

IN THE NEVADA SUPREME COURT

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Elizabeth A. Brown
Clerk of Supreme Court

Rickie Slaughter,

Petitioner-Appellant,

v.

Charles Daniels, et al.,

Respondents-Appellees.

On Appeal from the Order Denying Petition
For Writ of Habeas Corpus (Post-Conviction)
Eighth Judicial District, Clark County
(A-20-812949-W | 04C204957)
Honorable Tierra Jones, District Court Judge

**Petitioner-Appellant's Appendix to the Opening Brief
Volume XVII of XXII**

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Dated July 21, 2021.

Respectfully submitted,

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/s/ *Jeremy C. Baron*
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CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2021, I electronically filed the foregoing with the Clerk of the Nevada Supreme Court by using the appellate electronic filing system.

Participants in the case who are registered users in the appellate electronic filing system will be served by the system and include: Alexander Chen.

I further certify that some of the participants in the case are not registered appellate electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following person:

Rickie Slaughter NDOC #85902 High Desert State Prison P.O. Box 650 Indian Springs, NV 89070	Erica Berrett Deputy Attorney General Office of the Attorney General 555 E. Washington Ave. Suite 3900 Las Vegas, NV 89101
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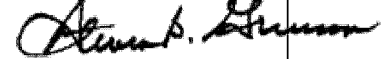
/s/ Richard D. Chavez

An Employee of the
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10 EIGHTH JUDICIAL DISTRICT COURT
11 CLARK COUNTY

12 RICKIE SLAUGHTER,
13

14 Petitioner,
15

16 v.
17

18 CHARLES DANIELS, Director, Nevada
Department of Corrections; MARTIN L.
FRINK, Warden, Saguaro Correctional
Center; RENEE BAKER, ex-Warden, Ely
State Prison; and AARON FORD,
Attorney General of the State of Nevada,
19

20 Respondents.
21

Case No. A-20-812949-W
(04C204957)

Dept. No. III

(Not a Death Penalty Case)

22 INDEX OF EXHIBITS IN SUPPORT OF
23 PETITION FOR WRIT OF HABEAS CORPUS
24 (POST-CONVICTION)
25
26
27

No.	DATE	DOCUMENT	COURT	CASE #
23.	07/26/2019	Deposition Transcript of Marc DiGiacomo	United States District Court	3:16-CV-00721-RCJ-WGC
24.	07/26/2019	Exhibits to Deposition of Marc DiGiacomo	N/A	N/A
25.	10/16/2019	Declaration of Osvaldo Fumo	N/A	N/A
26.	10/24/2019	Declaration of Maribel Yanez	N/A	N/A
27.	(undated)	Unsigned Declaration of Rickie Slaughter ¹	N/A	N/A

DATED March 27, 2020.

Respectfully Submitted,

RENE L. VALLADARES
Federal Public Defender

/s/ Jeremy C. Baron
JEREMY C. BARON
Assistant Federal Public Defender

¹ Mr. Slaughter has stated this declaration is entirely truthful and that he intends to sign it. However, undersigned counsel has not been able to get a signed version of this declaration in time for this filing. Undersigned counsel will file a signed version promptly.

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CERTIFICATE OF SERVICE

I hereby certify that on March 27, 2020, I electronically filed the foregoing with the Clerk of the Eighth Judicial District by using the Court’s electronic filing system.

Participants in the case who are registered users in the electronic filing system will be served by the system and include: Steven Wolfson, Steven.Wolfson@clark-countyda.com, Motions@clarkcountyda.com

I further certify that some of the participants in the case are not registered electronic filing system users. I will mail a copy of the foregoing document to the following people:

Michael Bongard
Office of the Attorney General
1539 Ave. F Suite 2
Ely, NV 89301

Rickie Slaughter
No. 85902
Saguaro Correctional Center
1252 E. Arica Road
Eloy, AZ 85131

/s/ Richard Chavez
An Employee of the Federal Public
Defender, District of Nevada

EXHIBIT 24

Part 3 of 6

EXHIBIT 24

1 says the tests for blood were negative; correct?

2 A. Right.

3 Q. In Exhibit 39, you say the results were --
4 and I'm summarizing -- but from 2 to 3, you
5 characterize the results as essentially they couldn't
6 conduct the analysis. Is that what --

7 MR. BONGARD: I'm sorry. Which page was the
8 report?

9 MR. BARON: The report is Exhibit 38, and I'm
10 looking at page 3 of the report, the second paragraph.

11 THE WITNESS: Oh, are you saying here because
12 they are "covered by some type of polish, possibly
13 hide the blood-like substance"? Is that what you are
14 referring to?

15 BY MR. BARON:

16 Q. Is that referenced in the report as
17 Exhibit 38? And I'm sorry. You are reading from
18 Exhibit 39; right?

19 A. Yeah, yes.

20 Q. Does Exhibit 38 say something about the
21 technician being unable to analyze the spot due to
22 polish covering it?

23 A. No, but it's in here (indicating). It is in
24 the ID tech's report; right? Isn't it?

25 Q. Exhibit 38 is the report that I have. Maybe

1 there is another report I haven't seen. But this
2 report appears to be --

3 A. Yeah, because, now that you have said that,
4 that's what I remember, but I can't remember -- I
5 remember the ID tech's -- because I asked to process
6 the shoes. And then they said we found something
7 but -- or maybe we looked at that, and we saw this
8 drop on there first, and then I thought maybe, but
9 then they said that they believed that it could have
10 been put -- or covered something. I just can't
11 recall. Because I didn't make this stuff up. This is
12 like something that they've said or -- during the
13 investigation, to which I memorialized it, I'll put it
14 in an affidavit, because I don't have to put things in
15 there that didn't exist.

16 Q. My question is, on Exhibit 38, does this
17 report reference "polish" or some sort of substance
18 covering the spot, that made it unable to be tested?

19 A. (Witness examined document.) No, it doesn't.
20 I think that's a conversation I had with Patrick.
21 When he did the testing, I can't just recall
22 everything because -- maybe he should have put it on
23 here, but to my recollection, we had a conversation
24 about the spot, and he told me the reasons why. And
25 that's why I put it in mine, because I was told that.

1 Otherwise, I wouldn't have put -- that just seems like
2 there is no -- it was something that he told me during
3 our conversation, and I thought he would have put it
4 in, but apparently he didn't.

5 Q. Did you have the house at 2612 Glory View
6 Lane processed for fingerprints?

7 A. Yeah, I told the ID techs to process it. She
8 said that she couldn't find anything. She believed
9 they were wearing gloves.

10 Q. So the police did not find Mr. Slaughter's
11 fingerprints at the scene?

12 A. No.

13 Q. Did the police process the house for DNA?

14 A. I don't recall. I don't believe so, no.

15 Q. If they did, are you aware of them finding
16 Mr. Slaughter's DNA at the scene?

17 A. No.

18 Q. You recall that Ivan Young suffered injuries
19 to the face during the incident?

20 A. Yes.

21 Q. Was it possible that the shooter inflicted
22 those injuries at close range?

23 A. I couldn't tell you the range.

24 Q. Would it be possible that that action could
25 have caused blood to splatter on the shooter?

1 A. I couldn't tell you. It could have.

2 Q. Did anyone test Mr. Slaughter's skin for
3 blood splatter?

4 A. No.

5 Q. Did anyone test his clothes?

6 A. I don't believe so.

7 Q. Did anyone test anything else of
8 Mr. Slaughter's for potential blood splatter from
9 Mr. Young?

10 A. I don't believe so. I wouldn't know for sure
11 because the ID techs, sometimes they will test things
12 and do it their process, but I didn't request it.

13 Q. You were present during the execution of the
14 search warrant on Mr. Slaughter's apartment?

15 A. Yes.

16 Q. Did the police find any wigs in
17 Mr. Slaughter's apartment?

18 A. No.

19 Q. Did the police find any hats in
20 Mr. Slaughter's apartment?

21 A. I don't recall.

22 Q. Did the police find any tuxedo shirts in
23 Mr. Slaughter's apartment?

24 A. I don't recall.

25 Q. If the police reports and other records don't

1 mention the police finding those items, is that an
2 indication that they did not find those items?

3 A. If they don't -- I don't know. I don't
4 believe they -- I believe they would have mentioned
5 them if they found them.

6 Q. Did the police find an ATM card belonging to
7 Ryan John at the apartment?

8 A. No.

9 Q. Did the police find any cash at
10 Mr. Slaughter's apartment?

11 A. No.

12 Q. You have mentioned -- let's look back at
13 Exhibit 37 for a moment.

14 Does it look like there is polish on that
15 spot?

16 A. I don't know. I couldn't tell you what it
17 was.

18 Q. You've mentioned a couple times a
19 confidential informant in this case?

20 A. Yes.

21 Q. Let's look at Exhibit 1, at 5, the very first
22 paragraph. On June 28th, 2004, you were contacted by
23 Detective -- how do you pronounce his name?

24 A. I believe it's "Devore."

25 Q. -- of the Las Vegas Metropolitan Police

1 Department regarding information from a reliable
2 confidential informant. It says:

3 "The informant has been providing
4 assistance to the Las Vegas Metropolitan
5 Police Department in return for favorable
6 consideration for outstanding warrants."

7 Do you see that?

8 A. Uh-huh.

9 Q. What kind of favorable consideration was the
10 confidential informant receiving?

11 A. It says for his "outstanding warrants."

12 Q. What types of outstanding warrants --

13 A. I didn't ask. He just told me on the phone,
14 "I have a CI," he's working for just what I wrote. I
15 didn't ask. All I -- when I'm doing an investigation,
16 all I need is information leading me to a suspect.
17 With the information that I got from him, I have to
18 confirm parts of the information, "oh, it's
19 Rickie Slaughter." I didn't just run out and arrest
20 Rickie Slaughter. I got photo lineups. I showed my
21 victims.

22 Then the car that he gave me happened to be a
23 green car. "Wow, there was a green car at the crime
24 scene." So there's a green car his girlfriend owns.
25 More information that I need.

1 Witness identifies Rickie Slaughter from a
2 photo lineup. More information I -- I put that into a
3 search warrant, and then I make an application.
4 That's what I do.

5 I don't have to know what his CI was -- I
6 have to verify some information that he gave me in
7 order to establish my probable cause. Obviously, that
8 phone call could have come from anybody, and they
9 could have said, "hey, it's Rickie Slaughter," and
10 then I would have done the same thing. I would have
11 got photos, and then I would have, hopefully,
12 identified that, and then I would have went further,
13 and then I would have checked out where he was living,
14 I would have tried to run him down, and then I would
15 have established the same facts that he gave me that
16 he did in order to get my probable cause to get a
17 search warrant.

18 Q. So you didn't ask what the nature of the
19 favorable consideration or the outstanding warrants
20 was?

21 MR. BONGARD: Objection. Asked and answered.

22 BY MR. BARON:

23 Q. Go ahead.

24 A. I told you.

25 Q. Is the answer yes or no? Did you ask?

1 A. I did not ask.

2 Q. Were you told the identity of the
3 confidential informant?

4 A. No. I want to say that I tried to talk to
5 him one time, but just didn't make -- just seemed like
6 it was something wrong with us talking, and I just
7 didn't talk to him anymore, I just discontinued the
8 conversation.

9 Q. What was wrong about it?

10 A. I don't know. He just -- it was either he
11 didn't want to talk to me, which I can expect that,
12 and it just like it was rambling and -- I can't even
13 recall what it was. I just know it just wasn't a
14 conversation that I -- I couldn't get anything more.

15 Q. If you didn't know the identity of the
16 confidential informant, how did you talk to him?

17 A. I don't recall. I just -- I think that I was
18 given a number or I was -- I gave my number or
19 something for him to call. Because I had a phone that
20 I would let people have it that were -- it wasn't my
21 phone. But I don't recall how I did it. But I even
22 think I notate that, that I contacted him. I think I
23 did.

24 Q. Was the tip from the confidential informant
25 the first lead you had in the case?

1 A. Yes.

2 Q. You were told the confidential informant had
3 been assisting the Las Vegas Metropolitan Police
4 Department for over a year; is that right?

5 A. Yes.

6 Q. And he had provided information in connection
7 with two separate armed robberies; is that correct?

8 A. I wrote just what he told me.

9 Q. We discussed Jacquan Richard before. Do you
10 recall that?

11 A. Yes.

12 Q. Was he a suspect in this case at any time?

13 A. I can't recall how he came in. The only way
14 I kind of understand Jacquan Richard right now is "JR"
15 from my reports. And then you show me the photo
16 lineup and Jacquan, and then it's kind of bouncing
17 around that that might have been him, but I can't --
18 and just because he was mentioned in connection, or a
19 friend, or with him or something that night, or a
20 frequent friend, then I would probably pull up his
21 picture just to see if it was him.

22 Q. Do you recall your report says you showed
23 lineups of -- including Jacquan Richard to the
24 victims, and none of them identified Jacquan Richard?
25 Is that correct?

1 A. Yeah, I believe so. I think you pointed that
2 to me earlier.

3 Q. Did you do anything else to investigate
4 Jacquan Richard at that point?

5 A. I don't recall.

6 Q. We also discussed Marvin Robinson and a photo
7 lineup including Marvin Robinson. Do you recall that?

8 A. Yes.

9 Q. Do you recall that Ivan Young identified
10 Marvin Robinson?

11 A. Yes.

12 Q. Did you do anything else to investigate
13 Marvin Robinson after that?

14 A. I don't recall. Is -- Marvin Robinson was
15 the one where you said he picked two, but he wound up
16 picking one. I think that's what you said, that --

17 Q. Let's go to Exhibit 15.

18 A. That was more the -- it was the ID but not --
19 it was like the better of two.

20 Q. This is the photo lineup I'm referring to,
21 with Marvin Robinson in position 3.

22 A. It says that: "I recognize him as one of the
23 guys that robbed me."

24 I don't recall what else I did on him. I
25 don't recall.

1 Q. Do you recall Eric Hawkins as an alternate
2 suspect?

3 A. Unless he's the one that's with his aunt at a
4 get-together.

5 Q. Let's look at Exhibit 28. This is
6 Mark Hoyt's report. If you look at page 11, Mark Hoyt
7 describes receiving a tip from someone named
8 Tom Winter about Eric Hawkins. Do you recall
9 receiving that information?

10 A. Yes, that's how he came in, yeah.

11 Q. Do you recall that he owned a dark green
12 Chevy Malibu?

13 A. No, I don't recall that.

14 Q. Or that Winter reported Hawkins owned a dark
15 green Chevy Malibu?

16 A. Okay. I don't remember. But if it's there,
17 then...

18 Q. We discussed previously Destinee Waddy had
19 told the police the suspects were driving a green
20 Pontiac Grand Am. Do you remember that?

21 MR. BONGARD: Objection. Asked and answered.

22 BY MR. BARON:

23 Q. Go ahead.

24 A. I believe I told you all about the green
25 Pontiac Grand Am and everything that I heard from it.

1 Q. Do you recall whether Pontiac and Chevy are
2 brands both made by General Motors?

3 A. I'm sorry. I don't.

4 Q. Looking again at page 28, the same page, it
5 says:

6 "Winter told me Hawkins speaks with a
7 Jamaican accent and has a brother-in-law that
8 he is always seen with."

9 Do you remember receiving that information?

10 A. It's possible I did, but I don't remember.

11 Q. Was there any evidence in the case that the
12 culprits spoke with Jamaican accents?

13 A. I believe somebody said it.

14 Q. Was that public knowledge at the time?

15 A. I don't believe so.

16 Q. Let's look at Exhibit 27, page 3, the
17 paragraphs beginning with -- there are three
18 paragraphs. The first one begins with "during the
19 initial investigation."

20 Do you see that?

21 A. Yes.

22 Q. The report describes you speaking with Eric
23 Hawkins's aunt. Do you remember doing that?

24 A. Yes.

25 Q. What did she tell you?

1 A. They were at a family function.

2 Q. On June 26, 2004?

3 A. Correct.

4 Q. Did she tell you the exact times that Eric
5 Hawkins was at that family function?

6 A. No, I don't recall. I just know that she
7 gave me the information, and it obviously covered the
8 time that I was looking for, because he was there that
9 evening and then he was there until the morning or
10 late into the night, but I can't recall.

11 Q. Do you remember the exact words that his aunt
12 used?

13 A. No.

14 Q. Did she say whether she had Hawkins in her
15 line of sight for the entire day?

16 A. No.

17 Q. Did you take any additional steps to verify
18 that alibi --

19 A. No.

20 Q. -- for Eric Hawkins?

21 A. No.

22 Q. Why not?

23 A. Because he told me and I -- the way the case
24 was going, I mean, I just -- I think that that's why I
25 showed his picture.

1 Q. Are you referring to Exhibit 16 when you say
2 "I showed his picture"?

3 A. Yeah. I think that's why I got the lineups,
4 I think that's why I used the lineups, and that's what
5 I showed victims, because I don't think I would have
6 just got rid of him. I would have pulled his photos
7 and then I would have showed the victims anyway, just
8 to eliminate him from --

9 Q. Do you know for sure whether you did that?

10 A. I made photo lineups.

11 Q. If your police reports do not mention show --

12 A. I know, I know. And I might have been
13 remiss, because I'm working -- I'm not to say I never
14 made a mistake or I didn't write something down that I
15 did, but I worked a lot of cases and I worked -- a lot
16 of things were going on, and if I didn't notate it, I
17 know that my head was working and that I was -- I
18 wouldn't just toss it.

19 If I made a photo lineup, then I must have
20 shown them to people, because I -- at this point I see
21 a lot of things I've done just by looking -- by you,
22 with -- you know, making me remember.

23 I can't even remember doing these things. I
24 can't remember showing these lineups. I can't
25 remember additional suspects. But if I got a suspect,

1 I wouldn't throw it away.

2 I would always -- because I was that kind of
3 person. I would look for every person that was
4 involved, and I would either clear it through a victim
5 or a witness looking at it and saying, "no, this isn't
6 him," or he didn't fit into -- there was no -- then
7 that's why his picture is in the lineups.

8 Q. On Exhibit 16, with reference to the first
9 page on Exhibit 16, do you know which of these photos
10 is Eric Hawkins?

11 A. I couldn't tell you. It's like it's been so
12 long.

13 Q. Besides speaking to the aunt and possibly
14 showing lineups to the victims, did you do anything
15 else to investigate Eric Hawkins in connection with
16 this case?

17 A. No, not that I can recall.

18 Q. Did you investigate Eric Hawkins'
19 brother-in-law at all?

20 A. No.

21 Q. Did you talk to him?

22 A. No.

23 Q. Did you make a lineup with his photo in it?

24 A. You know what? I can't remember. You have
25 everything that I had, and I can't recall making

1 anything else. I don't even recall half of this
2 stuff.

3 Q. Did you search Eric Hawkins's or Eric
4 Hawkins's brother-in-law's apartment or car?

5 A. No.

6 Q. Were there any alternate suspects in the
7 case?

8 A. Not that I can recall. You do know we found
9 the two guns in that car, that fit the description; in
10 that car, not a Pontiac or a Buick or any other car?
11 We found two -- the ID tech found two guns in that
12 car, and the victim was able to describe what those
13 guns looked like, the same -- and the silver one and a
14 black one. I didn't describe them. He did. And so a
15 Bonneville, Pontiac, whatever, they were found in her
16 Ford at her apartment. Rickie Slaughter was his --
17 her girlfriend [sic], and he used that car, so...

18 Q. Based on the ballistics testing that was done
19 in this case, did the police ever recover a gun that
20 was consistent with the gun that fired the bullet that
21 eventually injured Ivan Young?

22 A. I had it examined. It was too fragmented. I
23 think that's what they said. They couldn't compare
24 it. It was just pieces.

25 Q. Do you recall any exculpatory information in

1 this case that you did not share with the prosecution
2 or that the prosecution did not share with the
3 defense?

4 A. I can't think of anything.

5 Q. Are you aware of any case in which you have
6 been accused of not turning over exculpatory evidence?

7 A. No.

8 Q. Were you ever subject to any disciplinary
9 action --

10 MR. BONGARD: I'm going to object. That gets
11 into personnel matters, and you are not allowed to go
12 into those unless you have a reason to. This isn't a
13 fishing expedition.

14 MR. BARON: What's the basis for that?

15 MR. BONGARD: Personnel records are protected
16 by law.

17 MR. BARON: I'm not asking for personnel
18 records. I'm asking about --

19 MR. BONGARD: Information in personnel
20 records are protected.

21 MR. BARON: Are you instructing the witness
22 not to answer? If I ask him about disciplinary action
23 in the North Las Vegas Police Department, are you
24 instructing him not to answer?

25 MR. BONGARD: I am instructing him not to

1 answer that. I would be happy to get someone to give
2 you a Brady statement or anything -- if there is
3 anything in his record that would be disclosable under
4 Brady, and then from there I think it's fair game for
5 you to go ahead.

6 I can't advise him on that. I'm not his
7 attorney. I'm here defending a deposition. But I
8 think you are getting into an area where he's got some
9 protections, and if you are violating his rights by
10 not telling him that, you are committing an ethical
11 violation.

12 MR. BARON: Well, if you are willing to look
13 at those personnel records, I'm happy to go with that.

14 MR. BONGARD: I have no problem seeing if
15 there is anything in his personnel records which would
16 be disclosable in a criminal case under Brady. Would
17 that satisfy you?

18 MR. BARON: That would satisfy me.

19 MR. BONGARD: All right.

20 BY MR. BARON:

21 Q. To your knowledge, have you ever been accused
22 in any other cases of pressuring witnesses to give
23 accounts that are consistent with your theory of the
24 case, but that ultimately prove not to be true?

25 A. No. I don't -- I don't know -- I've never

1 been accused. I don't know what -- I don't know how
2 this is -- I don't actually know what you're trying
3 to -- what information you're trying to get from me.
4 I don't --

5 MR. BONGARD: Why don't you rephrase the
6 question.

7 (Exhibit 41 was marked for identification.)

8 BY MR. BARON:

9 Q. Let's look at Exhibit 42 -- actually, let's
10 go to 41 first. This is a newspaper article
11 discussing a case in which an individual named Patrick
12 Wayne Harper is a suspect. Do you remember Patrick
13 Wayne Harper?

14 A. Yeah, very well.

15 Q. Can you tell me about this case?

16 A. Yeah. He was -- it was a murder. I can't
17 remember the street. Several kids walked up to a dope
18 seller. They had made a prearranged dope buy.
19 Instead they went up, shot her in her car. There was
20 like as many as four or five kids.

21 During my investigation, I got information
22 from several sources who was there, and then I showed
23 lineups -- I mean, I showed pictures. Because they
24 all knew each other. They identified one guy. This
25 was all gone over by the department, the news,

1 everybody. Every witness pointed to one guy,
2 identified him, and I arrested him.

3 Q. Do you recall if the D.A. prosecuted Patrick
4 Wayne Harper in that case?

5 A. No, they did not. There was -- this is
6 what's relevant when you say how long it takes to
7 drive from one spot to the next, when they say you
8 were in one place, and, okay, I could have been there.

9 But that's what I did. I did the drive, from
10 the store where he was supposedly at, to the crime
11 scene. Could he have been the one? Yes, in perfect
12 circumstances where, oh, I caught -- every light was
13 green, there was no traffic on the roads, and
14 everything else, it would have been perfect. But it's
15 not like that.

16 But the witnesses and everybody involved said
17 he was the shooter.

18 Q. Do you know why the D.A. declined to
19 prosecute Patrick Wayne Harper?

20 A. You know, it just came to one thing. It came
21 to, "hey, we got a video," and that's all he ever said
22 to me.

23 Q. A video of what?

24 A. Of Patrick in the store.

25 Q. At the time of the incident?

1 A. No. Minutes before. And the crime scene was
2 not that far -- I would say five or six minutes'
3 driving.

4 Q. I forgot to paginate this, unfortunately. If
5 you can turn to the third piece of paper in
6 Exhibit 41, there is a heading "Video, description
7 don't match." I'd like to look at the second-to-last
8 paragraph under that heading, beginning "Several teens
9 police spoke with."

10 Do you see that paragraph?

11 A. Yes.

12 Q. The article says the classmates, one of
13 Harper's classmates --

14 (Reading):

15 "The classmate told media he was bullied
16 and pressured by Detective Jesus Prieto into
17 implicating Harper while turning off the
18 audio recorder."

19 A. Yeah, they took my recorder and they took it
20 in front of -- and this is -- they had a meeting at my
21 department. They took my recording, and they had the
22 news people there because of these articles, and they
23 set my recorder in there. There were no stops. My
24 questioning was consistent. I never badgered the
25 witness. I never did anything. And then it was done,

1 my department was done with the investigation. There
2 was nothing I did that was incorrect or wrong.

3 Q. So you are disputing the classmates' accounts
4 that he was bullied and pressured by you off the
5 record?

6 MR. BONGARD: Objection. Asked and answered.

7 BY MR. BARON:

8 Q. My question was, you disagree with this
9 classmate who told the media that you pressured him
10 off the record into implicating Harper?

11 A. How would a classmate know anyway? I was at
12 his house, with his mother in the room; her mother,
13 she was there. Nobody ever said a word. I spoke to
14 him. He was on the couch in his house.

15 Q. And you didn't pressure him into implicating
16 Harper?

17 A. I didn't pressure anyone. I just asked him
18 questions.

19 Q. Are you aware of any other cases such as this
20 where -- this is what I mean by an accusation that you
21 bullied or pressured someone into implicating a
22 specific person.

23 Are you aware of any other cases where the
24 media or anyone else has made similar allegations
25 regarding your interrogation techniques?

1 A. I'm not aware. I'm not aware of -- any
2 others, I can't say 100 percent that I didn't -- or
3 somebody said something, but I'm not aware of
4 anything.

5 This is the only case that's ever stood out
6 in my career that went to all this. I mean, people
7 that are suspects might accuse you of things, but I
8 mean, this is part of the job. I mean, it's not like
9 you are out there, "hey, I'm your friend. You know
10 what? You just shot three people. We're going to go
11 have a party today." That's not what it is. I'm out
12 there to get information. I'm out there to solve
13 crimes. That's my job, or it was my job.

14 Q. Have you ever been involved in a case where a
15 confession was suppressed by the Court based on the
16 way you handled the interrogation?

17 A. I don't recall.

18 Q. Have you had any cases in which there was an
19 allegation that you destroyed material evidence?

20 A. No.

21 Q. When you are the lead detective in a case, do
22 you usually testify at trial?

23 A. Yes.

24 Q. How many instances, aside from this case,
25 were you the lead detective on the case that went to

1 trial, but you did not testify?

2 A. I couldn't tell you. I've been to court
3 numerous times, but I couldn't tell you.

4 Q. To your knowledge, were there certain
5 prosecutors in the District Attorney's Office who
6 would not prosecute a case if you were the lead
7 detective?

8 A. No.

9 MR. BARON: Take a break for a minute?

10 MR. BONGARD: Do you want to take a break or
11 do you want to finish up?

12 THE WITNESS: No, I'm good.

13 MR. BARON: If I have a five-minute break, I
14 just want to review my notes for a minute.

15 MR. BONGARD: How much longer are we looking
16 at?

17 MR. BARON: That's why I want to take this
18 break, to determine that. We're pretty close.

19 MR. BONGARD: You gave me short notice again
20 on this, so I wasn't able to arrange travel plans, so
21 I have got to drive back up to Ely when this is done.

22 MR. BARON: Do you mind if I take a minute
23 just to speak with my colleague in the hallway?

24 MR. BONGARD: That's fine.

25 MR. BARON: Let's go off the record.

1 THE VIDEOGRAPHER: We are going off the
2 record at 1:48 p.m.

3 (Brief recess taken.)

4 THE VIDEOGRAPHER: We are back on record at
5 1:49 p.m.

6 MR. BARON: Pass the witness.

7

8 EXAMINATION

9

10 BY MR. BONGARD:

11 Q. Detective Prieto, I want to have you, if you
12 would, refer to Exhibits 48 through 51 and Exhibit 3.
13 And I want to make sure, because it was my
14 understanding from your testimony this morning, before
15 they started asking you more questions about it, that
16 you said there was no shininess on picture number 6 of
17 Exhibit Number 3. Is that -- do you remember, was
18 that your testimony this morning?

19 A. I can't recall, but looking at it now, there
20 is shininess.

21 Q. And where is the shininess?

22 A. On the forehead, on the tip of the nose.

23 Q. How about on the lips?

24 A. That, as well.

25 Q. Okay. And you also noted this morning

1 that -- I believe your testimony or your words were
2 that the background on that one is "light gray." Was
3 that your testimony?

4 A. Yeah, it's like a -- it's like a blue. It's
5 just a little lighter. You can still see the tint.

6 Q. All right. And is that background more or
7 less pronounced than the differences in the
8 backgrounds on the exhibits in 48 through 51?

9 A. It's less pronounced.

10 Q. Less pronounced where?

11 A. In the darkness. It's -- in the pictures, in
12 his, it almost looks like he has no background, in
13 Slaughter's.

14 Q. But I -- okay. Let me re-ask the question:

15 The differences in the background -- on
16 Exhibit 3, you testified to the difference in the
17 backgrounds between pictures 1 and number 6. Do you
18 remember that?

19 A. Yes.

20 Q. All right. Looking at number -- Exhibit
21 Number 3 as a whole, are the differences in those
22 backgrounds more or less pronounced in Exhibit 3
23 compared with Exhibits 48 through 51?

24 A. I don't think they're any different. I just
25 think they --

1 Q. Okay.

2 A. Okay.

3 Q. And again, you don't -- you can't say with
4 any degree of certainty that these copies are fair and
5 accurate representations of what people looked at,
6 because they are photocopies; correct?

7 A. No, I can't.

8 Q. You don't intentionally try to make photo
9 arrays unfair, do you?

10 A. No.

11 Q. How much time do you spend putting a photo
12 array together on average?

13 A. I don't know. It varies. If I can just find
14 the people right away, it will take a few minutes, and
15 it all depends on my selection.

16 Q. And when you are putting a photo array
17 together, what things do you consider?

18 A. Just so they look similar. The hair,
19 whatever, it's outstanding, I try to like match it up.
20 If they have facial hair, I try to put that in there.
21 It's just so they look -- they don't look -- nobody is
22 going to look exact, but I just try to be similar.

23 Q. And you don't try to make your targets stand
24 out --

25 A. No.

1 Q. -- intentionally?

2 A. No, sir.

3 Q. When you talk to -- there were questions
4 asked regarding your contact with the one victim in
5 the hospital.

6 Are your contacts with people in the
7 hospitals determined by the circumstances that you are
8 dealing with? If you need me to explain the question,
9 I will.

10 A. Are you talking about on their health or
11 their well-being or how they could respond?

12 Q. Correct.

13 A. Yeah, it varies. You know what? I'll
14 contact them -- if like -- I've been to the hospital
15 in several different situations, although if I see
16 that they are not capable, when I talk to them, of
17 talking to me, then I'll just do it another time.

18 But if I go in there and they seem coherent
19 and they are able to speak, then I'll talk to them.

20 Q. If it's a life-or-death situation, will you
21 talk with people normally in situations where you
22 wouldn't if there is no life-and-death --

23 A. Yes.

24 Q. -- situation?

25 In those cases, what steps do you take in

1 order to verify the quality and quantity of the
2 information that you get in those circumstances? Do
3 you understand the question?

4 A. Yes.

5 Q. All right.

6 A. It would have to be that, along with my
7 entire investigation --

8 Q. Okay.

9 A. -- in order to, you know, determine how
10 valuable it was.

11 Q. Okay. You were -- referenced -- going --
12 switching to the alibi now, or the questions that were
13 asked you about the alibis --

14 MR. BONGARD: Jeremy, what was the Metro
15 trespass notice, what exhibit number?

16 MR. BARON: Forty-four.

17 BY MR. BONGARD:

18 Q. You can reference Exhibit 44 there for a
19 moment. In Exhibit 44 there is a reference to the
20 name "Jeff"; correct?

21 A. Yes.

22 Q. And coincidentally, the person that you
23 talked to, I believe you said his name was Jeff
24 Arbuckle?

25 A. Yes.

1 Q. Is there any way for you to determine, based
2 on looking at these exhibits, whether Jeff, the
3 manager in Exhibit 44, is the same as Jeff Arbuckle,
4 the person you spoke with?

5 A. No.

6 Q. Realistically, could there have been two
7 people named Jeff working at that place?

8 A. There could have been.

9 Q. Could there have been more than two Jeffs?

10 A. Yes.

11 Q. Okay. You were asked about video or possible
12 video at that place. Did you know if any of the
13 surrounding businesses had video?

14 A. I don't know.

15 Q. Or if they had video, was it operational?

16 A. I don't know.

17 Q. Or in fact, since -- well, the date on the
18 trespass report was -- was June 3rd, correct, of 2004?

19 A. Yes.

20 Q. And you -- I believe you said you made
21 contact with Jeff sometime in the time range of
22 June 28th through the beginning of July.

23 A. Right.

24 Q. Do businesses keep infinite loops and save
25 tapes from their video surveillance?

1 A. No, it's usually, I believe, a week, maybe.

2 Q. So, in other words, in order to get the video
3 from this alleged incident, trespass incident, if
4 there was video, you would have had to have a crystal
5 ball telling you that "I need to go get this because
6 there is going to be something happening in three
7 weeks"?

8 MR. BARON: I'll object to the form.

9 BY MR. BONGARD:

10 Q. Assuming there is a one-week loop, like you
11 testified to --

12 A. Yes.

13 Q. -- even assuming there is a two-week loop,
14 you would have had to have some type of clairvoyant in
15 order to obtain the video that they talked to you
16 about?

17 A. Yes.

18 Q. And three weeks -- so we're talking roughly
19 about three weeks, between the date of the incident
20 and the date that this happened, prior to the
21 incident?

22 A. Correct.

23 Q. All right. And as your job as a detective,
24 you have collected videos from lots of incidences?

25 A. Yes.

1 Q. So is one week a common loop on video
2 surveillance?

3 A. Yes. Some are a day, some -- most are a
4 week. There's very few small businesses that have --
5 or -- they will invest in a quality machine.

6 Q. And that's even assuming cameras would have
7 been pointed at the dry cleaner instead of their own
8 business?

9 A. Correct.

10 Q. There were a number of questions asked you
11 about the report from the telephoning witness. And I
12 believe it was Exhibit 43. If you could turn to that.

13 Were you able to determine from the
14 telephoning -- well, let me ask you this:

15 Did you talk to the witness who called in
16 this incident?

17 A. No. Are you talking about the -- on Morning
18 Glory?

19 Q. Yes.

20 A. No.

21 Q. Okay. Based on your experience as a
22 detective in interviewing suspects or subjects or even
23 witnesses --

24 A. Excuse me one second. Are you talking about
25 the one that reported this?

1 Q. Yes, the one that --

2 A. I thought it --

3 Q. -- spoke with 911.

4 A. I thought it was one of the victims.

5 MR. BARON: Do you want me to answer that?

6 THE WITNESS: No, because I think I, indeed,
7 did eventually. Jermaun Means, I think he was the one
8 that called it in, so I --

9 MR. BONGARD: I think that was the name you
10 used, Counsel; right?

11 THE WITNESS: Yeah.

12 MR. BARON: Correct.

13 MR. BONGARD: All right.

14 THE WITNESS: Yeah, so I did eventually talk
15 to him.

16 BY MR. BONGARD:

17 Q. Do people's perception of time, when they are
18 not looking at a watch -- does everybody have a very
19 identical sense of time?

20 A. No.

21 Q. When people are exposed to stress, does
22 that -- does a person's reference to time change, in
23 your experience interviewing people?

24 A. Yes.

25 Q. Were there any steps taken to determine

1 whether Mr. Means was accurate when he said
2 "five minutes ago this occurred"?

3 A. No.

4 Q. All right. And he never told anyone that he
5 was looking at a clock when this happened?

6 A. No, not that I know of.

7 Q. Do people speak in colloquialisms to you or
8 use -- well, let me backtrack.

9 When people talk with you, do they use
10 specific names in generic ways? Do you understand
11 what I'm asking?

12 A. Like taking the name and -- for -- they're
13 using it as...

14 Q. Like a rum and Coke.

15 A. Yeah.

16 Q. They don't necessarily mean a rum and
17 Coca-Cola --

18 A. Right.

19 Q. -- they mean a rum and cola?

20 A. Do people speak to me like that?

21 Q. Yes.

22 A. Yes.

23 Q. When people say five minutes, do they always
24 mean five minutes, in your experience?

25 A. No.

1 Q. Five minutes could mean different things to
2 different people?

3 A. I mean, it could mean different things. Of
4 course, everything that people say could be taken --
5 or given differently.

6 Q. When somebody says "I'll be ready in
7 five minutes," do they always mean five minutes --

8 A. No.

9 Q. -- in your experience?

10 A. Yes.

11 Q. Counsel asked a series of questions to you
12 about people lying to you and your experience with
13 that.

14 In your experience, do witnesses lie to you?

15 A. Yes.

16 Q. Do suspects lie to you, in your experience?

17 A. Yes. Everybody lies.

18 Q. In your experience, has -- have suspects
19 asked witnesses to lie?

20 A. Yes.

21 Q. In your experience, do witnesses in cases lie
22 to the press?

23 A. Yes.

24 Q. Referring to Exhibit 32, do you remember
25 seeing that? I can't remember your testimony from --

1 A. No.

2 Q. All right. Did anyone tell you that there
3 was a footprint here?

4 A. I can't recall being told that.

5 Q. Okay. And again, you mentioned that crime
6 scenes can be contaminated by people other than -- or
7 unknown people, unknown parties?

8 A. Right.

9 Q. All right. Referencing you to Exhibits 36
10 and 37.

11 A. Oh, sorry.

12 Q. That's okay. We've been here for a while.

13 All right. From -- do you remember those
14 shoes?

15 A. No.

16 Q. Is there any way you can tell from the
17 quality of the photographs in 36 or 37 whether there
18 was a layer of polish that, much like the shine on
19 someone's face, is not detectable because of the
20 quality of the photographs?

21 MR. BARON: Object to the form.

22 MR. BONGARD: I'm going to ask him some other
23 questions, lay some foundation first.

24 BY MR. BONGARD:

25 Q. Did you take the photographs?

1 A. Of these?

2 Q. Of the shoes.

3 A. No.

4 Q. Did you ever examine them after they were
5 taken into evidence?

6 A. No.

7 Q. So the information that is going into your
8 reports regarding those is -- if I can reference --
9 have you turn to Exhibit 38, second paragraph on
10 page 3. Would you go ahead and read that to yourself?

11 A. Yes. (Witness examined document.) Okay.

12 Q. So at some -- if your report says you did a
13 visual inspection, you don't recall that visual
14 inspection?

15 A. No.

16 Q. You don't recall if there was something not
17 reflected in the photographs, as far as the degree of
18 sheen or something, that may have indicated polish?

19 A. No.

20 MR. BONGARD: I don't have any other
21 questions.

22 MR. BARON: Just a few more, and I'll try and
23 be quick.

24 //

25 //

1 FURTHER EXAMINATION

2

3 BY MR. BARON:

4 Q. Let's turn back to Exhibit 3. How does the
5 background on the photo in position 6 compare to the
6 background in the other five photos?

7 A. It's a little lighter.

8 Q. How does the shininess on the forehead and
9 the face, photo in position 6, compare to the
10 shininess on the forehead and the faces of the other
11 five photos?

12 A. 3, 1, and 4 and 2 are the shiniest, with 5
13 being the least amount of shine and 2 being second.
14 So if I was going with -- 1 would be the least, and
15 then 6 has even more shine -- it's hard to --
16 either -- it's the way that you look at it. They've
17 all got a little shine on them. There's more
18 significance on these --

19 Q. By "these" you mean...

20 A. On a couple of others, 3 or 4, but the two
21 down here have the least amount (indicating).

22 Q. By "the two down here" you mean --

23 A. I mean 5 and 6.

24 Q. How about the shadow at the bottom of the
25 face and chin on position 6?

1 A. I don't know how that's there. I just -- I
2 didn't see it there before. I don't know. Maybe it's
3 the photos. I mean --

4 Q. Do any of the other five photos have that
5 shadow?

6 A. No, not like that.

7 Q. Let's look at Exhibit 48 --

8 A. Excuse me. Maybe 2 has a little bit of
9 something, but I can't -- I said that it kind of looks
10 like a beard.

11 Q. Let's look at Exhibit 48, Exhibit 48 alone.
12 It's going to be off to your -- it's not in the
13 binder. It's going to be one of those (indicating).

14 A. Okay. Yes.

15 Q. I'm going to ask you the same series of
16 questions with respect to this. So the background in
17 number 4, how does it compare to the other five
18 backgrounds?

19 A. It's white or light.

20 Q. And the other five backgrounds are?

21 A. Degrees of a little darker shade.

22 Q. What about the shininess on the forehead and
23 face of 4; how does that compare to the shininess on
24 the other five photos?

25 A. It's pretty much -- kind of goes in with the

1 group, if you look at it. It looks like it kind of
2 blends with all of them. I mean, there's a couple
3 that are real shiny, looks like the camera hit them
4 just on their head just right, but he kind of blends
5 in with the others.

6 Q. Which ones do you think are the brightest on
7 that?

8 A. Number 1 and number 3 and maybe 2, but --
9 yeah, and then maybe 5, but the other -- it's like
10 they are brighter, but they all have a glow to them,
11 but just not as significant. And it's hard to tell.

12 You know, you look at the picture, and then
13 somebody else might say they all look -- they look the
14 same to me. I mean, it's -- I don't know if the
15 original ones were like this, but the photos, I mean,
16 you're -- you're looking at a face. I mean, you're
17 not looking at a shine, and I mean, it's not --
18 they're not that much difference in the face, I mean,
19 from the shine. I mean, it's the person.

20 Q. What about the shadow at the bottom of the
21 chin?

22 A. I don't know what that is. I --

23 Q. In position 4, do you see a shadow at the
24 bottom of the chin?

25 A. Yes, I do.

1 Q. Do you see a similar shadow in any of the
2 other five photos?

3 A. Not exactly like that.

4 Q. Let's look at Exhibit 49. And in the
5 interest of time, I would rather not go through the
6 exact same line of questions --

7 A. Okay.

8 Q. -- on each of the next three.

9 So what I would rather ask you is, with
10 respect to those three different things, the
11 background, the shininess on the face, and the shadow
12 under his chin, the answers that you just gave me for
13 48, are your answers going to be materially different
14 with respect to 49?

15 A. You know, I have some question on the quality
16 of the pictures. You see how this one in number 2, on
17 49, it almost looks like there is a shade around his
18 face, almost like hair growing in. Can you see that,
19 on his cheek, underneath his chin? And it kind of
20 carries to the bottom. It's like a black -- I don't
21 even know what it is. This might all be your
22 copy machines, a lot of that, because it looks like
23 they are distorting the pictures.

24 Q. These exhibits we printed out from the
25 exhibits that were in the evidence vault.

1 A. Okay. Well, it's -- then basically it's the
2 same, then.

3 Q. How about 50? Are your answers --

4 A. Yes, yes.

5 Q. Yes, your answers are materially similar?

6 A. Yes.

7 Q. How about 51?

8 A. Yeah, basically the same.

9 Q. As 48?

10 A. Yes.

11 Q. You recall Jeff Arbuckle was Tiffany's boss?

12 A. Yes, I can remember. I...

13 MR. BONGARD: Objection. That misstates the
14 evidence.

15 BY MR. BARON:

16 Q. Was Jeffrey Arbuckle in a management position
17 at --

18 A. From what I can recall, yes.

19 Q. To your knowledge, was there anyone else in a
20 management position at Eldorado Cleaners named Jeff?

21 A. I didn't inquire into anything. He's the
22 person I contacted, and that's why I put his name
23 down.

24 Q. Referring back to -- I'm sorry -- Exhibits 3
25 and then 48 through 51, do you have any reason to

1 believe these are not copies -- they may look a little
2 different, but do you have any reason to believe they
3 are not copies of the first photo lineup --

4 A. No.

5 Q. -- that you showed?

6 Do you recall whether there was an Albertsons
7 store in the vicinity of the Eldorado Cleaners?

8 A. No.

9 Q. If a witness to a crime calls -- or a victim
10 to a crime calls 911 and says "the incident happened
11 five minutes ago, about five minutes ago," could the
12 incident have occurred fewer than five minutes ago?

13 A. Could have happened any time. I wouldn't
14 take anything as concrete, because everything's messed
15 up, everybody just -- I'd say five minutes could have
16 been an hour, could have been 30, could have been --
17 it's just, I wouldn't take it for what they said.

18 Q. If a witness estimates five minutes, could it
19 be three minutes?

20 A. It could be anything.

21 Q. Could it be seven minutes?

22 A. Could be -- look, I just told you. It could
23 be any time. I -- that I wouldn't put a time on it
24 unless they had a timer and they were like timing it
25 right there.

1 Q. If --

2 A. It would be something they said to separate
3 the time they called to when they believe something
4 happened, but five minutes is just...

5 Q. In your experience, in a circumstance in
6 which a victim has suffered facial injuries and there
7 are other victims and witnesses in the vicinity, would
8 they tend to try to call 911 right away?

9 A. I would think so, yeah. It would be as soon
10 as possible. You are looking at medical. Somebody is
11 hurt.

12 MR. BARON: That's all I have.

13 MR. BONGARD: Beginning to quibble about
14 minutia, so I'm done.

15 THE VIDEOGRAPHER: This concludes the
16 video-recorded deposition on February 22nd, 2018, of
17 Jesus Prieto. We are going off the video record, and
18 the time is 2:19 p.m.

19 (Off record.)

20 THE VIDEOGRAPHER: We are back on record at
21 2:19 p.m.

22 MR. BONGARD: Thank you for your indulgence,
23 by the way.

24 Thank you, as well.

25 //

1 FURTHER EXAMINATION

2
3 BY MR. BONGARD:

4 Q. Prior to the lunch break we took, you had
5 thought about -- something that you had seen, a
6 transcript of a conversation that you had had with
7 Rickie Slaughter.

8 A. Yes.

9 Q. Do you remember that?

10 A. Yes.

11 Q. Did you approach me, prior to us restarting,
12 to explain what you had seen that you mischaracterized
13 as a transcript of an interview you had with
14 Slaughter?

15 A. Yes. I -- this is why I initially said,
16 "Hey, can I take a break," because you were talking
17 about a transcript, and it was phone calls that I had
18 seen, that had been transcribed by the jail, and it
19 had "Rickie Slaughter" on the top of it.

20 Q. And they were the phone calls that you
21 discussed -- were they the phone calls that you
22 discussed with Slaughter telling his girlfriend to lie
23 for him?

24 A. Yes.

25 MR. BONGARD: Nothing else.

1 MR. BARON: I'll object to the form of that,
2 but he has already answered.

3 If I could ask one more question myself. I
4 apologize.

5

6 FURTHER EXAMINATION

7

8 BY MR. BARON:

9 Q. Do you have any records in your possession
10 relevant to this case?

11 A. In my possession? Yeah, I got them from
12 work. I have some of my reports, but they are not all
13 of them.

14 Q. Would you be willing to send those to us?

15 MR. BONGARD: He gave them to me. I'll
16 make copies and send them to you.

17 MR. BARON: That's all I have.

18 THE VIDEOGRAPHER: This concludes the
19 video-recorded deposition on February 22nd, 2018, of
20 Jesus Prieto. We are going off record, and the time
21 is 2:21 p.m.

22 (The deposition was concluded.)

23

24 * * * * *

25

1 I, the undersigned, an RPR, CRR, and
2 Certified Shorthand Reporter of the States of Nevada
3 and California, do hereby certify:

4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth; that
6 any witnesses in the foregoing proceedings, prior to
7 testifying, were duly sworn; that a record of the
8 proceedings was made by me using machine shorthand
9 which was thereafter transcribed under my direction;
10 that the foregoing transcript is a true record of the
11 testimony given.

12 Further, that before completion of the
13 proceedings, review of the transcript was not
14 requested.

15 I further certify I am neither financially
16 interested in the action nor a relative or employee
17 of any attorney or party to this action.

18 IN WITNESS WHEREOF, I have this date
19 subscribed my name.

20 Dated: 03-05-2018

21

22

23

24

25

JANET C. TRIMMER
CCR No. 864

Steven D. Grierson

DISTRICT COURT
CLARK COUNTY, NEVADA

RICKIE SLAUGHTER,

Petitioner,

vs.

RENEE BAKER,

Respondent(s).

CASE NO. A-18-784824-W

DEPT. NO. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON, DISTRICT COURT JUDGE

THURSDAY, MARCH 7, 2019

**RECORDER'S TRANSCRIPT OF PROCEEDINGS
PETITION FOR WRIT OF HABEAS CORPUS**

APPEARANCES:

For the Petitioner:

JEREMY BARON
Assistant Federal Public Defender

For the Respondent:

MARC DIGIACOMO
Chief Deputy District Attorney

RECORDED BY: SARA RICHARDSON, COURT RECORDER

1 LAS VEGAS, NEVADA, THURSDAY, MARCH 7, 2019, 10:22 A.M.

2 * * * * *

3 MR. DiGIACOMO: Do you want to call Rickie Slaughter? That's also for
4 the Federal Public Defender.

5 THE COURT: Sure. What page is that one on?

6 MR. DiGIACOMO: 13.

7 MR. BARON: 13, Your Honor.

8 THE COURT: Thank you. 784284, this is an A case based on the
9 petition for writ of habeas corpus filed in relation to Mr. Slaughter's criminal
10 case.

11 All right. Counsel.

12 MR. BARON: Good morning, Your Honor.

13 THE COURT: Good morning.

14 MR. BARON: Jeremy Baron on behalf of Rickie Slaughter who is not
15 present. He's in custody and we'll waive his appearance for today only.

16 THE COURT: Thank you.

17 MR. BARON: If the Court would like, I can discuss a little bit the issues
18 that we've raised in the petition and why we feel we have good cause to bring
19 this new petition.

20 THE COURT: Okay.

21 MR. BARON: So this is Rickie Slaughter's third petition in this court. It's
22 the first one that he's had the benefit of counsel on and we recognize that there
23 are procedural bars in Nevada, but we have alleged good cause to overcome
24 those bars based on new evidence that we developed in 2018 through federal
25 discovery.

1 THE COURT: Okay.

2 MR. BARON: And so based on that new evidence, we have good cause
3 related to the claims that rely on that new evidence. We also believe the new
4 evidence shows that Rickie Slaughter is innocent, which provides another path
5 through the procedural bars and allows the Court to consider all the claims in
6 the petition on the merits. So today I'd just like to describe the most important
7 new evidence and explain why we believe it's important and why it amounts to
8 good cause here.

9 THE COURT: Okay.

10 MR. BARON: And there are basically two categories of new evidence I
11 want to discuss, the first has to do with the photo lineups and the eyewitness
12 identifications. The second category has to do with Rickie Slaughter's alibi.

13 So with the photo lineups, this case was a home invasion, there
14 were six people in the home at the time, there was an additional eyewitness
15 outside who saw the two culprits leave. The police got a tip from a confidential
16 informant that Mr. Slaughter was one of the two culprits. The police put
17 together a first photo lineup with Rickie Slaughter's picture in it.

18 THE COURT: Correct.

19 MR. BARON: They showed that to the seven eyewitnesses, of those
20 seven, four purported to ID Mr. Slaughter; and of those four, three gave an
21 in-court identification at trial.

22 Now, as a side note, the reason for that -- those misidentifications
23 is because the first lineup was so suggestive. The five filler photos in the
24 six-pack, we believe were booking photos; but the photo of Rickie Slaughter
25 was a different type of photo that Metro had and that made those lineups

1 unduly suggestive. And that's why the four misidentified Rickie Slaughter. But
2 I don't want to focus on that today.

3 THE COURT: Okay.

4 MR. BARON: I want to focus on the second photo lineup in this case. So
5 after the police developed Rickie Slaughter as a suspect as one of the two
6 culprits, they developed another gentleman, Jacquan Richard, as a potential
7 suspect as the second culprit, and so the police put together a second photo
8 lineup with a picture of Jacquan Richard in it.

9 THE COURT: Correct.

10 MR. BARON: And they showed that lineup to at least six, if not all seven
11 of the eyewitnesses, and none of the eyewitnesses identified Jacquan Richard
12 from that lineup. But that lineup also had a photo of Rickie Slaughter in it.

13 Now before trial the defense knew all of that but they didn't know
14 whether any of the eyewitnesses who saw that second photo lineup identified
15 Rickie Slaughter from that lineup, that was an open question for the defense.

16 THE COURT: Okay.

17 MR. BARON: So they filed a pretrial motion on that issue and argued,
18 hey, we think that none of these witnesses picked out Rickie Slaughter from
19 that second photo lineup, and the Court had a pretrial hearing on that motion
20 and again, the defense said we don't think any of the eyewitnesses picked out
21 Rickie Slaughter and the prosecutor came back and said, well, it would take a
22 giant leap to say Rickie Slaughter wasn't picked out of those lineups. So the
23 prosecutor disputed the defense's assertion that none of the witnesses had
24 picked out Rickie Slaughter from that second lineup.

25 But what we now know by virtue of the federal discovery process

1 through Detective Prieto, the lead detective's deposition in 2018, is that the
2 defense was right all along, that none of the witnesses who saw that lineup,
3 this is Detective Prieto's testimony, none of them picked out Rickie Slaughter
4 from that second photo lineup. So that is a new fact, that's a new piece of
5 evidence that the prosecution disputed back before trial that was not available
6 to the defense at the time of trial, so that's new evidence that gives rise to new
7 Brady claims and also supports some of the other claims in the petition.

8 And the reason why that's so critical, why that's such an important
9 fact is that this case came down to the three eyewitness in-court
10 identifications. The State presented some other evidence at trial, I don't find
11 that evidence very convincing. I think our petition and the opposition discuss
12 that in some detail. But really the IDs were at the center of the State's case,
13 they made the State's case. And if the defense had been able to come in and
14 say, yeah, they identified Rickie Slaughter off this first lineup, but there was a
15 second lineup with his photo and none of the witnesses identified him off that
16 second lineup, that would have been a great argument to rebut the credibility of
17 the three in-court identifications.

18 I mean, at that point, it's basically 50-50. Either the witnesses got
19 it wrong on the first lineup or they got it wrong on the second lineup, which by
20 the way, is much less suggestive, featured a photo of Rickie Slaughter that was
21 more contemporaneous with the crime, and was therefore a more neutral
22 lineup. So that's a critical argument the defense could have had to dispute the
23 three identifications that were the most important fact in the State's case.

24 And I also want to mention that normally with Brady, the standard
25 for materiality is a reasonable probability of a different outcome, but because

1 the defense filed this pretrial motion on this issue and because the prosecution
2 disputed the assertion that none of the witnesses picked out Rickie Slaughter
3 from the second photo lineup, that lowers the materiality standard that we need
4 to meet here. It's not a reasonable probability we need to show, we just need
5 to show a reasonable possibility of a different outcome. And I think at the very
6 least we've shown that.

7 So that's the new evidence about the second photo lineup and why
8 we think we have good cause to raise the related claims now and why we think
9 the Court should resolve those in our favor on the merits. And unless the Court
10 has questions about the lineup, I'll move to the alibi at this point.

11 THE COURT: Okay. You can go ahead.

12 MR. BARON: So this was an alibi case. The defense ran an alibi defense.
13 The defense was at the same time this home invasion was ending,
14 Rickie Slaughter was halfway across town picking up his girlfriend from work.
15 His girlfriend was Tiffany Johnson. She worked at a cleaners in North Las
16 Vegas -- or in Las Vegas. And so the defense ran the alibi defense at trial, but
17 didn't do a very good job of proving the alibi. But now based in part on new
18 evidence that we uncovered in 2018, we can prove that alibi with a much
19 greater degree of certainty and so we have good cause with respect to the alibi
20 claims.

21 So there are essentially three components to the alibi the defense
22 needed to show the jury. First is when did this home invasion end, when did
23 the suspects leave; second is when did Rickie Slaughter get to his girlfriend's
24 workplace to pick her up; and, third, how long would it have taken a culprit to
25 get from the crime scene to the cleaners to pick up the girlfriend. Now as I

1 said, the defense did not do a very good job of proving that alibi at trial.

2 So let me start with when did the incident end. Well, the best
3 evidence of when the incident ended is when the 9-1-1 calls came in, and
4 before trial the defense didn't know when the 9-1-1 calls came in. They had
5 some police reports that referenced a time of 7:11, but it wasn't clear that's
6 when the 9-1-1 call came in.

7 Now at the time of closing arguments, the defense proposed they
8 wanted to say the call came in at 7:11 and the prosecution came back and
9 said, no, you can't say that, you haven't proved that at trial, the only thing you
10 can tell the jury is that the 9-1-1 call came in at about 7:00 o'clock. And so
11 that's what the defense ended up saying in closing.

12 But we now know because we got a relevant document in 2018
13 and we now know as a fact that the 9-1-1 came into Metro, was transferred to
14 North Las Vegas at 7:11 p.m. and based on that we also know the suspects
15 would have left the crime scene at about 7:08 p.m. So that's the first
16 difference between the trial and now. At trial the argument was the suspects
17 left about 7:00 o'clock, now we can pin that down to 7:08.

18 So the second part of the alibi is when did Rickie Slaughter get to
19 his girlfriend's workplace to pick her up. His girlfriend testified at trial it was
20 between 7:00 and 7:15, no later than 7:20. Her boss who was working that
21 day testified, no, it was 7:30. Now the boss gave a prior inconsistent
22 statement to the police that actually it was 7:15 and the defense was
23 ineffective because they didn't get that prior inconsistent statement into
24 evidence.

25 But another fact about the boss is that he had a motive for bias

1 against Rickie Slaughter and the defense was unaware of that at the time of
2 trial. Specifically, the same month that this home invasion happened,
3 Rickie Slaughter and the boss, Jeff Arbuckle, got into some sort of dispute and
4 Jeff Arbuckle went so far as to call the police and register a trespassing
5 complaint against Rickie Slaughter. And the defense was unaware of that
6 trespassing complaint, that call to the police, at the time of trial. And that
7 would have been material impeachment evidence because if the defense could
8 have told the jury, hey, this guy, Jeff Arbuckle, he has a reason to give
9 testimony that helps the State, that would have given the jury a reason to
10 disbelieve Jeff Arbuckle, especially if the jury had known about the prior
11 inconsistent statement about 7:15.

12 And the last part of the alibi is how long would it have taken to get
13 from the crime scene to the cleaners, the defense didn't introduce evidence
14 about that at trial. We know it would have been at least 20 or 30 minutes,
15 probably longer than that.

16 So to sum up, let me just compare the alibi the way it looked at trial
17 versus the alibi we have now based on new evidence. So at trial it was, well,
18 the suspects left sometime around 7:00 o'clock, we're not sure, they showed
19 up -- Rickie Slaughter showed up at the cleaners, maybe 7:00, maybe 7:15,
20 7:20, 7:30, it's not clear, and how long would it have taken to get from the
21 crime scene to the cleaners, we don't know. That's not a very persuasive alibi.
22 But now we can pin that alibi down with much greater specificity, we can say
23 the suspects left at 7:08, we're confident Rickie Slaughter got to the cleaners
24 at 7:15, that drive would have taken at least 20 or 30 minutes, and that means
25 there's no way Rickie Slaughter could have left the crime scene at 7:08 and

1 gotten to the cleaners at 7:15, it's just physically impossible. So because we
2 have new evidence that proves this alibi to a much greater level of persuasion,
3 we have new evidence that gives good cause to raise the claims related to the
4 alibi and we think the Court should hear those claims on the merits and decide
5 them in our favor.

6 . And in addition to the new evidence being good cause, we also
7 think we've shown Rickie Slaughter is innocent. And, again, I think the
8 pleadings discuss that argument in detail. Basically it comes down to, number
9 one, you can't trust these witnesses' identifications, especially in light of the
10 second lineup; number two, we've proven Rickie Slaughter's alibi; and, number
11 three, the State's circumstantial evidence is not very persuasive. If the jury had
12 known all of this, it is more likely than not no reasonable juror would have
13 voted to convict. That means Rickie Slaughter is innocent within the meeting
14 of the procedural bars, and the Court should hear every claim in the petition on
15 the merits.

16 And the last thing I'll say is that we think we've shown good cause,
17 innocence, and the merits of the claim based on these pleadings, but at the very
18 least, the Court should set this case for an evidentiary hearing so that we can
19 present additional evidence and make additional arguments about why
20 Rickie Slaughter can show good cause, why he's innocent, and why his claims
21 entitle him to relief.

22 THE COURT: All right. Mr. DiGiacomo.

23 MR. DiGIACOMO: Thank you. I'll start with the easiest one, it's the
24 7:11 time. Oh, yeah, that's in a police report in the possession of the defense
25 at the time of trial. They didn't prove it up during the jury trial that it was 7:11,

1 but that information is contained in the police report, so it's not newly
2 discovered evidence that they could maybe make an argument that they could
3 have put that on and the time that they're saying, 7:08, the victims -- the
4 suspects left, that's based upon, I guess, some sort of inference from the 9-1-1
5 call as someone's guestimate of the time that somebody left. It's not like it's
6 set in stone that there's an identification at the time. But either way, there's
7 nothing new about that evidence.

8 Let's talk about the photo lineup. Is there anything new about the
9 photo lineup? No, they had the photo lineup, the photo lineup with Rickie's
10 picture in it, and the statement in the police report that nobody picked out
11 Jacquan Richard. So as it -- but itself, it's not new evidence. I would dispute
12 with the defense that Jesse Prieto saying no one picked out Rickie Slaughter
13 from the second lineup means that none of the victims recognized that
14 Rickie Slaughter was in the photo lineup and I didn't go back and look at every
15 single one of our transcripts, but the Court may actually recall this that the
16 reason this came up and the defense even knew about it was because the
17 victims themselves told the State, hey, there's a second photo lineup and Rickie
18 was in it, but Jacquan -- we couldn't identify the second suspect.
19 Detective Prieto didn't know that Rickie Slaughter was in the second photo
20 lineup; and thus, the defense in this case had all this evidence. There's nothing
21 new about any of this evidence that they're suggesting to you.

22 As it relates to Mr. Arbuckle, the defendant certainly knew that he
23 had some sort of dispute as it related to Mr. Arbuckle. My recollection as I
24 stand here right now is that that was Metro's jurisdiction and not north town's
25 jurisdiction where Mr. Arbuckle's thing is, and so if there is some sort of

1 complaint made, it wasn't certainly related to the investigative agency in this
2 particular case, but certainly they knew about the dispute at the time. So
3 that's not new evidence whatsoever. There's absolutely no new evidence in
4 this case and, thus, there's no basis to go around the procedural bars in his
5 third petition before the Court and I would submit it.

6 THE COURT: All right.

7 MR. BARON: Your Honor, just briefly, the State says the defense knew
8 the 9-1-1 call was 7:11, they didn't know that. There were police reports that
9 did say 7:11.

10 THE COURT: Right.

11 MR. BARON: It's been a little while since I've looked at them, by my
12 recollection is none of them say the 9-1-1 call came in at 7:11. They say,
13 "Time associated with event, 7:11." So the fact that we have --

14 THE COURT: Well, is that -- that's kind of a little form over substance,
15 right? If it says in there the time and the reality of the trial is that nobody
16 brought that out in evidence, I have to limit the attorneys to providing the juror
17 with argument that's based on evidence. So I get your frustration that the
18 attorneys didn't bring it out and then they were precluded from raising it, but it
19 doesn't mean they didn't know about it.

20 MR. BARON: Well, I think, and we've quoted, this is in one of the
21 colloquies with the Court, the defense admitted they didn't know the specific
22 time. They thought it was 7:11 because the police reports mentioned 7:11.
23 But I think the attorneys admitted to the Court they didn't have any documents
24 that actually laid the foundation for 7:11 being the time the 9-1-1 call came in.
25 And so that -- that's what's new is it's not just the defense guessing it's 7:11,

1 it's a document that actually shows 7:11. So that's number one.

2 Number two, the -- the State's argued, well, the defense had the
3 second lineup and actually the witnesses told the State Rickie Slaughter was in
4 it. There's no evidence of that. And, again, I've read through the transcripts,
5 maybe I missed something, I don't think any of the witnesses ever testified or
6 the State made any representations that any of the witnesses identified
7 Rickie Slaughter.

8 THE COURT: I don't know if it was in testimony. My recollection was in
9 a pretrial conference somebody mentioned something about the other lineups.

10 MR. BARON: That's right. There --

11 THE COURT: And that something then came up about the other lineups
12 being provided where they were asked to identify the second suspect and
13 somebody said by the way, Rickie Slaughter was in the other lineup. But I
14 don't think they were asked to identify Rickie Slaughter in those lineups.

15 MR. BARON: Well, so, first, the Court's recollection is right, there was a
16 pretrial motion to dismiss because the police failed to document the outcome of
17 the second photo lineup. The Court had a hearing on that motion. The defense
18 came in, they said, We don't really know a lot about these second photo -- I'm
19 paraphrasing -- but we don't really know a lot about this second photo lineup,
20 we don't think any of the witnesses identified him, we think the Court should
21 dismiss the case because the State failed to document the outcome of the
22 second photo lineup.

23 THE COURT: Right.

24 MR. BARON: And the prosecutor came back and said, well, we dispute
25 the allegation that none of the witnesses identified Rickie Slaughter from that

1 second photo lineup, it would take a -- and this is a direct quote, "It would take
2 a giant leap to say Rickie Slaughter wasn't picked out of those lineups." And
3 the State never said, actually, you know, these witnesses picked him out, they
4 didn't say there was a conversation between these witnesses and Detective --
5 there weren't any representations like that, they just disputed the allegation.
6 There's no evidence any one picked Rickie Slaughter from that lineup and in
7 fact Detective Prieto testified none of the witnesses picked him out of that
8 second photo lineup. And if the State wants to come bring in additional
9 evidence about that, then we need a hearing to resolve that factual dispute.

10 But, again, I recognize that what the police were hoping with the
11 second photo lineup is that the witnesses would identify Jacquan Richard,
12 again, didn't even realize Rickie Slaughter was in that, but that doesn't make a
13 difference for the defense because the lineup says let us know if you can
14 identify one or more suspects in connection with this crime. So if the
15 witnesses see that second photo lineup and if they saw Rickie Slaughter and
16 recognized him as one of the two suspects, they would have said that to the
17 police, Detective Prieto would have written that down on the lineup, and that
18 would have been memorialized. But that's not what happened. Instead, none
19 of the witnesses picked him out of that second lineup, that means they failed to
20 identify him out of that lineup, and that is a big piece of impeachment evidence
21 to rebut their assertion that they can identify Mr. Slaughter as one of the
22 culprits.

23 And the last thing I'll say about Mr. Arbuckle, yes, Mr. Slaughter
24 knew he had had some sort of altercation with Jeff Arbuckle, he also know -- I
25 don't know at what point he found this out, but at some point he knew

1 someone had called the cops on him for trespassing, so he thought that maybe
2 that was Jeff Arbuckle, but he's never been able to prove that until 2018 when
3 we got the Metro record memorializing that complaint. And the argument that,
4 oh, that was Metro, that wasn't North Las Vegas, the prosecutor has to find
5 exculpatory evidence that any of the State agencies possess. So the fact that,
6 oh, Metro had this, not North Las Vegas, it's irrelevant to the Brady analysis.

7 THE COURT: Well, so here's the thing, first off, procedurally,
8 Mr. Slaughter was convicted at trial, there was a direct appeal, remittitur issued
9 in April of 2014 I believe, so this is substantially beyond the time period, and I
10 know everybody's addressing, you know, why they believe or don't believe that
11 there's good cause to overcome the procedural bars. This is also the third
12 petition, so there's the issue of whether things are successive or should have
13 been raised in earlier petitions.

14 I think, and from my opinion in reviewing everything, the only thing
15 that's new is the idea of the trespass with the gentleman from the girlfriend's
16 work. The other things, there's a difference between new evidence and a new
17 take on old evidence or a new argument to be made from new evidence or a
18 new perspective to criticize former counsel from old evidence, and I think that's
19 really what we're dealing with. The issue of the alibi was presented at the time
20 of trial. The issue of the 9-1 call -- 9-1-1 call time was in information that was
21 had before so it's not new evidence, there may have been a failure at trial to
22 explore that to ask the appropriate questions and get that evidence out there for
23 use in closing argument, but that doesn't make it new evidence. Likewise in
24 terms of the -- well, that was about the allegation on the 9-1-1 call.

25 In terms of the trespass issue with the gentleman, I would say that,

1 first off, I have a disagreement with the strength of the evidence that was
2 produced at the time of trial. I think there was significantly stronger evidence in
3 your viewing it on the record from -- from my recollection of sitting in the trial,
4 and I think that anything related to a trespass citation would have been of
5 minimal significance to that gentleman, such that I could not say that if the jury
6 knew that that gentleman had a trespass citation issued previously against
7 Mr. Slaughter, that that would somehow lead to a reasonable probability or
8 even a reasonable possibility that there would be a different outcome at the
9 time of trial.

10 Additionally, I believe the defense had the photo lineups at that
11 time, so it's not that there's the existence of a photo lineup that is now new
12 evidence. I understand the allegation being that Detective Prieto has testified
13 that nobody identified Mr. Slaughter in lineups that weren't directed at
14 identifying Mr. Slaughter. So, again, I don't think that there would be any
15 reasonable possibility from that to render a new verdict at the time of trial. And
16 obviously the fact that I'm making this ruling, my opinion would be that based
17 on all of the pleadings, the ruling is, well, it's ripe for ruling right now as
18 opposed to based on an idea of having any further evidentiary hearing.

19 So, yeah, I think that's it. I think I covered everything that I wanted
20 to cover.

21 MR. BARON: Just one technical matter.

22 THE COURT: Sure.

23 MR. BARON: We had filed a motion for judicial notice, and this has to do
24 with the new filing system where petitions get filed as civil cases, not criminal
25 cases.

1 THE COURT: Sure.

2 MR. BARON: We had refiled the whole criminal record in the civil case
3 that we cite transcripts from the trial and from hearings.

4 THE COURT: Right.

5 MR. BARON: And we didn't file those as exhibits.

6 THE COURT: Right.

7 MR. BARON: And we want to make sure, if necessary, we have a clean
8 record for the Nevada appellate courts. So, we'd ask the Court to grant that
9 motion and take judicial notice of the documents in the criminal case.

10 THE COURT: Oh, yeah, yeah, yeah. Absolutely, look, we're still kind of
11 waiting in the -- in the juvenile years of our A filings as opposed to our C filings
12 in terms of how this translates over. I always go back to the C filing in
13 Odyssey to look at anything that I need to look at because not every -- I agree
14 with what you're saying about everything being noticed under the A part, but
15 I'll grant your judicial notice to the extent that that's of any kind of issue as it's
16 move forward. Okay?

17 MR. BARON: Thank you.

18 MR. DIGIACOMO: Thank you, Judge.

19 THE COURT: All right, guys, thank you.

20 PROCEEDING CONCLUDED AT 10:46 A.M.

21 * * * * *

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the
23 audio-video recording of this proceeding in the above-entitled case.

24 
25 SARA RICHARDSON
Court Recorder/Transcriber

EXHIBIT 49

EXHIBIT 49



1 *Richie Lamont Slaughter Jr. #209551*
 2 *330 South Casino Center Blvd.*
 3 *Las Vegas, Nevada 89101*
 4 *(Pro. Per)*

FILED

MAR 18 12 15 PM '05

5 *District Court*
 6 *Clark County, Nevada*
 7 *Shirley L. Rungius*
 8 *CLERK*

9 *The State of Nevada*
 10 *Plaintiff,*

Case No *C209987*

vs.

Dept No *16*

11 *Richie Lamont Slaughter Jr.*
 12 *Defendant.*

Hearing Date: *March 21, 2005*Hearing Time: *9:00 am*

13
 14 *Defendant's Reply To The States' Opposition*
 15 *To Defendant's Motion To Reveal Confidential Informant*
 16

17 *Comes Now Richie Lamont Slaughter Jr., in proper person*
 18 *and hereby submits the attached Points And Authorities in Reply to the*
 19 *states' opposition to this defendants motion to Reveal the Confidential*
 20 *Informant.*

21 *This reply is made and based upon all Papers and Pleadings on*
 22 *file and any oral argument made pursuant to a hearing in this matter.*
 23 *Defendant prays this Honorable Court consider defendant's reply before*
 24 *granting any relief to this cause.*

25 *Dated this 11th day of March 2005*

RECEIVED

MAR 17 2005

COUNTY CLERK

Respectfully

26 *[Signature]*
 27 *Richie Lamont Slaughter Jr.*
 28 *(Defendant In Proper Person)*

Notice Of Motion

To: The State of Nevada

To: Clark County District Attorney's Office

You will please take notice that the undersigned will bring the foregoing motion on for hearing on the 21st day of March 2005 in department 16 at 9:00 am or as soon as counsel may be heard thereafter.

Dated this 11th day of March 2005

Richard Leonard Stanley Sr.

Points And Authorities

Procedural Background - Before the preliminary hearing in the instant case the defendants prior counsel of record submitted a motion to Reveal the Confidential Informant. The motion was denied by Justice Of Peace Judge Natalie Tyrrell. On February 28, 2003 the defendant filed a motion in proper person to Reveal the Confidential informant. On March 1, 2003 the state filed an opposition the defendants' motion. This is the defendants reply to the states' opposition of this defendants motion to Reveal the Confidential Informant.

Argument

I. Disclosure should be required where the confidential informant can give evidence or testimony that could lead to

1 evidence that is relevant and helpful to a defendant's
2 defense.
3

4
5 First in the state's opposition the state contends:

6
7 1) That the Justice Of Peace Court heard testimony in
8 regard to the defense motion to reveal the confidential informant.
9 (see pg. 2 of state's opposition)

10 This is not so, and the state has produced no evidence
11 to the contrary.
12

13 2) Second the state asserts that the defendant was
14 identified in court by three witnesses (see pg. 2 of state's opposition)

15
16 It is clear to the defendant that in court identifications
17 are of the most suggestive kind, as this defendant was the only black
18 male at the preliminary hearing present in the courtroom. (see prelim.
19 hearing transcript pg. 29)

20
21 3) Further the state states in its opposition that three
22 people (witnesses) identified this defendant as the shooter in this
23 case. (see pg. 4 line 30 state's opposition)

24
25 This assertion is without merit and there is no evidence
26 to support the state's claim. Two witnesses stated that they believed
27 or thought that the defendant was the shooter, but each witness stated
28

1 that they didn't actually see the shooter. Witness Ryan John only
 2 heard the victim (Evan Young) get shot. (see pg. 9 and 10 of officer Hoyt's
 3 police report labeled attachment A' and A.2 attached to this pleading)
 4 Evan Young never seen the face of his shooter (see preliminary transcript pg.
 5 45 line 15-17)).
 6

7
 8 The defendant also notes, that there are 7 victims in
 9 the instant case, all who failed to identify this defendant on a
 10 prior occasion (see Attachment B-B.3). 4 of the witnesses
 11 identified the defendant on a different occasion, but Aaron
 12 Dennis and Jennifer Dennis never identified the defendant as
 13 either of the two perpetrators. The defendant understands that
 14 these facts only go to the weight or credibility of the witnesses.
 15 Defendant only points out these facts, in light of the state's
 16 assertions in it's opposition.
 17

18 In the state's opposition the state ask this court
 19 to consider Adams v. State, 91 Nev. 324 (1965) when deciding
 20 whether to disclose the confidential informant (C.I.). The state
 21 says that Adams v. State supra and Miller v. State, 86 Nev. 503
 22 (1970) are analogous to the instant case.
 23

24 The appellant's in Adams and Miller supra were
 25 observed by police officer's committing the criminal acts they were
 26 alleged to have committed. These cases are not analogous, the defendant
 27 in the instant case was not observed by police officers committing any
 28

- &/ -

1 criminal acts. The defendant's case is significantly different.
 2 In the defendant's case the C.I. told detectives that he overheard
 3 the defendant bragging insisting that there was some one else
 4 besides the defendant present at the alleged conversation.
 5 The defendant also notes that the C.I. told detectives
 6 that they were shown 3 guns used in the robbery (see original
 7 motion to reveal confidential informant Exhibit '3') only 2 guns that
 8 the authorities recovered matched the description that the C.I.
 9 gave detectives. The gun the victim was shot with has not been
 10 recovered according to authorities. There is also no indication that
 11 that the other two guns the C.I. and the unknown individual
 12 were allegedly shown, have ever been located. Further the defendant
 13 notes that he is the only suspect charged in this crime.
 14

15
 16 The C.I. in this case might be able to provide
 17 information which might lead to a first hand source
 18 or circumstantial evidence. Any such evidence would be
 19 clearly "relevant and helpful" to the defendant's defense.

20 U.S. v. Amador-Galvan, 9 F.3d 1417 (9th Cir. 1993)
 21

22 In light of the shaky identifications, disclosure could
 23 reveal that the informant looks similar to the defendant. The
 24 defendant could then argue that the C.I. is possibly the perpetrator
 25 setting the defendant to take the fall. The informant could also
 26 have possibly heard the conversation wrong and mixed the defendant
 27 with the other unknown individual or individuals.
 28

"Whether a proper balance renders non disclosure erroneous must depend on the particular circumstances of each case, taking into consideration the crime charged, the possible defenses, the possible significance of the informer's testimony, and other relevant factors"

Rovito v. United States, 353 U.S. 53, 62, 77 S.Ct 623, at 629

"The defendant need not prove that the informer would give testimony favorable to the defense in order to compel disclosure of his identity, nor need he prove that the informer was a participant in or even an eyewitness to the crime". Price v. Superior

Court, 403 P.2d 721, 725, 83 Cal. Rptr. 369 (Cal. 1970)

The defendant's burden is discharged, however when when defendant demonstrates a reasonable possibility that the anonymous informant whose identity is sought could give evidence on the issue of guilt which might result in defendant's exoneration." Price, supra

"No one knows what the undisclosed informer might testify." . . . It is the deprivation of the defendant of the opportunity of producing evidence which MIGHT (original emphasis) result in their exoneration which constitutes error." Price v. The Superior Court, supra

In light of the difficulties in trying to prove what the informant will testify to if produced. All the defendant is required to do is to show "a reasonable possibility that the anonymous informant . . . could give evidence on the issue of guilt which might result in exoneration." People v. Garcia, 424 P.2d 366, 378

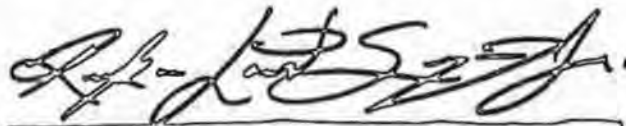
Closing And Relief Sought

Clearly, the defendant has shown a need for the disclosure of the confidential informant. As such the identity of all the people present at the alleged overheard conversation reported by the informant is highly "relevant and helpful" to preparing a defense for this defendant for trial in this matter.

Based on the foregoing the defendant prays this Honorable court consider this reply and enter an order requiring the state to Reveal The Confidential Informant and any other relief that court deems just and proper.

Dated this 11th day of March 2005

Respectfully submitted,



Rickie Lamont Slaughter Jr.

Defendant Further Sought Not.

Certificate of Mailing

I hereby certify that service of the above and foregoing motion in all its part was mailed this 11th day of march 2005 by depositing a copy of the same in the U.S. mail postage prepaid addressed to:

Shirley B. Parraquiere, County Clerk
200 South Third Street
P.O. Box 551601
Las Vegas, Nevada 89155-1601



Archie Lamont Slaughter Jr. #1706389
330 South Casino Center Blvd.
Las Vegas, Nevada 89101

(Defendant In Paper Prison)

CASE: 04015160 -----NORTH LAS VEGAS POLICE DEPARTMENT----- REF: ORIGINAL
 DATE: 8/13/04 -----POLICE REPORT----- PAGE: 9
 TIME: 7:17 -----NARRATIVE PORTION----- OF: 15

ON SATURDAY, 06-26-04 AT 1911 HOURS, OFFICERS WERE DISPATCHED TO 2612 GLORY VIEW IN REFERENCE TO A SHOOTING VICTIM INSIDE THE RESIDENCE. OFFICER HICKMAN WAS THE FIRST OFFICER TO ARRIVE WITH OFFICER COON ARRIVING SHORTLY AFTER OFFICER HICKMAN. WHEN I ARRIVED, I WALKED INTO THE FRONT DOOR. THE FRONT DOOR OPENS TO A LARGE LIVING ROOM WITH A DINING AREA TO THE LEFT OF THE FRONT DOOR AND THE KITCHEN ON THE OTHER SIDE OF THE DINING AREA. THERE WAS A LARGE POOL OF BLOOD ON THE FLOOR IN THE DINING AREA AND A LAMP WAS TIPPED OVER IN THE LIVING ROOM. OFFICER COON WAS TALKING TO A FEMALE TRYING TO PLACE DOGS IN THE BACKYARD. OFFICER COON TOLD ME SHE WAS A WITNESS AND THE VICTIM, IVAN YOUNG WAS IN A BEDROOM ON THE EAST SIDE OF THE RESIDENCE. OFFICER HICKMAN WAS TALKING TO YOUNG GETTING HIS PERSONAL INFORMATION. YOUNG WAS LAYING ON A BED ON HIS BACK WITH HIS HANDS AGAINST HIS FACE. I COULD SEE A LOT OF BLOOD ON YOUNG'S NOSE AND CHIN AREA. YOUNG TOLD ME HE GOT SHOT BY TWO GUYS HE DID NOT KNOW WHILE HE WAS IN THE GARAGE. YOUNG BEGAN TO YELL SAYING THAT HIS FACE HURTS. AT THIS TIME, NORTH LAS VEGAS FIRE DEPARTMENT RESCUE UNIT #53 AND SOUTHWEST AMBULANCE UNIT #524 ARRIVED TO TREAT YOUNG. AS PARAMEDICS ROLLED YOUNG OUT OF THE RESIDENCE ON A GURNEY, I NOTICED THAT A SCREEN TO A WINDOW LOCATED ON THE WEST SIDE OF THE RESIDENCE WAS PULLED FROM THE WINDOW FRAME AND HANGING FROM THE TOP. AS PARAMEDICS LOADED YOUNG INTO THE AMBULANCE, OFFICERS WERE SEPARATING WITNESSES.

IVAN YOUNG'S WIFE WAS AT THE RESIDENCE WHEN IVAN WAS SHOT. OFFICER HICKMAN INTERVIEWED HER. REFER TO OFFICER HICKMAN'S FOLLOW-UP REPORT FOR FURTHER INFORMATION.

I THEN SPOKE TO A WHITE MALE, IDENTIFIED AS RYAN JOHN. JOHN TOLD ME HE WAS VISITING HIS GIRLFRIEND AT [REDACTED] WHICH IS DIRECTLY ACROSS THE STREET FROM 2612 GLORY VIEW. JOHN LEFT HIS GIRLFRIENDS HOUSE AND STARTED TO WALK TO HIS VEHICLE THAT WAS PARKED IN FRONT OF 2613 GLORY VIEW. A BLACK MALE YELLED TO JOHN FROM THE GARAGE OF 2612 GLORY VIEW THAT IVAN WANTED TO TALK TO HIM. BECAUSE JOHN KNEW IVAN AND WAS FRIENDS WITH HIM, HE WALKED ACROSS THE STREET. THE UNIDENTIFIED BLACK MALE OPENED THE HOUSE DOOR INSIDE THE GARAGE THAT OPENS TO A LAUNDRY ROOM SO JOHN COULD WALK INSIDE. AS JOHN WALKED INTO THE LAUNDRY ROOM, THE SUSPECT PUT A PISTOL TO JOHN'S THROAT AND TOLD HIM TO GET ON THE GROUND IN THE KITCHEN AND PLACE HIS HANDS BEHIND HIS BACK. THERE IS ANOTHER DOOR THAT OPENS INTO THE KITCHEN FROM THE LAUNDRY ROOM. JOHN LAID ON THE FLOOR WITH HIS HEAD TOWARDS THE SINK AND HIS FEET AT THE REFRIGERATOR. THE SUSPECT TIED JOHN'S HANDS BEHIND HIS BACK AND STOMPED ON JOHN'S HEAD. THE SUSPECT THEN PLACED A BLACK JACKET OVER HIS HEAD. THE SUSPECT THEN PLACED A GUN TO JOHN'S HEAD AND TOLD HIM THAT IF HE MOVES, HE WAS GOING TO BLOW HIS BRAINS OUT. THE SUSPECT THEN WENT INTO JOHN'S POCKETS AND FOUND AN AUTOMATIC TELLER MACHINE (ATM) CARD IN A FRONT POCKET. THE SUSPECT THEN TOLD JOHN TO TELL HIM HIS PERSONAL PIN NUMBER TO HIS ATM. JOHN TOLD HIM. THE SUSPECT THEN TOLD JOHN THAT IF THE NUMBER WAS WRONG, HE WOULD COME BACK AND KILL HIM. THE SUSPECT THEN WALKED AWAY. JOHN HEARD TWO MALES TALKING TO IVAN. JOHN SAID THAT IVAN WAS

records bureau processed	ser no 1	detective bureau processed	ser no
SCARFF/DENISE	1259	1	
supervisor approving	ser no 1	officer reporting	ser no
NOWAKOWSKI/DENNIS	1225	HCVT/MARK	1334

Attachment A

CASE: 04015160 -----NORTH LAS VEGAS POLICE DEPARTMENT----- REF: ORIGINAL
 DATE: 6/29/04 -----POLICE REPORT----- PAGE: 10
 TIME: 7:46 -----NARRATIVE PORTION----- OF: 12

CLOSE TO HIM, NEAR THE DINING ROOM AREA. JOHN HEARD IVAN ASKING A MALE NOT TO SHOOT HIM. THEN JOHN HEARD A GUN SHOT AND IVAN SCREAM. JOHN THEN HEARD ONE OF THE SUSPECTS ASK THE OTHER SUSPECT IF HE SHOT HIM. THE OTHER MALE, IN A JAMAICAN ACCENT SAID, YES I SHOT HIM. JOHN THEN HEARD THE SUSPECT LEAVE THROUGH THE FRONT DOOR. ABOUT ONE TO TWO MINUTES LATER, JOHN STOOD UP, TAKING THE JACKET OFF OF HIS HEAD. JOHN RAN TO THE LAUNDRY ROOM, PULLING ONE OF HIS HANDS FROM BEHIND HIS BACK AND JUMPED OUT OF A WINDOW THAT FACES NORTH TO THE REAR YARD. JOHN JUMPED SEVERAL YARDS NORTHBOUND, RUNNING AWAY FROM THE RESIDENCE. JOHN THEN CALLED THE POLICE FROM A CELLULAR TELEPHONE FROM AN UNKNOWN ADDRESS. JOHN HAD SEVERAL MARKS ON BOTH WRIST FROM BEING TIED UP AND WAS TREATED AT THE SCENE BY MEDICAL PERSONNEL. JOHN TOLD ME THAT HE COULD NOT IDENTIFY ANY OF THE SUSPECTS AND WAS UNSURE HOW MANY WERE THERE. JOHN CALLED WELLS FARGO BANK WHICH ISSUED THE ATM CARD. THEY TOLD JOHN THAT AN ATM WITHDRAWAL FOR \$201.50 WAS JUST TAKEN FROM AN UNKNOWN ATM MACHINE. WELLS FARGO WOULD NOT KNOW THE EXACT LOCATION UNTIL MONDAY BECAUSE IT WAS PAST NORMAL BUSINESS HOURS. JOHN COMPLETED A WITNESS STATEMENT AT THE SCENE.

ANOTHER VICTIM, GERMAUN MEANS TOLD ME THAT HE WENT OVER TO 2612 GLORY VIEW BECAUSE IVAN WAS PAINTING HIS VEHICLE. APPARENTLY, IVAN PAINTS VEHICLES OUT OF HIS HOME. AS MEANS WALKED UP TO THE FRONT DOOR, TWO UNKNOWN MALES OPENED THE DOOR AND BEGAN TO WALK OUT. ONE OF THE MALES WAS WEARING A BEIGE SUIT JACKET AND THE OTHER HAD DREAD LOCKS. MEANS BELIEVED THE MALE WITH THE DREAD LOCKS WAS WEARING A WIG. THE SUSPECTS GRABBED ONTO MEANS'S ARM AND PULLED HIM INTO THE RESIDENCE. THEY FORCED HIM TO THE FLOOR JUST INSIDE THE FRONT DOOR AND TIED HIS HANDS BEHIND HIS BACK. MEANS TOLD ME THAT BOTH MALES HAD GUNS IN THEIR HANDS BUT HE COULD NOT DESCRIBE THE WEAPONS. ONE OF THE SUSPECTS ASKED MEANS IF HE HAD ANY MONEY. MEANS TOLD HIM YES. ONE OF THE SUSPECTS REMOVED ABOUT \$1,300.00 DOLLARS FROM MEANS'S FRONT PANTS POCKET. MEANS REMEMBERED HAVING SEVEN \$100.00 BILLS. THE SUSPECT ALSO TOOK MEANS'S CELLULAR TELEPHONE. MEANS TOLD ME THAT THE SUSPECTS THEN LEFT OUT OF THE FRONT DOOR. AFTER A FEW SECONDS, MEANS GOT UP, BROKE THE WIRES THE SUSPECTS TIED HIM UP WITH AND RAN OUTSIDE TO HIS VEHICLE. MEANS'S GIRLFRIEND, DESTINEE WADDY WAS WAITING INSIDE THE VEHICLE. MEANS TOLD ME THAT HE DID NOT HEAR ANY GUN SHOTS SO HE BELIEVED IVAN WAS ALREADY SHOT BEFORE HE GOT THERE. MEANS RECEIVED MEDICAL ATTENTION AT THE SCENE AND HE COMPLETED A WITNESS STATEMENT. MEANS TOLD ME HE COULD NOT IDENTIFY THE SUSPECTS.

WADDY TOLD ME THAT SHE SAW TWO UNIDENTIFIED MALES WALK OUT OF THE RESIDENCE AND GOT INTO A DARK GREEN VEHICLE. WADDY SAID THE VEHICLE WAS POSSIBLY A PONTIAC GRAND-AM. THE VEHICLE WAS LAST SEEN WESTBOUND ON GLORY VIEW. WADDY DESCRIBED THE MALES AS ONE WEARING A WIG, ABOUT 5'8" TALL. THE OTHER MALE WAS ABOUT 5'11" TALL. BOTH WERE WEARING BLUE AND WHITE CLOTHING. WADDY TOLD ME THAT SHE HAS NEVER SEEN THE TWO MALES BEFORE. WADDY ALSO COMPLETED A WITNESS STATEMENT AT THE SCENE.

records bureau processed	ser no 1 detective bureau processed	ser no
SCARFF/DENISE	1259 1	
supervisor approving	ser no 1 officer reporting	ser no
NOWAKOWSKI/DENNIS	1225 1 ROYT/MARK	1334

Attachment A.2

WITNESS: PLEASE READ THESE INSTRUCTIONS CAREFULLY

Positions of persons in this photo spread are numbered left to right, beginning with Number One (1) on your left.

1. If previously you have seen one or more of the persons in this photo spread, write your initials in the "INITIALS" space(s) beside the photo(s) of the person(s) you have seen.

2. In "NOTES" space, tell briefly how/where/when you saw or met person(s) you identified.
3. If you never have seen any person in this line-up, write your initials in the "NONE OF THE ABOVE" space.
4. Sign your name in the "VIEWED BY" space, and fill in the time and date spaces.
5. Then hand this photo spread to the officer in charge.

Attached 13



#1 PERSON

DATE _____

INITIALS _____

NOTES _____



#2 PERSON

DATE _____

INITIALS _____

NOTES _____



#3 PERSON

DATE _____

INITIALS _____

NOTES _____



#4 PERSON

DATE _____

INITIALS _____

NOTES _____



#5 PERSON

DATE _____

INITIALS _____

NOTES _____



#6 PERSON

DATE _____

INITIALS _____

NOTES _____

TIME PHOTO SPREAD SHOWN _____

NONE OF THE ABOVE _____

AGENCY _____

DATE PHOTO SPREAD SHOWN _____

VIEWED BY _____

OFFICER _____

Signature of witness to this viewing: _____

DATE OF OFFENSE _____

WITNESS _____

DATE _____

12/10/2004 16:10 FAX 3838485

DA CRIMINAL DIVISION

017

NORTH LAS VEGAS POLICE
WITNESS PHOTO LINEUP IDENTIFICATIONCase #: 04-15160**WITNESS:**

If you have previously seen one or more of the persons in the line up in regards to the crime in question, place a circle around the appropriate number corresponding to the number of the person in the line up. Place your initials next to the circled number.

Complete any additional comments

Then sign your name and fill in the date and the time.



#1



#2



#3



#4



#5



#6

ADDITIONAL WITNESS COMMENTS: _____

Signature of Officer_____
Signature of Witness_____
Date & Time_____
Signature of Officer_____
Witness Name Printed*Attachment B.2*

NORTH LAS VEGAS POLICE
WITNESS PHOTO LINEUP IDENTIFICATION

Case #: 04-15160

WITNESS:

If you have previously seen one or more of the persons in the line up in regards to the crime in question, place a circle around the appropriate number corresponding to the number of the person in the line up. Place your initials next to the circled number.

Complete any additional comments

Then sign your name and fill in the date and the time.



#1



#2



#3



#4



#5



#6

ADDITIONAL WITNESS COMMENTS:

Signature of Officer

Signature of Witness

Date & Time

Signature of Officer

Witness Name Printed

Attachment B.3

Attachment B.4

NORTH LAS VEGAS POLICE
WITNESS PHOTO LINEUP IDENTIFICATIONCase #: 04-15160**WITNESS:**

If you have previously seen one or more of the persons in the line up in regards to the crime in question, place a circle around the appropriate number corresponding to the number of the person in the line up. Place your initials next to the circled number.

2. Complete any additional comments
3. Then sign your name and fill in the date and the time.



#1



#2



#3



#4



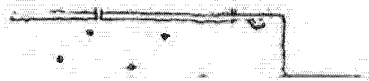
#5



#6

ADDITIONAL WITNESS COMMENTS: _____

Signature of Officer_____
Signature of Witness_____
Date & Time_____
Signature of Officer_____
Witness Name Printed*Attachment B.6*



(105)



Rickie Lamont Slaughter Jr. #20656
330 South Casino Center Blvd.
Las Vegas, Nevada 89101

EXHIBIT 54

EXHIBIT 54



1 Rickie Lamont Slaughter Jr. #1896569
2 330 S. Casino Center Blvd.
3 Las Vegas, Nevada 89101
4 (Pro-Per)

FILED IN OPEN COURT
APR - 11 2005
SHIRLEY B. PARRAGUIRRE, CLERK
BY George E. Byrd
DEPUTY
GEORGE E. BYRD

5
6 District Court
7 Clark County, Nevada
8

9 The State Of Nevada,
10 Plaintiff,

Case No. C 204957

11 vs.

Dept No. 7

12 Rickie Lamont Slaughter Jr.,
13 Defendant.

Hearing Date:

Hearing Time:

14
15 Defendant's Motion For A Continuance
16

17
18 Comes Now, Rickie Lamont Slaughter Jr., in proper
19 person in the above entitled motion and now moves this Honorable Court with
20 Points and Authorities in support and bases relief granted by the court
21 upon all Pleadings and Papers on file and any oral argument at the time
22 set for hearing this motion. Defendant prays this Honorable Court Grant
23 Relief to warrant to ensure a fair trial Right afforded this Defendant
24 by The Constitution Of The United States and Nevada Articles therein.
25

26 Dated this 30th day of March 2005.

27 RECEIVED

28 APR - 1 2005

COUNTY CLERK

Very Respectfully Submitted,

Rickie Lamont Slaughter Jr.
Rickie Lamont Slaughter Jr.
(Pro-Per)


Notice Of Motion

To: The State Of Nevada

To: The District Attorney Of Clark County

You will please take notice that the undersigned will bring the foregoing motion on for hearing on the ____ day of ____ 2005. In department ____ at 9:30 am or as soon as counsel may be heard there after. Dated this 31st day of March 2005

Defendant Did notify Ms. Reiska by way of answer machine message on 3.31.05 of this motion.


Rickie Larnest Slaughter Jr.

Points And Authorities

Statement Of Facts - On December 13, 2004 the defendant in the instant case was Faratta Canvassed and granted his request to proceed with self representation. On December 17, 2004 the defendant received discovery materials from prior counsel of record Paul E. Wommer and and the court set a trial date for a February 13, 2005 on behalf of the state after the state exercised their right to a speedy trial. On February 7, 2005 the court granted the defendants' request for complete discovery and the appointment of a private investigator.

On February 8, 2005, (the calendar call) the state notified the court that the state was ready to proceed with trial. The defendant advised the court that he could not be ready at the time set for trial and that he needed time to meet with his investigator and

1 locate witnesses for his defense. The court gave the defendant
2 a new trial on it's own initiative for March 14, 2005. The state
3 advised the court that the state could not proceed with trial on
4 that date and the trial date was set for April 4, 2005.

5
6 On March 9th, of 2005 the defendant was placed in
7 disciplinary segregation for an alleged altercation. The defendant
8 was then deprived of access to the facility's law library and the
9 defendant's personal law books which the defendant was using for
10 his pretrial motions, were also taken.

11
12 On March 24, 2005 the defendant filed a motion and made
13 the court aware of these problems. The defendant secured a court ORDER
14 to receive his law books on March 29, 2005.

15 16 Argument

17
18 Pursuant to Faretta v. California, 422 U.S. 806, 93 S.Ct
19 2525 (1975) a criminal defendant has a Constitutional right to
20 self representation and to conduct his own defense. This right is
21 guaranteed by the Sixth Amendment and includes the rights
22 "to notice, confrontation and compulsory process"
23 Faretta v. California, supra at 813, 2532

24
25 These rights at a minimum, mean that "time to prepare
26 and some access to materials and witnesses are fundamental"
27 to a meaningful right to self representation. Milton v. Morris, 767
28

1 P.2d 1443, at 1446 (9th Cir. 1985). The defendant in the instant
2 case is requesting a Continuance and new trial setting. The
3 defendant states the following as grounds therefor:

4
5 (b) The defendant has various suppression motions and
6 Evidentiary matters that the defendant would like the court
7 to hear and rule upon before trial.

8
9 The defendant has not had an adequate opportunity to
10 complete his suppression motions, because the defendant is being
11 housed in disciplinary segregation and has not had adequate access
12 to the legal materials integral to complete such suppression motions.

13
14 The defendant brought this to the trial court's attention
15 on March 24, 2005 and secured a Court ORDER in Department 16
16 (District Court Judge John S. McGroarty) on March 29th, 2005 to
17 remedy this problem.

18
19 The defendant is still waiting for a signed copy of this
20 Court ORDER from standby counsel, so that the defendant can
21 produce this ORDER then, to the Clark County Detention Center.

22
23 (2.) The defendant has been advised by his private investigator
24 that he would need a Court order to receive his " mug shot," which
25 is needed to identify the defendant's image contained in the
26 photo line ups in which the witnesses in the instant case failed to
27 identify this defendant, on prior occasion. (Defendant was not the
28 subject of the line up)

- 4 -

1 (3.) The defendant was informed by his private investigator
2 that he was still attempting to interview potential defense
3 witnesses.
4

5 (4.) The defendant needs to set an appointment between
6 the District Attorney (Susan Krisko) in the instant case and his
7 private investigator (James Conklin) so that the defendant's private
8 investigator can inspect and photograph the photo lineups that
9 the state intends to use at trial.
10

11 (5.) The defendant has yet received any statements by
12 the state's witness (Kenny Marks) in which, the court in
13 Department 16 ordered the state to turn over to this defendant,
14 in his motion for complete discovery on February 7, 2005.
15
16

17 This witness (Kenny Marks) is on the state's witness
18 list, for the state's case in chief.
19

20 Also:
21

22 (6.) The defendant would like the state to inform the
23 defendant as to what phone calls of this defendant the
24 state intends to use at trial. These phone calls number
25 in the hundreds (100's) and the defendant's investigator is
26 searching for the appropriate program so that the defendant
27 can listen to such phone calls.
28

Further, the defendant believes that an Expert witness Regarding Eyewitness Identification is needed and is in the process of trying to locate such a witness, but is not being given adequate access to the telephone in the Clark County Detention Center.

The defendant is housed in disciplinary segregation in which, the defendant is only given 1 hour a day 3 days a week out of his cell. The times in which the defendant is usually let out of his cell are usually early morning times (6:00am) or late hours (8, 9, and 10:00pm) when the appropriate people cannot be reached. The disciplinary segregation unit also has no phone book.

Closing

The defendant has a constitutional right tied to a Fair Hearing and trial proceedings. The Sixth Amendment right to self representation and the Fourteenth Amendment right to Due Process mandate at a minimum that the defendant who wishes to represent himself be given a "meaningful opportunity to prepare his defense" Milton V. Morris, supra at 1445

Based on the issues presented in this motion the defendant respectfully request that the court grant the defendants request for a continuance. A continuance is impose and imperative for the defendant to receive the Fair trial and "meaningful

1 opportunity" to prepare for his trial, owed to the defendant.

2
3 The defendant prays this Honorable Court grant relief
4 to movant in defendants favor and grant any other relief as this
5 court may deem just and proper to remedy the above mentioned
6 issues, brought to the courts attention in this motion. Defendant
7 Further sayeth Not.

8 Respectfully Submitted,

9 Dated this 30th day of March 2005


10 
11 Rickie Lamont Slaughter Jr.
12 (Defendant In Proper Person)
13
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27
28

EXHIBIT 162

EXHIBIT 162



FILED

JUL 12 12 55 PM '11

CASE NO. C204947
DEPT. NO. III

STATE OF NEVADA
CLARK COUNTY, NEVADA
CLERK OF THE

ORIGINAL

STATE OF NEVADA,

Plaintiff,

vs.

RICKIE LAMONT SLAUGHTER,

Defendant.

CASE NO. C204957

04C204957
TRANS
Transcript of Proceedings
1618443



BEFORE THE HON. DOUGLAS W. HERNDON, DISTRICT JUDGE

MONDAY, MAY 16, 2011

10:46 a.m.

APPEARANCES:

For the State: MARC DiGIACOMO, ESQ.
Chief Deputy District
Attorney
MICHELLE FLECK, ESQ
Deputy District Attorney

For the Defendant: OSWALD E. FUMO, ESQ.

Reported by: CHERYL GARDNER, RMR-RPR
CCR NO. 230

PURSUANT TO NRS 239.053 AND 3.370.6, ILLEGAL TO COPY
WITHOUT PAYMENT TO CHERYL GARDNER, CCR 230

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Page 1

1
2 CASE NO. C204957
3 DEPT. NO. 111
4
5 STATE OF NEVADA
6 CLARK COUNTY, NEVADA
7
8 STATE OF NEVADA,
9 Plaintiff,
10 vs. CASE NO. C204957
11 RICKIE LAMONT SLAUGHTER,
12 Defendant.
13
14
15 BEFORE THE HON. DOUGLAS W. HERNDON, DISTRICT JUDGE
16 MONDAY, MAY 16, 2011
17 10:46 a.m.
18
19 APPEARANCES:
20 For the State: MMAC DIGIACOMO, ESQ.
21 Chief Deputy District
22 Attorney
23 MICHELLE FLECK, ESQ.
24 Deputy District Attorney
25 For the Defendant: OSWALD E. FUMO, ESQ.
26 Reported by: CHERYL GARDNER, RMR-RPA
27 CCR NO. 230

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Page 3

1 LAS VEGAS, CLARK COUNTY, NV, MONDAY, MAY 16, 2011
2 10:46 a.m.
3 -oOo-
4 THE COURT: Let's go ahead and go on
5 the record State versus Rickie Slaughter. He's
6 present with his attorney Mr. Fumo. State's
7 attorneys are present outside the presence OF the
8 jury. Mr. Fumo.
9 MR. FUMO: Judge, we had some things
10 we wanted to bring up. One is regarding our
11 challenge on Kendra Rhines. We had Ms. Rhines was
12 nodding her head with one of the other jurors.
13 There was a factual dispute. I don't know if the
14 Court has video.
15 THE COURT: I don't. We run court
16 reporter, not recorder. All I can say to that is I
17 wasn't looking at her so I never saw one way or the
18 other. I do know that during the subsequent
19 questioning that issue was raised directly to her
20 were you not nodding along with Mr. Doxie so it was
21 not just brought up during the argument. It was
22 brought up in actual argument.
23 MR. DIGIACOMO: She acknowledged that
24 she was in fact nodding during that subsequent
25 question. You then made a decision on the record

Page 4

1 when she was released it was a race neutral
2 determination.
3 THE COURT: Yes. What's the second?
4 MR. FUMO: Judge, the second thing --
5 I think this one isn't going to be a problem -- but
6 we wanted to preclude any mention of confidential
7 informant during the State's opening. It's kind of
8 a Crawford issue for Mr. Slaughter.
9 MR. DIGIACOMO: Judge, the way I was
10 going to deal with that the person that
11 Mr. Slaughter thinks is the CI I don't think is and
12 I in fact don't know the name of the confidential
13 informant. Police went to a certain location based
14 on information received. I wasn't going to mention
15 what the actual CI said.
16 THE COURT: Okay.
17 MR. FUMO: Additionally, Judge, we
18 want to preclude any mention of things found in
19 Tiffany Johnson's vehicle. We think it would be
20 bad acts. The victims in the case I think stated
21 that she saw a .38, a .9 millimeter, a 357 and/or a
22 380 and in the car was a .25 and a .22 so
23 mentioning those I think would be tantamount to
24 bringing in bad acts.
25 THE COURT: Just simply somebody was

Page 5

1 in possession. The simple presence of a weapon
2 isn't a bad act I mean unless somehow it's implied
3 it's a stolen weapon, an unregistered weapon, or an
4 ex-felon in possession of a firearm. Unless that
5 is brought in, then mentioning it isn't a bad act.
6 MR. FUMO: We're saying it's not
7 relevant.
8 MR. DIGIACOMO: I assume there will be
9 some dispute as to what the nature of the gun is.
10 The witnesses all describe a black revolver, a .22
11 caliber that is located in the trunk of the
12 vehicle. They also describe a small silver some
13 people call it a 380 but it's in fact a 380 Raven
14 Arms.
15 The last witness is described as a big
16 gun or something to that effect but Mr. Slaughter
17 himself during the course of the crime called it a
18 Magnum and in the trunk of the vehicle there is a
19 casing for a 357 Winchester Magnum round so those
20 are all described by the witnesses and consistent
21 with the witnesses' description even though there
22 is no 380 found, the description of 380 comes from
23 a word that the perpetrator used which they either
24 may be confusing as the descriptions themselves
25 match the weapons in the vehicle.

Page 6

1 THE COURT: So which are you saying is
2 irrelevant?
3 MR. FUMO: What they describe is
4 different than what's found in the car.
5 THE COURT: Well, they described three
6 guns.
7 MR. FUMO: Just because a gun is
8 silver or black or a revolver doesn't have any
9 relevance. All guns are going to be silver or
10 black or chrome. I don't think it implies anything
11 to Mr. Slaughter.
12 THE COURT: I think it certainly
13 will. How much weight the jury gives to it and
14 whether they think the witness is mistaken about
15 the caliber of a gun or whatever is a little
16 different than whether or not finding multiple guns
17 in the car where multiple guns are described I
18 think it's certainly relevant for the jury to
19 describe what way or inference so I'll allow you to
20 make reference to the guns.
21 (Remarks off the record.)
22 MR. FUMO: Just so we're clear, the
23 State will not mention the word CI but will just
24 say information received.
25 THE COURT: Let me ask this. Are you

Page 7

1 trying to prohibit the use of the word or the
2 information that you can't cross-examine about?
3 There's nothing wrong with saying, look, we
4 utilized a confidential informant. If they're
5 saying we're not going to go into the information
6 you received from anybody, that's the basis of
7 where your Crawford objection would come in. Using
8 information but we don't have the ability to talk
9 or cross-examine that person. When you call
10 somebody a CI or a witness or a victim or
11 detective, whatever, it's simply calling somebody a
12 name I don't think is something that -- it's just
13 that the information you're more concerned with.
14 MR. FUMO: Thank you, Your Honor.
15 MR. DIGIACOMO: This one works on her
16 computer.
17 (Whereupon a recess was
18 taken at 10:52 a.m. and
19 the proceedings resumed
20 at 11:03 a.m. in the
21 presence of the jury.)
22 THE COURT: We will be on the record
23 in 204957 State of Nevada versus Rickie Slaughter.
24 Mr. Slaughter is present with his attorney
25 Mr. Fumo. The State's attorneys are present. Our

Page 8

1 jury is present.
2 THE COURT: Good morning, ladies and
3 gentlemen. I apologize for getting started late
4 this morning. Technology is great but a lot of
5 times getting all the computers and screens to
6 communicate with each other sometimes is at least
7 beyond my expertise.
8 I can tell you that so we had a little
9 bit of a problem. At the end of the day whenever
10 we have delays in getting started whether it's
11 after recesses, that's all on me. Don't hold it
12 against the attorneys if we're delayed in getting
13 started. That's all my fault.
14 Parking was better, yes? As you'll
15 recall we discussed when I was reading at the
16 beginning kind of road map information to you and
17 kind of the preliminary issues to you we talked
18 about -- so that's the time we are at. The State
19 will have an opportunity to make their opening
20 statement, so Mr. DiGiacomo.
21 MR. DIGIACOMO: Thank you, Judge.
22 June 26, 2004, was Ivan Young's luckiest day of his
23 life. Now, you kind of heard what the allegations
24 are in this case. You may think to yourself how is
25 that humanly possible that it was his luckiest

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1 day.

2 Well, he had no idea when he started
3 working on the cars he paints in his garage for
4 people who want to have a different paint job on
5 their vehicle that that day Rickie Slaughter would
6 fire a single 357 silver tipped Winchester round
7 into his face and the reason why he's lucky is
8 because despite the damage that was done to him, he
9 lived.

10 He lost an eye. He lost his teeth.

11 He's had a number of reconstructive surgeries on
12 his face. He remains to have a hairlip and when
13 you hear Ivan Young talk to you, you're going to
14 realize he's a very very lucky man. June 26th
15 started like any other day. That -- house at 2612
16 Gloryview. It's in a neighborhood that's on Cary
17 just short of kind of where we are right now.

18 He's working in his garage that -- he
19 lives in this house with his now wife who was his
20 wife then. Her name is Jennifer Dennis and his
21 stepson or her son Aaron Dennis and playing with
22 Dennis who is about ten years old at the time is
23 Joey Posada, a nephew of theirs.

24 Right across the street from this
25 house right here is Kenny Marks' house. Kenny

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1 Marks is another guy who deals with cars. He buys
2 cars. He fixes them up. He sells them. He's
3 always tinkering with cars, and there is another
4 guy in the neighborhood you're going to hear of, a
5 guy by the name of Jeremy McCoy who goes by the
6 nickname Germ.

7 Ivan Young has no connection to Rickie
8 Slaughter, doesn't really know Rickie Slaughter,
9 you'll hear that both Kenny and Germ do and that's
10 the reason that Rickie Slaughter is in the
11 neighborhood that day.

12 See, Kenny originally one time sold a
13 car to Mr. Slaughter and he took the cars off of it
14 Mr. Slaughter drove off with the car and he had a
15 number of problems with the car so eventually so
16 Kenny wouldn't have any problems Kenny buys the car
17 back from Mr. Slaughter and during that time period
18 Mr. Slaughter got a ticket for not having insurance
19 on the car and not having registration on the car
20 and he wanted to borrow Kenny Marks' registration
21 and insurance in order to get rid of the ticket and
22 Kenny didn't like the way Rickie was treating him
23 so Kenny said no so there's an ongoing dispute in
24 the neighborhood between Kenny and Rickie that goes
25 on for a period of time.

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1 After Rickie gets the car back to
2 Kenny he has the car from Germ that he purchases
3 from Germ. He has that car for a brief period of
4 time and that car gets impounded and it remains in
5 the impound for a long period of time and it's
6 still titled to Jeremy McCoy so eventually Jeremy
7 goes to get the car and he sells the car to pay off
8 the impound fees he has and he returns the
9 remainder of the money to Mr. Slaughter's
10 girlfriend.

11 Mr. Slaughter returns to the neighbor
12 and he wants a car from Germ. Germ agrees and he
13 gets a Lincoln. This day in question Mr. Slaughter
14 comes in the neighborhood and neither Kenny Marks
15 or Jeremy McCoy are home and he's hanging out by a
16 mailbox down in this area when eventually he walks
17 into Ivan Young's garage with his partner, his
18 coconspirator, another African-American male. They
19 engage Mr. Young in a short conversation in this
20 garage about what he did with cars and eventually
21 both of them pull out firearms.

22 You'll hear testimony about three
23 separate firearms in this case, a .22 caliber
24 revolver black, a small silver semiautomatic
25 firearm some of which the witnesses may even

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1 describe as a 380 but it turns out to be a .25
2 caliber Raven Arms, and then you're going to hear
3 what Mr. Slaughter describes as a very big gun, a
4 Magnum. You will learn that's a 357 firearm.

5 He forces Ivan Young inside with his
6 partner. They take him inside the house. They tie
7 up Ivan. They tie up Jennifer. They tie up both
8 little kids in the house and face the wall. They
9 put jackets over Ivan and Jennifer's face. They
10 call from someone from across the street who is
11 over at Ivan's house to get his pants a guy by the
12 name of Ryan John who is going out on a date. They
13 put him on the ground. They tie him up.

14 During the time period they're
15 captured inside the house and they're ransacking
16 the house looking for guns, money, anything of
17 value to take, another friend of Ivan comes to the
18 door by the name of Jermaun Means. He's knocking
19 on the door. These two guys as they're coming out
20 from the crime grab Jermaun, throw him on the
21 floor.

22 You'll hear during the course of the
23 crime that Rickie is taunting Ivan Young. Ivan is
24 begging for his life. He's saying please don't
25 shoot me, please don't shoot me. You'll hear

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1 Slaughter fires the gun directly into his face. It
 2 goes inside his eye, out his mouth, and it -- the
 3 ground.
 4 After all six victims have been robbed
 5 the two of them that's where Ivan lay. The
 6 witnesses or the victims in the case get themselves
 7 untied. They contact the police and they give a
 8 description of the perpetrators and the description
 9 of the vehicle that was seen leaving the area.
 10 Jennifer has marks on her wrists
 11 consistent with the description provided by her as
 12 to what happened to her including a Lysol can has
 13 been sprayed upon her for fingerprints and she'll
 14 tell you I didn't know you can get a fingerprint
 15 off a body and you'll hear that's actually very
 16 rare that that can happen.
 17 Mr. Means is actually a young kid. He
 18 has marks on his wrists consistent as if he was
 19 kidnapped and robbed. John Ryan, he's still
 20 holding the cord in his hand. Little Aaron Dennis
 21 marks on his wrists and Joey Posada with the marks
 22 on his wrist.
 23 You will hear that a number of
 24 witnesses in this case see the car that involved
 25 the two perpetrators parked down the street a

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1 little bit here. They'll be described to you as a
 2 green Ford, a green Ford Taurus and there may be
 3 some description of one of the witnesses saying
 4 Ford or Grand Am or something to that.
 5 You'll hear it's down the street in
 6 this area down here. You'll hear that John Ryan
 7 immediately gets on the phone with his card company
 8 concerning the robbery. They took his ATM card,
 9 told them that they needed the PIN number. They
 10 took his driver's license to identify where he
 11 lived and told him if he didn't give him the right
 12 number, they're going to come back and kill him so
 13 he gave them the number. As soon as the police
 14 arrived he calls his credit card company and finds
 15 out that at 8:00 o'clock his card was utilized at
 16 the 7-Eleven at 305 East Charleston.
 17 You'll see the individual that enters
 18 into the location wearing kind of a mask over his
 19 face, a bandana on his head and white tennis shoes,
 20 jean shorts and a white shirt from another angle.
 21 From another angle. The police receive a tip from
 22 a confidential informant and based on that tip they
 23 go down to the apartment complex at 301 East
 24 Charleston, apartment number 114.
 25 Who do they find sitting in the

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1 parking lot? A green Ford Taurus, and based on
 2 that information they get a search warrant for the
 3 Ford Taurus and the apartment. Ivan Young based on
 4 the information from the CI they get a photo lineup
 5 together for Ivan. They take a photo lineup for
 6 him and with one eye in the hospital just two days
 7 after the shooting he identifies Rickie Slaughter
 8 as the person who shot him in the face.
 9 They do a search warrant on the room.
 10 When the search warrant is executed on the room,
 11 the SWAT team executes it because of the violent
 12 nature of the crime. The SWAT posted this one room
 13 apartment there's guys on the door. There's guys
 14 in the window. They knock and announce their
 15 search warrant.
 16 Mr. Slaughter doesn't come to the
 17 door. Mr. Slaughter as opposed to coming and
 18 opening the door for the police, runs and drives
 19 and hides behind a kitchen counter inside the
 20 apartment and eventually SWAT has to enter and blow
 21 out these windows and take him into custody.
 22 They go to Jermaun Means. Mr. Means
 23 identifies Rickie Slaughter as one of the
 24 perpetrators. They go to Ryan John and John
 25 identifies Rickie Slaughter as one of the

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1 perpetrators. They go to Joey Posada, a ten year
 2 old kid was tied up and told to face the wall while
 3 his uncle was shot in the face. That's right. He
 4 picks out Rickie Slaughter.
 5 What about that green car? In the
 6 trunk of the car underneath some carpet is an
 7 expended casing and a bullet core. There's also
 8 two more firearms found hidden in the wheel well
 9 underneath the carpet of that car. The forensic is
 10 done. There's your black revolver, .22 caliber.
 11 There's your small cylinder semiautomatic firearm.
 12 And right there that casing, that bullet core and
 13 all these fragments out of the face of Ivan Young
 14 make up a single silver tip Winchester 357 round.
 15 Three guns. Four I.D.s and
 16 Mr. Slaughter using that credit card. There will
 17 be no question at the end of this case that he's
 18 guilty. Thank you.
 19 THE COURT: Thank you, Mr. DiGiacomo.
 20 Mr. Fumo.
 21 MR. FUMO: Thank you, Your Honor.
 22 Ladies and gentlemen of the jury, at the conclusion
 23 of this case I'm going to ask you to find Rickie
 24 Slaughter not guilty not just because they didn't
 25 prove each and every element of the charge beyond a

1 reasonable doubt but because he's factually
2 innocent of these charges.

3 What happened to Ivan Young on
4 June 26, 2004, and his family and friend make no
5 mistake about it, it was a tragedy but
6 Mr. Slaughter did not do it.

7 One of the witnesses that is going to
8 come in and testify is a woman named Monique
9 Westbrook. She will testify to you on June 26,
10 2004, she called Rickie at about 2:00 p.m. She'll
11 testify to you that at 2:00 o'clock they scheduled
12 an appointment to meet together and they got
13 together about 4:00 o'clock that afternoon.

14 She'll testify that where she lived at
15 that time was an apartment complex on Bonanza and
16 Lamb where Ivan Young was shot was by the Fiesta
17 Casino way past Rancho almost to Lake Mead
18 approximately ten miles from that location.
19 Westbrook will testify that she lived in this
20 apartment. It's called the Vera Johnson Manor
21 located at -- she'll testify that she and Rickie
22 were together from 4:00 o'clock that afternoon
23 until 7:00 p.m. when he left to go pick up his
24 girlfriend at the time roommate Tiffany Johnson.

25 He left there. He drove from Bonanza

1 Fiesta Casino all the way to where she worked in
2 four minutes. It just doesn't possible.

3 The victims in this case -- each one
4 of them like I said it's a tragedy but each one of
5 them remembers this case differently. Each one of
6 them remembers the perpetrators differently. We're
7 going to bring in a defense expert Gregory Loftus
8 and he's going to tell you why people feel
9 compelled to pick someone out of a lineup. The
10 brain tells you he's in there.

11 Ivan Young testifies he's in his
12 garage and two black males approach. One of them
13 was wearing blue jeans and a blue shirt. Another
14 one of the gentleman has long hair in dreadlocks
15 but he remembers one of them speaking with a
16 Jamaica accent, and Tiffany Johnson and Monique
17 Westbrook will tell you Rickie Slaughter doesn't
18 speak in a Jamaica accent.

19 Ivan Young told the police the person
20 with the Jamaican accent is the one who shot him in
21 the face. He'll tell you they were talking about
22 going back to Belize. They kept talking about
23 going back to Belize. Ivan Young paints cars for a
24 living or did at the time. She said that the
25 individuals were talking about a green Pontiac

1 and Lamb to Bonanza and Nellis where Tiffany
2 Johnson worked. Tiffany Johnson will come into
3 this court. She will testify at the time she
4 worked there at the Bonanza and -- she was at a
5 cleaners called El Dorado cleaner. She's going to
6 tell you she worked from 7:00 in the morning till
7 7:00 that evening. She's going to testify her car
8 had problems that day. It had a leaky radiator.
9 It needed to be fixed. It needed to have water in
10 it all the time so she brought it home to Rickie
11 and asked him to look at the car and he brought her
12 back to her car and she'll tell you the car
13 couldn't go very far without needing water.

14 She'll tell you that at the time
15 Rickie had two black eyes. She got off work. He
16 picked her up somewhere around 7:00. She'll be the
17 first person to tell you that Rickie Slaughter
18 isn't the most punctual guy in the world. He
19 wasn't there at 7:00 o'clock although at the time
20 she was interviewed she told the detectives that's
21 the time he picks her up.

22 The detectives tell her she's going to
23 lose her child. She says pick me up about 7:00
24 o'clock maybe as late as 7:15 but it was nowhere
25 near 7:30. There's no way he can drive from the

1 during this robbery and the suspects were talking
2 about Ivan charging too much money to paint that
3 car.

4 Ryan John I think he testifies that he
5 couldn't identify either one of them but somebody
6 had long dreadlocks spoke with a Jamaican accent.
7 Jermaun Means says he had \$1300 taken from his
8 person and he remembers one of them wearing a beige
9 jacket. One of the boys remembers one of them
10 wearing a tuxedo shirt. Everybody has a different
11 recollection of what happened.

12 Typically someone who is working off a
13 criminal case someone in the criminal justice
14 system and this person says something about a green
15 Ford. Well, nobody at the scene described a green
16 Ford. There was one witness who was outside. Her
17 name is Destiny Wily (phonetic). She writes in her
18 statement what she saw.

19 MR. DIGIACOMO: Objection, hearsay.

20 MR. FUMO: It's not expected

21 testimony.

22 THE COURT: Just what's in response to
23 the hearsay.

24 MR. FUMO: If she's going to testify,
25 it's what I expect the evidence will show.

1 THE COURT: You're right. You can
 2 continue.
 3 MR. FUMO: That she saw a green
 4 Pontiac Grand Am. Nobody mentions it before that
 5 this person who claims they -- gave permission --
 6 the detective uses that in his affidavit to go
 7 search the home and when they do search Rickie's
 8 home what the State said was a 300 square foot
 9 house. It's midnight, 1:00 o'clock in the
 10 morning. The reason they didn't answer the door
 11 was because they were sleeping. The concussion
 12 grenades went off. The windows were blown off.
 13 The doors were blown off the hinges. Rickie and
 14 Tiffany are in the home. They both separated.
 15 That's when Tiffany tells Detective Prieto 7:00
 16 o'clock. Detective Prieto gets another tip from a
 17 gentleman named Tom Winters and Tom Winters is
 18 going to come in this court. He's going to tell
 19 you --
 20 MR. DIGIACOMO: I object once again.
 21 Tom Winters has no personal knowledge.
 22 MR. FUMO: He's going to testify as to
 23 what he told detective --
 24 THE COURT: I'll overrule the
 25 objection. He said this is what the evidence is

1 going to show. The words of the attorneys aren't
 2 evidence. This is what they expect the evidence to
 3 show.
 4 MR. FUMO: Winters will come into this
 5 court and he'll tell you that he talked to
 6 Detective Prieto and he told them he rents an
 7 apartment to a man name Eric Dawkins. Eric Dawkins
 8 is known by him to drive a green Chevy Malibu.
 9 General Motors makes Chevy. General Motors makes
 10 Pontiac. He's going to tell you that Eric Dawkins
 11 is a tenant known him to do these kind of things
 12 and he speaks with a Jamaican accent but Detective
 13 Prieto with all this information doesn't go down
 14 there and get a search warrant on Eric Dawkins'
 15 home doesn't get a lineup for the victims to
 16 identify by the suspect.
 17 He just -- him on the phone and asks
 18 where were you. Of course he has an alibi. He
 19 says he was with his grandmother. They call. The
 20 grandmother tells them he was with her all the
 21 time. Her name is Christmas, a Jamaican last
 22 name.
 23 Let me stop there. The State told you
 24 that the card was used at a 7-Eleven that was on
 25 Charleston. The 7-Eleven if you were to leave

1 Rickie's apartment and look to your left you'll see
 2 a AM/PM the evidence will show which has an ATM
 3 machine. If you go to your right, you have to pass
 4 a Circle K to go to the 7-Eleven. It doesn't make
 5 sense he used that.
 6 Tiffany Johnson will testify she
 7 dropped Rickie off at the apartment. He doesn't
 8 have a car. There was a mile up and back and he
 9 was without a car.
 10 The State brings in this gun expert.
 11 Three witnesses say they saw guns there; a small
 12 black handgun, a silver handgun. All small
 13 handguns are either going to be black or silver.
 14 The guns are fingerprinted. None of Rickie's
 15 fingerprints are on there. None of the bullets
 16 could have been fired from those two guns. What
 17 happened the defense believe so the gun wasn't
 18 fired directly into Ivan Young's face but into the
 19 ground at the -- event ripped off and that's what
 20 went into his face.
 21 The two guns are found to be similar
 22 in nature to what people have seen but all handguns
 23 will either be black or silver and the composition
 24 of the bullets all are made with lead so the bullet
 25 made of lead is also the -- the composition of the

1 bullet found in Ivan in the hospital was made of
 2 lead and there was a lead fragment found in his
 3 car. That doesn't tell us anything unless you put
 4 the two things together.
 5 So at the end of the case I'm going to
 6 ask you to find him not guilty not because they
 7 didn't prove it beyond a reasonable doubt but
 8 because he's in fact not guilty. There's nothing
 9 at Rickie's house that ties him to the crime. They
 10 find no \$1300. There was no ATM card. There's no
 11 dreadlock wig. There's no blood on any of Rickie's
 12 items of clothes or in his car that you think would
 13 be on a person who had done their car. There is
 14 nothing that physically ties Rickie Slaughter to
 15 what happened here.
 16 THE COURT: Thank you, Mr. Fumo. All
 17 right. The State may call their first witness.
 18 MR. DIGIACOMO: Jermaun Means.
 19
 20 JERMAUN MEANS,
 21 having been first duly sworn to testify to the
 22 truth, the whole truth and nothing but the truth,
 23 was examined and testified as follows:
 24
 25 THE CLERK: You may be seated. Please

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1 state and spell your name for the record.
 2 THE WITNESS: Jermaun Means,
 3 J-E-R-M-A-U-N, M-E-A-N-S.
 4 THE COURT: All right.
 5 Mr. DiGiacomo.
 6
 7 DIRECT EXAMINATION
 8 BY MR. DIGIACOMO:
 9 Q. Jermaun, how old are you?
 10 A. 34.
 11 Q. And I'll direct your attention back to
 12 June of 2004. Did you know a guy by the name of
 13 Ivan Young?
 14 A. Yes.
 15 Q. How did you know Ivan?
 16 A. Paints cars.
 17 Q. And why is it that you know him if he
 18 paints cars?
 19 A. He was going --
 20 Q. What do you do related to cars?
 21 A. I fix cars and build cars.
 22 Q. Through who? That's my question.
 23 How did you first meet Ivan?
 24 A. Through a car club.
 25 Q. Were you a member of the car club?

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1 A. Yes.
 2 Q. And was he a member of the car club?
 3 A. Yes.
 4 Q. How long do you think you had known
 5 Ivan before he got shot?
 6 A. Maybe a couple years maybe, maybe a
 7 year maybe.
 8 Q. On June 26th of 2004 did you go over
 9 to Ivan's house?
 10 A. Yes.
 11 Q. And what was the reason for you going
 12 over to Ivan's house?
 13 A. To look at some rims that he was
 14 painting for me.
 15 Q. So you had asked him to paint some
 16 rims.
 17 A. Uh-huh.
 18 Q. Is that a yes?
 19 A. Yes.
 20 Q. She's going to type down everything
 21 you say. Okay?
 22 Okay. So you asked him to type some
 23 rims, I mean paint some rims. And did you have to
 24 pay him for that?
 25 A. Yes.

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1 Q. And how much were you going to have to
 2 pay him?
 3 A. Well, he was doing another car too but
 4 he was going to paint the rims first to see if the
 5 color would work but I can't remember exactly how
 6 much it was. It was like a thousand bucks or
 7 something.
 8 Q. Did you bring any money with you over
 9 to Ivan's house?
 10 A. Yes.
 11 Q. And how much did you have with you?
 12 A. 1500 bucks.
 13 Q. And how much of that was for Ivan?
 14 A. About a thousand of it.
 15 Q. About a thousand of it?
 16 A. Yes.
 17 Q. Did you go over by yourself or with
 18 anybody else?
 19 A. Me and my girlfriend at the time.
 20 Q. And what was her name?
 21 A. Destiny Waft (phonetic).
 22 Q. Does Destiny live in the state any
 23 longer?
 24 A. No.
 25 Q. When you go over there, what do you

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1 do?
 2 A. I walk to the door.
 3 Q. And you walk to the door, tell us what
 4 happened.
 5 A. I was grabbed by two guys.
 6 Q. Can you describe the guys at all for
 7 us.
 8 A. Two black males.
 9 Q. Two black males. Anything else you
 10 remember seven years later about their clothing,
 11 their hairstyle, anything else like that?
 12 A. At the time -- well, now?
 13 Q. Yeah.
 14 A. I mean I don't remember much of it
 15 now.
 16 Q. At the time did you describe them --
 17 do you remember what your description was at the
 18 time?
 19 A. Two black males. It appeared that one
 20 had I don't know if it was a wig on or a dread wig
 21 or had dreads. I seen dreads. How about that?
 22 Q. Do you remember describing it as a
 23 dreadlock wig back in 2004?
 24 A. Yes.
 25 Q. When you got to the door, did you get

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1 the chance to knock on the door?
 2 A. No.
 3 Q. When you get to the door, tell us what
 4 happens.
 5 A. I was grabbed, brought in the house
 6 and tied up and robbed I guess.
 7 Q. So you were grabbed. You were brought
 8 in the house. You were tied up. Do you remember
 9 what you were tied up with?
 10 A. No. I think it was speaker wire
 11 maybe. I'm not sure.
 12 Q. Some sort of wire. Is that a yes?
 13 A. Yes.
 14 Q. And you said you were robbed. How
 15 were you robbed?
 16 A. Took everything out of my pockets,
 17 took my phone, my wallet.
 18 Q. Did they get the \$1500?
 19 A. Yeah. That was in my pocket. Yes.
 20 Q. What about the cellular phone, did
 21 they do something about the cellular phone?
 22 A. After later I found out it was broken.
 23 Q. At the time you didn't realize it was
 24 being broken but later you found out it was being
 25 broken.

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1 A. Yes.
 2 Q. After they took that from you, what
 3 happened to these two individuals?
 4 A. They left.
 5 Q. Did you ever hear a shot?
 6 A. No.
 7 Q. Did you see anybody else inside this
 8 house as you were put down on the floor?
 9 A. I think about three or four people
 10 tied up.
 11 Q. Did you recognize where Ivan was?
 12 A. Next -- I don't know exactly the room
 13 next to the door where you came in. It was off to
 14 the side.
 15 Q. Was there anything about Ivan, was
 16 there anything about Ivan?
 17 A. He was laying on the floor bleeding.
 18 Q. So he was injured before you even came
 19 into the house?
 20 A. Yes.
 21 Q. So these two individuals leave. What
 22 do you do?
 23 A. I got up when I finally got my phone
 24 out of the car, my girlfriend's car, I called
 25 9-1-1.

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1 Q. You know cars pretty well, right?
 2 A. Yes.
 3 Q. How about your girlfriend Destiny, how
 4 well does she know cars?
 5 A. She had no clue.
 6 Q. When you called 9-1-1 eventually did
 7 you talk to a North Las Vegas 9-1-1 operator?
 8 A. Whoever. I guess, I guess whoever was
 9 on the phone.
 10 Q. And did you try to get help for your
 11 friend Ivan and get the police there?
 12 A. Yes.
 13 Q. On Friday did you come down to my
 14 office and did you listen to the 9-1-1 call that
 15 you had made?
 16 A. Yes.
 17 Q. And did it appear to be your voice
 18 that you were listening to on that 9-1-1 call?
 19 A. Yes.
 20 MR. DIGIACOMO: Judge, I'm having
 21 marked as State's proposed Exhibit No. 108 which is
 22 a copy of the 9-1-1 call. I move to admit.
 23 THE COURT: Any objection?
 24 MR. FUMO: No objection.
 25 THE COURT: All right. That will be

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1 admitted. Thank you.
 2 MR. DIGIACOMO: May I publish, Judge?
 3 THE COURT: Yes. Is it appropriate?
 4 MR. DIGIACOMO: It is. Thank you.
 5 (C.D. played.)
 6 MR. DIGIACOMO:
 7 Q. The second voice we heard after yours,
 8 do you know who the woman was that was on the phone
 9 providing information to the police?
 10 A. I think it's his wife.
 11 Q. Ivan's wife?
 12 A. Yes.
 13 Q. When these two individuals -- when you
 14 first get to the door and these two individuals
 15 grab you and throw you on the ground, did they have
 16 any weapons?
 17 A. Yeah.
 18 Q. Okay. How many -- did both of them
 19 have weapons?
 20 A. I'm not sure.
 21 Q. You're not sure. How many guns do you
 22 remember seeing?
 23 A. When they grabbed me just the one.
 24 Q. What did it look like, do you
 25 remember? Was it black or silver or anything you

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1 can remember about the gun?
 2 A. I can't, no.
 3 MR. DIGIACOMO: Judge, I pass the
 4 witness.
 5 (Whereupon Mr. DiGiacomo
 6 concluded this portion of
 7 his examination at 11:40 a.m.)
 8 THE COURT: Okay. Mr. Fumo.
 9
 10 CROSS-EXAMINATION
 11 BY MR. FUMO:
 12 Q. Jermaun, when you got there on that
 13 day, it was about 7:00 o'clock, correct?
 14 A. I'm not sure. I don't know. About
 15 give or take. I don't know.
 16 Q. It was between 6:45 and 7:00 o'clock
 17 would you say?
 18 A. I have no idea on the time.
 19 Q. Was it after dinner?
 20 A. Not my dinner, no.
 21 Q. Was the sun still up?
 22 A. Well, kind of, not really. I don't --
 23 Q. Okay. I'm not trying to trick you.
 24 Do you remember giving a statement to the police?
 25 A. Yes.

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1 Q. Do you remember saying that one of the
 2 persons had a beige suit jacket on?
 3 A. Yes.
 4 Q. Do you recall that now?
 5 A. Vaguely.
 6 Q. You said that one of them had dreads
 7 but you said was possibly a wig; is that correct?
 8 A. Yes.
 9 Q. Was it a long long wig?
 10 A. No.
 11 Q. That's all you can remember?
 12 A. Yes.
 13 Q. Your cell phone was taken and \$1500?
 14 A. Yes.
 15 MR. FUMO: Thank you. I'll pass the
 16 witness, Your Honor.
 17 (Whereupon Mr. Fumo concluded
 18 this portion of his examination
 19 at 11:41 a.m.)
 20 THE COURT: Mr. DiGiacomo.
 21
 22 REDIRECT EXAMINATION
 23 BY MR. DIGIACOMO:
 24 Q. Mr. Fumo just asked you questions
 25 about the description of one of the perpetrators.

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1 Do you recall that sometime after the crime the
 2 press came to you and showed you a variety of photo
 3 lineups, a variety of pictures in a photo lineup?
 4 A. Ycs.
 5 Q. After showing you the pictures in the
 6 photo lineup, did you have an opportunity to pick
 7 one of those individuals out?
 8 A. Yes.
 9 MR. FUMO: Judge, I'm going to
 10 object. It's beyond the scope of the cross.
 11 THE COURT: Overruled.
 12 MR. DIGIACOMO: Judge, I just had this
 13 marked. I'm going to have to have it opened,
 14 though.
 15 Q. I've just opened what's been
 16 previously marked as State's proposed Exhibit
 17 No. 109. I'm going to pull out the contents of
 18 what we'll eventually mark as 109-A and ask you do
 19 you recognize that?
 20 A. The paper, yes.
 21 Q. And whose writing is on that paper?
 22 A. Mine I guess, yeah, mine.
 23 Q. Is that your signature next to a
 24 picture?
 25 A. My initials, yes.

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1 Q. And is that your signature down there
 2 with the date and time you conducted the photo
 3 lineup?
 4 A. Yes.
 5 Q. Is that the photo lineup where the
 6 police showed you where you were able to make an
 7 identification?
 8 A. Ycs.
 9 MR. DIGIACOMO: Move to admit 109.
 10 THE COURT: Any objection?
 11 MR. FUMO: No objection, Your Honor.
 12 THE COURT: That will be admitted.
 13 Thank you.
 14 MR. DIGIACOMO:
 15 Q. I'll put this on the overhead for
 16 you. Mr. Means, can you tell me the date and time
 17 that you did this photographic lineup?
 18 A. 6/28/04.
 19 Q. At 12:30 in the day. And then can you
 20 tell me -- I'll back up just a little bit. Can you
 21 read what you wrote in the witness comments.
 22 A. The face just stands out to me.
 23 Q. Let me back up. Can you point to --
 24 on that screen if you actually touch that screen,
 25 can you point to me which photograph stood out to

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1 you?
 2 THE COURT: You can just touch the
 3 screen and draw on it.
 4 MR. DiGIACOMO:
 5 Q. Now, I know it's been seven years
 6 since you did this photo lineup. Do you think
 7 you'd have the ability to recognize this person if
 8 you saw them again?
 9 A. As far as the picture?
 10 Q. Well, as far as --
 11 A. If I seen him right now probably not,
 12 no.
 13 Q. That's my question.
 14 A. No.
 15 MR. DiGIACOMO: All right. Thank you
 16 very much. Pass the witness.
 17 (Whereupon DiGiacomo concluded
 18 his examination at 11:44 a.m.)
 19 THE COURT: Mr. Fumo.
 20
 21 RE-CROSS-EXAMINATION
 22 BY MR. FUMO:
 23 Q. I'm going to draw your attention to
 24 the person in No. 1, Mr. Means. Do you see him?
 25 A. Yes.

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1 Q. Do you see he's got a blue background
 2 there?
 3 A. Yes.
 4 Q. There and No. 2, 3, 5, and 6 they also
 5 have a blue background, correct?
 6 A. Yes.
 7 Q. I don't see a blue background behind
 8 the one you picked, No. 4, do you?
 9 A. No.
 10 MR. FUMO: Nothing further. Thank
 11 you.
 12 (Whereupon Mr. Fumo concluded
 13 his examination at 11:44 a.m.)
 14 THE COURT: Mr. DiGiacomo, anything
 15 further?
 16 MR. DiGIACOMO: No, Judge.
 17 THE COURT: Anything from our jurors?
 18 All right. Mr. Means, thank you very much for your
 19 time. You may be excused.
 20 (Whereupon Jermaun Means was
 21 excused from the witness stand
 22 at 11:45 a.m.)
 23 THE COURT: The State may call their
 24 next witness.
 25 MS. FLECK: The State calls Ivan

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1 Young.
 2 MR. FUMO: May we approach, Your
 3 Honor?
 4 THE COURT: Yes.
 5 (Whereupon, counsel approached
 6 the bench, and after a
 7 discussion outside the hearing
 8 of the court reporter, the
 9 following proceedings took
 10 place:)
 11
 12 IVAN YOUNG,
 13 having been first duly sworn to testify to the
 14 truth, the whole truth and nothing but the truth,
 15 was examined and testified as follows:
 16
 17 THE COURT: All right. Mr. Young, if
 18 you could state your name and spell it for the
 19 record if you would, please.
 20 THE WITNESS: Ivan Young, I-V-A-N,
 21 Y-O-U-N-G.
 22 MS. FLECK: Thank you, Your Honor.
 23 ///
 24 ///
 25 ///

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1 DIRECT EXAMINATION
 2 BY MS. FLECK:
 3 Q. Good morning, Mr. Young.
 4 A. Good morning.
 5 Q. I'd like to direct your attention back
 6 to June of 2004. Where were you living at that
 7 time?
 8 A. At 2112 Gloryview.
 9 Q. 2612 Gloryview?
 10 A. Or 2612 Gloryview.
 11 Q. I know. It's been a long time. And
 12 that's in North Las Vegas?
 13 A. Yes.
 14 Q. Here in Clark County?
 15 A. Yes.
 16 Q. Who did you live at the Gloryview
 17 address with?
 18 A. My wife and my kid.
 19 Q. What's your wife's name?
 20 A. Jennifer.
 21 Q. And was Jennifer your wife at the time
 22 or have you since married her?
 23 A. We were married.
 24 Q. And then you said your son. What's
 25 his name?

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1 A. Aaron.
 2 Q. How old is he now?
 3 A. 17.
 4 Q. About ten years old then?
 5 A. Yes.
 6 Q. And the three of you lived at that
 7 house together?
 8 A. Yes.
 9 Q. I want to direct your attention then
 10 specifically to June 26th of 2004. Were you home
 11 that day?
 12 A. Yes.
 13 Q. And into the early evening hours,
 14 where were you?
 15 A. Working in the garage.
 16 Q. What kind of work did you then and do
 17 you now do?
 18 A. Paint cars.
 19 Q. Like remodel the cars?
 20 A. Paint custom cars like low riders,
 21 cars on big wheels, you name it.
 22 Q. Okay. And when you did this work, did
 23 you do it at or on the property of the Gloryview
 24 house?
 25 A. Yes.

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1 Q. Where did you do your work?
 2 A. In my garage.
 3 Q. Often times then would you be found in
 4 your garage with the door open and you kind of
 5 tinkering around in the garage?
 6 A. Yes.
 7 MS. FLECK: Judge, may I approach?
 8 THE COURT: Yes.
 9 MS. FLECK:
 10 Q. Mr. Young, I'm showing you what's been
 11 marked as State's proposed Exhibit 1. Do you
 12 recognize what's depicted in this photograph?
 13 A. Yes.
 14 Q. And what is it?
 15 A. My house.
 16 Q. Okay. Is it an overview of 2612
 17 Gloryview?
 18 A. Yes.
 19 Q. This photograph fairly and accurately
 20 depicts the neighborhood and the surrounding area
 21 of your home.
 22 A. Yes.
 23 MS. FLECK: Judge, I move for the
 24 admission of this exhibit.
 25 MR. FUMO: None.

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1 THE COURT: Very well. It will be
 2 admitted. Thank you.
 3 MR. FUMO: May I approach just to look
 4 at it?
 5 MS. FLECK: Sorry, I forgot to show
 6 Mr. Fumo.
 7 Q. And now having shown defense counsel
 8 State's proposed 5 through 10, Mr. Young showing
 9 you State's proposed 5 through 10, just flip
 10 through those and generally tell me if you
 11 recognize them. Just flip through the stack.
 12 A. Yes.
 13 Q. And how do you recognize them?
 14 A. That's my house and them were all the
 15 cars I was working on.
 16 Q. And do these photographs fairly and
 17 accurately depict the way your home looked, your
 18 garage looked on June 26th of 2004?
 19 A. Yes.
 20 MS. FLECK: Move for admission of
 21 State's proposed Exhibit 5 through 10.
 22 MR. FUMO: No objection.
 23 THE COURT: Those will be admitted.
 24 Thank you.
 25 MS. FLECK: Thank you, Your Honor.

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1 Q. Showing you State's --
 2 THE COURT: If anybody asks you to,
 3 you can just draw on the screen with your finger to
 4 identify things.
 5 MS. FLECK:
 6 Q. -- overview of your home?
 7 A. Yes.
 8 Q. Okay. So early evening then directing
 9 your attention to around 6:30 that evening, were
 10 you out in your garage?
 11 A. Yes.
 12 Q. And what were you doing?
 13 A. Buffing out, working on a blue Monte
 14 Carlo about to buff it out.
 15 Q. When you were working in your garage
 16 that evening, was the garage door open or closed?
 17 A. Open.
 18 Q. And who, if anyone, was home?
 19 A. My wife just got home with my son and
 20 her nephew.
 21 Q. What is her nephew's name?
 22 A. Joey.
 23 Q. When she got home, did she come into
 24 the garage to greet you?
 25 A. No. She went through the front door.

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1 When she got home she rolled up and she said she
 2 seen two guys get out of the car and she said, I
 3 think your friends are here.
 4 Q. Okay. Did she direct you then to
 5 where she thought these guys were, your friends?
 6 A. No. She said they were walking out so
 7 I just looked out the garage, you know, looked out
 8 the garage real quick, you know, and then I seen
 9 two guys walking up.
 10 Q. Okay. I'm showing you State's Exhibit
 11 5. Do we see the garage and your front door?
 12 A. Yes.
 13 Q. When you came out then of the garage,
 14 that's obviously the garage you came out of to look
 15 down the street.
 16 A. Yes.
 17 Q. So which way -- do you remember now
 18 which way you looked down the street?
 19 When you came out of the garage, did
 20 you look to the right or left?
 21 A. It would be to my left.
 22 Q. And what did you see?
 23 A. I seen Rickie and some other guy
 24 walking up.
 25 Q. Now, you see two guys coming up. What

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1 do they look like?
 2 A. Just black males.
 3 Q. Two black males?
 4 A. Yes.
 5 Q. Did you see whether or not they came
 6 in a car?
 7 A. Yes, they came from a car.
 8 Q. And what kind -- I mean you know cars
 9 pretty well. Did you know what kind of car it was?
 10 A. I believe it was a green Ford -- what
 11 was it? Like Taurus.
 12 Q. Okay. Now, today you say you saw
 13 Rickie coming up. Going back to June 26th of 2004,
 14 did you know one of the two men approaching you to
 15 be Rickie?
 16 A. No.
 17 Q. At that time did you recognize either
 18 of the men that were coming up to you?
 19 A. No.
 20 Q. So tell us what happened once the two
 21 men approached you at your house.
 22 A. Once they approached me at the house,
 23 they were just asking me questions about paint and
 24 stuff and one of them asked me if they could come
 25 in the garage where I had the blue Monte Carlo. I

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1 said yeah, you guys can come look at it or
 2 whatever. We were just talking about painting and
 3 stuff.
 4 Q. Were Jennifer, Aaron, and Joey outside
 5 in the garage with you or had they already gone
 6 inside the house?
 7 A. They were in the house.
 8 Q. Showing you State's Exhibit 6, do you
 9 see the blue Monte Carlo in State's Exhibit 6?
 10 A. Yes.
 11 Q. So did you all go inside the house,
 12 the three of you, you and the two men who
 13 approached?
 14 A. Just me and Rickie.
 15 Q. And again the person that you now know
 16 to be Rickie?
 17 A. Yes.
 18 Q. Can you just draw on the screen
 19 showing the area kind of where inside the garage
 20 you were.
 21 A. I was standing in between this car and
 22 the Monte Carlo and Rickie was over there in the
 23 corner. The other guy was standing out front.
 24 Q. Sorry. I interrupted you. And the
 25 other gentleman that came up with Rickie, where was

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1 he standing?
 2 A. Pretty much like about right here in
 3 front of the garage.
 4 Q. Okay.
 5 THE COURT: In front of the car that
 6 you drew on.
 7 THE WITNESS: Yeah, in front of the
 8 Cadillac just right in front of the garage. He
 9 wasn't quite in the garage.
 10 MS. FLECK:
 11 Q. We keep saying Rickie or the person
 12 that approached you that day, do you see -- the
 13 person that approached you on the 26th of June that
 14 came inside the garage with you, do you see him
 15 inside the courtroom today?
 16 A. Yes.
 17 Q. Can you please point to him and
 18 describe something he's wearing.
 19 A. Glasses and a suit.
 20 Q. Long hair or short hair?
 21 A. Long.
 22 MS. FLECK: Let the record reflect the
 23 identification of the defendant.
 24 THE COURT: The record will so
 25 reflect.

1 MS. FLECK: Thank you, Your Honor.
 2 Q. Once you guys were inside the garage,
 3 what happened?
 4 A. He was asking me questions about paint
 5 then he asked me if I had a phone number and I said
 6 yeah and I turned around 'cause I had some cards
 7 sitting inside this car right here so when I turned
 8 around to get the cards, they walked up on me and
 9 put a gun to my head.
 10 Q. Did you notice anything about what the
 11 defendant was wearing that day when he came in the
 12 garage?
 13 A. It looked like they were wearing like
 14 hats and wigs 'cause they kept on talking like in
 15 Jamaica accents and stuff.
 16 Q. Now, were both of them talking in a
 17 Jamaican accent or just one of them?
 18 A. I believe both of them were.
 19 Q. I mean how did the accent, what did it
 20 seem like to you? You say kind of Jamaica.
 21 A. They were saying they were from Belize
 22 and stuff.
 23 Q. So you said that the defendant pulled
 24 a gun on you. What did the gun look like?
 25 A. At that point I really don't know

1 and stuff in the house.
 2 Q. So it was things they found within
 3 your home not things that you noticed they had with
 4 them?
 5 A. Yes.
 6 Q. Where did you get tied up?
 7 A. I got tied up in the livingroom.
 8 Q. Where did your wife Jennifer get tied
 9 up?
 10 A. She got tied up in the kitchen.
 11 Q. How about your son Aaron?
 12 A. Aaron and Joey got tied up in kind of
 13 like a loft.
 14 Q. Could you see where everyone else in
 15 your family was while you were tied up?
 16 A. Yes.
 17 Q. At some point did they block your line
 18 of sight by putting something over your head?
 19 A. Yes.
 20 Q. And when did that happen?
 21 A. While I was tied up they threw a
 22 blanket or something over my head.
 23 Q. At some point did they remove you or
 24 did you remain in the same spot the entire time?
 25 A. No. They moved me.

1 'cause they pointed the gun to my head and told me
 2 to get in the house. At that moment I didn't
 3 really pay attention to the gun.
 4 Q. You say "they," did both the defendant
 5 and the other man that he came in the garage with,
 6 did they both have weapons?
 7 A. Yes.
 8 Q. Did you notice whether or not they
 9 were wearing gloves at that time?
 10 A. No.
 11 Q. Once you got the gun pointed at your
 12 head, what did you do?
 13 A. I went into the house like they told
 14 me to go.
 15 Q. Once you got inside, your wife, your
 16 son and your nephew were inside?
 17 A. Yes.
 18 Q. Okay. So what happened?
 19 A. Once we were inside the house, they
 20 was asking about all kind of things, where's the
 21 money at, where's the drugs, guns, all that stuff
 22 and started tying all of us up.
 23 Q. Did you know what they were using to
 24 tie you up with?
 25 A. Just were just cutting cords off TVs

1 Q. How did that occur?
 2 A. They dragged me into the kitchen.
 3 Q. Was your head covered by that point?
 4 A. Yes.
 5 Q. Once you got into the kitchen, what
 6 kind of stuff were they asking you for and what
 7 were they doing to you?
 8 A. They was asking me all kind of
 9 different questions, where is the money at, if I
 10 had guns, just all kind of random questions.
 11 Q. Were they touching you in any way
 12 besides tying you up?
 13 A. No, not really.
 14 Q. Were they -- did they ever hit you or
 15 kick you or do anything like that?
 16 A. Yeah. They were kicking me and stuff
 17 a little bit like that.
 18 Q. Okay. And was that in response to
 19 anything or --
 20 A. Yeah, just asking me questions, I
 21 wouldn't tell them nothing so, you know, they would
 22 kick me or hit me or whatever.
 23 Q. Before your head got covered, did you
 24 have an opportunity to get a closer look at the
 25 weapons that the defendant and the other gentleman

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1 brought into the house with them?
 2 A. Yes.
 3 Q. How many weapons did you see in total?
 4 A. Three.
 5 Q. Did you see one of them with one
 6 weapon the whole time or were they changing them
 7 around?
 8 A. They were changing them around but
 9 before when I first got tied up, one of them put
 10 both guns in front of my face.
 11 Q. Okay. So describe the weapon. You
 12 said that there were three weapons.
 13 A. Yeah, one was like a little black
 14 handgun and one was like a revolver.
 15 Q. And how about the third?
 16 A. I'm not quite sure what the third one
 17 was.
 18 Q. You said one was black.
 19 A. Yeah.
 20 Q. Do you remember what color the second
 21 one was?
 22 A. Chrome or nickel plated.
 23 Q. And then the third gun, bigger or
 24 smaller than the other two?
 25 A. About the same.

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1 Q. You said that before you got tied up,
 2 they showed you these weapons. Did they say
 3 anything to you when they showed you these weapons?
 4 A. When -- they start confronting me when
 5 I was tied up. They was like what are you going to
 6 do now, whatever, you know what I mean. Just
 7 sticking in front of my face, like, hey, what are
 8 you going to do. You're tied up. You can't do
 9 nothing. We got the guns. What can I do when I'm
 10 tied up.
 11 Q. Kind of taunting you with the weapons?
 12 A. Yeah.
 13 Q. Once you get then drug into the
 14 kitchen area, what happened?
 15 A. Once I got drug into the kitchen, I
 16 remember one of them told me to look up and this is
 17 the gun that's going to kill you.
 18 Q. Do you remember what that gun looked
 19 like?
 20 A. Yes.
 21 Q. What did that one look like?
 22 A. That was the silver or the chrome 380.
 23 Q. What happened after that?
 24 A. I blacked out.
 25 Q. Okay. When he said this is the gun

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1 that's going to kill you, did he do anything with
 2 that weapon?
 3 A. He just told me to look up at him and
 4 then that's all I remember. The next thing I heard
 5 a gunshot and I was laying on the floor.
 6 Q. And is that the defendant that pointed
 7 that gun at you?
 8 A. Yes.
 9 Q. And then went on to fire it?
 10 A. Yes.
 11 Q. Once he fired it, you said that you
 12 heard it and what's the next thing that you
 13 remember?
 14 A. The next thing I remember is hearing
 15 him trying to get out the house and that's it.
 16 Q. Do you remember at some point someone
 17 else besides your family coming into the house?
 18 A. Yes.
 19 Q. When did that happen?
 20 A. I'm not quite sure when that happened
 21 but I remember my friend was coming over so he
 22 ended up coming into the house.
 23 Q. Okay. So sequence of events is a
 24 little bit foggy as to what happened when?
 25 A. Right after I got shot.

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1 Q. At some point you said that one of
 2 your friends came over. Who was that?
 3 A. Jermaun.
 4 Q. And do you know why he was coming
 5 over?
 6 A. Actually I painted some wheels for him
 7 so I called him earlier to come look at them, make
 8 sure they were the right color and exactly how he
 9 wanted them done.
 10 Q. So you were expecting him to come that
 11 day?
 12 A. Yeah.
 13 Q. You saw him come in or you heard him
 14 come in?
 15 A. I heard him come in.
 16 Q. Once that happened, did you overhear
 17 the defendant or the other man say anything to him?
 18 A. Yeah, they asked him for money and
 19 stuff like that and tied him up.
 20 Q. So the same kind of questions that he
 21 was asking you and your family.
 22 A. Yeah.
 23 Q. At some point did a second man come
 24 into the house that you also knew?
 25 A. Yes.

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1 Q. And who was that?
 2 A. Ryan.
 3 Q. Do you know his last name?
 4 A. No.
 5 Q. How did you know Ryan?
 6 A. I just knew him 'cause he was my
 7 neighbor.
 8 Q. And what happened when he came into
 9 the house?
 10 A. They tied him up. I heard them
 11 kicking him, beating him up and I heard him scream
 12 one time. I guess they jumped on his head or
 13 whatever.
 14 Q. Asking the same kind of questions that
 15 he'd ask you and Jermaun and the rest of your
 16 family?
 17 A. Yeah.
 18 Q. When you -- after you get shot, you
 19 said the next thing that you remember is what?
 20 A. I remember Jermaun coming in and after
 21 that I really don't remember too much, just really
 22 waking up inside the ambulance.
 23 Q. Okay. Do you remember officers and
 24 members of medical unit coming into the home?
 25 A. Like in and out, yes.

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1 Q. It's all kind of foggy?
 2 A. Yeah, 'cause they asked me questions
 3 and I just wanted to like go to sleep.
 4 Q. Okay. So you come to kind of in the
 5 ambulance and do you remember getting transported
 6 to a hospital?
 7 A. Yes.
 8 Q. And where was that?
 9 A. UMC.
 10 Q. While you were at UMC I imagine you
 11 underwent a number of medical procedures that day
 12 and then after that.
 13 A. Yes.
 14 Q. What happened to you? I mean knowing
 15 obviously that you were shot, what did you learn
 16 had happened to you as a result of that shooting?
 17 A. Losing my right eye.
 18 Q. Did you learn, you know, that a bullet
 19 went into your face?
 20 A. Not at the moment, no.
 21 Q. But after that what kind of medical
 22 issues have you had?
 23 A. I get real bad migraines, I get real
 24 sharp pains to the right side of my face.
 25 Q. Okay. You lost your eye?

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1 A. Yes.
 2 Q. That was your right eye?
 3 A. Yes.
 4 Q. And how about other parts of your
 5 face?
 6 A. I lost like five or, four or five of
 7 my front teeth so I had to get a bridge done in it.
 8 Q. Okay. While you were at the hospital,
 9 do you remember members of Metro or I'm sorry of
 10 the North Las Vegas Police Department coming to
 11 talk to you?
 12 A. Yes.
 13 Q. And do you remember when that was?
 14 A. I believe it was Sunday.
 15 Q. And so right in the, just the
 16 following day --
 17 A. Yeah.
 18 Q. -- that this had happened?
 19 A. Yeah, like the next day or whatever
 20 when I woke up the detective was there.
 21 Q. And did you have an opportunity to
 22 tell officers or detectives everything that you
 23 told the jury today about what had happened?
 24 A. Yeah. He showed me a photo lineup and
 25 told me to pick out a suspect.

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1 Q. Okay. Now, you say that he showed you
 2 a photo lineup. Is that the first member of law
 3 enforcement that you remember coming to talk to
 4 you?
 5 A. Yes.
 6 MS. FLECK: Okay. Judge, may I
 7 approach.
 8 THE COURT: Yes.
 9 MS. FLECK:
 10 Q. Showing you what's been marked as
 11 State's proposed Exhibit 111 and 111-A, do you
 12 recognize this?
 13 A. Yes.
 14 Q. How do you recognize it?
 15 A. That's the photo lineup they showed
 16 me.
 17 Q. Okay. Were you able at the time to
 18 write for yourself?
 19 A. Not really.
 20 Q. Okay. So any writing that's on here,
 21 is that yours or is that the detective's?
 22 A. The detective's or my wife's, one of
 23 the two. I couldn't really write 'cause I couldn't
 24 really see good.
 25 Q. Okay. But this is the same photo

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1 lineup that you saw on June 28th of 2004?
 2 A. Yes.
 3 MS. FLECK: All right. Move for
 4 admission of State's proposed 111 and 111-A COURT:
 5 MR. FUMO: May I approach, Your
 6 Honor?
 7 THE COURT: Yes.
 8 MR. FUMO: No objection.
 9 THE COURT: All right. That will be
 10 admitted. Thank you.
 11 MS. FLECK: Permission to publish,
 12 Judge.
 13 THE COURT: Yes.
 14 MS. FLECK:
 15 Q. State's 111-A. Is this the photo
 16 lineup that you saw?
 17 A. Yes.
 18 Q. Okay. So seeing that over here, we
 19 see the date of June 28th of 2004 so just a couple
 20 days after you were shot.
 21 A. Yes.
 22 Q. And below it we see some writing
 23 indicating that this was your identification of the
 24 suspect but that the, that you were only able to
 25 initial. Do you remember then that you were able

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1 to draw some initials onto the photo lineup
 2 indicating who you recognized as the person who
 3 came into your house but that you weren't able to
 4 fully make a signature?
 5 A. Yes.
 6 Q. Okay. And then who was it, Mr. Young,
 7 that you recognized as the person who shot you?
 8 A. Rickie.
 9 Q. And do you see him in that photo
 10 lineup?
 11 A. Yes.
 12 Q. Can you please circle on the screen
 13 the person that you indicated. Thank you.
 14 Now, we kind of see some -- thanks,
 15 Judge. We kind of see some initials on the
 16 defendant's face. Were those the initials that you
 17 used to indicate --
 18 A. Yes.
 19 Q. -- who he was. Okay. Thank you.
 20 Now, Rickie, I'd like to -- I'm
 21 sorry. Ivan, I'd like to go back to the -- back
 22 inside the house to the descriptions of some of the
 23 weapons. You said that the -- when you first saw
 24 the weapons in the garage --
 25 A. Yes.

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1 Q. -- remember anything about the kind of
 2 weapons that you saw in the garage?
 3 A. I believe one was a 380.
 4 Q. And what color was that?
 5 A. I believe it was black.
 6 Q. Okay. Anything else about the other
 7 weapons?
 8 A. I just remember the other two were --
 9 I just remember there was two black ones and one
 10 chrome one and one nickel plated one.
 11 MS. FLECK: Court's indulgence.
 12 Q. Ivan, do you remember testifying at a
 13 prior hearing in this case?
 14 A. Yes.
 15 MS. FLECK: And I'm showing defense
 16 counsel page 89 of a prior hearing.
 17 Q. If you saw a transcript of that
 18 hearing, may it refresh your memory as to the kind
 19 of weapons that you saw that day?
 20 A. Yes.
 21 MS. FLECK: Okay. Judge, may I
 22 approach?
 23 THE COURT: Just for the record,
 24 what's the date of the transcript?
 25 MS. FLECK: The hearing was on

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1 September 21st of 2004 and it's page 8. If you can
 2 just read this portion to yourself. Okay.
 3 Q. Does that help refresh your memory?
 4 A. Yes.
 5 Q. Okay. So you said that there was a
 6 small gun and was it then that that gun was --
 7 A. 380.
 8 Q. -- 380. And what color was that?
 9 A. I believe it was black.
 10 Q. Okay. And a revolver or
 11 semiautomatic?
 12 A. Revolver.
 13 Q. Now, that was one weapon. Now, you
 14 said that there was another that you described as a
 15 small silver gun.
 16 A. Yeah.
 17 Q. Do you know what caliber you thought
 18 that was?
 19 A. I'm not quite sure what caliber that
 20 was.
 21 Q. Okay. But that was a small silver
 22 gun?
 23 A. Yeah.
 24 Q. And then the third weapon do you
 25 remember was that was like?

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1 A. I believe that was -- there was a
2 little gun too. I just don't know what caliber
3 that was.
4 Q. Okay. And do you remember telling --
5 or do you remember having an interview with a
6 detective in this case and where that interview was
7 recorded?
8 A. Yes.
9 Q. And if you saw a transcript of that,
10 may it refresh your memory as to what the third gun
11 was like?
12 A. Yes.
13 MS. FLECK: I'm showing defense
14 counsel Mr. Young's prior transcript. Okay.
15 THE COURT: The date of the interview.
16 MS. FLECK: Judge, thank you. It was
17 July 15th of 2004.
18 Q. If you can just read that to
19 yourself. Okay. Does that refresh your memory as
20 to the other weapon?
21 A. Yes.
22 Q. And what was that?
23 A. A .9 millimeter.
24 Q. And did you think that was bigger or
25 smaller than the other?

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1 A. Bigger.
2 Q. Okay. That blue Monte Carlo that we
3 originally saw in State's Exhibit 5 I believe, 5 or
4 6 --
5 A. Yes.
6 Q. -- who was that?
7 A. Max.
8 Q. Who is Max?
9 A. A friend of mine.
10 MS. FLECK: Okay. I'll pass the
11 witness, Judge.
12 (Whereupon Ms. Fleck concluded
13 this portion of her examination
14 at 12:11 p.m.)
15 THE COURT: Mr. Fumo.
16
17 CROSS-EXAMINATION
18 BY MR. FUMO:
19 Q. Mr. Young, do you recall what time it
20 was when this occurred?
21 A. It was late in the afternoon.
22 Q. Was it after 6:00 o'clock?
23 A. I'm saying 5:30, 6:00, somewhere
24 around there 'cause I know pretty soon I had to go
25 to my car club meeting.

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1 Q. What time was the car club meeting?
2 A. 8:00 o'clock.
3 Q. So it was prior to the car club
4 meeting before 8:00?
5 A. Yeah, it was way before 8:00.
6 Q. And you testified on direct exam that
7 you were in the garage at the time these two black
8 males approached you?
9 A. Yes.
10 Q. You saw them walking on the street?
11 A. Yes.
12 Q. You don't remember mentioning that
13 before at any prior hearing?
14 A. I don't remember.
15 Q. But you remember today them coming up
16 the street?
17 A. Yeah. My wife said I think your
18 friends are here. My friend just left, you know
19 what I'm saying. I was trying to figure out who
20 was it.
21 Q. You testified previously one of them
22 was wearing a baseball hat.
23 A. Yes.
24 Q. One of them had dreadlocks.
25 A. Yes.

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1 Q. Do you recall saying one of them was
2 dressed in blue and white?
3 A. Yes.
4 Q. Do you recall telling the police
5 officer the one who shot you definitely spoke with
6 a Jamaican accent?
7 A. Yeah, they both did.
8 Q. And you're positive of that?
9 A. And they were talking about going to
10 Belize.
11 Q. One of them mentioned hating it here
12 in America.
13 A. Yes.
14 Q. Do you remember saying that to the
15 detectives?
16 A. Yes.
17 Q. Do you own guns yourself?
18 A. Now I do, yes.
19 Q. But at the time you didn't?
20 A. No.
21 Q. But at the time you were making those
22 statements to the police you knew one was black and
23 one was silver; is that correct?
24 A. Yes.
25 Q. One was a smaller caliber weapon?

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<p>1 A. Yes.</p> <p>2 Q. You're positive the weapon that shot</p> <p>3 you was a 380?</p> <p>4 A. That's what he told me it was.</p> <p>5 Q. You keep mentioning Rickie by name.</p> <p>6 Did you know him at the time?</p> <p>7 A. No.</p> <p>8 Q. When did you learn his name?</p> <p>9 A. A couple days when I was in the</p> <p>10 hospital.</p> <p>11 Q. Did the detectives tell you?</p> <p>12 A. No.</p> <p>13 Q. Who told you?</p> <p>14 A. One of my friends.</p> <p>15 Q. The police while you were in the</p> <p>16 hospital brought you a photo lineup to view.</p> <p>17 A. Yes.</p> <p>18 MR. DIGIACOMO: Is that the actual</p> <p>19 exhibit?</p> <p>20 MR. FUMO: It's not the one you have.</p> <p>21 MR. DIGIACOMO: Let's use the original</p> <p>22 photo.</p> <p>23 MR. FUMO:</p> <p>24 Q. Can you see those six individuals</p> <p>25 clearly?</p>	<p>1 (Whereupon, counsel approached</p> <p>2 the bench, and after a</p> <p>3 discussion outside the hearing</p> <p>4 of the court reporter, the</p> <p>5 following proceedings took</p> <p>6 place:)</p> <p>7 THE COURT: A couple questions for</p> <p>8 you, Mr. Young. To begin with, was the green car</p> <p>9 that you mentioned the defendant walked out of</p> <p>10 parked far away or close to your house?</p> <p>11 THE WITNESS: It was about two houses</p> <p>12 away.</p> <p>13 THE COURT: Two houses away.</p> <p>14 THE WITNESS: Yeah.</p> <p>15 THE COURT: Okay. And when you were</p> <p>16 asked earlier about wearing gloves, I think you</p> <p>17 said no. Was it no to wearing gloves or no to</p> <p>18 recalling whether they were wearing gloves?</p> <p>19 THE WITNESS: No to recalling if they</p> <p>20 had gloves on or not.</p> <p>21 THE COURT: You don't recall whether</p> <p>22 or not either were wearing gloves.</p> <p>23 THE WITNESS: No.</p> <p>24 THE COURT: Mr. DiGiacomo, any</p> <p>25 questions?</p>
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<p>1 A. Yes.</p> <p>2 Q. The person in No. 1, you didn't</p> <p>3 recognize him, did you, right?</p> <p>4 A. No.</p> <p>5 Q. You can see his background is kind of</p> <p>6 bluish.</p> <p>7 A. Yes.</p> <p>8 Q. And the person 3, 4, 5 and 6, their</p> <p>9 background is kind of bluish. Can you see that?</p> <p>10 A. Yeah.</p> <p>11 Q. Do you see the person in No. 2, you</p> <p>12 see how that's a little lighter, almost white?</p> <p>13 A. Yeah.</p> <p>14 Q. And that's the person you picked out,</p> <p>15 right?</p> <p>16 A. Correct.</p> <p>17 MR. FUMO: Court's indulgence, Your</p> <p>18 Honor. Pass the witness.</p> <p>19 (Whereupon Mr. Fumo concluded</p> <p>20 his examination at 12:14 p.m.)</p> <p>21 THE COURT: Ms. Fleck.</p> <p>22 MS. FLECK: Court's indulgence.</p> <p>23 Nothing further, Your Honor.</p> <p>24 THE COURT: Anything from our jurors?</p> <p>25 Yes, sir. Approach, please.</p>	<p>1 MR. DIGIACOMO: No.</p> <p>2 THE COURT: Ms. Fleck, any questions</p> <p>3 regarding mine?</p> <p>4 MS. FLECK: No.</p> <p>5 THE COURT: Mr. Fumo.</p> <p>6 MR. FUMO: No, Your Honor.</p> <p>7 THE COURT: Mr. Young, you're excused,</p> <p>8 sir. Thank you very much for your time.</p> <p>9 THE WITNESS: Thank you.</p> <p>10 (Whereupon Ivan Young was</p> <p>11 excused from the witness stand</p> <p>12 at 12:16 p.m.)</p> <p>13 MR. DIGIACOMO: Judge, can we</p> <p>14 approach.</p> <p>15 (Whereupon, counsel approached</p> <p>16 the bench, and after a</p> <p>17 discussion outside the hearing</p> <p>18 of the court reporter, the</p> <p>19 following proceedings took</p> <p>20 place:)</p> <p>21 THE COURT: Go ahead and call your</p> <p>22 next witness. We will get started.</p> <p>23 MR. DIGIACOMO: The State calls Marion</p> <p>24 Brady.</p> <p>25 / / /</p>

1 MARION BRADY,
2 having been first duly sworn to testify to the
3 truth, the whole truth and nothing but the truth,
4 was examined and testified as follows:

5
6 THE CLERK: Please state and spell
7 your name for the record.

8 THE WITNESS: Marion Brady,
9 M-A-R-I-O-N, Brady, B-R-A-D-Y.

10
11 DIRECT EXAMINATION

12 BY MR. DiGIACOMO:

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

14 A. With the police department, Las Vegas
15 Police Department.

16 Q. In what capacity?

17 A. I'm a police officer assigned to the
18 CSI bureau.

19 Q. Does that mean you're a peace officer?

20 A. Yes.

21 Q. But you're also assigned to the CSI
22 bureau?

23 A. I've been a police officer come July
24 it will be a 24 years. The last 15 I've been in
25 the crime scene bureau for North Las Vegas. 1

1 victims or all the victims I guess at that
2 particular time when you arrived?

3 A. Yes.

4 Q. When you first arrived, did you in
5 fact photograph an individual who was identified to
6 you as Ivan Young?

7 A. Yes.

8 Q. And where is it that you were able to
9 photograph Mr. Young?

10 A. I arrived at the scene as they were
11 getting ready to transport him to the hospital so I
12 ran in real quick and snapped a couple photos of
13 him.

14 Q. Showing you what's been marked as
15 State's proposed Exhibit No. 3 and 4, do you
16 recognize the person depicted in that photograph?

17 A. Yes.

18 Q. And who is that?

19 A. Mr. Young.

20 MR. DiGIACOMO: Move to admit 3 and 4.

21 THE COURT: Any objection?

22 MR. FUMO: No, Your Honor.

23 THE COURT: That will be admitted.

24 Thank you.

25 ///

1 process the crime scenes.

2 Q. So your duties are to document,
3 collect evidence, those types of things?

4 A. Correct.

5 Q. In order to do that, do you have
6 certain training and experience that you've learned
7 how to properly document and process a crime scene?

8 A. Yes. Other than hundreds of hours of
9 training, I'm the only person in the State of
10 Nevada to go to the National Forensic Academy which
11 is in Knoxville, Tennessee, where the body farm
12 is. I have my bachelor's in criminal justice. I
13 am certified by the IAI, International Academy for
14 Identification, basically like getting your college
15 degree for CSI.

16 Q. And how many crime scenes do you think
17 that you've been to in the I don't know 24-year
18 career?

19 A. Oh, God, well, I usually break them
20 down by homicides or shootings or suicides and all
21 that and a thousand.

22 Q. I'm going to direct your attention to
23 June 26th of 2004. Were you tasked the assignment
24 of processing not only the crime scene at 2612
25 Gloryview but also photographing some of the

1 MR. DiGIACOMO:

2 Q. So No. 3 Mr. Young and No. 4 is
3 without the medical apparatus on his face.

4 A. Yes.

5 Q. Now, after you're able to
6 photograph Young, did you go about and attempt to
7 process the crime scene both with documents and
8 photographs as well as collecting physical items of
9 the evidence that you located at the scene?

10 A. Correct, yes.

11 Q. I'm going to show you what's been
12 marked for identification and if you have -- these
13 are probably already in but I'm going to give them
14 all to you to make it easier so 5 through 50 and
15 just briefly flip through those and tell me if
16 those appear to be the photographs that you took at
17 the crime scene.

18 A. Yes. These are my photos.

19 Q. And do they truly and accurately and
20 fairly depict the crime scene as you were there on
21 June 26th of 2004?

22 A. Yes.

23 MR. DiGIACOMO: Move to admit 5
24 through 50.

25 MR. FUMO: Can I see.

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1 THE COURT: Yeah.
 2 THE WITNESS: Do you want me to go
 3 through all of them? I'm starting to get the
 4 doubles.
 5 MR. FUMO: No objection, Your Honor.
 6 THE COURT: Okay. 5 through 50 will
 7 be admitted. Thank you.
 8 MR. DIGIACOMO: All right. Ma'am, I'm
 9 not going to go through every one of these but I'm
 10 going to ask you when I put a photo up here for the
 11 record to describe what it is we're looking at, the
 12 view of what we're looking at and then if there's
 13 anything of evidentiary value that you see in the
 14 photograph.
 15 Q. Okay?
 16 A. Okay.
 17 Q. State's Exhibit No. 5. Let me back up
 18 a little bit. If you touch that screen up there if
 19 you need to for anything, it will actually write on
 20 the photograph itself. Okay. Obviously this is
 21 just a frontal view of the house showing both the
 22 garage as well as the front door.
 23 A. Yes, and to show the address numbers.
 24 Q. The jury's already seen this, but this
 25 is the interior of the garage which is State's

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1 Exhibit No. 7.
 2 A. Yes. When I first go to a scene, I
 3 take photos to show how the scene looked when I
 4 first got there before anybody touches anything or
 5 anything is moved or anything like that so these
 6 are my overall photos to show the condition of the
 7 garage and then of the interior of the house.
 8 Q. And then after you do these overall
 9 photos, do you then identify various objects and
 10 then photograph those objects in place so we know
 11 where those objects were found?
 12 A. Correct, yes.
 13 Q. I'm going to show you State's Exhibit
 14 No. 11 and then I'm going to zoom in on a portion
 15 of 11 which is in State's Exhibit No. 12. Is this
 16 speaker wire, telephone wire, whatever it is, wire
 17 sitting at a location just inside the front door
 18 when you arrived?
 19 A. Yes.
 20 Q. 13, front entrance?
 21 A. Yes, front door.
 22 Q. And then 14.
 23 A. This is just inside the front door
 24 looking out to start my photos going all the way
 25 around in a 360.

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1 Q. So this would be the kitchen area or
 2 the kind of dinette area were the table is and then
 3 the kitchen's back over to your right?
 4 A. Yes, right.
 5 Q. Sitting on the floor here State's
 6 Exhibit No. 15, what is that?
 7 A. Clorox spray can.
 8 Q. It's an aerosol spray can?
 9 A. Yes.
 10 Q. State's Exhibit No. 16.
 11 A. This is going into the livingroom area
 12 to show the front door and you can still see the
 13 Clorox can on the right side of the photo.
 14 Q. And then if you just turn it around,
 15 State's Exhibit No. 17 goes the opposite
 16 direction.
 17 A. Right, correct.
 18 Q. On the floor there State's Exhibit
 19 No. 19, what are these items sitting on the ground
 20 there?
 21 A. They're cut up cords. They're broken
 22 cords and just like this pet gate on the ground,
 23 just like the lamp was knocked over, to show the
 24 condition of the livingroom area.
 25 Q. And State's Exhibit No. 21 I guess we

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1 do have a close up here. Is there also a broken
 2 phone sitting there on the floor as well?
 3 A. Yes.
 4 Q. Then from the opposite direction,
 5 State's Exhibit No. 22. This is now a shot from
 6 the inside of the livingroom toward the kitchen
 7 area?
 8 A. Correct, yes.
 9 Q. Sitting on the floor next to the
 10 aerosol can, State's Exhibit No. 23, it's a large
 11 amount of what appeared to be blood?
 12 A. Yes.
 13 Q. State's Exhibit No. 25 near the blood
 14 there appears to be some sort of jacket or
 15 something as well as more cord and jacket and/or
 16 blanket back in the kitchen area as well?
 17 A. Yes.
 18 Q. State's Exhibit No. 30, do you recall
 19 generally where in the house State's Exhibit No. 30
 20 is?
 21 A. I believe that's the livingroom or not
 22 the livingroom, the bedroom area.
 23 Q. The area by a back bedroom?
 24 A. Yes.
 25 Q. And is there an item of evidentiary

1 value down here on the bottom?
 2 A. There's like a cord, another cord.
 3 Q. Now, did you collect all the items of
 4 evidentiary value?
 5 Do you collect all the items and take
 6 them to the evidence vault for whatever purposes
 7 they're needed at a later point in time?
 8 A. Yes.
 9 Q. And prior to collecting them, do you
 10 do anything to mark them in the photographs?
 11 A. Yes. Once I get done doing my overall
 12 photos, anything that appears to be evidence is
 13 marked with numbers. If it's something that I
 14 cannot collect, say a bullet hole in a wall or
 15 something, then it's a letter, however it would be
 16 an evidence number so that if you have like say two
 17 Styrofoam cups, one would be 1 and one would be 2
 18 and that way I would know which one was actually in
 19 which room or where they were located at.
 20 Q. And that number, the placard that's
 21 sitting on the ground so the jury knows what we're
 22 talking about, State's Exhibit No. 5 for example
 23 that cord that's outside the front door has a
 24 placard that's marked 1.
 25 A. Yes.

1 process the entire crime scene in the sense that
 2 you throw powder and spray items all over
 3 somebody's house or do you make some sort of
 4 independent decision as to what should or should
 5 not be done?
 6 A. I guess I use a little bit
 7 discrimination. If somebody breaks into somebody's
 8 house and the only room that looks like it got
 9 ransacked was the master bedroom, I wouldn't throw
 10 it in the garage and laundry room. When I arrive,
 11 I get a little bit of a story so I would go by what
 12 I see at the scene and then I would expand from my
 13 experience this needs to be done, this needs to be
 14 done and this needs to be done.
 15 Q. I'm showing you 51 and 52. I'm sorry
 16 if you already answered this. Does this appear to
 17 be an item that you photographed for process?
 18 A. Yes.
 19 Q. Why did you do that?
 20 A. Because I was told the suspects
 21 touched it.
 22 Q. When you process it -- let me ask you
 23 this. What method did you use to process this
 24 particular item?
 25 A. Fingerprint powder and what we call a

1 Q. Does that become No. 1 under impound
 2 or is it not associated?
 3 A. No. Item No. 1 is my evidence item
 4 No. 1.
 5 Q. So each of the items of evidence that
 6 we're going to talk about there should be a
 7 photograph that marks it as to where it is found in
 8 the crime scene?
 9 A. Correct.
 10 Q. Going back to the photographs, did you
 11 also process certain items for evidentiary value to
 12 see if there would be fingerprints or anything like
 13 that?
 14 A. Yes.
 15 Q. I'm going to show you what's been
 16 marked as State's proposed Exhibit No. 51 and 52
 17 and just in case maybe I should make sure that
 18 Mr. Fumo has seen these before.
 19 State's Exhibit No. 51 and 52, are
 20 those photographs of an item that you processed for
 21 fingerprints?
 22 A. Yes.
 23 Q. And why is it that you processed --
 24 well, let me ask you this.
 25 When you go to a crime scene, do you

1 wand which is a magnetic wand. It doesn't make as
 2 much of a mess as a regular fiberglass brush.
 3 Q. And when you did that, did you get a
 4 result that you felt was important in your
 5 interpretation of the crime scene and your
 6 collection of evidence there?
 7 A. Yes. I processed several items for
 8 fingerprints then I kept coming up with this cloth
 9 type pattern and it showed up fairly well on that
 10 credit card thing so I took a photo to show what I
 11 was getting at the scene.
 12 MR. DIGIACOMO: So move to admit 51
 13 and 52, Judge.
 14 THE COURT: Any objections?
 15 MR. FUMO: No.
 16 THE COURT: Those will be admitted.
 17 Thank you.
 18 MR. DIGIACOMO:
 19 Q. So you're saying you found this in
 20 numerous areas in the crime scene or this pattern
 21 in various items of the crime scene and you
 22 photographed one for example for the ladies and
 23 gentlemen of the jury.
 24 A. Yes.
 25 Q. So I'm going to zoom in here. You

1 said this is some sort of credit card type item.
 2 A. Yeah.
 3 Q. Okay. And then --
 4 A. I don't know what else to call it.
 5 THE COURT: I didn't know you can get
 6 Bugs Bunny on your VISA card.
 7 MR. DiGIACOMO: Authorized signature.
 8 Q. I'll zoom in here. Describe for the
 9 ladies and gentlemen of the jury what it is that
 10 we're looking at on 51.
 11 A. If you look at the reason I call it a
 12 cloth pattern is think of cloth. It's
 13 symmetrical. It's like either a wave, you know how
 14 everything is all even like that or if it's saying
 15 like a rubber glove it has little polka dots and
 16 they're all kind of evenly spaced.
 17 Fingerprints are totally different.
 18 There's only three patterns in the whole world but
 19 they don't look like this. I mean the shape of
 20 this pattern looks like a finger however -- can I
 21 draw on this?
 22 Q. Sure.
 23 A. Like for instance say this was one of
 24 the -- like a bullseye like this.
 25 THE COURT: Tell the jury, when you

1 say a whirl, you're talking about a fingerprint
 2 pattern, right?
 3 THE WITNESS: Three in the whole world
 4 loops, arches, and whirls. That's it. That's all
 5 anybody has. Over a trial I don't know
 6 fingerprints have been compared and nobody, not
 7 even identical twins have the same fingerprint.
 8 They have the same DNA but they do not have the
 9 same fingerprint so you have what they call an arch
 10 which kind of goes like this. Sorry. My pattern's
 11 not doing very well. The whirl which would be
 12 around and around and then what it would do is go
 13 up and out. And then a loop. What a loop does it
 14 loops in one side, goes around and goes right back
 15 out the other side. That's a loop.
 16 MR. DiGIACOMO:
 17 Q. So let me stop you for just a second.
 18 When you process an item that somebody has
 19 touched -- for example, if I pick up my mouse here
 20 and I do leave a fingerprint because I recognize
 21 that that may not necessarily occur, but if I do,
 22 you process this with your powder. You're going to
 23 see those kind of patterns from my fingers.
 24 A. Yes. One of them.
 25 Q. Merely because you have ridge patterns

1 does that necessarily mean you make an
 2 identification to any particular person?
 3 A. No.
 4 Q. Let me just stop you and then I'll let
 5 you answer some questions. What kind of problems
 6 do you run into for when even though you know that
 7 I touched the surface that maybe you don't get my
 8 fingerprint off.
 9 A. Fingerprints are made up of 99 percent
 10 water 1 percent debris, lotion, grease, chocolate,
 11 whatever you would have on your fingers so when you
 12 touch something, you notice how whenever you would
 13 touch something it looks like your fingerprints
 14 evidence accurate that's all the water is leaving
 15 and then it just leaves behind that little bit of
 16 debris.
 17 Depending on someone who really sweats
 18 a lot or it's summertime, then you might leave a
 19 very good print or if you're nervous. If you wash
 20 your hands a lot like I do, you touch stuff, you
 21 don't really leave very many prints because there's
 22 no oils or anything on your fingers to leave
 23 behind.
 24 A latent fingerprint is a chance
 25 impression left on a surface and they're very

1 fragile and depending on if they're exposed to
 2 weather or anything they can be removed.
 3 Q. Now, you said you didn't find items
 4 that are identified to you what appeared to be
 5 ridge detail but you found this pattern that we're
 6 looking at in State's Exhibit No. 51.
 7 What about this particular pattern,
 8 what kind of information could you gather from it?
 9 A. The way it is -- now, I don't know if
 10 I can do it with my finger but you can see how it
 11 has all these little like islands. It's kind of
 12 hard for me to touch them in the right place. It
 13 keeps going on the same spot but if you look at
 14 that pattern, you can kind of -- at the very
 15 bottom. I think that other picture is a little
 16 darker. It would probably be better.
 17 Q. I'll take it back from the clerk up
 18 here. This is State's Exhibit 52. Let me zoom
 19 out.
 20 A. Yeah. So can you see how that has
 21 this pattern on it. It's not quite -- it's not
 22 fingerprint pattern. It's more of a cloth 'cause
 23 you can see where it's just, it's the same little
 24 thing over and over again. They're like little
 25 circles and rings. Kind of like you would have on

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1 say a work glove or something like that that have
 2 the little grips or the dishwashing gloves.
 3 Q. Now, is this something, a similar
 4 pattern that you've seen at other scenes where the
 5 perpetrators have worn gloves.
 6 A. Yes.
 7 Q. Okay. Based upon what you found at
 8 the crime scene, is it your opinion that either one
 9 or both of the perpetrators were wearing gloves at
 10 the time of trial?
 11 A. A cloth over their hands, yes.
 12 Q. Okay. When you say that, why do you
 13 qualify gloves versus a cloth over their hands?
 14 A. 'Cause I had one suspect who wore
 15 socks, took his shoes off and put his socks over
 16 his hand then I had his bare footprint.
 17 Q. So there's some intermediary over
 18 what's on the hand whether it be socks or gloves?
 19 A. Right.
 20 Q. Now, in addition did you document the
 21 other victims as well as Ivan but did you document
 22 the other victims as well as the condition that
 23 they were in when you arrived on the scene?
 24 A. Yes.
 25 Q. I'm showing you what's been marked as

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1 State's proposed Exhibits No. 53 through 62 and ask
 2 you if those appear to be photographs of the other
 3 victims that you found at the scene.
 4 A. Yes.
 5 MR. DiGIACOMO: Move to admit 53
 6 through 62.
 7 THE COURT: Any objection?
 8 MR. FUMO: No objection.
 9 THE COURT: Okay. Those will be
 10 admitted. Thank you.
 11 MR. DiGIACOMO:
 12 Q. State's Exhibit 53 is a photograph of
 13 Jennifer Dennis.
 14 I'll show you State's Exhibit No. 54
 15 which is a closeup. What is it that you're
 16 attempting to document? I don't know if it's going
 17 to come through on the Elmo here.
 18 A. There were marks on the wrist of the
 19 victims so they're like -- sorry. I can't get this
 20 to work. But there were marks around their wrists
 21 so the first one I would take is a picture of their
 22 face to show who they are and then a closeup of
 23 their wrist.
 24 Q. And is that to establish that they had
 25 marks consistent with ligatures that they were

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1 describing being tied up with?
 2 A. Yes.
 3 Q. I don't want to go through each. In
 4 fact, one of these people State's Exhibit No. 58
 5 Mr. Young, he's in fact holding one of the
 6 ligatures with him as well.
 7 A. Correct.
 8 Q. You also -- did you photograph two
 9 young boys as well, Aaron Dennis which is State's
 10 Exhibit No. 59, and Joey Posada which is State's
 11 Exhibit No. 61?
 12 A. Yes.
 13 Q. And each of them all had injuries or
 14 marks consistent with ligature marks on their
 15 arms.
 16 A. Yes.
 17 MR. DiGIACOMO: Judge, now might be a
 18 good time to break.
 19 THE COURT: Okay. Ladies and
 20 gentlemen, we're going to recess at this time.
 21 During this recess, it is your duty not to converse
 22 among yourselves or with anyone else on any subject
 23 connected with the trial or to read, watch or
 24 listen to any report of or commentary on the trial
 25 by any person connected with the trial or by any

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1 medium of information, including, without
 2 limitation, newspaper, television, radio, and the
 3 internet, and you are not to form or express an
 4 opinion on any subject connected with this case
 5 until it is finally submitted to you, under
 6 instructions by me.
 7 Just leave your clipboards and
 8 notepads in your chairs. It is coming up on 12:45
 9 or a little thereafter so we will start back up at
 10 2:00 o'clock. Okay. Enjoy your lunch. Thank you
 11 very much.
 12 (Whereupon, the jury
 13 retired from the courtroom
 14 at 12:43 p.m. and the following
 15 proceedings took place outside
 16 their presence;)
 17 THE COURT: Anybody have anything
 18 outside the presence?
 19 MR. FUMO: No, Your Honor.
 20 THE COURT: State?
 21 MR. DiGIACOMO: No, Your Honor.
 22 THE COURT: We'll be in recess then.
 23 (Whereupon a recess was
 24 taken at 12:44 p.m. and
 25 the proceedings resumed

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1 at 2:15 p.m.)
 2 THE COURT: Do you guys have anything
 3 outside the presence?
 4 MR. FUMO: Nothing from the defense.
 5 THE COURT: The State doesn't have
 6 anything outside the presence either.
 7 MR. DiGIACOMO: No, Your Honor.
 8 THE COURT: Okay.
 9 (Whereupon the jury
 10 entered the courtroom
 11 at 2:17 and the following
 12 proceedings took place.)
 13 THE COURT: All right. We will be
 14 back on the record in 204957, State of Nevada
 15 versus Rickie Slaughter. He's present with his
 16 attorney. The district attorneys are present. Our
 17 jury is present.
 18 We're going to continue on with the
 19 State's case in chief with the testimony of
 20 Ms. Brady. Ms. Brady, I will remind you that
 21 you're still under oath. Okay?
 22 THE WITNESS: Yes.
 23 THE COURT: All right. Mr. DiGiacomo.
 24 MR. DiGIACOMO:
 25 Q. Investigator Brady, I believe we left

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1 off we had gone through some of the photographs so
 2 at lunch the clerks were kind enough to mark each
 3 one of our exhibits here so I'd like to go through
 4 some of these with you. I'm going to show you
 5 what's been marked as State's proposed Exhibit
 6 No. 113 and 113-A and let's just start with 113 so
 7 you can explain to the ladies and gentlemen.
 8 What exactly is that bag itself? What
 9 is that?
 10 A. This is my evidence bag. Any time I
 11 get evidence depending on how big it is it goes
 12 either in a lunch bag or it can go in an envelope.
 13 It's sealed with evidence tape and I put my big
 14 initials across it. It's got all the information
 15 where it was collected and everything. For
 16 instance remember the No. 1 was outside the front
 17 door so this says black wires located outside near
 18 front door.
 19 Q. So that evidence bag prior to -- the
 20 clerk's cutting it open -- was sealed and it's
 21 sealed in such a manner if somebody cuts it open
 22 you'll be able to know that and you'll be able to
 23 determine if anybody else has gone in there.
 24 A. Yes.
 25 Q. Absent the big cut the clerk has put

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1 in the bag, is it in the same condition as when you
 2 impounded it in the evidence vault?
 3 A. Yes.
 4 Q. Inside you'd expect to find the cord
 5 that was outside the front door in your placard
 6 No. 1. Is 113-A the wire cord that was outside the
 7 front door?
 8 A. Yes.
 9 Q. I'm going to go through each of
 10 those. I don't believe I asked you to bring the
 11 aerosol can down. I'll put on the overhead 113-A.
 12 I didn't bring -- I didn't ask you to bring the
 13 aerosol can which is item No. 2 so let's move on to
 14 item No. 3 being once again --
 15 I guess I didn't move to admit 113 and
 16 113-A, Judge, did I?
 17 MR. FUMO: No objection.
 18 THE COURT: That will be admitted.
 19 Thank you.
 20 MR. DiGIACOMO: Okay.
 21 Q. Now, showing you 114 and 114-A. Once
 22 again is this the evidence bag associated with your
 23 item No. 3 which was the black cord located in the
 24 kitchen?
 25 A. Yes.

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1 Q. Is the bag in the same or similar
 2 condition as it was when you entered it into the
 3 vault except for the cut by the clerks?
 4 A. Yes.
 5 Q. And is that the cord you had by
 6 placard 23?
 7 A. Yes.
 8 MR. DiGIACOMO: Move to admit.
 9 MR. FUMO: No objection.
 10 THE COURT: Admitted. Thank you.
 11 MR. DiGIACOMO:
 12 Q. Showing you what's been marked for
 13 purposes of identification as State's Exhibit
 14 proposed No. 115 and 115-A, once again is 115 your
 15 evidence package?
 16 A. Yes.
 17 Q. And does it represent the evidence
 18 package associated with No. 4 being the black cord?
 19 A. Yes.
 20 Q. Is it in the same or similar with the
 21 exception of the slice on the back from the clerk?
 22 A. Yes.
 23 MR. DiGIACOMO: Move to admit 115 and
 24 115-A.
 25 MR. FUMO: No objection.

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1 THE COURT: Those two will be
2 admitted. Thank you.
3 MR. DiGIACOMO:
4 Q. So the record's clear 115-A is a black
5 cord that's found inside the residence that's
6 marked by your placard No. 4.
7 A. Yes.
8 Q. Showing you 116 and 116-A. Once again
9 is 116 the evidence package for your item No. 5?
10 A. Yes.
11 Q. And is it in the evidence package with
12 the exception of the cut from the clerk in
13 substantially the same or similar condition as when
14 it was impounded?
15 A. Yes.
16 Q. And once again is 116-A another black
17 cord that was located inside the residence?
18 A. Yes.
19 MR. DiGIACOMO: Move to admit 116 and
20 116-A.
21 MR. FUMO: No objection.
22 THE COURT: Those will be admitted as
23 well. Thank you.
24 MR. DiGIACOMO:
25 Q. Showing you 117 and 117-A. Is that

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1 117, is that the evidence bag associated with your
2 placard No. 6 being a black power cord?
3 A. Yes.
4 Q. And that 117 the package itself in
5 substantially the same or similar condition as when
6 you impounded it in the vault with the exception of
7 the cut?
8 A. Yes.
9 Q. And then what you'd expect to find in
10 there is what has now been marked as 117-A as a
11 plug and power cord?
12 A. Yes.
13 MR. DiGIACOMO: Move to admit 117 and
14 117-A.
15 MR. FUMO: No objection.
16 THE COURT: They will be admitted.
17 Thank you.
18 MR. DiGIACOMO:
19 Q. 118 and 118-A, once again is 118 the
20 evidence package or evidence package associated
21 with placard No. 7 being a black cord and is it in
22 substantially the same or similar condition with
23 the exception of what the clerk cut as when you
24 impounded it into the evidence vault?
25 A. Yes.

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1 Q. And when you opened that you'd expect
2 to find what is 118-A which is a black kind of
3 knotted up cord.
4 A. Yes.
5 MR. DiGIACOMO: Move to admit 118 and
6 118-A.
7 MR. FUMO: No objection.
8 THE COURT: Admitted. Thank you.
9 MR. DiGIACOMO:
10 Q. Showing you State's proposed No. 119
11 and 119-A. Once again that 119 an evidence package
12 with your placard No. 8 being a black cord taken
13 out of the house in substantially the same or
14 similar condition as when you impounded it in the
15 vault?
16 A. Yes.
17 Q. And is 119-A in fact the black cord
18 that came out of 119?
19 A. Correct.
20 MR. DiGIACOMO: Move to admit 119 and
21 119-A.
22 MR. FUMO: No objection.
23 THE COURT: So admitted. Thank you.
24 MR. DiGIACOMO:
25 Q. 120 and 120-A. Is 120 a gray cord

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1 which is located inside the house in substantially
2 the same or similar condition as when it was
3 impounded into the vault?
4 A. Yes.
5 Q. And then 120-A, is that the cord which
6 was actually taken from inside the house?
7 A. Yes.
8 MR. DiGIACOMO: Move to admit 120 and
9 120-A.
10 MR. FUMO: No objection.
11 THE COURT: It's admitted. Thank you.
12 MR. DiGIACOMO:
13 Q. 121-A and 121. Is 121 in fact the
14 evidence bag for your item No. 10 being a white
15 cord located inside the house and is it in
16 substantially the same or similar condition as when
17 you impounded it into the vault?
18 A. Yes.
19 Q. And is 121-A the cord itself?
20 A. Yes.
21 MR. DiGIACOMO: Move to admit 121 and
22 121-A.
23 MR. FUMO: No objection.
24 THE COURT: Admitted. Thank you.
25 ///

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1 MR. DiGIACOMO:
2 Q. Lastly is 122 and 122-A, 122 being the
3 evidence package or placard No. 11 the brown cord
4 obtained from the hand of John Ryan?
5 A. Yes.
6 Q. Is that evidence package in
7 substantially the same condition as when you
8 impounded it into the vault?
9 A. Yes.
10 Q. And is 121-A in fact the brown cord
11 itself recovered from Mr. Ryan?
12 A. Yes.
13 MR. DiGIACOMO: Move to admit 122 and
14 122-A.
15 MR. FUMO: No objection.
16 THE COURT: Those will be admitted as
17 well. Thank you.
18 MR. DiGIACOMO:
19 Q. At the time you were at the crime
20 scene, were officers dispatched to the UMC medical
21 center in order to contact Ivan Young and recover
22 any physical evidence that might be present during
23 the medical intervention of Mr. Young?
24 A. Yes.
25 Q. Eventually did Officer Bailey come

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1 back and provide you certain items that were
2 recovered from the face of Ivan Young?
3 A. Yes.
4 Q. Showing you what's been marked as
5 State's proposed Exhibit 123 and 123-A, first of
6 all 123, is that the evidence package of two
7 fragments collected at the hospital from Mr. Young
8 which you note to be item 12 in your report, and is
9 that package in substantially the same or similar
10 condition as when you impounded it into the vault?
11 A. Yes, for the Metro stuff.
12 Q. That's what I'm going to ask you
13 about. Let's start with -- let's stay with 123,
14 123 being the evidence envelope. You said as
15 opposed to the rest of the items that we've talked
16 about today that the evidence envelope had an
17 additional seal on it or actually two seals maybe
18 that you associated with something other than your
19 evidence vault.
20 A. Yes.
21 Q. Do you recognize what the blue seals
22 are?
23 A. Yes, that's Metro. Ours are red.
24 Metro is blue.
25 Q. And the Metro, does that indicate

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1 there has been some sort of forensic testing on the
2 items that were contained inside 123?
3 A. Yes. It says LVMPD forensic lab on
4 the evidence, you know, the evidence tape and then
5 their chain of custody has been signed by Metro.
6 Q. So with the exception of the cut by
7 the clerk as well as the blue evidence seal which
8 was placed on there by the Las Vegas Metropolitan
9 Police Department, is this evidence envelope in
10 substantially the same or similar condition as when
11 you impounded it?
12 A. Yes.
13 Q. Now I'm going to show you what's been
14 marked as 123-A which appears to be two vials and
15 ask you if you recognize what's contained inside
16 those two vials?
17 A. Yes. These are bullet fragments
18 obtained at the hospital. They have, you know when
19 you go to the hospital and they have your name
20 thing on there and it would make all the labels
21 with your name printed on it. It's got the name on
22 here for Mr. Young and these are the fragments that
23 they got from -- this one's from his clothing and
24 this one is if his face. It says right on there.
25 Q. And then you impounded these items

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1 after Officer Bailey provided them to you.
2 A. Yes.
3 Q. Subsequently it looks like someone
4 from the Metro forensic lab thereafter did some
5 sort of analysis of these items.
6 A. Yes.
7 MR. DiGIACOMO: Move to admit 123 and
8 123-A.
9 MR. FUMO: No objection.
10 THE COURT: They'll be admitted.
11 Thank you.
12 MR. DiGIACOMO:
13 Q. Now, I'm not going to grab the other
14 items out now because we have another witness who
15 will testify to the actual items themselves, but
16 did there come a point in time when you were
17 requested to do some forensic testing upon some
18 firearms that were recovered during the course of
19 the investigation by a crime scene investigator by
20 the name of Luevano?
21 A. Yes.
22 Q. And how many firearms did you process?
23 A. Two.
24 Q. And can you describe to the ladies and
25 gentlemen of the jury what it is you did to process

1 those firearms.
 2 A. For firearms what we do is we first
 3 fume the firearm with Super Glue basically. The
 4 Super Glue will stick to any parts of a fingerprint
 5 that might be left on a gun and then after you get
 6 that Super Glue fuming stuck on there, it's almost
 7 like a rubber stamp so you can put powder on it and
 8 try to get it to come off or maybe dye the Super
 9 Glue and use an alternate light source like a laser
 10 to make it glow. There were two guns that I
 11 processed for prints.
 12 Q. Now, is one of these guns a .22
 13 caliber black or blue steel revolver?
 14 A. Yes.
 15 Q. And was the second firearm a .25
 16 caliber chrome or silver Raven semiautomatic?
 17 A. Yes.
 18 Q. After you fume it and then thereafter
 19 attempt to lift any fingerprints -- let's start
 20 with first. Did you find any ridge details like
 21 you drew for this jury before lunch with the swirls
 22 and the loops and those types of things?
 23 A. I found several smudges on the gun and
 24 I found one little partial fingerprint. I believe
 25 it was on the magazine. I'd have to refer to my

1 report. But there was not enough of the finger
 2 there, the fingerprint to actually compare it to
 3 somebody.
 4 Q. So there was some smudges on the gun.
 5 Now, let me ask you this. Is getting a fingerprint
 6 from a gun something that routinely can be done or
 7 is it more difficult with firearms?
 8 A. Very difficult. A lot of people think
 9 you can, you know, just take a bullet and get a
 10 fingerprint off the casing when somebody shoots it,
 11 but remember, fingerprints are 99 percent water so
 12 and that 1 percent debris so when you shoot a gun
 13 that's burning hot so when that casing gets lighted
 14 up from the powder, you know, hot enough to make
 15 that bullet shoot out the barrel, that instantly
 16 cooks the print.
 17 Sometimes you can get prints off of
 18 the magazine because it's kind of protected in the
 19 grip. That way your hand doesn't burn but a lot of
 20 times fingerprints because of gun powder residue,
 21 the cleaners that you use to clean guns are, are
 22 very acidic and it kind of just takes care of
 23 everything.
 24 Q. Now, you said there was smudges that
 25 you found.

1 A. Right.
 2 Q. Now, were these smudges associated
 3 with actual fingerprints or was it associated with
 4 cloth patterns like you talked about before or
 5 could you really tell?
 6 A. The smudges you couldn't really tell.
 7 You could just tell it was touched there. I mean
 8 it was some kind of smudge there. That's the only
 9 way to put it, I don't know -- a mark.
 10 Q. You don't know whether or not it was
 11 with a glove or not a glove or with fingers or not?
 12 A. Look it.
 13 Q. You said on the magazine you found one
 14 tiny piece of ridge detail.
 15 A. Right.
 16 Q. Did you try and recover that?
 17 A. Yes.
 18 Q. When you do that, after you recover it
 19 do you make some sort of analysis whether or not
 20 there's going to be sufficient information to
 21 compare it against anybody let alone a particular
 22 person?
 23 A. It would be like taking this Styrofoam
 24 cup and instead of having maybe just half of it,
 25 that's all I got to compare this whole cup to and

1 it's not enough to say it came from this cup or it
 2 came from that cup or that cup over there.
 3 Q. So you didn't have sufficient
 4 information in order to do a comparison to any
 5 particular person?
 6 A. No.
 7 Q. And that was the only print you ever
 8 found on the gun?
 9 A. Correct.
 10 MR. DIGIACOMO: May I have the Court's
 11 indulgence.
 12 Q. Ms. Fleck just reminded me, now that
 13 we're still on kind of the fingerprint, we talked
 14 about the cloth pattern on the Bugs Bunny card that
 15 we saw before, the credit card or at least it's
 16 authorized signature sort of like a credit card.
 17 Did you also when you processed that
 18 Clorox can that was found there, your item No. 2,
 19 when you processed that as well did you also find
 20 evidence of fingerprints on that cloth pattern as
 21 well?
 22 A. Yes. That was taken back to the lab.
 23 Instead of processing something like that at the
 24 scene we actually bring that back to the lab and
 25 process it the same way that I will have the gun

1 and came up with the same thing, the same cloth
2 type pattern.
3 MR. DIGIACOMO: Thank you very much.
4 I pass the witness.
5 (Whereupon Mr. DiGiacomo
6 concluded this portion of
7 his examination at 2:34 p.m.)
8 THE COURT: Mr. Fumo.
9 MR. FUMO: Thank you, Your Honor.
10
11 CROSS-EXAMINATION
12 BY MR. FUMO:
13 Q. Ms. Brady, that cloth type pattern
14 that you found on the Bugs Bunny credit card, was
15 it the same cloth card pattern as on the can?
16 A. It was very similar. You can't really
17 compare cloth I guess.
18 Q. You couldn't tell that it was the
19 exact same cloth that touched the can and touched
20 the card?
21 A. Correct. The patterns were similar
22 but you couldn't say it was exactly the same.
23 Q. So it has no evidentiary value here.
24 Both were touched by a cloth is all you can say.
25 A. Yes.

1 A. Yes.
2 MR. FUMO: If I could show the State
3 what's been marked as Defendant's A, B, and C.
4 May I approach the witness, Your
5 Honor?
6 THE COURT: Yes.
7 MR. FUMO:
8 Q. I show you what's been marked as
9 defense A, B, and C. Just look at those. Do you
10 recall taking those pictures?
11 A. Yes.
12 Q. Do they appear the same?
13 A. One's an overall, once medium shot and
14 once like a closeup.
15 Q. And they're all the same tire marks?
16 A. Yes.
17 Q. Could you tell the jury exactly what
18 they are.
19 A. It's an acceleration mark, tire mark.
20 Q. Was that brought to you by one of the
21 officers?
22 A. I believe so.
23 Q. Do you recall any of the witnesses
24 pointing those out to you or was it an officer if
25 you recall?

1 Q. Mr. DiGiacomo went through all the
2 cords with you, about nine cords, right?
3 A. Yes.
4 Q. No prints found on those cords.
5 A. They were not processed for prints.
6 Q. You didn't look for the prints on
7 those.
8 A. No.
9 Q. Anything of evidentiary value?
10 A. A cord is for -- I mean if -- I can
11 swab them for DNA and probably the only DNA I would
12 get would be the victim's 'cause they had them on.
13 Q. Did you swab them for DNA?
14 A. No.
15 Q. And you didn't take them for
16 fingerprints?
17 A. No.
18 Q. So we have nothing of evidentiary
19 value for Mr. Slaughter as to those cords, correct?
20 A. Correct.
21 Q. You also went out to the scene and you
22 took several pictures, right, about 50 pictures
23 inside the house, outside the house. You took some
24 on the street, right? You took some -- in the
25 street do you recall that?

1 A. I don't recall.
2 Q. But you recall taking these pictures?
3 A. Yes.
4 Q. They appear the same to you as when
5 you took them?
6 A. Yeah.
7 MR. FUMO: Move for the admission.
8 THE COURT: Any objection?
9 MR. DIGIACOMO: No.
10 THE COURT: Those will be admitted.
11 Thank you.
12 MR. FUMO: May I show these to the
13 jury, Your Honor?
14 THE COURT: Yes, you may.
15 MR. FUMO:
16 Q. I show you what's been marked as
17 Defendant's Exhibit A. You say those were
18 acceleration marks, correct?
19 A. Yes.
20 Q. Did you later compare those to tire
21 marks on Mr. Slaughter's green Ford Taurus?
22 A. Nope. I'm not a tire expert. That I
23 cannot do.
24 Q. You never compared them to any other
25 vehicle.

1 You took pictures but you never
2 compared them to any other vehicle?
3 A. No.
4 MR. FUMO: Court's indulgence, Your
5 Honor.
6 Q. You said you took fibers or you found
7 fibers at the house. Did you take any fibers from
8 that credit card, the Bugs Bunny credit card?
9 A. I don't --
10 Q. Did you retrieve any fibers I guess is
11 my question?
12 A. No.
13 Q. So there's no fibers at the house that
14 you actually took?
15 A. No.
16 Q. Just prints on the card?
17 A. Yes.
18 MR. FUMO: Pass the witness, Your
19 Honor. Thank you.
20 (Whereupon Mr. Fumo concluded
21 this portion of his examination
22 at 2:39 p.m.)
23 THE COURT: Mr. DiGiacomo.
24 ///
25 ///

1 REDIRECT EXAMINATION
2 BY MR. DiGIACOMO:
3 Q. You said in Defendant's A, B, and C
4 that you photograph from kind of far away and kind
5 of medium range and then kind of close up some
6 acceleration marks. Do you remember just talking
7 about that?
8 A. Yes.
9 Q. Now, one you photographed State's
10 (sic) Exhibit No. B. What was the purpose in
11 photographing this particular item?
12 A. Because it's been so long I can't
13 exactly remember who pointed that out but they
14 thought it was significant so I photographed it and
15 that's all I can do. I can't collect it off the
16 street.
17 Q. Right. And that photograph in fact
18 documents that in fact a tire track or there was an
19 acceleration mark kind of consistent with somebody
20 fleeing the scene, correct?
21 A. Correct.
22 Q. Okay. Now, there are times you said
23 when -- you said you're not a tire track
24 comparison, that's not your expert, correct?
25 A. Correct.

1 Q. Do you remember testifying to that?
2 Now, you're aware there are times when
3 there are very unique identifying -- of a tire
4 track that an expert can be consulted, correct?
5 A. Yes.
6 Q. You've been trained I assume in
7 documenting when you find very unique tire Treads
8 the ability to document it so there can be a future
9 comparison of those tire tracks to a particular
10 tire, correct?
11 A. Correct.
12 Q. Now, did you do that kind of work here
13 where there are really identifiable marks or are
14 these just acceleration marks where you're trying
15 to establish that a vehicle left the scene?
16 A. Just to establish that someone peeled
17 out from the scene. There was nothing -- it wasn't
18 like there was a tire that was rolled through the
19 mud or dirt that had left a nice stamped look. It
20 was a spine.
21 Q. I heard mentioned previously DNA and I
22 guess seven years later I guess it's a little
23 different. Seven years later I guess if you had
24 gone to this crime scene theoretically you said you
25 couldn't process the cord itself for fingerprints

1 because of the nature of the cord you wouldn't be
2 able to get anything to compare, correct?
3 A. Correct. Back in '04 that DNA wasn't
4 very popular and fingerprint were taken from large
5 objects, not a little tiny cord which wouldn't hold
6 much anyway.
7 Q. Well, you said back popular. Back in
8 2004 was the science of touch DNA something that
9 we've heard about in the more recent couple years,
10 did the North Las Vegas Police Department or
11 anybody really utilize touch DNA seven years ago?
12 A. No.
13 Q. As opposed to the advances in
14 technology now which allow us to do touch DNA.
15 A. Right. Touch DNA is recent like the
16 last year or two. That's it.
17 Q. Additionally if you're going to do
18 touch DNA on an item, that item has to be handled
19 in such a manner as to not affect the DNA, correct?
20 A. Correct.
21 Q. And so in 2011 when you recover a
22 firearm, before you said for fingerprinting you do
23 the touch DNA, correct?
24 A. Correct. The firearm would be swabbed
25 for DNA prior to being processed for fingerprints.

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1 Q. And likewise before you put an item in
2 a plastic bag which has a tendency to destroy DNA,
3 anything that you might use DNA would be kept
4 solely in a paper bag?
5 A. Paper bag and double bag so that you
6 would have the original bag that you put it and
7 then you would have an evidence envelope or bag on
8 the outside so people can touch that and it doesn't
9 soak in or whatever.
10 Q. Go through the bag itself?
11 A. Right.
12 Q. So those are all advances that have
13 occurred long since 2004?
14 A. Yes.
15 MR. DiGIACOMO: Thank you very much.
16 Pass the witness.
17 (Whereupon Mr. DiGiacomo
18 concluded his examination
19 at 2:43 p.m.)
20 THE COURT: Mr. Fumo,
21
22 RE-CROSS-EXAMINATION
23 BY MR. FUMO:
24 Q. Ms. Brady, what you're saying you
25 can't do touch DNA after seven years has passed,

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1 correct?
2 A. Since they're in plastic the chances
3 of obtaining it is slim to none.
4 Q. Has anybody asked you to do it in the
5 last two years since it's been available?
6 A. No.
7 Q. Mr. DiGiacomo never requested you to
8 do this touch DNA.
9 A. No.
10 Q. None of the detectives on the case.
11 A. No.
12 Q. So we don't know.
13 A. No.
14 Q. You also took pictures of the pool of
15 blood, correct?
16 A. Correct.
17 Q. And you took pictures, there was a
18 shoe print in the blood.
19 A. Yes.
20 Q. And you took pictures of everyone's
21 shoes that was in the scene.
22 A. Yes.
23 Q. Did any of them match up?
24 A. Yes.
25 Q. Was Ivan's shoe one of the ones that

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1 matched up to that?
2 A. Yes.
3 Q. And did anybody else?
4 A. The little boy.
5 Q. One of the children, his son.
6 A. Yes, on a piece of paper.
7 Q. Is there any shoe prints that didn't
8 match up, any design in the blood that didn't match
9 up with one of the shoes you saw?
10 A. No.
11 Q. Back to that tire question, has
12 anybody ever since 2004 asked you to compare those
13 photographs to other photographs of other tires?
14 A. No.
15 MR. FUMO: Pass the witness, Your
16 Honor.
17 (Whereupon Mr. Fumo concluded
18 his examination at 2:45 p.m.)
19 THE COURT: Mr. DiGiacomo.
20 MR. DiGIACOMO: Nothing further.
21 THE COURT: Anything from our jurors.
22 No. Ms. Brady, thank you so much for your time. I
23 appreciate you coming back. You may be excused.
24 (Whereupon Marion Brady was
25 excused from the witness stand

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1 at 2:45 p.m.)
2 THE COURT: State, call your next
3 witness.
4 MR. DiGIACOMO: The State calls
5 Jennifer Dennis.
6
7 JENNIFER DENNIS,
8 having been first duly sworn to testify to the
9 truth, the whole truth and nothing but the truth,
10 was examined and testified as follows:
11
12 THE CLERK: Please state and spell
13 your full name for the record.
14 THE WITNESS: Jennifer Dennis,
15 J-E-N-N-I-F-E-R, D-E-N-N-I-S.
16 THE COURT: Mr. DiGiacomo.
17 MR. DiGIACOMO: Thank you, Judge.
18
19 DIRECT EXAMINATION
20 BY MR. DiGIACOMO:
21 Q. Ma'am, do you know Ivan Young?
22 A. Yes.
23 Q. How do you know Ivan?
24 A. He's my husband.
25 Q. How long have you and Ivan been

1 together?
 2 A. 18 years.
 3 Q. How long have you been married?
 4 A. Seven.
 5 Q. I direct your attention back to
 6 June 26th of 2004. Were you living with Ivan on
 7 Gloryview?
 8 A. Yes.
 9 Q. And who else was living there with
 10 you?
 11 A. Our son Aaron.
 12 Q. Now, sometime in the early evening
 13 hours did you -- were you out away from the house
 14 and coming home to the house?
 15 A. Yes.
 16 Q. And do you recall where you were
 17 coming from?
 18 A. My sister's.
 19 Q. Did you have Aaron with you or was
 20 Aaron already at the house?
 21 A. I had Aaron and my nephew Joey.
 22 Q. Is that a nephew?
 23 A. Uh-huh.
 24 Q. Is that a yes?
 25 A. I'm sorry. Yes.

1 Q. There's no uh-huh or huh-uh because
 2 it's hard to read it later on.
 3 When you came home, did you notice
 4 anybody outside the area of where your house was?
 5 A. Yes.
 6 Q. Could you describe that to the ladies
 7 and gentlemen of the jury.
 8 A. I went to check the mail and I noticed
 9 two black gentlemen parking a vehicle and getting
 10 out and standing by the mailbox.
 11 Q. How far down the street was this
 12 vehicle parked from your house?
 13 A. Like two houses.
 14 Q. And where was the mailbox in
 15 association with your house?
 16 A. Two houses down.
 17 Q. Do you remember anything about the
 18 vehicle that these individuals were driving?
 19 A. It had to be either a Mercury Topaz or
 20 maybe a Ford Tempo teal or maybe blue four door.
 21 Q. Okay. What about the two individuals
 22 that you saw getting out of this vehicle?
 23 A. It was just two black men. I didn't
 24 really pay attention. I didn't make eye contact.
 25 I didn't even know who they were. I just wanted to

1 check my mail and walk back to the house.
 2 Q. When you walked back to the house, did
 3 you have a conversation with Mr. Young?
 4 A. Yeah. I came into the garage and I
 5 said I think somebody's here to see you, maybe one
 6 of your friends, a couple of your friends, and then
 7 I went into the house.
 8 Q. Now, inside the house when you first
 9 went in, it was just you Aaron and Joey.
 10 A. Yes.
 11 Q. How long after the house did you next
 12 see Ivan?
 13 A. It was just minutes. I went in the
 14 house, put the dogs outside to go to the bathroom
 15 and then Ivan came in.
 16 Q. When Ivan came in, was he alone or did
 17 he have somebody else with him?
 18 A. He had two men behind him.
 19 Q. Were they the same two men that you
 20 saw outside the house earlier?
 21 A. Yes.
 22 Q. Okay. Do you remember anything about
 23 these two men? You already said they were
 24 African-American. Anything else you can recall
 25 specifically about the two of them?

1 A. One had dreads, little short dreads.
 2 He was dark, and then the other one like a light --
 3 medium dark. I didn't really get a look at them
 4 that much 'cause they said not to look at them and
 5 get on the ground.
 6 Q. Do you recall at all what either one
 7 of them were wearing?
 8 A. I know at the time I did. I want to
 9 say one was wearing a blue shirt maybe some jeans,
 10 New Balance shoes.
 11 Q. New Balance.
 12 A. I know 'cause I was looking down.
 13 When they said don't look at me, I noticed the
 14 shoes.
 15 Q. You said New Balance. Do you know
 16 what color they were?
 17 A. I want to say white. I don't know if
 18 they had any markings on them. The other one was
 19 wearing a dark blue -- I can't recall now. I know
 20 at the time I described what they were wearing.
 21 Q. In your handwritten statement if you
 22 wrote one black male from CA -- I'm guessing that's
 23 California -- blue shirt five ten. Does that sound
 24 right to you?
 25 A. I don't know where I would come up

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1 with California but that sounds like something I
2 would come up with.
3 Q. The next one says blue shirt five ten
4 190. Does that sound right to you?
5 A. Yeah.
6 Q. When Ivan came through the door, did
7 you hear Ivan say anything?
8 A. Yes.
9 Q. What did he say?
10 A. He told me to get down. Get down,
11 babe, and I didn't know what was going on so I just
12 was looking and I thought somebody was shooting
13 outside or something and then I seen the men with
14 the guns and then that's when I got down.
15 Q. So you see the men with the guns. How
16 many guns do you think you saw?
17 A. At that time I don't remember. I want
18 to say three.
19 Q. And if you described it to the police
20 that it was three, does that sound right to you?
21 A. Yes.
22 Q. Do you remember anything about any of
23 the guns specifically that you saw?
24 A. Silver, one of them was silver and
25 they weren't the kind that you see in the old

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1 western movies. They were more like the kind you
2 just load at the bottom. The other ones I'm not
3 sure, maybe black or grayish, dark gray.
4 Q. So now you're down on the ground and
5 you hear or what do you hear going on?
6 A. I just -- there was a lot of things
7 going on. I mean they wanted money and we didn't
8 have any money, you know.
9 Q. What do you have over your head at
10 this point?
11 A. At the end is when they had put a coat
12 over my head.
13 Q. At some point do they spray anything
14 or pour anything on you?
15 A. Yeah.
16 Q. What is that?
17 A. They sprayed Lysol.
18 Q. Did they say why they were spraying
19 Lysol?
20 A. To cover up fingerprints which is
21 stupid but . . .
22 Q. Well, when you say they said they were
23 going to cover up fingerprints, do you recall
24 whether or not these individuals when you finally
25 see them whether they're wearing gloves at that

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1 point?
2 A. They were wearing gloves.
3 Q. Do you remember at all what kind of
4 gloves they were wearing?
5 A. I know they were dark. I don't know
6 what kind or if they were leather or anything like
7 that.
8 Q. They were dark gloves, not like latex
9 gloves or bright yellow.
10 A. No. They were actual gloves. They
11 weren't like examining gloves.
12 Q. So they were like regular gloves that
13 someone would wear?
14 A. Right, to ride a motorcycle or
15 something.
16 Q. What did they do with your son and
17 Joey?
18 Could you see what happened to them?
19 A. They -- one of the men took them to
20 like our dinette area and had them over there
21 separated from us and they were I guess tied them
22 up. I really couldn't see 'cause they said not to
23 look up or anything but I know where they were
24 'cause that's where they were when they came.
25 Q. Do you recall any interaction between

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1 either of these men and your husband or what
2 they're saying to your husband?
3 A. That he charged too much for a Buick
4 or that he -- I don't know what that meant but
5 just -- I just remember just -- I couldn't really
6 recall what they were saying to him. I know that
7 they were, you know, hitting him with a gun.
8 Q. They were hitting him. You said that
9 they were yelling at him for charging too much for
10 something for a car or a statement given or an
11 estimate that they had given or something?
12 A. Right.
13 Q. Do you remember telling the police
14 that they indicated they had a Magnum gun and there
15 would be a big hole in Ivan?
16 Do you remember making that statement
17 to the police?
18 A. I don't remember it but that sounds
19 like something they said.
20 Q. It sounds like it was said but you
21 don't have a specific memory whether you told the
22 police officer that.
23 A. Right.
24 Q. What about we're going to play a game
25 of murder, do you remember that kind of

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1 conversation happening between the suspects and
 2 your husband?
 3 A. Yeah.
 4 MR. FUMO: Judge, I'll object. He's
 5 been leading the last two or three questions.
 6 THE COURT: I'll sustain the
 7 objection.
 8 MR. DIGIACOMO:
 9 Q. Well, do you remember specifically
 10 what it is that you told the officer when they
 11 first arrived on the scene? And if you don't,
 12 that's fine.
 13 Do you or do you not specifically
 14 remember?
 15 A. I remember something like me saying
 16 something like that. The reason I remember is
 17 because I remember my 12 year old nephew and my 10
 18 year old son screaming no when they said that. I
 19 remember something like that.
 20 Q. Was it a fairly emotional situation
 21 going on inside your house when this was going on?
 22 Scary?
 23 A. Oh, yeah.
 24 Q. Were your children upset?
 25 A. Oh, yeah.

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1 Q. Ivan ultimately gets shot but he must
 2 be pretty upset prior to the firing of the shot.
 3 A. Yeah, yes.
 4 Q. At some point -- let me ask you this,
 5 When police finally arrived and talked to you, I
 6 assume you told them as much information as you
 7 could about what happened inside the house.
 8 A. Yes.
 9 Q. And you would have told them the
 10 truth, right?
 11 A. Yes.
 12 Q. You had no reason to lie to them about
 13 it, right?
 14 A. No.
 15 Q. At some point does anybody else come
 16 over to the house other than your family and your
 17 nephew that's inside the house?
 18 A. I can't really remember what order but
 19 I know one of his friends. I don't really know his
 20 name but he came over.
 21 Q. Was he African-American?
 22 A. He's African-American. I think he
 23 came over first and then at the time I thought
 24 Martin but I found out his name is actually Ryan.
 25 I don't know why I thought his name was Martin but

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1 he came. He's friends with one of the maybe
 2 neighbors or I don't know how they're related but I
 3 know how they came over.
 4 Q. Is this the Caucasian male that also
 5 came in?
 6 A. Yeah.
 7 Q. So during that period two people came
 8 to your house and wound up becoming victims of this
 9 crime also?
 10 A. Yes.
 11 Q. Now, was there anything of your
 12 personal property or your family's personal
 13 property excluding what Jermaun and John Ryan lost
 14 but did they ever get anything of yours to take
 15 guns or money or anything out of your house, was
 16 there anything missing?
 17 A. They wore suits, jackets.
 18 Q. Suits and jackets?
 19 A. The reason why I know 'cause they
 20 weren't in the closet after this had happened so
 21 I'm assuming they took like, you know, gray suits,
 22 three-piece suit.
 23 Q. So there was some items missing from
 24 your house like clothingwise that appeared to have
 25 been taken sometime during this robbery.

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1 A. Right.
 2 Q. Anything else that you can remember
 3 that were taken during the crime?
 4 A. We didn't really have anything. I
 5 mean they broke my phone. They broke our cell
 6 phones so I don't really remember them getting
 7 anything.
 8 Q. Eventually there comes a point in time
 9 when Ivan gets shot.
 10 A. Yes.
 11 Q. Can you tell me what was said or do
 12 you recall what was said before Ivan was shot.
 13 A. He told him to look at the gun, they
 14 had them on the floor.
 15 Q. Do you remember what Ivan's response
 16 was looking at the gun? Was he saying anything?
 17 A. I don't remember what he said. I just
 18 know after that I heard a pop.
 19 Q. And after you heard a pop, what
 20 happened?
 21 A. The kids were screaming. I was
 22 thinking, oh my God, they're going to kill us, you
 23 know.
 24 Q. Was your head still undercover at this
 25 point?

1 A. At that point they had put jackets
2 over our heads.
3 Q. Did you hear anyone make any other
4 statements at that point?
5 A. No, not that I remember.
6 Q. How does this thing end?
7 A. It was all -- I can't really tell
8 you. All I know is at some point they left. You
9 know, the kids weren't tied very tight so they got
10 out and they helped, you know, untie us and stuff
11 because we were -- I was tied behind my back with
12 some extension cord or some type of cord that was
13 cut off something maybe a TV or a fan really super
14 tight. I couldn't get out and my nephew had to cut
15 it off with the kitchen knife.
16 Q. Eventually did the police arrive?
17 A. The police came.
18 Q. After taking a statement from you, do
19 you wind up going down to the hospital?
20 I want to direct your attention kind
21 of a couple days farther than that. Did there come
22 a point in time when there's a clean up crew in
23 your house to clean up some of the blood and some
24 of the items in your house?
25 A. Nobody cleaned it up. I cleaned it

1 admitted. Thank you.
2 MR. DIGIACOMO: That's it, Judge. I
3 pass the witness.
4 (Whereupon Mr. DiGiacomo
5 concluded his examination
6 at 3:02 p.m.)
7 THE COURT: Mr. Fumo.
8
9 CROSS-EXAMINATION
10 BY MR. FUMO:
11 Q. Jennifer, you lived at 2612 Gloryview
12 on June 26, 2004.
13 A. Yes.
14 Q. Could you tell this jury the major
15 cross streets out there.
16 A. Lake Mead and Simmons.
17 Q. Kind of by the Fiesta Casino.
18 A. Yes.
19 Q. Past where that is.
20 A. By the North Las Vegas airport.
21 Q. And on that day you said you came back
22 from your sister's house.
23 A. Yes.
24 Q. And you had your son and your nephew
25 with you.

1 up. I had to clean up my husband's blood and
2 teeth.
3 Q. During the course of you cleaning up
4 that blood spot and his teeth, did you find
5 something that caused you to call the police back,
6 a bullet strike on the floor?
7 A. I think. I remember seeing -- yeah, I
8 don't know if I remember calling them but I know
9 they came back.
10 Q. Showing you what's proposed Exhibit
11 No. 87 and 88. Is that a picture of the inside of
12 your house after the clean up?
13 A. Yes.
14 Q. Okay. And that nick that's in the
15 floor there that's in those two photographs, was
16 that there prior to the gunmen coming in and
17 shooting your husband in the face?
18 A. No.
19 Q. Is that in the area right underneath
20 that big pool of blood that you had to clean up?
21 A. Yes.
22 MR. DIGIACOMO: Move to admit Exhibit
23 87 and 88.
24 MR. FUMO: No objection.
25 THE COURT: They will both be

1 A. Yes.
2 Q. Do you recall what time it was when
3 you came back?
4 A. It was about close to 6:00.
5 Q. Close to 6:00 o'clock. And then
6 shortly after those people come in you said to Ivan
7 there's some guys out there that want to talk to
8 you.
9 A. They didn't say they wanted to talk to
10 him. I just assumed they were coming to talk to
11 him.
12 Q. At the time your husband Ivan was
13 painting cars out of the house?
14 A. Yes.
15 Q. His business was called Dub Life
16 (phonetic).
17 A. No. He didn't have no business. He
18 did side work for his friend.
19 Q. Did he have a partner that he did it
20 with?
21 A. No.
22 Q. It was just a business he did for
23 himself. People would come to the house and get
24 estimated.
25 A. They were friends or people that he

1 knew from the car club.
 2 Q. Okay. So he painted for a hobby or
 3 was it a business?
 4 A. I wouldn't say it was a business
 5 'cause he didn't really make a lot of money. More
 6 of a hobby.
 7 Q. More of a hobby but he charged a
 8 little bit.
 9 A. Yes.
 10 Q. When the car pulled up, you said it
 11 was blue or teal, right?
 12 A. Teal or blue, I wouldn't say green.
 13 Q. You wouldn't say green.
 14 A. No.
 15 Q. Did you say that one of the men wore
 16 blue jeans and a blue shirt?
 17 A. I really don't remember right now what
 18 they were wearing, but I'm sure when I wrote it
 19 down that's exactly what they were wearing at the
 20 time. Right now I couldn't tell you. I mean it's
 21 been seven years.
 22 Q. So what you're saying is at the time
 23 you wrote the statement your memory is much fresher
 24 than it is today.
 25 A. Oh, yes.

1 back?
 2 A. I don't really recall that. I know
 3 they sprayed stuff on me.
 4 Q. You didn't write that in your report
 5 though?
 6 A. I could have said it but I don't -- I
 7 don't -- I didn't write it down.
 8 Q. Later you gave or you told the police
 9 what happened, correct?
 10 A. Yes.
 11 Q. Do you recall telling them that the
 12 people were talking about how Ivan charges too
 13 much? I think you said that on your direct.
 14 A. Yeah.
 15 Q. Ivan charges too much was it for a
 16 Buick?
 17 A. I don't know if it's anything he did,
 18 maybe just an estimate.
 19 Q. Was it a Pontiac he said he charged
 20 too much for or an estimate he said he had charged
 21 too much for?
 22 A. I'm not sure what kind of car.
 23 Q. Him charging too much for the work he
 24 does.
 25 A. Right.

1 MR. FUMO: Your Honor, may I approach.
 2 THE COURT: Yes.
 3 MR. FUMO:
 4 Q. Just go ahead and read that to
 5 yourself. Do you recognize the signature on the
 6 bottom?
 7 A. Yes.
 8 Q. Is that your signature?
 9 A. Yes.
 10 Q. Go ahead and read it to yourself and
 11 I'll just ask a couple questions. Does that
 12 refresh your recollection?
 13 A. Yes.
 14 Q. So at the time when you wrote the
 15 statement out, one of them was wearing blue jeans
 16 and a blue shirt; is that correct?
 17 A. Yes.
 18 Q. And the other was wearing blue jeans
 19 and a red shirt?
 20 A. Yes, that sounds right.
 21 Q. I'm sorry.
 22 A. Yes, that sounds right.
 23 Q. When Mr. DiGiacomo was asking you
 24 questions, you said that one of them was talking
 25 about pouring water or pouring something on your

1 Q. So they were angry at him specifically
 2 for that.
 3 A. I don't know if it was for them. I
 4 just thought it was something they were throwing
 5 out there.
 6 Q. Okay. Do you recall either of the two
 7 people having an accent, Jamaican accent?
 8 A. Yeah, but then I don't know if it was
 9 something they were putting on.
 10 Q. But you do recall.
 11 A. As far as to disguise their voice or
 12 if they were just --
 13 Q. You do recall something like that.
 14 A. Yes. I recall.
 15 Q. You said on your direct you recall one
 16 of them wearing blue or white shoes.
 17 A. Yes.
 18 Q. And you recall they were New Balance.
 19 A. Yes.
 20 Q. Is that because you have a pair of New
 21 Balance and you know what the symbol looks like?
 22 A. Yes.
 23 Q. After the incident occurred, you were
 24 taken out of the house, correct? Police came and
 25 you were removed from the house. You eventually

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1 went to the hospital.
 2 A. Right.
 3 Q. Before you did that, you said the
 4 people in the house were covering your head with
 5 coats?
 6 A. Yeah.
 7 Q. And everybody else in the house had
 8 their head covered with coats?
 9 A. I don't know. I mean I'm assuming.
 10 They did mine so
 11 Q. Could it be when you said the coats
 12 were missing from the closet, they used those to
 13 cover your head with. They didn't bring coats with
 14 them.
 15 A. No, because they were different
 16 coats. They were leather coats.
 17 Q. So they brought the coats with them?
 18 A. No. They were my coats.
 19 Q. Could it be that the police processed
 20 those coats as evidence after the crime?
 21 A. I don't know. I don't remember what
 22 happened.
 23 Q. When you were at the hospital you were
 24 with Ivan, and do you recall the detective showing
 25 you a photo lineup with some individuals in it?

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1 A. Yes.
 2 Q. You couldn't pick out any of the
 3 individuals in the photo lineup, could you?
 4 A. No.
 5 MR. FUMO: Pass the witness, Your
 6 Honor.
 7 THE COURT: Mr. DiGiacomo.
 8 MR. DIGIACOMO: Nothing.
 9 THE COURT: Anything from our jurors?
 10 No. Ms. Dennis, thank you so much for your time.
 11 UNIDENTIFIED JUROR: I have one
 12 question.
 13 THE COURT: Oh, you do. I'm sorry.
 14 UNIDENTIFIED JUROR: I don't know if
 15 it can be asked.
 16 THE COURT: Go ahead and write it
 17 down. Approach.
 18 (Whereupon, counsel approached
 19 the bench, and after a
 20 discussion outside the hearing
 21 of the court reporter, the
 22 following proceedings took
 23 place:)
 24 THE COURT: Okay. Quick question for
 25 you and I think you may have referred to this

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1 earlier, but you testified that the folks that were
 2 in your home were wearing gloves.
 3 THE WITNESS: Yes.
 4 THE COURT: Do you have any idea, any
 5 recollection as to the material of the gloves?
 6 THE WITNESS: No.
 7 THE COURT: Okay. Mr. DiGiacomo, any
 8 questions based on mine?
 9 MR. DIGIACOMO: No.
 10 THE COURT: Mr. Fumo.
 11 MR. FUMO: No. Thank you, Your Honor.
 12 THE COURT: All right. Now you are
 13 excused. Thank you very much.
 14 (Whereupon Jennifer Dennis was
 15 excused from the witness stand
 16 at 3:14 p.m.)
 17 THE COURT: The State may call their
 18 next witness.
 19 MR. DIGIACOMO: Officer Hickman.
 20
 21 JAKE HICKMAN,
 22 having been first duly sworn to testify to the
 23 truth, the whole truth and nothing but the truth,
 24 was examined and testified as follows:
 25

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1 THE CLERK: Would you please state and
 2 spell your name for the record.
 3 THE WITNESS: Jake Hickman, J-A-K-E,
 4 H-I-C-K-M-A-N.
 5
 6 DIRECT EXAMINATION
 7 BY MR. DIGIACOMO:
 8 Q. Sir, how are you employed?
 9 A. With the City of North Las Vegas
 10 Police Department.
 11 Q. And how long have you been with the
 12 City of North Las Vegas?
 13 A. Just under ten years.
 14 Q. And back in June of 2004 what was your
 15 assignment back then?
 16 A. Patrol officer.
 17 Q. I direct your attention to June 26th
 18 of 2004 near 7:00 p.m. at night. Did you have an
 19 opportunity to respond to an address on Gloryview
 20 related to the shooting of Ivan Young in his home?
 21 A. Yes, I did.
 22 Q. And when you got there -- well, were
 23 there other officers as well that arrived at the
 24 scene?
 25 A. Yes, there was.

1 Q. Can you describe for us kind of the
2 situation when you first showed up.
3 A. I arrived and there was people
4 standing outside, people at the house. Officer
5 Hoyt also arrived at about the same time I did, a
6 little bit after. As I arrived to the house I was
7 shown to a bedroom in the back where Ivan was
8 laying on the bed.
9 Q. Do you remember at that point if Ivan
10 is making any statement or is he in medical
11 distress at this point?
12 A. Basically he was in distress. He was
13 murmuring and gurgling a little bit but I don't
14 recall what he was saying.
15 Q. Once medical is called for Ivan, do
16 you have an opportunity to interview Jennifer
17 Dennis as to what happened?
18 A. Yes.
19 Q. Could you briefly describe for us what
20 it is that she informed you.
21 A. She explained that she had let the
22 dogs out back and Ivan had came in through the
23 garage door on the inside of the house and told her
24 that she needs to lay on the ground and that he
25 sounds scared. She then described two black males

1 several years ago talking to you?
2 A. Yes, it will.
3 Q. If I could ask you to look at page 4
4 or 5 about the one, two, three, fourth paragraph
5 down.
6 MR. FUMO: Could I approach just to
7 see the report to make sure I've got the same.
8 THE COURT: Sure.
9 MR. DIGIACOMO:
10 Q. If you can read to yourself the
11 portion that starts with while Dennis was on the
12 floor.
13 A. Out loud or to myself?
14 Q. Just to yourself the first time.
15 A. Okay. Sure.
16 Q. Are you ready?
17 A. Yes.
18 Q. Do you recall now off the top of your
19 head or do you have to refer to the report to get
20 the exact verbiage that Ms. Dennis used?
21 A. I think I'm good. They told her --
22 they said out loud to her Ivan or whoever was in
23 the room she didn't know exactly who -- they were
24 saying it to someone -- one of the suspects said,
25 we're going to play a game of murder.

1 entered the house and started yelling and screaming
2 at them asking her where the money was at. She
3 didn't have any idea what they were talking about
4 at the time.
5 They tied her up on the floor along
6 with the other children and the people in the
7 house. As it went on she could hear him yelling at
8 Ivan asking him questions about money. She
9 described it. If he didn't answer correctly, they
10 would get mad and they could hear him hitting or
11 kicking is what it sounded like Ivan.
12 MR. FUMO: Judge, I'll object. At
13 this point it's a narrative.
14 MR. DIGIACOMO:
15 Q. When that happened as they're hitting
16 and kicking Ivan at some point does she describe to
17 you kind of a taunting situation that the
18 perpetrators did to Mr. Young while they're trying
19 to get him to identify the location of his
20 valuables in the home?
21 A. Yes. If I can refer to my report.
22 Q. Do you have that with you up there?
23 A. Yes, I do.
24 Q. And would it refresh your recollection
25 to find out exactly the words that she utilized

1 Q. And after the game of murder, did she
2 reference any type of gun?
3 A. Yes, one of the suspects said that he
4 had a Magnum gun and it would leave a large hole in
5 his head.
6 Q. And I don't want to go through kind of
7 the rest of this but she provided you then the rest
8 of kind of the story that happened ultimately Ivan
9 getting shot and the two suspects leaving the
10 premises, correct?
11 A. Correct.
12 Q. If you could just go to the end of
13 your report, I'm going to ask you questions about
14 near the end of your report. At some point did you
15 question Ms. Dennis about why her house might be
16 targeted or if she had any reason to believe her
17 house would be targeted?
18 A. Yes. She stated that she didn't --
19 that Ivan wasn't into narcotics or drugs per se but
20 he does paint cars and that's the only reason she
21 could think of.
22 Q. And did she indicate to you that one
23 of the suspects was talking about something related
24 to his graphics on a car?
25 A. Yes. She said that Ivan charged him

1 too much.
 2 Q. The suspect was talking about a
 3 Pontiac and that Ivan charged too much money for
 4 it?
 5 A. Correct.
 6 MR. DiGIACOMO: Thank you very much,
 7 Judge. I pass the witness.
 8 (Whereupon Mr. DiGiacomo
 9 concluded his examination
 10 at 3:17 p.m.)
 11 THE COURT: Mr. Fumo,
 12
 13 CROSS-EXAMINATION
 14 BY MR. FUMO:
 15 Q. Okay. So you have your notes up there
 16 to refer to.
 17 A. Yes, sir.
 18 Q. And Ms. Dennis said one of them was
 19 about five ten 190 pounds?
 20 A. Yes, sir.
 21 Q. Jeans and blue shirt; is that correct?
 22 A. If I can refer back.
 23 Q. Suspect one.
 24 A. Five ten, 170.
 25 Q. 170 and blue jeans blue shirt.

1 A. Yes, sir. Blue shirt and jeans it
 2 says.
 3 Q. Blue shirt and jeans. I'm sorry. And
 4 the second one was red shirt, jeans.
 5 A. Yes.
 6 Q. Five ten, 190.
 7 A. Yes.
 8 Q. And the car she was describing,
 9 Ms. Dennis was describing to you the suspect said
 10 that Ivan charged too much for was a Pontiac,
 11 correct?
 12 A. If I can look back.
 13 Q. Second page?
 14 A. Yes. Correct.
 15 Q. Those are specific cars she told you
 16 about.
 17 A. Correct.
 18 MR. FUMO: Pass the witness, Your
 19 Honor. Thank you.
 20 (Whereupon Mr. Fumo concluded
 21 his examination at 3:18 p.m.)
 22 THE COURT: Mr. DiGiacomo.
 23 MR. DiGIACOMO: Nothing further,
 24 Judge.
 25 THE COURT: Anything from our jurors?

1 No. Thank you, Officer. I appreciate your time.
 2 (Whereupon Jake Hickman was
 3 excused from the witness stand
 4 at 3:19 p.m.)
 5 THE COURT: State may call their next
 6 witness.
 7 MR. DiGIACOMO: May we approach just a
 8 second.
 9 (Whereupon, counsel approached
 10 the bench, and after a
 11 discussion outside the hearing
 12 of the court reporter, the
 13 following proceedings took
 14 place.)
 15 THE COURT: All right. Ladies and
 16 gentlemen, before we start the next witness we're
 17 going to go ahead and take a short recess now so we
 18 don't have to break during the witness. During
 19 this recess, it is your duty not to converse among
 20 yourselves or with anyone else on any subject
 21 connected with the trial or to read, watch or
 22 listen to any report of or commentary on the trial
 23 by any person connected with the trial or by any
 24 medium of information, including, without
 25 limitation, newspaper, television, radio, and the

1 internet, and you are not to form or express an
 2 opinion on any subject connected with this case
 3 until it is finally submitted to you, under
 4 instructions by me.
 5 (Whereupon a recess was
 6 taken at 3:19 p.m. and
 7 the proceedings resumed
 8 at 4:00 p.m. in the presence
 9 of the jury.)
 10 THE COURT: All right. We will be
 11 back on the record in 204956, State of Nevada
 12 versus Rickie Slaughter who is present with his
 13 attorney Mr. Fumo. The State's attorneys are
 14 present and the jury present. We will continue
 15 with the case in chief. The State may call your
 16 next witness.
 17 MS. FLECK: Thank you, Your Honor.
 18 The State calls Ruben Luevano.
 19
 20 RUBEN LUEVANO,
 21 having been first duly sworn to testify to the
 22 truth, the whole truth and nothing but the truth,
 23 was examined and testified as follows:
 24
 25 THE CLERK: Please be seated and state

1 your full name spelling your name for the record.
 2 THE WITNESS: My name is Ruben
 3 Luevano, R-U-B-E-N, last name is L-U-E-V-A-N-O.
 4 THE COURT: Ms. Fleck.
 5 MS. FLECK: Thank you, Your Honor.
 6
 7 DIRECT EXAMINATION
 8 BY MS. FLECK:
 9 Q. Good afternoon, sir. How were you
 10 employed back in June of 2004?
 11 A. I was a crime scene analyst with the
 12 City of North Las Vegas Police Department.
 13 Q. And how long had you been a crime
 14 scene analyst with North Las Vegas?
 15 A. I started in '03 and left last year.
 16 Q. Okay. So at that point in time you'd
 17 been there for about a year.
 18 A. Correct.
 19 Q. What kind of training and experience
 20 did you have in order to do your job with North Las
 21 Vegas as a crime scene analyst?
 22 A. I was recruited from the Tucson Police
 23 Department where I had served five years and I was
 24 a certified crime scene technician and had received
 25 all my training in Arizona through their law

1 enforcement agencies and certifications.
 2 Q. Is it fair to say that your job as a
 3 crime scene analyst is to document and preserve
 4 evidence?
 5 A. Correct.
 6 Q. And the ladies and gentlemen of the
 7 jury have already had an opportunity to hear from
 8 Marion Brady. Are you familiar with Ms. Brady?
 9 A. Yes, I am.
 10 Q. When you were working with North Las
 11 Vegas with the crime scene department, did you work
 12 with Ms. Brady?
 13 A. Yes, I did.
 14 Q. One of the reasons that you document
 15 and preserve evidence or I guess something that
 16 occurs after that is that you may come in and kind
 17 of re-create the crime scene for the ladies and
 18 gentlemen of the jury.
 19 A. Correct.
 20 Q. Were you asked to document and
 21 preserve a crime scene on June 28th of 2004?
 22 A. Yes, I was.
 23 Q. And I'm sorry. I guess not
 24 necessarily a crime scene but at times might you be
 25 called out by officers to do follow-up after a

1 crime?
 2 A. Correct.
 3 Q. So on June 28, 2004, were you asked to
 4 do some additional follow-up processing of places
 5 of interest that detectives or officers had found?
 6 A. Correct.
 7 Q. Okay. So what was the nature of you
 8 getting called out on June 28th of 2004?
 9 A. I was called out to a search warrant
 10 on East Charleston that Sgt. DiMartino (phonetic)
 11 and Detective Melody Grahoe (phonetic) were serving.
 12 Q. Okay. Detective Prieto, was he also
 13 involved in that?
 14 A. Yes, he was.
 15 Q. And was that at 3801 Charleston?
 16 A. Yes, that's correct.
 17 Q. What did you find once you got to that
 18 area?
 19 A. I had been informed by the
 20 investigators on scene that there was a casing and
 21 a projectile that had been found in a green Ford
 22 Taurus I believe.
 23 Q. When you get to an either a crime
 24 scene or in this case a follow-up search warrant,
 25 what's the first thing that you do?

1 A. I meet with investigators on the scene
 2 for instructions. In addition to that I take
 3 photographs of the scene and anything else that
 4 might be requested by other investigators on the
 5 scene.
 6 Q. When you get a briefing from officers
 7 that are at the scene as to what crimes have
 8 occurred and what pieces of evidence may or may not
 9 be of evidentiary value --
 10 A. Correct.
 11 Q. -- then do you also use your own
 12 training and experience to determine whether or not
 13 other things are of evidentiary value?
 14 A. Yes, ma'am.
 15 MS. FLECK: Judge, may I approach the
 16 witness.
 17 THE COURT: Yes.
 18 MS. FLECK: I've already shown
 19 defendant's counsel State's proposed 72 through
 20 99.
 21 Q. Sir, if you could just kind of briefly
 22 run through those and let me know if you generally
 23 recognize what it depicted in those photos.
 24 A. Yes. This is the vehicle that I
 25 photographed.

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1 Q. Okay. And how about these.
 2 A. This is the apartment where the search
 3 warrant was held.
 4 Q. Okay. These are all the photographs
 5 that you took?
 6 A. Yes.
 7 MS. FLECK: Move for admission of
 8 State's proposed 63 through 99.
 9 MR. FUMO: No objection, Your Honor.
 10 THE COURT: They will be admitted.
 11 Thank you.
 12 MS. FLECK: Permission to publish,
 13 Judge.
 14 THE COURT: Yes.
 15 MS. FLECK:
 16 Q. So when you first got to the scene,
 17 you said that there was a car that officers
 18 directed you to. Do you remember what kind of car
 19 that was?
 20 A. A green Ford Taurus sedan.
 21 Q. Showing you State's Exhibit 63. Is
 22 that what we see in this photograph?
 23 A. Yes, ma'am.
 24 Q. And what is it that was of interest to
 25 the officers and that you went on to further

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1 document in this automobile?
 2 A. A casing and a projectile found in the
 3 vehicle.
 4 Q. Where in the vehicle?
 5 A. The trunk area.
 6 Q. Okay. Showing you State's
 7 Exhibit 69. When you got to the 3801 Charleston
 8 that evening, was the trunk open or did you go
 9 ahead and open it?
 10 A. The trunk was open.
 11 Q. Okay. And then what did you do?
 12 A. I took over all photos of the vehicle
 13 and location and detailed shots of the casing and
 14 bullet or projectile.
 15 Q. There is a overall photograph of the
 16 car and then more specific photographs within the
 17 car.
 18 A. Yes, ma'am.
 19 Q. Now, showing you State's Exhibit
 20 No. 70. We see a No. 1 placard in State's Exhibit
 21 70. What does that signify to you?
 22 A. That was the casing and projectile
 23 that was found in the vehicle.
 24 Q. Do you remember the type of casing
 25 that was found?

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1 A. I'd have to refer to my report for
 2 that specific information.
 3 Q. Okay.
 4 A. May I do so?
 5 Q. Yes. And in fact when you make a
 6 report, do you delineate by number and matching
 7 things that go into impound?
 8 Is that a yes?
 9 A. Yes.
 10 Q. Okay.
 11 A. It was a Winchester 357 magnum casing.
 12 Q. Okay. And there's a casing now
 13 showing you State's Exhibit 71. That's closer up
 14 of that casing.
 15 A. Yes, ma'am.
 16 Q. If you could just circle for the
 17 ladies and gentlemen of the jury just in case they
 18 can't see where it is in that photograph but if you
 19 touch on the screen, your finger will actually draw
 20 on the screen. So that's the 357 casing that you
 21 found.
 22 A. Yes.
 23 Q. Now, next to it there's a small -- we
 24 see a small metal object. What's that?
 25 A. That's a projectile.

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1 Q. And if you could again just -- for the
 2 jurors. Okay. Thank you. What did you do with
 3 the casing and that projectile after you took the
 4 photographs of it?
 5 A. I collected it as evidence and secured
 6 it.
 7 Q. And then what do you do with it once
 8 it's collected?
 9 A. It is brought back to the police
 10 department where it is secured in the evidence bay
 11 or vault section.
 12 MS. FLECK: Okay. And, Judge, may I
 13 approach?
 14 THE COURT: Yes.
 15 MS. FLECK:
 16 Q. Showing you State's proposed Exhibit
 17 125 and 125-A. Do you recognize these pieces of
 18 evidence?
 19 A. Yes.
 20 Q. How do you recognize it?
 21 A. It is what I photographed and
 22 collected and it also bears my signature and P
 23 number.
 24 Q. Okay. Is there also something on here
 25 indicating to you that this piece of evidence is

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1 linked to the evidence and the search warrant at
2 3801 East Charleston?
3 A. Yes. It indicates the address and the
4 date and time.
5 Q. Okay. When you take that evidence,
6 you put it into this envelope and then you sale it
7 up. We see some different colored tapes on here.
8 What do those tapes signify?
9 A. This is my signature and when I sealed
10 this piece of evidence, these other signatures and
11 seals are from other investigators who may have
12 checked out this piece of evidence for further
13 processing at a later date.
14 Q. Okay. So we see the red evidence tape
15 and that's what you put on there?
16 A. Yes, ma'am.
17 Q. Now, the blue, that goes on at a later
18 date?
19 A. Yes, ma'am.
20 Q. Except for the blue, this evidence
21 appears to be in substantially the same condition
22 it was in when you impounded it on June 28, 2004.
23 A. Yes.
24 MS. FLECK: Move for the admission of
25 125 and 125-A.

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1 MR. FUMO: No objection.
2 THE COURT: Admitted. Thank you.
3 MS. FLECK:
4 Q. And so the blue, does that indicate
5 some testing was done by a different forensic
6 laboratory?
7 A. Correct.
8 Q. Okay. And now showing you what's in
9 State's 125, is that the 357 casing that you found
10 within the trunk?
11 A. Yes, ma'am.
12 Q. And is this the bullet that you found
13 also that was in the trunk?
14 A. Yes.
15 Q. Okay. After you did the initial
16 search of -- well, let me ask you.
17 Besides just as an initial view of the
18 back of that trunk, did you find anything else of
19 evidentiary value before you went into the house?
20 A. No.
21 Q. Okay. Any gloves or anything found in
22 the trunk at that point in time?
23 A. No, ma'am.
24 Q. What did you do then at 3801
25 Charleston after you did the initial processing?

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1 A. I was asked to photograph the damage
2 to the window and door of the apartment, also take
3 over all photos of the interior of the apartment,
4 and I was asked to collect items of evidence for
5 the other investigators.
6 Q. When you got there, clearly the
7 apartment had already been breached.
8 A. Correct.
9 Q. Did you learn that SWAT had come and
10 breached that apartment?
11 A. Yes, ma'am.
12 Q. And you were not present during that?
13 A. No.
14 Q. Do you remember the apartment number
15 that you were asked to process?
16 A. It was 114 and I'm verifying that on
17 my report.
18 MS. FLECK: May I approach?
19 THE WITNESS: Yes, it's 114.
20 MS. FLECK: Okay.
21 Q. I'm now showing you State's proposed
22 90 through 99 again the same routine and ask you
23 generally if you recognize what's depicted in them?
24 A. Yes. I took those photographs.
25 Q. What do they depict?

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1 A. The exterior of the apartment and the
2 interior of the apartment as I found it.
3 MS. FLECK: Move for admission of
4 State's proposed 90 through 99.
5 MR. FUMO: No objection, Your Honor.
6 THE COURT: They will be admitted.
7 Thank you.
8 MS. FLECK:
9 Q. Showing you State's 90 -- actually I
10 think I had already admitted these but at any rate,
11 what do we see in State's 90?
12 A. The door and window area of the
13 apartment 114.
14 Q. We see some glass kind of on the side
15 of the window. Did you learn that that was from
16 officers breaching that during the search warrant?
17 A. Yes, ma'am.
18 Q. I'm now showing you State's
19 Exhibit 92. The door leading into the apartment.
20 A. Correct.
21 Q. Now, showing you State's Exhibit 93.
22 What do we see in State's Exhibit 93?
23 A. The interior of the apartment.
24 Q. State's Exhibit -- in State's Exhibit
25 93 we see kind of in the far corner placard 5

1 and -- I'm sorry. Actually -- close to -- I'm
 2 going to show you State's 97. What do we see in
 3 this exhibit?
 4 A. Placard No. 6 next to a black glove.
 5 Q. Okay. I'm now showing you State's
 6 Exhibit 98 another glove.
 7 A. Correct.
 8 Q. And did you learn or did you -- well,
 9 did you learn from officers that these gloves maybe
 10 have evidentiary value?
 11 A. Yes, I did.
 12 Q. What did you do with them?
 13 A. I photographed them and collected them
 14 as evidence.
 15 Q. Now showing you State's Exhibit 94 we
 16 see placard 2 and 3. What was significant about
 17 those items of evidence?
 18 A. I was asked to collect items 2 and 3.
 19 2 is the tee-shirt, the blue tee-shirt and 3 is the
 20 disposable --
 21 Q. In item No. 2 did you learn that one
 22 of the suspects may have been wearing a blue
 23 tee-shirt?
 24 A. Yes.
 25 Q. And with item No. 3 that small Kodak

1 disposable camera why did you impound that?
 2 A. I was asked to by investigators I
 3 assume.
 4 Q. Okay. Showing you now State's Exhibit
 5 126 and 126-A and B and 127 and 127-A. Do you
 6 recognize these pieces of evidence?
 7 A. Yes, I do.
 8 Q. Similar evidence bags?
 9 A. Yes.
 10 Q. And, again, have you notated these
 11 with your P number, with the case number indicating
 12 to you that these are the pieces of evidence that
 13 were impounded from that scene at 3801 East
 14 Charleston?
 15 A. Correct.
 16 Q. With regard to item 127 and 127-A
 17 appear to be in substantially the same condition as
 18 it was in when you impounded it?
 19 A. Yes.
 20 MS. FLECK: Okay. Move for admission
 21 of State's 127 and 127-A.
 22 MR. FUMO: No objection, Your Honor.
 23 THE COURT: Those will be admitted.
 24 Thank you.
 25 ///

1 MS. FLECK:
 2 Q. The same with 126 and 126-A and B, do
 3 you recognize that?
 4 A. Yes.
 5 Q. And is this evidence that you
 6 impounded from 3801 East Charleston?
 7 A. Yes.
 8 Q. Does it appear to be in substantially
 9 the same condition that it was in when you
 10 impounded it?
 11 A. Yes, ma'am.
 12 MS. FLECK: Move for the admission of
 13 State's proposed Exhibit 126 and 126-A.
 14 MR. FUMO: No objection.
 15 THE COURT: That will be admitted.
 16 Thank you.
 17 MS. FLECK: Okay.
 18 Q. On 127-A glove that we saw in the
 19 photographs, that was found at the scene?
 20 A. Yes, ma'am.
 21 Q. And 126-B another glove that was found
 22 at the scene?
 23 A. Correct.
 24 Q. Now, on 126-A we see a number of small
 25 almost Petri dishes. What were those?

1 A. I believe those were some of the --
 2 found on the Velcro area of the --
 3 Q. Okay. So just you went ahead and took
 4 any hairs that may have been attached and went
 5 ahead and impounded those as well?
 6 A. Correct.
 7 Q. Okay. Sir, once the car -- once the
 8 officers had found and you had gone on to impound
 9 that casing and the bullet that was found in the
 10 back of the or the projectile that was found in the
 11 trunk of that Taurus, what happened to the Taurus?
 12 A. I was asked to secure it and have it
 13 towed back to the crime scene investigation bureau
 14 for later process.
 15 Q. So once these items were found in the
 16 car it was determined that that automobile would go
 17 on to be impounded?
 18 A. Correct.
 19 Q. And where were back in 2004 cars taken
 20 upon impound?
 21 A. They were taken to the main police
 22 station, 1301 Lake Mead. I believe it's east.
 23 Q. Once the car gets to impound or got to
 24 the impound in this case, what is it that you do
 25 then back at the police department?

1 A. Once the search warrant was obtained,
2 it would be requested that that vehicle be
3 processed.
4 Q. Thank you. Showing you now State's
5 proposed 73 through 86. Do you recognize these?
6 A. Yes.
7 Q. And what are they?
8 A. Photographs that I took of the vehicle
9 back after processing at the police station.
10 MS. FLECK: Okay. Move for admission
11 of State's proposed 73 through 86.
12 MR. FUMO: No objection.
13 THE COURT: That will be admitted.
14 Thank you.
15 MS. FLECK:
16 Q. Now showing you State's Exhibit 73, is
17 this that same green Ford Taurus that we saw back
18 at 3801 East Charleston now in impound?
19 A. Yes.
20 Q. So what did you do in order to process
21 this car back at impound?
22 A. I believe the next day after they
23 obtained the search warrant they asked me to look
24 for firearms evidence, gloves and blood evidence in
25 the vehicle.

1 Q. Now that it's back at impound, you
2 have an opportunity to do a more thorough search of
3 this vehicle.
4 A. Correct.
5 Q. Okay. What, if anything, did you
6 find?
7 A. I found two pistols that were hidden
8 in the trunk lining of the vehicle, multiple
9 gloves.
10 Q. Okay. Showing you State's
11 Exhibit 75. There we see just a kind of floorboard
12 or mat lining I guess in the trunk of the car. Is
13 that the condition that the trunk was in when you
14 first searched it?
15 A. Yes.
16 Q. You went on to lift that floorboard or
17 that mat?
18 A. Correct.
19 Q. And what did you find?
20 A. Two pistols hidden underneath.
21 Q. State's Exhibit 66, what do we see
22 there?
23 A. The lining being removed.
24 Q. Now State's Exhibit 77, what do you
25 see in State's Exhibit 77?

1 A. A placard No. 9 and multiple latex
2 gloves.
3 Q. Now showing you State's Exhibit 87,
4 what do we see there?
5 A. We have two pistols.
6 Q. Now, again this is all -- I mean a few
7 exhibits earlier the ladies and gentlemen of the
8 jury saw that being lifted up. This was all right
9 beneath that lining.
10 A. That's correct.
11 Q. I'm showing you Exhibit 79, another
12 photograph of those firearms.
13 A. Correct.
14 Q. What did you do when you found those
15 two guns underneath the lining of that trunk?
16 A. They were collected as evidence and
17 photographed one more time.
18 Q. State's Exhibit 129 and 129-A, 128 and
19 128-A and B. Do you recognize -- let's start with
20 128. Do you recognize 128?
21 A. Yes, I do.
22 Q. All of your identifiers?
23 A. All of my identifiers.
24 Q. And what does your -- what does the
25 evidence bag tell you about when this piece of

1 evidence was obtained?
2 A. It has the marking of the date and
3 case number and location.
4 Q. Okay. So on June 29th of 2004 now we
5 see 2001 LMPT?
6 A. That stands for Lake Mead Boulevard
7 east which is the police station address.
8 Q. Okay. Where the cars are impounded.
9 A. Yes.
10 Q. Does this object appear in
11 substantially the same condition as it was in on
12 June 29, 2004?
13 A. Yes, it does.
14 MS. FLECK: Move for admission of
15 128-A and B.
16 MR. FUMO: No objection.
17 THE COURT: They are admitted. Thank
18 you.
19 MS. FLECK:
20 Q. 129 and 129-A appear to be in
21 substantially the same condition that it was in the
22 day you impounded it on June 29, 2004?
23 A. Yes.
24 MS. FLECK: Move for the admission of
25 129.

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1 MR. FUMO: No objection.
 2 THE COURT: They are admitted. Thank
 3 you.
 4 MS. FLECK:
 5 Q. Now showing you State's proposed 130.
 6 Do you recognize this box?
 7 A. Yes, I do.
 8 Q. How do you recognize this?
 9 A. It's the box I used to secure and
 10 collect the two pistols.
 11 Q. Okay. And why do you use a box in
 12 this case instead of a bag?
 13 A. The box better protects the evidence
 14 or in this case the pistol.
 15 Q. Okay. Do you in fact go on to zip tie
 16 the firearms into the box?
 17 A. Yes.
 18 Q. Does this piece of evidence appear to
 19 be in substantially the same condition that it was
 20 in when you impounded it on June 29, 2004?
 21 A. Yes, it does.
 22 Q. And State's proposed -- piece of
 23 evidence do we have here?
 24 A. It appears to be the pistol.
 25 Q. And again does it appear to be in

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1 substantially the same condition that it was in
 2 when you impounded it on June 29, 2004?
 3 A. Correct.
 4 MS. FLECK: Move for the admission of
 5 130 and 131.
 6 MR. FUMO: No objection.
 7 THE COURT: They are admitted. Thank
 8 you.
 9 MS. FLECK:
 10 Q. Showing you now State's proposed or
 11 now into evidence State's 129-A. I see a number of
 12 Latex gloves.
 13 A. Yes, ma'am.
 14 Q. And were those the gloves that you
 15 found in the back of the Taurus?
 16 A. Yes, ma'am.
 17 Q. 128-B, what do we see here?
 18 A. A work glove, leather work glove.
 19 Q. Okay. And that was also found in the
 20 trunk of the car.
 21 A. Yes, ma'am.
 22 Q. Okay. Now, you said that there were
 23 two weapons found in the back. I'm showing you
 24 State's Exhibit 80. When was this photograph
 25 taken?

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1 A. Those photographs were taken on the
 2 29th.
 3 Q. Where, the same place where you went
 4 and impounded these?
 5 A. Yeah, the processing place of the
 6 station.
 7 Q. What do we see?
 8 A. We see the revolver.
 9 Q. And what about 11?
 10 A. We see the semiautomatic on pistol.
 11 Q. Showing you State's Exhibit 83. What
 12 do we see here?
 13 A. The cylinder on the revolver with
 14 cartridges.
 15 Q. And State's Exhibit 85. What do we
 16 see here?
 17 A. The cartridges that were in the clip
 18 of the semiautomatic pistol.
 19 Q. Okay. Within State's Exhibit 130
 20 there's a small -- it's 130-A.
 21 Judge, permission to publish 130 to
 22 the jurors.
 23 THE COURT: Yes.
 24 MS. FLECK:
 25 Q. So tell the ladies and gentlemen of

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1 the jury what is found in State's Exhibit 130.
 2 A. That is the revolver that was found in
 3 the trunk of the green Taurus.
 4 Q. Okay. What is the make and model of
 5 this then?
 6 A. Let me refer to my report for that.
 7 It's an LJA and CWKS eight shot revolver serial
 8 number M59842, black.
 9 Q. Okay. We see a chamber or a round
 10 like a circular thing that's also attached. What
 11 is that?
 12 A. That's the cylinder of the revolver.
 13 Q. Okay. And then in 130-A there are a
 14 number of bullets, correct?
 15 A. Correct.
 16 Q. And where did those bullets come from?
 17 A. Those came from the cylinder of the
 18 revolver.
 19 Q. Okay. They were all inside when you
 20 found that weapon, took it apart and you took all
 21 those bullets out.
 22 A. Correct.
 23 Q. But in fact when you found them, they
 24 were all live in that chamber.
 25 A. Correct.

1 Q. And then the other firearm that was
2 found was what?
3 A. It was a Raven pistol, semiautomatic.
4 Q. State's Exhibit 130, what was found
5 within State's Exhibit 130 or within that pistol
6 what was found?
7 A. Live cartridges in the magazine.
8 Q. That little clip thing, that's called
9 the magazine.
10 A. Correct.
11 Q. Okay. Does that go into the bottom of
12 the weapon?
13 A. It goes into the bottom of the weapon.
14 Q. And all of those bullets that we found
15 or we see, where did those come from?
16 A. Those came from the inside of the
17 magazine that were inside the weapon.
18 Q. Okay. So you took the bullets out of
19 the magazine. You took the magazine out of the
20 weapon.
21 A. Correct.
22 MS. FLECK: Okay. If I didn't move to
23 admit the contents of 130, I would move to admit
24 the proposed 130-A into evidence.
25 THE COURT: That's the revolver.

1 MS. FLECK: Yes.
2 THE COURT: The box and contents will
3 be admitted together because the guns are inside
4 the containers.
5 MS. FLECK: That's the same or the
6 other one as well, Judge.
7 THE COURT: Yes.
8 MS. FLECK: Okay. Thank you.
9 Q. Sir, did you ever go on to process the
10 Taurus for fingerprints?
11 A. No, ma'am.
12 Q. And why not?
13 A. It was not called for by the lead
14 investigators.
15 Q. Okay. Often times if officers know
16 whose vehicle it is, ownership is not at issue,
17 will you take that additional step to go on and
18 process a car for fingerprints when you already
19 know the owner?
20 A. No, not if that's in question or not
21 in question.
22 Q. Were you asked to process the firearm
23 in this case?
24 A. No, ma'am.
25 Q. Did you impound them and then they

1 were later processed by someone else within North
2 Las Vegas?
3 A. Correct.
4 MS. FLECK: Okay. I'll pass the
5 witness.
6 (Whereupon Fleck concluded
7 this portion of her examination
8 at 4:31 p.m.)
9 THE COURT: Mr. Fumo.
10 MR. FUMO: Thank you.
11
12 CROSS-EXAMINATION
13 BY MR. FUMO:
14 Q. Sir, you got called out that night it
15 was about 11:00 o'clock; is that correct?
16 A. Yes, 11:00 o'clock.
17 Q. And you were asked to process the
18 vehicle first, correct, if you recall. I notice
19 you're looking at your notes for the record.
20 But do you recall what you processed
21 first? Was it the home?
22 A. It was the vehicle. I was asked to
23 prove and collect the evidence that was found in
24 the vehicle.
25 Q. And that night you never started that

1 car, did you?
2 A. No, sir.
3 Q. You never drove the car?
4 A. Never.
5 Q. The truck you said was already open
6 when you got there?
7 A. Correct.
8 Q. Do you know if it was forced open or
9 if keys were used?
10 A. I don't know.
11 Q. You were told to look for blood in the
12 vehicle, though, weren't you?
13 A. I was asked to look for blood when I
14 received the process request on the following day.
15 Q. Okay. And when you wrote your report,
16 you checked on the floormats on the front.
17 A. I'm sorry.
18 Q. Did you check under the floormats on
19 the front seat of the car?
20 A. Everywhere.
21 Q. Checked the steering wheel?
22 A. Correct.
23 Q. You checked it for every little speck
24 of blood you could find. There was no blood in
25 that car at all, was there?

1 A. I looked and did a visual inspection
2 and I didn't see any.
3 Q. According to your report no blood
4 found inside the vehicle during your examination;
5 is that correct?
6 A. Correct.
7 Q. You found two weapons the next day
8 inside the trunk area of the car?
9 A. Yes, sir.
10 Q. And the first one, the silver one that
11 was a .25 caliber; is that correct?
12 A. The Raven Arm?
13 Q. Yes.
14 A. Yes, sir.
15 Q. And the other one was a .22?
16 A. Revolver?
17 Q. Yes, sir.
18 A. .22 caliber, correct.
19 Q. Okay. After you processed the car,
20 found no blood, you went inside the house, the SWAT
21 team had already breached the home. The windows
22 were broke in. The door was off its hinges; is
23 that correct?
24 A. The vehicle wasn't processed until the
25 following day.

1 Q. After you took pictures that night,
2 you went in and took pictures of the home.
3 A. Correct.
4 Q. The doors were blown off the pinnings.
5 A. The door looked like it was damaged
6 and the windows were broken.
7 Q. The inside of the house was a complete
8 mess.
9 A. Yes, sir.
10 Q. You could assume SWAT had already done
11 their search.
12 A. Yes, sir.
13 Q. Of all the clothes that were found
14 they told you to take a picture of one blue
15 tee-shirt; is that correct?
16 A. Yes.
17 Q. And the camera, did you take that into
18 evidence?
19 A. The point and the shoot.
20 Q. Correct.
21 A. That was collected into evidence.
22 Q. Did you process the pictures inside
23 that?
24 A. No.
25 Q. Did you take hairs?

1 A. Yes.
2 Q. Did you process the hair to see if
3 they matched Mr. Slaughter or anybody else?
4 A. I did not.
5 Q. Nothing else?
6 A. I don't know what other reports were
7 generated.
8 Q. You were never even asked to match
9 them up. You have no report saying that matches
10 anybody at that home, do you?
11 A. Correct.
12 Q. The other glove, any evidentiary value
13 on any of the gloves?
14 Was there any blood on the gloves?
15 A. No visible blood that I saw.
16 Q. Any blood on the tee-shirt?
17 A. Not that I can recall.
18 Q. Any blood in the home at all?
19 A. I don't recall.
20 Q. Did you find an ATM card from a person
21 named Ryan John inside the house?
22 A. Did I find an ATM card?
23 Q. Yes.
24 A. Not that I recall. I don't believe
25 so.

1 Q. Inside the car did you find any wig
2 like a Jamaican looking wig?
3 A. No, sir.
4 Q. Inside the home did you find a wig?
5 A. No, sir.
6 Q. Did you test the gloves for any DNA at
7 all?
8 A. I did not.
9 Q. Any of the shoes, did you test any
10 shoes for DNA?
11 A. No, sir.
12 Q. No blood on the bottoms of any shoes?
13 A. No, sir.
14 MR. FUMO: Nothing further, Your
15 Honor.
16 (Whereupon Mr. Fumo concluded
17 his examination at 4:35 p.m.)
18 THE COURT: Ms. Fleck.
19 MS. FLECK: Nothing further.
20 THE COURT: Thank you. Anything from
21 our jurors? No. All right. Mr. Luevano, I
22 appreciate your time, sir. You are excused. Thank
23 you very much.
24 (Whereupon Ruben Luevano was
25 excused from the witness stand

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1 at 4:35 p.m.)
2 THE COURT: That was the last witness
3 for today.
4 MS. FLECK: Yes, Your Honor.
5 THE COURT: Ladies and gentlemen, we
6 are going to go ahead and take the evening recess
7 at this time. During this recess, it is your duty
8 not to converse among yourselves or with anyone
9 else on any subject connected with the trial or to
10 read, watch or listen to any report of or
11 commentary on the trial by any person connected
12 with the trial or by any medium of information,
13 including, without limitation, newspaper,
14 television, radio, and the internet, and you are
15 not to form or express an opinion on any subject
16 connected with this case until it is finally
17 submitted to you, under instructions by me. We're
18 shooting for 10:30 tomorrow morning so I will see
19 you then.
20 (Whereupon, the jury
21 retired from the courtroom
22 at 4:36 p.m. and the following
23 proceedings took place outside
24 their presence:)
25 THE COURT: Does anybody have anything

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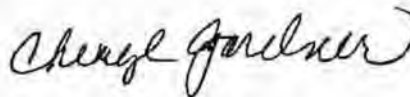
1 outside the presence?
2 MR. DiGIACOMO: Just maybe very
3 briefly. After Mr. Fumo's opening statement I told
4 the Court if they put on the alibi, I would put
5 jail calls in. We intend to put some of those in.
6 We gave him 12 disks. If there's anything in the
7 transcript he feels we shouldn't be able to play,
8 we may have to have some argument outside the
9 presence of the jury as to -- there are certain
10 things Mr. Slaughter says that are clearly
11 admissible, but there are also intermixed with
12 certain things that the Court may feel are not
13 necessarily admissible. Maybe we should address
14 those before we actually play them for the jury.
15 THE COURT: Well, why don't you guys
16 go through them. Whatever you agree upon obviously
17 I'll abide by. If there are some things that we
18 need to take up that are not in agreement, we won't
19 get to play them until after the case, right.
20 MR. DiGIACOMO: No. We may play
21 something in the case in chief based on his
22 statements -- Mr. Slaughter made statements
23 inconsistent with what he told the jury in opening.
24 THE COURT: So go through them and see
25 what kind of agreement can be made and after we get

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1 done at 5:00 o'clock or whatever, we'll stay here
2 for a little bit and talk about them. Do you have
3 transcripts?
4 MR. DiGIACOMO: I do. I can e-mail
5 them in my computer. I have hard copies as well.
6 What I thought I would do is I'm not going to play
7 all of it. I thought what I'd do is tonight I
8 could highlight in red kind of the sections that we
9 think are relevant maybe I'll highlight in red what
10 we think is not relevant as opposed to what is
11 relevant and see if there's anything they want in
12 addition to that. I can mail them over to Mr. Fumo
13 in case he wants to see it.
14 (Whereupon the proceedings
15 adjourned at 4:39 p.m.)
16
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1 AFFIRMATION
2 Pursuant to NRS 239B.030
3
4 The undersigned does hereby affirm that the
5 preceding transcript of trial testimony filed in
6 District Court Case No. C204957 does not contain
7 the social security number of any person.
8
9
10
11
12
13 Dated this 5th day of July, 2011.
14
15
16
17
18
19 Cheryl Gardner, CCR 230, RPR, RMR
20
21
22
23
24
25



Cheryl Gardner, CCR 230, RPR, RMR

REPORTER'S CERTIFICATE

1
2
3 STATE OF NEVADA)

4) ss

5 COUNTY OF CLARK)

6
7 I, Cheryl Gardner, RMR-RPR, CCR 230,
8 do hereby certify that I took down in Stenotype all
9 of the proceedings had in the before-entitled
10 matter at the time and place indicated and that
11 thereafter said shorthand notes were transcribed
12 into typewriting by me and that the foregoing
13 transcript constitutes a full, true, and accurate
14 record of the proceedings had.

15 IN WITNESS WHEREOF, I have hereunto
16 set my hand and affixed my official seal of office
17 in the County of Clark, State of Nevada, this 5th
18 day of July, 2011.

19

20

21

22

23

24

25


CHERYL GARDNER, RMR-RPR, CCR 230

EXHIBIT 165

EXHIBIT 165

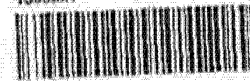


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IN THE EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA
CLERK OF THE COURT

04C204957
TRAN
Reporters Transcript
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STATE OF NEVADA,)
)
Plaintiff,)
)
vs.)
)
RICKIE SLAUGHTER,)
)
Defendant.)

Case No. C204957
Dept. No. 3

JURY TRIAL

Before the Honorable Douglas Herndon
Tuesday, May 17, 2011, 10:00 a.m.

Reporter's Transcript of Proceedings

APPEARANCES:

For the State: Marc DiGiacomo, Esq.
Michelle Fleck, Esq.
Deputies District Attorney
Las Vegas, Nevada

For the Defendant: Osvaldo Fumo, Esq.
Dustin Marcello, Esq.
Attorneys at Law
Las Vegas, Nevada

REPORTED BY: BILL NELSON, RMR, CCR No. 191

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CLERK OF THE COURT

<p>1 TRAN</p> <p>2</p> <p>3</p> <p>4 IN THE EIGHTH JUDICIAL DISTRICT COURT CLARK COUNTY, NEVADA</p> <p>5</p> <p>6 STATE OF NEVADA,) 7 Plaintiff,) 8 vs.) Case No. C304957 9 RICKIE SLAUGHTER,) Dept. No. J 10 Defendant.)</p> <p>11</p> <p>12 <u>JURY TRIAL</u></p> <p>13 Before the Honorable Douglas Herndon 14 Tuesday, May 17, 2011, 10:00 a.m. 15 <u>Reporter's Transcript of Proceedings</u></p> <p>16</p> <p>17 APPEARANCES:</p> <p>18 For the State: Marc DiGiacomo, Esq. Michelle Fleck, Esq. 19 Deputies District Attorney 20 Las Vegas, Nevada</p> <p>21 For the Defendant: Osvaldo Puno, Esq. 22 Dustin Marcello, Esq. Attorneys at Law 23 Las Vegas, Nevada</p> <p>24 REPORTED BY: BILL NELSON, RMR, CCR No. 191</p> <p>25</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p>1 Las Vegas, Nevada, Tuesday, May 17, 2011</p> <p>2</p> <p>3 * * * * *</p> <p>4</p> <p>5 (Thereupon, the following proceedings were had out of 6 the presence of the jury.):</p> <p>7</p> <p>8 THE COURT: Anything outside the presence right 9 now?</p> <p>10 MR. DI GIACOMO: No.</p> <p>11 MR. MARCELLO: There is one objection to the 12 7-Eleven tape, Your Honor.</p> <p>13 Basically we have an authentication and best 14 evidence issue here.</p> <p>15 The custodian of records originally testified 16 during the preliminary hearing they installed a new 17 camera system and that the time stamp the system puts on 18 the cam review was off, and the way that they determined 19 that is because when the ATM was accessed, it did not 20 line up with the timing of the camera of when he watched 21 the individual use the ATM, and they tried to explain 22 why exactly did those not match up, because as you can 23 imagine ATMs are pretty precise what time they are 24 accessed, and so basically he said, well, we installed 25 the new system, and there was some type of delay between</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>																																													
<p>1 INDEX</p> <p>2</p> <table border="1"> <thead> <tr> <th>3 WITNESS</th> <th>DR</th> <th>CR</th> <th>RDR</th> <th>RCR</th> </tr> </thead> <tbody> <tr> <td>4 Kenny Marks</td> <td>12</td> <td>22</td> <td></td> <td></td> </tr> <tr> <td>5 Inderdeep Judge</td> <td>27</td> <td>35</td> <td>38</td> <td>38</td> </tr> <tr> <td>6 Jeffrey Arbuckle</td> <td>40</td> <td>44</td> <td></td> <td></td> </tr> <tr> <td>7 Ryan John</td> <td>49</td> <td>65</td> <td>77</td> <td>79</td> </tr> <tr> <td>8 Christopher Corrado</td> <td>82</td> <td>88</td> <td></td> <td></td> </tr> <tr> <td>9 Patrick Fischer</td> <td>106</td> <td>109</td> <td></td> <td></td> </tr> <tr> <td>10 Angel Moses</td> <td>111</td> <td>133</td> <td>158</td> <td>161</td> </tr> <tr> <td></td> <td></td> <td>168</td> <td>169</td> <td></td> </tr> </tbody> </table> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	3 WITNESS	DR	CR	RDR	RCR	4 Kenny Marks	12	22			5 Inderdeep Judge	27	35	38	38	6 Jeffrey Arbuckle	40	44			7 Ryan John	49	65	77	79	8 Christopher Corrado	82	88			9 Patrick Fischer	106	109			10 Angel Moses	111	133	158	161			168	169		<p>1 the time stamp placed on it and the actual time it was 2 occurring.</p> <p>3 So we don't have any way to authenticate that the 4 time that is stamped on the bottom running during the 5 whole time of the type actually corresponds with the 6 actual time this was occurring.</p> <p>7 Additionally, in the videotape that we received 8 there was actually two additional time stamps on the 9 tape.</p> <p>10 There was a time stamp on the actual footage, and 11 another second running time stamp at the bottom of the 12 footage of the video.</p> <p>13 When we sent that to our expert to have them look 14 at that, again he indicated to me that there was no way 15 a video would have two time stamps without being 16 manipulated, and/or altered.</p> <p>17 That doesn't mean the video itself was altered, 18 or what was in it was altered, just the software they 19 used to keep it, alter it to put in a later time stamp 20 at a letter date, or a different time stamp at the time.</p> <p>21 MR. DI GIACOMO: I have the custodian of records 22 for 7-Eleven, actually the owner of the 7-Eleven 23 actually downloaded the video.</p> <p>24 He said the video was off by an hour because it 25 doesn't change to daylight savings.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>
3 WITNESS	DR	CR	RDR	RCR																																										
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		168	169																																											

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1 There is a separate digital time stamp on the
2 Intelix (Phonetic), so there is video where you are
3 actually watching and a time stamp embedded in the video
4 itself, and then there is the Intelix program that has
5 its own clock, and that Intelix program actually has
6 about an hour later as the time stamp, so that is the
7 difference between the two time stamps, but certainly
8 they can cross-examine him.

9 THE COURT: So your position is that one of the
10 time stamps on the video is correct, and one of them is
11 off by an hour because of daylight savings?

12 MR. DI GIACOMO: Approximately.

13 If you want to watch it, Judge, it's actually
14 queued up.

15 If you notice, see these time stamps, 20:07:14,
16 8:30 at night, which is when the transaction occurs,
17 those time stamps appear to be correct.

18 THE COURT: Those are the Intelix?

19 MR. DI GIACOMO: Those are the Intelix, the
20 systems itself, is the program.

21 THE COURT: Okay.

22 MR. DI GIACOMO: If you notice the actual video
23 itself, that clock is off by about an hour.

24 THE COURT: An hour and change.

25 MR. DI GIACOMO: An hour and change.

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1 MR. MARCELLO: Your Honor, that is where the
2 change is, where our issue lies, because we have a
3 precise time of exactly when the ATM is accessed.

4 I believe that time is the correct time, and that
5 this tape does not accurately reflect --

6 THE COURT: How does that compare to these two
7 times, the ATM time?

8 MR. MARCELLO: When they show the video, when
9 they show that person going up to the video, accessing
10 it, there is actually a five minute difference, and the
11 custodian will tell you our system was in the
12 neighborhood of five minutes off at the time.

13 Now, I know five minutes in the world of the
14 entire point of the tape is, we don't have the full
15 tape, don't have the full time when the individuals
16 entered the store, we don't have a clear idea who
17 exactly it is that is in the video.

18 I mean, I know who they are going to allege it
19 is, but if we can't tell what time it is, basically that
20 provides them with five extra minutes for a time line if
21 they want to try to put him anywhere.

22 We can't place him at any given point in time
23 within five minutes.

24 We have a close case here about exact what times
25 everything occurred.

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7

1 The call comes in at 7-Eleven.

2 He goes to this point and this point, and as far
3 as five minutes in this case would be quite a big deal,
4 and not to mention it simply does not show what the
5 State's intending it to show, which is an individual
6 walked in at this particular time and accessed this ATM
7 at this particular time, and they have other evidence to
8 show what time that person was in the store, the ATM
9 records.

10 THE COURT: Well, that is all fodder for
11 cross-examination of the custodian of records, or for
12 argument about what evidence they could have produced,
13 or the ATM receipt or ATM records.

14 I don't think that takes away from the
15 admissibility of the video.

16 You can just ask questions about the
17 unreliability at the time, to the extent it's
18 unreliable, and how much weight the jury should give to
19 whatever time they are alleging it was that the
20 individual went to the ATM machine.

21 Now, is there something from the ATM machine that
22 is being introduced as well, or just this video showing
23 the individual come in?

24 MR. DI GIACOMO: Well, at this moment I don't
25 necessarily know that we'll put in the actual physical

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8

1 document from the custodian of records from Wells Fargo.

2 But it's the videotape that they are arguing
3 over, the admissibility of it.

4 Detective Corrado is what the argument is about,
5 wasn't the custodian of records.

6 It was Detective Corrado went out there, compared
7 the time to the real time on the video, and determined
8 this was the time of the transaction that occurred, and
9 as such that is why he had them download this video.

10 THE COURT: Okay.

11 MR. DI GIACOMO: So I don't know -- or think it
12 affects the admissibility of the videotape itself.

13 It goes to the weight when they cross-examine, or
14 if they want to get into that particular information.

15 MR. MARCELLO: Just to make it clear for the
16 record, for the record, for what we have, I'm saying
17 that it can't be authenticated because it's does not
18 show what the State is intending or purports it says it
19 shows.

20 It shows --

21 THE COURT: You are -- Your own admission a
22 moment ago, you said, we are not challenging the
23 authenticity of the video.

24 MR. MARCELLO: No, we are.

25 That was the time stamp when anything happened.

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<p style="text-align: right;">9</p> <p>1 I think he has given a reasonable explanation why</p> <p>2 there is two times.</p> <p>3 I'm saying, the State is purporting the person</p> <p>4 walked in this time, left at this time, accessed the ATM</p> <p>5 somewhere in that period.</p> <p>6 It it doesn't show that --</p> <p>7 THE COURT: What challenge to the authenticity of</p> <p>8 the video now, other than the time?</p> <p>9 MR. MARCELLO: None, but that is the whole point</p> <p>10 of the video.</p> <p>11 They are saying this person walked into this</p> <p>12 store during this time period.</p> <p>13 If you want to redact the time stamp from it, and</p> <p>14 not have anybody testify to the time that just somebody</p> <p>15 walked into that store, I think we're fine.</p> <p>16 THE COURT: No, I am going to deny your</p> <p>17 challenge.</p> <p>18 It's admissible, and you guys will cross-examine.</p> <p>19 I view it as something not being admitted just</p> <p>20 for purposes of time.</p> <p>21 This store, this location, this individual, this</p> <p>22 ATM, doing an ATM transaction, and then whatever hay can</p> <p>23 be made of what the apparent time is based upon whatever</p> <p>24 evidence you guys provided, make an arrangement about,</p> <p>25 but it doesn't challenge the authenticity or validity of</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>	<p style="text-align: right;">11</p> <p>1 (Thereupon, the following proceedings were had in open</p> <p>2 court and in the presence of the jury.):</p> <p>3 THE COURT: We're back on the record in State of</p> <p>4 Nevada versus Rickie Slaughter, who is present with his</p> <p>5 attorney.</p> <p>6 The State's attorneys are present.</p> <p>7 The jurors are present.</p> <p>8 We're going to continue on with the State's case</p> <p>9 in chief.</p> <p>10 Mr. DiGiacomo, call your next witness.</p> <p>11 MR. DI GIACOMO: Thank you.</p> <p>12 The State calls Kenny Marks.</p> <p>13 THE BAILIFF: Go ahead, take the stand, and</p> <p>14 remain standing while the clerk swears you in.</p> <p>15</p> <p>16 KENNY MARKS,</p> <p>17</p> <p>18 who, being first duly sworn to tell the truth, the whole</p> <p>19 truth, and nothing but the truth, was examined and</p> <p>20 testified as follows:</p> <p>21 THE CLERK: Please be seated.</p> <p>22 And if you, would state and spell your name for</p> <p>23 the record.</p> <p>24 THE WITNESS: Kenneth Marks, K-e-n-n-e-t-h</p> <p>25 M-a-r-k-s.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>
<p style="text-align: right;">10</p> <p>1 the video itself, just as to whatever the time stamp is</p> <p>2 supposed to mean, which in my mind doesn't go towards</p> <p>3 admissibility, just the weight to be given to whatever</p> <p>4 argument you make about time.</p> <p>5 Okay. Anything else?</p> <p>6 MR. MARCELLO: No.</p> <p>7 Thank you.</p> <p>8 MR. DI GIACOMO: No.</p> <p>9 THE COURT: All right.</p> <p>10 MR. MARCELLO: Well, Your Honor, we do have an</p> <p>11 objection.</p> <p>12 I'm only going to do this early, so we don't have</p> <p>13 to have the jury going in and out.</p> <p>14 Miss Angel Moses will be testifying today.</p> <p>15 THE COURT: Is that going to be before we take</p> <p>16 our lunch break?</p> <p>17 MR. DI GIACOMO: No.</p> <p>18 THE COURT: Let's do it after.</p> <p>19 MR. MARCELLO: Let's do it after.</p> <p>20 THE COURT: I kept them for so long already.</p> <p>21 MR. MARCELLO: Thank you.</p> <p>22 MR. DI GIACOMO: Judge, we can take it off</p> <p>23 because it's not going to be the first witness that</p> <p>24 watches the video.</p> <p>25</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p> <p>BILL NELSON & ASSOCIATES</p> <p>Certified Court Reporters</p>	<p style="text-align: right;">12</p> <p>1</p> <p>2 <u>DIRECT EXAMINATION OF KENNY MARKS</u></p> <p>3 BY MR. DI GIACOMO:</p> <p>4 Q. Mr. Marks, I want to direct your attention back</p> <p>5 to 2004.</p> <p>6 Did you know an individual by the name of Ivan</p> <p>7 Young.</p> <p>8 A. Ivan Young, yes.</p> <p>9 Q. How did you know him?</p> <p>10 A. He was my neighbor.</p> <p>11 Q. And which -- in relationship to his house, where</p> <p>12 did you live?</p> <p>13 A. Directly across the street.</p> <p>14 Q. I'm going to put on the overhead there.</p> <p>15 Do you have that screen on right next to you?</p> <p>16 A. Yes.</p> <p>17 Q. If you look at this, and you see Ivan's house</p> <p>18 there marked on the State's Exhibit Number 1, do you see</p> <p>19 it right here?</p> <p>20 A. Yes.</p> <p>21 Q. That's Ivan's house.</p> <p>22 Would you just point on the screen and make a</p> <p>23 mark there for the jury where your house is?</p> <p>24 Can you see it?</p> <p>25 A. Yes.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p> <p>702.360.4677</p> <p>Fax 360.2844</p>

13

1 I am the corner house here.

2 Q. That's your house right there?

3 A. Yes.

4 THE COURT: Why don't you make a circle, so we

5 can see it a little better.

6 THE WITNESS: All right.

7 THE COURT: Thank you.

8 BY MR. DI GIACOMO:

9 Q. Now, the guy directly behind your house, did you

10 know who that was?

11 A. Yes.

12 Q. Who is that?

13 A. That was a friend of mine named Jeremy.

14 Q. Jeremy?

15 A. Uh-huh.

16 Q. Also known as Jerm?

17 A. Yeah, Jerm.

18 I didn't really know his last name.

19 Q. Okay. Did there ever come a point in time when

20 you met an individual who identified themselves to you

21 as Rickie Slaughter?

22 A. Yes.

23 Q. How did that come about?

24 A. It was one night me and a couple friends were

25 outside working on a car, and they had went to a

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14

1 7-Eleven to pick up some items for the rest of the

2 night, and I guess Rickie might have been at the

3 7-Eleven, and he was looking to buy a car.

4 Q. So eventually does Rickie come back with your

5 friends to your house?

6 A. Exactly.

7 They brought him back to the house because I

8 happened to have a Monte Carlo for sale.

9 Q. So you owned a Monte Carlo?

10 A. Yes.

11 Q. And do you fix up cars?

12 A. Yes, I do.

13 Q. Is that kind of how you kind of know Ivan as

14 well, does he do some work on any of your cars or

15 anything?

16 A. Yeah, exactly.

17 He did some work on a couple of my cars.

18 Q. So Rickie comes back to the house, and you have

19 this Monte Carlo.

20 What happens with the Monte Carlo?

21 A. It was the one -- I was kind of working on it for

22 myself, but, you know, it was also for sale if anyone

23 wanted it, and I did end up selling it to him.

24 Q. Okay. Did the transaction happen right there,

25 did he come right from 7-Eleven?

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15

1 A. Right there on the spot.

2 Q. And handed you cash?

3 A. Cash money right on the spot.

4 Q. What did you do when he handed you cash, did you

5 give him the title to the car?

6 A. Gave him the title, sign it over, and that was

7 it.

8 Q. Did there come a point in time that you had a

9 further discussion with Mr. Slaughter about this

10 particular Monte Carlo?

11 A. Yeah, after that same night I got a couple calls

12 from him after he bought the car from me.

13 Q. And was he having some sort of issues with it?

14 A. He had a couple problems with it.

15 I ended up helping him with it a couple times,

16 and then probably about toward the end of the night,

17 going into the next morning, he kind of decided he

18 didn't want the car anymore.

19 Q. And when you let Mr. Slaughter take this car off

20 your driveway, was it at your house at the point he gets

21 it?

22 A. Yes.

23 Q. When you let him take this car, did you leave

24 your plates on the car and your registration in the car?

25 A. No, I took my plates.

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16

1 Q. Okay. Eventually does Mr. Slaughter, do you work

2 out some arrangements with Mr. Slaughter over the

3 vehicle?

4 A. Yes, that same night I guess he was having a

5 couple problems with the car, so I -- or we just -- I

6 told him, you know what, let's just -- I'll give you

7 your cash back, I'll take my car back.

8 Q. Did you in fact get your car back?

9 A. Yes, I did.

10 Q. Did you get your car title back?

11 A. Yes, I did.

12 Q. Did you ever have any further contact with Mr.

13 Slaughter?

14 A. After that, I did see him the next day, and he

15 had actually purchased another car from Jerm, who lived

16 directly behind me.

17 Q. All right. And did there come a point in time

18 when you had some discussions about a no insurance

19 ticket of Mr. Slaughter's?

20 A. Yeah, actually I kind of heard that through the

21 grapevine, and he actually came to me about that.

22 THE COURT: Hold on one second.

23 Objection.

24 MR. MARCELLO: Hearsay.

25 THE COURT: I heard something through the

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<p>1 grapevine?</p> <p>2 MR. MARCELLO: Yes.</p> <p>3 THE COURT: I'll order that to be stricken and</p> <p>4 sustain that objection.</p> <p>5 BY MR. DI GIACOMO:</p> <p>6 Q. Did you eventually have a conversation with Mr.</p> <p>7 Slaughter about it?</p> <p>8 A. Yes, I did, directly with him also.</p> <p>9 Q. How long after the purchase of the car do you</p> <p>10 think you had this conversation -- or the time you gave</p> <p>11 back the car, you think you had the first conversation</p> <p>12 with Mr. Slaughter?</p> <p>13 A. About the ticket?</p> <p>14 Q. The ticket.</p> <p>15 A. I'll say, it was a couple days.</p> <p>16 It wasn't even a week.</p> <p>17 Q. What did Mr. Slaughter want from you?</p> <p>18 A. He wanted proof of my insurance and proof of my</p> <p>19 registration.</p> <p>20 Q. To do what?</p> <p>21 A. He wanted to take care of his ticket because I</p> <p>22 actually didn't give him that the night he got the car,</p> <p>23 and I didn't cancel it right away either because I got</p> <p>24 the car back the next day, so it was still valid.</p> <p>25 Q. Did you agree to give Mr. Slaughter your --</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>	<p>17</p> <p>1 BY MR. DI GIACOMO:</p> <p>2 Q. This is a conversation he's having with you.</p> <p>3 Where is Ivan when he's having this conversation,</p> <p>4 by his car, by his house?</p> <p>5 A. He's right next to me.</p> <p>6 We're in my driveway.</p> <p>7 Q. Okay. And you tell him, no?</p> <p>8 A. Yeah, I told him, no.</p> <p>9 Q. And how long before Ivan getting shot was this?</p> <p>10 A. This was a little bit before.</p> <p>11 I'm not sure.</p> <p>12 It was a good while before.</p> <p>13 Q. Okay. A while before?</p> <p>14 A. Yeah.</p> <p>15 Q. Is that the last time you remember having a</p> <p>16 conversation with Mr. Slaughter?</p> <p>17 A. That's the last time I talked to him.</p> <p>18 Q. Had you ever seen Mr. Slaughter in the</p> <p>19 neighborhood after that last conversation?</p> <p>20 A. Yeah, actually, yes, I have.</p> <p>21 Q. And where would you see Mr. Slaughter?</p> <p>22 A. Just driving through.</p> <p>23 Q. Just driving through your neighborhood?</p> <p>24 A. Yeah, driving through the neighborhood, not</p> <p>25 actually seeing his face, but seeing his vehicle.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>
<p>18</p> <p>1 A. No, I didn't.</p> <p>2 Q. Why not?</p> <p>3 A. I just didn't really like his attitude and how he</p> <p>4 was demanding, and I just didn't want anymore -- or</p> <p>5 anything to do with him anymore.</p> <p>6 Q. Was that the last time you talked to Mr.</p> <p>7 Slaughter, or did you have other discussions with Mr.</p> <p>8 Slaughter about this problem related to the insurance,</p> <p>9 the ticket and everything else?</p> <p>10 A. He might have I'm pretty sure stopped by one more</p> <p>11 time.</p> <p>12 It was a --</p> <p>13 MR. FUMO: Judge I'll object to speculation.</p> <p>14 THE COURT: Do you recall him stopping by?</p> <p>15 THE WITNESS: Yeah, I do.</p> <p>16 He did stop by one more time.</p> <p>17 THE COURT: Go ahead.</p> <p>18 THE WITNESS: And me and Ivan were actually</p> <p>19 outside of the house talking, and he pulls up, and he</p> <p>20 walks over to me and says, are you going to give me that</p> <p>21 insurance and registration, so I can take care of my</p> <p>22 ticket, and I told him no, an --</p> <p>23</p> <p>24</p> <p>25</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>	<p>19</p> <p>1 I knew his vehicle.</p> <p>2 Q. At that time what kind of vehicle was it?</p> <p>3 A. I'm not sure of the year, but I want to say it</p> <p>4 was a Chevy, like a Blazer, like a Chevy Blazer, could</p> <p>5 have been in the '80s, '8 -- I'm not sure, '82, '83,</p> <p>6 like a mini Chevy Blazer.</p> <p>7 Q. Okay. And how long do you think was the last</p> <p>8 time you saw Mr. Slaughter before the incident with Mr.</p> <p>9 Young?</p> <p>10 A. It's hard to say.</p> <p>11 It was a few months, was a few months.</p> <p>12 MR. DI GIACOMO: May I approach, Judge?</p> <p>13 THE COURT: Yeah.</p> <p>14 BY MR. DI GIACOMO:</p> <p>15 Q. Did there come a point in time when you learned</p> <p>16 obviously Ivan was shot, were you home when Ivan was</p> <p>17 shot?</p> <p>18 A. No, I wasn't.</p> <p>19 Q. After Ivan was shot, did there come a point in</p> <p>20 time when you had a discussion with him at all about him</p> <p>21 getting shot, or anything to that effect?</p> <p>22 A. A discussion with who, Ivan?</p> <p>23 Q. Yes.</p> <p>24 A. No.</p> <p>25 Q. Showing you what has been marked as State's</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>

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21

1 Proposed Exhibit number 135, do you recognize that?
 2 A. Yeah, it's a car title, my car title.
 3 Q. About 2005 were you contacted by the office of
 4 the district attorney based open information that Ivan
 5 had provided us?
 6 A. Yeah, I believe so, yeah, I was.
 7 Q. And were you asked whether or not you maintained
 8 that title?
 9 A. Yeah.
 10 Q. And you said you had?
 11 A. I kept it, yes.
 12 Q. Okay. And is that the title that was signed by
 13 yourself and Mr. Slaughter for the sale of this
 14 particular Monte Carlo?
 15 A. That's my signature, yes.
 16 MR. DI GIACOMO: Move to admit.
 17 BY MR. DI GIACOMO:
 18 Q. What about Mr. Slaughter's signature as well?
 19 A. Yes.
 20 MR. DI GIACOMO: Now, I know it's been seven
 21 years now.
 22 Do you see Mr. Slaughter here in Court today?
 23 THE WITNESS: I don't recognize him if I do.
 24 MR. DI GIACOMO: I move to admit 135, Judge.
 25 MR. FUMO: No objection, Your Honor.

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22

1 THE COURT: 135 will be admitted.
 2 BY MR. DI GIACOMO:
 3 Q. Let me ask you, after you got this Monte Carlo
 4 back, what happened to it?
 5 A. I kept it for myself.
 6 Q. Did Ivan ever paint it?
 7 A. Ivan painted it.
 8 Q. What color is it?
 9 A. It was kind of a dark blue, dark bluish purple,
 10 had some -- he painted some Chevy signs in the side of
 11 it, little flames on it.
 12 Q. I'm showing you State's Exhibit Number 7.
 13 Is that your Monte Carlo in this garage, or a
 14 different one he was painting.
 15 A. That's a different one.
 16 MR. DI GIACOMO: I pass the witness, Judge.
 17 THE COURT: Mr. Fumo.
 18 MR. FUMO: Yes, sir.

CROSS-EXAMINATION OF KENNY MARKS

20
 21 BY MR. FUMO:
 22 Q. Mr. Marks, you still live on Glory View?
 23 A. Yes.
 24 Q. What are the major cross streets there?
 25 A. Lake Mead and Simmons there.

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23

1 Q. By the Fiesta Casino?
 2 A. Right down the street.
 3 The Fiesta and the Texas.
 4 Q. Okay. And you said you met Mr. Slaughter -- or
 5 brought to you, you met him at 7-Eleven?
 6 A. On Simmons.
 7 Q. A 7-Eleven on Simmons?
 8 A. Yes.
 9 Q. Close by your house?
 10 A. Right, two minutes.
 11 Q. And Mr. Slaughter came over there and actually
 12 paid cash for the car?
 13 A. Yes, he did.
 14 Q. Mr. Slaughter had the car for one day, correct?
 15 A. One day, yeah.
 16 Q. And this transaction didn't occur around June
 17 26th, 2004, did it?
 18 A. I --
 19 Q. With the car?
 20 A. No.
 21 Q. In fact, that was the year before in 2003 when
 22 this car sale went down, correct?
 23 A. Yeah, it was a little ways before, yeah.
 24 Q. It was way before 2003, correct?
 25 A. I'm not sure of the exact year.

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24

1 MR. FUMO: Your Honor, may I approach the
 2 witness?
 3 THE COURT: Sure.
 4 BY MR. FUMO:
 5 Q. I'll show you the signature and the date on the
 6 title.
 7 Read that to yourself, and see if that refreshes
 8 your recollection.
 9 A. Right.
 10 Okay.
 11 Q. And that was 2003?
 12 A. Yes.
 13 Q. Okay. And Mr. Slaughter had the car for one day?
 14 A. Yes.
 15 Q. And so when he came over that day in 2003, was it
 16 evening time or daytime?
 17 A. It was afternoon.
 18 Q. Afternoon?
 19 A. Yeah.
 20 Q. So you didn't have time to register and insure it
 21 in that time?
 22 A. No, no way.
 23 Q. And he came back to you the next day and asked if
 24 you could provide a source he could get the ticket
 25 dismissed, right?

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25

1 A. Right, yeah, you are right, yes.
 2 Q. He never threatened you to get the insurance and
 3 registration, you just didn't like his attitude, is that
 4 right?
 5 A. No, he never threatened me, no.
 6 Q. When you were standing there with Ivan, he never
 7 had any words with Ivan, did he?
 8 A. No, he was -- Everything was directed toward me.
 9 Q. Do you remember the exact date you sold him that
 10 car?
 11 A. No.
 12 MR. FUMO: May I approach again, Your Honor?
 13 THE COURT: Sure.
 14 MR. FUMO: I want to get that on the record.
 15 BY MR. FUMO:
 16 Q. Okay. There --
 17 A. January 14th.
 18 Q. What date was that, sir?
 19 A. It says, January 14th.
 20 Q. January 14th, what year?
 21 A. '03.
 22 Q. 2003?
 23 A. Yes.
 24 Q. A year-and-a-half before Ivan got shot, correct?
 25 A. Yeah.

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26

1 MR. FUMO: Pass the witness, Your Honor.
 2 Thank you.
 3 THE COURT: Mr. DiGiacomo.
 4 MR. DI GIACOMO: Nothing.
 5 THE COURT: Mr. Marks, thank you so much for your
 6 time.
 7 You are excused.
 8 THE WITNESS: Thank you.
 9 THE COURT: The State may call their next
 10 witness.
 11 MS. FLECK: Thank you, Your Honor.
 12 The State calls Inderdeep Judge.
 13 THE COURT: Say it again.
 14 MS. FLECK: Inderdeep Judge.
 15 THE BAILIFF: If you can, take the stand and
 16 remain standing, while the clerk swears you in.
 17
 18 INDERDEEP JUDGE,
 19
 20 who, being first duly sworn to tell the truth, the whole
 21 truth, and nothing but the truth, was examined and
 22 testified as follows:
 23 THE CLERK: Can you state your name, and spell it
 24 for the record?
 25 THE WITNESS: My name is Inderdeep Judge,

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1 I-n-d-e-r-d-e-e-p J-u-d-g-e.
 2
 3 **DIRECT EXAMINATION OF INDERDEEP JUDGE**
 4 BY MS. FLECK:
 5 Q. Good afternoon -- or I guess maybe -- yes, good
 6 afternoon.
 7 Sir, I want to direct your attention back to June
 8 of 2004.
 9 Where were you working at that time?
 10 A. The convenient store 7-Eleven, located 30051 East
 11 Charleston Boulevard.
 12 MS. FLECK: Your Honor, may I approach?
 13 THE COURT: Yes.
 14 MS. FLECK: I am showing Defense counsel what has
 15 been marked as State's Proposed Exhibit 2.
 16 BY MS. FLECK:
 17 Q. Mr. Judge, do you recognize what is depicted in
 18 this exhibit?
 19 A. Right here?
 20 Q. The overhead map of that area of Las Vegas.
 21 A. Yes.
 22 Q. And this is the surrounding area of that
 23 7-Eleven?
 24 A. Yes.
 25 Q. And is this a fair and accurate map depicting

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1 that area?
 2 A. Yes.
 3 MS. FLECK: Move for admission of State's
 4 Proposed Exhibit 2.
 5 MR. FUMO: No objection.
 6 THE COURT: It will be admit it.
 7 MS. FLECK: Permission to publish.
 8 THE COURT: Yes.
 9 BY MS. FLECK:
 10 Q. So the 7-Eleven is at 3051 East Charleston?
 11 A. That's correct.
 12 Q. Directing your attention then to June 29th of
 13 2004, were you approached by detectives from the North
 14 Las Vegas Police Department reference an ATM transaction
 15 that occurred just after 8 p.m. on June 26th of 2004?
 16 A. Yes.
 17 Q. And they came to the 7-Eleven to talk to you?
 18 A. Yes, they came in 7-Eleven asking about that.
 19 Q. And based upon that request, did you go and look
 20 through some video that you have?
 21 A. Yes, I did.
 22 Q. And at that 7-Eleven in the ordinary course of
 23 your business did you keep surveillance video?
 24 A. Like now or --
 25 Q. At that time.

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- 1 A. Yes, we did.
 2 Q. Okay. And would you at times maintain that video
 3 and pull the video for various purposes?
 4 A. We gave it to the detective.
 5 That's about it.
 6 Q. Okay. So in this particular case then you went,
 7 and you looked for a video that corresponded to the ATM
 8 transaction which occurred just after 8 p.m. on the
 9 26th?
 10 A. Yes.
 11 Q. And were you able to find some video that
 12 corresponded to that ATM transaction?
 13 A. Yes.
 14 Q. Did you pull that tape for the detectives?
 15 A. Yes, I did.
 16 Q. And did you give them a copy of it?
 17 A. Yes, I did.
 18 Q. Additionally, have you had an opportunity since
 19 then to review that video?
 20 A. No.
 21 Q. No.
 22 Okay.
 23 A. I mean, actually I came and did it today.
 24 Q. Okay.
 25 A. Yes, since I did.

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30

- 1 Q. Okay. I was going to see if that would refresh
 2 your recollection.
 3 A. I looked at it.
 4 Q. So you had an opportunity to see the video again?
 5 A. Yes, today.
 6 Q. Okay. Thank you.
 7 MS. FLECK: I have State's Proposed Exhibit 112,
 8 the video that you watched earlier today.
 9 BY MS. FLECK:
 10 Q. Is that right?
 11 A. Yes.
 12 Q. Okay.
 13 MS. FLECK: Judge, I move to admit State's 112.
 14 THE COURT: Any objection?
 15 MR. MARCELLO: Subject to our --
 16 THE COURT: Subject to the earlier objection, it
 17 will be admitted.
 18 MR. DI GIACOMO: Judge, we need to click it over
 19 onto us.
 20 (Video now played for the jury.)
 21 BY MS. FLECK:
 22 Q. So we see on the green now a couple of
 23 side-by-side shots.
 24 Reference the one to the upper right, what do we
 25 see in that screen?

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- 1 A. On the upper right it's where the counter is, the
 2 front door, and where the main counter is.
 3 Q. Okay. So that is the front door entrance and
 4 exit area?
 5 A. Yes.
 6 Q. If you were to walk in that front door, and make
 7 a sharp right, what would you go to?
 8 A. The ATM.
 9 Q. Okay. And then to the still screen to the left
 10 of that, what do we see in that shot?
 11 A. That is the slot machines on the left-hand side.
 12 Q. Additionally, do we see some time stamps on the
 13 right side on the lower left portion of this screen?
 14 A. Yes, it's only -- the reason is because when the
 15 saving time, we never -- or it never automatically
 16 changes the time on the screen.
 17 You can see one of the screens have the right
 18 time, and the other one has one hour difference.
 19 It's only because the savings time.
 20 Q. Okay. If you could, because I mean, I can hardly
 21 see it here, if you could circle it for the ladies and
 22 gentlemen of the jury, can you touch on the screen?
 23 It's going to actually make a mark.
 24 THE COURT: Any way you can make it bigger?
 25 MR. DI GIACOMO: I can make one or the other one

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- 1 bigger, Judge.
 2 THE COURT: Make the one on the right bigger.
 3 BY MS. FLECK:
 4 Q. Just circle the whole date area, please.
 5 Thank you.
 6 So do we see it's June 26th of 2004, correct?
 7 A. Yes.
 8 Q. And that's a Saturday?
 9 A. Yes.
 10 Q. And that portion is correct?
 11 A. Yes, that's correct.
 12 Q. And then we see 18:56:11. What does that tell
 13 you?
 14 A. That is the 6:56.
 15 Q. So what we're seeing here is that actually at
 16 6:56 --
 17 A. No, it's the other time actually. It never
 18 changed it.
 19 Q. So because of daylight savings, it's off an hour?
 20 A. Yes.
 21 Q. So was it actually off an hour or hour and a few
 22 minutes?
 23 A. It's probably hour and a few minutes.
 24 Q. So what time is it that we're actually seeing
 25 this video?

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1 A. 8:07.
 2 MS. FLECK: Okay.
 3 Thank you.
 4 Permission to publish, Judge.
 5 THE COURT: Just for the record, the 6:26:04,
 6 Saturday, 18 hours, 56 minutes, 11 seconds, that is one
 7 time stamp on here, and then there is a second one
 8 because you just said 8:07, there is a second time stamp
 9 on here that says 20 hours, 07 minutes, 14.66 seconds.
 10 THE WITNESS: Yes.
 11 THE COURT: Okay. You can go ahead.
 12 BY MS. FLECK:
 13 Q. Well --
 14 THE COURT: No, you can't leave yet.
 15 She can go ahead and turn it on.
 16 Good try though.
 17 THE WITNESS: All right.
 18 (Video now played for the jury again.)
 19 MS. FLECK: I'm showing Defense counsel what is
 20 marked as State's Proposed 105, 106 and 107.
 21 BY MS. FLECK:
 22 A. Showing you, sir, what has been marked as State's
 23 105, 106, 107, do you recognize these?
 24 A. Yes, I do.
 25 Q. Still shots of that video that we just watched?
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1 A. Yes.
 2 Q. Are they fair and accurate shots of the video we
 3 just watched that you gave the detectives?
 4 A. Yes.
 5 MS. FLECK: Move for admission of State's
 6 proposed 105, 6 and 7.
 7 MR. MARCELLO: No objection.
 8 THE COURT: Those will be received.
 9 MS. FLECK: Permission to publish, Judge.
 10 THE COURT: Yes.
 11 BY MS. FLECK:
 12 Q. Showing you State's Exhibit 105, back by the
 13 front doors we see a man with a mask over his face, over
 14 a part of his face, and his head slightly covered.
 15 When he is walking in, he's going to the right,
 16 you say he's going down to the ATM?
 17 A. ATM, yes.
 18 MS. FLECK: Pass the witness, Judge.
 19 THE COURT: Mr. Fumo, Mr. Marcello.
 20
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1
 2 **CROSS-EXAMINATION OF INDERDEEP JUDGE**
 3 BY MR. MARCELLO:
 4 Q. How do I say your name, so I don't say it
 5 incorrectly?
 6 A. Inderdeep.
 7 Q. You indicated that the system was an hour and a
 8 couple minutes off?
 9 A. Yes.
 10 Q. And that was because you installed a relatively
 11 new system at that time?
 12 A. My system still works the same, never
 13 automatically changed the time.
 14 Q. Okay. I understand.
 15 And so this tape could have been taken it a
 16 couple minutes earlier than, or a couple minutes later?
 17 A. Just -- Yeah.
 18 Q. Now, when the officer asked you for the tape, did
 19 he give you a particular time frame he wanted the tape?
 20 A. Yeah, he told me about 8:00, that's about it.
 21 He said, we need to look roughly about 8:00.
 22 He actually gave me a time, but it's about eight
 23 years, so I don't recall.
 24 Q. Do you recall if he said, give me the tape all
 25 the way from 7, all the way to 9:00?
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1 A. No, we checked -- We sat there, and because we
 2 couldn't figure it out, that's the day we actually
 3 figured out it was however wrong.
 4 Q. But sitting here today, the only portion they
 5 actually took was -- is the five minute portion?
 6 A. Yes.
 7 Q. So we don't know what was on the tape before this
 8 or after this, correct?
 9 A. Yes.
 10 Q. Then you said --
 11 MR. MARCELLO: May I approach the witness, Your
 12 Honor?
 13 THE COURT: Yes.
 14 BY MR. MARCELLO:
 15 Q. The State has just shown you, this is an aerial
 16 shot of the area where your store is?
 17 A. Yes.
 18 Q. And this is your store at 3051 East Charleston?
 19 A. That's correct.
 20 Q. And there is another address listed on here as
 21 well, right, 3801 East Charleston?
 22 A. Yes.
 23 Q. Now, how long have you owned this store at East
 24 Charleston?
 25 A. Probably about eight years.
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1 Q. Eight years.
 2 And in that time that you have been there
 3 approximately how many convenient stores do you think
 4 there are from 3851 East Charleston to 3801 East
 5 Charleston?
 6 A. How many more?
 7 Q. Yes, either AM/PM, Circle K?
 8 A. Probably I would say about -- See, I opened up
 9 down the street.
 10 Probably about four or five more.
 11 Q. Four or five more?
 12 A. Yeah, convenient stores that opened up.
 13 Q. So between 3081 East Charleston and 3051 East
 14 Charleston there is approximately four stores, including
 15 one you own?
 16 A. Yes.
 17 MR. MARCELLO: No further questions.
 18 THE COURT: Anything else?
 19 MS. FLECK: Yes.
 20 One, Judge.

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1
 2 **REDIRECT EXAMINATION OF INDERDEEP JUDGE**
 3 BY MS. FLECK:
 4 Q. You said you realized on that day the detective
 5 came, that is when you finally realized the time stamp
 6 on your video was wrong?
 7 A. Yes.
 8 Q. And is that because you realized the time of the
 9 ATM transaction, and so you were able to then coordinate
 10 it, the exact time, based upon the ATM transaction?
 11 A. That's correct.
 12 MS. FLECK: Thank you.

13
 14 **RECROSS-EXAMINATION OF INDERDEEP JUDGE**
 15 BY MR. MARCELLO:
 16 Q. Just one last question.
 17 You opened up another store in this area?
 18 A. Yes.
 19 Q. And it's a pretty busy area, correct?
 20 A. Yes, pretty busy.
 21 Q. Approximately how many residents do you think
 22 live within a one mile radius of that area?
 23 A. I don't know, probably --
 24 Q. A hundred thousand?
 25 A. Probably close to that, I mean.

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1 MR. MARCELLO: No further questions.
 2 THE COURT: Ms. Fleck, no?
 3 MS. FLECK: Nothing further, Your Honor.
 4 Thank you.
 5 I'm sorry.
 6 THE COURT: Anything from our jurors?
 7 Yes. Okay.
 8 (Thereupon, a discussion was had between Court and
 9 Counsel at sidebar.)
 10 THE COURT: All right. Mr. Judge, I have a
 11 question for you.
 12 Did you ever try to calibrate the time on the
 13 cameras?
 14 THE WITNESS: We tried, but we couldn't really do
 15 it.
 16 THE COURT: Okay. Ms. Fleck, any questions based
 17 upon that?
 18 MS. FLECK: I don't, Your Honor.
 19 Thank you.
 20 THE COURT: Mr. Marcello?
 21 MR. MARCELLO: No, Your Honor.
 22 THE COURT: Sir, I appreciate your time.
 23 Thank you very much for coming in.
 24 You are excused now.
 25 The State may call their next witness.

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1 MR. DI GIACOMO: Jeff Arbuckle.
 2 THE BAILIFF: If you will, go ahead and take the
 3 stand.
 4 Remain standing while the clerk swears you in.
 5
 6 JEFFREY ARBUCKLE,
 7
 8 who, being first duly sworn to tell the truth, the whole
 9 truth, and nothing but the truth, was examined and
 10 testified as follows:
 11 THE CLERK: Please state your full name, and
 12 spell your name for the record.
 13 THE WITNESS: Jeffrey Arbuckle, J-e-f-f-r-e-y
 14 A-r-b-u-c-k-l-e.

15
 16 **DIRECT EXAMINATION OF JEFFREY ARBUCKLE**
 17 BY MR. DI GIACOMO:
 18 Q. Sir, back in June of 2004 where did you work?
 19 A. At Eldorado Cleaners.
 20 Q. What was your position at the Eldorado Cleaners?
 21 A. I was the manager.
 22 Q. Did you have an employee that worked there by the
 23 name of Tiffany Johnson?
 24 A. Yes.
 25 Q. And how long had you worked with her prior to

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<p style="text-align: right;">41</p> <p>1 Saturday, June 26th of 2004?</p> <p>2 A. For a good year or two.</p> <p>3 Q. During that time period that you worked with her,</p> <p>4 did you notice what kind of car she drove?</p> <p>5 A. Yes, a green Ford Taurus.</p> <p>6 Q. Green Ford Taurus?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall that in 2004 the police came and</p> <p>9 asked you questions about a particular Saturday in June,</p> <p>10 June 26th of 2004, do you remember the police coming to</p> <p>11 you about that?</p> <p>12 A. Yes.</p> <p>13 Q. When I asked you questions about that particular</p> <p>14 Saturday?</p> <p>15 A. Okay.</p> <p>16 Q. What time did the store close on that Saturday?</p> <p>17 A. 7:00.</p> <p>18 Q. 7 p.m.?</p> <p>19 A. Yes.</p> <p>20 Q. And was Miss Johnson working at the time of</p> <p>21 closing?</p> <p>22 A. Yes.</p> <p>23 Q. And were you working at the time of closing?</p> <p>24 A. Yes.</p> <p>25 Q. After you closed up at 7 p.m., did you</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>	<p style="text-align: right;">43</p> <p>1 Q. Did you know her boyfriend at the time?</p> <p>2 A. Not personally.</p> <p>3 Q. Had you ever met him before, or seen him before?</p> <p>4 A. Yes.</p> <p>5 Q. Did you know who he was?</p> <p>6 A. Rickie Slaughter.</p> <p>7 Q. How many times do you think you had seen him</p> <p>8 prior to this occasion where he was driving in the</p> <p>9 parking lot at least a half hour after closing on</p> <p>10 Saturday night?</p> <p>11 A. Quite a few.</p> <p>12 Q. Quite a few times?</p> <p>13 A. Yeah.</p> <p>14 Q. I know it's been seven years, but do you see Mr.</p> <p>15 Slaughter here in court today?</p> <p>16 A. Nope.</p> <p>17 Q. No?</p> <p>18 A. No.</p> <p>19 Q. When you left, and you saw Mr. Slaughter in this</p> <p>20 car, this green Ford Taurus, was he alone, or did you</p> <p>21 notice if anybody else was inside the vehicle?</p> <p>22 A. He was alone.</p> <p>23 Q. He's alone and, he's driving to pick up Tiffany?</p> <p>24 A. Yes.</p> <p>25 MR. DI GIACOMO: Thank you, sir.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>
<p style="text-align: right;">42</p> <p>1 immediately leave the area?</p> <p>2 A. No.</p> <p>3 Q. Why not?</p> <p>4 A. Because her ride wasn't there for her yet.</p> <p>5 Q. Did Miss Johnson not have her car that day?</p> <p>6 A. No, she didn't.</p> <p>7 Q. Did you wait with her?</p> <p>8 A. Yes.</p> <p>9 Q. How long would you say that you waited with Miss</p> <p>10 Johnson?</p> <p>11 A. For at least 30 minutes.</p> <p>12 Q. For at least 30 minutes?</p> <p>13 A. Yes.</p> <p>14 Q. And eventually did you have to leave, or did you</p> <p>15 remain until her ride got there?</p> <p>16 A. I had to leave soon after though.</p> <p>17 I was pulling out of the parking lot, and her</p> <p>18 ride did come.</p> <p>19 Q. So as you were leaving, her ride arrived in the</p> <p>20 parking lot?</p> <p>21 A. Yes.</p> <p>22 Q. Did you see what car it was?</p> <p>23 A. A green Taurus.</p> <p>24 Q. Did you see who was driving the --</p> <p>25 A. Her boyfriend.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>	<p style="text-align: right;">44</p> <p>1 I pass the witness, Judge.</p> <p>2 THE COURT: Mr. Fumo.</p> <p>3</p> <p>4 CROSS-EXAMINATION OF JEFFREY ARBUCKLE</p> <p>5 BY MR. FUMO:</p> <p>6 Q. Mr. Arbuckle, your mother owned the store?</p> <p>7 A. Yes.</p> <p>8 Q. And you worked for your mom?</p> <p>9 A. Yes.</p> <p>10 Q. You were the manager of the store?</p> <p>11 A. That's correct.</p> <p>12 Q. And do you recall exactly what time you guys left</p> <p>13 that day?</p> <p>14 A. It had to be after 7:30.</p> <p>15 Q. I mean, when you left the store?</p> <p>16 A. When we actually left?</p> <p>17 Q. Right, when you closed shop.</p> <p>18 A. We close at 7:00.</p> <p>19 Q. Did you close exactly at 7, or let everybody out</p> <p>20 a little early that day?</p> <p>21 A. No, we don't.</p> <p>22 We close at 7:00.</p> <p>23 Q. At 7:00 you close, and you said you recall this</p> <p>24 day very well -- or just because the police talking go</p> <p>25 to you, you remember it?</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>

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1 You, you remember it?

2 A. No, I recall that day.

3 I don't recall the actual date or anything.

4 Q. Okay.

5 A. Any specifics.

6 Q. The store is the Eldorado Cleaners on the corner
7 of Bonanza and Nellis?

8 A. Yes.

9 Q. Inside there was a shopping center?

10 A. Yes.

11 Q. And Albertson's was in there?

12 A. I believe at the time it was.

13 Q. That Eldorado Cleaners isn't there anymore, is
14 it?

15 A. Yes, it's still there.

16 Q. Still there on Bonanza and Lamb?

17 A. Yes.

18 It's been sold though.

19 Q. There is a cleaners, but not Eldorado Cleaners?

20 A. Yes.

21 Q. Did you guys have security cameras in the store?

22 A. Not in our store.

23 Q. The Albertson's did at the time though?

24 A. If it was still there.

25 Q. It's gone now?

0045

1 A. Yes, it went out of business.

2 Q. And you waited for about a half hour?

3 A. At least.

4 Q. How do you know that?

5 A. Because I had other priorities, family at home
6 waiting for me.

7 Q. Pardon?

8 A. I had priorities at home.

9 I tried to wait as long as I could though.

10 Q. Do you recall talking to a Detective Corrado?

11 A. I don't recall his name.

12 I know he was a North Las Vegas detective.

13 Q. A tall gentlemen?

14 A. Yes.

15 Q. Probably about six foot five?

16 A. Pretty tall.

17 Q. Do you recall telling him you waited with Tiffany
18 until 7:15?

19 A. No, I waited for about 30 minutes.

20 Q. Okay. So if he wrote down in his report you
21 waited until 7:15, he's mistaken?

22 MR. DI GIACOMO: Objection, Judge.

23 Assumes a fact not in evidence, first of all.

24 THE COURT: I'll sustain the objection.

25

0046

1 BY MR. FUMO:

2 Q. Did you get the opportunity to write a
3 handwritten report?

4 A. I do not recall.

5 I believe it was questioning.

6 Q. You never had the opportunity to write out your
7 report yourself, right?

8 A. Not that I recall.

9 MR. FUMO: Court's indulgence, Judge.

10 THE COURT: Okay.

11 BY MR. FUMO:

12 Q. You said on direct you don't recall the actual
13 date, but you just remember the time?

14 A. Yes.

15 Q. And did you guys use time cards or anything,
16 stamp out time cards?

17 A. No, we didn't.

18 Q. So you just let everybody go at 7:00, no actual
19 punching in or out?

20 A. Employees left afterwards because after we left,
21 they have to count down their drawers themselves.

22 Q. You have no actual time cards?

23 We don't know exactly what time you guys left?

24 A. That's correct.

25 MR. FUMO: Nothing further.

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DIRECT EXAMINATION OF RYAN JOHN

BY MS. FLECK:

Q. Good afternoon, Mr. John.

I'd like to direct your attention back to June of 2004, specifically June 26th of 2004.

On that day did you have an opportunity to go over to your girlfriend's house on Glory View?

A. Yes.

Q. Who was your girlfriend at the time?

A. Nicole.

Q. And where did she live?

A. On Glory View at Kenny's house.

Q. Who is Kenny?

A. A friend.

Q. A friend of?

A. Mine.

Q. Okay. And did Kenny have any relationship to your girlfriend?

A. He goes out with her mom.

Q. Okay.

MS. FLECK: Permission to publish, Judge.

THE COURT: Yes.

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BY MS. FLECK:

Q. Mr. John, I'm showing you State's Exhibit 1.

Here we see an address, 2612 Glory View.

Do you see Kenny Mark's home on that map?

A. Yeah, right here on this corner.

Q. Okay. You see how it just kind of comes up blue?

A. Yes.

Q. Can you just circle it?

THE COURT: Circle it if you would, please.

Thank you.

BY MS. FLECK:

Q. Okay. About what time did you go over to see your girlfriend on the 26th?

A. I do not remember the exact time.

Q. Afternoon, evening?

A. Say, afternoon.

Q. Okay. At some point then do you get called over to another house on Glory View?

A. Yes.

Q. And how did that happen?

A. I was walking out to my car, and then they came out and called me Mark, and I was like, my name ain't Mark, and he was like, Ivan needs to talk to you, someone across the street.

So I was like, all right.

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I walked in there, go in the garage, and as soon

as I go through the door in the garage where the laundry room is, he pushes the door closed and puts a gun underneath my throat like right here.

And then I was like, quit messing around. I thought he was playing around.

And he's like, I ain't fucking around, get on the ground, and pushed me in the kitchen.

And then Ivan's wife was laying there tied up.

He put me on my stomach and took my cell phone out of the pocket, broke it, and started going through all my pockets.

They tied me up, and then started like pistol whipping me, kicking me, hitting me, and walking through the cabinets, stepping on me, all kinds of weird stuff like that.

Q. So let me take you back then to when you get called over.

You say, they, and they called you over.

Where did they call you over to?

A. To Ivan's house.

Q. And when you say, they, how many guys were there?

A. One guy came out.

Q. One guy came outside of Ivan's house?

A. Yes.

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Q. Had you ever been in Ivan's house?

A. No, I never been in Ivan's house.

I thought it was weird he wanted somebody to go in his house.

Q. Did you know Ivan from being outside at your girlfriend's, and sometimes being outside his house?

A. Yes.

Q. So you were somewhat familiar with him?

A. Yeah.

Q. The people that called you over, men, women, what did they look like?

A. They were black, had like accents.

Q. What kind of accents did you hear?

A. Like a Jamaican accent.

Q. Did you -- or was there anything unusual about the accent?

A. I really wasn't like paying attention to it, but I just didn't -- or went over there to see what he wanted, and I don't know.

Q. Okay. You get called over, and you said you went there to the garage first?

A. Yes.

Q. And did you still just see one person?

A. When I walked in, there was another person in there.

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1 Q. Inside the garage?

2 A. No, inside the house.

3 Q. When you got through the garage -- or when you

4 get into the garage, did the person say anything else to

5 you once you were in the garage?

6 A. When I went in the garage, I walked -- that's

7 when I walked to the door, walked straight in, and the

8 other, he was like, shut the door, and put the gun up to

9 my throat.

10 Q. The other person that had not called you over?

11 A. The one called me over -- like the laundry room

12 is really small, so the door, as soon as he stepped

13 around, he pushed it shut, and I couldn't do nothing,

14 was stuck in there.

15 Q. Okay. Did you happen to see the gun that was put

16 up against your throat?

17 A. A little bit, just like a black gun.

18 And then there was another gun, was like a little

19 revolver, once they put me on the ground.

20 MR. FUMO: Objection.

21 Nonresponsive.

22 THE COURT: Go ahead.

23 MR. FUMO: Nonresponsive.

24 She asked for the one, and he said, yes, and --

25 THE COURT: Why don't you go ahead, follow-up

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1 with another question.

2 BY MS. FLECK:

3 Q. You saw the gun put to your throat?

4 A. Yes.

5 Q. What did that one look like?

6 A. Just a black gun.

7 Q. You said you went on to see another gun?

8 A. Yeah, that's when they tied me up, put me on the

9 ground, and then put the gun by my face, and he's like,

10 take the gun.

11 I have my hands tied up.

12 I was like, I don't see how that is possible.

13 Anyways, he's like, take it, take it, smell that.

14 He said, if you try to touch that gun, I'll blow

15 your fucking brains out.

16 And I was like, whatever, how the hell am I

17 supposed to touch it anyway, I got my hands tied up.

18 And just I was like, I want to get out of there,

19 and every time we tried to talk, they would like kick us

20 or hit us with the gun and that.

21 Q. When you first came in, the gun is put to your

22 throat, and then you said you went on to get tied up.

23 How is it you got tied up.

24 A. They got like extension cords, I guess taking

25 cords off all the stuff around the house, like

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1 appliances and TVs and fans and stuff like that and

2 tying everybody up with them.

3 Q. What room were you in when you got tied up?

4 A. The kitchen.

5 Q. Did you see anyone else in the house, besides the

6 two black men tying you up and holding you at gunpoint?

7 A. Just like Ivan's wife, and they were laying like

8 through the kitchen, and Ivan's son were in the other

9 room.

10 Q. When you saw Ivan, where was he?

11 A. He was like laying on the ground, already tied

12 up.

13 So we were just like, you could hear him talking,

14 and -- but you couldn't really see him from where I was

15 laying.

16 Q. Did you see whether his head was covered or

17 uncovered at the time?

18 A. It was uncovered, but they didn't cover everybody

19 until they shot him.

20 Q. And you could see Ivan.

21 Could you also see his wife, Jennifer?

22 A. She was laying right next to me.

23 Q. And how about any children, did you see any kids

24 in the house?

25 A. Yeah, there was a little girl came over there,

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1 knocked on the door, and they put her in there.

2 And his son was in there, and I think their

3 nephew.

4 Q. Okay. And were the kids also tied up?

5 A. I believe so.

6 I didn't -- or don't know what they did with the

7 girl.

8 I was laying face down at the time when she came

9 in.

10 I looked up and seen her walk in, and you could

11 hear it.

12 Q. Once you got tied up, you said you were face

13 down?

14 A. Yeah, they put us face down on the ground.

15 Q. So once you got tied up face down, what happened?

16 A. They made us put our heads down.

17 Every time we tried to lift our heads up they

18 would stomp the back of my head into the ground and then

19 just kept making us put our heads down, and --

20 Q. Were they asking you for anything?

21 A. They were just -- I guess wanted money and stuff,

22 so they went through our pockets, got my bank card, and

23 then used my debit card at the ATM.

24 Q. Okay. So you said they were asking for money, at

25 some point they go through your pockets?

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1 A. Yeah.
 2 Q. And what all did they get?
 3 A. Got my debit card and my ID, and I don't know,
 4 probably some other cards I had in there too, but the
 5 only one they used was the bank card.
 6 Q. And what bank was that through?
 7 A. Wells Fargo.
 8 Q. So they got some property from you.
 9 You had said earlier that at some point a gun was
 10 put out in front of you.
 11 What happened?
 12 Tell us again, what happened when the gun was put
 13 in front of you?
 14 A. He told me to try to grab it, and then I had my
 15 hands tied, and he had a gun to my head, so if I tried
 16 to grab it, what is going to happen anyways, but he told
 17 me he's going to blow my brains out.
 18 Q. Now, that gun in front of you, that --
 19 A. It was a different one, looked like kind of like
 20 a smaller gun.
 21 Q. How many guns did you see total?
 22 A. I seen two total.
 23 Q. Okay. And at some point did someone else come
 24 into the house?
 25 A. Yeah, the little girl came in after a while, and
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1 then I don't know his name, he came in.
 2 Q. What happened when he came in?
 3 A. They got him, and then they asked who's in the
 4 car, and I guess his girlfriend was out there, and they
 5 went out, I guess went out, both of them went out there
 6 to get her or something.
 7 I got my hands out.
 8 Q. Okay. At some point then before you get your
 9 hands out do you hear any shots being fired?
 10 A. No, there was no shots after that.
 11 Q. But --
 12 A. When I was in there, I heard them shoot Ivan, and
 13 one of the guys said, oh, you just shot him.
 14 I told him to shut the fuck up, that's what he
 15 said after he shot him.
 16 Q. So once you are tied up, they are rummaging
 17 through all of your pockets and get your property.
 18 At some point do you hear a shot being fired?
 19 A. Yes.
 20 Q. When did that happen?
 21 A. Probably say, hard to keep exact time, maybe 20
 22 minutes after I was in there, 30 minute after I was in
 23 there.
 24 Q. And could you see these guys while -- I mean,
 25 while you are hearing the shot being fired, can you see
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1 them, or just hearing what they are saying?
 2 A. You could see them because I was like watching,
 3 trying to see what was going on because I was trying to
 4 get out of there, and I was waiting for both of them to
 5 go in the other room again.
 6 Q. What did you see?
 7 A. Walking around, going through everything, like
 8 spraying Lysol on everything, or something all over the
 9 house, I don't know why, but after they shot him, that's
 10 when they started covering everybody's heads up, so I
 11 couldn't see nothing after that.
 12 Q. Tell us what you see before Ivan gets shot.
 13 A. Them walking around, going through everything,
 14 going through everybody's pockets.
 15 Like the other guy that came in, I guess they
 16 took money out of his pockets.
 17 Q. And then at some point they go over to Ivan, like
 18 right before he gets shot.
 19 What happens?
 20 A. Well, he's like, don't shoot me in front of my
 21 kid. I don't want to die in front of my son.
 22 And then you just hear a gunshot go off.
 23 Q. Did you actually see that?
 24 A. And he got quiet.
 25 Q. You didn't see it?
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1 A. No, I didn't see it.
 2 Q. You just heard it?
 3 A. Yes.
 4 Q. After the gunshot, you said everything got quiet,
 5 and what did the guys do?
 6 A. I guess started freaking out like, and that's
 7 when they went outside to get the girl, and I just got
 8 out.
 9 Q. So at some point you break free from the binding?
 10 A. Yeah.
 11 Q. And then what did you do?
 12 A. Went out the window and ran through the backyard,
 13 and then hopped through another backyard, and then it
 14 was like a street, and across the street, and ran
 15 through somebody's house, and they were sitting there
 16 watching TV, and I had one tie still on my wrist, and
 17 they didn't speak English, and one guy was on the cell
 18 phone, so I took the phone out of his hand and then
 19 called 911.
 20 Q. You said, you ran north?
 21 A. It was through the backyard.
 22 So this would be his house right here.
 23 So I went over this wall and went through that
 24 one, and then there is a street right here, like out
 25 here, and then the next neighborhood.
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<p>61</p> <p>1 When I came out, I was on Carey.</p> <p>2 Q. At some point do you make your way back to 2612</p> <p>3 Glory View?</p> <p>4 A. Yeah.</p> <p>5 I came up, went all the way up Carey, then back</p> <p>6 down Simmons, and came down the street this way, and</p> <p>7 they had the street, like the tape going off on the</p> <p>8 street, and I went right through the tape and was in the</p> <p>9 cop car like right around this area right there.</p> <p>10 Q. So when you get back to the scene, officers are</p> <p>11 already there?</p> <p>12 A. Yes.</p> <p>13 Q. And did you have an opportunity at that point in</p> <p>14 time to tell them what happened to you?</p> <p>15 A. Yes.</p> <p>16 Q. You said you had a number of cards taken from you</p> <p>17 and other pieces of property, your cell phone.</p> <p>18 At some point that evening did you make some</p> <p>19 calls and learn that your Wells Fargo card had been used</p> <p>20 at a 7-Eleven just after 8 p.m. that evening?</p> <p>21 A. Yes.</p> <p>22 Q. Did you relay that then to the officers?</p> <p>23 A. Yes.</p> <p>24 Q. And did you find out how much money had been</p> <p>25 taken out approximately at that ATM transaction?</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p>63</p> <p>1 in, and that you filled out on June 29th of 2004?</p> <p>2 A. Yes.</p> <p>3 MS. FLECK: Move for admission of State's 133 and</p> <p>4 133-A.</p> <p>5 MR. FUMO: No objection.</p> <p>6 THE COURT: That will be admitted.</p> <p>7 MS. FLECK: For the record, I'm showing 133-A.</p> <p>8 BY MS. FLECK:</p> <p>9 Q. Sir, is this a photo line-up you went through</p> <p>10 with a detective?</p> <p>11 A. Yes.</p> <p>12 Q. Before you did this photo line-up, were you given</p> <p>13 a number of instructions of how to go about identifying</p> <p>14 somebody, whether you could identify someone or not?</p> <p>15 A. Yes, he put it down, and as soon as I looked at</p> <p>16 it I seen him.</p> <p>17 Q. Okay. Is this your signature in the lower right?</p> <p>18 A. Yes.</p> <p>19 Q. That you did this just after, in the early</p> <p>20 afternoon on June 29th of 2004?</p> <p>21 A. Yes.</p> <p>22 Q. And what is it then that you said in your witness</p> <p>23 comments?</p> <p>24 A. This is the guy I think that called me over to</p> <p>25 Ivan's house and tied me up and shot Ivan.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>
<p>62</p> <p>1 A. I think it was 300.</p> <p>2 I'm not exact.</p> <p>3 MS. FLECK: Judge, may I approach?</p> <p>4 THE COURT: Yes.</p> <p>5 BY MS. FLECK:</p> <p>6 Q. You had an opportunity to speak with officers</p> <p>7 that evening at some point after this event.</p> <p>8 Were you also in contact with a detective from</p> <p>9 the North Las Vegas Police Department who asked you if</p> <p>10 maybe you could participate in a line-up and see if you</p> <p>11 could identify anybody?</p> <p>12 A. Yes.</p> <p>13 Q. And that was just a few days after this occurred?</p> <p>14 A. Yes.</p> <p>15 MS. FLECK: I'm showing Defense counsel what has</p> <p>16 been marked as State's Proposed Exhibit 133 and 133-A.</p> <p>17 May I approach, Judge?</p> <p>18 THE COURT: Yes.</p> <p>19 BY MS. FLECK:</p> <p>20 Q. Showing you what has been marked as State's</p> <p>21 Proposed 133 and 133-A, do you recognize this document?</p> <p>22 A. Yes.</p> <p>23 Q. How do you recognize it?</p> <p>24 A. I have my initials right here, and that's him.</p> <p>25 Q. Is this the photo line-up that you participated</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p>64</p> <p>1 Q. So the person you identified is the person that</p> <p>2 called you over and that went on to shoot Ivan?</p> <p>3 A. Yes.</p> <p>4 Q. And who is it then?</p> <p>5 If you could, circle on there the person you</p> <p>6 identified as the shooter.</p> <p>7 The person in the number six photo?</p> <p>8 A. Yes.</p> <p>9 Q. Those are your initials?</p> <p>10 A. Yes.</p> <p>11 Q. Mr. John, did you actually come down to a prior</p> <p>12 hearing in this case a number of years ago?</p> <p>13 A. Yeah.</p> <p>14 Q. Testified in a similar way, a jury wasn't here,</p> <p>15 but you testified in a similar way?</p> <p>16 A. Yes.</p> <p>17 Q. At that hearing were you also asked if you could</p> <p>18 identify the person who shot Mr. Ivan?</p> <p>19 A. Yes.</p> <p>20 Q. And were you able to at that point?</p> <p>21 A. Yes.</p> <p>22 Q. Did you identify the Defendant?</p> <p>23 A. Yes.</p> <p>24 Q. Do you see the person that shot Ivan that you</p> <p>25 previously identified, do you see him in the courtroom</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>

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1 today?
 2 A. Yes.
 3 Q. And can you please point to him, and describe
 4 something he's wearing for the record?
 5 A. A suit, tie, glasses.
 6 Q. Longer hair?
 7 A. Yes.
 8 MS. FLECK: Let the record reflect the
 9 identification of the Defendant.
 10 THE COURT: The record will so reflect.
 11 Thank you.
 12 MS. FLECK: Now I pass the witness.
 13 THE COURT: All right. Mr. Marcello.
 14
 15 **CROSS-EXAMINATION OF RYAN JOHN**
 16 BY MR. MARCELLO:
 17 Q. Good afternoon, Mr. John.
 18 You were going to visit your girlfriend -- or
 19 across the street?
 20 A. Yes.
 21 Q. And while you were walking out of the house, a
 22 black male told you to come over to the house because
 23 Ivan wanted to talk to you?
 24 A. Yes.
 25 Q. He referred to you as Mark?

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1 A. Yes.
 2 Q. And you were about a hundred feet away, is that
 3 about how far the house or garage is?
 4 A. The length of the street.
 5 Q. And you walked over to Ivan's house?
 6 A. Yes.
 7 Q. You had previously known Ivan, correct?
 8 A. Yes.
 9 Q. And how do you know Ivan?
 10 A. Hanging out over there, working on cars, go over
 11 there to talk to him.
 12 Q. You know he ran a business in his garage?
 13 A. Yes.
 14 Q. And the business was called Dub Life?
 15 A. I don't know what it was called.
 16 Q. And he had a partner in that business.
 17 Do you remember the partner in the business?
 18 A. No, I don't.
 19 Q. Now, Dub Life was to paint vehicles, correct?
 20 A. Yes, I guess.
 21 I thought it was like a car club or something
 22 like that, but I'm not sure what it was.
 23 Q. Are you a member of a car club too?
 24 A. No.
 25 Q. I see the 6651 Customs.

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1 A. No.
 2 Q. And the person now after you already gone over to
 3 the house, did you notice any cars that you didn't
 4 recognize normally being on the street?
 5 A. No.
 6 Q. So while you were walking across the street,
 7 there was no cars you had not normally seen there in
 8 front of the house, or in your vicinity that you would
 9 notice?
 10 A. No.
 11 Q. And now the individual that called you over,
 12 walked into the house before you did, correct?
 13 A. When -- walked into the laundry room before I
 14 did.
 15 Q. And then they walked into the house before you
 16 walked into the door?
 17 A. They closed the door, standing in the laundry
 18 room, and that's when they put the gun to my throat and
 19 walked in and got down on the ground.
 20 Q. So they basically waited for you to come in, and
 21 more or less ambushed you, put the gun to your throat?
 22 A. Yes.
 23 Q. Okay. Now, the person that called you over
 24 covered your head and kicked you when you tried to look
 25 up, correct?

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1 A. Yes.
 2 Q. Throughout this whole thing?
 3 A. Yes.
 4 Q. And your face was down, but you were able to get
 5 a look at somebody's shoes, correct?
 6 A. Yeah, some.
 7 I couldn't remember shoes now, no way I would
 8 remember exactly what they looked like.
 9 Q. Would it refresh your recollection at all to look
 10 at your statement, or item you wrote at the time
 11 indicating what type of shoes they were wearing?
 12 A. I could look at it, but I don't know.
 13 Q. I'm going to come back to that in just a moment.
 14 However, the person that called you over, how
 15 would you describe their hair?
 16 A. Kind of longer.
 17 I don't know if it was a wig or kind of like how
 18 it is right there, like how he has it, but I don't know
 19 if it was real hair, or just a disguise.
 20 Q. So it seemed to you to either be long braided
 21 hair, or some type of wig?
 22 A. Yes.
 23 Q. And they had a Jamaican accent, correct?
 24 A. Yes.
 25 Q. And now you come face-to-face with him as they

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<p>69</p> <p>1 put the gun to your head, right?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall seeing -- Their skin was exposed,</p> <p>4 correct?</p> <p>5 A. Yes, their face was exposed.</p> <p>6 Q. Do you recall seeing any tattoos?</p> <p>7 A. No, I don't remember any tattoos.</p> <p>8 Q. Did you see any scars on their face, markings,</p> <p>9 black eyes, anything like that?</p> <p>10 A. No.</p> <p>11 Q. But do you remember being face-to-face with the</p> <p>12 individual that put the gun to your throat?</p> <p>13 A. Yes.</p> <p>14 Q. Now, while you were on the ground, the individual</p> <p>15 went through your pockets, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And they found your ATM card?</p> <p>18 A. Yes.</p> <p>19 Q. And when they found your ATM card, instead of</p> <p>20 cash, do you recall them uttering the phrase, fucking</p> <p>21 American?</p> <p>22 A. No, I don't.</p> <p>23 Q. Now, as Miss Fleck just indicated, you testified</p> <p>24 previously, correct?</p> <p>25 A. Yes.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p>71</p> <p>1 Q. Yeah, the top of 69.</p> <p>2 A. Yeah, I guess I said it.</p> <p>3 Q. Okay. And would it be reasonable to assume that</p> <p>4 your memory at that time, since it was closer to the</p> <p>5 incident, is probably better than your memory is today,</p> <p>6 now it's been seven years since it happened?</p> <p>7 A. Yeah, probably a little better, but I still</p> <p>8 remember what happened.</p> <p>9 Q. I'm not saying you didn't, but it's more likely</p> <p>10 in fact the person that did go through your pockets did</p> <p>11 say the phrase, fucking Americans?</p> <p>12 A. Yes.</p> <p>13 Q. And then probably due to the fact they found a</p> <p>14 credit card, instead of cash?</p> <p>15 A. Yes.</p> <p>16 Q. The person that took it demanded your pin number</p> <p>17 as well?</p> <p>18 A. Yes.</p> <p>19 Q. And you had told him what your pin number was?</p> <p>20 A. Yes.</p> <p>21 Q. And after doing so, you can hear Ivan nearby and</p> <p>22 the individuals yelling at him?</p> <p>23 A. Yes.</p> <p>24 Q. And then you heard the gun go off and Ivan</p> <p>25 scream?</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>
<p>70</p> <p>1 Q. You were under oath during that testimony?</p> <p>2 A. Yes.</p> <p>3 Q. And you were told to tell the truth, the whole</p> <p>4 truth, and nothing but the truth?</p> <p>5 A. Yes.</p> <p>6 Q. And would it refresh your recollection if I</p> <p>7 showed you your testimony during that time indicated</p> <p>8 that the person that -- with the gun to your head and</p> <p>9 took your card said the phrase, fucking Americans?</p> <p>10 A. Yeah, it was I guess seven years ago, so it's</p> <p>11 really hard to remember exactly everything that was</p> <p>12 said, but could you put it on there, and I'll look at</p> <p>13 it?</p> <p>14 Q. Okay.</p> <p>15 Fair enough.</p> <p>16 MR. MARCELLO: May I approach the witness, Your</p> <p>17 Honor?</p> <p>18 THE COURT: Yes.</p> <p>19 BY MR. MARCELLO:</p> <p>20 Q. What I'm going to show you right now is -- this</p> <p>21 is a condensed version of the transcript of the</p> <p>22 preliminary hearing.</p> <p>23 I'd like you to read from the bottom of 68 to the</p> <p>24 top of 69, and just look up, so I know you are finished.</p> <p>25 A. Top of 69?</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p>72</p> <p>1 A. No, I don't think he screamed.</p> <p>2 He just was quiet after that, I guess didn't want</p> <p>3 the get shot again.</p> <p>4 Q. And approximately how much time between the time</p> <p>5 Ivan is shot, and the time you were able to leave the</p> <p>6 residence?</p> <p>7 A. I don't remember exactly the time.</p> <p>8 Q. Can you give an approximate time?</p> <p>9 Ten minutes?</p> <p>10 A. I --</p> <p>11 Q. 15 minutes?</p> <p>12 A. Ten to twenty, I'll go with that, because I don't</p> <p>13 remember.</p> <p>14 Q. During that time, were they still continuing to</p> <p>15 ransack the house?</p> <p>16 A. Yes.</p> <p>17 That's when they started covering everybody's</p> <p>18 heads.</p> <p>19 Q. So they were still moving around the residence,</p> <p>20 doing things?</p> <p>21 A. Yes.</p> <p>22 Q. Now, a minute or two after the suspects left you</p> <p>23 jumped out and were able to call 911 immediately,</p> <p>24 correct?</p> <p>25 A. Yeah, after I ran through the neighborhood, went</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>

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1 through that house.
 2 Q. And a police officer arrived, you spoke with
 3 officers, correct?
 4 A. Yes.
 5 Q. And at the time you indicated that -- Do you
 6 recall speaking to a Detective Hoyt (Phonetic)?
 7 A. I don't remember the name.
 8 Q. A taller white guy.
 9 A. I don't remember his name.
 10 Q. Now, the taller white guy, do you remember
 11 indicating to him you couldn't identify the suspects?
 12 A. Yeah, like right there I couldn't give a
 13 description, but as soon as I seen the picture.
 14 Q. So you don't recall what clothing they were
 15 wearing?
 16 A. Not right now I don't.
 17 Q. But I mean, at the time either?
 18 A. Yeah.
 19 Q. He asked if you could identify any clothing?
 20 A. No, I didn't really try to pay attention to that
 21 too much.
 22 Q. And another thing in giving the statement, any
 23 descriptive characteristics, clothing they were wearing,
 24 jewelry, facial features, or any tattoos?
 25 A. Facial features, I remember what he looks like.
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1 Q. But I mean, anything distinctive as in scars,
 2 black eyes?
 3 A. No, I had a gun in my throat.
 4 Q. Something out of the ordinary?
 5 A. No.
 6 Q. Now, when you received a call from Detective
 7 Corrado, he indicated to you they had taken a suspect
 8 into custody?
 9 A. Yes.
 10 Q. And he asked you to come down and identify the
 11 suspect they had in custody?
 12 A. Yes.
 13 Q. And prior to going down to the station, did you
 14 get a chance to see Ivan, to make sure he was all right?
 15 A. Yeah, at the hospital.
 16 Q. So you guys got to talk about what happened
 17 before you went down?
 18 A. No.
 19 When I seen him, he couldn't talk. His head was
 20 all bandaged up and was pretty bad. I didn't talk to
 21 him.
 22 Q. Did you have an opportunity to talk to anybody
 23 else, his wife, Jennifer?
 24 A. A little bit, but --
 25 Q. And then in your written statement identifying
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1 Rickie, you identified Rickie as the person called you
 2 over, correct?
 3 A. Yes.
 4 Q. And the person that had held the gun to your
 5 throat?
 6 A. Yes.
 7 Q. And had the braided wig?
 8 A. Yes.
 9 Q. Now, I'd like to show you State's Exhibit 133 --
 10 I apologize, I'm not great with the Elmo here.
 11 Now, the State indicated you had selected Mr.
 12 Slaughter from this photographic line-up.
 13 A. Yes.
 14 Q. Okay. And as we indicated before, Detective
 15 Corrado indicated the person that had committed the
 16 crime was in custody?
 17 A. Yes.
 18 Q. Now, as part of your statement --
 19 A. No, I don't think he was in custody at the time.
 20 I think after I did this, they went and got him.
 21 I don't know the details, but --
 22 Q. Okay. Now, this guy -- in your statement you
 23 put, this is the guy that I think called me over?
 24 A. Uh-huh.
 25 Q. Is that because you were unsure if it was the guy
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1 that actually called you over?
 2 A. No, I shouldn't have wrote, I think.
 3 I see that, but that's what I wrote, so --
 4 Q. Okay. But you wrote, I think that's the guy that
 5 called me over to Ivan's house and tied me up and shot?
 6 A. Yeah, but I'm sure that is the guy that called me
 7 over.
 8 Q. Now, looking at these pictures, all the
 9 individuals either have some type of braiding to their
 10 hair -- correct?
 11 A. Uh-huh.
 12 Q. And the individual in the middle is wearing a
 13 yellow shirt?
 14 A. Yes.
 15 Q. Now, do you notice behind each of the backgrounds
 16 of the individuals there is a blue border?
 17 A. Yes.
 18 Q. Okay. And do you notice that blue border behind
 19 Mr. Slaughter?
 20 A. No.
 21 Q. So his picture looks different than the other
 22 four or five pictures in this photographic line-up?
 23 A. Yes.
 24 MR. MARCELLO: No further questions.
 25 THE COURT: Miss Fleck.
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1 MS. FLECK: Court's indulgence.

2 -----

3 **REDIRECT EXAMINATION OF RYAN JOHN**

4 BY MS. FLECK:

5 Q. Mr. John, you referenced there was a time when

6 you gave Mr. Slaughter, the Defendant, your pin number.

7 How did that happen?

8 A. He told me to give him the PIN number, and if

9 it's wrong, that he was going to kill me, and then I

10 didn't really care about that -- The whole thing was, if

11 he did kill me, he had my PIN number, so he would have

12 seen him using the card because the person that took my

13 card was going to use it and have a picture of him, so

14 that's why I gave him the correct PIN.

15 Q. So you did in fact give him the correct PIN

16 number?

17 A. Yes, I did.

18 Q. For Wells Fargo?

19 A. Yes.

20 Q. You referenced that you saw two different kinds

21 of guns.

22 What was the first kind of gun that you saw, the

23 one they held in front of your face and kind of held in

24 front of your nose, asking you to grab it, what kind of

25 weapon was that?

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1 A. They said it was a .357, that's what he was

2 saying.

3 Q. Now, you referenced there was two.

4 Do you remember there was one in front of your

5 nose?

6 A. Yes.

7 Q. And do you remember that as the .357?

8 A. Yeah, the one they put up through -- the one they

9 laid on the ground was little -- a little revolver, was

10 like a .22 or something like that, I don't remember what

11 that was, but he had a .357 to my head because he said

12 he would blow my brains out with that.

13 Q. So the one that was in front of your nose, you

14 don't remember what kind that one was?

15 A. It was a little revolver with like a wooden grip.

16 Q. Do you remember that you testified -- You

17 recalled that already you testified at a prior hearing

18 in this case?

19 A. Yes.

20 Q. You testified in a similar fashion?

21 A. Yes.

22 Q. And do you remember that at that hearing you

23 said, yeah, I laid on the ground when they put me on the

24 ground, they had a .22, he did, and he laid it next to

25 my nose, told me to grab the gun, then he held the gun

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1 to my temple.

2 I was right there laying. The gun was to my

3 nose. It was a revolver -- Sorry. It was a .22. It

4 was loaded.

5 Remember testifying to that?

6 A. Yeah, because he had one in his hand and laid the

7 other gun on the ground.

8 Q. Okay. And then the one that was put to your face

9 when they told you they would blow your brains out, what

10 kind of weapon was that?

11 A. He said, a .357, and that's when he said he will

12 blow my brains out.

13 MS. FLECK: Okay. Thank you.

14 Nothing further.

15 THE COURT: Anything?

16 -----

17 **RECROSS-EXAMINATION OF RYAN JOHN**

18 BY MR. MARCELLO:

19 Q. Mr. John, before testifying today, did you talk

20 to any detectives, either Detective Corrado or Detective

21 Mark Quata (Phonetic) -- the individual you indicated

22 was tall?

23 A. Today?

24 Q. Just before testifying today, between the last

25 time you testified and this time you testified.

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1 A. No.

2 I talked to the DAs office when they told me I

3 had to come down for I don't know what it's called, the

4 pre-trial hearing or something, I don't know what it's

5 called.

6 Q. And if you could, tell me what was discussed

7 during that hearing with regards to your testimony

8 today.

9 A. What was discussed with it?

10 Q. Yes.

11 A. They just told me what I was going to do when I

12 come in here, and asked me if how my memory is on it,

13 and I told them what happened, and that's it.

14 Q. And as far as what Miss Fleck asked you about

15 with regards to the gun, you indicated one was a .22, do

16 you have much experience with guns?

17 A. Yeah, a little bit.

18 Q. And what are the predominant two colors that guns

19 come in, black and silver, would that be correct?

20 A. Yes.

21 Q. Not very many purple guns, correct?

22 A. No.

23 MR. MARCELLO: No further questions.

24 MS. FLECK: Nothing further, Your Honor.

25 Thank you.

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<p>81</p> <p>1 THE COURT: Anything from the jurors?</p> <p>2 Yes.</p> <p>3 Please approach.</p> <p>4 (Thereupon, a discussion was had between Court and</p> <p>5 Counsel at sidebar.)</p> <p>6 THE COURT: All right. I got a couple questions</p> <p>7 for you, Mr. John.</p> <p>8 To begin with, did you see whether the two men in</p> <p>9 Mr. Young's house were wearing gloves or not?</p> <p>10 THE WITNESS: No, I didn't see it.</p> <p>11 THE COURT: And then was the person that called</p> <p>12 you into the garage the same person that was searching</p> <p>13 your pockets and took your cards?</p> <p>14 THE WITNESS: Yes.</p> <p>15 THE COURT: Okay. Miss Fleck, any questions</p> <p>16 based upon mine?</p> <p>17 MS. FLECK: I do not, Judge.</p> <p>18 Thank you.</p> <p>19 THE COURT: Mr. Marcello.</p> <p>20 MR. MARCELLO: No, Your Honor.</p> <p>21 THE COURT: Mr. John, you are excused. I</p> <p>22 appreciate your time today.</p> <p>23 THE WITNESS: Thank you.</p> <p>24 THE COURT: The State may call their next</p> <p>25 witness.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p>83</p> <p>1 operation division, which is also our SWAT unit.</p> <p>2 Q. I'll direct your attention to about 11:15 at</p> <p>3 night on November -- or I'm sorry, on June 28th of 2004.</p> <p>4 Did you take part in an operation to execute a</p> <p>5 warrant at an apartment located at 3801 East Charleston,</p> <p>6 Apartment Number 114, here in Clark County, Las Vegas,</p> <p>7 Nevada?</p> <p>8 A. Yes, I did.</p> <p>9 Q. Now, as part of that operation were you working</p> <p>10 as part of the SWAT unit?</p> <p>11 A. Yes, I was.</p> <p>12 Q. Could you explain to the ladies and gentlemen of</p> <p>13 the jury -- or let me ask you this:</p> <p>14 Let me first put this on the overhead, State's</p> <p>15 Exhibit Number 2 here.</p> <p>16 If you would, look at State's Exhibit Number 2</p> <p>17 here. Do you see the apartment complex identified that</p> <p>18 you executed the warrant on?</p> <p>19 A. Yes, it's the one labeled 3801 East Charleston,</p> <p>20 Apartment 114.</p> <p>21 Q. Can you explain to the ladies and gentlemen of</p> <p>22 the jury kind of what the procedure is when SWAT is</p> <p>23 going to execute a warrant for an apartment like this,</p> <p>24 what kind of plans do you go through?</p> <p>25 A. Well, traditionally we'll do a pre-scout of the</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>
<p>82</p> <p>1 MR. DI GIACOMO: Lieutenant Corrado.</p> <p>2 THE MARSHAL: Step up to the witness stand.</p> <p>3 Remain standing, and the clerk will swear you in.</p> <p>4</p> <p>5 CHRISTOPHER CORRADO,</p> <p>6</p> <p>7 who, being first duly sworn to tell the truth, the whole</p> <p>8 truth, and nothing but the truth, was examined and</p> <p>9 testified as follows:</p> <p>10 THE CLERK: You may be seated.</p> <p>11 Would you please state and spell your name for</p> <p>12 the record?</p> <p>13 THE WITNESS: Christopher, Corrado.</p> <p>14 Last name, C-o-r-r-a-d-o.</p> <p>15</p> <p>16 <u>DIRECT EXAMINATION OF CHRISTOPHER CORRADO</u></p> <p>17 BY MR. DI GIACOMO:</p> <p>18 Q. Sir, what agency are you employed?</p> <p>19 A. With the North Las Vegas Police Department.</p> <p>20 Q. And what is your current capacity?</p> <p>21 A. I'm a lieutenant in charge of the narcotics</p> <p>22 division.</p> <p>23 Q. I direct your attention back to June of 2004.</p> <p>24 What was your assignment back then?</p> <p>25 A. I was a sergeant assigned to the special</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p>84</p> <p>1 location to get an idea what we're dealing with,</p> <p>2 tactical obstacles we'll have to deal with to keep both</p> <p>3 the occupants of the apartment as well as my team safe,</p> <p>4 and put a plan together to serve that warrant as safely</p> <p>5 as possible.</p> <p>6 And obviously that plan would include a breaching</p> <p>7 plan and so forth, to take the folks into custody in a</p> <p>8 safe manner.</p> <p>9 Q. And you said, breaching plans.</p> <p>10 For those of us that aren't police officers, what</p> <p>11 does a breach mean?</p> <p>12 A. Basically, the tactics that you are going to use</p> <p>13 to -- if entry is not provided to you by the occupants,</p> <p>14 to force your way inside of the location.</p> <p>15 Q. Now, Apartment 114 on East Charleston here, how</p> <p>16 big of an apartment is this?</p> <p>17 A. A little over 300 square feet.</p> <p>18 Q. Is it a single room apartment with like a</p> <p>19 kitchenette?</p> <p>20 A. All studio apartments, yeah.</p> <p>21 Q. And so we got an idea what 300 feet is, do you</p> <p>22 think the distance is from that wall to --</p> <p>23 A. You are talking maybe from here to the jury box</p> <p>24 and maybe three -- not even -- maybe two jurors over.</p> <p>25 Q. So a fairly small area?</p> <p>BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>

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<p>85</p> <p>1 A. Yeah.</p> <p>2 Q. Now, when you execute a warrant, before you</p> <p>3 execute the breach as you put it, do you announce your</p> <p>4 presence and -- knock and announce your presence?</p> <p>5 A. Absolutely.</p> <p>6 Q. So if you can explain to the ladies and</p> <p>7 gentlemen, I'll put this on the overhead for you, this</p> <p>8 is State's Exhibit Number 90, does this appear to be the</p> <p>9 apartment door and window that you approached?</p> <p>10 A. Correct.</p> <p>11 Q. If you could, what was your position during the</p> <p>12 time period of the knock and announce that is going on?</p> <p>13 A. I was actually positioned at the window that is</p> <p>14 broken in, the window here.</p> <p>15 Q. When you arrived on the scene, was that window --</p> <p>16 was it broken, or a regular window?</p> <p>17 A. No, it was intact.</p> <p>18 We broke it.</p> <p>19 Q. And when the knock and announce occurs, are there</p> <p>20 other officers standing at the door knocking and</p> <p>21 announcing your presence?</p> <p>22 A. Yes.</p> <p>23 Q. Did anybody answer the knock and announce?</p> <p>24 A. No.</p> <p>25 Q. Once nobody answers the knock and announce, what</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>	<p>87</p> <p>1 sense.</p> <p>2 Basically, it controls the room quickly, and</p> <p>3 realistically we got the ralling that really limits our</p> <p>4 mobility, and we have got glass, drywall and stucco</p> <p>5 standing between myself and the folks inside.</p> <p>6 Q. The knock announce occurs.</p> <p>7 Nobody answers.</p> <p>8 You guys do the breach.</p> <p>9 Do you after that window is broken, do you enter</p> <p>10 yourselves in the room and take control of the room with</p> <p>11 your firearm?</p> <p>12 A. Correct.</p> <p>13 Q. And when you do that, did you see anybody inside</p> <p>14 the room?</p> <p>15 A. Yes, there was a female still on the bed, and I</p> <p>16 saw a male subject basically diving behind the</p> <p>17 kitchenette counter area, which would have been directly</p> <p>18 to my left and forward.</p> <p>19 Q. At that point does SWAT enter the room and take</p> <p>20 the suspect into custody?</p> <p>21 A. We took the occupants in the room in custody,</p> <p>22 yes.</p> <p>23 Q. And at the time the occupants were identified as</p> <p>24 Rickie Slaughter and Tiffany Johnson?</p> <p>25 A. Correct.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>
<p>86</p> <p>1 is your procedure at that point?</p> <p>2 A. Well, at that point we will force entry into the</p> <p>3 targeted location.</p> <p>4 Q. When you force entry, do you do anything to allow</p> <p>5 the safety of the officers, any sort of distraction from</p> <p>6 people inside?</p> <p>7 A. Yes.</p> <p>8 This picture is a little hard to see. There is</p> <p>9 -- actually, this is a ground floor apartment, but there</p> <p>10 is actually a ralling that runs the distance on the</p> <p>11 backside, if you look to the left of the picture here,</p> <p>12 so actually it was like being on a landing, which the</p> <p>13 landing was only maybe three, three-and-a-half feet</p> <p>14 wide.</p> <p>15 Now, you are trying to move a bunch of 250 pound</p> <p>16 guys with 50 pounds of gear down into this breezeway</p> <p>17 area, so tactically it's a little unforgiving.</p> <p>18 So the game plan was, obviously we posted folks</p> <p>19 at the door, so the team members, including myself,</p> <p>20 could move past the door safely.</p> <p>21 So after we did the knock and announce, we could</p> <p>22 breach the window, and then my job was to basically peek</p> <p>23 through the blinds with my gun, because the room is so</p> <p>24 small you could exercise a lot of control over that room</p> <p>25 just from standing outside the doorway, if that makes</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>	<p>88</p> <p>1 MR. DI GIACOMO: Thank you very much.</p> <p>2 I pass the witness.</p> <p>3 THE COURT: Mr. Fumo.</p> <p>4</p> <p>5 <u>CROSS-EXAMINATION OF CHRISTOPHER CORRADO</u></p> <p>6 BY MR. FUMO:</p> <p>7 Q. Officer Corrado, are you still in SWAT?</p> <p>8 A. No, sir.</p> <p>9 Q. Where are you at now?</p> <p>10 A. I'll in the narcotics division.</p> <p>11 Q. In North Las Vegas?</p> <p>12 A. Yes.</p> <p>13 Q. Sir, do you remember this date very well, June</p> <p>14 26th, 2004?</p> <p>15 A. I remember it reasonably well, yes.</p> <p>16 Q. You didn't write a report though, did you?</p> <p>17 A. No, I did not, sir.</p> <p>18 Q. Did you read anybody else's report before you</p> <p>19 came to court today?</p> <p>20 A. Yes, I did.</p> <p>21 Q. Was that Dwayne Emon's (Phonetic) report?</p> <p>22 A. Correct, it was -- He was the other team leader</p> <p>23 on the scene.</p> <p>24 Q. He was the only one from SWAT that wrote a report</p> <p>25 that night?</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>

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- 1 A. To my understanding, yes.
 2 Q. The only report you read before testifying today?
 3 A. Correct.
 4 Q. This is a 300 square foot unit?
 5 A. Sorry?
 6 Q. This apartment was a 300 square foot unit?
 7 A. Approximately, yeah.
 8 Q. And the front door that we see in that picture,
 9 the green door there, is that the only entrance?
 10 Is there a back door, or the only way to get in
 11 and out?
 12 A. No back door.
 13 Q. So when you guys are standing there, there is
 14 about what, eight or twelve of you?
 15 A. Yes.
 16 Q. How many, eight or twelve?
 17 A. On that day our team consisted of was I would say
 18 closer to twelve.
 19 Q. Twelve people to get into a 300 square foot
 20 apartment?
 21 A. Yes, sir.
 22 Q. And you broke the doors off the hinges?
 23 A. I'm sorry?
 24 Q. You broke the doors on the hinges, correct?
 25 A. The door was broken open with a ram.

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- 1 Q. And smashed the windows?
 2 A. Yes, sir.
 3 Q. And there was two occupants in the house?
 4 A. Yes, sir.
 5 Q. They didn't resist at all, did they?
 6 A. No, sir.
 7 Q. Came right into custody with you?
 8 A. I'm sorry --
 9 Q. You took Rickie into custody?
 10 A. I did not take Rickie into custody.
 11 I stayed at the window the entire time.
 12 Q. Did you ever speak with Mr. Slaughter?
 13 A. No, sir.
 14 Q. There was no resistance now?
 15 A. None.
 16 Q. Did you find any bloody clothes in there?
 17 A. Did I?
 18 No, sir.
 19 Q. A Jamaican looking wig?
 20 A. I did not, sir, no.
 21 I did not search the apartment.
 22 Q. Nothing to your knowledge from the report you
 23 read in there that indicated any Jamaican looking wig
 24 was found, or any bloody clothes were found, right?
 25 A. No, sir.

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- 1 Q. What were you wearing that night?
 2 A. My duty uniform.
 3 Q. Could you describe it for the jury?
 4 A. It basically looks like army fatigues, a green
 5 uniform with a heavy ballistic vest, ballistic helmet.
 6 Q. Did you have a mask on covering your face?
 7 A. No, sir.
 8 Q. Just a helmet?
 9 A. Yes, sir.
 10 Q. Boots?
 11 A. Yes, sir.
 12 Q. Guns drawn?
 13 A. Yes, sir.
 14 Q. All twelve of you had your guns drawn?
 15 A. Oh, yeah.
 16 Q. What kind of gun did you have?
 17 A. I had my Glock .45 on my hip, which was my
 18 handgun, and my primary weapon was an M-4, looks like an
 19 M-16.
 20 MR. FUMO: We're good.
 21 Thank you, Your Honor.
 22 THE COURT: Mr. DiGiacomo.
 23 MR. DI GIACOMO: Nothing further.
 24 THE COURT: Any questions by the jurors?
 25 Lieutenant Corrado, I appreciate your time.

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- 1 You are excused.
 2 Thank you very much.
 3 We will go ahead and take our lunch recess at
 4 this time.
 5 (Jury admonished by the Court.)
 6 THE COURT: Be back at 2:30.
 7 (Jury excused from the courtroom.)
 8 (Thereupon, the following proceedings were had out of
 9 the presence of the jury.):
 10 THE COURT: Anything outside the presence?
 11 MR. FUMO: Not from the Defense.
 12 MR. MARCELLO: You want to do that thing now, or
 13 after?
 14 THE COURT: You want to chat about whatever it
 15 was you wanted to bring up?
 16 MR. MARCELLO: We'll do it when we get back, I
 17 guess.
 18 MR. DI GIACOMO: Okay.
 19 THE COURT: Okay.
 20 (Thereupon, a luncheon recess was had.)
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<p style="text-align: right;">93</p> <p>1 (Thereupon, the following proceedings were had out of 2 the presence of the jury.):</p> <p>3 MR. MARCELLO: Your Honor, we have one issue 4 outside the presence of the jury.</p> <p>5 THE COURT: What do you got?</p> <p>6 MR. MARCELLO: Your Honor, we're seeking to 7 disqualify Miss Moses, who is also designated -- How do 8 you pronounce her last name Calu (Phonetic), now known 9 as Angel Moses, on a number of bases, basically, Your 10 Honor, that essentially in order for her to testify, she 11 must have qualified in the area of scientific technical 12 knowledge, specialized knowledge consisting of the trier 13 of fact, and must be limited to matters that are within 14 the scope of her expertise.</p> <p>15 Miss Calu's testimony violates at least three of 16 these principles.</p> <p>17 Number one, her opinion does not satisfy the 18 assistance requirement. It is outside the limited scope 19 of her specialized knowledge.</p> <p>20 THE COURT: Let's back up.</p> <p>21 Who is she, and what is she going to be 22 testifying about?</p> <p>23 MR. MARCELLO: She is a ballistic and tool mark 24 examiner.</p> <p>25 Now, her testimony is going to have nothing to do BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p style="text-align: right;">95</p> <p>1 looked at, or been provided to us, that indicates that 2 the particular testimony they are going to give has 3 sufficient reliability to allow her to assist the jury, 4 offer assistance to the jury.</p> <p>5 Essentially, under Hallmark what is required is 6 some type of showing this is a scientific field, some 7 measure of reliability, as well as known error rates.</p> <p>8 Already we have three examinations conducted by 9 Miss Calu where she says it can't be a certain type of 10 gun, I'm okay with this, she says it can't be this gun, 11 because of these reasons.</p> <p>12 But the second testimony is, there isn't any 13 microscopic ability to compare any of the bullets found 14 in either Mr. Slaughter's car, as well as the one in 15 Glory View.</p> <p>16 But then she makes a third report, says, I can 17 make a microscopic examination, and I actually find 18 there is certain elemental traits, if they let me narrow 19 it down to a specific caliber type of gun, and so the 20 way that testimony actually is presented that way is 21 that I want to make sure I say this right, the original 22 report that she generated in 2004 indicated trace 23 elements that were different that she found at later 24 date, so at some point she at least made one error with 25 regards to what elements were present and in the known BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>
<p style="text-align: right;">94</p> <p>1 with ballistics, and instead be discussing the 2 metallurgical components of bullet fragments that were 3 found at the scene of Glory View, as well as a spent 4 lead core, I guess -- I don't know, just considered a 5 lead core, that would be the technical thing of the way 6 you think of a bullet in the back of Mr. Slaughter's 7 car.</p> <p>8 Essentially, her testimony consists of that 9 elemental composition of the bullet fragments that were 10 found in Glory View and in Ivan Young can be narrowed 11 down to a specific caliber class and maker of 12 manufacturer of a particular type of bullet, 13 specifically a silver tip .357 hollow point bullet.</p> <p>14 Now, the issue we have with this case is that 15 there is no indication she has any specialized knowledge 16 in metallurgical properties, either the elemental 17 make-up of the bullet fragments she found, whether the 18 particular elemental composition was either a 19 manufacturer's defect, a trace element that was mixed in 20 with the process, or an intentional component of the 21 bullet that is made of the particular fragments 22 themselves.</p> <p>23 Additionally, as it relates to the bullets 24 themselves, there has not been any showing from any of 25 the evidence that either I looked at or Mr. Slaughter's BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p style="text-align: right;">96</p> <p>1 samples she tested at two different times.</p> <p>2 One point she said, trace elements aluminum 3 number, and then she said later, it's actually not 4 aluminum, it's nickel and brass, so we know there is at 5 least some amount of error along these lines, and she 6 did indicate in an e-mail, I want to get the officials 7 right, a national firearm testing organization, or an 8 organization dedicated to testing firearms, and in their 9 own manual it says that this particular portion where 10 they take, when they go past caliber size and siding 11 marks, which is her specialty, ballistic tool marks, 12 looking for certain markings left by the machines that 13 made the bullet to go into, well suddenly we're going to 14 say that the presence of a particular molten piece of 15 lead shot out of a gun used to exist in this position or 16 that position suddenly goes from, well from the 17 objective we have empirical data to show these are the 18 elements present, and now to a subjective I think it may 19 have been in this location or that location, we have no 20 way to test that reliability of that statement, and we 21 don't know the error rates of what is the possibility 22 she would be wrong, and no objective standards to 23 compare that to.</p> <p>24 So if we let her testify, it's not something I 25 can get out on cross-examination because there is no BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>

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1 outside judging authority, other than her own subjective
2 belief that this is the way that it is, and I believe
3 that would violate both the scope -- and the scope
4 requirement, as well as the assistance requirement.

5 And then on the final and last point, because of
6 those particular issues, the danger of prejudicial
7 effect, the potential to cause undue confusion that
8 she's going to essentially say that, well, A is related
9 to B, and B may be related to C, so therefore A, B and C
10 are all the same thing, and that is going to have a very
11 detrimental effect with the confusion of the issues when
12 A and B may be very scientific these elements are
13 present in it, these elements are present in this
14 sample, they match, but then they go to C and say,
15 although this third sample doesn't have this element, it
16 has something that I believe subjectively seems to look
17 like this picture over here, which the jury can do
18 themselves.

19 There is markings on the lead core that look --
20 the technical definition is a neuro cannular (Phonetic),
21 and they can look at the neuro cannular on the bullet
22 fragment and say for themselves, those look like similar
23 neuro cannulars.

24 To have an expert come in and say, I'm an expert,
25 I lend credence to this, these are in fact the same
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1 thing, when it actually is just a subjective view with
2 no external standards to compare it to, violates both of
3 those requirements, and on that basis she should be
4 disqualified as an expert.

5 THE COURT: Okay.

6 MR. DI GIACOMO: A couple things.

7 One is, I appreciate before we call the witness
8 that we could have had motion in limine, since the
9 report that we are referring to was filed in February
10 4th of 2010, and I dispute the factual assertions of Mr.
11 Marcello.

12 There is certainly what he is saying is not borne
13 out by the information that the expert is going to
14 provide.

15 Angel Moses is probably the most qualified
16 firearms expert in the jurisdiction. She testifies to
17 firearms and firearms-related information.

18 When she initially got this case, she looked at
19 certain evidence, and then I asked her to look at some
20 additional evidence, and she looked at some additional
21 evidence, and in 2009 or so when this case was set for
22 trial I asked her, is there anything else we can do to
23 look at the fragments that were found and determine
24 whether or not they are consistent or inconsistent with
25 the Winchester silver tip, she said, yes.

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1 In fact, we have new technologies since this case
2 came in in 2004, we have got a mass spectrograph or
3 something like that, that I've been trained on and am
4 qualified to use, and based on that, we get certain
5 information out of the mass spectrograph, and the
6 companies keep information on what the compositions are
7 of the outside of their bullets, and I can make a
8 comparison, so then -- from the inside of this bullet
9 from the company's records what they put in it, and make
10 a determination as an expert in this field as to whether
11 or not these are consistent or inconsistent with silver
12 tipped Winchester .357 rounds, and I expect that is what
13 her testimony will be.

14 I expect, one, she would be qualified.

15 Two, I don't think there is any dispute her
16 information is based on information that the average
17 juror isn't going to be able to testify to.

18 And three, his argument isn't that it's not
19 scientific. His argument is, that ultimately her
20 conclusion is going to be an opinion, and under Hallmark
21 and all of those cases, so long as the process is
22 scientific, then it's appropriate for the admission of
23 the evidence.

24 Much like a fingerprint, the ultimate conclusion
25 of the fingerprint examiner, while it's based on
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1 scientific method, the ultimate conclusion is an opinion
2 by an expert saying the firearms analysis, whether or
3 not a particular bullet came out of a gun, or
4 consistency or inconsistencies, it is all based on the
5 scientific methodology. Although, the ultimate
6 conclusion is one of an opinion, which is admissible
7 before the jury.

8 And I will submit it, Judge.

9 MR. MARCELLO: One quick point.

10 He's correct, we didn't do a motion in limine.

11 We received the underlying reports and the case
12 notes, which enabled our expert to even explain how this
13 even works in the first place, just a week before trial,
14 and that explains why we're making the motion now,
15 because now I understand what the particular issue is
16 with the test.

17 I don't think there is too much scientific issue
18 with the fact if you take ballistics testing, this
19 bullet was fired from this gun and left grooves on the
20 bullet, I believe they are consistent with each other.

21 That is much different than what we have here
22 where we say, I'm taking a sample that may or may not be
23 representative of the whole sample, I'm taking a piece
24 of it, and as Mr. DiGiacomo indicated, these bullets are
25 made more -- have a inside core made of a certain
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1 element, as well as the outside core made of a different
 2 make-up, and we can't tell whether we have the entire
 3 sample for them to come to a reliable conclusion to say
 4 that it's a reliable conclusion, to say it's any
 5 particular anything for that matter, and because we
 6 don't have any type of outside reference source to say
 7 this is the scientific method that you can make this
 8 conclusion from these particular empirical results --
 9 THE COURT: I'm not really sure what you keep
 10 talking about in terms of challenging the scientific
 11 method.
 12 All they are doing is looking to see if certain
 13 elements are in a piece of the sample.
 14 What is the scientific method challengeable
 15 there?
 16 We are not talking about the science of
 17 handwriting analysis, or voice recognition analysis, or
 18 some other new kind of science.
 19 Looking at a sample to tell its elemental
 20 composition has been around for hundreds of years.
 21 You may not like that she's doing that, but --
 22 MR. MARCELLO: That is not the actual problem.
 23 The problem is not so much, here's how much
 24 nickel is in it, here's how much copper, here's how much
 25 zink, that is not the problem.
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1 The problem is, when you go on to say that based
 2 on those elemental analyses, I'm going to go ahead and
 3 say that certain manufacturers, without any outside
 4 reference source used, this particular proportion of
 5 those particular elements to make up a particular
 6 bullet, and when we have no outside reference source
 7 that says that is even allowable, or more importantly --
 8 THE COURT: Do we, or do we not, have the
 9 companies keeping records of what the elements are in
 10 the composition of their ammunition?
 11 MR. MARCELLO: We do, but it's a full intact
 12 ammunition.
 13 What we have here are various small, ratios and
 14 fractions.
 15 THE COURT: Can you not testify a drop of blood
 16 contains DNA of somebody, without having that person's
 17 entire body?
 18 MR. MARCELLO: You can, but with bullet
 19 samples --
 20 THE COURT: Hold on.
 21 Can you not view a partial fingerprint, assuming
 22 it has enough points of origin, and determine it belongs
 23 to somebody, even if you don't have the entire finger
 24 print?
 25 MR. MARCELLO: We can, and that's exactly my
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1 point.
 2 THE COURT: So the dispute that you have is with
 3 her opinion and attacking whether you think it is a
 4 credible opinion or not, not that the science behind it
 5 is problematic in any way, shape or form as far as I
 6 see.
 7 MR. MARCELLO: Exactly on that point we have a
 8 known reference standard, you need a certain amount of
 9 points to make a fingerprint analysis.
 10 THE COURT: Not the entire fingerprint.
 11 MR. MARCELLO: But we have no outside reference to
 12 say that what amount of the sample do you need before
 13 you can come to a conclusion that says that this is a
 14 deliberate result, a trace element impurity, there is no
 15 outside resource says how much of a fingerprint do you
 16 need, there is no outside source that says how much of a
 17 fragment do you need.
 18 THE COURT: I'm going to overrule your objection.
 19 I do think it should have been raised by motion
 20 in limine, but that doesn't preclude you from bringing
 21 it up at the time of trial before the witness testifies,
 22 and more importantly I think this is an issue goes to
 23 the weight to be afforded to the testimony.
 24 I don't think it's a science issue, and I
 25 certainly think we've had time and again testimony from
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1 ballistics and firearms experts that not only deals with
 2 the marks on the bullet, or inside of the barrel, but to
 3 composition of certain types of ammunition, and the
 4 jackets of ammunition, and the break down of the bullets
 5 and so forth, so I think her testifying about the
 6 elements contained within the lead jacket, or the core
 7 of the bullet, or whatever it may be, is appropriate
 8 testimony.
 9 Thereafter, testifying that these certain
 10 elements are within this piece of a fragment, and that
 11 is consistent with this type of ammunition, I think is
 12 okay, and I think by the argument that you make here you
 13 got ample things to be able to cross-examine her on it,
 14 but it is appropriate for the jury to consider and
 15 decide what evidentiary value it has.
 16 MR. MARCELLO: Understood, Your Honor.
 17 THE COURT: Okay. Anything further outside the
 18 presence?
 19 MR. MARCELLO: Your Honor, Mr. Slaughter would
 20 like me to -- We had one prepared, just on this
 21 particular issue to submit, I don't think it has to be
 22 considered because you made your ruling, a trial brief
 23 on this particular issue, and I do have a copy for the
 24 State as well.
 25 THE COURT: Okay. You can go ahead and submit
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1 It.
2 MR. MARCELLO: Thank you, Your Honor.
3 THE COURT: All right. Leslie, can you get them
4 in.
5 The record will reflect Mr. Fumo's now present as
6 well.
7 (Thereupon, the following proceedings were had in open
8 court and in the presence of the jury.):
9 THE COURT: We are back on the record in C204957,
10 State of Nevada versus Rickie Slaughter, who is present.
11 That State's attorneys are present.
12 The Defense attorneys are present.
13 The Jurors are present.
14 We will continue on with the State's case in
15 chief.
16 MR. DI GIACOMO: The State calls Patrick Fischer.
17 THE MARSHAL: Take the stand.
18 Remain standing, while the clerk swears you in.

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1 PATRICK FISCHER,
2
3 who, being first duly sworn to tell the truth, the whole
4 truth, and nothing but the truth, was examined and
5 testified as follows:
6 THE CLERK: Please state your full name, spelling
7 your name for the record.
8 THE WITNESS: My name is Patrick Fischer,
9 P-a-t-r-i-c-k F-i-s-c-h-e-r.
10 THE COURT: Mr. DiGiacomo.
11 MR. DI GIACOMO: Thank you, Judge.
12
13 **DIRECT EXAMINATION OF PATRICK FISCHER**
14 BY MR. DI GIACOMO:
15 Q. Mr. Fischer, how are you employed?
16 A. I work for North Las Vegas as a CSI.
17 Q. And we've had Marianne Brady (Phonetic) in here
18 previously.
19 Do you have similar training and experience as
20 Miss Brady, as relates to the processing of crime scenes
21 and the collection of evidence from the crime scenes?
22 A. I do.
23 Q. At some point after June 26th of 2004 were you
24 requested to respond back to the Glory View address and
25 photograph what appeared to be an apparent bullet strike

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1 on the ground at that residence?
2 A. Yes, I was.
3 Q. Did you do any other forensic analysis or
4 documentation at that scene, other than photographing
5 that bullet strike?
6 A. No, I didn't.
7 Q. Did there also come a point in time when the
8 detectives requested from you that you respond down to
9 the North Las Vegas Jail and collect an item of clothing
10 or shoes out of the personal property of Rickie
11 Slaughter?
12 A. Yes, sir.
13 Q. Apparently these are all admitted. Although, I
14 don't think we had testimony about 89, but --
15 THE COURT: Mr. Fumo is trying to look over your
16 shoulder.
17 MR. FUMO: Thank you, Your Honor.
18 BY MR. DI GIACOMO:
19 Q. State's Exhibit Number 87, does that appear to be
20 a photograph of the bullet strike that you took?
21 A. Yes.
22 Q. And then 88, is that a close-up?
23 I guess I should turn it, so people can read it.
24 Is that a close-up of where the bullet strike is?
25 A. Yes, it is.

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1 Q. Now, in addition to the two items, you said you
2 went down to the jail, State's Exhibit previously
3 admitted 89, are those the white shoes, the white
4 sneakers that you took out of the property of Rickie
5 Slaughter at the North Las Vegas Detention Center?
6 A. They are.
7 Q. After you did so, did you find what appeared to
8 be a reddish brown stain on the shoe?
9 A. Yes, on the soles of the shoe in the crevasse.
10 Q. And did you do anything in order to test to
11 determine anything presumptive, to determine whether or
12 not that was or wasn't blood?
13 A. Yes.
14 I used a chemical trace kit, which is a
15 presumptive test for human blood to test.
16 Q. And at the conclusion of that did you get a
17 positive or a negative result?
18 A. I got a negative result.
19 MR. DI GIACOMO: Thank you very much.
20 I pass the witness.
21 THE COURT: Mr. Fumo.

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CROSS-EXAMINATION OF PATRICK FISCHER

1 BY MR. FUMO:

2 Q. So there is a reddish brown stain on the shoe?

3 A. There was.

4 Q. But you tested it, and it is not blood?

5 A. Yes.

6 Q. You know that for a fact?

7 A. Yes.

8 MR. FUMO: Thank you.

9 THE COURT: Mr. DiGiacomo.

10 MR. DI GIACOMO: Nothing further, Judge.

11 THE COURT: Anything by the jurors?

12 All right. Mr. Fischer, thank you for your time.

13 I appreciate you coming in.

14 The State may call their next witness.

15 MR. FUMO: I'm sorry.

16 One more question.

17 THE COURT: Hold on.

18 BY MR. FUMO:

19 Q. Just as to the date when you did that test -- I

20 apologize.

21 A. I believe it's June 29th, I believe.

22 Q. 2004?

23 A. 2004.

24 Q. And did you keep the shoes, or you put the shoes

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1 back in the evidence vault?

2 A. Yes.

3 Q. And you sealed them back in the evidence vault

4 and signed your name on the package where the shoes were

5 kept?

6 A. Yeah, I put them back into the evidence packaging

7 and sealing it again, and sign it to show that it's the

8 shoes that I got, and it's the ones I'm putting back.

9 Q. Other than writing your report, is there anything

10 you would do to indicate you tested these shoes?

11 Other than drafting your report, is there

12 anything to indicate you tested the shoes, any reports

13 to anybody else, or any markings on the envelope,

14 anything else we would need to know about?

15 A. Not that I know of.

16 MR. FUMO: We're finished.

17 Thank you.

18 THE COURT: You say you initially took them,

19 impounded them into evidence originally?

20 THE WITNESS: Yes, sir.

21 THE COURT: All right. Mr. DiGiacomo, anything

22 further?

23 MR. DI GIACOMO: No.

24 THE COURT: All right. You are excused.

25 Thank you.

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1 All right. The State may call their next

2 witness.

3 MR. DI GIACOMO: Angel Moses.

4 THE MARSHAL: Please step forward to the witness

5 stand.

6

7 ANGEL MOSES,

8

9 who, being first duly sworn to tell the truth, the whole

10 truth, and nothing but the truth, was examined and

11 testified as follows:

12 THE CLERK: Please state your name, and spell

13 your name for the record.

14 THE WITNESS: Dlnnah, D-i-n-n-a-h, then I have a

15 middle name Angel, A-n-g-e-l, last name Moses,

16 M-o-s-e-s.

17

DIRECT EXAMINATION OF ANGEL MOSES

18 BY MR. DI GIACOMO:

19 Q. Ma'am, how are you employed?

20 A. I'm employed with the Las Vegas Metropolitan

21 Police Department, assigned to the forensic lab.

22 My specialty is in firearms identification.

23 Q. And how long have you been with the Las Vegas

24 Metropolitan Police Department?

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1 A. Approximately eight years now.

2 Q. And how long have you been in firearm

3 identification, or that field?

4 A. About twelve-and-a-half years.

5 Q. In order to hold the position you do at the Las

6 Vegas Metropolitan Police Department, did you have

7 certain education, training and experience in the area

8 of firearms analysis?

9 A. Yes, I did.

10 Q. Can you explain that to the ladies and gentlemen

11 of the jury?

12 A. I earned my Bachelors of Science degree from the

13 University of Illinois.

14 I completed a two-year training course that

15 included extensive microscopic examination of fired

16 ammunition components and functions of weapon analysis.

17 I am also a member of the Association Of Firearm

18 And Tool Mark Examiners. This association informs

19 members of new methods and technical advances in our

20 field.

21 Q. Now, have you ever testified before as an expert

22 here in Clark County related to firearms analysis?

23 A. Yes, I have.

24 Q. And do you recall approximately how many times?

25 A. Over sixty times.

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1 Q. Did there come a point in time when the North Las
2 Vegas Police Department requested assistance in some
3 firearms analysis under their case number 04-151607?

4 A. Yes, they did.

5 Q. And you talked about this a little bit just now,
6 you said that you keep up to date in the firearms
7 analysis technology.

8 In the course of this case from the first time
9 you looked at the evidence, until the most recent time
10 you looked at the evidence, were there certain advances
11 in techniques that are used to do a firearms analysis?

12 A. There were some advances, particularly in our
13 lab, in that we acquired a new instrumentation that gave
14 me a little bit more information than I previously had
15 in my first examination of the evidence.

16 Q. Let's talk first about a little bit about
17 firearms themselves.

18 I'm sure there is members of this jury who have
19 firearms, and I'm sure everybody's probably seen some on
20 TV, but I want to get into a little bit of specifics.

21 I'm going to talk solely about handguns, leave
22 rifles aside, I'll discuss solely handguns.

23 A. Okay.

24 Q. Are there two different types of handguns in the
25 sense of semi-auto versus revolver?

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1 A. Yes, there are.

2 Q. Can you explain the differences to the ladies and
3 gentlemen of the jury?

4 A. In the semi-automatic and revolver they are both
5 essentially handguns, as Mr. DiGiacomo says, in that
6 they are meant to be held with in the hand.

7 Both of these will fire with a single pull of the
8 trigger.

9 The differences between the two is that with a
10 revolver where the pull of the trigger there is a
11 cylinder that rotates around and that has multiple
12 chambers in there, with the pull of the trigger it will
13 rotate the chamber, fire a bullet from the end of the
14 gun, also called the muzzle, and remain in that
15 position.

16 If you pull another trigger, it will rotate that
17 cylinder again to the next chamber and make the gun fire
18 once again.

19 The cartridge cases will actually remain in the
20 cylinder, must manually be removed.

21 With a semi-automatic pistol what happens with a
22 pull of the trigger, a cartridge will actually be
23 expelled -- or I'm sorry, the gun will fire, a bullet
24 will come from the muzzle of the gun, and a cartridge
25 case will be extracted and ejected from the chamber and

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1 kind of thrown out from the gun, and another one would
2 be placed inside of the chamber.

3 So every time that gun is fired for a
4 semi-automatic the cartridge case is expelled and
5 extracted, are usually left at a crime scene.

6 Q. Now, you just used some terms, cartridge,
7 cartridge case, bullet.

8 Do you have anything of demonstrative purposes
9 with you where you can explain the differences in the
10 various parts of a full bullet or full cartridge?

11 A. Yes, I do.

12 Q. Would you pull that out for us?

13 Can you explain to the ladies and gentlemen of
14 the jury basically the functioning parts of a cartridge?

15 A. This actually represents a cartridge or in other
16 words a live ammunition. It consists of a case that
17 holds everything together, a primer at the back, gun
18 powder inside, and a bullet seated within the mouth of
19 the cartridge case. This is before it's fired.

20 Once it's fired, mechanisms within the gun will
21 actually impact the primer, get the gun powder burning,
22 which then causes the bullet to be removed from the
23 mouth of the cartridge case, and goes down into the
24 barrel of the gun.

25 This cartridge case, depending if it's a revolver
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1 or a semi-automatic, will either remain in the gun, or
2 be extracted and ejected.

3 With a revolver it will stay in the gun.

4 With a semi-automatic it will be extracted and
5 ejected from the gun.

6 Once again, you will actually have a cartridge
7 full, and a cartridge case, once it's fired, and a
8 bullet, once it's fired --

9 Q. Hold that up,

10 Are all bullets manufactured in the same way in
11 the sense, so they are all one solid piece, other other
12 different ways bullets are manufactured?

13 A. Bullets can actually be configured in different
14 ways, just depends on what the manufacturer's trying to
15 design with the bullet.

16 The most simple type of bullet is a lead bullet,
17 which means it's completely made of lead, a solid chunk,
18 and that's all there is.

19 The manufacturers have then decided to make it a
20 little bit stronger because lead is very soft, they
21 decided to coat it with a copper coating on there, so
22 they will encase the lead inside with copper around it.

23 This copper coating or jacket can either be
24 enclosed in the bottom, open in the bottom, have a whole
25 tip, lot of different design features of a bullet.

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1 This jacket material, most of it is commonly
 2 copper, but you can actually have different materials
 3 such as what is called silver tip or aluminum. Some of
 4 them will coat it with plastic.
 5 So a lot of different design features with
 6 bullets themselves.
 7 Q. So silver tip can have aluminum, and can it also
 8 have nickel as well?
 9 A. Yes, they actually can be composed of different
 10 materials. Although, the look pretty similar, the
 11 silver tips will have a silver color to them, although
 12 they don't have any silver inside of them, they have
 13 that shiny metallic look to them. They can be either
 14 made of aluminum, or nickel, copper-type materials.
 15 Q. Now, you also said that there is a jacket on the
 16 outside of the bullet.
 17 So the inside of the bullet would be lead, and
 18 the outside would be this layer of whatever, a copper
 19 element, nickel, whatever it is on the outside, to keep
 20 it hard?
 21 A. That's correct.
 22 Q. When a gun is fired, the bullet is expelled from
 23 the end of the gun, and that bullet hits something,
 24 whether it be a person, bone, cement, whatever, does it
 25 have a tendency to separate?
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1 A. It can either fragment into different pieces,
 2 very small or very large, depends on how it decides to
 3 break apart.
 4 But yes, the jacket can separate, or it can stay
 5 together.
 6 I've seen it do both.
 7 Different ones will also have different -- or
 8 different manufacturers will also have different ways of
 9 placing that jacket around there. Some of them are a
 10 little bit stricter, in which they adhere (sic) them and
 11 glue them onto there, so that when they do fragment, you
 12 will get a combination of lead and that jacket material.
 13 But some of them are meant to completely
 14 separate, and you will have two different pieces, some
 15 composing completely of the core, which is lead, or the
 16 jacket material, and have a bunch of little pieces
 17 there.
 18 Q. Eventually throughout your time you have worked
 19 on this case were you supplied two types of ammunition
 20 associated with those two firearms, as well as some
 21 spent ammunition to look at those, to see if you could
 22 draw any conclusions as to their characteristics?
 23 A. I was.
 24 Q. Let's talk first about the firearms themselves,
 25 and I'm going to put -- or start with State's Exhibit
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1 Number 130, which I believe is in, but doesn't have it
 2 marked it's in.
 3 If not, I will move to admit 130, since we had
 4 testimony as to it.
 5 MR. MARCELLO: No objection.
 6 THE COURT: I think we already did.
 7 MR. MARCELLO: He's holding the model 689.
 8 The .22 is actually in evidence.
 9 THE COURT: It's in.
 10 BY MR. DI GIACOMO:
 11 Q. I'm going to show you what has been marked as
 12 State's Exhibit Number 130, being a .22 caliber firearm,
 13 and some live rounds.
 14 Is that a firearm that you actually looked at and
 15 did any sort of testing with?
 16 A. Yes, I did.
 17 Q. And how do you know you actually handled this
 18 particular weapon?
 19 A. I actually have some of my unique markings and
 20 the evidence case number that is placed on the gun
 21 itself.
 22 Q. I'm going to put this on the overhead here.
 23 The gun, I guess it's just the chamber itself
 24 still locked in here, and the live rounds, but this
 25 particular weapon, what's its caliber?
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1 A. It's a .22 long rifle revolver.
 2 Q. When you say, long rifle, what does that refer
 3 to?
 4 A. The actual ammunition size in there is called the
 5 caliber, or nomenclature of that round.
 6 There are different rounds that can be placed, or
 7 different calibers of ammunition.
 8 By saying, .22 long rifle, it gives me certain
 9 dimensions of what the cartridge will look like, and
 10 also what it can be fired in.
 11 Q. So a .22 caliber bullet would be utilized in --
 12 or cartridge would be utilized in this particular gun?
 13 A. That's correct.
 14 Q. And it's a revolver, so if you pull the trigger,
 15 the casing, the piece there, that piece would remain
 16 inside the gun after it's fired?
 17 A. Actually, it remains in this cylinder portion
 18 here, the cartridge case, and that actually would
 19 revolve along that rod as an access around it.
 20 Q. Now, the live rounds that were found in this gun
 21 that are also in here, they fit this particular weapon?
 22 A. That --
 23 Q. These are .22 caliber rounds, so they are fairly
 24 small in relationship to handgun rounds?
 25 A. They are one of the smaller ones of the handgun
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1 rounds.

2 Q. Okay. Let me ask you this:

3 Did you test to see if that .22 caliber was
4 actually a functioning .22 firearm?

5 A. Yes, I did test fire that gun.

6 Q. Did it actually work, and was it a usable
7 firearm?

8 A. Yes, it was.

9 Q. I'm going to show you what has been admitted as
10 State's Exhibit Number 131, which is a silver
11 semi-automatic firearm.

12 Is this a firearm, as well as some live rounds,
13 that you utilized, or that you looked at?

14 A. Yes, it is.

15 Q. And I'm going to put this one on the overhead as
16 well.

17 Can you tell us what type of weapon State's
18 Exhibit Number 131 is?

19 A. This is a semi-automatic pistol, so you can see
20 it's actually pulled back a little bit, and this top
21 portion here is what is called the slide, and will move
22 back and forth.

23 And the cartridge case will actually be extracted
24 and ejected where that orange piece right here is at.

25 So a cartridge case will be extracted and ejected

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122

1 with each pull of the trigger.

2 Q. Now, I think you probably already said, but what
3 type of caliber weapon is this firearm?

4 A. This particular one is a .25 auto.

5 Q. Does that mean the bullet is larger?

6 And if so, how much larger than a .22?

7 A. This one will actually be a little bit longer and
8 wider in width, so the .22, when you look at it, will be
9 approximately 22 around the bullet, and the .25 will be
10 25, which is about a quarter of an inch, so the .25
11 would look to be wider, along the bullet diameter, as
12 well as the cartridge itself will be a little bit taller
13 for the .25 auto than the .22.

14 Q. Did you actually fire this weapon?

15 A. Yes, I did.

16 Q. Can you tell me, was it a working weapon?

17 A. Yes, it was.

18 Q. Can you tell me what the capacity was of the
19 magazine that is in this weapon?

20 A. If I may take a look at my notes.

21 Q. Sure.

22 A. For this particular one it has a capacity of six
23 cartridges in the magazine.

24 Q. So a fully loaded cartridge would be six?

25 A. Six in the magazine, and if you topped it off,

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123

1 which means to add one into the chamber, and have a
2 fully loaded magazine, would be seven total.

3 Q. Now, if you fired this particular weapon, with
4 those .25 caliber rounds, would you expect the casing to
5 be ejected and left wherever the gun was fired from?

6 A. That's correct.

7 Q. I'm going to show you three items.

8 MR. DI GIACOMO: Judge, the witness that will
9 admit this is not here until tomorrow, but Mr. Fumo
10 allowed Miss Calu to talk about the contents of it
11 during her testimony.

12 THE COURT: Okay.

13 BY MR. DI GIACOMO:

14 Q. I'm going to show you State's Proposed 124, and
15 Exhibit Number 123, and Exhibit Number 125, and ask you
16 if you had an opportunity to look at all of those items
17 during the course of your testing?

18 A. Yes, I have.

19 Q. And how is it that you know you looked at all
20 three of those?

21 A. I actually signed the chain of custody for each
22 one of these packages.

23 Q. Then you put your blue seal back on?

24 A. That's correct.

25 Once I'm done analyzing it, I'll place evidence

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124

1 blue tape and initial and date that.

2 Q. We're not going to open 124.

3 On the on side it said, one clear plastic
4 container containing bullet fragments taken from Ivan
5 Young.

6 A. Okay.

7 Q. When you opened this package and looked inside
8 it, was that in fact what it is?

9 A. Yeah, it had a plastic container that contains
10 some fragments I looked at.

11 Q. Okay. I want to show you now State's Exhibit
12 Number 125-A.

13 Is that the cartridge case and portion of a
14 bullet that you looked at?

15 A. Yes, it is.

16 Q. And then 125 -- or 123-A, are those portions of
17 bullets and bullet fragments that you looked at during
18 your testing?

19 A. Yes, they are.

20 Q. Now, you also photographed those items when you
21 did your analysis?

22 A. Yes, I did.

23 Q. I'm going to show you what has been marked as
24 State's Proposed Exhibit 100 to 104, and ask you to look
25 at those, and ask you if those are photographs that you

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1 took?

2 A. Yes, these are photographs that I took.

3 Q. Are they true, fair and accurate depictions of

4 the items when you were testing them?

5 A. That's correct.

6 MR. DI GIACOMO: Move to admit 100 to 104.

7 MR. FUMO: No objection.

8 THE COURT: Those will be admitted.

9 BY MR. DI GIACOMO:

10 Q. Now, is the cartridge case the only item out of

11 123, 4 and 5 that is not depicted in photographs 100

12 through 104?

13 A. The cartridge case?

14 If I may take a look at them again.

15 Q. Okay.

16 A. I'll make sure.

17 That's correct, the only one that does not have a

18 picture of it is the cartridge case.

19 Q. I'm going to take this with me, but I'll ask

20 you, first of all, I'll put it on the overhead, if you

21 could, looking at the cartridge case, which was in

22 125-A, zoom in on the cartridge case itself, what is it

23 that you could determine from your analysis of that

24 particular cartridge case?

25 A. This cartridge case, what is common with

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1 ammunition manufacturers is that they will place what is

2 called a head stamp on the cartridge, and that area is

3 this portion here is oriented the same way as the

4 cartridge case on your screen.

5 The head stamp markings will be placed right

6 around here, and what it will actually have is

7 information that says usually who makes it, the

8 manufacturer, and also the caliber that this cartridge

9 is.

10 So this particular one says, Winchester .357

11 Magnum. So that tells me that the manufacturer is

12 considered to be Winchester, and the caliber of this

13 cartridge is a .357 Magnum.

14 Q. Maybe somewhat self-explanatory, but I'm going to

15 assume the Winchester .357 Magnum couldn't have been

16 fired out of either this .25 caliber semi-automatic or

17 this .22 caliber revolver?

18 A. That's correct, this .357 Magnum is way too big

19 to be fired in either of those two guns.

20 Q. Now, let me ask you this:

21 Do .357 Magnums come in both semi-automatic and

22 revolver form?

23 A. This is the only form that it comes in because of

24 the fact that that is part of the design of it.

25 When I say .357 Magnum, the cartridge case is

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1 going to look like this particular design. This design

2 is -- or is predominantly for handguns, particularly

3 revolvers.

4 There are a couple of semi-automatic guns that

5 can use this particular cartridge, but that is not very

6 common.

7 The most common gun used for this is a revolver.

8 Q. Now, when a gun is fired, are there certain marks

9 left on the cartridge case to determine whether or not

10 it was fired from a revolver, versus a semi-automatic,

11 or can you make that determination from the marks on the

12 casing itself?

13 A. If I were to look for extractor and ejector

14 marks, if they were there, I could then assume it was

15 fired from a semi-automatic weapon.

16 In this particular one I do not recall having

17 seen an extractor/ejector, which means its motion likely

18 going to be from that revolver.

19 Q. The fact that a casing is not found at the scene

20 either is suggestive of a revolver as well, correct?

21 A. That's correct.

22 Q. Now, let's go -- I'm not going to pull up each

23 one of those, but what has been marked as 125-A, the

24 second item other than the cartridge case, is what is

25 depicted in your photograph 100, State's Exhibit 100, is

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1 that correct?

2 A. That's correct.

3 Q. Okay. What is it you can tell from State's

4 Exhibit Number 100?

5 A. First off, this is a lead piece of metal, it's

6 predominantly what I would consider to be a core, so

7 it's that inside portion of a bullet.

8 There is a couple of things to note on here.

9 One is, this cannular, or these kind of railroad

10 looking type things right there, this is a design

11 feature that you see predominantly with revolver-type

12 bullets, that's bullet designs. It's also larger

13 amount than what you would find in a .22 or .25.

14 So it has to be a larger caliber than either of

15 those two.

16 Q. So this bullet has to -- or this portion of the

17 bullet has to be larger than a .22 or .25 because it's

18 only a portion of a bullet, you can't exactly say what

19 caliber it was?

20 A. That --

21 Q. Is it consistent -- or could it be consistent as

22 being a piece of a .357, or a normal .38 round?

23 A. Yes, it is.

24 Q. Now, I want to put up photographs of the

25 fragments, and I guess I should ask you before I come up

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1 there, how many different items do these four
2 photographs represent?
3 This is just one side of those?
4 A. This is actually three different items.
5 These two are the same ones.
6 This is before I cleaned it, and this is after.
7 So this had a lot of biological material on it.
8 Q. Okay. So you cleaned some of the biological
9 material off of it, and this is 103 is with the blood on
10 it, or biological material?
11 A. Yes.
12 Q. And 104 is without it?
13 A. That's correct.
14 Q. Okay. State's Exhibit Number 104, can you tell
15 the ladies and gentlemen what we're looking at?
16 A. These are fragments that I looked at,
17 particularly -- Can you move it up?
18 I can't see the numbers below it.
19 Q. How about I back it out for you.
20 A. Thank you.
21 These are ones that were from the package -- This
22 is from the one with the clear plastic container.
23 Q. Is that the one unopened?
24 A. Yes, it is, exhibit 124 Proposed Exhibit.
25 Q. Proposed 124.

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1 And what information -- First of all, what type
2 -- There seems to be different fragments in there.
3 What type of fragments are we looking at?
4 A. The three fragments here, this one, this one and
5 this one, are lead fragments, so that is predominantly
6 going to be from the core itself, and the other two are
7 pieces of what would be the bullet jacket, so that is
8 what goes around the core.
9 Q. And then let's look at State's Exhibit Number
10 102.
11 What are we looking at.
12 A. The same thing.
13 The larger piece is a bullet jacket, and the
14 smaller two pieces are actually lead, and I think
15 another piece is just the biological material that
16 really isn't of concern.
17 Q. Is there anything about as we look in here that
18 is kind of the striped area on the jacketing that was
19 relevant to your analysis as relates to the bullet core
20 that was found on 125?
21 A. This is that same type of cannulars, those
22 railroad marks I talked about in the bullet core.
23 This is also in the jacket.
24 What does tend to happen, since the lead core is
25 very soft, if a material is placed around it, and then

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1 you place these cannulars on there, it gets imprinted
2 with that lightly onto the bullet core.
3 So they both have features that are consistent
4 with the same type of bullet, which is that cannular.
5 Q. State's Exhibit Number 101 -- I'll move that out,
6 so you can see the number.
7 A. This is a bullet jacket portion.
8 It's a little dirty.
9 It also has some biological material on there.
10 Q. Now, did you do any analysis or testing to try
11 and determine whether or not the jackets, the bullet
12 core, and that cartridge case were all consistent with a
13 single type of ammunition?
14 A. I did do some testing.
15 I looked at the design features, and then I used
16 their new instrumentation that gives us an elemental
17 analysis of the materials that are used for each of
18 these pieces of metals in there.
19 Q. And when you did that, what information were you
20 able to gather?
21 A. With the lead cores aside, all of the bullet
22 jackets had design features -- or were consistent in
23 materials that they are made of and composed of that
24 were consistent with a Winchester .357 Magnum silver tip
25 hollow point.

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1 Q. And the cartridge case, would that be the type of
2 cartridge case -- or could that be the type of cartridge
3 case that a Winchester .357 silver tip bullet may be
4 loaded into?
5 A. Yes, it can be.
6 Q. And that bullet core, would that be -- I think
7 you already said this, but that could be consistent with
8 the larger portion of the core of the missing piece of
9 the bullet that we have basically jacket small pieces
10 and missing some of the core, correct?
11 A. That's correct.
12 Q. Resulting in one silver tip Winchester .357
13 Magnum round?
14 A. All of these fragments can be in one round.
15 The weights of the silver tip can range anywhere
16 from 95 grains to approximately 170 grains, and all of
17 these fragments were within.
18 If you add them all together, they are
19 approximately 95 grains, approximately.
20 MR. DI GIACOMO: Thank you very much.
21 Judge, I pass the witness.
22 THE COURT: Mr. Marcello.
23
24
25

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CROSS-EXAMINATION OF ANGEL MOSES

BY MR. MARCELLO:

Q. Good afternoon, Miss Moses?

A. Yes.

Q. Now, you prepared three reports in this matter, is that correct?

A. That's correct.

Q. And in your first report your conclusion was the Rasen Johnson (Phonetic) model and the Ivan Johnson (Phonetic) model, the .22 and .25 caliber were not involved in the robbery.

That is not what I said.

I actually said, the bullet fragments could not have been fired from those particular weapons.

Q. There is no scientific or empirical evidence connecting them to the bullet fragments you analyzed as well?

A. That's correct.

Q. Now, as far as you indicated, there was a new technology created to allow you to analyze the elemental composition that did not exist back in 2004, is that correct?

A. Not that it didn't exist, but we didn't have this instrumentation, and it wasn't really widely used within

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our field because it was something that was unknown to us.

It's been around and used in other different sciences and different implementations, but just not within ours.

Once we discovered it and found it affordable, that we could purchase it and obtain it, then we did have it.

Q. So prior to that, you had to more or less eyeball the elemental composition as in if something appeared silver, you would say it could be aluminum, silver, nickel, or anything like that, right?

A. Yes, I was looking at some of the other characteristics of the metals itself.

Q. Correct.

So in 2004 as part of your report -- Where did those exhibits go, are they are still up there, the photographs?

A. Yes, they are up here.

Q. All right. In 2004 -- I'm showing you State's Exhibit 104.

In 2004 you initially thought that was some type of aluminum, correct?

A. I actually had placed in my notes aluminum slash nickel because I couldn't really tell the color of it,

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It could have indicated either one at that time.

Q. And then later in 2004 you had conducted a second test, and the conclusion of that again had to do with the elemental analysis of the bullet fragments that were found at Glory View and taken out of Mr. Ivan Young, correct?

A. I believe in 2004 what I was looking at one, there was one evidence package that wasn't given to me initially, so I wanted to look and see if there was anymore characteristics from the gun itself, such as a rifling features, to see if I could do comparisons on that, which there wasn't.

So I wasn't specifically looking for as far as elemental analysis, since we didn't have that, but was asked to see if there was design features of the bullets characteristics I could look at.

Q. Okay. And then in August of 2004 you had prepared a -- or I'm sorry, not August -- December of 2004 you prepared a second report?

A. Yes.

Q. In that report you indicated that there was insufficient detail for microscopic comparison, correct?

A. That's correct.

Q. But that the bullet fragments that were found in Mr. Ivan Young, or taken from Mr. Ivan Young -- I'm

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sorry. This is the one that still has biological samples on it.

The bullet fragments taken from Mr. Young, and that the bullet fragment jacket portions that were discovered at Glory View, had the same design features or the same elemental analysis that enabled you to say, they were the same type of bullet.

MR. DI GIACOMO: I apologize, Judge.

That just slightly misstates the evidence.

All the fragments came out of Mr. Young. I don't think there is any fragments located at Glory View.

MR. MARCELLO: There is designated a -- one bullet fragment from 2612 Glory View, the designated item 12-A and 12-B.

MR. DI GIACOMO: Correct, because that Mary Sims (Phonetic) testified Officer Bailey came back from the hospital while she was at Glory View, provided her the fragments.

MR. FUMO: I'll designate them as 12-A and 12-B for identification.

THE COURT: Thank you.

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<p>137</p> <p>1 BY MR. MARCELLO:</p> <p>2 Q. So I have sample 12-B here.</p> <p>3 And that sample did have the design</p> <p>4 characteristics consistent with item 5.1, correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Now, the bottom portion of this is actually the</p> <p>7 base of the bullet, would that be correct?</p> <p>8 A. That's correct.</p> <p>9 Q. And that would actually be the outside jacketing</p> <p>10 portion of the bullets?</p> <p>11 A. That's correct.</p> <p>12 So essentially the base is at the bottom of the</p> <p>13 bullet right here, and then the areas with the cannulars</p> <p>14 would be what is along the side of the bullet itself.</p> <p>15 With a silver tip hollow point there is actually</p> <p>16 a cavity in the nose that is what is considered a hollow</p> <p>17 point because it's hollow there, but some of the bullets</p> <p>18 will have what is called an enclosed base, or exposed</p> <p>19 base, meaning there is a metal jacketing around the</p> <p>20 base, and others won't have that, it will be exposed,</p> <p>21 you can actually see the head core inside of it.</p> <p>22 Q. And at that time it was unable to have a</p> <p>23 microscopic comparison, correct?</p> <p>24 A. That's correct.</p> <p>25 Q. And it was unable to have a microscopic</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>	<p>139</p> <p>1 Q. Understood.</p> <p>2 Now, the samples that are designated as 51, and</p> <p>3 the sample designated as 121-B, now those have a unique</p> <p>4 jacketing to them, correct?</p> <p>5 A. What do you mean by, unique?</p> <p>6 Q. In that it's a nickel plated glass jacket?</p> <p>7 A. Yes.</p> <p>8 Q. And that is consistent with .357 silver tip</p> <p>9 hollow point bullets?</p> <p>10 A. That's correct.</p> <p>11 Q. That was part of the basis as far as the</p> <p>12 elemental analysis, correct?</p> <p>13 A. That's correct.</p> <p>14 Q. So in relationship to this lead core, there isn't</p> <p>15 any elemental analysis connecting it to the other two,</p> <p>16 it's just believed that that is the lead core covered by</p> <p>17 this particular jacket, correct?</p> <p>18 A. It could have been covered by that or a different</p> <p>19 one.</p> <p>20 It does have the cannular on there, so it would</p> <p>21 have to at least be a jacket with a cannular on it.</p> <p>22 Q. Now, let's go over the cannular.</p> <p>23 It's important to know the placement of that</p> <p>24 cannular, correct?</p> <p>25 A. Yes.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>
<p>138</p> <p>1 comparison to the lead core fragments that were</p> <p>2 discovered in Mr. Slaughter's vehicle, correct?</p> <p>3 A. If I can explain it, microscopic comparisons,</p> <p>4 essentially what I predominantly do is actually look at</p> <p>5 the markings transferred from the gun onto the areas of</p> <p>6 the cartridge case or a bullet.</p> <p>7 So as I said before, when this is placed in the</p> <p>8 gun, certain mechanisms will touch parts of these</p> <p>9 ammunition components and leave marks on there.</p> <p>10 My job is predominantly to look at these marks</p> <p>11 and determine if those marks are what I would get from a</p> <p>12 particular gun, looking at test bullets and cartridge</p> <p>13 casings.</p> <p>14 Since I didn't have a gun for this particular</p> <p>15 one, there wasn't anything for me to compare.</p> <p>16 But what microscopic comparison means to me is, I</p> <p>17 would actually be able to place it underneath a</p> <p>18 comparison microscope and look at these marks that are</p> <p>19 microscopic in nature side-by-side with either a test or</p> <p>20 other evidence.</p> <p>21 So when I say there is insufficient microscopic</p> <p>22 detail, meaning if I put it under there, there just</p> <p>23 isn't enough due to damage mutilation, or I'm getting</p> <p>24 portions of the jacket that has none of these markings</p> <p>25 transferred from the gun.</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>	<p>140</p> <p>1 Q. And in this photo you can feel where the cannular</p> <p>2 is in relationship to top and bottom roughly of the</p> <p>3 bullet, correct?</p> <p>4 A. That's correct.</p> <p>5 Q. Now, out of this molten lead are you able anymore</p> <p>6 -- that is just in this molten lead form to tell where</p> <p>7 it was at originally before it was fired?</p> <p>8 A. Well, this is a significant distance from the</p> <p>9 base when you look at it.</p> <p>10 Q. Just real quick, in this molten core that is top</p> <p>11 to bottom how can you tell where the base is anymore?</p> <p>12 A. The base is actually at the bottom of this</p> <p>13 portion here, it's what is touching on the paper.</p> <p>14 Q. Just for the jury's edification, how can you tell</p> <p>15 that is the back and not where it made contact with</p> <p>16 whatever it made contact with?</p> <p>17 A. I have looked at a lot of fragments that have hit</p> <p>18 a lot of different things, and there is characteristics</p> <p>19 I'll look at to be able to tell me if it's the base or</p> <p>20 the nose or a portion I just can't tell. A lot of it</p> <p>21 for the base is either there is a cut-out that let's me</p> <p>22 know there is a jacket imprint on there, or that there</p> <p>23 is a ledge that you would typically see at the bottom of</p> <p>24 the base of it.</p> <p>25 Q. Now, this particular lead core, you said it's a</p> <p>BILL NELSON & ASSOCIATES 702.360.4677</p> <p>Certified Court Reporters Fax 360.2844</p>

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1 subjective belief of what you are looking at, it didn't
2 make contact with something else to flatten it out, to
3 make it appear like the base?

4 A. That's correct, it looks to me like most of the
5 impact was at the nose and kind of smoothed it out on
6 that.

7 It's deformed a little bit because it is a soft
8 piece of metal.

9 But to me the cannular, the base of it, would
10 mean the bottom of it.

11 Q. Now, let's talk about real quick the diameter of
12 the bullet. That tells you something about the caliber
13 size right, helps you determine it was not a .22 or .25?

14 A. Along with the weight itself, yes.

15 Q. Now, the caliber of that particular bullet was
16 approximately how large?

17 A. If I may take a look at my notes.

18 Q. Sure.

19 A. Are you referring to the lead core itself?

20 Q. Yes, just the lead core itself.

21 A. Okay. So I know.

22 Actually with the damage that occurred to it I
23 wasn't able to take a very diameter measurement on
24 there, but I was able to get a weight of 80.8 grains.

25 Q. Okay. And as far as the grains, you said it was

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1 damaged to a sufficient degree, you can't be sure about
2 the exact weight, when it was impacted, correct?

3 A. The exact measurement at the base of the bullet.

4 Q. At that particular weight, and/or diameter of the
5 size, that would include other calibers as well,
6 correct?

7 A. Yes.

8 Q. That would include a .357, a .38 Special, a .380
9 auto?

10 A. Yes, it could be any of those.

11 What I would call those are medium caliber, so
12 any of those particular ones it would fit.

13 Q. And maybe even slightly larger, since it it may
14 have their -- lost some of its grains, a nine
15 millimeter, a .45, or ten millimeter as well?

16 A. That's correct.

17 Q. You indicated the reason they started using the
18 special jacketing is because a large portion of
19 ammunition uses lead core, correct?

20 A. There are just different reasons that ammunition
21 companies make different bullets, just it also is to a
22 piece of the commercial market.

23 So they haven't stopped making lead bullets.
24 It's just another form they started using after they
25 realized you can place metal on there and create a

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1 better bullet in a sense that it's stronger.

2 Q. So a large number of manufacturers still make
3 bullets that have -- will be of those particular
4 calibers I still named, correct?

5 A. Yes.

6 Q. And will contain a lead core inside of them?

7 A. They will either be lead bullets or lead core
8 with a jacketing around it, yes.

9 Q. Now, just to be clear, the lead core that was
10 discovered was in a different place than the jacketing
11 fragments found, correct?

12 A. I believe so.

13 I just get them all together.

14 Q. You performed a trace elemental analysis on both
15 the jacketing as well as the lead core, correct?

16 A. Yes.

17 Q. Was there any trace of any of the elements you
18 found in the faceting on the lead core as in any nickel,
19 copper, zinc?

20 A. All of the pieces that I had were just straight
21 lead, so there wasn't any transfer materials that I
22 could tell from those.

23 Q. And what I'm going to show you as State's Exhibit
24 104, this was actually a sample of the bullet that
25 contained the base as well?

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1 A. That's correct.

2 Q. And also contained portions of lead, correct?

3 A. Yes.

4 Q. So this sample has portions of lead along with
5 the nickel, and/or copper jacketing?

6 A. Yes.

7 Q. Okay. And the lead core however doesn't have any
8 of those trace elements with it?

9 A. That's correct.

10 Q. Now, as far as I want to get back to the
11 cannulars real quick, various manufacturers can use more
12 than one cannular in a bullet, correct?

13 A. Yes, they can.

14 Q. And that can be there for cosmetic purposes,
15 performance purposes, other reason than just because,
16 right?

17 A. There is usually a reason for the design
18 features.

19 For revolvers they use cannulars a lot because
20 they like to lubricate the bullet, place a little
21 lubrication around there, and you will find that
22 predominantly with revolvers because they tend to have
23 better contact in feeding through there.

24 Q. Go ahead.

25 A. The semi-automatics with advancement in how they
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1 make it, the bullet designs, they typically don't have
2 cannulars as much because they don't need as much
3 lubrication.

4 Q. Okay. Now, as far as the number of cannulars,
5 you indicated this was a deformed bullet, lost part of
6 its grainage, is that correct?

7 A. Yes.

8 Q. Is it possible there might have been another
9 round of cannulars on the bullet before it was fired?

10 A. That is possible.

11 Q. And that would make it consistent with another
12 caliber, or actually another manufacturer, as far as the
13 lead core itself?

14 A. That's correct, yes.

15 Q. Now, the definitive portion of the bullet
16 jacketing that included sample 5.1, sample 12-B, this is
17 nickel plated over brass jacketing, correct?

18 A. Well --

19 Q. Is that unique to the silver tip hollow point
20 line?

21 A. I wouldn't say, it's unique.

22 It is the same thing that Winchester hollow
23 points use.

24 I don't like to use, unique, because to me that
25 means only one person or only one source creates that.

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1 I can't tell you that.

2 What I'm saying is, that it's consistent with
3 what Winchester uses.

4 Q. Okay. And as far as the jacketing, again I guess
5 I should just want to make this more clear on this one,
6 can you tell how high up the cannular it is from the
7 base of the bullet, or an approximation, correct?

8 A. Approximately, yes.

9 Q. But in this bullet you have to use your
10 subjective belief of where you believe the base of this
11 molten lead is of what the bullet looked like before it
12 was fired, correct?

13 A. If I may take a look at my notes.

14 Q. This is sample 1-A, the lead core?

15 A. Yes.

16 Actually there was another picture that I had
17 taken in February, in my report for February of 2010,
18 that shows a little bit better angle of that same lead
19 core that will show a better representation of where
20 it's at.

21 Q. And that would be -- So there was a better
22 picture that hasn't been produced to show you -- let you
23 know where the cannular existed on the bullet itself?

24 A. That's correct.

25 Q. But it's clear the cannular could have been in a
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1 different position, either at the bottom possibly,
2 containing two cannulars, or farther up the bullet when
3 it was fully intact?

4 A. Because, yeah, this has a little damage and
5 deformation to it.

6 It's kind of difficult to see where it really
7 laid in its original form.

8 Q. Understood.

9 And as far as the silver tip hollow point line
10 goes, are you aware of what grainage it comes in?

11 A. I do have that in my notes as well.

12 For the -- Just talking about the .38 and the
13 .357, according to my notes the .357 comes in 145
14 grains, the .38 comes in 95, 110 and 125 grains.

15 Q. Just for clarification for the jury, when you
16 added up all the grainage weight of the bullets you
17 sampled, what was the total grainage weight?

18 A. Approximately 90 to 95 grains.

19 Q. And the .357 that they listed in your e-mail was
20 145?

21 A. That's correct.

22 Q. So there is approximate grainage missing of
23 around 60 grains?

24 A. That's correct.

25 Q. Now, as far as the silver tip hollow point one,
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1 that is considered a more expensive line of ammunition,
2 correct?

3 A. You know, I don't really look at the prices on
4 ammunition.

5 I don't know how that compares to other
6 manufacturers in that caliber.

7 Q. Do you know whether it's usually marketed to law
8 enforcement in general?

9 A. It is commercially available, as well as I do
10 know that some law enforcements use it.

11 So it's not one that is specifically and only
12 available to law enforcement.

13 Q. Right.

14 But it's marketed to them for I guess it's known
15 stopping power, things like that?

16 A. Sure, yes.

17 Q. Now, as far as you indicated, you had done a
18 report in December of 2004 and a second report in
19 February of 2010?

20 A. Actually a third report.

21 Q. A third report.

22 Thank you.

23 And a third report in 2010.

24 And the change in technology was this elemental
25 -- the ability to do this elemental analysis, correct?

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1 A. But the ability to determine cannulars and neuro
2 cannulars existed back in 2004, is that correct?

3 A. That is more of a visual thing, so there wasn't a
4 technology advancement I needed for that particular
5 portion.

6 Q. But in 2004 you did not come to a conclusion the
7 neuro cannulars were consistent between -- I got to
8 publish these again -- At that time you had not made a
9 decision that this cannular on this bullet fragment was
10 consistent with the cannular of the fragment that is
11 shown in this picture as well?

12 A. Actually, no.

13 What I am saying is, not that they're one and the
14 same.

15 I'm saying, they are the same type of cannular.

16 There is a couple different cannulars.

17 This is a neuro one that makes kind of a railroad
18 track, and then there is also called a smooth cannular,
19 which is pretty much a deep-lined gouge in the bullet or
20 the lead core.

21 So I'm not even making a correlation between the
22 two items, except that they both have the same type of
23 cannular.

24 Q. What I'm saying, that conclusion wasn't made back
25 in 2004, correct?

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1 A. It wasn't something I placed in a report, but I
2 did make that observation in my notes, yes.

3 Q. Can you show me where in your notes you made that
4 observation that that cannular was consistent, the
5 cannular -- I'm sorry -- on this lead core fragment was
6 consistent with the cannular on the 12-B fragment?

7 A. It's just a note that I say they both have a
8 cannular that is neuro.

9 Q. Understood.

10 And then later essentially the conclusion that
11 you made in 2010 breaks down to two conclusions, that
12 the elemental composition of item 51 and 12-B are
13 consistent with each other, and with silver tip hollow
14 point bullets, correct?

15 A. That's correct.

16 Q. And then the second conclusion that you make in
17 2010 is that this lead fragment that doesn't have any
18 trace elements of the elements that were in 12-B and 51
19 simply exhibits a cannular that may be consistent with
20 12-B, correct?

21 A. That actually isn't in my report, the cannular.

22 To me the reason I didn't put that in my report
23 is because that is just something that I observed. It's
24 not really something to me that is information that I
25 can give, and everyone will understand it, so it's

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1 something that I just have in my notes that if I am
2 asked in court, I can better explain things, what the
3 design feature is, so just to be specific, it's not in
4 my actual report, it's my last report just has that
5 elemental analysis on there.

6 Q. So there is no special elemental analysis of
7 sample 1-A that connects it to any of the other bullets,
8 correct?

9 A. That's correct.

10 Q. And is simply the design feature of the cannular
11 on it?

12 A. That's correct.

13 I can't even tell you it's Winchester that had
14 loaded that because a lot of manufacturers will use lead
15 core, and all that is lead.

16 Q. Correct.

17 And again, because we can't be sure that there
18 may have been another cannular, the exact position of
19 the cannular, that would also be consistent with other
20 manufacturers and caliber grades from the range that we
21 had previously discussed?

22 A. And that's correct.

23 And that I don't know what other design features
24 because it may have been obliterated, and also the fact
25 that another manufacturer can also use that cannular.

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1 the neuro feature on their bullets, it's not saying that
2 it's specific to Winchester, but I'm saying there is a
3 correlation with the Winchester silver tip.

4 It could be a lot of different manufacturers with
5 similar features.

6 Q. Understood.

7 And as far as Exhibit 51, now this is before you,
8 I don't know another way to describe it, some type of
9 sonic cleaning machine, prior to you putting it into
10 that machine, correct?

11 A. Yes.

12 Q. And these bullets had fragmented biological
13 material on them?

14 A. That's correct.

15 Q. And the lead core did not exhibit any biological
16 material, correct?

17 A. Let me take a look at my notes again.

18 Q. Sure.

19 A. I did not note any biological material on there,
20 no.

21 Q. And just for the record, that is Exhibit 100, the
22 lead core that did not exhibit any biological material
23 on it?

24 A. Okay.

25 Q. Now, as far as the shell casing that was found in

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1 the back, that you had identified and indicated there is
2 a head stamp on it, 125, now there is no way for the
3 jury to show this -- how do we show it to the jury?

4 A. Place it on there.

5 Q. Now, on the shell casing of that Winchester
6 ammunition --

7 MR. MARCELLO: Can I take it out of this to show
8 the jury the head stamps on the back of the shell
9 casing?

10 MR. DI GIACOMO: I think I already took it out
11 and did that.

12 MR. MARCELLO: I wanted to make sure.

13 I didn't want to be the first one touching it.

14 THE COURT: The bullet core or the casing?

15 MR. MARCELLO: The casing.

16 THE COURT: Yeah, go ahead.

17 BY MR. MARCELLO:

18 Q. You previously been shown this by Mr. DiGiacomo,
19 the markings on it.

20 Everybody can see it now. It indicates

21 Winchester .357 Mag, correct?

22 A. That's correct.

23 Q. It uses the alphanumeric Winchester, rather than
24 with -- or some type of symbol, correct?

25 A. Yes.

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1 Q. Did you inquire from Winchester Manufacturing
2 about what that particular head stamp is in reference
3 to?

4 A. No, I did not.

5 Q. Okay. So it indicates it may have been produced
6 by a particular manufacturer for Winchester?

7 A. Yes, that sounds correct.

8 Q. And as far as the stamping, I don't see anything
9 in relation to I guess Super X or any other type of
10 designation, other than the .357 Mag, is that correct?

11 A. That's correct.

12 Q. And generally with specialized bullets, like for
13 instance the .45 caliber ACP there will be an extra Plus
14 P to the end of it, indicating it's pressurized or
15 something of that nature?

16 A. Telling there is a specific difference between
17 .45 auto or ATP to a .45 ATP Plus P, so there are slight
18 differences they place with a head stamp.

19 As far as the Winchester, or WW, that
20 predominantly tells you what factory it was made at or
21 things of that nature, but not really anything else of
22 specifics.

23 Q. But this particular one doesn't have any
24 designation of S the for silver tip, STHP for silver tip
25 hollow, point anything of that nature?

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1 A. That's correct.

2 With silver tip hollow points they don't place
3 anything on the head stamp itself.

4 Q. And instead it just says .357 Mag, correct?

5 A. That's correct.

6 Q. Did you inquire from -- Let me stop moving before
7 I ask you.

8 Did you inquire from Winchester whether during
9 their production runs prior to 2004, whether they did
10 use a head stamp to designate silver tip hollow point?

11 A. That I did not ask, and what I understand from
12 their practices is, a lot of times they will just use
13 what is available for that particular round.

14 So whether they have different head stamps for
15 that, it's completely separate to what bullet they load
16 into there.

17 Q. Understood.

18 And they authorize other manufacturers to
19 actually manufacture the bullets for them, correct?

20 A. That would -- I'm not quite sure. I'm not sure
21 if they are proprietary to making their own bullets, or
22 subcontract with somebody else to make them.

23 Q. And approximately how many different types of
24 .357 calibers with the casing could be used for?

25 A. Are you asking what could be loaded in there as

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1 far as the bullet?

2 Q. I apologize.

3 You indicated that when these -- there are loads,
4 many different kinds of rounds, into a general .357 Mag
5 casing.

6 Would other manufacturers as well do the same
7 thing as in reloaders or hand-crafted ammunition, things
8 like that?

9 A. Any hand loader or reloader could use spent
10 ammunition made by a different company and then place
11 whatever bullet they wanted to put in there.

12 So that is correct, when you are going outside of
13 the ammunition manufacturing, and start talking about
14 reloading, that is completely different characteristics
15 that you then have to understand and realize that you
16 can't always research those things.

17 Q. Understood.

18 Now, as far as sample 51, and in sample 12-B, now
19 there is sufficient material there -- I'm sorry.

20 I got it zoomed in.

21 I'll zoom back out.

22 For the record, those are Exhibit 102 and Exhibit
23 104.

24 Now, this gives you sufficient information to
25 tell the base of the bullet, the approximate diameter of

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1 the bullet, because you have the base, correct?

2 A. That's correct.

3 If I could get a good measurement, I will.

4 Let me take a look and see real quick.

5 It does not look like I was still able to get one

6 because it was still folded enough that it would be

7 deformed.

8 Q. And you wouldn't be able to get a true diameter?

9 A. That's correct.

10 Q. There is sufficient information, considering this

11 one and 102, to determine both the elemental make-up,

12 again where the cannular's placed, as well as the

13 elemental composition, correct?

14 A. That's correct.

15 Q. And those are consistent with silver tip hollow

16 point bullets?

17 A. That's correct.

18 Q. Now, sample 1-A, which is for the record Exhibit

19 100, that does not have the elemental composition that

20 you determined to be silver point?

21 A. That's correct.

22 Q. And does not have the certainty with relation to

23 where the cannulars are located at to make a definitive

24 determination?

25 A. That's correct.

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1 Q. And there was no elemental composition of the

2 jacketing found with this particular sample as far as

3 you are aware?

4 A. That's correct.

5 MR. MARCELLO: No further questions.

6 THE COURT: Mr. DiGiacomo.

7 MR. DI GIACOMO: Very briefly, Judge.

8

9 **REDIRECT EXAMINATION OF ANGEL MOSES**

10 BY MR. DI GIACOMO:

11 Q. You said that there was a photograph of the

12 cannular that wasn't included in 1200 to 104.

13 Do you remember that?

14 A. Yes.

15 Q. That's in your notes, right?

16 A. Yes.

17 Q. Obviously Mr. Marcello and I've been looking at

18 it here while you have been testifying.

19 Let me just approach.

20 It's on your number 2, and it's page -- four

21 pages in.

22 Is that the photograph we're talking about?

23 A. Yes, it is.

24 Q. Okay. You can actually see the cannular, but I

25 don't know we need the photograph.

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1 You can actually pull the little piece of bullet

2 out here and actually see on that piece of bullet where

3 the cannular is?

4 A. Yes, you can.

5 Q. So what I'm going to do is, put the bullet on the

6 overhead and zoom in on that cannular for just a second.

7 Q. Okay?

8 A. Actually, if you can zoom back a little bit, that

9 way you can look at where the base is.

10 If you turn it around, you will see that ledge

11 that I was talking about to help you determine that

12 base.

13 Q. I have no idea.

14 MR. DI GIACOMO: Judge, can she step down?

15 THE COURT: Absolutely.

16 MR. DI GIACOMO: Come on down here and tell them

17 where it is.

18 THE WITNESS: So this ledge right here where my

19 fingernail is, is kind of at an angle and at a corner of

20 what you can see.

21 Usually when you have impact damage, you don't

22 get edges like that, so this to me is something that it

23 was prior to being hit, and that indicates a base

24 because when you look at a bullet, you will have an

25 angle like that, so when you look at that portion, which

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1 Is this again the base, and then you can look at the

2 cannular, which is now up here, so your base is back

3 down here now right here where my fingernail is, and

4 here is the cannular feature, so you can see the

5 approximate distance between those.

6 BY MR. DI GIACOMO:

7 Q. If I got this right, in 2004 you were able to

8 look at the jacket, the stuff that came off the bullet

9 when it hit Mr. Young, the nickel copper jacket, and say

10 that this appears to be consistent with the silver

11 tipped .357 Magnum, and then in 2010 you were able to

12 use a little machine to tell you exactly what the

13 composition is and say, these jackets appear to be

14 consistent with what Winchester used on their silver tip

15 .357 Magnum bullets, correct?

16 A. Actually what I did in 2004, I said it was

17 consistent with a Winchester hollow point, didn't give a

18 caliber, and 2010 I said, they were more specific to

19 .357 because now there was additional information I can

20 look at and design features for me to be more

21 conclusively identify the caliber.

22 Q. Okay. And if I got this right, so now we have

23 all those jackets appeared to be .357 silver tipped,

24 manufactured by Winchester, and we have a cartridge

25 case, which is what would have been left behind, appears

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1 to be fired out of a revolver that was made by
 2 Winchester for a .357 caliber, correct?
 3 A. Yes.
 4 Q. And then we have a bullet core, the soft lead
 5 interior of a bullet, that would have had a jacketing
 6 around it, and just happens to have the same sort of
 7 design cannular feature that you found on the jacket
 8 that goes around the bullet core?
 9 A. That's correct.
 10 MR. DI GIACOMO: I have nothing further.
 11 MR. MARCELLO: Your Honor, I just have a
 12 question.

RE-CROSS-EXAMINATION OF ANGEL MOSES

BY MR. MARCELLO:

13 Q. Now, just a couple questions for you.
 14 As far as you are aware, the 51, this is Exhibit
 15 104, and --

16 THE COURT: You got to zoom it out. They can't
 17 see it like that.

18 MR. MARCELLO: Tricky.

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1 BY MR. MARCELLO:
 2 Q. Exhibit 51 -- or I'm sorry, Exhibit Number 104,
 3 designated by yourself as 51, and Exhibit 102, that is
 4 designated by the number 12-B, those were recovered
 5 either from Glory View, or from the person of Mr. Ivan
 6 Young?
 7 A. That's what the package indicates, yes.
 8 Q. And as we indicated, that at least as it is as to
 9 the samples, that there was biological materials on the
 10 samples, correct?
 11 A. That's correct.
 12 Q. Now, would you expect to see a biological sample
 13 on the core as well, if it had gone through a person?
 14 A. It would depend on whether it was separated, if
 15 there was anything that was protecting it around it to
 16 keep the biological material from being on it, or it
 17 could have been wiped off.
 18 All I can say is that, when I looked at it, I
 19 didn't notice any biological material.
 20 Q. And there was no -- This is the sample actually
 21 found at 3801 East Charleston, according to your report?
 22 A. That's correct.
 23 Q. So this wasn't the sample found anywhere at Glory
 24 View or Mr. Ivan Young?
 25 A. That's correct.

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1 Q. And you indicated you can tell to some degree an
 2 item hit, when it comes into contact after it's been
 3 fired, that you can tell between the base and the top?
 4 A. Not that I can tell what it hit, but I've seen a
 5 lot of impact damage in that area where I was talking
 6 about with the base wasn't a damaged area with the
 7 angle.

8 Q. According to the deformation this makes, because
 9 it makes a pretty strong deformation as you indicated,
 10 lost a substantial amount of grain, this one did not
 11 appear to actually enter a human being?

12 A. That, I cannot tell you.

13 Q. I guess just to make it clear, there is no
 14 indication there was any biological material to support
 15 the theory that it hit a human being, correct?

16 A. I did not notice there was any biological
 17 material.

18 What it hit or did not hit, I couldn't tell you
 19 specifically. That is outside of anything that I would
 20 know how to test.

21 MR. MARCELLO: No further questions, Your Honor.

22 THE COURT: Mr. DiGiacomo.

23 MR. DI GIACOMO: Nothing further.

24 THE COURT: Questions from the jurors?
 25 Yes.

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1 MR. MARCELLO: Your Honor, if I can approach the
 2 witness, I need to give her this sample back.

3 THE COURT: Sure.
 4 (Thereupon, a discussion was had between Court and
 5 Counsel at sidebar.)

6 THE COURT: All right. I got a couple of
 7 questions for you, but I kind of got to clarify a couple
 8 things first.

9 Actually, I'll ask you this question:

10 The core that you described in 1-A, are you sure
 11 that that is just a core, or could it be a whole bullet?

12 THE WITNESS: I'm sure it's a core.

13 If it were a whole bullet, it would actually have
 14 rifling characteristics I did see from the gun itself.

15 If I may, when the bullet goes down the barrel of
 16 the gun, it picks up rifling characteristics from that
 17 gun, and you would see it.

18 THE COURT: Why don't you tell them what rifling
 19 is.

20 THE WITNESS: Rifling characteristics, I was
 21 looking around this room, it's similar to the walls here
 22 where you have a raised portion and a pressed portion,
 23 so that is called lands and grooves.

24 If you look down the barrel, it would be a
 25 cylinder, and you have raised portions in there, you

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<p style="text-align: right;">165</p> <p>1 have what looks like lands and grooves impressions, 2 almost like a candy cane down the barrel of this gun, so 3 when the bullet actually goes through through, it will 4 pick up these impressions, the land and groove 5 impression, and place it on to the sides of that bullet. 6 When you see a lead bullet, it will have these 7 impressions on there, but since with a jacketed type 8 bullet the core is inside, that land and groove 9 impression will actually be on the jacket and not on the 10 lead core, because the lead core doesn't touch the side 11 of the barrel. 12 Looking at that lead 1-A, which is that lead 13 chunk of metal, it's a core because it doesn't have any 14 of those rifling characteristics on there. 15 THE COURT: Okay. Your report also made 16 reference to fragments, and I think at one part of your 17 report it says, collected at the Glory View address, and 18 one report says collected at UMC. 19 You don't actually do the collecting, so you are 20 relying on the crime scene analyst's notes where things 21 were collected? 22 THE WITNESS: That's correct. 23 The most that I do is record the information on 24 the package, so I can relate items, and which particular 25 package, if I had multiple items, number one, I can look BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p style="text-align: right;">167</p> <p>1 cartridge case. 2 That cartridge case could have multiple types of 3 bullets loaded in there. 4 The only thing I am saying is, that they both 5 came from the same manufacturer, which is Winchester. 6 THE COURT: Okay. And as to the other part of 7 the question I have to ask, to kind of clarify your 8 question for me, it says, is this revolver, don't you 9 answer anything, is this revolver the same unit used as 10 in the green car found, and -- I don't understand the 11 question. 12 UNKNOWN JUROR: When they found the car, the 13 green car, with the revolver, does the same one, same 14 unit that was found, is this the same unit, is that unit 15 compatible to the ones found by the house? 16 THE COURT: Is the revolver found in the car the 17 same as what? 18 UNKNOWN JUROR: The ones found inside where the 19 shooting occurred. 20 THE COURT: Is that revolver from the car 21 compatible with the bullet and the casing -- 22 UNKNOWN JUROR: They took a picture on that 23 floor. 24 Is it the same? 25 THE COURT: So is the revolver found in the car BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>
<p style="text-align: right;">166</p> <p>1 at the location to be more specific on which ones we're 2 looking at. 3 THE COURT: And with regard to the fragments, the 4 two sets of fragments, were they each compatible to the 5 bullet and casing found in the green car? 6 THE WITNESS: Can you repeat that? 7 THE COURT: Yes. 8 The fragments that you found -- or the fragments 9 that you examined, were they compatible to the bullet 10 and casing found in the green car? 11 THE WITNESS: Well, in the green car, I assume 12 that is the one with the cartridge case, there was a 13 bullet fragment, that lead core that we talked about, 14 which I can't specifically say a particular brand of who 15 made that lead core, just that it was pretty -- too 16 generic. 17 But as far as the other fragments that I looked 18 at, what I'm saying is, their design features and 19 elemental analysis are consistent with a Winchester type 20 silver type hollow point bullet, and that the cartridge 21 case itself is also Winchester. 22 Now, can I relate those bullet fragments back to 23 that cartridge case? 24 Not specifically, because there is nothing in 25 there to tell me what was loaded in that particular BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p style="text-align: right;">168</p> <p>1 compatible with the alleged bullet hole in the floor of 2 the house? 3 UNKNOWN JUROR: Yes. 4 THE COURT: I don't think that was anything of 5 your analysis. 6 THE WITNESS: That, I didn't do anything to test 7 that. 8 THE COURT: Okay. Mr. DiGiacomo, any questions 9 based upon mine? 10 MR. DI GIACOMO: I want to clear up one thing. 11 12 <u>REDIRECT EXAMINATION OF ANGEL MOSES</u> 13 BY MR. DI GIACOMO: 14 Q. You can't tell us to a scientific degree of 15 certainty whether or not those fragments, the bullet 16 core and the casing, all make up one cartridge, correct? 17 A. That's correct. 18 Q. But that casing, that core, and all those 19 fragments, could make up one silver tipped Winchester 20 .357 Magnum round? 21 A. Yes. 22 MR. DI GIACOMO: Nothing further. 23 THE COURT: Mr. Marcello. 24 25 BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>

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RECROSS-EXAMINATION OF ANGEL MOSES

BY MR. MARCELLO:

Q. As far as just for the lead core, we have indicated before the diameter was consistent with a large range caliber of ammunition, correct?

A. Yes.

Q. And to your knowledge just about every American manufacturer and foreign manufacturer market some type of hollow point with lead cores inside of them?

A. Not all foreign, but I would say, American.

A lot of foreign will use steel, which this didn't have any steel magnetic property, so I would have to say, American, South American, and some European.

Q. So approximately across eight different calibers and approximately how many American manufacturers do you estimate there are, major manufacturers?

A. There is probably, major manufacturers, probably about ten or so.

Q. And how many ammunitions, across those ten manufacturers, do you think are produced per year?

A. A lot, too many for me.

Q. Across all those calibers, across all these manufacturers, and across all these particular types, they all use lead core, that would be consistent with

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the lead core that was discovered at 3801 East Charleston?

A. Yes, except with the exception or caveat that if it was -- had a bullet with a cannular on there, not all bullets have cannulars.

Q. And without consulting the manufacturer, any other manufacturers, we don't know exactly across those calibers, across those many types of bullet, which ones have cannulars, multiple cannulars, or anything of that nature?

A. That's correct.

Q. And we also can't be sure that this particular bullet didn't have more cannulars or other types of characteristics that become deformed when it was fired?

A. The bullet core, that's correct.

Q. So this essentially could be millions of types -- or I should say, millions of types of combinations of manufacturer calibers and bullet types?

A. I wouldn't say, millions, but I would say, it's a numerous amount.

It's a generic feature that can be used by a lot of different manufacturers, that's correct.

MR. MARCELLO: No further questions, Your Honor.

THE COURT: Mr. DiGiacomo.

MR. DI GIACOMO: Nothing further, Judge.

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THE COURT: Thank you very much for your time.

Miss Moses. I appreciate it.

You are excused.

THE WITNESS: Thank you.

THE COURT: All right. Ladies and gentlemen, at this time we're going to take our evening recess.

(Jury admonished by the Court.)

THE COURT: The good news is, that despite our delays in getting started the last couple days, we're actually pretty far ahead of where we are supposed to be on schedule.

In order to avoid this kind of delay again tomorrow, because I have kind of a lengthy morning calendar, we're going to start at 1:30.

So I don't want you sticking around here all morning, having me run late, and get started, so go to lunch, come back outside the courtroom, and we'll get started at 1:30 tomorrow.

I think that will still keep us on time about right where I expect to it be.

(Jury excused from the courtroom.)

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(Thereupon, the following proceedings were had out of the presence of the jury.):

THE COURT: Anything outside the presence?

MR. DI GIACOMO: I have told them that I intend to play 1 through 4 in their entirety.

I don't have any information they want anything redacted.

I need to know if they do.

MR. MARCELLO: There are some things we'd like to redact we noticed now, but would like to take the time tonight to review them.

MR. DI GIACOMO: I don't know when I'm going to redact them then.

MR. MARCELLO: You are correct.

THE COURT: That was supposed to be done last night to rule on it today, if there was anything in question about what should or should not come out.

I'm going to take a recess right now, and you guys chat for a little bit, but I'll come back in and we'll --

MR. MARCELLO: We want to confer with our client. Everything was redacted, that was the issue.

THE COURT: Sure.

(Thereupon, a recess was had.)

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1 (Thereupon, the following proceedings were had out of
2 the presence of the jury.);

3 THE COURT: Let's go back on the record.
4 Mr. Slaughter is present with his attorney.
5 The State's attorneys.
6 We are outside the presence of the jury.
7 Okay. Let's go through the one that is the
8 number 1, what is the agreement or disagreement as to
9 that one?

10 MR. MARCELLO: I'm sorry, Your Honor.
11 Number 1 --
12 THE COURT: The first one, 62904148.
13 MR. MARCELLO: I guess the first thing I would
14 like the cut off is just the opening invitation that
15 says, inmate from North Las Vegas Detention Center. I
16 would like to cut that portion off. I think it's pretty
17 easy just to start the tape at, hello, the next line
18 down underneath that.

19 MR. DI GIACOMO: The basis being?
20 MR. MARCELLO: Basically it reflects on his
21 custody status.

22 THE COURT: Well, he has a right to appear at
23 trial he's not in custody, but there is nothing
24 prohibits a jury from knowing that somebody was arrested
25 and was in custody at some time, especially since the

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1 calls are all recorded in the detention center.
2 MR. DI GIACOMO: It's an hour and 50 minutes
3 after he was taken into custody.
4 THE COURT: I'm going to leave in, the part that
5 informs them of it is North Las Vegas Detention Center
6 call, and that I think part of that that gets played or
7 recorded how you accept the calls, things like that.
8 So okay, the next thing.
9 MR. MARCELLO: Again, this is going to apply to
10 all four of them, so make a ruling on that, the use of
11 the moniker Cuz, that indicates some type of gang
12 involvement. I've seen it used for the prosecution to
13 include gang enhancements, as it used for gang
14 enhancement, implies prior bad acts, as well as prior
15 bad associations, both of which I don't think should be
16 reflected in the statements, as well as the use of the
17 colloquial nigga, with n-l-g-g-a, to be in the same
18 light as well.

19 Based on that, we'll submit it to Your Honor's
20 discretion.
21 MR. DI GIACOMO: With all due respect, I can't
22 choose Mr. Slaughter's verbiage. I'm not sure anybody
23 will relate to Cuz at all. It's a term of endearment,
24 his calling this guy Cuz, his saying, Cuz, that is
25 throughout these calls, there is a hundreds of

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1 references to Cuz and nigga. It's impractical to go
2 through each call and take that out, or you know what
3 I'm saying, I don't know how many times I heard that
4 listening to these particular calls, and I don't know
5 what exactly the basis for argument is that I choose to
6 use this, and therefore it may imply that I used some
7 sort of slang in my language, I'm not sure that that
8 qualifies as something to exclude it.

9 THE COURT: Well, you don't really have a right
10 to have transcripts or anything cleaned up in terms of
11 the type of language you choose.
12 It's whether it's curse words or other kinds of
13 things.
14 It's really what I was really saying is, was
15 there anything in there that talks about other crimes or
16 anything in there that talks about any other type of
17 stuff that somehow would prejudice Mr. Slaughter, and it
18 wasn't come in, other bad acts, that kind of thing, as
19 opposed to whether he's cussing at people, or calling
20 them names, or referring to them as Cuz, or whatever it
21 may be, I don't think it's really appropriate to go
22 through and take all that out to try and make somebody's
23 language look like it's more acceptable to somebody that
24 is on the jury, so I'm not going to remove all those
25 things.

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1 MR. MARCELLO: Understood, Your Honor.
2 Your Honor, we had discussed -- we did have an
3 issue with how are you designating the numbers at the
4 top, 141560, or which set of numbers?
5 THE COURT: I was looking at the date and time of
6 the call to be honest.
7 I assume 1504, 1506 is a Las Vegas event number
8 because that is on every one of these.
9 MR. MARCELLO: This is on 11/17/2009.
10 I don't know another way to designate it.
11 THE COURT: I'm looking right underneath.
12 MR. DI GIACOMO: It's TJC-3.
13 THE COURT: Right underneath the 041560 is a date
14 and time of the call.
15 MR. DI GIACOMO: June 29th, 2004 at 14:48.
16 THE COURT: Okay. That is TJC-3.
17 MR. MARCELLO: Yes, Your Honor, we would indicate
18 that we did have issues with it.
19 However, they have been remedied by the State.
20 They are going to begin their tape on page 7 at
21 the second a. That would alleviate our concerns of
22 issues we had prior in that same transcript.
23 THE COURT: So they will begin with, yes, sir,
24 yes, sir, he was --
25 MR. DI GIACOMO: I might grab the last line

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<p style="text-align: right;">177</p> <p>1 before that, but their concern is several pages prior. 2 Basically, he's discussing where he is on 3 Saturday at the time of the crime, so I might grab the 4 first or last thing that they say. 5 THE COURT: Starting at the first or second -- 6 MR. DI GIACOMO: I started the question, since 7 that, Mr. Slaughter, somewhere within that question they 8 said they took a nigga by surprise and shit, I'm just 9 trying to figure out a way I could, you know what I'm 10 saying, where I could pull these crackers off my nigga, 11 and the answer is, all you got to do is find out when 12 you were fucked, on Saturday I was sitting at my house 13 playing play station. 14 THE COURT: Okay. So that was three separate 15 parts that you just read part of a question, part of an 16 answer, part of a question, so where in there are you 17 proposing to start? 18 MR. DI GIACOMO: I'm going to start at, they said 19 they took a nigga by surprise. 20 His objections come in several pages prior, which 21 Mr. Slaughter talks about invoking his right to counsel. 22 THE COURT: You are going to start at the bottom 23 of page 6 then? 24 MR. DI GIACOMO: He has printed on this one top 25 of page 7, Judge. BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p style="text-align: right;">179</p> <p>1 numbers, we can leave the phone numbers in there. 2 Whose social security number is it? 3 MR. DI GIACOMO: Tiffany Johnson. 4 MR. MARCELLO: It would be a little more pointed 5 to just ask to get rid of her social off of there. That 6 would be just two lines it looks like. 7 MR. DI GIACOMO: With all due respect, at 5:00 8 on today I'm going to play them, I don't know what the 9 basis to object to having the social security number is. 10 This isn't a publicly file document. 11 THE COURT: Generally we don't put social 12 security numbers in documents accessible to the public. 13 MR. DI GIACOMO: This is not a document 14 accessible to the public per se. 15 It's an exhibit admitted to the Court. In fact, 16 the transcript doesn't even go back with the jury for 17 them, only Court records. 18 This isn't like a file stamped copy of something, 19 Judge. 20 That is a lot of work to put in to cut out a 21 short little segment. 22 MR. MARCELLO: I guess there is a couple issues. 23 I would be remiss if one of the jurors were to 24 write it down, this information they thought was 25 important, or just some other way to get out there, I'm BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>
<p style="text-align: right;">178</p> <p>1 MR. MARCELLO: I apologize. 2 THE COURT: That's okay. With, they said? 3 All right. 4 Gotcha. 5 MR. DI GIACOMO: Yeah. 6 Somewhere in that general area. 7 It's not an exact science doing these redactions. 8 THE COURT: Okay. 9 MR. MARCELLO: And this is another one that we 10 were going to ask to redact is, personal information of 11 other individuals, including phone numbers and social 12 security numbers. 13 THE COURT: Okay. That is within the -- 14 MR. MARCELLO: It's within I believe there is -- 15 within 3. 16 Let me take a look. 17 MR. DI GIACOMO: If it's in 3, it's after -- or 18 before I cut it. 19 MR. MARCELLO: I apologize. 20 No, it's not in 3, Your Honor. 21 It would be in 2 and 1, and all it is is phone 22 numbers, a cousin of Tiffany Johnson. 23 THE COURT: Let me ask you this: 24 The phone numbers I'm not worried about at all. 25 To the extent he's providing people with phone BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>	<p style="text-align: right;">180</p> <p>1 more concerned about the distribution of her 2 information. 3 THE COURT: I understand that concern, but I 4 don't really think there is a reason to keep it out of 5 the transcript. I think it goes right along, and so 6 we'll leave that in there. 7 All right. What else do we got? 8 MR. MARCELLO: Your Honor, we're just going to 9 make a general objection that there is nothing that 10 stands out to me, but any reference to his right to 11 counsel or reference to any prior bad acts. 12 THE COURT: All right. There is nothing -- A 13 general objection to what? 14 MR. MARCELLO: To any references to his right to 15 counsel, or to generally to bad acts. 16 THE COURT: Well, is there anything about bad 17 acts in here I'm not aware of? 18 MR. MARCELLO: Nothing we redacted to this point. 19 THE COURT: Okay. So that's what I'm saying, 20 specifically is there an objection to anything else in 21 any of these? 22 MR. MARCELLO: No, Your Honor. 23 THE COURT: All right. Then we're good. 24 We'll see everybody tomorrow at 1:30. 25 You have more witnesses for the State? BILL NELSON & ASSOCIATES 702.360.4677 Certified Court Reporters Fax 360.2844</p>

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1 MS. FLECK: We have three or four more witnesses.
2 THE COURT: Okay.
3 MR. DI GIACOMO: One of them almost doesn't count
4 as a witness, the person that collected the thing.
5 THE COURT: But you are anticipating being done
6 tomorrow?
7 MR. DI GIACOMO: Before 3 my guess would be.
8 THE COURT: Don't you have some witnesses
9 available?
10 MR. FUMO: I have a hearing at federal court at
11 1:30, so I believe the witness that the State is putting
12 on Mr. Marcello can handle, and I'll be back by 2:30 at
13 the latest.
14 THE DEFENDANT: Your Honor, I mean, I'd like my
15 counsel to be present anytime we're doing anything.
16 He's my counsel of record, Mr. Fumo, not Mr. Marcello,
17 even though he's a good attorney.
18 THE COURT: Then he needs to be here at 1:30
19 then.
20 MR. FUMO: I'll see if Mr. Marcello can head over
21 to federal court, if the Judge will be amenable to that.
22 THE COURT: Okay.
23 (Proceedings concluded for the evening.)
24
25

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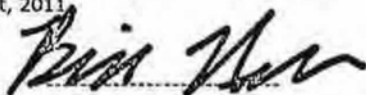
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1 CERTIFICATE
2
3

4 STATE OF NEVADA)
5) ss.
6 CLARK COUNTY)
7
8

9 I, Bill Nelson, RMR, CCR 191, do hereby certify
10 that I reported the foregoing proceedings; that the same
11 is true and correct as reflected by my original machine
12 shorthand notes taken at said time and place before the
13 Hon. Douglas Herndon, District Court Judge, presiding.

14 Dated at Las Vegas, Nevada this 1st day of
15 August, 2011

16 
17
18

19 Bill Nelson, RMR, CCR 191,
20 Certified Court Reporter
21 Las Vegas, Nevada
22
23
24
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EXHIBIT 167

EXHIBIT 167

