

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 EIGHT

JOHN L. ARRASCADA
Washoe County Public Defender

JOHN REESE PETTY
Chief Deputy
350 South Center Street,
5th Floor
Reno, Nevada 89501

Attorneys for Appellant

CHRISTOPHER J. HICKS
Washoe County District Attorney

JENNIFER P. NOBLE
Chief Appellate Deputy
One South Sierra Street,
7th Floor
Reno, Nevada 89501

Attorneys for Respondent

Electronically Filed
Jan 11 2022 01:56 p.m.
No. 83418 Elizabeth A. Brown
Clerk of Supreme Court

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

Code #4185
SUNSHINE LITIGATION SERVICES
151 County Estates Circle
Reno, Nevada 89511

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

HONORABLE KATHLEEN DRAKULICH, DISTRICT JUDGE

-o0o-

THE STATE OF NEVADA, Case No. CR20-0630A
Plaintiff, Dept No. 1
vs.

ADRIANNA MARIE NORMAN,
Defendant.

THE STATE OF NEVADA, Case No. CR20-0630B
Plaintiff, Dept No. 1
vs.

RYAN WILLIAMS,
Defendant.

TRANSCRIPT OF PROCEEDINGS

JURY TRIAL - DAY 10

APRIL 23, 2021

RENO, NEVADA

REPORTED BY: CORRIE L. WOLDEN, NV CSR #194, RPR, CP

JOB NO. 746613

1

2

A P P E A R A N C E S

3

4 FOR THE PLAINTIFF:

DEPUTY DISTRICT ATTORNEY, WASHOE
COUNTY

5

BY: LUKE J. PRENGAMAN, ESQ.

6

One South Sierra Street

Reno, Nevada 89501

7

775-328-3200

lprengam@mail.co.washoe.nv.us

8

9

10 FOR DEFENDANT ADRIANNA
11 NORMAN:

WASHOE COUNTY ALTERNATE PUBLIC
DEFENDERS

11

BY: MARC P. PICKER, ESQ.

12

AND: MELISSA A. ROSENTHAL, ESQ.

350 S. Center Street, 6th Floor

13

Reno, Nevada 89501

775-328-3955

14

mpicker@washoecounty.us

mrosenthal@washoecounty.us

15

16

17 FOR DEFENDANT RYAN
18 WILLIAMS:

WASHOE COUNTY PUBLIC DEFENDER'S
OFFICE

18

BY: EVELYN GROSENICK, ESQ.

19

AND: KATHERYN HICKMAN, ESQ.

350 S. Center Street, 5th Floor

20

Reno, Nevada 89501

775-337-4800

21

khickman@washoecounty.us

egrosenick@washoecounty.us

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

<u>WITNESSES</u>	<u>PAGE</u>
JOSE ZENDEJAS (Out of the presence of the jury)	
DIRECT EXAMINATION BY MR. PRENGAMAN	17
CROSS EXAMINATION BY MS. HICKMAN	28
ADAM HARRIS	
DIRECT EXAMINATION BY MR. PRENGAMAN	52
CROSS EXAMINATION BY MS. HICKMAN	58
CROSS EXAMINATION BY MR. PICKER	83
JOSE ZENDEJAS	
DIRECT EXAMINATION BY MR. PRENGAMAN	92
CROSS EXAMINATION BY MS. HICKMAN	104
CROSS EXAMINATION BY MR. PICKER	143
SAYER DION-SMYCZEK	
DIRECT EXAMINATION BY MR. PRENGAMAN	149
CROSS EXAMINATION BY MS. HICKMAN	153
CROSS EXAMINATION BY MR. PICKER	155
ZANE KELLY	
DIRECT EXAMINATION BY MR. PICKER	167
CROSS EXAMINATION BY MS. HICKMAN	171
CROSS EXAMINATION BY MR. PRENGAMAN	174
REDIRECT EXAMINATION BY MR. PICKER	190
RECROSS EXAMINATION BY MS. HICKMAN	191
MAX DAVIS	
DIRECT EXAMINATION BY MS. GROSENICK	199
CROSS EXAMINATION BY MR. PRENGAMAN	211

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

E X H I B I T S

<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>MARKED</u>	<u>ADMITTED</u>
Exhibit 111	Texts - Norman to Bear, 2-22-20	--	55
Exhibit 168	Box containing pistol	--	152
Exhibit 168a	Pistol	--	152
Exhibit 168b	Bullet from chamber	--	152
Exhibit 168c	Magazine	--	152
Exhibit 168d	Bullets from magazine	--	152
Exhibit 214	Diagram from NHP Report	--	205
Exhibit 215	Photo from NHP Report	--	205
Exhibit 228	Williams phone call 4-5-20 edit#2	--	97
Exhibit 229	Williams phone call 4-28-20 edit#2	--	97
Exhibit 230	Contact for Bear from Ms. Norman's phone	--	54
Exhibit 231	Detective Zendejas Report, 3-2-20	122	--

1 RENO, NEVADA, FRIDAY, APRIL 23, 2021, 8:03 A.M.

2 -o0o-

3 (Whereupon the following proceedings
4 were outside the presence of the jury.)

5 THE COURT: Counsel, before we head down the path
6 regarding the Exhibits 11 and Number 12, Mr. Prengaman, your
7 witnesses for today?

8 MR. PRENGAMAN: Detective Zendejas after Detective
9 Harris.

10 THE COURT: Okay. And then is it the expectation
11 or anticipation that the state may rest at that point?

12 MR. PRENGAMAN: Yes, Your Honor.

13 THE COURT: All right. Now, talk to me a little
14 bit about what we will be doing outside the presence of the
15 jury with regard to Detective Zendejas.

16 MR. PRENGAMAN: So, Your Honor, we had the
17 discussion about the jail calls. The Court indicated that I
18 needed to redact the existing exhibits to remove the lead-in
19 where the inmate is asked to say their name. So it just
20 says Ryan Williams at the beginning, so I have redacted that
21 out. I provided copies to the defense. I marked those
22 redacted copies.

23 And so the Court indicated that when we were
24 having that discussion, I indicated that was part of the
25 foundation, including the way the jail system works, and the

1 Court indicated at that time that I could lay the foundation
2 outside the jury's presence for the detective to testify
3 about the workings of the jail system and --

4 THE COURT: Keep your voice up. Let's go off the
5 record for a minute.

6 (An off-record discussion from 8:05 a.m. to 8:06 a.m.)

7 MR. PRENGAMAN: And so, again, Your Honor, I ask
8 for purposes so that I can lay the foundation and, again,
9 the detective, I expect he is going to testify that the way
10 the jail system works is we will ask him to search by
11 inmate. We will ask him to search by inmate, typically the
12 code or number that is assigned to each inmate.

13 There is a unique identifier, which is also part
14 of the foundation, for Williams, in addition to him stating
15 his name at the beginning and recognizing his voice and the
16 content of the calls themselves with case-specific facts.

17 THE COURT: Okay. All right. And then we are
18 going to pursuant to discussion kind of last night head into
19 the defense's case, and my notes reflect that we are going
20 to head to Mr. Picker, Ms. Rosenthal, the two witnesses in
21 your case. Mr. Picker, where do we stand with that?

22 MR. PICKER: Your Honor, Mr. Kelly is here in the
23 courthouse, he has been transported, and Mr. Sagrero appears
24 to be in the wind.

25 THE COURT: In --

1 MR. PICKER: In the wind. We have not been able
2 to find him. Apparently, the information that we were given
3 is that after Mr. Cole testified he had a conversation with
4 Mr. Sagrero, and at that point Mr. Sagrero moved his vehicle
5 and no one has been able to find him.

6 THE COURT: So I don't anticipate -- you are not
7 calling him?

8 MR. PICKER: Your Honor, if we can't find him by
9 the end of today, since he is under subpoena I will lodge
10 the subpoena and ask the Court to issue a warrant.

11 THE COURT: Say it again.

12 MR. PICKER: I will lodge the subpoena and ask
13 this Court to issue a warrant that he be picked up based on
14 the fact that he failed to obey this Court's order as to the
15 subpoena.

16 THE COURT: Okay. Thank you, Mr. Picker.

17 Ms. Hickman, Ms. Grosenick, where do we go from
18 there?

19 MS. GROSENICK: Your Honor, we have Detective
20 Davis today, and we told him roughly 12:30, but I think we
21 can probably get him here earlier, and I don't, the last I
22 had heard the state had not called him off, and he was
23 planning to be here for the state at 10:00 a.m. So, you
24 know, whatever the Court needs as far as time we can have
25 him here.

1 As far as Trooper Chesebrough, we told her
2 preliminarily first thing Monday morning, so if we can do
3 that, that would be my request instead of yanking her out of
4 training today, but I don't feel like I have a good feeling
5 of the timeline for this morning, so.

6 THE COURT: Okay. But you will be calling the
7 detective?

8 MS. GROSENICK: We will be calling Detective Davis
9 today. He plans to be here today. And then also we are
10 calling Trooper Chesebro on Monday morning. Court staff
11 informed us earlier this week that there is another jury
12 trial starting on Monday morning, and so we were informed
13 that we may be starting earlier or later.

14 THE COURT: We made arrangements to make sure that
15 the jurors in this case enter without concern for what's
16 going to be happening with another jury case and so we are
17 going to start right at 8:00.

18 Deputy Woods, that's still the case? Do you want
19 me to review that again?

20 THE DEPUTY: I'm sorry, one more time, Your Honor.

21 THE COURT: The jurors in this case, even though
22 we are starting another jury on Monday, the jurors in this
23 case are going to be routed through security without concern
24 that there will be a long line related to a new case, so we
25 can start right at 8:00 on Monday?

1 THE DEPUTY: That is correct. They are going to
2 come through the Virginia Street exit and we should be able
3 to start at the same time.

4 THE COURT: Okay. So our plan is to start right
5 at 8:00 a.m. on Monday morning.

6 MS. GROSENICK: Okay. And is that okay if that's
7 when Trooper Chesebrough testifies?

8 THE COURT: Again, I don't know if Mr. Prengaman
9 is going to be calling rebuttal witnesses, but I would love
10 if we can get her on today. Is training here or is it in
11 Carson?

12 MS. GROSENICK: It's in Carson.

13 THE COURT: What time does it end?

14 MS. GROSENICK: It goes from 8:00 a.m. to 5:00
15 p.m. everyday.

16 THE COURT: That will give us -- well, I mean, we
17 can call her Monday morning, that's fine, at 8:00 a.m., but
18 to the extent we finish at all early today, we are going to
19 be working on jury instructions as a group.

20 Okay. And then, Mr. Prengaman, I won't hold you
21 to it, because I know you want to hear what everybody
22 testifies to before you make a decision about rebuttal, but
23 to the extent you know what the Trooper might testify to, I
24 need you to be thinking about those rebuttal witnesses and
25 be ready to go Monday morning as soon as that Trooper comes

1 off the stand.

2 MR. PRENGAMAN: Certainly, Your Honor, and
3 preliminarily I don't expect to have rebuttal testimony for
4 the Trooper. Mr. Kelly might be a different story, but I
5 will know that today.

6 THE COURT: Okay. All right. So what I would
7 like to do now, counsel, is give you my ruling on
8 Exhibits 111 and 112, and then so that we don't have the
9 jury popping in and out, what I would like to do is then
10 bring in -- is Zendejas ready to go right now to lay some
11 foundation or is he not here yet?

12 MR. PRENGAMAN: He is here, Your Honor.

13 THE COURT: Okay. What I would like to do is go
14 right to his foundation, put Harris back on the stand, and
15 then we will go to Zendejas, and then we will go right into
16 Kelly. And, Mr. Prengaman, I will ask you on the record
17 whether or not the state rests.

18 MR. PRENGAMAN: Okay.

19 THE COURT: All right.

20 MR. PICKER: Your Honor, there is a modified
21 version of 112 now.

22 THE COURT: I was just going to come to that.

23 MR. PICKER: And Exhibit 230 I wanted to let you
24 know we have no objection --

25 THE COURT: Mr. Picker, a little louder.

1 MR. PICKER: We have no objection to Exhibit 230.

2 THE COURT: Okay. Ms. Hickman, Grosenick, any
3 objection to 230?

4 MS. HICKMAN: No.

5 THE COURT: Okay. So I'm going to make a record
6 about 230. 112 was offered yesterday, marked and offered.
7 The request was that the faces of the two juveniles that are
8 in the foreground be blocked out.

9 Mr. Prengaman at the Court's request has done that
10 and that is Exhibit 230, and there is no objection to the
11 admission of that exhibit, so 230 will be in. 112 is held.
12 It's actually not in the record. I will use 230 instead.
13 So my ruling this morning will mention 230 since it's been
14 admitted.

15 The state seeks to admit Exhibits 112 and 230.
16 Excuse me, the state seeks to admit Exhibits 111 and 230.
17 Exhibit 111 is a series of six text messages identified as
18 coming from Ms. Norman's cell phone. Mr. Williams objects
19 to message number, Mr. Williams objects to message number 6
20 in Exhibit 111, which reads, "Call me whrn it's ready."
21 When is spelled W-H-R-N in that text message.

22 That message pursuant to Exhibit 111 is sent from
23 Bear, that's B-e-a-r, at 775-431-4551, at 6:26 a.m. on
24 February 22nd, 2020. Exhibit 230 is the contact for Bear
25 from Ms. Norman's phone. There is a picture of Mr. Williams

1 in a park setting with two young people in the foreground.

2 The message in number 6 in Exhibit 111 was read by
3 Ms. Norman at 6:32 a.m. on February 22nd, 2020, and she
4 responds to Bear at 6:32 a.m., "Hey, the owner jus said
5 15 minutes and he is gonna gimme \$100." Ms. Norman sent an
6 additional four messages to Bear thereafter.

7 In opposing the admission to the text messages,
8 Mr. Williams argues the state failed to provide the required
9 foundation under State versus Rodriguez. This Court
10 disagrees.

11 NRS 52.015(1) provides, "The requirement of
12 authentication or identification as a condition precedent to
13 admissibility is satisfied by evidence or other showing
14 sufficient to support a finding that the matter in question
15 is what its proponent claims."

16 In Rodriguez, Rodriguez and his co-defendant
17 Sanders assaulted and robbed the victim. During the
18 assault, the victim's cell phone was stolen and 12 text
19 messages were sent from the victim's phone to the victim's
20 boyfriend.

21 The state offered the text messages to establish
22 that Rodriguez was one of the individuals that assaulted the
23 victim. As a matter of first impression, the Nevada Supreme
24 Court held that, "Establishing the identity of the author of
25 a text message through the use of corroborating evidence is

1 critical to satisfying the authentication requirement for
2 admissibility. We thus conclude that, when there has been
3 an objection to admissibility of a text message, see
4 NRS 47.040(1)(a), the proponent of the evidence must explain
5 the purpose for which the text message is being offered and
6 provide sufficient direct or circumstantial corroborating
7 evidence of authorship in order to authenticate the text
8 message as a condition precedent to its admission. See
9 NRS 52.015(1), also NRS 47.060, and 47.070." That is
10 Rodriguez at 128 Nevada at 162.

11 With respect to the text messages at issue in
12 Rodriguez, the Court reasoned that only two text messages
13 sent from the victim's phone were admissible against
14 Rodriguez, because surveillance video on a bus depicted that
15 Rodriguez watched Sanders compose and send those messages.

16 However, the Court found that the state failed to
17 show that Rodriguez authorized or otherwise participated in
18 sending the other 10 text messages, and that the evidence
19 instead suggested that Sanders authored those messages and
20 had possession of the phone.

21 In Rodriguez, the Nevada Supreme Court case cited
22 cases from other jurisdictions that, "Focused on the
23 sender's identity and looked to the context and content of
24 the text messages for sufficient circumstantial evidence
25 identifying the sender." That is Rodriguez at 161.

1 Focusing now on the circumstantial evidence for
2 authentication of the objected text message number 6,
3 Exhibit 111. For a period of time prior to 6:26 a.m. on
4 February 22nd, 2020, as demonstrated by Exhibit 2 and
5 reviewed by this Court in open court yesterday, Norman,
6 Williams, and Sims are together inside Bob & Lucy's.

7 Ms. Norman has allegedly showed Mr. Sims a weapon,
8 allegedly accused him of stealing her children's Christmas
9 presents, and Mr. Sims has testified that thereafter
10 Mr. Williams told him, "You know how I roll. Let's ride."

11 Immediately thereafter, the video shows that
12 Mr. Williams attempted to exit Bob & Lucy's, and Mr. Sims
13 testified that he persuaded Ms. Norman and Mr. Williams to
14 halt the incident from Bob & Lucy's because he, Sims, could
15 get money from his roommate, the bartender.

16 The video reveals that Mr. Williams exits Bob &
17 Lucy's around 6:24 a.m. to wait inside his vehicle parked
18 just outside the door. At 6:26, Ms. Norman receives a text
19 message from Bear which says, "Call me whrn it's ready."

20 Bear is identified as Mr. Williams, because in
21 Ms. Williams', excuse me, in Ms. Norman's phone there is a
22 picture of Mr. Williams connected to that number, and while
23 that alone is not sufficient to authenticate the message,
24 surrounding circumstances and context are sufficient to do
25 so.

1 Namely, as stated above, Sims' testimony prior to
2 6:24 when Mr. Williams left the gaming property is that Sims
3 persuaded the defendants to halt the departure from Bob &
4 Lucy's because he could get money from the bartender, and
5 Mr. Williams, the only other participant to that
6 conversation, then leaves and sits outside in his car.

7 Ms. Norman read the message at 6:32 and responded
8 seconds later, "Hey, the owner jus said 15 minutes and he is
9 gonna gimme \$100." This corroborates the contents of Sims'
10 testimony that defendants agreed to wait while Sims got
11 money and corroborates that the text message in question was
12 sent to Mr. Williams as, again, he was the only other
13 participant to the conversation.

14 And while Mr. Kelly was also in the vehicle with
15 Mr. Williams, there is no evidence in this case that
16 Mr. Kelly participated in that conversation related to Sims
17 securing money from the bartender, such that Williams cannot
18 show that the state failed to authenticate the text message
19 pursuant to 52.015(1).

20 Williams also objects on the grounds that the text
21 message is hearsay. 51.035(3)(A) provides the statement is
22 not hearsay, "If the statement is offered against a party
23 and is the party's own statement, in either the party's
24 individual or a representative capacity."

25 The state having satisfied the condition precedent

1 to admissibility, namely offering evidence or other showing
2 sufficient to support a finding that the matter in question
3 is what this proponent claims; that is, a text message from
4 Mr. Williams is subject to the hearsay rule and
5 NRS 51.035(3) (A) has been met and the text messages will be
6 admitted.

7 All right. Now, let's do this, Mr. Prengaman. If
8 you would please call, is Detective Zendejas ready to go?

9 MR. PRENGAMAN: He is, Your Honor. I just have to
10 get the exhibits, but he is ready to go.

11 THE COURT: Okay. Let's do that. Why don't you
12 bring him in and get your exhibits ready and we will take
13 him regarding the foundation for the jail calls.

14 MR. PRENGAMAN: I will call Detective Zendejas.

15

16 JOSE ZENDEJAS,
17 called as a witness, having been duly sworn,
18 testified as follows:

19

20 THE COURT: Detective, you can take down your mask
21 when you testify. You have got the Plexiglas in front of
22 you, but I can also provide you a shield if you would be
23 more comfortable.

24 THE WITNESS: I'm okay. Thank you.

25 THE COURT: Okay. Thank you.

1 Mr. Prengaman, whenever you are ready.

2 MR. PRENGAMAN: Thank you, Your Honor.

3

4 DIRECT EXAMINATION

5 BY MR. PRENGAMAN:

6 Q Detective, I'm going to play for you Exhibit 165.

7 Oh, I'm sorry, Detective, could you please state your name
8 for the record?

9 A Jose Zendejas.

10 THE COURT: Mr. Prengaman, where is he employed?

11 MR. PRENGAMAN: I'm sorry, Your Honor, I was
12 bringing up the computer.

13 BY MR. PRENGAMAN:

14 Q Detective, what do you do for a living?

15 A I'm a detective with the Sparks Police Department.

16 Q You are a sworn peace officer?

17 A Yes, sir.

18 Q And how long have you served in any capacity as a
19 police officer with the City of Sparks?

20 A 15 years.

21 Q Your current assignment is to the Detective
22 Division, correct?

23 A That is correct.

24 Q How many years have you been assigned to the
25 Detective Division?

1 A Four years.

2 Q And, Detective, in this particular case were you
3 one of the lead detectives?

4 A I was.

5 Q Okay. And in the course of this investigation did
6 you, was Ryan Williams one of the suspects who ultimately
7 you arrested?

8 A He was.

9 Q In the course of the investigation did you have
10 contact with Mr. Williams at Renown Hospital?

11 A I did.

12 Q And did that contact consist of an attempt to
13 interview him and then being present with him while a
14 seizure order was served to take photographs from his
15 person?

16 A That's correct.

17 Q And in the course of taking those and when you met
18 with him and had discussion about potentially interviewing
19 him, you were, you stayed close to him near his hospital
20 bed, correct?

21 A That is correct.

22 Q And you spoke to him, you had a back and forth
23 conversation?

24 A I did.

25 Q Now, you ended up not conducting a full interview

1 with him, correct?

2 A That's correct.

3 Q However, in the course were you present while that
4 seizure order was being served by a member of the Forensic
5 Investigation Section of the Crime Lab?

6 A I was.

7 Q And was there a conversation or conversations in
8 the sense of a discussion about the service of the warrant,
9 a discussion about having Mr. Williams position or move
10 throughout the service of that seizure order?

11 A Yes.

12 Q And so in the course of that did you have an
13 opportunity to hear Mr. Williams' voice and how he spoke?

14 A I did.

15 Q Okay. Now, later on in the case after
16 Mr. Williams was arrested, he was an inmate at the Washoe
17 County Jail; is that correct?

18 A That's correct.

19 Q And he has remained an inmate at the Washoe County
20 Jail from the time he was arrested until the present,
21 correct?

22 A That is correct.

23 Q And what day do you recall him being arrested on?

24 A I believe it was February 25th is when I actually
25 charged him.

1 Q Okay. And then was there a period of time after
2 that when he was still at the hospital before he was
3 transferred to the jail?

4 A He was.

5 Q And do you remember just approximately how long
6 that was?

7 A I would say approximately two to three weeks.

8 Q Okay. Detective, are you familiar with the phone
9 system at the Washoe County Jail? And by that I mean the
10 phone system utilized by inmates?

11 A I am.

12 Q And is it true that at the jail the inmates can
13 make inmate calls to talk to family members or whoever they
14 want?

15 A That is correct.

16 Q And but those calls are monitored and recorded?

17 A Yes, sir.

18 Q Now, do you have the ability to access calls made
19 by a particular inmate?

20 A I do.

21 Q Can you describe for us how, what that access is,
22 how you go about that?

23 A Normally I log into the inmate call system and
24 then I type Mr. Williams' first name and last name. I pick
25 the name and it shows his booking ID and all of that stuff.

1 Q Okay. And so each inmate is assigned a particular
2 inmate number or, as you described, a booking ID; is that
3 correct?

4 A That's correct.

5 Q And then is there an additional unique PIN number
6 that they have that they utilize to log in, so to speak, to
7 the phone system?

8 A There is.

9 Q And so is that -- so it sounds like that system
10 allows you to search, for instance, by inmate. So if you
11 want Ryan Williams and you wanted access to all of the calls
12 that he made and were recorded, you can search by his name?

13 A That is correct.

14 Q You can also search by his unique PIN number that
15 he has to use in order to make those calls?

16 A Yes, sir.

17 Q Now, in this case did you access that phone system
18 and listen to phone calls made by Mr. Williams?

19 A I did.

20 Q And I'm going to ask you about two this morning,
21 but would it be accurate that you have listened to many more
22 than two calls?

23 A That is correct.

24 Q And when you -- and in terms of what allows you to
25 know that those calls are being made, Mr. Williams is the

1 speaker or the inmate making those calls, you have that
2 unique PIN that he has to use, correct?

3 A That is correct.

4 Q You have the fact that when he utilizes the system
5 and logs in under his name, which is how you searched for
6 him, right?

7 A That is correct.

8 Q In the course of those calls did you recognize his
9 voice?

10 A I did.

11 Q Did you also become even more familiar with his
12 voice as you listened to those calls?

13 A Yes, I did.

14 Q Now, I'm going to get to the substance of the
15 calls, the two calls I want to play this morning, but would
16 it be fair to say that there are a number, more than the two
17 that we are going to talk about today, where Mr. Williams
18 talks about details of this case that allow you also to find
19 other content?

20 A That's correct.

21 Q For instance, does he refer to at times in calls
22 to Adrianna?

23 A He does.

24 Q Does he refer to Zane?

25 A He does.

1 Q Does he talk about, for instance, in one call does
2 he talk about his role being, does he talk about that
3 Adrianna wanted money from Mr. Sims and his role was to get
4 him to come outside?

5 A That's correct.

6 Q And are those the type of details that you connect
7 to this case?

8 A That is correct.

9 Q I'm going to play for you Exhibit 165.
10 (Whereupon the phone call was played)

11 Now, Detective, beginning with 165 we heard the
12 defendant -- well, we heard a computer voice announce
13 Ryan Williams. You heard that?

14 A I have.

15 Q And is that part of the jail's phone system?

16 A That's correct.

17 Q So then it prompts the inmate to state their name
18 so that the person calling knows it's an inmate and who it
19 is that is calling?

20 A Yes, sir.

21 Q And is that an additional way that you can
22 recognize that Ryan Williams is making this call?

23 A That's correct.

24 (Whereupon the phone call was played.)

25 THE COURT: Mr. Prengaman, can you pause that?

1 (A discussion was held off the record.)

2 THE COURT: Can you start it over?

3 MR. PRENGAMAN: Your Honor, just for the record,
4 this is the original, obviously with the sort of lead in,
5 this is the original call prior to the edits that I have
6 done in the first draft.

7 THE COURT: Thank you. Okay.

8 (Whereupon the phone call was played.)

9 BY MR. PRENGAMAN:

10 Q Now, Detective, do you recognize the voice on that
11 call?

12 A I do.

13 Q Is that the Defendant Ryan Williams?

14 A It is.

15 Q And for the record, and based on your contact with
16 Mr. Williams in the course of your investigation, do you see
17 Mr. Williams in the courtroom?

18 A I do.

19 Q Can you tell us where he is?

20 A He is the gentleman with the stripe shirt and
21 black hair, black pants.

22 Q Can you describe the person sitting to his left?

23 A To his left? It is Ms. Norman.

24 Q Okay. And can you describe what she is wearing
25 just for the record?

1 A Black jacket, blue blouse.

2 Q Okay. And now the individual you pointed out as
3 Ryan Williams is wearing a mask, correct?

4 A That's correct.

5 Q Are you able to positively identify him in spite
6 of that?

7 A I am.

8 MR. PRENGAMAN: Your Honor, may the record reflect
9 the identification of Ryan Williams?

10 THE COURT: It does.

11 BY MR. PRENGAMAN:

12 Q And so this is one of the calls that you listened
13 to from Ryan Williams?

14 A That's correct.

15 Q You called it up in the manner you described by
16 accessing the jail system?

17 A Yes, sir.

18 Q You heard him state "Ryan Williams" at the
19 beginning of the call?

20 A That's correct.

21 Q You recognized the voice?

22 A Yes, sir.

23 Q You also recognized some of the details that he
24 references in this call corresponding to this case?

25 A I do.

1 Q I'm going to now play for you Exhibit 228,
2 Detective. And I'm now going to play the file. This is
3 identified as Williams phone call 4-5-20 edit.

4 (Whereupon the phone call was played.)

5 So, Detective, do you recognize that as the same
6 call with some edits?

7 A That's correct.

8 Q But, nonetheless, you recognize that as the call
9 made by Ryan Williams that you heard previous?

10 A Yes, sir.

11 Q Detective, I'm now going to show you Exhibit 166,
12 or play for you Exhibit 166.

13 And, I'm sorry, Detective, I can't remember if I
14 said it in my question, but when I said the same call, you
15 recognize that as the same call edited, however,
16 substantively the same as what I just played for you on 165?

17 A That is correct.

18 Q Now I'm going to play for you 166. I'm going to
19 play for you the single file on this flash drive, phone call
20 4-28-20 edit.

21 (Whereupon the phone call was played.)

22 Q Now, Detective, do you recognize that call?

23 A I do.

24 Q Do you recognize the voice?

25 A I do.

1 Q And is that the voice of Ryan Williams?

2 A It is, sir.

3 Q When you originally listened to that call did you
4 access it on the jail's phone system in the same manner that
5 you described before?

6 A I did, sir.

7 Q You looked it up under Ryan Williams' name?

8 A Yes, sir.

9 Q It corresponded to the PIN number, his unique PIN
10 number for utilizing the system?

11 A Yes, sir.

12 Q In addition, he says Ryan Williams at the
13 beginning?

14 A That's correct.

15 Q And then do you recognize the details of this call
16 that correspond to this case?

17 A I do.

18 Q For instance, the reference to his name?

19 A That's correct.

20 Q The factual reference to, for instance, the cop
21 showing up behind and the crash?

22 A Yes, sir.

23 Q Detective, I'm now going to play for you
24 Exhibit 229, and I'm going to play for you the file on 229
25 labeled Williams phone call 4-28-20.

1 (Whereupon the phone call was played.)

2 Q So, Detective, having listened to that call do you
3 recognize it as the same call as you just heard on
4 Exhibit 166 with the exception of the edit at the beginning
5 when he says his name Ryan Williams?

6 A That's correct, sir.

7 Q You recognize this as, again, a call made by
8 Ryan Williams that you accessed on the jail system?

9 A Yes, sir.

10 MR. PRENGAMAN: Your Honor, based on that I would
11 move for the admission of 228 and 229.

12 THE COURT: Ms. Hickman.

13 MS. HICKMAN: Your Honor, I have a couple
14 questions for him.

15

16 CROSS EXAMINATION

17 BY MS. HICKMAN:

18 Q Detective Zendejas, you said that you were one of
19 the lead detectives on this case. How many other lead
20 detectives were there?

21 A Only me, ma'am.

22 Q Only you. So you were the lead detective?

23 A Yes, ma'am.

24 Q Okay. And you testified about your contact with
25 Mr. Williams in the hospital, right?

1 A Yes, ma'am.

2 Q And that was on February -- Judge, for the other
3 people that are in the room that are police officers, I want
4 to make sure they aren't sub'd.

5 THE COURT: They aren't?

6 MS. HICKMAN: They are not sub'd. They are not
7 subpoenaed to appear today.

8 THE COURT: No. They are here for training
9 purposes, as I understand.

10 MS. HICKMAN: Okay.

11 BY MS. HICKMAN:

12 Q So you had contact with Mr. Williams in the
13 hospital on February 25th, correct?

14 A That's correct.

15 THE COURT: Ms. Hickman, can you hold on one
16 second?

17 Go ahead, Ms. Hickman.

18 BY MS. HICKMAN:

19 Q And you testified you went there for the purpose
20 of interviewing Mr. Williams, correct?

21 A That's correct.

22 Q And is it fair to say you did not record that
23 contact?

24 A It's recorded, ma'am.

25 Q It's recorded?

1 A Yes, ma'am.

2 Q Do you still have that recording?

3 A It should be on my body cam.

4 Q Did you upload it?

5 A Yes, ma'am.

6 Q Do you still have access to it today?

7 A I don't have access to it, but our evidence
8 department does.

9 Q Okay. So I have never seen that, so is there a
10 way you can get that to me today?

11 A I could call our evidence department.

12 Q Okay. Because you testified that you had a back
13 and forth conversation with Mr. Williams, correct?

14 A That's correct.

15 Q But in your report all you say that he said to you
16 was that he wanted an attorney, correct?

17 A That's correct, ma'am.

18 Q So what else did he say to you that gives you the
19 ability to recognize his voice?

20 A That's what he said. He said he needed an
21 attorney and I recognized the voice.

22 Q Okay. So the only thing that Mr. Williams has
23 ever said to you is, "I need an attorney," four words?

24 A That's correct.

25 Q Okay. So you didn't really have a back and forth

1 with him, correct?

2 A I did, ma'am.

3 Q And it's also fair to say that when you met with

4 Mr. Williams, he had recently had surgery, correct?

5 A I'm sorry, what was the question?

6 Q He had recently had surgery?

7 A That's correct.

8 Q And he was still on oxygen, correct?

9 A I don't recall if he was on oxygen or not. I

10 don't believe he was.

11 Q You don't believe he was?

12 A I don't.

13 Q Okay. And then you testified that you are

14 familiar with the jail phone system, correct?

15 A That's correct.

16 Q How does that phone system work?

17 A Normally, we just log in through our computer and

18 then with our credentials. From that point on, we put the

19 inmate that we want to listen to and we listen to the calls.

20 Q Okay. So you are familiar with it on your side,

21 correct?

22 A That's correct.

23 Q But you are not familiar with it on the jail side,

24 right?

25 A No, ma'am.

1 Q So you don't know how the PIN numbers work,
2 correct?

3 A No, ma'am.

4 Q You don't know how an inmate would get access to a
5 PIN number, correct?

6 A That's correct.

7 Q You don't know whether or not different inmates
8 can use each other's PIN numbers, correct?

9 A Correct.

10 THE COURT: Ms. Hickman, can I have you hold on
11 one moment. My clerk stepped away.

12 MS. HICKMAN: I'm sorry, I couldn't hear you.

13 THE COURT: My clerk stepped out. I would like
14 you to wait just a minute.

15 Okay. Ms. Hickman, go ahead.

16 BY MS. HICKMAN:

17 Q And you just testified in identifying Mr. Williams
18 that the person to the left of him is Adrianna Norman,
19 correct?

20 A That's correct.

21 Q So if he is sitting right here, the person to his
22 left is sitting in the middle of defense counsel table,
23 correct?

24 A Correct.

25 Q So this is not Adrianna Norman, correct?

1 A I was looking at my left, ma'am.

2 Q Not his left?

3 A Not his left.

4 Q And then you testified that part of the reason you
5 are familiar with this voice is because you have heard calls
6 made by the person who has the same voice on these calls,
7 correct?

8 A That's correct.

9 Q And the state asked you if you listened to a call
10 that said Adrianna wanted money from Sims and the goal was
11 to get Sims to come outside, correct?

12 A That's correct.

13 Q What was the exact quote that was made by that
14 person?

15 A He said his role was to take Mr. Sims out.

16 Q Okay. That was the exact quote?

17 A From the previous -- well, I don't think we are
18 talking about the same call right now, ma'am.

19 Q I'm asking you, you testified that you listened to
20 a call that said Adrianna wanted money from Sims. The goal
21 was to get Sims to come outside?

22 A He didn't say the goal. He said his role was.

23 Q His role was?

24 A That's correct.

25 Q And what did he say about Adrianna?

1 A I don't recall what he said about Adrianna.

2 Q And what date was that phone call made?

3 A I don't remember the date. He made so many phone
4 calls, I can't recall each call that he made.

5 Q Okay. So you have listened to every phone call he
6 has made?

7 A I don't want to say I listened to every call, but
8 I listened to numerous calls.

9 MS. HICKMAN: Okay. With that, Judge, I don't
10 have an objection to those exhibits, but that recording that
11 he referenced I don't have.

12 THE COURT: Mr. Prengaman.

13 MR. PRENGAMAN: Your Honor, it is in evidence.com.
14 That's where I downloaded it from and it has been there. It
15 has been there since, I can't say from the very beginning,
16 but it's been there since from almost the beginning from the
17 original upload of the files. It was originally uploaded
18 before the preliminary hearing in this case. Again, that's
19 where I got it. It's there. That's where I got it, so I
20 know that it is in evidence.com.

21 THE COURT: You said that's where I got it. You
22 mean that's where you got the Detective's --

23 MR. PRENGAMAN: Yes, Judge. And if I may for the
24 record, so the way, so the discovery with -- Just for the
25 record, so the Sparks Police Department, when they do

1 interviews, the body cam and dash cam footage is all
2 uploaded to evidence.com. That's where I access it and then
3 I share that with the defense and they access it, so
4 essentially defense and I are drawing from the same pool.

5 And I'm not saying every single thing in the case
6 is in evidence.com, but all of the stuff that goes into
7 evidence.com, which is, again, interviews, media sessions,
8 surveillance footage that we have seen in this case, the
9 dash cam, body cam, that is in evidence.com.

10 So, again, I'm drawing from that pool. So when I
11 say I have seen it, I mean, the same pool of discovery that
12 I have shared with the defense long ago is where I accessed
13 it, so I know that it is there and accessible.

14 THE COURT: And when you say that's how I accessed
15 it, you are referring to Detective Zendejas' body camera
16 that shows the interaction with the Defendant Williams --

17 MR. PRENGAMAN: Yes.

18 THE COURT: -- at Renown that Ms. Hickman
19 questioned him about?

20 MR. PRENGAMAN: Yes, Your Honor. I'm sorry, I
21 should have been specific about that. Yes, when she
22 referred to, and, again, I'm not, when she says I haven't
23 seen it, I'm not speaking to that, but I can speak to the
24 fact that that footage, which I have watched, is in
25 evidence.com, because that's where I got it and that is

1 again the same pool, the interviews, that's in the same pool
2 that I have shared with defense.

3 THE COURT: Okay.

4 MR. PRENGAMAN: So they should have access to it.

5 THE COURT: Okay. Ms. Hickman.

6 MS. HICKMAN: It's not on our evidence.com. I
7 went through -- so the way it works is we can download like
8 an Excel spreadsheet with the names of every officer that is
9 uploaded. I have those Excel spreadsheets. Detective
10 Zendejas has not uploaded anything to what we have access
11 to. And in double-checking, I checked also with Mr. Picker,
12 and they also don't have access to that.

13 And there is another file that Detective Harris
14 says he uploaded, but I let Mr. Prengaman know we also don't
15 have access to that in evidence.com, so those two files are
16 not in evidence.com.

17 THE COURT: Okay. And what is the substance of
18 the one from Detective Harris?

19 MS. HICKMAN: He outlined it in his report. I
20 don't know what the substance of it is. It's cell phone
21 records.

22 MR. PRENGAMAN: And, Your Honor, those are, I
23 believe what they are talking about is he got process for
24 cell phone records for the phone, for the phone number
25 corresponding to Williams' phone, so he got basically

1 subscriber information from the provider relative to that
2 phone.

3 Now, again, Mr. Picker did, as did Ms. Hickman,
4 said they didn't have it, but, again, I told both of them
5 and I identified the file. I mean, it's there. I even went
6 back and downloaded it twice from evidence.com myself. Not
7 my original download, but when Mr. Picker and I were, it's
8 going back a couple weeks now, but when Mr. Picker
9 originally told me, I went into evidence.com and downloaded
10 it again myself to verify there wasn't some issue with
11 downloading it for them and it was there.

12 I gave Mr. Picker the -- and I believe, I want to
13 say I told Ms. Hickman, too, following Mr. Picker's e-mail,
14 I gave them the file, I identified the file name, downloaded
15 the folder, the information is in the folder and that's
16 there.

17 And, again, there are times, and, again, I would
18 have to go back and look, but I know there are times, for
19 instance, when one officer will upload another officer's
20 body cam footage, and so you can, you know, generally you
21 can go by who uploads it in evidence.com, but for
22 convenience, et cetera, like the photos, as an example,
23 there is photos in this case that were uploaded by
24 individuals who did not take the photos.

25 THE COURT: Okay.

1 MR. PRENGAMAN: So, again, I can't speak off the
2 top of my head as to whether the footage of Detective
3 Zendejas' contact with Mr. Williams in the hospital falls in
4 that category.

5 What I can speak to is that that file is in there
6 and it's been in there, because I watched it before even the
7 preliminary hearing. So I know the same way they had access
8 to the files to watch Ms. Norman's interview, it's in the
9 same pool of all of the photos. It's in the same pool of
10 the surveillance footage that we watched in the case.

11 THE COURT: Okay. What we are going to do is we
12 are going to take a few minutes off the record. Counsel is
13 going to get on the computer together. And, Mr. Prengaman,
14 I need you to demonstrate how you access both the Harris
15 information that's been raised here this morning and the
16 Zendejas body cam videos that were raised here this morning,
17 whether or not it's on that evidence.com.

18 MR. PRENGAMAN: No, I understand. I just, I will
19 have to -- So the easiest way for me to do that, because I
20 have downloaded those for myself and organized them, so the
21 easiest way for me to -- So if I just log into evidence, so
22 if I just log into evidence.com right now, I'm going to have
23 to go through sort of every folder.

24 If I go back to my desk, which I can't access
25 through the cloud, it's on a hard drive, so if I go back to

1 my desk I can see the file names for those, and that will
2 be, I believe I will have to go back and that will be the
3 fastest way, because there is over, I want to say there is
4 over, there is close to, there is over 200, close to 300 I
5 believe separate items in evidence.com and it would take
6 time for me to sit here and go through them.

7 THE COURT: Ms. Hickman.

8 MS. HICKMAN: Your Honor, that's fine. For the
9 record, evidence.com when the officers upload it, we don't
10 get access to it. It has to be released to us from the
11 state, and I have downloaded everything from evidence.com,
12 including the table of contents and I have watched every
13 single thing on evidence.com and we don't have access to it.

14 THE COURT: Okay.

15 MS. HICKMAN: And this is the first time I heard
16 that that was recorded, so I didn't even know to look for it
17 before.

18 THE COURT: Okay. So what we are going to do, the
19 first step here is to have Mr. Prengaman go back to his
20 office and get file numbers so that we can confer,
21 Ms. Hickman, what it is you are saying, which is the
22 information you had access to did not include those things.

23 Mr. Prengaman, I not only want file numbers, but I
24 want these files downloaded on a thumb drive so they are
25 accessible to counsel and they can have them this morning

1 and before the attorneys will be cross-examining both of
2 these witnesses. Ms. Hickman.

3 MS. HICKMAN: I'm happy to wait for that. Thank
4 you.

5 THE COURT: Mr. Picker.

6 MR. PICKER: Your Honor, I just wanted to add to
7 that. I did have correspondence with Mr. Prengaman. He did
8 give me file numbers on evidence.com. I personally,
9 Ms. Rosenthal, and our investigator Ms. Tabet all checked
10 that number. It all comes back to another, something that
11 is not Verizon phone records. It is something totally
12 different.

13 I informed Mr. Prengaman of that. He gave me the
14 same number back yet again. We checked it again. It still
15 was not what it was supposed to be. I will tell you that
16 sometimes in evidence.com there are numbers that get, we
17 noticed sometimes numbers get duplicated by accident and
18 something gets uploaded on top of it.

19 All we get out of evidence.com is things that were
20 released by the state. We have, as Ms. Hickman said, we
21 have no access to evidence.com unless specific items are
22 released to us.

23 I will tell you that we have never seen the body
24 cam footage. It is not on our evidence.com that we have
25 either. We agree with Ms. Hickman, and I just confirmed

1 that with Ms. Tabet it is not on evidence.com as we speak
2 and it is not there accessible for us, which she has gone
3 through -- oh, she just finished --

4 THE COURT: Mr. Picker --

5 MR. PICKER: -- all 200 plus.

6 THE COURT: -- what is the timing of the discovery
7 that the information regarding Detective Harris related to
8 on his phone? When you opened it and it was not what it was
9 supposed to be, when did you first discover that?

10 MR. PICKER: On March 31st -- no. Yes, March 31st
11 there were a series of e-mails.

12 THE COURT: March 31st of 2020 or 2021?

13 MR. PICKER: 2021.

14 THE COURT: Okay.

15 MR. PICKER: That's when we were confirming,
16 because we saw that in a report by Mr. Harris that was
17 released to us late, so we went through that and we found
18 it, but that item as identified by the number 200117292 is
19 not, it's actually video footage from the apartment, the
20 senior apartment complex behind Bob & Lucy's. It is not a
21 Verizon record.

22 THE COURT: Okay. All right. Mr. Prengaman.

23 MR. PRENGAMAN: Your Honor, just for the record,
24 based on -- so when, so, again, when Mr. Picker sent me
25 those e-mails, the reason I sent him that file number is

1 because, again, I went in and double-checked that the case
2 had been shared, which indicates -- in other words,
3 evidence.com will not, if I have already shared it with the
4 Public Defender or the Alternate Public Defender, it won't
5 let me share it again. It will tell me.

6 So I went in to re-share it, or to share it just
7 to double-check that, even though I know the defense has all
8 of this other discovery. So, in other words, all of the
9 stuff that we are talking about, the videos, surveillance
10 footage of Bob & Lucy's, you know, we are going back to that
11 same time frame.

12 But I went in to re-share it and it indicated
13 that, again, it wouldn't let me because it had already been
14 shared, so that pool that I was looking at had already been
15 shared with the Alternate Public Defender and the Public
16 Defender.

17 Again, and I can't state to what they did or saw,
18 but I can tell you that I diligently checked to make sure it
19 was shared. I again went in twice and downloaded, I logged
20 into evidence.com in the cloud, I downloaded that file they
21 are talking about, the Harris reports, again, twice, and so
22 I wasn't just looking at my own record of what I had
23 downloaded.

24 I re-downloaded it just to ensure that there was,
25 when Mr. Picker told me that file was not the right one,

1 just to double-check. So I just want the record to be clear
2 I don't believe there is any sharing issue or, you know,
3 again, I can't speak directly to what they saw, but I can
4 make the record that that's what I did, and so I know it's
5 there, because I downloaded it. So anyway --

6 THE COURT: Mr. Prengaman, both counsel have
7 indicated to the Court that unless, that unless the District
8 Attorney's Office shares what is in evidence.com, they can't
9 see it. Is there anything that you have access in this
10 case, that you have access to in this case that was withheld
11 or wasn't shared?

12 MR. PRENGAMAN: That's what I'm saying,
13 Your Honor, I don't believe so, because when I went in and
14 showed Mr. Picker in, whenever it was, I think in April or
15 March, that's one of the things I double-checked. Because
16 when he said he couldn't find it, I went in to find it and I
17 wanted to make sure of the access. And that's what I'm
18 saying, it was shared and had been shared and it's not
19 item -- for me it's not item-by-item. It's the whole thing.

20 There is, in evidence.com there is a file, if you
21 will, for this case under the Sparks case number and
22 everything that we are talking about is in there. And I
23 shared that with defense, so it's not going item-by-item and
24 share each item or have to do that. It's a pool.

25 And, so, again, that's why I went in to say, okay,

1 maybe there is a snafu here, although they had access to all
2 of that other evidence which told me they had that, but I
3 went in to try to see if -- again, when you try to share it,
4 it will tell you, no, it's already been shared with that
5 entity, and that's what I did and that's what it told me.
6 It said both APD and PD, it had been shared.

7 THE COURT: I want you to return to your office
8 now and do as I have asked, which is get a thumb drive with
9 both files on it and return here just as quick as you can.

10 MR. PRENGAMAN: I will, Your Honor.

11 THE COURT: All right. We will remain outside the
12 presence of the jury probably until Mr. Prengaman comes
13 back. Mr. Picker.

14 MR. PICKER: Your Honor, if you want a complete
15 record, I actually have that file number Mr. Prengaman gave
16 us up on Mr. Rosenthal's computer and I can play that
17 specific file so that you can see what it is.

18 THE COURT: No. I accept your representation,
19 Mr. Picker.

20 MR. PICKER: Okay.

21 THE COURT: I'm just trying to get to the bottom
22 of what he has actually got and why it is either the wrong
23 thing and to be sure, because it seems to be a video of some
24 complex near Bob & Lucy's, or the information that backed up
25 Detective Harris' findings, so let's spend some time off the

1 record. Mr. Prengaman, just as quick as you can.

2 MR. PRENGAMAN: Yes, Your Honor.

3

4 (Whereupon a break was taken from 9:02 a.m. to 10:28 a.m.)

5 (Whereupon the following proceedings
6 were outside the presence of the jury.)

7 THE COURT: Mr. Prengaman, where are we?

8 MR. PRENGAMAN: Your Honor, I did provide, I did
9 provide copies of the --

10 THE COURT: Your mic is not on.

11 MR. PRENGAMAN: I did provide copies of the files
12 to the defense, and so just in talking, it still looks to
13 me, it looks to me like it did before, it looks like it's in
14 there, but both defense counsel have given me copies of what
15 they see.

16 Again, I'm not -- I don't have, I don't have an
17 explanation for it and I don't doubt when they say they
18 don't have it, but it looks to me like it is in there, but I
19 have provided them with the flash drive, so I just don't
20 have an explanation for that, Judge.

21 THE COURT: All right. But, as requested, you
22 went over and downloaded the files?

23 MR. PRENGAMAN: Yes, Your Honor, and provided them
24 on a flash drive to both counsel.

25 THE COURT: Make a record of what you provided.

1 MR. PRENGAMAN: So, Your Honor, so I provided, so
2 in Detective Harris' report, I believe supplement 32, 31 or
3 32, he makes reference to having through process he had
4 gotten subscriber information for what I will call the
5 Williams' phone.

6 So we are not talking about Adrianna Norman's
7 phone that he actually had downloaded. He is talking about
8 the subscriber information for the Williams' phone number,
9 and he did document in that report the subscriber, the basic
10 subscriber info that came from that documentation, but he
11 had uploaded what he actually got back, the paperwork from
12 the provider, and it's not, it wasn't, we are not talking
13 about pages and pages of call detail record. We are just
14 talking about subscriber information. So --

15 THE COURT: So what -- go ahead.

16 MR. PRENGAMAN: So, Your Honor, so the first thing
17 is a folder that contained what I will call the return of
18 subscriber information for the Williams' phone.

19 THE COURT: So for Williams' phone?

20 MR. PRENGAMAN: Correct, Your Honor, for Williams'
21 phone number which showed the name is connected to
22 Randall Williams, which is on that indicia from the trunk,
23 so those are the two items of indicia; one with the
24 defendant's name and one with Randall Williams' name as the
25 subscriber. And he does have this in his report, so it's in

1 his report and it documents the subscriber was Randall
2 Williams. That is written in his report.

3 THE COURT: Did counsel have the report prior to
4 today?

5 MR. PRENGAMAN: Yes, Your Honor, but he did upload
6 the folder that contained the actual return. Those
7 documents are, were in evidence.com, so I downloaded that
8 and provided that.

9 THE COURT: Okay.

10 MR. PRENGAMAN: The second file is a, is a video,
11 a body camera recording of what Detective Zendejas talked
12 about earlier. He went to Renown. He had contact with
13 Mr. Williams. Read him his Miranda Warnings. Mr. Williams
14 indicated that he understood his rights and invoked his
15 right to counsel.

16 They were, the detectives, Detectives Zendejas and
17 Harris waited briefly for an FIS investigator to appear.
18 They served the seizure order and they stood by while, which
19 is again depicted on the video, while the forensic
20 investigator took photos, proceeded to take photos of
21 Mr. Williams, asked him to -- so it was just the interaction
22 with the forensic investigator with Mr. Williams primarily
23 while she took photos of his injuries.

24 THE COURT: All right. Mr. Picker, starting with
25 you, sir.

1 MR. PICKER: Yes, Your Honor.

2 THE COURT: Do you now have the information?

3 MR. PICKER: We do, Your Honor.

4 THE COURT: Okay. Anything, any record you would
5 like to make?

6 MR. PICKER: Your Honor, just briefly, we did
7 provide a copy of our complete index of everything that is
8 on evidence.com for at least us. It is clear that those two
9 files are not there and we have now received them on a thumb
10 drive.

11 THE COURT: Okay. Thank you.

12 Ms. Hickman.

13 MS. HICKMAN: Thank you, Your Honor. As an
14 additional matter, I would object to calling the phone the
15 Williams' phone. To the best of anyone's knowledge, that is
16 believed to be Ryan Norman's phone. Detective Harris says
17 Ryan Norman's phone. In his report, he says he believes
18 this to be Ryan Norman's phone number. That phone has not
19 been linked to Ryan Williams with that phone number.

20 And so the subscriber information comes back to a
21 Randall Williams, and there is the indicia in the trunk but
22 that is not Ryan Williams, and so I would object to it being
23 called the Williams' phone, because there is nothing to
24 support the fact that that is Ryan Williams' phone. We
25 don't have the flip side of it showing that he was in

1 possession of that phone or that he owns that phone.

2 And then as to the contact with Detective
3 Zendejas, I just wanted to reiterate, we have never seen
4 that before. Detective Zendejas did not put in his report
5 that there was body cam, and so we did not even know to look
6 for it or to alert the state that we didn't have it.

7 Similarly, like Detective Harris who says he put
8 that information into evidence.com, I know myself and
9 Mr. Picker contacted Mr. Prengaman and said we don't have
10 this in evidence.com. We were unable to do that, because we
11 didn't even know it existed to say we don't have it.

12 From there, my understanding is that Mr. Prengaman
13 does not intend to elicit anything about that contact, that
14 it happened, that there were observations made through
15 Detective Zendejas, so with that I think that's what there
16 is with that issue.

17 THE COURT: So, Mr. Prengaman, when you had
18 Detective Zendejas here this morning outside the presence of
19 the jury regarding the foundation for admission of the calls
20 made by Mr. Williams, you specifically asked him questions
21 about did you visit Mr. Williams in the hospital. In front
22 of the jury are you intending, based on what Ms. Hickman
23 said, to ask him any of that?

24 MR. PRENGAMAN: No, Your Honor. No, all I intend
25 to do in front of the jury, that was my foundation --

1 THE COURT: For me.

2 MR. PRENGAMAN: -- for the Court.

3 THE COURT: Correct.

4 MR. PRENGAMAN: My foundation, all I intend to do
5 is so I have two, really two areas to ask him on the subject
6 of the calls. My intention is to simply ask him, Detective,
7 something along this line of questioning, in your
8 investigation did you have an opportunity to monitor calls
9 made by Ryan?

10 We will have him identify Ryan Williams in court.
11 Have you had the opportunity to monitor calls made by
12 Ryan Williams? And show him these, ask him the time frame
13 if these occurred in April. Do you recognize his voice,
14 that being Ryan Williams?

15 And that's all I intend to do, which I told
16 Ms. Hickman that my intention was not, and never was, to go
17 into the detail that I did laying the foundation for the
18 Court.

19 THE COURT: Ms. Hickman.

20 MS. HICKMAN: That's fine.

21 THE COURT: Mr. Prengaman, based on Ms. Hickman's
22 argument, I'm also persuaded the phone is never to be
23 referred to as the Williams' phone.

24 MR. PRENGAMAN: And, Your Honor, that was just for
25 our purposes here for reference. But, no, I intend to argue

1 that the texting -- I'm not going to refer, I'm not going to
2 call it Williams' phone.

3 My theory of the case is Ryan Williams had that
4 phone, was texting with Ms. Norman and that's what I intend
5 to argue, but I'm not going to argue about the phone and I'm
6 not, I don't intend to introduce any subscriber information
7 and so forth.

8 THE COURT: All right. Let's do this. Let's get
9 Detective Harris back on the stand and resume where we left
10 off yesterday and that will be followed by Detective
11 Zendejas.

12 And then depending on where we are, it is
13 20 minutes to 11:00, depending on where we are, we will take
14 a late lunch, but right after lunch we will go to Kelly, and
15 then we are going to Davis, and then we will see where we
16 are.

17 Okay. Deputy Wood.

18 (Whereupon the following proceedings
19 were in the presence of the jury.)

20 THE COURT: Ladies and gentlemen, thank you so
21 much for your patience this morning. As I indicated to you
22 on one other occasion during the course of this trial, when
23 we don't start right on time, it's because we are busy doing
24 things and we are not wasting your time. It was very
25 productive time spent this morning, so thank you again so

1 much for your patience. I'm sure I speak for the parties.

2 I know I speak for the Court.

3 Mr. Prengaman.

4 MR. PRENGAMAN: Thank you, Your Honor.

5 The state will recall Detective Adam Harris.

6

7 ADAM HARRIS,

8 called as a witness, having been previously sworn,

9 testified as follows:

10

11 DIRECT EXAMINATION

12 BY MR. PRENGAMAN:

13 Q Good morning.

14 A Good morning.

15 Q Detective, I'm going to hand you again Exhibit 111

16 and hand you Exhibit 230. And, Detective, when we left off

17 yesterday, I just want to go back a little bit to get us

18 back to where we were. In asking you, I was asking you

19 questions yesterday about the forensics search or download

20 you conducted on Adrianna Norman's cellular phone.

21 A Okay.

22 Q And you told us that was, I believe, an Apple

23 phone or, I'm sorry, an iPhone, correct?

24 A Yes.

25 Q And I believe I had asked you if one of the things

1 you were looking for was calls made in the early morning
2 hours between 6:00 -- in the early morning hours of February
3 22nd, 2020?

4 A Yes.

5 Q And I believe I had asked you did you find a
6 series of texts or calls or messages from Adrianna Norman's
7 phone made between 6:00 a.m. and 7:00 a.m. on February 22nd,
8 2020?

9 A Yes.

10 Q And does Exhibit 111 represent the series of text
11 messages made from and to Adrianna Norman's cell phone
12 between 6:00 a.m. and 7:00 a.m.?

13 A Yes.

14 Q And with regard to the -- is it a series of six
15 messages?

16 A Yes.

17 Q And those are to and from one other number?

18 A Yes.

19 Q What is the other cellular number?

20 A 775-431-4551.

21 Q And then the analysis of the phone, is there a, is
22 there a designation or a moniker in the contacts of
23 Ms. Norman's phone corresponding to that 4551 number?

24 A Yes.

25 Q And what is the designation, the name of the

1 moniker that is attached to the 4551 number in Ms. Norman's
2 phone?

3 A Bear.

4 Q And is there a picture that has been attached or
5 designated for that 4551 contact?

6 A Yes.

7 Q And does Exhibit 230 contain that photograph?

8 A Yes.

9 MR. PRENGAMAN: Your Honor, I move for the
10 admission of Exhibit 230.

11 THE COURT: Ms. Hickman.

12 MS. HICKMAN: No objection.

13 THE COURT: Mr. Picker?

14 MR. PICKER: No objection.

15 THE COURT: 230 is in.

16

17 (Exhibit Number 230 was admitted into evidence.)

18

19 BY MR. PRENGAMAN:

20 Q And, Detective, showing you Exhibit 230, we see
21 here in the photograph that is attached to the 4551 phone
22 number?

23 A Yes.

24 Q From the contacts when this number comes up, this
25 is the photo that you see?

1 A Yes.

2 Q Detective, what time -- well, so referring now to
3 111, I'm going to move now for the admission of 111 in
4 evidence. I'm sorry, Your Honor, from yesterday I may
5 have -- is 111 in evidence?

6 THE CLERK: No, it is not.

7 MR. PRENGAMAN: Your Honor, at this time I move
8 for the admission of 111.

9 THE COURT: Ms. Hickman.

10 MS. HICKMAN: Your Honor, maintaining my prior
11 objections.

12 THE COURT: Yes. Thank you.

13 Mr. Picker.

14 MR. PICKER: Thank you, Your Honor. No objection.

15 THE COURT: Exhibit 111 is admitted.

16 MR. PRENGAMAN: Thank you.

17

18 (Exhibit Number 111 was admitted into evidence.)

19

20 BY MR. PRENGAMAN:

21 Q Detective, so referring you now to Exhibit 111 of
22 the text messages reflected on the exhibit that occurred
23 between 6:00 and 7:00 a.m., what time is the first message
24 between those two phones?

25 A It says 6:26:13 seconds.

1 Q And is that first message to or from Ms. Norman's
2 phone?

3 A It's an incoming text message.

4 Q Is it an incoming text message from the 4551
5 number corresponding to Exhibit 230?

6 A Yes.

7 Q Will you please tell us, could you please read for
8 us what is the content of that text message?

9 A It says, "Call me whrn it's ready." When is
10 spelled incorrectly.

11 Q I'm sorry?

12 A The when is spelled incorrectly where it says,
13 "Call me whrn it's ready."

14 Q And then does the information from the phone
15 indicate whether Ms. Norman saw that or whether that was
16 read?

17 A It says it was read.

18 Q What time is the next message to or from or
19 between, so the text message between Ms. Norman's phone and
20 the 4551 number?

21 A There is an outgoing message at 6:32:38 AM.

22 Q So an outgoing message from Ms. Norman's phone to
23 a 4551 number?

24 A Yes.

25 Q What is the content of that text message?

1 A It says, "Hey, the owner," sorry. It says, "Hey,
2 the owner jus said 15 minutes and he is gonna gimme \$100."

3 Q And then what time is the next message between
4 Ms. Norman's phone and the 4551?

5 A 6:33:20.

6 Q And is that incoming or outgoing?

7 A Outgoing.

8 Q What is the content of that text message?

9 A "Wats with ur phone?"

10 Q And then what time is the next message between
11 those phones?

12 A 6:33:24 AM.

13 Q And is that incoming or outgoing?

14 A It says, "That was weird."

15 Q That's an outgoing message?

16 A Outgoing.

17 Q And what time is the next message?

18 A At 6:33:39 AM.

19 Q And, again, incoming or outgoing?

20 A It's an outgoing message.

21 Q Outgoing to 4551?

22 A Yes.

23 Q And what does that message say?

24 A It says, "So can you wait 15?"

25 Q And then what is the next message, what time?

1 A 6:33:45 AM.

2 Q And how long is that, approximately how long
3 between that and the previous message?

4 A 6 seconds.

5 Q Okay. And what is that last -- is that last
6 message incoming or outgoing?

7 A Outgoing.

8 Q It's outgoing to 6551?

9 A Correct.

10 Q What is the content of that message?

11 A It says, "We kinda need that."

12 Q Thank you, Detective. I have no further questions
13 at this time.

14 THE COURT: Thank you, Mr. Prengaman.

15 Ms. Hickman.

16

17 CROSS EXAMINATION

18 BY MS. HICKMAN:

19 Q Detective, do you have that exhibit up there?

20 A 111?

21 Q Yeah.

22 A Yes.

23 Q Detective Harris, I want to start by talking to
24 you about that report that you wrote. When did you, when
25 did you make that report?

1 A Which report?

2 Q Your Cybercenter report?

3 A I completed several supplements. Is that the
4 electronic report?

5 Q Yes.

6 A I don't remember what the specific time was.

7 THE COURT: Little closer to the mic, please.

8 THE WITNESS: When the report was submitted, I
9 don't know what time it was.

10 BY MS. HICKMAN:

11 Q Okay. And would looking at that report help
12 refresh your recollection?

13 A I don't know if that says what date it was
14 submitted. I think it just says what the report is.

15 Q Do you have an estimate, like was it in 2020? Was
16 it in 2021?

17 A It would have been close to when it happened.

18 Q I'm sorry?

19 A It would have been around the time of the
20 incident.

21 Q So within a couple months?

22 A I would say so.

23 Q Okay. And when you were testifying on direct, you
24 testified that you had lots of duties in this case, correct?

25 A I did several things, yes.

1 Q And the way that you first got involved was you
2 got a call on the morning of February 22nd, correct?

3 A Yes.

4 Q And when you got that call, you were told that you
5 needed to come to the Sparks Police Department, right?

6 A Yes.

7 Q And then when you got there you were briefed,
8 right?

9 A Yes.

10 Q And you were briefed by Sergeant McNeely, correct?

11 A Yes.

12 Q And Officer Allen, correct?

13 A I don't remember which officer was there.

14 Q Okay. But you definitely know Sergeant McNeely
15 was?

16 A Yes.

17 Q And you were given information from Sergeant
18 McNeely that he had, correct?

19 A If he would have briefed us on stuff, yes.

20 Q Basically, the purpose of the briefing is to catch
21 you up with what he knows, right?

22 A Yes.

23 Q And he told you that you would be interviewing
24 somebody by the name of Steve Sims, correct?

25 A Sergeant McNeely did not.

1 Q I'm sorry?

2 A That was not told to me by Sergeant McNeely.

3 Q Who told you to interview Steve Sims?

4 A That would have been Sergeant James.

5 Q Sergeant James?

6 A Yes.

7 Q And at the time you went in to interview Mr. Sims,
8 you had information about the allegations he was making,
9 correct?

10 A Yes.

11 Q Did you have information that he had alleged that
12 his wallet was stolen?

13 A What I was told was that the wallet was missing.
14 He didn't know what happened to it.

15 Q Okay. That it was missing?

16 A Yes.

17 Q And did you also have information that there was
18 an allegation that multiple guns were involved?

19 A Yes.

20 Q Okay. And Mr. Sims told you specifically that
21 Mr. Williams showed him a firearm, correct?

22 A Yes.

23 Q And when he told you that, he actually lifted up
24 his shirt to show you where he was showing, correct?

25 A Correct.

1 Q And when you went in to interview Mr. Sims, you
2 hadn't viewed any of the surveillance video from Bob &
3 Lucy's yet, correct?

4 A No.

5 Q But you did eventually do that, right?

6 A I never viewed the surveillance videos.

7 Q You never viewed the surveillance videos?

8 A No.

9 Q Okay. So it's fair to say that you never learned
10 if what Mr. Sims told you was consistent with what was seen
11 on the surveillance videos, correct?

12 A I would have been told stuff that happened on the
13 surveillance videos by the detectives, but I myself did not
14 specifically review that video.

15 Q Okay. So what detectives told you about the
16 surveillance video?

17 MR. PRENGAMAN: Objection; relevance, hearsay.

18 MS. HICKMAN: I just said which detectives.

19 THE COURT: Oh, which detectives. Can you answer
20 that question?

21 THE WITNESS: I believe it was Detective Dach that
22 would have told me.

23 BY MS. HICKMAN:

24 Q Okay. So Detective Dach told you what he had seen
25 on the surveillance video?

1 A Yes.

2 Q Okay. And when he told you that did you have a
3 conversation about what Mr. Sims told you or was it just him
4 telling you what he had seen?

5 A I don't recall.

6 Q And when -- let me ask it this way, you
7 interviewed Mr. Sims on the 22nd, correct?

8 A Yes.

9 Q And then you went and spoke to him in the parking
10 lot of his apartment complex on February 27th, correct?

11 A If that's the date. I don't remember what the
12 date was, but, yeah, I went back.

13 Q You went back and talked to him, right?

14 A Yes.

15 Q And that was you and Detective Zendejas?

16 A Yes.

17 Q And Detective Zendejas was the lead detective on
18 the case, correct?

19 A Yes.

20 Q And that would have been approximately five days
21 after Mr. Sims made the allegations about what occurred at
22 Bob & Lucy's, correct?

23 A Yes.

24 Q And when you went to follow up with Mr. Sims, it
25 consisted mostly of showing him a photo of Mr. Williams,

1 correct?

2 A I don't remember exactly what we did. I remember
3 going back there and talking to him, but what we discussed I
4 don't remember.

5 Q Okay. And during your interview with Mr. Sims,
6 you did a digital extraction of his phone, correct?

7 A Yes.

8 Q And you did that obviously on the 22nd, right?

9 A Yes.

10 Q Did you start reviewing that on the 22nd or did
11 you do that on a later date?

12 A I don't, I don't know.

13 Q You don't know. And then do you know whether or
14 not that phone that you downloaded was the same phone that
15 Mr. Sims received the text messages from Ms. Norman on?

16 A Yes, that was the phone that he had on him, with
17 him when I interviewed him.

18 Q Sorry, I didn't ask that in a very good way. Do
19 you know if he changed phones from when the text messages
20 were sent to him and when you looked at that phone?

21 A The phone that the messages came on was the phone
22 that he provided me with that he had.

23 Q Okay. So it's the same phone. He didn't switch
24 phones?

25 A The text messages wouldn't come from the same

1 phone.

2 Q So it's the same phone?

3 A It could be, it could be a different phone. It's
4 the phone that he provided me, but if you are asking if
5 that's changed based on the SIM card, the SIM card does not
6 contain text messages, so that wouldn't change.

7 Q So the text messages are on the actual phone that
8 receives the text messages?

9 A Yes.

10 Q So if you were able to pull those text messages
11 off of that phone, that exact phone received those text
12 messages?

13 A Unless it's a new phone that was backed up, right?
14 So if you have a phone and you get a new phone, if you
15 transfer the contents from the old phone to the new phone,
16 then those contents would be on that phone.

17 Q Okay. But it's fair to say that just switching
18 the SIM cards, so taking a SIM card from one phone and
19 putting it into another phone would not transfer text
20 messages?

21 A No. A SIM card only contains information for the
22 carrier and --

23 Q I'm sorry, I didn't hear the last part of what you
24 said.

25 A So it would be your phone number associated to

1 that SIM card and then other identifying numbers that the
2 carrier uses to validate your account, essentially.

3 Q Okay. And then you also got a phone from
4 Detective Zendejas that you believe to be Ms. Norman's
5 phone, correct?

6 A Yes.

7 Q And you also similarly did the digital extraction
8 of that phone on the 22nd, correct?

9 A Yes.

10 Q And then you analyzed it close in time, correct?

11 A Yes.

12 Q And it's fair to say that those were the only two
13 phones you looked at, correct?

14 A Yes.

15 Q And you were never asked to process any other
16 phones in this case, correct?

17 A Correct.

18 Q So I want to talk to you a little bit about these
19 text messages. The first one that we talked about is the
20 one that came in at 6:26:13 seconds, correct?

21 A Yes.

22 Q And I can show it up here. And I can't really
23 see. Should I make it bigger?

24 A I can see it.

25 Q Okay. So we are talking about this phone call

1 right here, right? Or not phone call, excuse me, text
2 message, right?

3 A Yes.

4 Q And you can see that that's at 6:26:13 seconds,
5 correct?

6 A Yes.

7 Q And then it's read at 6:32, correct?

8 A Yes.

9 Q Okay. And then as we go up, the next text message
10 says sent, meaning it comes from the phone that was
11 identified as Ms. Norman's, correct?

12 A Yes.

13 Q To the contact of Bear, right?

14 A Correct.

15 Q And that is sent at 6:32:38 seconds, correct?

16 A Correct.

17 Q And similarly the next one, excuse me, let me go
18 back to that. At 6:32:38 seconds it says, "Hey, the owner
19 jus said 15 minutes and he's gonna gimme \$100," right?

20 A Yes.

21 Q Just to be clear, he says gimme, right?

22 A Gimme.

23 Q Like give to me, right?

24 A Yes.

25 Q Not give to us?

1 A It just says gimme.

2 Q And then the next text is at 6:33:20 seconds,

3 correct?

4 A Yes.

5 Q And that's to that same contact of Bear, right?

6 A Yes.

7 Q And it says, "Wats," W-a-t-s, "with ur phone?"

8 Correct?

9 A Yes.

10 Q And then if we go up, we see at 6:33:39 seconds

11 there is a question, right?

12 A Yes.

13 Q "So can we wait 15?" Correct?

14 A Yes.

15 Q And that is from that phone that's been identified

16 as Ms. Norman's, correct?

17 A Yes.

18 Q To that contact of Bear, right?

19 A Yes.

20 Q And then the last message comes at 6:33:45

21 seconds, right?

22 A Yes.

23 Q And it says, "We kinda need that," right?

24 A Yes.

25 Q And so based on what you saw with these text

1 messages, you wrote in your report, right?

2 A Yes.

3 Q And in it you come to a conclusion, correct?

4 A Yes.

5 Q And your conclusion is that the text messages
6 between Adrianna Norman and Bear show that Adrianna was
7 trying to get money from Steven Sims, correct?

8 A Yes.

9 Q Those messages and call logs are consistent with
10 video surveillance where Adrianna is seen using her phone
11 during the robbery, correct?

12 A Yes.

13 Q And you just told me you have never seen the video
14 surveillance, correct?

15 A I said I didn't review the video surveillance.

16 Q So you have seen it?

17 A I didn't review the video surveillance.

18 Q So what's the difference between have you seen it
19 and have you reviewed it?

20 A It seems to be the same to me.

21 Q Okay. So you never watched it?

22 A No.

23 Q So would you be surprised to know that there is no
24 video surveillance of Ms. Norman at 6:32?

25 A The information related to me was that during

1 that, during the video surveillance she is seen using a
2 phone, so that was related to me.

3 Q Okay. And would you also be surprised to know
4 that there is no video surveillance of Ms. Norman at 6:33?

5 A I didn't review it, so I wouldn't know that.

6 Q Let me show you what has been admitted as
7 Exhibit 1. And actually I just want to go back to your
8 conclusion. It's fair to say the time that you wrote this
9 report anything about what happened at Bob & Lucy's is
10 merely an allegation, right?

11 A Yes.

12 Q So when you say she is seen using her phone during
13 a robbery, it's an alleged robbery, correct?

14 MR. PRENGAMAN: Your Honor, I object to that
15 characterization. I think that opens the door. I have a
16 further objection, if I can -- can we have, can we approach
17 the bench?

18 THE COURT: Yes.

19 (Whereupon the following proceedings
20 were outside the presence of the jury.)

21 THE COURT: Mr. Prengaman, your objection?

22 I note for the record this is a bench conference
23 outside the presence of the jury.

24 MR. PRENGAMAN: Your Honor, can you hear me?

25 Okay. My objection is to the relevance of questioning this

1 detective and any detective about their perceptions at the
2 charging stage of the case, because it is not relevant. The
3 question before the jury is whether the evidence that now
4 exists proves the charges. The issue is not the detective's
5 perception of those charges.

6 THE COURT: What led to this bench conference was
7 Ms. Hickman used the term alleged, so, in other words, her
8 characterization of the fact that these charges are alleged,
9 and this is the objection. You are basing -- can you still
10 hear me?

11 MR. PRENGAMAN: Yes, Your Honor.

12 THE COURT: You are basing your objection you are
13 presenting to me now on that? Push your button.

14 MR. PRENGAMAN: On that characterization as well
15 as further questioning about, yes, and about further
16 questioning about the Detective's perception of the charges,
17 because it is not relevant.

18 Again, what they did, she can obviously ask about
19 what they did, but asking about his perception of the
20 charges and whether -- asking him even if it was a mere
21 allegation I don't think to him, I don't think to the
22 police -- I mean, the arrest, my charge is, my charge is an
23 allegation, but to these detectives I think it's beyond that
24 and I think they opened the door to me then asking about
25 their belief about their case in all respects.

1 THE COURT: Ms. Hickman, is that where this was
2 headed? Is that where this was headed?

3 MS. HICKMAN: No.

4 THE COURT: Respond.

5 MS. HICKMAN: It was just because I said that
6 there was a robbery happening and so I was just going back
7 to say it is just alleged at that point. I have no other
8 questions beyond that.

9 THE COURT: Ms. Rosenthal, anything, Mr. Picker?

10 MS. HICKMAN: Sorry, but I'm not asking about his
11 perception about whether it happened.

12 THE COURT: Mr. Prengaman, I don't see any, for
13 which is the case with every other lawyer besides you, right
14 now they are alleged and so I'm not troubled by the fact
15 Ms. Hickman has used the term alleged. But I understand
16 what you are saying if she starts to ask questions about,
17 hey, do you think there is sufficiency of the evidence to
18 prove these charges? That is not going to be allowed, but
19 she is not going there.

20 MR. PRENGAMAN: But, Your Honor, even questioning
21 him about whether it is alleged, the way it is posed right
22 now is still asking him about, because we are talking about
23 their stage of the case, which, again, isn't relevant.

24 If I could prove my case by asking the detectives
25 what they think of it, I would certainly do it, but to them,

1 this line of questioning, again, even using that, framing it
2 as alleged, it's alleged now, but back then to these
3 detectives, I mean, I think they would say that there is far
4 more beyond the allegations.

5 THE COURT: I think it was more random use of the
6 term, so, Ms. Hickman, what I'm going to ask you to do is
7 ask the question again or rephrase.

8 MS. HICKMAN: I'm going to say it's just an
9 alleged robbery, that's it, and I'm moving on, and I don't
10 have to ask it. I really don't care that much.

11 MR. PRENGAMAN: Your Honor, still, going back to
12 when this happened, I mean, it is alleged now. Again, the
13 issue for the jury is not -- this, no trial, no criminal
14 trial is about the detective's perception of the case.

15 I mean, the detective could believe there is not
16 sufficient evidence and that's not something the jury should
17 ever hear, because the question should be is the evidence
18 they have been presented with sufficient. So I still
19 believe that by pursuing that and asking him is it just an
20 allegation is improper and not relevant.

21 THE COURT: Okay. I understand. I understand
22 what his concern is now is having him opine. In other
23 words, it's essentially a contradictory theory of the case
24 which you present evidence to provide evidence to
25 substantiate the case, but then you ask him it's true, it's

1 only alleged at this point.

2 Okay. Mr. Prengaman, I better understand what the
3 point is here. You can ask him a question. Well --

4 MS. HICKMAN: I don't even care about it. I just
5 asked it. It's fine. I will do without it.

6 THE COURT: Okay. Great. Thank you.

7 (Whereupon the following proceedings
8 were in the presence of the jury.)

9 THE COURT: Ms. Hickman.

10 MS. HICKMAN: Thank you.

11 BY MS. HICKMAN:

12 Q So, Detective Harris, I want to talk to you, so
13 where I left off is I was talking to you about your
14 conclusion is that the messages on the call logs are
15 consistent with the video surveillance, correct?

16 A Yes.

17 Q Okay. And where we left it is you had never
18 watched the surveillance, correct?

19 A Correct.

20 Q And so if I'm showing you Exhibit 1, and I'm going
21 to open Channel 4, and I'm going to go to the last file.
22 Actually, I'm going to go to the middle file, and I'm going
23 to pause it right here at 14 minutes and 7 seconds in that
24 file, and up at the top there is a timestamp. Do you see
25 that?

1 A Yes.

2 Q And it says 6:24:33 seconds, correct?

3 A Yes.

4 Q And you can see this person right here, correct?

5 A Yes.

6 Q Do you recognize that as Mr. Sims?

7 A No.

8 Q Okay. And then you see this person right here,
9 correct?

10 A Yes.

11 Q Do you recognize that as Mr. Williams?

12 A It appears to be.

13 Q Okay. And so as I'm playing this forward at
14 6:24:33 seconds, okay, I'm pausing it at 14:10. If you will
15 stop me and tell me if at any point going through you
16 recognize Mr. Sims, okay? I'm going to pause it at
17 14 minutes and 52 seconds and this is 6:25:18, correct?

18 A That's the timestamp.

19 Q That's the timestamp. And you see Mr. Williams
20 has left, correct?

21 A Yes.

22 Q I'm going to hit play. And at this point that we
23 are watching the video, it's 15 minutes and 4 seconds in.
24 That person that I asked if it was Mr. Sims, that person is
25 not with the person standing by the door, correct?

1 A No.

2 Q There is only one person at the door?

3 A Yes.

4 Q And Mr. Williams is gone, correct?

5 A Yes.

6 Q I'm going to pause it at 6:25:57 seconds. The

7 person just came back into the screen, right?

8 A Yes.

9 Q The one who left and came back?

10 A Yes.

11 Q Not Mr. Williams?

12 A No.

13 Q And you can see, not knowing if they are actually

14 speaking to each other, but the person at the door and then

15 the person who just came back into the frame -- Let me ask

16 you this, do you recognize this as being Ms. Norman?

17 A It's hard to tell.

18 Q Hard to tell. Okay. So the two people appear to

19 be talking to each other, but you don't know if they are?

20 A I don't know.

21 Q Okay. I will hit play at 15:31. And so the

22 timestamp up here now is 6:26:13, correct?

23 A Yes.

24 Q And it's fair to say you don't see Ms. Norman with

25 her phone, correct?

1 THE COURT: I'm sorry, is it fair to say you
2 don't --

3 BY MS. HICKMAN:

4 Q You don't see Ms. Norman with her phone?

5 A It's hard to see. It's hard to say what you see,
6 just two people.

7 Q Right. Because she is turned away from you,
8 correct?

9 A Right.

10 Q Okay. But that's at 6:26:13 seconds, right?

11 A That's what the screen says, yes.

12 Q And Mr. Williams is gone, correct?

13 A Yes.

14 Q Now, I want to show you the last file on
15 Channel 4. This is Exhibit 1. I'm going to pause this, and
16 you can see if you look down in the bottom it says a minute
17 and 46 seconds long, correct?

18 A Yes.

19 Q And it starts at 6:28:52 seconds, correct?

20 A Yes. Well, you are 4 seconds in, but --

21 Q I'm sorry?

22 A You are 4 seconds in, so is that the start?

23 Q Oh, no, sorry. I'm looking at the timestamp at
24 the top, 6:28:52.

25 A Yeah. I'm saying 4 seconds in on the video. Is

1 that the same time the video starts?

2 Q Yes, I'm at 4 seconds, right. So I'm going to hit
3 play on this. Okay. I hit pause with 2 seconds left,
4 correct?

5 A Yes.

6 Q The timestamp is 6:30:36 seconds, correct?

7 A Yes.

8 Q And in watching that were you able to see this
9 person use her phone?

10 A I can't tell.

11 Q You can't tell. Okay. And it's fair to say
12 6:30:36 seconds is between this call or this text that says,
13 "Call me whrn it's ready," correct?

14 A The problem I have with this is you are asking me
15 to testify to the time stamp of the video. I don't know the
16 accuracy of that time stamp. It's hard to say that's the
17 same, right? So to correlate the timestamp from this phone
18 to a timestamp on a DVR that I haven't reviewed, that I
19 haven't verified the accuracy is kind of hard for me to do.

20 Q Okay. Understanding that, right -- well, actually
21 let me go back to that. You could have gone to Bob & Lucy's
22 and verified that timestamp, correct?

23 A I was assigned other duties. That's not something
24 I did.

25 Q Okay. But you could have, right?

1 A I could have.

2 Q And you also wrote in your report that the
3 messages in the call log are consistent with the video
4 surveillance, correct?

5 A I was told on the video surveillance that she was
6 seen using her phone, so that would be consistent with the
7 messages that I recovered from the phone.

8 Q So it's fair to say that you did not watch this
9 surveillance video and compare it to these messages to
10 determine whether or not those things are consistent,
11 correct?

12 A I was told she was seen using her phone on the
13 surveillance video. The phone shows that there is messages
14 that go back and forth during that time period.

15 Q Uh-huh.

16 A It's hard to say exactly, so if you are comparing
17 a timestamp on the text message to a timestamp on the DVR,
18 it's tough to say what happens at the exact same time. Just
19 based on my experience in doing DVR analysis, those
20 timestamps are usually off or inaccurate, so you have to
21 verify that. That's not something I did.

22 Q Okay. Here is my question to you. You could have
23 gone to Bob & Lucy's and looked to see if that timestamp was
24 accurate, correct?

25 A Yes.

1 Q And you did not do that, correct?

2 A (Shakes head).

3 Q But you wrote in your report the messages and call
4 logs are consistent with video surveillance, correct?

5 MR. PRENGAMAN: Objection, Your Honor. He has
6 answered that at least twice, if not more.

7 THE COURT: Asked and answered twice already,
8 Ms. Hickman. Move on.

9 BY MS. HICKMAN:

10 Q And so when you see that there are text messages
11 at 6:32:38 seconds that says, "Hey, the owner jus said
12 15 minutes and he is gonna gimme \$100," you did not verify
13 that that was consistent with the surveillance video,
14 correct?

15 A As I said before, I was told she used her phone on
16 surveillance video. So if that surveillance video is for
17 the time period that these messages are, that would be
18 consistent.

19 Q So this video ends, we can see we have 2 seconds
20 to the timestamp at the top, this video ends at 6:30:38
21 seconds, correct?

22 A 36?

23 Q There is two seconds left at the bottom.

24 A Okay.

25 Q Okay. So it's fair to say -- well, let me ask you

1 this. Did you ever tell Detective Dach the timestamps of
2 the text messages that you put in your report?

3 MR. PRENGAMAN: Objection; relevance.

4 THE COURT: Relevance, Ms. Hickman.

5 MS. HICKMAN: I think the relevance goes to the
6 quality of the investigation as to whether or not he
7 communicated with Detective Dach to know that these aren't
8 shown on the surveillance video that obviously existed and
9 wasn't collected.

10 THE COURT: No speaking objections, please. I
11 mean that. I will allow this question. Go ahead. The
12 objection is overruled.

13 THE WITNESS: Can you say it again?

14 BY MS. HICKMAN:

15 Q Sure. Did you ever tell Detective Dach the
16 timestamps of the text messages that you recovered from that
17 phone?

18 A I don't know if I told him timestamps. I would
19 have told him that there was communication during that time
20 frame, but the specific time of the timestamps, I don't
21 know.

22 Q Okay. And then similarly did you ever communicate
23 these timestamps to Detective Zendejas who was the lead
24 detective in this case?

25 MR. PRENGAMAN: Objection; relevance.

1 THE COURT: Overruled. Go ahead, Ms. Hickman.

2 THE WITNESS: The reports would have been provided
3 to him, so I don't know if that's something that he reviewed
4 or I told him.

5 BY MS. HICKMAN:

6 Q I'm sorry, I didn't hear the last part.

7 A I don't know if that was something I specifically
8 told him those exact timestamps or if that's something he
9 would have reviewed in the reports that were provided to
10 him.

11 Q Okay. But you don't recall having a direct
12 conversation with him about the timestamps of these text
13 messages?

14 A (Shakes head).

15 Q And it's fair to say that Sparks Police
16 Department, to the best of your knowledge, was the main
17 agency investigating what occurred at Bob & Lucy's, correct?

18 A Yes.

19 Q And so the responsibility in investigating that
20 case falls with the Sparks Police Department, correct?

21 A Yes.

22 Q Including collecting the full video, correct?

23 A Collecting the video surveillance, yes.

24 Q Okay. And also comparing that video evidence to
25 any electronic or digital evidence that's collected by other

1 detectives?

2 A Yes.

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

5 THE COURT: Thank you, Ms. Hickman.

6 Ms. Rosenthal or Mr. Picker.

7

8 CROSS EXAMINATION

9 BY MR. PICKER:

10 Q Good morning.

11 A Good morning.

12 Q When you interviewed Mr. Sims, did he tell you he
13 had been --

14 MR. PRENGAMAN: Objection; hearsay.

15 THE COURT: Hearsay, Mr. Picker.

16 MR. PICKER: Your Honor, it goes directly to his
17 analysis of the phone, because we need to get into the
18 idea --

19 THE COURT: Say again.

20 MR. PICKER: I need to get back into where the
21 text messages were, and he said they don't transfer from
22 phone to phone. I'm just laying a foundation.

23 THE COURT: I need an exception to the hearsay
24 rule and laying a foundation is not one of them.

25 Mr. Prengaman's objection is hearsay.

1 MR. PICKER: That's fine. Thank you, Your Honor.

2 BY MR. PICKER:

3 Q You told us that removing a SIM card from one
4 phone to another will not transfer the text messages; is
5 that correct?

6 A It will not.

7 Q Okay. So for the text messages to be on a phone
8 that you downloaded, that phone would have had to have
9 received the messages?

10 A No, that's not accurate. Those messages would
11 have to be on that phone. That doesn't mean they were
12 received by that phone, but they were on that device.

13 Q Now, you said you analyzed two phones; is that
14 correct?

15 A Yes.

16 Q One of those being identified as belonging to
17 Adrianna Norman?

18 A Yes.

19 Q When you received that phone did you receive any
20 documentation with it?

21 A I don't remember getting a phone. I could have.
22 I don't remember.

23 Q You don't remember if you received a consent to
24 search?

25 A I don't remember if I received that or if I was

1 told there was a consent to search. I don't remember.

2 Q But it was your understanding that a consent to
3 search had been given for that phone?

4 A Yes.

5 Q By the owner of the phone?

6 A Yes.

7 Q And you identified that as being Adrianna Norman
8 who owned that phone?

9 A That's what I was told, yes.

10 Q Do you have any training as part of your duties in
11 observing persons who are under the influence of narcotics?

12 A No.

13 MR. PICKER: Just a moment, Your Honor.

14 BY MR. PICKER:

15 Q So when you attended the 24 hour course with the
16 Northern Nevada Narcotic Officers' Association, that didn't
17 involve observing people who are under the influence of
18 marijuana?

19 A No. That was a trafficking course, so it involved
20 commercial trafficking of narcotics.

21 Q How about the 24 hour course you took with the
22 California Narcotic Officers' Association?

23 A That was a conference, and during that conference
24 I primarily went to courses involving technology, so it was
25 put on by the California Narcotic Officers' Association, but

1 my primary focus was technology-type courses.

2 Q I appreciate that that was your primary focus, but
3 I'm asking if you had any training in any of those
4 conferences or at POST Academy on observing people who are
5 under the influence?

6 MR. PRENGAMAN: Objection; relevance.

7 MR. PICKER: It goes to his observations during
8 his interview with Mr. Sims.

9 MR. PRENGAMAN: If he doesn't have -- he hasn't
10 testified to any observations, so whether he has any
11 training is not relevant.

12 THE COURT: Mr. Picker, lay some foundation. The
13 objection is sustained.

14 MR. PICKER: Your Honor, that was the question,
15 that was the questions about the observations, about whether
16 he had any training. That is the foundation.

17 THE COURT: No. What I'm asking you to do is to
18 lay some foundation regarding the interview.

19 BY MR. PICKER:

20 Q When you interviewed Mr. Sims were you
21 face-to-face with him or did you do that over the phone?

22 A I was in the interview room, yes.

23 Q How close were you to him?

24 A Very close.

25 Q Did you see his eyes?

1 A Yes.

2 Q Did you observe his body movements?

3 A Yes.

4 Q Did you observe his speech?

5 A Yes.

6 MR. PICKER: Thank you.

7 THE COURT: Go ahead, Mr. Picker.

8 BY MR. PICKER:

9 Q Thank you. In your training dealing with people
10 who are under the influence of narcotics, did you observe
11 any of those mannerisms in Mr. Sims?

12 A Not that I recollect.

13 Q You were told that Ms. Norman was observed on the
14 video using a phone. Were you given any timeframes as to
15 when she used that?

16 A No.

17 Q So you didn't have any specific times to look at?

18 A I was told during the surveillance or on the video
19 surveillance during the time of the incident she was seen
20 using her phone.

21 Q Mr. Harris, I'm showing you what's been marked as
22 Exhibit 179. Do you recognize that document?

23 A Yes.

24 Q Is that from a report that you compiled?

25 A Yes.

1 Q Thank you. Now, you were asked some questions
2 about the video that you watched just a few minutes ago?

3 A Yes.

4 Q And you had never seen that video before?

5 A I have not reviewed the video surveillance.

6 Q I don't want to split semantics, but you have
7 never watched it at all just so we know?

8 A No.

9 Q And you said that you didn't know the accuracy of
10 the timestamp on that video so it's hard for you to be
11 accurate?

12 A It's hard for me to testify to the accuracy of the
13 timestamp of the video when I'm not the one that verified
14 that timestamp.

15 Q So isn't it true that it's also hard for you to
16 testify as to the accuracy of what's on that video when all
17 that happened was people told you what was on it?

18 MR. PRENGAMAN: Objection, Your Honor. I don't
19 believe that -- improper question, assumes facts not in
20 evidence.

21 THE COURT: Mr. Picker.

22 MR. PICKER: I will rephrase it.

23 THE COURT: Yeah, rephrase it. He has established
24 he didn't watch the video so he can't be asked questions
25 about having watched the video.

1 BY MR. PICKER:

2 Q So when you reached a conclusion in your report
3 that the video corroborated those text messages that were
4 made when Ms. Norman was on the phone, you don't know
5 whether that information is accurate?

6 A I believe I said consistent and I said that that
7 was information provided to me by another detective that she
8 was seen using her phone. The information from the phone
9 shows that there was communication on that device during
10 that time frame.

11 Q But, again, having never watched the video, you
12 are trusting the accuracy of what somebody else told you?

13 A Yes.

14 Q You are trusting that they are telling you, that
15 they are correctly telling you it's consistent?

16 MR. PRENGAMAN: Objection; cumulative.

17 THE COURT: Go ahead and answer the question.

18 THE WITNESS: I'm saying it's accurate when they
19 say that they see somebody using a phone and I see during a
20 time frame, the same time frame, not the same time, same
21 time frame, that there is communication on the phone.

22 BY MR. PICKER:

23 Q So your conclusion is totally dependent upon
24 whether the information you were given was accurate?

25 MR. PRENGAMAN: Objection; cumulative.

1 THE COURT: Objection is cumulative, Mr. Picker.

2 MR. PICKER: Your Honor, I actually, what I did
3 was I combined the two questions, because they were two
4 parts of one question.

5 THE COURT: Overruled. Go ahead. Detective, you
6 may answer that question.

7 BY MR. PICKER:

8 Q So your being able to say it's consistent depends
9 on whether, depends on the accuracy of the information you
10 were given?

11 A The information I was given? Yes, it was the
12 information I was given.

13 Q I'm sorry, can you repeat that? I'm not sure I
14 understand that.

15 THE COURT: Mr. Picker, let's do this. Restate
16 the question, because I think the confusion is the last word
17 is information he was given versus information you were
18 giving.

19 BY MR. PICKER:

20 Q Okay. So let me rephrase this. Your conclusion
21 that the timeframes of the text messages is consistent with
22 the video surveillance is totally dependent upon the
23 accuracy of the information you were told?

24 A Yes, and that another detective told me that he
25 saw her using her cell phone during the time frame of that

1 surveillance video. When I reviewed the cell phone, I saw
2 that there was communication during that time frame. That
3 would be consistent.

4 Q It's a really simple question, Detective. So your
5 conclusion is dependent upon that information you were told
6 being accurate?

7 A It's dependent on what the detectives told me.

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

9 THE COURT: Thank you, Mr. Picker.

10 Mr. Prengaman, anything?

11 MR. PRENGAMAN: No questions. Thank you,

12 Your Honor.

13 THE COURT: You are so welcome.

14 Detective Harris, thank you so much, sir. You are
15 excused.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: You are welcome.

18 Mr. Prengaman.

19 MR. PRENGAMAN: The state will call Detective Jose
20 Zendejas.

21 JOSE ZENDEJAS,

22 called as a witness, having been duly sworn,

23 testified as follows:

24

25 THE COURT: Detective Zendejas, would you like a

1 face shield or are you comfortable with the Plexiglas?

2 THE WITNESS: I'm comfortable.

3 THE COURT: Thank you so much.

4 Mr. Prengaman.

5 MR. PRENGAMAN: Thank you, Your Honor.

6

7 DIRECT EXAMINATION

8 BY MR. PRENGAMAN:

9 Q Good morning.

10 A Good morning, sir.

11 Q Could you please state your name and spell your
12 last name for the record.

13 A Jose Zendejas, Z-E-N-D-E-J-A-S.

14 Q And what is your occupation?

15 A I'm a detective.

16 Q And by whom or what agency are you employed?

17 A The Sparks Police Department.

18 Q And how long have you served in any capacity as a
19 police officer, detective or officer with the Sparks Police
20 Department?

21 A 15 years.

22 Q And, Detective, taking you back to February 22nd,
23 2020, on that day did you become involved in an
24 investigation surrounding the death of Jacob Edwards?

25 A I did.

1 Q And did that also include investigation of events
2 occurring at Bob & Lucy's Tavern?

3 A It did.

4 Q Okay. Now, Detective, on that day, February 22nd,
5 did you end up having contact with a woman named Adrianna
6 Norman?

7 A I did.

8 Q And did that contact occur at the Sparks Police
9 Department?

10 A That is correct, sir.

11 Q And do you see Adrianna Norman, the woman you had
12 contact with that day, in the courtroom?

13 A I do.

14 Q Would you please describe where you see her and
15 the clothing she is wearing?

16 A She is at the second desk wearing a black jacket
17 and blue blouse.

18 Q And may I ask you to describe for us for the
19 record the person sitting to her immediate right, so to her
20 right?

21 A To her right?

22 Q To her right.

23 A She is wearing a black shirt, black mask.

24 Q Your Honor, may the record reflect -- I'm sorry,
25 let me ask you this, Detective. The woman you have

1 identified as Adrianna Norman, is she wearing a mask?

2 A She is.

3 Q And are you confident that you are able to
4 identify that person as Adrianna Norman despite a mask?

5 A I am.

6 MR. PRENGAMAN: Your Honor, may the record reflect
7 the identification of the Defendant Adrianna Norman?

8 THE COURT: It does.

9 MR. PRENGAMAN: Thank you.

10 BY MR. PRENGAMAN:

11 Q Detective, going again back to February 22nd, when
12 you had contact with the Defendant Adrianna Norman, in the
13 course of that contact did she have a cell phone?

14 A She did.

15 Q And was that an iPhone?

16 A Yes, sir.

17 Q And did you ultimately obtain possession of that
18 phone from her?

19 A I did.

20 Q And did you provide it to Detective Adam Harris?

21 A That is correct, sir.

22 Q And did Ms. Norman consent to have the police
23 search her phone?

24 A She did.

25 Q Okay. And did you convey that consent to

1 Detective Harris?

2 A Yes, sir.

3 Q And was the purpose of providing Ms. Norman's

4 iPhone to Detective Harris so that he could conduct a

5 forensic search?

6 A That is correct, sir.

7 Q Detective, also in the course of your

8 investigation did you -- well, was Ryan Williams a suspect

9 in this investigation?

10 A He was, sir.

11 Q And do you see Ryan Williams in the courtroom?

12 A I do.

13 Q And can you please, again, as I asked you with

14 regard to Ms. Norman, could you please describe where you

15 see Mr. Williams and the clothing he is wearing?

16 A He is in the first desk wearing a striped shirt

17 and has glasses on.

18 Q And then could you please for the record describe

19 the person sitting to his immediate right?

20 A To his right?

21 Q To his right.

22 A It would be Ms. Norman.

23 Q Okay. So the person you previously identified as

24 Ms. Norman?

25 A That's correct.

1 Q Now, the man you have identified as Mr. Williams,
2 is he wearing a mask?

3 A He is.

4 Q Are you confident in your identification of
5 Mr. Williams --

6 A I am.

7 Q -- in spite of the fact that he is wearing a mask?

8 A That's correct, sir.

9 MR. PRENGAMAN: Your Honor, may the record reflect
10 the identification of the Defendant Ryan Williams?

11 THE COURT: It does.

12 BY MR. PRENGAMAN:

13 Q Now, Detective, in the course of your involvement,
14 did you have the opportunity to monitor two calls made by
15 Mr. Williams?

16 A I was.

17 Q Okay. And let me do this. So, Detective, have
18 you become familiar with the contents of what we have marked
19 for identification as Exhibits 228 and 229?

20 A I have.

21 Q Okay. And do those two exhibits contain a
22 portion, each one a portion of the phone calls that you
23 monitored?

24 A Yes, sir.

25 Q And Mr. Williams, the defendant that you

1 identified in court, is the, is the speaker on both calls?

2 A That is correct, sir.

3 MR. PRENGAMAN: Your Honor, I move for the
4 admission of 228 and 229.

5 THE COURT: Ms. Hickman?

6 MS. HICKMAN: No objection.

7 THE COURT: Mr. Picker?

8 MR. PICKER: No objection.

9 THE COURT: Exhibits 228 and 229 are admitted.

10

11 (Exhibit Numbers 228 - 229 were admitted into evidence.)

12

13 MR. PICKER: I'm sorry, Your Honor, could we
14 briefly be heard at a bench conference?

15 THE COURT: I'm sorry?

16 MR. PICKER: Can we briefly have a bench
17 conference?

18 THE COURT: Yes.

19 THE DEPUTY: Your Honor, while you guys are doing
20 that, may I suggest that we excuse the jury for maybe five
21 minutes?

22 THE COURT: That's a great suggestion, Deputy.

23 Ladies and gentlemen, let's make it ten. During
24 this recess, you must not discuss or communicate with
25 anyone, including fellow jurors, in any way regarding the

1 case or its merits, either by voice, phone, e-mail, text,
2 internet or other means of communication or social media.

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

11 We will be in recess. We will remain, Deputy.

12 (Whereupon the following proceedings
13 were outside the presence of the jury.)

14 THE COURT: Counsel, I'm trying to make the best
15 use of the time we have today in spite of the significant
16 delay. Any objection to having the deputy let them take
17 their 45 minute lunch break at this point and reconvene at
18 12:30? Mr. Prengaman?

19 MR. PRENGAMAN: No objection.

20 THE COURT: Ms. Hickman?

21 MS. HICKMAN: No objection.

22 MR. PICKER: No objection.

23 THE COURT: Okay. Let's do that. Deputy, will
24 you inform them this is the 45 minute lunch break and we
25 will wait while you open and close the door.

1 THE DEPUTY: Yes, Your Honor.

2 THE COURT: Thank you, Deputy.

3 Mr. Picker.

4 MR. PICKER: Thank you, Your Honor. This is the
5 part where we are asking for the limiting instruction on
6 behalf of Ms. Norman as to those phone calls you didn't rule
7 on yet. I wanted to make sure.

8 THE COURT: Actually, I feel like I did rule on
9 that, and you had provided a proposed instruction at the
10 back of your supplemental trial statement, which I was
11 prepared to give, Mr. Picker. Actually, I can tell you, you
12 gave a Cal Jur instruction. What I was prepared to give
13 prior to the calls being played are, "You are about to hear
14 testimony --" excuse me.

15 Mr. Picker, I want to make sure we are both
16 looking at the same instruction. I'm looking at your
17 supplement filed April 12, 2021. You have got a couple
18 proposed in there. The one that is, that relates to, I'm
19 going to just call them calls, Exhibits 228 and 229, take a
20 look at the last page of that pleading.

21 MR. PICKER: Yes, Your Honor. I have it.

22 THE COURT: That's your Cal Jur. It should be
23 Cal Jur.

24 MR. PICKER: It is CALCRIM.

25 THE COURT: Okay. CALCRIM. Thank you. I was

1 going to give something that was a little more specific.
2 You are about to hear telephone conversations made by
3 Mr. Williams. You may consider that evidence only against
4 him, not against Adrianna Norman.

5 MR. PICKER: That's fine, Your Honor.

6 THE COURT: Okay. All right. That's what I will
7 do. I will do that when we return. That was the only thing
8 you wanted to call to my attention, Mr. Picker, regarding
9 calls, because I admitted both 228 and 229, okay?

10 MR. PICKER: That is what we needed.

11 THE COURT: Say again.

12 MR. PICKER: That is what we needed.

13 THE COURT: All right. Let's take our lunch
14 recess. Mr. Prengaman.

15 MR. PRENGAMAN: Your Honor, I was just going to
16 say, if I might, and I don't think we need to keep Detective
17 Zendejas, or are we about to recess?

18 THE COURT: We are going to take a lunch recess.
19 I want to stay on schedule as much as we can, and the fact
20 that we are late doesn't mean people haven't eaten lunch, so
21 they are going to eat their lunch because it's close to
22 noon. 12:30 we are going to resume. After Detective
23 Zendejas, if you rest after that, Mr. Prengaman, we are
24 going right to Ms. Norman's case.

25 MR. PRENGAMAN: So in reviewing my, Your Honor, in

1 my review I realized I meant to admit the gun yesterday with
2 Ms. Sayer. I believe I have laid the foundation. She
3 established photos that match it, so I'm going to move for
4 its admission now if there is no objection.

5 So I do intend to rest, but in going through my
6 exhibits, going through the list I did omit to do that,
7 which I meant to do, and I will move for its admission now
8 based on the foundation laid yesterday. And, if not, the
9 only deviation from what I said earlier is I would ask to
10 briefly recall her or I will call Detective Coats who was
11 present for the search.

12 THE COURT: So, first of all, Deputy Wood, you and
13 I have not had this issue before, but I need you once that
14 box is opened, and I want to open it at some point and I
15 want Deputy Wood for my purposes to make sure that gun and
16 testimony can be given that it's unloaded, that the slide is
17 in an open position. There is no magazine in it.

18 MR. PRENGAMAN: Your Honor, if I may, that's been
19 done, so we did that when we marked it, so it came in that
20 condition.

21 THE COURT: Mr. Prengaman, when you introduce it,
22 whenever that is, make those representations on the record
23 for the benefit of the jury present.

24 MR. PRENGAMAN: Your Honor, I formally move for
25 its admission right now based on the foundation already

1 made.

2 THE COURT: Okay. So, counsel, Ms. Dion-Smyczek
3 testified yesterday. Mr. Prengaman is making the record of
4 the fact that he neglected to introduce the item through
5 her. The state wants to offer it now.

6 MS. HICKMAN: I would object.

7 THE COURT: You would object?

8 MS. HICKMAN: Yes.

9 THE COURT: Okay. And grounds for the objection?

10 MS. HICKMAN: That gun in that box has never been
11 identified by her as the gun that she took the photos of, so
12 the foundation hasn't been laid.

13 THE COURT: Mr. Picker, are you going to join in
14 that objection?

15 MR. PICKER: Yes, Your Honor.

16 THE COURT: Okay. Mr. Prengaman, I'm going to
17 sustain that objection.

18 MR. PRENGAMAN: Well, and that's fair. Arguably I
19 did lay the foundation with the photos and make that
20 comparison; however, I will just ask to briefly recall her
21 before I rest --

22 THE COURT: Okay.

23 MR. PRENGAMAN: -- to lay that foundation.

24 THE COURT: Let's have her lined up to go
25 immediately after Detective Zendejas --

1 MR. PRENGAMAN: Yes, Your Honor.

2 THE COURT: -- to finish your case and then we
3 will go to Mr. Picker and Ms. Rosenthal.

4 MR. PRENGAMAN: Thank you, Your Honor.

5 THE COURT: We are in recess until 12:30.

6

7 (Whereupon a break was taken from 11:51 a.m. to 12:34 p.m.)

8 (Whereupon the following proceedings
9 were in the presence of the jury.)

10 THE COURT: Deputy, the witness.

11 Mr. Prengaman, are you at a point where you are
12 going to play Exhibits 228 and 229?

13 MR. PRENGAMAN: Yes, Your Honor.

14 THE COURT: Ladies and gentlemen of the jury, you
15 are about to hear recordings of telephone calls made by
16 Defendant Ryan Williams. You may consider that evidence
17 against him only and not against Defendant Adrianna Norman.

18 Mr. Prengaman.

19 MR. PRENGAMAN: Thank you, Your Honor.

20 BY MR. PRENGAMAN:

21 Q Detective, I'm going to show you first or play
22 first what you identified as the first of the calls,
23 Exhibit 228, and for the record I'm going to play the single
24 file on that exhibit labeled as the phone call 4-5-20, April
25 5th, 2020.

1 (Whereupon the phone call was played.)

2 And, Detective, just to orient us, the voice that
3 just said, "Hey, ma," that's the Defendant Ryan Williams?

4 A That's correct.

5 (Whereupon the phone call was played.)

6 Q Detective, from where you were seated could you
7 hear that okay?

8 A Yes, sir.

9 Q I'm going to go now to the second call,
10 Exhibit 229. For the record, playing the single file on
11 Exhibit 229 labeled as the phone call April 28, 2020.

12 (Whereupon the phone call was played.)

13 Detective, from where you were sitting could you
14 hear that call okay?

15 A Yes, sir.

16 MR. PRENGAMAN: Thank you, Detective. I have no
17 further questions at this time, Your Honor.

18 THE COURT: Ms. Hickman.

19

20 CROSS EXAMINATION

21 BY MS. HICKMAN:

22 Q Detective Zendejas, I want to talk to you a little
23 bit about your role in this case. You are the lead
24 detective, right?

25 A That's correct.

1 Q So that means that essentially you are at the top
2 assigning tasks for what other people are going to do,
3 correct?

4 A That's correct.

5 Q And ultimately the responsibility for the
6 investigation falls on you, correct?

7 A That's correct.

8 Q So it's fair to say that as the lead detective,
9 you are familiar with what other officers or other
10 detectives are doing, correct?

11 A That's correct.

12 Q And so I want to start to talk to you about the
13 reports that you wrote in this case. Do you remember how
14 many reports you wrote?

15 A I would say approximately 3 or 4.

16 Q 3 or 4?

17 A Yes, ma'am.

18 Q Okay. So I want to make sure I have them. So you
19 wrote supplement 23, correct?

20 A They were titled, so I would have to know the
21 title.

22 Q Okay. Let me do this. Let me show you the
23 reports that I have for you and you tell me if they are all
24 the reports you wrote, okay?

25 A Okay.

1 Q I'm handing you three reports.

2 A That's correct.

3 Q Okay. So these three reports, these three reports

4 are the three reports you authored that detail the work that

5 you did in this case, right?

6 A That's correct.

7 Q Okay. And so I want to start by talking to you

8 about how you first become involved in the case. You get a

9 phone call in the morning of February 22nd, correct?

10 A That's correct.

11 Q And you respond to the Sparks Police Department,

12 correct?

13 A Correct.

14 Q And you got to the Sparks Police Department at

15 about 7:30 in the morning?

16 A Approximately.

17 Q And at that time you have a briefing with Sergeant

18 McNeely, Officer Allen, and Officer Britt Brown, correct?

19 A Yes, ma'am.

20 Q And those three, the two officers and the

21 sergeant, those three people had contact with Mr. Sims,

22 correct?

23 A Yes, ma'am.

24 Q And so the information that was relayed to you

25 just about what had happened at Bob & Lucy's came from

1 Mr. Sims, correct?

2 A That's correct.

3 Q Because it's fair to say when you got to the
4 Sparks Police Department, the surveillance video hadn't been
5 collected, correct?

6 A Correct.

7 Q And you also hadn't had a chance to look at
8 anybody's dash cam or body cam, because it hadn't been
9 uploaded yet, correct?

10 A Correct.

11 MS. GROSENICK: Your Honor, could we ask that he
12 speak into the mic a little more? It's a little hard to
13 hear him.

14 THE COURT: Yes, of course.

15 BY MS. HICKMAN:

16 Q And so after your briefing with the three officers
17 who had spoken with Mr. Sims, you then interviewed
18 Ms. Norman, correct?

19 A That's correct.

20 Q And after that interview with Ms. Norman, a search
21 warrant was obtained, correct?

22 A That's correct, ma'am.

23 Q And you were there when that was obtained, right?

24 A Yes.

25 Q And then you were also present at the Sparks

1 Police Department when the white truck was searched,
2 correct?

3 A I was not present when that white truck was
4 searched.

5 Q Okay. So you left?

6 A I was at the station, but I was not present when
7 it was searched.

8 Q Okay. Thank you. So you were still at the Sparks
9 Police Department, correct?

10 A That's correct.

11 Q And so after that white truck was searched, you
12 knew what had been found in there, correct?

13 A Correct.

14 Q So I want to talk to you about prior to that being
15 searched. You met with, you met with the criminalist from
16 the Washoe County Crime Lab prior to serving that search
17 warrant, correct?

18 A I didn't.

19 Q You didn't meet with her?

20 A No, ma'am.

21 Q Okay. Who did?

22 A Detective Coats.

23 Q Okay. So you never spoke to Sayer Dion-Smyczek?

24 A I didn't talk to her until we went to get a
25 warrant for Mr. Williams' DNA.

1 Q Okay. So you did not give her any information
2 about the case?

3 A I didn't. Detective Coats did.

4 Q Okay. And you didn't tell her that you only
5 needed to search for one gun, correct?

6 A Correct.

7 Q And give me one second.

8 You didn't tell her pertinent facts about the
9 case?

10 A Correct.

11 Q So you didn't tell her that three people had come
12 from Winnemucca?

13 A Correct.

14 Q And you didn't tell her that one subject entered
15 and encountered Steven and went back outside?

16 A Correct.

17 Q And you didn't tell her that that subject is a
18 female and they both head back inside to confront Steven?

19 MR. PRENGAMAN: Objection; cumulative. He said he
20 didn't say anything.

21 THE COURT: Pardon me?

22 MR. PRENGAMAN: Objection; cumulative. He
23 testified that he didn't say anything, so the answer, if he
24 didn't say anything, then the answer is no, no, no.

25 THE COURT: Ms. Hickman, Mr. Prengaman's objection

1 is you asked if he talked to her at all and he said no, and
2 now you are asking him a number of things about what he
3 didn't say.

4 MS. HICKMAN: Right, but if I'm going to impeach
5 him, he has to deny all of the statements.

6 THE COURT: That's fine. Go ahead. Overruled.

7 BY MS. HICKMAN:

8 Q And you didn't tell her that, you didn't tell her
9 that there was a forced cash-out of the machine, correct?

10 A Correct.

11 Q And then after that search did you talk to her?

12 A No, ma'am.

13 Q So you never had any contact with her until the
14 search warrant is served?

15 A That's correct.

16 Q And you were familiar with the search warrant in
17 this case, correct?

18 A Correct.

19 Q And the search warrant specifically says that one
20 of the things that you searched for is a black or
21 dark-colored handgun, correct?

22 MR. PRENGAMAN: I'm going to object; beyond the
23 scope of my examination.

24 THE COURT: I'm sorry, the question was search
25 for --

1 MS. HICKMAN: A black handgun.

2 THE COURT: Okay. The objection is it goes beyond
3 the scope.

4 MS. HICKMAN: That's fine. I can recall him.

5 THE COURT: All right. So go ahead. I'm going to
6 give you some latitude so we can address the concerns of
7 counsel while he is on the stand now.

8 BY MS. HICKMAN:

9 Q So one of the things in the search warrant was a
10 black or dark-colored handgun, correct?

11 A I believe so.

12 Q Okay. And you know that was never found, right?

13 A Right.

14 MR. PRENGAMAN: Objection; relevance.

15 THE COURT: Objection; relevance.

16 MR. PRENGAMAN: Foundation.

17 MS. HICKMAN: I didn't hear what he said.

18 THE COURT: Relevance and foundation regarding
19 whether or not a black handgun was found.

20 MS. HICKMAN: He is the lead detective, so he
21 would know what has and hasn't been found.

22 THE COURT: Mr. Prengaman.

23 MR. PRENGAMAN: But, Your Honor, what is the
24 relevance of his knowledge of that? I mean, his knowledge
25 is not relevant. It's what happened or didn't happen in the

1 case. His state of mind or knowledge is irrelevant.

2 THE COURT: Ms. Hickman, I will allow you some
3 latitude. The objection is overruled.

4 BY MS. HICKMAN:

5 Q And you also, or in that search warrant one of the
6 items to look for was also a gaming machine, correct?

7 A Correct.

8 Q And there were things to be searched for that had
9 to actually be removed from the, from the truck, like that
10 were part of the truck. Do you remember that?

11 A Yes, ma'am.

12 Q And part of that was the event data recorder,
13 correct?

14 A Correct.

15 Q Because the information that was being looked for
16 was whether or not the brakes were applied, right?

17 A Correct.

18 Q The speed at the time of the impact, right?

19 A Yes.

20 Q And the steering angle, correct?

21 A Correct.

22 Q And it was also looking for the registration and
23 insurance that went to that white truck, correct?

24 A Correct.

25 Q And it's fair to say you have reviewed what the

1 Washoe County Crime Lab collected from that truck, correct?

2 A Correct.

3 Q And you didn't see a registration or insurance as
4 part of those materials, correct?

5 A Right.

6 Q Did you ever go back to that person who did that
7 and ask if she saw those things?

8 A I did not.

9 Q And after your interview with Ms. Norman, you
10 spoke with Detective Harris about his interview of Mr. Sims,
11 correct?

12 A That's correct.

13 Q And he gave you information about what Mr. Sims
14 said, correct?

15 A Correct.

16 Q So now you have Detective Harris' interview of
17 Sims and the information you got from Sergeant McNeely,
18 Officer Britt Brown and Officer Allen, correct?

19 A Correct.

20 Q Were you given information, without telling me
21 what it was, that was inconsistent between those four
22 different statements that Mr. Sims made?

23 MR. PRENGAMAN: Objection; relevance and comment
24 on the credibility.

25 THE COURT: Ms. Hickman.

1 MS. HICKMAN: Your Honor, it goes to the quality
2 of the investigation.

3 THE COURT: Mr. Prengaman.

4 MR. PRENGAMAN: Your Honor, it doesn't -- that has
5 not been established. There is no foundation. How does it
6 go to what, what does that go to that resulted from the
7 investigation?

8 THE COURT: Ms. Hickman, the objection is you are
9 asking questions about it goes to the investigation. I
10 think Mr. Prengaman's point is what is it about the
11 investigation that you are attempting to illuminate that was
12 faulty or otherwise insufficient?

13 MS. HICKMAN: Do you want me to answer that on the
14 record or would you like me to do it outside the presence of
15 the jury?

16 THE COURT: Outside the presence of the jury.
17 Let's just do a bench conference.

18 (Whereupon the following proceedings
19 were outside the presence of the jury.)

20 MS. HICKMAN: So the relevance of the quality is
21 relevant to impeach the investigation that they did, and so
22 whether or not the lead detective -- Mr. Sims already
23 admitted he was inconsistent. I'm not asking what the
24 inconsistencies were, but what I'm asking him is did he
25 realize they were inconsistencies, because if he follows up

1 with Steve Sims in a couple of days, then it is relevant to
2 the quality of the investigation because it affects what the
3 officers do and what they don't do.

4 THE COURT: Mr. Prengaman.

5 MR. PRENGAMAN: Your Honor, the integrity of the
6 investigation isn't relevant. It is what they did or didn't
7 do that would be relevant. So, in other words, if they
8 claim there were fingerprints that they didn't gather, that
9 would go to the integrity, but just saying that it goes to
10 the integrity doesn't make it relevant.

11 What they are asking, basically, Ms. Hickman
12 hasn't established what is it that she claims they didn't do
13 that they should have done and the line of questioning
14 before us right now doesn't address that. They are
15 basically just trying to say wasn't he inconsistent.

16 And so what if he was? What does that change
17 about what they did or didn't do? In other words, there has
18 to be some point to attack the integrity of the
19 investigation to say they did or didn't do something and the
20 line of questioning is what did you do or not do, not what
21 they were thinking of.

22 The detective's thinking or thought process is not
23 what is relevant. So in this detective's mind, if he did or
24 didn't have knowledge, in other words, if he did or didn't
25 have knowledge of Sims' inconsistencies, what does that

1 affect? What conduct, what should they have done
2 differently? What is that going to address, because just
3 bringing out it might have been inconsistent doesn't
4 establish anything.

5 THE COURT: Ms. Hickman, you get the last word.

6 MS. HICKMAN: I think it depends on what his
7 answer is. If he says, no, I didn't know he was
8 inconsistent, then I don't get to ask him about why he
9 didn't do anything about his inconsistencies, but then I can
10 ask him did you see the body cameras? Did you watch those
11 interviews? And if he says, yes, I knew he was
12 inconsistent, then I get to say what did you do about that?
13 Did you go back and watch the video and see? Did you go
14 back and talk to Mr. Sims?

15 THE COURT: So this is the way I see it.

16 Mr. Picker, do you want to weigh in? Let me ask
17 you first.

18 MR. PICKER: Just one comment is that it appears
19 that, I agree with Ms. Hickman, because it appears she is
20 trying to get into the foundational part of it before she
21 gets into any specifics, which is what Mr. Prengaman is
22 saying she has to get into the specifics.

23 THE COURT: And here is the thing, Ms. Hickman has
24 made this point on the record that I could recall him. If
25 this witness were called as the first witness in

1 Mr. Williams' case-in-chief, he is the lead detective and
2 everything about the investigation that has come down so far
3 in the state's case I think would be fodder for questioning
4 by Ms. Hickman.

5 And I see that, Mr. Prengaman, what really is
6 happening here, he is the lead detective. The fact that he
7 has been called as the last witness in your case does not
8 limit her in this Court's mind, because she can recall him.

9 And the fact that she is going to do this now in
10 the state's case as opposed to in her own case I don't think
11 limits her, first, on the basis of what happened in your
12 direct examination and, second, with regard to the scope of
13 the whole investigation. He is the lead detective, a lot of
14 people have referred to him in the course of this case, and
15 he has even just said he is responsible.

16 MR. PRENGAMAN: But, Judge, what does that mean?
17 What does it mean just because you are the lead detective?
18 It means you know a lot of hearsay. It means that you make
19 a decision about maybe filling out a probable cause
20 declaration.

21 But how is just being, what does that make
22 admissible under the rules of evidence just being -- does
23 that mean I get to go back and say, Detective, do you think
24 these defendants are guilty.

25 THE COURT: No.

1 MR. PRENGAMAN: And tell me why. Why not, if it
2 is the state of mind?

3 THE COURT: I disagree. I don't think they are
4 getting into the state of mind. For example, where we are
5 right now in the course of her questioning is were there
6 inconsistencies among all of the people who talked to
7 Mr. Sims.

8 Yes, I think that's fair in the scope of this
9 entire investigation. That has already come out. I don't
10 see the harm and, like I said, if she was calling him as her
11 first witness, the scope of the investigation would be broad
12 because he is the lead detective.

13 So if she is getting into, if she asks questions
14 about the state of mind of detectives or the state of mind
15 of Mr. Sims, I would expect you to object and then I would
16 rule on that objection, because I think that that's a valid
17 objection, but I don't think what Ms. Hickman is currently
18 asking about the scope of this investigation where there may
19 have been inconsistencies and what his role was is
20 objectionable.

21 (Whereupon the following proceedings
22 were in the presence of the jury.)

23 THE COURT: Ms. Hickman.

24 MS. HICKMAN: Thank you.

25 ///

1 BY MS. HICKMAN:

2 Q Detective Zendejas, we were talking about those
3 four statements or the four officers, three officers and one
4 sergeant who spoke to Mr. Sims. Did you get information
5 that Mr. Sims gave inconsistent information in between those
6 four statements?

7 A Not that I recall.

8 Q Okay. And as the lead detective you have the
9 ability to watch any recorded statement, correct?

10 A That's correct.

11 Q Did you watch those recorded statements of
12 Mr. Sims?

13 A Not at the time.

14 Q How about ever?

15 A I did.

16 Q When?

17 A Further in the investigation.

18 Q Okay. So as you sit here right now, you were able
19 to see that Mr. Sims was inconsistent between those four
20 statements, correct?

21 MR. PRENGAMAN: Objection as to specificity. They
22 weren't all inconsistent.

23 THE COURT: Ms. Hickman.

24 MS. HICKMAN: Right. They aren't all
25 inconsistent --

1 THE COURT: Wait, wait, are you rephrasing?

2 MS. HICKMAN: Yes.

3 THE COURT: Okay.

4 BY MS. HICKMAN:

5 Q There are portions of his statements that are
6 inconsistent between all four of them, not consistently
7 inconsistent, but there is inconsistencies in portions of
8 his statements between all four of those officers, correct?

9 A Which statements are we talking about?

10 Q The four statements Mr. Sims made.

11 A Well, which statements are they?

12 Q Okay. Well, let me ask it this way, because I
13 don't want to get into the specifics of what Mr. Sims said.

14 A Okay.

15 Q In watching those four statements, did you notice
16 that any portion of those statements were inconsistent with
17 others?

18 A I'm sure they were.

19 Q You are sure they were?

20 A Uh-huh.

21 Q Okay. When you went back and talked to Mr. Sims
22 on February 27th, five days later, you didn't talk to him
23 about any of those inconsistencies, correct?

24 A That's correct.

25 Q And one thing that Mr. Sims told those officers

1 was that Mr. Williams showed him a black gun, correct?

2 A That's correct.

3 Q And he showed those officers that he lifted up his
4 shirt to show that gun in his waistband, correct?

5 A Correct.

6 Q And you know that that didn't happen, correct?

7 A I don't know if it happened or not. I wasn't
8 there.

9 Q Okay. And when you went back to talk to Mr. Sims
10 on the 27th, you were aware that a wallet was never found,
11 correct?

12 A Correct.

13 Q You didn't confront him about that fact, correct?

14 A I can't recall at this point.

15 Q Okay. Well, if it would have happened you would
16 have documented it in your report, correct?

17 A That's correct.

18 Q Huh?

19 A That's correct.

20 Q Okay. And you did write three reports in this
21 case, correct?

22 A Yes, ma'am.

23 Q And the report that details your contact with
24 Mr. Sims on the 22nd is supplement 23, correct?

25 A Correct.

1 MS. HICKMAN: I'm going to ask to have this
2 marked.

3 THE CLERK: Exhibit 231 marked for identification.
4

5 (Exhibit Number 231 was marked for identification.)
6

7 BY MS. HICKMAN:

8 Q So, Detective Zendejas, I'm going to show you
9 report 23 and I'm going to show you page 7 of 9, and I'm
10 going to ask you at the bottom of page 7 up to the top of
11 page 8 if you documented in there that you talked to
12 Mr. Sims about a wallet?

13 MR. PRENGAMAN: Judge, I will stipulate he didn't
14 talk to him about a wallet.

15 THE COURT: He is stipulating that he did not talk
16 to him about a wallet, Ms. Hickman.

17 MS. HICKMAN: I appreciate that, but I would like
18 to be able to cross the witness.

19 THE WITNESS: That's correct, I didn't talk to him
20 about a wallet.

21 BY MS. HICKMAN:

22 Q And you also didn't talk to him about the fact
23 that a black handgun was never found, correct?

24 A That's correct.

25 Q And it's fair to say that as the lead detective in

1 this case, you would be interested in the fact that neither
2 one of those things were recovered, correct?

3 A That's correct.

4 MR. PRENGAMAN: Again, Your Honor, I object to
5 state of mind, the elements of the state of mind.

6 THE COURT: Repeat the question, Ms. Hickman.

7 MS. HICKMAN: I can rephrase it.

8 THE COURT: Thank you.

9 BY MS. HICKMAN:

10 Q And as lead detective, you knew that none of those
11 things were collected, correct?

12 A Correct.

13 Q And you knew that the allegations from Mr. Sims
14 included that a wallet was stolen, correct?

15 A Correct.

16 Q And the reason for, that Mr. Williams showed him a
17 black handgun, correct?

18 A Correct.

19 Q And it's also fair to say that from the time
20 Mr. Williams' truck left Bob & Lucy's until the car accident
21 on I-80, there was Sparks Police Department officers or
22 sergeants near that truck, correct?

23 A I would assume so.

24 Q Right, because there was an 8 minute car chase,
25 right?

1 A That's correct.

2 Q And none of those officers reported either to you
3 or in their own written reports that anything was ever
4 thrown out those windows, correct?

5 A That's correct.

6 Q And, in fact, a silver handgun was found in the
7 truck and a cash-out ticket, correct?

8 A That's correct.

9 Q Okay. And that silver handgun can be seen in the
10 surveillance video, right?

11 A Yes, ma'am.

12 Q And the cash-out ticket can be seen in the
13 surveillance video, correct?

14 A Yeah. You could assume it's a cash-out ticket.

15 Q Huh?

16 A Yes, ma'am.

17 Q And it's also fair to say that that wallet cannot
18 be seen in that surveillance video, correct?

19 A That's correct.

20 Q And a black handgun cannot be seen in that
21 surveillance video, correct?

22 A Correct.

23 Q And you can't see Mr. Williams ever pull up his
24 shirt to show his waistband, correct?

25 A Correct.

1 Q But knowing all of those things, when you went to
2 talk to Mr. Sims five days later, you didn't bring any of
3 that up with him, right?

4 A That's correct.

5 Q And since February 22nd of 2020 until today, over
6 a year later, you still haven't brought that up with
7 Mr. Sims, correct?

8 A Correct.

9 Q And then on February 23rd, 2020, you went to
10 Renown Hospital and you spoke to Zane Kelly, correct?

11 A That's correct.

12 Q And he was still in the hospital at the time,
13 correct?

14 A Yes.

15 Q And when you spoke to him, you told him he
16 wasn't --

17 MR. PRENGAMAN: Objection; relevance.

18 THE COURT: Objection; relevance.

19 MR. PRENGAMAN: Hearsay.

20 THE COURT: Hearsay.

21 BY MS. HICKMAN:

22 Q Let me ask it this way, when you talked to him at
23 Renown Hospital he was not a suspect, correct?

24 A No, that's not correct.

25 Q He was?

1 A I read him his Miranda Warnings, because at the
2 time I was unsure what his involvement was.

3 Q And so that's why you Mirandized him, correct?

4 A Correct.

5 Q But at that time you weren't charging him with
6 anything, correct?

7 MR. PRENGAMAN: Objection; relevance.

8 THE COURT: Relevance.

9 MR. PRENGAMAN: That somebody got charged here?

10 MS. HICKMAN: Your Honor, it's relevant because of
11 the facts of the case. Mr. Kelly is in that car.

12 THE COURT: No speaking objections. It's relevant
13 because it's part of the facts of the case. I'm going to
14 allow the question.

15 Go ahead, Detective.

16 THE WITNESS: What is the question?

17 THE COURT: Objection is overruled. Go ahead.

18 BY MS. HICKMAN:

19 Q I can't remember exactly what I asked. I think I
20 asked you at that time you were not charging him with
21 anything?

22 A And then I told you I wasn't sure what his
23 involvement was at the time.

24 Q Okay. In fact, in response to a question of what
25 am I being charged with, you specifically said you were not

1 charging him?

2 MR. PRENGAMAN: Objection.

3 THE COURT: Ms. Hickman, there is no roundabout
4 way here to get hearsay into the record even if it comes
5 from you.

6 So, ladies and gentlemen, that statement is
7 stricken. No hearsay on the record, unless there is an
8 objection, and especially not from counsel.

9 Ms. Hickman, go ahead and ask another question.

10 BY MS. HICKMAN:

11 Q It's fair to say you never recommended charges for
12 Mr. Kelly, correct?

13 MR. PRENGAMAN: Objection; relevance.

14 THE COURT: I'm going to overrule. I will allow
15 it. Ms. Hickman, go ahead.

16 THE WITNESS: That's correct.

17 BY MS. HICKMAN:

18 Q And when you spoke to Mr. Kelly, he gave you
19 information about --

20 MR. PRENGAMAN: Objection; hearsay.

21 MS. HICKMAN: It doesn't go -- I'm not offering it
22 for the truth of the matter asserted. I'm offering it for
23 the effect on this listener and why he did or did not do
24 something.

25 MR. PRENGAMAN: What is the relevance of that?

1 THE COURT: Ms. Hickman, you established that he
2 has not been charged in this case.

3 MS. HICKMAN: Right.

4 THE COURT: What is the relevance of where you are
5 going without putting something material into the record?

6 MS. HICKMAN: About Mr. Kelly telling him why they
7 were at Bob & Lucy's.

8 MR. PRENGAMAN: Objection.

9 THE COURT: That's hearsay.

10 MS. HICKMAN: I'm not asking it for the truth of
11 the matter asserted. I'm asking it for the effect on this
12 listener and why he did or did not do something.

13 THE COURT: Then ask him the question if Mr. Kelly
14 gave him information about that, without putting a statement
15 in the record, and if Mr. Kelly did that what he did in
16 response to it; for instance, the effect on the listener
17 which is the exception.

18 BY MS. HICKMAN:

19 Q Okay. So if Mr. Kelly gave you information about
20 why they were at Bob & Lucy's, did you do anything to follow
21 up?

22 MR. PRENGAMAN: Your Honor, I object to the
23 relevance, because the content, it is based on the content,
24 because without knowing the content, it's not relevant. If
25 you don't know the content, then how is what he did or

1 didn't do relevant based on something you don't know?

2 THE COURT: Ms. Hickman.

3 MS. HICKMAN: Your Honor, I'm not offering it for
4 the truth of the matter.

5 THE COURT: He is not offering a hearsay
6 objection. He is offering a relevance objection at this
7 point.

8 MS. HICKMAN: It's relevant, again, I can say it
9 now, but I would prefer to do it outside the presence of the
10 jury, unless you want me to tell you what I think it goes
11 to.

12 THE COURT: No, I don't.

13 MS. HICKMAN: I'm sorry?

14 THE COURT: No, I don't want you to put that on
15 the record until I hear it.

16 (Whereupon the following proceedings
17 were outside the presence of the jury.)

18 THE COURT: Ms. Hickman.

19 MS. HICKMAN: So it is relevant because it goes
20 to, again, the quality of the investigation; based on what
21 you learned from Mr. Kelly, did you do any follow-up?

22 THE COURT: Okay.

23 MS. HICKMAN: Because it goes --

24 THE COURT: Wait. I already said that's going to
25 be allowed, so based on what you heard from Mr. Kelly did

1 you do any follow-up, what is coming next?

2 MS. HICKMAN: Well, I think he is going to say no,
3 right, but so let me back up and tell you the information it
4 is coming from --

5 THE COURT: Okay.

6 MS. HICKMAN: -- so I can get to where I'm going.
7 He talks to Mr. Kelly. Mr. Kelly says we went to Bob &
8 Lucy's to pick up Tanya, and they say, well, how can we get
9 ahold of Tanya? Do you know her last name? And he says I
10 don't, but you could call his dad and he gets his phone
11 number and calls his dad.

12 They don't follow up on the fact that they are
13 there to meet Tanya per Zane Kelly, so I know that I don't
14 get to get in what Zane Kelly said to them because of
15 hearsay, but it is relevant that he told them something
16 totally different than their theory and that they did not
17 look into it.

18 THE COURT: Go ahead, Mr. Prengaman.

19 MR. PRENGAMAN: Judge, it is not -- can you hear
20 me?

21 THE COURT: Yes, I can.

22 MR. PRENGAMAN: Judge, we just saw the line of
23 questioning about the inconsistencies by example of
24 Mr. Sims. Where did that lead? It is just highlighting
25 those things without leading anywhere. She hasn't

1 established anything that he should or shouldn't have done
2 based on that and this is the same thing here.

3 If you can't get into the content, then what he
4 did or didn't do isn't relevant. And if there was, if they
5 wanted to bring evidence, if they wanted to bring Tanya and
6 say here is what happened, I mean, they could establish that
7 the investigation did or didn't do something, but this is
8 all state of mind.

9 THE COURT: More importantly, what is, what
10 importance is the purpose of them going there? What
11 difference does that make if when they got there is all that
12 is charged in this case. In other words, what they did once
13 they got there, why is it relevant that they went there to
14 meet a woman named Tanya given what happened after that?

15 MS. HICKMAN: Because the state's theory is they
16 went there to rob Steve Sims and they did not go there --

17 THE COURT: No, I think the state's theory
18 isn't -- well, Mr. Prengaman can speak to the theory, but
19 what I hear in the case so far and what I read in the
20 information isn't they went there to get that, but they went
21 in there once they, because Mr. Prengaman has presented
22 information about Mr. Kelly effectively notifying
23 Mr. Williams that Mr. Sims was in there.

24 The issue, they don't have to drive, the way I
25 read the law, they don't have to drive there with the

1 intent. They have to enter the establishment with the
2 intent. I even read the instructions that have been
3 stipulated to thus far and that's how I read them.

4 MR. PRENGAMAN: Judge, for example, I believe I
5 would be entitled based on that examination about being
6 inconsistent with Steven Sims to go back to the Detective
7 and say, Detective, again, highlight my case. Were you
8 aware that when they walked in Mr. Kelly signaled to, you
9 know, Mr. Williams? Did that, did that affect your judgment
10 in terms of whether crimes had been committed?

11 Because that's what they are really doing is
12 saying, just bringing up he was inconsistent, and the fair
13 response to that is what is the rest of the investigation
14 that established there was a robbery and burglary in spite
15 of that inconsistency? That's the fair response and that's
16 why I think it is not relevant.

17 They are just highlighting their case. They are
18 not showing there is any deficiency in the investigation.
19 In other words, that's what this trial is about, is whether
20 the evidence is sufficient. The fact that it is
21 inconsistent and the detective didn't follow up, what does
22 that establish? That goes to credibility.

23 THE COURT: I'm not going to tell them how to try
24 their case, Mr. Prengaman. And what they bring into
25 evidence at some point, that's entirely up to them, but I

1 will tell you it is not relevant that they went there to
2 meet Tanya, I'm sorry, and that Mr. Kelly made that
3 statement.

4 MS. HICKMAN: Okay.

5 THE COURT: So let's move on from that.

6 MS. HICKMAN: Okay.

7 THE COURT: Okay. Thanks.

8 (Whereupon the following proceedings
9 were in the presence of the jury.)

10 THE COURT: Ms. Hickman.

11 MS. HICKMAN: Thank you.

12 BY MS. HICKMAN:

13 Q So after you spoke to Mr. Kelly at the hospital,
14 that was on the 23rd, correct?

15 A Correct.

16 Q And then the next day, the 24th, you attended the
17 autopsy, correct?

18 A Correct.

19 Q I'm just trying to find something real quick.

20 And then, actually, let me ask you this. In your
21 report, that report number 30 that we were talking about --

22 MR. PRENGAMAN: Objection; hearsay.

23 BY MS. HICKMAN:

24 Q Let me ask you this, did you write a report about
25 your interaction with Mr. Kelly?

1 A I did.

2 Q You did?

3 A Yes, ma'am.

4 Q Which report was that?

5 A There should be a narrative where I discuss that I

6 interviewed him.

7 Q Okay. And so you previously looked at your

8 supplement 23, which was marked as 231, correct?

9 A Correct.

10 Q And so it's your testimony that you wrote a

11 different report about that?

12 A Oh, in regards to my interaction with Mr. Kelly?

13 Q Yes.

14 A No.

15 Q Okay. In your report, though, you say, you refer

16 to my interview supplement report, correct?

17 A Yes.

18 Q But you never wrote it?

19 A I can't recall at this moment.

20 Q Okay. Well, you looked at the three reports that

21 I showed you, correct?

22 A Correct.

23 Q And you didn't see one, correct?

24 MR. PRENGAMAN: Objection; relevance as to whether

25 he did or didn't.

1 THE COURT: Ms. Hickman, I will overrule, so go
2 ahead.

3 BY MS. HICKMAN:

4 Q You didn't see one, correct?

5 A Correct.

6 Q And you said that there wasn't one missing,
7 correct?

8 A Correct.

9 Q So it appears that you never followed up and wrote
10 that report, right?

11 A Correct.

12 Q And as part of being the lead detective, obviously
13 you don't do all of the work in a case, correct?

14 A That's correct.

15 Q You depend on other detectives to do things,
16 correct?

17 A That's correct.

18 Q And then you are responsible for determining
19 whether follow-up is needed based on the work they do,
20 correct?

21 A Correct.

22 Q So you knew that Detective Dach collected
23 surveillance from Bob & Lucy's, correct?

24 A That's correct.

25 Q And you also know that Detective Harris did

1 digital downloads of two cell phones, correct?

2 A That's correct.

3 Q And Detective Dach detailed what he saw on that
4 surveillance video, correct?

5 A Yes.

6 Q And Detective Harris detailed what he did or what
7 he saw in the forensic download of Ms. Norman's cell phone,
8 correct?

9 A Correct.

10 Q And it's fair to say you had all of that
11 information, correct?

12 A Yes.

13 Q And it's also fair to say that the text message
14 times in Detective Harris' report are after the surveillance
15 video that Detective Dach collected ends, correct?

16 A I guess I wouldn't be able to answer that. I
17 mean, I understand what you are saying, but I can't recall
18 every time whether they were different or right on the
19 money.

20 Q Okay. Let me show you --

21 MR. PRENGAMAN: Objection to the relevance of
22 where this is going, Your Honor.

23 THE COURT: Ms. Hickman, relevance.

24 MS. HICKMAN: Your Honor, Detective Harris
25 directly testified that this would have been Detective

1 Zendejas' job to assign somebody to look at those two
2 inconsistencies.

3 THE COURT: I don't remember him testifying to
4 that. I do remember him testifying about the instruction
5 that came from Detective Zendejas.

6 MS. HICKMAN: And it wasn't his job to go back and
7 get the surveillance video or to watch it to see if those
8 timestamps correlated.

9 THE COURT: Mr. Prengaman.

10 MR. PRENGAMAN: It's still irrelevant, Your Honor.
11 I mean, where is this going? What is the relevance to this
12 case?

13 THE COURT: Ms. Hickman, I'm going to grant you
14 some latitude.

15 MS. HICKMAN: Thank you.

16 BY MS. HICKMAN:

17 Q I'm going to show you what has been admitted as
18 Exhibit 1. And you are familiar with this, correct?

19 A Yes.

20 Q Because this is the surveillance video from Bob &
21 Lucy's, correct?

22 A Correct.

23 Q And it's fair to say you watched all of this,
24 correct?

25 A Yes.

1 Q And so you were aware that each one of these
2 folders is a different camera, correct?
3 A Correct.
4 Q And then inside each folder there are clips that
5 detail different times, correct?
6 A Right.
7 Q And so if I go to Channel 4 inside, you see that
8 there is three files, correct?
9 A That's correct.
10 Q And you have watched all of these, right?
11 A Yes, ma'am.
12 Q When did you first watch them?
13 A I couldn't give you a time frame. I would imagine
14 it was shortly after they were collected.
15 Q So before you wrote this supplement 23?
16 A Yes.
17 Q And you wrote supplement 23 -- Well, let me ask
18 you, do you know if you wrote it March 2nd of 2020?
19 MR. PRENGAMAN: Objection to the relevance of when
20 he wrote the supplement.
21 THE COURT: Ms. Hickman.
22 MS. HICKMAN: I'm laying a foundation for my next
23 question.
24 THE COURT: Overruled. Go ahead.
25 THE WITNESS: I believe so.

1 BY MS. HICKMAN:

2 Q Okay. Well, I want you to look at it and tell me
3 if I'm right, so I'm going to approach with Exhibit 231. Go
4 ahead and look at that and tell me what day you authored
5 that report?

6 A March 2nd.

7 Q March 2nd. Okay. And in 2020 was it a weekend or
8 was it --

9 A I have no idea.

10 Q So let's say February has 28 days. This is 8 days
11 after the car accident, correct?

12 A Correct.

13 Q And so would it be fair to say that you watched
14 the surveillance video 8 days after this was recorded?

15 A I couldn't tell you if it's 8 days or not, I mean.

16 Q Somewhere in that time period?

17 A Correct.

18 Q Okay. And it's also fair to say that -- well, let
19 me ask you this. Do you know how long Bob & Lucy's keeps
20 their surveillance video?

21 A I don't.

22 Q Okay. So somewhere in those 8 days between the
23 car accident and the day you wrote that report, you viewed
24 this video, correct?

25 A Correct.

1 Q And so if we start with the first file of
2 Channel 4, you can see that it's 24 minutes and 29 seconds,
3 correct?

4 A Yes.

5 Q And if you go to the very end of that, that ends
6 about, it's around 6:15, right?

7 A Correct.

8 Q So it's fair to say that those text messages that
9 Detective Harris pulled off of Adrianna Norman's phone don't
10 occur in the time period of this camera, correct, or in this
11 clip, right?

12 A Correct.

13 Q And so then if we look at the second file, and
14 this is that same view, correct?

15 A Yes.

16 Q And it's going back to about 6:10, 6:11 in the
17 morning, right?

18 A Yes.

19 Q And this one is about 18 minutes and 24 seconds
20 long?

21 A That's correct.

22 Q And so if we go to the end of this one --

23 MR. PRENGAMAN: Objection; relevance and
24 cumulative. We have been through this already today.

25 THE COURT: We have been through this already

1 today with Detective Harris. What is the point here?

2 MS. HICKMAN: Well, I have to make sure that he
3 knows what I'm talking about before I can ask him the
4 question. So I can just skip to it and see if he knows.

5 THE COURT: Yes, please.

6 BY MS. HICKMAN:

7 Q So you know that all of the video inside of Bob &
8 Lucy's stops filming before the second text message is sent,
9 correct?

10 A I would imagine so.

11 Q Okay. And those text messages -- well, let me go
12 back. Those text messages are relevant to what happened at
13 Bob & Lucy's, correct?

14 A Correct.

15 Q And it's fair to say that when that last or when
16 that second text message is sent after 6:30, Mr. Williams is
17 no longer inside Bob & Lucy's, correct?

18 A That's correct.

19 Q He has already had contact with Mr. Sims, correct?

20 A Yes, ma'am.

21 Q He has already taken a ticket and left, right?

22 A Correct.

23 Q And so the message that comes through, I will show
24 you Exhibit 111, at 6:32:38 seconds is after Mr. Williams
25 had any conversation with Mr. Sims, right?

1 A Yes, ma'am.

2 Q And so this, "Hey, the owner jus said 15 minutes
3 and he is gonna gimme \$100," again, that's after
4 Mr. Williams has left the bar, correct?

5 MR. PRENGAMAN: Objection; cumulative and
6 relevance.

7 THE COURT: I'm going to allow it. I'm going to
8 overrule that objection. Answer the question, Detective.

9 THE WITNESS: Correct.

10 BY MS. HICKMAN:

11 Q And so I need to go down, "So can we wait 15," at
12 6:33:39 seconds is approximately 3 minutes after the video
13 stops recording, correct?

14 A Correct.

15 Q And after Mr. Williams has had whatever
16 conversation with Mr. Sims that he had, right?

17 A Right.

18 Q And at the point that you realized that those text
19 messages are sent at a time that isn't on this video, you
20 did not go back to Bob & Lucy's to collect further
21 surveillance, correct?

22 A Correct.

23 Q And you also know that the police arrived at Bob &
24 Lucy's after the video inside stops filming, correct?

25 A Yes, ma'am.

1 Q And you didn't direct anybody to go collect the
2 rest of that video, correct?

3 A What video?

4 Q The rest of the video inside after 6:30?

5 A Correct.

6 Q And ultimately the responsibility for the
7 completeness of the investigation falls on you, correct?

8 A That's correct.

9 MS. HICKMAN: I have no further questions.

10 THE COURT: Thank you, Ms. Hickman.

11 Mr. Picker.

12

13 CROSS EXAMINATION

14 BY MR. PICKER:

15 Q Good afternoon.

16 A Hi.

17 Q How are you?

18 A Good.

19 Q Good. You weren't present for the search of the
20 pickup. Did I understand that correctly?

21 A That's right, sir.

22 Q But you did direct the search parameters; is that
23 safe?

24 A Yes, sir.

25 Q All right. Were you involved in the request for a

1 search warrant for that pickup?

2 A I was involved in telling the detective at least
3 to get the warrant.

4 Q Okay. Did you, did you direct him on what things
5 to listen to and to be looking for in that search?

6 A At the time we were talking about the ticket and
7 the gun.

8 Q Okay. Now, at this point where you directed that
9 a search warrant application be done had you met with
10 Adrianna Norman?

11 A I believe so, sir.

12 Q Okay. Was it your understanding that at some
13 point she was in --

14 MR. PRENGAMAN: Objection; hearsay.

15 MR. PICKER: Explaining foundation for what he did
16 next.

17 THE COURT: No hearsay, unless you have an
18 exception to the hearsay rule. Restate the question.

19 MR. PICKER: I can do that.

20 BY MR. PICKER:

21 Q Had you hypothetically known that Ms. Norman was
22 in that vehicle --

23 MR. PRENGAMAN: Objection; hearsay.

24 MR. PICKER: -- what would you have done?

25 THE COURT: Calls for speculation. Next question.

1 BY MR. PICKER:

2 Q When you talked to Ms. Norman was she cooperative?

3 A She was.

4 Q Did you request the ability to search her cell

5 phone?

6 A Yes, I did.

7 Q Did she give you a written consent?

8 A She did.

9 Q Did she also consent to give you a DNA sample?

10 A I will say she did.

11 Q You asked her a variety of other questions; is

12 that safe to say?

13 MR. PRENGAMAN: Objection; relevance.

14 MR. PICKER: That's fine, Your Honor.

15 THE COURT: What's that, Mr. Picker?

16 MR. PICKER: I'm sorry?

17 THE COURT: There is an objection; relevance.

18 MR. PICKER: And I said that was fine, Your Honor.

19 THE COURT: I'm sorry?

20 MR. PICKER: I will withdraw the question.

21 THE COURT: Thank you.

22 BY MR. PICKER:

23 Q Did you ask Ms. Norman whether she had any --

24 MR. PRENGAMAN: Objection; relevance.

25 MR. PICKER: Your Honor, it directly goes to what

1 he had and what he directed an officer to put in a search
2 warrant application.

3 THE COURT: Maybe the proper question, Mr. Picker,
4 is after you spoke with Ms. Norman what did you direct
5 people to put in the search warrant.

6 BY MR. PICKER:

7 Q After you spoke to Ms. Norman specifically, what
8 did you ask for, ask to be put in the search warrant
9 application?

10 A I can't tell you specifically everything that
11 obviously was asked. Of course, we asked for a gun, a
12 ticket from the Bob & Lucy's.

13 Q Would seeing the search warrant refresh your
14 recollection?

15 A Yes, sir.

16 Q Showing you Exhibit 194. Tell me once you have
17 reviewed that and I will take it back.

18 A Okay.

19 Q Thank you. In the search warrant -- well, let me
20 ask you, the search warrant is a reflection of what you
21 asked for in the search warrant application, correct?

22 A That's correct, sir.

23 Q And so now that your recollection has been
24 refreshed, did you ask or was it asked for in the search
25 warrant to search for a woman's purse?

1 A No.

2 Q Was it asked to search for a woman's wallet?

3 A No.

4 Q Was it asked to search for women's makeup?

5 MR. PRENGAMAN: Your Honor, objection to the
6 relevance.

7 THE COURT: Mr. Picker, what is the relevance of
8 this line of questioning, please?

9 MR. PICKER: It goes directly to the question that
10 I asked pursuant to the state's last objection, which was
11 what did he do based on the information he obtained, so I'm
12 asking specifically what items he did not ask for.

13 THE COURT: What is the relevance of asking him
14 about the other items in the truck?

15 MR. PICKER: Your Honor, he said specifically that
16 he talked to Ms. Norman. You didn't allow me to go any
17 further into what he asked her, so I have to be specific
18 about what is in the document that he directed be drafted.
19 That's the relevance, Your Honor. It goes to the document
20 that he had drafted based on, that came after information
21 that he had in his possession after he met with Ms. Norman.

22 THE COURT: Mr. Picker, my concern here is
23 duplication on top of relevance. A couple more questions
24 along this line and then maybe we can move on.

25 MR. PICKER: That's fine, Your Honor.

1 BY MR. PICKER:

2 Q Did you direct that a woman's makeup or makeup bag
3 be searched?

4 A No, sir.

5 Q If I understand this correctly, and please correct
6 me if I'm wrong, after February 22nd of 2020 you didn't
7 direct anyone to collect additional video from Bob & Lucy's;
8 is that correct?

9 A Right.

10 MR. PICKER: Thank you. That's all I have.

11 THE COURT: Thank you, Mr. Picker.

12 Mr. Prengaman.

13 MR. PRENGAMAN: No further questions, Your Honor.

14 THE COURT: Thank you, Detective Zendejas. You
15 are excused.

16 Mr. Prengaman.

17 MR. PRENGAMAN: Your Honor, the state would recall
18 Ms. Dion-Smyczek.

19 THE COURT: Hello, Ms. Sayer. Welcome back. You
20 have been previously sworn.

21

22 SAYER DION-SMYCZEK

23 called as a witness, having been previously sworn,

24 testified as follows:

25

1 THE COURT: Mr. Prengaman.

2 MR. PRENGAMAN: Thank you, Your Honor.

3

4 DIRECT EXAMINATION

5 BY MR. PRENGAMAN:

6 Q Good afternoon.

7 A Good afternoon.

8 Q Could you just restate your name for the record.

9 A First name is Sayer, S-A-Y-E-R, and the last name
10 is Dion, D-I-O-N - S-M-Y-C-Z-E-K, Smyczek.

11 Q Thank you. And yesterday I was asking you
12 questions about your search of the white pickup truck; do
13 you recall that?

14 A I do.

15 Q You testified about finding a 9mm Taurus handgun
16 in the pickup truck?

17 A I did.

18 Q I'm going to show you Exhibit 55. Showing you
19 Exhibit 55, this is the Taurus handgun you found under the
20 seat of the pickup truck?

21 A It is.

22 Q I would like to show you now Exhibit 168 and I'm
23 going to ask you about the, if you recognize the contents of
24 this exhibit?

25 THE DEPUTY: Your Honor, I can confirm that that

1 gun is clear and there is no magazine in the gun.

2 THE COURT: Thank you so much, Deputy Wood. What
3 Exhibit Number is that, Mr. Prengaman?

4 MR. PRENGAMAN: Your Honor, it is --

5 THE COURT: You can tell me and I will repeat it
6 for the record.

7 MR. PRENGAMAN: Your Honor, it is 168 which
8 contains 168a through d.

9 THE COURT: Thank you so much.

10 BY MR. PRENGAMAN:

11 Q And if you could -- first of all, do you recognize
12 the container 168?

13 A I do.

14 Q And what do you recognize it as?

15 A It's the firearm box that I packaged the firearm
16 we are speaking of in.

17 Q And do you recognize your writing on the box
18 labeling it?

19 A Yes, my initials and my commission number.

20 Q May I ask you to please look at the contents and
21 beginning with 168a and tell me if you recognize that item?

22 A I do.

23 Q And what is 168a?

24 A That's the 9mm silver Taurus.

25 Q And is that the same, the actual gun, the same gun

1 that we see in Exhibit 55?

2 A Yes, it is.

3 Q Okay. Now, may I ask you to please examine

4 Exhibit 168b. Is that an envelope?

5 A Sorry, b like boy?

6 Q Yes.

7 A Yes, it is.

8 Q Please examine the contents and let me know when

9 you have had a chance to do that.

10 A It's taped on the back of it.

11 Q If you would please breach the seal. Do you need

12 something to break it?

13 A No, that's fine.

14 Q Do you recognize the contents?

15 A I do.

16 Q And what does that envelope contain?

17 A It's the unfired 9mm Luger from the chamber.

18 Q Okay. And then may I ask you to examine the

19 contents of Exhibit 50 -- I'm sorry, what was the box, 157?

20 A 168.

21 Q 168c, please. Do you recognize that?

22 A I do.

23 Q And what does 168c contain?

24 A It is the unloaded magazine.

25 Q And then may I ask you to examine the contents of

1 168d. And what does 168d contain?

2 A These are the 15 9mm Luger unfired cartridges from
3 the unloaded magazine.

4 Q Showing you Exhibit 59, do Exhibits 168c and d,
5 are the contents of those envelopes represented here?

6 A They are.

7 MR. PRENGAMAN: Your Honor, I move for the
8 admission of Exhibit 168 and 168a, b, c, and d.

9 THE COURT: Are you also moving for the admission
10 of 55 and 59?

11 MR. PRENGAMAN: No, Your Honor. Those are already
12 in. I believe those are already in.

13 THE COURT: I think you are right. Thank you so
14 much.

15 Okay. Ms. Hickman, the admission of 168a through
16 d.

17 MS. HICKMAN: No objection.

18 THE COURT: Mr. Picker?

19 MR. PICKER: No objection, Your Honor.

20 THE COURT: Thank you so much. 168a through d are
21 in.

22 MR. PRENGAMAN: Thank you, Your Honor.

23

24 (Exhibit Numbers 168a - d were admitted into evidence.)

25

1 MR. PRENGAMAN: Thank you. I have no further
2 questions.

3 THE COURT: Ms. Hickman?

4 MS. HICKMAN: Thank you, Your Honor.

5

6 CROSS EXAMINATION

7 BY MS. HICKMAN:

8 Q Ms. Dion-Smyczek, the person who briefed you was
9 Detective Zendejas, correct?

10 A Which briefing are you speaking to?

11 Q Sorry. Thank you. Your briefing at the Sparks
12 Police Department --

13 A Yes.

14 Q -- prior to processing that white truck?

15 A Correct.

16 Q And the person who gave you the information about
17 what you were looking for was Detective Zendejas, correct?

18 A Correct.

19 Q And the person who told you not to look for a
20 black firearm was Detective Zendejas, correct?

21 A He didn't tell me to not look for it, it just was
22 not mentioned.

23 Q Okay. So the person who told you that you were
24 looking for a silver handgun was Detective Zendejas,
25 correct?

1 A Correct.

2 Q Okay. And Detective Zendejas did not tell you to
3 look for a black gun; is that a fair way to say it?

4 A Correct.

5 Q Okay. And regarding the processing of the truck
6 or the information about, or the information that the police
7 relayed to you, that did not come from Detective Coats,
8 correct?

9 A No.

10 Q And you take notes as things happen, correct?

11 A Yes.

12 Q And you write down who it is coming from, right?

13 A Yes.

14 Q And so specifically in this case you wrote that it
15 was Detective Zendejas who was giving you that information?

16 A Which information?

17 Q From the briefings?

18 A Yes.

19 Q And it's also true that Detective Zendejas was
20 present when you were processing the white truck, correct?

21 A He showed up to bring out the search warrant.

22 Q I'm sorry?

23 A He showed up to bring out the search warrant.

24 Q Okay. And then he left?

25 A Yes.

1 MS. HICKMAN: Okay. Thank you. I have no further
2 questions.

3 THE COURT: Thank you, Ms. Hickman.
4 Mr. Picker.

5

6 CROSS EXAMINATION

7 BY MR. PICKER:

8 Q Good afternoon.

9 A Good afternoon.

10 Q So Mr. Zendejas was not present when you found the
11 weapon in the pickup; is that correct?

12 A I do not believe so. I don't recall specifically,
13 but I do not believe so.

14 Q Okay. And you took possession of that firearm; is
15 that correct?

16 A I did.

17 Q And you took it back to the Washoe County Crime
18 Lab?

19 A I did.

20 Q And do you know if any other, if any analysis was
21 done on that weapon?

22 A To my knowledge, no.

23 MR. PICKER: Thank you. That's all I have.

24 THE COURT: Thanks, Mr. Picker.

25 Mr. Prengaman?

1 MR. PRENGAMAN: No further questions. Thank you,
2 Your Honor.

3 THE COURT: You are excused. Thank you very much
4 for returning.

5 THE WITNESS: Thank you.

6 THE COURT: Mr. Prengaman.

7 MR. PRENGAMAN: Your Honor, the state will rest
8 its case.

9 THE COURT: Thank you so much.

10 Mr. Picker, I turn to you, sir. Your first
11 witness.

12 MR. PICKER: Your Honor, if we could take just a
13 brief recess before we start.

14 THE COURT: We can.

15 MR. PICKER: Thank you.

16 THE COURT: Yes.

17 Ladies and gentlemen, during this brief recess,
18 you are not to discuss or communicate with anyone, including
19 fellow jurors, in any way regarding the case or its merits,
20 either by voice, phone, e-mail, text, internet or other
21 means of communication or social media.

22 You must not read, watch or listen to any news or
23 media accounts or commentary about the case, or do any
24 research, such as consulting dictionaries, using the
25 internet, or using reference materials. You must not make

1 any investigation, test a theory of the case, recreate any
2 aspect of the case, or in any other way investigate or learn
3 about the case on your own, and you must not form or express
4 any opinion regarding the case until it's finally submitted
5 to you. We will see you after the recess.

6

7 (Whereupon a break was taken from 1:50 p.m. to 2:01 p.m.)

8 (Whereupon the following proceedings
9 were outside the presence of the jury.)

10 THE COURT: Counsel has requested an outside the
11 presence. Mr. Prengaman.

12 MR. PRENGAMAN: Your Honor, it is because I
13 indicated earlier when defense counsel indicated they
14 intended to call Mr. Kelly that I had an objection to make.
15 My objection addresses that, and I'm not suggesting this is
16 the intention, but it is inappropriate to call a witness to
17 invoke the Fifth Amendment Privilege in front of the jury,
18 so the case law tells us that shouldn't happen. In other
19 words, you don't call a witness just to invoke.

20 Mr. Kelly, obviously, I would submit, has
21 potential criminal liability by virtue of his potential
22 involvement in the case, and my concern is just to ensure
23 that, number one, he doesn't just get on the stand and
24 invoke for the appearance of it and, secondly, that he does
25 expose himself to full cross-examination.

1 So if he testifies, even if Mr. Picker is fairly
2 limited in his questioning, the scope of examination, still
3 the reasonable scope could go beyond, I'm not saying vastly,
4 but it could expand into areas that touch upon his
5 involvement both inside before and after Bob & Lucy's.

6 And if he invokes his Fifth Amendment Privilege
7 when I'm questioning him, I think I'm entitled to strike
8 everything he said because I can't cross-examine him. But,
9 again, that's unfair. That's a hard bell to unring, and so
10 my purpose is to try to ensure that that's not going to
11 happen, and my request is that the Court simply address him
12 before he testifies as to his intention to invoke the Fifth
13 Amendment Privilege.

14 THE COURT: Thank you.

15 Mr. Picker.

16 MR. PICKER: Thank you, Your Honor. It's my
17 understanding that Mr. Kelly will not be invoking based on
18 the questions that I intend to ask him. I can't speak for
19 what the state is going to do, but certainly similar to the
20 state's objections, based on whatever his cross-exam is, if
21 it goes outside the scope of our direct much further than is
22 reasonable, I intend to object to that as being outside the
23 scope of direct.

24 So I can't speak for either Mr. Prengaman or
25 Mr. Kelly should Mr. Prengaman go into areas that are not

1 anticipated. I mean, Mr. Kelly will invoke or not. I know
2 what my questions are. I know Mr. Kelly plans to testify.

3 THE COURT: Mr. Picker, does he have counsel
4 currently?

5 MR. PICKER: No, Your Honor. He is currently
6 serving a sentence based on misdemeanor convictions in the
7 Pyramid Lake Tribal Court, in the Reno Sparks Indian Colony
8 Tribal Court.

9 And this is the first we have heard of what
10 Mr. Prengaman's objection was, although he has had our
11 witness list for quite sometime. He filed his trial
12 statement well after we filed our witness list.

13 This is the very first time I'm hearing this
14 objection, so any preparation we could have done for it
15 during the past two weeks goes for not, because here we are
16 on Friday, the second week of the trial.

17 THE COURT: Counsel, here is the thing, this day
18 did not turn out the way any of us anticipated for various
19 reasons.

20 MS. HICKMAN: I'm sorry, what?

21 THE COURT: Today in terms of timing has not
22 turned out the way that we thought it would for various
23 reasons. It is currently 2:05 in the afternoon.

24 Without, let's set aside for a moment what is
25 happening with Mr. Kelly. It's my intention to talk to the

1 parties about Monday, and say that on Monday morning we
2 would call -- something is going on with this trooper's
3 name. I cannot remember the trooper's name, Ms. Grosenick.

4 MS. GROSENICK: Chesebrough.

5 THE COURT: Chesebrough. That we call Trooper
6 Chesebrough followed by Detective Harris with the Sparks
7 Police Department, and it is my intention to let the jury
8 know it is going to be a short day and dismiss them for the
9 remainder of the day, provided there is no rebuttal
10 testimony, which we can talk about as well, and then we
11 would all set to the task of jury instructions.

12 If this is an issue, I have a concern here about
13 what Mr. Prengaman has said, which is that his questioning
14 may lead to statements that Mr. Kelly would make that he
15 would incriminate himself.

16 MR. PICKER: Your Honor, can I make two comments
17 to that?

18 THE COURT: Yes.

19 MR. PICKER: Number one is you already heard some
20 testimony, but I will suggest to you --

21 THE COURT: I have not heard any testimony of
22 Mr. Kelly.

23 MR. PICKER: If you will let me finish,
24 Your Honor.

25 THE COURT: Go ahead.

1 MR. PICKER: You already heard some testimony that
2 there was a decision not to charge Mr. Kelly by the lead
3 detective in this case. There were other comments by other
4 officers to him that they never considered him, that they
5 didn't consider him a suspect, that he was a victim. So if
6 that's a different position the state is now taking, that's
7 news to us, number one.

8 Number two, I don't anticipate Mr. Kelly will
9 testify any differently than what he told the police
10 previously. Should he do that, he continues to be, follow
11 in that line that he would have no criminal liability
12 because they made the decision not to charge him because he
13 was not a suspect.

14 My second point would be had we known about this
15 objection prior to 2:00 in the afternoon, we could have
16 arranged, should Your Honor wanted that, to have counsel
17 appointed for him, because the process, as Your Honor knows,
18 under the model plan of the Second Judicial District Court
19 is that to have somebody appointed for him, you have to
20 appoint the Public Defender's Office. They have to conflict
21 off. It has to go to my office, we have to conflict off,
22 and then it goes to the appointed counsel administrator to
23 appoint somebody.

24 That can be done fairly expeditiously, but not in
25 15 minutes. So that's my concern is that we have been

1 ambushed with this position on a Friday afternoon.

2 THE COURT: And I'm most concerned about the fact
3 he might invoke at any time. I'm much less concerned about
4 that.

5 Mr. Prengaman, would it really be the District
6 Attorney's position in this case that they might pursue him
7 for charges in this case a year later based on something he
8 might say on the stand?

9 MR. PRENGAMAN: Your Honor, if he -- well,
10 potentially. I mean, if he implicates, for instance, just
11 to give you an example, Mr. Williams has talked on the jail
12 phone as you heard, as well as other calls, but let's just
13 look at the call that we heard today. He said that
14 Zane Kelly told him to go on the freeway to create danger
15 for other people. Now, a man was killed on the freeway as a
16 result of that decision, and I can't use that statement
17 because it prevents -- that is powerful evidence but I can't
18 use it.

19 Now, if Zane Kelly was today to say that he was
20 directing or giving direction to Mr. Williams while on the
21 roadway, which could be a potential question not just of
22 mine, but of Williams' counsel, that would implicate him
23 directly in, maybe not in a felony murder, but certainly in
24 eluding causing death, reckless driving causing death.

25 And I'm not, I'm not saying I'm looking to charge

1 him, but that's a, this is a serious case, and if he had a
2 hand, if there is enough evidence to prove that he had a
3 hand in it, I don't rule out that I would consider charging
4 him.

5 Now, again, I'm not saying I'm looking to do that.
6 My only -- and I'm not suggesting the Court needs to appoint
7 counsel. It's his decision, Zane Kelly, the citizen, has
8 the decision of whether he invokes his Fifth Amendment
9 Privilege or not.

10 I'm simply looking, all I'm asking is that, is
11 that to the extent the Court can, we simply ensure that he
12 is not going to get on the stand and give some favorable
13 testimony to Mr. Picker and then invoke. In which case,
14 again, my remedy is to strike everything he said.

15 So, again, I'm not suggesting that. In fact, I
16 don't think that is necessary. My main goal is simply to
17 protect the state's right to a fair trial and we don't have
18 a situation where he, again, gets on the stand and invokes
19 quickly. Because as the Court has seen, the defense
20 counsel, I would suggest, has endeavored to bring out and
21 emphasize that he was not charged in opening statement and
22 during the questioning of state's witnesses.

23 I believe this Court, as every Court in cases like
24 this does, is going to instruct the jury that their concerns
25 of guilt are these two defendants and not any third party,

1 and so it is not insignificant to have that third party,
2 whose lack of charging, as recent as the second to last
3 witness, is emphasized and potentially could invoke the
4 Fifth Amendment Privilege.

5 But that's what my concern is directed at and, so,
6 again, all I can tell the Court in that regard, I'm not
7 trying to generate it, but if he does implicate himself,
8 this is a serious case, and if he has responsibility to bear
9 for the death of Jacob Edwards, I would consider charging
10 him if the evidence is there, if there is enough evidence.

11 And, again, the police, you know, Mr. Picker
12 pointed out what the police said. That doesn't bind them,
13 nor does it bind them when they are interviewing someone.
14 They are entitled to tell them certain things, so certainly
15 there has been no representation by the Sparks Police
16 Department that Zane Kelly is a free and clear man of any
17 responsibility in this case. That's not the case.

18 And so if that answers the Court's inquiry as far
19 as the state's position, again, I'm not asking, I'm not
20 coming in and suggesting you need to appoint counsel. And,
21 again, I don't think that's necessary. He can decide. I
22 don't think he is entitled to counsel, given his position as
23 a witness, but I do believe because of the situation that it
24 would be appropriate to make the inquiry of whether he
25 intends to invoke.

1 THE COURT: Outside the presence?

2 MR. PRENGAMAN: Oh, of course, yeah, absolutely.

3 Yes, absolutely, Your Honor.

4 THE COURT: Mr. Picker.

5 MR. PICKER: Your Honor, I don't think any of us
6 can answer some of the questions that you have asked until
7 Mr. Kelly gets on the stand. I just, I think we can take it
8 as it comes, and Mr. Prengaman can certainly object, and you
9 can certainly handle it outside the presence of the jury,
10 but as I expect he will answer the questions pursuant to the
11 way he told the police and I don't expect there to be a
12 problem.

13 THE COURT: Mr. Picker, let me ask you, is your
14 examination of Mr. Kelly lengthy?

15 MR. PICKER: My examination of Mr. Kelly will take
16 less than 10 minutes I expect. I expect to ask him very few
17 questions.

18 THE COURT: Should I anticipate a relevance
19 objection from Mr. Prengaman?

20 MR. PICKER: Facetiously, yes, you probably
21 should.

22 THE COURT: Strike that.

23 MR. PRENGAMAN: Maybe a hearsay objection.

24 THE COURT: Okay. Mr. Picker, are you proposing
25 to do this in the presence of the jury out of the gate?

1 MR. PICKER: Yes, Your Honor.

2 THE COURT: Okay. Deputy Wood.

3 (Whereupon the following proceedings
4 were in the presence of the jury.)

5 THE COURT: Mr. Picker.

6 MR. PICKER: Thank you, Your Honor. We would call
7 Zane Kelly.

8 ZANE KELLY,
9 called as a witness, having been duly sworn,
10 testified as follows:
11

12 THE COURT: Mr. Kelly, when you testify you can
13 remove your mask.

14 THE WITNESS: I don't want to.

15 THE COURT: You want to keep your mask on. Okay.
16 I need you to, when you speak I need you to get right on the
17 microphone. See how I'm doing it with the mask on? It's
18 really important that you get close.

19 THE WITNESS: Okay.

20 THE COURT: Thank you.

21 MS. HICKMAN: Your Honor, can we offer him a face
22 shield?

23 THE COURT: Mr. Kelly, if you are comfortable
24 taking the mask off, we can provide you with a plastic face
25 shield.

1 THE WITNESS: All right.

2 THE COURT: Okay. Deputy Wood.

3 Okay. There we go.

4 Mr. Picker.

5

6 DIRECT EXAMINATION

7 BY MR. PICKER:

8 Q Good afternoon. Can you please state your name
9 and spell your first and last for the court reporter.

10 A Zane Kelly, Z-A-N-E K-E-L-L-Y.

11 Q Mr. Kelly, I want to take you back to
12 February 22nd of 2020 last year. Do you recall that date?

13 A Yeah.

14 Q How did you get -- do you live in Reno?

15 A Now I do.

16 Q Okay. At the time did you?

17 A No.

18 Q Okay. How did you get to Reno that day?

19 A I had a ride.

20 Q You had a ride with Ryan?

21 A With Ryan, yes.

22 Q Is that Mr. Williams who is seated over here?

23 A Yes.

24 Q Okay. Where were you -- what kind of vehicle was
25 it?

1 A It was a white Chevy truck.

2 Q Okay. Where were you seated in the truck?

3 A I was on the passenger side.

4 Q Okay. Do you know Adrianna Norman?

5 A No.

6 Q Okay. Do you see the woman sitting over here at

7 the second table on this end?

8 A Yeah.

9 Q Do you recognize her?

10 A Kind of, not really.

11 THE COURT: I'm sorry, Mr. Kelly, say that again.

12 THE WITNESS: I don't really recognize her, kind

13 of a little, but yes.

14 BY MR. PICKER:

15 Q Okay. Was there besides -- well, who was driving

16 the pickup that day?

17 A Ryan Williams.

18 Q Was there a third person in the vehicle, a woman?

19 A Yeah.

20 Q Okay. Where was she seated?

21 A She was --

22 THE COURT: Mr. Kelly, say it again.

23 THE WITNESS: She was seated behind me.

24 BY MR. PICKER:

25 Q In the back seat?

1 A Yes.

2 Q Okay. You are going to have to speak up a little
3 bit because of the shield. Okay. Do you understand that?

4 A All right.

5 Q Okay. At some point that day, February 22nd,
6 2020, did you arrive at Bob & Lucy's in Sparks?

7 A Yeah, we did.

8 Q Okay. Did you go into Bob & Lucy's?

9 A Yes, like three times, I think.

10 Q Okay. Why did you go in the first time?

11 A To use the restroom.

12 Q Okay. Did you walk around the casino area as
13 well?

14 A The first two times I went in there to see if my
15 friend was in there, other time was to use the restroom.

16 Q Okay. When you walked around the casino did you
17 recognize anybody you knew?

18 A No.

19 Q Okay. You went back out to the pickup at that
20 point; is that correct?

21 A Yes, sir.

22 Q Okay. When you went in the second time, why did
23 you go in the second time?

24 A It was, it was, one of those was to go in to see
25 if my friend was there and the other was to use the

1 restroom.

2 THE COURT: Mr. Kelly, hold on a minute.

3 Can you turn that down?

4 Okay. Go ahead with your answer, again.

5 THE WITNESS: Okay. So the first time was to use
6 the restroom, both times, I went in twice.

7 BY MR. PICKER:

8 Q Okay. So the second time did you use the restroom
9 also, is that what you are saying?

10 A I'm saying I'm not sure. First time to use the
11 restroom and second time, those two times.

12 Q Okay. Did you walk around the casino a second
13 time?

14 A Yes.

15 Q Okay. Did you see anybody you knew?

16 A No.

17 Q Have you ever heard the name Steve Sims? Before
18 today have you ever heard the name Steve Sims?

19 A No, sir.

20 Q You don't know that person?

21 A No.

22 Q Did you go in a third time?

23 A I tried to go in a third time.

24 Q Okay. The bartender stopped you; is that correct?

25 A Yes.

1 Q Okay. Asked you for identification?

2 A Yes.

3 Q And then told you to leave?

4 A Yes.

5 Q Why did you go in the third time?

6 A Third time was to get Adrianna.

7 Q Okay. That was the woman that was with you in the
8 vehicle?

9 A Yes.

10 Q Just go in and get her, is that all you were
11 doing?

12 A Yeah.

13 Q And all three times that you went in, did you go
14 in alone?

15 A Yes.

16 MR. PICKER: Thank you. That's all the questions
17 I have.

18 THE COURT: Thank you, Mr. Picker.

19 Ms. Hickman.

20 MS. HICKMAN: Thank you.

21

22 CROSS EXAMINATION

23 BY MS. HICKMAN:

24 Q Mr. Kelly, so February 22nd of 2020, you went to
25 Bob & Lucy's with Mr. Williams who you see sitting here with

1 the mask and the black hair, right?

2 A (Nods head).

3 Q Yes?

4 A Yes.

5 Q Okay. And you know him, right?

6 A At that time I didn't know him. I don't really
7 know him.

8 Q You don't know him, know him, but you guys are
9 familiar with each other, right?

10 A About as much as --

11 THE COURT: Mr. Kelly, I can't understand you.
12 Say it again.

13 THE WITNESS: I said about as much as I'm familiar
14 with her.

15 THE COURT: About as much as you are familiar with
16 her.

17 THE WITNESS: As much as I --

18 THE COURT: I didn't hear that.

19 THE WITNESS: As much as I know him is as much as
20 she knows me.

21 BY MS. HICKMAN:

22 Q As much as you know Mr. Williams?

23 A Just by name, you know.

24 Q Okay. And when you got to Reno, the three of you,
25 so in the truck went to a casino and then to Bob & Lucy's,

1 correct?

2 A Yes.

3 Q And you went to Bob & Lucy's because you were
4 looking to meet a friend, correct?

5 A Yes, ma'am.

6 Q Somebody by the name of Tanya, right?

7 A Yes.

8 Q And so when you got to Bob & Lucy's, you went into
9 Bob & Lucy's to look for her, correct?

10 A Yes.

11 Q And to use the restroom, right?

12 A First two times, yes.

13 Q Okay. And so the first time you went into Bob &
14 Lucy's and you walked around, you didn't see her, right?

15 A No.

16 Q And so then you left, correct?

17 A Yes.

18 Q And then you went back into Bob & Lucy's a second
19 time, correct?

20 A Yes.

21 Q And that's because you were looking for Tanya,
22 correct?

23 A This time, yes.

24 Q And then the third time you went into Bob &
25 Lucy's, you had determined that Tanya wasn't coming, right?

1 A Yes.

2 Q And you went in to get Adrianna, who is sitting to
3 my right in the blue shirt; do you see her?

4 A Yes.

5 Q To get Adrianna to leave Bob & Lucy's, correct?

6 A Yes.

7 Q And you didn't get to go over there to get her
8 because the bartender kicked you out, right?

9 A Yes.

10 MS. HICKMAN: I don't have any further questions.

11 THE COURT: Ms. Hickman, thank you so much.

12 Mr. Prengaman.

13 MR. PRENGAMAN: Thank you, Your Honor.

14

15 CROSS EXAMINATION

16 BY MR. PRENGAMAN:

17 Q Mr. Kelly, when you were talking, when you were
18 asked about Adrianna Norman the defendant, do you know her
19 by name?

20 A No.

21 Q Could we refer to her as Adrianna today?

22 A Okay.

23 Q Okay. So I want to ask you some questions about
24 her. It's true, isn't it, that she was introduced to you as
25 Ryan's girlfriend?

1 A No, just I don't know.

2 Q I'm sorry, could you repeat that?

3 A She was introduced as a -

4 THE COURT: She was introduced as -- Mr. Kelly,
5 right into the microphone, even if you put it under the
6 shield.

7 THE WITNESS: She didn't really introduce me.

8 BY MR. PRENGAMAN:

9 Q Now, you recall talking to the police. Well, you
10 were involved in a collision that day, correct?

11 A Yes.

12 Q You were injured that day as the passenger in that
13 same white truck that you were sitting in with Mr. Williams?

14 A Yes.

15 Q And you recall talking to the police at the
16 hospital after you had, after you had received treatment,
17 correct?

18 A Yes.

19 Q And you told the police when you spoke to them
20 that the black lady, referring to Adrianna, correct?

21 A Yes.

22 MR. PICKER: Objection; hearsay.

23 MR. PRENGAMAN: It is impeachment. It's a prior
24 inconsistent statement.

25 THE COURT: It's a prior inconsistent statement

1 and he is here for examination. Overruled.

2 Mr. Prengaman, go ahead.

3 BY MR. PRENGAMAN:

4 Q When you spoke to the police, you referred to
5 Adrianna, the person you see in court now, as the black
6 lady, correct?

7 A Yes.

8 Q And you told the police the black lady was the
9 driver's girlfriend?

10 A Is that what I, I said that was his friend, yeah,
11 his friend.

12 Q But you told the police, but you told the police
13 back then that she was the driver's girlfriend, correct?

14 A She was the girlfriend, yes, girlfriend.

15 Q You told them, you told the police she was the
16 driver's girlfriend, correct?

17 A Yeah. I'm pretty sure you took it out of context.
18 It was like a girlfriend, but what I meant is just a
19 girlfriend, but not like a couple, just a girlfriend, you
20 know.

21 Q But you are not telling me today that you didn't
22 say girlfriend to the police?

23 A I'm saying I did say girlfriend, but I'm saying
24 that the police took it out of context.

25 Q Okay. And when you were talking about the driver,

1 you were talking about Ryan, who you have identified in
2 court, correct?

3 A Yes.

4 Q And when you were there that day, you knew that
5 Adrianna had gone in -- well, let me back up. You didn't
6 wait for your friend inside Bob & Lucy's, did you?

7 A No. I was on the phone through the whole time.

8 Q Okay.

9 A I mean, up until we got there.

10 Q Okay. You didn't go into the bar and hang out
11 waiting for her?

12 A No.

13 Q You stayed in the truck?

14 A Yes.

15 Q And you knew from going inside that Adrianna was
16 talking to an African American man inside, correct?

17 A Around the second time, yeah.

18 Q Okay. And you knew then that Adrianna was talking
19 to that guy because she said, she had said in your presence
20 that he took her son's X box?

21 A Yes.

22 Q And so she talked about him having taken her son's
23 X box before she went in and talked to that guy?

24 A Well, asked if he knew something or asked her --
25 she asked him about her son's X box and that's all I heard.

1 Then I heard like a little more and I just --

2 THE COURT: I'm sorry, Mr. Kelly, we can't
3 understand you.

4 THE WITNESS: That the guy said, he didn't really
5 give her an answer. I don't know. The way I looked at it
6 is he didn't want to give her an X box and so I just walked
7 out after that.

8 THE COURT: Mr. Kelly, again, up to the microphone
9 and nice and slow. You said you walked out.

10 THE WITNESS: I said I walked out after she asked
11 about her son's X box, and then the guy was giving her some
12 bullshit story, some story about the X box, and that's when
13 I left, because it was none of my business.

14 THE COURT: Thank you.

15 BY MR. PRENGAMAN:

16 Q So now you knew going in, though, I mean, you knew
17 she went in there to confront that guy about the X box,
18 right?

19 A No, I didn't know she went in to, I didn't know
20 she went in there to talk to anybody. I think she went in
21 to gamble or something. I don't know.

22 Q Okay. And so you are saying that you heard -- So
23 how did you gain, when you just told us about the
24 conversation how did you find that out?

25 A Because I listen to everything, I guess. I don't

1 know. It was like the only thing going on in the restaurant
2 or the casino.

3 Q So you are saying you heard all of that that you
4 just told us you heard while you were inside?

5 A Yes.

6 Q And when you say he was giving her a BS story, how
7 do you, why do you characterize it as a BS story?

8 A Because if she asked me for an X box and I didn't
9 have it, I would give a similar story as he gave her.

10 Q So tell us about that. What did you hear? What
11 did you hear them talking about?

12 A I don't know. Just a lot of BS when I listened to
13 it. I hear it all the time. Excuses, excuses really.

14 Q And so are you telling us that when you told --
15 well, let me back up. Are you saying that you knew that --
16 When did you first find out that Adrianna, the black lady,
17 was claiming that this guy had taken her son's X box?

18 A Wait. Ask the question again.

19 Q When did you, when did you learn first that
20 Adrianna, the black lady, was accusing that guy of taking
21 her son's X box?

22 A When I heard her ask for her son's X box on
23 February -- I don't know what time it was. When I heard it,
24 that's when I first heard it.

25 Q And then while you were outside, Ryan, the driver,

1 went inside, correct?

2 A I think so, yes.

3 Q Well, do you remember him going inside?

4 A I, actually, I don't remember. I remember him
5 using the restroom at one time, yeah, but I didn't remember
6 at first, but, yeah, I guess so, yes.

7 Q And then he went in another time and stayed in
8 there for some period, correct?

9 A I can't say. I don't think so. I can't say yes
10 or no.

11 Q And then he came out and put a gun under the seat?

12 A I didn't see him do any of that.

13 Q Okay. And are you telling us you are sitting in
14 the front seat of the truck?

15 A Yes.

16 Q Right next to Ryan, the defendant you identified
17 in court?

18 A Yes.

19 Q Okay. And when you -- are you able to see him
20 physically how he appears, like generally his sort of height
21 and weight or his stature?

22 A Yeah. I mean, yes, but at that point I was on the
23 phone looking for my friend. But I didn't see, I did not
24 see no gun at any point during the whole thing.

25 Q Okay. And he is a big guy. Ryan is a big guy,

1 right?

2 A Yes.

3 Q And he was a big guy back on February 22nd, wasn't
4 he?

5 A Yeah.

6 Q And he was sitting right next to you in the cab of
7 that truck, correct?

8 A Yes.

9 Q And when he came out of Bob & Lucy's, he sat right
10 next to you in the cab?

11 A I think so, yes. I think we walked around outside
12 a little bit.

13 Q Okay. And you are telling us that at no time when
14 you were in the cab right next to him did you see him with a
15 gun?

16 A No.

17 Q What happened when the police arrived?

18 A We ran.

19 Q So you are saying you went in to look for your
20 friend?

21 A Yeah.

22 Q You went in to go to the bathroom?

23 A Yes.

24 Q You went in to check on --

25 A I went in to get Adrianna so we can leave, yes.

1 Q And Ryan, Ryan went in you recall once?

2 A Say again.

3 Q Ryan went in once according to your memory?

4 A According to my memory, yeah.

5 Q And you don't remember anything else happening?

6 A That was all.

7 THE COURT: I didn't hear that.

8 THE WITNESS: I said that was all, I believe,
9 that's all I remember.

10 BY MR. PRENGAMAN:

11 Q And you said you weren't -- I'm sorry, strike
12 that. And then the police arrived?

13 MR. PICKER: Objection, Your Honor; outside the
14 scope.

15 THE WITNESS: Wait, say it again.

16 THE COURT: Mr. Picker is objecting that it's
17 outside the scope.

18 Mr. Prengaman.

19 MR. PRENGAMAN: Then I will take him on recall.

20 THE COURT: That's all right. Because the witness
21 is subject to recall, I'm going to allow it.

22 Go ahead, Mr. Prengaman.

23 BY MR. PRENGAMAN:

24 Q And so you are saying that you haven't seen a gun,
25 right, at all?

1 A I didn't see a gun.

2 Q And the police arrive and you run?

3 A Yes.

4 Q And whose idea was it to run?

5 A Well, he asked me what should we do and I said

6 let's go.

7 Q And he did go?

8 A Yes.

9 Q And you saw the police arrive?

10 A Well, we saw them sitting out there for a little

11 bit.

12 Q And so you even talked about them being there?

13 A Well, I mean, they had their lights on and they

14 were sitting there, and then Ryan said what should we do and

15 I said we should just go.

16 Q And then the police follow Ryan driving the truck?

17 A It was a minute, but yes.

18 Q What's that?

19 A I said it was a minute before they started

20 following us, but yes.

21 Q And Ryan never stopped the truck?

22 A No.

23 Q And it was crystal clear to you that the police

24 were following the truck, right?

25 A After they --

1 MR. PICKER: Objection.

2 THE WITNESS: After they hit us, yes.

3 THE COURT: Wait. We have an objection.

4 Mr. Picker.

5 MR. PICKER: Editorializing, crystal clear,

6 Your Honor.

7 THE COURT: Okay. Mr. Prengaman, rephrase.

8 BY MR. PRENGAMAN:

9 Q It was clear to you that the police were following
10 the truck, right?

11 A After they hit us, yes.

12 Q Are you suggesting that up until that point you
13 were unaware that the police were following you?

14 A I mean, after we took off it was probably a good
15 minute before we even seen them behind us.

16 Q Do you recall them yelling for you to stop,
17 yelling for the truck to stop before you pulled out of the
18 parking lot or before Ryan pulled out of the parking lot?

19 A I didn't hear nothing.

20 Q And you know where Rock Boulevard is right there?

21 A Yes, sir.

22 Q And it was within seconds after you were on Rock
23 Boulevard that there were lights and sirens behind you,
24 right?

25 A Lights on, yes.

1 Q And so you, so you knew that the police were
2 trying to get the truck to stop?

3 A Well, after, yeah, that's when we noticed the cops
4 were there, that's when we noticed them.

5 Q So you are saying that up until -- and are you
6 talking about them hitting you or are you talking about --

7 A Yes. They hit us from behind on the side. Other
8 than that we just --

9 Q You are saying up until that point, you had no
10 idea the police were trying to get you to stop?

11 A Yes, but, you know, we thought they were there for
12 another reason, and he said should we go or should we
13 listen? I said we should go, let's leave, and so we left.
14 And after that we didn't notice the cops until they hit us
15 from the side.

16 Q Do you remember driving very fast on Rock
17 Boulevard?

18 A After we almost got hit, yes.

19 Q Before you got hit do you remember driving very
20 fast?

21 A I do not, no.

22 Q Okay. Running red lights?

23 A No.

24 Q Driving around buildings with several police cars
25 with their lights and sirens on around you?

1 A That was after we got hit, yes.

2 Q But before you got hit do you remember that?

3 A No.

4 Q Do you remember, are you familiar with McCarran
5 Boulevard?

6 A A little bit.

7 Q Okay. Do you remember Ryan driving the truck on
8 McCarran Boulevard that morning while the police were
9 following you?

10 A Actually, that morning we got lost.

11 THE COURT: Again?

12 THE WITNESS: We got lost, so no.

13 BY MR. PRENGAMAN:

14 Q Okay. Do you remember Ryan driving the wrong way
15 on McCarran Boulevard?

16 A Yes.

17 Q In an oncoming travel lane on McCarran Boulevard?

18 A Yes.

19 Q And turning and driving at very high speeds in a
20 residential neighborhood?

21 A Say again.

22 Q Do you recall Ryan driving the truck at very high
23 speeds in a residential neighborhood?

24 A Yes.

25 Q And the police following the truck that Ryan was

1 driving with their lights and sirens going at that point?

2 A After they hit us, yes.

3 Q Before they hit you?

4 A After they hit us, yes.

5 Q My question is --

6 A The question is if I remember them following us
7 and driving at high speeds. I said after they hit us and
8 when he started driving high speeds, that's what I remember
9 and then we got hit.

10 Q My question is before the police hit you, do you
11 remember the police following the truck with their lights
12 and sirens activated?

13 A No, not before.

14 Q Now, going back to when you were talking to the
15 police in the hospital, they asked you about the point in
16 time when Ryan drove away from Bob & Lucy's?

17 A Yes.

18 Q Okay. Now, when they asked you that, you didn't
19 tell them that you thought the police were there for some
20 other reason, did you?

21 A I think I did. They asked me questions and I'm
22 pretty sure.

23 Q What you told them was he just took off?

24 A They asked me what happened, well, yes, I mean,
25 yeah.

1 Q And you didn't say you thought the police were
2 there for some other reason and just drove away?

3 A I think I did.

4 Q You think you did say that?

5 A I'm pretty sure I did.

6 Q But there is no question that you told the police
7 that he just took off after the police arrived?

8 A He said what did you do when the police arrived,
9 and I said we just took off. He just took off.

10 Q And you said, and so after you said, "He just
11 takes off," you said, you followed that by saying, "He
12 doesn't say why, he just takes off"?

13 A Well, yeah.

14 Q That's what you told the police, correct?

15 A Say it, repeat again.

16 Q So referring to Ryan, you told the police, "He
17 just takes off," and then again referring to Ryan you told
18 the police, "He doesn't say why, he just takes off"?

19 A Yes.

20 Q And you told the police you were trying to tell
21 him to stop?

22 A Well, after we got hit, I was trying to jump out
23 of the car because they were trying to kill us.

24 Q Well, you didn't tell the police that, did you,
25 that that was your reason?

1 A Well, I told the reason was because when the
2 cops --

3 THE COURT: Mr. Kelly, I'm sorry, you told the
4 police what? Closer to the mic.

5 THE WITNESS: I said the cops said he asked --
6 well, repeat your question again.

7 BY MR. PRENGAMAN:

8 Q So you didn't tell the police, when the police
9 were questioning you back at the hospital about Ryan driving
10 away from Bob & Lucy's, you did not tell them what you just
11 said about the police trying to kill you?

12 A I said we took off, yeah, I did answer, but they
13 said why would you jump out of the car when the cops were
14 after you? Why would you jump out when the cops were after
15 you? I said because they were behind us and they were
16 trying to kill us and they were trying -- there were high
17 speeds at that point. I couldn't jump out.

18 Q Well, you told the police, "I'm not going to try
19 and get out because he takes off fast," correct?

20 A No, no. He asked, he asked me, he says why didn't
21 you jump out when the cops were behind you, and I said
22 because I didn't want to get hit.

23 Q And then you said, "I was trying to tell him to
24 stop"?

25 A I don't remember saying that.

1 MR. PRENGAMAN: No further questions, Your Honor.

2 THE COURT: Mr. Prengaman, thank you.

3 Mr. Picker.

4 MR. PICKER: Thank you.

5

6 REDIRECT EXAMINATION

7 BY MR. PICKER:

8 Q Mr. Kelly, the state just asked you and I want to
9 make sure we understand, you were in a collision that day,
10 correct?

11 A Yes.

12 Q Did you suffer any injuries?

13 A A lot of injuries.

14 Q Okay. And you were taken to the hospital by
15 ambulance, correct?

16 A I think so.

17 Q Okay. You don't remember that real clearly?

18 A I was passed out and I woke up. I was passed out
19 and I woke up and I was in the hospital, so I don't remember
20 the ride there.

21 Q Sure. At the point where the police were
22 interviewing you, were you in pain?

23 A I, I don't know. I think they woke me up when
24 they walked in the room, yes.

25 Q Okay. Had you been given pain medication at that

1 point?

2 A Yes.

3 Q Okay. So you weren't feeling 100 percent when
4 they started asking you questions?

5 A I just remember I can see words. I remember I was
6 in Reno, but at one point I want to say Winnemucca, because
7 my head was foggy, yes.

8 Q So at some point during that interview you had
9 thought you were in Winnemucca?

10 A Yes.

11 MR. PICKER: Okay. Thank you. That's all I have.

12 THE COURT: Mr. Picker, thank you.

13 Ms. Hickman.

14 MS. HICKMAN: Thank you.

15

16 RECROSS EXAMINATION

17 BY MS. HICKMAN:

18 Q Mr. Kelly, when the state was asking you about
19 when you first heard about the X box; do you remember that?

20 A Yes.

21 Q And you talked about seeing Adrianna talking to
22 somebody; do you remember that?

23 A I said I thought I heard her saying something.

24 Q Heard her. That person was a black man inside
25 Bob & Lucy's, correct?

1 A Yes.

2 Q It wasn't Mr. Williams?

3 A Say it -- repeat that, please.

4 Q Yeah, no worries. So I'm trying to figure out,

5 you heard Ms. Norman, Adrianna, talking to somebody about an

6 X box, right?

7 A Yes.

8 Q That person wasn't Mr. Williams, right?

9 A No, ma'am.

10 Q That was that person inside Bob & Lucy's?

11 A Whoever it was, yes.

12 Q And you heard it as you walked through the casino

13 looking for Tanya, right?

14 A Yes.

15 Q And you said you were able to overhear some of the

16 conversation, right?

17 A Some of the conversation, yes.

18 Q Because there wasn't a whole lot going on in

19 there, right?

20 A There was nothing going on in there.

21 Q Okay. And then you testified that you can't

22 remember how many times you saw Ryan go in and out of Bob &

23 Lucy's, right?

24 A I said I remember him going in one time, but I

25 don't remember him going in a second time.

1 Q Okay. And you know he went in at least once to
2 use the restroom, correct?

3 A Yes.

4 Q And do you remember sort of showing him where it
5 was when you came out?

6 A I think I pointed in the direction of the
7 restroom.

8 Q Okay. And you would agree with me that the reason
9 you were at Bob & Lucy's was to meet your friend, right?

10 A Yes.

11 Q And so your attention was on whether or not she
12 was there yet, correct?

13 A Yeah, my intention was to find her.

14 Q Your intention was to find her, but your
15 attention, so what you were looking at, what you are paying
16 attention to is where she is, right?

17 A Yes.

18 Q And so even though you are sitting in the car with
19 Ryan, you are paying attention to your phone, right?

20 A Most of the time.

21 Q And then you were also looking to see if she was
22 walking to Bob & Lucy's, right?

23 A Well, no. She said she was driving over there.

24 Q Okay. Because you knew that she lived somewhere
25 near there, correct?

1 A Right, yeah, close by.

2 Q I'm sorry, did you say correct?

3 A She was close by, yes.

4 Q Okay. So you were looking to see where she was

5 coming from, right?

6 A Yes.

7 Q So Mr. Williams could have done something in that

8 truck and you wouldn't have really noticed it, right?

9 A Yes.

10 Q And you talked about when the police showed up.

11 You saw them come into the parking lot at Bob & Lucy's,

12 right?

13 A Yes.

14 Q And you and Ryan said what should we do, right?

15 A No, no. I didn't see them come in.

16 Q Oh, you saw them there?

17 A I saw them there, yes.

18 Q Okay. And when they got there, they didn't have

19 their lights and sirens on, right?

20 A Well, they just had their lights on.

21 Q Okay. And it's your testimony that Ryan asked you

22 what should we do and you said let's go?

23 A Yes.

24 Q And then there is a long, or I don't know if it

25 was a long time, you tell me, but after you left, the police

1 are behind you with their lights and sirens on, correct?

2 A Their lights were on, yes.

3 Q I'm sorry?

4 A Their lights are still on, yes.

5 Q Okay. But when they are following the truck,
6 their lights and sirens don't come on following you guys
7 right away, right?

8 A The lights were on the whole time. They didn't
9 turn off their lights.

10 Q Okay. And it's fair to say that -- well, first,
11 that car chase was over a year ago, right?

12 A Yes.

13 Q But you know that you were in that truck during
14 that chase, correct?

15 A Yes.

16 Q And you know that the police were chasing you,
17 correct?

18 A After we got hit, yes.

19 Q And you know it ended in the collision where you
20 got seriously hurt, right?

21 A Yes.

22 Q And you also know that at some time the police hit
23 that truck, correct?

24 A Say again.

25 Q You know at some time the police hit the truck

1 that you were in?

2 A Yes.

3 Q Okay. And it's also fair to say that during that
4 chase you felt like you couldn't get out or stop because you
5 thought the police were going to kill you?

6 A I knew I couldn't get out.

7 Q You knew you couldn't get out. Why not?

8 A Because there was like two, three cars. If I
9 would have jumped out, I would have got ran over.

10 Q Say that again.

11 A There were two or three cops behind us. If I
12 jumped out, I would have got ran over.

13 Q Okay. But you just testified on direct that you
14 couldn't stop because you thought the police were going to
15 kill you, right?

16 A Yes.

17 Q And, Mr. Kelly, it's fair to say that you haven't
18 watched any of the dash cam or video of that chase, right?

19 A No, I haven't.

20 Q And you haven't looked at maps to see where
21 exactly you were and when, right?

22 A No.

23 Q No, you haven't looked?

24 A No, I haven't looked.

25 Q Okay. But you know that at some point you got

1 lost -- or not you, because Mr. Williams was driving, right?

2 A Yes.

3 Q But that truck got lost, correct?

4 A Yes.

5 MS. HICKMAN: Okay. Thank you. I have no further
6 questions.

7 THE COURT: Thank you, Ms. Hickman.

8 Mr. Prengaman.

9 MR. PRENGAMAN: No further questions, Your Honor.

10 THE COURT: Thank you so much.

11 Mr. Kelly, you are excused.

12 THE WITNESS: Thank you.

13 THE COURT: Mr. Picker, Ms. Rosenthal?

14 MR. PICKER: Your Honor, that's all the witnesses
15 we have present here today.

16 THE COURT: Do you rest?

17 MR. PICKER: No, Your Honor.

18 THE COURT: I'm sorry?

19 MR. PICKER: No, Your Honor. Our other witness --

20 THE COURT: Mr. Picker, I'm going to ask you not
21 to make that record.

22 MR. PICKER: Thank you.

23 THE COURT: Do you have any other witnesses to
24 call?

25 MR. PICKER: Not present.

1 THE COURT: Okay. Thank you.

2 Ms. Grosenick.

3 MS. GROSENICK: Your Honor, one of our witnesses
4 is here.

5 THE COURT: Okay.

6 MS. GROSENICK: Mr. Davis.

7 THE COURT: All right. Detective Davis, Officer
8 Davis?

9 MS. GROSENICK: Yes, just to let Your Honor know
10 if you wanted to go forward with that today. I will defer
11 to the Court.

12 THE COURT: Let's do that. Okay. This is, this
13 witness will be called on behalf of Mr. Williams?

14 MS. GROSENICK: Correct, Your Honor.

15 THE COURT: All right. Go ahead and call the
16 witness.

17 MS. GROSENICK: Would it be possible to take a
18 quick five, ten-minute break?

19 THE COURT: Yes.

20 Ladies and gentlemen, we are going to take a quick
21 recess during which you must not discuss or communicate with
22 anyone, including fellow jurors, in any way regarding the
23 case or its merits, either by voice, phone, e-mail, text,
24 internet or other means of communication or social media.

25 Do not read, watch or listen to any news or media

1 accounts or commentary about the case, or do any research,
2 such as consulting dictionaries, using the internet, or
3 using reference materials, or make any investigation, test a
4 theory of the case, recreate any aspect of the case, or in
5 any other way investigate or learn about the case on your
6 own, or form or express any opinion regarding the case until
7 it is submitted to you. Thanks so much. We are in recess.

8

9 (Whereupon a break was taken from 2:57 p.m. to 3:11 p.m.)

10

11 THE COURT: Ms. Grosenick.

12 MS. GROSENICK: Thank you, Your Honor.

13 Mr. Williams will call Detective Max Davis.

14

15 MAX DAVIS,

16 called as a witness, having been duly sworn,

17 testified as follows:

18

19 THE COURT: Ms. Grosenick.

20

21 DIRECT EXAMINATION

22 BY MS. GROSENICK:

23 Q Mr. Davis, state and spell your name.

24 A Max Davis. Last name is D-A-V-I-S.

25 Q Thank you. And just to confirm, are you

1 comfortable with no mask behind the screen?

2 A Yes, ma'am.

3 Q Okay. Sir, can you please start with your current
4 position?

5 A Yes. I'm a detective with the Department of
6 Public Safety Investigation Division.

7 THE COURT: A little closer to the mic. Thank
8 you.

9 BY MS. GROSENICK:

10 Q And you are currently a detective, correct?

11 A That's correct.

12 Q Okay. And what position did you hold in February
13 of 2020?

14 A I was a trooper with the Highway Patrol assigned
15 to the major crash investigation team.

16 Q And what were your duties and responsibilities in
17 that capacity?

18 A I was responsible for investigating what we refer
19 to as high profile collisions throughout the northern half
20 of the state. Part of those duties included conducting
21 reconstructions of crashes, general collision analysis,
22 speed estimates, et cetera.

23 Q And did you mention specialized investigations and
24 reconstructions?

25 A Correct.

1 Q Okay. And how long have you been in any law
2 enforcement capacity?

3 A A little over 7 years.

4 Q And do you have any additional training or
5 experience or qualifications related to accident
6 investigation?

7 A I do.

8 Q And can you state some of those for us?

9 A Yes. I have --

10 MR. PRENGAMAN: Your Honor, I will stipulate, I'm
11 sorry, I will stipulate that he is an expert in collision
12 investigation.

13 MS. GROSENICK: Okay.

14 THE COURT: Ms. Grosenick.

15 MS. GROSENICK: Thank you.

16 BY MS. GROSENICK:

17 Q So first I want to talk a little bit about your
18 role in this case. Do you recall being assigned to
19 investigate a collision on February 22nd of 2020?

20 A Yes, I do.

21 Q Okay. And do you recall the location of that
22 collision?

23 A I do.

24 Q And what was that?

25 A It was on Interstate 80 on the westbound side of

1 the roadway between the Sparks exit and the east McCarran
2 exit.

3 Q Okay. And was that a collision between a gray
4 Jeep and a white Chevy truck?

5 A Yes, it was.

6 Q Okay. Now, what was your, what was your role in
7 investigating that collision?

8 A Well, first I was assigned to map the scene and I
9 did that using NHP's drone.

10 Q Okay. And let's back up a minute before we go
11 there. Did you go to the scene of the collision?

12 A I did.

13 Q Okay. So did you go to Interstate 80 between the
14 McCarran and Sparks exits?

15 A Yes.

16 Q And that was on the westbound side, right?

17 A Correct.

18 Q And when you went there to investigate were the
19 vehicles still there on scene?

20 A Yes, they were.

21 Q And were other law enforcement personnel still on
22 scene?

23 A Yes.

24 Q And did you visually examine the vehicles on
25 scene?

1 A Yes.

2 Q Did you also examine either or both vehicles at
3 the Sparks Police Department that day?

4 A I briefly, I was there briefly. I did not do a
5 full examination at the Sparks Police Department.

6 Q Okay. At the Sparks Police Department did you
7 download information from a vehicle data recorder from the
8 Jeep?

9 A I did, but it wasn't at the Police Department. It
10 was later on we had to remove the module from the car.

11 Q Okay. I'm sorry, you had to remove the module
12 from the car?

13 A If I recall correctly, the module was removed and
14 we accessed the data later.

15 Q Okay. And, basically, you obtained the
16 information from one of the vehicles so that you could
17 analyze it later; is that fair to say?

18 A Yes.

19 Q Okay. And as part of your investigation did you
20 have access to other sources of information from the
21 investigation?

22 A Yes.

23 Q Like did you have access to police reports?

24 A Some, yes.

25 Q Okay. And what about did you have access to

1 witness statements?

2 A Yes.

3 Q Did you have access to video recordings of the
4 collision?

5 A Yes, I did.

6 Q And photographs?

7 A Yes.

8 Q And did you review those things?

9 A Not fully, but yes.

10 Q Okay. Did you review some of them?

11 A Yes.

12 Q Okay. And you were not working alone in this
13 investigation, correct?

14 A Correct, I was not.

15 Q Okay. And was the other person who was primarily
16 working on it with you Trooper Aimee Chesebrough?

17 A Yes.

18 Q Now, you mentioned drone footage. I would like to
19 get into that a little bit. I'm going to show you what has
20 been previously marked as Exhibit 214 and Exhibit 215.

21 Permission to approach, Your Honor?

22 THE COURT: Yes.

23 MR. PRENGAMAN: I will stipulate to their
24 admission, Your Honor.

25 MS. GROSENICK: Great.

1 THE COURT: Ms. Grosenick, that's 214 and 215?

2 MS. GROSENICK: Correct.

3 THE COURT: Those are in.

4

5 (Exhibit Numbers 214 - 215 were admitted into evidence.)

6

7 BY MS. GROSENICK:

8 Q Detective Davis, I'm going to put those up on the
9 screen.

10 THE COURT: I'm sorry. Thank you. Mr. Picker,
11 Ms. Rosenthal?

12 MS. ROSENTHAL: Thank you, Your Honor. We would
13 also agree to have them admitted into evidence.

14 THE COURT: Thank you so much, Ms. Rosenthal.

15 BY MS. GROSENICK:

16 Q Okay. I'm displaying what has been admitted as
17 Exhibit 215.

18 A That is an aerial view of the crash scene.

19 Q I'm just going to ask, do you recognize this
20 photograph?

21 A Yes.

22 Q Okay. And how was it taken?

23 A It was taken using a drone.

24 Q Okay. And did you operate that drone?

25 A Yes, I did.

1 Q Okay. Please go ahead and describe what you see
2 here.

3 A So this is an aerial view of the post-crash scene.
4 It is annotated with some key areas of the scene, such as
5 the east and westbound lanes, the center median, and some
6 tire markings, and it also shows where the area of impact is
7 located on the roadway.

8 Q Okay. So just to orient everyone, is this
9 Interstate 80 headed westbound?

10 A Yes.

11 Q Okay. And is this the collision?

12 A Yes.

13 Q Now, there is some text on this photograph. Did
14 you add that?

15 A I did.

16 Q Okay. And one more question, did you refer to the
17 two vehicles involved by numbers?

18 A Yes.

19 Q Okay. And so is the white truck vehicle 1?

20 A Yes.

21 Q And the gray Jeep vehicle 2?

22 A Yes.

23 Q Okay. And I'm not sure that people can read what
24 that says. Are you able to read it?

25 A Poor choice of font color, but, yes, I can read

1 it.

2 Q And what does it say?

3 A It says, "Tire marks from V1," and then in
4 parentheses it says, "Pre-Impact braking."

5 Q Okay. And V1 is the white truck?

6 A Yes.

7 Q I'm showing you what has already been admitted as
8 Exhibit 214. Did you create this diagram?

9 A Yes.

10 Q Okay. And can you explain to us what it is?

11 A This is a two dimensional scaled drawing of the
12 picture that we just saw previously.

13 Q Okay. And how did you make it?

14 A By tracing over a scaled and oriented aerial image
15 of the crash scene.

16 Q Okay. And can you show us on this diagram, and
17 you should be able to touch on your screen the way that I
18 just did, can you show us the direction of travel of
19 vehicle 1?

20 A Yes, I can.

21 Q And then was vehicle 2 coming from the other
22 direction?

23 A Yes.

24 Q And what do these blue lines, the two pairs of
25 parallel blue lines indicate?

1 A They indicate that the driver of vehicle 1
2 attempted to brake before the collision.

3 Q Okay. And is that a conclusion that you came to
4 in this report, that vehicle 1 applied the brakes prior to
5 the collision?

6 A Yes.

7 Q Okay. And vehicle 1 is the white truck?

8 A Yes.

9 Q And did you have any other role in this
10 investigation?

11 A Yes, I did.

12 Q Was it anything other than pulling the data from
13 the gray Jeep?

14 A No.

15 Q Okay. So your other role was to pull that data?

16 A Yes.

17 Q Okay. Just a couple more questions. First,
18 several types of data were pulled from both of the computers
19 of the cars, or the vehicles involved in this collision,
20 right?

21 A Correct.

22 Q And one type of data is throttle, right?

23 A Correct.

24 Q And can you tell us what throttle is?

25 A Yes. In the context that you are asking, the

1 throttle percentage or throttle level or amount, if you
2 will, would indicate how much, for lack of a better term,
3 power is currently being applied to the motor.

4 Q Okay. And is the primary method of increasing
5 power to the motor the gas pedal?

6 A Yes.

7 Q So is it a reasonable conclusion that if throttle
8 decreases, pressure to the gas pedal decreases as well?

9 A Yes.

10 Q Okay. And are you aware of why Nevada Highway
11 Patrol was investigating this?

12 A Yes.

13 Q Can you tell us what that is?

14 MR. PRENGAMAN: Objection; relevance.

15 THE COURT: Relevance, Ms. Grosenick.

16 MS. GROSENICK: Court's indulgence.

17 It is relevant as to why this agency was
18 conducting the investigation.

19 THE COURT: The objection is sustained.

20 BY MS. GROSENICK:

21 Q Detective Davis, did you make any conclusions as
22 to how far before the collision the white truck applied its
23 brakes?

24 A Sort of. I don't know how to answer that. Yes,
25 because of the marks that were left on the road, but it's

1 not, it's not conclusive as to when a driver actually
2 stepped on the brake pedal.

3 Q Okay. Well, did you analyze the data from the
4 white truck?

5 A No, I did not. That was Trooper Chesebrough.

6 Q Okay. And when you say sort of based on the tire
7 marks on the road, was that based on where the tire marks
8 began?

9 A Yes.

10 Q Okay. And are you able to estimate distance?

11 A 80 feet.

12 Q Okay.

13 A Give or take.

14 Q And in constructing this diagram, these blue --
15 and I'm still on Exhibit 214 -- these blue lines are not
16 straight, correct?

17 A Correct.

18 Q They are curved?

19 A Correct.

20 Q Okay. And did you come to any, did you come to
21 any conclusions regarding why those were curved?

22 A Yes.

23 Q And what was your conclusion?

24 A They were curved because the driver steered to the
25 right while braking.

1 Q Okay. So the driver changed direction while
2 driving?

3 A Yes.

4 MS. GROSENICK: I will pass the witness,
5 Your Honor.

6 THE COURT: Thank you, Ms. Grosenick.

7 Ms. Rosenthal.

8 MS. ROSENTHAL: Thank you, Your Honor. We have no
9 questions for this witness.

10 THE COURT: Thank you so much.

11 Mr. Prengaman.

12 MR. PRENGAMAN: Thank you, Your Honor.

13

14 CROSS EXAMINATION

15 BY MR. PRENGAMAN:

16 Q Good afternoon.

17 A Hi.

18 Q In terms -- so you watched the video, correct?

19 A Which video?

20 Q The video of the collision?

21 A Yes.

22 Q And there was video from a semi truck that was
23 driving behind the Jeep, correct?

24 A That's correct.

25 Q And are a number of your conclusions based on

1 watching that video?

2 A Yes. Based partially on the video, yes.

3 Q And does it appear from the video that both
4 vehicles engaged in braking and steering maneuvers before
5 the collision?

6 A It did appear that way based on the video, yes.

7 Q And a fault determination was reached as a result
8 of your investigation, correct?

9 A Yes, it was.

10 Q And that fault determination was that driver
11 Williams was at fault as he decided to enter the wrong side
12 of Interstate 80 causing the collision?

13 A Correct.

14 MR. PRENGAMAN: Thank you. No further questions.

15 THE COURT: Thanks, Mr. Prengaman.

16 Ms. Grosenick?

17 MS. GROSENICK: No questions.

18 THE COURT: Ms. Rosenthal?

19 MS. ROSENTHAL: No questions. Thank you.

20 THE COURT: Thank you so much.

21 Detective Davis, sir, you are excused. Thank you
22 so much.

23 Ladies and gentlemen, we have come to the end of
24 our day and I'm going to release you for the weekend.
25 During this -- first of all, I'm going to start by saying

1 thank you, again, for your dedication to this case and your
2 time and attention this week. I'm sure I speak for everyone
3 in this courtroom.

4 During this recess, you must not discuss or
5 communicate with anyone, including fellow jurors, in any way
6 regarding the case or its merits, either by voice, phone,
7 e-mail, text, internet, or other means of communication or
8 social media. You must not read, watch or listen to any
9 news or media accounts or commentary about the case.

10 You must not do any research, such as consulting
11 dictionaries, using the internet, or using reference
12 materials. You must not make any investigation to test a
13 theory of the case, recreate any aspect of the case, or in
14 any other way investigate or learn about the case on your
15 own, or form or express any opinion regarding the case until
16 it is finally submitted to you.

17 Please enjoy your weekend. We will see you at
18 8:00 on Monday morning.

19 (Whereupon the following proceedings
20 were outside the presence of the jury.)

21 THE COURT: Okay. Everyone, please be seated.

22 Mr. Picker, we checked before I came back on the
23 bench, we still have not received a bench warrant from your
24 office, so as soon as they get that to us I will execute it
25 for witness Faustino. If you change your mind about that,

1 be sure and send the e-mails to us, I would appreciate that.

2 Okay. Counsel, on Monday -- Mr. Picker, on Monday

3 I will ask you if you on behalf of Ms. Norman rests.

4 Ms. Grosenick, you have one more witness, Trooper
5 Chesebrough?

6 MS. GROSENICK: Correct, Your Honor.

7 THE COURT: Okay. And then I will ask you if you
8 rest. But before I do that, counsel, before I ask either of
9 you if you want to rest, it is my habit to take a break.
10 First I'm going to ask -- let me do this in order.

11 If Mr. Picker has no more witnesses, then I'm
12 going to turn to you, Ms. Grosenick, for your last witness.
13 Before I ask you if you rest, I'm going to give you an
14 opportunity off the record to talk to your clients, because
15 I'm sure you counseled them about whether or not, about the
16 fact that there is going to be a canvass with regard to
17 them, no matter what they decide with regard to testimony.

18 Ms. Grosenick.

19 MS. GROSENICK: Your Honor, would it be possible
20 to take Trooper Chesebrough first thing Monday morning?

21 THE COURT: Yes, that is my intention. She is
22 first.

23 MS. GROSENICK: Thank you.

24 THE COURT: I know we have time constraints and we
25 need to get her back to Carson City, so she is first.

1 Okay. And then I'm going to take some time off
2 the record for counsel, as much time as they need with their
3 clients, and then inform court personnel when you are ready
4 to go forward and at that point outside the presence of the
5 jury I will canvass your clients and then ask you if you
6 rest.

7 And then I'm going to turn to Mr. Prengaman about
8 whether or not he has any rebuttal witnesses. This could
9 all happen between potentially 8:00 and 9:30 in the morning.
10 If it does, I will release the jury then. If it doesn't and
11 we go later in the day, then we will go later in the day.

12 But when we are finally through, I will end up
13 releasing the jury and then we are going to work on jury
14 instructions.

15 We prepared a document for you to provide you some
16 guidance about the way I'm going to go through jury
17 instructions, and I don't know if Ms. Davis has had an
18 opportunity to provide that to you yet, but I have grouped
19 the instructions by category. I find it goes much quicker
20 if, for example, a category would be in this case beyond a
21 reasonable doubt and that definition.

22 So I don't know that there is much fodder on that,
23 where there is a lot more fodder on some of the other ones,
24 but you will see the way we've organized it, and the idea
25 would be when we get to that category we pull all of the

1 instructions for that category since they don't necessarily
2 happen in sequence and we talk about them all at the same
3 time and there is all of those instructions with regard to a
4 single discussion on a single issue. Okay. And that's to
5 help you get ready over the weekend.

6 Okay. And then my goal would be to not go home
7 until we finish the instructions. And what I mean by finish
8 them is we go through all of them, I hear arguments and make
9 a decision on those that are going to be given, we organize
10 them in terms of order, and then we get a final set, which I
11 won't do anything with until you all have an opportunity to
12 review them once I finalize them. And then ultimately they
13 will be numbered and my goal would be to start Tuesday
14 morning with reading of the instructions and closing
15 arguments.

16 Counsel, before we began this case, I asked
17 counsel who, between the Williams' camp and the Norman's
18 camp, will be lead and the indication I got was Williams.
19 So in each of these instances when it came to witnesses, I
20 have gone to Ms. Hickman and Ms. Grosenick first. Have
21 counsel had an opportunity to talk about any order they
22 prefer with regard to closing arguments? Mr. Picker.

23 MR. PICKER: Your Honor, I think our agreement is
24 that Ms. Hickman and Ms. Grosenick will be going first at
25 closing.

1 THE COURT: Okay. And then we are going to come
2 to you and Ms. Rosenthal?

3 MR. PICKER: Yes, Your Honor.

4 THE COURT: All right. Thank you. And then so we
5 will do the state, defense, first Ms. Grosenick and,
6 Mr. Picker or Ms. Rosenthal, I don't know which of you is
7 going to do that, and then come back to Mr. Prengaman. Now,
8 with all of that, does anybody have any questions for me?

9 MR. PICKER: I just have one, Your Honor. I want
10 to make sure that on Monday morning you are not going to be
11 asking whether we rest before Trooper Chesebrough testifies.

12 THE COURT: I won't be.

13 MR. PICKER: Okay.

14 THE COURT: I won't be asking that, Mr. Picker.

15 The other thing I want to caution you to do is
16 take a look at all of your exhibits, make sure that
17 everything you think is in evidence is in evidence. We all
18 have a current list.

19 We have one today that I'm sure Ms. Lux has
20 written on those that were admitted today, but by Monday we
21 will have something more formal to indicate what hasn't been
22 admitted, so be sure and check everything you want in
23 evidence is in evidence.

24 And there are a number of exhibits that were used
25 for recollection refreshed and that type of thing that were

1 not offered for reasons that are known only to the parties,
2 which I have no question about. But just make sure to the
3 extent those were meant to be left out of the record you
4 double check that, because I don't want something to not be
5 in the record that you intended to have in the case.

6 Okay. All right. That's everything I had,
7 counsel. Okay. Enjoy your weekend.

8 MS. HICKMAN: Your Honor --

9 THE COURT: Yes, Ms. Hickman.

10 MS. HICKMAN: If I could just ask when we do
11 closings, after Mr. Prengaman if we can take a short break
12 before me so that the jury can use the restroom, stand up,
13 and then so there is a break in between all of them.

14 THE COURT: Right. And here is the thing about
15 argument. As experienced as all of you are, arguments
16 typically is an extension of witnesses, which tends to have
17 something that continues to maybe grab their attention, if
18 it's an exhibit that's being posted or maybe a video being
19 played, so I'm very mindful of the time that you use for
20 closing statements and I will keep an eye on that, and to
21 the extent that I think we need to take a break, I will take
22 a break.

23 If I go from Ms. Grosenick to Mr. Picker and
24 Ms. Rosenthal, if you say, Judge, why don't we take five
25 minutes off the record, I will do that.

1 And the other thing is after we settle the
2 instructions on Monday, the idea is to give you whatever
3 time we have left on Monday and Monday night, so that you
4 can incorporate the instructions to the extent that you need
5 to into your closing statements for Tuesday morning.

6 Mr. Prengaman.

7 MR. PRENGAMAN: Your Honor, just logistically when
8 we do closings, behind the table or the podium, is that the
9 idea is that if we use the podium we can be there, but
10 otherwise we are behind the table?

11 THE COURT: I would give you whatever latitude you
12 had during the course of the case. If you want to do it at
13 your table, you are welcome to do that. If you want to move
14 between your table and the podium, you are welcome to do
15 that. If you want us to bring the smaller podium out closer
16 to the court reporter and we have a Plexiglas three-sided
17 shield for that as well, we can do that.

18 MR. PRENGAMAN: And I said podium, I should have
19 been specific. I was referring to the movable one, but if
20 we do that we have to stay behind it, in order to be
21 unmasked we have to stay behind the little enclosures?

22 THE COURT: Correct.

23 MR. PRENGAMAN: I just wanted to verify that.

24 MS. HICKMAN: So then, Judge, I would ask, I would
25 ask that we be able to have the three sided thing on our

1 table, too, so we are not more limited in our close than the
2 state is.

3 THE COURT: And I think we can, and that's a
4 fair -- are we going to have those by Monday?

5 THE CLERK: Your Honor, I'm not sure.

6 THE COURT: Okay. What we are going to do is
7 start harvesting around the courthouse and see if we
8 can't -- First of all, we can take the ones from, we have
9 these three right here, because we won't have witnesses
10 during closing, Ms. Hickman, and I can also offer this one
11 potentially.

12 And if we need to take a break during your closing
13 versus the closing on behalf of Ms. Norman, we can do that
14 to shift the panels down to counsel, okay?

15 MS. HICKMAN: Thank you.

16 THE COURT: We will make sure that you have the
17 same opportunity with the three-sided panel on your table.

18 All right. Anything else? All of you thank you
19 so much for everything this week, I so appreciate it, and we
20 are adjourned until Monday.

21 (Whereupon the proceedings concluded at 3:39 p.m.)

22 -o0o-

23

24

25

1

2 STATE OF NEVADA)
3 WASHOE COUNTY) ss.

4 I, CORRIE L. WOLDEN, an Official Reporter of the
5 Second Judicial District Court of the State of Nevada, in
6 and for Washoe County, DO HEREBY CERTIFY;

7 That I am not a relative, employee or independent
8 contractor of counsel to any of the parties; or a relative,
9 employee or independent contractor of the parties involved
10 in the proceeding, or a person financially interested in the
11 proceeding;

12 That I was present in Department No. 1 of the
13 above-entitled Court on April 23, 2021, and took verbatim
14 stenotype notes of the proceedings had upon the matter
15 captioned within, and thereafter transcribed them into
16 typewriting as herein appears;

17 That the foregoing transcript, consisting of pages 1
18 through 221, is a full, true and correct transcription of my
19 stenotype notes of said proceedings.

20 DATED: At Reno, Nevada, this 19th day of September,
21 2021.

22

/s/Corrie L. Wolden

23

The document to which this certificate is
24 attached is a full, true and correct copy of the
original on file and of record in my office.

CORRIE L. WOLDEN
CSR #194, RPR, CP

25

By: ALICIA L. LERUD, Clerk of the Second
Judicial District Court, in and for the County of
Washoe.

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 11th day of January 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Jennifer P. Noble, Chief Appellate Deputy,
Washoe County District Attorney

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Ryan Williams (#96845)
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

John Reese Petty
Washoe County Public Defender's Office