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Elizabeth A. Brown
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STEVEN WOLFSON
Clark County District Attorney
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State of Nevada

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AA 1 – AA 18	Indictment
AA 19 – AA 36	Amended Indictment
AA 37 – AA 57	Superseding Indictment
AA 58 – AA 62	Amended Superseding Indictment
AA 63 – AA 78	Second Amended Superseding Indictment
AA 79 – AA 136	Jury Instructions
AA 137 – AA 143	Verdict Form
AA 144 – AA 151	Judgment of Conviction
AA 152 – AA 153	Notice of Appeal
AA 154 – AA 184	Minutes
AA 185 – AA 325	Transcript October 21, 2020
AA 326 – AA 331	Transcript October 22, 2020
AA 332 – AA 418	Transcript October 28, 2020
AA 419 – AA 423	Transcript October 29, 2020
AA 424 - AA 435	Transcript November 5, 2020
AA 436 – AA 445	Transcript November 25, 2020
AA 446 – AA 459	Transcript January 7, 2021
AA 460 – AA 464	Transcript February 2, 2021
AA 465 – AA 650	Transcript April 12, 2021
AA 651 – AA 857	Transcript April 13, 2021
AA 858 – AA 1111	Transcript April 14, 2021
AA 1112-AA 1293	Transcript April 15, 2021
AA 1294-AA 1457	Transcript April 16, 2021
AA 1458-AA 1469	Transcript April 19, 2021
AA 1470-AA 1500	Transcript April 20, 2021
AA 1501-AA 1518	Transcript June 15, 2021
AA 1519-AA1525	Transcript June 17, 2021

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AA 1526-AA1534	Transcript June 24, 2021
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14:19:05

1 THE FOREPERSON: Please raise your right
2 hand.

14:19:07

3 You do solemnly swear that the testimony
4 that you're about to give upon the investigation now
5 pending before this Grand Jury shall be the truth, the
6 whole truth, and nothing but the truth, so help you God?

7 THE WITNESS: Yes.

13:08:50

8 THE FOREPERSON: You are advised that you
9 are here today to give testimony in the investigation
10 pertaining to the offenses of conspiracy to commit
11 larceny, conspiracy to commit burglary, residential
12 burglary, invasion of the home, burglary of a business,
13 theft, fraudulent use of credit or debit card, attempt
14 fraudulent use of credit or debit card, robbery,

13:09:10

15 coercion, theft, possession of document or personal
16 identifying information, possession of credit or debit
17 card without cardholder's consent, possession of
18 burglary tools, carrying a concealed firearm or other
19 deadly weapon, ownership or possession of a firearm by
20 prohibited person involving Vaneshia Oliver and Darrell
21 Clark.

13:09:30

22 Do you understand this advisement?

23 THE WITNESS: Yes.

14:20:10

24 THE FOREPERSON: Please state your first
25 and last name and spell both for the record.

14:20:11 1 THE WITNESS: Brooke Bargholtz, B-R-O-O-K-E
2 B-A-R-G-H-O-L-T-Z.

3 BROOKE BARGHOLTZ,
4 having been first duly sworn by the Foreperson of the
14:20:20 5 Grand Jury to testify to the truth, the whole truth
6 and nothing but the truth, testified as follows:

7
8 EXAMINATION
9 BY MS. COLE:

14:20:20 10 Q Brooke, did you travel to Las Vegas and
11 stay at the Paris Hotel located at 3655 South Las Vegas
12 Boulevard here in Clark County, Nevada?

13 A Yes.

14 Q And did you stay for a certain amount of
14:20:33 15 days?

16 A Yes.

17 Q Do you recall what that range was?

18 A It was from August 22nd until the 23rd. Or
19 20th to the 23rd, sorry.

14:20:42 20 Q Okay. August 20th through August 23rd?

21 A Uh-huh.

22 Q And you stayed in room 2186?

23 A Correct.

24 Q And who stayed in that room with you?

14:20:52 25 A It was myself, Rebecca, Marissa, Kate and

14:20:56 1 Inga.

2 Q And just for the record let's say their
3 first and last names. So do you want to -- so Rebecca,
4 what's her last name?

14:21:03 5 A Rebecca Finger, Marissa Metro, Inga
6 Williams and Kate Berry.

7 Q Okay. And you were the only ones in the
8 room?

9 A Correct.

14:21:11 10 Q And the only individuals that had
11 permission to be in the room?

12 A Correct.

13 Q Okay. Directing your attention to the
14 morning of August 21st of this year, on that specific
14:21:22 15 date and time did you give anyone permission to enter
16 your hotel room or did your friends give anyone
17 permission to enter your hotel room?

18 A No.

19 Q And that wasn't just on August 21st, that
14:21:33 20 was for the duration of your stay?

21 A Correct.

22 Q Okay. When you guys returned to your room
23 on the morning of the 21st, did you notice something
24 significant?

14:21:43 25 A Yes.

14:21:44 1 Q And what did you notice?

2 A I noticed a phone laying on my bed and
3 realized it was not any of our phones and then I looked
4 over by my suitcase where my backpack was and it was no
14:21:58 5 longer there.

6 Q Did you also notice that there was some
7 damage to your door?

8 A Yes.

9 Q Okay. And for the record I'm showing you
14:22:24 10 what's been marked as Grand Jury Exhibit Numbers 117
11 through 126. Do you want to take a look at those photos
12 and let me know when you're done? All right. Do those
13 photos fairly and accurately depict the condition of
14 your door when you returned to your room?

14:23:09 15 A Yes.

16 Q Okay. And showing Grand Jury Exhibit
17 Number 123, is that a photo of the lock on the door?

18 A Yes.

19 Q And can you describe what it looks like?

14:23:28 20 A It looks like something punctured it I
21 guess to try and get into the room.

22 Q Okay. And it's fair to say that this
23 damage was not done prior to the morning of August 21st?

24 A Correct.

14:23:45 25 Q Okay. Showing you what's been marked as

14:23:48 1 Grand Jury Exhibit Number 121, what are we looking at
2 here?

3 A Same thing, puncture to the lock on the
4 door.

14:23:57 5 Q Okay. And that was seen when you opened
6 the door, correct?

7 A Correct.

8 Q Okay. And showing you Grand Jury Exhibit
9 122, same sort of thing we're looking at? Is that
14:24:10 10 correct, same sort of thing we're looking at?

11 A Yes.

12 Q And then Grand Jury Exhibit Number 124, is
13 that the damage?

14 A Yes.

14:24:24 15 Q Okay. So when you came back to your room
16 did you notice any items of yours that were taken?

17 A Yes, my entire North Face backpack which
18 had multiple items in it. And I also had my wallet and
19 my Apple watch in my suitcase and I noticed that some of
14:24:50 20 my clothes were out of my suitcase and before I had left
21 they were all in my suitcase so I know that they took
22 that as well.

23 Q Okay. So it's safe to say your room was
24 disheveled?

14:25:00 25 A Correct.

14:25:01 1 Q Your items were not in the places they were
2 when you had left earlier that day?

3 A Right.

14:25:07 4 Q And when you and your friends were out of
5 the room where were you?

6 A We were downstairs in the lobby grabbing
7 breakfast.

8 Q Okay. And that was approximately at 7:00,
9 8:00 in the morning?

14:25:16 10 A Correct.

11 Q Okay. And approximately how much is the
12 value of your AirPods?

13 A A hundred and seventy dollars.

14:25:27 14 Q Okay. And what about the Kate Spade
15 wallet?

16 A Two hundred.

17 Q What about your Apple Watch?

18 A Three hundred.

14:25:34 19 Q Your Dell computer, I believe you said that
20 was in your North Face backpack?

21 A Correct. And the AirPods were as well.

22 Q And how much is your Dell computer worth?

23 A Eight hundred dollars.

14:25:48 24 Q And we already talked about the Airpods.
25 The Apple Watch?

14:25:50 1 A Three hundred.

2 Q And then you said the AirPods?

3 A Were in my backpack as well.

4 Q And that was 170?

14:25:57 5 A Correct.

6 Q Okay. As some of the things that got

7 stolen, you mentioned your wallet got stolen?

8 A Yes.

9 Q And what was the value of that wallet?

14:26:06 10 A Two hundred dollars.

11 Q Was it a Kate Spade wallet?

12 A Yes.

13 Q Obviously if your wallet got stolen there

14 were some documents, your IDs, credits cards in there?

14:26:15 15 A Uh-huh.

16 Q Okay. Was one of those cards that was

17 taken your Visa card ending in 2309?

18 A Yes.

19 Q And did you use that card to make any

14:26:24 20 transactions at Target on August 21st?

21 A No.

22 Q Did you go to any Targets while you were in

23 Las Vegas?

24 A No.

14:26:34 25 Q Did anybody have your permission to use

14:26:36 1 your Visa card ending in 2309 at Target on Maryland
2 Parkway?

3 A No.

4 MS. COLE: Brief indulgence.

14:27:06 5 No further questions for this witness.

6 THE FOREPERSON: Any questions?

7 By law these proceedings are secret and you
8 are prohibited from disclosing to anyone anything that
9 transpired before us including any evidence presented to
14:27:09 10 the Grand Jury, any event occurring or a statement made
11 in the presence of the Grand Jury or any information
12 obtained by the Grand Jury.

13 Failure to comply with this admonition is a
14 gross misdemeanor punishable up to 364 days in the Clark
14:27:10 15 County Detention Center and a \$2,000 fine. In addition
16 you may be held in contempt of court punishable by an
17 additional \$500 fine and 25 days in the Clark County
18 Detention Center.

19 Do you understand this admonition?

14:27:10 20 THE WITNESS: Yes.

21 THE FOREPERSON: Thank you and you're
22 excused.

23 THE WITNESS: Thank you.

24 THE FOREPERSON: Please raise your right
14:28:22 25 hand.

14:28:23 1 You do solemnly swear that the testimony
2 that you're about to give upon the investigation now
3 pending before this Grand Jury shall be the truth, the
4 whole truth, and nothing but the truth, so help you God?

14:28:30 5 THE WITNESS: I do.

6 THE FOREPERSON: You are advised that you
7 are here today to give testimony in the investigation
8 pertaining to the offenses of conspiracy to commit
9 larceny, conspiracy to commit burglary, residential
13:08:59 10 burglary, invasion of the home, burglary of a business,
11 theft, fraudulent use of credit or debit card, attempt
12 fraudulent use of credit or debit card, robbery,
13 coercion, theft, possession of document or personal
14 identifying information, possession of credit or debit
13:09:20 15 card without cardholder's consent, possession of
16 burglary tools, carrying a concealed firearm or other
17 deadly weapon, ownership or possession of a firearm by
18 prohibited person involving Vaneshia Oliver and Darrell
19 Clark.

13:09:37 20 Do you understand this advisement?

21 THE WITNESS: Yes.

22 THE FOREPERSON: Please state your first
23 and last name and spell both for the record.

24 THE WITNESS: Cindy Palacio, C-I-N-D-Y
14:29:27 25 P-A-L-A-C-I-O.

14:29:29 1 THE FOREPERSON: Thank you.

2 CINDY PALACIO,

3 having been first duly sworn by the Foreperson of the

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

14:29:29 5 and nothing but the truth, testified as follows:

6

7 EXAMINATION

8 BY MS. COLE:

9 Q Good morning, ma'am. Where do you work?

14:29:34 10 A I work for Target.

11 Q Okay. And how long have you worked there?

12 A About a year.

13 Q And are you familiar with their video
14 surveillance system there?

14:29:42 15 A I am.

16 Q And do you specifically work at the Target
17 located at 4001 South Maryland Parkway here in Clark
18 County, Nevada?

19 A Yes, ma'am.

14:29:52 20 Q Okay. And the surveillance video system at
21 that Target location, is it constantly streaming or is
22 it motion activated?

23 A Constant.

14:30:03 24 Q Okay. And to the best of your knowledge is
25 the date and timestamp recorded on the video

14:30:06 1 surveillance?

2 A Yes.

3 Q And that's correct to the best of your
4 knowledge?

14:30:09 5 A Correct.

6 Q Okay. I'm showing you what's been marked
7 as Grand Jury Exhibit 128. Is this the video
8 surveillance you reviewed prior to your testimony?

9 A Yes, ma'am.

14:30:20 10 Q Okay. And how do you know?

11 A Because I initialed and signed it.

12 Q So that's your initials at the bottom of
13 that disc?

14 A Uh-huh.

14:30:27 15 Q Okay. And you had an opportunity to review
16 that video surveillance?

17 A Correct.

18 Q I'm going to show you some stills from the
19 surveillance marked 130 through 137. Will you take a
14:30:41 20 look at those?

21 A Yes.

22 Q Let me know when you're done.

23 A Okay.

14:31:02 24 Q And do those still photographs fairly and
25 accurately depict the surveillance video that you

14:31:05 1 reviewed?

2 A Yes, they do.

3 Q Essentially these are just photos taken of
4 the surveillance video?

14:31:12 5 A Correct.

6 Q Okay. Showing you what's been marked as
7 Grand Jury Exhibit Number 130, what are we looking at
8 here?

9 A That would be the exit shot from the store.

14:31:25 10 Q And looking at the very top, what is the
11 time and date stamp on this?

12 A Friday, August 21st, 2020, 9:35 a.m.

13 Q And to the best of your knowledge that's
14 accurate?

14:31:37 15 A Correct.

16 Q And can you please describe the individual
17 depicted in this photo?

18 A I would say probably a black female, about
19 25, 30 years old, about five-four, approximately 130
14:31:58 20 pounds.

21 Q Okay. And what is she wearing?

22 A She's wearing it looks like a white tank
23 top and black shorts.

24 Q Okay. Does she have any bags?

14:32:07 25 A She's carrying a black and white purse.

14:32:11 1 Q Okay. Showing you what's been marked as
2 Grand Jury Exhibit Number 133, what area of the store is
3 this?

4 A This is going to be our self-checkout
14:32:22 5 registers.

6 Q Okay. And again, what's being depicted in
7 this photo, can you describe the individual?

8 A Yes, it will be the same female, looks like
9 she's scanning her own items at the register.

14:32:35 10 Q Okay. I'm showing you Grand Jury Exhibit
11 Number 135. What are we looking at right here?

12 A That would be the same individual. She
13 looks like she's barely getting to the register getting
14 ready to scan her items.

14:32:56 15 Q And are you able to see that black bag?

16 A Yes.

17 Q Does it look like something's depicted on
18 that?

19 A I can't really describe what the symbol is
14:33:09 20 but, yes, maybe like a gold symbol.

21 Q Okay. So you see some sort of distinctive
22 symbol on it and it's standing out on the black,
23 correct?

24 A Yes.

14:33:19 25 Q Okay. Showing you what's been marked as

14:33:25 1 Grand Jury Exhibit Number 129, can you tell me what that
2 is?

3 A This is a copy of a receipt transaction.

14:33:41 4 Q Okay. And is that a receipt from your
5 Target location at 4001 South Maryland Parkway on
6 August 21st?

7 A That is correct.

8 Q Okay. And in regards to this receipt, is
9 it made in the regular course of your business activity
14:33:56 10 on a daily basis?

11 A Yes.

12 Q Okay. So with every single transaction is
13 a receipt produced?

14 A Yes, that's correct.

14:34:04 15 Q It's a routine action that takes place at
16 Target?

17 A Yes.

18 Q And it's fair to say that this is part of a
19 usual course of business?

14:34:12 20 A Yes.

21 Q So any time someone makes a purchase is
22 that recorded in a receipt?

23 A Yes.

14:34:19 24 Q Okay. And the information that's being
25 inputted, is that done by a cashier or, for example, at

14:34:26 1 a self-checkout center when the items are being scanned?
2 A Yes. If you go through the self-checkout
3 center it's the same thing with the cashiers, everything
4 is recorded.

14:34:35 5 Q So that information is essentially being
6 recorded in realtime?
7 A Yes.

8 Q Okay. And I'm going to be display Grand
9 Jury Exhibit Number 129. Okay. Can you see that?

14:34:50 10 A Yes.

11 Q Okay. So looking at the top, can you read
12 for the record what are these numbers?
13 A So the terminal, it's 172 which is the
14 register number, the transaction is 2323, employee
14:35:04 15 17134693, and the amount is zero dollars with zero
16 cents.

17 Q All right. And is this the date that this
18 transaction occurred?
19 A Yes, 01-21-2020.

14:35:21 20 Q Okay. I think you said 01.
21 A I'm sorry, 08-21-2020.

22 Q So August 21st, 2020?
23 A Yes.

24 Q And when it says beginning, is that when
14:35:31 25 the transaction starts?

14:35:32 1 A Correct, 9:25 a.m.

2 Q Okay. And then looking at the bottom, so

3 what's depicted -- does this represent that these

4 transactions maybe didn't go through because they're

14:35:50 5 offset?

6 A So at the very bottom it's a total N/A.

7 That looks like the transaction did not go through and

8 it looks like there was multiple credit cards that were

9 attempted to be used for the purchase of these items.

14:36:06 10 Q And you're referring to this column that's

11 offset to the left?

12 A Correct.

13 Q Okay. That essentially represents that

14 these were the items that were attempted to be

14:36:18 15 purchased, these were the cards that were attempted to

16 be used but ultimately it was unsuccessful?

17 A Correct.

18 Q Okay. And for the record can you read the

19 last four of those numbers?

14:36:29 20 A 2309.

21 Q And is that a Visa?

22 A That's a Visa.

23 Q Okay. And then for this one?

24 A 6701.

14:36:37 25 Q And is that a Mastercard?

14:36:38

1 A Yes.

2 Q Okay. And what does that say?

3 A 3426.

4 Q Okay. And that's also a --

14:36:45

5 A A Visa.

6 Q Okay. And this number right here?

7 A 4786, a Visa; 9984, a Visa; 3178, Visa;
8 3178, Visa; 6588, Mastercard; 6701, Mastercard; 4786,
9 Visa; and 6701, Mastercard.

14:37:13

10 Q And all those transactions that you
11 ultimately just read out were unsuccessful?

12 A Correct.

13 MS. COLE: No further questions for this
14 witness.

14:37:20

15 THE FOREPERSON: Any questions?

16 By law these proceedings are secret and you
17 are prohibited from disclosing to anyone anything that
18 transpired before us including any evidence presented to
19 the Grand Jury, any event occurring or a statement made
14:37:22 20 in the presence of the Grand Jury or any information
21 obtained by the Grand Jury.

22 Failure to comply with this admonition is a
23 gross misdemeanor punishable up to 364 days in the Clark
24 County Detention Center and a \$2,000 fine. In addition
14:37:22 25 you may be held in contempt of court punishable by an

14:37:22 1 additional \$500 fine and 25 days in the Clark County
2 Detention Center.

3 Do you understand this admonition?

4 THE WITNESS: Yes, I do.

14:37:58 5 THE FOREPERSON: Thank you. You're
6 accused.

7 MS. DUNN: The State's next witness is
8 Esther Chae.

9 THE FOREPERSON: Please raise your right
14:38:38 10 hand.

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

14:38:41 15 THE WITNESS: Yes.

16 THE FOREPERSON: You're advised that you
17 are here today to give testimony in the investigation
18 pertaining to the offenses of conspiracy to commit
19 larceny, conspiracy to commit burglary, residential
13:08:59 20 burglary, invasion of the home, burglary of a business,
21 theft, fraudulent use of credit or debit card, attempt
22 fraudulent use of credit or debit card, robbery,
23 coercion, theft, possession of document or personal
24 identifying information, possession of credit or debit
13:09:20 25 card without cardholder's consent, possession of

13:09:24 1 burglary tools, carrying a concealed firearm or other
2 deadly weapon, ownership or possession of a firearm by
3 prohibited person involving Vaneshia Oliver and Darrell
4 Clark.

13:09:37 5 Do you understand this advisement?

6 THE WITNESS: Yes.

7 THE FOREPERSON: Please state your first
8 and last name and spell both for the record.

9 THE WITNESS: My name is Esther Chae,
14:39:43 10 E-S-T-H-E-R C-H-A-E.

11 THE FOREPERSON: Thank you.

12 ESTHER CHAE,

13 having been first duly sworn by the Foreperson of the
14 Grand Jury to testify to the truth, the whole truth
14:39:49 15 and nothing but the truth, testified as follows:

16

17 EXAMINATION

18 BY MS. DUNN:

19 Q Good morning, ma'am, or afternoon I
14:39:53 20 suppose. Were you staying at Harrah's Hotel in room
21 44001 on June 15th of this year?

22 A Yes.

23 Q Is that here in Clark County, Nevada?

24 A Yes, it is.

14:40:02 25 Q Did anyone else have permission to be in

14:40:04 1 your room on that day?

2 A No.

3 Q On that day did you leave your room between

4 4:30 and 5:00 p.m.?

14:40:10 5 A Yes.

6 Q Did you return between 6:00 and 6:30 p.m.?

7 A That's correct.

8 Q Would your room key open your door when you

9 returned?

14:40:17 10 A No.

11 Q Had you had trouble with your room key

12 before?

13 A No.

14 Q Okay. When you returned and couldn't open

14:40:23 15 your door, could you hear anything inside of your room?

16 A Yes.

17 Q What did you hear?

18 A I heard voices in my room.

19 Q Could you tell how many voices you were

14:40:30 20 hearing?

21 A No.

22 Q Okay. Did anyone ever exit your hotel

23 room?

24 A Yes.

14:40:35 25 Q How many people exited?

14:40:37 1 A Two total.

2 Q Were they male, female, both?

3 A First one was male, second was female.

4 Q Okay. So the first one was male. What

14:40:46 5 happened when he came out?

6 A He pushed me against the wall, he touch me,

7 he touched my neck, he grabbed my throat for a few

8 seconds, about three to four seconds, and then he took

9 away my phone.

14:41:02 10 Q And were you using your phone?

11 A I did call the front desk, yes.

12 Q And was that to try to get help when your

13 room wouldn't open?

14 A Yes.

14:41:10 15 Q Okay. After he took your phone what did he

16 do?

17 A He ran down the hallway then threw my phone

18 on the ground.

19 Q Okay. Did he do anything else?

14:41:22 20 A No.

21 Q And then you said the second person to come

22 out was a female. What happened when she came out?

23 A We made eye contact when she came out and

24 she said what are you screaming for and then she ran

14:41:37 25 with the guy.

14:41:38 1 Q Okay. And approximately how long after he
2 came out did she come out?

3 A Right after I screamed.

4 Q Okay. What did she look like?

14:41:51 5 A She is thin framed, dreadlocks, about
6 five-five to five-six.

7 Q Were either of them carrying anything?

8 A Yes, they both had bags.

9 Q What did the bag look like that the man was
14:42:04 10 carrying?

11 A The man had a backpack and the female had
12 like a bag like made out of fabric.

13 Q What was the shape of that bag?

14 A Like a normal tote bag.

14:42:21 15 Q Okay. Would it be fair to say that it was
16 rectangular?

17 A Yes.

18 Q Do you remember what color it was?

19 A It was a dark color.

14:42:28 20 Q Dark color, okay. Did you ever call the
21 police?

22 A I did not, the security did.

23 Q Security did. If you had had your phone
24 would you have called for help?

14:42:44 25 A Yes.

14:42:47 1 Q Did you eventually go into your hotel room?

2 A Yes.

3 Q Was anything missing?

4 A Yes.

14:42:51 5 Q What was missing.

6 A My Macbook Pro, my work laptop, my charges,

7 some clothing, my wallet and credit cards that were

8 inside the wallet.

9 Q What was the value of your Macbook Pro?

14:43:07 10 A About 1500.

11 Q And the work laptop?

12 A Between 2500 to 3,000.

13 Q What was the value of your wallet?

14 A Five hundred.

14:43:15 15 Q Was there anything inside of your wallet?

16 A Credit cards, my Visa work authorization

17 card, no cash.

18 Q Were you ever asked to complete a photo

19 line-up in this case?

14:43:30 20 A Yes.

21 Q I'm showing you the first page of what has

22 been marked as Grand Jury Exhibit Number 10. Do you

23 recognize this?

24 A Yes.

14:43:40 25 Q What is this?

14:43:43 1 A I signed this. I wrote this after the
2 detective called me to identify the photo line-up.

3 Q Is that your signature there at the bottom?

4 A Yes.

14:43:53 5 Q Now, when you completed this you were in
6 California, right?

7 A Yes.

8 Q So you weren't in person with the
9 detective?

14:44:00 10 A No.

11 Q Were you able to print out the photos
12 associated with this photo line-up?

13 A I was not because my printer was not
14 working.

14:44:09 15 Q So were you able to circle a photo if you
16 couldn't print it?

17 A No, I did not circle.

18 Q Okay. But this handwriting here on the
19 first page, this is your handwriting?

14:44:22 20 A Yes.

21 Q And you were able to identify someone?

22 A Yes.

23 Q And who did you identify?

24 A I identified number four.

14:44:30 25 Q Is this number four?

14:44:31 1 A Yes.

2 Q And who was that person? How did you
3 recognize him?

4 A I recognized the facial structure and the
14:44:43 5 nose was very similar or familiar to the guy who grabbed
6 me.

7 Q The guy who grabbed you who came out of
8 your room?

9 A Yes.

14:44:50 10 Q Now, when you came back to your hotel room,
11 was there damage to your hotel room door?

12 A Yes.

13 Q I'm showing you what's been marked as Grand
14 Jury Exhibit Number 8. Is this a picture of your hotel
14:45:02 15 room door?

16 A Yes.

17 Q And I'm showing you what's been marked as
18 Grand Jury Exhibit Number 9. Is this a close-up of the
19 damage to your door?

14:45:09 20 A Yes.

21 Q Is that a fair and accurate depiction of
22 what your door looked like when you returned on the
23 evening of June 15th?

24 A Yes.

14:45:17 25 Q Now, on August 27th, 2020, did anyone have

14:45:21 1 permission to have your Victoria's Secret credit card
2 ending in 0947?

3 A No.

4 Q Showing you what's been marked as Grand
14:45:29 5 Jury Exhibit Number 11, is this a picture of that card?

6 A Yes, it is.

7 Q And specifically did someone by the name of
8 Vaneshia Oliver have permission to have that card on
9 August 27th, 2020?

14:45:41 10 A No.

11 Q When did that card go missing?

12 A That card was in my wallet that was stolen
13 when the incident happened.

14 Q Okay.

14:45:48 15 I have no further questions for this
16 witness. Do any members of the Grand Jury have any
17 questions? Seeing none.

18 THE FOREPERSON: By law these proceedings
19 are secret and you are prohibited from disclosing to
14:45:54 20 anyone anything that transpired before us including any
21 evidence presented to the Grand Jury, any event
22 occurring or a statement made in the presence of the
23 Grand Jury or any information obtained by the Grand
24 Jury.

14:45:54 25 Failure to comply with this admonition is a

14:45:54 1 gross misdemeanor punishable up to 364 days in the Clark
2 County Detention Center and a \$2,000 fine. In addition
3 you may be held in contempt of court punishable by an
4 additional \$500 fine and 25 days in the Clark County
14:45:54 5 Detention Center.

6 Do you understand this admonition?

7 THE WITNESS: Yes.

8 THE FOREPERSON: Thank you and you're
9 excused.

14:46:28 10 THE WITNESS: Thank you.

11 MS. DUNN: The State's next witness is
12 Bertha Geradeau.

13 THE FOREPERSON: Please raise your right
14 hand.

14:47:20 15 You do solemnly swear that the testimony
16 that you're about to give upon the investigation now
17 pending before this Grand Jury shall be the truth, the
18 whole truth, and nothing but the truth, so help you God?

19 THE WITNESS: I do.

14:47:28 20 THE FOREPERSON: You are advised that you
21 are here today to give testimony in the investigation
22 pertaining to the offenses of conspiracy to commit
23 larceny, conspiracy to commit burglary, residential
24 burglary, invasion of the home, burglary of a business,
13:09:03 25 theft, fraudulent use of credit or debit card, attempt

13:09:07 1 fraudulent use of credit or debit card, robbery,
2 coercion, theft, possession of document or personal
3 identifying information, possession of credit or debit
4 card without cardholder's consent, possession of
13:09:24 5 burglary tools, carrying a concealed firearm or other
6 deadly weapon, ownership or possession of a firearm by
7 prohibited person involving Vaneshia Oliver and Darrell
8 Clark.

9 Do you understand this advisement?

14:48:18 10 THE WITNESS: Yes.

11 THE FOREPERSON: Please state your first
12 and last name and spell both for the record.

13 THE WITNESS: Bertha Geradeau, B-E-R-T-H-A
14 G-E-R-A-D-E-A-U.

14:48:30 15 THE FOREPERSON: Thank you.

16 BERTHA GERADEAU,
17 having been first duly sworn by the Foreperson of the
18 Grand Jury to testify to the truth, the whole truth
19 and nothing but the truth, testified as follows:

14:48:30 20
21 EXAMINATION

22 BY MS. DUNN:

23 Q Good afternoon, ma'am. Were you staying at
24 Harrah's Hotel in room 10060 on August 6th of this year?

14:48:38 25 A Yes.

14:48:39 1 Q Is that here in Clark County, Nevada?

2 A Yes.

3 Q Who else was staying in your room with you?

4 A My sister Latoya Gustus.

14:48:47 5 Q Latoya Gustus? Aside from her did anyone

6 else have permission to be in your room on that day?

7 A No, ma'am.

8 Q On that day did you leave your room around

9 6:15 p.m.?

14:48:56 10 A Yes.

11 Q Did you return around 11:30 p.m.?

12 A Yes.

13 Q Was your door locked and secured when you

14 left?

14:49:02 15 A Yes, it was.

16 Q Was it locked when you returned?

17 A Yes, it was.

18 Q Did you enter your room?

19 A Yes, I did.

14:49:08 20 Q And when you entered it did you notice

21 anything that caused you to be suspicious?

22 A I noticed the suitcase was open, the

23 drawers of the dresser was open and clothes were on the

24 floor.

14:49:19 25 Q And is that how your room looked when you

14:49:22 1 left it?

2 A No.

3 Q Okay. Did you notice any damage to the
4 hotel room door?

14:49:27 5 A I didn't notice the damage when I first
6 went in. When I went downstairs to report it and came
7 up we noticed the damage to the door.

8 Q Okay. I'm showing you what's been marked
9 as Grand Jury Exhibit Number 16. Is this a fair and
14:49:41 10 accurate depiction of the damage to your door on that
11 day?

12 A Yes.

13 Q Was there anything missing in your hotel
14 room?

14:49:50 15 A Yes, there was.

16 Q What was missing?

17 A Shades, pocketbooks, sneakers, money,
18 jewelry, footwear.

19 Q Okay. And let's try to go through those a
14:50:03 20 little bit in more detail. You said shades. How many
21 pairs of shades?

22 A Three pairs of shades.

23 Q And what brands were they?

24 A Tom Ford.

14:50:12 25 Q How much were the Tom Fords worth?

14:50:13 1 A Four fifty I believe.

2 Q Okay. What other brands of shades were

3 there?

4 A Versace.

14:50:22 5 Q And how much were those worth?

6 A Four fifty. Gucci, 375 I believe.

7 Q Three seventy-five, okay. And then you

8 said pocketbooks. How many pocketbooks?

9 A It was three Gucci pocketbooks.

14:50:35 10 Q Okay. And how much were those worth?

11 A One bag was 1190, another bag was 790 and

12 another bag was 650.

13 Q Okay. I believe you said that there were

14 some shoes missing; is that correct?

14:50:51 15 A Yes, it was a pair of Gucci sandals, those

16 was 450, and a pair of Gucci sneakers, those was 650.

17 Q Okay. Was there anything else missing?

18 A Fifteen hundred dollars cash, a diamond

19 letter B.

14:51:08 20 Q A diamond letter D?

21 A B.

22 Q Oh, B for Bertha?

23 A For Bertha, yeah.

24 Q Okay. And I see you're showing a necklace.

14:51:16 25 Did it look similar to that?

14:51:18 1 A With the chain.

2 Q Okay. And how much was that one?

3 A Fifteen hundred dollars.

4 Q Okay.

14:51:22 5 A A Michele watch.

6 Q Okay. How much was that?

7 A Twenty-five hundred dollars.

8 Q Okay.

9 A And some accessory bracelets like the ones

14:51:32 10 I have on.

11 Q Okay. Did the police ever reach out to you

12 and ask you to identify some items that they found in

13 this case?

14 A Yes, they did.

14:51:42 15 Q I'm showing you what's been marked as Grand

16 Jury Exhibit 17. Is this the picture that was sent to

17 you by the police?

18 A Yes, it is.

19 Q I see that there's some things circled in

14:51:51 20 black. Did you add those circles or was that there when

21 the police sent you the picture?

22 A I added those circles.

23 Q And why did you circle those items in

24 particular?

14:51:59 25 A Those are the items that was missing out of

14:52:02 1 my room.

2 Q So those were your missing items?

3 A My missing items, yes.

4 MS. DUNN: I have no further questions for
14:52:06 5 this witness. Do any members of the Grand Jury have any
6 questions?

7 THE FOREPERSON: By law these proceedings
8 are secret and you are prohibited from disclosing to
9 anyone anything that transpired before us including any
14:52:09 10 evidence presented to the Grand Jury, any event
11 occurring or a statement made in the presence of the
12 Grand Jury or any information obtained by the Grand
13 Jury.

14 Failure to comply with this admonition is a
14:52:09 15 gross misdemeanor punishable up to 364 days in the Clark
16 County Detention Center and a \$2,000 fine. In addition
17 you may be held in contempt of court punishable by an
18 additional \$500 fine and 25 days in the Clark County
19 Detention Center.

14:52:09 20 Do you understand this admonition?

21 THE WITNESS: Yes, I do.

22 THE FOREPERSON: Thank you and you're
23 excused.

24 MS. DUNN: The State's next witness is
14:52:44 25 Emely Armenta.

14:53:23 1 Go sit up there in that blue chair by the
2 microphone.

3 THE FOREPERSON: Please raise your right
4 hand.

14:53:29 5 You do solemnly swear that the testimony
6 that you're about to give upon the investigation now
7 pending before this Grand Jury shall be the truth, the
8 whole truth, and nothing but the truth, so help you God?

9 THE WITNESS: Yes.

14:53:40 10 THE FOREPERSON: You are advised that you
11 are here today to give testimony in the investigation
12 pertaining to the offenses of conspiracy to commit
13 larceny, conspiracy to commit burglary, residential
14 burglary, invasion of the home, burglary of a business,
13:09:03 15 theft, fraudulent use of credit or debit card, attempt
16 fraudulent use of credit or debit card, robbery,
17 coercion, theft, possession of document or personal
18 identifying information, possession of credit or debit
19 card without cardholder's consent, possession of
13:09:24 20 burglary tools, carrying a concealed firearm or other
21 deadly weapon, ownership or possession of a firearm by
22 prohibited person involving Vaneshia Oliver and Darrell
23 Clark.

24 Do you understand this advisement?

14:54:27 25 THE WITNESS: Yes, I do.

14:54:28 1 THE FOREPERSON: Please state your first
2 and last name and spell both for the record.

3 THE WITNESS: My first name's Emely,
4 E-M-E-L-Y, last name Armenta, A-R-M-E-N-T-A.

14:54:38 5 THE FOREPERSON: Thank you.

6 EMELY ARMENTA,
7 having been first duly sworn by the Foreperson of the
8 Grand Jury to testify to the truth, the whole truth
9 and nothing but the truth, testified as follows:

14:54:38 10
11 EXAMINATION

12 BY MS. DUNN:

13 Q Good afternoon, ma'am. Were you staying at
14 Harrah's Hotel in room 58064 on August 6th of this year?

14:54:45 15 A Yes, I was.

16 Q Is that here in Clark County?

17 A Yes, it is.

18 Q Who else was staying in that room with you?

19 A My boyfriend Michael Lee.

14:54:55 20 Q Besides him, did anyone else have
21 permission to be in your room on that day?

22 A No, nobody else had keys or access to the
23 room.

24 Q On this day did you leave your room around
14:55:04 25 9:48 p.m.?

14:55:05 1 A Yes, I did.

2 Q Did you return around 10:15 p.m.?

3 A That's correct.

4 Q Was your door locked and secured when you

14:55:12 5 left?

6 A It was.

7 Q Was it locked and secured when you

8 returned?

9 A Yes, but it was broken. It was shaved off.

14:55:19 10 Q Okay. I'm showing you what's been marked

11 as Grand Jury Exhibit Number 12. Do you recognize this?

12 A Yes, I do.

13 Q Is that a picture of your hotel room door?

14 A Yes, after we came upstairs.

14:55:30 15 Q Okay. When you returned around 10:15?

16 A Yes.

17 Q And over here by the door handle, I'm going

18 to zoom in for you, is that a fair and accurate

19 depiction of the damage that you noticed when you

14:55:40 20 returned?

21 A Yes, it was.

22 Q Now showing you what has been marked as

23 Grand Jury Exhibit Number 13, is this a closer-up view

24 of that same damage?

14:55:53 25 A Yes, it is.

14:55:58 1 Q Did you eventually enter your hotel room?

2 A Yes.

3 Q Was anything missing?

4 A Yes, basically everything was taken;

14:56:06 5 luggage, purse, three cell phones, computer, jewelry,

6 boat keys, car keys, driver's license, social security

7 card, credit cards, debits cards.

8 Q Okay. And I want to walk through those a

9 little bit slower. You said that there was a purse

14:56:25 10 missing. What type of a purse was it?

11 A It was a Chanel Gabrielle Hobo bag and it

12 was about \$6,000.

13 Q Okay. And you said that there were phones

14 missing. How many phones?

14:56:34 15 A Three iPhones.

16 Q And what was the value of those?

17 A About a thousand, 1200 each.

18 Q You said there was a computer missing.

19 What type of computer?

14:56:43 20 A It was a Mac Pro Retina.

21 Q And what was the value of that?

22 A Twenty-five hundred dollars.

23 Q You said there was some luggage missing.

24 What type of luggage?

14:56:52 25 A It was a Tumi luggage carbon fiber suitcase

14:56:55 1 in the large size, it was about \$2,000, and then a black
2 duffel leather bag and then a YSL wallet.

3 Q How much was the duffel bag?

4 A Twelve hundred.

14:57:08 5 Q And how much was the wallet?

6 A Five hundred.

7 Q Was there any clothing missing?

8 A Yes, they actually took all our dry
9 cleaners and my luggage full of all my clothes.

14:57:18 10 Q Okay.

11 A Chanel sneakers.

12 Q So there were some shoes missing as well?

13 A Yes, all my high heels.

14 Q Okay. And what was the value of your
14:57:27 15 shoes?

16 A A thousand dollars for the YSL Tribute
17 sandal heels and then 1300 for Valentino red pumps and
18 then it was Gucci loafers that were about \$900, Chanel
19 sneakers, the classic CC white sneakers with pink, those
14:57:44 20 were about \$1200 as well.

21 Q Okay. Did the police ever ask you to
22 identify any items they found in this case?

23 A Yes, they found just a couple of my
24 boyfriend's stuff.

14:58:04 25 Q I'm showing you what's been marked as Grand

14:58:05 1 Jury Exhibit Number 14. Is this the picture that was
2 sent to you by police?

3 A Yes, it was.

4 Q I see that there are yellow circles in that
14:58:12 5 picture. Did you add those or were they there when the
6 police sent you that picture?

7 A When they sent the picture I was asked to
8 circle my items that were missing and the yellow
9 represents the items that belonged to us.

14:58:23 10 Q So those are the things you recognized as
11 missing from your hotel room?

12 A That's correct.

13 Q On August 27th, 2020, did anyone have
14 permission to have your social security card?

14:58:32 15 A No, nobody did. It was inside the Chanel
16 purse.

17 Q On August 27th, 2020, did anyone have
18 permission to have your California driver's license?

19 A No, they did not.

14:58:42 20 Q And you said that your social security card
21 was in the Chanel purse. Was your driver's license in
22 the hotel room?

23 A Yes, I left my entire purse on the desk
24 because I was only grabbing cigarettes downstairs so I
14:58:54 25 didn't need to take anything with me.

14:58:56 1 Q Okay. So your social security card and
2 your California driver's license went missing from your
3 hotel room?

4 A Yes, they did.

14:59:03 5 Q I'm showing you what's been marked as Grand
6 Jury Exhibit Number 15. Do you recognize those?

7 A Yes, my social security and my driver's
8 license.

14:59:13 9 Q Now, I see that parts of each of those have
10 been blacked out. When you and I pretried earlier
11 were those blacked out?

12 A No, they were not.

13 Q Did you inform me that you were still using
14 both of these IDs?

14:59:22 15 A Yes.

16 Q Is that because of COVID you can't hardly
17 get new IDs?

14:59:31 18 A Yes, that's correct. Social security has
19 been closed so I can't get a new card issued until
20 probably next year.

21 Q Okay. So did I tell you that I would black
22 those items out to protect your identity?

23 A Yes, that's correct.

24 Q Okay. Thank you.

14:59:38 25 I have no further questions for this

14:59:39 1 witness. Do any members of the Grand Jury have any
2 questions?

3 THE FOREPERSON: Any questions?

4 By law these proceedings are secret and you
14:59:44 5 are prohibited from disclosing to anyone anything that
6 transpired before us including any evidence presented to
7 the Grand Jury, any event occurring or a statement made
8 in the presence of the Grand Jury or any information
9 obtained by the Grand Jury.

14:59:44 10 Failure to comply with this admonition is a
11 gross misdemeanor punishable up to 364 days in the Clark
12 County Detention Center and a \$2,000 fine. In addition
13 you may be held in contempt of court punishable by an
14 additional \$500 fine and 25 days in the Clark County
14:59:44 15 Detention Center.

16 Do you understand this admonition?

17 THE WITNESS: Yes, I do.

18 THE FOREPERSON: Thank you and you're
19 excused.

15:00:15 20 THE WITNESS: Thank you, sir.

21 MS. DUNN: The State's next witness is
22 Preston Ellis.

23 THE FOREPERSON: Please stand and raise
24 your right hand.

15:00:55 25 You do solemnly swear that the testimony

15:00:55 1 that you're about to give upon the investigation now
2 pending before this Grand Jury shall be the truth, the
3 whole truth, and nothing but the truth, so help you God?

4 THE WITNESS: I do.

15:01:05 5 THE FOREPERSON: You are advised that you
6 are here today to give testimony in the investigation
7 pertaining to the offenses of conspiracy to commit
8 larceny, conspiracy to commit burglary, residential
9 burglary, invasion of the home, burglary of a business,
13:09:03 10 theft, fraudulent use of credit or debit card, attempt
11 fraudulent use of credit or debit card, robbery,
12 coercion, theft, possession of document or personal
13 identifying information, possession of credit or debit
14 card without cardholder's consent, possession of
13:09:24 15 burglary tools, carrying a concealed firearm or other
16 deadly weapon, ownership or possession of a firearm by
17 prohibited person involving Vaneshia Oliver and Darrell
18 Clark.

19 Do you understand this advisement?

15:01:53 20 THE WITNESS: Yes.

21 THE FOREPERSON: Please state your first
22 and last name, spell both for the record.

23 THE WITNESS: Preston Ellis. Preston is
24 P-R-E-S-T-O-N, Ellis, E-L-L-I-S.

15:02:08 25 THE FOREPERSON: Thank you.

15:02:081 PRESTON ELLIS,

2 having been first duly sworn by the Foreperson of the

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

4 and nothing but the truth, testified as follows:

15:02:08

5

6

EXAMINATION

7 BY MS. DUNN:

8 Q Good afternoon, sir. How are you employed?

9 A I'm employed by the Las Vegas Metropolitan

15:02:12

10 Police Department.

11 Q What is your capacity with Metro?

12 A Police officer 2.

13 Q Police officer 2 you said?

14 A Yes.

15:02:20

15 Q How long have you been so employed?

16 A Three years and six months.

17 Q Were you working in that capacity on

18 August 27th of 2020?

19 A Yes.

15:02:29

20 Q Were you working at the Casino Royale?

21 A Yes.

22 Q Is that here in Clark County?

23 A Yes.

24 Q I'm showing you what's been marked as Grand

15:02:36

25 Jury Exhibit Number 23. Do you recognize that person?

15:02:39 1 A Yes.

2 Q Who is that?

3 A Vaneshia Oliver.

4 Q And did you come into contact with Miss

15:02:44 5 Oliver on August 27th of this year?

6 A Yes, I did.

7 Q Was there a warrant out for her arrest?

8 A Yes.

9 Q Did you arrest her?

15:02:52 10 A Yes.

11 Q Did you conduct a search incident to

12 arrest?

13 A Yes.

14 Q As part of that did you search her purse?

15:02:58 15 A I did.

16 Q Did you find anything of evidentiary value?

17 A Yes, I did.

18 Q What did you find?

19 A Found two large screwdrivers made out of

15:03:05 20 metal, a window punch, somebody else's ID and credit

21 card.

22 Q Showing you what's been marked as Grand

23 Jury Exhibit Number 21, do you recognize these items?

24 A Yes.

15:03:17 25 Q What are they?

15:03:19 1 A They're two large screwdrivers, flathead,
2 made out of metal and a small window punch.

3 Q Are those the items that you found in Miss
4 Oliver's purse?

15:03:28 5 A Yes.

6 Q In your training and experience can
7 screwdrivers be used to break into places?

8 A Yes, they can.

9 Q And in your training and experience what
15:03:35 10 would a glass punch be used for?

11 A It can be used to break a window, like a
12 vehicle or a house.

13 Q Showing you what's been marked as Grand
14 Jury Exhibit Number 15, do you recognize those items?

15:03:47 15 A Yes, I do.

16 Q How do you recognize them?

17 A They were inside of Miss Oliver's purse
18 when I did the search incident to arrest.

19 Q And showing you what's been marked as Grand
15:03:59 20 Jury Exhibit Number 11, do you recognize that?

21 A Yes, I do.

22 Q What is that?

23 A That also was inside of Miss Oliver's
24 purse.

15:04:07 25 MS. DUNN: I have no further questions for

15:04:08 1 this witness. Do any members of the Grand Jury have any
2 other questions?

3 THE FOREPERSON: Questions?

4 By law these proceedings are secret and you
15:04:12 5 are prohibited from disclosing to anyone anything that
6 transpired before us including any evidence presented to
7 the Grand Jury, any event occurring or a statement made
8 in the presence of the Grand Jury or any information
9 obtained by the Grand Jury.

15:04:13 10 Failure to comply with this admonition is a
11 gross misdemeanor punishable up to 364 days in the Clark
12 County Detention Center and a \$2,000 fine. In addition
13 you may be held in contempt of court punishable by an
14 additional \$500 fine and 25 days in the Clark County
15:04:13 15 Detention Center.

16 Do you understand this admonition?

17 THE WITNESS: Yes.

18 THE FOREPERSON: Thank you and you're
19 excused.

15:04:45 20 THE WITNESS: Thank you.

21 MS. DUNN: The State's next witness is
22 Officer Montalbano.

23 THE FOREPERSON: Please raise your right
24 hand.

15:05:35 25 You do solemnly swear that the testimony

15:05:35 1 that you're about to give upon the investigation now
2 pending before this Grand Jury shall be the truth, the
3 whole truth, and nothing but the truth, so help you God?

4 THE WITNESS: I do.

15:05:40 5 THE FOREPERSON: Go ahead and sit down.

6 You are advised that you are here today to
7 give testimony in the investigation pertaining to the
8 offenses of conspiracy to commit larceny, conspiracy to
9 commit burglary, residential burglary, invasion of the
13:09:01 10 home, burglary of a business, theft, fraudulent use of
11 credit or debit card, attempt fraudulent use of credit
12 or debit card, robbery, coercion, theft, possession of
13 document or personal identifying information, possession
14 of credit or debit card without cardholder's consent,
13:09:22 15 possession of burglary tools, carrying a concealed
16 firearm or other deadly weapon, ownership or possession
17 of a firearm by prohibited person involving Vaneshia
18 Oliver and Darrell Clark.

19 Do you understand this advisement?

15:06:23 20 THE WITNESS: Yes, sir.

21 THE FOREPERSON: Please state your first
22 and last name, spell both for the record.

23 THE WITNESS: First name is going to be
24 Antonio, last name is going to be Montalbano. First
15:06:30 25 name is going to be A-N-T-O-N-I-O, last name is going to

15:06:35 1 be M-O-N-T-A-L-B, as in boy, A-N-O.

2 THE FOREPERSON: Thank you.

3 ANTONIO MONTALBANO,

4 having been first duly sworn by the Foreperson of the

15:06:41 5 Grand Jury to testify to the truth, the whole truth

6 and nothing but the truth, testified as follows:

7

8 EXAMINATION

9 BY MS. DUNN:

15:06:43 10 Q Good afternoon, sir. How are you employed?

11 A I'm employed through LVMPD.

12 Q What is your capacity with Metro?

13 A I'm a police officer 2.

14 Q How long have you been so employed?

15:06:52 15 A Since December of 2016.

16 Q Were you working in that capacity as a
17 police officer on August 27th of this year?

18 A Yes, ma'am.

19 Q Around that date did you begin

15:07:02 20 investigating a string of hotel room burglaries?

21 A Yes, ma'am.

22 Q Did you become aware of any suspects?

23 A Yes, ma'am.

24 Q How did you become aware of them?

15:07:11 25 A We were briefed them during our initial

15:07:14 1 point of the shift by our sergeant.

2 Q And would that be your shift that started
3 on August 27th?

4 A Yes, ma'am, it started at 2100 hours.

15:07:22 5 Q Okay. And who were you told were the
6 suspects?

7 A Vaneshia Oliver and Darrell Clark.

8 Q At some point did you contact Mr. Clark?

9 A Yes, I did, ma'am.

15:07:31 10 Q How did you contact him?

11 A Through an application/website called
12 LetGo.

13 Q Can you explain what LetGo is?

14 A LetGo is a similar platform such as

15:07:41 15 Craigslist or OfferUp where you can sell items that are
16 in your possession to other people.

17 Q Is this like a public website or
18 application that anyone can access?

19 A Yes, ma'am.

15:07:51 20 Q And through that application is there a way
21 to chat or instant message people?

22 A Yes, ma'am. Once you establish a deal, per
23 se, for an item that you're wishing to obtain, you then
24 can communicate with the person that is selling.

15:08:07 25 Q And did you indicate to the person you were

15:08:09 1 chatting with that you were interested in buying an
2 item?

3 A Yes, ma'am.

4 Q What item was that?

15:08:14 5 A It was going to be two Apple Watches.

6 Q Did you eventually set up a time to meet
7 the person you were chatting with?

8 A Yes, ma'am.

9 Q Where did you agree to meet?

15:08:21 10 A At Casino Royale.

11 Q And did you agree to meet on August 27th?

12 A It was the day after I believe, ma'am. Or
13 it may be the 27th or -- the 26th I believe is when we
14 began communicating, the 27th is when we set up the
15:08:35 15 offer.

16 Q And you agreed to meet at Casino Royale.
17 Is that here in Clark County?

18 A Yes, ma'am.

19 Q Did the person you were messaging tell you
15:08:42 20 where to meet them and how to identify them?

21 A Yes, ma'am.

22 Q What did they tell you?

23 A They told me the description of their
24 clothing as a Bangles hat and the location that they
15:08:49 25 were sitting over inside the Casino Royale toward the

15:08:54 1 Buffalo slot machine.

2 Q And did you go to the Buffalo slot machine?

3 A After reviewing CCTV footage because we

4 were in the camera room we saw a person, yes, and then

15:09:04 5 we went to the Buffalo casino slot.

6 Q And did you find somebody wearing a Bangles

7 hat?

8 A Yes, ma'am.

9 Q I'm showing you what's been marked as Grand

15:09:12 10 Jury Exhibit 52. Do you recognize this person?

11 A Yes, ma'am.

12 Q Who is that?

13 A That is Darrell Clark.

14 Q Is that the person wearing the Bangles hat

15:09:18 15 sitting by the Buffalo machine?

16 A Yes, ma'am.

17 Q I'm showing what's been marked as Grand

18 Jury Exhibit Number 24. Do you recognize this person?

19 A Yes, ma'am.

15:09:27 20 Q Who is that?

21 A That's Darrell Clark with the attire that

22 he had on that day.

23 Q So that's what he was wearing in Casino

24 Royale?

15:09:34 25 A Yes, ma'am.

15:09:37 1 Q When you encountered him did you ask him if
2 he had any weapons?

3 A Initially we did not, ma'am, and then he
4 offered that information as we placed him into custody.

15:09:48 5 Q So did someone conduct a pat-down for
6 weapons?

7 A Yes, ma'am.

8 Q And was anything found?

9 A Yes, ma'am.

15:09:56 10 Q What was found?

11 A He had a Sig P229, a firearm, in his
12 waistband.

13 Q In his waistband? Could you see it from
14 plain view?

15:10:06 15 A No, ma'am, it was covered by his shirt.

16 Q Was it entirely covered?

17 A Yes, ma'am.

18 Q I'm showing you what's been marked as Grand
19 Jury Exhibit Number 20. Do you recognize this?

15:10:15 20 A Yes, ma'am.

21 Q What is that?

22 A That's the firearm recovered.

23 Q And you said you met up with him to try to
24 buy an Apple Watch. Did you find any Apple Watches on
15:10:27 25 him?

15:10:28 1 A Yes, ma'am, he had two in his pocket.

2 Q Okay. I'm showing you what's been marked

3 as Grand Jury Exhibit Number 22. Do you recognize this?

4 A Yes, ma'am.

15:10:35 5 Q What is that?

6 A That is the serial number to one of the

7 Apple Watches that were obtained after we removed the

8 band.

9 Q Can you please read the serial number into

15:10:41 10 the record?

11 A Yes, ma'am. It is G as in George, J as in

12 John, 9C as in Charlie, R as in Robert, L as in Lincoln,

13 appears to be 0Z as in zebra, J as in John, 5X as in

14 X-ray.

15:11:02 15 Q Thank you. And you said that there were

16 two suspects that you were briefed on, correct?

17 A Yes, ma'am.

18 Q Who was the other suspect?

19 A Vaneshia Oliver.

15:11:09 20 Q Did you ever come into contact with her?

21 A Yes, ma'am.

22 Q Where did you come into contact with her

23 at?

24 A Same location, at the Casino Royale.

15:11:15 25 Q Showing you what's been marked as Grand

15:11:16 1 Jury Exhibit 53, do you recognize this person?

2 A Yes, ma'am.

3 Q Who is that?

4 A That is Vaneshia Oliver with different hair
15:11:23 5 than the incident.

6 Q Different hair than when you came into
7 contact with her?

8 A Yes, ma'am.

9 Q Showing you what's been marked as Grand
15:11:29 10 Jury Exhibit Number 23, who is this?

11 A That's Vaneshia Oliver with her current
12 attire that day, ma'am.

13 Q Okay. So that's what she was wearing in
14 Casino Royale?

15:11:39 15 A Yes, ma'am.

16 Q Thank you. Did you interact with each of
17 them?

18 A Yes, ma'am.

19 Q Would you recognize them if you saw them
15:11:45 20 again?

21 A Yes, ma'am.

22 Q Showing you what's been marked as Grand
23 Jury Exhibit Number 28, this is a still shot from
24 Harrah's Casino on August 6th. And I know it's blurry
15:11:54 25 but do you recognize either of the people in the photo?

15:11:58 1 A Facially, no, ma'am, but I can recognize
2 the profile of each and as well as the attire and hair
3 of Vaneshia, the person in the picture, and then the
4 gold chain looks familiar from Clark as he was wearing
15:12:11 5 it that day.

6 Q So you recognize the profile and hair to be
7 that of Vaneshia Oliver and you recognize the profile
8 and the gold chain to be that of Darrell Clark?

9 A Yes, ma'am.

15:12:20 10 MS. DUNN: I have no further questions for
11 this witness. Do any members of the Grand Jury have any
12 additional questions?

13 THE FOREPERSON: Any questions?

14 By law these proceedings are secret and you
15:12:27 15 are prohibited from disclosing to anyone anything that
16 transpired before us including any evidence presented to
17 the Grand Jury, any event occurring or a statement made
18 in the presence of the Grand Jury or any information
19 obtained by the Grand Jury.

15:12:27 20 Failure to comply with this admonition is a
21 gross misdemeanor punishable up to 364 days in the Clark
22 County Detention Center and a \$2,000 fine. In addition
23 you may be held in contempt of court punishable by an
24 additional \$500 fine and 25 days in the Clark County
15:12:27 25 Detention Center.

15:12:27 1 Do you understand this admonition?
2 THE WITNESS: Yes, sir.
3 THE FOREPERSON: Thank you and you're
4 excused.

15:13:05 5 THE WITNESS: Thank you.
6 MS. DUNN: All right. The State's next
7 witness is Dave Mann.
8 Go to that chair over there, please.

9 THE FOREPERSON: Please raise your right
15:14:33 10 hand.
11 You do solemnly swear that the testimony
12 that you're about to give upon the investigation now
13 pending before this Grand Jury shall be the truth, the
14 whole truth, and nothing but the truth, so help you God?

15:14:43 15 THE WITNESS: I do.
16 THE FOREPERSON: Go ahead and sit down.

17 You are advised that you are here today to
18 give testimony in the investigation pertaining to the
19 offenses of conspiracy to commit larceny, conspiracy to
13:08:56 20 commit burglary, residential burglary, invasion of the
21 home, burglary of a business, theft, fraudulent use of
22 credit or debit card, attempt fraudulent use of credit
23 or debit card, robbery, coercion, theft, possession of
24 document or personal identifying information, possession
13:09:18 25 of credit or debit card without cardholder's consent,

13:09:22 1 possession of burglary tools, carrying a concealed
2 firearm or other deadly weapon, ownership or possession
3 of a firearm by prohibited person involving Vaneshia
4 Oliver and Darrell Clark.

13:09:37 5 Do you understand this advisement?

6 THE WITNESS: I do.

7 THE FOREPERSON: Please state your first
8 and last name and spell both for the record.

9 THE WITNESS: David Mann, D-A-V-I-D

15:15:38 10 M-A-N-N.

11 THE FOREPERSON: Thank you.

12 DAVID MANN,

13 having been first duly sworn by the Foreperson of the
14 Grand Jury to testify to the truth, the whole truth

15:15:40 15 and nothing but the truth, testified as follows:

16

17 EXAMINATION

18 BY MS. DUNN:

19 Q Good afternoon, sir. How are you employed?

15:15:44 20 A By Las Vegas Metropolitan Police

21 Department.

22 Q What is your position with Metro?

23 A As a detective.

24 Q How long have you been in that position?

15:15:50 25 A I've been in that position for just short

15:15:52 1 of four years.

2 Q Were you working in that position around
3 June to August of this year?

4 A I was.

15:15:56 5 Q Were you assigned to investigate a series
6 of hotel room burglaries?

7 A I was.

8 Q Where did those burglaries occur?

9 A At the Harrah's Hotel.

15:16:03 10 Q Did you ever develop any suspects?

11 A I did.

12 Q How did you develop them?

13 A I made contact with Detective Byrd who was
14 also working a room burglary series. In all of those

15:16:15 15 room burglary series or all of the room burglaries
16 happened at the Paris Hotel and --

17 Q And when you say the Paris Hotel, are those
18 the ones that Detective Byrd was working on?

19 A That's correct.

15:16:25 20 Q Okay.

21 A And in all of those room burglaries all the
22 doors had been pride open.

23 Q And in your training and experience is
24 prying opening doors a common way to break into hotel

15:16:35 25 rooms on the Las Vegas Strip?

15:16:38 1 A It is not.

2 Q And the rooms that you were investigating,
3 did you notice any similarities?

4 A Yes, all those rooms were also pride open.

15:16:45 5 Q Is that why you contacted Detective Byrd?

6 A That's correct.

7 Q Okay. And through investigative means
8 working with him were you able to develop suspects?

9 A I was.

15:16:54 10 Q And what were their names?

11 A Darrell Clark and Vaneshia Oliver.

12 Q As part of your investigation in this case
13 did you ever conduct a photo line-up with a victim?

14 A I did.

15:17:06 15 Q I'm showing you what's been marked as Grand
16 Jury Exhibit Number 10. Do you recognize this? And I'm
17 actually going to flip to page 3 of this.

18 A I do.

19 Q What is this?

15:17:19 20 A This is a photo line-up.

21 Q Is it the one that you created in this
22 case?

23 A It was.

24 Q And which victim did you show this to?

15:17:30 25 A Esther Chae.

15:17:31 1 Q And was Miss Chae able to identify anyone?

2 A She was.

3 Q Who did she identify?

4 A Person number four, Darrell Clark.

15:17:38 5 Q I'm sorry, can you repeat that person's

6 name? I cut you off.

7 A Darrell Clark.

8 Q As part of your investigation did you ever

9 investigate a Facebook page?

15:17:48 10 A I did.

11 Q Was there a name on that Facebook profile?

12 A There was.

13 Q What was the name on the page?

14 A Darrell Clark.

15:17:58 15 Q Was there a profile picture on that

16 Facebook page?

17 A There was.

18 Q I am showing you what has been marked as

19 Grand Jury Exhibit Number 25. Do you recognize this?

15:18:09 20 A I do.

21 Q What is this?

22 A That's the Facebook page that I was

23 investigating.

24 Q And that profile picture, did you ever come

15:18:17 25 to associate that picture with a person?

15:18:20 1 A I did.

2 Q And which person was that?

3 A Darrell Clark.

4 Q Now I'm showing you what has been marked as

15:18:27 5 Grand Jury Exhibit Number 26. Do you recognize this?

6 A I do.

7 Q Is this a picture that was posted on that

8 Facebook page that you were investigating?

9 A It was.

15:18:38 10 Q And can you tell me what the person in the

11 picture is wearing?

12 A He's wearing a light green and a white

13 striped T-shirt.

14 Q Thank you. Now I'm showing you what's been

15:18:49 15 marked as Grand Jury Exhibit Number 27. Is this a photo

16 that was posted on that Facebook page that you were

17 investigating?

18 A It was.

19 Q Did this picture seem significant to you?

15:19:00 20 A It did.

21 Q Why?

22 A Because multiple items that were posted in

23 that photograph matched or referenced photographs that

24 one of the victims from my burglary sent me.

15:19:10 25 Q One victim or multiple victims?

15:19:13 1 A Multiple victims.

2 Q How many victims?

3 A Two.

4 Q And what were their names?

15:19:17 5 A Emely Armenta and Bertha Geradeau.

6 Q Okay. Did you send this picture to Emely?

7 A I did.

8 Q Did you send this picture to Bertha?

9 A I did.

15:19:28 10 Q Did you crop it before you sent it to them?

11 A I did.

12 Q So what you sent them, was it just the

13 picture of the items?

14 A It was.

15:19:35 15 Q Okay. And what date was this posted on

16 that Facebook page that you were investigating?

17 A August 7th.

18 Q And can you please tell me when the

19 burglaries -- when did the burglary of Emely's room

15:19:55 20 occur?

21 A August 6th.

22 Q And when did the burglary of Bertha's room

23 occur?

24 A August 6th.

15:20:02 25 MS. DUNN: I have no further questions for

15:20:03 1 this witness. Do any members of the Grand Jury have any
2 questions for him?

3 THE FOREPERSON: By law these proceedings
4 are secret and you are prohibited from disclosing to
15:20:07 5 anyone anything that transpired before us including any
6 evidence presented to the Grand Jury, any event
7 occurring or a statement made in the presence of the
8 Grand Jury or any information obtained by the Grand
9 Jury.

15:20:08 10 Failure to comply with this admonition is a
11 gross misdemeanor punishable up to 364 days in the Clark
12 County Detention Center and a \$2,000 fine. In addition
13 you may be held in contempt of court punishable by an
14 additional \$500 fine and 25 days in the Clark County
15:20:08 15 Detention Center.

16 Do you understand this admonition?

17 THE WITNESS: I do.

18 THE FOREPERSON: Thank you and you're
19 excused.

15:20:36 20 THE WITNESS: Thank you for your time.

21 MS. COLE: Okay. We have one final witness
22 that should be two minutes or less if you guys want to
23 wait and just plow through?

24 THE FOREPERSON: We'll wait.

15:20:46 25 MS. COLE: Okay. It will be very brief, I

15:20:48 1 promise.

2 THE FOREPERSON: Raise your right hand,
3 please.

4 You do solemnly swear that the testimony
15:21:11 5 that you're about to give upon the investigation now
6 pending before this Grand Jury shall be the truth, the
7 whole truth, and nothing but the truth, so help you God?

8 THE WITNESS: I do.

9 THE FOREPERSON: You are advised that you
13:08:49 10 are here today to give testimony in the investigation
11 pertaining to the offenses of conspiracy to commit
12 larceny, conspiracy to commit burglary, residential
13 burglary, invasion of the home, burglary of a business,
14 theft, fraudulent use of credit or debit card, attempt
13:09:07 15 fraudulent use of credit or debit card, robbery,
16 coercion, theft, possession of document or personal
17 identifying information, possession of credit or debit
18 card without cardholder's consent, possession of
19 burglary tools, carrying a concealed firearm or other
13:09:26 20 deadly weapon, ownership or possession of a firearm by
21 prohibited person involving Vaneshia Oliver and Darrell
22 Clark.

23 Do you understand this advisement?

24 THE WITNESS: Yes.

15:22:04 25 THE FOREPERSON: Please state your first

15:22:05 1 and last name, spell both for the record.

2 THE WITNESS: First name Homan, H-O-M-A-N,
3 last name Bagheri, B-A-G-H-E-R-I.

4 HOMAN BAGHERI,

15:22:25 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

15:22:26 10 BY MS. COLE:

11 Q Sir, where do you work?

12 A At Sbarro inside the Bally's Hotel.

13 Q And is that located at 3645 South Las Vegas
14 Boulevard, 89109, here in Clark County, Nevada?

15:22:38 15 A Correct.

16 Q And how long have you worked there, sir?

17 A In that location three years.

18 Q Okay. And I'm showing you what's been
19 marked as Grand Jury Exhibit Number 93. What is this?

15:22:51 20 A That is the customer receipt after the
21 purchase of food.

22 Q Okay. So that's a receipt of a
23 transaction?

24 A Correct.

15:22:59 25 Q Okay. Was this receipt made in the

15:23:02 1 ordinary course of regularly conducted business?

2 A Yes.

3 Q Okay. So with every transaction that

4 occurs at Sbarro's there's a receipt produced, correct?

15:23:13 5 A Correct.

6 Q Okay. And it's a routine action that takes

7 place almost automatically?

8 A Correct.

9 Q Okay. And it's fair to say that it's part

15:23:21 10 of the usual course of business?

11 A Correct.

12 Q Okay. Now, the person recording this

13 information, would this be the cashier?

14 A Correct.

15:23:27 15 Q Okay. And they're transmitting this

16 information into the computer or the register in

17 realtime as it's actually occurring?

18 A Yes.

19 Q Okay. I'm just going to display this

15:23:39 20 receipt. Now, publishing Grand Jury Exhibit Number 93,

21 can you see that, sir?

22 A Yes.

23 Q Okay. So pointing to the top, can you

24 state what that says at the very top of the receipt?

15:23:58 25 A That's our location.

15:24:00 1 Q Okay. So store number 1064?

2 A Correct.

3 Q And that notes that it's inside Bally's; is

4 that correct?

15:24:08 5 A Yes, that's our address and phone number.

6 Q Okay. And looking at this, is this the

7 date of this receipt?

8 A Yes.

9 Q Okay. And does that say August 16th, 2020?

15:24:18 10 A Correct.

11 Q Okay. And then in looking at the open time

12 and close time, what do those numbers indicate?

13 A That's 2229 open time and close time was

14 2230, 10:30 p.m. when the transaction happened.

15:24:34 15 Q Okay. So when it opens that's military

16 time, 2229?

17 A Yes.

18 Q But that essentially means 10:29?

19 A Yes.

15:24:43 20 Q That's what you're saying, okay. And are

21 these the items that were bought?

22 A Correct.

23 Q Okay. And right here is the total?

24 A Correct.

15:24:48 25 Q And what card was used?

15:24:52 1 A That's an American Express card.

2 Q Okay. And what are the last four digits of

3 that card?

4 A That's 1004.

15:24:59 5 Q And what was the amount for?

6 A Twenty dollars and ten cents.

7 Q Okay. Sir, showing you Grand Jury Exhibit

8 Number 116, in this photo do you note any Sbarro bags?

9 A Yes.

15:25:21 10 Q And where is that located?

11 A That is the gentleman, yes, that's him.

12 Q Where I'm pointing to right there?

13 A Correct.

14 Q And what color is that?

15:25:32 15 A That is white and red.

16 Q Okay. And are those the types of bags that

17 customers use at your location inside Bally's?

18 A Yes.

19 Q Okay. And for the record I'm showing you

15:25:41 20 Grand Jury Exhibit Number 115. Again do you see a

21 Sbarro bag?

22 A Yes.

23 Q Okay. And is the gentleman holding it?

24 A Yes.

15:25:50 25 Q Okay. And again are we looking at the same

15:25:52 1 red and bag white bag?

2 A Yes.

3 Q Okay. Showing you Grand Jury Exhibit
4 Number 114, again do you see a Sbarro bag?

15:26:04 5 A Yes.

6 Q Okay. And what color is it?

7 A That's white and red.

8 Q Okay.

9 No further questions for this witness.

15:26:13 10 THE FOREPERSON: Any questions?

11 By law these proceedings are secret and you
12 are prohibited from disclosing to anyone anything that
13 transpired before us including any evidence presented to
14 the Grand Jury, any event occurring or a statement made
15:26:15 15 in the presence of the Grand Jury or any information
16 obtained by the Grand Jury.

17 Failure to comply with this admonition is a
18 gross misdemeanor punishable up to 364 days in the Clark
19 County Detention Center and a \$2,000 fine. In addition
15:26:15 20 you may be held in contempt of court punishable by an
21 additional \$500 fine and 25 days in the Clark County
22 Detention Center.

23 Do you understand this admonition?

24 THE WITNESS: Yes, sir.

15:26:47 25 THE FOREPERSON: Thank you and you're

15:26:47 1 excused.

2 THE WITNESS: Thank you very much.

3 MS. DUNN: All right. That concludes our
4 evidence for today. Do you want me to give you a
15:27:05 5 wrap-up spiel or take a quick break?

6 THE FOREPERSON: Are you going to submit it
7 today?

8 MS. DUNN: We're going to submit part of it
9 today, yes.

15:27:14 10 THE FOREPERSON: Let's take a break.

11 MS. DUNN: Okay.

12 (Recess.)

13 MS. DUNN: That concludes the presentation
14 of the State's evidence for today. We're going to ask
15:33:29 15 the Grand Jury to stay your deliberations on Counts 1
16 through 9, Counts 25 through 27 and Counts 46 through
17 50.

18 Before I fully submit the case to you guys,
19 when Tony Lemons testified he did identify both
15:33:47 20 defendants by name. We would ask that you strike that
21 and not consider his ID of their names.

22 I would also let you know that a certified
23 Judgment of Conviction has been admitted as Grand Jury
24 Exhibit Number 7. This pertains to Count 56. I need to
15:34:12 25 admonish you that you cannot use the fact that Mr. Clark

15:34:16 1 has been convicted of a felony in any sort of propensity
2 or any sort of reason to indicate that he might be
3 inclined to commit crimes in the future, it's only to be
4 considered to meet the elements of Count Number 56.

15:34:27 5 With that we would --

6 THE FOREPERSON: Go over the ones that you
7 want to submit to us today.

8 A JUROR: Could you repeat those numbers
9 again?

15:34:37 10 MS. DUNN: Would you rather me say the ones
11 we are submitting or not submitting?

12 THE FOREPERSON: The ones you are
13 submitting.

14 MS. DUNN: Okay. We're submitting on
15:34:44 15 Counts 10 through 24, 28 through 45 and 51 through 56.

16 THE FOREPERSON: Thank you.

17 MS. DUNN: Thank you.

18 A JUROR: I have a question. Some of those
19 counts pertain to only one individual; is that correct?

15:35:05 20 MS. DUNN: Some of the ones that we're
21 submitting or that we're not submitting?

22 A JUROR: The ones that we're submitting,
23 24 and 55 and 56, for example, pertain to one or the
24 other individual; is that correct as written?

15:35:20 25 MS. DUNN: I can look through those in

15:35:23 1 particular. I do know some of them do pertain only to
2 Miss Oliver.

3 A JUROR: Just 51 through 54. And 55 and
4 56 are Darrell Clark.

15:35:36 5 MS. DUNN: 24 is only Miss Oliver, 28 is
6 only Miss Oliver.

7 A JUROR: 51, 52, 53, 54, Miss Oliver, and
8 55, 56 Mr. Clark.

9 MS. DUNN: Yes, perfect.

15:35:50 10 A JUROR: Okay, great. Thank you.

11 MS. DUNN: Thank you.

12 A JUROR: I have question in regards to
13 Esther Chae. Esther Chae was grabbed by her neck and
14 I'm curious why there's no charge of attempted bodily
15:36:08 15 harm or assault?

16 MS. DUNN: Unfortunately that's not a
17 question that I'm allowed to answer this afternoon.

18 A JUROR: Oh, okay. Curiosity I guess.

19 MS. DUNN: Seeing no other questions we'll
15:36:22 20 submit the charges indicated for your deliberation.
21 Thank you.

22 THE FOREPERSON: Thank you.

23 (At this time, all persons, except the
24 members of the Grand Jury, exited the room at 3:36 and
15:36:25 25 returned at 3:44.)

15:44:45

1 THE FOREPERSON: Miss District Attorney, by
2 a vote of 12 or more Grand Jurors a true bill has been
3 return against defendants charging in Counts 10 through
4 24, 28 through 45 and 51 through 56 in Grand Jury case
5 number 19BGJ212A and B.

15:45:03

6 We instruct you to prepare an Indictment in
7 conformance with the proposed Indictment previously
8 submitted to us.

15:45:16

9 MS. DUNN: Thank you, guys. Thank you so
10 much for your patience.

11 (Proceedings concluded.)

12 --oo0oo--

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REPORTER'S CERTIFICATE

STATE OF NEVADA)
: ss
COUNTY OF CLARK)

I, Donna J. McCord, C.C.R. 337, do hereby
certify that I took down in Shorthand (Stenotype) all of
the proceedings had in the before-entitled matter at the
time and place indicated and thereafter said shorthand
notes were transcribed at and under my direction and
supervision and that the foregoing transcript
constitutes a full, true, and accurate record of the
proceedings had.

Dated at Las Vegas, Nevada,
November 7, 2020.

/S/DONNA J. MCCORD
Donna J. McCord, CCR 337

1 AFFIRMATION

2 Pursuant to NRS 239B.030

3
4 The undersigned does hereby affirm that the preceding
5 TRANSCRIPT filed in GRAND JURY CASE NUMBER 19BGJ212A-B:

6
7
8 X Does not contain the social security number of any
9 person,

10 -OR-

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

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

15 -OR-

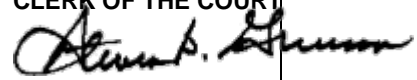
16 B. For the administration of a public program
17 or for an application for a federal or
18 state grant.

19 /S/DONNA J. MCCORD
Signature

November 7, 2020
Date

20 Donna J. McCord
Print Name

21
22 Official Court Reporter
Title



1 RTRAN

2
3
4
5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-20-351676-1
C-20-351676-2

10 vs.

DEPT. XVII

11 VANESHIA OLIVER,
12 DARRELL CLARK

13 Defendants.

14 BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE
15 THURSDAY, OCTOBER 22, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **GRAND JURY INDICTMENT**

18 APPEARANCES:

19 For the State:

MADILYN COLE, ESQ.
Deputy District Attorney
Appeared By Video

20
21
22
23 ALSO PRESENT: STEVE LURVEY, GRAND JURY FOREPERSON

24
25 RECORDED BY: KERRY ESPARZA, COURT RECORDER

1 Las Vegas, Nevada, Thursday, October 22, 2020

2
3 [Case called at 11:30 a.m.]

4 MR. THUNELL: BGJ212 A and B. As to the Defendant Oliver,
5 excuse me, which charges defendants Vaneshia Oliver and Darrell Clark
6 with having committed the offenses of:

7 As to Oliver: five counts of conspiracy -- five counts of
8 conspiracy to commit burglary, five counts of residential burglary, five
9 counts of invasion of the home, three counts of burglary of a business,
10 three counts of theft, two counts of fraudulent use of credit card -- credit
11 or debit card, one count of attempt fraudulent use of credit or debit card,
12 one count robbery, one count coercion, one count theft, two counts of
13 possession of document of personal identifying information, one count of
14 possession of a credit or debit card without card holders consent, one
15 count of possession of burglary tools.

16 Then as to defendant Clark: five counts conspiracy to commit
17 larceny, five counts conspiracy to commit burglary, five counts of
18 residential burglary, five counts of invasion of the home, two counts of
19 burglary of a business, three counts of theft, two counts of fraudulent
20 use of credit or debit card, one count robbery, one count coercion, two
21 counts of theft, one count carry concealed firearm or other deadly
22 weapon, and one count of ownership or possession of firearm by
23 prohibited person.

24 THE COURT: Mr. Foreman, did at least twelve members of
25 the grand jury concur in finding a true bill as to each charge contained in

1 the indictments?

2 THE FOREPERSON: Yes, Your Honor.

3 THE COURT: Indictment with respect to, is it Ms. Oliver, will
4 be filed and receive case number C-20-351676-1 and indictment with
5 respect to Mr. Clark will receive case number C-20-351676-2 and both
6 will be assigned to Department number seventeen.

7 What is the position of the state regarding a warrant or
8 summons?

9 MS. COLE: Good Morning, Your Honor, Madilyn Cole with the
10 State, bar number 14693. And, Your Honor, we're going to be requesting
11 warrants as to both of them. They're currently in custody. I believe the
12 JC 10 case is being dismissed this morning. The JC 7 case was
13 dismissed on the 13th. And we're also going to be asking for Ms. Oliver
14 to continue to being held without bail based on the fact that she picked
15 up two cases while out on a home burglary. The home burglary
16 complaint was filed January 27th of this year. She bench warranted that
17 case -- she bench warranted in that case and then proceeded to pick up
18 the JC 7 case as well as the JC 10 case.

19 Furthermore, the grand jury there was probably about 20 more
20 counts that were added and we're going to be resuming that
21 presentation next Wednesday to add an additional 17 more counts. We
22 just happen to run out of time. But essentially her and her co-defendant
23 from June through August proceeded to commit a series of residential
24 burgs at different hotels including the Paris, the Harrah's, and they used
25 burglary tools to break into these hotel rooms. They have the same MO

1 throughout the whole series of room burglaries. They would steal the
2 property. In one incident, one of the victims actually came back while
3 they were in the course of committing the burglary and a robbery
4 ensued. But essentially they would steal. They would break into these
5 rooms steal a bunch of property and then resell it. The detectives
6 actually did a sting operation and were able to get the co-defendant
7 Clark to meet up with them. When he met up with them they found
8 numerous stolen items. He was also possessing a firearm and Ms.
9 Oliver was actually accompanying him at this operation and they were
10 both arrested.

11 So, that's going to be the State's request is that her -- that she
12 is currently still held without bail based on the fact that she picked up
13 these two cases while out of custody on a home burg case. And that
14 would be the State's request as to Ms. Oliver.

15 THE COURT: How about with respect to Mr. Clark?

16 MS. COLE: So respect to Mr. Clark, Your Honor, it looks like
17 in JC 7 his bail was set at \$15,000 and in JC 10 it was \$75,000. Based
18 upon the fact that we have added at least 20 to 30 more charges and,
19 like I said, we again will be reconvening on Wednesday to add the
20 additional 17 to 20 more counts because we simply just ran out of time.
21 But I'm going to be asking \$250,000 to Mr. Clark. And that's based on
22 the fact that there's been so many new charges added since the bail
23 was set in JC 7 and JC 10. There facing numerous category B felonies,
24 residential burgs, and home invasions. He also was found in possession
25 of a firearm. That firearm was actually stolen and he was concealing it.

1 And he was also the direct perpetrator in the robbery when him and Ms.
2 Oliver were completing one of the room burgs and one of the victims
3 came back. He actually confronted her, and grabbed her phone in a
4 violent manner, and took it away from her, and eventually stole her
5 phone. So that's going to be the request for Mr. Clark is \$250,000.

6 THE COURT: All right with respect to Ms. Oliver, warrant will
7 issue and bail will be set at no bail pursuant to NRS 178.487 given that
8 some of these offenses happened while she was out of custody on
9 others, and also given the sheer number of offenses charged here.

10 And then with respect to Mr. Clark warrant will issue bail will
11 be set at \$250,000 based on the facts and circumstances presented by
12 the State. We will set a date one week in the department.

13 CLERK: October 29th 10:15 a.m.

14 THE COURT: And Las Vegas Justice Court case if it hasn't
15 been dismissed 20CR020969 1 and 2 will be dismissed. Exhibits 1
16 through, lot of exhibits Ms. Cole, 1 through 58 will be admitted and we'll
17 order a pre-trial risk assessment.

18 Were there any material witness warrants?

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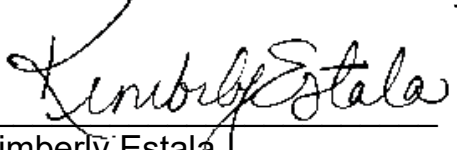
MS. COLE: There was not, Your Honor.

THE COURT: All right great, thank you everyone.

[Proceedings concluded at 11:36 a.m.]

* * * * *

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.



Kimberly Estala
Court Recorder/Transcriber

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID

DISTRICT COURT

THE STATE OF NEVADA,

Plaintiff,

vs.

GJ No. 19BGJ212A

DC No. C-20-351676-1

VANESHIA OLIVER, aka Veneshia
Lanette Oliver; DARRELL CLARK,

Defendants.

-----/

Taken at Las Vegas, Nevada

Wednesday, October 28, 2020

2:11 p.m.

SUPERSEDING INDICTMENT

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Reported by: Marcia Leonard, CCR 204

AA0332

1 GRAND JURORS PRESENT ON OCTOBER 28, 2020

2

3 STEVE LURVEY, Foreperson

4 NOEL WELLMAN, Secretary

5 DANIEL STACK, Assistant Secretary

6 TAMMY KRAUS

7 JOHN FINKOWSKI

8 PAUL GILLENWATER

9 MARK GOODMAN

10 JEFFREY GRUBER

11 DAVID HATCHETT

12 MANOLO SAENZ

13 GERALD REID

14 JOHN PELKEY

15 SUSAN ZEMAN

16 JEFF HILL

17

18

19

20 Also present at the request of the Grand Jury:

21 Madilyn Cole, Deputy District Attorney

22 Ann Dunn, Deputy District Attorney

23 Jeddah Balgame, IT Specialist

24

25

1	<u>INDEX OF WITNESSES</u>	
2		<u>Examined</u>
3		
4	RAVEN HOUGH	10
5	JEWELL LOVE	16
6	REBECCA FINGER	21
7	PRAGNESH PATEL	30
8	JAMES METHE	40
9	ANTONIO MONTALBANO	47
10	TRENT BYRD	61
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

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11
12
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INDEX OF EXHIBITS

<u>Grand Jury Exhibits</u>	<u>Identified</u>
1A - PROPOSED INDICTMENT	5
159 - DISK	32

1 LAS VEGAS, NEVADA, OCTOBER 28, 2020

2 * * * * *

3
4 MS. COLE: Good afternoon, everyone. My name
5 is Madilyn Cole. I'm a Deputy District Attorney. Here
6 with me today is Deputy District Attorney Ann Dunn.
7 Today we are continuing to present Grand Jury Case
8 Number 19BGJ212A-B, State of Nevada versus Vaneshia
9 Oliver and Darrell Clark.

10 The record will reflect that we have already
11 marked a copy of the proposed Indictment as Exhibit 1,
12 and today superseding Indictment has been marked as 1A.
13 So that's the Indictment you're going to be working off
14 of today.

15 The defendants in this case are charged with
16 conspiracy to commit larceny, conspiracy to commit
17 burglary, residential burglary, invasion of the home,
18 theft, burglary of a business, fraudulent use of credit
19 or debit card, attempt fraudulent use of credit or debit
20 card, robbery, coercion, possession of a document or
21 personal identifying information, possession of credit or
22 debit card without cardholder's consent, possession of
23 burglary tools, carrying concealed firearm or other
24 deadly weapon, and ownership or possession of a firearm
25 by a prohibited person.

1 We are required by law to advise you of the
2 elements of these charges. A copy of the elements has
3 already been marked as Grand Jury Exhibit Number 2.

4 Are there any members of the Grand Jury who
5 would like me to read these instructions out loud?
6 Seeing no hands.

7 Has every member of the Grand Jury had an
8 opportunity to review these elements? Seeing everybody
9 shaking their head in the affirmative.

10 By a show of hands, who was present for the
11 last presentment last Wednesday, October 12th? Raise
12 your hands high.

13 Okay. We have 12 members of the Grand Jury who
14 were present at the last presentment. I'm going to ask
15 you to reaffirm that you were all present and remember
16 the testimony and evidence that was presented on that
17 day. Can everybody raise their hands again in the
18 affirmative if that's correct? Okay. Seeing all of
19 those same 12 members for the record raising their hands.

20 Directing your attention, the last time we had
21 just a regular Indictment. Today it's going to be the
22 superseding Indictment. The charges and the numbering
23 has changed, so it's important for you to just work off
24 of the superseding Indictment so you don't get confused.

25 And I'm going to tell you what counts are going

1 to be relevant for today's presentment that you're going
2 to be deliberating on today. So if you want to follow
3 along and mark your Indictment.

4 THE SECRETARY: Thirteen, what's 13? We're
5 still 13. There is 15 people in the room.

6 MS. COLE: But one of the gentleman wasn't
7 present last week?

8 THE SECRETARY: There are 13 of us.

9 MS. COLE: Was there only 12 people that raised
10 their hand.

11 Okay. If you were present last Wednesday for
12 this presentment, raise your hand. One, two, three,
13 four, five, six, seven, eight, nine, ten, 11, 12, 13.
14 For the record, we actually have 13 members who were
15 present last Wednesday.

16 And for the record, can you also raise your
17 hand if you were present and you remember the testimony
18 last Wednesday? Okay. Seeing all 13 members, for the
19 record, raising their hands. Thank you. I apologize
20 about that.

21 Okay. So for purposes of today, if you will
22 mark your superseding Indictment, Counts 1 through 9 are
23 going to be deliberated on today by you. Counts 16, 17,
24 and 18, and then Counts 37 through 41. And I'll repeat
25 that one more time.

1 So it's going to be Counts 1 through 9, and
2 this is on your superseding Indictment that's marked 1A.
3 Count 16, 17, and 18. Counts 37 through 41.

4 And just for a clear record, the counts that
5 have already been deliberated on and were issued a true
6 bill were Counts 10 through 15, Counts 19 through 36, and
7 Counts 42 through 47. So those aren't going to be at
8 issue today.

9 MS. DUNN: Just for the record, also present
10 here with us today is Jeddah Balgame. She is an IT
11 director from the DA's Office.

12 Okay. The State's first witness is Raven
13 Hough. Her testimony is going to be related to Counts 37
14 through 41.

15 Hi, Raven, can you hear us?

16 THE WITNESS: Yes, I can hear you.

17 MS. DUNN: Okay.

18 THE FOREPERSON: Raven, raise your right hand,
19 please.

20 You do solemnly swear that the testimony that
21 you are about to give upon this investigation now pending
22 before the Grand Jury shall be the truth, the whole
23 truth, and nothing but the truth, so help you God?

24 THE WITNESS: Yes.

25 THE FOREPERSON: You're advised that you're

1 here today to give testimony in the investigation
2 pertaining to the offenses of conspiracy to commit
3 larceny, conspiracy to commit burglary, residential
4 burglary, invasion of the home, burglary of a business,
5 fraudulent use of credit or debit card, attempt
6 fraudulent use of credit or debit card, theft, involving
7 Vaneshia Oliver and Darrell Clark.

8 Do you understand this advisement?

9 THE WITNESS: Yes.

10 THE FOREPERSON: Please state your first and
11 last name and spell both for the record.

12 THE WITNESS: Raven Hough.

13 THE FOREPERSON: Spell it, please.

14 THE WITNESS: R-A-V-E-N. Last name's
15 H-O-U-G-H.

16 THE FOREPERSON: Thank you.

17 THE WITNESS: Thank you.

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1 RAVEN HOUGH,
2 having been first duly sworn by the Foreperson of the
3 Grand Jury to testify to the truth, the whole truth, and
4 nothing but the truth, testified as follows:

5
6 EXAMINATION

7 BY MS. DUNN:

8 Q. Good afternoon, Ms. Hough. To start off --

9 A. Good afternoon.

10 Q. -- you previously signed a witness declaration
11 for Grand Jury testimony through the use of audio visual
12 technology, correct?

13 A. Correct.

14 Q. For the record, that's marked as Grand Jury
15 Exhibit Number 6.

16 When you signed this, did you understand that
17 it subjects you to the penalties of perjury under the
18 State of Nevada?

19 A. Yes.

20 Q. And that you are under oath at this time?

21 A. Yes.

22 Q. Okay. And you are required to tell the truth
23 pursuant to the laws of the State of Nevada?

24 A. Yes.

25 Q. Okay. And you signed that and returned it to

1 my office?

2 A. Yes.

3 Q. Okay. Thank you.

4 Were you staying at Harrah's Hotel in
5 Room 15058 on August 23rd of this year?

6 A. Yes.

7 Q. Is that here in Clark County, Nevada?

8 A. Yes.

9 Q. Who else was staying in your room with you?

10 A. My cousin Jewell, my cousin Douinrea, and her
11 wife Trisha.

12 Q. Besides those people, did anyone else have
13 permission to be in your room on that day?

14 A. No one else had permission, no.

15 Q. On that day did you leave your room around
16 8:00 p.m.?

17 A. Yes.

18 Q. And did you return around 12:15 a.m.?

19 A. Yes.

20 Q. Was your door locked when you returned?

21 A. Yes.

22 Q. Did you notice any damage to the door?

23 A. Yes, I did.

24 Q. Did you take a picture of that damage?

25 A. I did, yes.

1 Q. I'm, tell me if you can see this. I'm showing
2 you what has been marked as Grand Jury Exhibit Number 19.
3 Are you able to see that?

4 A. Yes, I am.

5 Q. Okay. Is that the picture that you took in
6 this case?

7 A. Yes.

8 Q. Is this the damage that you saw on your door?

9 A. Yes.

10 Q. And can you describe for the members of the
11 Grand Jury what it looked like to you?

12 A. Upon opening the door, it looked like someone
13 had some type of device or hinge to unhinge the door.
14 I'm not sure what they used. But it definitely was not
15 there before I left.

16 Q. When you entered your hotel room, did you
17 notice anything missing?

18 A. Not as soon as I went into the room, but once
19 we realized that it was a mess, my cousin Terrell
20 realized everything was missing. And I realized that my
21 two wedding rings were missing.

22 Q. Okay. So you walked in, and at first you
23 didn't realize, but then things were messed up and that
24 caused you concern; is that correct?

25 A. Correct, yes.

1 Q. Okay. And then you said your cousins noticed
2 their things missing, and then that's when you noticed
3 your things missing?

4 A. Yes.

5 Q. Okay. What of yours was missing?

6 A. I had two wedding rings, and after leaving, I
7 realized I had some anklets and sunglasses that were
8 missing as well.

9 Q. Okay. And what was the value of the wedding
10 rings?

11 A. I had one wedding ring that was \$3200, and the
12 other wedding ring was 2,000.

13 Q. All right.

14 MS. DUNN: I have no further questions for this
15 witness.

16 Do any members of the Grand Jury have any
17 questions for this witness?

18 I'm seeing no hands.

19 THE FOREPERSON: By law these proceedings are
20 secret, and you're prohibited from disclosing to anyone
21 anything that transpired before us, including evidence
22 presented to the Grand Jury, any event occurring or
23 statement made in the presence of the Grand Jury, or
24 information obtained by the Grand Jury.

25 Failure to comply with this admonition is a

1 gross misdemeanor punishable by up to 364 days in the
2 Clark County Detention Center and a \$2,000 fine. In
3 addition, you may be held in contempt of court punishable
4 by an additional \$500 fine and 25 days in the Clark
5 County Detention Center.

6 Do you understand this admonition?

7 THE WITNESS: Yes.

8 THE FOREPERSON: Thank you. And you're
9 excused.

10 MS. DUNN: Thank you, Raven.

11 THE WITNESS: Thank you.

12 MS. DUNN: The State's next witness is Jewell
13 Love. Oh, someone just stepped out.

14 The State's next witness is Jewell Love. Her
15 testimony is going to relate to Counts 37 through 41.

16 Hi, Jewell.

17 Can you hear me?

18 THE WITNESS: Yes, I can hear you just fine.

19 MS. DUNN: Okay. Perfect. This is the
20 foreperson of the Grand Jury. He's going to swear you in
21 and tell you the admonition.

22 THE WITNESS: Okay.

23 THE FOREPERSON: Please raise your right hand.

24 You do solemnly swear that the testimony that
25 you are about to give upon this investigation now pending

1 before the Grand Jury shall be the truth, the whole
2 truth, and nothing but the truth, so help you God?

3 THE WITNESS: Yes.

4 THE FOREPERSON: You're advised that you're
5 here today to give testimony in the investigation
6 pertaining to the offenses of conspiracy to commit
7 larceny, conspiracy to commit burglary, residential
8 burglary, invasion of the home, burglary of a business,
9 fraudulent use of credit or debit card, attempt
10 fraudulent use of credit or debit card, theft, involving
11 Vaneshia Oliver and Darrell Clark.

12 Do you understand this advisement?

13 THE WITNESS: Yes.

14 THE FOREPERSON: Please state your first and
15 last name and spell both for the record.

16 THE WITNESS: Yes, Jewell Love. J-E-W-E-L-L.
17 Last name L-O-V-E.

18 THE FOREPERSON: Thank you.

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1 JEWELL LOVE,

2 having been first duly sworn by the Foreperson of the
3 Grand Jury to testify to the truth, the whole truth, and
4 nothing but the truth, testified as follows:

5

6 EXAMINATION

7 BY MS. DUNN:

8 Q. All right. Thank you, ma'am.

9 Before we get started, you filled out a witness
10 declaration for Grand Jury testimony through the use of
11 audio visual technology for this case; is that correct?

12 A. That's correct.

13 Q. And you sent that into my office after you
14 signed it?

15 A. Yes, ma'am, I did.

16 Q. By signing that, did you understand that you
17 were subject to the jurisdiction of the courts of Nevada?

18 A. That's correct.

19 Q. And that you're under oath here today?

20 A. That's correct.

21 Q. And that you may be subject to charges of
22 perjury if you are not, if you don't tell the truth here
23 today; is that correct?

24 A. That's correct.

25 Q. Thank you.

1 MS. DUNN: And for the record, that declaration
2 is marked as Grand Jury Exhibit Number 3.

3 THE WITNESS: Thank you.

4 BY MS. DUNN:

5 Q. All right. Were you staying at Harrah's Hotel
6 in Room 15058 on August 23rd of this year?

7 A. Yes, ma'am.

8 Q. Is that here in Clark County, Nevada?

9 A. Yes, ma'am.

10 Q. Who else was staying in your room with you?

11 A. Yes, Raven Hough, Douinrea Jones, and Patricia
12 Jones.

13 Q. Aside from those people, did anyone else have
14 permission to be in your room on that day?

15 A. No, ma'am.

16 Q. On that day, did you leave your room around
17 9:15 p.m.?

18 A. Yes, ma'am.

19 Q. And did you return around 12:15 a.m.?

20 A. Yes, ma'am.

21 Q. Was your door locked when you left?

22 A. Yes, it was locked.

23 Q. And was it locked when you returned?

24 A. Yes, ma'am.

25 Q. Did you notice any damage to the door?

1 A. Well, I didn't notice something damaged to the
2 door.

3 Q. Could you repeat that? I'm sorry.

4 A. Yes, ma'am. I didn't physically see anything,
5 any type of damage, but my cousin, when she first walked
6 through the door, she saw damage to the door.

7 Q. Did you ever look at the door?

8 A. Yes, ma'am, I did.

9 Q. When you looked at it, did you see the damage
10 also?

11 A. Yes, ma'am, I did.

12 Q. Once you entered your hotel room, did you
13 notice if anything was missing?

14 A. Yes, ma'am.

15 Q. What was missing?

16 A. What was missing was my Louis Vuitton backpack
17 and also my Tupac shirt.

18 Q. What was the value of your backpack?

19 A. The value of my backpack was \$2,500.

20 Q. And you said a Tupac shirt. Can you tell me
21 what that looked like?

22 A. The Tupac shirt was an orange shirt, and it had
23 a picture of, multiple pictures of Tupac on it, and I can
24 show you a picture of it.

25 Q. Actually, I'm going to show you what's been

1 marked as Grand Jury Exhibit Number 24. Please let me
2 know if you are able to see this?

3 A. Yes, that's the shirt.

4 Q. That's the shirt that was missing from your
5 hotel room?

6 A. Yes, ma'am, that's correct.

7 Q. Okay. Now, I'm going to show you what's been
8 marked as Grand Jury Exhibit Number 18. Please let me
9 know if you are able to see what's in this picture?

10 A. Yes, I see that's my backpack, and I see a
11 gentleman using a machine.

12 Q. Okay. Do you know who that, did you know that
13 gentleman on the day that you were here in Las Vegas?

14 A. No, I never met that man before.

15 Q. Did he have permission to have your backpack?

16 A. (Unintelligible.)

17 Q. I'm sorry, could you repeat that?

18 A. No, ma'am, he did not have permission.

19 Q. Okay.

20 MS. COLE: I have no further questions for this
21 witness.

22 Do any members of the Grand Jury have any
23 questions for this witness? Seeing no hands.

24 THE FOREPERSON: By law these proceedings are
25 secret, and you're prohibited from disclosing to anyone

1 anything that transpired before us, including evidence
2 presented to the Grand Jury, any event occurring or
3 statement made in the presence of the Grand Jury, or
4 information obtained by the Grand Jury.

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

11 Do you understand this admonition?

12 THE WITNESS: Yes, sir.

13 THE FOREPERSON: Thank you. And you're
14 excused.

15 THE WITNESS: Thank you.

16 MS. COLE: The State's next witness is going to
17 be Rebecca Finger, and she's also going to be testifying
18 via audio visual.

19 THE FOREPERSON: Please raise your right hand.

20 You do solemnly swear that the testimony that
21 you are about to give upon this investigation now pending
22 before the Grand Jury shall be the truth, the whole
23 truth, and nothing but the truth, so help you God?

24 THE WITNESS: Yes.

25 THE FOREPERSON: Go ahead and put down your

1 hand.

2 You're advised that you're here today to give
3 testimony in the investigation pertaining to the offenses
4 of conspiracy to commit larceny, conspiracy to commit
5 burglary, residential burglary, invasion of the home,
6 burglary of a business, fraudulent use of credit or debit
7 card, attempt fraudulent use of credit or debit card,
8 theft, involving Vaneshia Oliver and Darrell Clark.

9 Do you understand this advisement?

10 THE WITNESS: Yes.

11 THE FOREPERSON: Please state your first and
12 last name and spell both for the record.

13 THE WITNESS: Rebecca Finger. R-E-B-E-C-C-A.
14 Finger, F, as in fraud, I-N-G-E-R.

15 THE FOREPERSON: Thank you.

16

17 REBECCA FINGER,

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

21

22 EXAMINATION

23 BY MS. COLE:

24 Q. Good afternoon, Rebecca.

25 MS. COLE: As a preliminary matter, her

1 testimony is going to be related to Counts 16, 17, and 18
2 of the superseding Indictment.

3 BY MS. COLE:

4 Q. Rebecca, before we get going today, you filled
5 out a witness declaration for Grand Jury through the use
6 of audio visual technology; is that correct?

7 A. Yes.

8 Q. Okay. And you returned it to my office?

9 A. Yes, correct.

10 Q. Okay. And that's been marked as Grand Jury
11 Exhibit Number 5.

12 You understand that you're subject to the laws
13 of the State of Nevada, even though you're not presently
14 testifying here in Nevada?

15 A. I do, yes.

16 Q. And you understand that you are also, you took
17 an oath to tell the truth?

18 A. Yes.

19 Q. Okay. And for your reference, that's been
20 marked as Grand Jury Exhibit Number 5.

21 Rebecca, did you travel to Las Vegas and stay
22 at the Paris Hotel located at 3655 South Las Vegas
23 Boulevard here in Clark County, Nevada?

24 A. Yes.

25 Q. And what dates did you stay in Las Vegas at the

1 Paris Hotel?

2 A. We stayed from August 20th to August 23rd.

3 Q. Okay. And was that in Room 2186?

4 A. Yes.

5 Q. And who stayed there with you?

6 A. It was me, Brook Bargholtz, Inga Williams, Kate
7 Berry, and Marissa Metro.

8 Q. And specifically drawing your attention to
9 August 21st, did you and your friends leave your hotel
10 room that morning?

11 A. Yes, we did, around 7:45 a.m.

12 Q. Okay. Where did you guys go?

13 A. We went down into the Paris lobby to get crepes
14 and coffee from a little cafe that was down there.

15 Q. Okay. And what time did you arrive back in
16 your room?

17 A. We got back by 8:30.

18 Q. Okay. And when you arrived back to your room,
19 did you notice anything significant?

20 A. Not right away. We went into the room and
21 there didn't appear to be much out of order, but then we
22 noticed that on the bed there was a black Motorola cell
23 phone, and I had a backpack that was sitting near my
24 suitcase that was gone, and an Apple watch that was
25 sitting on the counter that was gone, and then we started

1 to notice things.

2 Q. Okay. And at any point on the 21st, did you
3 notice that there was damage to your hotel room door?

4 A. We didn't notice any damage right away, but
5 then once the door had been opened and we looked at the
6 lock mechanism, it looked like there had been some
7 scratches and scuff marks on it. And there was some
8 apparent damage to the door once you could see that it
9 was open.

10 Q. Okay. So you're referring to the lock
11 mechanism when the door was open?

12 A. Yes. Yeah, when the door was closed, you
13 couldn't see the scratches as much, but then when the
14 door was open, you could see where it like connecting
15 with the lock, there was a lot of scratching and damage
16 done there.

17 Q. Okay. Was some of the paint chipped off?

18 A. Yes.

19 Q. Okay. And there was obvious damage when you
20 opened the door?

21 Rebecca?

22 A. Yeah.

23 Q. Okay. I'm sorry. I am just going to repeat
24 that last question.

25 So when you opened the door, there was obvious

1 damage on the door by the locking mechanism?

2 A. Yes.

3 Q. Okay. What property was taken that was yours
4 that was in the room?

5 A. An Apple watch, an Apple watch charger, my
6 backpack, and then a debit card, a credit card, and some
7 headphones.

8 Q. Okay. What was the value of that Apple watch
9 that was taken?

10 A. \$300.

11 Q. Okay. And what about your backpack?

12 A. About \$45.

13 Q. Okay. Was there any other items of high value
14 that were taken from your room on that day?

15 A. No other items of high value. The charger was
16 \$30, and the headphones cost \$30.

17 Q. Okay. And I'm going to show you what's been
18 marked as Grand Jury Exhibit Number 127. Can you see
19 that?

20 A. Yes, I can.

21 Q. Okay. And what do you recognize that as?

22 A. That's my Apple watch.

23 Q. Okay.

24 MS. COLE: For the record, I'm publishing Grand
25 Jury Exhibit Number 127.

1 BY MS. COLE:

2 Q. So that's the Apple watch that you had that was
3 in your room when the room was burglarized?

4 A. Yes.

5 Q. Okay.

6 A. Correct.

7 Q. And did that Apple watch have a specific serial
8 number?

9 A. Yes, it did.

10 Q. Okay. And is that serial number GJ9CRL0DJ5X0?

11 A. Yes, that's the serial number.

12 Q. Okay. And through the period of August 20th
13 through August 23rd when you were staying in Room 2186,
14 did anybody have permission to enter your hotel room
15 besides the girls that were staying there with you?

16 A. No, they did not.

17 Q. Okay. And you mentioned that some cards got
18 stolen from you on that day as well?

19 A. Yes.

20 Q. Okay. Was one of those specifically a Visa
21 card ending in 4786?

22 A. Yes.

23 Q. And was another one of those a Visa ending in
24 9984?

25 A. Yes.

1 Q. Okay. Did you ever use any of your cards,
2 specifically your Visa ending in 4786, at a Target on
3 August 21, 2020, in Las Vegas, Nevada?

4 A. No.

5 Q. Did you give anybody permission to use that
6 specific card, your Visa ending in 4786, at that Target
7 on August 21st?

8 A. No, I did not.

9 Q. What about your card ending in 9984, your Visa
10 card, did you use it or give anyone permission to use
11 that card at Target on August 21, 2020, in Clark County,
12 Nevada?

13 A. No, I did not use it at the Target or give
14 anyone else permission to use it at that Target.

15 Q. Okay. And just again for the record, that was
16 your Visa card ending in 4786 and your Visa card ending
17 in 9984?

18 A. Correct.

19 Q. Okay. During your entire stay in Las Vegas
20 from August 20th to August 23rd, did you ever go to any
21 Targets that were near the Paris Hotel?

22 A. No.

23 MS. COLE: No further questions for this
24 witness.

25 Do any members of the Grand Jury have any

1 questions?

2 THE FOREPERSON: By law these proceedings are
3 secret, and you're prohibited from disclosing to anyone
4 anything that transpired before us, including evidence
5 presented to the Grand Jury, any event occurring or
6 statement made in the presence of the Grand Jury, or
7 information obtained by the Grand Jury.

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

14 Do you understand this admonition?

15 THE WITNESS: Yes.

16 THE FOREPERSON: Thank you. You're excused.

17 THE WITNESS: Thank you very much.

18 MS. COLE: The State is going to call Patel
19 Pragnesh.

20 And he's going to be relevant to Counts 1, 2,
21 3, 4, 6, 7, 8, and 9. He's going to be in person.

22 THE FOREPERSON: Please raise your right hand.

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

1 truth, and nothing but the truth, so help you God?

2 THE WITNESS: Yes.

3 THE FOREPERSON: You're advised that you're
4 here today to give testimony in the investigation
5 pertaining to the offenses of conspiracy to commit
6 larceny, conspiracy to commit burglary, residential
7 burglary, invasion of the home, burglary of a business,
8 fraudulent use of credit or debit card, attempt
9 fraudulent use of credit or debit card, theft, involving
10 Vaneshia Oliver and Darrell Clark.

11 Do you understand this advisement?

12 THE WITNESS: Yes.

13 THE FOREPERSON: Please state your first and
14 last name and spell both for the record.

15 THE WITNESS: First name Pragnesh. Last name
16 Patel. P-R-A-G-N-E-S-H. Last name P-A-T-E-L.

17 THE FOREPERSON: Thank you.

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1 PRAGNESH PATEL,

2 having been first duly sworn by the Foreperson of the
3 Grand Jury to testify to the truth, the whole truth, and
4 nothing but the truth, testified as follows:

5

6 EXAMINATION

7 BY MS. COLE:

8 Q. Good afternoon, Mr. Pragnesh. Where do you
9 work?

10 A. 7/Eleven on Koval Street. 4158 Koval Street.
11 Store number 13691.

12 Q. And is that here in Las Vegas, Clark County,
13 Nevada?

14 A. Yes.

15 Q. And what is your job, what are your job duties
16 there? What's your position?

17 A. Manager owner, slash, owner, so basically I do
18 day-to-day operation and I also own the store, too.

19 Q. Okay. And how long have you owned and worked
20 the store for?

21 A. About four years.

22 Q. Okay. And again you said this is the 7/Eleven
23 located at 4158 Koval Lane, Las Vegas, Nevada 89109?

24 A. Correct.

25 Q. And your specific store location at that

1 address is 13691?

2 A. That's the store number, correct.

3 Q. Okay. And I'm assuming that there is so many
4 7/Eleven --

5 A. Yeah.

6 Q. -- each one has its own specific unique store
7 number?

8 A. Correct.

9 Q. Okay. Are you familiar with the video
10 surveillance system at your specific 7/Eleven location?

11 A. Yes.

12 Q. And you had the opportunity to review that
13 surveillance video today, correct?

14 A. Yes.

15 Q. Your surveillance system, is it a system that's
16 constantly streaming or is motion activated?

17 A. Constantly streaming and recording.

18 Q. And to the best of your knowledge, on
19 August 16th at approximately 10:00 p.m., 10 to midnight,
20 that surveillance system was displaying the correct date
21 and time?

22 A. Yes.

23 Q. Okay. And you, again, had an opportunity to
24 review some video surveillance from your specific
25 7/Eleven location that was retrieved from August 16,

1 2020?

2 A. Correct.

3 Q. Okay. And I'm approaching you with what's been
4 marked as Grand Jury Exhibit Number 159. Is this the
5 video that you looked at?

6 A. Yes.

7 Q. Okay. And how do you know that?

8 A. My signature on it.

9 Q. That's your signature at the bottom of the
10 page?

11 A. Yes.

12 Q. Okay. And when you reviewed this video
13 surveillance from your 7/Eleven, your specific 7/Eleven,
14 did it fairly and accurately depict your store on
15 August 16, 2020?

16 A. Yes.

17 Q. Specifically from the hours from 10 to
18 midnight?

19 A. Yes.

20 Q. Okay. I'm going to show you Grand Jury
21 Exhibits 147 through, 147 through 157. Will you go ahead
22 and take a look at those and let me know when you're
23 done?

24 A. Sure.

25 Q. Are these essentially still photos from the

1 video surveillance that you reviewed prior to your
2 testimony today?

3 A. Yes.

4 Q. Okay.

5 MS. COLE: For the record, I'm publishing Grand
6 Jury Exhibit Number 157.

7 BY MS. COLE:

8 Q. Can you tell the members of the Grand Jury what
9 part of your store this is?

10 A. That's pretty much the furthest part wall where
11 you enter.

12 Q. Okay. And showing, for the record, Grand Jury
13 Exhibit Number 155. What are we looking at right here?

14 A. Register area. Cash register. So that's one
15 showing one and two.

16 Q. Okay. And showing you Grand Jury Exhibit
17 Number 152, what are we looking at right here?

18 A. This one's our middle aisle, which is right
19 across from the register one and two.

20 Q. Okay. And for the record, showing you what's
21 been marked as Grand Jury Exhibit Number 151.

22 A. This is our main entrance, so it's the parking
23 lot. Front door.

24 Q. Okay. And specifically directing your
25 attention to the individual male depicted in the white

1 shirt, it looks like, can you describe what color that
2 bag is that he's carrying?

3 A. Red and white.

4 Q. Okay. Is that a bag that he would get from
5 your store?

6 A. No.

7 Q. For the record, I'm showing you Grand Jury
8 Exhibit Number 145. Again, I'm going to direct your
9 attention to the individual male in the white shirt.
10 Again, looking at that specific bag, are you able to make
11 out any letters or anything depicted on that bag?

12 A. I mean, the letters S and B.

13 Q. Okay. And for the record, can you also
14 indicate what part of your store this is at?

15 A. This is the entrance right when you enter, so
16 from register third, so you're looking the first aisle
17 straight from the register across.

18 Q. Okay. Thank you, sir.

19 I'm also showing you Grand Jury Exhibit
20 Number 158. Can you take a look at that and tell me what
21 it is?

22 A. Yeah. This is a reprinted, our store receipt.

23 Q. Okay. And I'm going to just put this on the
24 projector to publish it. So, again, for the record,
25 that's Grand Jury Exhibit Number 158.

1 Okay. And I'm going to direct your attention
2 to that top right there. What does that number indicate?

3 A. That's our store number, 13691.

4 Q. Okay. So that's the specific identification
5 number that's connected to your specific store number?

6 A. Yes.

7 Q. And, again, that's located on Koval?

8 A. Koval, 4158.

9 Q. Okay. And is this specific receipt, was it
10 made in the course of regular conducted business
11 activity, meaning with every transaction a receipt is
12 created?

13 A. Correct.

14 Q. Okay. And it's safe to say that creating
15 receipts at a 7/Eleven is a routine action that takes
16 place every day?

17 A. Yes, for every transaction.

18 Q. Okay. And it's safe, it's fair to say that
19 it's kept in the usual regular course of business?

20 A. Yes.

21 Q. And in looking at this specific receipt, this
22 was actually created at the time the event occurred?

23 A. Yes.

24 Q. Okay. And the person recording this
25 information would essentially be the clerk or the

1 cashier; is that correct?

2 A. Yes.

3 Q. And they're actually transmitting this
4 information as it's happening?

5 A. Correct.

6 Q. Meaning that as they're ringing an individual
7 up, these are the items that are being displayed in real
8 time?

9 A. Yes.

10 Q. Okay. And for the record, I'm going to direct
11 you to the bottom of the page.

12 A. Uh-huh.

13 Q. Is this the balance of the transaction?

14 A. That's the total, yes, for the transaction.

15 Q. Okay. And what number does that indicate?

16 A. 2068. \$20.68.

17 Q. Okay. So that would be the cost, the total?

18 A. Yes.

19 Q. Then looking at the bottom, what does this
20 number indicate?

21 A. That's the date. So on the top will show you
22 the date and the start time of that transaction. On the
23 bottom, it will show you the date and then the, when the
24 transaction ended.

25 Q. Okay. So if we're looking at this, and it

1 looks like this is cut off a little bit, but what's the
2 time right there that's indicated?

3 A. 2239.

4 Q. Okay. And that would be 10:39?

5 A. Correct.

6 Q. Okay. And then, again, looking at this number
7 here, that also indicates 2239?

8 A. Correct.

9 Q. Okay. And that's when the transaction ended?

10 A. Yes.

11 Q. And, again, this is your specific store number?

12 A. Correct.

13 Q. And the credit card that was used is indicated
14 right here; is that correct?

15 A. Yes. The last four of the card, yes.

16 Q. Okay. And can you read those numbers into the
17 record?

18 A. 0452.

19 MS. COLE: No further questions for this
20 witness.

21 Do any members of the Grand Jury have any
22 questions?

23 THE FOREPERSON: By law these proceedings are
24 secret, and you're prohibited from disclosing to anyone
25 anything that transpired before us, including evidence

1 presented to the Grand Jury, any event occurring or
2 statement made in the presence of the Grand Jury, or
3 information obtained by the Grand Jury.

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

10 Do you understand this admonition?

11 THE WITNESS: Yes, sir.

12 THE FOREPERSON: Thank you. And you're
13 excused.

14 THE WITNESS: Thank you.

15 MS. COLE: Thank you.

16 The State's next witness is going to be James
17 Methe.

18 Oh, up on the stand, sir. You actually have to
19 sit up on here. And that's the microphone you're going
20 to speak into.

21 THE FOREPERSON: Please stand and raise your
22 right hand.

23 THE WITNESS: Stand?

24 THE FOREPERSON: Yes. Raise your right hand.

25 You do solemnly swear that the testimony that

1 you are about to give upon this investigation now pending
2 before the Grand Jury shall be the truth, the whole
3 truth, and nothing but the truth, so help you God?

4 THE WITNESS: I do.

5 THE FOREPERSON: You're advised that you're
6 here today to give testimony in the investigation
7 pertaining to the offenses of conspiracy to commit
8 larceny, conspiracy to commit burglary, residential
9 burglary, invasion of the home, burglary of a business,
10 fraudulent use of credit or debit card, attempt
11 fraudulent use of credit or debit card, theft, involving
12 Vaneshia Oliver and Darrell Clark.

13 Do you understand this advisement?

14 THE WITNESS: Yes.

15 THE FOREPERSON: Please state your first and
16 last name and spell both for the record.

17 THE WITNESS: James Methe. J-A-M-E-S,
18 M-E-T-H-E.

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1 JAMES METHE,

2 having been first duly sworn by the Foreperson of the
3 Grand Jury to testify to the truth, the whole truth, and
4 nothing but the truth, testified as follows:

5

6 EXAMINATION

7 BY MS. COLE:

8 Q. Sir, where do you work?

9 A. I work for Desert Cab.

10 Q. And how long have you worked there?

11 A. I came back to work a couple years ago, but I
12 was there for about 18 years.

13 Q. And were you working in your capacity as a cab
14 driver at Desert Cab on August 21, 2020?

15 A. Yes, I was.

16 Q. Okay. And you had an opportunity to -- let me
17 back up.

18 In your cabs at Desert Cab, do you have video
19 surveillance going?

20 A. Yes, it's supposed to be 24-hour. They can
21 download it. I usually, they keep it for about a week or
22 so. So if they need to go back on something, they
23 usually have it. It's always constantly going.

24 Q. Okay. So in your cab when you're driving
25 passengers, your, there is a video surveillance system in

1 your cab that's always streaming?

2 A. Uh-huh.

3 Q. And on August 21, 2020, was that video
4 surveillance streaming?

5 A. Yes, it was.

6 Q. And I believe you answered this, but just to
7 make sure, it's not motion activated or anything like
8 that, it's just constantly streaming?

9 A. Well, I'm not good with technology, but from
10 what I understand, it will automatically capture things
11 when, if you had an accident, if you had, if you made a
12 sharp right- or left-hand turn. It's just to acknowledge
13 that they want to capture that because it's a point where
14 they need to view this just in case, so if an accident --

15 Q. Okay. I'm going to stop you right there. So
16 it's constantly streaming?

17 A. Yes, it is.

18 Q. And you had an opportunity to review the video
19 surveillance of you in your cab with a passenger on
20 August 21, 2020?

21 A. Yes.

22 Q. Okay. And I'm showing you what's been
23 marked -- excuse me. I'm showing you what's been marked
24 as Grand Jury Exhibit Number 138. Is that the video
25 surveillance that you viewed before --

1 A. Yes.

2 Q. -- prior to your testimony?

3 A. Uh-huh.

4 Q. Can you state your answer for the record?

5 A. Yes, it was. I mean, yes, it is.

6 Q. Okay. And how do you know that?

7 A. Because I viewed this about a week ago.

8 Q. And is that your initials on the bottom of the
9 CD?

10 A. Yes, it is.

11 Q. Okay. And you viewed this last week, last
12 Wednesday?

13 A. Yeah.

14 Q. When you were waiting to testify?

15 A. Yes.

16 Q. But we ran out of time to get to you?

17 A. Yes.

18 Q. Okay. And I am going to be showing you Grand
19 Jury Exhibits Number 141, 140, and 139. Can you take a
20 look at these as well, sir?

21 A. Yes.

22 Q. Okay. And are these essentially still
23 photographs that were taken from the video surveillance
24 from your cab?

25 A. Yes, it is.

1 Q. And that's from the disk that I showed you?

2 A. Yes.

3 Q. Okay. And you reviewed that before court?

4 A. Uh-huh.

5 Q. And these --

6 A. Yes.

7 Q. -- surveillance stills accurately, accurately
8 depict the video surveillance that was taken on
9 August 21, 2020?

10 A. Yes.

11 Q. Okay. For the record, I'm showing you what's
12 been marked as Grand Jury Exhibit Number 144. Is that
13 you, sir?

14 A. Yes.

15 Q. Okay. And that's a female in the backseat of
16 your vehicle?

17 A. Uh-huh.

18 Q. Okay. Showing you what's been marked as Grand
19 Jury Exhibit Number 139. Is that that same female in the
20 back of your vehicle?

21 A. Yes.

22 Q. Okay. Showing you Grand Jury Exhibit
23 Number 140. Is that you and that same female?

24 A. Yes.

25 Q. Okay. Did you learn this female's name? Did

1 she tell you her name?

2 A. Yes.

3 Q. And what was that?

4 A. Vaneshia.

5 Q. Can you say that again?

6 A. Vaneshia, I think it was.

7 Q. Okay. And did she give you her phone number?

8 A. Yes, she did.

9 Q. Okay. Was that number (702) 559-5174?

10 A. Yes.

11 Q. Okay. And where did you pick her up?

12 A. At a Walgreens at Flamingo and Maryland. It
13 was a radio call.

14 Q. Okay. And where did you drop her off?

15 A. I dropped her off at 455 East Twain, which is
16 at Twain and Paradise at an apartment complex.

17 Q. Okay. And for the record, sir, can you just
18 describe, looking at Grand Jury Exhibit Number 139, what
19 is the woman you know as Vaneshia wearing?

20 A. Shorts, and I don't know if it's a, some kind
21 of a top.

22 Q. Okay. What color is that top?

23 A. White.

24 Q. Okay. And does she have a mask or a wrap
25 around her face?

1 A. Yes, it looks like a bandanna.

2 Q. Okay. What color primarily is that mask?

3 A. I'm not sure. It could be black. I'm not
4 sure.

5 Q. So a dark color, fair to say?

6 A. Yes.

7 MS. COLE: No further questions for this
8 witness.

9 Do any members of the Grand Jury have any
10 questions for this witness?

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

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

23 Do you understand this admonition?

24 THE WITNESS: Yes.

25 THE FOREPERSON: Thank you. You're excused.

1 MS. COLE: The State's next witness is Antonio
2 Montalbano.

3 THE FOREPERSON: Please raise your right hand.

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

8 THE WITNESS: I do.

9 THE FOREPERSON: You're advised that you're
10 here today to give testimony in the investigation
11 pertaining to the offenses of conspiracy to commit
12 larceny, conspiracy to commit burglary, residential
13 burglary, invasion of the home, burglary of a business,
14 fraudulent use of credit or debit card, attempt
15 fraudulent use of credit or debit card, theft, involving
16 Vaneshia Oliver and Darrell Clark.

17 Do you understand this advisement?

18 THE WITNESS: Yes, sir.

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

21 THE WITNESS: First name is Antonio,
22 A-N-T-O-N-I-O. Last is Montalbano. M-O-N-T-A-L-B, as in
23 boy, A-N-O.

24

25 ///

1 ANTONIO MONTALBANO,

2 having been first duly sworn by the Foreperson of the
3 Grand Jury to testify to the truth, the whole truth, and
4 nothing but the truth, testified as follows:

5

6 EXAMINATION

7 BY MS. DUNN:

8 Q. Good afternoon, sir. As a reminder to the
9 Grand Jury, you're a police officer with Metro, correct?

10 A. Yes, ma'am.

11 Q. And were you working in that capacity on
12 August 27th of this year?

13 A. Yes, ma'am.

14 Q. And did you encounter Ms. Oliver and Mr. Clark
15 at the Casino Royale?

16 A. I did, ma'am.

17 Q. And I believe you testified last time you first
18 began talking to Mr. Clark through an application known
19 as Letgo.

20 A. Yes, ma'am.

21 Q. Okay. And did you arrange a meeting with him?

22 A. Yes.

23 Q. What was the purpose of that meeting?

24 A. We had reasonable suspicion to believe that
25 some of the property that was in his possession was

1 obtained through a crime. We set up a transaction for
2 two Apple watches, and they met the criteria of cases
3 that were under that.

4 Q. Okay. And when you encountered Mr. Clark, did
5 he have any Apple watches on him?

6 A. Yes, ma'am.

7 Q. I'm showing you what's been marked as Grand
8 Jury Exhibit Number 127. Do you recognize this?

9 A. Yes, ma'am.

10 Q. What is that?

11 A. That is a picture that was on the Letgo app
12 from the account name of Clark.

13 Q. Okay. And what is it a picture of?

14 A. The Apple watch that was in his possession.

15 Q. Okay. So does this fairly and accurately
16 depict the Apple watch that was in his possession when
17 you encountered him at the Casino Royale?

18 A. Yes, ma'am.

19 Q. And it's also a fair depiction of, or it is the
20 picture that was on the Letgo page?

21 A. Yes, ma'am.

22 Q. And at Casino Royale, did you have a chance to
23 interact with each of the defendants?

24 A. Yes, ma'am.

25 Q. And would you recognize them if you saw them

1 again?

2 A. Yes.

3 Q. In this case, did you previously have an
4 opportunity to review surveillance video from a 7/Eleven?

5 A. Yes, ma'am.

6 Q. And were there still photos taken from that
7 video of the 7/Eleven. I am going to hand you a stack of
8 exhibits. They are Grand Jury Exhibits Number 157, 155,
9 152, 151, 149, 148, 150, 153, 154, 156, and 147.

10 Will you please flip through those, and when
11 you have finished, please let me know if you recognize
12 anybody in those photos?

13 A. Yes, ma'am. For the first one on top, that one
14 was 147. That would be Vaneshia Oliver. Second photo
15 would be the same. And that one is 156. 154 would be
16 the profile of her in the same attire as the previous.
17 Same for the next one at 153, 150.

18 In 148, I can see Mr. Clark and what appears to
19 be Ms. Oliver. It shows the same attire, same hairstyle,
20 and everything. Have a side photo of 149 of Clark and
21 the back of Oliver. Same attire as previous. Same as
22 151. And in the far back on 152, the profile and attire
23 of Oliver. 155 would be a side and profile of Oliver.
24 And then 157 is Ms. Oliver.

25 Q. Thank you.

1 I'm going to put these up quickly for the
2 members of the Grand Jury to see. Then, of course, they
3 will be available for the members of the Grand Jury as
4 you deliberate.

5 All right. In this case, did you also have an
6 opportunity to review surveillance video from a Target?

7 A. Yes, ma'am.

8 Q. I'm going to show you some still photos from
9 that video. I'm going to show them up in the overhead
10 this time. As I show them to you, please let me know if
11 you recognize anyone in the photos. Grand Jury Exhibit
12 Number 132?

13 A. For that one it appears to be a likeness and
14 profile and hairstyle and facial features to Oliver.
15 It's a little granulated, so it's not a definite. But
16 definitely a match on the profile and everything.

17 Q. Grand Jury Exhibit Number 130?

18 A. For that one, yes, I would be able to say that
19 that's more facial features of Oliver.

20 Q. Exhibit Number 133?

21 A. That would be the same attire, so it would be
22 the same individual as the last.

23 Q. Exhibit Number 134?

24 A. Again, same profile as Oliver.

25 Q. 137? And 137?

1 A. Appears to be the same person as the last.

2 Q. Okay. Can you please describe what is hanging
3 off of her shoulder?

4 A. It appears to be a similar bag to what we had
5 in custody.

6 Q. Can you describe to me what it looks like?

7 A. Sorry. It's a black bag with a letter C or G
8 on it with white or silver on the sides.

9 Q. Okay. Thank you.

10 And Grand Jury Exhibit Number 135?

11 A. It would be the same bag in that picture.

12 Q. Okay. Now, since you viewed the video
13 surveillance in this case, and these are all stills from
14 that same video, is it safe to say that the person
15 wearing the same attire who you identified in Grand Jury
16 Exhibit Number 130 is the same person throughout all of
17 these stills?

18 A. Yes, ma'am.

19 Q. And who is that person again for the record?

20 A. Vaneshia Oliver.

21 Q. Thank you.

22 Did you also have an opportunity to view a
23 video from Arco in this case?

24 A. Yes, ma'am.

25

1 BY MS. COLE:

2 Q. And for the record, you're looking at 105
3 through 116. Let us go ahead and let me know when you're
4 done.

5 A. For 105, it has profiles of Vaneshia, the
6 female at the register and --

7 Q. Sir, I'm just going to separate them. Did you
8 have an opportunity to review all those?

9 A. Yes, ma'am.

10 Q. Just go ahead and review them.

11 A. Okay. You want me to do it all?

12 Q. Yes.

13 A. Gotcha. My apologies.

14 Q. Okay. And are those all still photographs from
15 the video surveillance you reviewed in Arco?

16 A. Yes, ma'am.

17 Q. Okay. And are those two individuals depicted
18 in these photos?

19 A. Yes, ma'am.

20 Q. Okay. And are you able to identify those
21 individuals?

22 A. Yes, ma'am.

23 Q. Okay. And who are the individuals depicted in
24 the photos?

25 A. It would be Oliver, Oliver and Clark.

1 Apologies. The gentleman in the white right there with
2 the shorts would be Clark.

3 Q. Okay. And for the record, this is Grand Jury
4 Exhibit Number 144. And this is the same person that you
5 apprehended?

6 A. Yes, ma'am.

7 Q. Okay. And for the record, showing you Grand
8 Jury Exhibit Number 106. This is a different
9 surveillance still also from Arco?

10 A. Yes. And that would be Vaneshia Oliver, ma'am.

11 Q. Okay. And that was also the same person that
12 you came in contact with at a later date when you
13 conducted a sting operation?

14 A. Yes, ma'am.

15 Q. Okay.

16 BY MS. DUNN:

17 Q. All right. Sir, I'm going to show you some
18 stills taken from video surveillance from Harrah's.
19 Showing you Grand Jury Exhibit Number 30, do you
20 recognize those people?

21 A. More so for one. The other one is a little too
22 dark, but it does match the profile of, for the female,
23 it would be a profile of Oliver. And for the male, it
24 appears to be Clark.

25

1 Q. Okay. And is Clark the one you're able to
2 identify more clearly?

3 A. Yes.

4 Q. In Grand Jury Exhibit Number 31, do you
5 recognize this person?

6 A. Yes, ma'am.

7 Q. Who is that?

8 A. That one is Vaneshia Oliver.

9 Q. Okay. And does this person appear to be
10 wearing the same clothing as the person in Grand Jury
11 Exhibit Number 30?

12 A. Yes, ma'am.

13 Q. Showing you Grand Jury Exhibit Number 32, do
14 you recognize these people?

15 A. Yes, ma'am.

16 Q. Who are they?

17 A. It would be the same individuals as before so
18 Clark and Oliver.

19 Q. Okay. Grand Jury Exhibit Number 33, do you
20 recognize that person?

21 A. Yes, the male from the rear appears to be
22 wearing the same attire, same build and profile as Clark.

23 Q. Okay. Grand Jury Exhibit Number 34?

24 A. Same as before.

25 Q. Grand Jury Exhibit Number 35?

1 A. Same as before.

2 Q. Okay. Grand Jury Exhibit Number 36?

3 A. It appears to be right in between the two cars.
4 It would be Clark in between with the same attire.

5 Q. And when you say same attire, what color
6 clothing is that?

7 A. It would be either a light blue or white polo
8 T-shirt, depending on the image.

9 Q. Exhibit Number 37, is this a clearer shot of
10 the individual from the car?

11 A. Yes, ma'am.

12 Q. And can you tell who that is?

13 A. Facially, no. But through the rest of the
14 attire and build, it would be Clark.

15 Q. Exhibit Number 38, do you recognize those
16 people through their attire?

17 A. Yes, ma'am.

18 Q. Are they wearing the same attire as the rest of
19 the pictures from Harrah's so far?

20 A. Yes. The male is definitely wearing
21 everything, and the female you can see the bag on her
22 shoulder on the left.

23 Q. Exhibit Number 39, do you recognize the attire
24 those people are wearing?

25 A. Yes, ma'am.

1 Q. And is that the same as the attire we've seen
2 thus far?

3 A. Yes, ma'am.

4 Q. Exhibit Number 40, do you recognize that
5 person?

6 A. Yes, ma'am.

7 Q. Who is that?

8 A. That would be Vaneshia Oliver, back shot with
9 the bag that we've already stated before.

10 Q. Okay. Exhibit Number 41, do you recognize
11 those people?

12 A. Yes, ma'am.

13 Q. And who are they?

14 A. In the far distance would be Vaneshia Oliver
15 and up closer would be Clark.

16 Q. Okay. Exhibit Number 42, is that a closer shot
17 of who you just identified as Clark?

18 A. Yes, ma'am, just with the backpack now.

19 Q. Exhibit Number 43, do you recognize that
20 person?

21 A. Yes, ma'am.

22 Q. Who is that?

23 A. That would be Vaneshia Oliver with a more
24 distinct shot of the bag.

25 Q. Exhibit Number 44, do you recognize that

1 person?

2 A. Yes, ma'am.

3 Q. Who is that?

4 A. That would be Vaneshia Oliver.

5 Q. And is she carrying anything of note?

6 A. The bag as well, same hairstyle and hat.

7 Q. Exhibit Number 45, do you recognize that person
8 carrying a bag?

9 A. Same as before, ma'am, yes.

10 Q. And is that Vaneshia Oliver?

11 A. Yes, ma'am.

12 Q. Exhibit Number 46, do you recognize that
13 person?

14 A. Yes, ma'am.

15 Q. Who is that?

16 A. That's Vaneshia Oliver with the same bag and
17 hairstyle.

18 Q. Exhibit Number 47, do you recognize that
19 person?

20 A. It's a little hard to see, ma'am, but, yes, I
21 can see the outline of the bag and the shirt of the
22 individual that's going to be more in the shadow area is
23 Vaneshia Oliver.

24 Q. Exhibit Number 48, particularly this individual
25 here on the left, do you recognize them?

1 A. Yes, ma'am.

2 Q. Who is that?

3 A. Vaneshia Oliver.

4 Q. And how can you tell it's her?

5 A. The bag and clothing attire.

6 Q. And this one's pretty blurry, but Exhibit
7 Number 49, do you recognize the attire seen by this
8 individual here in the front?

9 A. Yes, ma'am.

10 Q. And what attire, how do you recognize the
11 attire?

12 A. The attire would be similar to how Clark was
13 with the backpack on.

14 Q. Okay. Same question for Number 50. Do you
15 recognize the attire for this person here on the left?

16 A. Yes, that's a more, more distinct shot of Clark
17 with the backpack and same attire.

18 Q. Okay. And finally Exhibit Number 51, this
19 person exiting the cab, are you able to tell anything
20 about their attire?

21 A. Yes. I can see the bag and the shoes are exact
22 same to how the prior pictures of Vaneshia were.

23 Q. Okay.

24 MS. DUNN: I have no further questions for this
25 witness.

1 Do any members of the Grand Jury have any
2 questions?

3 THE FOREPERSON: No questions.

4 MS. DUNN: Oh, I do see one.

5 BY A JUROR:

6 Q. Would you explain the Letgo page?

7 A. Letgo? So Letgo is an application similar to
8 OfferUp or like Craigslist. It's an application for
9 people to post items that they want to sell to other
10 people. And it's just an easy to use interface, either a
11 website or an application that you can download on your
12 phone. It does have a messenger portion of it in which
13 you can exchange conversations with potential sellers and
14 buyers.

15 Q. So these items were put on there?

16 A. Yes, an individual has to put them on. They're
17 not just automatically uploaded. So if you wanted to
18 sell a personal belonging of yours, you're more than
19 welcome to just create an account and then you can put
20 those items on there.

21 THE FOREPERSON: Any other questions?

22 By law these proceedings are secret, and you're
23 prohibited from disclosing to anyone anything that
24 transpired before us, including evidence presented to the
25 Grand Jury, any event occurring or statement made in the

1 presence of the Grand Jury, or information obtained by
2 the Grand Jury.

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

9 Do you understand this admonition?

10 THE WITNESS: Yes, sir.

11 THE FOREPERSON: Thank you. And you're
12 excused.

13 THE WITNESS: Thank you, sir.

14 MS. COLE: The State calls its next witness,
15 and it's going to be Detective Byrd.

16 THE FOREPERSON: Please raise your right hand.

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

21 THE WITNESS: I do.

22 THE FOREPERSON: You're advised that you're
23 here today to give testimony in the investigation
24 pertaining to the offenses of conspiracy to commit
25 larceny, conspiracy to commit burglary, residential

1 burglary, invasion of the home, burglary of a business,
2 fraudulent use of credit or debit card, attempt
3 fraudulent use of credit or debit card, theft, involving
4 Vaneshia Oliver and Darrell Clark.

5 Do you understand this advisement?

6 THE WITNESS: I do.

7 THE FOREPERSON: Please state your first and
8 last name and spell both for the record.

9 THE WITNESS: Trent Byrd. T-R-E-N-T, B-Y-R-D.

10 THE FOREPERSON: Thank you.

11

12 TRENT BYRD,

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

16

17 EXAMINATION

18 BY MS. COLE:

19 Q. Good afternoon, Detective Byrd. Where do you
20 work?

21 A. For the Las Vegas Metropolitan Police
22 Department.

23 Q. And how long have you been with Metro?

24 A. Eleven years.

25 Q. And what is your current position?

1 A. Detective for the Convention Center Area
2 Command.

3 Q. Does that area encompass the Strip?

4 A. It does.

5 Q. So properties like the Bally's, Paris,
6 Harrah's, you investigate crimes that occur there?

7 A. I do.

8 Q. And specifically directing your attention to
9 the summer, between June and August of this summer, did
10 you get assigned to start investigating a series of
11 burglaries that were occurring on the Strip?

12 A. I was.

13 Q. Okay. And was there something significant
14 about these room burglaries that were taking place that
15 are different than the usual type of room burglaries that
16 you see occur?

17 A. Yes, there was. The type of entry being made,
18 it appeared that there were pry marks to the lock devices
19 on the doors to the rooms. All the pry marks seemed to
20 be the same in every case.

21 Q. Okay. And that's uncommon in terms of the
22 types of room burglaries you typically see?

23 A. Correct. I haven't seen cases like that
24 before. On the Strip specifically.

25 Q. Okay. On the Strip specifically.

1 Now, specifically you were tasked with
2 investigating burglaries that were occurring at the Paris
3 Hotel and Casino?

4 A. Correct.

5 Q. Okay. So burglaries that occurred at other
6 properties that were not the Paris were investigated by
7 other detectives?

8 A. Correct.

9 Q. But it's fair to say that you guys
10 collaboratively worked on this case together?

11 A. Yes, we did.

12 Q. Okay. Now, at some point, did you get into
13 contact with Tony Lemons, the security investigator at
14 Paris Hotel?

15 A. Yes, I was.

16 Q. Okay. And you essentially were tasked with
17 working with him to develop suspects and specific
18 timeframes?

19 A. Yes, I was.

20 Q. Okay. Did Tony Lemons essentially get
21 information regarding when victims' credit cards were
22 stolen and what businesses they were stolen at and
23 provide you some video surveillance?

24 A. Yes, he did.

25 Q. Okay. And were those establishments 7/Eleven

1 and Arco?

2 A. Yes, they were.

3 Q. Okay. And, obviously, during the course of
4 your investigation, you reviewed all the video
5 surveillance related to this case?

6 A. Correct.

7 Q. So there was video surveillance that was taken
8 from the Paris for the dates of August 16th and
9 August 21st?

10 A. Correct.

11 Q. Okay. You reviewed that video surveillance?

12 A. Yes, I did.

13 Q. There was also video surveillance from Arco.
14 You had the opportunity to review that video
15 surveillance?

16 A. Yes, I did.

17 Q. And there was also video surveillance taken
18 from 7/Eleven, and you had the opportunity to review that
19 surveillance video as well?

20 A. Yes, I did.

21 Q. Okay. So with getting a specific timeframe
22 limited, at that point was Tony Lemons also able to
23 provide you with video surveillance from the Paris Hotel
24 and Casino?

25 A. Yes, he did.

1 Q. Okay. And that video surveillance, where was
2 that video surveillance from?

3 A. It included the Paris Hotel, which showed the
4 two suspects walking through the Paris Hotel. Different
5 rooms or different elevators up to different floors
6 throughout the hotel itself.

7 Q. Okay. And essentially you were able to look at
8 the video surveillance that was taken from 7/Eleven and
9 Arco and figure out the times that those cards were used?

10 A. Yes.

11 Q. Okay. And you were able to develop suspects by
12 doing that?

13 A. Yes, I was.

14 Q. Okay. And then that also gave you a timeframe
15 to determine what times at the Paris Hotel you should be
16 looking for video surveillance?

17 A. Correct, which was provided by Tony Lemons.

18 Q. Okay. And essentially he was able to provide
19 you video surveillance on August 16th and August 21st of
20 those two suspects throughout the hotel?

21 A. Yes, he was.

22 Q. It's somewhat of a montage?

23 A. Yes.

24 Q. It's not necessarily a specific timeframe?

25 A. No, it was a lot of video.

1 Q. Okay. And there is no video surveillance in
2 the hallways; is that correct?

3 A. That's correct.

4 Q. Okay. But the suspects are depicted in
5 different areas of the Paris Hotel?

6 A. Correct.

7 Q. Are they depicted in elevators?

8 A. Entering elevators going up to different
9 floors, yes.

10 Q. Okay. But you're unable to specifically tell
11 what elevator they get on and off?

12 A. Correct. The quality wasn't good enough to be
13 able to see which floor they're getting on and off of.

14 Q. Okay. So with the video, and I believe that
15 you actually also obtained some video from Target?

16 A. Yes.

17 Q. Okay. And you were able to review that video
18 surveillance?

19 A. Yes.

20 Q. And the reason you obtained that video from
21 Target, was there a victim's card that was used there?

22 A. Yes, there was.

23 Q. Okay. Were you able to find the specific
24 timeframe that card was used?

25 A. Yes, I was, at 9:30 on the 21st of August.

1 Q. Okay. And did the individual depicted in that
2 surveillance video match the same female suspect that you
3 saw in the Paris surveillance video or in the Arco
4 surveillance video, and the 7/Eleven video surveillance?

5 A. Yes. On the separate dates, their clothing was
6 very distinct on all the events, so they're wearing the
7 same clothing in the Paris, as well as the Arco and
8 7/Eleven on the 16th and 17th. And then also the
9 21st, the female is wearing the same clothing seen in
10 the Paris, as well as the Target.

11 Q. Okay. And through all this video surveillance
12 that you had and different investigative means, were you
13 able to identify the female suspect?

14 A. Yes, I was.

15 Q. Okay. And who was she?

16 A. Vaneshia Oliver.

17 Q. Okay. And once you identified the female
18 suspect as Vaneshia Oliver, were you able to also
19 investigate and look into her other associates?

20 A. Yes, I was.

21 Q. Okay. And were you able through your
22 investigative means, able to determine who the male
23 suspect was?

24 A. Yes, I was, as Darrell Clark.

25 Q. Okay. And, sir, I'm just going to show you,

1 first we're going to look at stills from August 16th from
2 the Paris. And I know these are a little blurry.

3 But, Detective, showing you what's been marked
4 as Grand Jury Exhibit Number 56. This is, is this a
5 surveillance still from the Paris?

6 A. Yes, it is.

7 Q. Okay. And is this from August 16th?

8 A. Yes, it is.

9 Q. Okay. And who are we looking at in this photo?

10 A. That would be Darrell Clark, the male suspect.

11 Q. Okay. And can you please identify for the
12 record what he's wearing in this video?

13 A. I believe it's black and white, but it's a
14 baseball cap, T-shirt, and shorts.

15 Q. Okay. And then, Detective, I'm going to have
16 you look at Grand Jury Exhibit Number 57. Is this also a
17 still from the Paris Hotel on August 16th?

18 A. Yes, it is.

19 Q. And I know it's black and white, but can you
20 just kind of describe generally what the female suspect
21 is wearing here?

22 A. It's a black and white striped jumpsuit or
23 one-piece suit, carrying a black and white bag.

24 Q. And this is the suspect that you identified as?

25 A. Vaneshia Oliver, yes.

1 Q. Okay. Showing you Grand Jury Exhibit 148, is
2 this a still from surveillance video taken from 7/Eleven?

3 A. Yes, it is.

4 Q. Okay. And this was taken from 7/Eleven on
5 August 16th?

6 A. Yes, that's correct.

7 Q. Okay. And was this around approximately 10:39?

8 A. Yes, it was.

9 Q. Okay. And can you identify what the male
10 suspect is wearing in this photo?

11 A. Again, the gray hat, the T-shirt, shorts, and
12 he's also carrying a Sbarro pizza bag.

13 Q. Okay. Is that the red and white bag we see him
14 holding there?

15 A. Yes, it is.

16 Q. Okay. And does that clothing match the
17 clothing that he's wearing at the Paris on August 16th
18 earlier?

19 A. Yes, it is.

20 Q. Okay. For the record, I'm showing you what's
21 been marked as Grand Jury Exhibit Number 157. Is this
22 also a surveillance still from 7/Eleven on August 16th?

23 A. Yes, it is.

24 Q. Okay. And who are we looking at here?

25 A. That's Vaneshia Oliver wearing that black and

1 white one-piece outfit.

2 Q. Okay. And now this specific 7/Eleven, where
3 was it located?

4 A. It's approximately half mile to a mile from
5 Paris Hotel east.

6 Q. Okay. And this is the 7/Eleven on Koval,
7 correct?

8 A. Correct.

9 Q. Okay. Showing you Grand Jury Exhibit
10 Number 156, who are we looking at here?

11 A. Vaneshia Oliver.

12 Q. Okay. And is she, is her clothing consistent
13 with what she's wearing at the Paris Hotel earlier in the
14 day?

15 A. Yes, it is.

16 Q. Okay. Now, through your investigation, one of
17 the victims in this case was Mr. Krusinski; is that
18 correct?

19 A. Yes, it was.

20 Q. And his hotel room was burglarized on
21 August 16th?

22 A. Yes, it was.

23 Q. Okay. Were his credit cards used at the
24 7/Eleven?

25 A. Yes, they were.

1 Q. Okay. And what was the timeframe that his
2 cards, from the time that his room was burglarized at the
3 Paris to the times his cards were used at 7/Eleven?

4 A. I don't recall the exact times. I'm sorry. I
5 think it was fairly shortly after the room was allegedly
6 burglarized.

7 Q. Okay. Do you recall him telling you that the
8 timeframe he was gone from his room was around 7:00 p.m.
9 to 1:00 a.m.?

10 A. Yes, it was.

11 Q. Okay. And we know that surveillance video and
12 the credit card was used at the 7/Eleven, was that at
13 approximately 10 30?

14 A. Yes, I think it was 10:39 sometime.

15 Q. Okay. And, again, you said the 7/Eleven was
16 how close?

17 A. Approximately half mile east of the Paris
18 Hotel.

19 Q. Okay.

20 A. Very short distance.

21 Q. Now, I'm showing you, you also had the
22 opportunity to review some video surveillance from Arco?

23 A. Correct.

24 Q. And that's a convenience store as well?

25 A. Correct.

1 Q. Okay. Showing you Grand Jury Exhibit
2 Number 106, is this a still from Arco from the video
3 surveillance you were able to view?

4 A. Yes, it is.

5 Q. Now, I believe this video surveillance says the
6 time was midnight or over midnight. This is technically
7 on August 17th?

8 A. Correct. Just I think it was an hour and a
9 half after past midnight or past the 7/Eleven event.

10 Q. Okay. So this is about an hour and a half past
11 the 7/Eleven event. Who was depicted here?

12 A. That's Vaneshia Oliver wearing the same
13 clothing as in the previous night.

14 Q. Okay. And showing you Grand Jury Exhibit
15 Number 114, who is depicted here?

16 A. Darrell Clark, wearing the same clothing and
17 carrying the same Sbarro pizza bag.

18 Q. And I'm pointing to that white and red bag that
19 he's holding. Is that the Sbarro bag that you're
20 referring to?

21 A. Correct.

22 Q. Was Mr. Krusinski's card also used at a Sbarro?

23 A. Yes, it was, inside Bally's Hotel.

24 Q. Okay. And this specific Arco, how close is it
25 to the Paris Hotel?

1 A. It's actually right next to the 7/Eleven, so
2 the same distance, about a half a mile just east of the
3 Paris Hotel.

4 Q. Okay. So it's fair to say this is all very
5 close in proximity?

6 A. Yes, it is.

7 Q. Okay. And, again, the individuals, Clark and
8 Oliver, that are depicted on the Arco video surveillance,
9 is that, are they wearing the same clothing consistent
10 with what they were wearing earlier at the Paris on
11 August 16th?

12 A. Yes, it's the exact same clothing.

13 Q. Okay. And, sir, you also had the opportunity
14 to review some surveillance video from the Paris on
15 August 21st?

16 A. Yes, that's correct.

17 Q. Okay. And, again, essentially you received a
18 video montage; is that fair to say?

19 A. Yes.

20 Q. That was basically showing the suspects'
21 movements throughout the entire day at the Paris
22 property?

23 A. Correct.

24 Q. Okay. Showing you Grand Jury Exhibit
25 Number 60, what are we looking at right here?

1 A. Vaneshia Oliver on the right, wearing a
2 light-colored tank top and dark shorts.

3 Q. Okay. And what is the male suspect wearing?

4 A. A red shirt, red hat, and jeans.

5 Q. Okay. And is this from the Paris Hotel on
6 August 21st?

7 A. Yes, it is.

8 Q. Okay. And showing you Grand Jury Exhibit
9 Number 69, who are we looking at this in photo?

10 A. Vaneshia Oliver, wearing the same tank top,
11 dark shorts, and she's carrying the same bag, the black
12 and white bag as well.

13 Q. Okay. And showing you Grand Jury Exhibit
14 Number 72, who are we looking at at this elevator bank?

15 A. Vaneshia Oliver, most distinct the bag again
16 she's carrying on her left arm. It's the same bag seen
17 in the other events.

18 Q. Okay. And you keep mentioning that bag. Why
19 is that of evidentiary value?

20 A. It was located when she was taken into custody
21 by other officers on another event.

22 Q. Okay. And is she also carrying and toting that
23 bag throughout many of these events?

24 A. Correct. From the 16th, she was seen carrying
25 it and this date as well.

1 Q. Okay. And I'm showing you what's been marked
2 as Grand Jury Exhibit Number 77. What are we looking at
3 in this photo?

4 A. Vaneshia Oliver, again, in the Paris Hotel.

5 Q. Okay. And does she have that same significant
6 bag?

7 A. Yes, she does.

8 Q. Okay. Now, you also investigated a room
9 burglary that occurred on August 21st at the Paris Hotel;
10 is that correct?

11 A. Correct.

12 Q. Okay. And that was in relation, I believe
13 there was four or five girls that were staying in a room
14 together?

15 A. That's correct.

16 Q. Was that in Room 2186?

17 A. Yes.

18 Q. Okay. And they have reported their room being
19 burglarized in the morning; is that correct?

20 A. Correct.

21 Q. Okay. Showing you Grand Jury Exhibit
22 Number 130, what are we looking at right here?

23 A. That is Vaneshia Oliver leaving the Target.

24 Q. Okay. And where is that Target located?

25 A. Maryland Parkway and Flamingo. Again, maybe

1 half mile to a mile east of the Paris Hotel.

2 Q. Okay. And how quickly was Ms. Oliver seen at
3 Target in relation to when the five females realized that
4 their room had been burglarized?

5 A. Within an hour. The room was reported
6 burglarized between 7:45 a.m. to 8:30. And then she was
7 seen at Target at 9:30 a.m., so within an hour.

8 Q. Okay. And showing you what's been marked as
9 Grand Jury Exhibit Number 132, who are we looking at
10 here?

11 A. Vaneshia Oliver grabbing a Target basket.

12 Q. Okay. And Grand Jury Exhibit Number 135, what
13 are we looking at right here?

14 A. Vaneshia Oliver at the checkout wearing that
15 same, she has the same bag, the black and white bag.

16 Q. Okay. And that's the bag you've been
17 discussing?

18 A. Correct.

19 Q. Okay. And showing you what's been marked as
20 Grand Jury Exhibit Number 136, Vaneshia, do you see, or I
21 guess I'm just going to ask you. In front of this
22 Target, what, at the top of the photo in that direction,
23 what business is located over there?

24 A. Walgreens is just out of frame. It's somewhat
25 that direction, though.

1 Q. Okay. And do you see Vaneshia Oliver depicted
2 in this photo?

3 A. Yeah. She's a long shot away, but she's
4 walking away from the Target.

5 Q. Does she appear to be walking in the direction
6 of the Walgreens?

7 A. In the general direction, yes.

8 Q. Okay. And, again, I believe how far did you
9 say that this particular Target location was from the
10 Paris Hotel?

11 A. It's approximately a mile east of the Paris
12 Hotel just down Flamingo.

13 Q. Okay. And the time from the reported burglary
14 of Rebecca Finger, Brook Bargholtz, and their other
15 roommates was within an hour?

16 A. Correct.

17 Q. That they reported their cards being used?

18 A. Correct.

19 Q. Okay. Okay. Detective Byrd, through your
20 investigation, did you author a search warrant for a
21 Letgo page?

22 A. I did.

23 Q. Okay. And this was a Letgo page, you had
24 gotten this information from Officer Montalbano?

25 A. Correct.

1 Q. Okay. And were you aware of the fact that
2 Officer Montalbano was speaking with an individual
3 through this Letgo page?

4 A. Yes, I was.

5 Q. Okay. Were you aware of the fact that Officer
6 Montalbano met up with this individual he was
7 communicating with under the guise of purchasing some
8 items that Officer Montalbano had saw on his page?

9 A. Yes.

10 Q. Okay. And did you get the information
11 regarding that Letgo page from Officer Montalbano?

12 A. Yes, I did.

13 Q. Okay. And you submitted a search warrant to
14 Letgo; is that correct?

15 A. That's correct.

16 Q. Okay. And you got that warrant back?

17 A. Yes, I did.

18 Q. I'm showing you Grand Jury Exhibit Number 92.
19 Was this a photo that was depicted from the Letgo page
20 that you had received a search warrant back?

21 A. Yes, it is.

22 Q. So when you received that search warrant back,
23 what type of information did that search warrant give
24 you?

25 A. It had items that had been sold or posted for

1 sale by the individual in which I was provided the
2 information from Officer Montalbano.

3 Q. Okay. So the information that Officer
4 Montalbano was relying on in regards to that Letgo page,
5 he gave you the information associated with that Letgo
6 page, and this is the information you received back?

7 A. Correct.

8 Q. And I'm showing you Grand Jury Exhibit
9 Number 92, what is this?

10 A. It's a pair of, the name is Bowers & Wilkins,
11 it's a headset. A wireless headset.

12 Q. Okay. Did one of the victims report a pair of
13 Bower & Wilkins headphones being stolen?

14 A. Yes. Gary Krusinski I think is his last name.

15 Q. Okay. And his room was burglarized at the
16 Paris on August 16th?

17 A. 16th, correct.

18 Q. Okay. And then also showing you what's been
19 marked as Grand Jury Exhibit 127. Was this another photo
20 that you received through your search warrant of that
21 Letgo information you received from Officer Montalbano?

22 A. Yes, it was.

23 Q. Okay. Was this significant to you?

24 A. Yes. That was the Apple watch that Officer
25 Montalbano had actually recovered from their operation

1 that they had conducted.

2 Q. Okay. The specific watch matched the serial
3 number of the watch that he recovered?

4 A. Correct. And which belonged to one of the
5 victims from the 21st.

6 Q. Okay. And that was Rebecca Finger?

7 A. Correct.

8 Q. Okay. And through your investigation, there
9 was a number that you became aware of and that number was
10 (702) 559-5174. Through your investigative means, were
11 you able to determine who that number was connected to or
12 reported to?

13 A. Yeah. The number was registered to a Darrell
14 Clark.

15 Q. Okay. And was that the number used by
16 Ms. Oliver when she got out of the cab with James Methe?

17 A. Yes, that's correct.

18 Q. Okay. And you also had an opportunity to
19 review that video surveillance as well --

20 A. Yes, I did.

21 Q. -- through the course of your investigation?

22 A. Yes.

23 Q. And I believe you also said when she's leaving
24 Target, that general direction she's headed to is
25 Walgreens?

1 A. Correct.

2 Q. Was it your understanding that she left
3 Walgreens in the cab with James Methe?

4 A. Yes.

5 Q. Okay.

6 MS. COLE: Brief indulgence?

7 No further questions for this witness.

8 Do any members of the Grand Jury have any
9 questions for this witness?

10 THE FOREPERSON: Any questions?

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

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

23 Do you understand this admonition?

24 THE WITNESS: Yes, I do.

25 THE FOREPERSON: Thank you. You are excused.

1 THE WITNESS: Thank you.

2 THE FOREPERSON: We're going to take five
3 minutes.

4 MS. DUNN: Okay. That's just fine.

5 (Recess.)

6 MS. COLE: Back on the record.

7 Okay. That concludes the State's evidence for
8 the superseding Indictment. We're not going to
9 deliberate right this second because we went so late over
10 time, we're going to let the next presentation start, and
11 then we'll come back just for deliberations later when
12 they're done.

13 (Whereupon, an related matter was heard.)

14 MS. COLE: There is a couple amendments that
15 I'm going to direct your attention to based upon the
16 testimony that was elicited.

17 If you will go to page three of the superseding
18 Indictment, Count 5 is being struck. The theft in
19 relation to Gary Krusinski, so please don't deliberate as
20 to Count 5.

21 As to page four, Count 6, line 16, the address
22 of Sbarro should be reflected to be 3645, instead of
23 3655. So I'm going to propose that amendment at this
24 time.

25 If you're looking at page five, Count 8,

1 line 13, the American Express credit card, that number
2 should be 1004, not 1002, and again that correction is
3 being made based upon testimony.

4 Line 15 of Count 8 on page five, the Sbarro
5 located at, again this should read 3645 instead of 3655
6 South Las Vegas Boulevard.

7 Count 9, line 22, I'm going to add, again,
8 based on testimony elicited. It says Capital One. I'm
9 going to add Visa to describe the credit card.

10 On page six, line 16, the Indictment states
11 room number unknown. It's actually Room Number 2186.
12 Again, that's going to be based off testimony elicited
13 today and that number will be reflected again on
14 page seven, line one, where it says unknown, that will be
15 2186.

16 Page seven, lines 13 and 14, where it says
17 wallets and/or U.S. currency, we're going to add and
18 amend computer, air pods, and backpack belonging to those
19 named individuals.

20 And also just to note for the record, I'm
21 withdrawing Exhibits Number 81 through 95. We did not
22 use those. Let me actually say that more clearly. 92
23 and 93 are not going to be withdrawn. It's just going to
24 be -- sorry. It's just going to be 81 through 91 will
25 stand.

1 Hang on one second. So I am withdrawing, the
2 exhibits not to be considered are going to be 81 through
3 91. 92 and 93 are still in evidence, and I'm also
4 withdrawing 94 and 95.

5 And, again, just to remind you, the counts that
6 you're deliberating on today are going to be Counts 1
7 through 9, 16, 17, 18, and Counts 37 through 41.

8 That concludes the presentation of the State's
9 evidence. I will ask the Grand Jury to deliberate at
10 this time.

11 A JUROR: 24, line 12.

12 MS. COLE: What page are you referencing?

13 A JUROR: Twenty-four, line 12.

14 MS. COLE: What page are you referencing?

15 A JUROR: Count 24, page 11.

16 MS. COLE: Okay. That's correct. So line 12
17 on page 11, it should be Chae, not Chase, that's correct.

18 Is there any other questions regarding the
19 Indictment?

20 THE FOREPERSON: No.

21 MS. COLE: Okay. Thank you.

22 (At this time, all persons, except the members
23 of the Grand Jury, left the room at 4:15 and returned at
24 4:19.)

25 THE FOREPERSON: Ms. District Attorney, by a

1 vote of 12 or more Grand Jurors, a true bill has been
2 returned against defendants charging in all counts,
3 except for Count Number 5, in Grand Jury Case
4 Number 19BGJ212A-B.

5 We instruct you to prepare an Indictment in
6 conformance with the proposed Indictment previously
7 submitted to us.

8 MS. COLE: Thank you.

9

10 (Proceedings concluded at 4:20 p.m.)

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3 **REPORTER'S CERTIFICATE**4 **STATE OF NEVADA**)
5 : SS
6 **COUNTY OF CLARK**)7 I, Marcia Leonard, CCR 204, do hereby certify
8 that I took down in Shorthand (Stenotype) all of the
9 proceedings had in the before-entitled matter at the time
10 and place indicated and thereafter said shorthand notes
11 were transcribed at and under my direction and
12 supervision and that the foregoing transcript constitutes
13 a full, true, and accurate record of the proceedings had.14 Dated at Las Vegas, Nevada, November 12, 2020.
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1718 /S/MARCIA LEONARD
19 Marcia Leonard, CCR 204
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AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER
19BGJ212A-B:

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

-OR-

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

A. A specific state or federal law, to-
wit: NRS 66.250.

-OR-

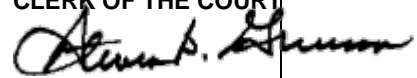
B. For the administration of a public program
or for an application for a federal or
state grant.

/S/MARCIA LEONARD
Signature

November 12, 2020
Date

Marcia Leonard
Print Name

Official Court Reporter
Title



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

10 vs.

11 VANESHIA OLIVER,
12 DARRELL CLARK

13 Defendants.

CASE#: C-20-351676-1
C-20-351676-2

DEPT. XVII

14 BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE
15 THURSDAY, OCTOBER 29, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **GRAND JURY INDICTMENT: SUPERSEDING INDICTMENT**

18 APPEARANCES:

19 For the State:

ANN DUNN, ESQ.
CHRISTOPHER LAURENT, ESQ.
Deputy District Attorney
Appeared By Video

22
23 ALSO PRESENT: STEVE LURVEY, GRAND JURY FOREPERSON
24

25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Las Vegas, Nevada, Thursday, October 29, 2020

2
3 [Case called at 11:06 a.m.]

4 MR. LAURENT: BGJ212 A and B and by a vote of twelve or
5 more returned true bills as follows:

6 As to defendant -- Vaneshia Oliver: six counts of conspiracy to
7 commit larceny, six counts conspiracy to commit burglary, six counts of
8 residential burglary, six counts of invasion of the home, three counts
9 burglary of a business, two counts theft, two counts fraudulent use of --
10 credit or debit card, four counts attempt fraudulent use of credit or debit
11 card, one count of robbery, one count of coercion, three counts of theft,
12 two counts of possession of document or personal identifying
13 information, one count possession of credit or debit card without
14 cardholders consent, one count possession of burglary tools.

15 As to defendant Darnell [sic] Clark: six count of conspiracy to
16 commit larceny, six counts conspiracy to commit burglary, six counts of
17 residential burglary, six counts invasion of the home, three counts of
18 burglary of a business, two counts theft, two counts fraudulent use of
19 debit or credit card, one count robbery, one count coercion, three counts
20 of theft, one count carrying concealed weapon or other deadly weapon,
21 excuse me, carrying concealed firearm or other deadly weapon, and one
22 count ownership or possession of a firearm by a prohibited person.

23 THE COURT: Mr. Foreman, did at least twelve members of
24 the grand jury concur in finding a true bill as to each charge contained in
25 the indictment?

1 THE FOREPERSON: Yes --

2 THE COURT: Indictments.

3 THE FOREPERSON: -- Your Honor.

4 THE COURT: Indictment will be filed in previously assigned
5 case number C-20-351676-1 with respect to Ms. Oliver. And indictment,
6 superseding indictment, will be filed in case number C-20-351676-2 with
7 respect to Mr. Clark. The cases have been previously assigned to
8 Department number seventeen.

9 What is the position of the State regarding a warrant or
10 summons?

11 MR. LAURENT: Your Honor --

12 MS. DUNN: Thank you, Your Honor --

13 MR. LAURENT: -- I can't tell --

14 MS. DUNN: Ann Dunn on behalf of the State. Both
15 defendants are in custody so we're asking for a warrant for each of
16 them.

17 THE COURT: And what amount of bail? I know Ms. Cole I
18 believe appeared on this previously.

19 MS. DUNN: She did, yes. We're asking that everything
20 remain the same. Ms. Oliver's currently being held without bail because
21 she was out on another case when these offenses were committed. Mr.
22 Clark is currently being held on \$250,000 and we're asking that that all
23 just remain the same.

24 THE COURT: Were there any special conditions for Mr.
25 Clark?

1 MS. DUNN: I don't believe so.

2 THE COURT: Okay. So, based on the prior argument and
3 findings by the Court a warrant will issue with respect to Ms. Oliver and
4 bail will be set at no bail. Warrant will issue with respect to Mr. Clark and
5 bail will be set at \$250,000.

6 MS. DUNN: Thank you Your Honor.

7 THE COURT: We'll set -- it looks like they already have --

8 MS. DUNN: I believe they're --

9 THE COURT: -- tomorrow?

10 MS. DUNN: Yes, I believe that was for today and Ms. Cole is
11 appearing in Department seventeen. Her plan is just to ask Judge Villani
12 to continue their initial arraignment so that everything can be heard
13 together.

14 MR. LAURENT: So I believe we'll need a one week date,
15 Your Honor, on that.

16 THE COURT: We'll just put it on next week and if Ms. Dunn if
17 for some reason we end up with two dates in Department seventeen
18 obviously you can reach out to them and sort that out.

19 MS. DUNN: Thank you.

20 THE CLERK: We'll set it for November 5th at 10:15.

21 THE COURT: I think it's better to have two dates than none.

22 MS. DUNN: Agreed.

23 THE COURT: All right. Exhibits 1a and 59 will be lodged with
24 the Clerk of the Court along with the previously lodged exhibits. And I
25 had already ordered risk assessments. Were there any material witness

1 warrants with respect to the new presentation?

2 MS. DUNN: No, Your Honor.

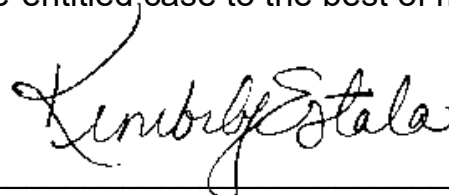
3 THE COURT: Great thank you.

4 MS. DUNN: Thank you.

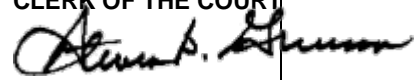
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6 [Proceedings concluded at 11:10 a.m.]

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

23 

24 Kimberly Estala
25 Court Recorder/Transcriber



1 **RTRAN**

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4 **DISTRICT COURT**
5 **CLARK COUNTY, NEVADA**

6
7 **THE STATE OF NEVADA,**

8 **Plaintiff,**

9 **vs.**

10 **VENESHIA L. OLIVER,**
11 **DARRELL CLARK,**

12 **Defendants.**

CASE#: C-20-351676-1

CASE#: C-20-351676-2

DEPT. XVII

13 **BEFORE THE HONORABLE ERIC JOHNSON, DISTRICT COURT JUDGE**
14 **THURSDAY, NOVEMBER 5, 2020**

15 ***RECORDER'S TRANSCRIPT OF HEARING:***
16 ***INITIAL ARRAIGNMENT***
17 ***INITIAL ARRAIGNMENT: SUPERSEDING INDICTMENT***

18 **APPEARANCES:**

19 **For the State:**

DAVID STANTON, ESQ.
Chief Deputy District Attorney

20
21
22 **For Defendant Oliver:**

MARTIN W. HART, ESQ.

23 **For Defendant Clark:**

CARL E. ARNOLD, ESQ.

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25 **RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER**

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Las Vegas, Nevada, Thursday, November 5, 2020

[Hearing began at 10:58 a.m.]

THE COURT: 14 and 15; all right. State of Nevada versus Darrell Clark and Nelson Hernandez. Oops, wrong -- 14, let's see, 14 and 15, I'm sorry, not -- Veneshia Oliver. So we'll try that again, State of Nevada versus Veneshia Oliver and Darrell Clark, Case Number C351676.

Counsel, please note your appearances for the record.

MR. STANTON: David Stanton for the State.

MR. HART: Marty Hart, bar number 5984, for Ms. Oliver.

MR. ARNOLD: And Carl Arnold for Mr. Clark.

THE COURT: All right. I'm showing this on for initial arraignment on the Superseding Indictment, any reason we shouldn't go forward today with that?

MR. HART: As long as our clients have copies.

DEFENDANT OLIVER: We don't have copies. Nothing.

THE COURT: All right. This one's too long for me to read to them.

When are you going to get copies to your clients?

DEFENDANT OLIVER: We haven't talked to our lawyers.

MR. HART: Well, we'll have to -- we're going to have to read it to her. I can't -- I guess I can mail it. But I don't know how quick it'd get there.

THE COURT: Well, it's -- let me -- Mr. Arnold.

1 MR. ARNOLD: I mean, if it's online -- if it's online, Your
2 Honor, we can print it out and I could go read it to Mr. Clark by next
3 Tuesday.

4 MR. HART: Actually, Your Honor, if you want to put this one
5 on hold -- what number do we call -- and I can try to read it to both of
6 them at the same time.

7 THE MARSHAL: 5632, Mr. Hart, 671-5632.

8 MR. HART: Thank you.

9 THE MARSHAL: You're welcome, sir.

10 THE COURT: All right. Yes, let's see if you can get that read
11 to the two defendants so that they can enter their pleas here today.

12 Thank you, Mr. Hart.

13 [Hearing trailed at 11:00 a.m.]

14 [Hearing recalled at 11:15 a.m.]

15 THE COURT: Okay. Have defendants Oliver and Clark
16 finished being read the Indictment yet?

17 THE CORRECTIONS OFFICER: They're still being read to,
18 Your Honor.

19 THE COURT: Okay. All right. Let's --

20 [Colloquy between the Court and Court staff]

21 [Hearing trailed at 11:16 a.m.]

22 [Hearing recalled at 11:28 a.m.]

23 MR. HART: I read everything to Oliver and Clark.

24 THE COURT: Okay. Great.

25 Are you -- Mr. Arnold disconnected, do we need to call him or

1 are you handling the arraignments for both of the defendants?

2 MR. HART: If it's okay with them, I'll handle it for him.

3 Is it okay if I sit in for Mr. Arnold for the not guilty plea?

4 DEFENDANT CLARK: Sure.

5 THE COURT: Is that all right, Mr. Clark?

6 MR. HART: Is that okay with you also, Ms. Moore?

7 DEFENDANT CLARK: Yes, sir.

8 MR. HART: Okay.

9 THE COURT: All right.

10 All right. Let's see, all right, well, this probably be easier --

11 easier just to do this separately.

12 All right. Ms. Oliver, have you had a copy of the Superseding

13 Indictment read to you?

14 DEFENDANT OLIVER: Yes.

15 THE COURT: And that was just now; right?

16 DEFENDANT OLIVER: Yes.

17 THE COURT: You don't need me to read it to you again, do

18 you?

19 DEFENDANT OLIVER: If you like. No, I don't, no.

20 THE COURT: Okay. Thank you.

21 State your true name, please.

22 DEFENDANT OLIVER: Veneshia Oliver.

23 How old are you?

24 DEFENDANT OLIVER: I'm 38.

25 THE COURT: How far did you go in school?

1 DEFENDANT OLIVER: To the 12th grade.

2 THE COURT: And do you read, write, and understand the
3 English language?

4 DEFENDANT OLIVER: Yes.

5 THE COURT: All right. You have been read a true copy of
6 the Superseding Indictment in which you've been charged in Counts 1,
7 10, 17, and 24 with conspiracy to commit larceny, a gross misdemeanor,
8 in violation of Nevada Revised Statute 205.220 and 199.480.

9 And Counts 2, 11, 18, 25, and 30 with conspiracy to commit
10 burglary, a gross misdemeanor, in violation of Nevada Revised Statute
11 205.060 and 199.480.

12 And Counts 3, 12, 19, 26, and 31 with residential burglary, a
13 category B felony, in violation of Nevada Revised Statute 205.060.2C.

14 And Counts 4, 13, 20, and 27 with invasion of the home, a
15 category B felony, in violation of Nevada Revised Statute 205.067.

16 And Counts 5, 14, and 21 with theft, a category D felony, in
17 violation of Nevada Revised Statute 205.0832 and 205.0835.

18 And Counts 6, 7, and 15 with burglary of a business, a
19 category C felony, in violation of Nevada Revised Statute 205.060.

20 And Counts 8 and 9 with fraudulent use of a credit card, a
21 category D felony, in violation of Nevada Revised Statute 205.760(1).

22 And Count 16 with attempt fraudulent use of credit card or
23 debit card, a category E felony, in -- or gross misdemeanor, in violation
24 of Nevada Revised Statute 205.760(1) and 193.330.

25 And Count 22 with robbery, a category B felony, in violation of

1 Nevada Revised Statute 200.380.

2 And Count 23 with coercion, a category B felony, in violation
3 of Nevada Revised Statute 207.190.

4 And Counts 28 and 33, again, with theft.

5 And in Count 32, again, with invasion of the home.

6 And Counts 34 and 35 with possession of document or
7 personal identifying information, category C felony, in violation of
8 Nevada Revised Statute 205.465.

9 And Count 36 with possession of a credit card or debit card
10 without cardholder's consent, category D felony, in violation of Nevada
11 Revised Statute 205.690.

12 And in Count 37 with possession of burglary tools, a gross
13 misdemeanor, in violation of Nevada Revised Statute 205.080.

14 Do you understand the nature of the charges against you in
15 the Superseding Indictment?

16 DEFENDANT OLIVER: Yes, I do.

17 THE COURT: And have you discussed these charges
18 sufficiently with your attorney for you to enter a plea here today?

19 DEFENDANT OLIVER: Yes, I do.

20 THE COURT: How then do you plead to the charges in
21 Counts 1 through 37 of the Superseding Indictment, guilty or not guilty?

22 DEFENDANT OLIVER: Not guilty.

23 THE COURT: Not guilty.

24 You do have a right to a speedy trial within 60 days from the
25 date of arraignment in this case, in other words, 60 days from today's

1 date, because of the pandemic and the limitations that's placed on the
2 Court to hold jury trials, it's, I admit, questionable whether or not that will
3 actually happen, or if reasonable cause will exist for the trial to go
4 beyond 60 days, but you do have a right to assert a right to a trial within
5 60 days of today's date.

6 Do you wish to invoke your speedy trial right?

7 DEFENDANT OLIVER: Yes, I do.

8 THE COURT: All right. Very good.

9 We'll come back to setting a trial date here in a little bit.

10 All right. Now, Mr. Clark, have you had a copy of the
11 Superseding Indictment against you read to you?

12 DEFENDANT CLARK: Yes, sir.

13 THE COURT: And you don't need me to -- that was just now,
14 wasn't it?

15 DEFENDANT CLARK: Yes.

16 THE COURT: And you don't need me to read it again to you,
17 do you?

18 DEFENDANT CLARK: No, sir.

19 THE COURT: All right. Thank you.

20 State your true name, please.

21 DEFENDANT CLARK: Darrell Clark, Jr.

22 THE COURT: And how old are you?

23 DEFENDANT CLARK: 41.

24 THE COURT: And how far did you go in school?

25 DEFENDANT CLARK: A little bit of college.

1 THE COURT: All right. Do you read, write, and understand
2 the English language?

3 DEFENDANT CLARK: Yes, sir.

4 THE COURT: You've been provided with -- you have been
5 read a true copy of the Superseding Indictment against you in which you
6 have been charged in Counts 1, 9, 19, 26, 31, and 36 with conspiracy to
7 commit larceny.

8 And Counts 2, 10, 20, 27, 32, and 37 with conspiracy to
9 commit burglary.

10 And Counts 3, 11, 21, 28, 33, and 38 with residential burglary.

11 And Counts 4, 12, 22, 29, 34, 39 with invasion of the home.

12 And Counts 5 and 6 with burglary of a business.

13 And Counts 7 and 8 with fraudulent use of a credit or debit
14 card, category E felony, or gross misdemeanor, in violation of Nevada
15 Revised Statute 205.760(1) and 193.330.

16 And Counts 13, 23, 30, 35, and 40 with theft.

17 And Count 24 with robbery.

18 And Count 25 with coercion.

19 And Count 45 with carrying concealed firearm or other deadly
20 weapon, a category C felony, in violation of Nevada Revised Statute
21 202.350(1)(d)(3).

22 And in Count 46 with ownership or possession of firearm by a
23 prohibited person, a category B felony, in violation of Nevada Revised
24 Statute 202.360.

25 Do you understand the nature of the charges against you in

1 the Superseding Indictment?

2 DEFENDANT CLARK: Yes, sir.

3 THE COURT: And have you discussed these charges
4 sufficiently with your attorney for you to enter a plea here today?

5 DEFENDANT CLARK: Yes, sir.

6 THE COURT: All right. How then do you plead to the charges
7 in Counts 1 through 46 of the Superseding Indictment, guilty or not
8 guilty?

9 DEFENDANT CLARK: Not guilty.

10 THE COURT: Not guilty.

11 You are entitled to a speedy trial within 60 days to the date of
12 the arraignment in this case, in other words 60 days from today's date,
13 as I said previously in speaking with Ms. Oliver, it's questionable
14 whether the trial will be able to go within that period of time because of
15 the pandemic's restrictions on use of courtroom resources to do jury
16 trials but you do have a right to assert that right.

17 Do you wish to assert the right to a speedy trial within 60 days
18 of the date of -- from today's date?

19 DEFENDANT CLARK: Yes, sir.

20 THE COURT: All right. Both defendants have asserted their
21 right within 60 -- trial within 60 days. Let's go ahead and set a trial date
22 within 60 days.

23 THE CLERK: Okay. Calendar call --

24 DEFENDANT CLARK: Excuse me, sir.

25 THE COURT: Yes.

1 DEFENDANT CLARK: Is there any way I can get -- that I will
2 be able to get copies of the documents and the transcripts from today?

3 DEFENDANT OLIVER: I'll also need those.

4 THE COURT: You should be entitled to that. It's a little hard
5 because of limitations on just -- your attorney can't come over anymore
6 and just hand you a document.

7 DEFENDANT CLARK: Okay.

8 THE COURT: But I think he can mail you something and you
9 can talk with Mr. Hart about getting something mailed to you or
10 somehow getting it to you one way or another.

11 DEFENDANT CLARK: Okay. And that -- that would be -- that
12 would be all documents and the transcripts from today?

13 THE COURT: Well, you know, you're going to need to --
14 that -- Mr. Hart is the one that has to put in an order for any transcripts,
15 so you're going to need to talk to him about that kind of thing; okay?

16 DEFENDANT CLARK: Okay.

17 THE COURT: Okay.

18 MR. HART: And actually it'd be Mr. Arnold.

19 And, Your Honor, I don't anticipate ordering up a transcript for
20 this not guilty plea.

21 THE COURT: I don't anticipate you doing it either but I'm just
22 telling him you're the one he has to talk to, if he -- for some reason he
23 wants something.

24 MR. HART: If he wants the grand jury transcript, which I think
25 is what he means.

1 THE COURT: Okay.

2 DEFENDANT OLIVER: I also --

3 THE COURT: All right.

4 DEFENDANT CLARK: Yeah, sorry, but --

5 THE COURT: Anyway, to the degree you want any transcripts
6 about anything you need to talk to your attorneys. I'm not the one who
7 orders -- they have to place in an order and then I decide if there -- it's
8 appropriate for you to get the transcript. And so --

9 DEFENDANT CLARK: I understand it.

10 THE COURT: So don't -- talk to them.

11 But let's go --

12 DEFENDANT CLARK: All right. I was just stating it for the
13 record, that's all.

14 THE COURT: No, that's good. That's not a problem.

15 All right. Let's go ahead and set a trial date.

16 DEFENDANT CLARK: Okay.

17 THE CLERK: Okay. Calendar call will be December 15th at
18 10:15; jury trial January 4th at 9:00 a.m.

19 THE COURT: All right. Anything further --

20 MR. HART: January 4th?

21 THE COURT: -- at this time?

22 MR. HART: Okay. Thank you.

23 DEFENDANT CLARK: Thank you.

24 THE COURT: Nothing further, Mr. Hart?

25 MR. HART: Not here.

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THE COURT: Okay. Very good.

All right. Thank you.

Mr. Hart, thank you for taking the time to read that to the
defendants. I appreciate it.

MR. HART: Not a problem, Your Honor.

THE COURT: All right.

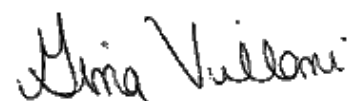
MR. HART: Have a good day.

THE COURT: Have a good day.

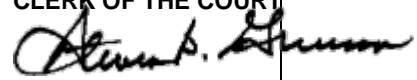
[Hearing concluded at 11:39 a.m.]

* * * * *

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.



Gina Villani
Court Recorder/Transcriber
District Court Dept. IX



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 THE STATE OF NEVADA,
9 Plaintiff,

CASE#: C-20-351676-1
C-20-351676-2

10 vs.

DEPT. XVII

11 VANESHIA OLIVER,
12 DARRELL CLARK

13 Defendants.

14 BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE
15 WEDNESDAY, NOVEMBER 25, 2020

16 **RECORDER'S TRANSCRIPT OF HEARING:**
17 **CENTRAL TRIAL READINESS CONFERENCE**

18 APPEARANCES:

19 For the State:

MADILYN COLE, ESQ.
Deputy District Attorney
Appeared By Video

21 For the Defendant:

MARTIN HART, ESQ.,
CARL ARNOLD, ESQ.
Appeared By Video

22
23
24 RECORDED BY: KERRY ESPARZA, COURT RECORDER
25

1 Las Vegas, Nevada, Wednesday, November 25, 2020

2
3 [Case called at 12:33 p.m.]

4 MS COLE: Good Morning, Your Honor, Madilyn Cole for the
5 State.

6 MR. HART: Marty Hart here. And then also there is a co-
7 defendant Clark. And I believe Mr. Arnolds on as user.

8 THE COURT: All right so also Darrell Clark -- which is
9 C351676-2.

10 MR. ARNOLD: Carl Arnold here for Darrell Clark, Your Honor.

11 THE COURT: All right. Good Afternoon Mr. Arnold. So it
12 looks like this is set in front of Judge Villani on January 4th, it will not be
13 going that week but we should be able to push it out a couple weeks.

14 How are things going in terms of getting this resolved?

15 MR. HART: Your Honor we --

16 MS. COLE: Your Honor --

17 MR. HART: I'll wait for Ms. Cole.

18 MS. COLE: Your Honor, after speaking with both Mr. Hart and
19 Mr. Arnold we do believe that a settlement conference would be helpful.
20 There have been offers conveyed but based upon that I do believe a
21 settlement conference would be helpful.

22 THE COURT: All right so Sylvia what's our -- what is our
23 settlement conference availability look like that first couple weeks of
24 January?

25 MS. PERRY: We've got an opening -- we've got a couple

1 openings on the 5th, we've got 11a.m. and 2 p.m.--

2 THE COURT: Okay --

3 MS. PERRY: -- and then it goes into the week of the 11th.

4 Buts that's a little stuffy too so kind of the --

5 THE COURT: Let's --

6 MS. PERRY: -- slim pickings in the beginning of the month --

7 THE COURT: -- does the 5th, the 5th at either 11 or 2 work for
8 all of you?

9 MS. COLE: 2 would be better for the State.

10 MR. HART: That's fine

11 MR. ARNOLD: Would be best.

12 THE COURT: Okay great so we'll do the 5th at 2 p.m. and
13 then we'll push this a few weeks back.

14 THE DEFENDANT OLIVER: Ma'am?

15 THE COURT: Ms. Oliver, ma'am, --

16 THE DEFENDANT OLIVER: Yes?

17 THE COURT: -- so do you understand what they were talking
18 about? So it would be a Judge that is not assigned to your case just
19 sitting down with you and your attorney and the prosecutor just to talk to
20 see if there's a possibility of resolving the case. It doesn't mean that you
21 have to, you a hundred percent make the decision about whether you go
22 to trial or not.

23 THE DEFENDANT OLIVER: Mm-hmm

24 THE COURT: And so, you know, it can't hurt right.

25 THE DEFENDANT OLIVER: What day is this happening? And

1 I have no paper work on my case. I have no discovery --

2 THE COURT: Okay.

3 THE DEFENDANT OLIVER: -- I have no declare of warrant I
4 have nothing. I just want to know, I don't know nothing about a deal. I
5 don't have a clue.

6 THE COURT: All right. So, well, the settlement conference to
7 would be an opportunity to get a lot more information as well. Right now
8 because of coronavirus we're moving trials -- to January 11th or later. So
9 your trial's set for the 4th so we're going to have to move it out a couple
10 weeks. That will also give time to do the settlement conference since
11 we're not doing trials that week anyway. And in terms of, I see that --
12 there's the grand jury hearing transcript, Mr. Hart have you had a chance
13 to go over that with Ms. Oliver?

14 THE DEFENDANT OLIVER: No.

15 MR. HART: No I have not.

16 THE COURT: Okay so --

17 MR. HART: I believe we've mailed them to her. But I will
18 double check and follow up to make sure it went out.

19 THE COURT: If you would do that I would appreciate it.

20 MR. HART: Yes, and a lot of the discovery we have is videos
21 unfortunately.

22 THE COURT: Okay --

23 THE DEFENDANT OLIVER: Can I watch --

24 THE COURT: You'll have to --

25 MS. COLE: Your Honor --

1 THE DEFENDANT OLIVER: Am I allowed to watch the
2 video?

3 THE COURT: You'll have to reach --

4 THE DEFENDANT OLIVER: No?

5 THE COURT: Well it just means that it's a little bit challenging
6 right now but Mr. Harts going to have to reach out to the jail to make
7 arrangements to show you those videos.

8 All right and then Mr. Clark --

9 MS. COLE: Your Honor, I would also note there is a
10 voluminous amount of discovery in this case. Mr. Hart and Mr. Arnold did
11 receive a large portion of it in Justice Court and I recently just sent them
12 another batch. We are still waiting on the results to be sent back to us in
13 regards to phone records and location data, that's still outstanding. In
14 speaking with Mr. Arnold and Mr. Hart, I do not believe that they would
15 be announcing ready for the January 4th date so I just want to make
16 that, I just want to put that on the record.

17 THE DEFENDANT OLIVER: So I've gotta sit here the whole
18 time I'm waiting for this? I can't get out? I can't go on house arrest I can't
19 do nothing?

20 THE COURT: So ma'am that's up to Judge Villani. So your
21 attorney would need to file a motion in front of Judge Villiani if that has
22 not already happened.

23 So, Mr. Clark I just wanted to check in with you too about the
24 settlement conference. You understand that your participation in the
25 settlement conference is completely voluntary? So if you decide you

1 don't want to do it you don't have to.

2 THE DEFENDANT CLARK: Yes I understand, but like the
3 same thing.

4 THE COURT: Okay.

5 THE DEFENDANT CLARK: I have no paperwork no nothing. I
6 know nothing about what's going on besides what they tell me. So
7 before --

8 THE COURT: Okay.

9 THE DEFENDANT CLARK: -- before anything I would like at
10 least to speak with my lawyer, go over some paperwork, go over these
11 videos you know what I'm saying, at least something before they try to --

12 THE COURT: Yes.

13 THE DEFENDANT CLARK: -- sell me a deal.

14 THE COURT: Absolutely. So, it would be very helpful if the
15 attorneys could do that prior to the settlement conference so that it is a
16 meaningful opportunity to discuss the settlement.

17 THE DEFENDANT CLARK: I'm not understanding a lot of this
18 though, like how was our preliminary --

19 THE COURT: Sure --

20 THE DEFENDANT CLARK: --how was our preliminary
21 skipped over like and pushed to a grand jury. Like we had no way to
22 speak for our self --

23 THE COURT: So --

24 THE DEFENDANT CLARK: -- or anything.

25 THE COURT: Yeah, that's how that process goes. So the

1 State sometimes for whatever reason, that's a decision that they make,
2 that they are going to take a case to the grand jury instead of having a
3 prelim.

4 THE DEFENDANT CLARK: Okay.

5 THE COURT: And the case gets presented to the grand jury,
6 the witnesses go in and testify. There is a transcript of that --

7 THE DEFENDANT CLARK: Okay.

8 THE COURT: -- and then the grand jury makes a decision
9 about what the charges are. You or your lawyer can't sit through that
10 whole proceeding and watch what's going on it's in secrete. You do have
11 -- I mean they typically send a notice and ask you if you want to testify
12 and typically people don't do that --

13 THE DEFENDANT CLARK: Even if we --

14 THE COURT: -- because it usually isn't in their best interest.
15 So once the grand jury hears the case and determines that there's
16 probable cause for the charges then an indictment issues and that's
17 where you are now.

18 THE DEFENDANT CLARK: Okay get I understand all of that.
19 I just okay yeah I was just figuring like how could anything be going on
20 without any paperwork like --

21 THE DEFENDANT OLIVER: We don't have nothing.

22 THE DEFENDANT CLARK: -- we have nothing.

23 THE DEFENDANT OLIVER: We have not even heard --

24 THE COURT: Okay.

25 THE DEFENDANT OLIVER: -- his voice.

1 THE DEFENDANT CLARK: We've been sitting here almost
2 87 days --

3 THE COURT: Well there's --

4 THE DEFENDANT OLIVER: 90.

5 THE COURT: -- there's been an indictment and a
6 superseding indictment and a transcript of the grand jury hearing.
7 There's not a lot filed in your case in terms of what's in the court file so
8 that's all I'm seeing. It does sound like your lawyers have discovery,
9 obviously they have to make arrangements -- for you to view the videos
10 and I don't know what the rest of the discovery is but --

11 THE DEFENDANT CLARK: Pretty much --

12 THE COURT: -- as far as what's in the court file there really
13 isn't a ton.

14 THE DEFENDANT OLIVER: Okay.

15 THE DEFENDANT CLARK: All right, yeah.

16 MR. HART: Yes and in municipal -- or in Justice Court I did
17 go over what the different charges were but items were actually coming
18 in and then they went to the grand jury.

19 THE DEFENDANT CLARK: Okay.

20 THE COURT: Okay well --

21 MR. HART: it was a compilation were they found one and
22 they went back and started adding other charges up.

23 THE DEFENDANT OLIVER: So are they adding charges
24 now?

25 THE DEFENDANT CLARK: No, no no.

1 THE DEFENDANT OLIVER: Oh okay.

2 MR. HART: No I did confirm that they are not adding any
3 more than the 46 the 44 or 46 that we have now.

4 THE COURT: Okay, do you folks have any other questions?

5 THE DEFENDANT CLARK: I just got one like strictly just for
6 my lawyer like if you could make a phone call so we can conversate
7 about a few things. Like I got a lot of motions a lot of things the need to
8 be, you know what I'm saying, brought up. There's a lot of rights being
9 violated, you know what I'm saying, so --

10 THE COURT: Mr. Hart and Mr. Arnold if you both could reach
11 out to your clients as soon as possible I would appreciate it. It sounds
12 like they're both getting a little bit frustrated so.

13 THE DEFENDANT OLIVER: Thank you.

14 MR. HART: Yes.

15 THE COURT: I think it would benefit them and you if you
16 reach out and have a conversation with them.

17 THE DEFENDANT OLIVER: My lawyers cool.

18 MR. ARNOLD: And Your Honor he has my phone number he
19 can also give me a call --

20 THE DEFENDANT CLARK: I don't have your number.

21 MR. ARNOLD: Okay we'll make sure we'll get it to you.

22 THE DEFENDANT CLARK: All right thanks.

23 THE COURT: Great, all right thank you folks. Did we get that
24 trial date Kim? I got a little lost in there.

25 THE CLERK: No we did not, Your Honor. So the central

1 calendar call will be January 13th at 2 p.m. with a jury trial of January
2 19th at 9 a.m. with Department 17.

3 THE COURT: Great thank you.

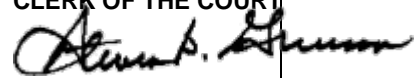
4 MR. HART: Thank you.

5 [Proceedings concluded at 12:42 p.m.]

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

23 
24 _____
25 Kimberly Estala
Court Recorder/Transcriber



1 RTRAN

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 THE STATE OF NEVADA,
7 Plaintiff,

8 vs.

9 VENESHIA L. OLIVER,
10 DARRELL CLARK,
11 Defendants.

CASE#: C-20-351676-1

CASE#: C-20-351676-2

DEPT. XVII

12 BEFORE THE HONORABLE CHARLES THOMPSON,
13 SENIOR DISTRICT COURT JUDGE
14 THURSDAY, JANUARY 7, 2021

15 **RECORDER'S TRANSCRIPT OF HEARING:**
16 **ENTRY OF PLEA**

17 APPEARANCES:

18 For the State:

ANN M. DUNN, ESQ.
Deputy District Attorney

20
21 For Defendant Oliver:

MARTIN W. HART, ESQ.

22 For Defendant Clark:

CARL E. ARNOLD, ESQ.

23
24
25 RECORDED BY: ANGELICA MICHAUX, COURT RECORDER

1 Las Vegas, Nevada, Thursday, January 7, 2021

2
3 [Hearing began at 3:20 p.m.]

4 THE COURT: All right.

5 On the record, Case Number C351676 Veneshia Oliver.

6 Ms. Oliver, if you'd stand up to the microphone, please.

7 I understand that this matter is now negotiated, would counsel
8 tell me what the negotiations are, please.

9 MR. HART: Today my client will be pleading to four different
10 counts, burglary of a business, invasion of a home, -- or, sorry, two
11 counts of burglary of a business, one count of invasion of the home, one
12 count of residential burglary. The State will not oppose dismissals of
13 cases 20CR020130 and 19F23590X at the rendition of sentence. The
14 State and the Defense both stipulate to an aggregate sentence of 36 to
15 90 months in the Nevada Department of Corrections. And the State has
16 no opposition to concurrent time between the charges. The Defendant
17 also agrees to restitution in all cases. And there's a forfeiture of property
18 seized and the stipulation of compromise was also signed.

19 MS. DUNN: And --

20 MR. HART: It is contingent upon both defendants accepting
21 the negotiation.

22 MS. DUNN: That is all correct, Your Honor.

23 THE COURT: All right. Ms. Oliver, can you hear me?

24 DEFENDANT OLIVER: I don't want to take it but I am.

25 Yes, I can hear you.

1 THE COURT: Did you hear the attorneys explain the
2 negotiations in this case?

3 DEFENDANT OLIVER: Yes.

4 THE COURT: Do you understand those negotiations?

5 DEFENDANT OLIVER: Yeah.

6 THE COURT: Are you in agreement with them?

7 DEFENDANT OLIVER: Yeah.

8 THE COURT: What is your plea to the four counts in the
9 Amended Information, charging you --

10 MR. HART: It's a Superseding Indictment, Your Honor.

11 THE COURT: This is an Amended Superseding Indictment
12 charging you with burglary of a business, Count 1; burglary of a
13 business, Count 2; invasion of the home, Count 3; and residential
14 burglary Count 4; guilty or not guilty?

15 DEFENDANT OLIVER: Guilty.

16 THE COURT: Is your plea of guilty freely and voluntarily
17 given?

18 DEFENDANT OLIVER: Yeah. Yes.

19 THE COURT: Have any threats been made against you or
20 anyone closely associated with you in order to cause you to enter the
21 plea of guilty?

22 DEFENDANT OLIVER: No.

23 THE COURT: Did you sign this written Guilty Plea Agreement
24 that I've been handed?

25 DEFENDANT OLIVER: Yes.

1 THE COURT: Did you read it before you signed it?
2 DEFENDANT OLIVER: As much as I could, yes.
3 THE COURT: What did she say?
4 MR. HART: As much as she could.
5 DEFENDANT OLIVER: Yes.
6 MR. HART: You have --
7 THE COURT: Do you have problems understanding it?
8 DEFENDANT OLIVER: No.
9 THE COURT: Do you need to re-read it or look at it?
10 DEFENDANT OLIVER: No. I don't [sotto voce.]
11 THE COURT: Do you understand that by entering this plea of
12 guilty you're giving up certain constitutional rights that are described in
13 the agreement; do you understand that?
14 DEFENDANT OLIVER: Yeah. Like --
15 THE COURT: You have a right to go to trial; do you
16 understand that?
17 DEFENDANT OLIVER: What rights am I giving up?
18 THE COURT: You're giving up the --
19 MR. HART: He's about to go over those.
20 THE COURT: -- you're giving up all the rights to go to trial, to
21 call witnesses, to cross-examine witnesses, and to bring your own
22 witnesses.
23 Do you understand that?
24 DEFENDANT OLIVER: Yes.
25 THE COURT: Do you understand that by entering this plea of

1 guilty you are stipulating to a sentence in the Nevada State Prison of not
2 less than 36 months, nor more than 90 months; do you understand that?

3 DEFENDANT OLIVER: Yes.

4 THE COURT: You understand that there won't be any
5 discretion for your attorney to argue for probation or special treatment;
6 do you understand that?

7 DEFENDANT OLIVER: Yeah.

8 THE COURT: That the Court will have to follow that
9 negotiation; do you understand that?

10 DEFENDANT OLIVER: Yeah.

11 THE COURT: All right. In the Superseding Indictment it says
12 that on August 16, 2020, you entered a business, a 7-Eleven business,
13 here in Clark County, Nevada, with the intention of committing larceny,
14 of stealing.

15 Is that true?

16 DEFENDANT OLIVER: Am I supposed to say yeah? I guess.

17 THE COURT: That's not true?

18 DEFENDANT OLIVER: I said, yeah, I guess. That's what
19 they -- I'm supposed --

20 THE COURT: Did she say yes?

21 MS. DUNN: And/or.

22 MR. HART: She said -- yeah, it was --

23 MS. DUNN: She said yes.

24 MR. HART: -- it was a Sabarro and/or 7-Eleven and/or
25 Target.

1 MS. DUNN: Yes.

2 And then with the intent to commit larceny and/or any other
3 felony.

4 THE COURT: Is that all true?

5 DEFENDANT OLIVER: Yes.

6 THE COURT: Are the allegations in Count 2 that you entered
7 a burglary of a 7-Eleven or a Sabarro -- I don't know what a Sabarro is --

8 MR. HART: It's a restaurant.

9 MR. ARNOLD: Restaurant.

10 MR. HART: Pizza place.

11 THE COURT: Oh, okay.

12 -- and/or Target on August 21st, 2020, with the intention of
13 committing either larceny, assault, battery, or felony.

14 Is that true?

15 DEFENDANT OLIVER: Yeah. Yes.

16 THE COURT: In Count 3, you're accused of home invasion --
17 without going through all the language of Count 3 -- is that true?

18 DEFENDANT OLIVER: Yes.

19 THE COURT: And Count 4, it's alleged that you committed a
20 residential burglary -- and I won't go through all the language of it -- but
21 is that true?

22 DEFENDANT OLIVER: Yes.

23 THE COURT: Are pleading guilty to all four of these counts
24 because in truth and in fact you are guilty?

25 DEFENDANT OLIVER: I'ma lie if I say yes. Yes.

1 THE COURT: Well, do you think it's in your best interest to
2 enter this plea of guilty --

3 DEFENDANT OLIVER: Yes.

4 THE COURT: -- to avoid the likelihood of being convicted of
5 more offenses if you went to trial?

6 DEFENDANT OLIVER: Yes, I guess, yes, whatever you all
7 say.

8 THE COURT: Are you satisfied?

9 MR. HART: And, Your Honor, just to be clear, she is charged
10 under the aiding and abetting theory on this and it was a series of
11 invasion and burglaries from different hotel rooms between June of 2020
12 and August 2020, Paris and --

13 MS. DUNN: Harrah's.

14 MR. HART: Paris casino. Harrah's casino, sorry. Multiple.
15 And so I think part of her issue is whether or not she was actually the
16 one to enter the rooms and/or pry, there was damage on the doors.

17 THE COURT: What was her participation?

18 DEFENDANT OLIVER: Supposedly.

19 MR. HART: Whether or not she was a lookout or --

20 DEFENDANT OLIVER: But they don't know that.

21 MR. HART: -- she went there with the intent that it happened.

22 THE COURT: Okay.

23 MR. HART: We have not discussed that fully. But items that
24 were stolen were -- the credit cards from one were used shortly
25 thereafter and other items were found on her possession.

1 THE COURT: She received some of the proceeds of the
2 burglary?
3 MR. HART: Yeah.
4 THE COURT: Okay.
5 MR. HART: And other items were found on her possession.
6 THE COURT: Did you understand what your attorney just told
7 me, ma'am?
8 DEFENDANT OLIVER: Yeah.
9 THE COURT: Is that true?
10 DEFENDANT OLIVER: I guess, yeah. I'll say it's true [sotto
11 voce.]
12 THE COURT: So you're pleading guilty to these offenses
13 because you are guilty?
14 DEFENDANT OLIVER: I'm not guilty [sotto voce.] Yeah.
15 THE COURT RECORDER: Judge --
16 DEFENDANT OLIVER: I gotta do what you all want me to do.
17 THE COURT RECORDER: -- excuse me, Judge. She's
18 speaking under her breath. I can hear her speaking under her breath
19 so.
20 THE COURT: Do you want her to remove the mask?
21 THE COURT RECORDER: No, she's like answering and then
22 she's speaking under her breath very lowly.
23 MR. ARNOLD: She was making negative statements at the
24 same time she's making positive statements, and so effectively --
25 DEFENDANT OLIVER: What is negative?

1 MR. ARNOLD: -- you're cancelling out your own plea by not
2 just saying yes and just leaving it at yes.

3 MR. HART: You don't have to take this plea if you don't want
4 to?

5 THE COURT: If you don't want to take the plea, you don't
6 have to, ma'am.

7 DEFENDANT OLIVER: I'm taking the plea, I guess. I don't
8 know.

9 THE COURT: You want me to accept the plea?

10 DEFENDANT OLIVER: Yes.

11 THE COURT: You understand that if I accept it you can't
12 change your mind and go back later on?

13 DEFENDANT OLIVER: Yes.

14 THE COURT: Are you under the influence of any medicine or
15 drug today that would affect your ability to understand this?

16 DEFENDANT OLIVER: No.

17 [Colloquy regarding another case]

18 THE COURT: All right. Well, let's pass on Ms. Oliver for a
19 few minutes.

20 MR. HART: Well, did you want to double check, Your Honor?
21 I don't know what was being said; madam recorder would have to tell
22 me. Is there a need --

23 THE COURT RECORDER: No, she just --

24 MR. HART: -- to clarify anything?

25 THE COURT RECORDER: No, she was just answering on

1 the microphone but then she'd come away from the microphone and say
2 stuff under her breath and so I just need to record it.

3 MR. HART: Okay. Could you tell what it was or? Was it a lot
4 of unintelligible?

5 THE COURT RECORDER: It was kind of hard to hear.

6 MR. HART: Okay.

7 THE COURT: What do you want me to do?

8 MR. HART: I'm fine but maybe -- I don't know what the DA
9 wants.

10 THE COURT: Is the DA happy?

11 MS. DUNN: Yes, Your Honor.

12 THE COURT: All right.

13 Let's pass it for a moment because this is conditional upon --

14 MR. HART: Yes.

15 THE COURT: -- the other one also pleading. So I need to -- I
16 don't know who the other defendant is. I don't have a name.

17 UNIDENTIFIED SPEAKER: Oliver.

18 THE COURT: Oh, we have a -- okay.

19 UNIDENTIFIED SPEAKER: I mean -- sorry. Not my turn.

20 THE COURT: Darrell Clark.

21 Mr. Clark, can you understand me, sir?

22 DEFENDANT CLARK: Yes, sir.

23 THE COURT: All right. I understand this matter's also
24 negotiated and it's contingent upon both of you entering these pleas. I'm
25 going to ask your attorney and the district attorney to tell me what the

1 negotiations are in this case.

2 MR. ARNOLD: Your Honor, my client will be pleading guilty to
3 Count 1, conspiracy to commit robbery; Count 2, invasion of the home;
4 Count 3, residential burglary; Count 4, ownership or possession of a
5 firearm by a prohibited person. The parties stipulate to a sentence of 36
6 to 90 months in the Nevada Department of Corrections. The State has
7 no opposition to the counts running concurrent to each other. The
8 Defendant agrees to pay full restitution in the instant case. Additionally,
9 the State agrees not to refer the instant case for federal prosecution.
10 This agreement is contingent upon co-defendant accepting her
11 negotiation. And, lastly, the defendant agrees to forfeiture as set forth in
12 the stipulation for compromised of seized property, referenced as
13 Exhibit 2.

14 MS. DUNN: That's correct, Your Honor.

15 THE COURT: All right. Do you understand these
16 negotiations, sir?

17 DEFENDANT CLARK: Yes, sir.

18 THE COURT: Do you agree with them?

19 DEFENDANT CLARK: Yeah.

20 THE COURT: Do you have any reservation?

21 DEFENDANT CLARK: Excuse me?

22 THE COURT: Do you think it's in your best interest to enter
23 this plea of guilty?

24 DEFENDANT CLARK: Honestly, no. But I'm like -- I'ma go --
25 I'ma gonna ahead and go with it.

1 THE COURT: All right. What is your plea to Count 1,
2 conspiracy to commit robbery; guilty or not guilty?

3 DEFENDANT CLARK: Guilty.

4 THE COURT: I'm sorry, sir, I didn't hear you.

5 DEFENDANT CLARK: Guilty.

6 THE COURT: What is your plea to Count 2, invasion of the
7 home; guilty or not guilty?

8 DEFENDANT CLARK: Guilty.

9 THE COURT: Count 3, residential burglary; guilty or not
10 guilty?

11 DEFENDANT CLARK: Guilty.

12 THE COURT: And Count 4, ownership or possession of a
13 firearm by a prohibited person; guilty or not guilty?

14 DEFENDANT CLARK: Guilty.

15 THE COURT: Are your pleas of guilty freely and voluntarily
16 given?

17 DEFENDANT CLARK: No.

18 THE COURT: Well, if they're not voluntarily given, sir, I'm not
19 going to accept them. I see some hesitancy and reservation about your
20 accepting these.

21 MR. ARNOLD: And, Your Honor, if I could make a record, it's
22 under my opinion in seeing what's occurring inside the room with the
23 co-defendant crying his hesitancy in taking the deal; I want to make it
24 very clear that I believe my client is taking his deal so the co-defendant
25 can have her deal. I have advised him repeatedly that you cannot take a

1 deal under those circumstances because that is not freely and
2 voluntarily. And I have advised him since 12 o'clock to say --

3 DEFENDANT CLARK: Guilty.

4 MR. ARNOLD: -- that he wasn't going forward with the plea.

5 DEFENDANT CLARK: Guilty.

6 I don't -- I don't have no one fighting on my side anyway so.

7 MR. ARNOLD: You've got more than a fight; however, it's --
8 whether you're going to take the plea or not, sir.

9 THE COURT: I don't find this to be a voluntary plea.

10 MS. DUNN: No, if he's --

11 MR. ARNOLD: I agree, Your Honor.

12 DEFENDANT CLARK: It is.

13 MR. ARNOLD: Well, if he doesn't --

14 THE COURT: And because this defendant has not accepted
15 it, I cannot accept the plea of the other defendant.

16 Who do I give these back to?

17 THE CLERK: Oh, I can just cross it out.

18 THE COURT: All right.

19 THE CLERK: Thank you.

20 [Colloquy]

21 THE COURT: That'll terminate these proceedings.

22 Thank you, Marty.

23 MR. ARNOLD: All right. Thank you, Your Honor.

24 THE COURT: See you, Carl.

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MR. ARNOLD: Take care.

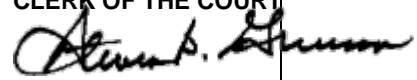
[Hearing concluded at 3:34 p.m.]

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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.



Gina Villani
Court Recorder/Transcriber
District Court Dept. IX



1 RTRAN

2
3
4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6
7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 VENESHIA L. OLIVER,
11 DARRELL CLARK,

12 Defendants.

CASE#: C-20-351676-1

CASE#: C-20-351676-2

DEPT. XVII

13 BEFORE THE HONORABLE MICHAEL VILLANI, DISTRICT COURT JUDGE
14 TUESDAY, FEBRUARY 2, 2021

15 **RECORDER'S TRANSCRIPT OF HEARING:**
16 **DA REQUEST RE: ENTRY OF PLEA**

17
18 APPEARANCES:

19 For the State:

MADILYN M. COLE, ESQ.
Deputy District Attorney

20
21 For Defendant Oliver:

MARTIN W. HART, ESQ.

22 For Defendant Clark:

CARL E. ARNOLD, ESQ.

23
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25 RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER

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Las Vegas, Nevada, Tuesday, February 2, 2021

[Hearing began at 9:05 a.m.]

THE COURT: 19 is Darrell Clark.

THE COURT RECORDER: There's a co-defendant, page 18,
Judge.

THE COURT: Thank you.

We'll go back to Mr. Arnold here. Darrell Clark. Mr. Arnold, is
this matter resolved?

MR. ARNOLD: Your Honor, this is a co-defendant case. I
believe that Mr. Marty Hart has a client also and Madilyn Cole's the DA
handling the case. The matter has not been --

MS. COLE: And, Your Honor, I'm on --

[Simultaneously speaking]

MS. COLE: -- I'm on BlueJeans, Your Honor.

THE COURT: Okay. Go ahead, Mr. Arnold.

MR. ARNOLD: Yeah and the matter has not been resolved. It
was a guilty plea contingent on both parties accepting the guilty plea;
however, my client's not accepting the State's offer. And so the next
step would be to set this matter for trial.

THE COURT: And they were conditional on both parties
taking the negotiations; is that correct?

MS. COLE: That's correct; Your Honor.

MR. ARNOLD: That's correct.

THE COURT: Is mister --

1 MS. COLE: And, Your Honor, just for the record, I want to --
2 do put the negotiations on the record. Mr. Clark would be pleading guilty
3 to a conspiracy to commit robbery, invasion of the home, residential
4 burg, and one count of ownership or possession of a firearm by a
5 prohibited person. The parties would be stipulating to a sentence of 36
6 to 90 months in the Nevada Department of Corrections. He would agree
7 to pay restitution. And the State would agree not to refer the instant
8 case for federal prosecution. The agreement would be contingent upon
9 his co-defendant accepting her negotiation. And since he has revoked --
10 or since he is rejecting that offer at this time, the offer will be revoked as
11 to both him and Ms. Oliver.

12 THE COURT: Okay. So he was going to plead to three
13 felonies and you were going to dismiss 43 other ones; is that correct?

14 MS. COLE: He was going to be pleading guilty to four
15 felonies.

16 THE COURT: Okay.

17 MS. COLE: And Ms. Oliver was going to be also pleading
18 guilty to four felonies. Hers were going to be two counts of burglary of a
19 business, one count of invasion of the home, one count of residential
20 burglary.

21 THE COURT: And --

22 MS. COLE: And she would also have the 36 to 90 months.

23 THE COURT: All right. I see both cases are set for central
24 trial readiness conference on February 24th, is there -- my calendar is
25 not showing a trial date. Is there a trial date for these matters?

1 MS. COLE: Your Honor, and my understanding is that
2 because the date of this invocation for these two co-defendants was in
3 November, because there's so many other cases before them, that we
4 got that date and when we go to trial readiness conference that's when
5 we'll get a new trial date. Because they're setting trials about three
6 weeks from those trial ready conference dates and they'll give us a
7 central calendar call and a central trial date.

8 THE COURT: Okay. So on February 24th you're telling me
9 that Judge Bell will set the trial date for both these individuals?

10 MS. COLE: Yes. I believe it's -- Judge Jones will.

11 THE COURT: Okay. So, Mr. Arnold, there's no negotiations
12 in your case, you will be at the central trial readiness at February 24th,
13 and then apparently a trial date will be set for Darrell Clark, for your
14 client, excuse me. All right?

15 MR. HART: And, Your Honor, my client should be there also.

16 THE COURT: Okay. Let me go back, has Mr. Clark already
17 entered a not guilty plea to all the charges?

18 MR. ARNOLD: I'm sure he has, Your Honor.

19 THE COURT: Okay.

20 All right, so that's page 19, you have that date.

21 Mr. Hart, you heard it's a conditional plea on both defendants
22 taking it and apparently your client is rejecting the negotiations.

23 Veneshia Oliver.

24 Thank you, Mr. Clark.

25 We're going to move onto the next case, Veneshia Oliver.

1 Ms. Oliver, you're rejecting the negotiations; is that correct?

2 DEFENDANT OLIVER: Yes.

3 THE COURT: Okay.

4 MR. HART: Well, I don't know that my client was actually
5 rejecting. It was if her co-defendant took the negotiation --

6 THE COURT: Well --

7 MR. HART: -- she would take it but.

8 DEFENDANT OLIVER: Yeah.

9 THE COURT: -- it's a contingent -- it's a conditional plea;
10 correct, on both parties entering the plea?

11 MS. COLE: That's correct, Your Honor.

12 MR. HART: It is.

13 THE COURT: All right. And so both defendants will be at the
14 February 24th central trial readiness conference.

15 MR. HART: Thank you, Your Honor.

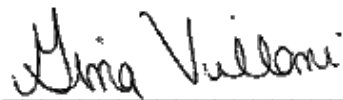
16 THE COURT: Thank you.

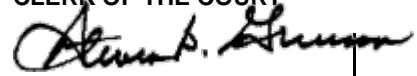
17 MS. COLE: Thank you, Your Honor.

18 [Hearing concluded at 9:10 a.m.]

19 * * * * *

20
21 **ATTEST:** I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

23 
24 _____
25 Gina Villani
Court Recorder/Transcriber
District Court Dept. IX



TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA,)	CASE NO. C-20-351676-1
)	C-20-351676-2
Plaintiff,)	
vs.)	DEPT. NO. XVII
)	
VENESHIA LANETTE OLIVER,)	
and DARRELL CLARK,)	
)	
Defendants.)	

BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE

MONDAY, APRIL 12, 2021

TRANSCRIPT OF PROCEEDINGS:
JURY TRIAL - DAY 1

APPEARANCES:

FOR THE STATE:	CHAD N. LEXIS, ESQ. <i>Chief Deputy District Attorney</i>
	MADILYN M. COLE, ESQ. <i>Deputy District Attorney</i>
FOR DEFENDANT OLIVER:	MARTIN W. HART, ESQ.
FOR DEFENDANT CLARK:	CARL E. ARNOLD, ESQ.

RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER
TRANSCRIBED BY: VERBATIM DIGITAL REPORTING, LLC

1 LAS VEGAS, CLARK COUNTY, NEVADA, MONDAY, APRIL 12, 2021

2 (Case called at 9:10 a.m.)

3 (Outside the presence of the prospective jurors.)

4 THE COURT: All right. Counsel, we are on the
5 record now. We're outside the presence of the jury panel. I
6 just wanted to -- have the parties discussed the length of the
7 trial? It looks like there's been some agreement on the
8 exhibits. But as far as the length of the trial so I can tell
9 the jurors what they should expect?

10 MR. LEXIS: Judge, to be safe, I would tell them
11 only --

12 THE COURT RECORDER: Mr. Lexis, your microphone.

13 MR. LEXIS: To be safe, Judge, I would tell them all
14 way up until next Tuesday.

15 THE COURT: I'm sorry. I can't hear you.

16 MR. LEXIS: I would tell them all the way up until
17 next Tuesday or Wednesday to be safe, even though I anticipate
18 giving the stipulations of a lot of the exhibits, it being
19 faster than that. But I just don't want to -- I'd rather be
20 -- I'd rather tell you too long than not enough.

21 THE COURT: All right. Do you agree, Mr. Arnold, as
22 far as the estimated time?

23 MR. ARNOLD: Well, I'm hoping five days, Your Honor.
24 So --

25 THE COURT: All right. Mr. Hart, same thing?

1 MR. HART: Yeah. I mean, it's going to be quite a
2 few witnesses. Like I said, we're stipulating on custodian of
3 records, so that should shave half a day to a day.

4 THE COURT: And just so we can have this on the
5 record, have there been any offers to negotiate the case, Mr.
6 Lexis?

7 MR. LEXIS: Oh, there's been several offers in the
8 case. You'll have to ask Ms. Cole when she gets here. But I
9 know -- I know they went to a Settlement Conference and that
10 was rejected. And I'm -- I know that Ms. Oliver's wanted to
11 -- to deal, but it's all contingent. And Mr. Clark is the one
12 that rejected the last offer at the Settlement Conference.
13 And so here we are.

14 THE COURT: All right. Is that correct, Mr. Arnold,
15 for Mr. Clark? He's rejected the settlement offer?

16 MR. ARNOLD: Yes, Your Honor.

17 THE COURT: All right. And Mr. Hart, I guess, your
18 client wanted to take a deal, but they were contingent; is
19 that correct, Mr. Hart?

20 MR. HART: Yes, Your Honor. It was contingent at
21 the time. We couldn't get through the allocution.

22 THE COURT: Okay. Any questions by the State,
23 before we bring the jury in?

24 MR. LEXIS: No, Your Honor.

25 THE COURT: Any questions by Mr. Arnold for Mr.

1 Clark?

2 MR. ARNOLD: No, Your Honor.

3 THE COURT: Mr. Hart, any questions you have on
4 behalf of Ms. Oliver?

5 MR. HART: Not at this time, Your Honor.

6 THE COURT: All right. Where's the Marshal?
7 Where'd he go?

8 (Pause in the proceedings.)

9 MR. LEXIS: Judge, could I bring up something else?

10 THE COURT: I'm sorry?

11 MR. LEXIS: Can I bring up something else?

12 THE COURT: Yes.

13 MR. LEXIS: I sent everybody the Second Amended
14 Superceding Indictment and -- and the Third, as well, of
15 course, taking out the ex-felon in possession for part two,
16 and I would just ask for those to be filed at this time.

17 THE COURT: Okay. Any objection, Mr. Arnold?

18 MR. ARNOLD: No, Your Honor.

19 THE COURT: Mr. Hart?

20 MR. HART: No, Your Honor.

21 THE COURT: All right. You can go ahead and file
22 that.

23 Are those things awful loud today? I'm just having
24 trouble hearing.

25 (Pause in the proceedings.)

1 MR. LEXIS: Judge, also, the jury instructions for
2 both part one and part two have been sent to everybody.

3 THE COURT: All right. Thank you.

4 (Pause in the proceedings.)

5 THE MARSHAL: All rise for the entry of the jury.

6 (Inside the presence of the prospective jurors.)

7 THE COURT: All right.

8 Everyone have a seat. Thank you.

9 All right. Good morning, ladies and gentlemen. And
10 on behalf of the Regional Justice Center, my Department,
11 Department 17, and the attorneys, and the parties in this
12 matter, we appreciate all of you honoring your Jury Summons in
13 these difficult times. We -- we do appreciate you coming
14 down. And as you know, we have -- the court system has taken
15 numerous precautions for all of our safety. Everyone is
16 socially distanced.

17 In this courtroom, we have some black boxes you may
18 see here throughout this hearing room here. They are air
19 purifiers so it's probably cleaner in this room than any --
20 probably your home or any other place in our community. So we
21 do appreciate all of you coming down to honor your Jury
22 Summons.

23 And so before we go any further, I'm going to have
24 the Court Clerk swear all of you in. We assume you will be
25 honest with your answers, but we are required to place you

1 under oath. So when I ask you some questions, or any of the
2 attorneys ask you questions, we just have to confirm that all
3 of your answers will be honest to the best of your ability.

4 So if everyone can please rise, stand up, raise your
5 right hand, the Clerk will swear you in.

6 PROSPECTIVE JURORS SWORN BY THE CLERK

7 THE COURT: All right. Thank you. Everybody have a
8 seat.

9 Again, ladies and gentlemen, part of a Jury Summons
10 or jury duty is to perform your civic duty. All of you may
11 have received a similar Jury Summons in the mail and that's
12 why you're down here today. I think all the attorneys know
13 this. This Summons here has my name on it. As a sitting
14 Judge, I received a Jury Summons. I came down. It was pre-
15 COVID. I came down, sat in this room and went through a
16 selection process and after a couple days, lo and behold, even
17 though I was a sitting Judge, I was selected as a juror in a
18 civil case that went two-and-a-half weeks long.

19 So we all serve. A Supreme Court Justice up north
20 received a Jury Summons and he served on a jury. I think it
21 was in Story County. And we had, I think, another Judge down
22 here who's since retired, received a Jury Summons and has
23 served on a jury.

24 Whether it's a civil or criminal case, we need
25 individuals such as yourselves to serve on our juries to make

1 the decisions, again, whether it's civil or criminal.

2 I can tell you, just last week, I finished a jury
3 trial. I so selected a jury, we went to another room, we
4 conducted a trial, and it's been completed.

5 On Friday, one of our other Judges just finished a
6 four-week civil trial at the convention center. It was
7 reported in the newspaper. I don't know if any of you saw
8 that. And so that Judge was able to get jurors to sit for
9 approximately four weeks of time. Again, last week, I had a
10 one-week jury trial, and lo and behold, I got selected again,
11 and we're starting another trial today.

12 So again, we appreciate all of your service coming
13 down here.

14 I've spoken to the attorneys in this case. And
15 first -- well, actually, first, I want to tell you that you
16 have been assigned to this case here which is a criminal case.
17 It is State of Nevada versus Veneshia Oliver and Darrell
18 Clark. So this is a criminal case.

19 I've spoken to the attorneys and their best estimate
20 for me is six to seven days to try this case. Our trial
21 schedule, if you are selected as a juror, is that we would
22 start at 9:00 o'clock each morning. During the noon hour, we
23 try to take our lunch break. It would be a full hour. Mid-
24 afternoon, we take a mid-afternoon break, and we promptly
25 adjourn at 5:00 o'clock. Some days a little earlier, but

1 never any later.

2 And so before we go any further, I just want to ask
3 anyone if they have, with based upon our schedule, and it's a
4 criminal case, and the length of time that we expect this case
5 to be tried, is there anyone here who would have an extreme
6 hardship if they were selected to serve on this case?

7 Please raise your hand and if you would have an extreme
8 hardship.

9 Okay. We'll go to this part of the room here.

10 And if you are called upon, we need to you to state
11 your name and also your badge number. Now, if you look at
12 your badge, everyone should have 08 dash and then a set of
13 numbers. So even though we may call on you numerous times
14 throughout this trial, please each and every time, if you'd
15 come up to the microphone, please state your name and badge
16 number.

17 And actually, it'd be -- you know, since individuals
18 will be coming up to the microphone, I want to assure everyone
19 that, again, we are taking all the safety precautions that are
20 necessary.

21 What many of you have -- might be surprised to know,
22 that the Courts have never shut down. We have remained open
23 and working throughout this pandemic. In March, when Governor
24 Sisolak instituted the original shutdown, we did not cease.
25 We did cease jury trials for a period of time. During those

1 months, there was a group of seven judges, myself included,
2 that met weekly to study the national health trends from how
3 other jurisdictions were handling jury trials and safety
4 measures.

5 We then planned for the reopening of jury trials
6 meeting with social -- with local healthcare professionals at
7 the University Medical Center, as well as working with the
8 Southern Nevada Health District to make sure we put everything
9 in place to ensure your health and safety.

10 I'd like to briefly go over some of those things
11 with you right now. At all times, everyone will remain
12 socially distanced, whether in this room, or if you are
13 selected, in the actual trial, in the courtroom, excuse me.

14 We have hand sanitizers at all areas in this room,
15 the courthouse, as well as the trial courtroom. We have
16 worked with Clark County Property Management to ensure that we
17 have enhanced air quality and air disinfection within the
18 courthouse.

19 As you look around this room, you will see many
20 black boxes, one up front here to my right. These are --
21 these boxes allow for continuous use of dry hydrogen peroxide
22 to reduce levels of harmful bacteria and viruses, along with
23 fungi and mold in occupied spaces. We have instituted
24 infection and exposure event protocols should anyone feel ill.
25 Once we are done selecting a jury, we'll then move to one of

1 our two COVID courtrooms. These courtrooms were designed with
2 the help of medical professionals.

3 You will notice that all of you will be seated six
4 feet apart to maintain social distancing. Anyone such as
5 myself, the court staff, and parties who cannot be -- who
6 cannot be six feet apart will be separated by dividers. We
7 have installed plexiglass dividers as to limit contact with
8 one another.

9 There are many other things that we have done, but I
10 just wanted to give you a highlight of a few of these to make
11 sure you understand how seriously we take your health and
12 safety.

13 All right. Sir, again, your name and badge number.

14 And sir, since everyone's badge number will be 08
15 dash zero something, we just need the last three numbers on
16 your badge; okay?

17 So, sir, you name and badge number?

18 PROSPECTIVE JUROR NO. 006: Good morning. My name is
19 Michael Priest, Badge No. 6.

20 THE COURT: Yes, sir. And what's your hardship,
21 sir?

22 PROSPECTIVE JUROR NO. 006: So, it's two points. My
23 daughter is going to be out of town in a couple weeks for
24 surgery, so I'll be the primary caregiver for the family while
25 my wife takes her down for surgery. That will be on the 23rd

1 of this month.

2 And then we're actually moving out of state. I'm
3 under contract in a home in Phoenix right now, in the due
4 diligence period where I'm having to respond to mortgage
5 lending inquiries and property inspections and appraisals and
6 everything else, and that will be ongoing over the next two
7 weeks. But we're scheduled to close on the 30th.

8 THE COURT: Okay. Sir, so if we complete this trial
9 within five, six or probably the worst case scenario, seven
10 days, would you be -- if we -- would you be able to serve? I
11 understand if we went into the following week --

12 PROSPECTIVE JUROR NO. 006: I understand.

13 THE COURT: -- you would have those -- those family
14 issues to resolve.

15 PROSPECTIVE JUROR NO. 006: Correct. So if it is
16 done within --

17 THE COURT: So with our --

18 PROSPECTIVE JUROR NO. 006: -- that time frame, I
19 could serve. I just wasn't sure how reliable that time frame
20 was so I wanted to flag --

21 THE COURT: No, no.

22 PROSPECTIVE JUROR NO. 006: -- the issue.

23 THE COURT: I appreciate that, sir. Thank you very
24 much.

25 PROSPECTIVE JUROR NO. 006: Okay.

1 THE COURT: Okay. All right. Actually, ladies and
2 gentlemen, before we go any further, I know you met with our
3 Jury Commissioner and all of you were checked in, all of you
4 watched a video to better understand what you go through at
5 the courthouse.

6 And I had thought at that time that if a roll call
7 had been taken. Apparently, not. And so I'm going to have
8 the Court Clerk just call off your names, and just say "here"
9 or "present" and we'll get through that and we'll resume the
10 questioning by -- by the Court.

11 ROLL CALL OF PROSPECTIVE JURORS

12 THE COURT: All right. Great. Thanks very much.
13 We had another hand by the wall as far as a
14 hardship. And again, name and last three numbers of your
15 badge.

16 PROSPECTIVE JUROR NO. 008: Eugeena Horner, and I'm
17 Badge No. 8. I currently work full time for a school district
18 and I'm also doing my intern masters for administration. And
19 I have to have my hours complete by next month, because school
20 gets out. So if I miss a week of not doing intern hours every
21 day, I probably will have to graduate another semester and pay
22 for that entire semester.

23 THE COURT: All right. Thank you. And I'll address
24 that with the attorneys. Thank you.

25 Anyone else with an extreme hardship?

1 Sir, in the blue, come on up.

2 And as everyone can see, after each and every person
3 speaks at the microphone the Marshal disinfects the microphone
4 so we are very vigilant on keeping everyone safe.

5 Yes, sir?

6 PROSPECTIVE JUROR NO. 087: Steven Ciesiel, Badge
7 No. 0087. My hardship is I have two kids that I take to
8 school every day from -- let's see, 8:00 in the morning until
9 -- I've got to pick them up at 3:00. My wife is an overnight
10 nurse, so she will not be able to pick them up, so I've got to
11 take them to school. I can't rely on my elderly parents that
12 have to do that for me. And I do work a full-time job from
13 5:00 p.m. until 1:00 a.m. at the Palazzo Casino.

14 THE COURT: All right. Sir, so with our schedule,
15 you would be able to take them to school --

16 PROSPECTIVE JUROR NO. 087: Um-h'm.

17 THE COURT: -- because we won't start until 9:00 and
18 you said school starts around 8:00 o'clock.

19 PROSPECTIVE JUROR NO. 087: Yeah.

20 THE COURT: But the issue is picking them up from
21 school; is that correct?

22 PROSPECTIVE JUROR NO. 087: That's kind of -- yeah,
23 that's the issue.

24 THE COURT: Okay.

25 PROSPECTIVE JUROR NO. 087: Yeah.

1 THE COURT: And is there anyone else, any friends,
2 neighbors, co-workers, relatives, that --

3 PROSPECTIVE JUROR NO. 087: I mean, just -- just my
4 parents or my wife. But my wife's schedule is always -- is
5 always, you know, different. It's not set. So she's always
6 working usually, let's see, like 7:00 p.m. until like 8:00
7 something in the morning. She's a nurse, so she works an
8 overnight schedule. So she does sleep during the day. I
9 don't know what her schedule is this week. I think it's --
10 it's always different every week. I can't keep up with it.

11 So I think she might be -- she might work some --
12 some weekdays this week. I'm going to have to check with her.
13 But the -- yeah, the problem -- part of the problem is -- is
14 the 3:00 p.m. pickup.

15 THE COURT: All right. Thank you, sir.

16 When we take a mid-morning break, sir, would you
17 have an opportunity to call your wife to see what her schedule
18 is for this week?

19 PROSPECTIVE JUROR NO. 087: Yeah. I'll go check
20 with her.

21 THE COURT: All right. Thanks. Great. Thank you.

22 PROSPECTIVE JUROR NO. 087: Thank you.

23 THE COURT: We will take this into consideration,
24 sir.

25 PROSPECTIVE JUROR NO. 092: Amy Shulman, 092.

1 I have just moved my 87-year-old father into
2 assisted living about a week-and-a-half ago. I'm the only
3 family member here in Vegas. And it's a lot going on with
4 medications and when the VA Hospitals call there's just no way
5 to call them back. So there's just a lot going on with that
6 right now.

7 THE COURT: All right. Thank you, ma'am.

8 Any other hands, extreme hardship?

9 PROSPECTIVE JUROR NO. 099: Candace Krubsack, and
10 099. My hardship -- I'm not really sure if it's a hardship,
11 but my 16-year-old daughter and myself are scheduled for our
12 second COVID vaccine tomorrow at 2:15.

13 THE COURT: I'm sorry. I couldn't hear you. You're
14 scheduled for a vaccine tomorrow?

15 PROSPECTIVE JUROR NO. 099: Right. Me and --

16 THE COURT: Okay.

17 PROSPECTIVE JUROR NO. 099: -- my 16-year-old
18 daughter for our second one.

19 THE COURT: All right. Is there -- I know a lot of
20 times, because I've had my shots already. Is there a way to
21 get a schedule -- to get an appointment like early in the
22 morning or maybe later in the afternoon, if you were selected?

23 PROSPECTIVE JUROR NO. 099: I can call and check and
24 see if they can change it. They scheduled this one when they
25 gave us our first one, so I'm not sure if they did that with

1 everybody, what the availability will be. And I'm not really
2 sure what the timeline is to having to get the second one
3 after the first one.

4 THE COURT: Right. And I'm not sure either. I'm
5 not going to give you any medical advice. But I know -- I
6 know that you don't have to have the exact day, but I know
7 there's a time frame and we want to make sure you are healthy.
8 So, but thank you, ma'am.

9 PROSPECTIVE JUROR NO. 099: Okay.

10 PROSPECTIVE JUROR NO. 126: Ruth Phillips, 126. I
11 have the same vaccine problem, except mine is on next Monday.
12 So I'll call and see. But I just wanted to make that noted.
13 It's my second one that I have scheduled at UNLV.

14 THE COURT: All right. Thank you, ma'am.

15 PROSPECTIVE JUROR NO. 139: Hi. My name is Ahmedin.

16 THE MARSHAL: You've got to step forward. Just
17 speak into the microphone. Name and badge number, last three
18 digits.

19 PROSPECTIVE JUROR NO. 139: My name is Ahmedin. My
20 Badge No. 0139.

21 I have a problem with language. Even I don't
22 understand some --

23 THE COURT: I'm sorry. I can't -- you've to speak
24 up louder. I can't hear you, sir.

25 PROSPECTIVE JUROR NO. 139: My name is Ahmedin. My

1 Badge No. 0139. I -- I have a little bit problem with
2 language. Even I don't understand what you say early.

3 THE COURT: So you're saying you have a problem with
4 language?

5 PROSPECTIVE JUROR NO. 139: Yeah.

6 THE COURT: Actually -- actually, that's going to be
7 my next question, but we'll make -- mark it down for you, sir.

8 What is your native language, sir?

9 PROSPECTIVE JUROR NO. 139: Huh?

10 THE COURT: What is your native language? What
11 language do you normally --

12 PROSPECTIVE JUROR NO. 139: Oh.

13 THE COURT: -- speak?

14 PROSPECTIVE JUROR NO. 139: I'm (indiscernible).

15 THE COURT: Okay. All right. Thank you, sir.

16 PROSPECTIVE JUROR NO. 139: Welcome.

17 PROSPECTIVE JUROR NO. 180: Hello. Carla Lozano,
18 180. I'm not sure, again, about extreme hardship, but have
19 had flight plans for Thursday to fly to Washington to work on
20 a property with a couple of other people. So I don't know if
21 that could get changed or -- or how easy that would be to do,
22 but --

23 THE COURT: Okay. Is this -- this appointment that
24 you have out of state, is this something that can be easily
25 changed or is it --

1 PROSPECTIVE JUROR NO. 180: Well, I've coordinated
2 with two others. So there's three of us going. I kind of --
3 I have the property, so I have the keys and everything to kind
4 of coordinate everybody getting in and getting settled and
5 started.

6 THE COURT: All right. Thank you.

7 PROSPECTIVE JUROR NO. 180: Thank you.

8 THE COURT: Thank you, ma'am.

9 (Court/IT confer.)

10 THE COURT: Yes, ma'am?

11 PROSPECTIVE JUROR NO. 198: Good morning. My name
12 is Kelly Schlegel, Badge No. 198. I have a vacation planned
13 to fly out next Thursday and I'm also the sole daycare for my
14 one-year old grandson.

15 THE COURT: So vacation-wise, we should -- the trial
16 will be completed by next Thursday. So let's deal with the
17 daycare for -- you said it's your grandson; correct?

18 PROSPECTIVE JUROR NO. 198: Right.

19 THE COURT: Is the assignment to pick up your
20 grandson from daycare, is that an ongoing situation or is it
21 just for this week that --

22 PROSPECTIVE JUROR NO. 198: I go to his -- their
23 home and watch him every day.

24 THE COURT: Okay. So you're the caregiver?

25 PROSPECTIVE JUROR NO. 198: Yes.

1 THE COURT: Okay. Do they have any other family or
2 friends that -- involved in care-giving for the child?

3 PROSPECTIVE JUROR NO. 198: Not that he will stay
4 with.

5 THE COURT: Okay. And it's a one-year old child; is
6 that --

7 PROSPECTIVE JUROR NO. 198: Yes.

8 THE COURT: -- correct? All right. Thank you,
9 ma'am.

10 PROSPECTIVE JUROR NO. 198: Thank you.

11 THE COURT: I know we have a couple more hands.
12 We'll get to you.

13 PROSPECTIVE JUROR NO. 202: Brittany Kruger, Badge
14 202. I'm a college instructor and with just a few weeks left
15 in the semester it would be almost impossible to make up the
16 facetime with my students if I were to miss six or seven days
17 of class.

18 THE COURT: And do you have classes each day?
19 Because I remember in the old --

20 PROSPECTIVE JUROR NO. 202: Tuesday, Wednesday,
21 Thursday.

22 THE COURT: Okay. All right. And what time of day
23 are the classes?

24 PROSPECTIVE JUROR NO. 202: Tuesday, Wednesday, it's
25 9:30 to 11:30 a.m., and Wednesday and it's 2:00 to 5:00 p.m.

1 THE COURT: Is there anyone else that could cover
2 your class for you?

3 PROSPECTIVE JUROR NO. 202: There's not.

4 THE COURT: Okay. And in the event, you know, if
5 you became ill, not because of COVID, I mean, like let's say,
6 pre-COVID, if you had the flu or you know, you got sick or
7 something, who would cover your classes at that time?

8 PROSPECTIVE JUROR NO. 202: It would be a
9 combination of cancelling class or trying to find other
10 instructors to cover parts of them. But with everyone so
11 spread thin with COVID teaching, that would be almost
12 impossible, I think.

13 THE COURT: All right. Understood. All right.
14 Thank you.

15 PROSPECTIVE JUROR NO. 202: Thanks.

16 We'll get to you, ma'am, in just a minute.

17 PROSPECTIVE JUROR NO. 243: Good morning. My name is
18 Rebecca Reyes. My Badge No. is 243. Hi. This might not be
19 an issue, but I am actually supposed to be in a wedding that
20 I'm supposed to leave for next Friday.

21 So if we keep to the timeline that you'd mentioned,
22 it won't be an issue. But I am supposed to be in a wedding.

23 THE COURT: All right. We'll -- I think we will
24 keep that timeline.

25 PROSPECTIVE JUROR NO. 243: Okay. Perfect.

1 THE COURT: Thank you, ma'am.

2 PROSPECTIVE JUROR NO. 243: Thank you.

3 PROSPECTIVE JUROR NO. 297: E. Ring, Badge 297.

4 I just have tomorrow at 8:45 my second COVID test.

5 Oh, not yet? I'm sorry.

6 THE MARSHAL: (Inaudible) first.

7 PROSPECTIVE JUROR NO. 297: I apologize. Sorry,
8 sir.

9 THE COURT: Okay. You have your second COVID test?

10 PROSPECTIVE JUROR NO. 297: Yes, sir.

11 THE COURT: Okay.

12 PROSPECTIVE JUROR NO. 297: 8:45 tomorrow morning at
13 the Convention Center.

14 THE COURT: All right. And like I think we had one
15 or two other potential jurors had the same situation. So we
16 will be taking a mid-morning break, sir. See if you can make
17 a phone call, see if you can get an appointment next week
18 without violating any of the --

19 PROSPECTIVE JUROR NO. 297: Yeah. There's
20 (indiscernible) --

21 THE COURT: -- COVID protocols.

22 PROSPECTIVE JUROR NO. 297: -- yeah, 28 days [sic],
23 this is my -- so like -- like 28 days is tomorrow -- by
24 tomorrow's date, so.

25 THE COURT: I'm sorry. You said 20 days is

1 tomorrow?

2 PROSPECTIVE JUROR NO. 297: 28 days, I think.

3 THE COURT: Okay. But I --

4 PROSPECTIVE JUROR NO. 297: (Inaudible).

5 THE COURT: -- like I said, I'm not going to give
6 any medical advice, but I understand it's -- that there's a
7 leeway on that. I'm -- like I said, if you can call and find
8 out what that time frame is.

9 PROSPECTIVE JUROR NO. 297: All right. Thank you,
10 sir.

11 THE COURT: Thank you.

12 And Marshal, we had number -- yeah.

13 (Court/Marshal confer.)

14 PROSPECTIVE JUROR NO. 286: Hi. My name is Joseph
15 Mercado, number 0286. My hardship is I was diagnosed with
16 prostate cancer. High blood, kidney -- kidney problem. And
17 low potassium. And I've been taking about 10 medication. So
18 next -- next week, I'm scheduled to -- my doctor will schedule
19 me for what kind of treatment I'll be getting.

20 THE COURT: And when's your next appointment, sir?

21 PROSPECTIVE JUROR NO. 286: It's going to be -- my
22 doctor -- my doctor told me that he's going to call me,
23 because I just talked to him last week. So he's going to call
24 me and refer me to a specialist where I will have to talk to
25 them. He's -- either I will have a -- a laser treatment or

1 removal.

2 THE COURT: Okay. So what your scheduled for now is
3 another doctor's appointment with a specialist; is that
4 correct, sir?

5 PROSPECTIVE JUROR NO. 286: Yes. A specialist. The
6 one special -- specialist is the one who is saying to me what
7 procedure I should take.

8 THE COURT: Right. So you're not having a procedure
9 next week, you're going to be meeting with a physician next
10 week who will then tell you what type of procedure you need
11 and perhaps you might --

12 PROSPECTIVE JUROR NO. 286: Yeah.

13 THE COURT: -- need some surgery?

14 PROSPECTIVE JUROR NO. 286: Yes. Exactly.

15 THE COURT: Okay.

16 PROSPECTIVE JUROR NO. 286: He will explain to me
17 two types of procedure, either removal or a --

18 THE COURT: Right.

19 PROSPECTIVE JUROR NO. 286: -- laser. So and then I
20 will decide which one I will take.

21 THE COURT: Okay. So at this point, you're just
22 going to -- you're waiting for a phone call this week from
23 your -- your family physician who then will refer you to a
24 specialist; is that correct?

25 PROSPECTIVE JUROR NO. 286: Exactly, sir.

1 THE COURT: Okay. So you don't have the -- the
2 appointment with the specialist set up yet; correct?

3 PROSPECTIVE JUROR NO. 286: Not yet. But like I
4 said, again, I just spoke to him last -- last Wednesday.

5 THE COURT: All right. Okay. Thank you, sir.

6 PROSPECTIVE JUROR NO. 286: Yes, sir.

7 PROSPECTIVE JUROR NO. 270: Hi. This Ricardo
8 Rodriguez, Badge No. 270. One of my two hardships is at work,
9 we have -- we are very short staffed due to many, many people
10 leaving. And I have put in my applications to move up in the
11 workplace and that could happen at any moment during the time
12 of this jury.

13 And I'm working 40 hours a week from Monday through
14 Friday and the hours range from either -- usually from 6:00 to
15 10:00 in the morning, or they start at 3:00 to 11:00 at night.
16 And my manager told me that because there's going to be a big
17 change in where we are, like the workers that I'm in, that I
18 will -- she asked me if I could like train those people.
19 She's hiring at least like 10 more people, so she's asked one
20 of me -- or me to help her like train those people.

21 And another one is I am look -- I look over my
22 little brother while my mom is away and she usually goes out
23 like about two times a week. And she doesn't trust her -- she
24 doesn't trust him being along, and I'm supposed to like be
25 there and take care of him. Those are my two hardships.

1 THE COURT: Okay. Did you advise your employer that
2 you do have a Jury Summons?

3 PROSPECTIVE JUROR NO. 270: Yes. That's why I
4 scheduled for today. And due to the -- the short staff of
5 people, I will -- I -- I won't be able to like have someone
6 cover my shift if -- what's it called -- I can request more
7 days off, but they -- see, it's not really a -- I don't know
8 how to explain it. They're not really like lenient with it.

9 But I'm pretty sure they will due to this jury duty.
10 But I'll see about it.

11 THE COURT: All right. Thank you.

12 And ladies and gentlemen, just so you know, it is
13 against the law for anyone to be terminated from their
14 employment if they are selected as a juror in a case. So I
15 can assure you -- well, I would be very surprised that any
16 employer would even try to do that. We're not saying that
17 gentleman's employer would, I'm just saying it's against the
18 law. And I don't think any employer would attempt to have any
19 retribution against someone who's -- was selected as a juror.

20 Ma'am, we'll -- ma'am, in Seat 9, we'll get to you
21 in just a moment; okay? We -- I won't forget you.

22 Yes, sir?

23 PROSPECTIVE JUROR NO. 278: Yeah. My name is Juan
24 Pineda. Badge No. is 278. I have a problem with the high
25 pressure and I have to come back to the doctor on Thursday.

1 And the other problem, the language. So I don't understand
2 sometimes some words.

3 THE COURT: All right. And like I said, that was
4 going to be one of our questions coming up.

5 But thank you, sir, and we'll get back to you in
6 just one moment.

7 And now we'll go to the lady here.

8 Is there another one over here? There's -- oh, we
9 have a gentleman.

10 PROSPECTIVE JUROR NO. 090: Hi. My name is Bertoldo
11 Escamilla. My Badge No. is 090. I have issue with my
12 daughter. She's taking a class online right now and I have to
13 watch her. She's like six years old. So I have to tell her
14 when it's going to be the next class, like right now, I left
15 with my neighbor. She finish taking the class at 1:45.

16 THE COURT: All right.

17 PROSPECTIVE JUROR NO. 090: And also I have issues
18 with the language.

19 THE COURT: All right. Thank you, sir.

20 PROSPECTIVE JUROR NO. 038: Hi. I'm Kyong Fregeau,
21 No. is 038. And I had my eye surgery. It's (inaudible)
22 really bad. I (inaudible) see anything. So I didn't been
23 drive like almost a year. And -- and I had writing, reading,
24 speaking problem.

25 THE COURT: All right. Thank you, ma'am.

1 PROSPECTIVE JUROR NO. 038: Thank you.

2 THE COURT: Thank you.

3 Anyone else have an extreme hardship, if they were
4 selected as a juror in this case, besides the individuals we
5 have spoken to? I don't see any other hands.

6 Anyone besides -- oh, we have one more person.

7 PROSPECTIVE JUROR NO. 094: The name's Alfredo
8 Villegas, my Badge No. is 094. Don't know if it's an extreme
9 hardship, but I do have a Zoom interview at 2:00 p.m.

10 THE COURT: Is that today; sir?

11 PROSPECTIVE JUROR NO. 094: Today, yep.

12 THE COURT: Did you advise your -- I'm assuming a
13 future employer, let's hope, of your jury service today; sir?

14 PROSPECTIVE JUROR NO. 094: To be honest with you, I
15 forgot that I had jury duty today until like I just yesterday
16 when I'm like, you know, like I realized like, don't I have
17 jury duty? And then I just happened to see that it was today.
18 So, you know, this was just -- I didn't -- I didn't know that
19 I was supposed to come in today, but I guess --

20 THE COURT: All right.

21 PROSPECTIVE JUROR NO. 094: -- yesterday I looked
22 into it.

23 THE COURT: Okay. Sir, we will be taking a mid-
24 morning break. If you could call them during the break and
25 see if you could do the Zoom at the -- during the noon hour,

1 or perhaps mid-afternoon.

2 PROSPECTIVE JUROR NO. 094: All right.

3 THE COURT: We will accommodate their schedule with
4 yours; okay?

5 PROSPECTIVE JUROR NO. 094: All right.

6 THE COURT: Thank you, sir.

7 Anyone else?

8 All right. Anyone else that we have not spoken to,
9 has a language problem, language issue?

10 Marshal, I think there's -- by number 30 there.

11 PROSPECTIVE JUROR NO. 185: My name -- my name is
12 Joseph Lumuntad. Badge No. is 0185. And --

13 THE MARSHAL: (Inaudible).

14 PROSPECTIVE JUROR NO. 185: Oh. My name is Joseph
15 Lumuntad, Badge No. is 0185. And I don't (indiscernible)
16 English.

17 THE COURT: All right. What is your native
18 language, sir?

19 PROSPECTIVE JUROR NO. 185: Filipino.

20 THE COURT: Okay. How long have you lived in the
21 United States?

22 PROSPECTIVE JUROR NO. 185: About 14 years.

23 THE COURT: Four -- did you say 14?

24 PROSPECTIVE JUROR NO. 185: Yes.

25 THE COURT: And have you been able to understand

1 everything that's been stated so far?

2 PROSPECTIVE JUROR NO. 185: Not -- not, no.

3 THE COURT: Are you working now, sir?

4 PROSPECTIVE JUROR NO. 185: Yes, sir.

5 THE COURT: What type of work do you do?

6 PROSPECTIVE JUROR NO. 185: Coordinating in airport
7 wheelchair.

8 THE COURT: Okay. All right. Thank you, sir.

9 Ladies and gentlemen, I'm going to meet with counsel
10 just in the back hallway here, so if you can just stay in your
11 seats, please.

12 Counsel?

13 (Begin bench conference.)

14 THE COURT: All right. This is Judge Villani.

15 Each and every time someone speaks, we need to identify who's
16 speaking.

17 Let me just address some language issues real quick
18 here to see if there's an agreement by the parties.

19 We have Juror 038, Fregeau. I can't -- she has eye
20 surgery and also she had the language issue.

21 MR. ARNOLD: No objection.

22 MR. HART: No objection from Martin Hart.

23 THE COURT: Okay. I'm just handling language issues
24 right now. We had Bertoldo Escamilla, 090. He has a language
25 issue, but also has a six-year old child that she has to take

1 care of -- he has to take care of.

2 MR. ARNOLD: No objection.

3 MR. HART: No objection from Martin Hart.

4 THE COURT: Okay.

5 Language, 139, Ahmedin Mohamed, had a language
6 issue.

7 MR. HART: I believe him. No objection.

8 THE COURT: Mr. Arnold?

9 MR. ARNOLD: No objection.

10 MR. LEXIS: No objection.

11 THE COURT: Okay. Then we had Joseph Lumuntad,
12 0185, language issue.

13 MR. ARNOLD: No objection.

14 MR. HART: No objection.

15 THE COURT: Okay.

16 Then we had Juan Antonio Pineda, 278.

17 MR. LEXIS: No objection.

18 MR. HART: No objection.

19 THE COURT: Mr. Arnold?

20 MR. ARNOLD: 278?

21 THE COURT: 278.

22 MR. HART: He's the one who didn't understand what
23 we were saying (inaudible).

24 MR. ARNOLD: No objection.

25 THE COURT: Okay. So all the individuals that

1 identified a language issue, Mr. Arnold, you agree to excuse
2 them?

3 MR. ARNOLD: Yes, Your Honor.

4 THE COURT: Okay. And that's Mr. Hart, you agree to
5 excuse them?

6 MR. HART: Yes, Your Honor.

7 THE COURT: Mr. Lexis, you agree to excuse them?

8 MR. LEXIS: Yes, Judge.

9 THE COURT: The reason why I said it that way, just
10 so everyone's identified.

11 Is there anyone as far as the other hardships?

12 MR. LEXIS: Excuse me. She can't hear (inaudible).

13 THE COURT: Oh, okay.

14 MR. LEXIS: Judge, may I -- Chad Lexis for the
15 State. The only people I have objections to are the vaccine
16 people, I believe that they could reschedule those. I don't
17 think it has to be a specific date. And the individual that
18 had a Zoom meeting today, if it was that important to him, I
19 believe he would have addressed that prior than two hours
20 before his Zoom meeting.

21 So everybody else I have no objection to. Those
22 were the only individuals.

23 THE COURT: As far as the hardship?

24 MR. LEXIS: Yes. For the State.

25 THE COURT: Mr. Hart, how about you? (Inaudible).

1 MR. HART: Let's see. Who was Priest? I have him
2 down for, oh, moving? Is he moving now or is he --

3 THE COURT: What's the number?

4 MR. HART: Sorry. 006.

5 MR. ARNOLD: He's not moving until the 30th
6 (inaudible). He has to be done by the 23rd, though.

7 MR. LEXIS: The reason I had for -- this is Lexis
8 for the State. The reason I didn't have a problem with Priest
9 is because he also mentioned his daughter having surgery as
10 well.

11 MR. ARNOLD: I have no objection to excusing him.

12 MR. HART: I have no (inaudible) neither the
13 defendant (inaudible).

14 THE COURT: (Inaudible).

15 MR. HART: (Inaudible) intern.

16 THE COURT: (Inaudible).

17 MR. HART: (Inaudible).

18 THE COURT: The next one is --

19 MR. HART: Ciesiel --

20 THE COURT: -- Ciesiel, which is 087.

21 MR. HART: No objection.

22 THE COURT: Mr. Hart, please identify yourselves.

23 MR. HART: Mr. Hart, no objection.

24 MR. ARNOLD: Mr. Arnold, no objection.

25 MR. HART: Shulman, father, 092, no objection.

1 Hart.

2 MR. ARNOLD: No objection. Mr. Arnold.

3 THE COURT: Okay. The next one is 094, it's
4 Villegas-Ortiz (inaudible); is that correct?

5 MR. HART: I have no objection for --

6 THE COURT: We'll -- we'll hold off. We can
7 question her further; okay?

8 Now my (inaudible)?

9 THE COURT: We have COVID shots with (inaudible).
10 Lozano, 180.

11 MR. ARNOLD: Flight plans this Thursday. No
12 objection --

13 MR. HART: Yeah.

14 MR. ARNOLD: -- Mr. Arnold.

15 MR. HART: No objection, Mr. Hart.

16 THE COURT: Then we had Schlegel, 198.

17 MR. HART: With her grandkid. No objection, Hart.

18 MR. ARNOLD: No objection, Mr. Arnold.

19 MR. HART: Kruger, 202, no objection, Hart.

20 MR. ARNOLD: No objection, Mr. Arnold.

21 THE COURT: All right. Thank you.

22 Then we had 270, Mr. Rodriguez.

23 MR. HART: Did I miss that one?

24 MR. LEXIS: Yeah, work issues.

25 MR. ARNOLD: No objection, Mr. Arnold.

1 MR. HART: No objection, Hart.

2 THE COURT: Then we had Mr. Mercado, 286.

3 MR. HART: No objection, Hart.

4 MR. LEXIS: It's the cancer (inaudible).

5 MR. ARNOLD: Oh, cancer.

6 MR. HART: Yeah, the cancer guy.

7 MR. ARNOLD: No -- no objection, Mr. Arnold.

8 THE COURT: Then we have 297, Ring. Also a COVID
9 shot. We'll wait for them to make their phone calls.

10 MR. HART: Yeah.

11 THE COURT: Okay.

12 MR. ARNOLD: All right.

13 MR. HART: My client is about to wet herself.

14 THE COURT: Okay. All right.

15 MR. LEXIS: And, Judge, I don't know, did you
16 address the only one I -- maybe I missed it, 090, 17, the
17 child care and the class?

18 MR. HART: Yeah, we covered it.

19 MR. LEXIS: You got it?

20 THE COURT: Right.

21 MR. HART: Yeah.

22 MR. LEXIS: Yeah, okay. Okay, that (inaudible).

23 MR. HART: Six year old, I think.

24 THE COURT: We'll take a break.

25 I'll call out the people excused, then we'll take a

1 break.

2 (End of bench conference.)

3 THE COURT: Ladies and gentlemen, pre-COVID, if we
4 had issues to resolve I would just call the -- the attorneys
5 up to the bench in the regular courtroom, we could just hash
6 it out. But because of the social distancing, we have to
7 record everything. That's why we had to go in the hallway and
8 -- and resolve certain issues.

9 We're going to take a -- our mid-morning break here
10 in just one moment.

11 I'm going to advise the following individuals that
12 they have been excused from this -- from further questioning
13 for picking a jury.

14 So these individuals do not need to return after the
15 break. You do have my thanks for coming down and honoring
16 your jury summons.

17 008, Eugenea Horner is excused.

18 038, Kyong Fregeau is excused.

19 Steven Ciesiel, 087, is excused.

20 And counsel, please chime in if I've -- if I'm
21 making an error here. I'm trying to following through.

22 Escamilla, 090, is excused.

23 Shulman, 092, is excused.

24 Mohamed, 139, is excused.

25 Lozano, 180, is excused.

1 Lumuntad, 185, is excused.

2 Schlegel, 198, is excused.

3 Kruger, 202, is excused.

4 Ricardo Rodriguez, 270, is excused.

5 Antonio Pineda, 278, is excused.

6 Mercado, 286, is excused.

7 Now, ladies and gentlemen, there was other people
8 who raised their hand for hardship, and some of these people
9 are going to make some phone calls during the break. Also,
10 the attorneys may want to question you further on the
11 hardships. So we're not saying no or yes at this point, but
12 you're not excused until I officially identify you; okay?

13 So, ladies and gentlemen, we are going to take a
14 break in just one minute. When you -- first off, come back;
15 okay? Unless you've been excused, okay, you are under court
16 order to come back.

17 I think all the attorneys know this, and in my
18 courtroom I've had about 205 trials since taking the bench.
19 And on one occasion we had an individual who was not excused,
20 and after a break did not come back. We had to have a hearing
21 and we held him in contempt of court. And they did some jail
22 time.

23 Okay. I didn't like do it -- I didn't like doing it
24 in that case, and I never want to do that again. So please,
25 come back. We're going to get through this process. We're