

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN WILLIAMS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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Appeal from a Judgment of Conviction in Case Number CR20-0630B  
The Second Judicial District Court of the State of Nevada  
The Honorable Kathleen M. Drakulich, District Judge

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JOINT APPENDIX VOLUME FIVE

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8 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF WASHOE

10 HONORABLE KATHLEEN M. DRAKULICH, DISTRICT JUDGE

11 STATE OF NEVADA,

12 Plaintiff,

Case No. CR20-0630A

Case No. CR20-0630B

13 vs.

Dept. No. 1

14 ADRIANNA NORMAN and RYAN  
15 WILLIAMS,

Defendants.

16 TRANSCRIPT OF PROCEEDINGS

17 TRIAL - DAY 7

18 Tuesday, April 20, 2021

19 Reno, Nevada

20  
21  
22  
23  
24 Reported by:

LORI URMSTON, CCR #51

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1 RENO, NEVADA; TUESDAY, APRIL 20, 2021; 8:00 A.M.

2 --o0o--

3 THE COURT: Mr. Prengaman.

4 MR. PRENGAMAN: Thank you, Your Honor. The State  
5 will recall Steve Sims.

6 STEVEN SIMS,  
7 having been previously duly sworn, was  
8 examined and testified further as follows:

9 DIRECT EXAMINATION (Resumed)

10 BY MR. PRENGAMAN:

11 Q Good morning, Mr. Sims.

12 A Good morning.

13 Q If you're comfortable you can take your mask  
14 off.

15 So, Mr. Sims, yesterday when we left off I think we  
16 were looking at Exhibit No. 1, and I'll return to that  
17 briefly or shortly. But yesterday I asked you whether  
18 at some point when you saw Ms. Norman in Bob & Lucy's  
19 Lucy's that morning you saw her with a gun and you said  
20 yes and you described where you saw it.

21 A Yes.

22 Q Now, was there a point in time when she took  
23 that gun out?

24 A Yes.

Q And when she did that what did she do with it?



1           A     She just kind of let me know it was real.

2           Q     Did she say something at or around the time she  
3 took it out and did that?

4           A     That it was real.

5           Q     Was there a point or points in time that  
6 morning during your contact with her when she had  
7 her -- when she had her hand on the gun when it was in  
8 place under her arm?

9           A     Yes.

10          Q     Was there a point in time that morning when you  
11 were afraid that she might use that gun on you?

12          MR. PICKER:  Objection.  Leading.

13          THE COURT:  Mr. Prengaman, that's a leading  
14 question.  Rephrase.

15          BY MR. PRENGAMAN:

16          Q     Was there a point -- was there a time that  
17 morning when you were afraid regarding that?

18          A     Can you say that again?

19          Q     Was there a time that morning you had fear  
20 regarding the gun and Ms. Norman?

21          A     Yes.

22          Q     And what was the fear?

23          A     That I might be shot.

24          Q     I would like to go back to Exhibit No. 1.  And

1 now I have opened the first file on channel 7 folder  
2 which ends 4956. Now, Mr. Sims, moving forward to  
3 about 17 minutes and 20 seconds in. And I'm going to  
4 stop it. I played it forward from 17:21. We'll stop  
5 it at 17:25. And just to sort of orient us where we  
6 were yesterday, you had just seen a man walk through  
7 the doors?

8 A Yes.

9 Q And I believe you told us yesterday that --  
10 again, not as you're looking at the video now in the  
11 courtroom, but back then when you were in Bob & Lucy's  
12 you were not aware of this man?

13 A No, I wasn't.

14 Q I'm going to move forward. Move back to 18  
15 minutes and 38 seconds and then I'll play it forward  
16 from there. I'm pausing at 18 minutes 48 seconds.  
17 Mr. Sims, do you see the man right there?

18 A Yes, I do.

19 Q I'm going to play it forward. Stopping at 19  
20 minutes 3 seconds into that first file. Now, Mr. Sims,  
21 again, not as we look at the video now but back then as  
22 you sat there at the machine were you aware of that man  
23 coming into the casino at that point?

24 A Not necessarily coming in, but when he got in

1 my sight I noticed the back of him and I thought it was  
2 somebody else that I knew.

3 Q I'm sorry. You said you thought it was  
4 somebody else that you knew?

5 A Yeah, another gentleman that frequents Bob &  
6 Lucy's.

7 Q Okay. I'm going to move now to Exhibit No. 2.  
8 Going back to the beginning, Mr. Sims, do you see --  
9 you told us on the different footage, but this is you  
10 going to that machine where ultimately Ms. Norman is  
11 going to come to where you're at?

12 MS. HICKMAN: Objection. Leading.

13 THE COURT: Ms. Hickman, it's a recap.

14 Go ahead, Mr. Prengaman.

15 BY MR. PRENGAMAN:

16 Q Mr. Sims, just going back, so this is where you  
17 are seated when Ms. Norman enters and contacts you;  
18 correct?

19 A Yes.

20 Q Moving forward 14 seconds. Now I've paused the  
21 Exhibit No. 2 at 50 seconds into the footage. And the  
22 time stamp is 6:07:15, so 6:07 a.m. Mr. Sims, again,  
23 not today but back at the time you were at Bob & Lucy's  
24 did you know who this individual was?

1 A No, sir.

2 Q Okay. And do you believe you had ever seen him  
3 before this day?

4 A No, sir.

5 Q Now, pausing Exhibit No. 2 at 2 minutes into  
6 the footage, do you recognize who this is?

7 A Yes.

8 Q Who is this?

9 A Ryan Williams.

10 Q Is that the Defendant Ryan Williams that you  
11 identified in court yesterday?

12 A Yes.

13 Q I'm going to pause it at 2 minutes 36 seconds  
14 and advance. I believe that's 13 seconds. Now, I'm  
15 going to stop it at 13 seconds and advance it a little  
16 bit to 5 minutes 13 seconds.

17 And, Mr. Sims, I'm going to ask you to focus on  
18 this person right here. And when this person enters  
19 and goes through the vestibule, I'm going to ask you a  
20 question about him, that person.

21 Moving forward from 5 minutes and 24 seconds. Now  
22 pausing at 5 minutes and 6 -- I'm sorry -- 6 minutes  
23 and 6 seconds of the footage, were you able to  
24 recognize this person?

1 A Yes.

2 Q Who is that?

3 A Adrianna.

4 Q Is that Adrianna Norman, the defendant that you  
5 identified yesterday?

6 A Yes.

7 Q Now, Mr. Sims, yesterday you told us you  
8 couldn't remember verbatim what she said but you  
9 generally recall statements that she made to you when  
10 she first contacted you. Do you recall that?

11 A Yes.

12 Q And is this point in time when those statements  
13 were made? Or thereabout. Not this particular time.  
14 I've stopped it for the record at 6 minutes 44 seconds.  
15 I'm not asking you at this very moment, but this  
16 timeframe that we've just watched of her walking up to  
17 where you're at.

18 A Yes.

19 Q Now stopping at 7 minutes and 8 seconds. And  
20 again I'm not going to ask you at this very moment if  
21 this is what is being said, but at this timeframe that  
22 we're looking at, what is the subject of what you're  
23 talking about?

24 A I can't tell if that's when she pulled out the

1 gun or not on the screen I'm looking at, but if it is,  
2 she was -- I guess when I leaned forward I was -- she  
3 thought I was trying to see if the gun was real when  
4 she pulled it out and showed me that it was real.

5 Q And in terms of the -- now, from watching this,  
6 the two of you are talking; is that correct?

7 A Yes.

8 Q And from your recollection what is the subject  
9 you're talking about?

10 A I just remember kind of pleading with her, that  
11 she is mistaken. I was apologizing to her for vacating  
12 the premises, so to speak, without, you know, her --  
13 without her knowing. So I pretty much was apologetic,  
14 slash, I wouldn't take things from the children and  
15 going on and on, you know, kind of convincing her to  
16 calm down.

17 Q And when you say "pleading with her," is that  
18 what you're referring to, pleading with her to do what?

19 A To just like calm down and think about what  
20 she's doing, you know, just going back over, you know,  
21 when we stayed together. Everything was cool up until  
22 me leaving without telling her that I was leaving.

23 Q And when you say -- and I'm not -- I don't  
24 recall the exact words you just used. You said

1 something about you weren't accepting -- or that you  
2 wouldn't steal things from her kids.

3 A Right. I mean, I watched her kids, took care  
4 of her kids.

5 Q And when you are talking right here, is that  
6 what you're talking about, that accusation of that?

7 A That was -- that was a big part of it, yes.

8 Q And playing forward from 7 minutes and 8  
9 seconds.

10 And now in terms of sort of the temperature of the  
11 conversation, heated or calm, at this point, and not  
12 just by watching it but from memory when you were  
13 there, how would you describe the temperature of the  
14 conversation?

15 A One to ten, ten.

16 Q And we've just seen you stand up; is that  
17 right?

18 A Yes.

19 Q And now again I'm not going to ask you -- I'm  
20 not trying to ask you at this very moment at 7 minutes  
21 and 54 seconds on this footage exactly what's being  
22 said, but again at this timeframe that we've just  
23 watched where you describe the temperature as a ten,  
24 what's the discussion? What's happening?

1           A     I don't know the exact language or words that I  
2 was using or that she was using, but I know we were  
3 definitely not seeing eye to eye on the situations that  
4 had been prior to her, you know, showing up that  
5 morning, whether it had been -- I know we went over why  
6 didn't you respond to my text messages if you didn't do  
7 it. I told her I blocked it, I wasn't entertaining it  
8 because I'm not a petty theft. And she's blaming me  
9 for taking something from children that I watched. I  
10 was even on the paperwork to pick them up from school.

11           The tablet was missing two weeks before I even  
12 moved. I'm the only one in the house that looked for  
13 the tablet. I mean, it was a lot of things in this  
14 conversation that we were going over that happened in  
15 the three-week period of me living with her.

16           Q     So did you accept the accusation or admit the  
17 accusation that you had stolen things from her kids?

18           A     No, sir.

19           Q     Did she accept your denial? Did she accept  
20 your statements to her that you didn't do those things?

21           A     The things I was saying to her, at some point  
22 it seemed like they were plausible.

23           MR. PICKER: Objection, Your Honor. This is  
24 nonresponsive.



1 THE COURT: Mr. Prengaman.

2 MR. PRENGAMAN: I submit it is responsive.

3 THE COURT: I agree. Go ahead, Mr. Sims. Go ahead  
4 with your answer.

5 THE WITNESS: Would you ask the question again?

6 BY MR. PRENGAMAN:

7 Q Was she -- did she accept -- so my question was  
8 did she accept your denial of having done those things  
9 in terms of the theft from the children?

10 A It seemed like we were kind of getting  
11 somewhere as far as I was like bringing up scenarios  
12 and just reminding her of like who I was, like trying  
13 to get her to remember like we wrapped gifts for  
14 Christmas, you know, I fed the kids when she was gone,  
15 like we were partners, you know, I helped out around  
16 the house, why would I take your children's Xbox let  
17 alone the tablet that was missing two weeks before I  
18 even moved. I had my own tablet. Just none of it  
19 added up to me.

20 Q So I'm going to play forward from 7 minutes 54  
21 seconds.

22 I'm pausing it at 6 minutes 34 seconds -- I'm  
23 sorry -- 8 minutes 34 seconds. And in the footage what  
24 just happened?

1           A     She pulled out a firearm and showed it to me  
2     and put it back.

3           Q     Is this the point that you described earlier  
4     this morning where she made the statement about it  
5     being real?

6           A     Yes.

7           Q     I'm going to go back just a bit and replay that  
8     section starting at 8 minutes and 18 seconds. And are  
9     you able to see where the gun is in this -- where I've  
10    paused it at 8 minutes and 31 seconds?

11          A     Yes, sir.

12          Q     Can you circle it for us?

13          A     (Witness complies.)

14          Q     I'm pausing at 8 minutes 56 seconds. Now,  
15    Mr. Sims, you just saw a different camera angle of  
16    Ms. Norman removing the gun; is that right?

17          A     Yes.

18          Q     Now, after what we just witnessed where did she  
19    return the gun? Where did she put it after showing it  
20    to you?

21          A     I believe under her -- in her left armpit.

22          Q     Now, sir, I've paused at 10 minutes into  
23    Exhibit No. 2. Now, again, I'm not asking you at this  
24    very moment, 10 minutes, but at this timeframe that

1 we've just watched, again, how would you describe the  
2 temperature of the discussion?

3 A Ten.

4 Q And to your memory is this -- are you still  
5 talking about the same things, the accusation about the  
6 theft, you leaving?

7 A Yes.

8 Q Are you still pleading with her at this point  
9 as you described you were earlier?

10 A The whole time, I mean, I was on defense, you  
11 know, if that's a better way to say it.

12 Q I'm going to play it forward from 10 minutes.  
13 What just happened there?

14 A My roommate brought me a drink it looks like.

15 Q When you say your roommate, you recognize the  
16 man that just brought you something?

17 A Yes.

18 Q Who is that?

19 A That's Dave Cole.

20 Q Playing forward from 10:15.

21 I paused it at 11:41. And what has just occurred  
22 here?

23 A She just stood up. I don't remember what was  
24 said or why.

1 Q Okay. I'm going to play it forward. Now, you  
2 told us earlier this morning there was a point or  
3 points in time where Ms. Norman had her hand on the  
4 gun.

5 A Yes.

6 Q Up to this point, 11:52, have we seen one or  
7 more of those points?

8 A Yes.

9 Q And in terms of where we're at now, do we see  
10 one of those points?

11 A I'm not quite sure from the frame I'm looking  
12 at.

13 Q Okay. I'm going to play it forward.

14 Now pausing it at 12 minutes and 5 seconds in, from  
15 watching that can you tell if this is one of those  
16 points?

17 A Yes, sir, it is.

18 Q Now, at this point -- did you have fear at this  
19 point?

20 A Yes.

21 Q And fear about what?

22 A That she was -- that she was going to shoot me  
23 and run out of the place or something.

24 Q Was that based on the words she was speaking

1 and her actions?

2 A The temperature of the conversation and that  
3 she seemed -- I don't know. It seemed like she was  
4 about to do something from her movements.

5 Q Playing forward from 12 minutes 5 seconds. I'm  
6 going to pause there at 12:45, 12 minutes 45 seconds.

7 I'm going to move to Exhibit No. 1.

8 Now, Mr. Sims, for the record I've opened up the  
9 third file of the channel 9 folder, Exhibit 1, and that  
10 ends with one zero two five.

11 Beginning at 5:35, I'm going to ask you, Mr. Sims,  
12 to please -- first of all, do you recognize what we're  
13 looking at here? Is this the inside of Bob & Lucy's?

14 A Yes, it is.

15 Q And I want to focus you on the area on the  
16 right side that I've circled. Do you recognize that  
17 area?

18 A Yes, I do.

19 Q And at this point in time do you -- and I'll  
20 play it forward just a bit. Do you recognize anyone  
21 over by that wall bank of machines?

22 A Yes.

23 Q What do we see in that area that I've circled  
24 to the very right of this frame?

1 A Myself and Adrianna Norman.

2 Q And from what you've seen thus far does this  
3 appear to be the point in time where she has stood up  
4 and is pacing around where you're seated?

5 A Yes, sir.

6 Q Okay. I'm going to back up again to  
7 approximately 5:35, 5:34.

8 Now, Mr. Sims, looking at this view are you able to  
9 see where Ms. Norman's hand is on the gun a little  
10 better than in the previous camera view?

11 A Yes.

12 Q Are you able to -- and I know this might be a  
13 little hard given the nature of the footage and how  
14 small you appear in this frame, but are you able to  
15 circle there where you see her hand?

16 A Where I see her hand?

17 Q Where you see her hand holding the gun at this  
18 point.

19 A (Witness complies.)

20 Q And so -- and is it still -- as it looks, she's  
21 got her hand on the gun and the gun is still tucked  
22 under her arm as you described earlier?

23 A Yes.

24 Q Now, I've stopped that footage at 6 minutes 44

1 seconds, and we'll return to Exhibit 2.

2 So we left off -- we're back to Exhibit No. 2. We  
3 left off at about 12:45. I'm just going to go back to  
4 12:40, 12 minutes and 40 seconds, into the footage and  
5 play it forward. I'm going to pause at 13:52 and  
6 advance slightly.

7 Moving forward from 14:03. Mr. Sims, I've paused  
8 it at 14 minutes 14 seconds and I want to -- I've  
9 circled the man who just walked around from the area of  
10 the doors. Did you see that?

11 A Yes.

12 Q Okay. And I'm going to play it forward from  
13 here and then ask you a question about this individual  
14 that I just --

15 I've paused it at 14 minutes 26 seconds in. Now,  
16 Mr. Sims, again my question is oriented towards not as  
17 you're sitting here now watching video footage but as  
18 you sat in the chair back at Bob & Lucy's that morning.  
19 Were you aware of this man walking by at that time?

20 A Yes.

21 Q And describe what you saw and your observations  
22 as that man walked by where you and Ms. Norman were  
23 seated.

24 A Him and Ms. Norman made eye contact and she

1 kind of nodded to him.

2 Q And for you sitting there, what significance  
3 did that have?

4 A Well, it just let me know she wasn't by  
5 herself.

6 Q At some point did she make reference to or  
7 refer to the fact that she wasn't by herself?

8 A I can't remember.

9 Q I'm playing forward from 14:26.

10 Mr. Sims, I've stopped the footage at 16 minutes 54  
11 seconds and I'm going to draw your attention to the man  
12 right here who has just walked towards where you're  
13 seated. Did you see that?

14 A Yes.

15 Q And again I'm going to play it forward and then  
16 I have a question about what we're seeing at this  
17 point.

18 I've paused it at 17 minutes. Were you aware of  
19 that occurring back then?

20 A No, I wasn't.

21 Q Mr. Sims, I've paused it at 18 minutes 28  
22 seconds. Can you tell us -- is the subject of the  
23 conversation between you and Ms. Norman still the same?

24 A Yes.



1           Q    I'm pausing at 18:45. Now, as far as your side  
2 of this communication, has what you're trying to  
3 accomplish changed at all?

4           A    Yes. At some point, I don't know if it's here,  
5 I offered that I had money at my house.

6           Q    And now prior to that -- and I will -- I have  
7 questions for you about that point in time. Let me ask  
8 you this. Prior to that, so prior to the offer, had  
9 your -- did what you were trying to accomplish change?

10          A    I'm not sure I understand the question.

11          Q    So you told us earlier you were pleading. I  
12 think you -- and I don't want to put words in your  
13 mouth, but I think you said something to the effect of  
14 you were trying to get out of it. Does that sound  
15 right?

16          A    Correct.

17          Q    Okay. And again -- well, not again, but trying  
18 to get out of what?

19          MR. PICKER: Objection. Asked and answered.

20          MR. PRENGAMAN: I'm not sure that he did answer  
21 that question.

22          THE COURT: Overruled. Go ahead and answer the  
23 question, Mr. Sims.

24          THE WITNESS: Trying to get out of what. Trying

1 to, number one, get out of Bob & Lucy's and far away  
2 from her.

3 BY MR. PRENGAMAN:

4 Q And did that have to do with the fear that you  
5 were feeling by virtue of what you described before?

6 A Yes, the threat of the gun and me seeing that  
7 she's not by herself and just kind of -- I don't  
8 know -- imagining what could happen.

9 Q And so then as we're looking at -- again, not  
10 this very moment, not at this moment frozen at 18  
11 minutes 45 seconds, but at this general timeframe are  
12 you still trying to get out of it with her?

13 A I'm sure I am, yes.

14 Q Playing forward from 18 minutes 45 seconds.

15 I'm pausing it at 21 minutes and 8 seconds. Again,  
16 Mr. Sims, not asking at this very moment, but at this  
17 timeframe that we've watched is the subject, what  
18 you're talking about, still the same?

19 A I believe so, yes.

20 Q Playing forward from 21 minutes and 8 seconds.

21 Mr. Sims, I've paused the footage at 23 minutes and  
22 14 seconds. Can you tell us what we've just seen  
23 happen?

24 A Johnny pushed the button and let Ryan Williams

1 in.

2 Q And can you show us where he's located right  
3 now?

4 A Mr. Williams?

5 Q Mr. Williams.

6 A (Witness complies.)

7 Q Now, when Mr. Williams approaches and stands  
8 where we see him here, do you recall the first thing or  
9 things that he said?

10 A I believe I spoke to him first.

11 Q Did you -- go ahead.

12 A I addressed him in the conversation. I believe  
13 I said to him, "Ryan, you know I wouldn't take from her  
14 children."

15 Q And so you recognized him?

16 A Yes.

17 Q And when you recognized him, was that from the  
18 prior occasion you told us about yesterday?

19 A Yes.

20 Q And what was your -- when you were introduced  
21 to him on that prior occasion, so before this day,  
22 you've told us you recalled it being Ms. Norman that  
23 introduced you?

24 A Yes.

1 Q And how was he introduced in terms of what  
2 was -- what was his relationship to Ms. Norman?

3 A Her ex-boyfriend.

4 Q Now, when he walked up and you said what you  
5 just described, did he -- do you recall him saying  
6 anything to Ms. Norman at this point? I'm sorry. Let  
7 me just clear that up so it's clear.

8 So going back now to February 22nd, Bob & Lucy's,  
9 the point in time we see -- around the point in time we  
10 see on the footage where Mr. Williams has just  
11 approached you, you have said the words that you just  
12 described, does he say anything to Ms. Norman or does  
13 he continue to address you?

14 A I believe he just addressed me.

15 Q Describe what happened next.

16 A After I made the statement to him he turned,  
17 "You know how I roll. Let's ride."

18 Q And when he said -- again, based on what you  
19 knew from your prior contact with him, when he said,  
20 "You know how I roll," how did you understand that in  
21 the context of this moment?

22 A At this point I was in some kind of danger.

23 Q And you said -- what was the other thing? You  
24 just told us he said that and then "Let's ride" he

1 said?

2 A Yeah, or it was the other way around, "You know  
3 how I ride. Let's roll," or, "You know how I roll.  
4 Let's ride." He was nudging for me to like get up and  
5 go.

6 Q What happened next? Well, let me stop before  
7 you answer that. Did you want to go?

8 A No, sir.

9 Q Did you have fear about that prospect of going?

10 A Absolutely.

11 Q And what was that fear?

12 A That some harm was going to come to me.

13 Q What happened next?

14 A I believe I get up here and he cashes out my  
15 ticket or the other way around, he cashes out my ticket  
16 and says, "Let's go." He had his hand in his little  
17 kangaroo pouch of his sweater and kept kind of like  
18 nudging it up and down. When he was talking he would  
19 do this, he would nudge his sweater.

20 Q Mr. Sims, I can't see from where I'm standing  
21 to see what you did. Could I ask if you could just  
22 stand up and show us what you just did so that I can be  
23 sure everyone saw it.

24 A (Witness complies.)

1 Q And now I'm going to play it forward from  
2 23:14.

3 Are you able to tell us what we just saw happen  
4 there?

5 A I'm sorry. I was looking at --

6 Q Let me back up a little bit. I'm going to go  
7 back to 23:23, 23 minutes and 23 seconds.

8 Now, stopping at 24 minutes 3 seconds, can you tell  
9 us what we just saw happen?

10 A He hit the change button and told me, "Let's  
11 go," and grabbed my ticket.

12 Q Now, when he cashed out and took your ticket  
13 was that with your permission?

14 A No, sir.

15 MS. HICKMAN: Your Honor, could we take a break  
16 just for one second?

17 THE COURT: We can.

18 Ladies and gentlemen, we're going to take a brief  
19 recess. During this recess you are not to discuss or  
20 communicate with anyone, including fellow jurors, in  
21 any way regarding the case or its merits either by  
22 voice, phone, email, text, internet or other means of  
23 communication or social media. You are not to read,  
24 watch or listen to any news or media accounts or

1 commentary about the case.

2 You are not to do any research, such as consult a  
3 dictionary, using the internet or using reference  
4 materials. You are not to make any investigation, test  
5 the theory of the case, recreate any aspect of the case  
6 or in any other way investigate or learn about the case  
7 on your own. And you are not to form or express any  
8 opinion regarding the case until it is submitted to  
9 you.

10 We'll see you in a few minutes. Thank you.

11 (A recess was taken.)

12 THE COURT: Mr. Prengaman.

13 MR. PRENGAMAN: Thank you, Your Honor.

14 BY MR. PRENGAMAN:

15 Q Mr. Sims, when we took the break we left off at  
16 24 minutes and 3 seconds into the footage. I'm going  
17 to back up just a little bit, 23:44. And before we get  
18 back to where we were, this is Mr. Williams standing  
19 behind you?

20 A Yes.

21 Q I'm going to switch to a different camera angle  
22 and go back to Exhibit No. 1. For the record I've gone  
23 back to Exhibit 1, the channel 9 folder, the third  
24 file, one zero two five.

1        So now, Mr. Sims, you told us earlier you recognize  
2 this view; right?

3        A     Correct.

4        Q     And that it's -- I'm just circling on the  
5 right-hand side. This is the area where you are  
6 engaged with Ms. Norman; correct?

7        A     Correct.

8        Q     I'm going to move forward to 13 -- start at  
9 13:12 and play forward.

10       Now I've paused it at 13 minutes 22 seconds. Do  
11 you recognize who that is?

12       A     Yes.

13       Q     Who is that?

14       A     Ryan Williams.

15       Q     And are we able to see -- and, again, you're  
16 small in the view, but are we able to see you and  
17 Ms. Norman sitting at the machines?

18       A     Yes, you are.

19       Q     Playing forward from 13:22.

20       Now pausing at 14 minutes in -- and, Mr. Sims, does  
21 that allow us to see the beginning of Mr. Williams  
22 approaching you and then cashing out the ticket from a  
23 different view?

24       A     Yes.



1 Q I'm going to go back a little bit.

2 And now, Mr. Sims, I've paused it at 13 minutes 55  
3 seconds. I'm going to circle this area of  
4 Mr. Williams' arm. Are you able to see -- and I don't  
5 want to put words in your mouth. Are you able to see  
6 him holding a white object?

7 A I believe so.

8 Q And I'm going to go back and -- I'll go back a  
9 second or two.

10 Now I paused it at 13 minutes 56 seconds. Did you  
11 see him just holding a white item?

12 A Yes.

13 Q From being there, again, not looking at it now  
14 but being there at the time, what was that?

15 A It was my voucher out of my machine.

16 Q I'm going to return to Exhibit 2. Now going to  
17 23:23 and playing forward.

18 Now, Mr. Sims, what we have -- so I'm pausing it at  
19 24 minutes 7 seconds. We've seen you get up; correct?

20 A Yes.

21 Q And before we took the break I believe you told  
22 us that you did not want to get up, you did not want to  
23 leave with Mr. Williams and Ms. Norman.

24 A I did not.

1 Q At this point why do you get up and start  
2 walking towards them?

3 A I was asked to get up.

4 Q Mr. Sims, I've paused it at 24 minutes and 41  
5 seconds in. What has just occurred?

6 A I told him that I could get -- possibly get  
7 Dave to give me some money out of the cash register.

8 Q And what was your purpose in doing that?

9 A Stalling time.

10 Q To stall what in time?

11 A Trying to prevent going with them. And I knew  
12 if I went over to Dave in my head I had a plan to tell  
13 him to call the police.

14 Q Now, playing forward from 24 minutes 41  
15 seconds.

16 Pausing it at 24 minutes 59 seconds in, where I've  
17 just circled, is that Mr. Williams?

18 A Yes, sir.

19 Q And he appears to be talking to you?

20 A Yes.

21 Q And can you tell us what he was -- what he was  
22 saying to you up to the point where I paused it?

23 A He was telling me, "Let's go. Let's go."

24 Q So now you saw that you stopped and you did not

1 go through the door, you did not follow him through the  
2 door.

3 A Correct.

4 Q Now I've played forward and paused it at 25  
5 minutes 5 seconds. Can you tell us what just occurred?

6 A He pretty much told me to hurry up, you got two  
7 minutes, five minutes, and I went to go talk to Dave.

8 Q I've paused the footage at 25 minutes 24  
9 seconds. Is this a closer-up view of Mr. Williams in  
10 the vestibule area during that -- when he was talking  
11 to you about coming out?

12 A Yes.

13 Q So now going back, as best as you can recall,  
14 please describe -- when you proposed to get money,  
15 describe how that occurs. What do you say to  
16 Mr. Williams and/or Ms. Norman and how do they respond?

17 A I told him to hold up, I can get some money  
18 from my roommate. He wasn't really going for it.  
19 Ms. Norman I think kind of helped me persuade him to  
20 let -- to see if he can get some money. And that's  
21 when he finally kind of went out the door and kind of  
22 okayed me to go. And so that's when I went towards the  
23 kitchen area of the bar.

24 Q Now, in terms of the money or the amount, was

1 there any discussion -- did you propose the purpose of  
2 why you were offering the money?

3 A Well, I assumed it was -- I mean, I was -- I  
4 offered to pay for the value of whatever was missing  
5 from her home. And that was one of my efforts was to  
6 tell him I can get the money from Bob & Lucy's, from  
7 Dave, from the cash register, and they bought it.

8 Q Okay. Now, again, in terms of amount, was  
9 there any -- do you recall any mention of, for  
10 instance, how much does an Xbox cost, any back and  
11 forth about amount?

12 A I recall mentioning 300 bucks, at least a  
13 hundred, somewhere in that range. I just kind of off  
14 the top of my head just said I can get an amount that I  
15 thought, you know, would stop them from proceeding with  
16 what they were trying to do, and it worked.

17 Q And when you say "proceeding with what they  
18 were trying to do," as you stood there, based on the  
19 words -- their words and actions, what did you think  
20 was going to happen if you left that establishment?

21 A I mean, they were going to harm me some kind of  
22 way, beat me up, shoot me. I don't know what their  
23 intent actually was. I just -- I knew we weren't going  
24 to go have something to eat.

1 Q I assume that you -- do you go talk to Dave?

2 A Yes.

3 Q Describe what happened.

4 A Dave is in the back kitchen filling a bucket  
5 with ice. I asked him to actually put me in the  
6 freezer, because I saw the freezer door open. I asked  
7 him to put me in the freezer and tell them that I ran  
8 out, because we were out of view, and that they were  
9 trying to -- the first thing that came to my mind, I  
10 told him that they were trying to rob me which was not  
11 quite true, but I was trying to get him to -- because  
12 he was asking me questions as I'm asking him questions  
13 telling me I can't be back here in the kitchen.

14 He was making it kind of complicated for me to talk  
15 to him, so I kind of blurted out and said, "They're  
16 trying to rob me. Put me in the freezer and tell them  
17 I ran out the back door and call the police." And he  
18 would not put me in the freezer. He then said that he  
19 would call the police. And he grabbed the phone and  
20 dialed 911 I'm assuming.

21 Q Then what did you do then?

22 A Well, I thought I sat at the bar, but from  
23 watching the video I ended up going back over to tell  
24 Ms. Norman that he was calling his brother to bring

1 some money.

2 Q Let me stop there. Now, you said -- I believe  
3 you just said that you talked about -- you used the  
4 word "robbery," but in your mind that wasn't quite  
5 right.

6 A Right. I just said it to get him to call the  
7 cops.

8 Q In your mind what was happening?

9 A I was being forced to leave.

10 Q I'm going to play it forward from 25 minutes 24  
11 seconds.

12 I've paused it at 26 minutes and 2 seconds into  
13 Exhibit No. 2.

14 Mr. Sims, what we've just seen happen in the  
15 vestibule between Ms. Williams and -- I'm sorry --  
16 Mr. Williams and Ms. Norman, were you aware of that at  
17 the time?

18 A No, sir.

19 Q Okay. I'm going to play it forward from 26  
20 minutes 2 seconds.

21 Now, Mr. Sims, I've paused it at 27 minutes and 7  
22 seconds. Now, going back to what we witnessed in the  
23 vestibule, you said you weren't aware of that; correct?

24 A Correct.

1 Q And so at this time back then, what is your  
2 belief about whether Ms. Norman still is armed?

3 A I thought she still had it in her armpit.

4 Q Now, did you have a belief about whether  
5 Mr. Williams was armed?

6 A I believed he was armed also.

7 Q Now, was that based on what we just saw --  
8 again, I'm not asking you now as we look at the  
9 footage, I'm talking about back then at the time he  
10 approached you and you interacted up until the point  
11 where he leaves, did you have a belief about whether he  
12 was armed back on this date?

13 A I never seen a weapon, but I believed he was  
14 armed.

15 Q Why is that?

16 A His actions of having his hand in his pocket.

17 Q And that was going to be my question. Is that  
18 based on anything that he did or said?

19 A Based on the sharp lines in his sweatshirt and  
20 he never removed his hand, he did everything with the  
21 free hand, I assumed he was armed as well.

22 Q Did he say anything that contributed to that  
23 belief?

24 A No, I don't believe so.

1 Q I'm going to play it forward from 27 minutes  
2 and 7 seconds.

3 Now I've paused it at 27 minutes 11 seconds. What  
4 has just happened?

5 A I am not sure.

6 Q Let me -- I'm going to back up just a -- I'm  
7 going to go back to 26:56 and play it forward.

8 And I've paused it at 27:13. And what have we just  
9 seen happen?

10 A When Dave grabbed the phone from the bar  
11 Ms. Norman made the comment, "So now you're going to  
12 call the police?" And I walked around the bar up to  
13 her and told her that he was calling his brother, he  
14 was right across the street and he was going to bring  
15 some money over, just wait, wait five minutes.

16 Q Playing forward from 27:13. Now, pausing it at  
17 28 minutes and 9 seconds.

18 Now, Mr. Sims, what are you doing in terms of the  
19 talk that you're having with Ms. Norman? Again, not at  
20 this very moment but in the timeframe that we've just  
21 observed.

22 A I am at this point kind of like -- I can't  
23 believe that it's escalating to this point and I'm  
24 trying to get her to think about, you know, what she's



1 doing, the situation, you know, just where this is  
2 going from like zero to a hundred real fast. I'm sure  
3 I was talking about her children and, I don't know, you  
4 know, something a friend would say to another friend  
5 when, you know, someone is in trouble, making a bad  
6 choice. I was trying to talk her out of it.

7 Q Now, at some point -- and is this part of  
8 waiting for the money to come?

9 A Both. I mean, I was sincere what I was saying,  
10 but -- you know, because Ryan wasn't there, so it  
11 seemed like I had more rapport with her when Ryan  
12 wasn't around.

13 Q Now, at some point while you were waiting --  
14 well, let me ask this. When you told her that Mr. Cole  
15 was calling his brother, was that true?

16 A That was false.

17 Q Okay. What was your purpose in telling her  
18 that?

19 A Because he grabbed the phone in front of her.  
20 He didn't try to hide or, you know, disguise what he  
21 was doing. He just grabbed it right in front of her  
22 and dialed 911. Well, he did walk into the kitchen  
23 when he was talking on the phone.

24 Q And again as we're looking at this general

1 timeframe around where I've paused it at 28 minutes and  
2 9 seconds into this footage, do you have some belief  
3 about whether the police are on their way?

4 A I think it's fair to say at this point I didn't  
5 know what they were going to do, so I was kind of, you  
6 know, thinking of another plan.

7 Q At some point while you're awaiting according  
8 to what you've told Ms. Norman for the money to come  
9 does she ever mention Ryan or Mr. Williams?

10 A Yes.

11 Q And again I'm not asking if that's occurring  
12 right here at this very moment, but at some point while  
13 you're sort of standing by the doors waiting does she  
14 mention him?

15 A Yes, she does.

16 Q What does she say?

17 A She says to me -- her phone rang at some point  
18 and she said it was him on the phone and that we better  
19 hurry up what we're doing because she can't stop what's  
20 going to happen if he comes in here.

21 Q Did you take that as a threat?

22 A Absolutely.

23 Q Did you have fear about what might happen if  
24 Mr. Williams were to come back in?

1           A     Absolutely.

2           Q     What happened -- after she makes reference to  
3 Mr. Williams coming back in what happens next?

4           A     I walked into the kitchen. I had been eyeing  
5 the double doors and I was trying to figure out how  
6 they unlocked from afar never being back there before.  
7 Eventually I just ran towards the back double doors and  
8 unlatched it and ran into like the back alley.

9           Q     I'm going to play it forward from 28 minutes  
10 and 9 seconds.

11          Now, Mr. Sims, we have -- I've paused the footage.  
12 Are you seeing some police cars arrive?

13          A     Yes.

14          Q     Now, as you were standing with Ms. Norman were  
15 you -- did you ever see -- so were you able to -- let  
16 me ask it this way. Were you able to see out those  
17 doors to see the parking lot, the general area where we  
18 see you standing paused at 29 minutes 48 seconds?

19          A     I could see the parking lot, but I couldn't  
20 see -- yes, I could see the parking lot.

21          Q     And did you -- so you told us earlier at some  
22 point you went through the back and ran out. Did you  
23 ever see police arrive through the window prior to  
24 leaving the business?

1           A     No, sir.

2           Q     So what we just saw in the footage, you recall  
3 leaving before any -- before that happened?

4           A     If that happened before I left I wasn't aware  
5 of it.

6           Q     That's a good correction. You did not see any  
7 police arrive?

8           A     No, sir.

9           Q     Okay. And when you left -- when you went to  
10 the back to where ultimately you ran out did you -- was  
11 Ms. Norman in the general area in front of those doors  
12 where we see her? Again, you're here with her. Is  
13 this the general area where you left her?

14          A     Yes.

15          Q     Now, would you describe for us where did you  
16 go -- so you run out of Bob & Lucy's. Where do you go?

17          A     When you open the double doors in the back, I  
18 went to the left, so away from the -- they have two  
19 parking lots. They have -- in the morning this door is  
20 the only one that works. The other door which is right  
21 this way, it doesn't -- it doesn't unlock until like  
22 9 o'clock.

23          So when I went out the door in the back, I went to  
24 the left running towards my house. They were parked

1 towards the right. There's two parking lots. I went  
2 towards the back parking lot. They were in the front  
3 parking lot.

4 Q I'm going to show you another exhibit in just a  
5 moment.

6 Mr. Sims, I'm showing you what we have admitted in  
7 evidence as Exhibit 73. Do you recognize this as  
8 showing the general area around Bob & Lucy's?

9 A Yes.

10 Q And are you able to show us -- again, I'm not  
11 asking you to pinpoint it exactly, but are you able to  
12 show us generally how you left and where you -- the  
13 direction you went when you left the business?

14 A Yes, I can. Do you want me to show you now?

15 Q Yes, please, if you could draw it for us on the  
16 monitor.

17 A The doors are about right here and I came out  
18 and ran that direction.

19 Q And then at some point did you encounter  
20 police?

21 A Yes, I did.

22 Q Can you describe that for us.

23 A Once I cleared the hedges that are about right  
24 here I entered the parking lot of the elderly apartment

1 housing and I ran through that parking lot and I end up  
2 on Merchant which is where the police officers were  
3 kind of gathered up in their police cars.

4 Q And at some point did one of the officers hail  
5 you or speak to you?

6 A Yes.

7 Q And now at this time describe what happened.

8 A Well, as I clear the hedges and clear the  
9 parking lot next to Bob & Lucy's, I come into the open  
10 and they all started yelling at me to stop, get down,  
11 and I follow their direction.

12 Q Now, at some point shortly after that did they  
13 have you sit on the sidewalk?

14 A Yes.

15 Q And did one of them ask you -- try to get some  
16 information from you about what had just happened?

17 A Yes, sir.

18 Q Mr. Sims, I'm going to show you what we have  
19 admitted as Exhibit 104. Is this you?

20 A Yes, it is.

21 Q Now, do you recall the policeman asking you  
22 whether -- well, let me ask this. Do you recall seeing  
23 a white truck drive by while you were speaking with  
24 police officers?

1 A Yes, I do.

2 Q I'm going to play it forward from 26 seconds  
3 in. I'm going to go just a little further.

4 So now did we just see the truck drive by?

5 A Yes.

6 Q Now, we just heard you tell the policeman that  
7 they're armed in the truck.

8 A Correct.

9 Q Did you believe that to be true at the time?

10 A Correct.

11 Q Now, you heard your description to the  
12 policeman about what just happened?

13 A Yes.

14 Q Describe your emotional state at the time that  
15 you made the statement or statements that we just  
16 heard.

17 MR. PICKER: Objection. Relevance.

18 THE COURT: I'm sorry. Mr. Picker, the objection?

19 MR. PICKER: Relevance.

20 THE COURT: Mr. Prengaman, relevance.

21 MR. PRENGAMAN: It's relevant to his state of mind  
22 when he's making these statements.

23 THE COURT: I'll allow it.

24 MR. PICKER: Your Honor, can I be heard?

1 THE COURT: Yes, Mr. Picker.

2 MR. PICKER: You previously admitted this exhibit  
3 based on that, so now his state of mind since it's  
4 already been admitted would seem to be irrelevant.

5 THE COURT: Thank you, Mr. Picker.

6 Mr. Prengaman, the question again, please, for the  
7 record.

8 BY MR. PRENGAMAN:

9 Q Mr. Sims, what was your state of mind as you  
10 were making the statements we just heard?

11 THE COURT: Go ahead, Mr. Sims.

12 THE WITNESS: Adrenaline, high adrenaline, anxiety.  
13 I was running for my life, at least I thought I was.

14 BY MR. PRENGAMAN:

15 Q And in terms of what you told them when you  
16 were describing what happened, did you believe that to  
17 be accurate as far as what happened?

18 A No.

19 Q How so?

20 A First off --

21 Q Let me stop you just a second. When you say  
22 that, are you talking about as you sit here now or as  
23 you sat on that curb and made those statements back  
24 then?



1           A     As I sat on that curb I knew it not to be  
2 accurate that they were trying to rob me. It's like I  
3 was -- because I knew my roommate made the call of the  
4 robbery, at that point I'm just kind of -- I just  
5 stayed with that. I didn't think it would be relevant.  
6 I was just trying to get away from them and so I kind  
7 of stayed with that whole scenario about she kept  
8 asking me for money. She never asked me for money. I  
9 offered her money. Once I seen she wasn't by herself  
10 and that they were probably, you know, going to do some  
11 kind of harm to me, I tried to offer them money in  
12 exchange.

13           Q     In exchange for not doing harm to you?

14           A     Correct.

15           Q     Now, at some point does this policeman that  
16 you're talking to direct you back to Bob & Lucy's?

17           A     Yes, he does.

18           Q     And describe what happens as you're walking  
19 back towards Bob & Lucy's.

20           A     I had thought Adrianna was in the vehicle with  
21 them. I started walking pretty much a breadcrumb back  
22 to Bob & Lucy's. And as I got to the parking lot of  
23 Bob & Lucy's I started hearing Adrianna's voice and she  
24 was talking to someone on the phone.

1 Q The policeman that had been talking to you that  
2 we heard talking to you in this footage on Exhibit 104,  
3 was he nearby?

4 A Yes. He was kind of -- as I was walking his  
5 vehicle was kind of parallel with me driving slowly.

6 Q Did you call his attention to where Adrianna  
7 was? Did you point her out?

8 A Yes.

9 Q Were you present when the policeman contacted  
10 her?

11 A Yes, I was.

12 Q I'm going to go to Exhibit 105. So I'm playing  
13 from the beginning of Exhibit 105.

14 Now, I paused it at 19 seconds in. And that was  
15 just you; correct?

16 A Yes.

17 Q Mr. Sims, I paused it at 1:13. And I can go  
18 back if it would help. But did you just hear yourself  
19 making some reference to three guns or words to that  
20 effect?

21 A Yes, I did.

22 Q Now, did you -- and I want to ask you about  
23 that. Would you like me to play it again or did you  
24 hear it well enough?

1           A     I heard it well.

2           Q     Okay. Now, you did not say you saw three guns  
3 in that statement, did you?

4           A     No.

5           Q     From listening to yourself can you tell us  
6 what -- again, as best you can make out from this, what  
7 did you say? What were your words to her about the  
8 three guns?

9           A     That she came rolling up on me with three guns,  
10 there was three people, just adrenaline and just  
11 something -- it was just kind of something that kind of  
12 came out. It wasn't really thought through carefully.

13          Q     So let me follow up on that. So you -- when  
14 you said rolling up on you with three guns, what were  
15 you referring to?

16          A     That she had one, Ryan had one and the other  
17 gentleman that was with them, I don't recall who he  
18 was, had a weapon also.

19          Q     Okay. And that was based on an assumption by  
20 you?

21          A     Yeah.

22          Q     You didn't see the third guy with a gun?

23          A     I never saw Ryan with a gun or the third guy  
24 with a gun.

1 Q I'm going to stop it at 1 minute and 27  
2 seconds.

3 Mr. Sims, after the contact we just saw on Exhibit  
4 105 with Ms. Norman did you continue back into Bob &  
5 Lucy's?

6 A Yes, I did.

7 Q And ultimately did a different police officer  
8 contact you and interview you or take a statement from  
9 you about what had happened?

10 A Yes.

11 Q Do you recall when speaking to that police  
12 officer recounting that you had seen Mr. Williams --  
13 something that you believed to be a gun on  
14 Mr. Williams' person?

15 A Yes.

16 Q And do you recall what -- do you recall  
17 describing to that officer that you had seen the handle  
18 or butt end, if you will, of a black gun?

19 A Yes.

20 Q Okay. Now, was that accurate?

21 A After time that was not accurate.

22 Q How did that come to be? How did that come to  
23 be that you told that to the police officer?

24 A From the first time that I met Ryan we had

1 discussed the gun that was displayed that he had on him  
2 and I asked -- I asked about the gun, if he had another  
3 one or, you know, knew how to get it and he said he had  
4 a silver --

5 MS. HICKMAN: Objection.

6 THE COURT: Ms. Hickman.

7 MS. HICKMAN: I'm objecting to that. That's the  
8 first time he said --

9 THE COURT: Ms. Hickman, I want you to say it again  
10 and put your mic up closer so we can make sure we hear  
11 the objection.

12 MS. HICKMAN: I'm objecting to what he said because  
13 it's not the basis of the instruction you read earlier  
14 and it's the first time he said it.

15 THE COURT: Thank you.

16 Mr. Prengaman.

17 MR. PRENGAMAN: Your Honor, I can move on.

18 THE COURT: Please. Thank you.

19 BY MR. PRENGAMAN:

20 Q So, Mr. Sims, you told us that on that prior  
21 occasion you had seen him with a black gun; correct?

22 A Yes.

23 Q You had talked to him about the black gun?

24 A Correct.

1 Q You believed that he had been carrying that gun  
2 on his person throughout the day that you were with  
3 him?

4 A Correct.

5 Q Okay. And was that prior experience the basis  
6 for you believing that he was armed with a black gun  
7 that morning at Bob & Lucy's?

8 A Yes, it was.

9 MS. HICKMAN: Your Honor, I would ask that you read  
10 the limiting instruction again.

11 THE COURT: I can do that. We're going to take  
12 about a two-minute break. Everyone just stay seated.

13 (Pause in the proceedings.)

14 THE COURT: Ladies and gentlemen, you just heard  
15 evidence of alleged prior possession of a handgun by  
16 Defendant Ryan Williams on a date other than February  
17 22nd, 2020. This evidence is not to be considered for  
18 purposes of proving character or action in conformity  
19 therewith on February 22nd, 2020. However, such  
20 evidence may be considered in determining intent or  
21 providing content to statements allegedly made by  
22 Mr. Williams on February 22nd, 2020, in determining the  
23 element of robbery and attempted robbery, that the  
24 offenses were committed by means of force or violence

1 or fear of injury, immediate or future.

2 You may consider this evidence only against  
3 Mr. Williams, not against Ms. Norman. As with all  
4 evidence, it is up to you, the jury, to decide whether  
5 to believe all, none or part of the testimony and the  
6 weight to give it.

7 Mr. Prengaman.

8 MR. PRENGAMAN: Thank you.

9 BY MR. PRENGAMAN:

10 Q And, Mr. Sims, you told us earlier that one of  
11 the things Mr. Williams stated when he approached you  
12 at Bob & Lucy's was "You know how I roll."

13 A Correct.

14 Q Based on the limited experience you had with  
15 him, did that have any connotation to you as far as his  
16 possession of a gun?

17 A Yes, it did.

18 Q And in what way? How? Let me ask it this way.  
19 Did you take that as a reference, "You know how I  
20 roll," as that you know I carry a gun?

21 A Yes, I did.

22 Q Did that contribute to the fear that you felt  
23 that you've previously described about what was  
24 happening to you at Bob & Lucy's?

1           A     Correct.

2           Q     Now, Mr. Sims, I want to go back to you and  
3     Ms. Norman inside Bob & Lucy's before Defendant  
4     Williams has come in. Was there a point in time while  
5     you were talking and sort of in that period where you  
6     described for us the temperature was up at ten when you  
7     told her that you had a gun also?

8           A     Yes, I did.

9           Q     Okay. Can you describe for us the context,  
10    what was happening when you made that statement?

11          A     It was a poker bluff move, a bluff.

12          Q     When you made that statement had you already  
13    seen that she had -- so you previously described seeing  
14    her and that she was armed. Had you seen the gun at  
15    the time you made that statement?

16          A     Yes.

17          Q     When you said that was a bluff, did you have a  
18    gun that morning?

19          A     No, I did not.

20          Q     Now, Mr. Sims, when you were going back to  
21    talking to the policeman -- well, let me ask you this,  
22    Mr. Sims. Had you used methamphetamine on this date?

23          A     Yes, I did.

24          Q     All right. And from memory, I'm not going to



1 ask you to pinpoint it or go to the exact hour, are you  
2 able to say approximately how long before you were at  
3 Bob & Lucy's that you had used methamphetamine?

4 A Within a couple hours.

5 Q And in terms of its effect on you, do you --  
6 and again from memory, were you still feeling effects  
7 from using it when you were at Bob & Lucy's?

8 A Sure, absolutely.

9 Q And do you recall or what do you recall those  
10 effects being when this was happening? In other words,  
11 I'm just asking you to describe how intoxicated or not  
12 intoxicated you were from that use.

13 A I'm a meth addict. I used meth all that day  
14 and I'm sure the day before. I'm not quite sure how  
15 many days I was up or if I slept the night before. But  
16 how I felt that morning, I don't know, it's kind of  
17 hard to explain. Just up, you know, like caffeine  
18 high, gambling.

19 Q And did that change anything about what you  
20 experienced inside Bob & Lucy's that morning?

21 A I'm not a doctor, but I'm sure it had something  
22 to do with how I reacted to things and how I perceived  
23 things.

24 Q Is there any doubt in your mind -- when you

1 talk about Ms. Norman confronting you over the  
2 accusations, is there any doubt in your mind that that  
3 happened?

4 A No.

5 Q When you talk about seeing the gun on her,  
6 talked about her having her hand on the gun, the fear  
7 that you felt, is there any doubt in your mind that  
8 that happened?

9 A No.

10 Q Similarly with Mr. Williams, when Mr. Williams  
11 came in and told you, "Let's go" -- what were your  
12 words about leaving and going, going for a ride, how  
13 did you describe it?

14 A He was just saying, "Let's go. You know how I  
15 roll. Let's ride."

16 Q Any doubt in your mind that that happened?

17 A No.

18 Q When he cashed out your ticket and took it --

19 A That happened.

20 Q Any doubt in your mind about the fear that you  
21 felt when he told you to go, "Let's go, let's ride"?

22 A No, no doubt.

23 Q Now, do you recall -- you've run out of  
24 Bob & Lucy's. You've contacted the policeman. You're

1 sitting on the sidewalk. Do you recall telling the  
2 policeman that they had taken your -- I believe you  
3 said "pinched my ticket" and they had taken your  
4 wallet.

5 A Correct.

6 Q Now, do you recall using the words "pinched my  
7 ticket"?

8 A Pinched my ticket?

9 Q Yeah.

10 A No, I don't recall that.

11 Q If you used the word "pinched" what would that  
12 have meant?

13 A I have never used that phrase before. That  
14 goes toward the meth use adrenaline.

15 Q Was that a reference to stealing your ticket?

16 A Yes.

17 Q And you mentioned the wallet, that they had  
18 taken your wallet.

19 A Correct.

20 Q Can you explain that? Why did you tell them  
21 that they took your wallet?

22 A Because I realized I didn't have my wallet and  
23 I assumed that I had it sitting on the thing during our  
24 conversation in Bob & Lucy's and at some point one of

1    them grabbed it, but I'm not sure what happened to my  
2    wallet.   Today I'm not sure.

3           Q    Mr. Sims, since this occurred have you been  
4    convicted of a felony since this occurred?

5           A    Yes, I have.

6           Q    And was that -- did that conviction occur on  
7    April 7th, 2021, and was the crime attempted possession  
8    of a trafficking quantity of a controlled substance?

9           A    Yes, it was.

10          Q    Thank you, Mr. Sims.   I have no further  
11   questions at this time.

12          THE COURT:   Thank you, Mr. Prengaman.

13          Ms. Hickman.

14          MS. HICKMAN:   Thank you, Your Honor.   Can we take a  
15   quick break?

16          THE COURT:   We can.   Let's do that.   Fifteen  
17   minutes?

18          MS. HICKMAN:   We could even do ten.

19          THE COURT:   Ladies and gentlemen of the jury,  
20   during this break you must not discuss or communicate  
21   with anyone, including your fellow jurors, in any way  
22   regarding the case or its merits, either by voice,  
23   phone, email, text, internet or other means of  
24   communication or social media.

1           You are not to read, watch or listen to any news or  
2 media accounts or commentary about the case. You are  
3 not to do any research, such as consulting  
4 dictionaries, using the internet or using reference  
5 material. You are not to make any investigation, test  
6 the theory of the case, recreate any aspect of the case  
7 or in any other way investigate or learn about the case  
8 on your own. And you are not to form or express any  
9 opinion regarding the case until it is submitted to  
10 you.

11           We'll see you in a few minutes. Thank you.

12                       (A recess was taken.)

13           (Proceedings outside the presence of the jury.)

14           THE COURT: All right. Counsel, during the break  
15 we got a question from Juror No. 6. You should all  
16 have a copy of that question in front of you.

17           Mr. Prengaman, do you have it?

18           MR. PRENGAMAN: Yes.

19           THE COURT: Ms. Hickman?

20           MS. HICKMAN: I do.

21           THE COURT: Mr. Picker?

22           MR. PICKER: Yes, Your Honor.

23           THE COURT: The question -- it's actually a  
24 statement. "I couldn't hear the date and charge on

1 Steven Sims."

2 Mr. Prengaman, I'm assuming that's the question you  
3 asked about the conviction.

4 MR. PRENGAMAN: That's what I take this question to  
5 be directed at.

6 THE COURT: When we go back on the record,  
7 Mr. Prengaman, before I officially turn the questioning  
8 of Mr. Sims over to Ms. Hickman I would like you to  
9 simply say to the witness, "Mr. Sims, I'm going to ask  
10 you a question that I asked you previously. Can you  
11 answer it again?" and then reask the question.

12 MR. PRENGAMAN: Okay.

13 THE COURT: Okay. The only other thing I want to  
14 do outside the presence of the jury, Mr. Prengaman, is  
15 a list of witnesses for the rest of today and any that  
16 you have lined up for tomorrow that you can provide.

17 MR. PRENGAMAN: Your Honor, assuming we get to it  
18 today -- Your Honor, assuming we get that far today, it  
19 would be Angel Guillen and from there going to tomorrow  
20 it would be Daniel Snow, Aaron Martini, Robert  
21 Canterbury, Matthew Gallagher.

22 THE COURT: Wait. Hang on. Start again.

23 MR. PRENGAMAN: So Guillen, Snow, Martini,  
24 Canterbury, Dominguez, Gallagher. That's kind of the

1 general order.

2 THE COURT: Okay. Guillen, Snow, Martini,  
3 Canterbury, Dominguez, Gallagher. All right. Do you  
4 intend to call more witnesses than that in your case in  
5 chief or do you know?

6 MR. PRENGAMAN: Yes, I do.

7 THE COURT: You do?

8 MR. PRENGAMAN: That's just maybe tomorrow and  
9 early the next day.

10 THE COURT: You lost me there.

11 MR. PRENGAMAN: Sorry. Your Honor, I was just  
12 saying that's what I would anticipate sort of getting  
13 through tomorrow and into the next day, but I'm not  
14 necessarily saying that's the end of my case.

15 THE COURT: Okay. All right. Excellent. Thank  
16 you so much.

17 All right. Ms. Hickman, anything we need to  
18 undertake while we're outside the presence?

19 MS. HICKMAN: No, Your Honor. Thank you.

20 THE COURT: Mr. Picker.

21 MR. PICKER: No, thank you, Your Honor.

22 THE COURT: All right. That's great.

23 Deputy Wood, if you would bring the jury in,  
24 please.

1 (Proceedings within the presence of the jury.)

2 THE COURT: Mr. Sims, sir, you can retake the  
3 stand.

4 Mr. Prengaman.

5 MR. PRENGAMAN: Thank you, Your Honor.

6 BY MR. PRENGAMAN:

7 Q Mr. Sims, I'm going to ask you a question that  
8 I previously asked you one more time just for the  
9 record. Mr. Sims, were you convicted on April 7th,  
10 2021, for the offense of attempted possession of a  
11 trafficking quantity of a controlled substance?

12 A Yes, I was.

13 Q Thank you very much, Mr. Sims.

14 THE COURT: Thank you, Mr. Prengaman.

15 Ms. Hickman.

16 MS. HICKMAN: Thank you.

17 CROSS-EXAMINATION

18 BY MS. HICKMAN:

19 Q Mr. Sims, I'm going to start where you just  
20 left off at the end of that questioning. On February  
21 22nd, 2020, you had used methamphetamine within hours  
22 of going to Bob & Lucy's; correct?

23 A Correct.

24 Q You were still feeling the effects of it?



1 A Correct.

2 Q And you had not slept the night before;  
3 correct?

4 A I'm not sure, but that's possible.

5 MS. HICKMAN: Okay. Is it possible to turn my  
6 microphone down just a little bit?

7 BY MS. HICKMAN:

8 Q Okay. And also on February 22nd, 2020, you  
9 told the police that your wallet had been stolen;  
10 correct?

11 A Correct.

12 Q But when you testified today you said today  
13 you're just not sure what happened to that wallet;  
14 correct?

15 A Correct.

16 Q Including that it was stolen; right?

17 A Correct.

18 Q As you sit here today do you know that it was  
19 not stolen by Mr. Williams?

20 A I would say I believe it was not stolen by  
21 Mr. Williams.

22 Q Okay. And also in February of last year you  
23 told the police that when Mr. Williams said, "Let's  
24 go," he had a gun; correct?

1 A Correct.

2 Q And you did not tell the police that you  
3 assumed he had a gun; right?

4 A Correct.

5 Q In fact, you pulled up your shirt and showed  
6 your waistband; right?

7 A Yes.

8 Q And said, "He showed me a gun"; right?

9 A Correct.

10 Q And not only did you tell them that and show  
11 them that, you described it to them; right?

12 A Correct.

13 Q But as you sit here today you know that is not  
14 true?

15 A Correct.

16 Q Mr. Sims, you testified in a previous hearing  
17 in this case; right?

18 A Yes.

19 Q Back in May?

20 A Yes, ma'am.

21 Q Of last year?

22 A Yes, ma'am.

23 Q Between May of 2020 and today how many times  
24 have you watched the surveillance video?

1           A     I'm not sure. Last week I was given the  
2 opportunity to review my testimony and the video  
3 footage.

4           Q     Okay. And who did you watch that footage with?

5           A     Myself.

6           Q     Okay. Who was there with you?

7           A     No one.

8           Q     Okay. So it was just you?

9           A     Yeah, in the media room of the unit that I was  
10 housing in.

11          Q     Okay. Who gave it to you?

12          A     I'm not quite sure who gave it to me.

13          Q     Was it the District Attorney's Office who let  
14 you have that flash drive to review by yourself?

15          A     I would believe so.

16          Q     Okay. And after viewing that and reviewing  
17 your testimony from last year did you meet with  
18 Mr. Prengaman?

19          A     Yes, I did.

20          Q     When was that?

21          A     That was last week. I'm not sure which day.

22          Q     Before or after you saw that video?

23          A     It was after the first time I viewed it, and I  
24 viewed it again afterwards.

1 Q Okay.

2 A So I viewed it twice after -- since May.

3 Q Okay. So you viewed it, met with Mr. Prengaman  
4 and then viewed it again?

5 A Yes, ma'am.

6 Q And then did you meet with Mr. Prengaman again?

7 A No, ma'am.

8 Q And you said you were given a chance to review  
9 your transcript; right?

10 A Correct.

11 Q Were you given that transcript to keep?

12 A No, ma'am.

13 Q So you were just allowed to read it and then  
14 you had to give it back?

15 A Correct.

16 Q Okay. And then I want to talk to you about the  
17 fact that the clothes you're wearing today were  
18 provided to you by the District Attorney's Office.  
19 Correct?

20 A Correct.

21 Q So I want to go back to February 22nd, 2020.  
22 And you testified today that you got to Bob & Lucy's  
23 about 4 a.m.; correct? Or not today. You actually  
24 said that yesterday.

1 A Yes, roughly around that time.

2 Q Okay. And you had used drugs a couple hours  
3 before that; right?

4 A Correct.

5 Q And in the 24 hours prior to that you used  
6 methamphetamine more than once; correct?

7 A You said the 24 hours prior to the 22nd?

8 Q Yes.

9 A I'm sure it is.

10 Q More than once?

11 A I'm sure it is.

12 Q But when you talked to the Sparks Police  
13 Department on February 22nd you actually spoke to four  
14 different officers; right?

15 A Three at least.

16 Q So you talked to the officer that had you sit  
17 on the curb; right?

18 A Right.

19 Q You talked to the officer inside of Bob &  
20 Lucy's?

21 A There were two.

22 Q Right. But that's one statement; right?

23 A Okay. Yes.

24 Q And then there was an officer who drove you

1 from Bob & Lucy's to the Sparks Police Department?

2 A Correct.

3 Q And then there's a detective that you talked to  
4 when you sat in the interview room; right?

5 A Correct.

6 Q So that's four different officers or four  
7 different statements; right?

8 A I don't think I made a statement in the police  
9 car.

10 Q Okay. Did you talk to that officer?

11 A I'm not -- I'm sure we had some kind of  
12 dialogue, yes.

13 Q Okay. When you talked to that fourth officer  
14 at the Sparks Police Department do you remember telling  
15 him that you don't do drugs anymore?

16 A I do not remember that.

17 Q Do you remember telling that officer regarding  
18 drugs, "It's nothing that I do now. I think that the  
19 last time I've done it was New Years"?

20 A I believe so, yes.

21 Q Okay. But that wasn't true; right?

22 A Of course not.

23 Q Because in fact you were still high when you  
24 were talking to that officer; right?

1 A Correct.

2 Q So you get to Bob & Lucy's about 4 a.m. And  
3 I'm going to show you -- I'm going to show you Exhibit  
4 1, channel 9. I'm going to show you the first video on  
5 channel 9. You can see here this is February 22nd;  
6 right?

7 A Yes, ma'am.

8 Q And it's about 5:49 in the morning; right?

9 A Yes, ma'am.

10 Q And this is you; correct?

11 A Yes, ma'am.

12 Q And so at this point you've been at Bob &  
13 Lucy's for almost two hours; correct?

14 A Roughly. I'm not quite sure when I showed up.  
15 That's close.

16 Q I'm sorry?

17 A I guess that's close.

18 Q And it's fair to say that when we see you first  
19 at Bob & Lucy's here at 5:29 you have not seen  
20 Ms. Norman since you left Winnemucca; correct?

21 A Correct.

22 Q And you haven't seen Mr. Williams since I think  
23 you said late November, early December; correct?

24 A Correct.

1 Q And when you were living with Ms. Norman in  
2 Winnemucca Mr. Williams wasn't there; correct?

3 A Correct.

4 Q And so the allegations that you stole something  
5 from Ms. Norman's children had nothing to do with him;  
6 correct?

7 A Correct.

8 Q Those aren't his children to the best of your  
9 knowledge?

10 A To the best of my knowledge.

11 Q So when you left Winnemucca you left after  
12 living with Ms. Norman for three weeks approximately?

13 A Approximately, yes.

14 Q And during the time that you lived with her you  
15 didn't pay her rent; correct?

16 A Correct.

17 Q And you said that you and her operated sort of  
18 like partners helping to care for the children;  
19 correct?

20 A Correct.

21 Q It was also fair to say that you and her were  
22 friends?

23 A Correct.

24 Q So when you left -- let me ask you this. That



1 first message that was sent that said, "So you left,"  
2 that was sent on the day that you left; correct?

3 A Yes, ma'am.

4 Q You left without saying goodbye to her;  
5 correct?

6 A Correct.

7 Q I'm showing you Exhibit 108. And if you look  
8 down at the bottom you can see there's a first message  
9 that she sent; right?

10 A Yes, ma'am.

11 Q And that is at 1:57 p.m.; correct?

12 A Yes, ma'am.

13 Q And you don't respond; right?

14 A I believe I did not.

15 Q And then at 3:23 she sends you, "So okay, I  
16 guess. You could have said something;" right?

17 A Correct.

18 Q And then she sends you another one that says,  
19 "Buy a new phone because this number will be turned off  
20 by the end of the day"; correct?

21 A Correct.

22 Q And it's fair to say that you never paid her  
23 for that phone that you were using; right?

24 A It was given to me, so, yes, it's fair to say

1 that I did not pay for it.

2 Q And the reason it says that the phone will be  
3 turned off by the end of the day is because you were on  
4 her phone plan; right?

5 A It was her phone. I wasn't on her plan. It  
6 was her plan. She just gave me the phone.

7 Q Okay. So who was paying for your phone  
8 service?

9 A I'm assuming she was.

10 Q And you would agree with me that leaving a  
11 friend after staying with them rent free for three  
12 weeks would make somebody mad; right?

13 A Repeat the question.

14 Q So how you left her -- right? -- three weeks,  
15 you're her friend, it would be reasonable for someone  
16 to be upset about the way you left?

17 A Yes, it would.

18 Q Okay. And then there's a series of text  
19 messages that start at 5:12 -- I can't quite see that  
20 far, but I think they're up there -- that say -- that  
21 start with "You're a piece of shit. You stole from my  
22 mother fucking kids"; right?

23 A Yes.

24 Q And then from there -- you can see that one is

1 at 5:12; right?

2 A Yes, ma'am.

3 Q And then one second of that being sent there's  
4 another one that says, "You're dead, you bitch. I will  
5 never respect you. Just know your day is coming";  
6 right?

7 A Yes.

8 Q And all of those are sent within one second;  
9 correct?

10 A Correct. One second or one minute?

11 Q One minute. You're right, one minute. And you  
12 don't respond to those; right?

13 A No, ma'am.

14 Q And then you get another text message the next  
15 day that says, "It's almost your time"; right?

16 A Yes, ma'am.

17 Q Okay. And it's fair to say that when all of  
18 those text messages are coming through, nothing about  
19 them mentions Mr. Williams; right?

20 A Correct.

21 Q And whatever issue between you and Ms. Norman  
22 Mr. Williams wasn't there for; right?

23 A Correct.

24 Q And in fact I believe you testified he was her

1 ex-boyfriend at this time; correct?

2 A Yes, ma'am.

3 Q And so from January 16th until February 22nd  
4 you have no communication with Ms. Norman; right?

5 A Correct.

6 Q You don't even tell her where you went; right?

7 A Correct.

8 Q You don't tell her that you're in Sparks,  
9 Nevada; correct?

10 A Correct.

11 Q And it's fair to say that you've lived places  
12 other than Sparks; right?

13 A Correct.

14 Q And more precisely you never tell her, "I'm  
15 going to be at Bob & Lucy's on the 22nd at 4 a.m.";   
16 right?

17 A No, I didn't.

18 Q And how far of a drive is it from Winnemucca to  
19 Bob & Lucy's? How long does it take to get there?

20 A I'd say a little over two hours, two hours 20  
21 minutes.

22 Q Two hours 20 minutes. Okay. And when you hung  
23 out with Mr. Williams in November or December, part of  
24 that was you had to give him money for gas; right?

1 A Say that again.

2 Q Do you remember hanging out with Mr. Williams  
3 in November or December of 2020?

4 A Yes, ma'am.

5 Q And at the end of that day you had to give him  
6 money for gas because he was going to go to Winnemucca;  
7 correct?

8 A Yes, ma'am.

9 Q And he didn't end up going; right?

10 A No, he did not.

11 Q But you did end up giving him the money?

12 A Yes.

13 Q So when you go to Bob & Lucy's in February you  
14 know people who are in there; correct?

15 A Yes, ma'am.

16 Q Mr. Cole is essentially your roommate; right?

17 A Yes, ma'am.

18 Q You're staying with him?

19 A Yes, ma'am.

20 Q But you're not paying him rent?

21 A Yes, I did.

22 Q You gave him rent?

23 A I paid him rent, yes.

24 Q Okay. But you were there that morning to talk

1 to Mr. Cole about an issue that you were having being  
2 able to pay rent; right?

3 A Is that why I was at Bob & Lucy's, is that the  
4 question?

5 Q It may not be the exact reason why, but it was  
6 one of the things you did when you got there, you  
7 talked to Mr. Cole about paying rent?

8 A I would say it's possible that we had probably  
9 a dialogue about rent, yes.

10 Q Okay. And then you started playing or  
11 gambling; right?

12 A Yes.

13 Q And do you remember how much money you started  
14 with gambling that day?

15 A I do not.

16 Q You do not?

17 A I do not.

18 Q And I want to talk to you about if you remember  
19 talking to that detective at the Sparks Police  
20 Department and telling him that you started with \$5 in  
21 the machine. Do you remember telling him that?

22 A I do not remember the amount, but I remember  
23 the conversation.

24 Q Okay. And then when you testified at the

1 hearing in May do you remember saying that you started  
2 with \$100?

3 A I do remember that, yes.

4 Q So you told Detective Harris you started with 5  
5 and then you said 100 in May; right?

6 A I mean, I would have to look at what I said,  
7 but I'm going off that you're not trying to trick me,  
8 so I'm going to say correct, I told two different  
9 amounts.

10 Q Okay. Let's start here. Okay. So I'm going  
11 to show you page 306 and 307 of Exhibit 169.

12 MS. HICKMAN: If I may approach.

13 THE COURT: Yes.

14 BY MS. HICKMAN:

15 Q I'm going to show you Exhibit 169. I'm going  
16 to show you the first page of that. I'm going to hand  
17 it to you. So it's page 1. And it tells you the date  
18 of the previous hearing -- right? -- May 18th, 2020?

19 A Correct.

20 Q Okay. And then if I show you -- all right.  
21 Page 158 of that, it shows that you were testifying;  
22 right?

23 A Correct.

24 Q Page 197 through 99; correct?

1 A Correct.

2 Q So now I'm going to show you page 306 and 307.  
3 I'm going to have you look at the bottom of page 306  
4 at line 24 and the top of 307, line 1 to line 5. And  
5 if you look there's the number on the side. So that's  
6 what I mean when I say the numbers. Okay?

7 A Okay. 307, you want me to look at what  
8 numbers?

9 Q One through 5, so there at the top.

10 A And on this one?

11 Q Line 24 at the bottom.

12 Okay. So you testified at that previous hearing  
13 that you started with \$100; correct?

14 A Yes, ma'am.

15 MS. HICKMAN: Then I'm going to ask to have this  
16 marked.

17 THE CLERK: Marked for identification Exhibit No.  
18 218.

19 (Exhibit 218 was marked.)

20 BY MS. HICKMAN:

21 Q Mr. Sims, you met with that fourth officer at  
22 the Sparks Police Department; correct?

23 A Correct.

24 Q On February 22nd; correct?



1 A Correct.

2 Q I'm going to show you the beginning of that.  
3 I'm going to pause it at 4 seconds. Is that you?

4 A Yes, it is.

5 Q And is that you in that interview room at the  
6 Sparks Police Department on February 22nd, 2020?

7 A Yes, ma'am.

8 Q And after watching that surveillance video you  
9 can see you're wearing the same thing; right?

10 A Yes.

11 Q You have on a pink shirt?

12 A Yes.

13 Q And you have on a hat; correct?

14 A Yes, ma'am.

15 Q I'm going to start this at 49:42 seconds.

16 I think I have the wrong spot. Let me just find  
17 it. I actually put the wrong spot down, so let me find  
18 it.

19 Okay. So I'm pausing it at 49:32, and I'm going to  
20 turn this up a little bit. Can you hear that at all  
21 when it's talking, Mr. Sims?

22 A Are you asking me, ma'am? I could hear it a  
23 little bit.

24 Q Okay. So I'm going to play it starting at

1 49:32.

2 THE BAILIFF: I'm sorry to interrupt. The tone is  
3 very low. Some of the jurors are having issues hearing  
4 that.

5 THE COURT: I can't hear it.

6 MS. HICKMAN: Let me play it and see if he can hear  
7 it. Is there a way to -- I'm starting at 49:33. Is  
8 that any louder?

9 THE COURT: Not really. Let's do this.  
10 Ms. Hickman, we have a handheld. Do you want to try  
11 that? Go ahead and try the handheld.

12 MS. HICKMAN: I'm going to hit play at 49:39.

13 THE COURT: Thirty-two was your number, 49:32.

14 MS. HICKMAN: Does it say 32?

15 BY MS. HICKMAN:

16 Q Did you hear what he said to you?

17 A Yes.

18 Q He said, "You put 5 bucks in the machine?"

19 A Yes.

20 Q And you said, "Um-hum"; correct?

21 A Yes.

22 Q Okay. So now that you've seen -- so now that  
23 you've seen that transcript and you talking to this  
24 detective, you see that you told him \$5; correct?

1 A Correct.

2 Q And \$100 in the previous interview; right?

3 A Correct.

4 Q Mr. Prengaman asked you if when you were  
5 staying with Ms. Norman you ever met somebody by the  
6 name of Ryan Williams. Do you remember that?

7 A Yes, ma'am.

8 Q On February 22nd of 2020 you didn't actually  
9 know his name when he came in; right?

10 A I couldn't remember his name.

11 Q Right.

12 A Correct.

13 Q So when you testified on direct that the first  
14 thing you said to him was "Ryan, you don't think I  
15 would steal from her kids," that's not true; correct?

16 A That is correct.

17 Q Because you didn't know his name was Ryan;  
18 right? You couldn't remember that?

19 A I did know his name was Ryan. I don't know if  
20 I'm open to just explaining or not. I don't want to  
21 step over my boundaries.

22 Q Well, let me ask you this. When you were  
23 trying to tell the detectives and the officers the name  
24 of the person who came into Bob & Lucy's who took your

1 ticket, you could not remember his name; right?

2 A At that time I could not remember his name, no,  
3 ma'am.

4 Q Okay. But is it your testimony right now that  
5 you remembered his name when he walked into Bob &  
6 Lucy's?

7 A Yes.

8 Q Okay. And then you just forgot it?

9 A Yes.

10 Q Well, when Ms. Norman initially walked into Bob  
11 & Lucy's in February, you testified on direct that she  
12 said something to you about "I told you I would come,"  
13 or, "You didn't think I would find you"; right?

14 A Yes, ma'am.

15 Q And you thought that that referred to those  
16 text messages that had been sent over a month before;  
17 correct?

18 A Yes.

19 Q When you testified previously do you remember  
20 saying that you do not remember her saying anything  
21 when she walked in?

22 A "Previously" meaning today?

23 Q No, "previously" meaning back in May.

24 A Oh, back in May. That's possible.

1 Q Okay. But it's your testimony today that now  
2 you remember she said something referencing those text  
3 messages?

4 MR. PRENGAMAN: I object to that, Your Honor.  
5 There's a difference between when she walked in versus  
6 him testifying today.

7 THE COURT: Mr. Prengaman, once more without your  
8 mask, please.

9 MR. PRENGAMAN: Your Honor, I object that that's  
10 improper impeachment, because the statement about when  
11 she walked in is not impeaching to the statement  
12 earlier that she made a statement when she approached.

13 THE COURT: Ms. Hickman, go ahead.

14 BY MS. HICKMAN:

15 Q So can you answer that question or do you want  
16 me to ask it again?

17 A Please ask it again.

18 Q Okay. I'm trying to remember what I said. So  
19 when -- so your testimony today is that when she walked  
20 in she said something to you about "You didn't think I  
21 would find you" or something that referenced those text  
22 messages; correct?

23 A Yes, ma'am.

24 Q But previously when you testified your

1 testimony was you do not remember her saying anything  
2 when she came in; correct?

3 A Correct.

4 Q Okay. And I was just asking you -- I'm just  
5 going to go back -- about whether or not you knew  
6 Mr. Williams' name when he walked in; right?

7 A Correct.

8 Q And you said you did; right?

9 A Correct.

10 Q Okay. And do you remember testifying  
11 previously in May that you didn't remember his name  
12 until an officer looked him up when they heard about  
13 the case and it was in the paper, you could not  
14 remember his name, but, I mean, when he said Ryan,  
15 Ryan, that's his name. I only met the guy one time  
16 prior to this one time. It's not like we had an open  
17 dialogue where he was my buddy. Do you remember saying  
18 that?

19 A Yes, ma'am.

20 Q And then do you remember being asked, "And how  
21 did you know his name when he walked in the door?" and  
22 your answer being, "I don't think I did say I knew his  
23 name when he walked in the door"?

24 A All those are possible.

1 Q So going to Exhibit 2, I'm going to pause this  
2 at 57 seconds. So this is 6:07 in the morning;  
3 correct?

4 A Correct.

5 Q And this is the first person that comes in that  
6 we've been talking about today; correct?

7 A Yes, ma'am.

8 Q And it's fair to say you didn't know him on  
9 that day; correct?

10 A Yes, ma'am.

11 Q You don't know his name; right?

12 A I do not.

13 Q You don't recognize him?

14 A No, I do not.

15 Q And it's fair to say as you sit here today you  
16 still don't know him; correct?

17 A No, I don't.

18 Q You've never talked to him?

19 A No, ma'am.

20 Q So there would be no reason that you know of  
21 between you and him that he would know who you are;  
22 correct?

23 MR. PRENGAMAN: Objection. Calls for speculation.

24 MS. HICKMAN: I worded it poorly.

1 BY MS. HICKMAN:

2 Q So you and him have had no interactions;  
3 correct?

4 A Not my knowledge.

5 Q So he wouldn't be there to meet you?

6 MR. PRENGAMAN: Objection. Calls for speculation  
7 as to his intent.

8 THE COURT: Ms. Hickman, rephrase.

9 MS. HICKMAN: I will.

10 BY MS. HICKMAN:

11 Q On that day he had no communications with you;  
12 correct?

13 A No, ma'am.

14 Q You didn't tell him that you would be at Bob &  
15 Lucy's; correct?

16 A No, ma'am.

17 Q Did you tell anyone you would be at Bob &  
18 Lucy's?

19 A No, ma'am.

20 Q I'm going forward to -- I'm going to pause it  
21 right here. It's about 6:10, 6:11 in the morning;  
22 correct?

23 A Correct.

24 Q And this is where we see Ms. Norman come in;



1 right?

2 A Yes, ma'am.

3 Q And you and Ms. Norman have not had any  
4 communication for over about a month and a half; right?

5 A Yes, correct.

6 Q And you testified that when she came in she  
7 walked towards you and she sat down next to you; right?

8 A Yes, ma'am.

9 Q And the conversation between the two of you  
10 reached a level ten; correct?

11 A Correct.

12 Q In intensity; right?

13 A Yes, ma'am.

14 Q Between you and her; correct?

15 A Yes, ma'am.

16 Q But she never threatened you; right?

17 A I felt threatened.

18 Q Okay. You felt threatened because you saw the  
19 gun; correct?

20 A Correct.

21 Q But you also told her that you had a gun;  
22 right?

23 A Yes.

24 Q And you also told her that you're not alone in

1       there; correct?

2           A     Correct.

3           Q     So when you are talking to her and it reaches a  
4     level ten, she's not the only one talking; correct?

5           A     Do you mean am I also talking?

6           Q     Right.

7           A     Yes.

8           Q     And you're also at a level ten; correct?

9           A     Correct.

10          Q     And so when you testified that you were  
11     pleading with her about something, you weren't pleading  
12     with her not to hurt you; right?

13          A     In some of that -- the question is was I  
14     pleading with her not to hurt me?

15          Q     Right.

16          A     No, I was not pleading for her not to hurt me.

17          Q     You were pleading with her to believe you that  
18     you didn't take anything from her kids; correct?

19          A     Correct.

20          Q     Because there's a back and forth between you  
21     and her where she's telling you, "Well, why didn't you  
22     just tell me that"; right?

23          A     Correct.

24          Q     "Why didn't you tell me why you left"; right?

1 A Right.

2 Q Because you can tell she's still hurt by it?

3 A Correct.

4 Q And you're trying to apologize for how you  
5 acted to her; right?

6 A Yes, ma'am.

7 Q And she's still angry about it; right?

8 A Yes, ma'am.

9 Q She doesn't take your first apology?

10 A No, ma'am.

11 Q But she never says you give me money for that  
12 Xbox?

13 A She does not.

14 Q She never says you give me money for that  
15 tablet?

16 A She does not.

17 Q She never says if you don't give me money for  
18 that Xbox or tablet someone is going to come in here  
19 and hurt you; right?

20 A She did not.

21 Q In fact, when she's talking to you, you knew  
22 based on her actions that she wasn't trying to shoot  
23 you or do you any harm; correct?

24 A I wouldn't say I knew that, but -- I didn't --

1 who knows. I don't really know -- I mean, I have mixed  
2 feelings on it. I mean, did I think she was going to  
3 shoot me? No. Did I think she could possibly shoot  
4 me? Yes.

5 Q Okay. But those were your thoughts; right?

6 A Those were my thoughts.

7 Q That wasn't anything she told you?

8 A No.

9 Q Because what was happening was just you and her  
10 talking; right?

11 A Yes, ma'am.

12 Q I'm going to start this at 6:06.

13 I'm going to pause it here at 6:34. That's when  
14 you turn your head and you see her; correct?

15 A Correct.

16 Q So that's the first time you've seen her since  
17 you left Winnemucca?

18 A Yes, ma'am.

19 Q Okay. And you said you were surprised that she  
20 found you; right?

21 A Not necessarily surprised she found me. I was  
22 surprised to see her.

23 Q You were surprised to see her there?

24 A Yes.

1 Q Okay. And you knew based on how you left  
2 Winnemucca that the next time you saw Adrianna was not  
3 going to be really pleasant between the two of you;  
4 correct?

5 A That's fair.

6 Q You knew if you ever saw her again at some  
7 point she was going to confront you about why you left?

8 A Correct.

9 Q And when she sits down to talk to you, it's not  
10 a short conversation; right?

11 A No, it isn't.

12 Q There is a lot of time where you and her are  
13 going back and forth; correct?

14 A Yes, ma'am.

15 Q And the entire subject, not word for word,  
16 really is about you staying with her, how you left and  
17 you trying to convince her that you didn't take her  
18 kids' stuff?

19 A Yes, ma'am.

20 Q But she wasn't telling you you need to make it  
21 right by giving me money; right?

22 A I don't believe she ever did, no.

23 Q Let me play at 6:37. I'll pause this at 6:47.

24 A Yes, ma'am.

1 Q She just sat down; right?

2 A Yes, ma'am.

3 Q She hasn't shown you a gun?

4 A I don't believe so, no.

5 Q And you and her haven't gotten to a level ten  
6 yet; correct?

7 A No.

8 Q I'm going to play it at 6:48. I'm going to  
9 pause it at 7:02. You're body language just changed;  
10 correct?

11 A I sat up, yes.

12 Q Okay. And you sat up and leaned in closer to  
13 her; correct?

14 A Yes.

15 Q I'm going to hit play at 7:02.

16 I'm going to pause it at 7:05.

17 You sat up and you're closer to her; correct?

18 A Slightly, yes.

19 Q You're facing her?

20 A Yes, ma'am.

21 Q For that conversation; right?

22 A Yes, ma'am.

23 Q In this video as you're watching it you can see  
24 by the hand gestures that she's gesturing while she's

1 talking; right?

2 A Yes.

3 Q And you remember that being her being upset  
4 with you?

5 A Yes.

6 Q I'm going to play it at 7:18. You can see  
7 she's clapping her hands; right?

8 A Yes.

9 Q I've paused it at 7:35. She's talking to you  
10 and she's clapping her hands, she's making gestures,  
11 you've leaned back; correct?

12 A Yes.

13 Q You're listening to what she has to say to you?

14 A Yes, ma'am.

15 Q Because she's your friend; right?

16 A Yes, ma'am.

17 Q I'm going to pause it at 7:55. At this point  
18 you've stood up; correct?

19 A Correct.

20 Q And she's still sitting down?

21 A Right.

22 Q And you're leaned over her; correct?

23 A Yes, correct.

24 Q Because she moved her head back a little bit;

1 right?

2 A Correct.

3 Q So at this point you were at a level ten;  
4 correct?

5 A Yes, ma'am.

6 Q You're upset with her?

7 A Yes, ma'am.

8 Q And at this point you were thinking to yourself  
9 that you wanted to hit her; right?

10 A I remember making that statement back in May,  
11 but that would be incorrect today.

12 Q Okay. So back in May you testified at this  
13 point where you're leaning over her you're thinking in  
14 your mind that you wanted to sock her in the face;  
15 right?

16 A That I testified to that in May?

17 Q Yes.

18 A Yes, I did.

19 Q And when you testified to that in May you were  
20 telling us what was in your mind at this point at 6:12  
21 in the morning while you're talking to Adrianna; right?

22 A Yes.

23 Q But now you're telling us that's not true?

24 A I'm not telling you that that's not true. I



1 said it. I'm telling you that that's not true that I  
2 was about to hit her in the face on February 22nd,  
3 2020.

4 Q Okay. What were you about to do to her?

5 A At this point I knew she had the gun. I was --  
6 it was a very -- things were going through my mind,  
7 push her, grab it, I was kind of closing in, but at the  
8 same time, I mean, you know, it's real quick, but, I  
9 mean, either one of us could have got shot, it was a  
10 possibility. I was trying to close the gap on her and  
11 the weapon, but I never -- I think I was calling it a  
12 cheap shot. Back in May when I said I was going to  
13 punch her, that was not accurate. I was just in  
14 defense mode trying to think of things to do to --  
15 should I run, should I push her, what is she going to  
16 do if I do this.

17 Q But also at this point -- right? -- she hasn't  
18 threatened you? Right?

19 A Well, I was threatened by the sight of the gun.

20 Q Right. But she doesn't verbally say anything  
21 to you about it; right?

22 A She sent me that last text message, "Your day  
23 is coming. You're dead."

24 Q About a month and a half before; right?

1 A Yes.

2 Q And she's been in here talking to you for about  
3 two and a half minutes; right?

4 A Yes.

5 Q As friends; right?

6 A At this point I think we were just associates.

7 Q Okay. And you've acknowledged that you  
8 understood why she was mad at you; right?

9 A I understood some of it.

10 Q Okay. And she has not pulled that gun out;  
11 right?

12 A Correct.

13 Q She hasn't even shown it to you; right?

14 A Shown it to me, no, she has not shown it to me.

15 Q You're just able to see it in her jacket;  
16 right?

17 A Yes, ma'am.

18 Q She hasn't even acknowledged to you that she  
19 has a gun; right?

20 A That I can remember. I really can't remember  
21 back like the little specifics like that. I don't  
22 know.

23 Q Because she only pulled it out once; right?

24 A That I remember, yes.

1           Q    And that you've seen on the video that you  
2 watched twice last week to prepare to come today;  
3 right?

4           A    Yeah. I didn't watch them from like beginning  
5 to end. A lot of it still plays over and over in my  
6 mind. I pretty much was watching my interviews, like  
7 the amount of money I put in the machine. I don't want  
8 to put anybody in jail for something they didn't do.  
9 Even when I'm intoxicated and the situation that day, I  
10 was pretty much checking myself. I didn't need to see  
11 video of if Ryan showed a gun or not. I was just going  
12 over my interviews that I -- things that weren't  
13 actually true, you know, like the wallet, the \$100  
14 versus \$5. The only thing I know that night is that I  
15 was in fear of what harm was going to come to me.

16           I even told the D.A. nobody came in here to rob me.  
17 That was just something I said to my roommate to get  
18 some help to come here because he wasn't listening to  
19 anything I was saying, you know, prior. So I figured  
20 if I said they're trying to rob me he would grab the  
21 phone. Eventually he grabbed the phone.

22           Q    So when you told your roommate people were  
23 trying to rob you, you said something that you wanted  
24 to be serious enough to make him call the police?

1 A Yes, ma'am.

2 Q Because he wasn't listening when you were  
3 trying to tell him what was actually happening?

4 A Correct.

5 Q And you have gone back and watched those four  
6 statements that I referenced; right?

7 A Yes, ma'am.

8 Q And in watching those four statements, using  
9 your words, you checked yourself; right?

10 A Correct.

11 Q Because you realized watching those videos and  
12 then the surveillance videos that there were things you  
13 said that were not true; correct?

14 A Yes, ma'am.

15 Q And things that you said when you watched the  
16 video, you see that your memory is incorrect; right?

17 A Yes, ma'am.

18 Q And so in watching this video today and  
19 yesterday it's hard because it's skipping around;  
20 right?

21 A You said is it hard?

22 Q Is it hard to see when it's skipping around,  
23 like it's not playing all the way through?

24 A Hard to see what part?

1 Q Sorry. I know I asked that poorly. At 6:12  
2 and 29 seconds -- do you see that up at the top?

3 A Yes, ma'am.

4 Q Okay. So when you say you've seen the gun at  
5 this point, it's only because you can see it tucked  
6 into her arm; right?

7 A Yeah. Every few motions she makes you could  
8 see a glimpse of it.

9 Q Okay. And so when you see it when she moves  
10 you feel scared because of that gun; right?

11 A Absolutely.

12 Q Not because of what she's saying to you; right?

13 A No, not because of what she's saying.

14 Q And she never says to you I'm here because of  
15 those text messages; right?

16 A No, ma'am, she does not.

17 Q And she never says I'm here to make good on my  
18 promises from the text messages I sent you; right?

19 A No, ma'am, she does not.

20 MS. HICKMAN: Do you want to break for lunch or do  
21 you want me to keep going?

22 THE COURT: Let's take the lunch break. Let's do  
23 that.

24 Ladies and gentlemen, we'll take a 45-minute lunch

1 break, come back just after the 1 o'clock hour. During  
2 the break you must not discuss or communicate with  
3 anyone, including fellow jurors, in any way regarding  
4 the case or its merits, either by voice, phone, text,  
5 internet, or other means of communication or social  
6 media.

7 You must not read, watch or listen to any news or  
8 media accounts or commentary about the case. You must  
9 not do any research, such as consulting dictionaries,  
10 using the internet or using reference materials. You  
11 must not make any investigation, test the theory of the  
12 case, recreate any aspect of the case, or in any other  
13 way investigate or learn about the case on your own and  
14 you must not form or express any opinion regarding the  
15 case until it is submitted to you.

16 We'll be in recess.

17 (The lunch recess was taken at 12:19 a.m.)

18 --o0o--  
19  
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21  
22  
23  
24

1 RENO, NEVADA; TUESDAY, APRIL 20, 2021; 1:00 P.M.

2 --o0o--

3 THE COURT: Ms. Hickman.

4 MS. HICKMAN: Thank you.

5 BY MS. HICKMAN:

6 Q So, Mr. Sims, before lunch we finished where we  
7 could see this Exhibit 2 which is at 6:12 in the  
8 morning; right?

9 A Correct.

10 Q And at this point with Ms. Norman where you're  
11 standing up over her your conversation continues;  
12 right?

13 A Yes, ma'am.

14 Q And there are times where it appears to you  
15 that she is acknowledging your apologies and  
16 acknowledging you saying, "I didn't take anything from  
17 your kids"; right?

18 A Yes, ma'am.

19 Q You think you're making -- and when she showed  
20 you that gun, she doesn't ever point it at you; right?

21 A No, ma'am.

22 Q And the only thing she says to you in  
23 connection with that gun is it's real; right?

24 A Yes.

1 Q So she never verbally threatened you about the  
2 gun; right?

3 A No.

4 Q So then when she stands up -- do you remember  
5 seeing that portion of the video?

6 A I believe so, yes.

7 Q And you testified that you could see her arm  
8 was inside her jacket?

9 A Yes.

10 Q And she is walking around; right?

11 A Yes.

12 Q So when she's walking around she's not verbally  
13 threatening you; right?

14 A No.

15 Q The conversation is still the same; right?

16 A Yes.

17 Q So on Exhibit the 2 I want to go forward to  
18 23 -- I'm going to forward to 23:01. And you can see  
19 the time up here is 6:23 and 47 seconds; right?

20 A Yes, ma'am.

21 Q It's actually -- it's still 6:23, almost 6:24;  
22 right?

23 A Yes.

24 Q And this is the point that you see Mr. Williams



1 walk in; right?

2 A Yes, ma'am.

3 Q And so when he is coming into the bar,  
4 Ms. Norman has been in there with you since about 6:11;  
5 right?

6 A Yes, ma'am.

7 Q So about 13 minutes?

8 A I trust your -- yes.

9 Q And in those 13 minutes or so that she's in  
10 there talking to you, her and Mr. Williams have no  
11 communication -- correct? -- to the best of your  
12 knowledge?

13 A To the best of my knowledge.

14 Q Okay. He's not calling her -- right? -- to the  
15 best of your knowledge?

16 A To the best of my knowledge, no.

17 Q Okay. And during those 13 minutes where you're  
18 sitting there you never see her answer her phone;  
19 right?

20 A Not that I can remember, no.

21 Q I'm going to hit play at 23:08. You see  
22 Mr. Williams walking up; right?

23 A Yes.

24 Q And did you just see his right hand move?

1 A Yes, I did.

2 Q And that's at 6:24 and 1 second; right?

3 A Yes.

4 Q And so at that time that right hand is not in

5 his --

6 A What was that?

7 Q You can say you don't know.

8 A I don't know or you could play it again.

9 Q That's okay. I'm going to hit play at 23.

10 I'm going to hit pause at 23:33. At that point did you  
11 see him reach forward?

12 A Yes.

13 Q And that was with his left hand; right?

14 A Yes.

15 Q And with his left hand that's when he hit the  
16 button that would cash you out; right?

17 A I believe so, yes.

18 Q I'm going to hit play at 23:33. I'm going to  
19 pause at 23:41. And you can see this is 6:24 exactly;  
20 correct?

21 A Yes.

22 Q And I want you to watch right here between you  
23 and Mr. Williams. Okay?

24 A Okay.

1 Q I'm going to hit play at 23:41. I'm pausing it  
2 at 23:43. You guys shook hands; right?

3 A I'm not sure. Play it one more time. It's  
4 kind of --

5 Q Sure. I'm going to hit play again. I'm going  
6 to hit play at 23:41. I want you to watch right here.  
7 Okay?

8 A Okay.

9 Q Did you see that?

10 A It looked like we bumped hands.

11 Q I want to go to Exhibit 1. You can see that  
12 time, 6:24 and 3 seconds; right?

13 A Yes.

14 Q So I'll go to Exhibit 1, channel 9, the last  
15 file. I'll pause it at 13:31. You can see it's 6:23  
16 and 57 seconds, right?

17 A Yes, ma'am.

18 Q If you look over here in this corner you're  
19 going to see you and Mr. Williams.

20 A Okay.

21 Q I'm going to hit play at 13:31. I'm going to  
22 pause it. Do you see that you and Mr. Williams shook  
23 hands, bumped fists, a little bit better in that view?

24 A Yes, ma'am.

1 Q So when he approached you and you started  
2 talking to him, the first thing you guys do is greet  
3 each other by bumping fists and shaking hands; correct?

4 A Yes, ma'am.

5 Q And it's fair to say that at this point when  
6 you guys are shaking hands he doesn't have both hands  
7 in his kangaroo pouch; right?

8 A Correct.

9 Q And he's not moving it up and down in any way  
10 that makes you think he may have a gun; right?

11 A Correct.

12 Q And when you guys are shaking hands, he in no  
13 way is verbally threatening you; right?

14 A When we're shaking hands?

15 Q Uh-huh.

16 A Did he threaten me?

17 Q Right.

18 A No.

19 Q And in fact you testified that the only thing  
20 he said was something like, "Come on" -- no, no, that's  
21 the wrong time. Sorry. Something about "You know how  
22 I roll. Let's go for a ride," or "You know how I ride.  
23 Let's roll."

24 A That's correct.

1 Q Right? But you don't remember exactly what he  
2 said there; right?

3 A Do I remember exactly what he said?

4 Q Right.

5 A I just don't remember which way it was said,  
6 but those things -- those two phrases were used.

7 Q And so going forward in Exhibit 2, I'll pause  
8 it right here at 27:21. This is 6:26 in the morning;  
9 right?

10 A Yes, ma'am.

11 THE COURT: Ms. Hickman, just be mindful of where  
12 you place your microphone when you turn your head away  
13 and talk, please.

14 BY MS. HICKMAN:

15 Q So this is 6:26 in the morning; right?

16 A Yes, it is.

17 Q And you're still inside Bob & Lucy's; right?

18 A Yes, ma'am.

19 Q With Ms. Norman?

20 A Yes.

21 Q And the two of you are talking to each other;  
22 right?

23 A Correct.

24 Q And it's fair to say that from 6:26 until

1 6:30 which is when the video ends you see yourself  
2 standing close to her; right?

3 A Correct.

4 Q To the point that you're even leaning up  
5 against the wall where she's standing; right?

6 A I believe so, yes.

7 Q And then on direct you looked at two more  
8 exhibits. One was Exhibit 104 which was the one where  
9 you're sitting on the curb talking to the first officer  
10 that made contact with you; right?

11 A Yes, ma'am.

12 Q And you heard yourself say in that video, "She  
13 came in here, she pulled out this gun, talking about  
14 give me some money, she wants money"; right?

15 A Yes.

16 Q And that wasn't true; right?

17 A That was not true.

18 Q And when you heard yourself say on that video  
19 she threatened you and asked for money, that wasn't  
20 true; right?

21 A That wasn't true.

22 Q And when you said on that video to that  
23 officer, "He grabbed my fucking wallet," that wasn't  
24 true?

1           A     I believed it to be true at that time, but  
2 today I would say that was not true.

3           Q     And so when you looked at Exhibit 105 which is  
4 the one where you're standing in the parking lot where  
5 the police officer is making contact with Ms. Norman --  
6 do you remember that?

7           A     Yes, ma'am.

8           Q     And you heard yourself say something about you  
9 rolled up in here on me with three guns; right?

10          A     Yes, ma'am.

11          Q     At the time whether or not you believed that to  
12 be true, today you know that wasn't; right?

13          A     That there wasn't three guns?

14          Q     Right.

15          A     I didn't see three guns, but today I can't say  
16 that it wasn't true. I'm not sure what -- I only seen  
17 one.

18          Q     Okay. Because you testified today that you  
19 never saw a gun on Mr. Williams; right?

20          A     Visibly seen a gun, correct, I did not.

21          Q     And you didn't see a gun on that other man who  
22 came in; right?

23          A     I did not.

24          Q     As you sit here today, as of April 7th of this

1 year you have now been convicted of a felony; right?

2 A Yes, ma'am.

3 Q And that is the attempted possession of a  
4 trafficking quantity of a controlled substance;  
5 correct?

6 A Yes, ma'am.

7 MS. HICKMAN: Judge, I have no further questions.

8 THE COURT: Thank you, Ms. Hickman.

9 Mr. Picker.

10 CROSS-EXAMINATION

11 BY MR. PICKER:

12 Q Good afternoon. During the course of the day  
13 on February 22nd and the day before, and I don't want  
14 to dwell on it, but you had used methamphetamine a  
15 number of times in that 24 hours?

16 A Yes, sir.

17 Q And I believe that you told us in a previous  
18 court hearing that the use of methamphetamine affects  
19 both your memory and your being able to judge time.

20 A You're asking me if I said that?

21 Q Yes.

22 A If you say it's in the transcripts, I trust  
23 you.

24 Q Okay. Well, let me ask you as you're sitting



1 here today, much longer down the road and now having  
2 been convicted of a drug offense --

3 MR. PRENGAMAN: Objection. That's an improper use,  
4 Your Honor.

5 THE COURT: Say it again, Mr. Prengaman.

6 MR. PRENGAMAN: That's an improper use of that.

7 THE COURT: Improper use of that, Mr. Picker.  
8 Rephrase your question.

9 MR. PICKER: That's fine.

10 BY MR. PICKER:

11 Q Would you say that the use of your  
12 methamphetamine in those 24 hours, February 22nd and  
13 February 21st, affects your memory of what you remember  
14 that day of the events?

15 A Sleep deprivation.

16 Q Okay. And that is something that is common in  
17 your use of methamphetamine is there were times when  
18 you would be deprived of sleep?

19 A Yes, sir.

20 Q Now, as part of that you testified today that  
21 you arrived at Bob & Lucy's around 4 a.m.?

22 A Correct.

23 Q You previously testified that maybe it was  
24 around 5:00 or 5:30. Do you recall that?

1           A     I believe that's possible that I said that.

2           Q     Okay. And hypothetically if somebody else  
3 testified that you arrived around 6 a.m., that would be  
4 yet another time that it could have been that you  
5 arrived?

6           MR. PRENGAMAN: Objection, Your Honor. It's  
7 inappropriate to ask one witness to comment on the  
8 veracity of another witness's statement.

9           THE COURT: Mr. Picker.

10          MR. PICKER: Thank you, Your Honor. First of all,  
11 I asked hypothetically and, second of all, I didn't ask  
12 him to address the veracity, I asked him if that was  
13 possible along with those other times that he had  
14 listed.

15          MR. PRENGAMAN: I object to the relevance of a  
16 hypothetical.

17          THE COURT: Again, relevance. I think what  
18 Mr. Prengaman is saying is it calls for speculation.  
19 Mr. Picker, a question about is it possible you arrived  
20 at a different time that morning might be appropriate.

21 BY MR. PICKER:

22          Q     You're unclear today what time you actually  
23 arrived at Bob & Lucy's; is that correct?

24          A     That would be correct.

1           Q    Now, you met Ms. Norman while you were working  
2 in Winnemucca; is that correct?

3           A    Correct.

4           Q    And she allowed you to move into her residence  
5 when your place of residence became unavailable?

6           A    My place of residence was still available. I  
7 chose not to be at my place of residence.

8           Q    And it was during the course of your staying  
9 with Ms. Norman and as you described helping to take  
10 care of her children that she gave you a telephone?

11          A    Yes.

12          Q    And I think that you said you weren't on her  
13 account but the phone was on her phone account.

14          A    Correct.

15          Q    And that phone was something that you used  
16 while you stayed with Ms. Norman and while you were  
17 taking care of her children; is that right?

18          A    I had two cell phones. I had my own cell phone  
19 and Ms. Norman gave me a phone. I had an Obama phone  
20 which was in service.

21          Q    Okay. So when you left without telling  
22 Ms. Norman you were going to leave, you took her phone  
23 with you?

24          A    I took the phone she gave me with me. I didn't

1 take her phone. She gave me the phone.

2 Q But you knew it was on her account?

3 A Yes, sir.

4 Q And you didn't tell her, hey, I'm leaving town,  
5 you may want to remove me from your account?

6 A No, I did not.

7 Q And you continued to use that phone until it  
8 was shut off by somebody else; correct?

9 A I ended up actually transferring my Obama SIM  
10 card to that phone.

11 Q So you stopped using that phone after the texts  
12 that we saw?

13 A The SIM card, yes, sir.

14 Q Okay. Because you knew that that service was  
15 going to be turned off?

16 A Not necessarily. I had a free service already.  
17 I didn't need her service is what I'm trying to  
18 explain. I just switched the SIM cards.

19 Q I understand that. But you received a text  
20 message telling you that the service that was currently  
21 on that phone was going to be turned off?

22 A Correct.

23 Q And you knew that before you switched the SIM  
24 card over?

1           A     I got that text message before I switched the  
2     SIM card over, yes, sir.

3           Q     Showing you again Exhibit 2. And here you're  
4     engaged in conversation. Ms. Norman is using both of  
5     her hands; correct?

6           A     Yes.

7           Q     She's not holding on to anything under her arm?

8           A     Right there, no, she is not.

9           Q     Okay. And you get up out of your seat;  
10    correct?

11          A     Yes, I do.

12          Q     And you approach her?

13          A     Yes.

14          Q     And then you get even closer and you stand over  
15    her; is that right?

16          A     Yes.

17          Q     All right. Now, I believe that you testified  
18    earlier that at this point you were convincing her to  
19    calm down and think about what she's doing. Roughly in  
20    this area.

21          A     Rephrase that again.

22          Q     Somewhere in this period of time is when you  
23    were attempting to convince her to calm down and think  
24    about what she was doing?

1           A     I don't -- I don't think I could -- I'm not  
2     sure what we were talking about at this point in time.

3           Q     Now, you testified in a previous hearing that  
4     this is the point where you were thinking about socking  
5     her in the jaw. And then a little while ago you said  
6     that may have been a cheap shot and what you really  
7     meant was you were going to push her or do something  
8     else. Is that right?

9           A     That is correct.

10          Q     Okay. Now, if you were trying to get  
11     Ms. Norman to calm down during this whole  
12     conversation -- let me -- did you believe that telling  
13     her that you had a gun would calm her down?

14          A     That was the first thing I said when she sat  
15     down.

16          Q     That was --

17          A     That was around the first -- as soon as she sat  
18     down and I seen that she had a firearm is when I -- is  
19     when I said to her, "I have one too, but I'm not going  
20     to pull it out in front of the camera" is my exact  
21     words.

22          Q     So you told her that as soon as she sat down?

23          A     Within a few -- you know, we're talking about a  
24     year ago to somebody that was, you know, high on drugs.

1 So what I'm saying is within five minutes of her  
2 sitting down I said to her, "I have a weapon also, but  
3 I'm not going to pull it out in front of the camera."

4 Q And at that point or a little bit after that  
5 you previously testified is when she took the gun out  
6 that was under her arm and said, "Yeah, it's real." Do  
7 you recall that?

8 A Yes, I recall that.

9 Q So when you were convincing her to calm down,  
10 attempting to convince her to calm down and think about  
11 what she was doing, standing over her, was that a way  
12 to do that?

13 A I don't think I was convincing her to calm down  
14 at that point.

15 Q Okay. And a way to convince her to calm down  
16 and think about what she was doing was telling her that  
17 you had other people around at Bob & Lucy's? Was that  
18 a way to get her to calm down?

19 A Once again, I don't really understand your line  
20 of questioning, because the calm down part was  
21 obviously a portion of our conversation. Another part  
22 of the conversation escalated from one to ten to a ten.  
23 It was peaks and valleys. So you're asking me about  
24 the calm down part, but you're making it seem like that

1 was the whole conversation. It was not. It's clear  
2 that we were talking more than just about somebody  
3 being calm. We both got --

4 Q In fact, at this point what we see on the  
5 screen, this is one of those places where I think you  
6 agree you were at a ten?

7 A I was at a ten, correct.

8 Q I want to take you forward to 6:19. That's  
9 where that other gentleman walked through and then  
10 walked around behind the two of you; is that right?

11 A Yes, sir.

12 Q And, please, I want you to watch the video and  
13 I want you to tell me to stop specifically at the point  
14 where you see Ms. Norman nod to this gentleman.

15 A Right there.

16 Q So when she -- let me see that again. I want  
17 to make sure that we're clear. Okay. I'm playing it  
18 from 6:18. The gentleman has walked in again?

19 A Um-hum.

20 Q And when Ms. Norman lifts her head, that's the  
21 nod that you're discussing?

22 A And it was more like eyes, you know, I'm -- you  
23 know, once again, you're being specific on small  
24 details. And now looking at it, it was more of a --



1 kind of more of eyes of contact with the gentleman as  
2 he passed more so than an actual bobbing of the head so  
3 to speak.

4 Q Let's talk about something you just said,  
5 talking about small details. Do you remember having a  
6 conversation with me at the previous hearing where I  
7 asked you about accuracy?

8 A I believe so.

9 Q I'm showing you what's marked as Exhibit 169.  
10 And if you could look at page 409.

11 THE COURT: Mr. Picker, that's the transcript of  
12 the preliminary hearing?

13 MR. PICKER: It is, Your Honor.

14 THE COURT: Thank you.

15 BY MR. PICKER:

16 Q On page 409 if you would look at starting at  
17 line 3 down to about line 16. Now, do you recall those  
18 questions and the answers?

19 A Yes, I do.

20 Q And you were asked specifically --

21 MR. PRENGAMAN: I'm going to object to foundation.

22 THE COURT: Foundation. Be more specific,  
23 Mr. Prengaman.

24 MR. PRENGAMAN: There's no impeachment. There's no

1 reason for him showing and asking him what he said at  
2 this point.

3 THE COURT: Thank you.

4 Mr. Picker.

5 BY MR. PICKER:

6 Q Well, then let me ask it this way. Do you  
7 remember what your answer was when you were asked if  
8 you were being accurate?

9 MR. PRENGAMAN: Objection. Foundation.

10 THE COURT: I'm going to allow it because my  
11 recollection of Mr. Picker's question directing him to  
12 a portion of the transcript was asking him about  
13 accuracy. Go ahead.

14 THE WITNESS: Say that again, please.

15 BY MR. PICKER:

16 Q Certainly. Do you remember being asked about  
17 whether you understood that accuracy is important?

18 A I do remember that, yes.

19 Q And do you remember what your answer was?

20 A I don't, but I just read it, my answer.

21 Q Your answer was --

22 MR. PRENGAMAN: Objection. Foundation. He can ask  
23 about accuracy today. It's not impeaching. There's  
24 no -- it's hearsay. Hearsay. Foundation.

1 THE COURT: Mr. Picker.

2 MR. PICKER: Your Honor, this is a court document  
3 and a prior statement by this person under oath.

4 THE COURT: All right. Let me make a record here.  
5 I think there is a sufficient amount of Q and A between  
6 Mr. Picker and Mr. Sims for Mr. Picker to ask -- or to  
7 ask the question about what was said at the preliminary  
8 hearing. Go ahead, Mr. Picker.

9 MR. PICKER: Thank you.

10 BY MR. PICKER:

11 Q So the question was, "But you also understand  
12 how accuracy is very important here today; correct?"

13 Your answer was "Impossible but important, yes."

14 You were then asked, "Well, if it's impossible,  
15 then your testimony is not credible at all; is that  
16 what you're telling me?"

17 Do you recall your answer to that question?

18 A I'm saying it's impossible for me to recollect  
19 at a hundred percent accuracy. Is it important? I'm  
20 sure it is, but is it -- I believe my opinion is it's  
21 impossible for somebody to be under the influence of  
22 drugs and refer back to a date and be accurate  
23 100 percent of what was said, what happened, what they  
24 saw, what they didn't see. I believe that's where I

1 was going with that.

2 Q And in fact what you said was that it was  
3 impossible to be accurate today about what I said two  
4 months ago.

5 A Being high it's possible.

6 Q Okay. And now as you just said we're more than  
7 a year down the road.

8 A Correct.

9 Q Okay. So you would reiterate your statement,  
10 it's impossible for you to be accurate, based on the  
11 fact that you were high that day and time has passed?

12 A It's impossible for me to be 100 percent  
13 accurate, correct.

14 Q Okay. I'm going forward on the video to  
15 6:23:53. Ms. Norman is still seated talking to you; is  
16 that correct?

17 A Yes, sir.

18 Q Mr. Williams has now approached; is that  
19 correct?

20 A I'm sorry. I couldn't hear you.

21 Q I'm sorry. Mr. Williams has now approached?

22 A Yes.

23 Q Starting from that point forward.

24 Now, do you see something shiny in Ms. Norman's

1 hand?

2 A Right now from this angle?

3 Q Let me run it back just a few seconds and you  
4 tell me if you see it. Be looking in this area right  
5 here.

6 A I believe it was a phone.

7 Q So she had a cell phone in her hand?

8 A Yes.

9 Q And her other hand, her right hand, is out?

10 A I'm sorry. My vision is not up to par, so you  
11 would have to like play it again for me to answer that  
12 correctly.

13 Q Absolutely. Her right hand isn't under her  
14 jacket, is it?

15 A Right there, no.

16 Q I'm running it forward from 6:24. Do you see  
17 Ms. Norman kind of gives a shake of the head and she  
18 gets up? Correct?

19 A What?

20 Q Let me run it back for you. Starting at 6:24.  
21 Do you see that?

22 A What?

23 Q The movement of her head.

24 A Yeah, I saw that.

1 Q Okay. And then Ms. Norman gets up and leaves.

2 And you can see what's in her hand right here again?

3 A In her left --

4 Q And what is that?

5 A A cell phone.

6 Q And where is her right hand?

7 A It came from her left armpit to her right side.

8 Q Do you see that arm drop down?

9 A Yes.

10 Q So it's no longer in her armpit? It's not  
11 under her armpit?

12 A Is it under her armpit?

13 Q Her armpit.

14 A It was. I mean, you're stopping it where you  
15 want to stop it, because I'm seeing it come from under  
16 her arm, but you're stopping it after it's on her side.  
17 So if you ask me the question, I'm going to refer back  
18 to what I saw, not exactly what you're asking.

19 Q Okay. And you and Mr. Williams were still  
20 having some kind of conversation. Ms. Norman has  
21 walked away; correct?

22 A Yes.

23 Q We're at 6:24:18?

24 A Correct.

1 Q And I believe -- how far would you say  
2 Ms. Norman is from you at this point?

3 A Less than -- less than 20 feet.

4 Q Do you remember testifying previously that she  
5 was about 10 yards away?

6 A I do remember that.

7 Q Do you believe that was accurate?

8 A I played football, so I kind of was doing it --  
9 I mean, at one angle it looked like ten yards. Ten  
10 feet, five feet, two feet, two inches, I mean, I'm not  
11 a ruler estimating.

12 Q From the time Ms. Norman gets up to this point  
13 she's no longer part of the conversation between you  
14 and Mr. Williams; is that correct?

15 A It doesn't seem that way, no.

16 Q In fact, she has her back turned to you?

17 A Yes, sir.

18 Q Okay. And at this point no one has cashed you  
19 out of that machine, have they?

20 A I don't believe so, no.

21 Q So we're at 6:24:34 and you, Mr. Williams and  
22 Ms. Norman, you're all at the door; correct?

23 A Correct.

24 Q And just before this is the point where I

1 believe you said you offered \$300 or maybe \$100, that  
2 you would get that out of the cash register from Bob &  
3 Lucy's?

4 A Yes.

5 Q Now, starting from 6:24:34, the conversation  
6 goes on for a few -- a minute or two; correct?

7 A Yes.

8 Q People wandering back and forth by you?

9 A Yes.

10 Q And then you go to the back to talk to  
11 Mr. Cole; is that correct?

12 A Yes, sir.

13 Q Now we're on 6:25:19. Ms. Norman is standing  
14 at the front door; is that correct?

15 A Yes.

16 Q This is after you've gone to see Mr. Cole?

17 A I'm not sure if this is after or that's what's  
18 going on right now.

19 Q Okay. Now, that's you returning; is that  
20 correct?

21 A Yes, sir.

22 Q All right. You're having a conversation with  
23 Ms. Norman and you're pointing, she's responding and  
24 reacting; is that correct?



1 A Correct.

2 Q When you went back with Mr. Cole the first time  
3 did you go all the way back into the kitchen area?

4 A Out of her view, yes.

5 Q Okay. That's back where those double doors  
6 are -- correct? -- that you ended up running out of?

7 A Fairly close. The double doors are a little  
8 bit further back in the kitchen.

9 Q Okay. Was there anything preventing you --  
10 prior to your returning to Ms. Norman here preventing  
11 you from leaving the premises?

12 A Was there anybody preventing me? No.

13 Q You came back to talk to Ms. Norman. I'm just  
14 going to pause it here at 6:27:01. This gentleman is  
15 sitting there throughout the whole course of this  
16 conversation; correct?

17 A Yes.

18 Q Now, you walked away for a little distance but  
19 then you returned to Ms. Norman -- is that correct? --  
20 at this point?

21 A Correct.

22 Q There was nothing -- did anyone stop you from  
23 going further than you did toward the end of the bar?

24 A Did anyone stop me? No.

1 Q Did anybody threaten you, say don't leave,  
2 don't walk away?

3 A No.

4 Q You continue this conversation with Ms. Norman  
5 at that point; correct?

6 A Correct.

7 Q Then at some point after that you went back to  
8 the kitchen area, toward the kitchen area again, and  
9 then that's when you ran out the back door?

10 A Yes, sir.

11 Q There was nothing preventing you from walking  
12 away during any of that period of time when Ms. Norman  
13 was standing at the front door; correct?

14 A Physically, no.

15 Q Now, I believe that you were asked a little  
16 while ago by Ms. Hickman that you've lived in other  
17 places besides the city of Sparks. Is that right?

18 A Besides the city of Sparks you said?

19 Q Yes.

20 A That's correct.

21 Q And you in fact told -- you told Ms. Norman  
22 during the period of time you were living with her that  
23 you've lived in other places besides Sparks?

24 A It's possible.

1 Q Well, during the preliminary hearing you  
2 mentioned having lived in the East Bay Area up near  
3 Santa Rosa?

4 A Yes.

5 Q And you had told her all of those things?

6 A Yes.

7 Q When you got those messages that were  
8 threatening or have been called threats, those text  
9 messages, you didn't respond; correct?

10 A No, I did not.

11 Q And that's because you didn't take them  
12 seriously, you figured Adrianna was just venting?

13 A I just didn't entertain it. That's it.

14 Q You weren't concerned about it?

15 A I did not entertain it.

16 Q Okay. So for lack of a better term, you  
17 ghosted her, you just --

18 A I did not entertain the text messages.

19 Q Okay. In fact, you testified at the  
20 preliminary hearing that you did not consider those to  
21 be serious threats. Do you recall that?

22 A It's possible I said that, correct.

23 Q Okay. And that was you attempting to give  
24 accurate testimony; correct?

1           A     Could you rephrase that last part of the  
2 question?

3           Q     Sure. You were attempting to give accurate  
4 testimony at the time when you said you didn't think of  
5 those as real serious threats?

6           A     Every time I sit in this chair I'm trying to be  
7 as accurate as I can.

8           Q     Okay. Just so we're clear, Ms. Norman never  
9 asked you for money?

10          A     No, sir, she did not ask me for money.

11          Q     She never pointed a gun at you?

12          A     She never pointed a gun at me.

13          Q     She never made any threats to you? Verbal  
14 threats. I'm sorry. Any verbal threats to you.

15          A     Not to my knowledge, not verbally.

16          Q     Okay. And you were the first one to initiate  
17 any discussion about money?

18          A     Yes, sir.

19          Q     And at the preliminary hearing you described  
20 this body language between you and Ms. Norman as not  
21 two people arguing or fighting but two friends talking,  
22 do you recall that?

23          A     I was trying to get her to go out the door and  
24 leave before the police got there. I didn't want what

1 ended up happening to happen. I just wanted it to  
2 stop, like it was long enough.

3 Q Well, you testified that you didn't have any  
4 fear or apprehension that day, you only developed some  
5 fear about what happened in the days following.

6 A You said apprehension, is that the word you  
7 used?

8 Q Yes.

9 A Apprehension from the police officers or --

10 Q Let me put it in a different way. You didn't  
11 have any fear of Ms. Norman that day, February 22nd,  
12 2020, but within a couple of days later you developed  
13 some kind of fear?

14 A I developed fear because the streets were  
15 talking -- you know, in the moment I had no fear with  
16 Adrianna. When the other two gentlemen came into the  
17 equation I developed some fear. When it was just me  
18 and Adrianna -- like I said, we hung out for at least a  
19 couple of months. I lived with her for three weeks. I  
20 bathed her children, picked them up from school. We  
21 ate dinner together, wrapped presents together. I'm a  
22 family man. I have three children. So I'm just trying  
23 to forget about the Xbox, forget about the tablets,  
24 forget about Ryan, like what are you doing like. And

1 at that point, I mean, she was telling me it was out of  
2 her control right now, it was kind of up to  
3 Mr. Williams what's going to happen from here on out.

4 Q Do you know a regular at Bob & Lucy's named  
5 Tanya?

6 A Named who?

7 Q Tanya.

8 A It sounds familiar.

9 Q And you know a woman by the name of Jennifer  
10 Fulcher?

11 A Yes, I do.

12 Q She's a friend of yours?

13 A She -- I had just met her. I just met her when  
14 I moved back to Sparks.

15 Q When you moved back from Winnemucca?

16 A Yes, sir.

17 Q Can you tell us where you got the Xbox that you  
18 gave her in January of last year, where you got that?

19 MR. PRENGAMAN: Objection. Relevance.

20 THE WITNESS: I gave Jennifer an Xbox?

21 THE COURT: Just a minute. There's an objection,  
22 relevance.

23 MR. PICKER: The relevance is there's a question  
24 about a stolen Xbox in this case and he has

1 specifically denied ever having a stolen Xbox.

2 THE COURT: I'll allow it. Mr. Sims.

3 THE WITNESS: That is very false.

4 MR. PICKER: Thank you. That's all I have.

5 THE COURT: Thank you, Mr. Picker.

6 Mr. Prengaman.

7 MR. PRENGAMAN: Thank you, Your Honor.

8 REDIRECT EXAMINATION

9 BY MR. PRENGAMAN:

10 Q Mr. Sims, at the beginning of cross-examination  
11 you were asked about the clothes that you're wearing  
12 now.

13 A Correct.

14 Q Do you recall that?

15 A Yes.

16 Q And were those clothes a gift for you to take  
17 with you, take away with you?

18 A No.

19 Q Are they just so that you would have some  
20 appropriate clothing to wear to court?

21 A Yes, they are, sir.

22 Q So they're basically borrowed for court?

23 A Yes, sir.

24 Q When you and Ms. Norman -- so prior to February

1 22nd, 2020, and prior to you leaving Ms. Norman's  
2 residence in January, from you and her speaking did she  
3 know that you frequented Bob & Lucy's?

4 MS. HICKMAN: Objection.

5 THE COURT: Objection. What's the objection?

6 MS. HICKMAN: Sorry. He's asking Mr. Sims what --

7 THE COURT: Mic, please.

8 MS. HICKMAN: He's asking Mr. Sims what he knows  
9 Ms. Norman knows.

10 THE COURT: Mr. Prengaman, rephrase the question  
11 about what he told her as opposed to what was in  
12 Ms. Norman's head.

13 BY MR. PRENGAMAN:

14 Q Mr. Sims, did you ever talk with Ms. Norman  
15 about you frequenting Bob & Lucy's?

16 A Yes, sir.

17 Q Did you tell her that you were a regular there?

18 A Yes.

19 Q On the day that you met Mr. Williams, that day  
20 where did you initially meet Ms. Norman?

21 A Ms. Norman picked me up at Bob & Lucy's that  
22 morning.

23 Q And if you know, on that day did she come from  
24 Winnemucca to pick you up?



1           A     Yes.

2           Q     Now, you earlier today testified about pleading  
3 with Ms. Norman. Do you recall that?

4           A     Yes, sir.

5           Q     And you were asked on cross-examination whether  
6 you were pleading with her please don't hurt me or  
7 words to that effect. Do you recall that?

8           A     Yes, sir.

9           Q     You said you weren't pleading please don't hurt  
10 me?

11          A     No, I was not.

12          Q     Okay. So you weren't saying those words or  
13 words like that?

14          A     No, I was not.

15          Q     What were you pleading with her about?

16          A     I mean, I was pleading with her -- I guess the  
17 accusations that were made on the text messages, you  
18 know, putting that together with her attitude on  
19 February 22nd, 2020, I mean it didn't take a brain  
20 scientist to put all the pieces together. And I was  
21 just telling her, you know, like chill out, like think  
22 about this, like why would I steal the Xbox, why would  
23 I take the tablet. The tablet was missing the first  
24 week that I moved there. There were other people

1 coming in and out of the house.

2 I had my own tablet, a nicer tablet. It just  
3 didn't add up. And I was trying to get her to dismiss  
4 her thoughts about that and pretty much me apologizing  
5 to her the way I acted as far as leaving and not  
6 answering her text messages and not being a friend, you  
7 know, treating her as such.

8 Q And now you were asked -- Mr. Picker just asked  
9 you about whether you took those text messages  
10 seriously when she sent them. Do you recall his  
11 questions about that?

12 A Yes, I do.

13 Q When she showed up at Bob & Lucy's on the  
14 morning of February 22nd did you take the text message  
15 threats seriously?

16 A Most definitely.

17 Q In terms of pleading with her over the  
18 accusation, what did you believe the consequence of not  
19 convincing her could be?

20 A That her and I or both were going to get hurt.

21 Q Mr. Picker asked you -- so during the period of  
22 time that you are at the door after Mr. Williams has  
23 left Bob & Lucy's, I will ask you about that timeframe.  
24 So as we see on the video where it's paused now,

1 6:28:44, Exhibit 2, Mr. Picker was asking you about  
2 your prior testimony characterizing how you're  
3 standing. Do you recall that.

4 A Yes, sir.

5 Q In that same prior testimony do you recall  
6 characterizing what you're doing as stalling or words  
7 to that effect?

8 A Yes.

9 Q And in what way was what you're doing now  
10 stalling? I'm sorry. Not doing now but doing at the  
11 point in time depicted on the video.

12 A Could you ask that question again?

13 Q Focusing on the period of time in the video,  
14 what about what you're doing was stalling or why do you  
15 characterize it as stalling?

16 A Because when Mr. Cole picked up the phone  
17 Adrianna made the comment, "Oh, so you're going to call  
18 the police?" And I quickly responded with "No, he's  
19 calling his brother to bring some money because there's  
20 not enough money in the cashier box."

21 And then I walked over to her and it was part  
22 stalling and part sincere of, you know, hoping she  
23 would just walk out the door and tell those guys let's  
24 go.

1 Q Mr. Sims, you talked earlier on  
2 cross-examination about reviewing your statements to  
3 check yourself. Do you recall that?

4 A Yes.

5 Q And does anything about the cross-examination,  
6 the questions that have been put to you today, change  
7 what you testified to on direct examination?

8 A The questions I've answered today do they  
9 change -- vary from last year --

10 Q No, do they -- so you were on direct  
11 examination earlier today, you were questioned about  
12 what happened, you testified about what happened at Bob  
13 & Lucy's. Now the questions on cross-examination, does  
14 any of that change your testimony about what happened  
15 from earlier today?

16 A No, sir.

17 Q Does it change what you testified to earlier,  
18 that you were afraid at a certain point that Adrianna  
19 might use the gun to shoot you? Has that changed?

20 A No, it hasn't.

21 Q Thank you, Mr. Sims. No further questions.

22 THE COURT: Ms. Hickman.

23 MS. HICKMAN: Thank you.

24 /////

RECROSS EXAMINATION

BY MS. HICKMAN:

Q Mr. Sims, it's fair to say that everything you are testifying to about February 22nd of 2020 has to be viewed through the lens of somebody who is high, sleep deprived; right?

A Correct.

Q And to somebody who has come in here and testified under oath -- right? -- so telling us the truth, that you misperceived things about this event; right?

A I did, yes.

Q And so when you were testifying that you believed the consequences if you didn't make her believe you were really sorry were that her or you or both of you would get hurt, that has to be viewed through that lens; correct?

A Correct.

Q Because she never threatened to hurt you; right?

A That day, no.

Q She never when she's sitting here with you at Bob & Lucy's said, "I told you in my text messages and now that's happening"; right?

1 A No, she did not.

2 Q And she never told you what you needed to do to  
3 make it so that you wouldn't get hurt; right?

4 A Right. Correct.

5 Q And for those 13 minutes that we're looking at  
6 where she's sitting there talking to you, she says  
7 nothing about Mr. Williams; right?

8 A No, she did not.

9 Q She doesn't tell you during those 13 minutes  
10 that if you don't do whatever it is you think you need  
11 to do Mr. Williams is going to come in; right?

12 A Correct.

13 Q So what she wants to do is tell you to your  
14 face that you hurt her feelings; right?

15 MR. PRENGAMAN: Objection. Calls for speculation.

16 MS. HICKMAN: Well, let me ask it this way.

17 THE COURT: Rephrase it.

18 BY MS. HICKMAN:

19 Q What she did she is she came in there and told  
20 you to your face that you hurt her feelings; right?

21 A That's fair, yes.

22 Q And she told you to your face that she was  
23 pissed that you stole stuff from her kids; right?

24 A Yes.

1 Q And in reviewing your statements to check  
2 yourself you realized that even things you said in May  
3 were not true; correct?

4 A Correct.

5 Q So what you said in February of 2020, all of  
6 those statements are not true; correct?

7 A All of them?

8 Q No. Sorry. I said that wrong. So not all of  
9 them are not true, but there are portions of them that  
10 are not true, so everything you said is not true,  
11 not -- do you understand what I'm saying?

12 A Yes, ma'am.

13 Q Okay. So there are portions of what you said  
14 that are not true?

15 A Yes, ma'am.

16 Q Even though you believed it to be true at the  
17 time?

18 A Most definitely.

19 Q And at the previous hearing you also swore to  
20 tell the truth; right?

21 A Yes, ma'am.

22 Q And you can sit here today and say the things  
23 you said back then weren't true; right?

24 A Correct.

1 Q And so when you testified that you were afraid  
2 Adrianna would shoot you, that was what was in your  
3 head; right?

4 A Yes.

5 Q Because she never told you she was going to  
6 shoot you?

7 A No, ma'am, she did not.

8 Q In fact, you testified that you didn't think  
9 she would actually hurt you; right?

10 A Yes, ma'am.

11 Q And when you're standing here right where we  
12 can see on the screen, which is Exhibit 2, Mr. Williams  
13 is gone; right?

14 A Yes.

15 Q And he didn't tell you he was coming back in;  
16 right?

17 A No.

18 MS. HICKMAN: I have no further questions.

19 THE COURT: Thank you, Ms. Hickman.

20 Mr. Picker.

21 MR. PICKER: Thank you, Your Honor.

22 RECROSS EXAMINATION

23 BY MR. PICKER:

24 Q Mr. Sims, on February 22nd, 2020, you did not



1 believe Adrianna Norman was going to cause you any  
2 harm?

3 A That morning at all did I think she would cause  
4 me any harm?

5 Q Yes.

6 A There was a small window of when I thought she  
7 would.

8 Q Okay. But at the point where we're seeing you  
9 on the screen here on Exhibit 2 and for the majority of  
10 the time that you were talking to her, it was your firm  
11 belief that she would not harm you?

12 A I would say that's fair.

13 Q And so you didn't fear Ms. Norman that day  
14 because you knew -- because it was your belief she  
15 wouldn't hurt you?

16 MR. PRENGAMAN: Objection.

17 THE COURT: The objection lodged by Mr. Prengaman  
18 again. Mr. Prengaman.

19 MR. PRENGAMAN: Cumulative, Your Honor, asked and  
20 answered.

21 THE COURT: Again.

22 MR. PRENGAMAN: Cumulative. He just answered that  
23 same question.

24 THE COURT: Cumulative. You just asked him that

1 question; he just answered it.

2 MR. PICKER: I did not ask the same question, Your  
3 Honor, and the preamble to it was you were not in fear  
4 because --

5 THE COURT: Okay. Go ahead. Go ahead and ask the  
6 question again, Mr. Picker.

7 MR. PICKER: Thank you.

8 BY MR. PICKER:

9 Q Mr. Sims, you were not in fear of Adrianna  
10 Norman that morning because you believed she would not  
11 hurt you?

12 A I'm sorry. I was looking at Your Honor and  
13 missed part of your question.

14 Q I will ask it again. You were not in fear of  
15 Adrianna Norman on that morning, February 22nd, 2020,  
16 because you believed she would not hurt you?

17 MR. PRENGAMAN: Same objection, Your Honor.

18 THE COURT: I understand. I understand.  
19 Cumulative. He's asking a slightly different question.

20 Mr. Sims, go ahead and answer the question.

21 THE WITNESS: Only for that window period when she  
22 stood up and was kind of agitated.

23 BY MR. PICKER:

24 Q And at that point you asked her to come back

1 and she did? You pointed at the chair and she did come  
2 back and sit down for longer, didn't she?

3 A I believe your memory is better than mine, so  
4 I'm going to say yes.

5 Q I'll show you the video if that will help.

6 A I believe you.

7 Q Okay. So there's a small window of time where  
8 you had some fear of Ms. Norman, but you got over that  
9 when she came back and sat down?

10 A Those feelings are hard to like recapture so to  
11 speak now. I mean, I'm sure somewhere my level of  
12 anxiety went down when she sat down. I mean, that  
13 would be kind of normal.

14 Q Okay. And at this point as we see on the  
15 screen she's not threatening you?

16 A No.

17 Q And you don't feel at this point on the screen  
18 she's going to harm you?

19 A No.

20 Q Thank you. That's all I have.

21 THE COURT: Thank you, Mr. Picker.

22 Mr. Sims, thank you very much, sir. You are  
23 excused.

24 We're going to take about a ten-minute recess,

1 counsel, and then I'll have the State's next witness.

2 Ladies and gentlemen, during this recess you must  
3 not discuss or communicate with anyone, including  
4 fellow jurors, in any way regarding this case or its  
5 merits, either by voice, phone, email, text, internet  
6 or other means of communication or social media. You  
7 must not read, watch or listen to any news or media  
8 accounts or commentary about the case.

9 You must not do any research, such as consulting  
10 dictionaries, using the internet, or using reference  
11 materials, make any investigation, test a theory of the  
12 case, recreate any aspect of the case, or in any other  
13 way investigate or learn about the case on your own and  
14 you must not form or express any opinion about the case  
15 until it's finally submitted to you.

16 Thanks. I'll see you after the break.

17 (A recess was taken.)

18 (Proceedings outside the presence of the jury.)

19 THE COURT: The record should reflect that I'm  
20 present in court with counsel, the parties and no jury  
21 is present.

22 Ms. Hickman.

23 MS. HICKMAN: Thank you, Your Honor. I would  
24 just -- the first thing I'm going to ask is to keep

1 Mr. Sims available for recall. And the reason I bring  
2 that up is because I think he may be transported soon,  
3 and so I would ask the Court to have an order to keep  
4 him here until the trial is done so that he doesn't go  
5 down to Carson City.

6 THE COURT: Okay. I understand what you're saying.

7 Mr. Prengaman, I can do that. He's subject to  
8 recall. My inclination is to issue an order so that he  
9 stays at the Washoe County Jail until this trial is  
10 over.

11 MR. PRENGAMAN: Well, I'll defer to the Court on  
12 that. I think it is accurate that they're planning to  
13 transport him.

14 THE COURT: So we'll get on that today.

15 MS. HICKMAN: And then the only other thing is I  
16 would ask for a ruling on Exhibit 17 which is the knife  
17 photo, because I do think the next witness is Guillen.

18 THE COURT: The next witness --

19 MS. HICKMAN: Is Guillen, G-u-i-l-l-e-n.

20 THE COURT: Guillen.

21 MS. HICKMAN: And that may come up through him. So  
22 I would ask for a ruling on that exhibit.

23 THE COURT: My ruling on Exhibit 17 was reserved  
24 for the specific purpose of Mr. Sims' testimony related

1 to what he may or may not have seen. What I heard him  
2 testify to was that he did not see anything on  
3 Mr. Williams' waistband on February 22nd, 2020. I  
4 assumed that's why the State did not try to introduce  
5 Exhibit 17. There's no other purpose for the -- for  
6 Exhibit 17 to be introduced based on my ruling. If  
7 somebody wants to have this Court revisit that, I will  
8 revisit that.

9 MS. HICKMAN: I guess why I bring it up is that I  
10 think 17 came from Guillen's body cam.

11 THE COURT: Mr. Prengaman, I don't want that coming  
12 in through the body cam.

13 MR. PRENGAMAN: Your Honor, I just wanted to verify  
14 before I spoke. I don't believe it did come from his  
15 body cam.

16 THE COURT: Is it on his body cam, Guillen's body  
17 cam?

18 MR. PRENGAMAN: It is not, Your Honor.

19 THE COURT: It's a still photograph that was taken  
20 by a camera; is that accurate?

21 MR. PRENGAMAN: Your Honor, it is body cam -- it is  
22 accurate it is a still photograph taken from body cam,  
23 but not Guillen's.

24 THE COURT: But not Guillen's. All right. So we

1 don't have to worry about that, if there's a body cam  
2 video for Guillen introduced during that testimony.

3 MR. PRENGAMAN: It should not be -- actually if I  
4 might. And I'm not going to introduce it based on the  
5 testimony. The Court is right. I won't try to  
6 introduce it. I don't plan to. I don't believe that  
7 on Guillen's from reviewing it that it shows that in  
8 Guillen's footage, but I -- if you would allow me,  
9 Judge, I'll doublecheck that, but I went back and  
10 verified after that hearing, but if you would allow me  
11 just a minute I'll doublecheck.

12 THE COURT: Doublecheck it before we go back on the  
13 record. I want you to doublecheck it with regard to --  
14 it came from somewhere.

15 MR. PRENGAMAN: Your Honor, I know where the still  
16 photo -- let me back up. So there's no question that  
17 the still photograph of 17 did not come from Guillen's  
18 body cam. It came from another officer. Now, he's  
19 not -- however, he's not the only one that captured  
20 that scabbard. Now, there's a couple different -- they  
21 disarmed Mr. Williams, so there's some body cam footage  
22 that does capture the knife. There's others that once  
23 they removed the knife, the scabbard, the sheath is  
24 still on his waist. I don't -- but, again, let me --

1 if you would just allow me I'll doublecheck. I  
2 specifically tried to avoid that on Guillen's when I  
3 originally did it, but I'll doublecheck that if you  
4 allow me a brief recess.

5 THE COURT: I will allow you to do that,  
6 Mr. Prengaman. Be aware that the photos that are not  
7 coming in as a result of my issuance of an order from  
8 this bench on a motion of Mr. Williams joined by  
9 Ms. Norman, I don't want any of the body cams to  
10 reflect what is depicted in those still photographs  
11 that I kept out.

12 MR. PRENGAMAN: And, Your Honor, those are  
13 forensic investigation photos from the search of the  
14 truck. I don't believe that there's any body cam  
15 footage that, for instance, even gets close enough to  
16 the doorjamb to see -- I mean, the door for the most  
17 part remains closed. It's just removing Mr. Williams  
18 and Mr. Kelly from the truck. So I don't believe  
19 there's any dash cam footage that shows the interior in  
20 a way that would depict any of those items. Those  
21 photos that they objected to all came from -- they can  
22 correct me if I'm wrong, but those all came from the  
23 search of the truck at the Sparks Police Department.

24 THE COURT: Okay. Just so we're clear,



1 Mr. Prengaman, that is your responsibility with regard  
2 to those photos.

3 Okay. All right. Are you ready to call witness  
4 Guillen?

5 MR. PRENGAMAN: Your Honor, I do have a -- I am  
6 ready to call him, but if you would allow me to double  
7 check before --

8 THE COURT: Let's do that.

9 MR. PRENGAMAN: However, there's an issue I want to  
10 raise which is on the cross-examination of Mr. Sims  
11 Mr. Picker brought up this stolen Xbox. That's other  
12 act evidence. And the Court indicated if any party  
13 wanted to use other act evidence before they actually  
14 did it they had to go to the Court for authorization.  
15 Now, that didn't happen. So that was kind of an ambush  
16 of that prior bad act evidence in that  
17 cross-examination.

18 I object to Mr. Picker bringing that up again. I  
19 know he's listed Ms. Fulcher as a witness. I object to  
20 him bringing that up again until that's addressed,  
21 because that is other act evidence. It's after the  
22 fact. As Mr. Picker brought up, it involves a stolen  
23 Xbox. That was his allegation. I don't see how that's  
24 not other act evidence.

1 THE COURT: And I did not have a pretrial hearing  
2 where the witness or the person who allegedly received  
3 the Xbox testified so that I could determine whether or  
4 not the elements pursuant to Nevada law had been met.

5 So, Mr. Picker, if you intend to introduce that  
6 witness, if you intend to ask anyone else about that,  
7 you're going to need to schedule something with this  
8 Court during this trial outside the presence of the  
9 jury either early one morning or one afternoon after we  
10 break. Until that time that information is not to come  
11 into the record again. Do you understand?

12 MR. PICKER: I understand.

13 THE COURT: Thanks, Mr. Picker.

14 Okay. Mr. Prengaman, we're going to take five  
15 minutes off the record while you take a look at that  
16 body cam.

17 MR. PRENGAMAN: Thank you, Your Honor.

18 (A recess was taken.)

19 (Proceedings within the presence of the jury.)

20 THE COURT: Mr. Prengaman.

21 MR. PRENGAMAN: Thank you, Your Honor. The State  
22 calls Officer Guillen.

23 THE BAILIFF: Please stand here and face the clerk.

24 THE CLERK: Sir, please raise your right hand.

1 (The oath was administered to the witness.)

2 THE WITNESS: Yes.

3 THE CLERK: Thank you.

4 THE BAILIFF: You can go ahead and take the stand.  
5 Watch your step.

6 THE COURT: Officer Guillen, you can take your mask  
7 down. If you're not comfortable we can also provide  
8 you a shield if the plexiglass isn't sufficient. Would  
9 you prefer to wear the shield as well as being behind  
10 the Plexiglas?

11 THE WITNESS: No, thank you.

12 THE COURT: You're fine. Okay.

13 ANGEL GUILLEN,  
14 having been first duly sworn, was  
examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. PRENGAMAN:

17 Q Good afternoon.

18 A Good afternoon.

19 Q Could you please state your name and spell your  
20 first and last for the record.

21 A My name is Angel Guillen.

22 THE COURT: Officer Guillen, you're going to  
23 have to -- the microphone, get right up on it.

24 THE WITNESS: Angel Guillen, A-n-g-e-l, last of

1 Guillen, G-u-i-l-l-e-n.

2 THE COURT: Mr. Prengaman.

3 MR. PRENGAMAN: Thank you, Your Honor.

4 BY MR. PRENGAMAN:

5 Q And what do you do for a living?

6 A I'm a police officer for the Sparks Police  
7 Department.

8 Q And how long have you been employed with Sparks  
9 as a peace officer?

10 A Going on three years.

11 Q And prior to that did you have any other -- did  
12 you work for another police department before?

13 A Yes.

14 Q And can you just tell us where that was and how  
15 long?

16 A It was Pyramid Lake Police Department for  
17 approximately one year.

18 THE COURT: I'm sorry. I didn't hear that. Where  
19 was that?

20 THE WITNESS: Pyramid Lake Police Department.

21 BY MR. PRENGAMAN:

22 Q And, Officer, back on February 22nd of last  
23 year, 2020, what was your assignment with the police  
24 department?

1 A Patrol officer.

2 Q And what was your shift on that Saturday,  
3 February 22nd?

4 A I was working graveyard.

5 Q And was that -- is that 8 p.m. to 8 a.m.?

6 A Yes.

7 Q And in the early morning hours did you respond  
8 to a call for service?

9 A Yes.

10 Q Was that around 6:26 a.m.?

11 A Yes.

12 Q And in terms of your response do you recall, if  
13 you do, generally where you were when that call for  
14 service came up?

15 A Yes, I was in the parking lot of Western  
16 Village Casino.

17 Q And what were you driving that morning?

18 A I was driving a Charger.

19 Q Is that a marked Sparks Police patrol car?

20 A Yes.

21 Q Could you just -- I'm not asking for every  
22 detail, but can you generally give us an idea what  
23 about that vehicle identifies it?

24 A It has a Sparks Police Department logo, inside

1 it's equipped with lights and sirens.

2 Q Does it have kind of that classic overhead  
3 light bar on top?

4 A Yes.

5 Q With red and blue lights?

6 A Yes.

7 Q Is it also equipped with dash camera recording  
8 equipment?

9 A Yes.

10 Q And briefly where is that camera mounted on  
11 that dashboard?

12 A Facing forward it's mounted inside and it's  
13 connected to the windshield.

14 Q And so is it fair to say it captures the field  
15 of view directly in front of your police car?

16 A Yes.

17 Q Now, that call for service around 6:26 a.m.,  
18 what was the nature of it?

19 A Two subjects inside of a white truck were  
20 threatening with a firearm.

21 Q And so you said you responded. You drove to  
22 the area of Bob & Lucy's?

23 A Yes.

24 Q And describe your arrival in the area of Bob &

1 Lucy's.

2 A In the area we met at Merchant Street, Officer  
3 McNeely, Officer Arulanantham, away from the casino --  
4 or sorry -- away from Bob & Lucy's and we staged right  
5 off of Merchant.

6 Q Officer, I'm showing you what we've admitted as  
7 Exhibit 75. Can you see that on the monitor in front  
8 of you?

9 A Yes.

10 Q Do you recognize this aerial photograph showing  
11 the general area around Bob & Lucy's?

12 A Yes.

13 Q Using this are you able to -- if you press on  
14 that monitor you can draw, you can show us with an X or  
15 a circle the general area where you responded that you  
16 just described.

17 A (Drawing.)

18 Q And describe what -- did you make any  
19 observations as you're arriving?

20 A Well, arriving on scene Sergeant McNeely was  
21 right here where I just marked.

22 THE COURT: Officer Guillen, I really need you to  
23 hunker down on that microphone so we can all hear you.

24 THE WITNESS: I arrived at Merchant Street and

1 Sergeant McNeely was there along with Officer  
2 Arulanantham and a subject who was identified as Steven  
3 flagged us down and started yelling -- I don't know  
4 what he was yelling -- and pointing towards the  
5 direction towards Bob & Lucy's Tavern.

6 BY MR. PRENGAMAN:

7 Q And did you around that time make any  
8 observations about the area of Bob & Lucy's?

9 A Yes.

10 Q What did you see?

11 A So as we left, Sergeant McNeely spoke with the  
12 male subject. Officer Arulanantham and I went to the  
13 front of Bob & Lucy's and observed a white truck.

14 Q And looking at Exhibit 75, can you show us  
15 where you and the other officer were?

16 A That was my patrol vehicle, Officer  
17 Arulanantham, and a short time later Officer Chambers  
18 was the third.

19 Q And what happened next?

20 A Well, we had information of there's a white  
21 vehicle with occupants inside of the white truck. I  
22 can't recall the license plate at this time. There was  
23 two subjects with firearms. So based on the nature of  
24 the call I employed my AR rifle that's assigned to me.



1 And also at the time Officer Arulanantham was talking  
2 to a subject that was unrelated.

3 Q Officer, regarding the license plate, did you  
4 document that in your report when it was fresh in your  
5 memory?

6 A Yes.

7 Q As you sit here right now you can't tell us  
8 from memory the license plate of the truck?

9 A Correct.

10 Q If you looked at your report would it refresh  
11 your memory?

12 A Yes.

13 Q I'm going to show you what we've marked for  
14 identification as Exhibit 145. Officer, I've handed  
15 you Exhibit 145. Could you first look at that and  
16 please confirm that that appears to be a copy of the  
17 police report you wrote for this case.

18 A Yes.

19 Q And is that where you documented the license  
20 plate of the white truck?

21 A Yes.

22 Q And looking at it, is that -- would reviewing  
23 it refresh your memory enough to tell us what the  
24 license plate was?

1           A     Yes.

2           Q     Please do so.

3           MS. ROSENTHAL:   Your Honor, I would ask that the  
4 witness give the document back once his recollection is  
5 refreshed and not read from it.

6           THE COURT:   Thank you, Ms. Rosenthal.

7           Mr. Prengaman.

8           MR. PRENGAMAN:   Your Honor, I offer it as past  
9 recollection recorded, and so I believe he can read  
10 from it.

11          THE COURT:   Are you offering it as an exhibit?

12          MR. PRENGAMAN:   I'm not -- I'm offering the  
13 recorded recollection only.

14          THE COURT:   I'll allow it as an exception.

15          Go ahead, Officer.

16          THE WITNESS:   181 LMJ.

17          MR. PRENGAMAN:   Thank you.

18   BY MR. PRENGAMAN:

19          Q     Now, Officer, with regard to the white truck,  
20 how is that situated at Bob & Lucy's?

21          A     It's parked facing southbound in the parking  
22 lot right in front of the entrance of Bob & Lucy's.

23          Q     From where you were could you see into the  
24 truck to tell, for instance, how many people were

1 inside?

2 A Yes.

3 Q What did you see?

4 A I saw two people.

5 Q Now, at some point as you were behind the  
6 car -- I'm sorry -- the truck, did you see the truck do  
7 anything?

8 A Yes. I observed the rear reverse lights turn  
9 on.

10 Q Was that after all three police cars were  
11 situated as you have described?

12 A Yes.

13 Q Okay. When the brake lights came on did any of  
14 the officers present take any steps to try to get the  
15 truck to stop?

16 A Yes. Officer Chambers stated commands. I'm  
17 not sure exactly what he said, if he was saying "Stop"  
18 or "Police."

19 Q Did the truck stop?

20 A No.

21 Q And in terms of volume, how was Officer  
22 Chambers giving those commands?

23 A He was yelling.

24 Q What happened next?

1           A     The vehicle reversed and exited onto Rock  
2 Boulevard. And as it exited I heard the tires screech.

3           Q     What did you do?

4           A     I placed my AR rifle in the passenger seat and  
5 began to follow the vehicle.

6           Q     When you began -- and when you say "the  
7 vehicle," are you talking about that white truck?

8           A     Yes.

9           Q     And as you began to follow it did you activate  
10 your lights and sirens?

11          A     Lights.

12          Q     So first lights. Now, when you talk about your  
13 lights, is that the flashing red and blue lights?

14          A     Yes.

15          Q     What happened next?

16          A     I believe there was two patrol vehicles in  
17 front of me continuing southbound on Rock Boulevard.

18          Q     So you continued down Rock. And what --  
19 describe what happened next.

20          A     We continued to follow. I believe it's Officer  
21 Loeschner, Officer Hodge was second, I was third. I  
22 was providing updates of speeds and the direction as we  
23 approached Rock and Prater.

24          Q     And, Officer, when you say you were providing

1 that information, are you describing those things, the  
2 speed, where your locations are as it's occurring?

3 A Yes.

4 Q Were you also providing information about what  
5 you saw -- well, let me back up. From where you were  
6 as about the third car could you still see the truck?

7 A Yes.

8 Q So you had your eyes on the truck as you were  
9 pursuing?

10 A Yes.

11 Q Could you tell -- so the two cars ahead of you,  
12 did they have their lights on?

13 A Yes.

14 Q Was there a point in time when Officer  
15 Loeschner's car had some trouble with its equipment?

16 A Yes.

17 Q How about their sirens, could you tell if the  
18 police vehicles ahead of you had their sirens  
19 activated?

20 A At that time, no.

21 Q At some point did you activate your siren?

22 A Yes.

23 Q And about when was that?

24 A I believe it was at Rock and Hymer.

1 THE COURT: Rock and --

2 THE WITNESS: Hymer.

3 BY MR. PRENGAMAN:

4 Q So you, including the other police vehicles,  
5 followed the truck all the way down Rock to Hymer?

6 A Yes.

7 Q What did the truck do -- let me back up. Can  
8 you tell us what the speed limit is along that stretch  
9 of block where you were pursuing the truck?

10 A Thirty-five.

11 Q And are you able to tell us as you sit here  
12 what the approximate speed was that you and the other  
13 vehicles reached as you were pursuing?

14 A I was going 65, I believe 65 miles per hour,  
15 and the vehicle was still creating distance between  
16 myself and the other officers.

17 Q So at 65 you were not gaining on the truck?

18 A No.

19 Q Did the truck ever stop or yield to the lights  
20 and sirens prior to reaching Hymer?

21 A No.

22 Q Please describe what happened as the truck  
23 reached the intersection of Rock and Hymer.

24 A So at Rock and Hymer -- or Rock and Prater I

1 believe he ran a red light. He ran a red light at Rock  
2 and I-80 on the underpass. He continued southbound on  
3 Rock Boulevard. And approaching Hymer he made a  
4 left-hand turn which is eastbound on Hymer towards  
5 Western Metals.

6 Q And I'm going to show you now Exhibit 77. And  
7 do you see the area of Hymer where the truck turned  
8 into the area that would include Western Metals?

9 A Yes.

10 Q Can you show us again by drawing on the screen  
11 the path that the truck took as you were pursuing it  
12 once it got -- go ahead.

13 A (Drawing.)

14 Q And what happened when you got to the area of  
15 Western Metals?

16 A It's a dead end.

17 Q Did the truck stop?

18 A No.

19 Q What happened next?

20 A It went northbound behind another business. I  
21 guess there was enough behind the building for it to  
22 come back out onto Hymer.

23 Q So the truck was able to get back onto Hymer?

24 A Yes.

1 Q Going what direction?

2 A First it was going eastbound and then it turned  
3 down 15th Street, I believe.

4 Q Okay. Now, once you got to the area of Western  
5 Metals and the truck got back onto Hymer were you still  
6 in pursuit?

7 A I was out of my vehicle because I thought he --  
8 at the dead end I thought it was going to be over. And  
9 as soon as I got out of my vehicle, the vehicle  
10 continued and I saw the vehicle and the driver go  
11 southbound on 15th and I entered my vehicle and I went  
12 eastbound on Hymer to Rock.

13 Q Now, would it be fair to say that sort of  
14 around this point in time you were no longer in the  
15 pursuit in terms of you were right behind the truck?

16 A Yes.

17 Q Are you still listening to other officers call  
18 out the progress of the pursuit in terms of the streets  
19 and what's happening?

20 A Yes.

21 Q At some point do you catch up to the location  
22 where the other officers are still pursuing the truck?

23 A Yes.

24 Q And about where does that occur?



1           A     That occurs at McCarran and Victorian.

2           Q     And what do you see as you get to the area of  
3 McCarran and Victorian?

4           A     When I get to McCarran and Victorian going  
5 eastbound, Officer Chambers did a pit maneuver, so I  
6 went over there to go help and I see the vehicle and  
7 another patrol vehicle going westbound -- or eastbound  
8 on Victorian.    Sorry.

9           Q     Officer, I'm going to show you now Exhibit 79.  
10 And does Exhibit 79 include the area of Victorian and  
11 McCarran?

12          A     Yes.

13          Q     If you can, could you please show us just where  
14 you were, sort of the direction you were heading as you  
15 got to Victorian.

16          A     (Drawing.)

17          Q     Now, did you turn onto Victorian?

18          A     Yes.

19          Q     And approximately where did you see the truck  
20 followed by Officer Chambers.

21          A     (Drawing.)

22          Q     Could you -- okay.    Now, describe for us what  
23 you see.

24          A     I see the white pickup truck traveling

1 eastbound on Victorian followed by a patrol vehicle.  
2 There was a gap. I conducted a U-turn.

3 Q And so you were heading westbound on Victorian?

4 A Yes.

5 Q And then turned around?

6 A Yes.

7 Q Now, at the time did you know who was the  
8 officer who was in the patrol vehicle that was  
9 immediately behind the truck?

10 A Officer Snow.

11 Q After you did your -- made your U-turn describe  
12 what happened next.

13 A I observed the white truck go through the  
14 Victorian -- or I'm sorry -- McCarran and Victorian  
15 intersection and enter the offramp eastbound.

16 Q Officer, I'm going to show you now what we have  
17 marked -- what we have admitted as Exhibit 80.

18 And, Officer, just to orient us, can you please  
19 point out the intersection of Victorian and McCarran on  
20 this aerial photograph.

21 A (Drawing.)

22 Q And is that generally also where you would --  
23 where the westbound I-80 offramp enters onto?

24 A Yes.

1 Q What happens next?

2 A The white truck entered the off ramp. Officer  
3 Snow followed. I was approximately a quarter of a mile  
4 of distance away from Officer Snow.

5 Q And at that point could you still see the  
6 truck?

7 A At that time no.

8 Q What happened?

9 A I advised Sparks Police dispatch that the  
10 vehicle was going the wrong way on the interstate.

11 Q And then what happened?

12 A I observed Officer Snow go to the north  
13 shoulder. I slowed down approximately right here. And  
14 I observed the white vehicle that was out of my sight  
15 and it veered off to the right and it struck a silver  
16 vehicle.

17 Q Now, when you say you saw the white vehicle,  
18 are you talking about that white truck that you've been  
19 following?

20 A Yes.

21 Q Now, when you said it was out of your sight,  
22 you told us a moment ago that it had been out of your  
23 sight. Did you regain sight of it as you were driving  
24 up the ramp?

1           A     Yes.

2           Q     So you just talked about seeing it strike the  
3 silver vehicle. Is that something that you saw with  
4 your eyes?

5           A     Yes.

6           Q     Now, at this point as you're following the  
7 truck as you described, you have your lights and sirens  
8 activated still?

9           A     Yes.

10          Q     Could you tell if Officer Snow had his lights  
11 and sirens?

12          A     Pardon me?

13          Q     Could you tell if Officer Snow had his lights  
14 and sirens activated?

15          A     I saw his lights. I couldn't hear the siren.

16          Q     What did you do next?

17          A     As the vehicle got in the crash I told Sparks  
18 Police dispatch 10-50, 10-50, which is the code for a  
19 crash. The traffic stopped and I approached where the  
20 accident was and I observed Officer Snow out of his  
21 vehicle.

22          Q     I'm going to stop you there. And now you're --  
23 did your vehicle's dash cam record the events that  
24 you've described in terms of the pursuit?

1           A     Yes.

2           Q     Officer, I'm going to hand you three exhibits.  
3     They are No. 99, 100 and 124. And I'm going to -- to  
4     begin with I'm going to ask you to look at Exhibit 99.  
5     Do you recognize Exhibit 99?

6           A     Yes.

7           Q     Have you had an opportunity to review the  
8     contents of 99?

9           A     Yes.

10          Q     And does 99 contain footage from your vehicle's  
11     dash cam that captured a number of the events that you  
12     described for us?

13          A     Yes.

14          Q     Does it capture, for instance, the initiation  
15     of the pursuit from Bob & Lucy's to the area of Western  
16     Metals?

17          A     Yes.

18          Q     Does it also capture the portion of the pursuit  
19     where you get to the area of Victorian and McCarran and  
20     see the truck as it drives onto the freeway as you  
21     described?

22          A     Yes.

23          Q     Now, it is accurate that that's edited footage;  
24     is that right?

1 A Yes.

2 Q It doesn't contain the entirety of your dash  
3 cam footage the whole way?

4 A Yes.

5 Q As far as the --

6 THE COURT: Mr. Prengaman, can you step behind the  
7 shield and drop your mask for us. Thank you.

8 BY MR. PRENGAMAN:

9 Q And in terms of the edited footage, it  
10 accurately shows the events depicted; correct?

11 A Yes.

12 MR. PRENGAMAN: I move for the admission of 99.

13 THE COURT: Ms. Hickman, 99. Or Ms. Grosenick, 99.

14 MS. GROSENICK: No objection provided we'll be able  
15 to cross on the unedited portions.

16 THE COURT: On the unedited portions?

17 MS. GROSENICK: Correct.

18 THE COURT: Ms. Rosenthal.

19 MS. ROSENTHAL: Thank you, Your Honor. One  
20 follow-up question.

21 Officer Guillen, are you the one who edited this  
22 version?

23 THE WITNESS: No.

24 MS. ROSENTHAL: No further questions and no

1 objection.

2 THE COURT: Thank you. 99 is in.

3 (Exhibit 99 was admitted.)

4 THE COURT: Mr. Prengaman.

5 MR. PRENGAMAN: Thank you, Your Honor.

6 BY MR. PRENGAMAN:

7 Q Officer Guillen, showing you the opening frame  
8 of Exhibit 99, are we looking at Bob & Lucy's Tavern in  
9 this frame?

10 A Yes.

11 Q And we see immediately at the bottom of the  
12 frame the hood of your patrol car?

13 A Yes.

14 Q And what do we see here?

15 A A white pickup truck.

16 Q That's the one that you were testifying about  
17 that ultimately was pursued by you and the other  
18 officers?

19 A Yes.

20 Q Playing forward from the beginning.

21 Pausing at 41 seconds. Officer, the direction of  
22 travel right now is southbound on Rock?

23 A Yes.

24 Q Just pausing right there, whose voice is that

1 that we just heard saying the speed is 65?

2 A That's mine.

3 Q I'm pausing at 1 minute 45 seconds. Your  
4 patrol car is stopped?

5 A Yes.

6 Q What just happened?

7 A The white truck went north behind the business  
8 that's to the left.

9 Q Is this where you were telling us earlier that  
10 you got out of your car thinking that the pursuit might  
11 be over?

12 A Yes.

13 Q Now, pausing it at 2 minutes and 8 seconds in,  
14 where are you heading at this point?

15 A At this point I'm at Hymer and Rock, I go  
16 southbound Rock.

17 Q And would this be approximately just before you  
18 for lack of a better word are no longer involved in the  
19 pursuit?

20 A Yes.

21 Q Now, the footage has moved forward in time at 2  
22 minutes and 17 seconds. Can you tell us what we see in  
23 this frame?

24 A I'm on McCarran approaching Victorian Avenue.



1 Q Is this just before you caught up to the  
2 pursuit as you described?

3 THE COURT: Mr. Prengaman, I didn't hear that. Is  
4 this just before --

5 BY MR. PRENGAMAN:

6 Q Is this just before you caught up to the  
7 pursuit as you described earlier?

8 A Yes.

9 Q Now, what are -- you just turned?

10 A I heard the pit was successful and the vehicle  
11 was still continuing eastbound on Victoria.

12 Q And as we look at the vantage point of your  
13 dash cam, you're heading westbound on Victoria?

14 A Yes.

15 Q I've paused at 2 minutes and 56 seconds. Whose  
16 patrol car is this that's ahead of you?

17 A Officer Snow.

18 Q I've stopped it at 3 minutes and 25 seconds.  
19 Officer, this is where you called a 10-50?

20 A Yes.

21 Q What did you just observe prior to that?

22 A As I was slowing down I peeked to the right and  
23 the white truck hit the silver SUV.

24 Q Now, in your footage it appears to be distant.

1           A     Yes.

2           Q     Would it be fair to say you had a better view  
3 of the collision than your dash camera captured?

4           A     Yes.

5           Q     I've stopped at 3 minutes and 33 seconds. Can  
6 you tell us what we're looking at here?

7           A     We're looking at the crash of the white truck  
8 and the SUV. Officer Snow is outside of the vehicle.

9           Q     And is Officer Snow the officer that's  
10 immediately sort of in the center of the frame?

11          A     Yes.

12          THE COURT: Mr. Prengaman, would this be a good  
13 time to break for the day?

14          MR. PRENGAMAN: Certainly.

15          THE COURT: Yes?

16          MR. PRENGAMAN: Yes, Your Honor.

17          THE COURT: Ladies and gentlemen, we're going to  
18 take our evening recess. During this recess do not  
19 discuss or communicate with anyone, including fellow  
20 jurors, in any way regarding the case or its merits,  
21 either by voice, phone, email, text, internet, or other  
22 means of communication or social media. You must not  
23 read, watch or listen to any news or media accounts or  
24 commentary about the case.

1           You must not do any research, such as consulting  
2     dictionaries, using the internet or using other  
3     reference materials. You must not make any  
4     investigation, test the theory of the case, recreate  
5     any aspect of the case or in any other way investigate  
6     or learn about the case on your own. You must not form  
7     or express any opinion regarding the case until it is  
8     submitted to you.

9           Thank you so much for your time and attention  
10    today. We'll see you back here tomorrow morning at  
11    8 o'clock.

12           (The proceedings were adjourned at 3:33 p.m.)

13                   --o0o--

1 STATE OF NEVADA )  
2 ) ss.  
3 COUNTY OF WASHOE )

4 I, LORI URMSTON, Certified Court Reporter, in and  
5 for the State of Nevada, do hereby certify:

6 That the foregoing proceedings were taken by me  
7 at the time and place therein set forth; that the  
8 proceedings were recorded stenographically by me and  
9 thereafter transcribed via computer under my  
10 supervision; that the foregoing is a full, true and  
11 correct transcription of the proceedings to the best  
12 of my knowledge, skill and ability.

13 I further certify that I am not a relative nor an  
14 employee of any attorney or any of the parties, nor am  
15 I financially or otherwise interested in this action.

16 I declare under penalty of perjury under the laws  
17 of the State of Nevada that the foregoing statements  
18 are true and correct.

19 DATED: At Reno, Nevada, this 2nd day of  
20 September, 2021.

21  
22 LORI URMSTON, CCR #51

23  
24 The document to which this certificate is  
attached is a full, true and correct copy of the  
original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second  
Judicial District Court, in and for the County of  
Washoe.

\_\_\_\_\_  
LORI URMSTON, CCR #51

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## CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 11th day of January 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Jennifer P. Noble, Chief Appellate Deputy,  
Washoe County District Attorney

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Ryan Williams (#96845)  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, Nevada 89702

John Reese Petty  
Washoe County Public Defender's Office