

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN WILLIAMS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

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

JOINT APPENDIX VOLUME SIX

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THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE
BEFORE THE HONORABLE KATHLEEN DRAKULICH, DISTRICT JUDGE

- oOo -

STATE OF NEVADA,	:	
	:	
Plaintiff,	:	
	:	Case No. CR20-0630A
vs	:	Case No. CR20-0630B
	:	
ADRIANN MARIE NORMAN,	:	Dept. No. 1
RYAN WILLIAMS,	:	
	:	
Defendants.	:	

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TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY 8

WEDNESDAY, APRIL 21ST, 2021

Reno, Nevada

Reported By:

ERIN T. FERRETTO, CCR #281

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2 RENO, NEVADA, WEDNESDAY, APRIL 21ST, 2021, 8:00 A.M.

3 -o0o-

4
5
6 THE COURT: Thank you, everyone. Please be
7 seated.

8 Good morning, ladies and gentlemen. Welcome back.
9 If we could have Officer Guillen resume the stand,
10 please?

11 Good morning, Officer.

12 THE WITNESS: Good morning.

13 THE COURT: Mr. Prengaman, you may continue.

14 MR. PRENGAMAN: Thank you, your Honor.
15

16 +++ DIRECT EXAMINATION +++

17 (Resumed)

18 BY MR. PRENGAMAN:

19 Q Good morning, Officer.

20 A Good morning.

21 Q Officer, when we left off yesterday, I believe we
22 were -- I was asking you questions about your portion of
23 the pursuit that had gotten on to the freeway.

24 Do you recall that?

1 A Yes.

2 Q Just to sort of get back to where we left off,
3 we're going to go back to Exhibit 99. We're going to
4 play forward 2 minutes 46 seconds into the footage, and
5 just -- if you could just orient us to start this morning
6 what are we looking at? What area of Sparks are we
7 looking at?

8 A This is going to be McCarran Boulevard and
9 Victorian Avenue.

10 Q To go back briefly to Exhibit 80, with a circle or
11 X, just indicate for us where that sort of opening frame
12 corresponds on this map or aerial photo.

13 A (Witness complies.)

14 Q I'm playing forward from 2 minutes 46 seconds.
15 (Video recording played.)

16 Officer, I pause at 3 minutes 31 seconds into
17 Exhibit 99. Will you remind us who the officer is
18 immediately front of your car?

19 A Officer Dan Snow.

20 Q And playing forward just slightly, are you able to
21 see the two vehicles that were ultimately involved in the
22 collision in this frame?

23 A Yes.

24 Q Can you show us where each is located and identify

1 each one for us?

2 A Yes.

3 Q If you could use the monitor and just indicate for
4 us. You said the white truck -- you saw the white truck
5 collide with another vehicle. Where is the white truck
6 in this?

7 A (Indicating.)

8 Q What color did you say the other vehicle was?

9 A Silver.

10 Q Show us where that other vehicle is.

11 A (Indicating.)

12 Q Now, as you arrive at the -- at the scene,
13 describe what happens next. What do you do next?

14 A I ask Officer Snow to wait for me, based off of
15 the firearms that were involved. I exited my vehicle
16 with my AR rifle and assisted Officer Snow.

17 Q When you say, "assisted Officer Snow," what do you
18 mean?

19 A To apprehend the suspects.

20 Q Playing forward from 3 minutes 32 seconds.

21 (Video played.)

22 Now, the officer that we now see in the camera
23 view of your car's dash cam, is that you?

24 A Yes.

1 (Video played.)

2 Q Officer, going back to Exhibit 80, can you show us
3 approximately where on the freeway the collision
4 occurred?

5 A (Indicating.)

6 Q So the scene that we just saw on your dash cam
7 footage, that is approximately where it was located?

8 A Yes.

9 Q Now, from your camera view, it appears that the
10 driver side of the truck was opposite where your car was?

11 A Yes.

12 Q Is that where you initially met with Officer Snow?

13 A Yes.

14 Q Describe, please, what happened when you got
15 around to the driver's side of that white truck.

16 A I identified -- or I didn't identify at the time,
17 but the suspect in the vehicle was later identified as
18 Ryan Williams, wearing a gray shirt, long hair, facial
19 hair. We asked him to put his hands in the air.

20 There was another suspect that was later found out
21 that he was lying on his left side, waited for officers
22 to respond to take him into custody.

23 And then I went to go check on the victim of the
24 silver SUV.

1 Q So when you say, "the other occupant," was the
2 other occupant on the passenger side of the truck?

3 A Yes.

4 Q And did you assist or were you present when the
5 driver was taken out of the car -- of the truck?

6 A I was present, yes.

7 Q And as you told us, you were able to observe him,
8 see his face, see his clothing?

9 A Yes.

10 Q And do you see the driver of the white truck in
11 the courtroom today?

12 A Yes.

13 Q So we know who you're talking about, would you
14 please describe where that person is located and the
15 clothing that that person is wearing?

16 A Yes. He's wearing black mask, glasses, blue
17 shirt, and gray/blue tie.

18 Q Can you please describe the clothing of the person
19 to his immediate right?

20 A She's going to be wearing black suit jacket with a
21 black and -- or white and brown shirt.

22 Q Now, the man who is identified as the driver of
23 the white truck in the courtroom today, he's wearing a
24 mask; is that right?

1 A Yes.

2 Q Are you able to identify him to recognize him and
3 identify him in spite of that?

4 A Yes.

5 Q Even though he's wearing a mask, is there any
6 doubt in your mind as you see him today that that's the
7 driver of the truck?

8 A No, I don't have any doubt.

9 Q Thank you.

10 MR. PRENGAMAN: Your Honor, may the record reflect
11 an identification of the defendant?

12 THE COURT: It does.

13 MR. PRENGAMAN: Thank you.

14 BY MR. PRENGAMAN:

15 Q Officer, were you present or right there sort of
16 at the driver's side of the truck when officers removed
17 the passenger?

18 A I can't recall.

19 Q Officer, I'm going to show you now what we've
20 marked for identification as Exhibits 7 through 16, then
21 Exhibit 20. Would you please look at each of those
22 photos and let me know when you've had a chance to look
23 at them all?

24 A I've looked at all of them.

1 **Q** Do -- do you recognize what is contained in each
2 of the photos?

3 **A** Yes.

4 **Q** Do the photos all show areas of the collision
5 scene, the people, including the driver and the passenger
6 of the truck, and the driver of the silver vehicle
7 involved in the collision?

8 **A** Yes.

9 **Q** Do those photos accurately depict the scene and
10 the people and the items present as they appeared that
11 day?

12 **A** Yes.

13 MR. PRENGAMAN: Your Honor, I move for the
14 admission of 7 through 16 and Exhibit 20.

15 THE COURT: Ms. Grosenick? Ms. Hickman?

16 MS. GROSENICK: Your Honor, may I please see the
17 exhibits to see what they are?

18 THE COURT: Of course.

19 Mr. Prengaman, can you deliver the exhibits to
20 counsel?

21 MR. PRENGAMAN: Yes, your Honor.

22 MS. GROSENICK: No objection.

23 THE COURT: Ms. Rosenthal?

24 MS. ROSENTHAL: Thank you, your Honor. Just a

1 couple of follow-up questions.

2

3 +++ VOIR DIRE EXAMINATION +++

4 BY MS. ROSENTHAL:

5 Q Officer, did you take those photos?

6 A No.

7 MS. ROSENTHAL: Your Honor, I believe Exhibit 7
8 was previously admitted. Other than that, we have no
9 objection to 8 through 16, and that Exhibit 20 be
10 admitted.

11 THE COURT: Okay, Ms. Rosenthal. Thank you.

12 I show that Exhibit 7 was admitted April 15, 2021,
13 already, 8 through 16 and 20 are admitted.

14 MR. PRENGAMAN: Thank you, your Honor.

15 (Exhibits 8 through 16 were admitted.)

16 (Exhibit 20 was admitted.)

17

18 +++ DIRECT EXAMINATION +++

19 (Resumed)

20 BY MR. PRENGAMAN:

21 Q Then, Officer, I'm going to show you now
22 Exhibit 72 for identification.

23 Officer, do you recognize the individual depicted
24 in Exhibit 72?

1 A Yes.

2 Q Does that -- is that a photograph of the
3 defendant, Ryan Williams, you identified in court as he
4 appeared that day?

5 A Yes.

6 MR. PRENGAMAN: Your Honor, move for the admission
7 of Exhibit 72.

8 THE COURT: Counsel, do you know what it is?

9 MS. GROSENICK: I know what it is, your Honor, and
10 I object. It's very prejudicial and Mr. Williams has
11 already been identified in court.

12 THE COURT: Ms. Rosenthal?

13 MS. ROSENTHAL: Your Honor, we'll defer to the
14 Court.

15 THE COURT: Thank you so much.

16 Mr. Prengaman, could I see the exhibit?

17 MR. PRENGAMAN: Yes, your Honor.

18 THE COURT: Mr. Prengaman, the purpose of the
19 exhibit?

20 MR. PRENGAMAN: To show the appearance of the
21 defendant that day in terms of identification in
22 comparison to the surveillance footage and other evidence
23 that's been admitted in the case.

24 THE COURT: Ms. Rosenthal?

1 MS. ROSENTHAL: Your Honor, I would like to be
2 heard further on this, but I'd prefer not to in front of
3 the jury.

4 THE COURT: Let's do this. Ladies and gentlemen,
5 we're going to take a brief recess. We'll remain here,
6 just follow the deputy.

7 THE BAILIFF: All rise for the jury.

8 THE COURT: Ladies and gentlemen, everyone
9 stretch. I forgot to read the admonishment before you
10 stood up.

11 During this break, you must not discuss or
12 communicate with anyone, including fellow jurors, in any
13 way regarding the case or its merits, either by phone,
14 email, text, internet or other means of communication or
15 social media.

16 You are not to read, watch or listen to any news
17 media accounts or commentary about this case. You are
18 not to do any research, such as consult a dictation, use
19 the internet, or use reference materials.

20 You are not to make any investigation, test a
21 theory of the case, recreate any aspect of the case, or
22 in any other way investigate or learn about the case on
23 your own. And you are not to form or express any opinion
24 about this case until it is submitted to you.

1 See you in a few minutes. Thank you.

2 (At 8:20 a.m., jury exited courtroom.)

3 THE COURT: All right. Thank you, Deputy Wood.
4 Counsel, do you want the witness excused as well?

5 MS. GROSENICK: That's not necessary.

6 THE COURT: Ms. Grosenick, regarding Exhibit 72,
7 more information, please, on the defense's objection.

8 MS. GROSENICK: Thank you.

9 Exhibit 72 is Mr. Williams' mugshot. Mr. Williams
10 was in the hospital for approximately three-and-a-half
11 weeks following his apprehension in this case. This
12 photograph was not taken on the day of February 22nd, it
13 was taken approximately three-and-a-half weeks later when
14 he was released from the hospital to the jail.

15 The other -- the other reason we're objecting,
16 your Honor, is that I believe that the State intends to
17 introduce this solely for the purpose of using it in
18 closing to put *Guilty* across the photograph. Highly
19 prejudicial, our argument -- or visual display so we're
20 objecting to that as well. There's no relevance for the
21 purpose of introducing a mugshot of my client who was in
22 custody for any purpose other than to use it at closing
23 in that manner. My client has been ID'd in court and we
24 haven't objected to that, so I do object to this exhibit

1 being admitted and used.

2 THE COURT: Ms. Grosenick, thank you so much.

3 Mr. Prengaman, I understood a minute ago in front
4 of the jury that the purpose of this was to show the
5 defendant the day of the accident. Ms. Grosenick says
6 this is three-and-a-half weeks later.

7 MR. PRENGAMAN: The testimony is that accurately
8 reflects how he appeared on that day. Again, it may not
9 have been taken on that day, but it accurately depicts
10 how he appeared.

11 Now, in this case, the defendant is appearing in
12 court in a mask, and the State -- so, again, the State is
13 not limited to that. I'm entitled to present the full
14 extent of the evidence in this case which would allow a
15 juror to look at a photo that depicts him as he appeared
16 that day and independently compare that to the video
17 surveillance footage; for example, to show that that's
18 him.

19 And so, again, the identification here is with a
20 mask. This is an unmasked picture. It's not -- the
21 officer is not going to testify it's a booking photo.
22 It's not going to be apparent to the jury that it's a
23 booking photo.

24 I take issue with that accusation that I'm going

1 to put *Guilty* over it. That's inappropriate. I've
2 never, ever done that, was not planning to do it. And I
3 don't think there's a good faith basis for that
4 accusation to be made.

5 In any event, I don't intend to do it, I wouldn't
6 do that, but I think I am entitled to show how he
7 appeared, his face, on that day to the jury so they can
8 take this officer's word and give it full credit. Or as
9 I'm entitled to do, to argue to them based on how he
10 appeared that day and that's him on the video, that's him
11 in all the evidence that the State has.

12 Again, this is -- this is relevant. It has
13 relevance and there's not unfair prejudice associated
14 with that, that would in any way substantially outweigh
15 the probative value.

16 THE COURT: I'll tell you, looking at Exhibit 72,
17 I don't really think there's anything prejudicial about
18 it to be outweighed by the probative value. I don't. I
19 think it appears to be an accurate depiction without any
20 indicia of anything beyond what it shows, which is
21 Mr. Williams' face, and I do think it's relevant.
22 Therefore, 72 is in.

23 (Exhibit 72 was admitted.)

24 THE COURT: Deputy Wood, could we have the jury

1 back, please?

2 THE BAILIFF: Yes, your Honor.

3 All rise for the jury.

4 (At 8:24, jury entered courtroom.)

5 THE COURT: Thank you, everyone. Please be
6 seated.

7 Mr. Prengaman?

8 MR. PRENGAMAN: Thank you, your Honor.

9 BY MR. PRENGAMAN:

10 Q Officer, I'm going to show you now what is
11 admitted as Exhibit 7, and this photo -- does this photo
12 show the collision scene from approximately the vantage
13 point that we saw from your dash cam?

14 A Yes.

15 Q Now, I believe you told us that after the driver
16 of the truck, Mr. Williams, had been taken out, you then
17 went to the silver -- the other car?

18 A Yes.

19 Q And showing you Exhibit 8, are we able to see that
20 silver car from the opposite view, from the opposite
21 direction?

22 A Yes.

23 Q Can you circle that silver car for us, please?

24 A (Witness complies.)

1 Q So that's where you went after Mr. Williams was
2 removed from the truck?

3 A Yes.

4 Q Describe what happened when you got to the silver
5 car?

6 A When I got to the silver car, I observed a male
7 not moving, slumped over the wheel. The door was stuck I
8 couldn't open it. So I tried multiple times to pry the
9 door open. I thought -- the driver was still alive
10 because I saw him take a gasp of air, so I was trying to
11 get him outside the vehicle. I used a knife that was
12 located on my vest. I cut the seat belt.

13 I pulled him out of the vehicle with Officer Snow.
14 We initiated CPR. I looked at his eyes; his eyes didn't
15 have any reaction towards the light so it wasn't him, you
16 know, breathing or waking up, it was him going through
17 agonal gasps, and I told officers to start CPR.

18 Q And showing you now Exhibit 11, can you tell us
19 what is shown in this photograph?

20 A It would be the front of the vehicle -- or the
21 silver vehicle and the door that was stuck now slightly
22 open.

23 Q So this shows -- this is the driver's side where
24 you saw the man seated?

1 A Yes.

2 Q That's the door that you pried open to access him?

3 A Yes.

4 Q When -- did other officers begin to perform CPR on
5 that man?

6 A Yes.

7 Q Ultimately, were those life-saving efforts
8 successful or unsuccessful?

9 A It was unsuccessful.

10 Q I'm going to briefly show you Exhibit 20 and just
11 ask you if this is the driver of the silver vehicle that
12 we see in the silver vehicle?

13 A Yes.

14 Q Officer, I'm going to show you Exhibit 15. Can
15 you tell us what we're looking at in Exhibit 15?

16 A I'm standing to the left and Ryan Williams is the
17 driver of the vehicle.

18 Q So -- is it accurate that is a still photo from
19 body cam footage?

20 A Yes.

21 Q And it shows Mr. Williams in the driver's seat
22 where you saw him?

23 A Yes.

24 Q Showing you now Exhibit No. 9, in this photograph

1 are you able to see the area where the officers were
2 performing CPR on the man in the silver vehicle?

3 A Yes.

4 Q Can you just indicate for us generally where that
5 appears in the photo?

6 A Pardon me?

7 Q Can you indicate for us where that appears in the
8 photo?

9 A (Indicating.)

10 Q And then in this photo, are you able to see
11 Mr. Williams -- do you see Mr. Williams in this photo?

12 A Yes.

13 Q Could you circle where he is situated?

14 A (Witness complies.)

15 Q Now, in terms of the passenger, the man you saw on
16 the passenger's side of the truck when you looked through
17 the window or looked into the truck, do you see him?

18 A Yes.

19 Q Could you show us where he is located?

20 A (Indicating.)

21 Q Now, Officer, I handed you a number of exhibits
22 yesterday and I want to return to them. I'm going to
23 show you Exhibits 100, 124 and 125, and I'm going to ask
24 you to start with 100.

1 Officer, do you recognize Exhibit 100?

2 **A** Yes.

3 **Q** And have you had -- did you have an opportunity to
4 look through and review the contents of that?

5 **A** Yes.

6 **Q** And does that exhibit contain footage from your
7 body-worn camera?

8 **A** Yes.

9 **Q** On this day, the day that you testified about, you
10 were outfitted with a body-worn camera?

11 **A** Yes.

12 **Q** And did it record footage of what you did at the
13 scene?

14 **A** Yes.

15 **Q** And does Exhibit 100 have an edited clip that
16 shows part of what your camera captured in terms of what
17 you saw and did at the scene that day?

18 **A** Yes.

19 **Q** Does it accurately depict those events as they
20 occurred?

21 **A** Yes.

22 **Q** Now, if I could ask you, officer, to look at
23 Exhibits 124 and 125, have you also had a chance to see
24 both of those exhibits previously?

1 **A** Yes.

2 **Q** And beginning with Exhibit 124, does 124 contain
3 the full footage from your body-worn camera that was
4 uploaded to the evidence system that day?

5 **A** Yes.

6 **Q** And then does 125 contain the full footage from
7 your car's dash camera that was recorded that day?

8 **A** Yes.

9 MR. PRENGAMAN: Your Honor, move for the admission
10 of Exhibit 100.

11 THE COURT: Ms. Grosenick?

12 MS. GROSENICK: No objection.

13 THE COURT: Ms. Rosenthal?

14 MS. ROSENTHAL: No objection.

15 THE COURT: 100 is in.

16 (Exhibit 100 was admitted.)

17 (Video played.)

18 BY MR. PRENGAMAN:

19 **Q** Officer, I'm at one second into Exhibit 100, so
20 the opening frame, and where -- where is this -- will you
21 orient us? Where is this footage? What is depicted in
22 this footage?

23 **A** It's the patrol vehicles -- patrol vehicles in
24 front of Bob & Lucy's.

1 Q This goes back to your initial response to Bob &
2 Lucy's?

3 A Yes.

4 Q Playing forward from Exhibit 1 -- I'm sorry, from
5 one second, I'm pausing it at 12 seconds in. Who is the
6 officer that we just saw to your immediate left?

7 A Officer Chambers.

8 Q And then close to the center of the frame, do we
9 see the white truck that you've testified about?

10 A Yes.

11 (Video played.)

12 Q Now, I'm going to play -- it's paused at
13 24 seconds. I'm going to play forward slightly. There
14 was sort of a black out and it came back in. Does that
15 indicate that's where an edit occurred?

16 A Yes.

17 Q Can you tell us now at 24 seconds and the time
18 stamp at 14:42:57, at what point are we at that morning?

19 A I'm getting out of my vehicle.

20 Q Is this when you've -- is this after you have
21 arrived on the freeway scene after witnessing the
22 collision that you described earlier?

23 A Yes.

24 (Video played.)

1 Q Officer, I've paused at 1 minute 21 seconds in.
2 Now, at this point, were you just addressing the
3 passenger side of the truck?

4 A Yes.

5 Q Now, we just heard you use some strong language --

6 A Yes.

7 Q -- addressing Mr. Williams?

8 A Yes.

9 Q Did we just see Mr. Williams seated in the
10 driver's seat of the truck, as you described it?

11 A Yes.

12 Q Did you have a purpose in using the strong
13 language that you did?

14 A Yes.

15 Q What was that?

16 A Due to the facts and circumstances of the violent
17 felony, going on the freeway and the crash, him not
18 obeying lights and sirens throughout the whole pursuit,
19 getting a PIT maneuver and still continually going away
20 from officers, I had to use language that I normally
21 don't use so that he understood what I was trying to get
22 across.

23 Q What was -- was -- did you have a concern about
24 your safety?

1 **A** Yes.

2 **Q** Did you have a concern about the safety of the
3 other officers and people at the scene?

4 **A** Yes.

5 **Q** In what way?

6 **A** Officer McNeely said there was weapons involved
7 inside of the vehicle, so I was worried if he did not
8 understand what I was trying to tell him, there was a
9 possibility of his hand going over and grabbing something
10 that I wasn't able to identify at that time.

11 **Q** And why do we see the haste that we do in terms of
12 getting Mr. Williams out of vehicle?

13 **A** So he doesn't have access to the firearms.

14 **Q** I'm going to play forward from 1 minute 21 seconds
15 in.

16 (Video played.)

17 Officer, we just heard you -- saw you go back to
18 check for anyone else. Was there anyone else in the
19 vehicle?

20 **A** No. I saw a car seat but I didn't see anybody.

21 **Q** Officer, is the man that we just saw you assist in
22 removing from the silver car, was that the same man that
23 you briefly showed? I want to ask you, is that the same
24 man we see in Exhibit 20?

1 A Yes.

2 Q Officer, in terms of any further responsibilities
3 at the scene, and by *the scene* I mean at this scene, this
4 collision scene, did you do anything further after what
5 we have just seen?

6 A No.

7 MR. PRENGAMAN: Thank you, Officer. No further
8 questions at this time.

9 THE COURT: Ms. Grosenick?

10

11 +++ CROSS-EXAMINATION +++

12 BY MS. GROSENICK:

13 Q Officer Guillen, I'm showing you what has been
14 admitted as Exhibit 75. It appears to be a map; correct?

15 A Yes.

16 Q You were one of the first three officers on scene;
17 right?

18 A Yes.

19 Q And I believe that Mr. Prengaman walked you
20 through sort of where you first responded for this call?

21 A Yes.

22 Q And that would be in this area?

23 A Yes.

24 Q So is this parking lot or street?

1 A It was on the street version.

2 Q Okay. That was you, Officer Arulanantham and
3 Officer McNeely?

4 A Sergeant McNeely, yes.

5 Q Oh. I'm sorry. Sergeant McNeely.

6 So you were there when a man came running from
7 this parking area over here; right?

8 A Yes. He was right here.

9 Q Okay. That's what triggered you and Officer **CHK
10 Arulanantham to drive to the front of Bob & Lucy's?

11 A Yes.

12 Q Can you mark for us again where you responded to
13 at that point?

14 A (Witness complies.)

15 Q Okay. And at that point the truck that you were
16 looking for was still parked outside of Bob & Lucy's?

17 A Yes.

18 Q A third unit joined the two of you soon after
19 that?

20 A Yes.

21 Q And that was Officer Chambers?

22 A Yes.

23 Q And while there, the three of you got out of your
24 vehicles?

1 A Yes.

2 Q And you and Officer Chambers grabbed your AR-15s?

3 A Yes.

4 Q At that point, you didn't have lights and sirens
5 on?

6 A Correct.

7 Q And neither did the other two officers?

8 A Yes.

9 Q All right. I want to switch gears and talk to you
10 about the length of this pursuit.

11 Officer Guillen, I'm showing you what is
12 previously admitted as Exhibit 99, and up here in the top
13 right corner we see a serial number on the second line;
14 correct?

15 A Yes.

16 Q And that's a serial number that is a unique
17 identification to your dash cam?

18 A Yes.

19 Q Okay. And you already testified that this is your
20 dash cam?

21 A Yes.

22 Q And you will agree with me that the serial number
23 is X54002164?

24 A Yes.

1 **Q** Okay. Now I'm showing what was marked but not
2 admitted as Exhibit 203. Now, this appears to be your
3 dash cam as well; correct?

4 **A** Yes.

5 **Q** Okay. Because that serial number up in the top
6 right-hand corner is the same as Exhibit 99; correct?

7 **A** Yes.

8 **Q** And that is X54002164?

9 **A** Yes.

10 **Q** This appears to be a true and accurate version of
11 your dash cam?

12 **A** Yes.

13 MS. GROSENICK: Move for admission of Exhibit 203.

14 THE COURT: Mr. Prengaman?

15 MR. PRENGAMAN: I don't have an objection to the
16 footage as shown.

17 Officer, do you know if this is the complete
18 footage from that day or do you know if this is just a
19 segment?

20 THE WITNESS: I do not know.

21 MR. PRENGAMAN: Again, with that representation of
22 the entirety, with that caveat, I have no objection -- or
23 if it's established -- I'm sorry, your Honor. My
24 statement should have been more clear. I don't have an

1 objection as long as it's established whether this is all
2 or part of the footage.

3 THE COURT: Why don't you -- so the witness
4 doesn't know, because he hasn't seen it. Ms. Grosenick,
5 before I admit it, to satisfy the condition of *no*
6 *objection* from the State, can you make a representation
7 about whether or not this was all or part of Officer
8 Guillen's dash cam?

9 MS. GROSENICK: Yes, your Honor. This is part of
10 Officer Guillen's dash cam, the first 8 minutes and
11 33 seconds.

12 THE COURT: First 8 minutes 33 seconds of his dash
13 cam?

14 MS. GROSENICK: Correct.

15 THE COURT: Thank you.

16 Mr. Prengaman?

17 MR. PRENGAMAN: No objection.

18 THE COURT: No objection. Exhibit 203 is in.

19 MS. ROSENTHAL: Your Honor, may I make my
20 position?

21 THE COURT: Ms. Rosenthal, I apologize. Yes.

22 MS. ROSENTHAL: It's all right. We have no
23 objection.

24 THE COURT: Ms. Grosenick, 203 is in.

1 (Exhibit 203 was admitted.)

2 BY MS. GROSENICK:

3 Q Again, we see here in the top right-hand corner
4 there's a timestamp; correct?

5 A Yes.

6 Q If we take this back to the very beginning, we see
7 that your dash cam starts at 6:34 and 27 seconds in the
8 morning; correct?

9 A Yes.

10 Q You're aware of how the timestamps work on these
11 right?

12 A I am not.

13 Q You don't know how to use the timestamp on the
14 dash cam?

15 A I don't use the timestamp. It automatically does
16 it.

17 Q Okay. Is this consistent with your recollection
18 that it was approximately 6:34 in the morning that the
19 truck pulled out?

20 A Yes.

21 Q Now, here we see the.
22 White truck leaving; right?

23 A Yes.

24 Q That's what causes you and the other officers to

1 get back in your vehicles?

2 A Yes.

3 Q And pursue him?

4 A Yes.

5 Q I'm going to skip forward to the end of this
6 edited clip.

7 MS. GROSENICK: The court's indulgence.

8 BY MS. GROSENICK:

9 Q Okay. So we're back. This is Exhibit 203 and I
10 want to skip to the end.

11 (Video played.)

12 I'm pausing at 8 minutes 27 seconds into this
13 exhibit. The time in the top right-hand corner is
14 6:42:53; correct?

15 A Yes.

16 Q And the collision has just occurred; correct?

17 A Yes.

18 Q Okay. So from 6:34 a.m. and 25 seconds, when the
19 pursuit began until 6:41 -- sorry -- 6:42 and 41 seconds,
20 when the pursuit ended, is approximately eight minutes?

21 A Approximately, yes.

22 Q I'm going back to Exhibit 99, which is the edited
23 dash cam that was introduced yesterday by the State, and
24 this version of your dash cam starts at the beginning of

1 your recording; correct?

2 A Yes.

3 Q And this version is edited; correct?

4 A Yes.

5 Q Now, this runs for about the first two minutes of
6 the pursuit?

7 A Yes.

8 Q And this version doesn't capture the portion
9 between Hymer and Victorian and McCarran; correct?

10 A If it's the edited version, yes.

11 Q And that's because at Hymer you are no longer in
12 the pursuit?

13 A I was still in the pursuit, not following, but I
14 was still on the call locating the white vehicle.

15 Q So approximately --

16 (Video played.)

17 Pausing at 2 minutes 15 seconds into Exhibit 99,
18 the time in the top right corner is 6:36 a.m.; correct?

19 A Yes.

20 Q Then if we play, it skips until 6:41 and
21 43 seconds; correct?

22 A Yes.

23 Q So that's approximately five minutes that are
24 missing from this edited version of your dash cam?

1 A Yes.

2 Q I'm going to show you what is admitted as
3 Exhibit 191. And do you see Bob & Lucy's up in the top
4 left-hand corner?

5 A Yes.

6 Q And that's where your involvement in this pursuit
7 began; correct?

8 A Yes.

9 Q Now, you followed the truck and officers in front
10 of you -- excuse me -- south onto Rock Boulevard;
11 correct?

12 A Yes.

13 Q And that's where that red line comes out of Bob &
14 Lucy's; correct?

15 A Yes, ma'am. Question. Is this my direction of
16 travel, the red line, or is that the pursuit?

17 Q Well, you -- you went south on Rock; correct?

18 A Yes.

19 Q Out of Bob & Lucy's?

20 A Yes.

21 Q And so does that appear to be your line of travel?

22 A Yes. The reason I'm asking is I didn't go to the
23 Raising Cane's area. So if this is mine, then that's not
24 the route that I took.

1 Q One hundred percent, but right now I'm just asking
2 you about the beginning, just Rock Boulevard.

3 A Yes.

4 Q Excuse me. Okay. So you did take Rock down to
5 Hymer?

6 A Yes.

7 Q And you took a left on Hymer?

8 A Yes.

9 Q Roughly like this; right?

10 A Yes.

11 Q Now, at Hymer, that's where the truck went behind
12 Western Metals; correct?

13 A It was another business.

14 Q Okay. But --

15 A Might have been Western Metals.

16 Q The truck changed directions there?

17 A Yes.

18 Q Okay. And what you see here is in red, that's not
19 from Hymer, where I stop with the line, that's not where
20 you went; correct?

21 A Correct. Yes.

22 Q Okay. You took a different direction?

23 A Yes.

24 Q Okay. And can you draw for us where you went

1 after this?

2 A (Witness complies.)

3 Q You've drawn back to south Rock Boulevard;
4 correct?

5 A Yes.

6 Q Then you went south on South Rock?

7 A Yes.

8 Q Can you draw that for us, please?

9 A (Witness complies.)

10 Q Okay. And you bypassed Glendale; correct?

11 A Yes.

12 Q Then you took a left onto Greg?

13 A Yes.

14 Q Okay. Then you took Greg almost all the way to --
15 to Sparks Boulevard; correct?

16 A Yes.

17 Q Okay. Can you go ahead and draw that for me,
18 please?

19 A (Witness complies.)

20 Q Now, around Sparks Boulevard you heard that the
21 pursuit had changed directions?

22 A Yes.

23 Q So you made a U-turn on Greg?

24 A Yes.

- 1 **Q** And drove back to McCarran?
- 2 **A** No.
- 3 **Q** No. Sorry. You got up to Glendale?
- 4 **A** Yes.
- 5 **Q** Can you draw that for us, please?
- 6 **A** (Witness complies.)
- 7 **Q** Okay. And then you took Glendale to McCarran and
- 8 you went north on McCarran?
- 9 **A** (Indicating.)
- 10 **Q** To the intersection with Victorian?
- 11 **A** Yes.
- 12 **Q** And that's where you rejoined the pursuit?
- 13 **A** Yes.
- 14 **Q** So this portion in pink that you've drawn for us,
- 15 that's where -- that's the footage that we don't have
- 16 from the Exhibit 99; correct?
- 17 **A** The edited version, yes.
- 18 **Q** I'm going to take you back to Exhibit 203. Now,
- 19 just before the truck leaves this spot, you had been
- 20 standing outside of your vehicle; correct?
- 21 **A** Yes.
- 22 **Q** And you can see the white truck at that point?
- 23 **A** Yes.
- 24 **Q** Okay. You could see the back of the white truck?

1 A Yes.

2 Q You could see the license plate?

3 A Yes.

4 Q And Officer Arulanantham called out that license
5 plate number prior to you all leaving the parking lot?

6 A I can't recall.

7 Q You can't recall. Would it refresh your
8 recollection to see the CAD log in this case?

9 A Yes.

10 MS. GROSENICK: Permission to approach, your
11 Honor?

12 THE COURT: Yes. Thank you.

13 BY MS. GROSENICK:

14 Q Showing you what's been marked admitted as 113.
15 And, Officer, I'll direct your attention to the timestamp
16 of 6:33:44.

17 A Yes.

18 Q Is your recollection refreshed as to whether the
19 license plate number of the white truck was called out
20 prior to leaving the parking lot?

21 A Yes.

22 Q So it was; correct?

23 A Yes.

24 Q So at this point -- I guess slightly before this

1 starts, as you're standing behind the truck and the truck
2 leaves, let's talk about the information you had.

3 You knew that the call for service was for threats
4 with a gun?

5 A Yes.

6 Q And so you believe that the individual in the
7 vehicle could be armed?

8 A Yes.

9 Q And you knew the make of the vehicle?

10 A Yes.

11 Q You knew it was a pickup truck?

12 A Yes.

13 Q You knew the color?

14 A Yes.

15 Q You had the license plate number?

16 A Yes.

17 Q And this was all prior to the truck leaving the
18 parking lot?

19 A Yes.

20 Q All right. Now, when the truck left the parking
21 lot, you were the third in the pursuit?

22 A Yes.

23 Q And you had on your red and blue lights?

24 A Yes.

1 **Q** But you did not have on your siren as you left the
2 parking lot?

3 **A** No, I did not.

4 **Q** Now, I'm going to skip ahead in Exhibit 203 to
5 1 minute 33 seconds in. And do you recognize this area?

6 **A** Yes.

7 **Q** Can you tell us what it is?

8 **A** Western Metals.

9 **Q** This is where you believe that the white truck
10 would be trapped in a cul-de-sac?

11 **A** Yes.

12 **Q** But that did not occur?

13 **A** No.

14 **Q** And as the truck came around the back of a
15 business, other police cars began to follow it?

16 **A** Yes.

17 **Q** And you followed it initially?

18 **A** I can't recall. I took a different route.

19 **Q** Okay. So let's play. I'm playing from 1 minute
20 33 seconds into Exhibit 203.

21 (Video played.)

22 Stopping at 1 minute 59 seconds, this is where two
23 other police cars we can see follow the white truck
24 south; correct?

1 A Yes.

2 Q And you continued straight ahead?

3 A Yes.

4 Q And that would be westbound on Hymer?

5 A Yes.

6 Q At that point, you still have on your red and blue
7 lights?

8 A Yes.

9 Q And you were not part of the pursuit once you went
10 straight on Hymer; correct?

11 A I was not behind the vehicle but I believe I was
12 still in pursuit.

13 Q You testified yesterday on direct that you were
14 not part of the pursuit; correct -- at this point?

15 A Yes.

16 Q Okay. And you also testified in a previous
17 proceeding that at this point in time you were no longer
18 part of the pursuit?

19 A Yes.

20 Q I'm playing from 1 minute 59 seconds.

21 (Video played.)

22 I'm stopping at 2 minutes 30 seconds, what road
23 are you on at this point?

24 A Rock Boulevard.

1 Q Playing from 2 minutes 30 seconds.

2 (Video played.)

3 Pausing at 2 minutes 44 seconds. At this point,
4 the white truck is not within your field of vision?

5 A No.

6 Q And neither are the other police cars that are
7 involved in this pursuit?

8 A No.

9 Q And you have just turned left onto Greg Street?

10 A Yes.

11 (Video played.)

12 Q Stopping at 3 minutes 23 seconds, we can hear your
13 radio through your dash cam; correct?

14 A Yes.

15 Q You're still listening to the radio at this point?

16 A Yes.

17 Q And you're getting updates on the -- on the route
18 of the pursuit?

19 A The location, yes.

20 Q Now, we just heard information about a robbery?

21 A Yes.

22 Q And at this point is when the information about
23 the reason for the call changed from threats with a gun
24 to be a robbery?

1 A Yes.

2 Q And you don't know where that information came
3 from?

4 A I know the voice on the radio.

5 Q Sure. You know who broadcast that information;
6 correct?

7 A Yes.

8 Q But you don't know where that individual got that
9 information?

10 A Correct.

11 Q Playing from 00:03:23.

12 (Video played.)

13 I'm stopping at 4 minutes 36 seconds. So at this
14 point another police vehicle does come into view;
15 correct?

16 A Yes.

17 Q You're still on Greg?

18 A Yes.

19 Q Okay. And you see the other police vehicle but
20 not the white truck?

21 A Yes.

22 Q Okay. So you initially turn around to follow this
23 other police vehicle?

24 A Yes.

1 (Video played.)

2 Q Sorry. For the record, I'm playing from 4 minutes
3 36 seconds.

4 Stopping at 5 minutes 21 into the video, so at
5 this point you hear that the pursuit is going north on
6 McCarran; correct?

7 A Yes.

8 Q And that was confusing?

9 A No. They were going north on McCarran.

10 Q Okay. But based on what you're hearing on the
11 radio, that's why you turned around three times right
12 there?

13 A Well, they first said Kleppe, that's the area of
14 Kleppe, so I was going towards Kleppe and I was taking a
15 different route.

16 Q What is this road that you're turning onto here?

17 A I believe that's Kleppe.

18 Q Playing from 00:05:21.

19 (Video played.)

20 I'm pausing at 6 minutes 16 seconds. Now you are
21 traveling westbound on Glendale?

22 A Yes.

23 Q Playing from 6 minutes 16 seconds -- and at this
24 point you don't have the police officers in your view?

1 A Yes.

2 Q And you don't have the white truck in your view?

3 A Yes.

4 Q And you're aware that it's -- the pursuit is on
5 McCarran?

6 A Yes.

7 Q You're also aware that several other officers are
8 involved in that pursuit?

9 A Yes.

10 Q I'm playing from 00:06:17.

11 I'm pausing at 6 minutes 50 seconds. Now, during
12 this portion, you're driving in the center lane; correct?

13 A Yes.

14 Q And you're passing traffic?

15 A Yes.

16 Q And you still have not caught up with the pursuit?

17 A Yes.

18 Q You don't see the white truck?

19 A Yes.

20 Q You do see the white truck?

21 A No, I don't.

22 Q Okay. You cannot see other police cars?

23 A No.

24 Q The speed limit on Glendale is approximately

1 35 miles per hour; correct?

2 A Yes.

3 Q And you reached speeds of approximately 100?

4 A Yes.

5 Q Playing from 00:06:50.

6 (Video played.)

7 I'm pausing at 7 minutes 32 seconds. Just turned
8 left onto Victorian?

9 A Yes.

10 Q You're traveling westbound on Victorian?

11 A Yes.

12 Q And do you see other police cars coming towards
13 you?

14 A Yes.

15 Q You see the white truck as well?

16 A Yes.

17 Q I'm going to play from 00:07:32.

18 Pausing at 00:07:37, so right there the white
19 pickup passed you?

20 A Yes.

21 Q Going in the opposite direction?

22 A Yes.

23 Q And another officer was very close behind it?

24 A I couldn't tell the distance.

1 Q Continuing.

2 (Video played.)

3 You would say that the police car behind the white
4 truck was pretty close?

5 A Yes.

6 Q And you can see more police cars are coming?

7 A I couldn't see if they were coming or if they
8 stopped due to the PIT.

9 Q About there was a gap between that first officer
10 and the ones you can see in the distance?

11 A Yes.

12 Q So that's where you made a U-turn?

13 A Yes.

14 Q And became the second car in the pursuit?

15 A Yes.

16 Q I'm playing from 00:07:37.

17 (Video played.)

18 I'm pausing at 7 minutes 44 seconds in
19 Exhibit 203. Now, you observed the white truck drive
20 through this intersection?

21 A Yes.

22 Q And that's the intersection of Victorian and
23 McCarran?

24 A Yes.

1 Q And the white truck entered the off-ramp to
2 Interstate 80?

3 A Yes.

4 Q Another police vehicle was behind it?

5 A Yes.

6 Q That was Officer Snow?

7 A Yes.

8 Q And Officer Snow followed it up the off-ramp?

9 A Yes.

10 Q Now, what happens next is you drove across
11 McCarran?

12 A Yes.

13 Q And you went up the off-ramp as well?

14 A Yes.

15 Q Now I want to talk about this intersection a
16 little bit. And this is the intersection of Victorian
17 approaching McCarran; right?

18 A Yes.

19 Q So from this viewpoint in your dash cam, we are
20 looking east?

21 A Yes.

22 Q You're on Victorian?

23 A Yes.

24 Q About to cross McCarran?

1 A Yes.

2 Q What we see in front of us, there is an interstate
3 off-ramp there?

4 A Yes.

5 Q And that off-ramp curves?

6 A Yes.

7 Q And that off-ramp is on an incline?

8 A I can't recall.

9 Q So -- I mean, it goes -- if you were to drive up
10 the interstate off-ramp, you would be going uphill;
11 correct?

12 A I don't know.

13 Q Okay. Another question before we go back to that.
14 The off-ramp does have trees and bushes; correct?

15 A Yes.

16 Q Playing from 00:07:44.

17 (Video played.)

18 Now, you're aware that this portion of Interstate
19 80 goes over McCarran; correct?

20 A Over McCarran?

21 Q I'm sorry. McCarran goes over the interstate;
22 correct?

23 A I don't understand. The bridge?

24 Q Let me reword that. As you see here, to your

1 right, that's the interstate; correct?

2 A Yes.

3 Q All right. That's above you from this view?

4 A Yes.

5 Q Okay. So you do have to go uphill to travel up
6 the Interstate 80 off-ramp?

7 A Yes.

8 Q I want to go back to 7 minutes 44 seconds. Now,
9 as the pursuit went through this intersection, there were
10 no vehicles facing the other way; correct?

11 A At this point, no.

12 Q Okay. So it looked like an on-ramp; correct?

13 MR. PRENGAMAN: Objection; calls for speculation.

14 THE COURT: Ms. Grosenick?

15 BY MS. GROSENICK:

16 Q Officer, you were --

17 THE COURT: Rephrase.

18 MS. GROSENICK: I will.

19 BY MS. GROSENICK:

20 Q You remember testifying in a prior proceeding?

21 A Yes.

22 MR. PRENGAMAN: Object to foundation. There's no
23 impeaching statement in this proceeding today.

24 MS. GROSENICK: Your Honor, this officer testified

1 in a prior proceeding that this looked like an off-ramp.

2 THE COURT: Ms. Grosenick, let's not give speaking
3 objections or speaking responses.

4 MS. GROSENICK: I can't hear Mr. Prengaman.

5 THE COURT: Mr. Prengaman, your objection again?

6 MR. PRENGAMAN: My objection is to foundation. I
7 asked -- I made an objection, which I believe the court
8 sustained. And counsel said she would rephrase. So
9 there's no statement right now, so this is not
10 impeachment. It's improper -- so hearsay foundation as
11 far as inconsistent prior statement.

12 THE COURT: Do you understand the objection?

13 MS. GROSENICK: I do.

14 THE COURT: Go ahead.

15 MS. GROSENICK: I'll rephrase.

16 THE COURT: The objection is sustained. Rephrase.
17 Thank you.

18 BY MS. GROSENICK:

19 Q Officer, you personally drove through this
20 intersection; correct?

21 A Yes.

22 Q And it was your perception that it looked like an
23 on-ramp; correct?

24 MR. PRENGAMAN: Objection; relevance.

1 THE COURT: The objection is relevance,
2 Ms. Grosenick.

3 MS. GROSENICK: The relevance is -- we can't do
4 speaking objections and I have to explain.

5 THE COURT: Does that mean what he perceived at
6 this time?

7 MS. GROSENICK: Yes.

8 THE COURT: Overruled. Go ahead.

9 BY MS. GROSENICK:

10 Q And so your perception is this looked like an
11 on-ramp; correct?

12 A Can you repeat that, please?

13 Q Sure. As you went through this intersection, it
14 looked like an on-ramp; correct?

15 A Either intersection, on-ramp -- off-ramp or
16 on-ramp look alike. The reason I followed is because I
17 saw my partner go through and I knew from working that
18 area it was the wrong way.

19 Q Correct. But your perception was that it did look
20 like an on-ramp?

21 A Yes, an on-ramp and off-ramp look the same.

22 Q Now, I'm playing from 7 minutes 44 seconds.

23 (Video played.)

24 I'm pausing at 8 minutes 7 seconds. That police

1 car in front of you is Officer Snow; correct?

2 A Yes.

3 Q And we can also see -- or you saw that day
4 headlights coming towards you; correct?

5 A Yes.

6 Q Those are vehicles that are on the interstate?

7 A Yes.

8 Q And you can see a vehicle -- a vehicle's
9 headlights immediately to the left of Officer Snow;
10 correct?

11 A Yes.

12 Q I'm playing from 8 minutes 7 seconds.

13 (Video played.)

14 Pausing at 8 minutes 10 seconds. Officer Snow
15 drives to his right, which would be left of that vehicle;
16 correct?

17 A I can't testify how he drove. It was a different
18 angle. So if that's how it appears, then yes.

19 Q We can watch it again. Going back to 8 minutes
20 5 seconds, I'd like you to watch.

21 This is Officer Snow; correct?

22 A Yes.

23 Q There's another vehicle about to come into view;
24 correct?

1 A Yes.

2 Q All right. I'm playing -- I stopped at 8 minutes
3 8 seconds. There's a vehicle here; correct?

4 A Yes.

5 Q Now, Officer Snow keeps his line of travel;
6 correct?

7 A Yes.

8 Q And he drives to the right of that vehicle; right?
9 Would you like to see it again?

10 A Yes.

11 Q Playing from 8 minutes 8 seconds.

12 Stopping at 8 minutes 11 seconds, Officer Snow
13 drove to the right -- to his right around that vehicle?

14 A Yes.

15 Q Okay. Now immediately behind that vehicle is the
16 semi truck?

17 A Yes.

18 Q I want you -- I'm going to play from 8 minutes 11
19 seconds. I'm going to ask you what Officer Snow does
20 next.

21 (Video played.)

22 Pausing at 8 minutes 15 seconds. Now, Officer
23 Snow drives to his left of that truck; correct?

24 A Yes.

1 Q And that put him sort of on the outside shoulder
2 of Interstate 80?

3 A Yes.

4 Q Now, you continue down this -- you're in the gore
5 area here; correct?

6 A Yes.

7 Q And then you enter this first lane of travel?

8 A Yes.

9 Q Now, if you would have been going in the correct
10 direction, you would call this Lane No. 2; correct?

11 A Yes.

12 Q I'm playing from 8 minutes 15 seconds.

13 (Video played.)

14 Stopping at 8 minutes 30 seconds. Now, at this
15 point you've ended up next to the No. 1 travel lane;
16 correct?

17 A Yes.

18 Q Partially in it?

19 A Yes.

20 Q You're by the barrier?

21 A Yes.

22 Q And Officer Snow has come over from the outside
23 shoulder to the -- in between the No. 1 and No. 2 travel
24 lanes?

1 A Yes.

2 Q Now, after what we just saw, you got out of your
3 vehicle; correct?

4 A Yes.

5 Q And you approached the white truck?

6 A Yes.

7 Q With your gun drawn?

8 A Yes.

9 Q And there were two of you on scene at that point?

10 A Yes.

11 Q You and Officer Snow?

12 A Yes.

13 Q And you approached the white truck?

14 A Yes.

15 Q And you -- you commanded Mr. Williams to put his
16 hands in the air?

17 A Yes.

18 Q But you testified on direct that you asked him?

19 A I can't recall if I told him to put his hands up
20 or asked. I just wanted his hands up in the air. I
21 didn't want him -- I'm not sure if I asked him or if I
22 told him to put his hands in the air. I just wanted his
23 hands in the air so he wouldn't reach for a weapon.

24 Q He did put his hands in the air?

1 A Yes.

2 Q He did not have a weapon in his hands?

3 A Yes.

4 Q He did have a weapon in his hands?

5 A No.

6 Q So he did not have a weapon in his hands, and you
7 told him not to move -- you or Officer Snow told him not
8 to move; correct?

9 A If that's what it is, then yes.

10 Q I'm showing you what has been admitted as
11 Exhibit 100.

12 (Video played.)

13 I'm going to start at 35 seconds into this video.

14 (Video played.)

15 So Mr. Williams did put his hands where you could
16 see them?

17 A At first. Then he had his hands down and I didn't
18 know, from the appearance, a lot of people carry firearms
19 underneath their seat, in the door panel. Then I asked
20 him to put his hands up.

21 Q And you also told him not to move?

22 A Yes.

23 Q And it took more than one officer to pull him out
24 of the car?

1 A Yes.

2 Q He had indicated that he was injured?

3 A Yes.

4 Q And that appeared to be true when you pulled him
5 out of the car?

6 A Yes.

7 MS. GROSENICK: No further questions.

8 THE COURT: Thank you, Ms. Grosenick.

9 Ms. Rosenthal?

10

11 +++ CROSS-EXAMINATION +++

12 BY MS. ROSENTHAL:

13 Q Mr. Guillen, just to confirm, there was a man in
14 the passenger seat of the white pickup; correct?

15 A Yes.

16 Q During your involvement in this case, did you
17 learn the name of the passenger in the white pickup?

18 A Briefly. I put it in my report.

19 THE COURT: Officer Guillen, you have to get right
20 on that microphone. Answer again.

21 THE WITNESS: I believe I put that in my report.

22 BY MS. ROSENTHAL:

23 Q I believe you said the last name was Kelly?

24 A I believe so.

1 Q Does the name Zane Kelly sound familiar to you?

2 A Yes.

3 Q Do you see that person in the courtroom today?

4 A No.

5 Q And other than the man, Mr. Kelly, and Ryan
6 Williams, was anybody else in that white pickup truck?

7 A No.

8 MS. ROSENTHAL: No further questions, your Honor.

9 THE COURT: Thank you, Ms. Rosenthal.

10 Ladies and gentlemen, we're going to take a
11 morning recess. During this recess you must not discuss
12 or communicate with anyone, including fellow jurors, in
13 any way regarding the case or its merits, either by
14 voice, phone, email, text, internet, or other means of
15 communication or social media.

16 You must not read, watch or listen to any news
17 media accounts or commentary about the case. You must
18 not do any research, such as consult a dictionary, use
19 the internet or use reference materials.

20 You must not make any investigation, test the
21 theory of the case, recreate any aspect of the case, or
22 in any other way investigate this case on your own. You
23 must not express or form any opinion regarding the case
24 until it is submitted to you.

1 See you after the recess.

2 (At 9:38 a.m., recess taken.)

3 THE COURT: Thank you, everyone. Please be
4 seated.

5 Mr. Prengaman?

6 MR. PRENGAMAN: Thank you, your Honor.

7

8 +++ REDIRECT EXAMINATION +++

9 BY MR. PRENGAMAN:

10 Q Officer, I'm going to go back to Exhibit 203.

11 You were asked about information that you had at
12 the beginning part of the pursuit of the truck driven by
13 Mr. Williams?

14 A Yes.

15 Q And one of the things you were asked about is did
16 you have a license plate?

17 A Yes.

18 Q Now, with the license plate, you may be able to
19 locate a registered owner?

20 A Yes.

21 Q Do you know whether the registered owner is the
22 same person who is driving the vehicle?

23 A No.

24 Q Do you know if the registered owner is the same

1 person who is occupying the vehicle or in the passenger
2 seat?

3 A No.

4 Q Does knowing the address of the registered owner
5 mean that the driver lives at the registered address?

6 A No.

7 Q Does it tell you if the registered owner even
8 knows the person who is driving the truck at this
9 particular time?

10 A No.

11 Q Does it tell you whether the registered owner will
12 cooperate with the authorities in locating the driver of
13 the vehicle?

14 A No.

15 Q Or cooperate with the authorities in locating the
16 vehicle?

17 A No.

18 Q Does it mean that the vehicle will be located at
19 the registered address?

20 A No.

21 Q Officer, you were asked -- I'm going forward
22 2 minutes 36 seconds into Exhibit 203. You were asked a
23 number of questions --

24 THE BAILIFF: Counsel, they're on.

1 BY MR. PRENGAMAN:

2 Q Now, there's a point where you were no longer
3 directly following the truck driven by Mr. Williams?

4 A Yes.

5 Q During that period of time, were you still trying
6 to catch up -- catch up to the cars that were directly
7 following Mr. Williams?

8 A Yes.

9 Q Did you believe that you might still be able to be
10 of assistance in whatever outcome was going to happen?

11 A Yes.

12 Q Now, when you were driving -- so during that
13 period of time, so before you caught up with the --
14 where -- in the area of McCarran and Victorian, before
15 that point, is it accurate that we saw on the footage on
16 Exhibit 203 that you were driving with lights and sirens?

17 A Yes.

18 Q If you just had your lights on, what does the law
19 obligate anyone on the road to do when they see a marked
20 police car with its lights on?

21 A They must yield to the right.

22 Q We're talking about lights, we're talking about
23 the overhead red lights; right?

24 A Red and blues, yes.

1 Q If a marked police car has its lights and sirens
2 on, what are the citizens obligated to do?

3 A Still yield to the right.

4 Q And isn't it in fact illegal to fail to yield to
5 an officer with lights and sirens?

6 A Yes.

7 Q Now, during the footage that you were asked about
8 and that we watched, are you -- are you mindful of other
9 vehicles and traffic on the roadway?

10 A Yes.

11 Q Describe what you're doing as you're driving
12 trying to, again, catch up to the other cars following
13 the defendant Williams?

14 A Looking at the intersections ahead of time,
15 approximately 15 seconds ahead to make sure there's no
16 cars coming.

17 THE COURT: Officer Guillen, get right on the
18 microphone, please.

19 THE WITNESS: Looking at the intersections to make
20 sure no other vehicles are coming, pedestrians, stuff
21 like that.

22 BY MR. PRENGAMAN:

23 Q There was a point where we saw you drive in the
24 center -- in that center lane, the sort of yellow center

1 lane; do you recall that?

2 A Yes.

3 Q Why did you do that?

4 A When vehicles are yielding to the right, it
5 wouldn't make sense for me to stay in the same lane close
6 to the vehicle, so you want to get away from it, and the
7 middle lane is further away from the vehicle that yielded
8 to the right.

9 Q I'm going to move forward in Exhibit 203.

10 I am playing forward from 7 minutes 19 seconds in.

11 (Video played.)

12 Officer, this is the intersection of where
13 McCarran intersects with Victorian; correct?

14 A Yes.

15 Q And can you show us, where is the off-ramp that
16 the defendant ultimately drives on?

17 A (Indicating.)

18 Q Playing forward 7 minutes 24 seconds.

19 (Video played.)

20 Officer, we're looking now eastbound -- I'm
21 sorry -- yes -- eastbound on Victorian?

22 A Yes.

23 Q Now, did Mr. Williams ever stop his truck in
24 response to Officer Snow's lights and sirens?

1 A No.

2 (Video played.)

3 Q Officer, as you approach, and you're here
4 approaching the off-ramp; correct?

5 A Yes.

6 Q And what is -- what do we see right here?

7 A A semi truck.

8 Q And then are there any markings on the road
9 indicating that that off-ramp is a one-way -- one-way
10 travel lane or lanes?

11 A Yes.

12 Q What are those markings?

13 A *Do Not Enter.*

14 Q And do we see a *Do Not Enter* in this frame?

15 A Yes.

16 Q Paused at 7 minutes 49 seconds. Could you circle
17 that for us, please?

18 A (Witness complies.)

19 Q Are there markings on the roadway itself
20 indicating the proper way of -- proper direction of
21 travel?

22 A Yes.

23 Q And where are those?

24 A (Indicating.)

1 Q I'm going to back up slightly to 7 minutes
2 42 seconds and play it forward.

3 (Video played.)

4 Now, as you approach, there's sort of a dedicated
5 right turn lane right here; correct?

6 A Yes.

7 Q That would turn right off of Victorian onto
8 McCarran?

9 A Yes.

10 Q And then you can obviously turn left from
11 Victorian onto McCarran?

12 A Yes.

13 Q Now, even after -- play forward from 7 minutes
14 45 seconds.

15 (Video played.)

16 Even after you pass that dedicated turn lane,
17 would you still turn right onto McCarran?

18 A Yes.

19 Q Did the truck do either of those things, turn
20 right or left?

21 A No.

22 (Video played.)

23 Q And now, Officer, as you're beginning to drive up
24 that ramp, can you tell us what we see here?

1 A A vehicle exiting the off-ramp.

2 Q Coming -- coming westbound off of the freeway?

3 A Yes.

4 Q And what is this right here?

5 A The south end pullover.

6 Q Is that like a shoulder -- would it be fair to
7 call that a shoulder?

8 A Yes.

9 Q Did the truck -- did Mr. Williams, driving that
10 white truck, stop on the shoulder?

11 A No.

12 Q On either shoulder?

13 A No.

14 (Video played.)

15 Q Then, Officer, I've moved forward and I've stopped
16 at 7 minutes 56 seconds. Can you tell me what we're
17 looking at on the right and left side, the red signs?

18 A Two signs saying *Wrong Way*.

19 Q Then there's a shoulder on both the right and left
20 sides of the road?

21 A Yes.

22 Q Did Mr. Williams stop?

23 A No.

24 (Video played.)

1 Q Now I've played forward from 7 minutes 56 seconds
2 and stopped at 8 minutes 2 seconds in. Now, would it be
3 accurate that at about this point, maybe a little bit
4 before, but at about this point you can -- you can see
5 obvious eastbound traffic on the freeway -- I'm sorry --
6 westbound traffic?

7 A Yes.

8 Q So this is looking -- this is looking eastbound,
9 you can see that it's leading up to westbound traffic?

10 A Yes. At the time of that day, vehicles, you can
11 see their front lights, you can't see rear lights, so you
12 can see them coming down.

13 Q And, again, you have the shoulders on both sides
14 of the road; correct?

15 A Yes.

16 Q Did Mr. Williams stop at this point or shortly
17 thereafter?

18 A No.

19 Q Then, Officer, in this area here, so on the right,
20 there's the white line, the white line for the westbound
21 traffic. What is this area?

22 A I can't recall the name.

23 Q Does *gore* sound --

24 A Yes.

1 Q -- right?

2 Just generally what is that area?

3 A It's an area for emergency vehicles to pull over.
4 If someone has trouble, it's a separation from the
5 interstate into the exit.

6 Q Then you have on the opposite side, as we're
7 looking at the left side of your vehicle, there is
8 another shoulder?

9 A Yes, there's another shoulder.

10 Q Did Mr. Williams stop his truck either in the gore
11 or the opposite shoulder?

12 A No.

13 Q Where did Mr. Williams drive the truck after
14 entering?

15 A He continued on the north shoulder and going --
16 kept --

17 Q I'm sorry?

18 A Proceeded the wrong way.

19 Q Into the oncoming travel lanes?

20 A Yes.

21 Q When you see the collision, when you see
22 Mr. Williams collided with that silver vehicle, about how
23 far away would you say you are?

24 A Possibly a quarter mile.

1 Q And up until this point, have you had your lights
2 and sirens activated?

3 A Yes.

4 MR. PRENGAMAN: Thank you, Officer Guillen. I
5 have no further questions.

6 THE COURT: Ms. Grosenick?

7

8 +++ RE CROSS-EXAMINATION +++

9 BY MS. GROSENICK:

10 Q Seven minutes 33 seconds in Exhibit 203.

11 (Video played.)

12 I'm pausing at 7 minutes 36 seconds.

13 How many car lengths behind the white truck was
14 Officer Snow?

15 Would you like to watch the video --

16 A I'm just trying to figure out.

17 Q -- again?

18 A Maybe from that picture, approximately maybe one,
19 one-and-a-half lengths -- one-and-a-half, two car
20 lengths.

21 Q One-and-a-half to two car lengths in between the
22 white truck and Officer Snow?

23 A Yes.

24 Q Okay.

1 A But it also depends on the angle you look, because
2 if you look at right here from this angle it's going to
3 be a lot closer, but from the side and the speed, it
4 might be longer or shorter.

5 Q Playing from 7 minutes 36 seconds.

6 (Video played.)

7 Pausing at 7 minutes 47 seconds. The State just
8 asked you about this truck here?

9 A Yes.

10 Q That truck is in the right lane coming off the
11 on-ramp -- I mean, off the off-ramp?

12 A Yes. And I think if you -- the distance, if you
13 rewind it maybe five seconds, from the angle that I see,
14 it's going to be more than two car lengths.

15 Q Starting at 7 minutes 34 seconds.

16 (Video played.)

17 Stopping at 7 minutes 36 seconds.

18 A Once I turned around the other way, there's more
19 of a gap.

20 Q So the gap builds; correct?

21 A Yes.

22 Q There's less of a gap in what we just saw than
23 there is at the intersection?

24 A Yes.

1 Q But it's the difference between one-and-a-half to
2 two car lengths and --

3 A Well, it depends on the angle.

4 Q Okay. But that's your best estimate?

5 A Yes.

6 Q And at this point, it's one-and-a-half to two?

7 A Yes.

8 Q Take us back to 7 minutes 47 seconds, I'll play it
9 from there.

10 (Video played.)

11 The State asked about this vehicle as well --

12 A Yes.

13 Q -- that is on the right side of the exit?

14 A Yes.

15 MS. GROSENICK: No further questions.

16 THE COURT: Thank you. Ms. Grosenick.

17 Ms. Rosenthal?

18 MS. ROSENTHAL: Nothing, your Honor.

19 THE COURT: Thank you so much.

20 Officer Guillen, thank you so much, sir. You are
21 excused.

22 THE WITNESS: Thank you. Have a good day.

23 THE COURT: Thank you.

24 Mr. Prengaman?

1 MR. PRENGAMAN: The State will call Officer Daniel
2 Snow.

3 THE BAILIFF: Stand here and face toward the
4 clerk.

5 THE CLERK: Sir, please raise your right hand.
6 (Witness sworn.)

7 THE DEFENDANT: Yes.

8 THE CLERK: Thank you.

9 THE COURT: Officer Snow, you can remove the mask
10 provided you are comfortable doing that. And if you'd
11 like a face shield instead of a mask, we can provide that
12 as well.

13 THE WITNESS: Okay.

14 THE COURT: You need to be right down on the
15 microphone to be heard, like I am. Our microphones are
16 the same.

17 THE WITNESS: Okay. Thank you.

18

19 DAN SNOW

20

21 called as a witness on behalf of the State,
22 having been duly sworn, testified as follows:

23 / / / /

24 / / / /

1 +++ DIRECT EXAMINATION +++

2 BY MR. PRENGAMAN: `

3 Q Good morning.

4 A Good morning.

5 Q Would you please state your name and spell your
6 first and last name for the court reporter?

7 A It's Dan Snow; D-A-N, S-N-O-W.

8 Q And what's your occupation?

9 A Currently a Court Marshal.

10 Q And just briefly, with which court?

11 A Sparks Municipal Court.

12 Q And back in February of last year, 2020, what were
13 you doing then?

14 A I was a Sparks police officer.

15 Q And how long have you held your post as a Marshal?

16 A About seven months.

17 Q Taking you back to February 22nd of 2020, as of
18 that date, how long had you been a sworn officer with the
19 City of Sparks?

20 A Going on 16 years.

21 Q And what was your assignment back on
22 February 22nd?

23 A Patrol for day shift.

24 Q Approximately what hours were you working that

1 day?

2 A I believe it's 6:00 a.m. to 6:00 p.m.

3 Q And that morning, when you were on duty, were you
4 driving a marked patrol car?

5 A Yes.

6 Q Would you please just generally describe the
7 markings and lights configuration?

8 A Would be a City of Sparks red, white and blue
9 stickers, SUV with lights and sirens.

10 Q Did it have sort of the classic light bar on top
11 of it with red and blue lights?

12 A Yes.

13 Q Was that vehicle equipped with a dash camera
14 recorder?

15 A Yes.

16 Q Was the camera mounted in the windshield?

17 A Yes.

18 Q So did it record the field of view immediately
19 ahead of the police car?

20 A Yes.

21 Q Officer, at about 6:20 a.m., February 22nd, did
22 you respond to a call for service or dispatch call to Bob
23 & Lucy's Tavern?

24 A Yes.

1 Q And what was -- in terms of informing your action,
2 what was the nature of the call?

3 A I do believe it was armed individuals.

4 Q And when you responded, did you receive an update
5 or some additional information?

6 A Yes.

7 Q What was that?

8 A Additional information that it turned out to be an
9 armed robbery.

10 Q Now, as you -- did you make it to Bob & Lucy's?

11 A No.

12 Q You began -- is it accurate that you began
13 responding there?

14 A Yes.

15 Q Okay. At what point did you veer off or change
16 your designation?

17 A When the officers that were following the vehicle
18 gave updates over the radio of the directions that they
19 were going, and I changed my direction.

20 Q When they did that, did you learn that there was a
21 pursuit?

22 A Yes.

23 Q And from that time, over the radio, were officers
24 directly involved broadcasting information about the --

1 about what was happening as those events were occurring?

2 A Yes.

3 Q And from listening to that radio traffic, what did
4 you learn about the suspect vehicle that was being
5 pursued?

6 A That it had two males in the cab and it was a
7 white pickup.

8 Q And describe what you did -- I'm not going to ask
9 you to go sort of street by street, but can you describe
10 initially when you get that information that a pursuit is
11 going on, where is the location, what do you do?

12 A As I'm leaving the station, I do believe that they
13 were heading south on Rock, passing under I-80 heading
14 towards Glendale. So I proceeded to get onto the freeway
15 and headed towards that direction.

16 Q And did you -- was there additional information
17 about the pursuit that was broadcast that caused to you
18 change direction?

19 A Yes. They kept broadcasting on which direction
20 they were going.

21 Q And would it be accurate that you made -- you
22 changed your direction to try to catch up to where the
23 pursuit was occurring?

24 A Yes.

1 Q Now, at some point as you were doing that, did you
2 get to the area -- or did you get on eastbound McCarran?

3 A As I heard over the radio that they were headed
4 eastbound on Glendale from Rock, that's when I decided to
5 get off the freeway and get onto McCarran.

6 Q Officer, I'm going to show you what we've admitted
7 as Exhibit 74. Are you able to show us generally where
8 you were at the point you just described on the screen --
9 or this aerial photograph?

10 A Right there.

11 Q And then what happened next?

12 A I proceeded down South McCarran and tried to catch
13 up to the other officers that were still pursuing the
14 vehicle.

15 Q And at some point, did you learn -- well, did you
16 hear any updates about the direction of travel after that
17 of the white truck being pursued?

18 A Yes.

19 Q Describe that and describe what you did in
20 response.

21 A They broadcasted that they were still headed
22 eastbound on Glendale approaching McCarran, crossing
23 McCarran, and at that time I could see them at the top of
24 the hill. I was at the top of the hill. I could see

1 down to Glendale and see the white truck and the
2 officers. They were headed eastbound.

3 Q What happened next?

4 A As I got to the intersection of Glendale and
5 McCarran, I continued following eastbound as the other
6 officers were giving updates on the direction of travel.

7 Q At some point, did you hear that the pursuit had
8 gotten on to East --

9 THE COURT: I'm sorry, onto?

10 MR. PRENGAMAN: East Lincoln.

11 THE COURT: Thank you.

12 THE WITNESS: Yes.

13 BY MR. PRENGAMAN:

14 Q And approximately where were you when you heard
15 that?

16 A Heading northbound on McCarran almost to --
17 between Glendale and Nugget.

18 Q And then after that, what happened next?

19 A As they stated that they were heading on east
20 Lincoln, I proceeded to head east on Victorian.

21 Q Showing you now Exhibit 79, can you show us on
22 this aerial photograph your direction of travel when you
23 got to turn onto Victorian?

24 A Victorian is right here, so I would be heading

1 that direction.

2 **Q** Describe for us what you saw after turning onto
3 Victorian.

4 **A** I just -- after I turned onto Victorian, I didn't
5 see anything. I was just listening to the radio of the
6 updates coming from the other officers.

7 **Q** At some point, did those updates cause you to
8 change your direction?

9 **A** Yes.

10 **Q** Describe what happened.

11 **A** As they continued eastbound on Lincoln, they
12 stated that they were heading south on Stanford. As I
13 passed Stanford, I looked to my right and I could see the
14 vehicles heading south on Stanford. I made my way to
15 First Street, made a U-turn to head westbound.

16 **Q** And now on Exhibit 79, can you show us where you
17 were driving when you describe seeing them on Stanford?

18 **A** Here's Stanford. Passed right by here. First
19 Street is here is where I made the U-turn.

20 **Q** And then upon making the U-turn, describe what you
21 saw.

22 **A** I heard the officers request a PIT maneuver, and
23 saw a white pick up being followed by a patrol vehicle
24 with his lights and sirens, trying to conduct a PIT

1 maneuver.

2 Q Looking at Exhibit 79, can you show us --
3 approximately where you observed the PIT maneuver?

4 A Right there.

5 Q Describe what happened next.

6 A The white pickup appeared to gain control and
7 continued to head westbound -- correction -- eastbound on
8 Victorian utilizing this little bike lane right there.

9 Q Then what did you do?

10 A I was the next one in line, so I got behind the
11 white pickup.

12 Q So when you say, "the next one in line," did you
13 become the first car right behind the truck?

14 A Yes.

15 Q Described what happened.

16 A Continued eastbound coming up to the intersection
17 at McCarran and Victorian.

18 Q Now, at some point -- so you described the truck
19 driving into that -- you said bike lane?

20 A Yes. It's a dedicated bike lane.

21 Q And as you located that, within the lane of travel
22 right next to the bike lane is a westbound lane of
23 travel?

24 A Yes.

1 Q Did the truck at some point veer back into the
2 travel lane?

3 A Yes.

4 Q Describe that, please.

5 A He began driving eastbound, got back over through
6 I guess like a little parking curb, whatever designates
7 the bike lane, and got back into the travel lane.

8 Q Describe what happened next.

9 A We approached that intersection of McCarran and
10 Victorian, and he went through -- or the pickup went
11 through the intersection, still headed eastbound.

12 Q Now, Officer, when you made that U-turn, did you
13 have your lights and sirens activated?

14 A Yes.

15 Q So when you -- as you describe, you became the
16 primary vehicle or the first vehicle following that
17 pickup truck, did you have your lights and sirens
18 activated?

19 A Yes.

20 Q What did you see the truck do next?

21 A Went into the westbound off-ramp lanes.

22 Q Can you please, on Exhibit 79, show us the path of
23 travel of the truck?

24 A Went through the intersection here, it went up the

1 off-ramp.

2 Q Then what did you do?

3 A I followed him.

4 Q Lights and sirens still activated?

5 A Yes.

6 Q Prior to that, did the truck pull over or yield to
7 your lights and sirens?

8 A No.

9 Q What happened next?

10 A The truck continued up the off-ramp and I followed
11 him.

12 Q Again, still lights and sirens activated?

13 A Yes.

14 Q As you proceeded, were there cars -- any cars,
15 that you recall, coming westbound off the off-ramp?

16 A To the best of my knowledge, there might have been
17 one or two.

18 Q Then what happened?

19 A Continued -- the white truck continued up the
20 off-ramp, and I followed him.

21 Q What did you see the truck do next?

22 A As we continued up the off-ramp, the truck began
23 to continue to follow the off-ramp and enter the freeway
24 right about there (indicating).

1 Q When you say, "the freeway," what do you mean?

2 A He got onto the freeway into oncoming traffic.

3 Q At that point, what did you do?

4 A I slowed down a little bit and felt that I needed
5 to pursue to let other vehicles know if they could see my
6 lights and hear my siren that an emergency was coming.

7 Q Now, up to this point, had you been able to see --
8 maintain visual contact with the truck?

9 A Yes.

10 Q As it proceeded into the oncoming traffic, could
11 you still see it?

12 A I missed seeing the vehicle when a tractor/trailer
13 passed right by me.

14 Q Did you -- what happened then?

15 A As the tractor/trailer passed by, I could see the
16 white truck crash into another vehicle.

17 Q Describe that.

18 A I could see the white truck come to an abrupt
19 stop, see another vehicle on the other side, debris
20 flying everywhere, smoke, steam in the area.

21 Q When you say, "come to an abrupt stop," due to the
22 collision?

23 A Yes.

24 Q And from what you saw, did the collision occur in

1 the roadway?

2 A Yes.

3 Q What did you do afterward, seeing the collision?

4 A Tried to get on the radio to explain what
5 happened. I pulled up on the scene and got out of the
6 vehicle and approached the other vehicles.

7 Q When you say, "approached," and which vehicle did
8 you approach?

9 A I approached the white pickup first.

10 Q Why was that?

11 A That was the suspects and at that time I wanted to
12 make sure -- make sure that they were not going to go
13 harm anybody else.

14 Q Including you?

15 A Yes.

16 Q So describe as you approached the truck, which
17 side you approached and describe for us what you did.

18 A I had my weapon drawn. I walked around the front
19 of the vehicle to the driver's side.

20 Q At some point doing that did you see the driver?

21 A Yes.

22 Q And describe for us what you saw.

23 A As I approached the driver's side, I could see a
24 Hispanic or Native male, I want to say climbing out but

1 coming up from the floorboard.

2 Q And floorboard where?

3 A On the driver's side.

4 Q And then was there anyone else that you could see
5 inside?

6 A Yeah. There was a passenger who was also doing
7 the same thing.

8 THE COURT: Officer, be careful not drop the end
9 of your responses. The end needs to be as loud as the
10 beginning. Thank you.

11 BY MR. PRENGAMAN:

12 Q What did you do then?

13 A I began to yell at the driver, give him verbal
14 commands.

15 Q Such as?

16 A Not to move.

17 Q Were you shortly joined by another officer or
18 officers?

19 A Yes.

20 Q During this time, did you have a clear view of the
21 driver's face?

22 A Yes.

23 Q Do you see the driver in the courtroom today?

24 A Possibly.

1 Q And when you say, "possibly," is there -- is there
2 an individual that appears to look like or be similar to
3 the driver?

4 A Yes.

5 Q Is that individual wearing a mask?

6 A Yes.

7 Q Is it the mask -- is the reason that you can't be
8 sure is that that individual is wearing a mask?

9 A Yes.

10 Q Could you please -- and is there a single
11 individual that you believe could be the driver?

12 A Yes.

13 Q Could you tell us where that individual is located
14 in the courtroom and describe that individual's --

15 A Wearing blue shirt, tie, black mask, sitting at
16 the desk.

17 Q And can you describe the person sitting to the
18 immediate right of that individual?

19 A Female with black and white dress, shirt.

20 MR. PRENGAMAN: Your Honor, may I request that the
21 defendant Williams remove his mask?

22 THE COURT: Yes.

23 Mr. Williams, in the blue shirt, please remove
24 your mask.

1 Thank you.

2 BY MR. PRENGAMAN:

3 Q Officer, does that assist you?

4 A Yes.

5 Q Now looking at that individual, are you able to
6 tell us -- now do you see the person, the driver of the
7 truck?

8 A Yes.

9 Q And is the individual you believed it was, now
10 that you can see the face, that's the driver?

11 A Yes.

12 Q Now seeing the face, is there any doubt that
13 that's the driver?

14 A Yes.

15 Q Is there doubt?

16 A No.

17 Q No doubt in your mind that's the driver?

18 A No doubt.

19 MR. PRENGAMAN: Thank you. May the record note
20 the identification?

21 THE COURT: It does.

22 MR. PRENGAMAN: Thank you.

23 BY MR. PRENGAMAN:

24 Q Officer, what did you do next?

1 A After other officers arrived on scene, they were
2 beginning to handle the occupants of the white vehicle, I
3 turned my attention to the other vehicle that was
4 involved in the collision.

5 Q Describe that vehicle.

6 A I think it was a dark gray Jeep Liberty,
7 four-door.

8 Q Officer, I'm going to show you Exhibit 8. Do you
9 recognize what we see here?

10 A Yes.

11 Q And is this a photograph of the collision scene?

12 A Yes, it is.

13 Q And do you see the white truck where you initially
14 saw Defendant Williams?

15 A Yes.

16 Q Just circle that for us.

17 A (Witness complies.)

18 Q Then the other vehicle, do we see the other
19 vehicle that you were talking about that you turned your
20 attention to?

21 A (Indicating.)

22 Q Showing you Exhibit 11, is that a closer-up view
23 of that vehicle, that Jeep?

24 A Yes.

1 Q Describe what you did next.

2 A I tried to get into the driver's door but I
3 couldn't pry it open. So I went around to the passenger
4 rear door, opened up that door, cut off the side impact
5 curtain and climbed inside.

6 Q Then, by that point, was another officer or
7 officers assisting in trying to -- assisting with regard
8 to that vehicle?

9 A Yes.

10 Q Describe what happened.

11 A At some point, as I'm going to go to the passenger
12 door, they were able to open up the driver's door and try
13 and get the driver out of the car.

14 Q And then were you able to see if there were any --
15 did you look for other occupants inside?

16 A Yes.

17 Q There were none?

18 A None.

19 Q What happened next?

20 A We were able to get the driver out of the vehicle,
21 drag him near the front of this vehicle and proceeded to
22 administer CPR.

23 Q Officer, I'm going to show you what is marked for
24 identification as Exhibit 106. Do you recognize that

1 exhibit?

2 A Yes.

3 Q Have you had an opportunity to view the contents?

4 A Yes.

5 Q Does that exhibit contain footage from your
6 vehicle dash camera from this date that you testified
7 about?

8 A Yes.

9 Q Does it -- it's not the entire -- entirety of your
10 footage from that whole day; is it?

11 A No.

12 Q Is it an edited clip that shows shortly -- as you
13 approached the McCarran/Victorian location and what
14 happened thereafter that you described?

15 A Yes.

16 Q Does it include your pursuit of the white truck
17 onto the freeway?

18 A Yes.

19 MR. PRENGAMAN: Move for the admission of Exhibit
20 106.

21 THE COURT: Ms. Grosenick?

22 MS. GROSENICK: No objection.

23 THE COURT: Ms. Rosenthal?

24 MS. ROSENTHAL: No objection.

1 THE COURT: 106 is in.

2 (Exhibit 106 was admitted.)

3 BY MR. PRENGAMAN:

4 Q Now, showing you the opening frame of Exhibit 106,
5 starting at one second, to orient us, can you tell us
6 what we're looking at?

7 A I'm heading northbound on McCarran, preparing to
8 turn westbound on Victorian.

9 Q Can you show us, draw a line or arrow, where you
10 were about -- where were you going to turn on Victorian?

11 A Turn right here on Victorian.

12 Q Playing forward from one second.

13 (Video played.)

14 I've paused at 31 seconds in, what has just
15 happened?

16 A I passed Stanford when they called out that they
17 were heading south on Stanford.

18 Q And here are we looking at the intersection of
19 Victorian and First where you described turning around?

20 A Yes.

21 Q Playing forward from 31 seconds.

22 (Video played.)

23 Now pausing at 46 seconds into Exhibit 106, what
24 has just happened?

1 A They tried to perform the PIT maneuver.

2 Q And now -- and the truck was not disabled?

3 A Correct.

4 Q Now, you told us earlier that the truck drove into
5 a bike lane?

6 A Yes.

7 Q Do we see that here?

8 A Yes. This is it.

9 Q Playing forward from 46 seconds.

10 (Video played.)

11 Now, Officer, I paused it at 1 minute 31 seconds
12 in, and you could still see the truck; correct?

13 A Yes.

14 Q This is just before you briefly lost sight of it?

15 A Yes.

16 (Video played.)

17 Q I'm pausing at 1 minute 37 seconds. Can you tell
18 us what has just occurred?

19 A The collision just took place.

20 Q Now, in the footage it is a little distant. Would
21 it be fair to say that your vision, your eyeball, so to
22 speak, on the collision was better than what we see in
23 this view?

24 A Yes.

1 **Q** Playing forward from 1 minute 37 seconds.

2 (Video played.)

3 Now, there's a -- there appears to be a police
4 officer in front of your vehicle, who is that?

5 **A** That is me.

6 (Video played.)

7 **Q** Now, you are on the other side of the vehicle
8 where you describe seeing Mr. Williams?

9 **A** Yes.

10 **Q** Now, can you point out for us from this vantage
11 point where that Jeep is?

12 **A** (Witness complies.)

13 **Q** Officer, once -- at some point, the driver,
14 Mr. Williams, and the passenger had been taken out of the
15 truck; correct?

16 **A** Yes.

17 **Q** Were you present for the life-saving efforts, CPR
18 being performed on the man that had been taken out of the
19 Jeep?

20 **A** Yes.

21 **Q** Were you still present on scene when he was
22 declared deceased?

23 **A** Yes.

24 **Q** With regard to -- and were -- was Mr. Williams and

1 the passenger from the white truck, were they ultimately
2 attended to by firemen and medics?

3 A Yes.

4 Q And were they ultimately both transported to the
5 hospital?

6 A Yes.

7 Q With regard to that transportation, did you have
8 any assignment or duty?

9 A With that transfer, I rode with the passenger with
10 REMSA.

11 Q Officer, showing you Exhibit 9, in this photograph
12 do you see Mr. Williams?

13 A Yes.

14 Q Can you show us where he is?

15 A (Indicating.)

16 Q Then can you show us -- are you able to recognize
17 in this photograph the man that you saw in the passenger
18 seat of the truck?

19 A (Indicating.)

20 Q Is that the individual you went with REMSA to the
21 hospital?

22 A Yes.

23 Q Then at the hospital, did you stand by until
24 somebody relieved you?

1 A Yes.

2 MR. PRENGAMAN: Thank you, Officer. I have no
3 further questions.

4 THE COURT: Thank you, Mr. Prengaman.

5 MR. PRENGAMAN: Oh, no, your Honor.

6 I call you *Officer* but it's *Marshal*. Thank you.

7 THE COURT: Thank you, Mr. Prengaman.

8 Ms. Grosenick? Ms. Hickman?

9

10 +++ CROSS-EXAMINATION +++

11 BY MS. GROSENICK:

12 Q While we still have Exhibit 9 up, you identified
13 two individuals in that photo; correct?

14 A Yes.

15 Q And the individual on the left is Mr. Williams?

16 A Yes.

17 Q Did you come to learn the name of the individual
18 on the right?

19 A Later on, yes.

20 Q Okay. His name was?

21 A Zane Kelly.

22 Q Okay. You rode with him in the ambulance to the
23 hospital?

24 A Yes.

1 Q And you sat in the front seat for that ride?

2 A Yes.

3 Q Now, the initial reason for this call was threats
4 with a gun; correct?

5 A Yes.

6 Q And you indicated -- I believe you just testified
7 on direct it turned out to be an armed robbery; correct?

8 A Correct.

9 Q And that is information that you received while
10 you were responding to the chase?

11 A Yes.

12 Q And that was information that other police
13 officers conveyed to you?

14 A Not directly to me, they just provided it over the
15 radio.

16 Q Right. But, to your knowledge, that information
17 came from other police officers?

18 A Yes.

19 Q And you weren't present for their conversation
20 with whoever gave them that information?

21 A No.

22 Q Now, at the time that the reason for the call was
23 changed to a robbery, you did have information that the
24 alleged victim of that robbery was with Sergeant McNeely?

1 A Yes.

2 Q And you also knew that one of the suspects was
3 still at Bob & Lucy's?

4 A Yes.

5 Q At that point, you also had the license plate
6 number of the vehicle that was being chased?

7 A I did not.

8 Q It was available to you through -- over the radio,
9 though?

10 A I don't recall it being called over the radio.
11 MS. GROSENICK: Permission to approach, your
12 Honor?

13 THE COURT: Yes.

14 BY MS. GROSENICK:

15 Q Showing you what has been admitted as Exhibit 113,
16 and I recommend the second page, 6:33 a.m. and
17 44 seconds, if you could check there and let me know if
18 the license plate number had been broadcast at that time?

19 A Yes, a license plate looks like it was placed on
20 the log.

21 Q Okay. Thank you. That time was 6:33:44; correct?

22 A Yes.

23 Q This is Exhibit 191, and you see Bob & Lucy's up
24 in that top left-hand corner?

1 A Yes.

2 Q You see South Rock Boulevard just to its right?

3 A Yes.

4 Q Kind of curves down south --

5 A Yes.

6 Q -- of Bob & Lucy's? All right.

7 Now, you joined the chase here on Victorian;
8 correct?

9 A I couldn't hear you.

10 Q You joined the chase here on Victorian; correct?

11 A McCarran and -- pretty much. That's where I
12 finally ended up with.

13 Q Right here?

14 A Yes.

15 Q You came -- you came north on McCarran; right?

16 A I -- I came down further from Greg and McCarran.

17 Q Okay. And where you became lead vehicle was right
18 here at the intersection of Victorian and Stanford?

19 A Yes.

20 Q Okay. And so that's where the PIT maneuver
21 happened?

22 A Yes.

23 Q And you ended up being lead vehicle in that chase?

24 A Yes.

1 Q And that's because you had already driven past
2 Stanford cutting westbound on Victorian?

3 A Yes.

4 Q And you had made a U-turn?

5 A Yes.

6 Q And you were in pretty good position to take off?

7 A Yes.

8 Q Now, if you could please draw for me your route of
9 travel from this intersection up the interstate?

10 A (Witness complies.)

11 Q Okay. And where you had stopped your line is that
12 where the collision occurred?

13 A From this picture, I'm not sure exactly where.

14 Q Okay. So I'm going to do my best to trace what
15 you just did. Does that look accurate?

16 A Approximately, yes.

17 Q The red line. Okay.

18 I'm showing you Exhibit 75 -- no, that's not it --
19 Exhibit 80. I believe you just indicated for the State
20 where the collision occurred up here; is that right?

21 A Yes.

22 Q And do you recall looking at this map where the
23 collision occurred?

24 A Yes.

1 Q Can you mark it, please?

2 A (Witness complies.)

3 Q Okay. So not quite halfway into the marina?

4 A No.

5 Q Now I show you Exhibit 191. Do you have a better
6 idea of where the collision occurred on this map?

7 A Yeah.

8 Q Can you mark it, please?

9 A (Witness complies.)

10 Q Okay. Is where I marked with red appear correct?

11 A Yes.

12 Q So I want to talk about the off-ramp at McCarran
13 and Victorian.

14 A Yes.

15 Q You observed the white truck drive up that
16 off-ramp; correct?

17 A Yes.

18 Q And that off-ramp curves?

19 A Yes.

20 Q As you're looking at it from Victorian, there are
21 trees and bushes to your right?

22 A Yes.

23 Q Now, you initially slowed down as the truck
24 entered that off-ramp?

- 1 A Yes.
- 2 Q And you backed off?
- 3 A Yes.
- 4 Q But you did ultimately follow the truck up the
5 off-ramp?
- 6 A Yes.
- 7 Q And at that point you did accelerate?
- 8 A Yes.
- 9 Q Now, you could have called off this chase;
10 correct?
- 11 A Yes.
- 12 Q You did not do so?
- 13 A No.
- 14 Q You're the first officer on scene at the accident?
- 15 A Yes.
- 16 Q The oncoming traffic had stopped at that point?
- 17 A Yes.
- 18 Q You parked your vehicle?
- 19 A Yes.
- 20 Q You get out of your vehicle?
- 21 A Yes.
- 22 Q You approached the white truck?
- 23 A Yes.
- 24 Q You had your gun drawn?

1 A Yes.

2 Q You yelled commands at the driver?

3 A Yes.

4 Q And the driver was pulled from the vehicle?

5 A Yes.

6 Q And neither you nor the other officers who
7 assisted with that had to cut off or undo any seat belts?

8 A No.

9 Q And the driver appeared to be injured?

10 A I couldn't tell you if he was injured. He was
11 complaining of injuries.

12 Q Okay. To his legs?

13 A Yes.

14 MS. GROSENICK: No further questions.

15 THE COURT: Thank you so much.

16 Ms. Rosenthal?

17

18 +++ CROSS-EXAMINATION +++

19 BY MS. ROSENTHAL:

20 Q Mr. Snow, there was a man who you identified
21 previously as Zane Kelly as the passenger in the pickup
22 truck; correct?

23 A Yes.

24 Q In fact, you rode with him -- you rode with him to

1 the hospital and you remained with him until you were
2 relieved by another officer?

3 A I remained in the hospital near him, not with him.

4 Q So is it fair to say you had time to get a good
5 look at Mr. Kelly?

6 A Yes.

7 Q Do you see Mr. Kelly in the courtroom today? And
8 if you need, we can ask the judge to have people remove
9 their mask, if it would be easier for you.

10 A I don't believe I see him.

11 Q And were there any other occupants of that white
12 pickup, to your knowledge?

13 A To my knowledge, no.

14 MS. ROSENTHAL: No further questions of this
15 witness, your Honor.

16 THE COURT: Thank you, Ms. Rosenthal.

17 Mr. Prengaman?

18 MR. PRENGAMAN: Thank you, your Honor.

19

20 +++ REDIRECT EXAMINATION +++

21 BY MR. PRENGAMAN:

22 Q Officer, you were just asked about whether
23 Mr. Williams was injured?

24 A Yes.

1 Q And you responded you couldn't tell if he was
2 injured but he was complaining?

3 A Yes.

4 Q In a situation like this, to you as a police
5 officer, there are two different things, actually being
6 injured and complaining of being injured?

7 A Yes.

8 Q How so?

9 A Visual injury you can see. A lot of people
10 complain of injuries that you cannot see.

11 Q And has a complaint of injury been used -- again,
12 I'm talking about your experience as a police officer
13 investigating crimes -- has complaining of injuries ever
14 been used as subterfuge --

15 MS. GROSENICK: Objection; relevance and
16 foundation.

17 THE COURT: Relevance of the question, Mr.
18 Prengaman?

19 MR. PRENGAMAN: The relevance is he was -- it's
20 relevant to his perception and why he did what he did and
21 acted like he did at the scene that he was questioned
22 about by --

23 THE COURT: I'm going to sustain the objection.
24 More appropriate to ask him what he observed with regard

1 to the injuries.

2 BY MR. PRENGAMAN:

3 Q Did you observe any obvious injuries of Mr.
4 Williams?

5 A I don't think so.

6 Q Did Mr. Williams' complaint of injury diminish
7 your concern for your own safety while he was still in
8 the vehicle?

9 A No.

10 Q Did it diminish your concerns for the safety of
11 other people on that scene, including your fellow
12 officers?

13 A No.

14 MR. PRENGAMAN: Thank you. No further questions,
15 your Honor.

16 THE COURT: Thank you, Mr. Prengaman.

17 Ms. Grosenick, anything?

18 MS. GROSENICK: Nothing further.

19 THE COURT: Thank you.

20 Ms. Rosenthal?

21 MS. ROSENTHAL: Nothing further.

22 THE COURT: Marshal Snow, sir, you are excused.

23 Thank you so much.

24 Mr. Prengaman, your next witness?

1 MR. PRENGAMAN: Your Honor, the State will call
2 Officer Kimberly Hodge.

3 THE CLERK: Ma'am, please raise your right hand.
4 (Witness sworn.)

5 THE BAILIFF: Take the stand. Watch your step.

6 THE COURT: Officer Hodge, please remove your
7 mask. And we can provide you with a shield in addition
8 to the plexiglas if you're more comfortable with the
9 shield.

10 THE WITNESS: I'm good. Thank you.

11 THE COURT: All right.

12

13 KIMBERLY HODGE

14

15 called as a witness on behalf of the State,
16 having been duly sworn, testified as follows:

17

18

19 +++ DIRECT EXAMINATION +++

20 BY MR. PRENGAMAN:

21 Q Good morning. Would you please state your name
22 and spell your first and last for our court reporter?

23 A Kimberly Hodge. Kimberly is K-I-M-B-E-R-L-Y,
24 Hodge, H-O-D-G-E.

THE COURT: Officer Hodge, right up on that

1 microphone for us, please.

2 THE WITNESS: Oh. Sorry.

3 THE COURT: Thank you.

4 BY MR. PRENGAMAN:

5 Q What is your occupation?

6 A I'm a police officer with the City of Sparks.

7 Q How long have you served in a capacity as a police
8 officer with Sparks?

9 A Fourteen years.

10 Q Officer, taking you back to February 22nd, 2020,
11 were you on duty on that date?

12 A Yes.

13 Q In the early morning hours, around 6:26 a.m., did
14 you respond to a call for service at Bob & Lucy's Tavern?

15 A Yes.

16 Q Do you recall where you were when you initially
17 heard the call for service?

18 A Yes. I was at the Sparks Police Station.

19 Q And did you respond?

20 A Yes.

21 Q And did you get into a police car?

22 A Yes.

23 Q Could you describe that vehicle just generally in
24 terms of what marks, what identifies it as a police car?

1 A There's the City of Sparks -- Sparks PD logo on
2 the outside and it has emergency lights and sirens on it.

3 Q Does it have kind of the classic light bar on top?

4 A Yes.

5 Q Describe your response to Bob & Lucy's.

6 A When I was driving there, we were getting
7 information that there was two suspects with guns. So
8 probably, I think it was pretty close to maybe Rock and
9 Oddie, I turned on my emergency lights and sirens since I
10 heard that information. And then as soon as I saw the
11 truck coming around from the south side of Bob & Lucy's,
12 I got in behind Officer Loeschner and started to pursue
13 it.

14 Q Officer, I show you what we've admitted as
15 Exhibit 75.

16 Do you recognize this as within the area of Bob &
17 Lucy's Tavern?

18 A Yes.

19 Q You just described seeing the truck. Now, did you
20 receive -- let me ask this -- let me back up.

21 As you were responding, you talked about radio
22 traffic?

23 A Yes.

24 Q Were other officers involved in this particular

1 call for service transmitting information about events
2 they were witnessing as they were --

3 A Yes.

4 Q So you received some information and updates about
5 what was happening as you were responding?

6 A Yes.

7 Q And at some point, did you learn that there was a
8 suspect vehicle?

9 A Yes.

10 Q And what was that?

11 A A white truck.

12 Q So you told us as you approached you saw the white
13 truck, believing that was the suspect vehicle?

14 A Yes.

15 Q Now, looking at this exhibit, are you able to show
16 us generally where the truck was when you first saw it?

17 A Yes. Like --

18 Q You can mark on that screen.

19 A Oh, I can?

20 Q If you press firmly on it, it will mark.

21 A Okay. Well, where I saw the truck was coming from
22 like this (indicating).

23 Q Then where did the truck get out on Rock?

24 A Yes. Do you want me to draw that, too?

1 Q Please.

2 A Okay.

3 Q And then -- you don't have to draw this, but
4 generally where were you when you first saw the truck?

5 A I saw the truck as I had come onto Rock from
6 Oddie. Do you want me to draw that?

7 Q Go ahead.

8 A Okay. Sorry.

9 And then I was about to turn onto the Oddie
10 frontage so I was actually -- I was actually about to
11 turn and I saw the truck. So instead of turning, I just
12 went straight.

13 Q Now, as the truck pulled onto Rock, were other
14 police vehicles pursuing it?

15 A Yes.

16 Q And so did you, so to speak, fall in line with
17 other vehicles?

18 A Yes.

19 Q Do you recall at the beginning here about how far
20 back -- how many vehicles back, police vehicles back you
21 were from the truck?

22 A When it first started, I was the second one. But
23 that didn't last for very long because my car wasn't
24 going very fast, so I ended up being pretty far back.

1 Q About how long did it last?

2 A I want to say it was pretty close to once he
3 crossed Victorian, I don't remember being the second
4 anymore. I was still calling it out for a while. I
5 apologize, I forget which officer took over for me
6 because it kept bouncing back and forth, so I don't
7 remember exactly who took over.

8 Q So you sort of, as you've described, fell back?

9 A Yes.

10 Q I'm not going to go screen by screen or ask for
11 your exact path of travel, but as you sort of fall back,
12 what is sort of -- what does your role become?

13 A I was just following them, just -- you know, in
14 order when the pursuit is over help detain suspects or
15 whatever was going to happen.

16 Q Now, at some point do you hear that -- at some
17 point do you catch up?

18 A Yes.

19 Q Where did that happen?

20 A I didn't necessarily catch up, but kind of towards
21 the end of the pursuit I was close enough to where I
22 could see the suspect vehicle had gotten onto the
23 freeway.

24 Q What did you do then?

1 A I continued. I didn't know that they had gotten
2 on the freeway the wrong way until officers advised that
3 they had gotten on the freeway the wrong way. So I got
4 on to the freeway in the correct lane, going eastbound on
5 I-80 from McCarran.

6 Q And did you hear -- at some point over the radio,
7 did you hear a 10-50?

8 A Yes.

9 Q And what does that mean?

10 A It means that the vehicle had crashed.

11 Q Did you continue on to the scene of the crash?

12 A Yes.

13 Q And generally describe what you saw when you
14 arrived in that area.

15 A A big cloud of smoke. And then once the smoke had
16 settled, I saw two vehicles. I saw the suspect vehicle
17 and, if I remember, it was a Jeep SUV.

18 Q When you say, "suspect vehicle," are you talking
19 about that white truck --

20 A Yes.

21 Q -- you pursued earlier?

22 A Yes.

23 Q Officer, I'm going to show you first Exhibit 7.
24 Do you recognize this photograph?

1 A Yes.

2 Q Does this show the crash scene looking from east
3 to west?

4 A Yes.

5 Q What did you do once you arrived at the scene?

6 A I assisted Officer Egami with pulling the
7 passenger of the white truck out of the vehicle.

8 Q Officer, I'm going to show you now Exhibit 9.
9 Looking at Exhibit 9, are you able to see the passenger
10 that you assisted in getting out of the vehicle?

11 A Yes.

12 Q Can you circle where you see him located?

13 A (Witness complies.)

14 Q Was he identify -- did he identify himself in your
15 presence?

16 A Yes.

17 Q How did he identify himself?

18 A As Zane Kelly.

19 Q And then did you -- I'm sorry, you said which
20 officer did you assist?

21 A Officer Egami.

22 Q Did you and Officer Egami stay with Mr. Kelly
23 until medics -- both firemen and medics came to render
24 aid and check him out?

1 A Yes.

2 Q While you were present on the scene, in the course
3 of the events of medics and firemen rendering aid, did
4 they cut clothing off Mr. Kelly?

5 A Yes.

6 Q Now, do you see -- do you see another man on the
7 ground in the photograph, Exhibit 9?

8 A Yes.

9 Q And were you present when that individual was
10 removed from the truck?

11 A No.

12 Q Okay. Was he -- when you got there, was he in
13 pretty much the same or similar position that we see
14 here?

15 A Yes.

16 Q While you were there at the scene, did the medics
17 cut some clothing off of him?

18 A Yes.

19 Q Now, once -- is it accurate -- again, while you
20 were there -- the medics ultimately loaded both of those
21 individuals, Mr. Kelly and the other man that you just
22 identified, into the ambulance and took them to the
23 hospital?

24 A Yes.

1 Q And then once that had occurred, did you have some
2 responsibilities in terms of collecting clothing items
3 that had been removed from both males?

4 A Yes.

5 Q Could you describe what you did?

6 A I collected -- well, I photographed their clothing
7 where the firefighters had left them, and I placed them
8 into bags.

9 Q And, for instance, not Mr. Kelly but the other man
10 that you pointed out, was he wearing a pair of jeans?

11 A Yes.

12 Q Did the medics cut those jeans off?

13 A Yes.

14 Q Did you collect those jeans and put them in a bag?

15 A Yes.

16 Q Mr. Kelly, the man that you were with, in the
17 photograph there we see like gray bottoms, were those
18 like -- what type of pants were those; do you recall?

19 A I don't really remember. I think they were like
20 sweatpants, but I don't remember.

21 Q You can see the colors in this photo, like gray
22 bottoms?

23 A Yes.

24 Q Officer, I'm going to show you what we've marked

1 for identification as Exhibit 37 and Exhibit 56?

2 THE COURT: I'm sorry, 37 and 56?

3 MR. PRENGAMAN: Yes, your Honor.

4 THE COURT: Thank you.

5 BY MR. PRENGAMAN:

6 Q Officer, do you see a pair of jeans depicted in
7 both of those photos?

8 A Yes.

9 Q Do you recognize that piece of clothing?

10 A Yes.

11 Q Is that the pair of jeans that were cut off the
12 man that you identified, not Mr. Kelly but the other man
13 on the ground in this photograph?

14 A Yes.

15 Q Now, there's one where somebody is holding those
16 up; correct -- sort of holding them?

17 A Yes.

18 Q That's not you?

19 A (No audible response.)

20 Q But you recognize the jeans?

21 A Yes.

22 Q And did you place those jeans into the bags of
23 clothing?

24 A Yes.

1 Q Officer, when you removed them, did you just place
2 them as you found them, off the ground and into the bag?

3 A Yes.

4 Q Officer, I'm going to show you now Exhibits 33, 34
5 and 35. Officer, do those photos also show items of
6 clothing that you collected from where they had been
7 removed from the two men we see in Exhibit 9?

8 A Yes.

9 Q And beginning with Exhibit 34, and in those photos
10 do we see the clothes in the bags as you placed them?

11 A Yes.

12 Q Beginning with 34, can you just describe what is
13 depicted there?

14 A I'm sorry?

15 Q What clothing items are depicted in Exhibit 34?

16 A Looks like sweatpants.

17 THE COURT: I'm sorry, I didn't hear that.

18 THE WITNESS: Sweatpants.

19 THE COURT: Thank you.

20 BY MR. PRENGAMAN:

21 Q Do you recognize those as the pants from Zane
22 Kelly that you collected and placed in the bag?

23 A Yes.

24 Q Then there's two pairs of shoes, each in a

1 separate bag?

2 A Yes.

3 Q And those are shoes also removed from the two men
4 we see here?

5 A Yes.

6 MR. PRENGAMAN: Your Honor, I move for the
7 admission of 33, 34 and 35 at this time.

8 THE COURT: Ms. Grosenick, 34 -- excuse me, 33,
9 34, and 35?

10 MS. GROSENICK: Your Honor, if I could see those
11 photographs to know what they are before I agree.

12 THE COURT: Of course.

13 MR. PRENGAMAN: I'm going to move for the
14 admission of 37, so I'll show it as well to counsel.

15 MS. GROSENICK: No objection.

16 THE COURT: Ms. Rosenthal?

17 MS. ROSENTHAL: Thank you, your Honor. Just one
18 follow-up.

19

20 +++ VOIR DIRE EXAMINATION +++

21 BY MS. ROSENTHAL:

22 Q Ms. Hodge, did you take those photos?

23 A I took the -- I don't know specifically which
24 photos those are. The ones that I took --

1 THE COURT: I'm sorry, the ones you took --

2 THE WITNESS: I'm sorry. The ones I took should
3 come from Axon Capture, which is our evidence collection
4 system. I do not believe those are the pictures that I
5 took.

6 BY MS. ROSENTHAL:

7 Q But those -- those items depicted in the photos,
8 you recall them looking like that on that day?

9 A Yes.

10 MS. ROSENTHAL: I have no objection, your Honor.

11 THE COURT: Thank you, Ms. Rosenthal.

12 33, 34, 35 and 37 are in.

13 (Exhibits 33; 34, 35 and 37 were admitted.)

14

15 +++ DIRECT EXAMINATION +++

16 (Resumed)

17 BY MR. PRENGAMAN:

18 Q Officer, showing you Exhibit 34, what are we
19 looking at there?

20 A You're talking about the circle where the --

21 Q Get rid of that circle.

22 Can we see here the gray sweatpants that were
23 removed by the medics from Mr. Kelly?

24 A Yes.

1 MS. GROSENICK: I'm sorry, can the State speak up
2 a little? *That were removed from?*

3 THE COURT: Mr. Prengaman, don't drop the end of
4 your questions, please.

5 Where were they removed from? Can you ask the
6 question again?

7 BY MR. PRENGAMAN:

8 Q Officer, in Exhibit 34 we see here the sweatpants
9 removed from Zane Kelly?

10 A Yes.

11 Q Showing you now Exhibit 37, are these the jeans
12 that were removed by the medics from the other man?

13 A Yes.

14 Q Could you show us in Exhibit 9 which man that was?

15 A (Indicating.)

16 Q Then, Officer, once you had collected the clothing
17 and placed them in the bags, how many bags did you have?

18 A Two.

19 Q What did -- what did you do with the bags?

20 A I left them in the vehicle -- the suspect vehicle,
21 the white truck.

22 Q Officer, I'm going to show you now Exhibit 25. Do
23 you recognize the general area that is shown in 25?

24 A Yes.

1 Q And does that depict the collision scene?

2 A Yes.

3 Q Does it appear to be somewhat later in the day
4 than what we see in Exhibit 9?

5 A Yes.

6 Q So, for instance, the semi truck has been moved --

7 A Yes.

8 Q -- is that right?

9 But the two vehicles involved in the collision are
10 still there?

11 A Yes.

12 Q Do they appear to be in the same position as they
13 were situated when you were there?

14 A Yes.

15 Q In that photograph, are you able to see the bag of
16 clothing that you testified that you left near the truck?

17 A Yes.

18 MR. PRENGAMAN: Your Honor, I'm going to move for
19 the admission of Exhibit 25.

20 THE COURT: Ms. Grosenick, 25, would you like to
21 see it?

22 MS. GROSENICK: Yes. Yes, I would, your Honor.

23 Thank you.

24 No objection.

1 THE COURT: Ms. Rosenthal?

2 MS. ROSENTHAL: Thank you, your Honor.

3

4 +++ VOIR DIRE EXAMINATION +++

5 BY MS. ROSENTHAL:

6 Q I just want to clarify, Ms. Hodge. Were you
7 present in the afternoon time during the day?

8 A No.

9 Q So you were not there when the picture was taken?

10 A No.

11 MS. ROSENTHAL: Based on those answers, your
12 Honor, we would object because this witness was not
13 present to say that it was an accurate photo at that
14 time.

15 THE COURT: Mr. Prengaman, the objection was
16 there's no one to say it was accurate at that time. What
17 is it you're using it for?

18 MR. PRENGAMAN: I'm sorry. So the purpose I'm
19 using it for is illustrating the placement of the bags,
20 and the witness has said it appears accurate, like
21 nothing has changed but a few items. So with that, I
22 believe I've laid sufficient foundation for admission.

23 THE COURT: Thank you. 25 is admitted.

24 (Exhibit 25 was admitted.)

1 BY MR. PRENGAMAN:

2 Q Officer, showing you Exhibit 25, are you able to
3 circle for us in that photograph where the bags of
4 clothing are that you left there?

5 A (Witness complies.)

6 Q Thank you, Officer.

7 MR. PRENGAMAN: I have no further questions at
8 this time, your Honor.

9 THE COURT: Thank you.

10 Ms. Hickman? Ms. Grosenick?

11

12 +++ CROSS-EXAMINATION +++

13 BY MS. GROSENICK:

14 Q You indicated that you were second in pursuit
15 initially; correct?

16 A Yes.

17 Q And that was behind Officer Loeschner?

18 A Yes.

19 Q And you fell back around Victorian?

20 A It was somewhere around there, yes.

21 Q At that point you were following other police
22 vehicles?

23 A Yes.

24 Q Approximately how many were in front of you?

1 A I honestly don't remember. My dash cam should get
2 that information for you.

3 Q And when you heard over the radio that the white
4 truck had entered the interstate going in the wrong
5 direction, you decided to respond to that portion;
6 correct?

7 A Correct.

8 Q And you got onto Interstate 80 going in the
9 correct direction?

10 A Yes.

11 Q And you jumped the barrier?

12 A Yes.

13 Q And that's how you responded to the scene of the
14 accident?

15 A Yes.

16 MS. GROSENICK: No further questions.

17 THE COURT: Thank you, Ms. Grosenick.

18 Ms. Rosenthal?

19 MS. ROSENTHAL: Thank you, your Honor. The
20 court's indulgence.

21

22 +++ CROSS-EXAMINATION +++

23 BY MS. ROSENTHAL:

24 Q Thank you, Ms. Hodge.

1 You considered Zane Kelly as a suspect when you
2 arrived; correct?

3 A Yes.

4 Q And, in fact, throughout your report you refer to
5 him as a suspect?

6 A Yes.

7 Q And you indicated on direct that you verbally
8 received his name?

9 A Yes.

10 Q And his date of birth; correct?

11 A Yes.

12 Q And you used those to identify him?

13 A Yes.

14 Q And you -- as you spoke to him, were you able to
15 see his face?

16 A Yes. It was very bloody.

17 Q And is there anyone in the courtroom you recognize
18 as that individual?

19 A No. No.

20 Q There were no other occupants in that truck other
21 than the two males; correct?

22 A Correct.

23 Q And I'm going to show you what was just admitted
24 as Exhibit 25. You indicated that you were not present

1 during this time of day; correct?

2 A Correct.

3 Q And the bags that you left are right there?

4 A Yes.

5 Q You have no idea when this photo was taken;

6 correct?

7 A Correct.

8 Q And do you recall what time you left the scene?

9 A I don't.

10 Q Do you believe it was still in the morning time?

11 A Yes, it was still in the morning.

12 Q And the bags that you left, they're open; correct?

13 A Yes.

14 Q You did not seal them in any way?

15 A No.

16 Q So you have no idea how long those bags were left

17 out; correct?

18 A Correct.

19 Q And you don't know what happened to those bags

20 after you left; correct?

21 A Correct:

22 Q And as you see here, there's several people on

23 scene still?

24 A Yes.

1 Q And when you left or during your time on the
2 scene, how many people would you say were around?

3 A I wouldn't be able to tell you. There was
4 multiple officers from my agency. There was multiple
5 officers from NHP. The fire department was still there.

6 Q So in excess of 10-plus people?

7 A Maybe. I don't know.

8 Q And, as you said, the bags were open; correct?

9 A Yes.

10 Q So lots of people had access to the bags and the
11 contents therein?

12 A Sure.

13 MS. ROSENTHAL: No further questions, your Honor.

14 THE COURT: Thank you, Ms. Rosenthal.

15 Mr. Prengaman, redirect?

16 MR. PRENGAMAN: Thank you, your Honor.

17

18 +++ REDIRECT EXAMINATION +++

19 BY MR. PRENGAMAN:

20 Q Officer, was this a crime scene when you arrived?

21 A Yes. Yes.

22 Q So was it -- so you talk about lots of people
23 being there, you mentioned police officers or law
24 enforcement personnel?

1 A Yes.

2 Q And while you were there, other than the medics or
3 the firemen and the paramedics, the REMSA medics, were
4 there other people allowed into the scene?

5 A No.

6 Q By *others*, I mean other than police officers?

7 A Correct. No.

8 Q And the people that Ms. Rosenthal just pointed out
9 in the photograph, do they appear to be law enforcement
10 personnel?

11 A Yes.

12 Q When you left the scene and left the bags by the
13 truck, was this still a crime scene being guarded by the
14 police?

15 A Yes.

16 MR. PRENGAMAN: Thank you. No further questions.

17 THE COURT: Ms. Grosenick?

18 MS. GROSENICK: Nothing further.

19 THE COURT: Thank you.

20 Ms. Rosenthal?

21 MS. ROSENTHAL: Thank you.

22 / / / /

23 / / / /

24 / / / /

+++ RECROSS-EXAMINATION +++

1

2 BY MS. ROSENTHAL:

3 Q In that regard, Officer Hodge, you left the scene;
4 correct?

5 A Yes.

6 Q So you can't be sure who was there?

7 A After I left, no.

8 Q And Mr. Prengaman's classification that they were
9 law enforcement is incorrect, as REMSA, fire, they are
10 not law enforcement; correct?

11 A Correct. They're first responders.

12 MS. ROSENTHAL: Nothing else, your Honor.

13 THE COURT: Thank you, Ms. Rosenthal.

14 Officer Hodge, you're excused.

15 Ladies and gentlemen, we're going to take our noon
16 recess at this time. During this recess you must not
17 discuss or communicate with anyone, including fellow
18 jurors, in any way regarding this case or its merits
19 either by voice, phone, email, text, internet, or other
20 means of communication or social media. You must not
21 read, watch or listen to any news or media accounts or
22 commentary about the case.

23 You must not make any investigation, test the
24 theory of the case recreate any aspect of the case, or in

1 any other way investigate this case on your own. You
2 must not express or form any opinion regarding the case
3 until it is submitted to you.

4 Thank you so much. See you after the lunch
5 recess.

6 (At 11:47 a.m., recess taken.)

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RENO, NEVADA, WEDNESDAY, APRIL 21ST, 2021, 12:35 P.M.

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(The following proceedings were held in open court, outside the presence of the jury:)

THE COURT: Go ahead and be seated.

Counsel, I wanted to meet outside the presence of the jury. It appears that we have a juror who is nodding off. I believe it's Juror --

THE BAILIFF: Juror 14, your Honor, last name Holt.

THE COURT: Holt has nodded off this morning, on and off. This is an alternate spot, but I wanted to make you aware of it.

Mr. Prengaman?

MR. PRENGAMAN: Your Honor, at this point I don't have anything.

THE COURT: Ms. Hickman? Ms. Grosenick? I'm only aware of it happening this morning during examination of one of the witnesses.

MS. HICKMAN: Judge, my suggestion would be when

1 we see something like that, if there's a break or that we
2 maybe ask everybody to sort of stand up, stretch, because
3 that may wake everybody up. I think it does happen.
4 Then in between witnesses, we tell the jurors to get up
5 and stretch, take a minute and wake them up.

6 THE COURT: All right. All right. I make it a
7 habit of not looking at the jurors a lot. I don't want
8 them to think that this court observes these matters, and
9 so I have had a habit of not looking at them. But I
10 think our court reporter does see and reported to the
11 deputy. Okay.

12 So I will take my signals from anybody, including
13 the deputies, the court reporter, the court clerk, who
14 might see something like that. I will do what you ask,
15 Ms. Hickman.

16 Ms. Rosenthal? Mr. Picker?

17 MR. PICKER: Nothing, your Honor.

18 THE COURT: All right. Thank you so much. We're
19 ready to start again.

20 THE BAILIFF: All rise for the jury.

21 (At 12:38 p.m., jury entered courtroom.)

22 THE COURT: Thank you, everyone. Please be
23 seated.

24 Mr. Prengaman, your next witness?

1 MR. PRENGAMAN: The State will call Officer
2 Canterbury.

3 THE CLERK: Sir, please raise your right hand.
4 (Witness sworn.)

5 THE BAILIFF: Go ahead and take the stand. And
6 watch your step around the cords.

7 THE COURT: Good afternoon, sir, you can draw your
8 mask down. If you would like a face shield as well, or
9 if you're comfortable enough --

10 THE WITNESS: I'm fine, your Honor.

11 THE COURT: Be sure to get on that microphone. I
12 think it's off. Push the button. Now it's on.

13 THE WITNESS: Okay.

14

15 ROBERT CANTERBURY

16

17 called as a witness on behalf of the State,
18 having been duly sworn, testified as follows:

19

20

+++ DIRECT EXAMINATION +++

21 BY MR. PRENGAMAN:

22 Q Good afternoon.

23 A Good afternoon.

24 Q Could you please tell us your name?

1 A Robert Canterbury.

2 Q Can you please spell your last name for the court
3 reporter?

4 A C-A-N-T-E-R-B-U-R-Y.

5 Q What is your occupation?

6 A I'm a police officer with the City of Sparks.

7 Q How long have you served as a police officer in
8 any capacity with Sparks?

9 A With the City of Sparks, a little over a year.

10 Q Prior to joining the Sparks Police Department, did
11 you have a prior law enforcement position?

12 A Yes.

13 Q Where was that?

14 A I started my career up in Idaho where I worked for
15 a year-and-a-half for the City of Shoshone, and as a
16 reserve deputy for the County of Lincoln, and three years
17 with the Fallon Tribal Police Department.

18 Q Officer, back on February 22nd of 2020, what was
19 your assignment?

20 A I was assigned to the Patrol Division.

21 Q And how long had you been a police officer on the
22 22nd of February?

23 A Approximately four months.

24 Q By *police officer*, I mean with the City of Sparks.

1 A That's correct.

2 Q Now, at about 6:33 -- let me back up.

3 Were you working that day, because you had been
4 with the city less than a year, were you partnered up
5 with somebody that day?

6 A Yes. I was partnered up with Officer Brian
7 Sullivan.

8 Q And he was also known as a field training officer?

9 A Yes.

10 Q Just very briefly, what does that mean?

11 A A field training officer is an officer that rides
12 with a newly hired officer, shows them how the department
13 does certain things, and makes sure they follow
14 procedures as well.

15 Q So, Officer, taking you to about 6:30 a.m. back on
16 February 22nd last year, were you working then?

17 A I was.

18 Q Was Officer Sullivan with you?

19 A Yes.

20 Q At about that time, 6:33, did you receive a call
21 for service to Bob & Lucy's Tavern on Oddie?

22 A Yes.

23 Q In terms of responding, what was the status of the
24 call when you initially heard and responded?

1 A The initial call was subject being threatened with
2 a firearm.

3 Q And then when you and Officer Sullivan began to
4 respond, did you get some additional information?

5 A Yes. The call started to change into a robbery
6 and other units arriving on scene had begun pursuing a
7 vehicle that was fleeing the scene.

8 MS. ROSENTHAL: Your Honor, could we turn down his
9 mic a little bit?

10 THE CLERK: Your Honor, the system is currently
11 offline on the cable to adjust the volume.

12 THE COURT: Unlike other witnesses, I'm going to
13 ask you to back away a little. Thank you.

14 BY MR. PRENGAMAN:

15 Q Officer, what was the description of the vehicle
16 that was being pursued?

17 A It was a white pickup.

18 Q Now, were -- as you -- were other officers that
19 were in the involved in the pursuit broadcasting
20 information about the events surrounding the pursuit as
21 they were occurring?

22 A Yes, they were.

23 Q So it would be accurate that you and Officer
24 Sullivan began responding; is that right?

1 **A** Yes.

2 **Q** And what type of vehicle were you -- did you
3 respond in that morning?

4 **A** We were responding in a Tahoe SUV, Sparks Police
5 Department vehicle.

6 **Q** Could you just give us a description of what about
7 that vehicle marked it as a police car?

8 **A** Sparks Police Department Tahoe vehicles are marked
9 with a Sparks Police Department logo on both sides and
10 the push bumper on the front. They also have overhead
11 red and blue emergency lights and light bar on the top
12 and in the rear.

13 **Q** And all that described the vehicle you were
14 driving that morning?

15 **A** Yes.

16 **Q** When you started driving to respond to the call,
17 was it -- were you driving or was Officer Sullivan?

18 **A** I was driving.

19 **Q** Then describe, if you would, your initial
20 response. Where did you start going to respond to that
21 call for service?

22 **A** We responded from the police department towards
23 Bob & Lucy's on Prater; however, as radio traffic came
24 in, we heard that the pursuit of the suspect vehicle was

1 going south towards the south side of the city so we
2 started making our way that way to try to meet up with
3 the pursuit to assist.

4 Q And what happened next? What did do you next?

5 A We eventually met up with the pursuit at McCarran
6 and Glendale. The pursuit was heading west on Glendale,
7 approaching the McCarran intersection.

8 Q I think, Officer, and you don't have to, if you
9 want, you can take your mask off if it's more
10 comfortable.

11 A All right.

12 Q Officer, I'm going to show you Exhibit 78. Are
13 you able to show us on Exhibit 78 the general area where
14 and you and Officer Sullivan caught up to the pursuit?

15 A Yes.

16 Q If you press on that monitor, you can draw. You
17 have to press kind of firmly.

18 Using the monitor, show, again, the general area
19 where you caught up.

20 A (Witness complies.)

21 Q Then what happened -- when you caught up, could
22 you actually see the white truck?

23 A Yes, I saw the white truck proceeding west on
24 Glendale pursued by numerous Sparks Police Department

1 vehicles with overhead lights and sirens.

2 Q What happened next?

3 A We positioned ourselves at McCarran in the
4 intersection, the vehicle turned north on McCarran from
5 Glendale and proceeded northbound.

6 Q What did you do?

7 A Me and Officer Sullivan pulled in behind the No. 1
8 vehicle in the pursuit, which was Officer Chambers, we
9 became No. 2 in the pursuit with our lights and sirens
10 activated.

11 Q Using Exhibit 78, are you able to show us where --
12 once you had become second behind Officer Chambers, where
13 did the pursuit of that white truck proceeded?

14 A In the direction of the arrow I just drew.

15 Q What happened next?

16 A We continued pursuing the vehicle, Officer
17 Chambers as lead, the speed reaching upwards of 66 miles
18 an hour or greater. I observed the vehicle run the red
19 light with the intersection of Nugget Avenue and McCarran
20 and the intersection with the I-80 eastbound
21 on-ramp/off-ramp and continue driving north.

22 Q Showing you now Exhibit 79, are you able to show
23 us on this exhibit where you and Officer Sullivan
24 continued to pursue the truck?

1 A Yes, I can.

2 Q Where did you go next?

3 A So the pursuit continued down this way, continued
4 north on McCarran. At this point, the white pickup went
5 into the oncoming lanes of traffic northbound on
6 McCarran, then turned west on Lincoln.

7 Q When you told us earlier on that stretch of
8 McCarran where the speed of the 66 miles an hour that you
9 gave as the speed of the pursuit, is that the speed you
10 were traveling at as you were pursuing the truck?

11 A That was the speed I was traveling at, yes. The
12 vehicle was pulling away from us, though.

13 Q What was the posted limit on that stretch of
14 McCarran?

15 A The posted limit on that, I believe, is 45 miles
16 per hour.

17 Q And then describe for us, once the truck turned
18 onto Lincoln, what did you observe?

19 A So once the truck turned onto Lincoln, Officer
20 Sullivan and I lost sight of the vehicle and Officer
21 Chambers' patrol vehicle. We continued on this way until
22 we found them again, where they were heading south on
23 Stanford.

24 Q So when you -- going back to when you became

1 second, do you have your lights and sirens activated?

2 A Yes.

3 Q Did you continue to have your lights and sirens
4 activated throughout the portions of the pursuit you just
5 described for us?

6 A Yes.

7 Q Could you tell if Officer Chambers ahead of you
8 had his lights and sirens on?

9 A Yes.

10 Q What happened next?

11 A Once we caught back up to them on Stanford, they
12 headed south right here at Stanford and Victorian. The
13 white pickup went to turn west on Victorian, at which
14 time Officer Chambers performed an intervention
15 technique.

16 Q We've heard that described a little bit, so I'm
17 not going to ask you a lot of detail about that, but was
18 it a success?

19 A The initial was successful in spinning out the
20 vehicle; however, the vehicle was able to continue
21 spinning his wheels and proceed eastbound on Victorian.

22 Q When you talk about the vehicle, you're still
23 talking about that white truck?

24 A Yes.

1 Q And as Officer Chambers and you did that maneuver,
2 were you still -- were you still second behind him at
3 that point?

4 A We were, but we were a little bit behind him as we
5 were having a hard time keeping up with the speeds.
6 Other patrol had gotten to the scene where the PIT
7 maneuver was performed before we did.

8 Q If you remember, can you describe for us as you
9 were heading down Stanford, when you regained sight of
10 the truck, what type of speed were you traveling at at
11 that stretch of the pursuit?

12 A We were traveling around 67 miles an hour.

13 Q And what's the -- is that a residential area?

14 A It is.

15 Q What's the speed limit on that stretch of roadway?

16 A Twenty--five.

17 Q What happened next?

18 A After the PIT was performed, other Sparks Police
19 Department vehicles attempted to conduct a felony stop on
20 it, the vehicle continued and drove around them and
21 continued east on Victorian.

22 Q As the truck continued east on Victorian, where
23 were you and Officer Sullivan?

24 A We had fallen behind on the pursuit. We were no

1 longer in the first or second position and I could no
2 longer actually see the pickup from where we were.

3 Q Could you continue to hear radio traffic that was
4 apprising the other officers involved in the pursuit?

5 A Yes.

6 Q So what happened next?

7 A As we continued east on Victorian, we heard via
8 radio traffic that the vehicle had gone on the off-ramp
9 for I-80 westbound.

10 Q And what were you -- were you and Officer Sullivan
11 still progressing towards the freeway?

12 A We were. At that time we turned onto the on-ramp
13 for I-80 westbound intending to catch the vehicle if it
14 turned around continuing west.

15 Q What happened next?

16 A While we stationed at the on-ramp, we then heard
17 that an accident had taken place with the vehicle, and we
18 continued down to Pyramid Avenue on I-80 where we caught
19 the eastbound I-80 on-ramp and continued on eastbound
20 I-80 to reach the accident scene.

21 Q Described what happened. What did you see when
22 you got to the scene?

23 A Upon arriving on scene, we hopped the jersey wall
24 on the other side, ran to the scene. I observed a gray

1 Jeep in the No. 1 or lane closest to the median facing
2 eastbound -- sorry -- westbound, and the white pickup
3 that we had been pursuing was in the No. 1 and 2 lanes
4 obstructing both lanes, and in front of the gray Jeep.
5 Both vehicles had front end damage with debris and oil
6 scattered all across the roadway.

7 Q At the time that you and Officer Sullivan -- and
8 did you park some ways away?

9 A We parked a little bit further down from the
10 accident, and we had to hop the jersey wall because we
11 were on the wrong side.

12 Q When you arrived in the area of the vehicles as
13 you've just described, were any -- were there -- was
14 anyone in police custody at that point?

15 A Yes. The two occupants from the white pickup had
16 been removed and were lying prone handcuffed on the
17 ground.

18 Q And did you see -- did you see any life-saving
19 efforts being performed?

20 A So the driver of the Jeep was removed by Officer
21 Sullivan and other Officers once we arrived on scene, and
22 life-saving measures, including CPR, were initiated.

23 Q I'm going to show you what we've admitted as
24 Exhibit 8. Does that photograph show the scene generally

1 as it was when you arrived?

2 A Yes.

3 Q While Officer Sullivan participated in the
4 life-saving effort, did you have any duties?

5 A Yes. I took photographs of the scene.

6 Q And in terms of the photos you took -- I'm not
7 going to ask every photo, I want a general idea of what
8 you did -- how did you go about taking photographs?

9 A Tried to go big, so I went to where the vehicle
10 entered the freeway, took photos from there and worked my
11 way back to the accident scene and getting more focused
12 on individual items or vehicles as I came up.

13 Q And at some point while you were present at the
14 scene, was the driver of the Jeep pronounced deceased?

15 A Yes.

16 Q And were you present when medics and firemen were
17 there attending to the individuals who were prone on the
18 ground in this photo?

19 A Yes.

20 Q Ultimately, were both of those individuals taken
21 to the hospital?

22 A Yes.

23 Q Officer, showing you Exhibit 14, do you
24 recognize -- do you recognize that view of the truck?

1 A Yes.

2 Q Was this a photograph taken to depict the license
3 plate of the truck?

4 A It was.

5 Q Showing you Exhibit 13, directing you to this
6 individual who is on the ground there, was that one of
7 the men who was transported to the hospital?

8 A Yes.

9 Q And with regard to that man, did you have -- you
10 and Officer Sullivan have a particular assignment?

11 A Yes. We were assigned to ride in the ambulance.

12 Q And so did you follow the medics who took that man
13 from that location loaded into the ambulance?

14 A Yes.

15 Q And how was that man --

16 THE COURT: I'm sorry, I didn't hear that.

17 BY MR. PRENGAMAN:

18 Q How was that man identified at the scene?

19 A By identification in a wallet.

20 Q And so there was -- so a wallet had been located
21 with a photo ID for him?

22 A Yes.

23 Q And -- I'm going to show you now Exhibit 18 for
24 identification. Do you recognize what is shown there?

1 A Yes.

2 Q Is that a photograph of the wallet that you're
3 talking about?

4 A Yes.

5 Q Does that have -- is it displayed so you can see
6 the photo ID inside?

7 A It is.

8 Q You were there to see the man that you just
9 pointed out in Exhibit 13, you could see his face?

10 A Yes.

11 Q You could see his face as you rode with him in the
12 ambulance?

13 A I could.

14 Q Did his face match that ID?

15 A It did.

16 Q How --

17 MR. PRENGAMAN: I'll move for admission of 18.

18 THE COURT: I'm sorry?

19 MR. PRENGAMAN: Move for the admission of 18, your
20 Honor.

21 THE COURT: Ms. Grosenick?

22 MS. GROSENICK: I'd like to see it, please.

23 THE COURT: Of course.

24 MS. GROSENICK: No objection.

1 THE COURT: Ms. Rosenthal?

2 MS. ROSENTHAL: No objection.

3 THE COURT: Thank you. 18 is in.

4 (Exhibit 18 was admitted.)

5 BY MR. PRENGAMAN:

6 Q Officer, showing you Exhibit 18, was the man you
7 pointed out in the previous photo identified as Ryan
8 Williams?

9 A Yes.

10 Q Now, Officer, generally describe the process of
11 you and Officer Sullivan accompanying Mr. Williams to the
12 hospital.

13 A Officer Sullivan and I sat in the ambulance on the
14 bench seat adjacent to where the gurney was. The medic
15 was seated at the head where he could obtain all his gear
16 and continue working.

17 Q Now, on the way to the hospital, did you witness
18 the medics attending to Mr. Williams ask him a series of
19 questions?

20 A Yes.

21 Q Did you hear Mr. Williams give answers to some of
22 those questions?

23 A Yes.

24 Q As you were proceeding to the hospital, did the

1 medic ask of Mr. Williams about how -- how he had --
2 where he had been in the collision --

3 A Yes.

4 Q -- in terms of which vehicle?

5 A Yes.

6 Q How did he answer that question?

7 A He --

8 (Reporter clarification.)

9 He stated he was in the pickup and that he was the
10 driver.

11 Q And did the medic question along the lines of what
12 had happen or ask him to describe what happened?

13 A Yes.

14 Q And how did Mr. Williams respond to that?

15 A He stated he had been fleeing from the police.

16 Q Did the -- did the medic -- did the medic --

17 (Courtroom audio issues.)

18 MR. PRENGAMAN: Officer --

19 (Pause in proceedings.)

20 THE COURT: Let's go off the record, Ms. Court
21 Reporter.

22 (Off the record.)

23 THE COURT: Let's go off the record and we'll take
24 about a 10-minute break.

1 Ladies and gentlemen of the jury, we're going to
2 take about a 10-minute break. During this break you are
3 not to discuss or communicate with anyone, including
4 fellow jurors, in any way regarding the case or its
5 merits either by voice, phone, email, text, internet, or
6 other means of communication or social media. You must
7 not read, watch or listen to any news or media accounts
8 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. You must not make any investigation, test a
12 theory of the case, recreate any aspects of the case, or
13 in any other way investigate or learn about the case.
14 And you must not form or express any opinion about the
15 case until it is finally submitted to you.

16 Thank you so much.

17 (At 1:05 p.m., recess taken.)

18 THE COURT: Thanks, everyone. Please be seated.

19 Mr. Prengaman?

20 MR. PRENGAMAN: Thank you, your Honor.

21 BY MR. PRENGAMAN:

22 Q Officer, before we took the break, I was asking
23 about you accompanying Mr. Williams in the ambulance.

24 Before I go further, do you see Mr. Williams in

1 the courtroom today?

2 A Yes.

3 Q Could you, for the record, describe where you see
4 him and the clothing that he's wearing?

5 A Mr. Williams is located in front of me in the blue
6 shirt with blue tie and black pants.

7 Q Could you please describe the individual
8 immediately to his right, and the clothing that that
9 person is wearing?

10 A Black polka-dot shirt and black blazer.

11 Q Now, the person that you've identified as
12 Mr. Williams is wearing a mask; is that true?

13 A That's correct.

14 Q Are you comfortable that you can positively
15 identify him even though he's wearing a mask?

16 A Yes. I saw him walking in the halls without it
17 before.

18 Q Is there any doubt in your mind, as you see him
19 seated in the courtroom, that is Mr. Williams, the man
20 you accompanied in the ambulance that you testified
21 about?

22 A I'm positive.

23 Q Okay. Thank you.

24 So going back to in the ambulance and the drive to

1 the hospital, so in addition to the questions you've
2 talked about so far, in the course of providing aid did
3 the medic ask Mr. Williams whether he had used any
4 alcohol or substances?

5 A Yes.

6 Q What did Mr. Williams respond?

7 A He admitted to drinking a little bit of alcohol
8 and to using methamphetamine.

9 Q Now, Officer, on this day were you equipped with a
10 body-worn camera?

11 A Yes.

12 Q Had it been activated prior to you arriving at the
13 scene as we see in Exhibit 13?

14 A Yes.

15 Q Was it active -- activated during that ambulance
16 ride?

17 A It was.

18 Q Did the footage from that camera capture the audio
19 and video of Mr. Williams making the statements that
20 you've described?

21 A Yes.

22 Q Officer, I'm going to hand you three exhibits,
23 Exhibits 93, 94, and 119.

24 Officer, starting with Exhibit 93, are you able to

1 recognize that exhibit?

2 A Yes.

3 Q Have you had an opportunity to view the contents
4 of that exhibit before?

5 A Yes.

6 Q And does that exhibit contain footage from your
7 body-worn camera?

8 A It does.

9 Q Now, it doesn't contain all the footage from that
10 day that was uploaded to the evidence system; does it?

11 A No.

12 Q It's an edited segment of that footage that
13 captures part of the drive in the ambulance; is that
14 right?

15 A Yes.

16 Q And has it been edited now, not just for the
17 length but also for the sound; in other words, the sound
18 has been edited -- there's certain portions where you
19 can't hear any sound?

20 A Yes.

21 Q So the footage has been edited just to focus on
22 the footage and not the entire portion --

23 A Yes.

24 Q -- fair to say?

1 MR. PRENGAMAN: I move for the admission of
2 Exhibit 93, your Honor.

3 THE COURT: Ms. Grosenick?

4 MS. GROSENICK: The court's indulgence.

5 No objection.

6 THE COURT: Ms. Rosenthal?

7 MS. ROSENTHAL: No objection.

8 THE COURT: 93 is in.

9 (Exhibit 93 was admitted.)

10 MR. PRENGAMAN: Thank you, your Honor.

11 BY MR. PRENGAMAN:

12 Q Officer, I'm showing you now Exhibit 93 and the
13 opening frame. I paused it at one second. Can you
14 orient us? What are we looking at here?

15 A We're on I-80 westbound with Mr. Williams being
16 loaded into the ambulance with a gurney with firemen and
17 paramedics.

18 (Video played.)

19 Q Now, Officer, it's a little obvious but who is
20 that standing in the camera view right now?

21 A That's Officer Brian Sullivan.

22 Q That's your field training officer that you
23 testified about earlier?

24 A Yes.

1 Q He accompanied you in the ambulance?

2 A Yes.

3 (Video played.)

4 THE COURT: Mr. Prengaman, can I have you pause
5 it? Is the sound coming from the console like the other
6 day? Could I have a mic held to that, if you would?

7 MR. PRENGAMAN: It is, your Honor. I'm going to
8 turn up the volume on the computer.

9 THE COURT: We'll also hold the microphone up to
10 that. Thank you.

11 (Video continued.)

12 BY MR. PRENGAMAN:

13 Q Officer, once you arrived at the hospital, was
14 the -- once the ambulance arrived at the hospital, was
15 Mr. Williams taken in for treatment?

16 A Yes.

17 Q And at some point, did you apply for a court order
18 authorizing you to take samples of Mr. Williams' blood?

19 A Yes.

20 Q And was that -- was that authorized?

21 A Yes.

22 Q And were you authorized by virtue of that order to
23 take a series of samples approximately half an hour
24 apart?

1 A Yes.

2 Q And in preparation for taking those samples, what
3 did you do? In other words, did you need some personnel
4 in order to effectuate that order?

5 A Yes. Hospital staff was requested and responded
6 to Mr. Williams' room to assist with the draw.

7 Q Who was the phlebotomist who was assigned or
8 tasked with completing those blood draws?

9 A Matthew Gallagher.

10 Q And do you recall approximately what time that
11 order was granted?

12 A I do not recall the time the order was granted.

13 Q Do you recall the time that Mr. Gallagher took the
14 first sample?

15 A Yes.

16 Q What time was that?

17 A It was 8:47 a.m.

18 Q Now, in terms of the process of those samples, is
19 there a -- do you have a process that you follow, a
20 protocol that you follow to document the chain of custody
21 of blood samples in a situation like this?

22 A Yes.

23 Q Could you describe for us the general procedure
24 that is used to -- for the samples to be taken and

1 documented and preserved for evidence?

2 A The samples come in a Washoe County Crime Lab box
3 prepackaged with two vials each. In that box is also a
4 form for chain of custody. On that form is a T number
5 that is associated with four stickers on the form that
6 are placed two on the vials and one on the form the
7 phlebotomist fills out, and then they're all sealed. The
8 T number from those stickers match the one on the box as
9 well.

10 Q So you talk about that chain custody form and the
11 vials, so what happens with the vials?

12 A The vials, after they are -- blood samples are
13 obtained, agitated, placed in the sealed box with the
14 chain of custody form and the box is sealed with blue
15 evidence tape.

16 Q So those vials, that's what the phlebotomist uses
17 when the phlebotomist draws the blood?

18 A Yes.

19 Q Then you said that chain of custody form has
20 stickers with a T number?

21 A Yes.

22 Q Is that a unique number for each form, each kit?

23 A It is.

24 Q And so the -- you said you take those -- a sticker

1 goes onto each vial?

2 A That's correct.

3 Q To indicate -- does that indicate that it's
4 associated with a particular form and kit?

5 A Yes.

6 Q Now, on that chain of custody form, what
7 ultimately happens to that?

8 A A copy goes with our report and a copy goes with
9 the box and the vials.

10 Q What type of information do you place on the -- on
11 that chain of custody form?

12 A The subject who the blood was drawn from, the
13 level of crime and what we were searching for in the
14 blood, such as alcohol or drugs.

15 Q So now in this case, when Mr. Gallagher arrived to
16 take the samples, did you follow that process?

17 A Yes.

18 Q So he arrived for that first sample that you
19 indicated occurred at about 8:47 a.m.?

20 A Yes.

21 Q You opened the box; is that right?

22 A Yes.

23 Q And we are talking about a separate box for each
24 of those series; is that right?

1 A Yes.

2 Q So for the three -- the series of three draws,
3 three boxes?

4 A Yes.

5 Q For the first blood draw, did you accompany
6 Mr. Gallagher?

7 A Yes.

8 Q Did you actually watch him draw blood from
9 Mr. Williams?

10 A Yes.

11 Q Then did you -- and in terms of the evidence
12 handling, when you talk about placing those labels on the
13 vials, is that something you prepare ahead of time?

14 A Once the blood is drawn, then I place the stickers
15 on the bottles, once they're turned back over to me from
16 the phlebotomists.

17 Q So you said you watched Mr. Gallagher draw the
18 blood?

19 A Yes.

20 Q And then what did Mr. Gallagher do with those two
21 vials?

22 A He agitated them and he handed them to me.

23 Q Then they were in your custody?

24 A Yes.

1 Q Then what did you do with them?

2 A I packaged them, the chain of custody form, along
3 with Mr. Gallagher signing it, and sealed the boxes.

4 Q Did you follow that same process about a half hour
5 later?

6 A Yes.

7 Q And then -- so Mr. Gallagher, did he stay or did
8 he leave and come back?

9 A He left and then returned.

10 Q About a half hour later?

11 A Yes.

12 Q And, again, did you watch him, Mr. Gallagher, go
13 draw blood from the Defendant Williams that you
14 identified in court?

15 A Yes.

16 Q And that -- about what time was that?

17 A It was approximately 9:17 a.m.

18 Q And how did you document the time of each blood
19 draw?

20 A Using a watch, a clock.

21 Q The second -- for the second two samples, after he
22 draws the blood, what did Mr. Gallagher do with it?

23 A Again, he agitated them and handed them to me, at
24 which time I packaged and sealed them.

1 Q And you filled out another form that had the
2 information that you described on it?

3 A Yes.

4 Q And then what happened about a half hour after
5 that?

6 A The third and final sample was taken by
7 Mr. Gallagher.

8 Q That was, again, Mr. Gallagher that took those
9 samples?

10 A Yes.

11 Q And did you again watch him draw that blood?

12 A Yes.

13 Q And what did Mr. Gallagher do with the samples
14 after he had drawn the blood?

15 A He agitated them and provided them to me, which I
16 then sealed in the container with the chain of custody
17 form.

18 Q Officer, were you -- was your body-worn camera
19 still activated during this period of time?

20 A Yes.

21 Q So did it capture these events that you testified
22 about now, the blood draws, as well as the process of
23 packaging and sealing those samples?

24 A Yes.

1 Q Do you still have Exhibit 94 in front of you?

2 A Yes.

3 Q And are you -- you've -- you've had the
4 opportunity to view the content of Exhibit 94 previously?

5 A Yes.

6 Q And does Exhibit 94 contain footage from your
7 body-worn camera for a portion of the time that you were
8 at the hospital?

9 A Yes.

10 Q And does the particular footage capture
11 Mr. Gallagher arriving to take the samples, taking the
12 samples, and then your evidence -- your evidence handling
13 in terms of the labeling and sealing as you described?

14 A Yes.

15 Q Now, again, it's not -- it doesn't contain all of
16 the footage that was taken by your camera that day and
17 uploaded; does it?

18 A That's correct.

19 Q It's been edited to show the collection of the
20 blood samples at the hospital?

21 A Yes.

22 MR. PRENGAMAN: I move for the admission of 94.

23 THE COURT: Ms. Grosenick?

24 MS. GROSENICK: No objection.

1 THE COURT: Ms. Rosenthal?

2 MS. ROSENTHAL: No objection.

3 THE COURT: 94 is in.

4 (Exhibit 94 was admitted.)

5 MR. PRENGAMAN: Thank you.

6 BY MR. PRENGAMAN:

7 Q Then, Officer, before I come up there again, you
8 also have in front of you 119 and 120; is that right?

9 A I do not have 120, just 119.

10 Q Now, you've seen both 119 and 120 previously?

11 A Yes.

12 Q Between the two of them, do those contain your
13 camera footage, the full footage pertaining to this case
14 that was uploaded into the evidence system?

15 A Yes.

16 Q If we want to see something that happened, that
17 was captured by your body camera, these would represent
18 them?

19 A Yes.

20 Q Officer, showing you the opening frame paused at
21 one second of Exhibit 94 -- and, again, to orient us,
22 what are we looking at?

23 A We are at Renown Hospital. That's Officer Brian
24 Sullivan my camera is capturing right now. And this is

1 the phlebotomist started coming in.

2 Q Now, in terms of the sound, this -- is it accurate
3 that this footage has been -- there is no sound; correct?

4 A Yes.

5 Q So it shows the actions but there's no sound
6 associated?

7 A That's correct.

8 Q Okay. Playing forward from one second and ask you
9 if at some point we see Mr. Gallagher, the phlebotomist,
10 in the footage.

11 (Video played.)

12 A Pause it. This right here is Mr. Gallagher.

13 Q Okay. We see a form in front of us. Was that one
14 of the chain of custody forms that you were talking
15 about?

16 A Yes.

17 Q Now, so we went in and out to show you entering
18 the room where Mr. Williams is located?

19 A Yes.

20 Q And is that Mr. Williams on the gurney?

21 A Yes.

22 Q You got your phone out. What is the purpose of
23 that?

24 A To corroborate the time on my watch.

1 Q Now, what is Mr. Gallagher doing?

2 A He's agitating the vials so that way the substance
3 that preserves the blood is spread out throughout the
4 sample.

5 Q Then has he just handed them to you?

6 A Yes.

7 Q Now, is it true now this footage is going to show
8 you go through that labeling, evidence processing, those
9 stages that you described for us earlier?

10 A Yes.

11 Q If you would, as we proceed -- and I paused at
12 2 minutes 16 seconds in -- as the footage proceeds with
13 you, for instance, labeling and doing the paperwork, if
14 you could describe for us what you're doing in terms of,
15 again, the steps of the evidence packaging and sealing?

16 A Okay.

17 (Video played.)

18 So those are the T number stickers, placing one on
19 each vial so it corresponds with each chain of custody in
20 the box.

21 While I'm doing this, Mr. Gallagher is completing
22 the form that we keep a copy of. It's a declaration that
23 he drew blood.

24 Sealing the two vials in the plastic case, putting

1 my portion of the chain of custody in, and Mr. Gallagher
2 has already signed chain of custody since he first had
3 possession of the blood and provided it to me.

4 Q I'm going to pause at 00:02:38. So on that he
5 signs the form because he's the one that drew the blood
6 and took it first?

7 A Yes.

8 Q So he signs the chain of custody form because he
9 gave it to you?

10 A Yes.

11 So he signs the chain of custody. I also sign his
12 declaration as a witness. The samples are then placed in
13 this sealed bag.

14 There's an absorbent added there. The bag is then
15 sealed.

16 BY MR. PRENGAMAN:

17 Q Pause at 00:04:49. So that plastic container that
18 you placed in there with the blood samples, that's
19 sealed?

20 A Yes.

21 Q Then on top of that, the bag is sealed?

22 A So the plastic container doesn't have a seal on
23 it. It's just a firm container. The bag is sealed with
24 an evidence like tape seal. Then the box is also sealed.

1 Q Play it forward from 00:04:49.

2 A So that copy of the chain of custody form goes
3 into the front of the bag.

4 All that is placed in the box.

5 Q Now, you appear to place that in the bag and it
6 seemed earlier that you had sealed it?

7 A So there are two pouches to the bag. There's the
8 main pouch where the blood goes into, then there's a
9 front pouch that is not sealed that the chain of custody
10 goes into.

11 Q So you did seal the blood samples in the bag and
12 then you placed the chain of custody into that pouch?

13 A I sealed the blood samples in the main section and
14 the chain of custody in the other section.

15 Q Playing forward from 00:05:37.

16 A This is the blue evidence tape that is affixed to
17 the edge of the box here to seal it. And I then initial
18 and date the edge of the tape.

19 On the front here, you just put which agency and
20 return to which agency.

21 Q Pause it there at 00:06:53. So ultimately what do
22 you do then -- so you've -- with the box that has the
23 blood samples?

24 A Once we clear the hospital, I take the box with

1 the blood samples and I booked them into the Washoe
2 County Crime Lab for testing.

3 Q And so -- how do you -- describe that process.
4 How do you do that?

5 A I transported them to the Washoe County Sheriff's
6 Office and they have a phlebotomist blood draw room where
7 there's one of those blue mailboxes that has a latch that
8 comes forward. It's secure. You place the blood sample
9 box there, drop it in there, and only lab technician
10 staff have access to it.

11 Q Now, that chain of custody form, so that -- does
12 that travel with the samples to the Crime Lab?

13 A It does.

14 Q Does the Crime Lab use that chain of custody form,
15 that information in terms of identifying the sample as it
16 goes through whatever processing the lab does?

17 A Yes.

18 Q I'm going to show you now -- I'm going to hand you
19 what we've marked for identification as Exhibits 131,
20 132, and 133.

21 Officer, beginning with 131, I'm going to focus on
22 that for now. I'm looking at 131. Do you recognize what
23 that is?

24 A Yes.

1 Q What is that?

2 A This is the chain of custody and laboratory
3 submittal form.

4 Q And that is the form, as you've previously told
5 us, that is used to identify the blood samples?

6 A Yes.

7 Q Which set of samples was that form created to
8 identify?

9 A This one was created for the first.

10 Q And that is a copy of the document that you placed
11 in the pouch that we watched on the video in order to
12 identify the samples?

13 A Yes.

14 MR. PRENGAMAN: I move for the admission of
15 Exhibit 131.

16 THE COURT: Ms. Grosenick?

17 MS. GROSENICK: Your Honor, first I would like to
18 look at those exhibits; and, second, is that my --
19 whether or not I object would also be whether or not the
20 State has introduced results regarding all three samples
21 or just one.

22 THE COURT: All right. Mr. Prengaman, if you can
23 first show the Exhibits 131, 132 and 133 to
24 Ms. Grosenick.

1 Mr. Prengaman, is it the State's intention to
2 introduce the results of all three samples or just one?

3 MR. PRENGAMAN: Your Honor, I intend to introduce
4 the results of all three.

5 THE COURT: All three. Thank you.

6 MS. GROSENICK: No objection.

7 THE COURT: No objection to 131, 132 and 133?

8 MS. GROSENICK: Correct.

9 THE COURT: Okay. Thank you. Those are admitted,
10 Ms. Clerk.

11 MS. ROSENTHAL: Your Honor, I haven't been able --

12 THE COURT: I'm sorry. I did it again. You stand
13 there, Ms. Rosenthal and, I'm sorry. I forgot.

14 Yes. Go ahead.

15 MS. ROSENTHAL: Thank you, your Honor.

16 THE COURT: 131, 32 and 33, go ahead.

17 MS. ROSENTHAL: So I would not object to 131, as I
18 believe that's the only one the State has asked to admit
19 at this time.

20 THE COURT: Mr. Prengaman?

21 MR. PRENGAMAN: Your Honor, I intend -- my
22 intention was to show -- I do intend to ultimately move
23 for all three.

24 THE COURT: Ms. Rosenthal?

1 MS. ROSENTHAL: Your Honor, I would just ask that
2 he lay the foundation with the officer for each one
3 before it's asked to be admitted or before it's agreed to
4 by the parties.

5 THE COURT: As to 131, you've seen it, he's asked
6 the officer some questions, any objection to that at this
7 point?

8 MS. ROSENTHAL: No, your Honor.

9 THE COURT: Thank you so much. 131 is in.
10 (Exhibit 131 was admitted.)

11 MS. GROSENICK: Your Honor, I think it would be a
12 good time to take a stretch break.

13 THE COURT: Everybody just stand in place, as the
14 afternoon lingers on --

15 THE BAILIFF: Ladies and gentlemen, that includes
16 you as well.

17 THE COURT: We'll go off the record, Ms. Court
18 Reporter.

19 (Off the record.)

20 THE COURT: We're back on the record.

21 Again, 131 is in, Mr. Prengaman.

22 MR. PRENGAMAN: Thank you, your Honor.

23 BY MR. PRENGAMAN:

24 Q Officer, I'm going to show you Exhibit 131.

1 Focusing on the top here, what do we see there?

2 A That is the T number used to identify the samples.

3 Q And is that the same T number on the sticker that
4 we saw you place on the vials?

5 A Yes.

6 Q And then you've indicated here this came from
7 Mr. Williams?

8 A Correct.

9 Q And then what do we see in this box here?

10 A It's the chain of custody log.

11 Q So we see that -- what's the first name there?

12 A First name is Matthew Gallagher.

13 Q Then we see your name?

14 A Yes.

15 Q Now, Officer, what -- what time was the second
16 blood draw? I'm sorry.

17 A It was at approximately 9:17 a.m.

18 Q So now playing forward from 00:06:53, what are we
19 seeing now?

20 A This is us starting the second draw.

21 Q Again, we see Mr. Gallagher here?

22 A Yes.

23 (Video played.)

24 Q Now, what's just occurred at approximately

1 00:09:22, nine minutes 22 seconds?

2 A Phlebotomist Gallagher has turned the blood sample
3 over to me.

4 Q Now, did you follow that same process that you did
5 with the first sample?

6 A Yes.

7 Q And that is depicted on Exhibit 94?

8 A Yes.

9 Q Did you complete another chain of custody form for
10 these samples?

11 A Yes.

12 Q We'll return 132 and 133 to you and ask you to
13 look at --

14 THE COURT: Mr. Prengaman, before you do that,
15 show them to counsel, please.

16 MS. GROSENICK: Your Honor, they've already been
17 admitted.

18 THE COURT: No, actually they're pending, 32
19 and -- 132 and 133 are pending.

20 So go ahead and show them to Ms. Rosenthal,
21 please.

22 BY MR. PRENGAMAN:

23 Q I'd like you to focus for the moment on 133.

24 Officer, does that 133 reflect the chain of custody form

1 that you filled out for the second set of blood samples
2 drawn by Mr. Gallagher?

3 A Yes.

4 Q The ones that we just observed him draw on your
5 body cam footage?

6 A Yes.

7 MR. PRENGAMAN: Your Honor, I move for the
8 admission of 133 into evidence.

9 THE COURT: Which is this second draw?

10 MR. PRENGAMAN: Yes, your Honor.

11 THE COURT: Ms. Rosenthal, any objection to 133?

12 MS. ROSENTHAL: No, your Honor.

13 THE COURT: Ms. Grosenick already indicated no
14 objection, so 133 is admitted.

15 (Exhibit 133 was admitted.)

16 MR. PRENGAMAN: Thank you, your Honor.

17 BY MR. PRENGAMAN:

18 Q Now, Officer, when was the third series of blood
19 draws taken?

20 A It was 9:47.

21 Q I'm going to advance on Exhibit 94 to
22 approximately 13 minutes 14 seconds -- 13 minutes and
23 10 seconds, then at 00:13:14, what is happening now?

24 A Preparing for the third and final blood draw.

1 (Video played.)

2 Q At about 00:15:16, what just occurred?

3 A Phlebotomist Gallagher turned the samples over to
4 me.

5 Q And then, again, as you did the previous times,
6 did you follow the same process for packaging and
7 labeling those two vials?

8 A Yes.

9 Q You used the sticker from -- sticker with a T
10 number from the form and placed that on those two vials?

11 A Yes.

12 (Video played.)

13 Q And then you packaged and sealed that in the bag
14 and the box as with the prior samples?

15 A Yes.

16 Q I'm going to ask you to look at Exhibit 132, and
17 is Exhibit 132 the chain of custody form which we just
18 saw a copy of the form from which we just saw you take
19 the two stickers and affix it to the third samples --
20 third set of samples?

21 A Yes.

22 Q And that is the chain of custody form that
23 reflects the draws from the 0947 set; correct?

24 A Yes.

1 MR. PRENGAMAN: Your Honor, move for the admission
2 Exhibit 132.

3 THE COURT: Ms. Rosenthal, 132?

4 MS. ROSENTHAL: No objection.

5 THE COURT: 132 is admitted.

6 (Exhibit 132 was admitted.)

7 MR. PRENGAMAN: Thank you, your Honor.

8 BY MR. PRENGAMAN:

9 Q I asked you before about the process for booking
10 those samples. So when you ultimately left -- just
11 approximately, how long did you stay at the hospital; do
12 you recall?

13 A I can't remember the approximate time but it felt
14 like at least an hour or so we were there.

15 Q At some point you were relieved by another police
16 officer?

17 A Yes.

18 Q After you were relieved, what did you do with
19 those three boxes that contained the three sets of
20 samples that you testified about?

21 A We transported them to the Washoe County Sheriff's
22 Office and booked them into the Washoe County Lab.

23 Q Did you do that following the process that you
24 described for us earlier, putting it in that secure box?

1 A Yes.

2 MR. PRENGAMAN: Thank you, Officer. I have no
3 further questions.

4 THE COURT: Thank you, Mr. Prengaman.
5 Ms. Grosenick?

6 MS. GROSENICK: Your Honor, permission to take a
7 recess?

8 THE COURT: Ladies and gentlemen of the jury,
9 we're going to take a 15- minute recess, then we'll
10 return. During this recess you must not discuss or
11 communicate with anyone, including fellow jurors, in any
12 way regarding the case or its merits by voice, phone,
13 email, texts, or internet or social media. You must not
14 read, watch or listen to any news media accounts or
15 commentary on this case, do any research, such as
16 consulting dictionaries, searching the internet, or use
17 reference materials, make any investigation, test a
18 theory of the case, recreate any aspect of case, or in
19 any other way investigate the case or learn about it on
20 your own. And must not form or express any opinion regarding
21 the case until it is submitted to you.

22 Deputy, go ahead and take the jury.

23 THE BAILIFF: Yes, your Honor.

24 All rise for the jury.

1 (At 2:05 p.m., jury exited.)

2 THE COURT: Thanks, counsel.

3 I'm now observing Juror 14. This is pervasive,
4 unable to keep her eyes open.

5 MS. GROSENICK: Your Honor, I did want to add -- I
6 wanted to add I think No. 15 has been nodding off as
7 well.

8 THE COURT: I have not observed that but I have
9 observed it on 14. I think we have the air turned up,
10 that's why the vents are making so much noise. I mean, I
11 don't want to suggest to you what you should do. We do
12 have three alternates. My policy is to keep one for
13 every week of the case. We're a-week-and-a-half into
14 this case.

15 It is possible to excuse the juror, and the way
16 I've done it, unrelated to this issue, was to have the
17 Jury Commissioner call the juror at home that evening and
18 just inform them, thank them for their service and
19 indicate then need not return the next day. If we did
20 that, we could move 15 up to 14's chair, so she would be
21 a little closer in the event that what you witnessed, Ms.
22 Grosenick, is in fact her losing focus.

23 We could talk about this at the end of the day or
24 we can resolve it now.

1 Mr. Prengaman?

2 MR. PRENGAMAN: Your Honor, I have not -- like the
3 court, I was not watching the jury. I don't know how
4 long it's been going on. It's late in the day, so maybe
5 this could be decided at a later time, so I don't know
6 that it's -- at least from my perspective, that it's
7 reached a point where at least the State would consider
8 stipulating to remove.

9 THE COURT: Okay. Ms. Grosenick, Ms. Hickman?

10 MR. PRENGAMAN: If I might, your Honor?

11 THE COURT: Go ahead.

12 MR. PRENGAMAN: I might just say, given where
13 we're at now, from my perspective, we are comfortable in
14 terms of the schedule.

15 THE COURT: Comfortable in terms of the schedule
16 of keeping two alternates at this point?

17 MR. PRENGAMAN: Comfortable in terms of our time.
18 In other words, my perception is it's -- it's -- I would
19 see myself likely finishing by the end of the week, if
20 not -- so I can't guarantee that, but just for the
21 court's information I think we are at a comfortable point
22 and I don't think we're behind. I might even suggest
23 given where we're at with this witness, finishing him and
24 going for the day, and then just see how it goes

1 tomorrow. If there's a problem tomorrow, that's
2 different than sort of an afternoon slump. I mean,
3 that's more of an issue.

4 THE COURT: My only concern right now, Mr.
5 Prengaman, like I said, I don't ordinarily look at the
6 jury but I am as a result of what was reported to me. I
7 can see it appears to be Juror No. 4 is looking at Juror
8 No. 14, and then looking at me. So I don't want what is
9 going on with 14 to be distracting to the other jurors.
10 Because a lot of times the chairs are turned toward the
11 camera and then take a look at what is going on on the
12 video screen, 14 doesn't turn back so the other jurors
13 are looking at her when you're speaking:

14 So Ms. Grosenick?

15 MS. GROSENICK: Your Honor, I would request that
16 we address this at the end of the day and how the next
17 portion goes. There may be other matters to address at
18 that time as well.

19 THE COURT: The thing is, as long as we don't
20 think it's distracting other jurors. So at the end of
21 the day, okay. Go ahead, Ms. Grosenick.

22 MS. GROSENICK: I apologize. Just to make a
23 record, I noticed Juror No. 8 I think is looking at Juror
24 No. 14, Ms. Stokely, so I do think that is a concern.

1 But I would like additional time to talk to my co-counsel
2 about that it.

3 THE COURT: Ms. Rosenthal? Mr. Picker?

4 MR. PICKER: Thank you, your Honor.

5 Because of where we're at, we're not really able
6 to see Juror 14 when she turns that way or even when
7 she's facing forward, but I would defer to the court
8 because we have no idea.

9 THE COURT: Thank you, Mr. Picker.

10 I'll wait until the end of the day and we'll take
11 it after we excuse the jury.

12 Mr. Prengaman?

13 MR. PRENGAMAN: I would suggest, given that the
14 distraction issue is an issue, I might suggest, again, I
15 have some witnesses but they're relatively short, and I
16 think if we were to end the day after this witness,
17 address whatever matters Ms. Grosenick might be talking
18 about, that might be the best thing under the
19 circumstances because we can address it. We won't be
20 moving on until 3:30 and that might be even more
21 distracting.

22 THE COURT: Couple of things, counsel, while I got
23 your attention.

24 First, Mr. Prengaman, I want you to keep in touch

1 with defense counsel about where your case is headed. If
2 there's a chance for them to get a witness or two in on
3 Friday or Thursday afternoon or whatever that might
4 happen, I want to use the efficient -- I want to use our
5 time most efficiently. So if you're coming up on the
6 last two witnesses, say, they need to know that so that
7 they can have a witness ready on hand.

8 Secondly, I issued an order regarding the jail
9 calls. I just want to make sure that defense counsel is
10 provided with versions of the calls pursuant to this
11 court's order so that they can review them well in
12 advance.

13 MR. PRENGAMAN: Your Honor, I did complete those
14 edits so I can get them a copy. The edits are done, I
15 just didn't -- I forgot. I meant to bring over a flash
16 drive this morning but I forgot. But they are completed
17 and I will do that.

18 THE COURT: Mr. Prengaman, is there a way to get
19 that flash drive to counsel today, maybe have someone --
20 give you a couple of minutes, someone from your office,
21 if you reach out now, and we can have it delivered.

22 MR. PRENGAMAN: If you're willing to do that, your
23 Honor, I'll just go over. It's going to be easier for me
24 to do it. So certainly if you would allow me at some

1 point, I'll certainly go over and -- it won't take long,
2 they're small files -- and I'll bring them over.

3 THE COURT: It's 2:10 right now -- well, 2:12, how
4 much time do you need? He could easily last an hour, so
5 we can let Officer Canterbury go.

6 MR. PRENGAMAN: I would suggest, your Honor, if we
7 just go forward with the officer, finish him, let -- I'm
8 sorry --

9 THE COURT: Then you go over.

10 MR. PRENGAMAN: Yes.

11 THE COURT: I like it, okay. Let's do this, to
12 give counsel and clients a few minutes, it's -- let's
13 start back at about 2:20.

14 (At 2:13 p.m., recess taken.)

15 THE BAILIFF: All rise for the jury.

16 THE COURT: Thank you, everyone, please be seated.
17 Ms. Grosenick?

18

19 +++ CROSS-EXAMINATION +++

20 BY MS. GROSENICK:

21 Q Officer, at the time of this incident you had been
22 employed with the Sparks Police Department for a couple
23 of four to five months?

24 A Yes.

1 Q And you had received training as part of your
2 employment?

3 A Yes.

4 Q And you were trained on how to take accident
5 photos?

6 A Yes.

7 Q And how to investigate -- how to investigate an
8 alleged crime scene?

9 A Yes.

10 Q And how to write a report?

11 A Yes.

12 Q And that training was fresh in your mind on
13 February 22nd, 2020?

14 A Yes.

15 Q Now, you were driving your vehicle; correct?

16 A Yes.

17 Q And that's your Sparks Police Department vehicle?

18 A Yes.

19 Q And your field training officer was in the vehicle
20 with you?

21 A Yes.

22 Q And that's Officer Sullivan?

23 A Yes.

24 Q And you did respond to the pursuit in this case?

1 A Yes.

2 Q But you were not there for the entire thing?

3 A That's correct.

4 Q Now, you did observe the PIT maneuver?

5 A Yes.

6 Q And that's -- at that point you were second in the
7 pursuit?

8 A Yes.

9 Q And at that point you were driving south on
10 Stanford?

11 A Yes.

12 Q And so you observed the truck begin to turn right
13 onto Victorian?

14 A Yes.

15 Q And that's where Officer Chambers used his vehicle
16 to hit the tail of the truck?

17 A Yes.

18 Q And that's what a PIT maneuver is; right?

19 A Yes. It's more of a push than a hit, yes.

20 Q But there's an impact there --

21 A Yes.

22 Q -- between the officer's vehicle and the vehicle
23 that you're trying to disable?

24 A Yes.

1 Q And the PIT was successful in that he did spin the
2 truck 180 degrees?

3 A Yes.

4 Q But the vehicle was not disabled?

5 A That's correct.

6 Q And the vehicle continued east on Victorian?

7 A Yes.

8 Q Now, you learned -- I believe you testified at
9 that point you were not able to catch up with the
10 vehicle?

11 A That's correct.

12 Q This is the white truck we're talking about?

13 A Yes.

14 Q Okay. So you did not follow that vehicle the
15 wrong way onto Interstate 80?

16 A I did not follow that vehicle, no.

17 Q Okay. And I think from what I heard of your
18 testimony, I believe what you said is you actually
19 started to go westbound on 80 first; is that right?

20 A Yes.

21 Q Okay. Because you were thinking if the truck got
22 to the end of the off-ramp and turned in the correct
23 direction you would be there?

24 A That's correct.

1 Q That's not what happened?

2 A No.

3 Q Okay. You heard about the accident?

4 A Yes.

5 Q And so you got off the interstate?

6 A Yes.

7 Q And got back onto the interstate?

8 A Yes.

9 Q Headed eastbound?

10 A Yes.

11 Q In the eastbound lanes?

12 A Yes.

13 Q Okay. Now, one of your roles in this case was to
14 ride with Mr. Williams in the ambulance to the hospital?

15 A Yes.

16 Q And you told -- you just testified that you
17 overheard Mr. Williams tell REMSA that he had consumed
18 alcohol?

19 A Yes.

20 Q And methamphetamine?

21 A Yes.

22 Q And he did not state how much alcohol he had
23 consumed?

24 A That is correct.

1 Q He did not state when he had consumed alcohol?

2 A That is correct.

3 Q He did not state how much meth he had consumed?

4 A That is correct.

5 Q He did not state when the last time was that he
6 had consumed meth?

7 A That is correct. At one point during the -- he
8 had stated he used alcohol or the meth question he had
9 quoted earlier.

10 Q But you're not sure which question?

11 A No, I can't remember off the top of my head.

12 Q The description of timing was *earlier*?

13 A Yes.

14 Q And he did not state that he was feeling the
15 effects of either drug?

16 A He did not state that, no.

17 Q Now, Mr. Williams was screaming and crying the
18 entire ride to the ambulance -- to the hospital?

19 A Yes.

20 Q And he appeared to be in extreme pain to you?

21 A Yes.

22 Q His left arm was injured?

23 A Yes.

24 Q And you could see that?

1 A Yes.

2 Q Both legs appeared to be injured?

3 A I can't testify as to what his injuries were other
4 than the ones I could see, which was his arm.

5 Q You wrote a report in this case?

6 A Yes. He had injuries that made it impossible for
7 him to walk because he was placed on the gurney
8 immediately, but I don't know exactly what his injuries
9 were.

10 Q Okay. You wrote a report; correct?

11 A Yes.

12 MS. GROSENICK: Permission to approach the
13 witness?

14 THE COURT: Yes.

15 BY MS. GROSENICK:

16 Q Now, you just testified here that you can't
17 testify as to what the injuries were regarding whether or
18 not his legs were injured; correct?

19 A Yes.

20 Q And -- you wrote in your report that due to Mr.
21 Williams' injuries, which included both his legs and his
22 left arm; correct?

23 A Yes.

24 Q And you were not able to obtain a blood sample

1 immediately upon arriving at the hospital?

2 A That's correct.

3 Q And upon arriving at the hospital, Mr. Williams
4 was immediately rushed in for medical treatment?

5 A That's correct.

6 Q Now, I want to talk to you about a couple of
7 exhibits that the State has admitted, 131, 132 and 133.

8 Now, this is Exhibit 131, which is the Toxicology
9 Evidence Submittal Form; correct?

10 A Yes.

11 Q And you filled out this form?

12 A Yes.

13 Q And this form goes to the Crime Lab; correct?

14 A That's correct.

15 Q To give the criminalist an idea of what they're
16 looking for; correct?

17 A Yes.

18 Q And what type of crime might be at issue?

19 A Yes.

20 Q And you have the option of checking off all that
21 apply as far as the type of case?

22 A Yes.

23 Q And you, in fact, filled out three of these forms,
24 131, 132, and 133?

1 A Yes.

2 Q You checked off *DUI ethanol*; correct?

3 A Yes.

4 Q And that's what was suspected?

5 A Yes.

6 Q And ethanol is the scientific word for alcohol?

7 A Yes.

8 Q You checked off *DUI drugs*?

9 A Yes.

10 Q You checked off *Felony*?

11 A Yes.

12 Q You checked off *Accident*?

13 A Yes.

14 Q You did not check off *Homicide*?

15 A That's correct.

16 Q And you did the same thing on Exhibits 132 and
17 133; correct?

18 A Yes.

19 Q All right. Now, we saw you -- we saw some camera
20 footage of you in the ambulance?

21 A Yes.

22 Q And during that time, you took possession of a
23 wallet?

24 A Yes.

1 Q And that is a wallet that you believe came from
2 Mr. Williams' person?

3 A Yes.

4 Q In fact, it did have Mr. Williams' identification
5 inside of it?

6 A Yes.

7 Q Now, you did not find anything in that wallet that
8 you could identify as belonging to Steven Sims?

9 A No.

10 Q And you did not locate any cash in that wallet?

11 A No.

12 Q You did not locate any Social Security cards in
13 that wallet?

14 A No.

15 Q And you did not locate any photos of Steven Sims
16 with his family in that wallet?

17 A No.

18 MS. GROSENICK: No further questions.

19 THE COURT: Thank you, Ms. Grosenick.

20 Ms. Rosenthal?

21 MS. ROSENTHAL: Your Honor, we have no questions
22 for this witness.

23 THE COURT: Thank you, Ms. Rosenthal.

24 Mr. Prengaman, redirect?

1 MR. PRENGAMAN: Thank you, your Honor.

2

3 +++ REDIRECT EXAMINATION +++

4 BY MR. PRENGAMAN:

5 Q Officer, were you the one that arrested Defendant
6 Williams?

7 A No.

8 Q And when an arrest is made, is there an official
9 document that is completed that lists the charges that
10 the defendant is being arrested for?

11 A Yes.

12 Q So did you fill out that document in this case?

13 A No.

14 Q So you were not the one that determined what the
15 charges were when the defendant was arrested?

16 A That's correct.

17 MR. PRENGAMAN: Thank you. No further questions.

18 THE COURT: Ms. Grosenick?

19 MS. GROSENICK: No further questions.

20 THE COURT: Thank you so much.

21 Officer Canterbury, thank you so much, sir. You
22 are excused.

23 Ladies and gentlemen, this is where we take our
24 afternoon/evening recess and end your participation for

1 today and see you tomorrow.

2 During your afternoon and evening recess you must
3 not discuss or communicate with anyone, including fellow
4 jurors, in any way regarding the case or its merits
5 either by voice, phone, email, text, internet, or other
6 means of communication or social media. You must not
7 read, watch or listen to any media accounts or commentary
8 on the case.

9 You must not do any research, such as consult a
10 dictionary, using the internet, or other reference
11 materials. And you must not make any investigation, test
12 a theory of the case, recreate any aspect of the case, or
13 in any other way investigate or learn about the case on
14 your own.

15 You must not form or express any opinion regarding
16 the case until it is submitted to you.

17 Thank you so much. Enjoy your evening. See you
18 tomorrow morning at 8:00 a.m.

19 Deputy Wood, I will remain.

20 THE BAILIFF: Yes, your Honor.

21 All rise for the jury.

22 (At 2:38 p.m., jury excused.)

23 THE COURT: I can't see which deputy that is in
24 the far corner. Deputy Finn?

1 Deputy Finn, can you and your colleagues make sure
2 those doors in the back of the courtroom remain closed
3 while we continue to discuss the case?

4 DEPUTY FINN: Absolutely.

5 THE COURT: Mr. Prengaman, let's start with your
6 list of witnesses for tomorrow.

7 MR. PRENGAMAN: Your Honor, I would continue with
8 the list previously stated: Martini, Gallagher,
9 Pirtle --

10 THE COURT: What is the third one?

11 MR. PRENGAMAN: Pirtle.

12 THE COURT: Spell it for me.

13 MR. PRENGAMAN: P-I-R-T-L-E.

14 THE COURT: Okay.

15 MR. PRENGAMAN: Zac Moore. Then I would move
16 to --

17 THE COURT: You had Dominguez on your list
18 yesterday, is that no longer --

19 MR. PRENGAMAN: Actually, I have a question. So
20 maybe possibly, possibly not.

21 Dion-Smyczek.

22 THE COURT: Spell it for me.

23 MR. PRENGAMAN: D-I-O-N, hyphen, S-M-Y-C-Z-E-K.

24 Rudy Bein. Rachelle Woodard.

1 THE COURT: Woodard?

2 MR. PRENGAMAN: Yes, your Honor.

3 MR. PICKER: I'm sorry, your Honor, the one right
4 before Woodard, I missed that.

5 THE COURT: Dion-Smyczek. It's a hyphenated name.
6 Last name is D-I-O-N, hyphen, S-M, as in *Mary*, Y-C, as in
7 *Charles*, Z as in *zebra*, E-K.

8 MR. PICKER: Actually I got that one, your Honor.
9 I thought there was another one.

10 MR. PRENGAMAN: Rudy Bein.

11 THE COURT: Who is that?

12 MR. PRENGAMAN: Rudy Bein, spelled B-E-I-N.

13 THE COURT: Again.

14 MR. PRENGAMAN: B-E-I-N.

15 THE COURT: Okay.

16 MR. PRENGAMAN: Michelle Woodard.

17 THE COURT: So I have Martini, potentially
18 Dominguez, Gallagher, Pirtle, Moore, Dion-Smyczek,
19 Woodward, and -- Bein may come before Dion-Smyczek or
20 Woodard.

21 B-E-I-N?

22 MR. PRENGAMAN: Yes.

23 THE COURT: Anyone else?

24 MR. PRENGAMAN: So potentially -- the list goes

1 on. Potentially, Egami, Zendejas, if we got that far.

2 THE COURT: Again, is it *Egami*? Spell that for
3 me.

4 MR. PRENGAMAN: Egami is E-G-A-M-I.

5 THE COURT: Egami. Go ahead. Next?

6 MR. PRENGAMAN: Zendejas. That order might change
7 a little bit in the scheduling, but that would be --

8 THE COURT: Anyone else?

9 MR. PRENGAMAN: Potentially have -- I mean, I
10 would move on to McNett, Harris --

11 THE COURT: Harris?

12 MR. PRENGAMAN: Harris. That goes well beyond
13 tomorrow.

14 THE COURT: I did not hear you.

15 MR. PRENGAMAN: I just said, your Honor, I think
16 that goes well beyond where we can get tomorrow.

17 THE COURT: You had a name before Harris. Dyette
18 D-Y-E-T-T-E.

19 MR. PRENGAMAN: McNett. It's M-C-N-E-T-T.

20 THE COURT: Okay. Thank you.

21 Okay. Counsel -- Ms. Hickman, Ms. Grosenick,
22 anything on your list?

23 MS. HICKMAN: Just to circle back to Juror No. 14
24 we would ask for her to be excused. I think everyone

1 observed her today and, for whatever reason, she missed a
2 significant portion of the testimony today. It wasn't
3 just a small part of the day, it was very significant
4 parts of the day. For her personally she missed that
5 testimony. And then it does appear as though it is
6 distracting to other jurors so it's taking away from
7 their ability to focus. So we would ask that she be
8 excused.

9 THE COURT: Okay. Ms. Hickman, if I was inclined
10 to excuse her, I would propose to move 15 up to the 14
11 seat just so she's closer.

12 MS. HICKMAN: That makes sense.

13 THE COURT: That's Juror -- okay.

14 Ms. Rosenthal? Mr. Picker?

15 MR. PICKER: Thank you, your Honor. We'll join
16 with that.

17 THE COURT: Mr. Prengaman?

18 MR. PRENGAMAN: Your Honor, I think that's
19 extreme. I don't -- at least -- I don't recall hearing
20 the magnitude that it was just expressed. I don't know
21 how long -- it was observed, it didn't sound to me
22 earlier when we were talking about it like it was
23 observed all day. That's what I heard. The description
24 wasn't -- it sounded like it had been in the afternoon.

1 I don't believe that I -- at least from the State's
2 perspective, I haven't heard any sort of record
3 established that it would be that extreme that excusing a
4 juror is warranted.

5 I would suggest if the court is considering that
6 to potentially canvass her, ask her if she missed
7 substantial portions. I think that's something to
8 consider before going to that extreme measure just based
9 on what, at least, again, I've heard, I think, the
10 observations, we've heard there were the earlier ones
11 from the early afternoon and then what the court observed
12 at the very end of today.

13 THE COURT: I'll make a record. It's my
14 understanding is that the court reporter made a signal to
15 me that it was an issue. I didn't understand that to be
16 the case, because at the same time one of the deputies
17 was approaching Mr. Prengaman and I thought that's what
18 she was leaning in for. I didn't understand that.

19 But Ms. Prengaman is right, it's only been either
20 late morning -- and we don't spend a lot of time here in
21 the afternoon, so early afternoon. And it is distracting
22 the other jurors. The only juror I saw looking at her at
23 one point, which was a brief glance but definitely
24 observed, was Juror Geyer, Juror No. 4. But I think

1 counsel has also told me that maybe Juror No. 8,
2 Ms. Stokely, may have been looking at her, Ms. Grosenick,
3 according to you.

4 MS. GROSENICK: That's correct, your Honor. I did
5 see Juror 8 looking at Juror No. 14 as she was nodding
6 off.

7 I also want to state for the record my observation
8 as to that is that it wasn't just occasional. In
9 addition, she seemed to be sleeping the entire time. She
10 occasionally would bring her head up like she was trying
11 to wake herself up but then it would fall down again. So
12 I guess I do disagree with the State that it wasn't a
13 significant portion of the testimony. It was the entire
14 time Officer Canterbury was testifying.

15 THE COURT: To Mr. Prengaman's credit, he's
16 actually been doing most of the questioning today and so
17 he would be looking at witnesses and not at the jurors as
18 much as some of the other participants in court today.

19 I think everything that happens in this courtroom,
20 whether it's a sentence, a paragraph, cross-examination,
21 full examination of a witness is incredibly important to
22 everybody on this case. It's my observation of Juror No.
23 14 that she missed some things today, no doubt about it.
24 And, accordingly, I'm going to excuse her.

1 Counsel, like I said, I typically have the Jury
2 Commissioner just contact her, call her this evening, and
3 thank her for her services, and tell her she will not
4 return.

5 Mr. Prengaman, knowing that the court is excusing
6 her, any objection to that approach?

7 MR. PRENGAMAN: I'm sorry, your Honor, given that
8 the court is excusing her --

9 THE COURT: I'm excusing her, and the way I've
10 done this historically is to have the Jury Commissioner
11 call her.

12 MR. PRENGAMAN: No, your Honor.

13 THE COURT: Ms. Grosenick? Ms. Hickman?

14 MS. HICKMAN: No objection.

15 THE COURT: Ms. Rosenthal, Mr. Picker, any
16 objection?

17 MR. PICKER: No, your Honor.

18 THE COURT: Okay. That's what we'll do then.

19 Ms. Lux, if you could please let Ms. Lane know to
20 reach out to Juror 14, Barbara Holt, and thank her for
21 her services.

22 THE CLERK: Yes, your Honor.

23 THE COURT: Counsel anything else before we recess
24 for the evening?

1 MS. GROSENICK: No, your Honor.

2 THE COURT: Thank you.

3 Ms. Rosenthal? Mr. Picker?

4 MR. PICKER: Just, your Honor, if Mr. Prengaman is
5 going to go get those flash drives, if he'll just let us
6 know when he's on his way over to 350 South Center, we
7 can meet him downstairs. It may take him some time, that
8 way we can return to our offices.

9 THE COURT: I think Mr. Prengaman was going to go
10 over and come right back here to the courtroom,
11 Mr. Picker. So if you won't mind waiting here, we'll
12 save everybody the trip.

13 MR. PICKER: That's fine.

14 THE COURT: Thank you so much, counsel.

15 Just as we move through this case, I want to thank
16 you all for the work you're doing, the way you're doing
17 it, and enjoy your evening. Thank you so much.

18 (At 2:48 p.m.; court adjourned.)

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1 STATE OF NEVADA)
) ss.
 2 COUNTY OF WASHOE)
 3

4 I, ERIN T. FERRETTO, an Official Reporter
 5 of the Second Judicial District Court of the State of
 6 Nevada, in and for the County of Washoe, DO HEREBY
 7 CERTIFY:

8 That I was present in Department No. 1 of
 9 the above-entitled Court on WEDNESDAY, APRIL 21ST, 2021,
 10 and took verbatim stenotype notes of the proceedings had
 11 upon the matter captioned within, and thereafter
 12 transcribed them into typewriting as herein appears;

13 That the foregoing transcript is a full,
 14 true and correct transcription of my stenotype notes of
 15 said proceedings.

16 That I am not related to or employed by any
 17 parties or attorneys herein, nor financially interested
 18 in the outcome of these proceedings.
 19

20 DATED: This 9th day of August, 2021.
 21

22 */s/ Erin T. Ferretto*

23 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. ERIN T. FERRETTO, CCR #281

24 By: ALICIA L. LERUD, Clerk of the Second
 Judicial District Court, in and for the County of
 Washoe.

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