

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 82896

Electronically Filed
Nov 12 2021 01:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

JARELL WASHINGTON

Appellant,

v.

THE STATE OF NEVADA

Respondent.

Appeal from Judgment of Conviction (Post-Conviction)
Eighth Judicial District Court, Clark County
The Honorable Cristina D. Silva, District Court Judge
District Court Case No. C-19-341380-1

**APPELLANT'S APPENDIX
VOLUME I**

James A. Oronoz, Esq.
Nevada Bar No. 6769
Oronoz & Ericsson, LLC
1050 Indigo, Suite 120
Las Vegas, Nevada 89145
Telephone: (702) 878-2889
Facsimile: (702) 522-1542
jim@oronozlawyers.com
Attorney for Appellant

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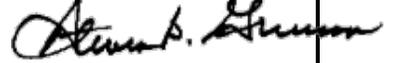
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Nevada Attorney General

STEVEN B. WOLFSON
Clark County District Attorney

By /s/ Jan Ellison
An Employee of Oronoz & Ericsson, LLC



12:00

1

EIGHTH JUDICIAL DISTRICT COURT

2

CLARK COUNTY, NEVADA

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12:00

5

THE STATE OF NEVADA,)

6

Plaintiff,)

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vs.)

GJ No. 19AGJ043X

8

JARELL WASHINGTON, aka Jarrell)

DC No. C341380

9

Washington,)

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Defendant.)

12:00

_____)

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Taken at Las Vegas, Nevada

14

Tuesday, June 25, 2019

12:00

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11:09 a.m.

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REPORTER'S TRANSCRIPT OF PROCEEDINGS

12:00

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12:00

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

12:00 1 GRAND JURORS PRESENT ON JUNE 25, 2019

2

3 BRIAN CONTRERAS, Foreperson

4 DIANE FRANKEL, Deputy Foreperson

12:00 5 CAROL FREY, Secretary

6 JEANETTE BALLOCK, Assistant Secretary

7 CATHERINE ALDRICH

8 STEVEN BARNSON

9 LINDA COLEMAN

12:00 10 JENIFER DAVIS

11 TERESA FAWLEY

12 JOHN JEWELL

13 REBECCA MAUK

14 MICHELLE SANTIAGO

12:00 15 JASON SENIOR

16 R. DUSTIN SIGNOR

17 ALEXANDER SOLANO

18 JAMES VEREB

19

12:00 20 Also present at the request of the Grand Jury:

21 K. Nicholas Portz, Deputy District Attorney

22

23

24

25

12:00

1

INDEX OF WITNESSES

2

Examined

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LISA GAVIN

8

12:00

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ANDREW BROCK

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MICHAEL CUTRIGHT

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RANDAL MCLAUGHLIN

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8

GLENN DAVIS

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KENNETH R. HEFNER

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12:00 1 LAS VEGAS, NEVADA, JUNE 25, 2019

2 * * * * *

3 DANETTE L. ANTONACCI,

4 having been first duly sworn to faithfully

12:00 5 and accurately transcribe the following

6 proceedings to the best of her ability.

7

8 MR. PORTZ: Good morning everybody. My

9 name is Nick Portz, deputy district attorney at the

11:09 10 Clark County DA's office. Today I'm going to be

11 presenting to you what's been stylized in Grand Jury

12 Exhibit Number 1 as the State of Nevada versus Jarell

13 Washington. It's going to be Grand Jury case number

14 19AGJ043X. Mr. Washington is charged with one count of

11:09 15 murder with use of a deadly weapon and one count of

16 robbery with use of a deadly weapon which took place

17 August 19, 2007. I'm going to read a few instructions

18 to you. I would note the elements of these offenses are

19 contained in the charging document itself but I have a

11:09 20 couple additional instructions I'll read to you. If you

21 have any questions regarding the state of the law I'll

22 be happy to answer those.

23 Murder is the unlawful killing of a human

24 being with malice aforethought, either express or

11:09 25 implied. The unlawful killing may be effected by any of

11:09 1 the various means by which death may be occasioned.

2 Malice aforethought means the intentional
3 doing of a wrongful act without legal cause or excuse or
4 what the law considers adequate provocation. The
11:10 5 condition of mind described as malice aforethought may
6 arise, from anger, hatred, revenge or from particular
7 ill will, spite or grudge toward the person killed.

8 There are certain kinds of murder which
9 carry with them conclusive evidence of malice
11:10 10 aforethought. One of these classes of murder is murder
11 committed in the perpetration or attempted perpetration
12 of robbery. Therefore, a killing which is committed in
13 the perpetration or attempted perpetration of a robbery
14 is deemed to be murder of the first degree, whether the
11:10 15 killing was intentional, unintentional or accidental.

16 This is called the Felony Murder Rule. In order for the
17 Felony Murder Rule to apply under a robbery theory, the
18 intent to take the property must be formed prior to the
19 act constituting the killing.

11:10 20 Robbery is the unlawful taking of personal
21 property from the person of another, or in his presence,
22 against his will, by means of force or violence or fear
23 of injury, immediate or future, to his person or
24 property. Such force or fear must be used to either:

11:11 25 (1) Obtain or retain possession of the property, (2)

11:11 1 prevent or overcome resistance to the taking of the
2 property, or (3) facilitate escape with the property.

3 In any case, the degree of force is
4 immaterial if used to compel acquiescence to the taking
11:11 5 of or escaping with the property.

6 If a murder and/or robbery was accomplished
7 with the use of a deadly weapon, the crime is murder
8 with use of a deadly weapon and/or robbery with use of a
9 deadly weapon.

11:11 10 You are instructed that a firearm is a
11 deadly weapon.

12 Are there any questions at this point
13 related to the law in the case?

14 I will call our first witness.

11:11 15 THE FOREPERSON: You do solemnly swear the
16 testimony you are about to give upon the investigation
17 now pending before this Grand Jury shall be the truth,
18 the whole truth, and nothing but the truth, so help you
19 God?

11:12 20 THE WITNESS: I do.

21 THE FOREPERSON: Please be seated.

22 You are advised that you are here today to
23 give testimony in the investigation pertaining to the
24 offenses of murder with use of a deadly weapon, and
11:12 25 robbery with use of a deadly weapon, involving Jarell

11:12 1 Washington.

2 Do you understand this advisement?

3 THE WITNESS: I do.

4 THE FOREPERSON: Can you please state your
11:12 5 first and last name and spell both for the record
6 please.

7 THE WITNESS: Good morning. I'm Dr. Lisa
8 Gavin. L-I-S-A, G-A-V-I-N.

9 LISA GAVIN,

11:12 10 having been first duly sworn by the Foreperson of the
11 Grand Jury to testify to the truth, the whole truth,
12 and nothing but the truth, testified as follows:

13

14 EXAMINATION

11:12 15

16 BY MR. PORTZ:

17 Q. Dr. Gavin, how are you employed?

18 A. I am a forensic pathologist/medical
19 examiner at the Clark County Coroner's Office here in
11:12 20 Las Vegas.

21 Q. And what are your job responsibilities as a
22 medical examiner?

23 A. I determine the cause of death and manner
24 of death in sudden and unexpected deaths here in Clark
11:12 25 County as well as for several adjacent counties.

11:13 1 Q. How do you typically go about determining
2 cause and manner of death?

3 A. In general it involves a medical/legal
4 death investigation where we have coroner investigators
11:13 5 that will be called out to a scene where a dead body is
6 identified. That investigator often serves as kind of
7 the eyes and ears for the forensic pathologist. They
8 will go to the scene, take photographs of the body, talk
9 with any witnesses that are present and document any of
11:13 10 that information both in a report and by photographs.

11 The body is, if it's considered a suspicious
12 circumstance, will be placed into a sealed body bag and
13 then that body will be transported in that sealed body
14 bag to our office where again it will go through a
11:13 15 process of being photographed and things will be
16 documented and evidence will be taken at that time.

17 Often during that process it's done in conjunction with
18 law enforcement just so we don't have to reduplicate
19 processes such that the law enforcement person will be
11:14 20 there taking photographs at the same time that our
21 forensic staff will be present taking photographs of the
22 body. And during that time the forensic pathologist may
23 go in and out of the processing area to examine the body
24 throughout that point while the photographs are being
11:14 25 taken. Once that photographic documentation and all

11:14 1 evidence has been taken, then the doctor, forensic
2 pathologist, will begin examining the body in terms of
3 documenting any external injuries or internal injuries
4 and then the doctor with the help often of a technician
11:14 5 will begin the autopsy process of eviscerating the body
6 and taking out the organs and identifying any evidence
7 of injury internally and any type of pathology that may
8 be present internally. During that process it may be
9 necessary for the doctor to take samples, to run tests,
11:14 10 whether it be microbiology cultures, toxicology, whether
11 or not the doctor will be able to have to send off for
12 example the brain for further forensic neuropathological
13 evaluation, that may occur. All of these things depend
14 upon the type of examination, the type of case that's
11:15 15 occurring. And sometimes there may need to be a medical
16 record evaluation depending upon the type of case and
17 what's being evaluated. So the process can be quite
18 extensive in terms of the medical/legal death
19 investigation and it's up to the responsibility of the
11:15 20 forensic pathologist to put all those pieces together to
21 determine the cause of death and manner of death.

22 Q. In order to hold your position to make that
23 cause and manner determination and to conduct autopsies,
24 do you have to have any sort of educational and/or
11:15 25 certification requirements to hold your position?

11:15 1 A. Yes.

2 Q. Can you briefly describe your educational
3 background that allows you to hold your position?

4 A. Yes. I went to medical school at the
11:15 5 University of Connecticut School of Medicine. I did a
6 pathology residency program at Hartford Hospital in
7 Connecticut. I did a surgical pathology fellowship at
8 Hartford Hospital in Connecticut. I did a forensic
9 pathology fellowship at the Office of the Medical
11:16 10 Investigator in New Mexico and then I came here to Clark
11 County. I have a medical license to practice here in
12 the State of Nevada and I'm board certified in anatomic
13 pathology and forensic pathology.

14 Q. How long have you been with the coroner's
11:16 15 office here in Nevada?

16 A. A little over nine and a half years. It
17 will be ten years this September.

18 Q. Have you testified in District Court, in
19 Grand Jury proceedings before regarding cause and manner
11:16 20 of death?

21 A. Yes.

22 Q. Are there other medical examiners at the
23 Clark County Coroner's Office?

24 A. Yes.

11:16 25 Q. And do those medical examiners hold similar

11:16 1 qualifications and educational background as yourself?

2 A. Yes.

3 Q. Each of the medical examiners are medical
4 doctors; correct?

11:16 5 A. Correct.

6 Q. And is it commonplace or at least not
7 uncommon for you to be asked to review the examination
8 done by another doctor?

9 A. Yes.

11:16 10 Q. Is Dr. Alane Olson a former colleague of
11 yours?

12 A. Yes.

13 Q. Is she now retired?

14 A. Yes.

11:17 15 Q. Were you asked to review an autopsy
16 conducted by Dr. Alane Olson on August 20, 2007 under
17 lab case number 07-06500?

18 A. Yes.

19 Q. Was that related to the autopsy of a
11:17 20 decedent by the name of Cory Iascone?

21 A. Yes.

22 Q. What did you review as far as Dr. Olson's
23 notes, photographs, et cetera, in preparation for your
24 testimony today?

11:17 25 A. Her autopsy report, the photographs

11:17 1 associated with the examination, I looked over the
2 investigation report as well as the toxicology report.

3 Q. And you mentioned photographs. As you've
4 testified previously, it's common to document every step
11:17 5 of this process photographically as well; is that
6 correct?

7 A. That's correct.

8 Q. I'm going to bring you Grand Jury Exhibits
9 5 through 9. Ask you to take a look at those.

11:18 10 A. Okay.

11 Q. Do you recognize those as photographs taken
12 from the autopsy of Cory Iascone?

13 A. Yes.

14 Q. Did you review those photographs in
11:18 15 preparation for your testimony today?

16 A. Yes.

17 Q. When you -- let me start with Exhibit 5.
18 Can you tell the Grand Jury what we're looking at there?

19 A. I mentioned that we transport the body in
11:18 20 what's called a sealed body bag and this demonstrates
21 the seal. Basically it's this blue plastic piece that
22 goes through the eyelets of the zipper and a photograph
23 is taken of it at the scene where the body is placed
24 into the bag and sealed and then another photograph is
11:19 25 taken when it arrives in our office to demonstrate it is

11:19 1 still intact and remains intact as evidence. In
2 addition a toe tag is created that's attached to that
3 body bag which eventually ends up on the decedent's, the
4 body's right toe generally, and that toe tag will
11:19 5 represent the information that's given at that time. So
6 at that time the individual's name may be a Doe, but in
7 this case they had a tentative identification so they
8 put it as a tentative identification of Mr. Iascone,
9 Cory. In addition what also this demonstrates is that a
11:19 10 case number is assigned to this body and the overall
11 materials that are associated with this case and that's
12 demonstrated by the gray placard which matches the
13 number of the case and the file and everything in the
14 photographs. The only time you wouldn't see this
11:19 15 placard present in our subsequent photographs is if
16 we're doing a closeup shot of something cause the camera
17 sometimes will focus on the placard rather than focus on
18 what we're trying to demonstrate.

19 Q. Thank you. And it references the date of
11:20 20 death was August 19, 2007; is that correct?

21 A. Yes, that's correct.

22 Q. Now when you reviewed the photographs of
23 the autopsy, did you note any evidence of an external
24 injury to Mr. Iascone?

11:20 25 A. Yes.

11:20 1 Q. Where would that have been?

2 A. He had an entrance gunshot wound present on
3 the right lateral aspect of his cheek near his right
4 ear.

11:20 5 Q. Publishing Exhibit 6. Can you tell us what
6 we're looking at here?

7 A. Yes. This is a side shot of his right ear
8 and adjacent to that you can see a mark, that is
9 actually an entrance gunshot wound that's near his right
11:20 10 ear at the right lateral aspect of his cheek.

11 Q. And Exhibit 7?

12 A. And this is a closeup shot of that
13 demonstrating it to be an entrance gunshot wound in that
14 location.

11:21 15 Q. Now you mentioned the entrance wound was on
16 the right side of the head. What was the pathway of the
17 projectile, the bullet?

18 A. The projectile, bullet, went through the
19 right ear, essentially through the bones of the right
11:21 20 ear on the inside of the skull, and then it went through
21 the brain stem and then it came to rest on the left side
22 of the base of the skull in the area of the dura which
23 surrounds the brain.

24 Q. Given that the bullet came to rest within
11:21 25 the skull, was the bullet ultimately located and

11:21 1 recovered from inside the decedent?

2 A. Yes.

3 Q. And I'm going to publish Exhibit 8. And
4 I'm sorry ahead of time, they are graphic in nature.

11:21 5 This is part of the internal examination of
6 the decedent's skull; is that correct?

7 A. Correct.

8 Q. Exhibit 8. Can you tell me what we're
9 looking at here, Doctor?

11:21 10 A. Okay. You can see there's a placard
11 present to demonstrate that this is still part of that
12 case. You're looking at the brain is partly reflected
13 out of the base of the skull and you're also looking at
14 the brain towards the bottom portion of that picture.

11:22 15 In the middle portion of that picture is the cerebellum
16 and then just to the left of it within the tissues is
17 where the missile is recovered and it's difficult to see
18 in this particular picture but the missile is present
19 within those tissues.

11:22 20 Q. And if we show Exhibit 9, does that help in
21 showing where the missile was recovered?

22 A. Yes. May I approach?

23 Q. Yes, please.

24 A. So the missile is located in that soft
11:22 25 tissues and you can see it present right here in the

11:22 1 soft tissues of the dura and it's just adjacent to where
2 that cerebellum was and again this is a closeup shot as
3 you can see.

4 Q. That bullet was recovered and given to
11:22 5 Metro for impound; is that correct?

6 A. That's correct.

7 Q. Now you mentioned that you also conduct or
8 send off for conducting a toxicology screening on
9 decedents?

11:22 10 A. Correct.

11 Q. Was that done in Mr. Iascone's case?

12 A. Yes.

13 Q. Was there any positive findings from the
14 toxicology report?

11:23 15 A. Yes.

16 Q. What was that?

17 A. He had MDMA present in his system as well
18 as a portion of its metabolite.

19 Q. Based on your review of the autopsy report,
11:23 20 photographs and other documents associated with this
21 event, were you able to come to a conclusion as to cause
22 of death?

23 A. Yes.

24 Q. What was your conclusion as to cause of
11:23 25 death?

11:23 1 A. A gunshot wound to the head.

2 Q. And the manner of death?

3 A. Homicide.

4 MR. PORTZ: I have no further questions of
11:23 5 this witness. Do any members of the grand jury?

6 BY A JUROR:

7 Q. Just what does MDMA, what does that, what
8 is that? I don't know what that drug is.

9 A. It's a stimulant. It's a type of
11:23 10 methamphetamine and it acts very quickly in the system.

11 Q. Okay. Thank you.

12 BY A JUROR:

13 Q. As far as manner of death, how do you
14 determine between, with a gunshot wound of the head,
11:23 15 between homicide and suicide?

16 A. Again it's a medical/legal death
17 investigation. The medical aspects of it are that you
18 do not have any type of contact wound here and you have
19 a far away range of fire which is at least 24 inches or
11:24 20 greater in terms of distance. The ideal way to
21 estimate, you know, range of fire is if you have a
22 firearm to be able to test that firearm as well as to
23 test the ammunition and see what the range is when you
24 start to lose some of the features that suggest the gun
11:24 25 muzzle was closer to the target. Target in this case

11:24 1 being his head.

2 Q. Perfect. Thank you.

3 BY MR. PORTZ:

4 Q. One follow-up question on that. MDMA is
11:24 5 also commonly known as Ecstasy on the street; is that
6 your understanding?

7 A. Yes, that's correct.

8 A JUROR: Thank you.

9 THE FOREPERSON: No further questions?

11:24 10 By law, these proceedings are secret and
11 you are prohibited from disclosing to anyone anything
12 that has transpired before us, including evidence and
13 statements presented to the Grand Jury, any event
14 occurring or statement made in the presence of the Grand
11:24 15 Jury, and information obtained by the Grand Jury.

16 Failure to comply with this admonition is a
17 gross misdemeanor punishable by up to 364 days in the
18 Clark County Detention Center and a \$2,000 fine. In
19 addition, you may be held in contempt of court
11:24 20 punishable by an additional \$500 fine and 25 days in the
21 Clark County Detention Center.

22 Do you understand this admonition?

23 THE WITNESS: I do.

24 THE FOREPERSON: Thank you. You may be
11:25 25 excused.

11:25 1 THE WITNESS: Thank you.

2 THE FOREPERSON: Please raise your right
3 hand.

4 You do solemnly swear the testimony you are
11:25 5 about to give upon the investigation now pending before
6 this Grand Jury shall be the truth, the whole truth, and
7 nothing but the truth, so help you God?

8 THE WITNESS: Yes.

9 THE FOREPERSON: Please have a seat.

11:26 10 You are advised that you are here today to
11 give testimony in the investigation pertaining to the
12 offenses of murder with use of a deadly weapon, and
13 robbery with use of a deadly weapon, involving Jarell
14 Washington.

11:26 15 Do you understand this advisement?

16 THE WITNESS: Yes.

17 THE FOREPERSON: Please state your first
18 and last name and spell both for the record. And if you
19 don't mind please speak up.

11:26 20 THE WITNESS: My name is Andrew Brock.

21 A-N-D-R-E-W, last name B-R-O-C-K.

22 ANDREW BROCK,

23 having been first duly sworn by the Foreperson of the
24 Grand Jury to testify to the truth, the whole truth,
11:26 25 and nothing but the truth, testified as follows:

11:26

1

EXAMINATION

2

3

BY MR. PORTZ:

4

Q. Mr. Brock, I'm going to direct your

11:26

5

attention back to August of 2007. Okay?

6

A. Okay.

7

Q. Did you have a friend by the name of Cory

8

Iascone at the time?

9

A. Yes.

11:26

10

Q. How did you meet Cory?

11

A. We have similar friends through middle

12

school, just hanging out at parties, skate park, and

13

then just got closer through that, just mutual friends.

14

Q. And in August of 2007 about how long had

11:27

15

you and Cory been close friends?

16

A. For about I'd say anywhere between four to

17

six months we were really close, hanging out a lot,

18

majority of those four to six months.

19

Q. And from that time period, that four to six

11:27

20

months that you were really close, would you on occasion

21

stay the night at Cory's house or his parents' house?

22

A. I only stayed the night at his house on one

23

night.

24

Q. Would that have been August 18th of 2007?

11:27

25

A. It was the night before the incident

11:27 1 happened to him. I don't remember -- yeah, I think so.

2 Q. Perfect. I'm going to show you Exhibit 10.
3 Do you recognize the male depicted in that photograph?

4 A. Absolutely.

11:27 5 Q. Who is that individual?

6 A. That's Cory.

7 Q. Does that fairly and accurately depict how
8 Cory looked in August of 2007?

9 A. That's pretty accurate, yes, sir. He
11:27 10 always wore a chain. I don't know if there's a chain on
11 him there but that was a big thing, he loved his chain.

12 Q. This night that you stayed over at Cory's,
13 can you tell us what happened the following morning?

14 A. Yeah. Yeah. So we woke up, his mom made
11:28 15 us breakfast. I can't remember if he had left to go to
16 the store and grab something and come back, I can't
17 remember if that happened or not. I think it did. I

18 can't recall that, I apologize. But basically his mom
19 made us breakfast. He got a call in the morning. The
11:28 20 plan was we were going to eat and we were just going to
21 go, he was going to drop me off. I was going to go

22 home, take a shower, my dad was meeting there to fix my
23 car, and then we were going to link back up later that
24 day. But in the mix of us getting ready to leave his
11:28 25 house he got a phone call from somebody, proceeding to

11:28 1 be Jarell, and apparently he needed to drop weed off to
2 Jarell.

3 Q. So let me ask you this. How old was Cory
4 at this time?

11:28 5 A. I believe he was 17, about to turn 18, or
6 he had just turned 18. I can't remember. His birth
7 date was right around the time that this happened.

8 Q. Did you and Cory during this time you hung
9 out, did you know Cory to sometimes sell marijuana to
11:29 10 people?

11 A. Yes.

12 Q. Did he sell any other drugs to your
13 knowledge?

14 A. Not to my knowledge.

11:29 15 Q. And how much -- was he a high level
16 marijuana dealer or a low level marijuana dealer?

17 A. No. He was, I mean maybe high level to
18 people who don't do it. But he sold probably about a
19 quarter pound I would imagine maybe a week or two it
11:29 20 took him to do that. I don't really know. I know it
21 was probably about a quarter pound that he was dealing
22 with.

23 Q. Who would he typically be selling to when
24 you were around?

11:29 25 A. Oh man. All of our friends. I went to

11:29 1 Becker, we had friends from Cimarron and Palo so.

2 Q. So primarily he would deal a little bit of
3 weed to friends of his from high school?

4 A. Small amounts, yeah, and it would just, you
11:29 5 know, kind of nickel and dime each thing.

6 Q. Okay. Now did you ever sell weed with
7 Cory?

8 A. Yes, I did.

9 Q. And kind of similar small amounts to
11:29 10 friends --

11 A. Yeah, I bought from Cory. Well, when we
12 were hanging out I started buying weed from Cory.

13 Q. You mentioned you woke up that morning and
14 Cory got a call from someone you learned to be a man by
11:30 15 the name of Jarell?

16 A. Correct.

17 Q. And what was the plan after Cory got that
18 call?

19 A. So the, supposedly so, I don't know how
11:30 20 exactly their conversation went but I know what he told
21 me when he got off the phone with him. He said I have
22 to serve a sack, an ounce to a kid named Relly B. And I
23 didn't know who Relly B was, I didn't know who Jarell
24 was, and so I'm like okay. And apparently his house was
11:30 25 on the way to my house so we were just going to kind of

11:30 1 bee line him and then drop me off.

2 Q. Would it be, is it not uncommon for you to
3 sometimes be with him when he would sell a certain
4 amount of marijuana?

11:30 5 A. Oh yeah. That's basically what we did when
6 we hung out, we drove around and listened to music and
7 did that.

8 Q. So did you and Cory leave Cory's house?
9 You have to answer out loud.

11:30 10 A. I'm sorry. Yes.

11 Q. And what side of town was Cory's house on?

12 A. It was the north side. I don't remember
13 the exact -- it was in Painted Desert, I think Ann and
14 Durango.

11:31 15 Q. And when you left Cory's, did you guys
16 drive to this individual Jarell's house?

17 A. Directly, yeah.

18 Q. And I'm going to show you -- do you recall
19 generally the cross streets or the major cross streets
11:31 20 of where Jarell's house was?

21 A. Yeah, I know that it was, I know that it's
22 on Vegas and I believe in between Durango and Buffalo.

23 Q. Okay.

24 A. Somewhere -- if I went there I could show
11:31 25 you but I don't know the name of the neighborhood and I

11:31 1 don't know the actual street you turn off of Vegas.

2 Q. At this point in time when you were with
3 Cory going to Jarell's, you didn't know who Jarell was?

4 A. No, never met Jarell. I didn't go to
11:31 5 Cimarron.

6 Q. Okay. It was your understanding he was a
7 Cimarron High School student?

8 A. Yes.

9 Q. And had you ever, so you had never been to
11:31 10 Jarell's house before?

11 A. No, never even heard who Jarell was.

12 Q. I'm going to show you Exhibit 11. Do you
13 recognize the area depicted in Exhibit 11?

14 A. It look likes a picture from the outside of
11:32 15 his neighborhood. So this must be Vegas. Or -- yes,
16 Vegas.

17 Q. I'm going to publish this.

18 So when you went to Jarell's, just as you
19 were pointing to me and you can correct me if I'm wrong
11:32 20 but just so the jurors understand, Jarell, I know this
21 is from outside the neighborhood, but Jarell lived in
22 one of the houses on this street over here?

23 A. That looks about right, yes.

24 Q. When you and Cory arrived, can you tell us
11:32 25 what happened when you got to the house?

11:32 1 A. Yeah. So he was already waiting outside
2 for us. He had, and I remember it being a hot day or at
3 least a warm day, it's Vegas, and he had, I don't
4 remember the colors, I think it was gray, he had a
11:32 5 hoodie on, the hood was up, and he had sweat pants on
6 and he immediately came to the car door and said, so
7 this is actually for my cousin and he needs it around
8 2 o'clock. I believe it was 2 o'clock, I believe that
9 is a firm time.

11:33 10 Q. 2 o'clock in the afternoon?

11 A. 2 o'clock in the afternoon. By that time
12 it was, we had just left his house, it was probably
13 12:00, 12:30-ish at that time, so he wanted to obviously
14 hang out with us in that midst of time gap between the
11:33 15 11:00 or 12:00 and 2 o'clock.

16 Q. Did he get into the car?

17 A. He did.

18 Q. Whose car is this by the way?

19 A. Cory's mom's. It was a Honda Accord or a
11:33 20 Honda Civic.

21 Q. Do you remember the color at all?

22 A. Gray.

23 Q. And where did Jarell get into the car?

24 A. He got right, so he came up to Cory's
11:33 25 window and told us that and then Cory's like okay, if

11:33 1 you want to ride around with us for the time being then
2 hop in. So he hopped in behind Cory's seat.

3 Q. Were you in the front passenger seat?

4 A. Yes, sir.

11:33 5 Q. And Cory was driving?

6 A. Cory was driving.

7 Q. Where do you guys go from there?

8 A. So at that point, I can't remember if he
9 got another call first or if I got a call first. We

11:33 10 both got a call to sell, I believe it was like a small
11 like 20 sack. I can't remember if we went to the movie
12 theater on Charleston and Fort Apache first and then
13 went to Durango and Spring Mountain at the Chevron. I
14 think, I'm almost positive we went to the movie theater

11:34 15 first and then we hit Durango and Spring Mountain at the
16 Chevron.

17 Q. When you say sell a 20 sack, does that mean
18 \$20 worth of marijuana?

19 A. Yes. Sorry.

11:34 20 Q. Is that to an acquaintance of yours?

21 A. Yes.

22 Q. And someone Cory knew as well?

23 A. Yes.

24 Q. And Cory it appeared to you at least knew

11:34 25 Jarell somewhat, he wasn't a stranger to him?

11:34 1 A. Yeah. Yeah.

2 Q. So you went to the movie theater, then you
3 said you guys drove to a Chevron?

4 A. Uh-huh. We drove to a Chevron because I
11:34 5 had a person to meet there to sell another 20 sack and
6 when we sold the 20 sack there Cory got out the car to
7 go inside the Chevron and buy Swishers cause we were
8 going to smoke.

9 Q. Did Jarell remain in the car with you?

11:35 10 A. He did.

11 Q. What happened while Cory was inside the
12 Chevron?

13 A. So he asked me a question that still haunts
14 me to this day and he basically, he was like, he had
11:35 15 just obviously saw that I sold a 20 sack and he, and I
16 beat myself up about this, I'm sorry, but he asked me,
17 he goes so you sell weed too, and I kind of like looked
18 at him like yeah dude, you just, you saw this. And then
19 he goes so are you his dealer. And at the time, you
11:35 20 know, I didn't think anything of it but now when I look
21 back on it I'm like he was asking me that for a reason.

22 Q. And when he said are you his dealer, did
23 you take that to mean do you supply Cory with the
24 marijuana that he sells?

11:35 25 A. Right.

11:35 1 Q. When Cory comes back, what do you guys do?

2 A. So Cory came back and it was, yeah, it was
3 like nothing happened. Cory threw the pack of Swishers
4 back to Jarell and Jarell started rolling up what they
11:36 5 call a blunt and we just bumped Tech 9 Cory was a big
6 fan of Tech 9, a rapper and the new album of Tech 9 had
7 just came out. So basically the rest of the car ride
8 from that point was smoking and listening to music
9 really loud.

11:36 10 Q. When you say, I know it's kind of
11 commonplace now, but when you say he rolled a blunt,
12 that means a marijuana cigarette more or less?

13 A. Correct.

14 Q. With the Swisher Sweets that Cory bought?

11:36 15 A. Correct.

16 Q. And all three of you smoked?

17 A. Correct.

18 Q. And then drove to your house?

19 A. Yes.

11:36 20 Q. Where were you living at that time?

21 A. 2409 Bloomington Drive, cross streets, a
22 little bit, probably a mile up from Lake Mead and
23 Rampart to give you a main area.

24 Q. When you get back to your house, do you
11:36 25 recall around -- I know Jarell mentioned you thought

11:36 1 something around 2:00 p.m. was when his cousin's
2 available to purchase the weed he had requested. Was it
3 around 2:00 p.m. or so when you got to your house?

4 A. No, it was before 2:00 p.m. I don't recall
11:36 5 the time, the exact time, but it was late afternoon when
6 we had got to my house, probably about an hour, no
7 longer than an hour 15 minutes from the time we had left
8 Cory's house.

9 Q. Okay. When you get there, was anyone at
11:37 10 your house?

11 A. Yes, my father.

12 Q. Where was your father?

13 A. He was actually in the garage working on
14 my, I had previously gotten into a car accident with my
11:37 15 first car, it was a 2004 Altima and I messed up, I
16 crunched the left side where the battery was and so the
17 only thing my car needed was a new battery. And he was
18 there, he purchased the battery to go to my house to
19 show me how to fix the car. Put the new battery in.

11:37 20 Q. So he was in the garage when you guys
21 pulled up?

22 A. Yeah.

23 Q. And the garage was open?

24 A. The garage was open, yeah.

11:37 25 Q. How did, well, what happened after Cory

11:37 1 pulled up to your house?

2 A. Yeah. So basically I just got out. I
3 remember Cory's last words to me. I, basically we
4 dapped each other up and I said I'll call you here in a
11:37 5 little bit after I'm done taking a shower and getting
6 everything ready, and he said don't be a fag this time
7 and hit me up. And after that I shut the door and I
8 don't remember Jarell ever getting into the front seat.

9 Q. But after you shut the door, at some point
11:38 10 Cory drives away?

11 A. Uh-huh.

12 Q. You stay with your father?

13 A. I walked in, yeah, to the garage.

14 Q. And Jarell was still in the car when they
11:38 15 left?

16 A. Absolutely.

17 Q. Let me ask you this. When you were with
18 Cory that day, did he have any cash on him?

19 A. I know for a fact he at least had what I
11:38 20 had given him because that morning I had bought, I'm
21 almost 99 percent positive he had only two ounces left
22 out of the quarter pound which is a total of four, I
23 bought one of the ounces from him so I know he at least
24 had about an ounce of weed with him and I know for a
11:38 25 fact he had my money with him and I'm sure he had the

11:38 1 rest of the money with him too.

2 Q. About how much money did you give him for
3 that ounce?

4 A. It was anywhere between 250 and 325. I
11:38 5 don't remember what I was giving him for an ounce at
6 that point.

7 Q. Did he also have a bag or a backpack or
8 anything of that nature?

9 A. He always carried a backpack. That's where
11:39 10 he carried his paraphernalia.

11 Q. What color was that backpack?

12 A. I want to say black but I don't remember
13 the exact color.

14 Q. Did Cory ever have any firearms to your
11:39 15 knowledge?

16 A. No.

17 Q. Did you see a firearm with Cory that day?

18 A. Never. I've never seen Cory with a
19 firearm.

11:39 20 MR. PORTZ: At this point I have no further
21 questions for this witness. Do any members of the Grand
22 Jury?

23 BY A JUROR:

24 Q. Yeah. Could you have been mistaken about
11:39 25 the movie theater? Could it have been Fort Apache and

11:39 1 Sahara rather than Charleston?

2 A. Charleston. I'm sorry. It's been awhile
3 since I've lived here. Yeah, it was --

4 Q. You said Charleston.

11:39 5 A. Sahara. I'm sorry. Sahara. Fort Apache
6 and Sahara. Village Square.

7 BY A JUROR:

8 Q. Were you aware of Jarell having a weapon or
9 he didn't flash a weapon or have any indication --

11:40 10 A. I didn't see any weapon on him.

11 Q. Thank you.

12 THE FOREPERSON: No further questions?

13 By law, these proceedings are secret and
14 you are prohibited from disclosing to anyone anything
11:40 15 that has transpired before us, including evidence and
16 statements presented to the Grand Jury, any event
17 occurring or statement made in the presence of the Grand
18 Jury, and information obtained by the Grand Jury.

19 Failure to comply with this admonition is a
11:40 20 gross misdemeanor punishable by up to 364 days in the
21 Clark County Detention Center and a \$2,000 fine. In
22 addition, you may be held in contempt of court
23 punishable by an additional \$500 fine and 25 days in the
24 Clark County Detention Center.

11:40 25 Do you understand this admonition?

11:40 1 THE WITNESS: A hundred percent understood.

2 THE FOREPERSON: Thank you. You may be
3 excused.

4 THE WITNESS: Thank you guys.

11:42 5 THE FOREPERSON: If you're able to can you
6 please raise your right hand. If not, that's fine.

7 You do solemnly swear the testimony you are
8 about to give upon the investigation now pending before
9 this Grand Jury shall be the truth, the whole truth, and
11:42 10 nothing but the truth, so help you God?

11 THE WITNESS: I do.

12 THE FOREPERSON: You are advised that you
13 are here today to give testimony in the investigation
14 pertaining to the offenses of murder with use of a
11:42 15 deadly weapon, and robbery with use of a deadly weapon,
16 involving Jarell Washington.

17 Do you understand this advisement?

18 THE WITNESS: I do.

19 THE FOREPERSON: Can you please state your
11:42 20 first and last name and spell both for the record
21 please.

22 THE WITNESS: Michael Cutright.

23 M-I-C-H-A-E-L, C-U-T-R-I-G-H-T.

24 MR. PORTZ: And for the record we have an
11:43 25 Officer Wheeler, that's W-H-E-E-L-E-R, from Clark County

11:43 1 Detention Center present as well.

2 MICHAEL CUTRIGHT,

3 having been first duly sworn by the Foreperson of the

4 Grand Jury to testify to the truth, the whole truth,

11:43 5 and nothing but the truth, testified as follows:

6

7 EXAMINATION

8

9 BY MR. PORTZ:

11:43 10 Q. Mr. Cutright, you're currently in custody
11 at the Clark County Detention Center; is that correct?

12 A. Yes, sir.

13 Q. And Mr. Cutright, you were arrested on
14 September 6, 2017?

11:43 15 A. That's correct.

16 Q. So coming up on two years now; is that
17 correct?

18 A. Yes, sir.

19 Q. When you were arrested at the time you were
11:43 20 charged with attempt robbery with use of a deadly

21 weapon, robbery with use of a deadly weapon-victim over

22 60, robbery with use of a deadly weapon, first degree

23 kidnapping with use of a deadly weapon, and burglary

24 while in possession of a firearm; is that correct?

11:43 25 A. Yes, sir.

11:43 1 Q. In August of 2018 were you intending on
2 entering into a deal with the State of Nevada to resolve
3 that case?

4 A. Yes, sir.

11:43 5 Q. And in that deal were you going to plead
6 guilty pursuant to the Alford decision to one count of
7 burglary and one count of robbery with use of a deadly
8 weapon?

9 A. Yes, I was close to it, yes, sir.

11:44 10 Q. And was it your intention and understanding
11 that pursuant to that deal you were going to agree to
12 spend four to 16 years in the Nevada Department of
13 Corrections?

14 A. Yes, sir.

11:44 15 Q. And when you pled pursuant to the Alford
16 plea, you understand that you were saying that you were
17 not conceding your guilt, but that you would concede
18 that the State did have enough evidence to convict you?

19 A. Yes, sir.

11:44 20 Q. Now in August of 2018, right before you
21 entered that deal, did you come forward to your attorney
22 in that case with information that you thought might
23 assist in an investigation of a 2007 homicide?

24 A. Yes, sir, I did.

11:44 25 Q. And did your attorney relay that

11:44 1 information to the DA prosecuting the case at that time?

2 A. Yes, sir.

3 Q. As a result of that communication, did you
4 not enter your plea pursuant to the agreement that you
11:44 5 had with the State?

6 A. I didn't.

7 Q. And in August, on August 18th of 2018 did
8 you meet with two detectives from the cold case homicide
9 from Las Vegas Metropolitan Police Department?

11:45 10 A. Yes, sir, I did.

11 Q. Did they conduct an interview with you that
12 day?

13 A. They did.

14 Q. Was your attorney present when they
11:45 15 conducted that interview?

16 A. He was.

17 Q. Were you aware that that interview was
18 being recorded?

19 A. I was.

11:45 20 Q. And did you provide them with the
21 information that you had related to that 2007 murder?

22 A. I did.

23 Q. I'm going to ask you a question. Back in
24 2007, were you living here in Las Vegas, Nevada?

11:45 25 A. Yes, sir, I was.

11:45 1 Q. Did you know an individual by the name of
2 Jarell Washington?

3 A. Yes, sir, I did.

4 Q. How did you know Jarell Washington?

11:45 5 A. We went to school together, played on the
6 same basketball team.

7 Q. Mr. Cutright, I want you to speak closer to
8 the microphone.

9 So you went to school together and played
11:45 10 on the same basketball team?

11 A. Yes, sir.

12 Q. Was it the high school team?

13 A. Yes.

14 Q. Did you play any other kinds of basketball
11:46 15 like AAU or anything like that?

16 A. A little summer ball, yes, sir.

17 Q. About how long had you known Jarell?

18 A. Probably just a year cause he was a senior,
19 I was a sophomore.

11:46 20 Q. And would you consider Jarell a friend at
21 the time?

22 A. Yes, sir, I would.

23 Q. Did you guys contact each other on the
24 phone from time to time to hang out?

11:46 25 A. Yes, sir.

11:46 1 Q. I'm going to show you Exhibit 14. Do you
2 recognize who that is?

3 A. Yes, sir.

4 Q. Who is that?

11:46 5 A. Jarell.

6 Q. That's Jarell Washington as he appeared in
7 2007?

8 A. Yes, sir.

9 Q. And is this, Exhibit 15, the same
11:46 10 individual as he appears today?

11 A. Yes, sir.

12 Q. I'm going to publish briefly. Exhibit 14,
13 this is Jarell when you knew him back in 2007; correct?

14 A. Yes, sir.

11:46 15 Q. And then Jarell today, 2019, this is
16 Exhibit 15.

17 A. Yes, sir.

18 Q. And where did you live at this time in
19 2007?

11:46 20 A. Desert Shores.

21 Q. Where is the Desert Shores area?

22 A. Smoke Ranch and Buffalo. Lake Mead,
23 Buffalo.

24 Q. Are there some I guess lakes or bodies of
11:47 25 water in that area inside the city that are kind of

11:47 1 unique to that location?

2 A. Yes, sir, there is.

3 Q. I'm going to show you Exhibit 12. Do you
4 recognize this satellite image showing the area where
11:47 5 you lived?

6 A. Desert Shores, yes, sir.

7 Q. And there's an arrow here that says
8 entrance to Cutright's development. Is that the
9 entrance to the area where you lived?

11:47 10 A. Yes, sir.

11 Q. Was there a day in 2007 that Jarell
12 Washington had called you and kind of something out of
13 the ordinary happened with you and Jarell?

14 A. Yes, sir, it was.

11:47 15 Q. Do you remember about what time of year it
16 was when Jarell called you?

17 A. It was 2007 after school was out, season
18 was definitely over.

19 Q. So sometime in the summer?

11:48 20 A. Yes, sir.

21 Q. Do you remember the exact date?

22 A. It was 2007.

23 Q. So summer of 2007?

24 A. Yes, sir.

11:48 25 Q. When you received the phone call, how did

11:48 1 you know it was Jarell?

2 A. His number was saved in my phone.

3 Q. And when you answered the phone call, did
4 you hear Jarell's voice?

11:48 5 A. Yes, sir.

6 Q. And you recognized it to be him?

7 A. Yes, sir.

8 Q. Can you describe how Jarell sounded on that
9 phone call?

11:48 10 A. He sounded like I knew something was wrong,
11 he was breathing hard, he was panicking, he sounded like
12 he was panicking on the phone.

13 Q. What was he saying to you when he called
14 you?

11:48 15 A. He was telling me he needed me to come get
16 him, he's down the street from my house, he would give
17 me weed, money, whatever, he loved me, just please come
18 get him.

19 Q. So he sounded like he was panicking to you?

11:48 20 A. Yes, sir.

21 Q. He was breathing heavy?

22 A. Yes, sir.

23 Q. Did he sound like he was crying at all or
24 anything like that?

11:49 25 A. Yes. Yes, sir, he sounded like he was

11:49 1 about to start crying.

2 Q. And you said that he told you I'm outside
3 your neighborhood, come get me?

4 A. He's like I'm down the street from your
11:49 5 house, come get me.

6 Q. So Jarell had been to your house before and
7 he knew where you lived?

8 A. Yes, sir, he did.

9 Q. And you said that he told you I love you?

11:49 10 A. He told me he loved me before we hung up
11 the phone.

12 Q. He said he had weed and he had money for
13 you?

14 A. Whatever I want. I told him I just want
11:49 15 some weed, that's it.

16 Q. Did you know what he was calling about at
17 that point in time?

18 A. No, sir, but I knew something was wrong.

19 Q. And when you say weed, that means
11:49 20 marijuana; correct?

21 A. Yes, sir.

22 Q. So did you go meet up with Jarell?

23 A. Yes, sir, I did.

24 Q. Where was Jarell?

11:49 25 A. He was at my entrance. I actually almost

11:49 1 hit him when I was pulling out. He was sprinting
2 towards me to the car.

3 Q. When you say the entrance, do you mean the
4 entrance of your house or the entrance of your
11:49 5 neighborhood?

6 A. The entrance of my neighborhood.

7 Q. And about how far is the entrance of the
8 neighborhood from your house?

9 A. It's a good four minute walk. Probably
11:50 10 take me to walk eight minute walk.

11 Q. Did you walk to meet Jarell or did you
12 drive?

13 A. I drove.

14 Q. What car did you drive?

11:50 15 A. I had a Honda.

16 Q. Was that your car?

17 A. Yes, sir, it was mine.

18 Q. So you ran into Jarell or you met up with
19 him near the exit or entrance of your neighborhood?

11:50 20 A. Just a little bit outside the entrance.

21 Q. What did Jarell do when you stopped the
22 car?

23 A. He jumped in, told me thank you, he loved
24 me, he got the weed, and I asked him what's wrong, he
11:50 25 said he just shot somebody.

11:50 1 Q. Now when he gets in your car, can you
2 describe his demeanor?

3 A. Like he messed up real bad and he was just
4 trying to get out of that location as fast as possible.

11:50 5 Q. Can you describe his breathing?

6 A. He was breathing hard. He was sweating. I
7 could tell he had been in a full sprint.

8 Q. Did he make any reference to the fact that
9 he was running just prior to meeting you?

11:51 10 A. He didn't make no reference but I could
11 definitely tell he was running.

12 Q. So it sounded like he was winded?

13 A. He was winded. He was breathing hard.

14 Q. Was he ever crying or emotional when he got
11:51 15 into your car?

16 A. Yeah, he was crying. He was crying when he
17 got into the car.

18 Q. Now what did you say he had said to you?

19 A. He told me he just shot a little white boy.
11:51 20 I said what happened and he said I tried to rob, I
21 robbed him and he was going for his gun and I shot him.

22 Q. So he said he just killed or shot a white
23 boy?

24 A. A little white boy.

11:51 25 Q. He tried to rob him?

11:51 1 A. Uh-huh.

2 Q. And that he shot him?

3 A. He shot him cause the boy reached for his

4 gun.

11:51 5 Q. The boy reached for his gun. Okay. Did he

6 state where he shot the white boy?

7 A. I believe he said in the head.

8 Q. In the head. And did he state where he was

9 with the white boy when he shot him?

11:52 10 A. No, he didn't tell me where he was.

11 Q. Did he reference anything about a vehicle

12 of any sort in relation to the shooting?

13 A. He told me they was in his car.

14 Q. They were in whose car?

11:52 15 A. In the white boy car.

16 Q. When he shot him?

17 A. When he shot him.

18 Q. Now you said that Mr. Washington told you

19 he had weed and he had cash; is that correct?

11:52 20 A. Yes, sir.

21 Q. Did he also have a black backpack with him

22 at that time?

23 A. Yes, sir, he did.

24 Q. With regards to the shooting, did he say

11:52 25 what he shot him with?

11:52 1 A. I can't remember but I believe it was a
2 .22.

3 Q. Why do you believe it was a .22?

4 A. It was so long ago I think that's what he
11:52 5 told me.

6 Q. You're not sure but you think that's what
7 he told you?

8 A. I'm not sure but I think that's what he
9 told me.

11:53 10 Q. Did he have the gun with him at that time?

11 A. Yeah, because I asked him where the gun
12 was, he didn't have the gun, he told me he threw it in
13 the lake.

14 Q. Did he tell you where he threw it, what
11:53 15 lake he threw it in?

16 A. He didn't tell me what lake but I had a
17 pretty good idea what lake.

18 Q. Why was that?

19 A. Because it's a lake we used to hang out.

11:53 20 Q. It's a lake that you and Jarell would hang
21 out at?

22 A. Yeah.

23 Q. Is there something unique about that
24 particular lake?

11:53 25 A. It's got a power box on the lake and a lot

11:53 1 of friends, a lot of us friends was over there, smoke.

2 Q. Okay. And I'm going to publish Exhibit 12.

3 You already referenced in your testimony
4 that this area down here is sort of the entrance to your

11:53 5 neighborhood; is that correct?

6 A. Yes, sir.

7 Q. Now the lake that you referenced, is that
8 this lake up here on the upper right?

9 A. Yes, sir.

11:53 10 Q. And this is the lake that has on this side
11 where the yellow arrow is a power box that you and
12 Jarell would sometimes hang out at or sit on?

13 A. Yes, sir.

14 Q. Would other of your friends hang out in the
11:54 15 area?

16 A. Yes.

17 Q. So it was an area common or known to you
18 and your friends?

19 A. Yes, a lot of kids at Cimarron.

11:54 20 Q. So he told you he threw the gun in that
21 lake?

22 A. Yes, sir.

23 Q. What happened after that?

24 A. I took him to his house.

11:54 25 Q. Do you recall the area where he lived at

11:54 1 the time?

2 A. It was on Buffalo and Vegas.

3 Q. I'm going to put this up here. Showing you

4 Exhibit 11. Does this look like the area where he

11:54 5 lived?

6 A. Yes, sir.

7 Q. I'm going to publish this.

8 So it your understanding where you dropped

9 him off relative to one of the houses in this area?

11:54 10 A. Yes, sir.

11 Q. And that's this Draco Court Circle address

12 here near kind of Buffalo and Vegas Drive between

13 Buffalo and Durango?

14 A. Yes, sir.

11:55 15 Q. What did he say to you, if anything, during

16 that drive home?

17 A. He really was just, he kept telling me he

18 loved me a lot. That's what he did. And he just,

19 that's about it. He really just kept telling me he

11:55 20 loved me and just, he was panicking real bad. There

21 wasn't really too much conversation.

22 Q. Did you ever, after you dropped him off,

23 did he ever talk about, did you ever see Jarell after

24 you dropped him off?

11:55 25 A. I seen him one more time after that.

11:55 1 Q. You saw him one more time?

2 A. Yeah.

3 Q. Do you recall about how long after that it
4 was that you saw him?

11:55 5 A. Probably like a week later.

6 Q. A week after this incident where he told
7 you he shot the white boy?

8 A. Yes, sir.

9 Q. And did you guys discuss anything about the
11:55 10 shooting at that time?

11 A. No, we didn't.

12 Q. Did he ever talk to you ever again or make
13 any reference to the shooting ever again?

14 A. No, sir.

11:55 15 Q. Did you ever broach the subject with him
16 again?

17 A. Never again.

18 Q. Now Mr. Cutright, you have entered into an
19 agreement, it's your intention to enter into an
11:56 20 agreement to testify in this case; is that correct?

21 A. Yes, sir.

22 Q. So you're going to, in the case that you're
23 currently charged with, it's your intention to plead
24 guilty to a robbery and a burglary while in possession
11:56 25 of a firearm; is that correct?

11:56 1 A. Yes, sir.

2 Q. And you understand that you're not pleading
3 pursuant to Alford, you're pleading straight up to those
4 two crimes?

11:56 5 A. Yes, sir.

6 Q. You understand that those two crimes carry
7 potential prison sentences?

8 A. Yes, sir.

9 Q. And you understand that pursuant to your
11:56 10 agreement as it's intended, the State will have the full
11 right to argue at your sentencing for any legal sentence
12 under that?

13 A. Yes, sir.

14 Q. Okay. Now is it also your understanding
11:56 15 that once you plead, after you testify today, that you
16 can be released to intensive supervision pending your
17 sentencing date?

18 A. Yes, sir.

19 Q. You also understand pursuant to your
11:57 20 agreement that you'll have to cooperate in the
21 investigation and prosecution of the case against Jarell
22 Washington?

23 A. Yes, sir.

24 Q. You also understand that you have an
11:57 25 obligation to provide true information and testify

11:57 1 truthfully in all proceedings related to this case?

2 A. Yes, sir, I do.

3 Q. Have you been in custody since September 6,
4 2017 when you were arrested?

11:57 5 A. No, sir.

6 Q. No? Since that date have you been in
7 custody at CCDC?

8 A. Oh, since that date?

9 Q. Yes.

11:57 10 A. Yes, sir, I've been in custody going on two
11 years.

12 Q. And let me ask you this. Since 2007 after
13 Jarell gave you this information, had you ever in any
14 way been contacted by law enforcement or anyone else

11:57 15 looking into the death of Cory Iascone in 2007?

16 A. No, sir.

17 Q. So detectives never knocked on your door
18 back in 2007 or 2008?

19 A. No, sir.

11:58 20 Q. No one ever sent you a letter asking you to
21 come and provide a statement?

22 A. No, sir.

23 Q. Until you came forward with this
24 information you had no contact with law enforcement with
11:58 25 regards to the death of Cory Iascone?

11:58 1 A. Not at all.

2 MR. PORTZ: At this point I have no further
3 questions for this witness. Do any members of the grand
4 jury?

11:58 5 THE FOREPERSON: No further questions.

6 By law, these proceedings are secret and
7 you are prohibited from disclosing to anyone anything
8 that has transpired before us, including evidence and
9 statements presented to the Grand Jury, any event

11:58 10 occurring or statement made in the presence of the Grand
11 Jury, and information obtained by the Grand Jury.

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

18 Do you understand this admonition?

19 THE WITNESS: Yes, sir, I do.

11:58 20 THE FOREPERSON: Thank you. You may be
21 excused.

22 MR. PORTZ: Okay. Ladies and gentlemen,
23 it's now noon. I know you're taking a lunch break at
24 this hour. I'll be back at 1:15 to present the
11:59 25 remaining evidence in the case.

11:59 1 (Recess.)

2 MR. PORTZ: Welcome back everyone. We're
3 back on the record in case of State of Nevada versus
4 Jarell Washington, again stylized in Grand Jury Exhibit
01:12 5 Number 1 under Grand Jury case number 19AGJ043X. We had
6 a lunch break and we're now back to resume evidence and
7 I'll call our next witness.

8 THE FOREPERSON: Can you please raise your
9 right hand.

01:12 10 You do solemnly swear the testimony you are
11 about to give upon the investigation now pending before
12 this Grand Jury shall be the truth, the whole truth, and
13 nothing but the truth, so help you God?

14 THE WITNESS: I do.

01:13 15 THE FOREPERSON: Can you please have a
16 seat.

17 You are advised that you are here today to
18 give testimony in the investigation pertaining to the
19 offenses of murder with use of a deadly weapon, and
01:13 20 robbery with use of a deadly weapon, involving Jarell
21 Washington.

22 Do you understand this advisement?

23 THE WITNESS: Yes, I do.

24 THE FOREPERSON: Can you please state your
01:13 25 first and last name and spell both for the record

01:13 1 please.

2 THE WITNESS: Randal McLaughlin.

3 R-A-N-D-A-L, M-C-L-A-U-G-H-L-I-N.

4 RANDAL MCLAUGHLIN,

01:13 5 having been first duly sworn by the Foreperson of the
6 Grand Jury to testify to the truth, the whole truth,
7 and nothing but the truth, testified as follows:

8

9

EXAMINATION

01:13 10

11 BY MR. PORTZ:

12 Q. Sir, how are you employed?

13 A. I'm the director of crime scene
14 investigations for the Las Vegas Metropolitan Police

01:13 15 Department.

16 Q. And what are the job responsibilities
17 assigned with that detail?

18 A. Currently my job for about the past 11
19 years is fairly administrative. I'm in charge of the

01:13 20 entire section and the 70 or so employees that are in
21 there. At the time of this event I was a crime scene
22 supervisor so I was a shift supervisor on swing shift.

23 Q. And just generally, what do crime scene
24 analysts and crime scene supervisors, what are their

01:14 25 general duties and responsibilities on the job?

01:14 1 A. We're responsible for responding to crime
2 scenes and documenting the crime scene and searching for
3 and recovering any physical evidence that we can locate.
4 That can include fingerprints, footwear patterns, blood,
01:14 5 any kind of biological fluids, anything physical in
6 nature that may help us connect somebody to a crime or
7 solve a crime.

8 Q. Does that also include documenting the
9 evidence at a crime scene by taking photographs?

01:14 10 A. Yes, it does.

11 Q. And you kind of mentioned it, at the time
12 of this event, I want to ask you were you working on
13 August 19th of 2007?

14 A. I was.

01:14 15 Q. And you already said you were a crime scene
16 supervisor at that time?

17 A. Correct.

18 Q. While you were on duty that day were you
19 called out sometime in the late afternoon to a homicide
01:14 20 scene?

21 A. Yes.

22 Q. And was that at the area of Point
23 Conception Drive just east of Rampart Boulevard here in
24 Clark County, Nevada?

01:15 25 A. It was.

01:15 1 Q. Can you describe what you recall seeing
2 when you arrived on scene?

3 A. Upon our arrival, of course there's police
4 tape, our police officers had discovered the scene,
01:15 5 taped off the scene. I believe there was an ambulance
6 still there. The crime scene itself was located inside
7 of a car, a four door Honda that was in the middle of
8 the street, front passenger door, driver door open, with
9 the victim inside.

01:15 10 Q. And at that point what do you and your
11 fellow crime scene analysts begin to do?

12 A. At that point there's some procedural stuff
13 we go through, you know, we brief with the responding
14 officers, with the detectives that are there, we kind of
01:15 15 get what they know at the time of how they got there.
16 And then we begin our process of documenting the scene,
17 that's our very first step, through notes, photography,
18 diagrams. We document the scene so we can bring it here
19 to you today or in a courtroom, court of law, and
01:16 20 basically reproduce the crime scene as we saw it on that
21 day.

22 Q. Now going back to the crime scene that day,
23 you referenced that there was an apparent homicide
24 victim inside a vehicle; is that correct?

01:16 25 A. Yes.

01:16 1 Q. Where was the vehicle in regards to the
2 street Point Conception?

3 A. The vehicle was on Point Conception east of
4 Rampart and it was facing west in the westbound travel
01:16 5 lanes.

6 Q. And so it was in the middle of the road?

7 A. Essentially I remember it being more on
8 the, it would have been the north side of the road which
9 would have been the travel lane to travel west on Point
01:16 10 Conception towards Rampart. But, yes, in the middle of
11 the street.

12 Q. As opposed to parked on the side of the
13 sidewalk; correct?

14 A. No, it was not parked, it was in a travel
01:17 15 lane.

16 Q. Thank you. And where was this victim
17 located within the vehicle?

18 A. He was in the driver's seat.

19 Q. What upon your observation of the vehicle
01:17 20 led you to believe this was a homicide victim?

21 A. Well, several things. He had what appeared
22 to be a gunshot wound to the right side of his head.
23 The passenger door was open and of course we don't know
24 how that happened, if medical personnel arriving,
01:17 25 medical personnel opened that door or, but the lack of a

01:17 1 gun present, the lack of a cartridge case, an expended
2 cartridge case present, pretty good indication that he
3 didn't shoot himself. So at that point we always treat
4 it like a homicide and go from there.

01:17 5 Q. After photographing the scene and the
6 victim on scene, do you and your fellow crime scene
7 analysts go on to document potential items of evidence
8 and then impound those items of evidence?

9 A. Yes.

01:18 10 Q. Can you discuss what if anything you recall
11 documenting or impounding in this case?

12 A. What was impounded in this case, the victim
13 had a cell phone in his lap as if he was holding it at
14 the time. Underneath that cell phone, and just to be
01:18 15 clear, we did not impound the cell phone, the crime
16 scene analyst did not, the detectives took that cell
17 phone and impounded it into evidence so it is in
18 evidence but my team didn't do that. But underneath
19 that cell phone there was a live .25 caliber cartridge
01:18 20 laying in his lap under that cell phone.

21 Q. And when you say a live .25 caliber
22 cartridge, that means an unfired round of ammunition?

23 A. Correct.

24 Q. Based on your training and experience and
01:19 25 observations of the cartridge and the head stamp on the

01:19 1 cartridge, you could tell it was a .25 caliber bullet?

2 A. Yes.

3 Q. Was that item impounded by your team?

4 A. It was.

01:19 5 Q. Was any cash located within the vehicle?

6 A. Yes. There was a 20-dollar bill inside the
7 center console just sitting on top of the contents in
8 the console.

9 Q. After opening the center console the

01:19 10 20-dollar bill was visible?

11 A. Yes.

12 Q. So when you originally approached you
13 couldn't see a 20-dollar bill, you had to physically
14 open that center console?

01:19 15 A. Yes.

16 Q. Outside of that 20-dollar bill, was there
17 any other U.S. currency found; hundreds, twenties,
18 anything like that?

19 A. No, sir.

01:19 20 Q. Was there a black backpack ever located or
21 impounded within that vehicle?

22 A. No, there was not.

23 Q. Was there any marijuana located or
24 impounded from that vehicle?

01:20 25 A. No.

01:20 1 Q. Now you referenced that photographs were
2 taken of the scene itself; is that correct?

3 A. Yes.

4 Q. Okay. Showing you Exhibits 2, 3 and 4.
01:20 5 Take a moment to look at each of those.

6 Do you recognize what's depicted in those
7 three exhibits?

8 A. I do.

9 Q. Are these photographs from the crime scene
01:20 10 in August of 2007?

11 A. Yes, they are.

12 Q. And they fairly and accurately depict how
13 the crime scene appeared when you and your team
14 responded that day?

01:20 15 A. Yes.

16 Q. Showing you Exhibit 2. Can you please
17 describe to the Grand Jury what we're looking at here?

18 A. This is the vehicle I described earlier,
19 the Honda in the, facing westbound towards Rampart with
01:20 20 all of the doors open and the trunk as well. So this is
21 a photograph taken after we've done other documentation
22 and then we began the search of the car, possibly the
23 removal of the victim. I see in this photograph the
24 victim is still there but maybe we're getting ready to
01:21 25 extract the victim from the car.

01:21 1 Q. And this would be the victim in the
2 driver's seat?

3 A. Correct.

4 Q. Showing you Exhibit 3. Can you describe
01:21 5 what we're looking at here?

6 A. That's a picture of the victim with an
7 apparent gunshot wound to the right side of his head.

8 Q. And this would go on to be identified as
9 the victim Cory Iascone, an 18-year old male?

01:21 10 A. Yes, that's correct.

11 Q. The gunshot wound is just above his right
12 ear; is that fair to say?

13 A. Yes.

14 Q. And then finally Exhibit 4, can you tell us
01:21 15 what we're looking at here?

16 A. That's a photograph after the phone has
17 been removed out of his lap and almost dead center in
18 that photograph you can see the live cartridge that we
19 spoke about.

01:21 20 Q. And that would be right here underneath the
21 Abercrombie and Fitch logo on the belt?

22 A. That's correct.

23 Q. Can you just briefly describe the process
24 of how that bullet would have been impounded into
01:22 25 evidence?

01:22 1 A. Sure. It's a simple matter of documenting
2 its location, using gloves or even possibly a tool to
3 recover it out of his lap, and then it's put into a
4 container that, a standard container that we use for all
01:22 5 types of bullets or cartridge cases or, you know,
6 projectiles that come out of that, come out of a gun.
7 And then it's put into an exterior package, it's labeled
8 first of all, I'm sorry, let me go back to the small
9 package with the bullet or the cartridge in it. It's
01:22 10 labeled with the event number, the impounder's name and
11 date, it's put into an exterior package and that package
12 has all of the case information on it. That package is
13 sealed with the event number and initials and personnel
14 number of the person impounding it and then it gets
01:23 15 dropped into our temporary vault and goes to the main
16 evidence vault or the forensic lab depending on what
17 kind of evidence it is.

18 Q. Is that the common procedure for impounding
19 by all CSAs in Metro?

01:23 20 A. It is.

21 Q. The purpose of that, Detective, is to kind
22 of show once it's been picked up from the scene who has
23 had or has been in possession of this item up until the
24 point that say it comes to trial?

01:23 25 A. We want to maintain a very strong chain of

01:23 1 custody on it so there's documentation along the way of
2 where that item has been, whether it's a bullet or any
3 other item, we want to make sure we have a paper trail
4 to show from the crime scene to the courtroom where that
01:23 5 item has been.

6 MR. PORTZ: Thank you very much,
7 Mr. McLaughlin.

8 I have no further questions at this point
9 for this witness do any members of the grand jury?

01:24 10 BY A JUROR:

11 Q. Yes, a couple. Was the vehicle running, do
12 you know if it was running when it was found, when it
13 was stopped?

14 A. Not when I arrived.

01:24 15 Q. Okay.

16 A. Yeah, not when I arrived.

17 Q. Did the -- was there a gun found on the
18 victim?

19 A. No.

01:24 20 Q. And was the, is it forensically, you
21 probably don't have the answer but, was the cartridge
22 the same as the projectile that was in the victim's --

23 A. I wouldn't have that knowledge.

24 Q. All right.

01:24 25 A. I believe there's another witness that will

01:24 1 testify to that.

2 Q. Okay. Thank you.

3 THE FOREPERSON: No further questions?

4 By law, these proceedings are secret and
01:24 5 you are prohibited from disclosing to anyone anything
6 that has transpired before us, including evidence and
7 statements presented to the Grand Jury, any event
8 occurring or statement made in the presence of the Grand
9 Jury, and information obtained by the Grand Jury.

01:24 10 Failure to comply with this admonition is a
11 gross misdemeanor punishable by up to 364 days in the
12 Clark County Detention Center and a \$2,000 fine. In
13 addition, you may be held in contempt of court
14 punishable by an additional \$500 fine and 25 days in the
01:24 15 Clark County Detention Center.

16 Do you understand this admonition?

17 THE WITNESS: I do.

18 THE FOREPERSON: Thank you. You may be
19 excused.

01:25 20 THE WITNESS: Thank you, folks.

21 THE FOREPERSON: Can you please raise your
22 right hand.

23 You do solemnly swear the testimony you are
24 about to give upon the investigation now pending before
01:25 25 this Grand Jury shall be the truth, the whole truth, and

01:25 1 nothing but the truth, so help you God?

2 THE WITNESS: I do.

3 THE FOREPERSON: Can you please have a
4 seat.

01:25 5 THE WITNESS: Thank you.

6 THE FOREPERSON: You are advised that you
7 are here today to give testimony in the investigation
8 pertaining to the offenses of murder with use of a
9 deadly weapon, and robbery with use of a deadly weapon,
01:25 10 involving Jarell Washington.

11 Do you understand this advisement?

12 THE WITNESS: Yes, I do.

13 THE FOREPERSON: Can you please state your
14 first and last name and spell both for the record
01:26 15 please.

16 THE WITNESS: My name is Glenn Davis.

17 G-L-E-N-N, D-A-V-I-S.

18 GLENN DAVIS,

19 having been first duly sworn by the Foreperson of the
01:26 20 Grand Jury to testify to the truth, the whole truth,
21 and nothing but the truth, testified as follows:

22 EXAMINATION

23

24 BY MR. PORTZ:

01:26 25 Q. Mr. Davis, how are you employed?

01:26 1 A. I am a forensic scientist 2 in the firearms
2 detail at the Las Vegas Metropolitan Police Department.

3 Q. And what are your job responsibilities in
4 that assignment?

01:26 5 A. I examine firearms that have been submitted
6 to the detail or submitted to the agency. I also do
7 microscopic comparison of fired ammunition components as
8 well as serial number restorations and other firearms
9 related duties.

01:26 10 Q. How long have you worked in that position
11 with Metro?

12 A. I've been with the Las Vegas Metropolitan
13 Police Department approximately one year and a half.

14 Q. Have you held this position anywhere else
01:26 15 in the country?

16 A. Yes, I have.

17 Q. Where was that?

18 A. I worked for 15 years with the Washington
19 State Patrol Crime Laboratory working at the Spokane
01:27 20 Crime Laboratory. The first four years and nine months
21 of my time there I worked in the DNA section and the
22 subsequent ten years and three months I worked in the
23 firearms section there.

24 Q. So you're closing in on about 12 years of
01:27 25 working firearms?

01:27 1 A. That is correct.

2 Q. Do you have to hold any sort of educational
3 background or training to hold the position that you do
4 have?

01:27 5 A. Yes. Typically a college degree in a hard
6 science is required. I have a Bachelor's of Science in
7 Biology from Washington State University. I have a
8 second Bachelor's of Science in Genetics and Cell
9 Biology also from Washington State University. And I
01:27 10 have a Master's of science in Forensic Science from the
11 University of New Haven.

12 Q. And during your time as an examiner both in
13 Washington and here in Nevada have you undergone any
14 additional training to maintain and update your skill
01:27 15 set as a firearms examiner?

16 A. Yes. When I transferred from DNA to
17 firearms in Washington I underwent a rigorous in-house
18 training program that covered things like the design and
19 manufacture of firearms including pistols, revolvers,
01:28 20 rifle and shotguns, the design and manufacture of
21 ammunition, serial number restoration, distance
22 determination using gunshot residues, as well as
23 microscopic comparison of ammunition components. I've
24 also attended a number of armor schools which are
01:28 25 factory training that enables you to diagnose and repair

01:28 1 firearms and this includes things like the Sig Sauer P
2 series pistol, the Glock pistol, the Heckler and Koch
3 USP series pistol, the Smith and Wesson M&P pistol, the
4 Colt M16 AR-15 family of rifles, the Remington 870 pump
01:28 5 action shotgun and a bunch of others as well.

6 Q. And have you ever testified before in the
7 capacity as a firearms and tool mark analyst?

8 A. Yes, I have.

9 Q. Approximately how many times have you
01:29 10 testified in court?

11 A. I believe it's approximately 67 times.

12 Q. Would that include both state and federal
13 courts?

14 A. Yes. I've testified mostly in the State of
01:29 15 Washington but I have testified once in the State of
16 Idaho and once previously here in Nevada.

17 Q. Now I want to turn your attention to this
18 case. Were you recently requested in your position to
19 conduct a comparison of a bullet that had been impounded
01:29 20 at autopsy from one Cory Iascone that was impounded from
21 the victim on August 20, 2007?

22 A. Yes, I was.

23 Q. Okay. Can you describe the bullet that you
24 received from evidence? I understand this was 12 years
01:29 25 ago it was impounded, but about when was it that you

01:29 1 conducted your testing?

2 A. May I look at my notes?

3 Q. If that would refresh your recollection,
4 please.

01:30 5 A. Thank you.

6 It would have been early January.

7 Q. Of this year?

8 A. Correct.

9 Q. Okay. And I'm kind of jumping ahead of
01:30 10 myself here. Let me take one step back.

11 Can you describe the process, just in brief
12 detail, how you go about comparing say a bullet
13 recovered from a crime scene to a gun to see if the
14 bullet was fired from that gun?

01:30 15 A. Typically what we do is we examine the
16 bullet, we make observations and measurements so we can
17 determine what caliber it is. If we have a firearm in
18 the case we can examine the firearm, we do documentation
19 and make notes about the firearm. We test fire that

01:30 20 firearm in our range at the firearms detail and from
21 that process we get test fired bullets and cartridge
22 cases. I will go to a comparison microscope which is
23 two microscopes in one. There's a stage on the left and
24 a stage on the right and they are optically bridged

01:31 25 together such that when you look through the eye piece

01:31 1 you see a field of view with a dividing line down the
2 middle. The object that's on the left side is on the
3 left in the field of view and the object on the right
4 side is on the right. You can manipulate the stages and
01:31 5 then microscopically compare marks that are imparted to
6 the bullet from the gun. We are then able to come to
7 conclusions as to the source of that bullet.

8 Q. So when a bullet is fired out of a pistol,
9 it travels through the barrel of the pistol and that
01:31 10 barrel leaves imprints on the bullet as it exits; is
11 that correct?

12 A. That is correct. Inside that, the bore of
13 the barrel, are things called lands and grooves. If
14 you've ever seen the beginning of a James Bond movie
01:32 15 there's a circle that moves around that has twists on
16 the side, that's what the inside of a gun barrel looks
17 like. Those lands are there to impart a gyroscopic spin
18 to the bullet so that it flies straight and true, much
19 the way that a football flies when a quarterback throws
01:32 20 it correctly. Those lands and grooves impart marks to
21 the bullet as it is coming down and out of that gun.

22 Q. And at a microscopic level when those
23 markings on the bullet are examined, they can then be
24 uniquely identified back to the gun that fired it?

01:32 25 A. If that firearm is producing reproducible

01:32 1 marks, yes.

2 Q. I'll come back to where we were with this
3 case. So in January of 2019 you were asked to analyze
4 and compare a bullet to a firearm, the bullet coming
01:32 5 from an autopsy of one Cory Iascone that occurred in
6 August of 2007; is that correct?

7 A. That is correct.

8 Q. Can you describe the condition of the
9 bullet that you received from that autopsy or
01:33 10 examination?

11 A. The bullet that I received is what's known
12 as a full metal jacket style bullet. Its construction
13 is not unlike an M&M. Instead of chocolate in the
14 middle we have lead and then on the exterior we have a
01:33 15 layer of copper. If the nose of the bullet is fully
16 encapsulated and the base is open, it's called full
17 metal jacket because the nose is fully encapsulated.
18 This bullet as I recall had a slightly distorted base
19 but all together it was in good condition.

01:33 20 Q. Were you asked to compare or see if that
21 bullet was fired from a particular firearm?

22 A. Yes, I was.

23 Q. And was it your understanding that this
24 firearm had recently been located in a lake in the
01:33 25 northwest side of the valley?

01:33 1 A. Yes.

2 Q. Can you describe, first of all, what was
3 the make and model of the firearm you were asked to
4 compare with this bullet?

01:33 5 A. It was a Raven MP-25 semi-automatic pistol
6 in .25 auto caliber.

7 Q. And that had been found and impounded
8 December 1st of 2018 by a CSA Sharp; is that correct?

9 A. Yes, it is.

01:34 10 Q. Before we get into what you did with that
11 pistol in its condition, can you discuss whether or not
12 you yourself have any professional experience with that
13 make and model of firearm?

14 A. This particular make and model of firearm,
01:34 15 when the company was in business they made a great deal
16 of them so I have seen it previously in case work.
17 Furthermore, a colleague and I discovered a need for an
18 armors manual, basically a how-to book, and so a
19 colleague and I wrote a armors manual for this model of
01:34 20 firearm such that a new examiner could come, look at
21 this manual and know how it operates, how to take it
22 apart, as well as a bit of troubleshooting.

23 Q. Now this firearm that you received, can you
24 first describe the condition in which it came to you?

01:35 25 A. When it first came to me I recall it being

01:35 1 in a bucket of water that had a blue tinge to it and the
2 firearm was very, very corroded.

3 Q. At the point that it was presented to you
4 for testing, again it was your understanding that it had
01:35 5 reportedly been in the lake for about 12 years at that
6 point?

7 A. I believe so.

8 Q. So it appeared very corroded, it was
9 brought to you in a bucket of water. What did you do
01:35 10 from there to begin analysis of the firearm to try to
11 compare it to that bullet?

12 A. I removed it from the bucket and applied a
13 solvent known as PB Blaster. This solvent is designed
14 to drive water away as well as to lubricate the firearm.
01:35 15 It basically halts corrosion. I soaked it I believe
16 from mid afternoon one day to mid morning the next, so
17 basically overnight. And then in the process of
18 examining it, I have to bring the slide back and in
19 doing that a piece of the gun called the retainer, which
01:36 20 holds the slide to the frame, broke.

21 Q. Did it break in your estimation because it
22 was in a heavy corroded state?

23 A. That is why it broke, yes.

24 Q. Describe what you then did with the gun.

01:36 25 A. Due to the heavy corrosion present on the

01:36 1 slide, the slide was not safe to use to test fire the
2 firearm. At the LVMPD firearms detail we have a
3 reference collection, which is a collection of firearms
4 held by LVMPD so that we can go and get parts and
01:36 5 springs and that type of thing to repair guns with. I
6 was able to find another Raven MP-25 and I installed the
7 slide from that firearm onto the frame of the firearm
8 that was recovered from the pond. I should back up.
9 Before I did that I of course documented it, took
01:36 10 photographs, made note of that kind of thing. I made
11 sure to apply solvent to the bore of the firearm and I
12 cast the bore of the firearm using a product called
13 Polysil which is a lot like kitchen silicone, like
14 around your sink, around the tile in your home. Its
01:37 15 function is we can apply it to something and remove the
16 tool mark or it makes a cast of the tool marks. It is
17 also very good at pulling corrosion off of things. So I
18 cast this barrel four times in order to pull the
19 corrosion out. Once I had done that, I put the slide
01:37 20 that I just talked about on it and set about test firing
21 the firearm.

22 Q. So to be clear, you were able to maintain
23 the barrel from which that firearm would eject bullets
24 while -- let me start that over.

01:37 25 You were able, you used the barrel from the

01:37 1 gun and you reconstructed parts of the firearm that had
2 become damaged such as the slide; is that correct?

3 A. That's correct. I installed a different
4 slide on the firearm to restore functionality. The
01:38 5 barrel that I test fired was indeed the barrel that was
6 recovered from the pond.

7 Q. Okay. Can you describe the test firing
8 process of that firearm?

9 A. Due to the heavy amount of corrosion
01:38 10 present on this gun it was necessary for me to load a
11 cartridge one at a time into the chamber. I would then
12 close the slide with the muzzle of the barrel pointed
13 into our water tank, and because of the corrosion of
14 this firearm I found that I could fire this firearm by
01:38 15 lifting upward on the rear of the slide. Because I was
16 holding the slide as I lifted upward and because of the
17 corrosion, the firearm would not extract nor eject that
18 fired cartridge case. That means I had to pull the
19 slide back and physically remove the fired cartridge
01:38 20 case from the chamber of that firearm.

21 Q. And for those who aren't familiar with
22 exactly how a firearm works, when you say the cartridge
23 case wouldn't come out, so the gun would fire the bullet
24 from the barrel into the water tank; is that correct?

01:39 25 A. That's correct.

01:39 1 Q. But then after the bullet is fired, the
2 gun, when working normally and in good working
3 condition, would expel or try to expel the cartridge
4 case that was holding the bullet?

01:39 5 A. That is correct. If you see in a movie
6 where there's a lot of shooting going on, there's pieces
7 of brass coming out of the gun, that's the process to
8 which we're referring here.

9 Q. So the bullet would fire from the gun but
01:39 10 the cartridge case wouldn't extract?

11 A. That's correct.

12 Q. Thank you. How many times did you test
13 fire the gun?

14 A. I test fired this gun ten times.

01:39 15 Q. And when you test fire, you have ten test
16 fired bullets from one gun, did you analyze them to see
17 if they were reproducing the same microscopic markings
18 imparted on the bullet from the gun?

19 A. Yes, I did. I put them on the
01:39 20 aforementioned comparison microscope and looked at the
21 marks imparted to the bullets from the lands of the
22 barrel.

23 Q. And was the barrel in fact imparting the
24 same microscopic markings on the bullets that you had
01:40 25 test fired?

01:40 1 A. Yes, it was.

2 Q. And did you compare those ten test fired
3 bullets to the bullet you received from Cory Iascone's
4 autopsy?

01:40 5 A. Yes, I did.

6 Q. And were you able to make any conclusions
7 with regards to that bullet having been shot from that
8 firearm?

9 A. Yes. I identified the bullet from autopsy
01:40 10 as having been fired in the firearm that was submitted
11 to me.

12 MR. PORTZ: No further questions at this
13 point for this witness. Do any members of the Grand
14 Jury?

01:40 15 BY A JUROR:

16 Q. Quick question. Would there be similar
17 microscopic markings from two Raven MP-25s or is each
18 gun going to give a unique marking to that bullet casing
19 or bullet?

01:40 20 A. My experience from what I have observed is
21 that they are unique. It is a statistical possibility
22 that there might be another gun out in the universe that
23 has that, however studies have been done with
24 consecutively manufactured firearms that suggest that
01:41 25 they are unique.

01:41 1 Q. Thank you.

2 BY A JUROR:

3 Q. Does the name of the gun, the Raven MP-25
4 indicate that it's a .25 caliber?

01:41 5 A. In this case it does.

6 Q. And can a .25 caliber gun fire a
7 .22 caliber bullet?

8 A. No. And I can go into that if that would
9 help.

01:41 10 Q. Please.

11 A. The .22, which is typically a rim fire
12 ignition, requires a strike to the outside of the rim.
13 .25 auto is what's known as center fire, the firing pin
14 has to hit the center of the primer. So if you were to
01:41 15 put a .22 cartridge into this gun, the firing pin would
16 not strike the cartridge in the correct place to fire
17 it.

18 BY MR. PORTZ:

19 Q. To be clear, the bullet recovered from Cory
01:41 20 Iascone from autopsy, that was a .25 caliber bullet?

21 A. Yes, it is. Typically .22 caliber bullets
22 are either plain lead copper washed or brass washed. We
23 earlier spoke about how the bullet recovered from
24 autopsy is full metal jacket and that is consistent with
01:42 25 .25 auto as well as other semi-automatic calibers.

01:42 1 A JUROR: Thank you.

2 BY A JUROR:

3 Q. Was, if you know, the bullet that was found
4 on the victim's lap, was that consistent with, did you
01:42 5 test that bullet to see if it was from the same pistol?

6 A. There was an intact, I believe there was an
7 intact cartridge found and due to the corrosion of the
8 slide that comparison was not possible.

9 BY MR. PORTZ:

01:42 10 Q. Just to add a couple points first of all,
11 or a couple questions, excuse me.

12 If on the victim an unfired round of
13 ammunition, a CBC .25 auto was found in the victim's
14 lap, would a CBC .25 auto be consistent with they type
01:43 15 of ammunition that could be fired from that Raven .25
16 caliber?

17 A. Yes, it is.

18 Q. And just -- never mind. I have no further
19 questions.

01:43 20 BY A JUROR:

21 Q. Do you happen to know if the magazine was
22 still inside the weapon when it was found?

23 A. I do not know if that's how it was found.
24 Due to the amount of corrosion I did not see a magazine
01:43 25 in it. With the slide back you could look up inside the

01:43 1 magazine well and see out through the top of the
2 firearm. But I don't know if the body of the magazine
3 was inside of it. However, the follower, the spring and
4 the base plate of the magazine were not there. This gun
01:43 5 was very, very corroded.

6 Q. Thanks.

7 THE FOREPERSON: No further questions?

8 By law, these proceedings are secret and
9 you are prohibited from disclosing to anyone anything
01:43 10 that has transpired before us, including evidence and
11 statements presented to the Grand Jury, any event
12 occurring or statement made in the presence of the Grand
13 Jury, and information obtained by the Grand Jury.

14 Failure to comply with this admonition is a
01:43 15 gross misdemeanor punishable by up to 364 days in the
16 Clark County Detention Center and a \$2,000 fine. In
17 addition, you may be held in contempt of court
18 punishable by an additional \$500 fine and 25 days in the
19 Clark County Detention Center.

01:43 20 Do you understand this admonition?

21 THE WITNESS: Yes, I do.

22 THE FOREPERSON: Thank you. You may be
23 excused.

24 THE WITNESS: Thank you.

01:45 25 THE FOREPERSON: Can you please raise your

01:45 1 right hand.

2 You do solemnly swear the testimony you are
3 about to give upon the investigation now pending before
4 this Grand Jury shall be the truth, the whole truth, and
01:45 5 nothing but the truth, so help you God?

6 THE WITNESS: I do.

7 THE FOREPERSON: Please have a seat.

8 You are advised that you are here today to
9 give testimony in the investigation pertaining to the
01:45 10 offenses of murder with use of a deadly weapon, and
11 robbery with use of a deadly weapon, involving Jarell
12 Washington.

13 Do you understand this advisement?

14 THE WITNESS: Yes.

01:45 15 THE FOREPERSON: Can you please state your
16 first and last name and spell both for the record
17 please.

18 THE WITNESS: First name is Kenneth,

19 K-E-N-N-E-T-H, R. Hefner, H-E-F-N-E-R.

01:45 20 KENNETH R. HEFNER,
21 having been first duly sworn by the Foreperson of the
22 Grand Jury to testify to the truth, the whole truth,
23 and nothing but the truth, testified as follows:

24

01:45 25 ///

01:45

1

EXAMINATION

2

3

BY MR. PORTZ:

4

Q. Detective, how are you employed?

01:45

5

A. I'm a cold case investigator for the Las

6

Vegas Metropolitan Police Department.

7

Q. And can you describe to the members of the

8

Grand Jury, what is a cold case?

9

A. A cold case is when the originally assigned

01:45

10

detectives are no longer in the section, they leave due

11

to retirement, promotion or transfer, so if the

12

originally assigned detectives are there that case is

13

then considered cold. I'm sorry. Are gone is

14

considered cold.

01:46

15

Q. So cold cases typically tend to be older,

16

unsolved cases?

17

A. Yes, for the most part.

18

Q. As a cold case detective, once that

19

detective retires, that case can come to you to continue

01:46

20

to follow-up if any additional evidence presented

21

itself?

22

A. Correct.

23

Q. Were you given a case or assigned to

24

investigate an August 19, 2007 murder of one Cory

01:46

25

Iascone?

01:46 1 A. Yes.

2 Q. Approximately when did you inherit that
3 case?

4 A. We started looking at it anew in the first
01:46 5 part of August of '18.

6 Q. 2018?

7 A. Yes.

8 Q. Can you tell me what, I don't want you to
9 discuss the contents necessarily, but what documents did
01:46 10 you review when you first inherited the case to get
11 yourself up to speed in the investigation at that point?

12 A. We look through the existing case file,
13 read the existing officers' reports crime scene
14 analysts' reports, lab reports, tried to familiarize
01:47 15 ourselves with the major contents of the case.

16 Q. Did you also review statements made by
17 witnesses in the case that the detectives initially
18 spoke to?

19 A. Yes.

01:47 20 Q. Would you also have reviewed things such as
21 phone records and anything else that the detectives
22 subpoenaed in their investigation?

23 A. Yes.

24 Q. Based on your understanding, your review of
01:47 25 all those documents, were you able to establish a

01:47 1 general timeline of what occurred at and around the time
2 of death for Cory Iascone?

3 A. Yes. Working through his phone records and
4 the information we had available and witness statements,
01:47 5 we know that he left his house with a friend of his.

6 Q. Would that be an individual named Andrew
7 Brock?

8 A. Yes. They then went to a house that Brock
9 was not familiar with but that Cory knew, he didn't
01:48 10 require directions or navigational assistance. He went
11 there and met up with a black male individual for
12 ostensibly a sale of marijuana. Rather than it being a
13 regular normal hand-to-hand sale at the car window, the
14 subject got into the car with the victim and Brock and
01:48 15 they continued on their way, ran some other errands,
16 made some other quick sales around town before returning
17 back to Brock's house where Iascone dropped Brock off.

18 Q. Approximately what time was it around that
19 it was your understanding that Iascone dropped Brock
01:48 20 off?

21 A. If I could refer to my report here please.

22 Q. If that would refresh your recollection.

23 A. Yes.

24 It's my belief that he dropped Brock off at
01:49 25 around 2 o'clock in the afternoon.

01:49 1 Q. And that's just a rough estimate based on
2 witness statements and the items you reviewed including
3 the statement of Brock?

4 A. Right. And the places they went, the
01:49 5 distances they would have to travel.

6 Q. Based on your review of the records,
7 approximately what time was the 911 call to report the
8 body being found in the car?

9 A. It was at 2:26.

01:49 10 Q. P.M.?

11 A. Yes.

12 Q. And based on your review of the
13 investigation, was it your understanding that that black
14 male individual that Cory and Andrew had picked up was a
01:49 15 man by the name of, a young man by the name of Jarell
16 Washington?

17 A. Yes.

18 Q. Now the case, despite the investigation, we
19 don't have to get into the facts or details of the
01:50 20 investigation at that time, but ultimately no one, there
21 were suspects but no one, or a suspect but no one was
22 charged; is that correct?

23 A. That's where it was left when we picked it
24 up, yes, there were suspects but no one was charged.

01:50 25 Q. Did additional information come to light

01:50 1 around August of 2018?

2 A. Yes.

3 Q. And can you describe where that information
4 came from?

01:50 5 A. It came to me via the DA's office via a
6 defense attorney for another subject and the defense
7 attorney was putting forth that his client had
8 information that would be helpful in our murder
9 investigation.

01:50 10 Q. So about 11 or so years after the murder
11 someone came forward stating that they had information?

12 A. Yes.

13 Q. And that person that claimed to have
14 information, they were in Clark County Detention Center;

01:51 15 is that correct?

16 A. Correct.

17 Q. And when you learned of that, was that
18 individual a man by the name of Michael Cutright?

19 A. Correct.

01:51 20 Q. Did you and your fellow cold case
21 investigators meet with and interview Mr. Cutright?

22 A. We did.

23 Q. And did he provide you information about
24 Jarell Washington?

01:51 25 A. Yes.

01:51 1 Q. And specifically about Jarell Washington
2 and statements that Jarell made to him, Michael
3 Cutright, on the day of the murder?

4 A. Yes.

01:51 5 Q. Did he also provide you information about
6 where he believed Jarell Washington told him that he
7 threw the gun away?

8 A. He did.

9 Q. And what was your understanding of the
01:51 10 location of where the gun had been tossed?

11 A. We ultimately came to identify the lake at
12 Desert Shores as Lake Lindsey. Cutright referred to it
13 as the second lake, but he, with the aid of one of our
14 smart phones, said it's this lake here where he and his
01:51 15 friends would often meet and gather. So with that we
16 had the right location. After contacting the
17 association manager there at the development we got the
18 name of Lake Lindsey and we were confident we had the
19 right spot because he made several references to a set
01:52 20 of power boxes and a wall enclosure where they would sit
21 on when they would gather there at the spot.

22 Q. Before Mr. Cutright came forward to the
23 DA's office with information that was then relayed to
24 you, in your review of all the investigation from 2007
01:52 25 onward, had Mr. Cutright's name ever come up?

01:52 1 A. Not that I'm aware of, no.

2 Q. Had he ever been sought out as a person of
3 interest or someone who may have known the victim or a
4 suspect in the case?

01:52 5 A. Not that I'm aware of.

6 Q. So this name Michael Cutright, this
7 individual is completely out of the blue to you as far
8 as any ties to this investigation of the murder of Cory
9 Iascone?

01:52 10 A. That's correct.

11 Q. Did you document or create a map
12 documenting relevant locations of this investigation?

13 A. I did.

14 Q. I'm going to show you Exhibit 13. Is that
01:53 15 one of the maps that you generated in relationship to
16 your investigation of this case?

17 A. Yes.

18 Q. Okay. Now Mr. Cutright indicated to you
19 that he was told by Jarell Washington that he threw the
01:53 20 firearm he used to kill the white boy in this particular
21 lake up here on the right side of this exhibit; is that
22 correct?

23 A. Correct.

24 Q. And you have an arrow indicating that's the
01:53 25 lake with the power box that he referred to?

01:53 1 A. Right, which they called the second lake.

2 Q. Upon receiving this information from
3 Mr. Cutright, what if anything did you and your fellow
4 cold case detectives do to follow-up on potentially
01:53 5 locating any items of evidence?

6 A. We contacted our search and rescue section
7 who man and coordinate our divers, both of which are
8 volunteers, to begin a search of that lake area for a
9 potential weapon.

01:54 10 Q. So at your request you oversaw a lake
11 search or a search of this lake?

12 A. Yes.

13 Q. And can you describe the process by which
14 these volunteer divers went out to search for this gun?

01:54 15 A. Well, the visibility in this lake is
16 terrible. The bottom is about a foot, foot and a half
17 deep of just muck. They lay out lines along the bottom
18 with buoys and corresponding lines on the surface and
19 they literally have to go, and they have a partner side
01:54 20 by side down the search lines, hand over hand, feeling
21 the bottom of the lake.

22 Q. How long did this search of the lake go on
23 for? What was the time frame kind of beginning to end?

24 A. Well, they, they would search occasionally
01:54 25 as manpower permitted and, cause once again most of our

01:54 1 divers are volunteers. So they were searching, I think
2 they searched the lake three or four times before
3 ultimately finding a weapon in early December.

4 Q. On December 1st of 2018 was a .25 caliber
01:55 5 Raven firearm found by one of the volunteer divers?

6 A. Yes.

7 Q. And that firearm was impounded by CSA
8 Sharp?

9 A. Yes.

01:55 10 Q. And as the lead detective on the cold case,
11 did you submit to see if that firearm could in its
12 current state be tested to see if it fired the bullet
13 that was recovered from the victim Cory Iascone?

14 A. I did.

01:55 15 Q. Did that come back as a positive match?

16 A. Yes, that's correct.

17 Q. And just to be clear, a couple of these
18 items or these locations on the map, what is this arrow
19 referencing over here?

01:55 20 A. That's Andy Brock's residence where Iascone
21 and Washington dropped Brock off. So when Brock left
22 the vehicle with just Iascone and Washington in it, it
23 was at that location.

24 Q. Okay. You have this arrow here referencing
01:56 25 what?

01:56 1 A. That's the murder scene. That's where the
2 victim and his car was found later.

3 Q. And then the arrow down here at the lower
4 end of the lakes, what is that in reference to?

01:56 5 A. That's the entrance to Cutright's housing
6 development. That's where Washington asked him to meet
7 him out at the entrance. His house is just slightly out
8 of frame but below the edge of the frame there.

9 Q. And then you've already indicated this is
01:56 10 the lake where Cutright had indicated that Washington
11 said he ditched the firearm?

12 A. Correct.

13 Q. And that's the same lake where your
14 volunteer divers located the firearm that came back
01:56 15 ballistically matched to the victim?

16 A. Correct.

17 Q. Based on this did you issue an arrest
18 warrant for Mr. Washington? I'm sorry. Based on this
19 new information, did you issue an arrest warrant for
01:56 20 Mr. Washington?

21 A. Yes, we did.

22 Q. And just to be clear. These photographs of
23 Mr. Washington in 2007, they were part of your case
24 file?

01:57 25 A. Yes.

01:57 1 Q. And then Exhibit 15, is this a photograph
2 of Mr. Washington today?

3 A. Yes.

4 MR. PORTZ: I have no further questions at
01:57 5 this point for this witness. Do any members of the
6 Grand Jury?

7 BY A JUROR:

8 Q. As far as Cory's automobile, did you find,
9 did anyone find Jarell Washington's fingerprints in the
01:57 10 vehicle?

11 A. That's currently being done. I've got a
12 lab request in to have -- we processed the interior of
13 the vehicle since it was the crime scene for DNA and
14 fingerprints so that is currently underway.

01:57 15 Q. So it wasn't done at the time?

16 A. Right, because we didn't have a name to
17 compare the fingerprints to, a name to have the DNA
18 compared to. Now we do.

19 BY A JUROR:

01:57 20 Q. The picture from 2007 that is in your case
21 file, that was already a part of it as a cold case?

22 A. Yes.

23 Q. Thank you.

24 THE FOREPERSON: No further questions?

01:58 25 By law, these proceedings are secret and

01:58 1 you are prohibited from disclosing to anyone anything
2 that has transpired before us, including evidence and
3 statements presented to the Grand Jury, any event
4 occurring or statement made in the presence of the Grand
01:58 5 Jury, and information obtained by the Grand Jury.

6 Failure to comply with this admonition is a
7 gross misdemeanor punishable by up to 364 days in the
8 Clark County Detention Center and a \$2,000 fine. In
9 addition, you may be held in contempt of court
01:58 10 punishable by an additional \$500 fine and 25 days in the
11 Clark County Detention Center.

12 Do you understand this admonition?

13 THE WITNESS: I do.

14 THE FOREPERSON: Thank you. You may be
01:58 15 excused.

16 MR. PORTZ: Ladies and gentlemen, that will
17 conclude the evidence that we'll be presenting in this
18 case. I'm going to leave the room and ask you to
19 deliberate on the proposed Indictment.

01:58 20 A JUROR: I just have one question.

21 MR. PORTZ: There is a question.

22 A JUROR: Yes. Do we know where the
23 backpack ultimately ended up?

24 MR. PORTZ: And so I'll admonish the
01:59 25 members of the Grand Jury that you don't know the answer

01:59 1 to that because no one has testified to locating the
2 backpack in this case so I can't answer that one way or
3 the other.

4 A JUROR: Okay.

01:59 5 MR. PORTZ: All that was testified to was
6 that no backpack was found inside the victim's vehicle.

7 No other questions?

8 I'll step outside. Thank you.

9 (At this time, all persons, other than
01:59 10 members of the Grand Jury, exit the room at 1:59 p.m.
11 and return at 2:04 p.m.)

12 THE FOREPERSON: Mr. District Attorney, by
13 a vote of 12 or more grand jurors a true bill has been
14 returned against defendant Jarell Washington charging
02:04 15 the crimes of murder with use of a deadly weapon and
16 robbery with use of a deadly weapon, in Grand Jury case
17 number 19AGJ043X. We instruct you to prepare an
18 Indictment in conformance with the proposed Indictment
19 previously submitted to us.

02:04 20 MR. PORTZ: Thank you. I will.

21 (Proceedings concluded.)

22 --oo0oo--

23

24

25

02:04

1

REPORTER'S CERTIFICATE

2

3

STATE OF NEVADA)

: ss

4

COUNTY OF CLARK)

02:04

5

6

I, Danette L. Antonacci, C.C.R. 222, do

7

hereby certify that I took down in Shorthand (Stenotype)

8

all of the proceedings had in the before-entitled matter

9

at the time and place indicated and thereafter said

02:04

10

shorthand notes were transcribed at and under my

11

direction and supervision and that the foregoing

12

transcript constitutes a full, true, and accurate record

13

of the proceedings had.

14

Dated at Las Vegas, Nevada,

02:04

15

July 10, 2019.

16

17

/s/ Danette L. Antonacci

18

Danette L. Antonacci, C.C.R. 222

19

02:04

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02:04

1

AFFIRMATION

2

Pursuant to NRS 239B.030

3

4

The undersigned does hereby affirm that the preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER 19AGJ043X:

02:04

5

6

7

8

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

9

02:04

10

-OR-

11

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

12

13

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

14

-OR-

02:04

15

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

16

17

18

/s/ Danette L. Antonacci

19

Signature

7-10-19

Date

02:04

20

21

Danette L. Antonacci

22

Print Name

23

Official Court Reporter

24

Title

25

	82/17 94/12	1
A JUROR: [5] 19/7 79/25 94/19 94/21 95/3	\$	10 [2] 22/2 96/15
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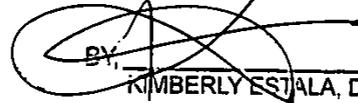
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IND
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
K. NICHOLAS PORTZ
Chief Deputy District Attorney
Nevada Bar #12473
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

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

JUN 22 2019

BY: 
KIMBERLY ESTJALA, DEPUTY

C-19-341380-1
IND
Indictment
4845608



DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JARELL WASHINGTON, aka,
Jarrell Washington, #2665695

Defendant.

CASE NO: C-19-341380-1

DEPT NO: III

INDICTMENT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

The Defendant above named, JARELL WASHINGTON, aka, Jarrell Washington, accused by the Clark County Grand Jury of the crime(s) of MURDER WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030, 193.165 - NOC 50001), and ROBBERY WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.380, 193.165 - NOC 50138), committed at and within the County of Clark, State of Nevada, on or about the 19th day of August, 2007, as follows:

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1 COUNT 1 - MURDER WITH USE OF A DEADLY WEAPON

2 did willfully, unlawfully, feloniously and with malice aforethought, kill CORY
3 IASCONE, a human being, with use of a deadly weapon, to wit: a firearm, by
4 shooting at and/or into the head of CORY IASCONE, the said killing having been (1) willful,
5 deliberate and premeditated, and/or (2) committed during the perpetration or attempted
6 perpetration of a robbery.

7 COUNT 2 - ROBBERY WITH USE OF A DEADLY WEAPON

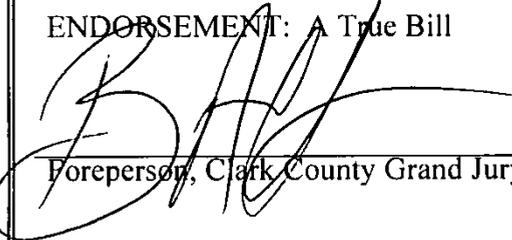
8 did willfully, unlawfully, and feloniously take personal property, to wit: U.S. currency
9 and/or a backpack and/or marijuana, from the person of CORY IASCONE, or in his presence,
10 by means of force or violence, or fear of injury to, and without the consent and against the will
11 of CORY IASCONE, with use of a deadly weapon, to wit: a firearm, Defendant using force
12 or fear to obtain or retain possession of the property, to prevent or overcome resistance to the
13 taking of the property, and/or to facilitate escape.

14 DATED this 25th day of June, 2019.

15 STEVEN B. WOLFSON
16 Clark County District Attorney
Nevada Bar #001565

17
18 BY 
19 K. NICHOLAS PORTZ
20 Chief Deputy District Attorney
21 Nevada Bar #12473

22
23 ENDORSEMENT: A True Bill

24 
25
26 Foreperson, Clark County Grand Jury
27
28

1 Names of Witnesses and testifying before the Grand Jury:

2 BROCK, ANDREW – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

3 CUTRIGHT, MICHAEL – c/o CCDA, 200 Lewis Avenue, LV, NV 89101

4 DAVIS, GLENN – LVMPD

5 GAVIN, LISA – M.E.

6 HEFNER, KENNETH - LVMPD

7 MCLAUGHLIN, RANDAL – LVMPD

8

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

10 CUSTODIAN OF RECORDS - CCDC

11 CUSTODIAN OF RECORDS - LVMPD COMMUNICATIONS

12 CUSTODIAN OF RECORDS - LVMPD RECORDS

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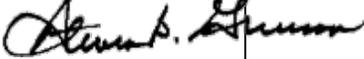
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27 19AGJ043X/19F07694X/cl-GJ

LVMPD EV# 070819001837

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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.

CASE#: C-19-341380-1
DEPT. III

JARELL WASHINGTON,
aka, Jarrell Washington,
Defendant.

BEFORE THE HONORABLE DOUGLAS W. HERNDON,
DISTRICT COURT JUDGE
TUESDAY, JULY 09, 2019

RECORDER'S TRANSCRIPT OF HEARING:

**INDICTMENT WARRANT RETURN
INITIAL ARRAIGNMENT**

APPEARANCES:

For the State: KENNETH N. PORTZ, ESQ.
Chief Deputy District Attorney

For the Defendant: FRANK P. KOCKA, ESQ.

RECORDED BY: JILL JACOBY, COURT RECORDER

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Las Vegas, Nevada, Tuesday, July 9, 2019

[Case called at 9:42 a.m.]

THE COURT: Jarell Washington, 341380. He's present in custody. This is on for an Indictment Warrant Return.

Do you have a copy, Frank?

MR. KOCKA: Judge, actually I was retained down at the Justice Court level and I have not been retained beyond that point.

THE COURT: Got it. So, have you all -- are there any conversations, Mr. Washington, about trying to retain Mr. Kocka for District Court? Or do you think --

MR. KOCKA: Talked to his family, Judge. They were supposed to come in twice and I have not seen them or heard from them, so.

THE COURT: Okay. All right, do you know -- well, you wouldn't have done a conflict check. This was the Public Defender's office could take over or not?

MR. KOCKA: As far as I know they are able to, Judge.

THE COURT: Okay.

MR. KOCKA: Before I came on to the case.

THE COURT: So here's what we're going to do, Mr. Washington. We're going to continue your Arraignment over for two weeks, to July 24th. If you or your family want to try and hire Mr. Kocka to continue representing you, that's great. If you want to hire another attorney, that's great. But I'm also going to have the Public Defender's

1 office run a conflict check just to see about appointing them in the event
2 you can't hire an attorney, okay?

3 THE DEFENDANT: Okay.

4 THE COURT: And so that will be on July 24th at 9:30.

5 MR. PORTZ: Thank you.

6 THE COURT: Did you give Ron a copy of the Indictment?

7 MR. KOCKA: I did.

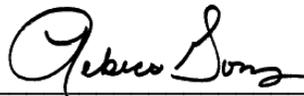
8 THE COURT: Okay. Thank you.

9 [Hearing concluded at 9:43 a.m.]

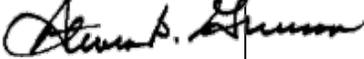
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video recording in the above-entitled case to the best of my ability.



Rebeca Gomez
Court Recorder/Transcriber



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JARELL WASHINGTON,
aka, Jarrell Washington,
Defendant.

CASE#: C-19-341380-1
DEPT. III

BEFORE THE HONORABLE DOUGLAS W. HERNDON,
DISTRICT COURT JUDGE
WEDNESDAY, JULY 24, 2019

RECORDER'S TRANSCRIPT OF HEARING:

**STATUS CHECK: CONFIRMATION OF COUNSEL
ARRAIGNMENT CONTINUED**

APPEARANCES:

For the State: GIANCARLO PESCI, ESQ.
Chief Deputy District Attorney

For the Defendant: FRANK P. KOCKA, ESQ.

KATHLEEN M. HAMERS, ESQ.
Deputy Public Defender

RECORDED BY: JILL JACOBY, COURT RECORDER

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Las Vegas, Nevada, Wednesday, July 24, 2019

[Case called at 9:48 a.m.]

MR. KOCKA: Good morning, Judge.

THE COURT: Hi, how are you?

MR. KOCKA: Okay, yes.

THE COURT: Are you in trial?

MR. KOCKA: I'm in trial, Judge, yes.

THE COURT: Which one?

MR. KOCKA: I'm on page 1, Washington.

THE COURT: Jarell Washington, 341380. He is present in custody. This was on for Status Check, Confirmation of Counsel.

So you were retained --

MR. KOCKA: I got retained.

THE COURT: -- down in lower court but have since been appointed, correct?

MR. KOCKA: Correct.

THE COURT: Okay. So we had asked the Public Defender to get discovery to run a conflict check in case we needed to appoint them. So, Ms. Hamers, if you'll give that to Mr. Kocka that will be great.

MR. KOCKA: It looks like I am getting my file plus an additional paperwork back, Judge.

THE COURT: You're getting your file back.

All right, and we held off on doing the arraignment until we could get an attorney in place for Mr. Washington.

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So, do you have a copy of the Indictment?

MR. KOCKA: I do, Judge, and my client I gave a copy to him the last time we were here. He has not brought it with him, but spoke to him this morning has read it and understood it.

THE COURT: Okay. Mr. Washington, is Jarell Washington your true name, Sir?

THE DEFENDANT: Yes, Sir.

THE COURT: And how old are you?

THE DEFENDANT: Thirty.

THE COURT: Do you read, write and understand the English?

THE DEFENDANT: Yes, Sir.

THE COURT: You've had a chance to see the Indictment and the two charges that are listed in there?

THE DEFENDANT: Yes, Sir.

THE COURT: And discussed those with your attorney?

THE DEFENDANT: Yes, Sir.

THE COURT: Okay.

You're charged with one count of murder with use of a deadly weapon and one count of robbery with use of a deadly weapon. How do you plea to those two charges?

THE DEFENDANT: Not guilty.

THE COURT: Are you all going to invoke or waive your right to speedy trial?

THE DEFENDANT: Waive.

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THE COURT: All right.
Any transcripts available from the Grand Jury, yet?
MR. KOCKA: Yes, Sir.
THE COURT: Okay, 21 days.
MR. KOCKA: And we have them.
THE COURT: Twenty-one days from today for any writs. Did
the case or is the case going to death review?
MR. KOCKA: I believe it did, Judge, and they're not going to
proceed is my understanding.
MR. PESCI: I'll take his representations. That this is
Mr. Schwartz's case, I'm just standing in.
MR. KOCKA: Actually, it's Mr. Portz's case.
MR. PESCI: I'm sorry.
THE COURT: Okay.
MR. PESCI: Portz, so this one is Nick's.
THE COURT: Okay.
MR. PESCI: It's not going; it's correct. It went and not
seeking death.
THE COURT: Okay, great. Thank you.
So you're going to be assigned to Department 21. I'll set it
over there for a status check on trial setting and that will be on?
THE CLERK: Thursday, August 1st at 9:30.

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MR. KOCKA: Thank you, Judge.

THE COURT: Okay.

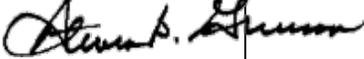
[Hearing concluded at 9:50 a.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video recording in the above-entitled case to the best of my ability.



Rebeca Gomez
Court Recorder/Transcriber



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JARELL WASHINGTON,
Defendant.

CASE NO: C-19-341380-1
DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE
THURSDAY, AUGUST 1, 2019

**RECORDER'S TRANSCRIPT OF HEARING RE:
STATUS CHECK: TRIAL SETTING**

APPEARANCES:

For the State: KENNETH N. PORTZ, ESQ.
Chief Deputy District Attorney

For the Defendant: FRANK KOCKA, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

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Las Vegas, Nevada; Thursday, August 1, 2019

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[Proceeding commenced at 10:23 a.m.]

THE COURT: State versus Jarell Washington. And he's present in custody with Mr. Kocka. We have Mr. Portz representing the State. This was transferred to us from Department 3. We need to set this for trial.

MR. KOCKA: Yes, Your Honor.

THE COURT: And, Mr. Kocka, have you at least reviewed some of the initial discovery to determine how long it's going to take roughly to get this ready for trial?

MR. KOCKA: Yes, ma'am. Actually, I was originally on the case down in Justice Court before it was indicted and then was appointed up here. So I'm very familiar with the facts of the case, Judge.

THE COURT: Okay.

MR. KOCKA: I anticipate it -- Nick, you think about two weeks for the rest of it?

MR. PORTZ: Yes, sir.

MR. KOCKA: About two weeks, if we were to try it.

THE COURT: And then how long to get ready?

MR. KOCKA: Judge, we could probably -- what's you're next available setting? He's waived.

THE COURT: Right.

MR. KOCKA: Are we into the middle of next year or I'm not

1 sure where your settings are at.

2 [Colloquy between the Court and staff]

3 THE COURT: March or April.

4 MR. KOCKA: I'm good with April.

5 THE COURT: Well, the murders are different.

6 MR. KOCKA: No, I understand.

7 THE COURT: We can set them whenever, but we have so
8 many other murders set ahead of this, we try not to stack more than
9 three.

10 MR. KOCKA: And that's why I was asking. It's something I
11 can probably be ready to go on after the first of the year, Judge.

12 THE COURT: Okay.

13 MR. KOCKA: I know there's still some outstanding forensic
14 Mr. Portz has advised me of, but that should be coming in shortly. We
15 should be able after the first of the year be ready to go.

16 THE LAW CLERK: January 27th.

17 MR. KOCKA: Anything a little bit after that?

18 THE COURT: Sure.

19 THE LAW CLERK: February 10th.

20 [Colloquy between counsel]

21 MR. PORTZ: That works. I do have a murder February 18th
22 that's from 2015. I -- it's been kicked a thousand times, I don't know
23 what's going on with it, but that would be the only potential issue. But I'll
24 work around it at this point in time if we end up going that time at -- on
25 the 10th.

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THE LAW CLERK: Okay, so February 10th, 2020, at 9:00 a.m.
for the trial date; Calendar Call is February 6th, 2020, at 9:30.

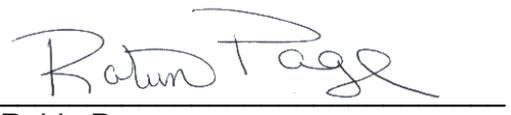
THE COURT: All right. Let's come back for a status check in
60 days on discovery and any other issues.

THE COURT CLERK: October 3rd at 9:30.

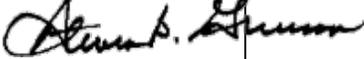
[Proceeding concluded at 10:25 a.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed
the audio/video proceedings in the above-entitled case to the best of my
ability.



Robin Page
Court Recorder/Transcriber



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JARELL WASHINGTON,
Defendant.

CASE NO: C-19-341380-1
DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE
THURSDAY, OCTOBER 3, 2019

**RECORDER'S TRANSCRIPT OF HEARING RE:
STATUS CHECK: TRIAL SETTING**

APPEARANCES:

For the State: BINU PALAL, ESQ.
Chief Deputy District Attorney

For the Defendant: FRANK KOCKA, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

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Las Vegas, Nevada; Thursday, October 3, 2019

* * * * *

[Proceeding commenced at 10:30 a.m.]

THE COURT: State versus Jarell Washington. And he is present in custody with Mr. Kocka.

MR. KOCKA: Yes, Your Honor.

THE COURT: This is on for status check, trial readiness.

MR. KOCKA: Yes, Your Honor.

Mr. Portz reached out to me yesterday. There's still some outstanding forensics. This is a 12 year old case and there are still outstanding forensics on the weapon that was found. We are still on track. Mr. Portz said once the forensics come in, we're going to sit down and discuss negotiations, Your Honor.

THE COURT: Okay. What are the forensics that are --

MR. PALAL: I believe on the firearm.

MR. KOCKA: On the firearm.

Judge, there was a firearm that was found at the bottom of a lake. They have made the firearm operable and were actually able to get ballistics off of it. And we, at this point, are waiting on forensics to see if that ties into the bullet that was found inside the victim 12 years ago.

THE COURT: Okay. So you want to see the results of the -- those tests and determine the offer, is that fair?

MR. PALAL: Yeah, I think, yes, that's fair, Your Honor.

THE COURT: Okay. Is there any other outstanding discovery

1 or?

2 MR. KOCKA: No, Your Honor.

3 THE COURT: All right. And then how long do we anticipate
4 for trial?

5 MR. KOCKA: If it does go to trial, Judge, we're anticipating
6 probably two to three weeks I would say.

7 THE COURT: Okay. And does -- would that include a penalty
8 phase?

9 MR. KOCKA: No, that would be through the forensic -- and,
10 again, this is --

11 THE COURT: Okay. So has there been talk about a waiver
12 on penalty?

13 MR. KOCKA: We haven't gotten that far yet, Judge.

14 THE COURT: All right.

15 Counsel, approach.

16 [Bench conference - not recorded]

17 THE COURT: So we'll set it over for status check, 60 days.

18 THE COURT CLERK: Okay.

19 THE COURT: Does that sound reasonable, 60 days?

20 MR. KOCKA: It does, Your Honor. I believe Mr. Portz is very
21 close to having the remaining discovery available.

22 THE COURT CLERK: December 5th, 9:30 a.m.

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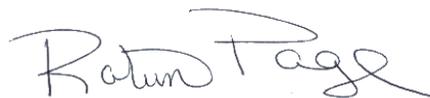
MR. KOCKA: Thank you, Your Honor.

THE COURT: All right. Thank you.

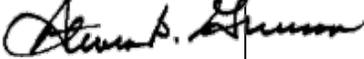
[Proceeding concluded at 10:33 a.m.]

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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JARELL WASHINGTON,
Defendant.

CASE NO: C-19-341380-1
DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE
THURSDAY, DECEMBER 5, 2019

**RECORDER'S TRANSCRIPT OF HEARING RE:
STATUS CHECK: TRIAL READINESS**

APPEARANCES:

For the State: JORY SCARBOROUGH, ESQ.
Deputy District Attorney

For the Defendant: FRANK KOCKA, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

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Las Vegas, Nevada; Thursday, October 3, 2019

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[Proceeding commenced at 9:29 a.m.]

THE COURT: All right. Calling Mr. Kocka's matter first.

MR. KOCKA: Thank you, Judge, I appreciate it.

THE COURT: What do you have?

MR. KOCKA: Should be on Page 19, Washington.

THE COURT: Jarell Washington. And Mr. Washington is in custody.

MR. KOCKA: Yes, ma'am.

THE COURT: They haven't been transported yet.

MR. KOCKA: I understand, Judge. We're actually back picking a jury in about 20 minutes back in front of Judge Wiese.

THE COURT: Okay.

MR. KOCKA: So there's no reason -- I spoke to Mr. Portz. Mr. Portz is not going to be here either this morning. He has turned over all discovery that he's had at this point. We just got the DNA report last night, we are set for trial. Everything should be fine for the February date that's already standing.

If you'd like to, we can set it for a prior date, he is anticipating making an offer.

THE COURT: Okay. Why don't we set it for -- how about the second week of January --

MR. KOCKA: Perfect.

THE COURT: -- for status check.

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MR. KOCKA: Perfect, Judge.

MR. SCARBOROUGH: Sure.

THE COURT: Just to make sure everything's still on track.

MR. KOCKA: Perfect.

THE COURT: Have you had an opportunity to discuss the offer?

MR. KOCKA: There's no offer been made yet, Judge.

THE COURT: Oh, okay, I see.

MR. KOCKA: He's in the -- Mr. Portz is in the process of putting one together. He says he should have it to me by the first of the year.

THE COURT: All right. So we'll go ahead and set it for a status check.

MR. KOCKA: Thank you.

THE COURT: Maybe the second week of January. And then when you're --

THE COURT CLERK: January --

THE COURT: -- I'm sorry.

THE COURT CLERK: January 7th at 9:30.

THE COURT: When your client gets here, I'll just tell him that you've --

MR. KOCKA: I appreciate it.

THE COURT: -- you've gotten all the discovery and that we set it over for another status check. All right.

MR. KOCKA: Thank you. And I'll let Mr. Portz know as well,

1 Judge.

2 THE COURT: All right. Thank you.

3 [Matter trailed]

4 [Matter recalled at 11:43 a.m.]

5 THE COURT: We need to recall Page 19. Where's Mr. Jarell
6 Washington. All right.

7 Mr. Washington, your lawyer Mr. Kocka was here right at 9:30,
8 but they were late on transporting you folks. He had to, I think, start a
9 trial in another department, but he indicated that all of the discovery had
10 been given and I don't think there were any outstanding issues. And I
11 gave another status check date, and the clerk will tell you what date that.

12 THE DEFENDANT: Okay, thanks.

13 THE COURT CLERK: January 7th at 9:30.

14 THE COURT: Did I accurately convey that, Mr. Scarborough?

15 MR. SCARBOROUGH: Yes, ma'am, you did.

16 THE COURT: All right.

17 [Proceeding concluded at 11:44 a.m.]

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed
22 the audio/video proceedings in the above-entitled case to the best of my
23 ability.

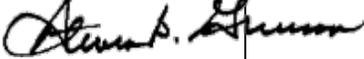
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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JARELL WASHINGTON,
Defendant.

CASE NO: C-19-341380-1
DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE
TUESDAY, JANUARY 7, 2020

**RECORDER'S TRANSCRIPT OF HEARING RE:
STATUS CHECK: TRIAL READINESS**

APPEARANCES:

For the State: KENNETH N. PORTZ, ESQ.
Chief Deputy District Attorney

For the Defendant: FRANK KOCKA, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

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Las Vegas, Nevada; Tuesday, January 7, 2020

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[Proceeding commenced at 10:02 a.m.]

THE COURT: State versus Jarell Washington, who's present in custody with Mr. Kocka, and we've got Mr. Portz for the State. This is just on for status check, trial readiness.

MR. KOCKA: Yes, Your Honor.

THE COURT: And last time you'd gotten the DNA report and anticipated an offer.

MR. KOCKA: Yep.

THE COURT: What is the status of that?

MR. KOCKA: We did get an offer on Friday from Mr. Portz. And Mr. Portz and I were actually outside just further having discussions on that offer. I did not get a chance to go over and see my client yesterday --

THE COURT: Okay.

MR. KOCKA: -- getting the offer on Friday. My plan is to see him either Wednesday or Thursday of this week with the offer.

Regardless of the offer, which was extended, we would be ready to proceed to trial. I'm going to do a file review with Mr. Portz at 10 o'clock on Friday to make sure everything is in place, but I believe we would be ready to start trial if he does not accept the offer.

THE COURT: All right. Well, we have a calendar call on February 6th.

MR. KOCKA: Yes, ma'am.

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THE COURT: Do you want me to set a status check before February 6th to see if it resolves?

[Colloquy between counsel]

MR. KOCKA: That's fine.

THE COURT: Okay.

MR. KOCKA: I should know one way or the other by next week.

THE COURT: Little over a week.

MR. KOCKA: Yeah, that would be fine.

THE COURT CLERK: January 16th at 9:30.

MR. KOCKA: Thank you, Your Honor.

THE COURT: All right. Is that it for you -- both of you?

MR. PORTZ: Yes, Your Honor, thank you.

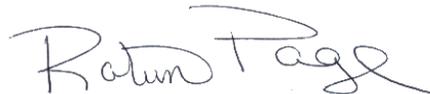
MR. KOCKA: That's it. Thank you.

THE COURT: All right. Thank you.

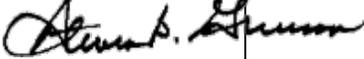
[Proceeding concluded at 10:04 a.m.]

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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JARELL WASHINGTON,
Defendant.

CASE NO: C-19-341380-1
DEPT. XXI

BEFORE THE HONORABLE VALERIE ADAIR, DISTRICT COURT JUDGE
THURSDAY, JANUARY 16, 2020

**RECORDER'S TRANSCRIPT OF HEARING RE:
STATUS CHECK: TRIAL READINESS**

APPEARANCES:

For the State: KENNETH N. PORTZ, ESQ.
Chief Deputy District Attorney

For the Defendant: FRANK KOCKA, ESQ.

RECORDED BY: ROBIN PAGE, COURT RECORDER

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Las Vegas, Nevada; Thursday, January 16, 2020

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[Proceeding commenced at 10:14 a.m.]

THE COURT: State versus Jarell Washington. And he's present in custody. This is on for status check, trial readiness.

MR. KOCKA: Yes, ma'am. We are ready for trial. And since we were here last, Mr. Portz and I have gotten together on a couple occasions and spoke. Mr. Portz just suggested today that we may want to go in front of Judge Bell for settlement. And I discussed that --

THE COURT: She's going to be so busy.

MR. KOCKA: I know, but I don't know if it's -- I don't know if that's actually going to work, Judge. But I will follow up with my client today and I told Mr. Portz I'll get him an answer by this afternoon. Other than that, we are ready with one small exception of some outstanding discovery that Mr. Portz is going to look into about getting unsealed and delivered to us, Judge.

THE COURT: All right.

Mr. Portz.

MR. PORTZ: Yes, Your Honor.

THE COURT: Anything to add?

MR. PORTZ: No, Your Honor.

THE COURT: All right. And you have a calendar call date on February 6th?

MR. KOCKA: Correct.

[Colloquy between the Court and Law Clerk]

1 THE LAW CLERK: What was the small caveat? I --
2 MR. KOCKA: I'm going to speak to my client today --
3 THE COURT: You what?
4 MR. KOCKA: I'm going to speak to my client today, Judge.
5 THE COURT: Thank you. You're speaking to your client. All
6 right.
7 MR. KOCKA: Judge, Mr. Portz indicated his willingness --
8 THE COURT: Hopefully, he can hear better than I can
9 because otherwise it's going to be a wasted meeting.
10 MR. KOCKA: He's willing -- Mr. Portz said he's willing to talk
11 to Judge Bell, Judge.
12 THE COURT: I know.
13 MR. KOCKA: I'll see about my client.
14 THE COURT: I heard all about the settlement conference.
15 MR. KOCKA: Oh, okay.
16 THE COURT: That's why I said she's going to be very busy.
17 MR. KOCKA: Right.
18 THE COURT: Because the last group wants a settlement
19 conference.
20 MR. KOCKA: But I don't know if that's going to pan out.
21 THE COURT: FYI on the settlement conferences, she's not
22 the only person who can do them. So if she's too busy -- if she's too
23 busy, then you may be able to get another judge.
24 MR. KOCKA: So it's karaoke time, Judge.
25 THE COURT: Well, now I don't need it anymore.

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MR. KOCKA: Oh, I know. I'm a little -- carry on.

THE COURT: See you back on the 6th.

MR. KOCKA: That's perfect, Judge. And I'll follow up with Mr. Portz with my client's answer this afternoon by 3 o'clock.

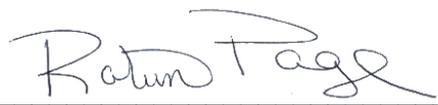
THE COURT: All right. Very good. Thank you.

MR. KOCKA: Thank you.

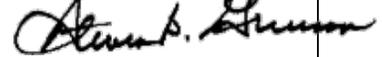
[Proceeding concluded at 10:16 a.m.]

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Robin Page
Court Recorder/Transcriber



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DISTRICT COURT
CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,

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9 Plaintiff,

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10 vs.

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11 JARELL WASHINGTON,

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12 Defendant.

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BEFORE THE HONORABLE TIERRA JONES, DISTRICT COURT JUDGE

14

***THURSDAY, FEBRUARY 6, 2020
RECORDER'S TRANSCRIPT RE:
CALENDAR CALL***

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APPEARANCES:

18

19 For the State:

KENNETH PORTZ, Esq.
Chief Deputy District Attorney

19

20

21 For the Defendant:

FRANK KOCKA, Esq.

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RECORDED BY: ROBIN PAGE, COURT RECORDER

1 Las Vegas, Nevada, Thursday, February 6, 2020 at 9:40 p.m.

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4 THE COURT: C341380, State of Nevada v. Jarell Washington. Mr.
5 Washington is present in custody. Mr. Kocka is here on his behalf. Mr. Portz is
6 here on behalf of the State. This is the date and time set for calendar call. Are you
7 guys ready?

8 MR. KOCKA: Judge, we announced ready. We have the courtroom of Judge
9 Herndon. Spoke to my client this morning. I visited with him yesterday. He asked
10 me this morning if I could get this continued. This is the first time he's requested
11 that of me, Judge. I told him we have a courtroom, we're good to go so I'm just
12 making the request on behalf of my client. Both counsel and I worked the case up
13 and we are ready to go.

14 THE COURT: All right. Well, Mr. Washington, what's your issue with wanting
15 the case continued?

16 THE DEFENDANT: I just haven't had the chance to look over the full
17 discovery, and I just feel like I just need more time to look over everything. I don't
18 feel like - - I feel like I want to just push it back.

19 THE COURT: Well, I get that but your attorney has to be the one that has to
20 be prepared. He's had an opportunity to review it.

21 Mr. Kocka, can you provide him a copy of the discovery?

22 MR. KOCKA: Judge, what I've provided to him is a copy of the Grand Jury
23 transcript of the relevant testimony that led us to {inaudible}. This case is from
24 2007.

25 THE COURT: Right.

MR. KOCKA: It involved a person coming forward now with evidence. I

1 provided him the Grand Jury transcripts of that. The rest of the evidence, Judge,
2 I've gone over with him. It's mostly demonstrative evidence.

3 THE COURT: Okay.

4 MR. KOCKA: I can provide that to him absolutely but in terms of the - - lack of
5 a better word - - nuts and bolts of the case he has been provided with that in terms
6 of the Grand Jury transcript, the police reports, and also I've gone over the potential
7 penalties with him yesterday.

8 THE COURT: Well, I mean he's talking about demonstrative evidence. He
9 can't bring that stuff over to the jail and show it to you. If you have the police reports
10 and the witness statements then he's given you the discovery. Mr. Kocka is saying
11 he's ready. I'm going to send this case to Judge Herndon. Judge Herndon is
12 prepared to take you guys for trial Monday afternoon at 1:30 for a trial start. How
13 many witnesses do you have, State?

14 MR. PORTZ: Between 20 and 25 at this point, Your Honor.

15 THE COURT: And how long do you think this is going to last?

16 MR. PORTZ: We would hope we - - I believe we have an agreement on the
17 penalty phase so I hope we could do it in a week but it will probably be into a
18 second. It's possible.

19 THE COURT: So about eight days.

20 MR. PORTZ: Six days.

21 THE COURT: Okay. In front of Judge Herndon. I'll let him know.

22 MR. PORTZ: Thank you, Judge.

23 THE COURT: Thank you, counsel. Thank you, sir.

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(Proceedings concluded at 9:42 a.m.)

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

Victoria W. Boyd

Victoria W. Boyd
Court Recorder/Transcriber

2-22-21

Date

ORIGINAL

1 **AIND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 K. NICHOLAS PORTZ
6 Chief Deputy District Attorney
7 Nevada Bar #12473
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

FEB 10 2020
BY *Kory Schlitz*
KORY SCHLITZ, DEPUTY

C-19-341380-1
AIND
Amended Indictment
4894691



DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,
11 -vs-
12 JARELL WASHINGTON,
13 aka Jarrell Washington, #2665695
14 Defendant.

CASE NO: C-19-341380-1

DEPT NO: XXI

**AMENDED
INDICTMENT**

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

17 The Defendant above named, JARELL WASHINGTON, aka Jarrell Washington,
18 accused by the Clark County Grand Jury of the crime(s) of **MURDER (SECOND DEGREE)**
19 **WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010. 200.030.2,**
20 **193.165 - NOC 50011)**, committed at and within the County of Clark, State of Nevada, on or
21 about the 19th day of August, 2007, as follows: did willfully, unlawfully, feloniously, and
22 with malice aforethought, kill CORY IASCONE, a human being, with use of a deadly weapon,
23 to wit: a firearm, by shooting at and/or into the head of the said CORY IASCONE.

24 DATED this 10th day of February, 2020.

25 STEVEN B. WOLFSON
26 Clark County District Attorney
27 Nevada Bar #001565

28 BY *K. N. Portz*
K. NICHOLAS PORTZ
Chief Deputy District Attorney
Nevada Bar #12473

19AGJ043X/19F07694X/cl/lm/GCU
LVMPD EV# 070819001837
(TK2)

ORIGINAL

1 GPA
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 K. NICHOLAS PORTZ
6 Chief Deputy District Attorney
7 Nevada Bar #12473
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

FEB 10 2020

BY Kory Schlitz
KORY SCHLITZ, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA



9 THE STATE OF NEVADA,
10 Plaintiff,

11 -vs-

12 JARELL WASHINGTON,
13 aka Jarrell Washington, #2665695
14 Defendant.

CASE NO: C-19-341380-1

DEPT NO: XXI

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: **MURDER (SECOND DEGREE) WITH USE OF**
17 **A DEADLY WEAPON (Category A Felony - NRS 200.010, 200.030.2, 193.165 - NOC**
18 **50011)**, as more fully alleged in the charging document attached hereto as Exhibit "1".

19 My decision to plead guilty is based upon the plea agreement in this case which is as
20 follows:

21 The State retains the right to argue at rendition of sentence.

22 I agree to the forfeiture of any and all weapons or any interest in any weapons seized
23 and/or impounded in connection with the instant case and/or any other case negotiated in
24 whole or in part in conjunction with this plea agreement.

25 I understand and agree that, if I fail to interview with the Department of Parole and
26 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,
27 by affidavit review, confirms probable cause against me for new criminal charges including
28 reckless driving or DUI, but excluding minor traffic violations, the State will have the

1 unqualified right to argue for any legal sentence and term of confinement allowable for the
2 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
3 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without
4 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite
5 twenty-five (25) year term with the possibility of parole after ten (10) years.

6 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
7 plea agreement.

8 CONSEQUENCES OF THE PLEA

9 I understand that by pleading guilty I admit the facts which support all the elements of
10 the offense(s) to which I now plead as set forth in Exhibit "1".

11 I understand that as a consequence of my plea of guilty the Court must sentence me to
12 imprisonment in the Nevada State Prison for Life with the possibility of parole with eligibility
13 for parole beginning at ten (10) years plus a consecutive term of one (1) to twenty (20) years
14 for the weapon enhancement; OR a definite term of twenty-five (25) years with eligibility for
15 parole beginning at ten (10) years plus a consecutive term of one (1) to twenty (20) years for
16 the weapon enhancement. I understand that the law requires me to pay an Administrative
17 Assessment Fee.

18 I understand that, if appropriate, I will be ordered to make restitution to the victim of
19 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
20 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
21 reimburse the State of Nevada for any expenses related to my extradition, if any.

22 I understand that I am not eligible for probation for the offense to which I am pleading
23 guilty.

24 I understand that I must submit to blood and/or saliva tests under the Direction of the
25 Division of Parole and Probation to determine genetic markers and/or secretor status.

26 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,
27 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or

28 //

1 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation
2 and may receive a higher sentencing range.

3 I understand that if more than one sentence of imprisonment is imposed and I am
4 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
5 the sentences served concurrently or consecutively.

6 I understand that information regarding charges not filed, dismissed charges, or charges
7 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

8 I have not been promised or guaranteed any particular sentence by anyone. I know that
9 my sentence is to be determined by the Court within the limits prescribed by statute.

10 I understand that if my attorney or the State of Nevada or both recommend any specific
11 punishment to the Court, the Court is not obligated to accept the recommendation.

12 I understand that if the offense(s) to which I am pleading guilty was committed while I
13 was incarcerated on another charge or while I was on probation or parole that I am not eligible
14 for credit for time served toward the instant offense(s).

15 I understand that if I am not a United States citizen, any criminal conviction will likely
16 result in serious negative immigration consequences including but not limited to:

- 17 1. The removal from the United States through deportation;
- 18 2. An inability to reenter the United States;
- 19 3. The inability to gain United States citizenship or legal residency;
- 20 4. An inability to renew and/or retain any legal residency status; and/or
- 21 5. An indeterminate term of confinement, with the United States Federal
22 Government based on my conviction and immigration status.

23 Regardless of what I have been told by any attorney, no one can promise me that this
24 conviction will not result in negative immigration consequences and/or impact my ability to
25 become a United States citizen and/or a legal resident.

26 I understand that the Division of Parole and Probation will prepare a report for the
27 sentencing judge prior to sentencing. This report will include matters relevant to the issue of
28 sentencing, including my criminal history. This report may contain hearsay information

1 regarding my background and criminal history. My attorney and I will each have the
2 opportunity to comment on the information contained in the report at the time of sentencing.
3 Unless the District Attorney has specifically agreed otherwise, the District Attorney may also
4 comment on this report.

5 WAIVER OF RIGHTS

6 By entering my plea of guilty, I understand that I am waiving and forever giving up the
7 following rights and privileges:

- 8 1. The constitutional privilege against self-incrimination, including the right
9 to refuse to testify at trial, in which event the prosecution would not be
10 allowed to comment to the jury about my refusal to testify.
- 11 2. The constitutional right to a speedy and public trial by an impartial jury,
12 free of excessive pretrial publicity prejudicial to the defense, at which
13 trial I would be entitled to the assistance of an attorney, either appointed
14 or retained. At trial the State would bear the burden of proving beyond
15 a reasonable doubt each element of the offense(s) charged.
- 16 3. The constitutional right to confront and cross-examine any witnesses who
17 would testify against me.
- 18 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 19 5. The constitutional right to testify in my own defense.
- 20 6. The right to appeal the conviction with the assistance of an attorney,
21 either appointed or retained, unless specifically reserved in writing and
22 agreed upon as provided in NRS 174.035(3). I understand this means I
23 am unconditionally waiving my right to a direct appeal of this conviction,
24 including any challenge based upon reasonable constitutional,
25 jurisdictional or other grounds that challenge the legality of the
26 proceedings as stated in NRS 177.015(4). However, I remain free to
27 challenge my conviction through other post-conviction remedies
28 including a habeas corpus petition pursuant to NRS Chapter 34.

22 VOLUNTARINESS OF PLEA

23 I have discussed the elements of all of the original charge(s) against me with my
24 attorney and I understand the nature of the charge(s) against me.

25 I understand that the State would have to prove each element of the charge(s) against
26 me at trial.

27 I have discussed with my attorney any possible defenses, defense strategies and
28 circumstances which might be in my favor.

1 All of the foregoing elements, consequences, rights, and waiver of rights have been
2 thoroughly explained to me by my attorney.

3 I believe that pleading guilty and accepting this plea bargain is in my best interest, and
4 that a trial would be contrary to my best interest.

5 I am signing this agreement voluntarily, after consultation with my attorney, and I am
6 not acting under duress or coercion or by virtue of any promises of leniency, except for those
7 set forth in this agreement.

8 I am not now under the influence of any intoxicating liquor, a controlled substance or
9 other drug which would in any manner impair my ability to comprehend or understand this
10 agreement or the proceedings surrounding my entry of this plea.

11 My attorney has answered all my questions regarding this guilty plea agreement and its
12 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

13 DATED this 10 day of February, 2020.

14 
15 _____
16 JARELL WASHINGTON,
17 aka Jarrell Washington
18 Defendant

17 AGREED TO BY:

18 
19 _____
20 K. NICHOLAS PORTZ
21 Chief Deputy District Attorney
22 Nevada Bar #12473
23
24
25
26
27
28

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
- 6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.
- 8 3. I have inquired of Defendant facts concerning Defendant's immigration status
9 and explained to Defendant that if Defendant is not a United States citizen any
10 criminal conviction will most likely result in serious negative immigration
11 consequences including but not limited to:
- 12 a. The removal from the United States through deportation;
 - 13 b. An inability to reenter the United States;
 - 14 c. The inability to gain United States citizenship or legal residency;
 - 15 d. An inability to renew and/or retain any legal residency status; and/or
 - 16 e. An indeterminate term of confinement, by with United States Federal
17 Government based on the conviction and immigration status.
- 18 Moreover, I have explained that regardless of what Defendant may have been
19 told by any attorney, no one can promise Defendant that this conviction will not
20 result in negative immigration consequences and/or impact Defendant's ability
21 to become a United States citizen and/or legal resident.
- 22 4. All pleas of guilty offered by the Defendant pursuant to this agreement are
23 consistent with the facts known to me and are made with my advice to the
24 Defendant.
- 25 5. To the best of my knowledge and belief, the Defendant:
- 26 a. Is competent and understands the charges and the consequences of
27 pleading guilty as provided in this agreement,
 - 28 b. Executed this agreement and will enter all guilty pleas pursuant hereto
voluntarily, and
 - c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant as
certified in paragraphs 1 and 2 above.

Dated: This 10 day of February, 2020.


FRANK KOCKA, Esquire

lm/GCU

1 **AIND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 K. NICHOLAS PORTZ
6 Chief Deputy District Attorney
7 Nevada Bar #12473
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,
10 Plaintiff,
11 -vs-

CASE NO: C-19-341380-1
DEPT NO: XXI

12 JARELL WASHINGTON,
13 aka Jarrell Washington, #2665695
14 Defendant.

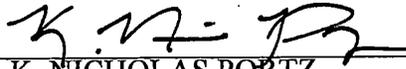
**AMENDED
INDICTMENT**

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

17 The Defendant above named, JARELL WASHINGTON, aka Jarrell Washington,
18 accused by the Clark County Grand Jury of the crime(s) of **MURDER (SECOND DEGREE)**
19 **WITH USE OF A DEADLY WEAPON (Category A Felony - NRS 200.010. 200.030.2,**
20 **193.165 - NOC 50011)**, committed at and within the County of Clark, State of Nevada, on or
21 about the 19th day of August, 2007, as follows: did willfully, unlawfully, feloniously, and
22 with malice aforethought, kill CORY IASCONE, a human being, with use of a deadly weapon,
23 to wit: a firearm, by shooting at and/or into the head of the said CORY IASCONE.

24 DATED this 10th day of February, 2020.

25 STEVEN B. WOLFSON
26 Clark County District Attorney
27 Nevada Bar #001565

28 BY 
K. NICHOLAS PORTZ
Chief Deputy District Attorney
Nevada Bar #12473

19AGJ043X/19F07694X/cl/lm/GCU
LVMPD EV# 070819001837
(TK2)

EXHIBIT "1"