

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 SEVEN

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TABLE OF CONTENTS

1.	Amended Judgment of Conviction <u>filed</u> on	1JA 243
2.	Information <u>filed</u> on June 19, 2020	1JA 1
3.	Judgment of Acquittal and Notice <u>filed</u> on July 26, 2021 .	1JA 238
4.	Judgment of Conviction <u>filed</u> on July 26, 2021	1JA 235
5.	Jury Instructions (1-64) <u>filed</u> on April 29, 2021	1JA 154
6.	Motion in Limine Re: Other Act Evidence <u>filed</u> on November 9, 2020	1JA 12
7.	Notice of Appeal <u>filed</u> on August 23, 2021	1JA 241
8.	Opposition to Defendant's Motion in Limine Re: Other Act Evidence <u>filed</u> on November 21, 2020	1JA 23
9.	Opposition to State's Request for Hearing Re: Admission of Other Acts Evidence Regarding Defendant Williams' Prior Handgun Possession <u>filed</u> on December 1, 2020	1JA 35
10.	Order Granting Motion in Limine Re: Other Act Evidence <u>filed</u> on December 3, 2020	1JA 31
11.	Order Granting State's Motion Concerning the Admission of Defendant Williams' Prior Handgun Possession <u>filed</u> on February 18, 2021	1JA 143
12.	Reply in Support of Motion in Limine Re: Other Act Evidence <u>filed</u> on November 30, 2020	1JA 28
13.	Request for Hearing Re: Admission of Other Acts Evidence Regarding Defendant Williams' Prior Handgun Possession <u>filed</u> on November 19, 2020	1JA 16

14.	Transcript of Proceedings: Pretrial Motions <i>held</i> on January 25, 2021	1JA 44
15.	Transcript of Proceedings: Trial Day 4 <i>held</i> on April 15, 2021, <u>filed</u> on September 22, 2021	2JA 246
16.	Transcript of Proceedings: Trial Day 5 <i>held</i> on April 16, 2021, <u>filed</u> on September 19, 2021	3JA 317
17.	Transcript of Proceedings: Trial Day 5 <i>held</i> on April 16, 2021, <u>filed</u> on September 1, 2021	3JA 519
18.	Transcript of Proceedings: Trial Day 6 <i>held</i> on April 19, 2021	4JA 585
19.	Transcript of Proceedings: Trial Day 7 <i>held</i> on April 20, 2021, <u>filed</u> on September 1, 2021	5JA 779
20.	Transcript of Proceedings: Trial Day 8 <i>held</i> on April 21, 2021, <u>filed</u> on September 20, 2021	6JA 955
21.	Transcript of Proceedings: Trial Day 9 <i>held</i> on April 22, 2021	7JA 1160
22.	Transcript of Proceedings: Trial Day 10 <i>held</i> on April 23, 2021, <u>filed</u> on September 9, 2021	8JA 1388
23.	Transcript of Proceedings: Trial Day 11 <i>held</i> on April 26, 2021, <u>filed</u> on September 15, 2021	9JA 1609
24.	Transcript of Proceedings: Trial Day 12 <i>held</i> on April 27, 2021, <u>filed</u> on September 22, 2021	10JA 1869
25.	Transcript of Proceedings: Trial Day 13 <i>held</i> on April 28, 2021	10JA 2041
26.	Transcript of Proceedings: Trial Day 14 <i>held</i> on April 29, 2021, <u>filed</u> on September 1, 2021	10JA 2061

27. Verdict <u>filed</u> on April 29, 2021 (Count I)	1JA 229
28. Verdict <u>filed</u> on April 29, 2021 (Count II)	1JA 230
29. Verdict <u>filed</u> on April 29, 2021 (Count III)	1JA 231
30. Verdict <u>filed</u> on April 29, 2021 (Count V)	1JA 232
31. Verdict <u>filed</u> on April 29, 2021 (Count VI)	1JA 233
32. Verdict <u>filed</u> on April 29, 2021 (Count VII)	1JA 234

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6 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

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IN AND FOR THE COUNTY OF WASHOE

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THE HONORABLE KATHLEEN DRAKULICH, DISTRICT JUDGE

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STATE OF NEVADA,

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Case No. CR20-0630 A&B

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Dept. No. 1

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Plaintiff,

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vs.

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TRANSCRIPT OF PROCEEDINGS

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ADRIANNA MARIE NORMAN, (A)

)

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RYAN WILLIAMS, (B)

)

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Defendants.

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JURY TRIAL - DAY 9

17

APRIL 22, 2021, RENO, NEVADA

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1	INDEX		
2	EXAMINATION	DIRECT CROSS REDIRECT RECROSS	
3	For the State:		
4	THE WITNESS: AARON MARTINI		
5	By Mr. Prengaman	6	
6	THE WITNESS: DANEA PIRTLE		
7	By Mr. Prengaman	16	
8	By Ms. Hickman		26
9	By Mr. Picker		28
10	THE WITNESS: MATTHEW GALLAGHER		
11	By Mr. Prengaman	33	
12	THE WITNESS: TROOPER ZAC MOORE		
13	By Mr. Prengaman	42	
14	By Ms. Grosenick		51
15	By Mr. Picker		55
16	THE WITNESS: SAYER DION-SYMCZEK		
17	By Mr. Prengaman	59	121
18	By Ms. Hickman	97	124
19	By Mr. Picker	118	126
20	THE WITNESS: RUDOLPH BEIN		
21	By Mr. Prengaman	130	
22	THE WITNESS: RACHELLE WOODARD		
23	By Mr. Prengaman	136	166
24	By Ms. Grosenick	159	

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

INDEX

EXAMINATION DIRECT CROSS REDIRECT RECROSS

THE WITNESS: RACHELLE WOODARD

By Ms. Rosenthal 172

THE WITNESS: HENRY MCNETT, M.D.

By Mr. Prengaman 175

By Ms. Hickman 190

THE WITNESS: ADAM HARRIS

By Mr. Prengaman 192

EXHIBITS MARKED ADMITTED

Exhibit 22 - Photograph 11

Exhibits 107&121 Photographs..... 14

Exhibit 26 - Photograph 22

Exhibit 84 - Photograph 26

Exhibit 28 - Photograph 47

Exhibit 27 - Photograph 64

Exhibits 29-32 - Photographs..... 65

Exhibits 38&39- Photographs..... 66

Exhibit 42, 43&45 - Photographs 67

Exhibit 48, 49, 50-52 - Photographs..... 68

Exhibit 62, 66-70 - Photographs..... 68

Exhibit 219, 220, 222-226 - Photographs... 76

Exhibit 227 - Photograph 100

Exhibit 85-89 - Photographs..... 134

Exhibit 91, 92 - Photographs 183

1 RENO, NEVADA; THURSDAY, APRIL 22, 2021; 8:08 A.M.

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4 THE COURT: Ladies and Gentlemen, welcome
5 back. I hope you had a good evening,

6 Mr. Prengaman, your next witness.

7 MR. PRENGAMAN: Thank you, your Honor. The
8 State will call Aaron Martini.

9 COURT CLERK: Sir, please raise your right
10 hand.

11 AARON MARTINI,
12 called as a witness herein, being first
13 duly sworn, was examined and testified
14 as follows:

15 COURT CLERK: Thank you.

16 DEPUTY WOOD: Please take the stand.

17 THE COURT: Good morning, Mr. Martini.

18 THE WITNESS: Good morning.

19 THE COURT: How are you?

20 THE WITNESS: I'm well.

21 THE COURT: You can testify without your mask
22 but I can also offer a face shield.

23 THE WITNESS: I'm okay.

24 THE COURT: Are you okay?

1 Mr. Prengaman.

2 MR. PRENGAMAN: Thank you, your Honor.

3 DIRECT EXAMINATION

4 BY MR. PRENGAMAN:

5 Q Could you please tell us your name?

6 A Aaron Martini.

7 Q And would you spell your last name for our
8 court reporter?

9 A M-a-r-t-i-n-i.

10 Q And Mr. Martini, what's your occupation?

11 A I'm a paramedic.

12 Q And who do you work for?

13 A REMSA.

14 MS. ROSENTHAL: Your Honor, I don't believe
15 his mic is on.

16 THE COURT: There you go. Thank you. There
17 it is

18 THE WITNESS: Is that an option?

19 BY MR. PRENGAMAN:

20 Q Mr. Martini, I'll just back up and ask you
21 the last couple questions so everyone can hear.

22 Mr. Martini, what do you do for a living?

23 A I'm a paramedic.

24 Q And who do you work for?

1 A REMSA.

2 Q And how long have you worked as a paramedic
3 for REMSA?

4 A Two years.

5 Q And do you have some relevant training in
6 terms of paramedic-type training prior to?

7 A Absolutely.

8 Q Can you briefly describe that, please.

9 A Paramedic training is a year-long process of
10 school and internship followed by a --

11 THE COURT: A little closer?

12 THE WITNESS: Training program for the company
13 itself we do what's call an internship training for
14 paramedic where you work with another paramedic and
15 train until you're field qualified by a training
16 officer.

17 BY MR. PRENGAMAN:

18 Q And again, just briefly, could you describe
19 for us what your general duties are as a medic for
20 REMSA?

21 A Respond to emergency calls, respond to calls
22 for service, anything from taking a phone call, just
23 falling off the ground to traumatic cases.

24 Q And Mr. Martini, taking you back to February

1 22nd of last year, 2020, on that day in the morning, did
2 you respond to a call service near the area of
3 Interstate 80 east of East McCarran Boulevard?

4 A I did.

5 Q And -- and can you describe for us when you
6 responded to that call what's the general area of that
7 you went to to begin your -- to begin your response
8 origin attempting to enter?

9 A We responded from approximately middle of
10 Rock, came up McCarran, there was a three-way accident.
11 So I got on McCarran eastbound at McCarran exit there,
12 pulled up next to the scene on the other side of the
13 freeway divider.

14 Q And when you got there, describe for us that
15 initial scene that you saw.

16 A As I pulled up we saw two vehicles in a
17 collision, as I pulled up next to the barrier, I do see
18 the Sparks Fire Department was doing some CPR on one
19 victim, couldn't see over the barrier until with the
20 ambulance at that point we saw that there was one truck
21 with the CPR being performed, two victims on the
22 driver's side of the truck on the ground.

23 Q What did you do next?

24 A So we take -- in a case with multiple

1 patients you kind of set a triage so I had my partner
2 direct my -- pardon me -- directed my partner to a --
3 I directed my partner to the two victims that were on
4 the side of the truck prioritizing the individual that
5 was in cardiac arrest and began to render aid and
6 evaluate the patient.

7 Q I'm going to show you now first Exhibit
8 Number 7. And do you recognize this as a scene response
9 that you testified about?

10 A I do.

11 Q And the -- are you able to look at Exhibit 7
12 to see the individual that you described as being the
13 first priority?

14 A He would be right in front of the Jeep there
15 where we're all hunched around him against the in
16 particular, but I see us all there.

17 Q Now, I can --I'll trying to zoom in and
18 actually you can -- if you press on that monitor you can
19 actually draw and so let me try to zoom in a little so
20 you can get a little closer to that area.

21 Zooming in on Exhibit 7, can you see the area
22 a little better?

23 A I can.

24 Q And could you circle that person that you

1 described as your first priority? Are you actually able
2 to see yourself in the photograph?

3 A (Witness is marking Exhibit 7.)

4 Q Describe -- and then the individuals that you
5 directed your partner toward, generally where are they
6 as we look at this photo. They would have been on the
7 driver's side of that truck.

8 A Yeah.

9 Q Ultimately, so you individually circled that,
10 we see you rendering aid to the individual, how is he
11 ultimately identified while you were there?

12 A Can you repeat the question?

13 Q How -- while you were there at the scene was
14 that individual that you just circled by name, did you
15 learn a name?

16 A I did. I was eventually given an ID. I
17 can't remember if it was Nevada Highway Patrol or Sparks
18 Police, but I was given ID for the patient.

19 Q I'm going to show you now Exhibit 22 for
20 identification.

21 THE COURT: Counsel, show it to defense
22 counsel first, please.

23 BY MR. PRENGAMAN:

24 Q Do you recognize what's depicted here?

1 A I do.

2 Q And does this show the photo ID that you
3 utilized to provide a name to the victim you were
4 administering?

5 A The driver's license, yes.

6 Q And did the photo and ID match the face of
7 the man that you were rendering aid to?

8 A It did.

9 MR. PRENGAMAN: Your Honor, I move for
10 admission of Exhibit 22.

11 THE COURT: Ms. Rosenthal.

12 MS. ROSENTHAL: Just one question. Mr.
13 Martini, did you take that photograph?

14 THE WITNESS: I did not.

15 MS. ROSENTHAL: No objection, your Honor.

16 THE COURT: Thank you so much. Ms. Grosenick.

17 MS. GROSENICK: No objection, your Honor.

18 THE COURT: 22 is in.

19 MR. PRENGAMAN: Thank you, your Honor.

20 (Exhibit 22 is admitted into evidence.)

21 BY MR. PRENGAMAN:

22 Q So showing you Exhibit 22, is that identified
23 as the victim, Jacob Edwards; is that correct?

24 A That is correct.

1 Q And describe for us, if you would, when you
2 first got to Mr. Edwards what -- what was his condition?
3 What did you observe in terms of his condition
4 physically?

5 A I noticed that while CPR was in progress by
6 Sparks Fire Department, began assessment of the patient.
7 He had no pulse, no respirations, no signs of life. We
8 attempted resuscitation as appropriate per protocols.

9 Q And you say per your protocols, you continued
10 to provide aid for sometime just to try to see if you
11 could resuscitate him.

12 A Correct.

13 Q Did you ever -- and while doing that did you
14 ever see any signs of life?

15 A I did not, no.

16 Q Ultimately was Mr. Edwards pronounced dead at
17 the scene?

18 A He was, yes.

19 Q I'm going to show you now just briefly
20 Exhibit 20 and ask you if this photograph -- this is
21 Exhibit 20 that we had admitted in evidence. Ask you if
22 this paragraph depicts Mr. Edwards after life-saving the
23 effort as he appeared on the scene?

24 A That is.

1 Q That's him.

2 A That's him.

3 Q I'm going to show you now Exhibit 121 for
4 identification and 107 for identification.

5 MS. ROSENTHAL: Could you repeat those
6 numbers?

7 MR. PRENGAMAN: 121 and 107.

8 MS. HICKMAN: Can I see those?

9 BY MR. PRENGAMAN:

10 Q With regard to Exhibit 121, is that a
11 close-up photo, identification-type photo of Mr.
12 Edwards?

13 A It is, yes.

14 Q And then -- and again, does that depict how
15 he appeared that day when you saw him at the scene?

16 A It does, yes.

17 Q Then as to Exhibit 107, is that the medical
18 record that documented your treatment of Mr. Edwards at
19 the scene?

20 A It is, yes.

21 MR. PRENGAMAN: Your Honor, I'd move for the
22 admission of 121 and 107.

23 THE COURT: Ms. Hickman.

24 MS. HICKMAN: No objection.

1 THE COURT: Ms. Rosenthal.

2 MS. ROSENTHAL: No objection.

3 THE COURT: 107 and 121 are in.

4 (Exhibits 107 & 121 are admitted into
5 evidence.)

6 BY MR. PRENGAMAN:

7 Q Mr. Martini, once you -- once Mr. Edward had
8 been declared deceased did you have any other duties at
9 this particular scene?

10 A At this point once he's declared deceased we
11 continue with triage and getting the other patients off
12 the scene. They were involved in the same accident and
13 prior transferred to --

14 THE COURT: A little closer. Say again?

15 THE WITNESS: Yes. I moved from -- continuing
16 triage and getting other patients transported for prior
17 to transport to the hospital due to the fact they were
18 in the same high-speed motor vehicle collision.

19 MR. PRENGAMAN: Thank you very much, Mr.
20 Martini. I have no further questions.

21 THE COURT: Thank you, Mr. Prengaman. Ms.
22 Hickman.

23 MS. HICKMAN: Thank you, your Honor. I have
24 no questions.

1 THE COURT: Thank you so much. Ms. Rosenthal.

2 MS. ROSENTHAL: No questions for this witness,
3 your Honor.

4 THE COURT: Thank you so much. Mr. Martini,
5 thank you so much for your testimony today. You are
6 excused.

7 THE WITNESS: Thank you.

8 THE COURT: Mr. Prengaman.

9 MR. PRENGAMAN: State will call Danae Pirtle.

10 DEPUTY WOOD: If you'll stand here, face the
11 clerk, please.

12 COURT Clerk: Ma'am, please raise your right
13 hand.

14 DANA E PIRTLE,
15 called as a witness herein, being first
16 duly sworn, was examined and testified
17 as follows:

18 COURT CLERK: Thank you.

19 THE COURT: Good morning.

20 THE WITNESS: Good morning.

21 THE COURT: If you're comfortable testifying
22 without the mask you can do so. We can -- also you're
23 behind the Plexiglas but I can provide a face shield if
24 you're more comfortable.

1 THE WITNESS: I'm good, thank you.

2 THE COURT: Good.

3 DIRECT EXAMINATION

4 BY MR. PRENGAMAN:

5 Q Good morning.

6 A Good morning.

7 Q Could you please tell us your name and spell
8 your first and last name for the court reporter?

9 A Of course. My name is Dana Pirtle,
10 D-a-n-e-a P-i-r-t-l-e.

11 Q And Mr. Pirtle, what is your occupation?

12 A I am a medical/legal death investigator and
13 technician for the Washoe County Regional Medical
14 Examiner's Office.

15 Q And could you just briefly outline for us
16 what the duties and responsibilities are for as your
17 position?

18 A Of course. When a death occurs within our
19 jurisdiction we're notified by law enforcement, and an
20 investigator such as myself will respond to the death
21 scene and perform an investigation which would include
22 body examination, as well as a scene investigation to
23 help determine the cause and manner of death.

24 Q And then does that frequently involve a chain

1 of custody aspect for the body of the decedent?

2 A Yes.

3 Q And can you outline what that aspect, that
4 chain of custody aspect would be, please?

5 A Yes. So once we arrive on scene after we
6 perform our body examination, we place the body in a
7 body bag and we then seal that body bag with a special
8 seal with a specific identification number. The body is
9 then transported by a funeral home to our office where
10 again that seal number is documented.

11 Q Ms. Pirtle, taking you back to the morning --
12 or the day of February 22nd, 2020, on that day were you
13 doing your capacity as an investigator for the office?

14 A Yes.

15 Q Were you asked to respond to a collision
16 scene on Interstate 80?

17 A Yes. We were notified by the Nevada Highway
18 Patrol of an accident to which I did respond.

19 Q And do you recall about what time of day you
20 arrived at that scene?

21 A It was a little after 9:30 a.m., I believe.

22 Q Now, we have on the monitor what's been
23 admitted as Exhibit 7. And do you recognize the general
24 scene there?

1 A Yes.

2 Q Now, when you got there, would it be fair to
3 say there were -- well, let me ask it this way. Did
4 there appear to be any people involved in the collision
5 still on the scene?

6 A Just the decedent at that point.

7 Q And in this photograph, Exhibit 7, do you see
8 where -- are you able to see the decedent who you just
9 testified about?

10 A Yes.

11 Q And if you'd touch that monitor you can draw
12 on it, and you have to press kind of firmly, but are you
13 able just to circle just the general area of that scene?

14 A (Witness circling exhibit.)

15 Q And when you got there, was this still the
16 crime scene?

17 A Yes.

18 Q And was it still being maintained by law
19 enforcement officers?

20 A Yes. At that point all of the westbound
21 lanes were still shut down so I did have to be admitted
22 to the scene by an escort.

23 Q And at the time you got there were there --
24 other than the highway patrol officers or troopers, were

1 there any medics or fire, fire personnel still on the
2 scene?

3 A No, not at that point. I just believe some
4 Nevada -- NDOT I believe was on scene just to maintain
5 the highway.

6 Q Now, in Exhibit 7, I'm just going to zoom
7 out. As we're looking at the photo on the left side, do
8 you see a semi truck?

9 A Yes.

10 Q Do you recall if that was still there when
11 you got there?

12 A No, it was not.

13 Q I'm going to show you what we've marked for
14 identification as Exhibits 25 and 26.

15 I'm showing defense counsel for the record.

16 BY MR. PRENGAMAN:

17 Q And Ms. Pirtle, looking at those exhibits, do
18 those photos show the scene that you responded to in
19 terms of who was there and the vehicles there closer to
20 how it was when you got there?

21 A Yes.

22 Q And did they -- are you still able to see
23 where the decedent was when you got there?

24 A Yes. He's underneath the yellow tarp.

1 Q And with that, when you arrived was that
2 yellow tarp over him?

3 A Yes.

4 MR. PRENGAMAN: Your Honor, I move admission
5 of 25 and 26.

6 THE COURT: Ms. Rosenthal.

7 MR. PICKER: Actually, this one's mine.

8 THE COURT: Mr. Picker.

9 MR. PICKER: I believe that Exhibit 25 is
10 already -- is already admitted, and I have not seen 26.
11 I have not been shown that.

12 THE COURT: Thank you, Mr. Picker. 25 is
13 already in. 26, Mr. Prengaman can you provide it to Mr.
14 Picker? Mr. Picker, 26.

15 MR. PICKER: Your Honor, just a couple of
16 questions.

17 BY MR. PICKER:

18 Q Good morning, Ms. Pirtle.

19 A Good morning.

20 Q The photograph that you've just been shown,
21 Exhibit 26, you weren't in control of whatever entity or
22 vehicle took that photo, were you?

23 A No.

24 Q Okay. You didn't take any overall photos of

1 that scene?

2 A We do take photos, yes.

3 Q Okay. But that is not one of them.

4 A That is not one of them.

5 Q Have you ever seen that photo before?

6 A Not that exact photo.

7 THE COURT: I'm sorry?

8 THE WITNESS: No, I don't believe, not that
9 exact photo.

10 BY MR. PICKER:

11 Q And do you know what time that photo was
12 taken?

13 A I do not know.

14 Q Okay. But it looks like the area when you
15 arrived or while you were there.

16 A Oh, when I arrived and while I was there,
17 yes.

18 Q Okay. Nothing has been moved in that
19 photograph -- well, from when you were there.

20 A No, it doesn't look like it. That's 00 when
21 I arrived on scene that's what I saw.

22 MR. PICKER: Thank you. Thank you, your
23 Honor. No objection.

24 THE COURT: Ms. Hickman.

1 MS. HICKMAN: No objection.

2 THE COURT: 26 is in.

3 (Exhibit 26 is admitted into evidence.)

4 BY MR. PRENGAMAN:

5 Q Ms. Pirtle, I will show you first number 25.

6 Start with number 26. So here we see the scene,

7 generally, as you said, as it appeared when you got

8 there; is that correct?

9 A Yes.

10 Q Could you please circle where you see that
11 yellow tarp that's covering his body?

12 A (Witness circling Exhibit 25.)

13 Q And in terms of your examination you examined
14 the body?

15 A Yes, that's correct.

16 Q And can you just generally describe what you
17 observed when you do that?

18 A Yes. I observed the body of an adult male
19 who was lying supine or face up at that point, had been
20 warned that he had already been extricated. He was
21 wearing clothing, however, some had been cut. And he
22 did show signs of some abrasions on his extremities.

23 Q I'm going to show you Exhibit 20. Is this
24 the -- is this the man that you've been testifying

1 about?

2 A Yes.

3 Q And as we see in this photo is it generally
4 consistent with his appearance when you saw him?

5 A Yes.

6 Q Did you identify him for purposes of your
7 chain of custody and in doing your investigative duties?

8 A Yes. We gave him the tentative
9 identification of Jacob Edwards based on a driver's
10 license and a ID photo found on scene.

11 Q I'm showing you Exhibit 22. Is this the ID
12 and -- are these the two IDs that we discussed about
13 him?

14 A Yes.

15 Q After -- after examining Mr. Edwards' body,
16 what did you do?

17 A I placed him in a body bag, which I then
18 sealed on scene. I then contacted a local funeral home
19 to arrive on scene. They transported the sealed body
20 bag back to my office.

21 Q And then once -- once back at your office,
22 when you say your office you mean Washoe County Medical
23 Examiner's Office?

24 A Yes, that's right.

1 Q And ultimately was an autopsy conducted on
2 Mr. Edwards' body?

3 A Yes, at a later date.

4 Q And conducted at that same office.

5 A That's correct.

6 Q And when Mr. Edwards' body was brought back,
7 where was it kept in a secure location in your facility?

8 A Yes. The bodies are kept in a secure
9 refrigerated facility within our building that requires
10 two different badge access doors to get to.

11 Q Ms. Pirtle, I'm going to show you now what
12 we've marked for identification Exhibits 84 and 85.

13 Looking at Exhibit 84, Ms. Pirtle, do you
14 recognize that?

15 A Yes. That is the seal that I placed on the
16 body bag on scene.

17 Q And is there also an identification tag also
18 on that body bag?

19 A Yes. We place little tags with the name and
20 case number, again, that would have been filled out by
21 me on scene and attached to the body bag.

22 Q And then moving to Exhibit 85, looking at
23 that exhibit, were Mr. Edwards -- do you recognize Mr.
24 Edwards' body in that photograph?

1 A Yes.

2 Q Now, does that appear -- now, you weren't
3 there when that photo was taken?

4 A No, I was not.

5 Q But if you -- does it appear to be from the
6 circumstances of the photo after the body bag was
7 sealed, it was not breached, the body bag was
8 transported?

9 A Yes.

10 Q And my question is simply do you recognize
11 that as the same - is that Mr. Edwards, is that the
12 same body that you placed in and sealed in the bag?

13 A Yes.

14 Q Thank you.

15 THE COURT: Are you moving to admit those?

16 MR. PRENGAMAN: Your Honor, I'm going to move
17 to admit Exhibit 84 and I will move for 85 at a later
18 time.

19 THE COURT: Exhibit 84.

20 MS. HICKMAN: No objection.

21 THE COURT: Mr. Picker.

22 MR. PICKER: No objection.

23 THE COURT: 84 is admitted.

24 MR. PRENGAMAN: Thank you.

1 (Exhibit 84 is admitted into evidence.)

2 BY MR. PRENGAMAN:

3 Q Ms. Pirtle, as far as this particular case
4 you -- you had no duties related to the autopsy. Is
5 that true?

6 A No, I did not.

7 Q So you got -- essentially once Mr. Edwards'
8 body had been transported that concluded your
9 involvement.

10 A Yes.

11 MR. PRENGAMAN: Thank you very much. I have
12 no further questions of Ms. Pirtle.

13 THE COURT: Thank you, Mr. Prengaman. Ms.
14 Hickman.

15 MS. HICKMAN: Thank you, your Honor.

16 CROSS-EXAMINATION

17 BY MS. HICKMAN:

18 Q Ms. Pirtle, when you arrived at the scene on
19 the freeway, law enforcement was still there?

20 A Yes.

21 Q When you're doing your investigation, do you
22 talk to them?

23 A Yes.

24 Q So they give you information, right?

1 A Yes.

2 Q And they give you information about the
3 circumstances of what happened. Correct?

4 A Yes.

5 Q So when you say you're doing an investigation
6 you don't do a full investigation about what the details
7 -- what may or may not have been provided, right?

8 A No, we do an investigation into the cause and
9 manner of death which is what our jurisdiction covers.

10 Q So then when the police -- or law enforcement
11 are giving you information, they're telling you what
12 they observed. Correct?

13 A Yes.

14 Q Okay. And then that information, do you pass
15 out that along to the medical examiner or would law
16 enforcement pass that information along as well?

17 A We write a preliminary report basically of
18 what we saw on scene and regarding preliminary
19 circumstances about the scene that is passed along to
20 the medical examiner.

21 Q So when you arrived, was Nevada Highway
22 Patrol there or was it Sparks Police Department?

23 A It was Nevada Highway Patrol.

24 Q So the information you got came from Nevada

1 Highway Patrol?

2 A That's correct.

3 MS. HICKMAN: Thank you. I have no further
4 questions.

5 THE COURT: Thank you, Ms. Hickman. Mr.
6 Picker.

7 MR. PICKER: Thank you, your Honor.

8 CROSS-EXAMINATION

9 BY MR. PICKER:

10 Q Good morning again.

11 A Good morning.

12 Q When you say we write a preliminary report
13 that is passed onto the medical examiner, you mean you
14 write it?

15 A Yes. I mean we as an investigator so in this
16 case it is me, yes.

17 Q Nobody else contributed to that report?

18 A No.

19 Q Okay. And as you were just asked all that
20 information about what the circumstances of this
21 collision and death, those circumstances all came from
22 Nevada Highway Patrol?

23 A Correct.

24 Q And did you ask those officers if that is

1 what they directly observed -- let me stop there. Did
2 you ask them if they had actually observed the
3 collision?

4 A No, I was told that Sparks Police had
5 observed the collision, however, that the details that I
6 got was from Nevada Highway Patrol. But I was not told
7 that they specifically witnessed the collision.

8 Q Okay. And you didn't talk to anybody from
9 Sparks Police Department that observed the collision.

10 A No.

11 Q Were there any other injured persons present
12 when you arrived?

13 A No.

14 Q So all that was on scene when you arrived was
15 this person under the yellow tarp and law enforcement
16 officers.

17 A Correct.

18 Q No REMSA personnel were present?

19 A I don't believe so. Typically they are gone
20 by the time that our office arrives on scene.

21 Q Okay. When you say our office you mean you.

22 A Yes.

23 Q Okay. And I understand you're talking about
24 in general, but we need really the specifics of what you

1 did.

2 A Of course.

3 Q Showing you again Exhibit 25. Do you seen
4 that?

5 A Yes.

6 Q Okay. And do you see right here what are
7 paper bags?

8 A Yes.

9 Q They were there when you arrived?

10 A You know, I don't recall.

11 Q That wasn't something that you paid attention
12 to?

13 A I don't believe they were, but I'm not a
14 hundred percent certain.

15 Q Okay. Because you are -- you were actually
16 missing, correct?

17 A Yes.

18 Q Is that where the body was, under the yellow
19 tarp that was there in that location when you arrived?

20 A Yes.

21 Q And it stayed in that location until you had
22 him placed in the body bag?

23 A Until I placed in a body bag, yes.

24 Q You personally placed it in a body bag?

1 A Yes.

2 Q And then do you wait until the funeral home
3 arrives to take the body away?

4 A Yes.

5 Q So from the time you got there you were with
6 the body the entire time that it was on the scene.

7 A That's correct.

8 Q Do you know what time you arrived?

9 A It was a little after 9:30, I believe. The
10 exact time would be documented in my report.

11 Q Okay. When you arrived there's a lot of
12 debris -- back up. There is a lot of debris you can see
13 in the photograph, correct?

14 A Yes.

15 Q Was the debris all still basically in this
16 location?

17 A Yes, there was debris on scene.

18 Q You didn't document the debris.

19 A I photograph, yes, but I don't specifically
20 know what every piece of debris is, no.

21 Q So you were taking photos basically from the
22 same angle we see it on Exhibit 25?

23 A Yes.

24 MR. PICKER: That's all I have.

1 THE COURT: Thanks, Mr. Picker. Mr.

2 Prengaman.

3 MR. PRENGAMAN: No further questions, your
4 Honor.

5 THE COURT: Thank you so much. Ms. Pirtle,
6 thank you so much for your testimony. You are excused.

7 THE WITNESS: Thank you.

8 THE COURT: Mr. Prengaman.

9 MR. PRENGAMAN: Your Honor, I will call Matt
10 Gallagher.

11 COURT CLERK: Sir, please raise your right
12 hand.

13 MATTHEW GALLAGHER,
14 called as a witness herein, being first
15 duly sworn, was examined and testified
16 as follows:

17 COURT CLERK: Thank you.

18 THE COURT: Good morning, Mr. Gallagher.

19 THE WITNESS: Good morning.

20 THE COURT: Sir, you can testify without that
21 mask on.

22 THE WITNESS: Okay.

23 THE COURT: Because you're behind the
24 Plexiglas. If you're more comfortable I can get a face

1 shield to wear behind the Plexiglas.

2 THE WITNESS: I'm all right.

3 THE COURT: Right down on that microphone,
4 please. Mr. Prengaman.

5 MR. PRENGAMAN: Thank you, your Honor.

6 DIRECT EXAMINATION

7 BY MR. PRENGAMAN:

8 Q Good morning.

9 A Good morning.

10 Q Could you please tell us your name?

11 A My name is Matthew Gallagher.

12 Q Could you spell please your last name for our
13 court reporter?

14 A It is G-a-l-l-a-g-h-e-r.

15 Q And Mr. Gallagher, what do you do for a
16 living?

17 A So in licensure I am a paramedic. At the
18 moment I work as an ER tech at Renown Regional and at
19 Northern Nevada -- Northern Nevada Medical Center. I'm
20 in school for nursing.

21 Q And was that the case back on February 22nd
22 of last year, 2020?

23 A At that time I was working at a phlebotomist
24 at Renown Regional, an ER tech at Northern Nevada.

1 Q And can you -- and it's your capacity as a
2 phlebotomist back on February 22nd that I'd like to ask
3 you about today.

4 A Okay.

5 Q Can you please tell us what is a phlebotomist
6 do?

7 A My job at that time was, essentially, just to
8 draw blood from any patients who came into the hospital
9 that blood draw orders.

10 Q And were you authorized to do that by the
11 Nevada Division of Health and the Bureau of licensures
12 certification?

13 A Yeah. So I have a clinical lab assistance
14 license in the state of Nevada and I have a national
15 certified ASCP, American Society for I think Pathology.

16 Q And so taking you to February 22nd, 2020, on
17 that day in the morning around -- beginning between nine
18 -- between 8:30 and nine a.m., were you asked to draw
19 blood from an individual identified to you as Ryan
20 Williams?

21 A I don't remember exactly but I believe so
22 according to the paperwork, yes.

23 Q Okay. And so let me ask you about that. So
24 as -- when you're working as a phlebotomist, is it fair

1 to say that you draw blood from a lot of people?

2 A Correct. I'd say between 30 to 80 people a
3 day I do.

4 Q Okay. And so do you as you -- as I ask about
5 Ryan Williams you independently remember, for instance,
6 what he looked like while drawing blood?

7 A Not at all.

8 Q How are you -- able to tell that you, in
9 fact, did draw blood from Ryan Williams back on February
10 22nd?

11 A The only way I would know is through the
12 paperwork that I signed saying that I drew his blood at
13 the time.

14 Q And so, when you draw blood as a phlebotomist
15 going back to February, specifically February 22nd, but
16 when you draw blood from an individual, do you complete
17 some type of declaration that documents what you did?

18 A For most patients I know for legal blood
19 draws I -- yeah, I have to complete a custody form, as
20 well as just that document that's declaring that I drew
21 their blood at this date and this time and it's for the
22 certificate.

23 Q And I'm going to show you -- let me back up.
24 You talked about a chain of custody form, you talked

1 about the declaration. What's the chain of custody
2 form?

3 A It specifically saying that I'm the one who
4 drew blood and nobody else handled it aside from me
5 until I give it to the officer. And I just sign off for
6 saying that I handed it off to this officer and nobody
7 touched the blood in between.

8 Q And now when you -- when you execute that
9 declaration that you're talking about, is that something
10 that you do either right after or very shortly after you
11 draw blood?

12 A Within a few minutes of drawing the blood,
13 yeah.

14 Q So you fill out that form when everything is
15 fresh in your memory in terms of person that you're
16 drawing the blood from.

17 A Exactly.

18 Q Mr. Gallagher, I'm going to show you first
19 what is marked for identification as Exhibit 139, and
20 then I'm also going to show you what we have admitted in
21 evidence as Exhibits 131, 132 and 133.

22 For the record I'm showing defense counsel
23 Exhibit 139 for identification.

24 BY MR. PRENGAMAN:

1 Q Mr. Gallagher, I'd like to start with 139.
2 Could you please look at that document and let me know
3 when you've had a chance to look at that exhibit?

4 A Yep, I see it.

5 Q And does that exhibit contain a series of
6 declarations that are done by -- executed by you?

7 A Yes. I see my signature, my handwriting and
8 -- yeah, it looks like it was done by me.

9 Q Okay. And so in terms of -- and do they all
10 pertain to blood draws taken to the same -- taken from
11 the same person?

12 A Yes.

13 Q And does it document a series of blood draws
14 from that person, specifically three during the possibly
15 half hour?

16 A Yes. It looks like 8:47 in the morning,
17 9:17, and check the third one, 9:47 in the morning.

18 Q And now, looking at that document, does that
19 bring -- does it bring it all back, in other words, do
20 you remember the individual?

21 A No, I've done probably 50 or so of these, I
22 would have, you know, no recollection.

23 Q However, you documented the -- what those
24 declarations you say you did, you wrote that shortly

1 after you did it. Correct?

2 A Yes. So usually I'll draw the blood and then
3 I'll fill out the paperwork immediately after.

4 Q So beginning with the first one, could you
5 just tell us who is the person identified to you that
6 you drew blood from and what time it was?

7 A It looks like it is for a Ryan Everett
8 Williams. Yeah.

9 Q And what time was that the first draw taken?

10 A It was drawn at 08:47 on February 22nd, 2020.

11 Q And did you document that declaration also
12 refreshing your memory to whom you had the blood samples
13 that you read in Mr. Williams?

14 A It looks like Officer Robert Canterbury
15 filled out his name saying that I filled delivered time.
16 I usually don't know the officer name so I will just
17 have them sign it and.

18 Q And then moving to the next draw in that
19 series, can you look at that, can you tell us did you
20 document it again when it was fresh in your memory
21 drawing blood from Ryan Everett Williams?

22 A Yes, it looks like I documented the next draw
23 at 9:17 in the morning.

24 Q And then again, does that document reflect

1 that you gave that sample to Officer Canterbury?

2 A It does.

3 Q Okay. And then if you please, moving to the
4 third sample, or set of samples taken, does your
5 declaration document that you drew blood from Ryan
6 Everett Williams a third time?

7 A Yes. A third time was at 9:47 in the
8 morning.

9 Q And again, does that declaration document
10 that you handed over the samples you re moved from Mr.
11 Williams to Officer Canterbury?

12 A Yes.

13 Q And then Mr. Gallagher, if I could ask you to
14 then move to Exhibits 131 and 132, 133. And what I want
15 to ask you is do those -- does the documentation on
16 those forms in terms of the identification, the -- that
17 bar code number, does that all correspond to your
18 declarations that you just testified about?

19 A Yes. So these appear to be the custody forms
20 stating I handed the blood to Officer Canterbury.

21 Q And those three forms, 131, 132, 133,
22 correspond to the declaration that you were just
23 testified about?

24 A Yes.

1 Q And do you see your signature on that -- in
2 130, 132, 133, on the chain of custody?

3 A I do not see my signature but I do see my
4 printed name and my employee number.

5 Q Okay. And thank you for that. And so -- but
6 that's what you wrote on there to document so that you
7 can read your name --

8 A Yeah.

9 Q -- as the chain of custody.

10 A It appears to be my handwriting, right.

11 Q Mr. Gallagher, I'm going to show you Exhibit
12 94, which is in evidence. And I'm going to about three
13 seconds into the footage on this exhibit and pause it.
14 Do you recognize yourself in the footage?

15 A Yes.

16 Q And Mr. Gallagher, if you'd press on that
17 monitor in front you, if you circle where you see
18 yourself?

19 A (Witness circling Exhibit 94.)

20 Q Then moving forward, beginning at
21 approximately 46 seconds in the footage, do we see you
22 here beginning the process of drawing blood?

23 A Yes.

24 MR. PRENGAMAN: Thank you very much, Mr.

1 Gallagher. I have no further questions.

2 THE COURT: Mr. Prengaman, are you offering
3 139?

4 MR. PRENGAMAN: Your Honor, I'm -- I am not.

5 THE COURT: Okay. Thank you. Ms. Hickman,
6 Ms. Grosenick.

7 MS. GROSENICK: Thank you, your Honor. No
8 questions for this witness.

9 THE COURT: Okay. And Ms. Rosenthal, Mr.
10 Picker.

11 MR. PICKER: Thank you, your Honor. No
12 questions.

13 THE COURT: Thank you so much. Mr Gallagher,
14 thank you so much for your testimony, sir. You're
15 excused.

16 THE WITNESS: Thank you.

17 THE COURT: Mr. Prengaman.

18 MR. PRENGAMAN: Your Honor, the State would
19 call Trooper Moore.

20 COURT CLERK: Sir, please raise your right
21 hand.

22 TROOPER ZAC MOORE,
23 called as a witness herein, being first
24 duly sworn, was examined and testified

1 as follows:

2 COURT CLERK: Thank you.

3 THE COURT: Good morning. You can pull the
4 mask down while you testify, the Plexiglas is in front
5 of you. I can provide you a face shield if you want, if
6 you're comfortable with the face shield than --

7 THE WITNESS: I'm fine.

8 THE COURT: You're fine?

9 THE WITNESS: Yeah.

10 THE COURT: Okay. Mr. Prengaman.

11 DIRECT EXAMINATION

12 BY MR. PRENGAMAN:

13 Q Good morning. Could you please state your
14 name for the record?

15 A Trooper Zac Moore. That's Moore. M-o-o-r-e.

16 Q And so you're a trooper with Nevada Highway
17 Patrol?

18 A That's correct.

19 Q Sworn peace officer.

20 A Correct.

21 Q How long have you -- how long have you been a
22 trooper with NHP?

23 A I've been with Nevada Highway Patrol for
24 approximately a year and a half in law enforcement

1 capacity, five years in June. Before this, I was with
2 the State of Nevada Division of Parole and Probation --

3 THE COURT: Right up on the microphone,
4 please.

5 THE WITNESS: I apologize.

6 BY MR. PRENGAMAN:

7 Q If you could, do you mind just --

8 MR. PICKER: If you could have him repeat
9 that last answer.

10 THE COURT: Yes. I'm gonna have him do that.
11 Thank you, Mr. Picker.

12 THE WITNESS: I was a Nevada Highway Patrol
13 for approximately a year and a half. Before this I was
14 also in law enforcement with the state serving with the
15 Division of Parole and Probation, in the Department of
16 Public Safety for approximately three and a half years.

17 BY MR. PRENGAMAN:

18 Q Trooper, I'd like to take you back to
19 February 22nd, 2020. At some point in the eight a.m.
20 hour that day, did you respond to a scene on Interstate
21 80?

22 A Correct. On Interstate 80 westbound east of
23 East McCarran Boulevard.

24 Q And was that in response to a call for

1 service of some type?

2 A Correct. It was an outstanding call at the
3 time that we were dispatched to. It, upon my arrival it
4 was already signified as a fatality crash.

5 Q I'm going to show you Exhibit 7. And first
6 of all, does this show the general area of the collision
7 that you responded to?

8 A That is correct.

9 Q Now, when you got there, could you describe
10 what the scene looked like, in other words, what
11 vehicles were there, what type of -- again, I'll not
12 asking you every single person but generally the
13 personnel who's there?

14 A Upon my arrival the scene had cleared out
15 substantially at this point. The freight trucks they
16 had passed at this point all of the Interstate 80
17 westbound travel had been blocked off near Sparks. The
18 only vehicles seen was one present as far as police
19 department car number 2, as you see here, as well the
20 Chevy Silverado pickup as it was not on my arrival as it
21 in the photo along with the gray Jeep. We had one other
22 NHP personal car behind Sparks Police Department car and
23 several just west of the crash scene itself. And the
24 scene had been closed off to traveling motorists

1 westbound.

2 Q Okay. And Trooper, I'm going to show you
3 Exhibit 26. And -- so in terms of the last photo of the
4 general area, in 26, is this the same area but a little
5 bit closer to the area of the crash?

6 A That is correct. This is about as accurate
7 as it looked upon my arrival to the crash itself.

8 Q And in terms of your duties or
9 responsibilities at the scene, did you end up having
10 some responsibility with regard to both -- one or both
11 of those vehicles?

12 A Correct. With both vehicles. Upon my
13 arrival, the crash itself had been taken on by a
14 multidisciplinary investigation reconstruction team,
15 Sparks Police Department itself was handling the case,
16 but assist on our side with reconstruction team. In
17 doing so, part of that is taking tread depths of both
18 vehicles, recording air pressure for the purposes of
19 their report.

20 After completing that subsequently I completed
21 a vehicle inventory report. I was not authorized to
22 take the pickup truck. Due to the pickup truck being a
23 Sparks Police Department case, and sealing it for
24 evidence purposes I did not enter the vehicle itself

1 unknown what was going to happen, I did not go inside
2 the vehicle. Common practice with towing vehicles is
3 inventory what's inside.

4 The Jeep initially was inventoried. The white
5 truck was sealed on scene, it was subsequently towed and
6 returned to Sparks Police Department evidence
7 transported as part of chain of custody that I was in
8 the presence.

9 Q And so Trooper, with regard to -- let me show
10 you Exhibit 25. So when you talk about inventorying the
11 Jeep, that's the Jeep right here (indicating)?

12 A That is correct.

13 Q Trooper, in terms of your inventory of that
14 Jeep, did you find at least one piece of what would
15 commonly be referred to as ownership or occupancy?

16 A Correct. The registration, the car
17 registration of the owner of the vehicle.

18 Q Do you recall who was listed as the
19 registered owner of the vehicle?

20 A I believe it was Jacob Edwards.

21 Q I'll show you now what we marked for
22 identification as Exhibit 28.

23 Showing 28 to defense counsel.

24 Trooper, do you recognize that?

1 A I do. I do recall it as well as the address,
2 identified as the deceased on scene.

3 Q Okay. So is this a piece of indicia
4 indicating ownership of the vehicle?

5 A Correct.

6 MR. PRENGAMAN: Move for admission of Exhibit
7 28.

8 THE COURT: Ms. Grosenick.

9 MS. GROSENICK: No objection.

10 THE COURT: Okay. Mr. Picker, Ms. Rosenthal.

11 MR. PICKER: Thank you, your Honor. No
12 objection.

13 THE COURT: Exhibit 28 is admitted..

14 MR. PRENGAMAN: Thank you.

15 (Exhibit 28 is admitted into evidence.)

16 BY MR. PRENGAMAN:

17 Q Now, Trooper, in terms of the trucks, so
18 directing your attention to the white truck, you talked
19 about sealing, unsealing it. In this photograph are you
20 able to see -- I can zoom in if it would help you, but
21 do you see some paper bags that are situated just
22 outside the truck?

23 A I do near the left front tire.

24 Q And were those paper bags outside the truck

1 when you were there?

2 A I do not recall those being there.

3 Q When you -- would you like me to zoom in?

4 A Just a little bit. Thank you.

5 Q When you sealed the truck will you describe
6 what you are referring to?

7 A So based off the damage with the truck a lot
8 of debris produced from the crash itself has caused the
9 vehicle to be a loss fully because of the nature of what
10 was inside the vehicle, almost as an evidence bag itself
11 you want to seal it to show that no one is gaining
12 access. At the time I was directed to by our team to
13 sealing the truck for evidence purposes so placing a
14 sticker a cross the seal of the door as it opens as you
15 would enter it normally in any vehicle, placing that
16 sticker so if someone opens the door the sticker itself
17 tear or break, and placing that shows the vehicle is not
18 entered, it's still stickered staying across all frames.
19 So in doing so we added a response that Sparks Police
20 Department would be handling the investigation, and any
21 evidence beside that pertaining to our investigation for
22 this instance.

23 Q And then what happens to the truck after you
24 -- so you seal it. Did you place any seals on other

1 doors yourself as you described?

2 A I placed a seal on the driver's side door, as
3 you see where it's open here (indicating), as well as
4 the passenger side.

5 Q And then what ultimately happened to the
6 truck after you sealed it?

7 A So after the -- after the pickup was sealed
8 and Silver State Towing loaded the vehicle up on their
9 tow, as well as the other vehicle, for chain of custody
10 purposes, it was escorted by myself over to Sparks
11 Police Department evidence lot from the scene of the
12 crash. So it goes directly from the scene, right into
13 their possession in their evidence lot, continue with
14 their investigation so they can take the necessary steps
15 to locate any items that they wish to inside the
16 vehicle.

17 Q So the towing company loads up the two
18 vehicles that we see in the photo, but you in your car
19 by eyesight, you follow it back to Sparks?

20 A I actually transported being away from them.
21 In doing so the vehicles don't go to a tow yard, they
22 don't go to somewhere unknown where they're not in the
23 presence of someone that's involved in the crash or the
24 investigation itself, so we work as a chain of custody

1 so stay within in a sense with us until it gets to the
2 Sparks Police Department lot where it's turned over to
3 officers present on scene so the vehicles stay within
4 reason of both from one agency to one officer to the
5 next.

6 Q And then so you were present when that --
7 when those two vehicles that we see here were delivered
8 to the Sparks Police Department.

9 A Correct. At approximately 10:54 hours on
10 that day we left the scene of the crash, Sparks Police
11 Department evidence lot at approximately 11:04 hours, so
12 one day.

13 Q And then when you went back to Sparks you
14 left it in the custody of a representative of Sparks
15 Police Department?

16 A Correct. Upon arrival we had to gain access
17 entry into their lot. Obviously we don't work for them,
18 I have to gain entry from one of their personnel in
19 which Detective James was -- made contact with him in
20 the lot with towed vehicles, turned over witness
21 statement, inventory statements to show it was signed
22 over from myself and officer on our scene over to him
23 and in their possession.

24 Q And so you -- and is it accurate then that

1 the truck once sealed was delivered in the same
2 condition as you saw it?

3 A That's correct.

4 MR. PRENGAMAN: Thank you very much. I have
5 no further questions of Trooper Moore.

6 THE COURT: Ms. Grosenick, Ms. Hickman.

7 CROSS-EXAMINATION

8 BY MS. GROSENICK:

9 Q Trooper Moore, can you talk a little bit more
10 about your role in this case? You mentioned an
11 interdisciplinary Nevada Highway Patrol reconstruction
12 team was already there when you arrived. Correct?

13 A Correct.

14 Q And was your work as part of that team?

15 A Under direction of what they request for part
16 of their investigation there.

17 Q Okay. Had you received training in accident
18 reconstruction at that point?

19 A As far as reconstruction itself, no more than
20 accident investigations.

21 Q Okay. And as far as accident investigation
22 goes, you had received training on the importance of
23 securing the scene. Right? And you were aware --

24 THE COURT: You have to answer audibly.

1 THE WITNESS: Correct.

2 BY MS. GROSENICK:

3 Q And you were aware -- or had you received
4 training on what the reconstruction team was doing?

5 A As far as their purposes? You attend
6 specialized training for that, goes in line a lot with
7 your accident investigation, it falls in line with the
8 common work you do on a day-to-day crash every day on
9 the highways.

10 Q Okay. So why don't you tell me about your
11 training that you received regarding accident
12 investigation.

13 A Okay. I received the standard 80-hour
14 accident investigation program of the State Trooper
15 Academy that coincides with handling from small property
16 damage crashes to large injury crashes that you see
17 commonly, but in this case to the extent of this
18 accident they push more toward a multidisciplinary team
19 due to the nature and the level of crime and injury
20 that's retained.

21 THE COURT: Trooper, right on the microphone
22 last sentence again, please?

23 THE WITNESS: As far as when it gets to --
24 when it gets to a level of substantial bodily injury or

1 a fatality, it usually turns over to them for their
2 investigation purposes.

3 MS. GROSENICK: Does the court reporter need
4 him to repeat that last part?

5 THE COURT: Julie?

6 REPORTER: I'm fine.

7 BY MS. GROSENICK:

8 Q Okay. So as far as the investigation in this
9 case, you arrived around 8:25 in the morning.

10 A That is correct.

11 Q And you left with the vehicles around 10:54
12 a.m., right?

13 A 10:54 approximately.

14 Q You were there for about two and a half
15 hours.

16 A Correct.

17 Q Now, what was going on during that time as
18 far as the accident investigation?

19 A There's several ongoing instances, as I said,
20 from my recording tread depths, tire air pressure of all
21 the tires, inventorying, the sealing the vehicle, a lot
22 of time spending on those to come in to get the
23 vehicles. And a lot was going to be directed to our
24 expert team as far as what they do, flying the drone,

1 photo scene here, the other equipment they use to
2 complete their part of their investigation for the
3 crash.

4 Q Okay. And were you there when -- well, first
5 I'm showing you Exhibit 26 which has already been
6 admitted and shown to you. You can see these twin pair
7 of lines over here, (indicating) right?

8 A Correct.

9 Q And those are what appear to be cones marking
10 those lines. Correct?

11 A Correct.

12 Q And were you there when those cones were
13 placed?

14 A They were already present when I was on
15 scene.

16 Q Okay. Now, as far as securing the crime
17 scene, because of your training and experience, you know
18 the importance of keeping the evidence secure. Right?

19 A Correct.

20 Q And maintaining it as exactly as it was
21 found.

22 A Correct.

23 Q And you did that in this case.

24 A Correct, best I could do.

1 Q Okay. And you, yourself, placed the stickers
2 to seal the doors on the white truck.

3 A Correct.

4 Q And then you also were in the vehicle
5 escorting those vehicles, the gray Jeep and the white
6 truck, from the scene to the Sparks Police Department
7 evidence lot. Correct?

8 A In my patrol unit, their transport, correct.

9 Q And during that time the vehicles did not
10 leave your presence.

11 A Correct. They had followed me from the scene
12 to their evidence lot.

13 MS. GROSENICK: No further question.

14 THE COURT: Thank you, Ms. Grosenick. Ms.
15 Rosenthal, Mr. Picker.

16 CROSS-EXAMINATION

17 BY MR. PICKER:

18 Q Good morning, sir.

19 A Good morning.

20 Q When you were -- what time did you arrive on
21 scene?

22 A At approximately 8:25 a.m.

23 Q There were no REMSA personnel when you
24 arrived?

1 A No, sir.

2 Q And no injured persons present when you
3 arrived?

4 A There was a deceased person to the west of
5 me. There was no one else pertaining to the crash in
6 the scene.

7 Q Thank you. You sealed the doors on the
8 pickup. Correct?

9 A Correct.

10 Q The back windshield on the back window was
11 broken out; wasn't it?

12 A I believe so.

13 Q Did you seal that in any way?

14 A Seal it an open window?

15 Q Yes.

16 A No, sir.

17 Q So that window remained open throughout both
18 your being present with the pickup, your sealing the
19 doors, and all the way to Sparks Police lot.

20 A Would you repeat it?

21 Q Certainly. The back window that was broken
22 open, that remained open the whole time that you were
23 present.

24 A It would have to be because we would have no

1 way of sealing with items on hand, we only had staples
2 about this (indicating) size.

3 Q Okay. You didn't get any plastic or anything
4 to put across it and put evidence stickers all the way
5 around it?

6 A I was directed under our team was to seal the
7 doors.

8 MR. PICKER: Thank you. That's all.

9 THE COURT: Thanks, Mr. Picker. Mr.
10 Prengaman.

11 MR. PRENGAMAN: Nothing further, your Honor.

12 THE COURT: Thank you so much. Trooper Moore,
13 thank you very much, sir, you are excused.

14 Mr. Prengaman.

15 MR. PRENGAMAN: Your Honor, the State will
16 call Ms. Dion-Smyczek.

17 MS. GROSENICK: Would it be possible to take a
18 break?

19 THE COURT: Ladies and Gentlemen, it would.
20 During the morning recess you must not discuss or
21 communicate with anyone, including fellow jurors, in any
22 way, regarding the case or its merits, either by voice,
23 phone, email, text, internet, or other means of
24 communication or social media.

1 You must not read, watch or listen to any news
2 or media accounts or commentary about the case, do any
3 research such as consulting dictionaries, using the
4 internet, using reference materials, make any
5 investigation, test a theory of the case, recreate any
6 aspect of the case, or in any other way investigate or
7 learn about the case on your own. And you must not form
8 or express any opinion regarding the case until it's
9 finally submitted to you. We'll see you after break.

10 (Short break.)

11 THE COURT: Mr. Prengaman.

12 MR. PRENGAMAN: Thank you, your Honor. The
13 State will call Sayer DION-SYMCZEK..

14 COURT CLERK: Ma'am, please raise your right
15 hand.

16 SAYER DION-SYMCZEK,
17 called as a witness herein, being first
18 duly sworn, was examined and testified
19 as follows:

20 COURT CLERK: Thank you.

21 DEPUTY WOOD: Go take the stand and watch your
22 step.

23 THE WITNESS: Thank you.

24 THE COURT: Good morning.

1 THE WITNESS: Good morning.

2 THE COURT: You can lower that mask --

3 THE WITNESS: Thank you.

4 THE COURT: -- for purposes of testifying. I
5 can also provide you a shield if you want that in lieu
6 of that.

7 THE WITNESS: No, thank you.

8 THE COURT: Okay. Mr. Prengaman.

9 MR. PRENGAMAN: Thank you, your Honor.

10 DIRECT EXAMINATION

11 BY MR. PRENGAMAN:

12 Q Good morning.

13 A Good morning.

14 Q Would you tell us your full name?

15 A Sure. My full name is Sayer, S-a-y-e-r --

16 DEPUTY WOOD: There's a button, push that
17 button.

18 THE WITNESS: Thank you. My first name is
19 Sayer, S-a-y-e-r, last name is Dion, D-i-o-n hyphen
20 S-m-y-c-z-e-k.

21 BY MR. PRENGAMAN:

22 Q And if you're comfortable with that mask you
23 can leave it, but you're welcome to take it off.

24 A Thank you.

1 Q What do you do? What's your occupation?

2 A I'm a criminalist at the Washoe County
3 Sheriff's Office, the Forensic Science Division.

4 Q And can you -- first of all, how long have
5 you held that position?

6 A I have been there since April of 2018, so
7 just about a little over these years.

8 Q And can you just summarize for us the roles,
9 education and things that qualifies you hold that
10 position?

11 A I can. I have Master's degree in forensic
12 science with advanced concentration in advanced
13 investigation. I also have completed an internal
14 training program at the Washoe County Sheriff's Office
15 in the Forensic Science Division which takes about a
16 year to complete. I have numerous other science-related
17 positions, working as a microbiologist, working as a lab
18 tech, working as a QAQC technician at previous
19 appointments before this current position.

20 Q And with regard to your position as a
21 criminalist in the forensic investigation section, what
22 are, again, generally your duties?

23 A So I respond to all major crime scenes here
24 in Reno and Washoe County and Sparks, as well as 13 of

1 the 17 counties in Nevada, Northern Nevada.

2 When I respond to a crime scene I am
3 responsible for all photo documentation, so all the
4 photography, all the evidence collection and
5 preservation, I book the evidence when I get back to the
6 crime lab.

7 We also have other tasks for scene work, swabs
8 processing, trajectory, there's a number of things
9 involved at the scene.

10 Q Taking you back to Saturday, February 22nd,
11 2020. Beginning on that date, did you assist the Sparks
12 Police Department with an ongoing investigation
13 surrounding the death of a man named Jacob Edwards?

14 A I did.

15 Q I'd like to focus today on some of your
16 specific responsibilities. On that -- the afternoon of
17 that Sat, 22nd, did you go to Sparks Police Department
18 to assist in the service of a search?

19 A I did.

20 Q And if you recall, about what time did you
21 arrive at the Sparks Police Department that afternoon?

22 A I arrived at approximately 13:45.

23 Q That would be --

24 A -- hours.

1 Q What --

2 A 1:45.

3 Q 1:45 p.m.

4 A Yes.

5 Q And when you got there that afternoon did you
6 actually assist in the search of two vehicles?

7 A I did.

8 Q And was a search warrant pertained to one of
9 them?

10 A It did.

11 Q Do you recall -- just to start with what
12 could you just generally describe the two vehicles to be
13 searched that day?

14 A The first vehicle was a 2016 silver Jeep
15 Patriot. And the second vehicle was a 2001 white
16 Chevrolet 1500 four-door pickup truck.

17 Q In the course of -- so with regard to the
18 Jeep, did you find items of indicia, in other words,
19 some paperwork which showed who that vehicle belonged
20 to?

21 A I found indicia in the vehicle, yes.

22 Q And with regard to the truck when you
23 searched that did you end up taking a number of
24 photographs of items that you found and collected inside

1 as well as photos to show -- sort of show the condition?

2 A Yes, I did.

3 Q And then did those photos -- did you take
4 photos of both the inside and outside of the truck?

5 A I did.

6 Q And then likewise did you take photos of the
7 outside of the Jeep?

8 A Of the outside of the Jeep, yes.

9 Q What I'd like to do, I've got a series of
10 photos and kind of broken in the order, so I'm going to
11 hand you -- I'm going to start with a couple photos but
12 I'm going to hand you a series of -- a series of photos
13 and I'm going to ask you if you recognize them. I just
14 want you to look at the photos as I hand them to you,
15 let me know if you recognize them and then I'll ask you
16 some follow-up questions, but it's going to be a series
17 of -- multiple series of photos, just so you know.

18 A Okay.

19 Q So I'm going to start with Exhibits 27 and
20 28. I'm going to show you these exhibits, and ask you
21 if you recognize those as showing the Jeep you just
22 testified about, the exterior of it, and then the item
23 of indicia inside.

24 A Yes.

1 Q And do those fairly depict the Jeep and its
2 content, specifically that document that appeared to be
3 searched at that time?

4 A Yes, they do.

5 MR. PRENGAMAN: Your Honor, I will move for
6 the admission of -- I believe 28 is in evidence. I'd
7 move for the admission of 27.

8 MS. HICKMAN: No objection.

9 THE COURT: I'm sorry. Ms. Hickman.

10 MS. HICKMAN: No objection.

11 THE COURT: Ms. Rosenthal.

12 MR. PICKER: No objection.

13 THE COURT: -- or Mr. Picker. Thank you. 27
14 is admitted.

15 (Exhibit 27 is admitted into evidence.)

16 BY MR. PRENGAMAN:

17 Q I'm now going to show you what we've marked
18 as identification as 29 through 35.

19 Do you recognize what's shown in those photos?

20 A I do.

21 Q Did those photos show the truck that you
22 testified about earlier areas of the truck outside and
23 inside and items that you obtained inside?

24 A They do.

1 Q Are they accurate pictures of the truck and
2 the various items of the content as they appeared to be
3 when you search the back of the vehicle?

4 A They do, yes.

5 MR. PRENGAMAN: I'd move for the admission of
6 29 through 35.

7 THE COURT: Ms. Hickman.

8 MS. HICKMAN: No objection.

9 THE COURT: Mr. Picker.

10 MR. PICKER: Thank you, your Honor. I believe
11 that 33 through 35 are already in, so I have no
12 objection to 29 through 32.

13 THE COURT: 33, 34 and 35 are admitted on the
14 21st, Mr. Prengaman, others are admitted, so 29, 30, 31
15 and 32 all admitted.

16 (Exhibits 29-32 are admitted into evidence.)

17 MR. PRENGAMAN: Thank you, your Honor.

18 BY MR. PRENGAMAN:

19 Q I'm going to show you now Exhibit 37, 38, 39.
20 And 42 and 43.

21 THE COURT: Mr. Prengaman, give me the numbers
22 again, please?

23 MR. PRENGAMAN: Sorry, your Honor. 37, 38 and
24 39. Stick with that.

1 THE COURT: Thank you. Go ahead. And then
2 you had one more?

3 MR. PRENGAMAN: I'll just come back, it will
4 be easier, I think, to come back. Thank you, your
5 Honor.

6 BY MR. PRENGAMAN:

7 Q Please look at those and tell me if you
8 recognize those as showing items located in the truck as
9 they were that day.

10 A Yes, everything is.

11 Q Are they accurate depictions?

12 A Yes.

13 MR..PRENGAMAN: I'd move for the admission 37,
14 38, 39.

15 THE COURT: 37 is already in. 38 and 39, Ms.
16 Hickman.

17 MS. HICKMAN: No objection.

18 THE COURT: Mr. Picker.

19 MR. PICKER: No objection.

20 THE COURT: 38 and 39 are admitted.

21 (Exhibits 38-39 are admitted into evidence.)

22 MR. PRENGAMAN: Thank you, your Honor.

23 By MR. PRENGAMAN:

24 Q I'm going to show you now 42, 43 and 45.

1 And 42, 43 and 45, same questions, do you
2 recognize these as items -- areas inside of the truck
3 items located inside?

4 A Yes, they do.

5 MR. PRENGAMAN: Move for the admission of 42,
6 43, 45.

7 THE COURT: Ms. Hickman.

8 MS. HICKMAN: No objection.

9 THE COURT: Mr. Picker.

10 MR. PICKER: No objection, your Honor.

11 THE COURT: 42, 43 and 45 are all admitted.

12 (Exhibits 42, 43, 45 are admitted into
13 evidence.)

14 BY MR. PRENGAMAN:

15 Q I'm going to hand you now 48, 49 and 52
16 through 60.

17 THE COURT: Again, Mr. Prengaman, 48 and 49?

18 MR. PRENGAMAN: 48, 49, 52 through 60.

19 BY MR. PRENGAMAN:

20 Q I am going to hand you 48, 49, 52 through 60,
21 and same question. Do these accurately depict areas of
22 the truck and items that you located inside?

23 A Yes.

24 MR. PRENGAMAN: Your Honor, move for the

1 admission of 48, 49, 52 through 60.

2 THE COURT: Ms. Hickman.

3 MS. HICKMAN: No objection.

4 THE COURT: Mr. Picker.

5 MR. PICKER: No objection, your Honor.

6 THE COURT: Those are all admitted.

7 (Exhibits 48, 49, 52-60 are admitted into
8 evidence.)

9 MR. PRENGAMAN: Thank you, your Honor.

10 BY MR. PRENGAMAN:

11 Q Now I'm going to hand you Exhibit 62 and 66
12 through 70. So 62 and 66 through 70.

13 A I recognize those.

14 MR. PRENGAMAN: Your Honor, move for the
15 admission of Exhibit 62 and 66 through 70.

16 THE COURT: Ms. Hickman.

17 MS. HICKMAN: No objection.

18 THE COURT: Mr. Picker.

19 MR. PICKER: No objection, your Honor.

20 THE COURT: Those are all admitted.

21 (Exhibits 62, 66-70 are admitted into
22 evidence.)

23 MR. PRENGAMAN: Thank you, your Honor.

24 BY MR. PRENGAMAN:

1 Q And now I'm going to hand you Exhibits 219
2 through 225.

3 Same question, do you recognize the area of
4 the truck items located inside?

5 A I do.

6 MR. PRENGAMAN: Your Honor, move for the
7 admission of 219 through I believe it's 225.

8 THE COURT: Ms. Hickman.

9 MS. HICKMAN: No objection except for 221.

10 THE COURT: 221. Objection as to 221, Ms.
11 Hickman?

12 MS. HICKMAN: Yes. Yes.

13 THE COURT: Grounds?

14 MS. HICKMAN: It's an objection that's
15 previously been ruled on.

16 THE COURT: Okay.

17 MS. HICKMAN: I resubmit the objection to 221.

18 THE COURT: Mr. Prengaman, may I see Exhibit
19 221, please?

20 Counsel, can you show them to Mr. Picker as
21 well, please? Mr. Picker.

22 MR. PICKER: I'll join the objection, your
23 Honor.

24 THE COURT: Deputy Wood, can you give the jury

1 a ten-minute break?

2 DEPUTY WOOD: Yes, your Honor.

3 THE COURT: Ladies and Gentlemen, during this
4 break you must not discuss or communicate with anyone
5 including fellow jurors in any way regarding the case or
6 it merits either by voicemail, email, text, internet, or
7 other means of communication, social media.

8 You must not read, watch or listen to any news
9 or media accounts or commentary about it, do any
10 research, consulting dictionaries, using internet, or
11 using reference materials.

12 You must not make any investigation, test a
13 theory of the case, recreate any aspect of the case, or
14 in any other way investigate or learn about the case on
15 your own.

16 And you must not form or express any opinion
17 about the case until it's finally submitted to you.

18 Thanks so much. We'll you in just a minute.

19 (Jury leaves courtroom.)

20 (Discussion outside the presence of the jury.)

21 THE COURT: Okay. Ms. Hickman, Court's
22 holding onto 221. Probably want to look at it again
23 while you make your -- I want you to make your objection
24 again.

1 MS. HICKMAN: No, your Honor, I can see it
2 now. In looking at it I do see the handle of the knife
3 that is on the driver's seat. It is pretty clear what
4 it is so I would object to the photo. Otherwise, I have
5 no objection to the photo.

6 THE COURT: Okay. So Mr. Picker -- thank you,
7 Ms. Hickman. Mr. Picker, your objection?

8 MR. PICKER: It's the same, your Honor.

9 THE COURT: Okay. Mr. Prengaman, do you
10 understand what the objection is here, sir?

11 MR. PRENGAMAN: I do, your Honor. I don't
12 think that's the one. It was stated that was previously
13 ruled on.

14 THE COURT: This is actually not a photo that
15 was previously ruled on but it does have an issue that
16 was previously ruled on. And so what I see here on the
17 very right side is what Ms. Hickman has pointed out that
18 Mr. Picker is joining it, and I'm wondering if there's a
19 way to produce this without redacting, again, on the
20 right side. Grab this so you can see what it is I'm
21 talking about.

22 MR. PRENGAMAN: I do see that, your Honor. I
23 missed it. I actually redacted it, take out the -- put
24 pellets in and around, that wasn't the one that was

1 objected to but I see in it there, that's why it was 221
2 because I actually went back to afterwards, but I did
3 not see the knife handle and I do believe that was
4 previously ruled on by the Court.

5 I would submit that that's -- that for our
6 purposes now there's -- there's no substantial prejudice
7 that outweighs any probative value and that that doesn't
8 really touch on any prior bad act type evidence. It's
9 barely visible. It's not -- I don't think it's apparent
10 that's an item from other photos you can see what it is.

11 THE COURT: Mr. Prengaman, for purposes of
12 consistency I've made a ruling with regard to any
13 indicia of weapon, and that needs to come out. And I
14 don't know how you do it in this case. I don't know if
15 you consent. And counsel, you just take the scissors to
16 221 and you want 221 modified, I mean, or you -- if you
17 think you need it for purposes of examination of this
18 witness?

19 MR. PRENGAMAN: Well, I do because it had --
20 your Honor, yes, because it does have a significance.
21 And again, I don't think we -- I guess we could take
22 scissors to it or a -- one of those cutting blades. I
23 don't know if there is something like that available
24 here.

1 THE COURT: Well, we've got scissors. But Ms.
2 Hickman, any objection to Mr. Prengaman modifying the
3 exhibit simply by cutting off, it looks like, about
4 three inches above the right side of the photograph to
5 delete a handle?

6 MS. HICKMAN: Yes, it would be very obvious
7 that it is redacted.

8 THE COURT: Yes. I like it.

9 MS. HICKMAN: If -- I mean, it just crop off
10 that because the significance is on the other side of
11 the photo, so just need to be reprinted with that
12 cropped out.

13 MR. PRENGAMAN: I can do that, just a matter
14 of a little bit of time. I can certainly do it and it
15 will not take long. But I would need -- so your Honor,
16 so I didn't catch that so I wasn't trying to slip it in.
17 In fact, as I said, I actually went back and I thought
18 you could see the pellets in that so I thought in good
19 faith against redacting the others as I would redact
20 this one, so. And so I'm sorry to cause any delay, but
21 if the Court will allow me maybe 20 minutes, I could go
22 and redact this and add one that is not incriminating.

23 THE COURT: Ms. Grosenick.

24 MS. GROSENICK: I just wanted to add, your

1 Honor, that Mr. Prengaman did show us those exhibits and
2 I just missed it, so the delay is my fault as well and I
3 apologize.

4 THE COURT: Thank you for that, Ms. Grosenick.
5 Well, Ms. Hickman.

6 MS. HICKMAN: Your Honor, I was going to
7 suggest I don't know if a there's a color printer here
8 at the court house, but I have a photo so if he could
9 just email it, have it printed, if Mr. Prengaman's okay
10 with that, it may just save some time.

11 MR. PRENGAMAN: And I'm not so opposed to
12 that. I think the issue is that I necessarily opposed
13 that. I think the issue is the tool that I would use to
14 do it which is one that I'm familiar with. And again,
15 once I get to my desk it's not going to take me long to
16 do it. I think, again, there's probably questions for
17 me know to do something I'm used to doing instead of
18 walking across the street, do it, print it, come back.

19 THE COURT: All right.

20 MS. HICKMAN: That's fine.

21 THE COURT: Mr. Prengaman, we'll be off the
22 record.

23 (Short break.)

24 (Out of the presence of the jury.)

1 THE COURT: Mr. Prengaman, it's my
2 understanding that is our modified version of 221?

3 MR. PRENGAMAN: Yes.

4 THE COURT: Have you seen the modified version
5 of 221, Ms. Grosenick?

6 MS. GROSENICK: Yes.

7 THE COURT: Any objection, Ms. Hickman?

8 MS. HICKMAN: No.

9 THE COURT: Mr. Picker, any objection?

10 MR. PICKER: No, your Honor.

11 THE COURT: Okay. Mr. Picker, I just want to
12 clarify for the record you also had no objection to 219
13 and 220 or 222 through 225. Correct?

14 MR. PICKER: Correct, your Honor.

15 THE COURT: Okay. My plan, counsel, is to
16 admit 226 based on the fact that it's been modified,
17 we're going to mark it. Let's mark the modified
18 photograph as 226. Counsel have all indicated that
19 they've seen it, they have no objection to it so 226 is
20 admitted. Here you go, Ms. Clerk.

21 And then Mr. Prengaman, you can take up with
22 the witness where you left off.

23 MR. PRENGAMAN: Thank you, your Honor.

24 (Jury returns to the courtroom.)

1 THE COURT: Okay. Deputy Wood, our witness?

2 DEPUTY WOOD: Yes, your Honor.

3 THE COURT: Mr. Prengaman, just to clarify,

4 219, 220 and 222 through 226 are admitted.

5 (Exhibits 219, 220, 222-226 are admitted into
6 evidence.)

7 MR. PRENGAMAN: Thank you, your Honor.

8 THE COURT: Mr. Prengaman.

9 MR. PRENGAMAN: Thank you.

10 BY MR. PRENGAMAN:

11 Q I'm going to show you now Exhibit 27. Is
12 this the Jeep?

13 A Yes.

14 Q Okay. And where -- in terms of orienting us
15 where was this photo taken?

16 A This is in the Sparks Police Department
17 impound lot which is adjacent to the police department.

18 Q I'm showing you Exhibit 28. Is this the item
19 of indicia that you testified that was located inside
20 that Jeep?

21 A Yes, it is.

22 Q Showing you now Exhibit Number 29. What is
23 this photograph depicting?

24 A That's the 2001 white Chevrolet 1500.

1 Q And you see an orange item right there. Can
2 you tell us what that is?

3 A That's a -- sorry. That's a seal.

4 Q Okay. And were seals on both doors?

5 A There was.

6 Q And when you went to search the truck did you
7 have to break those seals or take them off in order to
8 access the interior?

9 A I broke them.

10 Q And then showing Exhibit 30, is this the rear
11 of the truck depicting the license plate?

12 A Yes, that is.

13 Q Now, showing you Exhibit 32, what area of the
14 truck is shown here?

15 A That's the front bench area, so passenger and
16 driver's seat.

17 Q And we see some paper bags?

18 A Yes.

19 Q And how many paper bags did you locate inside
20 the cab?

21 A There were three.

22 Q I'm not going to ask you to list off
23 everything at this point, but generally speaking what
24 was -- what did those three bags contain?

1 A Generally speaking, clothing, shoes, pants,
2 sweaters.

3 Q I'm going to start with Exhibit Number 33.
4 I'd ask you if we see one of those bags here?

5 A Yes, that's one of the bags.

6 Q And it appears to contain a pair of shoes.

7 A Correct.

8 Q And then showing you Exhibit 34, what is
9 shown there?

10 A A pair of sweat pants and a blue cell phone.

11 Q Is that -- is that the same bag -- in other
12 words, the bag that we just saw in the previous photo
13 with the shoes, were those shoes on top of the sweats?

14 A Yes. It was photographed in layers.

15 Q Okay. So this is the same bag.

16 A Correct.

17 Q Now showing you Exhibit 35. What are we
18 looking at here?

19 A Second set of shoes.

20 Q Is this -- in terms of this bag, are we
21 looking at the sole contents, the shoes of this bag?

22 A Yes.

23 Q Now showing you Exhibit 45. Can you tell us
24 what we see here?

1 A It's a cell phone.

2 Q And going back to Exhibit 34, does 34 show
3 the cell phone that we just looked at in Exhibit 45?

4 A Yes.

5 Q So the cell phone is 45 is the cell phone
6 that came out of this bag.

7 A Correct.

8 Q And showing you now Exhibit Number 225, 225.
9 What's shown there?

10 A A pair of sweat pants.

11 Q And you've labeled this bag 1?

12 A Yes.

13 Q Are these -- are the sweat pants we just
14 looked at in 225 the same sweat pants we saw previously
15 in Exhibit 34?

16 A Yes, they are.

17 Q Okay. So this bag that we've seen had the
18 shoes, and then the sweat pants, this was what you
19 labeled bag number 1?

20 A Correct.

21 Q And then is -- this is 224. So the shoes
22 laid out to photograph them and in a little more detail.

23 A Correct.

24 Q Now, did one of the bags contain a pair of

1 jeans?

2 A I'm sorry, what was that?

3 Q I'm sorry. Did one of the bags contain a
4 pair of jeans?

5 A Yes, they did.

6 Q And I'm going to show you now Exhibit Number
7 37. And tell us what we're looking at in this
8 photograph.

9 A Those are the jeans from the bag.

10 Q Now, either at the time you were searching
11 the car or at another point did you search through the
12 contents of the jeans to see if there was anything in
13 them?

14 A I did a brief search at scene.

15 Q And did you locate anything in any of the
16 pockets of the jeans?

17 A Yes.

18 Q Did you locate a bullet in one of the
19 pockets?

20 A I located a unfired cartridge for a gun.

21 Q And showing you Exhibit Number 38, can you
22 tell us what we're -- what this photograph was taken to
23 show?

24 A That's the right small front pocket, and

1 inside is that unfired cartridge I just spoke of.

2 Q If you could -- now, if you touch the screen
3 there and press on it firmly you can draw. Will you
4 circle the area where you see the bullet where it's
5 located or the -- as you describe unfired cartridge.

6 A Correct.

7 Q Now, going back to Exhibit 37, are you able
8 to show us the small pocket that we just looked at in
9 the previous photo?

10 A Yes. (Circling Exhibit 37.)

11 Q Now, going to Exhibit Number 39. Can you
12 tell us what we see here?

13 A That's a headstamp of an unfired cartridge.

14 Q It's probably kind of hard to see on the
15 monitor. Are you able to tell us what the caliber of
16 this unfired cartridge was?

17 A I can't see on this end but I do speak to
18 what I found on scene.

19 Q Yes. So -- and so again, recognizing that
20 the way this displays it kind of blurs the headstamp or
21 it's difficult to read. No, I'm asking do you recall,
22 can you tell us what the caliber of the bullet that you
23 found in the pocket that you've just been testifying
24 about?

1 A Yes, I can.

2 Q What was it?

3 A It's a Blazer 9 millimeter Luger.

4 Q Showing you now Exhibit 56. What does this
5 photograph show?

6 A This photograph shows the contents of bag 3
7 laid out on parchment paper.

8 Q And in terms of the unfired cartridge, that's
9 there. Correct?

10 A Yeah, it's up.

11 Q Now, in terms of money did you find -- it
12 looks like you found some money in the pockets.

13 A There was change, correct.

14 Q If you recall, so -- and the amount is
15 represented here in terms of the coins. Is that fair?

16 A Uh-hum.

17 Q Do you recall how much it was?

18 A I believe it was 29 cents, but I'd have to
19 refer to my notes.

20 Q Now, and just going back to 56, you got this
21 labeled as bag number 3?

22 A Correct.

23 Q And then the bag, going back to Exhibit 35,
24 the bag that had only the shoes in it, was that bag

1 number 2?

2 A That's correct.

3 Q Okay. So bag number 1 was the bag with the
4 darker shoes and the sweats.

5 A Uh-hum.

6 Q Bag number 2 is just these shoes.

7 A Yes.

8 Q And then bag number 3 is the bag that
9 contained the shoes.

10 A Yes.

11 Q Now, going to Exhibit 42, can you tell us
12 what area -- what are we looking at here?

13 A That's the front bench again after the bags
14 had been removed.

15 Q And now in the course of searching the truck
16 did you find a red-colored hat?

17 A I did.

18 Q And are we able in this photograph to see
19 where that hat was located when you found it?

20 A Yes, you can see it.

21 Q Okay. Could you circle the area where the
22 red hat is visible?

23 A (Witness circling Exhibit 42.)

24 Q And so in this photograph we're looking --

1 what's our vantage point?

2 A This is -- the vantage is the front driver's
3 side door, open door.

4 Q And so -- and so is the hat as we see it in
5 the photograph, is that on the driver's side or the
6 passenger side?

7 A It's on the center console area.

8 Q And then showing you Exhibit 223, can you
9 tell us is this a close-up of photograph showing that
10 same hat that you just pointed out previously?

11 A Yes, it is.

12 Q Now, in the course of searching did you
13 locate -- I think in your testimony you previously used
14 the word indicia, indicia of ownership.

15 A Uh-hum.

16 Q Did you find any indicia in the truck?

17 A There was indicia in the truck, yes.

18 Q I'm going to show you now Exhibit 219. Does
19 this show one of those items?

20 A Correct.

21 Q And can you describe what this is and where
22 you located it, please.

23 A This is a Bank of America letter statement
24 sent out to a Ryan Everett Williams, and it was located

1 in the glove box of the 2001 1500 Chevrolet.

2 Q I'm showing you now Exhibit 62. Can you tell
3 us what you see here and where this item was located?

4 A This is an M and T bag in quotes with a
5 letter contained. Within it's Randall Williams and
6 Debra Williams, it was located in the glove box as well.

7 Q Did you locate a second baseball style cap
8 located in the truck?

9 A I did.

10 Q And where was that located?

11 A On the driver dash. Front driver dash area,
12 sorry.

13 Q I'm going to show you Exhibit 43. Can you
14 tell us what we're looking at here?

15 A That is the black baseball style cap on that
16 dash area.

17 Q Going back now to Exhibit 31. Are you able
18 to see in this photograph the area where that dark
19 colored cap is found?

20 A Yes, I can see it.

21 Q Would you please circle that area for us?

22 A (Witness circling Exhibit 31.)

23 Q Now, in the course of your search and staying
24 with Exhibit 31, did you find an unfired cartridge on

1 the driver's side floorboard area?

2 A I did.

3 Q And I'm not gonna ask you to point it out in
4 this photo but can you just show us as we're looking
5 through this the overall area where it's found.

6 A It is on the front driver floorboard near
7 that neon yellow -- I don't know what that was. Want me
8 to circle there?

9 Q Please.

10 A (Witness circling on Exhibit 31.) This will
11 be the general area.

12 Q Then moving to Exhibit 220. Is this a
13 closer-up view of the driver's side floorboard area?

14 A This is.

15 Q Now, first, did the truck have sort of a
16 traditional floor mat?

17 A It did.

18 Q And can you just outline the edges of that
19 mat as we see it here?

20 A (Witness circle Exhibit 220.)

21 Q And then are you able to show us in that
22 photograph the area where you located the cartridge?

23 A I can. (Witness circling Exhibit 220.)

24 Q And is the cartridge itself somewhat visible

1 in this photograph?

2 A Yes.

3 Q And do we see it in this photo as you found
4 it?

5 A There has been some searching going on so I
6 found it.

7 Q So was it fair to say there was some items
8 that were covering it that had been moved?

9 A Correct.

10 Q So in terms of its location on the area of
11 the floorboard, is that -- is that in place as it was
12 found?

13 A Yes.

14 Q And then showing Exhibit 48, what is it?
15 What's shown here?

16 A That's a Post-it as well.

17 Q Would you just please just outline the --
18 sort of the edges of the cartridge on that? Highlight
19 it for us.

20 A (Witness marking Exhibit 48.)

21 Q Now, when you found it did you take it out,
22 examine it, look at the headstamp?

23 A I did.

24 Q And showing you Exhibit 49. What do we see

1 here?

2 A That's the headstamp of the unfired cartridge
3 from the floorboard.

4 Q It's kind of hard, there appears to be some
5 glare, it's a little difficult to see, but from
6 examining that cartridge when you found it, can you tell
7 us what the caliber of the cartridge was?

8 A It was a Blazer 9 millimeter Luger as well.

9 Q Now, at some point -- going back to Exhibit
10 31. At some point in the course of your search did you
11 lift up the floor mat that was in place?

12 A I did.

13 Q And did you find anything that you ended up
14 collecting as evidence underneath the floor mat?

15 A I did.

16 Q What you find on the floor mat?

17 A I found a cash-out ticket from Bob & Lucy's.

18 Q So going back now to Exhibit 220. So going
19 back here and noting the floor mat, is this the -- how
20 the floor mat was positioned when you began your search?

21 A Yes.

22 Q And so as you described earlier you did move
23 some things like lifted some things up in talking about
24 the bullet. Do we see in this photograph the floor mat

1 as you found it?

2 A Yes.

3 Q And showing you now Exhibit 226, can you tell
4 us what area of the car we're looking at here?

5 A That's the front driver floorboard underneath
6 the pedals or near the pedals.

7 Q And just to again sort of orient us, can you
8 show us sort of the -- where would be the door jamb area
9 if you could just outline?

10 A (Witness circling Exhibit 220.) That's the
11 door jamb.

12 Q And then the cash-out ticket, can you outline
13 that for us?

14 A (Witness circling Exhibit 220.)

15 Q Now, this is how you found it?

16 A Once I flapped back the floor mat.

17 Q And so going to Exhibit 222, can you tell us
18 what we see here?

19 A That's after I flipped it over.

20 Q There's a little -- I'm trying to zoom in.

21 And so you -- you flipped it over.

22 A To display.

23 Q So you found it face down.

24 A Correct.

1 Q So you now flipped it over to display it to
2 take the photo.

3 A Correct.

4 Q But in terms of the location you left it in
5 the area where you found it.

6 A Yes.

7 Q Showing you now Exhibit Number 52. Is this a
8 close-up photo of the pay-out or cash-out ticket that we
9 saw on the floor?

10 A It is.

11 Q And then does 53 show the flip side?

12 A It does.

13 Q Did you locate any firearms in the truck?

14 A I did.

15 Q What did you -- what type of firearm did you
16 locate?

17 A I located a silver Taurus 9 millimeter
18 handgun.

19 Q And where did you find that gun?

20 A It was under the front driver's seat.

21 Q Going back to Exhibit 222, are you able to
22 see part of the driver's seat in this photo?

23 A Yes, you are.

24 Q Could you just again outline the edges of it?

1 And with an arrow or whatever you think would be best to
2 show, can you show us the area where you found that
3 handgun in relation to the seat?

4 A (Witness circling Exhibit 222.)

5 Q Showing you now Exhibit 54. Now, can you
6 orient -- tell us what area of the truck do you see
7 here?

8 A This photo is actually upside down, so on 207
9 is the carpet which would be on -- this metal area is
10 the bar underneath the front seat that you would lift up
11 to move the seat forward or backward. This is the
12 carpet. This is the underside of the front driver's
13 seat.

14 Q And can you see the handgun?

15 A Yes. Right here (marking Exhibit 54).

16 Q And is this how you found it?

17 A Yes.

18 Q So it has not been moved at all.

19 A I have not moved it.

20 Q Okay. Showing you now Exhibit 55. What do
21 we see here?

22 A That's a close-up of the handgun that was
23 located under the front seat.

24 Q Showing you Exhibit 57. Is this a closer-up

1 view of the top of the handgun with the serial number
2 and the caliber designation?

3 A Yes, it is.

4 Q Now, in -- did you examine -- at some point
5 after collecting the gun, did you examine it?

6 A Once it's rendered safe we removed the
7 content of the firearm, correct.

8 Q In terms of the contents was there a magazine
9 in there?

10 A Yes, there was.

11 Q And was that magazine loaded?

12 A Yes, there were cartridges, unfired
13 cartridges within.

14 Q And was there any cartridge in the chamber of
15 the gun?

16 A Yes, there was.

17 Q So showing you first Exhibit 58. Can you
18 tell us what 58 is showing?

19 A That's the headstamp of the single unfired
20 cartridge in the chamber.

21 Q And again, this photo's a little bit darker,
22 a little bit easier to see. If you can read it, are you
23 able to read the headstamp on the photo?

24 A I am.

1 Q Do you also recollect from examining it what
2 the caliber was?

3 A Yes, I do.

4 Q Can you please tell us what the caliber of
5 the unfired cartridge from the chamber where the gun
6 was?

7 A It is a Blazer 9 millimeter Luger.

8 Q Showing you now Exhibit Number 59. Can you
9 please tell is what we see here?

10 A This is magazine once it's been unloaded, and
11 the contents.

12 Q And you have -- let me ask you. Is this --
13 did you display it? Did you lay out the bullets after
14 taking it out of the magazine?

15 A I did, yes.

16 Q Now, you've got all of them pointing one way
17 and one pointing the other way. Is there a purpose for
18 that?

19 A There is no significance.

20 Q Did you examine each of the bullets that were
21 located in the mag?

22 A I did, yes.

23 Q And were they all the same or they -- first
24 of all, all the same caliber?

1 A Yes, they were.

2 Q And what caliber?

3 A 9 millimeter Luger.

4 Q And then were they all the same type of brand

5 of bullet?

6 A Yes, they were.

7 Q What was the brand of the bullet?

8 A Blazer.

9 Q And so showing you Exhibit 60, can you tell

10 us what we see in 60?

11 A That's a photograph of one of the -- it's a

12 representation of the 15 that were there, so I'd say one

13 of the 15 that were removed from the magazine.

14 Q I'm going to show you now Exhibit 66. And

15 can you tell us what we see in 66, what area of the

16 truck?

17 A This is the rear bench area.

18 Q And did you locate a backpack or bag in that

19 area?

20 A Yes.

21 Q Are -- can you point it out -- if you're able

22 to see it in this photo can you point where it is? Go

23 ahead and circle.

24 A Which one are you speaking of?

1 Q So, let me -- did you find what was described
2 as the black leather bag?

3 A Yes.

4 Q Can you show us where that was?

5 A (Marking Exhibit 66.)

6 Q Starting generally, what did you find inside
7 that bag, or bags?

8 A There was miscellaneous cards, a pouch that
9 had makeup and accessories, hygiene accessories.

10 Q Showing you Exhibit 69. Can you tell us what
11 we're looking at here?

12 A This was a wallet-type pouch that was found
13 within that bag.

14 Q And does Exhibit 68 show a close-up of the
15 bag?

16 A Yes, it does.

17 Q And showing you Exhibit 67. Can you tell us
18 what's shown here?

19 A Those are the cards that were located in that
20 wallet, pouch.

21 Q And then showing you Exhibit 70. Can you
22 tell us what we see here?

23 A That's the pouch coin portion of the wallet.

24 Q And did you locate -- so we looked at the

1 credit cards and the cards that were there. Did you
2 find any money, any cash in the wallet?

3 A I did not.

4 Q Did you -- so you saw the cell phone that you
5 located in one of the paper bags. Correct?

6 A Correct.

7 Q Did you find any other cell phones in the
8 truck?

9 A Yes, I did.

10 Q How many other? So not counting the ones in
11 the bag we looked at before.

12 A Two additional cell phones.

13 Q And where were those located?

14 A One cell phone was located on the front
15 driver floorboard, and the second was located on the
16 rear passenger seat.

17 Q Showing you 66. Are you able to show us the
18 area of the cell phone from the back seat that you just
19 mentioned?

20 A Yes, I can.

21 Q Would you please circle it for us?

22 A (Witness circling Exhibit 66.)

23 Q What type of phone was that?

24 A In was an Acatel, A-c-a-t-e-l, I believe.

1 Q And then using Exhibit 31, can you just show
2 us the general area where you found the other phone?

3 A (Witness circling Exhibit 31.)

4 Q And what type of phone was that?

5 A That was a Motorola.

6 Q Did you find an Xbox in the truck?

7 A I did.

8 Q Can you tell us where that was found?

9 A The Xbox was found on the front passenger
10 floor -- sorry, front passenger floorboard.

11 MR. PRENGAMAN: Thank you. I have no further
12 questions at this time.

13 THE COURT: Thank you, Mr. Prengaman.

14 Ms. Hickman.

15 CROSS-EXAMINATION

16 BY MS. HICKMAN:

17 Q Excuse me. Good morning.

18 A Good morning.

19 Q So I want to start by talking to you about
20 getting called out to do the work that you just
21 detailed, okay? You were notified by law enforcement.
22 Is that true?

23 A Correct.

24 Q And in this particular case, you were not

1 asked to go to the scene of the accident. Correct?

2 A Correct.

3 Q Just to Sparks Police Department and then out
4 into the yard where the cars are kept. Right?

5 A Correct.

6 Q So you get to Sparks Police Department, and
7 it's fair to say that that is where you learn
8 essentially what you're being asked to do. Correct?

9 A That's not correct.

10 Q Okay. So when did you learn what you were
11 going to be doing?

12 A When I received the initial notification I
13 was given a very brief briefing.

14 Q Okay. By who?

15 A By Detective Zendejas.

16 Q So Detective Zendejas called you giving you a
17 very brief briefing, and then you go to Sparks Police
18 Department.

19 A First I went to hospital.

20 Q Okay. And then Sparks Police Department.

21 A Correct.

22 Q Okay. And in this case you actually wrote
23 three separate reports. Right?

24 A Correct.

1 Q And the report that details what you did at
2 the hospital is this second report. Right?

3 A I don't remember how -- how they're numbered
4 but it would be the second sequentially.

5 Q Okay. And when you were at the hospital on
6 the 22nd, that's where you collected clothes. Correct?

7 A Correct.

8 Q And then you took them back to the crime lab,
9 divided them into photos. Correct?

10 A Yes.

11 Q And at the hospital, Detective Zendejas
12 wasn't there. Correct?

13 A No, he was not.

14 Q You made contact with some patrol officers.
15 Right?

16 A Right.

17 Q And some of the clothes that you took, or
18 that you collected, excuse me, one of them was a
19 Carhartt hoodie. Right?

20 A I believe so. I'd have to refer to my notes,
21 but I believe it was a Carhartt.

22 Q Would looking at your report help refresh
23 your recollection?

24 A It would. Thank you.

1 Q And did you bring a copy of your report or do
2 I need to show you one?

3 A My copy of my report is in the library with
4 the witness.

5 Q Give me one minute, let me look.

6 No, we don't, so I'm going to mark one.

7 COURT CLERK: Exhibit 227.

8 (Exhibit 227 is marked for identification.)

9 BY MS. HICKMAN:

10 Q So I'm going to approach you with what's been
11 marked as Exhibit 227. And you recognize that as that
12 report. Right?

13 A Yes.

14 Q And so that's where you detailed the work
15 that you did at the hospital. Right?

16 A Correct.

17 Q And so if you look at the second page of
18 that, and go look and see if one of the things you
19 collected was a Carhartt hoodie.

20 A There is a Carhartt t-shirt.

21 Q Okay. If you look -- let me just take that
22 from you if you don't mind. I'm going to show you
23 there's one red Carhartt ESL 20 with cutout?

24 A Correct.

1 Q So you did collect one.

2 A I did, yes.

3 Q Okay. Let me take that back from you. And
4 it's fair to say when you collected those clothes at the
5 hospital, you didn't find a black firearm. Correct?

6 A I did not.

7 Q So from the hospital you then went to Sparks
8 Police Department.

9 A Correct.

10 Q And that is where you spoke with Detective
11 Zendejas?

12 A Yes.

13 Q And the reason you spoke with Detective
14 Zendejas is because he was the lead detective in this
15 case. Correct?

16 A Correct.

17 Q So he was the one, essentially, briefing you
18 about what to look for. Right?

19 A Correct.

20 Q And you arrive at the Sparks Police
21 Department, I think you said, at 13:45 hours. Right?

22 A Correct.

23 Q Which is 1:45 p.m.

24 A Yes.

1 Q So that was about seven hours after the
2 accident actually occurred. Correct? Or do you know
3 that?

4 A I do not know that.

5 Q And you went to the Sparks Police Department,
6 you have sort of an informal briefing. Right?

7 A Yes.

8 Q And that is with Detective James, Detective
9 Zendejas, Detective Dach, Detective Coats, and Mr.
10 Prengaman. Correct?

11 A Correct.

12 Q And what generally is told to you about what
13 you're gonna be doing during that informal briefing?

14 A That was me walking into a room to let them
15 know I was there, and they were sitting down speaking
16 with D.A. -- D.A. Prengaman regarding the warrant they
17 would be executing for the upcoming search.

18 Q And at that time a warrant had been granted.
19 Correct?

20 A No.

21 Q And so then you had a briefing with Detective
22 Zendejas. Correct?

23 A Correct.

24 Q And at that point it's you, Detective

1 Zendejas, and do you have a scribe with you?

2 A I do.

3 Q And a scribe is somebody who essentially
4 takes notes. Right?

5 A Yes.

6 Q While you do your work.

7 A Yes.

8 Q Okay. And then you start searching the Jeep
9 Patriot while waiting for the search warrant to be
10 granted for the truck.

11 A That's correct.

12 Q Okay. And so when you get the search
13 warrant, you review that. Right?

14 A Yes.

15 Q And the search warrant in this case indicated
16 that you would be looking for two guns. Right?

17 A I believe it did, yes.

18 Q One silver one and one black one. Correct?

19 A Correct.

20 Q And it also told you that you were looking
21 for a wallet containing indicia in the name of Stephen
22 Sims. Correct?

23 A Correct.

24 Q But when you got a briefing from Detective

1 Zendejas, he actually told you you were only looking for
2 one firearm. Correct?

3 A Correct.

4 Q And that was a silver firearm.

5 A Correct.

6 Q So when you actually start searching this
7 truck you're not even looking for the black or
8 dark-colored firearm at that point. Correct?

9 A When I execute a search, I am thorough, I
10 won't stop at one gun, I won't stop if I find one,
11 that's in front of me I'll continue to look.

12 Q So but here's my question. If what is on
13 search warrant is different from what you were told by
14 Detective Zendejas.

15 A Yes.

16 Q But if you would have seen a black firearm in
17 car you would have checked it. Right?

18 A Correct.

19 Q And it's fair to say you did not.

20 A I did not.

21 Q And it's also fair to say you did not find a
22 wallet containing any indicia that belonged to Stephen
23 Sims. Correct?

24 A Correct.

1 Q I want to talk to you briefly about what
2 happens after you collect evidence. So in this case you
3 collected these items from the truck. Correct?

4 A Right.

5 Q You took photos of them as you saw them.
6 Right?

7 A Yes.

8 Q And then you collected them.

9 A Yes.

10 Q And then you take them up to the crime lab
11 where you book them into evidence.

12 A Yes.

13 Q Once they're booked into evidence, once they
14 are booked into evidence Sparks Police Department can
15 access those if they need to. Correct?

16 A They do a pickup day and will collect any
17 evidence from any cases from that prior week, yes.

18 Q So if they wanted to follow up on any of
19 these efforts they would be able to. Correct?

20 A Correct.

21 Q So it's not just at the scene is the only
22 time they can see it.

23 A No.

24 Q I want to talk to you about Exhibit 30. And

1 this is the back of that truck. Correct?

2 A Yes.

3 Q And in the back of the truck you can see this
4 license plate. Right?

5 A Yes.

6 Q And up here in the corner you can see there's
7 a registration sticker. Correct?

8 A Can you give me just a minute? Zoom in.

9 Q Zoom in, yeah.

10 A Yes, I see it.

11 Q And it's fair to say that you did not take a
12 photo of every single thing that was in that truck.
13 Right?

14 A Correct.

15 Q But you took photos of the things that were
16 on the search warrant that you thought would be
17 important or that Detective Zendejas specifically told
18 you to look for. Right?

19 A Correct.

20 Q And it's fair to say at the time you execute
21 the search warrant, whether in this case or in any other
22 case, all of the facts may or may not be known.
23 Correct?

24 A Yes.

1 Q So you may not know the importance of certain
2 things at the time you search. Right?

3 A Correct.

4 Q Do you know -- actually, let me ask that
5 question in a minute. I want to go to Exhibit 45. And
6 that's that black Motorola cell phone that was found in
7 the truck. Right?

8 A I think that says Motorola.

9 Q Let me zoom in just a little bit.

10 A Yes, it is.

11 Q And that was one of three phones that you
12 collected from that truck?

13 A Yes.

14 Q And at the time that you're executing the
15 search warrant it's fair to say you don't know, or is it
16 fair to say that the three bags, you don't know how they
17 got into the truck. Right?

18 A I do know.

19 Q You do not. How did they get into the truck?

20 A Per Detective James, the clothing was removed
21 by REMSA and placed in those three bags by NHP Trooper
22 Killian, per -- per Detective James.

23 Q So Detective James told you something about
24 how they got to be there.

1 A Correct.

2 Q You don't know, though, or do you know, I
3 guess is a better question, which set of clothing went
4 to which person that was in that truck.

5 A I do not.

6 Q And looking at Exhibit 219. This is that
7 Bank of America replacement card letter that you found
8 in the glove box. Correct?

9 A Correct.

10 Q And you can see that the name on it is Ryan
11 Everett Williams. Correct?

12 A Yes.

13 Q And that address is address in Carson City.
14 Correct?

15 A Yes.

16 Q And that is seen in Exhibit 219, and this
17 envelope that is seen in Exhibit 62 which also has that
18 person's address. Right?

19 A Yes, it appears to.

20 Q Were those the only two things that were in
21 that glove box?

22 A I do not recall.

23 Q They're the only two things that you took a
24 photo of?

1 A Correct.

2 Q Do you know if there was a license,
3 registration and insurance in that glove box?

4 A I do not recall.

5 Q And it's fair to say you didn't take a
6 picture of it. Correct?

7 A Correct.

8 Q You didn't collect any.

9 A No.

10 Q Were those the only two things that were in
11 the glove box other -- I want to talk to you about
12 Exhibit 220. And this was taken of the floorboard, the
13 driver's side floorboard of that white truck. Right?

14 A Yes.

15 Q When you first started looking at that truck,
16 it was obvious it had been in an accident, not just --
17 but it had been in an accident.

18 A Yes.

19 Q And things were sort of thrown around in the
20 car.

21 A Yes.

22 Q And it would be impossible to tell where
23 something was prior to the accident versus when you got
24 to see it. Correct?

1 A Correct.

2 Q But when we're looking at this floorboard you
3 can see the mat, I think I've got the outline of it, it
4 goes like that (indicating). Correct?

5 A Yes.

6 Q And so in sort of the middle pointing to the
7 right is one corner. Right?

8 A It appears so, yes.

9 Q And then in this Exhibit 220 you don't see
10 the top of it. Correct?

11 A No.

12 Q But we can see that there is this pedal right
13 here (indicating)?

14 A Yes.

15 Q And that is the emergency black pedal.
16 Right?

17 A I'm not familiar with that truck but I would
18 guess so.

19 Q Okay. And then we can see looking at this
20 photo in the middle this is the door here (indicating).
21 Correct?

22 A Yes.

23 Q And then this (indicating) is the floorboard.
24 Right? Not the floorboard, the -- the plastic piece

1 that goes on the side where the door would close.

2 Correct?

3 A Correct.

4 Q Before you get to the car mat.

5 A Yes.

6 Q And it's fair to say this corner of this mat
7 is all the way up here (indicating), up above where sort
8 of the ridge is would be when you're getting into the
9 car. Am I explaining that well?

10 A No.

11 Q Let me ask it differently. The corner of
12 this mat is not all the way back by the seat. Correct?

13 A No.

14 Q There's distance between where the seat is
15 and the bottom, or underneath the seat and where that
16 mat is in that photo.

17 A Yes.

18 Q So when we look at Exhibit 226, that's where
19 we see that cash-out ticket. Correct?

20 A Correct.

21 Q And in this photo of that cash-out ticket
22 seems to be only thing that is underneath there. Right?

23 A And some dark glass.

24 Q Okay. But it's fair to say when you have

1 this mat pulled back, this (indicating) is the top of
2 it. Right?

3 A No.

4 Q Okay. How did you pull that back?

5 A I pulled from this (indicating) corner which
6 was over here (indicating).

7 Q So this corner was over here (indicating).

8 A This flaps down to here (indicating).

9 Q Okay. So between 226, this right here
10 (indicating).

11 A Uh-hum.

12 Q And then -- so this corner being pulled up,
13 where is that corner in Exhibit 220?

14 A (Witness circling Exhibit 220.)

15 Q Okay. So you pulled this corner up towards
16 the top of the photo, or down?

17 A Underneath the pedals to the side.

18 Q Okay. So in order to do that you had to pull
19 it out from underneath the pedals.

20 A Yes.

21 Q So you have to move it down.

22 A No, you don't have to move it down, you just
23 have to guide this edge right here (indicating) that
24 way.

1 Q Okay. But you had to, like, pull it from
2 under the pedals to do that. Right?

3 A No. The corner that I pulled from is right
4 here (indicating). It was already underneath.

5 Q Oh.

6 A Already away from the pedals.

7 Q So if you were to pull this corner this way
8 (indicating), is that right?

9 A No, it was more like that way (indicating).

10 Q That way (indicating). Okay. And you don't
11 know when that -- here's my question. And you don't
12 know when that Bob and Lucy's ticket was there before or
13 after the accident. Correct?

14 A I'm sorry, you broke up a little bit.

15 Q No worries. You don't know if this Bob and
16 Lucy's ticket was there before or after the accident.
17 Correct?

18 A No.

19 Q Okay. You don't know when it came to rest
20 there.

21 A No.

22 Q You just know that it was there when you
23 started looking?

24 A Correct.

1 Q Okay. And then in Exhibit 54, that's right.
2 Correct?
3 A Yes.
4 Q That gun was tucked under that seat.
5 Correct?
6 A Yes.
7 Q And that is where it was when you searched
8 the car. Correct?
9 A Yes.
10 Q And it's fair to say -- actually, when you
11 searched the car, there was no box for those unfired
12 cartridges. Correct? If he bought them from the store,
13 there was not a discarded box or a box that was half
14 full of those. Correct?
15 A Not that was located, no.
16 Q Not in that truck. Right?
17 A No.
18 Q And not in any of those items. Right?
19 A Right.
20 Q So it's fair to say you don't know when that
21 gun was loaded. Right?
22 A Correct.
23 Q And then I want to talk to you about Exhibit
24 42. And that's that photo of sort of the bench seat in

1 the front. Right?

2 A Yes.

3 Q And looking at that you can see that red hat

4 right there. Right?

5 A Yes.

6 Q and that red hat is on the passenger's side.

7 Right?

8 A It's -- in the truck there's a -- a center

9 area like a bench center area --

10 Q Okay.

11 A -- and there's the console, actually on the

12 console and it's resting on the console.

13 Q So something kind of underneath here?

14 A Yes.

15 Q In here (indicating)? What's it on top of?

16 A Yes.

17 Q And then if you look right here this folds

18 down?

19 A I think that's what that model truck does,

20 yes.

21 Q Potentially?

22 A Yes.

23 Q That would indicate what's in the middle.

24 A Yes.

1 Q So looking at this picture, though, this red
2 hat is closer to the passenger side. Right?

3 A Yes.

4 Q And also on the passenger side is where you
5 found that Xbox. Correct?

6 A Yes.

7 Q And then looking at Exhibit 66. This is the
8 back seat of that car. Correct?

9 A Yes.

10 Q Of that truck?

11 A Yes.

12 Q And if you look right here (indicating) in
13 the middle, that's that center part we're talking about.

14 A Yes.

15 Q And then passenger seat is pushed forward.
16 Correct?

17 A Yes.

18 Q And there's something over here (indicating)
19 on the side. Do you remember what that was?

20 A I do not -- I don't recall from that photo.

21 Q If I zoom in, can you tell that it's a
22 speaker from looking at that?

23 A It's unclear in mine.

24 Q Would it help if I bring you the photo?

1 A Yes. Sorry.

2 Q No, that's okay. Am I showing you Exhibit
3 66?

4 A Yes. Yes.

5 Q And so if you look at that you can see that
6 that's a speaker. Correct?

7 A Correct.

8 Q And while you were searching this car either
9 from Detective Zendejas or in a search warrant, you
10 weren't asked to look for anything with the name Diane
11 Williams on it. Correct?

12 A No.

13 Q When you were at the Sparks Police Department
14 doing this work until -- do you remember what time you
15 left?

16 A I do not but it's in my notes.

17 Q Does 6:45 at night sound right?

18 A That sounds about right, yes.

19 Q Okay. So from about 1:45 to 6:45?

20 A Correct.

21 Q And nowhere during that time did Detective
22 Zendejas modify what he was asking you to look for.
23 Correct?

24 A Not while I was there, no.

1 Q Okay. And he never followed up with you
2 specifically about this white truck to look for anything
3 else. Correct?

4 A No.

5 MS. HICKMAN: I have no further questions.

6 Oh, I'm done.

7 THE COURT: Thank you, Ms. Hickman. Mr.
8 Picker.

9 CROSS-EXAMINATION

10 BY MR. PICKER:

11 Q Good morning.

12 A Good morning.

13 Q During the briefing that you got from Mr. -
14 Zendejas in the room group setting were you told
15 anything about the person or persons that was supposed
16 to be in that vehicle?

17 A I'm sorry, you said during the group setting?

18 Q Yes. Or when you got your initial call from
19 Mr. Zendejas.

20 A Yes, I was told.

21 Q Okay. How many people were you told about?

22 A I was told in -- or in the vehicle -- do you
23 want at the time of the crash or -- I'm sorry, can you
24 elaborate on that question?

1 Q Sure. How many people were you told were
2 associated with that vehicle during any of your
3 presearch discussion?

4 A Three.

5 Q And you were told the names of those people;
6 is that correct?

7 A Correct.

8 Q And you said you reviewed the search warrant
9 before you began your search of the pickup; is that
10 correct?

11 A Yes.

12 Q And you don't recall that the search warrant
13 only addressed one person; is that correct?

14 A I do not recall. I'd have to look at the
15 search warrant.

16 Q Would it refresh your recollection if you
17 could see that search warrant?

18 A Yes, please.

19 Q I'm going to show you what's been marked as
20 Exhibit 194, and ask you to take a look at the front
21 page of the document.

22 A Can you ask the question again, please?

23 Q Absolutely. When you reviewed the search
24 warrant, you normally address one person. Correct?

1 A The search warrant addresses one person, yes.

2 Q I'm sorry?

3 A Yes. Correct.

4 Q And that person was not Adrianna Norman, was
5 it?

6 A No, it was not.

7 Q And in the description of the items that you
8 were -- that they were looking for in that, was there
9 anything about a black leather bag or a woman's makeup
10 and those kind of things, were you can asked to find
11 those?

12 A I believe there was a purse on there.

13 Q Now, the items that you found, you'll recall
14 Exhibit 66 through 70. You recall those. Right?

15 A Yes.

16 Q Do you need to see those again?

17 A Was that rear seat?

18 Q That's the black leather bag --

19 A Yes.

20 Q -- in the center?

21 A I recall those.

22 Q Oh, you do. And that is found in the rear --
23 in the back seat.

24 A Correct.

1 Q Did you find any kind of weapon in that black
2 leather bag?

3 A No.

4 Q I believe you said you found a Acatel phone
5 on the back seat?

6 A Yes.

7 Q Was that near the black leather bag?

8 A No.

9 Q Was it on the driver's side or on the
10 passenger's side of the vehicle?

11 A It was on the passenger side.

12 Q Now, one of the items you were just asked
13 about that you were searching for included a wallet with
14 indicia or the name Steve Sims. Do you recall that?

15 A I recall that.

16 Q And you didn't find such a wallet.

17 A I did not.

18 Q In fact, you didn't find any items with the
19 name Steve Sims in that vehicle, did you?

20 A I did not.

21 MR. PICKER: If I could have a moment, your
22 Honor.

23 (Short pause.)

24 BY MR. PICKER:

1 Q When you took those photos of the items that
2 are Exhibit 66 through 70, was that your determination
3 to open that bag or were you directed to do that by law
4 enforcement?

5 A That was my direction.

6 Q Even though that bag was not on the search
7 warrant itself.

8 A Correct.

9 MR. PICKER: Thank you. That's all I have.

10 THE COURT: Thank you, Mr. Picker. Mr.
11 Prengaman.

12 REDIRECT EXAMINATION

13 BY MR. PRENGAMAN:

14 Q When you were -- just on that last question.
15 Before you opened the bag was it possible that the bag
16 contained some of the items you were searching for?

17 A Correct.

18 MR. PICKER: Speculation. Anything's
19 possible.

20 MR. PRENGAMAN: You opened the door --

21 THE COURT: Go ahead, Mr. Prengaman.

22 Overruled.

23 BY MR. PRENGAMAN:

24 Q Is that all you -- is that why you searched

1 the bag?

2 A Correct.

3 Q I'm going to show you Exhibit 222. And my
4 question is about the mats. Do you recall what the
5 material was? Of the floor mat?

6 A The underside has plastic, it has some sort
7 of pokey traction device. And the -- the exposed side
8 is a carpeting liner-type fiber.

9 Q And so we're looking at this -- this -- this
10 is the pokey side, so to speak.

11 A Correct.

12 Q Going back to Exhibit 54, what -- are you
13 able to tell us how the gun is positioned? In other
14 words, if -- and I could bring you the photo just
15 because I know it's kind of dark on the monitor.

16 A The -- so this is upside down still.

17 Q Oh, I'm sorry.

18 A This area is the -- where the slide -- I
19 mean, sorry, not slide, where the magazine cordwell goes
20 up so this (indicating) is where the magazine is loaded.
21 This (indicating) is the front of the gun. This
22 (indicating) is the rear of the gun.

23 Q And so from that is the -- is the bottom of
24 the handle the closest thing to us from this vantage

1 point?

2 A The head and the magazine is the closest
3 thing to us.

4 Q Sorry. Would you say that again?

5 THE WITNESS: The magazine and the grip right
6 here (indicating) is closest to where I'm taking the
7 photo which is the front of the front driver's seat.

8 Q So if I show you Exhibit 42, would you be
9 able to draw on the seat the way that -- the orientation
10 of that?

11 A On this seat (indicating)?

12 Q As if -- so using the seat just on the top of
13 the seat as if we're X-raying down to see where the
14 gun's position underneath.

15 A (Witness showing position of gun under seat.)

16 MR. PRENGAMAN: Thank you. No further
17 questions, your Honor.

18 THE COURT: Thank you. Ms. Hickman.

19 RECROSS-EXAMINATION

20 BY MS. HICKMAN:

21 Q So looking at Exhibit 42, that's the driver's
22 seat. Right?

23 A Correct.

24 Q And then that gun is underneath that. Right?

1 A Correct.

2 Q So if somebody was sitting in this seat their
3 legs would be here (indicating) and down. Right?

4 A Correct.

5 Q Okay. And so the gun's underneath there.
6 Right?

7 A Yes.

8 Q So in order to retrieve that, you would have
9 bend down and reach under that seat to get it. Correct?

10 A If they were within the car, yes.

11 Q If they were out of the car it would be
12 different. Right?

13 A Correct.

14 Q Okay. But regardless, in order to get that
15 they would have to reach under the seat. Correct?

16 A Correct.

17 Q It's obviously not sitting somewhere right on
18 this bench seat somewhere. Correct?

19 A Correct.

20 MS. HICKMAN: Thank you. I have no further
21 questions.

22 THE COURT: Thank you, Ms. Hickman. Mr.
23 Picker.

24 MR. PICKER: Thank you, your Honor.

RECROSS-EXAMINATION

BY MR. PICKER:

Q The gun that we were just discussing did you find before or after the bag?

A The firearm?

Q Yes.

A I found it before.

Q So you knew that you were looking for a silver gun and you found it.

A Yes.

Q All right. And then you found the black leather bag. And I believe you told the prosecution it could have held a weapon.

A Correct.

Q Showing you Exhibit 69. So you opened this billfold because you believed it could hold a weapon.

A No.

Q You took out those cards that we see on the left side of that billfold because you thought they were hiding a weapon.

A No, indicia.

Q And you took all these photographs even though you didn't find a weapon in the back.

A Correct.

1 MR. PICKER: Thank you.

2 THE COURT: Thank you, Mr. Picker. Ms.
3 DION-SYMCZEK, thank you for your testimony. You are
4 excused.

5 Ladies and Gentlemen, we're going to take our
6 lunch. During this break you must not discuss or
7 communicate with anyone, including fellow jurors, in any
8 way regarding the case or its merits, either by voice,
9 phone, email, text, internet, or by other means of
10 communication or social media.

11 You are not to read, watch, or listen to any
12 news or media accounts or commentary about the case.
13 You are not to do any research, such as consulting
14 dictionaries, using the internet, or using reference
15 materials. You are not to make any investigation, test
16 a theory of the case, recreate any aspect the case, or
17 in any other way investigate or learn about the case on
18 your own.

19 And you are not to form or express any opinion
20 regarding the case until it is submitted to you.

21 Thank you so much. We'll see you after the
22 lunch break.

23 Deputy, we'll have to stay.

24 (Jury leaves the courtroom for lunch recess.)

1 THE COURT: Thank you, Deputy. Mr. Prengaman,
2 what does our afternoon look like in terms of the
3 State's case?

4 MR. PRENGAMAN: In terms of time, your Honor?

5 THE COURT: In terms of your case, yes.

6 MR. PRENGAMAN: So I am always hard to judge
7 so please don't --

8 THE COURT: Well, we're looking for an
9 indication, not a commitment.

10 MR. PRENGAMAN: It's possible, your Honor,
11 that I could get to the end or very near the end of my
12 case.

13 THE COURT: Today?

14 MR. PRENGAMAN: Again, depending on the ebb
15 and flow and how long --

16 THE COURT: Who you will we hearing on during
17 the afternoon break?

18 MR. PRENGAMAN: So I do have to check so this
19 is subject to some scheduling issues with the witnesses
20 and -- but I mean the same order or the same witnesses I
21 indicated yesterday, Rudy Bein, Rachelle Woodard,
22 Detective Zendejas, which that would -- we do need a
23 hearing regarding the jail calls and the redactions. I
24 think the Court indicated that I could lay the

1 foundation on those the calls outside the jury's
2 presence.

3 THE COURT: Who is the witness regarding that?

4 MR. PRENGAMAN: Detective Jose Zendejas. And
5 potentially Adam Harris and then members.

6 THE COURT: Okay.

7 MR. PRENGAMAN: Which is closing in on towards
8 the end of my case.

9 THE COURT: Okay. What I'd like to do if we
10 can is take whoever's available that doesn't involve the
11 jail calls, see where we get can, and then we can spend
12 some time after I release the jury for the day regarding
13 that outside the presence so tell those witnesses to
14 remain, let's see how much we can get done before.

15 MR. PRENGAMAN: Very well, your Honor.

16 THE COURT: Okay. Thanks every one. See you
17 in 45 minutes.

18 (Lunch break.)

19 THE COURT: Mr. Prengaman.

20 MR. PRENGAMAN: Your Honor, the State will
21 call Rudy Bein.

22 COURT CLERK: Sir, please raise your right
23 hand.

24 RUDOLPH BEIN,

1 called as a witness herein, being first
2 duly sworn, was examined and testified
3 as follows:

4 COURT CLERK: Thank you.

5 DEPUTY WOOD: Take the stand and watch your
6 step.

7 THE WITNESS: All right.

8 THE COURT: Good afternoon.

9 THE WITNESS: Good afternoon.

10 THE COURT: If you're comfortable you can
11 testify without your mask.

12 THE WITNESS: Okay, I'm going to do that.

13 THE COURT: There's a Plexiglas shield in
14 front of you. We can supply you with a face shield if
15 you'd like that in addition to the Plexiglas?

16 THE WITNESS: No, I'm good.

17 THE COURT: Okay. Thank you. Mr. Prengaman.

18 MR. PRENGAMAN: Thank you, you Honor.

19 DIRECT EXAMINATION

20 BY MR. PRENGAMAN:

21 Q Good afternoon.

22 A Good afternoon.

23 Q Would you please tell us your name and spell
24 your last name for our court reporter?

1 A It is Rudolph Bein. B as in boy, e-i-n.

2 Q And what's your occupation?

3 A I'm a supervisor with Medical Examiner's
4 Office, Washoe County.

5 Q And in addition to your supervisory duties,
6 do you have some duties relative to autopsies that are
7 performed at the ME's office?

8 A Yes, I do.

9 Q Can you describe your duties and
10 responsibilities, again, apart from supervising in that
11 regard?

12 A We process decedents when they come in, take
13 photographs, collect evidence, assist medical examiners
14 with anatomical bisection.

15 Q And is there a general process that is
16 followed? So once a decedent, a body is brought into
17 the ME's office and there's an autopsy to be performed,
18 is there a general protocol or process that's followed
19 each time?

20 A Yes, there is. If our investigator responds
21 to a death scene, they will investigate that death
22 scene. While on scene the body is placed in a body bag
23 which is in -- secured with a seal, a red seal of ours
24 that is numbered.

1 Once the body's transported back to our
2 office, our intake investigator or technician will
3 photograph the seal to make sure it's still intact,
4 break the seal on certain cases, and photograph the body
5 as it is with clothing.

6 Q And is that sort of the beginning of the
7 autopsy process?

8 A That is the beginning, yes.

9 Q And then does that process include at times
10 taking x-rays?

11 A Absolutely is.

12 Q And then so those are duties that you would
13 perform in your nonsupervisory capacity.

14 A Yes.

15 Q Mr. Bein, directing your attention to
16 February 24th, 2020. Back on that day did you have
17 occasion to assist regarding an autopsy of an adult male
18 identified as Jacob Edwards?

19 A Yes.

20 Q And did your duties with regard -- and was
21 that process that you just described followed?

22 A It was. Not by me but my investigators in
23 our office.

24 Q And you assisted at the autopsy, correct?

1 A I did, yes.

2 Q And in that capacity did you, for instance,
3 take photographs of Mr. Edwards' body?

4 A Yes, I did.

5 Q And did that include both at the beginning,
6 as well as the autopsy proceeded?

7 A Correct. Yes.

8 Q And who's the pathologist who performed the
9 autopsy on Mr. Edwards?

10 A It was Dr. Henry McNett.

11 THE COURT: Can I have you draw the microphone
12 a little closer and repeat the last answer?

13 THE WITNESS: Dr. Henry McNett.

14 THE COURT: Thank you.

15 BY MR. PRENGAMAN:

16 Q Mr. Bein, I'm going to show you a series of
17 photos. I'm going to show you Exhibits 84 through 91.
18 Exhibit 84 is in evidence, I'm going to include it in
19 the series 84 through 91. I'm going to be handing you
20 these photographs, ask you to look at them. Let me know
21 when you've had a chance to look at these.

22 A Okay. Yes.

23 Q And do those photos depict Mr. -- well, apart
24 from the first one, 84, do 85 through 91 -- do I have

1 that correct, 84 is the first one?

2 A Yes, that's correct.

3 Q Okay. So 85 through 91, those photos depict
4 Mr. Edwards' body and areas of his body as they appeared
5 at autopsy.

6 A That's correct.

7 Q And they're accurate depictions?

8 A Yes.

9 MR. PRENGAMAN: Your Honor, at this time I'm
10 going to move for the admission of 85 through 89.

11 THE COURT: 89?

12 MR. PRENGAMAN: Yes, your Honor.

13 THE COURT: Ms. Hickman, Ms. Grosenick, 85
14 through 89.

15 MS. HICKMAN: No objection.

16 THE COURT: Ms. Rosenthal, Mr. Picker, 85
17 through 89.

18 MR. PICKER: No objection, your Honor.

19 THE COURT: 85 through 89 are admitted.

20 (Exhibits 85-89 are admitted into evidence.)

21 MR. PRENGAMAN: Thank you.

22 Thank you, Mr. Bein, I have no further
23 questions.

24 THE COURT: Ms. Hickman.

1 MS. HICKMAN: Thank you, your Honor. I have
2 no questions.

3 THE COURT: Thank you so much. Ms. Rosenthal,
4 Mr. Picker.

5 MR. PICKER: Thank you, your Honor. We have
6 no questions.

7 THE COURT: Witness Bein, thank you so much,
8 sir, you are excused.

9 THE WITNESS: Thank you.

10 THE COURT: Mr. Prengaman.

11 MR. PRENGAMAN: Your Honor, the State will
12 call Rachelle Woodard.

13 COURT CLERK: Ma'am, please raise -- thank
14 you.

15 RACHELLE WOODARD,
16 called as a witness herein, being first
17 duly sworn, was examined and testified
18 as follows:

19 COURT CLERK: Thank you.

20 DEPUTY WOOD: Take the stand. Watch your
21 step.

22 THE WITNESS: Thank you.

23 THE COURT: Good afternoon, Ms. Woodard. You
24 can testify without the mask. You have Plexiglas in

1 front of you, provided you're comfort without the mask.
2 We can also provide a face shield if you'd like that in
3 addition to the Plexiglas.

4 THE WITNESS: I'm okay. Thank you.

5 THE COURT: You're so welcome. Mr. Prengaman.

6 MR. PRENGAMAN: Thank you, your Honor.

7 DIRECT EXAMINATION

8 BY MR. PRENGAMAN:

9 Q Good afternoon.

10 A Hello.

11 Q Would you please tell us your name and spell
12 your first and last for the record?

13 A My name is Rachelle Woodard. R-a-c-h-e-l-l-e
14 W-o-o-d-a-r-d.

15 THE COURT: Let me have you draw closer to
16 that microphone please, too. Thank you.

17 BY MR. PRENGAMAN:

18 Q And what is your occupation?

19 A I am a criminalist with the Washoe County
20 Sheriff's Office Forensic Science Division, Toxicology
21 section.

22 Q And can you describe for us what your duties
23 are in that capacity at the crime lab?

24 A I test biological fluids, namely blood and

1 urine, for the presence and amount of alcohol and
2 controlled substances or drugs.

3 Q And how long have you been doing that with
4 the Washoe County Forensic Science division?

5 A I have been with the Washoe County Forensic
6 Science division, along with the same crime lab since
7 2000.

8 Q And could you please summarize for us your
9 relevant education, training and experience that
10 qualifies you to hold that position and do that type of
11 analysis?

12 A I have a Bachelor's degree in chemistry.
13 Upon obtaining that, -I was a heavy metals chemist at
14 environmental testing firm.

15 Upon employment with the Washoe County
16 Sheriff's Office, I underwent the official drug and
17 alcohol training programs. There are two separate
18 training programs. Each encompasses a series of
19 readings, lectures, multiple test parallels for each
20 substance that we test for, blind test cases for each
21 substance that we test to for, courses through the
22 University of Indiana Morganstein School of Alcohol, and
23 also the Morganstein School of Drugs, competency testing
24 for each substance that we test for, and done ongoing

1 current basis participation in proficiency testing and
2 in which an outside entity basically send us samples, we
3 test them for our protocol, and we return results to
4 them, they grade us on our results. And also continuing
5 education as well.

6 I am also what's called a technical assessor
7 for our laboratory's accredited body, meaning that I go
8 to laboratories throughout the nation and assess their
9 ability to meet laboratory standards as well.

10 Q And does the crime lab have a standard
11 protocol for processing and analyzing blood samples
12 received from law enforcement agencies where -- where
13 such testing for alcohol is requested?

14 A Yes, we do.

15 Q And could you please describe what that
16 standard protocol is?

17 A So samples can come to the crime lab in a
18 variety of different ways. They can come through the
19 mail, through courier, through Fed Ex, directly through
20 what's called arrest room in the jail. They all get
21 funnel into the same location, and that is our evidence
22 section.

23 In the evidence section the evidence is
24 basically looked at for integrity for proper seal,

1 proper identification, things like that. Assuming that
2 the integrity of the sample looks good, the sample or
3 samples are logged into the crime lab evidence section.
4 At that point they are given what's called a laboratory
5 number. It begins with an L, and it's basically just a
6 internal file number that we use.

7 At that point, the specimens are forwarded on
8 to where I work which is the toxicology section. They
9 are further logged in to the toxicology section with
10 specific identifying information. So at that point we
11 assign testing based on what is requested and we also
12 give unique identification to the assessments that have
13 been submitted.

14 So, for example, in a blood submission for
15 alcohol, there are typically two tubes in one alcohol,
16 blood alcohol kit. So each one of those blood tubes is
17 gonna get what's called a specimen number. This is the
18 number that starts with an S, and it's given also a
19 unique bar code so that we can use that bar code to
20 essentially track electronically via electronic chain of
21 custody where that specimen is at any given moment who
22 is handling it, what is done with it, at any given
23 moment in time.

24 So once the specimens have their unique

1 identifiers they go into locked refrigerated storage,
2 waiting for analysis. So I or one of my coworkers when
3 it's time to run a particular test will take a specimen
4 out of the located refrigerated storage, I will scan the
5 bar code on that chain of custody to notate what I am
6 doing and why, perform the analysis, and then return the
7 specimens back to our locked refrigerated storage.

8 Q In terms of testing where alcohol test --
9 testing, law enforcement has submitted samples or a kit
10 with two vials of blood and requested run toxicology
11 analysis for the presence of alcohol, how do you go
12 about testing those samples?

13 A Alcohol is a volatile substance which means
14 that when it's heated it evaporates and turns into a
15 gas. It tries to rise to the top of whatever container
16 it's housed in. So we use a method to test for alcohol,
17 or ethanol as we call it called head space gas
18 chromatography. So what we do is we put a small amount
19 of blood in a glass vial, and at that point we stopper
20 the glass vial, we put a rubber lid on it so that way
21 nothing can get in and nothing can get out. Once the
22 sample is on the instrument, the instrument will heat
23 that sample up to the point where if there's any alcohol
24 in it, that alcohol, because it's a volatile substance,

1 will evaporate and will rise to the top of that
2 container, try to escape but, of course, it can't
3 because there's a stopper on there keeping it in.

4 The instrument has a long needle that will
5 pierce that rubber stopper and take a sample of what's
6 called that head space air. That air sample may or may
7 not contain alcohol or ethanol depending on the sample,
8 but it puts that air sample onto two columns within the
9 instrument. And the column is basically a long, thin
10 tube that reacts in a known, unique and consistent way
11 with ethanol or drinking alcohol. So by the time the
12 sample travels through those columns, we know to the
13 exclusion of all of the substances whether or not
14 ethanol or drinking alcohol is present and also how much
15 is present.

16 Q Is that head space gas photography method
17 recognized as a reliable method scientifically for
18 determining the presence of alcohol?

19 A It is, yes.

20 Q Now, what about the process when -- you said,
21 again, samples a kit two vials of blood are received
22 from law enforcement, submitted with a request to
23 analyze for the presence of a controlled substance such
24 as cocaine or methamphetamine.

1 A Controlled substance for a drug testing is a
2 two-part process. So first what we do is we subject the
3 blood samples into what's called a drug screen. And the
4 method that we use for this is called Enzyme-Labeled
5 Immunosorbent Assay, I call it ELISA for short. And the
6 premise of this is -- excuse me -- that the blood will
7 react with what we're screening for, so when you are
8 sick with a cold or flu, your body produces something
9 called antibodies to fight the illness. The body
10 recognizes that this is an invader, produces the
11 antibodies and gets the illness out of there.

12 Well, the body actually reacts in the same way
13 to drugs. They're seen as foreign invaders in your
14 body, your body makes those antibodies that are specific
15 to that particular drug to eliminate ultimately from the
16 body. So what we do is we have a small, large amount of
17 -- excuse me, a large amount of small wells that are
18 each coated with these antibodies that are specific to
19 the drug or drug classes that we're looking for. And
20 then what we do is we put a small amount of blood into
21 the bottom of these wells, and the instrument measures
22 whether or not there was a reaction with the antibody
23 with the blood.

24 So if there is a reaction, then that is

1 indication that potentially that particular substance,
2 that drug or drug class that we are looking for, is
3 within that blood sample. But we don't know for sure.
4 This is called a presumptive positive. So we have to
5 confirm that our suspicion, essentially, so that is the
6 second portion of drug testing.

7 Once we have presumptive indication of a drug
8 or a drug class within a specific blood sample, we
9 perform what's called a drug confirmation. And this
10 starts with an extraction process. So we take each of
11 those samples that are presumptively positive for
12 whatever drug we're looking for, and we subject it to a
13 series of chemical processes to essentially isolate and
14 consolidate the target invader, the drug or drugs that
15 we're looking for. So we add chemicals, we evaporate,
16 we reconstitute, we did all of these chemical things so
17 that at the end of this process results in a purified
18 sample that we put on a GC/MS instrument, that stands
19 for Gas Chromatography/Mass Spectrometry.

20 Well, the instrument takes a small amount of
21 that small amount of sample, and puts it onto a column
22 within the instrument in order to head space GC that we
23 use for alcohol. Same premise, the sample is pushed
24 through the column, and the different substances within

1 that sample will start to separate based upon their
2 chemical properties.

3 So if you think of a mixture of drugs in a
4 sample, each drug is going to weigh a little different
5 than the other drugs. Each drug might have a different
6 chemical charge. There are a bunch of chemical
7 properties that can react with the column in order for
8 those drugs to separate out from one another.

9 At the end of the column is what's called a
10 Mass Spectrometer, and that will take those drugs that
11 have gone through the column, and blow them apart into
12 their ionic molecular fragments.

13 So at the end of this process what we have is,
14 essentially, a map of all the molecular bits of that
15 particular drug, and that's called a mass spectra, and
16 also the retention time, how long that drug took to
17 travel through the column in the instrument.

18 Now, if you put these two pieces of
19 information together, they form, essentially, a
20 fingerprint for that particular drug so we know to the
21 exclusion of all other substances what substance is in
22 that sample and also how much.

23 Q And is that method, the gas
24 chromatography/mass spectrometry method recognized in

1 the scientific community as a reliable method of
2 determining the presence of methamphetamine?

3 A You almost got it. Yes, it is.

4 Q Among other substance like cocaine, heroin,
5 et cetera.

6 A Yes, it is.

7 Q Now, in this case were you requested to
8 examine blood samples, a series of blood samples that
9 were submitted to the lab?

10 A Yes, I was.

11 Q I'm going to show you Exhibit 131 through 133
12 and then I'm also going to -- I'm going to start with
13 131 and 133, and I'm also going to -- let me ask you
14 this. In this case did you --

15 A Is that me?

16 Q In this case did you do testing on samples of
17 blood submitted to you to the crime lab for the presence
18 and amount of alcohol as well as methamphetamine?

19 A Yes, I performed both analysis.

20 Q And did you complete reports documenting the
21 work that you did?

22 A I did.

23 Q Now, I intend to ask you about the results of
24 that work and the particulars as to amounts. As you sit

1 here right now are you going to be able to answer those
2 questions from memory?

3 A Not from memory unfortunately.

4 Q So what I'm going to do is I'm going to hand
5 you Exhibit 137 and let me just ask if you recognize
6 that exhibit as containing the various reports that you
7 completed documenting your work in this?

8 A I do.

9 Q And then I don't want you to look at that,
10 but I would -- if you need to, I want you to have
11 indication to refer to it to refresh your memory. I
12 don't want you to look at it unless you tell us. So if
13 I ask you a question, you can't remember an answer or an
14 amount, please let me know and then we'll move forward
15 from there.

16 Now, I'm going to show you what we've admitted
17 in evidence as Exhibits 131, 132 and 133. And do you
18 recognize those documents?

19 A I do.

20 Q And what are those documents?

21 A The documents that you just handed me are
22 what are called toxicology submittal forms so they are,
23 basically, the series of paperwork that comes to the
24 laboratory with a specimen that is submitted, or

1 multiple specimens.

2 Q And with regard to Exhibit 131 -- let me just
3 ask as a group. Do each of those documents pertain to a
4 set of two samples which were submitted to?

5 A They do, yes.

6 Q Were they submitted under Sparks Police Case
7 Number 20-1640?

8 A May I refer to the exhibits?

9 Q If you need to refer to those 131 through
10 133, please do so. They are in evidence.

11 A Yes, they were submitted under that case
12 number.

13 Q And so is it accurate there were two samples
14 submitted with -- two samples with each submission
15 corresponding to each form?

16 A Yes. Each submittal form accounts for two
17 specimens. As I had mentioned, a typical blood
18 submission typically contains two blood tubes, so that
19 would be a total of six specimens submitted.

20 Q And were those -- each kit contains two
21 specimens?

22 A Yes.

23 Q And each form corresponds to a kit.

24 A Correct.

1 Q Now, we've heard testimony about the stickers
2 are that placed on specimens that are gathered with a T
3 number. How is that T number used at the lab?

4 A The T number is called the control number for
5 our purposes, and so the Washoe County Crime Lab
6 Toxicology --

7 THE COURT: Just a little closer.

8 THE WITNESS: I'm sorry.

9 THE COURT: Thank you.

10 THE DEFENDANT: The Washoe County Crime Lab
11 Toxicology section actually issues blood kits for use.
12 And so each of those kits come prepopulated with,
13 obviously, the blood tubes necessary, everything
14 necessary to perform the blood draw, but also with the
15 submittal form that can then just be filled out. At the
16 bottom of the submittal form are stickers with this T
17 number or with this control number.

18 The stickers ultimately go on to the specimens
19 that we receive, and that same number appears on
20 paperwork, and also on the box that we receive with the
21 specimens. So that's how we link the paperwork and the
22 specimens to each other, that's how we know what case
23 we're working on. So that identifying number, like I
24 said, is on the paperwork on the tubes, and then also

1 travels throughout the length of that specimen and ends
2 up on the report that we issue with results.

3 BY MR. PRENGAMAN:

4 Q And you described for us the intake process
5 when samples are submitted to the lab, for instance,
6 through the breathing process. Now, if I could ask you
7 to look at Exhibit 131. And is that the form that
8 pertains to the samples labeled with T number 077961?

9 A Yes, it is.

10 Q And are those samples that are indicated on
11 the form as having been gathered at 08:47 hours on
12 February 22nd, 2020?

13 A Yes.

14 Q And now, on that form, that custody form, you
15 talked about the integrity of the samples at the lab and
16 that it -- as I heard you say that if there's a problem
17 with the integrity on the seals you wouldn't make it the
18 next step. Is that fair?

19 A That is fair. The box is analyzed to
20 basically ensure proper seal. And then once the box is
21 opened by evidence personnel, the blood tubes within
22 that kit are looked at for signs of tampering, but also
23 for that control number to make sure that the control
24 number matches what's on the specimen and on the

1 paperwork as well.

2 Q And does the chain of custody portion of that
3 form, and specifically Exhibit 131, correspond to the T
4 077961, does that indicate that all seals were intact
5 and that sample was received by the evidence section?

6 A Yes, it does.

7 Q Then if I could ask you to look at Exhibit
8 133. And does that -- that form corresponds to the --
9 to blood specimens submitted with the T number T 077964?

10 A Yes, it does.

11 Q And does that, according to that, again
12 referring to the exhibit, does that indicate those two
13 specimens were obtained at 09:17 hours on February 22nd,
14 2020?

15 A Yes.

16 Q And does the chain of custody portion of the
17 form indicate that all seals were intact when those
18 samples were received by your lab?

19 A Yes, it does.

20 Q And then lastly, if I could ask you to look
21 at 132, and tell me if that form corresponds to the two
22 blood samples submitted for the T number 077963?

23 A Yes, it does.

24 Q And were those samples indicated as having

1 been taken at 09:47 on February 22nd, 2020.

2 A Yes.

3 Q And then again, does the chain of custody
4 portion of the form indicate that all seals were intact
5 when the crime lab received those two samples?

6 A Yes, it does.

7 Q Now, did you analyze the blood from each of
8 those sets of samples that was the T 077961, the T
9 077964, and the T 077963 specimen for the presence of
10 alcohol?

11 A I did.

12 Q So you took blood from each of those three
13 and tested for the presence of alcohol.

14 A Yes. Utilized one tube from each submission
15 or each blood kit to test for the presence for the
16 amount of alcohol.

17 Q And can you tell us what did you get a
18 similar result for each of those three tubes that you
19 tested?

20 A I did. I got the same results for all three.

21 Q And did you find the presence of alcohol in
22 those samples?

23 A I did not. Ethanol or drinking alcohol was
24 not detected.

1 Q And then using -- and you did that using the
2 methodology for alcohol testing that you described
3 earlier in this case, gas chromosome -- chromatography?

4 A There you go. Yes, I did.

5 Q Okay. Now, did you test a vial or blood from
6 a vial from each of those three submissions for the
7 presence of methamphetamine?

8 A I tested one vial in this case for the
9 presence of methamphetamine. And I'll explain why if I
10 may?

11 Q Please.

12 A With -- with ethanol or drinking alcohol,
13 it's unique in that the body eliminates the same amount
14 of alcohol from your body per drinking scenario every
15 hour. So if your rate of elimination is a .02, for
16 example, that's a very standard rate of elimination,
17 your body is going to eliminate alcohol in the .02 every
18 hour until that alcohol is gone. So if you were to plot
19 that on a graph, it would look like a straight line
20 sloping downward until the alcohol concentration reaches
21 zero.

22 Now, we can use that as criminalists in the
23 toxicology section to estimate what someone's alcohol
24 concentration may have been at a point in time prior to

1 the blood draws. If we have three blood draws spaced
2 about a half hour apart, that gives us a nice snapshot
3 of a hour's worth of that person's alcohol elimination.
4 So now we know their elimination rate, we know what it
5 was the hour prior to that, and the hour prior to that,
6 and so on and so forth. So we can perform what's called
7 a retrograde extrapolation using that data.

8 With methamphetamine, the elimination is not
9 necessarily linear. It's not necessarily a straight
10 line that we can use some math with. Once
11 methamphetamine is in one's body -- your body will begin
12 to eliminate it, metabolize it, but that process can
13 take some time, and it's not necessarily limited, it's
14 not necessarily going to be a nice perfectly straight
15 line. So because of that reason, there's really no
16 scientific use for us to have three data points or three
17 tests with methamphetamine or any drug, particularly,
18 that we -- that we test for. So what we do is we take
19 the first submission, so the first blood draw to the
20 specimen that was closest to the incident, and we test
21 that one for drugs.

22 Q When you're talking about that elimination
23 does methamphetamine have a half life?

24 A Methamphetamine does have a half life. It

1 can vary depending on body chemistry, but it's about ten
2 hours. So that means that if you take a dose of
3 methamphetamine, ten hours later only half of that dose
4 is gone. And then another ten hours after that, half of
5 what was running at that time has eliminated, so it's a
6 long process, so methamphetamine can stick around in the
7 body for a while. And that's another reason that we
8 don't feel the need to test all three drugs or all three
9 draws for methamphetamine, because if you think about a
10 ten-hour-long half life, a one-hour snapshot isn't
11 really gonna change that much when the drug is staying
12 in the body for that long.

13 Q And so in this case you tested the sample
14 that was taken the earliest.

15 A Yes.

16 Q And was that the -- from the set -- from the
17 specimens that were received under the -- or
18 corresponding to the T number 077961?

19 A May I refer to Exhibit 131?

20 Q Yes. Yes, please.

21 A Yes, it was.

22 Q And that is the -- that was -- those are the
23 specimens that were indicated as having been taken at 8
24 -- 08:47 hours?

1 A Yes.

2 Q And what was the results of -- strike that.
3 Did you follow the method of analysis or determining the
4 presence of methamphetamine in that specimen that you
5 outlined for us previously?

6 A Yes, I performed the methamphetamine
7 confirmation in this case.

8 Q And did you detect or did your analysis
9 detect the presence of methamphetamine in that blood?

10 A It did.

11 Q And did it -- and what did it -- what amount
12 was detected?

13 A May I refer to my report?

14 Q So let me ask you. So as you sit here right
15 now can you tell me the amount of methamphetamine that
16 was detected during your analysis?

17 Go ahead. With certainty.

18 A By memory, um, no, I would not want to
19 misstate it.

20 Q Did you document the amount that you detected
21 at that point when it was fresh in your memory?

22 A Yes, I did.

23 Q And then -- would you be able to tell us from
24 looking at your report what that result was?

1 A Yes.

2 Q Okay. Then please refer to Exhibit 137.

3 A Would you like me to state the positive
4 findings? Or just --

5 Q So let me ask you this. So in addition to
6 methamphetamine was amphetamine detected?

7 A Yes, it was.

8 Q Let me start with the methamphetamine result.
9 Could you please tell us what that was?

10 A Methamphetamine in the amount of 698
11 nanograms per milliliter of full blood, plus or minus
12 140 nanograms per milliliter.

13 Q Okay. Now, let me ask you about that last
14 thing that you said, the plus or minus. So 698 nanogram
15 milliliter of methamphetamine. Correct?

16 A Correct.

17 Q Plus or minus 140 nanogram per milliliter

18 A Correct.

19 Q What does the plus or minus -- what are you
20 saying with that reference?

21 A The -- so plus or minus value is what's
22 called the measurement uncertainty. So every valid good
23 measurement made in the scientific community and
24 otherwise has measurement uncertainty associated with

1 it. If you think about stepping on a bathroom scale,
2 for example, ten times, one after another after another.
3 That scale reading each time is going to be similar, but
4 it may be off each time by a decimal. Doesn't mean that
5 the scale is wrong or that the scale is broken? But
6 what it means is that there's variation inherent in
7 scale's measurement. There's variation inherent in
8 every measurement.

9 So what we do in the lab on an annual basis is
10 we try to identify all of the variation that is
11 associated with all of the measurements that we take in
12 the process of testing for controlled substances or
13 ethanol. We perform a study that adds up all of that
14 variation to come up with the uncertainty or the known
15 variation associated with each of the tests that we
16 perform. So that is what appears next to the stated
17 result.

18 Q And so if you -- and so is there a sci -- and
19 so scientifically, how do you -- so when you look at the
20 number 698 nanograms per milliliter, how do you read
21 that scientifically with the one plus or one minus code?

22 A Well, in essence, it means that the true and
23 accurate result within what's called a 95 percent
24 confident interval, it's a statistical reporting

1 empirical, it means that a confident level of 95 percent
2 the true and accurate result lies somewhere within that
3 range, that stated range, so the result plus or minus
4 that measurement certainly.

5 Q And so if you -- I guess if you assume the
6 maximum negative 140, so you subtract 140 from the 98,
7 698 nanograms per milliliter, is that still above 100
8 nanograms per milliliter?

9 A Yes, it is.

10 Q Now, with regard to amphetamine did you --
11 did you detect amphetamine in the blood that you tested?

12 A Yes, we did.

13 Q And, again, I won't ask you what the result
14 was but I want you to be precise about it, would you
15 need to refer to your report?

16 A Yes, please.

17 Q Please do so and tell us what the results of
18 amphetamine was.

19 A The results was amphetamine in the amount of
20 44 nanograms per milliliter of full blood, plus or minus
21 nine nanograms per milliliter.

22 Q And then that plus or minus, it's just the
23 same here as with the methamphetamine. Correct?

24 A Exactly.

1 MR. PRENGAMAN: Thank you, Ms. Woodard. I
2 have no further questions at this time. Your Honor.

3 THE COURT: Thank you, Mr. Prengaman. Ms.
4 Hickman. Ms. Grosenick.

5 CROSS-EXAMINATION

6 BY MS. GROSENICK:

7 Q Good afternoon.

8 A Hello.

9 Q All right. So let's begin a little bit with
10 your training and experience. Part of your role as a
11 criminalist and part of your training, does that include
12 knowledge and training and experience -- well, I guess
13 not experience, but knowledge and education about the
14 effects of controlled substances on the human body?

15 A It does include what's called interpretation
16 of the results, so how those substances can affect the
17 human body in human performance.

18 Q And that is something that you are called on
19 to think about or even testify about in your experience.
20 Correct?

21 A Yes.

22 Q And you've had education on that?

23 A I have.

24 Q And you specifically had education on the

1 effects of methamphetamine on the system?

2 A Yes, I have.

3 Q So before we get into the results in this
4 case, I do want to get a more general idea of
5 methamphetamine and its effects on the system. Now --
6 and before we go to methamphetamine, amphetamine is the
7 other substance that was found in the blood. Correct?

8 A Yes.

9 Q So you found two substances.

10 A Correct.

11 Q Methamphetamine and amphetamine.

12 A Yes.

13 Q And amphetamine is a metabolite of
14 methamphetamine.

15 A Yes, it is. So when someone takes
16 methamphetamine, like I mentioned, the body immediately
17 goes to work on eliminating it, getting it out. This
18 process is called metabolizing, or metabolism. The body
19 basically works to break down that methamphetamine
20 molecule into smaller bits to ultimately eliminate it.
21 So that first byproduct of the metabolism process is
22 amphetamine. Amphetamine is chemically similar to
23 methamphetamine, it has a lot of the same effects, it's
24 just a smaller molecule. It is also almost a stand

1 alone drug. It can be prescribed in a clinical setting,
2 but when it's found in conjunction with methamphetamine,
3 it's typically the result of that of the body's
4 metabolism so it's usually a metabolite of or a by
5 process of the body breakdown of the methamphetamine.

6 Q So when you see amphetamine and
7 methamphetamine together that's not a surprise to you.

8 A No. In fact, that's typical.

9 Q So let's talk about some of the physiological
10 effects of methamphetamine. And if you could start --
11 and I just mean the effect on the body of a living
12 organism. So let's start with it is a stimulant.
13 Correct?

14 A Correct.

15 Q And that means it causes an increase in
16 activity?

17 A Yes. It's a central nervous system
18 stimulant, so methamphetamine is going to speed up the
19 body's functions. It's going to speed up heart rate,
20 breathing, motor reflexes, muscle activity, basically
21 all of the vital functions that the body performs it's
22 going to ramp those up, speed those up.

23 Q Okay. And so -- and when you say ramp them
24 up or increase them, that could include a rapid heart

1 rate?

2 A Absolutely.

3 Q Okay. And you're also aware of the
4 psychological effects that methamphetamine can cause.
5 Correct?

6 A Yes.

7 Q Okay. Can you talk about those, please?

8 A Well, methamphetamine can be -- or
9 methamphetamine use can be broken down actually into
10 phases of use. So when it's first taken the user will
11 experience euphoria, and everything will speed up to the
12 point of what's called thought blending, kind of stream
13 of consciousness thoughts that go from one to another.
14 Hallucinations may occur. Distortion in -- in time and
15 perception, confusion, just basically an over
16 stimulation of stimulus the body is receiving,
17 everything is going faster which increases perception.
18 Or excuse me, it increases, essentially, input into the
19 body and kind of mixes everything up.

20 As that starts to wane, there is more of a
21 generalized speed up in which it's maybe not as intense
22 as when just ingesting it, but a lot of those same
23 things occur. There can be mood swings, aggressive
24 behavior, unpredictable decision making, from there, and

1 that can last several hours.

2 From there the body starts to, basically,
3 crave that feeling again. And depending on the user's
4 pattern, at this point it may be readministered trying
5 to chase that initial euphoria.

6 If it's not readministered the body goes into
7 a phase that's known as tweaking: Uncoordinated muscle
8 spasms, jerking movements, intense drug craving, periods
9 of solemnness or being tethered, periods of aggression,
10 kind of a -- a mood that -- that can be unpredictable,
11 confusion, disorientation.

12 If the drug is not readministered again at
13 that point, then ultimately there will be what's called
14 a crash associated with methamphetamine so, you know,
15 what goes up must come down. The body always is working
16 to achieve what's called equilibrium. So if it's
17 subjected to this extreme high, in order to try and
18 level itself out it's going to undergo extreme low.

19 And this is kind of interesting because it
20 actually will slice somebody on the opposite type of
21 substance. It looks like they're on a depressant. They
22 are falling asleep. They may have slow, slurred speech,
23 maybe slow to comprehend because, again, the body is
24 basically accommodating for that high, high, using a

1 low, low. So methamphetamine is interesting in that it
2 is a stimulant, but down the road it can have opposite
3 effects, just depending on the phase of use that the
4 user is in at any point.

5 Q Thank you. Now, in speaking of the amount,
6 in this case you mentioned a -- I think you called it a
7 margin of error. Correct?

8 A Measurement of uncertainty.

9 Q Measurement of uncertainty.

10 A Yes, the error is eliminated. I don't know
11 why.

12 Q And in this case it's as far as the
13 methamphetamine levels go it's 140 nanograms per
14 milliliter. Correct?

15 A Yes, it is the measurement of uncertainty.

16 Q And that means it could be 140, up to 140
17 nanograms per milliliter higher?

18 A Potentially, yes.

19 Q And it could also be up to 140 nanograms per
20 milliliter lower --

21 A Potentially, yes.

22 Q -- than the amount that you found.

23 A Yes.

24 Q Okay. And then I also want to talk a little

1 bit about you mentioned the half life. And you
2 mentioned that methamphetamine has a half life of ten
3 hours. Now, the purpose of you telling us about that
4 today was to explain why you can wait several hours and
5 test blood for drugs and not have to worry -- or for
6 methamphetamine and not have to worry that the body has
7 eliminated at the more rapid pace that the body
8 eliminates alcohol. Right? Was that confusing?

9 A It's -- the purpose -- I think what you're
10 getting at, the purpose of the question, three blood
11 draws spaced a half hour apart so ultimately an hour
12 from the first to last blood draw, I wouldn't expect the
13 methamphetamine levels to change very much at that time
14 or in that time period because of that long half life
15 because methamphetamine sticks around for so long you're
16 not going to see a dramatic change that we can do any
17 math with, like you would in the case of alcohol.

18 Q Okay. So you weren't testifying as to when,
19 or you have no opinion on when methamphetamine was
20 consumed in the body of the person whose blood you were
21 testing in this case. Correct?

22 A No. My concern is is what it is at the time
23 of draw.

24 Q Right. So it's a snapshot, right? And it's

1 -- it's a snapshot of what is contained within that
2 blood at the time it is withdrawn from the person.

3 A Correct.

4 Q But you would need additional information to
5 opine on how much there could have been at a different
6 time. Correct?

7 A Correct.

8 Q And that's not something you were asked to do
9 in this case.

10 A Not specifically, no.

11 Q Okay. And then just going back to your
12 discussion of the effects of methamphetamine
13 psychologically, you mentioned roughly three stages that
14 follow use. And are you able to give an approximate
15 time for when someone would be in those stages?

16 A The time frames will vary on the user's
17 pattern of use, their amount of use within that time
18 period, their tolerance. In general, before the initial
19 high and rush is relatively short, with the kind of
20 generalized high that comes after that lasting several
21 hours. The kind of tweaking or drug-creating phase can
22 last several days, as can the crash associated with
23 daily methamphetamine use as well. But again, it is
24 going to be specific to the user and their pattern of

1 use at that time.

2 Q Okay. And then the other thing that you
3 tested for in this case was alcohol?

4 A Yes.

5 Q And you did not find any alcohol in the
6 blood.

7 A Correct.

8 MS. GROSENICK: No further questions.

9 THE COURT: Thank you, Ms. Grosenick. Ms.
10 Rosenthal.

11 MS. ROSENTHAL: No questions, your Honor.

12 THE COURT: Thank you so much. Mr. Prengaman.

13 MR. PRENGAMAN: Thank you, your Honor.

14 REDIRECT EXAMINATION

15 BY MR. PRENGAMAN:

16 Q Ms. Woodard, does the -- you were just
17 testifying about the sort of the length of time periods
18 that the various phases last. Is that affected by the
19 method of ingestion?

20 A It can be.

21 Q And how so?

22 A Methamphetamine can be used three ways. It
23 can be eaten, which is not typically very common because
24 it's not very efficient to be honest. It can be smoked.

1 And it also can be used intravenously, injected into the
2 blood stream.

3 With the second to the latter two, the
4 intravenous use and the smoking, the drug will be
5 distributed directly into the line very quickly if you
6 have some of that directly into your blood stream. Or
7 smoking it, your -- the blood from your lungs and the
8 blood that you have administered into goes pretty
9 directly into your brain so that's almost immediate.
10 Intravenous use is only several minutes later with
11 smoking.

12 However, if one were to ingest or eat
13 methamphetamine, the drug goes into the stomach and has
14 to be absorbed through the gastrointestinal system and
15 will go through metabolic processes. It will go through
16 the liver. All of these components of digestion and
17 metabolism will delay the onset of effects and delay the
18 peak concentration of methamphetamine and the associated
19 high with it. It will also kind of dampen. That high
20 won't be as intense and it won't be as immediate.

21 Q And when you -- so when you talk about that
22 initial phase, sort of that euphoric phase, is there --
23 and I don't know if you can't be definite. You told us
24 that it varies by individual and their pattern of use.

1 Is there -- is there a general time frame that you would
2 -- again, understanding it's going to vary, is there a
3 general time frame that you associate with that first
4 euphoric phase when it's smoked or intravenously
5 injected?

6 A Well, that very first rush where a euphoric
7 phase will, like I mentioned, come on rather
8 immediately, assuming intravenous or smoking use, and
9 can last minutes. It's not -- it's not extremely long
10 amount of time. That doesn't mean, you know, after ten
11 minutes that that high is gone, it just means that it's
12 not as extremely intense as it was initially.

13 Q And when you talked about pattern of use, is
14 there a tolerance that can develop from methamphetamine
15 like there is with alcohol?

16 A Yes, there is.

17 Q Can you describe that? What does that mean
18 in terms of tolerance for methamphetamine?

19 A Well, tolerance is a similar concept of
20 processes. I'm sure many of us, if not all of us are
21 familiar with alcohol tolerance, so the -- and the same
22 concept applies. So the amount of drug or alcohol taken
23 will produce a desired effect. Over time if that drug
24 or alcohol is readministered, repeated usage, the body

1 becomes used to those effects and actually tries to
2 accommodate for them, says okay, you know, we know this
3 invader, our muscles have tried to learn how to
4 accommodate for the impairment this invader has brought
5 upon us, so we're going to work around this. So the
6 result of that is that now it takes a little bit more
7 drug or a little bit more alcohol to achieve that
8 initial desired effect.

9 So over time, if this process keeps going, it
10 takes an increasing amount of drugs or alcohol to
11 achieve that same feeling that was felt when someone was
12 what we called a naive user or somebody who doesn't use
13 very often or it's the first time using. The high of
14 that feeling is also -- is being chased essentially,
15 that's the desired effect, it's going to take an
16 increasing amount of substance to get the user to that
17 feeling.

18 Q And when you talk about -- going back to the
19 phases. So you talked about the euphoric phase, the
20 intense phase, and then you talked about the next phase,
21 and is there, again, sort of an understanding that can't
22 be an exact understanding, and we'll begin with the
23 individual and tolerance, is there a general time frame
24 that you can attach to sort of that second?

1 A Yeah, that kind of generalized high can last
2 hours, up to eight hours potentially, or thereabouts.

3 Q And is the reason -- when you describe that
4 initial -- that initial euphoria, is that because of the
5 drug is absorbed so quickly?

6 A Yes. Under smoking scenarios or intravenous
7 use it's almost automatically back that that drug
8 immediately hits the brain and goes to work.

9 Q And so in terms of the amounts -- if you look
10 at the amount, is that what you're saying that the
11 amount is -- it reaches its peak in the system almost
12 immediately and then begins to metabolize as, again, you
13 go through the various phases that you've described?

14 A Yes. So the feeling or the euphoria is going
15 to be associated with the concentration. So when one
16 introduces it intravenously, they inject
17 methamphetamine, the methamphetamine concentration, the
18 amount in the blood stream is going to be at the highest
19 point upon injection, that that full dose is in the
20 blood stream, the body will start working to metabolize
21 it into get rid of it. Again, that's a whole lengthy
22 process, but with that initial hit, so-to-speak or that
23 initial dose in the blood stream, that has the highest
24 concentration of methamphetamine that will be on board.

1 MR. PRENGAMAN: Thank you. I have no further
2 questions.

3 THE COURT: Thanks, Mr. Prengaman. Ms.
4 Grosenick.

5 MS. GROSENICK: Nothing, your Honor. Thank
6 you.

7 THE COURT: Ms. Woodard, thank you so much.

8 MS. ROSENTHAL: Your Honor, we have a
9 follow-up.

10 THE COURT: Oh, sorry. Thank you. Thank you.
11 Yes, you had no questions previously. Go ahead, Ms.
12 Rosenthal.

13 MS. ROSENTHAL: But I do have a follow-up
14 given Mr. Prengaman's question.

15 CROSS-EXAMINATION

16 BY MS. ROSENTHAL:

17 Q Ms. Woodard, if somebody used within a couple
18 of an event. You would expect that he would exhibit as
19 least some of the effects you listed. Correct?

20 A I think it would depend on the user and,
21 again, on their tolerance and usage history. I would
22 say it would be likely that one or more of those effects
23 would be exhibited, but I can't speak to the extent to
24 which they would be exhibited because, again, that's

1 based upon usage, history, and the user's tolerance to
2 that particular substance.

3 MS. ROSENTHAL: Thank you. We have no further
4 questions.

5 THE COURT: Thank you, Ms. Rosenthal. Ms.
6 Woodard, you are excused. Thank you. Mr. Prengaman.

7 MR. PRENGAMAN: Your Honor, may we have a
8 brief recess?

9 THE COURT: Let's do that. Ladies and
10 Gentlemen, we're going to take a brief recess. During
11 this time you must not discuss or communicate with
12 anybody, including fellow jurors, in any way regarding
13 the case or its merits, either by voice, phone, email,
14 text, internet, or other means of communication or
15 social media.

16 You must not read, watch or listen to any news
17 or media accounts or commentary about the case. You
18 must not do any research, such as consulting
19 dictionaries, using the internet, or using reference
20 materials, make any investigation, test a theory of the
21 case or recreate any aspect of the case, or in any other
22 way investigate or learn about the case on your own.

23 And you must not form or express any opinion
24 about the case until it's finally submitted to you.

1 We'll be in recess.

2 (Short recess.)

3 THE COURT: Mr. Prengaman.

4 MR. PRENGAMAN: Thank you, your Honor. The
5 State will call Dr. McNett.

6 THE COURT: Thank you.

7 COURT CLERK: Sir, please raise your right
8 hand.

9 HENRY MCNETT, M.D.,
10 called as a witness herein, being first
11 duly sworn, was examined and testified
12 as follows:

13 COURT CLERK: Thank you.

14 THE COURT: Good afternoon, Dr. Mcnett. Sir,
15 you can remove your mask while testifying provided
16 you're comfortable with doing that. We've got Plexiglas
17 there, but we can also provide you with a face shield if
18 you want to.

19 THE WITNESS: No, I'm okay.

20 THE COURT: Be sure and lean into the
21 microphone so we can hear you nice and loud. Thank you
22 so much. Mr. Prengaman.

23 MR. PRENGAMAN: Thank you, your Honor.

24 DIRECT EXAMINATION

1 BY MR. PRENGAMAN:

2 Q Good afternoon.

3 A Good afternoon.

4 Q Could you please state your name and spell
5 your last name for our court reporter?

6 A My name is Henry McNett. My last name is
7 M-c-n-e-t-t.

8 Q And what's your profession?

9 A I'm a forensic pathologist.

10 Q And by whom are you employed?

11 A Washoe County.

12 Q And you work for the Washoe County Medical
13 Examiner's Office?

14 A I do.

15 Q First, can you tell us what -- when you say
16 forensic pathologist what is that discipline? What is
17 forensic pathology?

18 A Forensic pathology is a sort of subspecialty
19 of pathology. It studies -- or that does autopsies to
20 determine the cause and manner of death.

21 Q And is one of your primary responsibilities
22 with the medical examiner's office to conduct autopsies
23 to determine the cause and manner?

24 A It is, yes.

1 Q What is your -- do you have an official title
2 with the medical examiner's office?

3 A Assistant Medical Examiner.

4 Q And how long have you been a pathologist with
5 Washoe County Medical Examiner's Office?

6 A Since July, 2019.

7 Q And Doctor, could I ask you to please
8 describe, summarize your relevant education, training
9 and experience that qualifies you to hold the position
10 you do hold.

11 A I did medical school at Oregon Health and
12 Sciences University in Portland, Oregon. I completed a
13 pathology residence in anatomic and clinical pathology
14 at Washington University in Saint Louis. And did a
15 fellowship in forensic pathology at the University of
16 New Mexico.

17 Q And Doctor, do you hold any board
18 certifications in -- relevant to your specialty?

19 A I do. I am Board Certified by the American
20 Board of Pathology and Anatomic Pathology, Clinical
21 Pathology and Forensic Pathology.

22 Q Doctor, can you approximate for us about how
23 many autopsies you've performed in your career?

24 A Including -- including residency, fellowship

1 and currently thus far in my career, about 500.

2 Q And Doctor, you are licensed to practice
3 medicine in the state of Nevada.

4 A I am, that is correct.

5 Q Doctor, talking about the autopsy, here at
6 the Washoe County Medical Examiner's Office, is there a
7 standard protocol that is followed for autopsies?

8 A There is, yes.

9 Q Would you please describe that general
10 procedure for us?

11 A So for the autopsy in general, or my role, is
12 that what you're referring to or is this the entire
13 office?

14 Q Is there -- well, is there some preparation?
15 So let me ask it this way. When a body is brought into
16 the medical examiner's office for autopsy, do you -- are
17 there techs or people at the medical examiner's office
18 that assist you in with your function of performing
19 autopsies?

20 A There are, yes. There are people that do the
21 initial processing the body, taking images of the body,
22 take x-rays when some sort of trauma is involved, and
23 getting the body ready for an examination.

24 Q And Doctor, I'd like to focus on the

1 examinations, the process that you would follow once
2 that -- so that you become -- you become involved and
3 begin the autopsies.

4 A So before the exam we review any x-rays if
5 they were performed. And then initially what we do is
6 an external examination of the body which means just
7 looking over all of the body for injury and/or natural
8 disease.

9 And once that completes we start the internal
10 examination, which consists of opening the anterior
11 portion of the torso and looking at the ribs, then
12 removing the rib cage and looking at the organs of the
13 chest and abdomen, and then looking at each organ
14 one-by-one. And drawing specimens for toxicology and
15 potentially additional studies if necessary.

16 Q And Doctor, when you say anterior, it sounds
17 like front. Is that the front of the body?

18 A Sorry, yes. Anterior is the front.

19 Q Now, in terms of determining the cause of
20 death, so cause and manner, I think you said earlier,
21 what's the difference between those two, cause and
22 manner?

23 A So cause is the initial event or disease
24 process that eventually leads to the person's death.

1 Whereas, manner is a medical classification based on the
2 circumstances surrounding death.

3 Q And when you say it's a medical designation,
4 when you determine the manner of death are you
5 purporting to give a legal opinion about somebody having
6 to provide a cause and manner?

7 A No, it's not. A legal designation is a
8 public health designation used primarily for Vital
9 Statistics.

10 Q And what are the possible classifications for
11 a manner of that?

12 A So there are five manners of death. We use
13 natural, accident, suicide, homicide and undetermined.

14 Q In terms of that medical classification
15 what's the difference between homicide and accident?

16 A Well, an accident -- an accidental death is
17 that it resulted from injuries and/or toxicity from
18 poisoning that can happen unintentionally. Whereas, a
19 homicide manner is a death that resulted from
20 intentional act of another person with the intent to
21 cause fear, harm or death in that person.

22 Q And again, when you use those def -- for
23 instance, if you declare something a homicide are you
24 saying that somebody was killed and committed a crime

1 necessarily?

2 A No.

3 Q And when you determine the manner are you
4 speaking to anything beyond the mechanism itself that
5 resulted in the death?

6 A No, I'm not.

7 Q So for instance, if you declare or use that
8 classification accident, are you suggesting that the
9 conduct that led up to an event was not criminal?

10 A No, I'm not.

11 Q Are you intending to make any type of
12 suggestion about the intent or not intent of anyone
13 involved in that leading up to a death possibly?

14 A The more proximal events, no. The immediate
15 events surrounding the death in question, yes.

16 Q Now, taking you to February 24th, 2020, on
17 that day did you perform an autopsy on the body of an
18 adult male identified as Jacob Edwards?

19 A Yes, I did.

20 Q And did that autopsy take place at the
21 medical examiner's office here in Reno?

22 A It did, yes.

23 Q And was Rudy Bein somebody that assisted you
24 in that autopsy?

1 A I believe so, but to verify I would have to
2 look at my autopsy report.

3 Q So let me ask you about that, Doctor. When
4 you perform an autopsy such as this case do you somehow
5 document the work that you do in your conclusions?

6 A Um, can you repeat the question? I'm not
7 sure what you mean.

8 Q Let me ask it more specifically. Do you
9 create a report about the autopsy you performed?

10 A Yes, I do.

11 Q And does that contain documentation of who is
12 involved, who assisted you in that autopsy?

13 A It does, yes.

14 Q I'm going to show you what we've marked for
15 identification as Exhibit 130. And Doctor, could you
16 please look at that exhibit and tell me if you recognize
17 130 as containing a copy of your report, your autopsy
18 report for this case?

19 A It does, yes.

20 Q And would it refresh your memory about who
21 assisted you in performing the autopsy in that regard?

22 A Yes.

23 Q And please do so. Let me know when you've
24 had a chance to check.

1 A The autopsy in this case were me, Bein and
2 Michael Bergman.

3 Q Now, Doctor, when you performed the autopsy
4 on the body of Mr. Edwards, did you follow that standard
5 procedure or protocol that you described for us earlier?

6 A Yes, I did.

7 Q Were you -- based on your examination of Mr.
8 Edwards' body did you reach a conclusion about the cause
9 of his death and give a medical classification of the
10 manner of his death?

11 A Yes, I did.

12 Q Doctor, I'm going to show you what we marked
13 as Exhibits 85 through 91. 85 through 89 are in
14 evidence, and I'm showing you 90 and 91 for
15 identification.

16 Doctor, do you recognize those photographs as
17 depicting Mr. Edwards' various and various aspects of
18 his body at autopsy?

19 A I do, yes.

20 Q Are they observations of what you observed
21 during the course of your autopsy of Mr. Edwards?

22 A Yes.

23 Q And would those photographs assist you in
24 explaining the work that you did and the conclusions

1 that you reached?

2 A Yes.

3 MR. PRENGAMAN: Your Honor, I'd move for the
4 admission of Exhibit 90, 91.

5 THE COURT: Ms. Rosenthal, Mr. Picker.

6 MS. ROSENTHAL: No objection.

7 THE COURT: Thank you so much. Ms. Grosenick,
8 Ms. Hickman.

9 MS. HICKMAN: No objection.

10 THE COURT: Exhibits 90 and 91 are admitted.
11 (Exhibits 90 and 91 are admitted into
12 evidence.)

13 MR. PRENGAMAN: Thank you, your Honor.

14 BY MR. PRENGAMAN:

15 Q Doctor, I'm showing you Exhibit 85, and can
16 you tell us what -- what do we see there?

17 A This is a picture of the front of the
18 decedent.

19 Q And is this as he appeared after the body bag
20 was opened?

21 A Yes.

22 Q And so this would be at the outset or prior
23 to you doing the autopsy process?

24 A That is correct.

1 Q In the course of your -- so I'd like to
2 follow the -- what you described as the standard
3 process, so the external examination. Did you find
4 evidence of recent apparent injury on Mr. Edwards'
5 person when you conducted your external examination?

6 A I did, yes.

7 Q Okay. And showing you now Exhibit 87, do you
8 see in this exhibit any of the evidence of recent injury
9 that you observed?

10 A Yes.

11 Q Can you describe for us what we see depicted
12 in this photograph?

13 A So this is a picture of the right side of his
14 head, and there are two abrasions or scrapes, sort of
15 red/orange coloration on the side of his face.

16 Q And now, Doctor, if you -- using that monitor
17 you can touch it and it will draw, or you have to touch
18 it kind of firmly. But I ask you to show us using the
19 monitor where those abrasions are, scrapes.

20 A (Witness marking Exhibit 87.)

21 Q And then moving to Exhibit 88. Doctor, can
22 you tell us what aspect of Mr. Edwards' body is depicted
23 here (indicating)?

24 A This is a front view of the lower portion of

1 his abdomen.

2 Q And is any evidence of recent injury apparent
3 in this photograph?

4 A There are additional abrasions or scrapes on
5 the left, middle and right sides.

6 Q And again, may I ask you to using the monitor
7 show us where you observed those injuries?

8 A (Witness labeling Exhibit 88.)

9 Q And showing you Exhibit 89. Doctor, does
10 Exhibit 89 show a closer-up view of one of the areas of
11 injuries that we saw on the prior photo?

12 A Yes.

13 Q And going back briefly to Exhibit 88, could
14 you -- I'll ask you to circle the area that this would
15 correspond to on 88.

16 A (Witness labeling Exhibit 88.)

17 Q Now, Doctor, in terms of your, again,
18 external examination, did you find other areas of recent
19 injury on Mr. -- on the exterior of Mr. Edwards?

20 A I did, yes.

21 Q Would you describe what other areas of injury
22 you saw?

23 A Yes. I would have to refer to my report.

24 Q And did you document those areas of injury,

1 again, when it was fresh in your mind after you had
2 conducted the autopsy?

3 A Yes.

4 Q All right. What other external injuries did
5 you observe?

6 A The initial injuries were predominantly
7 bruising and the scraping on the arms and legs.

8 Q And, Doctor, when you proceeded to the
9 internal examination, can you describe your findings
10 again referencing evidence of recent traumatic injury?

11 A Okay. So sort of going from outwards to
12 inwards, there were multiple fractures of the ribs.
13 There was a fracture of the sternum. There were
14 multiple bruises or contusions to the lungs, and one
15 area of tearing of the lung tissue which we call a
16 laceration. And most significantly, there was a
17 transection or a full thickness separation of the
18 thoracic spinal column, which is the part of your kind
19 of mid back, and that included the spinal cord, as well
20 as the aorta, which is the largest -- which is the
21 artery that takes the blood from your heart to the rest
22 of your body.

23 Q And, Doctor, I'm going to show you Exhibit
24 90. And does this photograph depict a number of the

1 internal injuries that you have just described?

2 A It does.

3 Q Would you please using the photo explain them
4 to us? If you need to, go ahead and draw on that.

5 A So within the circle is the transection or
6 the separation of the spinal column, and the forceps are
7 holding a portion of the aorta.

8 Q And, Doctor, what is the -- what is the
9 significance of that injury?

10 A I think the significance is a lot of force
11 was required to cause that injury.

12 THE COURT: I'm sorry, I did not hear that,
13 Doctor.

14 THE WITNESS: A lot of force was required to
15 cause this injury.

16 BY MR. PRENGAMAN:

17 Q Then showing you Exhibit Number 91. What is
18 shown here (indicating)?

19 A The metal forceps holding a portion of the
20 lung where there is a laceration or tearing of the
21 tissue. And there is some hemorrhage within the tissue
22 underneath the laceration.

23 Q And Doctor, of the injuries you described are
24 some of them bleeding injuries?

1 A Can you repeat the question?

2 Q Of the injuries you described are a number of
3 them bleeding injuries, in other words, that caused
4 blood loss?

5 A That trauma or the tearing of the aorta,
6 would, yes, cause blood loss.

7 Q And after your examination, you completed
8 your autopsy -- let me back up. Did you find any other
9 evidence of recent traumatic injury in your internal
10 examination?

11 A Well, as mentioned before, we look at x-rays
12 before the examination and there were also fractures of
13 the right arm and the right thigh. well, the femur,
14 which is the bone in the thigh.

15 Q And based on your examination of Mr. Edwards'
16 body at autopsy, did you -- were you able to determine
17 the cause of his death?

18 A Yes.

19 Q And what was your determination as to the
20 cause of his death?

21 A That he died from the blunt force injuries to
22 his chest and abdomen.

23 Q And Doctor, how did those injuries bring
24 about that?

1 A Causing internal blood loss and impairing his
2 ability to breathe.

3 Q Are the injuries that you observed, those
4 injuries that you just described, consistent with a car
5 collision?

6 A They are, yes.

7 Q And Doctor, did you use a determination about
8 the manner of Mr. Edwards' death?

9 A I did, yes.

10 Q What was that?

11 A It was determined to be an accident.

12 Q And what was that determination based on?

13 A Based on that the automobile collision
14 directly injured that caused death, but was not
15 intentional.

16 Q And again, when you speak to that are you
17 speaking to anything beyond the collision itself?

18 A No, I am not.

19 Q And are you intending that as any type of
20 legal conclusion relative to this case?

21 A No, I am not.

22 MR. PRENGAMAN: Thank you, Doctor. I have no
23 further questions.

24 THE COURT: Thank you, Mr. Prengaman.

1 Ms. Hickman, Ms. Grosenick.

2 CROSS-EXAMINATION

3 BY MS. HICKMAN:

4 Q Dr. McNett, you performed this autopsy on
5 February 25th. Correct?

6 A Based on the report it says February 24th.

7 Q 24th? Okay. And when -- so you went through
8 sort of a protocol for autopsies in general and you
9 talked about what you did in this case. Do you remember
10 that?

11 A Yes.

12 Q Okay. So in this case law enforcement was
13 the Sparks Police Department were present at the
14 autopsy. Correct?

15 A I apologize, I do not recall.

16 Q Okay. Is it common or uncommon depending on
17 -- I guess my question is do you ever have law
18 enforcement attend autopsies?

19 A Sometimes.

20 Q Okay. And do you personally talk to them
21 about the circumstances of the case, or does that
22 usually happen with your investigators?

23 A It depends on the case.

24 Q Okay. And in this case did you personally

1 talk to law enforcement or was it the investigators?

2 A I'm sorry, I can't recall.

3 Q Okay. And in writing your report, you take
4 into account the circumstances surrounding the death.
5 Correct?

6 A For determining the manner, correct.

7 Q Okay. So in this case, in examining the body
8 and writing the report, you're the person who comes up
9 with the manner of death. Correct?

10 A That is correct.

11 Q And so based on what you knew and what you
12 could personally see in this case, you determined that
13 the manner of death in this case was an accident.
14 Correct?

15 A That is correct.

16 MS. HICKMAN: I have no further questions.

17 MS. ROSENTHAL: I have no questions for this
18 witness, your Honor.

19 THE COURT: Thank you, Ms. Rosenthal. Mr.
20 Prengaman, any follow-up?

21 MR. PRENGAMAN: No, your Honor.

22 THE COURT: Thank you so much, Dr. McNett.
23 Thank you, sir, you are excused.

24 THE WITNESS: Thank you.

1 DEPUTY WOOD: I'll take that, Doctor.

2 THE COURT: Mr. Prengaman.

3 MR. PRENGAMAN: Your Honor, the State will
4 call Adam Harris.

5 DEPUTY WOOD: Stand here, face toward the
6 clerk, please.

7 ADAM HARRIS,
8 called as a witness herein, being first
9 duly sworn, was examined and testified
10 as follows:

11 DEPUTY WOOD: Take the stand, watch your step.

12 THE COURT: Officer Harris, you can testify
13 without the mask, if you're comfortable doing that. We
14 have Plexiglas that we can also offer you a face shield
15 if you want.

16 THE WITNESS: It's okay.

17 THE COURT: Thank you so much. Mr. Prengaman.

18 MR. PRENGAMAN: Thank you, your Honor.

19 DIRECT EXAMINATION

20 BY MR. PRENGAMAN:

21 Q Good afternoon.

22 A Good afternoon.

23 Q Would you please tell us your name?

24 A Adam Harris.

1 Q And what do you do for a living?

2 A I am a detective with the Sparks Police
3 Department.

4 Q You're a sworn peace officer.

5 A Yes.

6 Q And how long have you served the City of
7 Sparks in any capacity as a peace officer?

8 A About 15 years.

9 Q What is your current assignment?

10 A I actually have couple assignments, but my
11 primary assignment is I'm a detective, Sparks Police
12 Department in General Assignment Detective. Sparks PD
13 we don't have any people, crimes or property crimes
14 Detective were all general assignments. We work
15 everything from fraud to murder to officer involved
16 shootings.

17 And my second assignment is I'm a sworn task
18 force officer with the FBI currently working on task
19 force with Washoe County Sheriff's Office which is
20 designated as a hearing crimes and forensic analysis.

21 Q And do you have some specialized training and
22 experience with regard to forensic analysis?

23 A I do, yes.

24 Q And for our purposes today, do you have some

1 specialized training and education with regard to the
2 forensic analysis of cellular phones?

3 A Yes.

4 Q And/or mobile devices?

5 A Yes.

6 Q Could you summarize for us your relevant
7 training and experience with regard to the forensic
8 analysis of mobile devices?

9 A Sure. So in total for digital forensics I
10 have a little over 900 hours of training, specialized
11 training for that. And in that time, we go to vendor
12 system training so training for programs Washoe County
13 Sheriff's Office that the vendors have used to use the
14 cellular analysis. One of the main vendors would be
15 Celebrite or Magnet. Those are the two main programs
16 that we use to do training. Also achieve certifications
17 through Celebrite to use their program. And then
18 there's nonvendor specific training as well so I am
19 certified through -- certification through GM which is
20 advanced smart phone certification. And I have attended
21 multiple other trainings for that specific subject.

22 Q And Detective, speaking about forensic
23 analysis, exactly what does it mean when it come to cell
24 phones and mobile devices?

1 A So for mobile devices there's several steps.
2 The first step would be to extract that evidence or that
3 device itself, and once we perform that extraction
4 there's an analysis portion, and through that analysis
5 there's multiple things that we can do and then we also
6 can verify those.

7 Q In terms of just take a cell phone, that
8 involves, in part, getting information off the cell
9 phone.

10 A Yes.

11 Q Okay. And when you talk about forensic
12 analysis do you typically be like I lose my cell phone
13 do you get on it, manipulate the buttons and search that
14 way?

15 A No. I mean, as a last resort we can if we
16 have to. We would mainly take photos, but in most cases
17 we use a specialized program to extract data from that
18 device, and then we use other programs to analyze that
19 data.

20 Q Detective, taking you back to February 22nd
21 of 2020, back then did you become involved in an ongoing
22 investigation surrounding the death of Jacob Edwards?

23 A Yes.

24 Q And did you in the course of your -- and you

1 had a number of duties and responsibilities, of course,
2 in that investigation.

3 A Yes.

4 Q I'd like to focus today on a couple, and some
5 of that has to do with forensic analysis of cell phones.

6 A Yes.

7 Q I'd like to focus on that today. Back on
8 February 22nd, did you conduct an interview with an
9 individual named Steve Sims?

10 A Yes.

11 Q And in the course of that interview, did he
12 -- did you request and did he provide his cell phone to
13 you?

14 A Yes.

15 Q And did you conduct a forensic analysis, a
16 download, extract data from that download?

17 A Yes.

18 Q And after extracting that data did you
19 examine it?

20 A Yes.

21 Q And I'd like to show you -- well, let me ask
22 you did you locate -- were you looking for text message
23 activity between his phone and another phone?

24 A Yes.

1 Q Did you find evidence of that activity?

2 A Yes.

3 Q I'm going to show you what we've admitted in
4 evidence as Exhibit 108 and 109. Do you recognize
5 those, Detective?

6 A I do, yes.

7 Q And do those two exhibits contain data in the
8 form of messaging evidence that was obtained from Mr.
9 Sims' cell?

10 A Yes.

11 Q Now, detective, on or about that same day,
12 February 22nd, did another detective involved in the
13 case provide you with a cell phone?

14 A Yes.

15 Q And was that, Detective, Detective Zendejas?

16 A Yes.

17 Q Did he provide you with a cell phone that had
18 come from somebody that he had contact with that day at
19 Sparks Police Department?

20 A Yes.

21 Q And was that Adrianna Norman?

22 A Yes.

23 Q Did you conduct a forensic analysis of that
24 cell phone?

1 A Yes.

2 Q And can you tell us what type of -- well, let
3 me ask it this way. As you sit here right now can you
4 tell us what -- what cell type of phone that was and
5 what the phone number that it corresponded to?

6 A So I have an Apple 11 iPhone, number I don't
7 specifically remember.

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

9 THE WITNESS: It was an Apple iPhone 11, I
10 believe, but the phone number itself I don't know.

11 BY MR. PRENGAMAN:

12 Q Detective, did you document that in a report?
13 Did you -- as a result of the forensic work you did in
14 this case did you create a report document?

15 A Yes.

16 Q Did you document in that phone report the
17 phone number that corresponded with the Adrianna Norman
18 cell phone?

19 A Yes.

20 Q Detective, I'm going to show you what we've
21 marked for identification as Exhibit 161. Detective, do
22 you recognize that as the report documented in the
23 Exhibit 161?

24 A Yes.

1 Q Would looking at that report allow you to
2 tell the phone number associated with Adrianna Norman's
3 cell phone?

4 A Yes.

5 Q If you would, please.

6 A It's 775 213-3865.

7 Q And Detective, when you examined the cell
8 phone that Mr. Sims had provided you, you learned his --
9 the phone number associated with his phone, right?

10 A Yes.

11 Q Can you tell what the cell phone number
12 associated with his phone number is?

13 A I have to refer.

14 Q Please do.

15 A It's 775 250-0332.

16 Q Now, Detective, in terms of the iPhone -- the
17 Adrianna Norman iPhone, in terms of your examination,
18 were you able to extract data from that phone?

19 A Yes.

20 Q And was one of the things that you were
21 looking for evidence of messaging activity on the -- in
22 the early morning hours of February 22nd?

23 A Yes.

24 Q Did you find cell phone activity in the early

1 morning hours?

2 A Yes.

3 Q Specifically, did you find messaging activity
4 in the six a.m., between six a.m. and seven a.m. --

5 A Yes.

6 Q -- time frame?

7 THE COURT: Sorry, Mr. Prengaman, what day?

8 MR. PRENGAMAN: February 22nd, your Honor.

9 THE COURT: Thank you.

10 BY MR. PRENGAMAN:

11 Q And Detective, the time frame, the date of
12 that activity are in the early morning hours between six
13 a.m. and seven a.m. February 22nd, 2020?

14 A Yes.

15 Q I'm going to show you what we've marked for
16 identification as Exhibit Number 111.

17 MS. HICKMAN: Let me see that.

18 BY MR. PRENGAMAN:

19 Q Detective, do you recognize 111?

20 A Yes.

21 Q And I don't want you to get into specifics or
22 the contents of any messages, but what does that exhibit
23 reflect?

24 A It shows messages between Norman's phone and

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MS. HICKMAN: I'm going to object to him saying anything more until more of a foundation is laid.

THE COURT: Until a?

MS. HICKMAN: A found -- sorry. More of a foundation is laid.

THE COURT: And the issue with the current foundation.

MS. HICKMAN: Your Honor, it's -- the document -- well, the testimony he's about to give has not yet been authenticated. It might be a premature objection, but if he reads much more I think that there has to be more of a foundation laid.

THE COURT: With regard to?

MS. HICKMAN: Who the text messages are between.

THE COURT: Mr. Prengaman.

MR. PRENGAMAN: I'm in the process of laying that right now, your Honor.

THE COURT: Thank you.

BY MR. PRENGAMAN:

Q Detective, so messaging between Adrianna Norman's cell phone and another phone number?

A Correct.

1 Q What other number?

2 A So the phone number that she was messaging to
3 or from was 775 431-4551.

4 Q And I'm sorry, I just want to make sure I'm
5 following you. That number is the messaging receiving
6 so she's sending to and receiving messages from that
7 number?

8 A Correct.

9 Q Okay. Now, in your -- in the course of your
10 examination was that phone number, so the one that you
11 just told us, what were the last four digits of that
12 number?

13 A 4551.

14 Q Did that 4551 number have an entry in the
15 contacts area of Ms. Norman's phone?

16 A Yes.

17 Q Did it have a designation, I don't want to
18 you say the content of that yet, but did it have a
19 designation, some type of name on it?

20 A Yes.

21 Q Did it also have a photograph that had been
22 attached to that -- to that contact?

23 A Yes.

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

1 for identification as Exhibit 112.

2 MR. PICKER: Your Honor, I have an objection
3 to Exhibit 112.

4 THE COURT: Mr. Picker.

5 MR. PICKER: Your Honor, I would prefer to do
6 this outside the presence of the jury.

7 THE COURT: Ladies and Gentlemen, we're going
8 to take about a -- well, a few-minute break. We'll call
9 you back in a minute.

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

15 You must not read, watch, or listen to any
16 news or media accounts or commentary about the case, do
17 any research, such as consulting dictionaries, using the
18 internet, or using reference materials.

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

24 Thank you.

1 (Jury leaves the courtroom.)

2 (Outside the presence of the jury.)

3 THE COURT: Mr. Picker, would you like the
4 witnessed excused as well?

5 MR. PICKER: No, that's fine, your Honor.

6 THE COURT: Mr. Picker.

7 MR. PICKER: Thank you, your Honor.

8 THE COURT: Can I -- I'd like to look at the
9 exhibits. I don't even know what they contain.

10 I can look at his. Okay. Mr. Picker.

11 MR. PICKER: Your Honor, my objection is to
12 the inclusion of photographs in Exhibit 112. The
13 inclusion of that photograph of the children's faces, I
14 believe that is inappropriate and it's irrelevant and it
15 is prejudicial.

16 THE COURT: Okay, Mr. Picker, thank you. Mr.
17 Prengaman.

18 MR. PRENGAMAN: Your Honor --

19 THE COURT: Let me ask Mr. Picker. Any other
20 objection to 112?

21 MR. PICKER: No, your Honor, it's simply the
22 inclusion of the children.

23 THE COURT: Okay. Mr. Prengaman.

24 MR. PRENGAMAN: Your Honor, I -- so since --

1 so since there's not an objection to anything else but
2 that I will address it.

3 THE COURT: Let me ask Ms. Rosenthal, excuse
4 me, Mr. Prengaman, for interrupting.

5 Ms. Rosenthal, Ms. Hickman, Exhibit 112
6 objections?

7 MS. HICKMAN: Your Honor, I don't have an
8 objection to 112.

9 THE COURT: Okay. Mr. Prengaman?

10 MR. PRENGAMAN: So your Honor, since there's
11 no objection to anything else, focusing on the objection
12 to the inclusion of the children, the evidence is going
13 to be from this detective that that is the photograph
14 that came from the phone, that's exactly what is on
15 there, that the -- the designation of the moniker on
16 contact for that phone number which is Bear, it's got a
17 photograph of Mr. Williams, and then the content of
18 those calls which is part of my foundation.

19 THE COURT: Go ahead.

20 MR. PRENGAMAN: Is that we have Mr. -- Ms.
21 Norman and Mr. Williams on surveillance footage during
22 that same time frame of those calls and the content of
23 those calls which the Court can consider in determining
24 the foundation, correspond to events that -- correspond

1 to evidence and testimony that we've had in this case
2 that shows the current that morning, Bob and Lucy's that
3 morning, specifically the references to the owner just
4 sent 15 minutes he's going to give me a hundred, the
5 message call me when it's ready, which is, again, as the
6 Court saw on the surveillance footage this really
7 actually goes out to the tribal place out there, you've
8 heard testimony about Ms. Norman talking about
9 communicating with him on her cell phone, I can't stop
10 what's gonna happen if he comes back in here, but in
11 particular, that message, hey, just said 15 minutes is
12 going to be a hundred corresponds in a very precise way
13 with the evidence of what happened at Bob and Lucy's.
14 So you have the contact with the defendant's picture on
15 it, in conjunction with that content, that's my
16 foundation, I submit it's seem very, very significant
17 probative value in this case.

18 THE COURT: Let me ask you just -- what would
19 be the issue? There are two pages to 112 appears to be
20 a single photo. There are two children in the
21 foreground, and then the second picture the children are
22 closer in the foreground. Mr. Prengaman, any objection
23 to having the people in your office obscure the faces of
24 the children?

1 MR. PRENGAMAN: No. No, your Honor. No, I
2 would submit it just for the record, I don't -- I would
3 submit that's not unfairly prejudicial, it -- but if the
4 Court -- if that's the Court's preference I'll do it,
5 it's just a matter of time. I --

6 THE COURT: Let me ask Mr. Picker this. Mr.
7 Picker, are these family members of -- or relatives?
8 What's the heightened sensitivity of the faces, please?

9 MR. PICKER: Your Honor, those are Ms.
10 Norman's children.

11 THE COURT: Okay. All right. They're Ms.
12 Norman's children. Okay. So Mr. -- so I understand
13 there's a single objection, it's to the children's faces
14 in 112.

15 With regard to 111, Mr. Picker.

16 MR. PICKER: Your Honor, I didn't object to
17 111.

18 THE COURT: I'm sorry?

19 MR. PICKER: I didn't object to 111.

20 THE COURT: Do you have any objection to 111?

21 MR. PICKER: I do not.

22 THE COURT: Ms. Hickman, any objection to 111
23 now that Mr. Prengaman has laid some additional
24 foundation?

1 MS. HICKMAN: Your Honor, the only thing I
2 object to in 111 is the text message call me when it's
3 ready. If that was issued to Mr. Williams, I don't
4 think the proper foundation has been made.

5 THE COURT: You don't think that the proper
6 foundation has been laid.

7 MS. HICKMAN: No. If you look at Rodriguez
8 versus State, it goes through what needs to be done to
9 authenticate a text message.

10 THE COURT: Right.

11 MS. HICKMAN: And I don't believe that that
12 text message has been authenticated. I could filter it
13 if you'd like, or I can give you the case cite.

14 THE COURT: I'm going to pull up my key
15 language from Rodriguez. Here's the language for
16 Rodriguez at 128 Nevada 157. This is at 158.

17 "The Court in Rodriguez addressed Rodriguez's
18 codefendant in the allegations that they assaulted and
19 robbed the victim. During assault the victim's cell
20 phone was stolen, the 12 text messages were sent from
21 the victim's phone to the victim. On appeal Rodriguez
22 argued that the District Court erred by admitting that
23 the 12 messages because the State failed to authenticate
24 the messages the deemed the messages as irrelevant and

1 hearsay.

2 As a matter of first impression Nevada Supreme

3 Court held -- this is a direct quote from the case.

4 "Establishing the identity the author of the text

5 message through the use of corroborating evidence is

6 critical to satisfying the authentication requirement

7 for, and the civility must include that when there has

8 been an objection to admissibility of text messages as

9 seen in NRS 47.040(1)(a), the proponent of the evidence

10 must explain the purpose for which the text message is

11 being offered."

12 Backing out of the quotation now, Mr.

13 Prengaman has done that, provide such direct or

14 circumstantial corroborating evidence of authorship in

15 order to authenticate the text message as a condition

16 precedent to its admission.

17 Just give me one minute here. Okay.

18 Authorship as a condition precedent to authenticate.

19 Mr. Prengaman.

20 Ms. Hickman, I set the stage with regard to

21 Rodriguez. Anything else you want to bring up with

22 regard to Denmark and then anything else you want to

23 argue?

24 MS. HICKMAN: There is, your Honor, thank you.

1 So with Rodriguez, it's not sufficient to say that a
2 message was sent from a person's cell phone to show
3 authorship. And in this case we have even less
4 information than there was present in Rodriguez.
5 Because all you have in this case is one-sided. You
6 have text messages from Ms. Norman to a phone number
7 that she has listed as Bear. There is no information
8 linking that phone number to Mr. Williams, other than a
9 photo in her phone, and then there's no corroborating
10 details that he was using the phone with that phone
11 number at the time to be the one who sent that message.
12 And so the issue is did he author that message. And I
13 think if you look through Rodriguez, it's --

14 THE COURT: It's a unique case where I saw --
15 there's actually photos, excuse me, video footage of him
16 on a bus texting, that's a unique case where you
17 actually have a video of someone texting. That's not
18 going to be the case every time, that can't be the
19 standard. Agreed?

20 MS. HICKMAN: Agreed. But we do have video in
21 this case at that same time period. And A, the phone
22 has not been linked to Mr. Williams as the author,
23 except for as it comes from Ms. Norman's phone. And
24 that is the issue because there has to be additional

1 evidence which tends to corroborate the identity of the
2 sender. It may include the context or content of the
3 messages themselves, such as what messages contain
4 factual information or references unique to the parties
5 involved.

6 And it can't be from her side -- there's
7 nothing from the other side to say that that "message
8 call me when it's ready" was authored by Mr. Williams,
9 especially if the phone is -- if that is a phone they're
10 saying she's texting him when he's sitting outside, we
11 know he's not alone outside in the car, we know he's not
12 the only one, so when you look at Rodriguez and how they
13 go through cell phones, this is an issue in this case is
14 that with cell phones, they're not always used by the
15 same person who the phone belongs to. But here there's
16 not even any testimony that that phone number belongs to
17 Ryan Williams, other than a photo that's in a phone
18 that's downloaded. So there's not even that other side
19 of it corroborating that information.

20 THE COURT: So I want to make sure I
21 understand with regard to the exhibit, Ms. Hickman, the
22 objection is only to -- the messages are numbered 1
23 through 6. The objection is only to number 6?

24 MS. HICKMAN: I'm sorry, what?

1 THE COURT: You previously said you had an
2 objection. Looking at Exhibit 111, the calls are
3 numbered, the messages are numbered 1 through 6. Your
4 objection is only as to number 6?

5 MS. HICKMAN: As to the messages saying "call
6 me when it's ready", and identifying that as being
7 something that was authored by Mr. Williams.

8 THE COURT: But no objection to 1 through 5.

9 MS. HICKMAN: No. Because I think that the
10 State can lay the appropriate foundation. A, it's not
11 my client. And B, we think that that may be appropriate
12 foundation because we see the phone in her hand --

13 THE COURT: And then they're all ongoing.

14 MS. HICKMAN: -- on surveillance and they're
15 all ongoing.

16 THE COURT: But it's 6 that you have the
17 objection to.

18 MS. HICKMAN: Correct.

19 THE COURT: Okay. Mr. Prengaman.

20 MR. PRENGAMAN: Thank you, your Honor. Your
21 Honor, so first of all, we're still talking about
22 Rodriguez does not change. We're talking about prima
23 facie evidence. We're not talking about standard of
24 proof beyond a reasonable doubt even by a preponderance.

1 Really it's a prima facie case from which a jury, a
2 reasonable juror could find, so against find. It's not
3 conclusive, I don't have to rule out every other
4 alternative, I just have to show sufficient prima facie
5 evidence that it is Mr. Williams. And I would submit --
6 and I would submit the State has done that in accord
7 with the passage that counsel just read.

8 So the State has a cell phone from Ms. Norman,
9 that has a photograph that she has associated with Mr.
10 Williams that she has associated with this other number.

11 That, again, by itself is not enough, I would
12 agree, based on Rodriguez it's not enough, but it's not
13 to be overlooked and it is way beyond, I submit your
14 Honor, because as we all know, people tend to put photos
15 of the people that -- of whose numbers are in their
16 phones so that, I would submit, very strong evidence
17 associating that number with Mr. Williams.

18 Now, in addition to that, there is evidence in
19 this case when you look at the timing --

20 THE COURT: When you look at -- say it again?

21 MR. PRENGAMAN: The timing, your Honor, so at
22 this very time frame, and then this call at 6:26
23 beginning with the one that Ms. -- the one that
24 counsel's objecting to. So 6:26 a.m., that's the time

1 frame when we have seen Ms. Norman and Mr. Williams
2 together with Mr. Sims in the breezeway and then Mr.
3 Williams go out to the car.

4 Now, that incoming text message is "call me
5 when it's ready" which speaks to immediacy that that is
6 -- that is from somebody who is involved in something
7 that is ongoing. Then you continue with the messages.
8 And again, the content is able to be considered.
9 Whether it's from the other phone or from Ms. Norman, it
10 is appropriate to consider the content.

11 And so, again, from what we've seen on that
12 surveillance video the two of them, these two defendants
13 involved as they were and testimony from Mr. Sims about
14 the money, specifically a hundred dollars, and the Court
15 having seen objectively on that footage Mr. Williams go
16 out and wait while Ms. Norman remains inside, and that's
17 why in part that time frame is so significant, that 6:26
18 a.m., you compare that to the time frame on the video
19 that we saw, and again, that corresponds very closely to
20 when Mr. Williams goes out in the car, then it continues
21 hey, to the same number, they just said call me when
22 it's ready. Call me when it's ready, again, immediacy.
23 And the answer is "hey, the owner just said 15 minutes
24 he's gonna give me 100". So is it ready? It's gonna be

1 15 minutes. So speaking directly to that immediacy is
2 that answer that corresponds very precisely to the
3 evidence, the circumstantial evidence in this case of
4 what was happening at that very time.

5 Then you go on to the -- one's with your
6 phone, but then the two at 6:33, "So can we wait 15?"
7 Now, that, again, circumstantially connects the person
8 waiting outside in the car whose photo's in her phone,
9 who has said call me when it's ready and now she's
10 responding "can we wait 15?" Again, following up on the
11 content of that precisely matches the testimony about
12 what was happening at that very time. So can we wait
13 15? We kind of need that. Again, can we wait 15 speaks
14 to Ms. Norman inside Bob and Lucy's speaking to somebody
15 else who knows what's going on by virtue of the content.

16 So I submit, your Honor, by circumstantial
17 evidence the State has established the prima facie case
18 that Mr. Williams is the other side of that call and
19 that all of these phone calls should be admitted under
20 that standard.

21 Now, again, weight? Defense can argue weight,
22 they can argue that. But in terms of the admissibility
23 under Rodriguez the State has shown that circumstantial
24 evidence by virtue of the facts and circumstances of

1 this case this is, again, prima facie as Mr. Williams
2 that's communicated.

3 THE COURT: Mr. Prengaman, if you would show
4 me, there is another one -- or Exhibit 2, can you bring
5 up the video between 6:25 and 6:35, please.

6 Mr. Prengaman, I think you want to address Ms.
7 Hickman raised there were two people in the truck. I
8 didn't hear you directly address that.

9 MS. HICKMAN: And your Honor, when we go
10 through this I think we should excuse the witness.

11 THE COURT: You're excused.

12 THE WITNESS: Thank you, your Honor.

13 THE COURT: I'll let you know when we need you
14 back.

15 MR. PICKER: Your Honor, I was also going to
16 suggest that we release the jury for the day. This is
17 not going to be done in the next few minutes.

18 THE COURT: Yeah, it's 3:15. Counsel, I've
19 already admonished them, that I did tell them it was a
20 break, but I've admonished them probably 30 times in
21 this case thus far. Based on the admonition I just gave
22 them I sent them on a recess, any objection to me
23 dismissing them through Deputy Wood without bringing
24 them back in here so I can tell them they're going home

1 for the evening, I gave it to Deputy Wood to release
2 them for the evening. I did tell them to be here
3 starting at eight a.m. tomorrow morning. Mr. Prengaman.

4 MR. PRENGAMAN: State has no objection.

5 THE COURT: Ms. Hickman, Ms. Grosenick.

6 MS. HICKMAN: No objection.

7 THE COURT: No objection. Mr. Picker, Ms.
8 Rosenthal.

9 MR. PICKER: No objection.

10 THE COURT: Okay. Deputy Wood, thank you so
11 much.

12 (Jury is sent home for the day by Deputy
13 Wood.)

14 THE COURT: Okay. Let's take a look at that.
15 Make a record, Mr. Prengaman, which exhibit is
16 this?

17 MR. PRENGAMAN: Yes, your Honor. So this is
18 Exhibit Number 2, this is the composite video.

19 MR. PICKER: Your Honor? I hesitate to
20 interrupt, but I was told on that order that you signed
21 to produce Mr. Kelly today?

22 THE COURT: Yes.

23 MR. PICKER: That he needed to be at tribal
24 court by 4:00 this afternoon?

1 THE COURT: We already signed it, but it was
2 filed, right?

3 COURT CLERK: I haven't had a chance to file
4 it yet, your Honor.

5 THE COURT: Okay. We'll file it right now.
6 Can you file it? I'm going to excuse my clerk so she
7 can file that and then we'll -- you go ahead, Mr.
8 Picker.

9 MR. PICKER: Thank you, your Honor.

10 THE COURT: Counsel, while we're doing that --
11 go ahead, Ms. Lux, we'll wait.

12 MR. PRENGAMAN: Your Honor, do you want me to
13 continue or just wait?

14 THE COURT: I think we can play the video
15 while she's not here, it's already in evidence. Go
16 ahead.

17 MR. PRENGAMAN: So your Honor, for the record,
18 Exhibit 2 I'm going to start at 23:36, 23 minutes 36
19 seconds in, the time stamp is 6:34:18.

20 THE COURT: Just a second. Okay.

21 (Exhibit 2 is being played.)

22 MR. PRENGAMAN: Your Honor, would you like me
23 to continue? Would you like me to continue on?

24 THE COURT: Yes.

1 (Exhibit 2 is being played.)

2 Mr. Prengaman, you can fast forward it so that
3 I can still see it through 6:34.

4 MR. PRENGAMAN: So your Honor, it will. If
5 the Court would like to switch to a different camera we
6 can go forward to six, it goes forward to 6:30 so if you
7 would like, I can pull up a different camera view.

8 THE COURT: Okay. All right. Thank you.
9 Okay. Mr. Prengaman, the only other issue raised was --
10 which Ms. Hickman raised is two people in the cab of the
11 truck.

12 MR. PRENGAMAN: And your Honor, I submit
13 again, I don't have to rule out every other possibility,
14 I just have to show a prima facie case. And the fact
15 that -- again, the fact that Mr. Williams' picture is
16 there are -- and -- is certainly that's something -- the
17 case of Rodriguez doesn't say you can't consider that
18 you put it out of your mind, it just says you need more
19 than that. So that is a circumstance to consider here,
20 that's his picture and his phone, on top of that, your
21 Honor, Mr. Kelly was not inside, did not -- as the
22 testimony was, witnessed the conversation about the
23 hundred dollars, he specifically refers to that. And so
24 -- and now, again, the times can be plus, you know,

1 there could be a plus or minus factor with a different
2 phone or this surveillance footage, but what the Court
3 saw was Mr. Williams going out very -- just a minute or
4 two, give or take, before that message call me when it's
5 ready, and then the response to that is hey, the owner
6 said 15 minutes he'd give me a hundred which, again, is
7 a very close -- very close pass to the testimony that
8 that was the conversation. So the circumstances are the
9 other -- the other person in the car, I would submit
10 that while that I guess you could say you could argue
11 that as to weight you could say it's impossible, but Mr.
12 Kelly was not inside to witness the conversation, it
13 would not be consistent or it would certainly be far
14 less consistent with what the evidence, the
15 circumstantial evidence shows for him to be texting
16 about call me when it's ready when he wasn't even inside
17 to talk about that and it would not make sense for Ms.
18 -- again -- or at least it would make far less sense for
19 Ms. Norman to be sending him a message about the hundred
20 dollars because the two people involved in that side of
21 the hundred dollar discussion were Mr. Williams and Ms.
22 Norman.

23 And so I submit that the State has gone beyond
24 the prima facie case but it certainly has established a

1 prima facie case that that first call is from Mr.
2 Williams. And again, the weight, the argument, that's
3 something the defense can do but the State has shown the
4 prima facie case necessary to admit that call.

5 THE COURT: Okay.

6 MR. PRENGAMAN: Especially when you look at
7 those so can we wait 15? Again, that's a reference to
8 what has just occurred inside.

9 THE COURT: The other thing I wanted to put on
10 the record is the reason I looked at the video is if
11 there are texts if they're not together, and I wanted to
12 verify for myself which I did by looking at the clip on
13 Exhibit 2 that I was shown between 6:24 and 6:34 that,
14 in fact, the entire time Mr. Williams was actually in
15 the truck and not in the gaming property at this moment.

16 Okay, Ms. Hickman, it's your objection. You
17 get the last word.

18 MS. HICKMAN: Thank you, your Honor. The
19 State's argument does not go to the authorship of that
20 one text message. He's asking you to base that decision
21 on what comes from Ms. Norman's phone, and that's not --
22 that's not the standard. And to argue all he has to so
23 prima facie case lowers the burden before it can be
24 admitted. He has to show as a condition precedent to

1 admissibility the matter in question is what it claims.
2 He has to show call me when it's ready came from not a
3 phone number that Ms. Norman had labeled as belonging to
4 Bear, that she put a picture in her phone, but that it
5 came from Ryan Williams before he was shooting that
6 statement to him. And I think that the State asked you
7 to make links that you can't make under the evidentiary
8 rule, right?

9 THE COURT: Let me just ask you this because
10 we're using Rodriguez and you acknowledged here that
11 Rodriguez was one of these fortuitous cases where
12 there's actually video of someone, above -- either
13 sending text messages and timing's attached to the video
14 so they made sense on the one video, prove he sent the
15 rest of it. This is where you don't have video, an
16 instance where you don't have video, for example, in a
17 case like this, what's in, what is -- what is the
18 sufficient amount of evidence?

19 MS. HICKMAN: Well, I would say in this case,
20 you actually do have video, you don't ever see Mr.
21 Williams with a phone in his hand, or using a phone in
22 any way. You don't see any other communication from
23 that phone to this number at that time that indicates it
24 came from him. And so when you take just that text

1 message "call me when it's ready", there is nothing
2 about that text message that identifies the author or is
3 so unique to the circumstances that you can presume that
4 it's something between the two of them that the author
5 is referencing that you can say the author knows. Not
6 what Ms. Norman knows because we can see what she's
7 doing, but call me when it's ready does not indicate
8 anything about the author of that text message.

9 And I think Rodriguez actually gives you some
10 information when you don't have videos about other cases
11 that the Nevada Supreme Court looked at to determine how
12 you can decide if the message has been authenticated.

13 And one of the things that they talk about is
14 that a person can not be identified as the author of a
15 text message based solely on evidence the message was
16 sent from the phone, bearing phone numbers, fine.

17 But then they talk about some additional
18 evidence which tends to corroborate the identity of the
19 sender when required. Circumstantial evidence
20 corroborating the sender's identity may include the
21 context or content of the messages themselves, such as
22 where the messages contained factual information or
23 references unique to the parties involved. But that
24 can't just be the conversation, it has to be from the

1 author.

2 And in this case the author of that text
3 message is not giving you any unique information to know
4 that it's part -- that who the author is because he
5 doesn't respond. He doesn't respond to hey, the owner
6 just said 15 minutes he's gonna give me a hundred, that
7 was later, can we wait 15 time being that. There's no
8 response acknowledging that. I'm stepping outside, this
9 is Ryan Williams, or allows you to make those
10 assumptions. And to say that call me when it's ready
11 speaks to immediacy, I think, also requires the Court to
12 speculate, because call me when it's ready could be call
13 me when it's ready in an hour. Call me when it's ready
14 in two weeks. I just put my order in, call me when it's
15 ready, I'll come get it.

16 THE COURT: How realistic is that given the
17 quotation you just gave me from Rodriguez from the fact
18 that circumstantial evidence can be gleaned from content
19 and context given what the testimony is in this case
20 thus far about what's going on here?

21 MS. HICKMAN: It is very realistic, your
22 Honor, there's nothing about call me when it's ready
23 that acknowledges anything about this case. I think it
24 would be different if there was a response to can we

1 wait 15? And the person said yes, we can wait 15
2 minutes. Or we kind of need that, yeah, we do need
3 that, I'll wait outside for it. But there's no
4 acknowledgment from -- from that author to Ms. Norman
5 who we know is sending those messages. And so I don't
6 think that you can say that there has been
7 authentication about that phone call.

8 And then some of the issues come up with the
9 fact that you don't have video for a very pertinent part
10 of the case, right? These videos comes 6:32 -- his
11 texts says 6:32, 6:32, 6:33. The video wasn't
12 collected, and so we don't even have that video to see
13 what's going on with Mr. Williams and Ms. Norman at the
14 time because they stopped collecting it at 6:30 inside.

15 THE COURT: Are you suggesting that Mr. Norman
16 -- Mr. Williams actually may have gotten out of the
17 truck during that time frame and walked back in, but
18 there's no video of that?

19 MS. HICKMAN: I'm saying that the video from
20 inside isn't collected from 6:30. And so you asked to
21 view video from 6:26 to 6:33. And the problem is
22 there's no video after 6:30 inside there.

23 THE COURT: But there's video outside. You
24 see Mr. Williams leave, and then there's a video outside

1 through 6:34, last text message being 6:33:45, but then
2 the truck he actually drives away.

3 MS. HICKMAN: Right.

4 THE COURT: So they're not together in that
5 period of time.

6 MS. HICKMAN: They're not together, but let's
7 not forget who has to corroborate who the author of that
8 message.

9 THE COURT: I'm just saying think about the
10 -- well, you know what I'm saying, which is think about
11 why would they be texting if they were standing next to
12 each other. They'd be texting because they weren't
13 together.

14 MS. HICKMAN: But that assumes that they are
15 texting. That assumes the authorship which has not --
16 the foundation hasn't been laid for that.

17 THE COURT: Ms. Hickman, I want to take a look
18 at Rodriguez. I want to look at the exact language in
19 the case and at least one other case. So we can do
20 this, counsel. It's 3:30. I can dismiss you for the
21 evening, or you can give me about 15, 20 minutes, and
22 I'll let you know what's going on with this while I take
23 a look at Rodriguez and bring something back. It's your
24 call. I can do it first thing in the morning or I can

1 do it tonight.

2 MS. HICKMAN: I'm fine waiting but I defer to
3 everyone else.

4 THE COURT: Ms. Hickman's fine waiting. She
5 defers to everybody else.

6 MR. PRENGAMAN: I'll wait, your Honor.

7 THE COURT: Mr. Prengaman, you're going to
8 wait. We'll be off the record.

9 (Discussion held off the record.)

10 (Proceedings continued until April 23, 2021,
11 at 8:00 a.m.)

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1 STATE OF NEVADA)
2 COUNTY OF WASHOE)

3 I, JULIE ANN KERNAN, official reporter of
4 the Second Judicial District Court of the State of
5 Nevada, in and for the County of Washoe, do hereby
6 certify:

7 That as such reporter I was present in
8 Department No. 1 of the above court on Thursday, April
9 22, 2021, at the hour of 8:08 a.m. of said day, and I
10 then and there took verbatim stenotype notes of the
11 proceedings had and testimony given therein upon the
12 Jury Trial of the case of STATE OF NEVADA, Plaintiff,
13 vs. ADRIANNA MARIE NORMAN, et al., Defendants, Case No.
14 CR20-0630A.

15 That the foregoing transcript, consisting of
16 pages numbered 1 through 227, both inclusive, is a full,
17 true and correct transcript of my said stenotype notes,
18 so taken as aforesaid, and is a full, true and correct
19 statement of the proceedings of the above-entitled
20 action to the best of my knowledge, skill and ability.

21 DATED: At Reno, Nevada, this 20th day of September,
22 2021.

23 /s/ Julie Ann Kernan

24

JULIE ANN KERNAN, CCR #427

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