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STEVEN WOLFSON
Clark County District Attorney
Nevada Bar # 1565
200 Lewis Ave.
Las Vegas, NV 89155-2212
(702) 671-2500
State of Nevada

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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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1 Q How long were the dreadlocks that the female had?

2 A I cannot recall.

3 Q You can't recall if they were shoulder-length or all
4 the way down to her rear?

5 A It's about shoulder-length.

6 Q About shoulder-length? And do you recall the color
7 of the dreadlocks?

8 A It was dark.

9 Q Dark. Now, you're not 100 percent sure that Picture
10 No. 4 was the person involved in this robbery; is that
11 correct?

12 A Um-hum.

13 Q You have to say yes for the record, ma'am.

14 A Yes.

15 Q And were you provided with any other photos --

16 A No.

17 Q -- prior to writing down your statement of
18 Photograph No. 4?

19 A No.

20 Q So you weren't given any other photographs of him
21 dressed in any other outfit?

22 A No.

23 Q Prior to coming in here and testifying today, did
24 you have a meeting with the district attorneys?

25 A Yes.

1 Q And during that meeting with the district attorneys,
2 didn't they show you this photo lineup?

3 A Yes.

4 Q And they did it to refresh your recollection as to
5 who you picked in the photo lineup; isn't that correct?

6 A That's correct.

7 Q And, again, that's when you told them that it was
8 No. 4, but you were only 50 percent?

9 A That's correct.

10 MR. ARNOLD: I have no further questions for this
11 witness.

12 THE COURT: Thank you. Any questions, Mr. Hart?

13 CROSS-EXAMINATION

14 BY MR. HART:

15 Q Just, you said you had clothes stolen also, correct?

16 A Come again?

17 Q You said you had some clothes stolen?

18 A Yes.

19 Q How many articles of clothing?

20 A I can't recall, like, the exact number.

21 Q Well, when you came, did you -- what size -- did you
22 have a full suitcase?

23 A I did have several suitcases, yes.

24 Q Okay, several suitcases. So was a suitcase worth of
25 clothing missing?

1 A Not the entire suitcase.

2 Q Well, you had several suitcases, correct?

3 A Yes.

4 Q So a majority of the suitcase was missing that night
5 with this -- is that what you're saying?

6 A Maybe from one or two suitcases, my clothes were
7 missing.

8 Q Okay, from a couple suitcases?

9 A Yes.

10 Q So a suitcase worth of clothing between the two of
11 them?

12 A Yes.

13 Q Okay. Fairly large suitcases?

14 A Fair -- yeah, yeah.

15 Q Okay. You didn't come in with a duffel bag, right?

16 A Sorry?

17 Q You didn't come in with a duffel bag, right?

18 A I -- I did not have a duffel bag.

19 Q Okay. You had rolling suitcases, correct?

20 A Yes.

21 Q 27-inch or 29-inch?

22 A Yeah, I had a carry-on and two big suitcases.

23 MR. HART: Okay. Nothing further from this witness.

24 THE COURT: Any redirect?

25 MR. LEXIS: Yes, Judge.

1 REDIRECT EXAMINATION

2 BY MR. LEXIS:

3 Q Mr. Arnold, ma'am, brought up your recorded
4 statement to the police when you identified No. 4. Do you
5 recall that?

6 A Yes.

7 Q He said, initially, you were hesitant to pick
8 anybody. You then gave a description of what happened and
9 then came back and identified Person No. 4. Do you remember
10 that?

11 A Yes.

12 Q In fact, the question that led you back, do you
13 remember Detective Mann asking you, do you have anything else
14 you want to add to the interview?

15 A Yes.

16 Q And is that when you went and told him about Person
17 No. 4?

18 A Yes.

19 Q Okay. At any point in time, did Detective Mann tell
20 you, hey, ma'am, you know, keep an eye out on No. 4, are you
21 sure, or trying to sway you one bit to pick No. 4?

22 A No.

23 Q Okay. Did the DA's office or the cops at any point
24 in time tell you, you know what, ma'am, here are some more
25 photos, you know, here, let's get No. 4?

1 A No.

2 Q Back when this originally occurred, ma'am, fair to
3 say your primary attention was on the male?

4 A Come again?

5 Q Was your primary focus on the male since he was
6 attacking you?

7 A Yes.

8 Q But you were still able to get a general description
9 of the female, correct?

10 A Yes.

11 Q Okay. You stated earlier 5'5?

12 A Yes.

13 Q Were you able to give a build?

14 A Sorry?

15 Q A build?

16 A A build? Yeah, she's thin-framed.

17 Q Okay. Now, you stated earlier that the male had a
18 backpack on?

19 A Yes.

20 Q Okay. Did you remember telling anybody on what, if
21 anything, the female had?

22 A The female had a bag, a small bag.

23 Q Okay. Do you remember what type of bag?

24 A Like a rectangular bag.

25 Q I'm sorry?

1 A A rectangular bag.

2 Q A rectangular bag, like a tote bag?

3 A Yes.

4 Q Okay. Those bags big enough to fit the items that
5 were taken from you?

6 A Yes.

7 MR. LEXIS: Okay. Nothing further.

8 THE COURT: Any recross, Mr. Arnold?

9 MR. ARNOLD: Yes, Your Honor.

10 RE CROSS-EXAMINATION

11 BY MR. ARNOLD:

12 Q Ma'am, that -- in that statement that you gave to
13 Detective Mann, you said, "I'm looking at this photo. The guy
14 looks really -- I don't know how -- you know, how like all
15 these photos are really similar, so maybe the guy in No. 4."
16 Do you remember making that statement?

17 A Yes.

18 Q And then you also made the statement, "He looks
19 pretty -- pretty similar. I don't know if it's the same guy,
20 but."

21 A Yes.

22 Q You remember making that statement?

23 A Yes.

24 Q And then Detective Mann said, "Okay. Do you think
25 it's Guy No. 4, but you're not 100 percent sure?" And you

1 stated, "Exactly, yeah."

2 A Yes.

3 Q And then he asked you, "What feature on his face
4 made you think that it was him?" And what did you answer?

5 A His facial structure, nose and mouth.

6 Q His nose and his mouth, not his eyes?

7 A No, not his eyes.

8 Q Not his hair?

9 A No.

10 Q Not the complexion of his skin?

11 A No.

12 Q It was his nose and his mouth?

13 A Yes.

14 MR. ARNOLD: I have no further questions, Your
15 Honor.

16 THE COURT: Any recross, Mr. Hart?

17 MR. HART: No, Your Honor.

18 THE COURT: All right, thank you. Any questions by
19 our jurors? No questions. All right. Thank you, ma'am, for
20 your testimony. You are excused. Next witness for the State?

21 MS. COLE: And, Your Honor, the State is going to
22 call Bertha Geradeau.

23 THE MARSHAL: Watch your step. Raise your right
24 hand. Face the Clerk. Once she swears you in, slide the
25 chair forward to that red light and make sure you speak loud.

1 THE WITNESS: No problem.

2 THE CLERK: Please raise your right hand.

3 BERTHA GERADEAU, STATE'S WITNESS, SWORN

4 THE CLERK: Thank you. Please have a seat, and
5 state and spell your first and last name for the record.

6 THE WITNESS: Bertha Geradeau.

7 THE COURT: Can you spell your first and last name,
8 please?

9 THE WITNESS: B-e-r-t-h-a. Geradeau,
10 G-e-r-a-d-e-a-u.

11 THE COURT: Go ahead, counsel.

12 MS. COLE: Thank you, Your Honor.

13 DIRECT EXAMINATION

14 BY MS. COLE:

15 Q Good morning, Ms. Geradeau.

16 A How are you?

17 Q Where do you currently live?

18 A Brooklyn, New York.

19 Q Were you visiting Las Vegas on August 6th of 2020?

20 A Yes, I was.

21 Q And who were you visiting Las Vegas with?

22 A My sister.

23 Q What's your sister's name, ma'am?

24 A Latoya Gustus.

25 Q And where were you and Latoya staying?

1 A Harrah's.

2 Q The Harrah's Hotel here in Las Vegas?

3 A Yes.

4 Q Do you know where that's located, ma'am?

5 A 3475 South Las Vegas Boulevard.

6 Q Okay, ma'am. And do you recall the room number that
7 you were staying in?

8 A 10060.

9 Q I'm sorry, can you say that one more time?

10 A 10060.

11 Q Thank you, ma'am. And showing you what's been
12 marked as State's stipulated 84, is that, in fact, your room
13 number that you were staying at in Las Vegas?

14 A That's correct.

15 Q And, ma'am, directing your attention to August 6th,
16 2020, what time did you depart your hotel room that evening?

17 A Between 6:15 and 6:30.

18 Q Between 6:15 and 6:30, ma'am?

19 A Yes.

20 Q Okay. And do you recall what time you arrived back
21 to your hotel room?

22 A Between 11:30 and 11:50.

23 Q Okay. And was your sister Latoya with you when you
24 left and came back?

25 A Yes, she was.

1 Q And she was the only person that was staying with
2 you?

3 A That's correct.

4 Q She was the only person that had permission to enter
5 your room?

6 A That's correct.

7 Q Okay. And when you got back to your hotel room, did
8 you notice something significant?

9 A Yes, I did.

10 Q In specific, regarding the door, what, if anything,
11 did you notice?

12 A I noticed that the clothes were on the floor, that
13 the drawers of the dresser was open, and the suitcases were
14 open.

15 Q Okay, ma'am. And when you first walked into your
16 hotel, did you notice anything distinctive about the hotel
17 room door specifically?

18 A No, I didn't, not until I went down and reported it
19 to security, and then we came up, and they -- they noticed the
20 door and showed me.

21 Q Okay, and they directed you to that?

22 A Yes.

23 Q Okay. And showing you what's been marked as State's
24 85, is that consistent with the damage that you saw on your
25 hotel room door?

1 A Yes, it is.

2 Q Okay. Showing you what's been marked State's 86, is
3 that a -- what are we looking at here?

4 A The -- the door. The lock to the door.

5 Q Okay, and is that the damage that you saw?

6 A Yes, it is.

7 Q That fair and accurately depicts it?

8 A Yes.

9 Q Okay. Showing you State's 87. What are we looking
10 at here?

11 A The door also to the room. It's --

12 Q And is -- and is that the damage that you saw on
13 that day?

14 A Yes, it is.

15 Q Showing you State's 88. What are we looking at
16 here?

17 A Also damage to the door of the room.

18 Q Okay. And, ma'am, prior to leaving on August 6th,
19 2020, did you notice any damage to the door?

20 A No, I didn't.

21 Q The first time you noticed the damage to the door
22 was when?

23 A Was when I came back up with security.

24 Q When you returned to your room?

25 A Yes.

1 Q And when you noticed your room had been disturbed?

2 A Right.

3 Q Okay, ma'am. And showing you State's 89, what are
4 we looking at right here?

5 A The room. The suitcase are open. The clothes are
6 -- everything disheveled in the room.

7 Q Okay. Showing you State's 90, what are we looking
8 at right here?

9 A Also my suitcase open, stuff out of place in the
10 room.

11 Q Okay. So when you left your hotel room on August
12 6th, 2020, at approximately 6:15 and 6:30 -- between 6:15 and
13 6:30, that was not the state of your room?

14 A No, it was not.

15 Q And then, showing you State's 92, what are we
16 looking at here?

17 A Clothes. Yes, clothes in the suitcase, I believe.
18 I can't see it close. Yes, clothes.

19 Q All right. Now, ma'am, you had some property that
20 was taken; is that fair to say?

21 A Yes.

22 Q So let's go through that. Specifically, let's start
23 -- did you have some sunglasses taken?

24 A Yes, I did.

25 Q Okay, let's talk about the sunglasses. What

1 sunglasses did you have taken?

2 A A pair of Tom Ford's, a pair of Versace, and a pair
3 of Gucci.

4 Q Okay. And then did you have some jewelry that was
5 stolen from you?

6 A Yes, I did. I had a diamond B necklace.

7 Q Okay, and you said a diamond B as in boy?

8 A B as in boy, yes.

9 Q Okay, and is that a B for Bertha?

10 A B for Bertha, yes.

11 Q Okay, and that was taken?

12 A Yes, and a Michele watch.

13 Q Michele watch? Okay. Did you also have some shoes
14 that were taken?

15 A Yes, I did. I had a pair of Gucci slides and a pair
16 of Gucci sneakers.

17 Q Okay. And then did you also have -- I think what
18 you referred to as a Gucci --

19 MR. HART: Objection, leading.

20 MS. COLE: I'll rephrase, Your Honor.

21 THE COURT: Okay, thank you.

22 BY MS. COLE:

23 Q Did you have any bags taken?

24 A Yes, I did. I had one pocketbook taken, one red
25 Gucci pocketbook, and two Gucci belt bags.

1 Q Okay.

2 A Belt bags meaning they go -- they go across your
3 waist.

4 Q Okay, so you had two belt bags?

5 A Yes.

6 Q Okay. Describe to us what a pocketbook is.

7 A A pocketbook is -- as the one I have on that go on
8 my shoulder.

9 Q Okay. And for the record, it looks like you have a
10 purse that's on your left-hand shoulder, and it's like a
11 shoulder bag?

12 A Yes.

13 Q So it's a smaller purse --

14 A Yes.

15 Q -- that you wear across your body?

16 A That's correct.

17 Q Okay. Do you remember having a conversation with
18 Detective Mann?

19 A Yes, I did.

20 Q And did he ask you to look at a photo?

21 A Yes, he did.

22 Q And was this after you had given him a description
23 of the property that was stolen from you?

24 A Yes, it was.

25 Q Okay, ma'am. And were you able to make some

1 identifications of property that was stolen from you?

2 A Yes, I did.

3 Q Okay. Showing you what's been marked and stipulated
4 as stipulated State's 96. So are those circles -- did you
5 make those?

6 A Yes, I did.

7 Q Okay. So when Detective Mann produced this photo to
8 you, there was no property circled?

9 A There was -- no, no. He asked me to circle what was
10 mine in the picture.

11 Q Okay. And this was because you had given him a
12 description of the items that were stolen from you on August
13 6th, 2020?

14 A Correct.

15 Q Okay, ma'am. And let's start with -- I think you
16 can mark on that screen, but if you want, you can get down,
17 and you can point on the screen.

18 THE COURT: Ma'am, the screen to your right, you can
19 put your finger on it.

20 THE WITNESS: Okay.

21 BY MS. COLE:

22 Q Yeah, so try to see if that works, but first, let's
23 talk about sunglasses. Do you -- can you point out the
24 sunglasses that you circled and please identify them?

25 A The Versace glasses is a circle, Tom Ford glasses,

1 and the Gucci glasses.

2 Q Okay. And, ma'am, those were, in fact, the same
3 items that you circled with Detective Mann that you're
4 circling today?

5 A Correct.

6 Q Okay. So, specifically, the Tom Ford sunglasses,
7 approximately what was the value of the Tom Ford sunglasses?

8 A 370.

9 Q Okay, and how about the Gucci sunglasses?

10 A The Gucci sunglasses were 375.

11 Q Okay, and what about the Versace sunglasses?

12 A 450.

13 Q I'm sorry, can you repeat that, ma'am?

14 A 450.

15 Q 450. Now, ma'am, do you remember writing a
16 voluntary statement after you reported this crime?

17 A Yes, I did.

18 Q Okay. Do you recall whether or not you listed
19 Versace sunglasses in that written voluntary statement?

20 A No, I didn't. I put two pair of Gucci glasses and
21 Tom Ford's.

22 Q Okay, so you accidentally --

23 A I accidentally put Gucci instead of Tom Ford --
24 Versace.

25 Q Okay. So the three pairs of sunglasses, can you

1 just repeat them again, just so we know what three were taken
2 and what three you identified?

3 A Versace, Tom Ford, and Gucci.

4 Q Okay. Thank you, ma'am. Now, in reference to the
5 belt bags you described, can you please point and circle those
6 so the members of the jury can see what you're referring to?
7 Okay, and those are the items that you've identified as belt
8 bags, correct?

9 A Correct.

10 Q Okay. And let's start -- well, why don't you point
11 to one -- or let's start with the one in the -- if you're
12 looking at the screen, the far right-hand corner.

13 A Yes.

14 Q How much was that one?

15 A 650.

16 Q Okay. And then, if we're looking at the one that is
17 back towards the backpack, how much was that?

18 A 790.

19 Q Now, the Gucci pocketbook, you did not see this --
20 you did not identify your missing Gucci pocketbook in this
21 photo?

22 A No, I didn't.

23 Q You did not see that? Now, in reference to the
24 shoes, can you identify and circle for the members of the jury
25 so they can see which shoes that you identified? Okay, so

1 let's start with the one on the bottom. Can you describe
2 those?

3 A Gucci slides. They were 450.

4 Q Okay. And are those -- I mean, to -- they look like
5 flip-flops to me. Are those flip-flops?

6 A Yes, um-hum.

7 Q Okay. And can you please describe the other shoes?

8 A White Gucci sneakers. They were 650.

9 Q Okay. And both of those you had in your room on
10 August 6th, 2020, before you left at 6:15 -- between 6:30, and
11 they were not there when you returned?

12 A Correct.

13 Q Okay. And then specifically referencing your
14 Michele watch, that's not identified in the photo, is it?

15 A No, it isn't.

16 Q Okay, and how much did that cost?

17 A \$2,500.

18 Q And then, in reference to your necklace with the
19 letter B, how much did that cost?

20 A \$1,300.

21 Q And that's not identified in this photo either?

22 A No.

23 Q Have we discussed all of the property that you
24 identified in this photo?

25 A Yes, we have.

1 Q Okay, ma'am. Now, the only other individual that
2 was with you was your sister; is that fair to say?

3 A Yes.

4 Q Did you meet anybody else while you were in Las
5 Vegas that had permission to be in your room?

6 A No, I didn't.

7 Q Did Latoya meet anybody in Las Vegas that she gave
8 permission to be in your room?

9 A No, she didn't.

10 Q Okay. And, ma'am, specifically, the male individual
11 sitting here, did he have permission to have any of your
12 property?

13 A No.

14 Q Do you recognize that man?

15 A No, I don't.

16 Q Do you know that man?

17 A No, I don't.

18 Q And specifically, the female individual sitting in
19 the back, did she have permission to have your property or to
20 enter your room at any time?

21 A No, she didn't.

22 Q Do you know that female individual?

23 A No, I don't.

24 Q She never had any permission to enter your room or
25 to utilize your property?

1 A No, ma'am.

2 MS. COLE: I'll pass the witness.

3 THE COURT: Any cross-examination, Mr. Arnold?

4 (Pause in the proceedings.)

5 MR. ARNOLD: I need that Elmo.

6 MS. COLE: Oh, sorry.

7 MR. ARNOLD: Can you clear the screen, Marty?

8 MR. HART: It doesn't work on this one.

9 MR. ARNOLD: Is that 96, Ms. Cole?

10 MS. COLE: I'm sorry?

11 MR. ARNOLD: Exhibit 96? I can't read the number.

12 MR. HART: That's 96 on there now.

13 MR. ARNOLD: Oh. Is that a nine or a zero?

14 MS. COLE: That's -- I -- that's what I've been
15 calling 96.

16 MR. ARNOLD: Okay, 96.

17 MS. COLE: Is that what it lines up to on the list?

18 MR. HART: It's about right, yeah.

19 MR. ARNOLD: Okay.

20 CROSS-EXAMINATION

21 BY MR. ARNOLD:

22 Q Ma'am, I just have a couple questions. Looking at
23 Exhibit 96, you circled those slides, and you circled those --
24 what are those white sneakers? Gucci?

25 A Yes.

1 Q Okay. Can you tell the size of those Guccis in that
2 photo?

3 A Can I tell the size in the photo --

4 Q Yeah.

5 A -- or do I know the size?

6 Q No. Can you tell the size of the shoes that are in
7 this photo?

8 A No, I can't.

9 Q What size do you wear?

10 A A seven and a half.

11 Q And do you wear that -- was that the same size that
12 you wore for the slides?

13 A No, it was not.

14 Q What's -- what was the size for the slides?

15 A 11.

16 Q 11? Okay. And you can't tell if those are 11s in
17 that photo?

18 A You can't.

19 Q I'm asking you, can you?

20 A No.

21 Q Okay. That's all I'm asking.

22 MR. ARNOLD: Okay, I have no further questions.

23 THE COURT: Mr. Hart, any cross-examination?

24 MR. HART: No.

25 THE COURT: All right. Any redirect by the State?

1 MS. COLE: No, Your Honor.

2 THE COURT: Any questions by our jurors? No
3 questions.

4 Ma'am, thank you for your testimony. You are
5 excused.

6 Next witness for the State?

7 MS. COLE: And, Your Honor, the State's going to
8 call Cindy Palacio.

9 THE MARSHAL: Watch your step. Raise your right
10 hand and face the Clerk. Once she swears you in, slide your
11 chair all the way forward to that red light right there and
12 speak loud.

13 THE WITNESS: Okay.

14 CINDY PALACIO, STATE'S WITNESS, SWORN

15 THE CLERK: Thank you. Please have a seat, and
16 state and spell your first and last name for the record.

17 THE WITNESS: Cindy Palacio. C-i-n-d-y,
18 P-a-l-a-c-i-o.

19 MS. COLE: Court's brief indulgence.

20 DIRECT EXAMINATION

21 BY MS. COLE:

22 Q Good afternoon, ma'am. Where do you work?

23 A I work at Target on 4001 South Maryland Parkway.

24 Q Okay, and is that here in Las Vegas, Clark County,
25 Nevada?

1 A Yes, ma'am.

2 Q And how long have you worked there for?

3 A I've been there for over a year.

4 Q And what is your position and title with Target?

5 A I am an asset protection specialist.

6 Q And what do you do as an asset protection
7 specialist?

8 A I protect the assets of the company, and we are also
9 in charge of safety, basically. Cameras, surveillance.

10 Q So it's safe to say that you have access to the
11 video surveillance system at that Target that you work at?

12 A That's correct.

13 Q And you have the ability and capabilities of
14 accessing that surveillance, reviewing it, and giving it to
15 law enforcement agencies?

16 A That's correct.

17 Q And specifically, in this particular case, you
18 collected -- or you or someone from Target collected video
19 surveillance on August 21st, 2020?

20 A Correct.

21 Q Okay. And that was -- it was times in the morning;
22 I want to say around like 9:00 or 9:30?

23 A Correct.

24 Q Okay. And you had an opportunity to review that
25 video prior to your testimony today?

1 A That's correct.

2 Q And that video fairly and accurately depicts your
3 store on that date and time?

4 A Yes, ma'am.

5 Q And to the best of your knowledge, are your time and
6 date stamps on your video accurate?

7 A Always, yes.

8 Q And your cameras, are they constantly streaming, or
9 are they motion-activated?

10 A They are constantly streaming.

11 Q Okay, ma'am. I'm going to publish what's been
12 previously marked and stipulated to as State's Exhibit No. 6.

13 (Surveillance video played.)

14 MS. COLE: Okay.

15 BY MS. COLE:

16 Q And, ma'am, what angle of the camera are we looking
17 at right here?

18 A This would be the front exterior parking lot camera.

19 Q Okay, ma'am. And can you please read the date and
20 timestamp in the top left-hand corner out loud?

21 A It is Friday, August 21st, 2020, at 9:05:16 A.M.

22 Q Okay. And, ma'am, can you describe to the best of
23 your ability at this point the individual that's walking
24 towards the entrance of the store? And for the record, I've
25 paused it at August 21st, 2020, 9:05:23 A.M.

1 A There is a female wearing a -- I believe it's like a
2 white tank top, black shorts. She's carrying a large purse.
3 She's walking into the store. She just got out of the taxi --
4 the taxicab.

5 Q Thank you. And that's the front entrance to the
6 store, ma'am?

7 A That's correct.

8 Q Okay, pulling up another angle.

9 (Surveillance video played.)

10 BY MS. COLE:

11 Q So, ma'am, I'm going to pause this right here, and
12 for the record, the time and date stamp is Friday, August
13 21st, 2020, at 9:05:33 A.M. Where is this camera angle?

14 A This is the entrance vestibule, and the same female,
15 she just entered the store.

16 Q Okay. And, ma'am, can you describe again what she
17 looks like, what she's wearing?

18 A An African-American female, say mid-20s, white or
19 grayish tank top, black shorts, black shoes. She has a large
20 purse, I believe it's like white and black, and she's wearing
21 a face covering, like a black face covering. Long, black
22 hair.

23 Q Thank you, ma'am. I'm going to pull up another
24 video here.

25 (Surveillance video played.)

1 BY MS. COLE:

2 Q Now, ma'am, what angle -- or what camera are we
3 looking at right now?

4 A This is our self-checkout registers. Same female is
5 entering the self-checkout. Looks like she's going to be
6 going to Self-Checkout Register No. 172.

7 Q Okay. And can you please state the date and
8 timestamp in the top left-hand corner?

9 A Friday, August 21st, 2020, 9:25:27 A.M.

10 Q Thank you, ma'am. So this is -- I think the video
11 that we were previously watching was around 9:00. Now it's
12 9:25?

13 A Correct.

14 Q And, ma'am, for the record, I'm going to pause it.
15 We're at Friday, August 21st, 2020, 9:25:46 A.M. Can you
16 describe the individual that's depicted again?

17 MR. HART: Court's indulgence. I'm trying to figure
18 out the -- maybe your camera's different. I can't --

19 THE WITNESS: She has --

20 MR. HART: On the time.

21 THE COURT: Hang on a minute, please, ma'am. I'm
22 sorry, Mr. Hart, I couldn't hear you.

23 MR. HART: I'm wondering about the time. I can't
24 tell on my computer.

25 MS. COLE: Do you want to come up here, Marty? It

1 -- there you go.

2 MR. HART: Because I --

3 MS. COLE: It just -- it showed up right there.

4 MR. ARNOLD: It just came up.

5 MR. HART: Oh. Okay, so 9:25. Okay, I thought you
6 said 9:46, and you said 9:25:46. Okay, thank you.

7 MS. COLE: Yeah. And just to be clear for the
8 record, this exhibit, as paused, the date and time is Friday,
9 August 21st, 2020, at 9:25:46 A.M.

10 THE COURT: All right, thank you. Go ahead. Do you
11 understand that, ma'am?

12 THE WITNESS: Yes.

13 THE COURT: Okay.

14 THE WITNESS: Same female, looks like possibly
15 African-American. She's got the -- it's hard for me to tell,
16 but it's like a gray or whitish tank top, black shorts, white
17 belt, black shoes. Same purse, black and white large purse.
18 She's -- looks like she's starting to scan the merchandise in
19 her shopping cart.

20 MS. COLE: Thank you, ma'am. Okay, and I'm going to
21 pause it right there. Or, you know, let me -- we'll keep
22 going. I'm just going to try to speed it up one minute.

23 BY MS. COLE:

24 Q Okay, ma'am, I have it paused. Can you just state
25 the date and timestamp at this moment?

1 A It's kind of -- if you can like click on the picture
2 because it's --

3 Q Oh, yeah, is it paused? Then let's --

4 A Yeah.

5 Q -- wait a second for it to -- it'll come back.

6 A Oh, there it is. Friday, August 21st, 2020, 9:27:13
7 A.M.

8 Q Okay. Thank you, ma'am. Ma'am, and I'm going to
9 pause it right now. What is the -- what is the time and date
10 stamp at this moment? Let me just exit out for a second.

11 A Friday, August 21st, 2020, 9:28:02 A.M.

12 Q Thank you. Ma'am, what did we just see that
13 happened right there?

14 A It looks like she's done scanning her items. She
15 now is attempting to process her payment.

16 Q Okay.

17 A She pulled out some type of card, and she inserted
18 it into the card-reader.

19 Q Okay. And that is -- at Target, you guys have
20 chip-readers?

21 A Yes, we do.

22 Q Okay. So at this self-checkout stand, you wouldn't
23 slide your card; you would use it with a chip?

24 A Correct.

25 Q Okay, and that's what you just saw depicted?

1 A Correct.

2 Q And can you please state the date and the timestamp?

3 A It's Friday, August 21st, 2020, 9:28:25 A.M.

4 Q Thank you, ma'am. Just going to fast-forward a
5 little bit. And, ma'am, I'm going to pause it right there.

6 You were describing a bag?

7 A Correct.

8 Q Can you tell us where that bag is right now?

9 A It's on the right side of the register, just sitting
10 there.

11 Q Okay. And what color is the bag?

12 A It's black, and white fragments on like the sides, I
13 believe.

14 Q Okay. And would you describe it as a small, medium,
15 large bag?

16 A It's a large -- it's a large purse.

17 Q And, ma'am, just for the record, can you state the
18 date and timestamp on that particular still that we just had
19 you identify?

20 A Friday, August 21st, 2020, 9:29:51 A.M.

21 Q Okay, ma'am, and what did we just see right there?

22 A It seems to me that the transaction -- the card that
23 she's trying isn't going through. She has multiple cards.
24 She's holding one in her hand, and she inserted another one
25 into the card-reader, so she looks like she's trying multiple

1 cards.

2 Q Okay. So I'm going to have you state the date and
3 timestamp in the upper left-hand corner.

4 A Friday, August 21st, 2020, 9:30:07 A.M.

5 Q Okay. And from what you can see right now, is there
6 a card that's inserted in the machine?

7 A Yes, and she's holding another one in her right
8 hand.

9 Q Okay, and we're just going to fast-forward.

10 MS. COLE: Brief indulgence.

11 BY MS. COLE:

12 Q Ma'am, I'm going to pause it right here. When this
13 clears, I'm going to have you read the date and timestamp.

14 A Friday, August 21st, 2020, 9:34:14 A.M.

15 Q Okay. And, ma'am, is this the same bag that the
16 individual depicted has on her right shoulder that you've
17 described?

18 A Correct.

19 Q Okay, and again, can you tell us what color that is?

20 A It's black, and I see like some white -- like I
21 said, some white fragments on -- on the ends.

22 Q Okay. And I have it again paused at Friday, August
23 21st, 2020, 9:34:21 A.M. Is there a card being inserted into
24 the reader?

25 A That is correct.

1 Q Okay. And, ma'am, what are we looking at right
2 here? What is this camera angle?

3 A This is the exit vestibule. Looks like the same
4 subject is exiting the store with no merchandise. Looks like
5 the transaction -- the credit cards kept declining.

6 Q And, ma'am, can you state the date and time that
7 we're looking at in the left-hand corner?

8 A Friday, August 21st, 2020, 9:35:06 A.M.

9 Q Okay, thank you.

10 (Surveillance video played.)

11 BY MS. COLE:

12 Q And then, ma'am, what camera angle is this?

13 A This is the exterior camera shot.

14 Q Okay.

15 A I see the subject walking off-property.

16 Q Okay. Can you circle who you believe to be the
17 subject? You can actually touch the monitor, yeah.

18 A Oh, okay. Right here. Oh, did it went through?

19 Q Okay. And then, ma'am, is there a Walgreens in
20 close proximity to this store?

21 A Yes. Walgreens is actually straight down this way.

22 Q Okay, and that's what you've pointed to to describe
23 Walgreens?

24 A Yes.

25 Q Okay. So that -- and off to the left, right under

1 the date and timestamp, that's what you've identified as
2 Walgreens?

3 A Correct.

4 Q Thank you. Now, ma'am, I'm going to show you what's
5 been marked as State's Exhibit 22, which has been stipulated
6 to. Can you just take a quick look at this and let me know if
7 you recognize it?

8 A Yes. This is a -- actually, a receipt from my
9 store.

10 Q Okay. And as -- in your position at Target, you
11 know what receipts look like?

12 A Correct.

13 Q You also have the ability to pull receipts out of
14 the system?

15 A Correct.

16 Q Okay. And you can determine that this is, in fact,
17 a receipt from Target and your specific location?

18 A Correct.

19 Q And for the record, one more time, just tell us
20 where your Target is located.

21 A 4001 South Maryland Parkway here in Las Vegas.

22 Q Okay. And, ma'am, can you tell us what's depicted
23 in this top corner?

24 A So we have the terminal, which is a Register No.
25 172, a transaction number, employee ID number, and the amount.

1 Q Okay. And then is this the date at the very top?

2 A Correct. 8/21/2020.

3 Q Okay. And this receipt ID?

4 A The receipt ID is -- 0265 is the store number, which
5 is on Flamingo and Maryland Parkway, 0172 is the register
6 number, and 2323 would be the transaction number.

7 Q Okay, and there's a couple numbers I'm just going to
8 direct your attention to. Looking at this line right here
9 where you see 4786, what does that number mean?

10 A That is the -- a Visa card ending in 4786 that was
11 -- 4786, I'm sorry, that was attempted to be used for payment.

12 Q Okay. And specifically, because this is -- you can
13 tell that it wasn't processed because this is off to the left?
14 Is that how you know that?

15 A No. If you look at the bottom, at the end of the
16 transaction, the total is N/A, which means that all of these
17 cards that she attempted to use didn't go through.

18 Q Okay. And, ma'am, specifically, in looking at --
19 looking at this number right here, what number does that
20 correspond with?

21 A That is a Visa ending in 2309.

22 MS. COLE: Okay. I'll pass the witness.

23 THE COURT: Any cross-examination, Mr. Arnold?

24 MR. ARNOLD: No, Your Honor.

25 THE COURT: Any cross-examination, Mr. Hart?

1 CROSS-EXAMINATION

2 BY MR. HART:

3 Q Just to be clear, you're not the one that pulled the
4 videotape, though, correct?

5 A I was the one that prepared the video, sir.

6 Q You did prepare the tape?

7 A Yes.

8 Q Okay, but you were not there when this -- you were
9 not the person you see --

10 A No, I was not physically there.

11 Q Okay. And on the card-readers, are you in charge of
12 the card-readers, et cetera, or is that somebody else?

13 A In charge of the card-readers? No, I'm not.

14 Q Okay. You're in charge of, basically, video
15 surveillance?

16 A Retrieving transactions, retrieving --

17 Q Okay.

18 A -- video, yes.

19 Q Okay. So you're not in charge of maintenance of any
20 of that?

21 A Card-readers, no.

22 Q And on those exhibits that you were presenting, who
23 maintains the times? Is it done through a central office or
24 you guys?

25 A Through our central office.

1 Q Here in Nevada, or where?

2 A No, it's -- I couldn't tell you what state, but it's
3 not here in Nevada.

4 Q Okay.

5 A It's a corporate office.

6 Q Is it a cloud, or do you have servers at every
7 store?

8 A We have servers at every store.

9 Q Okay. So they are -- they're all separate then from
10 the central --

11 A Corporate has access to every single Target. We all
12 have different servers, but they all have access to them.

13 Q Okay. And your -- your information is given based
14 on what you believe to be everything working at the time,
15 correct?

16 A Correct.

17 MR. HART: Nothing further.

18 THE COURT: Any redirect by the State?

19 MS. COLE: No, Your Honor.

20 THE COURT: All right, thank you. Any questions by
21 our jurors? We do have a question by the jurors. I'll meet
22 counsel in the hearing room in the back.

23 (Bench conference begins.)

24 MR. HART: I always want to turn one too soon, keep
25 on walking to Denton's. Okay, what's the question?

1 THE COURT: This is Judge Villani. It says, "Not a
2 question."

3 MR. HART: Okay.

4 THE COURT: "But the video look -- can we see shot
5 of woman leaving Target? Can you freeze-frame close-up of her
6 face? Is that possible?" I can just tell her that all the
7 exhibits will be back with them.

8 MR. LEXIS: Yeah, that's what I was going to ask.

9 MS. COLE: Yeah.

10 THE COURT: All right.

11 MR. HART: And, Your Honor, while we're back here --

12 THE COURT: Mr. Hart?

13 MR. HART: -- I should probably make an objection,
14 and I know we stipulated to this stuff coming in, and I should
15 have double-checked. There are some credit card numbers on
16 there that are not included in any charges, which puts me in
17 another bad acts --

18 MR. LEXIS: I --

19 MR. HART: -- question.

20 MR. LEXIS: If this was a -- I believe it's
21 absolutely relevant. If this was a regular burglary, which we
22 have multiple of them, every credit card in the world would be
23 coming in for our case. We don't need to charge particularly
24 each possession of a credit card with (indiscernible) or
25 anything like that when you have a regular burglary charge.

1 We have multiple here. They're all relevant.

2 THE COURT: Okay, so let me make sure I -- Judge
3 Villani here. I just want to make sure I understand what
4 you're saying, is that the --

5 MR. HART: Because there's --

6 THE COURT: -- the credit card -- hang on.

7 MR. HART: Okay.

8 THE COURT: The credit card statement -- or the
9 printout is showing other credit cards being charged on? Is
10 that what you're saying?

11 MR. HART: Yes. There are -- there are credit cards
12 in that receipt from Target that are not credit cards that are
13 subject -- numbers that are subject to the charges in this
14 case.

15 THE COURT: Do they relate to any credit cards
16 stolen in this case at all?

17 MR. HART: Some -- a couple do, yes, but not all do.

18 THE COURT: Is it just a printout, like just the
19 bogus charges for the day? Is that what it is, or?

20 MS. COLE: Your Honor, Madilyn Cole for the State.
21 So the video, as you could see, I fast-forwarded, but she's at
22 the checkout stand for quite a while. She does charge
23 numerous -- she does try numerous cards. The specific cards
24 that I mentioned with the custodian of record were three, and
25 that was the one card from Rebecca Finger that was used twice

1 and the one card that was used that was Brooke Bargholtz's.

2 There was no indication that those couldn't have
3 been Ms. Oliver's credit cards. I mean, I didn't certainly
4 make any inference that those weren't her credit cards. Just
5 because they were declined doesn't mean that they're not in
6 her name.

7 I'm fine if we want to instruct the jury that
8 they're only to consider the cards that I specifically
9 referenced, but based upon right now, they have a receipt,
10 there's different credit card numbers, but there's been no
11 inference, nothing made that insinuates that those weren't Ms.
12 Oliver's card or that they were in someone other's name.

13 The only card that, you know, evidence and testimony
14 has been elicited on are the two cards that I mentioned, and
15 obviously, there's testimony that those are victims' cards.
16 We've provided the credit card statements. So I'm fine if we
17 want to instruct, but they're -- it's just a receipt of that
18 day, and I only specifically mentioned three cards --

19 MR. LEXIS: I could tell the Court --

20 MS. COLE: -- or three transactions.

21 MR. LEXIS: I could tell the Court this. We're not
22 in closing arguments going to throw up this sheet and say,
23 look at all of these transaction that this lady used
24 fraudulently. We're going to pinpoint the ones at issue in
25 the case.

1 THE COURT: Mr. Hart, on the exhibit, if we black
2 them out, I don't know if that's going to highlight it for
3 you. That's up to you. Why don't you give me a proposal, or
4 if you want me to say something to the jury, why don't you
5 write it up --

6 MR. HART: Okay.

7 THE COURT: -- pass it to counsel during, you know,
8 someone else's testimony, and then maybe the next break, we
9 can look at it. I'll be more than happy to give them some
10 admonishment if the parties will agree on it. Okay?

11 MR. HART: Okay.

12 MS. COLE: And Madilyn Cole for the State, Your
13 Honor. I also have no problem, if we want to take that
14 exhibit, I can white-out anything that's not referenced, but
15 Mr. Hart, it's up to you because I don't know if that's going
16 to draw more attention or --

17 MR. HART: I have to think about it and talk to my
18 client real quick, yeah, because --

19 THE COURT: So what we'll either --

20 MR. HART: -- because one of those were --

21 MS. COLE: Right. They might not even notice. They
22 might think it's her cards that just weren't going through.

23 MR. HART: Yeah. When I was looking, I'm going --
24 well, as you know, not everything -- there's been a --

25 THE COURT: And I will order the State --

1 MR. HART: -- (indiscernible).

2 THE COURT: State is only to reference the cards
3 related in the Indictments in this case.

4 MS. COLE: Absolutely, Your Honor.

5 MR. HART: Yeah.

6 THE COURT: So it's -- think about it, and then --

7 MR. HART: Okay.

8 THE COURT: -- at the next break, we'll talk about
9 it.

10 MR. HART: Thank you.

11 THE COURT: I think we decided on the question that
12 the -- the videotape will go back with the jurors during the
13 deliberations.

14 MR. HART: Oh, and by the way, which juror was it?

15 THE COURT: 10.

16 MR. HART: Okay.

17 THE COURT: Is that agreed, Mr. Hart?

18 MR. HART: Yes.

19 THE COURT: Agreed, Mr. --

20 MR. ARNOLD: Mr. Arnold agrees.

21 THE COURT: I know. I had a brain freeze.

22 MS. COLE: And, Your Honor, Madilyn --

23 THE COURT: Ms. Cole?

24 MS. COLE: Yes, agreed.

25 THE COURT: Okay.

1 (End of bench conference.)

2 THE COURT: We did have a question or a request by
3 one of our jurors. And I will advise all the jurors, any and
4 all exhibits that have been admitted into evidence will go
5 back with you to the jury deliberation room, and you'll be
6 able to look at them, be able to play any other videos again
7 if you so desire. Any other questions by the jurors? No
8 other question.

9 Ma'am, thank you very much for your testimony. You
10 are excused.

11 THE WITNESS: Okay.

12 THE COURT: Thank you. Have a good day.

13 THE WITNESS: Thank you.

14 THE COURT: Who's our next witness?

15 MR. LEXIS: James Methe.

16 THE MARSHAL: Watch your step. Raise your right
17 hand. Face the Clerk. Once she swears you in, have a seat.
18 Slide your chair forward to that red light. Make sure you
19 speak loud.

20 THE WITNESS: Okay.

21 THE CLERK: Please raise your right hand, sir.

22 THE WITNESS: I'm sorry?

23 THE CLERK: Please raise your right hand. Thank
24 you.

25 //

1 JAMES METHE, STATE'S WITNESS, SWORN

2 THE CLERK: Thank you. Please have a seat. And
3 state and spell your first and last name for the record.

4 THE WITNESS: First name is James, J-a-m-e-s. Last
5 name is Methe, -e-t-h-e.

6 THE COURT: Go ahead, counsel.

7 DIRECT EXAMINATION

8 BY MR. LEXIS:

9 Q Sir, where do you work?

10 A I work for Desert Cab Company.

11 Q Were you working on August 21st, 2020?

12 A Yes, I was.

13 Q Did you pick up a woman at the Walgreens at Flamingo
14 and Maryland at around 9:45 in the morning?

15 A Yes, I did.

16 MR. LEXIS: Can I get the overhead, please?

17 THE COURT RECORDER: You want the overhead or the --

18 MR. LEXIS: We'll do the overhead first.

19 BY MR. LEXIS:

20 Q Showing you State's 10, do you recognize that, sir?

21 A Yes, I do.

22 Q Okay. Is that you and the individual that you
23 picked up?

24 A I'm sorry, I can't hear you.

25 Q Is that you and the individual you picked up on the

1 day in question?

2 A Yes, it is.

3 Q Showing you State's 11, is that just a different
4 picture?

5 A Yes, it is.

6 Q State's 12, same day in question?

7 A Yes.

8 MR. LEXIS: Can I get the computer, please, now?
9 Playing State's Exhibit 9.

10 THE WITNESS: Can I turn my phone off in case it
11 starts to ring?

12 THE COURT: Yes, please.

13 THE WITNESS: I just realized I got to turn it off.
14 (Surveillance video played.)

15 MR. LEXIS: Stopping at 29 seconds.

16 BY MR. LEXIS:

17 Q Is that your -- is that your cab, sir?

18 A Yes, it is.

19 Q And is this in front of that Walgreens there?

20 A Yes, it is.

21 Q Flamingo and Maryland?

22 A Yes, it is.

23 (Surveillance video played.)

24 BY MR. LEXIS:

25 Q Sir, is this pretty much the same thing, just

1 blown-up images?

2 A Yes.

3 Q Okay.

4 (Surveillance video played.)

5 MR. LEXIS: Okay.

6 BY MR. LEXIS:

7 Q Sir, where did you eventually drop her off at?

8 A I dropped her off at an apartment complex. The
9 address is 455 East Twain. That would be on the --

10 MR. HART: Your Honor, is he reading from something?

11 THE COURT: Are you reading from something, sir?

12 THE WITNESS: No, no, no.

13 THE COURT: You don't have anything there?

14 THE WITNESS: No, no.

15 THE COURT: Okay.

16 THE WITNESS: 455 East Twain, and it's an apartment
17 complex. It's just east of Paradise and Twain.

18 MR. LEXIS: Okay.

19 BY MR. LEXIS:

20 Q Did she give you her name, sir?

21 A Yes, she did.

22 Q And what was it?

23 A Veneshia.

24 Q Okay. Did she give you her phone number?

25 A Yes, she did.

1 Q And what was that?

2 A Her number was 702-559-5174.

3 MR. LEXIS: Okay. Nothing further.

4 THE COURT: Cross-examination, Mr. Arnold?

5 MR. ARNOLD: No, Your Honor.

6 THE COURT: Cross-examination, Mr. Hart?

7 CROSS-EXAMINATION

8 BY MR. HART:

9 Q Just to be clear, you had a chance to review with
10 the district attorney before you came to testify here today?

11 A I'm sorry, I'm having a hard time hearing it.

12 Q Did you get a chance to review with the district
13 attorney before you testified?

14 A Yes, we -- yes, we did. We went over some things.

15 Q Okay. And you were able to review reports, et
16 cetera, correct?

17 A Review what?

18 Q I'm wondering how you can remember that phone number
19 so easily.

20 A It's just a -- just a number that I just happened to
21 glance over recently, just to see whether or not, you know,
22 that -- they were asking me, do you have her phone number. So
23 I'm very good with addresses and everything else. I've been a
24 cab driver in this town for 26 years, sir.

25 Q Okay.

1 A It's names I sometimes have a hard time with, but
2 I'm good with numbers.

3 MR. HART: Very good. Nothing further.

4 THE COURT: Any redirect?

5 MR. LEXIS: Sure.

6 REDIRECT EXAMINATION

7 BY MR. LEXIS:

8 Q Sir, when you -- she provided you this phone number,
9 did you -- what did you do with it?

10 A I kept it.

11 Q Okay. So you have it in your phone?

12 A But that -- yeah, I have it in my phone, but I don't
13 plan on using it. But I did not -- once I found out what was
14 going on, I said, I'm not going to -- I'm not going to attempt
15 to call her.

16 Q Okay.

17 A So.

18 Q So did we tell you to be familiar with a phone
19 number that's already in your phone?

20 A Basically, we just reviewed looking at it, and I
21 somehow took it upon myself to remember the number.

22 Q Okay. Did the Metropolitan Police Department or the
23 district attorney's office put that phone number in your
24 phone?

25 A No.

1 Q Okay. When I showed you the clip of her giving her
2 -- you her name, do you remember that, what we just saw?

3 A I'm sorry, what? Say again.

4 Q You saw a clip of her getting out of your cab and --

5 A Yeah, yeah.

6 Q -- then it cut off when she got out?

7 A Yes.

8 Q She was in the process of giving her name?

9 A Yes.

10 Q Okay. Did she then give you her phone number?

11 A I can't remember exactly the order, but I just
12 remember, you know, her giving me her phone number, and I --
13 obviously, I would have to have her name.

14 Q Okay.

15 A Okay.

16 Q And that phone number was already in your phone
17 before ever contacting Metro and the --

18 A Yeah, I mean, I had her phone after -- yeah, she --

19 THE COURT: Hang on, sir. Sir, hang on. Let
20 counsel finish the question.

21 THE WITNESS: Okay, sorry.

22 THE COURT: Okay. You probably were anticipating
23 what he was going to ask, but let him finish, okay? So --

24 THE WITNESS: Okay.

25 THE COURT: -- restate the question.

1 BY MR. LEXIS:

2 Q That phone number was already in your phone by
3 yourself before ever talking to Metro or the district
4 attorney's office; is that correct?

5 A Yes, it was.

6 MR. LEXIS: Nothing further.

7 THE COURT: Any cross -- further cross-examination,
8 Mr. Arnold?

9 MR. ARNOLD: No, Your Honor.

10 THE COURT: Mr. Hart?

11 MR. HART: No, Your Honor.

12 THE COURT: Thank you. Any questions by our jurors?
13 No questions.

14 Sir, thank you for your testimony. You are excused.

15 THE WITNESS: Okay.

16 THE COURT: Next witness for the State?

17 MR. LEXIS: Trey Arfuso.

18 THE MARSHAL: Watch your step. Raise your right
19 hand and face the Clerk. Once she swears you in, slide your
20 chair forward until --

21 THE WITNESS: Got it.

22 THE MARSHAL: And speak up loud.

23 THE WITNESS: Got it.

24 TREY ARFUSO, STATE'S WITNESS, SWORN

25 THE CLERK: Thank you. Please have a seat. Please

1 state and spell your first and last name for the record.

2 THE WITNESS: Trey Arfuso. You -- did you ask me to
3 spell it?

4 THE COURT: Yes, please.

5 THE WITNESS: T-r-e-y. Last name, A-r-f-u-s-o.

6 THE COURT: Go ahead, counsel.

7 MR. LEXIS: It makes me boot every so often, Judge.
8 That's what I'm doing.

9 THE COURT: It's all right.

10 MR. LEXIS: Can I get the computer, ma'am?

11 THE COURT RECORDER: Yes, you can.

12 DIRECT EXAMINATION

13 BY MR. LEXIS:

14 Q Sir, where do you work?

15 A Desert Cab.

16 Q What's your position?

17 A The operations manager.

18 Q Were you asked as a custodian of records for Desert
19 Cab to pull some information for us on an event that occurred
20 on August 23rd at around 7:58 to 8:05?

21 A Yes.

22 Q I know a few of these pages are redundant, sir, but
23 can you do me a favor and explain to the jury this top
24 portion? And this is Exhibit 13.

25 A Yeah. Yeah, so when somebody calls for a taxicab

1 and we're responding, the dispatcher will request this
2 information, and then they just populate the -- they populate
3 it.

4 Q Okay. And the passenger's name who they gave over
5 the phone is what?

6 A Rico.

7 Q And that phone number?

8 A 1-702-684-3090.

9 Q Okay. Can you describe for me what this means right
10 here?

11 A Yeah, that's where they request to be picked up.

12 Q And could you describe for the jury this bottom
13 portion, sir?

14 A Yeah, uh-huh. So the person had called in at 7:58,
15 and that's when it was scheduled. The next portion is when
16 the cab driver accepted the dispatch call, and the blue
17 portion's when he picked up the person.

18 Q And then this over here?

19 A That's the hail audit. So this system, when it's
20 sent out, it's just done through a computer, so it hails a
21 bunch of different cabs, and just one person has to randomly
22 select to accept it.

23 Q Okay, and then one passenger?

24 A Yeah.

25 Q Is this just another business record, just a

1 different view? Again, 455 East Twain, correct?

2 A Yes.

3 Q One passenger, and once again, you stated down here
4 what this means, the 7:58, August 23rd scheduled time?

5 A Yes, sir.

6 Q And once again, just another printout of essentially
7 the same information, right? With the --

8 A Yes, sir.

9 Q -- phone number, and the name, and one passenger to
10 that location?

11 A Yes.

12 (Surveillance video played.)

13 BY MR. LEXIS:

14 Q And, sir, as an operations manager and a custodian
15 of record for Desert Cab, you're able to match that log with
16 this video, correct?

17 A Yes, sir.

18 MR. HART: Which log?

19 (Surveillance video played.)

20 BY MR. LEXIS:

21 Q Once again, sir, associated with the same ride?

22 A Yes.

23 Q And the final video.

24 (Surveillance video played.)

25 BY MR. LEXIS:

1 Q Once again, sir, associated with the same column
2 receipt logs?

3 A Yes.

4 MR. LEXIS: Nothing further.

5 THE COURT: Any cross-examination, Mr. Arnold?

6 MR. ARNOLD: No, Your Honor.

7 THE COURT: Cross-examination, Mr. Hart?

8 MR. HART: No, Your Honor.

9 THE COURT: Any questions from our jurors? We do
10 have a question from jurors. I'll meet counsel in the back.

11 (Bench conference begins.)

12 THE COURT: This is Judge Villani. This is juror --
13 well, he wrote 197, so I don't know what number he is in the
14 box. "Is it normal to dispatch a cab to a customer with only
15 a first name?" Any objection, Mr. Hart?

16 MR. HART: No.

17 THE COURT: Any objection, Mr. Arnold?

18 MR. ARNOLD: No objection from Mr. Arnold.

19 THE COURT: State?

20 MR. LEXIS: No, Judge. No.

21 MS. COLE: No objection.

22 THE COURT: All right.

23 (End of bench conference.)

24 THE COURT: Sir, we have a question from one of our
25 jurors for you. The question is, is it normal to dispatch a

1 cab to a customer with only a first name?

2 THE WITNESS: Yes, all the time.

3 THE COURT: Okay. Any follow-up by the State to
4 that last question?

5 MR. LEXIS: No, Your Honor.

6 THE COURT: Follow-up by Mr. Arnold?

7 MR. ARNOLD: No, Your Honor.

8 THE COURT: By Mr. Hart?

9 MR. HART: No, Your Honor.

10 THE COURT: Any additional questions by our jurors?
11 No additional questions. Thank you, sir, for your testimony.
12 You are excused.

13 THE WITNESS: Thank you.

14 THE COURT: Next witness for the State?

15 MR. LEXIS: Logan Bodily.

16 THE COURT: Ladies and gentlemen, after this next
17 witness, we're going to take our mid-afternoon break.

18 THE MARSHAL: Watch your step. Raise your right
19 hand and face the Clerk. Once she swears you in, slide your
20 chair forward to the red light. Make sure you speak loud.

21 LOGAN BODILY, STATE'S WITNESS, SWORN

22 THE CLERK: Thank you. Please have a seat, and
23 state and spell your first and last name for the record.

24 THE WITNESS: Logan Bodily. L-o-g-a-n, B-o-d-i-l-y.

25 THE COURT: Go ahead, counsel.

1 DIRECT EXAMINATION

2 BY MR. LEXIS:

3 Q Sir, where do you work?

4 A I work for the Las Vegas Metropolitan Police
5 Department in the forensic lab, firearms detail.

6 Q How long have you worked there?

7 A About two and a half years.

8 Q And can you tell us your training and experience?

9 A I have a bachelor's degree in forensic science.
10 I've also completed an in-house training program consisting of
11 training manuals, safety manuals, lab manuals. I've completed
12 proficiency and competency tests. I've also completed a NIBIN
13 entry test from the ATF. I'm also competent in serial number
14 restoration.

15 Q Part of your job duties, you testified, are
16 firearms?

17 A That's correct.

18 Q Basically, you determine whether or not it can
19 essentially go, bang, whether a projectile is expelled through
20 some type of force or explosion?

21 A That's correct.

22 Q Okay. Were you asked to do that in this case?

23 A I was.

24 Q Under Event No. 200800114539, did you have a firearm
25 to do that?

1 A If I could refer to my report?

2 Q Sure.

3 A Yes, sir.

4 Q Okay. Showing you State's Exhibit 97. Do you
5 recognize this firearm?

6 A If there's a way you could focus on the serial
7 number. Yes, I do.

8 Q Okay. Does it correspond to State's 1-0 -- well,
9 let me make sure of the number.

10 MR. LEXIS: What number is that, ma'am?

11 THE CLERK: 105.

12 BY MR. LEXIS:

13 Q State's 105?

14 A That's -- yeah, that's the firearm according to the
15 serial number I recorded in my report.

16 Q Okay. Can you describe for us this top portion
17 right here?

18 A So the event number and the lab number there are
19 assigned when we -- when we receive the evidence, the event
20 number is recorded. The lab number is assigned when it enters
21 our lab management system. And then the package contents are
22 inventoried, and from that inventory, we generate a report --

23 Q Does this essentially --

24 A -- in that top part.

25 Q -- say that you test-fired this gun?

1 A Yes. So under the results, opinions, and
2 interpretations, the firearm was test-fired by me.

3 Q Okay. And were you able to determine if it expelled
4 a round through the barrel by force of an explosion?

5 A Yes, the firearm did fire when I fired it.

6 MR. LEXIS: Nothing further, Judge.

7 THE COURT: Any cross-examination, Mr. Arnold?

8 MR. ARNOLD: No, Your Honor.

9 THE COURT: Cross-examination, Mr. Hart?

10 MR. HART: No, Your Honor.

11 THE COURT: Any questions by our jurors?

12 No questions.

13 Sir, thank you very much for your testimony. You
14 are excused.

15 Ladies and gentlemen, as I mentioned, we're going to
16 take our mid-afternoon break now. We'll come back at 3:20,
17 give you about a 15-minute break.

18 During this afternoon recess, you must not discuss
19 or communicate with anyone, including fellow jurors, in any
20 way regarding the case or its merits either by voice, phone,
21 email, text, internet, or other means of communication or
22 social media. You are not to read, watch, or listen to any
23 news, or media accounts, or commentary about the case. You're
24 not to do any research such as consulting dictionaries, using
25 the internet, or using reference materials. You're not to

1 make any investigation, test a theory of the case, recreate
2 any aspect of the case, or in any other way investigate or
3 learn about the case on your own, and you are not to form or
4 express an opinion regarding the case until this matter is
5 submitted to you. We'll see you back in 15 minutes. Thank
6 you.

7 THE MARSHAL: All rise for the exit of the jury.

8 (Court recessed at 3:05 P.M. until 3:24 P.M.)

9 (Inside the presence of the jury.)

10 THE COURT: State, who's our next witness?

11 MR. LEXIS: Ms. Diehl.

12 THE MARSHAL: Watch your step. Raise your right
13 hand. Face the Clerk. Once she swears you in, slide your
14 chair up forward to that right light and make sure you speak
15 loud.

16 THE WITNESS: Okay.

17 MALLORY DIEHL, STATE'S WITNESS, SWORN

18 THE CLERK: Thank you. Please have a seat, and
19 state and spell your first and last name for the record.

20 THE WITNESS: My name is Mallory Diehl.

21 M-a-l-l-o-r-y, D-i-e-h-l.

22 THE COURT: Go ahead, counsel.

23 DIRECT EXAMINATION

24 BY MR. LEXIS:

25 Q Where do you work, ma'am?

1 A I work for the forensic laboratory for Las Vegas
2 Metropolitan Police Department in the latent print detail.

3 Q And how long have you worked there?

4 A Just over four years.

5 Q Can you talk about your training and experience?

6 A I have two bachelor's degrees, both from Michigan
7 State University, one in criminal justice and the other in
8 human biology. I also have a master's degree in forensic
9 anthropology from the University of Edinburgh. In addition to
10 that, once I was hired by the laboratory, I then went through
11 the latent print detail's training program, which lasts about
12 a year and a half.

13 Q What's a latent print?

14 A A latent print is a fingerprint, or palm print,
15 footprint that we don't know the identity of the person that
16 left that print.

17 Q Okay. So I've been touching this podium throughout
18 the day. Is it possible for me not to leave any viable prints
19 behind?

20 A Yes, that's possible.

21 Q Is it possible for me to leave multiple prints
22 behind?

23 A Yes.

24 Q Okay. And even if I leave a print behind, is there
25 still another step on whether it's good enough quality for a

1 CSA to lift?

2 A Yes.

3 Q Okay. And then there's -- is there a third step
4 where, even though a CSA has given you a lift, it still might
5 not be good enough quality for you to analyze?

6 A Yes.

7 Q So, basically, long story short, just because I'm
8 touching something doesn't mean I'm leaving a viable print?

9 A That's correct.

10 Q So, ma'am, did you have -- were you assigned
11 basically to do some work in Event No. 200600059192?

12 A That sounds correct, yes.

13 Q Okay. And did you have known exemplars of Darrell
14 Clark and Veneshia Oliver?

15 A Yes.

16 Q Okay, and what is that?

17 A Known exemplar are -- sorry, are fingerprints or
18 palm prints, even footprints, where we know the identity of
19 the person who made that print. Usually, these are done
20 either by inking the skin and putting that impression onto
21 paper, or it's done using an electronic machine.

22 Q So, in this case, ma'am, did you essentially have,
23 besides the known exemplars of the two defendants, three lift
24 cards?

25 A Yes.

1 Q Okay. I'm showing you State's Exhibit 112. Let's
2 focus just on the first one, ma'am, this top portion right
3 here where it says Q1.

4 A Yes.

5 Q Okay. So I take it this is the first lift card,
6 correct?

7 A Yes, it is.

8 Q And is that the situation where we talked about
9 earlier, though, that even though the CSA had the ability to
10 lift a print, you as the expert analyst wasn't able to go
11 ahead and --

12 A Yes. In this --

13 Q So it wasn't suitable?

14 A Yes.

15 Q Okay, explain that.

16 A So we have what's called suitability criteria.
17 Basically, what that means is we're looking for a certain
18 amount of information, a certain amount of clarity within
19 latent prints so that we can be sure that if we were to
20 compare that latent print, it would result in a reliable
21 conclusion.

22 Q Okay. Let's go to Lift Card 2. There was two
23 suitable prints, correct?

24 A Yes.

25 Q Okay. And you have, the first one, the latent print

1 was excluded from the following, and it has both your
2 exemplars, Darrell Clark and Veneshia Oliver --

3 A Yes.

4 Q -- correct? Now, ma'am, when -- even though you say
5 excluded, you have no idea whether I touched that object or
6 the defendants touched that object, correct?

7 A I -- I excluded both of them. So based on the
8 exemplars that I had, the known prints that I had, it did not
9 belong to either one of them.

10 Q Okay. I'm talking about, though, for the top of the
11 table.

12 A Ah.

13 Q Okay? So these two prints, top of the table from
14 the east wall, you have -- even though you excluded those two
15 prints, you have no idea whether they touched that table or
16 not, correct?

17 A I -- yes. I did not compare any latent prints for
18 that lift card.

19 Q Okay. Let me explain it a different way.

20 MR. HART: Objection, asked and answered.

21 THE COURT: No, overruled. Go ahead, counsel.

22 MR. LEXIS: Okay.

23 BY MR. LEXIS:

24 Q There's a laptop right here.

25 A Yes.

1 Q And I'm touching it. Let's say the crime scene
2 analyst was able to lift two prints off of it, okay? And
3 those two prints excluded myself.

4 A Um-hum.

5 Q You can't come in court and tell anybody
6 definitively whether or not I touched this computer; all you
7 could say is those two -- that lift card with the two prints
8 that you excluded me on were not me?

9 A Yes, that's correct.

10 Q Okay.

11 A Yes.

12 Q So, once again, you have no idea whether I touched
13 the laptop or anybody in this room touched the laptop?

14 A Yes.

15 Q Okay. Second print, number B. The latent print was
16 excluded from the following: Darrell Clark and Veneshia
17 Oliver. Again, so you were able to analyze that print,
18 correct?

19 A Yes.

20 Q And it did not come back to your known exemplars,
21 Darrell Clark and Veneshia Oliver, correct?

22 A That's correct.

23 Q But once again, you can't tell anybody in this room
24 definitively that this table on the east wall -- you have no
25 idea. They may have touched it; they might not have touched

1 it, you have no clue?

2 A Yes, that's correct.

3 Q Okay. Let's go down to Q3 now. Was this the final
4 card, ma'am, Q3?

5 A Yes, it was.

6 Q And I take it there was three prints?

7 A Yes.

8 Q Okay. And each of these prints taken from the table
9 -- top of the table along the east wall here, it says, from
10 the crime scene analyst, all of them excluded Darrell Clark
11 and Veneshia Oliver, correct?

12 A That is correct.

13 Q Once again, that means that, of those prints, they
14 didn't belong to those two people, fair?

15 A Yes. Correct.

16 Q Okay. But once again, you have no idea whether they
17 actually touched another portion of this wall or table?

18 A That's correct.

19 Q Okay. And, again, that goes back to our first
20 point, right, because sometimes you don't leave a print?

21 A Yes.

22 Q Sometimes, even if there is a print, the CSA might
23 not be able to take it, and even if they do, you might not be
24 able to analyze it?

25 A Yes.

1 Q Fair? Okay.

2 MR. LEXIS: No further questions.

3 THE COURT: Any cross-examination, Mr. Arnold?

4 MR. ARNOLD: Yes, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. ARNOLD:

7 Q Ma'am, let's talk about what Exhibit 112 really
8 means. So it says one lift card from the top of the table
9 along the east wall at the south end, and it gives an event
10 number, excuse me, and it says, incident: burglary and
11 robbery. So bottom line is these prints that you got that you
12 say were suitable were obtained from a burglary or robbery?

13 A Yes.

14 Q You don't know where from, but we already had some
15 other people come in here and tell us where from.

16 A Yes.

17 Q Okay. And those other people were CSAs that
18 actually got the lift cards, right?

19 A Yes.

20 Q Okay, but you have nothing to do with that; you just
21 examine them, right?

22 A That's correct.

23 Q Okay. So you examined them, and you found that in
24 one instance, on the top of the table along the east wall at
25 the north end, there were two suitable prints, correct?

1 A That is correct, yes.

2 Q And so you were able to analyze those? They had
3 sufficient enough detail, wasn't smudged or anything? You
4 were able to look at these fingerprints, right?

5 A They were suitable, yes.

6 Q Right. And they did not come back to my client,
7 Darrell Clark, correct?

8 A Correct. Yes.

9 Q Because you had his prints to compare the two?

10 A That's correct, yes.

11 Q And you had Ms. Oliver's prints to compare the two?

12 A That's also correct.

13 Q Okay. So if we know who those prints came from, and
14 we have their hands, and we have their exemplars, those were
15 suitable enough to make a comparison, correct?

16 A Yes, they are suitable for comparison.

17 Q Okay. And so isn't there some computer thing called
18 AFIS or something like that?

19 A Sorry, is there a thing?

20 Q Yes.

21 A There is AFIS, yes.

22 Q AFIS. And AFIS has everybody's fingerprints in
23 there that ever been fingerprinted in the United States, or
24 something around that?

25 A Not necessarily. The databases are dependent on

1 municipalities or governances.

2 Q Okay, so let's break it down even more. So like all
3 government employees that have been fingerprinted, their
4 prints would be in AFIS; is that correct?

5 A Some would be, yes.

6 Q Everybody sitting over there at Clark County, with
7 electronic fingerprinting, their fingerprints would have been
8 on there?

9 A Possibly, yes.

10 Q Anybody sitting up there in the prisons all around
11 Nevada, their fingerprints should be in there?

12 A Possibly, yes.

13 Q Anyone that was arrested, and had police contact,
14 and has had their fingerprints in the last 10 years, those
15 fingerprints would be in AFIS?

16 A Yes.

17 Q Let me ask you something. With those suitable
18 prints, I see at least five, two from Q2, three from Q3. Did
19 you run those through AFIS?

20 A I ran some of them through AFIS, yes.

21 Q AFIS. And did it come back as a hit?

22 A No, they were all negative.

23 Q All negative?

24 A Yes.

25 Q So there's a person out there that was in these

1 rooms that we don't know who those prints belong to?

2 A Yes.

3 Q But we do know they don't belong to Mr. Clark, my
4 client, right?

5 A Yes.

6 Q And then Ms. Oliver; isn't that correct?

7 A That's correct.

8 Q So there's a unknown person that was in those rooms?

9 A Yes.

10 MR. ARNOLD: I have no further questions.

11 THE COURT: Any cross-examination, Mr. Hart?

12 MR. HART: I'm not going to touch anything, so I
13 don't know if you are required to wipe it down.

14 THE MARSHAL: Still got to do it.

15 MR. HART: Okay.

16 CROSS-EXAMINATION

17 BY MR. HART:

18 Q Just for the heck of it, can you tell us what AFIS
19 is -- stands for?

20 A AFIS stands for Automated Fingerprint Identification
21 System.

22 Q And it's pretty much used nationwide, correct?

23 A It's very, very common, yes.

24 Q Okay. Now, when you do fingerprints, part of the
25 question is how dry your fingers are?

1 A Sorry?

2 Q If you're oily or not, correct?

3 A Yes, that can have an impact.

4 Q The texture of the surface?

5 A Yes.

6 Q Nobody's ever going to try to fingerprint the
7 carpet, right?

8 A I --

9 Q Well, I shouldn't say. Were you a CSA before you
10 became an analyst?

11 A No, I was not.

12 Q Okay. You -- okay. A number of people do work
13 their way through that way, though, correct?

14 A Yes.

15 Q Okay. And you understand the crime scene analysts
16 are trained, correct?

17 A Yes, I do.

18 Q Okay. Now, there's more limitations for
19 fingerprints than there is DNA, correct?

20 A I don't really know a lot about DNA, but I know that
21 there are several limitations to fingerprints.

22 Q Okay. Based on the surface, everything else,
23 correct?

24 A Yes.

25 Q Okay. And ultimately, how does it get to you to

1 test items?

2 A Usually, we will either get an item of evidence
3 that's brought to the laboratory that I would process for
4 latent prints using either chemicals or powders, or we can get
5 a packet of latent prints that have been lifted from a crime
6 scene; that's usually submitted by a CSA.

7 Q Okay. So things get impounded and go into a vault,
8 and then they get brought to you to test, correct?

9 A Yes.

10 Q Who decides whether you test them?

11 A That can either be self-assigned by me, or it could
12 be assigned by my boss, but they all need to be requested to
13 be compared.

14 Q That's what I'm getting at. The detectives
15 request --

16 A Yes.

17 Q -- that you guys do it?

18 A Yes.

19 Q There's a chain of command, comes down to -- a
20 detective calls -- who's in charge of the lab now?

21 A Kim Murga.

22 Q Okay, sorry, it's been a couple days. And then she
23 assigns it out generally, correct?

24 A As far as I know, it'll be brought into a queue --

25 Q Okay.

1 A -- and then it'll be assigned by either our manager
2 or ourselves.

3 Q Okay. Next in order, et cetera?

4 A Yes.

5 Q Or if there's multiple requests coming out of the
6 same event number or series, depending, go through
7 (indiscernible) --

8 A Yes.

9 Q -- correct?

10 A Yes.

11 MR. HART: Nothing further.

12 THE COURT: Any redirect?

13 MR. LEXIS: Briefly, Judge.

14 REDIRECT EXAMINATION

15 BY MR. LEXIS:

16 Q So, ma'am, in this event, in this room, a CSA was
17 only able to lift six prints, correct?

18 A I believe it's five.

19 Q Or five prints, yes. One, two, three -- five
20 prints?

21 A Yes.

22 Q Correct? In the entire room? Once again, ma'am,
23 just because you touch something doesn't mean you're going to
24 leave a print?

25 A Yes, that's true.

1 Q Okay. So you have no idea whether or not Veneshia
2 Oliver and Darrell Clark were in this room?

3 A No.

4 MR. LEXIS: Thank you.

5 THE COURT: Any recross, Mr. Arnold?

6 MR. ARNOLD: No, Your Honor.

7 THE COURT: Any recross, Mr. Hart?

8 RECROSS-EXAMINATION

9 BY MR. HART:

10 Q Just the reverse on that, you have no proof based on
11 this that they were there, correct?

12 A That's correct.

13 Q Okay.

14 THE COURT: Any questions by our jurors? No
15 questions. Ma'am, thank you very much for your testimony.
16 You are excused.

17 THE WITNESS: Thank you.

18 THE COURT: Next witness for the State?

19 MR. LEXIS: Mr. King.

20 THE MARSHAL: You said King?

21 MR. LEXIS: King.

22 THE MARSHAL: Follow me. Watch your step. Raise
23 your right hand. Face the Clerk. Once she swears you in,
24 slide your chair forward to the red light and make sure you
25 speak loud.

1 MS. COLE: Who is --

2 MR. LEXIS: Is this King? King.

3 MS. COLE: Craig King.

4 THE MARSHAL: Craig King?

5 MS. COLE: Yeah.

6 THE MARSHAL: He said King. Craig King?

7 MS. MANIGAULT: Excuse me?

8 THE MARSHAL: No.

9 MS. COLE: Okay. That's not.

10 MR. LEXIS: Come on out, ma'am.

11 THE COURT RECORDER: It's the wrong witness.

12 THE COURT: We're going to -- they're going to call
13 you in a different order. You're probably next up.

14 MS. MANIGAULT: Oh, sorry.

15 THE MARSHAL: Raise your right hand and face the
16 Clerk. Once the Clerk swears you in, make sure you slide the
17 chair forward to the red light and speak loud.

18 THE WITNESS: Okay, thank you.

19 CRAIG KING, STATE'S WITNESS, SWORN

20 THE CLERK: Thank you. Please have a seat.

21 THE WITNESS: Thank you.

22 THE CLERK: And state and spell your first and last
23 name for the record.

24 THE WITNESS: My name is Craig; it's C-r-a-i-g.
25 King, K-i-n-g.

1 THE COURT: Go ahead, counsel.

2 DIRECT EXAMINATION

3 BY MR. LEXIS:

4 Q Where do you work, sir?

5 A I work for the Las Vegas Metropolitan Police
6 Department in the forensic laboratory within the biology/DNA
7 detail.

8 Q Can you tell us about your training and experience?

9 A So I have -- first, I have a Bachelor of Science
10 degree in biology, which includes coursework in biochemistry,
11 genetics, cell biology. I have training in population
12 statistics and genetics. Whenever we start a position in the
13 laboratory, you go through a period of training, usually lasts
14 anywhere from six months, could be up to two years, depends on
15 your experience and whatnot. So what it does is you go
16 through; you learn all the procedures throughout the lab, what
17 you do. You go through and you do mock cases that simulate
18 real casework.

19 After all that's done, we usually go through a mock
20 case -- or excuse me, a competency case, a practical test to
21 show that we've learned everything we needed to learn. We do
22 a written test. We do a mock or moot court exercise. Once
23 we've been signed off, we go through a period of supervised
24 casework, and after that, then we're released to actually do
25 independent casework.

1 Q Can you tell us what DNA is?

2 A DNA, very simply, is just a genetic blueprint. It's
3 like a blueprint for building something like you have
4 blueprints how to build a house. Our DNA is the blueprints
5 for us, for any living thing, on how to make that living thing
6 and how to operate it.

7 Q Okay. Can you talk about leaving DNA behind and
8 what factors go into that?

9 A Whatever you leave behind, it's going to depend on
10 what the source. So we have different types of DNA that are
11 better than others or sources of DNA that are better than
12 others. So things like blood, saliva, semen, these are our
13 best sources of DNA that we can leave behind, has a lot of DNA
14 present in those items.

15 And then we also have what we call trace DNA, so DNA
16 where we've maybe touched something or handled something,
17 maybe transferred some DNA to an item in some fashion or
18 another. It all depends on the individual, what it is, you
19 know, how long they might have handled it, if they were
20 touching it and whatnot.

21 Q So, sir, I've been up here touching this podium. Is
22 it possible for me not to leave enough DNA behind for you to
23 analyze?

24 A It is possible. It all depends on the individual,
25 how much DNA they might be shedding. It could be other

1 factors. So like, right now, if I were to cough or sneeze
2 into my hand and then touch something, I'm more likely to
3 leave more DNA behind than just simply touching it for a short
4 period of time. And then the surface, whatever that surface
5 is, will also factor into that. Smooth surfaces don't collect
6 as much DNA as a rough surface.

7 Q Is it possible for there to be too much DNA left
8 behind via mixtures for you to analyze?

9 A When we have mixtures, yes, we have a limitation.
10 We cannot analyze anything that contains more than five
11 people. So once we have a mixture where there's more than one
12 person present, we can only do up to four people.

13 Q Okay. And can you talk about that, a single source
14 versus mixtures?

15 A So a single source is DNA from one person only.
16 Mixtures is going to be two or more people. It all depends on
17 how many. It could be two, three, or four, and again, we stop
18 at four. Once we hit five, it's too complex; we just can't do
19 anything with it.

20 Q So let's give an example of if you show that there's
21 two contributors to a particular item. You can't tell if
22 that's the only two people that touched it, correct?

23 A No, we can't say. What we do is we evaluate it
24 based on all the information that we have, and we will make
25 that assumption saying there is two people present. There

1 always potentially could be more and so forth. We don't know
2 for sure. We have no way of determining exactly how many
3 people. We do our best estimate.

4 Q So long story short of it, just because you touch
5 something doesn't mean you're going to leave DNA behind?

6 A No, it doesn't mean you're going to leave it behind.

7 Q And then, even when you do, there's other multiple
8 factors, whether it's too much, mixtures, too many
9 contributors, et cetera, which will make your analysis
10 inconclusive?

11 A Yeah, it makes it difficult, or it might be that we
12 just can't make any interpretations, too much, too little, or
13 whatever it happens to be.

14 Q Okay. Can you talk about uninformative and
15 excluded?

16 A So we have actually three I'll talk about. And when
17 we do conclusions, when we compare a known DNA profile, a
18 profile from someone we know who the DNA is coming from, to
19 any type of evidence profile, we can have three different
20 types of conclusions.

21 First is they could be individually included,
22 meaning that they're possibly present in this profile.

23 Two, they can be uninformative, and what that is, is
24 it's a range that we have created that we can't say one way or
25 the other whether they're included or excluded. What we --

1 the reason why is we do a statistic; it's called a likelihood
2 ratio. And when we do these likelihood ratios -- and this is
3 what's determining the inclusion, exclusion, and
4 uninformative.

5 It's -- what these are is it's comparing two
6 competing proposals. So like if we have one proposal's going
7 to be, you know, this profile originated from a person of
8 interest, versus the opposite competing proposal would be that
9 it originated from an unknown random individual. So that
10 likelihood ratio, depending on what that value is, is what's
11 going to determine the inclusion. If we reach a certain
12 point, we say it's included. If it's below a certain point,
13 we'll say it's excluded; they're not present in that DNA
14 profile.

15 That uninformative range is a range in between the
16 two. So what it was is when we're doing our validations -- so
17 we do testing. Any time we bring on a new piece of software,
18 a new process, equipment, chemistry, whatever it happens to
19 be, we have to go through a set of testing before we can
20 actually use it on casework. So that testing includes
21 different steps in there to make sure, one, that it works the
22 way it's supposed to. Two, we try to figure out what the
23 limits are, what can we do with it, or what we can use with
24 it, and like what the limitations are and everything.

25 So when we were doing this, we created samples, like

1 mixtures or even single-source profiles, who we knew who were
2 -- the people were in these -- in these samples. We run them.
3 We ran the known samples against it to see if they were
4 included, and we also ran people we knew were not supposed to
5 be included. So we found within a certain range in between
6 that sometimes we could have someone falsely included or
7 falsely excluded within this range. It's from one 10,000th up
8 to 10,000.

9 So to prevent, as a kind of a safety measure, we
10 created this uninformative range so that we don't accidentally
11 falsely include someone or falsely exclude anyone. That is an
12 uninformative range. We just say we don't have no support to
13 either include or exclude them.

14 Q Okay. And same principle, sir. So this laptop
15 right here that I'm touching, CSA comes in, swabs it for DNA,
16 you get it, and let's say it comes back uninformative, or it
17 comes back excluded. You can't sit here in court and say Chad
18 Lexis never touched the laptop?

19 A No, I can't say that.

20 Q Sir, I'm showing you State's 110. Do you recognize
21 this report, sir?

22 A Yes, I do.

23 Q Okay, let's start up at the very top. Did you do
24 some analysis on a beanie?

25 A Yes, I did.

1 Q And what were your conclusions with the beanie and
2 this apparent hair, Impound Item No. 1?

3 A If I could just refer to my notes to refresh my
4 memory?

5 Q Sure.

6 A So there was an apparent hair present, and it was
7 not suitable for any testing. So what that means is, when we
8 look at it, we can only try to do DNA analysis on a hair that
9 actually has a hair root, that kind of growing portion of the
10 hair. That's the portion that has the DNA we're looking at
11 present. So since there wasn't enough there -- or it wasn't,
12 you know, there, we -- there wasn't one present, we weren't
13 able to do anything further with it, and so it's not suitable,
14 so we don't take it on any further.

15 And then the beanie, we did a swabbing from the
16 inside of the beanie, and we obtained a single profile from a
17 female. And then do you want me to give further conclusions
18 on that, or?

19 Q Yes. I'll go down to your conclusions on that. So,
20 essentially, we're talking about Lab Item 1, correct?

21 A Yes, that's correct.

22 Q Okay. And the swabbing inside the bottom rim of the
23 black beanie. Number of contributors, you say one female,
24 correct?

25 A Yes, that's correct.

1 Q And you have excluded as -- you have two reference
2 standards, correct, in this case? One of Veneshia Oliver and
3 Darrell Clark?

4 A Yes, that's correct.

5 Q Okay. And they were excluded from the swabbing of
6 that?

7 A Yeah. So a single female profile was obtained.
8 Both Darrell Clark and Veneshia Oliver were excluded as
9 contributors to that single profile.

10 Q Okay. Once again, you don't know if one person
11 touched that beanie or 100 people touched that beanie?

12 A We can't say. Just from -- that profile is what we
13 obtained, is all we can say.

14 Q And you don't -- you have no idea whether Darrell
15 Clark put on that beanie, or Veneshia Oliver put on that
16 beanie, or I put on that beanie?

17 A No, I can't say.

18 Q Sir, referring to State's Exhibit 109, starting with
19 the top, looked like you had three impounded items, correct,
20 sir?

21 A Yes, correct.

22 Q And swabbing from the side, back, mouth, and ear
23 parts of an iPhone as Lab Item No. 2; is that correct?

24 A It was a phone. I'm not sure if it was an iPhone or
25 not.

1 Q All right, I'm sorry. A phone?

2 A Phone, yes.

3 Q Okay. Item No. 3 and Item No. 1 were the reference
4 standards to Veneshia Clark and Darrell -- excuse me, Veneshia
5 Oliver and Darrell Clark; is that correct?

6 A That's correct.

7 Q Okay. And were you able to come to any conclusions?

8 A Yeah. So the -- from the swab from the phone, we
9 obtained a mixture of four people with at least one being
10 male. Veneshia Oliver was uninformative, and Darrell Clark
11 was excluded as a possible contributor.

12 Q Okay, and I'll direct you to where my pen is. It
13 says Lab Item No. 2, correct?

14 A Yes.

15 Q And we're talking about that phone, correct?

16 A Yes, that's right.

17 Q Once again, number of contributors does not mean --
18 once again, you can't tell us more people touched that phone?

19 A No. Based on our evaluation and our best
20 assessment, there's four people present, and that's what we
21 run our analysis on. We can always do more or less, depending
22 on what the sample is, but for this sample, we went with four.

23 Q Okay. And as far as uninformative and excluded,
24 once again, you have no idea whether or not Darrell Clark and
25 Veneshia Oliver touched that phone?

1 A We cannot say.

2 Q Your final report, sir. Let me get the -- I
3 apologize. Let me get the event numbers for the record on
4 both of those. The black beanie, sir, this was event number
5 or Primary Case No. 200800101167 and Additional Case
6 200800088817?

7 A That's correct.

8 Q Correct?

9 A Yes.

10 MR. HART: Can we have -- for the record, can we
11 have the exhibit number on that?

12 MR. LEXIS: Yeah, 110.

13 MR. HART: Thank you.

14 BY MR. LEXIS:

15 Q For Exhibit No. 109, the primary event number is
16 200800088817, with Additional Case No. 170623-1682, correct?

17 A Yes, that's correct as well.

18 Q Okay. And to the last one, sir, do you recognize
19 this report?

20 A Yes, I do.

21 Q This is Exhibit 111?

22 A Yes.

23 Q Okay. Primary Case Event No. 200600059192, with an
24 additional case number of 200800088817, correct?

25 A Yes, that's correct.

1 Q Okay. Let's go to the top. You have item
2 impounded, which was three pieces of apparent wrapper,
3 correct?

4 A Yes, that's correct.

5 Q Okay. Were you able to make any conclusions to
6 those?

7 A Yes. We obtained a single female contributor
8 profile from that.

9 Q Okay. So down to Lab Item No. 2, swabbing from
10 three pieces of apparent wrapper, what was your conclusion,
11 sir?

12 A So Veneshia Oliver could be included as a possible
13 contributor, and Darrell Clark was excluded as a possible
14 contributor.

15 Q Okay. So you had a -- one contributor that you were
16 able to pick up, correct?

17 A Yes.

18 Q And the individual included you state as Veneshia
19 Oliver?

20 A Yes. Veneshia Oliver could be individually included
21 as a possible contributor.

22 Q And could you tell the jury what 16.4 octillion
23 means?

24 A So, for this case, the -- we did a likelihood ratio,
25 and it's the probability. Observing this DNA mixture profile

1 is approximately 16.4 octillion times more likely if it
2 originated from Veneshia Oliver than it originated from an
3 unknown individual. 16.4 octillion is a number with 27 zeros
4 after it. So if you think of a million has six zeros, a
5 billion has nine, trillion has 12, in this case, it has 27
6 total zeros after the first number.

7 So one of the things for us -- and we talk about
8 individually included in the statistic. For the likelihood
9 ratio, a way to think about it is like a teeter-totter. So in
10 this teeter-totter, I mentioned before how we have two
11 different proposals, two alternate proposal, a person of
12 interest, then -- or if it originated from an unknown
13 individual.

14 So in this teeter-totter, as the number gets
15 greater, it's going to -- that number increases, there's more
16 support for that person of interest. As the number gets
17 smaller or goes to zero, then it goes to that unknown
18 individual. It could be excluded at that point. So depending
19 on that teeter-totter, which way it's going to go, in this
20 case, you know, it's going to be individually included, that
21 16.4 octillion.

22 Q 16.4 octillion compared to an unknown person?

23 A Compared to, yes, if it originated from an unknown
24 individual.

25 MR. LEXIS: No further questions.

1 THE COURT: Any cross-examination, Mr. Arnold?

2 MR. ARNOLD: No, Your Honor.

3 THE COURT: Any cross-examination, Mr. Hart?

4 MR. HART: Yes, please.

5 CROSS-EXAMINATION

6 BY MR. HART:

7 Q Can you explain to the jury what touch DNA is?

8 A Touch, we're now calling that trace DNA. Touch is
9 -- or trace is anything that somebody might have handled or
10 there's a transfer of like their skin, like the cells from
11 their skin. So if you have a hat or any other clothing, your
12 -- some of the DNA might be coming off onto that. If I touch
13 something, like I have a water bottle, that's transferring my
14 skin cells maybe to that.

15 We do call it trace now because there can be a
16 transfer of other material. I mentioned before where I said
17 if I sneezed into my hand, and then I touch something, I'm not
18 transferring skin cells at that point from my hand; I'm likely
19 transferring maybe saliva and other cells from my mouth to
20 that item. And then there's always a possibility of transfer
21 from some other item to this item as well.

22 Q Okay. You're familiar with the Lukis Anderson case?

23 A Not off the top of my head. You'll have to refresh
24 my memory. I'm sorry.

25 Q The DNA transfer case out of Silicon Valley; it was

1 kind of famous?

2 A Sorry, I don't recall right offhand, sir.

3 Q Are you familiar with DNA transfer?

4 A I am, yes.

5 Q Okay, and it's something that happens -- can happen?

6 A Yes.

7 Q It's --

8 A Transfer can happen at any point.

9 Q Okay. Such as if I touch you, and then I touch
10 somebody else, I might actually be putting your DNA on it,
11 correct?

12 A Correct.

13 Q Okay. And how many cells does it take to get a DNA
14 sample?

15 A You're looking -- like, one single cell has what we
16 call about six picograms of DNA. You know, to get a good
17 profile, we're looking at about 125, 150, up to 200, 250, so
18 you're looking somewhere between like about maybe 30 to 60
19 cells. It all depends on that individual that's -- what's
20 being transferred and everything and the quality of that DNA.

21 Q Can it be as low as seven or eight?

22 A Probably not seven or eight. It's too little DNA,
23 maybe, for us to actually get a interpretable profile. There
24 might be DNA present, but it might not be something we can use
25 or work with.

1 Q You've recently changed your standards and the
2 processes you use, correct?

3 A Which standards is that?

4 Q What's that?

5 A I'm sorry. Which standards are we talking about we
6 changing?

7 Q Well, you've changed the software you use now,
8 correct, from --

9 A Yes, the way we interpret --

10 Q -- a few years ago?

11 A -- our profiles. Yes.

12 Q Okay. It's done through an algorithm computer,
13 correct?

14 A Yes, we use --

15 Q You're no longer using Excel spreadsheets?

16 A No, we don't use Excel spreadsheets anymore. We use
17 a program called STRmix.

18 Q And what's PCR amplification, just for the jurors?

19 A PCR is polymerase chain reaction. It's a method of
20 making copies of DNA. So what we're doing, we're kind of
21 mimicking how our body replicates DNA or make copies, but
22 instead of -- our body uses proteins and enzymes; we're
23 actually using temperature. And what we're doing, we're
24 putting everything we need in there, the building blocks of
25 DNA. We have little starter pieces of DNA called primers, and

1 then our sample, and then we put it through a thermocycler,
2 which changes temperatures, and it makes copies.

3 So what it does, in the very beginning, you make a
4 few copies. It goes through an exponential step where we
5 could be making millions of copies. This is what really
6 allows us to do the DNA work that we do and a lot of different
7 other areas in science. We're allowed to -- we're able to
8 get, say, very small amounts of DNA and actually work with
9 that because of the PCR amplification.

10 Q Okay. Now, you said the hair was not suitable for
11 testing, correct?

12 A That's correct.

13 Q And that's because it's a different type of DNA --
14 well, you have sex cells, and you have epithelial cells,
15 correct?

16 A Well, in hair, there's two types of DNA. We have
17 what we call nuclear DNA; this is the DNA we've found in the
18 nucleus of all of our cells. And then you have what's called
19 mitochondrial DNA. Mitochondrial DNA is found in the
20 mitochondria; this is the powerhouses of our cells.

21 So the hair shaft itself is mostly comprised of that
22 mitochondrial DNA. That's a specialized type of DNA testing
23 that we do not do. What we do for the nuclear DNA, that is
24 only found in the root, in the growing portion of the hair.
25 So unless there's a hair root attached, we're not going to be

1 able to do it because a lot of the hairs we find are what we
2 call shed hairs. These are hairs that fall out naturally.
3 So, usually, we need a hair that's been pulled out.

4 Q That doesn't mean mitochondrial DNA doesn't get
5 done, correct?

6 A It's -- we can have it sent out, but like I said,
7 our lab, because of the cost and the speciality of it, we
8 don't use it very often. We just cannot afford to do it,
9 really.

10 Q Okay. So you don't do it in your -- you're not
11 certified in your lab, but --

12 A I'm not certified in my lab. In my previous
13 experience, I have worked with mitochondrial DNA.

14 Q Okay. And just to be clear, you were asked, it's
15 possible (indiscernible) touch this, and I'm not going to be
16 leaving DNA, right?

17 A Yes.

18 Q Is it probable?

19 A Is it probable that I'm leaving DNA?

20 Q That I won't be leaving DNA.

21 A Oh, that you won't be? I mean, we can't say for
22 sure. I mean, I think, likely, you're leaving some DNA. It's
23 really going to be how much, you know, are we going to be at a
24 level that we can detect it. So we can't say one way or the
25 other. We have no way of testing that and showing that.

1 Q Well, there have been examples where a paramedic has
2 gone to treat somebody and then treat somebody else hours
3 later, and the first person's DNA ended up on them, correct?

4 A Yes.

5 Q Okay, or people shaking hands and then touching
6 something, and the person they shook the hands with 30 minutes
7 earlier, DNA (indiscernible), correct?

8 A It's possible, yes, to leave some behind like that.

9 Q Okay. So it doesn't take a whole lot to leave DNA?

10 A It takes enough for us to test. Like I said, about
11 maybe 60 cells or something like that. It all depends, and it
12 depends on quality as well.

13 Q Okay. And there's CODIS, correct?

14 A Yes.

15 Q I noticed on one of these -- did you send the
16 samples out for additional CODIS checking?

17 A I believe one of the samples was put into CODIS.
18 I'd have to look at my report to see if I did any more --

19 Q Okay.

20 A -- if that's okay. Yeah, it looks like I put in --
21 I see about four profiles total, I believe.

22 Q Okay.

23 A One, two, three. Yes.

24 Q Okay. And CODIS is kind of -- it's a nationwide
25 system?

1 A Yeah, CODIS is the Combined DNA Index System that's
2 managed by the FBI. It's an investigative tool. It's a
3 database of DNA profiles. It has three different tiers. So
4 for us, we're at the local level, the lab is the local level.
5 We have a state level, and we have a national level, which is
6 the country itself. Each level, there's different regulations
7 or requirements to get into each of those levels. So as the
8 levels go up, so do those requirements go up as well with it.

9 Q So you can get into the national database?

10 A If the sample meets the requirements, we can put it
11 up to the national database, yes.

12 Q Okay. And just to be clear, the apparent wrapper
13 that was found that was tested, that was in a hallway,
14 correct?

15 A I believe it was in the hallway. I'm not positive.
16 It was like a hallway or a doorway. I don't have that
17 information exactly. The person who collected it would be
18 best to answer that question.

19 Q Okay. And just like DNA can be transferred, pieces
20 of a gum wrapper can be transferred, right?

21 A I suppose so, yes.

22 MR. HART: Nothing further.

23 THE COURT: Any redirect?

24 MR. LEXIS: Briefly, Judge.

25 //

1 REDIRECT EXAMINATION

2 BY MR. LEXIS:

3 Q Sir, this wrapper that you found Veneshia Oliver's
4 DNA on --

5 A Yes.

6 Q -- State's 111, can you tell the jury about the
7 strength of that hit?

8 A As far as like the statistic and everything?

9 Q Yes.

10 A So, again --

11 Q The strength of having one contributor, that being a
12 female, coming back to Veneshia Oliver at 16.4 octillion.

13 A So for --

14 Q The amount, strength of the DNA.

15 A So on this one -- I think I know what you're saying.
16 So for the three pieces of wrapper, it's very strong support
17 for the -- an inclusion of Veneshia Oliver. So, typically,
18 for an item like this, like little pieces of paper, or a
19 wrapper, whatever it is, we would not test. It's too small,
20 too limited. Typically, we don't do it.

21 So since we did get a very good, strong profile, I
22 mean, there's likely a lot of DNA present. I can't say how it
23 got there, but it's likely a lot of DNA there to get a
24 statistic as high as that. Usually, for something that's much
25 lower, we're going to have a statistic that's going to reflect

1 that level as well.

2 MR. LEXIS: Nothing further.

3 THE COURT: Any recross, Mr. Arnold?

4 MR. ARNOLD: No, Your Honor.

5 THE COURT: Any recross, Mr. Hart?

6 MR. HART: No.

7 THE COURT: Any questions by our jurors?

8 All right, no questions.

9 Sir, thank you for your testimony. You are excused.

10 THE WITNESS: Thank you.

11 THE COURT: Next witness for the State?

12 MR. LEXIS: Linda Manigault.

13 THE MARSHAL: Watch your step. Raise your right
14 hand. Face the Clerk. Once she swears you in, go ahead and
15 slide your chair forward to that red light and make sure you
16 speak loud.

17 LINDA MANIGAULT, STATE'S WITNESS, SWORN

18 THE CLERK: Thank you. Please have a seat, and
19 state and spell your first and last name for the record.

20 THE WITNESS: My first name is Linda, L-i-n-d-a. My
21 last name is Manigault, -a-n-i-g-a-u-l-t.

22 THE COURT: Go ahead, counsel.

23 DIRECT EXAMINATION

24 BY MR. LEXIS:

25 Q Where do you work, ma'am?

1 A I work for the Las Vegas Metropolitan Police
2 Department in their forensic laboratory in the latent print
3 detail.

4 Q How long have you worked there, and can you tell us
5 your training and experience?

6 A I've worked there for almost five years now. I work
7 there as a forensic scientist, and my experience comes from
8 almost 10 years now. I've worked at two prior agencies where
9 I've also done the same type of work.

10 Q Okay. What is a latent print, ma'am?

11 A A latent print is a chance impression that's left
12 behind when a person comes in contact with an object. On the
13 palms of our hands and the soles of our feet, we have
14 specialized skin; it usually helps us to grip objects, and
15 these features can be left behind when we touch an object.

16 Q Ma'am, a latent print isn't always left behind; is
17 that correct?

18 A That is correct.

19 Q Okay. And even when it is left behind, and the
20 CSA's able to do a lift card, sometimes you're not able to
21 analyze that; it's not a good enough quality, fair?

22 A That's correct.

23 Q Okay. So just because I'm touching something on
24 this podium doesn't mean I'm going to leave a print behind?

25 A That is correct.

1 Q Okay. Did you have -- well, let's do it one at a
2 time. Showing you State's 107. Did you do work under Case
3 No. 200800071911, ma'am?

4 A Yes, I did.

5 Q Okay. And did that involve a lift card from the top
6 of a nightstand labeled Q1?

7 A Yes, it did.

8 Q Okay. And there was two suitable prints?

9 A Yes, there were.

10 Q Okay. And do you have as -- first of all, you had
11 two known exemplars, right? Darrell Clark and Veneshia
12 Oliver?

13 A That's correct.

14 Q And you were able to exclude those prints of
15 Veneshia Clark and Darrell Oliver -- or excuse me, Veneshia
16 Oliver and Darrell Clark?

17 A That is correct.

18 Q Okay, so those two prints were not theirs?

19 A That is correct.

20 Q True? But you can't sit here today and tell us
21 whether or not they went in that room or touched this
22 nightstand?

23 A No, sir.

24 Q Okay. And once again, that's because you could
25 touch something and not leave a print?

1 A That's correct. There are several reasons why a
2 person can come in contact with an object but not leave a
3 print behind, and one of the main reasons is that the residue
4 that's on our hands when we come in contact with that object,
5 it's just very fragile. So if it's exposed to heat, if it's
6 exposed to cold, it might not last long; it might not sustain.

7 Some of us have very dry hands, and so, therefore,
8 we might not have a lot of residue on our hands to leave
9 behind on an object, and multiple touching can sometimes rub
10 latent prints off of an object as well.

11 Q Okay, and that brings up a good point as well. Just
12 like DNA, if you have multiple people touching something, that
13 will also hinder your ability to lift a print and analyze it?

14 A That is correct. It could -- it could -- it could
15 have an -- it can cause issues and wipe away prints.

16 Q Okay. All right, so let me show you -- before I
17 show you this, sometimes you get exemplars of cops and
18 victims; is that also true?

19 A Yes, that is.

20 Q Okay, and is that because the CSA believes sometimes
21 that they might have touched it as well?

22 A That's true. So what an exemplar is, is just a --
23 it's a fingerprint record or a palm print record, but it's of
24 a known individual, and so their friction ridge skin is report
25 -- is recorded, excuse me, on an exemplar card with their name

1 and identifying information. And so other people at the
2 scene, like a victim or any police officers, we might have
3 copies of their records as well.

4 Q Okay. So I'm showing you what has been marked as
5 State's 106. Ma'am, did you do some work under Event No.
6 200800035672?

7 A Yes, I did.

8 Q Okay. And you had Q1 and Q2 lift cards, correct?

9 A That's correct.

10 Q And basically, Q1 is referring to, even though the
11 CSA thought they were able to lift a print, once it got to
12 you, it wasn't suitable. You made that determination,
13 correct?

14 A That's correct.

15 Q Okay. Q2, you have one suitable print, and that
16 came back, and come down here to where your exemplar prints,
17 to Metro Officer Ashley O'Keefe?

18 A That's correct.

19 Q Once again, that's not uncommon for you to get hits
20 off of Metro cops who were at the scene?

21 A Yeah, for the -- for the most part, it's not too
22 common.

23 Q Okay. Your final report, ma'am, State's Exhibit
24 108. Did you do some work under Event No. 200800088817?

25 A Yes, that's correct.

1 Q Okay. Focusing on -- let's go one at a time.
2 Focusing on Q1, once again, a situation where the CSA thought
3 they were able to lift a print, but suitable for you, correct,
4 ma'am?

5 A That is correct.

6 Q Okay. Let's go down to Q3. And before we do, let's
7 talk about what we talked about earlier. Sometimes you get
8 exemplars from cops and victims of the crime as well; is that
9 true?

10 A That's correct.

11 Q Okay. Down here, you have exemplar prints from not
12 only Veneshia Clark and Darrell Oliver but also a Marissa
13 Metro and Brooke Bargholtz, correct?

14 A That's correct.

15 Q Okay. So going back to Q3, one lift card, correct?

16 A Yes.

17 Q And one suitable print?

18 A Yes.

19 Q Correct?

20 A Yes. On that card, yes.

21 Q And were you able to make a determination of that
22 print?

23 A Yes. So that print was identified to the right
24 thumb of Brooke Bargholtz.

25 Q Okay. Let's work our way through the last one. Q2,

1 right?

2 A Yes.

3 Q Lift card of a phone?

4 A From the --

5 Q Is that correct?

6 A -- front of the phone. Yes, that's correct.

7 Q Two suitable prints on that phone?

8 A Yes.

9 Q Okay. Latent Print A, you excluded Darrell Clark,
10 Brooke Bargholtz, and Marissa Metro, correct?

11 A That is correct.

12 Q Okay. And as far as Veneshia Oliver, you said she
13 couldn't be excluded because of what?

14 A She couldn't be excluded because her left ring
15 finger did have some features in common, but not enough to get
16 me over the threshold of calling it an identification.

17 Q Understood. Let's go to the second print because,
18 once again, you say two suitable prints, right? A and B?

19 A Yes.

20 Q We just went over A?

21 A Yep.

22 Q Can you tell us what your results were for B?

23 A B was identified to the left ring finger of Veneshia
24 Oliver.

25 MR. LEXIS: No further questions.

1 THE COURT: Any cross-examination, Mr. Arnold?

2 MR. ARNOLD: No, Your Honor.

3 THE COURT: Mr. Hart?

4 CROSS-EXAMINATION

5 BY MR. HART:

6 Q Now, when you do fingerprint analysis --

7 A I'm sorry, I didn't hear you.

8 Q When you do fingerprint analysis, how many points do
9 you need?

10 A When I do, how many do I need?

11 Q Yes.

12 A It depends on each latent print. Each latent print
13 is different. We do have sufficiency guidelines that kind of
14 help us, and so I would at least be looking for eight features
15 or more, but I'm not only looking at features. I'm also
16 looking at the overall ridge flow of the print, as well as the
17 general pattern types.

18 Q Okay. And when you do this, this is -- you are
19 looking at the fingerprints, and you're comparing certain
20 points on the fingerprint, correct? The ridges?

21 A Yes, I'm conducting a comparison. That's correct.

22 Q Okay. And when -- you are aware of cases where
23 there have been fingerprint matches, and later found out were
24 not -- could not be, correct?

25 A Yes.

1 MR. HART: Okay. And just -- nothing further.

2 THE COURT: Anything further by the State?

3 MR. LEXIS: No, Judge.

4 THE COURT: Any questions by our jurors? We do have
5 a question. I'll meet counsel in the back room.

6 (Bench conference begins.)

7 MR. HART: That big enough to read?

8 MS. COLE: Oh, wow, that is small.

9 MR. ARNOLD: Forgot my glasses.

10 THE COURT: This is Judge Villani. I'm having a
11 little difficulty reading it. I think it says, "What about
12 battery and SIM card in phone? Was it tested? Was phone back
13 opened to test?" I think that's what that says. Mr. Hart, do
14 you read that the same way?

15 MR. HART: Yes, that's what I would read.

16 MS. COLE: Oh, "What about battery and SIM card in
17 phone? Was it tested? Was phone back opened to test?"

18 THE COURT: Any objection --

19 MR. HART: We can --

20 THE COURT: Any objection to the question, Mr. Hart?

21 MR. HART: No objection. She'll just say --

22 THE COURT: Okay.

23 MR. HART: -- (indiscernible).

24 THE COURT: Mr. Arnold, any objection?

25 MR. ARNOLD: No objection from Mr. Arnold.

1 THE COURT: State?

2 MR. LEXIS: No, Judge.

3 THE COURT: Okay.

4 MR. LEXIS: Judge, this is our last witness, and can
5 you --

6 THE COURT: Okay.

7 MR. LEXIS: -- stick around on the bench?

8 THE COURT: Sure.

9 (End of bench conference.)

10 THE COURT: Ma'am, we've got a question from our --
11 one of our jurors. Says, what about battery and SIM card in
12 phone? Was it tested? Was phone back opened to test?

13 THE WITNESS: No.

14 THE COURT: All right. Any follow-up by the State
15 to this question?

16 MR. LEXIS: Yeah. Yes.

17 FOLLOW-UP EXAMINATION

18 BY MR. LEXIS:

19 Q Ma'am, your job is to analyze what the crime scene
20 analysts pull; is that correct?

21 A That is correct.

22 Q Okay. So your job does not encompass -- in that
23 realm, it's the analyst at the scene that makes the
24 determination and processes the scene, and then you just
25 receive the lifts?

1 A Yes. In this particular instance, I was not at the
2 scene. So the phone was collected by the CSA, and I was just
3 analyzing lift cards that was lifted off of that phone.

4 MR. LEXIS: Thank you.

5 THE COURT: Any additional questions, Mr. Arnold?

6 MR. ARNOLD: No, Your Honor.

7 THE COURT: Any additional question, Mr. Hart?

8 FOLLOW-UP EXAMINATION

9 BY MR. HART:

10 Q Just to be clear, if I got it wrong -- think -- was
11 it Detective Byrd that made the request to have it tested? Do
12 you remember?

13 A May I refer to -- I can refer to my report and look.

14 THE COURT: Yes, go ahead.

15 MR. HART: What's that? Sorry.

16 MR. ARNOLD: Oh, she needs her report.

17 THE WITNESS: Yes, it was.

18 BY MR. HART:

19 Q Okay. So if there was to be -- additional testing
20 can be requested by the detective, correct?

21 A That is correct.

22 MR. HART: Okay. Nothing further.

23 THE COURT: All right. Any additional questions by
24 our jurors? No additional questions. Thank you, ma'am, for
25 your testimony. You are excused. I think that's -- State, I

1 think that's our last witness for today?

2 MR. LEXIS: Yes, Your Honor.

3 THE COURT: Okay. Ladies and gentlemen, we'll come
4 back at nine o'clock tomorrow morning. We're going to leave a
5 little early today. We got a lot of witnesses processed
6 today, and we'll see you back tomorrow at nine o'clock.

7 So during this evening recess, you must not discuss
8 or communicate with anyone, including fellow jurors, in any
9 way regarding the case or its merits either by voice, phone,
10 email, text, internet, or other means of communication or
11 social media. You're not to read, watch, or listen to any
12 news, or media accounts, or commentary about the case. You're
13 not to do any research such as consulting dictionaries, using
14 the internet, or using reference materials. You're not to
15 make any investigation, test a theory of the case, recreate
16 any aspect of the case, or in any other way investigate or
17 learn about the case on your own, and you're not to form or
18 express an opinion regarding this matter until it is submitted
19 to you.

20 Have a safe drive home. We'll see you tomorrow at
21 nine.

22 THE MARSHAL: All rise for the exit of the jury.

23 (Outside the presence of the jury.)

24 THE COURT: All right. We're outside the presence
25 of the jury panel. Did counsel wish to say something?

1 MR. LEXIS: Yes. Judge, both defense attorneys have
2 seen these. They're a prior Judgment of Conviction, certified
3 copy, one for Darrell Clark, one for Veneshia Oliver. I would
4 just reiterate to your Clerk that these are court exhibits,
5 not to go back to the jury. So you should have three court
6 exhibits now, these two JOCs, as well as that form from this
7 morning from the out-of-state witness consent form.

8 THE COURT: All right, thank you. Mr. Arnold, have
9 you seen these Judgments of Conviction?

10 MR. ARNOLD: Yes, Your Honor.

11 THE COURT: Okay. And obviously, they're not going
12 to be utilized at this point unless someone testifies or if we
13 get to a -- I guess there's a charge of possession of firearm
14 by a prohibited person. And you've seen these, Mr. Hart?

15 MR. HART: Yes, Your Honor.

16 THE COURT: Okay. I don't know if either defendant
17 has prior felony convictions, but --

18 MR. HART: And, Your Honor, in a follow-up from
19 earlier, I did discuss with my client the receipt from Target,
20 and as it stands now, we're not going to be asking for any
21 admonishment.

22 THE COURT: Okay.

23 MR. HART: I think it'd only bring up more
24 information. I will say, one of the things -- I get the funny
25 feeling this jury might want to look at the exhibits. And

1 earlier in the trial, we had the exhibit from the Paris with
2 the elevator, and it got stopped short where it was not a
3 Paris elevator, but rather, the --

4 MR. ARNOLD: Bally's.

5 MR. HART: -- Bally's elevator. What else is on
6 that?

7 MS. COLE: Your Honor, Madilyn Cole for the State.
8 Just so the Court is aware, I believe we already discussed
9 this. That video encompasses them in the elevators. There's
10 no video whatsoever of anybody on the floors of Bally's. That
11 first video that I played that first day seems to mainly be
12 from Bally's, showing the suspects walking from the Bally's to
13 the Paris Hotel.

14 There is video surveillance of them in elevators in
15 the Bally's Hotel, but we discussed that, and the Court agreed
16 with the State that that was fine for purposes of showing the
17 conspiracy, and that they were acting together, and they're
18 taking the same path from the Bally's to the Paris.

19 I will confirm, double, triple-check. I'll re-watch
20 that exhibit, and Mr. Hart is welcome to watch that with me as
21 well, as well as Mr. Arnold, to just confirm that they have no
22 other issues with that.

23 MR. LEXIS: And furthermore, Judge, if I had video
24 evidence of them staying at the Venetian and going in and out
25 of a room, and they were staying there, I'd absolutely tell

1 you -- ask the Court to consider that relevant evidence since
2 I need to prove a conspiracy and aiding and abetting
3 throughout this entire thing.

4 THE COURT: I understand. Anything -- thank you,
5 State. Anything else, Mr. Arnold, for tonight?

6 MR. ARNOLD: No, Your Honor.

7 THE COURT: Mr. Hart?

8 MR. HART: No, Your Honor.

9 THE COURT: All right. We'll see everybody --

10 MR. LEXIS: One last thing, Judge. I apologize.

11 THE COURT: Sure.

12 MR. LEXIS: I sent the Court and I sent defense
13 counsels jury instructions, so I'm ready whenever the Court's
14 ready to go over jury instructions, just so you know.

15 THE COURT: All right, I'll be looking at those
16 tomorrow. And counsel, check your emails. You might have
17 those jury instructions waiting for you.

18 All right, thank you, everybody. Have a great
19 evening.

20 (Court recessed at 4:34 p.m., until Thursday,
21 April 15, 2021, at 9:06 a.m.)

22 * * * * *

23

24

25

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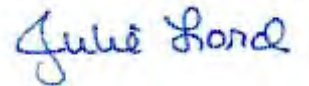
EXHIBITS

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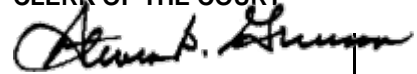
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ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual proceedings in the above-entitled case.

A handwritten signature in blue ink, appearing to read "Julie Lord".

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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

THURSDAY, APRIL 15, 2021

TRANSCRIPT OF PROCEEDINGS:
JURY TRIAL - DAY 4

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, THURSDAY, APRIL 15, 2021

2 (Case called at 9:06 a.m.)

3 (Outside the presence of the jury.)

4 THE COURT: Yes, counsel?

5 MR. LEXIS: So, Judge, you've ruled on this several
6 times with regards to this -- you've ruled on this several
7 times with regards to this Bally's issue and as far as the
8 relevance of Bally's, but your ruling basically said don't go
9 insinuating that they're going up in any rooms in Bally's and
10 doing anything illegal.

11 I have some text messages here. It's 140. It'll be
12 coming in with the phone dump guy. They do make mention of
13 meeting up at Bally's. On the very last page is where they
14 make reference to particular room numbers. I'm taking that
15 fourth page out.

16 THE COURT: Okay.

17 MR. LEXIS: And -- but I'm -- I still have page 1
18 through 3 where they talk about meeting up, and one of the
19 places they talk about meeting up is Bally's, which, once
20 again, you've already ruled that's relevant, but I -- to avoid
21 any sidebar, I want to just bring that up ahead of time.

22 THE COURT: All right. Mr. Arnold, have you seen
23 these text messages?

24 MR. ARNOLD: Yes, Your Honor, and my objection
25 remains the same. You know, I just looked over the Indictment

1 again, and there's no mention of any Bally's. This -- these
2 text messages are irrelevant. They're using them to suggest
3 that these two individuals had a conspiracy to rob or
4 burglarize Bally's. I have no issue with that. I have no
5 issue with them talking about that there was a burglary that
6 occurred at the Sbarro's, which was inside Bally's; however,
7 to now suggest that they're also responsible for the
8 burglaries that occurred at Bally's, I think, again, that's
9 far-reaching, it's prejudicial, and it's not the conspiracy
10 that's being charged in this Criminal Complaint.

11 THE COURT: Just so I'm clear, Mr. Lexis, there
12 isn't any allegations of guest rooms at the Bally's; is that
13 correct? I can't --

14 MR. HART: Not in this --

15 MR. LEXIS: In these text messages, Judge?

16 THE COURT: I'm sorry?

17 MR. LEXIS: In these text messages?

18 THE COURT: No, in the Indictment.

19 MR. LEXIS: No, Judge.

20 THE COURT: I just don't have it in front of me.

21 MR. LEXIS: The -- the -- what Mr. Arnold was
22 talking about, nowhere in this trial, nor -- now or in the
23 future we going to mention anything about burglaries at
24 Bally's.

25 THE COURT: Okay.

1 MR. LEXIS: However --

2 THE COURT: Besides Sbarro? Right.

3 MR. LEXIS: Besides Sbarro's and the fact that
4 Bally's is intertwined --

5 THE COURT: Right.

6 MR. LEXIS: -- and connected as one to Paris.

7 THE COURT: Right.

8 MR. LEXIS: So meeting up at Bally's is absolutely
9 relevant.

10 THE COURT: Right. Mr. Hart, your position?

11 MR. HART: Like I said, I believe it was -- would
12 constitute other bad acts coming in, which, you know, at a
13 minimum, required -- would require a Petrocelli hearing and
14 notice. And that's where we're at, Your Honor.

15 THE COURT: All right. I'm going to allow the State
16 to bring in evidence that there was conduct in Bally's as far
17 as meeting up, but not -- I am precluding the State from
18 arguing that they were attempting to break into any guest
19 rooms at Bally's.

20 For a conspiracy, conduct before and after the event
21 is relevant to the charge of conspiracy, so I'm going to allow
22 them to go into that. They are going to exclude that last
23 page. And, again, in closing and during the examination of
24 any witnesses, we're not going to talk about any break-ins or
25 any attempt break-ins of guest rooms at the Bally's Hotel.

1 MR. LEXIS: Yes, Judge. And can you give me two
2 minutes to talk with defense counsel again?

3 (Pause in the proceedings.)

4 MR. LEXIS: Ms. Clerk, what's the next exhibit
5 number?

6 THE CLERK: The next exhibit number is 180.

7 MR. LEXIS: What is it?

8 THE CLERK: 180. For Court's or State's?

9 MR. LEXIS: It's for the State. Is the next one
10 180?

11 THE CLERK: 180, yeah.

12 MR. LEXIS: Judge, by stipulating -- by stipulation,
13 the next exhibit's going to be 180, and it is one, two --

14 THE CLERK: Appears to be four in the packets that I
15 have.

16 MR. LEXIS: Okay, okay. State's 180 is going to be
17 four pages -- five pages, Judge. 181 is going to be four
18 pages. 182 is going to be four pages. 183 is going to be --
19 183 is going to be three pages. We'd move to admit those.

20 THE COURT: Mr. Arnold, are you familiar with
21 Exhibits 180, 81, 82, and 83?

22 MR. ARNOLD: What are those? The maps?

23 MR. LEXIS: Those are the maps.

24 MR. ARNOLD: Yes, Your Honor.

25 THE COURT: Any objection to those exhibits?

1 MR. ARNOLD: No, Your Honor.

2 THE COURT: Mr. Hart, are you familiar with the same
3 exhibits?

4 MR. HART: I'm sorry, what was that?

5 THE COURT: 180, 81, 82, and 83?

6 MR. HART: Those are the three I was just shown?

7 MR. LEXIS: Those were all the maps.

8 MR. HART: Yeah, okay.

9 THE COURT: Any objection to those?

10 MR. HART: As long as there is a foundation to link
11 them to the records that we've already conditionally --

12 THE COURT: All right.

13 MR. HART: -- admitted.

14 (State's Exhibits 180, 181, 182, 183 stipulated admitted.)

15 THE COURT: We'll see how the witness testimony
16 goes.

17 Counsel, we may have one juror that has an elevated
18 temperature. We're double-checking right now as far as the
19 temperature, as well as the protocol.

20 (Pause in the proceedings.)

21 (Off the record at 9:14 a.m. until 9:15 a.m.)

22 (Outside the presence of the jury.)

23 THE COURT: Counsel, is -- Mr. Hart, Mr. Arnold?

24 MR. HART: Yeah.

25 THE COURT: The protocol is for us to segregate this

1 one juror.

2 MR. HART: Okay.

3 THE COURT: We're going to put her in a side room
4 here on the third floor. We have to contact UMC for --

5 MR. HART: Yeah.

6 THE COURT: -- immediate testing, so it may take
7 some time before we start. So we -- if there's any
8 housekeeping matters, let's try to take care of those now.

9 MR. HART: Okay.

10 MS. COLE: So one of the jurors has a temperature?
11 Oh, boy.

12 MR. LEXIS: Judge --

13 THE COURT: Or if the parties want to just agree to
14 release that juror --

15 MS. COLE: And take the alternate?

16 THE COURT: Well, we have two -- don't we have two
17 alternates?

18 MS. COLE: Yeah, two more alternates.

19 MR. HART: Carl?

20 MR. ARNOLD: What?

21 MR. HART: They're talking about releasing an
22 alternate -- or releasing and using an alternate.

23 MR. ARNOLD: Which one? The Asian lady?

24 MR. HART: Number 3. Which one is No. 3?

25 THE COURT: I don't have the sheet.

1 MR. ARNOLD: Well, they --

2 THE COURT: I'll give you the name right now.

3 MR. ARNOLD: One person's saying an alternate,
4 another person's saying No. 3. What is it?

5 THE COURT: Number 3 is Marisol Martin. Is that the
6 one that has the elevated temperature?

7 MR. LEXIS: I don't know, Judge.

8 THE COURT: Oh, why did someone mention 3?

9 MR. HART: Oh, I thought somebody else had said 3,
10 and I --

11 THE COURT: No, I'm not -- I have no idea who it is.

12 (Pause in the proceedings.)

13 MR. LEXIS: Judge, all of these are stipulated to,
14 and I just want to bring it to your attention since it
15 involves tattoos. Can I approach?

16 THE COURT: Yes.

17 MR. LEXIS: I'm going to show you the relevance.
18 You know how we --

19 THE COURT: All right, counsel, Mr. Arnold, Mr.
20 Hart, let me ask to make sure you --

21 MR. ARNOLD: Oh, these pictures?

22 THE COURT: -- hear what Mr. Lexis is stating.

23 MR. LEXIS: Yeah, I'm just telling him the --

24 MR. HART: Yeah, we --

25 MR. LEXIS: -- relevance and why we're doing it.

1 MR. HART: We just saw them.

2 MR. LEXIS: It's -- they're stipulated to, Judge.
3 You know how we showed clips of the video of the cab?

4 THE COURT: Yes.

5 MR. LEXIS: And so we're bringing in pictures that
6 match -- obvious tattoos that match in the cab, Judge.

7 THE COURT: All right.

8 MR. LEXIS: So those will be -- these will be next
9 in line, ma'am.

10 THE CLERK: Okay.

11 MR. LEXIS: And we already have a bunch of Facebook
12 pictures that are already stipulated to, Judge. We just
13 missed one of them, which is also them together.

14 THE COURT: All right.

15 MR. LEXIS: And that's it. Those are all stipulated
16 to. I don't know the numbers yet, Judge.

17 THE COURT: All right. Mr. Arnold, are you
18 stipulating to admission of these last photographs?

19 MR. ARNOLD: Yes, Your Honor.

20 THE COURT: Mr. Hart?

21 MR. HART: Yes, Your Honor. They -- I mean, we've
22 got the records from Facebook.

23 THE COURT: All right.

24 MR. HART: Social media.

25 THE COURT: Anything else we can take care of while

1 we're going to be waiting for maybe a half-hour?

2 MR. LEXIS: Judge, you should have gotten updated
3 jury instructions from me. Mr. Arnold wanted a mere presence
4 instruction, so I included that as well. Everything else are
5 the same, but I included that in the packet, and I sent it to
6 everybody.

7 THE COURT: Okay.

8 MR. ARNOLD: Right, and I'm reviewing the mere
9 presence and conspiracy instructions, and I already reviewed
10 everything else. I just want to double-check these conspiracy
11 ones, and I'm probably good to go on the jury instructions.

12 THE COURT: Okay. My Law Clerk should be bringing
13 those to me this morning here.

14 MR. ARNOLD: Okay.

15 MR. LEXIS: Hey, Judge, I've got some people that
16 need to testify in the morning, so can you be a little
17 flexible with us as far as when you're going to take lunch and
18 maybe do a sidebar --

19 THE COURT: Absolutely.

20 MR. LEXIS: -- before you do that? Thank you.

21 (Off the record at 9:20 a.m. until 9:24 a.m.)

22 (Outside the presence of the jury.)

23 THE COURT: All right. We've been advised that one
24 of the jurors has a temperature of 100.5. The cut-off is
25 100.4. We are following the COVID protocol. They've been

1 segregated. Representatives from UMC have been advised, and
2 apparently, they're en route to do spot-checking, but they
3 are, you know, the -- over the limit as we speak, and they did
4 mention to the Marshal they feel a little under the weather.
5 It is Juror No. 8, Ann McCormack.

6 MR. LEXIS: Judge, it's the State's position we
7 don't care what number it is, we want to move forward. We'll
8 stipulate to kicking them.

9 THE COURT: Mr. Arnold?

10 MR. HART: Which one was 8?

11 MR. ARNOLD: I have no position that I want to put
12 on the record, Your Honor.

13 THE COURT: I'm sorry?

14 MR. ARNOLD: I have no position that I want to put
15 on the record.

16 MR. HART: Which one's No. 8? I'm sorry, I was --

17 MR. ARNOLD: Does it matter?

18 MR. HART: Number 8 is -- do we know what juror that
19 is?

20 THE COURT: She has the full face mask. I think
21 she's asked a lot of questions. I think she's had a couple
22 questions. She's the --

23 MR. HART: Yeah, Your Honor. She has been about the
24 most interested one in the -- a fair -- we've had a couple
25 others that I'm not sure if they're awake. I'd like to keep

1 her, Your Honor.

2 THE COURT: All right. Well, we'll wait for the UMC
3 protocol, follow through, see what they say.

4 (Court recessed at 9:26 a.m. until 9:49 a.m.)

5 (Outside the presence of the jury.)

6 THE COURT: All right. Counsel, I just want to give
7 you an update on our situation since one of our juror's
8 temperature is 100.5. As you know, the cut-off is 100.4. A
9 UMC representative, through our protocol, has been contacted.
10 They are en route; they may already be here. They will do an
11 individualized test for this particular individual.

12 Pursuant to the protocols, if the rapid test returns
13 as negative, says here that the healthcare provider will
14 evaluate the individual and provide the Court with a
15 recommendation on whether to resume or suspend the trial. If
16 the individual tests positive for either the POC or the PCR
17 test, the trial will immediately be suspended by the Judge.

18 I have made an inquiry to court administration as
19 far as what does suspended by the Judge mean; does that mean
20 declaring a mistrial or not. I don't know, and so I've put
21 the -- I've submitted the inquiry to court administration.
22 That's all I have. Never a dull moment.

23 (Pause in the proceedings.)

24 (Outside the presence of the jury.)

25 THE COURT: -- list on all individuals in the

1 courtroom and provide the completed list to Southern Nevada
2 Health District.

3 (Court recessed at 9:51 a.m., until 12:33 p.m.)

4 (Outside the presence of the jury.)

5 THE COURT: Yes.

6 MR. LEXIS: Oh, then sorry. I am going to need
7 Madilyn then. I'll tell her to be right down.

8 THE COURT: Also --

9 MR. LEXIS: I thought we were doing the --

10 THE COURT: You should have a packet of the jury
11 instructions there. They've just been put in a particular
12 order. They will need to be amended because some of the
13 instructions, the line where we say Instruction No. 20, for
14 example, is at the bottom of the page.

15 (Court recessed at 12:34 P.M. until 12:44 P.M.)

16 (Outside the presence of the jury.)

17 THE MARSHAL: All rise for the entry of the jury.

18 (Inside the presence of the jury.)

19 THE COURT: All right, everyone have a seat.

20 Welcome back, ladies and gentlemen. We really appreciate your
21 patience. Unfortunately --

22 THE MARSHAL: Hold on, one more.

23 MR. HART: We're missing one.

24 THE MARSHAL: Hold on.

25 THE COURT: Oh, we're missing one?

1 THE MARSHAL: Juror No. 1.

2 (Pause in the proceedings.)

3 THE COURT: Ladies and gentlemen, did anyone see
4 Juror 1 up there earlier?

5 UNIDENTIFIED JUROR: We thought we had our whole
6 count here.

7 UNIDENTIFIED JUROR: We had 14.

8 UNIDENTIFIED JUROR: And she was here.

9 UNIDENTIFIED JUROR: Yeah, she was right outside
10 with us.

11 (Pause in the proceedings.)

12 THE COURT: Ladies and gentlemen, if the -- we can't
13 locate the juror in the next few minutes, we'll take a break
14 and have you sit outside. It might be more convenient for you
15 in the hallway. Don't have any answers for you right now.

16 (Pause in the proceedings.)

17 THE COURT: Oh, here she is. Is that our juror?

18 THE MARSHAL: She is.

19 THE COURT: All right.

20 State, who is your next witness?

21 MR. LEXIS: Detective Lopez.

22 THE COURT: All right.

23 THE MARSHAL: Watch your step. Raise your right
24 hand. Face the Clerk. Once she swears you in, slide your
25 chair up forward to that red light and speak loud.

1 DETECTIVE CHRISTIAN LOPEZ, STATE'S WITNESS, SWORN

2 THE CLERK: Thank you. Please have a seat, and
3 state and spell your first and last name for the record.

4 THE WITNESS: Christian Lopez. C-h-r-i-s-t-i-a-n,
5 L-o-p-e-z.

6 THE COURT: Go ahead, counsel.

7 DIRECT EXAMINATION

8 BY MR. LEXIS:

9 Q Where do you work, sir?

10 A Las Vegas Metropolitan Police Department.

11 Q How long have you worked there?

12 A Twenty years.

13 Q Are you assigned to a particular detail?

14 A Yes, I am.

15 Q Where?

16 A The digital forensics laboratory.

17 Q Okay. So do you essentially analyze phones?

18 A Yes, I do.

19 Q Among other things?

20 A Yes.

21 Q Tell us your training and experience for you to do
22 that.

23 A I'm a Cellebrite certified operator, Cellebrite
24 certified analyst. I've also taken the Cellebrite cell phone
25 repair class.

1 Q Explain in detail for the jury, what is that?

2 A The Cellebrite -- so the Cellebrite certified
3 operator is just a certification you get to actually operate
4 the Cellebrite program, which does the extractions from the
5 cell phone. The Cellebrite certified analyst is the
6 certification you get to actually be able to interpret the
7 data and just where to look on the data that's taken from the
8 phone.

9 Q Okay. And have you done that numerous times?

10 A Yes, I have.

11 Q And essentially, able to get certain, sometimes,
12 photos in that phone, text messages in that phone --

13 A Yes.

14 Q -- among other things?

15 A Yes, sir.

16 Q As well as sometimes you're able to obtain the phone
17 number to that phone?

18 A Yes.

19 Q All right. Were you assigned to do some work in a
20 case involving Defendants Veneshia Oliver and Darrell Clark
21 under Event Number, among others, 200800114539?

22 A Yes, sir.

23 Q How many phones total, sir?

24 A I believe it was five phones, five phones total.

25 Q Okay. Let's start with Exhibit No. 142. Do you

1 recognize this phone?

2 A Yes.

3 Q It's got the corresponding event number pertaining
4 to this case?

5 A It does.

6 Q Okay. In particular, did you -- did you identify
7 here what phone that was?

8 A Yes, it's a Motorola phone. The IMEI is listed
9 there and the model number. It's a Motorola cell phone.

10 Q Okay. Showing you Exhibit No. 143. Is this just a
11 different view of that phone?

12 A Yes. These are digital photographs of the phone in
13 question.

14 Q 144? Correct?

15 A Yes.

16 Q And 145?

17 A Yes, that's the SIM card and the tray.

18 Q Okay. Were you able to get any information off of
19 this phone, sir?

20 A The only information was off the SIM card, the cell
21 phone number associated with that SIM card.

22 Q Okay. Were you able to get the -- essentially, an
23 analysis on the internal contents of that?

24 A Of the device itself?

25 Q Yes.

1 A No, sir.

2 Q Okay. I'm showing you State's 152. Do you
3 recognize this, sir?

4 A Yes, sir. That's another -- another one of the
5 phones submitted for analysis, a black Android phone, made --
6 AT&T model, I believe.

7 Q Okay. 154, just the back of that phone?

8 A Yes, sir.

9 Q 156?

10 A That's the back side of the phone with the battery
11 removed and the back cover.

12 Q 157?

13 A Yes, sir. That's the SIM card that came with the
14 phone and the SD card, the memory card that came with the
15 phone.

16 Q Okay. Do you remember if you were able to get into
17 this phone?

18 A I was able to get information off the SIM card and
19 off the SD card, the memory card.

20 Q You said you were not?

21 A I was.

22 Q Okay, and what did you get?

23 A Off the SIM card, I got the cell phone number. And
24 off the SD card, I believe there was several pictures that I
25 took off that SD card, that memory card.

1 Q Okay, but none of significant value?

2 A No, not that I -- not that I could tell.

3 Q Showing you 166. I know this is fuzzy, sir. Let me
4 show you a different one. 167?

5 A It looks to be another one of the phones I did an
6 analysis on.

7 Q 169?

8 A Yes, that's the SIM card with that phone.

9 Q 170?

10 A Yes, same SIM card.

11 Q Is a better picture of the front of that 164?

12 A Yes, black iPhone.

13 Q Okay. What were you able, if anything, to obtain
14 from this?

15 A Nothing significant off that phone; appeared to
16 maybe have been wiped.

17 Q What do you mean by that?

18 A There was no information on there, no personal
19 information as far as pictures, text messages, or anything
20 like that.

21 Q Showing you 158. Do you recognize that, sir, or do
22 you want me to zoom in more?

23 A I recognize that. It's one of the other phones I
24 did analysis on.

25 Q State's 159. Is that the phone just sitting next to

1 it?

2 A I can't see that picture.

3 Q Oh, I apologize.

4 A Yes, it is.

5 Q State's 160?

6 A It's the back of the same phone.

7 Q 161?

8 A The same phone with the cover removed.

9 Q 162?

10 A Just zoom-in of the IMEI number and the model
11 number.

12 Q And State's 163?

13 A The SIM -- that's the SIM card and the memory card
14 -- additional memory card that was inside the SIM tray inside
15 that phone.

16 Q Were you able to get anything in this phone?

17 A Yes. I was able to get the pictures off the SD
18 card, the 120-gigabyte SD card, and the phone number off the
19 SIM card.

20 Q Okay. Do you remember the phone number?

21 A Not off the top of my head, no. I could probably
22 review it in my report.

23 Q If I show you your report, would it refresh your
24 memory?

25 A It would.

1 MR. LEXIS: May I approach, Judge?

2 THE COURT: Yes.

3 BY MR. LEXIS:

4 Q Just review that, sir. Let me know when you're
5 done.

6 A The cell phone that --

7 Q One second, sir. Did that refresh your memory?

8 A It does.

9 Q Okay. What was -- the phone that I'm showing to you
10 just now, what is that phone number?

11 A The phone number associated with that device is
12 702-684-3090.

13 Q Were you also able to get some pictures off that
14 phone?

15 A Off the device itself, no. Just the SD card, the
16 additional memory card.

17 Q Sir, I'm showing you State's 176. Do you recognize
18 this?

19 A I do. That's -- I did analysis on that phone also.

20 Q State's 147?

21 A The same phone with the case removed.

22 Q State's 149?

23 A It's a zoom-in of the -- of the SIM card and the SIM
24 tray that came with that device.

25 Q Were you also able to get a phone number off this

1 phone?

2 A I was.

3 Q Okay. What was that phone number?

4 A The phone number associated with the device,
5 702-559-1574.

6 Q Sir, I believe you said 702-555-1574. Would it
7 refresh your memory if I showed you your report, whether it
8 was -- if it was a different number?

9 A Yes.

10 Q Okay.

11 A My apologies. 702-559-5174.

12 Q Basically, you just mixed up two of the digits,
13 correct?

14 A Yes, sir.

15 Q Okay. What else were you able to retrieve off that
16 phone?

17 A I was able to retrieve a full file system from the
18 phone; basically, most of the contents that's on the phone.

19 Q Okay. Showing you State's 134, do you recognize
20 this?

21 A Yes, I do.

22 Q What is it?

23 A A photograph taken from the device in question.

24 MR. HART: What was the number on that again?

25 MR. LEXIS: 134.

1 BY MR. LEXIS:

2 Q State's 135?

3 A Another photograph taken from the device.

4 Q State's 136?

5 A It's another photograph on the device.

6 Q And zooming in here, it's basically showing the
7 phones and the corresponding phone numbers?

8 A Yes.

9 Q State's 137?

10 A Another photograph --

11 Q Do you recognize that?

12 A -- taken off the device.

13 Q State's 138?

14 A Other photographs taken from the device.

15 Q State's 139?

16 A More photographs taken from the device.

17 Q Okay. Can you read those names to me of these
18 Social Security cards?

19 A Madison Elaine Williams. Kylon Antonio Williams.
20 Patricia Ann Williams. Patricia Ann Williams-Jones. Madison
21 Elaine Williams.

22 Q Were you also able to retrieve some text messages?

23 A From the device in question, yes, sir.

24 Q Okay. And this is off the pink phone?

25 A Yes, the phone with the pink case.

1 Q Showing you State's 140. Do you recognize these
2 strings?

3 A I do.

4 Q Let me zoom in. Sorry. Before we go into content,
5 let me just ask you, were you able to -- I take it -- the
6 green indicates what?

7 A The green indicates the device that the cell -- the
8 message was sent from, the device in question where the
9 extraction was done. All the text messages taken from that
10 phone that were sent from that phone are all in green.

11 Q Okay. So the -- the phone with the pink case, is
12 that the green -- in green?

13 A Yes.

14 Q Okay. And, again, that was the phone number ending
15 5174?

16 A Yes, sir.

17 Q In the blue, were you able to determine what phone
18 number that was coming from?

19 A Yes. It states -- if you look at the message
20 caption -- message bubble in the top left there, it states the
21 number of the sender.

22 Q Okay.

23 A If there's no name in there, it'll just default to
24 the -- the phone number.

25 Q And was that from one of the phones that you

1 analyzed?

2 A Yes.

3 Q And was that from the phone number ending 3090?

4 A Yes.

5 Q Okay. So, starting with that, let's just go down.

6 Tell me the date and what it says.

7 A What's up? What's up? Ready to work or what, on
8 the 21st of August. You talking to me? Wow. Now you want to
9 hear what I got to say? Yes, or I can go alone. I got the
10 tools, but I guess so. Where are you? Hmm. Right, I'm --
11 Ima come get tools, and you play with that lie. Please leave
12 my shit out. Thanks. WYA?

13 Typically, that stands for where you at.

14 I'm at Tuscany, about to walk to Bally in 10
15 minutes. Let me know when you -- when you on way -- when you
16 on way. Yep. Hurry, please. Damn, you so foolish, boy.
17 Yep. Tuscany. Okay. Have you left? Yes. You at Bally's?
18 Because I'm here. Hello?

19 Q And, again, sir, just start with the date and keep
20 going down.

21 A Hello, where you at? J. You said meet you at
22 Bally's? Told you Tuscany. On the way. You said meet you at
23 Bally's. I play a lot but it's cool.

24 Could you slide it down just a little bit? The
25 other way. I'm sorry.

1 Whatever. Man, hurry up. Where you at up in here?
2 I play a lot but it's cool. Whatever. Man, hurry up. Where
3 you at up in here? Can I get a cigarette? Mine are at the
4 bottom of my purse.

5 Q And, again, that was coming from the pink phone?

6 A Yes, sir.

7 MR. LEXIS: No further questions, Your Honor.

8 THE COURT: Any cross-examination, Mr. Arnold?

9 MR. ARNOLD: You know what, no, Your Honor.

10 THE COURT: All right. Any cross-examination, Mr.
11 Hart?

12 MR. HART: No, I don't. No, Your Honor.

13 THE COURT: All right. Any questions by our jurors?
14 No questions.

15 Sir, thank you for your testimony. You are excused.

16 THE WITNESS: Thank you, sir.

17 THE COURT: Next witness for the State?

18 Ms. Cole, who's our next witness?

19 MS. COLE: The State calls Rebecca Finger.

20 THE COURT: Thank you.

21 THE MARSHAL: Watch your step. Raise your right
22 hand and face the Clerk. Once she swears you in, slide your
23 chair in forward to that red light. Make sure you speak loud.

24 THE WITNESS: Okay.

25 //

1 REBECCA FINGER, STATE'S WITNESS, SWORN

2 THE CLERK: Thank you. Please have a seat, and
3 state and spell your first and last name for the record.

4 THE WITNESS: Rebecca Finger. R-e-b-e-c-c-a.
5 Finger, F-i-n-g-e-r.

6 THE COURT: Go ahead, counsel.

7 MS. COLE: Thank you, Your Honor.

8 DIRECT EXAMINATION

9 BY MS. COLE:

10 Q Good morning, Ms. Finger. Where do you currently
11 live?

12 A I live in Columbia, South Carolina, at 809 Irwin
13 Park Circle, Unit 206, Columbia, South Carolina, ZIP Code
14 29201.

15 Q And did you come and visit Las Vegas around August
16 of 2020?

17 A Yes. I went from August 20th to August 23rd.

18 Q Okay. And specifically, where did you stay when you
19 came to Las Vegas at that -- on -- during those dates?

20 A At the Paris Hotel.

21 Q Okay, and that's the Paris Hotel here in Las Vegas,
22 Clark County, Nevada?

23 A Yes, correct.

24 Q Okay. And do you recall what room number you were
25 staying in?

1 A 2186, I believe.

2 Q Okay. And who was staying in there with you?

3 A Brooke Bargholtz, Marissa Metro, Inga Williams, and
4 Kate Berry.

5 Q And what were you guys doing in Las Vegas?

6 A We were there celebrating Inga's birthday for the
7 weekend.

8 Q Okay. And specifically, directing your attention to
9 August 21st, 2020, were you in the Paris on that date in -- on
10 that date, on that specific date?

11 A Yes, we were.

12 Q And did you and your friends -- where did you guys
13 go in the morning on August 21st, 2020?

14 A At 7:45 A.M., we left our room to go down into the
15 lobby of the Paris Hotel to get crepes and coffee at a café
16 there.

17 Q Okay. And do you recall what time you came back?

18 A We came back to our room by about 8:30.

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

21 A Yes. We -- once we opened the door, we saw that
22 there were scratch marks on the door. And then, when we
23 walked into the room, we saw that there was a cell phone
24 laying on the bed that didn't belong to anyone that was
25 staying in the room. And then I noticed that my backpack was

1 missing, and from there, we started to look around and notice
2 that we had gotten our stuff taken from our room.

3 Q Ma'am, showing you State's stipulated Exhibit No.
4 41, what are we looking at here?

5 A This is the door to go into our room.

6 Q Okay, and that's your room number right there?

7 A Yes.

8 Q Okay. I think you indicated that was 2186?

9 A Yes.

10 Q Looking at State's stipulated Exhibit 43, what are
11 we looking at right here?

12 A Um-hum. So that's when you open the door, the
13 scratch marks that we could see that was made on the lock.

14 Q Okay. And showing you State's Exhibit 45, what are
15 we looking at right here?

16 A This is another detailed picture of the lock on the
17 door that had the scratch marks on it.

18 Q And when you were referencing to the damage that you
19 noticed on your door, this is what you were talking about?

20 A Yes, correct. Yeah, this is the scratches that we
21 saw on the door.

22 Q And then showing you what's been marked as State's
23 46, what are we looking at right here?

24 A This is the other part of the door that had the
25 scratch marks on it where the lock was located that we noticed

1 once we opened the door.

2 Q Okay. So the door is actually open right there, and
3 that's the inside of the lock?

4 A Um-hum. Yes.

5 Q Okay. And showing you State's 47, what are we
6 looking at here?

7 A This is another picture of the lock with the scratch
8 marks on it. The door is open here.

9 Q All right. Now, you specifically mentioned that
10 there was some -- some of your property was missing?

11 A Um-hum.

12 Q Let's go back to that. What specifically did you
13 notice was missing?

14 A So I noticed that my backpack was missing, my Apple
15 Watch, a phone charger, and a pair of headphones.

16 Q And a pair of what?

17 A Headphones.

18 Q Headphones?

19 A Um-hum.

20 Q What kind of headphones?

21 A Apple headphones, the plug --

22 Q Like the AirPods?

23 A The plug-in one, yeah. They, like, cost like \$20.
24 Not the fancy AirPods, just the plug-in ones.

25 Q Just the regular Apple iPhones?

1 A Yes.

2 Q Or earbuds?

3 A Ear -- yeah, sure. Yes.

4 Q Okay. Did you have any other personal property that
5 was taken?

6 A I had a credit card and a debit card that was in my
7 backpack.

8 Q And were those taken?

9 A Yes, those were stolen.

10 Q When you realized that those cards were stolen, did
11 you contact your credit card company?

12 A Yes. I went on my phone, and I locked both of the
13 cards to report --

14 Q Okay, you locked both of them?

15 A Yeah, as a way to report them missing.

16 Q Okay. And, ma'am, I'm going to approach and show
17 you what's been marked as State's Exhibit No. 23 --

18 A Okay.

19 Q -- and then State's Exhibit No. 18. Can you just
20 take a look at those briefly?

21 A Um-hum.

22 Q Do you recognize those documents?

23 A Yes. This is my credit card statement, and this is
24 a debit card statement.

25 Q Okay. Can I have those, please?

1 A Did you want this?

2 Q Yes.

3 A Okay.

4 Q You can give me that, too. Okay. And, ma'am, I'm
5 showing you State's Exhibit No. 23. I'm going to zoom in on
6 here. What did you recognize these documents as?

7 A This is my debit card, the one that had gotten taken
8 that's linked to my checking account.

9 Q Okay. And is this the last four of that card
10 number?

11 A 9984. Yes, correct.

12 Q Okay. And this, I believe you said, was linked to
13 your actual bank account?

14 A Yes.

15 Q Okay. And that was your bank account -- is that in
16 the top left-hand corner?

17 A Yep, Old National Bank.

18 Q Okay. And then, looking at your account number, is
19 that, in fact, the correct account number that's associated
20 with that debit card?

21 A Yes, it is.

22 Q Okay. And, again, this is the card that we're
23 referring to?

24 A Yes.

25 Q And the last four of that card are?

1 A 9984.

2 Q Thank you. And then, looking at State's Exhibit No.
3 18, what did you identify these documents as?

4 A This is my credit card statement.

5 Q Okay. Let me just get to the top hand corner. And
6 what are the last four of this card?

7 A 4786.

8 Q Okay. And this -- what company was your credit card
9 through?

10 A Visa.

11 Q Okay. Was it also -- what's the name in the top
12 left-hand corner?

13 A Oh, Capital One. Um-hum.

14 Q And it was specifically a Visa card?

15 A Yes, a Visa card, Capital One company.

16 Q Okay. And then that is, in fact, your name right
17 there at the bottom?

18 A Yes, it is.

19 Q With your address?

20 A Yep.

21 Q Thank you. And were those two of the cards that
22 were taken on that date and time?

23 A Yes, those are the two cards that were taken.

24 Q And those were also the two cards that you
25 immediately reported stolen with the appropriate companies?

1 A Yes.

2 Q Showing you State's Exhibit No. 130, did you have an
3 Apple Watch?

4 A Yes. This is the Apple Watch that I had that got
5 taken.

6 Q Okay, so there's a black strap on it?

7 A Yep. That's my watch.

8 Q And that's consistent with the Apple Watch that you
9 had taken?

10 A Yes.

11 MS. COLE: And for the record, that's going to be
12 State's 130.

13 BY MS. COLE:

14 Q Now, ma'am, specifically, are you familiar with the
15 serial number on that watch?

16 A Yes, I remember how the serial number starts.

17 Q Okay.

18 MS. COLE: And Court's brief indulgence.

19 BY MS. COLE:

20 Q Okay, ma'am, and showing you what's been marked as
21 State's Exhibit 99, do you, in fact, recognize that serial
22 number?

23 A Yes, that's the serial number of my Apple Watch.

24 Q Okay. And can you just go ahead and read that into
25 the record?

1 A Yes. It is GJ9CRL0ZJ5X0.

2 Q Okay. And when this property was stolen, were you
3 able to give that specific serial number to law enforcement?

4 A Yes.

5 Q And did you have that memorized, or you had access
6 to it?

7 A I had access to it. I had the box that I had bought
8 the watch in at my house.

9 Q Okay. So you were then able to give that
10 information to law enforcement?

11 A Yep.

12 Q And in fact, confirm that that was the specific
13 serial number?

14 A Yes.

15 Q Now, during your stay at the Paris Hotel, did
16 anybody have permission to be in your room besides Brooke,
17 Marissa, Kate, and Inga?

18 A No.

19 Q Did any of them give anybody else permission to be
20 inside your room?

21 A No.

22 Q Did anybody have permission to take your or use your
23 property?

24 A No.

25 Q And specifically, your credit cards?

1 A No.

2 Q Did you buy anything at a Target on Maryland Parkway
3 when you were in Las Vegas?

4 A No, I did not.

5 Q And you didn't authorize anybody to do that?

6 A No.

7 Q And, ma'am, did you allow this individual sitting
8 right here to use any of your property or to enter into your
9 room?

10 A No.

11 Q You've never seen that person?

12 A No.

13 Q Okay, and what about the female?

14 A No.

15 Q Did she have permission to use any of your property?

16 A No.

17 Q Your credit cards?

18 A No.

19 Q Did she have permission to enter your room?

20 A No.

21 Q And, ma'am, in talking about your Apple Watch, can
22 you tell us what the value of that was?

23 A \$300.

24 Q Okay, and you also had a backpack. Did you have a
25 computer or anything in that backpack?

1 A No, just the backpack. That was \$45.

2 Q Okay. And what about your headphones?

3 A \$20.

4 MS. COLE: I'll pass the witness, Your Honor.

5 THE COURT: Any cross-examination, Mr. Arnold?

6 MR. ARNOLD: Yes.

7 CROSS-EXAMINATION

8 BY MR. ARNOLD:

9 Q Ma'am, on that morning of August 21st, it was you
10 and your three friends in the room?

11 A There was four. Brooke, Inga, Marissa, and Kate.

12 Q Okay, so four. And you're -- I'm assuming those
13 were all women; is that correct?

14 A Correct.

15 Q Were there any men in that room at that time?

16 A No.

17 Q Any men in there prior to the police coming?

18 A No.

19 MR. ARNOLD: No further questions for this witness.

20 THE COURT: Thank you. Mr. Hart, any
21 cross-examination?

22 MR. HART: No, Your Honor.

23 THE COURT: All right. Any questions by our jurors?
24 Actually, any redirect by the State?

25 MS. COLE: No, Your Honor.

1 THE COURT: Any questions by our jurors? No
2 questions. Ma'am, thank you for your testimony. You are
3 excused.

4 THE WITNESS: Thank you.

5 THE COURT: Next witness for the State?

6 MS. COLE: And, Your Honor, at this time, the State
7 calls Detective Mann.

8 THE MARSHAL: Watch your step. Raise your right
9 hand and face the Clerk. Once she swears you in, slide your
10 chair forward right to that red light and make sure you speak
11 loud.

12 DETECTIVE DAVID MANN, STATE'S WITNESS, SWORN

13 THE CLERK: Thank you. Please have a seat, and
14 state and spell your first and last name for the record.

15 THE WITNESS: Yes, it's David Mann. D-a-v-i-d,
16 M-a-n-n.

17 THE COURT: Go ahead, counsel.

18 MS. COLE: Thank you, Your Honor.

19 (Pause in the proceedings.)

20 MS. COLE: All right, I apologize.

21 DIRECT EXAMINATION

22 BY MS. COLE:

23 Q Good afternoon, Detective Mann. Where do you work?

24 A For Las Vegas Metropolitan Police Department.

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

1 A For 13 years.

2 Q And what is your current assignment right now?

3 A At Convention Center -- Convention Center Area
4 Command Patrol Investigations as a detective.

5 Q Okay. And when you say Convention Center area, what
6 specific area is that?

7 A On the Las Vegas Strip.

8 Q Okay. Can you give us specifics? Is that your only
9 area, or does it encompass more?

10 A It encompasses a little bit more, but primarily, the
11 Las Vegas Strip and its surrounding areas.

12 Q And were you working in that specific assignment in
13 June of 2020?

14 A I was.

15 Q And specifically, June of 2020 through August of
16 2020?

17 A I was.

18 Q And did you -- were you the investigate -- or were
19 you the detective assigned to investigate a series of
20 burglaries that was happening during that time period at the
21 Harrah's Hotel and Casino?

22 A I was.

23 Q And did you become aware that there was also some
24 room burglaries that were occurring at the Paris Hotel and
25 Casino?

1 A I was.

2 Q And who was assigned to investigate the burglaries
3 that were occurring at the Paris?

4 A Detective Byrd.

5 Q And did you get in touch with Detective Byrd?

6 A I did.

7 Q In speaking with him and investigating with him, did
8 you realize anything about your burglary series and his
9 specific burglary series?

10 A Yes, all the doors were pried to gain access to the
11 rooms.

12 Q Okay. And when you say pried, can you describe that
13 in a little bit more detail?

14 A Yeah. All the doors by the door latch was pried
15 with some kind of small, hard object, similar to a
16 screwdriver.

17 Q Okay, and you noticed that that was unique. Why was
18 that unique?

19 A Because door pries on the Las Vegas Strip are
20 extremely rare. They almost never happen.

21 Q Okay. And how long have you specifically been a
22 detective working on the Strip?

23 A Four years.

24 Q Okay. And in your training and experience and your
25 time on the Strip, this is something you've noticed as unique?

1 A Absolutely.

2 Q In working with Detective Byrd, did you eventually
3 develop some suspects?

4 A I did.

5 Q And was that a male and a female?

6 A They were.

7 Q Okay. Can you identify their names? And if you see
8 them in court, please identify them in court.

9 A Yes. Darrell Clark and Veneshia Oliver.

10 Q Okay.

11 A Am I okay to stand up?

12 Q Yes.

13 THE COURT: Yes.

14 MS. COLE: You can stand up, sir.

15 THE WITNESS: Okay. Darrell Clark, black male adult
16 wearing a white shirt, and Veneshia Oliver, a black female
17 adult also wearing a white shirt.

18 MS. COLE: Your Honor, may the record reflect
19 identification of the defendants?

20 THE COURT: It will.

21 BY MS. COLE:

22 Q So, Detective, let's just start going through each
23 of the specific events. Starting with an event that occurred
24 on June 15th, 2020, who was the named victim in that event?

25 A Esther Chae.

1 Q Okay. And when you -- when you got involved in that
2 investigation, what did you know?

3 A I'm sorry?

4 Q When you became involved at that investigation, what
5 did you know?

6 A That there was a robbery that occurred at the
7 Harrah's Hotel. Esther Chae was the named victim. She
8 returned to her hotel room, and the -- her key card wouldn't
9 work. When she tried to swipe it, she could hear voices from
10 inside the hotel room. She attempted to call hotel security.

11 And then a black male adult suspect exited Esther
12 Chae's room, grabbed her by the throat, pushed her up against
13 the wall, and stole her cell phone. The black male adult then
14 ran towards the elevators. Shortly thereafter, a black female
15 adult exited Esther Chae's room, asked her why she was
16 screaming, and then also followed the black male adult.

17 Q Okay. And, sir, did you also have an opportunity to
18 prepare a photo lineup with Ms. Chae?

19 A I did.

20 Q Okay. And I'm showing you what's been marked as
21 State's Exhibit No. 80. And, sir, is this, in fact, the photo
22 lineup you did present to Ms. Chae?

23 A That's correct.

24 Q Now, when you conducted this photo lineup, was it in
25 person or over the phone?

1 A Over the phone.

2 Q And while you were doing it over the phone, was the
3 conversation being recorded?

4 A It was.

5 Q And subsequently, that conversation was then
6 transcribed?

7 A That's correct.

8 Q Okay. When you sent this photo lineup to Ms. Chae,
9 did you, in fact, read these instructions?

10 A I did.

11 Q Okay. And is this your signature at the bottom of
12 this page?

13 A It is.

14 Q Okay. And you reminded her that it's just as
15 important to free innocent persons from suspicion as it is to
16 identify those who are guilty?

17 A I did.

18 Q Did you tell her that she had to identify somebody?

19 A No.

20 Q Showing you page 2 of State's Exhibit 80. Was this,
21 in fact, the six-pack that you showed Ms. Chae?

22 A It is.

23 Q Okay. And when you first showed it to her, what was
24 her response?

25 A That she could not identify anyone.

1 Q Okay. And then did you proceed to talk to her about
2 the investigation --

3 A I did.

4 Q -- and what had occurred?

5 A I did.

6 Q Okay. And at the end of the conversation, did you
7 bring up the photo lineup again?

8 A I did not.

9 Q What did you specifically say at the end of the
10 conversation?

11 A I asked her if she had anything else to add to the
12 interview.

13 Q And at that point, what did she say, or what did she
14 do?

15 A She interrupted me, and she picked out Person No. 4.

16 Q Okay, and this is No. 4?

17 A That's correct.

18 Q Okay. And showing you page 3 of State's 80, that
19 is, in fact, Darrell Clark?

20 A That is.

21 Q And did she tell you how certain she was when she
22 picked -- when she picked No. 4?

23 A She did.

24 Q And what was that?

25 A 50 percent.

1 Q And that, again, aligns with what she wrote down and
2 sent back to you?

3 A That's correct.

4 Q Okay, and what did she base her identification on?

5 A Based on his nose and mouth.

6 Q Thank you. Now, sir, did you collect video
7 surveillance from this event occurring on June 15th at the
8 Harrah's?

9 A I did not.

10 Q Okay, and why did you not get video surveillance?

11 A I requested it, but Harrah's surveillance had not
12 saved video and did not retain it.

13 Q Okay. And you've worked on the Strip for several
14 years. Do you have any control or power over the casinos and
15 their retention rates?

16 A I don't. They're all private entities.

17 Q And do you -- do you specifically recall how long
18 Harrah's retention rate is?

19 A Approximately seven days.

20 Q Okay. And is it an ordinary practice and procedure
21 that when you are, in fact, assigned to a case, you request
22 video surveillance in the ordinary course?

23 A Correct.

24 Q Okay, and that's what you did in this case?

25 A Correct.

1 Q And you did not receive any?

2 A That's correct.

3 Q And your understanding was -- why didn't you receive
4 any?

5 A Because they didn't save video, and it was past its
6 retention period.

7 Q Is this uncommon in your work?

8 A No.

9 Q Have you experienced this before?

10 A Absolutely.

11 Q Okay, sir. And specifically, you mentioned Esther
12 Chae's phone?

13 A I did.

14 Q Now, that was a piece of evidence, correct?

15 A It was.

16 Q Was that phone tested for DNA?

17 A I'm sorry, say that again.

18 Q Was that phone tested for DNA?

19 A It was not.

20 Q And why not?

21 A I wasn't there on scene. By the time that I became
22 involved with the case was several days later, and that
23 evidence was already contaminated, so testing it after that
24 wouldn't have been possible.

25 Q Okay. And when you say contaminated, can you

1 explain what you mean by that?

2 A Yeah. The phone would have been touched multiple
3 times by Esther Chae, put down on tables, surfaces; put down
4 on beds, nightstands, things like that. It would have
5 contaminated the evidence.

6 Q Okay. And would that have made any sort of, you
7 know, trying to retrieve fingerprints or DNA difficult?

8 A Absolutely.

9 Q Okay, and why is that?

10 A Because it would have come in contact with so many
11 different surfaces and been touched so many times, the
12 evidence would have been altered.

13 Q Okay. Thank you, sir. Now, specifically talking
14 about after the June 15th, 2020 investigation with Esther Chae
15 at the Harrah's, you also investigated an event on August 6th,
16 2020. Do you remember the victims in that case?

17 A Yes, it was Bertha Geradeau and Latoya Gustus.

18 Q Okay. And, again, sir, when you were assigned to
19 this particular event, what did you do?

20 A I requested video on --

21 Q Okay. And, again, you request video in the ordinary
22 course when you're assigned a case?

23 A Correct.

24 Q Okay. So that's abnormal for you to -- that's not
25 abnormal for you to request video?

1 A No.

2 Q Okay. And what happened when you attempted to get
3 video surveillance?

4 A Once again, video was not saved, and it was past its
5 retention period.

6 Q Okay. And, again, was this in the custody and
7 control of Harrah's?

8 A It was.

9 Q And does the Las Vegas Metropolitan Police
10 Department control Harrah's?

11 A No, we do not.

12 Q Okay, sir. Did you speak with Ms. Geradeau?

13 A I did.

14 Q Okay, and did she explain to you that she had some
15 property stolen?

16 A She did.

17 Q Okay. Were you able to send her a photo of
18 potential property that was taken?

19 A I was.

20 Q Okay. And did she, in fact, identify some of that
21 property?

22 A She did.

23 Q Sir, showing you what's been marked as State's 96,
24 is this, in fact, the photo that you received from Ms. Bertha
25 Geradeau?

1 A It is.

2 Q Okay. And those items that are circled, are those
3 what she identified as property that she had taken from her --

4 MR. HART: Your Honor, at some point, I have to
5 object to the leading.

6 MS. COLE: I'll rephrase, Your Honor.

7 THE COURT: All right, thank you.

8 BY MS. COLE:

9 Q What are we looking at, sir?

10 A We're looking at a photograph that I sent Bertha
11 Geradeau that she returned to me circled with items that --
12 that were hers, that were of her stolen property.

13 Q Okay. And when you were initially assigned to the
14 case, did she give you a detailed list of her property?

15 A She did.

16 Q Okay, and what did that list include?

17 A That list included -- it included Gucci shoes, Gucci
18 sandals, a blue Gucci bag, a brown and black Gucci bag, a
19 Louis Vuitton wallet, and three pairs of sunglasses; it was
20 Versace, Gucci, and Tom Ford.

21 Q Okay. And when you identified this photo, that
22 reminded you of her property?

23 A Correct.

24 Q Okay. Now, to your knowledge, was this property
25 ever recovered?

1 A No.

2 Q Okay, sir. Moving on to an event that you
3 investigated on August 23rd, 2020, do you recall the victims
4 that were involved in that particular investigation?

5 A Yes. It was Jewell Love, Raven Hough, Devonica
6 Jones, and Patricia Jones.

7 Q Okay, is she also known as Patricia Williams-Jones?

8 A Yes, she is.

9 Q Okay. And what did you do when you got assigned to
10 this specific event?

11 A I requested video right away.

12 Q Okay. And when you requested video, what happened?

13 A Investigator Tony Lemons for Harrah's reached out to
14 me and said that they had coverage of the incident.

15 Q Okay. And you were able to review video
16 surveillance --

17 A I was.

18 Q -- from that day at Harrah's?

19 A I was.

20 Q Okay. And tell us a little bit about that video
21 surveillance in your investigation.

22 A Video showed a black male adult suspect and a black
23 female adult suspect arrive in a Desert Cab. The female
24 suspect walked approximately 10 to 15 yards in front of the
25 male suspect. The male suspect was wearing a blue and white

1 striped shirt, and when he exited the cab, he didn't have a
2 backpack. The female proceeded to go into the casino with the
3 male following approximately 10 to 15 yards behind her.

4 Q Okay. Sir, I'm going to stop you right there.

5 A Okay.

6 Q When you say approximately 10 to 15 yards behind
7 her, can you describe that a little bit more and the
8 significance of that?

9 A Yeah. She was -- she was walking in front of him,
10 and it's not uncommon for suspects that are working together
11 to split apart to avoid detection and drawing attention to
12 themselves.

13 Q Okay. And you said that the black male exited the
14 cab without a backpack?

15 A That's correct.

16 Q Okay. And why is that significant?

17 A Because video later showed that he went down with a
18 backpack that was later identified as one of the victim's.

19 Q Okay. So when the male and female suspect entered
20 into the Harrah's, what, if anything, did the female have with
21 her?

22 A She had a large black bag with a copper C on it.

23 Q Okay. And can you describe this bag a little bit
24 more?

25 A Sure. It was a -- it was a black bag. It had white

1 and black stripes on either side and a large copper C on the
2 -- on the front of it.

3 Q Okay. And when the two go into the Harrah's on
4 August 23rd, do they split up or stay together?

5 A They split up.

6 Q Okay. Do they stay split up the entire time?

7 A No. Eventually, they come down the elevators
8 together, and they sit in the same slot area and play slots,
9 but not sitting directly next to each other.

10 Q Okay. And after the suspects are depicted in the
11 slot area, what did you see after that?

12 A The black female suspect ends up going up to the
13 rooms, and the black male suspect stays down and continues to
14 play slots.

15 Q Okay. And just to clarify, is there any video
16 surveillance in the hallways at the Harrah's?

17 A No, there's not.

18 Q There is, in fact, elevator surveillance?

19 A Yes.

20 Q Okay, and so that's what you're referring to? She
21 was specifically in an elevator?

22 A Yes.

23 Q Okay. Okay, then what happens after that?

24 A The black male suspect continues to play slots. At
25 9:38 P.M., his cell phone rings. He answers, has a brief

1 conversation on it, and then continues to play slots for about
2 three more minutes, and then he also takes the elevators up
3 into the rooms.

4 Q Okay. And you specifically noted that timestamp in
5 your report; is that correct?

6 A I did.

7 Q Okay. And what did you learn about that phone call
8 at that time?

9 A At that time or through the investigation?

10 Q Through your -- yes, the -- I'm specifically
11 referring to the phone call. I believe you said it was at
12 what time?

13 A At 9:38.

14 Q Okay. What did you learn that was significant about
15 that?

16 A Once we got the call detail records back from our
17 TAZ section, it returned positive that the call came from the
18 female suspect.

19 Q Okay. And do you recall the last four digits of
20 that number?

21 A I don't.

22 Q Okay. Would looking at your report help to refresh
23 your recollection?

24 A Yes, it would.

25 MR. HART: And, Your Honor, I'll object to the

1 foundation on the question.

2 THE COURT: I'm sorry, I can't hear you.

3 MR. HART: I'll object based on foundation for the
4 question.

5 THE COURT: You are or are not?

6 MR. HART: I am.

7 THE COURT: Okay. Well, right now, counsel's just
8 going to see if --

9 MS. COLE: I'm sorry, Your Honor?

10 THE COURT: Right now, counsel's going to see if the
11 -- if the document will refresh his recollection. Is that
12 correct?

13 MS. COLE: Yes, Your Honor. Court's brief
14 indulgence.

15 THE WITNESS: And I'm sorry, ma'am, are you asking
16 for the male's phone number or the female's?

17 MS. COLE: The female's.

18 THE WITNESS: Okay.

19 THE COURT: Sir, did you put the female's phone
20 number into one of your reports, sir?

21 THE WITNESS: No, that was in the call detail
22 record.

23 THE COURT: And what does that mean, sir?

24 THE WITNESS: That was the report generated by our
25 TAZ section. Once the suspects' phones were taken into

1 custody, Detective Byrd did what's called a --

2 MR. ARNOLD: I'm going to object at this point, Your
3 Honor.

4 THE COURT: I'm sorry?

5 MR. ARNOLD: I'm going to object. Can we go in the
6 back?

7 THE COURT: All right. Ladies and gentlemen, we're
8 just going to -- just please stay in your seats as I meet with
9 counsel in the back.

10 (Bench conference begins.)

11 MR. ARNOLD: This is Attorney Carl Arnold. I made
12 an objection. I cut off the witness because the witness was
13 about to give hearsay testimony in regards to a call detail
14 record that was not put together by himself, nor was the
15 information contained in there put in by himself, and then
16 what he's going to attempt to do is go ahead and link the
17 phone number to Ms. Oliver.

18 He doesn't have any basis in regards to going ahead
19 and linking that number other than information that was given
20 to him by other parties. Therefore, my hearsay is -- my
21 objection is based upon hearsay.

22 MR. HART: And foundation.

23 MR. LEXIS: Judge, he could obviously testify as to
24 his knowledge as one of the lead detectives in gathering this
25 information. Absolutely, those numbers have already come into

1 -- come into evidence, Judge. If you remember, the girl gave
2 her number to the cab driver. That came out in evidence.
3 They were then -- that -- the phone, that number was then
4 recovered, as you heard from the last guy, and that phone
5 matched up.

6 In addition, you will hear -- also hear evidence
7 that -- from the other cab company, if you remember, Rico, you
8 will also hear evidence soon that he gathered -- that he used
9 the name Rico with Darrell Clark, and that was his phone
10 number. Go ahead, Madilyn.

11 MS. COLE: Yeah. And, Your Honor, I would just
12 reiterate that -- Madilyn Cole for the State. As part of his
13 position as the lead detective, he's absolutely aware of what
14 other parts of Metro complete in his investigation. Just like
15 he would get results on fingerprints or DNA, he would have
16 access to the result -- to the results from TAZ. Because he
17 is, in fact, the lead detective, he's aware of that, he has
18 personal knowledge of that, and so I believe it's appropriate
19 for him to testify to that.

20 THE COURT: So he's about to testify that this
21 number relates to -- what's her name?

22 MS. COLE: Ms. Oliver.

23 THE COURT: Ms. Oliver.

24 MR. HART: Veneshia Oliver.

25 MR. ARNOLD: Yeah, but you asked him a very specific

1 question, Your Honor, and then he started talking about a call
2 detail record. A call detail record, again, was not put
3 together by him. I don't care if he testifies that, hey,
4 Veneshia Oliver said what her phone number was to the taxicab
5 guy, but he can't bring it in the way that he's trying to
6 bring it in now.

7 THE COURT: Okay. Well, there's been testimony of
8 her number to the taxicab driver, correct?

9 MR. ARNOLD: Correct.

10 THE COURT: Okay, so we have that in evidence.

11 MS. COLE: Correct.

12 THE COURT: So he's going to testify here that that
13 number relates to her?

14 MS. COLE: That that number is associated with her,
15 yes.

16 THE COURT: Mr. Arnold, don't we already have
17 testimony that that number does relate to her?

18 MR. ARNOLD: Right, but again, Your Honor, it's
19 important that he can't get it from the call detail record
20 because that's hearsay. It has to come in the right way, and
21 the right way would be that he reviewed the tape and heard
22 Veneshia Oliver say that that was the phone number; otherwise,
23 it's hearsay.

24 He can't sit there and just bring in hearsay
25 information for the next 45 minutes or however long he's going

1 to testify just because he reviewed it or -- in a report
2 because if he's able to do that, there's a whole bunch of
3 reports that I know he did review, incident reports from
4 Harrah's that I could bring in that hearsay information and
5 get it involved. We can --

6 MR. LEXIS: Okay.

7 THE COURT: Did he review the video?

8 MR. LEXIS: These are -- these are -- these are --

9 MS. COLE: Yes, Your Honor.

10 THE COURT: Okay, then just go from there. Because
11 if she represents her phone number in the video, then he can
12 say, I reviewed the video.

13 MR. HART: You're still --

14 MR. LEXIS: In addition, these are T-Mobile records
15 that I asked you guys about, if you need the custodian of
16 records. He's -- that's with the call detail records that are
17 in --

18 MR. ARNOLD: I don't --

19 MR. LEXIS: -- that he's referring to.

20 MR. ARNOLD: I don't need those; you guys need
21 those.

22 MR. LEXIS: Well, hold on. You told me --

23 THE COURT: All right, one at a time.

24 MR. LEXIS: -- I didn't need the COR.

25 MR. ARNOLD: Yeah. You don't need the COR, but you

1 still need foundation in regards to how this detective knows
2 about that number. He can't just --

3 MR. LEXIS: Okay.

4 MR. ARNOLD: -- sit up there and go through reports
5 that he did not create.

6 THE COURT: Well, for right now, if --

7 MR. ARNOLD: (Indiscernible) has the independent
8 information in regards to how he has that knowledge.

9 THE COURT: Okay, Judge Villani. So, just so it's
10 clear, if he's reviewed the video from the cab, he can testify
11 that that number relates to her, at least that she's
12 represented that number to be hers.

13 MS. COLE: Right.

14 THE COURT: Can you get -- can you get through his
15 testimony that way?

16 MS. COLE: Your Honor, I believe the cab video that
17 he has reviewed is in regards to Rico and that phone number.

18 THE COURT: Okay.

19 MS. COLE: I'm not sure if the -- I'm not sure where
20 the basis of him knowing that phone number is different
21 besides the call detail records.

22 MR. ARNOLD: Then he can't testify to it. If you
23 don't have a basis, and he's testifying from hearsay
24 information, then it's not allowable.

25 MS. COLE: And, Your Honor, Madilyn Cole for the

1 State. Quite honestly, we have the phone TAZ experts coming.
2 At this point, I can -- I can just say, did you notate this
3 phone call, and I can specifically have the TAZ expert say
4 what number that was and who that was associated with.

5 THE COURT: Why don't you do it that way --

6 MS. COLE: I'll just do it that way.

7 THE COURT: -- so it just keeps it cleaner? All
8 right, thank you.

9 MR. LEXIS: One other thing while everybody's back
10 here. I'm going to recall the phone dump guy. He made it
11 aware to me that he misstated where one of those pictures came
12 from on the phone. So I informed him that before comes,
13 testifies again, he needs to review his entire file so he can
14 double-check and verify, and that one of those photos is --
15 that he said belonged to one phone belonged to the other
16 phone, so I will be recalling him.

17 MR. ARNOLD: I'm going to object, Your Honor. They
18 had clear opportunity before they excused him to go ahead and
19 cure that error. It's a very noticeable error, and the photo
20 that they're getting ready to talk about is the picture of the
21 Social Security cards, which this expert got up there on the
22 stand and said it came from Veneshia Oliver's phone, and so
23 now he can't get a second bite at the apple and now switch his
24 testimony. That's not fair.

25 MR. LEXIS: Judge, I'll tell you what's fair and

1 what's in the interest of justice is having the correct
2 testimony, Your Honor. There's nothing to prevent me from
3 recalling a witness. I have -- and I have an obligation as a
4 prosecutor.

5 THE COURT: I'm going to allow this testimony --

6 MR. LEXIS: Thank you.

7 THE COURT: -- because if a witness said, you know,
8 upon further reflection -- defense counsel -- further
9 reflection, my testimony was in error, it relates to something
10 else, obviously, defense counsel can attack his credibility
11 for changing his testimony. If it's just -- if he misspoke,
12 or if he's -- some other motive, defense counsel can get into
13 that, but, yeah. So I'll allow you to recall him.

14 MR. LEXIS: Thank you.

15 THE COURT: And for this witness, just get around it
16 a different way.

17 MS. COLE: Yes. And for the record, I'm just going
18 to ask him about the phone call that he -- that he reviewed on
19 the video surveillance, and I won't go into specific numbers
20 or who that number was associated with.

21 THE COURT: So he will have the number he reviewed,
22 but he won't be able to say who it belonged to, correct?

23 MR. ARNOLD: Correct.

24 MS. COLE: All I'm going to have him do is say that
25 he saw Darrell Clark answer the phone at this certain time.

1 MR. LEXIS: Just so we're clear, too, when the TASS
2 guys come up here, they will absolutely -- he will absolutely
3 talk about that. I went flat-out up to both defense attorneys
4 and asked them if they wanted the T-Mobile COR. They told me
5 that's fine as long TAZ testifies. TAZ is going to testify,
6 and he will be talking about all that.

7 THE COURT: All right.

8 MR. HART: Yeah.

9 THE COURT: Be subject to perhaps some striking of
10 testimony if TASS doesn't testify that way.

11 MR. LEXIS: Thank you.

12 THE COURT: Thank you.

13 (End of bench conference.)

14 THE COURT: There was an objection to the last
15 question posed to this witness, and I'm going to sustain the
16 objection. So, counsel, rephrase your question, please.

17 MS. COLE: Thank you, Your Honor.

18 BY MS. COLE:

19 Q So, Detective Mann, you reviewed some video
20 surveillance from Harrah's on August 23rd, 2020?

21 A I did.

22 Q And you specifically, when watching that video, saw
23 the black male suspect answer the phone?

24 A I did.

25 Q Okay. Where was he located when he answered that

1 phone?

2 A In the slot machine area.

3 Q Okay, and what time was that phone call --

4 A Nine --

5 Q -- that phone call?

6 A 9:38 P.M.

7 Q After that phone call, what happens next?

8 A He continues to play the slot machines for
9 approximately three minutes and then goes up to the hotel
10 rooms as well.

11 Q Okay. And specifically, is there video surveillance
12 that you watched of him in the elevators or going to the
13 elevator bank?

14 A No, going to the elevator bank, and then going into
15 an elevator, but not of the actual -- him in the elevator.

16 Q And then what happens after that?

17 A Approximately 50 minutes later, the black female
18 suspect comes down alone, and then about a minute after that,
19 the black male suspect comes down. This time, he has a
20 backpack on.

21 Q Okay. And, sir, for the record, I'm showing you
22 what's been marked as State's 179. Is this the video that
23 you're referring to and the backpack?

24 A It is.

25 Q Okay. And can you describe what that individual is

1 wearing as well?

2 A As far as clothing or the backpack?

3 MR. ARNOLD: Well, I'm going to object at this
4 point, Your Honor. This testimony came out confusing. We're
5 looking at -- 179 is a photograph; that is not a video. And
6 it shows him standing in one place as opposed to coming down
7 the elevator, which is what this detective just testified.
8 I'd ask that his testimony be stricken and that we start this
9 all over again.

10 THE COURT: I think the question related to the
11 photograph, Detective. So, ladies and gentlemen, the last
12 answer from the detective is stricken. Counsel, just rephrase
13 your question -- or restate your question for the detective.

14 BY MS. COLE:

15 Q Sir, you referenced a backpack?

16 A I did.

17 Q Okay. What are we looking at in State's 179?

18 A A picture with the suspect and a backpack.

19 Q Okay. And did he have that backpack when he first
20 entered the Harrah's?

21 A He did not.

22 Q Okay. And you reviewed the video surveillance from
23 this day?

24 A I did.

25 Q Okay. And the day we're talking about is August

1 23rd, 2020?

2 A It is.

3 Q Okay. And you're saying that you -- when you
4 watched the video surveillance, there was a certain period of
5 time where he did not have the backpack?

6 MR. ARNOLD: Objection, leading.

7 THE WITNESS: That's correct.

8 THE COURT: I think she's just reiterating the
9 detective's testimony. I'm going to overrule the objection.

10 MS. COLE: Thank you.

11 THE COURT: Is that what you had stated, Detective?

12 THE WITNESS: That's correct, sir.

13 THE COURT: Okay. Next question.

14 BY MS. COLE:

15 Q Sir, and after you saw the male suspect with the
16 black backpack, what did you -- where was the other female
17 suspect?

18 A She continued to walk out of the Harrah's. She was
19 in front of him.

20 Q Okay. And, sir, in this -- in the beginning of your
21 testimony, in the beginning of the Harrah's video, you
22 referenced a cab?

23 A I'm sorry, what?

24 Q You referenced a cab?

25 A That's correct.

1 Q Okay. Did you find out that cab company name?

2 A Yes, it was Desert Cab.

3 Q Okay. Did you follow up and speak with the Desert
4 Cab manager?

5 A I did.

6 Q Were you able to obtain some video and some
7 receipts?

8 A I was.

9 Q And you were able to establish and get the video
10 receipts from that specific cab?

11 A I was.

12 Q That's depicted on the Harrah's video on 8/23/20?

13 A Correct.

14 Q Sir, as part of your investigation, did you have a
15 -- did you issue a search warrant to be issued to Facebook?

16 A I did.

17 Q Okay. And did you receive a Certificate of
18 Authenticity from Facebook and the requested records from
19 Facebook?

20 A I did.

21 Q Okay, and that included photos?

22 A It did.

23 Q Facebook posts?

24 A It did.

25 Q The documents from a specific account?

1 A That's correct.

2 Q And it also gave you subscriber information?

3 A It did.

4 MS. COLE: Brief indulgence as I locate the correct
5 exhibit. Did I grab 113 from you? Thank you.

6 BY MS. COLE:

7 Q Sir, I'm showing you what's been marked as State's
8 Exhibit No. 13 [sic]. What are we looking at here?

9 A The Certificate of Authenticity sent to me by
10 Facebook.

11 Q Okay. And this was attached with some records that
12 you received?

13 A That's correct.

14 Q Okay. Was this actually attached to the requested
15 subscriber information that you had requested for a specific
16 Facebook profile?

17 A It was.

18 Q Okay. Showing you page 2 of State's Exhibit 113.
19 And that specific Facebook, what was the subscriber
20 information that you received from Facebook?

21 A Darrell Clark.

22 Q Okay. And was there a specific vanity name or also
23 known as user name?

24 A Correct. Darrell.Clark.12139.

25 Q Okay, and what was the registered email address?

1 A DCmygreat@Gmail.com.

2 Q Okay. And this is, in fact, the information you
3 received from Facebook?

4 A That's correct.

5 Q Sir, I'm showing you page 3 of what's been marked as
6 State's 114. Where is this photo from?

7 A Darrell Clark's Facebook.

8 Q And this was a document that you, in fact, received
9 from Facebook?

10 A That's correct.

11 Q And it was page 120 of a Facebook business record?

12 A That's correct.

13 Q Okay. And showing you the first page of 114, is
14 this also the Certificate of Authenticity that you, in fact,
15 received from Facebook?

16 A That's correct.

17 Q Claiming that this photo was associated with a
18 specific account?

19 A Correct.

20 Q Okay, sir, and you've reviewed this?

21 A That's correct.

22 Q Is this, in fact, the photo that you showed Bertha
23 Geradeau?

24 A It is.

25 Q And, sir, can you tell us -- just zoom in. When was

1 that photo posted?

2 A That would have been on August 7th, approximately
3 7:41 P.M.

4 Q Okay. And when we're looking at this, what does the
5 actual record say?

6 A That says August 8th at 1:41, and that's --

7 Q And what time is that?

8 A And that's the Universal Time.

9 Q That's UTC time?

10 A Yes, UTC time.

11 Q Okay. So when you say August 7th, explain how you
12 did that conversion.

13 A Because Universal Time is seven hours ahead of us.

14 MR. HART: What was that exhibit number again?

15 MS. COLE: That was Exhibit No. 114.

16 BY MS. COLE:

17 Q Sir, showing you what's been marked as State's 116,
18 what are we looking at here?

19 A A picture from the Facebook page.

20 Q Okay. And this was part of the documents that you,
21 in fact, received from Facebook?

22 A That's correct.

23 Q Okay. And what's significant about this photo?

24 A It's a picture of the suspect wearing the same shirt
25 that he was seen wearing on the surveillance from August 23rd.

1 Q Okay. And can you describe that shirt for the
2 record?

3 A Yes, it's a light green and white striped t-shirt.

4 Q Okay. And what specific -- what specific video are
5 you referring to?

6 A The surveillance from Harrah's on August 23rd.

7 Q Okay. And, sir, showing you what's been marked as
8 State's 117, what are we looking at here?

9 A The same person in the same shirt.

10 Q And, sir, showing you State's 118, what are we
11 looking at here?

12 A Picture of the same suspect in the same shirt.

13 Q Sir, showing you State's 115, and it looks like this
14 is page -- that's the Facebook business record header, and
15 what's significant about this?

16 A This is a chat between Darrell Clark on his
17 Facebook, and he says, "What's up, bro? It's Rico." And that
18 is -- that's the same name that was provided to the Desert Cab
19 company the night that they requested a cab.

20 Q Okay. And, sir, you were able to review that cab
21 video from Desert Cab?

22 A I was.

23 Q And you were also able to review the call detail
24 records from that cab?

25 A Yes, I was.

1 Q Okay. And what was the name indicated on those call
2 detail records?

3 A Rico.

4 Q Sir, showing you -- I have one more Facebook photo
5 to show you, State's 188. Was this also from that same
6 Facebook page we've been referencing?

7 A It was.

8 Q Okay, and whose is that?

9 A That's Darrell Clark's Facebook.

10 Q Okay, and we're looking at several different photos?

11 A We are.

12 Q Now, sir, as part of your investigation, you
13 impounded a specific shirt?

14 A That's correct.

15 Q Do you know what shirt I'm referring to?

16 A I do.

17 Q Okay. Showing you State's Exhibit 104, what are we
18 looking at here?

19 A We're looking at a picture of the suspect wearing an
20 orange Tupac t-shirt.

21 Q Okay, and what's significant about that orange Tupac
22 t-shirt?

23 A Because that was stolen from Jewell Love.

24 Q Okay, and what event was that?

25 A On the August 23rd event.

1 Q Okay. Do you recall communicating with Jewell Love
2 about that stolen piece of property?

3 A I do.

4 Q Okay. Do you recall impounding this item into
5 evidence?

6 A I do.

7 Q And when you impounded this item into evidence, were
8 you able to check the size on the shirt?

9 A I was.

10 Q And what size was that?

11 A Large.

12 Q When Jewell Love gave you information describing the
13 property that was taken from her, did she describe this shirt?

14 A She did.

15 Q Okay. Did she identify this shirt as hers?

16 A She did.

17 Q Did she tell you what size it was?

18 A She did.

19 Q And that was consistent with the shirt that you
20 impounded?

21 A That was. She said it was a large shirt.

22 Q So, sir, as part of your investigation, you stated
23 that you retrieved some video -- some cab video from what
24 company?

25 A Desert Cab.

1 Q Okay. Showing you State's 186, is this, in fact, a
2 still photo from that video surveillance from Desert Cab?

3 A It is.

4 Q Okay. And is this the male suspect depicted?

5 A It is.

6 Q Okay. And is there anything specific you can
7 identify about this picture?

8 A Yes, a tattoo on his arm.

9 Q Okay. Which arm are you referring to?

10 A His right arm.

11 Q Okay. And if you could just circle what you're
12 referring to, your screen will actually let you touch. Okay.
13 Sir, showing you 187.

14 MS. COLE: Can we hit the computer?

15 BY MS. COLE:

16 Q Is this also a surveillance still from the video
17 that you retrieved from Desert Cab?

18 A It is.

19 Q Okay. And what's significant about this photo?

20 A The tattoos on his right arm, the Roman numeral --
21 numerals.

22 Q Okay. And can you please identify by circling what
23 you're referring to?

24 A Sorry, the screen's not working very well.

25 Q Thank you, sir. Showing you State's 183, what are

1 we looking at here?

2 A A tattoo of the suspect's left forearm.

3 Q Okay. And whose left forearm is this?

4 A Darrell Clark's.

5 Q Okay. What does that say?

6 A "Veneshia."

7 Q And showing you State's 185. What are we looking at
8 here?

9 A Picture of Darrell Clark's right forearm.

10 Q Okay, and what's depicted there?

11 A The same Roman numerals as on the Desert Cab video.

12 Q Showing you State's 184. What's depicted here?

13 A Darrell Clark's right arm.

14 Q Okay. And specifically, what's of importance in
15 this photo?

16 A The same matching photo -- or same matching tattoo.
17 I'm not sure how to describe it, but can I circle it?

18 Q Yes, please.

19 A That's the same tattoo that was observed in the cab
20 video.

21 Q Sir, and you were present when those photos were
22 taken?

23 A I was.

24 MS. COLE: Court's brief indulgence.

25 //

1 BY MS. COLE:

2 Q And, sir, briefly, I know in the beginning of your
3 testimony, we talked about some unique aspects of your events
4 and Detective Byrd's events. But specifically, in referring
5 to your event -- your events at the Harrah's, the three, the
6 6/15/2020 with Esther Chae, the 8/6/2020 with Bertha Geradeau
7 and Latoya Gustus, and 8/23/2020 with Jewell Love and Patricia
8 Williams, was there -- can you talk about the doors in those
9 specific instances?

10 A Yes. All the doors were pried to gain entry. All
11 of them were in the same location by the door catch plate.
12 All of them were similar in size to what I would call a small,
13 hard object, a pry device consistent with a screwdriver.

14 Q Okay. And, sir, in your training and experience,
15 are you familiar with door interrogation lock systems?

16 A That's correct.

17 Q Okay. And can you explain what those are?

18 A Yes. Lock interrogations are something that the
19 casinos can pull. Every casino has a different lock
20 interrogation system. Some of them read -- some of them are
21 more advanced than others, but basically, it will read when
22 your -- your guest card is registered into the -- to the lock
23 reader. It will read when you insert it. Some will tell you
24 when the door is opened; some won't.

25 Q Sir, if the guest card is not used, do you know if

1 those lock interrogation systems will read if the door is
2 opened or closed?

3 A Some of them will, yes.

4 Q Okay. And in this specific case, were door lock
5 interrogation records of importance?

6 A I wouldn't consider them as important because we
7 have time frames from the victims when they left, and it
8 wasn't a question of how entry was made. A lot of times, lock
9 interrogations will tell me if an employee's card was used, or
10 in some circumstances, if the door wasn't shut all the way.

11 In this circumstance, a lock interrogation wouldn't
12 provide much because the door was forced open, and no lock
13 interrogation that I'm aware of will tell you if the door is
14 forced open.

15 Q And, sir, also as part of your investigation, after
16 you did the six-pack photo lineup specifically with Esther
17 Chae, in speaking with Esther Chae, did she talk to you at all
18 about the female suspect?

19 A She did.

20 Q Okay. And did you show -- did you show Ms. Chae a
21 photo lineup of the female suspect?

22 A I did not.

23 Q And why was that, sir?

24 A Because through investigation, I learned that the
25 female suspect changes appearance quite often and wears wigs

1 and heavy makeup. And due to the fact that Esther Chae only
2 got a brief view of the female suspect, and that was after a
3 traumatic incident, afterwards, when she was grabbed by the
4 throat, I felt that identifying the female in a -- in a photo
5 lineup would have been -- wouldn't have been reasonable.

6 Q Okay, sir, and that's a decision that you thoroughly
7 thought about and subsequently made?

8 A Correct.

9 MS. COLE: I'll pass the witness, Your Honor.

10 THE COURT: Any cross-examination, Mr. Arnold?

11 MR. ARNOLD: Yes, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. ARNOLD:

14 Q Sir, do you know who Tony Lemon is?

15 A I do.

16 Q And through the course of your investigation, did
17 you talk to Tony Lemon?

18 A I did.

19 Q And did Tony Lemon inform you, as he informed us a
20 couple of days ago, that the lock interrogation, that you can
21 tell when the door opens; that it will send off a signal to
22 the data-collecting machine? Did he tell you that?

23 A I'm not sure of your question.

24 Q What I'm saying is, once the door is breached, and
25 it's opened, Mr. Lemon advised us in his testimony that

1 there's a signal that goes off that allows us to know when the
2 door has been breached. You did not find that out in your own
3 investigation?

4 A I didn't. I'm not -- I'm not aware of that.

5 Q Right. You didn't ask him, but we asked him. So it
6 wasn't -- and you're saying that wasn't important to your
7 investigation?

8 A No. The -- the investigation is a burglary. The
9 investigation --

10 Q Well, let me stop you there. Burglary is the
11 entering into an establishment. You have to enter into it in
12 order for there to be a burglary; isn't that correct?

13 A I'm aware, yes.

14 Q And so if there's data telling us the exact time the
15 door was breached open, wouldn't that be relevant to your
16 investigation?

17 A To my knowledge, the lock interrogation will not
18 tell you if the door is breached open.

19 Q Because you didn't ask him the question; we did. So
20 let me help you out here. When that time goes off, and we
21 know that the door was opened, wouldn't that assist you in
22 then going back into your video surveillance at Harrah's and
23 then matching the time when someone would have gotten on the
24 elevator and left?

25 A Surveillance automatically reviews from the time

1 that the victim said they left to the time that they returned.

2 Q Did you review that video?

3 A I did not. I -- those -- those systems are
4 extremely complicated, and I don't know how they operate those
5 systems.

6 Q But you just sat up here and told us that, bottom
7 line, you saw a video of someone with a blue and white striped
8 shirt coming downstairs in the elevator with a backpack. So
9 you didn't --

10 A That's correct.

11 Q -- see that, did you?

12 A No, I did see that video.

13 Q And how did you see that video? You just told me
14 that you didn't know how to work the video, so how did you see
15 that video?

16 A No, no, no, that's -- that's not what I said.

17 Q Well, let's get clear.

18 A I said -- I said that I couldn't --

19 THE COURT: Hang on. Answer your -- answer the
20 question. Go ahead, sir.

21 THE WITNESS: I do not know how to operate the
22 systems from the casinos, but I know how to play the video
23 once the casino surveillance provides me video.

24 MR. ARNOLD: Okay.

25 BY MR. ARNOLD:

1 Q Can you look into your notes and tell us where we
2 can -- since we have the video, where we can look at the
3 Harrah's video, under what time frame that we can see a person
4 with a blue and white striped shirt with a backpack that
5 supposedly matches the description of the backpack of Ms.
6 Love? Can you tell us in your notes what time that video
7 happened?

8 A I could look at my reference photos that I submitted
9 with my packet.

10 Q You didn't write that down somewhere, the time as to
11 when that person came down the elevator with that backpack on
12 there?

13 A I took a screenshot of it and submitted it with my
14 report.

15 Q The only screenshot that we saw was a screenshot --
16 what was that? 176, and that screenshot was someone standing
17 in front of a machine. In front of that machine is not coming
18 down the elevator; wouldn't you agree?

19 A Correct. That's him standing at an ATM.

20 Q So do you have a screenshot of a person in the
21 elevator with a blue and white striped shirt and a black --
22 and a backpack?

23 A Not in the elevator. No, I don't.

24 Q Okay. So leads me back to my original statement.
25 You don't know when that backpack got on that man's back?

1 A No, I do not.

2 Q You've spent time with my client, Mr. Clark, haven't
3 you?

4 A I have.

5 Q You've been face-to-face with him, haven't you?

6 A Correct.

7 Q Do you recognize that he barely has any eyebrows, or
8 they're very, very lightly faded?

9 A That I didn't note.

10 Q You didn't note that?

11 A I didn't.

12 Q You're a detective.

13 A Okay.

14 Q Okay, and you spent a lot of time with him?

15 A I wouldn't say a lot of time.

16 Q Oh, now we're backing off the time. How long did it
17 take you to interview him?

18 A I didn't do an interview with him.

19 Q Okay, but you noticed that he had tattoos all over
20 his body; isn't that correct?

21 A That's correct.

22 Q And those tattoos stand out; isn't that correct?

23 A That's correct.

24 Q And you were the individual that put together the
25 photo lineup for Esther Chae; isn't that correct?

1 A Correct.

2 Q And you developed -- or you were able to find a
3 photo of my client well after he was arrested in this case;
4 isn't that correct?

5 A That's correct.

6 Q Okay. Do you recall the date as to when you sent
7 this photo lineup by email to Esther Chae?

8 A I do not.

9 MR. ARNOLD: Is the photo lineup up here?

10 MS. COLE: Yes.

11 MR. ARNOLD: May I approach with State's Exhibit 80,
12 Your Honor?

13 THE COURT: Yes.

14 BY MR. ARNOLD:

15 Q Does this refresh your recollection as to the date?

16 A Correct. It was August 31st, 2020.

17 Q Who signed this?

18 A I did.

19 Q Okay. She didn't sign it; you signed it, right?

20 A Correct.

21 Q Okay. And so you put the date, August 31st, so
22 that's the date that it was actually emailed to her?

23 A Correct.

24 Q And then it was sent back to you, and then you
25 signed this and put in all this information that we see on

1 Exhibit 80; is that correct?

2 A Correct.

3 Q She told you specifically during this conversation,
4 initially, she couldn't identify him; is that correct?

5 A That's correct.

6 Q Secondly, that she was only 50 percent sure; is that
7 correct?

8 A Correct.

9 Q And the thing that stood out to her was his nose and
10 his mouth; is that correct?

11 A That's correct.

12 Q She didn't say anything about tattoos?

13 A She did not.

14 Q And you recall, too, the most important thing about
15 this was that she was being choked by whoever this individual
16 was?

17 A That's correct.

18 Q And she didn't say anything about his eyes?

19 A She did not.

20 Q She didn't say color eyes, no -- no eyebrows up
21 there?

22 A She did not.

23 Q She didn't say anything of that nature?

24 A She did not.

25 Q Now, real quick, you said you impounded that shirt,

1 the orange Tupac shirt, right?

2 A That's correct.

3 Q Did you bring it to court today?

4 A I did not.

5 Q Do you have a picture of the tag in the back?

6 A I do not.

7 Q So we're just taking your word that it was a large?

8 A Yes.

9 Q You don't have a picture or anything for us to show
10 us? It's not an extra large; it's not a medium; it's not a
11 small?

12 A It's not.

13 Q And so there's no picture to show us the tag. You
14 have the shirt, though, right?

15 A That's correct.

16 Q Where's it at? The evidence locker up the --

17 A The evidence vault.

18 Q And that's just right up the street, right?

19 A Correct.

20 Q And you didn't bring it down here for us?

21 A I did not.

22 Q So we have to take your word as to whether that was
23 a large as opposed to a extra large, or a small, or a medium,
24 right?

25 A That's correct.

1 Q Do you remember -- can't think of her name. Jewell,
2 Jewell Love. Do you remember Ms. Love?

3 A I do.

4 Q And you had conversations with Ms. Love after the
5 date that it happened, which was August 23rd?

6 A Correct.

7 Q And in that conversation that you had with Ms. Love
8 over on the -- I believe it was the 26th, didn't Ms. Love
9 inform you, you know what, I still think the person that stole
10 everything out of the room was my cousin?

11 A That's correct.

12 Q So she did tell you that?

13 A Correct.

14 Q That's different than what she told us on the stand
15 yesterday. You said you never had any conversation with Mr.
16 Clark?

17 A The -- well, define conversation.

18 Q You talked to him? You said, hello, my --

19 A Yeah, we said hello. Yes.

20 Q My name's Detective; your name's Mr. Clark. Did
21 y'all speak? Didn't Mr. Clark advise you that he had a
22 relationship with Ms. Oliver?

23 A No, he didn't.

24 Q Okay. You found that out through Facebook and
25 everything like that?

1 A That's correct.

2 Q Okay, but you never asked him that?

3 A No.

4 Q Okay. Was Detective Byrd the one that interviewed
5 him?

6 A I don't know if he interviewed them or not.

7 Q Okay.

8 MR. ARNOLD: Court's indulgence.

9 (Pause in the proceedings.)

10 MR. ARNOLD: We'll come back to that one.

11 BY MR. ARNOLD:

12 Q Now, let's go to Harrah's. There were a whole bunch
13 of room entries between June and August; is that correct?

14 A Are you speaking of room burglaries?

15 Q Yes, sir.

16 A Correct.

17 Q And it was more than just the three that happened or
18 are being charged in this case?

19 MR. LEXIS: Judge, may we approach?

20 THE COURT: All right, let's -- I'll meet up with
21 counsel in the back.

22 MR. LEXIS: Yeah.

23 (Bench conference begins.)

24 THE COURT: Yes, Mr. Lexis?

25 MR. LEXIS: Chad Lexis for the State. I think this

1 is getting into a shady area, to say the least, Judge, when it
2 comes to -- you've heard numerous times from defense counsels,
3 and we've gone through great lengths to not talk about any
4 other events than this event. You have admonished us not to
5 talk about any other event other than this event -- the events
6 charged, and defense counsel wants to go and start talking
7 after we've had 20, 30 witnesses up there about different
8 events? It's absolutely ridiculous, and I'd ask that you
9 admonish the jury to strike the last question and comment.

10 THE COURT: All right. Mr. Arnold?

11 MR. ARNOLD: This is Mr. Arnold. What we asked Your
12 Honor to do is make sure we weren't talking about events that
13 happened at Bally's. However, there are multiple events that
14 happened at Harrah's, even that they were attempting to relate
15 to my client.

16 THE MARSHAL: His client has to use the restroom.

17 THE COURT: I'm sorry, what?

18 THE MARSHAL: His client has to use the restroom.

19 MR. HART: What a shock.

20 THE COURT: Okay.

21 MR. ARNOLD: But again, there were several --

22 THE COURT: We'll be out in just a minute.

23 MR. ARNOLD: There --

24 MR. HART: Do you want to just read the admonishment
25 to them real quick, and then we can come back, Your Honor?

1 I'm not trying to tell you how to run your courtroom.

2 THE COURT: Yeah, I don't want her to have an
3 accident, so.

4 MR. HART: Neither do I.

5 THE COURT: Let's go in, I'll read the admonishment,
6 then we can -- we can handle this in open court then.

7 MR. LEXIS: Okay.

8 (End of bench conference.)

9 THE COURT: Ladies and gentlemen, since our lengthy
10 break this morning, I think we've been in court now for about
11 two hours, so let's take our mid-afternoon break. We'll come
12 back at three o'clock. It's about 12 minutes 'til three.

13 So during this mid-afternoon recess, you must not
14 discuss or communicate with anyone, including fellow jurors,
15 in any way regarding this case or its merits either by voice,
16 phone, email, text, internet, or other means of communication
17 or social media. You're not to read, watch, or listen to any
18 news, or media accounts, or commentary about the case. You're
19 not to do any research such as consulting dictionaries, using
20 the internet, or using reference materials. You're not to
21 make any investigation, test a theory of the case, recreate
22 any aspect of the case, or in any other way investigate or
23 learn about the case on your own, and you are not to form or
24 express an opinion regarding this case until it's finally
25 submitted to you.

1 We'll see you back around three o'clock. Thank you.

2 THE MARSHAL: All rise for the exit of the jury.

3 (Outside the presence of the jury.)

4 THE COURT: And, Detective, if you can have a seat
5 out front. You can be in one of the hearing -- in the waiting
6 rooms or out front, wherever you feel comfortable with.

7 THE WITNESS: Thank you, Your Honor.

8 THE COURT RECORDER: Are we off the record, Judge?
9 Nothing outside the presence?

10 THE COURT: Right. Well, we're just going to wait
11 because we need Ms. Oliver to take a personal break, so.

12 THE COURT RECORDER: Okay.

13 THE COURT: If anyone else needs a quick personal
14 break, then please do so.

15 (Pause in the proceedings.)

16 MR. HART: Thank you for your patience, Your Honor.

17 THE COURT: All right. Well, we're just waiting for
18 Ms. Oliver to return.

19 MR. HART: Probably could do it outside her
20 presence, Your Honor.

21 THE COURT: Pardon?

22 MR. HART: We can probably do this outside her
23 presence.

24 THE COURT: No, we are, but I'm waiting for Ms.
25 Oliver to return.

1 MR. HART: Okay, well --

2 THE COURT: Can't argue something if your client's
3 not around. All right, and Ms. Oliver has now returned.

4 I think the sidebar we had out in the other room was
5 an objection by Mr. Lexis. It appeared that Mr. Arnold was
6 asking about other room burglaries. Mr. Lexis, go ahead.

7 MR. LEXIS: Judge, not only is that outrageous, I --
8 and I ask the Court to strike that from the question; quite
9 frankly, I believe Mr. Arnold opened the door to several
10 things.

11 Number one, as you're aware, 8/6 is one of our
12 events. Carl -- Mr. Arnold flat-out asked this detective, are
13 you aware of any other events? On the same day, Judge, as one
14 of the events that came in, Emely Armenta is a victim of the
15 Harrah's room burglary. Her Social Security card was taken,
16 and guess what, it was found during the sting operation on
17 Oliver. Absolutely relevant, absolutely opened the door.

18 You better believe I -- I submit to the Court that
19 we should be able to ask this detective, was there another
20 event, just like Mr. Carl Arnold said, on the same day, August
21 6th? Who'd it involve? Emely Armenta. And then we are
22 absolutely prepared to bring in the fact that that -- the
23 Social Security card in her name is against Oliver.

24 Number two, he also had asked as far as are you
25 aware of any other room burglaries. We also have a Facebook

1 message that shows the defendant saying, I got a firearm out
2 of a room. And guess what, when he was caught during the
3 sting, he has a firearm in his -- on his person.

4 I didn't ask the question. We've been doing
5 everything we can to preserve and just go on the fence. Mr.
6 Arnold comes up and wants to use as a sword against the State
7 and ask this man so he can argue later on, oh, you're -- what
8 other events to insinuate that, you know, other burglaries are
9 going on, and it could be someone other -- someone other than
10 his client. Well, guess what, that evidence comes absolutely
11 back to his client.

12 THE COURT: Okay. Mr. Arnold?

13 MR. ARNOLD: We can get all emotional, yeah, but
14 still, the simple fact is there were a whole bunch of
15 burglaries that happened there. They can go and pick whatever
16 one they want; they can't tie my client in the room in any of
17 these burglaries. Mr. Hart might have a different opinion;
18 however --

19 MR. HART: Oh, I'll get there.

20 MR. ARNOLD: -- I'm free on every single room
21 burglary that happened at Harrah's did not involve my client.
22 So --

23 THE COURT: Well, I understood from Mr. Lexis -- and
24 you know, I don't have those documents that there was a Social
25 Security card in his -- within his items on -- for an August

1 6th theft.

2 MR. LEXIS: No, that was on --

3 MR. ARNOLD: Not his items.

4 MR. HART: No.

5 MR. LEXIS: That was on the co-defendant, Judge.

6 THE COURT: Okay.

7 MR. LEXIS: The other thing that was the --

8 MR. HART: And, Your Honor -- hold it. Can I
9 interject now at this point?

10 MR. LEXIS: Okay.

11 MR. HART: Yeah. If it's coming in, I'm asking for
12 a mistrial; I'm asking for bifurcation. I've got a speed bump
13 sitting next to me right now that's getting rolled under a bus
14 that's coming through. It's that simple because if he -- Mr.
15 Arnold can't open the client for my -- or the door for my
16 client, okay? That's pretty damn simple.

17 THE COURT: Okay, and then on the --

18 MR. HART: Doesn't need a genius on that one.

19 THE COURT: Okay, then on the --

20 MR. HART: So he doesn't get to open the door as to
21 my client here. So I am at this time moving for a severance,
22 Your Honor.

23 THE COURT: All right, and then there was an issue
24 of a firearm. Whose effects --

25 MR. LEXIS: Yes.

1 THE COURT: Who was that found in -- with?

2 MR. LEXIS: It --

3 THE COURT: Was that Ms. Clark or Mr. Oliver?

4 MR. LEXIS: Judge, that is Mr. Clark's Facebook
5 saying that he got a firearm from Caesars. In addition, that
6 firearm is stolen, and these detectives are well aware that
7 the firearm on the defendant, when recovered, is stolen --

8 THE COURT: Mr. --

9 MR. LEXIS: -- from the Caesars room.

10 MR. ARNOLD: We don't care about the firearm being
11 stolen from Caesars. He's already admitted to having the
12 firearm on him. The firearm charge is a wash; he's going to
13 be found guilty on that. There's no evidence of him pushing
14 doors or anything at Caesars, okay? Caesars is not part of
15 the Indictment. Harrah's is part of the Indictment, and
16 that's where we believe we can talk about these other
17 incidences that my client was not involved in.

18 THE COURT: Well, you're asking him, was he involved
19 in other -- weren't there other burglaries --

20 MR. ARNOLD: At Harrah's.

21 THE COURT: Okay.

22 MR. ARNOLD: Because this detective is solely the
23 detective for Harrah's.

24 MR. LEXIS: Judge, I don't believe you can pick and
25 choose as a defense attorney what evidence can come in, if

1 it's not good for your client, and what evidence can't. If he
2 wants to bring up other -- we're involving multiple hotels in
3 this case. If he wants to bring up -- blanket bring up
4 multiple other burgs, then that opens the door to other burgs.

5 In addition, Judge, I highly disagree with Mr.
6 Arnold telling you, I could care less about this firearm.
7 Well, yes, he has a firearm on him, but it -- this open-door
8 evidence that it's taken from a room and that it's stolen
9 wouldn't come in unless we get into the other -- the other
10 acts, the other bad acts.

11 MR. ARNOLD: Yeah, but you didn't bring a motion for
12 the bad acts, so you can't get into it.

13 MR. LEXIS: You opened the door.

14 THE COURT: Okay.

15 MR. ARNOLD: And I only opened the door --

16 THE COURT: So the Social Security card was from --
17 that's relating to Ms. Clark -- Oliver; is that correct?

18 MR. HART: Yes, Your Honor.

19 THE COURT: Okay, and at which hotel?

20 MR. HART: From Harrah's.

21 THE COURT: And then the firearm is from Caesars
22 Palace, and that relates -- or allegedly relates to Mr. Clark,
23 correct?

24 MS. COLE: Yes, and --

25 MR. HART: That'd be the SIG Sauer --

1 MS. COLE: Your Honor, for the record --

2 MR. HART: -- .40 cal.

3 MS. COLE: -- that firearm that is taken from
4 Caesars is the same exact serial number as the firearm that
5 Defendant Clark is recovered with. Furthermore, in his
6 Facebook messages, he writes a message that he got this
7 specific firearm from a room at Caesars.

8 So I don't know what Mr. Arnold is talking about.
9 If he wants to open up the door to other acts, I think that's
10 absolutely relevant evidence because he's actually recovered
11 with the firearm on his person, that doesn't involve Ms.
12 Oliver, and it's his Facebook and his Facebook message that
13 he's talking to somebody about selling a firearm that he got
14 from Caesars. And the State can absolutely prove that that
15 was, in fact, stolen from a room at Caesars Palace. That
16 comes back to the same exact serial number of the firearm that
17 he's recovered with.

18 MR. ARNOLD: And, Your Honor, again, the question
19 that was objected to was a question, was there any other
20 burglaries, room robberies at Harrah's, not Caesars, not
21 Paris, not Bally's, not anywhere else. That's what this
22 detective -- he was assigned to investigate, and I should be
23 allowed to go into his investigation between the time period
24 of June 2020 to August 2020.

25 MR. LEXIS: Judge, I mean, if you think about it, if

1 we had a series of somebody punching somebody at the Aria and
2 the Bellagio, and during that time -- same time frame, there's
3 some -- an uncharged act at Bally's, it'd be ridiculous to
4 think that defense counsel could use as a sword with the
5 detective, oh, so there was no other -- no other incidents, or
6 was there other incidents, and just specify it as one
7 location. Obviously, you can't just pick and choose which
8 hotels to bring evidence up and try to tell the State, oh, no,
9 you can't bring it up at another location because it's not
10 there.

11 MR. ARNOLD: I'm just picking and choosing --

12 THE COURT: What -- how many incidents are we
13 looking at, Mr. Arnold?

14 MR. ARNOLD: There's at least -- well, the
15 information that I wanted to get out of him is what I
16 mentioned in the opening statement. There are 59 guests
17 between August 6th and August 7th, and 32 of those guests had
18 their rooms burglarized. That was the first piece of
19 information.

20 The second piece of information that I wanted to get
21 out of him was an investigation he did in regards to Anna
22 Salazar (phonetic). Again, there is no information or
23 evidence that my client was inside that room. And that
24 happened -- I believe that was the 7th, right? Salazar? The
25 6th.

1 THE COURT: And if the detective testifies, well, we
2 haven't been able to tie him into those, but we think he's
3 involved, then what are you going to do?

4 MR. LEXIS: We have one other piece of information I
5 think you should know about.

6 MS. COLE: Yeah. Judge, this is also an important
7 piece of information. So, in reference to Emely Armenta,
8 whose Social Security card is found on Defendant Oliver, her
9 room was burglarized on August 6th, the same day as Bertha
10 Geradeau. That testimony's been admitted into evidence.

11 That video -- or that still of his Facebook photo
12 where he's selling stolen property, and Bertha circles the
13 things that are stolen of hers, Detective Mann also presented
14 that photo to Emely Armenta, and she also circled different
15 property that was stolen from her room on the same date at the
16 same hotel. So, obviously, if anything is relevant, that's a
17 very important piece of evidence that Mr. Arnold has opened
18 the door to.

19 He asked specifically, were there any other room
20 burglaries during this time. He's saying he stated
21 specifically at the Harrah's, so he can't open that door and
22 then not allow the detective to tell the truth that there
23 absolutely was other events that came back to his client. If
24 Mr. Arnold's going to try to use that there's some alternate
25 suspect, then the State is entitled to show that if there were

1 other room burglaries, his client was responsible for them.

2 MR. ARNOLD: Well, there is another alternate
3 suspect. You guys introduced that evidence yesterday. And
4 so, bottom line, they can't sit here and say that it was my
5 client. There's evidence of other males inside the rooms.
6 And so, again, the bottom line, they have no evidence of my
7 client in any of these rooms, which is what our contention was
8 from the very beginning.

9 THE COURT: All right. Again, I'd go back to the
10 question. What if the detective says, we think he's involved,
11 but we don't have enough evidence today?

12 MR. ARNOLD: He has no evidence, exactly.

13 THE COURT: No, but you --

14 MR. ARNOLD: Just like the other ones.

15 THE COURT: No, but you're going to ask, wasn't
16 there other burglaries, right? Other room break -- other room
17 break-ins?

18 MR. ARNOLD: Correct.

19 THE COURT: And then your next question would be --
20 was that it?

21 MR. ARNOLD: No, I want to ask him that. He's just
22 going to say, yes, there were other burglaries. And did you
23 have any information tying my client into those burglaries,
24 and he's going to say no.

25 MS. COLE: But, Your Honor, that's absolutely

1 incorrect. He does have other information, and he can't say
2 and ask were there other burglaries and have Detective Mann
3 essentially lie because there, in fact, was a burglary on the
4 same exact day wherein he interviewed Emely Armenta, whose
5 Social Security card was found on Defendant Oliver, and gave
6 her the same photo that he gave Bertha, and Emely Armenta
7 subsequently circled items of property that she identified as
8 hers.

9 THE COURT: Well, Mr. --

10 MR. ARNOLD: Well, that's your offer of proof --

11 THE COURT: Mr. Arnold, if you ask him, is there --

12 MR. ARNOLD: Why don't we just --

13 THE COURT: -- do you have information tying my
14 client into it --

15 MR. ARNOLD: Why don't we --

16 THE COURT: -- and he says yes --

17 MR. ARNOLD: He's not going to say yes because he
18 didn't charge those.

19 THE COURT: Well, doesn't mean that he -- just
20 because he didn't charge doesn't mean he doesn't have evidence
21 tying him into it.

22 MS. COLE: Correct.

23 MR. ARNOLD: The reason --

24 THE COURT: He can say, not enough to convict, but I
25 have evidence.

1 MR. ARNOLD: The reason why they dropped them is
2 because there was no evidence. We can call him in and ask him
3 outside the presence of the jury.

4 MR. LEXIS: The reason we didn't -- we dropped those
5 charges with Emely Armenta is because she was unavailable this
6 week.

7 MR. ARNOLD: What about Anna Salazar?

8 THE COURT: Well, Mr. -- if you focus in on Harrah's
9 only --

10 MR. ARNOLD: Right.

11 THE COURT: -- okay, I'll allow that. But if you
12 ask, is there any evidence tying him into these room
13 break-ins, and the detective says yes -- you know, just
14 because they didn't charge him, he may say, well, I've got a
15 tip. I have, you know --

16 MR. ARNOLD: Honestly, Your Honor --

17 MS. COLE: And, Your Honor --

18 MR. ARNOLD: -- I would have probably just said stop
19 after he just admitted to the fact that there are a whole rash
20 of robberies other than the three that are charged in the
21 Complaint. I didn't have a follow-up question.

22 MS. COLE: And, Your Honor, at this point, we have
23 admonished our detective ad nauseam to not discuss any other
24 events than the three specific he testified. So if he is
25 asked, I can imagine he's going to follow the law and follow

1 the ruling that this Court has made that he is not to discuss
2 any other events. And so I don't think that we can just wait
3 for his answer because he's going to say no, thinking that
4 he's doing what he's supposed to do in front of the jury, that
5 he's not supposed to talk about any uncharged events because
6 he knows those aren't specifically charged. So if we're going
7 to see how that goes, then the detective needs to be made
8 aware that he is permitted to testify to the truth and that he
9 can discuss other events.

10 MR. ARNOLD: Hold on for a second. Can I confer
11 with Mr. Hart --

12 THE COURT: Sure.

13 MR. ARNOLD: -- Your Honor?

14 THE COURT: Go ahead.

15 (Pause in the proceedings.)

16 MR. ARNOLD: I mean, at this point, again, Your
17 Honor, I did not have a follow-up question other than there
18 are other -- there were three charged in this case, however,
19 there was a rash of robberies between June and August of 2020.
20 I didn't have a follow-up after that.

21 MR. HART: I believe he -- okay. I believe Mr.
22 Arnold meant to say burglaries.

23 MR. ARNOLD: Burglary.

24 MR. HART: But like I said, I want to make it
25 perfectly clear, Mr. Arnold's questions do not get to open the

1 door against my client and other uncharged acts. I mean, we
2 already have, you know, the video from Bally's. I understand
3 where we were. We'll hold it. It's a Bally's elevator, you
4 know, or (indiscernible) Paris. We've got about -- on the
5 exhibit, if they open it, we still have --

6 THE COURT: Right, I understand -- I understand
7 where you're coming from, but wouldn't --

8 MR. HART: But --

9 THE COURT: -- the State be allowed to say, is your
10 investigation continuing on these other matters? And I'm
11 assuming he's going to say yes because they don't drop it if
12 the --

13 MR. HART: We're still --

14 THE COURT: And then is it -- is it going to make
15 it, perhaps, look bad on your client, Mr. Arnold?

16 MR. ARNOLD: No, they do drop it, Your Honor. They
17 closed the book on this case after they picked up these two.
18 They didn't do any further investigation. We all know that.
19 I mean, we've been around police enough.

20 THE COURT: Yeah, but they still have closed --
21 what's it called? Closed case, or what's it called? Cold
22 case.

23 MR. ARNOLD: Yeah, it might be a open case, but
24 they're not doing any investigation on it.

25 THE COURT: I don't know if he knows if there's a

1 cold case detective.

2 MR. LEXIS: Yes. He can't say that, Judge. In
3 addition --

4 MR. ARNOLD: He's moved on. We both know that,
5 Judge.

6 MR. LEXIS: Judge, I'm fine with, as we originally
7 started at the beginning of this trial, for you to admonish
8 them to disregard the last question and answer and continue
9 on. This opens up a host of other bad acts that go against
10 both of their clients, and I'll leave it at that.

11 THE COURT: Well, let's bring the detective in so I
12 -- we can talk to him. Marshal? Where's our Marshal? I
13 think he's just out the door. Can someone have the Marshal
14 bring in the detective?

15 MR. ARNOLD: The detective went to go use the
16 restroom.

17 THE COURT: Okay.

18 THE MARSHAL: He'll be right back. He said he had
19 to use the restroom. Want to bring the jury in -- jurors
20 while we wait for him?

21 MR. HART: No.

22 THE COURT: No, no.

23 THE MARSHAL: Oh, okay.

24 (Pause in the proceedings.)

25 //

1 (Witness Detective Mann enters the courtroom.)

2 (Jury is not present.)

3 EXAMINATION

4 THE COURT: All right. Detective, have a seat. Do
5 you understand that you're still under oath?

6 THE WITNESS: I do.

7 THE COURT: Okay. And you -- as you can see, we are
8 out of the presence of the jury panel. I believe the last
9 question by Mr. Arnold was, were there other room burglaries
10 in Harrah's during a particular time frame. Do you recall
11 that, sir?

12 THE WITNESS: I do.

13 THE COURT: And there was an objection at that
14 point. And I understand that counsel for the district
15 attorney's office had advised you that I'd made a previous
16 ruling about talking about other room burglaries.

17 THE WITNESS: That's correct.

18 THE COURT: Okay, and you're aware of that? Okay.

19 THE WITNESS: Correct.

20 THE COURT: The -- if you are allowed to answer the
21 question, and the question is, were there other room
22 burglaries during the two-month time frame at Harrah's, what
23 would your answer be?

24 THE WITNESS: Yes.

25 THE COURT: And then, Mr. Arnold, you're saying that

1 would be the extent of your questioning?

2 MR. ARNOLD: I don't need to follow up after that.

3 THE COURT: I'm sorry?

4 MR. ARNOLD: Yeah, I don't need to follow up after
5 that, Your Honor.

6 THE COURT: And then, on one -- are you aware if
7 there is ongoing investigation for those other room
8 burglaries? Not necessarily from you, but, I mean, is there
9 like cold case department that always looks at cases? Is
10 there -- is it an open file, just not resolved?

11 THE WITNESS: No, I mean, the cases are still --
12 well, I'm not sure how to answer that. Certain cases, once
13 I've exhausted leads, they are closed, but if at a later date
14 I get more leads, I can always reopen them. Is that -- does
15 that answer your question, sir?

16 THE COURT: Would it be characterized as the case is
17 not closed out? Would that be an accurate statement? Are
18 they still out there -- I mean, it's not, you know, because --

19 THE WITNESS: It's not done forever, correct.

20 THE COURT: Does -- Mr. Arnold, do you have any
21 questions for him? I don't want to get into full examination,
22 but on this specific issue of --

23 MR. ARNOLD: No, but be honest, there's no active
24 suspects that you're looking at right now in the robberies
25 between June and August; is that correct?

1 THE WITNESS: The suspects that I'm looking at have
2 already been identified. Does that make sense?

3 MR. ARNOLD: Yeah.

4 THE WITNESS: The --

5 MR. ARNOLD: Makes perfect sense.

6 THE WITNESS: There are certain -- there are certain
7 room burglaries that I can't talk about, and if that's what
8 we're talking about, then those -- I've identified the
9 suspects, but I don't know what's going to happen next on the
10 DA's end.

11 MS. COLE: And, Judge --

12 THE COURT: And are you aware of any of those
13 situations conceivably could be our two defendants here?

14 THE WITNESS: Absolutely.

15 MS. COLE: And, Judge, I would just note the
16 specific --

17 THE COURT: Did you hear that, Mr. Arnold? He's
18 saying that --

19 MR. ARNOLD: Yeah, I heard him.

20 THE COURT: -- if that question was asked, he would
21 say, absolutely, they're potential suspects.

22 MR. ARNOLD: If I ask that question.

23 THE COURT: Well --

24 MR. ARNOLD: Yeah.

25 THE COURT: You know, if the State says -- well, you

1 asked anything implicating my clients, or you're just going to
2 say there's other room burglaries, and he's going to say, yes,
3 there are; there's investigation regarding other room
4 burglaries. And you're going to stop there?

5 MR. ARNOLD: Yes.

6 THE COURT: And then, State, what would be your
7 question then?

8 MS. COLE: And, Your Honor, Detective Mann actually,
9 in this case, he did charge the Emely Armenta event that was
10 on August 6th, 2020, the same date, same time frame as Bertha
11 Geradeau, so I would ask him that. I'd say, specifically,
12 there was another event on August 6th that you did, in fact,
13 charge, and you spoke to the victim, and you showed her a
14 photo, the same photo that you showed Bertha Geradeau, and
15 she, in fact, did identify other pieces of stolen property in
16 that photo.

17 MR. ARNOLD: Hold on. Detectives don't charge.
18 Detectives hand over investigations to the DA. The DA makes
19 the charge.

20 MS. COLE: Judge, when he submitted the case, that
21 was charged. And detectives absolutely can charge; that's
22 what they do.

23 THE COURT: And was that credit -- that Social
24 Security card was not at Harrah's, correct?

25 MS. COLE: So Emely Armenta -- it's the same victim.

1 She had a Social Security card, and I understand Mr. Hart's
2 objection to that, to talking about that, because that's found
3 on his client.

4 However, on Mr. Clark's Facebook page -- and I would
5 already state that that photo has been admitted, too, and is
6 in evidence, that it would be an appropriate line of
7 questioning for -- if that question is allowed by Mr. Arnold,
8 for me to then ask Detective Mann, yeah, there was another
9 event on August 6th, and in fact, you did charge that, the
10 victim's name was Emely Armenta, and the same photo you showed
11 Bertha Geradeau, you showed Emely, and she identified her
12 stolen property as well.

13 MR. ARNOLD: But again, that's the DA doing what the
14 DA does.

15 THE COURT: Yeah, but --

16 MR. ARNOLD: It's just holding onto one event as
17 opposed to the multiple events that there was. And that's all
18 I'm asking the question for, that there are multiple events.
19 It's not just this one Armenta. There's Salazar, there's
20 three or four others that he knows about, and there's another
21 five or six that people just went into the rooms, got the
22 stuff, and got out of there. And so everyone's trying to hide
23 around the bush, but bottom line, there was multiple
24 break-ins.

25 THE COURT: But doesn't he have on his Facebook post

1 the picture of that Social Security card?

2 MS. COLE: The --

3 THE COURT: Or is the --

4 MR. HART: No.

5 MS. COLE: Your Honor, the Social Security card,
6 there's photos of Social Security cards that are on Mr.
7 Clark's phone. There's also Social Security cards -- Emely
8 Armenta had a Social Security card that was recovered. There
9 is a photo of that, but that has not been admitted into
10 evidence. And that was found on Ms. Oliver with the burglary
11 tools, with Esther Chae's credit card, with the window
12 breaker. Those were all found on Ms. Oliver's person.

13 But, Your Honor, I would just note, Mr. Arnold's --
14 the only relevance in asking that question, was there other
15 burglaries, is to insinuate that somebody else is doing this.
16 There's no other reason. There's no other relevance to that
17 question with this detective other than there is an
18 insinuation and an inference being made that there was
19 multiple other burglaries that somebody else is responsible
20 for that really did this.

21 MR. LEXIS: And the truth, Judge, is what he -- the
22 detective just told you, that the suspects in those are
23 sitting right here. And he actually charged on the Armenta
24 event these individuals right here.

25 MR. ARNOLD: There's no insinuation; it's a fact.

1 MR. LEXIS: Okay, then ask it.

2 MS. COLE: Right.

3 MR. LEXIS: And I'm going to ask him, who were the
4 suspects.

5 MR. ARNOLD: No. I know that he developed suspects,
6 but that's not the only suspect in the case. You guys
7 introduced evidence -- DNA evidence yesterday that says
8 there's another male involved in going into these rooms.

9 MR. LEXIS: Oh, Judge, that's so -- to argue that
10 would be in every DNA case where we have multiple
11 contributors --

12 THE COURT: Right.

13 MR. LEXIS: That's what he's talking about.

14 MR. ARNOLD: What --

15 MR. LEXIS: But that -- to try to argue that is
16 (indiscernible) --

17 MR. ARNOLD: What I do know is --

18 THE COURT: All right, hang on, hang on. Let's
19 don't talk over each other.

20 MR. ARNOLD: What I do know is four women were in
21 the room. No other males were in the room. At least my
22 client was excluded from being in that room, and there was one
23 male's DNA on that phone. Who's that? That's a fictitious
24 male? That's a ghost? It's another suspect that wasn't
25 developed by this detective.

1 THE COURT: Or it could be a maid, could be a
2 maintenance man, could be the bellhop.

3 MR. ARNOLD: Oh, it could have been --

4 MR. LEXIS: Yeah.

5 MR. ARNOLD: -- a whole bunch of people.

6 THE COURT: Right.

7 MR. LEXIS: Anybody else in the room.

8 MR. ARNOLD: But here's the thing. Remember, Your
9 Honor, they got up there right away. It wasn't too much time
10 from them having breakfast to coming back upstairs, and some
11 male touched the phone.

12 MR. LEXIS: There's no timestamp on --

13 THE COURT: Right.

14 MR. LEXIS: -- DNA or latent print, as you know,
15 Judge. We're talking about a hotel room. So he can argue
16 that in closing all he wants.

17 MS. COLE: And, Your Honor, that's actually --

18 THE COURT: Okay, I'm --

19 MS. COLE: -- misstating the evidence.

20 THE COURT: Okay, I'm going to allow --

21 MR. ARNOLD: Misstating the evidence? I love that
22 one.

23 THE COURT: I'm going to allow the question -- Mr.
24 Arnold, I'm going to allow the question to stand, and if you
25 can go any further, I'm going to allow the State to say, it's

1 an ongoing investigations.

2 MR. ARNOLD: Without them going any further?

3 THE COURT: Yeah, we're going to leave it right
4 there. Now, if anyone goes -- if -- Mr. Arnold, if you go any
5 further, then we'll go from there. I don't know what Mr.
6 Hart's going to ask, but, you know, State could even ask,
7 well, there -- is there ongoing robbery -- you know, a car's
8 being taken from the garage. There's probably -- a car's
9 probably stolen every single day. Is someone -- chips taken
10 from a table, they're probably stolen every day.

11 And I think, you know, that's -- you know, I think
12 I'll allow the State to ask that question as well because I --
13 we don't want to put a false light that, you know, there's
14 other robberies, and so it has to be someone else. Well,
15 there's crimes being committed every day, every minute in
16 these casinos.

17 And so I'll let you ask the question. I'm going to
18 let the State follow up with, is there -- you know, is there
19 always an ongoing investigation; is there other crimes going
20 on in the place. You know, we're not saying that they're
21 related to these people or not.

22 All right, so let's call the jury back in.

23 MR. LEXIS: Judge, can I just --

24 THE WITNESS: Your Honor, real quick, just for
25 clarification, I cannot identify them in my previous

1 investigations?

2 THE COURT: Well, we're going to listen to the
3 question. I'm assuming --

4 THE WITNESS: Okay.

5 THE COURT: -- Mr. Arnold's going to tailor his
6 question very, very carefully.

7 MR. LEXIS: Judge, may I -- may I just clarify?

8 THE COURT: Yes.

9 MR. LEXIS: So if -- in closing, can -- if -- can we
10 get a ruling from the Court, can't come up here -- if that's
11 your ruling, I respect your ruling, Judge. He can't use that
12 ruling as a sword, is what I'm saying. Can't come up here in
13 closing and say, you heard from that detective multiple other
14 burglaries going on in the Harrah's, and guess what, who knows
15 who those people are? Who knows? It could have been -- well,
16 guess what, we know the truth is -- points right to them.
17 This man charged one of those events right to them.

18 So I understand your ruling, Judge, but I'd also
19 like a ruling that they can't come up here and insinuate that
20 since all these other burglaries were going on in this hotel,
21 that there was somebody else.

22 THE COURT: Detective, are you familiar with any
23 room burglaries subsequent to the arrest of the defendants?

24 THE WITNESS: Specifically with that MO?

25 THE COURT: No, just room burglaries.

1 THE WITNESS: Yes.

2 THE COURT: I'll allow the State to go there.

3 MR. LEXIS: Say that again, Judge.

4 THE COURT: Then it clears up -- then it clears it
5 up. You can say, you know, are there other room burglaries
6 going on, you know, that it's just -- because I know --

7 MR. LEXIS: Without that same MO; is that what you
8 just said there?

9 MS. COLE: Right. Would the State be allowed to
10 inquire, well, those -- have you noticed any other room
11 burglaries with the same scratch and pry marks?

12 MR. LEXIS: That's what the detective just said,
13 Judge, when you asked him. He said there's none other with
14 the same MO. That's my concern, Judge, is they --

15 THE COURT: Right.

16 MR. LEXIS: -- come up here and insinuate that
17 when --

18 THE COURT: I just don't want to put a false light
19 on the testimony.

20 MR. LEXIS: Correct.

21 MS. COLE: Correct.

22 MR. ARNOLD: The only light that is going to be
23 brought to this testimony is that my client wasn't involved in
24 any room burglary. There's evidence, because we had it
25 introduced yesterday, that some other male had touched a phone

1 that was laying on a bed that was left there in a short period
2 of time after the investigation had started, and so we can
3 draw reasonable inferences.

4 MR. LEXIS: Once again, Judge, that testimony on his
5 Facebook with this woman's property, if that was the only
6 event charged, you know we have cases in front of Your Honor
7 that go on circumstantial cases like that, and we've
8 absolutely argued that it doesn't matter if he entered or not;
9 he's guilty by way of aiding and abetting a conspiracy. So,
10 again, them coming up here and arguing that it's somebody
11 else, I would ask that that be stricken.

12 MR. ARNOLD: What did you think I was going to
13 argue, that it was him? I mean, here's the thing.

14 THE COURT: Okay.

15 MR. ARNOLD: From day --

16 THE COURT: Detective, if the question is, do you
17 have -- there's other room burglaries during this time frame,
18 I mean, that you're investigating --

19 THE WITNESS: As far as from -- from --

20 THE COURT: -- that you're investigating; is that
21 correct?

22 THE WITNESS: Are you speaking specifically between
23 June and August?

24 THE COURT: Those -- yes.

25 THE WITNESS: I don't recall if there was any other

1 ones other than the door pries.

2 MR. ARNOLD: So now we're backing off of what you
3 just said. So from June --

4 THE WITNESS: No, I'm not backing off.

5 THE COURT: Okay.

6 MR. ARNOLD: Hold on, let me ask. So from June 2020
7 to August 2020, the only ones that you remember were the three
8 that were charged?

9 THE WITNESS: Yes, but I can't tell you that there
10 was no other room burglaries during that time.

11 MR. ARNOLD: Then I'll withdraw the question if
12 that's where he wants to stick his head. We both know --

13 THE COURT: All right, well, that's -- I'm assuming
14 he'll testify --

15 THE WITNESS: Your Honor, I handle --

16 THE COURT: -- he's under oath, and he'll testify
17 truthfully.

18 THE WITNESS: -- quite a fair bit of cases. I can't
19 remember from eight, nine months ago --

20 THE COURT: Okay.

21 THE WITNESS: -- how many cases I --

22 MR. ARNOLD: Oh, brother.

23 THE WITNESS: -- handled in a specific time.

24 THE COURT: All right, then just testify
25 accordingly, I mean --

1 MR. ARNOLD: These detectives have been coming in
2 here --

3 THE COURT: -- whatever it may be.

4 MR. ARNOLD: -- and slinging that sling.

5 THE COURT: So wait for the question. All right,
6 let's bring the jury in.

7 MR. LEXIS: So, Judge, what is it going to be in the
8 -- at closing?

9 THE COURT: Well, I'm not sure if Mr. Arnold's going
10 to ask the question now.

11 MR. ARNOLD: Well, I said I was going to withdraw
12 the question.

13 MR. LEXIS: If he's withdrawing the question, I'd
14 ask Your Honor to strike the last comment.

15 THE COURT: Comment in front of the jury --

16 MR. ARNOLD: Comment?

17 THE COURT: -- or the comment he just made here?

18 MR. ARNOLD: The question?

19 MR. LEXIS: I would ask to strike the last question
20 and comment.

21 THE COURT: Okay.

22 MR. ARNOLD: There was no comment. He didn't make a
23 comment.

24 THE COURT: All right, let's bring the jury in.

25 THE MARSHAL: We ready?

1 THE COURT: Yeah.

2 THE MARSHAL: Okay. All rise for entry of the jury.

3 (Inside the presence of the jury.)

4 THE COURT: Welcome back, ladies and gentlemen.

5 Have a seat, sir. And, Detective, do you understand you're
6 still under oath?

7 THE WITNESS: I do.

8 THE COURT: All right. Ladies and gentlemen, as I
9 had mentioned in my introductory remarks that a question is
10 not evidence; a question supplies reference to an answer given
11 by a witness. There was a question asked by Mr. Arnold before
12 the break, and I'm going to ask Mr. Arnold if he wants to
13 restate the question or not, okay?

14 MR. ARNOLD: Your Honor, at this time, I'll move to
15 have that question withdrawn.

16 THE COURT: Okay. Again, the question is not
17 evidence.

18 Go ahead, Mr. Arnold. Next question if you have
19 one.

20 MR. ARNOLD: We'll pass the witness to Mr. Hart.

21 THE COURT: All right. Mr. Hart, do you have any
22 questions?

23 MR. HART: Yeah. Not sure how well my voice carries
24 with the mask on anyway.

25 //

1 CROSS-EXAMINATION

2 BY MR. HART:

3 Q Just to be clear, you were asked if you requested
4 video in the ordinary course of business, correct?

5 A Correct.

6 Q Okay. And it was too late to get video?

7 A Correct.

8 Q Patrol officers routinely request video, correct?

9 A Sometimes they do, sometimes they don't.

10 Q Okay. You were trained, right?

11 A Correct.

12 Q You went through academy?

13 A I did.

14 Q You were trained to help -- try to help the case
15 move forward, correct?

16 A That's correct.

17 Q Okay. Part of the training is collecting evidence
18 when it's available, correct?

19 A If it's available, yes.

20 Q Okay. I understand that you don't run the cameras
21 for Harrah's, correct?

22 A That's correct.

23 Q Or the recordings?

24 A Correct.

25 Q Do they ever refuse to give you stuff when you ask

1 for it?

2 A No, not in my experience.

3 Q Okay, because they want to work and help keep your
4 property safe, right?

5 A Correct.

6 Q Okay. And so patrol officers can gather it also,
7 correct?

8 A They --

9 Q Request it?

10 A They can request a review, but that also happens
11 simultaneously as we respond to the property.

12 Q And quite often, officers will go, we request you
13 save it so somebody can get it later, correct?

14 A Often, yes.

15 Q Okay, all the time, at 7-Elevens, or AMPMs, or
16 whatever, right?

17 A I don't -- I can't speak to other officers.

18 Q Okay. You've been doing this how long?

19 A Thirteen years.

20 Q How many times have you been in court?

21 A Testified in the district court or just court in
22 general?

23 Q Court in general. Testified in court.

24 A Dozen times.

25 Q Wow. It's safe to say, if you haven't personally,

1 you know of officers testifying as to video that was actually
2 requested to be held by other -- by different officers,
3 correct?

4 A I'm sorry, ask the question again.

5 Q Okay. Patrol officer goes, hey, we're going to want
6 the video from here, and they save it. Does that happen?

7 A Yes.

8 Q And then an assigned supervisor, PSU, detective,
9 whoever, will then collect it, correct?

10 A Generally, yes.

11 Q Okay. That's generally how it works?

12 A Yes.

13 Q Okay. How long -- when did you get assigned to the
14 incident involving Ms. Chae?

15 A I don't have an exact date for you.

16 Q Okay. Well, did you -- was it less than a week?

17 A I'm not sure. I handle quite a bit of cases. It's
18 not uncommon for me to get anywhere from 15 to 20 cases a
19 week.

20 Q Okay.

21 A And that's on top of my regular caseload and
22 call-outs, major incidents, things like that, so --

23 Q Is it somewhere in your reports?

24 A It would be logged into our CAD or to our mobile --
25 our MFR system, our Motorola Field Service. So --

1 Q Okay.

2 A Yes, it would be logged in our report system when I
3 was assigned the case.

4 Q Okay, but you don't remember?

5 A I don't.

6 Q Okay. And you can normally call over to a casino,
7 identify yourself, and ask them to retain video, correct?

8 A Generally, yes.

9 Q Okay. And then pick it up days later, weeks later,
10 whatever, if you have to?

11 A That's correct.

12 Q Okay. Now, they're in charge of downloading onto
13 CDs, or jump drives, or whatever you're using, depending on
14 the amount of data?

15 A Correct.

16 Q Okay. And then what happens when you get it?

17 A Then I review video.

18 Q Okay. Do you identify it? Do you impound it?

19 A Yeah. After I'm done with the case, yeah, then we
20 would impound it.

21 Q Okay, and how do you do that?

22 A At Convention Center Area Command, we have a secured
23 locker that we store all of our video in.

24 Q You put it in an envelope, and you write your P
25 number on it and all that, right?

1 A Yes.

2 Q And the event number?

3 A Well, the event number; generally not the P number.

4 Q What's that?

5 A Generally not the P number. The way that our system
6 works at Convention Center Area Command, we would write the
7 event number, and we would put a log, and it would get put in
8 a certain spot or a certain slot.

9 Q So if you impound --

10 A Um-hum.

11 Q -- video --

12 A Correct.

13 Q -- you don't do a chain of custody on it?

14 A So when I impound video, I take it -- there's a log.

15 Q Yeah.

16 A I will -- I'll fill out that information in the log,
17 and it'll -- the disk will get assigned a number. And then
18 there's a secure room that not everybody has access to, and I
19 will put that video in the secure slot and --

20 Q Okay.

21 A -- shut the door.

22 Q Okay. So you have -- do you put a unique identifier
23 on it?

24 A Yes.

25 Q Okay. And when you -- if you gather other physical

1 evidence --

2 A It gets impounded.

3 Q Okay. A lot of times, it's a CSA that does it?

4 A Sometimes, yes.

5 Q Sometimes it's you guys?

6 A Yes.

7 Q Okay. But in this case, evidently, at least for the
8 Esther Chae incident, you didn't get the request in for any
9 video ahead of time or in time?

10 A Correct.

11 Q We have seen a screenshot or a photo, I'm not sure
12 what it is, screen capture of a piece of video from that day.

13 A From the Esther Chae day?

14 Q Yes.

15 A I don't believe that's correct.

16 MR. HART: Do you guys want to give me a hint as to
17 what my number is?

18 MS. COLE: What are you looking for?

19 MR. LEXIS: Which one are you looking for?

20 MR. HART: The Esther Chae screen capture or picture
21 from Harrah's on June 23rd. The one where we don't have any
22 video, but we have a --

23 MS. COLE: Oh, you mean 8/6?

24 MR. HART: Oh.

25 MS. COLE: That's not Esther Chae.

1 MR. HART: Okay, sorry.

2 MS. COLE: Just the surveillance still, right?

3 MR. HART: The 8/6 pause.

4 MS. COLE: Okay.

5 MR. HART: Right. Okay, sorry. Okay. There was a
6 second event -- I'm sorry. You said you didn't -- Court's
7 indulgence for just a minute. I apologize.

8 (Pause in the proceedings.)

9 MR. HART: I apologize.

10 BY MR. HART:

11 Q Now, of the -- you would consider a robbery to be a
12 more significant crime than burglary, correct?

13 A Correct.

14 Q Okay. Would -- it requires more attention?

15 A I would like to say that I give all my cases the
16 same amount of attention.

17 Q Even the shoplifts?

18 A They're still investigated until I have no more
19 leads.

20 Q Okay. And you were not there when the crime scene
21 analysts were called out on Esther Chae's case, correct?

22 A I was not.

23 Q Okay. Do you know who was there?

24 A As far as the officer or the crime scene analyst?

25 Q Well, yeah, how does that work?

1 A The officer or the crime scene analyst?

2 Q Yeah. How did the crime scene analysts get there?

3 A The officer requests them.

4 Q Okay. And they become the lead officer at that
5 time, correct?

6 A Yeah, they'd be the primary officer. Yeah.

7 Q Okay. And so, in this instance, the officers did
8 bother to call out crime scene analysts, correct?

9 A In Chae's case?

10 Q Yes.

11 A Yes.

12 Q Okay. And that involves -- does that mean they have
13 to call a supervisor to do that, or do they just call?

14 A They just call.

15 Q Okay. And just to reiterate, do you know if you
16 were assigned to this within that seven-day period?

17 A I don't.

18 Q Does it normally take a week to assign a violent
19 crime to you?

20 A It all depends.

21 Q On what? If you're on vacation?

22 A I could be on vacation, not that I was on vacation
23 during that time; I don't know. But it also depends on the --
24 basically, once a report's taken by a patrol officer, it has
25 to go to the patrol officer's supervisor. Then the patrol

1 officer's supervisor has to send it over to my sergeant, the
2 investigative sergeant. Then he reads it, approves it, and
3 then assigns it to me. And that also is based upon how many
4 other cases I have, call-outs, violent crimes, things like
5 that that I would leave my desk and go out and respond on
6 scene to. So I appreciate your question; I just -- I don't
7 know.

8 Q And you're not the only detective assigned to that
9 area?

10 A To Harrah's in general?

11 Q Yes.

12 A No, I'm the only one that's assigned to Harrah's.

13 Q Okay, so you're the only detective assigned to
14 Harrah's?

15 A Correct.

16 Q So it should all be coming to you. What happens if
17 you go on vacation? They just don't happen?

18 A Unless it's something serious, no, it waits until I
19 come back.

20 Q Okay, so unless it's something serious?

21 A Correct.

22 Q Okay, so not a burglary?

23 A Generally, no.

24 Q Not a robbery?

25 A Maybe. I'm not the sergeant that assigns them, so I

1 guess you're asking the wrong person. I don't assign the
2 cases; I just receive them.

3 Q But you can't tell me that you didn't get this
4 assigned within three days of it happening?

5 A I can't.

6 Q Okay. You just don't remember the date?

7 A I don't remember the date.

8 MR. HART: Nothing further.

9 THE COURT: Any redirect?

10 MS. COLE: Yes, Your Honor, briefly.

11 REDIRECT EXAMINATION

12 BY MS. COLE:

13 Q Detective, I'm showing you what's been marked
14 State's 179. Do you recognize this?

15 A I do.

16 Q Mr. Arnold had a lot of discussion with you
17 regarding this backpack and the video surrounding it. Do you
18 recall watching the video?

19 A I do.

20 Q Do you recall dictating in a report significant
21 timestamps?

22 A I did.

23 Q Would looking at that report help to refresh your
24 recollection of any surveillance video in regards to the
25 Defendant Clark coming in and out of the elevator with a

1 backpack?

2 A It would.

3 MS. COLE: Your Honor, may I approach the witness?

4 THE COURT: Yes.

5 MR. HART: And, Your Honor, may --

6 MS. COLE: This is just his OR.

7 MR. HART: Okay. Well, there's been --

8 MS. COLE: What?

9 MR. HART: -- a couple in here. I do want to make
10 sure.

11 MS. COLE: Okay, yeah.

12 MR. HART: Okay, I know which one. Okay.

13 (Pause in the proceedings.)

14 BY MS. COLE:

15 Q Detective Mann, go ahead and read that, and let me
16 know when you're done.

17 A And I'm sorry, is your question them being in the
18 elevator or coming out of the elevator into the elevator
19 banks?

20 Q Detective, my question is in regards to when
21 Defendant Clark came out of the elevator, was there video
22 surveillance of him wearing a backpack?

23 A There was.

24 Q Okay. And do you want to read your report to
25 refresh your recollection as to what time frame that was?

1 A Okay.

2 Q Okay. Did reading that report help to refresh your
3 recollection of the significant and detailed timestamps of the
4 notes you took while creating this report?

5 A It did.

6 Q Okay. Did you view video surveillance --

7 A I did.

8 Q -- of Defendant Clark coming out of the elevator?

9 A I did.

10 Q Okay. And when he was going into the elevator prior
11 to, did he have a backpack on?

12 A No.

13 Q Later -- do you recall what timestamp?

14 A I do.

15 Q What time was that?

16 A 22:34 hours.

17 Q Okay, and what is that in non --

18 A Sorry, 10:34 P.M.

19 Q Okay. And is there video of him coming out of the
20 elevator?

21 A Yes.

22 Q Okay, and does he have a backpack on?

23 A He does.

24 Q Okay, and is it the backpack that's depicted in this
25 still?

1 A It is.

2 Q And is that video before this video?

3 A I'm sorry, is the video of him coming out?

4 Q Can you tell me the sequence of it? When he comes
5 out of the elevator --

6 A Yes.

7 Q -- when does this video occur?

8 A This picture is after he walks out of the elevator
9 bank and he's exiting the Harrah's Hotel.

10 Q Okay. So this is not the first time you saw him
11 with a backpack?

12 A No.

13 MS. COLE: No further questions, Your Honor.

14 THE COURT: Any recross, Mr. Arnold?

15 MR. ARNOLD: Yes, Your Honor.

16 RE CROSS-EXAMINATION

17 BY MR. ARNOLD:

18 Q Sir, you have your reports in front of you?

19 A I don't.

20 Q Before you leave, I just need to know the event
21 numbers for the cases that you investigated. Would you happen
22 to have anything that you can refer to, to tell us what those
23 event numbers are?

24 A I'm sorry, are you asking if I remember the full
25 event numbers of all the cases?

1 Q Yeah, which I'm sure you don't.

2 A No.

3 Q So do you have anything up there that would have the
4 event numbers on there?

5 A No, I don't have anything that has event numbers up
6 here.

7 Q Okay.

8 MR. ARNOLD: May I approach, Your Honor?

9 THE COURT: Yes.

10 MR. ARNOLD: Okay, so the first event that we're
11 going -- I got to look at this at the same time.

12 MS. COLE: Your Honor, may we approach?

13 THE COURT: All right, meet counsel in the back.

14 (Bench conference begins.)

15 THE COURT: You just want the event numbers for this
16 case; is that correct?

17 MR. ARNOLD: Right.

18 MS. COLE: That report has --

19 MR. LEXIS: Chad -- yes.

20 MS. COLE: -- numerous event numbers.

21 MR. ARNOLD: Yeah, I'm just going to --

22 MR. LEXIS: Chad Lexis for the State.

23 MR. ARNOLD: -- show him his.

24 MR. LEXIS: Judge, I --

25 THE COURT: State your name.

1 MR. LEXIS: Chad Lexis for the State. I would --
2 since we've kind of told him he couldn't and he could, Judge,
3 I would just ask Mr. Arnold to read them out to him.

4 MR. ARNOLD: But he's got to verify it, right?

5 MR. LEXIS: Okay.

6 THE COURT: Are these the -- are these the event
7 numbers for this case?

8 MR. LEXIS: Yes, Judge. I just don't --

9 MR. HART: Well, sort of.

10 MR. LEXIS: There's that other event, too, Judge.

11 MR. ARNOLD: So that's --

12 THE COURT: Okay.

13 MS. COLE: That's Esther Chae.

14 MR. ARNOLD: That's Esther Chae.

15 MS. COLE: Yeah.

16 MR. ARNOLD: Chae's.

17 MS. COLE: Yeah.

18 MR. ARNOLD: There's Bertha Geradeau.

19 MS. COLE: Yeah.

20 MR. ARNOLD: And then this last one was Jewell Love,
21 Raven Hough.

22 MS. COLE: Yeah.

23 MR. ARNOLD: That one.

24 MS. COLE: Those are the three event numbers.

25 MR. LEXIS: Chad Lexis for the State. I would ask

1 Mr. Arnold to go up to him and say, sir, did you investigate
2 event number da, da, da, da, da.

3 MR. ARNOLD: On this date.

4 MR. LEXIS: Yes.

5 THE COURT: Right.

6 MR. LEXIS: Did you invest (sic) -- event number --
7 I don't want any open questions.

8 MR. ARNOLD: No, I won't say that.

9 THE COURT: Right, because then he says there's
10 other event numbers.

11 MR. ARNOLD: Yes.

12 THE COURT: Okay.

13 MS. COLE: Exactly. That -- there's multiple event
14 numbers.

15 MR. ARNOLD: All I want to do is have a record for
16 the event numbers --

17 MR. LEXIS: Okay.

18 THE COURT: Okay, all right.

19 MR. ARNOLD: -- so we can refer back to them at a
20 later time.

21 (End of bench conference.)

22 BY MR. ARNOLD:

23 Q Can you see these?

24 A Can I get a little closer?

25 Q Yeah.

1 THE COURT: Are you going to --

2 MR. ARNOLD: I'll come over here.

3 THE COURT: Well, make sure you have your social
4 distancing.

5 MR. ARNOLD: Oh, boy.

6 THE COURT: That's the problem that we -- can you
7 just hand it to him, or?

8 THE WITNESS: Would it be --

9 MR. ARNOLD: They just want me to read it. Okay.

10 MR. HART: Your Honor, if I can approach, this might
11 help.

12 MR. ARNOLD: Do you have a copy?

13 THE COURT: Larger print?

14 THE WITNESS: Okay.

15 MR. ARNOLD: Okay.

16 BY MR. ARNOLD:

17 Q All we want to do right now, Detective, is just make
18 sure we have dates, names, and event numbers. That's all
19 we're asking, okay?

20 THE COURT: And, counsel, have we defined for the
21 jury what an event number is?

22 MR. ARNOLD: No.

23 THE COURT: Let's do that. Detective, if you know,
24 can you advise the jury what an event number is, how it's
25 created?

1 THE WITNESS: Okay. So any time there's a call for
2 service, anyone calls 911 or 311, and it generates a response
3 with us, a number is associated with it. An event number
4 would be that number. Say if you were to report a crime, and
5 an officer came out, and a report was generated, that event
6 number is the same thing as the report number. We would put
7 that event number on the report number, and that also
8 coincides with the event number and the report number.
9 They're one and the same.

10 THE COURT: So, Detective, just follow up, the event
11 number, there's numbers, the date, year, and the number?

12 THE WITNESS: Correct.

13 THE COURT: The event number all say what event was
14 that of that particular day, correct? And if you can go over
15 that with the jury, please.

16 THE WITNESS: So it no longer says a particular
17 date.

18 THE COURT: Okay.

19 THE WITNESS: We start -- we start by the year and
20 then by the month, and then there's eight digits afterwards,
21 and we start at number one, and they progress throughout the
22 month. And then, the following month, it would switch back to
23 the year, the month, and then it would start over at one at
24 the month.

25 MR. ARNOLD: Okay.

1 BY MR. ARNOLD:

2 Q And if we're looking at pieces of evidence, there's
3 usually a date -- the event number is usually attached to that
4 piece of evidence? Like a fingerprint report or a chain of
5 custody report, it would have the event number on there?

6 A Correct.

7 Q Okay. So I'm going to refer you to June 15th, 2020.
8 The victim in there was Esther Chae, and I'm going to read you
9 this event number. 200600059192; is that correct?

10 A Correct.

11 Q And I'm going to refer you to incident August 6th,
12 2020. That's the one involving Bertha Geratrude,
13 G-e-r-a-d-e-a-u, and the event number on that case is
14 200800025672; is that correct?

15 A Correct.

16 Q And the last one here involving -- well, it's on
17 August 23rd, 2020, involving Jewell Love, Raven Hough, and Ms.
18 Jones. The event number on that one is 20080010167; is that
19 correct?

20 A That's incorrect. It's missing a one from it.

21 Q It was missing what?

22 A A one.

23 Q Can you --

24 A It should be 200800101167.

25 Q 1167? All right. All right, thank you very much,

1 Detective.

2 MR. LEXIS: Judge, I have a quick follow-up.

3 MR. HART: Oh, you want to wait for me?

4 THE COURT: Did Mr. Hart have any follow-up?

5 MR. LEXIS: Oh, okay.

6 MR. HART: Thanks. Thanks. Can I approach and --

7 THE COURT: Yes.

8 MR. HART: -- grab that back from him?

9 THE COURT: Sure.

10 RECROSS-EXAMINATION

11 BY MR. HART:

12 Q And to be clear, the Judge just asked you about
13 would it have the day, too. A couple years ago, it used to
14 start off with the year, the month, the day --

15 A That's correct.

16 Q -- and then six numbers?

17 A Correct.

18 Q So you knew where it's going. Like, it'd say -- if
19 it was August 27th, it would be -- of this year, it would be
20 210827 --

21 A Oh, correct. Yes.

22 Q -- and then you could have -- yeah.

23 A As of a couple years ago, you're correct.

24 Q And at midnight, it would start -- you know, at
25 12:01, start at 0001?

1 A Correct.

2 Q And then the powers that be came up with this other
3 system?

4 A They did.

5 Q To spread them out for -- over the month?

6 A They did.

7 Q Okay. Do you know why?

8 A I do not.

9 Q Okay. Does it help you?

10 A Doesn't hurt, doesn't help.

11 Q Okay.

12 A All the same.

13 Q Now, like I said, you are going through these
14 different event numbers. So you are the only guy for
15 Harrah's. Do you guys -- you guys sometimes cover each other,
16 correct?

17 A Yeah, depending on the situation. Yeah.

18 Q Okay. So when you say you're assigned to this,
19 there is overlap? I mean, if you were to die tomorrow, it
20 wouldn't just quit, right?

21 A Correct.

22 Q I mean, I'm not --

23 A Yeah.

24 Q -- wishing it on you, but --

25 A I don't plan on dying, but yeah, it's --