals, sir?

4 A. Yes, sir.

5 (State's Exhibit 3, surveillance video, continues playing.)

6 BY MR. LEXIS:

7 Q. Is that the other individual?

8 A. Yes, sir.

9 Q. And is that you in this frame?

10 A. Yes, sir.

11 (State's Exhibit 3, surveillance video, continues playing.)

12 BY MR. LEXIS:

13 Q. So this entire clip is about 1 minute and 27 seconds  
14 long; correct?

15 A. Yes, sir.

16 Q. Okay. Right when they came in the door, sir, what  
17 happened and what did you do?

18 A. As soon as they walked in, I -- I greeted both of  
19 the gentlemen as it was my job for being at the front of the  
20 door. One of the gentlemen went straight to that Jordan table  
21 that we have right in the front, that you guys can see.

22 And I asked him if I could help him out with  
23 anything, and he said, no, I'm just looking. Everything's  
24 just too expensive.

25 Q. Let me stop you there, sir.

1 Do you see one of those individuals in court today?

2 A. Yes, sir.

3 Q. Can you please point to him and identify for me the  
4 color of shirt he's wearing?

5 A. Brown. Or, I thought you were talking about the  
6 video -- white.

7 Q. Okay. The color of shirt he's wearing in court?

8 A. Yeah. White.

9 Q. Okay.

10 MR. LEXIS: Your Honor, let the record reflect the  
11 witness has identified the defendant.

12 THE COURT: Could you be a little bit more specific  
13 than -- than just a white --

14 BY MR. LEXIS:

15 Q. Point to him --

16 MR. LEXIS: -- shirt?

17 BY MR. LEXIS:

18 Q. Point to him, sir, and describe please --

19 A. May I stand up?

20 THE COURT: Sure.

21 THE WITNESS: The gentleman sitting there with the  
22 white shirt and the tie, striped tie.

23 THE COURT: Okay. The record will reflect  
24 identification of the defendant.

25 BY MR. LEXIS:

1 Q. Okay. Going back to the beginning, sir.

2 Do you state you see this person you pointed out in  
3 court, in this frame?

4 A. Correct.

5 Q. And which one is -- which one is it?

6 A. The gentleman with the brown shirt, with the  
7 sunglasses on his forehead.

8 Q. Okay.

9 MR. LEXIS: May I approach, Judge?

10 THE COURT: Sure.

11 MR. LEXIS: First I'll show him this one.

12 BY MR. LEXIS:

13 Q. Showing you State's Exhibit 17. Do you recognize  
14 this photograph, sir?

15 A. Yes, sir.

16 Q. And is that one of the defendants in the frame?

17 A. Yes, sir.

18 Q. One of the suspects?

19 A. Yes, sir.

20 Q. Okay. Can you tell us which suspect on the video  
21 frame? We'll switch it back.

22 A. The guy with the white tank top.

23 Q. Okay.

24 THE COURT: Just be -- counsel, just so we have a  
25 record, what second or time --



1 MR. LEXIS: This is on 1 second, two people in the  
2 frame that are right by the door, and he identified the person  
3 with the white tank top.

4 THE COURT: All right.

5 MR. LEXIS: As the person in State's Exhibit 17.

6 May I approach, Judge?

7 THE COURT: Sure.

8 BY MR. LEXIS:

9 Q. Sir, I'm showing you State's 16. Do you recognize  
10 that individual?

11 A. Yes, sir.

12 Q. Okay. And which individual is that in the frame  
13 that's depicted on the screen at 1 second?

14 A. The gentleman with the brown t-shirt and sunglass on  
15 his forehead.

16 MR. LEXIS: And, Your Honor, I'd ask -- ask for the  
17 stipulation.

18 THE COURT: All right. And that was -- what's the  
19 number again, 16?

20 MR. LEXIS: That is, yes, 16.

21 THE COURT: All right. Mr. Hill, again, do you  
22 stipulate that the photograph of No. 16 is of the defendant,  
23 Mr. Snipes?

24 MR. HILL: I do, Your Honor.

25 THE COURT: All right. The record will reflect the

1 identification of the photograph of Mr. Snipes.

2 BY MR. LEXIS:

3 Q. All right. Sir, so I'm going to continue to play  
4 State's Exhibit 3.

5 (State's Exhibit 3, surveillance video, continues playing.)

6 BY MR. LEXIS:

7 Q. Now, you stated earlier you went up to one of the  
8 suspects and asked him something; is that correct?

9 A. Correct.

10 Q. And is that individual the person you identified in  
11 court?

12 A. Correct.

13 Q. And what, if anything, was said during that  
14 conversation?

15 A. I asked him how he was doing and if he -- if I could  
16 help him find anything. He said no, that he was just looking.  
17 Everything was just too expensive.

18 Q. Okay. Did that cause you some concern?

19 A. At the time when he -- when I asked him the question  
20 he was kind of -- he looked a little nervous. He looked like  
21 he was fidgeting his shoulders a little as he was talking to  
22 me.

23 And I -- I was looking around, obviously, not only  
24 paying attention to him, but at the other gentleman that  
25 walked in with him as he was already on the -- on the rack of

1 the NBA t-shirts that -- or jerseys that they -- that they  
2 took. He was already over there. And he was looking around,  
3 looking at me and looking at this gentleman as well.

4 Q. Okay. Did that looking around, as you called it,  
5 did that catch your attention as well?

6 A. It did, just because again, when he went to the  
7 jerseys, to the NBA jerseys he was just, I guess, just scoping  
8 out the place, looking at the amount of people that were in  
9 the store to make sure we were paying attention to him or to  
10 see what it is that -- where every associate was located  
11 around the store.

12 Q. Did he have anything in his hands which caused you a  
13 concern?

14 A. Well, when he -- when they both walked in the other  
15 gentleman had a -- like a different bag from a store that is  
16 not located in our mall. So that automatically, at times it's  
17 a -- it's a red flag, people not having bags from stores that  
18 are not in our mall. And the bag looked kind of old and  
19 wrinkly at the time so we knew it wasn't like new or anything.

20 Q. Okay. So given that, those things that you just  
21 mentioned, automatically caused you to be concerned; is that  
22 correct?

23 A. Correct.

24 Q. Okay. And did they both go up to the same rack?

25 A. Yes, sir.

1 Q. Okay. And tel me what happened.

2 A. As -- after I was finished talking to the gentleman  
3 he -- and after he stated that everything was just too  
4 expensive, he went and met with other gentleman at the NBA  
5 jerseys. As I -- as -- as he was walking -- as this gentleman  
6 with the brown was walking to the -- to the other gentleman to  
7 get the jerseys, the other gentleman already had the jerseys  
8 wrapped around his hand. Like he had a few of them, or more  
9 than a few. He had about like 7, 8 on his hand, just getting  
10 ready for what they were about to do.

11 Q. Okay. Do you know what kind of jerseys they were  
12 taking?

13 A. There was 14 total jerseys taken. There was a few  
14 LeBron James, a Kobe Bryant, a Mike Bibby, a couple Stephen  
15 Curry's, and a Kyle Kuzma jersey as well.

16 Q. And do you know the specific amount because you did  
17 an inventory?

18 A. Yeah. So as being the manager, we're able to what  
19 is called take inventory or test check of every item that we  
20 have in the store. And the reason why I also know there was  
21 only -- he -- they took about 14 -- or they took 14 is because  
22 we were already light in the NBA jerseys as it was. So it was  
23 something that you could pinpoint that was missing right away.

24 Q. Do you know the total value of those 14 jerseys?

25 A. I believe it was -- it's about \$1700.

1           Q.   Now, sir, after they took those jerseys did they  
2 ever go to the register or attempt to purchase these items?

3           A.   No, sir.

4           Q.   What did they do?

5           A.   They just put them around their -- around their hand  
6 and just started making their way to the door.

7           Q.   Okay. What did you do?

8           A.   I --

9           Q.   Well, let me back up a second. While this was  
10 happening, did you talk to anybody, phone anybody, what did  
11 you do?

12          A.   Yeah. So as soon as I seen the other gentleman go  
13 to the jerseys, because of the -- of the bag they were -- they  
14 had with them, I -- on the radios that we have, I notified my  
15 other employees that were there to call security and that way  
16 if anything was to happen, anything suspicious, security would  
17 be there to be able to uphold them.

18                   But well we called security but they never showed up  
19 on time.

20          Q.   Okay. And is that partly because this happened  
21 quick?

22          A.   Yes.

23          Q.   All right. So before they even made the exit to the  
24 door they acting so suspicious that you had already called  
25 security?

1           A.    Yes, sir.

2           Q.    Okay.  So they start heading to the door.  What did  
3 they do?

4           A.    As they're heading to the door, I see that they're  
5 -- they didn't make an attempt to go buy or purchase anything.  
6 They just straight to the door.  I kind of go to the front of  
7 the store and I tell them, hey, like you guys need to stop.  
8 Like, drop the items.  And as the gentleman with the brown  
9 shirt is walking out he says, trust me, you don't want to do  
10 this.  And he walks out.  And then --

11          Q.    Let me stop you there.  You said the guy with the  
12 brown shirt, again, that's the person you identified in court?

13          A.    Correct.

14          Q.    And what did he tell you again?

15          A.    He said, trust me, you don't want to do this.

16          Q.    As you're trying to --

17          A.    As I'm trying to --

18          Q.    -- apprehend them?

19          A.    -- tell them to stop and just drop the jerseys.

20          Q.    Okay.  And what happens right after he says that?

21          A.    As soon as he says that, the gentleman with the  
22 white tank top is walking right behind him shortly, I'm about  
23 maybe four feet away from him.  And as he's walking out he  
24 kind of tugs his shirt and that's where I saw the -- the --  
25 the handle of -- of the gun he had in his hand --

1 Q. Okay. Then --

2 A. -- the black rigid handle of the gun.

3 Q. And why did you say it was a gun? How do you know?

4 A. Because I've gone shooting before with a couple of  
5 my friends and then a couple of my friends also have their  
6 concealment license so I know what -- what a gun looks like.

7 Q. Okay. So you're familiar with a gun, you know what  
8 a gun looks like.

9 A. Correct.

10 Q. Again, you didn't see the entire gun, but you saw  
11 enough when he pulled the shirt up --

12 A. When he pulled the shirt up.

13 Q. -- [inaudible] you saw what, what part of the gun?

14 A. Just the back end, the -- the handle.

15 Q. Okay. And do you know what color the handle was?

16 A. Black, sir.

17 Q. Okay. How did that make you feel when -- when both  
18 the defendant said -- how -- well, first of all, how did that  
19 make you feel when the defendant said that to you?

20 A. When he said that to me it -- I mean, it was just --  
21 it was shocking. I mean, not -- not -- nobody really says  
22 that to you as they're walking out with all the -- a whole  
23 bunch of stuff.

24 Q. Okay.

25 A. And --

1 Q. And not -- that's -- describe that when the  
2 defendant said that to you. How about when you saw the other  
3 suspect brandish the gun?

4 A. When he -- when he flashed the gun I admittedly --  
5 it was -- it just happened so fast, I -- I didn't know what to  
6 do. Obviously, I didn't want to endanger myself or anyone  
7 around so that's why I didn't go about, you know, pursuing  
8 them even further or anything, just because again, I was in  
9 shock. I was in fear. I didn't -- I didn't know.

10 Q. Sir, why don't you go hands-on? Why don't employees  
11 of these stores go hands-on?

12 A. Just because again, in -- in our policy, once --  
13 once they head out the store, I mean, we really can't do  
14 anything, just because instead of being assets we're going to  
15 be liabilities to the company.

16 Q. So it's pretty much store policy that you don't --

17 A. Chase people.

18 Q. -- you do what you can verbally but you don't go  
19 hands-on?

20 A. Correct.

21 Q. Let me go to the end of the video, sir.

22 (State's Exhibit 3, surveillance video, continues playing.)

23 BY MR. LEXIS:

24 Q. Starting at 1:16, there we see the other suspect,  
25 correct, approaching you?



1 A. Correct.

2 Q. Okay. Let me back it up because the other -- the  
3 defendant just already walked out.

4 So starting at 1:09.

5 (State's Exhibit 3, surveillance video, continues playing.)

6 BY MR. LEXIS:

7 Q. Okay. Is that when the -- the defendant walked past  
8 you?

9 A. Yes, sir.

10 Q. And is that when he made that statement to you?

11 A. Yes, sir.

12 Q. Okay. And right behind him is the other suspect?

13 A. Yes, sir.

14 Q. Okay.

15 Q. And again you're trying to stop him?

16 A. Yes, sir.

17 Q. And is this when he is about to tug his shirt up?

18 A. Yes, sir.

19 Q. And again, though it's not clear from the video or  
20 due to the angle, et etcetera, you're right next to him?

21 A. Correct.

22 Q. Okay. And you clearly saw it?

23 A. Yes, sir.

24 Q. Okay. All right. Sir, I know you said you called  
25 for store security. You said they weren't able to get there

1 in time. Did you, yourself, eventually call 911?

2 A. Yes, sir.

3 MR. LEXIS: And again, for the record, this is  
4 State's Exhibit 3, the second item on that disc.

5 (State's Exhibit 3, 911 call, played.)

6 BY MR. LEXIS:

7 Q. Is that the 911, sir?

8 A. Yes, sir.

9 Q. Okay. In that 911, I believe you -- you mentioned  
10 that the guy with the gun was the brown shirt. Were you  
11 mistaken?

12 A. Yes, sir.

13 Q. Okay. Basically --

14 A. Yeah. It just --

15 Q. -- you're still --

16 A. -- all happened so fast it was like --

17 Q. Okay. Since that time, you've had a chance to  
18 review the video surveillance?

19 A. Yes, sir.

20 Q. Sir, as a manager, as you stated earlier, you have  
21 -- also have responsibility and custody to look at the  
22 inventory and the ability to pull inventory and the prices, et  
23 cetera?

24 A. Yes, sir.

25 Q. Were you able to pull the missing inventory on this

1 particular incident?

2 A. Yes, sir.

3 Q. Okay. I'm showing you State's Exhibit 8. Do you  
4 recognize this, sir?

5 A. Yes, sir.

6 Q. Let me zoom out. What is it?

7 A. It's a receipt of all the -- the jerseys that they  
8 took.

9 Q. Okay. And I want to go over to the kinds of  
10 jerseys. So let's start with the first one, sir. What is the  
11 first one? And just work your way.

12 A. So the first one is a Lakers purple Kuzma jersey in  
13 a large. The next one is a Memphis Grizzly Mike Bibby jersey  
14 in a teal.

15 Can you move it down a little?

16 Q. Keep going.

17 A. Yeah. So the next one is a Lakers white LeBron  
18 James jersey in a large. Another LeBron white jersey in a  
19 large. Another LeBron white jersey in a large. Another  
20 LeBron white jersey in a large. A LeBron James purple in a  
21 large. Another LeBron James purple in a large. And another  
22 LeBron James purple in large.

23 The next one is a Curry jersey, a gray Curry jersey  
24 and then you have a Kobe Bryant jersey, a yellow Kobe Bryant  
25 jersey. Another yellow Kobe Bryant jersey and another yellow

1 Kobe Bryant jersey.

2 Q. Totaling what, sir?

3 A. \$1732.05.

4 Q. Did an officer eventually meet up with you to go  
5 over a six-pack photo lineup?

6 A. Yes, sir.

7 Q. Showing you State's 10. Do you recognize this  
8 document, sir?

9 A. Yes, sir.

10 Q. What is it?

11 A. The photo -- photo lineup.

12 Q. Was this admonishment given to you before selecting  
13 anybody?

14 A. Yes, sir.

15 Q. Okay. And did you select somebody?

16 A. Yes, sir.

17 Q. Showing you the second page of that document. Is --  
18 who -- who made that marking in the circle?

19 A. I did.

20 Q. Okay. And do you recognize that person as one of  
21 the suspects?

22 A. Yes, sir.

23 Q. Okay. And which suspect was that?

24 A. The guy with the white tank top.

25 Q. Were you then -- put a statement down regarding that

1 individual?

2 A. Yes, sir.

3 Q. And what did you put?

4 A. The reason why I'm 100 percent sure it was this man  
5 in the -- in the second slot is because he has the same eye  
6 structure, and the same nose and the same facial hair at the  
7 time.

8 Q. Okay. Did the officer also conduct another six-pack  
9 with you?

10 A. Yes, sir.

11 Q. Showing you State's 6. Do you recognize that  
12 document?

13 A. Yes, sir.

14 Q. Was that admonishment gone over with you before  
15 selecting anybody?

16 A. Yes, sir.

17 Q. Showing you the second page of that document.  
18 Let me zoom out. Do you see some initials and a  
19 circle?

20 A. Yes, sir.

21 Q. Who did that?

22 A. I did.

23 Q. Okay. Did you then make a statement?

24 A. Yes, sir.

25 Q. What did you put?

1           A.    "The reason suspect number 5 is the same guy that  
2 committed the crime at Fashion Show Mall is that he had the  
3 same facial hair and the same eye features. He also has the  
4 same skin tone as the guy that came in."

5           MR. LEXIS: I have no further questions, Your Honor.

6           THE COURT: All right. Thank you.

7           Go ahead and clean that off.

8           And, Mr Hill, cross-examination?

9                       (MR. HILL/MR. LEXIS CONFER.)

10                      CROSS-EXAMINATION

11 BY MR. HILL:

12          Q.    Good afternoon, sir.

13          A.    Good afternoon.

14          Q.    I'm going to start with a question just to clear up.  
15 Start with a question, focusing your attention on the person  
16 who supposedly flashed something in his waistband --

17          A.    Correct.

18          Q.    -- okay? Do you know the guy I mean?

19          A.    Yes, sir.

20          Q.    As they were exiting the store?

21          A.    Yes, sir.

22          Q.    All right. Because there was two guys that came  
23 into the store that we're talking about here today; right?

24          A.    Correct.

25          Q.    And one of them was wearing a brown t-shirt?

1 A. Yes, sir.

2 Q. And a little slimmer in build; right?

3 A. Correct.

4 Q. And the other one was wearing a white tank top;  
5 right?

6 A. Yes, sir.

7 Q. And was a little heftier?

8 A. Correct.

9 Q. Right?

10 A. Correct.

11 Q. All right. And those are the two folks we're  
12 talking about?

13 A. Yes, sir.

14 Q. And as they were exiting, only one person supposedly  
15 flashed something at you; right?

16 A. Correct.

17 Q. All right. And that was the guy in the white tank  
18 top?

19 A. Correct.

20 Q. The heavier set guy?

21 A. Correct.

22 Q. The guy with the longer hair?

23 A. Correct.

24 MR. HILL: And Judge, can I publish State's Exhibit  
25 17?

1 THE COURT: Sure.

2 BY MR. HILL:

3 Q. It was this guy; right?

4 A. Correct.

5 Q. All right. I want to turn your attention next to  
6 the color of the item that -- was it in the waistband? Is  
7 that your -- is that what you're telling the jury, it was in  
8 like the waistband?

9 A. Correct.

10 Q. All right. And I want to talk about both what you  
11 saw and the color; all right?

12 A. Okay.

13 Q. So we'll start with just what you saw, or what  
14 you're telling the jury you saw.

15 You didn't see the entirety of what it was; true?

16 A. Correct.

17 Q. There's just a piece coming out of the top of the  
18 waistband; right?

19 A. Correct.

20 Q. All right. And it was black?

21 A. Correct.

22 Q. Right? It was all black; wasn't it?

23 A. Correct.

24 Q. All right. And in fact you -- you just listened to  
25 the 911 call, didn't you?



1 A. Yes, sir.

2 Q. All right. And I think towards the end you said  
3 "black" six times, in rapid succession, huh?

4 A. Yes, sir.

5 Q. It was a black, it was a black, you were thinking --

6 A. Right.

7 Q. -- right?

8 A. Correct.

9 Q. And you said "black" six times.

10 A. Correct.

11 Q. Because it was black.

12 A. Correct.

13 Q. All black?

14 A. Yes, sir.

15 MR. HILL: Oh, sorry, Judge. I don't know what  
16 exhibit number it is, but it's the surveillance footage.

17 THE COURT: Well, hold on. Stop it. We --

18 MR. HILL: All right.

19 THE COURT: -- need you to figure that out first.

20 MR. HILL: Sorry.

21 THE COURT: Let's stop -- can you stop it for just a  
22 second?

23 MR. HILL: So permission to publish State's Exhibit  
24 3, Judge.

25 THE COURT: No problem. Go ahead.

1 MR. HILL: All right. Sorry about that.

2 BY MR. HILL:

3 Q. So lastly, I want to ask some questions just about  
4 the timing of the exit --

5 A. Okay.

6 Q. -- all right? Which we saw now a couple of times  
7 happened pretty quick; right?

8 A. Correct.

9 Q. They were walking by and they're out.

10 A. Yes, sir.

11 Q. Right?

12 A. Yes, sir.

13 Q. They didn't stop?

14 A. No, sir.

15 Q. You -- they didn't really interact on their way out  
16 in a way that they stopped to talk to you; right?

17 A. Correct.

18 Q. They just moved out?

19 A. Correct.

20 Q. And they weren't lollygagging, were they?

21 A. No, sir.

22 Q. All right. So we're -- I turn your attention now to  
23 State's 3. That's the footage that we've been talking about;  
24 right?

25 A. Correct.

1 Q. And is that you on the bottom left of State's  
2 Exhibit 3, at 16 seconds?

3 A. Yes, sir.

4 Q. And you're not wearing a mask, huh?

5 A. Not -- not at those times.

6 Q. Those were the good ole days, weren't they?

7 A. Yes, sir.

8 Q. My goodness. It looks uncomfortable just to look at  
9 people with --

10 A. Yeah.

11 Q. -- no mask, huh?

12 So I'm going to skip ahead on State's Exhibit 6.  
13 I'm at a minute 13 now. And I'm going to go ahead and hit  
14 play; all right?

15 You can't see you in this little freeze frame;  
16 right?

17 A. No.

18 (State's Exhibit 3, surveillance video, continues playing.)

19 BY MR. HILL:

20 Q. All right. That's the guy that supposedly said  
21 something to you, right?

22 A. Correct.

23 Q. Going back to 1:11.

24 (State's Exhibit 3, surveillance video, continues playing.)

25 BY MR. HILL:

1 Q. At 1:13, it looks like you're a couple of feet away  
2 from him in the lower left second -- or lower left corner;  
3 right?

4 A. Correct.

5 (State's Exhibit 3, surveillance video, continues playing.)

6 BY MR. HILL:

7 Q. 1:14 he's gone?

8 A. Correct.

9 Q. And he didn't stop?

10 A. Correct.

11 (State's Exhibit 3, surveillance video, continues playing.)

12 BY MR. HILL:

13 Q. And then here comes the -- the heavy set guy, right?

14 A. Correct.

15 Q. The one in the white tank top, right?

16 A. Correct.

17 Q. At 1:16 and he's in the bottom right hand corner?

18 A. Correct.

19 Q. And he's taking kind of quick steps too, huh?

20 A. Correct.

21 Q. Back up to 1:15.

22 (State's Exhibit 3, surveillance video, continues playing.)

23 BY MR. HILL:

24 Q. Here he comes, step, step, step, right?

25 A. Correct.

1 Q. And that's your left hand out there?

2 A. Yes, sir.

3 Q. And is he holding something?

4 A. Yes, sir.

5 Q. Jerseys?

6 A. The jerseys; yes, sir.

7 Q. Okay. His left hand is up? Right?

8 A. Yes, sir.

9 Q. And his right hand's holding the jerseys?

10 A. Yes, sir.

11 Q. And we're at 1:17?

12 A. Correct.

13 Q. And here we are at 1:18, right?

14 A. Yes, sir.

15 Q. And we're looking at his back now, right?

16 A. Yes, sir.

17 Q. And he's ahead of you?

18 A. Yes, sir.

19 Q. And then 1:19 he's gone?

20 A. Yes, sir.

21 Q. And if I may, I'll just play those two seconds  
22 without stopping and starting. Here's 1:16 of State's 3.

23 (State's Exhibit 3, surveillance video, continues playing.)

24 BY MR. HILL:

25 Q. There and gone, right?

1 A. Yes, sir.

2 Q. All right. Somewhere in there, for a flash --

3 A. Correct.

4 Q. -- you saw black?

5 A. Correct.

6 Q. Now, we've just watched it three times.

7 A. Correct.

8 Q. And you and I can agree, it had to have been for a  
9 flash (snaps fingers)?

10 A. Correct.

11 MR. HILL: Could I have one second, Your Honor?

12 THE COURT: Sure.

13 MR. HILL: That's all I have, Your Honor.

14 Thank you.

15 THE COURT: All right.

16 Any redirect? Hold on just a second.

17 MR. LEXIS: I'm not going to touch anything.

18 REDIRECT EXAMINATION

19 BY MR. LEXIS:

20 Q. Sir, you approached both these individuals to try to  
21 get them to stop; is that correct?

22 A. Correct.

23 Q. And were you within inches of these individuals?

24 A. Yes, sir.

25 MR. LEXIS: Nothing further.

1 THE COURT: Any recross?

2 MR. HILL: Sure.

3 THE COURT: All right. Hold on.

4 MR. HILL: He didn't touch anything.

5 THE COURT: Well, we're going to clean it.

6 MR. HILL: All right.

7 THE COURT: Let's do it. It's -- I have this  
8 protocol I'm supposed to follow and so we're going to try to  
9 follow it. Go ahead.

10 RECROSS-EXAMINATION

11 BY MR. HILL:

12 Q. The State just talked about being inches apart;  
13 right?

14 A. Correct.

15 Q. Well, one of the benefits of videos, we get to look,  
16 right?

17 A. Right.

18 THE COURT: Where are you starting, or where are  
19 you --

20 MR. HILL: I am -- I'm at 1:18 on State's 3.

21 (State's Exhibit 3, surveillance video, continues playing.)

22 BY MR. HILL:

23 Q. And there we see you're about a foot away; right?

24 A. Give or take, yeah.

25 Q. Uh-huh. And if I hit play and pause in rapid

1 succession, for one second, now we're at 1:19, right?

2 A. Yes, sir.

3 Q. And you're behind him, aren't you?

4 A. Yes, sir.

5 Q. All right.

6 MR. HILL: Well, that's all I have, Your Honor.

7 Thank you.

8 MR. LEXIS: Nothing --

9 THE COURT: All right.

10 MR. LEXIS: -- further, Judge.

11 THE COURT: All right. Does any member of the jury  
12 have a question for this witness? If you do, write it on a  
13 clean sheet of paper and then signal the Marshal.

14 Anybody? Anyone have a question? Going once, going  
15 twice.

16 Thank you, sir, for your testimony. You are  
17 excused.

18 THE WITNESS: Thank you.

19 MR. LEXIS: Judge, the next witness is A/V testimony  
20 so now is probably a good time to take a break.

21 THE COURT: All right. How -- did you get any sense  
22 from our IT person how long it's going to take to set up?

23 MR. LEXIS: It differentiates every time they're in  
24 here, Judge. So --

25 THE COURT: All right. Let's -- let's try to just



1 do ten minutes and hopefully we'll get the A/V going.

2           While you're out there, do not talk to each other  
3 about the case. Do not talk with anyone else about the case.  
4 Don't let anyone talk to you about the case. Don't read any  
5 news stories or articles or listen to any radio or television  
6 reports about the case or about anyone who has anything to do  
7 with it.

8           Do not visit the scene of any events mentioned  
9 during the trial or undertake any investigation,  
10 experimentation or research on your own, including use of  
11 social media to in any way discuss the case or the use of the  
12 Internet to do any sort of investigation or research. And do  
13 not begin to form or express an opinion on any subject  
14 connected with this case until it's finally submitted to you.

15           We'll see you back in hopefully, knock wood, ten  
16 minutes.

17           THE MARSHAL: All rise for the jury.

18           (Jury exits the courtroom at 1:30 p.m.)

19           (Outside the presence of the jury.)

20           THE COURT: All right. Do a -- do a test.

21           (Pause in the proceedings.)

22           Where's Mr. Lexis?

23           MR. SCARBOROUGH: I think he just stepped out to  
24 maybe contact some witnesses, I think.

25           THE COURT: Oh, okay.

1 Well, you're here. Let's -- you say that we have  
2 the witness online?

3 THE COURT RECORDER: Yes.

4 MR. SCARBOROUGH: Oh, we have?

5 THE COURT RECORDER: The witness has joined on  
6 BlueJeans.

7 THE COURT: All right. Where is he?

8 THE COURT RECORDER: Mr. Castillo? Hi.

9 MR. CASTILLO: Yes, hello.

10 THE COURT RECORDER: Can you hear us? Can you hear  
11 us, Mr. Castillo?

12 MR. CASTILLO: Oh, yes.

13 THE COURT RECORDER: Okay.

14 THE COURT: Can we get him louder?

15 THE COURT RECORDER: Mr. Castillo, can you say  
16 something?

17 MR. CASTILLO: Yes, hello. Hello.

18 THE COURT: That's as loud --

19 THE COURT RECORDER: Thank you.

20 THE COURT: -- as we can get it? All right.

21 (Court recessed at 1:32 p.m., until 1:49 p.m.)

22 (Inside the presence of the jury.)

23 THE MARSHAL: All rise for the jury.

24 THE COURT: Do the parties stipulate to the presence  
25 of the jury panel?

1 MR. SCARBOROUGH: Yes, Your Honor.

2 MR. HILL: Yes, Your Honor.

3 THE COURT: All right.

4 Okay. Ladies and gentlemen, we're going to have a  
5 witness appear remotely through the use of audio/video. It's  
6 important that you be able to see at least one of the two  
7 screens.

8 Go ahead and call the witness.

9 MR. SCARBOROUGH: The State calls Elvin Castillo.

10 THE COURT: All right.

11 MR. CASTILLO: Yes, sir.

12 THE COURT: Are you there, Mr. Castillo?

13 MR. CASTILLO: Yes, sir.

14 THE COURT: Why am I not seeing him? I need to see  
15 Mr. Castillo.

16 MR. SCARBOROUGH: Can you swear him in?

17 THE COURT: Well, I -- we need to see him.

18 All right. There we go.

19 It seems to be circulating.

20 THE COURT RECORDER: Yes [inaudible].

21 THE COURT: Well, we need to have it focus on the  
22 witness and not on everybody else here in the room.

23 MR. SCARBOROUGH: Judge, the witness is on --

24 THE COURT RECORDER: The witness is on the T.V.

25 THE COURT: Oh, mine is going all around.

1 THE COURT RECORDER: That's just my -- that's my  
2 personal --

3 THE COURT: That's your screen?

4 THE COURT RECORDER: Yeah.

5 THE COURT: Oh, all right. I'm sorry.

6 THE COURT RECORDER: That's okay.

7 THE COURT: Okay. Let me -- let me -- I'm going to  
8 need to see -- be where I can see the witness.

9 THE COURT RECORDER: James, can you turn the TV?

10 THE EXTERN: Do you want me to turn this  
11 [inaudible], Judge?

12 THE COURT: That's good.

13 THE EXTERN: Can anybody -- everybody still see  
14 okay?

15 THE COURT: Mr. Webb, you're in the far -- Mr. -- I  
16 think this -- you -- you guys can see okay?

17 UNIDENTIFIED JURORS: Yes.

18 THE COURT: All right. Okay, all right.

19 Very good then.

20 Go -- I'll need you, sir, to raise your right hand  
21 and our Clerk will swear you in.

22 (Testimony via BlueJeans Videoconference.)

23 ELVIN CASTILLO, STATE'S WITNESS, SWORN

24 THE CLERK: Please state and spell your first and  
25 last name for the record, please.

1 THE WITNESS: Elvin Castillo, E-l-v-i-n,  
2 C-a-s-t-i-l-l-o.

3 THE CLERK: Thank you.

4 THE COURT: All right. Go ahead, counsel.

5 DIRECT EXAMINATION

6 BY MR. SCARBOROUGH:

7 Q. Thank you, Mr. Castillo.

8 So just to get this out, you're appearing by  
9 audio/visual appearance, correct?

10 A. Yes.

11 Q. And without getting into your personal life, is it  
12 because you were exposed to the COVID-19 virus?

13 A. That is correct.

14 Q. Okay. And are you currently under a 14-day  
15 quarantine?

16 A. Yes, sir.

17 Q. Okay. Would you have been here in person otherwise?

18 A. Yes, sir.

19 Q. Okay. So how are you currently employed?

20 A. I am currently employed -- I am the store manager at  
21 Summerlin Mall Foot Locker.

22 Q. So were you employed at another store, a Foot Locker  
23 store last year in September of 2019?

24 A. That is correct.

25 Q. Okay.

1 A. Yes.

2 Q. What store were you employed at in September of last  
3 year?

4 A. I was at the Meadows Mall Foot Locker as a store  
5 manager.

6 Q. As a store manager, are you familiar with the  
7 inventory system, the purchasing system, and the records  
8 generated from those systems?

9 A. Yes, sir.

10 Q. Namely, are you familiar with cash transaction -- or  
11 sorry, or transaction receipts of purchases?

12 A. Yes, sir.

13 Q. Okay. So in order to facilitate this testimony  
14 better, and you are in possession of a 16-page document, is  
15 that correct, that I e-mailed you?

16 A. Yes, sir.

17 Q. Okay. And that 16-page document is the same  
18 document that I am in possession with as State's Exhibit 12;  
19 okay?

20 A. Yep. Yes, sir.

21 MR. SCARBOROUGH: And for the record, for the Court  
22 I have shown defense this exhibit, and I made defense aware  
23 that my witness is in possession of this same exact document.

24 THE COURT: All right. Do you have any concerns,  
25 Mr. Hill?

1 MR. HILL: I don't, Judge.

2 THE COURT: All right. Go ahead.

3 MR. SCARBOROUGH: Okay.

4 BY MR. SCARBOROUGH:

5 Q. So Elvin, the Exhibit is going to be No. 12, but to  
6 reference the individual pages in each exhibit I'm going to  
7 just say like 12.1, or 12.2. Do you follow?

8 A. Yes. Of course.

9 Q. Okay. All right.

10 MR. SCARBOROUGH: So I'm going to publish -- I can't  
11 publish that.

12 THE COURT RECORDER: Not on [inaudible].

13 BY MR. SCARBOROUGH:

14 Q. Okay. So going to State's 12.1, that's the first  
15 page; correct?

16 A. Yes.

17 Q. Okay. And this State's 12 would be a series of  
18 receipts on transaction that took place at that Meadows Mall  
19 Foot Locker?

20 A. Yes.

21 Q. Okay. So 12.1 would be a receipt from 9/20/2019?

22 A. That is correct.

23 Q. Okay. And then the time that the transaction took  
24 place would be 8:00 p.m., according to this document, yes?

25 A. Yes, sir.

1 Q. All right. And then when it says, cashier, who is  
2 the cashier on this?

3 A. It was me.

4 Q. Elvin C.?

5 A. Yes, sir.

6 Q. Okay. And ask we go down to the bottom of the first  
7 page, we're looking at -- and it says, 999 saleable. Do you  
8 follow where I'm saying?

9 A. Yes.

10 Q. Okay. And what's the next line underneath 999  
11 saleable?

12 A. It says, returned without a receipt.

13 Q. Okay. So amongst the next two pages are the  
14 transaction history from 9/20/2019; correct?

15 A. Yes.

16 Q. Okay. The customer, if you look on the first page  
17 of this document, is who?

18 A. Andre Snipes.

19 Q. All right. So going to the third page of State's  
20 Exhibit 12, so 12.3, describe just what's on the page. Are  
21 there many paragraphs?

22 A. It's -- yes, it's the back of the receipt.

23 Q. And what's on the back of the receipt?

24 A. It's just our policy --

25 Q. So it's --



1 A. -- it's our return -- our refund policy.

2 Q. So it's a refund policy underneath the heading Foot  
3 Locker promise; correct?

4 A. Okay.

5 Q. And under that Foot Locker Promise, can you read  
6 what it says on the second bullet point where it says, returns  
7 without a receipt? What does that say?

8 A. It says, returns without a receipt for  
9 (indiscernible) merchandise are exchangeable for merchandise  
10 -- for a merchandise credit card in the amount of the lowest  
11 selling price for the last 60 days which may include special  
12 sales and/or multiple offers.

13 Q. Okay. So to summary that paragraph, returns without  
14 a receipt are returnable but you just give a merchandise gift  
15 card per policy; correct?

16 A. Yes.

17 Q. Okay. So as we flip to -- we'll go to page 12.5.  
18 Are we on -- are you on a page where it's a new transaction?

19 A. Yes.

20 Q. Okay. And is that from September 24th, 2019?

21 A. That is correct.

22 Q. Okay. And is that another transaction at the  
23 Meadows Mall at 2:54 p.m. with you as the cashier?

24 A. Yes, sir.

25 Q. All right. And who was the customer on that

1 transaction at the Foot Locker at Meadows Mall on 9/24?

2 A. Andre Snipes.

3 Q. Okay. And if we look down and it -- and it's -- is  
4 there a return without receipt?

5 A. That is correct.

6 Q. What item was returned without a receipt?

7 A. It was a Nike Lakers jersey.

8 Q. Okay. And so there was a gift card -- if you flip  
9 to the next page, I believe, 12.6, is that the issuance --

10 A. Yes.

11 Q. -- of the gift card?

12 A. Yes. For \$97.41.

13 Q. Okay. And that \$97.41, that -- the last four digits  
14 of that card are 5981?

15 A. Yes.

16 Q. Okay. And then again as we flip through page 7, 8,  
17 those are again the back of the receipt that shows that --

18 A. That is correct.

19 Q. -- Foot Locker Promise; correct?

20 A. Yes.

21 Q. Okay. And then if we go to page 10, on Exhibit 12,  
22 what are we looking at there? Is that another receipt for  
23 10/6?

24 A. Yes.

25 Q. And my page count's correct, we're on page 10;

1 right?

2 A. Yeah, page 10 is like the continuance. The receipt  
3 starts in page 9.

4 Q. Okay. Thank you. Okay. So we're on page 9 and  
5 it's a 10/6/2019 transaction; correct?

6 A. Yes.

7 Q. Okay. And the customer again is Andre Snipes?

8 A. Yes.

9 Q. Okay. And then what on that -- what's the  
10 transaction that happened on that receipt?

11 A. That is transaction 40445.

12 Q. No, what was -- what was the transaction that  
13 happened? Was it a return or a purchase? What was it?

14 A. Oh. Yes, it was a return without a receipt.

15 Q. Okay. And for how much money?

16 A. For \$216.50.

17 Q. Okay. So those receipts that I just went through  
18 with you show that Andre Snipes was in the store and making  
19 those returns on 9/20, 9/24 and 10/6; correct?

20 A. Yes, sir.

21 Q. And these would be the business records generated  
22 from your system of those transactions?

23 A. Yes.

24 Q. Okay. So now what I want to show you and go through  
25 is as a store manager are you familiar with the video

1 surveillance system in your store at that time, the Meadows  
2 Mall Foot Locker?

3 A. Yes, sir.

4 Q. Yes? Okay. And did you have a chance to review and  
5 see video surveillance collected from September 20th, 2019,  
6 the 24th of September --

7 A. Yes.

8 Q. -- 2019?

9 A. Yes.

10 Q. And October 6th, 2019?

11 A. Yes.

12 Q. Okay. Now, since you're on the app, BlueJeans, it  
13 looks like you and I are sharing a screen; is that correct?

14 A. We were. Right now I'm looking at the rest of the  
15 court.

16 Q. So if I'm clicking on the video, can you see the  
17 video that I just clicked on?

18 A. No, sir.

19 MR. SCARBOROUGH: Can we, Judge?

20 THE COURT: Yeah. Let the tech guy hopefully work  
21 magic.

22 MR. SCARBOROUGH: Hold tight, Elvin. Thank you.

23 THE WITNESS: Thank you, guys.

24 I see it now.

25 BY MR. SCARBOROUGH:

1 Q. You see me now? Okay.

2 A. Yeah.

3 Q. So right now what I've done is I have opened up -- I  
4 have put into my video player State's Exhibit 2, and I've  
5 opened up the file titled "20190920" which contains players  
6 and video files and I'm clicking the second file in that  
7 player.

8 And as I pull that up, are you able to see this  
9 video surveillance on your screen through your personal --

10 A. Yes.

11 Q. -- laptop? Yes?

12 A. Yes.

13 Q. Okay. So we're looking at --

14 MR. SCARBOROUGH: I'm going to maximize.

15 BY MR. SCARBOROUGH:

16 Q. Okay. So this video footage that is still running,  
17 it's on September 20th, 2019; correct?

18 A. Yes.

19 Q. And is that camera two?

20 A. Yes.

21 Q. Okay. And I will fast forward to about 19 -- okay,  
22 I've paused the player at 19:40:23. Do you recognize the  
23 gentlemen at the register?

24 A. I don't.

25 Q. As the person who conducted -- so if this is a

1 camera angle of --

2 A. Oh. Yeah, that's our cashier.

3 THE COURT: Could you repeat that, please?

4 THE WITNESS: Yeah, the cashier or who -- what was  
5 the question again?

6 BY MR. SCARBOROUGH:

7 Q. Who -- who is in this frame?

8 A. Well, it looks like two customers and then like two  
9 -- two associates.

10 Q. Okay. Are you in this frame yet?

11 A. No, sir.

12 Q. Okay. I'll click play. So I'll fast forward a  
13 little bit. I'll pause there.

14 So it's at 19 --

15 THE COURT: Where are we pausing?

16 MR. SCARBOROUGH: -- 40 --

17 THE COURT: Okay. Sorry.

18 BY MR. SCARBOROUGH:

19 Q. It's at 19:43, the player is at 4:29. Do you  
20 recognize yourself yet in this frame?

21 A. Yes.

22 Q. Okay. And are you conducting the transaction in  
23 which we just went over the receipt for on 9/20/2019 at  
24 approximately 8:00 p.m.?

25 A. Yes.

1 Q. Okay. So, and does that indicate that the person  
2 across from you conducting this transaction with the Laker  
3 jersey that we see in the middle, is that Andre Snipes?

4 A. Yes.

5 Q. Okay. So exiting out of that player. Going into  
6 the file 2019024. Clicking on the second player. The player  
7 is beginning at 14:44. I'll stop at 14:44 and 17 seconds.

8 Do you see what's on the screen?

9 A. Yes.

10 Q. In the bottom right hand corner, is that you?

11 A. Yes.

12 Q. Okay. And then to save time, so to fast forward.

13 THE COURT: Can you expand that screen?

14 MR. SCARBOROUGH: Sorry. Yes, Judge. My apologies.

15 THE COURT: No, that's --

16 BY MR. SCARBOROUGH:

17 Q. So as the player is playing at 14:44 and ticking,  
18 okay, we see a gentleman walk up.

19 Okay. I've paused at 14:44 and 53 seconds. Do you  
20 recognize yourself in that frame?

21 A. Yes.

22 Q. And do you recognize -- or is that -- is this the  
23 video footage of the transaction conducted and as gone over on  
24 the receipt of 9/24, is this video of that transaction?

25 A. That's correct.

1 Q. Okay. And is that -- so that would indicate that  
2 you're in this video and the man across is Andre Snipes?

3 A. Yes.

4 Q. Okay. And then again, just going through -- going  
5 to October 6th, 2019, again, were you familiar with the video  
6 surveillance collected in that event?

7 A. Yes.

8 Q. Okay. And then there is a record from October 6th  
9 in which you are listed as the cashier or one of the cashiers  
10 involved. So is that -- if I were to show that footage would  
11 you recognize that footage of the transaction that took place  
12 on October 6th, 2019?

13 A. So I'd probably recognize everything that happened  
14 on [inaudible] but I think I was off on October 6th. It was  
15 my assistant manager that rang that transaction.

16 Q. Okay. And who's your assistant manager?

17 A. Daniella.

18 Q. Okay. And so do you have the player up now on your  
19 screen?

20 A. Yes.

21 Q. Okay. Is this video footage of October 6th, 2019?

22 A. Yes.

23 Q. And is this the footage from the same store, the  
24 same register?

25 A. Yes.



1 Q. Okay. So fast forwarding to -- we'll stop right  
2 there at 13:09 and 55 seconds, 2 minutes and 55 seconds on the  
3 player. You're not in this frame; correct?

4 A. Yes. Correct.

5 Q. Okay. But the man that's in the frame, is that  
6 Andre Snipes standing cross from the -- the cashier?

7 A. Yes.

8 Q. Okay.

9 MR. SCARBOROUGH: Brief indulgence.

10 All right. Elvin, thank you for helping me out.

11 So I'm going to pass the witness. So the defense  
12 attorney is going to get to ask you questions now; okay?

13 THE WITNESS: Yes.

14 MR. SCARBOROUGH: Pass the witness.

15 THE COURT: All right. Thank you.

16 Mr. Hill, any cross-examination?

17 MR. HILL: If we can bring the witness up.

18 THE COURT: We can go out of shared screen.

19 THE COURT RECORDER: Yeah, we have to click out of  
20 it or something.

21 MR. SCARBOROUGH: Do you want to just exit out of  
22 that?

23 THE COURT: Do you know how to do that or do you  
24 want an -- somebody --

25 MR. SCARBOROUGH: Just exit.

1 MR. HILL: Exit one --

2 THE COURT: Oh.

3 MR. SCARBOROUGH: I thought you meant the --

4 THE COURT: All right.

5 MR. HILL: Well, I might come back to it but I just  
6 want to -- how do I see the witness?

7 MR. SCARBOROUGH: That I don't know.

8 (Off-record colloquy.)

9 THE COURT: All right. There we go.

10 MR. HILL: Great. Now I can't see if I'm having a  
11 bad hair day.

12 CROSS-EXAMINATION

13 BY MR. HILL:

14 Q. How you doing, sir?

15 A. Doing well. Thank you.

16 Q. So I just kind of want to boil down what the State  
17 just went through with you; okay?

18 A. Okay.

19 Q. Because they have a job to do. I want to talk about  
20 it in more general terms. All right?

21 A. Yes, sir.

22 Q. So we went through three transactions, fair to say?

23 A. Yes.

24 Q. We -- and they were all at Foot Locker stores?

25 A. Yes.

1 Q. One was September the 20th; right?

2 A. Yes.

3 Q. One was September the 24th?

4 A. Yes.

5 Q. And one was October the 6th?

6 A. Yes.

7 Q. And two of them you were present personally?

8 A. Yes.

9 Q. But on October the 6th your assistant manager was  
10 there?

11 A. Correct.

12 Q. All right. So on October the 20th -- sorry,  
13 September the 20th, the individual we've been talking about  
14 came in with jerseys; right?

15 A. Yes.

16 Q. And he --

17 A. Yes.

18 Q. -- returned them for a gift card?

19 A. Yes.

20 Q. All right. And the return was accomplished; right?

21 The store went through the return?

22 A. Yes.

23 Q. He wasn't sent away with the merchandise, was he?

24 A. No.

25 Q. All right. And he was sent away with a gift card,

1 right?

2 A. Yes.

3 Q. And you're the one who actually did the return on  
4 September the 20th, true?

5 A. Yes.

6 Q. All right. And fair to say that that was an  
7 uneventful return?

8 A. What do you mean by uneventful?

9 Q. Well, I guess that was a bad question. I'll move  
10 on. In other words, you didn't call security on September the  
11 20th during that return, did you?

12 A. No.

13 Q. You didn't call the police, did you?

14 A. No.

15 Q. You didn't, you know, flag the jerseys that were  
16 returned, did you?

17 A. No.

18 Q. All right. You just took the jerseys, right?

19 A. Yep.

20 Q. And then gave a gift card?

21 A. Two gift cards, yes.

22 Q. Two gift cards. And you didn't see where the  
23 jerseys came from, did you?

24 A. No. I had no idea.

25 Q. We'll fast forward to September the 24th. We have

1 this individual come into the store and we got another  
2 exchange -- or -- or a return for a gift card; right?

3 A. Yes.

4 Q. And this was another one that you did personally,  
5 true?

6 A. That is correct.

7 Q. All right. And this fellow came in with jerseys or  
8 a jersey, I don't know.

9 A. It -- it was multiple jerseys, this event.

10 Q. All right. And you took the jerseys --

11 A. And it was -- yeah. So we took one jersey in and  
12 then I believe he left with two of the them (indiscernible).

13 MR. HILL: Did anybody else lose him there?

14 THE COURT: Yeah.

15 MR. HILL: All right.

16 THE COURT: Can you repeat the last --

17 BY MR. HILL:

18 Q. So let's --

19 THE COURT: -- question -- answer you gave us?

20 THE WITNESS: Yeah. He -- he -- he came in with  
21 three jerseys and I only took care of him for one jersey  
22 because two of the three jerseys were written up for I think  
23 very low prices that (indiscernible).

24 THE COURT: You still broke up at the very -- the  
25 two jerseys -- what couldn't you do with the two jerseys?

1           THE WITNESS: There was two jerseys that were  
2 pulling up really low prices like 5 or 10 dollars, I believe.  
3 So we -- we didn't take care of him. He didn't want to -- he  
4 didn't make the return for -- for \$10. It was just -- he just  
5 took the return for the big ticket item.

6 BY MR. HILL:

7           Q. All right. So let's break that down.

8                   On September the 24th, this individual comes in with  
9 three jerseys; right?

10          A. Yes.

11          Q. Two of them he could have returned for like 10  
12 bucks?

13          A. Yes.

14          Q. But he just -- and you would have taken them?

15          A. Yes.

16          Q. All right. But he just ended up returning one?

17          A. Correct.

18          Q. And you took that jersey?

19          A. Yes.

20          Q. And issued a gift card?

21          A. Yes.

22          Q. And meanwhile, nothing out of the ordinary in the  
23 store that day, customers around like usual?

24          A. Yes.

25          Q. You didn't call security in relation to this

1 exchange?

2 A. No.

3 Q. You didn't call the police in relation to this  
4 exchange?

5 A. No.

6 Q. You just took the jersey and gave the gift card;  
7 right?

8 A. Yes.

9 Q. All right. And -- and same could be said for -- to  
10 the best of your recollection, September the 20th, nothing  
11 tremendously out of the ordinary going on in the store,  
12 business as usual, right?

13 A. Yes.

14 Q. We've got one more on October the 6th; right?

15 A. Yes.

16 Q. And you weren't there for this one?

17 A. Correct.

18 Q. But you're familiar with the circumstances?

19 A. Yes.

20 Q. And you've seen the video?

21 A. Yes.

22 Q. And you've talked about it with your staff?

23 A. Yes.

24 Q. So you're familiar with everything that happened on  
25 October the 6th, even though you weren't there?

1 A. Correct.

2 Q. All right.

3 A. Yes.

4 Q. Not -- sorry, thank you. Not to sound like a broken  
5 record, but fellow came in with jerseys that were returned for  
6 a gift card on October the 6th, right?

7 A. Yes.

8 Q. And to the best of your knowledge, your staff or  
9 you're -- you're not aware of where those jerseys came from;  
10 right?

11 A. Correct.

12 Q. Ditto. I don't think I asked you, going back to the  
13 September the 24th, the second one that you were  
14 (indiscernible), you didn't know where those jerseys came  
15 from?

16 A. Correct.

17 Q. All right. And October the 6th, again, security  
18 wasn't called, right?

19 A. Correct.

20 Q. And police weren't called?

21 A. Correct.

22 Q. Business as usual that day as far as you know?

23 A. Yes.

24 MR. HILL: Could I just have one second, Judge?

25 THE COURT: Sure.



1 MR. HILL: That's all I have, Your Honor. Thank  
2 you.

3 THE COURT: All right. Any --

4 MR. SCARBOROUGH: No follow-up, Judge.

5 THE COURT: No redirect? All right.

6 MR. SCARBOROUGH: No, sir.

7 THE COURT: Does any member of the jury have any  
8 questions for this witness? If so, write it on a clean sheet  
9 of paper and signal the Marshal. I'm not seeing any hands.

10 All right. Sir, thank you very much for your  
11 testimony. You are excused.

12 THE WITNESS: Thank you, sir.

13 You have a good day, guys.

14 THE COURT: Thank you.

15 All right. Let me see counsel at sidebar.

16 (Sidebar begins.)

17 THE COURT: All right. So do we have anymore  
18 witnesses for today?

19 MR. LEXIS: No.

20 THE COURT: All right. So who do we have left?

21 MR. LEXIS: The main detective possibly another  
22 detective, the parole officer and one of the other takedown  
23 cops that set up the ruse. And I might -- there's one of his  
24 exhibits already admitted and if he tells me about his -- his  
25 kid, I ain't going to force it so I might just withdraw that

1 exhibit.

2 THE COURT: All right. I thought it was just one  
3 more detective that was going to testify.

4 MR. LEXIS: There might be -- there might be someone  
5 else. I'm not going to -- I don't want to hold myself to it  
6 just --

7 THE COURT: Well, I want -- I'm -- I'm finishing up  
8 here today at 2:00 o'clock.

9 MR. LEXIS: Well, the State has gone -- trust me, I  
10 have done a lot to try to -- given the time frames that have  
11 been mixed around and the -- the COVID things, I -- I have --  
12 I'm with you and I think I've done a good job of getting this  
13 trial moving.

14 THE COURT: Well, I -- I'll be frank, I disagree. I  
15 don't see why we don't have the lead detective here. What's  
16 his excuse for not being here today?

17 MR. LEXIS: That's -- I would just want --

18 THE COURT: And why don't we have the other  
19 detective here? What's their excuse for not being here today?

20 MR. LEXIS: No, Detective -- I'm going to -- we're  
21 not finished presenting all the evidence yet.

22 THE COURT: I -- that is not an excuse for bringing  
23 in the lead detective.

24 MR. LEXIS: Well, to -- I don't know to many -- in a  
25 case like this, an organized retail theft, I don't know too

1 many DA's --

2 THE COURT: You have all your exhibits that are  
3 introduced into evidence. So tell -- why do we -- why can't  
4 the lead detective testify today?

5 MR. LEXIS: Because I'm not -- I have not  
6 [inaudible].

7 THE COURT: Listen, you aren't the one who decides  
8 when we stop. I could very easily say your case is closed.  
9 So don't sit here and say, I'm making the decision as to when  
10 I'm going to call a witness.

11 MR. LEXIS: I'm not make -- I'm not telling you  
12 that, Judge. I'm telling you I have a last minute guy telling  
13 me last night that his kid's in the hospital.

14 THE COURT: That is fine. I understand that.

15 MR. LEXIS: I've got another --

16 THE COURT: I understand that. And I'm not upset  
17 about that and that's perfectly fine for Thursday. But I'm  
18 sitting here at 2:00 o'clock and you tell me you've got two  
19 detectives that could be testifying.

20 MR. LEXIS: They also thought that they would be  
21 testifying the following week. I -- I was told at 5:00  
22 o'clock on Friday that we're starting on [inaudible].

23 THE COURT: Well, that's fine. If they've scheduled  
24 to be out of town today. Are you telling me that you talked  
25 to them and they were not available today?

1 MR. LEXIS: No, I talked to them and told them I  
2 definitely need them Thursday morning as well as the parole  
3 officer who could not -- I -- I had to bounce him around too.

4 THE COURT: The parole officer, they -- that's his  
5 witness. What I'm asking you --

6 MR. LEXIS: Well, this -- this --

7 THE COURT: -- is, is there no reason -- is there  
8 any reason we cannot get one of these detectives in this  
9 afternoon? It's 2:00 o'clock and I've got the jury here until  
10 5:00.

11 MR. LEXIS: I haven't even talked to them about  
12 coming in today nor can I bring them in today without -- I  
13 need to present them with that -- that evidence as well. I  
14 was asked last minute as far as the parole officer and what  
15 he's going to be able to testify to, and I just was able to  
16 obtain his information which I had forwarded to Mr. Hill  
17 yesterday. I -- that's something I need to talk to the  
18 detective about.

19 THE COURT: I'm not worrying about the probation  
20 officer. I'm worrying about the detectives.

21 MR. LEXIS: But that's something that the detective  
22 needs to be aware of before I put him on the stand.

23 THE COURT: All right. Well, we'll --

24 MR. LEXIS: I am ready to go for jury --

25 THE COURT: -- how long do we -- how long --

1 MR. LEXIS: -- instructions, Your Honor. I sent  
2 those --

3 THE COURT: And we will do that. We're going to --  
4 how long is the Detectives going to take on Thursday morning?

5 MR. LEXIS: We're going to be done -- we're going to  
6 wrap everything up Thursday morning. I -- the --

7 THE COURT: All right.

8 MR. LEXIS: -- the guy -- the guy with the kid I  
9 expect if he -- if he could testify, it's going to be 15  
10 minutes. And if he can't testify, I'm going to withdraw his  
11 exhibit.

12 THE COURT: Do you have any problem with the guy --  
13 what's the guy with the kid potentially appearing by BlueJeans  
14 if necessary?

15 MR. HILL: I -- I don't think I have anymore cross  
16 left for anyone, Judge.

17 THE COURT: Okay. All right.

18 MR. LEXIS: And quite frankly, Judge, I'm inclined,  
19 because I already know his answer, and I heard on his tone  
20 last night, I'm -- I'm inclined just to withdraw that exhibit.  
21 So that would leave us with one, potentially two cops and the  
22 patrol officer that would get --

23 THE COURT: All right.

24 MR. LEXIS: -- done Wednesday -- Thursday morning.

25 THE COURT: All right. All right.

1           Let's get the jury instructions done.

2                           (End of sidebar.)

3           THE COURT: All right. Ladies and gentlemen, I  
4 spoke to counsel.

5           One witness apparently had an emergency come up.  
6 And we need to get the jury instructions ready to be given to  
7 you. I have talked with the attorneys and everybody feels  
8 pretty comfortable that we can finish this case up on  
9 Thursday, not -- the presentation of evidence to you Thursday  
10 morning, which will allow you to have the afternoon to  
11 deliberate.

12           We may go -- I'm not promising that, but the point  
13 of it is, is that we're still looking very good to be done  
14 with Thursday.

15           We're going to break for today. And I appreciate  
16 your being here today and the time that you've put in here  
17 today. But we should still -- we're still on track to get  
18 this case done on Thursday.

19           So we're going to go ahead and get the jury  
20 instructions worked out among the parties so that we can move  
21 right through the remaining witnesses and the law and the  
22 closing arguments on Thursday and get the case to you.

23           Tomorrow is a holiday. So you won't be here  
24 tomorrow. We'll get started on Thursday at 9:30, so if you  
25 could get here about 9:20 so that we can get started right at

1 9:30 I would appreciate it and I'll make every effort for us  
2 to get started at 9:30 on Thursday.

3 While you're out there, the rest of today and  
4 tomorrow, until you get back here on Thursday, do not talk to  
5 each other about this case or about anyone who has anything to  
6 do with it until the end of the case when you go to the jury  
7 room to decide on your verdict.

8 Do not talk with anyone else about this case or  
9 about anyone who has anything to do with it until the trial  
10 has ended and you've been discharged as jurors. Anyone else  
11 includes members of your family and your friends. You may  
12 tell them that you are a juror in a criminal case but don't  
13 tell them anything else about it until after you've been  
14 discharged by me.

15 Do not let anyone talk to you about the case or  
16 about anyone who has anything to do with it. If someone  
17 should try to talk to you, please report it to me immediately  
18 by contacting the Marshal.

19 Do not read any news stories or articles or listen  
20 to any radio or television reports about the case or about  
21 anyone who has anything to do with it. Do not visit the scene  
22 of any of the events mentioned during the trial or undertake  
23 any investigation, experimentation or research on your own,  
24 including use of social media, to in any way discuss the case  
25 or the use of the Internet or other reference materials to do

1 any sort of investigation or research.

2 And do not begin to form or express any opinions on  
3 any subject connected with this case until it's finally  
4 submitted to you.

5 Again, thank you for getting here early today. And  
6 thank you for working with us through today. As I said, we  
7 are very confident that we will get the case to you on  
8 Thursday, let you have a chance to deliberate and get you back  
9 to your ordinary lives, as ordinary as they can be during a  
10 pandemic.

11 Anyway, thank you so much for your attention today.  
12 Have a great evening.

13 THE MARSHAL: All rise for the jury.

14 (Jury exits the courtroom at 2:24 p.m.)

15 (Outside the presence of the jury.)

16 THE COURT: All right. Does everybody have a set of  
17 the jury instructions?

18 MR. LEXIS: Yes.

19 THE COURT: The proposed jury instructions?

20 Danielle numbered them. I don't know if she brought  
21 -- did she bring -- give you any --

22 (COURT AND EXTERN CONFER.)

23 THE COURT: Okay. Well, we'll give her a minute to  
24 get down here.

25 Mr. Hill, have you had a chance to look through



1    them?

2                   MR. HILL: I'm wrapping just the last few up right  
3    now, Judge.

4                   THE COURT: Okay.

5                   MR. SCARBOROUGH: Thank you.

6                               (COURT/CLERK CONFER.)

7                               (Pause in the proceedings.)

8                   MR. HILL: All right, Judge.

9                   THE COURT: All right. My Law Clerk, Danielle, is  
10 bringing down packets with the jury instructions numbered. It  
11 will be a little bit easier to go through them with the  
12 numbers.

13                               (Pause in the proceedings.)

14                   THE COURT: All right. Danielle's just handed out  
15 packets. Essentially, it's the State's proposed instructions,  
16 just numbered. It's easier, I think, to go through it for  
17 reference. Have you got that, Mr. Hill?

18                   MR. HILL: Judge, this is different than the one  
19 that we got before?

20                   THE COURT: Except it's numbered.

21                   MR. HILL: Oh, it's numbered. Oh, lovely.

22                   THE COURT: So, all right. Is there anything in  
23 particular you object to, Mr. Hill?

24                   MR. HILL: Yes.

25                   THE COURT: All right. Let's go to that.

1 MR. HILL: Well, some of them are just me being  
2 persnickety.

3 THE COURT: Well, then let's -- let's -- maybe it  
4 will be easier to go through them one at a time then.

5 All right. Let's look at Instruction No. 1, "It's  
6 now my duty as Judge to instruct you on the law."

7 Any object -- I know the State has proposed these,  
8 but let me just get a record. Any objection, State?

9 MR. LEXIS: No.

10 THE COURT: Defense?

11 MR. HILL: No, Your Honor.

12 THE COURT: All right. Instruction Number -- well,  
13 actually, that was now -- that was the introductory  
14 instruction.

15 Now, Instruction No. 1, If in these instructions any  
16 rule, direction or idea is repeated or stated, et cetera.

17 Any objection to that, State?

18 MR. LEXIS: No.

19 THE COURT: Defense?

20 MR. HILL: No, Your Honor.

21 THE COURT: Okay.

22 Instruction No. 2, The Indictment is but a formal  
23 method of accusing a person of a crime. It's not evidence  
24 itself of any guilt.

25 I'm going to not include the references to a

1 category of felony and the Nevada Revised Statutes and the NOC  
2 numbers. I don't think that the jury needs to know whether  
3 it's a Category B felony or -- and what the statute numbers  
4 are.

5 But other than that, make -- making that change, is  
6 there any objection to Instruction No. 2, State?

7 MR. LEXIS: I saw a typo on Line 4. Instead of --  
8 it's saying "Information", it should read "Indictment".

9 THE COURT: Okay. Hold on.

10 Oh, you're right. Okay. Good deal. We'll make  
11 that change.

12 All right. And we'll go to Instruction No. 3,  
13 Conspiracy is an agreement or a mutual understanding between  
14 two or more persons.

15 Any objection, State?

16 MR. LEXIS: No.

17 THE COURT: Defense?

18 MR. HILL: No, Your Honor.

19 THE COURT: Okay.

20 Instruction No. 4, It's not necessary in proving a  
21 conspiracy to show a meeting of the alleged conspirators or  
22 the making of an express or formal agreement, et cetera.

23 Any objection, State?

24 MR. LEXIS: No.

25 THE COURT: Defense?

1 MR. HILL: No, Your Honor.

2 THE COURT: All right. 5, Each member of a  
3 conspiracy is liable for each act and bound by each  
4 declaration of every other member, et cetera.

5 Any objection, State?

6 MR. LEXIS: No.

7 THE COURT: Defense?

8 MR. HILL: No, Your Honor.

9 THE COURT: Six, When two or more -- excuse me --  
10 Where two or more persons are accused of committing a crime  
11 together, their guilt may be established without proof that  
12 each personally did every act, et cetera.

13 Any objection, State?

14 MR. LEXIS: No.

15 THE COURT: Defense?

16 MR. HILL: No, Your Honor.

17 THE COURT: All right. 7, Robbery is the unlawful  
18 taking of personal property from the person of another or --  
19 and his presence, et cetera.

20 Any objection, State?

21 MR. LEXIS: No.

22 THE COURT: Defense?

23 MR. HILL: No, Your Honor.

24 THE COURT: 8, If you find the defendant guilty of  
25 robbery you must also determine whether or not a deadly weapon

1 was used in the commission of this crime.

2 Any objection, State?

3 MR. LEXIS: No.

4 THE COURT: Defense?

5 MR. HILL: No, Your Honor.

6 THE COURT: All right.

7 Instruction 9, As used in this -- as used in these  
8 instructions a deadly weapon means, and then 1 or 2.

9 Any objection State?

10 MR. LEXIS: No.

11 THE COURT: Defense?

12 MR. HILL: No, Your Honor.

13 THE COURT: All right. Instruction 10, The State is  
14 not required to have recovered the deadly weapon used in an  
15 alleged crime, et cetera.

16 Any objection, State?

17 MR. LEXIS: No.

18 THE COURT: Defense?

19 MR. HILL: No, Your Honor.

20 THE COURT: 11, Larceny is defined as the stealing,  
21 taking, and carrying away of personal goods, et cetera.

22 Any objection, State?

23 MR. LEXIS: No.

24 THE COURT: Defense?

25 MR. HILL: No, Your Honor.

1           THE COURT: 12, Obtain money or property by false  
2 pretenses means when a person who knowingly or and designedly  
3 by any false pretense obtains from another person any choice  
4 [sic] in action, money, goods, wares, chattels, effects or  
5 other valuable thing with the intent to cheat or defraud the  
6 other person.

7           Any objection, State?

8           MR. HILL: I think there's just a typo with that.

9           MR. SCARBOROUGH: It seems like there's a typo, Your  
10 Honor. Any other person, any choose [sic] in action.

11          THE COURT: Well, that's what I sort of was  
12 wondering. But sometimes you guys base these on old English.

13          MR. LEXIS: Hold on. Let me pull up the statute.  
14 It's straight from the stat.

15          THE COURT: Let's see, obtains from any person, any  
16 choose in action?

17          MR. HILL: I think that whole phrase is probably --  
18 just somehow got dropped in.

19          THE COURT: Well, is there any action in this case?  
20 It seems to me that what we're talking about is money, goods,  
21 wares, chattels, effects or other valuable things.

22          I mean, aren't we essentially --

23          MR. LEXIS: Hold on. Let -- here's the statute.  
24 It's --

25          THE COURT: Well, I mean, in this instance, all

1 we're talking about is either him getting money or getting  
2 merchandise from the stores; right?

3 MR. HILL: Just money. Just gift cards.

4 MR. LEXIS: So knowingly and designedly by any false  
5 pretense obtain from --

6 THE COURT: It seems to me that we cover it by  
7 saying, from any --

8 MR. LEXIS: So I think we could --

9 THE COURT: -- person -- obtains from any person  
10 money, goods or other thing of value with the intent to cheat  
11 or defraud the other person.

12 MR. LEXIS: So, Judge, I would ask that on -- would  
13 be stricken is on line 3, "from any other person", and "choose  
14 in action", and then on page -- on line 4, "wares, chattels,  
15 effects".

16 So it -- I -- I would ask that it read, "Obtain  
17 money under false presence means where a person who knowingly  
18 and designedly by any false pretenses obtains money, goods, or  
19 any other valuable thing with the intent to cheat or defraud  
20 the other person".

21 THE COURT: All right. Shouldn't it be, false  
22 (indiscernible) obtains from any other person?

23 MR. LEXIS: Yeah, you could -- yeah, okay.  
24 Obtains --

25 THE COURT: I mean, I guess it ultimately it's --

1 MR. LEXIS: Okay.

2 THE COURT: -- false pretenses, you're obtaining it  
3 from another person.

4 All right. So after "other person" we'll strike  
5 "any choose in action" and then we'll -- on the next line  
6 we'll strike "wares, chattels, effects" and it will then read,  
7 "obtain money or property by false pretenses means when a  
8 person who knowingly and designedly by any false pretense  
9 obtains from any person money, goods or other valuable thing  
10 with the intent to cheat or defraud the other person."

11 Is that good to the State?

12 MR. LEXIS: Yeah. I would -- I would ask it's every  
13 person and/or corporation which obviously the statute -- "its"  
14 a person can be a corporation.

15 THE COURT: A person can be a corporation.

16 MR. LEXIS: Yes.

17 THE COURT: But I -- I think that's probably  
18 reasonable. I mean, Mr. Hill, do you have a problem if it  
19 says through false obtains from any person or -- or it may be  
20 easier to say business.

21 MR. LEXIS: Business.

22 MR. SCARBOROUGH: Business.

23 MR. LEXIS: Business sounds good.

24 THE COURT: Any objection, Mr. Hill?

25 MR. HILL: I'm trying to see if I can drum one up.



1 Give me a second.

2 THE COURT: Sure.

3 MR. HILL: I'm just going to interpose one for the  
4 record.

5 THE COURT: Okay.

6 MR. HILL: And -- and leave it at that.

7 THE COURT: Oh, okay. You're just going to make --  
8 all right. Well, I think "person" does encompass businesses.  
9 So and it's essentially businesses act through individuals.  
10 That was at least the case here. So I'll -- I'll go ahead and  
11 make the modification.

12 So obtain money or property by false pretenses means  
13 from a person -- means when a person who knowingly and  
14 designedly by any false pretense obtains from any other person  
15 or business money, goods or other thing -- valuable thing with  
16 the intent to cheat or defraud the other person or business.

17 MR. LEXIS: Yes. I need a correction at the end, as  
18 well.

19 THE COURT: All right.

20 (COURT/LAW CLERK CONFER.)

21 THE COURT: All right. That's what we'll -- how  
22 we'll -- we'll phrase it.

23 MR. LEXIS: And I'll just say, too, for the record,  
24 the -- the charge we have that every day all days, I bet I  
25 have at least a couple a week, is when -- pawn shop burglaries

1 and the underlying charge is obtaining money under false  
2 pretense and it's a business.

3 THE COURT: Okay. Well, like I said, either way you  
4 look at it they're -- you're either cheating, you know, duping  
5 the person who's the employee or you're duping the business.

6 So --

7 MR. LEXIS: Yes, Judge.

8 THE COURT: All right. Instruction 13, Every person  
9 who by day or night enters any store, et cetera.

10 Any objection, State?

11 MR. LEXIS: No, Judge.

12 THE COURT: Defense?

13 MR. HILL: Well, this may be unnecessary hair  
14 splitting.

15 THE COURT: Okay.

16 MR. HILL: But how do we work out that first line?  
17 Because it's not.

18 THE COURT: Huh?

19 MR. HILL: Doesn't it have to be a grand larceny?

20 MR. SCARBOROUGH: No.

21 MR. LEXIS: No. No, that's -- so if -- let's say  
22 there was -- let's say you just stole a candy bar.

23 MR. HILL: Right.

24 MR. LEXIS: Well, just like our -- our last case.

25 MR. HILL: Right.

1 MR. LEXIS: Where it was -- it was what, 50 bucks?

2 MR. HILL: Right.

3 MR. LEXIS: A beer and a hot dog?

4 MR. HILL: Right.

5 MR. LEXIS: And the reason it was a burg is because  
6 I admitted the JOC.

7 MR. HILL: Right.

8 MR. LEXIS: So in the statute a commercial burg is  
9 burg is if -- if he's 5 felony. So if -- it doesn't need to  
10 be --

11 MR. HILL: Right. Right.

12 THE COURT: So what are you saying that you think,  
13 Mr. Hill?

14 MR. LEXIS: Oh, but he wants to include the grand  
15 larceny. I -- that's fine. I'm fine with that, Judge. With  
16 -- it's the intent to commit larceny and/or grand larceny  
17 and/or obtain money or property by false pretense.

18 THE COURT: So the statute is with an intent to  
19 commit larceny or grand larceny or to obtain money by false  
20 pretenses?

21 MR. LEXIS: No, Judge. The -- the statute reads, if  
22 it's a commercial business --

23 THE COURT: Right.

24 MR. LEXIS: -- and you go in with the intent to  
25 commit assault, a battery, a larceny, and/or any felony, then

1 it's a burglary. But they need to have been a prior felon.

2 And if -- if we're charging -- if we're -- if we're  
3 alleging that they're just going in to commit petty larceny.  
4 So with the evidence in this case was conformed to, is that  
5 it's -- he's guilty if it's just a petty larceny, given his  
6 prior JOC, and the way -- the way we allege in this case, he's  
7 guilty of burglary if he goes in to commit a grand larceny,  
8 and he's guilty if he goes in to obtain money under false  
9 pretense.

10 THE COURT: All right. Do you concur with that, Mr.  
11 Hill?

12 MR. HILL: I do. I'm just thinking down the road  
13 when they say why didn't Hill object because that's not --  
14 although this is -- this is a correct shorthand statement of  
15 the law, as a point blank matter, entering a store to commit a  
16 larceny is -- is a condition -- it's a -- it's a burglary  
17 "if".

18 Now, that -- that "if" is met here.

19 THE COURT: Well, I mean, you -- you're -- I mean,  
20 you're -- I -- I was going to raise this with you. You're  
21 going to have to stipulate -- your client's going to have to  
22 stipulate that at the time this event occurred, that he had --  
23 was a felon.

24 MR. HILL: Well, I think that's just something that  
25 comes in at sentencing. I think that's a sentencing factor.

1 MR. LEXIS: No, no, this -- this is something that I  
2 need --

3 MR. SCARBOROUGH: For the charge.

4 THE COURT: For you -- for --

5 MR. LEXIS: -- to prove for the charge.

6 THE COURT: Yeah.

7 MR. LEXIS: For him to be guilty of burglary,  
8 according to statute, he needs to have two -- new --

9 MR. HILL: Right.

10 MR. LEXIS: -- two petty larcenies within the past  
11 seven years or be a prior felon.

12 THE COURT: Yeah. So, I mean, unless --

13 MR. HILL: Well, so long --

14 THE COURT: -- he's going to stipulate that he was a  
15 felon at the time, they're going to be able to admit the JOC  
16 and that will be an element that the jury has to find.

17 MR. HILL: Of course. And so I am prepared to so  
18 stipulate naturally, but I'm just thinking about how the  
19 Supreme Court deals with jury instructions and how -- how --

20 THE COURT: Right.

21 MR. HILL: -- tight -- they -- they take it.

22 THE COURT: And that's why we have this conversation  
23 on the record --

24 MR. HILL: Right. So this says --

25 THE COURT: -- which is, you know, as charged here,

1 burglary has an element of -- of prior felon and -- and any  
2 sort of larceny. So the jury would have to find all of those  
3 elements in order to find burglary.

4 MR. HILL: Right.

5 THE COURT: So --

6 MR. HILL: Of course I'm willing to --

7 THE COURT: -- the defendants are going to have to  
8 stipulate to that element. Otherwise, it's something that  
9 should go to the jury.

10 MR. HILL: And I -- and I'm prepared to do so. All  
11 I'm saying is every person who enters any store with the  
12 intent to commit a larceny is guilty of burglary, is not a  
13 true statement.

14 THE COURT: All right. Well, then just -- we'll  
15 change it to a person who enters by day or night. We can get  
16 rid of "every".

17 MR. HILL: I just don't want it coming back for  
18 something finicky like --

19 THE COURT: All right. I mean, let's just change it  
20 to "a person who by day or night" -- do you have any -- State  
21 have any problem with that?

22 MR. LEXIS: You want to change "every" to "a  
23 person"?

24 THE COURT: Right. A person who, by day or night,  
25 enters any store with the intent to commit a larceny and/or

1 obtain money or property by false pretenses herein, is guilty  
2 of burglary.

3 MR. LEXIS: That's fine. And I would -- I would add  
4 too, "and/or grand larceny." And that's fine.

5 So it reads, "Larceny and/or grand larceny and/or  
6 obtain money under false pretense."

7 MR. HILL: When's that from, Chad?

8 THE DEFENDANT: I mean, I haven't been in trouble in  
9 two decades.

10 MR. LEXIS: No, it doesn't -- it -- the --

11 THE DEFENDANT: The only record I have --

12 MR. HILL: Oh, it's prior -- it's prior --

13 MR. LEXIS: Prior pretty larcenies --

14 MR. HILL: -- petty larcenies in the last seven  
15 years or --

16 MR. LEXIS: Yes.

17 MR. HILL: -- any felony.

18 THE DEFENDANT: I haven't been in trouble since I  
19 was a juvenile. I'm 39 years, so how does that --

20 MR. HILL: I don't know. I'll have to take a look  
21 at the JOC --

22 THE DEFENDANT: -- [inaudible].

23 MR. HILL: -- before I stipulate.

24 THE COURT: Well, that's -- that's -- let's work  
25 this out right now then because he's saying that he hasn't got

1 a adult felony conviction. Let's take -- get the -- let's get  
2 the JOC and show it to Mr. Hill.

3 THE DEFENDANT: My last adult felony was  
4 [inaudible].

5 MR. HILL: Hold on.

6 MR. LEXIS: Yeah, we'll get it.

7 THE DEFENDANT: The year 2000 was the last time I  
8 committed any crimes almost two decades. They're talking  
9 about something that happened 19 --

10 THE COURT: Mr. -- Mr. Snipes, I -- I appreciate you  
11 may be upset about this. That's why we're working it out. So  
12 just --

13 MR. LEXIS: He's got three of them Dan. That's the  
14 most recent.

15 THE COURT: -- relax and let your attorney look at  
16 the Judgment of Conviction and he can come back and chat with  
17 you about it and we'll see -- we'll try to figure it out.

18 MR. HILL: He's got three of them Chad says.

19 MR. LEXIS: Yeah, he -- no, that's the most recent  
20 one.

21 (MR. HILL/DEFENDANT CONFER.)

22 THE COURT: Well, hold on just a second.

23 Officer, do you have any problem if he and Mr. Hill  
24 walk back into the little ante room and talk?

25 THE CORRECTIONS OFFICER: No, not at all, Your



1 Honor.

2 THE COURT: All right. Let's do that.

3 All right. This is obviously a significant issue,  
4 Mr. Hill. So why don't you go back there and see if you can  
5 wade the -- wade the stream with your client.

6 (DEFENDANT EXITS COURTROOM.)

7 (DISTRICT ATTORNEYS/MR. HILL CONFER.)

8 MR. SCARBOROUGH: Judge, the one that we marked was  
9 for the co-defendant. I just gave him the actual one that  
10 we're --

11 THE COURT: Okay.

12 MR. SCARBOROUGH: So we've got to just re -- OR  
13 remark or withdraw it.

14 THE COURT: That's -- that's -- it didn't go to the  
15 jury so at the moment it's no harm no foul.

16 MR. HILL: Maybe it's nothing, maybe it's something,  
17 but I'll wait for my guy.

18 THE CORRECTIONS OFFICER: Do you want him out here?

19 MR. HILL: Yeah.

20 (DEFENDANT ENTERS AT 2:50 P.M.)

21 MR. HILL: So it's a situation I've never seen  
22 before, Judge. And it is that the arrest and charge, Andre  
23 was a juvenile.

24 THE COURT: Okay.

25 MR. HILL: The JOC looks like somehow or another it

1 ended up in District Court and not Juvenile Court.

2 THE COURT: What -- what year was this?

3 MR. HILL: So, '99 -- he was born in '82. '99, when  
4 he was 17 is -- is -- it looks like was when the commission  
5 occurred.

6 THE COURT: What kind of crime?

7 MR. HILL: Uniform Controlled Substance Act.

8 THE COURT: That's not something your office will be  
9 able to remove him (indiscernible), would it be?

10 MR. SCARBOROUGH: Well, this is from California.

11 THE COURT: Oh. California.

12 MR. SCARBOROUGH: So we wouldn't understand that  
13 procedure there. But, I mean --

14 MR. LEXIS: I know I've got a felony conviction in  
15 my hand.

16 MR. HILL: This says Seattle.

17 MR. LEXIS: From -- from Superior Court, which is  
18 the equivalent of District Court here, of Washington King  
19 County.

20 THE COURT: And that's a certified copy and  
21 everything?

22 MR. LEXIS: Yes.

23 THE COURT: Well, I mean, California treats it as a  
24 felony. Do you mind -- let me -- do you mind if I can take a  
25 look at it real quick? Thank you.

1 (Pause in the proceedings; Judge reviewing document.)

2 THE COURT: Are any of the appendix attached to the  
3 copies you received?

4 MR. LEXIS: That's the full JOC that we received,  
5 Judge.

6 THE COURT: Okay. Well, this is a felony  
7 conviction, Mr. Hill. And it's a certified --

8 MR. LEXIS: And Judge --

9 THE COURT: -- copy.

10 MR. LEXIS: Judge, I'll note for the record as well,  
11 according to the burglary statute, it reads "and/or any  
12 felony". It's very broad.

13 In addition, we have cases, as you know, that we  
14 cert up from Juvie, even when they're 16, 17 years old.

15 THE COURT: Well, and I -- I -- I know that.  
16 Although, usually, it's not a drug case. But if I -- I assume  
17 if it was a major, you know, or a significant amount, they  
18 could -- they could move it up.

19 So, I mean, what we do have here is a certified copy  
20 of a felony conviction of Mr. Snipes. I mean, is he  
21 contesting that he entered a plea to a narcotics conviction in  
22 California?

23 THE DEFENDANT: Well, it was Seattle.

24 MR. HILL: Seattle.

25 THE COURT: Seattle as a juvenile or as an --

1 whether -- regardless of whether it's -- you -- he thought it  
2 was a juvenile or adult, is he contesting that this is him?

3 THE DEFENDANT: Yeah, that's me.

4 MR. HILL: It's him. I've just never seen that  
5 before, Judge.

6 THE DEFENDANT: It's just so -- so much time, 22  
7 years ago.

8 THE COURT: Oh, this is Washington. All right.  
9 It's Washington rather than California.

10 All right. Well, it is -- it is a felony. The --  
11 the potential penalty as stated in here clearly is over a  
12 year. He ended up being sentenced apparently to nine months.  
13 But the felony range was potentially up to 10 years.

14 All right. So find the Court -- the defendant has a  
15 prior felony and the statute -- do you disagree with -- at all  
16 with Mr. Lexis, that the statute, if he has a prior felony  
17 conviction, allows for a burglary conviction for just entering  
18 a store just with the intent to commit larceny?

19 MR. HILL: I do not disagree.

20 THE COURT: All right. I mean, I guess you're going  
21 to have to discuss this with your client. I mean, if he -- if  
22 he doesn't want to stipulate to the felony conviction, then  
23 we're going to have this go -- it's going to be come an  
24 element of the offense and have to go to the jury.

25 MR. HILL: And what does that mean, just that the

1 JOC gets sent back?

2 THE COURT: Well, yeah, if you're -- if he's not  
3 going to stipulate it then the State's going to have to  
4 produce proof that it's -- that they meet -- they're meeting  
5 that element.

6 MR. HILL: Right. But is that a document that can  
7 just be admitted and sent back, just like that?

8 MR. LEXIS: So I've done these cases before in -- in  
9 other trials and usually the defense attorney just stipulates  
10 and makes it a court exhibit.

11 MR. HILL: Yeah, of course.

12 THE COURT: Right.

13 MR. HILL: I've never -- it's just somewhat  
14 unorthodox circumstances. I mean, can I -- on the one hand,  
15 can I contest in good faith that he's got a felony conviction?  
16 No. Would I mind the jury hearing the circumstances?  
17 Probably not.

18 But, you know, I can't sit here and -- and say that  
19 I can contest an element of the offense, because there is. So  
20 we'll just have to table whether or not we're stippling it in.

21 THE COURT: All right. We'll table it for now. I  
22 mean, I'm just -- I mean -- I mean, you can just stipulate to,  
23 you know, a felony conviction, like we do in felon-in-  
24 possession cases. Although, I think we're creating more of an  
25 appeal issue than anything else because if the jury is going

1 to find any of these thefts, they're all well above \$650.

2 Isn't that the level for grand larceny?

3 MR. LEXIS: Yes, Judge. That's why I would ask that  
4 this be "larceny and/or grand larceny and/or obtain money  
5 under false pretense" which is a proper statement of the law  
6 in this particular case.

7 THE COURT: All right. So we'll take -- get rid of  
8 "every". Every person who by day or night enters any store  
9 with the intent to commit a larceny or a grand larceny and/or  
10 -- a larceny and/or grand larceny and/or obtain money or  
11 property by false pretenses therein is guilty of a burglary.

12 Assuming that you -- the -- assuming that the  
13 defendant has been previously convicted of a felony, do you  
14 have any disagreement with that language, Mr. Hill?

15 MR. HILL: No, Your Honor.

16 THE COURT: All right. Then do you have any  
17 disagreement with the remainder of the instruction, Mr. Hill?

18 MR. HILL: No, Your Honor.

19 THE COURT: All right. Well, we're going to have to  
20 pick this up then and talk about it first thing on Thursday  
21 morning what -- how we want -- how you want to handle the  
22 issue of the -- the felony. So --

23 MR. HILL: I mean, it's somewhat academic given the  
24 dollar amounts but --

25 THE COURT: Well, that's -- yeah, that's true. But

1 the State want -- you know, if the State wants to make larceny  
2 an option then --

3 MR. HILL: Well, I think the State knows full well  
4 that I intend on probably hammering those dollar amounts, so I  
5 doubt that they're willing to take that out.

6 THE COURT: Okay. All right. Anyway, does the  
7 State want to take this back or --

8 MR. LEXIS: Sure. And -- and to follow up on that,  
9 Judge, obviously, like Mr. Hill stated, he -- he had the  
10 intent to go in and take two cents. It's -- it's a burglary  
11 under the --

12 THE COURT: Well, no, I understand. If he's got a  
13 prior felony, if he went in with the intent to -- to, you  
14 know, get a pack of -- to steal a pack of gum, it's a felony  
15 under Nevada statute.

16 And I appreciate your position in that, you know,  
17 Mr. Hill is probably going to hit the dollar amounts. So, I  
18 mean, I'm -- I'm not -- I'm not arguing with you on that.

19 But, all right, so, I mean, ponder that, Mr. Hill,  
20 in terms of how you want to handle this, because technically  
21 we're going to have to have some concession on your client's  
22 part as to that element of the offense, or the State's, you  
23 know, take a look at the statute. But the way I sort of  
24 understand the statute, technically, burglary, if the jury  
25 finds a larceny -- just only a larceny, being a prior felon,

1 is a -- is an element of the offense.

2 MR. HILL: That's true. It's very unforgiving in  
3 that respect.

4 THE COURT: Yeah. So, I mean, if that's an element  
5 of the offense, then he has a right to have the jury -- jury  
6 make that factual determination. But if they do that, then  
7 the JOC is going to come to light.

8 MR. HILL: Right.

9 MR. LEXIS: Just so it's no surprise too, Judge, but  
10 I'll -- I'll tell you, if Mr. Hill wants to make it known to  
11 the jury that he has a prior Judgment of Conviction, then I  
12 will be asking for the entire language of the commercial  
13 burglary statute be put in the jury instructions, because I  
14 don't want the jury -- I don't want the argument --

15 THE COURT: No, I know.

16 MR. LEXIS: -- oh, this is 20 years ago --

17 THE COURT: If -- if --

18 MR. LEXIS: -- I don't want no jury nullification.

19 I want it to be clear that it's -- it's -- the commercial  
20 burglary statute is for just the petty larceny aspect of it.  
21 So I don't want them to think, oh my gosh, they're -- they're  
22 using a 22 year old conviction to convict my guy. No, I'm --  
23 I'm going to want the entire statute in there.

24 THE COURT: No, I -- we -- we -- we'll -- we -- I  
25 don't have a problem with, you know, we're going to have to --



1 if -- if there's an issue -- going to be an issue over the  
2 felony, we're going to have to make -- make it clear that  
3 that's an element of the offense that the jury is --

4 MR. LEXIS: Yes.

5 THE COURT: -- going to have to find.

6 MR. HILL: Well, I don't see how I can have an  
7 issue. It's right there.

8 THE COURT: It's still --

9 MR. HILL: I don't like the circumstances of it. I  
10 don't like that it started as a juvie case. But it is what it  
11 is.

12 THE COURT: Well, and like I said, your client --  
13 client's going to have to concede that element. Otherwise, it  
14 -- it still goes to the jury. You can't have it both ways.

15 MR. HILL: Oh, I know.

16 MR. LEXIS: So, Judge, with your amendments right  
17 now --

18 THE COURT: I'm sorry, what?

19 MR. LEXIS: With your amendments right now with  
20 "and/or grand larceny" and switching "every" to "a" I would  
21 stipulate that this is fine as long as defense counsel is --

22 THE COURT: Right. No, I mean --

23 MR. LEXIS: -- stipulating.

24 THE COURT: -- if --

25 MR. LEXIS: Yeah.

1 THE COURT: -- you know, like I said, we've got a --

2 MR. HILL: We're -- we're going to stip it in,  
3 Judge. There. Problem solved.

4 THE COURT: All right. Mr. Snipes, did you have --  
5 you've talked with your attorney about this?

6 THE DEFENDANT: Yes, I have.

7 THE COURT: All right. And you understand that you  
8 could technically ask the jury to decide whether or not you  
9 were convicted of a prior felony, which would allow the State  
10 to introduce then the certified copy of the Judgment of  
11 Conviction. Do you understand that?

12 THE DEFENDANT: I understand, sir.

13 THE COURT: All right. So you're telling me that  
14 after discussing this with your attorney, you're willing to  
15 waive and concede that element of the offense so it's not  
16 brought to the attention of the jury, your prior felony  
17 conviction is not brought to the attention of the jury?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: All right. Thank you.

20 MR. LEXIS: And Judge, I've got one other thing.  
21 I'm -- I'm kind of confused on why we would switch "every" to  
22 "a". I mean, "a" sounds like a more discretionary situation,  
23 "a person by day or night enters a store". It -- it's --  
24 that's not accurate. Every -- any person who does this, every  
25 person would be guilty of this.

1           So I -- I have a problem with --

2           THE COURT: Well, if I was going to change this, I  
3 would be changing it to: for you to find the defendant guilty  
4 of burglary, you must find beyond a reasonable doubt (a) the  
5 defendant, whether by day or by night, entered a store, (b) --  
6 (2) that --

7           MR. HILL: That works for me.

8           THE COURT: -- defendant, in entering the store, had  
9 the intent to commit a larceny and/or grand larceny and/or  
10 obtain money by property or false pretenses.

11          So --

12          MR. LEXIS: We're fine with that.

13          MR. HILL: That -- that's great, Judge.

14          THE COURT: What's that?

15          MR. HILL: I didn't -- I didn't mean to make all  
16 kinds of noise about the semantics. That works.

17          THE COURT: What's -- what's that?

18          MR. LEXIS: That's fine, what you just --

19          MR. SCARBOROUGH: What you were just saying.

20          MR. LEXIS: -- said is fine.

21          THE COURT: Okay. All right. We'll type that up  
22 and -- type that up and she'll send it to you. If there's an  
23 issue let -- get back to her on the first thing on Thursday  
24 morning.

25          MR. LEXIS: As long as my second paragraph -- you're

1 not changing my second paragraph?

2 THE COURT: No.

3 MR. LEXIS: Yeah. Okay.

4 All right. We're all --

5 THE COURT: Yeah. No, we're not changing the second  
6 paragraph.

7 MR. LEXIS: Okay. We're ready to go.

8 THE COURT: All right. All right.

9 Instruction No. 14, It's not necessary that the  
10 State prove the defendant actually committed larceny or --  
11 and/or obtain property -- or obtain money, excuse me.

12 Any -- et cetera. Any objection to 14, State?

13 MR. LEXIS: No.

14 THE COURT: Defense?

15 MR. HILL: No, Your Honor.

16 THE COURT: All right. 15, When two or more persons  
17 participate in the commission of a burglary and one or more  
18 enters -- then enters the store it's not necessary, et cetera.

19 Any objection, State?

20 MR. LEXIS: No.

21 THE COURT: Defense?

22 MR. HILL: No.

23 THE COURT: Okay. Instruction 16, If you find the  
24 defendant guilty of burglary you must also determine whether  
25 or not a deadly weapon was possessed, et cetera.

1 Any objection, State?

2 MR. LEXIS: No.

3 THE COURT: Defense?

4 MR. HILL: No, Your Honor.

5 THE COURT: Instruction 17, Every person who in the  
6 commission of a burglary commits any other crime may be  
7 prosecuted for each crime separately.

8 Any objection, State?

9 MR. LEXIS: No.

10 THE COURT: Defense?

11 MR. HILL: No, Your Honor.

12 THE COURT: 18, A person who participates in  
13 organized retail theft is guilty if the aggregate value of the  
14 property or services involved in all thefts, et cetera.

15 Any objection, State?

16 MR. LEXIS: Judge, I basically took the basis  
17 straight from the statute.

18 THE COURT: Okay. A person who participate -- well,  
19 all right, so I'm taking it you're not objecting to the  
20 language?

21 MR. LEXIS: No, it's straight from the statute,  
22 Judge. There's not much common jury instructions in our --

23 THE COURT: Well, I -- and I know, I'm just --

24 MR. LEXIS: Because this is -- yes.

25 THE COURT: Are you -- any objection by you, Mr.

1 Hill? Take your time. This is one and more -- and uncommon.

2 MR. HILL: All right. Yeah, no -- no -- no  
3 objection, Your Honor.

4 THE COURT: All right.

5 MR. LEXIS: If you want to check, Judge, but I mean,  
6 it's the first time I've done this -- this particular charge,  
7 but it -- that's why I took it -- I -- I wanted to be safe and  
8 include everything in the statute. But it makes sense to me.

9 THE COURT: Let's see, a person who participates in  
10 organized retail theft -- well, I may play with this one and  
11 send it to you. But otherwise, everybody seems to be in  
12 agreement with it. And so --

13 MR. LEXIS: Yeah. I'd rather just go with the  
14 statute. So State's good with that.

15 THE COURT: All right. Well, I might ponder this  
16 one. But anyway, you don't have any objection, Mr. Hill?

17 MR. HILL: No.

18 THE COURT: All right. Let me just take a look at  
19 that when we get in back.

20 All right. Number 19, the flight of a person after  
21 the commission of a crime is not sufficient in itself to  
22 establish guilt, et cetera.

23 Any objection, State? Any objection --

24 MR. SCARBOROUGH: No -- no objection.

25 THE COURT: Okay. Any objection, Mr. Hill?

1 MR. HILL: I do preliminarily until I can look at  
2 these cases. But I've only ever seen the flight instruction  
3 apply during apprehension.

4 THE COURT: Okay. So you're saying that you don't  
5 think that it applies when the store manager tries to stop or  
6 say, hey, you haven't paid for that?

7 MR. HILL: I don't -- my gut says, no. Chad knows  
8 what he's doing. He says, yes. But I just -- I haven't  
9 looked at these cases.

10 MR. LEXIS: Judge, it's the State position that it  
11 -- this doesn't need to be a police pursuit for flight. We've  
12 had many cases where, you know, and especially this case. I  
13 would emphasize to the Court, you had two of these cases where  
14 the individual is going -- like Mr. Laws is going after them,  
15 and they -- he -- they go so far as pull a gun, the evidence  
16 has shown, until -- to help him flee.

17 So, I would absolutely say that is flight.

18 THE COURT: I tend to agree. I mean, as long as  
19 there is some evidence to suggest that a person is trying to  
20 get away from this particular area, and -- or get away from a  
21 particular person. You -- I'm going to overrule your  
22 objection. But certainly, Mr. Hill, if you read something,  
23 you know, look at these case, the State's side, or you read  
24 something, and you have something you can give me on -- on  
25 Thursday, I mean, I'm certainly not going to stop you from

1 doing that, if you find something that suggests that that's  
2 not correct.

3 So, all right. I'll overrule that objection. We'll  
4 go with 19.

5 20, Although your verdict must be unanimous as to  
6 the charge, you do not need to agree on the theory of  
7 liability.

8 Any objection, State?

9 MR. LEXIS: No, Judge.

10 THE COURT: Mr. Hill?

11 MR. HILL: No, Your Honor.

12 THE COURT: Okay. 21, To constitute the crime  
13 charged there must exist a union or joint operation of an act  
14 forbidden by law, intent to do the act, et cetera.

15 Any objection, State?

16 MR. LEXIS: No, Judge.

17 THE COURT: Defense?

18 MR. HILL: No, Your Honor.

19 THE COURT: All right. 22, The defendant is  
20 presumed innocent until the contrary is proved, et cetera.

21 Any objection, State?

22 MR. LEXIS: No, Judge.

23 THE COURT: Defense?

24 MR. HILL: No, Your Honor.

25 THE COURT: 23, You are here to determine whether



1 the defendant is guilty or not guilty from the evidence in the  
2 case, et cetera.

3 Any objection, State?

4 MR. LEXIS: No.

5 THE COURT: Defense?

6 MR. HILL: So here comes nitpicky Dan.

7 THE COURT: Okay.

8 MR. HILL: I just -- Chad and I have been through  
9 this once before. I don't like the "innocence" language.

10 I think for this one we could just say, you are not  
11 called upon to return a verdict as to any other person.

12 MR. SCARBOROUGH: Are we on 23? We're on 23, right?

13 MR. HILL: I have the -- I'm page 31, but I think  
14 it's different from the version --

15 THE COURT: You're not called upon to return a  
16 verdict of guilty or not guilty as to any other person?

17 MR. HILL: That's fine.

18 THE COURT: So, you're not called upon -- and I  
19 actually agree with that nitpick Mr. -- Mr. Hill. So, I don't  
20 have any problem with you raising it.

21 MR. LEXIS: What are you changing?

22 THE COURT: We are striking essentially on what  
23 would be line 3, "you are not called upon to return a verdict  
24 of guilty or not guilty as to any other person".

25 MR. LEXIS: I'll submit it.

1 MR. HILL: Thanks, Chad. 'Ole Dan's got to win one  
2 sometimes.

3 THE COURT: All right. 24, It is a constitutional  
4 right of a defendant in a criminal trial that he may not be  
5 compelled to testify.

6 At this point, do you -- are -- do you anticipate  
7 the defendant testifying? Mr. Hill?

8 MR. HILL: I don't see any need for it. Andre?

9 THE DEFENDANT: I -- I don't [inaudible].

10 THE COURT: We'll -- we'll obviously canvass him and  
11 -- on --

12 THE DEFENDANT: I don't know. I really don't.

13 MR. HILL: He says he doesn't know. But we'll leave  
14 it in for now.

15 THE COURT: -- on -- on Thursday. So, we'll do  
16 that. But assuming that he does not testify, you need to be  
17 the one to request this instruction.

18 Do you request it, Mr. Hill?

19 MR. HILL: I do.

20 THE COURT: All right. So with that, Instruction  
21 24, Constitutional right of a defendant in a criminal trial  
22 that he may not be compelled to testify, et cetera.

23 Any objection, State?

24 MR. LEXIS: No.

25 THE COURT: Any objection, State?

1 MR. LEXIS: No.

2 THE COURT: Okay. Defense?

3 MR. HILL: No, Judge.

4 THE COURT: Okay. Very good.

5 25, The evidence which you are to consider in this  
6 case consists of the testimony of witnesses, the exhibits, et  
7 cetera.

8 Any objection, State?

9 MR. LEXIS: No.

10 THE COURT: Defense?

11 MR. HILL: No, Your Honor.

12 THE COURT: All right. 26, is my credibility  
13 instruction. We inserted that in there.

14 Any objection by the State?

15 MR. LEXIS: No.

16 MR. HILL: I'm sorry, Judge. You said the Court put  
17 this in?

18 THE COURT: Yeah. This is my credibility  
19 instruction.

20 MR. HILL: No. No, that's fine, Judge.

21 THE COURT: Okay. Any objection, State?

22 MR. LEXIS: No.

23 THE COURT: All right. Now, 27 is expert witness.

24 And I don't --

25 MR. LEXIS: That's out. We agreed --

1 THE COURT: I was going to say --

2 MR. LEXIS: -- that's out.

3 THE COURT: I was going to say, I don't know any  
4 expert witness that you've indicated. So, all right, we'll  
5 strike Number 27.

6 28, Although you are to consider only the evidence  
7 in the case by -- in reaching a verdict, you must bring to  
8 consideration of the evidence your everyday common sense and  
9 judgment as reasonable men and women.

10 Any objection, State?

11 MR. LEXIS: No.

12 THE COURT: Defense?

13 MR. HILL: No, Your Honor.

14 THE COURT: All right. 29, In your deliberation you  
15 may not discuss or consider the subject of punishment, et  
16 cetera.

17 Any -- any objection, State?

18 MR. LEXIS: No objection.

19 THE COURT: Defense?

20 MR. HILL: Just line 4, Judge.

21 THE COURT: Line 4? Oh, very good.

22 All right. Your duty is confined to the  
23 determination of whether the defendant is guilty or not  
24 guilty.

25 MR. SCARBOROUGH: Wow, Dan.

1 MR. HILL: I'm two for two. You all can just leave.

2 THE COURT: All right. With that change, any  
3 objection, Mr. Hill?

4 MR. HILL: No, Your Honor.

5 THE COURT: All right. Any objection, State?

6 MR. LEXIS: No.

7 THE COURT: All right. 30, During the course of the  
8 trial and your deliberations you are not to 1, 2, 3, 4.

9 Any objection, State?

10 MR. LEXIS: No.

11 THE COURT: Defense?

12 MR. HILL: No, Your Honor.

13 THE COURT: All right. 31, When you retire to  
14 consider your verdict you must select one of your member, et  
15 cetera.

16 Any objection, State?

17 MR. LEXIS: No.

18 THE COURT: Defense?

19 MR. HILL: No, Your Honor.

20 THE COURT: All right. 32, is my instruction that  
21 I've inserted in here.

22 Any objection to this by the State?

23 MR. LEXIS: Yes.

24 THE COURT: Where is it?

25 MR. LEXIS: I'm just kidding. I don't --

1 THE COURT: Okay. All right.

2 MR. LEXIS: He wanted to win one.

3 THE COURT: Every now and then I -- we make a  
4 mistake with it. So that's why I was like, you've probably  
5 seen something I'm -- I'm -- the biggest problem we usually  
6 have is we don't correct it between civil and criminal trials.

7 All right. Any objection to 32, Mr. Hill?

8 MR. HILL: No.

9 THE COURT: All right. And 33, You are now -- you  
10 now will listen to the arguments of counsel who will endeavor,  
11 et cetera.

12 Any objection, State?

13 MR. LEXIS: No.

14 THE COURT: Defense?

15 MR. HILL: No, Your Honor.

16 THE COURT: All right. Is there any additional  
17 instructions that you would propose, Mr. Hill?

18 MR. HILL: No, Judge.

19 THE COURT: All right.

20 Now, let's take a look at the verdict form.

21 Any -- Mr. Hill, do you have any comments or  
22 suggestions on that?

23 MR. HILL: I have a comment.

24 THE COURT: Okay.

25 MR. HILL: If we don't have a petty larceny lesser

1 included, then I don't think we need to be splitting hairs on  
2 the burglary statute.

3 THE COURT: Well, the State probably has a right to  
4 have petty larceny as a -- if the jury doesn't find the  
5 amount, the State would probably have a right to have petty  
6 larceny as an option for the --

7 MR. LEXIS: Well --

8 THE COURT: -- jury.

9 MR. LEXIS: -- if -- if Mr. Hill wants the -- the  
10 lesser included on -- we could do the -- a larceny on the  
11 grand larcenies, Judge, but not on the burglary, because that  
12 wouldn't be a correct statement. No. I do not want -- I  
13 don't mind larceny on the grand larcenies as a lesser  
14 included, but not the burglary.

15 THE COURT: All right.

16 MR. HILL: Well, I don't really want one.

17 MR. LEXIS: Unless Mr. Hill wants one, then -- then  
18 he could put it in there.

19 MR. SCARBOROUGH: Because a petty larceny wouldn't  
20 be a lesser included of any burglary.

21 THE COURT: No, it wouldn't be.

22 MR. LEXIS: But I agree it would be for the grand  
23 larceny. So we could put -- we could switch that to grand  
24 larceny, larceny, not guilty.

25 THE COURT: Do you want to do that, Mr. Hill?

1 MR. HILL: I do not.

2 THE COURT: I think you're better off leaving it  
3 out. That way if they don't find the amount, he's not guilty.

4 MR. HILL: I like it just the way it is.

5 MR. LEXIS: Well, the -- the State would want the  
6 lesser included, so I would ask for grand larceny, I want the  
7 grand larceny, larceny, not guilty.

8 THE COURT: All right. Then how does that --

9 MR. LEXIS: Yeah.

10 THE COURT: -- affect the larceny instructions?  
11 What instruction numbers are those?

12 MR. LEXIS: I already -- that grand larceny and  
13 larceny, I put -- I put the definition of both. State's --

14 THE COURT: Where -- what instruction?

15 MR. LEXIS: Let me look.

16 THE COURT: Let's see. 11?

17 All right. Instruction 11, A larceny is defined as  
18 the stealing, taking, carrying away of personal goods or  
19 property of another with the intent to permanently deprive the  
20 owner hereof. If the combined value is \$650 or more, the  
21 person is guilty of grand larceny.

22 Okay. I think that -- yeah, we could. All right.

23 MR. LEXIS: And yeah, there's a typo there. It's  
24 the "combined", not "combines".

25 THE COURT: We actually caught that.



1 MR. LEXIS: Okay.

2 THE COURT: So, but thank you for -- normally, we  
3 wouldn't, so thank you for bringing that to -- to our  
4 attention.

5 All right. So as to Count 1 of the verdict forms,  
6 we're going to put in "a larceny", between "grand larceny" and  
7 "not guilty".

8 And then on Count 7, we'll put in "a larceny"  
9 between "grand larceny" and "not guilty".

10 And then No. 11, we'll put in "a larceny" between  
11 "grand larceny" and "not guilty".

12 And No. 14, we'll put in "a larceny" between "grand  
13 larceny" and "not guilty".

14 All right. With those changes, any objection to the  
15 verdict form by the State?

16 MR. LEXIS: No, Judge.

17 THE COURT: Mr. Hill?

18 MR. HILL: No, thank you, Judge.

19 THE COURT: All right. We'll get started, I guess,  
20 at 9:30 on Thursday. The -- we'll need to get in a -- a  
21 canvass of the defendant, and we have to read the law,  
22 closings.

23 Just out of interest, how long do you anticipate  
24 your closings to be?

25 MR. LEXIS: 20 minutes.

1 THE COURT: Okay. All right. Just --

2 MR. LEXIS: I don't want to be held to it, so --

3 THE COURT: No, I'm not going to hold you to it.

4 MR. LEXIS: All right.

5 THE COURT: I'm just trying to ponder for planning  
6 purposes and, you know, Mr. -- for rebuttal purposes, you  
7 know, I -- it's usually one-third of whatever the defendant  
8 uses in their -- of their time. So we'll just --

9 MR. LEXIS: Well, whether or not we -- we close in  
10 the morning or afternoon is largely going to depend on whether  
11 Mr. Hill is calling the parole officer. Because if we have to  
12 put up a rebuttal case, we're calling our two robbery victims.

13 So that's -- if he doesn't call the parole officer  
14 then we're golden for the morning, as about -- so --

15 THE COURT: All right. Well, I mean, if you think,  
16 you know, have the robbery victims available.

17 MR. LEXIS: Oh, they will.

18 MR. SCARBOROUGH: We've talked to the -- they're --  
19 they already know about Thursday.

20 THE COURT: All right.

21 MR. SCARBOROUGH: They're already lined up in  
22 anticipation of any type of rebuttal case we put on.

23 THE COURT: Okay. All right. So, like I said, just  
24 make sure that they're available and can get -- be here -- be  
25 here quickly.

1 All right.

2 MR. SCARBOROUGH: Your Honor, before he goes, we  
3 have marked, like I told the Defense, the Conviction for  
4 Gregory Dello Morgan.

5 THE COURT: Okay.

6 MR. SCARBOROUGH: But we had went over the  
7 Conviction for Mr. Snipes. The other one is marked. Do you  
8 want to withdraw and remark or --

9 MR. LEXIS: Yeah. We're going to withdraw that  
10 exhibit and we're going to remark it the same number.

11 THE COURT: What's the numbers?

12 MR. SCARBOROUGH: 20.

13 THE CLERK: It's 20.

14 THE COURT: All right. Mr. Hill, any objection to  
15 withdrawing Exhibit 20 -- the current Exhibit 20 for the  
16 Conviction of Mr. Morgan, and inserting the -- as 20, the  
17 conviction for Mr. Snipes?

18 MR. HILL: No, Your Honor.

19 THE COURT: All right. So that will be --

20 MR. SCARBOROUGH: May I approach? I know we're  
21 keeping the exhibits, but [inaudible]?

22 THE COURT: No, she -- she says that her supervisor  
23 insists that she at least put them up for the night. So --

24 MR. SCARBOROUGH: So you have the exhibits now?

25 THE CLERK: I don't have any of them.

1 THE COURT: So you're going to bring her --

2 THE CLERK: But --

3 MR. SCARBOROUGH: Oh, we'll give --

4 THE CLERK: -- she did -- she did e-mail me back and  
5 said if you put it on the record they can keep them.

6 THE COURT: All right. Let's do that, because, I  
7 mean, it makes more sense than you --

8 THE CLERK: But I do have a question though.

9 That one that you're talking about, is that going to  
10 be a Court's Exhibit, or is it going back the jury?

11 THE COURT: That one is going to be a Court Exhibit.

12 THE CLERK: Okay. Because they marked it as a  
13 State's Exhibit.

14 THE COURT: I know. We're going to need to make it  
15 as a Court Exhibit.

16 THE CLERK: Okay.

17 MR. SCARBOROUGH: Can I approach?

18 THE COURT: Yeah. Go ahead.

19 All right. So I'll order that the State keep and  
20 safeguard all of the introduced Exhibits. You're good with  
21 that, Mr. Hill?

22 MR. SCARBOROUGH: Dan, he's ordering that --

23 MR. HILL: What's that, Judge?

24 MR. SCARBOROUGH: -- the State keeps its --

25 THE COURT: Keep and --

1 MR. HILL: Oh, yeah. That's fine.

2 THE COURT: -- keep -- keep and maintain safe all  
3 the exhibits. You're good with that, Mr. Hill?

4 MR. HILL: Of course, Judge.

5 THE COURT: All right. Very good.

6 MR. SCARBOROUGH: We'll do, Judge.

7 THE CLERK: Jory?

8 MR. SCARBOROUGH: Yes?

9 THE CLERK: Here's Morgan's back, the one on Morgan.

10 MR. SCARBOROUGH: Okay.

11 THE CLERK: This is a Court's Exhibit, so you'll  
12 tell me to keep it with my other Court's Exhibits or do you me  
13 to --

14 THE COURT: You're not going to be putting it into  
15 evidence -- or you know --

16 MR. SCARBOROUGH: That should be fine.

17 THE COURT: -- assuming that we'll just let her keep  
18 it.

19 THE CLERK: It's not going back so.

20 MR. SCARBOROUGH: Okay.

21 THE CLERK: Okay.

22 MR. SCARBOROUGH: Thank you.

23 THE CLERK: Don't lose them.

24 MR. SCARBOROUGH: I wouldn't dream of it.

25 Do you need this?

1 THE CLERK: No, you can have it.

2 THE COURT RECORDER: Is it okay to go off the record  
3 now or not?

4 THE COURT: Anything else by either side to --  
5 before -- before we break?

6 MR. HILL: No, Your Honor. Thank you.

7 MR. SCARBOROUGH: No, Judge. We're all good.

8 THE COURT: All right. We're going off the record.

9 \* \* \* \* \*

10 (Court recessed at 3:26 P.M., until Thursday,  
11 November 12, 2020, at 9:36 A.M.)

12 \* \* \* \* \*

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I N D E X

	PAGE
STATE'S OPENING STATEMENT BY MR. SCARBOROUGH	5
DEFENDANT'S OPENING STATEMENT BY MR. HILL	9

INDEX OF WITNESSES

<u>STATE'S WITNESSES:</u>	PAGE
<u>BRYAN LAWS</u>	
Direct Examination by Mr. Scarborough	16
Cross-Examination by Mr. Hill	55
Redirect Examination by Mr. Scarborough	75
<u>SAMANTHA ALVAREZ</u>	
Direct Examination by Mr. Scarborough	83
<u>CARMINA PANLILIO</u>	
Direct Examination by Mr. Lexis	113
<u>OFFICER AARON DENSON</u>	
Direct Examination by Mr. Lexis	130
<u>ALDEN ABREGO</u>	
Direct Examination by Mr. Lexis	135
Cross-Examination by Mr. Hill	153
Redirect Examination by Mr. Lexis	161
Recross-Examination by Mr. Hill	162
<u>ELVIN CASTILLO (Via BlueJeans Videoconference)</u>	
Direct Examination by Mr. Scarborough	168
Cross-Examination by Mr. Hill	181

LIST OF EXHIBITS

<u>STATE'S EXHIBITS:</u>	PAGE
Exhibits 1 through 20	15
Exhibits 21 through 25	112

\* \* \* \* \*

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case to the best of my ability.

*Julie Lord*

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VERBATIM DIGITAL REPORTING, LLC



## EXHIBIT(S) LIST

**Case No.: C344461**

**Hearing Date:**

Sept. No.: 20

**Judge: ERIC JOHNSON**

**Court Clerk: Michele Tucker**

Plaintiff: STATE OF NEVADA

**Recorder:**

**Counsel for Plaintiff:**

**VS.**

Defendant: **ANDRE GRANT SNIPES**

**Counsel for Defendant:**

## HEARING BEFORE THE COURT

## Court's EXHIBITS

[illegible]

0930

11-10-20

# EXHIBIT(S) LIST

Case No.: **C344461**

Hearing Date: 11/10/20

Expt. No.: **20**

Judge: **ERIC JOHNSON**

Court Clerk: **Michele Tucker**

Plaintiff: **STATE OF NEVADA**

Recorder: Angie Calvillo

Counsel for Plaintiff: Chad Lexis

vs.

Defendant: **ANDRE GRANT SNIPES**

Michael J. Scarborough

Counsel for Defendant: Daniel Hill

## HEARING BEFORE THE COURT

### STATE'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	Nike Video 10/2/19	11/10/20	no	11/10/20	WA
2	Meadows Mall Surv. <sup>CD</sup> 9/20-9/24-10/6	11/10/20	no	11/10/20	WA
3	Alden 911 + Champs 9/24/19 Surv.	11/10/20	no	11/10/20	WA
4	Fashion Show Foot Locker Surv. 9/20/19	11/10/20	no	11/10/20	WA
5	Bryan Laws 911 CD	11/10/20	no	11/10/20	WA
6	Photo Line up - Alden Albrego <sup>(3:32 PM)</sup> 3pgs	11/10/20	no	11/10/20	WA
7	Photo Line up - Bryn Laws <sup>(3:57 PM)</sup> 3pgs	11/10/20	no	11/10/20	WA
8	Champs Suspended Receipt	11/10/20	no	11/10/20	WA
9	Photo Line up - Bryan Laws <sup>(3:59 PM)</sup> 3pgs	11/10/20	no	11/10/20	WA
10	" " Alden Albrego <sup>(3:29 PM)</sup> 3pgs	11/10/20	no	11/10/20	WA
11	Meadows Mall - Loyalty Info <sup>(Register)</sup> Andre Snipes	11/10/20	no	11/10/20	WA
12	" " " " w/return Receipt	11/10/20	no	11/10/20	WA
13	Text Message w/Photo of <sup>Black + Red shoe</sup>	11/10/20	no	11/10/20	WA
14	<del>Text " " Gregory Morgan Jr.</del>	11/10/20	no	11/10/20	W/D
15	<del>Report of Text Messages</del>	11/10/20	no	11/10/20	W/D
16	<del>Photo of Man w/ Tattoo on neck <sup>W/D + made pt 5</sup></del>	11/10/20	no	11/10/20	W/D
17	" " w/ facial Hair	11/10/20	no	11/10/20	WA

0931

11-10-20

It of nu vs. Andre Grant Snipes



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**PHOTO LINE-UP WITNESS INSTRUCTIONS**

NAME: ALBREGO, ALDEN  
ADDRESS: \_\_\_\_\_  
PHONE NUMBER: 702-541-0119

EVENT #: LLV190900115154  
INTERVIEWED BY: DET. G. LASTEN  
LOCATION: 3200 S. LVB  
DATE & TIME: 09-26-19/1525

"In a moment I am going to show you a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. The fact that the photos are being shown to you should not cause you to believe or guess that the guilty person has been caught. You do not have to identify anyone. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty. Please keep in mind that hair styles, beards, and mustaches are easily changed. Also, photographs do not always depict the true complexion of a person - it may be lighter or darker than shown in the photo. You should pay no attention to any markings or numbers that may appear on the photos. Also, pay no attention to whether the photos are in color or black and white, or any other difference in the type or style of the photographs. You should study only the person shown in each photograph. Please do not talk to anyone other than Police Officers while viewing the photos. You must make up your own mind and not be influenced by other witnesses, if any. When you have completed viewing all the photos, please tell me whether or not you can make an identification. If you can, tell me in your own words how sure you are of your identification. Please do not indicate in any way to other witnesses that you have or have not made an identification. Thank you."

SIGNED: \_\_\_\_\_

DATE & TIME: 9.25.19 3:28pm

**STATEMENT:**

The reason suspect #5 is the same guy that committed the  
crime at fashion show mall is he had the same facial hair and the  
same eyes eye features. He also had hair is the same skin tone  
as the same guy that came in.

SIGNED: \_\_\_\_\_

OFFICER'S NAME & P#:

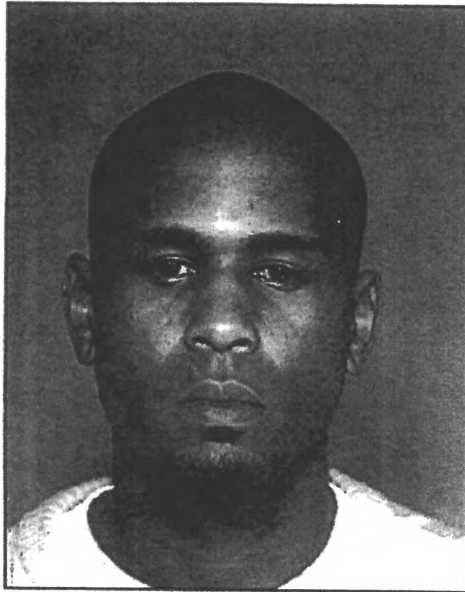
G. LASTEN #5658

DATE & TIME: 9.25.19 3:32pm

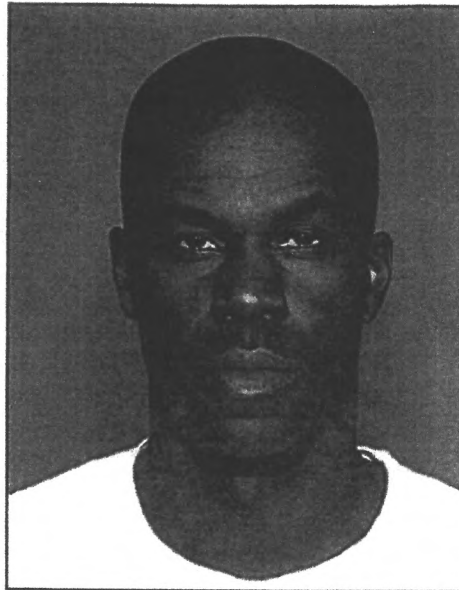
PHOTO LINE ID#: 48535

LLV190900115154

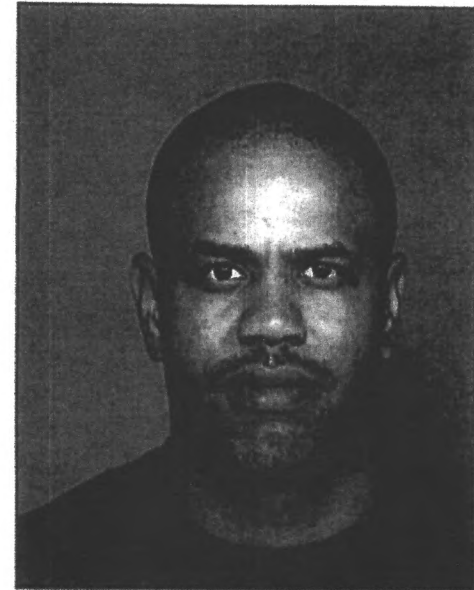
0934



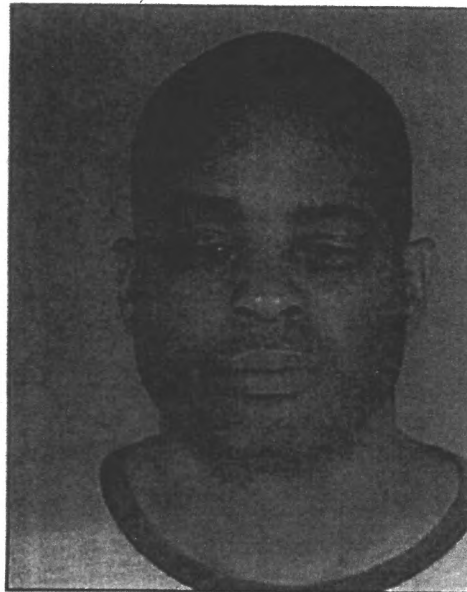
1 \_\_\_\_\_



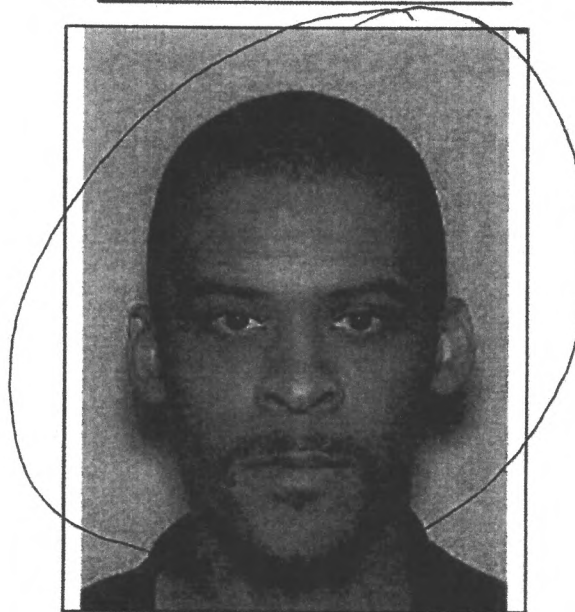
2 \_\_\_\_\_



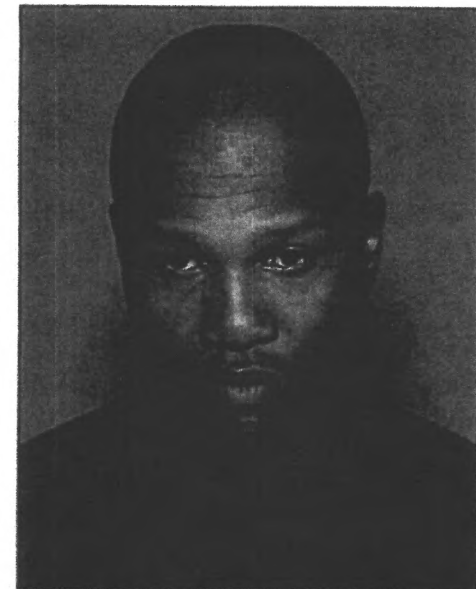
3 \_\_\_\_\_



4 \_\_\_\_\_



5 A.A



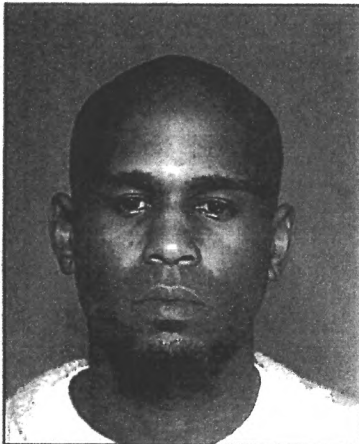
6 \_\_\_\_\_

LLV190900115154

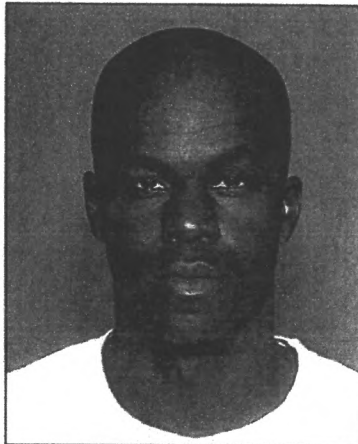
Police Department

Lineup ID: 48535

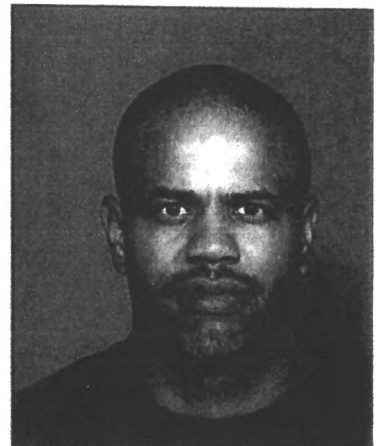
25 Sep 2019



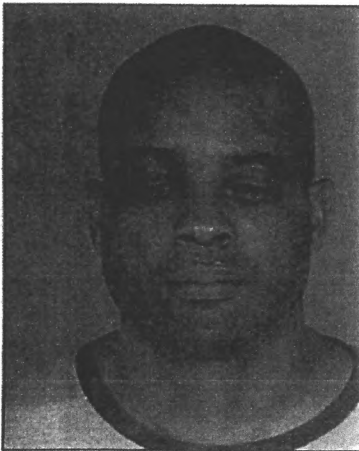
1933440  
**1** SIMMONS, JASON



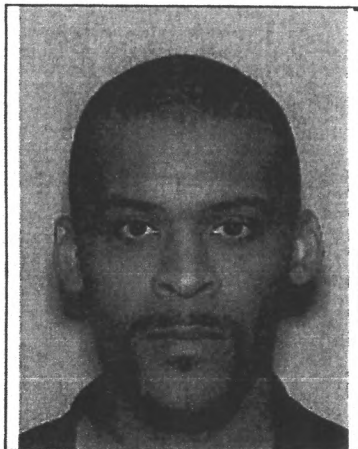
1333355  
**2** COLLINS, JEFFREY



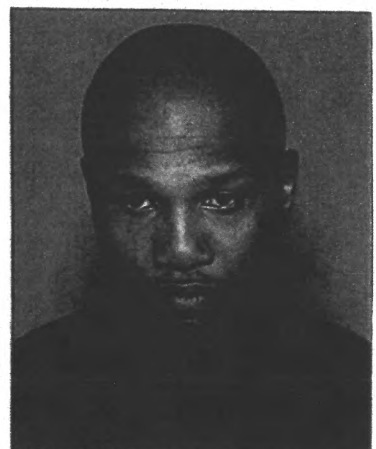
1863215  
**3** DELVALLE, MIGUEL



2582986  
**4** HARPER, TEVYE



**5** SNIPES, ANDRE



1503026  
**6** BELL, FABIAN

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MARKED

EXHIBIT



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**PHOTO LINE-UP WITNESS INSTRUCTIONS**

LLV19090098652

NAME: LAWS, BRYAN

EVENT #: LLV190900115154

ADDRESS: \_\_\_\_\_

INTERVIEWED BY: DET. G. LASTER

PHONE NUMBER: 702-369-0401

LOCATION: 3200 S. LV6

DATE & TIME: 09-30-19 / 1550 HRS

"In a moment I am going to show you a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. The fact that the photos are being shown to you should not cause you to believe or guess that the guilty person has been caught. You do not have to identify anyone. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty. Please keep in mind that hair styles, beards, and mustaches are easily changed. Also, photographs do not always depict the true complexion of a person - it may be lighter or darker than shown in the photo. You should pay no attention to any markings or numbers that may appear on the photos. Also, pay no attention to whether the photos are in color or black and white, or any other difference in the type or style of the photographs. You should study only the person shown in each photograph. Please do not talk to anyone other than Police Officers while viewing the photos. You must make up your own mind and not be influenced by other witnesses, if any. When you have completed viewing all the photos, please tell me whether or not you can make an identification. If you can, tell me in your own words how sure you are of your identification. Please do not indicate in any way to other witnesses that you have or have not made an identification. Thank you."

SIGNED: \_\_\_\_\_

DATE & TIME: 09/30/2019 3:55pm

**STATEMENT:**

his hair was a bit shorter  
facial hair match  
GA

SIGNED: \_\_\_\_\_

DATE & TIME: 09/30/2019 3:57pm

OFFICER'S NAME & P#:

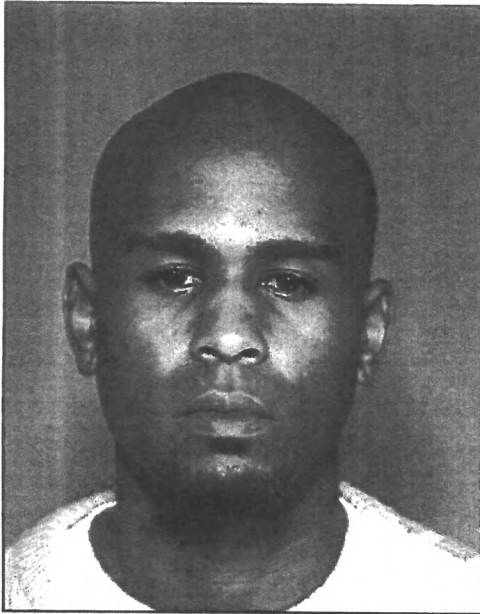
G. LASTER #8658

PHOTO LINE ID#:

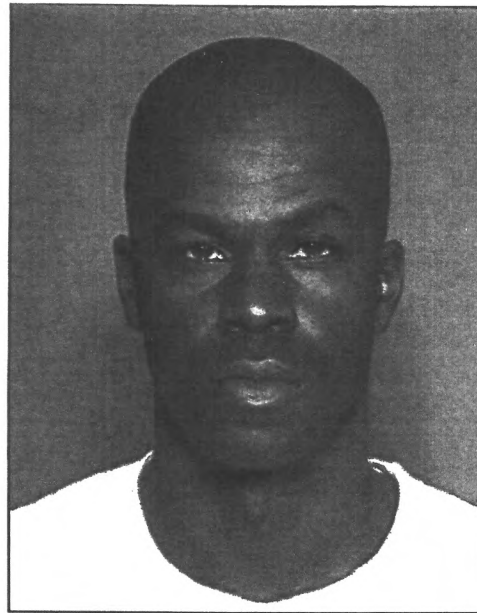
48535

**0936**

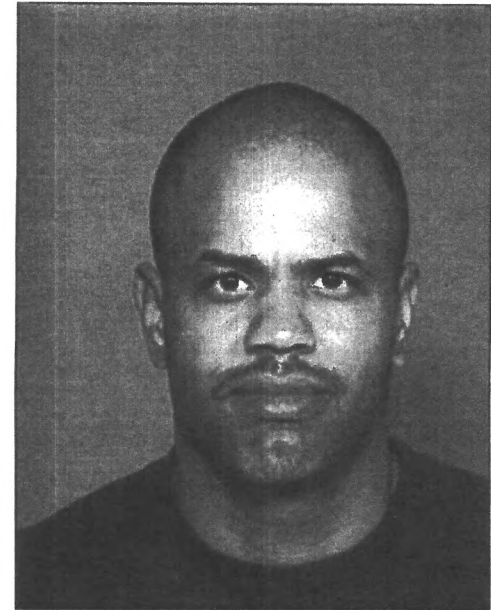




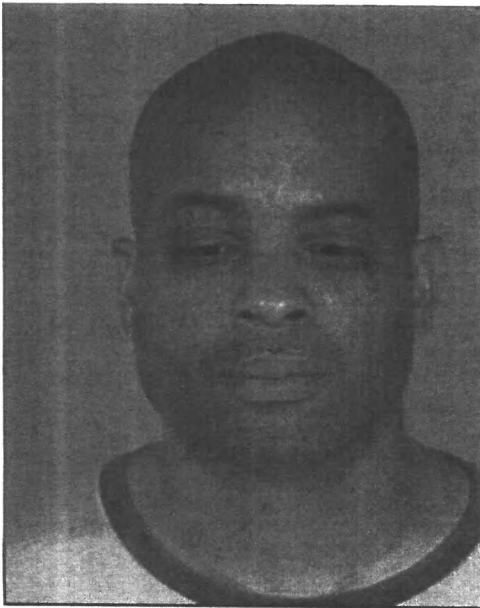
1 \_\_\_\_\_



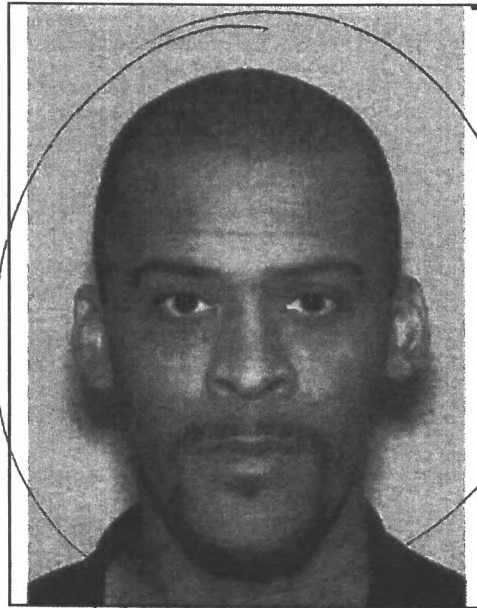
2 \_\_\_\_\_



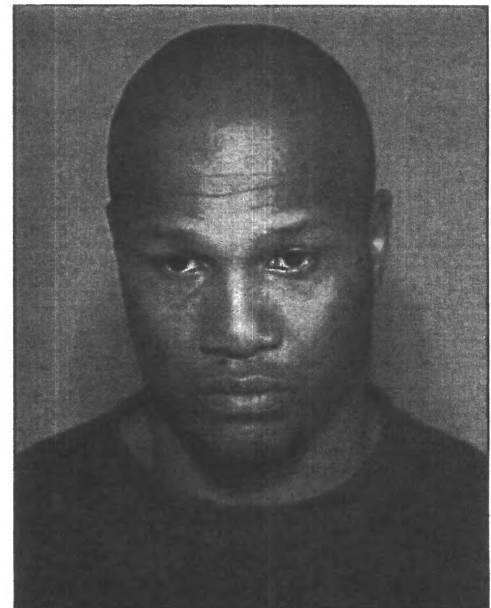
3 \_\_\_\_\_



4 \_\_\_\_\_

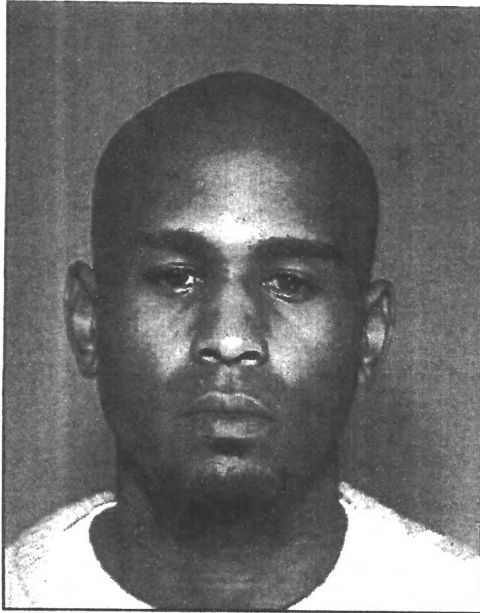


5 \_\_\_\_\_

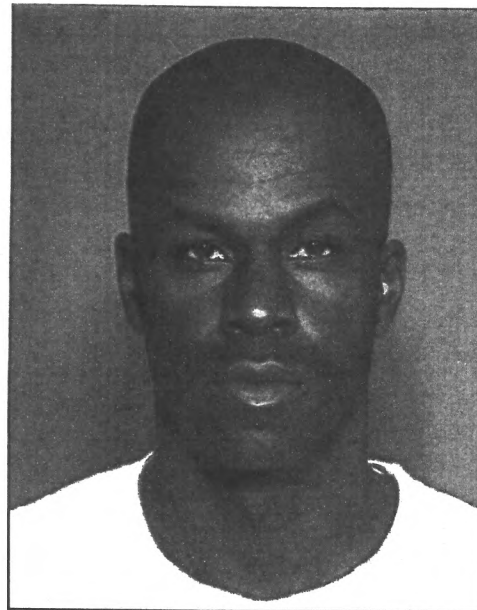


6 \_\_\_\_\_

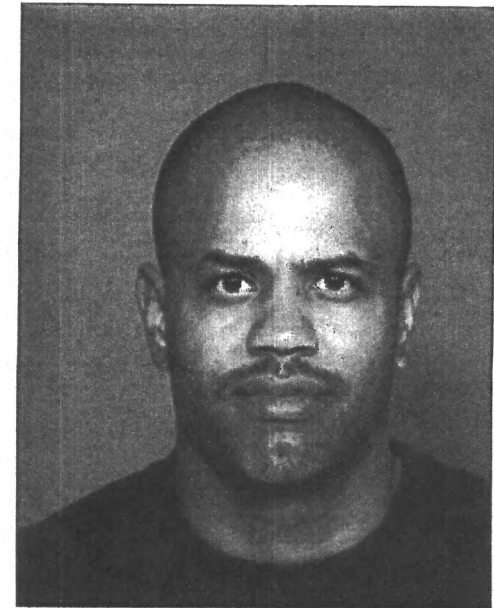
0937



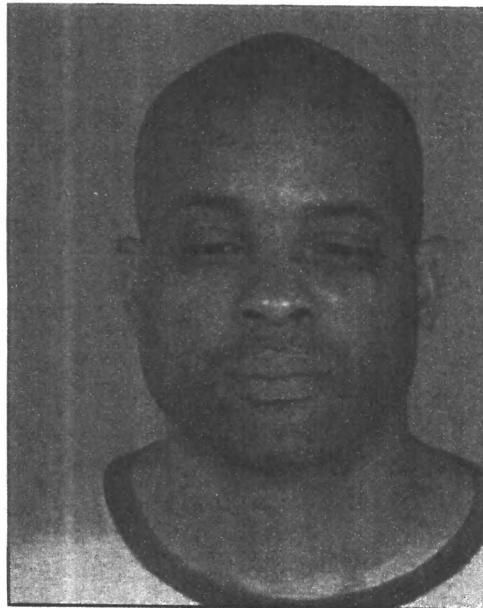
1 \_\_\_\_\_



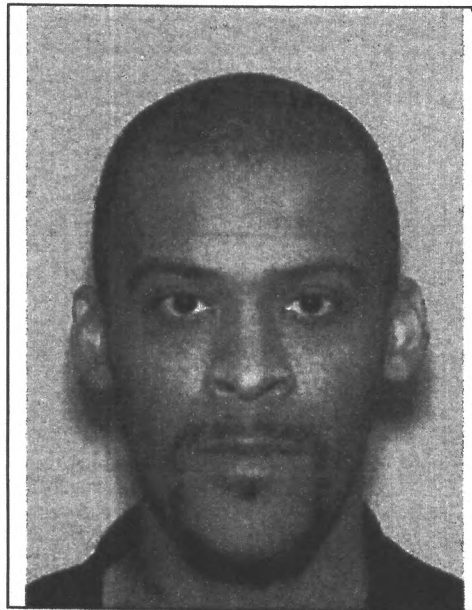
2 \_\_\_\_\_



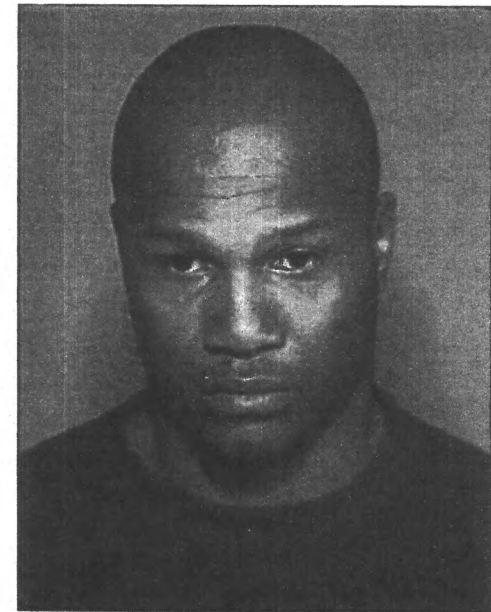
3 \_\_\_\_\_



4 \_\_\_\_\_



5 \_\_\_\_\_



6 \_\_\_\_\_

0938

MARKED

EXH



LVV190900115154



FASHION SHOW MALL, 3200 LAS VEGAS BLVD S  
SPACE 1124  
LAS VEGAS, NV 89109  
702-893-7745

Visit Us At [www.ChampsSports.com](http://www.ChampsSports.com)

Store: 1814134 Register: 1  
Date: 9/24/19 Time: 1:42 PM  
Trans: 37778  
Cashier: Parilda B.

\*\*\*Suspended\*\*\*

Item	Qty	Price	Amount	Tax%
LAK NK KUZMA PUR ALT SUNGMN JR				
187100910400950	1	\$110.00	\$110.00	8.25%

Sales Associate: Parilda B.

GRZ MN BITBY RET SMG TEAL JRSY				
187101115900950	1	\$130.00	\$130.00	8.25%

Sales Associate: Parilda B.

LAK NK JAMES WHT SUNGMN JRSY				
187109417100950	1	\$110.00	\$110.00	8.25%

Sales Associate: Parilda B.

LAK NK JAMES WHT SUNGMN JRSY				
187109417100950	1	\$110.00	\$110.00	8.25%

Sales Associate: Parilda B.

LAK NK JAMES WHT SUNGMN JRSY				
187109417100950	1	\$110.00	\$110.00	8.25%

Sales Associate: Parilda B.

LAK NK JAMES WHT SUNGMN JRSY				
187109417100950	1	\$110.00	\$110.00	8.25%

Sales Associate: Parilda B.

LAK NK JAMES PUR CTY SUNGMN JRSY				
187109419700950	1	\$110.00	\$110.00	8.25%

Sales Associate: Parilda B.

LAK NK JAMES PUR CTY SUNGMN JRSY				
187109419700950	1	\$110.00	\$110.00	8.25%

Sales Associate: Parilda B.

LAK NK JAMES PUR CTY SUNGMN JRSY				
187109419700950	1	\$110.00	\$110.00	8.25%

Sales Associate: Parilda B.

LAK NK CURRY GRV ALT SUNGMN JRSY				
187180832300950	1	\$110.00	\$110.00	8.25%

Sales Associate: Parilda B.

LAK NK BRYANT YEL B SUNGMN JRSY				
187109514500920	1	\$120.00	\$120.00	8.25%

Sales Associate: Parilda B.

LAK NK BRYANT YEL B SUNGMN JRSY				
187109514500920	1	\$120.00	\$120.00	8.25%

Sales Associate: Parilda B.

LAK NK BRYANT YEL B SUNGMN JRSY				
187109514500920	1	\$120.00	\$120.00	8.25%

Sales Associate: Parilda B.

LAK NK BRYANT YEL B SUNGMN JRSY				
187109514500920	1	\$120.00	\$120.00	8.25%

Sales Associate: Parilda B.

Subtotal	\$1600.00
Tax	\$132.05

Total	\$1732.05
-------	-----------

Today Champs Sports VIPs get member-only savings. Visit [www.champsports.com/vip](http://www.champsports.com/vip) to start enjoying benefits.

SHARE YOUR FEEDBACK

You are eligible to receive an incentive for use on your next purchase in Store or Online.

Go to [www.champs.com](http://www.champs.com) within 14 days

and tell us about your visit.

Enter Code: 4P78-1120-BECH-R59H-B6KE-RP5G

Can not be used with any other discount offer. Select merchandise excluded. See site for complete details.

Thanks for Shopping Champs Sports!

Sold Item Count = 14

\*\*\*Suspended\*\*\*



Customer Copy

\*\*\*Suspended\*\*\*

0939

11-10-20

MARKER

EX

ION



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
PHOTO LINE-UP WITNESS INSTRUCTIONS

LLV19090095652

EVENT #: LLV190900115154  
INTERVIEWED BY: DET. G. LASTER  
LOCATION: 3200 S. LVB  
DATE & TIME: 09-30-19 1555HRS

NAME: LAWS, BRYAN  
ADDRESS: \_\_\_\_\_  
PHONE NUMBER: 702-369-0401

"In a moment I am going to show you a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. The fact that the photos are being shown to you should not cause you to believe or guess that the guilty person has been caught. You do not have to identify anyone. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty. Please keep in mind that hair styles, beards, and mustaches are easily changed. Also, photographs do not always depict the true complexion of a person - it may be lighter or darker than shown in the photo. You should pay no attention to any markings or numbers that may appear on the photos. Also, pay no attention to whether the photos are in color or black and white, or any other difference in the type or style of the photographs. You should study only the person shown in each photograph. Please do not talk to anyone other than Police Officers while viewing the photos. You must make up your own mind and not be influenced by other witnesses, if any. When you have completed viewing all the photos, please tell me whether or not you can make an identification. If you can, tell me in your own words how sure you are of your identification. Please do not indicate in any way to other witnesses that you have or have not made an identification. Thank you."

SIGNED: [Signature]

DATE & TIME: 09/30/2019 3:58pm

STATEMENT:

Same guy No Glasses  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SIGNED: [Signature]

DATE & TIME: 09/30/2019 3:59p  
PHOTO LINE ID#: 48580

OFFICER'S NAME & P#: G. LASTER P# 5658

0940

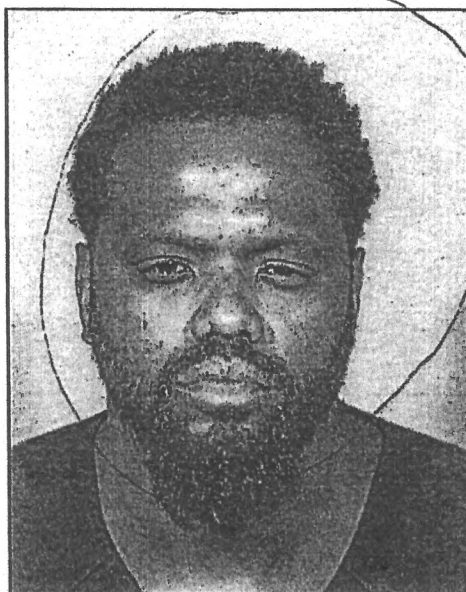


LLV19090015154

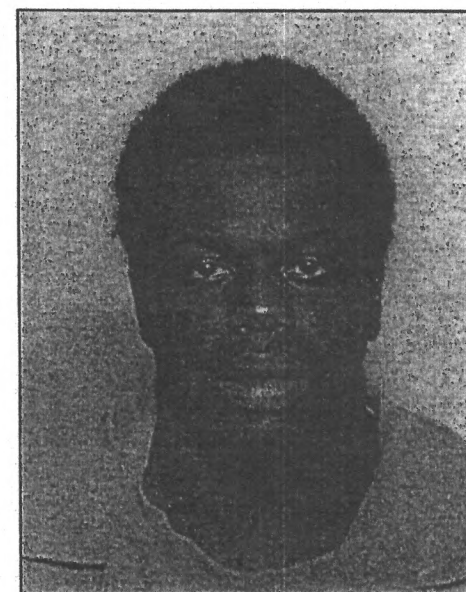
0941



1 \_\_\_\_\_



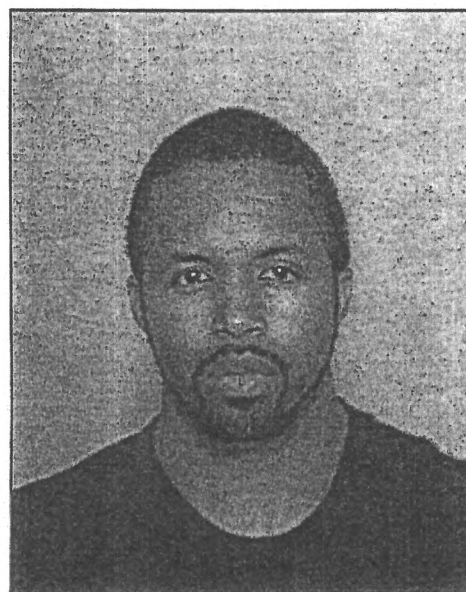
2 \_\_\_\_\_



3 \_\_\_\_\_



4 \_\_\_\_\_



5 \_\_\_\_\_

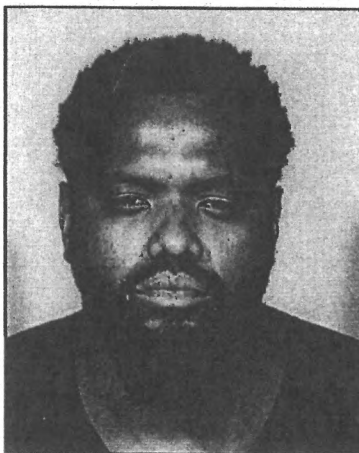


6 \_\_\_\_\_

LLV17090-115154



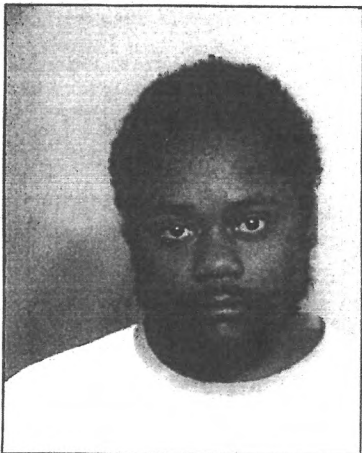
1635846  
1 JACKSON, ROOSEVELT



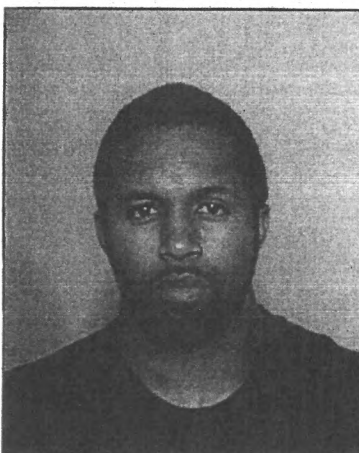
2752270  
2 MORGAN, GREGORY



2644386  
3 HALL, JESSIE



2632055  
4 CONYERS, LENNIE



1102424  
5 GREEN, MARVIN



0923419  
6 COLLINS, BORIS

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MAR



ATION

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**PHOTO LINE-UP WITNESS INSTRUCTIONS**

NAME: ALBREGO, ALDEN  
ADDRESS: \_\_\_\_\_  
PHONE NUMBER: 702- 541- 0119

EVENT #: LLV190900115154  
INTERVIEWED BY: DET. G. LASTER  
LOCATION: 3200 S. LHS  
DATE & TIME: 09-30-19 / 1520HRS

"In a moment I am going to show you a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. The fact that the photos are being shown to you should not cause you to believe or guess that the guilty person has been caught. You do not have to identify anyone. It is just as important to free innocent persons from suspicion as it is to identify those who are guilty. Please keep in mind that hair styles, beards, and mustaches are easily changed. Also, photographs do not always depict the true complexion of a person - it may be lighter or darker than shown in the photo. You should pay no attention to any markings or numbers that may appear on the photos. Also, pay no attention to whether the photos are in color or black and white, or any other difference in the type or style of the photographs. You should study only the person shown in each photograph. Please do not talk to anyone other than Police Officers while viewing the photos. You must make up your own mind and not be influenced by other witnesses, if any. When you have completed viewing all the photos, please tell me whether or not you can make an identification. If you can, tell me in your own words how sure you are of your identification. Please do not indicate in any way to other witnesses that you have or have not made an identification. Thank you."

SIGNED: 

DATE & TIME: 9.30.19 3:23pm

**STATEMENT:**

The reason why I am 100% sure it was the man in the  
second slot is because he had the same eye structure, had the  
same nose, and the same facial hair.

SIGNED: 

DATE & TIME: 9.30.19 3:27pm

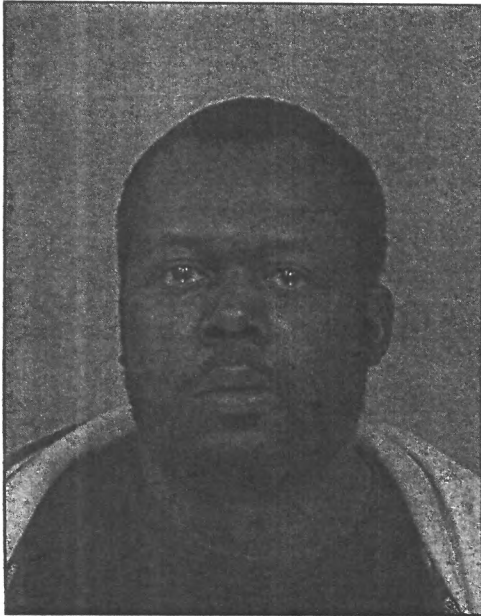
OFFICER'S NAME & P#:

G. LASTER P#5658

PHOTO LINE ID#: 48580

**0943**

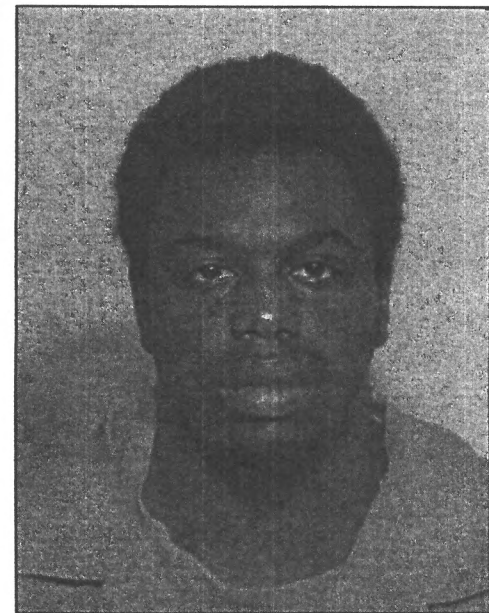
0944



1 \_\_\_\_\_



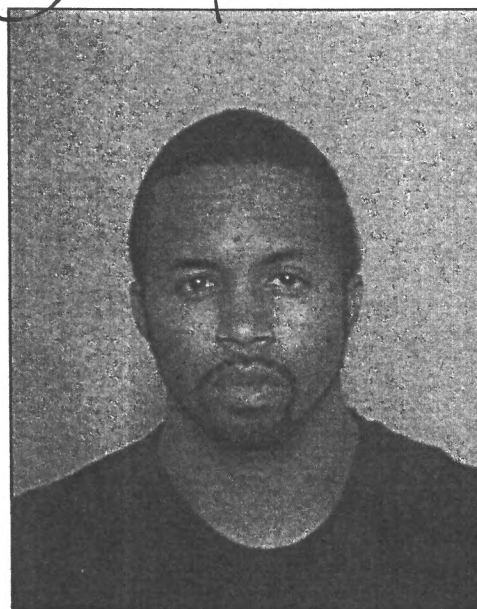
2 \_\_\_\_\_



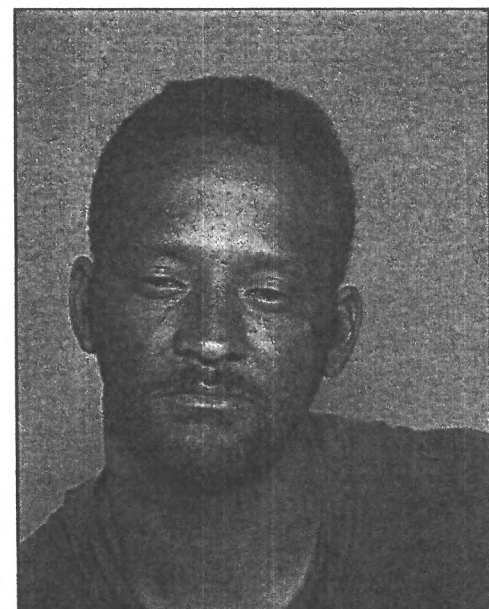
3 \_\_\_\_\_



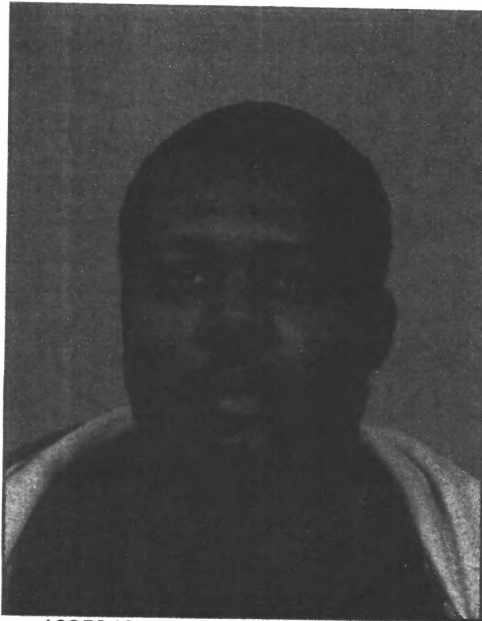
4 \_\_\_\_\_



5 \_\_\_\_\_



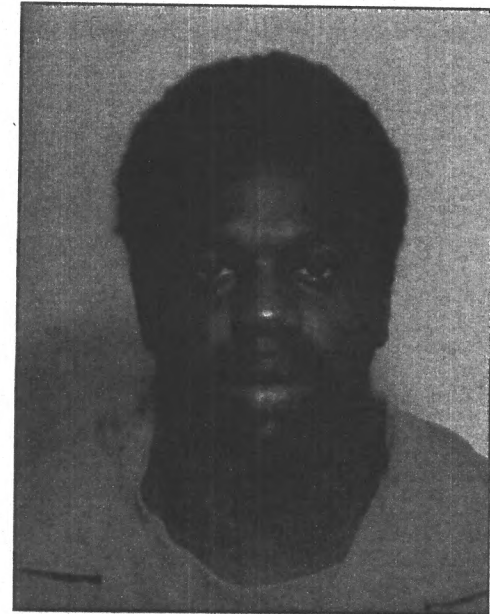
6 \_\_\_\_\_



1635846  
1 JACKSON, ROOSEVELT



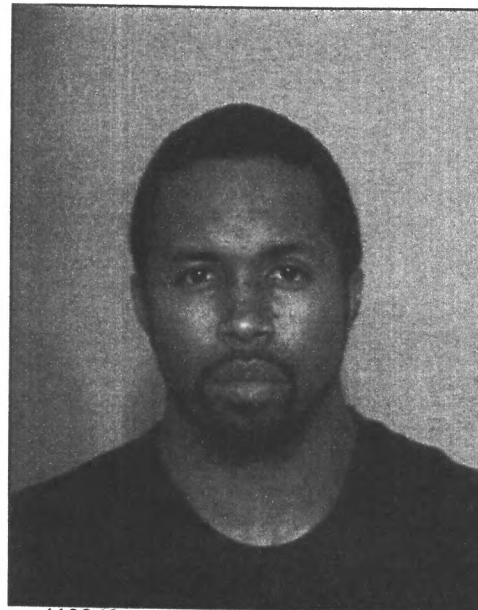
2752270  
2 MORGAN, GREGORY



2644386  
3 HALL, JESSIE



2632055  
4 CONYERS, LENNIE



1102424  
5 GREEN, MARVIN



0923419  
6 COLLINS, BORIS



THE MEADOWS MALL 4300 MEADOWS LANE SUITE 115  
LAS VEGAS, NV 89107  
702-878-8226

Visit Us At [www.footlocker.com](http://www.footlocker.com)

Store: 307142 Register: 2  
Date: 9/20/19 Time: 8:00 PM  
Trans: 39835  
Cashier: Elvin C.

Customer: Andre Snipes

\*\*\*\*\*

Loyalty Information

\*\*\*\*\*

Loyalty #: \*\*\*\*\*8204  
Program Name: Lockers Loyalty  
Program Level: Lockers VIP  
Points Earned Today: 0  
Total Earned Points: 0

-----

Item	Qty	Price	Amount	Tax%
NK LAL YL WT A DAVIS SM JSY				
037101213900930				

1            -\$110.00 -\$110.00    8.25%

999-SALEABLE

Return without Receipt

Sales Associate: Elvin C.

NK LAL YL WT A DAVIS SM JSY

037101213900930

1            -\$110.00 -\$110.00    8.25%

999-SALEABLE

Return without Receipt

Sales Associate: Elvin C.

NK PEL NVY GLD Z WILLIAMSON SWMN JSY

037101196600970

1            -\$110.00 -\$110.00    8.25%

999-SALEABLE

Return without Receipt

Sales Associate: Elvin C.

NK PEL NVY GLD Z WILLIAMSON SWMN JSY

037101196600930

1            -\$110.00 -\$110.00    8.25%

999-SALEABLE

Return without Receipt

Sales Associate: Elvin C.

Subtotal                    -\$440.00

Tax                         -\$36.32

**Total                      -\$476.32**

Issue Gift Card                    \$250.00

\*\*\*\*\*4494

Entry Method: Keyed

Auth #: 767555

Balance: \$250.00

Transaction Type: Refund

Issue Gift Card                    \$226.32

\*\*\*\*\*2557

Entry Method: Keyed

Auth #: 710800

Balance: \$226.32

Transaction Type: Refund

Change                         \$0.00

Today Foot Locker VIPS get member-only savings and  
benefits. Visit [www.footlocker.com/VIP](http://www.footlocker.com/VIP) or the  
Footlocker Mobile App to check your status.

**SHARE YOUR FEEDBACK**

You are eligible to receive an incentive  
for use on your next purchase  
in Store or Online.

Go to [www.flpulse.com](http://www.flpulse.com)  
within 14 days

and tell us about your visit.

Enter Code: 4KXC-HMSJ-GBW7-ZAW4-A8DZ-GR4V

Can not be used with any other discount  
offer. Select merchandise excluded.  
See site for complete details.

Customer Copy

FASHION SHOW MALL 3200 LAS VEGAS BLVD SOUTH STE  
1640  
LAS VEGAS, NV 891092612  
702-369-0401

Visit Us At [www.footlocker.com](http://www.footlocker.com)

Store: 308463 Register: 1  
Date: 9/21/19 Time: 12:29 PM  
Trans: 61379  
Cashier: Taylor W.

Customer: Andre Snipes

\*\*\*\*\*  
Loyalty Information  
\*\*\*\*\*

Loyalty #: \*\*\*\*\*8204  
Program Name: Lockers Loyalty  
Program Level: Lockers VIP  
Points Earned Today: 378  
Total Earned Points: 378

-----  
Item Qty Price Amount Tax%  
X-PLR BK/WT  
034219492704120  
1 \$85.00 \$85.00 8.25%

Sales Associate: Andres S.

JRDN RETRO 12 (GSB) -BK/BL/SL  
036265899104070  
1 \$140.00 \$140.00 8.25%

Sales Associate: Andres S.

NK AM PLUS BEACH BALL GS  
036370821704070  
1 \$125.00 \$99.99 8.25%

Promotion -\$25.01  
Sales Associate: Andres S.

NK NSW ESSENTIAL CREW 3PK WT BK  
039250547500950  
1 \$16.00 \$16.00 8.25%

Sales Associate: Andres S.

AD ROLLER CREW 3PK BLK/WHT 10-13  
039252617400950  
1 \$9.00 \$9.00 8.25%

Sales Associate: Andres S.

VANS CAMO EASY BOX TEE



037347593800950

1 \$28.00 \$28.00 8.25%

Sales Associate: Andres S.

Subtotal	\$377.99
Tax	\$31.18
<b>Total</b>	<b>\$409.17</b>

Gift Card \$250.00

\*\*\*\*\*4494

Entry Method: Keyed

Auth #: 507711

Balance: \$0.00

Transaction Type: Sale

Gift Card \$159.17

\*\*\*\*\*2557

Entry Method: Keyed

Auth #: 508233

Balance: \$67.15

Transaction Type: Sale

Change \$0.00

\*\*\*\*\*

You have saved \$25.01

\*\*\*\*\*

Today Foot Locker VIPs get member-only savings and benefits. Visit [www.footlocker.com/VIP](http://www.footlocker.com/VIP) or the Footlocker Mobile App to check your status.

**SHARE YOUR FEEDBACK**

You are eligible to receive an incentive for use on your next purchase in Store or Online.

Go to [www.flpulse.com](http://www.flpulse.com)

within 14 days

and tell us about your visit.

Enter Code: 4KZV-C1W0-4W8K-8JGK-QYZC-SKR1

Can not be used with any other discount offer. Select merchandise excluded. See site for complete details.

Thanks for Shopping Foot Locker!

Sold Item Count = 6

VIP #:

Customer Copy

Thanks for Shopping Foot Locker!

Returned Item Count = 4

VIP #:

**Customer Copy**

THE MEADOWS MALL 4300 MEADOWS LANE SUITE 115  
LAS VEGAS, NV 89107  
702-878-8226

Visit Us At [www.footlocker.com](http://www.footlocker.com)

Store: 307142 Register: 2  
Date: 9/24/19 Time: 2:54 PM  
Trans: 40037  
Cashier: Elvin C.

Customer: Andre Snipes

\*\*\*\*\*  
Loyalty Information  
\*\*\*\*\*

Loyalty #: \*\*\*\*\*8204  
Program Name: Lockers Loyalty  
Program Level: Lockers Platinum  
Points Earned Today: 0  
Total Earned Points: 0  
-----

Item	Qty	Price	Amount	Tax%
08/24 NK LAL YEL BRYANT #8 JSY				
037100203100950				
	1	-\$120.00	-\$89.99	8.25%

999-SALEABLE

Return without Receipt

Promotion \$30.01

Sales Associate: Elvin C.

Subtotal	-\$89.99
Tax	-\$7.42
<b>Total</b>	<b>-\$97.41</b>

Issue Gift Card \$97.41

\*\*\*\*\*5981

Entry Method: Keyed

Auth #: 178433

Balance: \$97.41

Transaction Type: Refund

**0950**

Returned Item Count = 1

Customer Copy

FASHION SHOW MALL 3200 LAS VEGAS BLVD SOUTH STE  
1640  
LAS VEGAS, NV 891092612  
702-369-0401

Visit Us At [www.footlocker.com](http://www.footlocker.com)

Store: 308463 Register: 2  
Date: 9/26/19 Time: 10:14 AM  
Trans: 354  
Cashier: Taylor W.

Customer: Andre Snipes

\*\*\*\*\*  
Loyalty Information  
\*\*\*\*\*

Loyalty #: \*\*\*\*\*8204  
Program Name: Lockers Loyalty  
Program Level: Lockers Platinum  
Points Earned Today: 220  
Total Earned Points: 220

Item	Qty	Price	Amount	Tax%
X-PLR BK/WT				
034219492704120	1	-\$85.00	-\$85.00	8.25%

999-SALEABLE  
Verified Return

Return  
Store: 308463  
Date: 9/21/19  
Trans: 61379  
Register: 1

Sales Associate: Andres S.

JRDN RETRO 12 (GSB) -BK/BL/SL				
036265899104070	1	-\$140.00	-\$140.00	8.25%

999-SALEABLE  
Verified Return

Return  
Store: 308463  
Date: 9/21/19  
Trans: 61379  
Register: 1

Sales Associate: Andres S.

AD ROLLER CREW 3PK BLK/WHT 10-13  
039252617400950

1 -\$9.00 -\$9.00 8.25%

999-SALEABLE  
Verified Return

Return  
Store: 308463  
Date: 9/21/19  
Trans: 61379  
Register: 1

Sales Associate: Andres S.

09/23 QS YZY 350 CITRIN  
034209437404120

1 \$220.00 \$220.00 8.25%

Sales Associate: Cassandra B.

Subtotal -\$14.00  
Tax -\$1.15  
**Total -\$15.15**

---

Issue Gift Card \$15.15  
\*\*\*\*\*1699  
Entry Method: Keyed  
Auth #: 854844  
Balance: \$15.15  
Transaction Type: Refund  
Change \$0.00

Today Foot Locker VIPS get member-only savings and  
benefits. Visit [www.footlocker.com/VIP](http://www.footlocker.com/VIP) or the  
Footlocker Mobile App to check your status.

**SHARE YOUR FEEDBACK**

You are eligible to receive an incentive  
for use on your next purchase  
in Store or Online.

Go to [www.flpulse.com](http://www.flpulse.com)  
within 14 days  
and tell us about your visit.  
Enter Code: 4MC5-S96Q-AFR8-G0SY-RS5J-AN4W

Can not be used with any other discount  
offer. Select merchandise excluded.  
See site for complete details.

Thanks for Shopping Foot Locker!

Sold Item Count = 1  
Returned Item Count = 3

VIP #:

Change

\$0.00

Today Foot Locker VIPS get member-only savings and benefits. Visit [www.footlocker.com/VIP](http://www.footlocker.com/VIP) or the Footlocker Mobile App to check your status.

**SHARE YOUR FEEDBACK**

You are eligible to receive an incentive for use on your next purchase in Store or Online.

Go to [www.flpulse.com](http://www.flpulse.com)  
within 14 days  
and tell us about your visit.  
Enter Code: 4M78-1P3V-F2NV-7CZ8-QBE1-QDEG

Can not be used with any other discount offer. Select merchandise excluded.  
See site for complete details.

Thanks for Shopping Foot Locker!

Returned Item Count = 1

VIP #:

**Customer Copy**

THE MEADOWS MALL 4300 MEADOWS LANE SUITE 115  
LAS VEGAS, NV 89107  
702-878-8226

Visit Us At [www.footlocker.com](http://www.footlocker.com)

Store: 307142 Register: 2  
Date: 10/6/19 Time: 1:21 PM  
Trans: 40445  
Cashier: Daniela M.

Customer: Andre Snipes

\*\*\*\*\*  
Loyalty Information  
\*\*\*\*\*

Loyalty #: \*\*\*\*\*8204  
Program Name: Lockers Loyalty  
Program Level: Lockers Platinum  
Points Earned Today: -200  
Total Earned Points: 20  
-----

Item	Qty	Price	Amount	Tax%
PROTO MAX 720 WG/BK/VLT				
034101128804110				

1      -\$200.00   -\$200.00      8.25%

999-SALEABLE

Return without Receipt

Sales Associate: Elvin C.

Subtotal	-\$200.00
Tax	-\$16.50
<b>Total</b>	<b>-\$216.50</b>

---

Issue Gift Card	\$216.50
-----------------	----------

\*\*\*\*\*3027

Entry Method: Keyed

Auth #: 136011

Balance: \$216.50

Transaction Type: Refund

Change	\$0.00
--------	--------

Today Foot Locker VIPS get member-only savings and benefits. Visit [www.footlocker.com/VIP](http://www.footlocker.com/VIP) or the Footlocker Mobile App to check your status.

**SHARE YOUR FEEDBACK**

You are eligible to receive an incentive for use on your next purchase in Store or Online.

Go to [www.flpulse.com](http://www.flpulse.com) within 14 days

and tell us about your visit.

Enter Code: 4JTW-W6JT-HKD2-D09W-QFFC-VAKS

Can not be used with any other discount offer. Select merchandise excluded. See site for complete details.

Thanks for Shopping Foot Locker!

Returned Item Count = 1

VIP #:

**Customer Copy**

---

THE MEADOWS MALL 4300 MEADOWS LANE SUITE 115  
LAS VEGAS, NV 89107  
702-878-8226

Visit Us At [www.footlocker.com](http://www.footlocker.com)

---

Store: 307142	Register: 2
Date: 10/6/19	Time: 1:23 PM
Trans: 40446	
Cashier: Daniela M.	

**0954**

Customer: Andre Snipes

\*\*\*\*\*  
Loyalty Information  
\*\*\*\*\*

Loyalty #: \*\*\*\*\*8204  
Program Name: Lockers Loyalty  
Program Level: Lockers Platinum  
Points Earned Today: -20  
Total Earned Points: 0

-----  

Item	Qty	Price	Amount	Tax%
JM TEAM 2 NV/WT/GUM				
034101113004100				
	1	-\$140.00	-\$140.00	8.25%

999-SALEABLE  
Return without Receipt  
Sales Associate: Elvin C.

Subtotal - \$140.00  
Tax - \$11.55  
  
Total - \$151.55

Issue Gift Card \$151.55  
\*\*\*\*\*8857  
Entry Method: Keyed  
Auth #: 347744  
Balance: \$151.55  
Transaction Type: Refund  
Change \$0.00

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**SHARE YOUR FEEDBACK**

You are eligible to receive an incentive for use on your next purchase in Store or Online.

Go to [www.flpulse.com](http://www.flpulse.com) within 14 days

and tell us about your visit.

Enter Code: 4JTW-W6QZ-ZHZY-04AP-C7H6-GWFA

Can not be used with any other discount offer. Select merchandise excluded.  
See site for complete details.

Thanks for Shopping Foot Locker!

Returned Item Count = 1

VIP #:

0955

**Relate - Customer Service Application**

Welcome: Armando Flores (User) Logout  
Wednesday, October 23, 2019 3:38 PM (EDT)

Customer Search » Search Results » Customer View

Go Back

**Snipes, Andre**

Edit Notes Email Print

Account: 70300057818204  
Signup Store: 307142  
Membership: Lockers Platinum  
Gender: M  
Opt-In: Mail: Yes | Text: No | Email: No  
Last Updated 9/21/2019 by 596141

Member Since: 9/20/2019  
Birth Date: 4/21/1982

Customer DetailTransaction History (9)Epicor Transaction History

**Address**

Add Address

Primary	Type	Street	City	State	Postal Code	Action
Yes	HOME		LAS VEGAS	NV	89106	Edit

**Phone**

Add Phone

Primary	Type	Phone Number	Action
Yes	HOME	(702) 619-3264	Edit

**Email**

Add Email

Primary	Type	Email	Action
Yes	HOME	andregsnipes@yahoo.com	Edit

**Account/Card**

Merge

Status	Account No.	Loyalty Program	Loyalty Level	Merged	Action
Active	70300057818204	Lockers Loyalty Program	Lockers Platinum	No	Edit

**Notes**

Add New Note

Date	Time	User	Type	Note
09/20/2019	11:01 PM	596141	EVT_SET_AS_PRIMARY	Set as primary account holder: customer card (70300057818204)
09/20/2019	11:01 PM	596141	EVT_ASSOCIATE_CARD	Associated customer card (70300057818204)



Relate - Customer Service Application

Welcome, Armando Flores (User) Logout  
Wednesday, October 23, 2019 3:49 PM (EDT)

Customer Search > Search Results > Customer View

Go Back

**Snipes, Andre**

Account: 70300057818204  
 Signup Store: 307142 Member Since: 9/20/2019  
 Membership: Lockers Platinum  
 Gender: M Birth Date: 4/21/1962  
 Opt-In Mail Yes | Text No | Email No  
 Last Updated 9/21/2019 by 506141

Edit Notes Email Print

[Customer Detail](#) | 
 [Transaction History \(9\)](#) | 
 [Epicor Transaction History](#)

**Reward Summary**

Account	Balance	Lifetime	YTD	Level Move	Last Posted	Last Expire
70300057818204	\$120.00	\$498.00	\$498.00	9/22/2019	10/7/2019	

**Transaction History**

Account	Date	Store No	Trans No	Invoice No	Loyalty Amt
70300057818204	10/7/2019	308804	000034504		120
70300057818204	10/6/2019	307142	000040446		-20
70300057818204	10/6/2019	307142	000040445		-200
70300057818204	9/26/2019	308463	000000354		220
70300057818204	9/24/2019	307142	000040037		0
70300057818204	9/22/2019	9999999			-378
70300057818204	9/21/2019	300463	000061379		378
70300057818204	9/20/2019	307142	000039835		0
70300057818204		307142			0

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MIRACLE MILE 3663 LAS VEGAS BLVD SOUTH STE 295  
 LAS VEGAS, NV 891091909  
 702-733-4942

Visit Us At [www.footlocker.com](http://www.footlocker.com)

Store: 308804 Register: 2  
 Date: 10/7/19 Time: 1:35 PM  
 Trans: 34504  
 Cashier: Luis I.

Customer: Andre Snipes

\*\*\*\*\*

Loyalty Information

\*\*\*\*\*

Loyalty #: \*\*\*\*\*8204  
 Program Name: Lockers Loyalty  
 Program Level: Lockers Platinum  
 Points Earned Today: 120  
 Total Earned Points: 120

Item	Qty	Price	Amount	Tax%
AF1 LOW PRM OFF NOIR/GUNSMOKE				
034101419104100				
	1	-\$130.00	-\$130.00	8.25%

0957

999-SALEABLE  
Verified Return

Return  
Store: 308804  
Date: 10/7/19  
Trans: 34494  
Register: 2

Sales Associate: Luis I.

JM TEAM 2 BK/RD/WT  
034101099104110

1 \$140.00 \$119.99 8.25%

Promotion -\$20.01  
Sales Associate: Luis I.

Subtotal -\$10.01  
Tax -\$0.83  
Total -\$10.84

Cash -\$10.84  
Change \$0.00

\*\*\*\*\*  
You have saved \$20.01  
\*\*\*\*\*

Today Foot Locker VIPS get member-only savings and  
benefits. Visit [www.footlocker.com/VIP](http://www.footlocker.com/VIP) or the  
Footlocker Mobile App to check your status.

**SHARE YOUR FEEDBACK**

You are eligible to receive an incentive  
for use on your next purchase  
in Store or Online.

Go to [www.flpulse.com](http://www.flpulse.com)  
within 14 days  
and tell us about your visit.  
Enter Code: 4JXB-RK2D-VX1B-FX1H-TNKW-QM39

Can not be used with any other discount  
offer. Select merchandise excluded.  
See site for complete details.

Thanks for Shopping Foot Locker!

Sold Item Count = 1  
Returned Item Count = 1

VIP #:

Customer Copy

MIRACLE MILE 3663 LAS VEGAS BLVD SOUTH STE 295  
LAS VEGAS, NV 891091909  
702-733-4942

Visit Us At [www.footlocker.com](http://www.footlocker.com)

Store: 308804 Register: 2  
Date: 10/7/19 Time: 11:22 AM  
Trans: 34494  
Cashier: Luis I.

Customer: Andre Snips

Item	Qty	Price	Amount	Tax%
JM TEAM 2 BK/RD/WT				
034101099104110				
	1	-\$140.00	-\$119.99	8.25%

999-SALEABLE  
Return without Receipt  
Promotion \$20.01  
Sales Associate: Luis I.

AF1 LOW PRM OFF NOIR/GUNSMOKE				
034101419104100				
	1	\$130.00	\$130.00	8.25%

Sales Associate: Luis I.

Subtotal	\$10.01
Tax	\$0.83
<b>Total</b>	<b>\$10.84</b>

Cash	\$20.00
Change	
Cash	-\$9.16

Today Foot Locker VIPs get member-only savings.  
Visit [www.footlocker.com/vip](http://www.footlocker.com/vip) to start enjoying  
benefits.

**SHARE YOUR FEEDBACK**

You are eligible to receive an incentive  
for use on your next purchase  
in Store or Online.

Go to [www.flpulse.com](http://www.flpulse.com)  
within 14 days

and tell us about your visit.

Enter Code: 4JXB-R1VT-KK8G-B0C6-BDJV-BKB9

Can not be used with any other discount  
offer. Select merchandise excluded.  
See site for complete details.

Thanks for Shopping Foot Locker!

Sold Item Count = 1

0959

MARK TION





THE MEADOWS MALL 4300 MEADOWS LANE SUITE  
115  
LAS VEGAS, NV 89107  
702-878-8226

Visit Us At [www.footlocker.com](http://www.footlocker.com)

Store: 307142 Register: 2  
Date: 9/20/19 Time: 8:00 PM  
Trans: 39835  
Cashier: Elvin C.

Customer: Andre Snipes

\*\*\*\*\*  
Loyalty Information  
\*\*\*\*\*

Loyalty #: \*\*\*\*\*8204  
Program Name: Lockers Loyalty  
Program Level: Lockers VIP  
Points Earned Today: 0  
Total Earned Points: 0

\*\*\*\*\*  
\*\*\*Reprint - Reprint - Reprint - Reprint\*\*\*  
\*\*\*\*\*

Item	Qty	Price	Amount	Tax
NK LAL YL WT A DAVIS SM JSY				
037101213900930	1	-\$110.00	-\$110.00	8.25%

999-SALEABLE  
Return without Receipt  
Sales Associate: Elvin C.

NK LAL YL WT A DAVIS SM JSY				
037101213900930	1	-\$110.00	-\$110.00	8.25%

999-SALEABLE  
Return without Receipt  
Sales Associate: Elvin C.

NK PEL NBY GLD 2 WILLIAMSON SMN JSY				
037101196600970	1	-\$110.00	-\$110.00	8.25%

0960

11-10-20

12

Total -\$476.32

Issue Gift Card \$250.00  
\*\*\*\*\*4494  
Entry Method: Keyed  
Auth #: 767555  
Balance: \$250.00  
Transaction Type: Refund  
Issue Gift Card \$226.32  
\*\*\*\*\*2557  
Entry Method: Keyed  
Auth #: 710800  
Balance: \$226.32  
Transaction Type: Refund  
Change \$0.00

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**SHARE YOUR FEEDBACK**

You are eligible to receive an incentive for use on your next purchase in Store or Online.

Go to [www.flopulse.com](http://www.flopulse.com) within 14 days and tell us about your visit.  
Enter Code: 4KXC-HMSJ-GBU7-ZAU4-A8DZ-GR4V

Can not be used with any other discount offer. Select merchandise excluded  
See site for complete details

Thanks for Shopping Foot Locker!

Returned Item Count = 4

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*Reprint - Reprint - Reprint - Reprint\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*



131HHE711414RX64ARJWQ

VIP #:



70300057818204

Customer Copy

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*Reprint - Reprint - Reprint - Reprint\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

Return card in the amount of the lowest price for

return card in the amount of the lowest selling price for the last 60 days, which may include special sales and/or multiple offers.

- There are no fees charged for exchanges, refunds or returns.
- A copy of the Return Policy is available upon request.
- Your satisfaction is our concern.
- For questions or comments, call 1-800-991-6682.

#### **FOOT LOCKER PROMISE:**

- To give a refund or exchange on unworn merchandise within 45 days WITH a receipt.
- Returns WITHOUT a receipt for unworn merchandise are exchangeable for merchandise or a merchandise return card in the amount of the lowest selling price for the last 60 days, which may include special sales and/or multiple offers.
- There are no fees charged for exchanges, refunds or returns.
- A copy of the Return Policy is available upon request.
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- A copy of the Return Policy is available upon request.
- Your satisfaction is our concern.
- For questions or comments, call 1-800-991-6682.

are exchangeable for merchandise or a merchandise return card in the amount of the lowest selling price for the last 60 days, which may include special sales and/or multiple offers.

- There are no fees charged for exchanges, refunds or returns.
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- A copy of the Return Policy is available upon request.
- Your satisfaction is our concern.
- For questions or comments, call 1-800-991-6682.

**FOOT LOCKER PROMISE:**

18CGJ163A-B  
Jury Case # \_\_\_\_\_  
4 5  
Date 10.31.19





THE MEADOWS MALL 4300 MEADOWS LANE SUITE  
115  
LAS VEGAS, NV 89107  
702-878-8226

Visit Us At [www.footlocker.com](http://www.footlocker.com)

Store: 307142 Register: 2  
Date: 9/24/19 Time: 2:54 PM  
Trans: 40037  
Cashier: Elvin C.

Customer: Andre Snipes

\*\*\*\*\*  
Loyalty Information  
\*\*\*\*\*

Loyalty #: \*\*\*\*\*8201  
Program Name: Lockers Loyalty  
Program Level: Lockers Platinum  
Points Earned Today: 0  
Total Earned Points: 0

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*Reprint - Reprint - Reprint - Reprint\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

Item	Qty	Price	Amount	Tax%
08/24 NK LAL YEL BRYANT #8 JSY				
037100203100950	1	-\$120.00	-\$89.99	8.25%

999-SALEABLE

Return without Receipt

Promotion \$30.01

Sales Associate: Elvin C.

Subtotal -\$89.99  
Tax -\$7.42

0964

<b>Total</b>	<b>-\$97.41</b>
<hr/>	
Issue Gift Card	\$97.41
*****5981	
Entry Method: Keyed	
Auth #: 178433	
Balance: \$97.41	
Transaction Type: Refund	
Change	\$0.00

Today Foot Locker VIPS get member-only savings and benefits. Visit [www.footlocker.com/VIP](http://www.footlocker.com/VIP) or the Footlocker Mobile App to check your status.

# **SHARE YOUR FEEDBACK**

You are eligible to receive an incentive for use on your next purchase in Store or Online.

Go to [www.flpulse.com](http://www.flpulse.com) within 14 days and tell us about your visit.  
Enter Code: 4M78-1P3V-F2NV-7CZ8-QBE1-00EG

Can not be used with any other discount offer. Select merchandise excluded. See site for complete details.

Thanks for Shopping Foot Locker!

Returned Item Count = 1

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*Reprint - Reprint - Reprint - Reprint\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*



VIP #:



Customer Copy

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*Reprint - Reprint - Reprint - Reprint\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

FOOT LOCKER FLYER/MAILER

**FOOT LOCKER PROMISE:**

- To give a refund or exchange on unworn merchandise within 45 days WITH a receipt.
- Returns WITHOUT a receipt for unworn merchandise are exchangeable for merchandise or a merchandise return card in the amount of the lowest selling price for the last 60 days, which may include special sales and/or multiple offers.
- There are no fees charged for exchanges, refunds or returns.
- A copy of the Return Policy is available upon request.
- Your satisfaction is our concern.
- For questions or comments, call 1-800-991-6682.

**FOOT LOCKER PROMISE:**

- To give a refund or exchange on unworn merchandise within 45 days WITH a receipt.
- Returns WITHOUT a receipt for unworn merchandise are exchangeable for merchandise or a merchandise return card in the amount of the lowest selling price for the last 60 days, which may include special sales and/or multiple offers.
- There are no fees charged for exchanges, refunds or returns.
- A copy of the Return Policy is available upon request.
- Your satisfaction is our concern.
- For questions or comments, call 1-800-991-6682.

**FOOT LOCKER PROMISE:**

- To give a refund or exchange on unworn merchandise within 45 days WITH a receipt.
- Returns WITHOUT a receipt for unworn merchandise are exchangeable for merchandise or a merchandise return card in the amount of the lowest selling price for the last 60 days, which may include special sales and/or multiple offers.
- There are no fees charged for exchanges, refunds or returns.
- A copy of the Return Policy is available upon request.
- Your satisfaction is our concern.
- For questions or comments, call 1-800-991-6682.

**FOOT LOCKER PROMISE:**

- To give a refund or exchange on unworn merchandise within 45 days WITH a receipt.
- Returns WITHOUT a receipt for unworn merchandise are exchangeable for merchandise or a merchandise return card in the amount of the lowest selling price for the last 60 days, which may include special sales and/or multiple offers.
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- Your satisfaction is our concern.
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- Your satisfaction is our concern.
- For questions or comments, call 1-800-991-6682.

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- Returns WITHOUT a receipt for unworn merchandise

18CGJ163 A-B  
Grand Jury Case # \_\_\_\_\_  
Exhibit # 4  
Date 10.31.19



THE MEADOWS MALL 4300 MEADOWS LANE SUITE  
115  
LAS VEGAS, NV 89107  
702-878-8226

Visit Us At [www.footlocker.com](http://www.footlocker.com)

Store: 307142 Register: 2  
Date: 10/6/19 Time: 1:21 PM  
Trans: 40445  
Cashier: Daniela M

Customer: Andre Snipes

\*\*\*\*\*  
Loyalty Information  
\*\*\*\*\*

Loyalty #: \*\*\*\*\*8204  
Program Name: Lockers Loyalty  
Program Level: Lockers Platinum  
Points Earned Today: -200  
Total Earned Points: 20

\*\*\*\*\*  
\*\*\*Reprint - Reprint - Reprint - Reprint\*\*\*  
\*\*\*\*\*

Item	Qty	Price	Amount	Tax%
PROTO MAX 720 WG/BK/VLT				
034101128804110				
	1	-\$200.00	-\$200.00	8.25%

999-SALEABLE  
Return without Receipt  
Sales Associate: Elvin C.

Subtotal -\$200.00  
Tax -\$16.50

0968

Total	- \$216.50
-----	
Issue Gift Card	\$216.50
*****3027	
Entry Method: Keyed	
Auth #: 136011	
Balance: \$216.50	
Transaction Type: Refund	
Change	\$0.00

Today Foot Locker VIPS get member-only savings and benefits. Visit [www.footlocker.com/VIP](http://www.footlocker.com/VIP) or the Footlocker Mobile App to check your status.

#### SHARE YOUR FEEDBACK

You are eligible to receive an incentive for use on your next purchase in Store or Online.

Go to [www.flpulse.com](http://www.flpulse.com) within 14 days and tell us about your visit  
Enter Code: 4JTW-W6JT-HKD2-D09W-QFFC-VAKS

Can not be used with any other discount offer. Select merchandise excluded.  
See site for complete details

Thanks for Shopping Foot Locker!

Returned Item Count = 1

\*\*\*\*\*  
\*\*\*\*\*

Grand Jury Case # 18CGJ163AD  
Exhibit # 13  
Date 11/14/19

\*\*\*\*\*  
\*\*\*Reprint\*\*\* Reprint\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

- Your satisfaction is our concern.
- For questions or comments, call 1-800-991-6682.

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THE MEADOWS MALL 4300 MEADOWS LANE SUITE  
115  
LAS VEGAS, NV 89107  
702-878-8226

Visit Us At [www.footlocker.com](http://www.footlocker.com)

Store: 307142 Register: 2  
Date: 10/6/19 Time: 1:23 PM  
Trans: 40446  
Cashier: Daniela M.

Customer: Andre Snipes

\*\*\*\*\*  
Loyalty Information  
\*\*\*\*\*

Loyalty #: \*\*\*\*\*8204  
Program Name: Lockers Loyalty  
Program Level: Lockers Platinum  
Points Earned Today: -20  
Total Earned Points: 0

\*\*\*\*\*  
\*\*\*\*\*  
\*\*\*Reprint - Reprint - Reprint - Reprint\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

Item	Qty	Price	Amount	Tax%
JM TEAM 2 NV/WT/BUM				
034101113004100				
	1	-\$140.00	-\$140.00	8.25%

999-SALEABLE  
Return without Receipt  
Sales Associate: Elvin C.

Subtotal -\$140.00  
Tax -\$11.55

0972

<b>Total</b>	<b>-\$151.55</b>
<hr/>	
Issue Gift Card	\$151.55
*****8857	
Entry Method: Keyed	
Auth #: 347744	
Balance: \$151.55	
Transaction Type: Refund	
Change	\$0.00

Today Foot Locker VIPs get member-only savings and benefits. Visit [www.footlocker.com/VIP](http://www.footlocker.com/VIP) or the Footlocker Mobile App to check your status.

**SHARE YOUR FEEDBACK**

You are eligible to receive an incentive for use on your next purchase in Store or Online.

Go to [www.flpulse.com](http://www.flpulse.com) within 14 days and tell us about your visit.  
Enter Code: 4JTW-W6QZ-ZHZY-04AP-C7H6-GWFA

Can not be used with any other discount offer. Select merchandise excluded. See site for complete details.

Thanks for Shopping Foot Locker!

Returned Item Count = 1

\*\*\*\*\*  
\*\*\*\*\*

18CGJ163AB  
Grand Jury Case # \_\_\_\_\_  
Exhibit # 12  
Date 11/14/19

\*\*\*\*\*  
\*\*\*\*Rep. r. rInt\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*

- There are no fees charged for exchanges, returns or returns.
- A copy of the Return Policy is available upon request.
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MARK

E



TION

Gregory Morgan Jr.

130

Yeah!



Size 11 and 10.5 the second one i want 70

ack tonight 725 203 8999 text me so i can have your number



Type a message...



0976

11-10-20



u still got any nikes 4 sale?

Size 11 plz



STATE'S  
EXHIBIT  
13

PENGAD 800-631-6889

2344461-2

2  
0  
11

MARK TION





MAR



ATION


0977

11-10-20



81

# LP External Theft Incident Report



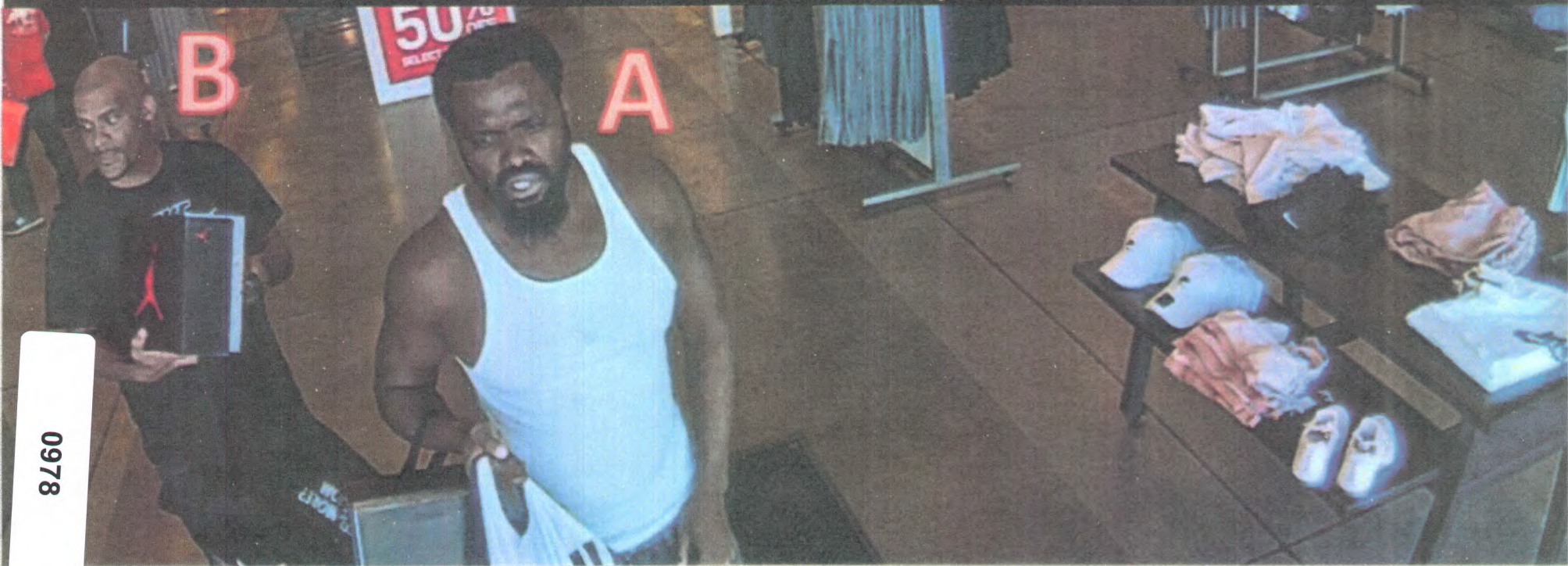
# LP External Theft Incident Report

Reporting Manager	Carmina Panlilio			Date of Incident	10/2/201
				Exiting Time	2:02PM
Product Recovery	Prevention Statement	Shoplifting	Fire Door Run Out	Exposed Merch Carry Out	Repeat Offender

## Merchandise Information

Type of Product	Price	Recovered? yes/no
Footwear-Jordan Legacy 312	\$ 150.00	no
Footwear-Jordan Laney	\$ 200.00	no
Footwear-Jordan Laney	\$ 200.00	no
Footwear-Air Foamposite	\$ 230.00	no
Footwear-Air Foamposite	\$ 230.00	no
Footwear-Air Foamposite	\$ 230.00	no
Total Case Value	\$ 1,240.00	

Photo that best identifies subject.



0978

11-10-20



MARKER

EX

ION



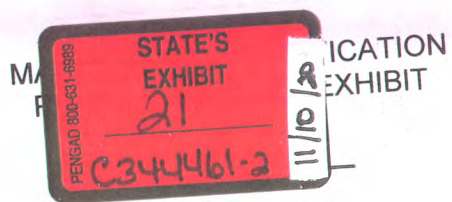




0979

F41 10/2/2019 02:02:04







ee

02-01-11

0860



F41 10/2/2019 02:02:10





20/11  
2  
IDENTIFICATION  
EXHIBIT





0981

F41 10/2/2019 02:02:04.





2  
11/10/11  
TIFICATION  
EXHIBIT

mlc



0-1



0982

11-10-20

F41 10/2/2019 02:02:0





2  
0  
=

IFICATION  
EXHIBIT



SS



0983

11-10-20

F41 10/2/2019 02:02:1

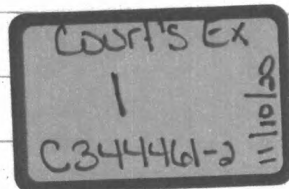




IDENTIFICATION  
ED EXHIBIT

#2

How do you verify a customer  
~~for~~ using their reward  
program?



STAPLES

0984

11-10-20

AT-1

0985

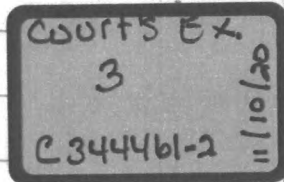
STAPLES

Court's Ex 2  
11/10/20  
California

IS THE LOYALTY INFORMATION  
OBTAINED FROM IDENTIFICATION  
SURVEY # 4

6

Do you ask for ID  
to enroll a person to  
rewards program Plex?  
to verify the person

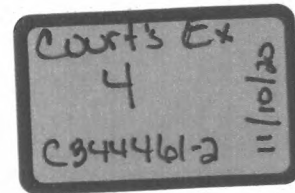


STAPLES

CERTIFIED  
COPY

FILED  
01 MAY 25 PM 6:00

KING COUNTY  
SUPERIOR COURT CLERK  
KENT, WA



SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

STATE OF WASHINGTON,

Plaintiff,

Vs.

ANDRE G SNIPES

Defendant,

No. 00-1-08805-8 KNT

JUDGMENT AND SENTENCE  
FELONY

I. HEARING

I.1 The defendant, the defendant's lawyer, MARK FLORA, and the deputy prosecuting attorney were present at the sentencing hearing conducted today. Others present were: \_\_\_\_\_

II. FINDINGS

There being no reason why judgment should not be pronounced, the court finds:

2.1 CURRENT OFFENSE(S): The defendant was found guilty on 02/08/2001 by plea of:

Count No.: I Crime: CRIMINAL SOLICITATION VUCSA-DELIVERY OF COCAINE  
RCW 69.50.401A11 Crime Code: 27319  
Date of Crime: 10/19/1999 Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

Count No.: \_\_\_\_\_ Crime: \_\_\_\_\_  
RCW \_\_\_\_\_ Crime Code: \_\_\_\_\_  
Date of Crime: \_\_\_\_\_ Incident No. \_\_\_\_\_

[ ] Additional current offenses are attached in Appendix A

Rev 07/00 - hsp

PRESENTING STATEMENT & INFORMATION ATTACHED  
COPY TO SENTENCING GUIDELINES COMMISSION  
MAY 29 2001  
COMMITMENT ISSUED MAY 29 2001



**SPECIAL VERDICT or FINDING(S):**

- (a) ☐ While armed with a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(3).  
(b) ☐ While armed with a deadly weapon other than a firearm in count(s) \_\_\_\_\_ RCW 9.94A.310(4).  
(c) ☐ With a sexual motivation in count(s) \_\_\_\_\_ RCW 9.94A.127.  
(d) ☐ A V.U.C.S.A. offense committed in a protected zone in count(s) \_\_\_\_\_ RCW 69.50.435.  
(e) ☐ Vehicular homicide ☐ Violent traffic offense ☐ DUI ☐ Reckless ☐ Disregard.  
(f) ☐ Vehicular homicide by DUI with \_\_\_\_\_ prior conviction(s) for offense(s) defined in RCW 41.61.5055, RCW 9.94A.310(7).  
(g) ☐ Non-parental kidnapping or unlawful imprisonment with a minor victim. RCW 9A.44.130.  
(h) ☐ Domestic violence offense as defined in RCW 10.99.020 for count(s) \_\_\_\_\_.  
(i) ☐ Current offenses encompassing the same criminal conduct in this cause are count(s) \_\_\_\_\_ RCW 9.94A.400(1)(a).

**2.2 OTHER CURRENT CONVICTION(S):** Other current convictions listed under different cause numbers used in calculating the offender score are (list offense and cause number): \_\_\_\_\_

**2.3 CRIMINAL HISTORY:** Prior convictions constituting criminal history for purposes of calculating the offender score are (RCW 9.94A.360):

☒ Criminal history is attached in Appendix B.

☐ Prior convictions counted as one offense in determining the offender score (RCW 9.94A.360(5) are: \_\_\_\_\_

☐ One point added for offense(s) committed while under community placement for count(s) \_\_\_\_\_

**2.4 SENTENCING DATA:**

Sentencing Data	Offender Score	Seriousness Level	Standard Range	Enhancement	Total Standard Range	Maximum Term
Count 1	0	VIII			15.75 TO 20.25 MONTHS	10 YRS AND/OR \$25,000
Count						
Count						
Count						

☐ Additional current offense sentencing data is attached in Appendix C.

**2.5 EXCEPTIONAL SENTENCE:**

☐ Substantial and compelling reasons exist which justify a sentence above/below the standard range for Count(s) \_\_\_\_\_. Findings of Fact and Conclusions of Law are attached in Appendix D. The State ☐ did ☐ did not recommend a similar sentence.

**III. JUDGMENT**

IT IS ADJUDGED that defendant is guilty of the current offenses set forth in Section 2.1 above and Appendix A.

☐ The Court DISMISSES Count(s) \_\_\_\_\_

#### IV. ORDER

IT IS ORDERED that the defendant serve the determinate sentence and abide by the other terms set forth below.

##### 4.1 RESTITUTION AND VICTIM ASSESSMENT:

- ☐ Defendant shall pay restitution to the Clerk of this Court as set forth in attached Appendix E.  
☐ Defendant shall not pay restitution because the Court finds that extraordinary circumstances exist, and the court, pursuant to RCW 9.94A.142(2), sets forth those circumstances in attached Appendix E.  
☐ Restitution to be determined at future restitution hearing on (Date) \_\_\_\_\_ at \_\_\_\_\_ m.  
☐ Date to be set.  
☐ Defendant waives presence at future restitution hearing(s).  
☒ Restitution is not ordered.  
Defendant shall pay Victim Penalty Assessment pursuant to RCW 7.68.035 in the amount of \$500.

##### 4.2 OTHER FINANCIAL OBLIGATIONS: Having considered the defendant's present and likely future financial resources, the Court concludes that the defendant has the present or likely future ability to pay the financial obligations imposed. The Court waives financial obligation(s) that are checked below because the defendant lacks the present and future ability to pay them. Defendant shall pay the following to the Clerk of this Court:

- (a) ☐ \$ \_\_\_\_\_, Court costs; ☒ Court costs are waived; (RCW 9.94A.030, 10.01.160)  
(b) ☐ \$ \_\_\_\_\_, Recoupment for attorney's fees to King County Public Defense Programs;  
☒ Recoupment is waived (RCW 9.94A.030);  
(c) ☐ \$ \_\_\_\_\_, Fine; ☐ \$1,000, Fine for VUCSA; ☐ \$2,000, Fine for subsequent VUCSA;  
☒ VUCSA fine waived (RCW 69.50.430);  
(d) ☐ \$ \_\_\_\_\_, King County Interlocal Drug Fund; ☒ Drug Fund payment is waived;  
(RCW 9.94A.030)  
(e) ☐ \$ \_\_\_\_\_, State Crime Laboratory Fee; ☒ Laboratory fee waived (RCW 43.43.690);  
(f) ☐ \$ \_\_\_\_\_, Incarceration costs; ☒ Incarceration costs waived (RCW 9.94A.145(2));  
(g) ☐ \$ \_\_\_\_\_, Other costs for: \_\_\_\_\_

##### 4.3 PAYMENT SCHEDULE: Defendant's TOTAL FINANCIAL OBLIGATION is: \$ 500.00. The payments shall be made to the King County Superior Court Clerk according to the rules of the Clerk and the following terms: ☐ Not less than \$ \_\_\_\_\_ per month; ☒ On a schedule established by the defendant's Community Corrections Officer. Financial obligations shall bear interest pursuant to RCW 10.82.090. The Defendant shall remain under the Court's jurisdiction and the supervision of the Department of Corrections for up to ten years from the date of sentence or release from confinement to assure payment of financial obligations.

- 4.4 **1999 EXPANDED SPECIAL DRUG OFFENDER SENTENCING ALTERNATIVE (D.O.S.A.) :**  
The Court finds the defendant eligible pursuant to RCW 9.94A.120(6)(a), as amended by CH 197, 1999 LAWS, eff. 7-25-99; [recodified RCW 9.94A.660 eff. 7-1-01] that the defendant and the community will benefit from use of D.O.S.A.; waives imposition of sentence within the standard range and sentences the defendant as follows:

- (a) **TOTAL CONFINEMENT, RCW 9.94A.120(6)(b):** The defendant is sentenced to the following term(s) of commitment in the custody of the DEPT. OF CORRECTIONS to commence ☐ immediately ☒ not later than 6-15-2001 at 4:00 P.M.

9 months on Count No. I; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_  
\_\_\_\_\_ months on Count No. \_\_\_\_\_; \_\_\_\_\_ months on Count No. \_\_\_\_\_

- (b) The above term(s) of confinement represent one half of the midpoint of the standard range.

- (c) The terms imposed herein shall be served concurrently.

The term(s) imposed herein shall run concurrent/consecutive with cause No(s) \_\_\_\_\_

The term(s) imposed herein shall run consecutively to any previously imposed commitment not referred to in this judgment.

- (d) The defendant shall receive credit for time served prior to sentencing if that confinement was solely under this cause. RCW 9.94A.120(17). The time shall be compiled by the JAIL unless specifically set by the court as follows: \_\_\_\_\_

- (e) While incarcerated in the Department of Corrections the defendant shall undergo a comprehensive substance abuse assessment and receive, within available resources, appropriate treatment services.

- 4.5 **COMMUNITY CUSTODY:** The court further imposes 9 months, the remainder(s) of the midpoint(s) of the standard range(s), as a term of community custody during which time the defendant shall comply with the instructions, rules and regulations promulgated by the Department for conduct of the defendant during community custody; shall perform affirmative acts necessary to monitor compliance, shall obey all laws and comply with the following mandatory statutory requirements:

- (1) The defendant shall not own, use or possess any firearm or ammunition. RCW 9.94A.120(16).
- (2) The defendant shall not use illegal controlled substances and shall submit to urinalysis or other testing to monitor compliance. RCW 9.94A.120(6)(b)(ii), and (iii)
- (3) The defendant shall complete appropriate substance abuse treatment in a program approved by D.S.H.S., Division of Alcohol and Substance Abuse. RCW 9.94A.120(6)(b)(i)

The court further imposes the following non-mandatory conditions of Community Custody (if checked):

- (4) ☒ The defendant shall not use any alcohol or controlled substances without prescription and shall undergo testing to monitor compliance.
- (5) ☐ Devote time to a specific employment or training.
- (6) ☐ Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment.
- (7) ☒ Report as directed to a community corrections officer.
- (8) ☒ Pay all court ordered legal financial obligations.
- (9) ☐ Perform community service work.

(10) ☐ Stay out of designated areas as follows: \_\_\_\_\_

(11) ☐ Other conditions as set forth in Appendix F \_\_\_\_\_

- 4.6 **NON-COMPLIANCE RCW 9.94A.120(6)(c)(e):** If the defendant fails to complete the Department's special drug offender sentencing alternative program or is administratively terminated from the program, he/she shall be reclassified by the Department to serve the balance of the unexpired term of sentence. If the defendant fails to comply with the conditions of supervision as defined by the Department, he/she shall be sanctioned. Sanctions may include reclassification by the Department to serve the balance of the unexpired term of sentence.

For offenses committed after 7-1-2000 the court further imposes the following additional terms of Community Custody upon failure to complete or administrative termination from D.O.S.A. program: the entire period of earned early release or for any "crime against person" in section 2.1 herein 9 - 18 months; for any violation of 69.50/52 in section 2.1 herein 9 - 12 months whichever is longer. The defendant in this event shall comply with the conditions of Community Custody set forth in section 4.5 herein.

- 4.7 ☐ **BLOOD TESTING** (Prostitution offense or drug offense associated with the use of hypodermic needles): Appendix G, covering blood testing and counseling, is attached and incorporated by reference into this Judgment and Sentence.
- 4.8 ☐ **OFF-LIMITS ORDER:** The defendant, having been found to be a known drug trafficker, shall neither enter nor remain in the protected against drug trafficking area(s) as described in Appendix I during the term of community supervision. Appendix I is attached and incorporated by reference into this Judgment and Sentence.
- 4.9 ☐ **NO CONTACT:** For the maximum term of \_\_\_\_\_ years, defendant shall have no contact with \_\_\_\_\_

Date: 5-25-01

JUDGE

Print Name: \_\_\_\_\_

JAY V. WHITE

Presented by:

Gray Holloway  
Deputy Prosecuting Attorney, WSBA# 28743  
Print Name: Gray Holloway

Approved as to form:

M. F. 1652  
Attorney for Defendant, WSBA #  
Print Name: M. F. 1652

FINGERPRINTS



RIGHT HAND  
FINGERPRINTS OF:

DEFENDANT'S SIGNATURE: + Andre Snipes  
DEFENDANT'S ADDRESS: 10912 25th Ave SE

ANDRE GRANT SNIPES

DATED: MAY 25 2001  
JAY V. WHITE  
JUDGE, KING COUNTY SUPERIOR COURT

ATTESTED BY:  
PAUL L. SHERFF, - SUPERIOR COURT CLERK  
BY: Eileen L. McLeod  
DEPUTY CLERK

CERTIFICATE

I, \_\_\_\_\_,  
CLERK OF THIS COURT, CERTIFY THAT  
THE ABOVE IS A TRUE COPY OF THE  
JUDGEMENT AND SENTENCE IN THIS  
ACTION ON RECORD IN MY OFFICE.  
DATED: \_\_\_\_\_

CLERK

BY: \_\_\_\_\_  
DEPUTY CLERK

OFFENDER IDENTIFICATION

S.I.D. NO.  
DATE OF BIRTH: APRIL 21, 1982  
SEX: M  
RACE: B