

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAYNE MICHAEL CAMERON,

Appellant.

v.

STATE OF NEVADA,

Respondent.

Electronically Filed
Mar 10 2022 02:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 83531

APPELLANT'S APPENDIX
VOLUME I

**APPEAL FROM JUDGMENT OF CONVICTION AND
SENTENCING**

SECOND JUDICIAL DISTRICT
STATE OF NEVADA

The Honorable Barry Breslow, presiding

Richard F. Cornell, Esq.
RICHARD F. CORNELL, P.C.
150 Ridge Street, Second Floor
Reno, Nevada 89501
775/329-1141
richardcornell1553@gmail.com
Attorneys for Appellant

Washoe Co. District Attorney
Appellate Division
1 South Sierra Street, 7th Floor
Reno, Nevada 89501
775/337-5700
jnoble@da.washoecounty.us
Attorneys for Respondent

INDEX TO APPELLANT'S APPENDIX
WAYNE MICHAEL CAMERON V. STATE OF NEVADA
No. 83531

| NO | DESCRIPTION | DATE | PAGES |
|-----------|--|-------------|--------------|
| | VOLUME I | | |
| 1 | Information | 11/09/2020 | 00001-00006 |
| 2 | Motion to Admit Other Acts Evidence: Road Rage | 02/03/2021 | 00007-00037 |
| 3 | Motion to Admit Other Acts Evidence: Shootings | 02/03/2021 | 00038-00048 |
| 4 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Road Rage | 02/09/2021 | 00049-00055 |
| 5 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Shooting | 02/09/2021 | 00056-00060 |
| 6 | Reply in Support of Motion to Admit Other Acts Evidence: Road Rage | 02/16/2021 | 00061-00066 |
| 7 | Reply in Support of Motion to Admit Other Act Evidence: Shootings | 02/16/2021 | 00067-00069 |
| 8 | Transcript of Proceedings, Motions Hearing | 06/02/2021 | 00070-00140 |
| 9 | Order on Pre-Trial Motions | 06/04/2021 | 00141-00148 |
| 10 | Transcript of Proceedings, Trial Day II | 06/29/2021 | 00149-00249 |
| | VOLUME II | | |
| 10 | Cont'd. Transcript of Proceedings, Trial Day II | 06/29/2021 | 00250-00369 |
| 11 | Transcript of Proceedings, Trial Day III | 06/30/2021 | 00370-00499 |
| | VOLUME III | | |
| 11 | Cont'd Transcript of Proceedings, Trial Day III | 06/30/2021 | 00500-00613 |
| 12 | Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00614-00749 |

| | | | |
|----|--|------------|-------------|
| | VOLUME IV | | |
| 12 | Cont'd. Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00750-00818 |
| 13 | Transcript of Proceedings, Trial Day V | 07/02/2021 | 00819-00896 |
| 14 | Transcript of Proceedings, Trial Day VI | 07/06/2021 | 00897-00999 |
| | VOLUME V | | |
| 14 | Cont'd. Transcript of Proceedings, Trial Day VI | 07/06/2021 | 01000-01130 |
| 15 | Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01131-01249 |
| | VOLUME VI | | |
| 15 | Cont'd. Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01250-01265 |
| 16 | Transcript of Proceedings, Trial Day VIII | 07/08/2021 | 01266-01339 |
| 17 | Transcript of Proceedings, Trial Day IX | 07/09/2021 | 01340-01440 |
| 18 | Jury Instruction, Guilt Phase | 07/09/2021 | 01441-01494 |
| | VOLUME VII | | |
| 19 | Verdict | 07/09/2021 | 01495-01496 |
| 20 | Transcript of Proceedings, Sentencing | 07/12/2021 | 01497-01602 |
| 21 | Jury Instructions, Penalty Hearing | 07/12/2021 | 01603-01612 |
| 22 | Life Without Parole Verdict | 07/12/2021 | 01613 |
| 23 | Judgment of Conviction | 09/09/2021 | 01614-01615 |
| 24 | Notice of Appeal to the Nevada Supreme Court | 09/16/2021 | 01616-01618 |

1 CODE 1800
2 Christopher J. Hicks
3 #7747
4 One South Sierra Street
5 Reno, NV 89501
6 districtattorney@da.washoecounty.us
7 (775) 328-3200
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No.: CR20-3534

15 v.

Dept. No.: D08

16 WAYNE MICHAEL CAMERON,

17 Defendant.
18 _____/

19 INFORMATION

20 CHRISTOPHER J. HICKS, District Attorney within and for the
21 County of Washoe, State of Nevada, in the name and by the authority
22 of the State of Nevada, informs the above entitled Court that, the
23 defendant above-named, WAYNE MICHAEL CAMERON, has committed the
24 crime(s) of:

25 COUNT I. MURDER WITH THE USE OF A DEADLY WEAPON, a
26 violation of NRS 200.010, and NRS 200.030 and NRS 193.165 a category
A felony, (50001) in the manner following, to wit:

That the said defendant WAYNE MICHAEL CAMERON, on or about
the 11th day of February, 2020, within the County of Washoe, State of
Nevada, did willfully, unlawfully, and with malice aforethought,

AA00001

1 deliberation, and premeditation, kill and murder JARROD FAUST, a
2 human being, by means of shooting the victim in the face with a
3 deadly weapon, which was a firearm, thereby inflicting mortal
4 injuries upon JARROD FAUST from which he died on or about February
5 11, 2020, all of which occurred at or near 13425 Welcome Way, Reno,
6 or;

7 That the said defendant WAYNE MICHAEL CAMERON, on or about
8 the 11th day of February, 2020, within the County of Washoe, State of
9 Nevada, killed JARROD FAUST in the perpetration of attempted
10 perpetration of a burglary by entering a vehicle with the intent to
11 commit assault or battery or any felony therein, in that the killing
12 occurred when the defendant followed a vehicle driven JARROD FAUST on
13 Welcome Way, the defendant stopped his vehicle, exited his vehicle
14 with a firearm, approached the driver's side of the Chevrolet
15 Silverado occupied by JARROD FAUST, and shot JARROD FAUST in the
16 face, thereby inflicting mortal injuries upon JARROD FAUST from which
17 he died on or about February 11, 2020, all of which occurred at or
18 near 13425 Welcome Way, Reno.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

AA00002

1 All of which is contrary to the form of the Statute in such
2 case made and provided, and against the peace and dignity of the
3 State of Nevada.

4
5 CHRISTOPHER J. HICKS
6 District Attorney
7 Washoe County, Nevada

8 By: /s/ Amos Stege
9 AMOS STEGE
10 9200
11 DEPUTY District Attorney
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

AA00003

1 The following are the names of such witnesses as are known
2 to me at the time of the filing of the within Information:

3 JOSEPH ACEVES
4 CASEY ANDREWS
5 WILLIAM BRIAN ATKINSON
6 JEFF BOYD
7 ELVIRA KOEDER
8 CHAD CROW
9 JASON A DANIELS
10 ARICK DICKSON
11 JOSEPH DIGESTI
12 SEAN DONNELLY
13 NICHOLAS EDISS
14 AARON FLICKINGER
15 MICHAEL GUIDER
16 ALLISON JENKINS-KLEIDOSTY
17 JOSEPH M. LEAR
18 DOMINIQUE LEBLANC
19 F JAVIER LOPEZ
20 ROBERT MARKIN
21 ROBERT MEDINA
22 DAVID L NEVILLS
23 BENJAMIN RHODES
24 MONICA SIEWERTSEN
25 RICHARD SPAULDING
26 Jarrod Scott Faust
ROBERT BRUCE ARCHIE
RALPH BAREUTHER
LEAH RAEISAAC MAZZA
WASHOE COUNTY HEALTH DEPT VITAL STATISTICS
MELBA SCHOENFELDT
TRUCKEE MEADOWS FIRE DEPT.
CHRISTINE ANNE KONOPISOS
MATTHEW KONOPISOS
JERRY SMITH
MARY E GAYNER
JEREMY JOHN MARLOW
KRISTIN BROWN
DAVID COLARCHIK
ETHAN CAMERON
CHRISTINE BAREUTHER
KELLI CAPRILE
MELISSA BAKER
LUKE WINCHESTER
ASHLEY CRUZ

AA00004

1 MARCELINO MENDOZA
2 STACEY SAMPSON
3 ASPEN CAMERON
4 ANGELA MEADOW TRAVIS
5 DEVIN SCHELL
6 JOSEPH "JJ" BROWN
7 NICK WOOD
8 ALEX ALTAMURA
9 DONALD BURKE
10 SPENCER SKEWES
11 STEPHANIE M. SHUMAN
12 NICHOLAS SMITH
13 MICHAEL TALTON
14 NATASHA RICKEY
15 TRICIA KIRKHAM-ALT
16 VICTOR GAMBOA
17 COLE BROKAW
18 JESSICA TROUP
19 KIMBERLY FRANKEL
20 MICHAEL ALMARAZ
21 JOSHUA SWANSON
22 TREVOR SOLANO
23 JACQUES GRAY
24 KENNETH THOMAS
25 SAYER DION-SMYCZEK
26 KULVIR SARAI
MARLENE ROUSSEAU
ROBERT GONZALEZ
KRISTIN DELWICHE
NICK DUFUR
MARK ESTEE
KATE MARUCHA
MIKE PEYTON
TONY ROBINSON
JONATHAN SMITH
STACEY BRANDT
RYAN MITCHELL
CHRSTINA BIGELOW
KERN SCHUMACHER
NOVA BROWN
TONY BROOKS
AARON KEEP
MICHAEL HUYNH
DEREK HUGGINS
STACIE HUGGINS
FRED SCHOENFELDT
KAREN FAUST

AA00005

1 JEFF APPLETON
2 KAREN HYATT-MINER
3 GARY MINER
4 ERIN MERRIT
5 JEFF ARDITO
6 BECKY RUSSELL
7 ANDY HEINCHRICHS
8 JOSH CORONE

9 The above-listed witnesses may be called in the case-in-chief of
10 the State.

11 AFFIRMATION PURSUANT TO NRS 239B.030

12 The party executing this document hereby affirms that this
13 document submitted for recording does not contain the social security
14 number of any person or persons pursuant to NRS 239B.030.

15 CHRISTOPHER J. HICKS
16 District Attorney
17 Washoe County, Nevada

18 By: /s/ Amos Stege
19 AMOS STEGE
20 9200
21 DEPUTY District Attorney

1 CODE 2490
2 Christopher J. Hicks
3 #7747
4 One South Sierra Street
5 Reno, NV 89501
6 districtattorney@da.washoecounty.us
7 (775) 328-3200
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE.

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No: CR20-3534

15 v.

Dept: D08

16 WAYNE MICHAEL CAMERON,

17 Defendant.
18 _____/

19 MOTION TO ADMIT OTHER ACT EVIDENCE: ROAD RAGE

20 COMES NOW, the State of Nevada, by and through CHRISTOPHER HICKS,
21 District Attorney of Washoe County and AMOS STEGE, Deputy District
22 Attorney, and files this Motion to Admit Other Act Evidence: Road
23 Rage.
24

25 This Motion is made and based on the memorandum of Points and
26 Authorities submitted herewith.

///

///

///

///

///

AA00007

1 POINTS AND AUTHORITIES

2 Case Summary

3 The Defendant is charged with murdering Jarrod Faust. Faust
4 left his house at about 8:15 p.m. on the evening of February 11, 2020
5 to go to the gym. In the meantime, the defendant left Murrieta's
6 restaurant (8195 S. Virginia St.) at about 8:30 p.m.

7 At 9:39 p.m. a witness in the area of 13405 Welcome Way called
8 911 to report that 45 minutes prior (around 8:50) he heard a "popping
9 noise" that he thought was either a backfire or a gunshot. He then
10 saw a car "roar off." Afterwards, another car remained in the street
11 with its lights on.

12 Deputies arrived on scene to find Jarrod Faust slumped over the
13 steering wheel of his still-running pickup truck. He had been shot
14 in the face and was dead. His driver's side window was down.

15 The crime scene is in the cul-de-sac at the end of Welcome Way.
16 A single .40 S&W expended cartridge case was found in the street a
17 short distance away from the truck. Investigators deduced that
18 Jarrod had been shot near the location of the shell casing, which
19 incapacitated him. Uncontrolled, the vehicle then travelled a short
20 distance and struck a mailbox, then came to rest.

21 At about 9:40 p.m. the defendant texted his close friend, Mr.
22 Colarchik, asking if he was awake. After responding to the text,
23 Colarchik called the defendant. After making Colarchik promise not
24 to tell anyone what Cameron was about to tell him, the defendant made
25 several incriminating statements including, "I think I shot someone",
26 ///

AA00008

1 "I hate when people make me mad", and "I hate that I know the law
2 because I'm the one that got out of the car."¹

3 Detectives found both 9mm and .40 cartridge cases inside the
4 defendant's Acura MDX. Detectives located numerous firearms,
5 including two 9 mm pistols, in a search of the defendant's home. No
6 firearm capable of firing .40 caliber ammunition was located.

7 The defendant's son, Ethan, told detectives that his father
8 always kept a black pistol, possibly a Glock, chambered in either 9mm
9 or .40 under the driver's seat.² After the defendant was arrested,
10 Ethan was going through his father's things and found a "Safety &
11 Instruction Manual" for Smith & Wesson pistol models "SD9 VE" and
12 "SD40VE." A hand-written receipt dated "12-22-12" from "NV Guns N
13 Ammo" in the name of "Wayne Michael Cameron" for one "S&W SD40" was
14 located with the manual. The materials were turned over to
15 detectives.

16 The single .40 casing from the murder scene was discovered to
17 be a forensic match to the two casings found in the defendant's
18 vehicle, in that they were identified as having been fired from the
19 same firearm.³

20 A single bullet was recovered from the musculature of Jarrod
21 Faust's neck after it traveled through his left cheek, left neck, the
22 horn of the hyoid bone, the left aspect of the second cervical
23 vertebrae, the cervical spinal cord, the right aspects of second and
24 third cervical vertebrae.

25
26 ¹ See PHT at page 97.

² See PHT at page 14-17.

³ See PHT at page 169.

1 Forensic analysis of the recovered bullet determined that it is
2 consistent with a small number of firearms, namely Smith & Wesson .40
3 models SD40VE, SW40VE, SW99, and M&P40 as well as Smith & Wesson 10mm
4 model 610.

5 Forensic comparison between a single 9mm casing from the
6 defendant's vehicle and a 9mm Glock pistol (a Glock 17) located in
7 the defendant's room revealed the casing to have been fired from the
8 pistol.

9 When detectives initially contacted the defendant, he was
10 visibly sweating and shaking. Detectives informed the defendant that
11 they had a search warrant. Without knowing the target of the
12 warrant, the defendant volunteered to open his safes.

13 In a station interview the defendant reluctantly made a series
14 of incriminating statements but came short of admitting to shooting
15 the victim. Essentially defendant claimed that as he was driving
16 home between 8:30 and 9:00 he saw a truck and a motorcycle "going at
17 it", that the motorcycle was "annoying the truck." He first saw this
18 at on Zolezzi Lane near Wolf Run. Initially he claimed that he went
19 home after seeing this.

20 Later, Cameron admitted that after the motorcycle drove off, he
21 followed the truck into a cul-de-sac, where he:

22 "Talked to this guy. [I said] Are you good? He goes
23 yeah, I'm good. I turn around and take off and I go
home."

24 Cameron had various rationales for why he followed the car, including
25 to see if the driver was alright and "because I am stupid."

26 ///

AA00010

1 After being confronted with the murder, the defendant claimed,
2 "I can tell you there was no road rage on my part, yep, none
3 whatsoever." Interview at 2:12:22. Later, Cameron stated that he is
4 "not the guy that has road rage." Interview at 3:06:11.

5 Cameron initially omitted that he spoke to Colarchik that night.
6 Then he said they talked, but only about Colarchik's health.
7 Finally, when confronted with Colarchick's statements, Cameron said
8 that "if he said it, it's true." When asked to list the firearms he
9 owned, the defendant omitted mention of any .40 caliber firearms.

10 The murder weapon was never found.

11 **Analytical Framework**

12 Under NRS 48.045(2) evidence of other crimes, wrongs or acts is
13 not admissible to show the character of the person in order to prove
14 the person acted in conformity therewith. But such crimes, wrongs or
15 acts may be admissible "for other purposes, such as proof of motive,
16 opportunity, intent, preparation, plan, knowledge, identity, or
17 absence of mistake or accident." NRS 45.045(2). Under Bigpond
18 "evidence of 'other crimes, wrongs or acts' may be admitted under NRS
19 48.045(2) for a relevant nonpropensity purpose other than those
20 listed in the statute." Bigpond v. State, 128 Nev. 108, 116 (2012),
21 see also, Tinch v. State, 113 Nev. 1170 (1997). Before admission of
22 such evidence, the Court must hold a hearing to determine whether:
23 (1) the prior bad act is relevant to the crime charged and for a
24 purpose other than proving the defendant's propensity, (2) the act is
25 proven by clear and convincing evidence, and (3) the probative value
26 of the evidence is not substantially outweighed by the danger of

AA00011

1 unfair prejudice. Bigpond v. State, 128 Nev. 108, 117, 270 P.3d
2 1244, 1250 (2012). Importantly Bigpond acknowledges that other act
3 evidence is not limited only to motive, intent, lack of mistake,
4 common scheme or plan ("MIMIC") but may be admissible for any other
5 nonpropensity purpose. Bigpond at 116, 1249 ("Therefore, we now
6 clarify that evidence of 'other crimes, wrongs or acts' may be
7 admitted under NRS 48.045(2) for a relevant nonpropensity purpose
8 other than those listed in the statute").

9 As to specific intent crimes (like premeditated murder), the
10 intent is "automatically at issue" and other act evidence may be
11 admissible to prove intent. Hubbard v. State, 134 Nev. 450, 456, 422
12 P.3d 1260, 1265 (2018). In sum, other act evidence "must be relevant
13 without relying on a propensity inference, and its probative value
14 must not be substantially outweighed by the risk of unfair
15 prejudice." Id.

16 The Other Acts

17 L.M. Road Rage

18 Detectives located a series of photographs of vehicles on the
19 defendant's cell phone during a forensic download. More
20 specifically, the photographs all depicted the vehicle's license
21 plates. One of those photographs depicted a Subaru belonging to
22 L.M.⁴, bearing Nevada license plate 665 ZAV. See Exhibit 1. The
23 digital footprint of the photograph suggested in was taken in October
24 2018.

25 ///

26 _____
⁴ Initials are used here for purposes of the pleadings. Defendant, see Bates 167,
et seq.

1 Detectives contacted L.M. and questioned her. She stated that
2 between August and December of 2018 at about 10:00 p.m. she was
3 returning to her parents' house, when she exited the freeway and
4 began travelling up Zolezzi Lane. At the time of the incident she
5 was around 29 years old. Suddenly a vehicle was directly behind her,
6 driving erratically, flashing its brights. This scared her to the
7 point that she decided not to stop at her house. Instead she tried
8 to lose the vehicle in her neighborhood. It continued to follow her
9 closely, driving erratically and flashing its headlights. She
10 finally lost the vehicle for a moment and felt comfortable enough to
11 pull in front of her house and park. She got out of her car and
12 quickly ran to the front door and entered her residence. As soon as
13 she got inside she looked outside to see that the vehicle had pulled
14 up. A man approximately 5'11" with a medium build got out and
15 started taking pictures of her car. She described the suspect's
16 vehicle as a 4 door mid-size SUV possibly a Honda Pilot. After the
17 man got into his vehicle he drove by her house several more times.

18 L.M. was shown the photograph from the defendant's phone, which
19 she recognized to be the one taken by the man. Later, she forwarded
20 a text message conversation between herself and a friend describing
21 the incident. See Exhibit 3. As relevant here, her text message
22 described:

23 So I totally got harassed on the road on the way home. It was
24 in my neighborhood too. This guy was in front of me and then
25 suddenly pulled over and when I passed him he got behind me
26 and got right on my ass with his brights on. Then he started
deliberately swerving behind me and flashing his lights and
then coming right up on my bumper and it scared the shit out
of me!

AA00013

1 L.M.'s house at North White Sands Road, is in the same neighborhood
2 as the defendant's (7345 La Paz Court) and would be on his way home
3 from any commercial area. See Exhibit 2. Both L.M. and Jarrod Faust
4 were both encountered on Zolezzi around the same time day.

5 A.C. Road Rage

6 Detectives interviewed the defendant's daughter, A.C. She
7 informed them that she recalled an incident that occurred on Ventana
8 Parkway (near the La Paz address) about a year before February 2020.
9 As described in Det. Smith's report:

10 She said that her father, Wayne, was driving home and
11 she was in the passenger seat. A dark grey Jeep was
12 driving behind Wayne and was extremely close to his rear
13 bumper. Wayne pulled his vehicle over to the side of the
14 road and allowed the Jeep to pass. After the Jeep passed
15 by, Wayne proceeded to follow the vehicle home. A.C.
16 believed this was located at either 526 S. Elk River Ct.
17 or 512 S. Elk River Ct. Wayne then parked his vehicle,
18 exited, and confronted the driver of the Jeep saying,
19 "Hey that's not ok, don't do that." She believed there
20 were four teenagers in the Jeep. A.C. said that she
21 didn't exit the vehicle, because she believed the
22 teenagers in the Jeep likely attended Galena High School
23 and she was embarrassed.

18
19 A.C. was unsure of what time the incident occurred, only stating it
20 was dark outside (evening). The location is roughly .2 miles from
21 the La Paz address. See Exhibit 4. Detectives were not able to
22 locate the driver of the target Jeep.

23 Argument

24 The defendant's stated innocent purpose in following the victim
25 is betrayed by his history. Put another way, the prior acts are
26 relevant to motive, intent, or absence of mistake or accident. The

AA00014

1 defendant's true intent or motive is to confront the victim in the
2 manner of the two prior incidents (as neighborhood traffic enforcer).
3 Rather than a good Samaritan checking on the victim (per his
4 statement), the defendant's motive or intent was confrontation.⁵
5 Contrary to his statement to detectives, he actually is "a road rage
6 guy".

7 In the three instances the location was distinctly similar (West
8 bound Zolezzi on the defendant's drive home), the victims were
9 similarly young, and the time of day the same (night). In the two
10 prior incidents the defendant followed the victims after initially
11 pulling over to let them pass. In each case, the defendant was "the
12 one who got out of the car."

13 Motive or intent is especially important here because there are
14 no eyewitnesses to the shooting, or the minutes leading up to it.
15 The defendant is the only remaining witness and his statements to
16 police are self-serving and unreliable. The prior acts are stark
17 evidence of motive. Going deeper, the legal question for the jury is
18 whether the defendant committed acts constituting the elements of
19 first-degree murder. The prior acts and the charged murder are so
20 similar that it can reasonably be inferred that the defendant
21 harbored the same intent in all three instances.

22 The defendant getting out of the car matters, like his following
23 behavior matters, like his angry or enforcer motive all matter

24
25 ⁵ See State v. Gasser, 18-531 (La. App. 5 Cir. 7/3/19)(overruled on other grounds on
26 remand at __So. 3d. ____, 18-531 (La. App. 5 Cir. 7/15/20)) (no error in admission
of prior road rage incident as "[t]he two incidents were similar insofar as
defendant, in each case, actively participated in the perpetuation of the incidents
by engaging with the other driver in a verbal altercation...[and], defendant claimed
that the other motorist was the aggressor and that he acted in self-defense".

1 because those traits are direct and circumstantial evidence of
2 malice/ mental process. They directly explain how and why the
3 defendant is in the cul-de-sac with the victim, acting as traffic
4 enforcer or as a "wannabe cop".⁶ They fairly and logically describe
5 the defendant's mental state at the time of the offense and negate
6 inadvertence or good faith or some other innocent mental state. The
7 malice instruction, for example, calls for the jury to decide whether
8 the defendant bore ill will, spite or grudge or any unjustifiable or
9 unlawful motive towards the victim.⁷ Such highly probative motive
10 evidence is directly and fairly available from these other acts.

11 ///

12 ///

14 ⁶ As suggested by defense counsel through Det. Nevills, PHT at 159-160:

15 Q When you had the opportunity to speak with Mr. Cameron, you also learned
16 that he knew a number of different individuals involved in law enforcement,
true?

A Yes.

17 Q And in fact some of them in command structure of law
enforcement, correct?

A Yes.

18 Q Have you ever heard the phrase "wannabe cop"?

A Yes.

19 Q What does that mean?

A Could mean someone that wants to be a police officer, but don't really
20 necessary(sic) have the qualifications or the desire to do it.

Q And people who have a tendency to want to help enforce the law --

A True.

Q -- can create problems sometimes, right?

A Yes.

21 ⁷ The instruction, based on Thedford v. Sheriff, 86 Nev. 741, 744, 476 P.2d 25, 27
22 (1970), Guy v. State, 108 Nev. 770, 776-77, 839 P.2d 578, 582-83 (1992), etc.:

23
24 Malice aforethought, as used in the definition of murder, means the
25 intentional doing of a wrongful act without legal cause or excuse, or what
the law considers adequate provocation. The condition of mind described as
26 malice aforethought may arise, not alone from anger, hatred, revenge or
from particular ill will, spite or grudge toward the person killed, but
may also result from any unjustifiable or unlawful motive or purpose to
injure another, which proceeds from a heart fatally bent on mischief, or
with reckless disregard of consequences and social duty.

EA00016

1 **Fair Prejudice**

2 The Nevada Supreme Court has defined "unfair prejudice" as an
3 appeal to "the emotional and sympathetic tendencies of a jury, rather
4 than the jury's intellectual ability to evaluate evidence."
5 State v. Dist. Ct. (Armstrong), 127 Nev. 927, 933, 267 P.3d 777, 781
6 (2011) (citing Krause Inc. v. Little, 117 Nev. 929, 935, 34 P.3d 566,
7 570 (2001) Schlotfeldt v. Charter Hosp. of Las Vegas, 112 Nev. 42,
8 46, 910 P.2d 271, 273 (1996)). In FRE 403 terms, the United States
9 Supreme Court has interpreted, "[t]he term 'unfair prejudice,' as to
10 a criminal defendant, speaks to the capacity of some concededly
11 relevant evidence to lure the factfinder into declaring guilt on a
12 ground different from proof specific to the offense charged." Old
13 Chief v. United States, 519 U.S. 172, 180, 117 S.Ct. 644, 136 L.Ed.2d
14 574 (1997).

15 Of course "[a]ll evidence offered by the prosecutor is
16 prejudicial to the defendant; there would be no point in offering it
17 if it were not." Holmes v. State, 129 Nev. 567, 575, 306 P.3d 415,
18 420 (2013) (citing United States v. Foster, 939 F.2d 445, 456 (7th
19 Cir.1991)). The real question is whether the probative value is
20 substantially outweighed by the danger of *unfair* prejudice. Id.
21 (emphasis in original, citing Schlotfeldt v. Charter Hosp. of Las
22 Vegas, 112 Nev. 42, 46, 910 P.2d 271, 273 (1996) (the "substantially
23 outweigh" requirement "implies a favoritism toward admissibility")).

24 ///

25 ///

26 ///

AA00017

1 **Conclusion**

2 For the reasons stated, the above evidence should be admitted.

3
4 **AFFIRMATION PURSUANT TO NRS 239B.030**

5 The undersigned does hereby affirm that the preceding
6 document does not contain the social security number of any person.

7 Dated this 3rd day of February, 2021.

8
9 CHRISTOPHER J. HICKS
District Attorney
10 Washoe County, Nevada

11
12 By /s/ Amos Stege
13 AMOS STEGE
9200
14 DEPUTY DISTRICT ATTORNEY
15
16
17
18
19
20
21
22
23
24
25
26

AA00018

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6

Marc Picker
Alternate Public Defender

Dated this 3rd day of February, 2021.

/s/DESTINEE ALLEN
DESTINEE ALLEN

LIST OF EXHIBITS

Pages

1. Photograph depicting license plate of Subaru
belonging to L.M.(665 ZAV)1
2. Map showing distance between 5998 North White
Sands Road and 7345 La Paz Court.....1
3. Text messages L.M.....10
4. Map showing distance between 512 South Elk River
Court and 7345 La Paz Court.....1

AA00020

EXHIBIT 1

EXHIBIT 1

AA00021



AA00022

EXHIBIT 2

EXHIBIT 2

AA00023

Q More

Sign in

5998 North White Sands Road

Mountain Living Foundation

2 min
0.5 miles

7345 La Paz Court

Arrowcreek Security Gate
Temporarily closed

Google

AA00024

Reno Christian Fellowship

EXHIBIT 3

EXHIBIT 3



L M



Haha perfect! So I totally got harassed on the road on the way home. It was in my neighborhood too. This guy was in front of me and hen suddenly pulled over and when I passed him he got behind me and got right on my ass with his brights on. Then he started deliberately swerving behind me and flashing his lights and then coming right up on my bumper and it scared the shit out of me! So I sped up really fast to try and get away from him so he wouldn't see me pull into my house. He caught right up so I passed my street and turned up one of the side streets past me house and went all through those streets and then finally lost him so I finally went to my house. I pulled up in front and still had this feeling that he wou

↓ See latest message

my car running on the side of the road for



Text message



SMS

AA00026





L

M



went to my house. I pulled up in front and still had this feeling that he would show up so I kept my car running on the side of the road for like five minutes and then went inside. Once I was inside I look out front and he was parked behind my car

with his brights on still and he was out of his car taking pictures of my license plate and my whole car. I was like shaking and I almost went outside to tell him to fuck off but my mom grabbed me and made me stay inside and he finally left.



10/30/18, 10:21 PM

But then I saw him drive by two or three more times, again with his brights on. My mom and I put my car in the garage and her car in the driveway.
 See latest message
 happening seriously



Text message



SMS

AA00027





L M



brights on. My mom and I put my car in the garage and her car in the driveway so hopefully nothing will happen to my car. But it seriously scared me. I have no idea what I did to make him start harassing me but I was shaking really hard. My mom poured me a little drink of whiskey to calm my self down haha.



10/30/18, 10:23 PM

And now I'm paranoid that he will like post pictures of my car like on Facebook for something. I dunno that's probably stupid but I've seen people do that to other people and I don't need my information put on blast in public for doing absolutely nothing wrong. Or even worse, he could come back and trash my car or something like that



10/30/18

[↓ See latest message](#)

Text message



SMS

AA00028





L M



Wow that's hella scary! Sorry you went through that. People are psycho. Crazy he still found your house. Good thing you didn't go outside because you never know what people are going to do. I wonder if because he was flashing his lights that he thought you'd been doing that to him. You know when you go over certain areas and bumps on the road how headlights hit just right and look brighter? Like that was happening or something.

10/30/18, 10:45 PM • SMS

Yeah that's what my dad thought might have happened too. I was the most scared that he took the time to drive through all the streets in the neighborhood and find my car. Like that takes dedica

↓ See latest message



Text message



SMS

AA00029





L [redacted] M [redacted]



10/30/18, 10:40 PM

Yeah that's what my dad thought might have happened too. I was the most scared that he took the time to drive through all the streets in the neighborhood and find my car. Like that takes dedication! And then he took pictures! My dad will keep an eye out for the car I described to him so that makes me feel better. He's pretty much home and out in the garage all day so he sees a lot. My dad stood watch in the window for like 15 minutes after the guy left the house haha he was not going to let him get away with it if he came back again! I'm glad this didn't happen with me living home alone. That would be much worse.



10/30/18, 10:48 PM

Yes

↓ See latest message

Do

you remember that guy in my



Text message



SMS

AA00030





L

M



Yeah it is much worse. Do you remember that guy in my neighborhood that did that to me? I went up another street to get my mail and he pulled into a drive but when I started turning he started backing up, then he followed me to the mailbox to yell at me about seeing his kids, which were both on the sidewalk, and you can't go more than 20mph on the curve right there as it is so I wasn't going fast even though he screamed at me about speeding through. Then as he was turning around I pulled away from the mailboxes and he decided to flip around and follow me. I did exactly what you did, went passed my house and up through around and pulled into my garage cuz I didn't see him. I ran right to my window paranoid like you were that he was gonna come bang on my door or something if

↓ See latest message



Text message



SMS

AA00031





L [REDACTED] M [REDACTED]



right to my window paranoid like you were that he was gonna come bang on my door or something if he'd parked and waited to see me come back around. I wish I had jist left the neighborhood and come back. Girl I get it, it's beyond scary, especially in this world now.

10/30/18, 10:57 PM • SMS

Yeah I remember that story! That's crazy! After I got home I had the same thought....I wish I had just left my neighborhood and went back down the hill. But I was scared and didn't think he would be that crazy. I just hope nothing else happens. People are insane!



10/30/18, 10:59 PM

I'm glad you have your parents with you. Experiences like this are te

↓ See latest message

10/30/18, 10:59 PM • SMS



Text message



SMS

AA00032





L

M



I'm glad you have your parents with you. Experiences like this are terrifying!

10/30/18, 10:59 PM • SMS

Me too! I know that if it ever happens again, no matter where I live, I'll just turn around and get back on the freeway if I have to. I'll just keep driving the opposite direction until I lose them far away from my house. I guess you can't be too careful these days 😞



10/30/18, 11:00 PM

I told myself the same rule haha! I was thinking that in your neighborhood idk if I'd want to start back down the hill just because it's such a long ways down and you don't know what other...
↓ See latest message ...ull. Of course you don't think to call 911



Text message



SMS

AA00033





L

M



I told myself the same rule
haha! I was thinking that in your
neighborhood idk if I'd want to
start back down the hill just
because it's such a long ways
down and you don't know what
other crazy shit he'd pull. Of
course you don't think to call 911
in a situation like this since it's not
necessarily an emergency, but
it's still threatening behavior and
potentially dangerous.

10/30/18, 11:01 PM • SMS

Yeah I thought that too. My dad
said if it ever happens again in
this neighborhood to call him
immediately and he will come
find me. If I want near my parents
house I'd definitely call 911 if
anything ever escalated past what
happened tonight. It's better to call
than to

↓ See latest message



10/30/18 11:04 PM



Text message



SMS

AA00034





L [REDACTED] M [REDACTED]



because it's such a long ways down and you don't know what other crazy shit he'd pull. Of course you don't think to call 911 in a situation like this since it's not necessarily an emergency, but it's still threatening behavior and potentially dangerous.

10/30/18, 11:01 PM • SMS

Yeah I thought that too. My dad said if it ever happens again in this neighborhood to call him immediately and he will come find me. If I want near my parents house I'd definitely call 911 if anything ever escalated past what happened tonight. It's better to call than to get hurt I think.



10/30/18, 11:04 PM

Definitely!

↓ See latest message

11:04 PM • SMS



Text message



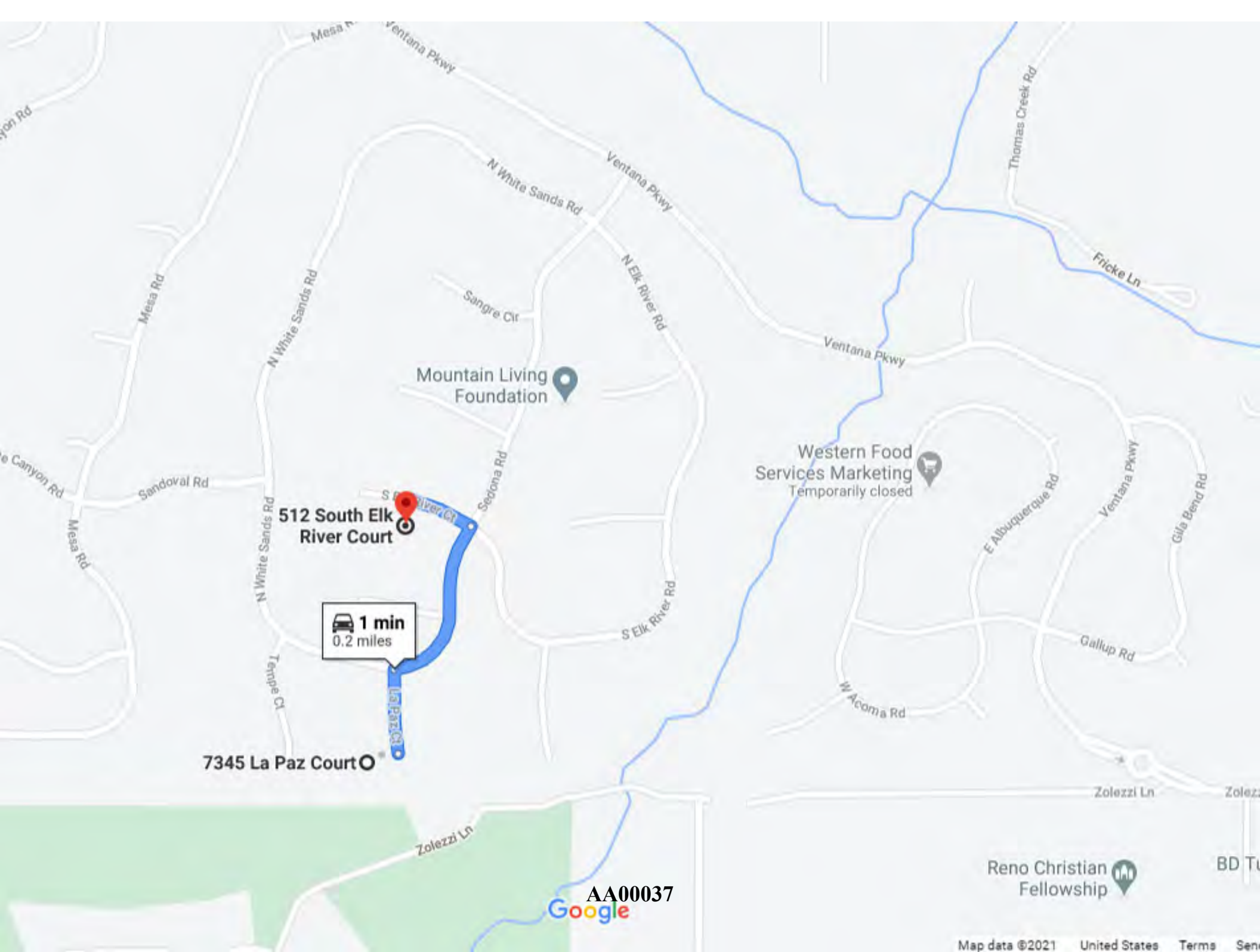
SMS

AA00035



EXHIBIT 4

EXHIBIT 4



AA00037
Google

1 CODE 2490
2 Christopher J. Hicks
3 #7747
4 One South Sierra Street
5 Reno, NV 89501
6 districtattorney@da.washoecounty.us
7 (775) 328-3200
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE.

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No: CR20-3534

15 v.

Dept: D08

16 WAYNE MICHAEL CAMERON,

17 Defendant.
18 _____/

19 MOTION TO ADMIT OTHER ACT EVIDENCE: SHOOTINGS

20 COMES NOW, the State of Nevada, by and through CHRISTOPHER HICKS,
21 District Attorney of Washoe County and AMOS STEGE, Deputy District
22 Attorney, and files this Motion to Admit Other Act Evidence:
23 Shootings.

24 This Motion is made and based on the memorandum of Points and
25 Authorities submitted herewith.

26 ///

///

///

///

///

AA00038

1 POINTS AND AUTHORITIES

2 Case Summary

3 The Defendant is charged with murdering Jarrod Faust. Faust
4 left his house at about 8:15 p.m. on the evening of February 11, 2020
5 to go to the gym. In the meantime, the defendant left Murrieta's
6 restaurant (8195 S. Virginia St.) at about 8:30 p.m.

7 At 9:39 p.m. a witness in the area of 13405 Welcome Way called
8 911 to report that 45 minutes prior (around 8:50) he heard a "popping
9 noise" that he thought was either a backfire or a gunshot. He then
10 saw a car "roar off." Afterwards, another car remained in the street
11 with its lights on.

12 Deputies arrived on scene to find Jarrod Faust slumped over the
13 steering wheel of his still-running pickup truck. He had been shot
14 in the face and was dead. His driver's side window was down.

15 The crime scene is in the cul-de-sac at the end of Welcome Way.
16 A single .40 S&W expended cartridge case was found in the street a
17 short distance away from the truck. Investigators deduced that
18 Jarrod had been shot near the location of the shell casing, which
19 incapacitated him. Uncontrolled, the vehicle then travelled a short
20 distance and struck a mailbox, then came to rest.

21 At about 9:40 p.m. the defendant texted his close friend, Mr.
22 Colarchik, asking if he was awake. After responding to the text,
23 Colarchik called the defendant. After making Colarchik promise not
24 to tell anyone what Cameron was about to tell him, the defendant made
25 several incriminating statements including, "I think I shot someone",
26 ///

AA00039

1 "I hate when people make me mad", and "I hate that I know the law
2 because I'm the one that got out of the car."¹

3 Detectives found both 9mm and .40 cartridge cases inside the
4 defendant's Acura MDX. Detectives located numerous firearms,
5 including two 9 mm pistols, in a search of the defendant's home. No
6 firearm capable of firing .40 caliber ammunition was located.

7 The defendant's son, Ethan, told detectives that his father
8 always kept a black pistol, possibly a Glock, chambered in either 9mm
9 or .40 under the driver's seat.² After the defendant was arrested,
10 Ethan was going through his father's things and found a "Safety &
11 Instruction Manual" for Smith & Wesson pistol models "SD9 VE" and
12 "SD40VE". A hand-written receipt dated "12-22-12" from "NV Guns N
13 Ammo" in the name of "Wayne Michael Cameron" for one "S&W SD40" was
14 located with the manual. The materials were turned over to
15 detectives.

16 The single .40 casing from the murder was discovered to be a
17 forensic match to the two casings found in the defendant's vehicle,
18 in that they were identified as having been fired from the same
19 firearm.³

20 A single bullet was recovered from the musculature of Jarrod
21 Faust's neck after it traveled through his left cheek, left neck, the
22 horn of the hyoid bone, the left aspect of the second cervical
23 vertebrae, the cervical spinal cord, the right aspects of second and
24 third cervical vertebrae.

25
26 ¹ See PHT at page 97.

² See PHT at page 14-17.

³ See PHT at page 169.

1 Forensic analysis of the recovered bullet determined that it is
2 consistent with a small number of firearms, namely Smith & Wesson .40
3 models SD40VE, SW40VE, SW99, and M&P40 as well as Smith & Wesson 10mm
4 model 610.

5 Forensic comparison between a single 9mm casing from the
6 defendant's vehicle and a 9mm Glock pistol (a Glock 17) located in
7 the defendant's room revealed the casing to have been fired from the
8 pistol.

9 When detectives initially contacted the defendant, he was
10 visibly sweating and shaking. Detectives informed the defendant that
11 they had a search warrant. Without knowing the target of the
12 warrant, the defendant volunteered to open his safes.

13 In a station interview the defendant reluctantly made a series
14 of incriminating statements, essentially admitting to following
15 Jarrod into the cul-de-sac, exiting his vehicle, and placing himself
16 at Jarrod's driver side window. Cameron said that on his way home
17 from Murrieta's, he saw a pickup truck in a road rage incident with a
18 motorcycle. He said that the motorcycle "brake checked" the truck
19 before speeding off. Cameron decided to follow the truck, in his
20 words "because I am stupid." He later said he followed the truck to
21 see if the driver was okay. In Cameron's version he went up to the
22 truck door, asked the driver if he was okay, the man responded yes,
23 and Cameron left. He corroborated that he spoke with Colarchik but
24 claimed only to have spoken about unrelated matters. About
25 Colarchik's statements, Cameron stated that "if he said it, it's

26 ///

AA00041

1 true." When asked to list the firearms he owned, the defendant
2 omitted mention of any .40 caliber firearms.

3 The murder weapon was never found.

4 Analytical Framework

5 Under NRS 48.045(2) evidence of other crimes, wrongs or acts is
6 not admissible to show the character of the person in order to prove
7 the person acted in conformity therewith. But such crimes, wrongs or
8 acts may be admissible "for other purposes, such as proof of motive,
9 opportunity, intent, preparation, plan, knowledge, identity, or
10 absence of mistake or accident." NRS 45.045(2). Under Bigpond
11 "evidence of 'other crimes, wrongs or acts' may be admitted under NRS
12 48.045(2) for a relevant nonpropensity purpose other than those
13 listed in the statute." Bigpond v. State, 128 Nev. 108, 116 (2012),
14 see also, Tinch v. State, 113 Nev. 1170 (1997). Before admission of
15 such evidence, the Court must hold a hearing to determine whether:
16 (1) the prior bad act is relevant to the crime charged and for a
17 purpose other than proving the defendant's propensity, (2) the act is
18 proven by clear and convincing evidence, and (3) the probative value
19 of the evidence is not substantially outweighed by the danger of
20 unfair prejudice. Bigpond v. State, 128 Nev. 108, 117, 270 P.3d
21 1244, 1250 (2012). Importantly Bigpond acknowledges that other act
22 evidence is not limited only to motive, intent, lack of mistake,
23 common scheme or plan ("MIMIC") but may be admissible for any other
24 nonpropensity purpose. Bigpond at 116, 1249 ("Therefore, we now
25 clarify that evidence of '"other crimes, wrongs or acts' may be
26 ///

AA00042

1 admitted under NRS 48.045(2) for a relevant nonpropensity purpose
2 other than those listed in the statute").

3 As to specific intent crimes (like premeditated murder), the
4 intent is "automatically at issue" and other act evidence may be
5 admissible to prove intent. Hubbard v. State, 134 Nev. 450, 456, 422
6 P.3d 1260, 1265 (2018). In sum, other act evidence "must be relevant
7 without relying on a propensity inference, and its probative value
8 must not be substantially outweighed by the risk of unfair
9 prejudice." Id.

10 **The Other Acts**

11 Detectives investigated a series of shootings in the Galena
12 foothills between June 2017 and August 2019. The shootings were
13 distinct in that they all involved houses being shot at during
14 nighttime hours. The targets of the shootings appeared to be Galena
15 High School students, and particularly baseball players. The
16 defendant is suspected in many of the shootings. He is directly tied
17 to three of them.

18 Shooting 1 - Lange

19 On June 22, 2017 at about 11:08 p.m. the Lange residence at
20 17010 Mountain Blue Bird was shot at least three times. Responding
21 deputies were able to locate three bullet holes in the residence and
22 eight .40 S&W casings in the street in front of the house.

23 Deputies learned that one of the Lange children, then aged 16,
24 lived at the residence with his parents. The child told deputies
25 that he used to be friends with Ethan Cameron but they recently had a
26 falling out and therefore suspected him.

AA00043

1 Forensic testing later confirmed that the casings match the
2 single casing from the murder scene as well as the two casings
3 recovered in the defendant's Acura.

4 In January 2021 Ethan Cameron contacted investigators and told
5 them he had some information about the shooting. In a recorded
6 interview, Cameron told detectives that on the night of the shooting,
7 Brooks Lane had contacted him and asked him if he had shot his house
8 up. Ethan denied the shooting. During that time, Wayne Cameron, his
9 daughter A.C., and Ethan all shared and tracked each other's
10 locations using the Life360 app. After Brooks accused Ethan, Ethan
11 sent a screenshot of his location to Brooks to show that he did not
12 commit the shooting. Ethan also saw that the app showed his father
13 was near the Lange residence at the time of the shooting.

14 Shooting 2 - Tait

15 On October 18, 2018, at 9:30 p.m. the exterior of the Tait
16 residence at 6144 Mesa Road was struck by a bullet. Investigators
17 recovered the bullet from a wall of the house. They also located a
18 single 9mm casing in the street in front of the residence.

19 Forensic analysis matched the 9mm casing on scene to the 9mm
20 casing recovered from the defendant's Acura. In turn, both casings
21 were identified as having been fired from a Glock 17 recovered from
22 the defendant's bedroom. There is no known connection between the
23 occupants of the home and Galena High School, but the house is the
24 same neighborhood as the defendant's, a mere 3-minute drive away.

25 ///

26 ///

AA00044

1 Shooting 3 - Crofoot

2 On August 4, 2019, the Crofoot residence at 4535 Great Falls
3 Loop was shot at three times around 11:00 p.m.

4 Residential surveillance footage from the area captured a
5 vehicle consistent with the defendant's in the area at the time of
6 the shooting. Other footage depicts that the shooting is clearly a
7 drive-by shooting with muzzle flashes seen at the front passenger
8 window and the sound of three shots.

9 A single bullet was recovered and submitted for forensic
10 analysis. Forensic analysis of the bullet was inconclusive.

11 The Crofoots were aware of the other shootings. Specifically,
12 their children were friends of the child victims in two of the other
13 shooting cases (not outlined in this pleading), attended Galena High
14 School with them, and knew the victims through playing baseball.
15 They also played baseball with Ethan Cameron.

16 The Crofoots told investigators that on August 31, 2019, they
17 ran into the defendant inside Home Depot. During their conversation,
18 the defendant asked about their home being shot at and asked if their
19 kids had a party that got out of control. They told the defendant
20 that they were home at the time of the shooting. The Crofoots
21 thought it was odd that Cameron brought up the shooting and were
22 unsure how he knew about it.

23 Other Shootings

24 Four other shootings are believed to be connected to the
25 defendant in that: (1) the targeted home has a connection to the
26 Galena baseball team (April 4, 2019 shooting on Stoney Brook Drive,

AA00045

1 shootings on Thompson Court on October 21, 2018 and January 11, 2019)
2 or (2) surveillance footage depicts a vehicle consistent with the
3 defendant's Acura MDX (December 16, 2018 shooting on Portland
4 Drive) in the area at the time of the shooting.

5 Argument

6 A hearing is not requested at this time as there is no current
7 admissible purpose. As this litigation and the defendant's theory of
8 the case develop, a relevant and admissible purpose may develop. For
9 example, the defendant has suggested that he acts as a protector or
10 enforcer.⁴ If he were to suggest the same at trial or in any other
11 way open the door, the State might seek to admit the other acts to
12 rebut such claims by requesting a hearing outside the presence of the
13 jury. See e.g. Ledbetter v. State, 122 Nev. 252, 259, 129 P.3d 671,
14 677 (2006) (requiring that district court must hold "hearing outside
15 the presence of the jury").

16 ///

17 ///

18 ///

19 ///

21 ⁴ See PHT at page 107, of Mr. Colarchik:

22 Q Would you describe him as a protective individual?

MR. STEGE: Objection. Relevance.

23 THE COURT: Overruled.

THE WITNESS: Would I describe him as a --

BY MR. LYON:

24 Q Yeah, you know, someone who is a protective individual;
someone who would protect someone else that might be around him.

25 A I suppose, I -- possibly. I guess it depends on the
circumstance, but yes.

26 Q Have you ever seen circumstances where he would have
stepped in a role as a protector of someone else?

A Yes, I suppose.

AA00046

1 AFFIRMATION PURSUANT TO NRS 239B.030

2 The undersigned does hereby affirm that the preceding
3 document does not contain the social security number of any person.

4 Dated this 3rd day of February, 2021.

5 CHRISTOPHER J. HICKS
6 District Attorney
7 Washoe County, Nevada

8 By /s/ Amos Stege
9 AMOS STEGE
10 9200
11 DEPUTY DISTRICT ATTORNEY

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 **AA00047**

CERTIFICATE OF SERVICE BY E-FILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I electronically filed the foregoing with the Clerk of the Court. A notice will be sent electronically to the following:

Marc Picker
Alternate Public Defender

Dated this 3rd day of February, 2021.

/s/DESTINEE ALLEN
DESTINEE ALLEN

CODE 2485

MARC PICKER, ESQ. (SBN 3566)
WASHOE COUNTY ALTERNATE PUBLIC DEFENDER

MPICKER@WASHOECOUNTY.US

JENNA GARCIA, ESQ. (SBN 13227)

DEPUTY ALTERNATE PUBLIC DEFENDER

JGARCIA@WASHOECOUNTY.US

350 S. CENTER ST., 6TH FLOOR

RENO NV 89501

775-328-3955

ATTORNEYS FOR DEFENDANT

WAYNE MICHAEL CAMERON

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

CASE NO. CR20-3534

Plaintiff,

DEPT. NO. 8

Vs.

WAYNE MICHAEL CAMERON,

Defendant.

DEFENDANT'S OPPOSITION TO STATE'S MOTION TO ADMIT OTHER ACTS
EVIDENCE: ROAD RAGE

Defendant WAYNE MICHAEL CAMERON, by and through counsel above named,
hereby submits the following Opposition to State's Motion to Admit Other Acts Evidence re:
Road Rage. This motion is made and based upon the following Memorandum of Points and
Authorities, as well as all other pleadings and papers on file in this matter.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 CASE HISTORY

3 On March 13, 2020 the state filed a criminal complaint charging Mr. Cameron with
4 one count of Open Murder with Use of a Deadly Weapon. On that same day, an arrest warrant
5 was issued for Mr. Cameron, and he was taken into custody on March 14, 2020. The state
6 alleged that he was responsible for the murder of Jarrod Faust, who was discovered deceased
7 in his vehicle on the evening of February 11, 2020, from an apparent gunshot wound. A single
8 .40 cal. cartridge casing was discovered in the same cul-de-sac as Mr. Faust's vehicle. Mr.
9 Cameron was identified as a suspect only after a witness came forward alleging that Mr.
10 Cameron had expressed to him that he was concerned he may have shot someone. Detectives
11 searched Mr. Cameron's house and car but did not locate a firearm capable of firing that
12 ammunition. It is alleged that .40 cal. cartridge casings were discovered in Mr. Cameron's car
13 that the state claims match the cartridge casing found at the scene. The case is currently set to
14 proceed to trial June 28, 2021, and the state has filed a motion seeking to introduce evidence
15 of prior bad acts. Specifically, that Mr. Cameron engaged in two additional "road rage"
16 incidents.

17 LEGAL ANALYSIS

18 Under NRS 48.045(1), "evidence of a person's character or a trait of his character is not
19 admissible for the purpose of proving that he acted in conformity therewith on a particular
20 occasion."

21 NRS 48.045(2) provides, "It may, however, be admissible for other purposes, such as
22 proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of
23 mistake or accident."

24 The Nevada Supreme Court has held that "[a] presumption of inadmissibility attaches to
25 all prior bad acts evidence." *See Rosky v. State*, 121 Nev. 184, 195, 11 P.3d 690, 697 (2005).
26 The Court further held that "[t]he improper admission of bad acts evidence is common

1 grounds for reversal,” *id.*, and is particularly concerning as it “forces the accused to defend
2 himself against vague and unsubstantiated charges and may result in a conviction because the
3 jury believes the defendant to be a bad person.” *Id.* (quoting *Braunstein v. State*, 118 Nev.
4 68, 73, 40 P.3d 413, 417 (2002)).

5 In order to admit “other acts evidence” pursuant to NRS 48.045, the prosecutor must
6 request a hearing, outside the presence of the jury, and establish that:

7 (1) the prior bad act is relevant to the crime charged and for a purpose other
8 than proving the Mr. Cameron's propensity, (2) the act is proven by clear and
convincing evidence, and (3) the probative value of the evidence is not
substantially outweighed by the danger of unfair prejudice.

9 *Id.*

10 ANALYSIS

11 The state is seeking to admit evidence of two other “road rage” incidents which it
12 alleges involve Mr. Cameron with the argument that those alleged incidents establish “motive,
13 intent, or absence of mistake.” The state further argues that these prior incidents in some
14 vague way would show Mr. Cameron’s true intent or motive to allegedly confront the victim
15 in this case and kill him. One problem with the state’s argument is that the only similarities
16 that may exist are that the incidents allegedly occurred on the road. One incident the state
17 seeks to admit involves an allegation that Mr. Cameron was driving aggressively behind a car
18 that had been tailgating him, and then took pictures of the vehicle once it was parked. The
19 other allegation is that he verbally confronted a driver who had tailgated him, possibly saying,
20 “That’s not ok, don’t do that.”

22 Neither of these alleged incidents is similar in any way to the allegation that Mr.
23 Cameron committed first degree murder by shooting the driver of a vehicle with whom he had
24 had a confrontation. Neither alleged incident the state seeks to admit involve Mr. Cameron
25 making threats or brandishing a weapon of any kind. Neither incident involves any allegation
26

1 of violence. In short, the incidents do not speak to motive or intent to commit first degree
2 murder.

3 The state is seeking to use these incidents purely for propensity purposes, to somehow
4 show that the Mr. Cameron is the kind of person who acts aggressively on the road or has a
5 propensity to engage in incidents of road rage, so the state can then argue it is more likely he
6 in fact did so in this case – because he is a bad person. *See* NRS 48.045(1). The state admits
7 this in its motion, stating it wants to use this evidence to demonstrate that “he is a road rage
8 guy.”

9
10 Courts have allowed evidence of other acts only when they go to motive, in situations
11 where the uncharged acts are extremely similar. For example, in *Ledbetter v. State*, the court
12 allowed evidence of the Mr. Cameron’s uncharged sexual abuse of multiple other minors to
13 be used as motive evidence when the accusations in the case were that he had sexually abused
14 a minor. 122 Nev. 252, 262, 129 P.3d 671, 679 (2006). The court held that:

15 The probative value of explaining to the jury what motivated Ledbetter, an
16 adult man who was in a position to care for and protect his young stepdaughter
17 L.R. from harm, to instead repeatedly sexually abuse her over so many years
18 was very high. The evidence of Ledbetter's prior acts of sexual abuse of T.B.
19 and J.M. showed Ledbetter's sexual attraction to and obsession with the young
female members of his family, which explained to the jury his motive to
sexually assault L.R.

20 *Id.* at 263.

21 However, the Court has drawn the line where the uncharged acts sought to be
22 introduced by the prosecution are dissimilar. In *State v. Newman*, the Court determined that
23 evidence of a defendant’s prior uncharged altercation with a stranger over the discipline of his
24 child in public, should not have been allowed in a prosecution for battery by strangulation,
25 where the victim had also confronted the defendant over his discipline of his child. 129 Nev.
26

1 222, 234, 298 P.3d 1171, 1180 (2013). The Court specifically held that it was “too factually
2 dissimilar to the battery-by-strangulation charge” because the prior incident never “went
3 beyond an exchange of angry words” and thus was not relevant to show motive in this case.

4 *Id.*

5 The facts in the instant case are dissimilar. The state is seeking to use prior minor
6 incidents to show his propensity to commit first degree murder. This should not be allowed.

7 Aside from the fact that there is no permissible purpose for such evidence, any
8 probative evidentiary value of these incidents would be substantially outweighed by unfair
9 prejudice. The evidence the state seeks to admit is not similar to the actions alleged here.
10 Minor incidents, even one involving verbal confrontation, with no threats, weapons or
11 violence has little probative value, and thus would be outweighed by its potentially highly
12 prejudicial affect. This is made even more clear by the state’s admission that “there are no eye
13 witnesses” to the alleged events that led to the death of Jarrod Faust, and thus it is seeking to
14 admit this information in to essentially bolster its vague and unsupported theory that Mr.
15 Faust’s death was the result of a road rage incident turned violent. The state has no evidence
16 of a confrontation on the road between Mr. Cameron and Mr. Faust. The state wishes to admit
17 allegations of other times Mr. Cameron supposedly had confrontations to “prove” to the jury
18 that this is what happened in this case. This propensity evidence is highly prejudicial and must
19 not be allowed.
20
21

22 CONCLUSION

23 This court should not allow the introduction of information regarding the incidents in
24 the state’s motion because they are being introduced for the illegal purpose of propensity and
25 any probative value is substantially outweighed by unfair prejudice.
26

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Respectfully submitted this 9th day of February 2021.

Washoe County Alternate Public Defender

By: *Marc Picker*

MARC PICKER, ESQ.

By: *Jenna Garcia*

JENNA GARCIA, ESQ.

- 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
- 26

Amos Stege
Deputy District Attorney
Electronic filing

/s/ Randi M. Jensen

AA00055⁷

CODE 2485
1 MARC PICKER, ESQ. (SBN 3566)
2 WASHOE COUNTY ALTERNATE PUBLIC DEFENDER
3 MPICKER@WASHOECOUNTY.US
4 JENNA GARCIA, ESQ. (SBN 13227)
5 DEPUTY ALTERNATE PUBLIC DEFENDER
6 JGARCIA@WASHOECOUNTY.US
7 350 S. CENTER ST., 6TH FLOOR
8 RENO NV 89501
9 775-328-3955

10 ATTORNEYS FOR DEFENDANT
11 WAYNE MICHAEL CAMERON
12

13 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
14
15 IN AND FOR THE COUNTY OF WASHOE
16

17 THE STATE OF NEVADA, CASE NO. CR20-3534
18 Plaintiff, DEPT. NO. 8
19 Vs.
20 WAYNE MICHAEL CAMERON,
21 Defendant.
22
23
24
25
26

DEFENDANT WAYNE CAMERON'S OPPOSITION TO STATE'S MOTION TO
ADMIT OTHER ACTS EVIDENCE: SHOOTINGS

Defendant WAYNE CAMERON, by and through counsel above named, hereby
submits the following Opposition to State's Motion to Admit Other Acts Evidence re:
Shootings. This motion is made and based upon the following Memorandum of Points and
Authorities, as well as all other pleadings and papers on file in this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

CASE HISTORY

On March 13, 2020 the state filed a criminal complaint charging Mr. Cameron with one count of Open Murder with Use of a Deadly Weapon. On that same day, an arrest warrant was issued for Mr. Cameron, and he was taken into custody on March 14, 2020. The state alleged that he was responsible for the murder of Jarrod Faust, who was discovered deceased in his vehicle on the evening of February 11, 2020, from an apparent gunshot wound. A single .40 cal. cartridge casing was discovered in the same cul-de-sac as Mr. Faust's vehicle. Mr. Cameron was identified as a suspect only after a witness came forward alleging that Mr. Cameron had expressed to him that he was concerned he may have shot someone. Detectives searched Mr. Cameron's house and car but did not locate a firearm capable of firing that ammunition. It is alleged that .40 cal. cartridge casings were discovered in Mr. Cameron's car that the state claims match the cartridge casing found at the scene. The case is currently set to proceed to trial June 28, 2021, and the state has filed a motion seeking to introduce evidence of Mr. Cameron's alleged prior bad acts. Specifically, the state claims that Mr. Cameron was responsible for a number of incidents where some unknown person or persons fired a firearm or multiple firearms at residences in the Galena area.

LEGAL ANALYSIS

Under NRS 48.045(1), "evidence of a person's character or a trait of his character is not admissible for the purpose of proving that he acted in conformity therewith on a particular occasion." "It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident." NRS 48.045(2).

The Nevada Supreme Court has held that "[a] presumption of inadmissibility attaches to all prior bad acts evidence." *See Rosky v. State*, 121 Nev. 184, 195, 11 P.3d 690, 697 (2005). The Court further held that "[t]he improper admission of bad acts evidence is common

1 grounds for reversal,” *id.*, and is particularly concerning as it “forces the accused to defend
2 himself against vague and unsubstantiated charges and may result in a conviction because the
3 jury believes the defendant to be a bad person.”” *Id.* (quoting *Braunstein v. State*, 118 Nev.
4 68, 73, 40 P.3d 413, 417 (2002)).

5 In order to admit “other acts evidence” pursuant to NRS 48.045, the prosecutor must
6 request a hearing, outside the presence of the jury, and establish that:

7 (1) the prior bad act is relevant to the crime charged and for a purpose other
8 than proving the defendant's propensity, (2) the act is proven by clear and
9 convincing evidence, and (3) the probative value of the evidence is not
substantially outweighed by the danger of unfair prejudice.

10 *Id.*

11 ANALYSIS

12 The state admits that it has no admissible basis to even mention the alleged “shooting”
13 incidents but may in the future seek a hearing if such somehow arises. Should the state put forth
14 a non-propensity purpose, Mr. Cameron will address it at that time. However, even then, the
15 introduction of such information would be inadmissible for a number of reasons. Currently, the
16 state is unable to even tangentially link Mr. Cameron to any of these alleged incidents much less
17 meet the standard of clear and convincing evidence. Despite vaguely alleging that he is “directly
18 tied” to these incidents, Mr. Cameron was never even questioned about the allegations much less
19 arrested, indicating there is not even probable cause to link him to these alleged shootings, a less
20 stringent standard. As police reports show, the alleged incidents involve multiple times, dates
21 and locations, and absolutely no witnesses to whomever could have perpetrated the shootings. In
22 fact, at least one of the incidents involved a false report of a bullet strike which turned out to be
23 damage from a BB gun.

24 In addition, any allegations related to the shooting of homes has extremely limited
25 probative value to this case and is highly prejudicial, as it would only serve to paint Mr. Cameron
26

1 as “a bad guy” who goes around shooting at people’s homes for no reason. The state admits that
2 since it has no actual evidence, it has no purpose to present this information other than as
3 propensity evidence.

4 CONCLUSION

5 This court should not allow the introduction of information regarding the incidents in
6 the state’s motion because they are being introduced for the illegal purpose of propensity and
7 any probative value is substantially outweighed by unfair prejudice.

8 **AFFIRMATION PURSUANT TO NRS 239B.030**

9 The undersigned does hereby affirm that the preceding document does not contain the
10 social security number of any person.
11

12 Respectfully submitted this 9th day of February 2021.

13 Washoe County Alternate Public Defender

14 By: *Marc Picker*

15 MARC PICKER, ESQ.

16 By: *Jenna Garcia*

17 JENNA GARCIA, ESQ.
18
19
20
21
22
23
24
25
26

- 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
- 26

Amos Stege
Deputy District Attorney
Electronic filing

/s/ Randi M. Jensen

AA00060⁵

1 CODE 3795
2 Christopher J. Hicks
3 #7747
4 One South Sierra Street
5 Reno, NV 89501
6 districtattorney@da.washoecounty.us
7 (775) 328-3200
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE.

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No: CR20-3534

15 v.

Dept: D08

16 WAYNE MICHAEL CAMERON,

17 Defendant.
18 _____/

19 REPLY IN SUPPORT OF MOTION TO ADMIT OTHER ACT EVIDENCE: ROAD RAGE

20 COMES NOW, the State of Nevada, by and through CHRISTOPHER HICKS,
21 District Attorney of Washoe County and AMOS STEGE, Deputy District
22 Attorney, and files this Reply in Support of Motion to Admit Other
23 Act Evidence: Road Rage.

24 This Reply is made and based on the memorandum of Points and
25 Authorities submitted herewith.

26 ///

///

///

///

///

AA00061

1 were "too factually dissimilar" to rebut a self-defense claim¹, it is
2 also true and more useful in the instant analysis that the prior
3 beating "did have probative value in assessing Newman's intent in
4 inflicting corporal punishment on Darian, which Newman's assertion of
5 the parental privilege defense placed squarely in issue." Newman v.
6 State, 129 Nev. 222, 233, 298 P.3d 1171, 1179 (2013)(emphasis added).

7 Newman does not stand for analysis based on a dissimilarity test
8 as the defendant infers. Under that formulation, a defender's
9 smallest conjecture could prevent admission of the most appropriate
10 evidence. If that were the case, the Newman court would have
11 excluded the prior beating case because one beating happened on the
12 street to one child and the other beating happened to the child's
13 brother and occurred at a hospital.

14 Instead the rule requires an identified admissible purpose,
15 which the prosecution has proffered. Ford is a more useful analogy
16 (admitting defendant's three prior residential burglaries in felony
17 murder burglary trial "to prove his intent and/or the absence of
18 mistake when he broke into Gomes' residence"). Ford v. State, 122
19 Nev. 796, 806, 138 P.3d 500, 507 (2006)). So is Hubbard,

20 [T]he absence of mistake or accident exception may be
21 relevant to proving either the mens rea (the defendant
22 concedes performing the act but claims to have done so
23 mistakenly or with innocent intent) or the actus rea
24 (the defendant concedes harm or loss but argues it
25 resulted from an accident and not of his agency). See
Edward J. Imwinkelried, An Evidentiary Paradox:
Defending the Character Evidence Prohibition by
Upholding a Non-Character Theory of Logical Relevance,

26 ¹ For the distinct reason that Newman defended on self-defense, i.e. that he
lawfully intended to hurt the victim rather than that he did not intend to (or
mistakenly) hurt him.

1 *the Doctrine of Chances*, 40 U. Rich. L. Rev. 419, 422
2 (2006). Absence of mistake or accident is grounded in
3 the law of probabilities. "Innocent persons sometimes
4 accidentally become enmeshed in suspicious
 circumstances, but it is objectively unlikely that will
 happen over and over again by random chance."

5 Hubbard v. State, 134 Nev. 450, 457-58, 422 P.3d 1260, 1266-67
6 (2018).

7 Cameron contends that the road rage theory is vague and
8 unsupported, when in fact it is supported by the defendant's own
9 statements that he was involved in a road rage.

10 Cameron's argument against admission because "there are no
11 eyewitnesses", should be rejected because many murder prosecutions
12 have no eyewitnesses and the jury is properly instructed that 1)
13 circumstantial evidence alone may support a conviction² and 2) intent
14 may be proven by circumstantial evidence.³

15 ² Collman v. State, 116 Nev. 687, 711, 7 P.3d 426, 441 (2000) ("Circumstantial
16 evidence alone may support a judgment of conviction"); Holland v. United States,
17 348 U.S. 121, 140, 75 S. Ct. 127, 137 (1954) (Circumstantial evidence "is
18 intrinsically no different from testimonial evidence"); United States v. Lechuga,
19 888 F.2d 1472, 1476 (5th Cir. 1989) ("Circumstances altogether inconclusive, if
20 separately considered, may, by their number and joint operation, . . . be
21 sufficient to constitute conclusive proof"); Crane v. State, 88 Nev. 684, 687 n.3,
22 504 P.2d 12, 13 n.3 (1972) (approving instruction that "'There are two classes of
23 evidence recognized and admitted in Courts of Justice, upon either of which juries
24 may lawfully find the accused guilty of crime. One is direct or positive testimony
25 of any eye witness to the commission of the crime, and the other is proof by
26 testimony of a chain of circumstances pointing sufficiently strong to the
 commission of the crime by the defendants, and which is known as circumstantial
 evidence. Such evidence may consist of any acts, declarations or circumstances
 admitted in evidence tending to prove the commission of the crime. If you are
 satisfied of defendants' guilt beyond a reasonable doubt, it matters not whether
 your judgment of their guilt is based upon direct and positive evidence or on
 indirect and circumstantial evidence, or upon both'").
 ³ NRS 193.200 ("Intention is manifested by the circumstances connected with
 the perpetration of the offense, and the sound mind and discretion of the
 person accused"); Sharma v. State, 118 Nev. 648, 659, 56 P.3d 868, 874
 (2002) ("intent can rarely be proven by direct evidence of a defendant's
 state of mind, but instead is inferred by the jury from the individualized,
 external circumstances of the crime which are capable of proof at trial");
 State v. Rhodig, 101 Nev. 608, 611, 707 P.2d 549, 551 (1985) ("State of mind

1 After a proper hearing the Court should admit the evidence.

2 AFFIRMATION PURSUANT TO NRS 239B.030

3 The undersigned does hereby affirm that the preceding
4 document does not contain the social security number of any person.

5 Dated this 16th day of February, 2021.

6
7 CHRISTOPHER J. HICKS
8 District Attorney
9 Washoe County, Nevada

10
11 By /s/ Amos Stege
12 AMOS STEGE
13 9200
14 DEPUTY DISTRICT ATTORNEY
15

16
17 need not be proved by positive or direct evidence, but may be inferred from
18 conduct and the facts and circumstances disclosed by the evidence"); Larsen
19 v. State, 86 Nev. 451, 453, 470 P.2d 417, 418 (1970) ("As in any other case
20 where the intent is material, the intent need not be proved by positive or
21 direct evidence, but may be inferred from the conduct of the parties and the
22 other facts and circumstances disclosed by the evidence") (quoting Mathis
23 v. State, 82 Nev. 402, 406, 419 P.2d 775, 776 (1966)); Leonard v. State, 117
24 Nev. 53, 75, 17 P.3d 397, 411 (2001) ("Further, there is sufficient
25 circumstantial evidence from which the jury could have inferred
26 premeditation and deliberation. 'Evidence of premeditation and deliberation
is seldom direct.' Circumstantial evidence may be considered and provide
sufficient evidence to infer these elements. Here, the manner of the crime
itself—a ligature strangulation—and the physical evidence relating to that
crime provide sufficient evidence to infer the requisite intent for first
degree murder"); Briano v. State, 94 Nev. 422, 425, 581 P.2d 5, 7-8 (1978)
("Evidence of premeditation and deliberation is seldom direct.
Circumstantial evidence which may be taken into account, and provide the
substantial evidence required, includes evidence of prior threats against
decedent by the defendant, the sequence of events which leads to the death
of the victim, including the probable manner in which injuries were
inflicted, and the conduct of the defendant after the incident").

1 CERTIFICATE OF SERVICE BY E-FILING

2 Pursuant to NRCP 5(b), I certify that I am an employee of
3 the Washoe County District Attorney's Office and that, on this date,
4 I electronically filed the foregoing with the Clerk of the Court. A
5 notice will be sent electronically to the following:

6 Marc Picker
7 Alternate Public Defender

8
9 Dated this 16th day of February, 2021.

10
11 /s/DESTINEE ALLEN
12 DESTINEE ALLEN
13
14
15
16
17
18
19
20
21
22
23
24
25
26

AA00066

1 CODE 3795
2 Christopher J. Hicks
3 #7747
4 One South Sierra Street
5 Reno, NV 89501
6 districtattorney@da.washoecounty.us
7 (775) 328-3200
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
10
11 IN AND FOR THE COUNTY OF WASHOE.

12 * * *

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No: CR20-3534

15 v.

Dept: D08

16 WAYNE MICHAEL CAMERON,

17 Defendant.
18 _____/

19 REPLY IN SUPPORT OF MOTION TO ADMIT OTHER ACT EVIDENCE: SHOOTINGS

20 COMES NOW, the State of Nevada, by and through CHRISTOPHER HICKS,
21 District Attorney of Washoe County and AMOS STEGE, Deputy District
22 Attorney, and files this Reply in Support of Motion to Admit Other
23 Act Evidence: Shootings.

24 This Reply is made and based on the memorandum of Points and
25 Authorities submitted herewith.

26 ///

///

///

///

///

AA00067

1 POINTS AND AUTHORITIES

2 There is no requirement that prior to admission of other act
3 evidence the defendant be questioned about the acts, or arrested for
4 the acts, or that an officer have probable cause to arrest the
5 defendant.¹ Admission of other act evidence does not require an
6 eyewitness to a shooting.² Rather other act evidence is governed by
7 the familiar test examining relevance, provability, and prejudice.³

8 When and if these acts become relevant, the defendant has been
9 forewarned about the contours of the evidence the prosecution would
10 seek to use against him.

11
12 AFFIRMATION PURSUANT TO NRS 239B.030

13 The undersigned does hereby affirm that the preceding
14 document does not contain the social security number of any person.

15 Dated this 16th day of February, 2021.

16
17 CHRISTOPHER J. HICKS
District Attorney
Washoe County, Nevada

18
19 By /s/ Amos Stege
20 AMOS STEGE
9200
DEPUTY DISTRICT ATTORNEY

21
22 ¹ Defendant opposition at p. 3 "Cameron was never even questioned...much less arrested".

23 ² "[A] jury is free to rely on both direct and circumstantial evidence in returning
24 its verdict. This court has consistently held that "circumstantial evidence may
constitute the sole basis for a conviction.". Washington v. State, 132 Nev. 655,
661, 376 P.3d 802, 807 (2016) citing Wilkins v. State, 96 Nev. 367, 374, 609 P.2d
309, 313 (1980), Canape v. State, 109 Nev. 864, 869, 859 P.2d 1023, 1026 (1993).

25 ³ "(1) the prior bad act is relevant to the crime charged and for a purpose other
26 than proving the defendant's propensity, (2) the act is proven by clear and
convincing evidence, and (3) the probative value of the evidence is not
substantially outweighed by the danger of unfair prejudice. Bigpond v. State, 128
Nev. 108, 117, 270 P.3d 1244, 1250 (2012)

1 CERTIFICATE OF SERVICE BY E-FILING

2 Pursuant to NRCP 5(b), I certify that I am an employee of
3 the Washoe County District Attorney's Office and that, on this date,
4 I electronically filed the foregoing with the Clerk of the Court. A
5 notice will be sent electronically to the following:

6 Marc Picker
7 Alternate Public Defender

8
9 Dated this 16th day of February, 2021.

10
11
12 /s/DESTINEE ALLEN
13 DESTINEE ALLEN
14
15
16
17
18
19
20
21
22
23
24
25
26

AA00069

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR20-3534

12

WAYNE CAMERON,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

Motions

16

June 2, 2021

(Via Zoom)

17

APPEARANCES:

18

For the State:

Amos Stege

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Marc Picker

21

Alternate Public Defender

Jenna Garcia

22

Deputy Alternate Public Defender

350 South Center Street

23

Reno, Nevada

24

Reported by:

Isolde Zihn, CCR #87

| | | | | | |
|----|--------------------|--------|-------|----------|---------|
| 1 | | INDEX | | | |
| 2 | STATE'S WITNESSES: | DIRECT | CROSS | REDIRECT | RECROSS |
| 3 | Aaron Flickinger | 28 | 32 | | |
| 4 | L. M. | 35 | 43 | 46 | |
| 5 | A. C. | 48 | 54 | | |
| 6 | | | | | |
| 7 | | | | | |
| 8 | | | | | |
| 9 | | | | | |
| 10 | | | | | |
| 11 | | | | | |
| 12 | | | | | |
| 13 | | | | | |
| 14 | | | | | |
| 15 | | | | | |
| 16 | | | | | |
| 17 | | | | | |
| 18 | | | | | |
| 19 | | | | | |
| 20 | | | | | |
| 21 | | | | | |
| 22 | | | | | |
| 23 | | | | | |
| 24 | | | | | |

1 RENO, NEVADA, WEDNESDAY, JUNE 2, 2021, 2:00 P.M.

2 THE COURT: Okay. Good afternoon, everyone.

3 Let's get started.

4 All right. I know -- as I was coming on, I heard Mr.

5 Picker was having a little bit of connectivity issue.

6 Mr. Picker, can you hear the Court all right?

7 All right. It seems like he still has connection

8 issues.

9 Mr. Picker, if you can hear the Court, we cannot hear

10 you. You're frozen.

11 Maybe we can have you come over to 1 South Sierra and

12 join on the community terminal over there.

13 Ms. Garcia, are you able to proceed in Mr. Picker's

14 absence?

15 And I'm not -- that's not my favorite approach,

16 frankly, but we have some important things to discuss today.

17 MS. GARCIA: Yeah. I'm prepared on a couple of the

18 motions. At any rate, we can certainly get started, and then

19 Mr. Picker can join us.

20 THE COURT: All right. Let's see -- there's been a

21 change.

22 All right. And, then, so let's make this a little

23 more formal.

24 We're on the record in the case of State of Nevada

1 versus Wayne Michael Cameron.

2 The case number is CR20-3534.

3 I'm Judge Breslow, presiding from Washoe County.

4 This hearing is occurring remotely, as hearings have
5 over the last year, on account of the global COVID-19
6 pandemic.

7 The Court acknowledges the appearance of Mr. Stege,
8 on behalf of the State of Nevada; Ms. Garcia, on behalf of
9 the Alternate Public Defender's Office; as well as Mr.
10 Picker, again, who is having some connectivity issues; and
11 Mr. Cameron, from Washoe County Jail.

12 Mr. Cameron, let's do a sound check.

13 Can you hear the Court all right?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. Thank you.

16 You're free to stay seated, whatever you're more
17 comfortable with. But if you'd like to stand, that's up to
18 you.

19 Ms. Garcia, it looks like Mr. Picker has dropped off
20 the hearing again. Do you want to have a moment or two to
21 send him a text, for example, and let him know that we can
22 make available 1 South Sierra Street, if he'd like to come
23 over?

24 I presume he's in his office a couple blocks away.

1 I'm even willing to wait 15 minutes to let him come over, so
2 he can join the whole hearing.

3 What would you like me to do, Ms. Garcia?

4 MS. GARCIA: Your Honor, I was actually just
5 conversing with someone else in my office. They're trying to
6 fix the problem. I think he could also get on with his
7 phone, if he needed to.

8 So I'm ready to proceed forward, if we want to get
9 started, Your Honor.

10 THE COURT: Let's get started. If he joins, we'll
11 bring him up to speed. And I'll certainly hear from him,
12 even though normally one attorney per side on an issue. But
13 on account of the challenges with connectivity, I'll bend the
14 rule a little bit.

15 Let's talk about things, though, that are not
16 controversial or contested. Let me give you a little bit of
17 information, some of which you probably already know, some of
18 which may be new.

19 All right. What you already know is, you are set for
20 trial for two weeks -- that's 10 court days -- on the trial
21 flight that begins Monday, June 28th. I can confirm that we
22 are a firm set. There should be no other case to take
23 priority or bump us. So we are go, launch Monday, June 28.

24 Now, three subparts to that. First subpart: Which

1 court? Answer: Not yet confirmed or determined; however,
2 looking like it will be the complex litigation courtroom, on
3 the first floor.

4 Mr. Picker, can you hear the Court?

5 MR. PICKER: I can, Your Honor.

6 Thank you.

7 THE COURT: Thank you.

8 Welcome. I see you're borrowing Mr. Silverberg's
9 connection. I'm glad you were able to join us.

10 The only thing you missed was that we are set to go
11 begin a two-week trial Monday, June 28. I don't anticipate
12 any other case bumping us or requiring a postponement.

13 Subpart 1 is, I'm not yet certain of which of the
14 pandemic-era courtrooms we will be going in; however, it's
15 likely we will be in the complex litigation courtroom, on the
16 first floor.

17 Some of you have already been in trial there; some of
18 you have not. But that's the likely venue where we will be
19 trying this case.

20 Also, with respect to trial, the week before trial
21 starts on Monday, June 28, two events will occur. First, the
22 Wednesday before the Monday trial, so that being the 23rd, we
23 will make available the courtroom that we will be in, whether
24 it's the complex litigation courtroom or Department 4 or

1 Department 9, to let people have a look and walk around and
2 test out the audio and test out the electronics. And if they
3 have a paralegal or a technologist that they want to assist
4 them, they can come in, play with all the buttons, and make
5 sure that they are comfortable in the venue that we will use.

6 That includes Mr. Cameron. Mr. Cameron is authorized
7 by the Court -- you know, he'll be in custody, but I will
8 order that he be escorted, if, Mr. Picker and Ms. Garcia, you
9 would like him there the Wednesday before to see what
10 courtroom his trial will be in. I will even allow him to sit
11 in the witness stand, in the event that he determines to
12 testify in this case. And, of course, I will let him walk
13 around the courtroom, just like I will let the rest of you
14 walk around the courtroom.

15 So please let me know a couple days before, so we can
16 arrange for a court order directing transport and sufficient
17 personnel to ensure everyone's safety, including Mr.
18 Cameron's.

19 I will be there, too. At least I plan to be there,
20 too. Because if it's the CLC, it will be my first trial in
21 that venue. So I want to check out the venue, the audio, the
22 acoustics, the technology, just like the rest of you.

23 If it is in Department 4 or 9, I will probably be
24 there, but not guaranteed.

1 My staff will likely be there also on the Wednesday
2 before, whatever time we set it up at. You know, 1:00
3 o'clock in the afternoon, 9:00 in the morning, whatever time
4 it is. So please make sure that you have availability the
5 Wednesday before the Monday trial. But my staff will be
6 there: law clerk; court reporter; court clerk, Ms. DeGayner;
7 backup court clerk, whether it's Gracie Dawson or Jenifer
8 Encallado or someone else. And court IT will be there to
9 make sure everybody is comfortable with the set-up.

10 And then, finally, later that same week -- so, again,
11 the week before the 28th -- the Friday before, that being the
12 25th, beginning at 9:00 in the morning, we will start picking
13 the jury.

14 For those of you that have been in trial already, you
15 understand the goal. The goal is to take all the responses
16 from the potential veniremen and -women and do a first cut
17 and look through them collaboratively and decide if there are
18 any we can thank and excuse without having them have to come
19 to the courthouse on Monday, the 28th.

20 So, for example, if somebody has a medical issue or a
21 health issue or a family emergency or a planned surgery or a
22 special event in their life that would make it difficult or
23 virtually impossible for them to serve, then we will,
24 hopefully, agree. If not, we'll make a decision. And we'll

1 thank and excuse those people the Friday before. The goal is
2 to narrow the number of bodies that will actually show up to
3 court.

4 We are summoning, I believe, 120 or 130, which is a
5 lot of people.

6 Now, the other trials that have gone forward, which
7 there have been seven or eight in the last several months,
8 we're getting about 80 percent of the people, 75 to 80
9 percent to show on the day that they're called. Many don't
10 show, without permission. Then we deal with that. But
11 either way we're still going to have a lot of people.

12 And so for safety reasons and logistic reasons, the
13 Friday before, tentatively 9:00 a.m., on the record, again
14 with Mr. Cameron present, unless counsel waive his
15 appearance, we will go through the venire, and, hopefully,
16 agree on those that we can excuse.

17 An example of that. In a trial I had recently, we
18 had a Deputy District Attorney was in the panel, so obviously
19 we excused her: Jenny Noble. We also had somebody who, I
20 believe, was over 70 or 75, and hadn't yet talked to the Jury
21 Commissioner indicating they wanted to avail themselves of
22 the statutory requirement not to appear for jury service, but
23 they had written it on the form, so we thanked and excused
24 them. So those are examples.

1 Certainly not things that are a close call.
2 Certainly not things that are going to be the subject of
3 discussion, consideration, voir dire, and possibly argument.
4 These are the ones where we can, hopefully, easily determine
5 that those people need not appear. So that would be Friday,
6 at 9:00.

7 So those would be the two events the week before
8 trial. Wednesday, check out the venue. Friday, begin the
9 first cut on the jury veniremen and -women. And you will
10 have the questionnaires and the list by Monday, hopefully, of
11 the week before, so, the 21st, so you have plenty of time to
12 review them and prepare for the Friday, 9:00 a.m.,
13 on-the-record meeting.

14 Let me stop there, start with Mr. Stege, followed by
15 Mr. Picker, then Ms. Garcia. Any questions or comments about
16 what the Court has said so far?

17 MR. STEGE: No. I would only state that, if the
18 Court is interested in my input, I would have a preference
19 for the CLC; otherwise, I have no questions or issues.

20 THE COURT: Compared to some of the other venues?

21 MR. STEGE: Yes.

22 THE COURT: Have you tried -- so you've tried a case
23 in the CLC?

24 MR. STEGE: Yes.

1 THE COURT: And what about upstairs?
2 MR. STEGE: No. Not in COVID times.
3 THE COURT: Not in COVID times.
4 All right. So you know the CLC, you're comfortable
5 there, and why change, if it's something that you already
6 figured out where to sit and where to stand. All right.
7 Fair enough.
8 But in terms of -- is it still looking like a 10-day
9 trial, from the State's perspective?
10 MR. STEGE: Yes.
11 THE COURT: And you can make the Wednesday before the
12 Monday of trial work to check out the venue?
13 MR. STEGE: Yes.
14 THE COURT: And the Friday morning before, say, 9:00
15 o'clock, for first cut on the jury?
16 MR. STEGE: Yes.
17 THE COURT: Very good.
18 Mr. Picker, I think I've seen you down there for
19 trials at the CLC.
20 And, frankly, forgive my ignorance. Some of you
21 might be in trial right now. It looks like there's a trial
22 occurring. I'm actually in the courthouse, but I try to
23 avoid the CLC or the other departments, if I'm aware that
24 there is or may be a trial there because, of course, as you

1 know, we're trying to spread people out during breaks, so
2 we're trying to stay in our offices.

3 So, Mr. Picker, any comments or questions based on
4 anything you've heard so far?

5 MR. PICKER: Your Honor, two things.

6 First of all, I am good with going in the CLC. I've
7 now done two trials in the last two months in there. And the
8 last one was with Mr. Stege. So I think that's fine. I
9 think the layout works, and we can make everything else work.

10 Second of all, I would request that Mr. Cameron be
11 present the Wednesday before, so that we can show him the
12 courtroom, show him how things work in there, so he can be
13 prepared for that. I think that we did that with the last --
14 both of the last two trials. The defendants were in early.
15 It gives them a better feel for the courtroom and how things
16 are going to progress.

17 THE COURT: Okay. I will order -- so ordered. I'll
18 order -- issue a written order that Mr. Cameron is to be
19 transported. Once we figure out what time we'll get everyone
20 together there, I'll issue an order that directs that he be
21 there and ready to go at least 30 minutes before whatever
22 time you pick.

23 All right. And then, in terms of the Friday before
24 the Monday trial, Mr. Picker, does 9:00 a.m. work for the

1 defense?

2 MR. PICKER: Yes. Thank you, Your Honor.

3 THE COURT: Very good. Thank you.

4 Ms. Garcia, same questions. Any issue, any comment,
5 anything else you'd like for the Court to know?

6 MS. GARCIA: No, thank you, Your Honor. Nothing.

7 THE COURT: Very good. Thank you.

8 Next. I had previously wanted to set a status
9 hearing to talk about Mr. Cameron's bail status. I don't
10 remember exactly if it was some e-mail traffic or something
11 that the Court observed with respect to Mr. Cameron and the
12 possibility of him making bail.

13 Really, whatever the issue was at that time was not
14 of paramount concern to the Court. It was just merely this,
15 and this applies to whether Mr. Cameron makes bail at any
16 time through the end of this trial. And that is, if he makes
17 bail, I want to make sure I know where he's staying, and that
18 I want to make sure he's being supervised, and I want to make
19 sure that he's got a curfew. That's really all the Court
20 wanted to just emphasize. And those things might already
21 have been in the works anyway, but, if they weren't, they are
22 now.

23 So if Mr. Cameron makes bail, again, the Court wants
24 to know where he'll be staying, the Court wants to know with

1 | whom, and also a reasonable curfew. For purposes of just
2 | discussion, something like, you know, 8:00 p.m. to 8:00 a.m.
3 | that we would know he would be there -- right? -- as opposed
4 | to somewhere else.

5 | All right. Any comments with respect to that before
6 | that becomes final?

7 | First Mr. Stege, then Mr. Picker, then Ms. Garcia.

8 | MR. STEGE: I would only add that conditions have
9 | been set down below at the conclusion of the preliminary
10 | hearing laying out in essence what the Court has just touched
11 | upon. So if that were to happen, those conditions ought to
12 | be followed.

13 | If the Court is interested in any bail change
14 | modification, either up or down, I would request that a
15 | hearing occur, so that the State can weigh in on it. There
16 | are issues that the Court would bring up, if that were to
17 | come to pass.

18 | THE COURT: Before I hear from Mr. Picker, Ms.
19 | Garcia, let me just clarify.

20 | Whatever the Court said, to the extent that it's
21 | inconsistent with what was set below, follow what was set
22 | below. If this is above and beyond, then these are layered
23 | on top. That's all.

24 | I don't know if below it was ordered that Mr. Cameron

1 wear a tracking device or ankle monitor, anything like that.
2 I'm not suggesting by this discussion right now those are
3 changed.

4 I'm saying, if there's not already a curfew in
5 position, one is now. If we -- yeah. I mean, the other two
6 I'm sure -- all right.

7 If the Court were contemplating any type of a bail
8 change, there would be a hearing, not just because I would
9 want to hear from everyone, but I think Marsy's Law requires
10 that. If there's going to be a possible change of custody
11 status, then I believe notice would have to be given to the
12 family of the alleged victim here.

13 All right. Mr. Picker, any thoughts on what the
14 Court just said with respect to bail?

15 MR. PICKER: Yes, Your Honor.

16 Under the Supreme Court's decision in Valdez-Jimenez,
17 for you to change any of the conditions from a contested
18 Valdez hearing or a bail hearing that was held in a lower
19 court, you would have to have a finding first of a change of
20 conditions.

21 At this point, we have not been given anything, other
22 than the fact that he could possibly make bail, which was
23 also raised in the lower court.

24 There has been nothing new raised other than that, so

1 for there to even be a consideration of any hearing or
2 change, the State would have to provide in written form some
3 notice of a change of conditions, and that is the basis for
4 the hearing.

5 That is clearly what the Nevada Supreme Court
6 anticipated in that decision. It is also what the Nevada
7 Legislature has just recently decided in adopting a number of
8 the Valdez-Jimenez provisions within the bail changes that
9 will go into effect on July 1st.

10 So, given that, Your Honor, I think your comment
11 that, if there's anything you've said that conflicts with
12 what happened at the lower court, the lower court order
13 prevails, that's the appropriate decision. Anything beyond
14 that today or any future hearing would have to be provided by
15 notice by either our side saying the bail should be lower or
16 by the State saying that there should be some change in
17 conditions. I think that the Nevada Supreme Court has made
18 that very clear in Valdez-Jimenez.

19 THE COURT: Got it. Yes. Thank you.

20 I'm aware that the law either -- the Legislature
21 passed the law, and the governor signed it, or it's on the
22 governor's desk to essentially memorialize the common law
23 decision of the Nevada Supreme Court.

24 All right. Thank you.

1 Ms. Garcia, any comments or questions based on what
2 the Court said with respect to bail?

3 MS. GARCIA: Nothing to add, Your Honor.

4 THE COURT: All right. I've got three motions that
5 have been filed. Some of them were filed back in the winter,
6 and some were filed more recently. Let me tell you what they
7 are, and then I'll tell you what I anticipate happening now.

8 The first is a motion filed by the State to admit
9 other-act evidence regarding two prior incidents that the
10 State believes demonstrate road rage, and they believe the
11 Court should preliminarily allow by this hearing such
12 evidence to be introduced at the time of trial.

13 The second is a motion to admit other-act evidence
14 with respect to some shootings that occurred apparently in
15 the general vicinity of where this crime allegedly occurred,
16 that go back years. And they would like to at least inform
17 the Court, if not officially move the Court for an order
18 today for the right to introduce this type of evidence at
19 trial. Meaning the written argument of counsel, it appears
20 that they're not at this point asking the Court to so rule.
21 They just want to put it on the Court's radar in case the
22 door is somehow opened up by the defense.

23 And then the third one is a defense motion in limine
24 to exclude the Life360 application, which apparently occurred

1 after the homicide that brings us here.

2 Now, as to that one, I have a defense motion; I have
3 a recently filed opposition by the State. I do not yet have
4 a reply or request to submit, probably on account of the
5 State -- there was some delay between the filing of the
6 motion and the State's response. And I don't believe the
7 time for the defense to reply, much less submit, has run.

8 So I indicated to my judicial assistant that, unless
9 there was, you know, full agreement by both sides on that
10 issue, I wasn't anticipating having argument on that and
11 making a ruling on that until that is of issue, after a
12 reply, if any, and then submission.

13 I know I've got a comment from Mr. Stege that he
14 would be prepared to go, if the defense was, as well, and
15 encourage the Court to hear that.

16 So procedurally, in a moment, we'll hear the argument
17 by the State in favor of its motion to admit other-act
18 evidence with respect to what they deem to be two prior road
19 rage incidents that should be allowed into evidence in this
20 case. Of course, if they can make the proper showing under
21 the law. I'm not sure if the State was prepared to -- is
22 prepared to call witnesses, make an offer of proof, or a
23 combination. Then also the issue of the motion to admit with
24 respect to shootings. And then the motion in limine to

1 | exclude the Life360.

2 | All right. Before we go through those, probably in
3 | reverse order, did the Court overlook anything?

4 | Let's start with Mr. Stege.

5 | Is there any other motion or any other issue than
6 | those three that you are asking the Court to consider today?

7 | MR. STEGE: Nothing for today.

8 | I would just add that I filed a notice in relation to
9 | habit or routine evidence, just so that evidence is out
10 | there. I don't know that it is the subject of argument, but
11 | it is out there. And I don't anticipate argument on it
12 | today.

13 | But, no, otherwise -- and I would -- I am interested
14 | in how the Court would like to use best the time today.

15 | THE COURT: Well, all right. And the issue you're
16 | speaking of is a notice that you intend to seek evidence of
17 | the fact that the defendant here would carry a loaded firearm
18 | with him under his seat when he drove. And so you're sort of
19 | giving the defense and the Court the heads-up that the State
20 | may seek to introduce such evidence, and people need to be
21 | prepared.

22 | That's not the type of request that the Court was
23 | prepared to entertain today. It's not a motion, it's not a
24 | prospective motion in limine asking the Court to rule right

1 now. It's just sort of a "Be aware." That's what I
2 understood from that.

3 So, Mr. Picker, again, before we get into the meat of
4 this, has the Court covered all the universe of matters to be
5 discussed this afternoon?

6 MR. PICKER: Yes, Your Honor.

7 THE COURT: All right. Thank you.

8 Ms. Garcia.

9 MS. GARCIA: Yes, Your Honor.

10 THE COURT: All right. So let's start with the
11 Life360 application.

12 So, Mr. Picker, Mr. Stege is prepared to argue it. I
13 know he just filed his response to your motion recently. I
14 haven't seen a reply. I'm not sure if the defense plans to
15 file one. And I'm not sure if you're ready to argue that
16 today.

17 What say you?

18 MR. PICKER: Your Honor, we're going to ask to be
19 given the statutory period to reply. I think the opposition
20 was filed on Friday. And that was -- just so Your Honor
21 knows, that was pursuant to an agreement between ourselves
22 and the State.

23 Hold on. I'm trying to get another computer up, so I
24 can give this one back.

1 Okay. Sorry about that.

2 THE COURT: That's all right.

3 MR. PICKER: So we'd ask -- so the five days would be
4 up by Friday of this week. We'll have our reply, and we'll
5 submit it by Friday.

6 THE COURT: So what I'm going to do is, I'm not going
7 to take argument on that issue today. I'll wait for the
8 reply. And then I will either decide it or I will set it for
9 a hearing sometime in the very near future on account of our
10 trial date upcoming.

11 Mr. Stege, any comment with respect to that?

12 MR. STEGE: No.

13 I did see that there is a notice filed by the court
14 staff of sometime next week, the 9th.

15 Or is that related to the motion to confirm, Ms.
16 DeGayner?

17 THE CLERK: Yes.

18 MR. STEGE: Yes. It's a motion to confirm. So,
19 yeah. No comment.

20 Thank you.

21 THE COURT: All right. So what I'll do is, I'll set
22 a hearing on that. In all likelihood, we'll probably be
23 seeing each other next week sometime.

24 All right. With respect to the motion to admit

1 other-act evidence with respect to the shootings, Mr. Stege,
2 again, right now, as the Court understands it, this is, "Your
3 Honor, we may seek a hearing on this. We're putting it on
4 your radar right now. We don't at this time have in our
5 mind" -- that's the District Attorney's Office -- "a legal
6 basis to seek the admission of this evidence, but please be
7 aware it's out there in case something changes."

8 Do I have that right, or is --

9 MR. STEGE: No, you do. At the moment, I see no
10 relevance prong or hook that would allow it to be introduced.
11 But should that develop, both the parties and the Court is
12 aware of the universe, sort of, what we would be talking
13 about. So I don't know that we need to do anything about it
14 today.

15 THE COURT: All right. Well, I do have it as a
16 pending motion. So unless somebody gives the Court a better
17 idea, my inclination is to deny the motion, without prejudice
18 to renew, if it later becomes relevant.

19 Mr. Picker, what do you think of that approach?

20 MR. PICKER: I think that's an appropriate way to
21 handle it. Otherwise, we have open motions. And certainly
22 we're not going to have any objection to re-filing, if it
23 becomes pertinent. But I think Mr. Stege can just --
24 basically just re-file the exact same document with whatever

1 additional information he has. That would be fine with us.

2 THE COURT: All right. So, Mr. Stege -- go ahead.

3 MR. STEGE: I'm against that. I'm against that
4 particular practice.

5 I agree with the Court's initial premise: Deny it
6 now, without prejudice. The idea that, if in trial this
7 becomes relevant by all the different ways something can
8 become relevant, there I am, back at my office, re-filing the
9 exact same motion.

10 So as to how it would come back up, I would suggest
11 the Court just be open to the idea. As the case law on this
12 envisions; right? A hearing outside the jury's presence.
13 These things happen during trial as the ebb and flow of
14 relevance and admission and exclusion of evidence occurs.

15 So I'm fine denying the motion, so long as the Court
16 is open to, should it become relevant, I'm not going to have
17 to run back to my office and re-file the thing that I already
18 filed.

19 THE COURT: Mr. Picker.

20 MR. PICKER: Your Honor, I have no objection to that.

21 I think what I anticipated was basically, you know,
22 Mr. Stege, if he anticipates something coming up that day,
23 and he's back at the office the night before, filing it. If
24 not, and it comes up in the middle of a day, I'm going to

1 have no problem with him raising it. We'll be prepared to
2 respond to it at that time.

3 THE COURT: Perfect. All right. Based on that
4 discussion, which I think makes complete sense, the motion in
5 limine to admit -- the motion to admit other-act evidence
6 with respect to shootings is denied, without prejudice to
7 renew. The Court will remain open to different approaches to
8 renew it, depending on the status of the case and the manner
9 in which it then becomes, in the mind of the State, relevant.

10 The motion to exclude, as I've already indicated, the
11 Court will not decide now because it's not fully briefed and
12 submitted. I anticipate a hearing next week, unless the
13 Court decides it without a hearing. All right.

14 With respect to habit evidence, I've already
15 indicated that that's more of a heads-up-type notice, not a
16 motion.

17 So now we have the motion to admit other-act evidence
18 with respect to what the State has entitled, "Other road rage
19 acts."

20 So, Mr. Stege, it's your motion. You may proceed.
21 Call witnesses, make argument, both, however you'd like. Go
22 right ahead.

23 MR. STEGE: I'd call a witness who was designated by
24 the initials "L.M."

1 THE COURT: Ms. DeGayner, if you would please promote
2 witness L.M.

3 MR. STEGE: Actually, could I call a separate witness
4 out of order? I'm sorry. Can we call someone I designate as
5 "Reno Police Department"?

6 THE COURT: Okay. By the way -- well, does either
7 party have a right to invoke the rule of exclusion for a
8 hearing like this?

9 Let me start with Mr. Stege.

10 Do you think they do?

11 MR. STEGE: Yes, I think they do.

12 THE COURT: All right. And, Mr. Picker, do you
13 agree?

14 MR. PICKER: I agree. And we would invoke.

15 THE COURT: Okay. So the way, then, we do this is,
16 we have those people that either side anticipates calling as
17 a witness not just remain in the waiting room, but actually
18 log off. And then the party who intends to call them needs
19 to contact them, usually by text or phone or e-mail, and ask
20 them to log on.

21 So at this point the Court orders the rule of
22 exclusion.

23 And, Mr. Stege, would you identify, please, those
24 witnesses you anticipate calling at this hearing.

1 MR. STEGE: Aaron Flickinger; the person designated
2 as "L. M." in the motion work; the person designated as
3 "A. C."

4 THE COURT: So the first witness will be Reno Police
5 Department representative; is that right, Mr. Stege?

6 MR. STEGE: Yes.

7 THE COURT: All right. So, Ms. DeGayner, to the rest
8 of those people, they need to be removed from the hearing,
9 please.

10 And then, Mr. Stege, you or your staff will have to
11 contact them when it's their time to be heard in this case.

12 And, you know, I apologize if this approach is new or
13 you weren't anticipating it. This is how we've been handling
14 evidentiary hearings for some time. And I hope the word has
15 gotten around that that's how we roll in Department 8, and
16 possibly others, as well.

17 Have you seen it that way before, Mr. Stege, or have
18 you seen it another way?

19 MR. STEGE: I don't specifically recall, Your Honor.
20 I apologize. I don't recall that aspect of the prior
21 hearings I've done. I'm fine. If that's how we're going to
22 roll, I'll roll.

23 THE COURT: Okay. Thank you.

24 Mr. Picker, any thought on that before we proceed

1 with the first witness?

2 MR. PICKER: Your Honor, that is the same way that
3 two other departments have done it.

4 THE COURT: Okay. Very good.

5 Ms. DeGayner, would you please -- well, actually, Mr.
6 Stege, would you please ask your first witness to go live and
7 then turn on their microphone.

8 MR. STEGE: Detective Flickinger, please turn on your
9 video and go live.

10 THE CLERK: Your Honor, I do still have L. M. as an
11 attendee. I would ask that they leave. If I remove them, I
12 don't believe they can come back. So I think I would need
13 L. M. as an attendee to leave the -- I believe the person has
14 left.

15 THE COURT: Good. Thank you.

16 Okay. Detective, good afternoon.

17 I'm going to ask the court clerk to administer the
18 oath of witness.

19 Then I would ask you to please state your name and
20 slowly spell your last name. And then Mr. Stege can proceed.

21 Ms. DeGayner.

22 (Witness sworn.)

23 THE COURT: Thank you.

24 Would you please state your name, sir, and spell your

1 last name.

2 THE WITNESS: My name is Aaron Flickinger. My last
3 name is spelled F-l-i-c-k-i-n-g-e-r.

4 THE COURT: Thank you very much.

5 Mr. Stege, please proceed.

6 MR. STEGE: Thank you.

7 AARON FLICKINGER,

8 called as a witness on behalf of the State,

9 first having been duly sworn,

10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. STEGE:

13 Q. Sir, how are you currently employed?

14 A. I'm currently employed with the Reno Police
15 Department.

16 Q. In what division of Reno Police Department?

17 A. I work as a detective at Armed Robbery-Homicide
18 Division.

19 Q. Were you involved in the investigation of the instant
20 case, this case?

21 A. I was.

22 Q. Did you do any follow-up in reference to a photo that
23 was located on the cell phone of Wayne Cameron?

24 A. Yes.

1 Q. And, specifically, a photograph depicting a car
2 bearing license plate 665ZAV.

3 A. Yes.

4 Q. And can you tell us about -- what information did you
5 know at the time about the photograph?

6 A. I learned that the photograph was extracted from
7 Mr. Wayne Cameron's cell phone. I learned that through
8 Detective Nevills.

9 Q. Okay. And have you since learned that that -- well,
10 have you seen what was attached to the motion as Exhibit 1, a
11 photograph bearing -- depicting a vehicle with that license
12 plate?

13 A. Yes, I have.

14 Q. And is that the photograph that you were given by the
15 other detective?

16 A. Yes.

17 Q. And have you since learned some information related
18 to that photograph contained within the geolocation data?

19 A. I have.

20 Q. And what information did you learn?

21 A. I learned from the extraction report related to that
22 photo that that photo was taken on October 30th of 2018. And
23 the geolocation associated with that photograph put it
24 somewhere in the area of 5998 North White Sands Road in Reno,

1 Nevada.

2 Q. Is that -- what is the significance of that address?

3 A. The significance of that address is, that happens to
4 be the address of the registered vehicle owner of that
5 vehicle that that plate belongs to, and I at one point
6 responded to that address and spoke with the registered
7 vehicle owner.

8 Q. And is that the person who has the initials L. M.?

9 A. Yes, it is.

10 Q. And that license plate number is registered to that
11 person?

12 A. Yes, it is.

13 Q. In the course of your investigation, did you also
14 collect some -- a series of text messages between this person
15 L. M. and another person?

16 A. I did.

17 Q. And by what process, or how did that come to be?

18 A. That came to be through my interview with the
19 individual with the initials of L. M. While speaking with
20 that individual, they indicated that a particular night in
21 question a road rage incident occurred, and out of fear she
22 texted her friend a number of different text messages
23 indicating what had occurred.

24 Q. And the date and time that that occurred?

1 A. Roughly around 9:30 p.m. on October 30th of 2018.

2 Q. And so, by way of context, are the text messages
3 before or after the geolocation data on the photograph from
4 Wayne Cameron's phone?

5 A. They are after the photograph on Wayne Cameron's
6 phone.

7 Q. And then have you reviewed -- do you recognize what
8 is attached to the pleading as -- be identified as Exhibit
9 Number 3?

10 A. I'm sorry. Can you ask that one more time?

11 Q. Yes. Prior to testifying this afternoon, did you
12 have occasion to review proposed Exhibit -- or Exhibit 3,
13 which was attached to the pleadings in this case?

14 A. Yes, I did.

15 Q. Did you recognize the text messages in that exhibit
16 to be the same as the ones you recovered from L. M.?

17 A. Yes, I did.

18 Q. The location is the address that you have listed,
19 where is that? What part of town is that?

20 A. That would be in southwest Reno, is how I would
21 describe it.

22 Q. And in relation to the address of 7345 La Paz Court,
23 where is this location?

24 A. Within the same neighborhood.

1 Q. What is the significance of 7345 La Paz Court?
2 A. That would be the residence where Mr. Wayne Cameron
3 was living.
4 MR. STEGE: Thank you.
5 I'll pass the witness.
6 THE COURT: Cross-examination.
7 CROSS-EXAMINATION
8 BY MS. GARCIA:
9 Q. So, Detective Flickinger, what you're testifying to
10 today is that you found a photo on Mr. Cameron's phone;
11 correct?
12 A. That is not correct, no.
13 Q. Someone found a photo and passed it to you?
14 A. Yes, ma'am.
15 Q. Okay. Do you know anything -- do you have any
16 personal knowledge about the reason that photograph was
17 taken?
18 A. I do not, no.
19 Q. Do you have any personal knowledge surrounding the
20 circumstances that led to that photograph being taken?
21 A. I do not, no.
22 MS. GARCIA: Court's indulgence just a moment.
23 BY MS. GARCIA:
24 Q. Detective, you testified that -- you said that L. M.

1 sent the text message because she was scared; is that
2 correct?

3 A. That is correct.

4 Q. How do you know that?

5 A. She relayed that information to me during my
6 interview with her.

7 Q. So that was based on your conversation with L. M.?

8 A. Yes, ma'am.

9 MS. GARCIA: All right. I don't think I have any
10 further questions.

11 THE COURT: Any redirect by the State?

12 MR. STEGE: No, thank you.

13 THE COURT: Detective, thank you very much. You're
14 excused from the hearing. I wish you a nice afternoon.

15 (Witness excused.)

16 THE COURT: Mr. Stege, if you'd please contact your
17 next witness and ask him or her to please join the hearing.

18 Mr. Stege, will there be any other witnesses from the
19 Reno Police Department?

20 MR. STEGE: I will ask him to log off. I don't
21 know --

22 THE COURT: All right. Please do. Thank you.

23 MR. STEGE: It will be L. M., Miss DeGayner.

24 THE COURT: Good afternoon, ma'am.

1 | testifying under oath.

2 | You may proceed.

3 | MS. STEGE: Thank you.

4 | L. M.,

5 | called as a witness on behalf of the State,

6 | first having been duly sworn,

7 | was examined and testified as follows:

8 | DIRECT EXAMINATION

9 | BY MR. STEGE:

10 | Q. Ma'am, are you familiar with the address of 5998
11 | North White Sands Road?

12 | A. Yes.

13 | Q. How are you familiar with that address?

14 | A. That's my parents' address.

15 | Q. And how long have they lived there, if you know?

16 | A. Since 2000.

17 | Q. And how long did you live there?

18 | A. I lived there from the time that I was 12 until I was
19 | 18; and then I moved back in 2016, I think, until 2019.

20 | Q. And so your time at that address includes October
21 | 30th of 2018; is that correct?

22 | A. Correct.

23 | Q. And are you familiar with a Subaru car that bears or
24 | bore the license plate 665ZAV?

1 A. Yes.

2 Q. And how are you familiar with that?

3 A. That's my vehicle. That's my vehicle.

4 Q. And did you own it back on October 30th of '18?

5 A. Yes.

6 Q. Now, did something happen to you on that date that

7 brings you to court this afternoon?

8 A. Yes.

9 Q. Can you please tell us what happened.

10 A. Yes. I was driving back home to my parents' house

11 from a friend's house. And I was at the bottom of Zolezzi.

12 There was one other vehicle on the road in front of me. And

13 that vehicle pulled over to the side of the road, and I

14 continued on. And that vehicle pulled back in behind me,

15 immediately turned its brights on, pulled right up to the

16 bumper of my car, started swerving back and forth, just

17 aggressively harassing my car.

18 And I continued on up this road a couple miles to go

19 home. The car continued following me into my parents'

20 neighborhood. And at that point I was scared to just go

21 home. I felt that this car was following me, and I didn't

22 want to just lead them right back to where I was living. So

23 I kept driving through the neighborhood and tried to lose the

24 car.

1 And at some point I ended up going back home, getting
2 back to my address. And I had briefly gotten ahead of this
3 vehicle, when I saw him pull back in -- or pull in behind my
4 car.

5 At this point, I had run inside through the garage
6 door and looked out the front window. And I saw someone
7 standing outside the car, still with their brights on, taking
8 pictures of my car.

9 Q. And what was your emotional reaction to this?

10 A. I was terrified. I was shaking. My heart was
11 beating really fast. This was just a completely unassuming
12 night. This is a quiet neighborhood. And I -- yeah, I was
13 terrified. I was really scared.

14 Q. Can you tell us -- so you -- where did you get on
15 Zolezzi? You said at the bottom. Sorry. I don't understand
16 what you mean by "bottom."

17 A. Zolezzi is just a couple-mile-long straight stretch.
18 And when you get off of the freeway at Damonte Ranch and
19 continue up, eventually Damonte Ranch -- sorry -- continues,
20 I guess, west. Damonte Ranch eventually splits into
21 Arrowcreek Parkway to the left and Zolezzi Lane to the right.

22 And so fairly close to when I turned to the right to
23 go up Zolezzi Lane is when this car pulled over. The car was
24 in front of me, and he pulled over.

1 Q. And he pulled over, and you continued. Did he get
2 right in behind you, or was there some delay?

3 A. No. He pulled right in behind me.

4 Q. And did he get close to you?

5 A. Yes. I couldn't even see the brights of his car, the
6 headlights that were on bright, he was so close to my car.

7 Q. Okay. And so you continue up Zolezzi. Does Zolezzi
8 continue right past your house, or is there some sort of way
9 that it diverts?

10 A. Yeah. So at the top of Zolezzi there's a roundabout.
11 And when you go through that roundabout, it turns into
12 Ventana Parkway, which is the neighborhood where my parents
13 live. So I continued through that roundabout -- off of
14 Zolezzi, through that roundabout, and onto Ventana.

15 Q. Are there any other routes into or out of Ventana?

16 A. No.

17 Q. Where -- okay.

18 A. No. It's a one -- a no-exit neighborhood.

19 Q. So if you go through that roundabout, and you're up
20 in your neighborhood, the only way out is to come back down
21 that roundabout; is that correct?

22 A. Correct; yes.

23 Q. So was the car following you at this same distance
24 through that roundabout?

1 A. Yeah. At some point, I sped up, trying to get away
2 from this car. So at the time that I sped up, he might have
3 been a little farther behind, but he kept right up with me.
4 So, yes, he was right there through the roundabout.

5 Q. I believe you testified you tried to lose him or lose
6 the car.

7 A. Yeah. I was trying to get away from the car. He was
8 right up next to my car. I thought -- I didn't know what was
9 going to happen, if he was going to try and hit me, or what.
10 So I sped up, trying to put some space between myself and the
11 other vehicle.

12 Q. And at some point you thought that you had lost the
13 vehicle?

14 A. Yeah. So when I continued just past my parents'
15 house, because I didn't want to go straight there, I drove
16 through some other roads in the neighborhood. And at some
17 point I pulled over, turned my lights off, just hoping that
18 he would pass me by and not notice.

19 And at that time the vehicle slowed down and seemed
20 to be searching for my vehicle. And that's when at that
21 point I thought I lost him, and went back to my parents'
22 house.

23 Q. And when you got back to your parents' house, where
24 did you park?

1 A. I parked on the street in front of the house, which
2 is where I normally park when I'm there.

3 Q. And then you opened the garage door and went in
4 through there, locked it?

5 A. Correct; yes.

6 Q. Are you able to describe the car?

7 A. I couldn't see a license plate, but I did see a
8 light-colored, small, SUV-type vehicle.

9 Q. And once you got inside and looked out the window,
10 what did you observe?

11 A. I saw the vehicle, still with its brights on, pulled
12 in behind my car, and someone outside the vehicle, taking
13 pictures of my car.

14 Q. What happened next?

15 A. Well, I wanted to go outside and yell at him, but my
16 mom said, "Absolutely not," and wouldn't let me outside. So
17 we just noted as much as I could see about the car, and just
18 decided that we'd keep an eye out for it, since now this
19 person had pictures of my car and knew where it was parked.
20 So we just decided that we would, yeah, keep an eye out for
21 it, and just be a little careful; on the lookout, basically.

22 Q. Was there something you did in your driving that
23 caused the car to pull over initially?

24 A. Not that I can think of. I have racked my brain. I

1 mean, as far as -- it was just a normal drive home. There
2 was very light traffic. There was a couple stop signs --
3 sorry -- stoplights before I turned right to go up Zolezzi.
4 So, no. It was just nothing that I could think of.

5 Q. Did you send any text messages to anyone about --

6 A. Yes. I had been leaving my friend's house. And we
7 always text each other when we get home safe, so I sent her
8 the text messages describing the events that had happened
9 right when I got inside -- well, as soon as I saw the vehicle
10 leave, then I texted her.

11 Q. Okay. And were you later -- did you later meet
12 Detective Flickinger?

13 A. Yes.

14 Q. And tell us about that process.

15 A. So, Detective Flickinger -- at this point, I didn't
16 live at my parents' house anymore -- so he had been in touch
17 with my dad, and from what I was told, asked if there was a
18 blue Subaru Legacy registered to that address.

19 My dad provided my contact information. And he
20 called me and asked if I remembered any kind of -- I don't
21 remember the words he used exactly, but remember anything out
22 of the ordinary that happened on the road at any time in the
23 past. So I --

24 Q. Did --

1 A. Go ahead.

2 Q. Did that process, the meeting with the detective,
3 result in him showing you a photograph?

4 A. Yes. Yes, he showed me a photograph.

5 Q. And did you recognize the photograph, or was the --

6 A. Yeah. Yes. It was a photograph of the back of my
7 car and my license plate.

8 Q. How did you recognize it to be your car?

9 A. It was a blue Subaru Legacy with my license plate.
10 And my license plate has never been taken off my vehicle.

11 Q. Did those text messages that you referenced, did you
12 share those with Detective Flickinger?

13 A. Yes. I had been telling him about the story, and I
14 said -- I told him that, in fact, I had texted my friend the
15 entire story that night, and that I might be able to get
16 ahold of them. And my friend still had them saved on her
17 phone, so she was able to provide them.

18 Q. And when she provided them to you, you recognized
19 them to be, in fact, accurate as to what the conversation was
20 at the time?

21 A. Yes.

22 MR. STEGE: Thank you.

23 I pass the witness.

24 THE COURT: Cross-examination.

1 MS. GARCIA: Thank you.

2 CROSS-EXAMINATION

3 BY MS. GARCIA:

4 Q. So you stated that you couldn't think of anything
5 that was going on with your driving that would have caused
6 this; is that correct?

7 A. Correct.

8 Q. So when you're driving, and the car pulls over, at
9 that point, you hadn't had any interaction with that other
10 car; is that right?

11 A. Correct.

12 Q. So no bumps, you guys didn't hit each other, you
13 weren't tail -- nothing like that; right?

14 A. No, nothing like that.

15 Q. Okay. And you didn't see the driver. You didn't see
16 them yelling anything at you. Didn't see anything that
17 caused you any concern; correct?

18 A. Correct.

19 Q. Okay. So the car, you testified, was following you
20 closely; correct?

21 A. Correct.

22 Q. But the car never pulled up on you; right? Never
23 came up on the side or anything like that; right?

24 A. Not the side of my vehicle, but right up to the

1 bumper of my vehicle.

2 Q. But the driver didn't pull up so they could talk to
3 you through the window. Nothing like that; right?

4 A. No.

5 Q. Didn't hit your car?

6 A. No.

7 Q. So then you're home, and you're watching this person,
8 who gets out of the car and is taking pictures; right?

9 A. Yes.

10 Q. Okay. So the car is on a public street; right? It's
11 not on a driveway; is that right?

12 A. Right.

13 Q. So this person never came onto your parents'
14 property.

15 A. Not that I saw.

16 Q. The person took photos, and then they left; right?

17 A. Correct.

18 Q. Never approached the house; right?

19 A. Not that I saw.

20 Q. They didn't yell anything at you? Could you hear
21 anything that was happening?

22 A. No. I was inside by the time this person was out of
23 their vehicle.

24 Q. But you never saw the person yelling or, you know,

1 making any attempt to contact you at the house; right?

2 A. No.

3 Q. They didn't brandish a weapon or anything like that;

4 right?

5 A. No.

6 Q. Didn't touch your vehicle?

7 A. Not that I saw.

8 Q. Then the person got in his car and left; right?

9 A. Yes.

10 Q. Okay. And then you testified that you were concerned

11 because the person had a photo of your car; right?

12 A. Uh-huh.

13 Q. But you never got any threats, did you?

14 A. No. No.

15 Q. Nothing verbal?

16 A. No.

17 Q. Nothing written?

18 A. No.

19 Q. In fact, you never saw that car or that person again;

20 right?

21 A. Not that I ever noticed.

22 MS. GARCIA: I don't have any further questions.

23 THE COURT: Thank you very much.

24 Mr. Stege, anything else for L. M.?

1 MR. STEGE: Yes.

2 REDIRECT EXAMINATION

3 BY MR. STEGE:

4 Q. Ma'am, as you sit here today, what is your age? How
5 old are you?

6 A. I'm 30 years old.

7 Q. As to the line of questioning as to whether the
8 person pulled up to the side of you, was that a thing you
9 were prepared to let the car do?

10 A. No. That's why I was speeding up.

11 Q. And this area, this neighborhood that your parents
12 lived in, is that heavily traveled?

13 A. No.

14 Q. Let me ask you about: In your -- when was the last
15 time you had seen your text messages that you --

16 A. The whole thread of text messages?

17 Q. Yes.

18 A. I saw them when I provided them to Detective
19 Flickinger.

20 MR. STEGE: Nothing further.

21 Thank you, Your Honor.

22 THE COURT: Okay. Ms. Garcia, anything else?

23 MS. GARCIA: No, Your Honor.

24 THE COURT: Okay. Thank you.

1 L. M., thank you very much. You're free to go. I
2 wish you a nice afternoon.

3 (Witness excused.)

4 THE COURT: Mr. Stege, please call the State's next
5 witness.

6 MR. STEGE: Ms. DeGayner, can you turn on Ms.
7 Shuman's video?

8 THE COURT: Okay. Good afternoon.
9 Can you hear me?
10 Go ahead and please turn on your microphone.
11 All right. Thank you.
12 And before you say anything, Miss, Mr. Stege, is this
13 another witness that we're identifying by initials only or --

14 MR. STEGE: Yes.

15 THE COURT: -- by name?

16 MR. STEGE: Yes. The Court should be aware she's a
17 juvenile.

18 THE COURT: Say that one more time.

19 MR. STEGE: She's a juvenile.

20 THE COURT: Got it.
21 Miss Shuman is the person we're using her computer,
22 it sounds like; is that right, Mr. Stege?

23 MR. STEGE: Yes.

24 THE COURT: All right. So, young lady, I'm going to

1 call you by your initials, A. C.

2 I'm going to ask the court clerk to administer the
3 oath of witness to you. And then I'm going to have the
4 attorneys ask you some questions.

5 So, Miss, if you'd please raise your right hand and
6 be sworn the oath.

7 Ms. DeGayner.

8 (Witness sworn.)

9 THE COURT: Thank you very much.

10 You may put your hand down.

11 Mr. Stege, you may proceed.

12 MR. STEGE: Thank you.

13 A. C.,

14 called as a witness on behalf of the State,

15 first having been duly sworn,

16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. STEGE:

19 Q. Ma'am, how long have you lived in Washoe County?

20 A. My whole life; 17 years.

21 Q. Are you familiar with a person by the name of Wayne
22 Cameron?

23 Can you speak up?

24 A. Yes.

1 Q. How do you know him?

2 A. He is my father.

3 Q. Subsequent to the -- or after the investigation in
4 this case started, were you interviewed by detectives?

5 A. Yes, I was.

6 Q. And was the subject of any road rage incidents
7 brought up?

8 A. Yes.

9 Q. And were you aware of any such incidents?

10 A. Yes.

11 Q. And in your interview in February of 2020, what did
12 you describe in terms of road rage incidents?

13 A. There was this one night we were driving home on
14 Ventana, and there was a car coming up behind us, tailing us.
15 And my dad had pulled over and then slowed down to let them
16 pass. And then we pulled back out. And it seemed normal.
17 And we turned onto Sedona, where we live, to get to
18 our house, but instead of going all the way home, we ended up
19 turning onto their street, with that car.

20 Q. And what happened when -- well, let me ask you. What
21 was the driving like from where your dad pulled over or till
22 where you stopped?

23 A. The car behind us was really, like, on our tail.

24 Q. Okay. Okay.

1 A. Yeah.

2 Q. And after the car was on your tail, was your dad's

3 car on its tail?

4 A. Not after they pulled in front of us.

5 Q. Okay. And where in relation to Zolezzi Lane did this

6 happen, this first part of it?

7 A. Right at the top of it. There's a roundabout at the

8 top of Zolezzi. It was right after that when that car was

9 behind us.

10 Q. Okay. And so if you can take us from there, from

11 right after the roundabout until you get up into the

12 neighborhood.

13 A. So you take the roundabout, and then you get onto

14 Ventana. And to get to our house, you would turn -- from

15 Ventana, turn left onto Sedona. And then from there you'd go

16 up to our cul-de-sac.

17 Q. And is that on La Paz?

18 A. Yes.

19 Q. And so during that time between the cul-de-sac and

20 the turnoff on Sedona, what are the cars doing? What is the

21 driving like, both your dad's car and the other car?

22 A. The car was on our tail. They were really close.

23 And then as soon as that happened, my dad had slowed down to

24 the side to let them go in front of us.

1 Q. Okay.

2 A. As they passed, he pulled back out.

3 Q. And after he pulled back out, what did he do?

4 A. We followed them back to their house.

5 Q. And where was that in relation to that turnoff on

6 Sedona?

7 A. You mean their house, where we followed them?

8 Q. Yeah. Yeah. I think you said there's a turnoff to

9 Sedona. Is their house after -- involved in that turnoff to

10 Sedona?

11 A. Yeah. So you turn onto Sedona, and then their house

12 was, I think, a couple streets below our cul-de-sac.

13 Q. Okay. And was that street also a cul-de-sac, to your

14 memory?

15 A. I believe so.

16 Q. Okay. What happened when the car turned off on one

17 of those streets?

18 A. We turned with them, instead of continuing up like we

19 should have. And then --

20 Q. Okay.

21 A. -- he parked by their driveway, and then got out and

22 started, like, raising his voice at them.

23 Q. Okay.

24 A. And I --

1 Q. I'm sorry. I didn't hear that last part. I was
2 interrupting you. Can you please repeat it?

3 A. That I had stayed in the car when he got out, to kind
4 of cover myself, because it looked like high-schoolers, and I
5 didn't want them to recognize me.

6 Q. Okay. And did you see at all what happened when your
7 dad went up there?

8 A. They had just pulled into their driveway, and a bunch
9 of kids got out. And he went up to them and just, like,
10 started yelling at them and raising his voice.

11 Q. Okay. Could you hear or see what the reaction of the
12 people in the car was?

13 A. Pretty stunned, and kind of creeped out that we had
14 followed their car.

15 Q. And you said they looked like high-schoolers. Do you
16 know who they were?

17 A. I don't know for sure. But I do know one of my
18 brother's friends lived around the area, and I think it could
19 have been her.

20 Q. But they looked of the age of high school kids?

21 A. Yeah.

22 Q. And are you able to say how many you think there
23 were?

24 A. I believe there were four; two boys and two girls.

1 Q. And of those, are you able to recall which was the
2 driver and which was passenger?

3 A. I think the driver was a female. I don't remember
4 the other ones, though.

5 Q. So what happened next?

6 A. He just got back into the car and drove home.

7 Q. And did your dad say anything in the car after he
8 jumped back in?

9 A. I don't remember. I'm sure there were words said. I
10 just can't recall them.

11 Q. Do you recall anything being said from sort of the
12 onset of this, from the tailgating or the car being too
13 close, any of that, any words from there?

14 A. He seemed very irritated and almost just angry --

15 Q. Okay.

16 A. -- they had done that.

17 Q. And it sounds like you stayed in the car sort of out
18 of embarrassment.

19 A. Yes.

20 Q. Do you recall what that other car looked like?

21 A. I believe it was an SUV. I don't know any other
22 details, though.

23 Q. And do you recall which car you were driving -- or
24 your dad was driving?

1 A. It was our Acura MDX, the dark-gray one.
2 MR. STEGE: Thank you, ma'am.
3 I pass the witness, Your Honor.
4 THE COURT: Thank you.
5 Before examination by the defense, A. C., would you
6 please tell me how old you are?
7 THE WITNESS: I'm 17.
8 THE COURT: Thank you very much.
9 All right. Ms. Garcia, please proceed.
10 CROSS-EXAMINATION
11 BY MS. GARCIA:
12 Q. So when your father got out of the car, you said you
13 could see that he was talking to the kids, but you couldn't
14 hear what he was saying; right?
15 A. No. But his voice was very loud and angry.
16 Q. You couldn't hear what he was saying; right?
17 A. Not his words, no.
18 Q. And then how long do you think it was before he got
19 back in the car?
20 A. Definitely a couple minutes, for sure. I --
21 Q. With that, you're just guessing?
22 A. I'm pretty sure it was about five minutes, under five
23 minutes, like three to five.
24 Q. And then you were just watching him and the other

1 kids have a conversation, basically?

2 A. More of -- yeah, it was a conversation, but he was
3 very -- they were just -- something -- I can't think of the
4 word right now. They were --

5 Q. Nothing physical happened, did it?

6 A. Physical, no.

7 Q. And then you testified that, when you were driving in
8 the car earlier, you did notice that the kids were
9 tailgating; correct?

10 A. Yes.

11 MS. GARCIA: I don't have anything further, Your
12 Honor.

13 THE COURT: Thank you.

14 Okay. Mr. Stege.

15 MR. STEGE: I don't have any further questions
16 either, Your Honor.

17 THE COURT: All right. Thank you.

18 All right. Miss, thank you so much. You're excused
19 from this hearing. I wish you a nice rest of the afternoon.

20 (Witness excused.)

21 THE COURT: Mr. Stege, please call the State's next
22 witness.

23 MR. STEGE: That is all the witnesses, Your Honor, on
24 this subject.

1 THE COURT: Okay. Thank you.

2 Well, at this time, let me ask Ms. Garcia and Mr.
3 Picker. If there are any witnesses that the defense intends
4 to call, we can take them now, and then I can hear argument
5 on what you believe the law is and how the Court should apply
6 it to this matter; or we can wait for Mr. Stege to make
7 argument, and then you can call witnesses at that point.

8 Let's start there.

9 Mr. Picker and Ms. Garcia, do you have witnesses
10 next; and, if so, would you like to call them now or wait?

11 MS. GARCIA: Your Honor, we don't have any witnesses,
12 so we'll make argument following --

13 THE COURT: Thank you very much.

14 Mr. Stege, you may proceed.

15 And then I guess one question before you do is: For
16 those who have testified already, if they want to observe,
17 they're allowed to because they're not going to be re-called.
18 Everyone agree with that?

19 Mr. Stege.

20 MR. STEGE: Yes.

21 THE COURT: All right. Ms. Garcia.

22 MR. PICKER: Your Honor, we do not agree with that.
23 They're going to be trial witnesses, depending on your
24 ruling. I think the rule of exclusion should still apply.

1 THE COURT: Well, for purposes of this hearing,
2 though. If they want to just hear argument, you think that
3 rule of exclusion wouldn't allow them to even hear what the
4 counsel believe the evidence showed?

5 MR. PICKER: I assume that Mr. Stege will be talking
6 about all three witnesses. And if all three witnesses are
7 hearing it, they're going to hear what the other witnesses
8 say.

9 THE COURT: Okay. So let's follow that through.
10 If the Court accepts that as what the law requires
11 under a case like this, then, between now and trial, is it
12 your view that the law prohibits either side from meeting
13 with the witnesses that testified already in this case to
14 advise them about what happened at the hearing?

15 MR. PICKER: It is not my opinion that either party
16 cannot meet with them as attorneys during trial because we
17 are officers of the court. Informing them of the results of
18 the hearing also would not affect their testimony because it
19 would not be recounting anybody else's testimony.

20 It would just be if either side met with one of these
21 witnesses and said, "Well, you know, Miss So and So,
22 Detective So and So said this, and he said that you said
23 this." That would be improper.

24 THE COURT: Okay. So, you know, here's the thing.

1 Because if the Court accepts that and makes the ruling now
2 that these witnesses cannot watch the argument because of the
3 concern that counsel may bring up what the testimony was,
4 then be aware that at trial no one then would be able to say
5 that any witness -- "If I were to tell you that witness Jones
6 before you said the light was green, how would you respond?"
7 That, as well, would violate the rule of exclusion.

8 Would you agree with that, Mr. Picker?

9 MR. PICKER: Well, I don't. Mr. Stege's standard
10 objection is that we can't ask one witness to comment on the
11 testimony of another witness, nor can we offer a hypothetical
12 about what another witness would say.

13 So I think that the rules of evidence probably
14 prohibit going there, as well, unless we're specifically
15 asking one witness whether they actually said something to
16 another witness after that witness testifies about it.

17 THE COURT: Well, yeah, that's different. All right.
18 All right. Because, you know, I've seen other trials where
19 questions are asked that, "A witness testified A, B, C. What
20 is your view?" And oftentimes those type of questions are
21 met without objection, even if the rule of exclusion has been
22 invoked. So I've always found that a bit curious.

23 Mr. Stege --

24 MR. PICKER: I don't think those will go without

1 objection, Your Honor.

2 THE COURT: Understood.

3 Mr. Stege, based on what you heard from Mr. Picker,
4 with respect to rule of exclusion for the witnesses that have
5 testified, those being Detective Flickinger, and then witness
6 L. M., and then minor witness A. C., does the State believe
7 that the Court should continue the rule of exclusion as to
8 them for purposes of argument on this hearing?

9 MR. STEGE: I'm fine with that. I am persuaded by
10 Mr. Picker's -- it's not usually the thrust of his argument,
11 which is that it's not worth it; right?

12 And I don't think the trial issue that the Court
13 highlights is implicated by the rule of exclusion. But for
14 purposes of what is the next issue, the Court ought to keep
15 the rule of exclusion in place.

16 THE COURT: Very well. Then the rule of exclusion
17 remains in effect.

18 Ms. DeGayner, please do not promote as observers or
19 participants Detective Flickinger or witness L. M. or witness
20 A. C.

21 All right. Mr. Stege, what do you believe the law
22 is? How should the Court apply it here? What are you asking
23 the Court to do?

24 MR. STEGE: Our case law and rules of evidence allow

1 for the admission of other-acts evidence to prove, among
2 other things, motive, intent, identity, common scheme or
3 plan.

4 Big Pond makes it clear that it's not limited to
5 those --

6 THE COURT: It's a non-exhaustive list; right?

7 MR. STEGE: Yeah. Because it says "other purposes
8 such as."

9 So, in this case, murder cases are maybe not
10 distinct, but this one is, in that there are rarely witnesses
11 to what occurred.

12 And in this instance the question of intent looms
13 large here. The question of motive looms large. I would
14 argue it's always a question; right? It is always a question
15 in a murder case.

16 And part of the reason for that is, the jury has to
17 make the mens rea instructions on the subject, particularly
18 deliberation, premeditation and wilfulness, contemplate an
19 examination by the jury of the defendant's mental state --
20 right? -- at the time, or the accused's mental state. Sort
21 of assuming that the act occurred; right? But an examination
22 of the mental state looms large in all murder cases.

23 And in this instance, this certainly has the
24 hallmarks of being a road rage killing.

1 Here we have the victim, a stranger to the defendant,
2 no prior contact with him.

3 We also have a statement from the defendant, which
4 are incriminating to a point; right? That is, the
5 defendant's own version of the events are that he saw a road
6 rage incident between a truck, in which the victim drove and
7 was killed in, and a motorcycle.

8 Now, so, the defendant's version is, "I saw that road
9 rage incident and decided to follow the truck -- after the
10 motorcycle sped up, to follow the truck down the street to a
11 dead-end, to a cul-de-sac, and check on the guy."

12 It does not make sense; right? It sort of defies a
13 basic sort of test of logic. Nevertheless, that's the
14 defendant's version. However incredible I find it, I'm not
15 the determiner of guilt. It's the jury who determines guilt.

16 So, in the defendant's own statement, he says, "I
17 went up" -- road rage not mine; right? -- "followed the guy,
18 went up to his window and asked if he was okay, and off I
19 went."

20 And that is belied by I would call it either motive
21 or intent or MO of the defendant, who, by these two prior
22 incidents, sort of appoints himself a local sort of volunteer
23 traffic officer to the people in this neighborhood, in that
24 he -- both incidents are a clear indication that the

1 defendant is both enraged, angry, upset with these other
2 drivers for his own perceived slights by other drivers,
3 follows them, gets out of his car and confronts them. Or at
4 least in the case of L. M. gets out of his car and goes up to
5 her car.

6 The time of day is, it's the same time of day; right?
7 It's nighttime offenses. It's all off Zolezzi. It's all
8 sort of in his neighborhood, you know, his sort of policing
9 of the neighborhood. And it goes to the heart of the intent
10 in the case.

11 You know, I pointed out in my pleadings the
12 defendant's statement is that he's not a road rage guy. Now,
13 again, it's up to the jury to decide what the man's intent
14 is. I think that's not credible, his entire version. Yet
15 here is this evidence that is highly indicative of -- or
16 highly probative, I would say, of the defendant's mental
17 state.

18 I would even go so far as to the non-exhaustive list
19 can go to the concept of malice, elements of murder, which
20 includes both direct intent to kill, but also sort of a
21 reckless disregard for the safety of others. So here we have
22 these confrontations occurring in the lead-up to this -- to
23 this killing.

24 The question of sort of probative value versus

1 unprejudiced, I would underline, if I were writing this out,
2 "undue prejudice"; right? And our Supreme Court has said
3 that, in speaking of undue prejudice, it is evidence which
4 invites the jury to decide not on the evidence, to decide
5 guilt in the instant case on undue motives or, you know, to
6 be overwhelmed -- to have their reason overwhelmed by
7 emotion.

8 So I don't think that this is evidence that is not so
9 prejudicial that the jury is going to say, thinking about
10 this other stuff, "We are just going to find him guilty
11 because he's a terrible person."

12 The due versus undue prejudice is related to that
13 question, that being, you might call it fair prejudice versus
14 unfair prejudice. The prejudice here is fair.

15 There is, I will say, a lot -- there is evidence of
16 guilt. There's evidence at least that the defendant is the
17 person who shot the victim. That evidence is -- I would
18 characterize it as pretty strong, both from the defendant's
19 statements to police, forensic evidence, as well as the
20 defendant, shortly after this shooting, calls his -- makes a
21 phone call to his friend. That is pretty powerful, I would
22 say strong, evidence.

23 But the question of intent, the question of malice,
24 the question of sort of degree or responsibility of the

1 defendant looms large.

2 So I would argue that, given all of the evidence --
3 and I would, you know, to the extent that it's argued that
4 this is sort of innocent conduct, that's an interpreter,
5 that's sort of a weight question, that's a trial strategy.
6 "Well, it's not that bad." And I'd say, "Oh, it's terrible."

7 But in terms of sheer admissibility, it is
8 admissible. And I would draw the Court's -- the defendant's
9 own daughter said he was angry, you know, said he's out there
10 yelling at them.

11 And L. M., in the exhibit that is attached, and I
12 would say in evidence, before the Court, the language used by
13 L. M. is strong. It's very strong. And it indicates exactly
14 what this was: a road rage. And she uses some curse words.
15 She is really -- it's obvious concern for what had happened.

16 Now, she is, it is clear, a tough-minded person,
17 prepared to go out there and confront. But these text
18 messages indicate what really happened.

19 Here's a stranger that gets followed home, a stranger
20 like the fellows -- or the persons that were followed home in
21 the presence of the defendant's daughter, as is the victim in
22 this case.

23 In the State's view, the Court ought to admit these
24 two prior incidents.

1 Thank you.

2 THE COURT: Thank you very much.

3 Mr. Picker or Ms. Garcia, please proceed.

4 MS. GARCIA: Thank you, Judge.

5 So, Judge, as we outlined in our response, in this
6 particular case, what is happening here is, Mr. Stege is
7 saying, "Well, we have strong forensic evidence. We have
8 this phone call. But we don't have a motive. So this is
9 going to be our evidence of motive."

10 But this is pure propensity because the incidences
11 that were put before you today have nothing to do with to
12 commit first-degree murder. They may have to do with a
13 motive or a -- I can't say motive. It's a propensity. It's
14 a propensity to engage with people on the road.

15 However, the worst thing we heard was about taking
16 pictures. And while Mr. Stege is saying, "Well, it's not
17 that innocent. She was scared," that's fine. We are not
18 here to argue whether it's innocent conduct, but whether it's
19 conduct that denotes an intent by Mr. Cameron to go and shoot
20 someone in cold blood.

21 And that's not what these incidences show. They're
22 propensity. They show that he is someone who in the past has
23 become angry at someone on the road. I didn't hear -- we
24 didn't hear any evidence that there was any violence, any

1 threats, anything physical. No damage to the vehicles. He
2 took a picture.

3 And, quite frankly, Judge, without any evidence, the
4 victim testified and said she didn't know why. Maybe Mr.
5 Cameron thought his vehicle had been bumped, and in case he
6 had damage, he wanted to know, you know, who to contact.
7 Those are unknowns. So to get to the point of saying we're
8 going to admit this as evidence that this man had intent to
9 kill Jarrod Faust is taking this far, far beyond motive and
10 intent, and going to propensity.

11 And, so, based on that, we think that it creates a
12 incredible sense of unfair prejudice in this case, because
13 it's basically asking the jury to fill in a piece that the
14 State can't tell them otherwise, which is: How did we get to
15 this confrontation the State alleges happened in this
16 cul-de-sac?

17 There is no evidence of a road rage incident between
18 Mr. Faust and Mr. Cameron. There's none. So the State wants
19 to introduce this to fill in a puzzle piece that it does not
20 have, to tell the jury, "Well, this is what happened, and you
21 can infer that because of what Mr. Cameron has done in the
22 past."

23 And that's propensity. That's pure propensity
24 evidence. It's that he did it in the past, he's confronted a

1 driver, so it's likely that's what he did this time. And
2 that's exactly what the law says we don't want to do. We
3 want the jury to use true evidence to determine whether
4 someone committed a crime or not, not to fill in gaps that
5 the State doesn't have in their evidence.

6 So given the fact that the admission of bad-act
7 evidence is so restricted by the courts -- and Mr. Stege
8 started out by saying, "Well, you know, there's a million
9 things you can get in for a million different reasons." And
10 he's kind of indicating there's really not much of a
11 restriction.

12 I would disagree. I think the Court has been very
13 clear. It says the presumption of inadmissibility attaches
14 to these acts, and that it's common grounds for reversal,
15 particularly concerning as it forces the accused to defend
16 himself against vague and unsubstantiated charges.

17 This is a serious thing to admit evidence like this.
18 We're arguing there's no basis in the law, there's no valid
19 reason at this time to admit that kind of evidence, that it's
20 pure propensity. And we're asking the Court to exclude that
21 evidence.

22 THE COURT: Thank you. Well-stated.

23 Mr. Stege, it's your motion. You get final word.

24 MR. STEGE: As to the question of propensity, I offer

1 up to counter that: Probative; right? Probity. A
2 prejudicial evidence -- or I would say propensity evidence,
3 would be Wayne Cameron shot another person or two, two
4 persons.

5 That is so outrageous that a jury is going to say, "I
6 don't care what he did in this case. I'm going to convict
7 him of murder because he's such a terrible person."

8 That is not anywhere near the class of such evidence.
9 This is a tight fit in terms of the question of motive, MO,
10 and intent.

11 Notable: These two prior incidents, the defendant
12 gets out of his car. In this murder-conviction evidence, the
13 defendant got out of his car. The question of there was a --
14 whether there was a confrontation beforehand, whether this is
15 a self-defense shooting, whether the defendant premeditated,
16 deliberated, is fairly answered by the question of the
17 defendant exiting his car and approaching, as in the prior
18 incidents.

19 So the missing piece -- right? -- it is fairly
20 bolstered. It is fairly bolstered to what is within our case
21 law and across the case law on this subject, the federal sort
22 of analog, but even in our own case law. Fairly probative
23 evidence of motive is admissible.

24 It's a difficult situation. The missing piece is

1 missing, in the State's view, by the person -- by the actions
2 of one person here. But more to the point, the evidence is
3 fairly probative of a motive and intent.

4 The question of vague and unsubstantiated
5 allegations, that's why we must prove by clear and
6 convincing -- or prove up the priors, which we just did.
7 They are convincingly laid before the Court, and the Court
8 ought to admit them.

9 Thank you.

10 THE COURT: You're welcome.

11 Thank you.

12 All right. The matter is submitted.

13 I want to give this more thought. You will have a
14 written decision from the Court, hopefully, by this time on
15 Friday, but certainly by Monday, if the Court has other
16 matters that prevent a written decision from being filed by
17 Friday afternoon.

18 Thank you, everyone.

19 With respect to a hearing on the Life360 application,
20 we'll stay in touch.

21 Please, Mr. Picker, respond, as the law requires, and
22 then -- within the time frame the law requires, and then
23 please simultaneously submit it. And then the Court will
24 likely set a hearing.

1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department 8 of the
8 above-entitled court on Wednesday, June 2, 2021, at the hour
9 of 2:00 p.m. of said day, and took verbatim stenotype notes
10 of the proceedings had upon the matter of THE STATE OF
11 NEVADA, Plaintiff, versus WAYNE CAMERON, Defendant, Case No.
12 CR20-3534, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 71, all inclusive, contains a full, true and complete
16 transcript of my said stenotype notes, and is a full, true
17 and correct record of the proceedings had at said time and
18 place.

19 Dated at Reno, Nevada, this 6th day of June, 2021.

20

21

22

/s/ Isolde Zihn

Isolde Zihn, CCR #87

23

24

The document to which this certificate is
attached is a full, true and correct copy of the
original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second
Judicial District Court, in and for the County of
Washoe.

71

AA00140

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA, Case No. CR20-3534
Plaintiff, Dept. No. 8
vs.
WAYNE MICHAEL CAMERON,
Defendant.

ORDER ON PRETRIAL MOTIONS

Before the Court are two motions: a *Motion to Admit Other Act Evidence: Road Rage* and a *Motion to Admit Other Act Evidence: Shootings*. Plaintiff, THE STATE OF NEVADA (the “State”), filed both motions on February 3, 2021. Defendant, WAYNE MICHAEL CAMERON (“Defendant”), filed his oppositions on February 9, 2021, to which the State replied on February 16, 2021. The Court heard oral argument on the *Motion to Admit Other Act Evidence: Road Rage* on June 2, 2021.

BACKGROUND

Defendant has been charged with one count of MURDER WITH THE USE OF A DEADLY WEAPON for the murder of JARROD FAUST. It is alleged that on or about February 11, 2020, at or near 13425 Welcome Way, Defendant exited his vehicle with a firearm, approached the driver’s side of the Chevrolet Silverado occupied by Jarrod Faust, and shot Jarrod Faust in the face, thereby inflicting mortal injuries. The State now seeks to introduce the following prior acts: the L.M. Road Rage and the A.C. Road Rage.

AA00141

1 **I. The L.M. Road Rage**

2 According to the record, detectives tasked with investigating the homicide of Jarrod Faust
3 discovered numerous photographs of vehicles on Defendant's cell phone. One of those
4 photographs depicted a Subaru belonging to L.M., bearing Nevada license plate 665 ZAV. The
5 digital footprint of the photograph suggested it was taken in October 2018. The State explains
6 the incident:

7 Detectives contacted L.M. and questioned her. She stated that
8 between August and December of 2018 at about 10:00 p.m. she was
9 returning to her parents' house, when she exited the freeway and
10 began travelling up Zolezzi Lane. At the time of the incident she
11 was around 29 years old. Suddenly a vehicle was directly behind
12 her, driving erratically, flashing its brights. This scared her to the
13 point that she decided not to stop at her house. Instead she tried to
14 lose the vehicle in her neighborhood. It continued to follow her
15 closely, driving erratically and flashing its headlights. She finally
16 lost the vehicle for a moment and felt comfortable enough to pull in
17 front of her house and park. She got out of her car and quickly ran
18 to the front door and entered her residence. As soon as she got inside
19 she looked outside to see that the vehicle had pulled up. A man
20 approximately 5'11" with a medium build got out and started taking
21 pictures of her car. She described the suspect's vehicle as a 4 door
22 mid-size SUV possibly a Honda Pilot. After the man got into his
23 vehicle he drove by her house several more times.

24 L.M. was shown the photograph from the defendant's phone, which
25 she recognized to be the one taken by the man. Later, she forwarded
26 a text message conversation between herself and a friend describing
27 the incident... As relevant here, her text message described:

28 So I totally got harassed on the road on the way home. It was in my
neighborhood too. This guy was in front of me and then suddenly
pulled over and when I passed him he got behind me and got right
on my ass with his brights on. Then he started deliberately swerving
behind me and flashing his lights and then coming right up on my
bumper and it scared the shit out of me!

L.M.'s house at North White Sands Road, is in the same
neighborhood as the defendant's (7345 La Paz Court) and would be
on his way home from any commercial area... Both L.M. and Jarrod
Faust were both encountered on Zolezzi around the same time day.

Pl.'s Mot. to Admit Other Act Evid.: Road Rage.

//

1 **II. The A.C. Road Rage**

2 According to the record, Defendant’s daughter, A.C., informed detectives about an
3 incident that occurred approximately 0.2 miles from Defendant’s residence about a year before
4 the alleged murder. The State describes the incident:

5 She said that her father, Wayne, was driving home and she was in
6 the passenger seat. A dark grey Jeep was driving behind Wayne and
7 was extremely close to his rear bumper. Wayne pulled his vehicle
8 over to the side of the road and allowed the Jeep to pass. After the
9 Jeep passed by, Wayne proceeded to follow the vehicle home. A.C.
10 believed this was located at either 526 S. Elk River Ct. or 512 S. Elk
11 River Ct. Wayne then parked his vehicle, exited, and confronted the
driver of the Jeep saying, “Hey that’s not ok, don’t do that.” She
believed there were four teenagers in the Jeep. A.C. said that she
didn’t exit the vehicle, because she believed the teenagers in the Jeep
likely attended Galena High School and she was embarrassed.

12 *Pl.’s Mot. to Admit Other Act Evid.: Road Rage* (quoting *Detective Smith’s Report*). A.C. could
13 not recall the time the incident occurred but remembers it being after sundown. *Id.*

14 **STANDARD OF REVIEW**

15 Under NRS 48.045(1), “evidence of a person’s character or a trait of his character is not
16 admissible for the purpose of proving that he acted in conformity therewith on a particular
17 occasion.” NRS 48.045(2) provides, “[i]t may, however, be admissible for other purposes, such
18 as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of
19 mistake or accident.” *Id.*

20 To admit other acts evidence pursuant to NRS 48.045, the prosecutor must request a
21 hearing, outside the presence of the jury, and establish that: (1) the prior bad act is relevant to the
22 crime charged and for a purpose other than proving the Defendant’s propensity, (2) the act is
23 proven by clear and convincing evidence, and (3) the probative value of the evidence is not
24 substantially outweighed by the danger of unfair prejudice. *Bigpond v. State*, 128 Nev. 108, 116–
25 17, (2012) (citing *Tinch v. State*, 113 Nev. 1170, 1176 (1997)).

26 //

27 //

28 //

1 **DISCUSSION**

2 **I. Relevance of other acts for purposes other than propensity**

3 In its *Motion to Admit Other Act Evidence: Road Rage*, the State argues that the L.M.
4 Road Rage and A.C. Road Rage incidents are relevant to prove motive, intent, and/or absence of
5 mistake or accident. In its opposition, Defendant contends the incidents are relevant only for
6 propensity purposes. The Court agrees with the State's view.

7 Pursuant to NRS 48.045(2), "[e]vidence of other crimes, wrongs or acts is not admissible
8 to prove the character of a person in order to show that the person acted in conformity
9 therewith." NRS 48.045(2). However, such evidence may be admissible for "other purposes,
10 such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of
11 mistake or accident." *Id.* Furthermore, Nevada Supreme Court has clarified that evidence of
12 other crimes, wrongs, or acts "may be admitted under NRS 48.045(2) for a relevant
13 nonpropensity purpose other than those listed in the statute." *Bigpond*, 128 Nev. 108 at 270.
14 Moreover, as to specific intent crimes, such as premeditated murder, the intent is automatically at
15 issue, and other act evidence may be admissible to prove intent. *Hubbard v. State*, 134 Nev. 450,
16 456 (2018).

17 In this case, the underlying charge and the prior road rage acts involve Defendant
18 pursuing another vehicle; the driver being of a young age; the event occurring at night; within
19 close proximity to Defendant's residence; and Defendant exiting his vehicle to confront or harass
20 the driver. The L.M. and A.C. incidents suggest Defendant's intent and/or motive was to
21 confront the alleged victim in the manner of the two prior incidents, rather than checking on the
22 alleged victim, as a good Samaritan, as Defendant stated to law enforcement. Moreover, the
23 prior acts directly explain how and why Defendant was in the cul-de-sac with the victim. Thus,
24 the Court finds that the L.M. Road Rage and A.C. Road Rage are relevant to show Defendant's
25 intent or motive was to follow a vehicle; and exit his vehicle to confront or harass the victim.

26 //

27 //

28 //

1 **II. Clear and convincing evidence standard**

2 Among other requirements, other act's evidence must be proven by clear and convincing
3 evidence. *Bigpond*, 128 Nev. 108 at 116–17.

4 First, the L.M. Road Rage incident is corroborated by L.M.'s testimony under oath¹;
5 contemporaneous text messages wherein L.M. described the incident immediately thereafter; and
6 the photographs of L.M.'s vehicle and license plates found in Defendant's cellphone. Moreover,
7 the photograph's digital footprint indicates the photo was taken approximately around the time of
8 the L.M. Road Rage.

9 Second, the A.C. Road Rage incident is supported by testimony provided by Defendant's
10 daughter, A.C.² Testimony alone may be sufficient to meet the clear and convincing evidence
11 standard where the witness has personal knowledge of the subject of his testimony. *Cf. Randolph*
12 *v. State*, 136 Nev. Adv. Op. 78 (2020). Here, A.C. was a passenger in the vehicle driven by
13 Defendant when Defendant followed the Jeep and exited his car to confront the driver of the
14 Jeep. Thus, the A.C. had firsthand personal knowledge of the prior act.

15 Therefore, the Court finds both the L.M. Road Rage and the A.C. Road Rage incidents
16 meet the clear and convincing evidence standard.

17 //

18 //

19
20 ¹ L.M. testified consistently and persuasively that she did not do anything to cause another driver
21 to react. Nevertheless, a vehicle in front of her pulled over to allow her to pass and began
22 trailing her in a threatening matter, flashing its high beam headlights and swerving. L.M. further
23 testified that she took evasive maneuvers and thought she had lost the vehicle. Thereafter, she
drove home and ran inside her residence; however, the driver of the vehicle had parked behind
her Subaru, exited his vehicle, and began to photograph her Subaru.

24 ² A.C. testified with specificity that on a drive home, a car behind them began to tailgate
25 Defendant's vehicle. Defendant pulled over to allow the vehicle to pass, and proceeded to
26 follow the vehicle to its destination. Once the vehicle reached a residential home, Defendant
27 parked by the driveway, exited his vehicle and proceeded to spend three to five minutes yelling
at the driver and passengers of the vehicle. A.C. testified that she attempted to cover herself
28 because the driver and passengers appeared to be no older than high school students, and A.C.
did not want to be recognized by them. A.C. confirmed her recollection on cross examination by
the defense.

1 **III. The probative value vs. the danger of unfair prejudice**

2 When balancing probative value against the danger of unfair
3 prejudice, courts consider a variety of factors, including the
4 strength of the evidence as to the commission of the other crime,
5 the similarities between the crimes, the interval of time that has
6 elapsed between the crimes, the need for the evidence, the efficacy
7 of alternative proof, and the degree to which the evidence probably
8 will rouse the jury to overmastering hostility.

9 *Randolph v. State*, 136 Nev. Adv. Op. 78 (2020) (citing *State v. Castro*, 69 Haw. 633,
10 756 P.2d 1033, 1041 (1988). “All evidence offered by the prosecutor is prejudicial to the
11 defendant; there would be no point in offering it if it were not.” *Holmes v. State*, 129 Nev. 567,
12 575 (2013) (citing *United States v. Foster*, 939 F.2d 445, 456 (7th Cir.1991)). The real question
13 is whether the probative value is *substantially outweighed* by the danger of *unfair prejudice*. *Id.*
14 (emphasis added).

15 In this case, the strength of the evidence as to the commission of the prior acts is
16 considerable. The A.C. Road Rage is corroborated by statements provided to law enforcement
17 by Defendant’s daughter, A.C.—who was present at the time the act occurred. Furthermore, the
18 L.M. Road Rage is supported by L.M.’s testimony and photographic evidence found on
19 Defendant’s cell phone, which further corroborates the prior act. The similarities of all three
20 instances are striking. All three incidents involved Defendant following another vehicle; the
21 driver of the followed vehicle being of a young age; the event occurring around the same time of
22 day; within close proximity to the Defendant’s residence; and Defendant exiting his vehicle to
23 approach the driver of the followed vehicle. Finally, there is also a strong need for such
24 evidence as there are no witnesses to the charged crime, and the subject weapon was never
25 found.

26 Thus, the Court finds that, although the evidence of the prior acts is prejudicial, it is not
27 unduly prejudicial such that Defendant would be deprived of a fair trial. Stated another way, its
28 probative value is not substantially outweighed by the danger of unfair prejudice.

//

//

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
26
27
28

CONCLUSION

The State's *Motion to Admit Other Act Evidence: Road Rage* is **GRANTED**.

Further, consistent with the Court's ruling from the bench, the State's *Motion to Admit Other Act Evidence: Shootings* is **DENIED** without prejudice to renew.

IT IS SO ORDERED.

DATED this 4 day of June, 2021.



BARRY L. BRESLOW
District Judge

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR20-3534

12

WAYNE CAMERON,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

16

Trial

VOLUME II

June 29, 2021

17

APPEARANCES:

18

For the State:

Amos Stege

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Marc Picker

Alternate Public Defender

21

Jenna Garcia

22

Deputy Alternate Public Defender

350 South Center Street

23

Reno, Nevada

24

Reported by:

Isolde Zihn, CCR #87

| | | | | | |
|----|-------------------------|--------------------|-------|----------|---------|
| 1 | INDEX | | | | |
| 2 | OPENING STATEMENTS: | | | | |
| 3 | By Mr. Stege | 85 | | | |
| 4 | By Mr. Picker | 100 | | | |
| 5 | | | | | |
| 6 | STATE'S WITNESSES: | Direct | Cross | Redirect | Recross |
| 7 | Robert Medina | 106 | 123 | 133 | 135 |
| 8 | Michael Talton | 137 | 166 | 177 | |
| 9 | Ralph Richard Bareuther | 179 | | | |
| 10 | Carol Ann Caprile | 192 | | | |
| 11 | Matt Konopisos | 202 | 213 | 217 | |
| 12 | | | | | |
| 13 | EXHIBITS: | For identification | | Admitted | |
| 14 | 3 | 105 | | 118 | |
| 15 | 5 | 105 | | | |
| 16 | 26 | 105 | | | |
| 17 | 25 | | | 148 | |
| 18 | 2 | | | 162 | |
| 19 | 14 | | | 208 | |
| 20 | | | | | |
| 21 | | | | | |
| 22 | | | | | |
| 23 | | | | | |
| 24 | | | | | |

1 RENO, NEVADA, TUESDAY, JUNE 29, 2021, 8:40 A.M.

2 THE COURT: Thank you.

3 Good morning, everyone.

4 Please be seated.

5 Okay. Welcome back, everyone.

6 The record shall reflect the presence of counsel for
7 the State, counsel for the defense, the defendant, Mr.
8 Cameron.

9 Ladies and gentlemen, nice to see you all again, with
10 one asterisk. Mr. Barajas, who was seated right up here, was
11 in a car accident yesterday evening. That's the bad news.
12 The good news is he was not badly injured. His car was
13 affected, and he was shaken up. That news just came to the
14 Court's attention a very short while ago, and that's one of
15 the reasons we were a little late getting started. I
16 apologize.

17 So, counsel, I don't know if you were apprised of
18 that, as well, or if you're hearing it for the first time.

19 Again, the information I've just relayed is really
20 the extent of what I have been communicated by the Jury
21 Commissioner.

22 I'm inclined to excuse Mr. Barajas' absence. It's
23 based on undue hardship under the circumstances, and ask that
24 he be replaced.

1 Before I make that order final, Mr. Stege, what say
2 you, please?

3 MR. STEGE: I agree.

4 THE COURT: Thank you.

5 Mr. Picker and Ms. Garcia.

6 MR. PICKER: No objection, Your Honor.

7 THE COURT: All right. Thank you.

8 In a moment, we will call somebody to replace Mr.
9 Barajas. And, of course, we all wish him well.

10 Also, we had another prospective juror, not somebody
11 here in the 32, but behind the line there, subject to being
12 called, Ms. Marsha Read, who decided to exercise her
13 statutory right not to continue with service. The law
14 provides a few exceptions from service. I won't necessarily
15 go into the one that she exercised, but she did have a legal
16 right not to continue, chose to exercise it, and the Court,
17 after I discussed it with counsel, thanked and excused her.

18 All right. Ms. DeGayner, would you please replace
19 juror number 6 for Mr. Barajas.

20 THE CLERK: Francisco Hernandez Garcia.

21 THE COURT: Good morning, sir.

22 MR. GARCIA: Good morning.

23 THE COURT: If you would, please, before you have a
24 seat, would you stand up to the microphone and answer a few

1 preliminary questions.

2 MR. GARCIA: Yeah.

3 THE COURT: First of all, how are you?

4 MR. GARCIA: Good.

5 THE COURT: Good. Nice to see you.

6 How long have you been in Washoe County, sir?

7 MR. GARCIA: Twenty-six years.

8 THE COURT: Do you work outside the home?

9 MR. GARCIA: Yeah.

10 THE COURT: And what do you do?

11 MR. GARCIA: I work for Hyatt up in Tahoe.

12 THE COURT: Oh, right on. How's business up there?

13 Probably pretty busy this week; right?

14 MR. GARCIA: Busy.

15 THE COURT: Good. How far did you go in school?

16 MR. GARCIA: I finished college at UNR.

17 THE COURT: Excellent. What did you study there?

18 MR. GARCIA: Marketing, business.

19 THE COURT: Perfect. Are you married, sir?

20 MR. GARCIA: Yeah.

21 THE COURT: Children?

22 MR. GARCIA: No.

23 THE COURT: Have you ever served as a juror before?

24 MR. GARCIA: I came to the jury back in 2002, but I

1 was not selected.

2 THE COURT: You weren't picked.

3 MR. GARCIA: I wasn't.

4 THE COURT: Have you ever been the victim of a crime?

5 MR. GARCIA: No.

6 THE COURT: Have you ever been accused of a crime?

7 MR. GARCIA: No.

8 THE COURT: Do you know anybody that was on the very

9 long list of potential witnesses?

10 MR. GARCIA: I do not.

11 THE COURT: Do you believe you know Mr. Stege, the

12 prosecutor?

13 MR. GARCIA: I don't.

14 THE COURT: Do you believe you know either Mr. Picker

15 or Ms. Garcia, the defense lawyers?

16 MR. GARCIA: I don't.

17 THE COURT: How about Mr. Cameron, the accused?

18 MR. GARCIA: I do not.

19 THE COURT: Do you believe you know either my law

20 clerk, my court reporter, or my court clerk?

21 MR. GARCIA: No.

22 THE COURT: Do you have any close family members or

23 close friends that work in law enforcement?

24 MR. GARCIA: One of my cousins, he's just retired

1 from the Marines. But that's it.

2 THE COURT: Okay. And do you think that would cause
3 you to favor one side or the other in a case like this?

4 MR. GARCIA: No. Not --

5 THE COURT: Go ahead.

6 MR. GARCIA: I don't think. It wouldn't make a
7 difference.

8 THE COURT: You've heard me say, while you were
9 sitting back there yesterday, you heard me tell everyone that
10 a police officer testifying doesn't get a head start. They
11 don't get more weight to what they have to say or less weight
12 because they're police officers. They get the same weight as
13 anybody else.

14 MR. GARCIA: I would believe so.

15 THE COURT: Okay. A few more questions. Do you know
16 anything about this case? Did you hear about it, read about
17 it?

18 MR. GARCIA: Nothing.

19 THE COURT: See anything on TV?

20 MR. GARCIA: No. I've been very busy working. I
21 have no time to watch TV.

22 THE COURT: No reading or --

23 MR. GARCIA: No.

24 THE COURT: Taking a look around at the other 31

1 people, do you know any of them?

2 MR. GARCIA: I do not.

3 THE COURT: From the Hyatt, from church, from school,
4 just going shopping?

5 MR. GARCIA: I went up in Incline, middle school,
6 high school, so I don't know anybody here from Reno.

7 THE COURT: Very good. Do you have any physical
8 issues, health issues that would make it hard for you to hear
9 this case?

10 MR. GARCIA: No.

11 THE COURT: All right. Thank you very much.
12 Please have a seat, sir.

13 One more thing, ladies and gentlemen. Although it's
14 very likely we will be finished today, even this morning
15 possibly with selecting the jury, whether we are or are
16 not -- and especially for the jurors that are called to
17 serve -- please be here in the jury room no later than 8:00
18 o'clock. We'll start no later than 8:30. We will try to
19 actually start before 8:30, if everyone is ready to go. So,
20 you know, wheels down, pull to the gate, deplane, 8:00
21 o'clock in that room. Not 8:15, not 8:30. If I was unclear
22 about that yesterday, I apologize. But let's get it going
23 because I want to try to move this along.

24 So let's remember where we broke yesterday, and that

1 was Mr. Stege was questioning some of the prospective jurors
2 here in the box, as we call it. He wasn't quite finished.
3 So at this point the Court invites Mr. Stege to continue his
4 voir dire of the court.

5 Mr. Stege.

6 MR. STEGE: Thank you.

7 Your Honor, I invite Mr. Hernandez back to the
8 microphone.

9 THE COURT: You thought you were done.

10 MR. GARCIA: I know; right?

11 MR. STEGE: I didn't quite catch it. You had an
12 uncle who retired from?

13 MR. GARCIA: The Marines.

14 THE COURT: The Marines. Was he involved in law
15 enforcement?

16 MR. GARCIA: He's my cousin.

17 MR. STEGE: I'm sorry.

18 MR. GARCIA: He was the instructor. Level 17
19 instructor, something like that.

20 MR. STEGE: Do you know what he did in the Marines?

21 MR. GARCIA: He briefly explained it. He was people
22 who trained those who do all those Afghanistan strikes and
23 all that stuff. So I don't really ask him too much.

24 MR. STEGE: Okay. Do you have other family in the

1 area in Washoe County?

2 MR. GARCIA: No. Well, I've got lots of families in
3 Washoe County, but nobody in the law enforcement.

4 MR. STEGE: And any work or life impact with serving
5 on a jury for two weeks that we ought to know about?

6 MR. GARCIA: Just that I'm going to be missing work,
7 and money is kind of tight right now. But that's it.

8 MR. STEGE: Do you think that's -- the financial
9 impact, can your family weather that for two weeks? Can you
10 withstand two weeks without work?

11 MR. GARCIA: I'll try.

12 MR. STEGE: Okay. And does your work understand the
13 obligation that you would have, if you serve?

14 MR. GARCIA: My boss was not happy because I'm
15 training to replace a guy who is going to retire, so --

16 MR. STEGE: Okay.

17 MR. GARCIA: -- when he found out, it's like he
18 wasn't happy, but.

19 MR. STEGE: When is that retirement happening?

20 MR. GARCIA: It's going to happen in about a month
21 and a half. So I've got to learn as much as I can from him.

22 MR. STEGE: Okay. Thank you. If you'll take your
23 seat, please.

24 Your Honor, I have no more questions of the panel. I

1 pass the panel for cause.

2 Thank you.

3 THE COURT: Thank you very much.

4 Ms. Garcia or Mr. Picker, you may proceed.

5 MS. GARCIA: Thank you, Your Honor.

6 THE COURT: You're welcome.

7 MS. GARCIA: All right. When I get started, the

8 first thing I want to do is ask: If you guys can't hear me,

9 put your hands up, because I don't quite have the deep voice

10 of Mr. Stege. So please let me know if you're not hearing

11 what I'm saying. Especially you in the front, because you

12 have to sort of turn around to see me.

13 I'm going to move this down.

14 THE COURT: Let me also mention, for those of you in

15 the front couple rows, you don't have to turn your neck,

16 strain your neck to see her. Feel free to turn your chair in

17 her direction, if you'd like to. You can even spread out

18 just a little bit to get a better angle to see her straight

19 on. I'm not forcing that on anyone, but feel free to do so

20 if you'd like to.

21 MS. GARCIA: Okay. Let's get started.

22 So we're in the somewhat unenviable position of going

23 last. So I acknowledge you have all been sitting there for

24 an entire day answering questions about yourselves, so I'm

1 not going to waste your time, but I do have some topics that
2 I want to hit that the judge and Mr. Stege haven't talked
3 about yet, and they're important. They're for Mr. Cameron.
4 So all I ask is that you continue to give us those honest
5 answers.

6 I know yesterday people probed. We probed into your
7 life, and we asked you to talk about difficult and personal
8 things, and so we acknowledge that this is not something you
9 do in your normal everyday life. But I'm going to ask you to
10 just continue to do that with me for a little bit, and then
11 hopefully we'll be able to move forward. Okay?

12 So the first thing that I want to talk about is the
13 burden of proof, because obviously most people know "beyond a
14 reasonable doubt." You've all heard it, you've seen it in a
15 TV show. But I want to talk about what that actually
16 means: that the State has to prove Mr. Cameron's guilt
17 beyond a reasonable doubt.

18 And by that I mean this: The defense doesn't have to
19 ask a single question in this trial. The defense doesn't
20 have to put on a single witness. We can just sit here and
21 say absolutely nothing. And if you don't think the State has
22 proven what happened beyond a reasonable doubt, you'd have to
23 acquit Mr. Cameron. And that's kind of a strange concept.

24 And I want to know: Does that make anybody

1 uncomfortable? Does anybody have any thoughts about that?

2 Anybody?

3 I'm going to pick on someone.

4 I'm going to ask for Miss Ristinen to come up.

5 Morning. I'm just curious. When I say that, what

6 does that mean to you: the idea? Can you imagine if we just

7 sat here, and we didn't say one thing?

8 MS. RISTINEN: I can't. It seems really strange that

9 you would just not advocate for your client.

10 MS. GARCIA: But do you think you would hold that

11 against Mr. Cameron?

12 MS. RISTINEN: No. Listening to the prosecution is

13 one thing. And if that's a strategy that you guys want to

14 take, I think that's the burden of the jury -- or the jurors'

15 job to accept that that's your strategy. But I don't think I

16 would hold it against you.

17 MS. GARCIA: But you would think it was weird. Would

18 that cloud how you proceeded or how you acted as a juror? Do

19 you think you could put that aside?

20 MS. RISTINEN: I don't know. That's tough, because

21 it's -- we're only listening to one side of the story.

22 MS. GARCIA: So what if, at the end of that -- let's

23 follow this scenario through -- we did nothing, but you

24 weren't entirely sure the prosecution had proven beyond a

1 reasonable doubt? Would you be able to acquit?

2 MS. RISTINEN: Yes.

3 MS. GARCIA: Does anybody else have similar thoughts
4 about that? Was there anybody who couldn't acquit if we just
5 sat here and did nothing? No one.

6 Okay. You can have a seat. Thank you.

7 Is anyone -- would anyone spend the trial thinking to
8 themselves, instead of listening to the evidence: Why isn't
9 the defense doing anything? Do you think that would affect
10 you? Is there anybody?

11 Ms. Coffey, let me pick on you.

12 MS. COFFEY: Do I have to state my name?

13 THE COURT: That's fine. Just do me a favor and
14 speak into the microphone.

15 MS. COFFEY: Heather Coffey, for the record.

16 I think, in my opinion, that the prosecutor would
17 have to have pretty heavy evidence to prove that he is
18 guilty, and so with you not defending that, I think it's more
19 on the prosecution to have a better argument.

20 MS. GARCIA: So it wouldn't bother you in any sense.
21 You would be able to look at what the prosecution was doing
22 and still make your determination?

23 MS. COFFEY: I think, as jurors, we would have to
24 take their statements and their evidence into consideration

1 more so and really, you know, analyze and think about what
2 they're presenting to us.

3 MS. GARCIA: Okay. Okay. Appreciate that.

4 Does anybody else have any thoughts on that? Nobody.

5 Okay. Miss -- okay. Miss Borsz; right?

6 MS. BORSZ: Borsz.

7 MS. GARCIA: Borsz.

8 THE COURT: Hold on just one second.

9 I'm going to have Edgar turn the podium so you can be
10 facing Ms. Garcia and Mr. Stege.

11 MS. BORSZ: Courtney Borsz.

12 I believe that there's always two sides to every
13 story. You have to hear both sides in order to see what's
14 going to happen, because we don't know what happened between
15 this person and this person if all we hear is -- we just hear
16 this side, we don't hear this side. If we don't hear this
17 side, how are we going to determine whether or not this was a
18 misunderstanding?

19 People are human. You have to decipher: Is this
20 person telling the truth? And if we can't tell that because
21 we don't hear anything from that side, there's no way to
22 decipher whether this side is right or if that side is right.
23 So you have to hear both sides because there's always --
24 technically, there's three sides: Your side, their side, and

1 down the middle what actually really happened.

2 MS. GARCIA: Okay. And I think that's actually a
3 very natural way to feel. I think that that's how we often
4 approach things in life is: Okay. Here's one side. What's
5 the other side?

6 Does anybody else generally think that way? Yeah.
7 Hands up. Okay. Yeah. That's very natural.

8 But that's why I'm bringing this up. Because I want
9 to make sure that you're able to say to -- and recognize
10 that, in this strange forum of the criminal justice system of
11 a jury trial, that the State has the burden to prove what
12 happened beyond a reasonable doubt, and that's a burden that
13 does not shift to us. And that's what I want to make sure
14 you understand.

15 And so do you think you could sit there, listen to
16 the evidence, and if you were saying to yourselves, "Man, I
17 wish I knew the other side, but I'm not convinced by the
18 prosecution," do you think you could still then acquit Mr.
19 Cameron?

20 MS. BORSZ: I believe so. I believe, if I didn't
21 hear his side, I believe Mr. Cameron has a voice, and it
22 can't be heard if you don't speak. So, to me, if the other
23 side didn't get the opportunity, and they were not able to
24 justify and actually say yes, then you would have to acquit.

1 MS. GARCIA: I'm going to actually ask you to stay up
2 there because that sort of leads me to the next piece that I
3 want to talk about. And that's the right against
4 self-incrimination. Do you know about this right, the Fifth
5 Amendment?

6 MS. BORSZ: I do, yes.

7 MS. GARCIA: So I want to be really clear, because
8 this we haven't talked about. But I think we all know the
9 general premise. The defendant does not have to testify, and
10 the jury may not read anything into that. And I think that
11 goes to exactly what you're talking about. So what if Mr.
12 Cameron doesn't take the stand? How would that affect you?

13 MS. BORSZ: I actually thought about that, because I
14 did not see his name on the witness list, so I automatically
15 assumed that he is not going to go up against himself
16 because, I mean, technically it's very smart, because he
17 could be butchered, like, you know, they could just kill him
18 up here on the questioning. So, you know, it is one of those
19 things where that's a decision that he has to make, and if
20 his voice is heard through your guys' -- you know, through
21 you two, then that's perfectly fine, as well.

22 MS. GARCIA: Okay. So you wouldn't hold it against
23 him --

24 MS. BORSZ: Absolutely not, no.

1 MS. GARCIA: -- if he didn't take the stand?

2 MS. BORSZ: Absolutely not.

3 MS. GARCIA: Thank you so much.

4 Is there anybody who is uncomfortable with the idea
5 that Mr. Cameron doesn't have to testify, and you may never
6 hear from him?

7 Please come up. Ms. Diltz-Walker; right?

8 MS. DILTZ-WALKER: Molly Diltz-Walker.

9 I understand that this is like a legal forum, but I
10 guess, if I'm being honest, if I was in this same position, I
11 would want to defend myself. So that's my thought right now,
12 is, like, if I knew the truth, and I was accused of something
13 horrible, I would absolutely want my side of the story out
14 there. So if I'm being -- you know, you're asking -- so if
15 I'm really answering honestly, I would be suspicious of that.

16 MS. GARCIA: I really appreciate your honesty,
17 because sometimes we think things in our daily lives, we ask
18 you to come in here and put aside some of that just common
19 sense feelings.

20 So do you think, as you're sitting there listening to
21 the evidence come in, and then the trial ends, and you didn't
22 hear from Mr. Cameron, would that cause you to not be able to
23 acquit him if you didn't think the prosecution had proven
24 their case?

1 MS. DILTZ-WALKER: I would be unsatisfied, I guess,
2 from not hearing that side of the story. But in this forum I
3 would understand that beyond a reasonable doubt means that it
4 would have to be highly, highly likely. And if I didn't
5 believe that it was highly, highly likely, even if I was
6 unsatisfied, I would have to acquit him.

7 MS. GARCIA: So you can separate the feeling of
8 dissatisfaction from being able to follow the law?

9 MS. DILTZ-WALKER: Yeah.

10 MS. GARCIA: You'd like to think so. Is that --

11 MS. DILTZ-WALKER: I hesitate because it's not a
12 great feeling because it's such a heavy thing. I would have
13 to say to, you know, the victim's family -- like, I'm already
14 getting emotional about it. Yeah, even though it would be
15 unsatisfying and could potentially be unsatisfying to the
16 victim's family, I guess I would have to --

17 MS. GARCIA: That would be something you would be
18 thinking about.

19 MS. DILTZ-WALKER: -- acquit.

20 MS. GARCIA: The dissatisfaction of the victim's
21 family.

22 MS. DILTZ-WALKER: You're right.

23 MS. GARCIA: Why?

24 MS. DILTZ-WALKER: Because -- I don't know the nature

1 of the -- I don't know any details. I'm just imagining in my
2 head, I guess, what the details could be. And I would just
3 emotionally feel for the family, I guess. I don't know how
4 to explicate it beyond just an emotional feeling for another
5 person.

6 MS. GARCIA: Empathy. I really appreciate you being
7 honest about that. Thank you.

8 Is there anybody else that feels this way: that you
9 would be dissatisfied if Mr. Cameron didn't take the stand?

10 No one else? No one else.

11 I'm going to pick on someone else.

12 Ms. McCall, can I have you come up.

13 MS. MCCALL: Eliza McCall.

14 I've been thinking about it. And with -- I think
15 originally I would feel strange. But having you kind of
16 re -- sorry; my mask is caught on my earrings -- but having
17 you -- they're very complicated -- introduce the fact that we
18 are in this strange forum, as the judge brought to our
19 attention many times yesterday, can you separate these
20 things, the more I thought about it, the more I was kind of
21 remembering my -- I don't know -- gov classes and stuff
22 talking about innocent until proven guilty. And I think that
23 is a tenet of our society and our government. That's where
24 we have to stand.

1 MS. GARCIA: You would be able to set that aside. So
2 let me ask you this, then.

3 MS. MCCALL: Yeah.

4 MS. GARCIA: The trial proceeds. We don't ask one
5 question.

6 MS. MCCALL: Yes.

7 MS. GARCIA: You don't hear from Mr. Cameron.

8 MS. MCCALL: Yes.

9 MS. GARCIA: But you're not sure about the State's
10 evidence. Are you able to acquit?

11 MS. MCCALL: He is innocent until proven guilty 100
12 percent.

13 MS. GARCIA: Thank you.

14 Does anyone else feel that way?

15 Let me pick on someone else.

16 Let me go with Miss Watkins.

17 MS. ROBINSON: Can you speak more into the
18 microphone?

19 MS. GARCIA: Is that better?

20 I'm going to ask you, since you shared so much
21 yesterday about your personal experiences with a trial where
22 you were victim's family and a witness. I want to know how
23 you feel about that idea, about the role of the defense, and
24 the burden being solely on the prosecutor.

1 Has your experience with the system shaped how you
2 feel about that?

3 MS. WATKINS: That's a really good question.

4 Excuse me.

5 It was so long ago, 28 years.

6 MS. GARCIA: Yeah.

7 MS. WATKINS: And I've grown up a lot since then.

8 And I have a better understanding of how our criminal justice
9 system works from that experience till now. Though I know
10 that within the court system there's the prosecution side,
11 and there's the defense side. And I totally understand and
12 agree that the defense does not have to pose a defense,
13 basically.

14 MS. GARCIA: Okay.

15 MS. WATKINS: In my experience with that trial, there
16 were a lot of things that were really confusing to me at the
17 time.

18 My husband was on trial, too, as the victim. That
19 part was really, really hard for me. And I had a
20 relationship with the defendant. So it was really hard. And
21 I don't think my experience there at that time -- and I was
22 pregnant -- so I don't think it can be used to evaluate how I
23 perceive the defense's role.

24 MS. GARCIA: Okay. I appreciate that.

1 MS. WATKINS: It was just too close to home.

2 MS. GARCIA: Let me ask you this. You said something
3 that kind of struck me. Your husband, the victim, was also
4 on trial.

5 MS. WATKINS: Yeah.

6 MS. GARCIA: Tell me: At the time, how did that make
7 you feel?

8 MR. STEGE: Your Honor, I must object. I'm sorry to
9 interrupt.

10 I fear we might be going into an improper area that
11 we will have -- that may be the subject of legal argument in
12 the case, so I object.

13 THE COURT: Don't answer the question just yet,
14 ma'am.

15 MS. WATKINS: Okay.

16 THE COURT: Ms. Zihn, would you read the question
17 back that Ms. Garcia asked.

18 THE COURT REPORTER: Yes, Your Honor.

19 THE COURT: Since you don't have a microphone there,
20 do your best to speak up.

21 (The question was read.)

22 THE COURT: And could you read the question before
23 that, as well.

24 (The question was read back.)

1 THE COURT: The objection is overruled. You may ask
2 that question.

3 Please answer.

4 MS. GARCIA: Thank you, Your Honor.

5 MS. WATKINS: It was a little disconcerting to
6 realize that the reputation that my husband had could be
7 displayed for everyone and could be judged; whereas the
8 defendant was -- I don't know if I can express this very
9 easily. It just seemed unfair.

10 MS. GARCIA: Okay. Do you still feel that way today?
11 Because you said it was a long time ago.

12 MS. WATKINS: It was a long time ago. No. I've put
13 a lot of that behind me. So, no, I don't -- I don't -- I
14 understand better now how the law works. So I can't really
15 use that experience from so long ago in how I make decisions
16 today.

17 MS. GARCIA: It's certainly something that has stayed
18 with you. Is that fair to say?

19 MS. WATKINS: Well, of course.

20 MS. GARCIA: I appreciate you coming up and talking
21 to me. I just have one more question.

22 MS. WATKINS: Okay.

23 MS. GARCIA: Just because you have probably more
24 experience with the criminal justice system than most of our

1 other panel, I think that's fair to say from what we talked
2 about yesterday. So what I want to know is: Would you be
3 comfortable, if you were Mr. Cameron, with you sitting on
4 this jury?

5 MS. WATKINS: Yes.

6 MS. GARCIA: Thank you, Miss Watkins. Appreciate
7 your time.

8 Is there anybody else who has thoughts about whether
9 they could put aside whether Mr. Cameron testifies or not,
10 meaning that they would not hold it against him? Does
11 anybody else have anything they'd like to say about that?

12 I'm actually going to pick on Mr. Gueller for a
13 minute. And that's because of your degree. You told us
14 about your criminal justice degree.

15 MR. GUELLER: Yes.

16 MS. GARCIA: You said specifically as it relates to
17 law; right?

18 MR. GUELLER: Yes.

19 MS. GARCIA: Tell me a little bit about how your
20 education has maybe shaped your thoughts regarding the things
21 I'm talking about: burden of proof, the right of the
22 defendant to remain silent.

23 MR. GUELLER: Well, to put this in simple terms -- I
24 was just thinking about this over there -- is, going to Six

1 Flags or Disneyland as a kid, you get the little bar that
2 says you have to be this high to go on the ride. It's very
3 similar to the legal world, where it says: Hey, if the
4 prosecution, they're bringing this -- and we just saw a list
5 of 20 or so officers, they are bringing a lot of resources
6 and information to this case -- it's their responsibility to
7 prove the defendant did this, and to prove their case beyond
8 a reasonable doubt, like you said. That's my understanding
9 of it.

10 It would be a very interesting legal strategy if you
11 didn't bring up any kind of defense or anything like that.
12 It would be interesting to see how that plays out. However,
13 that is his legal right. And, you know, being -- knowing
14 what I know and knowing that that's the standard and knowing
15 that's what's required, absolutely.

16 MS. GARCIA: And knowing it's the law, I think is
17 different than how we feel. I'm just curious. Is there
18 anything about that that bothers you in any way?

19 MR. GUELLER: That bothers me?

20 MS. GARCIA: Yeah.

21 MR. GUELLER: It kind of bothers me it's a little bit
22 of David and Goliath situation. We have all these resources
23 with the State, all the investigators and things like that,
24 that are going after, you know, a single individual. And you

1 better believe I feel very strongly that they better be able
2 to bring their case, and they better be able to -- what's the
3 word I'm looking for? -- they better be thorough, and they
4 better dot their i's and cross their t's. They are the
5 professionals. I feel like the burden is on them.

6 MS. GARCIA: Okay. So do you feel your experiences,
7 your education, maybe even your friendships with law
8 enforcement, cause you to say, "I actually have a high
9 expectation of them and what they do"?

10 MR. GUELLER: Absolutely.

11 MS. GARCIA: Okay. Thanks, Mr. Gueller. Appreciate
12 it.

13 Is there anybody else that has any thoughts about
14 these topics that we've been talking about, before I move on?
15 Anything?

16 I'm going to pick on one more person who has some
17 legal, and that's Miss Kahl.

18 Hi, Miss Kahl.

19 MS. KAHL: Hello.

20 MS. GARCIA: I know you had mentioned working in the
21 law firm.

22 MS. KAHL: Yes.

23 MS. GARCIA: I know it was not criminal, but you did
24 mention you got a little bit of a leg up knowing terms and

1 things. So I want to know what you think about this idea of
2 you don't -- Mr. Cameron doesn't have to say a word in this
3 trial, and you can't hold it against him.

4 MS. KAHL: I a hundred percent believe, again, the
5 prosecutor would have to bring his A game, bring -- again,
6 like some said, I also have a high expectation for officers
7 coming in. They do have to bring all the evidence.

8 MS. GARCIA: Is that based on working at the law
9 firm? Or where do you think that feeling comes from?

10 MS. KAHL: Based on working at the law firm, again,
11 it was probate, so not a lot of stuff like that happened.
12 But my brother being an officer, I have high expectations for
13 him, obviously.

14 MS. GARCIA: Do you guys talk about his work, at all?

15 MS. KAHL: No. It's not -- again, not a dinner table
16 talk. We talk more about baseball, stuff like that.

17 MS. GARCIA: He doesn't bring you war stories?

18 MS. KAHL: No. I mean -- no, nothing crazy, unless
19 it's like, "I detained a homeless man today," stuff like
20 that. Nothing going over the lines.

21 MS. GARCIA: Nothing too heavy. Fair to stay?

22 MS. KAHL: No, no.

23 MS. GARCIA: I appreciate it. Thank you.

24 The next topic that I want to talk about is a topic

1 that I think can be controversial, and people have really,
2 really strong opinions one way or the other. And so this is
3 one where I really want you to be honest. There's not a
4 right or a wrong answer here.

5 This case is going to involve evidence regarding
6 firearms, firearm ownership, and that's going to come up a
7 lot. And so I want to know -- because just from my everyday
8 life I see this all the time amongst friends and family,
9 people have really strong opinions. So is there anyone here
10 that the minute I say "firearm ownership" has a strong
11 opinion one way or the other about that; that it brings an
12 emotional reaction, either in favor of or against? Anyone?

13 THE COURT: Before you answer, I just want to
14 reiterate one more time. You have the Court's permission to
15 slide your chairs out a little bit and turn completely, like
16 some of you have, to better face Ms. Garcia. I don't want
17 anybody physically uncomfortable and having to turn and hear
18 her. You don't have to, of course. But you can move -- the
19 key, though, is, when she's done speaking, make sure you're
20 back in the same row you were in before. Okay? So as you
21 decide.

22 And, Mr. Hernandez, you might want to move a little
23 bit closer to the rope here. That way the people behind you,
24 if they want to turn, they have a little bit more room.

1 There you go.

2 All right. Please proceed.

3 The question was whether anyone has strong opinions
4 or emotions with respect to the fact that this case may have
5 a component of firearms.

6 And, Ms. Garcia, there was a hand in the back.

7 MS. GARCIA: Please come on up. And this is Miss --

8 MS. BLACKWELL: Blackwell.

9 MS. GARCIA: Blackwell.

10 MS. BLACKWELL: For me, I think it's a right to own a
11 firearm. I am a concealed carrier. My husband is. I teach
12 my kids how to properly have a gun in the home, not to touch
13 it. I think it's our legal right. I think it's the
14 responsibility of the person who has the firearm to use it
15 properly.

16 MS. GARCIA: Let me ask you this: Do you own weapons
17 for hunting?

18 MS. BLACKWELL: No. For personal defense.

19 MS. GARCIA: Personal defense. Tell me a little bit
20 more about that.

21 MS. BLACKWELL: Well, I was sexually abused when I
22 was 18, and again when I was 22, and if I would have had
23 something to protect myself, it wouldn't have happened.

24 MS. GARCIA: So it's a very personal thing for you.

1 MS. BLACKWELL: Yeah.

2 MS. GARCIA: Can I ask: Do you keep a weapon at your
3 home?

4 MS. BLACKWELL: Multiple.

5 MS. GARCIA: How about in your car?

6 MS. BLACKWELL: Yes. And in my purse, when I'm not
7 in a courthouse or a place like that. To forewarn everyone,
8 I am unarmed.

9 MS. GARCIA: Absolutely. Let me ask you one more
10 question about it. You keep it for personal protection. But
11 obviously, you know, it's a serious thing to pull out a
12 weapon.

13 MS. BLACKWELL: Correct.

14 MS. GARCIA: What are your thoughts about when it's
15 appropriate to defend yourself with a gun?

16 MR. STEGE: This is improper.

17 THE COURT: Sustained.

18 So let's remember, everyone, the confines of
19 questioning a prospective juror. Under Lamb, the Nevada
20 case, Lamb, 127 Nevada 26, 2011, voir dire is a tool to
21 discover if a juror will consider and decide facts
22 impartially and conscientiously apply the law.

23 We cannot use it in any way, Mr. Stege, Ms. Garcia,
24 to attempt to indoctrinate the jury as to what this case

1 might necessarily be about or what the evidence will suggest.

2 So let's stay in that corridor.

3 And the question, I anticipated an objection, which I
4 sustained, to ask a question like that, because that begins
5 the process of attempted indoctrination.

6 I'm not suggesting you did it improperly --
7 intentionally, Ms. Garcia, but the Court thinks that's an
8 inappropriate question. So please ask another one.

9 MS. GARCIA: Understood, Your Honor.

10 Thank you, Miss Blackwell. You're good.

11 MS. BLACKWELL: Thank you.

12 MS. GARCIA: Is there anybody else who has thoughts?

13 Ms. McCall, come on up.

14 MS. MCCALL: Kind of, I guess, as a balance for what
15 was just said, I am not a firearm owner, no one in my family
16 is a firearm owner. While it is a right, I think that having
17 it be something that is well-controlled is beneficial to the
18 country and those people who have -- shouldn't have firearms.
19 I think some people, if you go through correct processes, I
20 have no problem with you having a firearm. But I think
21 currently the state of firearm sales in the United States is
22 not correct.

23 MS. GARCIA: Okay. And so you said you were a
24 firearm owner.

1 MS. MCCALL: I'm not a firearm owner.

2 MS. GARCIA: You said the rest of your family --

3 MS. MCCALL: No, no. No one in my family. My
4 boyfriend has an old pistol that was given to him, but that's
5 the only firearm. There are firearms in the house that I
6 live in because my roommate has some, but, yeah.

7 MS. GARCIA: Okay. So you're not against the idea of
8 owning a firearm. You just have concerns about the state of
9 sales, basically. Is that what I'm hearing?

10 MS. MCCALL: High concerns. I think people should
11 be -- I think we should be very cautious with who can own a
12 firearm. And I think that should be better enforced from
13 other places that I've lived around the world having like,
14 yes, necessary for defense. But if it doesn't seem like it
15 would be necessary for defense -- the person before, I think
16 they definitely have a personal reason that, you know, going
17 through, and understand why she would want a firearm. There
18 are some people that I think I don't know why you want to
19 have seven pistols. Like, I just don't understand why that's
20 a necessary process for you.

21 MS. GARCIA: I appreciate it. Thank you.

22 Anybody else?

23 I have to pick on some people if nobody else -- how
24 about you, Miss Robinson? Can I ask you to come up.

1 What are your thoughts about firearm ownership?

2 MS. ROBINSON: Well, my husband is a correctional
3 officer. There's firearms in our house. Like she said, our
4 kids -- our oldest kid knows they are in a locked cabinet.
5 No one knows where the keys are except for my husband. No
6 one knows the codes to the safe except for me and my husband.
7 They're taught firearm safety. It's brought out. He's
8 taught my son how to disassemble it, how to load it. He's
9 taken him out shooting responsibly. His family all comes
10 from law enforcement.

11 I've always been around guns and firearms, so I don't
12 see any issues with it. But, again, it's a right, not a
13 privilege. And if you screw up because you did something
14 with a firearm, then that right should be taken from you, you
15 know. This is America. We all have rights. But you can't
16 abuse them.

17 MS. GARCIA: Okay. Do the guns that you have, are
18 they for protection? For hunting?

19 MS. ROBINSON: No hunting. It's all protection. Or
20 my husband likes to go out to the range with his buddies and
21 shoot guns. I can tell you there's probably seven in our
22 house, and he's shot one. I have a gun, and I used it one
23 time on the range, and I've never used it since. I have no
24 desire.

1 MS. GARCIA: Thanks. I appreciate it.
2 How about someone we really haven't heard a whole lot
3 from? And that's Mr. Bhardwaj. Will you come up. I'm so
4 sorry if I butchered your name.
5 THE COURT: Go ahead and take your mask down, please,
6 so we can hear you a little bit better, and get close to the
7 microphone.
8 Thank you.
9 MS. GARCIA: What are your thoughts about firearm
10 ownership?
11 MR. BHARDWAJ: Keeping the firearm for self-defense
12 is okay, but it should not be an assault rifle for, like,
13 mass killings, like that. I am against that.
14 MS. GARCIA: Do you own any firearms?
15 MR. BHARDWAJ: No.
16 MS. GARCIA: Okay. Thank you.
17 Another topic that we're going to see come up a
18 little bit is the idea of issues on the road. So I'm just
19 curious. Have any of you had a scary experience on the road,
20 where someone was aggressive?
21 MR. STEGE: I object, Your Honor. Indoctrination.
22 Hypothetical facts, hypothetical verdicts are all improper.
23 THE COURT: I'm inclined to agree with the State.
24 That begins down a slippery slope.

1 MS. GARCIA: It's alleged in the Information, Your
2 Honor.

3 MR. STEGE: Right. But we're not here to try against
4 a hypothetical Information. We're here to see if these are
5 fair and open-minded people, not try them against our theory
6 of the case without evidence.

7 THE COURT: Well, so, I quoted -- the Court quoted
8 before the Lamb case. C. Strand, as well, the Nevada Supreme
9 Court case of C. Strand. We cannot indoctrinate on a fact of
10 law or try to ask a question that will spur investigation. I
11 think that's pretty close to the line, Ms. Garcia.

12 MS. GARCIA: Your Honor, could I be heard on that?

13 We ask people if they've been a victim of crimes --

14 THE COURT: Yes.

15 MS. GARCIA: -- because that can be relevant. And in
16 this situation, if someone was a victim of road rage, that
17 could be highly relevant to whether they can be a fair and
18 impartial juror.

19 THE COURT: Well, it's a fair question to ask if --
20 I'll allow questions if they believe -- I'm inclined to allow
21 a question asked if any of the people here believe they've
22 been a victim of a road rage incident. But going past that I
23 think would be improper indoctrination.

24 But before I make that order final, Mr. Stege, would

1 | you like to be heard any further?

2 | MR. STEGE: Only that they're asked if they were
3 | victims of crime, not so we can see if their crime is close
4 | to our crime. It's to see if they are -- that experience is
5 | so difficult for them that they cannot be fair to the
6 | parties. There are not two classes of fairness, fair to the
7 | defendant, fair to the State. There is one class of
8 | fairness. No one said they've been the victim of a crime.
9 | This is a specious, I would say, turned on its head, a form
10 | of closing argument which the Supreme Court specifically has,
11 | and repeatedly, prohibited. That is a Golden Rule argument.
12 | So I think it is still improper.

13 | THE COURT: Final thoughts, Ms. Garcia. Then I'll
14 | make a decision.

15 | MS. GARCIA: I think they're analogous in that we're
16 | looking for people whose life experiences do not make them
17 | such that they could not be fair and impartial in this
18 | particular trial. This is a trial-specific inquiry, because
19 | we're looking for jurors for this specific trial. And so I
20 | think it goes to whether they could be fair and impartial.

21 | MR. PICKER: Give me a moment, Your Honor.

22 | MS. GARCIA: Your Honor, I think --

23 | THE COURT: Well, let me ask a question. Here's the
24 | Court's ruling.

1 So, ladies and gentlemen, this case has an aspect of
2 alleged road rage. So let me ask you simply this: By a show
3 of hands, did any of you have a personal experience with
4 that, either as alleged perpetrator or as possible victim,
5 such that you believe you might have a bias or prejudice one
6 way or the other in this case? Is there anybody that would
7 fit into that category?

8 All right. The record should reflect no hands
9 raised. That's the way the Court will approach that
10 question.

11 Please move on, Ms. Garcia.

12 MS. GARCIA: Okay. Thank you, Your Honor.

13 So I want to talk just a little bit about the
14 presumption of innocence, because it's something that we've
15 touched on, but we haven't -- I think saying it is easy.
16 Feeling it and knowing what it means is something different.
17 And so I don't think it's natural.

18 So I think we watch the news. A suspect pops up on
19 the screen. And even I, a defense attorney, peer around to
20 see, "Okay. What did this person do?" Not, "What is this
21 person accused of?" but, "What did this person do?" I think
22 that's a really natural reaction. And so I just want to
23 explore that a little bit.

24 Does anybody else feel that they do that? It's not a

1 judgment. It's just natural. Does anybody else think that
2 they do that?

3 Yeah? I see some nodding heads.

4 So when you see someone like Mr. Cameron seated up
5 here, I guess what I want to know is: Is there anybody that
6 feels like, well, he probably did something because he's
7 here? That's natural. I don't say that in judgment. That's
8 just, I think, a natural reaction. Does anybody think that?

9 Ms. Lamb, can I have you come up. Tell me a little
10 bit about that.

11 MS. LAMB: Can you explain?

12 MS. GARCIA: Mr. Cameron is here; right?

13 MS. LAMB: Right.

14 MS. GARCIA: What I was saying is, it feels natural
15 to think not, "Did he do something?" but to think, "What did
16 he do?" Do you think that's natural? Do you feel that way?

17 MS. LAMB: I think that's natural, yes.

18 MS. GARCIA: So talk a little bit about: Do you
19 think you could set that aside, that feeling, and just really
20 come from a place of, "He's neutral, and I need to see what
21 the prosecution says"?

22 MS. LAMB: I think, serving as a juror, that's what
23 you have to do.

24 MS. GARCIA: You think you'd be able to do that

1 despite that sort of natural reaction to say --

2 MS. LAMB: Yes, I do.

3 MS. GARCIA: Have you ever heard the phrase, "Where

4 there's smoke there's fire"?

5 MS. LAMB: Yes.

6 MS. GARCIA: What do you think about that? Do you

7 agree with that?

8 MS. LAMB: I guess so.

9 MS. GARCIA: Do you think maybe that that's kind of a

10 natural way of thinking? And how would you --

11 MS. LAMB: Yes.

12 MS. GARCIA: Do you look at this in a different way?

13 How do you set aside that natural feeling to come to a

14 decision here?

15 MS. LAMB: Well, I think with being a juror you have

16 to start out neutral, completely neutral.

17 MS. GARCIA: Do you think that takes work, in your

18 mind?

19 MS. LAMB: Somewhat, yes.

20 MS. GARCIA: It's something you would be willing to

21 do here, to start from a place of zero, as opposed to, "He

22 did something."

23 MS. LAMB: I think that's your responsibility as a

24 juror.

1 MS. GARCIA: That's something you would be willing to
2 do?

3 MS. LAMB: Yes.

4 MS. GARCIA: Thank you.

5 How about anybody else have a reaction, "Where
6 there's smoke there's fire"? Anybody else? No. No.

7 Ms. Coffey, let me hear.

8 MS. COFFEY: Heather Coffey.

9 I think that's kind of a poor analogy, because
10 there's many things that factor into it. I mean, obviously,
11 yes, there may be fire, I mean, but there's so many things
12 that can go into play: whether or not if it's a big fire or
13 a campfire, something that's out of control.

14 MS. GARCIA: Okay. So you don't sit here and think,
15 "Well, he's here. Something happened."

16 MS. COFFEY: A crime was committed.

17 MS. GARCIA: Absolutely.

18 MS. COFFEY: That's why we're here. We're here to
19 determine whether or not, you know, if he's guilty or not. I
20 was kind of sitting there thinking about it.

21 My husband is a firefighter. He was recalling a call
22 that they had responded to, not in Washoe County, where there
23 was an accident, and then traffic was stopped, and the
24 semi-truck came up and ended up rear-ending the person that

1 was the last person in line, and ended up killing the two
2 people in that car. And the driver of the semi-truck was
3 arrested because there was a crime committed. So now it's
4 whether or not that person is going to be found guilty or not
5 of the crime that he committed.

6 MS. GARCIA: But, to you, that's very different in
7 the sense that you can sit here and say, "Yes, Mr. Cameron is
8 sitting there, but we're at a place of zero."

9 MS. COFFEY: Right. You don't know the back story.
10 I have no recollection of anything that we're here for. So,
11 yes, I feel I could be totally neutral and hear both sides,
12 if you present a side, and be able to make a determination.

13 MS. GARCIA: Thank you. Thank you.

14 MS. COFFEY: You're welcome.

15 MS. GARCIA: I want to ask Mr. Allbee, because I know
16 you served on a trial before. And it was a while ago, if I'm
17 right.

18 MR. ALLBEE: Yeah.

19 MS. GARCIA: When we're talking about presumption of
20 innocence, your former experience as a juror, how does that
21 affect you as you're sitting here today listening?

22 MR. ALLBEE: I walked in, especially on this one,
23 knowing absolutely nothing about the case, as last time.
24 Obviously something did happen. What happened and how it

1 happened, why it happened, that's what I'm here to find out.

2 And, yeah --

3 MS. GARCIA: You're able to come in with that open
4 mind?

5 MR. ALLBEE: Completely. I know absolutely nothing
6 about the case. And, yes, it's up to them to prove to me
7 that something was done by Mr. Cameron that was illegal or
8 unjustified. And really -- yeah, you don't have to do
9 anything more than plant even a seed of doubt, if that.

10 MS. GARCIA: Thanks. I have one more question for
11 you. Actually it's a follow-up from yesterday.

12 MR. ALLBEE: Okay.

13 MS. GARCIA: I think Mr. Stege was talking to you a
14 little bit about witnesses and being nervous. You were
15 describing your own experience.

16 MR. ALLBEE: Right.

17 MS. GARCIA: You had never been a witness before, I'm
18 guessing, at the time.

19 MR. ALLBEE: No, that was the first time.

20 MS. GARCIA: A little intimidating, probably. Do you
21 think that's different, though, for people who essentially
22 testify for a living? People like law enforcement --

23 MR. ALLBEE: Yes.

24 MS. GARCIA: -- who have to come in quite often to

1 court.

2 MR. ALLBEE: Yes, I do. And to relate, I used to be
3 scared to death walking into a job interview.

4 MS. GARCIA: Right.

5 MR. ALLBEE: But I got pretty good at what I did,
6 and, you know, that confidence came up. And I'm sure it's
7 the same with them in a courtroom situation.

8 MS. GARCIA: Right. Thanks. I appreciate your time.

9 MR. ALLBEE: Okay.

10 MS. GARCIA: Can I ask Dean Anderson to come up.

11 Hi, Mr. Anderson.

12 MR. ANDERSON: Hi.

13 MS. GARCIA: Sorry to pick on you, but I haven't
14 heard anything from you.

15 I'm just curious if you can give me your thoughts on
16 sort of that last question I asked about, you know,
17 presumption of innocence and how -- sort of how you view
18 that.

19 MR. ANDERSON: So, I mean, personally, I agree with
20 how the system is set up: that he's innocent until proven
21 guilty. I mean, I think a lot of -- if anybody was on
22 trial -- like if it was somebody that I knew was on trial,
23 and if I felt that they didn't do it, and they got -- they
24 were guilty because of, like, media influence or something

1 | like that, like, I'd be pretty upset about it.

2 | I mean, with that being said, one of the reasons I
3 | haven't heard anything about this is, I don't watch any news.
4 | Like, I feel like it's all kind of politicized, and they're
5 | always lying about something, so I just don't pay attention
6 | to any of it. But, I mean, that's kind of where I stand, is,
7 | you know, innocent until proven guilty.

8 | I mean, to go back kind of to your first question,
9 | though, I do think it would be a rather easy day for a
10 | prosecutor if you guys don't say anything. I mean, you're
11 | here to defend somebody. I feel like Mr. Stege would have us
12 | out of here on Thursday if you guys just didn't talk. I
13 | mean, that's my first --

14 | MS. GARCIA: Would you hold it against us, or against
15 | Mr. Cameron?

16 | MR. ANDERSON: I would hold it against you guys. If
17 | I were him, I'd probably be pretty upset.

18 | MS. GARCIA: Fair enough. How about the idea that
19 | Mr. Cameron doesn't have to testify? Anything about that
20 | concern you, rub you the wrong way?

21 | MR. ANDERSON: No. I don't feel like he should be
22 | obligated to testify.

23 | MS. GARCIA: All right. I appreciate your time.
24 | Thank you.

1 There's someone else that I haven't really heard
2 anything from. That's Mr. Holveck.

3 Good morning.

4 MR. HOLVECK: Good morning.

5 MS. GARCIA: How about the same question that I asked
6 Mr. Anderson? What are your thoughts about that?

7 MR. HOLVECK: In my opinion, he's proven -- I mean,
8 he's innocent until proven guilty. That's why we have the
9 courts. That's why we have the judicial system in place.

10 THE COURT: So would you do me a favor, sir, and just
11 get a little bit closer to the microphone, raise your voice.
12 I want to make sure everybody, even in the back of the room,
13 can hear what we're saying.

14 Even though the jury selection process is not being
15 broadcast outside of the courthouse, when trial starts and
16 witnesses speak, it's an open link, people can watch this
17 trial from anywhere. So we're going to all practice right
18 now. So please speak up.

19 Thank you.

20 MS. GARCIA: How about my question about gun
21 ownership? Do you have any thoughts about that?

22 MR. HOLVECK: I mean, I'm a gun owner. I use them
23 for hunting. It is a right, not a privilege. That's the way
24 I feel.

1 MS. GARCIA: Thank you.

2 Could I have the Court's indulgence for just a
3 moment?

4 THE COURT: Yes. Of course.

5 MS. GARCIA: Okay, guys. Last question, so you can
6 all anticipate that we're almost done.

7 I think we've talked so much about jury service, you
8 know, it's an obligation. It's also a privilege of
9 citizenship. I just want to know, though, because it's a
10 strange position, I think, to be in, and I want to know, does
11 anybody feel uncomfortable or not right about the idea of
12 sitting in judgment of someone else and making this kind of
13 determination? Because you know this is a murder case. You
14 know, therefore, that whatever decision is made has big
15 implications. I just want to know: Is anybody uncomfortable
16 with that idea of determining such a big thing?

17 Yes, please, Ms. Blackwell.

18 MS. BLACKWELL: My response to that is, it should be
19 uncomfortable for anyone up here. No matter what, there's
20 lives affected, whether it's on this side or on that side.
21 If anyone doesn't feel uncomfortable, you have to ask
22 yourself if you're even human, period, because someone's life
23 is on the line, and someone has already lost their life. So
24 it should be. And, yes, it is, because it's a big decision.

1 It's a huge decision. It's a life-changing decision.
2 It's a decision that's going to affect families on both
3 sides, friends, and possibly the jurors' lives.

4 MS. GARCIA: So, yes, it's uncomfortable. But it's
5 something you're willing to do as part of your civic duty?

6 MS. BLACKWELL: Yes. I feel like, in my opinion,
7 it's an honor to be on a jury because it's a way to serve our
8 community. It's also unbiased; right? Like, you're not
9 going to have one side or the other, like, you should be able
10 to hear both parties.

11 And no disrespect, but it is your job to prove that
12 he is guilty.

13 And it's your job to defend him the best that you
14 can.

15 MS. GARCIA: Yes.

16 MS. BLACKWELL: It's the witnesses' job to bring,
17 like they said, their A game, whether they are an officer or
18 not.

19 MS. GARCIA: Absolutely. Thank you for that. I
20 appreciate that.

21 Does anybody else have any comments or thoughts on
22 that?

23 Yes, Ms. Robinson.

24 MS. ROBINSON: Kind of more to touch on what she

1 said. We have all been questioned yesterday and today
2 about: Do we know what we're doing? Do we know why we're
3 here? And are we comfortable? So we're here. Yes, like she
4 said, it's an honor and it's a privilege to be able to serve
5 on something like this. Lives are affected. Yeah, it's
6 probably tough, you know. Like, somebody died. Do we know
7 anything? No, none of us know anything, or, you know, if we
8 did, we wouldn't be here. So like she said, if it doesn't
9 affect you, are you human?

10 MS. GARCIA: Okay.

11 MS. ROBINSON: Regardless of the situation in court
12 or outside of court. And you hear somebody died on the news,
13 you know, whether you know the person or not. Like John
14 Ascuaga died. I don't know him, but it's still sad for his
15 family, still, you know -- so.

16 MS. GARCIA: Absolutely. I think -- of course. I
17 mean, empathy and that kind of thing. But I think that what
18 I'm getting at is, it's not just that it's sad, but that
19 you're going to be asked to make a really difficult decision.
20 So it sounds to me like you're acknowledging it's difficult,
21 but you're prepared to do it.

22 MS. ROBINSON: Yeah. In life we make difficult
23 decisions all the time. Do we get up to go to work, or do we
24 stay home in bed and sleep all day? Do we have kids? Do we

1 get married? You may do certain things in your life. And as
2 adults, I mean, you make that decision ultimately. You make
3 the decision, the difficult decision of what you're going to
4 do that day.

5 MS. GARCIA: All right. I appreciate your thoughts.
6 Thank you.

7 Yes, please. Miss Lamb.

8 MS. LAMB: After thinking about things more closely,
9 I really feel that I am an anti-gun person.

10 MS. GARCIA: Okay. I appreciate you coming up and
11 saying that.

12 MS. LAMB: I felt like I had to.

13 MS. GARCIA: Can you just tell me a little bit more
14 about what prompted you to?

15 MS. LAMB: I know it's going to make me very
16 unpopular, but I feel that there's too many people in this
17 country that have guns, and too many people get accidentally
18 killed by guns. And if the guns hadn't been available, it
19 wouldn't have happened.

20 MS. GARCIA: Is that based on sort of the things
21 you've seen in the media, or a personal experience?

22 MS. LAMB: No. It's more the way I was raised. My
23 mother is from Denmark, and there aren't murders in Denmark.
24 So, yeah. Sorry.

1 MS. GARCIA: No. Thank you so much for coming up and
2 sharing that. I know how that is such a controversial topic.

3 MS. LAMB: I know.

4 MS. GARCIA: That's why I started with that. I don't
5 want anybody to feel like you're going to be judged for what
6 you say. So thank you. Thank you, Ms. Lamb.

7 Anybody else like to comment on my last question
8 regarding sitting in judgment? Okay.

9 Your Honor, I think we're all done.

10 Thank you.

11 THE COURT: Okay. Does the defense pass the jury for
12 cause?

13 MS. GARCIA: Yes, we do.

14 THE COURT: All right. Thank you very much.

15 All right. Ladies and gentlemen, here is where we
16 are.

17 First, for those of you not in the group of 32, with
18 the Court's profound thanks, you are excused. You will not
19 be serving as jurors in this matter. Please report to the
20 Jury Commissioner's Office, indicate that you were not chosen
21 to serve in this matter. I hope you have a very nice holiday
22 and stay well.

23 Okay. For the 32 of you here, as I mentioned
24 yesterday, here's what happens next. In a moment, we'll take

1 a recess. It will be a little bit longer than a normal
2 comfort break recess. It will be approximately 45 minutes.

3 During the 45 minutes, you're free to stretch. Stay
4 on the first floor because there's another trial that starts
5 today on the second floor, so please don't go anywhere other
6 than the first floor. Use the restroom, relax, have a snack.

7 During that time, I will be meeting with the
8 attorneys, and they will be exercising their peremptory
9 challenges.

10 When you return to the jury room in approximately
11 45 -- excuse me -- when you return to the courtroom in
12 approximately 45 minutes, so about -- my watch stopped, and
13 there's no clock in here -- about 10:30, you won't sit here.
14 You'll sit in the back. And then we will call the 14 of you
15 up and direct which chair to sit in for those of you that are
16 selected to serve in this matter. The other 18 will be
17 thanked and excused.

18 At that time, after you're seated, it's likely we
19 will proceed with opening statements. And depending on how
20 long those take, we may go right to the State's first
21 witness, or there might be another recess at that time.

22 So, at this point, counsel and Mr. Cameron, I'll
23 allow you to leave first before I excuse the jury. I'm going
24 to give you 15 or 20 minutes to review your notes. And then

1 please report to the Court's chambers at approximately 10
2 minutes past 10:00 to begin the peremptory challenge process,
3 and then we'll go forward from there.

4 So, counsel and Mr. Cameron, you can leave this venue
5 first.

6 All right. Ladies and gentlemen, the now familiar
7 admonishment.

8 Oh. Dr. Mullins, did you have a question?

9 MR. MULLINS: I just had a question of interest, is
10 how the jury is picked. So there's 32 of us. I understand
11 the peremptory challenges. Assuming that that doesn't take
12 out 18, how are the remaining jurors picked? Is it a random
13 process? Is it an agreement between the two parties?

14 THE COURT: Okay. Here's the short answer. The
15 longer answer, you know, is available generally on the
16 internet on how Nevada selects jurors. But the process will
17 lower your group from 32 down to 14. The reason being: For
18 this type of case, each side has the opportunity to thank and
19 excuse eight people, plus one alternate. So 18 total, from
20 32, leaves us with 14. So it's mathematically directed by
21 law.

22 All right. Ladies and gentlemen, we're going to take
23 approximately a 40-minute recess.

24 During the recess, it is your duty not to converse

1 As an aside, in terms of having the seated jury
2 positioned out there, rather than two rows of seven, I've
3 indicated that it's acceptable to the Court if we let them
4 have three rows, five, five, and four. That gives them more
5 room to spread out, turn their chairs sideways when they need
6 to, as opposed to being more confined. That won't interfere
7 with anything we're doing right now.

8 But please understand a chart will be prepared by my
9 court clerk, and she'll identify exactly where everyone is
10 sitting, although your notes today should reflect that, as
11 well.

12 Does anyone have any questions about that?

13 Mr. Picker.

14 MR. PICKER: No.

15 THE COURT: Ms. Garcia.

16 MS. GARCIA: No.

17 THE COURT: Mr. Stege.

18 MR. STEGE: No.

19 THE COURT: All right. Thank you.

20 Each side gets eight peremptory challenges and one
21 alternate challenge. So let's remind ourselves that the four
22 alternate prospective jurors are numbers 29, 30, 31 and 32.
23 So when you exercise your alternate peremptory challenge,
24 please do it from the four people there. Each side gets one.

1 Is everyone ready to proceed?

2 MR. STEGE: If I can ask a question.

3 THE COURT: Yes.

4 MR. STEGE: If a party were to waive one of their

5 peremptories, would that move the pool of potential

6 alternates down or up, essentially? For example, if the

7 State were to waive a peremptory, would that then drop off

8 Ms. Webb, the last person sitting in 32, off of the universe?

9 THE COURT: In the rare instances where that's come

10 up, that's how I've seen it. The very last alternate juror

11 would fall off.

12 MR. PICKER: I'm going to object to that. I think it

13 should be number 28 that comes off. The alternates are a

14 separate pool.

15 THE COURT: Say that one more time.

16 MR. PICKER: The alternates are a separate pool. So

17 if waived, then number 28, number 27, number 26, and that

18 way.

19 THE COURT: I've never seen that. Does the law

20 provide for that?

21 MR. PICKER: That's the Arizona system.

22 THE COURT: Mr. Stege, response.

23 MR. STEGE: Never heard of that. Doesn't make sense

24 to me. We didn't spend particular focus on them as

1 alternates, so I don't know that they were designated as the
2 pool beforehand.

3 MR. PICKER: Your Honor, that's how we did it in the
4 last trial. Mr. Stege knows that. Judge Drakulich did
5 exactly that. She told him he was only allowed -- the
6 challenges only came from the group of 28. I'm just going to
7 tell you --

8 MR. STEGE: The subject of waiver was not involved in
9 that case.

10 MR. PICKER: It happened with Mr. Prengaman in the
11 prior trial.

12 MR. STEGE: I'm not going to argue against past
13 practice with other lawyers. I can never win then. "This
14 other guy did it another way." That's a form of argument.

15 MR. PICKER: A judge did it in this district.

16 THE COURT: Let me just think that through, Mr.
17 Picker.

18 Were the State to waive, are you suggesting that,
19 when it comes time to seat the jury, if we have the 12 plus
20 two, and then we'll have 13 because they've waived, then the
21 number 28, if not already excused, or 27 or 26, automatically
22 comes out?

23 MR. PICKER: Right. Because as you just told us, we
24 have two -- we each have a challenge in the last four, and

1 the last four are 29 through 32. You've already separated
2 that group. So to then waive and move one of those
3 alternates up, at that point, if we only have two alternates
4 there, and we each -- and we each use a peremptory, you have
5 no alternates.

6 THE COURT: Okay.

7 MR. PICKER: So that system doesn't work.

8 THE COURT: Okay. So let me understand, though. If
9 there's a waiver, and, so, for example, if the State were to
10 use seven peremptories, the defense were to use eight, we
11 would not be left with 14, plus now proceeding to the
12 alternates. We would have 15. So which of the 15 comes off?

13 MR. PICKER: If there's a waiver.

14 THE COURT: If there's a waiver.

15 MR. PICKER: The very last juror in the pool.

16 THE COURT: Comes off.

17 MR. PICKER: And that pool is considered the
18 peremptory.

19 THE COURT: The very last person who has not been
20 objected to. So it could be 28, or if they've already been
21 excused, it could be 27.

22 MR. PICKER: Could be 27.

23 THE COURT: Could be 19, depending on how things go.

24 MR. PICKER: Right.

1 THE COURT: You've seen that done before?
2 MR. PICKER: In every trial I've done.
3 THE COURT: Have you seen it done differently than
4 that?
5 MR. STEGE: Yes. And I've also done many trials.
6 THE COURT: Have you seen it taken from the
7 alternates?
8 MR. STEGE: It would drop off -- in this instance, a
9 waiver would drop off the highest number, juror 32.
10 THE COURT: So I've seen it done the way Mr. Stege
11 has explained it one time.
12 The Arizona method, as you understand it, is
13 consistent with the way that you've argued to the Court the
14 Court should follow here?
15 MR. PICKER: Correct. And the reason I say that,
16 Your Honor, is the last four are the alternates. What you've
17 now done, if Ms. Webb comes off --
18 THE COURT: I understand. You're repeating yourself.
19 MR. PICKER: -- you're now making Miss Ristinen an
20 alternate.
21 THE COURT: I understand that.
22 Okay. The defense has convinced the Court that
23 following the Arizona method as explained is the proper way
24 to do it.

1 So let me walk backwards, Mr. Stege.

2 In the event that either side waives one of their --

3 one or more of their peremptory challenges, the four

4 alternates remain unaffected. We just take the highest

5 number remaining not-peremptory-challenged juror off, so then

6 we end up with 12. I said 14 before. I misspoke. We end up

7 with 12, plus two alternates. The two alternates will come

8 from 29 to 32.

9 Is anyone unclear about the Court's decision?

10 Defense.

11 MR. PICKER: No, Your Honor.

12 THE COURT: State.

13 MR. STEGE: No.

14 THE COURT: Okay. Mr. Stege, the State may proceed

15 exercising its first peremptory challenge.

16 MR. STEGE: Number 11, Diltz-Walker.

17 THE COURT: The Court thanks and excuses prospective

18 juror number 11, Molly Diltz-Walker.

19 Defense peremptory challenge number one.

20 MR. PICKER: Number 9, Amy Robinson.

21 THE COURT: Number 9, Ms. Amy Robinson, will not

22 serve in this matter.

23 State's peremptory challenge number two, please.

24 MR. STEGE: Anzelmo, seated juror number 21.

1 THE COURT: Number 21, you said?
2 MR. STEGE: Yes.
3 THE COURT: Rose Anzelmo is thanked and excused from
4 service.
5 Defendant's second peremptory challenge.
6 MR. PICKER: Number 8, Ms. Radli.
7 THE COURT: Mildred Radli is thanked and excused.
8 State peremptory challenge number three.
9 MR. STEGE: 16, Alison Ugur, U-g-u-r.
10 THE COURT: Prospective juror 16, Ms. Alison Ugur, is
11 excused.
12 Defense third peremptory challenge, please.
13 MR. PICKER: Number 25, Mr. Frenkel.
14 THE COURT: Mr. Robert Frenkel, juror number 25, is
15 thanked and excused.
16 State peremptory challenge number four.
17 MR. STEGE: Gueller, 26.
18 THE COURT: Mr. Chris Gueller is excused.
19 Defense fourth challenge.
20 MR. PICKER: Miss Ristinen, number 28.
21 THE COURT: Amber Ristinen, number 28, is thanked and
22 excused.
23 State's fifth peremptory challenge.
24 MR. STEGE: Lauri Watkins, 19.

1 THE COURT: Ms. Watkins is excused, juror number 19.
2 Defense number five.
3 MR. PICKER: Juror number 22, Ms. Stahl.
4 THE COURT: Tami Stahl, number 22, thanked and
5 excused.
6 State's sixth peremptory challenge.
7 MR. STEGE: Miss Arioto, number 20, seat 20.
8 THE COURT: Janine Arioto, number 20, excused by the
9 State.
10 Defense sixth challenge.
11 MR. PICKER: Mr. Bhardwaj, number 7.
12 THE COURT: Mr. Dinesh Bhardwaj, number 7, is thanked
13 and excused.
14 State's number seven.
15 MR. STEGE: 14, Holveck.
16 THE COURT: Timothy Holveck, number 14, thanked and
17 excused.
18 Defense number -- seventh peremptory, please.
19 MR. PICKER: Number 24, Miss Bruno.
20 THE COURT: Jennifer Bruno, number 24, thanked and
21 excused.
22 State's eighth peremptory challenge, eighth and
23 final.
24 MR. STEGE: Is 23, Taylor.

1 THE COURT: Beg your pardon?
2 MR. STEGE: 23, Taylor.
3 THE COURT: Tyler Taylor thanked and excused, juror
4 number 23.
5 Defense eighth and final peremptory challenge.
6 MR. PICKER: Number 2, Dr. Mullins.
7 THE COURT: Dr. Mullins thanked and excused, juror
8 number 2.
9 Okay. Now we'll proceed, each side, to have one
10 peremptory challenge of an alternate, those being jurors
11 number 29 through 32.
12 Starting with Mr. Stege.
13 MR. STEGE: 32, Webb.
14 THE COURT: Bernadette Webb, juror 32, thanked and
15 excused.
16 And the defense alternate challenge.
17 MR. PICKER: Number 31, Ms. Kahl.
18 THE COURT: Gabrielle Kahl, thanked and excused.
19 Okay. Here is the panel. If you believe I have it
20 wrong, please stop me as I go through.
21 Juror number 1, Scarlet Blackwell.
22 Juror number 2, Michael Allbee.
23 Juror number 3, Derrick Bailey.
24 Juror number 4, Angela Stevenson.

1 Juror number 5, Francisco Hernandez.
2 Juror number 6, Mohammad Reza.
3 Juror number 7, Courtney Borsz.
4 Juror number 8, Heather Coffey.
5 Juror number 9, Dean Anderson.
6 Juror number 10, Edward Shaw.
7 Juror number 11, Joseph Delgrosso.
8 Juror number 12, Julian Merlino.
9 First alternate, Eliza McCall.
10 Second alternate, Deborah Lamb.
11 Mr. Stege, is that what the State has?
12 MR. STEGE: Yes.
13 THE COURT: Mr. Picker, is that what the defense has?
14 MR. PICKER: It is, Your Honor.
15 THE COURT: All right. Any other questions at this
16 time by the State?
17 MR. STEGE: Only in terms of the timing going
18 forward. Are we going -- what does the Court anticipate?
19 THE COURT: So here's what I would like to do. I'd
20 like to reconvene in the courtroom in approximately 10
21 minutes, seat this jury, thank and dismiss the others, and
22 then proceed directly into opening statement.
23 Would the State be ready to go, or do you need a
24 little more time?

1 MR. STEGE: No, opening is fine. And then after
2 that, lunch break, and then witnesses, is what I would like.

3 THE COURT: Well, there will be a break -- the answer
4 is yes. So I don't know how long you're going to go in your
5 opening. I don't know how long the defense will go in its
6 opening. I anticipate, though, taking a longer than usual
7 recess, aka, a lunch break over the recess, and then resuming
8 with the first witness right after the lunch break.

9 Now, the question is: Do we release the group of 14
10 to leave the building? We're seating another jury. They
11 didn't -- so there are people coming in and out of the
12 building for that upstairs.

13 At the same time, they didn't know if jury selection
14 would end this morning, so they didn't necessarily know not
15 to bring in food.

16 It's my inkling then to keep them here, to not leave
17 the building, but to tell them at the end of the day today
18 that over the successive lunch breaks, if they'd like to
19 leave the building, they can do so, but please understand
20 that most times when we have a lunch break it's going to be
21 limited to 45 minutes, so we're going to have to move quickly
22 and be ready to go, as opposed to going home and taking a
23 short nap or a swim or going to some sit-down restaurant.
24 But before that goes live, I'll certainly consider any

1 thoughts you have about that.

2 Mr. Stege.

3 MR. STEGE: As to where they go for lunch, I don't

4 have an opinion about that.

5 THE COURT: Okay. Mr. Picker or Ms. Garcia.

6 MR. PICKER: I don't have a strong opinion. I think

7 whatever the Court decides.

8 THE COURT: All right. So the way we're going to do

9 it is the way I've just suggested. Today I'll tell them

10 they're not free to leave the building. Tonight I'll likely

11 tell them they will be free over the successive lunch breaks,

12 but to wear their pin and, of course, to make it quick.

13 I'll see everybody out there in approximately --

14 yeah, let's say 10:45, and we'll be ready to go.

15 Thank you very much.

16 We're off the record.

17 (Recess.)

18 (The following proceedings were

19 had in open court:)

20 THE COURT: Thank you.

21 Please be seated.

22 Okay. Welcome back, everyone.

23 We are back on the record.

24 Counsel is present; Mr. Cameron is present.

1 Ladies and gentlemen, we have completed the
2 peremptory challenge process in chambers.

3 Ms. DeGayner, if you would please read the 14 members
4 of the jury.

5 As you hear your name called, if you would please
6 gather your things, come forward. Deputy Williams will
7 direct you where to sit.

8 THE CLERK: Scarlet Blackwell. Michael Allbee.
9 Derrick Bailey. Angela Stevenson. Francisco Hernandez.
10 Mohammad Reza.

11 THE COURT: And, Mr. Hernandez, is that some food you
12 brought?

13 MR. GARCIA: Yeah.

14 THE COURT: Do me a favor. Give it to the deputy.
15 She'll put it in the jury room for you. You can keep your
16 drink out here, if you'd like.

17 THE CLERK: Courtney Borsz.

18 THE COURT: Hold on a second, Amanda.
19 Is that also some food?

20 Deputy, before you go, we have another -- he'll come
21 back.

22 THE BAILIFF: Got it, Your Honor.

23 THE COURT: Okay. Please proceed.

24 THE CLERK: Heather Coffey. Dean Anderson. Edward

1 Shaw.

2 THE COURT: Bless you.

3 THE CLERK: Joseph Delgrosso. Julian Merlino. Eliza
4 McCall. Deborah Lamb.

5 THE COURT: Okay. Welcome, ladies and gentlemen of
6 the jury. You'll be the ones hearing this matter.

7 As to the rest of you, with the Court's very deep and
8 profound thanks, you're free to go. Please gather your
9 things.

10 You can let your friends and family know that you did
11 your -- performed well in your service to this community, you
12 were not chosen to serve in this matter. And I wish you all
13 an enjoyable rest of the summer, and to you, your family and
14 friends, a safe rest of the year. Thank you so much.

15 Ladies and gentlemen, in a few minutes we will
16 proceed with opening statements, first with the State, and
17 then with the defense.

18 The law allows, but does not require, them to make an
19 opening statement. It's the Court's experience that most of
20 the time they do. But don't think anything of it if they
21 decide not to. Number one.

22 Number two, you've each been provided now with a pad
23 and something to write with. You may, but are not required,
24 to take notes.

1 That one already has notes from a prior trial. All
2 right.

3 Deputy Williams, would you please give Mr. Bailey a
4 different pad. It looks like he might have gotten one that
5 inadvertently had notes from a prior juror.

6 While she's getting one, would everyone just flip
7 through and make sure that you don't accidentally have one
8 that was to have been recycled.

9 Okay. Thank you.

10 When you leave for the day, you may leave your notes
11 and your pen on your seat. The room is locked. No one will
12 disturb, look at, touch or in any way move your notes.

13 If you would please swap that one out with the one
14 from Deputy Williams. Thank you.

15 Number one.

16 Number two, when I mentioned yesterday about if
17 somebody is in dire need of a stretch break or a comfort
18 break, even during the middle of the trial when a break is
19 not scheduled, please do not be shy in getting the Court's
20 attention or my law clerk or one of the deputies, and we'll
21 take breaks as needed.

22 Next, the order of witnesses is that the State goes
23 first, and then cross-examination of a witness, if any, by
24 the defense, and then redirect examination, if any, by the

1 State, and re-recross-examination, if any, by the defense,
2 and back and forth until really nobody has any more
3 questions, or the Court feels that the jury is fully
4 informed, and any additional questions is just redundant or
5 wasting time.

6 You will also hear from time to time that counsel
7 make an objection to a question. They believe that the
8 question is inappropriate for some reason. Oftentimes I'll
9 either rule right away, or I'll give counsel an opportunity
10 to argue to the Court why their question was or was not fair.
11 I will then make a ruling.

12 If I sustain the objection, the question is not to be
13 asked or answered.

14 If the objection is overruled, then the question is
15 permitted, and the witness may answer.

16 Occasionally, a witness will answer the question
17 before I've had a chance to rule, and in that unlikely event
18 that I sustain the objection, I instruct you to disregard the
19 juror's response. As a matter of law, you're not to consider
20 it. That does happen from time to time in trials, so know
21 that.

22 Also -- and, again, this is not meant now to be a
23 substitute for the instructions of law that you will receive
24 at the end of this case. Some of what I'm saying now will be

1 repeated in a little bit greater detail at the conclusion.
2 But this is just a bit of a primer on some of the things that
3 you will see.

4 What else can I tell you at this point?

5 You're not allowed to ask questions. You're not
6 allowed -- in some courts in some jurisdictions you can
7 actually write down questions, submit them to the deputy.
8 I'll look at them, and then decide whether they are fair
9 questions to ask to a witness. That's not how this case is
10 going to go forward.

11 Also, you will likely notice that we may have
12 observers, we may have cameras, reporters, things like that.
13 You are not to be affected by that, at all.

14 I will remind you when you take breaks, I will remind
15 you again over the evening recess, that you are not to
16 discuss your participation as an active juror on this case
17 with anybody for any reason.

18 If anybody approaches you and asks you to discuss
19 this case, you simply say, "I'm a juror in a pending case. I
20 cannot speak with you. I'm under a court direction and order
21 not to discuss my participation on this case."

22 Now, does that mean you can't tell your spouse,
23 significant other, sister, brother, child, that you are
24 sitting -- proudly seated as a juror in a trial? No, it

1 doesn't mean that. You can certainly do that.

2 Nor does it mean you cannot tell your employer, if
3 any, that you have been chosen, and this case is set for 10
4 days. Of course you can tell him or her that.

5 But you're not allowed to discuss what happens in
6 here. You're not allowed to do any independent research.
7 You're not allowed to watch any news or media accounts about
8 this case. You are to decide this case solely on what
9 happens in this courtroom and the rules of law that the Court
10 gives you later.

11 Today during the lunch recess you're to remain in the
12 building, either in the jury -- actually, in the jury room,
13 now that you're seated jurors. You're to remain there.

14 Tonight we'll discuss, when we take our evening
15 recess, whether, going forward, during a lunch break you will
16 be allowed to leave the building and for 45 minutes or so get
17 something to eat, clear your head, walk around the block,
18 whatever you want to do.

19 If we decide to do that, then, as with today, you are
20 to wear your juror buttons or pins all the time.

21 If you see one of the counsel, if you see the accused
22 on the sidewalk, on the street, in the elevator, anywhere,
23 you avoid them, and they will avoid you. Do not engage them,
24 at all. You don't even wish them good morning, or "Have a

1 nice day," things like that.

2 Your identity is being kept confidential. You will
3 not be shown on TV or in the news to the extent that there is
4 media coverage. Your identity will not be known. We want to
5 make sure you don't have any concern, fear, other thoughts
6 that you might be disclosed. That's not going to happen.
7 Anyone reporting on this case knows better. There's a court
8 order that's been posted that everyone has received, and
9 they're not to in any way identify you as sitting jurors.

10 As I mentioned, when you leave for the day, you can
11 keep your notes and whatever you're writing with on your
12 seat. Of course, during -- after the break and the next day,
13 you come back and sit in the same seats that you're in right
14 now.

15 Because, for example, Mr. Hernandez, you're juror
16 number 5. So it would mess things up if you sat in a
17 different seat.

18 And, Mr. Shaw, same thing. You're juror number 10.

19 Can you turn your chair a little bit to get a better
20 angle, like Ms. Blackwell is doing? Absolutely. That's one
21 of the benefits of being in this big venue, and not upstairs
22 in one of the pre-made or longer-standing courtrooms, where
23 the seats face in one direction and you have to turn your
24 head.

1 If somebody is speaking over from counsel's station,
2 if a witness is to my left, if you want to hear the Court or
3 the court clerk better, feel free to turn your chair. Just
4 don't move about too much.

5 If somebody believes they're not hearing properly, if
6 you cannot hear the Court, you can't hear counsel, if you're
7 having trouble hearing the witness, please raise your hand,
8 and I'll call on you. And you say, "Your Honor, I cannot
9 hear. Your Honor, it's muffled," or something like that. We
10 anticipate, though, with your being closer, the witness is
11 there, and you can turn your chairs, that that should not be
12 such a large issue.

13 I anticipate that, after the opening statements, if
14 any, by the State, and the opening statements, if any, by the
15 defense, that we will take our lunch recess. It's 11:00
16 o'clock now. I know we just had a healthy break to do the
17 other court business, but we likely will take a lunch recess
18 at about noon, or even a little bit earlier, if people are
19 done by that time.

20 The break will be limited to approximately 45
21 minutes, maybe an hour today, so you can contact whoever you
22 need to to let them know that you were chosen to sit in this
23 matter.

24 While witnesses are being seated, there's a moment of

1 pause. I think I may have mentioned this yesterday. Feel
2 free to stand up, without the Court's further permission or
3 encouragement, stand up and stretch. Please don't start
4 speaking with your neighbor, even about what you're going to
5 do over the 4th of July. Just stand up, stretch, if you'd
6 like to. You don't have to, of course.

7 Okay. I think that's all the do's and don'ts for
8 now. If I remember something else, I'll bring it to your
9 attention.

10 Mr. Cervantes, I think I need you to turn on a switch
11 here.

12 THE CLERK: Before we do that, Your Honor, would you
13 like me to swear the jury?

14 THE COURT: Yes. It's right here on my list: Make
15 sure that the jury is sworn.

16 If you would all please stand and raise your right
17 hand. You will now take a different oath than the one you
18 were given earlier to truthfully answer questions. This is
19 to be a seated jury.

20 Ms. DeGayner.

21 (The jury was duly sworn.)

22 THE COURT: Thank you very much, ladies and
23 gentlemen. You may be seated.

24 All right. Edgar, please proceed.

1 One more thing I thought of. When you're on break --
2 maybe you've been doing this already -- in the jury room,
3 when you're speaking, eating, relaxing, as long as you're at
4 least six feet away from the person next to you, as long as
5 you're being safe, as long as you're regularly washing your
6 hands or using the hand sanitizer, you can pull your mask
7 down for a while.

8 It's a big ask to have a mask on from 8:30 until
9 lunch break, and from lunch resuming for another three hours.
10 I mean, we do it. We do it for public safety. It's
11 encouraged by CDC. But the Court understands if you need to
12 take it off for a moment or two to just relax your ears, your
13 face, while you're in the jury room, certainly you have the
14 right to do that. And, as well, if you leave the building
15 over the lunch hour, you can use your mask or not as you see
16 fit.

17 Okay. At this time, the Court invites the State of
18 Nevada to make its opening statement in this case.

19 MR. PICKER: Prior to that, can we be heard briefly?
20 Can we be heard briefly outside the presence of the jury?

21 THE COURT: You're asking the Court for a side-bar.

22 MR. PICKER: I am, Your Honor.

23 THE COURT: Thank you.

24 Give me just a moment, please.

1
2 (The following proceedings
3 were conducted as a side-bar:)
4 THE COURT: Okay. Let's do a sound check.
5 Izzy, again, if you can hear the Court, please raise
6 your hand.
7 Thank you.
8 The court reporter can hear the Court.
9 Ms. Garcia, can you hear the Court?
10 Mr. Picker?
11 MR. STEGE: Yes.
12 THE COURT: Mr. Stege.
13 Okay. What's going on?
14 MR. PICKER: Your Honor, where the TV camera is
15 located is roughly behind us, so they can see our computer
16 screens and the materials that we're working on. That's -- I
17 would object to that.
18 THE COURT: Okay. Did you have TV cameras in any of
19 the other matters?
20 MR. PICKER: We did not. I see that the still
21 photographer is on the other side of the room.
22 THE COURT: Okay. So it's not an issue there.
23 MR. PICKER: No, as they can't see our screens. From
24 where they are, they --

1 THE COURT: Well, that's -- I am not going to allow
2 that, obviously. So I'm going to have to take this up
3 outside the presence of --

4 MR. STEGE: Your Honor --

5 THE COURT REPORTER: Excuse me. I couldn't hear.
6 I have trouble hearing Mr. Stege.

7 If everybody could turn their volume up, that would
8 be nice.

9 MR. PICKER: My suggestion -- this is Marc Picker --
10 the suggestion, Your Honor, would be that, even from that
11 location, if Mr. Stege is stepping out to use the lectern for
12 his opening, they're going to catch the corner of the jury.
13 The location where they're at is going to catch the back of
14 the jury. They need to be --

15 THE COURT: -- somewhere else?

16 MR. PICKER: -- somewhere else.

17 THE COURT REPORTER: I can't hear anything, if you're
18 speaking.

19 THE COURT: Yes.

20 Izzy, just hold on.

21 MR. STEGE: Okay. I don't know if you know that --
22 you know, maybe it's some -- but there's an order not to film
23 the jury. Presuming that they will -- that order I think is
24 a leap. So if they were to move into the worst problem,

1 where they move, catching it, much greater risk.

2 THE COURT: This is a legitimate concern by the
3 defense. I'm going to excuse the jury just for 10 or 15
4 minutes, and I'm going to talk -- we're going to talk to the
5 cameraman, to make sure that they don't catch anything
6 they're not supposed to.

7 We'll go back on the record here in front of the jury
8 in just a moment. All right.

9 (Side-bar concluded.)

10 THE COURT: Two things. First thing: From time to
11 time, as I mentioned, we have these bench conferences.
12 Again, because of the nature of this courtroom and because of
13 the -- some of the challenges with hearing and whispering,
14 that's why we go with the headphones and we go behind the
15 separation there. That's number one.

16 Number two, there are some issues that I need to take
17 up outside your presence. It should not take that long.
18 Maybe 10 or 15 minutes. So we're going to take another
19 recess. So listen carefully now. As seated jurors, this is
20 especially true.

21 We're going to take a 15-minute recess.

22 During the recess, it is your duty not to converse
23 among yourselves, nor with anyone else on any subject
24 connected with this trial. Do not communicate with anyone in

1 e-mailed to everyone, so we don't have any problems. And I'm
2 not suggesting that there are going to be any.

3 But there is a concern of two things. One, that the
4 particular camera angle may inadvertently pick up the laptops
5 of defense counsel.

6 So the response to that is that we need to either
7 find a camera position that doesn't inadvertently pick that
8 up, or we need to find a Plan B to make sure that under no
9 scenario would the camera angle sweep over defense table,
10 notes, defense computer, or anything that might inadvertently
11 pick up any of their privileged thoughts, communications,
12 research and whatnot.

13 And the second thing is to just make double-sure that
14 the jury will not inadvertently be identified on any video
15 broadcast.

16 The reason is, as we know, in courtrooms upstairs,
17 there's usually two rows of jurors. Here, though, we have
18 three, to give them additional room to move around. So it's
19 a little wider than you might have been expecting.

20 So we want to collaborate with you on how we best
21 accomplish making sure defense table is not inadvertently
22 shown, and to make sure that the jury is not shown.

23 I'm prepared to allow counsel to state their concern,
24 and then go off the record, and then just discuss how we best

1 accomplish this.

2 Mr. Picker, would you like to be heard and put
3 something on the record?

4 MR. PICKER: Your Honor, I think you have covered it
5 all.

6 THE COURT: Thank you.

7 Mr. Stege, would you like to be heard?

8 MR. STEGE: I have no other concern about it.

9 There's an order on this subject. I see no distinction, from
10 where the cameraman is right now, between him and anyone else
11 who will be seated in a chair near him.

12 The question of what is on their table, while the man
13 has a camera, I also see no distinction from him looking at
14 it than anyone in the gallery looking at it.

15 I believe that the folks here will follow the order,
16 and so I have no concern about that.

17 THE COURT: All right. Thank you.

18 All right. We'll go off the record for a moment.

19 (Off the record.)

20 THE COURT: Thank you.

21 Please be seated.

22 We're back on the record in the case of State of
23 Nevada versus Wayne Michael Cameron.

24 I'm here with counsel, with Mr. Cameron, outside the

1 presence of the jury.

2 The record should reflect that we had a short
3 off-the-record conference among counsel, myself and
4 representatives of the media here to confirm that they have
5 received, reviewed, and will abide by the Court's prior order
6 with respect to coverage of this matter. Of course, they are
7 going to, as they confirmed.

8 We've also looked at things like line of sight, to
9 make sure that defense counsel's table is not inadvertently
10 captured by any of the filming; and that, in the unlikely
11 event that that does occur, none of that footage will be
12 utilized for any purpose.

13 We also confirmed that the camera angle will be such
14 that members of the jury will not be captured, especially
15 their face or profile. In the unlikely event that
16 inadvertently portions of them are captured, media
17 representatives will use best efforts to ensure that none of
18 that will be played, so that their identities are
19 confidential and protected.

20 Mr. Stege, does that accurately summarize what
21 occurred? And is there anything else you'd like to place on
22 the record at this time?

23 MR. STEGE: I don't wish to place anything else on
24 the record. I'm good.

1 THE COURT: Thank you very much.
2 Mr. Picker.
3 MR. PICKER: That is all accurate, Your Honor.
4 I have nothing to add.
5 THE COURT: Very good. Thank you.
6 Also during the break we resolved an issue, I
7 understand, with the media cart, to make sure it's working.
8 Mr. Stege, is it to your understanding now working,
9 and are we ready to proceed?
10 MR. STEGE: Yes and yes.
11 THE COURT: Okay. Very good.
12 At this point, Deputy, would you please bring the
13 jury back in.
14 (The following proceedings
15 were had with the presence of
16 the jury:)
17 THE COURT: Okay. Thank you very much, everyone.
18 Please be seated.
19 Mr. Stege, will you stipulate to the presence of the
20 entire panel of 14 jurors?
21 MR. STEGE: Yes.
22 THE COURT: Mr. Picker and Ms. Garcia.
23 MR. PICKER: Yes, Your Honor.
24 THE COURT: Thank you very much.

1 Ladies and gentlemen, thank you for your patience.
2 We had some technology issues to cover, which have now, to my
3 understanding, been resolved.

4 At this time, I invite the State to proceed with its
5 opening statement of the case.

6 Mr. Stege.

7 MR. STEGE: Thank you.

8 This case is about how Wayne Cameron came to shoot
9 Jarrod Faust in the face. How, on February 11th, 2020, in
10 the Galena foothills, an area near Arrow Creek Parkway and
11 Thomas Creek, Jarrod Faust left his house at 8:15. That
12 evening he left his house in a 2005 Chevy Silverado truck.

13 Jarrod, a 29-year-old man, who lived and grew up in
14 Reno. How Jarrod came to his end, his Welcome end, at 13425
15 Welcome Way, which is near the area of Thomas Creek and
16 Zolezzi, an area very familiar to the defendant, Wayne
17 Cameron.

18 This 29-year-old man lost his life at the hands of
19 Wayne Cameron by a single shot to the face.

20 The police learned of this. And, importantly, this
21 happened about 8:45 p.m. that night. It was cold. It was
22 February of 2020.

23 About 9:30, a neighbor by the name of Ralph
24 Bareuther -- at the end of that street is a cul-de-sac -- a

1 neighbor called and said, "You know, about 45 minutes ago or
2 so I heard a backfire or a gun, and a car roar off." Then
3 saw that there was a vehicle parked just to the north of his
4 house, in the street. Well, what would be parked on the
5 wrong side of the street, with its lights on. And there sat
6 this vehicle.

7 Responding patrol deputies with the Washoe County
8 Sheriff's Office appeared. And what, indeed, did they find?
9 A 2005 Chevy Silverado, parked on the wrong side of the road,
10 lights on.

11 This vehicle had run into a mailbox. It was a
12 semi-rural or rural-character-type neighborhood where you
13 have mailboxes out at the street. This particular mailbox
14 was encased in tiling, so rather a substantial mailbox, had
15 been bumped by the truck of Jarrod Faust.

16 The truck, importantly, was in gear. The truck,
17 importantly, was running. The truck, importantly, had doors
18 locked, and the driver's-side window down.

19 The responding deputies could hear country music
20 playing on the car -- from the car.

21 In the driver's seat sits Jarrod Faust, seat belted,
22 blood on his lap, on the floorboard of the car, seat belted
23 in a -- a detective later observed what he observed to be
24 bone matter on the seat belt.

1 There sat Jarrod Faust, cold to the touch, dead. And
2 there he sat as if his foot had been on the brake and simply
3 slipped off.

4 In his right hand, a vape pen; his left hand, at his
5 lap. Dead.

6 Now, down towards the bottom of the cul-de-sac -- the
7 evidence will show this cul-de-sac here -- Jarrod's truck
8 here. About that area, a single .40-caliber Smith and Wesson
9 shell casing. As if Mr. Faust's truck had rolled up from
10 that area, in drive, running, Mr. Faust's foot off, neither
11 on the brake nor the accelerator, and bumped into that
12 mailbox.

13 That house you see to the right, that's owned by a
14 fellow named, last name, Konopisos. Mr. Konopisos had
15 recently -- that's a new-ish house, to him -- had recently
16 put in a Ring camera.

17 On the Ring camera -- I will not overstate this, but
18 it captured a portion of what happened that evening on -- at
19 the end of Welcome Way. Jarrod's Welcome's end.
20 Mr. Konopisos, Mr. Bareuther, as well as another neighbor,
21 Miss Caprile, who did not hear -- right? -- her TV was up --
22 but did not hear anything that sounded like a gunshot;
23 however, she did look out, saw a truck at the end of the
24 driveway, facing up towards her house.

1 She also saw later an unrelated -- unrelated -- white
2 truck come and then go. We will learn in the course of this
3 trial that a couple of young teenagers went up there, where
4 they see -- they saw the truck on the side of the road, drove
5 by, parked, at the end there. It's apparently a nice place
6 to look over the city. Did that, drove off. The truck did
7 not move. White truck, driven by that young man, drove away.
8 That was seen by Miss Caprile.

9 Sheriffs further investigate on the street just off
10 the map here, but very, very close in the area of Rock Haven.
11 Similar bits of surveillance from home security cameras, your
12 Ring-type cameras, show a truck, followed by a vehicle at
13 about the time, headed the direction of Welcome Way.

14 To that point, very few leads. Until the police are
15 contacted by a person the defendant calls his best friend.
16 That guy's name is Dave Colarchik. He's known the defendant,
17 Mr. Cameron, a long time.

18 Mr. Colarchik will testify that on this date,
19 February 11th of 2020, he was out of state preparing to
20 undergo a series of very serious medical procedures. That
21 about 9:48 p.m., Wayne Cameron begins texting him. "Hey, are
22 you up?" "Yes." "Can you talk?" "Yes."

23 A phone call between the defendant and Mr. Colarchik,
24 Mr. Colarchik says the following: "Wayne Cameron calls me

1 and says, 'I think I just shot someone.'" "What?" "I think
2 I just shot someone."

3 Further in the statements by the defendant to
4 Mr. Colarchik: "I hate when I get angry."

5 Further statement of Mr. Cameron to Colarchik: "I
6 hate that I know the law, because I'm the one who got out of
7 the car."

8 Further statement by Mr. Cameron to Colarchik: "I
9 got out of the car and went up to him."

10 Further statement of the defendant: "I hate when
11 people make me mad."

12 Now, Mr. Colarchik brings this information forward,
13 and it is revealed. He asks that a different agency
14 investigate the case, not the Sheriff's Office. The reason
15 being, Mr. Cameron is familiar with and friends with some
16 members of the brass, the higher-ups at the Sheriff's Office.
17 In agreement, the Reno Police Department interviews
18 Colarchik. That's Detective Nevills taking the lead role as
19 the detective.

20 Mr. Colarchik indicates -- and this happens on
21 February 20th -- February 20th, Colarchik says: "Hey, Wayne
22 Cameron is out of town right now. He's getting into town
23 tonight. He's flying in tonight."

24 Reno Police Department: "Let's go to the airport and

1 see if we see Mr. Cameron's car."

2 Mr. Cameron's car will favor heavily in this case.

3 An Acura MDX is driven by Mr. Cameron. Go to the
4 airport, where they see the defendant's car parked there.
5 What do they do? Put people, plainclothes detectives, on
6 that car to see where it goes.

7 And the car goes. The defendant drives that night to
8 Pinocchio's. It's on South Virginia area. Tailing him to go
9 to the restaurant, where they see the defendant at dinner,
10 drinks, with members of the law enforcement community;
11 specifically, one Greg Herrera, a Deputy Chief of the -- or
12 Chief Deputy in the Sheriff's Office. Follow Mr. Cameron
13 home.

14 And the evidence will show the very next day a search
15 warrant was applied for and granted, allowing the search of
16 the defendant's home.

17 The defendant's home, by the way, in this same area.
18 Right here: La Paz Court, the defendant's home.

19 Search warrant for his house. Up goes Detective
20 Nevills. Knocks on the door. The defendant doesn't come
21 out. He subsequently comes out with his young son,
22 18-year-old Ethan Cameron.

23 First statement by the defendant: "What's your badge
24 number?"

1 Introduce themselves, indicate they're investigating
2 an incident -- right? -- very generically.

3 The defendant, sweating. The defendant during this
4 interaction, shaking. The defendant's son, not sweating, not
5 shaking.

6 The defendant. "Sir, do you have any guns?"
7 "I don't know what I have. I have long guns."
8 "What else do you have?"
9 "I don't know what I have."
10 "Do you have any .40s, 40-caliber guns?"
11 "I'm not sure."
12 Ethan Cameron. "Does your dad have any guns?"
13 "Well, as a matter of fact, yes." Can name the long
14 guns by caliber, style, shotgun. Never been shot.
15 ".22s, that we have these .22s. He's got a 9-mil
16 behind his -- magnetically attached to the back of his
17 nightstand."

18 Ethan Cameron knows all the guns. Mr. Cameron
19 himself, owner of the guns, does not know what he has.

20 Mr. Cameron goes down to the police station, agreeing
21 to be interviewed.

22 Now, before this, Ethan Cameron says the
23 following: that his dad always has a pistol under the seat
24 of his car. Always.

1 The car is -- the defendant's car, Acura MDX, is
2 towed from the scene.

3 Ethan Cameron's car at the scene is searched.

4 In an interview. "Sir, tell us: What guns do you
5 have?"

6 Naming the long guns, described as a World War II
7 gun, a shotgun, some .22s, .22 revolver. Quote, "I don't
8 even know what guns I have."

9 "What about the gun by the nightstand?"

10 "I don't even know the caliber." A statement the
11 evidence will show is not credible. Not a credible statement
12 to have a gun by your nightstand, ostensibly needed
13 supposedly to protect yourself, that you don't know what the
14 caliber is, because, of course, you need to know the caliber
15 on how to work the gun to put the ammunition in it.

16 "Mr. Cameron, we are investigating an incident in
17 this area. Where were you on February 11th of 2020?"

18 "Well, I just started a new job. And that evening I
19 went to Murrieta's and came straight home."

20 "Mr. Cameron, we think something else happened."

21 "Well, yes, something else happened. On the way
22 home, I saw a road rage between a truck and a motorcycle.
23 And then I went straight home."

24 Now, importantly for this case, Murrieta's, to get

1 from Murrieta's to the defendant's house, and also to this
2 crime scene, one takes Zolezzi.

3 "Yeah. Saw this road rage between a motorcycle and
4 truck on Zolezzi."

5 "Mr. Cameron, we think there's more to this."

6 "Well, yes. I went to Murrieta's, came home, saw a
7 road rage between a truck and a motorcycle, and I followed."

8 "Mr. Cameron, we think there's more to it."

9 "Well, yes. All that, all that, off went the
10 motorcycle. Motorcycle took off. I followed the truck."

11 "Where did you follow the truck?"

12 "Some dead-end."

13 "What dead-end?"

14 "I don't know."

15 "What did you do at -- what happened there? Well,
16 was the road rage over?"

17 "Yeah, the road rage was over. I," Wayne Cameron,
18 "drove up to the guy and said" -- like indicating sort of
19 he's facing this way, the guy in the truck facing this
20 way -- "said: 'You good?' The guy: 'I'm good. And drove
21 home."

22 "Mr. Cameron, do you know a guy named Dave
23 Colarchik?"

24 "Yes, I do. Dave Colarchik, he's my best friend." A

1 statement out of Wayne Cameron's mouth during this interview
2 to the effect of, "If Dave Colarchik says it, it's true.
3 He's my best friend. If he said something, it's the gospel.
4 If he said something, it's true."
5 "Was this a road rage? Like, were you involved in
6 the road rage?"
7 Wayne Cameron: "I'm not a road rage guy."
8 Evidence will further show, "Sir, there was an
9 incident." Right? Again, not making the statement that
10 they're investigating a shooting. "There was an incident."
11 "Well, I didn't shoot anybody."
12 "Mr. Cameron, did you talk to anyone that night?"
13 The evidence will show, "Well," scrolling through his
14 phone, "I talked to Mary."
15 "Who's Dave?"
16 The detective can see he skips over "Dave."
17 "Who's Dave?"
18 "Dave's my best friend."
19 "Mr. Cameron, why did you get a gun from your car?"
20 "I didn't. Even if I did, I don't recall getting a
21 gun from the car."
22 "Mr. Cameron, will you tell us what happened?"
23 In fact, at one point, the other detective says, "Mr.
24 Cameron, I'm begging you to tell me what happened. Someone

1 died. You were there. I'm begging you to tell me what
2 happened."

3 Can't do it. Says Wayne Cameron, the evidence will
4 show, "I want advice from one of my friends, you know, like
5 someone from the Sheriff's Office."

6 Detectives put Deputy Chief Herrera in the room.
7 He says, "Wayne, there's a dead person here. If you know
8 something about it, you should tell these guys. You would
9 want that for you. You're a stand-up guy. I know you've
10 always been a stand-up guy. You should tell these guys what
11 happened."

12 Wayne Cameron can't do it.

13 Show him a map, the detectives. "Hey, where did this
14 happen?" About his own neighborhood. "Is this map up to
15 date? Mr. Cameron, why did you follow this truck?" Right?
16 "The motorcycle was gone. What made you think there was --
17 he had to be asked if he was okay?"

18 Answer from Mr. Cameron: "Because I'm stupid."

19 "Was the guy in the truck angry?"

20 "I don't know."

21 "Was he a white guy?"

22 "I think so."

23 The defendant tells Greg Herrera, "Hey, we can't
24 really talk here," the room where the truth -- they are

1 begging for him to tell the truth, "We can't talk here."

2 Tells Herrera, outside the presence of the
3 detectives, "I have a ton of guns." Says, "The guy in the
4 truck did not run me off the road or brake-check me."

5 "You ever own a .40?"

6 "Possibly," now he says.

7 The question that develops of always having a gun
8 under the seat, answered in the affirmative from the
9 following people: the defendant's own son; the defendant's
10 ex-wife says the same; the defendant's ex-girlfriend says the
11 same; the defendant's brother will say the same thing; and
12 others.

13 Now, as this is happening, they're both -- the
14 interview is happening, they're searching the house. And
15 they also want to see, because they know a .40-caliber casing
16 is the murder -- gun is the murder weapon. There's always a
17 gun under the seat. They have a warrant for that, so they
18 quickly go in to see: Is there a .40 under the seat?

19 Answer: No.

20 In that search, this sort of initial search in the
21 third-row seat, a 9-millimeter casing; meaning what's left
22 over after you shoot a bullet out of a piece of ammunition,
23 the casing, brass, 9-mil.

24 Well, in the search of the defendant's house, in the

1 closet in the defendant's master bedroom, a number of
2 firearms; including one Glock 17, which is a 9-millimeter
3 firearm. Later forensic testing between the 9-mil in the
4 back of the MDX and that Glock 17 shows the casing was fired
5 from that Glock 17 from the defendant's closet.

6 Also in that closet, other guns. A .22 revolver,
7 like an air gun. Back behind his nightstand, a 9-millimeter
8 Smith and Wesson.

9 A gun safe in the defendant's house contains long
10 guns, many long guns, 9-mil ammo. No .40, no .40 firearm, no
11 .40 ammo. Nothing.

12 Now, detectives also learn that the defendant was at
13 Murrieta's. We have video showing he left Murrieta's about
14 8:30.

15 Later, I believe it's two days later, they do the
16 full search of the Acura MDX.

17 Jokingly, if you have kids, underneath your car seats
18 are Cheerios -- right? -- Cheetos, pennies --

19 MR. PICKER: Objection, Your Honor. This is
20 argument. Not stating facts in evidence.

21 THE COURT: Sustained.

22 MR. STEGE: In the crevice underneath the driver's
23 seat of the defendant's car, where sort of your car seat is
24 bolted down to the car, is what? The evidence will show two

1 fired cartridge cases, .40 mil, two .40 Smith and Wessons
2 underneath the car seat of the defendant.

3 A car, by the way, which the defendant drives. Ethan
4 has his own car. "I've driven that car just a few times in
5 the winter to go up to Mount Rose because that has all-wheel
6 drive."

7 Forensic examination of the .40-caliber casings
8 reveals what? Those two .40s were fired from the same gun.
9 The .40 on scene is a match, also fired from the same gun.
10 All three .40s match, forensic match.

11 A second search warrant on the defendant's house, up
12 they go.

13 And in the meantime they learned, when a firearm is
14 purchased, there's a background check, there's paperwork that
15 is filled out; right? Also what do they learn? Son of a gun
16 if the defendant hadn't purchased a .40 Smith and Wesson
17 pistol.

18 They go to the second search warrant, looking for
19 some clothing, and, "Hey, Mr. Cameron, what happened to the
20 .40?" Answer: Stammering.

21 It develops later that young Ethan Cameron is charged
22 with going through packing up the defendant's house. What do
23 they find in the defendant's house but a file folder
24 containing many gun manuals; right?

1 When a gun is purchased, it often comes with a
2 manual. A manual for Glock, manual for these other guns,
3 manual for all these other guns, manual for Smith and Wesson
4 SD40VE, a particular model of a Smith and Wesson. It's a
5 polymer-framed gun, with a silver slide, metallic slide.

6 In there, in that manual, is the receipt, sold to
7 Wayne Cameron, one Smith and Wesson .40.

8 At autopsy, the bullet trajectory, the evidence will
9 show, is through the cheek mandible, hyoid bone, cervical
10 spine. Severs his spine, and is lodged within the
11 musculature of the right neck. Bullet recovered there,
12 forensically examined up at the Crime Lab.

13 A bullet that's fired out of a -- any firearm, but on
14 pistols it has rifling, and manufacturers have unique
15 rifling. Forensic analysis is able to say that the rifling
16 on that, the bullet in this case, a -- is consistent with a
17 .40-caliber, but also a narrow list of five potential
18 firearms made in that particular class or group of rifling
19 marks, all of them Smith and Wesson .40s. Smith and Wesson
20 10 is also a 10-millimeter, also in there because of the
21 particulars of a 10-millimeter casing; including Smith and
22 Wesson SD40, SD40VE, proving -- Ethan brings those to the
23 attention of the police; police have them; we have them in
24 evidence -- proving, among other things, as all of the

1 evidence will show, the defendant did, in fact, go up to
2 Jarrod and shoot him in the face.

3 One additional fact we'll mention now. At autopsy,
4 the coroner, Medical Examiner, Dr. Schrader, she examines the
5 body of Jarrod Faust, and is able to determine from that
6 examination that the distance is an intermediate distance;
7 indicated by stippling, particulate matter, from the process
8 of a gun firing being embedded in the face of Jarrod Faust.

9 All this evidence combined shows that the defendant
10 is guilty of first-degree murder.

11 Thank you.

12 THE COURT: Thank you, Mr. Stege.

13 Defense may proceed making an opening, if it so
14 chooses.

15 MR. PICKER: Good morning, ladies and gentlemen.
16 Almost afternoon.

17 The witnesses you will hear from the location Mr.
18 Stege talked about did not see what happened. They did not
19 see who was present in that cul-de-sac.

20 The officers that arrived on the scene, one of the
21 first things they did notice was a silver -- first it was a
22 glint of silver. Then they discovered it was a vape pen in
23 Mr. Faust's right hand.

24 They found the .40-caliber Smith and Wesson shell

1 casing some distance away. The truck had rolled somewhat
2 uphill to the point where it struck a mailbox.

3 You will hear that Mr. Cameron grew up in Ely, White
4 Pine County. No stranger to guns. He owns a number of them.

5 You will hear from Mr. Colarchik not "I killed
6 somebody," not, "Somebody's dead." "I think I shot someone."
7 But there are statements that came before that that you will
8 hear from Mr. Colarchik. That was not the first thing that
9 Mr. Cameron and Mr. Colarchik discussed then.

10 So, Mr. Cameron, I believe the State just told you
11 that Mr. Cameron's car will figure prominently in this case.
12 You're going to see a lot of video. You're going to see a
13 lot of surveillance video. You are not going to be able to
14 tell in most of it what that vehicle is that goes by.
15 They're not clear. It's not close. And the vehicle goes by
16 at a reasonable speed.

17 Mr. Cameron did go to Murrieta's that night. He also
18 went to Los Compadres. You're going to hear that he bought
19 his son some tacos -- his son likes tacos from one particular
20 restaurant -- and was taking them home.

21 You're going to hear that Mr. Cameron told police
22 that he saw what he described as a road rage incident, and so
23 he followed the person in the truck who almost struck a
24 motorcyclist.

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAYNE MICHAEL CAMERON,

Appellant.

v.

STATE OF NEVADA,

Respondent.

Case No. 83531

APPELLANT'S APPENDIX
VOLUME II

**APPEAL FROM JUDGMENT OF CONVICTION AND
SENTENCING**

SECOND JUDICIAL DISTRICT
STATE OF NEVADA

The Honorable Barry Breslow, presiding

Richard F. Cornell, Esq.
RICHARD F. CORNELL, P.C.
150 Ridge Street, Second Floor
Reno, Nevada 89501
775/329-1141
richardcornell1553@gmail.com
Attorneys for Appellant

Washoe Co. District Attorney
Appellate Division
1 South Sierra Street, 7th Floor
Reno, Nevada 89501
775/337-5700
jnoble@da.washoecounty.us
Attorneys for Respondent

INDEX TO APPELLANT'S APPENDIX
WAYNE MICHAEL CAMERON V. STATE OF NEVADA
No. 83531

| NO | DESCRIPTION | DATE | PAGES |
|-----------|--|-------------|--------------|
| | VOLUME I | | |
| 1 | Information | 11/09/2020 | 00001-00006 |
| 2 | Motion to Admit Other Acts Evidence: Road Rage | 02/03/2021 | 00007-00037 |
| 3 | Motion to Admit Other Acts Evidence: Shootings | 02/03/2021 | 00038-00048 |
| 4 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Road Rage | 02/09/2021 | 00049-00055 |
| 5 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Shooting | 02/09/2021 | 00056-00060 |
| 6 | Reply in Support of Motion to Admit Other Acts Evidence: Road Rage | 02/16/2021 | 00061-00066 |
| 7 | Reply in Support of Motion to Admit Other Act Evidence: Shootings | 02/16/2021 | 00067-00069 |
| 8 | Transcript of Proceedings, Motions Hearing | 06/02/2021 | 00070-00140 |
| 9 | Order on Pre-Trial Motions | 06/04/2021 | 00141-00148 |
| 10 | Transcript of Proceedings, Trial Day II | 06/29/2021 | 00149-00249 |
| | VOLUME II | | |
| 10 | Cont'd. Transcript of Proceedings, Trial Day II | 06/29/2021 | 00250-00369 |
| 11 | Transcript of Proceedings, Trial Day III | 06/30/2021 | 00370-00499 |
| | VOLUME III | | |
| 11 | Cont'd Transcript of Proceedings, Trial Day III | 06/30/2021 | 00500-00613 |
| 12 | Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00614-00749 |

| | | | |
|----|--|------------|-------------|
| | VOLUME IV | | |
| 12 | Cont'd. Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00750-00818 |
| 13 | Transcript of Proceedings, Trial Day V | 07/02/2021 | 00819-00896 |
| 14 | Transcript of Proceedings, Trial Day VI | 07/06/2021 | 00897-00999 |
| | VOLUME V | | |
| 14 | Cont'd. Transcript of Proceedings, Trial Day VI | 07/06/2021 | 01000-01130 |
| 15 | Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01131-01249 |
| | VOLUME VI | | |
| 15 | Cont'd. Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01250-01265 |
| 16 | Transcript of Proceedings, Trial Day VIII | 07/08/2021 | 01266-01339 |
| 17 | Transcript of Proceedings, Trial Day IX | 07/09/2021 | 01340-01440 |
| 18 | Jury Instruction, Guilt Phase | 07/09/2021 | 01441-01494 |
| | VOLUME VII | | |
| 19 | Verdict | 07/09/2021 | 01495-01496 |
| 20 | Transcript of Proceedings, Sentencing | 07/12/2021 | 01497-01602 |
| 21 | Jury Instructions, Penalty Hearing | 07/12/2021 | 01603-01612 |
| 22 | Life Without Parole Verdict | 07/12/2021 | 01613 |
| 23 | Judgment of Conviction | 09/09/2021 | 01614-01615 |
| 24 | Notice of Appeal to the Nevada Supreme Court | 09/16/2021 | 01616-01618 |

1 You are not going to hear from the witnesses that the
2 State presents what happened in the cul-de-sac, because they
3 don't know.

4 You're going to hear that Mr. Cameron at the time
5 that this all occurred had a CCW permit. He was allowed to
6 carry a gun in his vehicle.

7 You're going to hear that there were times Mr.
8 Cameron had a gun in his vehicle, and there were times he
9 didn't.

10 The State spent a lot of time telling you just a
11 minute ago that a 9-millimeter casing was found in the third
12 row of the vehicle and that the 9-millimeter casing matches a
13 gun owned by Mr. Cameron.

14 You're going to hear in the evidence that no
15 9-millimeter gun was used. There was one single gunshot to
16 Mr. Faust. It is not a 9-millimeter.

17 You're going to hear that Mr. Cameron keeps records,
18 keeps gun manuals of all the guns he has owned. He kept a
19 receipt of the gun he bought. He went through proper legal
20 channels to purchase a gun. That's shown by the ATF records.
21 You're going to hear all of that.

22 At the end of this case, I submit to you that the
23 lack of evidence is going to be just as important as the
24 evidence itself. This case is not over until you've heard

1 all of the evidence from both sides. That's when you will
2 make your decision, and that's when you will find Wayne
3 Cameron not guilty of the crime he is charged with.

4 Thank you.

5 THE COURT: Thank you, Mr. Picker.

6 All right. Ladies and gentlemen of the jury, we're
7 going to take our lunch recess.

8 As before, you can leave your notes on the chair.
9 They will not be disturbed.

10 During the approximately 45-minute recess, it is your
11 duty not to converse among yourselves, nor with anyone else
12 on any subject connected with this trial. Do not communicate
13 with anyone in any way regarding the case or its merits,
14 including by phone, e-mail, text, internet, or other means.
15 Do not read, watch or listen to any news or media accounts or
16 commentary about the case. Do not do any independent
17 research. Do not access reference materials, make an
18 independent investigation, test a theory of the case,
19 re-create any aspect of the case, or in any other way
20 investigate or learn about the case on your own.

21 Additionally, it is your duty not to form, nor
22 express an opinion on any subject connected with this case
23 until it is finally submitted to you.

24 I'll see you back in here. We'll start with the

1 State's first witness promptly at 1:00 o'clock.
2 Until then, we'll be in recess.
3 If everyone could please rise for the jury.
4 (The following proceedings
5 were had without the presence
6 of the jury:)
7 THE COURT: Okay. Thank you, everyone.
8 We'll be in recess until 1:00 o'clock.
9 Mr. Stege, please have the State's first witness
10 ready to go.
11 MR. STEGE: Yes.
12 THE COURT: Court's in recess.
13 (Recess.)
14
15
16
17
18
19
20
21
22
23
24

1 RENO, NEVADA, TUESDAY, JUNE 29, 2021, 1:00 P.M.
2 (Exhibits 3, 25 & 26 were
3 marked for
4 identification.)
5 THE COURT: Thank you.
6 Please be seated.
7 Okay. We're back on the record with the presence of
8 counsel and Mr. Cameron.
9 Mr. Stege, is the State ready to proceed with its
10 first witness?
11 MR. PICKER: Yes.
12 THE COURT: Thank you.
13 Please bring the jury back in, Deputy.
14 (The following proceedings
15 were had with the presence of
16 the jury:)
17 THE COURT: Welcome back, everyone.
18 You may be seated.
19 Mr. Stege, will you stipulate to the presence of the
20 full jury panel?
21 MR. STEGE: Yes.
22 THE COURT: Mr. Picker? Ms. Garcia?
23 MR. PICKER: Yes, Your Honor.
24 THE COURT: Thank you very much.

1 Mr. Stege, please call the State's first witness.
2 MR. PICKER: Deputy Medina, please.
3 (Witness sworn.)
4 THE COURT: Thank you very much.
5 Welcome, sir. Please have a seat up on the witness
6 stand, make yourself comfortable.
7 When ready, please remove your mask, state your name,
8 and slowly spell your last name. And do me a favor. Speak
9 loudly, and speak close to the microphone, if you would.
10 THE WITNESS: My name is Robert Medina, M-e-d-i-n-a.
11 THE COURT: Thank you very much.
12 Please proceed.
13 MR. STEGE: Thank you.
14 ROBERT MEDINA,
15 called as a witness on behalf of the State,
16 first having been duly sworn,
17 was examined and testified as follows:
18 DIRECT EXAMINATION
19 BY MR. STEGE:
20 Q. Sir, how are you currently employed?
21 A. I'm a deputy with the Washoe County Sheriff's Office.
22 Q. How long have you been a deputy?
23 A. For approximately 14 years.
24 Q. What parts of the Sheriff's Office have you worked in

1 during that 14 years?

2 A. I've worked the Detention Division and the Patrol
3 Division.

4 Q. How long have you worked in the Patrol Division?

5 A. For approximately two years.

6 Q. When did you begin working in the Patrol Division?

7 A. July of 2020. I'm sorry. July of 2019.

8 Q. Are you familiar with the address of 13425 Welcome
9 Way?

10 A. Yes, sir, I am.

11 Q. Is that a location that's within the County of
12 Washoe, great State of Nevada?

13 A. Yes, sir.

14 Q. Before the incident in this case, were you familiar
15 with that address?

16 A. No, sir.

17 Q. Is that an address that is within your regular patrol
18 area?

19 A. Yes, sir, it is.

20 Q. And what does that mean: to have a patrol area?

21 A. A patrol area is just a specific portion of the
22 Washoe County jurisdiction that you're assigned to work a
23 beat, so to say.

24 Q. And directing your attention to February 11th of

1 2020, did you respond to the aforementioned address?

2 A. Yes, sir, I did.

3 Q. Why?

4 A. At approximately 10:04 p.m., I was reviewing my NDT,
5 or my in-car computer, referencing a call for service for a
6 suspicious vehicle in the area of Welcome Way and Rock Haven.

7 Q. And so what did you do?

8 A. I advised dispatch that I would be responding to the
9 area to check on the vehicle.

10 While responding, I reviewed the information in the
11 call. There was a resident at 13405 Welcome Way who called
12 in at approximately 9:39 p.m., stating 45 minutes prior to
13 his phone call he heard what he described as either a vehicle
14 backfiring or a gunshot. He looked out his window. He saw
15 one vehicle drive away, and another vehicle remain on scene,
16 with his lights on.

17 Forty-five minutes later, he looked out his window
18 again, saw that the vehicle with his lights on was still in
19 the area. And that's when he called in the suspicious
20 vehicle for a unit to come check on him.

21 Q. And you went to check on the situation?

22 A. Yes, sir.

23 Q. What did you observe when you got to the area of
24 Welcome Way?

1 A. As I turned northbound onto Welcome Way from Rock
2 Haven, I observed a vehicle facing south, with his headlights
3 on. I drove past the vehicle. I turned around in the
4 cul-de-sac and parked my patrol vehicle directly behind the
5 truck.

6 Q. I wonder if you could orient us to where this address
7 is. What part of town is it? Any nearby cross-streets.

8 A. It's south Reno, close to Zolezzi.

9 Q. And you mentioned -- well, is the area depicted in
10 Exhibit -- page 3 of Exhibit 1, which is admitted by
11 stipulation, do you see the area that you went to?

12 A. Yes, sir, I do.

13 Q. Can you mark that for the jury, please.

14 Harder.

15 Okay. Do you know how to clear it?

16 A. I do not.

17 Q. Bottom-left corner.

18 Okay. Referring to page 1 of the exhibit, you
19 mentioned Rock Haven, Thomas Creek and Zolezzi. Where is
20 this address in relation to those cross-streets?

21 A. The 13405, or the 13425?

22 Q. 425.

23 Okay. And so Zolezzi being sort of on the right-hand
24 portion, about middle of the map?

1 A. Yes, sir.

2 Q. Let's go back to that page 2, perhaps zoom in a
3 little bit. You mentioned other addresses. So which of
4 these is 13425?

5 THE COURT: Officer, sometimes it works better if you
6 use your fingernail, sort of make a circle.

7 There you go.

8 Thank you.

9 BY MR. STEGE:

10 Q. And you mentioned the address of the person who
11 phoned in.

12 A. Yes, sir. It was 13405.

13 Q. Do you see that address on this exhibit?

14 A. Yes, sir, I do.

15 Q. Can you mark that with maybe a box.

16 Okay. You indicated you drove in and turned around
17 in the cul-de-sac; right?

18 A. Yes, sir.

19 Q. Did you come up Welcome Way, or did you drive up
20 Welcome Way, or did you take Rock Haven to Welcome Way?

21 A. I took Rock Haven to Welcome Way.

22 Q. Then you went up Welcome Way and parked behind the
23 vehicle?

24 A. Yes, sir.

1 Q. Where, with specificity, was the vehicle? I wonder
2 if you might use page 5 of Exhibit 1 to aid in your
3 testimony.

4 A. The vehicle was in that approximate location.

5 Q. And so this being sort of the second driveway to the
6 south of the cul-de-sac?

7 A. Yes, sir.

8 Q. Whereabouts did you park your patrol vehicle?

9 Were you the first deputy or officer on scene?

10 A. Deputy Talton and I arrived on scene at the same
11 time.

12 Q. I think you started in Patrol Division in July of the
13 year -- of '19.

14 A. Yes, sir.

15 Q. Okay. Tell us what happened when you got out of your
16 car.

17 A. As I approached the vehicle, I walked up to the
18 vehicle on the driver's side. As I was walking up, I
19 observed that the engine of the vehicle was running, the
20 driver's-side window was down, and there was music playing
21 from inside the vehicle.

22 Q. Which way was the vehicle facing?

23 A. It was facing to the south.

24 Q. So what did you do next?

1 A. As I walked up to the driver's-side door, I observed
2 a white male adult, later identified as Jarrod Faust, slumped
3 over in the driver's seat.

4 There was -- he was unresponsive. His eyes were
5 open. He had a vape pen in his right hand, and what I
6 believed to be a gunshot wound to the left side of his face.

7 Q. What kind of vehicle was this?

8 A. It was a lifted, goldish-gray Chevy Silverado.

9 Q. Did you later research who that vehicle was
10 registered to?

11 A. Yes, sir.

12 Q. What did you learn?

13 A. It was registered to a Mr. Jarrod Faust.

14 Q. Back to the scene, you mentioned that he was
15 unresponsive: Mr. Faust.

16 A. Yes, sir.

17 Q. Did you do anything to try to get a response from
18 him?

19 A. Yes. As I approached the vehicle, I was asking the
20 driver to show me his hands and to try to get his attention
21 by identifying who I was.

22 Q. And no response?

23 A. No, sir.

24 Q. You got up to the window and looked in?

1 A. Yes, sir.

2 Q. And this is when you saw what you've just described?

3 A. Yes, sir.

4 Q. What did you do -- well, his head was slumped. Did
5 you see any blood or other evidence that he might have
6 suffered a gunshot wound?

7 A. Yes. While at the driver's-side door, I observed a
8 large amount of blood throughout the interior.

9 I also noted that the vehicle was still in drive, and
10 there was slight body damage to the front right driver's-side
11 bumper.

12 Q. To move to that body damage, tell us about that body
13 damage.

14 A. The vehicle was approximately four to five feet north
15 of a brick mailbox column.

16 I asked my partner, Deputy Talton, while he was
17 speaking with the residents of 13425, if they had noted any
18 damage to this column prior. He informed me that they were
19 not aware of any damage.

20 The damage I saw to the mailbox column was consistent
21 with the damage to the right front driver's side of the
22 bumper.

23 Q. After observing this, what did you do next?

24 A. Deputy Talton advised dispatch of our observations.

1 We requested medical respond to our location.

2 Q. And what did you do next?

3 A. As medical responded, Deputy Talton and I wanted to
4 ensure the vehicle was clear of any weapons.

5 I, again from the driver's side, attempted to open
6 the door. I noted that it was locked. I had to reach into
7 the vehicle. I pushed the vehicle unlock button. I then
8 opened the driver's-side door and visually scanned the
9 interior of the vehicle, attempting to locate any weapons.

10 Q. Did you note any weapons?

11 A. No, sir, I did not.

12 Q. When you're doing this, opening the driver's-side
13 door, what's happening on the passenger side?

14 A. Deputy Talton opened the passenger-side door and was
15 visually scanning the interior from the passenger side of the
16 vehicle.

17 Q. Did he open that side after you unlocked it from the
18 driver's side?

19 A. Yes, sir.

20 Q. Up until now, had you noted on the passenger side the
21 condition of the window?

22 A. The window on the passenger side was up.

23 Q. Did you notice any music?

24 A. Yes, sir. There was music playing from the radio

1 inside the vehicle.

2 Q. Take us from -- you've opened the door and are
3 looking in. What do you see?

4 A. There's a large pool of blood directly on the
5 driver's-side seat, between the driver's legs.

6 There's also a large amount of blood pooled on the
7 driver's-side floorboard, and blood splatter on the
8 driver's-side interior door.

9 Q. Did you notice the position that Mr. Faust was
10 sitting in?

11 A. Yes. He was seated in the driver's seat, slumped
12 over. His hands were in his lap. His right hand was holding
13 on to a vape pen. And his left hand was just kind of draped
14 onto his left leg.

15 Q. What about the seat belt? Was he belted in?

16 A. I don't recall if he was seat belted or not.

17 Q. Did you ever, yourself, check for signs of life from
18 Mr. Faust?

19 A. Yes. I attempted to take a pulse from Mr. Faust's
20 neck. I did not find any pulse.

21 And I noted that his eyes were open, and his pupils
22 were fixed and not responsive to the stimuli of my
23 flashlight.

24 Q. What happened next?

1 A. It was an apparent deceased person investigation at
2 that point. Due to not finding any weapons, I began to tape
3 off the crime scene, and I started a crime scene log.

4 Q. And which portion was taped off?

5 A. It was through the yard of 3425 Welcome Way, across
6 the street, and all the way down to the cul-de-sac.

7 Q. Do you see the area in this exhibit before you, which
8 is page 5 of Exhibit 1, that the tape was placed across?

9 A. Yes, sir.

10 Q. Can you note that for us, please.

11 Was any evidence located, at least preliminarily,
12 while you were on scene?

13 A. Yes, sir, there was.

14 Q. What, and where?

15 A. There was a shell casing that was recovered in the
16 cul-de-sac.

17 Q. As you sit here today, do you feel like you are able
18 to point out where that would be?

19 A. Yes, sir.

20 Q. If page 4 of Exhibit 1 is helpful in that -- doing
21 that, please use it.

22 A. It was in that general area.

23 Q. What, if anything, was done to indicate its presence
24 that something was there?

1 A. I extended the perimeter of my caution tape, and we
2 put a rock, with caution tape tied to it, to indicate the
3 location of the shell.

4 Q. At some point later, did detectives and crime scene
5 investigators arrive?

6 A. Yes, sir.

7 Q. Now, as a Sheriff's Deputy, during this time were you
8 issued a body-worn camera?

9 A. Yes, sir, I was.

10 Q. Were you wearing it on this date?

11 A. Yes, sir, I was.

12 Q. And did you activate it during this incident?

13 A. Yes, sir.

14 Q. And have you prior to testifying had occasion to
15 review a portion of that body-worn camera?

16 A. Yes, sir, I have.

17 Q. And after reviewing that, did you recognize it to be
18 a true and accurate depiction of the events?

19 A. Yes, sir.

20 MR. STEGE: I'd move to introduce what has been
21 admitted by stipulation Exhibit 3, identified as the deputy's
22 body camera.

23 THE COURT: So the log -- so before I hear from the
24 defense, the updated jury trial exhibit --

1 MR. STEGE: I'm sorry. It's 2.
2 THE COURT: Okay.
3 MR. STEGE: It ought to be 2.
4 MS. GARCIA: It is 2.
5 THE COURT: Say that again.
6 MR. STEGE: Please continue, Your Honor.
7 THE COURT: Sure. So my log indicates this is
8 Exhibit 3. It does not yet indicate it's been marked,
9 offered or admitted. Can you straighten me out, please.
10 MR. STEGE: Yes. Over the lunch break, I had
11 occasion to work with opposing counsel and come to a
12 stipulation on 3.
13 THE COURT: Okay. So 3 is being offered?
14 MR. STEGE: Yes.
15 THE COURT: Mr. Picker and Ms. Garcia, any objection
16 to its admission?
17 MS. GARCIA: No objection, Your Honor.
18 THE COURT: Thank you so much.
19 3 is admitted.
20 (Exhibit 3 was admitted into
21 evidence.)
22 THE COURT: You may publish.
23 MR. STEGE: Going forward, may I publish freely once
24 an exhibit is admitted?

1 THE COURT: You may.

2 MR. STEGE: Thank you.

3 THE COURT: While you're getting that together, I
4 want to ask Officer Medina a question.

5 Did somebody put the vehicle in park? You said, when
6 you approached it, it was in drive?

7 THE WITNESS: Yes, sir.

8 THE COURT: Who stabilized it to make sure it didn't
9 inadvertently start to roll away?

10 THE WITNESS: During the investigation, I do not
11 remember which deputy, but a rock was placed in front of the
12 tire to keep it from moving forward. And at some point it
13 was placed in park.

14 THE COURT: Okay. Was the vehicle slightly uphill?

15 THE WITNESS: Yes, sir, slightly.

16 THE COURT: Thank you. Thanks for clarifying.

17 Please proceed.

18 BY MR. STEGE:

19 Q. So let's begin here. The first 30 seconds or so has
20 no volume; is that correct?

21 A. Yes, sir.

22 Q. And what is your understanding of that?

23 A. It's -- from the point I activate the body cam, it
24 will automatically back up 30 seconds to capture anything

1 prior to that time. During that time, there is no volume
2 that's recorded.

3 (Video playing.)
4 (Video stopped.)

5 BY MR. STEGE:

6 Q. We just heard you call out to dispatch. What was it
7 you were doing there?

8 A. I was notifying dispatch that I was on scene. And I
9 logged the plate that I was out with, and the vehicle make
10 and model.

11 Q. Which is the truck we see in the video?

12 A. Yes, sir.

13 Q. Do you see the mailbox column in the frame here?

14 A. Yes, sir, I do.

15 Q. Can you indicate that?

16 And so that address of 13425, would that be off to
17 the left-hand side of the screen, if it were visible?

18 A. Yes, sir.

19 Q. Thank you.

20 Let's continue.

21 (Video playing.)
22 (Video stopped.)

23 BY MR. STEGE:

24 Q. Right here, how come we're not seeing anything?

1 A. Deputy Talton, at this point, is advising dispatch of
2 what we're out with; that we have a white male adult
3 unconscious, not responsive, with visible blood.

4 I'm waiting to get onto my radio, so I have my hand
5 close to my mic. I'm going to advise dispatch that the
6 subject also has what appears to be a gunshot wound to the
7 left side of his face. And where my hand is positioned, it's
8 blocking my body cam.

9 (Video playing.)

```
10 || (Video stopped.)
```

11 BY MR. STEGE:

12 Q. Here we see you come to the rear of the truck.
13 What's happening here?

14 A. At this point, I'm starting to kind of realize the
15 severity of what's going on, so I'm checking the immediate
16 area to see if I observe any shell casings or any type of
17 weapons in the immediate area of the vehicle.

18 (Video playing.)

19 (Video stopped.)

20 BY MR. STEGE:

21 Q. At this point, you've moved to the rear of the
22 vehicle. What happens between right now and this next clip?

23 A. That's when Deputy Talton goes to the 13425 residence
24 to check for cameras and asks about the damage to the mailbox

1 stanchion.

2 Q. Let's go to the second clip.

3 (Video playing.)

4 (Video stopped.)

5 BY MR. STEGE:

6 Q. So what is happening here at -- let's use the counter

7 up top, 6:22:17Z, Zulu.

8 A. This is as we are going to check the interior of the

9 vehicle to see if we notice any weapons.

10 (Video playing.)

11 (Video stopped.)

12 BY MR. STEGE:

13 Q. And to unlock it -- these are power locks, I assume?

14 A. Yes, sir.

15 Q. And were you familiar with how to unlock this

16 particular model of vehicle?

17 A. Not the specific vehicle. Just a general knowledge

18 of how automatic locks work and the general location of where

19 those are located.

20 (Video playing.)

21 (Video stopped.)

22 BY MR. STEGE:

23 Q. To be clear, up until that point no one had opened

24 the door. Only you had been up to the driver's side?

1 A. Yes, sir.

2 Q. Did you observe any weapons inside the vehicle?

3 A. I did not, no.

4 Q. So what happened next?

5 A. From here, several other deputies and supervisors

6 arrived on scene. And this is where I started taping off the

7 area and started filling out the crime scene log.

8 MR. STEGE: Thank you, Your Honor.

9 I'll pass the witness.

10 THE COURT: Thank you very much.

11 Examination by the defense.

12 MS. GARCIA: Thank you, Your Honor.

13 Court's indulgence for just one moment.

14 Just going to grab some exhibits.

15 CROSS-EXAMINATION

16 BY MS. GARCIA:

17 Q. So, Deputy Medina, I want to start by asking you a

18 question --

19 THE COURT: Excuse me one second.

20 You can take your mask off, if you'd like to.

21 MS. GARCIA: Thank you, Your Honor.

22 THE COURT: Of course.

23 BY MS. GARCIA:

24 Q. I want to start by asking you a question about the

1 video we were just watching.

2 A. Yes.

3 Q. When we were watching that video, it appeared we were
4 sort of looking at Mr. Faust's door. So can you talk a
5 little bit about where the body-worn camera is worn on your
6 body?

7 A. Yes, ma'am. The body camera is kind of in my lower
8 chest, in the center of my chest.

9 Q. So where you're looking is a fair amount higher than
10 what we're seeing. Is that fair to say?

11 A. Yes, ma'am.

12 Q. How tall are you, Officer?

13 A. I'm approximately six foot.

14 Q. Thank you.

15 So your body-worn camera is two feet below that. Is
16 that fair?

17 A. Approximately, yes.

18 Q. All right. Thank you.

19 I want to ask you some general questions about
20 Welcome Way.

21 We can see from the video that it did appear to be
22 quite dark, so your headlights were illuminating Mr. Faust's
23 car when we were looking from the back; is that right?

24 A. It was my headlights and my vehicle take-down lights.

1 Q. So can you describe a little bit more about the
2 condition of Welcome Way? Is it -- would it be fair to
3 describe it as kind of remote or rural, as compared to a
4 regular neighborhood?

5 A. Yes, ma'am, that would be a fair assumption.

6 Q. Please continue.

7 A. One-half of the road, the west of the roadway, at
8 that time, was under development. And then this is a
9 cul-de-sac. And there's only, I believe, three or four
10 houses on this.

11 Q. So we're looking north in this photo; correct?

12 A. Yes, ma'am. That way is north.

13 Q. Thank you.

14 So when you say "to the west," you mean on the left
15 side, undeveloped?

16 A. Yes, ma'am.

17 Q. That can kind of be seen right here, really; right?

18 A. Yes, ma'am.

19 Q. Okay. And how many houses do you remember on the
20 right side?

21 A. I remember, I believe, there's three houses that
22 actually face Welcome Way. And there's a house on the corner
23 of Welcome Way and Rock Haven. I'm not sure if they faced
24 Welcome Way or Rock Haven.

1 Q. So few houses. Fair to say?
2 A. Yes, ma'am.
3 Q. Fairly far apart, big areas -- right? -- of property.
4 A. Yes, ma'am.
5 Q. And those houses, it's fair to say, are also set back
6 from the road, particularly this first one.
7 A. That's correct; yes, ma'am.
8 Q. And it's that first house, the one we're sort of
9 looking at the driveway here, that's the house where the
10 mailbox is located.
11 A. Yes, ma'am.
12 Q. In fact, let me get out a better -- let me get out a
13 better photo.
14 So we're talking about right here. Is that fair to
15 say?
16 A. Yes, ma'am.
17 Q. So can you describe the lighting conditions on
18 Welcome Way when you arrived that night?
19 A. I don't recall if there was any street lamps or other
20 lighting from the houses. I don't recall if they had their
21 porch light on or not.
22 Q. Fair to say it was pretty dark out there, though;
23 right?
24 A. Yes, ma'am.

1 Q. And, in fact, in your body cam we can see you, and
2 you're using a flashlight; is that correct?

3 A. Yes, ma'am.

4 Q. All right. So I want to start by asking you: Do you
5 remember or do you have any knowledge of how far from that
6 cul-de-sac portion that we're looking at -- let's see here --
7 this cul-de-sac to where Mr. Faust's vehicle was, I think you
8 noted -- correct me if I'm wrong -- it was about here; is
9 that correct?

10 A. Yes, ma'am.

11 Q. Can you give us an approximate distance? Like 30
12 yards? Forty yards? Would that sound about right?

13 A. Yes, ma'am, that would be accurate.

14 Q. Okay. So it's a distance. Fair to say? It's not
15 right next to each other.

16 A. Yes, ma'am.

17 Q. This is a large street, fairly spread out.

18 A. That's correct.

19 Q. Okay. So how long -- if you're aware -- from the
20 time the incident occurred to when you arrived, are you aware
21 of how long that was?

22 A. I know the call came in at 9:39, and in that call the
23 RP stated that he heard the noise approximately 45 minutes
24 prior to that. And I arrived on scene at approximately 10:12

1 p.m.

2 Q. Okay. So we're talking at least 45 minutes, possibly
3 longer.

4 A. Yes, ma'am.

5 Q. All right. And are you aware if anyone was on scene
6 between the time of the incident and the time you arrived?

7 A. Any deputies on scene or --

8 Q. Anyone.

9 A. I'm unaware of that.

10 Q. Wouldn't know; right?

11 A. Yes, ma'am.

12 Q. Are you aware if anyone had access to the vehicle
13 before you arrived?

14 A. I do not know.

15 Q. How about access to this cul-de-sac?

16 A. It's on an open roadway, so.

17 Q. Anyone could drive up and around; right?

18 A. Yes, ma'am.

19 Q. Let me ask you one more question about this street,
20 if you know. Did you walk the street?

21 A. Yes, ma'am.

22 Q. Did you walk all the way up into the cul-de-sac?

23 A. Yes, ma'am, I did.

24 Q. Do you remember if you had to walk downhill to the

1 cul-de-sac or --

2 A. From the location of the vehicle, it is a slight
3 downhill towards the cul-de-sac.

4 Q. All right. So it slopes downhill north, going north?

5 A. Correct.

6 Q. So thereby it's a little bit uphill coming south down
7 the cul-de-sac. Fair to say?

8 A. Yes, ma'am.

9 Q. So when you initially approached this vehicle,
10 and we saw from your body cam, your first thought was that it
11 was parked; correct?

12 A. No, ma'am. My first thought was that it could
13 possibly be an impaired driver who had passed out or fallen
14 asleep at the wheel.

15 Q. The car wasn't moving. Fair to say?

16 A. Yes, ma'am.

17 Q. Okay. So did there come a time when you examined the
18 condition of the vehicle?

19 A. Visually, yes.

20 Q. And you discovered that there was some damage to the
21 front left portion; correct?

22 A. Yes, ma'am. The driver's side.

23 Q. And then you also examined the mailbox that you
24 described as four to five feet from the vehicle; right?

1 A. Yes, ma'am.

2 Q. And you observed damage to that mailbox; correct?

3 A. Yes, ma'am.

4 Q. But you obviously weren't there at the time this

5 occurred; correct?

6 A. Correct.

7 Q. But noting the damage to the mailbox, the damage to

8 the truck, you made the conclusion that it appeared the truck

9 had struck the mailbox. Fair to say?

10 A. Yes, ma'am.

11 Q. All right. Obviously, though, despite that

12 conclusion, you can't know how fast the vehicle was traveling

13 when it struck the mailbox; right?

14 A. Correct.

15 Q. And you can't really know the position of the

16 driver's foot, whether it was on the brake or the gas pedal.

17 You weren't there; right?

18 A. That's correct.

19 Q. All right. So as you're approaching the driver's

20 side with the flashlight, what we are observing on your body

21 cam is, we're kind of seeing the driver door. But what

22 you're seeing is into the vehicle. Fair to say?

23 A. Yes, ma'am.

24 Q. All right. And you noted that the first thing that

1 you came across or noticed was the driver slumped over. Is
2 that fair to say?

3 A. Yes, ma'am.

4 Q. And then you also noted that there was something in
5 his hands; correct?

6 A. Yes, ma'am. In his right hand.

7 Q. And what was that?

8 A. It appeared to be a vape pen.

9 Q. Can you describe that vape pen for the jury?

10 A. It was the size of like a Bic pen. And I believe it
11 was a light silver in color.

12 Q. Metal?

13 THE COURT: Excuse me one second.

14 For the Court's benefit, what is a vape pen?

15 THE WITNESS: A vape pen is a pen that has become
16 popular recently, and is used to smoke chemical tobacco.
17 It's a mechanical cigarette, basically.

18 THE COURT: Okay. Thank you.

19 You were asking a question whether it was metallic?

20 MS. GARCIA: Correct.

21 THE COURT: Go ahead.

22 BY MS. GARCIA:

23 Q. Did it appear metallic to you?

24 A. I believe it was.

1 Q. As you're shining your flashlight into the vehicle,
2 kind of glinting off this vape pen, and you're noticing it?

3 A. Yes, ma'am.

4 Q. I'm going to show you some photos from Exhibit 22,
5 which has already been stipulated.

6 Do you recognize what you're looking at here?

7 THE COURT: Ms. Garcia, I'm having a little trouble
8 hearing you. Would you mind sliding up your microphone on
9 your lapel? Or I can raise the volume a little bit.

10 MS. GARCIA: I can talk louder.

11 THE COURT: Appreciate it. Thank you.

12 MS. GARCIA: I was over here, trying to make this
13 work.

14 BY MS. GARCIA:

15 Q. Deputy, can you describe what's in this photo?

16 A. It appears to be a photo of Mr. Faust, focusing on
17 his right hand, and kind of above his body photo.

18 Q. And can you circle where you located that vape pen.

19 Thank you.

20 How about this photo? Can you describe -- or does
21 this look familiar to you, as well?

22 A. Yes, ma'am, it does.

23 Q. And can you describe what we're looking at here?

24 A. This is again a photo of the interior of the vehicle,

1 and Mr. Faust's right hand holding the vape pen.

2 Q. And can you circle that again, please?

3 Thank you very much.

4 MS. GARCIA: Thank you, Deputy.

5 I don't have anything else.

6 THE COURT: Any redirect by the State, Mr. Stege?

7 MR. STEGE: Yes. Thank you.

8 REDIRECT EXAMINATION

9 BY MR. STEGE:

10 Q. You indicated that after you roped off the crime
11 scene you went on to other duties, including keeping a crime
12 scene log.

13 A. Yes, sir.

14 Q. And what sort of activity is happening at the scene
15 by others while you are taking the crime scene log?

16 A. Several deputies and detectives had arrived on scene
17 and started canvassing the area and speaking with neighbors.

18 Q. Did you yourself ever interview any neighbors or
19 purported witnesses to this event?

20 A. No, sir, I did not.

21 Q. And so to the question of your knowledge of if people
22 were there before or after or at any time prior to your
23 arrival, would you have any source of knowledge to know that?

24 A. No, sir.

1 Q. And, additionally, were crime scene investigators
2 called to the scene?

3 A. Yes, sir.

4 Q. And were you present when that -- when they arrived?

5 A. Yes, sir, I was.

6 Q. And what is a crime scene investigator?

7 A. They are a forensic investigator that conducts a very
8 detailed crime scene investigation of the area.

9 Q. And so your duties as a patrol deputy sort of end
10 once this becomes a serious call.

11 A. Yes, sir.

12 Q. The vape pen, the view you were shown, did you ever
13 go to that side -- I think you mentioned it was the right
14 side of Mr. Faust.

15 A. Yes, sir, I did.

16 Q. So this is -- this would be sort of from which
17 perspective?

18 A. This would be a view seen from the passenger side of
19 the vehicle.

20 Q. So the passenger side would see this?

21 A. Yes, sir.

22 Q. Passenger side also would see this other page of this
23 exhibit.

24 A. Yes, sir.

1 Q. Did you ever mistake, as you're there, this vape pen
2 for anything but a vape pen?

3 A. No, sir. It was immediately identifiable to see as a
4 vape pen when I arrived on scene.

5 And as part of the officer safety side of it, I
6 identified it what it was to my partner, who was also on
7 scene.

8 MR. STEGE: Thank you.

9 I'll pass the witness.

10 THE COURT: Thank you.

11 Any recross, Ms. Garcia?

12 MS. GARCIA: Just briefly.

13 RECROSS-EXAMINATION

14 BY MS. GARCIA:

15 Q. Obviously, when you arrived on scene, Mr. Faust was
16 slumped over; correct?

17 A. Yes, ma'am.

18 Q. And that hand was resting down below; correct?

19 A. His right hand?

20 Q. Right.

21 A. Yes, ma'am.

22 Q. Okay. So obviously at the time of the incident you
23 have no knowledge of the location of Mr. Faust's hands or
24 anything that occurred at the time the shot was fired.

1 MR. STEGE: Your Honor, I'm sorry. I object to the
2 compound nature of it, and I object to the continual use of
3 "obviously" in every question. It's argumentative.

4 THE COURT: Would you like to respond or rephrase the
5 question, Ms. Garcia?

6 MS. GARCIA: I can rephrase, if it was compound.

7 THE COURT: Let's do that.

8 MS. GARCIA: Okay.

9 BY MS. GARCIA:

10 Q. You have no knowledge of where Mr. Faust's hands were
11 at the time the shot was fired in this case; correct?

12 A. That would be correct.

13 MS. GARCIA: Nothing further.

14 THE COURT: All right. Thank you.

15 Can we thank and excuse Officer Medina, Mr. Stege?

16 MR. STEGE: Yes.

17 THE COURT: Thank you, Officer. You may step down.
18 Thank you for your testimony.

19 (Witness excused.)

20 THE COURT: Mr. Stege, please call the State's next
21 witness.

22 MR. STEGE: Deputy Michael Talton.

23 (Witness sworn.)

24 THE COURT: Thank you.

1 Deputy, please have a seat. Please make yourself
2 comfortable, slide in. Speak loudly, closely, near the
3 microphone. Go ahead and slide your face mask down. If
4 you'd please state your name, and then slowly spell your last
5 name.

6 THE WITNESS: Deputy Michael Talton, T-a-l-t-o-n.

7 THE COURT: Thank you very much.

8 Please proceed.

9 MR. STEGE: Thank you.

10 MICHAEL TALTON,
11 called as a witness on behalf of the State,
12 first having been duly sworn,
13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. STEGE:

16 Q. Please state and spell your name, if you haven't
17 already.

18 THE COURT: He did.

19 MR. STEGE: I'm sorry.

20 BY MR. STEGE:

21 Q. How are you currently employed?

22 A. I'm currently employed with the Washoe County
23 Sheriff's Office.

24 Q. How long have you been a Deputy Sheriff?

1 A. Approximately eight years.

2 Q. Have you ever worked in the Patrol Division of the
3 Sheriff's Office?

4 A. Yes. I'm currently assigned to the Patrol Division.

5 Q. When did you start in that Patrol Division?

6 A. I started my training in November of 2018.

7 Q. And is there a part after training?

8 A. You do your FTO program, which starts your patrol,
9 and then you are on your own.

10 Q. What is the FTO program?

11 A. Field training officer.

12 Q. Okay. So that's you're paired-up with a senior
13 deputy?

14 A. That is correct.

15 Q. And after that, you're on your own?

16 A. That is correct.

17 Q. Are you usually in a patrol car by yourself?

18 A. That is correct.

19 Q. When did you go into that latter role?

20 A. I believe it was March of 2019.

21 Q. Okay. So around the time of this incident you had
22 had roughly a year out of FTO?

23 A. Approximately.

24 Q. And we've heard about beats within the Sheriff's

1 jurisdiction. What was your beat at the time, February of
2 2020?

3 A. At that time, I was assigned to Incline patrol, which
4 is Tahoe.

5 Q. Okay. How, then, if you are assigned to Tahoe, did
6 you come to respond to a call within south Reno?

7 A. So when I was -- when I was assigned to Incline --
8 they changed it up a little bit now, but you would go to Parr
9 in the morning, you would check out your vehicle. You would
10 drive up Mount Rose Highway. At the end of your shift, you
11 would drive back to Parr, drop off your vehicle.

12 Q. And so you were, I take it, bringing the vehicle back
13 on the 11th of February?

14 A. Yes. I was headed home. I worked -- at the time, I
15 worked 1:00 to 11:00, so I was driving currently home to drop
16 off my vehicle at Parr.

17 Q. And what happened when you -- as you were driving
18 home?

19 A. Excuse me.

20 I heard Deputy Medina and Deputy Boudre and Gray get
21 dispatched to a suspicious vehicle, Welcome Way and Rock
22 Haven. I was passing Damonte Ranch. I was a closer unit.

23 A Sam unit is a south unit, which is responsible for
24 south Reno. I believe Boudre and Gray were 91 that night, so

1 they were coming from north. They were coming from Palomino
2 Valley, I believe. If you're not familiar with that, that's
3 all the way out past Spanish Springs. So I was a closer
4 unit.

5 So for officer safety, and for my partner, I
6 didn't -- I was maybe five or 10 minutes away. It made more
7 logical sense for me to go rather than leave him there by
8 himself, have a unit drive in from the north.

9 Q. So how did that happen?

10 A. I heard him key up, give his location. I advised
11 dispatch that I would be en route to cover Sam 81, or Deputy
12 Medina.

13 Q. And then what?

14 A. I arrived. I put myself in the area at about
15 approximately 2012 hours -- or excuse me -- 2212 hours. Met
16 with Deputy Medina. That's when I observed a vehicle, a
17 vehicle at the end of Welcome Way, with its headlights on.

18 Q. Did you arrive before, after, or at the same time as
19 Deputy Medina?

20 A. I believe he arrived a few minutes before me.

21 Q. And so was he out of his car when you showed up?

22 A. No.

23 Q. He got out of his car at the same time you got out of
24 yours?

1 A. Yeah. We both observed the vehicle. I believe we
2 went down Rock Haven, saw the vehicle at the end of Welcome
3 Way, and then both made contact at that time.

4 Q. And what does that mean: to make contact?

5 A. We just made contact with the -- we didn't know if it
6 was occupied at the time, or make sure everyone is okay in
7 the vehicle.

8 Q. Go up to the vehicle.

9 A. Go up to the vehicle.

10 Q. And you got out of your police vehicle. What part of
11 the vehicle did you go up to?

12 A. I made a passenger-side approach.

13 Deputy Medina did a driver's-side approach.

14 Q. Meaning you went up to the passenger side of the
15 vehicle?

16 A. Correct. It doesn't make sense for both of us to go
17 up on the driver's side. And we have a better view into the
18 inside of the vehicle when you have different angles.

19 Q. What was the vehicle you went up to?

20 A. It was a tan Chevy Silverado.

21 Q. And what happened when you got up to the passenger
22 side?

23 A. When I walked up to the passenger side, I observed a
24 white male. He was slumped forward. He had blood coming

1 from his mouth.

2 At first I thought maybe he was involved in an
3 accident, because the vehicle had struck a mailbox, and I
4 thought maybe he hit his head.

5 I began to look a little bit further. I observed a
6 spray pattern, blood all through on his left -- inside of his
7 left leg and hand. It was kind of abnormal for an accident
8 with a head injury.

9 I began to look further inside the vehicle. I
10 noticed a spray pattern on the left panel of the driver's
11 side, where his head was -- would have been.

12 Q. Okay. And how was it you're able to see in the
13 vehicle? Was the window down or up?

14 A. The window was up.

15 Q. Did you open the door, or was the door closed?

16 A. The door was closed at the time.

17 Q. So you're looking through with a flashlight?

18 A. Yes.

19 Q. Okay. Saw the blood. What else did you see?

20 A. I saw a vape pen in the victim's right hand.

21 Q. How was the vape pen being held?

22 A. It was kind of almost like this, held on like this --

23 Q. We can't see you. Would you show the jury what
24 you're doing.

1 A. I'm sorry. I don't remember the exact. I don't
2 recall the exact position it was held in.

3 Q. Okay. After seeing this, what did you do?

4 A. Deputy Medina advised me -- I advised dispatch I
5 didn't know -- I was getting secondhand information from
6 Deputy Medina, because he was at the driver's side. He
7 advised me he didn't believe the individual was breathing. I
8 advised dispatch to observe -- let fire and REMSA know.

9 A few minutes later, Deputy Medina advised me that
10 the subject was obviously deceased. And that's when I let
11 dispatch know.

12 Q. Take us from there. What happens next?

13 A. I'll get some water.

14 After that, I began to -- I met with the -- I believe
15 it was Matthew and Christine, at 13425 Welcome Way. I don't
16 recall the exact number -- numerics of the address.

17 Q. Where is the address in relation to the truck?

18 A. That was the mailbox that had -- the vehicle had
19 struck.

20 Q. Do you think you could point that address out on a
21 map?

22 A. Yes.

23 Q. Please use page 3 of Exhibit 1 to do so, if that
24 helps.

1 You went up to that house?

2 A. That is correct.

3 Q. Let me ask you, before that. Did you ever open the

4 passenger side of the vehicle?

5 A. I did.

6 Q. Let's talk about that first. What were the

7 circumstances of that happening?

8 A. After Deputy Medina advised me that the subject --

9 well, he did advise me the subject had a gunshot wound to his

10 face.

11 I did -- at the time, I wasn't sure if it was a

12 suicide or a different circumstance.

13 It's always safe practice for us to clear -- make

14 sure nobody has a weapon that could actually discharge. So I

15 opened the passenger side and cleared the vehicle, made sure

16 there was no weapons. At that time, I did not discover any

17 firearms in the vehicle.

18 Q. Did you -- you and Medina do this at the same time,

19 open the doors to --

20 A. Yeah, we did.

21 Q. Was that passenger-side door locked before you opened

22 it?

23 A. Yes, it was.

24 Q. How do you know that?

1 A. I tried to open it. And I asked Deputy Medina if the
2 vehicle was locked.

3 Q. Okay. And who unlocked it?

4 A. I believe Deputy Medina did.

5 Q. Okay. Take us forward to meeting with the occupants
6 of this -- the house you've circled.

7 A. I met with Matthew and Christine. I cannot pronounce
8 their last name. I believe it's Konopisos, but I'm not a
9 hundred percent how to pronounce it.

10 I met with them. They advised me at approximately
11 2040 hours they heard a loud pop. They believed it was
12 coming from the residence.

13 Q. 20:40, that's 8:40 p.m.?

14 A. I'm sorry. 8:40 p.m.

15 Q. Will you stand up a little bit -- or sit up a little
16 bit and bring the mic closer to yourself.

17 A. Yes.

18 Q. Very good.

19 And what did you learn or what did you observe within
20 the house of Matthew and Christine?

21 A. Matthew showed me a video. I believe it was from a
22 Ring camera.

23 Q. Okay.

24 A. It was time-stamped for 2045 hours. It showed two

1 vehicles facing in the direction of the residence. But
2 Matthew could not get the video to play at the time.

3 Q. Did you make, yourself, any efforts to get the
4 vehicle to play? I'm sorry. For the video to play.

5 A. I wasn't familiar with how to work those systems, and
6 so I didn't make an attempt to try to get it to play. Not
7 that I recall.

8 Q. Okay. And so you saw that still image on the phone
9 of Matthew.

10 A. That is correct.

11 Q. Did you also have occasion to go to a
12 northward-facing window of Matthew?

13 A. Yes.

14 Q. And did he make any statements about, sort of while
15 in that area, or about this loud noise while he's in that
16 area?

17 A. In reference to the window, I think it had a broken
18 window before --

19 MS. GARCIA: Your Honor, objection. Hearsay.

20 THE COURT: You caught me just when I was typing a
21 note to myself.

22 Can you read the question back, please, Ms. Zihn.

23 MR. STEGE: If I can help things, Your Honor, I will
24 withdraw the question and ask a different question.

1 THE COURT: Go right ahead.
2 Thank you.
3 BY MR. STEGE:
4 Q. During this encounter, were you wearing a body-worn
5 camera?
6 A. I was.
7 Q. Was it activated?
8 A. It was.
9 Q. Did you -- prior to coming to court, did you have
10 occasion to review a thumb drive containing clips from that
11 body-worn camera?
12 A. Yes, I did.
13 Q. After seeing those clips, did you recognize them to
14 be true and accurate depictions of the events --
15 A. Yes.
16 Q. -- that you saw?
17 MR. STEGE: May I approach the witness, Your Honor?
18 THE COURT: You may.
19 BY MR. STEGE:
20 Q. Sir, I'm handing you proposed Exhibit 25. Would you
21 please review the contents of that envelope.
22 Do you recognize that proposed exhibit?
23 A. Yes.
24 Q. How do you recognize it?

1 A. You showed it to me when we met on Friday -- or
2 Thursday, I believe.

3 Q. And you saw what was on it?

4 A. I did.

5 Q. And recognized it to be a true and accurate copy or
6 depictions from your body-worn camera?

7 A. Yes.

8 MR. STEGE: Move to introduce the evidence.

9 THE COURT: Any objection?

10 MS. GARCIA: No objection, Your Honor.

11 THE COURT: Exhibit 25 is admitted.

12 (Exhibit 25 was admitted into
13 evidence.)

14 THE COURT: You may publish.

15 Incidentally, counsel, I didn't ask you this before.

16 Do either of you or both of you invoke the rule of
17 exclusion?

18 MR. STEGE: Yes.

19 MS. GARCIA: Yes, Your Honor.

20 THE COURT: All right. Thank you.

21 So ordered.

22 Ladies and gentlemen, it has nothing to do with the
23 testimony right now, but, going forward, the rule of
24 exclusion prevents witnesses who may testify later in a case

1 from sitting through trial and watching and observing the
2 witnesses that go before them. The justification for the
3 rule of exclusion is that we get more thorough, complete,
4 unaffected testimony from a witness if they haven't observed
5 and taken into account possibly testimony of people that have
6 gone before them.

7 Please proceed, Mr. Stege.

8 MR. STEGE: Thank you.

9 (Video playing.)

10 (Video stopped.)

11 BY MR. STEGE:

12 Q. Let's go to the next clip.

13 (Video playing.)

14 (Video stopped.)

15 BY MR. STEGE:

16 Q. Question about this portion of the video. What can
17 you tell us about the condition of that mailbox?

18 A. It had been struck, and it was -- the bricks were
19 kind of unaligned. They were -- it was a brick mailbox -- or
20 it was surrounded by brick.

21 Q. Did you have occasion to look at the front of this
22 vehicle?

23 A. Yes. It had right driver's-side front end damage.
24 So the left side of the vehicle.

1 (Video playing.)
2 (Video stopped.)
3 BY MR. STEGE:
4 Q. That's loud.
5 Let's take it -- we're now moved up to 6:22:30Z,
6 Zulu. Where are we here? What's happening?
7 A. This is when Deputy Medina and I are going to check
8 the vehicle for weapons.
9 (Video playing.)
10 (Video stopped.)
11 BY MR. STEGE:
12 Q. We just heard --
13 MR. STEGE: Deputy Williams, I think the volume of
14 that TV is down. Can you --
15 THE BAILIFF: There is no --
16 MR. STEGE: I think all the volume is gone from this
17 speaker and --
18 BY MR. STEGE:
19 Q. Let's forge ahead.
20 You just asked, "Does he have a 32?" or, "Is there a
21 32?"
22 A. Yes.
23 Q. What does that mean?
24 A. That is one of our 10-codes that we use when we talk

1 over the radio. It's just abbreviation for a firearm. Means
2 a handgun or a firearm.

3 (Video playing.)
4 (Video stopped.)

5 BY MR. STEGE:

6 Q. Let's pause here at 6:23:08.
7 We are hearing now music. Had you noted the music
8 before opening the door?

9 A. I'm sorry. Can you repeat the question?

10 Q. Could you hear the music before you opened the door?

11 A. Yes.

12 Q. Could you hear the music when you first went up to
13 the -- went up to the vehicle?

14 A. Yes.

15 Q. Okay. Do you recall -- what do you recall about the
16 music?

17 A. It was country music. The song was by Justin Moore.
18 The song title was called "Hell of a Night."

19 Q. Let's continue from 6:23:08.
20 (Video playing.)
21 (Video stopped.)

22 BY MR. STEGE:

23 Q. Who are you saying that to: "Go ahead and get the
24 detectives started"?

1 gunshot or possibly sounded like a gunshot?

2 A. Yes, he did.

3 MS. GARCIA: Objection. Hearsay.

4 THE COURT: That's overruled.

5 BY MR. STEGE:

6 Q. We have heard you on a number of occasions being --
7 calling -- speaking on the radio; right?

8 A. Correct.

9 Q. And as a deputy, is there a log or a record kept of
10 sort of the radio traffic, as well as things happening in the
11 case?

12 A. Yes. It's called a CAD log.

13 Q. And what can you tell us about a CAD log? What is
14 it?

15 A. A CAD log is something that dispatch uses. It shows
16 up on our computers. It's everything that is said -- every
17 radio traffic said during the call. They document
18 everything.

19 Q. And so, as a result, as, for example, you are saying
20 "We need medical. The guy is not breathing," that would
21 make -- an entry would be made on the CAD log?

22 A. Yes.

23 Q. Is an entry made on the CAD log when a person were to
24 call in to dispatch, call 911?

1 A. I'm not sure exactly how that goes down.

2 Q. Okay.

3 A. I believe -- it's set through the dispatch. They

4 have a call-taker that takes the call.

5 Q. Okay.

6 A. And then they type it in. So sometimes we don't get

7 a hundred percent of the information. It's almost like

8 telephone. We're getting third-party information when we

9 arrive.

10 Q. All right. Now, you also mention that when you

11 marked on scene, or told dispatch you were on scene.

12 A. That's correct.

13 Q. Is that information that will show up in the CAD log,

14 saying, "Deputy Talton marked on scene"?

15 A. Yes.

16 Q. And is that a process or convention that is used

17 across the Sheriff's Office?

18 A. Yes. We usually mark arrival early.

19 Q. Why?

20 A. 10-60 in the area, which means that we're standing

21 by, dispatch will mark that as on scene. We are not

22 technically on scene. You're in the area checking or waiting

23 for a cover unit.

24 Q. So why do you say "on scene" when you're not quite

1 yet on scene?

2 A. It's a safety practice. It's what I was taught.

3 Say, if you went to a subject with a gun in a yard,
4 you would mark arrival before you got to the scene so your
5 partner and dispatch knows where you're at, so you're not
6 getting out of the car, and then something is going down.

7 Q. These additional updates that we hear you, and we may
8 hear other deputies making, those are all recorded in this
9 CAD log?

10 A. That is correct.

11 Q. And as a deputy, you have access to the CAD log both
12 during the case and subsequent to?

13 A. Yes.

14 Q. Have you had occasion to review the CAD log in this
15 case?

16 A. Yes.

17 Q. And that -- this sort of log of things happening,
18 that is important within the work of a deputy.

19 A. Correct.

20 Q. And so, for example, it would show the time of the
21 call to 911?

22 A. Yes.

23 Q. As well as marking on scene by you and other
24 deputies?

1 A. Yes.

2 Q. As well as calling medical?

3 A. Yes.

4 Q. Would things like fire department arrival be listed
5 on that?

6 A. Yes.

7 Q. And having reviewed -- well -- having reviewed
8 that -- a copy of that CAD log, did you find it to be
9 accurately -- accurate depiction of the events in this case?

10 A. Yes.

11 MR. STEGE: May I approach with proposed 2?

12 THE COURT: You may approach.

13 BY MR. STEGE:

14 Q. Deputy, please review the contents of proposed 2.

15 THE BAILIFF: Your Honor, can we please have a
16 comfort break in the near future?

17 THE COURT: We will be taking a comfort break in the
18 next five minutes. If somebody needs one more quickly,
19 please let the Court know.

20 Please proceed.

21 THE WITNESS: This is correct.

22 BY MR. STEGE:

23 Q. Do you recognize that proposed exhibit?

24 A. I do.

1 Q. As being a true and accurate copy of the CAD log
2 which is kept within the records of the Sheriff's Department?

3 A. Yes.

4 MR. STEGE: Move to introduce the exhibit.

5 THE COURT: Any objection?

6 MS. GARCIA: Yes, Your Honor, we do object to the
7 introduction of this exhibit.

8 THE COURT: What's the objection?

9 MS. GARCIA: The objection is that the contents of
10 this are all hearsay. Furthermore, it's filled with
11 irrelevant information. And so mainly the hearsay is our
12 biggest concern. Based on that, we'd object.

13 THE COURT: Mr. Stege, the objection, it's an
14 out-of-court statement being made to assert the truth of the
15 matter asserted, is there any excep -- first of all, is it
16 hearsay in the eyes of the district attorney; and, if so, is
17 there any exception to the hearsay rule, or does it otherwise
18 come in as documentary evidence?

19 MR. STEGE: I would say the most precise answer is
20 that it contains a series of present-sense impressions, which
21 would be admissible under 51.085, that being statements --
22 recorded statements made at or near the time the event is
23 occurring.

24 Secondly, it is 51.135, being a compilation or record

1 of regularly conducted activity.

2 THE COURT: Okay. Response.

3 MR. STEGE: Further, as to the relevance issue, the
4 defense has made ripe the issue of the timing of this event,
5 and so this evidence is relevant to that question.

6 THE COURT: Okay. Thank you.

7 Ms. Garcia, brief response.

8 MS. GARCIA: Your Honor, in response to the
9 present-sense impression, my response is that we don't know
10 that each of these is present-sense impression.

11 So, for example, there may be evidence in there of a
12 phone call made, but that phone call refers to something that
13 occurred 45 minutes ago. That's not what --

14 THE COURT: You're saying that's too far away.

15 MS. GARCIA: It's not what present-sense impression
16 is meant to do as far as letting in hearsay.

17 So I think that you can't characterize each and every
18 piece of this. We would have to parse it out individual line
19 by individual line to really know whether present-sense
20 impression is an appropriate response.

21 In response to the fact that it's a log, yes, it's a
22 record, but it's a record of statements made by not only law
23 enforcement, but civilians making phone calls. So I would
24 argue that it falls outside of that exception.

1 THE COURT: Okay. One moment, please.

2 Is there something else you'd like to say?

3 MS. GARCIA: Well, in addition, just picking a random
4 page, there's information in here about something else that
5 occurred; that the CAD log documents an entire period of
6 time; it doesn't specifically document this case alone. So
7 it's just filled with additional information that's
8 irrelevant. Page 5, Your Honor.

9 THE COURT: Thank you.

10 Here's the answer. We're going to take our afternoon
11 recess. I'm going to give it some thought. When I come
12 back, I'll give counsel my decision on whether the objection
13 is overruled or sustained.

14 During the break, though, after you have both
15 stretched your legs, both sides, if you can come up with an
16 agreement that some or not all might be admitted, or admitted
17 for a certain purpose, or excise things that the defense
18 particularly is concerned about, maybe we can avoid the Court
19 making a decision.

20 All right. With that, ladies and gentlemen, we're
21 going to take our afternoon recess. It will be approximately
22 20 minutes.

23 During the 20-minute recess, it is your duty not to
24 converse among yourselves or with anyone else on any subject

connected with the trial. Do not communicate with anyone in any way regarding the case or its merits, including by phone, e-mail, text, internet or other means. Do not watch, read or listen to any news or media accounts about this case. Do not do any research, conduct an investigation, test a theory of the case or attempt to learn about the case on your own.

Additionally, it is your duty not to form nor express an opinion on any subject connected with this case until it is finally submitted to you.

We'll be back at 10 minutes to 3:00.

Do me a favor. When you return to the courtroom, not just today, but in general, when you're first brought in, I know it's normal for people to sit down and just wait for everyone else, but to be fair, everyone stay standing until all of you are in, and then I please ask you to be seated.

We'll be in recess for 20 minutes.

Please discuss among yourselves. I'll come back a few minutes before the jury is brought back. We'll see where things stand.

Court will be in recess.

(Recess.)

1 (The following proceedings
2 were had without the presence
3 of the jury:)

4 THE COURT: We're back in session outside the
5 presence of the jury.

6 I'm here with defense counsel, prosecutor, and Mr.
7 Cameron.

8 A couple things.

9 One, in case there's any information for the Court
10 with respect to the objection that the Court will rule on, if
11 there's no agreement; and, two, something new, apparently.

12 MR. STEGE: No. This is just about the first part.
13 We're in agreement pages 1, 2 and 3 to be admitted; the
14 remainder of that being pages 4, 5, up to 8, not admitted.

15 THE COURT: Okay. So that's Exhibit 2; is that
16 correct?

17 MR. STEGE: It is Exhibit 2.

18 THE COURT: Then do we have the ability -- so for
19 purposes of examining the witness, are you intending to put
20 on the overhead any of it?

21 MR. STEGE: No. I just want it in. And I'm going to
22 move to another area.

23 THE COURT: Is that stipulated by the defense?

24 MR. PICKER: Yes.

1 THE COURT: All right. So admitted, Exhibit 2, pages
2 1 through 3 only.

3 (Exhibit 2 was admitted
4 into evidence.)

5 THE COURT: We'll make sure that you get a copy to
6 the court clerk at the appropriate time, if you haven't
7 already.

8 MR. STEGE: Okay.

9 THE CLERK: Your Honor, that was 1 through 3 only?

10 THE COURT: Yes, pages 1 through 3 only. All right.
11 Admitted.

12 Anything else we need to take up outside the presence
13 of the jury?

14 MR. PICKER: I just want to bring up two things, Your
15 Honor.

16 One is, we just noticed that -- and we'll ask tech
17 services to deal with this after court today -- when you hit
18 the "Blank all" button up here to blank all the screens, when
19 we always show something to the witness, that screen doesn't
20 turn off.

21 THE COURT: Not good.

22 MR. PICKER: Agreed.

23 THE COURT: All right. Did somebody communicate with
24 court tech yet, or would you like Ms. DeGayner to do that?

1 MR. PICKER: We were waiting for them to show up.

2 But I'll attempt to deal with that after we break.

3 THE COURT: Okay. But did you say there was another
4 issue?

5 MR. PICKER: There's a small issue.

6 Mr. Cameron usually receives some pain medication for
7 a neck condition about this time every day at the jail. They
8 have -- they told him that they cannot send the medication
9 down with him.

10 THE COURT: Today by mistake, or today because they
11 don't intend to going forward?

12 MR. PICKER: They don't intend to. They didn't
13 yesterday; they didn't again today. Which means that he
14 misses afternoon meds, likely misses nighttime meds, as well.

15 He's in a lot of pain right now. We will power
16 through it for the rest of the day.

17 I did talk to Deputy Wood. He is going to see if
18 they can work out something with the infirmary.

19 But I want Your Honor to know that Mr. Cameron is in
20 some discomfort right now, and if it gets beyond where he can
21 handle it, we would let the Court know.

22 THE COURT: For two reasons. One, I don't want him
23 to sit here in physical discomfort. And, two, I want to make
24 sure that whatever he's going through doesn't adversely

1 affect his ability to communicate with his counsel. If you
2 think we are at that level, let me know. If not, we'll power
3 through.

4 If you require some kind of a court order that I can
5 legally enter to address this that doesn't, you know, violate
6 a rule, statute or good sense common practice, I'll consider
7 entering it. But right now I'll figure that you all can
8 handle it, unless you need to invoke my involvement.

9 MR. PICKER: I'll just tell Your Honor one example
10 is, in a previous trial Ms. Garcia and I did, our client was
11 severely diabetic, and actually the infirmity made -- not
12 voluntarily, but made arrangements to come to the courthouse
13 when it was necessary to administer his medication.

14 THE COURT: Well, that's an option here, if need be.

15 MR. PICKER: We'll let you know if Deputy Wood can't
16 work out something else.

17 THE COURT: Thank you.

18 Mr. Stege, anything you want to say about that?

19 MR. STEGE: No.

20 THE COURT: All right. Let's proceed.

21 Please bring the jury back in.
22
23
24

1 (The following proceedings
2 were had with the presence of
3 the jury:)
4 THE COURT: All right. Welcome back, ladies and
5 gentlemen.
6 Please be seated.
7 I see that Mr. Picker is conferring with court IT.
8 But let's move forward.
9 Will counsel stipulate to the presence of the jury,
10 Mr. Stege?
11 MR. STEGE: Yes.
12 THE COURT: Ms. Garcia.
13 MS. GARCIA: Yes, Your Honor.
14 THE COURT: Thank you.
15 All right. Mr. Picker, are we ready to move forward?
16 MR. PICKER: Yes, Your Honor.
17 THE COURT: All right. Thank you.
18 Deputy Talton, you're still under oath. Do you
19 understand that?
20 THE WITNESS: Yes, Your Honor.
21 THE COURT: All right. Thank you.
22 Ladies and gentlemen, the issue with respect to the
23 objection and the Court's consideration, I'm pleased to say
24 the parties have worked it out. They've reached an

1 agreement. The Court has ordered it. Portions of that
2 exhibit will be admitted, that being Exhibit 2, pages 1
3 through 3.

4 Mr. Stege, please proceed.

5 MR. STEGE: With those pages of that exhibit
6 admitted, I pass the witness.

7 Thank you.

8 THE COURT: All right. Thank you.

9 Ms. Garcia, cross-examination.

10 MS. GARCIA: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MS. GARCIA:

13 Q. Deputy Talton, we talked about and we saw your body
14 cams that, as you approached the vehicle for the first time,
15 the window was closed on the side that you approached;
16 correct?

17 A. Yes, ma'am.

18 Q. Did you have a flashlight in your hand?

19 A. Yes, ma'am.

20 Q. All right. So you approach the window, shine the
21 flashlight, look in; correct?

22 A. Yes, ma'am.

23 Q. Okay. And you noticed that Mr. Faust was clutching
24 something in his right hand; correct?

1 A. Yes, ma'am.

2 Q. You noticed that immediately?

3 A. I don't recall if I noticed that immediately.

4 Q. You noticed it. And then what did you ultimately
5 determine it was?

6 A. A vape pen.

7 Q. Can you describe that vape pen, please?

8 A. I didn't look into too much detail of it.

9 Q. So that you can't describe it?

10 A. It was a vape pen. I don't know the color, all that.

11 Q. Deputy, I'm going to show you a photo previously
12 admitted as Exhibit 22. Are you able to tell what you're
13 looking at in this picture?

14 A. It's a little washed-out.

15 Q. Does this appear to be a portion of the vehicle?

16 A. Yes.

17 That's better.

18 Q. Is that a little bit better, Deputy?

19 A. Yes, ma'am. Thank you.

20 Q. All right. Thank you. My apologies. I'm trying to
21 figure out this machine.

22 A. No worries.

23 Q. Are you able -- is that any better for you to be able
24 to tell what you're looking at here?

1 A. Yes.

2 Q. All right. And what are you looking at?

3 A. A vape pen, black top, and the victim's hand.

4 Q. Does that look like what you observed on the night of

5 February 11th in Mr. Faust's truck?

6 A. Yes, ma'am.

7 Q. And can you circle the vape pen on your screen?

8 A. Sorry.

9 Q. Thank you.

10 Would it be fair to say that vape pen appears to be

11 silver in color?

12 A. I can't testify to the color of it.

13 Q. You can't tell by looking at that picture?

14 A. Well, the picture is very washed-out.

15 Q. Would it be fair to say it's metallic-looking?

16 A. You could say that.

17 Q. We watched your body cam. And you made a statement,

18 "Is that a 32"; correct?

19 A. No. I said, "Is there a 32?"

20 Q. Okay. And you testified earlier that that's

21 asking -- that's code for "Is there a weapon"; right?

22 A. Yes, ma'am.

23 Q. It's fair to say from your training and experience

24 that looking for weapons is one of the things that you need

1 to do immediately upon arriving at a scene; correct?

2 A. Correct.

3 Q. And that's because of officer safety; right?

4 A. Correct.

5 Q. As well as the safety of the public.

6 A. Correct.

7 Q. And you're also trained to look and notice things

8 that could be mistaken as weapons; isn't that right?

9 A. Yes.

10 Q. Right. That's because you, as an officer, don't want

11 to make a mistake and think somebody has a weapon when they

12 don't; right?

13 A. Correct.

14 Q. All right. And you noted in your police report that

15 you filled out that Mr. Faust had a vape pen in his hand;

16 correct?

17 A. Correct.

18 Q. That's because it was an important fact in relation

19 to the scene and what you saw when you came upon it; right?

20 A. Yes, ma'am.

21 Q. All right. I want to ask you a little bit more about

22 Welcome Way. So you approached it in your own vehicle; is

23 that correct?

24 A. Well, in my patrol vehicle, yes.

1 Q. You weren't with Deputy Medina. You drove your own
2 car.

3 A. Yes; that is correct.

4 Q. And it looked from the video as if you -- as you were
5 driving up Welcome Way north, you turned and then parked
6 south-facing. Is that fair to say?

7 A. Yes.

8 Q. And that was behind Mr. Faust's vehicle?

9 A. That's correct.

10 Q. So your headlights, along with Mr. Medina's
11 headlights, were illuminating the scene.

12 A. Yes. Along with our take-down lights, which are
13 white lights we use at night for traffic stops and things of
14 that sort.

15 Q. So that sort of explains why, when we are watching
16 your body cam, we can see Mr. Faust's vehicle fairly well;
17 right?

18 A. Yes, for the most part.

19 Q. Can you describe the lighting, though, as you drove
20 up Welcome Way? Do you remember: Were there street lights?

21 A. I don't recall any street lights. The headlight from
22 the vehicle illuminated it a little bit more -- the street a
23 little bit more.

24 Q. Mr. Faust's vehicle?

1 A. Correct.

2 Q. And that was facing south?

3 A. Yes, ma'am.

4 Q. All right. So as you're driving up, looking north,
5 fair to say it's pretty dark?

6 A. Yes.

7 Q. Were you able to see, as you were driving up, the
8 fact that the street dead-ended in a cul-de-sac?

9 A. Yes.

10 Q. Okay. Welcome Way could fairly be described as a bit
11 rural; correct?

12 A. Yes. It's in our jurisdiction, so it is rural.

13 Q. So houses are on large pieces of property?

14 A. Yes, in that area.

15 Q. Set far back from the road, not directly on the
16 sidewalk?

17 A. That is correct.

18 Q. You had occasion to visit one of the houses; is that
19 correct?

20 A. Yes, ma'am.

21 Q. And that was the house closest to the cul-de-sac; is
22 that right?

23 A. Yes, ma'am.

24 Q. I'm just going to show you Exhibit 1. I'm going to

1 try to get rid of your original circle. Can you clear the
2 screen on yours? I think you have to --

3 A. Can I?

4 THE COURT: Bottom left, I think there's a button,
5 "Clear."

6 MS. GARCIA: There we go.

7 THE COURT: Thank you.

8 THE WITNESS: You're welcome.

9 BY MS. GARCIA:

10 Q. I'm showing you Welcome Way. Are you able to see
11 that on the map?

12 A. Yes, ma'am.

13 Q. All right. And can you just note on the map where
14 that cul-de-sac is?

15 A. It's this cul-de-sac right here.

16 Q. Do you recognize on this map the house you had
17 occasion to visit?

18 A. Yes, ma'am.

19 Q. Can you note that?

20 All right. So you were parked originally behind
21 Mr. Faust's vehicle; is that correct?

22 A. Yes. It's how we approach vehicles.

23 Q. And then you walked up the street to the cul-de-sac?

24 A. That is correct.

1 Q. Okay. How far do you think that was?
2 A. From my vehicle to the -- can you be more specific?
3 Q. To the end of the cul-de-sac. Thirty, 40 yards?
4 A. Maybe. I wasn't looking in too much depth of it. I
5 was more focused on the vehicle.
6 Q. They were not right next to each other. You had to
7 walk a little ways; right?
8 A. From the cul-de-sac?
9 Q. From your vehicle to the other side.
10 A. Yes.
11 Q. Okay. And you then went up the driveway and visited
12 that house that you circled; correct?
13 A. Yes, ma'am.
14 Q. Fair to say that house is set quite a bit back off
15 the road?
16 A. Yeah.
17 Q. Do you have an estimate how far back you think it is
18 from the roadway?
19 A. I couldn't -- I couldn't give you an answer for that.
20 Q. Just looking at that picture, obviously it's a large
21 driveway.
22 A. Yeah. Maybe a hundred yards.
23 Q. All right. You were shown a camera; is that correct?
24 A. Yes, ma'am.

1 Q. Did Mr. Konopisos show you where that camera was
2 located on his house?

3 A. I believe it was the Ring camera at the front, at the
4 front door.

5 Q. Can you go ahead and erase those former? I'm going
6 to ask you just to look back a little bit. Thank you.

7 Can you sort of put an arrow where the direction the
8 camera was facing, to your knowledge?

9 A. I believe it was through here. But I can't give you
10 an exact estimate.

11 Q. So there were two different views?

12 A. I only saw one view.

13 Q. Which view -- because you sort of made -- so you're
14 indicating it went straight out.

15 A. Well, it was pointed out to the street. I didn't
16 divulge too much into it.

17 Q. You weren't able to tell whether that camera was
18 focused on the actual cul-de-sac portion or to the direct
19 street?

20 A. No.

21 Q. Just a few more questions for you.

22 A. Oh, you're fine. You're fine.

23 Q. On the body cam we saw, we saw a lot of door.

24 A. Right. I'm short, so.

1 Q. How tall are you, Deputy?

2 A. I'm five-nine.

3 Q. Can you tell us where on your body the body cam sits?

4 A. It changes. We have different uniforms now. Mine

5 sits up a little bit higher. I believe, at the time, it was

6 right around in here. I had a plate, so it was this big, and

7 my vest, when I wore that uniform. I'd say right about here.

8 Q. So one and a half to two feet below your own eye

9 line?

10 A. Correct.

11 Q. So even though we're looking, as we look at the

12 truck, we're seeing the door; you're seeing in.

13 A. Right.

14 Q. As you looked at the photograph that you saw from the

15 camera, it sounds like you weren't able to tell really even

16 where in the cul-de-sac you were looking. Is that fair to

17 say?

18 A. Mr. -- Matthew was having issues with the video. I

19 wasn't going to try to get the video off. Usually just refer

20 that to detectives, and they will investigate more on that.

21 Q. So let me make sure I understand. It's kind of fair

22 to say you weren't really able to determine anything from

23 what you saw.

24 A. I saw two vehicles pointing in the direction of the

1 house.

2 Q. So you saw two vehicles, and you're indicating both
3 pointing in the direction of the house?

4 A. That's what I observed.

5 Q. So you were able to specifically see two sets of
6 headlights?

7 A. Yes, from my recollection.

8 Q. But you don't know where they were located?

9 A. Not in the vicinity of the cul-de-sac. It was dark.

10 Q. How far do you think that camera was from the street?

11 A. Maybe 120 yards. Excuse me. Not yards. Feet.

12 Q. So pretty --

13 A. It was a pretty good distance.

14 Q. Pretty good distance. Okay. You testified, when you
15 approached the vehicle, you saw that there was blood spray.
16 And I think you indicated that it was on the driver's-side
17 door panel.

18 A. Yes.

19 Q. And so were you able to see that with your
20 flashlight, or did you have to -- was that after you entered
21 the car?

22 A. I was able to see it when I -- when the window was
23 up, when I first made the approach.

24 Q. Can you describe just a little bit more about the

1 location of that blood spatter?

2 A. It was in the door panel, on the inside of his left
3 arm and leg. He also had blood coming out of his mouth.

4 Q. So not on the window, but lower?

5 A. I did not see any on the window, no. I saw some on
6 the A-pillar, it would be called, on the inside of the
7 vehicle. So above, on the --

8 MS. GARCIA: Court's indulgence just one moment.

9 Thank you.

10 That's all I have.

11 THE WITNESS: Thank you.

12 THE COURT: Any redirect, Mr. Stege?

13 MR. STEGE: Yes.

14 REDIRECT EXAMINATION

15 BY MR. STEGE:

16 Q. You use the term "spray." Is that a technical term,
17 or something else?

18 A. I'm sorry. It was just splattered. Excuse me. Not
19 sprayed. Splattered.

20 MR. STEGE: Thank you.

21 Nothing further.

22 THE COURT: Anything in response to that question in
23 response to --

24 MS. GARCIA: Nothing based on that, Your Honor.

1 Full name is Ralph Richard Bareuther. And the last
2 name is spelled B-a-r-e-u-t-h-e-r.

3 THE COURT: Thank you very much.

4 Mr. Stege, please proceed.

5 RALPH RICHARD BAREUTHER,
6 called as a witness on behalf of the State,
7 first having been duly sworn,
8 was examined and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. STEGE:

11 Q. Good afternoon, sir.

12 How long have you lived in the Washoe County area?

13 A. Since 1971, so quite a while.

14 Q. Are you familiar with an address of 13405 Welcome
15 Way?

16 A. Yes. That's where I live.

17 Q. How long have you lived there?

18 A. I've been there 27 years.

19 Q. And before you is page 3 of Exhibit 1 on the monitor.

20 A. Right.

21 Q. Do you recognize that area?

22 A. Yes, I do.

23 Q. Do you see your house on this exhibit?

24 A. Yes. It's in the lower-right-hand corner.

1 Q. The screen in this courtroom, if you touch it with
2 your finger --

3 A. Oh.

4 Q. -- I wonder if you might circle where your house is.

5 A. Okay. There it is.

6 Q. The houses to the north, have they been there the
7 entire time you have lived on Welcome Way?

8 A. No.

9 Q. Which is the newer of the two?

10 A. Can I just tap one or --

11 Q. Yes.

12 A. This one was there first.

13 Q. Okay. Who lives there?

14 A. Kelli Caprile.

15 Q. And what about the house north of there?

16 A. This one is relatively new. I think it was built in
17 2006, or thereabouts.

18 Q. In February of 2020, the incident that brings you to
19 court today, was there construction to the west, as we see in
20 this image?

21 A. Yes.

22 Q. And subsequent to this, the house was built there, or
23 houses?

24 A. A house.

1 Q. Very good. Directing your attention, then, to the
2 11th day of February, 2020, did something occur which brings
3 you to court this afternoon?

4 A. Yes, it did.

5 Q. What happened?

6 A. I was in my living room at the front of our house,
7 towards the street.

8 Q. Okay.

9 A. About 8:30, reading. And about 8:40, I heard a
10 couple vehicles come down the street close -- or pretty close
11 to one another. I didn't actually see them. I heard them.
12 And they were coming at a little higher speed than normally
13 in a residential zone. But there was one car, and then a
14 second car that I heard.

15 Q. And anything that -- you did not see them. Just
16 heard them; right?

17 A. Just heard them.

18 Q. And then --

19 A. Oh, you go ahead.

20 Q. Any difference in the sounds between the one versus
21 the other, the first versus the second?

22 A. Not that I really detected.

23 Q. Okay. Please continue. What happened next?

24 A. Okay. I saw them out -- we have a side window that I

1 can see almost down to the cul-de-sac from.

2 Q. I wonder, if we zoom in on this exhibit -- if you'll

3 hold that thought --

4 A. Sure.

5 Q. -- you could indicate the window. Where is the

6 window?

7 A. The window is right here.

8 Q. And so, as a consequence, you're looking -- if I

9 might.

10 A. I was looking to the north.

11 Q. About this way?

12 A. Yes.

13 Q. Okay. Please continue. What did you see?

14 A. I saw the two cars drive one after another, once they

15 got in my view, down towards the cul-de-sac. I didn't think

16 much of it at the time, so I went back to my book.

17 And the next thing, about five -- or three to five

18 minutes later, I heard two gunshots.

19 Q. Okay.

20 A. I wasn't certain they were gunshots. They could have

21 been something -- but it was: Pop, pop.

22 Q. Okay.

23 A. But this was winter, so all the windows were closed,

24 and the sound was muffled to some extent.

1 Q. Okay.

2 A. So I thought that was kind of odd. And then I looked
3 out a little closer out that side window. And about, say,
4 8:45 or so, I saw, the two cars, one was by the side of the
5 street here.

6 Q. Okay.

7 A. And the other one was right next to it. And they
8 both had their headlights coming into our house.

9 Q. Facing towards you?

10 A. Facing towards me.

11 Q. Okay. Was this before or after the gunshot or
12 gunshots?

13 A. This is after.

14 Q. Okay.

15 A. This is after. Then I really didn't know anything
16 had gone on or what was happening. One of -- the car that
17 was on the street side --

18 Q. Okay.

19 A. -- of the two vehicles -- actually, I looked away
20 from the window -- I heard it departing at a fairly high rate
21 of speed.

22 Q. Okay. Did you ever use the term to describe that car
23 leaving as "roaring off"?

24 A. I think that would be an appropriate term.

1 Q. Is that a term that you think you had previously used
2 to describe that car?

3 A. It's possible.

4 Q. Okay. Looking up to see how the cars are, did that
5 happen after you heard the noise, the shot or shots?

6 A. After.

7 Q. And so you hear some shots.

8 A. Look up, see the cars side by side, and then the
9 car -- the one car roars off.

10 Q. What happens next?

11 A. The car that was closer to the side of the street
12 just sat there with the lights on.

13 Q. How long did it -- for how long?

14 A. It sat there -- well, it sat there for an awful long
15 time. But before I was prompted to take any sort of action,
16 it was 30 minutes at least.

17 Q. What did prompt you to take action?

18 A. Well, I called the neighbor in between to ask if she
19 had seen anything in regards to all this. And I think she'll
20 be here later.

21 Q. Okay.

22 A. But she told me that --

23 MS. GARCIA: Objection. Hearsay.

24 THE WITNESS: Should I not talk about that?

1 THE COURT: Hold on one second.

2 THE WITNESS: Sure.

3 THE COURT: So the question is: What did the
4 neighbor tell this witness when he called to see if she had
5 noticed or heard, observed anything? Why is that not
6 hearsay, please?

7 MR. STEGE: It is hearsay. Let's move to the next
8 area.

9 THE COURT: The question is withdrawn, so he'll ask
10 another question, sir.

11 THE WITNESS: Sure.

12 BY MR. STEGE:

13 Q. After this conversation with your neighbor, what did
14 you do?

15 A. I called 911.

16 Q. And reported what you had seen?

17 A. Yes. Reported what I was seeing; that I had
18 suspicions that there were shots fired.

19 Q. Okay.

20 A. And that I requested the Sheriff's Office to send a
21 couple deputies out to check out this car that had been
22 sitting with the lights on for so long.

23 Q. Okay. And from there what happened?

24 A. Maybe about another 20 to 30 minutes later, two

1 Sheriff's vehicles showed up, and got out with their
2 flashlights, and were trying to figure out what was going on.
3 Q. And from there it was officer -- deputies at your
4 house and --
5 A. Yes.
6 Q. -- more police cars?
7 A. Right. Fire trucks.
8 Q. Have you, before testifying today, had occasion to
9 review a copy of your call to 911?
10 A. No, I have not seen that.
11 Q. Didn't a --
12 THE COURT: When he says "review," you mean did he
13 listen to it?
14 MR. STEGE: Yes.
15 THE COURT: Or did he read a transcript?
16 BY MR. STEGE:
17 Q. Did you listen to it, sir?
18 A. Come to think of it, I think Stephanie played it for
19 me.
20 Q. Stephanie being a district attorney investigator?
21 A. Yes.
22 Q. Okay.
23 A. I think she played it for me. But it was a year ago,
24 almost a year ago.

1 MR. STEGE: Your Honor, I would move to publish
2 Exhibit 4, which was admitted by stipulation.
3 THE COURT: You may publish.
4 MR. STEGE: I'm sorry. Yes. Thank you.
5 THE COURT: Which speaker or speakers do you think
6 that's going to come out of? I just want to make sure that
7 we have a way to adjust it if it's too loud or too soft.
8 MR. STEGE: Your Honor, I believe the adjustments for
9 volume are controlled from this computer here.
10 THE COURT: Okay.
11 MR. STEGE: If our last trial holds.
12 THE COURT: All right.
13 (Audio playing.)
14 (Audio stopped.)
15 BY MR. STEGE:
16 Q. Sir, I want to ask you. We just heard you say "heard
17 a popping noise, which might have been a backfire or a gun."
18 A. That's because I was uncertain as to what it was.
19 Q. And did -- now you believe it to be a gunshot?
20 A. Well, from what I know now, yes.
21 Q. I also notice you said "A popping noise." You didn't
22 say multiple pops or multiple shots.
23 A. I should correct that. It was: Pop, pop.
24 Q. Okay. And how far -- was the timing that you just

1 did the timing of the pops?

2 A. Maybe a little quicker. But it's hard to say. Hard
3 to say.

4 Q. Okay. Let's pick up here from 56 seconds into this
5 recording.

6 (Audio playing.)

7 (Audio stopped.)

8 BY MR. STEGE:

9 Q. After the popping noise, did you ever see any other
10 vehicles in the area?

11 I'll ask that a different way.

12 A. Okay.

13 Q. After the car roars off.

14 A. Right.

15 Q. Any other cars that you see come into the area of
16 cul-de-sac at Welcome Way?

17 A. In reviewing my police report, I had indicated there
18 was another vehicle that showed up about 15 minutes later and
19 drove down to the cul-de-sac, and then eventually drove away.
20 Don't know if there was any connection, if it was somebody
21 coming back, or --

22 Q. And did you also in that statement indicate that that
23 second one that was there for a brief period and left was --
24 you thought it was a truck, as it left?

1 A. I think it was -- I had the impression it was a
2 truck, but.

3 Q. Okay. And would you agree with the principle that at
4 the time that you made this 911 call this incident was very
5 fresh in your memory?

6 A. Yes, it was.

7 Q. As well, a written statement that was filled out by
8 you that night; correct?

9 A. Right. A couple hours later -- or an hour later
10 maybe.

11 Q. You also agree that this incident was more fresh in
12 your mind when the statement was written than it is today.

13 A. Definitely.

14 Q. Going further, do you think your memory of this
15 incident was better closer in time to when this occurred?

16 A. I would hope it was. But, you know, in the
17 excitement of all the vehicles and police all over the place,
18 and also finding out what had happened, you kind of get
19 shaken by that.

20 Q. This is an exciting thing or a very unusual thing in
21 this neighborhood?

22 A. Yes. I hope so. I hope we don't have this happen
23 again.

24 THE COURT: Sir, do me a favor. Because the

1 acoustics are not wonderful in this recently-made courtroom,
2 speak just a little bit more closely to the microphone, if
3 you would.

4 THE WITNESS: Okay. I shall.

5 MR. STEGE: Thank you, sir.

6 I have no further questions.

7 I pass the witness.

8 THE COURT: Thank you very much.

9 Examination by the defense, please.

10 MS. GARCIA: Your Honor, we don't have any questions
11 for this witness.

12 THE COURT: Very good.

13 Sir, thank you. Actually, you don't have to move
14 closer to the microphone after all. Thank you for your time.
15 You're excused. I wish you a pleasant afternoon.

16 THE WITNESS: Thank you.

17 (Witness excused.)

18 THE COURT: Mr. Stege, does the State have another
19 witness available today?

20 MR. STEGE: Yes. Miss Caprile.

21 THE COURT: Mr. Picker, while we are waiting for the
22 next witness, it seems like you had a chance to talk to court
23 IT.

24 Mr. Picker, you had a chance to talk to court IT a

1 little while ago with respect to the video screens. Can I
2 assume that that's something that will be in progress, or do
3 you need the Court's intervention?

4 MR. PICKER: No, Your Honor. It appears that that
5 will be ultimately resolved.

6 THE COURT: Okay. Very good. Thank you. Let me
7 know if there's something I can do.

8 Good afternoon, ma'am. Welcome.

9 (Witness sworn.)

10 THE COURT: Would you please come up to the witness
11 stand and have a seat, ma'am. Please make yourself
12 comfortable, slide in. If you would, please, take the
13 microphone and put it where it's near your mouth, and if you
14 would please speak just a few inches away from that. State
15 your name and slowly spell your last name, please.

16 THE WITNESS: My legal name is Carol Ann Caprile,
17 spelled C-a-p, as in Peter, r-i-l-e.

18 THE COURT: Okay. Could you possibly move the
19 microphone a little bit closer to yourself? And you seem
20 like you're soft-spoken. Probably good for life, but not
21 necessarily great for this new courtroom we have.

22 THE WITNESS: Okay.

23 THE COURT: If you could just speak up a tiny bit,
24 we'd much appreciate it.

1 THE WITNESS: Okay.

2 THE COURT: Mr. Stege, you may proceed with the
3 examination.

4 CAROL ANN CAPRILE,
5 called as a witness on behalf of the State,
6 first having been duly sworn,
7 was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. STEGE:

10 Q. Thank you, ma'am.

11 You told us your legal name. Do you go by another
12 name? Are you known by another name?

13 A. I do. I have been known as Kelli from high school
14 time. And, actually, I'm starting to -- having two names has
15 now become a big issue because the government doesn't
16 recognize Kelli. So I'm in the process of getting my name
17 legally changed. It is still legally Carol.

18 Q. Are you familiar with the address of 13415 Welcome
19 Way?

20 A. That is my home.

21 Q. How long have you lived in that home?

22 A. Since September of 2006.

23 Q. And we've just met your neighbor, Ralph.

24 A. Yup. Rick.

1 Q. To the north of you, there are also neighbors;
2 correct?

3 A. Matt and Christine. Yes.

4 Q. How long have they, to your knowledge, lived in the
5 neighborhood?

6 A. Longer than I have. The house was built for them by
7 them, and it was complete, and they were living there when I
8 moved there.

9 Q. Very good. On the exhibit before you, the screen in
10 front of you, you should see page 3 of Exhibit 1. Do you
11 recognize that area?

12 A. Oh, yeah. Yes.

13 Q. Do you see your house on that?

14 A. Very much so.

15 Q. Will you circle your house on this screen? You can
16 touch --

17 A. I can touch it?

18 Q. Yes.

19 A. This is my house right here.

20 Q. Thank you.

21 Directing your attention to February 11th of 2020,
22 did something happen in your neighborhood that brings you to
23 court this afternoon?

24 A. Yes. I was at home that night. I was watching TV,

1 and my phone rang. And my caller I.D. told me it was Rick,
2 my uphill neighbor, so I answered the phone. And he asked
3 me --

4 MS. GARCIA: Objection. Hearsay.

5 MR. STEGE: Not for the truth. We've heard from
6 Mr. Bareuther. Now the woman's own words in response to that
7 would not be hearsay.

8 THE COURT: The objection is overruled.

9 And just for the Court's edification, the person you
10 indicate called you, it wasn't Ralph. It was the other
11 neighbor?

12 THE WITNESS: No. Ralph -- he goes by Rick. I
13 believe his legal name is Ralph. I call him Rick. His wife
14 calls him Rick.

15 THE COURT: Okay. And he is the one who --

16 THE WITNESS: Mr. Bareuther.

17 THE COURT: But on the photo in front of you, his
18 home is below the photo?

19 THE WITNESS: Yes. To my south.

20 THE COURT: Very good. Thank you.

21 Please proceed.

22 BY MR. STEGE:

23 Q. Additionally, he's the gentleman who just walked out
24 of the courtroom?

1 A. Yes. Yes.

2 Q. He calls you. Tell us about that phone call.

3 A. Yes. He called me and asked me if I had heard a

4 strange noise.

5 Q. Had you heard a strange noise?

6 A. No. My TV was loud. I said, "Nope. I'm watching

7 TV."

8 And he said, "Well, I heard a pop. And when I went

9 and looked outside, there seems to be a car parked right

10 below your driveway, facing uphill, with its headlights on."

11 And I went, "Really?"

12 So I got up. And the north side of my house is

13 pretty much all glass.

14 Q. Okay. Now, do you mean, by the entire north side of

15 your house, this portion and that portion?

16 A. No. Just the right portion.

17 Q. This portion that I have marked?

18 A. Yes. Okay. That's pretty much all glass. And so I

19 walked and looked out, and could see two headlights, with

20 a -- pointed uphill, that seemed to be right next to my

21 neighbor's mailbox, which is right about there, just pointing

22 uphill. And I went, "Oh, that's odd."

23 Q. Okay.

24 A. And I stood and watched for a while. And Rick told

1 me what he had heard. And I -- he said, "Maybe I should call
2 the Sheriff." And I --

3 THE COURT: Stop right there. I appreciate the
4 narrative. Sometimes that's appropriate. But let's ask
5 another question.

6 BY MR. STEGE:

7 Q. What did you do next?

8 A. He said he was going to call the Sheriff.

9 I said, "I think that's a really good idea, because
10 this is really odd."

11 Q. So this was odd?

12 A. Yeah.

13 Q. Where is the TV room or where you were shortly before
14 Rick called?

15 A. This area right here.

16 Q. Same area?

17 A. Yeah. It's a big great room.

18 Q. And yet you get up to go to the window?

19 A. Yes.

20 Q. Could you tell anything about this vehicle with the
21 headlights on?

22 A. No. We have no street lamps in the area at all. It
23 was pitch black. I could not tell if it was a car, a truck,
24 whatever. I could just see two headlights.

1 Q. Could you tell anything about the height of the
2 headlights?

3 A. They seemed to be relatively high off the ground.
4 Other than that.

5 Q. Okay. So what happened next?

6 A. I told Rick I actually had the Sheriff's number, and
7 so I gave him the phone number, and hung up the phone, and
8 stood and kind of watched the headlights.

9 Q. And by "Sheriff's," you mean like a desk at the
10 Sheriff's Office, like a non-emergency number?

11 A. Non-emergency, yeah.

12 Q. So you told him that. Did you continue watching what
13 was happening?

14 A. Yes.

15 Q. What was happening?

16 A. Nothing.

17 Q. Okay.

18 A. For a while -- the car didn't move. It stood there.
19 I saw no one walking in front of the car or anything else.
20 And so I sat and watched. And then I saw brake lights at the
21 circle at the bottom of the street.

22 Q. Okay.

23 A. It's a dead-end. I was surprised. I didn't know
24 there was a car down there. Again, no street lights. So I

1 watched the tail lights. The car started moving. The car
2 was driving around, and it started going uphill. I could no
3 longer see tail lights, but I realized the car did not have
4 headlights on, either. And it came and drove up the street
5 and left.

6 Q. Okay. Can you describe that vehicle?

7 A. No. No lights. I mean, there were no headlights, no
8 tail lights, because there was no foot on the brake then, I
9 guess. We have no street lights in the area. It was a dark
10 February night.

11 Q. Can you describe how that vehicle drove off
12 speed-wise?

13 A. It wasn't driving 25 miles an hour. It would be more
14 school zone, 15 miles an hour, relatively slowly up the hill
15 and by, just kept going.

16 Q. Then what?

17 A. I watched a little while longer. Nothing happened.
18 I went and sat back down on the couch.

19 Q. Okay.

20 A. And noticed, oh, 10 or 15 minutes later, another
21 flash of brake lights at the bottom of the hill. I can see
22 them through the window. They reflect.

23 So I got up again and walked over. And there was a
24 white pickup truck that was circling the bottom and coming

1 back up, with its headlights on.

2 Q. Headlights on?

3 A. On.

4 Q. Okay. Had you seen that pickup truck arrive at the
5 cul-de-sac?

6 A. I saw the brake lights. My assumption was he had
7 driven down the street and circled around and driven back up.

8 Q. Okay. So not the case that it appeared the truck had
9 been there and suddenly started up and drove off, but more
10 came in the circle and drove off?

11 A. No. It came down the street.

12 Q. Down the street into the circle and drove off?

13 A. Yes.

14 Q. How would you describe that vehicle?

15 A. At the time, I thought it was one of my other
16 neighbors, who is doing construction on the property across
17 the street from mine. And he will often drive by just to
18 check the site. That was my assumption at the time. I don't
19 know if it was him, but I assumed it was.

20 Q. What were you seeing that made you assume that?

21 A. I'm very familiar with his truck. It looked like his
22 truck.

23 Q. What did the truck look like?

24 A. It's a white Ford. Although I couldn't tell it was a

1 Ford. But his truck is a white Ford, crew cab.

2 Q. And this truck you saw looked like that?

3 A. The second time, yeah, looked like that.

4 Q. Did you continue watching after this truck drove off?

5 A. I watched for a few minutes longer, and then went

6 back and sat down, having now totally lost track of my TV

7 show. And nothing that I'm aware of happened until the

8 police showed up, till the Sheriff showed up.

9 Q. When did they show up?

10 A. Probably about 15 or 20 minutes later I became aware

11 of flashing lights. And again got up and walked to the

12 window.

13 Q. Did you ever see anything that could be described as

14 two cars with their headlights on, either facing each other

15 or right next to each other?

16 A. No. I only saw the one vehicle.

17 Q. Did you ever hear anything that sounded like a

18 gunshot?

19 A. No.

20 Q. Did you ever hear anything that sounded like a car

21 roaring off?

22 A. No.

23 MR. STEGE: Thank you.

24 Pass the witness.

1 THE COURT: Thank you.
2 Examination by the defense.
3 MS. GARCIA: Your Honor, we don't have any questions
4 for this witness.
5 THE COURT: Thank you, ma'am. You're excused. You
6 may step down.
7 Thank you very much for your testimony. Have a nice
8 afternoon.
9 (Witness excused.)
10 THE COURT: Ladies and gentlemen, again, feel free to
11 stand up, if you'd like to.
12 Mr. Stege, does the State have another witness?
13 MR. STEGE: Yes. Mr. Konopisos.
14 THE COURT: How do you spell his last name, please?
15 MR. STEGE: K-o-n-o-p-i-s-o-s.
16 THE COURT: Mr. Stege, did the deputy hear who you've
17 asked them to bring in?
18 MR. STEGE: Matthew.
19 THE COURT: Thank you.
20 Good afternoon, sir.
21 THE WITNESS: Good afternoon.
22 THE COURT: Okay. Ms. DeGayner is going to
23 administer the oath of witness to you.
24 (Witness sworn.)

1 THE COURT: Thank you, sir.

2 Please have a seat right over here. Make yourself

3 comfortable. Go ahead and remove your mask, please. Speak

4 fairly loudly and fairly closely to the microphone.

5 Please state your first name and last name, and then

6 spell your last name for us.

7 THE WITNESS: Sure. It's Matt Konopisos,

8 K-o-n-o-p-i-s-o-s.

9 THE COURT: Thank you very much.

10 Mr. Stege, you may proceed.

11 MATT KONOPISOS,

12 called as a witness on behalf of the State,

13 first having been duly sworn,

14 was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MR. STEGE:

17 Q. Are you familiar with the cul-de-sac at Welcome Way?

18 A. Yes, sir.

19 Q. How are you familiar with it?

20 A. I live there.

21 Q. How long have you lived there?

22 A. I built the house in 2005.

23 Q. What is the address of the house?

24 A. 13425.

1 Q. How long have you lived within Washoe County?
2 A. 1995, full-time.
3 Q. Directing your attention to the screen in front of
4 you, do you see your house?
5 A. Yes. It's the one with the light-colored circle
6 drive there, on the right, upper right.
7 Q. Thank you.
8 Directing your attention to February 11th of 2020,
9 did something happen that evening that brings you to court
10 this afternoon?
11 A. Yes.
12 Q. What?
13 A. Well, so, from the time -- okay.
14 Q. From the beginning.
15 A. I was home. I was working on -- I'm a developer, so
16 I was working on plans. And the houses over to the -- kind
17 of the very far right of the screen, where that looks like
18 that green cube is in the middle of the roof --
19 Q. And if it's helpful for you --
20 A. I'm sorry.
21 Q. -- the screen, you can mark on it. Anything you want
22 to emphasize on it, you can draw a check or a circle.
23 A. Yeah. I was in that area right there. So I don't
24 have a view to the street. The view is directly this way,

1 | which is of town.

2 | But, anyway, I was working on plans. And I heard
3 | something that I thought at the time, you know, sounded like
4 | a shot, firecracker, fireworks. We've had all that stuff go
5 | off in our cul-de-sac. Big windows that act kind of as a
6 | sound reverberator, so it was fairly loud.

7 | So, stood up, went over into this part of the house
8 | and turned on the lights, which shine out the backyard. And
9 | didn't see anything. Didn't look out front. And went back
10 | to what I was doing.

11 | Q. And this was -- are you familiar with firearms?

12 | A. Yes, sir.

13 | Q. And this sounded to you like a gunshot, firework, or
14 | something similar?

15 | A. Yes.

16 | Q. How many of these noises did you hear?

17 | A. It was -- it was hard to ascertain whether it was one
18 | or two because it happened pretty close together.

19 | Q. Okay.

20 | A. Yup.

21 | Q. So it could either be one or two. And are you
22 | accounting for sort of the reverberation of the glass and
23 | that?

24 | A. Yeah, exactly. It was unknown at that time to me. I

1 just heard something loud that is not typical, and so stood
2 up and looked for it. And didn't see anything, so went back
3 to what I was doing.

4 Q. Okay.

5 A. And I was --

6 Q. What time do you think this happened that you heard
7 this?

8 A. Oh, recollection was probably 8:30-ish, 8:15,
9 8:30-ish, to be vague.

10 Q. Okay. Then what? Then what happened?

11 A. I went back to doing what I was doing. I was working
12 on plans. And, you know, about 30 minutes later, maybe 45
13 minutes later, I went over into the -- back to the main part
14 of the house where the kitchen is to get Gatorade, and I saw,
15 you know, the red-and-white flashing lights all throughout
16 the house. And I knew they were right out front. Looked
17 like they were right in my driveway. I didn't know what was
18 going on, so I went out front to find out what was happening.

19 Q. And what was happening?

20 A. Well, I opened the front door, which is right here,
21 and there was a police officer. There was one right here,
22 putting caution tape across my driveway. And there was
23 another police officer standing right here. So I turned the
24 lights on in the front of the house. All the lights were

1 off, so I'm assuming they thought nobody was home. And I
2 turned the lights on and went out front.

3 And this officer and this officer both started
4 walking towards me, to see who I was and what I was doing
5 there.

6 And all I could see at that point was -- this is my
7 mailbox right there, and all I could see was a truck parked
8 kind of right there, with its lights on. And as I'm standing
9 right about here right now, I can see that line of sight to
10 my mailbox, and I see a truck has hit my mailbox. And so I'm
11 upset. I'm like: Oh, great. Some drunk high school kid
12 took out my mailbox. So I don't know what's happening. And
13 now I'm, you know, wondering what I heard 45 minutes ago.

14 So the officers came up and found out who I was.
15 And, you know, then I told them what might have happened.
16 There was some kind of incident. And I told them I had a
17 security camera that I'd be happy to show them. And that's
18 located right about here, at the front door. And it detects
19 motion. It goes off all the time when a car drives by, so I
20 knew it most likely picked up something. But it was dark,
21 and it was -- you know, it's far away, so I didn't know what
22 it had, but I was happy to show it to them.

23 Q. I wonder if you might let me clear off here, indicate
24 where it was that this camera was attached, what part of your

1 house it was on.

2 A. Right about there.

3 Q. And which -- can you sort of draw the field of view?

4 A. Yeah. The field of view, I can see just in front of
5 Kelli's -- just in front of Kelli's house, so it's just about
6 like that.

7 Q. Okay. And you went back and looked at your phone to
8 see what it had captured?

9 A. Yeah. And the camera was about three weeks old. I
10 was still learning how to use it. And part of their service
11 is, you can store as much video as you want. And I didn't
12 feel the need to store a bunch of video. And you have -- I
13 didn't know it at that time, but you had a certain amount of
14 time before the video goes away, and you lose -- you can't
15 pull it up anymore.

16 And as so much time had gone by, and then discussing
17 it with the officers, by the time we got to reviewing it, we
18 were coming up on that -- you could see it on the app start
19 to lose, so we were running out of time.

20 Q. In the end, did you run out of time?

21 A. Well, I guess the answer is yes. Because we tried to
22 call the service, and I was willing to pay to archive what
23 they did. And they said they took a report number down, and
24 they would archive that footage. And I gave that to the

1 | detectives. And I guess they were not able to retrieve it,
2 | so.

3 | MR. STEGE: Could I have the Court's indulgence with
4 | the staff?

5 | THE COURT: Go ahead.

6 | MR. STEGE: I would move to introduce and then
7 | publish by stipulation Exhibit 14.

8 | THE COURT: You may publish.

9 | That's been stipulated into evidence; correct? Ms.
10 | Garcia?

11 | MS. GARCIA: Yes, Your Honor; that's correct.

12 | THE COURT: Thank you.

13 | (Exhibit 14 was admitted into
14 | evidence.)

15 | BY MR. STEGE:

16 | Q. And so, as a result, we have simply an officer
17 | recording your phone; right? Have you seen that video?

18 | A. Yeah. Oh, I haven't seen the video. I saw it at the
19 | time, obviously. But, yeah, I -- I -- luckily they had the
20 | foresight to ask me for that, because I thought they were
21 | going to be able to retrieve it. They wanted to film what we
22 | had currently, so they did that. And -- yeah, I didn't know
23 | what I was doing, so I'm sure that's not going to look good.

24 | Q. Let's go to that.

1 (Video playing.)

2 BY MR. STEGE:

3 Q. This being your thumb playing -- manipulating the
4 video on your phone?

5 A. Yeah. It's like a scrolling feature on the right,
6 that it goes by the second or the time, you know, of day it
7 is. And, yeah, I just have to scroll it up and down.

8 Q. Okay. So what do we see here what -- as you're
9 seeing this in front of your eyes, and also being familiar
10 with the cul-de-sac seeing, what are you seeing?

11 A. So that's Kelli's motion sensor light on her patio.
12 And that's about -- that's the end of the cul-de-sac right
13 there. That's where that fire gate is.

14 Q. And these -- the lighting here, is that from -- do
15 you have any lighting in your driveway that would cause that,
16 or anything like that?

17 A. I do, yeah. Sorry. The mailbox is right there.
18 But, yeah, that's all landscape lighting that I have in the
19 front on that one.

20 Q. Let's continue as you sort of scroll it. What are we
21 seeing here?

22 A. What we're seeing -- so the camera -- the Nest camera
23 is not on all the time. It only turns on when there's
24 motion. I'll get a motion alert on the phone.

1 So something caused it to turn on right here. That's
2 what I'm scrolling back and forth. You can see the
3 headlights shining back up the street right there. So that
4 told me at the time that there was a car either behind the
5 column, or just right here, that's, you know, out of sight.

6 That's the part I didn't know, you know, what that
7 flash was, either a car turning on, or headlights turning on,
8 or, you know, something else.

```

9           Those parts when it goes gray, where there's like 10
10  or 15 seconds of no movement, it goes back to gray, so the
11  screen only -- the image only becomes live when there's some
12  kind of movement out there.

```

```
13 || (Video stopped.)
```

14 BY MR. STEGE:

15 Q. So this is all around that same time frame you're
16 sort of going back and forth; right?

17 A. Yeah. What is that? 8 -- is that 8:45? Can't read
18 that.

19 Q. I wonder if you might draw where the road goes, the
20 street.

21 A. Sure. The cul-de-sac, you can see kind of the side
22 profile, because the cul-de-sac is crowned in the middle for
23 drainage. But the road goes just like that. Kelli's house
24 sits here, but her house is actually below the road.

1 Q. We also have two still photos. One, 20:44.
2 A. Yeah. You can see Kelli's roof line right there.
3 Sorry. I'll quit drawing on the screen.
4 Q. We can tell you're a draftsman, or have that type of
5 training.
6 A. Yeah. My bad.
7 But that's a typical view out. Those lights to the
8 right -- sorry -- up here, that house, those lights are
9 typically not on. But that's typically the view. If I were
10 to pull it up any given night, that's typically what it looks
11 like.
12 Q. If there's no one there.
13 A. Yeah.
14 Q. So, for example -- we are seeing landscape lighting
15 for that far-off neighbor?
16 A. Correct.
17 Q. Is there a way to drive down Welcome Way to get to
18 this house right here?
19 A. No.
20 Q. How would you get -- do you know how you would get
21 there?
22 A. That's -- I think it's called Southwest Vistas or
23 Grand View. But you have to turn off Zolezzi and go through
24 the roundabout, head northwest. It's a much quicker walk

1 | than it would be to drive.

2 | Q. Let's then go to this other photo, indicated by
3 | 20:45. What are you seeing here?

4 | A. Yeah. We're seeing --

5 | Q. Is this that sort of the flash, the questionable
6 | thing that you were asking about?

7 | A. I think that's that moment of that flash. But that's
8 | not typically there, so I don't know if that's a car light
9 | also. I mean, one of them has to be car lights because it's
10 | going up the road. But, yeah, both of those are not normally
11 | there. It's a much bigger footprint of a flash than my
12 | initial thoughts were seeing it on the video.

13 | Q. Did you ever notice any damage to that mailbox?

14 | A. Yes, sir. Had to replace the mailbox. Thank you for
15 | asking.

16 | Q. And that mailbox, was it -- before this happened, was
17 | it in fine working order?

18 | A. Oh, yeah.

19 | Q. Okay. Very good.

20 | THE COURT: Thank you.

21 | Pass the witness.

22 | THE COURT: Thank you.

23 | Cross-examination.

24 | Let's get done with this witness today, and then,

1 even though we're going to go a little bit after 5:00
2 o'clock, everyone.

3 MS. GARCIA: I think we can accomplish that, Your
4 Honor.

5 THE COURT: Understand. Thank you.

6 CROSS-EXAMINATION

7 BY MS. GARCIA:

8 Q. I'm going to go ahead and leave this picture up,
9 Mr. Konopisos.

10 THE COURT: Is your microphone on?

11 MS. GARCIA: Perhaps it's not facing me.

12 Thank you.

13 THE COURT: There you go.

14 Thank you.

15 BY MS. GARCIA:

16 Q. So, looking at this picture, this is a still photo;
17 correct?

18 A. Yes, ma'am.

19 Q. It appears your Nest camera is set back. Is that a
20 portico? How would you describe it?

21 A. It's just a front porch. It's kind of a wall-eye
22 view, kind of a fish-eye view, so it's a little bit out of
23 scale there. But it's just a covered front porch.

24 Q. Okay. And when you were testifying about the range

1 of the camera, you drew quite a large V shape, as I'm making
2 my hands. Does that make sense?

3 A. Yes, ma'am. And looking at this, I didn't quite draw
4 it far enough, because I thought it went just to Kelli's --
5 the front of Kelli's house, but it actually goes into her
6 backyard. But, yes, ma'am.

7 Q. So as we are looking at this, we're actually seeing a
8 large portion of Welcome Way as well as the cul-de-sac part?

9 A. Yes, ma'am.

10 Q. Your house is set back off Welcome Way. Do you know
11 roughly how far back this Nest camera is?

12 A. About 75 feet.

13 Q. And that would be from the street?

14 A. From the curb, yes, ma'am.

15 Q. And do you know -- you may not, but do you know how
16 far that is from the cul-de-sac? Because it's a little hard
17 to tell from this photo the distance we are talking about.

18 A. Yeah. So the circle drive, I would say the north
19 exit of the circle drive is maybe 15 or 20 feet from the
20 start of the cul-de-sac.

21 Q. Okay. Let me make sure I'm understanding you.

22 A. Sorry.

23 Q. I may have asked a bad question.

24 So let's talk about facing a different direction.

1 Let me switch over really quick.

2 Let's look at -- let's look at this view. If I can
3 get this on right.

4 So how far would you estimate that -- the circular
5 part of Welcome Way?

6 A. I'm sorry?

7 Q. I'm sorry. Trying to get the picture where it
8 will --

9 A. That's okay.

10 Q. -- help you. There we go. The cul-de-sac portion.
11 How far north of your house is that cul-de-sac from, let's
12 say, the driveway, the start of the driveway?

13 A. Yeah. I'm sorry. Do you want me to draw on the
14 screen?

15 Q. You can draw on that. So if you want to draw like a
16 line from the cul-de-sac.

17 A. I'm sorry. I was saying that was about 20 feet, but
18 it might be -- it might be 25, 30, even. But, yeah,
19 somewhere in there.

20 Q. Can you do me a favor and just mark once again on
21 there where that camera is, so we can --

22 A. Yes, ma'am.

23 Q. -- get a reminder.

24 A. Right about there. And then it's a -- like you said,

1 it's set back about -- from the edge of the roof, which is
2 right there, that's about the covered porch, and it's about
3 10 feet of covered porch.

4 Q. So when we're looking at this view, we're talking
5 about a substantial distance to the cul-de-sac that we're
6 trying to look for those lights; correct?

7 A. Yeah. I would say -- I mean, if it's 75 feet from
8 there to the front door, then I would say, you know, that
9 angle, I don't know, maybe adds, you know, 10 feet to it,
10 -ish.

11 Q. I'm going to play that video again that we watched
12 earlier.

13 THE COURT: Mr. Konopisos. Did I say that right?

14 THE WITNESS: Close enough.

15 THE COURT: There's a button on the lower left that
16 can erase the pink lines on the screen.

17 THE WITNESS: Got it. On that one.

18 THE COURT: On the monitor. It should say "Clear."
19 There you go.

20 Thank you.

21 THE WITNESS: I'll take care of that.

22 MS. GARCIA: Thank you for your time.

23 I don't have any further questions.

24 THE WITNESS: Okay. Thank you.

1 THE COURT: Oh. Okay. Thank you.

2 Any redirect?

3 MR. STEGE: Yes.

4 REDIRECT EXAMINATION

5 BY MR. STEGE:

6 Q. Do you know: In your experience, does the camera
7 always pick up or be triggered by traffic in the cul-de-sac
8 or in front of the house?

9 A. Most of the time, yes.

10 Q. Okay. Very good.

11 MR. STEGE: Thank you. That's it.

12 MS. GARCIA: Nothing based on that, Your Honor.

13 THE COURT: Thank you, sir. You're excused. You may
14 step down. And I wish you a nice afternoon. Thank you for
15 your testimony.

16 THE WITNESS: Thank you.

17 (Witness excused.)

18 THE COURT: All right. Ladies and gentlemen of the
19 jury, that will conclude court for today.

20 Please be back here tomorrow morning at 8:00 o'clock.
21 We will resume promptly at 8:30, maybe even a few minutes
22 early, if everyone is ready to go.

23 Over the evening and into tomorrow morning you are
24 admonished not to converse among yourselves or with anyone

1 else on any subject connected with this trial. Do not
2 communicate, for example, by e-mail, text, internet or other
3 means. Do not watch, read, listen to or receive news from
4 any source or media accounts or commentary about this case.
5 Do not do any independent research or investigation. Do not
6 test a theory of the case or attempt to re-create any aspect
7 of the case. Do not investigate this matter on your own in
8 any way.

9 Additionally, it is your duty not to form nor express
10 an opinion on any subject connected with this case until it
11 is finally submitted to you.

12 You are directed, as I said, to return here by 8:00
13 o'clock tomorrow morning.

14 Now, during the lunch break tomorrow, you will be
15 allowed to leave the courthouse, so you can either bring
16 food, as you did today, and stay here, or you will be allowed
17 to leave during the lunch recess, roughly between 12:00,
18 12:45. It could be 12:15 to 1:00 o'clock, somewhere in that
19 time frame. Again, if you choose to do that, you need to be
20 back here in time ready to go. So make sure your plan,
21 whatever it will be, will be quick. Make sure you wear your
22 pins to and from your vehicle and during any time inside or
23 outside of the courthouse.

24 With that, please all rise for the jury.

1 Again, you can leave your notes on your chair. They
2 will not be disturbed.

3 (The following proceedings
4 were had without the presence
5 of the jury:)

6 THE COURT: Okay. Thank you very much, everyone.
7 The court will be in recess.

8 I'll be here tomorrow morning by 8:00 o'clock, if
9 there's anything we need to take up before court starts.

10 MR. PICKER: Your Honor, can we just get tomorrow's
11 witnesses before you leave?

12 THE COURT: Say that again.

13 MR. PICKER: Tomorrow's witness list.

14 THE COURT: Yes. On the record, or you're just
15 asking me to remind Mr. Stege?

16 MR. PICKER: I think it's better if we put it on the
17 record, Your Honor. We had a little miscommunication.

18 MR. STEGE: Crossed wires in the past.

19 THE COURT: No problem. Who at least will be the
20 anticipated witnesses for the State tomorrow?

21 MR. STEGE: Mike Almaraz. Brian Atkinson -- is this
22 being broadcast, what I'm saying right now? Okay. Luke, the
23 juvenile. Ashley, the juvenile. Jason Daniels. Karen
24 Faust. Dave Colarchik. Mary Gayner.

1 I'll buy you coffee if you get me on that,

2 || Mr. Picker.

3 MR. PICKER: That's on the record, Your Honor.

4 THE COURT: Thank you.

5 We'll be in recess.

6 We'll go off the record.

7 (Recess.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department 8 of the
8 above-entitled court on Tuesday, June 29, 2021, at the hour
9 of 8:40 a.m. of said day, and took verbatim stenotype notes
10 of the proceedings had upon the matter of THE STATE OF
11 NEVADA, Plaintiff, versus WAYNE CAMERON, Defendant, Case No.
12 CR20-3534, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 221, all inclusive, contains a full, true and
16 complete transcript of my said stenotype notes, and is a
17 full, true and correct record of the proceedings had at said
18 time and place.

19 Dated at Reno, Nevada, this 6th day of November,
20 2021.

21

22

23 /s/ Isolde Zihn
24 Isolde Zihn, CCR #87

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR20-3534

12

WAYNE CAMERON,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

16

Trial

VOLUME III

June 30, 2021

17

APPEARANCES:

18

For the State:

Amos Stege

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Marc Picker

21

Alternate Public Defender

Jenna Garcia

22

Deputy Alternate Public Defender

350 South Center Street

23

Reno, Nevada

24

Reported by:

Isolde Zihn, CCR #87

| | | | | | |
|----|------------------------|--------------------|-------|-------------|-------------|
| 1 | | | INDEX | | |
| 2 | STATE'S WITNESSES: | Direct | Cross | Redirect | Recross |
| 3 | Michael Almaraz | 10 | 17 | 18, 23 | 21, 24 |
| 4 | William Brian Atkinson | 25 | 107 | 125 | 129 |
| 5 | Luke W. | 141 | 149 | 151 | |
| 6 | Ashlyn C. | 153 | | | |
| 7 | Jason Daniels | 160 | 168 | | |
| 8 | Karen Faust | 170 | 173 | | |
| 9 | Dave Colarchik | 179 | 192 | 197,200,204 | 199,202,205 |
| 10 | Mary Elizabeth Gayner | 210 | | | |
| 11 | Ethan Cameron | 216 | 233 | 238 | 239 |
| 12 | | | | | |
| 13 | EXHIBITS: | For identification | | Admitted | |
| 14 | 35 | 52 | | 57 | |
| 15 | 23-A | | | 94 | |
| 16 | 24-A | | | 94 | |
| 17 | 27-A | | | 102 | |
| 18 | 32 | | | 189 | |
| 19 | 18 | | | 202 | |
| 20 | 22 | 207 | | 209 | |
| 21 | 22-A | 209 | | 209 | |
| 22 | 22-B | 209 | | 209 | |
| 23 | | | | | |
| 24 | | | | | |

1 RENO, NEVADA, WEDNESDAY, JUNE 30, 2021, 8:05 A.M.

2 (The following proceedings
3 were had without the presence
4 of the jury:)

5 THE COURT: Thank you, Deputy

6 Good morning, everyone.

7 Please be seated.

8 Okay. We're on the record outside the presence of
9 the jury.

10 The Court recognizes the prosecutor, Mr. Stege;
11 defense counsel, Ms. Garcia, Mr. Picker; and Mr. Cameron.

12 All right. Yesterday the Court asked people to come
13 in early before our 8:30 start to address an issue that had
14 been raised for the first time yesterday afternoon; namely,
15 apparently Mr. Cameron, because of either, as the Court
16 understands it, back or neck discomfort, injury or pain, has
17 been taking medicine to address that discomfort.

18 As explained to the Court, Mr. Cameron generally has
19 an afternoon dose administered approximately 3:00 o'clock.
20 Because of the trial, obviously he's not up at the Washoe
21 County Jail, and, as a result, he does not have access to the
22 medicine up there.

23 In addition, it was made known to the Court, if I
24 have this correct, that the representatives of the Sheriff's

1 Office and the medical team up there are not comfortable
2 having the medicine directed down to court with Mr. Cameron
3 or somebody assisting him to self-administer.

4 So an option the Court was considering was a Court
5 order directing a representative of the jail medical team to
6 come down here and be available after 2:30 for the next
7 break, an opportunity to assist Mr. Cameron in dosing and
8 taking the meds he needs.

9 The possible dual concerns with that approach or an
10 absence of approach would be, number one, if Mr. Cameron is
11 in such discomfort, pain or distress, that he can't
12 concentrate on this case and meaningfully assist his counsel.

13 On the other side of the coin is the concern,
14 properly raised in preliminary discussions with the State,
15 that depending on the level of medicine and the type, that
16 may similarly affect Mr. Cameron's ability to understand what
17 is happening in court and assist his counsel in his own
18 defense.

19 So the Court wanted to strike a balance here that
20 took into account both concerns and any others that would be
21 raised on this issue. The Court asked for a hearing this
22 morning outside the presence of the jury to discuss this
23 further, and then hopefully have a plan going forward.

24 Let me start with Mr. Picker.

1 Did the Court accurately summarize it? If not,
2 please clarify, and certainly anything else you'd like the
3 Court to consider at this time. Or Ms. Garcia.

4 MR. PICKER: Your Honor, you have appropriately
5 recounted our discussions yesterday off the record.

6 In addition, Your Honor, I have further information,
7 as requested.

8 The medication is Robaxin: R-o-b-a-x-i-n. It is
9 administered a thousand milligrams, three times a day.
10 Robaxin is not an opioid. It is a skeletal muscle relaxant.
11 So the State's concerns are addressed there.

12 So we would ask Your Honor to issue an order
13 directing the infirmary at the jail, if they cannot send the
14 medication down with Mr. Cameron each day to be administered
15 in the afternoon, that they appear each afternoon around 2:30
16 so that in the afternoon break he can be given his
17 medication.

18 THE COURT: All right. Thank you.

19 Mr. Stege, what are your thoughts, please?

20 MR. STEGE: I appreciate the updated information,
21 although the universe of evidence we have is still limited.
22 Given that, I don't really have, I don't think, a dog in the
23 fight, as it were, as to the interaction between the Court,
24 the jail and any medical needs of the defendant.

1 THE COURT: Thank you.

2 It's the order of the Court as follows: that a
3 representative from the Washoe County Sheriff's Office shall
4 be here to administer that medicine as medically prescribed
5 and indicated to Mr. Cameron during the afternoon break
6 daily, during court, unless the Court changes its order.

7 The representative shall be here no later than 2:30
8 in the afternoon each day of court. And then the goal is
9 that the medicine would be administered privately to Mr.
10 Cameron during the first comfort break in the afternoon.

11 A written order will follow as soon as the Court can
12 get to it, possibly by 1:00 o'clock today. However, in the
13 event the Court does not get to it, or gets to it, but is not
14 viewed by representatives of the jail tasked with following
15 the order, the Court is directing Washoe County Sheriff
16 Deputies here involved in this trial to communicate the Court
17 order up there at the first opportunity this morning, and
18 indicate the Court expects it to be followed starting this
19 afternoon.

20 That will be the order of the Court.

21 Mr. Picker or Ms. Garcia, anything else on this issue
22 at this time?

23 MR. PICKER: No. Thank you, Your Honor.

24 THE COURT: Thank you.

1 || Mr. Stege, anything else on this issue?

2 MR. STEGE: No. Thank you, Your Honor.

3 THE COURT: Thank you very much.

4 The Court will be in recess, and will come back on
5 the bench at 8:30.

6 Thank you.

7 (Recess.)

8 THE COURT: Okay. We're on the record in the case of
9 State of Nevada versus Wayne Michael Cameron.

10 The Court recognizes the prosecutor, defense counsel
11 and the defendant.

12 We're outside the presence of the jury.

13 I want to make sure everybody has received an updated
14 jury trial exhibit index, which I believe is accurate through
15 what happened yesterday.

16 Let me start with Ms. DeGayner.

17 Is this accurate as of this morning?

18 THE CLERK: That's correct, Judge.

19 THE COURT: It still says a date on it of June 28th.
20 But can we correctly assume that we should say effective June
21 30?

22 THE CLERK: I printed it last night, so it should say
23 June 29th on it.

24 THE COURT: I see. I'm looking at the top right.

1 THE CLERK: That's the start date. It's correct as
2 of yesterday.

3 THE COURT: All right. Got it. So as of yesterday
4 at 4:05 that was -- so it's accurate as of this morning?

5 THE CLERK: That's correct.

6 THE COURT: Mr. Stege, do you have a copy?

7 MR. STEGE: Yes. Thank you very much. I agree with
8 its accuracy.

9 THE COURT: All right. Thank you.

10 Mr. Picker, Ms. Garcia, do you have a copy?

11 MR. PICKER: We have a copy, Your Honor.

12 We have no objection to that.

13 THE COURT: All right. Are there any other exhibits
14 that you stipulated in that the Court did not order
15 yesterday; and, if so, shall I do so now?

16 No.

17 MR. STEGE: No.

18 MR. PICKER: I don't believe so, Your Honor.

19 THE COURT: Okay. Very good.

20 Then, without further ado -- good morning, Deputy --
21 please bring the jury in.

22

23

24

1 (The following proceedings
2 were had with the presence of
3 the jury:)
4 THE COURT: All right. Welcome back, everyone.
5 Good morning.
6 Please be seated.
7 Okay. Will counsel stipulate to the presence of the
8 jury?
9 Mr. Stege.
10 MR. STEGE: Yes.
11 THE COURT: All right. Mr. Picker.
12 MR. PICKER: Yes, Your Honor.
13 THE COURT: All right. I want you all to know,
14 ladies and gentlemen, that not every one of my juries gets
15 Doughboy Doughnuts. Usually it's Raley's. But I figured,
16 under the circumstances, I'd spend a few more dollars.
17 All right. Levity aside, thank you very much for
18 being here on time. Again, we'll start every day at 8:30.
19 Today we'll take a lunch where you are allowed to
20 leave. And it may be closer to an hour than just 45 minutes.
21 We'll see how things are going.
22 Mr. Stege, is the State ready to proceed?
23 MR. STEGE: Yes.
24 THE COURT: Please call the State's next witness.

1 MR. STEGE: Mike Almaraz.
2 THE COURT: Thank you.
3 Good morning, sir. Please come forward, raise your
4 right hand and be sworn.
5 (Witness sworn.)
6 THE COURT: Thank you.
7 Sir, if you'd please have a seat right up here. Make
8 yourself comfortable. Slide the chair in. Do me a favor and
9 take your mask off, pull it down, speak fairly loudly and
10 closely to the microphone.
11 State your name, and please slowly spell your last
12 name. Go ahead, sir.
13 THE WITNESS: Michael Almaraz, A-l-m-a-r-a-z.
14 THE COURT: Thank you very much.
15 Mr. Stege, please proceed.
16 MICHAEL ALMARAZ,
17 called as a witness on behalf of the State,
18 first having been duly sworn,
19 was examined and testified as follows:
20 DIRECT EXAMINATION
21 BY MR. STEGE:
22 Q. Sir, how are you currently employed?
23 A. I'm a detective with the Washoe County Sheriff's
24 Office.

1 Q. Speak up, Detective.

2 A. A detective with the Washoe County Sheriff's Office.

3 Q. How long have you been a detective?

4 A. About a year and a half.

5 Q. How long have you been a deputy?

6 A. Approximately nine years.

7 Q. Is there a certain portion or part of the Detective

8 Division that you work in?

9 A. There is.

10 Q. Which one?

11 A. I work in the Crimes Against Property Division.

12 Q. Did you have occasion to be involved in investigation

13 of this case?

14 A. I did.

15 Q. How did that come to pass?

16 A. I was in my detective training program, assigned to

17 Detective Digesti of the Homicide Unit, when this case

18 occurred.

19 Q. And as part of your duties, were you involved in a

20 canvass, a video canvass of the area surrounding Welcome Way

21 and Rock Haven?

22 A. I was.

23 Q. And what is a video canvass?

24 A. It's where you're going house to house, checking for

1 exterior video cameras, making contact with the citizens that
2 live there, and obtaining any relevant video footage.

3 Q. And, specifically, was video surveillance footage
4 recovered on Rock Haven?

5 A. There was.

6 Q. Specifically at 2040 Rock Haven?

7 A. There was.

8 Q. As well as 1790 Rock Haven?

9 A. There was.

10 Q. And have you yourself had occasion to review that
11 surveillance -- those surveillance videos?

12 A. I have.

13 Q. Do you think you'd be able to point out on a map the
14 location of both of those addresses: 2040 and 1790 Rock
15 Haven?

16 A. I do.

17 Q. Are you able to see the addresses on the exhibit
18 which, for the record, is page 2 of Exhibit 1?

19 A. I can see the house in question, but there's no
20 numbers listed on the map.

21 Q. Okay. Can you point to 2040 Rock Haven?

22 A. 2040 Rock Haven is, when you look at the intersection
23 of Welcome Way and Rock Haven, it's the fourth house down, on
24 the south side, when going to the east on Rock Haven from

1 that intersection.

2 Q. Using your finger, will you circle that house.

3 Do you see 1790 on this exhibit?

4 A. Can you zoom it out a little bit?

5 Q. Yes.

6 A. I can see it now.

7 Q. Will you circle it, please.

8 That is the about fifth or sixth house west of the
9 intersection of Rock Haven and Thomas Creek?

10 A. That's correct.

11 MR. STEGE: Your Honor, may I publish what's been
12 admitted by stipulation as Exhibit 11, the surveillance from
13 2040 Rock Haven?

14 THE COURT: You may publish.

15 BY MR. STEGE:

16 Q. Okay. The clips in this from 2040 Rock Haven, were
17 they identified as having occurred at a specific time?

18 A. They were.

19 Q. And what time was that?

20 A. The first video that was captured was recorded at
21 2040 hours. The second one was 2046 hours. I believe the
22 third one was 2125 hours. And I believe the third one was
23 2135 hours, but I'm not exactly sure on the last two times.

24 Q. The last two. But the first two is around -- is

1 20:44 and 20:46?

2 A. That's correct.

3 Q. That being 8:44 and 8:46?

4 A. Yes. At night.

5 (Video playing.)

6 (Video stopped.)

7 BY MR. STEGE:

8 Q. Let's start that clip again. I wonder if you might

9 orient us to where -- what direction we are looking here.

10 And I'm going to pause it as we get to about 11 seconds in.

11 (Video playing.)

12 (Video stopped.)

13 A. This camera is facing the street, past the house on

14 the south side of Rock Haven. It's looking to the north. So

15 these vehicles are driving towards the west, towards Welcome

16 Way.

17 Q. Towards that intersection of Welcome and Rock Haven?

18 A. Yes.

19 Q. Are you able to describe either of the two vehicles

20 that we see on this 20:44 clip?

21 (Video playing.)

22 A. The first vehicle appears to be a light-colored,

23 lifted pickup.

24 And the second vehicle appears to be a light-colored

1 SUV, sedan-type vehicle.

2 (Video stopped.)

3 BY MR. STEGE:

4 Q. Let's go to the second preview. That's the 20:46

5 clip.

6 (Video playing.)

7 (Video stopped.)

8 BY MR. STEGE:

9 Q. So this vehicle would be traveling back that other

10 way, back east down Rock Haven towards what street?

11 A. Towards Thomas Creek.

12 Q. The third clip, I believe, is 21:15, was your

13 testimony.

14 A. I believe it's 21:25 or 21:35. I don't recall the

15 exact time.

16 (Video playing.)

17 (Video stopped.)

18 BY MR. STEGE:

19 Q. No cars in this clip.

20 A. None.

21 Q. And the last one, do you recall the time identified

22 with this clip?

23 A. I believe this one is 21:35, but, again, I'm not

24 exactly sure on this time.

1 (Video playing.)

2 (Video stopped.)

3 BY MR. STEGE:

4 Q. After sort of this video surveillance canvass
5 conducted by the Sheriff's Office, were you involved in any
6 further investigation?

7 A. Shortly after the video canvass was completed, we
8 were notified to turn the case over to the Reno Police
9 Department.

10 Q. Did you have a particular role in that turning over
11 of the case to the Reno Police Department?

12 A. I did.

13 Q. What was that?

14 A. I was directed to copy all of our digital files from
15 this case onto a thumb drive and hand it over to the
16 detectives with the Reno Police Department.

17 And I was also tasked with printing out all of our
18 paper reports and compiling them and taking them to the Reno
19 Police Department to hand over to the Robbery-Homicide
20 Division.

21 Q. And you did complete that task; correct?

22 A. I did.

23 MR. STEGE: Thank you.

24 Pass the witness.

1 THE COURT: Cross-examination.

2 CROSS-EXAMINATION

3 BY MS. GARCIA:

4 Q. Good morning, Mr. Almaraz.

5 A. Good morning.

6 Q. Just a few questions about those clips we watched.

7 So, in the first clip, we can see two cars; correct?

8 A. That's correct.

9 Q. You identified what you believed was a pickup truck;
10 right?

11 A. That's correct.

12 Q. And possibly the second car was some sort of SUV. Am
13 I right?

14 A. The SUV sedan was definitely a lot smaller vehicle.

15 Q. But hard to tell what kind of vehicle. Fair to say?

16 A. It's fair to say that I don't know the exact make or
17 model.

18 Q. Right. We can't identify the make or model of either
19 vehicle in those clips.

20 A. That's correct.

21 Q. In the second clip, there was another car driving
22 west; is that right?

23 A. That's correct.

24 Q. We can't tell what the make or model of that car is,

1 can we?

2 A. It appears to be like a light-colored SUV sedan-type
3 vehicle, but, again, you can't see the exact make or model.

4 Q. Right. And you can't say that that vehicle is the
5 same as one of the other two vehicles you saw in the first
6 clip; right?

7 A. You can't say that they're exactly the same.

8 MS. GARCIA: I have no further questions.

9 THE COURT: Thank you.

10 Anything else, Mr. Stege?

11 MR. STEGE: Yes.

12 REDIRECT EXAMINATION

13 BY MR. STEGE:

14 Q. Detective, we neglected to talk about the other
15 address, the 1790 surveillance; right?

16 A. That's correct.

17 Q. So we can review that now; right?

18 A. Okay.

19 Q. So we will do that.

20 MR. STEGE: Your Honor, may we publish, admitted by
21 stipulation, Exhibit 10?

22 MS. GARCIA: Your Honor, it's outside the scope of
23 direct -- or of cross.

24 MR. STEGE: I'll re-call him. I can re-call him.

1 MS. GARCIA: All right, Your Honor. No problem.
2 THE COURT: All right. So thank you.
3 You may publish. And you may go beyond the scope
4 under the circumstances, and the Court will extend -- expect
5 similar leniencies in both directions in this case.
6 MS. GARCIA: Thank you.
7 BY MR. STEGE:
8 Q. So this 1790 is identified as a clip from 2046 hours;
9 is that correct?
10 A. That's correct.
11 Q. And how are we oriented here in terms of this view?
12 A. This house is on the south side of Rock Haven. The
13 cameras were oriented towards the street, pointing north
14 towards Reno. So north, directly in front; west to the left;
15 east to the right; and south is where the camera is located.
16 Q. And in this clip what are we going to see? Where are
17 we going to see the action, as it were?
18 A. There will be a vehicle driving by from west to east,
19 heading towards Thomas Creek.
20 Q. Let's let the computer catch up.
21 (Video playing.)
22 (Video stopped.)
23 MR. STEGE: Let's try again.
24 (Video playing.)

1 (Video stopped.)

2 BY MR. STEGE:

3 Q. Now, during the recovery of this surveillance

4 footage, were you yourself able to examine the device that

5 had these videos on it?

6 A. I was.

7 Q. And were there any other videos around that time

8 frame showing any traffic going west? For example, the truck

9 and other vehicle that we saw earlier.

10 A. There was not.

11 Q. And so, as a result, it's just -- well, why is that?

12 A. The camera captures motion. And the only motion that

13 was captured in that time frame was this one vehicle going

14 from west to east on Rock Haven.

15 Q. Is this around the same time frame as we see in the

16 previous video that car coming back, headed eastbound towards

17 Thomas Creek?

18 A. That's correct.

19 MR. STEGE: Thank you.

20 Pass the witness.

21 THE COURT: Thank you.

22 Examination by the defense.

23

24

RECROSS-EXAMINATION

BY MS. GARCIA:

Q. Mr. Almaraz, the DA just asked you if that was the same vehicle going back. But you can't say that, can you?

A. He didn't ask if it was the same vehicle. He asked if it was the same direction of the vehicle --

THE COURT: No, no. He said, "Was it the same vehicle?"

So the question is: Can you accurately state that was the same vehicle, or just was a vehicle?

THE WITNESS: It's a vehicle.

BY MS. GARCIA:

Q. Let me ask you one more question.

Rock Haven and Welcome Way connect; correct? And that's what we were looking at on that previous map; right? Rock Haven and Welcome Way intersect.

A. Rock Haven and Welcome Way intersect.

Q. So Welcome Way also continues south; correct?

A. It does continue south.

Q. So a vehicle would not have to turn on Rock Haven to leave the court at Welcome Way. Fair to say? It could continue straight.

A. It could.

MS. GARCIA: Okay. Court's indulgence one moment.

1 THE COURT: Of course.

2 BY MS. GARCIA:

3 Q. I just want to clarify a few things about the

4 question that you were asked.

5 THE COURT: Ms. Garcia, could you move your mic.

6 Thank you.

7 MS. GARCIA: Thank you, Your Honor.

8 BY MS. GARCIA:

9 Q. Mr. Almaraz, the DA asked you if the car we saw on

10 this last video was the same as the vehicles we saw in that

11 first set of videos from the different address.

12 And so my question to you is: You're not able to

13 make any determination at this time that either one of those

14 vehicles in those first set of videos is the same as the

15 vehicle we saw in this one from 1710 Rock Haven; right?

16 MR. STEGE: I object. It misstates the question.

17 The question was about the time frame: Is this 20:46

18 time frame in this one the same time frame we saw the last

19 one --

20 THE COURT: The objection is overruled. And here's

21 why. We'll get to the bottom of this. I'll give each of you

22 an opportunity to clarify your questions or make sure that

23 the detectives -- detective is responding to the question

24 asked. So, overruled.

1 It's a little fuzzy to the Court. So why don't you
2 ask it again, Ms. Garcia.

3 MS. GARCIA: Yes, Your Honor.

4 THE COURT: Even if you begin the question with "Mr.
5 Stege suggested or said. Isn't it" -- you can just ask a
6 different question. "Do you know? Was it? Was it clear?"
7 Then he can follow up.

8 Go ahead.

9 BY MS. GARCIA:

10 Q. You're not definitively able to say that any of the
11 four vehicles we've seen in these videos are the same; right?

12 A. That's correct.

13 THE COURT: All right. Thank you.

14 Mr. Stege.

15 REDIRECT EXAMINATION

16 BY MR. STEGE:

17 Q. The video canvass includes the more southern portion
18 of Welcome Way that was described by counsel?

19 A. It did.

20 Q. And do you know if surveillance suggested vehicles in
21 that area around the time of the crime?

22 So this area here is what we're talking about, the
23 Welcome Way south of Rock Haven, headed back down towards
24 Thomas Creek. Did these video surveillance there indicate

1 that there were vehicles present during the time frame of
2 this crime?

3 A. No, it does not.

4 MR. STEGE: Thank you.

5 THE COURT: Ms. Garcia.

6 RECROSS-EXAMINATION

7 BY MS. GARCIA:

8 Q. Mr. Almaraz, did you personally canvass every single
9 house along Welcome Way?

10 A. I did not. But our Detective Division did.

11 Q. So you can't say that there were no vehicles that
12 traveled that way.

13 A. There was no vehicle surveillance captured of
14 vehicles traveling.

15 Q. You weren't able to find any that you know of?

16 A. There was none found.

17 THE COURT: Okay. Mr. Stege, anything else?

18 All right. Thank you.

19 Detective Almaraz, thank you for your testimony. You
20 may step down. And I wish you a nice afternoon.

21 (Witness excused.)

22 THE COURT: Mr. Stege, State's next witness, please.

23 MR. STEGE: Brian Atkinson, please.

24 THE COURT: Okay. If you could please have Mr.

1 Atkinson come in.

2 Good morning, sir.

3 THE WITNESS: Good morning, sir.

4 (Witness sworn.)

5 THE COURT: Thank you.

6 Officer, please make yourself comfortable.

7 THE WITNESS: Thank you, Your Honor.

8 THE COURT: Slide your chair in fairly closely near

9 the microphone.

10 Please state your name, and slowly spell your last

11 name.

12 THE WITNESS: William Brian Atkinson,

13 A-t-k-i-n-s-o-n.

14 THE COURT: Thank you.

15 You can take the mask off for purposes of testifying.

16 Please proceed, Mr. Stege.

17 THE WITNESS: Thank you, Your Honor.

18 WILLIAM BRIAN ATKINSON,

19 called as a witness on behalf of the State,

20 first having been duly sworn,

21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. STEGE:

24 Q. Sir, how are you currently employed?

1 A. The Washoe County Sheriff's Office.

2 Q. How long have you been with the Sheriff's?

3 A. A little over 22 years.

4 Q. And in what part of the Sheriff's do you work in?

5 A. I work in the Detective Division.

6 Q. For how long have you been in that division?

7 A. Going on five years now.

8 Q. We heard from a previous detective about a property

9 section and a person section. Which of those are you

10 assigned to?

11 A. Neither. I'm assigned to the Northern Nevada

12 Regional Intelligence Center.

13 Q. Have you ever been assigned to either of those other

14 two?

15 A. Yes.

16 Q. Around the time of this investigation, where were you

17 assigned?

18 A. In the Northern Nevada Regional Intelligence Center.

19 Q. And what does that have to do -- what is that center,

20 Intelligence Center?

21 A. We gather intelligence and work in conjunction with

22 all agencies regarding any crimes.

23 Q. Are you also available for call-out and assistance in

24 other investigations?

1 A. Yes, I am.

2 Q. Was that how you came to be involved in this case?

3 A. Yes.

4 Q. Tell us how that occurred.

5 A. On the evening of February 11th, Lieutenant Iacoboni,

6 our Detective Commander, contacted the detective group and

7 requested response from detectives, at which time I was

8 summoned to respond to the scene.

9 Q. And what scene?

10 A. On Welcome Way.

11 Q. Tell us what happened when you arrived at Welcome

12 Way.

13 A. Initially I was briefed by the lieutenant and patrol

14 staff that were on scene. And then was assigned a task of

15 managing the crime scene.

16 Q. And what does that mean: managing the crime scene?

17 A. Arrange for a variety of things, from FIS to

18 processing the scene, making sure that we collect evidence,

19 making sure that we document and identify pieces of evidence,

20 anything in and around the scene that we can identify.

21 Q. What is FIS?

22 A. The Forensic Investigation Science Division are

23 criminalists for our Crime Lab.

24 Q. Why don't you tell us: Once you were assigned that

1 role, what did you do?

2 A. I begin initially by briefing Criminalist Koeder from
3 FIS, and began explaining to her what the circumstances of
4 the scene were, and where we were at.

5 Q. And as part of your duties, as well as hers, the
6 scene was photographed and evidence collected?

7 A. Correct.

8 Q. Can you tell us generally about the scene? Give us
9 an overview of the scene.

10 A. On Welcome Way, when I arrived, I found patrol
11 vehicles blocking off part of Welcome Way. There was crime
12 scene tape placed across Welcome Way. Shortly past, I guess,
13 to the north, would have been the vehicle that had struck a
14 mailbox.

15 Q. Okay. Now, I've put up page 3 of Exhibit 1. If that
16 is useful in describing your testimony, please refer to it.

17 A. Yes. So there's two driveways: one northern; one
18 southern. The northern driveway is closer to the cul-de-sac
19 portion. On the southern driveway end, where I made a little
20 mark, the crime scene tape was just south of that.

21 Q. And what happened next?

22 A. Began overall photographs with Criminalist Koeder of
23 the entire scene.

24 Q. What does that term mean: overall photographs?

1 A. It means taking pictures of everything, you know,
2 from outside the crime scene tape, beginning inside the crime
3 scene tape, progressing all the way around the crime scene.

4 Q. I wonder, Detective, if you might move that
5 microphone a bit closer to your mouth. Thank you.

6 So taking photographs sort of outside in, from
7 general to going towards more detailed?

8 A. Correct.

9 Q. Okay. And from there is evidence also collected?

10 A. Yes.

11 Q. And what evidence was collected in this case from the
12 scene?

13 A. I believe we collected a fired cartridge case, an
14 expended condom, gum, cigarette butt.

15 Q. And the area -- what area was identified to be --
16 that you searched for evidence?

17 A. It would have been down in the bottom part of the
18 cul-de-sac.

19 Q. Can you draw sort of the area that you looked for
20 evidence?

21 A. Yes.

22 Q. And was the area sort of south of there, or headed
23 towards where the truck was, also examined?

24 A. Yes.

1 Q. Have you -- you're familiar with proposed Exhibit 22
2 in this case; is that correct?

3 A. Yes.

4 Q. You have reviewed those and, in fact, recognized
5 those as being fair and accurate copies of photographs
6 depicting the scene on the 11th?

7 A. Yes.

8 MR. STEGE: May I publish Exhibit 22, which is
9 previous -- excuse me -- previously admitted by
10 stipulation --

11 THE COURT: You may publish.

12 MR. STEGE: -- containing 78 pages.

13 BY MR. STEGE:

14 Q. So, Detective, I wonder, as we go through these, if
15 you can sort of orient us to what we're seeing, where we are,
16 things of that nature.

17 A. Of course.

18 Q. You know how to clear the screen?

19 A. I do not.

20 Q. Bottom left, tap the bottom left of the screen.

21 There you go.

22 What are we seeing here?

23 A. This is looking from -- I believe it's just inside
24 the crime scene tape towards the vehicle that had struck the

1 mailbox, the southern-end driveway, for the residence.

2 Patrol deputies initially placed rocks underneath the front
3 tires so that it would not roll forward.

4 Q. When you arrived on scene, what was the condition of
5 the truck?

6 A. The truck was running. Headlights were illuminated.
7 Music was playing from inside.

8 Q. And so -- and the deputies on scene had control of
9 the scene, making sure no one was going in the scene until
10 you arrived.

11 A. Correct.

12 Q. Page 3.

13 A. Same angle. This one would be looking to the east,
14 and showing the mailbox, damage to the mailbox; the truck,
15 the rocks placed in front of the front tires, as well as a
16 rock placed in the rear driver's-side tire.

17 Q. 4 is a more detailed view of that angle; correct?

18 A. Correct.

19 Q. Take us to 5.

20 A. Same.

21 Q. Page 5.

22 A. A little closer up of the front end of the truck,
23 again showing the rocks under the tires, mailbox, damage to
24 the mailbox.

1 Q. Page 6. Where are we in relation to that last
2 photograph?

3 A. On the opposite side, so we'd be facing west.
4 Showing the driver's side of the vehicle. Tires, again,
5 blocked. And the back side of the mailbox.

6 Q. At the moment let's go to page 8 of this exhibit.
7 Where are we now?

8 A. Same side of the road, looking to the west. And
9 directly offset from the driver's-side door.

10 Q. And the close-up from that angle at page 9; correct?

11 A. Correct.

12 Q. Let's move to the rear of the vehicle.

13 A. Again we'd be looking to the south. Showing the rear
14 of the vehicle. It's blurry, but it would have captured the
15 license plate, as well as the mailbox and damage, and general
16 orientation of the vehicle.

17 Q. I want to ask you, as you -- you've seen these --
18 these photographs, they're digital photographs; right?

19 A. Yes.

20 Q. And you've also seen printed-out copies of these?

21 A. Yes.

22 Q. How would you describe the quality of the overhead
23 here that we're seeing as compared to the digital photographs
24 and/or the printed-out copies?

1 A. Slightly washed out.

2 THE COURT: Mr. Stege, one moment, please.

3 So, ladies and gentlemen, I've seen a few of you sort
4 of strain your neck to be able to see the monitor above you.
5 So a couple comments.

6 First, there is another monitor back there for those
7 of you seated in the back row. Of course, that doesn't help
8 Ms. Blackwell, Mr. Allbee, Mr. Bailey.

9 But, second, so, for those of you that are here in
10 the right -- Mr. Shaw, Ms. Lamb, Mr. Hernandez Garcia --
11 could you please slide your chairs over to my right, your
12 left, a little bit, and everyone sort of move down a little,
13 so that the people in the front row can move their chairs so
14 they're more comfortable looking up to the monitor above
15 them.

16 JUROR BLACKWELL: Thank you, Your Honor.

17 THE COURT: Of course. So let's see if that helps.
18 And, again, the key is, at the end of the day, make sure your
19 chairs are back in a row, and you sit in the same chairs.
20 You can move about the cabin, so to speak, here to make sure
21 that you see everyone, hear everyone as best as you can, and
22 you can view the monitors. All right?

23 Please proceed.

24 MR. STEGE: Your Honor, I would ask one of two

1 things.

2 Given the testimony by the detective, one, to be able
3 to publish at the conclusion of this the stack of printed
4 photographs to the jury.

5 Alternatively, and preferably, these are digital
6 exhibits coming from a PDF. Would I be able to publish a
7 copy of them on the Court's computer to the jury, so that
8 they might get the greatest understanding of the exhibit?

9 THE COURT: Well, publish them now?

10 MR. STEGE: Yes, publish them now, from the digital
11 version.

12 THE COURT: Okay. Mr. Picker.

13 MR. PICKER: Your Honor, I'm going to object.

14 We agreed -- in specific, we agreed prior to trial to
15 physical exhibits. Those are the exhibits that will be going
16 back with the jury when they deliberate. Those are the
17 exhibits they should be viewing during the course of this
18 trial.

19 THE COURT: Well, so the concern, as I understand it,
20 is they're washed out a little bit, so they don't quite as
21 clearly and accurately depict what was being seen.

22 On the other hand, we have an agreement here, and so
23 I want to make sure that we're not massaging that a little
24 bit at this time sort of in the middle of the road.

1 How would you respond, Mr. Stege?

2 MR. STEGE: I would never agree to sacrifice accuracy
3 for convenience.

4 Second --

5 MR. PICKER: Your Honor, that's argument. That's
6 completely insulting and argumentative. I'm going to
7 object --

8 MR. STEGE: This is --

9 THE COURT: Hold on.

10 MR. PICKER: -- to the nature of that.

11 Mr. Stege is the one who initiated the agreement to
12 use physical evidence. If he is now changing the game in the
13 middle of the trial, I have a real problem with that. I have
14 a real problem with him --

15 MR. STEGE: Two of these people have complained --

16 MR. PICKER: -- characterizing that we are fighting
17 over accuracy.

18 THE COURT: Stop. Do you both want to be held in
19 contempt and have a couple hours to cool off downstairs? I
20 don't think you want that. The Court doesn't want it. We're
21 not going to waste the jury's time. So the next time the
22 Court directs you to stop talking, I expect it to be done.

23 The Court will make sure each side has an opportunity
24 to be fully heard.

1 Mr. Picker, please keep your thoughts to yourself for
2 a moment.

3 Mr. Stege, you may be heard, then followed by Mr.
4 Picker.

5 Go ahead.

6 MR. STEGE: I apologize to the Court, Your Honor, and
7 to Mr. Picker.

8 The second point: Two witnesses have now indicated
9 that the exhibits appear to be washed out.

10 THE COURT: I heard that.

11 MR. STEGE: That's an issue.

12 Third, we know from our Evidence Code that a copy --
13 "a duplicate" is the term that is used in our statutes, is
14 admissible to the same extent as an original.

15 I submit a copy, a digital era, ought to be admitted
16 under our rules of evidence, either alongside or in place of
17 the paper exhibits.

18 THE COURT: Okay. I understand your position.

19 MR. STEGE: And I would add, thirdly, this has been
20 an issue in the previous trials, the washed-out issue. I
21 think we have seen sort of a frustration with this equipment
22 with some of the support staff and being able to bring this
23 equipment up to the standards we expect.

24 THE COURT: All right. Your point is made.

1 Mr. Picker, please argue to the Court your view.

2 MR. PICKER: Thank you, Your Honor.

3 And I apologize for my outburst.

4 Your Honor, I have no problem with handing the
5 photographs to the jury, as we always used to do in
6 courtrooms prior to using the electronic equipment. That's
7 how it was done in the past. I have no problem with that.

8 Adding in an extra layer of a digital copy of
9 exhibits that the jury then has to take a look at in
10 addition, we would have to provide that equipment to them in
11 the jury room, which my understanding is it doesn't exist.

12 Additionally, the allowing of them to have electronic
13 versions or digital versions of exhibits allows for them to
14 either manipulate or to change the view on photographs that
15 is beyond what is being presented in open court, and is
16 beyond what has been presented to the defense.

17 THE COURT: All right. And you used a strong word,
18 "manipulate." You're not ascribing to anybody here that they
19 would do anything improper or nefarious. You're saying that
20 they would be able to adjust it in a way that may be
21 consistent with what it represents. That's the Court's
22 interpretation.

23 I'm inclined, based on this, to balance it this
24 way: to allow only paper copies that more accurately, in the

1 view of the prosecution, describe what's being seen.

2 Now, we don't have enough copies to hand out one to
3 each person as the witness testifies. Old school is sort of,
4 I have the Deputy Sheriff there hand it to the first juror,
5 and they look at it briefly, pass it down the row, it goes to
6 the next row, the next. We take about 30 seconds for that to
7 happen. And then that copy goes in the jury room with them,
8 as well.

9 And I think that might balance the concern that
10 sending it in electronically might not be the best way, and
11 the concern of the State that what is being shown here on the
12 screen does not completely and accurately capture the full
13 flavor of what the image was to portray.

14 But before I make that order final, Mr. Stege, what
15 else would you like the Court to know?

16 MR. STEGE: I disagree. Thirty seconds times 78
17 pages, plus the additional exhibits to come, the result is,
18 as we know, jurors are not listening to the witness; they're
19 taking turns passing photographs.

20 We live in a digital age. Copies are admissible.
21 The idea that these fine people would come in and manipulate
22 the exhibits is speculation. It's an infinitesimally small
23 risk compared to the -- the idea these people are going to
24 manipulate the exhibits, untrue.

1 Also -- and I will forecast this -- I don't need to
2 do paper exhibits. I have a witness upcoming where the
3 beauty of digital photographs is, yes, we can zoom in there,
4 they give detail that we did not have before this time, and
5 assuming we don't have him pointing a camera at the
6 photograph under this fluorescent light. That's admissible
7 under our rules. The agreement I made was not OneDrive.

8 So I think my way is useful, but, of course, I will
9 submit to the Court's ruling.

10 THE COURT: Well, do you want to have -- for example,
11 the Court's idea of having paper copies of the exhibits
12 passed through the jury box while the witness is testifying,
13 you're not in favor of that.

14 MR. STEGE: No. Because it takes about four times as
15 long. And the poor witnesses -- the poor jurors are doing
16 this, and they're not paying attention to the witness.

17 THE COURT: Well, we don't have questions occurring
18 until all have reviewed the paperwork.

19 MR. STEGE: Well, I think that would add a lot of
20 time to this.

21 THE COURT: How many other pieces of paper that show
22 photos or exhibits you have, other than the stack that's in
23 your hand right there, through the estimate for the rest of
24 this trial? Another hundred? Another thousand?

1 MR. STEGE: Another 200, 250. And so I think -- and
2 however we want to do it in terms of what goes back, if a
3 digital copy is a copy, like the rules of evidence say it is,
4 send the paperwork. If a digital copy is also a rule of
5 evidence, is the same as the original, we send both back.
6 The idea that we don't have the right computer, I think
7 together we can overcome that.

8 THE COURT: Well, I want to give this -- thank you.
9 Thank you both. I want to give this matter --

10 MR. PICKER: Your Honor, could I just add two things?

11 THE COURT: Yes. Go ahead.

12 MR. PICKER: An e-mail from Mr. Stege to myself,
13 dated June 18th, 2021, at 9:59 a.m. Quote: "We're pushing
14 for traditional exhibits again, right?" Question mark.

15 Second e-mail, Saturday, June 19th, 2021, at 4:28
16 p.m., addressed to the Court's clerk: "Mr. Picker" --
17 Amanda -- "Mr. Picker and I are in agreement not to use
18 OneDrive for trial, but instead to use" -- parentheses --
19 "(as has been done -- as has been the case in the last two
20 murder trials)" -- un-paren -- "traditional exhibits,"
21 period.

22 That was what we used to prepare for this trial.
23 That is the agreement between the parties.

24 THE COURT: Well --

1 MR. STEGE: Let me add one more thing.

2 THE COURT: Hold on.

3 MR. STEGE: Okay.

4 THE COURT: Here's the thing, Mr. Picker. You've had
5 other trials, you've had other Category A trials together,
6 and you've had the privilege of having a trial in this venue.
7 And apparently the issue of the -- what we're looking
8 at being a little bit dull or whitewashed or washed out, I
9 guess, has come up before, so it's something that both of you
10 apparently might have anticipated. Is that fair?

11 MR. STEGE: Yes.

12 MR. PICKER: Your Honor, that issue has only
13 arisen -- it didn't arise in the first trial that I did with
14 Mr. Prengaman. It only arose in the last trial and in this
15 trial when Mr. Stege specifically asked if the photos were
16 washed out.

17 No witness independently has ever complained about
18 the exhibits.

19 MR. STEGE: That's not correct.

20 THE COURT: The Court's recollection is that one of
21 the witnesses yesterday did use that term.

22 Here's the way I want to handle this for right now,
23 so we don't interrupt the testimony any longer.

24 For purposes of this witness, Mr. Stege, and that

1 pack of exhibits that apparently you're going to examine
2 Detective Atkinson with, those are going to go -- I'm going
3 to use the phrase "old school."

4 If you believe that what we're looking at here in the
5 courtroom does not accurately portray what the photographs
6 should be or as completely as it should be, you have the --
7 the Court gives you the opportunity to direct the copy you
8 have there to the Deputy Sheriff bailiff to hand out,
9 starting with juror 1 and going down the line quickly, and
10 then have it returned to you. And then you can have it put
11 in front of the witness, if you'd like, or he or she can
12 continue to look at the monitor, and we go that way. That's
13 how we'll do it for this witness with that stack.

14 Going forward, the next couple hundred documents,
15 I'll give it more thought over a break.

16 Please proceed.

17 MR. STEGE: Okay.

18 BY MR. STEGE:

19 Q. Detective, page 11, please describe what we're seeing
20 here, of 22.

21 A. This is again a rear shot, sort of facing south.
22 We're looking at the rear end of the truck, driver's side.
23 And again the mailbox, on the left edge of the screen.

24 Q. Are there upcoming photographs detailing the mailbox?

1 A. Yes.

2 Q. At page 12 of this exhibit, what are we seeing both
3 here and here?

4 A. Those are evidence markers that have been placed
5 down.

6 Number 1 is under the mailbox.

7 Number 2 is the vehicle.

8 We are just marking different pieces of evidence we
9 see as we go.

10 Q. These are placed by whom?

11 A. Criminalist Koeder placed them.

12 Q. 2, then, is designated as -- what's in placard 2?

13 A. Placard 2 is designated as the vehicle.

14 Q. Let's talk about page 15 of this exhibit.

15 A. Placard 1 is described as the mailbox. What it's
16 showing is damage to the mailbox, the tile facade of the
17 mailbox, where the grout lines cracked and ultimately broke,
18 sending the pieces of tile off of the mailbox foundation.

19 Q. So zooming in here, we have the criminalist has
20 placed a ruler of some sort along the side of the mailbox;
21 correct?

22 A. Correct.

23 Q. Let's talk about 16.

24 A. 16 is the same as the driver's side, looking to the

1 north of the vehicle, item number 2, or placard 2, and also
2 has a ruler depicting height.

3 Q. At 17.

4 A. Again, front end of the truck, looking to the west.
5 Also there's a ruler in placard 2 showing some damage to the
6 front end of the truck, on the driver's side.

7 Q. Did you have occasion to look closer at that damage,
8 either this night or at some later time?

9 A. I did.

10 Q. What, if anything, did you notice about it?

11 A. It appeared to be recent damage. Paint flecks were
12 chipped away from the paint. Cracks in the paint.

13 Q. Was that consistent with having struck that mailbox?

14 A. It would be, yes.

15 Q. And as you're on scene, did it appear as though that,
16 in fact, had happened?

17 A. Yes, it did.

18 Q. Moving down to page 18 of this exhibit, tell us where
19 we are.

20 A. Again, there's the two driveways were just north of
21 the northern most driveway, looking into the cul-de-sac
22 pretty much from the center of the street. And you can see
23 different placards going down through the street of items
24 that we had identified as evidence or possible evidence.

1 Q. What items of evidence were identified in this area?
2 A. Fired cartridge case, the expended condom, cigarette
3 butt, and gum.
4 Q. Tell us about what we're seeing at page 19.
5 A. That's placard number 3, which was identified as a
6 fired cartridge case.
7 Q. And 20.
8 A. Again, further past placard number 3, again looking
9 to the north. We're again looking at different items of
10 evidence throughout item numbers. I believe 4 is closest to
11 us in the screen.
12 Q. So in the middle we see 4. And off in the, I guess,
13 background, we go up to placard 8; right? 5, 6, 7, 8?
14 A. Yes.
15 Q. Let's talk about page 21.
16 A. This is looking from the back of the cul-de-sac,
17 generally towards the west. You'll see placards 5, 6, 7 and
18 8 further off. Closer to the sidewalk is number 8. Just
19 showing different items that had been identified as possible
20 evidence.
21 Q. So the perspective of this photograph is taken from
22 where?
23 A. The general area would be about -- excuse me --
24 THE COURT: Detective --

1 THE WITNESS: -- somewhere in there.

2 THE COURT: -- you can take and point your finger and
3 fingernail and draw an arrow in which direction that photo is
4 taken, if you want.

5 BY MR. STEGE:

6 Q. Thank you.

7 Moving to 22, what are we seeing here?

8 A. We are looking again back towards the general south
9 direction. Item 8, placard 8 is closer in the forescreen of
10 the picture, again looking backwards, you know, counting
11 backwards, 7, 6, 5, 4, 3, at the top of the picture up there.

12 Q. Where would the pickup truck be in this picture?

13 A. Up in that general direction there.

14 Q. So has what we've seen so far been consistent with
15 this general sort of overall getting more precise or closer
16 in the photographs?

17 A. Yes.

18 Q. 23.

19 A. Placard number 3 is a fired cartridge case.

20 Q. What did you learn about that fired cartridge case?

21 A. I learned that it was circular in nature,
22 brass-colored. It was a Federal .40 Smith and Wesson.

23 Q. That was collected and placed where?

24 A. Placed into evidence and collected by Criminalist

1 Koeder.

2 Q. At page 26, what are we seeing here?

3 A. Again, overall view of the cul-de-sac, with yellow
4 markings going across the ground.

5 Q. Where did those yellow markings come from?

6 A. Criminalist Koeder and I had identified a set of skid
7 marks that were tire impression marks on the asphalt.

8 Q. Okay.

9 A. We wanted to document.

10 Q. How does the spray paint or the paint have anything
11 to do with documenting tire marks?

12 A. What we did is, we lined them outside of where the
13 tire impressions were, and we wanted to make sure we knew a
14 general area of where they were for later.

15 Q. Using this photograph as an example, where are the
16 tire marks in relation to the paint that was placed?

17 So the paint marks parallel, as it were, the tire
18 marks that you -- that were observed?

19 A. Yes.

20 Q. Is that further indicated at 27 of this exhibit?

21 A. Yes, it is.

22 Q. In the background, what are we seeing here?

23 A. This is a light standard that was brought in by Q and
24 D Construction, put on the furthest west side of the

1 cul-de-sac to help illuminate the cul-de-sac for us, as it
2 was extremely dark.

3 Q. And so 28, for example, does that further document
4 these tire marks?

5 A. Yes, it does.

6 Q. Now, is there a more precise term than "tire marks"?

7 A. Tire impressions.

8 Q. What do you mean by that?

9 A. It means that the tire had left a mark on the
10 roadway.

11 Q. Turning to page 30, placard 5.

12 A. 5 was a cigarette butt found in the cul-de-sac.

13 Q. That was also collected as evidence?

14 A. Yes.

15 Q. Was that a freshly smoked or older, longer time ago
16 smoked cigarette butt by appearance?

17 A. By appearance, it looks newer.

18 Q. 32, at placard 6.

19 A. That was an expended condom that we had found in the
20 cul-de-sac.

21 Q. Placard 7, page 33.

22 A. A piece of chewed gum, also found in the cul-de-sac.

23 Q. From there do we move back to the truck?

24 A. Yes.

1 Q. Okay. Take us from page 36. Hold on.

2 Go ahead.

3 A. In this photograph we're looking to the east on the
4 passenger side of the vehicle. The passenger-side door is
5 now opened, and we can see inside the vehicle passenger-side
6 seat, with the water bottle, and the deceased slumped over in
7 the driver's seat.

8 Q. Did you note the condition of the interior of the
9 passenger door?

10 A. It was clean. Didn't have much on it at all.

11 Q. We see here in this photograph that the window was
12 up. Was that -- is that the case?

13 A. Yes.

14 Q. At 39.

15 A. 39 is a close-up of the passenger seat, showing the
16 water bottle on the passenger seat.

17 Q. 39.

18 A. A close-up showing the dash and the deceased. You
19 can see in the center of the center console area, right in
20 here, he has a phone and wallet sitting in the center
21 console.

22 Q. Moving closer, to 40.

23 A. 40 is the deceased slumped over in the driver's seat.
24 Right hand is down. The left hand is in between the legs.

1 The gear shift is here. And keys are here, in the on
2 position.

3 Q. Let's go back to that center console. You mentioned
4 a wallet and a phone.

5 A. Yes. This is more of a zoomed-in picture. Here's a
6 brown wallet and phone. The phone has a cord coming out of
7 it.

8 Q. And was that like a charging cord or a -- do you
9 recall?

10 A. I believe it was a charging cord.

11 Q. Okay. What became of the phone and the wallet?

12 A. The phone was taken from the vehicle and turned over
13 to Detective Andrews with Cyber Crimes to process that phone.
14 The wallet was collected as evidence.

15 Q. And was there any identification in the wallet?

16 A. Yes, there was.

17 Q. Whose identification?

18 A. Jarrod Faust.

19 Q. Now, at this point, did you know who the vehicle was
20 registered to?

21 A. Yes.

22 Q. Who was it registered to?

23 A. Jarrod Faust.

24 Q. Take us to 43, please.

1 A. I believe this is the passenger side. It's a little
2 blurry here on the screen. There's a white object. I
3 believe it was a shirt or towel or something on the
4 floorboard.

5 Q. Perhaps looking at it and 44 together.

6 MR. STEGE: If I may approach the witness.

7 THE COURT: You may.

8 THE WITNESS: A much better picture. Yes, it's a
9 towel on the passenger-side floorboard. And then a close-up
10 of the towel. And a wooden -- appears to be a wooden, like,
11 stick, tucked in between the center console and floorboard of
12 the passenger seat.

13 Q. Very good. Thank you.

14 45, is that the phone in the car?

15 A. Yes, it is.

16 Q. Moving closer to 46, still the passenger side of the
17 vehicle?

18 A. Correct.

19 Q. Tell us what we're seeing.

20 A. Again the passenger side of the vehicle. The key is
21 in the ignition, in the on position. Gear shift down, in the
22 drive position. The deceased slumped over, head towards his
23 chest, left hand in between his legs, right hand down by his
24 right leg.

1 Q. The object in the deceased's hand, what is that? The
2 right hand.

3 A. At the time when the picture was taken, we weren't
4 sure, but later discovered it was a vape pen.

5 Q. Okay. How was it being held, to your observation?

6 A. It was just held in a closed hand. Kind of in, if
7 you will, just like this, where your hand is closed around
8 it.

9 MR. STEGE: Madam Clerk, will you mark this as
10 proposed 35.

11 THE CLERK: Exhibit 35 marked for identification.

12 (Exhibit 35 was marked
13 for identification.)

14 MR. STEGE: Thank you.

15 BY MR. STEGE:

16 Q. Detective, there are also more detailed hands
17 specifically of the -- more detailed photographs specifically
18 of the right and left hands of the decedent; isn't that true?

19 A. That is true.

20 Q. Prior to testifying today, did you have occasion to
21 review a proposed exhibit containing those photographs?

22 A. Yes, I did.

23 Q. And did you recognize those to be true and accurate
24 depictions of the hands of Mr. Faust?

1 A. Yes, I did.

2 MR. STEGE: May I approach the witness?

3 THE COURT: You may.

4 BY MR. STEGE:

5 Q. Do you recognize proposed 35?

6 A. Yes, I do.

7 Q. How do you recognize it?

8 A. It's a thumb drive, with the Court's Exhibit 35, with

9 my initials, my commission number, and today's date, June

10 30th, 2021.

11 Q. And you signed it because you recognized it to be

12 true and accurate depictions of the hands of Mr. Faust in the

13 vehicle, as deceased?

14 A. Yes, I did.

15 MR. STEGE: Move to introduce the exhibit.

16 THE COURT: Any objection?

17 MS. GARCIA: Your Honor, a similar objection to what

18 we made before regarding the digital nature of these photos.

19 THE COURT: Because we already have them digitally

20 admitted, and now we're trying -- the request is to admit

21 them -- I'm confused.

22 MS. GARCIA: Your Honor, these photos were not

23 stipulated to.

24 THE COURT: All right. Well, that doesn't mean that

1 it can't be offered during the trial; right?

2 MS. GARCIA: Correct. But, again, based on the
3 argument Mr. Picker made earlier, we were under the
4 impression that exhibits were going to be in paper form.
5 These exhibits are additional photos, and they're in a
6 digital format.

7 THE COURT: Are you suggesting that they're
8 redundant? Because the stipulation doesn't preclude, as I
9 understand it, the State from seeking to -- just listen to
10 the Court for a minute, and then I'll give you a chance to
11 confer among yourselves.

12 The stipulated -- are you done, Mr. Picker? All
13 right.

14 The stipulation, as I understand it, doesn't preclude
15 the State or the defense from seeking to offer into evidence
16 things that have not been stipulated to.

17 If the objection is that they are redundant, they
18 show the same thing, just from a different -- waste of time,
19 that's different. If it's inconsistent with the stipulation,
20 that's different. But I'm not aware that the stipulation
21 precluded an offer of this type of exhibit.

22 If I'm wrong, Ms. Garcia, please straighten me out.

23 MS. GARCIA: So, Your Honor, I think at this time
24 what we would request is a recess to review these, Mr. Picker

1 and I. I was handed those this morning as testimony was
2 beginning. So I think we need a chance to review these
3 pictures, and then present to the Court our argument.

4 THE COURT: Well, the discovery the State intends to
5 use in this case, by rule and procedure, is to be disclosed
6 well before the morning of trial. So, as I understand it,
7 the concern is, it was disclosed in one format; this is now
8 another.

9 Is that right, Ms. Garcia?

10 MS. GARCIA: Your Honor, because this exhibit was not
11 listed prior to today, it's a reserved exhibit, State 35,
12 this morning I was handed a digital copy of some photographs,
13 and testimony began. Mr. Picker and I haven't even had a
14 chance to review them. So I'm asking for that opportunity.
15 We just -- we don't know what is on that digital file.

16 THE COURT: Okay. I understand where you're coming
17 from.

18 Mr. Stege, why should the Court look at it
19 differently?

20 MR. STEGE: Than them?

21 THE COURT: Yes.

22 MR. STEGE: Right. These have been in discovery
23 since about day one. There are two lawyers there, each
24 sitting there with computers. As it happens, the State has

1 to formulate and adapt its exhibits to opening statements and
2 questioning by the defense, so.

3 Traditional does not mean that I am precluded from
4 seeking to introduce anything that is relevant to support the
5 State's case. It's not a discovery violation. It's not even
6 close to it. There's no rule that's been violated here. And
7 so, as a result, the Court ought to -- on the basics; right?
8 Is it a fair and accurate depiction? Is it relevant; right?
9 Is it authentic and relevant? Yes to both.

10 THE COURT: Has it previously been produced?

11 MR. STEGE: Yes. Oh, yes. Oh, yes.

12 THE COURT: You said day one, so you meant early on.

13 MR. STEGE: This case is 18 months old. It's
14 probably within the first two or three months, the photograph
15 depicted in the exhibit.

16 Additionally -- so --

17 THE COURT: Okay. Was there another point?

18 MR. STEGE: No, thank you.

19 THE COURT: All right. Response.

20 MS. GARCIA: Your Honor, just because something is
21 produced in discovery -- as you well know, we have thousands
22 of pages of discovery -- that doesn't mean that we were on
23 notice that those were going to be used as exhibits in this
24 trial.

1 deceased.

2 Q. Now, as you're there in the vehicle, do you see --
3 what part of Mr. Faust's hand or hands do you see blood upon?

4 A. I see blood upon the top of his hand, along the top
5 of his thumb, extending into the knuckle area and webbing of
6 his hands of his first finger.

7 Q. How about any blood on this right hand to the blade
8 or the pinkie side portion of the hand?

9 A. I do not see any blood.

10 Q. As you saw Mr. Faust there in the vehicle, where, if
11 anywhere, could you tell where he had been bleeding from?

12 A. Appeared to have been bleeding from the head, and it
13 was falling onto his lap.

14 Q. And so as you saw it, is this blood upon the top
15 portion of the hand consistent with that injury?

16 A. Yes.

17 Q. And anything that you saw on that hand or the other
18 hand indicative that he had moved, like, for example, bled on
19 other parts of his hands, and then his hands came to rest in
20 this position?

21 MS. GARCIA: Objection. Leading.

22 THE COURT: Sustained. We want to make sure the
23 witness is testifying, not the counsel.

24 MR. STEGE: Yes.

1 BY MR. STEGE:

2 Q. Detective, did you see any -- where, if anywhere --
3 could you tell, based on what you saw, whether Mr. Faust had
4 moved after receiving that injury?

5 A. I cannot tell that he had moved.

6 Q. Returning now to the car, from the driver's side.

7 A. Again this is a photograph looking towards the
8 general western direction, from the driver's side, open
9 window of the driver's-side door. And the deceased, slumped
10 over, seat belt on and over the left shoulder.

11 Q. 48 of Exhibit 22. Describe what we are seeing here,
12 please.

13 A. Again, driver's side of vehicle. Open driver's-door
14 window. Deceased slumped over in the bottom corner of the
15 windowsill. Blood on the steering wheel.

16 Q. Was there -- at this point or up until this point,
17 seen any blood to the exterior of this vehicle?

18 A. Yes, we had. We had seen blood along the outer,
19 upper portion underneath the window.

20 If you put your hand back there, I could show you
21 where it was.

22 Q. Perhaps -- let's see if it's in another photograph.
23 If not, please remind me to come back to this one.

24 At 49, what are we seeing here?

1 A. In this area it's hard to see. It's a little bit
2 washed out. But I'm going to circle here and here, where
3 blood is right above the door, driver's-side door handle.

4 Q. 50.

5 A. Again, driver's-side door, window open, seat belt on,
6 the deceased slumped over. On the seat belt, there was blood
7 there.

8 Q. Did you note anything else on that seat belt?
9 Anything else apparent indication of injury?

10 A. I did not see any damage to the seat belt.

11 Q. Did you see any other bodily parts on the --

12 A. I don't recall. It's kind of hard to see with the
13 glare above the circle.

14 Q. Did you ever specifically write in your report that
15 you believed you saw bone fragment on that seat belt?

16 A. Yes.

17 Q. The position of Mr. Faust in terms of how he was
18 sitting in -- I think you've previously said "slumped" -- is
19 he oriented in any way to his right or left?

20 A. I would say he was more slumped. His head was kind
21 of -- if I may demonstrate -- kind of down, like that
22 direction. But more general seated in the driver's seat.

23 Q. Let's move to 55. What are we seeing at 55, page 55
24 of Exhibit 22?

1 A. We're looking at the vehicle again, driver's side,
2 front headlight. In the top of the picture, damage to the
3 turn signal or marking light, which is illuminated here. You
4 have a broken connector zip-tied there. Damage along the
5 front quarter panel there.

6 Q. Going back a bit, what can you say about, if
7 anything, about the alignment of where the fired cartridge
8 case was and where this vehicle is?

9 A. There was a distance, approximately 50 yards distance
10 between the two.

11 Q. So next the -- is the body of Mr. Faust removed from
12 the car?

13 A. Yes.

14 Q. Prior to that, are photographs taken from the
15 driver's side of the vehicle?

16 A. Yes.

17 Q. Is that depicted at page 56?

18 A. Yes, it is. Again, the vehicle. The deceased,
19 Mr. Faust, seated in the driver's seat, with blood along the
20 seat, leg and floorboard of the car.

21 Q. What, if anything, can you say about where you are --
22 see blood in relation to any injuries on him?

23 A. Most of the blood was contained in his lap. There
24 was a little bit up on the face. The majority of it was

1 contained in the lap and on Mr. Faust.

2 Q. 57. What portion of the vehicle are we seeing now?

3 A. Same picture. Just a slightly different angle.

4 Again, looking in a general westerly direction, this time

5 showing a little bit more of the driver's-side door, with

6 blood covering the driver's-side door and the

7 driver's-side-door pocket.

8 Q. Any indication, as you saw Mr. Faust, of a sort of

9 turn to either side, or sort of canted to either side in that

10 driver's seat?

11 A. No.

12 Q. What do we see at 58?

13 A. 58, again, the vehicle. And this is the driver's

14 door, showing the blood covering the majority of the

15 driver's-side door front half, if you will. And then the

16 driver's-side-door pocket.

17 Q. And at 59.

18 A. 59, same vehicle. The deceased, Mr. Faust, in the

19 corner of the picture. And then overall of the steering

20 wheel, with blood covering the steering wheel.

21 Q. Any distinction to your recollection in where the

22 blood was on that steering wheel? Like, was it heavier in

23 one place, or lighter on another, or anything like that?

24 A. No. It was pretty much covering the majority of it.

1 Q. At 60, what is depicted here?

2 A. This is the driver's-side floorboard, depicting the
3 floor mats inside the vehicle. The deceased Mr. Faust's
4 shoes and socks laying -- they're just sitting on the ground.
5 In the driving position.

6 Q. So this next -- are there further photographs
7 indicative of the foot position of Mr. Faust?

8 A. Yes.

9 Q. Is that depicted at 61? Whoops. 61.

10 A. Yes. Again, the seat would be on this edge here.
11 And then the deceased, Mr. Faust's leg and foot; foot heel
12 resting on the floorboard; floorboard and the pedals in this
13 area here.

14 Q. I wonder if you might take a look at this, page 61,
15 in person, and note if you are able to see either of the foot
16 pedals.

17 A. Yes, I can.

18 Q. What do you see there?

19 A. In between the legs is the brake pedal. And it's a
20 little dark, but to the right it appears that his right foot
21 is elevated off the floorboard slightly.

22 Q. So his foot is to which side of the brake pedal?

23 A. To the right.

24 Q. With that recollection, can you point out for the

1 jurors where that brake pedal is?

2 A. The brake pedal is here. The other foot is here, to
3 the right of the brake pedal. Underneath it is slightly
4 elevated off the floorboard.

5 MR. STEGE: May I publish this exhibit to the jury,
6 Your Honor?

7 THE COURT: You may.

8 MR. STEGE: Deputy Williams.

9 THE COURT: Deputy, please take it from Mr. Stege and
10 hand it to Ms. Blackwell, juror 1, and ask her to pass it
11 down the row. Then we'll do it like serpentine. Mr. Garcia,
12 behind you to Mr. Shaw; Mr. Shaw, down the row to Mr. Reza;
13 Mr. Reza to Mr. Delgrosso; and back to Ms. Lamb.

14 MR. STEGE: Your Honor, may I add 62 to that?

15 THE COURT: Yes.

16 And again for the record, Mr. Stege, what are the two
17 numbers?

18 MR. STEGE: 61 and 62 of Exhibit 22.

19 THE COURT: Thank you.

20 Thank you, Deputy. If you could please return those
21 to Mr. Stege.

22 The record should reflect that the jury has had an
23 opportunity to briefly review those two pages of the exhibit.

24 Mr. Stege, please proceed.

1 BY MR. STEGE:

2 Q. Please talk about what we see in page 63.

3 A. This picture is a close-up of the deceased, Mr.
4 Faust's head. Slumped over. You can see his eyeball here.
5 And hairline, sideburn here, ear, and a defect above his
6 clothing.

7 Q. Can you describe that last part, the defect above his
8 clothing?

9 A. It's a defect not naturally occurring in the human
10 body. It was a hole, with some blood coming out of it.

11 Q. Have you ever seen a hole like that on any other
12 people?

13 A. Yes, I have.

14 Q. What did the hole look like?

15 A. A gunshot wound.

16 Q. This blood that you -- that we have seen, and you
17 indicate is mostly in the lap, et cetera, where did that
18 appear to be emanating from?

19 A. It looks like it was coming from his face, the front
20 portion of it, mouth, nose.

21 Q. Please talk about page 64.

22 A. Again, 64 is a vehicle interior. Center console.
23 Gear shift in drive. Key is in the ignition. The deceased
24 slumped over, blood on the steering wheel. Closed hand

1 holding the vape pen.

2 Q. At some point, was the vehicle placed in park and
3 turned off?

4 A. Yes, it was.

5 Q. But at this point it was still running?

6 A. Yes.

7 Q. And in drive?

8 A. Yes.

9 Q. Let's talk about 69, please.

10 A. The wallet was removed. This was the wallet from the
11 center console. It has a Nevada driver's license in the name
12 of Jarrod Faust.

13 Q. The address listed here, 13405 Fieldcreek, was that
14 address consistent with your understanding of the vehicle
15 registration?

16 A. Yes.

17 Q. Were photographs also taken when the body of
18 Mr. Faust was removed from the vehicle?

19 A. Yes, they were.

20 Q. And what was the -- the position that Mr. Faust was
21 in when he was found, was that changed when his body was
22 taken out?

23 A. That stayed the same until he was placed into the
24 body bag and --

1 Q. And so was there any stiffness to his body?
2 A. Yes. He was very stiff as we pulled him out.
3 Q. Is page 78 a closer view of the injury to the face?
4 A. Yes.
5 Q. Was a photograph taken of the other side of his face?
6 A. Yes.
7 Q. Is that depicted at page 71?
8 A. Yes, it is. It would be the right side of Mr. Faust.
9 Again, eye, ear, hairline. No defect or deformity or injury
10 to the face on the right side.
11 Q. And this is in that stiff position you described?
12 A. Yes.
13 Q. Please describe what we see at 72.
14 A. This is a tag that the Washoe County Regional Medical
15 Examiner's Office places on the body bag once it is sealed;
16 the number 4334 correlating to their tag number for
17 Mr. Faust.
18 Q. And from there his body is removed to the Medical
19 Examiner's?
20 A. Correct.
21 Q. Were there additional photos once Mr. Faust was
22 removed?
23 A. Yes, there were.
24 Q. What are we seeing at page 73?

1 A. Page -- this page is again the vehicle driver's-side
2 door, bottom portion. Here you see the door open, blood on
3 the door panel. Again, blood on the floorboard, the seat,
4 driver's seat. Blood kind of trailing along this line there.
5 Steering column, steering wheel.

6 Q. What became of this vehicle?

7 A. We had it towed back to the Washoe County Sheriff's
8 Office evidence garage for further processing.

9 Q. And prior to doing that, is there -- what process
10 occurs?

11 A. We complete a tow inventory, which identifies what
12 was in the vehicle, what was seen inside it. And then it is
13 sealed. Once it's sealed, it gets put onto the tow truck and
14 then towed up to the garage.

15 Q. Is page 76 here an indication of a seal placed on the
16 truck?

17 A. Yes, it is.

18 Q. And the purpose is to -- where are these seals
19 placed?

20 A. They're placed on all of the door jambs, anywhere
21 that a door could open: hood, trunk, tailgate, any of the
22 doors.

23 Q. Where was the vehicle towed to?

24 A. The Washoe County Sheriff's Office evidence garage.

1 MR. STEGE: Your Honor, might I inquire? Where are
2 we in relation to a comfort break?

3 THE COURT: We're pretty close to having a comfort
4 break this morning. If you have a few more minutes with this
5 witness, we should, in my view, press forward. If this is a
6 good segue into another subject with this witness, probably
7 this is as good a time as any to stop.

8 MR. STEGE: I think it's the latter. I think a segue
9 into additional testimony.

10 THE COURT: All right. So we will take our morning
11 recess.

12 Ladies and gentlemen, we'll take a 20-minute recess.

13 During the break, it is your duty not to converse
14 among yourselves nor with anyone else on any subject
15 connected with the trial. Do not communicate, for example,
16 in any way regarding the case or its merits by phone, e-mail,
17 text, internet or other means. Do not read, watch or listen
18 to any news or media accounts or commentary about this case.
19 Do not do any independent research, make an investigation,
20 test a theory of the case, re-create any aspect of the case
21 or in any way attempt to learn about the case on your own.

22 Additionally, it is your duty not to form or express
23 an opinion on this case until it is finally submitted to you.

24 Please gather your things. Again, you can leave your

1 notes on your chair.

2 By the way, this is a fairly long trial, as we
3 mentioned. And I see some of you taking, you know, fairly
4 comprehensive notes. If you, obviously, need a second or
5 third tablet, please let Deputy Williams know, and she'll get
6 it to you. If not today, then sometime in the near future.

7 We will be in recess for about 20 minutes.

8 All rise for the jury, please.

9 (The following proceedings
10 were had without the presence
11 of the jury:)

12 THE COURT: All right. Thank you.

13 Detective, you may step down.

14 Two things, though.

15 One, you're still under oath, so when you come back
16 you can immediately be seated. You need not wait for the
17 Court to invite you to have a seat back here.

18 And, second, since you're a testifying witness,
19 you're not to discuss your testimony with anybody pending you
20 returning to the stand.

21 Do you understand that, sir?

22 THE WITNESS: Yes, Your Honor.

23 THE COURT: Thank you very much.

24 We'll be in recess.

1 (Recess.)

2 THE COURT: Thank you.

3 Please be seated.

4 Deputy, after we bring the jury in and we resume, or

5 over the lunch break, I notice there's a monitor behind your

6 station there directed toward really what would ordinarily be

7 a larger audience, limited by court order because of the

8 pandemic and the desire to have as few people physically

9 present in the building as possible. But because it's

10 pointed there, and I see from time to time some of those

11 members that are here in the audience looking at that

12 monitor, if you could adjust it slightly so it's facing them,

13 so they can more easily see it. Of course, they can look at

14 any monitor they want. But that way it's not pointing off to

15 people that aren't here.

16 All right. That being said, are we ready to proceed,

17 Mr. Stege?

18 MR. STEGE: Yes.

19 THE COURT: All right. Thank you.

20 Mr. Picker.

21 MR. PICKER: Yes, Your Honor.

22 THE COURT: Thank you very much.

23 I see the witness is here.

24 Deputy, please bring the jury back in.

1 (The following proceedings
2 were had with the presence of
3 the jury:)
4 THE COURT: Deputy Hayes, you can do that now, if you
5 want to slide it a little bit, or you can wait until the
6 lunch break.
7 Slide it so it's more parallel to the wall. There
8 you go. Thank you.
9 (The following proceedings
10 were had with the presence of
11 the jury:)
12 THE COURT: Okay. Welcome back, ladies and
13 gentlemen.
14 Please be seated.
15 Mr. Stege, will you stipulate to the full jury panel?
16 MR. STEGE: Yes.
17 THE COURT: Mr. Picker.
18 MR. PICKER: Yes, Your Honor.
19 THE COURT: Thank you very much.
20 Welcome back, Detective Atkinson.
21 You can still hear the Court?
22 THE WITNESS: Yes.
23 THE COURT: Very good.
24 All right. Mr. Stege, please proceed.

1 BY MR. STEGE:

2 Q. From the truck being towed, what happens next in time
3 in terms of your role in the investigation?

4 A. Once the truck was towed back to the FIS garage,
5 Criminalist Koeder and I, because it was still dark out, went
6 back with the truck and began processing the truck inside the
7 garage.

8 Q. Why process it inside the garage?

9 A. It's more controlled inside of the garage. We have a
10 roof over us. We have better lighting. It's more of a
11 consistent lighting rather than a change of light.

12 Q. And by "processing," what do you mean?

13 A. Photograph it again, examine the contents of the
14 truck more in-depthly, pulling things out, identifying what
15 they are, and logging those.

16 Q. That process was photographed; correct?

17 A. Yes, it was.

18 MR. STEGE: I'd move to publish what has previously
19 been admitted by stipulation Exhibit 24, which is a 79-page
20 exhibit.

21 THE COURT: Go right ahead.

22 BY MR. STEGE:

23 Q. Beginning with 1.

24 A. Again, this is the vehicle in question, Chevy truck,

1 inside of the garage, showing damage to the driver's side
2 marker light underneath the head lamp.

3 Q. Okay. Here we have at page 5.

4 A. The driver's side of the truck, near the front tire.
5 Damage to the front quarter panel, with a ruler, inside of
6 the garage, showing, again, height and damage.

7 Q. The height here you're able to read from the exhibit.
8 Or perhaps 6.

9 A. Exhibit 5 shows the bumper approximately three feet.
10 And then the beginning of the hood of the truck is probably
11 about four feet, four inches. Same thing with Exhibit 6 --
12 24, page 6. Excuse me. Again, front part of the hood where
13 it starts to curve down is about four feet, four inches. Top
14 of it, approximately four feet, five and a half inches.

15 Q. Let's show that to the jury, the four-foot-four
16 portion.

17 A. The very top of the screen, where the hood starts
18 coming down, runs right -- oops; sorry -- runs right down
19 about four feet, four inches right there.

20 Q. That was to the side portion of that front fender?

21 A. Yes.

22 Q. Is there also photographs of the very front portion?

23 A. Yes.

24 Q. Is that depicted at page 7?

1 A. Yes, it is. And damage to the marker light turn
2 signal, and the ruler.

3 Q. That was washed out. Is this the floor right there?

4 A. Yes, it is.

5 Q. Were measurements taken of the height of that bed?

6 A. Yes, they were.

7 Q. Is that depicted at page 8 of this exhibit?

8 A. Yes, it is.

9 Q. And can you read that there, or would you like me to
10 bring you the exhibit?

11 A. If you could bring it, it would be clearer.

12 Q. We'll look at page 9 of this exhibit. See if you can
13 read the height of that bed.

14 A. The height of the bed is approximately four feet,
15 nine and a half, nine and three-quarters inches in height.

16 Q. Thank you. That being to here?

17 A. Yes.

18 Q. And that's -- is the height -- does the height of
19 that bed extend forward?

20 A. Towards the front of the truck, yes.

21 Q. Put another way, is that consistent with the height
22 of the -- that window?

23 A. Yes.

24 Q. As depicted at page 4, going back in number?

1 A. Yes.

2 Q. Can you clear that for me, please, Detective.

3 Okay. So that height would be the same at the door?

4 A. Yes.

5 Q. In fact, is the same at the door?

6 A. It is.

7 Q. So, from here, we have the series of photographs

8 taken with these blue-tape flags. Can you tell us about that

9 process, please.

10 A. As we processed the car and photographed it and

11 identified damage to the vehicle, here it's a little bit in

12 the washed-out area, but there's a post-it note sticky, with

13 an "A" written on it, and it's a blue tab. And it is

14 designed to identify damage to the vehicle.

15 Q. So as a matter of procedure, what happens once that

16 marker is placed?

17 A. We go back through, we photograph it as a general

18 photograph, and then more of a close-up, and then one to

19 scale.

20 Q. For example, does page 11 indicate that?

21 A. Yes, it does. You can see the "A" marker and the

22 scale and part of the damage we were trying to scale.

23 Q. In summary, can you describe where areas of damage

24 were located and documented on the truck?

1 A. Most of the damage occurred on the front quarter
2 panel, front corner of the truck. Then we had some damage
3 that went down the side of it, over to the back wheel well.
4 And that was primarily all the damage we had found.

5 Q. I wonder if you might use page 4 to sort of indicate,
6 in general, the location of damage.

7 A. The majority of the damage we found was up in this
8 area here of the truck. There was one small little piece
9 down here that I can remember.

10 Q. It sounds like what was observed at the front seemed
11 fresh, like consistent with striking that mailbox.

12 A. Yes.

13 Q. These other -- this other damage, what can you say
14 about them? For example, let's move to B, what's indicated
15 as area B.

16 A. This one didn't appear as fresh or as recent as
17 damage. But again we just document all damage that we saw.
18 This one has marks going down here. Didn't appear to be
19 brand new or fresh.

20 Q. The idea being documented -- document everything
21 that's there?

22 A. Yes.

23 Q. And so we have, in fact, areas D, E and F all along
24 this driver's-side portion of the truck?

1 A. Yes.

2 Q. Is the same true as you have indicated, these B
3 through F less fresh, not appearing as fresh as A?

4 A. Yes; correct.

5 Q. Were other areas flagged or marked along this
6 driver's-side exterior of the vehicle?

7 A. Yes, they were.

8 Q. What areas? What type of areas?

9 A. Items of blood that we had found on the vehicle, we
10 had tagged those with a pink marker.

11 Q. And so, to begin at page 17, does this start to show
12 the series of flags placed indicative of blood?

13 A. Yes, it does.

14 Q. And can you indicate, please, where those are.

15 A. I have one on the driver's-side mirror, one
16 underneath the window sill in front of the driver's door
17 handle, and one on the back passenger door.

18 Q. At page 18.

19 A. Again, this is the marker for 1. And it's showing
20 blood on the driver's-side mirror.

21 Q. Is that further indicated at page 19?

22 A. Yes.

23 Q. And what did this spot look like?

24 A. Just looked like a piece of blood on the window -- or

1 on the mirror.

2 Q. What became of that area?

3 A. The photographs were taken.

4 Q. And then what, after photographs?

5 A. It was tested by Criminalist Koeder.

6 Q. Area -- where is area 2?

7 A. 2 is on the driver's side.

8 Q. I'm sorry. I'm sorry, Detective. Where is area 2?

9 A. 2 is on the driver's-side door, in front of the door

10 handle, and slightly above, in that area.

11 Q. Is that further depicted at page 23?

12 A. Yes.

13 Q. As well as 24?

14 A. Yes.

15 Q. Where is the window in relation to this, the

16 driver's-side window?

17 A. Driver's-side window would be slightly above the

18 ruler, along that line.

19 MR. STEGE: Your Honor, for the record, I want to

20 make the same request of that last series: to introduce a

21 digital copy of the exhibit under the rules of evidence

22 allowing for admission of duplicates equal to -- being equal

23 to originals.

24 THE COURT: In lieu of doing what we did earlier,

1 | which is to pass out those two photographs to the jury?

2 | MR. STEGE: Right. Or in doing this, having to have

3 | him see it, when these all came from digital photographs.

4 | THE COURT: Okay. Same objection I'm going to

5 | assume, Ms. Garcia?

6 | MS. GARCIA: Yes, Your Honor.

7 | THE COURT: All right. The objection is overruled.

8 | The request is granted.

9 | BY MR. STEGE:

10 | Q. Detective, I believe we were at page 24 of the

11 | exhibit. Can you indicate what we're seeing here?

12 | A. Yes. You can see the blood here, here, a little bit

13 | here, window sill again, there, on the driver's door handle

14 | frame there.

15 | Q. At 25, page 25.

16 | A. Driver's side passenger door. Again, markers 3 and

17 | 4.

18 | Q. Indicative of what?

19 | A. Again, blood along the passenger door.

20 | Q. And was this also collected by the criminalist?

21 | A. Yes.

22 | Q. Miss Koeder?

23 | A. Yes.

24 | Q. Moving back, what are we seeing here?

1 A. More of an overview, showing items 1, 2, 3, 4.
2 Q. Moving back, now at page 28.
3 A. Again more of an overview of the truck that shows the
4 blood marked in items 3, 4, 5, 6. And then the remaining
5 damage that was marked in -- I believe it was B, C and D.
6 Q. I wonder if you might replace those dots with hash
7 marks so we can see them a bit better as to the blood.
8 Thank you. Will you clear that, Detective?
9 At 29.
10 A. Tailgate of the truck. Again, an overview. Shows
11 the markers 5 and 6 for the blood, and then again the markers
12 B, C, D, E and F for damage.
13 Q. At 30, we are to marker 4.
14 A. Marker 4, we're again looking at blood, but this is
15 with scale.
16 Q. Can you point out there, please, the blood?
17 Thank you.
18 Moving to page 31.
19 A. Again, more blood down at the scale marker. This is
20 marker number 5.
21 Q. Of page 32?
22 A. Close-up, with scale, of the previous slides.
23 Lower-left-hand corner showing the blood.
24 Q. And 6.

1 A. Marker 6, again, more blood above damage defect B.
2 Q. In relation to the blood on the car, this is less;
3 right?
4 A. Considerably less.
5 Q. And the -- let's continue. 6 being a close-up -- I'm
6 sorry -- page 34 -- a close-up of 6.
7 A. Again, close-up, with scale, so it shows more blood.
8 Q. And any indication of sort of directionality of this,
9 or the shape of the bloodstain or drop?
10 A. I would describe it as a line.
11 Q. Let's move to page 35.
12 A. Again, driver's-side compartment, driver's-side door
13 of the truck in the garage, again showing blood on the
14 driver's seat and the driver's door panel, and the floor mat.
15 Q. Let's go to 37.
16 A. Driver's-side door panel. It shows the blood
17 covering the majority of the door panel.
18 Q. Was the -- where you mentioned recovering those
19 outside stains, was -- or were samples taken of this area at
20 this time?
21 A. Yes.
22 Q. 38. We're moving sort of a different view of that
23 interior of the cab.
24 A. Yes. Same view, just different angle. Again,

1 showing steering wheel, and then blood on the seat.

2 Q. 39. Talk about this area, please, the bottom portion
3 sort of near the driver's seat.

4 A. Again, this is the bottom door frame of the driver's
5 seat. This is blood that has dried from the time we got on
6 scene and the initial photographs were taken to the time we
7 were able to get to the garage and begin photographing and
8 processing it in the garage.

9 Q. 40. Talk about this area, please.

10 A. Driver's seat belt. You have blood on the edge of
11 the frame, the bottom of it, and some on the seat belt up
12 here.

13 Q. What about 41?

14 A. 41. Driver's seat, steering column, and blood on the
15 dash, and then blood on the floorboard and seat.

16 Q. Now, this area in particular, had you noted the
17 amount of blood in that area while on scene?

18 A. I had not, until we got into the garage.

19 Q. Moving to 42.

20 A. Again more of bloodstaining throughout the truck,
21 along the floorboard, seat, steering column, and again the
22 dash.

23 Q. I wonder if we might talk about -- let's go to --
24 well, 43 and 44 in combination, in terms of the staining on

1 the driver's seat.

2 A. In the driver's seat, you have a void here, and then
3 again here. That's where the staining is. The outer portion
4 of it, minus this section, are also fairly clean. You have a
5 little bit there. But this is fairly clean in here, and
6 here.

7 Q. And how does that compare with the positioning of
8 Mr. -- the body of Mr. Faust?

9 A. To me, it would indicate that he was seated here, and
10 the blood had fell from him, landing in the seat in this area
11 here, and some here.

12 Q. Let's move to 44. And I want to know if you would
13 talk about this outer portion of the driver's seat,
14 towards -- towards the center console.

15 A. Again, same driver's seat. This area here, the seat
16 belt, there's no blood that we could find. It was fairly
17 clean. No damage to it.

18 Q. Moving to 45, now at the passenger side.

19 A. Passenger side, looking into the vehicle, you have
20 his water bottle, a towel on the floor mat. Very clean.

21 Q. 46, please.

22 A. Passenger door. Also again very clean. No damage to
23 it.

24 Q. And any presence of blood up until -- so from the

1 driver's seat, any presence of blood on the passenger seat or
2 this door?

3 A. No.

4 Q. Continuing to 47.

5 A. Passenger-side floorboard. The towel lying on the
6 center of the floorboard.

7 Q. 48.

8 A. 48 is the passenger side of the vehicle. This time
9 the second-row door is opened, showing the back seat. You
10 have a bag sitting on the floor of the back seat.

11 Q. Going forward, what is the processing -- the goal
12 here of processing?

13 A. What we want to do is we want to identify everything
14 that's in the vehicle. And then essentially, if we broke the
15 car down into quarters, take each piece that we find out and
16 identify what it is, and process it, look at it, determine
17 what it is, what it belongs to.

18 Q. So, for example, 49.

19 A. 49 is the back passenger door. The passenger-door
20 compartment has some items inside of it.

21 Q. 50.

22 A. 50 is looking across from the passenger to the
23 driver's side of the vehicle, looking at the passenger seat.
24 Nothing is on it.

1 Q. In this back passenger area, any blood discovered?

2 A. No.

3 Q. 51.

4 A. 51 is looking at the floorboard. Looks like there's

5 some kind of an after-market box here. And you have the bag.

6 And then it looked like a sun visor in the back pocket.

7 Q. 52.

8 A. 52 is looking in the vehicle again, now off, keys out

9 of the ignition. The keys were put in the center console for

10 tow. The water bottle is at the bottom of the screen,

11 showing a clean passenger side. The center console was

12 clean. And you can see the blood along the steering wheel

13 and along the seat.

14 Q. 53.

15 A. Close-up of open glove box, identifying contents.

16 Q. 54.

17 A. DMV registration and -- excuse me -- insurance for

18 Jarrod Faust.

19 Q. 55.

20 A. Again, center console. I believe this was a

21 garage-door opener or something that was in the center

22 console there. Again showing the blood on the driver's seat.

23 Nothing on this half of the truck.

24 Q. What are we seeing in 56?

1 A. 56 is looking straight down. You have the cup
2 holders. Again, you have some blood here, going up. There
3 is the garage door there, so that was something else in that
4 center cup holder area.

5 Q. Is that near the cigarette lighter? Is that this
6 object here?

7 A. No. The cigarette lighter was up here. Don't recall
8 or remember right now what that was.

9 Q. Okay. Moving to 57.

10 A. 57 is looking at the center console, showing the
11 garage-door opener, Altoids tin in the little cut-out in the
12 dash, the radio, blood on the steering wheel, blood on the
13 driver's seat and floorboard of the driver's side.

14 Q. On the subject of the radio, going back to the scene,
15 did you hear music coming from the car?

16 A. Yes, I did.

17 Q. Playing in the car. As you sit here, do you remember
18 if that was coming from the radio, like an FM station, or
19 something else, or the source?

20 A. If I remember correct, I believe it was a
21 streaming-type music service.

22 Q. Being played on the console of the car or from the
23 phone that was plugged in?

24 A. The console of the car, coming through the car

1 speakers.

2 Q. Okay. 58.

3 A. 58 is the open of the center console box showing the
4 contents inside it, some change, and a white bag of
5 something.

6 Q. 59.

7 A. Interior of the center console, receipts, and the
8 white bag.

9 Q. 60.

10 A. 60 is, I believe, the driver's-side door compartment,
11 the door pocket, at the base of the picture, with contents
12 inside of it.

13 Q. Do you know if this is driver's side front or rear as
14 you sit here?

15 A. I believe it's driver's side rear.

16 Q. 61.

17 A. The rear pocket of the front seat.

18 Q. 62.

19 A. An envelope taken from Blum.

20 Q. Also from that rear pocket?

21 A. Yes.

22 Q. 63.

23 A. Looking from the center between the driver's seat on
24 the left, passenger seat on the right, the center console,

1 looking towards the dash.

2 Q. 64.

3 A. Same area photograph, but looking in at the steering
4 column and steering wheel, driver's side, showing blood on
5 the steering wheel and the front seat, into the void. There.

6 Q. 65.

7 A. This is the items that were taken from the center
8 console. Again, you have the garage-door opener, that item
9 that I'm not exactly sure what it was, something else here,
10 and a bunch of cables, and a dash wipe.

11 Q. Moving to 66.

12 A. In the headliner, the overhead compartment had two
13 pairs of glasses, sunglasses.

14 Q. 67.

15 A. The extended cab door on the driver's side had an
16 Xbox container and a bungee system.

17 Q. 68.

18 A. Rear pocket of the driver's seat is the Blum, or
19 Blum, envelope.

20 Q. 69.

21 A. Front of the dash, you had the Altoids tin, opened,
22 garage-door opener. And then that item here appears to be
23 like an ear bud-type system.

24 Q. 70.

1 A. Front passenger floorboard, the towel. And then this
2 was the handle of the stick that was sticking out between the
3 center console and the driver's side on the floorboard. It's
4 a dust wand.

5 Q. And 71.

6 A. Jumper cables. These came from the rear passenger
7 side floorboard. This was the bag we saw on the ground. Had
8 gloves, and then jumper cables.

9 Q. 72.

10 A. The rear pocket of the front passenger seat, the dash
11 sun shade.

12 Q. 73.

13 A. Underneath the rear driver's seat we had an emergency
14 vehicle kit, which contained -- looks like first-aid items, a
15 camera, and a red bag, and some more gloves and tools.

16 Q. 74.

17 A. The rear passenger door compartment. Again, more
18 bungee cords, and a belt of some sort from Napa.

19 Q. 75.

20 A. Again, this is the front passenger seat floorboard
21 with the contents removed, showing the floor mat.

22 Q. What's that in 76?

23 A. 76 was a drop of blood here, with scale, that we had
24 found.

1 Q. And 77.

2 A. 77 is the driver's-side door, with the window rolled
3 up at this point, and open door.

4 Q. Okay. So up until now, though, this window has
5 remained rolled down?

6 A. Correct.

7 Q. And it was rolled up at the end?

8 A. Yes.

9 Q. For what purpose?

10 A. When it was towed, we didn't want to have anything
11 blow out of the vehicle, so it was rolled up at the time of
12 tow.

13 Q. And 78 documents that from the outside?

14 A. Yes.

15 Q. And, finally, 79.

16 A. 79 is the rear of the truck bed, showing nothing in
17 it, no contents.

18 Q. Was additional processing ordered or completed on
19 that truck?

20 A. Yes, it was.

21 Q. Was that what happened next in this sort of series of
22 events?

23 A. No.

24 Q. Okay. What happened in the next series of events?

1 A. The next series of events, as daylight had
2 progressed, we went back -- Criminalist Koeder and I went
3 back to the scene to look at the scene again in daylight, as
4 the initial processing was done during hours of darkness. So
5 we wanted to get a different vantage point by looking at the
6 same scene, but with daylight.

7 Q. And how was that accomplished?

8 A. Same process, minus the evidence, the truck being
9 moved. We photographed and began photographing the scene,
10 went back through and took overall photographs.

11 Additionally, we called in Search and Rescue and had
12 them come in to do what is described as an evidentiary
13 search, to see if we could locate anything that may have been
14 missed during the hours of darkness that we had not found in
15 or around the area.

16 Q. What area was searched as compared to the original
17 area you indicated was searched?

18 A. We expanded that search area from just the cul-de-sac
19 and that initial two-driveway section to around the
20 cul-de-sac and then down Welcome Way to the first stop sign,
21 to the west and east, and then past the first stop sign on
22 Welcome Way, approximately a hundred yards past that stop
23 sign.

24 Q. I wonder if you might indicate for us where that

1 search area or second search area was.

2 A. Yes. Welcome Way is here. So the search area went
3 along here, and then along here.

4 Q. And you were present for this?

5 A. Yes.

6 Q. In addition to Miss Koeder?

7 A. Yes.

8 Q. And the Search and Rescue folks?

9 A. Correct.

10 Q. And how did that search progress? By what procedure
11 or process?

12 A. The SAR commander and SAR deputy identified the
13 different team members. They logged into their system which
14 tracks their GPS movements and points. As they searched it,
15 recorded a record where they went and how they would go where
16 they were walking.

17 When they would identify something, they would notify
18 the deputy, and we would then come over and take a look at
19 those items and determine whether or not they were of
20 relevance or not.

21 MR. STEGE: Your Honor, I would move to introduce
22 what's been admitted by stipulation Exhibit 23, containing 19
23 pages.

24 THE COURT: You said "move to admit." You mean move

1 to publish?

2 MR. STEGE: Yes.

3 THE COURT: You may publish.

4 MR. STEGE: And may I also by this -- use the same

5 process, refer to and use, in fact, digital versions of these

6 exhibits?

7 THE COURT: Assuming same objection by the defense.

8 MS. GARCIA: Yes, Your Honor.

9 THE COURT: All right. Thank you.

10 Objection is overruled. We'll call that 23-A. And I

11 think the one you just went through the witness being 24-A.

12 But that will be admitted.

13 MR. STEGE: Thank you.

14 THE COURT: You're welcome.

15 MS. STEGE: I believe Ms. DeGayner --

16 THE CLERK: Just to confirm, 23-A and 24-A are

17 admitted?

18 THE COURT: Yes.

19 (Exhibits 23-A & 24-A were

20 admitted into evidence.)

21 BY MR. STEGE:

22 Q. Take us through this series of photographs, please.

23 THE COURT: How many pages is this one, please?

24 MR. STEGE: Your Honor, this is 19 pages.

1 THE COURT: All right. Thank you.

2 Please proceed.

3 THE WITNESS: This is the same picture, again,
4 daylight hours, looking from the south to the north, showing
5 the mailbox, with damage to it; the rocks that were placed by
6 patrol; and, additionally, here, there -- you can't see it on
7 the picture, but there's additional markings showing where
8 the vehicle's tires were located.

9 BY MR. STEGE:

10 Q. Are those -- we'll skip ahead briefly -- depicted at
11 page 3?

12 A. Yes. They're the yellow marks here, here, there, and
13 there. And the mark at the rear shows where the tire
14 stopped, and then the direction it was going.

15 Q. So to be clear, this rock here would have been in
16 front of the tire. What does this back part of that mark
17 indicate?

18 A. Yes. The rock is in front of the tire. And this
19 back mark indicates where the back of the
20 front-passenger-side tire was.

21 Q. Returning to page 2 of this exhibit.

22 A. Again, the mailbox. This is more of a close-up of
23 it, showing again the tile facade of the mailbox, with damage
24 where the tiles had fallen off on the rear and slid down on

1 the front and broken.

2 Q. Thank you. To be clear, had the Sheriff's Office
3 maintained control of this -- the area of the crime scene?

4 A. Yes.

5 Q. Page 4, please.

6 A. Looking to the east, where the truck would have been
7 parked. Showing the house in the background, and again the
8 rocks and markings on the ground and mailbox.

9 Q. 5.

10 A. Looking to the south, again, where the truck would
11 have been parked, showing the rear of it, damage to the
12 mailbox, and the rocks and tire markings.

13 Q. A question here. These houses here and here, where
14 are those in relation to this U-shaped driveway?

15 A. They're to the south of it.

16 Q. Did you have any role in interviewing any of the
17 people in the neighborhood?

18 A. I had spoke to a lady at this residence here.

19 Q. Okay. As you sit here today, do you recall her name?

20 A. I do not.

21 Q. Okay. Let's move to page 6.

22 A. Past the mailbox, where the truck would have been.
23 We're looking to the north again, into the cul-de-sac. The
24 other driveway is part of that U-shaped driveway, going back

1 down into the cul-de-sac.

2 Q. So this is the other portion -- or other leg of the U
3 that we're seeing?

4 A. Yes.

5 Q. At page 7, please.

6 A. More of the crime scene tape placards had been
7 removed at this point. And looking into the cul-de-sac.

8 Q. 9.

9 A. More of the center --

10 Q. Sorry. 8.

11 A. Excuse me. More of the center of the cul-de-sac.
12 Again, placards have been removed at this point.

13 Q. And this light tower, I think -- what is this?

14 A. The light standard, yes. It was brought in by Q and
15 D Construction and left there.

16 Q. And that has stayed in place overnight?

17 A. Yes.

18 Q. So as a reference between those photographs and
19 these, that has been a fixed point overnight?

20 A. Yes, it has.

21 Q. Which direction are we looking here at page 9 of this
22 exhibit?

23 A. Generally towards the west.

24 Q. And 10.

1 A. And this would -- again, kind of generally in the
2 southern direction.

3 Q. I wonder if on any of these last few you are able to
4 point out where the shell casing was located.

5 A. Yes.

6 Q. And if you need me to go to a particular one, please
7 indicate.

8 A. Could you go back -- I believe it was three pictures.

9 This general area, there's some indications on the
10 ground. And it's approximately five or six lines that were
11 gouged or cracked in the asphalt. That's where -- in that
12 general area is where we located the fired cartridge case.

13 Q. For the record, you're talking about page 7 of
14 Exhibit 23?

15 A. Yes, page 7.

16 Q. Let's move forward to 12, for example. Here we are
17 seeing the paint marks left by investigators.

18 A. Yes.

19 Q. Are all of these yellow paint marks left by
20 investigators?

21 A. Yes.

22 Q. 13. What's this?

23 A. I'm not sure what 13 is, but it was a picture taken
24 with a scale.

1 Q. Might this be the tire marks?
2 A. Could be.
3 Q. Okay. You're not --
4 MS. GARCIA: Objection. Leading.
5 MR. STEGE: I'll withdraw it.
6 THE COURT: Well, all right. I mean, it's -- it is
7 leading, and so the objection is sustained.
8 BY MR. STEGE:
9 Q. Let's move to 14.
10 A. 14 is along the street. And it's showing an item
11 that was located by Search and Rescue, an overview, broad
12 picture of an item. You can see here is the placard number.
13 Q. 9, placard 9.
14 A. 9 is a business card for the Carson City Department
15 of Alternative Sentencing, in the name of Bart Lambert.
16 Q. And where is this located in relation, for example,
17 to the fired cartridge case?
18 A. A considerable ways away from it. It was down
19 Welcome Way, to the south.
20 Q. Would you be able to point it out on a map?
21 A. Possibly.
22 Q. How's that?
23 A. I believe it was in this kind of general area, where
24 it was found there.

1 Q. 16 is identified as placard 10.

2 A. Yes. Again, just a general overview of placard 10 in
3 the center of the picture. And an item next to placard 10.

4 Q. Being?

5 A. It was an In-N-Out receipt from Carson City.

6 Q. 11. I'm sorry. Placard 11, indicated at page 18.

7 A. Placard 11, again, is just more of a general overview
8 of placard 11. And the flagging tape here was what Search
9 and Rescue had placed down when they identified the item.

10 Q. Where is this?

11 A. This is in front of the residence, in front of where
12 the truck had crashed into the mailbox.

13 Q. Anywhere visible on page 2 of Exhibit 1?

14 A. In this area here.

15 Q. And what is indicated at that placard?

16 A. Some kind of a brush was found in the gravel there.

17 Q. These items that you just identified, those were also
18 collected as evidence by either you or the FIS personnel?

19 A. Yes.

20 Q. What's the -- how long does this particular task
21 last, what was just talked about?

22 A. This lasted until the early afternoon. I want to say
23 somewhere between 1:00 and 3:00 o'clock in the afternoon.

24 Q. What is the next sort of thing you engage in as an

1 investigator?

2 A. A couple days later we had wanted to process the
3 vehicle again because we wanted to allow time for blood to
4 dry out. Because of the height of the vehicle, we wanted to
5 make sure that we captured anything that could have
6 potentially been left by somebody there, so we went back to
7 process it for DNA while it was in our impound yard.

8 Q. And what particular areas did you look at?

9 A. We were looking at the outer window sill of the
10 vehicle because, again, the vehicle was lifted so high that
11 our thought was at the time, if somebody was to step into
12 that vehicle -- we didn't observe that it had been opened at
13 all -- that they would have had to have touched that door.

14 Q. So testing the theory that perhaps someone touched
15 the outside of the driver's side?

16 A. Yes.

17 Q. Were photographs taken during that process?

18 A. Yes, they were.

19 Q. And where, in particular, were swabs taken or
20 evidence collected?

21 A. Evidence was collected, swabs were taken along the
22 door handle, as well as the window sill.

23 MR. STEGE: Your Honor, I move to publish in the
24 manner as I did the last two exhibits a digital copy of

1 Exhibit 27, containing 6 pages, which the paper copy was
2 admitted by stipulation.

3 THE COURT: Okay. I'm assuming same objection from
4 the defense.

5 MS. GARCIA: Yes, Your Honor.

6 THE COURT: Same ruling. It's admitted.

7 That will be deemed -- did you say 26, two, six, Mr.
8 Stege?

9 MR. STEGE: It is two, seven, Your Honor, and it
10 contains six pages.

11 THE COURT: All right. It's admitted as Exhibit
12 27-A.

13 (Exhibit 27-A was admitted into
14 evidence.)

15 BY MR. STEGE:

16 Q. Where is the truck right now?

17 A. The truck is in our evidence impound yard at the
18 Sheriff's Office.

19 Q. What are we seeing at page 2?

20 A. On page 2 is the overall photo of the driver's-side
21 door. We still have our markers from the day's prior
22 processing.

23 Q. At page 3.

24 A. Inside of the driver's-side door. Again, the blood

1 on the door panel. And appears to be dried.

2 Q. Is this an area where -- well, let's talk about 4.

3 A. This is the inside of the door. And we're looking at
4 this area here.

5 Q. And can you indicate where evidence was collected
6 from and in what fashion?

7 A. Using a DNA swab, Criminalist Koeder collected swabs
8 in this area here. We were trying to avoid any of the red
9 bloodstaining.

10 Q. Why avoid the areas of red staining?

11 A. We didn't want to cross-contaminate anything. We
12 wanted to identify if someone had touched the truck. And if
13 we're able to collect DNA from that, we don't want to
14 cross-contaminate it between Mr. Faust's blood and whoever
15 was there.

16 Q. 5. Was any sampling done sort of this front area of
17 the inside of the driver's door?

18 A. Yes. Same area. Along this area here, it was done;
19 again taking caution to try and avoid any of the
20 bloodstaining.

21 Q. And 6.

22 A. Overall of the window sill and where the window frame
23 connects together. And that area was also processed. Again
24 also being mindful of bloodstaining that we had anywhere in

1 or around that area.

2 MR. STEGE: Your Honor, may I have a side-bar with
3 the Court and counsel?

4 THE COURT: Yes. I think what we're going to do,
5 though, rather than the headphones, which, unfortunately, are
6 difficult for the court reporter, I will have her stand up,
7 move her machine. We have a chair. Counsel, you don't need
8 to put on your headphones. We can just talk there. I'll put
9 on some white noise.

10 Ladies and gentlemen, while I'm having a conference
11 with counsel, feel free to stand up and stretch. And the
12 same applies to you, Detective. And we'll be back on the
13 record with you all in just a couple minutes.

14 (The following proceedings
15 were conducted as a side-bar:)

16 THE COURT: Okay. We're on the record outside the
17 presence of the jury, having a side-bar.

18 Mr. Stege.

19 MR. STEGE: This question of Exhibit 22.

20 THE COURT: Yes.

21 MR. STEGE: The Court has in subsequent exhibits
22 allowed the State to publish from the digital copy.

23 THE COURT: Right. 22, I said, at this point, no old
24 school. We'll decide later. And now you know what my

1 decision is for the later. So you want to go back on 22?

2 MR. STEGE: I want you to reconsider 22, given the
3 circumstances. If the Court is not going to do that, I
4 accept that, and we'll now seek to publish those to the jury.

5 THE COURT: Okay. Response.

6 MR. PICKER: Same response.

7 THE COURT: All right. I have reconsidered. My
8 order will be consistent both for 22 and going forward. You
9 can use -- you can go through with 22 that which you have
10 with the subsequent exhibits, and that will go into the jury
11 room for their review, as will the others. Okay?

12 MR. STEGE: Very good. Thank you.

13 THE COURT: All right. While we're here, though, let
14 me say this. It's not the Court's intention to limit or --
15 intention to limit or question strategy, tactics, techniques,
16 but I want to make sure we avoid redundancy.

17 There's a lot of pictures that seem to show pretty
18 close to the same thing. Use your discretion, so we can keep
19 moving along. We're on witness five, six, or seven maybe,
20 out of what could be maybe 80 witnesses. Let's go.

21 All right. We'll go back on the record.

22 MR. PICKER: Your Honor, my only response to that is,
23 if they're all in evidence, and they're all both digital and
24 in hard copy, we're entitled to show every single one of them

1 to the jury, even if the DA did not.

2 THE COURT: Absolutely.

3 MR. PICKER: Thank you.

4 MR. STEGE: Because he wants to show marijuana, and

5 argue marijuana and victim character, a subject I've placed

6 before the Court in a trial memorandum.

7 MR. PICKER: Your Honor, I will object to Mr. Stege

8 trying to read my mind because he has no clue what we're

9 doing, and never has. And so we'll just leave it at that.

10 THE COURT: Okay. Thank you for that. Thank you for

11 that. But the answer is as I've given. You can. Okay.

12 (Side-bar concluded.)

13 THE COURT: Thank you for your indulgence, ladies and

14 gentlemen.

15 Mr. Stege, you may proceed.

16 MR. STEGE: Thank you.

17 BY MR. STEGE:

18 Q. Detective, before we go further, I wonder if you

19 might talk about the end of this cul-de-sac. We see here

20 this area here below this house. Is there any sort of access

21 into or out of that cul-de-sac?

22 A. Yes. There's a --

23 Q. Go ahead.

24 A. There's a gate here on this access road. There's

1 walking trails through here. And then there's also, I
2 believe, a walking trail over here.

3 Q. In terms of driving, you would have to open that gate
4 or unlock that gate to get through it?

5 A. Yes.

6 MR. STEGE: Thank you, Your Honor.

7 I pass the witness.

8 THE COURT: Very good. Thank you.

9 Cross-examination of Detective Atkinson by the
10 defense.

11 Mr. Stege, could you take that exhibit off the
12 monitor, please?

13 MR. STEGE: Yes.

14 THE COURT: Thank you.

15 CROSS-EXAMINATION

16 BY MS. GARCIA:

17 Q. Good afternoon, Mr. Atkinson.

18 A. Good afternoon.

19 Q. I want to start by talking a little bit about your
20 role as you entered the scene. I think you described it as
21 crime scene manager; is that right?

22 A. Yes. I'm responsible for the crime scene and the
23 management of what goes on.

24 Q. So can you give a little more details about what that

1 entails?

2 A. Once we've identified where the crime scene tape is
3 placed, nobody goes past that. If someone is going to go
4 past that section, they will be documenting, writing a
5 report, or someone will be documenting what that person's
6 involvement or what they did, where they went, their purpose
7 for being there.

8 Q. When you arrived on scene, there were already other
9 officers present; correct?

10 A. Yes.

11 Q. Do you know who was present?

12 A. Off the top of my head, I don't.

13 Q. Were you the initial response right after the first
14 deputies arrived, or were there others there when you
15 arrived?

16 A. There was others there when I arrived.

17 Q. And so when you arrived it was a fairly significant
18 time after the 911 call that had led to the initial response;
19 correct?

20 A. Yes.

21 Q. And so you don't know prior to your arrival who was
22 on scene, who had access to that crime scene, to the scene at
23 that time?

24 A. Correct.

1 Q. Upon your arrival, was the Criminalist Koeder already
2 present?

3 A. She was showing up shortly after I did.

4 Q. Okay. And you walked the area with her; is that
5 right?

6 A. Yes.

7 Q. Was that the first thing you did when you arrived?

8 A. After briefing, yes. We do a walk, a general walk of
9 the area, identifying what items patrol had already found and
10 marked for us.

11 Q. So some items were already identified for you; is
12 that right?

13 A. Yes.

14 Q. But it's also your job to walk the scene and look for
15 anything that you think might be important.

16 A. Correct.

17 Q. We saw photos with placards placed around the scene.
18 Did you place those?

19 A. Criminalist Koeder placed them on the ground.

20 Q. And was that at your direction?

21 A. Yes.

22 Q. So you mark anything you see that potentially strikes
23 you or could be of value; right?

24 A. Yes.

1 Q. And oftentimes a lot of the things that get marked
2 ultimately aren't related to the scene; right?

3 A. Sometimes, yes.

4 Q. All right. So I want to start with showing you --
5 guess I'll just do it on the digital. Okay. So I'm going to
6 be referring to a few pictures from Exhibit 22, which you've
7 already looked at.

8 Okay. I'm going to refer you to page 24 of Exhibit
9 22. Can you reiterate what this is?

10 A. A brass-colored fired cartridge case. A scale is
11 above it here. A fired cartridge case is here. Rock, crime
12 scene tape, placard.

13 Q. And we notice the crime scene tape. Did you place
14 that?

15 A. I did not.

16 Q. Do you know who placed that?

17 A. I do not.

18 Q. Do you know why it was placed there?

19 A. I believe it would have been placed to mark the fired
20 cartridge case as something of value.

21 Q. So you did not originally locate that. It had been
22 already been identified for you.

23 A. Correct.

24 Q. And you had Criminalist Koeder place the placard once

1 you saw that cartridge; right?

2 A. Yes.

3 Q. I want to switch back really quick and talk about the
4 scene, and the location of that cartridge case.

5 I can never get Welcome Way.

6 THE COURT: Ms. Garcia, you're making me nauseous
7 here.

8 MS. GARCIA: Sorry, Your Honor.

9 THE COURT: It's hard to do it upside down and
10 sideways.

11 Mr. Stege can give you a hand, if you'd like.

12 MS. GARCIA: It's always the same one, and I can't
13 find -- there it is. It's opposite. Of course.

14 BY MS. GARCIA:

15 Q. So, Mr. Atkinson, if you can just, on this, identify
16 roughly where that cartridge casing is, if you're able.

17 A. As far zoomed out as it is, I cannot give you an
18 estimate.

19 Q. I'll zoom in for you, and then do the same process
20 all over again. There we go.

21 All right. Are you able to roughly point out where
22 that cartridge casing was located?

23 A. Roughly, I would hate to do it, but it's kind of in
24 that area, as a general area. It's not zoomed in.

1 Q. There we go. Welcome Way. All right. Is that able
2 to allow you to --
3 A. A little bit better.
4 Q. -- view that better?
5 A. A little better. Thank you.
6 Q. Thank you.
7 A. I would say it would be in this general area.
8 Q. And when you arrived on scene, can you talk about
9 where the location of Mr. Faust's truck was?
10 A. The drawing is not perfect, but in that general area
11 there.
12 Q. Are you able to say roughly the distance between that
13 cartridge casing and Mr. Faust's truck?
14 A. I guessed about 50 yards.
15 Q. Fifty yards?
16 A. Approximate.
17 Q. You indicated that the initial search was done in the
18 evening; correct?
19 A. Correct.
20 Q. And that you then returned to the scene in daylight.
21 A. Yes.
22 Q. When you showed on the screen, it looked like the
23 second search was greatly expanded. Is that fair to say?
24 A. Yes.

1 Q. And so it included farther down Welcome Way to Rock
2 Haven, and to the left and to the right. So it was a larger
3 area to search; is that right?

4 A. Yes. Yes.

5 Q. And when you did that search, you didn't locate any
6 additional cartridge casings; is that right?

7 A. Correct.

8 Q. Okay. I'm showing you on the screen a photo that
9 you've already looked at. Can you describe what we're
10 looking at, though, just for the record.

11 A. In the foot pedals. So emergency brake pedal is
12 here; brake pedal; gas pedal; Mr. Faust, the decedent's foot
13 here, again slightly elevated up on this side; floorboard
14 here; and his left leg going down.

15 Q. And this photo was taken by Criminalist Koeder; is
16 that correct?

17 A. Correct.

18 Q. And it was taken at the time that you and Criminalist
19 Koeder examined the truck; correct?

20 A. Correct.

21 Q. So you described earlier -- and I think it was
22 perhaps in a different photo. All right. So based on this
23 photo, you described his -- it appears that his left foot is
24 to the left of the -- is that the clutch?

1 A. This is the emergency brake; brake pedal; gas pedal.
2 His left foot would be underneath this, based on the way the
3 perception of the picture shows.

4 Q. When you reviewed the scene, you discussed the fact
5 that there was a mailbox with damage; correct?

6 A. Yes.

7 Q. The truck had damage.

8 A. Yes.

9 Q. Correct? So it appeared that the truck had struck
10 the mailbox with some force of impact; correct?

11 A. Yes.

12 Q. And then the truck actually bounced back four or five
13 feet to come to a halt; right?

14 A. It could be, yes.

15 Q. Was that the location of the truck?

16 A. Yes.

17 Q. Four to five feet from the mailbox?

18 A. Approximately, yes.

19 Q. Given that impact and what occurred, you're unable to
20 tell by looking at this photo where Mr. Faust's foot was at
21 the time that he impacted the mailbox; right?

22 A. No, I cannot.

23 Q. You can only tell where his foot is upon the ending
24 of that journey, basically; right?

1 A. Right.

2 Q. I want to go now -- I'm going to turn this off so I
3 don't make everybody ill while I flip through photos.

4 Okay. I am going to draw your attention now to
5 Exhibit 22, page 26, which I think you've already seen.

6 A. Yes.

7 Q. So if you can just reiterate: What are we looking at
8 with those yellow lines?

9 A. Excuse me.

10 The yellow lines are placed so that we can mark and
11 have recollection of where we had seen the tire impressions,
12 tire marks, on the asphalt.

13 Q. So let's talk about those tire marks for a second.
14 Are those something that you observed in your review of the
15 scene?

16 A. I had observed them, yes.

17 Q. I believe you noted that you felt they were fresh,
18 and that somehow you could tell that they hadn't been there a
19 long time. Can you talk a little bit more about that?

20 A. I said they looked newer than anything else in the
21 cul-de-sac. And that's where the word "fresh" comes in, is
22 it appears that they were newer than anything else that had
23 been in the cul-de-sac.

24 Q. Okay. So you're able to tell us just simply based on

1 comparing it to the other marks you're seeing.

2 A. Yes. Looking at what was there and what was in
3 reference to those.

4 Q. Okay. And looking at those marks, based on your
5 observation, you indicated you believed that there was a
6 vehicle at some point initially facing north; is that right?

7 A. Yes.

8 Q. And then that vehicle appeared to move forward at a
9 pace that made marks; right?

10 A. Yes.

11 Q. Made a sharp turn. Is that what you indicated?

12 A. Yes.

13 Q. And then appeared to go back down the street; is that
14 right?

15 A. Yes.

16 Q. Okay. I'm going to flip this off again so I can flip
17 through some photos.

18 So looking at Exhibit 22, page 40, this is what you
19 saw when you were involved in the scene processing, the
20 taking of the photos; correct?

21 A. Yes.

22 Q. It appears here that Mr. Faust is slightly leaning or
23 slumped to the right, or the passenger side. Is that fair to
24 say?

1 A. I would say his head is, but I think it's a little
2 bit of perception of the picture and dimension.

3 Q. But his head is clearly kind of off to the right.

4 A. Yes.

5 Q. You can see there's a vape pen clutched in his hand;
6 right?

7 A. Yes.

8 Q. You also indicated that you found his cell phone and
9 his wallet still in the vehicle.

10 A. Yes.

11 Q. And those were in the kind of the console-dash area?

12 A. Yes.

13 Q. So obviously I asked you -- I asked you earlier, but
14 other officers were on scene before you; correct?

15 A. Correct.

16 Q. And you indicated that they were.

17 A. Uh-huh.

18 Q. Are you aware of their activities regarding the truck
19 and Mr. Faust's body?

20 A. Yes. To a degree, some of them.

21 Q. Are you aware that there was contact made with the
22 body?

23 A. Yes.

24 Q. And you're also aware that the doors were both

1 opened; right?

2 A. I don't recall that.

3 Q. Okay. So you weren't aware that an officer opened

4 the driver's-side door?

5 A. I don't recall that.

6 Q. Okay. You were also aware, though, that firemen were

7 on scene; correct?

8 A. Yes.

9 Q. Were they on scene when you arrived, or were they

10 already gone?

11 A. They were gone when I got there.

12 Q. You were made aware that, prior, firemen had showed

13 up; is that right?

14 A. Yes.

15 Q. And, in fact, you at some point had to collect a DNA

16 sample from a fireman; is that right?

17 A. Yes.

18 Q. And that was because you became aware that a fireman

19 had touched the scene without gloves on; right?

20 A. Correct.

21 Q. And that sample is to eliminate the fireman, if

22 prints are to be found; right?

23 A. Yes.

24 Q. I want to move on and talk a little bit about the

1 processing of the vehicle at -- I think you said your garage.
2 A. Yes.
3 Q. RPD -- or which garage?
4 A. Washoe County Sheriff's Office, yes.
5 Q. Was that done immediately upon taking the truck from
6 the scene?
7 A. Yes. The drive time from the scene to the garage,
8 and then we began processing that scene.
9 Q. And you accompanied the car to the garage and were
10 present for all of that processing; is that right?
11 A. Yes.
12 Q. So I want to ask you, because I don't believe we
13 heard any testimony. We heard a lot of testimony about the
14 collection of -- or identification of blood evidence; right?
15 A. Correct.
16 Q. And also then you discussed that there was a search
17 for some DNA. That's what you said; right?
18 A. Additional evidence, yes.
19 Q. And that would be like touch DNA?
20 A. Touch DNA, fingerprints, anything left on the outside
21 of the car.
22 Q. Okay. So that was my next question. Was the car
23 tested for fingerprints?
24 A. Yes.

1 Q. Okay. And can you talk a little bit about which
2 locations on the car that was done?

3 A. The outside was looked at to be done, and there was
4 no indication by Criminalist Koeder that there was any prints
5 or anything on the car.

6 Q. So you didn't find any fingerprints?

7 A. I did not.

8 Q. And there was nothing to indicate somebody had
9 touched or grabbed on?

10 A. I couldn't tell.

11 Q. Before I move on to a different exhibit, I do want to
12 ask you an additional question about one of the exhibits we
13 looked at earlier. That is Exhibit 24, page 62.

14 The DA asked you what -- to identify what that was.
15 And you indicated it was something from Blum; is that
16 correct?

17 A. Yeah. A Blum envelope.

18 Q. Can you tell us: Do you know what Blum is?

19 A. I do not.

20 Q. So you're not sure what we're looking at here?

21 A. It's an envelope, a Blum envelope.

22 Q. I'm going to show you Exhibit 24, page 65, and ask
23 you to identify what we're looking at here. Exhibit 24. Can
24 you identify what this is?

1 A. It's the Blum envelope again.

2 Q. I'm curious. Are you able to identify -- in this
3 photograph there's an item, it's brown, sort of towards the
4 top. Are you able to identify what that item is?

5 A. This?

6 Q. Yes.

7 A. I cannot.

8 Q. Did you ever -- so you never looked into it to figure
9 out what that was?

10 A. I don't recall. Looking at it now, I can't tell you
11 what it is.

12 Q. I want to ask you about whether or not there were any
13 GSR tests done on the vehicle. And, of course, that means
14 gunshot residue. So first let me ask you: Can you explain
15 to the jury what gunshot residue testing is.

16 A. I can't. I'm not a specific GSR expert.

17 Q. So is that not a test that was performed in this
18 case?

19 A. I don't know if GSR testing was done or not done on
20 the car.

21 Q. So that wasn't something done -- so let me rephrase
22 that. How about processing, gunshot residue processing?
23 Does that change any of your answers?

24 A. The processing for GSR is, we're looking for the

1 expended powder that is related to a gun. And I don't recall
2 if we did process or not process any parts of that.

3 Q. So that wasn't done at your request?

4 A. I don't recall right now if we did or not.

5 Q. You didn't request it?

6 A. I don't recall.

7 MS. GARCIA: Court's indulgence for just one moment.

8 THE COURT: Of course.

9 BY MS. GARCIA:

10 Q. I want to talk to you a little bit more about some of
11 that blood testing and collection. When you're setting up to
12 collect that evidence, you're not the one collecting it;
13 right?

14 A. Correct.

15 Q. Okay. And that's being done by a criminalist; is
16 that right?

17 A. Yes.

18 Q. Are you the one, though, pointing out where and what
19 evidence you would like processed?

20 A. Collectively, yes, I'd point out things where I think
21 they may be of value, but collectively as a team we decide
22 together.

23 Q. And I think this might seem like kind of a silly
24 question, but when we -- when we're looking at the scene,

1 it's clear from the pictures that we've looked at there's a
2 wound, there's blood. I guess what I want to ask you
3 is: When you're documenting each and every spot of blood,
4 what are you looking for? Why are you doing that?

5 A. We're looking for general area, how far it spread,
6 which way it went. Just a general overall try and paint a
7 picture for us, since we obviously weren't there when
8 whatever happened, so trying to gather as much information as
9 we can.

10 Q. And are each of those identified spots -- I think
11 when we were looking we saw one, two, three, four marked on
12 the vehicle -- are each of those spots then tested? Is that
13 blood collected and tested by someone?

14 A. A sample of it would be taken to determine what it
15 is. And that marking is a general marking for that general
16 area, as there may be more than one spot there. But we only
17 have so many markers to mark specific areas.

18 Q. And so you're doing that because obviously there's
19 blood from the victim, but you're looking to see if there's
20 blood from someone else, too; correct?

21 A. Correct.

22 Q. You want to know everything about the scene that
23 you're looking at, so that's why you're very thorough about
24 how you test everything; correct?

1 A. Yes.

2 MS. GARCIA: Court's indulgence. I'm going to switch
3 exhibits.

4 BY MS. GARCIA:

5 Q. Okay. I want to draw your attention to Exhibit 24.
6 This is page 44.

7 The prosecutor asked you some questions and
8 specifically asked you to identify sort of what we were
9 looking at here. And so this is obviously the driver's seat.
10 And we're looking at the right side of the driver's seat;
11 right?

12 A. Correct. You're looking at the driver's seat,
13 steering column, center console, for looking towards the
14 right, yes.

15 Q. So it's fair to say I think you identified that it
16 appears that the right side is fairly clear or clean of
17 blood; is that right?

18 A. Over here, yes. What I was describing here was, this
19 area was fairly clear.

20 Q. So it's fair to say, when looking at these photos,
21 there appears to be a strong concentration of blood on the
22 left side of the driver's seat; correct?

23 A. Yes.

24 Q. The door -- the door panel, we saw quite a

1 significant amount. I'll flip to it. So, for example, this
2 photo, we're looking more at the left side of the
3 driver's-side seat; correct?

4 A. Yes.

5 Q. And we can see that there's a significant amount of
6 blood to the left of the steering wheel.

7 A. Yes.

8 Q. On the floor below.

9 A. Yes.

10 Q. And then on the door panel itself.

11 MS. GARCIA: Thank you.

12 I don't have any more questions at this time.

13 THE COURT: Redirect, Mr. Stege?

14 MR. STEGE: Yes. Thank you.

15 REDIRECT EXAMINATION

16 BY MR. STEGE:

17 Q. Beginning at the end there, this -- we just saw a
18 photograph of the area beneath the driver's seat; right? We
19 saw blood pooling on the driver's mat.

20 A. Yes.

21 Q. As you recall the roadway there, as the car -- as
22 this truck sat there, would it have been level, sort of left
23 to right?

24 A. So the way the road is sitting, you have a crown so

1 the water runs off to either side, the edge of the road. The
2 crown would have gone towards the house where the mailbox
3 was, and would have pushed the car that way, so it would have
4 settled to the left. And we're on a little bit of a small
5 incline going up Welcome Way, so it would have settled to the
6 back.

7 Q. And as a question of the striking of the mailbox,
8 were you able to determine the speed or approximated speed at
9 which the truck hit that -- first of all, do you believe the
10 truck hit the mailbox?

11 A. I do believe it hit, made contact with the mailbox.
12 As far as speed determination, I could not determine
13 it. Had contacted Reno police, asked them to see if they
14 could do a crash data recovery of potential impact speed, and
15 there was no data that was able to be found.

16 Q. And to your -- in your experience as a patrol -- you
17 have experience as a patrol deputy; right?

18 A. Correct.

19 Q. Is that, like, based on your experience in crashes,
20 can you give any idea of whether this was a high-speed or
21 low-speed impact?

22 A. I would have classified it as a low-speed impact.

23 Q. Why?

24 A. The content of the damage, the extent of the damage,

1 it didn't appear -- the bumper had been pushed in. It was
2 mostly what I would describe as more cosmetic damage. The
3 tile on the very front-facing of the mailbox essentially
4 broke free from that facade and just fell straight down and
5 didn't shatter.

6 Q. Between the nighttime search and daylight search, who
7 was it that was maintaining control of the crime scene?

8 A. Members of the Washoe County Sheriff's Office.

9 Q. And did that continue during the search by you and
10 the Search and Rescue folks?

11 A. Yes.

12 Q. And so by maintaining control of evidence, that means
13 what? There's -- how do they do that?

14 A. We have deputies that are positioned around the crime
15 scene, so that we limit people coming in or out of the crime
16 scene. We again want to maintain consistency of it, so that
17 we're not introducing something in it or have something
18 disappear from that scene.

19 Q. As to the shell casing that was -- strike that.

20 The question as to the tire, the markings in the
21 street, are you asserting today that -- or making any
22 assertion as to when those marks got there or were placed
23 there?

24 A. No. I'm just --

1 Q. And your testimony about them being fresher or fresh,
2 is that an absolute thing, or is that in relation to anything
3 else?

4 A. It's not an absolute. It was just, in relation to
5 what I could see in the cul-de-sac, it appeared they were
6 newer rather than older.

7 Q. Do you mean like newer than the other tire marks in
8 the cul-de-sac?

9 A. Yes.

10 Q. The question about processing of the exterior of the
11 truck, meaning fingerprints and DNA. In your experience --
12 or if you don't know the answer, please say so -- does every
13 time a person touches something, does it leave a fingerprint?

14 A. I don't know.

15 Q. By the same token, DNA. Is there always DNA where a
16 person has touched?

17 A. I couldn't say there always is.

18 Q. So these two searches you did of the scene, was there
19 a third sort of level of searching that was completed on this
20 question of thoroughness on the 19th of February?

21 A. Yes. We had -- the 19th of February?

22 Q. Sometime after that.

23 A. I don't recall.

24 Q. Okay. Was there a time where Public Works assisted

1 in looking at the scene?

2 A. Yes. Public Works was contacted. We wanted to go
3 through manholes, storm drains, to see if anything had fallen
4 into those storm drains, by accident or by purpose.

5 Q. And what was the result of that?

6 A. Nothing was found.

7 Q. And what area of storm drains were searched?

8 A. In the cul-de-sac along Welcome Way, back in here.

9 MR. STEGE: Very good. Thank you.

10 No further questions.

11 THE COURT: Ms. Garcia.

12 RECROSS-EXAMINATION

13 BY MS. GARCIA:

14 Q. Just one thing. You mentioned that the truck was
15 slightly -- you indicated elevated or back because it was on
16 a slope; is that right?

17 A. A slight incline.

18 Q. Slight incline. And is that -- do you have knowledge
19 of the general slope of the road on Welcome Way?

20 A. I do not. It was just my observation that it looked
21 as if it was slightly sloped, incline up, and then again
22 toward --

23 Q. So --

24 A. -- the house.

1 Q. I apologize. So as the truck faced south, you felt
2 that the front of the truck was at a slight incline, as
3 opposed to the back.

4 A. Yes.

5 MS. GARCIA: Nothing further.

6 THE COURT: Detective Atkinson, thank you so much for
7 your testimony. You may step down. You're free to go. I
8 wish you a pleasant rest of the afternoon.

9 Ladies and gentlemen of the jury, we're going to take
10 our lunch recess at this time. The recess will be for one
11 hour.

12 Please report back here to the jury room no later
13 than 12:50, one hour from now. We'll start promptly court
14 again at 1:00 o'clock.

15 During the recess, it is your duty not to converse
16 among yourselves nor with anyone else on any subject
17 connected with the trial. Do not communicate with anyone in
18 any way regarding the case or its merits, including by phone,
19 e-mail, text, internet or other means. Do not read, watch or
20 listen to any news or media accounts or commentary about this
21 case. Do not do any independent research. Do not make an
22 investigation, test a theory or re-create any aspect of the
23 case, or in any way attempt to investigate or learn about the
24 case on your own.

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAYNE MICHAEL CAMERON,

Appellant.

v.

STATE OF NEVADA,

Respondent.

Case No. 83531

APPELLANT'S APPENDIX
VOLUME III

**APPEAL FROM JUDGMENT OF CONVICTION AND
SENTENCING**

SECOND JUDICIAL DISTRICT
STATE OF NEVADA

The Honorable Barry Breslow, presiding

Richard F. Cornell, Esq.
RICHARD F. CORNELL, P.C.
150 Ridge Street, Second Floor
Reno, Nevada 89501
775/329-1141
richardcornell1553@gmail.com
Attorneys for Appellant

Washoe Co. District Attorney
Appellate Division
1 South Sierra Street, 7th Floor
Reno, Nevada 89501
775/337-5700
jnoble@da.washoecounty.us
Attorneys for Respondent

INDEX TO APPELLANT'S APPENDIX
WAYNE MICHAEL CAMERON V. STATE OF NEVADA
No. 83531

| NO | DESCRIPTION | DATE | PAGES |
|-----------|--|-------------|--------------|
| | VOLUME I | | |
| 1 | Information | 11/09/2020 | 00001-00006 |
| 2 | Motion to Admit Other Acts Evidence: Road Rage | 02/03/2021 | 00007-00037 |
| 3 | Motion to Admit Other Acts Evidence: Shootings | 02/03/2021 | 00038-00048 |
| 4 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Road Rage | 02/09/2021 | 00049-00055 |
| 5 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Shooting | 02/09/2021 | 00056-00060 |
| 6 | Reply in Support of Motion to Admit Other Acts Evidence: Road Rage | 02/16/2021 | 00061-00066 |
| 7 | Reply in Support of Motion to Admit Other Act Evidence: Shootings | 02/16/2021 | 00067-00069 |
| 8 | Transcript of Proceedings, Motions Hearing | 06/02/2021 | 00070-00140 |
| 9 | Order on Pre-Trial Motions | 06/04/2021 | 00141-00148 |
| 10 | Transcript of Proceedings, Trial Day II | 06/29/2021 | 00149-00249 |
| | VOLUME II | | |
| 10 | Cont'd. Transcript of Proceedings, Trial Day II | 06/29/2021 | 00250-00369 |
| 11 | Transcript of Proceedings, Trial Day III | 06/30/2021 | 00370-00499 |
| | VOLUME III | | |
| 11 | Cont'd Transcript of Proceedings, Trial Day III | 06/30/2021 | 00500-00613 |
| 12 | Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00614-00749 |

| | | | |
|----|--|------------|-------------|
| | VOLUME IV | | |
| 12 | Cont'd. Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00750-00818 |
| 13 | Transcript of Proceedings, Trial Day V | 07/02/2021 | 00819-00896 |
| 14 | Transcript of Proceedings, Trial Day VI | 07/06/2021 | 00897-00999 |
| | VOLUME V | | |
| 14 | Cont'd. Transcript of Proceedings, Trial Day VI | 07/06/2021 | 01000-01130 |
| 15 | Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01131-01249 |
| | VOLUME VI | | |
| 15 | Cont'd. Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01250-01265 |
| 16 | Transcript of Proceedings, Trial Day VIII | 07/08/2021 | 01266-01339 |
| 17 | Transcript of Proceedings, Trial Day IX | 07/09/2021 | 01340-01440 |
| 18 | Jury Instruction, Guilt Phase | 07/09/2021 | 01441-01494 |
| | VOLUME VII | | |
| 19 | Verdict | 07/09/2021 | 01495-01496 |
| 20 | Transcript of Proceedings, Sentencing | 07/12/2021 | 01497-01602 |
| 21 | Jury Instructions, Penalty Hearing | 07/12/2021 | 01603-01612 |
| 22 | Life Without Parole Verdict | 07/12/2021 | 01613 |
| 23 | Judgment of Conviction | 09/09/2021 | 01614-01615 |
| 24 | Notice of Appeal to the Nevada Supreme Court | 09/16/2021 | 01616-01618 |

1 Additionally, it is your duty not to form nor express
2 an opinion on any subject connected with this case until it
3 is finally submitted to you.

4 So, once again, please be back in the jury room no
5 later than 12:50, ready for a prompt 1:00 o'clock start.

6 All rise for the jury, please.

7 (The following proceedings
8 were had without the presence
9 of the jury:)

10 THE COURT: Okay. Thank you.

11 Please be seated just for a moment.

12 One other thing to go over.

13 I did sign an order with respect to Mr. Cameron's
14 medicine. I did direct somebody from the Sheriff's Office to
15 be down here no later than 2:30 to be prepared to administer
16 the medicine to Mr. Cameron during the afternoon recess.

17 But I just want to confirm. Mr. Picker, Ms. Garcia,
18 if you notice, you know, anything visible with respect to
19 your client, and you are concerned that he is not
20 understanding, unable to assist, in any way impairing his
21 ability to proceed in this matter, you'll bring it to the
22 Court's attention. Is that fair?

23 MR. PICKER: Yes, Your Honor.

24 THE COURT: Okay. Thank you.

1 And then, Mr. Cameron, a question for you.

2 And maybe, Mr. Picker, if you could make sure he has
3 a microphone.

4 Mr. Cameron, same question for you. Once the
5 medicine is administered to you, if you feel unbalanced, if
6 you feel lightheaded, if you feel queasy, if you feel like
7 you're not understanding what's happening in trial, or you're
8 being impaired in any way to assist your counsel, will you
9 please bring that to the Court's attention?

10 THE DEFENDANT: I will.

11 THE COURT: Very good. Thank you.

12 THE DEFENDANT: Thank you.

13 THE COURT: With that, counsel, we'll be in recess
14 until 1:00 o'clock.

15 Mr. Stege, please have your next witness ready.

16 And then I know Deputy Hayes or Deputy Williams will
17 please clean off the witness stand for the next witness.

18 Until then, we'll be in recess.

19 Thank you, everybody.

20 (Recess.)

21

22

23

24

1 RENO, NEVADA, WEDNESDAY, JUNE 30, 2021, 1:00 P.M.

2 (The following proceedings
3 were had without the presence
4 of the jury:)

5 THE COURT: Thank you.

6 Please be seated.

7 The record should reflect that I'm here in the
8 presence of counsel and Mr. Cameron outside the presence of
9 the jury.

10 Two things to go over briefly before we call the jury
11 in.

12 First thing is, I have a criminal justice sentencing
13 set for 11:00 a.m., July 7th, on another matter.

14 Recently today defense counsel surprised the Court
15 and asked -- indeed, demanded -- that it be done in person,
16 not via Zoom.

17 The Court is going to grant that request. The
18 sentencing will occur in person here at 75 Court Street.

19 Department 8 is not hooked up with Zoom, for those
20 who may want to watch this sentencing, and so the sentencing
21 will occur, unless there's objection from the Washoe County
22 Sheriff's Office, right here.

23 The Court's intention, therefore, is, on July 7th, to
24 take a recess and -- excuse me.

1 Ms. DeGayner, what time is the sentencing set for?

2 THE CLERK: I'm double-checking, Your Honor. I think
3 it's 11:00 a.m., but I will double-check.

4 It's 11:00 a.m.

5 THE COURT: The Court's intention on July 7th,
6 therefore, is to take a recess, really an early lunch recess,
7 10:30 a.m., July 7th, until 12:30, and resume our trial at
8 that time.

9 I anticipate the sentencing will be one hour, 90
10 minutes tops. This is of a defendant who was recently
11 convicted of sexual assault on a minor.

12 Now, our jury will be told merely the Court has
13 another matter it must handle in this courtroom. I will not
14 indicate one way or the other what the matter is. They're
15 excused from 10:30 until 12:30. They will be free to stay in
16 the jury room; they'll be free to leave the building.

17 Counsel will be requested to -- you know, that's a
18 little bit rude. When I'm speaking, I really expect people
19 to look me in the eye and listen to what I'm saying. So
20 please let's not do that again.

21 I'll continue.

22 Counsel will need a place to sit and spread out their
23 things for the purpose of the hearing. To the extent you
24 can, during this 10:30 until 12:30 recess on the 7th, please

1 move your things to one side of the table or, alternatively,
2 let's make sure they have a piece of the work area in order
3 to set up their things. If that creates or you anticipate it
4 creating great inconvenience, think on it, let us know, let
5 my staff know, and I will set up different tables for counsel
6 for that criminal justice sentence.

7 Now, the defendant in that matter is in custody at
8 the Washoe County Jail, so there will be some logistics
9 involved with getting him here and ready for court. He will
10 not be changed into civilian clothes. He's in custody, and
11 he'll be restrained while he's being sentenced.

12 But I want everyone to give some thought to how that
13 will affect the logistics for this trial.

14 If you have any thoughts on what I've just said you'd
15 like to share with the Court, you can tell me now or give it
16 some thought and please let me know tomorrow. But I will be
17 doing this sentencing in the courthouse.

18 There's a chance I'll move it to a different
19 courtroom in this building, if it creates great inconvenience
20 for anyone here, or if the Sheriff advises that it would be a
21 problem.

22 THE BAILIFF: We won't mind.

23 THE COURT: The Sheriff can accommodate. I'm just
24 hitting counsel up with this for the first time. And I

1 certainly respect that you might need a few minutes to think
2 it over. But if there are any preliminary thoughts about how
3 that might affect our case, please share those with me now,
4 if you'd like to.

5 Starting with Mr. Stege.

6 MR. STEGE: My position hasn't firmed up. Here are
7 my preliminary thoughts. I'm loosely aware of that case. I
8 have spoken with the prosecutor in the case. And this
9 potential conflict, and the potential for continuing it,
10 moving it to another day, I wish to follow up on that issue.

11 THE COURT: I've told them I'm not inclined to move
12 the sentencing.

13 MR. STEGE: Okay. Aside from that, I would urge the
14 Court to move it to a different time, given that it's a
15 post-trial sentencing.

16 I have inside information about at least the
17 State's -- the victim is not expected to give testimony. As
18 a result, I think the difference between a week's continuance
19 will have little impact on that case, and more impact on this
20 case.

21 THE COURT: Okay. Let me respond to that, just so
22 you've heard.

23 There's no week continuance really possible, the
24 reason being other matters the Court has, including another

1 Category A sexual-assault trial immediately following this
2 trial, with a one-week, I believe, gap in between, where the
3 Court has other matters to attend to, both personal and
4 professional. Logistically, it would be very difficult to
5 move it a week.

6 MR. STEGE: In that instance, I'll understand and
7 will happily abide by the schedule. It is unfortunate with
8 that conflict. Since it cannot be avoided, we will do our
9 best.

10 THE COURT: Okay. Thank you.

11 Mr. Picker, any preliminary thoughts? Again, I'll
12 give you an opportunity to review this with the Court
13 tomorrow morning before the start of trial.

14 MR. PICKER: Your Honor, we don't have a position on
15 it. We'll submit it.

16 THE COURT: All right. Thank you.

17 So the way it goes is, the sentencing is going
18 forward 11:00 a.m. There will be a break between 10:30 and
19 12:30. By tomorrow, after hearing from both sides, if you
20 have any additional thoughts, I'll make a decision whether
21 we'll be in this courtroom or another one.

22 Right now I'm leaning to another courtroom because
23 you have all your stuff here, and I don't want to disrupt
24 that.

1 And I also may tell the jury on the 7th that we're
2 going to start at the same time, 8:30, but because you're
3 having a two-hour break right smack in the middle, we might
4 go till 4:30, even 5:00 o'clock that day to catch up with the
5 witnesses. So, really, you know, hopefully we won't lose
6 that much time.

7 All right. With that, is there anything else we need
8 to go over before the Court has the jury brought back in?

9 Mr. Picker.

10 MR. PICKER: Your Honor, on your last comment, I
11 would just note that, if we're going to break at 10:30 that
12 morning, if we don't take a morning break, you're going to
13 gain back about 30 minutes of that. So I don't think we need
14 to keep the jury after 4:00 o'clock. I think we'll be fine.
15 I'd rather be consistent with the jury on when they're going
16 home than kind of change things up on them.

17 THE COURT: Understood. I mean, if we can get a good
18 tail wind, that might shorten the flying time, as the pilot
19 usually says.

20 Mr. Stege, anything else before we resume trial?

21 MR. STEGE: Thank you, no.

22 THE COURT: Thank you.

23 Deputy, please bring the jury back in.

24

1 (The following proceedings
2 were had with the presence of the
3 jury:)
4 THE COURT: All right. Welcome back, everyone.
5 You may be seated.
6 Will counsel stipulate to the presence of the full
7 jury?
8 MR. STEGE: Yes.
9 MR. PICKER: Yes, Your Honor.
10 THE COURT: Thank you very much.
11 Sorry about that, Mr. Shaw. It's kind of --
12 JUROR SHAW: I am forgetful.
13 THE COURT: Rules are rules.
14 Thank you.
15 Mr. Stege, please call the State's eighth witness.
16 MR. STEGE: A. C., a high school student.
17 THE COURT: Thank you.
18 MR. STEGE: Let's go with this gentleman instead.
19 THE COURT: Okay. Also a minor?
20 MR. STEGE: Yes.
21 THE COURT: And initials, please?
22 MR. STEGE: L. W.
23 THE COURT: I think identified also on the witness
24 list as Luke; is that right?

1 MR. STEGE: Yes.

2 THE COURT: Sir, would you please raise your right

3 hand to be sworn.

4 (The clerk administered the oath.)

5 THE COURT: The question is: Do you swear to tell

6 the truth?

7 THE WITNESS: I swear.

8 (Witness sworn.)

9 THE COURT: Thank you very much.

10 You may put your hand down.

11 Have a seat right over here.

12 So here's what happens next. Please make yourself

13 comfortable, you know, as comfortable as you can in a context

14 like this, of course.

15 Please remove your mask. Please stay about this

16 close to the microphone, so we can make sure we hear you.

17 And would you please tell us your first name only,

18 and then the first letter of your last name.

19 THE WITNESS: Luke W.

20 THE COURT: Thank you very much.

21 And you can refer -- both sides can refer to the

22 witness here as Luke, by his first name.

23 Please proceed, Mr. Stege.

24

1 LUKE W.,
2 called as a witness on behalf of the State,
3 first having been duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. STEGE:
7 Q. Good afternoon.
8 As you sit here today, how old are you?
9 A. I'm 17 years old.
10 Q. Where do you go to school?
11 A. I go to school at Galena.
12 Q. Have you always been at Galena?
13 A. I have.
14 Q. What part of town do you live in?
15 A. South Reno.
16 Q. What is the name of the street?
17 A. Romagnola Court.
18 Q. How do you spell that?
19 A. R-o-m-a-g-n-o-l-a.
20 Q. Are you familiar with Welcome Way?
21 A. I am.
22 Q. Is that -- where is that in relation to where you
23 live?
24 A. It's up Zolezzi, about five minutes, seven minutes

1 from my house.

2 Q. I want to direct your attention back to February 11th
3 of 2020. Something happened that evening that brings you to
4 court this afternoon.

5 A. Yup.

6 Q. What? What happened?

7 A. Well, Ashlyn and I, we had just finished watching a
8 Manogue basketball game.

9 Q. Where?

10 A. At Manogue. And we just hung out after the game.
11 The game ended about 9:00, 9:10-ish. We left the basketball
12 game. We went up to the Welcome Way view, which is about 10
13 minutes, so we got there about 9:20. And then we sat there,
14 talked, hung out, listened to music.

15 As we were driving into it, I saw an older truck,
16 with its headlights on. And I -- personally, I enjoy truck
17 stuff, so I was like, "Oh, it's a late '90s, early 2000
18 truck." Most of those headlights are manual, so you have to
19 turn them on and off yourself, so I figured: Oh, this
20 gentleman or lady forgot to turn their headlights off. Not a
21 big deal.

22 We just kept going, kept driving. Parked probably 50
23 yards from them down the street. No movement, nothing.
24 Nothing else happened. Sat there.

1 And then Ashlyn had to be home by 10:00 o'clock, so
2 we left at about 9:50, 9:55. And I got her home, and we
3 went -- or I went home. And that was the rest of it.

4 Q. And what was the next you heard of the significance
5 of that cul-de-sac?

6 A. Oh, yeah. So the next day, the gal I was with, she
7 texted me, like, a picture of whatever the news was, or the
8 article was. And we were like: Holy cow. We were up there.
9 We were up there last night. So we called Secret Witness,
10 and decided we would -- yeah.

11 Q. And here you are.

12 A. Here I am.

13 Q. Okay. Let's sort of go through some of what you
14 said. Okay?

15 A. Okay.

16 Q. You left the basketball game approximately what time,
17 do you think?

18 A. About 9:10.

19 Q. And what were you driving?

20 A. I was driving my 2000 F-350 that's white. Yeah.

21 Q. And anything else -- any other way you can describe
22 it?

23 A. Wheels. Yeah, it's --

24 Q. Anything --

1 THE COURT: One person -- let's have one person talk
2 at a time.

3 Finish your question.

4 And then, Luke, if you could please wait until he is
5 finished.

6 Go ahead, sir.

7 THE WITNESS: Of course.

8 BY MR. STEGE:

9 Q. Can you describe what your truck looks like?

10 A. Yeah. It's a white 2000 F-350. It's got a four-
11 inch lift, with 35-inch tires, and black rims. It didn't
12 have that at the time. Sorry. It was just stock rims, stock
13 tires at the time. But it is straight-piped, and it is
14 chipped, so it is louder than what a regular truck would be.

15 Q. And that's what it was at the time of this?

16 A. Yes, sir.

17 Q. What does "straight-piped" mean?

18 A. It just means the truck is louder. There's no
19 muffler on the exhaust, so it's just louder.

20 Q. What kind of engine does this truck have?

21 A. 7.3.

22 Q. Gas or diesel?

23 A. That's a diesel engine.

24 Q. Resulting in a loud truck?

1 A. Yes, sir.

2 Q. Single cab? Double cab? Something else?

3 A. It's a crew cab, so it has four doors.

4 Q. Are all four doors like full-sized doors?

5 A. They are.

6 Q. You were driving with who?

7 A. Ashlyn.

8 Q. Ashlyn. Tell us if you recall what that truck looked
9 like that you --

10 A. Well, it was dark out, so I couldn't really tell a
11 whole lot about it. I just noticed the headlights were on.
12 They looked kind of like it was older truck, more
13 square-bodied. If I were to guess, probably late '90s, early
14 2000s. It looked kind of like brown or tan, something like a
15 dark color. Definitely wasn't white.

16 Q. Okay.

17 A. Yeah.

18 Q. And do you remember where it was?

19 A. I do. It was -- it seemed like right kind of by
20 their mailbox, facing -- it would be facing south.

21 Q. Is that something -- that location a place do you
22 think you could point out on a map?

23 A. I could.

24 Q. I'm going to direct your attention here to page 3 of

1 Exhibit 1. Do you recognize this to be the end of Welcome
2 Way?
3 A. I do.
4 Q. Can you point out where the truck that you saw was?
5 A. On this or --
6 Q. Actually, yes. You can touch it, and it will make a
7 mark. Maybe draw a square for where the truck was.
8 A. I'm not -- I'm assuming it's somewhere right in
9 there.
10 Q. Okay. And it was on that side of the street?
11 A. It was.
12 Q. Which way were the headlights facing?
13 A. They were facing this way.
14 Q. And as you drove by it, which side of the truck did
15 you drive on?
16 A. We would be driving on the passenger side.
17 Q. Okay. So, as a result, you saw the passenger side of
18 that truck?
19 A. What's that?
20 Q. When you drive by, you're looking at the passenger
21 side of that truck?
22 A. Yes, sir.
23 Q. Could you see into the truck?
24 A. No, I couldn't.

1 Q. Besides the lights being on, did anything seem out of
2 the ordinary with it?

3 A. Nope.

4 Q. Could you tell if the vehicle that you passed was
5 running, or if it was off?

6 A. I could not tell.

7 Q. Could you hear any music?

8 A. No.

9 Q. Would you have been able, do you think, to hear music
10 coming from that truck?

11 A. If it was loud enough, yeah.

12 Q. Where was it that you went down in the cul-de-sac?

13 A. We drove in. We parked right about here. And we
14 faced this way.

15 Q. For how long?

16 A. About 30 minutes, 40 minutes.

17 Q. And then you drove off to get her home?

18 A. Yup.

19 Q. Which path did you take from there?

20 A. To go home?

21 Q. Yeah, to go home. I'm wondering: Did you turn left
22 and make a circle, turn right, or something else?

23 A. I'm assuming I would -- I backed up here, and then I
24 pulled here, and then I backed there, and then I just pulled

1 out that way.

2 Q. You're assuming that. But do you have any specific
3 memory of how --

4 A. I don't remember, no.

5 Q. As a result of calling -- did you notice any
6 modifications -- since you're kind of being into trucks, any
7 modifications on this truck that you saw that you can tell?

8 A. No. It looked almost completely stock.

9 Q. How fast do you think you were going when you drove
10 by it going in?

11 A. I would say probably slow, five, 10 miles an hour. I
12 slowed down to kind of inspect the vehicle, just to see --
13 just to be aware of my surroundings.

14 Q. And what was your thinking that had happened there?

15 A. I just had assumed that somebody had forgot to turn
16 their lights off. And, yeah, we just drove past it. Didn't
17 see anybody inside because the windows were too dark. So we
18 just kept going with our night. And, yeah.

19 Q. When you're parked down there -- maybe I will give us
20 a fresh screen here. When you're parked down there, could
21 you see what was going on with this truck?

22 A. I could. I kept it in my rear-view mirror just to be
23 aware. Nothing moved, nothing changed from -- yeah -- what
24 we had seen when we pulled in.

1 Q. Did anyone else come into that cul-de-sac when you
2 were there?

3 A. No, they didn't.

4 Q. When you drove away, how fast do you think you drove
5 by the truck?

6 A. Probably five or 10 miles an hour.

7 MR. STEGE: Thank you.

8 I'll pass the witness.

9 THE COURT: Thank you.

10 Any examination by the defense?

11 CROSS-EXAMINATION

12 BY MS. GARCIA:

13 Q. Had you been to that cul-de-sac before?

14 A. I had.

15 Q. How many times?

16 A. Once.

17 Q. And how come you would go to that cul-de-sac?

18 A. Ashlyn lives around there.

19 Q. And you just go to hang out?

20 A. Yes, ma'am.

21 Q. Look out over the lights of the city?

22 A. Yes, ma'am.

23 Q. So when you're parked in the cul-de-sac, you were
24 generally looking north?

1 A. Yes, ma'am.

2 Q. When you took Ashlyn home, did you drive down Welcome

3 Way and turn on Rock Haven, or did you continue straight down

4 Welcome Way?

5 A. What do you mean?

6 Q. Are you familiar with the area?

7 A. I am.

8 Q. Are you familiar with the fact that Welcome Way and

9 Rock Haven intersect?

10 A. Yes, ma'am.

11 Q. All right. Are you aware of whether you turned

12 either left or right onto Rock Haven or whether you continued

13 straight on Welcome Way?

14 A. Leaving, I turned left onto Thomas Creek.

15 Q. From Welcome Way?

16 A. Yes, ma'am.

17 Q. You took Welcome Way past Rock Haven, continued down,

18 and it intersected with Thomas Creek; correct?

19 A. Yes, ma'am.

20 MS. GARCIA: Thank you.

21 I don't have anything further.

22 THE COURT: Anything else, Mr. Stege?

23 MR. STEGE: Yes.

24

1 REDIRECT EXAMINATION

2 BY MR. STEGE:

3 Q. Is that the way you went up Welcome Way? Did you
4 turn off Thomas Creek, on Welcome, to the end of Welcome?

5 A. Yup.

6 MR. STEGE: Thank you.

7 Nothing further.

8 THE COURT: All right. Thank you.

9 All right, Luke. Thank you very much. You may step
10 down.

11 THE WITNESS: Thank you.

12 THE COURT: I hope you have a nice rest of the
13 afternoon.

14 THE WITNESS: You, as well.

15 (Witness excused.)

16 THE COURT: Mr. Stege, please call the State's next
17 witness.

18 MR. STEGE: Ashlyn C.

19 THE COURT: Mr. Stege, tell me if I have this right.
20 It looks like she was preliminarily identified in the witness
21 list as Aspen, as opposed to Ashlyn?

22 MR. STEGE: No.

23 THE COURT: That's a different person?

24 MR. STEGE: A different person, yes. It may be

1 miswritten as "Ashley."
2 THE COURT: Okay. There it is. Yes, I see it now.
3 Okay.
4 Good afternoon, ma'am. Welcome.
5 As my bailiff just told you, please raise your right
6 hand to be sworn.
7 (Witness sworn.)
8 THE COURT: Thank you. Please have a seat up here.
9 All right. And once you get comfortable, please
10 slide your chair in, get pretty close to the microphone.
11 You're encouraged to take your mask off or slide it down.
12 Thank you.
13 Then if you would tell us your first name only and
14 the first letter of your second name.
15 THE WITNESS: Ashlyn C.
16 THE COURT: Thank you very much.
17 And one other question. How old are you, please?
18 THE WITNESS: I'm 16.
19 THE COURT: Very good.
20 Please proceed.
21
22
23
24

1 ASHLYN C.,
2 called as a witness on behalf of the State,
3 first having been duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. STEGE:
7 Q. How long have you lived in Washoe County?
8 A. My whole life.
9 Q. Are you familiar with the area of Thomas Creek and
10 Zolezzi?
11 A. Yes.
12 Q. Is that an area that is within or close to where you
13 live?
14 A. Yes.
15 Q. And how long have you lived in that area, that part
16 of town?
17 A. About six years.
18 Q. Are you familiar with Welcome Way?
19 A. Yes.
20 Q. Is that close to your house?
21 A. Yeah.
22 Q. I want to direct your attention back to -- what high
23 school do you go to?
24 A. Galena High School.

1 Q. Do you know the young man who just left the
2 courtroom?

3 A. Yes.

4 Q. I want to direct your attention to February 11th of
5 2020. Did something happen that evening that brings you to
6 court this afternoon?

7 A. Yes.

8 Q. What happened?

9 A. Me and Luke were at the Galena-Manogue basketball
10 game, and we left, and we saw a car with its lights on near a
11 view, that's also close to my house.

12 Q. Okay. Where was the game?

13 A. It was at Manogue.

14 Q. So you left Manogue, and you went to where?

15 A. Up to the end of Welcome Way, because there's a view
16 that looks towards the city there.

17 Q. And in what vehicle were you in?

18 A. I was in Luke's truck.

19 Q. And who was driving?

20 A. Luke.

21 Q. What did you see at Welcome Way near the view?

22 A. Near the view I saw a dark-colored car, with the
23 headlights on.

24 Q. What type of car do you think it was?

1 A. It was an early 2000 Chevy, either SUV or truck.

2 Q. And where, in particular, was it parked?

3 A. You could say that it would be going on the wrong
4 side of the road, because it was on the right side, and the
5 headlights were facing away from the city, so they were
6 facing south -- or no. East. Or no. Sorry.

7 THE COURT: Would it help if we had a diagram of the
8 street?

9 THE WITNESS: Yes, please.

10 THE COURT: Would you put one up, please, Mr. Stege.

11 MR. STEGE: Yes.

12 THE COURT: And, Ashlyn, there will be questions, I
13 believe, in a moment. This particular screen in front of
14 you, if you touch it with your finger or your fingernail, you
15 can actually draw on it, and it will show up on our screen.
16 So in a moment Mr. Stege may ask you some questions regarding
17 that.

18 Go ahead, sir.

19 BY MR. STEGE:

20 Q. All right. Do you see where this vehicle was parked
21 on this exhibit?

22 A. Yes.

23 Q. Will you please indicate for us this afternoon
24 perhaps by drawing a square right where you saw the vehicle.

1 A. Like, it was on this street. That's a little bit off
2 the street.

3 Q. If you were to move the map off, it might be
4 something like that?

5 A. Uh-huh.

6 Q. Okay. Would you draw an arrow which way the lights
7 were facing, please.

8 Its headlights were on?

9 A. Yes.

10 Q. Did you notice anything else unusual about it?

11 A. No.

12 Q. Could you tell if the engine of that vehicle was on
13 or off?

14 A. I could not.

15 Q. Could you hear anything in relation to the car?

16 A. No, because we had music playing.

17 Q. And as you drove by, what happened next?

18 A. Nothing. It stayed the same the entire time we were
19 there.

20 Q. Where were you when you were there?

21 A. I was down at the end of the cul-de-sac.

22 Q. Can you draw where the vehicle you were in was?

23 A. Yes.

24 Q. And an arrow which way facing.

1 So facing away from this vehicle?

2 A. Yes.

3 Q. Did you have occasion to look at the vehicle while

4 you were there, or you just -- were you doing something else?

5 A. We just didn't really pay any attention to it after.

6 Q. What time do you think it was that you got to this --

7 drove by this vehicle?

8 A. I'd say around 9:20.

9 Q. And how long did you stay at the view?

10 A. About 30 minutes.

11 Q. So that would put you leaving about 9:40, or do you

12 have a more particular idea of when you left?

13 A. Probably around 9:50, 9:55 maybe.

14 Q. And why -- anything in particular about why close to

15 10:00?

16 A. Because my curfew was probably at 10:00.

17 Q. And your house is close enough to get there with five

18 or 10 minutes to spare?

19 A. Yes.

20 Q. Do you recall how Luke drove the truck out? For

21 example, did he loop around? Did he have to back up?

22 A. He probably just took that loop and turned around.

23 Q. Do you have a specific memory of how he drove, or

24 that's sort of what you are thinking or guessing?

1 A. I don't have a specific memory, no.

2 Q. Do you have any recollection of what you saw as you

3 drove past -- back past this vehicle?

4 A. Just that the car was still there, and the lights

5 were still on.

6 Q. Could you see into the passenger area of the vehicle?

7 A. No.

8 Q. Did you try to look in there?

9 A. No.

10 Q. How fast -- do you drive now?

11 A. Yes.

12 Q. So do you have a sense of -- you probably have a

13 pretty good sense of speed.

14 A. Yeah.

15 Q. Okay. Driving past it to go into the cul-de-sac, how

16 fast do you think Luke was driving?

17 A. Pretty slow, because I think we were just talking

18 about how the car lights were on. And we weren't speeding or

19 anything. We were probably either going the speed limit or a

20 little bit under.

21 Q. And leaving the cul-de-sac, the speed there, you

22 think?

23 A. Probably 25. Probably just residential.

24 MR. STEGE: Thank you.

1 I will pass the witness.

2 THE COURT: Thank you.

3 Ms. Garcia, examination.

4 MS. GARCIA: No questions for this witness.

5 THE COURT: Very good.

6 So, Ashlyn, thank you for your testimony. You're

7 free to go. You may step down.

8 And I wish you a pleasant rest of the afternoon.

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

10 THE COURT: You're welcome.

11 (Witness excused.)

12 THE COURT: Thank you, Deputy.

13 Counsel -- I mean, ladies and gentlemen of the jury,

14 feel free to stand up and stretch.

15 Mr. Stege, please call the State's next witness.

16 MR. STEGE: Jason Daniels.

17 (Witness sworn.)

18 THE COURT: Thank you.

19 Mr. Daniels, you may have a seat.

20 A couple things.

21 Number one, please make yourself comfortable. Feel

22 free to slide the chair in, out, any way you'd like.

23 Number two, because of the acoustics and some fans

24 going on here, we're encouraging everyone to speak loudly and

1 fairly close to the microphone, maybe two, three, four inches
2 away.

3 Number three, the record should reflect Mr. Daniels
4 brought in a small folder with him, and so it's up on the
5 desk, in case counsel didn't notice that.

6 And then, fourth, Mr. Stege, please proceed.

7 MR. STEGE: Thank you.

8 JASON DANIELS,
9 called as a witness on behalf of the State,
10 first having been duly sworn,
11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. STEGE:

14 Q. State and spell your name.

15 A. Jason Daniels. J-a-s-o-n, D-a-n-i-e-l-s.

16 Q. Detective, please --

17 THE COURT: A little bit closer to the microphone, if
18 you would.

19 THE WITNESS: Okay.

20 THE COURT: We did get the spelling.

21 Go ahead.

22 BY MR. STEGE:

23 Q. Err on the side of too loud, please.

24 You're a detective with what agency?

1 A. With the Reno Police Department.

2 Q. How long have you been a detective?

3 A. Approximately 18 years. I'm sorry. I've been with

4 the department for 18 years. I'd say six or seven as a

5 detective.

6 Q. In what parts of the Detective Division have you

7 worked?

8 A. I've worked in Family Crimes, Burglary, the Homicide

9 Unit, various units.

10 Q. Did you have any role in the investigation in this

11 case?

12 A. Yes, sir, I did.

13 Q. And with any specificity as to collection of video?

14 A. Yes, sir.

15 Q. Can you talk about that particular role, please.

16 A. Yes. In February, I was tasked with going down to

17 Murrieta's Mexican Restaurant at south Reno to ascertain

18 whether or not there was a video surveillance system in the

19 restaurant.

20 Q. What was the answer to that inquiry?

21 A. Yes, there was.

22 Q. And what did you do to further that -- what did you

23 do once you learned that?

24 A. I reviewed video, with the approval of one of the

1 owners there, and asked them to put a blockage of time that I
2 requested onto a USB drive, and then took that back to the
3 station.

4 Q. And were you familiar with -- were you involved in
5 the initial scene investigation related to this case?

6 A. No, sir, I was not.

7 Q. But you were aware that RPD had been asked to have
8 taken over the case?

9 A. Yes, sir; that's correct.

10 Q. Do you recall when it was that you went to
11 Murrieta's?

12 A. Yes. I believe it was the 21st of February.

13 Q. What, in particular, were you looking for on
14 surveillance at Murrieta's?

15 A. I was looking for Mr. Wayne Cameron, to see if he had
16 made an appearance at the restaurant that night.

17 Q. How did you know what Wayne Cameron looked like?

18 A. I was sitting in the station when Detective Nevills
19 and Detective Smith initially brought Wayne Cameron in, and
20 he walked past me. That's when I saw him.

21 Q. From there you went to Murrieta's. You became aware
22 Murrieta's might be --

23 A. Shortly thereafter, as I was watching the interview,
24 yes.

1 Q. And that took you to Murrieta's?

2 A. Yes.

3 Q. Where is Murrieta's? What part of town? Like, what
4 street is it on?

5 A. It's on South Virginia. It's like the 8000 block of
6 South Virginia. It's located down there near like the
7 shopping center where the old Scolari's is, where In-N-Out
8 restaurant is.

9 Q. Are you familiar with where the crime scene is in
10 this case: Welcome Way?

11 A. Yes, I am.

12 Q. Are you also familiar with the residence of Wayne
13 Cameron at La Paz Court?

14 A. Yes.

15 Q. What streets would one take driving from Murrieta's
16 to either of those locations?

17 A. So there's a couple different ways you can go.

18 You could take South Virginia to Foothill and cut
19 over. You can go down to Zolezzi and cut over. There's
20 probably three ways that you can go.

21 Q. Okay. What -- once you got the surveillance from
22 Murrieta's, what did you do with it?

23 A. Went back to the main -- I'm sorry -- the police
24 department. The idea was to essentially preserve it at that

1 time. And then approximately four days later I actually
2 reviewed the footage in depth.

3 Q. Did you make any efforts when you're there at
4 Murrieta's to document whether the time-stamp on the video
5 was accurate?

6 A. I did. So when I initially start reviewing the video
7 there, I noticed that there's quite a delay with the time.
8 And I asked the manager if that was like that at the time of
9 the recording. He said it was. And I made a point to notice
10 that it was approximately three hours and 45 minutes fast.

11 Q. And so, as a result, you then looked at the
12 surveillance you had collected from -- what day did you
13 collect the video from?

14 A. I would say it was the 20th or 21st. And it was
15 video from the 11th.

16 Q. So you're looking at what happened on the day of the
17 offense?

18 A. That's correct.

19 Q. What, if anything, did you see?

20 A. We do see real-time. At approximately 7:40 p.m., you
21 see Wayne Cameron enter the restaurant. Shortly after
22 entering, he walks deep into the restaurant, where he's out
23 of camera angle.

24 I continue to watch the footage to see when he

1 leaves. He leaves at approximately 8:30. He's there at the
2 restaurant for about 50 minutes.

3 Q. Did you document --

4 MR. STEGE: I now publish what's been admitted by
5 stipulation as Exhibit 16, one, six.

6 THE COURT: You may publish.

7 Detective, just for clarification for the Court, you
8 used the phrase "real-time." Is that meaning, whatever we're
9 going to see, you subtracted three hours and 45 minutes from
10 what it shows?

11 THE WITNESS: That is correct, Your Honor. When I
12 say "real-time" and what the actual time was, at the time
13 that the surveillance was recorded.

14 THE COURT: Based on your discussion with the owner
15 of the restaurant that the time-stamp runs fast?

16 THE WITNESS: That's correct.

17 It was -- can I continue speaking? It was relatively
18 easy for me at that time because it was also on the bottom,
19 and I could see the footage was like 3:45. It was easy to
20 see a three-hour-45-minute difference.

21 THE COURT: Not to do everyone else's work, but just
22 so I'm clear. When he told you that, did he say it was like
23 that on the day that alleges to show him there?

24 THE WITNESS: That's correct.

1 THE COURT: In other words, like a couple weeks
2 later?

3 THE WITNESS: Correct. There had been no change.

4 THE COURT: Thank you.

5 Please proceed.

6 BY MR. STEGE:

7 Q. Detective, let's go -- in this first video, let's
8 pick it up at time-stamp 23:25:56.

9 (Video playing.)

10 BY MR. STEGE:

11 Q. What part of is -- what part of Murrieta's is this?

12 A. This is the entry, exit, main doors located at the
13 front of the restaurant.

14 (Video stopped.)

15 BY MR. STEGE:

16 Q. Pausing here at time-stamp 23:26:37.

17 What are we seeing here?

18 A. This is Mr. Wayne Cameron. I surmise that he's
19 wearing an Under Armour logo sweatshirt and blue jeans.

20 Q. You indicated -- what time -- subtracting the 3:45,
21 what time was Mr. Cameron's entrance to the restaurant?

22 A. 19:41, or 7:41 p.m.

23 Q. From here, do we see him on this camera again?

24 A. I don't recall seeing him again until -- or maybe I

1 just focused on when he actually exits the restaurant. There
2 may be a time when he walks by. I don't know if the camera
3 really catches it that well.

4 Q. Okay. Let's move to the second clip.

5 (Video playing.)

6 BY MR. STEGE:

7 Q. Let's pick up at 00:14:13.

8 Did you see that gentleman who just walked by?

9 A. Yes, I did.

10 Q. Did you recognize that person?

11 A. Yes. That's the same. Wayne Cameron.

12 (Video stopped.)

13 BY MR. STEGE:

14 Q. Are you familiar with the layout of this restaurant?

15 A. I don't think I've ever ate in there. Just the time
16 I went to get the video.

17 Q. Question, then: Do you know what's over here, as
18 opposed to, like, off to the screen right or versus the
19 screen bottom right?

20 A. I do know, toward the bottom, if you went to -- let's
21 see how to describe. If you went toward -- back, toward the
22 rear, straight back is the bar. I know there's tables on
23 both sides.

24 Q. Okay. Let's continue.

1 (Video playing.)
2 BY MR. STEGE:
3 Q. Let's pause at 00:15:36.
4 (Video stopped.)
5 BY MR. STEGE:
6 Q. Did you recognize the person we just saw?
7 A. Yes, sir.
8 Q. Who was that?
9 A. That's Wayne Cameron.
10 Q. If we note the entry at 7:41 p.m., what time is this
11 00:15 exit?
12 A. 8:30 p.m., or 2030 hours military time.
13 MR. STEGE: Thank you.
14 Pass the witness.
15 THE COURT: Thank you.
16 Examination by the defense.
17 CROSS-EXAMINATION
18 BY MS. GARCIA:
19 Q. You were tasked with obtaining the video based on
20 what Mr. Cameron told detectives in an interview; correct?
21 A. That's correct.
22 Q. So you went and retrieved the video that showed that
23 Mr. Cameron's statements regarding Murrieta's were correct?
24 A. That's correct.

1 MS. GARCIA: Nothing further.

2 THE COURT: Anything else from the State?

3 All right, Detective Daniels. Thank you so much for

4 your testimony. You may step down.

5 THE WITNESS: Thank you.

6 (Witness excused.)

7 THE COURT: Mr. Stege, go ahead and turn off that

8 exhibit, if you would, please, and then I'll have you call in

9 a moment your next witness.

10 MR. STEGE: Karen Faust, please.

11 THE COURT: Good afternoon, Ms. Faust.

12 As the deputy suggested, please come forward, address

13 my court clerk, raise your right hand. That's good right

14 there. Be sworn the oath of witness.

15 (Witness sworn.)

16 THE COURT: Thank you.

17 Please come up to the witness stand, ma'am, and have

18 a seat. And please make yourself as comfortable as you can.

19 Slide the chair in. Seems like you're doing that. You can

20 take the microphone, bend it down so it's more close to your

21 mouth. Please remove the mask, so we can see and hear you

22 better. And try to speak fairly closely to the microphone,

23 if you would, so we can make sure we pick everything up.

24 Speak loudly.

1 If you would please state your name and spell your
2 last name.

3 THE WITNESS: My name is Karen Faust. It's
4 F-a-u-s-t.

5 THE COURT: Thank you very much.
6 Please proceed.

7 KAREN FAUST,
8 called as a witness on behalf of the State,
9 first having been duly sworn,
10 was examined and testified as follows:
11 DIRECT EXAMINATION

12 BY MR. STEGE:

13 Q. How long have you lived in the Washoe County area?
14 A. My whole life.

15 Q. And back in 2020, what address did you live at?
16 A. 13405 Fieldcreek Lane, Reno, 89511.

17 Q. What are the major cross-streets near your home?
18 A. Zolezzi and Arrow Creek.

19 Q. And who lived with you on February 11th at that
20 address?
21 A. My husband, Craig Faust.

22 THE COURT: Take your time.

23 THE WITNESS: Excuse me.

24 THE COURT: Of course. Take your time.

1 THE WITNESS: My son, Jarrod Faust.
2 Sorry.
3 BY MR. STEGE:
4 Q. How old was Jarrod?
5 A. Jarrod was 29.
6 Q. On February 11th, when was the last time you saw
7 Jarrod?
8 A. At about 8:15 that night.
9 Q. Tell us the circumstances --
10 MR. PICKER: I'm sorry, Your Honor. I'm having a
11 really hard time hearing Miss Faust.
12 THE COURT: Say that one more time.
13 MR. PICKER: I'm having a really hard time hearing
14 Miss Faust. If she can -- I didn't hear the last answer, at
15 all.
16 THE COURT: Okay. Ms. Faust, I know this is
17 difficult. And you're not alone in that. It's difficult to
18 hear you. The acoustics in this courtroom are still being
19 developed. But if you would kindly get just a little bit
20 closer to the microphone. You can slide it even closer to
21 you.
22 And repeat, if you would, your last answer, which I
23 think was -- the question was what time you believe you last
24 saw your son.

1 BY MR. STEGE:

2 Q. You last saw Jarrod.

3 A. At 8:15 that night.

4 THE COURT: That's much better, ma'am.

5 Thank you.

6 BY MR. STEGE:

7 Q. Under what circumstances? What happened? What was
8 the last thing that you saw him alive doing?

9 A. We were watching a TV show, and he said that he was
10 going to go down to the gym for a quick workout, and that he
11 would be back shortly, and "Goodbye."

12 Q. And how did he leave, or in what vehicle did he
13 leave?

14 A. He drives a 2005 Chevy Silverado pickup truck, gold
15 color.

16 Q. And as to that specific time, how does that time
17 stick out in your mind, or why does it?

18 A. Well, we were -- he was supposed to be -- he was
19 going to help us move a couch into another room, because
20 another one was being delivered the next day. And he said
21 that he would help Craig, his dad, move it when he got back;
22 that he wasn't going to be very long, just a quick workout.
23 So that's why I remember it.

24 MR. STEGE: May I approach the witness?

1 THE COURT: You may.
2 BY MR. STEGE:
3 Q. Ma'am, I'm showing you page 69 of admitted Exhibit
4 22. Can you turn that exhibit over and please tell me if you
5 recognize the person depicted in that photo.
6 A. It's -- it's my son Jarrod's driver's license.
7 MR. STEGE: Thank you.
8 Pass the witness.
9 THE COURT: Thank you.
10 Now, just so we're clear, 69, according to my list,
11 has been reserved.
12 MR. STEGE: I'm sorry. That's page 69 of Exhibit 22,
13 the driver's license.
14 THE COURT: Beg your pardon. I misunderstood. Thank
15 you.
16 Examination by the defense.
17 CROSS-EXAMINATION
18 BY MR. PICKER:
19 Q. Good afternoon, Miss Faust.
20 A. Good afternoon.
21 Q. Did Jarrod often go to the gym late in the evenings?
22 A. Yes.
23 Q. Okay. Or I guess you said he said it was a quick
24 workout.

1 A. Yes.

2 Q. And how long would he typically be gone during these
3 workouts?

4 A. About an hour and a half maybe.

5 Q. And do you know or did he tell you that night which
6 gym he was going to?

7 A. He always went to south RAC.

8 Q. I want to make sure I understand. It's a 2000 -- his
9 vehicle is a 2005 Chevy Silverado, and it was gold in color.
10 Is that what you said?

11 A. Tan, gold. Yeah.

12 Q. Okay. Was it a -- sorry. Was it a daily routine of
13 Jarrod's to go to the gym? Did he go pretty much every day?

14 A. Yeah. He always went to the gym every day in the
15 morning, and then sometimes, you know, fairly often at night.

16 Q. So he would work out two, three times a day?

17 A. I never really knew him to work out three times a
18 day, but, you know, a fair amount of time, two times.

19 Q. Okay. So let me correct myself. At least two times
20 a day most days?

21 A. I wouldn't say most days.

22 Q. Well, you said it was fairly often. I'm just trying
23 to --

24 MR. STEGE: I object.

1 MR. PICKER: Sorry. Don't mean to argue. I'm just
2 trying to clear it up.

3 MR. STEGE: Here's my objection: Relevance.

4 THE COURT: The relevance objection is denied. I'll
5 give you some leeway here. But let's make sure we're
6 communicating.

7 You stated, ma'am, your son worked out almost every
8 day. Did I understand correctly: occasionally more than
9 once a day?

10 THE WITNESS: Yes.

11 MR. PICKER: Okay. Thank you, Your Honor.
12 Because -- I'll leave it at that.

13 BY MR. PICKER:

14 Q. Do you know if there was any damage, physical damage
15 to that pickup before -- or before that day?

16 A. Yes.

17 Q. There was?

18 A. Yes.

19 Q. Okay. Where was the damage?

20 A. I think there were some -- maybe some scratches or
21 small dents on the rear bumper -- I mean -- I'm sorry -- rear
22 tail of the bed of the truck.

23 Q. But nothing other than scratches or dents?

24 A. No. Not that I recall.

1 MR. PICKER: Okay. Thank you very much.
2 THE COURT: Thank you.
3 Mr. Stege, anything else?
4 MR. STEGE: Only -- I have no further questions.
5 I direct the Court's attention to NRS 50.155 and ask
6 that the witness be released from the rule of exclusion.
7 THE COURT: Well, so you're reading the Court's mind,
8 which is to ask if counsel -- first of all, is she under
9 subpoena, or was she not subpoenaed by either party?
10 MR. STEGE: I believe she was subpoenaed. Yes.
11 THE COURT: So the question is: Will the State --
12 the State is asking the Court to release her from her
13 subpoena; is that correct?
14 MR. STEGE: Yes. And also, under that particular
15 section, Sub (3) allows for her release.
16 THE COURT: Any objection from the defense?
17 MR. PICKER: Your Honor, I'm not trying to sound
18 unfeeling, but no issue with her staying, as long as there's
19 only three on each side, three observers from each.
20 THE COURT: Okay. In terms of being released from
21 the rule of exclusion because her testimony is now completed,
22 no objection from the defense?
23 MR. PICKER: No objection to that, Your Honor.
24 THE COURT: All right. Thank you.

1 Ma'am, you're excused. You may step down from the
2 witness stand.

3 The Court has previously indicated that each side to
4 this matter may have up to three family members or friends or
5 concerned parties observe, the limit being for public safety
6 on account of the pandemic.

7 So you're at this point, though, released from the
8 rule of exclusion, which would otherwise prohibit you from
9 observing this trial until you've testified. You now have.
10 You're no longer under that exclusion.

11 The exclusion for both sides, though, to have no more
12 than three people remains in effect.

13 Now, I did notice one of the people that were
14 interested in this matter has exited the courtroom. I'm not
15 sure if that's because she's just having a comfort break or
16 was prepared to allow you to take her seat. But in any
17 event, it will still be three per side, unless the Court
18 modifies that order later. Okay.

19 THE WITNESS: Yes.

20 THE COURT: You understood all that. Thank you very
21 much. You may step down, ma'am.

22 (Witness excused.)

23 THE COURT: Deputy, if you would, please, as you
24 have, in a moment clean the witness station.

1 Mr. Stege, I'd ask you to call, please, the State's
2 next witness.

3 Ladies and gentlemen, feel free to stand up and
4 stretch.

5 MR. STEGE: Dave Colarchik.

6 THE COURT: Good afternoon, sir.

7 If you'd please address the court clerk and raise
8 your hand to be sworn.

9 (Witness sworn.)

10 THE COURT: Please have a seat on the witness stand.

11 Please make yourself comfortable, slide in. Go ahead
12 and remove your mask, please, so we can see you and hear you
13 better. If you would please get fairly close to the
14 microphone, speak loudly, and tell us your name, and please
15 slowly spell your last name.

16 THE WITNESS: David Colarchik, C-o-l-a-r-c-h-i-k.

17 THE COURT: Thank you very much.

18 Mr. Stege, please proceed.

19

20

21

22

23

24

1 DAVID COLARCHIK,
2 called as a witness on behalf of the State,
3 first having been duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. STEGE:
7 Q. Good afternoon, sir.
8 How long have you lived in the Washoe County area?
9 A. Twenty-one years, since 2000.
10 Q. And in what line of business are you in?
11 A. I'm in the mortgage business.
12 Q. Do you or did you know a person by the name of Wayne
13 Cameron?
14 A. Yes, I did.
15 Q. How did you know him?
16 A. I met him when he was the manager of Wells Fargo Bank
17 back in the day, 2000, 2001. Got to know him over the years
18 since then.
19 Q. Would you say the two of you became friends?
20 A. We became very good friends.
21 Q. And as an example, would you guys do stuff together
22 on the weekends, evenings, stuff like that?
23 A. Yeah. We hung out -- we traveled together,
24 vacationed, spent time on the boat. Spent a lot of time

1 together.

2 Q. And let's move up to February 11th of 2020. Did you
3 receive communication from Wayne Cameron on that evening?

4 A. I believe that that was a Tuesday, I think. I don't
5 remember the specific day, but I believe so.

6 Q. Okay. What was going on in your life on that
7 Tuesday, the date that brings you to court today?

8 A. It was two days before I was having heart surgery. I
9 was down in the Bay Area. I was at a hotel, getting ready
10 for my angiogram the next day.

11 Q. And so, as of the next day, you had an angiogram, and
12 the day subsequent to that or the days after that you were
13 having your surgery?

14 A. Correct.

15 Q. Where, specifically, were you?

16 A. Redwood City.

17 Q. And up until then, of course, had you, as a
18 consequence of your friendship, texted Wayne Cameron over the
19 course of your friendship?

20 A. Yes.

21 Q. And phone calls, as well?

22 A. Yes.

23 Q. Okay. So did you that evening receive any
24 communications from Wayne Cameron?

1 A. Yeah. I received a text.

2 Q. Okay. Do you recall what the text said?

3 A. I think it said, "Are you up?"

4 Q. And do you recall when this was, the time?

5 A. I think it was about 9:30, 9:45 in the evening.

6 Q. Did you respond to that text?

7 A. Yes. Yeah. I believe I said, "Yes."

8 Q. And then what happened?

9 A. I think he said "Talk," question mark. And I believe

10 I just called him.

11 Q. And please tell us about that conversation.

12 A. Well, we just started off kind of like normal. And

13 within a few -- pretty early on in the conversation, I recall

14 him saying, I believe -- or, "You're not going to believe

15 what happened to me tonight."

16 I was, like, "What?"

17 He says, "You're never going to believe what

18 happened."

19 And I was kind of surprised, kind of saying "What?"

20 And I think there was some reluctance about sharing

21 that information.

22 And he said, "Well, you can't ever tell anybody about

23 this, not even Katie."

24 And then, at that point, I was talking with the cell

1 phone on my chest because I was laying in bed, on speaker
2 phone, and I took it off speaker phone. And I started
3 walking around the hotel room, walking over toward the
4 bathroom, away from the bed, to have the conversation.

5 I said, eventually, "What happened?"

6 And he replied that -- at some point, he said, "I
7 think I just shot someone."

8 And I said, "What?"

9 I was kind of beside myself at that point, because
10 that was pretty shocking. I wasn't really expecting
11 something along those lines.

12 And he said, "I think I just shot someone."

13 And, again, I was kind of beside myself.

14 And at some point, I asked questions like, "Why?" or
15 "What?" or whatnot.

16 And he said, "I hate when people make me mad. I
17 don't know why I get so angry."

18 And again I asked questions. I was trying to find
19 out why, what, or what was going on.

20 And he said, "I hate that I know the law."

21 And I said, "Why?"

22 And he says, "Well, I'm the one that got out of the
23 car."

24 I'm, like, "What do you mean?"

1 He says, "I went up -- I'm the one that got out of
2 the car and went up to him."

3 Again, at that point, I'm still -- my mind is reeling
4 because I can't really -- I'm just in shock. And the
5 conversation just kind of meandered from there.

6 Those are the three critical points that I clearly
7 remember.

8 Q. The defendant said, "You can never tell Katie";
9 right?

10 A. Something along those lines. Correct.

11 Q. And who is Katie?

12 A. Katie is my wife. I was laying in bed with her.

13 Q. So that's why you got up and went into the other
14 room?

15 A. Correct.

16 Q. And that particular statement, "I hate that I know
17 the law," do you know the context for that, or what -- any
18 sort of reference that Mr. Cameron was speaking of?

19 A. Only what I could surmise.

20 Q. In this conversation, was your impression that this
21 was a thing that had just happened, recent?

22 A. Yeah. Just like within minutes, if not --
23 certainly quick.

24 Q. What can you say about the tone of Mr. Cameron's

1 voice?

2 A. It was maybe scattered, just kind of -- the
3 conversation was all over the place. So it wasn't -- there
4 was a nervous nature about it.

5 Q. Could you tell if Mr. Cameron had been drinking?

6 A. Not necessarily.

7 Q. Did he say what he had been doing up until that
8 point?

9 A. Not that I recall.

10 Q. And, as you recall, was this sort of the main reason
11 that he called you or wanted to talk to you, was, "You'll
12 never believe what happened to me"?

13 A. Yes.

14 Q. Do you know about how long you two were on the phone?

15 A. It's been a long time. Fifteen minutes maybe.

16 Q. And what happens when the phone call is over?

17 A. I hung up. And my wife came up to me. "What did
18 Wayne say?" And I just kind of looked at her with really
19 kind of a death stare.

20 I said that, "You can never ask me about this
21 conversation ever again, and just let it go. I need you to
22 let this one go."

23 And she was good. She just -- she didn't say
24 anything. She let it go. And we went to bed.

1 Q. What's sort of the next thing that happens in
2 relation to these statements made by Mr. Cameron to you?

3 A. I think, at some point, you know, 2:00 or 3:00 in the
4 morning, I might have texted him and said, "Are you okay?"

5 Q. Did he text you back?

6 A. I think so, yes. I believe he said, "Yes."

7 Q. That next day you had your procedure, or the testing
8 for your procedure?

9 A. Yup.

10 Q. And the day after that, your medical procedure?

11 A. Yes.

12 Q. And were you in recovery for some time?

13 A. I believe four days, four, five days.

14 Q. Did you ever talk about this -- these statements, "I
15 think I just shot somebody. I hate when people make me mad,"
16 did you ever do any investigation or look into what had been
17 going on on that date?

18 A. Oh, yeah. The very next morning I Googled "Crimes in
19 Reno," and then I saw that there was a murder in Reno. And I
20 was kind of shocked in relation to the phone call. And, of
21 course, every day in recovery I was Googling it to find out
22 if there had been any suspects.

23 Q. And did you learn from the media reports of the
24 location of where the killing had occurred?

1 A. Yeah. I knew it was fairly close to where Wayne
2 lived.

3 Q. What sort of happened next to bring -- well, did you
4 ever tell the police about these statements?

5 A. Eventually, yeah.

6 Q. How did that come to pass?

7 A. Well, when I left the hospital, I realized -- I still
8 hadn't told my wife, and at some point I realized I had to
9 tell her. So we talked. I had the conversation with her.

10 And because of the magnitude of the matter on my
11 mind, I didn't want to tell anybody else, so I contacted an
12 attorney, and then expressed it to the attorney, who then put
13 me in touch with the Reno Police Department.

14 Q. And at which point you came in and told them about
15 these statements made to you by Mr. Cameron?

16 A. Correct.

17 Q. In the course of that -- your interview with the
18 detectives, did you allow them to look at your cell phone to
19 see when the texting and phone calls had occurred?

20 A. Yes.

21 Q. And, to your knowledge, is that a thing they did?

22 A. Yes.

23 Q. After your interview, did you become aware of whether
24 the detectives had interviewed Mr. Cameron?

1 A. At some point, yes. I think it was the next day, or
2 the same day that I went in.

3 Q. You learned that after your interview that the
4 detectives had interviewed the defendant?

5 A. After, yes. I was in a movie theater and got a phone
6 call.

7 Q. That they had interviewed him?

8 A. Correct.

9 Q. Do you see Wayne Cameron sitting in the courtroom
10 today?

11 A. Yes.

12 Q. Would you stand up and point to him, describe what
13 he's wearing.

14 A. Pink shirt. Pink shirt.

15 MR. STEGE: I ask that the record reflect the I.D. of
16 the defendant.

17 THE COURT: It will so reflect.

18 BY MR. STEGE:

19 Q. At some point after that you learned the defendant
20 had been interviewed by the police, did you receive a voice
21 mail from Wayne Cameron?

22 A. I think so, yes.

23 Q. Prior to taking the stand today, did you have
24 occasion to review a copy of a voice mail message?

1 A. Yes.

2 Q. Did you recognize the content of that voice mail
3 message?

4 A. Yes.

5 Q. And how was it that you recognized it?

6 A. By voice.

7 Q. And did you recognize it to be a copy of a voice mail
8 you had received from Wayne Cameron on February 23rd of 2020?

9 A. Yes.

10 MR. STEGE: May I approach the witness with proposed
11 32?

12 THE COURT: You may.

13 BY MR. STEGE:

14 Q. Sir, please review proposed Exhibit 32.

15 THE COURT: So I think the question is, when you
16 looked at it, if you recognize it, please say so. If you
17 don't, please say so.

18 THE WITNESS: Yeah, I recognize this.

19 BY MR. STEGE:

20 Q. How do you recognize this?

21 A. We reviewed it in your office.

22 Q. There's a signature on the tag of that USB drive.
23 Who is that?

24 A. That's my signature.

1 Q. Why did you sign it?

2 A. Because I acknowledged that I listened to it.

3 Q. And acknowledged it to be a true and accurate copy of

4 the original?

5 A. That's correct.

6 MR. STEGE: I move in the exhibit.

7 THE COURT: Defense.

8 MR. PICKER: No objection.

9 THE COURT: Admitted.

10 (Exhibit 32 was admitted into

11 evidence.)

12 BY MR. STEGE:

13 Q. Were you aware whether the detectives had confronted

14 the defendant with statements made by you?

15 MR. PICKER: Objection, Your Honor. This asks for

16 hearsay.

17 MR. STEGE: I'm sorry. I did not hear the objection.

18 THE COURT: Can you say that again, please?

19 MR. PICKER: The objection is hearsay.

20 THE COURT: Let me have the question read back

21 please, Izzy.

22 (The question was read.)

23 THE COURT: The objection is overruled.

24 But as a reminder, Mr. Stege, make sure you're asking

1 more open-ended questions on other than, you know,
2 uncontroversial or background matters.

3 MR. STEGE: Understood, Your Honor. Thank you.

4 BY MR. STEGE:

5 Q. So what was the answer to that question?

6 A. Can you repeat it?

7 Q. Were you aware or made aware that the detectives had
8 confronted in their interview with the defendant him with
9 statements that you said?

10 A. Yes.

11 Q. So it's subsequent to that that this voice mail
12 occurs?

13 A. Correct.

14 Q. So contained on this drive are two things: one being
15 the voice mail; the other being this screen shot of the date
16 and time of the voice mail; correct?

17 A. Yes.

18 (Audio playing.)

19 (Audio stopped.)

20 BY MR. STEGE:

21 Q. Do you know the context of this, "Take care of my
22 kids," or, "I hope if my kids need anything"?

23 MR. PICKER: Objection. Asks for speculation.

24 MR. STEGE: I'll ask it --

1 THE COURT: No. Hold on.

2 You know, it does call for speculation. I mean, if
3 you ask what his understanding was, that's probably not
4 objectionable. But the way you've asked it, the objection is
5 sustained.

6 MR. STEGE: Thank you.

7 BY MR. STEGE:

8 Q. Is there anything in the background or the history of
9 the friendship between yourself and Mr. Cameron that is
10 brought to light by this statement or him asking you to take
11 care of his kids?

12 A. Just if something happened to him.

13 Q. Around the time that this occurred or shortly
14 afterwards, did you make any notes or notation of your
15 recollection of the phone call?

16 A. Of this phone call, or the initial phone call?

17 Q. The initial phone call. I'm sorry.

18 A. Correct. I did. Yes. I made notes, I think, the
19 day I got home.

20 MR. STEGE: Very good. Thank you.

21 Pass the witness.

22 THE COURT: Thank you.

23 Examination by the defense.

24

CROSS-EXAMINATION

BY MR. PICKER:

Q. Good afternoon, Mr. Colarchik.

A. Good afternoon.

Q. As part of Mr. Cameron's initial starting this phone call after the text message on February 11th, he said to you, "Dude, I almost died tonight." Isn't that true?

A. I can't recall that.

Q. Okay. Are you denying that that was part of the conversation?

A. I don't recall that.

Q. Okay. So you don't remember whether it was or was not?

A. I don't remember that statement.

Q. Okay. And then the statement you do remember, "You're never going to believe what happened to me tonight."

A. Yes.

Q. And it was "happened to me tonight." You're specific in those words; correct?

A. I'd have to recall my notes for the specific wording.

Q. That's how you testified today.

A. Okay.

Q. And that's your memory that's what he said: "You're never going to believe what happened to me tonight."

1 A. If that's what -- yes.

2 Q. Okay. Mr. Cameron said to you, according to your
3 testimony, "I think I just shot someone."

4 A. Correct.

5 Q. Not, "I just shot someone," but, "I think I just shot
6 someone."

7 A. That's correct.

8 Q. And then your testimony is, he said, "I hate when
9 people make me mad"?

10 A. Yes.

11 Q. And then a couple of other statements, and then, "I'm
12 the one who got out of the car and went up to him."

13 A. Yes.

14 Q. And his tone of voice was scattered? Is that what
15 you said?

16 A. Along the lines, yeah, nervous or just kind of --

17 Q. He seemed upset?

18 A. Nervous, I guess, would be the best way to describe
19 it.

20 Q. Okay. As far as you could tell, you didn't know
21 whether he had been drinking or not?

22 A. That's correct.

23 Q. You have been with Mr. Cameron when he's been
24 drinking?

1 A. Yes.

2 Q. So you had some experience with that.

3 A. Yes.

4 Q. But when you talked to him that night, that's not
5 something that stood out in your mind?

6 A. Well, he could drink a lot and not really tell.

7 Q. Okay. So how long were you in the hospital?

8 A. I believe, four days after surgery.

9 Q. So four days, plus two days before the surgery, when
10 you received the phone call, so roughly six days later is
11 when you contacted an attorney?

12 A. Yeah, I would say about that time frame.

13 Q. And your first call wasn't to the police department;
14 it was to an attorney?

15 A. That's correct.

16 Q. And then later you got the voice mail that we just
17 listened to; correct?

18 A. Yes.

19 Q. And Mr. Cameron, you recognize his voice?

20 A. Yes.

21 Q. And he specifically told you, "Don't worry about me."

22 A. You heard it. Yeah, I guess so.

23 Q. Well, you heard it, too.

24 A. Play it again.

1 Q. I'm asking you the question --
2 MR. STEGE: Hold on. Argumentative --
3 THE WITNESS: I'm under a little pressure.
4 BY MR. PICKER:
5 Q. That's what you heard.
6 MR. STEGE: Argumentative, is my objection.
7 THE COURT: Hold on.
8 The objection is: Argumentative?
9 MR. STEGE: Yes.
10 THE COURT: We're not quite there.
11 Sometimes, Mr. Colarchik, the question is asked just
12 to sort of set up the next question. "So you're sitting
13 there; right?" The response should be "Yes," as opposed to,
14 "You can see that."
15 So let's try that again.
16 Go ahead, Mr. Picker.
17 BY MR. PICKER:
18 Q. You heard the voice mail just now.
19 A. Yes, I did.
20 Q. And you heard specifically the person you've
21 identified as Mr. Cameron say, "Don't worry about me."
22 A. Yes.
23 Q. And the only request he made of you in that voice
24 mail was that, if his children needed anything, please help

1 | them out.

2 | A. Yes.

3 | Q. And based on your long friendship, and I believe you
4 | said previous conversations, that was something that had been
5 | discussed previously.

6 | A. No.

7 | Q. He had never asked you before that, if something
8 | happened to him, to take care of his children?

9 | A. I don't -- I can't recall a specific conversation
10 | along those lines.

11 | Q. Okay. But that's what you took it to mean, is that,
12 | if something happened to him, please help out his children,
13 | if they need it.

14 | A. Are you asking how I took it?

15 | Q. Yes.

16 | A. Well, yeah, I presumed, if he was -- you know, if
17 | something happened related to what's going on here right now,
18 | that I would take care of his kids.

19 | Q. And it was your belief that this phone call that
20 | included those two statements that we just discussed, that
21 | came after detectives had confronted Mr. Cameron with your
22 | statement.

23 | A. Yes.

24 | Q. And nowhere in that voice mail did he voice a threat

1 to you; correct?

2 A. Correct.

3 Q. And nowhere in there did he ask you to take back what
4 you told the police.

5 A. No.

6 Q. And nowhere in there did he ask you to just forget
7 about that phone call.

8 A. Correct.

9 MR. PICKER: Thank you.

10 That's all I have.

11 THE COURT: Thank you.

12 Mr. Stege, any redirect by the State?

13 MR. STEGE: Yes.

14 REDIRECT EXAMINATION

15 BY MR. STEGE:

16 Q. Except out of the mouth of Mr. Picker, have you ever
17 heard the statement attributed to Wayne Cameron, "Dude, I
18 almost died tonight"?

19 A. I can't recall that. I would think that, at that
20 point in time, that would be something that I'd remember.
21 But I don't recall that.

22 Q. Is it in the notes that you wrote?

23 A. It's not in my notes.

24 Q. So the first time, in fact, you've heard it is in

1 court today?

2 A. Correct.

3 Q. Did you ever hear in your friendship Wayne Cameron

4 call you his best friend?

5 A. Yes.

6 Q. How many times do you think you heard him say that?

7 A. I honestly don't know. I don't count.

8 Q. But a lot of times?

9 A. A fair amount of times.

10 Q. In your cross-examination, there was a portion where

11 it was a few -- where some statements were skipped over. I

12 want to ask specifically about the statement -- and here's

13 the question: Do you remember where in the order of things

14 the statement "I got out of my car and went up to him" was?

15 A. I would say that was the third thing that was said.

16 Q. As to the subject of the voice mail, you stated that

17 you took it to mean something happened related to this

18 prosecution?

19 A. That's correct.

20 Q. What do you mean by that?

21 A. Well, again, the way I took it is, if he was, you

22 know, in jail, that I would take care of his kids.

23 MR. STEGE: Thank you.

24 No further questions.

1 THE COURT: Thank you.

2 Any recross?

3 MR. PICKER: Yes. Thank you.

4 RECROSS-EXAMINATION

5 BY MR. PICKER:

6 Q. Mr. Colarchik, the notes that you wrote, and in your
7 interview with the police thereafter, you did tell them that
8 you didn't remember exactly the whole conversation; that you
9 only recalled some exact words, some details, some specifics.

10 A. Yes.

11 Q. And between the time you had that phone call, how
12 many days elapsed before you wrote your notes down?

13 A. Like I said, I think it was about four or five. So I
14 believe I wrote it after -- on the day I got back from the
15 hospital, the day or the day after.

16 Q. So actually that's five days or -- about six days?
17 Okay. You said four days after surgery, and two days before;
18 correct?

19 A. Yes.

20 Q. I don't want us to talk on top of each other. That's
21 why I was trying to hold off there.

22 Is that agreed: about six days?

23 A. Yes.

24 Q. And in between the conversation and your writing

1 notes, and then later recounting everything for the police
2 department, you had undergone two procedures?

3 A. Yes.

4 Q. Okay. At least one of those was fairly major.

5 A. Correct.

6 MR. PICKER: Could I have just a moment, Your Honor?

7 THE COURT: Yes.

8 MR. PICKER: Thank you, Your Honor.

9 That's all I have.

10 THE COURT: Any redirect?

11 MR. STEGE: Yes.

12 May I approach the witness?

13 THE COURT: You may.

14 REDIRECT EXAMINATION

15 BY MR. STEGE:

16 Q. Sir, please review proposed Exhibit 18, which is a
17 two-page exhibit.

18 A. Yes.

19 Q. Do you recognize that document?

20 A. Yes.

21 Q. How do you recognize it?

22 A. Those are my notes that I took.

23 Q. This is the notes you've been testifying about this
24 afternoon?

1 A. That's correct.

2 Q. And is that a true and accurate copy of the note?

3 A. Yes.

4 Q. How many pages is it?

5 A. Two.

6 Q. What is it written on?

7 A. Well, it was written on a yellow pad.

8 Q. And in whose hand? Who wrote that?

9 A. I wrote that.

10 Q. Is there a -- did you indicate the date that you

11 wrote it?

12 A. Yes, I did.

13 Q. Did you indicate the series of text messages on that?

14 A. Yes, they do.

15 Q. Did you write down your best recollection of the

16 phone call between yourself and Mr. Cameron?

17 A. Yes.

18 Q. Is that a true and accurate copy of the original?

19 A. Yes, it is.

20 MR. STEGE: I'd move in the exhibit.

21 THE COURT: Defense.

22 MR. PICKER: Well, Your Honor, no objection to that.

23 THE COURT: No objection. Admitted.

24

1 (Exhibit 18 was admitted
2 into evidence.)
3 MR. STEGE: Thank you.
4 THE COURT: Normally, recorded recollection is read,
5 is it not? But occasionally it can be admitted into
6 evidence. So it's admitted here. It will go into the jury
7 room with the rest of the evidence.
8 MR. STEGE: Thank you.
9 No further questions.
10 THE COURT: Anything else, Mr. Picker?
11 MR. PICKER: Oh, definitely, Your Honor.
12 RECROSS-EXAMINATION
13 BY MR. PICKER:
14 Q. So, in specific, you wrote down, "My recollection of
15 the exact words of the whole conversation aren't exact, by I
16 definitely remember some exact words, some details, and
17 specifics of the conversation."
18 MR. STEGE: I object to the form of the question.
19 BY MR. PICKER:
20 Q. That is what you wrote, isn't it?
21 THE COURT: Hold on. Let me make sure I have the
22 objection.
23 You know, why don't we stop beating around the bush
24 here? Let's somebody put it up on the screen. It's two

1 pages, is it not? It's been admitted into evidence. And
2 then we can all look at exactly what was written, and then
3 ask questions. Seems like a good approach.

4 BY MR. PICKER:

5 Q. Let me direct you to this -- these two lines right
6 there. Did I read those correctly just a minute ago?

7 A. Yes.

8 Q. And that's also reflected by the question I asked you
9 earlier -- correct? -- is that you didn't remember everything
10 exactly, and you didn't remember all the specifics.

11 A. Of course not, no.

12 Q. Okay. I'm going to make sure I understand something,
13 because there's something different in these notes that maybe
14 I didn't remember correctly.

15 MR. STEGE: Objection. Irrelevant to what Mr. Picker
16 remembers.

17 THE COURT: Well --

18 MR. STEGE: The form of the question.

19 THE COURT: I think you were setting the table for
20 the question. The objection is overruled.

21 Let me, Mr. Picker, have you ask the question that
22 this witness can answer.

23 MR. PICKER: Certainly.

24

1 BY MR. PICKER:

2 Q. After the phone call the night of February 11th,
3 2020, there was a text exchange, I think you said, about 2:00
4 or 3:00 a.m.?

5 A. Yes.

6 Q. Who texted who?

7 A. Can I review my notes?

8 Q. Well, let's all look at them.

9 A. Looks like I texted him.

10 Q. So you re-initiated contact with Mr. Cameron to ask
11 him, "You okay?"

12 A. Yes.

13 MR. PICKER: Okay. I have nothing beyond that.

14 THE COURT: Thank you.

15 Anything else, Mr. Stege?

16 REDIRECT EXAMINATION

17 BY MR. STEGE:

18 Q. Looking at this exhibit, what day did you write the
19 notes?

20 A. 2/4 -- 2/14.

21 MR. STEGE: Very good. Thank you.

22 No questions.

23 THE COURT: Anything else, Mr. Picker, based on that
24 question? Again --

1 MR. PICKER: Just based on that, Your Honor.

2 THE COURT: Based on that, because it looks like it's
3 three days after the event that brings us here.

4 MR. PICKER: Yes, Your Honor. That was going to be
5 my question.

6 THE COURT: All right.

7 MR. PICKER: If I can have that exhibit back.

8 THE COURT: Yes.

9 RECROSS-EXAMINATION

10 BY MR. PICKER:

11 Q. So you wrote this three days, not six days later;
12 correct?

13 A. I dated it 2/14. If I had a calendar, I could review
14 when I got out of the hospital.

15 Q. Well, you already said you believe 2/11 -- February
16 11th was a Tuesday.

17 A. Okay.

18 Q. You had the angiogram the next day?

19 A. Correct.

20 Q. And then you had surgery the day after that?

21 THE COURT REPORTER: I'm sorry. I can't hear the
22 witness.

23 THE WITNESS: It looks like Thursday was the 13th
24 day. I'm just repeating the days. Yes.

1 BY MR. PICKER:

2 Q. Okay. The 11th, Tuesday. Wednesday, angiogram,
3 that's the 12th. 13th, you have major surgery, heart
4 surgery; correct?

5 A. Correct.

6 Q. And on the 14th you write these notes.

7 A. No, that -- no, because I wrote the notes when I got
8 home, so maybe it was the 19th.

9 MR. PICKER: Thank you.

10 THE COURT: Mr. Stege.

11 MR. STEGE: No, thank you, Your Honor.

12 THE COURT: All right. Mr. Colarchik, thank you very
13 much for your testimony. You may step down. I wish you a
14 pleasant rest of the afternoon.

15 (Witness excused.)

16 THE COURT: All right. Ladies and gentlemen of the
17 jury, we are going to take an afternoon recess for
18 approximately 20 minutes.

19 During the recess, it is your duty not to converse
20 among yourselves, nor with anyone else on any subject
21 connected with this trial. Do not communicate with anyone in
22 any way regarding the case or its merits, either by phone,
23 e-mail, text, internet or other means. Do not read, watch or
24 listen to any news media accounts or commentary about the

1 case. Do not do any independent research, make an
2 investigation, test a theory of the case, or attempt to
3 investigate it in any manner on your own.

4 Additionally, it is your duty not to form nor express
5 any opinion on any subject connected with this case until it
6 is finally submitted to you.

7 So please retire to the jury room. We'll see you
8 back here promptly at 2:50.

9 All rise for the jury, please.

10 (The following proceedings
11 were had without the presence
12 of the jury:)

13 THE COURT: Thank you.

14 We'll be in recess.

15 Then, counsel, if there's any issue with compliance
16 with the order the Court issued this morning, please bring it
17 to my attention. If not, I'll assume that it's being
18 handled.

19 And we'll resume promptly at 2:50.

20 (Recess.)

21 (Exhibit 22 was marked
22 for identification.)

23 THE COURT: Thank you.

24 Please be seated.

1 Okay. We're present outside the presence of the
2 jury.

3 I understand there's a stipulation with respect to
4 Exhibit 22, in particular, using, I think, a Bates-stamped
5 copy rather than the unstamped copy.

6 But who can explain that to the Court, please? And
7 then I'll hear from the other side.

8 Mr. Stege.

9 MR. STEGE: Yes. Thank you.

10 We had originally marked a copy that did not have a
11 Bates stamp. We wish that the Bates stamp copy to be 22. We
12 wish that the digital copy that came in today be 22-A, both
13 the first two being admitted; the third being the original,
14 un-Bates-stamped copy be marked as B.

15 Thank you, Ms. Clerk.

16 And not go back to the clerk.

17 THE COURT: Okay. Any objection?

18 MR. STEGE: Or to the jury.

19 THE COURT: Any objection to that, Mr. Picker or Ms.
20 Garcia?

21 MR. PICKER: No, Your Honor.

22 THE COURT: So ordered.

23

24

1 (Exhibits 22-A & B were marked
2 for identification and
3 admitted into evidence and
4 Exhibit 22 was admitted into
5 evidence.)
6 THE COURT: Are we ready to proceed?
7 MR. STEGE: Yes.
8 There might be a point, depending on how these next
9 people go, where we end, and it's not yet 4:00 o'clock. So
10 I'll -- but if that happens, we'll sort of be ahead of
11 schedule-ish.
12 THE COURT: Well, I don't think anybody will
13 complain.
14 All right. Deputy, please bring the jury back in.
15 (The following proceedings
16 were had with the presence of
17 the jury:)
18 THE COURT: Welcome back, everyone.
19 Will counsel stipulate to the presence of the full
20 venire?
21 MR. STEGE: Yes. Thank you, Your Honor.
22 MR. PICKER: Yes, Your Honor.
23 THE COURT: Thank you.
24 Please be seated.

1 All right. Mr. Stege, please call the State's next
2 witness.

3 MR. STEGE: Mary Gayner.

4 THE COURT: Good afternoon, ma'am.

5 (Witness sworn.)

6 THE COURT: If you'd please come have a seat at the
7 witness stand.

8 Welcome to Department 8. I'm Judge Breslow.

9 If you would please, ma'am, slide in. Looks like you
10 have already. Bring the microphone pretty close to your
11 face, because the closer you are the better it works.

12 And if you would please state your full name, and
13 then spell your last name.

14 THE WITNESS: Mary Elizabeth Gayner, G-a-y-n-e-r.

15 THE COURT: Thank you very much.

16 Please proceed.

17 MARY ELIZABETH GAYNER,
18 called as a witness on behalf of the State,
19 first having been duly sworn,
20 was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. STEGE:

23 Q. Ma'am, are you currently employed?

24 A. Yes.

1 Q. What capacity? What do you do?

2 A. I'm an esthetician, and I work for Raley's.

3 Q. How long have you been an esthetician?

4 A. Twenty years.

5 Q. Do you know a person by the name of Wayne Cameron?

6 A. Yes, I do.

7 Q. How do you know him?

8 A. Friend.

9 Q. How had you become friends?

10 A. Through a mutual friend, co-worker, my co-worker.

11 Q. Back in the late part of 2019, leading into the first

12 part of '20, what sort of friendship did you and Wayne have?

13 A. It was hit-and-miss. Like, we would talk a few

14 months at a time, then not talk. So we had just started

15 talking after about six or eight months.

16 Q. Okay. And, then, talking, would you guys talk on the

17 phone, to include talking on the phone?

18 A. Yes. And text.

19 Q. And texting. Okay. Specific to February 11th of

20 2020, were you in communication with Wayne Cameron on that --

21 both day and evening?

22 A. Yes, I was.

23 Q. Tell us about those communications, please.

24 A. Late afternoon, Wayne texted me and asked me to go to

1 | tacos. And I declined because I had plans.

2 | Q. Did he say where he wanted you to go for tacos?

3 | A. Murrieta's.

4 | Q. And you declined?

5 | A. Yes.

6 | Q. Because of what reason?

7 | A. I had plans with my friend, Steve, to go to Lucky
8 | Beaver.

9 | Q. And were you -- did you continue throughout the
10 | evening to be in communication with Wayne Cameron?

11 | A. Yes. There was a few texts here and there.

12 | Q. That evening, did you -- like, sort of going into
13 | later part of the evening, were you still communicating or
14 | texting with Wayne Cameron?

15 | A. Yes. I mean, there was a gap in time, like a couple
16 | hours.

17 | Q. Okay. At which time you were at the Lucky Beaver?

18 | A. Correct.

19 | Q. And when you got home, did you -- what happened when
20 | you got home?

21 | A. Well, before I got home, Wayne texted me, asked me if
22 | I was home yet. I said "No." He asked me to call him when I
23 | got home.

24 | Q. Did you do that?

1 A. Yes.

2 Q. About what time did you call him?

3 A. 10:00-ish.

4 Q. Okay. And tell us about that phone call, please,

5 that conversation.

6 A. He asked how Lucky Beaver was. I told him about my

7 night. He told me he went to Murrieta's and ran into an old

8 friend. Didn't really feel like drinking, wasn't in a

9 drinking mood. And asked if I wanted to go to Johnny's on

10 Valentine's for dinner.

11 Q. Okay. Asked you out on a date?

12 A. Yes.

13 Q. Was that -- did you have a history of dating, you and

14 Wayne?

15 A. Not really. We did, like, 13 years ago we went on a

16 few dates, and then we just stayed friends the whole time.

17 Q. Anything else in this conversation with Mr. Cameron?

18 A. No. Just idle chitchat.

19 Q. How long do you think you were on the phone with him?

20 A. A little under 30 minutes.

21 Q. And, in total, like, that day, how many texts do you

22 think you guys sent?

23 A. Probably a dozen.

24 Q. And around this time, was that sort of pretty typical

1 that you and him would communicate about that level?

2 A. Yes. We started chatting every day for about a week
3 before that.

4 Q. As well, was there also sort of these kind of phone
5 conversations?

6 A. What do you mean, "these kind of phone
7 conversations"?

8 Q. What I mean is, would you also sort of speak on the
9 phone every night or almost every day?

10 A. Yes. Mostly texting.

11 Q. Okay. Do you know Dave Colarchik?

12 A. I do.

13 Q. And have you ever heard Wayne Cameron call Dave
14 Colarchik his best friend?

15 A. Yes.

16 Q. Can you give us an idea of the frequency of Wayne
17 saying that?

18 A. Well, I mean, Wayne would talk about Dave a lot, and
19 the things they would do together. I've always known Wayne
20 to call Dave his best friend. They go to the delta and hang
21 out.

22 MR. STEGE: Thank you.

23 Pass the witness.

24 THE COURT: Examination by the defense.

1 MR. PICKER: No questions.

2 THE COURT: Thank you.

3 Ms. Gayner, thank you so much for being here. You're

4 free to step down. I wish you a pleasant rest of the

5 afternoon.

6 THE WITNESS: You, too.

7 (Witness excused.)

8 THE COURT: Mr. Stege, State's next witness, please.

9 MR. STEGE: Ethan Cameron.

10 THE COURT: Good afternoon, Mr. Cameron.

11 THE WITNESS: Hello.

12 THE COURT: Please address my court clerk, raise your

13 right hand and be sworn the oath of witness.

14 (Witness sworn.)

15 THE COURT: Thank you.

16 Please have a seat right up here at the witness

17 stand.

18 Do us a favor. Slide in. And the microphone you can

19 adjust any way you like, within limits. It doesn't move too

20 much. Speak fairly closely to it.

21 And would you please state your name.

22 THE WITNESS: Ethan Cameron. E-t-h-a-n,

23 C-a-m-e-r-o-n.

24 THE COURT: Thank you.

1 Mr. Stege, please proceed.

2 ETHAN CAMERON,

3 called as a witness on behalf of the State,

4 first having been duly sworn,

5 was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. STEGE:

8 Q. Sir, as you sit here today, how old are you?

9 A. 20.

10 Q. And do you know a person by the name of Wayne

11 Cameron?

12 A. Yes.

13 Q. Who is he?

14 A. My father.

15 Q. Did you grow up in Washoe County?

16 A. Yes.

17 Q. Are you familiar with an address on La Paz Court?

18 A. Yes.

19 Q. What's the address?

20 A. 7345 La Paz Court. It's my old house.

21 Q. And how long did you live there?

22 A. I'm not sure. Four years maybe.

23 Q. Okay. Did you live in that house leading up to this

24 incident?

1 A. Yes.

2 Q. Who did you live there with?

3 A. With my dad.

4 Q. Did anyone else live there?

5 A. My sister, briefly, in the beginning, but she moved
6 out and moved in with my mom.

7 Q. Your parents are divorced?

8 A. Yes.

9 Q. Around February of 2020, did you know if your father
10 owned any firearms?

11 A. Yes, he did.

12 Q. And how did you know that?

13 A. Because we shot them before.

14 Q. And where did you shoot them?

15 A. A place called Derby Dam, out by USA Parkway, I
16 believe, going towards Fernley, when it was open.

17 Q. And so do you know -- leading up to this incident,
18 did you know or have an idea of what guns your father had?

19 A. Yes.

20 Q. Where were the guns kept?

21 A. He had a silver 9-mil behind his nightstand. He had
22 a black Glock -- I'm not sure of the caliber; I believe,
23 .40 -- underneath his driver's seat of his car. And then the
24 rest were kept in the safe.

1 Q. Do you know about the guns that were kept in the
2 safe, what kind of guns they were?

3 A. Yes. So, primarily rifles.

4 There was a collectible shotgun. I believe it was a
5 12-gauge.

6 AR-styled .22.

7 Couple old .22s.

8 My first .22 I got when I was a kid.

9 A few little .22 pistols.

10 One revolver.

11 And a little semi-automatic silver .22, about the
12 size of a playing card.

13 Q. Those firearms that you just mentioned, do you think
14 you had fired all of them, or which?

15 A. Yes.

16 Q. Let me ask you a different way. Which of those guns
17 do you think you've fired?

18 A. All of them, except for the one under his car -- or
19 under his driver's seat in his car.

20 Q. How do you know about the one under the driver's seat
21 of his car?

22 A. I believe we purchased it at a -- I believe he
23 purchased it at a gun show, the one that's at the Reno Events
24 Center, when they do the gun show.

1 Q. Were you there when that happened?

2 A. Yes.

3 Q. And do you remember what kind of gun it was?

4 A. Black, semi-automatic pistol, Glock. I don't

5 remember the caliber exactly.

6 Q. You do or do not know the caliber?

7 A. I'm not positive. I believe it's .40, though.

8 Q. Did you ever shoot that gun?

9 A. No.

10 Q. How did you know that it was always under your dad's

11 seat?

12 A. Because he told me that he put it there. And to my

13 best knowledge, it never left.

14 Q. You said it was in his car. What was his car?

15 A. An Acura MDX, silver.

16 Q. Did you at this time have a car?

17 A. Yes. A 2011 Acura TL four-door sedan.

18 Q. Did anyone else drive your car?

19 A. No.

20 Q. Did anyone else drive your dad's car?

21 A. I drove his car during ski season, when I did not

22 have snow tires on mine.

23 Q. Which ski season? What year, if you remember?

24 A. Last year.

1 Q. So the year leading up to this, or after this?

2 A. The year leading up to it.

3 Q. How many times do you think you drove your dad's car

4 during ski season?

5 A. No more than four times.

6 Q. And when you would drive his car during ski season,

7 would you drive it around town, or would you drive it

8 specifically someplace?

9 A. No. Just to work up at Mount Rose, and down.

10 Q. What did you do at Mount Rose?

11 A. I was a ski instructor.

12 Q. What was the reason you didn't drive your car?

13 A. I didn't have snow tires, and my car was

14 front-wheel-drive.

15 Q. The MDX?

16 A. The TL that I drove was front-wheel-drive. It didn't

17 have snow tires.

18 Q. How is the MDX better?

19 A. It was much better. It's four-wheel-drive, and had

20 better tires.

21 Q. Leading up to this -- or your father's arrest, were

22 you familiar with the app Life360?

23 A. Yes.

24 Q. Tell us about what Life360 is.

1 A. It's a tracking app sort of like "Find my iPhone,"
2 except you can create a family circle, and everyone in that
3 circle can track each other, sort of to know where everyone
4 in the family is.

5 Q. And would that also allow for, like, historical
6 stuff, like you could see where someone in the circle had
7 been?

8 A. Yes.

9 Q. Who was in the circle that you were in?

10 A. My sister and my dad.

11 Q. And what is your -- is your sister over the age of 18
12 right now?

13 A. I feel like I should know this.

14 Q. If you don't know, please just say her first name.

15 A. Aspen.

16 Q. Was she of driving age around this time?

17 A. Yes.

18 Q. Did she have a separate car?

19 A. She was driving an old 2004 Tahoe, Chevy Tahoe.

20 Q. That was at her mom's house?

21 A. Yes.

22 Q. Your mom's house.

23 A. And also my mom's house, yes.

24 Q. It was those three in the circle?

1 A. Yes.

2 Q. And did you find in the circle the app to be

3 accurate?

4 A. Yes.

5 Q. In what way?

6 A. To my best knowledge, it was never off by probably

7 more than 10 feet.

8 Q. And what makes you say that?

9 A. Because I've looked at my own location before and

10 other people's locations, and it would even tell you what

11 parts of the house people were in sometimes.

12 Q. And what about, like, if someone was in a street or

13 out sort of somewhere in public?

14 A. Yes.

15 Q. Did you find it to be accurate there, too?

16 A. Yes.

17 Q. At your dad's house, was there ever an exterior

18 surveillance camera?

19 A. Yes.

20 Q. Tell us about that, please.

21 A. So we had one that aimed into our driveway. And then

22 one in our garage. One in our, like, entryway, from our

23 garage door to the car, through our laundry room. And then

24 one in the backyard, as well.

1 Q. And were any of those either Ring or Ring-style
2 cameras?

3 A. They were Ring. Ring, or Blink, which is very
4 similar.

5 Q. And who had access to the recordings on those
6 cameras?

7 A. My dad.

8 Q. And how did he access them?

9 A. Through his phone.

10 Q. And how do you know that?

11 A. Because I've seen it on his phone. And he showed me
12 recordings before, and stuff.

13 Q. So leading up to this, you had seen your dad showing
14 you recordings and seen him looking at recordings?

15 A. Yes.

16 Q. And front of the house, you go over those, the areas
17 covered by those?

18 A. What was that?

19 Q. You were speaking a little fast on the areas of the
20 cameras sort of in the front of the house. Please state
21 where those ones are.

22 A. Okay. So one is on the exterior of the house that
23 was aimed into our driveway. And then we had one in our
24 garage that would -- you could see the cars in the garage,

1 pointing out towards the garage doors.

2 Q. Okay.

3 A. And then one in our entryway from our garage door
4 into our house. And there was also one above our front door.

5 Q. Okay. Do you recall a date in February of 2011 where
6 police officers -- in fact, detectives came to the house on
7 La Paz?

8 A. Yes.

9 Q. Tell us about that day, please.

10 A. Well, I thought they were Mormon missionaries, in the
11 beginning. I was going to get ready for one of my labs on
12 campus, and a few officers, that I didn't know were
13 officers -- they were just wearing white-collared shirts and
14 pants -- walked up to the door, knocked on it.

15 I looked through the peep hole, thought they were
16 Mormon missionaries. I didn't see a badge or gun or
17 anything. And we had been getting some of them walking
18 through -- riding through on their bicycles, and stuff. So I
19 didn't open the door, in the beginning.

20 And then afterwards, when I saw more of them out in
21 the cul-de-sac, and I saw a badge on someone, then I realized
22 that they were detectives.

23 Q. And what happened next?

24 A. Then I told my dad about it. He opened up the garage

1 door and walked out to go chat with them.

2 Q. And what did you do when your dad did that?

3 A. Stayed in the house.

4 Q. What's the next thing that you see happen?

5 A. Then they came into the house and asked us a few

6 questions about an incident that had happened, like, a mile

7 away from our house, and if we knew anything about it. And I

8 said "No." And he said "No." My dad said "No."

9 Q. And what terminology did they use to describe what

10 had happened?

11 A. If we had any knowledge as to a shooting that had

12 happened in the area.

13 Q. Okay. You said "No"?

14 A. I said "No."

15 Q. And your dad also said "No"?

16 A. Also said "No."

17 Q. Now, is this an outside or an inside conversation?

18 A. Inside the house. Yes.

19 Q. Okay.

20 A. Right in our entryway.

21 Q. Had you heard your dad talking about a shooting in

22 the area recently?

23 A. Yes.

24 Q. Tell us about that.

1 A. He didn't -- he said that he didn't know anything
2 about it.

3 Q. Okay. Let me ask it a different way. Leading up to
4 the police at the door, had you ever heard your dad mention
5 that there had been a shooting in the area?

6 A. Maybe. Not to my knowledge, off the top of my head,
7 but it's possible.

8 Q. I want to ask you a specific question: In the house,
9 was there a moment where the detectives are asking about this
10 subject --

11 A. Yes.

12 Q. -- and both you and your father are present?

13 A. Yes.

14 Q. You recall your father saying, "Yeah. Remember?
15 It's the shooting you told me about, Ethan," referring to
16 you?

17 A. I do remember that.

18 Q. And what was your reaction?

19 A. That I think I do remember him telling me -- or I
20 think I remember telling him about it because I had seen it
21 on -- somewhere.

22 Q. Wasn't your reaction, in fact, "I did?" Like you --

23 A. I was surprised. Yeah, I was definitely surprised.
24 But I think I did do that.

1 Q. What is your dad's, well, physical reaction to the
2 officers being there?

3 A. Nervous. Shaking. Sweating.

4 Q. What part of his body was shaking?

5 A. His arms. And his voice was shaky.

6 Q. And he was sweating?

7 A. Yes.

8 Q. What happened next?

9 A. They asked if they could ask him a few questions at
10 the police department, take him down, just ask him a few
11 questions. And he said "Yes." And then they left.

12 Q. And then what did you do?

13 A. I went to go get ready for my lab.

14 Q. Did you -- were you ever asked questions sort of
15 about either guns, your father's gun ownership, or any of the
16 events surrounding this case while you were there at the
17 house?

18 A. Yes. Primarily in terms of the locations of the safe
19 and the firearms in the house.

20 Q. Leading up to this event, did you know the -- well,
21 do you know the combination to your dad's gun safe or safes?

22 A. I do now; but before the incident, no.

23 Q. And what was the location of the safes?

24 A. In the office. And then he had one in his closet, as

1 well.

2 Q. Can you describe each of those, beginning with the
3 one in your dad's closet.

4 A. Yes. So the one in his closet -- actually, there
5 were two in his closet. One was a key pad, one that had
6 numbers 1 through 9, and then a zero on it. Then there was
7 one with four black buttons on the top of it. They were
8 about the size of a shoe box.

9 Q. Leading up to this, did you know what was contained
10 within those safes?

11 A. No.

12 Q. Another safe, where was the other safe?

13 A. In his office.

14 Q. Where is the office in relation to his room?

15 A. Right outside the door, you swing a left. It's the
16 door right next to his master bedroom door.

17 Q. What kind of safe is in there?

18 A. A big, probably five-or-six-foot-tall safe.

19 Q. And leading up to this, did you know which guns were
20 stored in there?

21 A. I had an idea, yes.

22 Q. Were there, leading up to this, any guns not stored
23 in safes, to your knowledge?

24 A. There was a 9-mil behind his nightstand.

1 Q. How do you mean "behind the nightstand"?
2 A. What was that?
3 Q. In what way behind the nightstand?
4 A. It was -- it had a magnet on it, I believe. It was
5 stuck behind the nightstand.
6 Q. What happened next?
7 A. After I went to go get ready for my lab?
8 Q. Yes.
9 A. I left to go to my lab. Got onto campus, and then I
10 found out that there was an e-mail from my TA saying that he
11 had cancelled the lab.
12 Q. Okay.
13 A. So I drove all the way back.
14 Q. And what course of study or what class are we talking
15 about here?
16 A. It was chem, I believe.
17 Q. And what is your course of study at the university?
18 A. Pre-med. Public health, specifically.
19 Q. So you leave there and go home. What happens next?
20 A. Then I sat there and chatted with one of the
21 detectives. I forget her name, but brown hair. She was
22 nice. That's all I remember.
23 Q. And were you interviewed on the subject of your
24 father's guns?

1 A. I'm not sure.

2 Q. Okay. Going forward, at some point, you were tasked
3 with going through your father's belongings; is that correct?

4 A. Yes.

5 Q. And what belongings did you go through?

6 A. Everything.

7 Q. And where was everything?

8 A. In the house.

9 Q. And did you do this yourself?

10 A. Yes.

11 Q. Okay. What became of the stuff in the house, as a
12 general proposition?

13 A. I made the decision to sell the house, and so I moved
14 everything out of it, sold a lot of it on Facebook
15 Marketplace, put some of the other random stuff into a
16 storage unit.

17 Q. Did you come across any materials related to
18 firearms?

19 A. Yes. In his file cabinet, came across an owner's
20 manual for a .40-caliber.

21 Q. Were there other manuals with that?

22 A. Other manuals for other pistols, yes.

23 Q. And those other manuals for other pistols, were those
24 also pistols that your father owned?

1 A. Yes.

2 Q. Anything accompany the owner's manual for the

3 .40-cal?

4 A. No. Just the owner's manual.

5 Q. Do you remember ever finding a receipt for a gun?

6 A. Not sure.

7 Q. Okay. What became of that manual that you found?

8 A. I gave it to Detective Nevills.

9 Q. What became of the other manuals that you found?

10 A. I probably threw them away.

11 Q. Did you -- where was the filing cabinet?

12 A. The filing cabinet was right next to his safe, the

13 safe in the office.

14 Q. And were all of these manuals, were they all

15 together?

16 A. Yes.

17 Q. And did you -- was anyone there when you found them?

18 A. My mom.

19 Q. And did you meet with Detective Nevills later that

20 day regarding this manual?

21 A. Yes.

22 Q. And handed -- do you have a memory of what it was you

23 handed over to him?

24 A. The manual for the .40.

1 Q. Didn't you also hand over the other manuals that were
2 with the .40 manual?

3 A. If they're in evidence, then, yes.

4 Q. But why does it stand out to you: the .40?

5 A. Because that's the one they were looking for.

6 Q. And this manual for the .40, what did the front of it
7 look like?

8 I'll ask it a different way. Isn't it true that
9 manual on the .40 had -- of the .40 had a picture of a
10 .40-caliber pistol on it?

11 A. It did.

12 Q. Had you ever seen in your father's possession a gun
13 that looked like the one on that picture?

14 A. Yes. The one under his driver's seat.

15 Q. Did you ever find any .40-cal ammo in your father's
16 home when you cleaned it out?

17 A. No.

18 Q. Was it in this context that you found -- that you
19 learned the combination to the safes?

20 A. Yes.

21 Q. Did you find any ammo for other calibers?

22 A. For the 9-mill, yes. 9-mill, and .22, I believe,
23 also.

24 Q. Following up onto the Life360, did anything change

1 about the circle, the Life360 circle, after -- well, towards
2 the end of -- after February 11th of 2020?

3 A. Yes. I got a random text from Life360 asking me to
4 join a family circle. And I went onto the app and realized
5 that our family circle was deleted.

6 Q. And who was the person who -- what group were you
7 invited to?

8 A. I was invited to a new family circle with my sister
9 and my dad.

10 Q. The old family circle of those three people gone?

11 A. Yes.

12 Q. And you're invited to a new circle, same people?

13 A. Yes.

14 Q. Did you ever at that time attempt to look
15 historically at Life360 -- or, I guess, leading up to when
16 you realized that it was no longer there, had you looked at
17 any historical data that might affect this case?

18 A. I had tried to, but I couldn't find anything since
19 the circle was deleted.

20 MR. STEGE: Thank you.

21 Your Honor, I pass the witness.

22 THE COURT: Examination by the defense.

23 CROSS-EXAMINATION

24 BY MR. PICKER:

1 Q. Good afternoon, Mr. Cameron.
2 When you drove your father's car during ski season,
3 was the gun under the seat?
4 A. Not sure.
5 Q. You never looked?
6 A. No.
7 Q. Okay. On the four or five times you drove it, you
8 have no idea if the gun was under there, at all?
9 A. No.
10 Q. Okay. Every day when you got in the vehicle with
11 your father -- let me ask you this: Did you get into the
12 vehicle every day with your father, that vehicle?
13 A. With my father?
14 Q. Yeah.
15 A. I had gotten into it myself and drove it to work.
16 Q. Were there any days when you drove with your father
17 in that vehicle?
18 A. Yes.
19 Q. Did you check to make sure the gun was under the
20 seat?
21 A. I would have no reason to, so, no.
22 Q. Do you have any idea whether the gun was under the
23 seat?
24 A. He always kept it to there, to my knowledge.

1 Q. Well, if you didn't check, how do you know?
2 A. Because he told me he always kept it there.
3 Q. All right. So you don't know -- do you know he
4 didn't remove it, he left the gun in while you were driving
5 his vehicle?
6 A. I assume so.
7 Q. You assume so, but you don't know?
8 A. I assume so because he told me it was always there;
9 but I never had a reason to check for that gun because I
10 would never need it.
11 Q. Let me ask you this: Did you ever see the gun under
12 the seat?
13 A. No. I had no reason to --
14 MR. STEGE: Asked and answered. I object.
15 THE COURT: Hold on.
16 What's the objection?
17 MR. STEGE: It's asked and answered. It's the third
18 time he's asked the man to answer the same question when it
19 appears it might be a dislike for the answer.
20 THE COURT: Objection overruled.
21 You may ask the question again, Mr. Picker.
22 MR. PICKER: Thank you.
23 BY MR. PICKER:
24 Q. Did you ever actually see the gun under the seat?

1 A. No.

2 Q. Let me ask you this: After February 11th, you
3 changed residences; is that correct?

4 A. Yes.

5 Q. You now live with your mother?

6 A. Yes.

7 Q. And she's divorced from your father?

8 A. Yes.

9 Q. You had previously lived with her, but you left her
10 residence to move in with your father originally?

11 A. Yes.

12 Q. She wasn't happy about that decision, was she?

13 MR. STEGE: Objection. Relevance.

14 THE COURT: What's the objection?

15 Mr. Stege, what's the objection?

16 MR. STEGE: How is it relevant that his mom was --

17 THE COURT: I just didn't hear you. You said
18 "Relevance"?

19 MR. STEGE: Yes.

20 THE COURT: I'm inclined to agree with the
21 prosecution.

22 MR. PICKER: Your Honor, it's related to questions
23 regarding credibility and bias.

24 THE COURT: The objection is overruled. I'll allow

1 it.

2 BY MR. PICKER:

3 Q. She wasn't happy about your decision to move out of
4 her home and in with your father; is that correct?

5 A. True.

6 Q. She was also with you when you found the gun manual;
7 is that correct?

8 A. Yes.

9 Q. And she encouraged you to turn that over to the
10 police; correct?

11 A. Yes.

12 Q. The gun manuals were all in a file; is that correct?

13 A. Yes.

14 Q. There was a number of manuals in there?

15 A. Yes.

16 Q. To your knowledge, your father had kept all the
17 manuals to all the guns he owned?

18 A. Yes.

19 Q. You were asked -- I want to just set the time frame.
20 You were asked about the day that the police initially came
21 to your residence. Do you recall that?

22 A. Yes.

23 Q. And you described your father's sweating?

24 A. Yes.

1 Q. That wasn't a unique experience, was it?
2 A. He sweats a lot.
3 Q. In fact, you make fun of him for sweating a lot.
4 A. Yes.
5 MR. PICKER: Thank you, Mr. Cameron.
6 THE COURT: Any additional examination by the State?
7 MR. STEGE: Yes.
8 REDIRECT EXAMINATION
9 BY MR. STEGE:
10 Q. Do you have any reason why your dad would lie and say
11 there was a gun under the seat when there was not?
12 A. No. I know he had it there.
13 Q. Have you ever heard your father make a statement
14 related to guns that he doesn't know what guns he has?
15 A. No.
16 Q. Do you think your dad knew that he had a .40?
17 A. Yes.
18 Q. In addition to the sweating part, the shaking, is
19 that -- does he sweat and shake often?
20 A. He doesn't shake. Just sweats.
21 Q. And, in fact, the shaking stuck out to you?
22 A. Yes.
23 Q. Or stood out to you. Sorry.
24 Were you either sweating or shaking in the presence

1 of the police?

2 A. Yes.

3 Q. Which one?

4 A. Mostly sweating, but probably a little bit of both.

5 MR. STEGE: Very good. Thank you.

6 No further questions.

7 THE COURT: Thank you.

8 Mr. Picker, anything else?

9 MR. PICKER: Can I have a moment, Your Honor?

10 THE COURT: Yes.

11 RECROSS-EXAMINATION

12 BY MR. PICKER:

13 Q. You just testified that you know the .40-caliber was

14 under the driver's-side seat.

15 A. Yes.

16 Q. But you never saw it there?

17 A. I know because he took it out once.

18 Q. But you never personally saw the gun under that seat?

19 THE COURT: Well, that question has been answered.

20 The witness said --

21 THE WITNESS: We were at a softball game one time --

22 THE COURT: Hold on.

23 THE WITNESS: Okay.

24 THE COURT: Mr. Cameron, the Court recalls you

1 answering the question you have never seen the gun under the
2 seat. Is that accurate?

3 THE WITNESS: Not under the seat, but I've seen him
4 pull it out.

5 THE COURT: Very good.

6 Would you like to examine the witness any further,
7 Mr. Picker?

8 MR. PICKER: No, Your Honor. That will do it.

9 Thank you.

10 THE COURT: Thank you.

11 Mr. Stege, anything further?

12 MR. STEGE: That will do it for me, too.

13 THE COURT: Mr. Cameron, thank you very much for your
14 testimony. You may step down.

15 THE WITNESS: Thank you.

16 (Witness excused.)

17 THE COURT: Mr. Stege, how are we looking? We're
18 getting close to 4:00 o'clock. It's only 3:30. If you have
19 another witness, we can move forward. If not, we can
20 possibly have an early out today.

21 MR. STEGE: With apologies to the Court, the latter.
22 If we could break now for the evening, that would work.

23 THE COURT: All right. Ladies and gentlemen, we're
24 going to end a little bit early today.

1 The overnight admonishment: Do not converse among
2 yourselves nor with anyone else on any subject connected with
3 the trial. Do not communicate with anyone in any way
4 regarding the case or its merits, including by phone, e-mail,
5 text, internet or other means. Do not watch, read, listen to
6 or access any news or media accounts or commentary about this
7 matter. Do not do any independent research. Do not surf the
8 internet. Do not use any reference materials, make an
9 independent investigation, test a theory, or attempt to
10 re-create any aspect of the case.

11 Additionally, it is your duty not to form nor express
12 an opinion on any subject connected with this case until it
13 is finally submitted to you.

14 You're directed to return to the courthouse tomorrow
15 morning at 8:00 o'clock. And we'll start at 8:30, possibly
16 even a few minutes earlier, if we're ready.

17 It's anticipated again that you will have the
18 opportunity to leave the courthouse over the lunch break; but
19 if you don't want to, certainly please bring food, bring
20 snacks.

21 With that, I wish you a very pleasant rest of the
22 afternoon.

23 Everyone please rise for the jury.

24 JUROR BLACKWELL: Do we need to move our chairs back,

1 or are we good?

2 THE COURT: Thank you, Ms. Blackwell. You can leave
3 your chair there.

4 (The following proceedings
5 were had without the presence
6 of the jury:)

7 THE COURT: Okay. Thank you, everyone.
8 We're in recess until tomorrow morning.

9 MR. PICKER: Your Honor, the witnesses for tomorrow.

10 THE COURT: Yes.
11 Mr. Stege, who do you anticipate the State's
12 witnesses for tomorrow, please?

13 MR. PICKER: Meadow Travis, C. Brown, Corey Cameron,
14 Sean Elliott, Detective Carranza, Javier Lopez.

15 How are we, Mr. Picker? More?

16 MR. PICKER: I'm sorry?

17 MR. STEGE: Do you think we will go beyond that?

18 MR. PICKER: Meadow Travis, Brown, Cameron, Sean
19 Elliott, Carranza, Lopez?

20 MR. STEGE: Yes.

21 MR. PICKER: I think it's very possible.

22 MR. STEGE: Detective Smith, Greg Herrera.

23 MR. PICKER: Thank you.

24 THE COURT: All right. Thank you, everyone.

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

Court is in recess.

(Recess.)

1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department 8 of the
8 above-entitled court on Wednesday, June 30, 2021, at the hour
9 of 8:05 a.m. of said day, and took verbatim stenotype notes
10 of the proceedings had upon the matter of THE STATE OF
11 NEVADA, Plaintiff, versus WAYNE CAMERON, Defendant, Case No.
12 CR20-3534, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 244, all inclusive, contains a full, true and
16 complete transcript of my said stenotype notes, and is a
17 full, true and correct record of the proceedings had at said
18 time and place.

19 Dated at Reno, Nevada, this 9th day of November,
20 2021.

21

22

23 /s/ Isolde Zihn
24 Isolde Zihn, CCR #87

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR20-3534

12

WAYNE CAMERON,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

16

Trial

VOLUME IV

July 1, 2021

17

APPEARANCES:

18

For the State:

Amos Stege

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Marc Picker

Alternate Public Defender

21

Jenna Garcia

22

Deputy Alternate Public Defender

350 South Center Street

23

Reno, Nevada

24

Reported by:

Isolde Zihn, CCR #87

| | | | | | |
|----|--------------------------|--------------------|-------|----------|---------|
| 1 | | INDEX | | | |
| 2 | STATE'S WITNESSES: | Direct | Cross | Redirect | Recross |
| 3 | Angela Meadow Cameron | 6 | 8 | | |
| 4 | Kristin Brown | 12 | 14 | 15 | 16 |
| 5 | Christopher Cory Cameron | 17 | 23 | 28 | |
| 6 | Sean Charles Elliott | 30 | 34 | 35 | |
| 7 | George Carranza | 41 | 46 | | |
| 8 | Francisco Javier Lopez | 49 | 92 | 97, 102 | 101 |
| 9 | Greg Herrera | 104 | 109 | | |
| 10 | Nicholas Smith | 115 | 141 | 149 | 151 |
| 11 | Gary Miner | 155 | 158 | | |
| 12 | David Nevills | 165 | | | |
| 13 | | | | | |
| 14 | EXHIBITS: | For identification | | Admitted | |
| 15 | 37 | 4 | | 23 | |
| 16 | 38 | 4 | | 23 | |
| 17 | 12 | 4 | | | |
| 18 | 19 | 4 | | | |
| 19 | 52 | 4 | | | |
| 20 | 57 | 4 | | | |
| 21 | 31 | | | 53 | |
| 22 | 31-A | 53 | | 53 | |
| 23 | 33 | | | 74 | |
| 24 | 33-A | | | 74 | |

| | | | |
|----|-----------|--------------------|----------|
| 1 | EXHIBITS: | For identification | Admitted |
| 2 | 71 | | 90 |
| 3 | 90 | 99 | |
| 4 | 12 | | 120 |
| 5 | 19 | | 122 |
| 6 | 52 | | 130 |
| 7 | 20 | | 175 |
| 8 | 21 | | 196 |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| 12 | | | |
| 13 | | | |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |

1 RENO, NEVADA, THURSDAY, JULY 1, 2021, 8:30 A.M.
2 (Exhibits 12, 19, 37, 38, 52 &
3 57 were marked for
4 identification.)
5 (The following proceedings
6 were had without the presence
7 of the jury:)
8 THE COURT: Good morning.
9 Thank you, Deputy.
10 Everyone please be seated.
11 The record should reflect the presence of counsel and
12 of Mr. Cameron.
13 Deputy, please bring the jury back.
14 (The following proceedings
15 were had with the presence of
16 the jury:)
17 THE COURT: Okay. Please be seated.
18 Will counsel stipulate to the presence of the full
19 jury?
20 Mr. Stege.
21 MR. STEGE: Yes, Your Honor.
22 THE COURT: Thank you.
23 Mr. Picker and Ms. Garcia.
24 MR. PICKER: Yes, Your Honor.

1 THE COURT: Thank you so much.
2 Welcome back, ladies and gentlemen, and happy July
3 1st.
4 Mr. Stege, please call the State's next witness.
5 MR. STEGE: Meadow Travis.
6 THE COURT: Good morning, ma'am.
7 Would you please look at the court clerk, raise your
8 right hand and be sworn.
9 (Witness sworn.)
10 THE COURT: Thank you very much.
11 Please have a seat over here on the witness chair.
12 And please make yourself comfortable, slide in. The
13 microphone, you can move that around a little bit. It works
14 best if you're speaking about three or four inches away, like
15 I am right now.
16 Once you're comfortable there, would you please state
17 your name, and spell your last name.
18 THE WITNESS: Angela Meadow Cameron, C-a-m-e-r-o-n.
19 THE COURT: Thank you very much.
20 Mr. Stege, you may proceed.
21
22
23
24

1 ANGELA MEADOW CAMERON,
2 called as a witness on behalf of the State,
3 first having been duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. STEGE:
7 Q. And how long have you lived in Washoe County?
8 A. I think since third grade, 35 years or something.
9 Q. Do you know a person by the name of Wayne Cameron?
10 A. Yes.
11 Q. How?
12 A. I met him, and was engaged to him in 1995.
13 Q. Were you married to him?
14 A. Yes.
15 Q. From what period?
16 A. '96 to 2010.
17 Q. Do you have -- did you have children together?
18 A. Two.
19 Q. What are their names?
20 A. Ethan and Aspen Cameron.
21 Q. During the time you were married, did you know
22 whether Wayne was familiar with firearms?
23 A. Yes.
24 Q. Tell us about that.

1 A. We had gone shooting from the time we were dating.
2 We would go out shooting, hitting cans, that kind of thing.

3 Q. Did you know if, as a matter of habit or routine, he
4 kept a firearm anywhere in his vehicle?

5 A. Yes.

6 Q. What do you know about that?

7 A. It just was always there. We would go on road trips.
8 It would be something that would be mentioned. You know,
9 I've seen it under the seat. I just thought it was -- I
10 didn't think it was out of the ordinary after we were first
11 together. I was 20, and I thought that was a little bit
12 weird. But I know he came from a little town, and I think
13 that lots of people probably had guns, especially in little
14 towns, and I just didn't think too much about it.

15 Q. And so during the time of your marriage, where in the
16 car, to your knowledge, did Wayne keep a firearm?

17 A. Under his driver's seat.

18 Q. Do you know what kind of firearm it was?

19 A. A handgun of some sort.

20 Q. Do you know the difference between a pistol --
21 sorry -- a semi-automatic and a revolver?

22 A. Yes, I do. About 10 years ago, I got my CCW. And I
23 did lots of research. I bought myself a revolver.

24 Q. Okay.

1 A. And I did some research about semi-automatics. And I
2 asked him if I could borrow one of his for my CCW class, so I
3 could be authorized to carry either one. I didn't own one,
4 but he let me have one of his for my class.

5 Q. Okay. Was that a semi-auto or a revolver that he
6 lent to you?

7 A. The semi-auto.

8 Q. Underneath the seat of his car, what type of gun was
9 that? A semi-auto or revolver?

10 A. Semi-auto.

11 Q. Are you able to describe that pistol in any further
12 detail?

13 A. No. He had more than one gun, so, no.

14 MR. STEGE: Thank you.

15 Pass the witness.

16 THE COURT: Cross-examine.

17 CROSS-EXAMINATION

18 BY MR. PICKER:

19 Q. Good morning.

20 A. Good morning.

21 Q. When was the last time you were in Mr. Cameron's
22 vehicle?

23 A. When we were married. I left June 30th of 2008. So
24 I know that I was in it after that to get a ride from my

1 daughter's softball field or something like that a couple of
2 times. But the regular riding was when we were together.

3 Q. Okay. So since the last time you were in that
4 vehicle some years ago, you have no idea whether Mr. Cameron
5 kept a gun under his driver's seat because you were not in
6 that vehicle; correct?

7 A. Well, I know that my kids found it very odd when --

8 MR. PICKER: Objection. Hearsay.

9 THE COURT: Well, it's --

10 THE WITNESS: You asked me --

11 THE COURT: Hold on, please.

12 The objection, hearsay, I'm not sure we're there yet.
13 But she's not really responding. It was sort of a
14 yes-or-no-type question.

15 Ma'am, sometimes you want to give an answer and then
16 give an explanation. Sometimes defense counsel does not
17 object; sometimes they will. Mr. Stege will have an
18 opportunity to ask you additional questions, if he believes
19 that it would benefit us to hear you respond more fully.

20 So, at this time, if you could please just answer the
21 question.

22 The question was, again, Mr. Picker, what?

23 BY MR. PICKER:

24 Q. You don't know from your own knowledge that Mr.

1 Cameron had a gun in his vehicle anytime in the last five
2 years.

3 A. No.

4 Q. And when he -- when you got your CCW -- well, let me
5 back up a little bit.

6 Do you know if Mr. Cameron had a CCW permit?

7 MR. STEGE: Objection. Hearsay.

8 THE COURT: You can ask what her understanding is.

9 BY MR. PICKER:

10 Q. Have you ever seen his CCW permit?

11 A. He was intrigued that I was getting mine, and so he
12 wanted to get his. So I assume he did.

13 Q. And when you got yours, you and Mr. Cameron were
14 already divorced.

15 A. Yes.

16 Q. And you asked him to lend you a gun.

17 A. Yes.

18 Q. And he did.

19 A. Yes.

20 MR. PICKER: Thank you.

21 That's all I have.

22 THE COURT: Thank you.

23 Anything else on redirect, Mr. Stege?

24 MR. STEGE: Thank you, no.

1 THE COURT: All right. Ma'am, thank you so much for
2 your testimony. You may step down. You're free to go. I
3 wish you a pleasant rest of the afternoon.

4 (Witness excused.)

5 THE COURT: Mr. Stege, please call the State's next
6 witness.

7 MR. STEGE: Kristin Brown, please.

8 THE COURT: Ms. Brown, good morning.

9 Welcome. I'm Judge Breslow.

10 If you'd please address my court clerk, raise your
11 right hand and be sworn.

12 (Witness sworn.)

13 THE COURT: Yes. All right. Thank you.

14 Please have a seat at the witness stand. And,
15 please, if you would, ma'am, take your mask either off or
16 slide it down so we can hear you better and see you. And
17 feel free to move the chair in. Please speak directly near
18 the microphone, within a few inches, to help us with the
19 audio.

20 And if you would please state your name, and spell
21 your last name.

22 THE WITNESS: Kristin Brown, B-r-o-w-n.

23 THE COURT: Thank you so much.

24 Mr. Stege, please proceed.

1 KRISTIN BROWN,
2 called as a witness on behalf of the State,
3 first having been duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. STEGE:
7 Q. Ma'am, do you know a person by the name of Wayne
8 Cameron?
9 A. Yes, I do.
10 Q. How do you know him?
11 A. We dated.
12 Q. When did you date?
13 A. 2017.
14 Q. For how long did you date?
15 A. Approximately one year.
16 Q. And during that time, did you ever hear Wayne Cameron
17 speak about firearms?
18 A. Yes.
19 Q. What did he say about them?
20 A. He owned them, and talked about them a lot.
21 Q. Okay. What sort of things would he say about them?
22 A. That he liked them, he carried them, he had a lot of
23 them.
24 Q. Did you ever see any guns -- any of the guns that he

1 would talk about?

2 A. Yes. He had a lot in his house. He carried one in
3 his car all the time, under the seat.

4 And that's all that I knew about: that he had them
5 in his house, and one in his car all the time that he always
6 carried.

7 Q. How do you know that he always had one of his guns
8 that he carried?

9 A. We'd see each other --

10 Q. How do you know that? You said he always had one in
11 his car that he carried. How do you know that?

12 A. He would always make sure he had it with him in his
13 car, under his seat. I saw it.

14 Q. As you sit here today, can you recall what it looked
15 like?

16 A. I don't know much about guns, but, yes. It was
17 black, and under his driver's seat. And he always had it.

18 Q. What makes you say that he always had it?

19 A. He just made sure he had it wherever we went. It
20 kind of freaked me out because I'm not a gun person.

21 Q. Would he say things about having it under the seat,
22 or be checking it, or something that would make you -- make
23 it known to you that it was under the seat?

24 A. He would just -- yeah. He just made sure -- he would

1 talk about it. It was a known thing that he had it there all
2 the time. I knew that he had it. And he would check that he
3 had it all the time.

4 Q. During the time you dated, do you remember what kind
5 of car he had?

6 A. An Acura MDX, gray.

7 MR. STEGE: Thank you.

8 I'll pass the witness.

9 THE COURT: Defense.

10 CROSS-EXAMINATION

11 BY MR. PICKER:

12 Q. Good morning.

13 When was the last time you were in Mr. Cameron's
14 vehicle?

15 A. When we stopped dating.

16 Q. 2017?

17 A. So, 2017, yes.

18 Q. So from 2017, 2018, let's just start there. 2018
19 through 2020, you were never in his vehicle?

20 A. No.

21 Q. So you have no idea whether he had a gun in his
22 vehicle during that period of time?

23 A. No.

24 Q. During the time that you were in the vehicle, and Mr.

1 Cameron had the gun, did he ever pull it out?

2 A. Yes.

3 Q. Did he ever aim it at anybody?

4 A. No.

5 Q. In fact, you asked to borrow a gun during that period

6 of time, didn't you?

7 A. No.

8 Q. You did not?

9 A. I did not ask to borrow a gun. He gave me a gun to

10 keep at my house for when he was there. But I did not ask to

11 borrow a gun, no. I did not even know how to shoot a gun, so

12 I did not ask to borrow a gun.

13 MR. PICKER: Thank you.

14 That's all I have.

15 THE COURT: Anything else, Mr. Stege?

16 REDIRECT EXAMINATION

17 BY MR. STEGE:

18 Q. When did you see him pull it out, the gun out?

19 A. He was proud to show off his guns, so he would pull

20 it out and be kind of -- I don't want to say cocky, but kind

21 of -- he was proud of his guns, so he would show them a lot.

22 Q. Like show them to who? To you? To other people?

23 A. Uh-huh. Yes.

24 Q. Both, is the answer to that?

1 A. What? Excuse me?

2 Q. Is the answer that he would show them to both you and
3 other people, sort of show them off?

4 A. Yes. Yes.

5 Q. And including the gun under the seat of his Acura
6 MDX?

7 A. Yes.

8 MR. STEGE: Thank you.

9 THE COURT: Mr. Picker.

10 RE CROSS-EXAMINATION

11 BY MR. PICKER:

12 Q. He was proud of his guns. Is that what you just
13 said?

14 A. Yes.

15 Q. And so he was showing it off, a proud possession.

16 A. Yes, I would say proud possession, more in a cocky
17 way.

18 Q. Okay.

19 MR. PICKER: Thank you.

20 THE COURT: All right. Thank you very much.

21 Ms. Brown, thank you for your testimony. You may put
22 your mask back on, step down. And I wish you a pleasant rest
23 of the afternoon.

24 THE WITNESS: Thank you.

1 (Witness excused.)

2 THE COURT: Okay. Mr. Stege, please call the State's

3 next witness.

4 MR. STEGE: Christopher Cory Cameron.

5 THE COURT: Hello, Mr. Cameron.

6 Please raise your right hand to be sworn.

7 (Witness sworn.)

8 THE COURT: Thank you.

9 Sir, please come up to the witness stand, have a

10 seat. Pull your chair in pretty close to the microphone.

11 Feel free to adjust the microphone so it's in front of your

12 face.

13 Would you please state your name.

14 THE WITNESS: Christopher Cory Cameron.

15 THE COURT: Thank you, Mr. Cameron.

16 Please proceed.

17 CHRISTOPHER CORY CAMERON,

18 called as a witness on behalf of the State,

19 first having been duly sworn,

20 was examined and testified as follows:

21 DIRECT EXAMINATION

22 BY MR. STEGE:

23 Q. Sir, are you any relation to Wayne Cameron?

24 A. Yes. He's my brother.

1 Q. Where did you grow up with him?

2 A. In Ruth, Nevada.

3 Q. And I want to ask you about your knowledge of your

4 brother's possession of firearms.

5 A. Well, it starts off, of course, when we were little,

6 we had, you know, a couple .22 rifles.

7 And then, as we got older --

8 Q. Well, I want to ask a more narrow question.

9 A. Okay.

10 Q. Do you know if your brother ever kept a firearm under

11 the seat of his vehicle?

12 A. I don't know if he kept it under the seat of his

13 vehicle. I know he said -- he told me before that he owned

14 one.

15 Q. Okay.

16 A. And I believe he had it in his vehicle. I'm not

17 sure. I'm just assuming.

18 THE COURT: Mr. Cameron, do me a favor. Just get one

19 or two inches closer to the mic so I can hear you a little

20 better.

21 Thank you so much.

22 BY MR. STEGE:

23 Q. Did he ever tell you that he kept a gun in his car?

24 A. He did tell me he had one, and I think he had told me

1 he kept it in his vehicle.

2 Q. And about what time frame did he say this?

3 A. Approximately how long ago or --

4 Q. Yes. Yes.

5 A. I would say approximately maybe five, six years ago.

6 Q. That he told you that he had a gun, and you believe

7 he also told you he kept it in his vehicle?

8 A. Yes.

9 Q. Did your brother ever describe this gun?

10 A. No, he did not.

11 Q. Did he ever describe any of his other guns?

12 A. One, like -- oh, my gosh, it's probably been like 20,

13 25 years ago. He had a 9-millimeter, I believe it was.

14 Q. Did you ever see that gun?

15 A. I did.

16 Q. What did it look like?

17 A. Typical handgun. It looked like a second-hand store

18 gun. It was kind of beat up. Just a used gun.

19 Q. Are you yourself familiar with firearms?

20 A. Yes.

21 Q. Were you able to -- do you know the make of that gun

22 or the manufacturer of that gun?

23 A. I can't remember exactly. It was some generic brand,

24 if I remember right, started with an S, or something. I'm

1 not sure, to be exact.

2 Q. Let's move forward to these later statements or
3 within the last five years statements about this other gun.
4 Did your brother ever say what kind of gun that was?

5 A. No, he did not.

6 Q. Are you and your brother, have you been close in the
7 last five years?

8 A. We've been somewhat close again. We haven't been as
9 close as we'd like to be. We kept in contact over holidays,
10 birthdays, you know, stuff like that.

11 Q. Okay.

12 A. But that was about it.

13 Q. Did you previously tell detectives that your brother
14 stated that he kept a gun under the seat of his car?

15 A. I don't recall that, no.

16 Q. Sir, have you been convicted of a felony in the last
17 10 years?

18 A. Yes.

19 Q. How many?

20 A. Three.

21 Q. Isn't it true, then, that in 2015 you were convicted
22 of two felonies?

23 A. Yes. Yes.

24 Q. And in '19, an additional felony?

1 A. Yes.

2 MR. STEGE: Thank you.

3 Pass the witness.

4 Actually, Your Honor, I move to introduce 37 and 38,

5 certified judgments of conviction related to --

6 THE COURT: Give me a moment.

7 MR. STEGE: I marked them this morning, Your Honor.

8 THE COURT: I didn't hear that last part.

9 MR. STEGE: I marked them this morning, as Ms.

10 DeGayner came out.

11 THE COURT: Thank you.

12 Any objection from the defense?

13 MR. PICKER: Well, given that I haven't seen them,

14 Your Honor, yes.

15 THE COURT: All right. Mr. Stege --

16 MR. PICKER: I don't know what they are.

17 THE COURT: Mr. Stege, please give Mr. Picker a

18 moment to review the -- what you're purporting to be prior

19 convictions of Mr. Cameron here on the witness stand.

20 MR. PICKER: Your Honor, I do object, based on

21 relevance. They have no relevance to the facts in this case.

22 THE COURT: Mr. Stege, briefly.

23 MR. STEGE: Any witness can be impeached by proof of

24 a prior conviction within 10 years. This is that proof.

1 THE COURT: What is being impeached? I mean, I don't
2 want closing argument here, but in a sentence or two. The
3 failure to recall --

4 MR. STEGE: It's independent of that. That's a
5 separate rule. This rule specifically says any witness can
6 be impeached with a prior conviction, felony conviction,
7 within 10 years. It stands alone, apart from our typical
8 impeachment for bias, lack of memory. There are sort of
9 classes of impeachment.

10 THE COURT: For purposes of responding to the
11 objection, I'll categorize that as a lack-of-memory
12 impeachment.

13 Mr. Picker, would you like to be heard in response?

14 MR. PICKER: Yes, Your Honor.

15 Mr. Cameron doesn't seem to have a lack of memory
16 whatsoever. He just admitted to three felony convictions,
17 and agreed to the dates. Again, the relevance to this Mr.
18 Cameron in this case escapes me.

19 MR. STEGE: Well, being more precise, NRS 50.095,
20 impeachment by evidence of conviction of crime. It stands
21 alone. It is always relevant to the credibility of a
22 witness. It may escape Mr. Picker. It's for the jury to
23 ultimately decide this man's credibility and the weight to be
24 given to his priors.

1 THE COURT: Okay. Final thoughts, Mr. Picker.

2 MR. PICKER: Yes, Your Honor.

3 As Your Honor knows, the statutes also provide that
4 any relevant evidence may be excluded where it is extraneous,
5 where it is prejudicial, or where it would waste time for the
6 jury. I think we've just wasted time for the jury.

7 THE COURT: Thank you.

8 The objection is overruled. The exhibits are
9 admitted.

10 The Court finds that there may be relevance here
11 based on certain answers that this witness gave to questions
12 about prior statements he made to law enforcement. But it's,
13 in the Court's estimation, a close call, but under the
14 circumstances the objection is overruled. The exhibits may
15 be admitted.

16 (Exhibits 37 & 38 were
17 admitted into evidence.)

18 MR. STEGE: Thank you.

19 Pass the witness.

20 THE COURT: All right. Mr. Picker, cross-examine.

21 CROSS-EXAMINATION

22 BY MR. PICKER:

23 Q. Good morning, Mr. Cameron.

24 A. Good morning.

1 Q. Just so we're all clear, you've been convicted of
2 three felonies in the last 10 years.

3 A. Yes.

4 Q. And the judgments of conviction, those are valid, as
5 far as you know --

6 A. Yes.

7 Q. -- because you've been convicted of felonies.

8 A. Yes.

9 Q. And you're not denying that?

10 A. No.

11 Q. You never have.

12 A. No.

13 Q. In fact, when you talked to the detectives, you told
14 them you were convicted of felonies.

15 A. Yes.

16 Q. Never denied that?

17 A. Never.

18 Q. Okay. Mr. Cameron, you started to explain to the
19 State your and your brother's interaction with firearms. Do
20 you recall that?

21 A. Yes.

22 Q. Okay. You grew up in Ruth, which in case the jury
23 doesn't know, is where?

24 A. It's approximately five miles west of Ely.

1 Q. Okay. White Pine County?

2 A. Yes.

3 Q. And Ruth is not fairly rural; it's very rural.

4 A. Yes, very.

5 Q. It's a very small town.

6 A. Very small.

7 Q. Okay. Walk a half a mile in any direction, you're

8 out in the sagebrush.

9 A. Yes. Definitely.

10 Q. Okay. You owned firearms along with your brother

11 during that period of time growing up?

12 A. Yes.

13 Q. More than one?

14 A. Yes. Yup.

15 Q. Did your family also own firearms, being your mother

16 and father?

17 MR. STEGE: Objection to the ownership of Mr.

18 Cameron's family, both Mr. Camerons' family owning firearms.

19 MR. PICKER: Your Honor, it's foundational for the

20 next question.

21 MR. STEGE: Well, that's not a proper response.

22 A proper response would be, "Here's how it's

23 relevant," not, "I'm going to tie up relevance with another

24 question." That's not how the rules of evidence work.

1 THE COURT: The objection is overruled. Question may
2 be asked. The Court finds that this may lead to -- that this
3 may have relevance to issues in dispute here.
4 You may proceed.
5 BY MR. PICKER:
6 Q. Did your parents also own weapons?
7 A. Yes, they did.
8 MR. STEGE: Same objection.
9 THE COURT: Hold on.
10 To this line of questioning, Mr. Stege, if you'd
11 like, I'll give you a continuing objection. Would you like
12 that?
13 MR. STEGE: It continues to be irrelevant.
14 THE COURT: Thank you.
15 BY MR. PICKER:
16 Q. Did you and your brother ever borrow those weapons?
17 A. No, we did not.
18 Q. Okay. So you had -- you and your brother had your
19 own firearms?
20 A. Yes, we did.
21 Q. Was it common for you and your brother to go out
22 shooting --
23 A. Yes.
24 Q. -- growing up? Was it common for you and your

1 brother to go hunting?

2 A. No.

3 Q. Okay. Just -- we'll call it target practice?

4 A. Yes.

5 Q. Okay. Tin cans?

6 A. Yes.

7 Q. Okay. In the last five years, have you been in a

8 vehicle owned by Mr. Cameron?

9 A. Yes.

10 Q. Okay. Did you ever see a firearm in that vehicle?

11 A. No.

12 Q. Did Mr. Cameron ever -- well, did he ever show you

13 any of his firearms in the last five years?

14 A. No.

15 Q. You don't remember telling detectives that Mr.

16 Cameron told you he had -- he carried a gun in his vehicle?

17 A. No, I don't recall if -- I said, "I believe he said

18 he had it in his vehicle." But never under the seat. I

19 don't recall that.

20 Q. Okay. When you were talking to those detectives,

21 were you attempting to be truthful?

22 A. Yes.

23 Q. And you were attempting -- or were you telling them

24 whatever your brother had told you about firearms?

1 A. Yes.

2 Q. Okay. In answer to their questions?

3 A. Yes.

4 Q. And you were being as complete as possible?

5 A. Completely.

6 MR. PICKER: Thank you.

7 That's all I have.

8 THE COURT: Mr. Stege, any redirect?

9 MR. STEGE: Yes.

10 REDIRECT EXAMINATION

11 BY MR. STEGE:

12 Q. While in your brother's car, did your brother ever

13 talk about or reference having a firearm in the vehicle?

14 A. Not while we were in the vehicle, no.

15 Q. In what context? Well, how was it or where was it

16 that he told you about having a firearm that led to your

17 belief that it was in the vehicle?

18 A. I believe, when we spoke about it, it was either over

19 the phone, or in person at one point.

20 Q. And do you recall what it was about the conversation

21 that made you believe that he had it in the -- in his car?

22 A. The fact that he stated that he had it with him at

23 all times, figured -- I figured he had it in his vehicle

24 somewhere, the console or wherever.

1 MR. STEGE: Thank you.

2 THE COURT: Mr. Picker, any other questions for Mr.

3 Cameron?

4 MR. PICKER: Nothing based on that.

5 Thank you, Your Honor.

6 THE COURT: Thank you.

7 Mr. Cameron, thank you for your testimony. You may

8 step down, sir.

9 THE WITNESS: Thank you.

10 (Witness excused.)

11 MR. STEGE: Mr. Elliott, please.

12 THE COURT: Just a minute, please.

13 Okay. Sorry for the delay.

14 Deputy, please escort the next witness in.

15 I'm sorry, Mr. Stege. Who was that, please?

16 MR. STEGE: Mr. Elliott.

17 THE COURT: Thank you.

18 Good morning, sir.

19 (Witness sworn.)

20 THE COURT: Thank you.

21 Please have a seat up here. And slide your chair in,

22 get comfortable. If you would please speak just a few inches

23 away from the microphone, speak loudly. And when you're

24 ready to do so, if you can slide your mask down, take it off

1 so we can see you and also hear you better.

2 Go right ahead, sir.

3 And if you would please state your name, and spell
4 your last name.

5 THE WITNESS: Sean Charles Elliott, E-l-l-i-o-t-t.

6 THE COURT: Thank you, Mr. Elliott.

7 Please proceed.

8 SEAN CHARLES ELLIOTT,

9 called as a witness on behalf of the State,

10 first having been duly sworn,

11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. STEGE:

14 Q. Sir, how long have you lived in the Washoe County
15 area?

16 A. Since 1970.

17 Q. And what part of town do you currently live in, or
18 what part of the valley, I guess?

19 A. South side.

20 Q. Do you know a person by the name of Wayne Cameron?

21 A. I do.

22 Q. How was it that you came to meet Mr. Cameron?

23 A. Our two sons played in Little League together and
24 high school sports together, and I came to know Wayne through

1 youth sports.

2 Q. So the baseball -- you were baseball dads on the same
3 team?

4 A. Correct.

5 Q. Was that through Little League, through high school,
6 or in Little League, different teams?

7 A. Little League, there was always different teams. I
8 believe most of the teams that they're on together were more
9 towards high school.

10 Q. Have you ever been in Wayne Cameron's car?

11 A. Yes, sir.

12 Q. Did you ever see any firearms in Wayne Cameron's car?

13 A. Yes, sir.

14 Q. Can you tell us about the circumstances of that, and
15 what you saw, please.

16 A. Between our sons' freshman and sophomore year, they
17 were on the same high school summer baseball team. Being a
18 summer baseball team, the school didn't provide any buses to
19 transport the kids to their games during the summer.

20 And we had a game in Carson City. We found ourselves
21 at the game about two hours ahead of the game, when it
22 starts, so the boys could warm up and hit, and the subject
23 approached that we should go get lunch. Wayne had offered to
24 take his car.

1 And we went to the Bully's in Carson City for lunch.
2 And when we pulled up, he had opened up the glove box to get
3 his wallet, or whatever it was, and there was a
4 semi-automatic handgun in his glove box.

5 Q. Do you know the date that this happened?
6 A. June 22nd of 2016.

7 Q. Okay. Semi-automatic pistol?
8 A. Yes, sir.

9 Q. Was it holstered, unholstered, or some other
10 condition?
11 A. It was holstered.

12 Q. What kind of holster, or style or type?
13 A. Black. I remember maybe nylon, or black leather.

14 Q. And the firearm, what did that look like?
15 A. It was a semi-automatic style.

16 Q. And what color?
17 A. Black, with -- I believe it had some chrome on the
18 slide.

19 Q. Are you yourself familiar with firearms?
20 A. Yes, sir.

21 Q. And do you know what make or manufacturer? Or what
22 manufacturer or make did that gun that you saw in the glove
23 box look like?
24 A. No. He never said. But, to me, it looked more like

1 a Smith and Wesson style. I don't know if it was or not, but
2 it -- that's what it looked like when it was holstered.

3 Q. So the style of it looked to be Smith and Wesson?

4 A. Correct.

5 Q. Do you yourself own any Smith and Wesson
6 semi-automatic pistols?

7 A. I own a different type.

8 Q. Okay.

9 A. H and K.

10 Q. But you're familiar with Smith and Wesson style?

11 A. Yes, sir.

12 Q. Okay. Did Wayne ever say anything about -- or was
13 there anything said when he opened that glove box, and you
14 saw the pistol?

15 A. Well, it took me by surprise.

16 I said, "I didn't know you carried."

17 And he said, "Yes, I do carry. That's my
18 9-millimeter." And, "You can never be too careful."

19 And I had said that I did not own a 9-millimeter. We
20 started discussing different calibers. And he had said that
21 he had also carried a .40-caliber semi-automatic weapon with
22 him, as well.

23 Q. Was there a further discussion on .40-caliber versus
24 9-millimeter?

1 A. I had told him that I also owned a .40-caliber, and
2 that was my favorite gun. It wasn't too big; it wasn't too
3 small. It was just a beautiful gun. And he had expressed
4 the same about his.

5 Q. That it was a beautiful gun, and he liked the -- that
6 he liked the gun? Or what do you mean by that?

7 A. Just it was his favorite gun, as well as it was mine.

8 Q. Okay. The .40?

9 A. Correct.

10 MR. STEGE: Thank you.

11 I'll pass the witness.

12 THE COURT: Mr. Picker. Or Ms. Garcia.

13 MS. GARCIA: Thank you.

14 CROSS-EXAMINATION

15 BY MS. GARCIA:

16 Q. Good morning.

17 A. Good morning.

18 Q. So the events that you're discussing occurred in
19 2016; correct?

20 A. Correct.

21 Q. Have you been in Mr. Cameron's car since?

22 A. No, I have not.

23 Q. All right. So you're not able to say whether in the
24 preceding four years Mr. Cameron had that gun in his car;

1 right?

2 A. No, I cannot.

3 Q. You said you saw the gun in the glove box; is that

4 right?

5 A. Correct.

6 Q. It wasn't under the seat?

7 A. No.

8 Q. You testified to being familiar with firearms; right?

9 A. Correct.

10 Q. Are you able to say whether that gun had the clip in

11 it when you saw it?

12 A. No, I cannot.

13 Q. You don't recall, or it didn't?

14 A. I do not recall.

15 Q. Okay.

16 MS. GARCIA: I don't have anything further.

17 THE COURT: Thank you.

18 Mr. Stege.

19 REDIRECT EXAMINATION

20 BY MR. STEGE:

21 Q. Was there a magazine in the gun?

22 A. I do not recall.

23 MR. STEGE: Thank you.

24 Nothing further.

1 MS. GARCIA: Nothing based on that.

2 THE COURT: Thank you.

3 All right. Mr. Elliott, thank you so much for your
4 testimony. You may put your mask back on. You're free to
5 go. Have a nice afternoon, sir.

6 THE WITNESS: Thank you.

7 (Witness excused.)

8 THE COURT: Mr. Stege, please call the State's next
9 witness.

10 MR. STEGE: Your Honor, I wonder if we might have a
11 brief recess and the possibility of a side-bar related to
12 this next witness. It ought to take five minutes or less,
13 this recess, for sort of a legal issue, and hopefully I won't
14 need to address the Court on that --

15 THE COURT: Well, so, here's what we'll do. We're
16 going to take just a short, approximately 10-minute comfort
17 break.

18 Ladies and gentlemen, during the break, it is your
19 duty not to converse among yourselves or with anyone else on
20 any subject connected with the trial. Do not communicate
21 with anyone in any way regarding the case or its merits,
22 including by phone, e-mail, text, internet or other means.
23 Do not read, watch or listen to any news or media accounts or
24 commentary about the case, do any independent research, test

1 a theory of the case, re-create any aspect of the case or in
2 any other way investigate or learn about the case on your
3 own.

4 Additionally, it is your duty not to form nor express
5 an opinion on any subject connected with the case until it is
6 finally submitted to you.

7 Let's shoot for roughly 10 minutes.

8 All rise for the jury.

9 Counsel, I'll meet you at the side-bar back here.

10 (The following proceedings
11 were conducted as a side-bar:)

12 THE COURT: We're on the record, having a side-bar.
13 What's the issue, please?

14 MR. STEGE: I apologize, Your Honor.

15 There were no reporters in the courtroom, but I've
16 learned there's one that has come in.

17 This next witness is an undercover detective. It's
18 important that his identity sort of remain --

19 THE COURT: Carranza.

20 MR. STEGE: Carranza.

21 THE COURT: Sorry.

22 MR. STEGE: I'd like to, either myself or ask my
23 staff, if you will, please not publish his name or his image.
24 I'm hopeful that will resolve it, and we will be right back

1 on. If there's an issue, I may ask the Court for some input
2 into it.

3 THE COURT: So you're going to ask first, and if you
4 don't get the response you're looking for, you'll bring it to
5 the Court's attention?

6 MR. STEGE: Yes.

7 THE COURT: I'll cut the Zoom feed for purposes of
8 focusing on his image. The rest of the image -- or the Court
9 or the counsel, I should say, will, I believe, go forward.
10 But we'll ask them -- you can talk to them, indicate I'm in
11 favor of that. Zoom, the trial continues live. We just
12 don't have the camera that focuses on him. How does that
13 sound?

14 MR. STEGE: That sounds great.

15 THE COURT: Before that order goes final, any
16 thoughts on your view of that?

17 MR. PICKER: We'll submit it.

18 THE COURT: Thank you.

19 That will be the order of the Court.

20 Let's meet back there in about 10 minutes. If
21 there's an issue, get the Court's attention.

22 MR. STEGE: Will do.

23 Thank you.

24 THE COURT: Any questions on what I just said?

1 THE CLERK: No. Just confirming the audio will be
2 live; we're just going to shut down that camera. I'm ahead
3 of that, so we've got that shut down.

4 THE COURT: How would you like him to identify his
5 name on the record?

6 MR. STEGE: I'll ask him maybe, Detective Carranza.
7 I don't know. I don't know. It's -- I think it's the image
8 and name being published elsewhere, it's, I think, about the
9 limits of the First Amendment, and I'm willing to --

10 THE COURT: Understood. All right.

11 MR. STEGE: -- suppress.

12 THE COURT: See everyone back there. Let's get out
13 there about 9:20.

14 (Side-bar concluded.)

15 (The following proceedings
16 were had without the presence
17 of the jury:)

18 THE COURT: Please be seated.

19 The record should reflect the presence of counsel and
20 Mr. Cameron.

21 Deputy, please bring the jury back in.

1 (The following proceedings
2 were had with the presence of
3 the jury:)
4 THE COURT: Okay. Welcome back.
5 Please be seated.
6 Will counsel agree that all the jurors are here?
7 Mr. Stege.
8 MR. STEGE: Yes. Thank you, Your Honor.
9 THE COURT: Ms. Garcia or Mr. Picker.
10 MS. GARCIA: Yes, Your Honor.
11 THE COURT: Thank you so much.
12 Welcome back, ladies and gentlemen.
13 Mr. Stege, please --
14 MR. STEGE: Detective Carranza, please.
15 THE COURT: -- please call your next witness.
16 Thank you.
17 Good morning, sir.
18 Please come forward, raise your right hand, take the
19 oath of witness.
20 (Witness sworn.)
21 THE COURT: Thank you so much.
22 Please have a seat right up here at the witness
23 stand. Make yourself comfortable, and we'll get started.
24 And, Detective, if you would, be fairly close to the

1 microphone. It helps us hear.

2 And also would you state your last name, and spell
3 your last name.

4 THE WITNESS: Yes. My name is George Carranza,
5 C-a-r-r-a-n-z-a.

6 THE COURT: Thank you so much.

7 And a little bit closer to the microphone.

8 Please proceed.

9 MR. STEGE: Thank you.

10 GEORGE CARRANZA,
11 called as a witness on behalf of the State,
12 first having been duly sworn,
13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. STEGE:

16 Q. Detective, please err on the side of too loud with
17 that microphone.

18 A. Okay.

19 Q. Are you currently employed?

20 A. Yes, I am.

21 Q. How?

22 A. I'm employed with the Reno Police Department.

23 Q. How long have you been with RPD?

24 A. Approximately 20 years.

1 Q. What is your current assignment?

2 A. Currently I'm assigned to the Regional Crime

3 Suppression Unit, as a detective.

4 Q. Were you assigned to that same unit on February 20th

5 of 2020?

6 A. Yes, I was.

7 Q. And what does that particular unit do?

8 A. So, in our unit, the RCSU, we are a plainclothes

9 unit. Often we are tasked with plainclothes operations and

10 surveillance.

11 MR. PICKER: Objection. Relevance.

12 THE COURT: The objection is relevance?

13 MR. PICKER: Yes, sir.

14 THE COURT: And the answer was to the question of

15 essentially what he does?

16 MR. STEGE: Right. What does the unit of your --

17 that unit of RPD do?

18 THE COURT: Okay. Mr. Picker.

19 MR. PICKER: Your Honor, the objection is based on,

20 that unit is involved in a number of other things that -- a

21 number of other types of crimes that have nothing to do with

22 Mr. Cameron.

23 THE COURT: All right. The objection is overruled.

24 I think some background on what this fellow does for a living

1 at this point may be relevant to anything he has to tell us,
2 and whether what he has to tell us is worthy of any belief by
3 this jury.

4 You may proceed.

5 Or I guess you may continue your answer, sir.

6 THE WITNESS: So, as I was saying, we are a
7 plainclothes unit often tasked with surveillance operations.

8 BY MR. STEGE:

9 Q. And is that what you were tasked with in this case,
10 is surveillance operation?

11 A. Yes, I was.

12 Q. And a surveillance operation of who, or what?

13 A. Mr. Wayne Cameron.

14 Q. And please tell us about that operation --

15 A. So, that day --

16 Q. -- what happened?

17 A. -- we were contacted by the Homicide Unit detectives
18 to assist them with performing surveillance on Mr. Cameron.

19 Q. And so what -- how did that proceed from there?

20 A. So we began the operation at the airport. And we
21 were to take Mr. Cameron from the airport to wherever.

22 Q. Okay. And so, as a result, was he under surveillance
23 from the airport?

24 A. Yes, he was.

1 Q. And he arrived at the airport how?

2 A. I'm assuming via airplane.

3 Q. Okay. Why are you assuming that?

4 A. It's the airport.

5 Q. Where did he go from the airport -- or from --

6 A. From the airport, we had members of RCSU follow him

7 from the terminal to a parking garage, and then from the

8 parking garage to a restaurant on South Virginia.

9 Q. He drove a vehicle from the airport to the

10 restaurant?

11 A. Yes. We had members of RCSU observe Mr. Wayne get

12 into an Acura MDX, mid-size SUV.

13 Q. And he was followed or surveilled as he drove on

14 South Virginia?

15 A. Correct.

16 Q. And where did he go?

17 A. He went to a restaurant on South Virginia, near

18 Meadowood Mall. I'm trying to remember the name of the

19 restaurant. It will come to me.

20 Q. Okay. What happened when he got to the restaurant?

21 A. He parked towards the front doors of the restaurant.

22 Myself and two other members of RCSU elected to go inside to

23 get -- continue the surveil of Mr. Cameron.

24 Q. What happened inside?

1 A. Once inside, once we entered the front doors, I
2 observed Mr. Cameron sitting at a table.

3 Q. And what was he doing at that table?

4 A. He was sitting with other members of the Washoe
5 County Sheriff's Office.

6 Q. How did you recognize them to be members of the
7 Washoe County Sheriff's Office?

8 A. Specifically, I recognized Deputy Chief Greg Herrera.

9 Q. And how did you recognize him?

10 A. Well, I recognized Deputy Chief Herrera from past
11 dealings with the County Sheriff's -- the Sheriff's Office in
12 other facets of my job.

13 Q. And Deputy Chief Herrera was at the table? Mr.
14 Cameron was at the table?

15 A. Yes.

16 Q. Who else was at the table?

17 A. Those are the only people that I recognized.

18 Q. Okay. And so -- you recognized Deputy Chief Herrera.
19 Prior to this, does Deputy Chief Herrera know you by face?
20 You've spoken to him before this?

21 A. I believe he would.

22 Q. Okay. And so, as a result, what happened next?

23 A. Based on me recognizing Mr. -- Deputy Chief Herrera,
24 we elected to exit the restaurant.

1 Q. And what did you do outside the restaurant?

2 A. We just maintained surveillance of the vehicle until

3 Mr. Cameron exited the restaurant.

4 Q. And when he exited the restaurant, what did he do?

5 A. He got into his Acura MDX. And we maintained

6 surveillance of him until he arrived at his residence.

7 Q. And do you recall where the residence was?

8 A. Yes. It's in the Arrow Creek area.

9 Q. Have you remembered the name of the restaurant?

10 A. Not at this moment, sir.

11 Q. Does Pinocchio's sound familiar?

12 A. Very familiar. That's what it is.

13 MR. STEGE: Thank you.

14 I'll pass the witness.

15 THE COURT: Examination by the defense.

16 CROSS-EXAMINATION

17 BY MR. PICKER:

18 Q. Good morning, Mr. Carranza.

19 A. Good morning, sir.

20 Q. It was your understanding -- well, when you were

21 tasked to go to the airport, was it your understanding that

22 Mr. Cameron was out of town?

23 A. We weren't told that information, no. Just that he

24 was at the airport.

1 Q. And that -- and you were given a specific time that
2 he would be at the airport?

3 A. Correct.

4 Q. Okay. Similar to like an arrival time of a plane?

5 A. Yes.

6 Q. To your knowledge, was Mr. Cameron requested to come
7 to Reno that day?

8 A. Oh, I don't know, sir.

9 Q. Okay. And Mr. Cameron went to his car from the
10 airport.

11 A. It's my understanding, yes.

12 Q. You weren't watching him go from the terminal to his
13 car?

14 A. No. We had other detectives staggered along that
15 area.

16 Q. Okay. Was it your understanding that he was carrying
17 luggage on his way to the vehicle?

18 A. I don't know that, sir.

19 Q. And the vehicle went to the restaurant. Stayed
20 awhile -- because you went outside, so you don't know what he
21 was doing inside -- then he went home?

22 A. Correct.

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

24 Thank you.

1 THE COURT: Anything else, Mr. Stege?
2 MR. STEGE: Thank you, no.
3 THE COURT: Detective Carranza, thank you so much for
4 your testimony. You may step down. Have a pleasant
5 afternoon.
6 THE WITNESS: Thank you.
7 (Witness excused.)
8 THE COURT: Next witness, please, Mr. Stege.
9 MR. STEGE: Detective Lopez.
10 THE COURT: Good morning, sir.
11 THE WITNESS: Good morning.
12 THE COURT: If you'd please address my court clerk,
13 raise your right hand, take the oath of witness.
14 THE WITNESS: Yes, sir.
15 (Witness sworn.)
16 THE COURT: Thank you.
17 Please have a seat up here.
18 THE WITNESS: Thank you.
19 THE COURT: If you'd please make yourself
20 comfortable, slide in. Do your best to speak into the
21 microphone a few inches away. And feel free to adjust it, if
22 you'd like.
23 And please state your name, and spell your last name.
24 THE WITNESS: Yes, Your Honor.

1 My name is Detective Lopez. My first name is
2 Francisco. That is F-r-a-n-c-i-s-c-o. My middle name is
3 Javier, J-a-v-i-e-r. I go by my middle name. And my last
4 name is Lopez, L-o-p-e-z.

5 THE COURT: Thank you, Detective.
6 Please proceed.

7 FRANCISCO JAVIER LOPEZ,
8 called as a witness on behalf of the State,
9 first having been duly sworn,
10 was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY MR. STEGE:

13 Q. With what agency are you a detective?

14 A. Reno Police Department.

15 Q. What part of the Detectives at Reno PD?

16 A. Robbery-Homicide Unit.

17 Q. Did you have -- how long have you been in that
18 unit: RHU?

19 A. In that particular unit, approximately two years.

20 Q. Were you in that unit on February -- in February of
21 2020?

22 A. I was.

23 Q. On the 21st of February of 2020, did you respond out
24 to 7345 La Paz Court?

1 A. I did.

2 Q. And why did you go to that address?

3 A. I was prompted by Detective Nevills to head to that

4 location. I was advised that we had received a signed

5 warrant for the mentioned address.

6 Q. A search warrant for the address?

7 A. Yes.

8 Q. And so what role did you take in executing that

9 search warrant?

10 A. When I arrived on scene, I was tasked with taking

11 photographs of the scene. I started documenting everything

12 through photographs.

13 And then I assisted in the search in the master

14 bedroom, master bath, hallway closet, and an office next to

15 the master bedroom.

16 Q. Do you see the area of the location of the searched

17 house on page 2 of Exhibit 1?

18 A. I do.

19 Q. Can you circle that or put an X over it for the jury.

20 Can you give us an overview of the house.

21 A. As far as a description?

22 Q. Yeah. Describe it. What does it look like, how many

23 bedrooms, stuff like that?

24 A. It was quite a large house. Coming in, you have a

1 pretty long driveway. A side-loader garage. In the garage,
2 there was two vehicles as we came in. I photographed those.
3 There were some cameras near the front door.

4 And as you make your way into the house, it opens up
5 into a pretty open, very nice layout, which included a dining
6 room, a large living area, and then some bedrooms to the
7 left. And then the master bedroom and master bath, including
8 that office I mentioned, to the right.

9 Q. In executing the search warrant, what was the target
10 of the search?

11 A. We were attempting to locate a .40-caliber handgun
12 primarily, among other handguns; but the main focus was a
13 .40-caliber handgun and .40-caliber casings.

14 Q. Because you had been briefed on that particular
15 aspect of the case, the search for a .40?

16 A. Search for a .40; that's correct.

17 MR. STEGE: May I approach the witness?

18 THE COURT: You may.

19 MR. STEGE: With proposed 31.

20 BY MR. STEGE:

21 Q. Sir, will you please review the contents of that
22 folder.

23 Sir, do you recognize the contents of that proposed
24 Exhibit 31, containing 95 pages?

1 A. I do.

2 Q. And, in fact, have you reviewed a digital copy of
3 that exhibit prior to court?

4 A. I have.

5 Q. Do those photographs in that proposed exhibit fairly
6 and accurately depict the house as you encountered it on the
7 date in question?

8 A. It does.

9 MR. STEGE: I move to introduce the exhibit, Your
10 Honor, 31.

11 THE COURT: Any objection?

12 MS. GARCIA: Your Honor, no objection to the physical
13 evidence. The same objection we'd like to continue as to the
14 fact that the digital version is going to be used.

15 THE COURT: Okay. Same response from the Court.
16 They'll both be admitted, over the objection of the defense.

17 Thank you.

18 You may approach the witness and publish.

19 The digital copy will be 31. This will be 31-A.

20 MR. STEGE: I propose the opposite, I think, in favor
21 of Ms. DeGayner, since this has --

22 THE CLERK: That's 31. And the digital copy is 31-A.

23 THE COURT: Beg your pardon. It will be the way you
24 just suggested, Mr. Stege; confirmed by the court clerk.

1 THE CLERK: And they're both admitted?

2 THE COURT: They are.

3 THE CLERK: Thank you.

4 (Exhibit 31 was admitted into
5 evidence & Exhibit 31-A was
6 marked for identification and
7 admitted into evidence.)

8 BY MR. STEGE:

9 Q. Detective, let's begin with page 1. Please provide
10 an overview of what we are looking at.

11 A. So, right here, like I described, what we have is
12 that long driveway, with the side-loader garages.

13 Here and somewhere in this general area were the
14 cameras that I could visibly see as I was taking the
15 pictures.

16 And here to the garage, both garage doors open, there
17 was two vehicles in that garage.

18 Q. I wonder if you might point out to us which direction
19 would be north from this orientation by means of drawing an
20 arrow.

21 A. So if I'm standing in there -- just give me a second
22 to get my bearings on that.

23 I would prefer to look at the map, the overview map,
24 to be able to determine that.

1 Q. Do you know how to clear that? It's the bottom -- if
2 you touch the bottom-left corner of your screen. There you
3 go.

4 A. I believe north is this way.

5 Q. Okay. Want to use the rows at the bottom, pointing
6 to north?

7 A. Oh, I see.

8 Q. Right? So north would be up the street from La Paz
9 Court. And we are in the cul-de-sac looking at this house
10 there, so off to the right of that picture would be north.
11 Do you agree with that?

12 A. I do.

13 Q. Okay. This way. Do you agree with that?

14 A. Yes.

15 Q. Okay. Let's continue. Page 2 of this exhibit.

16 A. So this is the two open garage doors, with the two
17 vehicles inside the garage. That's Sergeant Silver and, I
18 believe, Mr. Cameron's son.

19 Q. At this point, is Mr. Cameron, the senior, still at
20 the house, to your knowledge?

21 A. To my knowledge, he was already gone.

22 Q. Will you talk about page 3, please.

23 A. In this image, you can just get a better clear view
24 of the two vehicles, better inside the garage, and just the

1 two -- side-loader garage.

2 Q. So the person with his back to us is who?

3 A. That is Sergeant Silver.

4 Q. What are we looking at at page 4?

5 A. Page 4 here, we have one of the cameras that I
6 pointed out earlier. We have Detective Jenkins, which is the
7 female in the image here, Sergeant Silver's back once again,
8 and Mr. Cameron's son.

9 Q. At 5.

10 A. Just an image of the front door. It captures once
11 again the camera. And -- well, I can't see it on this
12 picture. There's another camera somewhere in this area over
13 here. But, yeah, this captures that front door.

14 Q. Let's continue to page 6. Where are we in the home?

15 A. This is at the entrance of the master bedroom.

16 Q. At 7?

17 A. This is just a side, little seating -- little area
18 he's got there. As soon as you walk in, back here in this
19 top corner, that's the top -- that's the door into the
20 bedroom. And this right here opens up and --

21 Q. Is the top portion of this exhibit this area where
22 the previous page, page 6, was taken from?

23 A. Yes. This little seating thing is in both pictures.

24 Q. Okay. Thank you.

1 Let's move to 8, page 8.

2 A. This is one of the nightstands on the -- next to the
3 bed. Here you can see one of the handguns that we collected,
4 that was attached with a magnet to the back of the
5 nightstand.

6 Q. At 9.

7 A. That's just a better image of that handgun that is
8 attached with a magnet.

9 Q. And 10 we have a closer view of that?

10 A. Closer view of that same firearm; that is correct.

11 Q. Was that firearm collected?

12 A. It was.

13 Q. At 11 we have a better description of it.

14 A. Yes.

15 Q. Or photograph.

16 A. That's correct.

17 Q. Do you recall the caliber or make and caliber of this
18 pistol?

19 A. I can clearly see here it's a Smith and Wesson. And
20 I don't recall off the top of my head the caliber.

21 Q. Okay. And here we have a close-up of the serial
22 number of the firearm.

23 A. That's correct.

24 Q. Moving to page 13.

1 A. In this picture, we have an empty camouflage holster
2 for a handgun.

3 Q. Are we still in that same master bedroom?

4 A. We are still in the bedroom; that's correct.

5 Q. And so from where we were before, where has sort of
6 the perspective moved?

7 A. If I remember correctly, this is a sliding glass door
8 here. So if you're coming into the bedroom, this would be to
9 your left.

10 Q. 14.

11 A. A closer look into that empty holster.

12 Q. Turning to 15.

13 A. Still in the bedroom. This was one of the rifles
14 that was just propped up against the wall there.

15 Q. 16 being a close-up of that rifle?

16 A. Closer look into the firearm, yes.

17 Q. And here it's been laid out on the bed.

18 A. That is the same one; that's correct.

19 Q. Let's move to 18. Where are we, and what are we
20 looking at?

21 A. We're now in the master bathroom. And this little
22 case was located in the cabinets that you can see down here.

23 Q. And what was in the case?

24 A. It's an Airsoft pistol of some sort.

1 Q. Which is further detailed at page 20?

2 A. That's correct. And there should be a couple more
3 pictures that I took of it. Oh, there was -- yeah, yeah.

4 Q. Let's talk about page 21. Where are we in the house?

5 A. So connecting the master bathroom and the master
6 bedroom is just this little hallway. In the hallway, there's
7 two closets. There's a closet with the sliding doors to the
8 left; and then there's a door that opens on the right, opens
9 to a bigger, larger closet. This is one of the closets in
10 that little hallway.

11 Q. And it looks like a detective is interested in the
12 area of the middle. What is that?

13 A. This is a small safe that Detective Jenkins was
14 inspecting at the time.

15 Q. Was this item up here later examined?

16 A. It was. I believe that was a safe that was closed.

17 Q. Page 22, what does that show?

18 A. That's the contents of the safe. Just as you can
19 see, a handgun and some loose ammunition and some loaded
20 magazines.

21 Q. Page 23.

22 A. These are two of the magazines that came out of that
23 little box.

24 Q. Do you recall the caliber of the magazines?

1 A. 9-millimeter.

2 Q. We're looking at page 24.

3 A. We're looking at a handgun that came out of that

4 little safe. I don't remember whether Detective Rhodes

5 ultimately determined what the brand of this gun was, but he

6 was the one that determined the brand. We couldn't tell just

7 by looking at it.

8 Q. Okay. Do you recall the caliber of this gun?

9 A. Yes. That was a 9-millimeter.

10 Q. Is this -- those magazines we previously saw, are

11 those magazines for this pistol?

12 A. I don't remember actually tying them to the pistol,

13 so I wouldn't be able to tell you. They were with the

14 pistol, though.

15 Q. What about at page 26?

16 A. This is another little handgun that was located in

17 with the other 9-mil.

18 Q. What is the caliber of this?

19 A. This is a Jennings .22.

20 Q. As detailed by the photograph at page 27?

21 A. That's correct.

22 Q. We've moved now to page 28. Tell us about this area.

23 A. So this is in the master bath, in the actual shower

24 area. There was this floor mat that, upon further

1 inspection, we determined to belong to an MDX, an Acura MDX.

2 Q. 29 is a close-up of that mat?

3 A. That's correct.

4 Q. And in particular, looking here at 30, where in the

5 MDX does this mat go?

6 A. By the looks of it, it belongs to the driver's side

7 of an MDX.

8 Q. Returning to the closet area, page 31.

9 A. Yes. So we have -- I'm sorry.

10 Q. Do you want me to go back?

11 A. Yeah. Just to -- this -- the contents in here and in

12 here were all in this general area.

13 Q. 32.

14 A. So, as you can see, there was just a revolver in

15 there, with some co2 cartridges there.

16 Q. What type of firearm was that?

17 A. A revolver .22.

18 Q. Page 34.

19 A. This is still in that same closet. What I'm taking a

20 picture of here is this shoulder holster right there.

21 Q. And is this area that we're looking at right here,

22 that I've circled in yellow to the other side of that wall,

23 is that that nightstand that we previously saw with the gun

24 magneted to the back?

1 A. That is correct. So this is the nightstand where the
2 magnet with that first handgun that we took a look at was
3 attached to.

4 Q. Page 35.

5 A. So this is a closer look at that shoulder holster
6 that was hanging, with a Glock handgun in it.

7 Q. Page 36.

8 A. A little bit of a clearer look at that Glock.

9 Q. 37.

10 A. This is after we removed it, and I walked it over to
11 that master bath to take a better look.

12 Q. And what type of firearm was this Glock?

13 A. That is a 9-millimeter Glock, Glock 17.

14 Q. Page 39, showing a close-up of the --

15 A. Yes. Right here.

16 Q. What information is that that you've just underlined?

17 A. This is giving us the brand of the gun, the Glock;
18 the size, 17, which is the size of the actual gun; and then
19 the caliber, it's a 9-millimeter.

20 Q. 9-by-19 being what -- is that synonymous with
21 9-millimeter?

22 A. That's indicating that it's a 9, 9-millimeter, yes.

23 Q. You are probably more familiar with firearms than
24 many, so is a 9-by-19 saying the same or a different thing as

1 calling a gun 9-millimeter?

2 A. It's the same.

3 Q. Page 40.

4 A. This is the serial number of that exact gun.

5 Q. At 41, why is a picture taken in this orientation or
6 this manner?

7 A. So this picture was taken after we rendered the
8 handgun safe, removed the magazine, and pulled the slide to
9 the rear and locked it.

10 Q. And the condition of the magazine, can you tell
11 anything by looking at the top of the magazine?

12 A. Yeah. The indication of this is that there was
13 ammunition in that magazine.

14 Q. What became of that firearm?

15 A. Detective Rhodes took possession of it and later
16 booked it.

17 Q. That was booked into evidence at either the Sheriff's
18 Office or Reno Police Department?

19 A. At the Reno Police Department.

20 Q. And -- okay. For what purpose? Or, to your
21 knowledge, was this firearm later tested at the forensic lab?

22 A. It was. I only know that because of our briefing
23 staffs, when we do staffing. I know that it was tested. I
24 don't know exactly the outcomes, but I know that it was

1 tested.

2 Q. Moving now to page 42.

3 A. This is a picture of the office that I mentioned
4 earlier. This office is directly -- right next to the master
5 bedroom.

6 Q. And that 43.

7 A. So this is, once I'm inside, I just took another
8 picture of this. This is inside the office.

9 Q. Moving to 44.

10 A. This is still inside the office. It's just a
11 bookshelf that was up against the wall there.

12 Q. And 45.

13 A. The safe was opened upon our entrance into it, and it
14 was, as you can see, pretty well loaded with lots of
15 miscellaneous items, including firearms.

16 Q. And so, by way of orientation, going back to 44,
17 where is the safe in relation to this bookshelf?

18 A. So if you're standing here, this bookshelf would be
19 to your right, and the gun safe would be directly across to
20 your left.

21 Q. Thank you.

22 Let's move to 46. Were the contents of this safe
23 examined?

24 A. The contents were examined; that is correct.

1 Q. Let's begin with page 47.

2 A. This is a little attachment that the safe has on the
3 door. As you can see, just several little items. This Acura
4 key here, and then some cards belonging to Mr. Cameron.

5 Q. Close-up at 48 of the key, Acura key, and some other
6 items.

7 A. That's correct.

8 Q. Let's go to 50.

9 A. So this is the same cards that were in that little
10 slit. We just removed them to be able to document that the
11 cards do belong to Mr. Cameron.

12 Q. 51.

13 A. In this picture, you can see miscellaneous
14 collectibles that he has over here.

15 And then the long guns were on this general area over
16 here.

17 Q. And the bottom of the safe, what are we looking at
18 here?

19 A. We're just looking at another better look of the long
20 guns here, all in their respective cases. And then just some
21 additional collectibles on this side.

22 Q. Beginning with 53, please describe this.

23 A. So this is one of the rifles that was taken out of
24 there. You know, just laid it out and took some pictures of

1 it. It's a close-up of that same rifle and the serial
2 number.

3 Q. Turning to 56.

4 A. So, at this point, I began taking out one by one with
5 the -- it's one of those rifles in the case, that I took an
6 image of the case. And then, as we go along, I remember
7 taking pictures exactly of the rifles themselves.

8 Q. So 57 is what?

9 A. This is a shotgun.

10 Q. Continuing to 59.

11 A. These are some items that -- this one -- I don't
12 remember where these items came from, but I do remember
13 they're miscellaneous collectibles.

14 Q. Okay. Let's return back to the safe at 60.

15 A. Okay. So, in this picture, one of the AR-15-style
16 rifles that were in here is what I'm removing.

17 Q. And do you remember the caliber of this AR-15-style
18 weapon?

19 A. This is a typically a .223.

20 Q. Does the indication here on the receiver of the -- of
21 firearm indicate the caliber?

22 A. You're right. I apologize for that. It's right
23 there. It's a .22 long.

24 Q. So AR style, but chambered in a .22 long rifle?

1 A. That's correct.

2 Q. Continuing, 63.

3 A. This is one of the boxes of ammunition that was

4 located inside the safe. And it's a 9-millimeter Blazer box

5 of ammunition.

6 Q. Page 64, indicating at least the -- what is this

7 information? 9-millimeter Luger, 115 gr FMJ.

8 A. That's the information of the bullets it contained

9 inside.

10 Q. 65 being what?

11 A. 65 is the picture of the opened box and the bullets

12 that were contained inside.

13 Q. These were all 9-millimeters?

14 A. That's correct.

15 Q. Were any .40-caliber ammunition found in the home?

16 A. No.

17 Q. Were any .40-caliber firearms found within the home?

18 A. No.

19 Q. Continuing, it looks like it's 67.

20 A. Just another one of the cases of the rifles that were

21 inside the safe.

22 Q. Looks like at 69 you began to remove the rifle.

23 A. That's correct.

24 Q. What is the style of this rifle?

1 A. I'm not sure. To me, it looks like a hunting rifle.
2 Q. Is this a lever-action rifle, indicated by the lever?
3 A. That's correct.
4 Q. Okay. At 69, indicating the what?
5 A. The serial number.
6 Q. What about 71?
7 A. This is a picture of another one, another one of the
8 rifles that came out of the safe.
9 Q. Do you recall what the caliber of this rifle is?
10 A. I don't recall, but I would have taken a closer
11 picture than that.
12 There you go.
13 It looks like another .22.
14 Q. Continuing to the next long gun, at 76.
15 A. Right. That's just another picture, with the serial
16 number of another one of the rifles that came out of the
17 residence.
18 Q. Not a .40?
19 A. I mean, the safe.
20 Q. Again, not a .40; right?
21 A. Not a .40, no.
22 Q. Continuing to -- through this series with opening
23 this ammunition case at 79, what is at 80?
24 A. So these are boxes of ammunition. Again, they came

1 out of that safe. I just took some images of the contents of
2 them, you know, ammunition. There was two of them, and both
3 loaded with 9-millimeter. And I believe it was a different
4 caliber, but no .40.

5 Q. No .40. So 9s. Were you able to tell what the
6 caliber of this ammunition is?

7 A. Yeah. This is what I'm trying to think. I don't
8 remember what caliber that was.

9 Q. Okay. 33 -- 83. I'm sorry.

10 A. Just continuing with the contents there. Just one of
11 the magazines that was in there, that was loaded.

12 Q. Is this with that 9-mil ammo?

13 A. That's correct.

14 Q. 86.

15 A. This was the other little case that was in there,
16 with ammunition.

17 Q. It looks like you pulled one of the pieces of
18 ammunition out. What --

19 A. Right. Seemingly, they were all the same size, exact
20 same one. I picked up a couple, and I took a picture of the
21 one they were 9-millimeter.

22 Q. And, 89, you have -- what? -- two additional 9s?

23 A. Right. So those were loose, just sitting in the
24 safe, as you saw. And two 9-millimeter bullets.

1 Q. We're now in the -- is this a drawer? Where is this
2 that we're looking at at page 91?

3 A. So this is a safe that we were talking about, so this
4 is like a little file cabinet just to the right of it. And
5 we have, like, you know, there was some empty holsters,
6 handgun holsters in there.

7 Q. One of which is indicated or photographed at page 92?

8 A. That's correct.

9 Q. And what about 93?

10 A. This is just the other holster that you could see in
11 there. I just picked it up. An empty holster.

12 Q. And 94.

13 A. Just a couple of phones that were inside the -- as
14 you can see, the little plastic container there.

15 Q. And 95.

16 A. This is a passport of Mr. Cameron.

17 Q. The contents of that, including the Glock 17, were
18 all subsequently booked into evidence; correct?

19 A. That's correct.

20 Q. Did this conclude your involvement during -- of the
21 search warrant?

22 A. As far as searching, yes.

23 Q. Okay.

24 A. I did take possession of a vehicle that was in the

1 garage.

2 Q. Tell us about that process.

3 A. It was -- while we were searching, I believe it was
4 after we searched that office that we're talking about,
5 Detective Rhodes, who was in charge of the scene, asked me to
6 take possession. He had called a tow truck and were towing
7 Mr. Cameron's MDX to the FIS lab, and asked me to maintain
8 custody of it. So around that time is when I left the
9 residence and followed it to the FIS lab.

10 Q. So you followed as the Acura MDX we saw in the garage
11 was loaded onto a tow truck?

12 A. Yeah. It was a flatbed tow truck; that is correct.

13 Q. And what happened to it from there?

14 A. So we drove it down to the FIS garage, and it was
15 unloaded there and secured inside.

16 Q. What happened next?

17 A. I contacted the lead detective, Detective Nevills,
18 and asked him if he wanted me to stay with the vehicle,
19 conduct a search, or what his course of action was going to
20 be from there. At that time, he advised me that he wanted me
21 to do a cursory look inside, just to see if I could --
22 without doing too much of an intrusive search yet, that he
23 was going to conduct later, he asked me to look into the
24 vehicle to see if I located any .40-caliber handguns or

1 .40-caliber ammunition.

2 Q. That process was completed along with a member of the
3 staff from FIS; is that correct?

4 A. That's correct. Criminalist Braly.

5 MR. STEGE: May I approach the witness with proposed
6 33, which contains 74 pages?

7 THE COURT: You may.

8 BY MR. STEGE:

9 Q. Detective, please review the contents of proposed 74.

10 THE COURT: Proposed 33.

11 MR. STEGE: I'm sorry.

12 Thank you, Your Honor.

13 THE COURT: Ladies and gentlemen, feel free to stand
14 up for a moment or two while Detective Lopez is reviewing
15 these photos.

16 MR. STEGE: Your Honor, I believe the parties are in
17 agreement that now might be a good time for our little break.

18 THE COURT: Okay. Let's have a break, then.

19 We're going to take a 15-minute comfort break.

20 Deputy, you are excused from the stand during the
21 break, as well. If you want to use some of the time to
22 review those, you're welcome to do so, but probably best if
23 you step down from the stand while we're on recess.

24 Ladies and gentlemen, I'm not going to read the

1 admonitions I read to you just a short while ago. Keep those
2 in mind.

3 We will be back in 15 minutes.

4 All stand for the jury, please.

5 (The following proceedings
6 were had without the presence
7 of the jury:)

8 THE COURT: We'll be back on the record just shortly
9 before 10:30.

10 Detective, you'll still be under oath. You're not to
11 discuss your testimony with anyone during the recess.

12 Court is in recess.

13 (Recess.)

14 THE COURT: Thank you.

15 Please be seated.

16 We're back on the record in the presence of counsel
17 and the defendant.

18 Deputy, please bring the jury back in.

19 (The following proceedings
20 were had with the presence of
21 the jury:)

22 THE COURT: All right. Welcome back, everyone.

23 Please be seated.

24 Mr. Picker, will you stipulate to the presence of the

1 jury?

2 MR. PICKER: Yes, Your Honor.

3 THE COURT: Thank you.

4 Mr. Stege.

5 MR. STEGE: Yes.

6 THE COURT: All right. Thank you very much.

7 You may proceed, Mr. Stege.

8 And a reminder, Deputy Lopez. You're still under

9 oath.

10 Please proceed.

11 BY MR. STEGE:

12 Q. Detective, will you please finish reviewing 33,

13 proposed.

14 A. Okay.

15 Q. Do you recognize that proposed exhibit?

16 A. I do.

17 Q. How do you recognize it?

18 A. These are the pictures that FIS Criminalist Braly

19 took that day.

20 Q. And do they fairly and accurately depict the search

21 of the MDX at the lab?

22 A. My cursory search, yes.

23 MR. STEGE: I'd move to introduce Exhibit 33, Your

24 Honor.

1 THE COURT: Is there any objection?

2 MS. GARCIA: No objection to the physical copies.

3 Renewed objection to the --

4 THE COURT: That will be an ongoing objection.

5 MS. GARCIA: Thank you.

6 THE COURT: Over the objection for reasons previously

7 stated, the Court will admit this document.

8 What exhibit number will this be, and what number

9 will the electronic copy be?

10 MR. STEGE: 33, the paper exhibit; 33-A, the

11 electronic copy.

12 THE COURT: So ordered.

13 (Exhibits 33 & 33-A were

14 admitted into evidence.)

15 BY MR. STEGE:

16 Q. Let's begin with page 1.

17 A. This is a picture of the MDX. And this is inside the

18 FIS lab. You see the garage door where we brought it in

19 from.

20 Q. Page 2 points to the back of the MDX?

21 A. That's correct. Just a little bit more of a detailed

22 rear-end image.

23 Q. At 3.

24 A. So just another picture of the vehicle from the rear.

1 Q. Are these orange stickers we see, are those seals?
2 A. These are seals that we will put on the vehicles to
3 maintain security of the vehicle. Once we open them,
4 typically by FIS, that means that that patch or door has been
5 opened.
6 Q. 4.
7 A. This is a picture of the rear of the MDX, depicting
8 the full license plate.
9 Q. We've moved over to the right-hand side.
10 A. This is the passenger side of the MDX.
11 Q. Continuing forward, at 6.
12 A. Just a closer look of it, same passenger side.
13 Q. At 8.
14 A. This is the rear passenger-side door, indicating the
15 seal there.
16 Q. And indicating the seals, as well, at page 9?
17 A. That's correct. On the front passenger.
18 Q. The engine bay, also sealed?
19 A. That's correct.
20 Q. 11.
21 A. The front of the MDX. The license plate holder of
22 the MDX. No license plate.
23 Q. We're back over to the driver's side?
24 A. We are.

1 Q. Please describe page 14.

2 A. So this is the driver's side of the MDX, with the
3 door open. You can see the floorboard here. And then we
4 were able to get a sneak peek in this little side door pocket
5 that the car had.

6 Q. That's indicated as 16?

7 A. That's correct.

8 Q. And 17.

9 A. Yup.

10 Q. Do you recall what we have in this cup holder?

11 A. I don't recall exactly what this is. It was nothing
12 of evidence for us. But I don't remember exactly what it
13 was.

14 Q. At 17.

15 A. This is just another look into the inside of the
16 vehicle from the driver's side, open. This little pouch
17 right here, you know, it's like for documents or CDs or
18 something like that.

19 Q. 18, please describe what we're seeing here.

20 A. Yeah. So this is again the driver's-side floorboard
21 here, and that little pouch I mentioned that I believe is for
22 some documents.

23 Q. We saw in the earlier exhibit the MDX mat, and you
24 stated it appeared to be to a driver's side. Did you see a

1 mat in the driver's side of this MDX?

2 A. I don't. Can clearly see the bare floor here.

3 Q. This being underneath one of the seats?

4 A. That's correct.

5 Q. Moving to 21.

6 A. So this is just a closer look, more inside the

7 vehicle. And, you know, you've got the blue bag containing

8 some personal items. And then obviously you've got a drink

9 bottle and some gum there.

10 Q. 22 showing above the driver's seat?

11 A. That's correct. This is the sun roof of the MDX.

12 Q. And 23.

13 A. The little pouch I mentioned earlier, with documents

14 or something.

15 Q. At this point, is any evidence removed from the

16 vehicle for any further examination?

17 A. Not during this cursory search, no.

18 Q. Let's move to the rear -- or the -- moving back from

19 behind the driver.

20 A. Right. So this is just that driver's side rear door

21 opened.

22 Q. Documenting the condition of the door?

23 A. That's correct.

24 Q. At 27, the back seat.

1 A. So from this open door, just a view inside the back
2 seat, to the floorboard of the rear of the MDX.

3 Q. So even though this is sort of the cursory or search
4 to see if there's a .40, the FIS still takes photographs of
5 the condition of the vehicle.

6 A. Right. So they're very detailed in their taking
7 photographs. So the first thing Braly did is just began
8 taking overalls before we even took a sneak peek inside.

9 Q. That further one, at page 30.

10 A. This is just a closer look into the back seat.

11 Q. Let's move to the front passenger seat, at 36. Do
12 you recall what this item was?

13 A. Just a little briefcase, like a -- I forget exactly
14 what it contained. Just a case containing paperwork.

15 Q. And so sort of the condition of the center console
16 from the driver's side is also documented at page 37?

17 A. That's correct. Just a different view of those two
18 items in the center console there.

19 Q. At 38.

20 A. So this is that passenger side. Obviously we've got
21 the floorboard on this one. And then this is a little
22 compartment, just very small, but you can put some things in
23 there, if you want.

24 Q. 39.

1 A. This is that center console and little command center
2 there.
3 Q. 40.
4 A. A view of that sun roof from the passenger side.
5 Q. Let's look at 42.
6 A. This is just that -- still that passenger side. That
7 doorjamb with a view of the -- little bit of the underneath
8 of that seat.
9 Q. 43, we're to what part of the vehicle?
10 A. That's a passenger rear door, opened.
11 Q. 44.
12 A. That's just the intact door.
13 Q. 45, please.
14 A. 45 is that little cup holder that doors hold.
15 Obviously empty.
16 Q. 47.
17 A. Just a view of that back seat from the passenger --
18 rear passenger door.
19 Q. Page 48.
20 A. This is that slit behind the seats where you can
21 store some stuff. Just an image of it, with -- I believe
22 those are little wipes.
23 Q. At this point, you're looking for guns, primarily?
24 A. Primarily.

1 Q. Let's talk about the rear of this, beginning at page
2 51.

3 A. Yeah. So what we're looking at here is, this is a
4 three-row vehicle, and these seats here ultimately fold up,
5 you know, exposing two additional seats.

6 Q. But as the vehicle was taken -- was at the house,
7 towed to FIS, it was in this down position: the seats?

8 A. That's correct. This is the way we got it there.

9 Q. 53, indicating the -- this would be the rear of those
10 fold-down seats?

11 A. Right. Just a closer look at those seats that fold
12 down.

13 Q. Let's go to 55. Documenting what?

14 A. This would be the seat belt that would belong to the
15 seat right here. Looks like some cup holders. And that
16 would be the second driver's side passenger seat all the way
17 back.

18 Q. In the same way we have seen the driver's area, the
19 second row, the photographer sort of takes everything around
20 that area.

21 A. Right.

22 Q. So continuing with that, that we -- the
23 passenger-side portion was also documented?

24 A. That's correct.

1 Q. Thank you. 57, moving to the --
2 A. Yeah. That would be the headliner, view from that
3 rear open hatch.
4 Q. What's happening at page 60?
5 A. So, at this point, we start lifting those seats just
6 so we can get a clear view at the floorboard of those rear
7 seats.
8 Q. And at 61.
9 A. Right. So we did that passenger side, and now we're
10 doing that driver's side.
11 Q. 62, what is the perspective here?
12 A. So upon lifting that rear -- far rear driver's side,
13 we noted a casing right there in the floorboard. So that's a
14 little bit closer image of that casing.
15 Q. As well as at page 64?
16 A. That's correct.
17 Q. We're looking at page 65.
18 A. After Property documented it in place, Braly
19 retrieved the casing and took a closer picture of it, with
20 his ruler, to indicate sizing.
21 Q. And are you able to tell the caliber of this casing?
22 A. Yeah. This was a 9-millimeter.
23 Q. How can you tell that?
24 A. It's right here.

1 Q. This other information that -- can you see what it
2 says on that head-stamp?

3 A. Right. So this would be the make, the Luger. And
4 the "RP," I'll be honest with you, I'm not too sure exactly
5 what that means.

6 Q. But the 9-millimeter, you know what it means?

7 A. Right.

8 Q. Continuing to the front portion of the vehicle.

9 A. So what we're looking at here is that bag that was in
10 the front passenger seat. So we opened it up, and we
11 could -- you know, just to take a look at the contents
12 inside.

13 Q. Again primarily looking for firearms?

14 A. That's correct.

15 Q. Now, is this at the same time that Mr. Cameron is
16 being interviewed by the other detectives at the police
17 station?

18 A. That's correct.

19 Q. And so, 69, another compartment of that bag?

20 A. That same blue bag that was in the front passenger
21 seat.

22 Q. Was there any guns in this bag?

23 A. No guns.

24 Q. Any guns in the car?

1 A. No guns in the car, no.

2 Q. You looked in the center console?

3 A. That's correct. We opened the center console. Those

4 are the contents of it. It's got one of those, like, little

5 removable-top, little containers, so that's what that is.

6 Q. Down below, that's documented at 73?

7 A. That's correct.

8 Q. And 74.

9 A. That's one of the Discover cards inside, with Mr.

10 Cameron's name on it.

11 Q. I want to back up a little bit. The Acura TL that

12 was at --

13 THE COURT: Hold on a second. Let's take that

14 picture off the screen. Anyone can watch that and get those

15 numbers.

16 Thank you.

17 BY MR. STEGE:

18 Q. The Acura TL that was in the garage at La Paz Court,

19 what became of that?

20 A. The TL, you're referring to the sedan; correct?

21 Q. Yes.

22 A. So the sedan belongs to Mr. Cameron's son, so he

23 ultimately took possession of his car. And I believe he went

24 to a class, a college class, or something like that.

1 Q. Well, prior to that, that vehicle was searched, as
2 well; correct?

3 A. It was.

4 Q. And photographs were taken of that process?

5 A. That's correct.

6 MR. STEGE: Your Honor, may I publish from Exhibit
7 28, admitted by stipulation?

8 THE COURT: You may.

9 MR. STEGE: For these purposes, I will simply
10 introduce the paper copies.

11 THE COURT: Very well.

12 BY MR. STEGE:

13 Q. Here we have the MDX with -- I'm sorry -- the TL
14 within the garage at La Paz Court.

15 A. That's correct.

16 Q. And so this whole series will show the search of the
17 interior of this vehicle; correct?

18 A. That's correct.

19 Q. Any firearms or firearms-related evidence located in
20 this Acura TL?

21 A. No.

22 Q. Moving forward, did you make effort or investigation
23 into firearms ownership by Mr. Cameron?

24 A. I did.

1 Q. Tell us about that process, please.

2 A. I was tasked with contacting ATF -- Alcohol, Tobacco
3 and Firearms Agency -- to try and find out about gun
4 purchases made by Mr. Cameron.

5 Q. And were you able to do that, or learn about it?

6 A. Yes. I contacted Agent Corone at the local ATF
7 office, and he assisted me in doing some traces. You know,
8 he had the proper terminology. And he says, "I'll do the
9 background and the traces for you and find out what firearms
10 were purchased by Mr. Cameron."

11 Q. And with specific interest in a .40-caliber?

12 A. That's correct.

13 Q. And what documents were provided or did you uncover?

14 A. I believe it took him several weeks, but he
15 ultimately got back with me and said that Mr. Cameron had
16 purchased a .40-caliber handgun in December of 2011, and
17 provided me some of his documentation.

18 MR. STEGE: Your Honor, may I publish Exhibits 39 and
19 40, admitted each by stipulation?

20 THE COURT: You may.

21 BY MR. STEGE:

22 Q. Can you tell us what we're looking at at Exhibit 40?

23 A. This is the trace form that was provided to me by
24 Agent Corone. It shows Detective Nevills, our case agent,

1 right over here.

2 Q. I'm sorry.

3 A. Sorry. And then it shows the firearm that was
4 purchased over here, a .40-caliber Smith and Wesson.

5 Q. Can you erase that? Let's move that over. And if
6 you could detail the information about the firearm.

7 A. Absolutely. The firearm information of the purchased
8 gun has a manufacturer of Smith and Wesson, right here. The
9 model of the handgun is SD40VE. The caliber is .40. It has
10 a serial number of HEE3512, right here. The type of gun is a
11 pistol. And it has, obviously, our country here, "U.S." And
12 it has an identifying mark, "SD40," here.

13 Q. Let's move to the "Purchaser information" portion.

14 A. For "Purchaser information," you have the purchaser
15 here, Wayne Michael Cameron. At the time, he was residing at
16 3786 Bellingham Road in Reno, Nevada. Has a date of birth
17 here. His place of birth. And race. Indicates he's a male.
18 Indicates his driver's license number. And his last four of
19 his Social here.

20 Q. What about as to the dealer information?

21 A. Dealer information here gives us the dealer name,
22 "Nevada Guns and Camo." I think it should be "Ammo."
23 Located at 8035 Scenic Avenue, in Silver Springs, Nevada.

24 MR. STEGE: Your Honor, may I publish Exhibit 39?

1 THE COURT: You may.
2 MR. STEGE: A six-page exhibit.
3 BY MR. STEGE:
4 Q. Are you familiar with this document?
5 A. I am. This is --
6 MS. GARCIA: Your Honor --
7 THE WITNESS: -- one of the other documents --
8 MS. GARCIA: -- I'm just going to ask that the Social
9 Security number be --
10 THE COURT: Can you --
11 MS. GARCIA: I'm going to ask that the Social
12 Security number be covered just because it's up on the
13 screen, and this is on Zoom.
14 THE COURT: Okay. Mr. Stege, please attempt to do
15 that.
16 MS. GARCIA: Thank you.
17 MR. STEGE: Can you point the Zoom away from it?
18 I'll make my best effort with these stickies.
19 THE COURT: Thank you.
20 MR. STEGE: I think it will work.
21 Will the Court allow me to redact it with a --
22 THE COURT: I'm assuming no objection.
23 MS. GARCIA: No.
24 THE COURT: The answer is: Yes, you may.

1 MR. STEGE: Thank you.

2 BY MR. STEGE:

3 Q. Let's try 39 again. Tell us about this form here.

4 A. This form was one of the other forms provided to me

5 by Agent Corone from ATF. This form is the form Mr. Cameron

6 filled out when he made his purchase. It has his name here.

7 Same address from the other image we just saw previous to

8 this. Again, some of the similar information; right? His

9 place of birth, some of his physicals at the time, and his

10 date of birth.

11 Q. Moving to page 2.

12 A. This is a continuation at the bottom. We have a

13 signature here, a date of the signature. The type of

14 handgun, the type of gun. Not long; right? "Handgun" right

15 here. The Reno Gun Show, the event where it was purchased.

16 It was at the Reno Gun Show in Reno, Nevada here. And then

17 you have the driver's license, Nevada driver's license here.

18 Got a number. And then looks like it's got an expiration

19 date of some sort here.

20 Q. Continuing to page 3 of the exhibit.

21 A. All right. This is some information on the handgun.

22 That would be an "and" symbol, so Smith and Wesson SD40.

23 Sorry. A serial number here, matching the one from the

24 previous form. The type here is pistol. And the caliber

1 here, .40.

2 Q. Is this the same information we saw on that other
3 form as to the --

4 A. That's correct. The "Nevada Guns and Camo."

5 Q. That Glock 17 that was recovered at the La Paz
6 address, that was booked into evidence; correct?

7 A. That's correct.

8 MR. STEGE: May I approach the witness with proposed
9 71?

10 THE COURT: You may.

11 BY MR. STEGE:

12 Q. Detective, please examine proposed 71.

13 A. This is one of our evidence gun boxes here.

14 Q. Do you recognize that proposed exhibit?

15 A. I do.

16 Q. And how do you recognize it?

17 A. This is one of the handguns that was booked in
18 evidence by Detective Rhodes.

19 Q. And that contains information related to this case --
20 right? -- particular to this case?

21 A. That's correct.

22 Q. Indicating that it's a Glock -- the Glock 17 from the
23 closet?

24 A. That's correct.

1 Q. And contained within that box is the Glock 17?

2 A. That's correct.

3 MR. STEGE: Move to introduce the exhibit.

4 THE COURT: Defense.

5 MS. GARCIA: No objection.

6 THE COURT: It will be admitted.

7 (Exhibit 71 was admitted into

8 evidence.)

9 THE COURT: Now, listen carefully.

10 If you're going to instruct the witness to open and

11 examine the firearm, a couple things.

12 Number one, Detective, you're aware that at no time

13 should you even inadvertently point it at anybody in this

14 courtroom, Court, jury, witnesses. I mean, observers, court

15 staff, anyone involved in the case. And you're familiar

16 with, it sounds like, the safe use of even unloaded handguns.

17 Number two, when you begin your review of the Glock,

18 please confirm to the Court that in your belief it's

19 unloaded.

20 And then, three, please place it down, facing toward

21 the wall to the left there, when you're being questioned.

22 All right?

23 THE WITNESS: Absolutely, Your Honor.

24 THE COURT: All right. Thank you.

1 MR. STEGE: Your Honor, given in the interests of
2 time, I may do that at a later date with a separate witness.
3 Thank you, Detective. Let's not open that.
4 THE COURT: Oh, you're not opening it?
5 MR. STEGE: Not at this moment. If that's okay with
6 the Court.
7 THE COURT: Well, it's okay with the Court. But if
8 it's going to go back with the other exhibits to the jury
9 room, then somebody is going to confirm to the Court that
10 it's unloaded.
11 And also, you know, I don't usually let the jury
12 touch a firearm for purposes of a case, so I would
13 have -- we'll have to figure out how that would go. I'll
14 give it more thought.
15 MR. STEGE: All of which I agree with.
16 Thank you.
17 THE COURT: Thank you.
18 So I didn't mean to knock you off stride. Go ahead
19 with the next question.
20 MR. STEGE: You did not. Thank you.
21 I'll take that back from you, Detective.
22 Thank you, Your Honor.
23 I'll pass the witness.
24 THE COURT: Very good. Thank you.

1 Defense questioning.

2 And again, ladies and gentlemen, as with yesterday,
3 as with the rest of the trial, feel free at any time to still
4 move your chair to look at whoever is speaking. We have a
5 wide berth here between counsel table, the witness, the
6 Court. If you're comfortable doing that, you're certainly
7 free to do so.

8 Make sure you have water here.

9 THE WITNESS: Thank you.

10 CROSS-EXAMINATION

11 BY MS. GARCIA:

12 Q. Good morning, Mr. Lopez.

13 A. Good morning, ma'am.

14 Q. This photo that we're looking at here, I want to get
15 some clarification on. Can you describe for the jury what
16 this is?

17 A. That's a rifle that was propped up against a wall.

18 Q. And this is a close-up of that?

19 A. That's correct.

20 Q. Do you know what kind of weapon that is?

21 A. As far as like what it's used for?

22 Q. Would you describe that as an Airsoft rifle or an air
23 rifle?

24 A. I don't think it was.

1 Q. You're not able to tell?

2 A. I'm not, ma'am.

3 Q. I do believe, though, you described this one as an

4 Airsoft pistol; is that correct?

5 A. That's correct.

6 Q. Can you explain what that means?

7 A. That means it's propelled by these little cylinders

8 that you insert -- I don't remember where in this handgun,

9 but typically it would go in this area. This is a

10 realistic-looking gun. That little cylinder is what propels

11 the pellet that shoots out of those.

12 Q. So this is often called a pellet gun; right?

13 A. Right.

14 Q. It doesn't shoot bullets; right?

15 A. It shoots pellets; right.

16 Q. Pellets. This picture depicts some sort of rifle;

17 correct?

18 A. That's correct.

19 Q. And how would you describe that?

20 A. The easiest way to describe it is an AR-15-style

21 rifle.

22 Q. Okay. And there's nothing illegal about owning an

23 AR-15-style rifle; right?

24 A. Not at all.

1 Q. These pictures were taken from items removed from a
2 safe; right?

3 A. For the most part. A lot of them were, yes.

4 Q. This item was in the safe?

5 A. I believe it was.

6 Q. Filled with ammunition; right?

7 A. Yes.

8 Q. There's nothing illegal about owning that ammunition,
9 is there?

10 A. No, ma'am.

11 Q. When you arrived at La Paz Court, Mr. Cameron was
12 present at the residence; right?

13 A. Yes.

14 Q. And then at some point Mr. Cameron left the
15 residence; right?

16 A. Yes.

17 Q. And do you know where he went?

18 A. It was my understanding he was going to the Reno
19 police station.

20 Q. To talk to detectives; right?

21 A. Yes.

22 Q. And he wasn't under arrest at that time?

23 A. That was not my understanding, no.

24 Q. When you were searching the residence, you

1 photographed the handgun behind his dresser table; right?

2 A. That's correct.

3 Q. And you knew to look for that handgun because Mr.
4 Cameron had told detectives, "Hey, I'm -- I have a weapon
5 back there"; right?

6 A. I'm not familiar with that statement. But as far as
7 location of the firearm you're describing, yes.

8 Q. You knew to look there, though.

9 A. I wasn't the one that located it. It was Detective
10 Rhodes. He prompted me to take a picture of it.

11 Q. Okay. The safes that you photographed, those were
12 open; right?

13 A. Yes.

14 Q. And that's because Mr. Cameron opened them for you
15 guys prior to leaving; correct?

16 A. I wasn't privy to that information, but --

17 Q. The safes were open?

18 A. The safes were open. That's an accurate statement,
19 yes.

20 Q. You searched other places in the home in order to try
21 to find additional or undisclosed weapons; is that right?

22 A. That's correct.

23 Q. And you didn't find any; right?

24 A. We didn't find a .40-caliber, if that's what you're

1 asking, no.

2 Q. Were you a part of the search of the property
3 surrounding Mr. Cameron's house?

4 A. No. I was focused in the master bedroom, master bath
5 and office. I did do a little bit of the hallway.

6 Q. Were you aware that additional searches were going on
7 outside the home?

8 A. Oh, yeah. When I left the MDX, the search was still
9 going on.

10 Q. Are you aware if anything was located outside of the
11 home?

12 A. No.

13 Q. You're not aware, or there wasn't anything?

14 A. I'm aware of both. According to our briefing, I was
15 aware that we searched the outside, and I was aware we didn't
16 find anything, yes.

17 Q. We saw photographs of the weapons up close, of serial
18 numbers; right?

19 A. That's correct.

20 Q. And you do that so that you can check to see whether
21 any of these weapons were legally purchased or not; right?

22 A. Sure.

23 Q. And did you discover any weapons that were not
24 legally purchased?

1 A. We did not.

2 Q. The ATF documents that Mr. Stege showed you indicated
3 the purchase of a firearm; correct?

4 A. That's correct.

5 Q. And essentially those are the documents that someone
6 would go through to legally purchase a firearm; right?

7 A. That's correct.

8 Q. So what we looked at was the legal purchase of a
9 weapon.

10 A. That's correct.

11 MS. GARCIA: I don't have anything further.

12 THE COURT: Thank you.

13 Mr. Stege, anything else?

14 THE WITNESS: Thank you, ma'am.

15 MR. STEGE: Yes.

16 REDIRECT EXAMINATION

17 BY MR. STEGE:

18 Q. Indicia to see if the guns are stolen or improperly
19 owned, what else does the serial number tell you?

20 Let me ask it a different way. Does the serial
21 number also distinguish one Glock 17 from another Glock 17?

22 A. Absolutely. Like specific to each gun.

23 Q. Right. That shotgun serial number distinguishes it
24 from the next shotgun that that manufacturer made --

1 A. Yes, sir.

2 Q. -- that are otherwise identical?

3 A. That's correct.

4 Q. Did you document in your report the caliber of that

5 gun magneted to the back of the --

6 THE COURT: Table.

7 MR. STEGE: Yes. Thank you.

8 THE WITNESS: I would have, yes.

9 BY MR. STEGE:

10 Q. Would it refresh your recollection as to the make and

11 caliber if you were to see that report?

12 A. Sure.

13 MS. GARCIA: Your Honor, I'm not sure that he didn't

14 have a recollection.

15 THE COURT: Well, let's try to establish that. I

16 guess that's a valid objection. So, sustained. But you can

17 continue questioning and see if that's necessary.

18 BY MR. STEGE:

19 Q. Do you remember the caliber of that gun magneted to

20 the nightstand?

21 A. So I can tell you this: I remember that it was not a

22 .40.

23 Q. Okay. Was there a time when you had a recollection

24 of the caliber, and documented the caliber of that firearm?

1 A. I would have documented it, yes.

2 Q. And at that time it would have been fresh in your
3 recollection because it had recently happened?

4 A. Definitely.

5 Q. Is the place where you documented it a -- called a
6 police report?

7 A. That's correct.

8 Q. Your police report?

9 A. That would be my police report I would document it
10 in, yes.

11 MR. STEGE: May I approach the witness?

12 THE COURT: You may.

13 MR. PICKER: Your Honor, could we be told which
14 report it is?

15 MR. STEGE: Yes. Number 26, specifically open to
16 page 6 of 10.

17 THE COURT: Let's try this again. What exhibit or
18 proposed exhibit number?

19 MR. STEGE: Ask that it be marked 90.

20 THE COURT: Okay. Proposed 90.

21 You may approach.

22 (Exhibit 90 was marked for
23 identification.)

24

1 BY MR. STEGE:

2 Q. Actually, before you look at that, Detective, turn

3 that over.

4 Do you think looking at that police report might

5 refresh your recollection as to what the caliber was?

6 A. Yes.

7 Q. I want you to please look at that document. If it

8 refreshes your recollection, please look up. I'll take the

9 exhibit from you.

10 THE COURT: And which page? You were going to direct

11 the witness to a certain page, were you not?

12 MR. STEGE: I believe it was page 6.

13 THE WITNESS: Let me start at the top.

14 MR. STEGE: But I've given him my copy, so. Yes, top

15 of page 6.

16 THE COURT: Detective, just so we're clear, don't

17 answer any yet unasked question. Just when you review that,

18 and if you believe it refreshes your memory, let us know.

19 And if you review that, and it does not refresh your memory,

20 please let us know.

21 THE WITNESS: Yes, Your Honor.

22 THE COURT: All right.

23 BY MR. STEGE:

24 Q. Did that refresh your recollection?

1 A. It does.

2 Q. May I have the marked document back?

3 What was the caliber of that magneted gun on the

4 nightstand?

5 A. 9-millimeter.

6 MR. STEGE: Thank you.

7 No further questions.

8 THE COURT: Thank you.

9 Anything else from the defense?

10 MS. GARCIA: Court's indulgence just one moment.

11 RE CROSS-EXAMINATION

12 BY MS. GARCIA:

13 Q. In your report, you documented the weapons that you

14 located in the house; correct?

15 A. Yes.

16 THE COURT: Ms. Garcia, excuse me. Would you mind

17 speaking up just a little bit?

18 MS. GARCIA: Absolutely, Your Honor. Louder.

19 THE COURT: Thank you.

20 BY MS. GARCIA:

21 Q. You documented all of the firearms you found in the

22 residence; is that right?

23 A. So the in-detail documentation was left up to

24 Detective Rhodes.

1 Q. So you wouldn't have put in your report every firearm
2 that you located and photographed?

3 A. I would have documented it; just not in detail.

4 Q. Would you have documented the -- something that was
5 considered a pellet gun or a BB gun?

6 A. I think I would, yeah. I should have.

7 Q. Just to be clear, both handguns you located were
8 9-millimeters; correct?

9 A. That's correct.

10 MS. GARCIA: I don't have any further questions.

11 THE COURT: Thank you.

12 Anything else, Mr. Stege?

13 REDIRECT EXAMINATION

14 BY MR. STEGE:

15 Q. What about -- weren't there also two .22s: that
16 Jennings and the revolver?

17 A. Yes.

18 Q. Are those handguns?

19 A. They were handguns, located by Detective Jenkins.
20 That's correct.

21 MR. STEGE: Very good. Thank you.

22 THE COURT: Ms. Garcia.

23 MS. GARCIA: Nothing, Your Honor.

24 THE COURT: Detective, thank you for your testimony.

1 You may step down. And you're free to go. And I wish you a
2 pleasant rest of the afternoon.

3 THE WITNESS: Thank you, Your Honor.

4 (Witness excused.)

5 THE COURT: And, ladies and gentlemen, you can stand
6 up and stretch for a moment or two while we await the next
7 witness.

8 I anticipate us going till about noon and taking a
9 one-hour lunch recess.

10 Mr. Stege, when ready, please call the State's next
11 witness.

12 MR. STEGE: Greg Herrera.

13 THE COURT: Good morning, sir.

14 THE WITNESS: Hello.

15 THE COURT: As the deputy is suggesting, would you
16 please stand right here, raise your right hand, and take the
17 oath of witness.

18 (Witness sworn.)

19 THE COURT: Thank you.

20 If you would please have a seat, make yourself
21 comfortable. And, yes, please take your mask off so we can
22 see you and hear you a little bit better.

23 Then if you would please adjust the microphone so
24 that it's just a few inches in front of your mouth. And if

1 you would please -- you may have to sort of raise it just a
2 little bit.

3 And then, if you would, please, sir, state your name,
4 and then spell your last name.

5 THE WITNESS: Greg Herrera, H-e-r-r-e-r-a.

6 THE COURT: Thank you very much.

7 Mr. Stege, you may proceed.

8 GREG HERRERA,

9 called as a witness on behalf of the State,

10 first having been duly sworn,

11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. STEGE:

14 Q. Sir, as you speak, I want you to err on the side of
15 too loud rather than too soft, given the acoustics in this
16 room.

17 A. Okay.

18 Q. Are you currently employed?

19 A. Yes, sir, I am.

20 Q. How so?

21 A. Currently employed with the Washoe County Sheriff's
22 Office.

23 Q. What is your position with the Sheriff's Office?

24 A. Currently I'm Deputy Chief in charge of the

1 Operations Bureau.

2 Q. Do you have -- how long have you been with the
3 Sheriff's Office?

4 A. Been with the Washoe County Sheriff's Office just a
5 little over 27 years.

6 Q. Is that your -- the fullness of your law enforcement
7 career?

8 A. No, sir. I spent a little under a year at the Elko
9 County Sheriff's Office prior to that, so this September 10th
10 will be my 28th year of service.

11 Q. Do you know a person by the name of Wayne Cameron?

12 A. I do.

13 Q. How do you know Wayne?

14 A. Well, our parents, actually, our fathers, had been
15 friends for a long, long time, dating back to -- when both
16 Wayne and I were small. So I've known Wayne for a long time.
17 However, we knew each other, but we didn't connect as friends
18 until we were adults, after college.

19 Q. And I don't mean to ask your age, but how long ago
20 was "after college"?

21 A. Oh, boy. I'm going to say we became really good
22 friends right around 2002.

23 Q. Leading up to the case which we are here about this
24 afternoon, can you tell us about sort of your relationship or

1 interactions, sort of the type of friendship, if you will,
2 you had with Wayne.

3 A. I would describe Wayne as a -- we were good friends;
4 however, being good friends, we lived not in close proximity,
5 so we didn't hang out all the time. But we would communicate
6 quite a bit as far as just check in with each other.

7 And then, when we got together, we'd do things like
8 play golf, or we had an annual golf tournament that he would
9 attend, and we had also an annual trip that we would attend
10 with our fathers.

11 Q. I want to direct your attention specifically to a
12 dinner at Pinocchio's on February 20th of 2020.

13 A. Yes, sir.

14 Q. Can you tell us about the circumstances of that
15 dinner or meeting, or whatever it was.

16 THE COURT: Wait. Hold on. Hold on. First you
17 should ask him if he was there.

18 MR. STEGE: Okay.

19 THE COURT: Were you there?

20 THE WITNESS: Yes, Your Honor, I was present.

21 THE COURT: All right. Thank you.

22 BY MR. STEGE:

23 Q. Tell us about the circumstances of that meeting.

24 A. So I actually organized that meeting. We had a

1 friend we have in common come in -- that flew into town for a
2 convention. He was in town just for a few days. I reached
3 out to a couple of friends, including Mr. Cameron, and asked
4 if they wanted to attend, meet us somewhere. Because he was
5 staying at the Peppermill, I asked Wayne -- gave him a call,
6 asked if he had any ideas, threw around a couple places. And
7 Pinocchio's was that place. We met that night.

8 Q. Do you have a recollection of Wayne coming to
9 Pinocchio's that night?

10 A. I do. So I picked up our friend at the Peppermill,
11 and we met another friend there, and I -- Wayne was out of
12 town that day, was out of town for work, and so he was flying
13 in and was going to meet us there that night. And so he
14 showed up a little later than we had gotten there.

15 Q. And once he got there, I want you to tell me what you
16 remember of the conversation in terms of: What was Wayne
17 saying?

18 A. Just a lot of catching up. We talked about -- you
19 know, we've all been friends for a while. We talked about
20 what each other was doing, is my recollection, along with --
21 because of the time of the year, March Madness, a basketball
22 trip was coming up; we talked about our excitement for that
23 trip. We were going to go to Spokane. We were talking about
24 a little bit of details on that, and just basketball trips in

1 general, because both the people that were with us had also
2 been on those trips. And just having dinner and laughing.

3 Q. Do you know a person by the name of Dave Colarchik?

4 A. I do now. But I -- I don't know that person.

5 Q. Did you ever know or hear Wayne Cameron talk about
6 Dave Colarchik?

7 A. No, sir. Not to my recollection.

8 Q. Okay. I'll ask you directly. Did the subject of
9 Wayne Cameron being involved in a shooting ever come up from
10 Wayne?

11 A. Absolutely no.

12 Q. When was the first time you heard about that
13 particular subject?

14 A. It was actually the following morning, when Reno
15 Police Department Sergeant Colby Palmer showed up in my
16 office and briefed me on what had occurred.

17 Q. And up to this -- and that includes sort of the weeks
18 leading up to this dinner -- or dinner? Meeting? Did you
19 guys have dinner at Pinocchio's?

20 A. We did.

21 Q. In the weeks leading up to this dinner at
22 Pinocchio's, had you ever heard Wayne Cameron talk about
23 being involved in a shooting?

24 A. Absolutely not.

1 Q. You had, in the time leading up to this dinner, in
2 fact, spoken with Mr. Cameron either on the phone, by voice,
3 or otherwise?

4 A. That's correct.

5 MR. STEGE: Thank you.

6 I'll pass the witness.

7 THE COURT: Thank you.

8 Examination by the defense.

9 CROSS-EXAMINATION

10 BY MR. PICKER:

11 Q. Good morning, Mr. Herrera.

12 A. Good morning, sir.

13 Q. How are you today?

14 A. Doing well, thank you, sir.

15 Q. Good.

16 When you got together for dinner that night that
17 we've been talking about, February 20th, it was your
18 understanding that Mr. Cameron was out of town?

19 A. Yes, it was, sir. And I was surprised. That
20 morning, when we had actually talked about finalizing getting
21 together, I learned that he was out of town. And I hadn't
22 been aware prior to that time.

23 Q. And you became aware that day?

24 A. Yes, sir.

1 Q. And you became aware that Mr. Cameron returned to
2 Reno.

3 A. Correct; yes, sir.

4 Q. Was it your understanding -- well, let me ask you
5 this: Did you tell him to come back to Reno?

6 A. No, sir.

7 Q. Was it your understanding that any law enforcement
8 officers told him to come back to Reno?

9 A. Not that I'm aware of, sir, no.

10 Q. On February 20th, and let's say for all of February
11 of 2020, do you believe Mr. Cameron was aware of where you
12 were employed?

13 A. Absolutely.

14 Q. Do you believe that Mr. Cameron knew what you did for
15 a living?

16 A. Yes, sir, I believe that.

17 Q. That wasn't something you kept to yourself?

18 A. No, sir.

19 Q. Okay. In fact, you had had discussions among your
20 friends, including Mr. Cameron, about the work that you do.

21 A. That night specifically, or just in general, sir?

22 Q. In general.

23 A. Yes, although I limit that. Yes, I have, sir,
24 certainly.

1 Q. Had you ever been in Mr. Cameron's vehicle, ridden
2 with him in his vehicle?

3 A. I don't believe that I have, sir. I don't recall.

4 Q. Okay. The Sheriff's Office, Washoe County Sheriff's
5 Office, is the agency in Washoe County that issues CCW
6 permits; is that correct?

7 A. Yes, sir; that's correct.

8 Q. Is that something that you now oversee or have ever
9 overseen?

10 A. No, sir.

11 Q. Do you have any access to those records?

12 A. I do, but I -- there was another Deputy Chief in
13 charge of that bureau, sir. So it's not my lane.

14 Q. I'm sorry?

15 A. It's not my lane, I guess I should say.

16 Q. Are you aware, anyway, whether Mr. Cameron had a CCW
17 permit?

18 A. I am now. And I think that he has mentioned
19 taking -- mentioned to me at a time taking a class.

20 Q. Okay. So you became aware at some point that he did
21 have a valid CCW permit?

22 A. Correct.

23 Q. Issued by the Washoe County Sheriff's Office?

24 A. That's correct, sir.

1 Q. And you would describe your relationship with Mr.
2 Cameron as being good friends?

3 A. Yes, sir.

4 Q. For approximately -- well, as of the time we're
5 talking about, February of 2020, for about 18 years?

6 A. Estimation, I'd say that's accurate, yeah.

7 MR. PICKER: Okay. Thank you.

8 That's all I have.

9 THE COURT: Mr. Stege.

10 REDIRECT EXAMINATION

11 BY MR. STEGE:

12 Q. Leading up to this case, did you have any idea that
13 Wayne Cameron had guns?

14 I'll ask it in terms of: Did he ever say anything
15 about the guns he owned, or owning guns?

16 A. If we ever spoke -- we almost never spoke about guns.
17 I mean, you might find it odd, although I am -- I have been
18 in law enforcement for 28 years, I am not a gun guy, per se.
19 Any friends I have that have asked me for advice on guns
20 or -- I refer them to a different friend, because I don't
21 have that knowledge base. So I don't recall Mr. Cameron and
22 I specifically talking about guns during our friendship.

23 Q. You said that, in talking about the work that you do,
24 you try to limit that with friends. What do you mean by

1 that?

2 A. I just enjoy my -- I'm proud of my profession, but I
3 enjoy my life outside of the Sheriff's Office. I think it's
4 important to stay grounded.

5 Q. And so, as a result, you're not sort of telling
6 details about sort of case work or other sort of work-related
7 stuff to people that are your friends?

8 A. Not generally.

9 Q. Other than carry concealed on your person, your
10 understanding of a CCW permit, does it entitle you to any law
11 enforcement privileges?

12 A. I don't believe -- no. No, having a CCW doesn't
13 entitle you to any law enforcement privileges. No.

14 MR. STEGE: Thank you.

15 Nothing further.

16 THE COURT: Anything else, Ms. Garcia or Mr. Picker?

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

18 THE COURT: Thank you.

19 Deputy Chief Herrera, thank you very much for your
20 testimony. You may step down, sir.

21 THE WITNESS: Thank you, Your Honor.

22 THE COURT: Have a pleasant rest of the afternoon.

23 (Witness excused.)

24 THE COURT: All right, Mr. Stege. Please call the

1 State's next witness.

2 MR. STEGE: Detective Smith.

3 THE COURT: Good morning, sir.

4 THE WITNESS: Good morning.

5 THE COURT: Please have a seat right up here at the
6 witness stand. And please make yourself comfortable, slide
7 in. You can adjust the microphone, pulling it towards you.
8 We're trying to get people to speak just a few inches away,
9 to keep the volume up.

10 When you're ready, if you'd please state your name,
11 and spell your last name.

12 THE WITNESS: My name is Nicholas Smith, last of
13 S-m-i-t-h.

14 THE COURT: Good.

15 And do me a favor. Just pull that either a little
16 bit closer to you or slide in a little closer. And err on
17 the side of too much volume. And we'll let you know if it's
18 too much.

19 THE WITNESS: Yes, Your Honor.

20 THE COURT: Thank you very much.

21 Please proceed, Mr. Stege.

22

23

24

1 NICHOLAS SMITH,
2 called as a witness on behalf of the State,
3 first having been duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. STEGE:
7 Q. Sir, how are you employed?
8 A. Currently employed with the Reno Police Department.
9 Q. What part of the RPD?
10 A. I'm currently assigned to the Patrol Division.
11 Q. Have you ever had an assignment in Detectives?
12 A. Yes, sir.
13 Q. Did you have an assignment in Detectives in February
14 of 2020?
15 A. I did, sir.
16 Q. Did you have any role in the investigation of the
17 case we're here for this afternoon -- morning?
18 A. During the case, I was assigned as a Robbery-Homicide
19 detective.
20 Q. And what was your role in the investigation of this
21 case?
22 A. I was the co-lead in the investigation.
23 Q. With who?
24 A. Detective Dave Nevills.

1 Q. And among your duties, were there efforts made to
2 recover electronic -- some electronic information?

3 A. Yes, sir.

4 Q. Can you tell us a little bit about those efforts.

5 A. In regards to the cellular phone, Mr. Cameron
6 provided consent to download his cellular phone.

7 During the course of the investigation, we found
8 there were Ring surveillance cameras affixed to his home. We
9 investigated the records that were associated through the
10 Ring cameras.

11 We also determined that an application was on Mr.
12 Cameron's phone called Life360, and that application showed
13 location data, so we attempted to recover that, as well.

14 Q. Okay. Let's sort of unpack that or develop that a
15 bit more. What were the circumstances under which you were
16 able to examine Mr. Cameron's phone?

17 A. I believe we spoke with Mr. Cameron on February 21st,
18 during which time he had a cellular phone in his possession,
19 and he provided Detective Nevills consent to download that
20 cellular phone.

21 Q. And this occurred in one of the interview rooms at
22 the Reno Police Department?

23 A. Yes, sir.

24 Q. Backing up a little bit, was an interview conducted

1 | that date of Mr. Cameron?

2 | A. Yes, sir.

3 | Q. And that was by how many detectives?

4 | A. Detective Nevills and myself.

5 | Q. Okay. And in the course of that interview, did Mr.

6 | Cameron give consent to look at, in fact, download his

7 | cellular phone?

8 | A. He did, yes, sir.

9 | Q. Leading up to that, I want to ask you: In the
10 | lead-up to that, was he questioned about who he had contacted
11 | on the night in question, February 11th?

12 | A. He was, yes, sir.

13 | Q. And while doing that, was he -- did you see what he
14 | was scrolling through his phone?

15 | A. I did, yes, sir.

16 | Q. And tell us about what happened as he did that.

17 | A. I asked him about phone calls that he may have made
18 | on February 11th, the night of.

19 | He told me -- I believe it was Mary Gayner, and he
20 | was scrolling through his phone looking for a phone call to
21 | Mary Gayner. While he was scrolling through his phone, I saw
22 | him scroll by the name "Dave Colarchik."

23 | Q. And what happened when that happened?

24 | A. I asked him about Dave Colarchik. He indicated that

1 that was his friend, and that he had called him, in fact,
2 that night.

3 Q. The examination of the defendant's phone, tell us
4 about that process.

5 A. The data was ultimately extracted by the Computer
6 Crimes Network. I believe that was done by Detective Watson.
7 And he performed the analysis on the phone, along with
8 Detective Dave Nevills.

9 Q. Was there a separate portion related to the Ring
10 cameras as on the defendant's phone?

11 A. There was -- we determined that the Ring application
12 was associated to his phone, the application was on an icon
13 on his phone. And I manually went in and looked at the Ring
14 data.

15 Q. And what did you learn when you manually looked at
16 the Ring data?

17 A. I determined that Mr. Cameron was, in fact,
18 subscribed to Ring camera. It showed that the associated
19 phone number to the account was the phone he provided to us
20 that day. It showed the e-mail associated to the
21 camfamteam@gmail.com.

22 Q. And what else did you discover?

23 A. During that time, I connected the phone to a Susteen
24 DataPilot, which essentially allows for screen mirroring to

1 take screen shots of the phone. And I took several screen
2 shots of the data that was on the Ring portion of his phone.

3 And in looking at that portion, I attempted to look
4 at Ring videos, to see if there were any recordings. I found
5 there were no recordings prior to February 15th, at 1655
6 hours.

7 Q. And that -- you called it a Susteen system?

8 A. S-u-s-t-e-e-n.

9 Q. Thank you.

10 And that information was -- was it captured?

11 A. It was, yes, sir.

12 MR. STEGE: May I approach the witness with proposed
13 12?

14 THE COURT: You may.

15 BY MR. STEGE:

16 Q. Sir, please review proposed 12. Do you recognize
17 proposed 12?

18 A. I do, yes, sir.

19 Q. How do you recognize it?

20 A. I initialed the USB drive that contains the data that
21 was captured with the Susteen DataPilot.

22 Q. The data that you just described?

23 A. Yes, sir.

24 MR. STEGE: I'd move to introduce the exhibit.

1 THE COURT: Any objection from the defense?
2 MS. GARCIA: No objection.
3 THE COURT: 12 is admitted.
4 (Exhibit 12 was admitted into
5 evidence.)
6 THE COURT: You may publish.
7 MR. STEGE: Thank you.
8 BY MR. STEGE:
9 Q. Moving forward from there, no recordings prior to
10 the --
11 A. The last recording -- there were no recordings prior
12 to February 15th, at approximately 4:55 p.m. Pacific Time.
13 Q. From there, did you make efforts to see if there were
14 other recordings elsewhere?
15 A. We did. Detective Nevills obtained a search warrant
16 for records that Ring maintained at their site.
17 Q. So a search warrant target at the Ring company?
18 A. At Ring, LLC; correct.
19 Q. And they provided -- did they provide that
20 information pursuant to that search warrant?
21 A. They did.
22 Q. And did you have access to that data provided?
23 A. I did, yes, sir.
24 Q. Tell us about the sort of form or format of that data

1 that they provided.

2 A. The data they provided, they were unable to recover
3 any video footage; however, they were able to provide records
4 that showed when recordings occurred, and when those
5 recordings were deleted.

6 Q. And what did you learn about what had been recorded
7 and deleted in this case?

8 A. I learned that, I believe, between February 11th and
9 February 16th, there were approximately 300 Ring videos that
10 were deleted by the user.

11 I determined that nine specific videos were deleted
12 approximately 20 minutes before Mr. Cameron contacted David
13 Colarchik the night of the homicide.

14 Q. And that information, did you summarize that last bit
15 of information that you spoke about?

16 A. I analyzed the data and put it into a format that
17 combined the records that showed when videos were recorded
18 and when videos were deleted.

19 MR. STEGE: May I approach the witness with proposed
20 Exhibit Number 52?

21 THE COURT: You may.

22 BY MR. STEGE:

23 Q. Please review the contents of 52. Do you recognize
24 proposed 52?

1 A. I do. This is a USB drive containing the Life360
2 data -- oops. I apologize. This would be the Life360 data.
3 Q. I'm sorry. You need 19, I believe.
4 MR. STEGE: Sorry, Your Honor.
5 THE COURT: It's okay.
6 BY MR. STEGE:
7 Q. That's the Life360 there. And look at 19, which is
8 what?
9 A. 19 is a USB drive containing the data that Ring, LLC
10 provided me, as well as the files that contained my analysis.
11 MR. STEGE: I'd move to introduce the exhibit.
12 THE COURT: Any objection to Exhibit 19?
13 MS. GARCIA: No objection.
14 THE COURT: 19 is admitted.
15 (Exhibit 19 was admitted into
16 evidence.)
17 BY MR. STEGE:
18 Q. Do you recall the areas in using the -- looking at
19 Mr. Cameron's phone, the area that -- where cameras were at
20 Mr. Cameron's home?
21 A. I do. There were four cameras, I believe. One was
22 affixed and labeled, "The driveway camera." One was labeled
23 "Front door." One was labeled "Backyard." One was labeled
24 "Side."

1 Q. And you've been to the address, Mr. Cameron's home?

2 A. I have.

3 Q. And those labels, were those accurate?

4 A. The camera that was pointed toward -- that was
5 labeled as "Driveway" did depict Mr. Cameron's driveway at
6 7345 La Paz Court.

7 Q. You said one depicted the front door?

8 A. The one that depicted the front door was actually
9 blacked out on the screen shot. It didn't have a screen shot
10 on his application.

11 MR. STEGE: Let's publish from 19, please.

12 BY MR. STEGE:

13 Q. Can you explain for the jury, please, what we're
14 looking at here on Exhibit 19?

15 A. I will. This is my analysis of the data that Ring
16 provided.

17 Column A, on the left, shows the I.D. event number.
18 Every recording that Ring makes is assigned a recording
19 number.

20 Column B indicates a unique camera identifier. To
21 the best of my recollection, 2344730 is associated to the
22 driveway camera.

23 Column C is a number associated to a user. 470695
24 was the number associated to Wayne Cameron's account.

1 Column D indicates the time a recording was made.

2 Column E indicates the time that that recording was
3 deleted by a user.

4 For clarification, all of the recording times are in
5 Universal Coordinated Time, which is eight hours ahead of
6 Pacific Standard Time.

7 Q. So please continue with, like, for example, line 1 --
8 or I believe it's line zero.

9 A. So line zero would indicate that there was a
10 recording made with the driveway camera on Mr. Wayne
11 Cameron's system.

12 It indicates that the recording in column D, the
13 recording was made at 2150 hours Universal Coordinated Time.
14 So the recording in Pacific Time would be eight hours prior
15 to that.

16 And it indicates that that recording was deleted on
17 2/16, at 0051 hours Universal Time. So that would have
18 actually been deleted eight hours prior to that, on February
19 15th.

20 Q. And so I see some of these are in red. Tell us about
21 those.

22 A. So, if you'll notice, line 6, line 9, line 10 and
23 line 11 are highlighted in red. And the reason I did so is
24 because those recordings, if you go back -- if we start with

1 number 6, for example, it shows that the recording was
2 deleted at 0541 hours Universal Coordinated Time, on the
3 12th. If we go back eight hours from that, that would have
4 been deleted on February the 11th, at 941 hours, which would
5 have been less than 10 minutes before Mr. Cameron called
6 David Colarchik.

7 Q. And, Detective, in your testimony, if it's useful to
8 highlight on the screen, please do so, using your finger.

9 A. Sorry. A little sticky there.

10 Q. Do you know how to delete?

11 A. I do not. Is there a --

12 Q. Bottom left, tap the bottom left of the screen.

13 A. I don't see --

14 Q. Move your thumb down about four inches. The very
15 bottom of the screen, corner of the screen.

16 A. I see.

17 Q. There you go. What time -- the recording that was
18 deleted shortly before the conversation with Colarchik, when
19 was that recording made?

20 A. So if we look over to column D --

21 Q. You know what, Detective? If you'll hold that
22 thought. Let me see if I can't make it bigger for us. Let's
23 try that.

24 A. So, again, this is a Universal Coordinated Time, so

1 it will be eight hours behind that.

2 So it indicates that that recording was made by the
3 driveway camera on February 11th, at 8:34 hours Pacific Time.

4 Q. So please continue down the line there, the next area
5 of deletions.

6 A. So if you move down to line number 7, it will show
7 that that recording was made at 8:42 hours, on February the
8 11th, Pacific Time. That recording was not deleted until --
9 it says February the 16th, but that would have actually been,
10 if we go back eight hours, February the 15th.

11 Q. We have below that -- so we have two that -- around
12 that same time, going back to the 11th, that were not deleted
13 until late on the 15th?

14 A. Correct. In looking at the driveway camera, there
15 were four specific videos that the user elected to delete on
16 February the 11th.

17 Q. And so the first was the one that you talked about
18 being deleted shortly before calling the -- Mr. Colarchik.

19 A. All four that are highlighted in red there were made
20 approximately 20 minutes before the phone call to David
21 Colarchik.

22 Q. I see. So it appears -- you list -- the time listed
23 for those deletions are in UCT, 05:41, and then the other
24 three at 05:35.

1 A. Correct.

2 Q. Sort of a batch at 5:35 UTC, and then six minutes
3 later one additional video deleted.

4 A. That's correct. There were nine, in total, that were
5 deleted within approximately 20 minutes before contacting
6 Mr. Colarchik.

7 The photograph that you have depicted only shows the
8 driveway camera. There were actually two further videos
9 deleted from the front-door camera, and three from the
10 backyard.

11 Q. All before calling Colarchik?

12 A. All within approximately 20 minutes before calling
13 Mr. Colarchik.

14 Q. Driveway, front door and backyard?

15 A. Correct, sir.

16 Q. What time -- these videos that were deleted shortly
17 before the call to Colarchik, when were those videos
18 recorded?

19 A. All nine of the videos were recorded on February the
20 11th, 2020.

21 Q. And during what time frame?

22 A. I would have to review. I believe that most were in
23 close proximity between these times. Which, if we convert
24 that to Pacific Time, that would be, I believe, 734 hours,

1 and 9:32 hours Pacific Time. And that would be p.m.

2 I believe one of the videos from either the front
3 door or the backyard -- I can't recall which one -- was
4 recorded early in the morning of February 11th.

5 Q. But between 8:30 and 9:30 is the majority of this --
6 the deletions in the minutes prior to calling Mr. Colarchik?

7 A. I believe that would be between 7:30 and 9:32 p.m.

8 Q. Did you have an understanding as -- of what time the
9 crime had occurred?

10 A. I did. Detective Nevills determined that the crime
11 occurred at approximately 8:45 p.m. on February 11th.

12 Q. So these videos are within that time frame.

13 A. They are in close proximity to that time frame;
14 correct.

15 Q. The Murrieta's, the question of Murrieta's, were you
16 aware of sort of the time frame involved with the defendant
17 being at Murrieta's?

18 A. I believe that there was a text message sent to a
19 Mary Gayner on Wayne Cameron's phone that indicated he was at
20 Murrieta's around approximately 7:30 p.m.

21 Q. That other exhibit on the page before you, can you
22 examine that, please?

23 A. Yes, sir.

24 Q. And tell us the number.

1 A. It shows Exhibit Number 52.

2 Q. Please review that.

3 A. So this is the data that was provided to me by
4 Life360.

5 Q. And how is that Life360 data obtained?

6 A. Detective Nevills obtained a search warrant for the
7 Life360 data. And I was able to get in touch with Life360's
8 Legal Department, and I served them with that warrant.

9 Q. In response to that warrant, they provided certified
10 copies of records related to Mr. Cameron's Life360 account?

11 A. They did.

12 Q. And those records provided by the company are
13 contained on that thumb drive; is that correct?

14 A. That is correct, sir.

15 MR. STEGE: Thank you, Your Honor.

16 Your Honor, I'd move in the exhibit.

17 THE COURT: Defense.

18 MS. GARCIA: Your Honor, we're going to object to
19 this exhibit based on the prior arguments made to this Court.

20 THE COURT: Thank you.

21 Since the Court has already made a determination with
22 respect to that, the objection is overruled. Exhibit 52 is
23 admitted.

24

1 (Exhibit 52 was admitted into
2 evidence.)

3 BY MR. STEGE:

4 Q. A copy of this data, was that provided to any other
5 officers or detectives in the division?

6 A. It was. Once I received the data, I provided a copy
7 to Detective Watson and to Detective Dave Nevills.

8 Q. And, Detective, what part of the police department is
9 Detective Watson in?

10 A. Detective Watson is in the Computer Crimes Unit.

11 THE COURT: Mr. Stege, since we're moving to a new
12 exhibit, and because, after you're done with your
13 examination, of course, the defense has the opportunity to
14 cross-examine the detective, I think we'll take our lunch
15 recess now, and then get back to it after the lunch break.

16 So, Officer, sit tight, please, just for a moment.

17 Ladies and gentlemen of the jury, we're going to take
18 our lunch recess.

19 During the recess, it is your duty not to converse
20 among yourselves nor with anyone else on any subject
21 connected with this trial. Do not communicate with anyone in
22 any way regarding the case or its merits, including by phone,
23 e-mail, text, internet or other means. Do not read, watch or
24 listen to any news or media accounts or commentary about the

1 case. Do not do any independent research. Do not consult
2 reference materials, make an investigation, test a theory of
3 the case, attempt to re-create any aspect of the case, or in
4 any way attempt to learn about the case on your own.

5 Additionally, it is your duty not to form nor express
6 an opinion on any subject connected with the case until it is
7 finally submitted to you.

8 Ladies and gentlemen, please be back in the jury room
9 ready to go at 10 minutes before 1:00 o'clock. And we will
10 start as close to 1:00 p.m. promptly as we can.

11 You're free to leave the courthouse, as I mentioned
12 previously. If you do so, make sure you're back in time to
13 be in the jury room at 10 minutes to 1:00. Make sure you
14 have your juror badges on at all times. Do not speak with
15 anybody about this case. And you're free to leave your notes
16 on your chair or take them back into the jury room with you.

17 All right. All rise for the jury, please.

18 (The following proceedings
19 were had without the presence
20 of the jury:)

21 THE COURT: All right. Thank you.

22 Then, Officer Smith, you're free to step down.
23 Please be back here ready to go at 1:00 o'clock. You're
24 still under oath. And because you are a testifying witness,

1 you're not to discuss your testimony with anybody during the
2 recess.

3 Do you understand that, sir?

4 THE WITNESS: Yes, Your Honor.

5 THE COURT: Thank you very much.

6 You may step down.

7 All right. Ladies and gentlemen, we'll be in recess.

8 Please be ready to go promptly at 1:00 o'clock.

9 Thank you.

10 (Recess.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 RENO, NEVADA, THURSDAY, JULY 1, 2021, 1:00 P.M.
2 (The following proceedings
3 were had without the presence
4 of the jury:)
5 THE COURT: Thank you, Deputy.
6 Welcome back everyone.
7 Please be seated.
8 The record should reflect we are here on the record
9 with defense counsel, with Mr. Cameron.
10 Deputy, please bring the jury back in.
11 (The following proceedings
12 were had with the presence of
13 the jury:)
14 THE COURT: Okay. Welcome back, everyone.
15 You may be seated
16 Will counsel stipulate to the full panel, Mr. Stege?
17 MR. STEGE: Yes.
18 THE COURT: Mr. Picker and/or Ms. Garcia.
19 MR. PICKER: Yes, Your Honor.
20 THE COURT: Thank you very much.
21 Welcome back, Officer Smith.
22 Mr. Stege, you may continue your direct examination.
23 MR. STEGE: Thank you.
24

1 BY MR. STEGE:

2 Q. Detective, earlier we were looking at a summary of
3 the garage-door camera; correct?

4 A. Yes.

5 Q. I wonder if we might go to one of the other analyses
6 of one of the other cameras. Let's look at this document,
7 which I will shortly zoom in a little bit on, the backyard
8 deletion logs. Are you able to see those?

9 A. Yes, sir.

10 THE COURT: Is this still part of Exhibit 19?

11 MR. STEGE: Yes, Your Honor.

12 THE COURT: Thank you.

13 Please proceed.

14 BY MR. STEGE:

15 Q. If you could explain what we're looking at in this
16 backyard analysis.

17 A. So it looks like column A -- I'm not sure if you can
18 scroll left, the bottom of the screen. So, column A, again,
19 is the event I.D. that's assigned to any video recorded on a
20 Ring system.

21 Column B refers to the backyard camera.

22 Column C refers to Mr. Cameron's number associated to
23 his user account.

24 Column D is the date and time that the recording

1 occurred.

2 And column E indicates when those files were deleted.

3 Q. And so this is in red. Explain: Why is it in red?

4 A. Again, that is in Universal Time Coordinated, or UTC,
5 which is eight hours ahead of Pacific Standard Time. So
6 that's highlighted in red because that file was deleted on
7 February the 11th, at approximately 9:40 p.m. Pacific Time,
8 which would have been approximately nine minutes before the
9 call was made to David Colarchik.

10 Q. And this is part of that group we saw earlier on the
11 driveway camera, this 05:40 UTC, this group of deletions.

12 A. Correct.

13 Q. What time was that video that was deleted shortly
14 before the call to Colarchik made?

15 A. So, again, going back eight hours, that video was
16 recorded on February the 11th, at 9:39 p.m. Pacific Time.

17 Q. The next line, please.

18 A. The next line, which is labeled row 4, shows that
19 that recording occurred the following day, on February the
20 12th, and it was also deleted on February the 12th, the
21 morning of.

22 Q. Scrolling to the right, what is this indication here,
23 all three prior deleted at 2/12, at 05:40.

24 A. Those are the three that I have highlighted. I have

1 the one highlighted in red because it was in such close
2 proximity to the call made to David Colarchik. And the other
3 two right below that I also highlighted because they were
4 deleted in the following day.

5 Q. Let's look at the front door deletion logs.

6 A. So the front door deletion logs, again, the rows are
7 the same things as before.

8 Column B, the "848368" indicates that that is the
9 front-door camera.

10 If you look at row 11 --

11 Q. Let's see if we can't make that -- okay.

12 A. That indicates that that recording occurred, if we go
13 eight hours back, on February the 11th. I believe that is
14 7:34 p.m. And it is deleted on February 11th, at 9:35 p.m.,
15 which is approximately 15 minutes before the call to David
16 Colarchik.

17 Q. The deletion in row 12, please talk about that.
18 Right here.

19 A. Correct. So that shows that that recording occurred
20 at the front door on February 11th, at approximately 9:16
21 p.m., and it was deleted on February 11th, at approximately
22 9:34 p.m.

23 Q. So this is also in that group deleted before the call
24 to Colarchik.

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAYNE MICHAEL CAMERON,

Appellant.

v.

STATE OF NEVADA,

Respondent.

Case No. 83531

APPELLANT'S APPENDIX
VOLUME IV

**APPEAL FROM JUDGMENT OF CONVICTION AND
SENTENCING**

SECOND JUDICIAL DISTRICT
STATE OF NEVADA

The Honorable Barry Breslow, presiding

Richard F. Cornell, Esq.
RICHARD F. CORNELL, P.C.
150 Ridge Street, Second Floor
Reno, Nevada 89501
775/329-1141
richardcornell1553@gmail.com
Attorneys for Appellant

Washoe Co. District Attorney
Appellate Division
1 South Sierra Street, 7th Floor
Reno, Nevada 89501
775/337-5700
jnoble@da.washoecounty.us
Attorneys for Respondent

INDEX TO APPELLANT'S APPENDIX
WAYNE MICHAEL CAMERON V. STATE OF NEVADA
No. 83531

| NO | DESCRIPTION | DATE | PAGES |
|-----------|--|-------------|--------------|
| | VOLUME I | | |
| 1 | Information | 11/09/2020 | 00001-00006 |
| 2 | Motion to Admit Other Acts Evidence: Road Rage | 02/03/2021 | 00007-00037 |
| 3 | Motion to Admit Other Acts Evidence: Shootings | 02/03/2021 | 00038-00048 |
| 4 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Road Rage | 02/09/2021 | 00049-00055 |
| 5 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Shooting | 02/09/2021 | 00056-00060 |
| 6 | Reply in Support of Motion to Admit Other Acts Evidence: Road Rage | 02/16/2021 | 00061-00066 |
| 7 | Reply in Support of Motion to Admit Other Act Evidence: Shootings | 02/16/2021 | 00067-00069 |
| 8 | Transcript of Proceedings, Motions Hearing | 06/02/2021 | 00070-00140 |
| 9 | Order on Pre-Trial Motions | 06/04/2021 | 00141-00148 |
| 10 | Transcript of Proceedings, Trial Day II | 06/29/2021 | 00149-00249 |
| | VOLUME II | | |
| 10 | Cont'd. Transcript of Proceedings, Trial Day II | 06/29/2021 | 00250-00369 |
| 11 | Transcript of Proceedings, Trial Day III | 06/30/2021 | 00370-00499 |
| | VOLUME III | | |
| 11 | Cont'd Transcript of Proceedings, Trial Day III | 06/30/2021 | 00500-00613 |
| 12 | Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00614-00749 |

| | | | |
|----|--|------------|-------------|
| | VOLUME IV | | |
| 12 | Cont'd. Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00750-00818 |
| 13 | Transcript of Proceedings, Trial Day V | 07/02/2021 | 00819-00896 |
| 14 | Transcript of Proceedings, Trial Day VI | 07/06/2021 | 00897-00999 |
| | VOLUME V | | |
| 14 | Cont'd. Transcript of Proceedings, Trial Day VI | 07/06/2021 | 01000-01130 |
| 15 | Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01131-01249 |
| | VOLUME VI | | |
| 15 | Cont'd. Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01250-01265 |
| 16 | Transcript of Proceedings, Trial Day VIII | 07/08/2021 | 01266-01339 |
| 17 | Transcript of Proceedings, Trial Day IX | 07/09/2021 | 01340-01440 |
| 18 | Jury Instruction, Guilt Phase | 07/09/2021 | 01441-01494 |
| | VOLUME VII | | |
| 19 | Verdict | 07/09/2021 | 01495-01496 |
| 20 | Transcript of Proceedings, Sentencing | 07/12/2021 | 01497-01602 |
| 21 | Jury Instructions, Penalty Hearing | 07/12/2021 | 01603-01612 |
| 22 | Life Without Parole Verdict | 07/12/2021 | 01613 |
| 23 | Judgment of Conviction | 09/09/2021 | 01614-01615 |
| 24 | Notice of Appeal to the Nevada Supreme Court | 09/16/2021 | 01616-01618 |

1 A. It looks like it was deleted approximately 15 minutes
2 before the call to David Colarchik.

3 Q. Let's go to the side deletion of logs file.

4 A. So, again, the side yard doesn't look like it had as
5 much activity. It looks like there's only one recording from
6 February the 11th on there.

7 Five of those recordings were deleted on -- it says
8 2/16/20 at :51 UTC, which would actually be February the
9 15th, the night of.

10 Q. And those -- let's take, for example -- going forward
11 with the top -- so the higher up in the column, would that be
12 earliest in time? Is that how this is sorted?

13 A. Correct. They're sorted by the earliest time that
14 they were recorded.

15 Q. Okay. So in this group deleted not on the 11th, but
16 later as part of this bigger group, when did that recording
17 occur?

18 A. That recording, it shows, occurred on February 11th
19 at 16:43 UTC, which would be approximately 8:43 a.m., on
20 February 11th.

21 Q. Let's now go to Exhibit 12, which you identify as the
22 phone -- looking at Mr. Cameron's phone, screen shots from
23 Mr. Cameron's phone. And if you could clarify --

24 THE COURT: Hold on a second. Exhibit number what,

1 please?

2 MR. STEGE: This is 12, Your Honor.

3 THE COURT: 12, I think, is surveillance -- you
4 admitted that earlier?

5 MR. STEGE: Yes.

6 THE COURT: Surveillance from Ring?

7 MR. STEGE: Yes.

8 THE COURT: Then screen shots were taken of that?

9 MR. STEGE: Yes. It was admitted, and it's the -- as
10 the detective hooks -- connects the defendant's phone up to
11 the device and is able to take screen shots.

12 THE COURT: All right. Thank you. As he testified
13 to. Thank you.

14 THE WITNESS: These photographs I hooked up to what's
15 called a Susteen DataPilot 10. It's basically a device that
16 connects to a phone and allows you to take a screen shot of
17 whatever is shown on the phone that you're trying to look at.

18 Q. And to do this, you went into Mr. -- on Mr. Cameron's
19 phone, into the Ring app?

20 A. Correct.

21 Q. So, for example, this first photo shows what?

22 A. This is inside the Ring app. It shows still images
23 of where his cameras are located at his house. I
24 specifically chose this one, the driveway camera, because it

1 shows Mr. Cameron's driveway, looking into the cul-de-sac.
2 His house is easily identifiable due to this large
3 landscaping rock right here.

4 Q. And you had been to his house; correct?

5 A. Yes, sir.

6 Q. And can you point out, please, or circle where the
7 garage would be, or the entrance to the garage would be.

8 A. Yes.

9 Q. And the image below?

10 A. The image below indicates the side yard to Mr.
11 Cameron's home.

12 Q. Let's go to the next screen shot.

13 A. That depicts the backyard of Mr. Cameron's home. And
14 the front door, there was no still image. It only shows a
15 black box. However, there were logs recorded.

16 Q. And this -- you recording the -- his phone or these
17 screen shots were taken on -- during the course of the
18 interview or the day of Mr. Cameron's station interview?

19 A. Correct; yes.

20 Q. The next photo.

21 A. Again, this shows the picture of the side yard of Mr.
22 Cameron's home.

23 Q. This next screen shot.

24 A. So I highlighted this at the very top. It shows an

1 address, 7325 La Paz. Mr. Cameron's home is actually located
2 at 7345 La Paz Court. However, the still images corresponded
3 with his home.

4 Q. The next image.

5 A. So this shows the subscriber information. It shows
6 that the account is registered to Wayne Cameron, e-mail
7 camfamteam@gmail.com. The phone number is 775-771-6722, was
8 the phone that Mr. Cameron provided to me that I took these
9 photos of.

10 Q. And the next screen shot.

11 A. So this shows -- I didn't try to look at the video
12 recordings on the phone at this point. I only took a screen
13 capture of the last three recordings.

14 It shows at the very bottom -- and this is in Pacific
15 Time -- February 15th, at 4:55 p.m. That was the last
16 recording. There were no recordings prior to that date and
17 time.

18 Q. And were there recordings from the 15th up until the
19 21st, when he was interviewed?

20 A. There were records up until the 21st, which is what
21 our warrant included.

22 Q. The next screen shot.

23 A. This just shows that the cameras were active and
24 online at the time that I took the photographs.

1 It shows that the side yard had a poor WiFi
2 connection; however, it did record records that we were able
3 to provide.

4 Q. And this screen shot?

5 A. Again, this one is just showing the subscriber's
6 address that he entered in. Again, it is incorrect. 7325 La
7 Paz Court is not the correct address. 7345 is Mr. Cameron's
8 home.

9 MR. STEGE: Ms. DeGayner, was 52 admitted?

10 THE CLERK: Yes.

11 MR. STEGE: Thank you.

12 Your Honor, I will pass the witness.

13 THE COURT: Thank you.

14 Examination by the defense.

15 MS. GARCIA: Thank you.

16 CROSS-EXAMINATION

17 BY MS. GARCIA:

18 Q. Good afternoon, Detective.

19 A. Good afternoon.

20 Q. The records from Ring that you obtained that we've
21 been reviewing were specifically records from February 11th
22 to the 16th; is that correct?

23 A. My recollection is, the warrant was from February
24 11th to the 21st. But I would have to refer to the warrant.

1 But that's my recollection.

2 Q. Okay. So let me ask this: It started on the 11th.
3 It didn't go back any farther; right?

4 A. I don't believe so.

5 Q. So in the course of your investigation, you had the
6 opportunity to obtain more information from Ring regarding
7 Mr. Cameron's account; isn't that right?

8 A. Initially when Ring responded, they provided the log
9 records of when the recordings occurred.

10 I re-contacted them and advised them that our warrant
11 also requested deletion logs. And they were able to provide
12 those a couple weeks later.

13 Q. Let me ask you this: Did they also provide you
14 additional information about Mr. Cameron's specific account
15 and what that included?

16 A. Yes, ma'am.

17 Q. Okay. So in the course of that, you learned that he
18 was a Legacy member; right?

19 A. Correct.

20 Q. And, further, you learned that, for a Legacy member,
21 that means that recordings will be kept for 180 days on the
22 phone; correct?

23 A. I was advised that the standard retention period is
24 60 days for video recordings. However, Mr. Cameron, because

1 he was an early adopter of Ring -- I believe his account
2 began in 2016 -- they retained the records for 180 days,
3 unless they were deleted by the user.

4 Q. So those records would have stayed on Mr. Cameron's
5 phone unless he deleted them; right? Those videos would have
6 been on his phone.

7 A. I believe we would have had access to those videos;
8 however, I think that those videos are stored in a cloud
9 service.

10 Q. Okay. Fair enough. So he has access for 180 days to
11 any video that's stored up in the cloud; correct?

12 A. The retention period is 180 days; correct.

13 Q. So when you were examining Mr. Cameron's phone, you
14 specifically stated that the recordings abruptly ended
15 February 15th; is that right?

16 A. There were no records on his phone that showed
17 recordings prior to February 15th; correct.

18 Q. So that means that for the four years Mr. Cameron had
19 had Ring, and all of the recordings that had been kept, every
20 single one had been deleted up to February 15th when you
21 looked at that phone.

22 A. It would appear so. I didn't have any recordings
23 prior to that.

24 Q. Are you familiar with how Ring works?

1 A. As a layman, yes.

2 Q. So fair to say it's a motion-activated camera? It's
3 not recording all the time; right?

4 A. My understanding is that they capture motion;
5 correct.

6 Q. So the camera would not be recording unless there's
7 some sort of motion, something moves, triggers it, makes the
8 video, and then it stops; right?

9 A. That sounds correct, yes.

10 Q. And so you were never able to obtain any video from
11 any of these deleted recordings that we've been discussing
12 today; right?

13 A. We did not.

14 Q. So there's no way to know what was on those videos or
15 what triggered the motion; correct?

16 A. Correct. All we have are the logs to go on.

17 Q. So if a cat runs by, it would trigger a motion, and
18 would record something; right?

19 A. Potentially. I'm not sure of the sensitivity of Ring
20 cameras.

21 Q. We just don't know what caused the recordings; right?

22 A. That's correct.

23 Q. And, in fact, during his interview, Mr. Cameron told
24 you, "I get false notifications all the time, and I delete

1 | them"; right?

2 | A. He did mention that.

3 | THE COURT: One more thing, please.

4 | To the extent possible, when you're not addressing a

5 | witness, counsel, and counsels assisting, people assisting

6 | counsel, would you please have masks on? I appreciate it.

7 | Thank you.

8 | BY MS. GARCIA:

9 | Q. I want to talk about this exhibit. This is the side

10 | deletion exhibit.

11 | A. Yes, ma'am.

12 | THE COURT: One more thing. Sorry.

13 | Ms. Garcia, your microphone is on your left lapel.

14 | As you continually turn to your right to gather your

15 | thoughts, records or notes, your volume keeps going down.

16 | MS. GARCIA: I will speak up.

17 | THE COURT: Thank you.

18 | You know, you're doing fine. Just to the extent you

19 | can remember, that would be helpful to the Court.

20 | Thank you. Please proceed.

21 | BY MS. GARCIA:

22 | Q. You noted on -- I'm going to point to line 6. Are

23 | you able to see that?

24 | A. Yes, ma'am.

1 Q. Line 6 is a video that appears to be recorded on
2 February 15th.

3 A. In UTC time. The video recorded in Pacific Time
4 would be on February 14th.

5 Q. On February 14?

6 A. Correct. It would be eight hours before that
7 time-stamp, which the time-stamp shows 00:27. It would be
8 eight hours prior to that?

9 Q. Okay. So it looks like 6, 7 and 8 we have three
10 videos recorded on 2/14.

11 A. Correct.

12 Q. And then deleted on 2/16. You've noted that; right?

13 A. Yes, ma'am.

14 Q. What's the significance of that?

15 A. I noted that because there were approximately 285
16 videos that were deleted in close proximity to that 2/16/20,
17 at 00:51 UTC. You can see that documented on the rest of the
18 file, as well.

19 Q. You noted it because they were deleted close in time.

20 A. Because there was such a large volume. I believe,
21 285.

22 Q. So here we're looking at the driveway deletion log.
23 I'm scrolling a little bit. But I'm wondering. I'm
24 looking -- let's say starting at line 22, and going down. A

1 number of videos recorded. And you've noted they were
2 deleted on February 16th; right?

3 A. Yeah. The reason I highlighted -- well, above the
4 highlighted in red, in between the highlighted in red, those
5 videos were also deleted. The reason that I highlighted in
6 red is because those videos were specifically deleted in
7 close proximity to the homicide.

8 Q. That's the ones in red?

9 A. In red.

10 Q. But you've highlighted a number of deleted videos;
11 right?

12 A. Yes, ma'am.

13 Q. What's the significance of that?

14 A. That 285 of the videos were later cleared on February
15 15th.

16 Q. So, to your knowledge, did anything of significance
17 occur in this case on February 14th or 15th?

18 A. Well, I would be uncertain, as we were unable to view
19 the videos. You can see, if you look at the recording times
20 above the documented in red, the videos above that were
21 actually recorded on the 11th, February 11th, they were
22 deleted at a later date.

23 Q. Right. But these videos that we're talking about
24 that you've noted here were recorded on the 13th, on the

1 14th. And I'm asking: Are you aware of anything of
2 significance that occurred on those dates?

3 A. I'm uncertain. We never recovered a firearm in the
4 case.

5 Q. So the answer is: No, you don't know?

6 A. We were unable to view the video footage. I'm
7 uncertain of what was on the video.

8 Q. Mr. Cameron provided you consent to look at his
9 phone; right?

10 A. Yes, ma'am.

11 Q. He was being interviewed, but he was not under
12 arrest; correct?

13 A. That is correct.

14 Q. So he handed over his phone and allowed you to
15 download information into your -- using the device -- and I
16 can't remember the word you used for that device.

17 A. He provided consent for -- I believe it was Detective
18 Watson, to download the phone using a Cellebrite program, and
19 he provided me consent, as well, to use the DataPilot.

20 Q. He also told you about the call to Mary Gayner;
21 correct?

22 A. He did, yes.

23 Q. And then when you asked "What's that you're looking
24 at?" he said, "Oh. I called my friend, Dave Colarchik, too";

1 right?

2 A. Correct. I noticed that he didn't say "Dave
3 Colarchik" as he was scrolling past. I had to actually
4 address him about that name.

5 Q. When you addressed it, he --

6 A. He acknowledged it.

7 Q. -- told you exactly what happened.

8 A. Yes, ma'am. Well, he didn't tell me exactly what
9 happened. He didn't tell me the conversation with Colarchik.

10 Q. He told you he made the phone call.

11 A. He told me he made a phone call.

12 MS. GARCIA: I don't have any further questions.

13 THE COURT: Thank you.

14 Redirect.

15 REDIRECT EXAMINATION

16 BY MR. STEGE:

17 Q. Did you ask him about the phone call with Colarchik
18 in the interview?

19 A. Numerous times.

20 Q. And was he able to tell you what happened, or did he
21 tell you what happened in the phone call with Colarchik?

22 A. He described having a call with Colarchik, but he did
23 not describe the things that Colarchik described in his
24 interview.

1 Q. Did he refer in any affectionate way to
2 Mr. Colarchik?

3 A. He referred to him as his best friend.

4 Q. Going back to highlighted-in-red portions of these
5 deletions logs, what was the significance in your mind that
6 caused you to draw attention to the specific deletion times?

7 A. That was in two parts.

8 In the first part, Detective Nevills determined
9 that -- by eyewitness accounts and video surveillance, that
10 the crime occurred at approximately 8:45 on February the
11 11th.

12 Mr. Cameron called David Colarchik at approximately
13 9:49 p.m. that same night. And these specific videos
14 highlighted in red were deleted approximately 20 minutes
15 before that call to Colarchik.

16 Q. And so drawing your attention, for example, back to
17 the Exhibit 19, which of these recorded videos on the
18 driveway analysis is closest in time to the 8:45 p.m. murder?

19 A. So the three videos here. It shows that those were
20 deleted at 9:35 p.m., which would have been approximately 50
21 minutes after the homicide.

22 Q. And recording-wise, are any -- which of these three
23 is closest in time to the 8:45 p.m. Pacific Time?

24 A. So if we look at that video, it shows it was recorded

1 2/12, 4:49, which would be UTC. If we convert that to
2 Pacific Standard Time, that would have been recorded on
3 February the 11th, at approximately 8:49 hours Pacific Time,
4 which would have been about four minutes after the time
5 indicated by Detective Nevills is when the homicide occurred.

6 Q. And you're aware of the location of the crime scene
7 in this case?

8 A. I am.

9 Q. It is a short distance away; correct?

10 A. Correct.

11 Q. Now, as to the remaining videos, I think you may know
12 the number. Two hundred eighty-nine is your --

13 A. I believe 285 were deleted on -- at this time,
14 2/16/20, 00:51 UTC.

15 Q. So a large batch on that 2/16/20, 00:51 UTC?

16 A. It appears there was specific videos deleted on the
17 11th, and then a blanket deletion days later.

18 MR. STEGE: Thank you.

19 THE COURT: Ms. Garcia.

20 RECROSS-EXAMINATION

21 BY MS. GARCIA:

22 Q. I just want to clarify something I asked you
23 previously.

24 In the interview with Mr. Cameron, he indicated to

1 you he had made a phone call -- correct? -- to Mary Gayner.

2 A. Yes.

3 Q. And just to be clear, in fact, in regards to
4 Mr. Colarchik, it was actually a received call from
5 Mr. Colarchik; correct? Not that Mr. Cameron had called
6 Mr. Colarchik, but he had received a phone call.

7 A. I would have to refer to the records.

8 There was a text message at 9:48 from Mr. Cameron to
9 Colarchik that said "You up?" And then there was a call a
10 minute later. I don't recall the transaction, if it was from
11 Mr. Cameron to Mr. Colarchik, or from Colarchik to Mr.
12 Cameron.

13 Q. So if you had asked Mr. Cameron, "What phone calls
14 did you make?" and he responded, "Mary Gayner," that would be
15 true; correct?

16 A. I see what you're saying. Yes.

17 Q. Because if he received a call from Mr. Colarchik, it
18 may not have occurred to him to share that with you; right?

19 A. We continued that interview for many hours after
20 talking about the call to Colarchik.

21 Q. Is that a "Yes"?

22 A. In the beginning, when he said that, what you're
23 saying is technically correct. However, I don't believe
24 that's a fair interpretation of what happened.

1 Q. So, yes, it's technically correct?

2 A. Technically correct, yes.

3 MS. GARCIA: Nothing further.

4 THE COURT: Mr. Stege.

5 MR. STEGE: No, thank you.

6 THE COURT: Detective, thank you very much for your
7 time. You may step down. Have a pleasant rest of the
8 afternoon, sir.

9 (Witness excused.)

10 THE COURT: Okay. Mr. Stege, please call the State's
11 next witness.

12 MR. STEGE: Mr. Miner, Your Honor.

13 THE COURT: Thank you.

14 What is Mr. Miner's first name?

15 MR. STEGE: Gary.

16 MR. PICKER: Your Honor, could we have a moment?
17 That person was not on our witness list for today, so we need
18 to get his information.

19 THE COURT: Okay. Just a moment.

20 Please let me know when the defense is ready to
21 proceed and/or, if not, if there's going to be a matter the
22 Court needs to take up outside the presence of the jury.

23 MR. PICKER: Your Honor, it will just take a few
24 minutes. I need to find the information.

1 THE COURT: Okay.

2 MR. PICKER: Thank you, Your Honor.

3 We're ready now.

4 THE COURT: Thank you very much.

5 Please bring Mr. Miner in, Deputy.

6 Good afternoon, sir.

7 Please approach the court clerk, raise your right

8 hand and be sworn the oath of witness.

9 (Witness sworn.)

10 THE COURT: Thank you, sir.

11 Please have a seat up at the witness stand.

12 THE WITNESS: Thank you, Your Honor.

13 THE COURT: All right. Make yourself comfortable,

14 sir. Please slide the chair in. With the microphones, they

15 work best if you're just a couple inches away from there.

16 And if you would kindly remove your mask, sir, so we can see

17 you better and here you more clearly.

18 THE WITNESS: Yes.

19 THE COURT: Please state your name, and spell your

20 last name. Go ahead, sir.

21 THE WITNESS: My name is Gary Miner, M-i-n-e-r.

22 THE COURT: Perfect. Thank you very much.

23 Please proceed, Mr. Stege.

24

1 GARY MINER,
2 called as a witness on behalf of the State,
3 first having been duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. STEGE:
7 Q. Hello, sir.
8 How long have you lived in the Washoe County area?
9 A. Twenty years.
10 Q. And what do you do for a living?
11 A. I own a wine store, and I'm a retired police officer.
12 Q. What is the name of your wine store?
13 A. Vino 100.
14 Q. Are you familiar with a person by the name of Wayne
15 Cameron?
16 A. Yes, I am.
17 Q. How do you know Wayne Cameron?
18 A. As a friend, and as a customer.
19 Q. And was he a customer sort of the last part of 2019
20 and into '20?
21 A. Yes.
22 Q. I will ask a more broad question. How long was he a
23 customer and friends of yours?
24 A. I'd say about four years.

1 Q. On February 24th, 2020, did Mr. Cameron come into the
2 wine store?

3 A. Yes, he did.

4 Q. And did you have occasion to speak with him?

5 A. Yes, I did.

6 Q. Could you tell us about that conversation, please.

7 A. Wayne came into the store and asked me how I was
8 doing, because I had a recent surgery. And we talked for a
9 few minutes.

10 And then he told me that he was under investigation
11 for murder. And I basically laughed at him. I go, "You've
12 got to be kidding me."

13 Q. Okay. What happened next?

14 A. I said -- well, I asked him, "Why do they suspect
15 you, Wayne?"

16 And he said to me, he says, "Well, I called a friend
17 of mine the other night, and I told him I might have done
18 something bad, and I might have shot somebody."

19 And I basically said, "You've got to be kidding."

20 Q. Okay. What happened next?

21 A. I think that was about the end of that conversation
22 that particular day.

23 Q. Okay. Did he come back the next day, the 25th of
24 February?

1 A. Yes, he did.

2 Q. And what happened on that date?

3 A. I'm not sure if it was that day or the next day, but
4 he told me that the police had come to his place and searched
5 his house, taken his guns, his phone equipment, computers,
6 and things like that.

7 Q. Okay. What did he say about in reference to any
8 guns?

9 A. Well, he said he -- "They took all my guns," but then
10 he kind of whispered, and he said, "But they're not going to
11 find that gun."

12 Q. Anything else you recall about this second
13 conversation?

14 A. I asked him point blank, I says, "Well, Wayne, you
15 didn't do this, did you?"

16 And his response to me was, "You know I can't tell
17 you that."

18 Q. Okay. What was your reaction to hearing that?

19 A. Well, I was shocked, because I thought: Well, if I
20 was innocent, I'd have a different response. I would say,
21 "No. I'm innocent. I didn't do this." So I was actually
22 pretty shocked with his statement about saying that, "You
23 know I can't tell you that."

24 Q. And did you -- the subject of why his best friend

1 would tell the police what Wayne had told him come up?
2 A. Yes.
3 Q. And what did Wayne say about that?
4 A. He said, "Well, my friend probably had a guilty
5 conscience."
6 MR. STEGE: Thank you.
7 Pass the witness.
8 THE COURT: Examination by the defense.
9 CROSS-EXAMINATION
10 BY MR. PICKER:
11 Q. Good afternoon, Mr. Miner.
12 A. Good afternoon.
13 Q. You met with the police on February 27th of last
14 year, didn't you?
15 A. Yes.
16 Q. At your residence.
17 A. No. Oh, yes. One was at the residence; one was at
18 the store.
19 Q. On February 27th, when you met with Detective Lopez
20 at your home, you recounted that conversation with Mr.
21 Cameron, didn't you?
22 A. I did.
23 Q. And the event was fresh in your mind.
24 A. Yes.

1 Q. And you told Mr. Lopez exactly what Mr. Cameron told
2 you.

3 A. To the best of my recollection, yes.

4 Q. He didn't actually say, "They're not going to find
5 that gun," did he?

6 A. Yes, he did.

7 Q. In fact, you told the police specifically, "Yeah, but
8 they aren't going to find anything." And you never mentioned
9 "the gun." Isn't that true?

10 MR. STEGE: Objection to the compound nature of the
11 question. And it's argument.

12 MR. PICKER: I will withdraw it and break it down.

13 MR. STEGE: And to the editorial response.

14 THE COURT: Objection overruled.

15 But go ahead and break the question down to two
16 pieces, please.

17 MR. PICKER: Thank you.

18 BY MR. PICKER:

19 Q. You specifically told the officer, "Yeah, but they
20 aren't going to find anything"; correct?

21 A. I don't recall that. I believe I said that he said,
22 "They're not going to find the gun."

23 Q. And, in fact, you specifically told the officer Mr.
24 Cameron never mentioned a gun; that was your assumption that

1 that's what he meant.

2 A. I don't recall that.

3 Q. But if the officer would have written that, you
4 believe he'd be accurate, wouldn't you?

5 A. Yes, I would.

6 Q. So if he wrote down and put in quotes, "Yeah, but
7 they aren't going to find anything," you would expect that he
8 wrote down exactly what you said.

9 A. Yes.

10 Q. So what you testified today, that Mr. Cameron told
11 you that "They aren't going to find a gun," that's not true,
12 is it?

13 THE COURT: Well, let's be fair here. If there is
14 such a document, you should show it to the witness. Because
15 he's assuming for purposes of answering your question that
16 there is such a report or a statement from an officer.

17 MR. PICKER: Your Honor, on impeachment by defense on
18 cross-examination, I don't have to show him a document. I
19 can quote directly from the police report.

20 THE COURT: You need to --

21 MR. STEGE: Except that --

22 THE COURT: Hold on.

23 Mr. Stege, you may respond.

24 MR. STEGE: The -- a witness may be impeached by his

1 own statement. Mr. Picker is -- that's, I think, 51.055,
2 attempting to impeach the witness not with his own statement,
3 but with the statement of a police officer's statement. And
4 so, as such, it is improper impeachment; while Mr. Picker is
5 correct that it need not be shown to the witness except at a
6 later date.

7 THE COURT: I understand all that. But the
8 implication is that such a document exists, and so either --
9 I want to make sure we're all being fair here.

10 But go ahead, Mr. Stege.

11 Then I'll let you respond, Mr. Picker.

12 MR. STEGE: Thank you.

13 I'll submit it, Your Honor.

14 THE COURT: Okay. Mr. Picker, I'll give you final
15 word on this, if there's another word to be had.

16 MR. PICKER: I don't believe so, Your Honor. I think
17 I've adequately stated the situation. And it is a statement
18 by this witness to a police officer. It is his statement.

19 MR. STEGE: But --

20 THE COURT: It's not a statement by incorporation if
21 it's written by somebody else. Nevertheless, I'll let you
22 continue. I just wanted to make sure the Court had its
23 bearings.

24 You may proceed.

1 BY MR. PICKER:

2 Q. So it is not accurate, your testimony today, that Mr.
3 Cameron said anything about a gun?

4 A. My best recollection is he says he did -- you know, I
5 don't know -- I cannot -- I cannot explain why the officer
6 wrote that, exactly. But I remember telling him that, "He
7 said 'a gun.'" "They're not going to find that gun." That's
8 my recollection. I'm not sure why the officer put that in
9 his report.

10 Q. But you agree your recollection was much better on
11 February 27th of last year.

12 A. Yes. But it's something I'm not going to forget.

13 Q. And you've had a year to think about this case;
14 right? More than a year.

15 A. Correct.

16 Q. And you're a retired police officer.

17 A. Thirty years.

18 Q. And you know that Mr. Cameron was arrested and
19 charged with murder.

20 A. I do.

21 Q. And you wanted to help the police in this case,
22 didn't you?

23 A. I just wanted to tell the truth of what I knew.

24 Q. And the truth was that he said to you, "They aren't

1 going to find anything," not, "They aren't going to find a
2 gun."

3 MR. STEGE: Objection. Asked and answered by the
4 witness.

5 THE COURT: That's sustained. We've covered that.
6 The witness has responded.

7 BY MR. PICKER:

8 Q. Mr. Cameron never denied to you that he talked to his
9 friend and made a statement; correct?

10 A. No.

11 Q. In fact, he -- you didn't know anything about that
12 discussion, did you?

13 A. Only what he told me.

14 Q. And he independently brought that up and told you
15 what he told his best friend?

16 A. Yes.

17 MR. PICKER: That's all I have for this witness.

18 THE COURT: Any redirect?

19 MR. STEGE: No, thank you, sir.

20 THE COURT: Okay. Mr. Miner, thank you very much for
21 your time.

22 THE WITNESS: Thank you, Your Honor.

23 THE COURT: You can step down, sir.

24 THE WITNESS: Thank you.

1 (Witness excused.)

2 THE COURT: Ladies and gentlemen, if you wonder why

3 the Court takes a moment or two before I ask Mr. Stege to

4 call the next witness, it's primarily to allow Deputy

5 Williams to not only clean the station here, but to allow the

6 seat to dry off, which takes a moment or two. So I'm not

7 doing it solely to delay anything.

8 All right. Thank you, Deputy.

9 Mr. Stege, you may call your next witness.

10 MR. STEGE: Detective Nevills, please.

11 THE COURT: Good afternoon, sir.

12 Please raise your right hand and be sworn.

13 (Witness sworn.)

14 THE COURT: Thank you very much, sir.

15 Please have a seat at the witness stand. And please

16 make yourself comfortable, slide in, speak pretty close to

17 the microphone. Thank you for taking your mask off.

18 If you would kindly state your name, and please spell

19 your last name.

20 THE WITNESS: Dave Nevills, N-e-v, as in Victor,

21 i-l-l-s.

22 THE COURT: Thank you.

23 And, Detective, it works best if you're just a couple

24 inches away from the microphone. We're encouraging people to

1 please speak loudly. If it's too loud, we'll let you know.

2 Thank you very much.

3 Please proceed.

4 DAVE NEVILLS,

5 called as a witness on behalf of the State,

6 first having been duly sworn,

7 was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY MR. STEGE:

10 Q. How are you employed, sir?

11 A. I work for the Reno Police Department.

12 Q. In what capacity?

13 A. I'm a Robbery-Homicide detective.

14 Q. How long have you been a Robbery-Homicide detective?

15 A. Approximately six years.

16 Q. Were you involved in the investigation in this case?

17 A. Yes.

18 Q. Take us from the beginning. How did you become
19 involved in this case?

20 A. On February 19th, about 17:43, 5:43 p.m., I received
21 a call from Detective Sergeant Palmer. He was my sergeant at
22 the time. Advised me that there was new information
23 regarding to a homicide that occurred at -- on Welcome Way,
24 in the Washoe County's jurisdiction.

1 Information provided to him was that a source of
2 information had identified a possible person of interest in
3 that shooting. That person had personal relationships with
4 some of the command staff at the Washoe County Sheriff's
5 Office, and they were requesting our assistance.

6 Q. And from there what happened?

7 A. I advised my sergeant to contact my partner,
8 Detective Nick Smith, as a co-lead.

9 After that, I contacted Detective Smith myself, and
10 we made arrangements to meet at the Reno Police Department
11 that night.

12 Q. Later that night -- this is being February, the 20th
13 day of February -- did you ask that other resources within
14 RPD go to the airport?

15 A. That was on the February 20th, yes.

16 Q. And did that occur, to your knowledge?

17 A. Yes.

18 Q. And from there, did you develop information that led
19 to a judge authorizing a search warrant of Mr. Cameron's
20 home?

21 A. Yes.

22 Q. Tell us about that process, please.

23 A. Contacted the source of information. Had an
24 interview with him on the 20th, on the afternoon of February

1 20th. He provided us information in regards to what he was
2 told by Mr. Cameron.

3 I wrote up an affidavit for a search warrant,
4 including that information, provided that to the judge, who
5 authorized the search warrant.

6 Q. And when did you execute or serve that search
7 warrant?

8 A. The following day, at approximately 10:40 a.m., so it
9 would have been on February 21st.

10 Q. Where did you go to execute it?

11 A. We went to Mr. Cameron's residence at 7345 La Paz
12 Court in Reno.

13 Q. And who all went to that address?

14 A. Myself, Detective Smith, Detective Jenkins, Detective
15 Lopez, Detective Rhodes. And I believe Detective Boyd showed
16 up there a little bit later.

17 Q. And walk us through what happened at the house.

18 A. Detective Smith and I went to the front door, knocked
19 on the door, but didn't receive an answer. Retreated back
20 down to the street.

21 As we made an additional plan to attempt contact with
22 him, with Mr. Cameron, he ultimately came out of the garage
23 and walked down towards us.

24 Q. So you had been at the front door?

1 A. Yes.

2 Q. Knocked on the front door. Where was it that you

3 sort of retreated to or walked to after getting no answer?

4 A. About half a block down the street.

5 Q. And then you saw Mr. Cameron come out of his garage?

6 A. That's correct.

7 Q. What happened next?

8 A. Made contact with Mr. Cameron and told him that we

9 were investigating a shooting that occurred not too far from

10 his house, and wanted to talk to him about that.

11 Q. And what happened next?

12 A. Mr. Cameron escorted us back up to his house. We got

13 to the garage. I noticed that he has an Acura MDX, bearing

14 the license plate of 15678, which we also had the warrant

15 for.

16 We inquired where Mr. Cameron was on February 11th,

17 2020, at approximately 8:30, 9:00 o'clock.

18 Q. And what did he say?

19 A. He wasn't sure, at first. There was some

20 conversation about if it was this Tuesday or that Tuesday.

21 Then ultimately he said that he recalled that he was at a

22 restaurant called Murrieta's. He felt that he left there

23 around 8:45, because he was home by 9:00.

24 Q. And what happened next?

1 A. After that, I asked Mr. Cameron -- I thought he had
2 additional information, and I thought -- I asked him if he
3 would accompany Detective Smith and I to the Reno police
4 station for an interview.

5 Q. What was Mr. Cameron's response?

6 A. He said "Sure," he would.

7 After that, I advised him that we had a search
8 warrant for his house and car. I asked him if he had any
9 guns in the residence. He said he did, but most of them were
10 locked up in safes.

11 Q. Then what?

12 A. Mr. Cameron offered to open the safes for us. We
13 went inside the residence.

14 He identified a handgun that was affixed to a
15 nightstand by a magnet.

16 He identified a handgun that was in a small basket in
17 his closet.

18 Then we went into an additional room, where there was
19 an upright safe, that he opened for us.

20 Q. Did you make any observations about Mr. Cameron's
21 physical appearance during this interaction at La Paz Court?

22 A. Yes. When we first contacted him down the street, I
23 noticed he was perspiring. This particular day, we only had
24 a high of 61 degrees. Detective Smith and I were both

1 dressed in long-sleeved shirts. We were not sweating, at
2 all.

3 He made a comment when we first talked to him at the
4 house that we were making him nervous, like a traffic stop.

5 When we went in to open the safe, he was physically
6 shaking and sweating so profusely that he had to wipe his
7 brow because it was running down his face.

8 Q. Did you ever see Ethan, the defendant's son, at La
9 Paz Court?

10 A. Yes, I did.

11 Q. Tell us about when you saw Ethan.

12 A. He was very calm. He wasn't sweating, wasn't
13 perspiring, at all. He did not appear nervous, at all.

14 Q. During any part of this conversation you mentioned so
15 far, was Ethan Cameron present?

16 A. Yes.

17 Q. And which portions?

18 A. Once we got to the garage, Ethan was in the garage.
19 We talked there for a moment.

20 Moved into the -- I guess it would be the dining
21 room, sat at the dining room table. Ethan was present there,
22 as well.

23 Q. Did you notice any other cars besides the Acura MDX?

24 A. Another black Acura. I believe it's a four-door that

1 belonged to Ethan.

2 Q. Did you have any -- did you make any recordings of
3 this interaction with Mr. Cameron at the house?

4 A. Yes. I activated my pocket digital recorder.

5 Q. And did that capture the audio recording of what
6 occurred there at La Paz, and subsequent?

7 A. Yes.

8 Q. And did that include the ride to the police station
9 from La Paz Court?

10 A. Yes, it did.

11 Q. I want to ask you about the distance of Mr. Cameron's
12 house from the crime scene at the end of -- north end of
13 Welcome Way.

14 A. If you go to Google Maps, the driving distance is
15 approximately eight miles. If you do a bird line of sight, I
16 believe it was a little in excess of 1,200 feet.

17 Q. In your -- and you have been at the house?

18 A. Yes.

19 Q. How many times do you think you've been at the house?

20 A. Four times. Correction. Five times.

21 Q. This was the first time?

22 A. Yes. Oh, no. I'm sorry. Six times.

23 The first time was on the 19th. When Detective Smith
24 and I first got the case, we actually drove to the crime

1 scene that night, and we also drove to Mr. Cameron's
2 residence.

3 Q. The second time was the time that you just described?

4 A. Yes.

5 Q. Talk about the subsequent times.

6 A. We obtained some video surveillance from Murrieta's
7 that identified Mr. Cameron was, in fact, on scene. He was
8 wearing a pullover sweatshirt, dark in color, with an Under
9 Armour insignia, some blue jeans, it would appear.

10 On the 27th of February, I obtained -- actually, I
11 think it was on the 26th -- I obtained a warrant. But I
12 obtained a second warrant. It was served on the 27th of
13 February, to see if we could locate that clothing.

14 Q. During that -- the second warrant, you had occasion
15 to search the house, in fact?

16 A. Yes.

17 Q. Third time.

18 A. Third time was July 6th of 2020. Mr. Cameron's house
19 had sold, and it had a new owner. I contacted the new owner.
20 And Detective Smith and I, upon their consent, searched the
21 residence again.

22 Q. Looking for what?

23 A. The gun.

24 Q. Did you find the gun?

1 A. No.

2 Q. The next time you were at the house.

3 A. January 7th, 2021. I obtained a metal detector.

4 There's a common area/open area, you know, sagebrush, rocks,

5 stuff like that, that's near the house and around the house.

6 I checked for several hours to try to find the gun, if

7 possibly hidden somewhere behind his house.

8 Q. Was that the last time?

9 A. Yes.

10 Q. Do you have an understanding of whether, say, the

11 common area, the yard or the area of Mr. Cameron's home, one

12 could see to the area of the crime scene?

13 A. I don't believe that you could actually see the crime

14 scene. It's -- but I believe that, at nighttime, I think

15 that you would be able to see emergency lights at that

16 location.

17 Q. Once at the Reno Police Department, was the defendant

18 interviewed?

19 A. Yes.

20 Q. Was a recording made of that interview?

21 A. Yes.

22 Q. This third time at the house, the second search

23 warrant --

24 A. Okay.

1 Q. -- did you make a recording of that interaction with
2 Mr. Cameron?

3 A. Yes.

4 Q. And how did you make that recording?

5 A. An audio digital recorder. The same one I used on
6 that previous contact.

7 Q. Prior to testifying this afternoon, did you have
8 occasion to review a proposed exhibit containing those three
9 recordings?

10 A. Yes.

11 Q. And after reviewing the exhibit, did you recognize
12 them to be true and accurate depictions of the aforementioned
13 interviews?

14 A. Yes.

15 MR. STEGE: May I approach the witness with proposed
16 20?

17 THE COURT: You may.

18 BY MR. STEGE:

19 Q. Please review proposed 20, Detective. Do you
20 recognize that proposed exhibit?

21 A. Yes.

22 Q. How do you recognize it?

23 A. It has my initials, D. N., and my badge number, 6767,
24 with the date of today.

1 Q. Is that the thumb drive you testified as having
2 reviewed?
3 A. Yes.
4 Q. Containing the three interviews?
5 A. Yes.
6 MR. STEGE: I move in the exhibit, Your Honor.
7 THE COURT: Any objection from the defense?
8 MR. PICKER: No objection.
9 THE COURT: Thank you.
10 20 are admitted. And you may publish.
11 (Exhibit 20 was admitted
12 into evidence.)
13 BY MR. STEGE:
14 Q. Let's begin, Detective, with the first contact.
15 (Audio playing.)
16 (Audio stopped.)
17 BY MR. STEGE:
18 Q. I will pause it about a minute in here.
19 What are we hearing sort of in the background?
20 A. I'm not sure, to be honest with you. It's really
21 hard to tell. Unfortunately, the recorders sometimes aren't
22 as effective as we like them to be because they are in a
23 pocket.
24 Q. Okay.

1 Q. And do you recall, just before that, the defendant
2 saying to Ethan, "Remember you told me about that?"
3 A. Yes.
4 Q. As you're standing there, what was Ethan's reaction
5 to that?
6 A. He looked shocked, like he wasn't sure what Mr.
7 Cameron was talking about.
8 Q. When he said, "I told you about"?
9 A. Yes.
10 (Audio playing.)
11 (Audio stopped.)
12 BY MR. STEGE:
13 Q. Can you tell us what's happening here at roughly five
14 seconds till the six-minute mark?
15 A. I believe we're offering him a ride to the station.
16 Q. I want to ask you: How is your ability to hear the
17 playing of the recording from where you're sitting?
18 A. It's not good. I have a hearing impairment, with
19 severe nerve damage in my left ear. I can only hear one out
20 of three words in my left ear.
21 Q. Is there anything that would aid you in hearing the
22 recording better?
23 A. A transcript.
24 Q. Okay.

1 A. Written transcript. Or maybe an ear piece.
2 Q. I didn't hear the last part.
3 A. Maybe an ear piece.
4 Q. Is there a transcript of the second interview?
5 A. The transcript from at the station?
6 Q. Yes.
7 A. Yes.
8 Q. To your knowledge, is there a transcript of this
9 interview?
10 A. Not that I know of.
11 Q. If you need us to replay it, will you please let us
12 know?
13 A. Okay.
14 THE COURT: I have a few questions, before you hit
15 start.
16 First question is: So we're six minutes through what
17 looks to be a 35-minute-long. Are you intending to play all
18 35 minutes?
19 MR. STEGE: Yes.
20 THE COURT: All right. Second, by show of thumbs-up,
21 how many of you are hearing pretty much everything that's
22 being said on this audio?
23 I only see a few hands, tentative, going up.
24 Is this the best level of volume that you think to

1 make sure we're getting as much of this as we can?

2 MR. STEGE: I believe the volume, to my
3 understanding, based on the briefing of the County tech
4 folks, the volume is all the way up.

5 I would suggest perhaps the Court ask a question of
6 the jurors more along the lines of -- because it is kind
7 of -- it's in his shirt pocket, some of that, if what is
8 being said is loud enough -- right? -- if we need to turn it
9 up.

10 THE COURT: Or too loud. Because there's a lot of
11 background interference because of the nature of the manner
12 in which this was recorded in the unit, apparently, that the
13 detective is wearing.

14 Is it too loud for anybody? If so, show me your
15 hands, please.

16 Okay. Mr. Stege, we can go through this, but I want
17 you to know that it's clear to the Court that the witness is
18 having some difficulty hearing everything, the Court is
19 having a bit of difficulty, and certainly the jury, as well,
20 is being challenged. That doesn't stop us from going
21 forward. But I just want to make sure everyone is aware of
22 that.

23 MR. STEGE: Right. It's a prior issue where I think
24 the volume comes from the cart itself and not the speaker so

1 much. If this continues as to this recording, I may ask the
2 Court for further modifications.

3 THE COURT: Okay. Please proceed.

4 We have about 25 minutes more on here. Probably some
5 questions from the prosecutor; maybe not. We'll take our
6 recess after this is played, and then we'll continue the
7 examination.

8 Go ahead, Mr. Stege.

9 (Audio playing.)

10 (Audio stopped.)

11 BY MR. STEGE:

12 Q. We heard a knock on the door. What's happening
13 inside the house?

14 A. Other detectives came inside to begin the search.

15 Q. You asked the defendant about the number of guns he
16 has. We then hear him address someone else in the room,
17 asking, "How many guns do we have?"

18 A. I think he was addressing Ethan.

19 Q. And at this point the defendant mentions only rifles;
20 correct?

21 A. I thought he said, "Rifles and handguns." I thought
22 he said, "Five rifles, five handguns," something like that.

23 THE COURT: Mr. Stege, I don't think this is
24 productive. It's just so difficult to hear this. It's

1 uncomfortably loud. I don't think the jury is making much of
2 this.

3 Can you forward to those areas where you believe that
4 you might have questions of this witness?

5 MR. STEGE: No, Your Honor. It's my intent,
6 because -- and with respect, it's the jury that makes the
7 determination as to what is valuable. And so I understand
8 this is a difficult recording. It's in evidence. I intend
9 to publish it.

10 I have been open about -- since the beginning of this
11 trial about my frustrations with County IT --

12 THE COURT: I'm not assigning blame or
13 responsibility.

14 MR. STEGE: It's as good as it gets. It's as good as
15 it gets.

16 THE COURT: What about actually maybe lowering the
17 volume maybe one click, just so it's not so bold? Maybe the
18 detail will be picked up.

19 MR. STEGE: Again, respectfully, I don't know if
20 that's for the Court or for the jury. I would suggest, if
21 it's for the jury, I'm happy to oblige. But the Court's own
22 discomfort --

23 THE COURT: Let's do this. Let's power forward.
24 I'll keep an eye on things and see if I notice if anybody is

1 uncomfortably bothered by the volume. Let's go forward a bit
2 longer.

3 Just one moment, Mr. Stege, please.

4 MR. STEGE: Perhaps, as an alternative, I will
5 maintain eye contact with Deputy Williams, who is standing, I
6 think, probably in a decent spot, and try to adjust the
7 volume so that it is sort of the best we can do under the
8 circumstances.

9 THE COURT: That sounds like a plan.

10 MR. STEGE: Deputy Williams, can you stand a bit that
11 way? And if it's too loud or not loud enough, please
12 indicate to me.

13 THE BAILIFF: Standing near the jury?

14 MR. STEGE: Yes. The belief being that you are a
15 proxy for whether it's too high or too low.

16 THE COURT: Let's go forward.

17 MR. STEGE: Is there another issue?

18 THE COURT: Go ahead.

19 THE BAILIFF: Your Honor, I just wasn't sure if you
20 wanted to hear from the jury or not.

21 THE COURT: You're going to have to say it one more
22 time.

23 THE BAILIFF: I didn't know if you wanted to hear
24 from the jury or not on their preference.

1 A. He's a sergeant with the Reno Police Department.

2 Q. Just mentioned Brandon Neagle. Who is that?

3 A. He used to be an officer with the Reno Police

4 Department.

5 (Audio playing.)

6 (Audio stopped.)

7 BY MR. STEGE:

8 Q. Let's pause here at 15 minutes in.

9 I want you to, if you could summarize, so, so far

10 we've heard him mention being with one of you guys last

11 night, and mentioning two RPD officers.

12 Anything substantive in terms of this ride from his

13 house to the police station?

14 A. No. It's just casual conversation.

15 Q. Does he ever ask or inquire about the nature of the

16 case?

17 A. No.

18 Q. Or the reason you have a search warrant?

19 A. No.

20 Q. Or any other information about why you believe he has

21 more information about the crime?

22 A. No.

23 Q. Moving forward, what happens once you get to the

24 police station?

1 A. We do take -- escort him to an interview room number
2 3, activate the audio recording and the video recording.
3 Q. And that interview takes place by whom, or who
4 conducts the interview?
5 A. Myself and Detective Smith, both.
6 Q. And there is an interview of this interview -- I'm
7 sorry. There's a transcript of this interview?
8 A. Yes.
9 MR. STEGE: Can I approach the witness with marked
10 21?
11 THE COURT: You may.
12 BY MR. STEGE:
13 Q. Sir, do you recognize that document?
14 A. Yes. It's a transcript of the interview.
15 Q. And that's the transcript that was created in
16 conjunction with this case; correct?
17 A. Yes.
18 Q. By RPD.
19 A. Yes.
20 Q. Have you had occasion to compare it -- or review it
21 and compare it to the recording of the interview?
22 A. Yes. I've read through it.
23 Q. What can you say about the accuracy of that
24 transcript?

1 A. It's accurate.

2 Q. Additionally, would it help you, as we listen to it,
3 given the hearing issues or the volume -- the audio issues,
4 to keep up and read that as we hear the interview?

5 A. Yes, it would.

6 MR. STEGE: Your Honor, I'd move to introduce 21.

7 THE COURT: What's the defense position? And, of
8 course, do you have a copy of the transcript also?

9 MR. PICKER: The recording itself is the best
10 evidence. Transcripts are only allowed in in certain
11 circumstances. That's our first position.

12 THE COURT: Okay.

13 MR. PICKER: The second is, I haven't had time to
14 review that exhibit, so I don't know whether it's the same as
15 the one we have. I assume that it was provided in discovery,
16 although at the moment I haven't been able to locate it. But
17 I'm looking for it. So maybe if we could take a few minutes,
18 then I could take a look at that exhibit and then decide.

19 THE COURT: Take a few minutes to compare it to what
20 you've been previously provided with?

21 MR. PICKER: Yes, please.

22 THE COURT: All right. Well, we may do that.

23 Mr. Stege, why would the transcript itself come in as
24 evidence under the circumstances, as opposed to the Court

1 allowing the witness to have it to sort of track to make sure
2 he's following along with what is being said?

3 MR. STEGE: Well, no rule of law has been cited to
4 prevent its admission.

5 I would say that, as a matter of evidence, it is a
6 true and accurate depiction of the interview.

7 Given what's happened in the case so far, sort of the
8 stance of the parties in this case, this interview has a
9 potential to be important in the deliberations for the jury,
10 as an aid to the jury's understanding of this interview, and,
11 overall, the facts and circumstances of the case, it is
12 admissible, and ought to be.

13 THE COURT: All right. Here's what I'll do. I'll
14 give it some thought for about 15 minutes. If you can
15 convince Mr. Picker that the transcript is accurate and
16 complete, that he's been previously provided with a copy,
17 that will inform the Court's decision. But I'm still going
18 to give it more thought.

19 Ladies and gentlemen, we're going to take a 15-minute
20 afternoon recess.

21 During the recess, it is your duty not to converse
22 among yourselves nor with anybody else on any subject
23 connected with the trial. Do not communicate with anyone in
24 any way regarding the case or its merits, either by phone,

1 e-mail, text, internet or other means. Do not read, watch or
2 listen to any news media accounts or commentary about this
3 case. Do not do any independent research. Do not make an
4 investigation, test a theory, re-create any aspect of the
5 case, or in any way attempt to learn about the case on your
6 own.

7 In addition, it is your duty not to form nor express
8 an opinion on any subject connected with this case until it
9 is finally submitted to you and deliberations begin.

10 Please all rise for the jury.

11 Detective, you may step down. Please remember, when
12 you come back, you'll still be under oath. And because you
13 are on the witness stand, a testifying witness, please do not
14 discuss your testimony with anyone during the break.

15 THE WITNESS: Yes, sir.

16 THE COURT: Okay. We'll be in recess for 15 minutes.

17 Counsel, please discuss among yourselves the issue.
18 When I come back, we'll see where we are, and then we'll make
19 a decision.

20 Court is in recess.

21 (Recess.)

22 (The following proceedings
23 were had without the presence
24 of the jury:)

1 THE COURT: Thank you.
2 Please be seated.
3 Deputy?
4 Excuse me.
5 The record should reflect the presence of counsel and
6 Mr. Cameron.
7 Deputy, please bring the jury back in.
8 (The following proceedings
9 were had with the presence of
10 the jury:)
11 THE COURT: Okay. Welcome back.
12 Don't have a seat yet, though. Here's why.
13 First, counsel, will you stipulate to the presence of
14 the jury?
15 MR. STEGE: Yes.
16 THE COURT: Defense counsel.
17 MR. PICKER: Yes, Your Honor.
18 THE COURT: All right. Thank you.
19 Ladies and gentlemen, there's something I have to
20 take up outside your presence. It's through no fault of any
21 side here. It's some other matters.
22 So you are going to get an early out. You'll be
23 leaving right now. So please gather your notebooks. And
24 when you go back in the jury room in a minute, you can drop

1 | them off there, gather your things, and you can leave for the
2 | day. Please be back at 8:00 o'clock tomorrow morning sharp.
3 | We're going to start as close to 8:15 as we can.

4 | The now-familiar overnight admonishment.

5 | Between now and tomorrow, you are reminded and
6 | admonished not to converse among yourselves nor with anyone
7 | else on any subject connected with this trial. Do not
8 | communicate with anyone in any way regarding the case or its
9 | merits, including, but not limited to, by phone, e-mail,
10 | text, internet or other means. Do not watch, read or listen
11 | to any news or media accounts or commentary about the case.
12 | Do not do any independent research, make an investigation,
13 | test a theory of the case, re-create any aspect of the case,
14 | or in any other way investigate or learn about the case on
15 | your own.

16 | Additionally, it is your duty not to form nor express
17 | an opinion on any subject connected with this case until it
18 | is finally submitted to you.

19 | Again, you are directed to please return to court
20 | tomorrow morning, no later than 8:00 o'clock. You'll be --
21 | we'll be in recess with you until that time.

22 | Thank you very much.

23 |

24 |

1 (The following proceedings
2 were had without the presence
3 of the jury:)

4 THE COURT: Okay. Please be seated.

5 So, Deputy -- excuse me -- Detective Nevills, we will
6 not have any further testimony this afternoon. So you may
7 get down from the witness stand and leave the courthouse.
8 You will -- we ask you to be back here tomorrow morning to
9 resume testimony no later than 8:15 a.m. And you're still
10 under oath, of course. Again, you're a seated witness.
11 You're not to speak with anybody about your testimony between
12 now and tomorrow morning at 8:15.

13 Do you understand that, sir?

14 THE WITNESS: Yes, sir.

15 THE COURT: Now, before you actually leave, though,
16 let's talk about the transcript issue, so that he'll
17 understand, as will the Court, what we need to decide at this
18 point.

19 MR. STEGE: I believe we have an accord on the
20 following resolution.

21 THE COURT: Terms?

22 MR. STEGE: Terms. It will be admitted, with an
23 admonition to the jury that they are to rely on the recording
24 if there's any dispute about the content of the transcript

1 or -- it could probably be stated better, but to rely on the
2 recording for the gospel, as it were.

3 THE COURT: All right. That's fine.

4 Is that the agreement that you're prepared to reach,
5 Mr. Picker, Ms. Garcia?

6 MR. PICKER: Yes, Your Honor.

7 THE COURT: All right. Then I have a second
8 question. Do you want somebody to put on the overhead the
9 transcript as we're going along, or would you rather have the
10 jury just use their ears and pay attention that way?

11 Mr. Picker.

12 MR. PICKER: The second.

13 THE COURT: The second one?

14 MR. PICKER: The latter, Your Honor.

15 THE COURT: I don't need an agreement. If either
16 side asks for that, that's how we'll go.

17 Can the witness have the transcript in front of him,
18 though, to track along? I'm assuming it will be admitted, so
19 he can flip through. That's one of the reasons we are doing
20 that.

21 MR. PICKER: I think that's the entire reason that
22 it's being admitted, Your Honor.

23 THE COURT: Do you understand that, Mr. Stege?

24 MR. STEGE: Yes.

1 THE COURT: All right. So, stated more simply,
2 Detective, tomorrow you'll listen like the rest of us, but
3 you will have the paper transcript to flip through as the
4 taped -- audiotape is being played.

5 Do you understand that, sir?

6 THE WITNESS: Yes, sir.

7 THE COURT: Thank you.

8 With that, you're free to go. I wish you a pleasant
9 rest of the afternoon.

10 THE WITNESS: Thank you.

11 MR. STEGE: I'm sorry to interject. May I?

12 The exception to not speak to anybody about his
13 testimony, I would like to speak with him perhaps in trying
14 to streamline the presentation of the evidence to come.

15 THE COURT: Okay. Here's my response to that. If
16 you speak with him about any matter with respect to this
17 case, he's subject to being crossed on what you and he
18 discussed, and who said what, where, and about what. So you
19 understand that; right, Mr. Stege?

20 MR. STEGE: Yes.

21 THE COURT: Mr. Picker, you understand that, as well?

22 MR. PICKER: I do, Your Honor.

23 THE COURT: Okay. I assumed you did.

24 All right. With that understanding, sir, that

1 anything you discuss with Mr. Stege may be subject to being
2 disclosed here on the record, you're free to go, sir.

3 THE WITNESS: Yes.

4 THE COURT: Thank you.

5 (Witness excused.)

6 THE COURT: All right. Before we talk about Mr.
7 Cameron's medical status, how does Wednesday morning of next
8 week look, 8:30 to 10:30, to go over jury instructions, to be
9 followed by -- to be followed by the Court having a 10:30 to
10 2:30 on the other matter, and we get the jury here for a
11 12:30 start?

12 What say you, Mr. Stege?

13 MR. STEGE: Yes.

14 THE COURT: All right. Unless there's a better way
15 to do it.

16 Mr. Picker, that way we don't disrupt this jury, we
17 don't disrupt this venue. I will be having the hearing in a
18 different courtroom. But we don't have to start, stop, start
19 again.

20 MR. PICKER: May we have a moment, Your Honor?

21 THE COURT: Yes, you may.

22 MR. PICKER: Yes, Your Honor, that schedule will work
23 fine.

24 THE COURT: Okay. Thank you.

1 So then I won't tell the jury that tomorrow. I will,
2 of course, tell them that, however, on Tuesday.

3 All right. Next. Can we right now admit the
4 transcript as Exhibit 21 that, based on the stipulation -- or
5 the accord, to use a bigger word -- that Mr. Stege
6 identified? I'd prefer to do it now, so I don't have to
7 remember to do it tomorrow.

8 Any objection to the Court doing that at this time,
9 Mr. Stege?

10 MR. STEGE: No. With that admonishment or limiting
11 instruction, whatever you want to -- the big word for that
12 is.

13 THE COURT: Okay. What I'll do, what I plan to do
14 is, tomorrow morning, tell the jury that, as opposed to when
15 we start the jury. Maybe at that time, as well. But for
16 sure tomorrow morning.

17 How does that sound Mr. Picker?

18 MR. PICKER: That's how we prefer that it be
19 done: tomorrow morning, and preferably in jury instructions.

20 THE COURT: Okay. Then we'll do it both ways.

21 Then it's admitted, Ms. DeGayner.

22 And I will I will so advise the jury tomorrow at
23 8:15.

24

1 (Exhibit 21 was admitted into
2 evidence.)

3 THE COURT: Next, looking at the Court's order with
4 respect to the Sheriff's Office to appear daily and
5 administer the medicine to --

6 MR. PICKER: Your Honor, I don't know if we're still
7 on Zoom. If we are, because this involves a medical issue, I
8 would ask that the Zoom be suspended.

9 THE COURT: Any objection to that, Mr. Stege?

10 MR. STEGE: I take no position on that.

11 THE COURT: All right. Ms. DeGayner, would you
12 please take us off Zoom.

13 Looking again at the Court's order from yesterday,
14 the Sheriff's Office representative is directed to be here
15 daily at 2:30 to administer Robaxin to Mr. Cameron. But then
16 it says "in the prescribed dose."

17 I guess the argument is, it's not prescribed anymore
18 because it's as-needed. But, of course, that is sort of
19 splitting hairs, to the Court.

20 What do you think?

21 MR. STEGE: I might catch up on the record, because
22 we had some off-the-record discussions. If we might sort of
23 catch up, both --

24 THE COURT: Go ahead. Thank you.

1 Mr. Picker.

2 MR. PICKER: Thank you, Your Honor.

3 Just for the record, Mr. Cameron was transported
4 yesterday back to the Washoe County Detention Facility after
5 court was done. He went almost directly to the infirmary to
6 meet with medical personnel. At that point, there was a
7 discussion between himself and the medical professional, in
8 which there was a discussion about his medications.

9 He suggested an additional -- Mr. Cameron suggested
10 an additional medication that was steroid-based. And the
11 medical professional agreed with that, but, apparently, did
12 not tell Mr. Cameron that he was going to change the
13 prescription on the pain medications to as-needed.

14 Mr. Cameron found that out at 3:30 this morning when
15 he got his morning pills -- or morning pill, and found out he
16 wasn't getting the other two. Soon thereafter, of course,
17 not too long after that, he was transported here for court.

18 I just discovered that now. And it only became
19 important because one of the Sheriff's Deputies called up to
20 the infirmary to find out why there was not personnel here
21 pursuant to your Court order to administer the medication.
22 And the Sheriff's personnel deputy was told that's because
23 the medication is now as-needed.

24 The concern I have with that is, number one, it's

1 somewhat coincidental that the day you issue an order they
2 changed Mr. Cameron's medication.

3 Number two, my concern is, if the medication is to be
4 administered as-needed, there is no way for Mr. Cameron to
5 communicate that to medical personnel at the jail if he's
6 here all day, and he starts feeling the pain that needs the
7 medication.

8 That kind of recounts where we were off the record.

9 I understand the Court's order. And that's my
10 concern.

11 So I would ask that there be either one of two
12 orders, or maybe a combination.

13 One is that somebody from the infirmary be ordered to
14 appear tomorrow morning, prior to our starting, bringing the
15 jury in, to kind of justify where we are with Mr. Cameron's
16 medication.

17 Number two would be my preferable choice, which is
18 that you order somebody from the jail --

19 THE COURT: -- to be here every day at 2:30.

20 MR. PICKER: -- to be here every day at 2:30 to see
21 if Mr. Cameron needs the medication as-needed.

22 THE COURT: Because, frankly, this is not an inmate
23 who is there available, who can get someone's attention, and
24 they get in to see a medical professional. This is -- we

1 need to know it by 2:30 every day. I mean, that's sort of
2 the pickle we're in, at least through the end of trial.

3 So, Mr. Stege, did Mr. Picker accurately recount what
4 we -- the brief discussion we had in chambers off the record?

5 And, then, what do you think about the option one or
6 two and the preference of Mr. Picker? And you can tell by
7 the Court option two seems a better approach.

8 MR. STEGE: As to the first issue, yes, that is a
9 fair assessment of what was discussed.

10 I would add to that that it was decided that, because
11 of discomfort today or the potential of discomfort, this
12 issue to break early, that is a cause for this early break.

13 And thank you to the Court for not pointing out any
14 party. A very neutral explanation was given in court.

15 As to what remedy, if any, the Court fashions, I have
16 no interest in weighing in on that.

17 I would weigh in on and assert that what we are
18 hearing, the issue that we are dealing with has to do with
19 discomfort of the defendant, and nothing to do with
20 competency.

21 I've heard nothing from Mr. Picker about competency.
22 He has stated previously that, if that were to arise, he
23 would bring it to the Court's attention. He has not.

24 And I would leave it to the Court's discretion on how

1 to fashion -- how to deal with this issue.

2 I don't mean discomfort -- I'm not minimizing what
3 Mr. Cameron might be going through. But that's, I think -- I
4 see the issue discomfort versus anything rising to the level
5 of a competency issue.

6 THE COURT: That has not even been part of the
7 discussion today. It's only he is in pain, discomfort, and
8 difficult for him from this point forward, based on the lack
9 of the medicine that the Court ordered in the current dosage.

10 It's the Court's order as follows --

11 MR. PICKER: Your Honor, can I add one thing?

12 THE COURT: Go ahead.

13 MR. PICKER: Sorry. The Court had mentioned that
14 you -- as to modify the medication, what I think you're going
15 to say.

16 Mr. Cameron informs me that because he gets the
17 medication around 3:30 in the morning, and his final dose
18 would be at 7:00 p.m. each night, that, rather than 2:30,
19 noon would be a better time, when we take our noon break, for
20 him to get medication, if that's what you're going to order.

21 THE COURT: Mr. Cameron, you confirm that?

22 THE DEFENDANT: Yes.

23 THE COURT: It will be the order of the Court as
24 follows -- I see somebody -- senior Sheriff staff here --

1 that a representative should be here daily, no later than
2 noon, to meet with the defense and Mr. Cameron to see if he
3 needs the medicine, after dialoguing with him on how he's
4 feeling and anticipates feeling going forward.

5 I realize that's a bit of an inconvenience for the
6 medical provider, but this trial is, you know, set to go
7 another six or seven days, and I do not want Mr. Cameron to
8 be sitting here in trial uncomfortable, physically
9 uncomfortable, not focused, worried that his back hurts, his
10 neck hurts, muscular pain.

11 And the Court, frankly, does find it a bit curious
12 that the decision to modify the previous dosage and
13 prescription married up with the date of the Court order. I
14 mean, it could have happened organically, but it's raising
15 the Court's eyebrow. We don't have to talk about that much
16 longer.

17 It's the order of the Court that, by noon every day,
18 a representative shall be here with Robaxin, and meet with
19 the defense and decide whether they believe that it's
20 medically indicated for Mr. Cameron. If so, to dose him at
21 that time.

22 And that way we can move forward outside the presence
23 of the jury with that, we can move forward with trial, and we
24 don't have to be concerned that he might need it, and they

1 would not be here.

2 So that will be the order of the Court.

3 Now, let's move on.

4 Mr. Stege, other than continuing the testimony of
5 Detective Nevills, who else, please, do you anticipate the
6 State calling tomorrow, Friday?

7 MR. STEGE: I anticipate that Detective Nevills will
8 take the entire day.

9 THE COURT: Okay. What if you're wrong? What if
10 something happens, and there's another witness to be had? Or
11 is there no other witness to be had?

12 MR. STEGE: There are other witnesses to be had. I
13 believe from there we'd likely go to Miss Koeder, perhaps
14 Miss Dion-Smyczek, understanding that tomorrow is the day
15 before a three-day weekend.

16 THE COURT: I understand that. But we're going till
17 4:00, so.

18 MR. STEGE: It's an eight-hour interview. It's an
19 eight-hour interview. There's a lot more out of this
20 detective.

21 I've shared with Mr. Picker, from there, Monica
22 Siewertsen is a potential. Kulvir Sarai is a potential.
23 Detective Watson is a hard must be on Tuesday, at the
24 earliest. So I see no way we get that far.

1 THE COURT: Okay. But, you know, Detective Nevills
2 might -- something might happen in his personal or medical
3 life that he's not here tomorrow, so please have at least
4 another witness or two available, just in case.

5 Also, are we still tracking for a 10-day trial?
6 Again, we're taking Wednesday morning off because we're going
7 to do jury instructions 8:30 to 10:30, and 10:30 to 12:30 the
8 Court is on another matter. We don't actually start with
9 testimony until 12:30 Wednesday.

10 That said, are we still tracking so this case will be
11 over a week from this coming Monday?

12 Mr. Stege.

13 MR. STEGE: Yes. And during a recess or during that
14 brief break, we listed out the remaining witnesses, I'm
15 hopeful -- I don't know where the defense is going to go, but
16 the State's case is lining up nicely to rest the middle of
17 next week, Wednesday maybe.

18 THE COURT: Got it. Thank you.

19 Mr. Picker, any thoughts based on what you just
20 heard?

21 MR. PICKER: Your Honor, we'll be prepared to present
22 our case, should we get to that point, Wednesday afternoon.

23 THE COURT: Very good. Thank you very much.

24 Anything else before we recess for the day?

1 Okay. I hear nothing.

2 Court is in recess.

3 Sergeant, if you have a minute, if I could please
4 talk to you.

5 Thank you, everyone.

6 (Recess.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department No. 8 of the
8 above-entitled court on Thursday, July 1, 2021, at the hour
9 of 8:30 a.m. of said day, and took verbatim stenotype notes
10 of the proceedings had upon the matter of THE STATE OF
11 NEVADA, Plaintiff, versus WAYNE CAMERON, Defendant, Case No.
12 CR20-3534, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 205, all inclusive, contains a full, true and
16 complete transcript of my said stenotype notes, and is a
17 full, true and correct record of the proceedings had at said
18 time and place.

19 Dated at Reno, Nevada, this 12th day of November,
20 2021.

21

22

23

24

_____/s/ Isolde Zihn_____
Isolde Zihn, CCR #87

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR20-3534

12

WAYNE CAMERON,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

16

Trial

VOLUME V

July 2, 2021

17

APPEARANCES:

18

For the State:

Amos Stege

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Marc Picker

21

Alternate Public Defender

Jenna Garcia

22

Deputy Alternate Public Defender

350 South Center Street

23

Reno, Nevada

24

Reported by:

Isolde Zihn, CCR #87

| | | | | | |
|----|--------------------------|--------------------|-------|----------|---------|
| 1 | | | INDEX | | |
| 2 | STATE'S WITNESSES: | Direct | Cross | Redirect | Recross |
| 3 | Dave Nevills (Continued) | 11 | | | |
| 4 | | | | | |
| 5 | EXHIBITS: | For identification | | Admitted | |
| 6 | 21 | | | 9 | |
| 7 | 34-A | 57 | | | |
| 8 | | | | | |
| 9 | | | | | |
| 10 | | | | | |
| 11 | | | | | |
| 12 | | | | | |
| 13 | | | | | |
| 14 | | | | | |
| 15 | | | | | |
| 16 | | | | | |
| 17 | | | | | |
| 18 | | | | | |
| 19 | | | | | |
| 20 | | | | | |
| 21 | | | | | |
| 22 | | | | | |
| 23 | | | | | |
| 24 | | | | | |

1 RENO, NEVADA, FRIDAY, JULY 2, 2021, 8:15 A.M.

2 (The following proceedings
3 were had without the presence
4 of the jury:)

5 THE COURT: Thank you, Deputy.

6 Good morning, everyone.

7 Please be seated.

8 All right. We're back on the record in the case of
9 State of Nevada versus Wayne Cameron.

10 The Court recognizes the prosecutor, and also defense
11 counsel, as well as Mr. Cameron.

12 We are outside the presence of the jury.

13 We're currently not on the Zoom webinar link.

14 I want to take up two matters: One, the medication
15 status of Mr. Cameron, in light of the discussion we had
16 yesterday, resulting in the trial ending a little bit early.

17 And number two is the limiting instruction with
18 respect to the transcript use today that also was brought up
19 yesterday.

20 When we get to that discussion, we'll turn the Zoom
21 link back on.

22 So let's talk about the medical status.

23 The way things were left yesterday in court was that
24 we were going to -- the Court was going to direct the Sheriff

1 representative from the medical staff to be down here over
2 the noon hour to review Mr. Cameron's status to see if
3 medical -- if pharmaceutical treatment was indicated.

4 Afterwards, however, in further discussions with
5 Sergeant Hippert, it came to the Court's attention there
6 might be a better approach; namely, to have Mr. Cameron be
7 administered a dose as needed in the morning before court,
8 and then immediately after court, midafternoon, and then, if
9 necessary, in the night. And that way we could avoid having
10 medical staff come down from the courthouse -- from the jail,
11 where they're obviously tending to other matters, and still
12 make sure that Mr. Cameron is not under any undue physical
13 discomfort or pain during trial.

14 When I talked to Sheriff Hippert, I said, "That
15 sounds like that might work. Let's see where it is in the
16 morning."

17 So who here, if anyone, has a status update for the
18 Court on where things stand?

19 Let me start with you, Mr. Picker.

20 MR. PICKER: Thank you, Your Honor.

21 I had the same discussion with Sergeant Hippert, and
22 it sounded like a reasonable response.

23 I was told, when I asked specifically what time he
24 would be -- Mr. Cameron would be given his medication, when

1 he was to be transported, I was told that would be right
2 around 7:00 a.m.

3 This morning I was informed by Mr. Cameron he was
4 actually given his medication at 6:15, which is a little
5 different, obviously.

6 I then informed him basically of what the plan was.
7 He informed me that, when he was not given medication earlier
8 this week, and he was transported back to the jail, he was
9 informed at that time -- and I don't believe it's changed
10 any -- that he could not be given the medication at 4:30. He
11 would have to wait until 7:30, because 4:30 was too close in
12 time to 7:30.

13 So that basically means that the workaround that we
14 hoped would solve -- resolve the situation becomes more --
15 just as problematic, because now he's going to go 12 hours,
16 13 hours, between medications, when he's usually given it
17 three times a day.

18 I'm at a loss, Your Honor. I don't know -- I wish we
19 had a better solution, but I'm going to -- I'm at this point
20 requesting that we go back to your prior order yesterday on
21 the record.

22 THE COURT: Mr. Stege, would you like to be heard?

23 MR. STEGE: I'm sorry. I didn't hear the last
24 request.

1 THE COURT: He said to go back to the way the order
2 read, which was 2:30, that somebody be here no later than
3 2:30 for --

4 MR. PICKER: I think Your Honor changed that to noon.

5 THE COURT: That was if the medication would be given
6 at -- in the middle of the night, I thought.

7 MR. PICKER: It was at 3:30 in the morning. I guess,
8 if they do give him the medication at around 6:15 in the
9 morning, 2:30 would be fine.

10 THE COURT: Mr. Stege, any further thoughts?

11 MR. STEGE: I won't pretend to be a doctor. I don't
12 want to pretend to be one. You know, we need to understand
13 we're hearing one side of this issue. And so I don't have a
14 solution to this. I don't know, as my position only is, so
15 long as we do not get into the realm of competency and don't
16 hear anything about competency, it's a matter of discomfort,
17 which is a separate and, frankly, lesser issue.

18 MR. PICKER: Your Honor, just so that you know, I did
19 talk to Mr. Cameron in very much detail prior to your taking
20 the bench. And with the idea that he's likely not to get any
21 more medication today until 7:30 p.m., I made very clear to
22 him what Your Honor's prior orders have been, which is, if he
23 is feeling discomfort to the point where he can't concentrate
24 and can't assist trial counsel, that he is to let me know

1 immediately, and that I will communicate that to the Court.

2 THE COURT: All right. It's the order as follows: I
3 want somebody from the Sheriff's Office medical staff down
4 here today, no later than 2:30, with medicine for Mr.
5 Cameron.

6 This order is not in any way unclear. It's not in
7 any way not to be followed. And I will set an order to show
8 cause hearing holding the Sheriff's Office in contempt if
9 nobody is here at 2:30 with medicine for Mr. Cameron.

10 Now, going forward, starting next week, if we can
11 work out a protocol which involves 6:00 or 7:00 a.m.,
12 followed by 4:30 or so, as soon as he gets back to the jail,
13 followed by middle of the night, I'm fine with it.

14 But for purposes of today, somebody will be here by
15 2:30, or they'll answer to the Court.

16 Ms. DeGayner, please e-mail whoever you need to to
17 make sure they are aware of the Court's order.

18 Deputies, make sure at the next break you communicate
19 that to your superiors, so they can please communicate that
20 up to the jail.

21 2:30 today, down here, with somebody to administer
22 medicine to Mr. Cameron, if indicated. No exceptions.

23 Next issue, please turn on Zoom.

24 Does somebody have a limiting instruction, or at

1 least orally communicate to the Court how you would like the
2 Court to address this jury with respect to the transcript of
3 the video that the witness will be watching today?

4 Let me start with you, Mr. Stege.

5 MR. PICKER: Your Honor, can we just have one moment?
6 I'll just consult with Mr. Stege and see if we can't work out
7 some language.

8 THE COURT: Yes.

9 Who would like to be heard first?

10 MR. STEGE: I will, Your Honor.

11 Thank you.

12 I believe we have an accord on the following
13 language, or an agreement. "Exhibit 21 has been admitted.
14 To the extent any differences exist between the transcript
15 and the recording, you are to rely on Exhibit 20, which is
16 the audio/video recording."

17 THE COURT: 20, two, zero, not two, one.

18 MR. STEGE: Correct. So saying: 21 is admitted.
19 Rely on 20 to resolve any differences.

20 THE COURT: 21 being the transcript.

21 MR. STEGE: Rely on 20 --

22 THE COURT: I understand. 21 is the transcript;
23 right?

24 MR. STEGE: Yes, Your Honor. Yes.

1 THE COURT: Give me a moment.
2 Now, Exhibit 20, do we call it an audio file, an
3 audio/video file? Where do you want the Court to --
4 MR. STEGE: We wrote "audio/video recording," because
5 it's a video.
6 THE COURT: Okay. Mr. Picker, is that acceptable to
7 the defense?
8 MR. PICKER: Yes. Thank you, Your Honor.
9 THE COURT: Exhibit 21 is admitted.
10 (Exhibit 21 was admitted into
11 evidence.)
12 THE COURT: I will so instruct the jury when they --
13 when we first start, and then we'll resume testimony.
14 Mr. Stege, please have Detective Nevills retake the
15 stand, and we'll call the jury in here in a moment.
16 Deputy, please bring the jury back in.
17 (The following proceedings
18 were had with the presence of
19 the jury:)
20 THE COURT: Thank you.
21 Good morning, everyone.
22 You may be seated.
23 Will counsel stipulate to the full panel?
24 Mr. Stege.

1 MR. STEGE: Yes, Your Honor.
2 THE COURT: Mr. Picker.
3 MR. PICKER: Yes, Your Honor.
4 THE COURT: All right. Thank you.
5 Ladies and gentlemen, welcome again.
6 I know it's been a long week, and we have a holiday
7 weekend coming up, but let's run through the finish line, as
8 they say, and get back to it on Tuesday.
9 We'll be done today no later than 4:00 o'clock. And,
10 again, same schedule today for lunch break, approximately an
11 hour break. And make sure you're back at least 10 minutes
12 before we resume court.
13 With that, Mr. Stege, would you please re-call
14 Mr. Nevills to the stand, at which time I will provide a
15 brief instruction of law to the -- or brief instruction to
16 the jury with respect to their consideration of Exhibits 20
17 and 21.
18 MR. STEGE: Thank you, Your Honor.
19 Detective Nevills, please.
20 THE COURT: Good morning again, sir.
21 THE WITNESS: Good morning.
22 THE COURT: Please have a seat, and make yourself
23 comfortable. Please remove the mask.
24 And you understand you're still under oath?

1 THE WITNESS: Yes, sir.

2 THE COURT: Ladies and gentlemen of the jury, with
3 respect to the transcript that was being discussed yesterday,
4 I have admitted that. It will be Exhibit 21. However, to
5 the extent there exists any difference in the transcript,
6 Exhibit 21, with that of the audiovisual recording, Exhibit
7 20, then during your deliberations you are to rely on Exhibit
8 20. Again, if there's a difference.

9 All right. Mr. Stege, you may resume examination of
10 Detective Nevills.

11 MR. STEGE: Thank you.

12 DAVE NEVILLS,
13 called as a witness on behalf of the State,
14 previously having been duly sworn,
15 was examined and testified as follows:

16 CONTINUED DIRECT EXAMINATION

17 BY MR. STEGE:

18 Q. Detective, do you have Exhibit 21 before you?

19 A. Yes.

20 Q. Thank you.

21 Let's begin with this -- the recording at the
22 station. If you can just sort of set this up for us. What
23 has happened in the car ride from La Paz Court to the police
24 station?

1 A. Just casual conversation. Mr. Cameron mentioned a
2 couple people that he knew that worked for our department.
3 And then we arrived at the station and escorted him to
4 interview room number 3. I think we got there around 1108
5 hours.

6 (Video playing.)

7 THE COURT: Mr. Stege, you can make the volume up a
8 little bit on that, please.

9 (Video stopped.)

10 BY MR. STEGE:

11 Q. You're talking about Monday and Tuesday. Tell us the
12 time frame that you're talking about in relation to the
13 homicide.

14 A. We're trying to establish a timeline for him, and
15 we're talking a timeline anywhere between 8:00 and 9:00 p.m.
16 It's confusing because he didn't indicate that he was working
17 from home, and that's what caused us some of the confusion
18 here. So we're interested in what his times, his normal
19 times when he comes to and from work, and the specific time
20 frame on Tuesday.

21 Q. To be clear --

22 THE COURT: Excuse me.

23 Detective, if you'd turn away to look at the
24 transcript, for example, then you're -- you move away, do

1 your best, please, to stay within two, three inches of the
2 microphone.

3 THE WITNESS: Yes, sir.

4 BY MR. STEGE:

5 Q. Detective, don't be afraid to move the microphone, if
6 it's helpful.

7 But what day of the week did this killing occur?

8 A. On Tuesday.

9 Q. And so Monday he does not remember. And here we're
10 leading into Tuesday he remembers because of tacos?

11 A. Correct.

12 (Video playing.)

13 (Video stopped.)

14 BY MR. STEGE:

15 Q. Pausing here at six minutes into the interview.

16 Did you later learn when Mr. Cameron did get his CCW?

17 A. Yes.

18 Q. When was that?

19 A. January of 2018.

20 Q. Okay. So, initially, he says a month ago; then,
21 secondarily, maybe since he got his CCW, and then comes back
22 to what's sort of the third statement about when he last shot
23 a gun.

24 A. He's not sure.

1 (Video playing.)
2 (Video stopped.)
3 BY MR. STEGE:
4 Q. Let's pause here at 7:49 or so.
5 Did you notice any contrast in the way the defendant
6 described what rifles he owned versus pistols?
7 A. Yes. He was able to detail, you know, one that his
8 father had given him, one that was a collector shotgun, one
9 that was a World War II-era weapon, one as a lever action.
10 Q. And as opposed to pistols?
11 A. Yes.
12 Q. Was he able to describe those with any -- a similar
13 degree of certainty?
14 A. He described them as a revolver. I don't recall him
15 saying anything about a semi-auto. He did describe the
16 caliber of the .22.
17 (Audio playing.)
18 (Audio stopped.)
19 BY MR. STEGE:
20 Q. Detective, let's pause here at 12 minutes, 24
21 seconds. We've just heard the defendant talk about seeing a
22 truck and a motorcycle going at it. Then him saying, he went
23 home from there, after seeing them; correct?
24 A. Yes.

1 Q. Does that version of events change in the future?

2 A. Yes.

3 (Audio playing.)

4 (Audio stopped.)

5 BY MR. STEGE:

6 Q. Detective, did you ever learn the context of this
7 statement by the defendant at 19:05? "I'm trying to go back
8 through everything that people have taught me over the
9 years."

10 A. Yes. He's talking about professional people that he
11 knows in regards to recommendations, I would guess, in
12 regards to --

13 Q. Just like his law enforcement friends?

14 A. Yes. Yes.

15 Q. Okay. Let's continue.

16 (Video playing.)

17 (Video stopped.)

18 BY MR. STEGE:

19 Q. Is this -- are you describing here at 22 minutes the
20 route off Zolezzi to Welcome Way, or trying to ascertain if
21 that's the route that he took?

22 A. Yes.

23 (Video playing.)

24 (Video stopped.)

1 BY MR. STEGE:

2 Q. Can you explain that hand gesture there we just saw
3 at 22:50?

4 A. He's demonstrating that the cars are side by side.
5 And I clarified, "Driver to driver."

6 (Video playing.)

7 (Video stopped.)

8 BY MR. STEGE:

9 Q. We've heard the defendant talk a number of times
10 about the motorcycle. This last -- can you summarize sort of
11 what he has said about where the motorcycle was at the time
12 he goes up to the truck?

13 A. He said the motorcycle had continued past the turn to
14 Welcome Way; that he was not -- the motorcycle was not in the
15 cul-de-sac. The only people that were in the cul-de-sac at
16 that time was Mr. Faust, in his truck, and Mr. Cameron, in
17 his vehicle.

18 (Video playing.)

19 (Video stopped.)

20 BY MR. STEGE:

21 Q. Here we have -- I wonder if you could summarize this
22 portion from about 31 minutes, 58 seconds to 32:19, this
23 pointed question about asking what the conversation with Dave
24 was about.

1 the Sheriff.

2 A. Yes.

3 Q. And what else does he -- does he mention anyone in
4 particular?

5 A. Greg Herrera.

6 Q. Did he say "Balaam"? "One of my buddies at the
7 Sheriff's Department or, you know, Balaam."

8 A. Yes.

9 Q. Who is Balaam?

10 A. He's the Sheriff.

11 (Video playing.)

12 (Video stopped.)

13 BY MR. STEGE:

14 Q. Detective, let's try to skip over this gap where Mr.
15 Cameron is alone in the room.

16 A. Okay.

17 Q. From 42:48, to pick up at 51:40.

18 (Video playing.)

19 (Video stopped.)

20 BY MR. STEGE:

21 Q. I want to summarize. We've heard the defendant
22 speaking with Detective Smith about the early part of the
23 evening, the part leading up to the killing; correct?

24 A. Yes.

1 Q. Do you note any contrast in his ability to recall
2 sort of details about being at Murrieta's and the other
3 restaurant, about Los Compadres, what he ordered, and stuff
4 like that?

5 A. Yes. He's able to tell us all those things. He even
6 talked about having drinks, who he talked to, the bartender.

7 Q. In contrast to his earlier statement that it was
8 fuzzy, the fuzziness about the incident involved in this
9 case?

10 A. Correct.

11 Q. Let's continue at 1:01:12.

12 (Video playing.)

13 (Video stopped.)

14 BY MR. STEGE:

15 Q. Is this -- Curry, is this a reference to the earlier
16 Detective Curry Lynch, with RPD?

17 A. Yes.

18 (Video playing.)

19 (Video stopped.)

20 BY MR. STEGE:

21 Q. Can you summarize for this last little bit about the
22 defendant's reasoning for following the truck.

23 A. His reasoning was, he thought something bad was going
24 to happen.

1 Q. Okay. And then later he's asked what sort of made
2 him decide to follow, and he gives the answer: Because he's
3 stupid.

4 A. Yes.

5 Q. Followed by that, he has no clue and no idea.

6 A. Correct.

7 (Video playing.)

8 (Video stopped.)

9 BY MR. STEGE:

10 Q. Here we have at this 1:14, about 20 seconds mark,
11 this interaction about Detective Smith asking about the man
12 in the truck. Can you summarize that, please.

13 A. He asked if the driver in the truck seemed hot,
14 meaning angry. And Mr. Cameron kind of pauses and makes
15 somewhat of a joke about, "Did he seem hot, as being
16 attractive?" which was kind of odd when you're talking about
17 a murder investigation.

18 (Video playing.)

19 (Video stopped.)

20 BY MR. STEGE:

21 Q. Detective, I wonder if you could -- they're talking
22 about the route from Mr. Cameron's house to this Chevron, and
23 they're talking about Thomas Creek. Where is that Thomas
24 Creek in relation to Zolezzi Lane?

1 A. It's off of Zolezzi Lane.

2 Q. That's indicated here at page 2 of Exhibit 1. If the
3 defendant's home, being up here on La Paz Court, and Welcome
4 Way, the scene being here, can you point out --

5 A. Yes.

6 Q. -- that route.

7 A. I'm sorry. You want me to point out the route from
8 La Paz Court to Zolezzi?

9 Q. Right. We have the reference by Mr. Cameron to
10 coming from his house and turning right on Thomas Creek. Can
11 you point out that right-hand turn on Thomas Creek?

12 A. It's not -- well, it's not -- Zolezzi is off the
13 screen here, or at least on my screen it is.

14 Q. You're right.

15 A. Sorry.

16 Q. Do you know how to clear that, Detective?

17 A. Here's Zolezzi Lane right here. Here's the right --
18 I'm sorry -- here's Zolezzi Lane right here, and here's the
19 right onto Thomas Creek.

20 Q. He would be coming down this way, down Ventana, and
21 then right down Thomas Creek?

22 A. Correct.

23 Q. Same street believed that he drove on the way up?

24 A. That's correct.

1 Q. Thank you. Let's continue.

2 (Video playing.)

3 (Video stopped.)

4 THE COURT: Mr. Stege, we're going to be taking a
5 morning break here shortly. Let me know when you believe
6 we're at a good spot to stop.

7 MR. STEGE: This is a good time, Your Honor.

8 THE COURT: Good. You read my mind.

9 Ladies and gentlemen of the jury, we will take our
10 morning recess for 20 minutes.

11 During the recess, it is your duty not to converse
12 among yourselves nor with anyone else on any subject
13 connected with this trial. Do not communicate with anyone in
14 any way regarding the case or its merits, including by phone,
15 e-mail, text, internet or other means. Do not read, watch or
16 listen to any news media accounts or commentary about the
17 case. Do not do any independent research. Do not surf the
18 internet. Do not make an independent investigation, test a
19 theory, attempt to re-create any aspect of the case or in any
20 other way learn about the case on your own.

21 Additionally, it is your duty not to form nor express
22 an opinion on any subject connected with this case until it
23 is finally submitted to you.

24 Please be ready to return to the courtroom at 10:20.

1 Please rise for the jury.

2 (The following proceedings

3 were had without the presence

4 of the jury:)

5 THE COURT: Okay. We'll be in recess.

6 Detective, you may step down.

7 Counsel, you may see me up here working with IT. But

8 we'll start promptly at 10:20.

9 We're in recess.

10 (Recess.)

11 (Proceedings were held in

12 chambers and the

13 transcript was filed

14 under seal.)

15 ***

16 (The following proceedings

17 were had without the presence

18 of the jury:)

19 THE COURT: Thank you.

20 Please be seated.

21 The record should reflect that we are here with the

22 presence of counsel, also the defendant. The witness is back

23 on the stand.

24 Deputy, please bring the jury in.

1 (The following proceedings
2 were had with the presence of
3 the jury:)
4 THE COURT: Okay. Welcome back, ladies and
5 gentlemen.
6 You may be seated.
7 Will counsel stipulate to the full venire?
8 Mr. Picker.
9 MR. PICKER: Yes, Your Honor.
10 THE COURT: Thank you.
11 Mr. Stege.
12 Yes, Mr. Stege so stipulates.
13 Detective, you're still under oath.
14 Mr. Stege, you may proceed.
15 Ladies and gentlemen, I apologize for the slight
16 delay. Had to take care of some other business.
17 We'll probably go till 12:15 or so before we take our
18 lunch break.
19 Mr. Stege, when you're ready.
20 MR. STEGE: Thank you.
21 BY MR. STEGE:
22 Q. Detective, let's pick up at one hour, 25 minutes, 21
23 seconds.
24 Who is this person who just entered the room?

1 A. Sergeant Colby Palmer.

2 MR. PICKER: I'm sorry, Your Honor. I didn't hear

3 that identification.

4 THE WITNESS: Sergeant Colby Palmer.

5 MR. PICKER: Thank you, Your Honor.

6 (Video playing.)

7 (Video stopped.)

8 BY MR. STEGE:

9 Q. Let's pause it at 1:29:42.

10 We hear the defendant make this statement, "We really

11 can't talk in here"; correct?

12 A. Yes. Yes.

13 Q. To your knowledge, did the defendant know that this

14 room was being audio- and video-recorded?

15 A. Yes.

16 (Video playing.)

17 (Video stopped.)

18 BY MR. STEGE:

19 Q. So, Detective, here at about one hour, 41 minutes, 30

20 seconds, we have the defendant denying shooting this kid.

21 A. Yes.

22 Q. Correct?

23 (Video playing.)

24 (Video stopped.)

1 BY MR. STEGE:

2 Q. What was that last statement about having a CCW, his
3 thoughts about having a CCW?

4 A. He thought it was cool.

5 Q. That's at 1:47:06, for the record.

6 (Video playing.)

7 (Video stopped.)

8 THE COURT: Would you pause that for a moment,
9 Mr. Stege.

10 MR. STEGE: Yes.

11 THE COURT: Ladies and gentlemen of the jury, just by
12 a show of hands, is everyone hearing this okay? Do we need
13 to turn it up? Is it okay right now?

14 Looks like it's okay.

15 All right. Please continue.

16 Thank you.

17 (Video playing.)

18 (Video stopped.)

19 MR. STEGE: I don't know if the jurors were meaning
20 it needs to go up, or it's good.

21 THE COURT: Let's try this again.

22 If the volume is good at the current level, would you
23 please raise your hand.

24 About six. All right.

1 If you would like the volume raised louder, please
2 raise your hand.

3 Okay. Please raise it just a little bit, tiny bit,
4 Mr. Stege.

5 Thank you.

6 (Video playing.)

7 (Video stopped.)

8 BY MR. STEGE:

9 Q. Let's pause here briefly at 1:52:51.

10 We've heard Detective Smith -- well, earlier we heard
11 you tell the defendant that you were begging him to tell you
12 the truth.

13 || A. Yes.

14 Q. Does Detective Smith use that same terminology with
15 the defendant?

16 || A. Yes.

17 (Video playing.)

18 (Video stopped.)

19 BY MR. STEGE:

20 Q. Pause it here at this silent portion at 2:05:14.

21 After the -- what sort of prompted this or turned
22 this -- the question over to Mr. Cameron by Detective Smith?

23 A. He is trying to get him to tell us the truth about
24 what happened, and that we're trying to help him understand

1 | that other people are involved in this besides himself: his
2 | family, the victim's family, and so on.
3 | (Video playing.)
4 | (Video stopped.)
5 | BY MR. STEGE:
6 | Q. Paused at 2:07:27.
7 | We've heard Detective Smith suggest a rationale of
8 | being run off the road or brake-checked by the truck.
9 | A. Yes.
10 | Q. What is the defendant's response?
11 | A. He says that didn't happen.
12 | (Video playing.)
13 | (Video stopped.)
14 |
15 | BY MR. STEGE:
16 | Q. Let's pause here at 2:09:24.
17 | The suggestion by Detective Smith that the defendant
18 | is holding back because he's afraid of the repercussions,
19 | what is the defendant's response there?
20 | A. "Who wouldn't be; right?" So he's agreeing with
21 | Detective Smith that he's afraid of the repercussions.
22 | (Video playing.)
23 | (Video stopped.)
24 | BY MR. STEGE:

1 Q. Detective Smith just asked, "Was there any road
2 rage?" Can you summarize his response, and, in particular,
3 the fullness of that statement.

4 A. Mr. Cameron indicates that there was no road rage on
5 his part. And then Detective Smith tries to inquire if there
6 was a road rage incident on Mr. Faust's part. And Mr.
7 Cameron says no; that he was following the motorcycle.
8 Separates himself from the incident entirely.

9 Q. And are you still following along on the transcript?

10 A. Yes.

11 Q. What page is this interaction on?

12 A. It actually kind of blends between 770 and 771.

13 MR. STEGE: Let's pick up at 2:11:34.

14 (Video playing.)

15 (Video stopped.)

16 THE COURT: Mr. Stege, could you pause that for a
17 moment?

18 MR. STEGE: Yes, Your Honor.

19 THE COURT: Thank you.

20 Ladies and gentlemen, unlike some of the other trial
21 days where we had multiple witnesses and an opportunity to
22 stand up and stretch in between, since we're watching the
23 video interview of Mr. Cameron, there are those types of
24 breaks.

1 (Video playing.)
2 (Video stopped.)
3 BY MR. STEGE:
4 Q. And, Detective, we're now on 781, the bottom portion
5 of 781.
6 A. Okay. Thank you.
7 Q. Who is this in reference to? "It's eating him alive,
8 it's eating his wife alive, the burden of knowing"?
9 A. Dave Colarchik.
10 (Video playing.)
11 (Video stopped.)
12 BY MR. STEGE:
13 Q. Detective, let's pause this at 2:46:48.
14 Can you orient us where we are in the transcript?
15 A. Page 783.
16 Q. And this being the assertion from Mr. Cameron of
17 what, about the guns?
18 A. We're talking about a gun that we have not been able
19 to locate.
20 Q. And his claim that all of his guns are in his house?
21 A. That's correct.
22 (Video playing.)
23 (Video stopped.)
24 BY MR. STEGE:

1 Q. Pause here at 2:47:51.
2 Whose photograph has Detective Smith shown the
3 defendant?
4 A. Jarrod Faust.
5 (Video playing.)
6 (Video stopped.)
7 BY MR. STEGE:
8 Q. Detective, where are we as to this statement about
9 guns, "I don't know what I bought," in terms of the
10 transcript?
11 A. 786.
12 (Video playing.)
13 (Video stopped.)
14 THE COURT: Mr. Stege, would you pause, please.
15 MR. STEGE: Yes.
16 THE COURT: I think we're going to take our
17 afternoon -- excuse me -- our lunch recess here.
18 Ladies and gentlemen, the now-familiar admonitions
19 over the recess.
20 It is your duty not to converse among yourselves nor
21 with anyone else on any subject connected with the trial. Do
22 not communicate with anyone in any way regarding the case or
23 its merits, either by phone, e-mail, text, internet or other
24 means. Do not read, watch or listen to any news or media

1 accounts or commentary about the case. Do not do any
2 research, such as conduct your own investigation, testing a
3 theory of the case, or attempting to re-create any aspect of
4 the case or learn anything about the case on your own.

5 Additionally, it is your duty not to form nor express
6 an opinion on any subject connected with the case until it is
7 finally submitted to you.

8 We're going to do -- I'm sorry to say -- a slightly
9 shortened lunch break. Please be back here in the jury room
10 no later than five minutes before 1:00 o'clock. I want to
11 start up again promptly at 1:00 o'clock.

12 Please all rise for the jury.

13

14

15

16

17

18

19

20

21

22

23

24

1 (The following proceedings
2 were had without the presence
3 of the jury:)

4 THE COURT: Thank you.

5 If counsel could be seated just for a quick moment.

6 So, Mr. Stege, it looks like we're not quite halfway
7 through the video. Is it anticipated the State will play the
8 remainder of the interview?

9 MR. STEGE: Yes, Your Honor.

10 There are going to be some periods where, during
11 breaks, where the defendant is alone in the room that will be
12 skipped over.

13 THE COURT: But those are modest, are they not? If
14 they're like the first ones.

15 MR. STEGE: There's at least one that's longer, but,
16 yes. As a general principle, we're not going to cut off a
17 lot.

18 THE COURT: All right. So if we start at 1:00, and
19 we take a short recess midafternoon about 2:30, do we get
20 through this video today, or do we come back on Tuesday
21 morning?

22 MR. STEGE: That's my goal.

23 Now, there is also additional investigation or
24 evidence forthcoming from this detective, so I foresee that,

1 no matter what, this detective will be on direct on Tuesday.

2 THE COURT: All right. Fair enough. Thank you for
3 the heads-up.

4 Let's get back here and be ready to start promptly at
5 1:00 o'clock.

6 We will be in recess.

7 THE COURT: Thank you.

8 (Recess.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 RENO, NEVADA, FRIDAY, JULY 2, 2021, 1:00 P.M.
2 (The following proceedings
3 were had without the presence
4 of the jury:)
5 THE COURT: Thank you.
6 Please be seated.
7 We're back on the record in the case of State of
8 Nevada versus Wayne Cameron.
9 Counsel is here, with Mr. Cameron.
10 Deputy, please bring the jury back in.
11 (The following proceedings
12 were had with the presence of
13 the jury:)
14 THE COURT: Welcome back, ladies and gentlemen.
15 Please have a seat
16 Will counsel stipulate to the full venire?
17 Mr. Stege.
18 MR. STEGE: Yes.
19 THE COURT: Thank you.
20 Mr. Picker.
21 MR. PICKER: Yes, Your Honor.
22 THE COURT: Thank you.
23 Thank you, ladies and gentlemen, for being so prompt.
24 Mr. Stege, you may resume your questioning of

1 Detective Nevills, who remains on the stand, and under oath.

2 MR. STEGE: Thank you.

3 CONTINUED DIRECT EXAMINATION

4 BY MR. STEGE:

5 Q. Detective, are you oriented to your transcript?

6 A. Yes.

7 Q. What page?

8 A. 790.

9 Q. Thank you.

10 Let's continue from three hours, one minute, 26

11 seconds.

12 (Video playing.)

13 (Video stopped.)

14 BY MR. STEGE:

15 Q. Let's pause here at 3:05:25.

16 Can you tell us where in the transcript this

17 statement, "I'm not a road rage guy" is.

18 A. Page 792.

19 (Video playing.)

20 (Video stopped.)

21 BY MR. STEGE:

22 Q. Detective, let's pause here at 3:10:28.

23 This statement from Mr. Cameron, "I think there's

24 delaying and being -- a difference between delaying and being

1 smart with your words," what page is that in the transcript?

2 A. 795.

3 (Video playing.)

4 (Video stopped.)

5 BY MR. STEGE:

6 Q. This statement, "I cannot recall anything that he
7 did, seriously," at three hours, 16 minutes, 47 seconds, what
8 page is that in the transcript, please?

9 A. 798.

10 (Video playing.)

11 (Video stopped.)

12 BY MR. STEGE:

13 Q. Detective, let's pause here at three hours, 24:54.

14 These statements sort of urging the defendant to say
15 what happened, based on avoiding his son, his daughter, et
16 cetera, testifying, what page are we on in the transcript?

17 A. Page 802.

18 (Video playing.)

19 (Video stopped.)

20 BY MR. STEGE:

21 Q. Pausing at three hours, 37, and 11 seconds, this
22 statement, the defendant indicating, "You guys have been
23 really great," where are we in the transcript, please?

24 A. Page 808.

1 THE COURT: Excuse me one second, Mr. Stege.
2 MR. STEGE: Yes.
3 THE COURT: Are we still hearing everything that's
4 being said? If so, raise your hand if the answer is yes to
5 that. If the answer is no, please raise your hand now.
6 Okay. Most of us are hearing pretty well.
7 If you'd raise the volume a little bit.
8 Please, remind you, Detective, to do your best to
9 keep really close to the microphone.
10 THE WITNESS: I'm sorry.
11 BY MR. STEGE:
12 Q. Detective, would you please repeat your last answer,
13 the page number on the transcript of, "You guys have been
14 great."
15 A. 808.
16 THE COURT: You may proceed.
17 (Video playing.)
18 (Video stopped.)
19 BY MR. STEGE:
20 Q. This answer that, if his son were a murder victim,
21 "you would want the person to get their just due in whatever,
22 you know," where is that in the transcript?
23 A. Page 810.
24 Q. Corresponding to three hours, 41 and 48, for the

1 record.

2 (Video playing.)

3 (Video stopped.)

4 BY MR. STEGE:

5 Q. This statement by the defendant that he wants to talk
6 where there's no pressure from video and audio, can you point
7 us to where we are in the transcript?

8 A. 814.

9 (Video playing.)

10 (Video stopped.)

11 BY MR. STEGE:

12 Q. Detective, this questioning about whether the
13 defendant saw any physical contact, interaction, shooting
14 between the truck and motorcycle, can you point us out on the
15 transcript where we are, please.

16 A. Page 816.

17 Q. Which, for the record, corresponds to three hours, 51
18 minutes, 51 seconds.

19 (Video playing.)

20 (Video stopped.)

21 BY MR. STEGE:

22 Q. At this moment, do you go for food for Mr. Cameron?

23 A. Yes.

24 Q. And do you eventually bring him some chips?

1 || A. Yes.

2 Q. Let's move in from 3:58:04. Let's pick up at
3 4:19:26, page 819.

4 (Video playing.)

5 (Video stopped.)

6 BY MR. STEGE:

7 Q. I'm sorry, Detective. Page 820.

8 Can you tell us what you're doing here, what's
9 happening in the room?

10 A. Asked for consent to download his cell phone. I'm
11 filling out the cell phone paperwork, which he granted.

12 (Video playing.)

13 (Video stopped.)

14 MR. STEGE: Court's indulgence, please.

15 BY MR. STEGE:

16 Q. Let's go from 4:21:56, and let's pick up at 4:36:42.

17 (Video playing.)

18 (Video stopped.)

19 MR. STEGE: I'm sorry. Let's back up a little bit.

20 (Video playing.)

21 (Video stopped.)

22 BY MR. STEGE:

23 Q. For the record, we are picking up at four hours,
24 35:45.

1 And, Detective, we've moved to 823.

2 || A. Okay.

3 (Video playing.)

4 (Video stopped.)

5 BY MR. STEGE:

6 Q. What are we talking about here about the mall,

7 | landmarks, et cetera? Catch us up, please.

8 A. It's a storage unit. I asked if he had a storage
9 unit. He said he no longer has one, at the time of the
10 interview, but he used to have one by the Summit Mall, at the
11 storage facility there.

12 (Video playing.)

13 (Video stopped.)

14 BY MR. STEGE:

15 Q. Detective, can you tell us what page we are in the

16 transcript about this gun conversation?

17 A. Page 827.

18 Q. Thank you.

19 Let's pick up at four hours, 40 minutes, 12 seconds.

20 (Video playing.)

21 (Video stopped.)

22 BY MR. STEGE:

23 Q. Now, Detective, we have just seen at about four

24 hours, 49 minutes, 40 seconds, the defendant gesturing to and

1 sort of adopting Mr. Faust as the person in the truck; is
2 that correct?

3 A. Yes.

4 Q. And the acknowledgment that he has never seen him
5 before this incident in his life.

6 A. Yes.

7 Q. What page are we on in the transcript?

8 A. 832.

9 THE COURT: Let's do this. Let's take an afternoon
10 comfort break for about 20 minutes, and then get back at it
11 at 2:40.

12 Ladies and gentlemen, keep in mind the admonishments
13 that were read to you just a short while ago.

14 Everyone please stand for the jury.

15 (The following proceedings
16 were had without the presence
17 of the jury:)

18 THE COURT: Detective, you may step down from the
19 witness stand.

20 Let's be back here in 15 minutes, and be back on the
21 record in 20.

22 Thank you.

23 (Recess.)

24 THE COURT: Thank you.

1 Please be seated.

2 Before we call the jury back in, I did get a
3 communication from my bailiff that Juror McCall may have
4 noticed, Mr. Picker, either an intern or law clerk that is
5 now assisting you or has been assisting you, and they just
6 wanted to point that out to the bailiff, who brought it to my
7 attention, and now I bring it to everyone here's attention.

8 MR. PICKER: Yes. Totally unknown to me, my law
9 clerk, Dakota Councilman, went to high school with Ms.
10 McCall, and they were friends in school. He pointed that out
11 to me at the beginning of the last break.

12 THE COURT: Okay.

13 MR. PICKER: He tried not to make eye contact with
14 her. He just tried to stay over here. Apparently she
15 noticed him, as well.

16 THE COURT: I believe she did notice him, as well.
17 The communication I got did not indicate Ms. McCall would in
18 any way factor that in to the deliberation or her ability to
19 serve.

20 But before we put it on the record and continue
21 unabated, I'll certainly give people an opportunity to tell
22 me if they think the Court should do something different.
23 For example, bring Ms. McCall out independently to talk to
24 her, or something different.

1 Mr. Stege, what are your thoughts?

2 MR. STEGE: I don't think there's a remedy to fashion
3 for anything to do with the juror at this point. We all know
4 what position she's in. If that becomes an issue, maybe we
5 cross that bridge.

6 I see Mr. Councilman is not -- no longer in the room.
7 I ask that that continue: that he no longer be in the room
8 during these proceedings, especially given the situation
9 we're in.

10 THE COURT: All right. Mr. Picker, your thoughts.

11 MR. PICKER: I'll just add one more thing that
12 probably makes this all a little bit more interesting.
13 Mr. Councilman's mother is a key employee at the Washoe
14 County District Attorney's Office. And I believe Ms. McCall
15 probably knows that, as well.

16 MR. STEGE: I can't know what Ms. McCall knows. I
17 never met Mr. Councilman till today. In any event, it seems
18 like a wise decision to have Mr. Councilman, if he wants to
19 watch, do it from afar.

20 THE COURT: That will be the order of the Court.

21 Thank you.

22 Deputy, please bring the jury back in.

23

24

1 (The following proceedings
2 were had with the presence of
3 the jury:)
4 THE COURT: Okay. Welcome back, everyone.
5 You may be seated.
6 Will counsel stipulate that all jurors are accounted
7 for?
8 Starting with Mr. Stege.
9 MR. STEGE: Yes.
10 THE COURT: Mr. Picker.
11 MR. PICKER: Yes, Your Honor.
12 THE COURT: All right. Thank you.
13 Detective, you may resume testifying.
14 Mr. Stege, you may proceed.
15 MR. STEGE: Thank you.
16 BY MR. STEGE:
17 Q. Detective, let's pick up at four hours, 49 minutes,
18 40 seconds, at, I believe, page 833 of the transcript.
19 (Video playing.)
20 THE COURT: Mr. Stege, just a little lower on the
21 volume, if you would, please.
22 (Video stopped.)
23 BY MR. STEGE:
24 Q. Now, Detective, let's orient us. We're about to get

1 into a series of questions by yourself and Detective Smith.
2 Can you tell us where we are in the transcript, please.
3 A. The bottom of page 835, and then it continues into
4 page 836.
5 Q. On the question of whether -- asking Mr. Cameron if
6 he shot Mr. Faust?
7 A. Correct.
8 Q. Let's pick up here, four hours, 56 minutes, 16
9 seconds.
10 (Video playing.)
11 (Video stopped.)
12 BY MR. STEGE:
13 Q. Detective, let me from move from four hours, 59
14 minutes, 26 seconds. Going forward here, can you summarize
15 what happens prior to Ethan Cameron entering the room?
16 A. I believe that we got some -- he had some electronic
17 devices that we also got some additional consent to searches
18 for.
19 Q. Including getting the password for those devices?
20 A. Yes.
21 Q. Let's go --
22 MR. STEGE: Court's indulgence.
23 BY MR. STEGE:
24 Q. Let's go to -- let's pick up at 6:50.

1 (Video playing.)
2 (Video stopped.)
3 BY MR. STEGE:
4 Q. Sort of catch us up. Was Ethan Cameron interviewed
5 on this afternoon?
6 A. Yes.
7 Q. And did that occur in the part that we have just sort
8 of skipped over or moved past?
9 A. Yes.
10 Q. And so do you then confront or tell the defendant
11 anything about what Ethan had said?
12 A. Yes.
13 Q. And specific to Mr. Colarchik?
14 A. I told -- yes.
15 Q. Can you summarize that, please.
16 A. I told Ethan what Mr. Colarchik had said about what
17 his father had told him, Mr. Cameron. And at that time,
18 Ethan said that he believed that Mr. Colarchik was telling
19 the truth.
20 Q. And was that a true statement that you had related to
21 Mr. Cameron: that his son, Ethan Cameron, did indicate that
22 Dave was a truthful person?
23 A. Yes.
24 Q. Let's continue here at 6:51:02.

1 (Video playing.)
2 (Video stopped.)
3 BY MR. STEGE:
4 Q. To orient you, Detective, please turn to page 855.
5 A. Thank you.
6 (Video playing.)
7 (Video stopped.)
8 BY MR. STEGE:
9 Q. What's the defendant's emotional state right now, at
10 6:52:07?
11 A. He lacks empathy. He doesn't have any reaction to
12 what we're telling him about how his son feels.
13 MR. PICKER: Your Honor, I'm going to object as to
14 the response. He has no capability to read my client's mind.
15 He can only say what it appears to be, not what my client is
16 actually feeling.
17 THE COURT: So I think that objection is fairly made.
18 But before I make a ruling, Mr. Stege.
19 I mean, the question was, "What's his emotional
20 state?" That's sort of hard for this witness to know. He
21 can say what he observed.
22 MR. STEGE: I would disagree. We are now into, I
23 believe, the seventh hour of Detective Nevills sitting in a
24 room with the defendant. The rules of evidence allow for an

1 opinion based on the rational perception of a lay witness,
2 and, therefore, it ought to be admitted.

3 THE COURT: Response.

4 MR. PICKER: The rules of evidence allow him to say
5 what he observes, not to speculate what's in my client's
6 mind.

7 THE COURT: There are exceptions to that. I don't
8 find any apply here, even under the circumstances,
9 notwithstanding the length of time the two have been talking.

10 So the objection is sustained. The jury is
11 instructed not to consider the response given by the
12 detective here to that question.

13 I do note, though, that it seemed to the Court
14 that -- did the defendant here say something like, "He's a
15 good kid," or, "He's a great kid," words to that effect,
16 Detective?

17 THE WITNESS: Yes.

18 THE COURT: That's all. Thank you.

19 Please proceed.

20 BY MR. STEGE:

21 Q. What did he say about his son?

22 A. He said, "He's an amazing son."

23 (Video playing.)

24 (Video stopped.)

1 BY MR. STEGE:

2 Q. Detective, before this next section starts, can you
3 tell us where we are in the transcript, please.

4 A. Page 861.

5 Q. At seven hours, one minute, 55 seconds, for the
6 record.

7 Who is about to come into the room?

8 A. Ethan Cameron.

9 (Video playing.)

10 THE COURT: Make the volume a little louder, please,
11 Mr. Stege.

12 (Video stopped.)

13 BY MR. STEGE:

14 Q. All right, Detective. Let's move from 7:07:37 to
15 7:11:11.

16 (Video playing.)

17 (Video stopped.)

18 BY MR. STEGE:

19 Q. I'm sorry. Pausing here at 7:26:30.

20 We hear Detective Smith tell Mr. Cameron that a DNA
21 swab was taken. Is that true? Was there a point where a DNA
22 sample from Mr. Cameron was taken on the afternoon of this
23 interview?

24 A. Yes.

1 (Video playing.)

2 (Video stopped.)

3 BY MR. STEGE:

4 Q. Let's pause here at 7:29.

5 I want to follow up on this issue or this
6 conversation in the interview room about the defendant saying
7 he'll come back. He'll come back. "Are you guys working
8 tomorrow?" Things of that nature.

9 A. Okay.

10 Q. Did the defendant ever come back and give any
11 statements about what had occurred that night?

12 A. No.

13 Q. What was the -- take us through the rest of this day
14 in terms of investigation. We're at the 21st of February.

15 A. Yes. You want to know what happened after this?

16 Q. Yes, please.

17 A. Gave him a ride home.

18 Q. And was that both you and Detective Smith gave the
19 defendant a ride home?

20 A. No. Sergeant Silver accompanied me to give him a
21 ride home.

22 Q. And what became of Ethan Cameron?

23 A. He went to the house, got some belongings, and then I
24 believe that he spent that night with his mother.

1 MR. STEGE: Your Honor, I wonder if we might have a
2 brief side-bar.
3 THE COURT: We may.
4 Let's have the jury -- you can stand up and stretch
5 just for a moment. I will go have a separate conversation
6 with counsel to the side here.
7 (The following proceedings were
8 conducted as a side-bar:)
9 THE COURT: We're on the record.
10 Mr. Stege.
11 MR. STEGE: It's quick.
12 Do you want me to keep going to the next subject
13 or --
14 THE COURT: Well, are you done with the video?
15 MR. STEGE: I'm done with the video, yes.
16 THE COURT: Would you announce that? And then maybe
17 this is a good breaking point. Is that what you're
18 suggesting? Friday before a holiday.
19 MR. STEGE: Yes.
20 THE COURT: I wasn't sure how much more, if any, you
21 had on the video.
22 MR. STEGE: I can be done with the video and --
23 THE COURT: We can turn the jury loose.
24 Any objection to stopping at this point?

1 MR. PICKER: No. Thank you, Your Honor.
2 THE COURT: All right. That's what we'll do.
3 We'll go back on the record in a moment and say: At
4 this point, Your Honor, we've concluded the examination of
5 this witness with respect to the interview of Mr. Cameron.
6 We're moving to a new subject. We would propose -- counsel
7 have asked the Court jointly to propose ending for the day
8 and having proceedings stopped.
9 You each get credit for stopping.
10 Let's go off the record.
11 (Side-bar concluded.)
12 THE COURT: We're back on the record.
13 We had a short side-bar.
14 Mr. Stege.
15 MR. STEGE: Thank you, Your Honor.
16 This concludes the presentation of the -- this
17 interview with this witness. And by agreement of the
18 parties, we propose we end for the day, before we move to the
19 next subject with this detective.
20 THE COURT: Okay. Thank you.
21 I understand that that's a joint request.
22 Mr. Picker, is that the defense request, as well?
23 MR. PICKER: We'll join in that request.
24 THE COURT: All right. Thank you.

1 Then, ladies and gentlemen, that means we will end
2 for the day and week right now.

3 Over the weekend break, the holiday weekend break,
4 you are admonished not to converse among yourselves nor with
5 anyone else on any subject connected with this case. Do not
6 communicate with anyone in any way regarding this case or its
7 merits, including, but not limited to, by phone, e-mail,
8 text, internet or other means. Do not read, watch or listen
9 to any news or media accounts or commentary about this case.
10 Do not do any research, such as surfing the internet,
11 consulting reference materials. Do not make an independent
12 investigation, test a theory of the case, re-create any
13 aspect of the case, or in any other way investigate or learn
14 about the case.

15 Additionally, it is your duty not to form nor express
16 an opinion on any subject connected with this case until it
17 is finally submitted to you.

18 You are directed to return, please, Tuesday morning
19 to the jury room no later than 8:00 o'clock in the morning.
20 We will resume shortly thereafter, but no later than 8:30.

21 One final comment, ladies and gentlemen. We have a
22 long weekend. It's a holiday weekend. And it's the first
23 long holiday weekend in the era of the pandemic, where things
24 are starting to semi get back to normal.

1 There is a likelihood that you will interact with
2 friends, family, neighbors. If they have heard that you are
3 serving as a juror in this case, they may inevitably reach
4 out to you and ask you questions about your service. Each of
5 you are to politely decline to answer those questions. You
6 are to simply say, "I am a seated juror on a pending case. I
7 cannot speak with you about my service, the case, or any part
8 of it." Even if they press forward. "Well, what about this?
9 How much longer? Could it be" -- same answer. "I'm a seated
10 juror on a pending case here in Washoe County. I cannot
11 speak to you about the case during the pendency of this
12 matter."

13 If they are your true friends and family, neighbors,
14 and they care about you, they'll respect that answer and
15 respect the service that you're doing to all parties here in
16 this community, and you'll be good at that.

17 I do not want to hear from any source that any person
18 associated with this case has discussed this matter
19 inappropriately. And I know none of you will do that.

20 That said, everyone please rise for the jury.

21 (The following proceedings
22 were had without the presence
23 of the jury:)

24 THE COURT: Detective, you may step down.

I wish you a pleasant weekend. Again, you are still under oath, a testifying witness. Please do not discuss your testimony with anyone. In the event that you discuss anything about this case with the prosecution, it's subject to being examined by the defense.

So you're free to go. Please be back here by 8:30 Tuesday morning. Okay?

Thank you.

Counsel, anything else before we adjourn for the day?

MR. STEGE: No, thank you, Your Honor.

THE COURT: Mr. Picker.

MR. PICKER: No, thank you.

THE COURT: Ms. Garcia.

All right. Thank you.

To each of you and your family and friends, I wish
you a pleasant and safe weekend.

The Court will be in recess.

(Recess.)

(Exhibit 34-A was marked for identification.)

1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department 8 of the
8 above-entitled court on Friday, July 2, 2021, at the hour of
9 8:15 a.m. of said day, and took verbatim stenotype notes of
10 the proceedings had upon the matter of THE STATE OF NEVADA,
11 Plaintiff, versus WAYNE CAMERON, Defendant, Case No.
12 CR20-3534, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 58, all inclusive, contains a full, true and complete
16 transcript of my said stenotype notes, and is a full, true
17 and correct record of the proceedings had at said time and
18 place.

19 Dated at Reno, Nevada, this 13th day of November,
20 2021.

21

22

23 /s/ Isolde Zihn
24 Isolde Zihn, CCR #87

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR20-3534

12

WAYNE CAMERON,

Department No. 8

13

Defendant.

14

-----/

15

SEALED TRANSCRIPT OF PROCEEDINGS

16

Trial

VOLUME VI

July 2, 2021

17

APPEARANCES:

18

For the State:

Amos Stege

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Marc Picker

Alternate Public Defender

21

Jenna Garcia

22

Deputy Alternate Public Defender

350 South Center Street

23

Reno, Nevada

24

Reported by:

Isolde Zihn, CCR #87

1 RENO, NEVADA, FRIDAY, JULY 2, 2021, 10:15 A.M.

2 (The following proceedings
3 were held in chambers:

4 THE COURT: Let's get started. I don't want to keep
5 the jury waiting.

6 We're on the record in chambers.

7 I'm present with Lieutenant Mullen, other -- Sergeant
8 Hippert, other Deputy Sheriffs. I'm here with Deputy
9 District Attorney Munro, and then trial attorneys. I'm here
10 with Mr. Cameron, and my staff.

11 All right. So the issue is that, with respect to
12 medical care and administration in particular of medicine to
13 Mr. Cameron, trying to find the right balance between
14 managing his discomfort and pain, while at the same time
15 allowing this case to go forward without interrupting
16 anything.

17 After discussion yesterday, the Court entered an
18 order -- actually, two days ago -- order directing the Washoe
19 County Sheriff's Office to appear daily to administer
20 Robaxin. Everybody got a copy of that.

21 The order said, "It is ordered that a representative
22 from the Sheriff's Office shall be present during the
23 remainder of trial no later than 2:30 p.m. daily to
24 administer Robaxin" -- then we called it the actual medical

1 name -- "to defendant, Mr. Cameron, in the currently
2 prescribed dose."

3 I thought that was clear. Then an issue arose,
4 but -- let me back up. I thought that order was clear. The
5 representative came the next day, that being, I believe --

6 MR. PICKER: It was Wednesday, Your Honor.

7 THE COURT: Later that day. So later that day that
8 it all happened.

9 Yesterday an issue arose because no representative,
10 no dose. Reason: Medicine was changed. Something was
11 added, I think, a steroid, and then we backed off the Robaxin
12 to something that was over the counter.

13 The Court was frustrated -- still is -- with the fact
14 that we had to delay the proceedings yesterday approximately
15 90 minutes while we bottomed this out. I ordered that,
16 tentatively, that I wanted somebody here over the noon hour
17 to check in on Mr. Cameron and possibly administer medicine
18 at that time.

19 Sergeant Hippert suggested to the Court that maybe we
20 could find a balance where Mr. Cameron would be administered
21 a dose of medicine, if needed, before court, say, 6:00, 7:00
22 o'clock in the morning perhaps, and then immediately upon his
23 return to the jail sometime between 4:00 and 5:00 p.m., and
24 then again, you know, as indicated, in the middle of the

1 night.

2 We are off the record for a second.

3 (Discussion off the record.)

4 THE COURT: Back on the record.

5 So I thought we had this -- I thought we had this
6 resolved.

7 This morning it came to the Court's attention,
8 through Mr. Picker, that it wasn't working exactly that way;
9 namely, first of all, the administration of medicine this
10 morning was quite a bit before the 7:00 o'clock time frame,
11 maybe -- Mr. Picker, what time?

12 MR. PICKER: 6:15.

13 THE COURT: 6:15. So, in the range, but sort of on
14 the early end. But that there wouldn't be an opportunity to
15 medicate Mr. Cameron again promptly after court, but, rather,
16 around the 7:00 p.m. time period, which then puts us, the
17 goal post, 12 to 13 hours apart.

18 After considering further, I decided that that's
19 unacceptable, and so the Court said that: I reaffirm the
20 order that the Court entered June 30th, and that someone will
21 be here by 2:30 today, and they'll follow the Court order, or
22 else the Court will have a hearing on whether they should be
23 found in contempt for willfully violating the Court order.

24 However, I then reached out to have my staff reach

1 out to Sergeant Hippert to see if we could talk today to work
2 this out; namely, get somebody here today at 2:30. And then,
3 next week, if we have a new algorithm that satisfies all the
4 concerns of all involved, I'm all for modifying this order.

5 But right now the order is as it stands. Obviously,
6 we have people here today now to visit that again and explain
7 to the Court what it is that the problem is and how we might
8 best accomplish balancing all the considerations here, which
9 is to not disrupt the trial, to not have Mr. Cameron sit in
10 discomfort. It's not a competency issue. It's a physical
11 discomfort.

12 And, you know, I don't want anyone to be -- jury,
13 staff, Court, counsel, or Mr. Cameron, or Deputy Sheriffs --
14 uncomfortable. That's why we take breaks. That's why we
15 stretch. That's why we do things consistent with making sure
16 people aren't in any physical pain. So here we are.

17 Who wants to speak first?

18 How about Sergeant Hippert? Any thoughts you'd like
19 to share at this point? Then I'll hear from, please, the
20 physician up at the jail, and then --

21 MR. MUNRO: Well, Your Honor, as legal counsel, I'd
22 like to be heard first.

23 THE COURT: Okay. Go ahead.

24 MR. MUNRO: The Office of the Sheriff houses inmates.

1 We don't make medical decisions. And so we've come here
2 today. We understand that there's a prescription that can be
3 provided at 2:30. I'm going to let the doctor talk about
4 that a little bit. But we will have the prescription here
5 available at 2:30 to be provided. We don't have any interest
6 in derailing the trial.

7 The doctor looked at his file after the initial
8 order. I think he had some medical conclusions. I think he
9 also has some additional medical conclusions about the 2:30
10 dose. But I want him to talk about that.

11 But the Sheriff's Office doesn't have any interest in
12 derailing this trial or affecting this trial in any way
13 whatsoever. So we'll assist you in any way we can.

14 But the Sheriff's Office doesn't make medical
15 decisions. We have an independent NaphCare provider that
16 does that for us because they have the knowledge, training
17 and expertise to do so.

18 Dr., would you --

19 THE COURT: Well, the Sheriff's Office is in the
20 business of, among other things, following court orders;
21 correct?

22 MR. MUNRO: Correct.

23 THE COURT: And you advise your client the
24 ramifications in the event that the Sheriffs willfully

1 violate a court order without bringing to the Court's
2 attention and asking the order to be modified, excused or
3 otherwise not complied with; right?

4 MR. MUNRO: That's correct.

5 THE COURT: Okay. So that's why we're talking.

6 Dr., if you're going to address the Court, two
7 things.

8 One, I'm going to assume for purposes of this hearing
9 no objection to the physician advising anything with respect
10 to Mr. Cameron's medical care, condition or otherwise.

11 Is that fair, Mr. Picker?

12 MR. PICKER: That's fair, Your Honor.

13 We may ask to have this portion of the transcript
14 sealed.

15 THE COURT: Okay. Thank you.

16 Mr. Cameron, do you understand what your counsel just
17 said?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: All right. Thank you.

20 And, then, Dr., don't take this personally, but what
21 you're going to tell me, I'd like to have you under oath, to
22 make sure I have it on the record.

23 Will you please raise your right hand.

24 DR. ITUARTE: Understood.

1 (Witness sworn.)

2 THE COURT: Thank you.

3 Please put your hand down.

4 Okay. What are your thoughts, sir?

5 DR. ITUARTE: The medication -- the medications, I
6 was asked to review them. The nurse practitioner that
7 prescribed them was not available on Tuesday, I believe, and
8 so I was asked to take a look at them and to see if these
9 were medically necessary.

10 The medication that's in question, Methocarbamol, is
11 primarily a sedative. And my concern was, we're sedating the
12 patient in the middle of a murder trial. And so, as I looked
13 at that, I thought that that was not advisable. And I went
14 and talked to the nurse practitioner. I don't interfere
15 unless I'm absolutely required to.

16 This is not a medication that is medically necessary,
17 like insulin or a heart medication, where absence of it is
18 going to cause great detriment or physical harm to the
19 patient.

20 And so I said, "Do you really want to be sedating him
21 in the middle of the trial?"

22 My nurse practitioner was unaware Mr. Cameron was
23 going to be going to trial and was going to be in the middle
24 of the trial during the daytime, and so he modified the order

1 for the medication, not me. So I want to be very clear about
2 that. That's what happened. If that seems suspicious, I
3 apologize.

4 THE COURT: Well, frankly, it was a little unusual
5 that it happened right at the time the Court entered the
6 order.

7 DR. ITUARTE: Right.

8 THE COURT: After, presumably, Mr. Cameron has been
9 in custody of the Washoe County Sheriffs for over a year.

10 DR. ITUARTE: Correct.

11 THE COURT: He has been taking medicine. People knew
12 this event was happening, or they should have known, in my
13 opinion. And so, if there were concerns about whatever he
14 was taking possibly in any way affecting his ability to
15 understand what's happening or assist his counsel, it should
16 have been brought up well before this event. But,
17 nevertheless, here we are. And I'm confident to this point
18 there has been no issue in that regard. Nevertheless, please
19 continue.

20 DR. ITUARTE: I understand that, Your Honor.

21 Thank you.

22 The medicine was recently changed, and the addition
23 of a steroid medication to relieve inflammation was
24 prescribed, starting on July 1st, and given again this

1 morning. And that medication lasts 36 to 48 hours or longer.
2 It's a powerful anti-inflammatory medication, given once a
3 day, in the morning.

4 The other medications that he is receiving are
5 as-needed medications used to provide either sedation or
6 comfort, at other times, as required. It's not medically
7 necessary. So "PRN" does not mean that it's medically
8 necessary or medically required.

9 So the patient has the option of requesting it, but
10 it's not one of the medicines that has to be given on an
11 absolute schedule at a particular time, or with risk of
12 incurring physical harm or danger to the patient.

13 My concern is, we're giving him a medication that
14 primarily has a sedative effect and no actual muscle-relaxing
15 or analgesic properties, and we're giving that to him in the
16 middle of the trial, where he may need to have his wits about
17 him. Pardon my expression.

18 THE COURT: Sure. Well, of course he needs to have
19 his wits about him.

20 Mr. Picker represented to the Court this was
21 primarily a muscle relaxer.

22 DR. ITUARTE: It is not.

23 THE COURT: So let me ask you this. You know, I did
24 leave in my order intentionally a little bit of wiggle room

1 here when I said "currently prescribed dose," which meant,
2 you know, prescribed at the time. And so if somebody made
3 the medically informed decision to change it, I certainly
4 don't have the skill set or qualifications to trump that.

5 My concern was that I don't want things changing
6 without Court understanding and approval midstream, or at
7 least --

8 DR. ITUARTE: Understood.

9 THE COURT: -- in any way that would adversely impact
10 the ability of this case to go forward.

11 DR. ITUARTE: Understood.

12 THE COURT: I haven't heard anything yet that
13 suggests to the Court that that has, what he was taking
14 before or what he's now on, but I want a path forward here.

15 So hold your thoughts further.

16 Mr. Picker, what -- based on what you've just heard
17 so far, what would you like the Court to know?

18 MR. PICKER: I'd like the Court to know that every
19 single website that I have consulted states that Robaxin --
20 R-o-b-a-x-i-n -- is a muscle relaxer, muscular skeletal --
21 for musculoskeletal pain.

22 THE COURT: As you related to the Court.

23 MR. PICKER: I don't doubt the doctor has the
24 pertinent education, but I think he's being disingenuous with

1 the Court.

2 THE COURT: Why, exactly?

3 MR. PICKER: Because every single website lists that
4 medication as being a muscle relaxant, which is exactly the
5 opposite of what Mr. -- what -- we don't have the doctor's
6 name; I would ask for that -- what this doctor has just told
7 you, under oath. That's number one.

8 Number two is, it is also questionable for me why a
9 prescription would be PRN, as-needed, and then know that Mr.
10 Cameron is in trial and is here in the courthouse for a
11 minimum of eight to 10 hours, where he cannot request such
12 medication. So to have it be as-needed or as requested, and
13 know that he is not available -- that there's no availability
14 for him to do that, also seems questionable as to the actions
15 of NaphCare.

16 I agree with Mr. Munro that the Sheriff's Office --
17 about the Sheriff's Office personnel. But, on the other
18 hand, the Sheriff's Office has contracted with NaphCare to
19 provide medical treatment for inmates, so there is a
20 contractual relationship there.

21 Given all of that, Your Honor, I see no reason for
22 you to modify your order.

23 THE COURT: Mr. Stege.

24 MR. STEGE: I've hinted from the beginning that this

1 is not really an area the Court needs to be involved in
2 unless it reaches competency.

3 I appreciate the Court sort of -- the will, good will
4 the Court has towards the defendant. We don't know how long
5 he's been on this medication. We don't know the reason why
6 he's on this medication. We don't know if it's a drug of
7 abuse. We don't know if it's actually impacting the
8 defendant. All we have is representations from Mr. Picker.

9 I said today none of us are even good enough to play
10 a doctor on TV. We have jumped -- and I think the Court has
11 been brought along a little bit to the conclusion that
12 there's some sort of incompetence or ill will or negligence
13 on behalf of the medical providers, the result being that we
14 are derailed in this case from -- this is a criminal case.
15 The Sheriff is not a party to it, the doctor is not a party
16 to it. The Court entered the order, without process to the
17 good doctor, to the Sheriff's Office, and here we are again
18 derailed.

19 I don't think we've heard anything today to indicate
20 that the Court needs to take further action involved in this.

21 Mr. Picker, on behalf of Mr. Cameron, cited websites
22 against a physician involved in the case. I don't think
23 that's sufficient. I propose we end this issue now, unless
24 it becomes a real issue.

1 But we've decided on such a small universe of
2 information here, even to the point of not really being
3 evidence, that we are derailed on a matter of discomfort.
4 That's frustrating, given the time frames that are involved
5 in trying to get this trial completed.

6 So I think a little bit of that might have stepped on
7 Mr. -- my colleague from the DA's Office's toes. But I don't
8 think any further action is necessary from this point.

9 THE COURT: When you say "no further action," the
10 order stands as issued two days ago?

11 MR. STEGE: I don't know. I don't know anything
12 about medicine. I don't think Mr. Picker does. And with
13 respect to the Court, I don't think you do, either.

14 THE COURT: All right. I understand your position.
15 Mr. Munro, would you like to be heard again?

16 MR. MUNRO: The Sheriff's Office will have the dose
17 available at 2:30.

18 And I'll rely upon the doctor's testimony that it is
19 not medically advisable. But it's up to the Court and Mr.
20 Picker and his client on what to do.

21 THE COURT: Okay. Dr., would you give us your last
22 name, please.

23 DR. ITUARTE: Ituarte, I-t-u-a-r-t-e.

24 THE COURT: Thank you.

1 Would you like to respond to what you just heard?

2 DR. ITUARTE: Sure, Your Honor.

3 I'm sorry I don't know -- Mr. Picker is referring to

4 a classification of a drug. And, yes, the common use or the

5 common classification is muscle relaxant. I thought there

6 might be an issue, so I brought a book. And I'll read

7 directly from this book, if you don't mind. It's the

8 Physicians' Drug Handbook. And this has been a reference

9 that I've used for years. This drug has been around since

10 the '60s.

11 And it says: "Pharmacodynamics. Skeletal muscle

12 relaxant action. Drug does not relax skeletal muscles

13 directly. Its effect appears to be related to a sedative

14 action; however, the exact mechanism of action is unknown."

15 I checked my sources recently, and didn't find

16 anything that contradicted that.

17 THE COURT: Okay.

18 DR. ITUARTE: Secondly, under, "Overdose and

19 treatment. Clinical manifestations" --

20 THE COURT REPORTER: Excuse me.

21 Could you please slow down when you read?

22 THE COURT: You're going a little too fast.

23 DR. ITUARTE: "Clinical manifestations of overdose

24 include extreme drowsiness, nausea, vomiting."

1 But the side effects of the medication are
2 drowsiness.

3 So looking at adverse reactions, "CNS" -- that stands
4 for central nervous system -- "drowsiness, dizziness,
5 lightheadedness, headache, fainting, syncope, and mild
6 muscular incoordination."

7 So, given my medical background, this doesn't say
8 anything about being an analgesic. It's not classified as a
9 pain-relieving medication. And basically it has a sedative
10 action.

11 So, in my medical judgment -- yours notwithstanding,
12 Mr. Picker -- I don't agree with you, sir. And I think that
13 accusing me of being disingenuous is disingenuous on your
14 part.

15 THE COURT: So here's what I'd like to do. I'd like
16 the order to remain in place.

17 I would like a representative from the Sheriff's
18 Office or the medical representative to be down here at 2:30
19 to see if it's needed. You know, as-needed. The concern is
20 that, if it's being administered as-needed, we don't know.
21 And Mr. Cameron is coming to the Court rather early, and
22 leaving, and there's a big, long gap in there. It's just
23 hard to know.

24 I'm not ordering it to be administered. I'm

1 modifying the order to the extent I said, you know, the
2 order, it's inferred to mean it must be administered at 2:30.
3 I'm ordering that somebody come here and check. I'm ordering
4 somebody to come here and check.

5 And if Mr. Cameron and Mr. Picker, after they
6 discussed it, if it's medically indicated, it should be
7 administered; and, if it's not, it won't be. And it will be
8 administered or not later when he returns up to the jail.

9 I'm not convinced that administering this drug to him
10 has in any way impacted this trial. His counsel has
11 confirmed that he doesn't believe it is or would. Mr.
12 Cameron has indicated throughout this trial, if he feels
13 drowsy or unable to understand what's happening or in any way
14 is unable to communicate or assist his counsel, he'd let the
15 Court know. That hasn't happened. I don't anticipate it
16 happening. Nor do I want the administration of this or any
17 drug to put this case in a position of having that occur.
18 But I'll double-down on that. If that changes, you let the
19 Court know right away, and we'll address it.

20 So the medical judgment is as it always has been;
21 namely, the medical caregivers, in collaboration with their
22 patient, Mr. Cameron, to do what they feel is in his best
23 medical interests.

24 The concern for the Court remains that, if it's in

1 his best medical interests to be administered this drug in
2 mid-afternoon, somebody needs to be here to do it, because he
3 can't -- I can't have him go back up to the jail to have it
4 administered.

5 I certainly recognize that the jail has other people
6 there that need medical care and treatment. I realize it's a
7 bit of a burden to pull people away there to come down and
8 check on this fellow when there are other people in need
9 there. But in light of the circumstances of this matter and
10 Mr. Cameron being required to be in this building for such a
11 long period of time, I think the correct balance here is to
12 please be here at 2:30 during our break, check on him,
13 administer, if needed, and, if not, off they go.

14 All right. Any questions, Mr. Picker, about what the
15 Court just said?

16 MR. PICKER: No questions.

17 Just one suggestion, is that, in order to minimize
18 the amount of time that somebody would have to be here, if
19 whoever arrives here to administer the medication, if they
20 let the Sheriff's Deputies know, the bailiffs know
21 immediately when they arrive, then we can ask for an
22 immediate break so that can be taken care of quickly, and
23 then we can move on.

24 THE COURT: I like that. I want to spend as little

1 amount of time away from the trial proceedings as needed to
2 effectuate the purpose of the Court's order here.

3 THE COURT: Mr. Stege, further comments. Mr. Munro.
4 And then, Sergeant, if you have anything, or Lieutenant, that
5 you'd like the Court to know. Go ahead.

6 MR. STEGE: No, thank you.

7 THE COURT: Mr. Munro.

8 MR. MUNRO: No, Your Honor.

9 THE COURT: Thank you.

10 Sergeant? Lieutenant?

11 LIEUTENANT MULLEN: No.

12 THE COURT: Thank you, everyone.

13 Someone will be here today at 2:30; is that right?

14 MR. MUNRO: Yes, Your Honor.

15 THE COURT: And then, again, have them here every day
16 through the end of the trial. And the medical judgment is
17 not this Court's. It's up at the jail, with the medical
18 providers. And, hopefully, that handles this issue.

19 Thank you, everyone, for assisting the Court.

20 We are off the record.

21 (Recess.)

22

23

24

1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department No. 8 of the
8 above-entitled court on Friday, July 2, 2021 at the hour of
9 10:15 a.m. of said day, and took verbatim stenotype notes of
10 the proceedings had upon the matter of THE STATE OF NEVADA,
11 Plaintiff, versus WAYNE CAMERON, Defendant, Case No.
12 CR20-3534, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 20, all inclusive, contains a full, true and complete
16 transcript of my said stenotype notes, and is a full, true
17 and correct record of the proceedings had at said time and
18 place.

19 Dated at Reno, Nevada, this 13th day of November,
20 2021.

21

22

23 /s/ Isolde Zihn
24 Isolde Zihn, CCR #87

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR20-3534

12

WAYNE CAMERON,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

16

Trial

VOLUME VII

July 6, 2021

17

APPEARANCES:

18

For the State:

Amos Stege

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Marc Picker

Alternate Public Defender

21

Jenna Garcia

22

Deputy Alternate Public Defender

350 South Center Street

23

Reno, Nevada

24

Reported by:

Isolde Zihn, CCR #87

| | | | | | |
|----|--------------------------|--------------------|-------|----------|---------|
| 1 | INDEX | | | | |
| 2 | STATE'S WITNESSES: | Direct | Cross | Redirect | Recross |
| 3 | Dave Nevills (Continued) | 7 | 34 | 52 | 54 |
| 4 | Leah Mazza | 57 | 72 | 78 | 79 |
| 5 | Aspen C. | 82 | 91 | 97 | 98 |
| 6 | Dave Nevills | 100 | 102 | | |
| 7 | Josh Watson | 104 | 145 | 155 | |
| 8 | Elvira Koeder | 158 | | | |
| 9 | Sayer Dion-Smyczek | 162 | | | |
| 10 | Monica Siewertsen | 167 | 175 | | |
| 11 | Kulvir Sarai | 184 | 207 | 210 | 212 |
| 12 | Julie Schrader | 215 | 227 | 228 | |
| 13 | | | | | |
| 14 | EXHIBITS: | For identification | | Admitted | |
| 15 | 34 | | | 9 | |
| 16 | 34-A | | | 9 | |
| 17 | 72 | | | 16 | |
| 18 | 57 | 29 | | 101 | |
| 19 | 57-A | 29 | | | |
| 20 | 58 | | | 59 | |
| 21 | 59 | | | 68 | |
| 22 | 61-A | 68 | | 70 | |
| 23 | 48 | | | 107 | |
| 24 | 55 | | | 120 | |

| | | | |
|----|-----------|--------------------|----------|
| 1 | EXHIBITS: | For identification | Admitted |
| 2 | 74 | | 161 |
| 3 | 73 | | 165 |
| 4 | 63 | 187 | 191 |
| 5 | 70 | | 218 |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| 12 | | | |
| 13 | | | |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |

1 RENO, NEVADA, TUESDAY, JULY 6, 2021, 8:30 A.M.

2 (The following proceedings

3 were had without the presence

4 of the jury:)

5 THE COURT: Thank you, Deputy.

6 Good morning, everyone.

7 Please be seated.

8 Okay. We're back on the record, currently out of the

9 presence of the jury, in the case State of Nevada versus

10 Wayne Michael Cameron.

11 Mr. Stege, good morning.

12 Is the State ready to move forward this morning?

13 MR. STEGE: Yes.

14 Good morning.

15 THE COURT: Thank you.

16 And good morning, Mr. Picker.

17 Good morning, Ms. Garcia.

18 Good morning, Mr. Cameron.

19 Is the defense ready to proceed?

20 MR. PICKER: We are, Your Honor.

21 THE COURT: Before we call the jury in, I just want

22 to confirm we're still tracking to meet outside the presence

23 of the jury tomorrow morning here in CLC, 8:30, to review and

24 hopefully settle jury instructions.

1 I have a hard stop at 10:30. My plan is to sometime
2 this afternoon inform this jury to report back to court no
3 later than noon tomorrow, and be ready to go by 12:30.
4 Mr. Stege, how does that sound to you?
5 MR. STEGE: Great.
6 THE COURT: Thank you.
7 Mr. Picker.
8 MR. PICKER: That works.
9 Thank you, Your Honor.
10 THE COURT: Okay. Good.
11 The Court is aware, as well, of things that trickled
12 in over the weekend and things that have been filed that are
13 still in the queue. The Court plans to have reviewed
14 everything in advance of the 8:30 settling of instructions
15 tomorrow.
16 All right. With that, Deputy, would you please bring
17 the jury back in.
18 (The following proceedings
19 were had with the presence of
20 the jury:)
21 THE COURT: Good morning, everyone.
22 Welcome back.
23 You may be seated.
24 Will counsel stipulate that the full jury panel is

1 here?

2 Mr. Stege.

3 MR. STEGE: Yes.

4 THE COURT: Thank you.

5 Mr. Picker.

6 MR. PICKER: Yes, Your Honor.

7 THE COURT: All right. Thank you.

8 Welcome back, everyone.

9 I hope you had a nice holiday weekend. Time to get

10 back to work.

11 Mr. Stege, you may resume questioning of Detective

12 Nevills.

13 Good morning, Detective.

14 Welcome back. Please resume the witness stand.

15 I think I heard we lost the Zoom feed momentarily.

16 We should have it back up shortly.

17 Any reason we should not proceed, or would you rather

18 wait until we have it figured out?

19 Let me start with Mr. Stege.

20 MR. STEGE: I'd prefer to proceed.

21 THE COURT: Mr. Picker.

22 MR. PICKER: I'll submit it, Your Honor.

23 But I do note that it is an open court.

24 THE COURT: Of course.

1 MR. PICKER: And the rules are that it's supposed to
2 be up. We'll just go from there.

3 THE COURT: What we'll do is, we'll move forward. If
4 I'm not informed that within the next five or 10 minutes
5 we're live again, we will take a recess and bottom this out.
6 But let's move forward to keep things going.

7 You're still under oath, sir.

8 Mr. Stege, you may proceed.

9 Ms. DeGayner, please send me a note when you confirm,
10 hopefully, that the feed is live again.

11 Go right ahead.

12 DAVE NEVILLS,
13 called as a witness on behalf of the State,
14 previously having been duly sworn,
15 was examined and testified as follows:

16 CONTINUED DIRECT EXAMINATION

17 BY MR. STEGE:

18 Q. Detective, we left off at the conclusion of the
19 defendant's interview on the 21st of February. Will you tell
20 us what you did next in the investigation.

21 A. On the 24th of February, I searched his vehicle.

22 Q. Which vehicle, and where did you search it?

23 A. It's a 2012 Acura MDX, and we searched it at the
24 Washoe County Crime Lab.

1 Q. And you used "we." Who was with you when the vehicle
2 was searched?

3 A. The criminalist Sayer.

4 MR. STEGE: May I approach the witness with proposed
5 34?

6 THE COURT: You may. You may.

7 Detective Nevills, feel free to adjust the microphone
8 any way that's comfortable for you.

9 THE WITNESS: Thank you.

10 BY MR. STEGE:

11 Q. Detective, please review proposed 34.

12 Do you recognize the contents of that proposed
13 exhibit?

14 A. Yes.

15 Q. How so?

16 A. It's the photographs of the vehicle that we searched
17 on that specific day.

18 Q. Do they fairly and accurately represent the condition
19 of the vehicle during this search?

20 A. Yes.

21 MR. STEGE: I move to introduce the exhibit.

22 THE COURT: And that's just 34, the hard copy, not
23 34, the digital?

24 MR. STEGE: Both.

1 THE COURT: Both.
2 Response from the defense. I'm assuming same
3 objection that was --
4 MR. PICKER: Continuing objection, Your Honor.
5 THE COURT: Thank you.
6 Both are admitted, over objection.
7 THE CLERK: Your Honor, that would be 34 and 34-A?
8 THE COURT: Yes.
9 (Exhibits 34 & 34-A were
10 admitted into evidence.)
11 BY MR. STEGE:
12 Q. Detective, let's begin with page 1 of this exhibit.
13 Tell us what we're seeing here.
14 A. That's the front driver's seat of the 2012 Acura MDX
15 owned by Mr. Cameron.
16 Q. At page 2.
17 A. That is the driver's seat. If you look near the
18 middle of the screen, you can just barely see one of the
19 fired cartridge cases.
20 Q. Under the driver or passenger seat?
21 A. The driver's seat.
22 Q. At page 3.
23 A. Same photo, just a closer-up. And you can see the
24 cartridge a lot better there.

1 Q. And, Detective, if it's useful in your testimony,
2 please circle or draw a mark over the evidence.
3 Thank you.
4 You know how to clear that.
5 Page 5.
6 A. Additional photo, same cartridge casing.
7 THE COURT: So, Detective, when you move over to the
8 monitor to speak, we lose some of the audio, so try to find a
9 balance. I know it's a bit tricky.
10 BY MR. STEGE:
11 Q. Let's go to page 6.
12 A. Again, it's the same fired cartridge casing.
13 Q. And 7, what are we looking at at page 7?
14 A. Those are the two fired cartridge casings that were
15 found underneath the driver's seat of the MDX.
16 Q. And so we saw in this previous photo sort of a
17 lead-up to the one underneath the driver's seat. Where was
18 the other one?
19 A. It was also underneath the driver's seat. Just
20 couldn't see it from that other vantage point.
21 Q. What are the caliber of these two fired cartridge
22 cases?
23 A. They are both .40 Smith and Wesson.
24 Q. At page 8.

1 A. That's a head-stamp of one of the fired cartridges.
2 That one there is a Winchester.

3 Q. And at page 9, please.

4 A. And the same -- different casing, but it depicts the
5 head-stamp on that cartridge as a .40 Smith and Wesson, but
6 it's a Federal.

7 Q. Federal being the brand, the manufacturer?

8 A. Correct.

9 THE COURT: Let me give you an update. We do now
10 have the audio and witness video live. Currently they're
11 working on re-establishing counsel, the other counsel --
12 excuse me -- the other video feed on the split screen for
13 counsel.

14 So let's proceed. I'll have another update within
15 the next five or 10 minutes.

16 MR. STEGE: Thank you, Your Honor.

17 BY MR. STEGE:

18 Q. Continuing at page 11.

19 A. That's the ignition key for the vehicle. And that
20 was a small cardholder.

21 Q. What does page 12 depict?

22 A. The same ignition key, cardholder, and then the cards
23 that were inside the cardholder, which were under the name of
24 Wayne Cameron.

1 Q. All appearing to be sort of credit- or debit-type
2 cards?
3 A. Correct.
4 Q. At page 13.
5 A. That's the floorboard of the driver's side, depicting
6 the depth of the floor.
7 Q. And a close-up at 14?
8 A. Yes.
9 Q. 15.
10 A. That's the registration for the vehicle, in the name
11 of Wayne Cameron. It lists the license place number UNR
12 15678, which is the license plate on the vehicle. Also shows
13 the VIN last four, 6811.
14 Q. Also matching the vehicle?
15 A. Correct.
16 Q. Let's talk about page 16.
17 A. That is a certification of his passing of the
18 concealed weapons course that he took at the Reno Academy of
19 Combat. He passed that course on January 20th, 2018.
20 Q. And where was this piece of paper within the vehicle?
21 A. In the glove box.
22 Q. At page 17, please.
23 A. Black bi-fold, Columbia-brand wallet.
24 Q. And where was this wallet?

1 A. In the glove box.

2 Q. Were the contents of this wallet photographed?

3 A. Yes.

4 Q. Are those depicted at page 18?

5 A. Yes.

6 Q. Can you summarize, please, what was in the wallet?

7 A. There's some personal business cards from some of his

8 friends at the Washoe County Sheriff's Department, a Costco

9 executive card member card, a Carnival Voice credit card in

10 his name, an IVGID pass for Incline Village in his name, and

11 a concealed weapons permit in Mr. Cameron's name.

12 Q. Can you point out for us the concealed weapons carry

13 permit.

14 Directing your attention to the left-hand column

15 here, this is the card of Deputy Chief Greg Herrera; correct?

16 A. That's correct.

17 Q. Did the defendant mention who was at that dinner at

18 Pinocchio's?

19 A. Yes. Greg Herrera.

20 Q. Did he also mention anyone else?

21 A. He did. Jeff Redmond. And there's one other, but I

22 don't recall the other individual's name.

23 Q. At page 19.

24 A. That is the floorboard right behind the driver and

1 passenger seat, in front of the second seat of the MDX.

2 Q. At 20.

3 A. Same photo, just depicting a different angle from the
4 passenger side of the vehicle.

5 Q. Continuing into 21.

6 A. That's the center console of the second seat, which
7 is located right behind the driver and front passenger.

8 Q. 22.

9 A. That's the last seat, known as the third-row seat.
10 There's an envelope in front of the driver's side of that
11 seat.

12 Q. Page 23, please.

13 A. Same photograph, other than it's from the driver's
14 side instead of the passenger's side, depicting the same row
15 seat, and the envelope on the floor.

16 Q. 24, please.

17 A. I believe that's a small set of headphones that I
18 located on the seat.

19 Q. And 25, please.

20 A. And that is the same third-row seat, driver's side,
21 photographing the specific envelope that's on the floor.

22 Q. 26.

23 A. That's the close-up of that envelope that's on the
24 floor in front of the driver's side, third-row seat.

1 Q. What is this envelope?
2 A. It contains a fired cartridge casing.
3 Q. 27.
4 A. That's underneath the seats of the third row.
5 Q. 28.
6 A. And that's also underneath the seats of the third
7 row, depicting the envelope on the right bottom. And then I
8 believe those are the headphones that were there.
9 Q. Were the contents of the envelope examined?
10 A. Yes.
11 Q. What was in that envelope?
12 A. It's a 9-millimeter fired cartridge casing, in the
13 brand of R-P.
14 Q. Is that depicted at page 30 of this exhibit?
15 A. Yes.
16 Q. Were this single 9-millimeter and the two .40 casings
17 collected as evidence?
18 A. Yes.
19 MR. STEGE: Can I approach the witness with proposed
20 72, please?
21 THE COURT: Yes.
22 BY MR. STEGE:
23 Q. Detective, do you recognize proposed 72?
24 A. Yes.

1 Q. How do you recognize it?

2 A. It has my writing on it, collected by me, and my
3 badge number, as well, I believe. That's my badge number on
4 the label, on three labels on the upper-left-hand corner.

5 Q. Does that envelope contain evidence pertaining to
6 this case?

7 A. Yes.

8 Q. And what specific evidence is contained within that
9 envelope?

10 A. The three fired cartridge casings that were found
11 inside Mr. Cameron's vehicle, the one 9-millimeter, and the
12 two .40.

13 MR. STEGE: Move to introduce the exhibit, Your
14 Honor.

15 THE COURT: Any objection?

16 MR. PICKER: No objection.

17 THE COURT: Admitted.

18 (Exhibit 72 was admitted into
19 evidence.)

20 BY MR. STEGE:

21 Q. Detective, will you please use those scissors and
22 open the envelope.

23 Are the fired cartridge cases within that envelope?

24 A. Yes. Yes.

1 Q. Will you please show them to the jury, please.
2 A. Want me to take them out of the envelope?
3 Q. I do.
4 And there's gloves there, if you don't mind using
5 those.
6 A. Not sure they're going to fit.
7 So this is the 9-millimeter, R-P brand, found in
8 front of the third row of the vehicle.
9 Q. May I have that 9-mill, please.
10 A. This is the .40 Smith and Wesson, Federal brand fired
11 cartridge casing, found underneath the driver's seat of the
12 vehicle.
13 Q. Let's see if we can't see the head-stamp on this
14 equipment here.
15 Are you able to read that, Detective?
16 A. If you tip it just a little bit -- right there.
17 "R-P," it says right there.
18 Q. Thank you.
19 The next fired cartridge casing.
20 A. Yes. This is the Federal brand .40-caliber fired
21 cartridge case that was found underneath the driver's side --
22 or driver's seat.
23 Q. Do you see the head-stamp there?
24 A. Right there. "Federal."

1 Q. And the third one.

2 A. And this is the .40 Smith and Wesson, Winchester
3 brand, fired cartridge case that was found underneath the
4 driver's seat of the vehicle.

5 Q. Where's that?

6 A. Right there. "Winchester."

7 Q. These three fired cartridge cases, what became of
8 them?

9 A. They were eventually analyzed at the Firearms
10 Division lab.

11 Q. Thank you.

12 Will you replace all of those into the envelope.

13 Moving forward, I want to ask you if you were able to
14 obtain call detail records for Mr. Faust and for the
15 defendant.

16 A. Yes.

17 Q. And tell us about the process for obtaining those.

18 A. I had to write a warrant for the call detail records
19 and submit that to a judge, who then authorizes it.

20 Q. And those records come from the cell phone provider;
21 is that correct?

22 A. Correct.

23 Q. For both the phone of Mr. Faust and the phone of the
24 defendant?

1 A. Yes.

2 Q. And once both of those were provided to you, what did
3 you do with them?

4 A. I provided them to Detective Josh Watson.

5 Q. Who is Detective Josh Watson?

6 A. The senior member of the Computer Crimes Unit.

7 Q. For what purpose did you give him the call detail
8 records?

9 A. The call detail records can provide location of the
10 phone. And he was able to put those locations into a
11 program.

12 Q. And so that information you gave to him for his
13 further analysis?

14 A. That's correct.

15 Q. So take us from the search of the MDX that you've
16 just testified about to the next step in the investigation,
17 please.

18 A. We obtained information during the interview that Mr.
19 Cameron was at Murrieta's. I assigned Detective Daniels to
20 obtain video from that location to see what clothing that Mr.
21 Cameron was wearing just prior to the murder.

22 Mr. Daniels was able to view that. And then we
23 served an additional search warrant on the residence on the
24 27th to obtain the clothing that Mr. Cameron was wearing on

1 the night of the murder.

2 Q. And can you be more specific about the target of that
3 warrant that you served -- that was served.

4 A. The video from the Murrieta's depicted Mr. Cameron
5 wearing an Under Armour sweatshirt, had a large "Under
6 Armour" insignia on the front of it. It was dark in color.
7 On the video, it was difficult to tell exactly what color.
8 Just that it was dark. He had dark jeans on, and brown
9 shoes.

10 Q. And so on the 27th of February, you and other
11 detectives executed that search warrant; correct?

12 A. That's correct.

13 Q. And did you activate your -- any recording devices
14 during this, I guess, now third contact with the defendant?

15 A. I did.

16 Q. Tell us about that.

17 A. Prior to meeting with him, I activated my digital
18 recorder. I telephoned him. I asked him to meet us in the
19 driveway of the residence, which he did.

20 Q. And that recording is contained in what you
21 previously authenticated as Exhibit 20; is that correct?

22 A. Yes.

23 Q. Publishing now from that exhibit.

24 (Audio playing.)

1 (Audio stopped.)

2 BY MR. STEGE:

3 Q. If you can orient us to where we are, who is with

4 you, what's going on.

5 A. Detective Smith is with me; Sergeant Silver;

6 Detective Allie Jenkins is also there. That's the very

7 beginning of the interview -- or very beginning of the

8 portion arriving on scene.

9 (Audio playing.)

10 (Audio stopped.)

11 BY MR. STEGE:

12 Q. Who are you talking to right now, at one minute?

13 A. Mr. Cameron.

14 (Audio playing.)

15 (Audio stopped.)

16 BY MR. STEGE:

17 Q. We just heard Mr. Cameron saying, "What is that?"

18 What's happening that caused him to ask that?

19 A. I showed him a still photograph of the video that

20 depicted him at Murrieta's, wearing the clothing I previously

21 described.

22 (Audio playing.)

23 (Audio stopped.)

24

1 BY MR. STEGE:
2 Q. Just to clarify, that photograph is Mr. Cameron at
3 Murrieta's; right? The one he's looking at.
4 A. Yes.
5 (Audio playing.)
6 (Audio stopped.)
7 BY MR. STEGE:
8 Q. We just heard some other folks. Who is that?
9 A. Mr. Cameron's mother and father.
10 (Audio playing.)
11 (Audio stopped.)
12 BY MR. STEGE:
13 Q. We just heard a sound like your camera phone.
14 A. Yes.
15 Q. What just happened?
16 A. I'm photographing the clothing that we're locating
17 that's matching the clothing that he was wearing in the
18 photograph.
19 (Audio playing.)
20 THE COURT: Mr. Stege, would you pause for a moment,
21 please.
22 MR. STEGE: Yes, Your Honor.
23 (Audio stopped.)
24 THE COURT: I just want to, for the record, indicate

1 that both cameras are working, and we're completely live
2 again on Zoom.

3 Please continue.

4 MR. STEGE: Thank you.

5 (Audio playing.)

6 (Audio stopped.)

7 BY MR. STEGE:

8 Q. Can you tell us where we are in the house, what's
9 happening here at about four minutes into the recording.

10 A. We're in Mr. Cameron's bedroom. And we're searching
11 for the sweatshirt and jeans.

12 (Audio playing.)

13 (Audio stopped.)

14 BY MR. STEGE:

15 Q. We just heard a female's voice. Whose voice is that?

16 A. Detective Jenkins, I believe.

17 (Audio playing.)

18 (Audio stopped.)

19 BY MR. STEGE:

20 Q. We hear in the background Mr. Cameron talking. As
21 you sit here today, do you recall what Mr. Cameron is
22 speaking about or what he is saying?

23 A. No. It's very difficult for me to hear what he was
24 saying.

1 Q. What did you learn about Under Armour insignia'd
2 hoodies owned or possessed by the defendant?

3 A. I believe he bought them in a three-pack, or
4 something like that.

5 Q. And how many of those -- how many hoodies did you
6 find or see within the home?

7 A. Three.

8 (Audio playing.)
9 (Audio stopped.)

10 BY MR. STEGE:

11 Q. We just heard the defendant say something about
12 keeping the marble in the middle thing. What's happening, or
13 what is he describing there?

14 A. I'm sorry. Keeping the what?

15 Q. Sounds like he's talking about a marble game. Is he
16 demonstrating or showing someone about a marble game?

17 A. I don't recall. I'm sorry.

18 Q. Let's pick up here at 6:56.
19 (Audio playing.)
20 (Audio stopped.)

21 BY MR. STEGE:

22 Q. Pausing here at about eight minutes, 20 seconds. You
23 just asked, "Where's the gun you bought in 2011?" What are
24 you referring to?

1 A. Prior to this, I had requested Detective Lopez to
2 contact Alcohol Tobacco and Firearms and to check Mr. Cameron
3 for what firearms he had purchased in the past.

4 Detective Lopez was able to determine that Mr.
5 Cameron did purchase a -- some additional firearms in 2011
6 and 2012.

7 He gave me a verbal that he had purchased a Smith and
8 Wesson model SD40VE in 2011. However, after I obtained that
9 information, he also provided me the serial number of the
10 gun, which was HEE3512. I ran that serial number into the
11 ATF website, which I have access to. That gun was purchased
12 by Mr. Cameron, but not in 2011; it was 2012. It was
13 December 22nd of 2012. He purchased that gun from Nevada
14 Guns and Ammo in Silver Springs, Nevada.

15 Q. And so that's what you are referencing here with Mr.
16 Cameron when he says he has no idea?

17 A. That's correct.

18 Q. And suggesting that you have it or the police have it
19 from the search warrant.

20 || A. Correct.

21 Q. Which you know to be incorrect.

22 || A. Correct.

23 Q. Let's pick up at 8:25.

24 (Audio playing.)

1 (Audio stopped.)

2 BY MR. STEGE:

3 Q. You said it's the same caliber as on scene. Did you
4 get any results from the Crime Lab before you were at Mr.
5 Cameron's house for this follow-up search warrant?

6 A. Yes. I had verbal information from the Crime Lab
7 that the .40 Smith and Wesson -- .40-caliber Smith and Wesson
8 fired cartridge casings fired -- or collected from inside the
9 MDX of Mr. Cameron's and the .40 Smith and Wesson fired
10 cartridge casing found on scene were all fired from the same
11 gun.

12 The additional information I had, I believe, was -- I
13 obtained on February 26th from the lab, was that the
14 projectile removed from Mr. Faust was -- based on rifling
15 characteristics, was fired from one of five guns, all five of
16 those guns being a Smith and Wesson make and model; one of
17 them being a 10-millimeter, and four of them being a
18 .40-caliber.

19 One of those five models was an SD40VE, which was the
20 same model firearm that Mr. Cameron purchased on December
21 22nd of 2012.

22 Q. And so you are about to relay some of this
23 information you learned to the defendant while at his home;
24 correct?

1 A. Correct.

2 Q. Let's pick up -- go back just a little bit from 9:13.

3 (Audio playing.)

4 (Audio stopped.)

5 BY MR. STEGE:

6 Q. So, from this point, do you ever get from Mr. Cameron

7 a response on where the .40-caliber is?

8 A. No.

9 Q. Let's go from here -- well, from here, do you

10 continue searching the residence?

11 A. Yes.

12 Q. Let's go to -- we have skipped from about 10:33.

13 Let's go to about 21. Let's pick up at 21:35.

14 (Audio playing.)

15 (Audio stopped.)

16 BY MR. STEGE:

17 Q. Here we have Detective Smith asking about Aspen;

18 correct? If Aspen was home that night.

19 A. Yes.

20 Q. And we're hearing the defendant's statements about --

21 as to that; correct?

22 A. He's not sure. Yes.

23 (Audio playing.)

24 (Audio stopped.)

1 BY MR. STEGE:

2 Q. Detective, I want to pick up from the end of this
3 recording. Did you make efforts to search for the gun?

4 A. Yes.

5 Q. Tell us about that, please.

6 A. There was a nearby pond -- because we have no idea
7 where the weapon is. So there is a nearby pond on the golf
8 creek -- on the golf course. I requested Detective Daniels
9 contact Search and Rescue, which he did. And then they
10 searched that pond, in scuba gear.

11 Q. Was any firearm located?

12 A. No.

13 Q. How tall is Wayne Cameron?

14 A. About five-foot-nine.

15 MR. STEGE: Your Honor, before I pass the witness, I
16 want to inform the Court that I do wish to reserve the
17 detective based on -- and for further re-call based on some
18 of the things we dealt with before trial.

19 THE COURT: Okay. We'll see if it's proper for him
20 to be re-called at that time. But at this point, does the
21 State pass the witness?

22 MR. STEGE: In that case, Your Honor, I'd ask the
23 clerk to mark this as a substitute for 57.

24 THE COURT: You may approach the clerk.

1 MR. STEGE: I'm going to withdraw the currently
2 marked 57. This will be 57. The old one, I'll mark as 57-A.
3 Not offered.

4 (Exhibits 57 & 57-A were
5 marked for identification.)

6 THE COURT: 57 is marked.
7 Does the State pass the witness at this point?

8 MR. STEGE: No.

9 THE COURT: Does not.

10 MR. STEGE: I lost track of my notes, Your Honor.
11 I'll continue.

12 THE COURT: Okay.

13 BY MR. STEGE:

14 Q. Detective, did there come a time in April of 2020
15 where you came into contact with Ethan Cameron?

16 A. Yes.

17 Q. What was the context of that?

18 A. It was a second interview. There's actually twice, I
19 believe, in April that I contacted him.

20 Q. Was there a point where you collected some evidence
21 from him?

22 A. Yes.

23 Q. Tell us about where you collected that evidence.

24 A. I believe it was on April 28th, about 1255 hours, at

1 Mr. Cameron's residence of 7345 La Paz Court.

2 Q. And what was the -- what items did you collect?

3 A. I collected a green folder. Within that green folder
4 were several gun manuals.

5 MR. STEGE: May I approach the witness with --
6 actually, I believe 83 and 84 are both admitted by
7 stipulation. So I will now publish from there.

8 BY MR. STEGE:

9 Q. Can you tell us about the manuals, Detective.

10 A. The manuals were of several firearms that Mr. Cameron
11 owned that were found in his safe. They depict the guns, not
12 necessarily the serial number, but model, instructions on how
13 to use it, those kinds of things.

14 Q. So looking here at Exhibit 83, this being a manual
15 for what type of firearm?

16 A. A Smith and Wesson. This particular manual covers
17 two models: a Smith and Wesson SD9VE, and a Smith and Wesson
18 SD40VE.

19 Q. And do you know anything about the coloration of an
20 SD40VE firearm?

21 A. Yes. As depicted here, the slide of the weapon is
22 silver. The lower-portion frame is black. I contacted the
23 manufacturer, Smith and Wesson, and provided them the serial
24 number of the gun that Mr. Cameron purchased in December of

1 2012. And at that time, they were able to tell me that that
2 specific firearm did have a silver slide and a black frame.

3 Q. And I'm publishing here 83-A. Was this document also
4 with the manual?

5 A. Yes. It was inside the manual. It shows the
6 purchase price of \$350 for the Smith and Wesson SD40. It's
7 dated December 22nd, 2012. And in the upper-left-hand corner
8 it says, "Nevada Guns and Ammo."

9 Q. And this bears Mr. Cameron's name?

10 A. Yes.

11 Q. As well as that address. What do you know about that
12 address?

13 A. That's an old address. At the time, I believe that's
14 where he resided.

15 Q. Is this information in terms of the date consistent
16 with the information learned through the ATF information?

17 A. Yes. And the transaction record that I obtained.

18 Q. Although the description here lists "SD40," you
19 learned that it was actually an SD40VE.

20 A. Correct.

21 Q. Per the ATF.

22 A. That's correct.

23 MR. STEGE: May I approach the witness?

24 THE COURT: Yes.

1 BY MR. STEGE:

2 Q. Detective, will you please tell us about what is
3 within 84, this 84 series.

4 A. These are the gun manuals I obtained from Ethan on
5 that date.

6 Q. And so were all of these manuals collected together
7 or received together from Ethan?

8 A. Yes. Inside this green folder, just like it shows
9 here.

10 Q. And the one that we just looked at that was sort of
11 excised or set apart for purposes of placing it in the
12 evidence vault; correct?

13 A. Yes. It was inside this green folder, as well.

14 Q. Could you please tell us what is in the 84 series.

15 A. Several other gun manuals.

16 Q. Such as?

17 A. One is to a Colt. It's an AR-style rifle. A .22
18 long rifle caliber.

19 Q. Is that consistent with a firearm that was located at
20 the defendant's residence --

21 A. Yes.

22 Q. -- on the search?

23 A. Yes.

24 Q. What else?

1 A. A lever-action Winchester, model 22, which was also
2 consistent with a rifle that was found there.

3 Q. Can you hold that up, please. That's the manual for
4 that lever-action?

5 A. Correct.

6 Q. And can you hold the manual up for the one you have
7 just described, the AR platform .22.

8 Thank you.

9 The next manual, please.

10 A. A Marlin self-loading .22 rifle.

11 Q. Is that consistent with a firearm located at the
12 defendant's residence during the search warrant on 2/21?

13 A. Yes.

14 Q. Please continue.

15 A. This is going to be a tough one. It's a foreign
16 weapon. I believe it's pronounced Tokarev pistol.
17 Semi-auto.

18 Q. And was there such a firearm located at the
19 defendant's house?

20 A. Yes.

21 Q. And was that one of the 9s?

22 A. Yes.

23 Q. The 9-mills?

24 A. Yes. And this is a Glock. I'll show you the

1 envelope that contains it first. And within the envelope is
2 the Glock manual.

3 Q. Is that particular to any model of Glock firearm?

4 A. Yes. The Glock that was found in Mr. Cameron's
5 closet.

6 Q. That being the 9-millimeter?

7 A. Yes.

8 And that's it.

9 Q. Thank you.

10 MR. STEGE: Thank you.

11 Now I pass the witness, Your Honor. Thanks.

12 THE COURT: Thank you.

13 Did you retrieve the exhibit from the witness just
14 now?

15 MR. STEGE: No. Would you like me to?

16 THE COURT: Yes, please.

17 Ladies and gentlemen, feel free to stand up and
18 stretch for a moment or two before the defense proceeds with
19 examining the witness.

20 Okay. Mr. Picker, when ready, please proceed with
21 cross-examination.

22 CROSS-EXAMINATION

23 BY MR. PICKER:

24 Q. Good morning, Mr. Nevills.

1 A. Good morning.

2 Q. Let's stay where you just finished up.

3 Were there any guns located -- firearms located in

4 the house for which you did not find a manual?

5 A. Yes. I believe the Smith and Wesson that was found

6 behind his nightstand on the magnet, I don't believe there

7 was a manual for that weapon.

8 Q. And that one was a handgun; correct?

9 A. Yes.

10 Q. How about for the shotgun? Did you find a manual for

11 that?

12 A. I did not find a manual for that.

13 Q. How about for the .22 rifle?

14 A. Well, there was a Colt AR .22 platform, the Marlin,

15 so -- and the Winchester, so I'm not knowing what other .22

16 you're talking about.

17 Q. An older model .22 rifle.

18 A. Not that I know of.

19 Q. Is there anything illegal about owning an AR-style or

20 AR platform weapon?

21 A. No, sir.

22 Q. Now, the CCW that we looked at on Exhibit 34, page

23 18, that you circled, was it still valid?

24 A. To my knowledge, it was still valid.

1 Q. You stated earlier in your testimony that, while you
2 couldn't see the scene of the incident from Mr. Cameron's
3 home, at night you'd be able to see the emergency lights that
4 were up there.

5 A. I thought you would be able to see the aura of the
6 lights, yes.

7 Q. Did you test that out at night?

8 A. I did not.

9 Q. Have somebody up there with flashing lights?

10 A. I did not.

11 Q. So you're just guessing.

12 A. Yes.

13 Q. Okay. Now, roughly the day that you were assigned
14 this case, Mr. Cameron was not in the State of Nevada; is
15 that right?

16 A. That's correct.

17 Q. Okay. But law enforcement had been investigating
18 this case prior to that.

19 A. Yes.

20 Q. And Mr. Cameron was considered a person of interest.

21 A. Yes.

22 Q. Did you later come to determine that he was in Texas?

23 A. Yes.

24 Q. Okay. And he flew back?

1 A. Correct.

2 Q. Okay. And that's when you had surveillance begin
3 watching him at the airport?

4 A. Correct.

5 Q. Okay. Had you been in contact with him in Texas to
6 tell him to come back?

7 A. No.

8 Q. To your knowledge, had anybody in law enforcement
9 told him to come back from Texas?

10 A. No.

11 Q. So the first time you met Mr. Cameron was at his
12 residence; is that right?

13 A. Yes, sir.

14 Q. Okay. And I believe, from what we heard on the
15 audiotape in Exhibit 20, originally he said he was in the
16 garage.

17 A. Yes.

18 Q. And his son was in the house.

19 A. I don't recall where his son was.

20 Q. You don't recall Ethan telling you that he was the
21 one who looked out the door and thought you were Mormon
22 missionaries?

23 A. It was my understanding that I thought he looked at
24 the video on his phone, that's where he got the -- saw the

1 badges. He may have been -- I'm not saying he wasn't in the
2 house. I really don't recall.

3 Q. Okay. And then Mr. Cameron opened the garage door
4 and came out?

5 A. That's correct.

6 Q. So you were already in the process of walking away
7 when he came to you?

8 A. That's correct.

9 Q. And at some point in that conversation Ethan Cameron
10 was present.

11 A. Yes.

12 Q. He didn't arrive home while you were outside, did he?

13 A. Ethan?

14 Q. Yes.

15 A. No. He was already there.

16 Q. And so you asked Mr. Cameron about whether he had any
17 firearms.

18 A. Yes.

19 Q. And he invited you into the house.

20 A. Yes.

21 Q. And he offered to open his gun safes?

22 A. Yes.

23 Q. And he did so.

24 A. Yes.

1 Q. And then you told him that there was a search
2 warrant; correct?

3 A. Yes.

4 Q. And you asked him to come with you to the police
5 department.

6 A. Yes.

7 Q. And he willingly did that.

8 A. Yes.

9 Q. He wasn't under arrest at that point.

10 A. Correct.

11 Q. And because he wasn't being detained, you hadn't
12 given him any Miranda warnings.

13 A. That is correct.

14 Q. What are Miranda warnings?

15 A. They're the rights that you have --

16 MR. STEGE: I object.

17 I don't. I withdraw my objection.

18 BY MR. PICKER:

19 Q. I think you can answer it.

20 A. They're the rights that are afforded to you by the
21 Constitution that says that you have the right to have an
22 attorney with you, and other things, if you are being
23 questioned by the police.

24 Q. And those -- you give those as a matter of course

1 when people are being detained?

2 MR. STEGE: Your Honor, here I object. This is not a
3 proper line of inquiry.

4 THE COURT: Well, it's not proper because it goes
5 beyond the scope of direct, or are we allowing --

6 MR. STEGE: Well, this particular subject is properly
7 the subject of pre-trial litigation, not what we're doing
8 here.

9 If we go down this, I will ask the Court for an
10 instruction that the defendant was not in custody, for
11 Miranda purposes, and, therefore, Miranda was not required.

12 MR. PICKER: Actually, Your Honor, I think that was
13 my question.

14 THE COURT: Well --

15 MR. STEGE: Well, I want the Court to intervene and
16 state that Miranda is not required because the defendant was
17 not in custody, and, therefore, it is irrelevant that Miranda
18 was not given.

19 THE COURT: Well, the objection is relevance. If
20 there were an issue with respect to the interrogation, the
21 Court would have already discussed, considered and ruled.
22 That did not happen.

23 For purposes of the trial to this point, the Court
24 believes that line of questioning not to be relevant;

1 | therefore, the objection is sustained.

2 | BY MR. PICKER:

3 | Q. Mr. Cameron voluntarily went with you in your
4 | vehicle?

5 | A. Yes.

6 | Q. Okay. And that was because, I think we heard on the
7 | tape, you wanted his vehicle to remain in place, so it could
8 | be searched.

9 | A. Correct.

10 | Q. And you explained that to Mr. Cameron.

11 | A. I advised him that we did have a search warrant for
12 | his car, as well, yes.

13 | Q. Have you had training in how to interview potential
14 | suspects?

15 | A. Yes.

16 | Q. Okay. Is that the Reid Method? Does that sound
17 | correct?

18 | A. I'm sorry. Say that again.

19 | Q. Have you had training in the Reid Method?

20 | MR. STEGE: Objection. Same -- the relevance of his
21 | training is not proper.

22 | THE COURT: That's overruled. I'm not at this point
23 | convinced that this might not lead to a line of questioning
24 | that bears on positions of the parties in this case. The

1 objection is overruled.

2 You may proceed.

3 THE WITNESS: That particular name means nothing to
4 me, no.

5 BY MR. PICKER:

6 Q. Okay. There are a number of -- when you're trained
7 in how to interrogate somebody as a potential suspect,
8 there's a number of methods that you use. Is that safe to
9 say?

10 A. Techniques, yes.

11 Q. Okay. You might start off with being friendly or
12 being their friend?

13 A. That's one way.

14 Q. You might confront them with facts.

15 A. Yes.

16 Q. Might get angry and yell at them?

17 A. Yes.

18 Q. Okay. And you would agree with me, after watching
19 that video, pretty much you and Mr. Smith used every method
20 possible to get Mr. Cameron to tell you what you wanted to
21 know.

22 A. We used different techniques to make him feel more
23 comfortable to be more forthcoming about the truth, yes.

24 Q. Then there were other times when you wanted to make

1 him uncomfortable.

2 A. I wouldn't say necessarily uncomfortable. I just
3 wanted to know what the truth was.

4 Q. So when Mr. Smith was yelling at him, that wasn't
5 meant to make him uncomfortable?

6 A. You'd have to ask Detective Smith that. I don't -- I
7 can't tell you what Mr. -- or Detective Smith was thinking at
8 the time.

9 Q. And when you told Mr. Cameron his story was bullshit,
10 that wasn't designed to make him uncomfortable?

11 A. Again, I'm trying to spur him to be more forthcoming.

12 Q. That's because you assume he has more information
13 that he's not giving you.

14 A. Yes.

15 Q. There were numerous times when Mr. Cameron made
16 statements like -- and this is said roughly 29 minutes to 30
17 minutes in the tape -- "It sounds like at this point is, I
18 need somebody else." Do you recall him saying something like
19 that?

20 A. Yes.

21 Q. Do you recall him saying, "I'd like to get advice
22 before I say anything"?

23 A. Yes.

24 Q. "I want to get advice before I say anything"?

1 A. Yes.

2 Q. And in each one of those occasions, either you or
3 Mr. Smith changed the subject, didn't you?

4 A. I can't say we changed the subject. The interview
5 continued.

6 Q. And at some point either you or Mr. Smith said,
7 "That's not going to change the truth, you getting advice
8 from somebody."

9 A. Yes.

10 MR. STEGE: I object to the form of the impeachment.
11 Without pointing -- it was an eight-hour interview. Our
12 rules require that, upon request of counsel, the location of
13 the statement be pointed out.

14 THE COURT: So before I make a ruling, Mr. Picker, do
15 you have roughly the time-stamp that you're referring to?

16 MR. PICKER: It would be 3:16:47, page 798 of the
17 transcript.

18 MR. STEGE: Thank you.

19 THE COURT: Thank you.

20 You may proceed.

21 BY MR. PICKER:

22 Q. And there's the statement, "But I don't think that
23 has a bearing on the truth," after Mr. Cameron said -- or he
24 asked about consulting a lawyer.

1 A. I don't believe he used the "lawyer" word. I believe
2 he consulted advice from someone.

3 Q. Well, at some point, there was a discussion at
4 3:10:28 --

5 MR. STEGE: And here, Your Honor --

6 THE COURT: Hold on.

7 BY MR. PICKER:

8 Q. -- where the statement was, at page 795 of the
9 transcript, you said, "You put it out through lawyers, people
10 don't believe that shit."

11 A. I'm sorry. Say that first part again.

12 Q. "You put it out through lawyers, people don't believe
13 that shit."

14 THE COURT: Okay. Don't respond yet.

15 Is there an objection to the question?

16 MR. STEGE: The same one. This is a subject for
17 pre-trial litigation. If it was suppressible, it would have
18 been. It is not.

19 If this line of questioning continues, I will ask the
20 Court to rule that the man did not invoke Miranda, so all of
21 his statements that are being hinted at here have no legal
22 effect.

23 MR. PICKER: I can solve this problem, Your Honor,
24 very easily.

1 BY MR. PICKER:

2 Q. Detective Nevills, did Mr. Cameron --

3 MR. STEGE: Objection.

4 THE COURT: Hold on.

5 BY MR. PICKER:

6 Q. Did Mr. Cameron ever invoke Miranda?

7 MR. STEGE: Mr. Picker, the judge is talking.

8 MR. PICKER: Mr. -- Your Honor, could you please
9 instruct the prosecutor not to tell me what to do?

10 MR. STEGE: Basic decorum, sir. When the judge is
11 speaking to you, you don't ask a question.

12 THE COURT: This is very entertaining, but let's
13 review the rules of engagement here.

14 You argue to the Court, not with the Court. And you
15 don't refer to each other directly. You both know that. So
16 that won't happen.

17 Let's make sure everyone understands the Court's view
18 of this line of questioning.

19 The defendant's demeanor and responses during the
20 interrogation the Court has found are relevant to what brings
21 us to court.

22 Specific questions whether the interrogation crossed
23 the line that we -- with respect to constitutional rights of
24 the defendant that may not have been properly honored,

1 followed or apprised, the Court has ruled that's not
2 relevant. If that was going to be an issue, that would have
3 been taken up before the trial started.

4 So you're getting very, very close, Mr. Picker, to
5 asking questions that cross over that line. I find that you
6 have not done so to this point.

7 You may continue your line of questioning. But if I
8 find that you get over the line, then I will sustain an
9 objection as to relevance.

10 I'm not, at this point, Mr. Stege, going to make a
11 ruling that there was no Miranda advisement required, because
12 that is not yet before the Court, nor do I anticipate getting
13 there. Mr. Picker is going to stay on the correct line here.

14 Anything else you'd like to say, Mr. Stege?

15 MR. STEGE: Yes. It would be before the Court. Both
16 of these lines of inquiry are not properly before a jury.
17 That is an issue not decided by a jury, so to hint around it
18 and suggest that the detective did something improper is
19 false and improper. So I will have to request those
20 instructions.

21 THE COURT: I understand the State's position.
22 Again, I find that this line of questioning has not
23 impermissibly gone over that line, although we're getting
24 close.

1 Mr. Picker, you may proceed.

2 MR. PICKER: Thank you, Your Honor.

3 BY MR. PICKER:

4 Q. Mr. Nevills, Mr. Cameron didn't invoke his Miranda
5 rights during this interview, did he?

6 A. No, he did not.

7 Q. At any time during any of the times you have met with
8 him, did he invoke his right to remain silent?

9 A. No, he did not.

10 Q. Now, the statement I was asking you about just
11 previously, at 3:10:28, Mr. Cameron said, "There's delaying
12 and being smart with your words."

13 And your response was, "You put it out through
14 lawyers, people don't believe that shit." Do you recall
15 that?

16 A. Yes.

17 Q. Okay. At that point, Mr. Cameron responded, "Could I
18 talk to an attorney buddy of mine?"

19 A. Yes.

20 Q. You do recall that?

21 A. Yes.

22 Q. And he was told, "Yes. But does it hold the same
23 worth? I don't know."

24 A. Yes, that's what Detective Smith said.

1 Q. Now, at roughly a minute 42, you told Mr. Cameron
2 that you were going to confiscate his cell phone.

3 A. Yes.

4 Q. Okay. Did you have a warrant for his cell phone at
5 that time?

6 A. No.

7 MR. STEGE: Same objection. Not properly before the
8 jury. The issue was suppression. If it was suppressible, it
9 would have been and ought to have been before; therefore, the
10 jury should be instructed it is not improper for the
11 detective to seize the defendant's cell phone.

12 THE COURT: Thank you.

13 Mr. Picker, response to the objection.

14 MR. PICKER: Your Honor, I'm not asking for any
15 suppression.

16 MR. STEGE: I know that. It's not relevant --

17 THE COURT: Hold on.

18 Go ahead.

19 MR. PICKER: I'm asking simply if he had a warrant at
20 that time. I will then ask him if he obtained a warrant at
21 some other point.

22 THE COURT: Thank you.

23 The objection is sustained. The Court finds the
24 question not relevant.

1 BY MR. PICKER:

2 Q. At some point, Greg Herrera came to the Reno Police
3 Department station to meet with Mr. Cameron; is that right?

4 A. Yes.

5 Q. Did you meet with him prior to him going in?

6 A. No, I did not.

7 Q. Just for clarification, were you reading the
8 transcript at the same time the video of that interview was
9 being shown?

10 A. Yes.

11 Q. Okay. There are a number of times where you are
12 actually speaking, and it's attributed to somebody else; is
13 that correct?

14 A. Yes.

15 Q. And other times that it was attributed to you, but it
16 was actually Detective Smith speaking.

17 A. Yes.

18 Q. You wrote a report of your interview with Mr.
19 Cameron; is that right?

20 A. Yes.

21 Q. And you made note of how Mr. Cameron identified his
22 ex-wife, didn't you?

23 A. Yes.

24 Q. Okay. And how did he identify her?

1 A. I'm trying to recall. He used his last name, which I
2 thought was odd because, to my knowledge, she had been
3 remarried.

4 Q. So her name is not Angela Meadows Cameron any longer?

5 A. I don't believe so. I believe it is her new last
6 name.

7 Q. Which is Travis?

8 A. Yes.

9 Q. And you've talked to her numerous times in the past
10 17, 18 months?

11 A. Yes.

12 Q. Okay. Has she ever identified herself to you as
13 anything other than that other name, not using Cameron?

14 A. Yes. Meadow Travis is what she identified herself to
15 me as.

16 Q. And that's been consistent all the way through the
17 time you've known her?

18 A. Yes.

19 Q. She has never identified herself as Meadow Cameron to
20 you?

21 A. Not that I can recall.

22 Q. Even including probably a month or so ago, little
23 over a month, when you last spoke to her?

24 A. Not that I recall.

1 MR. STEGE: Asked and answered.

2 MR. PICKER: Thank you, Your Honor.

3 THE COURT: You're welcome. Thank you.

4 Mr. Stege.

5 REDIRECT EXAMINATION

6 BY MR. STEGE:

7 Q. Do you recall, as you approached the house, if the
8 defendant said anything to you outside about your badge or
9 asking for anyone's badge number?

10 A. Yes. He asked for a badge number. What were your --
11 "What's your badge number?" I think, something like that. I
12 can't recall.

13 Q. As to this issue about the defendant being in Texas
14 and his return, on what date did the defendant become a
15 suspect?

16 A. The 20th of February, when I interviewed
17 Mr. Colarchik.

18 Q. And is that -- what day is that in relation to Mr.
19 Cameron flying back to Nevada?

20 A. He returned that day.

21 Q. So the same day you interviewed Colarchik?

22 A. Yes.

23 Q. And then you learn that Cameron is flying home?

24 A. Yes.

1 Q. And sending a detective to the airport.

2 A. Correct.

3 Q. You were asked if -- that you were assuming that the
4 defendant knew more than he was saying. Do you remember that
5 line of questioning?

6 A. I do.

7 Q. Why were you assuming that the defendant was -- knew
8 more than he was telling you?

9 A. Because of the interview with Mr. Colarchik.

10 Q. And what about how the defendant was responding in
11 your interview with him? Anything about how he was acting or
12 reacting or speaking that made you believe he had more
13 information?

14 A. Yes.

15 Q. Such as what?

16 A. Based on how he gave us different stories. First of
17 all, one indication was that he was at Murrieta's, then went
18 straight home. Then it went from Murrieta's to seeing a road
19 rage incident between a truck and a motorcycle and went
20 straight home. And then, ultimately, following Mr. Faust
21 into the cul-de-sac and then went straight home.

22 MR. STEGE: Thank you.

23 No further questions.

24 THE COURT: Anything else, Mr. Picker?

1 All rise for the jury.

2 Detective Nevills, you may step down, sir. Thank you

3 very much for your testimony. Have a pleasant rest of the

4 afternoon.

5 Thank you.

6 (Witness excused.)

7 THE COURT: Court is in recess.

8 (Recess.)

9 (The following proceedings

10 were had without the presence

11 of the jury:)

12 THE COURT: Thank you.

13 Please be seated.

14 Okay. We're back on the record.

15 I'm here in the presence of counsel, Mr. Cameron.

16 Deputy, please bring the jury back in.

17 (The following proceedings

18 were had with the presence of

19 the jury:)

20 THE COURT: Okay. Thank you.

21 Welcome back, ladies and gentlemen.

22 Everyone may be seated.

23 Mr. Picker, will you stipulate that the entire jury

24 is here?

1 MR. PICKER: Yes. Thank you, Your Honor.
2 THE COURT: Thank you.
3 Mr. Stege.
4 MR. STEGE: Yes.
5 THE COURT: Please call the State's next witness.
6 MR. STEGE: Miss Mazza, please.
7 THE COURT: Good morning, ma'am.
8 THE WITNESS: Hi.
9 (Witness sworn.)
10 THE COURT: Please have a seat here at the witness
11 stand. Please make yourself comfortable. When ready,
12 please, if you would take the mask off so we can hear you
13 better and see you.
14 THE WITNESS: Yes.
15 THE COURT: And then, if you would please slide in,
16 get pretty close, maybe two, three inches away, and feel free
17 to adjust it so it's in front of your mouth.
18 Please state your name, ma'am, and spell your last
19 name.
20 THE WITNESS: It's Leah Mazza, M-a-z-z-a.
21 THE COURT: Thank you so much.
22 Mr. Stege, you may proceed.
23 MR. STEGE: Your Honor, at this point, I'd ask that
24 you admonish the jury pursuant to the pre-trial order about

1 the limitation of the evidence from Miss Mazza.

2 THE COURT: All right. Ladies and gentlemen, listen
3 carefully.

4 You are about to hear evidence about prior conduct of
5 the defendant, Mr. Cameron. This evidence is not being
6 offered to show the defendant's bad character, and you should
7 not consider it for that purpose. Rather, it is being
8 offered by the State for the limited purpose of showing
9 motive or intent regarding the charged crime.

10 You should consider the evidence for this limited
11 purpose only, and for no other purpose. The weight to be
12 given to this evidence is for you, the jury, to decide.

13 Mr. Cameron -- excuse me -- Mr. Stege, you may
14 proceed.

15 MR. STEGE: Thank you, Your Honor.

16 LEAH MAZZA,
17 called as a witness on behalf of the State,
18 first having been duly sworn,
19 was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. STEGE:

22 Q. Ma'am, how long have you lived in the Washoe County
23 area?

24 A. My entire life, so 30 years.

1 Q. I want to direct your attention back to October,
2 specifically the 30th, of 2018. Can you tell us what you
3 were doing that evening.

4 A. I was just hanging out at a friend's house, having
5 dinner with her.

6 Q. And if you could --

7 THE COURT: Do me a favor. Try to get even closer.

8 THE WITNESS: Sorry.

9 THE COURT: Speak up. We are erring on the side of
10 too loud. We will let you know if you get too loud.

11 THE WITNESS: Okay.

12 THE COURT: Thank you so much.

13 THE WITNESS: Would you like me to repeat that?

14 BY MR. STEGE:

15 Q. Yes, I would.

16 A. I was hanging out at a friend's house, having dinner.

17 Q. After dinner, where did you go?

18 A. I drove back home. I was staying temporarily at the
19 time at my parents' house.

20 Q. Can you tell us where your parents' house is, what
21 part of town, and things like that.

22 A. Yeah. They live in south Reno, or, I guess,
23 southwest Reno, kind of by Mount Rose Highway.

24 Q. Okay. What's the address?

1 A. 5998 North White Sands Road.

2 MR. STEGE: Can I approach the witness?

3 THE COURT: Yes.

4 BY MR. STEGE:

5 Q. Ma'am, is the location of your parents' home depicted

6 on pages 1 and 2 of proposed Exhibit 58?

7 A. Yes.

8 Q. And does that exhibit fairly and accurately depict

9 your parents' address?

10 A. Yes.

11 MR. STEGE: I'd move to introduce the exhibit.

12 THE COURT: Any objection?

13 MS. GARCIA: No objection.

14 THE COURT: 58 is admitted.

15 (Exhibit 58 was admitted into

16 evidence.)

17 BY MR. STEGE:

18 Q. So here we have on the map your parents' address,

19 5998 North White Sands; is that correct?

20 A. Correct.

21 Q. And what part of town was it that you were coming

22 from?

23 A. I was coming from Golden Valley, so north Reno.

24 Q. And tell us what happened on your way home.

1 A. Well, I had gotten off of the freeway at the Damonte
2 Ranch exit and headed towards my parents' house.

3 After the light that is at, I guess, Damonte Ranch
4 and Arrow Creek Parkway, I turned right to go up Zolezzi,
5 towards my parents' house.

6 Q. Okay.

7 A. At the time, there was another car in front of me.
8 And that car pulled over, so I passed the car. And it
9 immediately pulled back in behind me and turned its brights
10 on and got very close to the back of my car.

11 Q. And so it sounds like this was at nighttime you were
12 coming home?

13 A. Yes. It was at night. It was dark.

14 Q. Okay. So, on Zolezzi, someone -- how is it that they
15 got behind you and had their brights on?

16 A. Well, they pulled over, so they were originally in
17 front of me. And they pulled over to the side of the road on
18 Zolezzi. So I continued past the car, and then it pulled
19 back out behind me. And that's when they turned their
20 brights on and got very close to the back of my car.

21 Q. Tailgating you?

22 A. Correct.

23 Q. Could you tell anything about what the car looked
24 like?

1 A. Not at that time.

2 Q. What happened next?

3 A. Well, for a little bit longer it just continued on.

4 And then I tried to speed away from the car. It was very

5 close to me.

6 Q. Okay.

7 A. So I just sped up a little. I thought maybe they

8 were annoyed that I was going the speed limit, or something

9 along those lines.

10 Q. Okay.

11 A. The car stayed with me the entire time.

12 Q. And about where are you in sort of your drive to your

13 parents' house?

14 A. Still on Zolezzi at this point.

15 Q. What happens next?

16 A. I continued up to my parents' house, and to Ventana

17 Road, which you can see on this map.

18 Q. I wonder if you might point that out in the

19 courtroom. You can actually touch the screen. It will make

20 a mark. I wonder if you could point it out.

21 A. Okay. So I came up Zolezzi Road and came to this

22 roundabout onto Ventana Parkway.

23 Q. Can you tell us about how Ventana Parkway serves that

24 neighborhood or that part of town?

1 A. Yeah. It's the only way in and out. So you have to
2 go to that roundabout and through that road to get in and out
3 of that neighborhood.

4 Q. What happened once you -- well, did the car follow
5 you through the roundabout?

6 A. Yes.

7 Q. What happened next?

8 A. The car continued following me. I tried again to
9 speed up. I was trying to lose the car a little bit. The
10 car was still following me when I approached my parents' --
11 the turnoff to my parents' road. And I decided to pass the
12 road. I didn't want that car following me home.

13 Q. And so are you referring to this intersection that
14 I've drawn an X at?

15 A. Yes.

16 Q. Ventana and?

17 A. It's Sedona Parkway, Sedona Road.

18 Q. Okay. And you continue past that why?

19 A. I didn't want that car following me home.

20 Q. Okay. What was your emotional state now or your --

21 A. At this point, I was scared. It's pretty rare at
22 that time of night for there to be that many cars or, I
23 guess, at least two cars on the road following. And then the
24 fact that he was not backing off, very close to my car, I

1 felt driving aggressively towards me. And I knew that, if I
2 got out at my parents' house, that it would be very easy for
3 whoever was in that car to approach me, I guess, so I decided
4 not to go home right away.

5 Q. What did you do instead?

6 A. I continued on Ventana Road up into one of the other
7 neighborhoods. I knew the neighborhood well, having grown up
8 there, so I tried to lose the car going through those other
9 little back roads, little neighborhood roads.

10 Q. And as you drove through those little back roads, did
11 this car continue to follow you?

12 A. Yes.

13 Q. So what did you do?

14 A. At some point, I decided to go back towards my
15 parents' house. I think at some point the car backed off a
16 little bit, and, at that point, I felt more comfortable going
17 home. But then the car was right back on my tail.

18 Q. Okay. So where about were you when you noticed the
19 car was right back on your tail?

20 A. Just right back on Ventana. I had barely gotten back
21 on Ventana.

22 Q. Okay.

23 A. So I go back to Ventana and Sedona. And my parents,
24 as you can tell, live right on the corner there. So I turned

1 onto North White Sands Road, off of Santana -- sorry -- off
2 of Sedona, but I continued past my parents' house, so I went
3 that way, instead of stopping.

4 Q. You had mentioned earlier the car was really close to
5 you. Was this car really close to you as you were trying to
6 lose it up in the neighborhoods?

7 A. Yes. For most of the time. At some point, I think I
8 went around a corner, and I thought I lost it for a moment,
9 but when I went through those other neighborhoods, the car
10 was still with me.

11 Q. Take us -- you've now driven past your parents' house
12 on North White Sands?

13 A. Yes. So I continued up in this way. And it kind of
14 looks like a giant P. So I got around this corner here, and
15 pulled over, and turned my lights off. So pulled over and
16 turned my lights off when I couldn't see the car behind me,
17 just because I had gone around the corner. Turned my lights
18 off. And the car passed me.

19 But at some point I decided to go. I thought he was
20 gone. I continued driving. And as I got back down Sedona,
21 probably around here, saw lights again, decided to just speed
22 up and go home and get inside as fast as I could.

23 Q. I want to ask you if you think you passed this street
24 down here, La Paz Court.

1 A. Yes.

2 Q. Okay. What happened next?

3 A. So I passed La Paz and went back to my parents'

4 house, parked the car on the street, which is where I

5 normally parked.

6 Q. Okay.

7 A. And went inside the house very quickly. I had opened

8 the garage door from my car, with the garage-door opener, so

9 it was open and ready for me to run inside.

10 And then, when I got inside, I looked out the window

11 and noticed the car was parked behind my car, with its

12 brights on still.

13 Q. Okay.

14 A. Yeah.

15 Q. What happened next?

16 A. I noticed that there was someone outside of their

17 car, taking pictures of my car.

18 Q. And what part of your car, or where was the person

19 standing?

20 A. Standing behind my car, on the sidewalk, behind my

21 car.

22 Q. Could you tell anything about the person?

23 A. I couldn't tell anything about the person. It was

24 just a shadow.

1 Q. Could you tell if it was a man or a woman?

2 A. It looked like a man, based on the shadow.

3 Q. Could you tell anything about the car, what the car
4 looked like, type, anything like that?

5 A. Not until the car drove away. When the car drove
6 away, I noted that it was a light-colored, small SUV. I
7 couldn't notice -- I couldn't tell what kind of car it was,
8 exactly.

9 Q. Okay. What happened next?

10 A. Well, at that point, I wanted to go outside. And my
11 mom told me to stay inside. And it was probably a smart
12 idea. But I was pretty scared at this point. I was shaking.
13 I had just been chased through my neighborhood, dark, at
14 night, unexpectedly. So I stayed inside.

15 I told my parents the color and type of car that I
16 saw, thinking that, since my car is parked there, I was
17 just -- I was worried that something would happen to my car
18 or to my parents' house, some kind of vandalism or something
19 like that.

20 And that was -- and then I texted my friend whose
21 house I left. So we always text each other when we get home
22 safely. And I ended up texting her the whole story of what
23 had happened.

24 Q. And that was later this evening on the 30th?

1 A. Correct.

2 MR. STEGE: Can I approach the witness with proposed

3 59, a two-page exhibit?

4 THE COURT: Yes.

5 BY MR. STEGE:

6 Q. Ma'am, will you please review that two-page exhibit.

7 If you'll hold that down until --

8 A. Yeah. Sorry.

9 Yes.

10 Q. Do you recognize anything on page 1 of that exhibit?

11 A. Yes. That's my car and my license plate.

12 Q. Is that how your car and license plate looked on the

13 date you've just testified about?

14 A. Yes.

15 Q. The second page of that exhibit contains a map. Do

16 you recognize where the pin of that map is?

17 A. Yes. That's where my car was parked in front of my

18 parents' house.

19 Q. On the date in question?

20 A. On the date in question.

21 MR. STEGE: Move in 59.

22 THE COURT: Any objection?

23 MS. GARCIA: No objection.

24 THE COURT: 59 is admitted.

1 (Exhibit 59 was admitted into
2 evidence.)
3 BY MR. STEGE:
4 Q. Page 1, what is this?
5 A. This is my car and my license plate.
6 Q. Is this where the person would have been standing to
7 take that picture of your car?
8 A. Yes.
9 Q. This pin at -- do you recognize the location of that
10 pin?
11 A. Yes. That's where my car would have been parked in
12 front of my parents' house.
13 Q. On the 30th of October of '18?
14 A. Yes.
15 MR. STEGE: Can I approach the witness with -- Ms.
16 Clerk, will you mark this as 61-A, proposed.
17 THE CLERK: 61-A?
18 MR. PICKER: Yes. Six, one, A.
19 THE CLERK: Exhibit 61-A marked for identification.
20 (Exhibit 61-A was marked for
21 identification.)
22 THE COURT: You may approach.
23 BY MR. STEGE:
24 Q. Ma'am, do you recognize proposed 61-A?

1 A. Yes.

2 Q. How do you recognize that?

3 A. I saw the contents of this earlier, and signed the
4 tag.

5 Q. And you signed it because you recognize it to be a
6 true and accurate depiction of the text messages that you
7 referenced with your friend?

8 A. Correct.

9 Q. Other than your friend's side of the conversation
10 being redacted, are they true and accurate?

11 A. Yes.

12 MR. STEGE: I move in the exhibit.

13 THE COURT: Any objection?

14 MS. GARCIA: Your Honor, I do object to this exhibit.
15 These text messages are hearsay. They're out-of-court
16 statements offered for the truth of the matter asserted.
17 They're being used to bolster the testimony of the witness.
18 And I don't see any proper purpose for them.

19 THE COURT: Okay. Thank you.

20 Why are they not hearsay; and, if they are hearsay,
21 is there an exception?

22 MR. STEGE: They are present-sense impression.

23 They're also an excited utterance made while the witness is
24 under the stress of a startling event. And to the extent

1 they are not hearsay, they are corroborative of the date and
2 time of this incident, given that they're made close in time.

3 THE COURT: Okay. Any final thoughts on that, Ms.
4 Garcia?

5 MS. GARCIA: Well, Your Honor, I think excited
6 utterance needs to be -- I understand the DA saying in the
7 heat of it, but I think that the timing is such that they're
8 reflections following, not an excited utterance, and also not
9 a present-sense impression because they're a reflection of a
10 past event, given the timing.

11 THE COURT: Thank you.

12 The objection is overruled. The Court finds
13 either -- actually, both present-sense impression and excited
14 utterance, authorized of this evidence coming in.

15 (Exhibit 61-A was admitted into
16 evidence.)

17 THE COURT: Ladies and gentlemen in the audience, if
18 you could please do the Court a favor. The masks work best
19 if they're over nose and mouth. If you need to bring them
20 down for a minute just to get a breath of fresh air, that's
21 certainly -- does not cause the Court any concern. But if
22 you could please do that.

23 And you'll recognize, as well, the Court takes its
24 off from time to time when I'm going to be speaking, but I do

1 my best, as well, to keep it on. So I'm not picking on
2 anybody in particular.

3 All right. Mr. Stege, please proceed.

4 BY MR. STEGE:

5 Q. So, ma'am, here we have a screen -- what are we
6 looking at here?

7 A. This is the text message I sent my friend after I got
8 home.

9 Q. Describing the event that had occurred?

10 A. Correct.

11 Q. And were you -- you mentioned that, as you were being
12 followed, you were scared. What was your feeling as you are
13 there at the window and see what happens?

14 A. I was scared, but also angry. But I was -- I was --
15 I was still pretty terrified. I was shaking. It took me a
16 while to calm down once I got home.

17 Q. And you say -- why angry here? Why do you say angry?

18 A. Because somebody had followed me into my home, my
19 safe space, and was taking photos of my car. At the time, I
20 thought the worst that might happen is somebody might put the
21 pictures of my car, I don't know, on the internet or
22 something. This is the worst that I could think of at that
23 time. But he had pictures of my car and my license plate.

24 Q. And so here we have -- oops -- indication that the

1 messages were sent around 10:21 p.m. on October 30th of '18.

2 A. Yes.

3 Q. And so, if we're to read through all these, might we
4 see some language indicative of anger?

5 A. Yes.

6 MR. STEGE: Thank you, Your Honor.

7 I'll pass the witness.

8 THE COURT: Examination by the defense.

9 CROSS-EXAMINATION

10 BY MS. GARCIA:

11 Q. Good morning, Miss Mazza.

12 A. Good morning.

13 Q. This event occurred in 2018; correct?

14 A. Correct.

15 Q. About three years ago?

16 A. Correct.

17 Q. What time of night were you driving home?

18 A. I left my friend's house a little bit after 9:00 p.m.

19 Q. All right. So you were driving home from a friend's
20 when you --

21 A. Correct.

22 Q. -- got off the freeway onto Zolezzi; right?

23 A. Correct.

24 Q. When did you first notice that there was a car in

1 front of you?

2 A. When that car pulled over and did something out of
3 the ordinary.

4 Q. So until that point you didn't even realize there was
5 a car in front of you?

6 A. I knew there was a car in front of me. I was
7 driving, so I knew there was a car in front of me. But I
8 didn't know anything out of the ordinary with that car until
9 it pulled over.

10 Q. So you weren't driving close to that car?

11 A. Not that I can remember.

12 Q. You can't remember that car at all, really, until it
13 pulled over; right?

14 A. Correct.

15 Q. So when you were driving, and the car was driving
16 close to you, were you able in any way to see the driver?

17 A. No. The brights were on.

18 Q. So the entire time that you're driving and the car is
19 behind you, you're never able at that point to see a person.

20 A. No.

21 Q. So there's no verbal interaction, no one is yelling
22 at you, as far as you can see?

23 A. Not that I can see.

24 Q. You can't see a weapon?

1 A. Not that I could see.

2 Q. Nothing other than a car is behind you?

3 A. Correct.

4 Q. All right. You get into your parents' house.

5 A. Yes.

6 Q. And you look out the window, and you see the car is

7 there; right?

8 A. Yes.

9 Q. You're parked on a public street; is that correct?

10 A. Yes.

11 Q. And the car that pulls up behind you is also parked

12 on the public street; right?

13 A. Yes.

14 Q. Doesn't pull up in your parents' driveway or

15 anything; right?

16 A. No.

17 Q. The person gets out, and you can see just a shadow;

18 right?

19 A. Yes.

20 Q. Does that person ever come onto your parents'

21 property?

22 A. Not that I saw.

23 Q. So the person takes a picture --

24 A. Yes --

1 Q. -- and leaves; right?

2 A. Yes.

3 Q. Nothing -- no interaction with you sitting there in
4 the window watching; right?

5 A. No.

6 Q. Never approaches the front door or rings the
7 doorbell, anything like that?

8 A. No.

9 Q. You testified that you were afraid that your car
10 might get vandalized; right?

11 A. Yes.

12 Q. That didn't happen, did it?

13 A. No.

14 Q. You testified that you were concerned that your --
15 this photograph might show up on the internet or something;
16 right?

17 A. Yes.

18 Q. To your knowledge, that didn't happen; right?

19 A. Not that I know of.

20 Q. In fact, since that night three years ago, you hadn't
21 heard or had any knowledge of that person ever again; right?

22 A. Correct.

23 Q. Never saw that person again; right?

24 A. Correct.

1 Q. Never received a threat?
2 A. No.
3 Q. Your parents' house wasn't vandalized; right?
4 A. No.
5 Q. Now, you testified that you were terrified, but you
6 wanted to go out and confront the person; right?
7 A. Yeah. I was in my home, and I felt safe at that
8 point.
9 Q. So you wanted to go out, but your dad said no.
10 A. Yes. My mom said no. But, yes.
11 Q. Sorry. Your mom said no.
12 A. Yes.
13 Q. Kept you from going out there?
14 A. Yes.
15 Q. Because you were angry?
16 A. Yes.
17 Q. On the text messages, do you remember saying to your
18 friend that your mom poured you a little drink of whiskey to
19 calm you down, "Ha, ha"?
20 A. Yeah.
21 Q. So you were sort of joking with your friend at that
22 point; right?
23 A. It's my way of blowing off steam, yes.
24 Q. A joke, ha, ha. We all write it in our text

1 messages; right?

2 A. Yes.

3 Q. And then you also told your friend that your dad

4 stood watch -- right? -- at the window to make sure the guy

5 didn't come back.

6 A. Yes.

7 Q. And he didn't; right?

8 A. Correct.

9 Q. But you said, "He stood at the window for, like, 15

10 minutes after the guy left the house, ha, ha. He was not

11 going to let him get away with it." So again joking; right?

12 A. I wouldn't say joking, no. I think "Ha, ha" is sort

13 of just a -- it's just an addition to the sentence. I

14 wouldn't necessarily be laughing in real life. So I wouldn't

15 say I was joking. I was serious. My dad stood at the window

16 for 15 minutes, making sure he didn't come back.

17 Q. And then you put "Ha, ha"?

18 A. I did write "Ha, ha" on the text message.

19 Q. Okay.

20 MS. GARCIA: Nothing further.

21 THE COURT: Thank you.

22 Mr. Stege.

23

24

REDIRECT EXAMINATION

BY MR. STEGE:

Q. Was any of this a joke to you or funny to you?

A. Not at all.

Q. Why was it -- well, the fact that you were driving on a public street while being followed, did that make you less scared?

A. Yes, it would have -- it scared -- would have scared me no matter where I was driving.

Q. And the fact that it was pointed out that, well, the person, he was on the public street when they got out of their car -- right? --

A. Yes.

Q. -- does that make you any less scared or make you any less scared in that moment?

A. No.

Q. Or the lack of vandalism or follow-up vandalism, did that make you any less scared in that moment when you were followed to your house?

A. No.

Q. You were asked if you ever saw him again; right? Do you know if you ever saw him again?

A. I don't know.

Q. Your mom told you not to go outside.

1 A. She did.

2 Q. Why?

3 A. Because she's my mom, and she didn't want me to get
4 hurt.

5 Q. What did your dad say?

6 A. I don't remember exactly what he said. He's a fairly
7 quiet guy. But he did stand at the window and watch out for
8 quite some time.

9 Q. You were asked about for this anger. Do you feel
10 like your anger was warranted, given what had happened to
11 you?

12 A. Yes. Yeah.

13 Q. As you sit here today, how old are you?

14 A. I'm 31 today.

15 MR. STEGE: Thank you.

16 No further questions.

17 THE COURT: Thank you.

18 Recross.

19 RE CROSS-EXAMINATION

20 BY MS. GARCIA:

21 Q. You were scared because you were imagining what might
22 happen; right?

23 A. No. I was scared because someone was following me.

24 Q. But you received no threats.

1 A. I feel like I did receive threats. I feel like
2 somebody following me home is a threat.

3 || Q. Did you ever receive any verbal threats?

4 || A. No.

5 Q. You never received any communications from that
6 person again?

7 || A. No.

8 MS. GARCIA: Nothing further.

9 THE COURT: Thank you.

10 Can we thank and excuse Ms. Mazza?

11 MR. STEGE: Yes. Thank you, Your Honor.

12 THE COURT: Okay. Thank you so much for your
13 testimony. You may step down. I wish you a pleasant rest of
14 the afternoon.

15 (Witness excused.)

16 THE COURT: Please call your next witness, Mr. Stege.

17 And, Deputy, if you wouldn't mind again wiping down
18 the station. Thank you.

19 Ladies and gentlemen, feel free to stand up and
20 stretch for a moment, if you'd like to.

21 MR. STEGE: Next witness is Aspen C., a juvenile.

22 THE COURT: Mr. Stege, Mr. Picker, if I can have your
23 attention for a moment, and Ms. Garcia. I'm trying to
24 remember. Last week, when we had testimony from minors, did

1 the Court direct that the video feed would go dark during
2 that examination, or did I not? I just cannot remember. I
3 don't think I did.

4 Mr. Stege, what's your recollection?

5 MR. STEGE: I don't recollect that part of it. I
6 know we addressed that with some media members. But I don't
7 object to that process.

8 THE COURT: The media was not to show the minors.

9 All right. Mr. Picker, what is your recollection,
10 please?

11 MR. PICKER: I remember it the way you do, Your
12 Honor.

13 THE COURT: All right. So the video will remain on.
14 To the extent there's any media coverage, they will not
15 direct any cameras at the -- any minor testifying.

16 All right. Please, young lady, please come forward.

17 One moment.

18 Go ahead, Edgar.

19 If you would please raise your right hand, direct
20 your attention to my court clerk. She will administer the
21 oath of witness to you.

22 (Witness sworn.)

23 THE COURT: Thank you.

24 Please have a seat up here at the witness chair, and

1 then slide in. And we're having witnesses please remove your
2 mask, so we can see you and hear you better. And bring the
3 microphone pretty close to your face, if you would, please.
4 It works best if it's only two or three inches away.

5 If you would please state your first name, and the
6 first letter of your last name.

7 THE WITNESS: Aspen C.

8 THE COURT: Thank you very much.

9 THE COURT: Mr. Stege, please proceed.

10 And you can take that off completely, or you can sort
11 of leave it hanging on there. There you go.

12 Go right ahead.

13 ASPEN C.,

14 called as a witness on behalf of the State,

15 first having been duly sworn,

16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. STEGE:

19 Q. Hello. As you sit here this morning, how old are
20 you?

21 A. I'm 17.

22 Q. Are you still in school?

23 A. I just graduated.

24 Q. From high school?

1 A. Yes.

2 Q. Okay. Do you know a person by the name of Wayne

3 Cameron?

4 A. I do.

5 Q. How?

6 A. He is my father.

7 Q. I want to direct your attention back to February of

8 2020. Where were you living at that time?

9 A. La Paz Court.

10 Q. Did you live exclusively at La Paz Court, or did you

11 live somewhere else?

12 A. I lived at that address, and then Stony Brook, as

13 well.

14 Q. And your dad's house was on La Paz?

15 A. Yes.

16 Q. And your mom's was on that other address?

17 A. Yeah.

18 THE COURT: If you would -- you're somewhat

19 soft-spoken. Would you mind just getting a little bit closer

20 to the microphone so we can hear you better?

21 THE WITNESS: Yeah.

22 THE COURT: Thank you so much.

23 Go ahead, Mr. Stege.

24

1 BY MR. STEGE:

2 Q. I want to ask you: Around -- or, in fact, after

3 February 11th, do you recall being invited to a new circle in

4 Life360?

5 A. Yes.

6 Q. Tell us how that happened or how you became aware of

7 that.

8 A. I got a notification on my phone that we just got a

9 new circle.

10 Q. Okay.

11 A. And it seemed kind of weird.

12 Q. Okay. And why did it seem weird?

13 A. Because we had one before with the same people.

14 Q. And what was the name of that circle?

15 A. Camfam, I believe.

16 Q. Who were the people on that circle?

17 A. My father, and then my brother, Ethan.

18 Q. And you.

19 A. And me, yes.

20 Q. I want to ask an additional question, which is: You

21 became aware that your father was a suspect in this case

22 after he was interviewed; right?

23 A. Yeah.

24 Q. Did you have occasion to go to dinner with your dad

1 after he was interviewed by the police?

2 A. I don't remember.

3 Q. Okay. Do you remember ever asking your dad about the
4 case or asking specifically about what he had told the
5 police?

6 A. Yeah. Definitely.

7 Q. Okay. And do you remember specifically asking him
8 about whether he had been honest in the interview?

9 A. Yes.

10 Q. And can you tell us about that. Yeah, please tell us
11 about that.

12 A. Well, I had always been raised just to be honest, so
13 I asked him if he was. Because I was getting different
14 information from him and from, like, the cops. But he really
15 wasn't tell me any information. He was just saying that,
16 "You should trust me because I'm your dad." He wasn't
17 telling me anything, even though I asked.

18 Q. And did you specifically ask him, "What about the
19 missing gun?"

20 A. I believe so, yeah.

21 Q. And do you recall what he said in response to that?

22 A. I don't.

23 Q. Did you previously tell Detective Smith that your dad
24 had said that he had lied to the police about that specific

1 part, being the missing-gun part?

2 A. I don't know.

3 Q. You don't remember making that statement, or if you
4 did, at all?

5 A. I don't know.

6 Q. Okay. Let's back up a little bit.

7 MR. STEGE: Your Honor, would you please give the
8 jurors that same admonishment on evidence related to intent
9 or motive.

10 THE COURT: All right. Ladies and gentlemen, once
11 again you are about to hear evidence about prior conduct of
12 the defendant. The evidence is not being offered to show the
13 defendant's bad character, and you should not consider it for
14 that purpose. Rather, it is being offered by the State for
15 the limited purpose of showing motive or intent regarding the
16 charged crime.

17 You should consider the evidence for this limited
18 purpose only, and for no other purpose. The weight to be
19 given to this evidence is for you, the jury, to decide.

20 Mr. Stege, you may proceed.

21 MR. STEGE: Thank you.

22 BY MR. STEGE:

23 Q. Do you recall an incident where you and your dad were
24 driving home on Zolezzi --

1 A. Yes.

2 Q. -- one evening?

3 A. Yeah.

4 Q. Tell us what you remember about that.

5 A. We were driving, and it was dark outside. And a car

6 came up behind us, like, really on our tail. So we kind of

7 slowed down to the side to let them pass. And then we

8 continued driving. And it seemed normal. And then they

9 turned, what seemed like a coincidence, onto Sedona.

10 Q. Okay.

11 A. And then we kept driving up. And they ended up

12 turning off at one of the lower streets before our

13 cul-de-sac. And then, instead of just going straight to our

14 house, we followed them.

15 And he got out, and started kind of yelling at them,

16 and just being really loud and aggressive with them, while I

17 stayed in the car and kind of hid.

18 Q. Okay. Let's back up a little bit. Do you recall

19 sort of -- we've heard testimony about a roundabout, Zolezzi

20 hits a roundabout and goes into Ventana.

21 A. Yeah.

22 Q. Where did this first part of this happen, where a car

23 was following you, your dad pulled over, then followed the

24 car?

1 A. It was after the roundabout a little bit.

2 Q. Okay. Do you think that car was following your car

3 or the car you were in down on Zolezzi?

4 A. Following?

5 Q. I'm sorry. Yes. What was that car doing before this

6 move where your dad pulled over?

7 A. They were just on our tail, got really close to our

8 car.

9 Q. You think they were on your tail down on Zolezzi

10 before the roundabout?

11 A. No.

12 Q. Okay. Your dad pulls over and then begins to -- does

13 your dad follow that other car?

14 A. Yes.

15 Q. Do you know what kind of car it was?

16 A. I'm pretty sure it was a SUV. Almost positive. And

17 then dark in color. I can't remember the color, though.

18 Q. And you recall that it was nighttime.

19 A. Yes.

20 Q. And how was the driving there? Like, how was your

21 dad's driving?

22 A. At which point?

23 Q. Once he pulls over and starts following this SUV.

24 A. He just seemed really irritated and just angry that

1 | somebody did that to him.

2 | Q. And so he turns off Ventana onto Sedona?

3 | A. Yes.

4 | Q. And follows them?

5 | A. Yeah.

6 | Q. And that is -- do you think -- that is also the

7 | turnoff to your La Paz Court?

8 | A. Yes.

9 | Q. What happened once you're on Sedona? What is the

10 | driving like?

11 | A. Same thing. Just irritated. And we kept driving.

12 | And then they turned right onto their street, and we turned

13 | right with them, when our house isn't on that street.

14 | Q. What kind of car were you guys in, you and your dad?

15 | A. The Acura MDX. It's dark gray.

16 | Q. Who was driving?

17 | A. My dad.

18 | Q. And what happened once you made that turn?

19 | A. We parked, and he got out, while I stayed in the car.

20 | And there was just -- they were just teenagers.

21 | Q. Okay.

22 | A. And he went out and just, like, yelled at them. Like

23 | I don't know what he said, but it was very loud and

24 | aggressive.

1 Q. Did they park in a driveway, on the street, or
2 somewhere else?

3 A. In the driveway.

4 Q. Did you recognize -- you said they were teenagers.
5 Did you recognize any of them?

6 A. They looked familiar. I knew my brother had a friend
7 that lived somewhere down there, and I was pretty sure it was
8 her.

9 Q. Do you know what specific street it was on?

10 A. I don't. I could probably point it out on a map.
11 But maybe a couple streets down from our cul-de-sac.

12 Q. Let's use this map, which is admitted as page 1 of
13 Exhibit 58. And just to sort of orient you, here we have
14 Ventana. Here's La Paz Court down here. I think your dad's
15 house was down here.

16 And this screen, if you mark on it with your finger,
17 you can maybe draw the path that you guys took down Sedona.

18 A. On this one?

19 Q. Yes, please.

20 A. So we went over here, and then turned. And then it
21 was -- I'm pretty sure it was this street that we went down.
22 And it was one of these houses on the left side, once you
23 turn in.

24 Q. And your dad got out and did what?

1 A. He got up close to them and was yelling at them.

2 Q. Did you -- what did you do while your dad was doing

3 this?

4 A. I was kind of hiding myself in the car, because if

5 they knew me, we probably went to the same school, I didn't

6 want them to know me and associate me with that.

7 Q. An embarrassment thing for you?

8 A. Yeah.

9 Q. Okay. That MDX, is that car always -- is that your

10 dad's car?

11 A. Yes.

12 Q. That he always drives?

13 A. Yeah.

14 Q. What happened next?

15 A. I just remember us driving home. And he just got

16 back in the car and drove away.

17 MR. STEGE: Thank you.

18 Your Honor, I'll pass the witness.

19 THE COURT: Examination by the defense.

20 CROSS-EXAMINATION

21 BY MS. GARCIA:

22 Q. Good morning, Aspen.

23 A. Good morning.

24 Q. Aspen, you live full-time now with your mother;

1 correct?

2 A. Yes.

3 Q. What is your mother's full name?

4 A. Angela Meadow Cameron.

5 Q. Aspen, you were initially interviewed at your place

6 of work; right?

7 A. Yes.

8 Q. Chick-fil-a?

9 A. Correct.

10 Q. Do you remember that interview?

11 A. I do.

12 Q. At that time, did you know why you were being

13 interviewed?

14 A. I had an idea. I didn't know a lot of details,

15 though.

16 Q. Did you know your dad was being investigated?

17 A. Yes.

18 Q. Do you remember the police specifically asking you in

19 that interview about your father's driving?

20 A. Possibly. I'm not sure.

21 Q. Do you remember them asking if you had ever seen him

22 be aggressive while driving?

23 A. I believe so.

24 Q. And do you remember what your answer was?

1 A. Yes.

2 Q. And what was it?

3 A. It was, "Yes."

4 Q. Your answer was, "Yes"?

5 A. I don't recall very much. I can probably tell you

6 that I told them that story, which I'm pretty sure I did.

7 Q. In your February 26th interview?

8 A. I think so.

9 Q. Would it surprise you if I told you that, in fact,

10 you specifically said, "No, not while driving"?

11 A. It would.

12 Q. You don't remember saying that?

13 A. No.

14 Q. Do you remember being interviewed again?

15 A. Yes.

16 Q. And where was that interview?

17 A. I think we went down to Starbuck's, I believe, and

18 met with them.

19 Q. Okay. Did you ever meet with them at the police

20 station?

21 A. I don't think so.

22 Q. Do you remember meeting with the police to tell them

23 this specific story?

24 A. Yes.

1 Q. And that was after you had had a discussion with your
2 mother; right?

3 A. I told her that I wanted to talk to them, and talk
4 about it.

5 Q. And you wanted to talk about it to tell them this
6 story; right?

7 A. Yes.

8 Q. A story you didn't remember when they interviewed you
9 the first time; right?

10 A. Yes.

11 Q. And that's not because you were lying to them the
12 first time; right?

13 A. No.

14 Q. You just didn't remember. Is that fair to say?

15 A. Yes.

16 Q. Because it wasn't something that came to your mind
17 immediately; right?

18 A. Yes.

19 Q. All right. So this incident, it sounds like you were
20 being tailgated. Is that fair to say?

21 A. Yes.

22 Q. Enough so that even you noticed -- right? -- that
23 they were right on you.

24 A. Yes.

1 Q. All right. When you pulled up behind them, and your
2 dad got out of the car, you stayed inside; right?

3 A. Yes.

4 Q. Because you were embarrassed.

5 A. Yes.

6 Q. You didn't hear any of the words that were being
7 spoken, did you?

8 A. I heard the tone; not the words, though.

9 Q. Couldn't hear the words your dad was saying or what
10 was being said back; right?

11 A. No.

12 Q. So you're watching this interaction that appeared,
13 you said, angry, I think; right?

14 A. Yes.

15 Q. Okay. But nothing else happened; right?

16 A. What do you mean?

17 Q. So there was nothing that turned violent, did it?

18 A. No.

19 Q. Your dad did not --

20 A. Not physically.

21 Q. Your dad did not get his gun out of the car; right?

22 A. No.

23 Q. He got back in his car, and you guys drove home;
24 right?

1 A. Yes.

2 Q. All right. And this incident you're describing, do
3 you remember when it happened?

4 A. I couldn't tell you an exact date. I know it was
5 nighttime, though.

6 Q. Do you remember what year?

7 A. I don't.

8 Q. All right. You received an invitation, you said,
9 about February 14th to a new Life360 circle; right?

10 A. Yes.

11 Q. Do you know when the old circle ended?

12 A. No. You can have multiple circles at once and just
13 use the other one, so I couldn't tell you.

14 Q. So you don't even know if the old circle ended, is
15 what you're saying; right?

16 A. I don't think so. I know locations were turned off,
17 and I ended up being like the only one left in it that was
18 active. But I --

19 Q. So you don't --

20 A. -- noticed --

21 Q. Sorry.

22 A. I noticed his location was turned off.

23 Q. So you don't know the date, so if the old one was
24 ended; is that right?

1 A. No. Or yes.

2 MS. GARCIA: Nothing further, Your Honor.

3 THE COURT: Thank you.

4 Mr. Stege.

5 REDIRECT EXAMINATION

6 BY MR. STEGE:

7 Q. On that last point as to the Life360, you said that
8 you noticed your dad's location was no longer on.

9 A. Yeah.

10 Q. Had it previously been on?

11 A. Yes.

12 Q. Meaning you could previously see where your dad was?

13 A. Yes.

14 Q. As to when this incident happened here, this incident
15 about the motive, do you remember how long before being
16 interviewed roughly this event occurred?

17 A. The Life360?

18 Q. I'm sorry. The following the kids home.

19 A. Maybe like a year or two ago, possibly.

20 Q. A year or two from now, or a year or two from the
21 time of the interview?

22 A. From the interview.

23 Q. You were just asked if your dad got the gun from his
24 car. Do you remember that question?

1 A. Yes.

2 Q. What do you know about your dad having a gun in his
3 car?

4 A. I know he keeps one under his seat. That's all I
5 know about it.

6 Q. How do you know that?

7 A. I've seen it before. He's pulled it out before.

8 Q. You stated that you couldn't hear the words your dad
9 was saying, just the tone. What was the tone he was using
10 with the driver of this SUV?

11 A. Just aggressive. Just loud, very aggressive.

12 Q. There was -- it was inferred or referenced that your
13 mom is putting you up to this. Is your mom putting you up to
14 this?

15 A. No.

16 MR. STEGE: Thank you.

17 No further questions.

18 THE COURT: Any other questions by the defense?

19 RE CROSS-EXAMINATION

20 BY MS. GARCIA:

21 Q. Aspen, you testified that you were the only one left
22 on that Life360 group; is that right?

23 A. That was active, yeah.

24 Q. So Ethan wasn't on there, either?

1 THE COURT: Mr. Stege.
2 MR. STEGE: I don't mind him being re-sworn.
3 THE COURT: All right. Thank you for pointing that
4 out to the Court.
5 Would you please face my court clerk.
6 (Witness sworn.)
7 THE COURT: Thank you.
8 Please have a seat.
9 Mr. Stege, you may proceed.
10 DAVE NEVILLS,
11 re-called as a witness on behalf of the State,
12 first having been duly sworn,
13 was examined and testified as follows:
14 DIRECT EXAMINATION
15 BY MR. STEGE:
16 Q. Welcome back, Detective.
17 I want to direct your attention to whether you had
18 the opportunity to review a recorded phone call from the
19 defendant that occurred on June 7th of 2021.
20 A. Yes.
21 Q. And in reviewing that call, did you recognize the
22 voices or any of the voices on the call?
23 A. One of the voices, which was Wayne Cameron.
24 Q. And you're aware that this call had occurred after

1 | there was a hearing in this case at which Aspen, the
2 | defendant's daughter, had testified.

3 | A. Correct.

4 | MR. STEGE: May I approach the witness?

5 | THE COURT: You may.

6 | MR. STEGE: Your Honor, this is proposed 57.
7 | There is, for the record, a 57-A, which I will
8 | withdraw and not seek to introduce.

9 | THE COURT: Okay.

10 | BY MR. STEGE:

11 | Q. Detective, do you recognize that proposed exhibit?

12 | A. Yes. It's a flash drive, with a tag attached to it
13 | with my initials and badge number.

14 | Q. And it has your initials and badge number because you
15 | recognize it to be a true and accurate depiction of this
16 | recorded call?

17 | A. Yes.

18 | MR. STEGE: I move in the exhibit.

19 | THE COURT: Any objection from the defense?

20 | MR. PICKER: No objection.

21 | THE COURT: Admitted.

22 | (Exhibit 57 was admitted into
23 | evidence.)

24 | THE COURT: You may publish.

1 BY MR. STEGE:

2 Q. And to clarify, Detective, this phone call is on the
3 subject of this incident witnessed by Aspen; correct?

4 A. Yes.

5 Q. In the defendant's neighborhood.

6 A. Yes.

7 (Audio playing.)

8 (Audio stopped.)

9 BY MR. STEGE:

10 Q. Can you summarize? This is partway before 0:47. The
11 defendant apologizing for not meaning to scare the kids.

12 A. Yes. He apologizes for scaring them. He didn't want
13 to.

14 (Audio playing.)

15 (Audio stopped.)

16 MR. STEGE: Pass the witness.

17 THE COURT: Examination by the defense.

18 CROSS-EXAMINATION

19 BY MR. PICKER:

20 Q. Good morning again, Mr. Nevills.

21 A. Good morning.

22 Q. So Mr. Cameron says that he followed these girls
23 because they were following him too close; is that correct?

24 A. Correct.

1 Q. And that he then told them he wanted to talk to their
2 parents?
3 A. Yes.
4 Q. And then he apologized for scaring them.
5 A. Yes.
6 MR. PICKER: Thank you.
7 That's all I have.
8 THE COURT: Okay. Detective, thank you. You may
9 step down.
10 (Witness excused.)
11 THE COURT: Mr. Stege, please call the State's next
12 witness.
13 MR. STEGE: Detective Watson, please.
14 THE COURT: Good morning, sir.
15 THE WITNESS: Good morning.
16 THE COURT: Please direct your attention to the court
17 clerk to take the oath of witness.
18 (Witness sworn.)
19 THE COURT: Thank you.
20 Please have a seat at the witness stand, make
21 yourself comfortable. Please remove your mask. And put the
22 microphone pretty close to your face, and speak loudly.
23 State your name, sir, and please spell your last
24 name.

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAYNE MICHAEL CAMERON,

Appellant.

v.

STATE OF NEVADA,

Respondent.

Case No. 83531

APPELLANT'S APPENDIX
VOLUME V

**APPEAL FROM JUDGMENT OF CONVICTION AND
SENTENCING**

SECOND JUDICIAL DISTRICT
STATE OF NEVADA

The Honorable Barry Breslow, presiding

Richard F. Cornell, Esq.
RICHARD F. CORNELL, P.C.
150 Ridge Street, Second Floor
Reno, Nevada 89501
775/329-1141
richardcornell1553@gmail.com
Attorneys for Appellant

Washoe Co. District Attorney
Appellate Division
1 South Sierra Street, 7th Floor
Reno, Nevada 89501
775/337-5700
jnoble@da.washoecounty.us
Attorneys for Respondent

INDEX TO APPELLANT'S APPENDIX
WAYNE MICHAEL CAMERON V. STATE OF NEVADA
No. 83531

| NO | DESCRIPTION | DATE | PAGES |
|-----------|--|-------------|--------------|
| | VOLUME I | | |
| 1 | Information | 11/09/2020 | 00001-00006 |
| 2 | Motion to Admit Other Acts Evidence: Road Rage | 02/03/2021 | 00007-00037 |
| 3 | Motion to Admit Other Acts Evidence: Shootings | 02/03/2021 | 00038-00048 |
| 4 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Road Rage | 02/09/2021 | 00049-00055 |
| 5 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Shooting | 02/09/2021 | 00056-00060 |
| 6 | Reply in Support of Motion to Admit Other Acts Evidence: Road Rage | 02/16/2021 | 00061-00066 |
| 7 | Reply in Support of Motion to Admit Other Act Evidence: Shootings | 02/16/2021 | 00067-00069 |
| 8 | Transcript of Proceedings, Motions Hearing | 06/02/2021 | 00070-00140 |
| 9 | Order on Pre-Trial Motions | 06/04/2021 | 00141-00148 |
| 10 | Transcript of Proceedings, Trial Day II | 06/29/2021 | 00149-00249 |
| | VOLUME II | | |
| 10 | Cont'd. Transcript of Proceedings, Trial Day II | 06/29/2021 | 00250-00369 |
| 11 | Transcript of Proceedings, Trial Day III | 06/30/2021 | 00370-00499 |
| | VOLUME III | | |
| 11 | Cont'd Transcript of Proceedings, Trial Day III | 06/30/2021 | 00500-00613 |
| 12 | Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00614-00749 |

| | | | |
|----|--|------------|-------------|
| | VOLUME IV | | |
| 12 | Cont'd. Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00750-00818 |
| 13 | Transcript of Proceedings, Trial Day V | 07/02/2021 | 00819-00896 |
| 14 | Transcript of Proceedings, Trial Day VI | 07/06/2021 | 00897-00999 |
| | VOLUME V | | |
| 14 | Cont'd. Transcript of Proceedings, Trial Day VI | 07/06/2021 | 01000-01130 |
| 15 | Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01131-01249 |
| | VOLUME VI | | |
| 15 | Cont'd. Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01250-01265 |
| 16 | Transcript of Proceedings, Trial Day VIII | 07/08/2021 | 01266-01339 |
| 17 | Transcript of Proceedings, Trial Day IX | 07/09/2021 | 01340-01440 |
| 18 | Jury Instruction, Guilt Phase | 07/09/2021 | 01441-01494 |
| | VOLUME VII | | |
| 19 | Verdict | 07/09/2021 | 01495-01496 |
| 20 | Transcript of Proceedings, Sentencing | 07/12/2021 | 01497-01602 |
| 21 | Jury Instructions, Penalty Hearing | 07/12/2021 | 01603-01612 |
| 22 | Life Without Parole Verdict | 07/12/2021 | 01613 |
| 23 | Judgment of Conviction | 09/09/2021 | 01614-01615 |
| 24 | Notice of Appeal to the Nevada Supreme Court | 09/16/2021 | 01616-01618 |

1 THE WITNESS: Josh Watson, W-a-t-s-o-n.
2 THE COURT: Thank you.
3 You can adjust it so it's a little bit more directly
4 in front of you.
5 Please proceed, Mr. Stege.
6 JOSH WATSON,
7 called as a witness on behalf of the State,
8 first having been duly sworn,
9 was examined and testified as follows:
10 DIRECT EXAMINATION
11 BY MR. STEGE:
12 Q. Sir, how are you employed?
13 A. With the Reno Police Department.
14 Q. In what capacity?
15 A. The Computer Crimes Unit, Detective.
16 Q. And what do you do on that unit?
17 A. I am the Senior Examiner in Digital Forensics for
18 that unit. I pretty much analyze any digital evidence that
19 comes in.
20 Q. What kind of training do you have in that field?
21 A. I have over a thousand hours of specific training to
22 digital forensics, a large majority of it provided by the
23 National Computer Forensic Institute, hosted by the U.S.
24 Secret Service.

1 Q. And what types of devices or evidence do you examine
2 or is under the umbrella of what you do?

3 A. Pretty much anything that plugs in and holds data; to
4 include computers, tablets, cell phones, external storage, as
5 well as DVR systems, cell phone record mapping, cell phone
6 record deciphering. Pretty much anything, like I said, that
7 plugs in that holds data.

8 Q. And in addition to your training, do you have
9 experience doing this work?

10 A. Yes.

11 Q. And how long have you been doing this particular work
12 or this type of work?

13 A. For about 10 years, 10 or 11 years.

14 Q. And did you have involvement or were you asked to
15 examine some evidence in this case?

16 A. Yes.

17 Q. And, specifically, were you asked to examine the -- a
18 cell phone identified as belonging to the defendant?

19 A. Yes.

20 Q. Tell us about that process, please.

21 A. From what I recall, it was an Apple iPhone. After
22 rendering the device safe, so to speak, so that it will not
23 make any network connections, then we extract data from that
24 device using specialized software designed specifically for

1 that purpose.

2 And once that data has been extracted, we process it
3 with specialized software. And essentially what it does is
4 it takes all those random bits and bytes and has them in a
5 readable format so we can see what's on the device.

6 Q. Including items on the device such as what? Like
7 what types of data can you look at?

8 A. Pretty much everything, to include SMS, text
9 messages, MS, multi-media messages, phone calls, call logs.
10 If there's videos, pictures, both taken by the phone or sent
11 and received, screen captures, contacts, like the library.

12 Q. How is this different than just looking on a person's
13 iPhone, just opening it up and looking at an iPhone?

14 A. There's multiple levels of extraction that we do.
15 And in the case, say, with an iPhone, there's data that may
16 not be readily available to a user just by looking through.

17 So like location data or metadata about photographs
18 that can -- gives you, like, dates and times and capture
19 locations and things like that, you generally can't see that
20 as a normal user of the device.

21 Q. And as a result of looking at the defendant's phone
22 or doing a forensic examination, in fact, was a report
23 generated?

24 A. Yes.

1 MR. STEGE: Approach the witness with proposed 48?
2 THE COURT: You may approach.
3 MR. STEGE: Containing, Your Honor, three pages.
4 BY MR. STEGE:
5 Q. Please review proposed 48.
6 Do you recognize that proposed exhibit, Detective?
7 A. Yes, sir.
8 Q. How do you recognize it?
9 A. It's a portion of an extraction I did from the
10 defendant's cell phone, the iPhone in question, including
11 some text messages, instant messages in and out, and call
12 logs.
13 MR. STEGE: I'd move to introduce the exhibit, Your
14 Honor.
15 THE COURT: Defense.
16 MS. GARCIA: No objection.
17 THE COURT: 48 is admitted.
18 (Exhibit 48 was admitted into
19 evidence.)
20 THE COURT: You may publish.
21 BY MR. STEGE:
22 Q. To be clear, Detective, this is an excerpt or a
23 portion of that full report?
24 A. Yes.

1 Q. Let's publish a bit here from the first page of this
2 exhibit, and let's -- or if you could use this item bearing
3 "62" to explain to the jury what this report shows, how it
4 works. I'll get that up to the top of the screen there for
5 you.

6 A. You'd just like me to go through each column, sir?

7 Q. Yes. Or tell us how to read this report.

8 A. So on the very far left, the number "62" is the item
9 number on this generated report.

10 The next column, it's telling you it's an instant
11 message. That was the mechanism of which it was sent or
12 received. In this case, it was an outgoing message.

13 The date and time in local time, as translated from
14 UTC, or Universal Coordinated Time.

15 Who the message was from. It gives you the phone
16 number, and then the tag name that's on there, as well.

17 And then the participants in that particular message,
18 which are listed in the next column.

19 And then the column on the -- to the right of that
20 has actual content of that message, and it tells us where in
21 the phone it came from. So, in this case, the source file
22 was Wayne's iPhone, in the mobile library SMS, or short
23 message service, database.

24 And then there's another column to the right I can't

1 see. It's empty.

2 Q. And so this, at 62, we have an outgoing message from
3 Wayne Cameron to Mary Gayner at 7:45 p.m., with the content,
4 "You should go to Murrieta's. I'm heading there now."

5 A. Correct.

6 Q. And this was one type of report that is generated.
7 Isn't it true that you can generate reports going all the way
8 back to the inception of the phone?

9 A. Yeah. As long as the data is still retained on the
10 device itself, then, yeah, we can potentially recover data
11 that goes back years and years.

12 Q. And so, for purposes of this trial, we have this
13 report covering the 11th of February of 2020?

14 A. Yes.

15 Q. Moving to -- let's look at 42, for example. Let's
16 look at the bottom two entries, at 9:48 p.m., a series of
17 outgoing and incoming instant messages. Tell us about those,
18 please.

19 A. So the last two on this page, sir? Is that what --

20 Q. Yes.

21 A. You have the second-to-last is an outgoing instant
22 message on February 11th, 2020, at approximately 9:48 and 31
23 seconds p.m., UTC, again, in local time.

24 From 775-771-6722, labeled as "Wayne Cameron," or the

1 owner of the device. Participants include him and a
2 775-690-8540, Dave Colarchik, as a recipient.

3 And then, in the next box, the content of that
4 instant message. "You up," question mark. Again, the source
5 file is coming from the iPhone, the SMS database.

6 The next message down is incoming to this device from
7 Dave Colarchik, approximately 12 seconds later, at 9:48 and
8 43 seconds, UTC minus 8.

9 And the answer or the response is, "Yup." Again,
10 coming from the SMS database within the iPhone.

11 Q. And this UTC minus 8, we've heard other testimony
12 about that. Is that -- tell us a little bit about UTC and
13 why you have to sort of translate or convert back.

14 A. Okay. So UTC stands for Universal Coordinated Time.
15 Why it's not in the correct order of UCT, I don't know. Also
16 known as Greenwich Mean Time, which is the Zero Mean Time set
17 in Greenwich, England.

18 Given that we're here in Reno, Nevada, we have to
19 subtract time from that to make it our local time. You will
20 see a fluctuation depending on the time of year specifically
21 in Reno, Nevada, in this region, based on Daylight Savings
22 Time.

23 So in February of 2020, this was minus eight hours
24 from Universal Coordinated Time after -- let's see, fall

1 back. It would be minus seven hours, say, if this had
2 happened later.

3 Q. And is that -- sort of jumping ahead a little bit,
4 when you get records from, say, cell companies or other sort
5 of computer-related companies, is there a tendency towards
6 UTC?

7 A. Yes. In my experience of examining thousands of
8 devices, generally the date- and time-stamps stored by
9 various companies is in UTC time, or at least converted to
10 that within the computer program of that specific device.

11 Q. Let's look at page 3 and talk about, please, the
12 first at least two entries, please. So here we have -- talk
13 about those first two.

14 A. The top two?

15 Q. Yes.

16 A. Again, the top line is an instant message, outgoing,
17 on February 11th, 2020, at 9:48 and 52 seconds. Again, UTC
18 minus 8.

19 Again, from the 775-771-6722 Wayne Cameron phone.
20 Participants still include Wayne Cameron and Dave Colarchik.

21 And the subject is "Talk," question mark. Again
22 pulled from the SMS database from the iPhone.

23 The next line down is actually from a call log
24 section of the device. It shows an incoming phone call on

1 2/11, 2020, at 9:49 and three seconds, p.m., UTC minus 8,
2 from the corresponding Dave Colarchik phone number.

3 And then, on the right, it gives us a time of 12
4 minutes and 15 seconds.

5 This was pulled from the iPhone called, "History
6 database."

7 Q. We have seen here, for example, the Mary Gayner
8 entry, the Dave Colarchik entry. How is that information
9 associated the name with that phone number?

10 A. It comes from the actual contacts in the device.
11 It's not any changes that were made by anybody after the
12 fact, that number.

13 So, for example, in line number 2, from 775-690-8540,
14 is assigned to Dave Colarchik, or vice versa, within the
15 contacts of the phone itself.

16 Q. I want to direct your attention to another area of
17 the phone. We just heard testimony from a witness about a
18 photograph of her car. And we have in evidence Exhibit 59
19 here. And I want to direct you to page 2 of this exhibit.

20 Is this a -- you're familiar with this exhibit; is
21 that correct?

22 A. Yes, sir.

23 Q. This came off of the cell phone -- same report that
24 you indicated?

1 A. Yes.

2 Q. And tell us about what we're looking at, this top
3 portion, this information.

4 A. So, from the top down, the very top is giving me the
5 size and bytes of that photo.

6 And then the path of where it was extracted from. In
7 this case, it's coming from media photo data in the DCIM
8 folder within the actual device. "DCIM" stands for Digital
9 Camera Images Folder. It's kind of a cross-over from old
10 digital cameras to phones that use the same acronym.

11 It gives us a created date and time of 10/8, 2019, at
12 7:12, two seconds, p.m., was the initial created date. The
13 modified time is about 60 seconds later. This was extracted
14 using the advanced log extraction from this device. And then
15 the file name is just a general tagging. The img underscore
16 6799.jpeg is just the number that the phone assigns to the
17 picture.

18 Q. Let's scroll in, talk about the metadata and the map
19 portion.

20 A. So the metadata on this, it's showing you the camera
21 is an Apple. It's an iPhone 8. Captured time, the pixel
22 resolution, the size of it. And then included on the
23 metadata is latitude and longitude of where this photograph
24 was taken, which means that the person who took this picture

1 and had this metadata tag applied to it of latitude and
2 longitude had location services enabled, at least for use on
3 the camera for this picture.

4 Q. What does that mean to have location services
5 enabled, and how does that result in this map position being
6 on the phone?

7 A. So, with location services specifically within the
8 iPhone, you're giving permission to various applications
9 within your device to use location services. In the case of
10 Apple location services, they use a combination of GPS, the
11 GPS satellites run by the government and owned by the
12 government, as well as other triangulation techniques that
13 are -- they have access to, such as cell phone or cell tower
14 triangulation pinging, Bluetooth assistance, things like
15 that, so you get the best possible location you can for a
16 certain event.

17 This comes into play a lot when people are, say, out
18 on social network and tagging. You know, I'm at restaurant
19 X, or I'm at the baseball game, and it's tagged right there.
20 And it actually can pull it up and tag that photograph with
21 the latitude and longitude.

22 Q. So here we have the latitude and longitude expressed
23 in a position within those parentheses; correct?

24 A. Yes.

1 Q. And looking at -- and latitude and longitude like
2 that expressed that way, can that be entered into Google Maps
3 as an expression of the location?

4 A. Absolutely.

5 Q. And directing your attention to 58, which is
6 admitted, page 2, bearing that latitude and longitude;
7 correct?

8 A. Yes, sir.

9 Q. And so that is showing this location to be in the
10 street near Sedona and Ventana Parkway?

11 A. Yes.

12 Q. So how -- is there a reason, to your knowledge, why
13 this pin is sort of close to the edge of that street, as
14 opposed to the middle or elsewhere?

15 A. So as far as the accuracy goes on the GPS, according
16 to gps.gov, the accuracy to this point is approximately
17 within 16 feet, .9 meters.

18 So this can't tell me that that person was standing
19 exactly within this one cubic foot area or square foot area
20 of location. But generally based on the advance technologies
21 Apple and other providers use, and combined with those
22 location services, the accuracy of such GPS points, in my
23 experience, is extremely accurate.

24 Q. And how does those other sources of information, or

1 data -- right? -- aside from GPS, these other sources, how
2 does that work in coordination with the GPS portion?

3 A. So GPS requires multiple satellites to get a better
4 fix on a location point. And as the location point is being
5 transmitted to and from those GPS satellites, they are
6 talking to each other, the more satellites that become
7 available that can be seen by the source, say, the phone on
8 this device, the more accurate it becomes.

9 Apple and other providers, both cell phone providers
10 as well as other phone manufacturers, use other technologies,
11 such as time and distance -- essentially pings from cell
12 phone towers because cell phone towers have a known GPS
13 location, they're a fixed point -- as well as other sourcing
14 within kind of the network as a whole.

15 Apple, for example, uses Bluetooth signals from other
16 devices and other entities with known locations to again ping
17 and increase the accuracy even more.

18 So if -- as a user of cell phones, as I'm sure we all
19 are, it's kind of uncanny sometimes how accurate it is when
20 you see it tagged you, and you look, I'm standing in that
21 spot. And it's because of that combination of both GPS and
22 ground-level pinging used by providers.

23 Q. Were you provided in this case with call detail
24 records related to both the defendant, Mr. Cameron, and the

1 victim, Jarrod Faust?

2 A. Yes, I was.

3 Q. And can you explain what call detail records are and
4 what role they play in your forthcoming analysis.

5 A. Yes. So call detail records, every carrier, every
6 cell phone provider, keeps records of their business
7 transactions. Because that's what a phone call, a text
8 message or other things are. It's a business transaction.
9 And in the course of their business they keep this
10 information.

11 It's something that law enforcement can request, via
12 proper legal process, and obtain not only dates and times of
13 calls, data transmissions, text messages, things like that,
14 but also the GPS locations that are associated with the
15 towers that that specific device was talking to at any given
16 time.

17 Q. And so within the records is information that is
18 indicative of the location of a phone during certain
19 activities?

20 A. Yes.

21 Q. And so you had that for both the defendant's phone
22 and Mr. Faust's phone?

23 A. Yes.

24 Q. Were you also provided additional information about

1 location of the defendant's phone?

2 A. Yes.

3 Q. What was the source of that information?

4 A. That was from an application called Life360, which is
5 a -- for lack of a better term, it's a tracking app that
6 allows you to -- you can place it on your phone and, say,
7 phones within your family unit or a circle of friends. You
8 can kind of make these circles and see who is going where,
9 when they're going there, how fast they're traveling, how
10 fast they're braking, and things like that. Again, it's
11 using a combination of different sources to get those
12 locations on it.

13 Q. Is it using those same sources that you've testified
14 about: the GPS satellite information, the Bluetooth-type --

15 A. Yes.

16 Q. -- information, the cell phone or cell information?

17 A. Yes. Specifically with the iPhone, with Apple
18 iPhones, Life360 uses Apple's internal location services,
19 which includes those things.

20 Q. And so records from that company were -- a search
21 warrant was served upon them, and you were provided with
22 those records; is that correct?

23 A. Yes.

24 Q. And now that you have call detail records, plus

1 records from Life360 from the defendant, tell us what you
2 learned or what you did from there.

3 A. So then I -- when I have those details, even after
4 speaking with the investigators, I find out the time of
5 importance, and I import those records into a program that we
6 utilize called GeoTime, which is essentially just a mapping
7 program, a very fancy mapping program, that plots those in
8 real time on a map that looks pretty much identical to Google
9 Maps or Apple Maps or other things.

10 Q. And so in this instance you were particularly
11 interested in this area around the crime scene at the time of
12 the murder; correct?

13 A. Yes.

14 MR. STEGE: Can I approach the witness with proposed
15 55?

16 THE COURT: You may.

17 MR. PICKER: Can we see that first, please?

18 MR. STEGE: Yes.

19 BY MR. STEGE:

20 Q. Please look at proposed 55.

21 A. Yes, sir.

22 Q. Do you recognize that proposed exhibit?

23 A. I do.

24 Q. How do you recognize it?

1 A. My initials are on it, as well as a date and my badge
2 number.

3 Q. Why are your initials and date and badge number on
4 that?

5 A. Because I reviewed it on the 22nd of June.

6 Q. And you recognize that to be what?

7 A. A flash drive containing GeoTime information.

8 Q. Related to this case?

9 A. Yes, sir.

10 Q. And is that the result of your analysis of both the
11 call detail records information, GeoTime information, as well
12 as the phone extractions?

13 A. Yes.

14 MR. STEGE: Move the exhibit, please, Your Honor.

15 THE COURT: Defense.

16 MS. GARCIA: Your Honor, we're going to be objecting
17 based on the prior litigation that occurred. Continuing.

18 THE COURT: Overruled. It comes in.

19 (Exhibit 55 was admitted into
20 evidence.)

21 BY MR. STEGE:

22 Q. All right, Detective. I wonder if you might orient
23 us here to what we're -- the contents of this thumb drive.

24 A. Okay. So the first folder --

1 Q. I'm sorry to interrupt you. Perhaps is there a place
2 you'd recommend beginning or starting the description of this
3 GeoTime mapping?

4 A. I'm sorry? The which, sir?

5 Q. Where should we start?

6 A. What would you like to look at?

7 Q. The GeoTime mapping results.

8 A. The results?

9 Q. Yes.

10 A. Okay. So we've got, on the fourth down, we have
11 "GT," GeoTime screen captures. And then below that we have
12 the GeoTime videos.

13 Q. Okay. Let's look at these videos. Let's play the
14 third one. It ends in "4X speed callouts." Can you orient
15 us here, tell us what we're looking at.

16 A. So this is a map from the GeoTime program
17 representative of the areas in question, which contain both
18 the crime scene location as provided to me by the
19 investigators, and then the residence, the blue house icon as
20 the residence of Mr. Wayne Cameron. We're in the area of
21 looks like Ventana Parkway and Welcome Way.

22 And what you're going to see, this is kind of a 3-D
23 rendering of the map, so it's not maybe what you're used to
24 seeing as a flat map, where things are just kind of moving

1 around. You'll see the points move or populate on the map.
2 And then this timeline is on the left-hand side of the map
3 here. So the points will go up there.

4 Q. And, Detective, feel free to, as necessary, mark on
5 the screen.

6 A. Okay. And then, in the center here, is the date and
7 time in local time.

8 Q. And by color, are colors associated with certain
9 types of records or certain sources?

10 A. Yes. Each individual participant that is mapped has
11 a distinct color.

12 Q. And sort of jumping ahead a little bit, were there --
13 what sort of information did you have in relation to Mr.
14 Faust's location in terms of his phone?

15 A. I was provided the CDR information, call detail
16 records locations.

17 Q. Let's begin here at 8:42:06 p.m.

18 So here we have looks like a pin near the area of
19 Ventana Parkway and west Zolezzi. Can you describe the
20 meaning of that box there?

21 A. Yes. So the description here is the location data.
22 It's from an application at 8:42 and 20 seconds p.m., on 2/11
23 of 2020.

24 The entity or the phone number is 775-771-6722,

1 which, as we saw earlier, was from that iPhone associated
2 with Mr. Wayne Cameron. The location type is a Life360
3 point.

4 Specifically to decipher within this, the blue
5 indicates any data that was from -- the blue icons indicate
6 data was from Mr. Cameron's device or CDRs. And that little
7 upside down teardrop with the black dot is the icon that is
8 assigned for Life360 data only.

9 Q. Okay. Additionally, it indicates location type as
10 Life360 here, as well; correct?

11 A. Yes.

12 Q. And this Life360 data, did that come from the phone
13 or from the company Life360?

14 A. The data used to map this was from the company.

15 Q. Was there a Life360 data within the phone or
16 contained on the phone?

17 A. No.

18 Q. Would you expect Life360 data to be on the phone of
19 someone using Life360?

20 A. Yes.

21 Q. Let's pause here. We've had another pin described
22 here. Tell us about this one.

23 A. Again, Life360 data from the 771-6722 entity or phone
24 number which is assigned to Mr. Wayne Cameron. This is at

1 8:43 and 50 seconds p.m., 2/11, 2020, showing a point
2 approximately on the street at Rock Haven, just east of
3 Welcome Way.

4 Q. And is this information expressed in the records
5 similarly in the GPS coordinates?

6 A. Yes. That's where -- that's where this point is
7 being created from. It's taking the GPS coordinates, as you
8 saw earlier, very similar to the 39, dot, blah, blah, blah,
9 comma, 1 minus 119, dot, et cetera, in the parentheses, it's
10 taking GPS points similar to that and mapping them
11 specifically to this map.

12 Q. And each of these two points that we've talked about
13 so far in this video are the GPS points show up in the
14 street; correct?

15 A. Yes.

16 Q. We now have another pin on Thomas Creek. Tell us
17 about this pin.

18 A. Again, it's similar to the others. It's Life360 data
19 from the same phone number. This one is approximately 32
20 seconds after -- oh. No. I don't remember the last time,
21 honestly.

22 This one shows to be at 8:46, and 22 seconds p.m., on
23 2/11, 2020.

24 Q. This one is 8:46. The previous one being 8:43 and

1 50.

2 A. Okay. So three minutes and 30 seconds.

3 Q. Now we have a pin upon Ventana, bearing 8:47:54, p.m.

4 Is this also from that Life360 data source?

5 A. Yes.

6 Q. Where is the next pin here at 8:49?

7 A. Again Life360 data assigned to the same phone. I

8 apologize, but I cannot read that, the street that it's on.

9 But it's definitely connected to Ventana up higher.

10 Q. 8:50 p.m.

11 A. Again another point from Life360, with the same

12 associated phone number, at 8:50, 22 seconds. Lands pretty

13 much smack dab in the middle of the residence.

14 Q. Because this uses location services, I want to ask

15 you, in your other work you did, sort of stepping aside from

16 this GeoTime mapping, in your examination or analysis of the

17 phone extraction --

18 A. Yes.

19 Q. -- what, if anything, did you notice about location

20 services in that phone, as it related to the defendant?

21 A. That they were consistently on.

22 Q. Did you notice a lot of locations at this La Paz

23 Court address?

24 A. Yes.

1 Q. Did you notice any other, I guess, clusters of
2 locations on the defendant's phone?

3 A. Yes. There were some -- and I'd have to go back and
4 look -- north, kind of off McCarran, Kietzke area, there were
5 some there. There were some on this date and time at two
6 different restaurants, as well as on Virginia Street. I
7 believe Murrieta's was one. And I can't think of the name of
8 the other one.

9 But the consistency I saw was a lot of travel and
10 taking the same routes, coming up this Zolezzi to Ventana,
11 and then turning on whatever street that was.

12 Q. Sedona.

13 A. Sedona. And going to the house.

14 Q. Let's look at another one of these animations. But
15 before I do that, I want to ask you a more specific question
16 about the location services.

17 For example, did you notice -- well, did you learn in
18 the case that the defendant's daughter had played softball?

19 A. Yes.

20 Q. And for a specific high school?

21 A. Yes.

22 Q. What did you notice about the location data in
23 relation to high school softball?

24 A. So there was some photographs located on the device

1 of softball or a softball field at Galena High School. And
2 the location services was on it. It actually tagged -- the
3 metadata we looked at earlier that had the latitude and
4 longitude on there, tagged those locations, as well as being
5 right there at the field.

6 Q. Showing softball at a softball field?

7 A. Yes, sir.

8 Q. And so that is sort of one of the clusters you see in
9 the geolocation data?

10 A. Yes.

11 Q. In addition to the La Paz Court address?

12 A. Yes.

13 Q. Now, let's return to your analysis related to this
14 date. Can you orient us here at this file, which ends,
15 "21:53, callouts.wmv," which you cannot see until now.

16 A. So now this is a more traditional flat map version of
17 the 2-D map that most people might be comfortable looking at.

18 And what we have here again is the same marking --
19 location markings of the crime scene, with the red X; the
20 residence, with the blue house icon; and then Los Compadres
21 restaurant is in the orange; and Murrieta's restaurant is in
22 the yellow; and then the different streets and whatnot.

23 This green cap, this stop portion right here, is at
24 5:15 p.m. and 29 seconds on 2/11 of '20.

1 Q. Here we have -- what are we seeing at 5:19 p.m.?

2 A. So what this is, as you saw before, the icon was a
3 little -- I don't know what it's even called -- little upside
4 down teardrop, for the Life360 data. This is actually tower
5 data. This is an incoming phone call, at 5:18 and 26
6 seconds, to the 771-6722 phone number, labeled as "Wayne
7 Cameron." This is actually a tower location.

8 The icon, that is kind of difficult to see right
9 there, is the actual tower. And not only is the tower --
10 that comes from the call detail records from the provider in
11 this case. And with those call detail records, you're also
12 seeing these two black lines.

13 And what that is, is it's giving you an indication of
14 what side of the tower. Towers are trisected, or split into
15 three different sizes, most towers. In this case, it's a --
16 this tower is in three different sections.

17 And this phone call was received, or at least noted
18 as being received, on that actual antenna side of that tower.
19 So what it means is that the phone call was received to the
20 right, or to the east, of that tower.

21 Q. And so does it necessarily mean the phone was right
22 there when the call was made?

23 A. No. If -- I'll try to give you a rough idea. The
24 call could have been received here. It could go out even

1 farther. It really depends on a lot of different factors, to
2 include the geography. Are there mountains in the way or
3 buildings in the way? And other factors within the
4 environment to determine whether or not -- where exactly.

5 I can't tell you that that phone call was received at
6 this point or at this point or at this point. I can tell you
7 it was not received up here at this point, because there are
8 other towers in that area that would have picked up that
9 call. But, I mean, I can tell you it's in this region, this
10 area.

11 Q. So it's less precise than this location data that we
12 were previously looking at?

13 A. Yes.

14 Q. And this is blue pertaining to Mr. Cameron?

15 A. Yes.

16 Q. Tell us about this notation at 5:21.

17 A. So this is a mobile data transmission from a tower.
18 So what this means is that, at some point during the usage of
19 the device, at this point at 5:21, 24 seconds, on February
20 11th, 2020, the device in question connected to that tower
21 for a data session.

22 That data session could have lasted five seconds.
23 That data session could have lasted several hours. It's not
24 generally indicative of where that device was located because

1 certain towers are essentially programmed to handle calls and
2 media needs, whereas oftentimes a data session is going to go
3 to a tower that maybe has lower traffic or traffic designed
4 for data.

5 Because let's say you're connected to an application
6 that's constantly running in the background, or you're doing
7 something. It may not want to tie up a tower that is maybe
8 closer and easier to access, but is being used for phone
9 calls and SMS and other traffic. So it's not always
10 indicative of exactly where. Mobile data transmissions are
11 oftentimes outside of where you would think that device would
12 reside.

13 But, so, with this, if you notice, there's no black
14 lines, because it's just a big single tower. So the scope of
15 it could be that large, for all I know. I don't -- I'm not
16 an engineer with the company, so I'm not sure.

17 In my experience of having analyzed hundreds of
18 records, mobile data transmissions will show that, yes, he
19 was in -- this device was in the Reno area, but may not -- I
20 can't say whether it was here or down here.

21 Q. And that has to do with the lower priority of the
22 sort of background-type data sessions?

23 A. Yes.

24 Q. Let's continue.

1 THE COURT: Mr. Stege, I think we're going to break
2 here for the lunch recess. I have a couple things to attend
3 to over the break.

4 So, ladies and gentlemen of the jury, during this
5 recess, you must not discuss or communicate with anyone,
6 including fellow jurors, in any way regarding the case or its
7 merits, either by phone, voice, e-mail, text, internet or
8 other means or communication or social media. You must not
9 read, watch or listen to any news or media accounts or
10 commentary about the case. You must not do any research,
11 such as consulting dictionaries, using the internet or using
12 reference materials. You must not make any investigation,
13 test a theory of the case, re-create any aspect of the case
14 or in any other way investigate or learn about the case on
15 your own. And you must not form nor express any opinion
16 regarding the case until it is finally submitted to you.

17 If you could all please be back here at five minutes
18 before 1:00, and we'll start promptly at 1:00 o'clock.

19 Please rise for the jury.

20 (The following proceedings
21 were had without the presence
22 of the jury:)

23 THE COURT: All right, Detective. You may step down.
24 When we come back, you can, without further direction

1 from the Court, please have a seat there no later than 1:00
2 o'clock.

3 THE WITNESS: Yes, sir.

4 THE COURT: You'll still be under oath.

5 We'll be in recess until that time.

6 Thank you, everyone.

7 THE WITNESS: Thank you, Your Honor.

8 (Recess.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 RENO, NEVADA, TUESDAY, JULY 6, 2021, 1:00 P.M.

2 (The following proceedings
3 were had without the presence
4 of the jury:)

5 THE COURT: Thank you.

6 Please be seated.

7 The record should reflect that we're back outside the
8 presence of the jury with defense counsel, the defendant,
9 prosecution. The witness, Detective Watson, is back on the
10 stand.

11 Counsel, please, before we call the jury in, give
12 some thought between now and the next break of the Court
13 advising the jury, when I excuse them for the day, that they
14 are to report tomorrow at 12:30 and be ready to start with
15 the first witness at 1:00 p.m.

16 The hearing the Court has at 11:00 a.m. tomorrow,
17 there have been some recent filings, to which the Court is
18 responding. And so realistically finishing that hearing
19 tomorrow between 12:00 and 12:30, a chance to eat something
20 quickly, and the Court should be ready to go at 1:00 o'clock.

21 If somebody has a better approach or a different
22 idea, please let us know. But right now that's what I intend
23 to tell the jury at 4:00 o'clock today when we excuse them
24 for the evening. All right?

1 MR. STEGE: Relatedly, perhaps, I sense -- I'm coming
2 to the end of the State's case, Your Honor, this afternoon.
3 And so should we turn -- well, first, would we intend to turn
4 to the defense case? If so, I would like to know what
5 witnesses are called and sort of how the Court is going to
6 handle that. Of course, canvassing the defendant. I think
7 it's foreseeable that we get to the end of the State's case.

8 THE COURT: Today?

9 MR. STEGE: Today. Perhaps two hours from now.

10 THE COURT: Well, let's talk conceptually. So the
11 question is: Would the defense like to break today, have a
12 chance to confer with their client based on how the evidence
13 has come in, and the Court's rulings, and then proceed to, on
14 the record today, decide whether the client will be
15 testifying in this matter? Or would you rather break early
16 today possibly, and take this up tomorrow morning before we
17 start the remainder of the trial, say, at 1:00 o'clock?

18 What do you think, Mr. Picker?

19 MR. PICKER: At this point, Your Honor, we are
20 planning to call another witness besides Mr. Cameron, if he
21 decides to testify.

22 THE COURT: Okay.

23 MR. PICKER: That would be Mr. Lopez. So --

24 THE COURT: Is he available today?

1 MR. PICKER: We told him tomorrow, because that was
2 the estimate that we had. So we told him to be prepared to
3 testify tomorrow afternoon. So I would prefer to address
4 this tomorrow, after -- obviously, we will speak to Mr.
5 Cameron tomorrow morning, and we will have two hours of a
6 break, have that discussion with him, and then let you know
7 once Mr. Lopez has testified.

8 THE COURT: What about a 1:00 o'clock start? So 8:30
9 here till 10:30 roughly, jury instructions, break, meet all
10 of us back here at 12:30, call the first defense witness,
11 Mr. Lopez, 1:00 o'clock, break at that point, outside the
12 presence of the jury canvass Mr. Cameron, and then a decision
13 will be made whether he will be testifying. And then,
14 depending on what happens with the defense witness or
15 witnesses, then the State has an opportunity for rebuttal, if
16 they choose to do so.

17 And then when will we be in a position to charge the
18 jury? Because I've always found it helpful, both as a
19 presiding judge and a former trial attorney, if I had time
20 between the moment when the jury instructions are settled to
21 the time closing was made to tailor closing consistent with
22 the decisions on the jury instructions, plus to have a copy
23 finalized, if I intended to use any, on overheads.

24 So, realistically, let's -- I'm just thinking out

1 loud -- let's get as far as we can tomorrow morning between
2 8:30 and 10:30, then make some important decisions about when
3 to bring the jury back for the rest of the case.

4 MR. PICKER: Your Honor, and because at least some of
5 the State's objections and the proposed jury instructions on
6 both sides depends on whether Mr. Cameron testifies or not,
7 we won't be able to finalize jury instructions until that
8 decision is made.

9 THE COURT: Of course. Let's get as far as we can,
10 though, tomorrow, between 8:30 and 10:30.

11 MR. PICKER: Thank you.

12 MR. STEGE: I agree. I am fond of the Court's idea
13 of having that time for both counsel to --

14 THE COURT: -- prepare.

15 MR. STEGE: -- digest is very helpful.

16 THE COURT: So, again, unless somebody suggests
17 otherwise at our next break, I intend at 4:00 o'clock to
18 admonish the jury, tell them to report no later than 12:30
19 tomorrow for go launch 1:00 o'clock for further proceedings.
20 Okay?

21 MR. PICKER: Thank you, Your Honor.

22 THE COURT: Thank you.

23 Deputy, please bring the jury back in.

24 Please all rise.

1 (The following proceedings
2 were had with the presence of
3 the jury:)

4 THE COURT: Okay. Welcome back, everyone.
5 You may be seated.

6 Mr. Stege, do you concede the full jury panel has
7 returned?

8 MR. STEGE: Yes.

9 THE COURT: Mr. Picker.

10 MR. PICKER: Yes, Your Honor.

11 THE COURT: All right. Thank you.
12 Detective, you're still under oath.

13 Mr. Stege, you may proceed.

14 CONTINUED DIRECT EXAMINATION

15 BY MR. STEGE:

16 Q. Let's pick up, Detective. Here we have, around 5:30
17 p.m., a series of location data from where to where?

18 A. If you saw what was on the screen before, from the
19 residence location to Los Compadres at 25 Foothill Road, and
20 all the app -- the points are the Life360 data related to
21 that phone number previously discussed.

22 Q. We have just seen some green bubbles pop up at 5:43
23 p.m. It looks like the southwest part of town -- or west
24 part of town.

1 A. Yes.

2 Q. Tell us about those, please.

3 A. So that's mobile data from Mr. Faust's phone number,
4 775-997-6365. Those data points are the location points from
5 the call detail records of Mr. Faust's device, showing again
6 a mobile data transmission at that tower.

7 As I spoke to it before, again, mobile data
8 transmission shows you're in the area. So he's in the Reno
9 area; however, it's not necessarily indicative that the
10 device was in that specific region at that time.

11 Q. We have a green bubble here, 6:15 p.m., appears to be
12 on the west portion of McCarran. Why is that a star?

13 A. So that is a NELOS ping. It's a triangulation ping
14 from the AT & T network. NELOS stands for the Network Event
15 Location System.

16 And essentially what that is, across carriers -- AT &
17 T on this one specifically, but across Sprint, Verizon, T
18 Mobile carriers, is it's a business practice where they
19 essentially want to know where you may be. So if you get a
20 phone call or you get a text or you try to connect to the
21 network, they preemptively can assign the tower or the
22 location best to your device.

23 So those are essentially just a call back from the
24 network saying: Hey, where's your phone? It's here. Okay.

1 Thanks. Hey, where's your phone? It's here. Okay. Thanks.

2 Q. And you were aware in the course of the investigation
3 that Mr. Faust worked at the Caughlin Club; correct?

4 A. I actually was not.

5 Q. Let's pick up with some blue call-outs at 6:29 p.m.

6 A. So the origination of these is the Los Compadres at
7 25 Foothill Road, again, and they're traveling back up -- I
8 believe that's Foothill Road, to the south.

9 Q. Let's pause here at 6:41 p.m. We have a series of
10 call-outs indicative of the direction headed back to the
11 defendant's home on La Paz.

12 A. Yes.

13 Q. Are these all from Life360?

14 A. Yes, sir.

15 Q. A mobile data tower call-out here at 6:48. Tell us
16 about that, please.

17 A. Again that's another mobile data connection from
18 Mr. Faust's phone. As you see, it's east of where the last
19 one was. Based on mobile data transmission, as I indicated
20 before, the device could have moved, but it also could have
21 potentially been somewhere in that region.

22 The thing that's interesting about this one versus
23 the earlier tower hits, the mobile data hit we saw on Mr.
24 Cameron's phone that was just a circle, is this does have the

1 azimuth pushed in there, which would indicate that this
2 mobile data transmission took place in this kind of area.
3 However, given mobile data transmission and its -- the way
4 that it works, I could not specifically pinpoint a location.
5 I would just say in that general region the device was.

6 Q. And is there -- you mentioned that these mobile data
7 sessions don't always go towards the closest tower. Is there
8 a preference for calls to use the closest tower, calls,
9 SMS's, things like that?

10 A. Yes. Generally speaking, yes. Generally speaking,
11 calls, SMS, MMS and other transmissionable communications
12 will be routed to a tower that is nearest. However, that can
13 be changed based on geography, climate, time of day usage
14 traffic.

15 So think of the -- so the most popular time to post
16 on social media is noon, around the world, because everyone
17 is on a lunch break, and they want you to see it. So at
18 noon, any of these towers may be full, and it may push it to
19 somewhere else. We're looking at evening time, so a lot of
20 people are driving home.

21 So as far as what tower it picks, there's no specific
22 it always goes to the closest tower. But it always tries to,
23 because that makes the most sense. It's the shortest
24 distance between that transmission.

1 Q. A series of green call-outs here around 7:00 o'clock.

2 A. Yes.

3 Q. Are these similar data transmissions, with a general
4 azimuth to the west-southwest?

5 A. Yes. And as you can see, the device appears to be
6 traveling south. However, say, these two, for example, are
7 identical on two different towers, so it could have been that
8 it handed it off, it went to one tower, handed it to another,
9 or vice versa.

10 Q. Let's pause here. Showing around 7:37 p.m., I have a
11 series of both green and blue -- or one green and two blue
12 call-outs. Can you describe these, please.

13 A. The green on the lower right, again, is another
14 mobile data transmission. As we saw, it moved from up here,
15 kind of in this general direction, which would indicate that
16 that's fairly accurate that the device is traveling.
17 However, again, whether that device is here, or here, I
18 couldn't say.

19 And I don't know how to clear that.

20 Q. Tap the bottom-left corner of the screen, and it will
21 clear.

22 A. Thank you, sir.

23 And then the blue call-outs are again Life360 data,
24 starting just outside and progressing east.

1 Q. And here we have a series of the Life360 on the
2 defendant's phone, headed where, or indicating travel where?

3 A. Indicating travel down to what appears to be the
4 freeway, and taking that to Murrieta's here at 8195 South
5 Virginia Street.

6 Q. We just saw mobile data on the bottom-right portion
7 of the screen. Is this similar to the other ones we have
8 seen?

9 A. Yes.

10 Q. You have just a general sense of the azimuth?

11 A. Yes. It just gives us an indication that the device
12 potentially is in the southern part of the Reno area.

13 Q. Take us from here. We've had a blue pop-up near the
14 airport, and a couple other greens.

15 A. Okay. Again starting with the blue, it's a mobile
16 data transmission that initiates at 8:32 and 52 seconds p.m.
17 on February 11th, 2020, to Mr. Cameron's phone.

18 I believe that's the same tower, released in the
19 region of that same tower that his phone tends to hit on for
20 mobile data.

21 As I mentioned before, I think, mobile data sessions
22 can run a very short amount of time, or they can just be
23 generally for an hour or so. So that could have suggested
24 the start of another one, because the last location we saw on

1 that phone with the Life360 data was Murrieta's here, at 8195
2 South Virginia.

3 The next call out is at 8:33:27 p.m. on 2/11, 2020.
4 That's Mr. Faust's mobile data transmission.

5 What's interesting to note is, to corroborate that
6 device was most likely on the west side, is this mobile NELOS
7 ping, which puts, as I described earlier, approximately a
8 minute -- well, 30 seconds later, where Mr. Faust's phone is
9 pinged here within -- on this one it gives radius meters of
10 1,500 meters. So I'm not going to attempt to draw 1,500
11 meters on here because I'm not that good.

12 But it does indicate that -- the accuracy of this
13 mobile data hit, showing the azimuth on the west side, that
14 the device was in that west region somewhere. And that is
15 not to scale. That is not 1,500 meters.

16 Q. Let's continue. If you'll tell us about -- highlight
17 these blue 8:37 pings.

18 Q. So that -- if you could back up just a hair to all
19 these call-outs.

20 Again we have multiple NELOS pings here in that same
21 region, as well as these mobile data tower hits all within a
22 minute or two of each other, showing -- indicating that Mr.
23 Faust's phone was in this area of west of this tower here.

24 And then, if you proceed, then, as these Life360

1 call-outs are coming down, it's showing a path back up
2 Foothill Road, to this one at 8:40.

3 Q. And so we're now to the time frame that we saw in the
4 last video that's sort of closer-in as to the crime scene?

5 A. Yes.

6 Q. Now, where is -- to be clear, is there any call
7 detail records indicating anything other than mobile data
8 transfers for Jarrod, for the Faust phone?

9 A. I don't recall any. I'd have to look at the CDR
10 itself. Had there been any in this time frame, it would have
11 appeared on the map; but it appears, based on this usage of
12 Mr. Faust's phone, is that it was continuously connecting to
13 mobile data transmissions or mobile data connection times.

14 And that would lead me to believe he has either
15 applications running consistently, or he's communicating, if
16 he, in fact, is communicating, via applications on his phone,
17 which require data, not necessarily cell phone transmission.
18 It's different technology.

19 Q. So sort of those background data processes?

20 A. It could be background. It could be, if he's
21 communicating -- and this is a potential -- is it could have
22 been instant messaging on a certain application. It could
23 have been connections to social media. It could have
24 communicated to social media.

1 It requires data in order to access it, unlike, if
2 you see a phone call where you see an SMS or an MMS, those
3 are all services only provided within the cell phone
4 transmission, unless you're on, say, a WiFi network or
5 something.

6 Q. This data we're seeing here as to the Life360 on the
7 defendant's phone is taking -- appears to be taking that --
8 is that Foothill to Zolezzi?

9 A. Yes. It appears to go up Foothill to Zolezzi. And
10 then I think it's Ventana after that.

11 Q. And, of course, Ventana, onto Thomas Creek and Rock
12 Haven.

13 A. Yes, sir.

14 MR. STEGE: Thank you.

15 I will pass the witness.

16 THE COURT: Examination by the defense.

17 CROSS-EXAMINATION

18 BY MS. GARCIA:

19 Q. Good afternoon, Mr. Watson.

20 A. Hello.

21 Q. I want to start right where we left off. All of the
22 data from Mr. Faust's phone, is that what you call call
23 detail records; is that right?

24 A. Yes, I believe so.

1 Q. So there's no precise pinpointed location for
2 Mr. Faust on this map; right?

3 A. No, there's not.

4 Q. All you can give is a general area or a general
5 direction the phone was traveling; right?

6 A. Yes, ma'am.

7 Q. Turning to the Life360 points, which are the blue
8 points on the map, Life360 you characterized as a tracking
9 app; correct?

10 A. Yes.

11 Q. And earlier you testified about location services.

12 A. Yes.

13 Q. Is that right? With location services, I believe you
14 said usually we're talking within 16 feet; is that correct?

15 A. Yes and no.

16 May I clarify?

17 Q. Please.

18 A. So, according to GPS, on smartphone devices, the
19 essentially highest level of accuracy that they have measured
20 in the research I've done is 16 feet, using a smart device.

21 Now, GPS can be more accurate than that by the
22 military using it and other things. Location services,
23 however, on an iPhone, isn't only using GPS satellites. It's
24 also using other ground-level triangulation technologies.

1 Q. Okay. So that's exactly what I want to ask you
2 about. Those other technologies would include things like
3 Bluetooth; correct?

4 A. Yes.

5 Q. And also WiFi; right?

6 A. Yes.

7 Q. And that's because, even if a phone is not
8 specifically connected to someone else's WiFi network, the
9 phone can still read off the bases and transmit information;
10 is that right?

11 A. Depending on the settings you have, yes.

12 Q. Okay. So both factors of WiFi and Bluetooth, those
13 contribute significantly to the location accuracy. Is that
14 fair to say?

15 A. They can, yes.

16 Q. So, of course, in order for that to be true, the
17 phone user would have to have WiFi turned on; right?

18 A. Again, it depends on the settings.

19 Q. The settings of the phone?

20 A. Yes. So I can speculate where you're going, because
21 the next question probably is: Blue Tooth would have to be
22 on.

23 Apple doesn't use enabled Bluetooth necessarily to
24 talk to these other devices or other locations. It's

1 something that's done. They say it's an automized, because
2 they're getting all your data.

3 So, for example, take an iPhone in here. I'm sure
4 none are powered on. But if they were, even if you had
5 Bluetooth and WiFi off, they can potentially be talking kind
6 of under the radar to other devices with known locations to
7 get a ping.

8 So if you had your iPhone on, and it says you're
9 standing right there, and I have mine on, but I don't have
10 Bluetooth on, then my phone still may talk to your phone and
11 find out: Hey, we know exactly where that phone is within a
12 meter, so you're probably -- based on time and distance of
13 that ping, you're close.

14 Q. Well, I heard you use the words "potentially" and
15 "may."

16 A. Yes.

17 Q. We can't know -- can we? -- whether a phone is doing
18 that or not.

19 A. No. It's completely proprietary within Apple. And I
20 don't work for them.

21 Q. So in this particular situation, are you aware of
22 whether Mr. Cameron's iPhone had WiFi turned on?

23 A. I'm not sure.

24 Q. Are you aware of whether he had Bluetooth turned on?

1 A. No, I don't know.

2 Q. In regard to Life360 in particular, you received data
3 from the company; is that right?

4 A. I received it from a detective, who got it from the
5 company, yes.

6 Q. So you didn't pull it off the phone yourself; right?

7 A. No.

8 Q. So you got a series of coordinates, and you put them
9 into this map; right?

10 A. Yes.

11 Q. And I want to talk to you about your familiarity with
12 Life360. Are you aware sort of how the app functions?

13 A. Yes.

14 Q. Do you know specifically which -- what's the word?
15 There are certain settings within the app.

16 A. Yes.

17 Q. Do you know how those interact with location
18 accuracy?

19 A. Yes.

20 Q. So, for example, let me ask you this: There's a
21 setting that says "Precise location"; correct?

22 A. Uh-huh.

23 Q. And if you don't have that enabled, then the Life360
24 app isn't going to work the way it should; right?

1 A. I can't speak to that.

2 Q. And you don't know whether Mr. Cameron had that

3 setting enacted; right?

4 A. I do not.

5 Q. Are you aware that the app indicates it will work

6 better if it's open and running on the phone, as opposed to

7 closed?

8 A. I did read that in their terms and conditions, yes.

9 Q. And do you know whether, on February 11th, that app

10 was open and running on Mr. Cameron's phone?

11 A. I do not know.

12 Q. I want to return to this exhibit, the call logs.

13 A. Okay.

14 Q. And these are -- just a reminder, these are the

15 downloads from Mr. Cameron's phone; is that right?

16 A. Yes. This is a portion of that.

17 Q. Turning to 99, can you explain what we're looking at

18 there?

19 A. The column on the left, this is item number 99 on

20 this list. It was an instant message. It was incoming on

21 2/12 of 2020 at 2:10 and 23 seconds, a.m., UTC minus 8, from

22 the phone number we've labeled as "Dave Colarchik" to this

23 device, Wayne Cameron.

24 And the next column, the source or the subject is,

1 "You okay," question mark. Again, the source file was from
2 the SMS database within this iPhone.

3 Q. And then line 100.

4 A. The same thing. Starting on the left, 100, instant
5 messages. It's an outgoing from this device, approximately
6 seven seconds later, from this phone number identified as
7 "Wayne Cameron" to Dave Colarchik. And the subject is, "I
8 am." And the source file is the SMS database.

9 Q. Thank you.

10 I'm showing you Exhibit 2. This is the CAD log
11 that's already been admitted into evidence.

12 A. Okay.

13 Q. I'm wondering if you could read the time at which the
14 call came in regarding this incident.

15 A. I think it's in this portion that I can't see. Okay.
16 So 21:39 and 06 seconds Pacific Standard Time, which would be
17 UTC minus 8.

18 Q. I'm sorry. What was that?

19 A. Which would be UTC minus 8, so local time.

20 Q. Can I ask you to translate that from the 24-hour
21 clock into our regular?

22 A. 9:39 p.m. and six seconds.

23 Q. And in that section, are you able to see where the
24 caller identifies the timing of when he heard the shot?

1 A. It says -- let's see. Next entry down, under
2 "Entry," "Check for one 37 vehicle. Heard a popping," I'm
3 assuming noise, "which was either a gunshot or a backfire.
4 RP advising 45 minutes ago."

5 Q. So 45 minutes earlier from that time you identified
6 as 9:39?

7 A. I would -- I think so. That's what the call says,
8 yes: 45 minutes prior.

9 Q. I want to ask you. There's a green bubble up there;
10 correct?

11 A. Yes.

12 Q. Can you identify the timing of that ping?

13 A. 8:56 and 14 seconds, p.m.

14 Q. And what is that ping?

15 A. That's a NELOS ping.

16 Q. And do you know from whose phone that ping is from?

17 A. Mr. Faust.

18 Q. And then can we -- can you identify the location of
19 that ping?

20 A. It's on -- well --

21 Q. Are you able to see on that map?

22 A. It's between Murrieta's and Los Compadres.

23 Q. And so that would be somewhere on South Virginia
24 Street; is that right?

1 A. Yeah, roughly in there. Just over a little bit.

2 Q. And so that ping is indicating what you described

3 before, which is a data grab?

4 A. No.

5 Q. What is this ping indicating?

6 A. So, a NELOS ping, as I described earlier, is the

7 carrier wanting to know the location of a device or the

8 approximate location so it can connect to the proper tower or

9 closest tower or best tower. And so phone companies, to

10 include AT & T with NELOS, continuously try to have an idea

11 of where that device may be.

12 Q. This is actually a more accurate ping than just a

13 cell phone tower?

14 A. No.

15 Q. So it's the same as call data?

16 A. No.

17 Q. Can you describe --

18 A. A cell phone tower is a known physical location. And

19 so, if you have a cell phone tower hit, and it's telling you

20 the azimuth shows that to be on the west side of that, it's

21 going to be somewhere within that west side in the coverage

22 area of that specific sector on that cell phone tower.

23 A NELOS ping or other pings from other carriers

24 use -- each company uses proprietary technology, patented

1 technology, to use a ground-level triangulation in
2 conjunction with other location technologies to give you an
3 idea. So, with the NELOS ping, and with this here, it does
4 say a radius of 400 meters.

5 Now, one thing of note on NELOS records, when you
6 receive them from the carrier, whether it's NELOS or Verizon
7 or whoever is doing it, is that they're for business purposes
8 only, and they can't definitively say this is right where
9 that person is. They can't even definitively say it's within
10 400 meters. They're saying: Our best estimate is the device
11 is somewhere here. And using that NELOS data in conjunction
12 with known locations, such as cell phone towers, we can
13 corroborate the movements of somebody over a span of space.

14 Q. And so you got that information, and you input this
15 data point into your Geo map; right?

16 A. Yes.

17 Q. And so this map is indicating that, within that
18 general area, 400 meters or so, Mr. Faust's phone had a NELOS
19 ping at 8:56 p.m. on February 11th.

20 A. Yes, that's what the records reflected.

21 MS. GARCIA: I don't have any further questions.

22 THE COURT: Mr. Stege.

23 MR. STEGE: Yes. Thank you.

24

REDIRECT EXAMINATION

BY MR. STEGE:

Q. You used the words that "The company tries to have an idea." That sounds less precise than, say, GPS coordinates.

A. Yes.

Q. It sounds less precise than cell phone call triangulation data.

A. Yes.

Q. And so this is sort of an estimate or a guess for the phone by the phone company for business purposes.

A. Yes.

Q. And so -- okay. Now, as opposed to GPS, which I think you testified it's 16 meters is what the government publishes as the accuracy of GPS.

A. When used on a smartphone.

Q. Life360 relies on location services. What other sort of apps maybe in common experience relies on an iPhone on location services?

A. A large portion of social media apps, to include Facebook, Instagram, some of the dating applications that allow you to know somebody is within a block of you or at the same bar as you, use similar technologies.

Q. What about Google Maps or Apple Maps or mapping?

A. Yes. In fact, Life360, when you look at the actual

1 output, the map that they plot it on is Apple Maps, when it's
2 an iPhone.

3 Q. And this Life360 data was not on the phone; correct?

4 A. No, this data was not there.

5 Q. So the questions about what sort of level of settings
6 were in the Life360 app on Mr. Cameron's phone, those were
7 missing in this instance?

8 A. Yes. I didn't find -- during this time frame, I
9 didn't find any indications of the locations. I examined
10 other devices for the things I had seen Life360 data on a
11 device.

12 Q. In terms of the data we have in your presentation, is
13 it fair to say that, in terms of precision, Life360 is the
14 most precise?

15 A. Of this data?

16 Q. Yeah. Of sort of the classes of data that we have.

17 A. Yes.

18 Q. As to the question of whether the app works better
19 open or closed, what is your understanding or experience in
20 that realm in terms of the effect on its accuracy?

21 A. In my -- I do understand that they put that in their
22 terms and conditions. And I understand that that very well
23 may be the fact. But in my experience with Life360, I've
24 seen the accuracy of it is broken down to even one side of a

1 street versus the other side. So from everything I've worked
2 with on it, it's extremely accurate.

3 Q. That CAD log that you were asked about today, have
4 you ever seen that before testifying this afternoon?

5 A. This one? No.

6 MR. STEGE: Okay. Thank you.

7 Nothing further.

8 THE COURT: Anything else from the defense?

9 MS. GARCIA: Nothing based on that, Your Honor.

10 THE COURT: Detective, thank you very much. You may
11 step down. I wish you a pleasant rest of the afternoon.

12 THE WITNESS: Thank you, Your Honor.

13 (Witness excused.)

14 THE COURT: All right. Mr. Stege, please call the
15 State's next witness.

16 MR. STEGE: Miss Koeder, please.

17 THE COURT: How do you spell her last name?

18 MR. STEGE: K-o-e-d-e-r. That's not how you
19 pronounce it, but that's my best --

20 THE COURT: Thank you.

21 Good afternoon, ma'am.

22 If you would please address my court clerk, raise
23 your right hand and take the oath of witness.

24 (Witness sworn.)

1 THE COURT: Thank you.

2 Would you please have a seat here at the witness

3 stand. If you would please make yourself comfortable.

4 Please remove your mask, speak close to the microphone.

5 If you would, please state your name, and slowly

6 spell your last name.

7 THE WITNESS: Elvira Koeder, K-o-e-d-e-r.

8 THE COURT: Thank you very much.

9 Mr. Stege, you may proceed.

10 ELVIRA KOEDER,

11 called as a witness on behalf of the State,

12 first having been duly sworn,

13 was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. STEGE:

16 Q. Ma'am, how are you currently employed?

17 A. I'm employed as a criminalist in the Washoe County

18 Sheriff's Office here in Reno, Nevada.

19 Q. In what capacity, or what does that job mean?

20 A. As a criminalist, I respond to crime scenes. And I

21 investigate crime scenes or process crime scenes by taking

22 photography, evidence collection and preservation,

23 diagramming, and also collecting fingerprints or swabbing.

24 Q. And this is within the Forensic Investigative

1 Services of the Sheriff's Office; correct?

2 A. Yes.

3 Q. Is that commonly referred to as FIS?

4 A. FIS is a section of the Forensic Science Division,
5 yes. Specifically stands for Forensic Investigation Section.

6 Q. Thank you.

7 Did you respond out on February 11th, 2020, to 13425
8 Welcome Way?

9 A. Yes, I did.

10 Q. And on scene there, did you, along with Detective
11 Atkinson, process the crime scene?

12 A. Yes.

13 Q. And as part of processing the crime scene, did you
14 collect evidence to be impounded or processed into evidence
15 at the Sheriff's Office?

16 A. That's correct.

17 Q. Did that evidence that you collected and impounded
18 include a fired cartridge case?

19 A. Yes.

20 MR. STEGE: May I approach the witness with proposed
21 74?

22 THE COURT: You may.

23 BY MR. STEGE:

24 Q. Do you recognize proposed 74?

1 A. I do recognize it because of the green label, yes.

2 Q. And how, specifically, do you recognize it?

3 A. This fired cartridge case was collected by me on

4 February 11th, 2020.

5 Q. And that envelope contains markings indicating that

6 it is from this case and collected by you?

7 A. This, I don't recognize the exterior handwriting

8 because it does not have my initials or signature on it.

9 But I do recognize the Crime Lab label and the item.

10 MR. STEGE: I move to introduce the exhibit.

11 THE COURT: Any objection from the defense?

12 MS. GARCIA: Your Honor, I'm not sure she identified

13 the item at this point, so we object.

14 THE COURT: Objection based on lack of authenticity?

15 MS. GARCIA: Yes.

16 THE COURT: All right. Mr. Stege.

17 MR. STEGE: She recognizes the sticker being the item

18 number in this case from the Crime Lab that she works at, in

19 particular this case. It's authentic.

20 THE COURT: You're saying that's all the Court needs

21 at this point to make a ruling?

22 MR. STEGE: Yes. And the case law supports that not

23 every link in the chain needs to be established.

24 THE COURT: All right. The objection is overruled.

1 It may come in.

2 (Exhibit 74 was admitted into
3 evidence.)

4 MR. STEGE: Thank you.

5 BY MR. STEGE:

6 Q. So, ma'am, what is contained within that envelope?

7 A. It is one Federal .40 S and W fired cartridge case.

8 Q. That was collected on the scene at the end of Welcome
9 Way; is that correct?

10 A. That's correct.

11 Q. And that piece of evidence went into the evidence
12 vault at the Sheriff's Office; correct?

13 A. That's correct.

14 MR. STEGE: I'll pass the witness.

15 THE COURT: Defense.

16 MS. GARCIA: Nothing based on that, Your Honor.

17 THE COURT: No questions? I'm sorry?

18 MS. GARCIA: No questions.

19 THE COURT: Very good. Thank you.

20 Ma'am, thank you very much. You may step down.

21 You can leave that right up there.

22 I wish you a nice afternoon.

23 (Witness excused.)

24 THE COURT: When ready, Mr. Stege, please call the

1 State's next witness.

2 MR. STEGE: Sayer Dion-Smyczek.

3 THE COURT: Good afternoon.

4 If you could please address my court clerk, raise

5 your right hand and take the oath of witness.

6 (Witness sworn.)

7 THE COURT: Thank you.

8 Please have a seat in the witness chair, and please

9 make yourself comfortable. If you would kindly remove your

10 mask, so we can see you a little better and hear you better.

11 Speak close to the microphone.

12 And if you would please, very slowly, state your

13 name, and spell, please, your last name.

14 THE WITNESS: Sure. The first name is Sayer. The

15 last name is Dion-Smyczek, D-i-o-n hyphen S-m-y-c-z-e-k.

16 THE COURT: Thank you very much.

17 Mr. Stege, you may proceed.

18 SAYER DION-SMYCZEK

19 called as a witness on behalf of the State,

20 first having been duly sworn,

21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. STEGE:

24 Q. How are you currently employed?

1 A. I am a criminalist at the Washoe County Sheriff's
2 Office, in the Forensic Science Division.

3 Q. Do you have a similar job to Miss Koeder, who just
4 testified before you?

5 A. I do. I work in the same section.

6 Q. Did you have any role in this case?

7 A. I did.

8 Q. And, specifically, did you attend the autopsy of
9 Mr. Faust in this case?

10 A. I did.

11 Q. And could you tell us, in general, about that
12 process.

13 A. When we respond to autopsies at the request of the
14 agencies, we are there for photo documentation, and then to
15 also collect any physical evidence that has come in with the
16 decedent.

17 Q. Is it also true that, in addition to your
18 photography, personnel from the Medical Examiner's Office
19 photographs the autopsy process?

20 A. They do.

21 Q. In particular to this case, did you collect any
22 firearms-related evidence at autopsy?

23 A. I did.

24 Q. And please tell us about that process.

1 A. I collected a fired projectile. So I received it
2 from the hands of Washoe County Regional Medical Examiner
3 Technician Rudy Bein. He -- I received it from his hands,
4 and I packaged it. And it gets booked back in to County at
5 the Crime Lab, into the Evidence Section.

6 Q. And that was a bullet that was removed at autopsy;
7 correct?

8 A. Correct.

9 MR. STEGE: Approach with proposed 73, please?

10 THE COURT: You may. You may.

11 BY MR. STEGE:

12 Q. Do you recognize proposed 73?

13 A. I do.

14 Q. How do you recognize it?

15 A. This is an envelope from Reno PD, with the correct
16 case number. It's not my packaging, though.

17 Q. But it bears stickering indicating that this -- this
18 was collected, that is the bullet that you testified as just
19 having collected?

20 A. It says, "Fired bullet." Correct.

21 Q. And it bears that sticker on the back indicating it
22 relates to the Crime Lab's case number; is that correct?

23 A. Correct.

24 MR. STEGE: I'd move in the piece of evidence.

1 THE COURT: Defense.

2 MR. PICKER: Thank you, Your Honor.

3 We'll object based on chain of custody.

4 THE COURT: Okay. I'm going to assume the same

5 argument made by the State as to the last exhibit.

6 MR. STEGE: Yes.

7 THE COURT: Same ruling.

8 The objection is overruled. 73 is admitted.

9 (Exhibit 73 was admitted into

10 evidence.)

11 BY MR. STEGE:

12 Q. And, ma'am, if we were to open that, is that evidence

13 a biohazard?

14 A. It's not marked "Biohazard." I can't tell you if the

15 inner envelope is sealed and stickered, but it was originally

16 a biohazardous item, yes.

17 Q. Because it came from someone's body?

18 A. Correct.

19 Q. Best not to chance that it's incorrectly packaged

20 within?

21 A. Correct.

22 Q. Thank you.

23 MR. STEGE: No further questions.

24 THE COURT: Defense.

1 MR. PICKER: No questions, Your Honor.
2 THE COURT: Thank you.
3 Ma'am, you may step down. Thank you very much.
4 (Witness excused.)
5 THE COURT: Okay. Mr. Stege, when ready, please call
6 the State's next witness.
7 MR. STEGE: Miss Siewertsen, please.
8 THE COURT: Good afternoon, ma'am.
9 Please address my court clerk, raise your right hand
10 and take the oath of witness.
11 (Witness sworn.)
12 THE COURT: Thank you.
13 If you would kindly have a seat up here at the
14 witness stand. Once you make yourself comfortable, please
15 slide in, adjust the microphone so it's near your mouth.
16 Please take your mask off so we can hear you better and see
17 you better.
18 If you would kindly state your name and then, very
19 slowly, spell your last name.
20 THE WITNESS: Monica Siewertsen, S-i-e-w-e-r-t-s-e-n.
21 THE COURT: Thank you so much.
22 Mr. Stege, your may proceed.
23
24

1 MONICA SIEWERTSEN,
2 called as a witness on behalf of the State,
3 first having been duly sworn,
4 was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. STEGE:

7 Q. Ma'am, how are you currently employed?

8 A. I'm currently employed as a criminalist in the
9 Biology Unit with the Washoe County Sheriff's Office.

10 Q. What type of work occurs in the Biology Unit?

11 A. We handle physical evidence that has been collected
12 from crime scenes, look for biological material, and then
13 attempt to obtain DNA-typing profiles from those questioned
14 or unknown biological materials, produce DNA profiles from
15 known or reference samples, and compare them to see if we can
16 determine the source of the biological material.

17 Q. And how long have you been doing this DNA work?

18 A. A little over 25 years.

19 Q. And what sort of training do you have in that field?

20 A. I have an Honors Bachelor of Science from the
21 University of Waterloo. I have approximately six years of
22 research experience in the area of molecular biology. And I
23 have successfully completed the training programs with the
24 Royal Canadian Mounted Police in Edmonton, Alberta; the Mesa

1 Police Department, in Mesa, Arizona; the San Bernadino County
2 Sheriff's Office, in San Bernadino; and also at the Washoe
3 County Sheriff's Office.

4 THE COURT: Ma'am, do me one favor. Could you just
5 get a little bit closer to the microphone and err on the side
6 of speaking too loudly.

7 Thank you very much.

8 Mr. Stege.

9 BY MR. STEGE:

10 Q. And were you asked to examine some evidence in this
11 particular case?

12 A. Yes.

13 Q. And can you summarize what it was that you examined.

14 A. I looked at four fired cartridge cases, as well as
15 residual DNA swabs from two separate vehicles, and items that
16 had potential red-brown staining.

17 Q. I want to ask you -- let's talk about the firearms
18 portion first. Tell us about that process, the cartridge
19 case processing.

20 A. So may I refer to my report?

21 Q. Would that aid you in your presentation this
22 afternoon?

23 A. Yes. It's why we write a report.

24 Q. And, further, is your report a summary of the

1 voluminous data that is generated as a result of this
2 process?

3 A. Yes.

4 Q. Please do so. And are you -- please tell us what
5 report number you're referring to when you get there.

6 THE WITNESS: May I refer?

7 THE COURT: You may. The defense has an opportunity
8 to review it, if they'd like to, and I believe the rules of
9 evidence allow them to ask the Court to admit it. But we'll
10 get there when it's their turn.

11 THE WITNESS: This is forensic report number 1.

12 And the fired cartridge cases, there was a swab from
13 a Federal .40 S and W fired cartridge case that was collected
14 from the scene, as well as three other cartridge cases that
15 were previously swabbed. And those were an R-P 9-millimeter
16 Luger, which was collected from the car; a Winchester .40 S
17 and W fired cartridge casing; and a Federal .40 S and W fired
18 cartridge casing. So each of those items were swabbed for
19 possible residual DNA.

20 Q. What is residual DNA? Or what do you mean by that
21 phrase?

22 A. Residual DNA can refer to something that is not a
23 known biological source. So if I see a red-brown stain, then
24 I would know that that was potentially blood.

1 Residual DNA is DNA that's left behind by potentially
2 skin cells. When an individual handles an item, they may
3 leave behind skin cells which have DNA.

4 Q. And we're talking here about fired cartridge cases.
5 Can you tell us about the effect -- let's say there were this
6 type of DNA on a piece of ammunition before it was fired.
7 What effect would the firing process have on residual DNA?

8 A. The firing process may destroy DNA that's present.
9 There's no absolute as far as whether it is or is not present
10 and whether it will be usable or produce results. But heat
11 is something that DNA does not like, and so often it's
12 degraded or broken down.

13 Q. Additionally, DNA -- residual DNA could get on a
14 fired cartridge case after the firing process. Is that also
15 possible?

16 A. It is. Our process cannot determine when DNA is
17 placed on an item.

18 Q. And is there -- do all -- every time someone touches
19 something, is DNA left behind?

20 A. Cells are often left behind. They don't always
21 contain DNA, and they may not be at a level that we can
22 actually detect it.

23 Q. And so what were the DNA results of the testing of
24 the swabs of these four fired cartridge cases?

1 A. Due to the low level of DNA, no conclusions can be
2 offered for the results obtained from three of the four fired
3 cartridge cases.

4 And the fourth one, no DNA was obtained.

5 Q. So you're not able to point to any particular
6 person's DNA based on the results of the fired cartridge
7 cases?

8 A. Correct.

9 Q. Was other items -- other swabbings examined in this
10 case for presence of DNA?

11 A. Yes.

12 Q. Can you summarize that evidence, please.

13 A. Yes. I would be referring to forensic report number
14 3. And there were a number of items.

15 There were residual items collected from a Silverado
16 Chevrolet pickup truck. There was a front side mirror, a
17 black plastic area.

18 There was red-staining swabs that were collected from
19 an Acura MDX, from the front passenger floorboard, and from
20 the driver's side interior door panel.

21 There was a white phone charging cord with red-brown
22 staining that was collected from between the seat and center
23 console of the Acura MDX.

24 There were swabs collected from additional areas in

1 the Acura MDX, which were the driver's front quarter panel
2 and the driver's rear exterior panel.

3 There were other residual swabs collected from the
4 Silverado Chevrolet pickup. They were from the interior
5 driver's side window frame, there was a print. And from the
6 driver's-side door, above the lock.

7 And there were additional residual DNA swabs
8 collected from the exterior driver's side of the pickup
9 truck. Those included the exterior driver's-side door
10 handle, the exterior driver's-side door below the window, the
11 exterior driver's side B panel, and the exterior
12 passenger-side handle.

13 I also obtained reference samples from two
14 individuals to compare any results to.

15 Q. That being Mr. Faust and Mr. Wayne Cameron?

16 A. That's correct.

17 Q. I wonder if it might be helpful. Are you able to
18 talk in terms of results from the truck compared to the
19 results from the MDX?

20 A. I will try.

21 Q. If not, if there's another order that's useful for
22 you, please engage in that.

23 A. So I will do the MDX, Acura MDX first.

24 The results from the driver's side interior door

1 panel, the results from the phone charge -- phone cord
2 charger, and the -- I believe that's all that was collected
3 from the MDX.

4 Q. Okay.

5 A. The results from the swabs that were looked at were
6 in mixtures of DNA. And comparison of the DNA profiles
7 showed that the DNA profile obtained from Wayne Cameron
8 reference sample to be the same as the male dominant DNA
9 profile obtained in each of those mixtures.

10 The estimated frequency of this particular profile is
11 approximately one in 2.096 octillion individuals. And based
12 on those results, Wayne Cameron would be the source of the
13 dominant male profile in those mixtures.

14 And due to the low level of DNA, I could make no
15 conclusions on the additional components of those mixtures.

16 Q. Were you aware the question of whether Mr. Faust's
17 DNA was in the MDX was at issue?

18 A. I am now. I'm not sure at the time. I did not -- I
19 was not aware of who was who. I had question samples, I had
20 reference samples, and I was comparing. Usually those
21 samples are actually just numbers. So at the time of doing
22 comparisons or analysis, I was not aware of who was what.

23 Q. Perhaps a better question is: Was any DNA of Mr.
24 Faust's identified as being in any of the MDX samples?

1 A. Not the component that I was able to interpret, which
2 was the dominant male component in each of those mixtures.

3 Q. And assuming -- well, let's go to the truck samples.
4 And maybe, as a summary, was any DNA foreign to Mr. Faust
5 found on any of the samples affiliated with the truck?

6 A. Not of the samples that I can interpret, no.

7 Q. And what do you mean by that: Not in the samples you
8 can interpret?

9 A. So, for the first conclusion that I had, I stated
10 that I had a mixture of DNA, so that's more than one
11 individual contributing.

12 That contribution has to be at a certain level for me
13 to have confidence that I can determine who it may have come
14 from.

15 In those mixture instances, I was able to pull out a
16 dominant component and make an interpretation. But there are
17 results from other contributors that the level is too low,
18 and I can't make any reliable conclusions.

19 Q. So unable to tell at the low level?

20 A. Correct.

21 MR. STEGE: Thank you.

22 I'll pass the witness.

23 THE COURT: Examination by the defense.

24

1 CROSS-EXAMINATION

2 BY MR. PICKER:

3 Q. Good afternoon, Ms. Siewertsen.

4 A. Good afternoon.

5 Q. I just want to make sure that I understand what we
6 just were discussing.

7 You said that often DNA is broken down on a casing
8 when it's fired, cartridge casing?

9 A. I said it may be, yes.

10 Q. It may be?

11 A. Yes.

12 Q. If it -- I guess the opposite is also true. It may
13 not be broken down. It may be there.

14 A. My experience is that I rarely obtain a useable
15 profile from fired cartridge cases.

16 Q. Okay. And in this case, you weren't able to draw any
17 conclusions from any of the three cartridge casings you
18 examined.

19 A. On the three that I obtained some results, I was
20 unable to make any conclusions. On one, I obtained no DNA.

21 Q. And that is -- I want to make sure I understand --
22 that was a 9-millimeter Luger fired cartridge, looking at
23 forensic report number 1?

24 A. Yes.

1 Q. It was a 9-millimeter Luger fired cartridge casing;
2 correct?

3 A. On R-P 9-millimeter Luger, that particular one gave
4 me no DNA.

5 Q. Okay. And that was a casing from a car. Is that
6 what it says there?

7 A. That's what my -- the description I received was,
8 yes.

9 Q. Okay. Then we have a Winchester .40 S and W fired
10 cartridge casing.

11 A. Yes.

12 Q. And you had swabs from that. And there was DNA, but
13 you could not make a conclusion.

14 A. Correct.

15 Q. And there was also another -- a Federal .40 S and W
16 fired cartridge casing.

17 A. Yes.

18 Q. And there was some DNA on that, but, again, you could
19 reach no conclusion.

20 A. Correct.

21 Q. Turning to your DNA analysis on the other items in
22 forensic report number 3.

23 A. Yes.

24 Q. So, for the front-driver's-side mirror for the

1 Silverado Chevrolet, you were able to match that to the
2 Jarrod Faust reference sample; is that correct?

3 A. The dominant DNA profile that I obtained from that
4 mixture matched the DNA profile from Jarrod Faust, yes.

5 Q. And you couldn't reach any conclusions as to
6 anything -- any other DNA in that mixture?

7 A. Correct.

8 Q. Okay. If you would explain to me -- or explain to
9 the jury, I guess, would be more appropriate, the fact that
10 you can reach no conclusion and there's a mixture. Does that
11 mean there was only one other person behind -- besides
12 Mr. Faust that left DNA? Or could it be multiple?

13 A. It would -- it would depend on the particular sample.
14 It means that there are at least two. It's a mixture. I'm
15 only able to make a conclusion on the dominant component. So
16 there is no point in trying to decipher potentially how many
17 other individuals are present, because the amount of DNA is
18 so low that I can't actually make that determination.

19 Q. So it could be multiple donors to that residual
20 amount, but you don't go further because you don't have
21 enough DNA to test.

22 A. Right. The testing has been performed, and what has
23 been produced, the result, there's not enough information for
24 me to make a conclusion that's useful.

1 Q. Okay. You also did testing to see if various stains
2 were presumptively blood; is that correct?

3 A. Correct.

4 Q. And specifically let's talk about red-stain swabs
5 from the Acura MDX from the front passenger floorboard.

6 A. Yes.

7 Q. That was negative for blood; correct?

8 A. Correct.

9 Q. The driver's side interior door panel that was DNA
10 checked in the Acura, that you matched it to Mr. Cameron,
11 were unable to -- had no conclusions as to anybody else in
12 the mixture.

13 A. I'm sorry. Which sample was that?

14 Q. That would be 7.2.

15 A. The driver's side interior door; correct. That
16 result gave me a mixture. I had enough information for a
17 male dominant contributor, which matched Wayne Cameron. But
18 I did not have enough information in the lower-level DNA to
19 make any conclusions on the other contributors.

20 Q. Now, 8.1, which is the small red-brown stain from
21 approximate center of cable swabs.

22 A. Yes.

23 Q. That indicated presumptive for blood. But the only
24 DNA you could identify was from Mr. Cameron.

1 A. Correct. Again, it was a mixture. And I was able to
2 pull out enough information to determine who the dominant
3 contributor of DNA to that sample was. But I was not able to
4 make any conclusions on the remainder of the mixture.

5 Q. And that is the same for sample 8.2, which is also
6 from the cable?

7 A. Correct.

8 Q. Okay. Now, there were also Luminol swabs from
9 various locations in the Acura MDX?

10 A. Yes.

11 Q. Item number 9?

12 A. Yes.

13 Q. Could you explain to us what Luminol swabs are.

14 A. Luminol is a chemical that is utilized to attempt to
15 detect non-visible staining.

16 So often it's used on a situation where there may
17 have been blood left on an item or an area on a carpet, and
18 it is attempted to clean up or wipe it up, so the red-brown
19 staining portion is gone.

20 This chemical, when used in complete darkness, reacts
21 with residual amounts of blood that may be left behind to
22 fluoresce.

23 Q. 99.1, which is the driver's front quarter panel.

24 A. Yes.

1 Q. That was negative for blood; correct?

2 A. That particular presumptive test was negative. It is
3 less sensitive than the Luminol test.

4 Q. Do you have any information that any blood was found
5 on that driver's front quarter panel?

6 A. I do not.

7 Q. Okay. And the driver's rear exterior door panel,
8 again, same thing. No blood. It was another presumptive
9 test; correct?

10 A. There was a positive presumptive test with Luminol,
11 and a negative presumptive test with the one performed in the
12 laboratory; correct.

13 Q. Now, items 15.1 and 15.2 are swabs from the Chevy
14 Silverado; correct?

15 A. Correct.

16 Q. And those were both -- you were able to match both of
17 those mixtures from male dominant of Jarrod Faust, but no
18 conclusion as to any other contributors.

19 A. I was able to determine the sample was a mixture, to
20 pull out a male dominant component which matched Jarrod
21 Faust, and was unable to make conclusions on the minor
22 components.

23 Q. And items 16 were also taken from the Chevrolet
24 Silverado, and those were DNA swabs from the exterior

1 driver's side.

2 A. Yes.

3 Q. Those four items. And those, again, also a mixture,
4 all dominant male DNA related to Mr. Faust. And no
5 conclusions as to any of the other trace.

6 A. So two of the four gave me the mixtures where I was
7 able to pull out a dominant component that matched Jarrod
8 Faust.

9 Two of the samples were mixtures where I was not able
10 to pull out a dominant component, and so I made no
11 conclusions at all on those two samples.

12 Q. And those are the -- those happen to be the
13 driver's-side-door handle and the passenger-side-door handle;
14 is that right?

15 A. Correct.

16 Q. Then you also had three other items. Three hooded
17 sweatshirts, Under Armour sweatshirts. Do you see that?

18 A. I do.

19 Q. And you tested those for presumptive blood, too,
20 didn't you?

21 A. I examined those items for potential bloodstains,
22 yes.

23 Q. And the presumptive tests, the green hooded
24 sweatshirt came back with no hair or bloodstains at all that

1 you had observed?

2 A. Correct.

3 Q. And the blue hooded sweatshirt and the red hooded
4 sweatshirt, they were negative for blood; is that right?

5 A. So I had, on the red -- on the blue hooded
6 sweatshirt, there were two small stains that were red-white
7 in color, and they were both presumptive negative for blood.
8 And there were no apparent hairs observed.

9 On the red hooded sweatshirt, there was one small,
10 dark stain on the sleeve, which was presumptive negative for
11 blood.

12 Q. So the only DNA testing -- let me rephrase that.

13 Mr. Faust's DNA was only located on the Chevrolet
14 Silverado.

15 A. Correct.

16 Q. Mr. Cameron's was only located on the Acura MDX.

17 A. Correct.

18 MR. PICKER: Thank you.

19 That's all I have

20 THE COURT: Mr. Stege.

21 MR. STEGE: No. Thank you.

22 THE COURT: Thank you very much, ma'am. You may step
23 down. I wish you a pleasant afternoon.

24 (Witness excused.)

1 THE COURT: Mr. Stege.
2 MR. STEGE: Miss Sarai, please.
3 THE COURT: How do you spell the last name?
4 MR. STEGE: S-a-r-a-i.
5 THE COURT: Thank you.
6 Good afternoon, ma'am.
7 If you would please face my court clerk, raise you
8 right hand, take the oath of witness.
9 (Witness sworn.)
10 THE COURT: Thank you very much.
11 If you'd please have a seat up here at the witness
12 stand. After you make yourself comfortable, if you would
13 kindly remove your mask and set it down so we can see you and
14 hear you better. Slide in toward the microphone. Feel free
15 to adjust it so it's in front of your mouth.
16 And if you would kindly state your name, and spell
17 your last name.
18 THE WITNESS: Kulvir Sarai. First name is
19 K-u-l-v-i-r. Last name, S-a-r-a-i.
20 THE COURT: Thank you so much.
21 Mr. Stege, your may proceed.
22 MR. STEGE: Thank you.
23
24

1 KULVIR SARAI,
2 called as a witness on behalf of the State,
3 first having been duly sworn,
4 was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. STEGE:

7 Q. Ma'am, how are you currently employed?

8 A. I'm a criminalist with the Washoe County Sheriff's
9 Office, in the Forensic Science Division.

10 Q. What part of the Forensic Science Division?

11 A. Specifically, a firearms examiner, in the firearms
12 discipline.

13 Q. How long have you been in that section?

14 A. Since 2017.

15 Q. And did you work in any other parts of the lab prior
16 to that?

17 A. Yes. I was in Breath Alcohol from 2012 up until
18 2017. And then, prior to that, I worked as a forensic
19 toxicologist in California for two years, from 2010 to 2012.

20 Q. Can you tell us, please, about your education.

21 A. I have a chemistry degree from Sacramento State
22 University, that has an emphasis in forensics, and a minor in
23 forensics investigations.

24 Q. And how long have you been working in the forensic

1 science field?

2 A. Since 2010.

3 Q. And so what was your first -- sort of first after
4 graduation or after your college -- your course work, where
5 did you go from there, or what did you do?

6 A. I started as a forensics toxicologist in a private
7 laboratory in California. I did that for approximately two
8 years. And then I moved into the Breath Alcohol program here
9 with the Washoe County Sheriff's Office when I moved to Reno.
10 I did that from 2012 until 2017. And then I was moved over
11 into the firearms section.

12 Q. And do you have any firearms specific or training as
13 part of your duties or part of your process of becoming a
14 firearms examiner?

15 A. Yes. The firearms examiner training is approximately
16 two years. I was accepted into the National Firearms
17 Examiners Academy. That is put on by the Federal Bureau of
18 Alcohol, Tobacco, Firearms, also known as the ATF. It's a
19 program that is put in place for examiners nationally. And
20 it was approximately a year-long academy, half of which was
21 done at the ATF headquarters in Maryland.

22 It's a comprehensive firearms academy that covers all
23 aspects of testing within the firearms. So includes function
24 testing, caliber determination, ammunition, exam and

1 comparison, in addition to serial number restoration,
2 trajectory distance determination.

3 Q. So it sounds like there's multiple disciplines within
4 this field of firearms examination.

5 A. Yes, there are. We call them tasks, different types
6 of analysis within the firearms discipline, yes.

7 Q. So after completing that two-year course, what is the
8 follow-up to that, or what happens then?

9 A. Sure. The academy was a year-long course. Once I
10 successfully completed that, I came back to the Washoe County
11 Sheriff's Office and did another year of in-house training
12 under the direct supervision of the other firearms examiners.
13 And that also encompassed all of the different areas of
14 testing that was completed at the academy.

15 Upon completion of that, I was required to do a
16 competency test and written examinations prior to doing any
17 case work.

18 Q. And you were successful in that process?

19 A. Yes, I was.

20 Q. And since that time, you've been working in the
21 firearms section?

22 A. Yes, I have.

23 Q. Conducting examinations of all the tasks or
24 disciplines within the field; is that correct?

1 A. Yes, I do.

2 Q. Were you asked to conduct any examination or testing
3 on the instant case?

4 A. Yes, I was.

5 Q. And did you complete those tasks?

6 A. Yes, I did.

7 Q. And did you create a PowerPoint to explain both the
8 process and the results of that examination?

9 A. I did.

10 (Exhibit 63 was marked for
11 identification.)

12 MR. STEGE: Your Honor, may I, given the status of
13 the witness, publish from 63, which has been marked as the
14 PowerPoint presentation, as a demonstrative aid?

15 THE COURT: Defense.

16 MR. PICKER: Your Honor, we haven't seen it. We have
17 no idea what it is. We would object.

18 THE COURT: How come they haven't seen it?

19 MR. STEGE: This was -- perhaps a side-bar is in
20 order. But this was received by the State earlier this
21 afternoon during the course of trial, and was marked during
22 the time I was up here speaking.

23 THE COURT: Okay. Well, that explains why they
24 haven't seen it. It's 2:30 anyway, so this is a good time

1 for a break.

2 So here's where we are. Ma'am, you may step down.
3 Please resume the stand at 10 minutes before 3:00. You're
4 still under oath. Please do not discuss your testimony with
5 anyone during the recess. You may step down right now.

6 Ladies and gentlemen, we are going to take our
7 afternoon recess.

8 During the break, you must not discuss or communicate
9 with anyone, including fellow jurors, in any way regarding
10 the case or its merits, either by phone, voice, e-mail, text,
11 internet or other means of communication, including social
12 media. You must not read, watch or listen to any news or
13 media accounts or commentary about the case. You must not do
14 any research, such as consulting dictionaries, using the
15 internet or using reference materials. You must not make an
16 investigation, test a theory of the case, re-create any
17 aspect of the case or in any other way investigate or learn
18 about the case on your own. And you must not form nor
19 express any opinion regarding the case until it is finally
20 submitted to you.

21 We will resume trial at approximately 10 minutes
22 before 3:00.

23 Please rise for the jury.
24

1 (The following proceedings
2 were had without the presence
3 of the jury:)

4 THE COURT: Okay. You may be seated.
5 We are outside the presence of the jury.

6 All right. Mr. Stege, so, what is the demonstrative
7 exhibit, and why should the Court allow it to be published at
8 this time?

9 MR. STEGE: It's a PowerPoint presentation explaining
10 sort of the -- explaining general firearms, explaining the
11 testing process and the results in this case.

12 THE COURT: Okay. How long will it take, do you
13 think, Mr. Picker and/or Ms. Garcia, to review it? Do they
14 have enough time over the break, and then to give them time
15 to stretch their legs, as well?

16 MR. STEGE: Yes. Perhaps I would add in perhaps 10
17 minutes to what the Court has given the jury. It does
18 contain 20 slides. The first roughly half are -- I would say
19 is all sort of generic background information, and then the
20 latter half being more substantive.

21 THE COURT: All right. Well, why don't we do this,
22 then. During the recess here, Mr. Stege, make this available
23 to the defense. Make sure they have an opportunity to review
24 it. Discuss it with them. I'll come back here outside the

1 presence of the jury in approximately 20, 25 minutes, and
2 we'll see where things stand.

3 If there's still an issue, the Court will make a
4 decision. If not, it will come in for demonstrative purposes
5 only. And then the jury will be brought back, and the
6 witness will continue to testify.

7 All right. So I'll see everyone here in
8 approximately 25 minutes.

9 Court will be in recess until that time.

10 (Recess.)

11 THE COURT: Thank you.

12 Please be seated.

13 Okay. Mr. Stege, did you share the demonstrative
14 exhibit with the defense?

15 MR. STEGE: Yes, I did.

16 THE COURT: All right. Mr. Picker and Ms. Garcia,
17 did you have a chance to review it?

18 MR. PICKER: Yes, Your Honor.

19 THE COURT: All right. Will there be an objection to
20 it being shown to the jury to assist this witness with her
21 testimony?

22 MR. PICKER: Not for demonstrative purposes, Your
23 Honor.

24 THE COURT: Say it one more time.

1 MR. PICKER: Not for demonstrative purposes. No
2 objection.

3 THE COURT: Very good. Thank you.

4 It will be admitted for that purpose only.

5 (Exhibit 63 was admitted into
6 evidence.)

7 THE COURT: Please call the jury back in.

8 MR. PICKER: Your Honor, just one other thing we need
9 to put on the record.

10 THE COURT: Yes.

11 MR. PICKER: When we came back from the lunch break,
12 Mr. Cameron informed me that he didn't need medication this
13 afternoon.

14 I informed Deputy Hayes, who actually notified the
15 Sheriff's Office and the infirmary, told them they didn't
16 need to have medical personnel down here for that.

17 THE COURT: Perfect.

18 MR. PICKER: I just wanted to put it on the record
19 Mr. Cameron did not see the medical personnel today, but that
20 was at his request.

21 THE COURT: Very good. Thank you for clarifying
22 that.

23 And I think, going forward, if he's in a position
24 where he doesn't need them down here, for him to notify you,

1 to notify the deputy, as you did, and for them to call up to
2 the jail. And everyone is glad at the notice.

3 Thank you.

4 All right. Deputy, please bring the jury back in.
5 Please rise for the jury.

6 And the witness can resume the stand.

7 (The following proceedings
8 were had with the presence of
9 the jury:)

10 THE COURT: Okay. Welcome back, ladies and gentlemen
11 of the jury.

12 Please be seated.

13 Mr. Stege, will you stipulate that all jurors are
14 present?

15 MR. STEGE: Yes. Thank you.

16 THE COURT: Mr. Picker.

17 MR. PICKER: Yes. Thank you, Your Honor.

18 THE COURT: Thank you very much.

19 All right, ma'am. Welcome back.

20 You're still under oath. Please resume in front of
21 the microphone.

22 Mr. Stege, you may publish Exhibit 63, which will be
23 admitted for the sole purpose of demonstrative purposes.

24

1 BY MR. STEGE:

2 Q. Ma'am, in front of you there should be a clicker.
3 And if you'll please begin your presentation.

4 A. Okay.

5 Q. It's helpful if you point it over here near where I'm
6 standing.

7 A. Okay. So, basic terms, firearms examination is
8 preliminarily an examination of fired components, so fired
9 ammunition components.

10 So you'll see here we've got some cartridges. We
11 have some fired cartridge cases, and we have some fired
12 bullets. So basically the comparison of these items, we're
13 looking at the marks to determine if there is a possibility
14 that they could have been fired from the same gun or
15 different guns. And that's, on the basic form, what we do.

16 This is just an image of different parts of a
17 firearm. You'll note that there's a lot of moving parts, a
18 lot of metal parts. Sometimes there can be some polymer
19 parts in there, as well. Every single part in the firearm
20 has a purpose, and it plays a role in the firing process.

21 This is an example of a breech face. This aperture
22 that you're seeing here, this is the firing pin aperture.
23 That is where the firing pin, which is right in the middle
24 there, will protrude out during the firing process.

1 This area here is the breech face. All of these
2 areas make contact with the ammunition during the firing
3 process. You'll see that in a little bit.

4 This is an interior of a rifle barrel. A lot of
5 pistols and rifles will have this type of barrel where you
6 will see these raised areas and these grooved areas. And
7 you'll also see it's moving in the form of a twist.

8 This is what we call rifling. This is what guides
9 the bullet, so it will actually make contact with the bullet
10 and guide it down the barrel. In addition, it will create
11 spin on that bullet, which allows it to go further and
12 straighter.

13 All of these areas will also make contact with that
14 bullet. So that's some of the areas that we will be looking
15 at, as well.

16 This is an animation. It's a cross-view of a firearm
17 during the firing process. I'll have -- if you can play it.
18 I'll have it played a couple times. It goes fairly quickly.
19 Then I'll kind of explain what's happening.

20 (Video playing.)

21 (Video stopped.)

22 THE WITNESS: Okay. One more time.

23 (Video playing.)

24 THE WITNESS: So you'll notice that the firearm is

1 | already loaded, so there is a round in the chamber.

2 | The trigger will be pulled to the rear. The striker
3 | will make contact with the ammunition. The bullet goes down
4 | the barrel. It will unlock, it will eject, and then it will
5 | reload.

6 | So all these different areas are making contact with
7 | the ammunition that we saw earlier. The fired cartridge
8 | cases, the fired bullet going down the barrel, making contact
9 | with rifling, these are the different areas that we are
10 | looking for for comparison.

11 | (Video stopped.)

12 | THE WITNESS: If there's a firearm involved in the
13 | case, just typical general analysis, we will process the
14 | firearm, do descriptive details about the firearm, safety,
15 | serial number, things of that nature.

16 | This is our firing tank. We will then test-fire
17 | those firearms into this water tank. The tank is full of
18 | water. We will capture the bullets, in addition to the fired
19 | cartridge cases, so that we may compare those.

20 | This is a comparison microscope. It's basically just
21 | two microscopes. So there's one scope here, and another one
22 | here.

23 | If you look really closely, you can see there's a
24 | fired bullet here and a fired bullet here. It allows me to

1 look at these two items simultaneously through the eye piece
2 at the top, so I can look at these items side by side for
3 comparison.

4 This is an example of fired cartridge cases. So this
5 here is the primer region. This is the firing pin
6 impression, so that's where the firing pin protruded and made
7 contact with the primer.

8 And you'll notice that -- oops. Sorry. That's
9 not -- there we go. You'll notice that there are marks from
10 where it made contact.

11 So if you think of kind of like a brick of butter,
12 and you use a butter knife on the surface of that butter, and
13 the knife has teeth on it, you can see those markings inside
14 the butter. When you're moving it downward, you see little
15 marks from the knife.

16 It's a similar idea here. As the ammunition is
17 making contact during the firing process, those marks that
18 are on the various areas of the firearm then make their
19 impressions or their striations on the surfaces of these
20 fired components.

21 BY MR. STEGE:

22 Q. Where do those marks come from, those striations, if
23 you will?

24 A. Sure. The striations that we're seeing here, these

1 ones are from that breech face area, so it's not directly
2 related to the firing pin itself, but the area directly
3 around the breech face.

4 So as the primer hits, so the primer is being hit by
5 the firing pin impression here, so the firing pin hits the
6 primer, that ignites the powder, which causes pressure. That
7 pressure forces that cartridge case back up against to the
8 surface where it's being held, and also forces the bullet out
9 the barrel end. So once it pushes up against it, it would be
10 like, using the butter again, if you took a fork and put the
11 fork directly over the butter, you're going to make an
12 impression of the shape of the fork into the butter. So the
13 same idea is happening here.

14 The breech face is a harder metal, so that is going
15 to actually make the impression onto the softer primer, which
16 is why you get these marks here, in addition to the firing
17 pin impression, as well.

18 The same idea applies to fired bullets. So remember
19 those -- the rifling, so the land-and-groove areas that I
20 mentioned of the barrel, that will grip the surface of the
21 bullet and guide it through the barrel.

22 That gripping causes marks on the surface. We call
23 these land-and-groove impressions. So they are basically a
24 mirror impression of the rifling that's inside the gun.

1 We can do the same thing here, where we can look at
2 those two side by side and see if there's any correspondence
3 between the two to determine if they were fired from the same
4 gun or possibly different guns.

5 I should mention, additionally, for fired bullets,
6 another aspect of testing that we can do is called caliber
7 determination. Guns typically have a certain count of
8 land-and-groove impressions. So if we have a bullet, we can
9 determine its caliber, we can count how many land-and-groove
10 impressions it has, we can see the twist, so, if it's going
11 right or left, and we can measure those land-and-groove
12 impressions.

13 Those land-and-groove impressions and its twist and
14 the caliber are something that we call class characteristics,
15 so they are intended by the manufacturer.

16 The manufacturer of that firearm is going to use
17 those same number of grooves, the direction for that caliber
18 of firearm, for all of the ones that they make.

19 Q. And so across different manufacturers, different
20 manufacturers use different twists and number of
21 lands-and-grooves in the rifling of pistols?

22 A. Yes, they can. Depending on the types of firearms,
23 there absolutely can be a variation in the number of rifling,
24 depending on what they're trying to accomplish, or just their

1 design.

2 There can also be a difference in the size of the
3 lands-and-grooves, in addition to the twists. They could be
4 right; they could be left. And as well as the type of
5 rifling. Some of them are different than others.

6 So, with that information, if we have a fired bullet,
7 and the only thing submitted to us was the fired bullet, one
8 thing that we can do as part of an investigative tool is put
9 it into what we call a GRC search. This is a database that
10 is put on and maintained by the Association of Firearms and
11 Tool Mark Examiners. That's the, basically, governing body
12 for firearms examinations. It's one of the scientific
13 associations that we have.

14 So they have a database that they have maintained
15 that has a number of firearms that already have been verified
16 and tested, and their land-and-grooves, their classic
17 characteristics, their rifling characteristics, have been
18 documented.

19 So what I can do is, take the bullet, I will
20 determine the caliber of the bullet, how many
21 lands-and-grooves, and you can put all of that information
22 into the database.

23 And in addition to that, you can add the land widths
24 and the groove widths, as well.

1 What that allows us to do then is, we will have the
2 database search against the guns that it has in its system.
3 It will generate a list of potential firearms that share
4 similar characteristics, basically rifling characteristics,
5 as what I entered in there. And it will provide us a list of
6 potential firearms that could have fired that bullet.

7 So we use this more of as an investigative aid. It's
8 not an all-inclusive list, meaning that we have not tested
9 all firearms that ever existed, so there could be firearms
10 outside of this list that are not on here that would also
11 meet this criteria.

12 But as far as an investigative lead for our customer,
13 we will provide them this list, and it helps them narrow down
14 the potential firearms they may want to look for.

15 Q. Can you talk about how these -- how are these marks
16 on the firearm made during the process of manufacture?

17 A. Sure. So each aspect of the firearm, like I showed
18 you the parts of the firearm, each one has to be manufactured
19 on its own. So sometimes they're punched out; sometimes
20 they're cut out; sometimes they're made out of molds. It
21 just depends on the process.

22 But during that manufacturing process, the tearing,
23 chipping and ripping of that metal that occurs during the
24 manufacturing process leaves very microscopic imperfections

1 on the surface. And those microscopic imperfections are what
2 we are seeing when you see them on -- when I'm talking about
3 the impressions when it comes up against the breech face or
4 from the firing pin impression, those microscopic marks are
5 what we are looking at.

6 And due to the nature of how they were manufactured,
7 they tend to be very distinct marks. So we can usually see
8 them from one fired cartridge case to the next on the same
9 firearm when it's been fired.

10 Sometimes, in addition to manufacturing marks, it
11 will also have wear-and-tear marks on it. If the firearm has
12 been used a lot, if there's any chips or dings, or it's been
13 dropped, or just general use over time will cause wear and
14 tear on the firearm, and those marks will also impart on the
15 surface of this ammunition, and we will look at those, as
16 well.

17 Q. Are you ready to discuss the results of the
18 examination in this case?

19 A. Sure.

20 Q. Please do so.

21 A. In this case, I received item 2, which was a
22 .40-caliber fired cartridge case, which was reported from the
23 scene.

24 I also received items 3.2 and 3.3, which were

1 .40-caliber cartridge cases that were reported from the
2 vehicle.

3 These three fired cartridge cases were identified as
4 having been fired from the same unknown firearm.

5 Q. Were all three of those .40 fired cartridge cases
6 fired from the same gun?

7 A. Yes.

8 Q. Please continue with item 5.

9 A. Item 5 was a bullet that was reported from the
10 autopsy. And it was consistent with a .40-cal or
11 10-millimeter-caliber bullet.

12 I did do a general rifling characteristics report on
13 this bullet. And I will show you that in just a second.

14 Item 3.1 was a 9-millimeter fired cartridge case that
15 was reported from the vehicle. It was identified as having
16 been fired from a submitted Glock 17 pistol that was in
17 evidence, which was item 3.2.

18 Q. I wonder. Before we move on, item 5, you indicate
19 .40-caliber or 10-millimeter. Tell us about the difference
20 between those.

21 A. Sure. 10-millimeter and .40-caliber bullet size, the
22 diameter is exactly the same. The cartridge case itself, so
23 that the brass that it's being held in, is different size.
24 The 10-millimeter is slightly larger than the .40.

1 Q. And so same bullet diameter, just one has more -- is
2 it safe to say more gunpowder or more power behind it because
3 of the larger case?

4 A. Correct. Which is why we can't just narrow it down
5 to a .40. It could be either or.

6 Q. Please continue.

7 A. This here is an image of item 2, which was the fired
8 cartridge case from the scene. And it was identified to item
9 3.2. And what we're looking at here are the firing pin
10 aperture shear marks. So on that breech face that had the
11 hole in it, that hole is considered the firing pin aperture,
12 just the opening that's where the firing pin comes out of.

13 When the fired cartridge case has a lot of pressure,
14 it will push up against that aperture, and it will cause what
15 we call flow-back. And that flow-back goes into the same
16 shape as the aperture. So this here is a shearing when the
17 gun is unlocking so that it can retrieve the fired cartridge
18 case, it will force it to go downward, and that causes it to
19 shear on the surface of it. So that's where you see all
20 these lines that are going across.

21 Q. So this -- comparing, on the left, the fired
22 cartridge case from the scene to one of them recovered from
23 the car; correct?

24 A. Correct.

1 Q. I meant to ask you this before. But what information
2 does a head-stamp of a piece of ammunition tell you or anyone
3 else who looks at it?

4 A. It will allow us -- so the head-stamp is this area
5 that's on the exterior. It basically will have the
6 manufacturer's marks on it. So, if it's a Winchester, it
7 will have their marks on it, in addition to the caliber. A
8 lot of times it just allows us to know who the manufacturer
9 of the firearm is -- sorry -- of the ammunition is.

10 Q. The image below, the second image on this, what is
11 that?

12 A. It's the same. So it's just two different images.

13 This one here is looking at firing pin aperture shear
14 just directly left of the firing pin impression.

15 And this one here is looking at it from the right.

16 So it's just different areas, more correspondence in
17 the multiple areas.

18 Q. And so this is what you are able to base the match of
19 the fired cartridge case from the scene to one from the car;
20 correct?

21 A. Yes. This correspondence here would indicate that
22 these came from the same firearm.

23 Q. Thank you. If you'll continue.

24 A. And this one here is item 2, which is the scene fired

1 cartridge case, to the other .40 that was retrieved from the
2 vehicle. And the same idea here.

3 Q. Same conclusion?

4 A. Correct.

5 Q. Please continue.

6 A. On item 5 -- oops. Item 5 was the fired bullet
7 reported from the autopsy. That one was determined to be a
8 .40-caliber. It had a five-land-and-groove count, with a
9 right-hand twist. The land-and-groove measurements were put
10 into the database, and it developed this list of potential
11 firearms that could have fired that bullet.

12 Q. And so those marks on the right ought to be -- in
13 yellow here -- thank you -- those are all from your
14 measurements of the land width and groove width, as well as
15 the search range that was at .003?

16 A. Correct.

17 Q. And what are the list of firearms consistent with
18 that land-and-groove pattern?

19 A. According to the database -- again, these are not
20 all-inclusive -- but, according to the database, they
21 developed a list of all Smith and Wesson manufacturers. So
22 it's these ones here. And the various models are listed
23 here. So there's a 610, an M and P .40, SD40VE, SW40VE, and
24 an SW99. All of these are in .40-caliber or 10-millimeter

1 auto.

2 Q. I wonder if you might -- okay. If you'll continue,
3 please.

4 A. Lastly, the 9-millimeter fired cartridge case that
5 was reported from the vehicle was compared to test-fires. So
6 the Glock 17 was test-fired and processed as I described
7 previously. And those test-fires were then compared. So
8 this is something that I fired and retrieved at the
9 laboratory and then compared it to the evidence that was
10 received from the vehicle. And those were determined to have
11 been fired from the Glock.

12 Q. So, in conclusion, all three of the .40 casings were
13 fired from the same firearm; is that correct?

14 A. Yes. The same unknown firearm.

15 Q. The lands-and-grooves marks from the fired bullets
16 recovered at autopsy generated that list of Smith and Wesson
17 dominant likely firearms?

18 A. Yes.

19 Q. Or consistent firearms.

20 A. Yes.

21 Q. And, finally, the 9-millimeter casing identified as
22 having been retrieved from the vehicle matches a bullet
23 test-fired from the Glock recovered from -- identified as
24 coming from the house?

1 A. It identified to the fired cartridge case, yes.
2 Q. Fired cartridge case to the recovered Glock?
3 A. Yes.
4 MR. STEGE: Thank you.
5 Pass the witness.
6 THE COURT: Examination by the defense.
7 CROSS-EXAMINATION
8 BY MR. PICKER:
9 Q. Good afternoon, Miss Sarai.
10 A. Afternoon.
11 Q. You said that all the .40-caliber casings came from
12 the same -- were fired from the same unknown firearm; is that
13 correct?
14 A. Correct.
15 Q. Okay. That's because the list that you provided
16 that's there on the screen, that's not an exclusive list. It
17 doesn't have every firearm that could be fired -- could have
18 fired those casings; is that correct?
19 A. Correct. And this is specifically for the fired
20 bullets.
21 Q. Okay. This is specifically fired bullets.
22 A. Yes.
23 Q. And, again, not exclusive. There could be more
24 weapons. These are the Smith and Wesson dominant ones, I

1 think is what you said.

2 A. So this is just what the database, with the criteria
3 that I put in all the measurements that I put in, this is
4 what the database generated. I can't control what it brings
5 up. It just so happens these are the ones that they have
6 that list as part of that criteria.

7 Q. One of the criteria -- one of the firearms listed is
8 a 10-millimeter auto; is that correct?

9 A. Correct.

10 Q. In your presentation, we saw what's referred to as a
11 center-fire gun and center-fire casing; is that correct?

12 A. Correct.

13 Q. Not all casings are center fire?

14 A. No. There could be possibly rimfire.

15 Q. In fact, there's a lot of rimfire weapons out there,
16 aren't there?

17 A. Yes, there can be. Yes.

18 Q. Not that there can be. There are.

19 A. They do exist, yes.

20 Q. Okay. .22-caliber is usually rimfire; is that
21 correct?

22 A. Yes.

23 Q. And that's the most common firearm out there, isn't
24 it?

1 A. I don't know about that.

2 Q. Okay. And isn't it true that not all firearms and
3 their barrels have rifling; is that correct?

4 A. Correct.

5 Q. The .40-caliber casing that you examined that was
6 from the scene, do you know how long it had been at the scene
7 before it was located?

8 A. I do not know.

9 Q. The .40-caliber casings that were in the vehicle, do
10 you know how long they'd been in the vehicle?

11 A. I have no idea.

12 Q. The 9-millimeter casing that was in the vehicle, how
13 long had that been there?

14 A. I don't know.

15 Q. You were also provided another fired bullet, weren't
16 you?

17 A. As it pertains to this case, I don't believe so.

18 Q. Do you have your report with you?

19 A. Yes.

20 Q. Report number 4?

21 A. Yes.

22 Q. Page 2.

23 A. Yes.

24 MR. STEGE: Your Honor, may I have a moment with

1 counsel Picker?

2 THE COURT: Yes.

3 MR. PICKER: Thank you, Your Honor.

4 MR. STEGE: Thank you, Your Honor.

5 BY MR. PICKER:

6 Q. Now, you said that a .40-caliber and a 10-millimeter,
7 the bullets are the same, but the casings are different; is
8 that correct?

9 A. Correct. The length of the case -- the cartridge
10 cases are different. Correct.

11 Q. Isn't it true that not all .40-caliber weapons can
12 fire 10-millimeter cartridges?

13 A. Correct. The 10-millimeter cartridge case is too
14 long. It will not feed or chamber into a .40-caliber.

15 Q. Again, the bullet in this case could have been from a
16 10-millimeter or from a .40-caliber weapon?

17 A. Correct.

18 MR. PICKER: Thank you.

19 That's all I have.

20 THE COURT: Mr. Stege.

21 REDIRECT EXAMINATION

22 BY MR. STEGE:

23 Q. The list you generated, which is also, for the
24 record, admitted by stipulation at 62, does this have

1 anything to do with your conclusion that the three .40
2 casings were fired from the same gun?

3 A. No. So this list is specifically for fired bullets.
4 And it will not apply to fired cartridge cases. So this has
5 no impact on that analysis.

6 Q. So your analysis of all the casings tells you all
7 fired from the same gun?

8 A. Correct.

9 Q. And does any indication -- well, could they have been
10 fired from a 10-millimeter gun?

11 A. Technically, they could fit into a 10-millimeter gun.

12 Q. Okay. But any indication that there's anything that
13 it was in a -- these were fired from a chamber that was too
14 large for a .40-caliber ammunition?

15 A. There was no indication of that.

16 Q. Rim fired, any indication that these cartridge cases
17 were fired in a rimfired firearm?

18 A. Not that I could see, no.

19 Q. Because a rimfire does what?

20 A. The rimfire has a firing pin that is typically a lot
21 higher, and so the -- as the name implies, it would actually
22 impact on the rim of the cartridge case, which is where the
23 primer material is inside of that rim. Whereas, center fire,
24 it has to be in the center of the primer in order for it to

1 ignite that primer material.

2 Q. And you see in this case firing pin impressions to
3 the center, indicating center-fire ammunition.

4 A. Correct.

5 Q. On the question of some guns have no rifling and some
6 do, do you see indication on either of the fired cartridge
7 cases or the fired bullet of rifling?

8 A. On the fired bullet, there is rifling. There is no
9 way to know from a fired cartridge case whether it was fired
10 from a rifled gun.

11 Q. As to the database, this GRC database, it's true that
12 not every firearm made has been test-fired and entered into
13 that database; correct?

14 A. Correct.

15 Q. But it is kept by the people in the field who
16 test-fire known firearms and enter the measurements of the
17 lands-and-grooves, et cetera, into the database?

18 A. Correct. It is well-maintained, and it's a very
19 expansive list of firearms.

20 MR. STEGE: Thank you.

21 Nothing further.

22 THE COURT: Mr. Picker.

23 RECROSS-EXAMINATION

24 BY MR. PICKER:

1 Q. Just based on some questions you were just asked,
2 Miss Sarai. While a .40-caliber firearm couldn't fire a
3 10-millimeter cartridge, a 10-millimeter could fire a .40; is
4 that correct?

5 A. Correct. It could be chambered, yes.

6 Q. And based on the fact that you can't tell whether the
7 projectile in this case is a .40-caliber or a
8 10-millimeter -- let me re-word that.

9 You can't tell if the projectile from this case came
10 from a 10-millimeter cartridge or a .40-caliber cartridge;
11 correct?

12 A. Correct.

13 Q. You also can't tell if this projectile that you
14 examined came from any of the casings that you examined.

15 A. Correct.

16 MR. PICKER: Thank you.

17 That's all I have.

18 THE COURT: Anything else, Mr. Stege?

19 MR. STEGE: No.

20 THE COURT: Thank you, ma'am, for your testimony.

21 You may step down.

22 (Witness excused.)

23 THE COURT: Mr. Stege, State's next witness, please.

24 MR. STEGE: Dr. Schrader.

1 THE COURT: Thank you.

2 Ladies and gentlemen, please feel free to stand up

3 and stretch.

4 Good afternoon, ma'am.

5 THE WITNESS: Good afternoon.

6 THE COURT: If you'd please address my court clerk,

7 raise your right hand, as you have, and take the oath of

8 witness, please.

9 (Witness sworn.)

10 THE COURT: Thank you.

11 Dr. Schrader, if you'd please have a seat at the

12 witness stand.

13 And please make yourself comfortable. Please, if you

14 wouldn't mind laying your mask down, so we can see you and

15 hear you better. Just speak into the microphone, if you

16 would, please.

17 And then state your name, and please spell your last

18 name.

19 THE WITNESS: Yes. Dr. Julie Schrader,

20 S-c-h-r-a-d-e-r.

21 THE COURT: Thank you very much.

22 Mr. Stege, please proceed.

23 And, Dr. Schrader, two or three inches away seems to

24 work best. If you're too loud, we'll let you know.

1 THE WITNESS: Thank you.

2 THE COURT: Please proceed.

3 JULIE SCHRADER,

4 called as a witness on behalf of the State,

5 first having been duly sworn,

6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. STEGE:

9 Q. How are you currently employed?

10 A. I'm an Assistant Medical Examiner for Washoe County
11 Regional Medical Examiner's Office.

12 Q. Little louder, please.

13 A. Sure.

14 Q. Don't be shy with the mic.

15 THE COURT: Actually, even a little bit closer. And
16 feel free to bend it down. There you go.

17 Thank you.

18 THE WITNESS: I'm employed as an Assistant Medical
19 Examiner for the Washoe County Regional Medical Examiner's
20 Office.

21 BY MR. STEGE:

22 Q. What does an Assistant Medical Examiner do?

23 A. So we are physicians who determine cause and manner
24 of death by doing post-mortem examinations.

1 Q. How long have you been employed in this field?

2 A. Almost -- well, actually, 10 years a few days ago.

3 Q. And what sort of training do you have or what kind of
4 training did you have to become a medical doctor in this
5 field?

6 A. So, after high school, I went to four years of
7 college, and then four years of medical school, four years of
8 pathology residency. And then my thirteenth year of training
9 after high school was a year in forensic pathology, dedicated
10 to subspecialty training.

11 Q. What did you do after completing that subspecialty
12 training in your thirteenth year?

13 A. I'm triple-Board-certified by the American Board of
14 Pathology in Anatomic, Clinical and Forensic Pathology. I
15 worked as an Assistant Medical Examiner for the State of Utah
16 from 2012 to 2013, and then joined the office here in Reno in
17 August of 2016.

18 Q. What does that triple-Board-certification mean, or
19 can you explain what you mean by that?

20 A. Basically we take various eight-hour tests for each
21 subspecialty certification, and then we have to re-test every
22 10 years, basically saying that -- the governing Board of
23 Pathology and American Board of Pathology is basically saying
24 that we are competent to do our job by these tests

1 Q. You worked in Utah?

2 A. Excuse me. Yes, I did. For five years.

3 Q. And where did you go after Utah?

4 A. I joined the office here in August of 2016.

5 Q. On a day-to-day basis, what does a post-mortem
6 examination entail?

7 A. So we will do post-mortem examinations, either
8 autopsies or external examinations, sometimes partial
9 post-mortem examinations, in anyone that has died suddenly,
10 unexpectedly or violently.

11 Q. Did you conduct the examination of Jarrod Faust?

12 A. I did.

13 Q. Can you walk us through that process, describe it,
14 please.

15 A. So our autopsy always starts with the external
16 examination. We look at the outside of the body. We look at
17 general characteristics of the body. We look for identifying
18 marks and scars. We look for injuries.

19 And after we're done with that documentation on the
20 outside of the body, then we move to the inside, autopsy
21 examination.

22 We make a Y-shaped incision and explore the organs of
23 the chest and abdominal cavity. And then, finally, make an
24 incision and examine the brain, after removing the skull.

1 MR. STEGE: Can I approach the witness, please?
2 THE COURT: Yes, you may.
3 BY MR. STEGE:
4 Q. Ma'am, do you recognize proposed Exhibit Number 70?
5 A. I do.
6 Q. How do you recognize it?
7 A. I signed this as photos I had reviewed prior to
8 coming to the witness stand today, as photos that we had
9 selected for -- from the autopsy examination.
10 Q. And are those true and accurate depictions of the
11 conditions of the autopsy?
12 A. They are.
13 Q. And do they aid in your testimony in terms of causing
14 the -- describing the cause, manner of death in this case?
15 A. They do.
16 MR. STEGE: I'd move to introduce 70, please, Your
17 Honor.
18 THE COURT: Defense.
19 MR. PICKER: No objection.
20 THE COURT: 70 is admitted.
21 (Exhibit 70 was admitted into
22 evidence.)
23 BY MR. STEGE:
24 Q. Do you, Dr., have a clicker in front of you on

1 that --

2 A. Yes.

3 Q. -- desk? Thank you.

4 It tends to work best if you point it towards this

5 technology center.

6 But please begin with describing the cause and manner

7 of death of Mr. Faust.

8 A. Should I point just to this screen up here?

9 Q. I would point towards me.

10 A. I'm sorry?

11 Q. Point towards this laptop right here.

12 A. Is that --

13 Q. You're lasering me. Should be the right arrow in

14 your --

15 A. Gotcha. I did not mean to laser you.

16 So this photo is the body bag, the outside of the

17 body bag, with a red seal. Basically, our investigator, once

18 they go to the scene and do an examination of the body, they

19 will put this red seal on the body bag, ensuring that the

20 body bag is sealed from the time the body leaves the scene

21 until it reaches our office, meaning no one has tampered with

22 the body.

23 This is our identification photo from the post-mortem

24 examination. This is a standard photo that we take just

1 showing that the decedent is who we further scientifically
2 identify them as.

3 This is a photo of the left side of Jarrod's face.
4 What you are seeing here, this dark spot that looks round in
5 the middle -- not sure if it's going to show -- that's an
6 entrance gunshot wound.

7 You're seeing dried blood running towards his mouth
8 on the left side of his face there. And you can see on his
9 left cheek some small dark particles.

10 Is it possible to enlarge this?

11 Q. Let me try to --

12 A. Yes.

13 Q. Which area, in particular?

14 A. That's fine.

15 When you look at the skin, you can see some
16 extra-small black dots that should not be there. They don't
17 look like hairs. They look like black particles.

18 Next to the corner, the outside corner of his left
19 eye, you can see a little spot there, and then you can see
20 some additional spots on his upper eyelid.

21 What you are seeing --

22 Q. I'm sorry. Are you talking about these marks, the
23 general area of my arrows?

24 A. Correct.

1 Q. Would you like to -- perhaps it would be easier if
2 you pointed those out.

3 A. Correct.

4 If you could go up just slightly, Amos. Thank you so
5 much.

6 So first you're seeing on his cheek, around the beard
7 area, those dark particles. Then some of those particles
8 have actually embedded in the skin. Here. And then some of
9 them have actually struck the skin and caused small
10 abrasions, which you are seeing here.

11 Then there's also some on the side of his nose, which
12 I do not believe we can see in this photo, but in this area
13 here.

14 Q. Okay.

15 A. What these are demonstrating is gunpowder stippling
16 abrasions. When we look at an entrance gunshot wound, we
17 examine the skin around it for any evidence of how far the
18 gun was away from the body when it was fired.

19 When we see these particles here, and especially when
20 we see them embedded in the skin around the eyes, this is
21 what we see with gunpowder stippling, meaning that the gun
22 was used within several feet of the body when it was fired.

23 Because what happens when a gun is fired is not just
24 the bullet comes out. Hot gases come out, soot or burned

1 gunpowder comes out, and also unburned or burning gunpowder
2 also comes out. When those gunpowder flakes come out of the
3 end of the barrel and strike the skin, we see these types of
4 injuries here.

5 We can also see the gunpowder particles here. When
6 we looked at the right side of his face, which does not have
7 a gunshot wound, we did not see these small abrasions or
8 punctate marks on his skin, and we did not see these dark
9 particles. So this is all associated with this entrance
10 gunshot wound to the face on the left side of his head.

11 So this is what we used to determine range of fire.
12 And we determine this as intermediate range of fire, meaning
13 that the gun is usually within several feet of the body when
14 it was fired.

15 Q. Are there other ranges that are used in describing
16 the distance?

17 A. There are. As I described previously, when a gun is
18 fired, not just the bullet comes out. And those other things
19 that come out -- the hot gases, the soot, the gunpowder -- we
20 look for those gunshot -- gunpowder residues and soot on the
21 skin to determine range of fire.

22 If a gun is in contact with the skin, we'll see a lot
23 of soot around the entrance wound.

24 If it's a little further back, we'll see this

1 | gunpowder stippling.

2 | If the gun is more than several feet away, we won't
3 | see gunpowder or soot.

4 | So it helps us determine range of fire. We do not
5 | determine the exact range of fire. We would rely on
6 | ballistic testing to tell us that. You would have to have
7 | the gun and the ammunition to do test-firing to try to
8 | re-create this pattern of injury to be able to tell what the
9 | exact range of fire is.

10 | But when we see these types of injuries and these
11 | types of findings, we can give general characteristics of
12 | that distance from when the gun was fired.

13 | Q. Are you ready to move to the next photograph? I can
14 | help, if you'll pause for a second.

15 | A. Sure.

16 | So this photograph is the left side of Jarrod's face
17 | after we've cleaned it up. So you can see now that most of
18 | that gunpowder, those black flakes are gone. You're simply
19 | seeing the entrance gunshot wound of the left cheek, as it is
20 | cleaned up.

21 | Q. Did you also see those that -- you had a term for the
22 | markings near the eye. Did you see those after the washing
23 | of Mr. Faust's face?

24 | A. Yes. Since these are injuries, they do not wash

1 away, so we can still see them.

2 This one here you can still see. And there's a few
3 faint ones on his upper eyelid that you can also see. Again,
4 that's the gunpowder striking the skin and causing abrasions
5 of the skin.

6 Q. Please continue.

7 A. This is the bullet that I collected during the
8 autopsy examination from the back side of the right side of
9 the neck.

10 Q. And let me back up a little bit. In your testimony,
11 if you can describe, we have an intermediate-range injury to
12 the left cheek. Did you determine the path of that bullet?

13 A. Yes. So after the bullet went in through the left
14 cheek, it struck the mandible, or the jaw bone, went down and
15 struck the hyoid bone, which is a small horseshoe-shaped bone
16 in the neck, went through the soft tissues and vessels of the
17 neck, and then hit the spine. It hit the second and third
18 vertebrae of the cervical spine. It hit the spinal cord, and
19 then came to rest after hitting those bones in the spinal
20 cord in the right side of the back of the neck. And that's
21 where I recovered this bullet you see on the photo.

22 Q. In terms of trajectory, tell us about trajectory and
23 what you learned or discovered in this case.

24 A. So the trajectory, or the pathway of the bullet, went

1 from the left to the right, from the front towards the back,
2 and slightly downward.

3 Q. So a slightly downward trajectory to the path of the
4 bullet; correct?

5 A. Correct.

6 Q. Tell us about the impact of these injuries on those
7 various portions of features of Mr. Faust's anatomy.

8 A. So when the bullet entered the cheek and struck the
9 mandible, it caused a fracture of that bone. There's a lot
10 of large vessels that travel through that area. When you
11 feel your pulse, you can feel up underneath here where the
12 bullet went. You can feel your carotid arteries pulse. It
13 went through that area, and when it struck the cervical
14 spine, lacerated the cervical spinal cord in that area. That
15 is very, very, very important for breathing and supplying the
16 nerves that help our diaphragm keep us breathing and alive.
17 So when the spinal cord is damaged in that area, it's not
18 uncommonly a lethal injury.

19 It also broke the vertebrae of the spinal cord --
20 excuse me -- at the spinal column. And those vertebrae have
21 large vessels that go to the brain. And it lacerated or tore
22 those arteries, as well, and caused significant bleeding on
23 the brain.

24 Q. And coming to rest where?

1 A. On the right side of the back of the neck.

2 Q. And the spinal cord there you said is responsible or
3 affects breathing -- or injury in that area affects the
4 movement of the diaphragm; is that true?

5 A. Correct. Controls breathing. Again, supplying
6 nerves to the diaphragm, which allows us to breathe. And
7 also would cause paralysis below that level, where you would
8 not be able to move your arms or legs below that level.
9 Quadriplegia is what we call that.

10 Q. So inability to move anything below that area;
11 correct?

12 A. Correct.

13 Q. Does that also include the heart function, or is
14 heart function governed separately?

15 A. Slightly separately, yes.

16 Q. And so what was the cause and manner of Mr. Faust's
17 death?

18 A. The cause of death was the gunshot wound of the head,
19 and the manner of death was homicide.

20 Q. How long would it take for this injury to be fatal,
21 if you know?

22 A. It is very hard to say exactly how long it would take
23 for this injury to be fatal. It could take several minutes.

24 MR. STEGE: I pass the witness.

1 THE COURT: Defense.

2 CROSS-EXAMINATION

3 BY MR. PICKER:

4 Q. Good afternoon, Dr. Schrader.

5 A. Good afternoon.

6 Q. Could you tell us how tall Mr. Faust was?

7 A. May I refer to my autopsy report?

8 Q. Absolutely.

9 A. He measured 69 inches, so five-foot-nine.

10 Q. And what was his weight?

11 A. His weight was 183 pounds.

12 Q. And you do an overall kind of evaluation externally
13 of the person's body when you do the autopsy; correct?

14 A. Correct.

15 Q. Would you describe him as -- or you did describe him
16 as well-developed.

17 A. Correct.

18 Q. Can you tell us what that means.

19 A. Just basically that his body looked fully developed
20 as a normal adult.

21 Q. Okay. Did he look muscular?

22 A. He did look muscular.

23 Q. And I believe you -- I want to make sure I
24 understand. The best estimate that you could make, based on

1 the injuries you saw, was that the gun was fired from several
2 feet away?

3 A. Potentially up to several feet; correct.

4 Q. Okay.

5 MR. PICKER: Thank you.

6 That's all I have.

7 THE WITNESS: Thank you.

8 THE COURT: Mr. Stege.

9 REDIRECT EXAMINATION

10 BY MR. STEGE:

11 Q. Dr., did you note the clothing worn or upon the
12 corpse of Mr. Faust?

13 A. I did.

14 Q. Do you remember what that was?

15 A. May I refer to my report?

16 Q. Please.

17 A. He was wearing a pair of black tennis shoes, black
18 socks, blue-gray shorts, blue-gray underpants, a black,
19 hooded sweatshirt, and sleeveless, black T-shirt.

20 Q. What was the condition of the clothing as it relates
21 to blood?

22 A. So the underpants, the shorts, the front of the
23 sweatshirt, in the left forearm region of the sweatshirt,
24 were partially blood-soaked.

1 MR. STEGE: Nothing further.
2 Thank you.
3 THE COURT: Mr. Picker, anything else?
4 MR. PICKER: Not based on that.
5 Thank you, Your Honor.
6 THE COURT: Thank you.
7 Dr. Schrader, thank you so much. You may step down.
8 I wish you a pleasant afternoon.
9 THE WITNESS: Thank you so much.
10 (Witness excused.)
11 THE COURT: Mr. Stege, go ahead and remove that
12 exhibit, if you would, please, from the monitor.
13 Mr. Stege, State's next witness, please.
14 MR. STEGE: Your Honor, may I have a few minutes with
15 the court clerk to ensure -- before I rest my case, to ensure
16 the status of the exhibits?
17 THE COURT: You may.
18 So what we'll do, ladies and gentlemen, we're not
19 going to just yet take a recess, because once we do it will
20 be for the rest of the day. So we're going to go off the
21 record for just a moment.
22 Feel free to stand up, stretch in place. We'll
23 resume here in just a moment or two.
24 MR. STEGE: Thank you, Your Honor.

1 I rest my case.

2 THE COURT: Okay. I want to make sure we were back
3 on the record for that comment.

4 Ms. Zihn, did you get that? All right.

5 Mr. Picker, any objection to the Court calling it a
6 day, resuming tomorrow?

7 MR. PICKER: No objection to that, at all.

8 THE COURT: Okay. Didn't mean to put you on the spot
9 there.

10 Mr. Stege, I'm assuming no objection from the State,
11 as well.

12 MR. STEGE: Correctly assumed, Your Honor. Yes.

13 THE COURT: So, ladies and gentlemen, before the
14 admonition, a couple comments on the status, the procedural
15 status.

16 Tomorrow you have the morning off, the reason being
17 the Court has other matters I need to take up -- unrelated to
18 this case, in part, some related to this case -- outside your
19 presence. Among other things that counsel and I will be
20 going over, the instructions of law, which is done outside
21 your presence.

22 So rather than have you all come in here and wait
23 while these things are happening, we are directing that you
24 report back to the jury room tomorrow no later than 12:30

1 p.m. And we expect to start -- resume proceedings in this
2 case approximately at 1:00 p.m., no later than 1:00 p.m.
3 Okay. So you have the morning off. Please be back by 12:30.

4 The admonition, of course.

5 During the evening recess, you must not discuss or
6 communicate with anyone, including fellow jurors, in any way
7 regarding this case or its merits, either by phone, voice,
8 e-mail, text, internet or other means of communication,
9 including, but not limited to, social media. You must not
10 read, watch or listen to any news or media accounts or
11 commentary about the case. Do not do any independent
12 research, such as consulting a dictionary, using the internet
13 or using reference materials. Do not make an investigation,
14 test a theory of the case, re-create any aspect of the case
15 or in any other way investigate or learn about the case on
16 your own.

17 In addition, it is your duty not to form nor express
18 any opinion regarding the case until it is finally submitted
19 to you.

20 So we'll see you back here, please, at 12:30
21 tomorrow. I wish you all a very nice afternoon.

22 Everyone please rise for the jury.
23
24

1 (The following proceedings
2 were had without the presence
3 of the jury:)

4 THE COURT: Okay. So I will see everybody back here
5 in this courtroom, on the record, 8:30 tomorrow.

6 The defense has the option to excuse Mr. Cameron from
7 the 8:30-to-10:30 session, if they so desire. And then court
8 recesses for other matters. And then please be ready to
9 continue the case promptly at 1:00 o'clock.

10 Anything else, Mr. Stege, at this time?

11 MR. STEGE: May I have a moment with opposing
12 counsel?

13 THE COURT: Yes.

14 MR. STEGE: Thank you, Your Honor, for that
15 indulgence.

16 Thank you for that schedule. We'll be here at 8:30.

17 THE COURT: Thank you.

18 Anything else, Mr. Picker or Ms. Garcia?

19 MR. PICKER: No, Your Honor.

20 Just for the record, we have asked to have Mr.
21 Cameron here at 8:30.

22 THE COURT: Okay. Very good.

23 Thank you very much.

24 With that, the Court is in recess.

1 I wish everyone a pleasant evening.
2 (Recess.)
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
4 Second Judicial District Court of the State of Nevada, in and
5 for the County of Washoe, do hereby certify:

6 That I was present in Department No. 8 of the
7 above-entitled court on Tuesday, July 6, 2021, at the hour of
8 8:30 a.m. of said day, and took verbatim stenotype notes of
9 the proceedings had upon the matter of THE STATE OF NEVADA,
10 Plaintiff, versus WAYNE CAMERON, Defendant, Case No.
11 CR20-3544, and thereafter reduced to writing by means of
12 computer-assisted transcription as herein appears;

13 That the foregoing transcript, consisting of pages 1
14 through 234, all inclusive, contains a full, true and
15 complete transcript of my said stenotype notes, and is a
16 full, true and correct record of the proceedings had at said
17 time and place.

18 Dated at Reno, Nevada, this 18th day of November,
19 2021.

20

21

22 /s/ Isolde Zihn
23 Isolde Zihn, CCR #87

24

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR20-3534

12

WAYNE CAMERON,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

16

Trial

VOLUME VIII

July 7, 2021

17

APPEARANCES:

18

For the State:

Amos Stege

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Marc Picker

21

Alternate Public Defender

Jenna Garcia

22

Deputy Alternate Public Defender

350 South Center Street

23

Reno, Nevada

24

Reported by:

Isolde Zihn, CCR #87

| | | | | | |
|----|------------------------|--------|-------|----------|---------|
| 1 | INDEX | | | | |
| 2 | DEFENDANT'S WITNESSES: | Direct | Cross | Redirect | Recross |
| 3 | F. Javier Lopez | 5 | 9 | 10 | |
| 4 | Wayne Michael Cameron | 20 | 48 | 113,125 | 118,125 |
| 5 | | | | | |
| 6 | REBUTTAL WITNESSES: | | | | |
| 7 | Aspen C. | 127 | 128 | 130 | |
| 8 | | | | | |
| 9 | | | | | |
| 10 | | | | | |
| 11 | | | | | |
| 12 | | | | | |
| 13 | | | | | |
| 14 | | | | | |
| 15 | | | | | |
| 16 | | | | | |
| 17 | | | | | |
| 18 | | | | | |
| 19 | | | | | |
| 20 | | | | | |
| 21 | | | | | |
| 22 | | | | | |
| 23 | | | | | |
| 24 | | | | | |

1 RENO, NEVADA, WEDNESDAY, JULY 7, 2021, 1:00 P.M.

2 (The following proceedings

3 were had without the presence

4 of the jury:)

5 THE COURT: Thank you, Deputy.

6 Good morning -- or good afternoon, everyone.

7 Please be seated.

8 Okay. We're back on the record in the case of State

9 of Nevada versus Wayne Michael Cameron.

10 The Court recognizes the prosecution, defense team,

11 and the defendant.

12 Mr. Stege, are we ready -- is the State ready to

13 proceed?

14 MR. STEGE: Yes.

15 THE COURT: Thank you.

16 Is the defense ready to proceed?

17 MR. PICKER: We are, Your Honor.

18 THE COURT: All right. Thank you.

19 Please bring the jury back in, Deputy.

20 All rise for the jury.

21 (The following proceedings

22 were had with the presence of

23 the jury:)

24 THE COURT: Okay. Good afternoon.

1 Welcome back, ladies and gentlemen.
2 You may be seated.
3 Mr. Stege, will you stipulate that all jurors are
4 accounted for?
5 MR. STEGE: Yes.
6 THE COURT: Mr. Picker.
7 MR. PICKER: Yes, Your Honor.
8 THE COURT: Thank you very much.
9 The defense may proceed.
10 MR. PICKER: Thank you, Your Honor.
11 We would call R. Javier Lopez.
12 THE COURT: Good afternoon, Mr. Lopez.
13 Please come forward. Stand right there. Please
14 address the court clerk and be sworn.
15 (Witness sworn.)
16 THE COURT: Thank you.
17 Please have a seat.
18 When you're comfortable, please remove the mask and
19 slide in.
20 And, as before, please speak up, and speak close to
21 the microphone.
22 Mr. Picker, you may proceed with examination.
23 MR. PICKER: Thank you, Your Honor.
24

1 F. JAVIER LOPEZ,
2 called as a witness on behalf of the Defendant,
3 first having been duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. PICKER:
7 Q. Good afternoon, Mr. Lopez.
8 A. Good afternoon, sir.
9 Q. On February 27th of last year, you had the occasion
10 to meet with Gary Miner at his residence; is that correct?
11 A. I did.
12 Q. And that was to discuss a subsequent meeting he had
13 had with Mr. Cameron; is that correct?
14 A. That's correct.
15 Q. During that discussion, did you ask him what Mr.
16 Cameron told -- did you ask Mr. Miner what Mr. Cameron had
17 told him?
18 A. That was the purpose of my visit: to hear what Mr.
19 Cameron had conversed with him.
20 Q. Okay. And you wrote a report about that interview;
21 correct?
22 A. I conducted a brief synopsis of the interview, yes.
23 Q. And when you write a report, and you put something in
24 quotes, does that mean those are the exact words that you

1 were told?

2 A. Typically, yes.

3 Q. And would that have been the case in your report that
4 was supplement number 26 in this case?

5 A. Yes, sir.

6 Q. So Mr. Miner, if I understand this, he told you --
7 recounted the following: Mr. Cameron had come in on February
8 25th, two days previous; is that correct?

9 A. Uh-huh.

10 Q. Is that a "Yes"?

11 A. Yes, sir.

12 Q. Sorry. The court reporter has a hard time with that.

13 A. Absolutely. That's fine.

14 Q. He also said that his home had been searched pursuant
15 to a search warrant.

16 A. Yes.

17 Q. And that police had taken his guns, car, laptop,
18 phone and some other items.

19 A. Yes.

20 Q. And when Mr. Miner specifically asked Mr. Cameron if
21 they took his guns, Mr. Cameron apparently had a reply; is
22 that correct?

23 A. I'm sorry. Repeat that.

24 Q. When Mr. Miner asked Mr. Cameron whether police had

1 taken his guns, Mr. Cameron had a specific reply to that
2 question, didn't he?

3 A. I presume he did, yes.

4 Q. In fact, you put that response in quotes, which means
5 those are pretty much the exact -- or not pretty much, those
6 are exactly the words Mr. Miner used; is that correct?

7 A. I would say pretty much, yes.

8 Q. All right. So if you wrote down, quote, "But they
9 aren't going to find anything," unquote, is that what
10 Mr. Miner told you?

11 A. Yes.

12 Q. And that Mr. Miner then told you it was his
13 assumption that that -- that Mr. Cameron had gotten rid of a
14 gun.

15 A. I don't recall if those were his exact words, but I
16 do believe that during our conversation he had made mention
17 about that.

18 Q. Would it refresh your recollection to see your
19 report?

20 A. Absolutely it would.

21 MR. PICKER: Supplement number 26, Your Honor. It is
22 page 7 of 10. It is DA number 397.

23 THE COURT: Okay. You may approach.
24

1 BY MR. PICKER:
2 Q. Please let me know when you're done.
3 A. Sure.
4 Okay.
5 Q. Thank you. I'll retrieve that from you.
6 So, Mr. Lopez, it was Mr. Miner's assumption that Mr.
7 Cameron had gotten rid of a gun.
8 A. That's correct.
9 Q. And but Mr. Cameron had never actually said that to
10 him.
11 A. No. He explained to me that he felt that way.
12 Q. And the only thing that Mr. Cameron apparently said
13 to Mr. Miner was, "Yeah, but they aren't going to find
14 anything."
15 A. That's correct.
16 Q. And that was after he said -- Mr. Cameron had said
17 that police had taken his guns, car, laptop, phone and other
18 items.
19 A. Yes, sir.
20 Q. Mr. Miner then asked Mr. Cameron if he had committed
21 this crime that he's accused of; is that correct?
22 A. That's correct.
23 Q. And Mr. Cameron's response was, according to
24 Mr. Miner, quote, "You know I can't say. You know I can't

1 talk about it," unquote.

2 A. That's correct.

3 MR. PICKER: Thank you, Mr. Lopez.

4 That's all the questions I have.

5 THE WITNESS: Thank you, sir.

6 THE COURT: Mr. Stege.

7 CROSS-EXAMINATION

8 BY MR. STEGE:

9 Q. To be clear, isn't it true that Miner's recitation
10 was that -- this "Yeah, they aren't going to find anything"
11 is in direct response to Miner saying, "So they took your
12 guns"?

13 A. It was following that; that's correct.

14 Q. "So they took your guns." "Yes. They're not going
15 to find anything," according to Miner.

16 A. Yes.

17 Q. And this is -- you didn't use the word "assume" here
18 in your report; that Miner assumed that he got rid of the
19 gun.

20 You said, "Gary took this answer as if the defendant
21 had gotten rid of the guns." "Took this answer"; right?

22 A. That's how he expressed it, yes.

23 Q. Another way of saying interpreted what Mr. Cameron
24 had said as, "He got rid of the guns."

1 MR. PICKER: Objection, Your Honor. Leading, and
2 misstates the evidence.

3 THE COURT: Overruled.

4 THE WITNESS: Yes.

5 MR. STEGE: Nothing further.

6 Thank you.

7 THE COURT: Anything else from the defense?

8 REDIRECT EXAMINATION

9 BY MR. PICKER:

10 Q. So when you said that Mr. Miner took Mr. Cameron's
11 answer as if he had gotten rid of the gun, that was because
12 Mr. Cameron had never said anything about getting rid of a
13 gun; correct?

14 A. That's correct.

15 Q. And that was just Mr. Miner telling you what he
16 thought.

17 A. Mr. Miner expressed to me how he felt, yes.

18 Q. Pretty much an assumption on his part.

19 MR. STEGE: Argumentative. Objection.

20 THE COURT: Overruled.

21 THE WITNESS: He expressed to me that he felt that's
22 what the statement -- that's what it translated to him.

23 BY MR. PICKER:

24 Q. Did Mr. Miner tell you how much time passed between

1 Mr. Cameron saying the police had taken his guns, car,
2 laptop, phone and other items and Mr. Miner asking him about
3 "So they took your guns"?

4 A. I don't believe that was discussed, no.

5 Q. Okay. Did it appear in his recitation to you of that
6 conversation that it was a very short period of time that
7 they discussed it?

8 A. I do remember at one point in our conversation he
9 expressed that their visit was very short. And I believe he
10 said, "He usually stays for longer, but we only spoke for
11 approximately 20 minutes."

12 Q. So you don't know whether Mr. Cameron's comment about
13 police taking his guns, car, laptop, phone and other items
14 was immediately followed by Mr. Miner's question about the
15 guns.

16 MR. STEGE: I object. Leading is not allowed on
17 direct.

18 THE COURT: Can you rephrase it?

19 MR. STEGE: And I would add a second layer to that,
20 Your Honor, is he has now exceeded the scope of impeachment.

21 THE COURT: Well, we've had a little bit of that on
22 each side, and the Court has shown a little bit of leeway.

23 The objection is sustained.

24 You can have a seat, Mr. Stege.

1 Please ask the question.

2 MR. PICKER: May I be heard?

3 THE COURT: You may, but I'd rather have you rephrase

4 the question, please.

5 MR. PICKER: And I'm just trying to use the same

6 words that are in Mr. Lopez's report.

7 THE COURT: Understand.

8 BY MR. PICKER:

9 Q. You don't know that Mr. Cameron's comment about

10 police, pursuant to a search warrant, taking his guns, car,

11 laptop, phone and other items wasn't immediately followed by

12 the discussion about taking -- the police taking his guns.

13 A. Right. If you're referring to the order that it was

14 presented to him, I don't know that. You're right.

15 Q. And again -- well.

16 MR. PICKER: Thank you.

17 That's all I have.

18 THE COURT: Mr. Stege, anything else?

19 MR. STEGE: Thank you, no.

20 THE COURT: All right. Officer Lopez, thank you very

21 much for your testimony. You may step down.

22 THE WITNESS: Thank you, Your Honor.

23 (Witness excused.)

24 THE COURT: Mr. Picker, the Court is considering

1 having a short recess at this time, unless you have a
2 different approach in mind.

3 MR. PICKER: No, Your Honor. That's an appropriate
4 thing to do.

5 THE COURT: All right. Ladies and gentlemen of the
6 jury, we are going to take approximately a 20-minute recess.

7 During the recess, you must not discuss or
8 communicate with anyone, including fellow jurors, in any way
9 regarding the case or its merits, either by phone, in person,
10 e-mail, text, internet or other means of communication,
11 including, but not limited to social media. You must not
12 read, watch or listen to any news or media accounts or
13 commentary about the case. Do not do any research, for
14 example, consult a dictionary, surf the internet, or use
15 reference materials. Do not make an independent
16 investigation, test a theory of the case, attempt to
17 re-create any aspect of the case or in any other way
18 investigate or learn about the case on your own.

19 Additionally, it is your duty not to form nor express
20 any opinion regarding the case until it is finally submitted
21 to you.

22 Please rise for the jury.
23
24

1 (The following proceedings
2 were had without the presence
3 of the jury:)
4 THE COURT: All right. You may be seated.
5 Mr. Picker, does the defense have any additional
6 witnesses, other than possibly the defendant?
7 MR. PICKER: We do not, Your Honor.
8 THE COURT: All right. Thank you.
9 At this time, I'm going to canvass Mr. Cameron about
10 his intention whether to testify or remain silent.
11 Mr. Cameron, at this time, if you would please remove
12 your mask, stand up. You can address the Court from there.
13 Please raise your right hand and take the oath of
14 witness.
15 Ms. DeGayner.
16 (Defendant sworn.)
17 THE COURT: Thank you very much.
18 All right. Mr. Cameron, you may put your hand down.
19 Have you been present in court each day for trial?
20 THE DEFENDANT: Yes, I have.
21 THE COURT: Thank you.
22 You can either hold it, or Mr. Picker can fasten that
23 to your lapel.
24 Have you heard each of the witnesses testify in this

1 matter?

2 THE DEFENDANT: Yes, I have.

3 THE COURT: Have you had an opportunity to confer
4 with your attorneys with respect to this matter?

5 THE DEFENDANT: Yes, I have.

6 THE COURT: Prior to trial starting, did you have a
7 chance to work with your attorneys in preparation for trial?

8 THE DEFENDANT: Yes.

9 THE COURT: Now, we've talked about the fact that you
10 are currently -- and have been for some time, apparently --
11 taking medicine as prescribed and administered from those
12 medical caregivers at the Washoe County Jail. Are you still
13 taking that, and have you been taking that medicine through
14 the trial?

15 THE DEFENDANT: Yes.

16 THE COURT: Has it impaired your ability to
17 understand what is happening in trial in any way?

18 THE DEFENDANT: No.

19 THE COURT: And is it true that the Court has
20 previously discussed with you the fact that, if you felt
21 lightheaded, unclear, unable to understand what was
22 happening, to notify the Court of that, or court personnel?

23 THE DEFENDANT: Yes.

24 THE COURT: And have you notified anyone associated

1 with this trial that you were having such difficulty?

2 THE DEFENDANT: No.

3 THE COURT: Mr. Picker, any doubt in your mind that
4 Mr. Cameron is competent to make an informed decision about
5 his decision whether to testify as a witness in this case or
6 to not testify?

7 MR. PICKER: I have no doubt about that, Your Honor.

8 THE COURT: Thank you.

9 Mr. Cameron, do you understand that, under the Fifth
10 Amendment to the Constitution, you have a constitutional
11 right not to testify in this case?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: Do you understand that, similarly, you
14 have a right to testify in this case?

15 THE DEFENDANT: Yes.

16 THE COURT: Have you had an opportunity to speak with
17 your counsel about whether you will be exercising your right
18 not to testify in this matter?

19 THE DEFENDANT: Yes.

20 THE COURT: Have you had an opportunity to discuss
21 with your counsel about your ability to testify in this
22 matter?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that, if you do not

1 testify, I will instruct the jury that they are not to infer
2 anything by the fact that you exercised your right not to
3 testify; indeed, they are not to even consider it or discuss
4 it during their deliberations? Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: Do you understand, on the other hand, if
7 you do testify, you would be subject to cross-examination by
8 the prosecutor?

9 THE DEFENDANT: Yes.

10 THE COURT: Having balanced everything the Court has
11 said, and had the opportunity to consider this and discuss it
12 with your attorney, do you wish to testify in this matter?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Very good. Thank you very much.

15 You may have a seat.

16 Okay. When we call the jury back in, Mr. Picker, I
17 will ask for your next witness, and at that time you'll call
18 Mr. Cameron.

19 MR. PICKER: Yes, Your Honor.

20 THE COURT: Very good.

21 Deputy, please bring the jury back.

22 MR. STEGE: Your Honor, could I have a few minutes?
23 Step out, step back in, is all.

24 THE COURT: Okay. What we'll do is go off the

1 record. The Court will stand down.
2 I'll give the prosecution a moment.
3 (Off the record.)
4 THE COURT: Mr. Stege, are we ready to proceed?
5 MR. STEGE: Yes. Thank you.
6 THE COURT: Thank you.
7 MR. PICKER: Your Honor, the system is -- for some
8 reason, the Elmo system is not working.
9 THE COURT: Technology issue?
10 MR. PICKER: Apparently so, Your Honor. It was not
11 up. The only thing on was the Elmo itself. I went to touch
12 it, and it said it's initializing. It's been doing that for
13 a few minutes.
14 THE COURT: We'll go off the record. I will contact
15 IT, have them come down here. I'll stay on the bench just
16 working on instructions. But we'll be off the record.
17 (Off the record.)
18 THE COURT: All right. It appears this is going to
19 take a few minutes, so the Court is going to leave the bench.
20 We will be off the record. Everyone can be at ease.
21 I'll be back here in a few minutes when I hear we're back
22 online.
23 Court is in recess.
24 (Recess.)

1 THE COURT: Thank you.
2 Please be seated.
3 Okay. We're back on the record outside the presence
4 of the jury.
5 I'm informed that the technology issue has been
6 addressed.
7 Mr. Picker, are we ready to proceed?
8 MR. PICKER: Yes, Your Honor.
9 THE COURT: Mr. Stege.
10 MR. STEGE: Yes.
11 THE COURT: Thank you.
12 Please bring the jury back in.
13 (The following proceedings
14 were had with the presence of
15 the jury:)
16 THE COURT: Welcome back, ladies and gentlemen.
17 You may be seated.
18 Mr. Stege, will you stipulate all jurors are present?
19 MR. STEGE: Yes.
20 THE COURT: Mr. Picker.
21 MR. PICKER: Yes, Your Honor.
22 THE COURT: Thank you.
23 Please call the defense next witness.
24 MR. PICKER: We'd call Wayne Michael Cameron to the

1 stand.

2 THE COURT: Thank you.

3 Mr. Cameron, please come forward.

4 Please approach the court clerk and be sworn.

5 (Witness sworn.)

6 THE COURT: Thank you.

7 Mr. Cameron, please have a seat at the witness stand.

8 Please slide in, make yourself comfortable, adjust the

9 microphone, and speak loudly, close to the microphone.

10 Please state your name.

11 THE WITNESS: Wayne Michael Cameron.

12 THE COURT: Thank you, Mr. Cameron.

13 Mr. Picker, you may proceed.

14 MR. PICKER: Thank you, Your Honor.

15 WAYNE MICHAEL CAMERON,

16 called as a witness on behalf of the Defendant,

17 first having been duly sworn,

18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. PICKER:

21 Q. Mr. Cameron, you are the person accused in this case;

22 correct?

23 A. Yes.

24 Q. You have sat here through all of the trial and

1 watched all the witnesses?

2 A. Yes.

3 Q. Let's start with February 11th -- -- let's start --
4 my apologies.

5 THE COURT: Okay.

6 BY MR. PICKER:

7 Q. Let's start on February 11th, 2020. Where were you
8 early in the evening that evening, that day?

9 A. Just after 5:00 p.m., I left my home and went to Los
10 Compadres.

11 Q. How long were you at Los Compadres?

12 A. An hour, I'm guessing.

13 Q. While you were at Los Compadres, did you have any
14 alcoholic drinks?

15 A. Yes.

16 Q. How many?

17 A. I ordered one, then drank it. Ordered a second. It
18 was too sweet, so I passed it away right before I left.

19 Q. Where did you leave -- after about an hour you said
20 you left Los Compadres?

21 A. Yes.

22 Q. Where did you go from there?

23 A. I ended up going to Murrieta's.

24 Q. Okay. And how long were you at Murrieta's?

1 A. Probably about the same, about an hour.

2 Q. Okay. While your were there, did you partake in any
3 alcoholic beverages?

4 A. I had one margarita.

5 Q. About what time did you leave Murrieta's?

6 A. I believe it was around 8:30 p.m.

7 Q. And where were you headed when you left Murrieta's?

8 A. I was headed home.

9 Q. Okay. And tell us the route you took to get home.

10 A. I headed down South Virginia, made a right on
11 Foothill. And then there was some back roads that you take
12 up to Zolezzi, and then Zolezzi basically leads to my house.

13 Q. At some point, either as you were approaching Zolezzi
14 or on Zolezzi, did you become aware of a pickup truck?

15 A. Yes.

16 Q. And about how far away from you was this pickup when
17 you first noticed it?

18 A. About a hundred yards.

19 Q. Was there any other vehicle with the pickup?

20 A. There was a motorcycle, approaching from behind.

21 Q. What was the pickup doing at the time you saw it?

22 A. He had just been stopped there for some time.

23 Q. Okay. When you say "stopped there," where are you
24 talking about?

1 A. Looked like -- I mean, I was a little ways back, but
2 about at the intersection of Zolezzi and -- I believe it's
3 Edmands.

4 Q. Okay. And was the pickup stopped or still moving?

5 A. It was stopped.

6 Q. Was the motorcycle stopped or moving?

7 A. It stopped behind him.

8 Q. Okay. What happened next?

9 A. The motorcycle attempted to go around the truck, and
10 the truck started going, and almost hit him.

11 Q. At this point, how far behind these two vehicles were
12 you?

13 A. Thirty yards.

14 Q. Did the motorcycle complete going around the pickup?

15 A. He did.

16 Q. Did he leave the area, or did he stay with the
17 pickup?

18 A. Stayed with him for a quick second, almost taunting
19 him, and then he continued up Zolezzi.

20 Q. Showing you Exhibit 1, page 1. Is this the area
21 about what you're talking?

22 A. The area of -- I believe it's Edmands and Zolezzi, is
23 a little further west.

24 Q. Further west or --

1 A. Yeah. So, heading that way.

2 Q. Okay.

3 A. That's an arrow.

4 Q. Would that be to the east?

5 A. That would be to the east. Thank you.

6 Q. So after the motorcycle left the area, what did you
7 do next?

8 A. I followed the truck.

9 Q. Did you recognize the truck? Is it somebody you
10 knew?

11 A. No.

12 Q. What was your intent in following the truck?

13 A. At first, when I first saw it, I thought it was -- I
14 assumed it was a teenager texting in the middle of the road,
15 just stopped. And then I thought the person may be
16 intoxicated, and that was the reason for the incident.

17 Q. Okay. You're not a law enforcement officer.

18 A. I am not.

19 Q. You've never been a law enforcement officer?

20 A. No.

21 Q. Okay. You don't have any law enforcement training?

22 A. No.

23 Q. So you followed this pickup. How far did you follow
24 the pickup?

1 A. Two to three minutes.

2 Q. Okay. On Exhibit 1, page 1, is it possible for you

3 to draw the route -- well, let me ask you. Did both your

4 vehicle and the pickup continue on Zolezzi Lane?

5 A. Yes.

6 Q. And continued westward?

7 A. Correct.

8 Q. At some point, did you and the pickup leave Zolezzi

9 Lane?

10 A. Yes.

11 Q. Can you see on this map, on this aerial photo, where

12 you both turned?

13 A. Without what I've seen here, I would not have known

14 where I turned. I mean, I do know where I turned at this

15 point.

16 Q. Okay. You were just following the pickup?

17 A. Correct.

18 Q. You followed him through a number of turns?

19 A. Yes.

20 Q. Through a number of stop signs?

21 A. Yes.

22 Q. And you always stayed within sight of him?

23 A. Repeat that, please.

24 Q. You always stayed within sight of him?

1 A. Yes.

2 Q. At some point, did you end up in a cul-de-sac with
3 this vehicle?

4 A. Yes.

5 Q. Showing you Exhibit 1, page 4. That look familiar?

6 A. Yes.

7 Q. Is that the cul-de-sac where you and this other
8 vehicle ended up?

9 A. Yes.

10 Q. You had had two margaritas at this point; correct?

11 A. Correct.

12 Q. Were you feeling intoxicated?

13 A. No.

14 Q. When you followed the pickup into this cul-de-sac,
15 what did the pickup do?

16 A. The pickup turned around, he drove into the
17 cul-de-sac, and then flipped around, pointing out of the
18 cul-de-sac.

19 Q. And what did you do?

20 A. I pulled in, staying the same direction, within
21 approximately -- you know, close approximation to the truck.

22 Q. Using your finger, can you kind of mark where each
23 vehicle was, and then put an arrow as to where they were
24 pointed?

1 A. That one was -- that's the direction.

2 Q. Okay. On this drawing, whose vehicle is on the left

3 side of the screen?

4 A. The pickup truck.

5 Q. And who is on the right?

6 A. My vehicle.

7 Q. Okay. Did the pickup come to a stop in that

8 cul-de-sac?

9 A. Yes.

10 Q. And you came to a stop?

11 A. Yes.

12 Q. Was your window down?

13 A. Not when I arrived, but I rolled it down as I

14 stopped.

15 Q. Okay. To your observation, was the driver's-side

16 window of the pickup down?

17 A. Yes.

18 Q. Did you have any interaction with the driver of the

19 other vehicle?

20 A. Yes.

21 Q. Verbal, or otherwise?

22 A. Verbal.

23 Q. Who initiated the conversation?

24 A. I did.

1 Q. What did you say?

2 A. When I stopped, I rolled down the window. I said,

3 "Hey, man, are you all right?"

4 Q. Now, this is a vehicle you had been stopping because

5 you thought the driver might be intoxicated or any other

6 reason. Why would you ask him whether he was okay?

7 A. Just wondering if he's able to get home and --

8 safely.

9 Q. Did the driver of that truck respond?

10 A. He did.

11 Q. How did he respond?

12 A. He goes, "Yeah, I'm okay."

13 THE WITNESS: Is it okay to cuss in court, sir?

14 THE COURT: You can use those.

15 THE WITNESS: He goes, "Yeah, I'm okay. Why the fuck

16 are you following me?"

17 BY MR. PICKER:

18 Q. Did you respond to that?

19 A. I said, "Why are you trying to kill people?"

20 Q. Did he respond to that?

21 A. Yeah. He -- I don't remember this exactly, you know,

22 but basically, like, "What business is it of yours?"

23 Q. Okay. I assume this conversation continued for a

24 little bit.

1 A. Yeah. I mean, it wasn't long, but it did.

2 Q. Okay. At some point, did the conversation change

3 from the tone of what you just relayed to something more?

4 MR. STEGE: I object to the leading nature of this

5 question. This is direct. Leading questions are not

6 allowed.

7 THE COURT: Overruled.

8 THE WITNESS: Yes, the tone changed.

9 BY MR. PICKER:

10 Q. How did it change?

11 A. There was -- there was -- some words went on. And

12 then at one point he just got mad, and flinched at me, and

13 said, "I will kill you, motherfucker."

14 Q. Was he still in his vehicle?

15 A. Yes, he was.

16 Q. Where were you at that time?

17 A. After my initial words with him, I didn't hear. I

18 had opened the door, and I was behind my door.

19 Q. Was there anything about that gesture that you just

20 made that caused you concern?

21 MR. STEGE: Same objection. The man should give the

22 testimony, not his lawyer.

23 THE COURT: Overruled.

24 MR. STEGE: It's leading.

1 THE COURT: I think it's a permissible question.

2 THE WITNESS: At that point, it changed everything.

3 When he flinched, and that tone of voice, and he was holding

4 his hand up, I'm like: Oh, crap, he has a gun in his hand.

5 BY MR. PICKER:

6 Q. What did you do in response to that?

7 A. Right then, I mean, it seemed like I stood there for
8 a quick second. I reached under my seat and grabbed my gun.

9 I carry a gun under my seat. Popped the clip, and loaded a
10 cartridge.

11 Q. The gun was not loaded when it was in your vehicle?

12 A. No.

13 Q. Where was the clip?

14 A. Just right beside the gun.

15 Q. Okay. So when you put the clip in the gun, did you
16 take some action toward that gun?

17 A. Yes. I popped the clip and loaded it.

18 Q. Okay. Did the driver of the other vehicle appear to
19 notice that you did that?

20 A. No.

21 Q. What occurred next?

22 A. Right then I had set the gun on my driver's seat.
23 And at that point, I was scared. And I'm like, "Hey, you
24 know what? Let's just call it a night. This isn't my

1 problem." Maybe a few more words. I just felt scared.

2 Q. And how did the person in the other vehicle react?

3 A. He flipped. I don't know what it was. I mean, it
4 was -- something like -- I don't know. You don't even expect
5 it. And he's, like, "Problems? You don't know my problems,
6 you little -- you piece of shit." Said something about
7 "panty-wearing motherfucker." I mean, there was just some
8 angry, weird words in there.

9 Q. And what did you do in response to that?

10 A. At that point, I think I said something else, you
11 know, kind of trying to say, "You know what? Relax." And --
12 oh. And then I said, "Just so you know, I have a gun, too.
13 I also have a gun."

14 Q. Did the driver of the other vehicle respond to that?

15 A. Yes, he did.

16 Q. How did he respond?

17 A. He started yelling, like, "Fuck you." Turned his
18 wheel straight at me, drove his vehicle right at me, with his
19 arm up, like he was going to kill me with his vehicle.

20 Q. Was that your impression?

21 A. Absolutely.

22 Q. I'm going to have you erase those two dots -- those
23 two. Get us a little closer here. Would you please re-draw
24 in the two vehicles.

1 So the vehicles weren't side by side?

2 A. No.

3 Q. Is that what we're seeing?

4 A. Correct.

5 Q. The front of your vehicle roughly even to the front

6 of the other vehicle; is that correct?

7 A. Pretty close to that.

8 Q. When you say you saw his wheels turn, how could you

9 tell?

10 A. They were basically right in front of me. And he

11 just turned a little more to his left. You could hear them.

12 It was on gravel, a gravelly road.

13 Q. What did you do next?

14 A. Grabbed my gun.

15 Q. Okay. Did you stay behind the door of your vehicle?

16 A. For a quick second. And then the truck was coming

17 right at me, so I slid to the left, thinking I could get

18 away. We were so close.

19 Q. What did you do next?

20 A. I fired my weapon.

21 Q. I'm going to digress just for a second, and then I'll

22 bring you back to that.

23 You had -- at the time this occurred, you had a valid

24 concealed carry permit; is that correct?

1 A. Yes.

2 Q. Had you taken any class or any training to get that

3 permit?

4 A. Yes.

5 Q. What is the nature of that training?

6 A. Firearms safety, self-defense, how to carry the

7 weapon, how to properly load it, and, I guess, chamber a

8 round. Covers a large gambit of gun safety and such.

9 Q. Is there any part of that permit process that is

10 practical? In other words, you have to shoot your gun?

11 A. Yes. You have training at the range.

12 Q. And how are you taught to hold -- well, let me ask

13 you. The weapon that you had that night, did you use that

14 weapon when you were getting your permit?

15 A. I believe so.

16 Q. Okay. In the course of your firing, how were you

17 taught to hold the weapon when you were firing it?

18 A. Two hands.

19 Q. Okay. On February 11th, 2020, when you shot your gun

20 that night, how were you holding the gun?

21 A. One hand.

22 Q. And how were you standing?

23 If you could, stand up and show the jury how you were

24 standing.

1 A. I was standing -- so I was standing straight up,
2 within my door. And then, as the truck came to me, I went
3 like that, (indicating).
4 Q. Go ahead and have a seat.
5 When you just showed us, it appeared that you were
6 holding the gun out to the side; is that correct?
7 A. Yes. Side, and kind of over the door.
8 Q. And you appeared to turn your head.
9 A. Correct.
10 Q. Did you turn your head that night?
11 A. Yes.
12 Q. Did you see where you were aiming the gun?
13 A. No.
14 Q. After you fired the gun, where was the pickup?
15 A. Right beside me, right in front of me.
16 Q. Did it strike you or your vehicle?
17 A. No.
18 Q. Okay. Did it appear to change directions or continue
19 to go straight?
20 A. It appeared to change directions sometime when I had
21 pulled the weapon.
22 Q. When you fired your weapon, could you see the person
23 in the pickup at the time -- at the moment you were firing?
24 A. No.

1 Q. What did the pickup do after you fired the weapon?
2 A. As soon as the weapon was fired, he took off.
3 Q. When you say "He took off," are you talking about
4 driving in this direction?
5 A. Correct.
6 Q. And where did you go -- and what did you do?
7 A. The first thing I did was, when the gun fired, I
8 thought we both fired at the same time because it was so
9 loud, so I checked for just quick injury.
10 Q. You were uninjured?
11 A. Correct.
12 Q. You had not been shot.
13 A. No.
14 Q. What did you do next?
15 A. I got in my car and left.
16 Q. Was the pickup still in the cul-de-sac when you left?
17 A. It had stopped 60, 70 yards down the road.
18 Q. Could you see inside the pickup when you drove by it?
19 A. No.
20 Q. Did you try to look inside of it?
21 A. No.
22 Q. After you left that cul-de-sac, do you know where you
23 went?
24 A. I was pretty confused trying to get out of there, so

1 I don't know the exact route I took home.

2 Q. Okay. Did you make any stops between that cul-de-sac
3 and getting home?

4 A. Yes.

5 Q. Where did you stop?

6 A. I do not know. Somewhere between that cul-de-sac and
7 La Paz.

8 Q. La Paz being where you lived?

9 A. Correct.

10 Q. Why did you stop?

11 A. I wanted to get rid of this weapon that I had just
12 had a gunfight with.

13 Q. What did you do?

14 A. I popped the clip, took out the chambered round, put
15 it in a taco bag, and put it in someone's garbage, that was
16 full.

17 Q. When you say "put it in a taco bag," what did you put
18 in the taco bag?

19 A. The gun, minus the clip and a bullet.

20 Q. And what did you do with the clip and the bullet?

21 A. They were in my car until I got home.

22 Q. And what did you do with them after that?

23 A. I'm not sure, but I believe they both went in my
24 trash can.

1 Q. Later that evening, you talked to Mary Gayner.
2 A. Correct.
3 Q. Did you tell her anything about what happened?
4 A. I did not.
5 Q. Did you call Dave Colarchik before or after talking
6 to Mary Gayner?
7 A. I believe, after.
8 Q. Mr. Colarchik testified as to what you told him that
9 night.
10 A. Yeah. I may have been wrong on that. I'm not sure
11 who I talked to first.
12 Q. Mr. Colarchik testified as to what you told him that
13 night.
14 A. Correct.
15 Q. How did that conversation start?
16 A. It just started, "Hey, how's it going?" Casual.
17 Those were the very first words.
18 Q. What did you say next?
19 A. I'm like, "Dude, I could have died tonight. Is Katie
20 listening, or are you alone?" something to that extent.
21 Q. And then Mr. Colarchik said that you said you
22 believed you shot somebody.
23 A. Correct.
24 Q. Is that correct? Is that what you told him?

1 A. Something to basically that, yes.

2 Q. Mr. Colarchik also said that you told him you hate it
3 when people make you angry.

4 A. He did say that, yes.

5 Q. And did you -- is that what you said during the phone
6 conversation?

7 A. I'm sure it was very similar to that, or -- I always
8 tell him that, you know, "I hate it when people are stupid."
9 So that sounds more like what I would say, something similar.

10 Q. And he then talked about you saying, "I hate it that
11 I know the law." Did you say that?

12 A. That doesn't sound like me, because I've always said,
13 "I know a lot of law enforcement, but I do not know the law."

14 Q. You had the opportunity in the next few days, that
15 day and the next few days, to talk to a number of people;
16 correct?

17 A. Correct.

18 Q. Your son, Ethan?

19 A. Yes.

20 Q. Did you tell him what happened that night?

21 A. No.

22 Q. Your daughter, Aspen, did you --

23 A. No.

24 Q. -- see her?

1 A. I did see her.

2 Q. Did you tell her?

3 A. No.

4 Q. Mary Gayner?

5 A. Did not tell her.

6 Q. At some point, you traveled out of state for work; is
7 that right?

8 A. That's correct.

9 Q. Where did you go?

10 A. Texas.

11 Q. When you were in Texas, had you become aware that you
12 were a person of interest in Mr. Faust's death?

13 A. No. I don't believe so.

14 Q. Okay. But you knew that you had -- you were directly
15 involved in that.

16 A. Correct.

17 Q. You didn't -- well, you flew back from Texas to Reno;
18 correct?

19 A. Yes.

20 Q. Okay. And that night you had dinner with a number of
21 people?

22 A. Yes.

23 Q. Including Greg Herrera?

24 A. Yes.

1 Q. You didn't tell Mr. Herrera about this event, did
2 you?
3 A. No.
4 Q. At the point where the police came to your house the
5 first time, do you recall that?
6 A. Yes.
7 Q. You heard the taped interview that was done with you
8 that day; correct?
9 A. Yes.
10 Q. The police asked you to come to the police station?
11 A. Yes.
12 Q. Did you do that voluntarily?
13 A. Yes.
14 Q. You were at the police station a long time.
15 A. Yes.
16 Q. How many hours?
17 A. I believe it was just under eight hours.
18 Q. And you were basically in interrogation for most of
19 that time?
20 A. Yes.
21 Q. With either one or the other, Mr. Nevills or
22 Mr. Smith?
23 A. Yes.
24 Q. And at one point, Mr. Herrera?

1 A. Yes.

2 Q. At no time during that interrogation did you tell
3 them about the incident, did you?

4 A. Not the end of the incident, no.

5 Q. And at no point did you discuss with them whether
6 this was self-defense or something else?

7 A. No.

8 Q. In fact, you lied to the police -- didn't you? --
9 during that interview.

10 A. Yes.

11 Q. A number of times.

12 A. Yes.

13 Q. And when your friend, Greg Herrera, came to talk to
14 you, do you recall that?

15 A. Yes.

16 Q. You lied to him, too?

17 A. Yes.

18 Q. Why didn't you tell them the truth?

19 A. I felt that I needed to talk to someone that could
20 make sure I was saying this correctly in order to get the
21 truth out.

22 Q. Well, at this point, you had had -- what? -- nine
23 days, eight days to talk to somebody. You didn't do that,
24 did you?

1 A. I did not.

2 Q. When you went home -- well, let's put it this way.

3 Let me re-ask the question.

4 Between February 11th of 2020 and February 20th of

5 2020, did you clean your house out of any guns or ammunition?

6 A. No.

7 Q. Okay. The only gun you got rid of was the one you

8 discussed --

9 A. Yes.

10 Q. -- that you tossed in the garbage?

11 A. Yes.

12 Q. You've heard that the police found no .40-caliber

13 ammunition in the house.

14 A. Yes.

15 Q. Did you get rid of all your .40-caliber ammunition?

16 A. No.

17 Q. There was -- there were two .40-caliber fired

18 cartridge casings found in your Acura MDX; correct?

19 A. Yes.

20 Q. And a 9-millimeter brass?

21 A. Yes.

22 Q. So, the 9-millimeter, do you know when or how it got

23 into your vehicle?

24 A. I don't know how. I have some ideas.

1 Q. Okay. How about the .40-caliber casings? Were they
2 from that night?

3 A. No.

4 Q. Were they from some other time?

5 I guess that's a "Yes."

6 A. Yes.

7 Q. On that night --

8 MR. STEGE: I'm sorry. Can the witness give his
9 answer if the .40s were from another occasion, instead of
10 being interrupted?

11 THE COURT: Well, a little bit talked over each
12 other.

13 Let's start over.

14 Was that an objection or a clarification point?

15 MR. STEGE: I object. The man was giving his answer,
16 and his lawyer -- and he was interrupted by Mr. Picker as to
17 the meaning of the silence.

18 THE COURT: All right. Let's -- if you would please
19 ask --

20 MR. STEGE: So the objection is: The man should be
21 allowed to give his answer.

22 THE COURT: Okay. So without making a formal ruling,
23 Mr. Picker, please allow the witness to complete his answer
24 before you start the next question.

1 Mr. Cameron, were you finished with your answer, or
2 would you like to continue?

3 THE WITNESS: I'm finished with my answer.

4 THE COURT: Thank you.

5 Please proceed.

6 BY MR. PICKER:

7 Q. How do you believe those three fired cartridge
8 casings got in your vehicle?

9 A. It's more than likely that when -- if we go
10 shooting -- I was taught this at my CCW class -- you collect
11 your brass. We have always collected -- Ethan and I
12 collected brass, plus extra, and kept it in the car, in a box
13 that they had dumped over a couple times.

14 Q. You were present when Leah Mazza testified; is that
15 correct?

16 A. Yes.

17 Q. She testified that a vehicle had followed her home.

18 A. Yes.

19 Q. Do you recall that incident?

20 A. Very clearly.

21 Q. Can you tell us when the first time was you saw Miss
22 Mazza's vehicle that night, or that day?

23 A. There was a time I was driving up Zolezzi, and all of
24 a sudden I got bumped from behind. And then I noticed her

1 vehicle. That would be the first time.

2 Q. What did you do at that point?

3 A. I pulled over. Anytime you're in an accident or you
4 get bumped, you pull over.

5 Q. What happened next?

6 A. She kept going.

7 Q. Did that make you angry?

8 A. Yes.

9 Q. What did you do at that point?

10 A. I turned in the street I was on, and a couple cars
11 had went by, and I followed the vehicle. The cars turned off
12 before my neighborhood. The vehicle went into my
13 neighborhood, and I followed it.

14 Q. So you followed Miss Mazza's vehicle, just so we're
15 clear?

16 A. Yes.

17 Q. She testified that she attempted to lose you. Were
18 you able to keep her vehicle in sight at all times?

19 A. Yes. I didn't realize the attempt to lose me.

20 Q. When Miss Mazza pulled up in front of her parents'
21 house, what did you do?

22 A. I pulled up behind her vehicle.

23 Q. What did you do?

24 A. Got out, took a picture of the license plate, in case

1 I needed to report it, got in my car, went home.

2 Q. And what did you do when you got home?

3 A. I got home, told Ethan about it. We checked the

4 vehicle. There was no damage, so we let it go.

5 Q. Did you ever attempt to contact Miss Mazza?

6 A. No.

7 Q. Did you ever follow her again?

8 A. No.

9 Q. Did you ever see her vehicle again?

10 A. No.

11 Q. You also heard your daughter, Aspen, talk about an

12 incident. Do you recall that?

13 A. Yes.

14 Q. Do you remember that incident?

15 A. I do.

16 Q. Tell us -- well, how did that event start?

17 A. Aspen and I were driving home. I mentioned to her

18 and saw that someone was just on our tail. Looked like it

19 was four younger people, goofing around in their car. We

20 pulled over to let them pass.

21 They turned basically toward my house. I followed

22 them up. They turned a street or two before my house. And I

23 pulled up on the street to talk with them.

24 Q. You had some interaction with them?

1 A. Yes.

2 Q. Did you yell at them?

3 A. My voice was raised, but I wouldn't consider it

4 yelling, at all.

5 Q. What did you say to them?

6 A. I asked, "Who was driving?"

7 One young lady said, "It was me."

8 I said, "I'd like to talk to your parents."

9 She said, "They're not home."

10 I asked if she realized what they were doing. She

11 said "No." And I explained it to them.

12 I then apologized for acting like a grumpy old man.

13 And she said, "Thank you, sir." And I got in the

14 car. Or she said, "I'm sorry, sir."

15 Q. When you got out of your car at that incident --

16 well, during that incident, did you have your gun in your

17 car?

18 A. I do not know.

19 Q. Well, I guess the next question is going to be fairly

20 obvious. We will ask it anyway.

21 When you got out of your vehicle, did you have a gun

22 in your hand?

23 A. No.

24 Q. When you stopped at Miss Mazza's house, was your

1 firearm in your vehicle?

2 A. I do not know.

3 Q. Did you get out with a firearm in your hand?

4 A. I did not.

5 Q. And you didn't approach Miss Mazza's house?

6 A. No.

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

8 Thank you, Your Honor.

9 That's all I have at this time.

10 THE COURT: Thank you.

11 Examination by the State.

12 CROSS-EXAMINATION

13 BY MR. STEGE:

14 Q. Sir, how long have you been testifying just now?

15 A. How long have I been testifying to this now?

16 Q. Yeah. You've been testifying now this afternoon. I

17 want to know how long it's been.

18 A. Thirty minutes.

19 Q. Another way of saying is: It took you 30 minutes --

20 isn't it true? -- to tell your version now of what happened

21 that night.

22 MR. PICKER: Objection. Argumentative.

23 THE COURT: Sustained.

24

1 BY MR. STEGE:

2 Q. Isn't it true it just took you 30 minutes to tell the
3 entirety of this story?

4 A. Yes.

5 Q. A story that you did not tell the detectives.

6 A. Yes.

7 MR. PICKER: Objection. Argumentative.

8 THE COURT: That's overruled.

9 You may answer the question, sir.

10 THE WITNESS: Yes.

11 BY MR. STEGE:

12 Q. And so you left your house at 5:30 -- is that
13 correct? -- on the 11th of February.

14 A. I thought it was around 5:00 p.m.

15 Q. And you went to the restaurant; correct?

16 A. Correct.

17 Q. Which one?

18 A. Los Compadres.

19 Q. And isn't it true that you left Los Compadres and
20 went home at 6:38 p.m.?

21 A. I believe I ran home between the two.

22 Q. And what route did you take to get home?

23 A. I assume the same route. Up Foothill to Zolezzi,
24 because -- yes. There we go.

1 Q. Foothill to Zolezzi to your house?
2 A. Correct.
3 Q. A route you're very familiar with; correct?
4 A. Yes.
5 Q. And you left your house at 7:35 to go to Murrieta's;
6 isn't that true?
7 A. Yes.
8 Q. Isn't it also true that at 7:45 you texted Mary
9 Gayner, "You should go to Murrieta's. I'm heading there
10 now"?
11 A. Yes.
12 Q. It's also true that, in fact, that when you were
13 headed to Murrieta's, you went in the restaurant at
14 approximately 7:47 p.m.?
15 A. Correct.
16 Q. You testified earlier that you had one margarita
17 earlier.
18 A. Correct.
19 Q. And you testified today that you had one additional
20 margarita at Murrieta's.
21 A. Correct.
22 Q. It's also true that you left Murrieta's at 8:30 p.m.
23 A. Correct.
24 Q. It's also true that we saw you leaving Murrieta's at

1 8:30 p.m.

2 A. Yes.

3 Q. It's also true that we -- you took that same route,
4 Foothill, to get to your house.

5 A. Yes.

6 Q. And, so, between 5:30 and 7:30 -- I'm sorry -- 8:37,
7 to be exact, you had two margaritas.

8 A. Yes.

9 Q. And so you were -- you testified on direct that you
10 were not intoxicated.

11 A. I believe I said I didn't feel intoxicated.

12 Q. So you were not intoxicated, or were you?

13 MR. PICKER: Objection, Your Honor. Asks for a legal
14 conclusion.

15 THE COURT: Sustained.

16 BY MR. STEGE:

17 Q. Did you feel drunk?

18 A. No.

19 Q. Two margaritas in that amount of time, that's not
20 much; isn't that true?

21 A. Yes.

22 Q. Yes, it's not much?

23 A. Yes, it's not much.

24 Q. It's not much for you; correct?

1 A. I can't speak for anyone else, but, for me, I felt
2 fine.
3 Q. So you travel up Foothill until you get to Zolezzi;
4 correct?
5 A. There's some other roads in there, but, basically,
6 yes.
7 Q. Well, you get onto Zolezzi at Foothill; right?
8 A. No.
9 Q. Then what -- where did you get on? Further east?
10 A. I believe it's Foothill to -- there was a Broili in
11 there. There's another one, it goes to Edmands. There's
12 three or four streets between Foothill and Zolezzi.
13 Q. Not the question. The question is: Where did you
14 turn onto Zolezzi?
15 A. At Edmands. I believe that's the street. I'm not a
16 hundred percent sure.
17 Q. It's true you've lived in that house for many years;
18 correct?
19 A. Purchased in 2014.
20 Q. And so you've been going to Murrieta's for a long
21 time; correct?
22 A. Correct.
23 Q. Always get tacos there; correct?
24 A. No.

1 Q. Well, you testified -- you told the officers that you
2 always go there for tacos for Ethan.

3 A. I get tacos there often. I don't always eat tacos at
4 the restaurant.

5 Q. Fair point. You've been going to Murrieta's for many
6 years; isn't that true?

7 A. That is true.

8 Q. You then turn right onto Zolezzi Lane.

9 A. That's correct.

10 Q. You then turn left, following the truck at Thomas
11 Creek; isn't that correct?

12 A. I don't recall making that turn, but it makes sense.

13 Q. Well, in fact, so, you were at the intersection of
14 Zolezzi and Thomas Creek at about 8:42; correct?

15 A. Yes.

16 Q. You were subsequently on -- you took a right on Rock
17 Haven; isn't that true?

18 A. Yes. Again, I do not recall that. But I've
19 witnessed it here today -- or here during this. I was
20 following the truck. I was not thinking of where I was
21 turning.

22 Q. Well, except you -- and you said today that you
23 didn't know that until this trial where you had turned;
24 correct?

1 A. That's correct.

2 Q. And you were able to point out on a map where it was

3 you were today in trial; isn't that true?

4 A. That is true.

5 Q. Okay. And so you were on Rock Haven at about 8:43

6 p.m., headed westbound?

7 A. That's correct.

8 Q. And you were following the truck; isn't that correct?

9 A. That's correct.

10 Q. The truck driven by Jarrod Faust; isn't that true?

11 A. Yes; that's true.

12 Q. In fact, we saw you on video in this trial following

13 Mr. Faust on the video from 2040 Rock Haven; isn't that true?

14 A. I don't know if that is true.

15 Q. You don't?

16 A. Are you talking about the Ring video?

17 Q. 2040 Rock Haven, in the trial that you just sat

18 through where you're charged with murder, you watched the

19 video of you traveling eastbound -- I'm sorry -- westbound on

20 Rock Haven; isn't that --

21 MR. PICKER: Objection. Argumentative, and asked and

22 answered.

23 THE COURT: It's been asked and answered. He

24 doesn't --

1 MR. STEGE: Okay.

2 THE COURT: He testified he's not sure -- apparently,
3 he's not sure if that showed him.

4 BY MR. STEGE:

5 Q. Okay. So you don't believe that the video at 8:44
6 p.m. at 2040 Rock Haven shows you following a truck?

7 MR. PICKER: Objection. Asked and answered.

8 MR. STEGE: So it's not -- the man is evading --

9 THE COURT: Hold on.

10 That's overruled. It's slightly different.
11 Go ahead and answer, sir.

12 THE WITNESS: Could you please repeat?

13 BY MR. STEGE:

14 Q. It's your testimony today that you do not know if the
15 video from 2040 Rock Haven showing a vehicle following a
16 truck at 8:44 p.m. is you.

17 A. Not factually. Assuming, yes.

18 Q. Because, as you just stated in the question before,
19 you were there at 8:43 p.m. on west Rock Haven.

20 A. Yes.

21 Q. You then follow the truck into this cul-de-sac.

22 A. Yes.

23 Q. And you drew the position of your vehicles; correct?

24 A. Correct.

1 Q. And not once, but twice. And the second one, you
2 drew it closer; correct?

3 A. I attempted to draw them the same.

4 Q. Well, okay. So, but the first view was wider out;
5 isn't that correct?

6 A. Correct.

7 Q. The second view, in close detail you were able to
8 draw the position of both of your vehicles.

9 A. Yes.

10 Q. With Mr. Faust's vehicle facing out of the
11 cul-de-sac; true?

12 A. True.

13 Q. And your vehicle facing into the cul-de-sac.

14 A. Correct.

15 Q. Isn't it true you were -- you were pulling over the
16 vehicle?

17 A. No.

18 Q. Isn't it true that, on your direct examination, you
19 said you were stopping the vehicle? Words used by your
20 lawyer, which you agreed with.

21 MR. PICKER: Misstates the evidence.

22 MR. STEGE: No, it doesn't.

23 THE COURT: Hold on.

24 If you're going to make an objection, it really helps

1 if you pull your mask off.

2 MR. PICKER: Your Honor, misstates the evidence. I
3 asked if he stopped his vehicle. That was the words that I
4 used.

5 MR. STEGE: A false statement.

6 MR. PICKER: Excuse me.

7 THE COURT: Hold on.

8 BY MR. STEGE:

9 Q. Did you roll --

10 MR. PICKER: Can I finish my objection?

11 THE COURT: Hold on, Mr. Stege.

12 Go ahead.

13 MR. PICKER: Thank you, Your Honor.

14 Specifically, that was the question.

15 We could have it read back, if that is the concern.

16 THE COURT: The Court recalls it the way Mr. Picker
17 remembers it. So in terms of the objection being assumes
18 facts not in evidence, that's sustained. But you can ask the
19 question anew.

20 Also, Mr. Picker, you would help the Court, because
21 it's -- there may be some lively discussion here, you can
22 leave your mask off during this examination.

23 Go ahead, Mr. Stege.

24

1 BY MR. STEGE:

2 Q. Your intent to follow this -- isn't it true your
3 intent to follow this truck was to talk to him about the --
4 his driving?

5 A. Not necessarily.

6 Q. Isn't it true that your intent was that you believed
7 he had been on his phone?

8 A. That was one of my thoughts.

9 Q. And isn't it true that you also followed because you
10 believed he was a teenager?

11 A. Initially, yes.

12 Q. And isn't it true that you followed because of you
13 thought his driving -- there was something wrong with his
14 driving?

15 A. Correct.

16 Q. This is all an assumption on you that he was a
17 teenager, and this person was on his phone; correct?

18 A. Correct.

19 Q. And this, like the Mazza incident, occurred off of
20 Zolezzi Lane; correct?

21 A. Correct.

22 Q. As did the incident with the other young drivers that
23 you disagreed with.

24 A. Correct.

1 Q. Have you ever followed anyone else home to lecture
2 them, off Zolezzi?

3 A. No.

4 MR. PICKER: Objection, Your Honor. This is the
5 subject of pre-trial litigation. This is inappropriate
6 cross-examination.

7 THE COURT: That's overruled. I think it's within
8 the lines here.

9 BY MR. STEGE:

10 Q. How many people have you followed their driving off
11 Zolezzi?

12 A. Three.

13 Q. Mr. Faust, who is dead; correct?

14 A. Correct.

15 Q. The young ladies in the SUV, that were scared;
16 correct?

17 A. It was not an SUV. But correct to your statement.

18 Q. What kind of car was it?

19 A. It was a -- I believe, like a Subaru.

20 Q. That was in your neighborhood; correct?

21 A. Correct.

22 Q. You got out of your car --

23 A. Yes.

24 Q. -- correct? Went up to them; correct?

1 A. Correct.

2 Q. And lectured them about their driving; isn't that

3 true?

4 A. That is true.

5 Q. And, in fact, you apologized for scaring them; isn't

6 that true?

7 A. I said, "Yeah. Sorry. I didn't want to be a grumpy

8 old man."

9 Q. That's not what your words were in your phone call.

10 Your phone call to your buddy that we listened to was -- what

11 words did you say, about?

12 A. I can't recall it exactly. But if those were the

13 words, I would say that's what I said.

14 Q. Isn't it true you said, "I didn't mean to scare you"?

15 A. Yes.

16 Q. "Sorry for scaring you"?

17 A. Yes.

18 Q. Because they were scared; isn't that true?

19 A. Yes. I assume.

20 Q. You heard Miss Mazza say she was scared, in trial;

21 didn't you?

22 A. Yes.

23 Q. And you understand why, of course, she was scared

24 because you followed her to her house.

1 MR. PICKER: Objection. Asks for speculation.
2 MR. STEGE: His understanding, she testified in
3 front --
4 THE COURT: That's overruled.
5 You may answer.
6 THE WITNESS: I assume she was scared. Because it
7 may have been something else.
8 BY MR. STEGE:
9 Q. Okay. So even though she testified here, you don't
10 understand why she said she was scared that you followed her?
11 A. I do understand that.
12 Q. As a father, you understand why that would have
13 scared both her and her father; right?
14 A. Yes.
15 Q. As it would have scared those people in the Subaru or
16 the SUV that your daughter testified about.
17 A. Yes.
18 Q. You would be concerned if someone did that to them.
19 A. Yes.
20 Q. So today you are able to point out on the map where
21 you went; correct?
22 A. Yes.
23 Q. Because you recognize that to be your neighborhood;
24 right?

1 A. I recognize it only due to the testimony here this
2 week. I've never been in that neighborhood.

3 Q. Okay. So that map shows your house, though; right?
4 Shows Zolezzi, Rock Haven?

5 A. Yes.

6 THE COURT: Let me just add we're going to go about
7 another 10 or 15 minutes and then take an afternoon recess.

8 Keep that in mind, Mr. Stege, for purposes of if you
9 switch subjects.

10 BY MR. STEGE:

11 Q. Isn't it true you were shown a map in your interview
12 with the police?

13 A. Yes.

14 Q. Isn't it true that the map you were shown in your
15 interview with the police showed Welcome Way, where this
16 happened?

17 A. I recall them bringing out a map. I do not recall
18 what was on the map.

19 Q. And so let's turn to your police -- in your police
20 interview, isn't it true that you stated your recollection of
21 the evening was fuzzy? 685.

22 A. Yes.

23 Q. And you said multiple times that --

24 A. Yes.

1 Q. -- your recollection was fuzzy; isn't it true?
2 A. Yes.
3 Q. Didn't you say, at 721, "It was a little bit fuzzy"?
4 A. Yes.
5 Q. Those were your words?
6 A. Yes.
7 Q. How many times do you think you said "fuzzy"; that
8 your recollection was fuzzy?
9 A. Five to six.
10 Q. Isn't it true you said you were feeling fuzzy, "It
11 was a little bit fuzzy," at 722?
12 A. I don't recall the exact time.
13 Q. Page 722.
14 A. I don't have page 722.
15 Q. You've read the transcript, though; right?
16 A. Yes.
17 Q. Okay. And, of course, they're your words, so you
18 remember what you said; right?
19 A. If that's what was stated, that's what was said.
20 Q. Different question. You remember what your words
21 were from that interview; isn't that true?
22 A. Not completely at this time.
23 Q. And this afternoon you admitted to lying multiple
24 times in your interview to the police; correct?

1 A. Yes.

2 Q. How many times do you think you lied in the
3 interview?

4 A. I have no idea.

5 Q. About this. You lied from the inception of that
6 interview, didn't you?

7 A. No.

8 Q. You lied, for example, about the last time you had
9 gone shooting; isn't that true?

10 A. I didn't recall the last time I had gone shooting.

11 Q. Isn't it true that the gun that you shot Jarrod Faust
12 with is that .40-caliber that the police looked for?

13 A. Yes.

14 Q. The same .40-caliber that we proved up you purchasing
15 in this case.

16 A. Yes.

17 Q. The same .40-caliber that you could not list to the
18 police when asked at the inception of your interview what
19 guns you owned.

20 A. Yes.

21 Q. So when you told the police, when you listed the guns
22 you had to the police, that was a lie.

23 A. I missed more than one gun.

24 Q. Isn't it true you missed the gun that you shot Jarrod

1 Faust with?

2 A. Yes.

3 Q. Isn't it true you missed the gun that you threw in
4 the garbage, or claim to have thrown in the garbage on the
5 11th --

6 A. Yes.

7 Q. -- of February? So a lie about that .40; correct?

8 A. Yes.

9 Q. You also lied later when the police came to execute
10 another search warrant on your house, and Detective Nevills
11 asked you where the gun that you had bought in 2012 was;
12 correct?

13 A. I did not know what gun I purchased in 2012.

14 Q. And you also told him during that interview that you
15 don't know because "It's been the hardest week of my life";
16 right? Your words.

17 A. I don't recall saying that, but if it was in my
18 statement, it's correct.

19 Q. So if we were to hear it in court that you can't
20 answer because being asked to tell the truth is the hardest
21 week of your life, then that's accurate?

22 A. I'm a little confused at the question.

23 Q. Why was it -- why did you state, in that second time
24 the police came to do a search warrant on your home, did you

1 say that's been the hardest time of your life, the hardest
2 week of your life?

3 A. I had eight hours of training every day. I mean,
4 eight-hours-plus. It was just sitting at home on a computer
5 was a rough week. And dealing with other things that I had,
6 just --

7 MR. STEGE: Your Honor, I'm ready for that break now,
8 if you are.

9 THE COURT: Okay. Ladies and gentlemen, during the
10 recess, it is your duty not to converse among yourselves nor
11 with anyone else on any subject connected with the trial. Do
12 not communicate with anyone in any way regarding the case or
13 its merits, either by phone, e-mail, text, internet or other
14 means. Do not read, watch or listen to any news or media
15 accounts or commentary about the case. Do not do any
16 research, such as consulting dictionaries, using the
17 internet, social media, or using reference materials. Do not
18 make an investigation, test a theory of the case, re-create
19 any aspect of the case or in any other way investigate or
20 learn about the case on your own.

21 Additionally, it is your duty not to form nor express
22 an opinion on any subject connected with this case until it
23 is finally submitted to you.

24 Please all rise for the jury.

1 (The following proceedings
2 were had without the presence
3 of the jury:)

4 THE COURT: Mr. Cameron, you may step down.
5 You can resume taking the stand at five minutes
6 before 3:00 o'clock.
7 Court will be in recess until that time.
8 (Recess.)

9 THE COURT: Thank you.
10 Please be seated.
11 You can come on up, Mr. Cameron.
12 The record should reflect the presence of counsel and
13 the defendant, Mr. Cameron, who, with the Court's permission,
14 is resuming taking the stand as a witness.
15 Deputy, please bring the jury in.

16 (The following proceedings
17 were had with the presence of
18 the jury:)

19 THE COURT: Welcome back, ladies and gentlemen.
20 Please be seated.
21 Mr. Stege, will you stipulate that all jurors are
22 accounted for?

23 MR. PICKER: They are here, yes.
24 THE COURT: Thank you.

1 Mr. Picker.
2 MR. PICKER: Thank you.
3 Yes, Your Honor.
4 THE COURT: Thank you very much.
5 Please be seated.
6 Mr. Stege, you may resume examining Mr. Cameron.
7 MR. STEGE: Thank you.
8 BY MR. STEGE:
9 Q. Mr. Cameron, sir, it's true you felt you had a right
10 to follow Jarrod Faust down that cul-de-sac; correct?
11 A. I did follow him.
12 Q. And you felt you had a right to do that?
13 MR. PICKER: Your Honor, asks for a legal conclusion.
14 THE COURT: Say it again.
15 MR. PICKER: Asks for a legal conclusion.
16 THE COURT: Are you asking if he believed he had a
17 legal right?
18 MR. STEGE: A right in the ordinary -- the sense that
19 ordinary people say, "I have a right to do this."
20 THE COURT: The objection is overruled.
21 You may answer.
22 THE WITNESS: I don't know if I felt I had a right,
23 but I was doing a public service.
24

1 BY MR. STEGE:

2 Q. Okay. So you feel -- was it a public service what
3 you did to those -- when you and your daughter followed that
4 car?

5 A. Yes.

6 Q. Also a public service to follow Miss Mazza to her
7 house; correct?

8 A. Yes, since I was hit.

9 Q. You were hit. You never reported that to anybody;
10 correct?

11 A. There was no obvious damage.

12 Q. Obvious damage that you followed her to her house --
13 what she described as being followed, trying to lose you,
14 then ultimately you found her at her parents' house.

15 A. Yes.

16 Q. This young lady, Miss Mazza; correct?

17 A. Yes.

18 Q. And is it your testimony today that you had never
19 been to the end of Welcome Way before you shot Jarrod Faust
20 in the face?

21 A. Correct.

22 Q. Your testimony today is that you did, in fact, get a
23 gun from your car.

24 A. Yes.

1 Q. Isn't it true that you were asked by the police,
2 quote -- 698; 32 minutes, 15 seconds -- by Detective
3 Nevills -- "What caused you to get the gun from your car?"
4 You were asked that; isn't that true?

5 A. Yes.

6 Q. Did you answer with a truth or a lie?

7 A. A lie.

8 Q. So when you answered, quote, "I didn't get a gun from
9 my car"; correct?

10 A. Correct.

11 Q. And rather than say, "I don't want to talk about
12 that," it was your decision to lie instead of not answer.

13 A. Yes.

14 Q. And it was your decision to, rather than not give any
15 statement to -- on multiple occasions throughout this
16 interview, to lie.

17 A. Yes.

18 Q. Including when presented further by Detective
19 Nevills -- same page, same time -- you said, "Even if I did,
20 I don't recall it."

21 A. Yes.

22 Q. That is a false statement made by you; isn't that
23 true?

24 A. Correct.

1 Q. Because you did get a gun from underneath your car
2 seat.

3 MR. PICKER: Objection. Asked and answered.

4 MR. STEGE: I'll ask a different question.

5 THE COURT: Go ahead.

6 BY MR. STEGE:

7 Q. Isn't it -- the gun that you grabbed under your seat,
8 is that the same gun that Mr. Elliott, your son's -- the
9 other dad on the baseball team, saw in your glove box?

10 A. I don't believe so.

11 Q. Isn't it the same gun that your ex-wife indicated was
12 always under your car seat?

13 A. No.

14 Q. Isn't it the same gun that your ex-girlfriend
15 testified was always under your car seat?

16 A. No.

17 Q. Isn't it true it's the same gun that your son, Ethan,
18 testified was always under your car seat?

19 A. He saw different weapons under my seat.

20 Q. But it is true that there was always a gun under your
21 seat?

22 A. No.

23 Q. So, incorrect. Leading up to Ethan, all those people
24 are incorrect that there was a gun always under your car

1 | seat?

2 | A. They are --

3 | MR. PICKER: Objection. Improperly asked the witness

4 | to comment on other witnesses' truthfulness.

5 | MR. STEGE: I agree. I'm asking --

6 | THE COURT: Hold on, hold on.

7 | The objection is sustained.

8 | The witness -- go ahead.

9 | BY MR. STEGE:

10 | Q. The assertion that there was always a gun under your

11 | seat is incorrect; right?

12 | A. Correct.

13 | Q. Is the assertion made by your daughter that there was

14 | a gun -- always a gun under your seat; is that incorrect?

15 | A. Incorrect.

16 | Q. And so it's -- you also lied when you told the police

17 | that you don't keep a gun under your car seat.

18 | A. At the time, I did -- of the interview, I did not

19 | have a gun under my seat.

20 | Q. That's because you threw it in the trash can after

21 | you shot someone; isn't that true?

22 | MR. PICKER: Objection. Argumentative.

23 | THE COURT: The objection is overruled.

24 |

1 BY MR. STEGE:

2 Q. Isn't that true you didn't have a gun under your car

3 seat because the gun you had there you threw in a trash can?

4 A. That is true.

5 Q. Threw in a trash can after shooting someone in the

6 face.

7 A. I did not realize at the time that I shot someone,

8 but, yes, I had the gun.

9 Q. You didn't realize you shot him?

10 A. No.

11 Q. What happened when you fired the gun at the young

12 man?

13 A. He took off.

14 Q. And your testimony today is that young Jarrod Faust

15 said, "Why the fuck are you following me?"

16 A. Correct.

17 Q. And that he was angry, Mr. Faust, in asking, "What

18 gives you the right to follow me?"

19 A. Are you asking if that's what was said?

20 Q. Is that your testimony today?

21 A. Yes.

22 Q. All this rather than say that you lied during the

23 interview; correct?

24 A. Are you talking about the interview with Mr. Nevills?

1 Q. Detective Nevills and Detective Smith interviewed you
2 for eight hours. You lied to them about anything that Jarrod
3 said.

4 A. I did not go into what he said.

5 Q. And today you're saying Mr. Faust was angry, his
6 emotions were high towards you; correct?

7 A. Correct.

8 Q. And you were asked about that subject during your
9 interview; isn't that true?

10 A. Yes.

11 Q. And you said -- you deflected on that. You said that
12 you didn't know.

13 A. I don't recall what I said, but, again, if it's in
14 there, that's what I said.

15 Q. And today you remember -- why don't you tell us all
16 the things you remember Jarrod Faust -- that -- let me ask
17 you: When did you remember what he said?

18 MR. PICKER: Objection, Your Honor. Multiple
19 questions. Could we just know --

20 THE COURT: He withdrew the first one. He's asking
21 another one.

22 So let's start over, Mr. Stege.

23 BY MR. STEGE:

24 Q. When was it that you first remembered the words that

1 Jarrod Faust said to you from his truck?

2 A. Immediately.

3 Q. And yet -- so it would have been another one of your
4 lies -- at one hour, 15 minutes and 52 seconds, page 735 --
5 that -- as to the following question: "Do you remember him
6 saying anything to you, at all?"

7 Do you remember what your answer was?

8 A. I do not.

9 Q. Isn't it true your answer was, "I don't remember what
10 he said"?

11 A. Again, it was many, many, many months ago. But if
12 it's what was written in there, that's what was said. We saw
13 the interview.

14 Q. And so that would have been a lie: that you don't
15 remember what he said?

16 A. Yes.

17 Q. Okay. So throughout this interview, you lied,
18 multiple lies.

19 A. Correct.

20 Q. Would you agree with me that the lies are
21 innumerable, meaning too many to count, in the interview?

22 MR. PICKER: Objection, Your Honor. That's
23 argumentative.

24 THE COURT: Sustained.

1 BY MR. STEGE:

2 Q. How many lies did you tell during this interview?

3 A. During the interview with Detective Nevills?

4 Q. The one, yes.

5 A. I do not know.

6 Q. When did you decide to stop lying?

7 MR. PICKER: Objection, Your Honor. That's

8 argumentative.

9 MR. STEGE: No, it's not.

10 THE COURT: Let me just think about that for a

11 minute.

12 That's sustained.

13 BY MR. STEGE:

14 Q. You lied throughout this interview. And you said you

15 wanted to talk to someone smarter than you.

16 A. Correct.

17 Q. And, in fact, you asked for, quote, "One of my

18 buddies, you know, Balaam," in the interview; right?

19 A. Yes.

20 Q. Okay. Why did you specifically ask for Balaam?

21 A. He's a very smart individual.

22 Q. And to be clear, you're referring to Darin Balaam,

23 the Sheriff of Washoe County?

24 A. Correct.

1 Q. A very smart individual. Did you go, in fact, ask
2 him for advice?
3 A. I did not.
4 Q. Greg Herrera, smart guy, too; right?
5 A. Correct.
6 Q. A friend of yours; right?
7 A. Yes.
8 Q. Known him many, many years; correct?
9 A. Yes.
10 Q. You asked him for advice, in fact, in this interview;
11 correct?
12 A. Yes.
13 Q. Do you recall that his advice was to tell the truth;
14 is that true?
15 A. That's true.
16 Q. And yet you continued to lie; isn't that true?
17 A. That is true.
18 Q. Sheriff Balaam wasn't the first name of the police
19 officer -- of a police officer that you dropped to these
20 detectives; is it?
21 A. No.
22 Q. Who else did you name-drop?
23 MR. PICKER: Objection, Your Honor. That's
24 argumentative.

1 THE COURT: Sustained.

2 BY MR. STEGE:

3 Q. Who else did you tell the detectives that you knew
4 that was a police officer?

5 A. When we got in the car, I mentioned Curry Lynch, who
6 is my cousin's son. And Brandon Neagle.

7 Q. Isn't it true that, before that, you said, "I was
8 just having dinner with you guys last night, one of you guys
9 last night"?

10 A. That is correct.

11 Q. And you were referring to your friend, Greg Herrera;
12 right?

13 A. Yes.

14 Q. And were there other law enforcement folks there?

15 A. Former, one former law enforcement.

16 Q. And, in fact, you -- isn't it true you have sort of
17 surrounded yourself with law enforcement and former law
18 enforcement?

19 A. I have many law enforcement friends, yes.

20 Q. Yet you acknowledged on direct that you have no law
21 enforcement powers; correct?

22 A. Correct.

23 Q. Nothing about a CCW entitles you to do anything that
24 another citizen could do, except have a gun underneath your

1 jacket; right?

2 A. Correct.

3 Q. Ever owned any police officer badges?

4 A. I own some, yeah, fake, like, "Hawaii 5-0" badges.

5 There's a few.

6 Q. How many fake "Hawaii 5-0" badges do you own?

7 A. I believe, two.

8 Q. What do they say?

9 A. "Hawaii 5-0." I don't recall.

10 Q. Okay. Mr. -- the person that you shot, that's Jarrod

11 Faust; right?

12 A. Correct.

13 Q. And you feel justified for what you did; correct?

14 A. I mean, it's a difficult question. Do I feel I had

15 no other choice? Yes.

16 Q. You feel you were within your legal rights because

17 you know the law to have shot Jarrod Faust; correct?

18 A. I've never claimed to know the law.

19 Q. Yet you claim to be within your rights to shoot him.

20 MR. PICKER: Again objection, Your Honor. Asks for a

21 legal conclusion.

22 THE COURT: Sustained.

23 Well, again, if the question is "within your legal

24 rights," it's sustained.

1 If it's he thought he had the basis to do it, that's
2 probably a different question.

3 BY MR. STEGE:

4 Q. Isn't it true you did tell Mr. Colarchik, "I hate
5 that I know the law"?

6 A. I don't believe I said that.

7 Q. Okay. But how many times in the interview do you
8 think you said, "If Dave Colarchik said it, you can believe
9 it"?

10 A. For the most part, yeah, what Dave says is true. I
11 mean, I'm sure he doesn't have complete recollection.

12 Q. Okay. But that hedging you just did today, you never
13 did that in the interview; isn't that true?

14 A. What do you mean, "hedging"?

15 Q. Today you're looking for some wiggle room in your
16 previous statement that, "If Dave Colarchik said it, it is
17 true."

18 MR. PICKER: Objection. Argumentative.

19 MR. STEGE: No, it's not.

20 THE COURT: Sustained.

21 BY MR. STEGE:

22 Q. How many times do you think you said in your
23 interview that, "If Dave Colarchik said it, it's true"?

24 A. Three, four.

1 Q. Okay. And you never said in your interview, "Well,
2 but he could have misremembered," or anything like that;
3 correct?

4 A. I don't believe they read his statements.

5 Q. What?

6 A. I don't recall them reading his statements.

7 Q. Okay. You didn't say, "If you believe Dave
8 Colarchik -- if he said it, you can believe it, unless you
9 didn't read his statements." You never said that in your
10 interview, did you?

11 A. Correct.

12 Q. And isn't it true Colarchik is the first person you
13 called when you got back home?

14 A. I know I called two people that night. I believe it
15 was Dave first.

16 Q. You were here in court when we saw the download of
17 your phone; correct?

18 A. Yes.

19 Q. And you recall, of course, that you texted him --
20 there was a texting, and then he was the first person you
21 talked to.

22 A. Yes. Okay. Yes.

23 Q. True that you talked to him first?

24 A. Yes.

1 Q. And so you remember, for example, what happened at
2 the truck, what you're saying today happened at the truck,
3 but in the interview you said you don't remember what you
4 told Dave; right?

5 A. I did say that.

6 Q. Is that the truth or a lie?

7 A. That's a lie.

8 Q. A lie that you don't remember what you told
9 Mr. Colarchik?

10 A. Correct.

11 Q. Do you remember today what it was that you told
12 Mr. Colarchik?

13 A. Mostly, yes.

14 Q. Okay. And this is where -- isn't it true that, until
15 your lawyer said "I almost died tonight" in this courtroom,
16 no one had ever heard that phrase associated with you?

17 A. You're saying that no one has ever associated that
18 with me? I don't know.

19 Q. Well, you've never said that you -- you never told
20 that to your son, for example, young Ethan?

21 A. No.

22 Q. You never told Dave Colarchik that?

23 A. No. Because we haven't spoken.

24 Q. And you never, in the interview with the detectives,

1 told them that, "I almost died tonight."

2 A. Correct.

3 Q. You never told them, when they came back to do the
4 search warrant, you said, "You know what, guys? I almost
5 died that night. I shot him because I felt I had no other
6 choice."

7 A. I did not tell them.

8 Q. And so your parents were at your house then --
9 correct? -- for the second search warrant.

10 A. Yes.

11 Q. Let's add to the list of people you did not tell.
12 You did not go and ask Balaam and tell him, "Hey, I was in
13 fear for my life, so I shot him"; correct?

14 A. Correct.

15 Q. Okay. And you never -- okay. Your CCW course, when
16 did you take that?

17 A. I believe it was just from here, it was 2018,
18 October.

19 Q. Okay. And didn't you -- we heard you say in the
20 interview -- didn't we? -- that you got your CCW because you
21 thought it was cool.

22 A. Correct.

23 Q. Is that why you got it: because you thought it was
24 cool?

1 A. Not the main reason.

2 Q. And so you got -- you took your class, passed the
3 course; right?

4 A. Correct.

5 Q. And there's instruction from the instructor on
6 various areas of -- related to the responsibilities of
7 carrying a concealed weapon; isn't that true?

8 A. Yes.

9 Q. And those include a course in the legal ramifications
10 of the use of force; isn't that true?

11 A. I believe so.

12 Q. And it's also -- did you learn, for example, the
13 rules of firearm safety?

14 A. Yes.

15 Q. What are they?

16 A. I can't recall them directly.

17 Q. Okay. Well, can you recall any of them?

18 A. The one thing that he said that I recall is, "You
19 never point a weapon at anyone unless you intend to use it."

20 Q. And so then is it true, when you pointed and shot,
21 with your head turned, that you did intend to be using it
22 against Jarrod Faust?

23 A. I didn't intend to use it against Jarrod Faust. I
24 intended to fire the weapon.

1 Q. Okay. Well, you understand how there's no real
2 difference there as it pertains to this case; right?

3 MR. PICKER: Objection, Your Honor. Asks for another
4 legal conclusion.

5 MR. STEGE: It's a factual --

6 THE COURT: Hold on.

7 Tell me again the objection.

8 MR. PICKER: He asked for another legal conclusion.

9 THE COURT: That's sustained.

10 BY MR. STEGE:

11 Q. In your mind, what's the difference between turning
12 and firing at Jarrod Faust and your mere intent to fire the
13 weapon?

14 A. Firing in front of the person is different than
15 firing at a person.

16 Q. So now you're saying your intent was to fire in front
17 of Jarrod?

18 MR. PICKER: Objection. Argumentative.

19 THE COURT: Overruled.

20 THE WITNESS: I did not ever intend to hit anybody.

21 BY MR. STEGE:

22 Q. Okay. So you intended -- well, how would you know,
23 if you didn't know where you were aiming, that you would
24 shoot in front of him and not right in the face?

1 A. I was trying to judge by the vehicle coming straight
2 at me, and where the front of his window was.

3 Q. Okay. So shooting at the front of the window as it
4 came towards you, you blindly shot, intending to miss him?

5 A. I -- yeah, I shot. I did not want to hit him. I did
6 not intend to hit him, at all.

7 Q. Okay. You wanted to scare him; isn't that true?

8 A. Absolutely.

9 Q. And you wanted for him to know that you had a gun;
10 isn't that true?

11 A. Well, I -- I thought I was going to get shot and ran
12 over at the same time, so I fired my weapon.

13 Q. You never saw a gun; isn't that true?

14 A. I saw something that I thought he had a gun.

15 Q. You never saw a gun; isn't that true?

16 A. That is true.

17 Q. And yet you made the decision that it was him or you,
18 and you took his life, even though you saw no gun.

19 MR. PICKER: Objection, Your Honor. Argumentative.

20 THE COURT: Sustained.

21 BY MR. STEGE:

22 Q. You made the decision to take Jarrod Faust's life;
23 isn't that true?

24 A. I don't think I made that decision.

1 Q. You made the decision to fire the gun; isn't that
2 true?
3 A. That's correct.
4 Q. And your intent when doing so, you say today it was
5 to scare him?
6 A. It was to fire a gun and to -- hopefully, so I didn't
7 get fired upon.
8 Q. Asking you again, sir. Isn't it true you never saw a
9 gun?
10 A. I did not see a gun --
11 MR. PICKER: Asked and answered.
12 THE COURT: Objection sustained. The witness has
13 already answered he did not see a gun.
14 BY MR. STEGE:
15 Q. No gun. In fact, you agree that, within the
16 photographs and the forensics of this case, Jarrod Faust had
17 no gun.
18 A. Correct.
19 Q. And is it true you are five feet, nine inches; isn't
20 that true?
21 A. Correct.
22 Q. Your claim today is that Faust had -- both had a gun
23 and was driving at you; correct?
24 A. Correct.

1 MR. PICKER: Objection, Your Honor. Asked and
2 answered.
3 THE COURT: Overruled.
4 BY MR. STEGE:
5 Q. Correct?
6 A. Correct.
7 Q. And so the first rule of firearm safety, do you
8 remember any other ones besides never point a gun at anything
9 you're not willing to destroy?
10 A. Those weren't my exact words. But, no, I do not
11 recall any others at this time.
12 Q. Okay. So isn't it true you took that course January
13 20th of 2018?
14 A. If that's what it says, that is correct.
15 Q. And you recall because you've seen it in court in the
16 evidence today -- or during this trial, that you had your CCW
17 application or certificate; correct?
18 A. Yes.
19 Q. That was in your car; correct?
20 A. Yes.
21 Q. That was in the glove box of your car; correct?
22 A. Yes.
23 Q. Along with your actual permit that you got from the
24 Sheriff; right?

1 A. The paper, or the card?

2 Q. Both.

3 A. No, they were not in my glove box. One was; one was
4 not.

5 Q. Okay. But you don't deny that it was in the car;
6 right?

7 A. They were all in the car, yes.

8 Q. During the course of this. Page 16 of Exhibit 34;
9 right? Do you recognize this?

10 A. Yes.

11 Q. In fact, cutting to the chase, these are all your
12 initials here from completing the course; right?

13 A. Yes.

14 Q. Indicating you do understand the course work;
15 correct?

16 A. Yes.

17 Q. And also within -- so what was in that black wallet
18 in your glove box?

19 A. Credit cards. Maybe some money. I do not recall.

20 Q. Okay. To help you remember, the one that had the CCW
21 permit in it.

22 A. Right. It did have the CCW in it. I don't recall --
23 I remember here seeing credit cards, a haircut card, Triple A
24 card, credit card.

1 Q. Costco card?

2 A. Costco card.

3 Q. Some sort of haircut card?

4 A. Haircut card.

5 Q. A Carnival Cruise Line credit card?

6 A. Correct.

7 Q. A Met Life card?

8 A. Okay. Yes.

9 Q. What about your IVGID pass that was in that wallet?

10 A. IVGID, yes.

11 Q. Who is Michael Giese? Or Giese.

12 A. I do not know.

13 Q. Who is a fellow by the name of -- last name of

14 Yonker?

15 A. A deputy.

16 Q. What is his first name?

17 A. I do not know.

18 Q. Okay. So Yonker is a deputy, like a Sheriff's

19 Deputy; right?

20 A. Correct.

21 Q. How do you know him?

22 A. I believe -- I had his card in there. I may have ran

23 into him regarding something. Regarding -- I don't honestly

24 know.

1 Q. Okay. But you have his card. You don't know his
2 first name, though? Just Yonker?

3 A. Do not.

4 Q. You kept his card, though; right?

5 A. Correct.

6 Q. You know a fellow named Jeffrey Clark?

7 A. Yes.

8 Q. Who is that?

9 A. Sheriff's Deputy. He was up in Incline Village.

10 Q. You had his card in there, too?

11 A. Yes.

12 Q. Darin Balaam, you know him. Did you know the
13 previous Sheriff, Mr. Haley?

14 A. The previous Sheriff wasn't Mr. Haley. It was --

15 Q. Who was the previous Sheriff?

16 A. A guy who went from Highway Patrol to Sheriff.

17 Q. But you knew him, too: Allen?

18 A. No.

19 Q. Michael Haley, knew him?

20 A. No.

21 Q. Who is Richard Kirkland?

22 A. I believe he's an old Sheriff.

23 Q. And did you know him?

24 A. No.

1 Q. Okay. You had Jeff Clark's card in your car;
2 correct?
3 A. Correct.
4 Q. As well as Deputy Yonker, unknown first name to you.
5 A. Correct.
6 Q. You ran into him somehow?
7 A. Yes. Yes.
8 Q. And that was alongside of your CCW permit; correct?
9 A. Yes.
10 Q. And Greg Herrera, you saw him testify; right?
11 A. Yes.
12 Q. You've known him for many years; right?
13 A. Correct.
14 Q. And you think the entire time you've known him you've
15 had his phone number in your phone?
16 A. Yes.
17 Q. And you knew, of course -- what part of the Sheriff's
18 Office did he last work in before all this? Or his rank?
19 A. I do not know. I know at one point he was a
20 detective. He was in financial crimes. We never really
21 spoke about his job.
22 Q. And you -- you would call him on his cell phone;
23 right?
24 A. Yes.

1 Q. Page 18 of Exhibit 34 shows the contents of the
2 wallet that you kept your CCW permit in within your car;
3 correct?

4 A. Yes.

5 Q. So your testimony is that -- oh. So you did, in
6 fact, going back to -- sir, can I have your attention?

7 A. What was that?

8 Q. Can I have your attention?

9 A. Yes.

10 Q. Going back to the truck, you did, in fact, go up to
11 the window of the truck --

12 A. No, I did not.

13 Q. -- isn't that true?

14 You did, in fact, get out of your car; isn't that
15 correct?

16 A. I did get out of my car.

17 Q. And you claim today to recall the specific words of
18 being called a "panty-wearing motherfucker."

19 A. Those weren't exact words. The words "panty," the
20 words "motherfucker," the words not -- "You don't know my
21 problems," and "piece of shit," those were combined with
22 several other words.

23 Q. What other words?

24 A. I don't recall.

1 Q. Those words make you angry; isn't that true?
2 A. I was kind of humbled at that point.
3 Q. Humbled?
4 A. I was scared.
5 Q. Because he was calling you a panty-wearing person?
6 A. Because he said, "I will kill you, motherfucker."
7 Q. Words, again, that you lied about -- or you lied
8 about in the interview about him never saying it; correct?
9 MR. PICKER: Objection. Asked and answered.
10 THE COURT: Overruled.
11 THE WITNESS: Correct.
12 BY MR. STEGE:
13 Q. Isn't it true that during this confrontation you
14 cursed words back at Jarrod Faust?
15 A. I probably did.
16 Q. What words did you curse back at Jarrod?
17 A. I believe when, after I said, you know, "Why the fuck
18 are you trying to kill people?"
19 Q. Okay. So you thought he was trying to kill people?
20 A. He clearly almost ran someone over.
21 Q. So you're -- and getting back to that, your response
22 to -- and I'll ask you: In all honesty, do you believe that
23 the truck almost killed that motorcycle?
24 A. It almost hit him.

1 Q. And almost killed him?

2 A. If it would have hit him, it's very possible he would
3 have died.

4 Q. So, yes, almost?

5 A. Yes.

6 Q. And that the driver must have -- was a risk or a
7 threat to the public; correct?

8 A. Which driver are we talking about?

9 Q. Jarrod Faust.

10 A. Yes.

11 Q. Okay. So believing he almost killed somebody and
12 that he was a risk to the public, your testimony is, your
13 response was to follow him.

14 A. Correct.

15 Q. And at no point leading up to this did you call the
16 police; isn't that true?

17 A. That's true.

18 Q. You didn't, for example, reach in and call Clark or
19 Yonker or Herrera or Giese?

20 A. Did not call.

21 Q. And you had your phone on you; right?

22 A. Yes.

23 Q. And that's how we know where you were from the
24 GeoTime stuff; right?

1 A. Correct.

2 Q. And you would agree that GeoTime, when you used it,
3 was accurate; correct?

4 MR. PICKER: Objection, Your Honor. That is not in
5 evidence. He didn't use GeoTime.

6 THE COURT: That's sustained.

7 BY MR. STEGE:

8 Q. Did you use GeoTime, sir?

9 A. I don't -- no. I used Life360.

10 Q. Okay. I'm sorry. How long did you use Life360 for?

11 A. I don't recall exactly, but I'm sure at least a
12 couple years.

13 Q. And in your experience, it was accurate; isn't that
14 true?

15 A. No.

16 Q. Okay. And so, in your experience, it's not true, for
17 example, that you could tell sort of down to the side of the
18 street where a person was, using that app?

19 A. Possibly, at times.

20 Q. But you did have your phone on you this night;
21 correct?

22 A. Yes.

23 Q. And you called no police officers -- correct? --
24 after seeing, in your words, Jarrod almost kill someone, and

1 he's a risk to the public; correct?

2 A. Correct.

3 Q. Instead, you followed him.

4 A. Correct.

5 Q. And you had to turn off of Zolezzi. That's one turn

6 left; correct?

7 A. Correct.

8 Q. And it's just you two at this point; right?

9 A. Yes.

10 Q. And then you had to turn right onto Rock Haven; isn't

11 that correct?

12 A. Yes.

13 Q. As a second turn; right? Turn number two; correct?

14 A. Yes.

15 Q. And then the third turn, once you get to Welcome Way;

16 correct?

17 A. Correct.

18 Q. The entire time following Jarrod.

19 A. Correct.

20 Q. And then he goes and turns around within the

21 cul-de-sac.

22 A. Correct.

23 Q. You come up facing him; correct?

24 A. Correct.

1 Q. And you confront this person who you believe almost
2 killed someone and is a risk to the public; correct?

3 A. Correct.

4 Q. So that's when you grabbed your gun; isn't that true?

5 A. No. After he says, "I will kill you, motherfucker,"
6 that's when I got scared, and I grabbed the gun and set it on
7 the seat.

8 Q. So you agree that, up until this afternoon, no one
9 has heard this version of events from you; correct?

10 THE COURT: Well, he's not asking you to testify with
11 respect to anything you and your counsel may have discussed.
12 You may answer.

13 THE WITNESS: So you're saying outside of counsel?

14 BY MR. STEGE:

15 Q. Yeah. No one has heard it; correct?

16 A. Outside of counsel, yes.

17 Q. Oh. So you did tell someone, "Hey, you know, this
18 was a" --

19 THE COURT: No, no. Hold on, so we're clear.
20 When you said "Yes," do you mean Mr. Stege is correct
21 no one else has heard it?

22 Let's ask the question again.

23 Mr. Stege, would you ask the question, please.
24

1 BY MR. STEGE:
2 Q. Detective Nevills you never told this version to;
3 correct?
4 A. Correct.
5 Q. Detective Smith, neither; correct?
6 A. Correct.
7 Q. Your son, didn't tell him; correct?
8 A. Correct.
9 Q. Your daughter, didn't tell her; correct?
10 A. Correct.
11 Q. Mary Gayner, did not tell her; isn't that true?
12 A. Correct.
13 Q. Meadow, your ex-wife.
14 A. Correct.
15 Q. Meadow, who is the mother of your children, you
16 didn't tell her; correct?
17 A. Correct.
18 Q. Or how about Mary Gayner? Didn't tell her; correct?
19 A. Correct.
20 Q. Your friend, Greg Herrera, you had multiple phone
21 calls and interactions with him after this, but before you
22 were arrested; correct?
23 A. I did not tell him. I don't know how many phone
24 calls we had, but he did not know.

1 Q. You agree that you had opportunity to talk to him and
2 tell him what happened; correct?

3 A. Plenty of opportunities, yes.

4 Q. And plenty of other people; right?

5 A. Correct.

6 Q. And you've had a number of weeks before you between
7 the 11th and when you were arrested; correct?

8 A. Correct.

9 Q. And you've, of course, seen the download of your cell
10 phone; correct?

11 A. Yes.

12 Q. And you would agree that there are around, say, over
13 400 entries in that time frame alone from February 11th to
14 the 20 -- I'm sorry. That's just to the 14th. Do you agree
15 with that? From the 11th to the 14th?

16 A. I mean, I wouldn't know. But if that's what it says,
17 I'm sure that is correct.

18 Q. Okay. And so, but Dave -- you told Dave a little
19 bit -- right? -- that you almost died that night.

20 A. Correct.

21 Q. And the rest Dave is misinterpreting or not
22 remembering fully; correct?

23 A. Some of it.

24 Q. And your very next call, you call Mary Gayner, ask

1 her to go out on a date for Valentine's; correct?

2 A. I don't know if I'd call it a date, but, yes.

3 Q. Called her up asked her out?

4 A. Yes.

5 Q. Not a date on -- it was Thanks -- Valentine's.

6 A. Let's call it a date.

7 Q. Valentine's. She did; right? Asked you out for

8 Valentine's; correct?

9 A. I actually don't think she did.

10 Q. Because she actually didn't go; right?

11 A. Correct.

12 Q. And so today you tell us about what happened at the

13 car. But waiting has been costly for you; isn't it true?

14 A. It's been what?

15 MR. PICKER: Objection, Your Honor.

16 THE COURT: Relevance? Argumentative?

17 MR. PICKER: Relevance, Your Honor.

18 MR. STEGE: It's --

19 THE COURT: Tell me the relevance.

20 MR. STEGE: It goes to his motive. Maybe I'll

21 clarify what I mean by "costly."

22 THE COURT: Okay. I don't really like speaking

23 objections. You can either withdraw the question, ask a new

24 one, or respond to the objection.

1 MR. STEGE: I withdraw, and ask a new question.
2 THE COURT: Go ahead.
3 BY MR. STEGE:
4 Q. Waiting to tell this version has come at a personal
5 cost to you; isn't that correct?
6 A. Yes, it has.
7 Q. Because it has cost you your relationship with
8 Mr. Colarchik; isn't that true?
9 A. I don't know that.
10 Q. You haven't talked to Dave Colarchik since you left
11 him that voice mail saying, "Love you, buddy"; isn't that
12 true?
13 A. That's true.
14 Q. No contact; correct?
15 A. Shortly after there, I was incarcerated.
16 Q. And still no contact.
17 MR. PICKER: Your Honor, I'm going to object. And
18 this is going outside the proper bounds.
19 MR. STEGE: No, it's not.
20 THE COURT: I don't think it is. But if you're going
21 to go through a litany of ways in which this has caused the
22 accused to -- I forget the phrase you used -- personal --
23 MR. STEGE: Personal cost to not tell his story and
24 wait.

1 THE COURT: I understand that the witness has
2 testified that it has caused him personal cost. So I'll
3 allow a little additional limiting questioning at this point,
4 but -- on that issue, but because it may be relevant, but
5 I'll keep close watch.

6 BY MR. STEGE:

7 Q. It's cost you -- well, in fact, the detectives went
8 back and searched your house again; right?

9 A. Yes.

10 Q. And yet you did not tell us what you testified to
11 today, did you?

12 A. Correct.

13 Q. It caused a great rift in the relationship between
14 you and Ethan; isn't that true?

15 A. Yes, it did.

16 Q. And it was true, in fact, as Detective Smith said,
17 "Your son is going to have to come into court and testify
18 against you at that table"; correct?

19 A. Correct.

20 Q. And that was painful to you; correct?

21 A. Yes.

22 Q. As it is now to relay it.

23 A. Yes.

24 Q. And yet you still delayed in telling your version of

1 events; correct?

2 A. I delayed it --

3 MR. PICKER: Your Honor, at this point, I'm going to
4 ask for a side-bar.

5 THE COURT: Okay. We'll go off the record just for a
6 moment, ladies and gentlemen.

7 We're not quite due for a break yet, but you can
8 stand up and stretch in place.

9 We'll be off the record for a few minutes.

10 (The following proceedings
11 were conducted as a side-bar:)

12 THE COURT: We are on the record outside the presence
13 of the jury again.

14 Mr. Picker, go ahead.

15 MR. PICKER: Your Honor, we are -- every one of these
16 questions goes right to the line of the fact that Mr. Cameron
17 has been incarcerated since the date of his arrest and
18 continues to be incarcerated --

19 THE BAILIFF: I'm sorry, Judge. The deputies are
20 saying they can hear --

21 THE LAW CLERK: I will turn on the white noise.

22 THE COURT: Please continue.

23 MR. PICKER: Your Honor, these questions go right to
24 the line of the fact that Mr. Cameron has been incarcerated

1 since the day of his arrest and continues to be incarcerated.
2 His being able to communicate with people is limited.

3 Mr. Stege's questions are pushing Mr. Cameron to the
4 place where, as he has already just said, he couldn't talk to
5 Mr. Colarchik because he was incarcerated shortly after his
6 arrest.

7 I don't know how Mr. Cameron can possibly answer
8 these questions without revealing his custody status, which
9 is completely inappropriate for the State to be asking about.
10 There are U.S. and Nevada Supreme Court cases that
11 specifically say you cannot ask a person if they're currently
12 incarcerated. You can't show them to be incarcerated.

13 THE COURT: Okay.

14 MR. STEGE: I agree. Well, only in this very limited
15 respect. The case law says -- talks about people appearing
16 in shackles before a jury. This is nowhere near that. This
17 is nowhere near that.

18 This is -- well, first of all, I'll say this about my
19 last -- this is the last area of inquiry for me. But that it
20 talks about that Mr. Cameron was historically or even calls
21 for that is a speculation; right? But not improper.

22 The jury, every citizen expects you, to be charged
23 with murder, you go to jail. I'm not trying to -- I'm not
24 asking about whether he was in custody at any point. I'm

1 asking about the delay, the cost for him to have delayed in
2 making this story -- in telling the story.

3 Furthermore, it would not be improper, Your Honor --
4 I'm willing to go to the mat on this -- that as a historical
5 matter, get the man to admit he was in custody up to a
6 certain point. The prohibition, like we all know, is against
7 appearing in front of the jury in shackles.

8 MR. PICKER: Your Honor, it's much broader than that.

9 MR. STEGE: It's not. Cite me a case.

10 MR. PICKER: Second of all, the case law is very
11 clear on that.

12 Second of all, the delay in Mr. Cameron telling his
13 story is, in part, due to the closure of this courthouse, and
14 the fact that trials were delayed. Mr. Cameron was scheduled
15 for court much earlier and would have told his story much
16 earlier but for the delay in getting him to trial.

17 THE COURT: How do you bring that out? On redirect,
18 I assume.

19 MR. PICKER: Well, Your Honor, I'm hoping we don't
20 have to bring it up at all because this is an improper area.

21 THE COURT: The delay in telling the story goes to
22 sort of credibility and other issues that the Court finds
23 relevant.

24 Going through the litany of all the ways in which it

1 has cost some personal angst to Mr. Cameron is to -- aside
2 from it may encourage responses that reveal custody status,
3 which I'm not fond of questions that evoke that type of
4 response. We've already heard one.

5 The other thing is, it's really argument. This
6 is -- it's not a question to get a fact. It's making
7 argument to the jury in the form of a question. It's proper
8 closing argument, possibly, but it's not necessarily proper
9 questioning if your goal is just to argue to the jury all
10 these things.

11 I've showed a little latitude. The witness
12 volunteered that he had been in custody for some period of
13 time. He didn't say, "I was in custody for the last 18
14 months" or words to this effect. He just said "in custody."
15 So, you know, the State didn't cross the line there, for
16 different reasons. But I want to discourage any questions
17 that would get us too close to the line.

18 MR. STEGE: And I understand where the Court is going
19 with this. I have a few other areas that will -- that touch
20 to the heart of this issue, like -- I mean, nothing to do
21 with counsel or that he's in custody, but that he's willing
22 to sacrifice, apparently, great personal matters to get to
23 delay and tell the story.

24 THE COURT: Why is that not closing argument-type

1 fodder?

2 MR. STEGE: It is. It's closing argument based on
3 fact. I'm trying to elicit the fact. I am trying to elicit
4 the fact that it was painful for him to wait, and yet the
5 argument at the end is it was worth it, apparently, to him;
6 right? It's not credible for him to say this when it did
7 cost him all those things. And that's cross-examination to
8 stay on --

9 THE COURT: Well, how many more things on the list of
10 personal relationships interfered with or other personal
11 angst?

12 MR. STEGE: I probably have two or three more.

13 THE COURT: Then I'm going to allow it. But I'm
14 going to pay close watch. If I think the question is
15 impermissibly close or is really argument in the form of a
16 question or is redundant, I will put the brakes on. Since
17 you're close to the end anyway, since the Court's radar is
18 up, I think we're good to go.

19 Let me talk about something else. We're going to
20 stay -- I want to get Mr. Cameron off the stand today. So
21 when you're done, you're going to go; and when you're done,
22 you're going to go.

23 And then what I want to know is: Are we going to be
24 done with witnesses? Do you anticipate any other defense

1 witnesses at this time?

2 MR. PICKER: No.

3 THE COURT: Do you anticipate any rebuttal based on
4 what Mr. Cameron or what the --

5 MR. STEGE: I have one possible.

6 THE COURT: Well, see, then that affects what time we
7 have the jury come back tomorrow.

8 MR. STEGE: I think it does as it stands, because
9 let's assume I call no more.

10 THE COURT: Right.

11 MR. STEGE: My mind, I have one possible, short.

12 THE COURT: Well, if you call no more, I tell them to
13 come back here at 12:00 tomorrow, we finalize the jury
14 instructions.

15 MR. STEGE: Yes.

16 THE COURT: If you're going to call somebody, then
17 what do you say call them up at 8:30, go until -- I give them
18 a three-hour breakfast break.

19 MR. STEGE: The witness would take five minutes or
20 less. Very discrete point. Would be done and gone.

21 I suggest we then stay and bang out these jury
22 instructions as long as it takes, buy us some time in the
23 morning tomorrow at the --

24 THE COURT: Again, you're suggesting that approach

1 is, have the jury come back at 8:30 to hear --

2 MR. STEGE: No. I think we bring them back later, no
3 matter what happens. I think we push through the end of
4 today, no matter what, we -- us including doing instructions,
5 we -- because, as the Court said, trial attorneys, we like
6 the time to be time with instructions.

7 THE COURT: Right.

8 MR. STEGE: Rather than 8:30, push that back, 10:30,
9 11:00. It's kind of an awkward time. But start those so
10 we're all fresh and can roll right through them.

11 THE COURT: Bring the jury back --

12 MR. STEGE: Yes.

13 THE COURT: -- at 11:00.

14 MR. STEGE: Just give us time with the instructions.

15 THE COURT: From 8:30 to 11:00 we get as far as we
16 can with instructions, we call the next witness, we're done
17 with the witness, and then we finalize instructions.

18 MS. GARCIA: He wants to do instructions tonight.
19 That's what he's asking.

20 MR. STEGE: In my view, we finish the case tonight,
21 we stay late, finish what we're going to do with
22 instructions. Then, in the morning, me and Mr. Picker and
23 Ms. Garcia are all finalizing argument, jury comes back a
24 little bit later, and we're ready to go.

1 THE COURT: Now, for a couple different reasons, I
2 can't, and I'm not prepared to do that.

3 The other option is, the other option is, you make a
4 decision right quick if you're going to call a rebuttal
5 witness. If you are, then the question is: Do we have the
6 witness come at 8:30? Evidence is closed, then we know
7 exactly what the instructions are. Or we call the witness at
8 11:00, work on the instructions up to the point where they're
9 almost finalized, wait till the witness testifies, finalize
10 them, like that. I can't get it done today, for a bunch of
11 reasons.

12 So do you think it's -- it's 3:45. Do you need the
13 night to decide on your surrebuttal witness?

14 MR. STEGE: I want to see how this all --

15 THE COURT: -- plays out?

16 MR. STEGE: -- plays out, and then I make that
17 decision.

18 THE COURT: Okay. Maybe send the jury --

19 MR. STEGE: Understanding where the Court's mind is.

20 THE COURT: All right. So we've discussed this issue
21 here. Right now I'm not directly ordering the State to move
22 on to another subject. I'll stay in close watch on these
23 last couple areas. Let's get Mr. Cameron off the stand.

24 Right now the default position is, jury comes back at

1 11:00, either we will have one more witness or we don't, but
2 we meet at 8:30 to get as far as we can or finalize the jury
3 instructions and then be prepared. 11:00 would be too early.
4 We have the jury come back at 12:30, so we can start making
5 closing arguments at 1:00 o'clock, figuring we can get them
6 done in two hours, hour and a half, and then move from there.
7 All right. So I'll meet you all out there in about
8 five minutes.
9 (Side-bar concluded.)
10 THE COURT: Thank you.
11 Please be seated.
12 We're back on the record.
13 Mr. Stege, confirm the full jury panel?
14 MR. STEGE: Yes.
15 THE COURT: Thank you.
16 Mr. Picker.
17 MR. PICKER: Yes, Your Honor.
18 THE COURT: Thank you.
19 You may proceed, Mr. Stege.
20 BY MR. STEGE:
21 Q. Sir --
22 THE COURT: Try it again. They are all off.
23 Are the microphones on?
24 MR. STEGE: There we go.

1 THE COURT: Sound check.
2 Can you hear me okay, Mr. Stege?
3 MR. STEGE: Yes. Thank you, Your Honor.
4 THE COURT: All right. Please proceed.
5 BY MR. STEGE:
6 Q. There was also a cost in waiting to your reputation;
7 correct?
8 A. Yes.
9 Q. Also a cost now that you've had media coverage of
10 this event; correct?
11 A. Yes.
12 Q. And also a cost to you in that you have -- you lost
13 your house; correct?
14 A. Yes, I did.
15 Q. And yet you still did not come forward and say what
16 happened; correct?
17 A. Correct.
18 Q. And you --
19 MR. STEGE: I pass the witness.
20 Thank you.
21 THE COURT: Redirect.
22 REDIRECT EXAMINATION
23 BY MR. PICKER:
24 Q. Mr. Cameron, on cross-examination, you were asked if

1 you always kept a gun under the seat of your vehicle, and you
2 said you did not; is that correct?

3 A. That's correct.

4 Q. We also heard from Ethan, your son, that he
5 periodically drove your vehicle during the winter because it
6 had four-wheel-drive.

7 A. That's correct.

8 Q. Was there a weapon in the vehicle whenever he drove
9 your vehicle?

10 A. No. Also, when I was out of town, it was removed.

11 Q. You were also asked about Mr. Elliott, whether the
12 gun in the glove compartment was the .40-caliber that we've
13 been discussing. Do you recall that question?

14 A. Yes, I do.

15 Q. Do you recall what gun that was that was in your
16 glove compartment?

17 A. I believe it was a 9-millimeter.

18 Q. In fact, that's what Mr. Elliott testified to, wasn't
19 it?

20 A. I believe so.

21 Q. Now, when Mr. Herrera came to speak to you -- do you
22 know -- let's look at something first. That's Mr. Herrera's
23 card; isn't it true?

24 A. It's his old card, yes.

1 Q. In fact, that's his card from back when Richard
2 Kirkland was Sheriff.

3 A. Yes.

4 Q. That's been quite a while, hasn't it?

5 A. I believe so.

6 Q. Okay. And for Mr. Yonker and Mr. Clark, who was
7 Sheriff at that time?

8 A. Michael Haley on both of them.

9 Q. Michael Haley is not Sheriff now; right?

10 A. No. I believe he was two ago, prior to Chuck Allen.

11 Q. Prior to Chuck Allen?

12 A. Yes.

13 Q. When Mr. Herrera came to see you at the Reno Police
14 Department, do you recall asking him any questions or asking
15 for him -- asking him for any advice?

16 A. I don't recall.

17 Q. Do you recall asking him if it would be better to get
18 an attorney?

19 A. Yes, I do.

20 Q. Page 758 of the transcript, one hour and 47 minutes.
21 What was his response to your request if you should get an
22 attorney, since you were being questioned about a murder?

23 A. He said that he -- I believe he -- that he
24 couldn't -- he said that I -- he couldn't give legal advice.

1 Q. So when you asked for somebody smarter than you, and
2 Mr. Herrera came to speak to you, that was one of the
3 questions you wanted to ask?
4 A. Yes.
5 Q. And he told you he couldn't answer that question.
6 A. Correct.
7 Q. You were asked a number of questions about your
8 testimony, so I want to make it clear that I understand.
9 Are you denying that you were at Los Compadres that
10 night?
11 A. No.
12 Q. So, on February 11th, after you left Los Compadres,
13 are you denying you went home?
14 A. No.
15 Q. Are you denying that you went back out and went to
16 Murrieta's that night?
17 A. No.
18 Q. Are you denying that you had a couple of margaritas
19 that night?
20 A. No.
21 Q. Are you denying that you followed the pickup?
22 A. No.
23 Q. Are you denying that you went to the cul-de-sac?
24 A. No.

1 Q. Are you denying that you put a clip in your gun?

2 MR. STEGE: I object to the leading form of the
3 questions, which is not allowed on direct -- or redirect.

4 THE COURT: Overruled.

5 THE WITNESS: No.

6 BY MR. PICKER:

7 Q. Are you denying that you shot your gun while you were
8 in that cul-de-sac?

9 A. No.

10 Q. Are you denying that you disposed of that .40-caliber
11 weapon?

12 A. No.

13 Q. Are you denying that you disposed of the clip?

14 A. No.

15 Q. You were asked just a few minutes ago about the
16 personal cost of not telling -- or not telling what you've
17 testified to today to police. Do you recall those questions?

18 A. Yes, I do.

19 Q. Were you prepared to go to trial last year?

20 A. Yes. I mean --

21 Q. And the courthouse was closed because of COVID;
22 correct?

23 A. Yes.

24 Q. And, in fact, you weren't allowed to go to trial.

1 A. Correct.

2 Q. Had you gone to trial last year when this courthouse
3 was closed, would you have testified the same way you did
4 today?

5 A. Exactly the same.

6 Q. So the delay, while it's been costly to you, is
7 partly not your fault.

8 MR. STEGE: Objection. Speculation; compound
9 question; form of the question; argumentative.

10 THE COURT: Sustained. It's argument.
11 BY MR. PICKER:

12 Q. The choice to delay telling your story until today,
13 was that entirely your choice?

14 A. No.

15 Q. Is that partly -- or -- I'll leave it at that.

16 MR. PICKER: Thank you, Your Honor.

17 No more questions.

18 THE COURT: Thank you.

19 Mr. Stege.

20 RECROSS-EXAMINATION

21 BY MR. STEGE:

22 Q. The .40-caliber pistol that you shot Jarrod Faust
23 with, that's that Smith and Wesson SD40 that we've been
24 talking about this whole trial; correct?

1 MR. PICKER: Objection, Your Honor. Outside the
2 scope of redirect.

3 MR. STEGE: You asked about the .40.

4 THE COURT: Hold on.

5 The Court finds it is not -- the objection is
6 overruled.

7 THE WITNESS: Correct.

8 BY MR. STEGE:

9 Q. The same gun we've been talking about this whole
10 trial.

11 A. Correct.

12 Q. In the trash can. What street did you throw it in
13 the trash can on?

14 A. I do not know. I -- leaving there, I went home, and
15 I was a little frazzled.

16 Q. Scared?

17 A. Yes.

18 Q. Okay. The gun you say that Mr. Elliott saw was a
19 9-millimeter; correct?

20 A. Correct.

21 Q. Which 9-millimeter was it?

22 A. I don't know for a fact. It would have been one of
23 two.

24 Q. Was it the Glock 17 that was in your closet that --

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAYNE MICHAEL CAMERON,

Appellant.

v.

STATE OF NEVADA,

Respondent.

Case No. 83531

APPELLANT'S APPENDIX
VOLUME VI

**APPEAL FROM JUDGMENT OF CONVICTION AND
SENTENCING**

SECOND JUDICIAL DISTRICT
STATE OF NEVADA

The Honorable Barry Breslow, presiding

Richard F. Cornell, Esq.
RICHARD F. CORNELL, P.C.
150 Ridge Street, Second Floor
Reno, Nevada 89501
775/329-1141
richardcornell1553@gmail.com
Attorneys for Appellant

Washoe Co. District Attorney
Appellate Division
1 South Sierra Street, 7th Floor
Reno, Nevada 89501
775/337-5700
jnoble@da.washoecounty.us
Attorneys for Respondent

INDEX TO APPELLANT'S APPENDIX
WAYNE MICHAEL CAMERON V. STATE OF NEVADA
No. 83531

| NO | DESCRIPTION | DATE | PAGES |
|-----------|--|-------------|--------------|
| | VOLUME I | | |
| 1 | Information | 11/09/2020 | 00001-00006 |
| 2 | Motion to Admit Other Acts Evidence: Road Rage | 02/03/2021 | 00007-00037 |
| 3 | Motion to Admit Other Acts Evidence: Shootings | 02/03/2021 | 00038-00048 |
| 4 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Road Rage | 02/09/2021 | 00049-00055 |
| 5 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Shooting | 02/09/2021 | 00056-00060 |
| 6 | Reply in Support of Motion to Admit Other Acts Evidence: Road Rage | 02/16/2021 | 00061-00066 |
| 7 | Reply in Support of Motion to Admit Other Act Evidence: Shootings | 02/16/2021 | 00067-00069 |
| 8 | Transcript of Proceedings, Motions Hearing | 06/02/2021 | 00070-00140 |
| 9 | Order on Pre-Trial Motions | 06/04/2021 | 00141-00148 |
| 10 | Transcript of Proceedings, Trial Day II | 06/29/2021 | 00149-00249 |
| | VOLUME II | | |
| 10 | Cont'd. Transcript of Proceedings, Trial Day II | 06/29/2021 | 00250-00369 |
| 11 | Transcript of Proceedings, Trial Day III | 06/30/2021 | 00370-00499 |
| | VOLUME III | | |
| 11 | Cont'd Transcript of Proceedings, Trial Day III | 06/30/2021 | 00500-00613 |
| 12 | Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00614-00749 |

| | | | |
|----|--|------------|-------------|
| | VOLUME IV | | |
| 12 | Cont'd. Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00750-00818 |
| 13 | Transcript of Proceedings, Trial Day V | 07/02/2021 | 00819-00896 |
| 14 | Transcript of Proceedings, Trial Day VI | 07/06/2021 | 00897-00999 |
| | VOLUME V | | |
| 14 | Cont'd. Transcript of Proceedings, Trial Day VI | 07/06/2021 | 01000-01130 |
| 15 | Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01131-01249 |
| | VOLUME VI | | |
| 15 | Cont'd. Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01250-01265 |
| 16 | Transcript of Proceedings, Trial Day VIII | 07/08/2021 | 01266-01339 |
| 17 | Transcript of Proceedings, Trial Day IX | 07/09/2021 | 01340-01440 |
| 18 | Jury Instruction, Guilt Phase | 07/09/2021 | 01441-01494 |
| | VOLUME VII | | |
| 19 | Verdict | 07/09/2021 | 01495-01496 |
| 20 | Transcript of Proceedings, Sentencing | 07/12/2021 | 01497-01602 |
| 21 | Jury Instructions, Penalty Hearing | 07/12/2021 | 01603-01612 |
| 22 | Life Without Parole Verdict | 07/12/2021 | 01613 |
| 23 | Judgment of Conviction | 09/09/2021 | 01614-01615 |
| 24 | Notice of Appeal to the Nevada Supreme Court | 09/16/2021 | 01616-01618 |

1 with the matching shell casings in your car?

2 MR. PICKER: Objection, Your Honor. Asked and
3 answered.

4 MR. STEGE: He said, "One of two."

5 THE COURT: Hold on.

6 It's been asked before, but I'll allow one additional
7 question on that.

8 Go ahead and answer it, sir.

9 THE WITNESS: I do not know.

10 BY MR. STEGE:

11 Q. You also -- during the wait or the delay from
12 February 11th of 2020 until today, you also had the
13 opportunity to read the police reports; correct?

14 A. Yes.

15 Q. You also had the opportunity to sit through a number
16 of court proceedings where the evidence was discussed; isn't
17 that correct?

18 A. Yes.

19 Q. You also had the opportunity to sit through every
20 single day of trial; correct?

21 A. Yes.

22 Q. And you also had the opportunity before you gave your
23 version to hear what every single witness said in the case.

24 MR. PICKER: Objection. Argumentative.

1 THE COURT: Sustained.

2 BY MR. STEGE:

3 Q. Isn't it true you were able to hear the testimony of
4 every single witness in this case?

5 A. Yes.

6 Q. And you paid attention every single day to what the
7 evidence was; isn't that true?

8 A. Yes.

9 Q. And it's only after all that -- well, it's only after
10 all that that you were able to -- you came up and told your
11 version of --

12 MR. PICKER: Objection. Argumentative.

13 THE COURT: Sustained.

14 BY MR. STEGE:

15 Q. Is anyone going to testify after you?

16 A. Is anyone going to testify after me?

17 Q. Right. In your case.

18 A. I don't know.

19 Q. And you've had time to think about what you were
20 going to say; isn't that true?

21 MR. PICKER: Objection. Argumentative.

22 THE COURT: That's sustained.

23 BY MR. STEGE:

24 Q. How long have you been thinking about what you were

1 going to say today?

2 MR. PICKER: Objection. Argumentative.

3 MR. STEGE: It's not argumentative how long this man
4 has had to think about his testimony.

5 THE COURT: Hold on, hold on.

6 MR. STEGE: And to frame it.

7 THE COURT: Hold on.

8 MR. STEGE: And I'll direct the Court to the
9 questioning about the trial, the issue of the trial that was
10 brought up on redirect.

11 THE COURT: It's argumentative. The objection is
12 sustained.

13 BY MR. STEGE:

14 Q. Were you --

15 THE COURT: Let me clarify something for the jury.

16 Occasionally the Court, as I have, will sustain an
17 objection on the ground that the question is argumentative.
18 Argumentative during trials or as an objection basis is a
19 little different than the common understanding of the word
20 "argumentative."

21 Two people can have an argument. We understand what
22 that is. In the eyes of the law, though, if the attorney is
23 asking a question, and they're really trying to make argument
24 as to their view of things to you, the Court can sustain an

1 objection and direct them during their closing arguments to
2 make those points, but not necessarily to make them in the
3 form of a question.

4 Each side has attempted to do that. The Court has
5 granted and sustained some objections and overruled others.
6 But if you hear an "Objection. Argumentative," generally it
7 means the question is posed in such a way that a point is
8 trying to be made other than to bring out a fact. Okay?

9 We'll talk about that a little more during the
10 instructions over the next day or two.

11 So, with that, Mr. Stege, the question that you asked
12 that I sustained the objection to, in the Court's estimation,
13 was argumentative. Please ask another question.

14 BY MR. STEGE:

15 Q. How many times have you rehearsed what you're going
16 to say in court?

17 MR. PICKER: Objection. Argumentative. And also
18 violates the attorney-client privilege.

19 MR. STEGE: No, it wouldn't. If he rehearses it by
20 himself in his own mind, that doesn't come into account what
21 his lawyer says or any of that relationship.

22 THE COURT: I sustain the objection because it may
23 call for an answer that invades the attorney-client privilege
24 and also is, in the Court's estimation, making argument to

1 the jury.

2 I think it would be a fair question that this matter
3 has been pending for a while, the witness has had an
4 opportunity to know that this moment might come. But other
5 than that, you're making argument that should best be served,
6 if the State intends to make that argument, during your
7 closing.

8 BY MR. STEGE:

9 Q. Other than in speaking with your lawyer, have you
10 gone over in your head what you were going to say today?

11 MR. PICKER: Again, argumentative.

12 THE COURT: Say that again.

13 MR. PICKER: Again, argumentative.

14 THE COURT: That one the Court finds is permissible.
15 The objection is overruled.

16 THE WITNESS: In the last 15, 16 months, I have
17 purposely not thought about it. And I've maybe thought about
18 what I'm going to say twice, and that's been recently.

19 MR. STEGE: Thank you.

20 I have no further questions.

21 THE COURT: All right. Thank you.

22 Any redirect, re-redirect, Mr. Picker?
23
24

1 REDIRECT EXAMINATION

2 BY MR. PICKER:

3 Q. Mr. Cameron, based on the last question, when you
4 were thinking about what to say, did it always involve the
5 truth?

6 A. Every time.

7 Q. And is that what you told the jury today?

8 A. Absolutely.

9 MR. PICKER: Thank you.

10 That's all I have.

11 THE COURT: Mr. Stege, anything else?

12 RECROSS-EXAMINATION

13 BY MR. STEGE:

14 Q. When did you resolve to tell the truth in this case
15 for the first time?

16 A. The whole time I mentioned it to Detective Nevills.
17 The truth would not change.

18 MR. STEGE: Very good. Thank you.

19 THE COURT: Thank you.

20 Mr. Cameron, you may step down.

21 Thank you.

22 THE WITNESS: Thank you.

23 (Witness excused.)

24 THE COURT: Mr. Picker -- excuse me -- ladies and

1 gentlemen, we're going to just go a little bit longer. I'm
2 not sure if we're done with witnesses today. I think we
3 might be drawing to a close. Bear with the Court for a
4 couple minutes here.

5 Mr. Picker, are there any additional defense
6 witnesses at this time?

7 MR. PICKER: Thank you, Your Honor.

8 The defense would rest.

9 THE COURT: Very good.

10 Thank you.

11 Mr. Stege, will there be any rebuttal witnesses, or
12 would you like to consider that over the evening recess and
13 advise the Court tomorrow morning? Of course, if there are
14 going to be, I'll direct you to communicate to the defense
15 who they would be.

16 MR. STEGE: I'm prepared to call one witness at this
17 very moment, Your Honor. I expect she will take less than
18 five minutes.

19 THE COURT: Okay. Is she en route?

20 MR. STEGE: She's here.

21 THE COURT: Who is it, please?

22 MR. STEGE: Aspen C.

23 THE COURT: Okay.

24 Deputy, I'm not sure if you wiped off the witness

1 stand. If you would, please. I'll make sure she doesn't sit
2 down until that's dry.

3 Hello again, Aspen.

4 If you would be re-sworn.

5 Please raise your right hand.

6 (Witness sworn.)

7 THE COURT: Thank you.

8 Please have a seat again on the witness stand.

9 And as you did the other day, if you would please
10 slide in, take your mask off. You can adjust the microphone
11 and put it in front of your mouth.

12 And, again, please state your name.

13 THE WITNESS: My full name?

14 THE COURT: First name only.

15 THE WITNESS: Aspen.

16 THE COURT: Thank you very much.

17 Please proceed, Mr. Stege.

18 ASPEN C.,

19 called as a rebuttal witness on behalf of the State,
20 first having been duly sworn,
21 was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. STEGE:

24 Q. Ma'am, have you ever been to the cul-de-sac at the

1 end of Welcome Way with your father?

2 A. Yes.

3 MR. STEGE: No further questions.

4 THE COURT: Anything else from -- excuse me. Any

5 examination from the defense?

6 CROSS-EXAMINATION

7 BY MR. PICKER:

8 Q. When was that?

9 A. Sometime before I could drive. I don't know,

10 specifically.

11 Q. So a year? Two years ago? Three years ago? Five

12 years ago?

13 A. Three years ago, maybe.

14 Q. Okay. Did you go up there to shoot guns?

15 A. No.

16 Q. Did you go up there to ride around in circles in the

17 cul-de-sac?

18 A. No.

19 Q. How did you get there?

20 A. I had lost my phone, walking home from school one

21 day, so we went to go find it in that cul-de-sac.

22 Q. Okay. Did you direct your father to go to that

23 cul-de-sac?

24 A. We used Find My iPhone to find it, and it was there.

1 Q. How much time did you spend in that cul-de-sac?
2 A. Five, 10 minutes maybe.
3 Q. Did you find the iPhone?
4 A. Yes.
5 Q. Okay. What were you doing with the iPhone in that
6 area when you lost your iPhone?
7 A. My friends and I walked home from the bus stop
8 through there, so we were just messing around on some rocks.
9 Q. Okay. Because there's only one way in and out of
10 that cul-de-sac; correct?
11 A. Well, we walked. So there's a fire evacuation route
12 that we take. Driving-wise, yes.
13 Q. Okay. And so the Find My Phone app gives directions
14 on where to find the phone?
15 A. Yeah. It showed the specific location of it, like
16 wedged in between some rocks.
17 Q. Okay. And so you were up there for five or 10
18 minutes three years ago?
19 A. Yes.
20 MR. PICKER: Thank you.
21 That's all I have.
22 THE COURT: Any redirect, Mr. Stege?
23
24

1 REDIRECT EXAMINATION

2 BY MR. STEGE:

3 Q. All of that with your dad, Wayne Cameron; right?

4 A. Yes.

5 MR. STEGE: No more questions.

6 Thank you.

7 THE COURT: Thank you.

8 All right. Aspen, you can step down.

9 Thank you very much.

10 (Witness excused.)

11 THE COURT: Any other rebuttal witnesses for the
12 State?

13 MR. STEGE: No, thank you, Your Honor.

14 THE COURT: All right. Here's what the Court intends
15 to do. But before I make this final, I'll let counsel weigh
16 in.

17 First of all, ladies and gentlemen, that concludes
18 the evidence portion of the trial. The State has rested, and
19 the defense has rested.

20 The next time that you will be involved will be when
21 we are -- the Court is instructing you on the law, followed
22 by closing statements from both sides, followed by your
23 deliberations.

24 Now, we are not quite finished reviewing and

1 discussing the instructions of law to give you. So what I'm
2 going to try to do is estimate how much more time I need to
3 do that with the attorneys here, and then have them run in
4 final, and then have 14 copies made, because I will have a
5 set for you on your seat so you can follow along as I read
6 them, and try to fine-tune this so that you're not waiting
7 unnecessarily in the jury room.

8 What this means, shorthand, is, you won't be back
9 here again tomorrow at 8:30 or 8:00 o'clock.

10 Counsel, I'm considering asking the jury to be back
11 at 1:00 p.m., so that we can start closing arguments at 1:30.

12 Mr. Stege, how does that sound to you?

13 MR. PICKER: May I have a moment to consult with Mr.
14 Picker and Ms. Garcia?

15 THE COURT: Yes.

16 MR. STEGE: A counter proposal, Your Honor, I think
17 would be agreeable is maybe 12:30.

18 THE COURT: For the jury, 1:00 o'clock argue?

19 MR. STEGE: That sounds doable.

20 THE COURT: I know where you two or three are going
21 to be at 8:00 o'clock tomorrow morning, and that's right
22 here.

23 All right. So, ladies and gentlemen, the
24 now-familiar admonitions.

1 During the break this evening, you must not discuss
2 or communicate with anyone, including fellow jurors, in any
3 way regarding the case or its merits, either by phone, voice,
4 e-mail, text, internet or other means of communication,
5 including, but not limited to, social media. Do not read,
6 watch or listen to any news or media accounts or commentary
7 about the case. You are not to do any independent research.
8 You are not to consult a dictionary, use the internet or use
9 reference materials. You are not to make an independent
10 investigation, test a theory of the case, re-create any
11 aspect of the case, or in any other way investigate or learn
12 about the case on your own. You are not to form nor express
13 an opinion regarding the case until it is submitted to you.

14 Please be back here, ladies and gentlemen, tomorrow
15 morning -- excuse me -- tomorrow afternoon at 12:30. And
16 we're going to shoot for 1:00 o'clock instructions of law,
17 followed by closing argument, followed by deliberations.

18 Please eat something before you come. If
19 deliberations are occurring over the dinner hour tomorrow,
20 dinner will be brought in.

21 With that, I wish you all a pleasant evening.

22 Please rise for the jury.
23
24

1 (The following proceedings
2 were had without the presence
3 of the jury:)
4 THE COURT: Okay. We're outside the presence of the
5 jury.
6 Everyone may be seated.
7 I want to start as close to 8:00 o'clock tomorrow
8 morning as we can to make sure that we have enough time to
9 finalize, put on the record, have copies made, have counsel
10 prepare and be ready to go for 1:00 o'clock.
11 Is there any compelling reason why 8:00 o'clock can't
12 be done?
13 Mr. Stege.
14 MR. STEGE: No.
15 THE COURT: Ms. Garcia or Mr. Picker.
16 MR. PICKER: No, Your Honor.
17 THE COURT: All right. Thank you.
18 Anybody from the Sheriff's Office?
19 I'm not seeing anybody telling me we can't start at
20 8:00 o'clock tomorrow morning. I'll assume we're go launch
21 there. So 8:00 o'clock it is.
22 Izzy, 8:00 o'clock, please, and also the court staff.
23 All right. With that, thank you very much, everyone.
24 Court is in recess.

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

(Recess.)

1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department 8 of the
8 above-entitled court on Wednesday, July 7, 2021, at the hour
9 of 1:00 p.m. of said day, and took verbatim stenotype notes
10 of the proceedings had upon the matter of THE STATE OF
11 NEVADA, Plaintiff, versus WAYNE CAMERON, Defendant, Case No.
12 CR20-3534, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 135, all inclusive, contains a full, true and
16 complete transcript of my said stenotype notes, and is a
17 full, true and correct record of the proceedings had at said
18 time and place.

19 Dated at Reno, Nevada, this 22nd day of November,
20 2021.

21

22 /s/ Isolde Zihn
23 Isolde Zihn, CCR #87

24

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR20-3534

12

WAYNE CAMERON,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

16

Trial

VOLUME IX

July 8, 2021

17

APPEARANCES:

18

For the State:

Amos Stege

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Marc Picker

21

Alternate Public Defender

Jenna Garcia

22

Deputy Alternate Public Defender

350 South Center Street

23

Reno, Nevada

24

Reported by:

Isolde Zihn, CCR #87

1 RENO, NEVADA, THURSDAY, JULY 8, 2021, 12:10 P.M.

2 (The following proceedings
3 were had without the presence
4 of the jury:)

5 THE COURT: Good afternoon, everyone.

6 Please be seated.

7 All right. Good afternoon, everyone.

8 We are on the record in the case of State of Nevada
9 versus Wayne Michael Cameron.

10 The Court recognizes the prosecutor, Mr. Stege;
11 defense counsel, Mr. Picker, Ms. Garcia; and also Mr.
12 Cameron.

13 Let's revisit how we got to this point with respect
14 to jury instructions and verdict form.

15 We have had two multi-hour, off-the-record meetings
16 to review and make preliminary determinations with respect to
17 jury instructions, the second of which was this morning.

18 The Court then used the several-hour gap between the
19 end of that meeting and this moment to do a few things.

20 One, word-process some of the competing instructions
21 with respect to format, style and appearance.

22 Two, to make those changes that we had agreed on off
23 the record.

24 Three, to look at more closely the authorities cited

1 by both sides in support of their position on those
2 instructions to which there was no agreement.

3 And, four, to give further consideration to the order
4 of the instructions so that they flowed, you know, reasonably
5 well.

6 The Court has now done that.

7 I have made a set consistent with how we left off in
8 the second of our two off-the-record discussions. We have
9 put numbers on them for the ability of counsel to track as we
10 go through and finalize and settle the instructions on the
11 record shortly.

12 Once we are finished with that process, we will
13 recess for an additional period of time to do a couple
14 things.

15 One, to allow counsel to further prepare their
16 closing remarks in light of the settled instructions.

17 And, two, to, you know, change out those pages that
18 you now have that have photocopies on them of numbered
19 post-its. I want everyone to have a fully complete copy that
20 doesn't have that on there.

21 So if you're worried that that will -- that there
22 will not be another set delivered to you, let me assure you
23 there will be. Everyone will have a clean set before we
24 start closing.

1 With that, I'm going to use the numbers in the set
2 that was just handed out to you, which generally track those
3 which we went over this morning.

4 Now, I have both the new set and the ones we left off
5 with, so I'm going to be going through two stacks at the same
6 time, so it might be a little bit slow going, but bear with
7 me. But let me pause for a moment.

8 Any comments or questions on anything the Court has
9 just said to this point?

10 Mr. Stege.

11 MR. STEGE: Thank you, no.

12 THE COURT: All right. Anything that the Court has
13 said to this point, Ms. Garcia or Mr. Picker?

14 MS. GARCIA: No.

15 THE COURT: Thank you.

16 So, number 1, "Ladies and gentlemen of the jury."
17 Any objection from the State?

18 MR. STEGE: No.

19 THE COURT: Any objection from the defense?

20 MS. GARCIA: No.

21 THE COURT: Number 2 the Court has cleaned up a
22 little bit by deleting the reference to "Category A felony"
23 and the code. The one you now have is the clean version.

24 Any objection to instruction number 2?

1 Mr. Stege.

2 MR. STEGE: No. Thank you.

3 THE COURT: Ms. Garcia.

4 MS. GARCIA: No.

5 THE COURT: Instruction number 3, "The burden rests."

6 Mr. Stege.

7 MR. STEGE: No objection.

8 THE COURT: Ms. Garcia.

9 MS. GARCIA: No objection.

10 THE COURT: Instruction 4 is the reasonable doubt

11 instruction.

12 Mr. Stege, any objection to the Court giving that

13 instruction?

14 MR. STEGE: No.

15 THE COURT: Ms. Garcia, any objection to the Court

16 giving that instruction?

17 And I will note that I am cognizant of the

18 discussions we had earlier about the proposed instruction

19 based on the Manual for Model Criminal Jury Instructions for

20 the District Courts of the Ninth Circuit.

21 MS. GARCIA: Your Honor, I would just ask, at the

22 end, I'll proffer all of my mine that have not been accepted.

23 THE COURT: Very good.

24 MS. GARCIA: So, no objection.

1 THE COURT: Thank you.
2 Number 5, Mr. Stege, "Every person charged."
3 MR. STEGE: No objection.
4 THE COURT: Ms. Garcia.
5 MS. GARCIA: No objection.
6 THE COURT: Number 6, "In every crime there must
7 exist a union."
8 Mr. Stege.
9 MR. STEGE: No objection.
10 THE COURT: Ms. Garcia.
11 MS. GARCIA: No objection.
12 THE COURT: Number 7, "There are two kinds of
13 evidence, direct and circumstantial."
14 MR. STEGE: No objection.
15 MS. GARCIA: No objection.
16 THE COURT: Number 8, "Intent may be proved by
17 circumstantial evidence."
18 MR. STEGE: No objection.
19 It may have two periods at the end of the first
20 sentence, or just a spot on my page, but --
21 THE COURT: I think it's a spot on yours.
22 MR. STEGE: Very good.
23 No objection.
24 THE COURT: All right. Ms. Garcia.

1 MS. GARCIA: No objection.

2 THE COURT: Number 9, "Nothing that counsel say
3 during the trial is evidence."

4 MR. STEGE: No objection.

5 MS. GARCIA: No objection.

6 THE COURT: Number 10, "It is the duty of attorneys
7 on each side of a case to object."

8 MR. STEGE: No objection.

9 MS. GARCIA: No objection.

10 MR. STEGE: Number 11, "To the jury alone belongs the
11 duty of weighing the evidence."

12 MR. STEGE: No objection.

13 MS. GARCIA: No objection.

14 THE COURT: Number 12, "Though you are to consider."

15 MR. STEGE: No objection.

16 MS. GARCIA: No objection.

17 THE COURT: 13, you'll notice the Court added the
18 last sentence, which reads, "The defense is not required to
19 call any witnesses or to present any evidence."

20 With the change, any objection, Mr. Stege?

21 MR. STEGE: No.

22 THE COURT: Ms. Garcia.

23 MS. GARCIA: No.

24 THE COURT: 14, "Inconsistencies or discrepancies."

1 MR. STEGE: No objection.
2 MS. GARCIA: No objection.
3 THE COURT: 15, "If in these instructions any rule,
4 direction or idea is stated in varying ways."
5 MR. STEGE: No objection.
6 MS. GARCIA: No objection.
7 THE COURT: 16, "If during this trial I've said or
8 done anything."
9 MR. STEGE: No objection.
10 MS. GARCIA: No objection.
11 THE COURT: 17, "The penalty provided by law."
12 MR. STEGE: No objection.
13 MS. GARCIA: No objection.
14 THE COURT: 18, "A witness who has special knowledge,
15 skill, experience."
16 MR. STEGE: No objection.
17 MR. PICKER: Your Honor, going back to 17, there
18 seems to be a very strange issue at the end of the word
19 "charged." There seems to be a font issue.
20 MR. STEGE: On mine it looks like a photocopier
21 issue.
22 THE COURT: Can somebody hand it to my law clerk,
23 please.
24 One moment.

1 That's an unusual letter there. I don't know what
2 happened there. We'll clean it up.

3 But the substance of it, no issue?

4 MR. PICKER: No issue, Your Honor.

5 THE COURT: Okay. 18, the expert witness
6 instruction.

7 Any objection?

8 MR. STEGE: No.

9 MS. GARCIA: No objection.

10 THE COURT: 19, "You should not decide any issue
11 merely by counting the number of witnesses."

12 MR. STEGE: No objection.

13 MS. GARCIA: No objection.

14 THE COURT: Now, when we went over the earlier
15 off-the-record discussions, 20 was the "Upon retiring to the
16 jury," but that's now at the end. So the 20 you now have is
17 simply, "An Information is a formal method."

18 MR. STEGE: No objection.

19 MS. GARCIA: No objection.

20 MR. PICKER: Your Honor, just one question.

21 On number 20, should it not more appropriately be
22 number 3, immediately following the Information?

23 THE COURT: In terms of where it should go?

24 MR. PICKER: Yes.

1 THE COURT: Better to go there?
2 MR. STEGE: No objection.
3 THE COURT: So what we'll do is, we'll move that to
4 the space that will be number 3.
5 And just give me a moment.
6 So it will immediately follow the instruction that
7 now reads, "The burden rests"; correct?
8 MR. PICKER: Actually, I was having it precede, "The
9 burden rests." Just immediately after the Information
10 itself. That's what I was suggesting, Your Honor.
11 THE COURT: Okay. It will now be 3. And all the
12 others after it will slide down one.
13 You know, there may be another place or two where we
14 come across others. Don't be shy to speak up.
15 All right. Moving on, 20. So let me just back up,
16 make sure I'm on the right -- so, 19, which will now be 20,
17 but what we will just call 19, "You should not decide any
18 issue merely by counting the number of witnesses," no
19 objection -- correct? -- from both sides.
20 MS. GARCIA: Correct.
21 MR. STEGE: Correct.
22 THE COURT: The next one is 21, "Portions of certain
23 exhibits were redacted."
24 MR. STEGE: No objection.

1 MS. GARCIA: No objection.
2 THE COURT: Next one, the limited instruction,
3 "During the trial, you heard evidence about prior conduct."
4 MR. STEGE: No objection.
5 MS. GARCIA: No objection.
6 MR. PICKER: Again, Your Honor, I'm not sure whether
7 it's a copying issue or a font issue.
8 THE COURT: Also at the top?
9 MR. PICKER: Like every letter --
10 MR. STEGE: The right-hand side.
11 MR. PICKER: It's on every line.
12 THE COURT: We'll work on that over the next recess.
13 Substance, though, no issue?
14 MS. GARCIA: No objection.
15 THE COURT: 23, "The elements of the crime of
16 murder."
17 MR. STEGE: No objection.
18 MS. GARCIA: No objection.
19 THE COURT: 24, "Express malice."
20 MR. STEGE: No objection.
21 MS. GARCIA: No objection.
22 THE COURT: 25, "Malice aforethought."
23 MR. STEGE: No objection.
24 MS. GARCIA: No objection.

1 THE COURT: 26, "Murder is divided into two degrees."
2 MR. STEGE: No objection.
3 MS. GARCIA: No objection.
4 THE COURT: 27, "Murder of the first degree."
5 MR. STEGE: No objection.
6 MS. GARCIA: No objection.
7 THE COURT: 28 the Court has edited pursuant to our
8 discussion off the record and eliminated the second
9 paragraph.
10 As written, 28, Mr. Stege, any issue?
11 MR. STEGE: No.
12 THE COURT: Ms. Garcia.
13 MS. GARCIA: No.
14 THE COURT: 29, "The Information in this case charges
15 open murder."
16 MR. STEGE: No objection.
17 MS. GARCIA: No objection.
18 Same issue on the last page with regard to font.
19 THE COURT: Okay. Make a note of that, please,
20 Edgar.
21 30, "Manslaughter is."
22 MR. STEGE: No objection.
23 MS. GARCIA: No objection.
24 THE COURT: 31, "In cases of voluntary manslaughter."

1 MR. STEGE: No objection.
2 MS. GARCIA: No objection.
3 THE COURT: 32, "Involuntary manslaughter is."
4 MR. STEGE: No objection.
5 MS. GARCIA: No objection.
6 THE COURT: 33, "If you find the defendant
7 committed."
8 Mr. Stege.
9 MR. STEGE: No objection.
10 MS. GARCIA: No objection.
11 MR. STEGE: Strike that.
12 A proposal. On 33, line 20 ought to read, "two of
13 the alternative definitions," rather than the current
14 "three."
15 THE COURT: That is more of a typo.
16 MR. STEGE: Yes.
17 THE COURT: Ms. Garcia, do you agree with that?
18 MR. PICKER: I'm sorry, Your Honor. Where was that?
19 MR. STEGE: Line 20. "Not required to prove all
20 three of the alternative definitions." I believe there are
21 two alternative definitions given; therefore, it should be
22 "two" instead of "three."
23 MR. PICKER: Actually shouldn't it just be "prove
24 either"?

1 THE COURT: Yeah, because "all," really, it speaks
2 three or more.

3 MR. PICKER: Yeah.

4 THE COURT: Do you want -- or maybe --

5 MR. PICKER: So line 20 would say, "The State is not
6 required to prove either of the alternative definitions."

7 MR. STEGE: I would say we have to prove one of them.
8 I would say, "The State is not required to prove all of the
9 three alternative definitions."

10 MR. PICKER: How about "at least one"?

11 THE COURT: Well, how about "both"?

12 MR. STEGE: How about "two"?

13 THE COURT: Okay.

14 MR. PICKER: Well, you can't say "all two." That's
15 not grammatically correct.

16 MR. STEGE: "Prove all two," we give two alternative
17 definitions.

18 MS. GARCIA: What's wrong with "both"? The judge is
19 right.

20 THE COURT: I'm going to say "both."

21 MR. STEGE: Fine.

22 MS. GARCIA: That makes more sense.

23 MR. STEGE: I agree.

24 THE COURT: So 33 will be modified that way.

1 Give me just a moment.

2 34, "In regard to Count I."

3 Mr. Stege.

4 MR. STEGE: No objection.

5 THE COURT: Ms. Garcia.

6 MR. PICKER: Yes, Your Honor, we do object. Because

7 until you've decided the felony murder issue, this

8 instruction and, I guess, the one before it are both

9 dependent upon your decision about the felony murder.

10 THE COURT: Thank you. You're right. Even the last

11 one. So let's get to that at this point.

12 The Court has reviewed the authorities, both cited

13 prior and recently this morning.

14 So I would like, please, to hear first from the State

15 with respect to why they believe the Court should give

16 instructions that empower the jury if they find sufficient

17 evidence to reach a verdict on felony murder. And then I'll

18 hear from the defense in response.

19 Mr. Stege.

20 MR. STEGE: First point, the proper remedy for an

21 unproven or unsupported theory is a not-guilty verdict.

22 What is being asked for here is the equivalent of a

23 directed verdict, a thing which does not exist in the State

24 of Nevada.

1 Putting that aside, let's apply a separate standard,
2 if you will. The standard that we use for a defense to get
3 an instruction on their theory of the case. Any evidence
4 tending to support it, no matter how weak or impalpable;
5 right?

6 Here, evidence of felony murder, applying that same
7 standard to the State, we have pointing to the defendant's
8 testimony; right? His testimony that he fired into the
9 vehicle in order to scare or scare off the victim. Suspect,
10 improbable, incredible to some, yet the core. A basis for
11 the jury to find and then make a factual determination if
12 this is a burglary, if this is felony murder.

13 So, based on that, and sort of previewing here, there
14 was discussion off the record about whether there was entry.
15 I'm grateful for the time that we had away to come back and
16 settle, because it is even more clear to me now that entry
17 occurred. There is a factual basis for a jury -- a jury --
18 to find that there was entry.

19 Mere acts at the distance described by the defendant,
20 if we are thinking traditional entry, as I imagine their
21 argument will go, had gun, entered the car and fired,
22 traditional, sort of most common entry. Moving beyond
23 that -- so, there, based on the statute, we have a burglary.

24 And, importantly, so, some of the cases we had talked

1 about in Merlino, White, Hicks, I'll explain now why none of
2 those are applicable here.

3 Hicks is a case about, the Redline Rule has nothing
4 to do with burglary.

5 White is a case where the Supreme Court says our
6 burglary statutes are interpreted such that you cannot commit
7 a burglary on your own home; right?

8 THE COURT: Case of first impression.

9 MR. STEGE: Yes.

10 Going to Merlino, Merlino is a question about: What
11 do we do on sort of unorthodox or non-traditional buildings
12 where we typically -- the general rule is airspace. So it's
13 a question about entry in unorthodox buildings.

14 In those cases, instead of applying the airspace rule
15 where we require a reasonable interpretation of the building,
16 Merlino is about whether -- it occurs at a drive-up, it's a
17 fraud case, a drive-up window, cashier's window, where out
18 comes a sliding cashier's window, in goes fraudulent check,
19 clerk then pulls the check in. And the question for the
20 Supreme Court is: Is that entry?

21 They decided that in the negative. But not applying
22 the traditional airspace rule, they say not an entry. Says
23 nothing about this.

24 Reading carefully and, in fact, going further and

1 reading at its most basic the statute, the statute includes
2 "enter." "When constituting an element or part of the crime,
3 it includes the entrance of the offender or the insertion of
4 any part of the body of the offender."

5 That's traditional. That is, I think, the argument
6 we're going to hear: "His hand never went in"; right?

7 Again, that's a weight question. Is there evidence
8 from which a jury can infer his hand went in? Hand alone;
9 right? That's a weight question. Is there evidence the jury
10 can infer on that version of "enter" within the statute?

11 However, entrance also includes "the insertion of any
12 instrument or weapon held in the offender's hand and used or
13 intended to be used to threaten or intimidate a person."

14 So, "instrument or weapon," what is an instrument?
15 The dictionary says it's a thing used in pursuing an aim or
16 policy, a goal. I'm sorry. A means.

17 So just as in a burglary, if someone were to get a
18 long wire and stick it into a building with the intent to
19 commit an enumerated crime, guilty of burglary.

20 Enter, they enter with that means, that instrument.
21 "Instrumentality" is the word I would use. The statute says
22 the same thing, concerned about the same thing. So even if
23 not "any instrument used," or I'll say "intended to be used,"
24 "intended to be used to threaten or intimidate," that's a

1 very on-the-nose portion of that statute as it relates to
2 this.

3 So, "an instrument, instrumentality, used or intended
4 to be used to threaten or intimidate," all of those on the
5 nose hit all of those here.

6 So, as a result, I would say a bullet is a part of --
7 if his hand wasn't in there, a bullet is part of an
8 instrumentality. Bullet, instrumentality of intent, hands
9 down. I think that's a well-settled, easy call on that.

10 So, for those reasons, even if we don't have his hand
11 actually in there, we have an inference as in an
12 instrumentality of the defendant's intent shooting in --
13 right? -- using this instrumentality or weapon either to
14 enter and/or used or intended to be used to threaten or
15 intimidate.

16 So, summing all that up, it is proper to give a
17 felony murder instruction, as charged in the Information.

18 THE COURT: Thank you.

19 Mr. Picker.

20 MR. PICKER: Thank you, Your Honor.

21 I will repeat my argument from this morning, and then
22 add to it.

23 The Sheriff of Clark County versus Hicks case, 1973,
24 notes that entry is an essential element of burglary, and the

1 Court must instruct on all necessary elements.

2 The next progression of that question of entry is
3 State v. White, a 2014 case, specifically noting -- and as
4 Your Honor noted, it's a case of first impression. But the
5 Nevada Supreme Court took the opportunity to discuss the fact
6 that the breaking element no longer is required under Nevada
7 State law; that entry is required.

8 Now, even though it was addressing the specific facts
9 of whether someone can burglarize their own home, it dealt
10 with the elements of burglary. So it is not in apposite, as
11 the State might argue. It is on all-fours.

12 A particular point then is the 2015 case of Merlino.
13 It is not only that the Supreme Court addressed -- or the
14 Appellate Court addressed an unorthodox or non-traditional
15 building, but it took into account: What is the airspace
16 that has been entered?

17 And it found that the slide-out drawer was not
18 something that could be entered; that reaching into it was
19 not entering into the building because it was not breaking
20 that plane, if you will, of the building.

21 And NRS 193.0145, the State has quoted part of it,
22 but I'll quote the rest. It is not only the insertion of any
23 part of the body of the offender or entrance of the offender,
24 it is also "any instrument or weapon held in the offender's

1 hand and used or intended to be used to threaten or
2 intimidate a person, or to detach or remove property."

3 It is an item in the hand. A bullet, by its very
4 nature, is no longer in the hand. It has been shot.

5 Using the State's argument, one would say that every
6 single time somebody is shot who is inside a building by
7 somebody outside a building, that would be felony murder, and
8 that would be burglary based on -- felony murder would be
9 based on the burglary. That is an absurd extension of the
10 law.

11 THE COURT: Let me interrupt you for a second,
12 because I want to process what you just said.

13 I wasn't getting that part of the argument from the
14 State. I was getting the argument that the jury may be able
15 to infer that Mr. Cameron holding the firearm may have
16 been -- may have broken the plane under the air. That is
17 different than somebody standing outside, with our meters,
18 you know, across the street or into a building. That's an
19 apple versus an orange --

20 MR. PICKER: Well, Your Honor, the initial argument
21 this morning was the bullet breaking the plane. I am
22 addressing that.

23 I'll also address the gun breaking the plane. We
24 have not a scintilla of evidence supporting that assertion by

1 the State. We have none.

2 It is under Higgs v. State, a 2010 case that I'm sure
3 Your Honor is well aware of, where there is no evidence that
4 a jury instruction is not proper, period. Even if it is a
5 defense theory of the case, if it's a prosecution theory of
6 the case, if there is no evidence, it is improper.

7 As Your Honor knows, and as was reiterated in
8 Bass-Davis versus State, a 2006 case, this Court has broad
9 discretion to settle jury instructions, and to decline
10 proposed jury instructions where it believes there is no
11 evidence or it is inappropriate in a case.

12 So turning immediately from the burglary question, we
13 look at felony murder. Felony murder is defined in State
14 versus Contreras, 2002, as, "Felonious intent involved in the
15 underlying felony is deemed by law to supply the malicious
16 intent necessary to characterize the killing as a murder."

17 Specifically in that case it noted that a burglary
18 with intent to commit battery, which is what was charged as
19 the underlying felony, didn't merge.

20 So we talk -- now we go into the Merger Doctrine. In
21 Rose versus State, 2011, there has to be a causal
22 relationship that must extend beyond the unlawful act, and,
23 two, the defendant's involvement by commission or omission in
24 the means of killing. So the burglary has to be in itself a

1 felony leading to or which as a result of the murder
2 occurring.

3 In this case, by the very way it is charged and by
4 the very facts of this case, there is a merger of these two
5 events.

6 The common law provision for felony murder is, it was
7 designed to punish inherently dangerous activity that results
8 in death.

9 Here the activity is the murder, it is the shooting.
10 It is not a separate activity before or during the murder
11 that leads to the death. That is what felony murder is
12 about, is an inherently dangerous activity that may not
13 have -- or that specifically wasn't designed to cause death,
14 but did result in death. That's what felony murder is.

15 This is not that case because the facts and law
16 related to the circumstances in this case are that there was
17 a single incident, which was the shooting.

18 In addition, and most importantly, looking at a 2007
19 case, *Nay, N-a-y, versus State*, "The Felony Murder Doctrine
20 requires the actor must intend to commit the predicate,
21 enumerated felony before or at the time the killing occurred.

22 There is no allegation, even, that Mr. Cameron
23 intended to commit burglary.

24 NRS 200.030, (1), (b), defines "felony murder" again

1 as "committed in the perpetration or attempted perpetration
2 of" -- and it lists a number of crimes, including burglary.

3 There has to be that intent to perpetrate or attempt
4 to perpetrate the burglary.

5 Also from *Nay versus State*, quote, "The actor must
6 intend to commit the underlying felony at the time the
7 killing occurs."

8 At page 330 of *Nay versus State*, "The purpose of the
9 Felony Murder Rule is to deter dangerous conduct by punishing
10 as first-degree homicide resulting from dangerous conduct in
11 the perpetration of a felony, even if the defendant did not
12 intend to kill. If the accused does not have the intent to
13 commit the underlying felony at the time of the killing, the
14 basis for felony murder -- of the Felony Murder Rule does not
15 apply."

16 That is a case that has been distinguished for other
17 parts of the case, but never on this point. This stands as
18 valid, good law.

19 Based on all of that, Your Honor, the State's
20 argument must fail. There is no felony murder here because
21 there is no intent. And as we know -- let me back up.
22 Burglary is a specific intent. It is the intent to commit a
23 felony therein. No part of what the State has presented in
24 the past week and a half supports a theory that a felony was

1 intended to be -- to be committed therein. That is the
2 language that applies in this case. That is why this is not
3 a felony murder case.

4 THE COURT: Thank you.

5 Well-presented.

6 Mr. Stege, I'll give you final thoughts.

7 MR. STEGE: Thank you.

8 All incorrect. Merger is a post-conviction remedy,
9 and has no bearing on whether it can be charged or charged to
10 the jury.

11 The hypothetical of every time a bullet goes into a
12 building also fails. Anytime a bullet goes into a building,
13 house, et cetera, with the specific intent enumerated in
14 burglary, it has the potential to be felony murder.

15 The idea that shooting into a car by means of a
16 burglary is not inherently dangerous, that is a difficult
17 proposition for -- to survive any scrutiny.

18 The idea that the act of -- the felony is the act of
19 killing itself, also no support in law for that.

20 Robbery can also be an act that creates the death or
21 causes the death, another form of felony murder.

22 Kidnapping, same thing. Sexual assault, same thing.
23 All bases for felony murder.

24 The inherently dangerous aspect of it survives, still

1 survives in the language of the Legislature, which
2 contemplates -- and I will adhere that the Legislature has
3 added to Nevada's Castle Doctrine. Traditionally, a
4 protector of the home of a person has added to that vehicles,
5 recognizing because of the mobility of our society that that
6 additional protection afforded burglaries.

7 The result, if the legislative language was ignored,
8 would lead to absurd results, being -- results being shoot
9 inside, stick a knife in and stab or stick a knife in and
10 miss, throw a knife in -- right? -- the first being felony
11 murder, the second one not. Intent, same.

12 The citation to Nay, we haven't heard it till just
13 now, but quoting from it, "We adopt the majority rule that
14 The felony Murder Doctrine requires that the actor must
15 intend to commit the predicate enumerated felony before or at
16 the time the killing occurred." That's shortly before it
17 goes to page 335, so at 334.

18 Intent, there's no intent. The argument here that we
19 have had to date hasn't really been about intent. Is there a
20 question of intent? We had focused on this question of
21 entry. But turning now to intent, easy. Easy on intent. A
22 weight argument. There's no evidence counter argument on
23 that sort of neutrally.

24 But applying weight to the other side, the defendant

1 says he shot into the car. He said -- or into the truck --
2 he turned his head and shot. Here the defendant admitted to
3 telling multiple lies. Based on that alone, the jury
4 easily -- easy for them to say, infer, believe he shot into
5 the car; right? Don't believe that was the reason why. The
6 reason we believe was -- supports burglary, a factual
7 determination by the jury. It's certainly ripe for that.

8 And, finally, coming back, the effect, if the Court
9 were to deny instruction on the charged theory, would be a
10 directed verdict. We don't have that in Nevada on criminal
11 cases.

12 THE COURT: Thank you.

13 Over the objection of the defense, the Court will
14 instruct the jury on felony murder.

15 Summary reasons: The statute as written appears to
16 contemplate even the manner in which the State appears to be
17 prosecuting the case as to encompass a felony murder charge,
18 the Court finds.

19 The Court also has reviewed Nevada judicial decisions
20 and finds that they do not compel a different result.

21 In particular, White, a case of first impression,
22 generally stands for the proposition that one cannot
23 burglarize their own home, in Nevada.

24 Merlino, closer to what we have here, but still, in

1 the Court's estimation, distinguishable. That was, as we've
2 noted, a movable window associated with a pawnshop business,
3 different than firearm, vehicle, open window, shot into
4 vehicle.

5 So, for those reasons, as well as those argued by the
6 State, which the Court generally adopts, over the objection
7 of the defense, the Court will allow those instructions
8 sought by the State, over the objection of the defense, and
9 instruct the jury on felony murder.

10 The defense may, as we go through the next couple,
11 renew the objection, or you can say now, "Your Honor, we'd
12 like a continuing objection," and the record will so reflect.
13 You can decide.

14 All right. So, with that, let's continue, then,
15 with -- I will assume that the objection applies to 33, when
16 we were discussing whether the language should say "all
17 three" or "both," as well as the rest.

18 But 34, as well, the defense objected to. The Court
19 will give 34.

20 Now we go to, in 35, "Statements of the defendant
21 made during a police interview." We'll decide whether we'll
22 keep it there in a minute.

23 Mr. Stege, any objection to 35?

24 MR. STEGE: No.

1 THE COURT: Mr. Picker or Ms. Garcia?
2 MS. GARCIA: No objection.
3 THE COURT: All right. Thank you.
4 36 reads, "The testimony of only one witness can
5 prove any fact, if you believe it beyond a reasonable doubt."
6 This was one that the defense offered, and
7 preliminarily -- not preliminarily -- off the record, I
8 indicated the Court was inclined to give it.
9 Mr. Stege, do you still maintain an objection to
10 that?
11 MR. STEGE: Minor objection to it.
12 In the State's view, it would say "can prove any
13 element" because of the overall charge to the jury. But I'm
14 prepared to submit.
15 THE COURT: Well, either you object or you don't.
16 Because if you object, then I'm going to hear from the
17 defense, and then I'm going to make a ruling. But my mind
18 really hasn't changed.
19 If you are going to say, "Judge, this is a soft
20 objection, but I'll understand and respect your ruling," then
21 we'll move on.
22 MR. STEGE: The latter: soft objection.
23 THE COURT: The record should so reflect.
24 The Court will give 36.

1 37, "If you find that a witness has been convicted of
2 a felony."

3 Again, this is one proffered by the defense.

4 Is there an objection from the State?

5 MR. STEGE: No.

6 THE COURT: 37 will be given.

7 38, "The killing of another person in self-defense or
8 defense of others is not a crime."

9 Again, this is one that the defense offered to read
10 as a separate instruction of law. Off the record the State
11 indicated it didn't believe that was necessary because the
12 statement or the concept for both are identified in the
13 following instruction. Nevertheless, the Court indicated it
14 intended to give this.

15 Mr. Stege, does the State still object?

16 MR. STEGE: I object because it provides undue
17 emphasis. The defense is not entitled to duplicative or
18 repetitive statements of the law as, if this goes in, it will
19 say what the Court just said in the very next sentence. The
20 next one says essentially the same: Killing in self-defense
21 is not unlawful.

22 THE COURT: All right. Thank you.

23 Who would like to hear -- who would like to be heard
24 on behalf of the defense?

1 MS. GARCIA: Your Honor, it's a direct statement from
2 the statute. We believe it sets --

3 THE COURT: Well, the argument, among others, appears
4 to be it's repetitive, and there's no need to single it out.
5 But would you like to respond directly? Because, you know,
6 the discussion we had off the record, this is the time to
7 make a record, if one is to be made.

8 MS. GARCIA: Looking at -- I'm sorry. Looking at
9 instruction number 39, I think that it's stated in a slightly
10 different way. We think it's important that the jury get
11 this single instruction.

12 And the next instruction is extremely long. We don't
13 want this to get lost within a number of additional
14 definitions. That's why we've proffered this as a separate
15 instruction.

16 THE COURT: Well, over the objection of the State,
17 the Court will give 38.

18 The reasons being, number one, it is a clear
19 statement of the law. Two, the Court believes there are
20 nuances between the way it's stated in 38 and then the
21 following instruction. And, three, although I don't
22 automatically allow people to take pieces out of other
23 instructions, if I think that the larger instruction is
24 clear, in this case the Court finds that it's a proper

1 statement of the law, and it's slightly different.

2 For those reasons, the Court will give 38.

3 Okay. 39 is the longer self-defense instruction.

4 Any objection, Mr. Stege?

5 MR. STEGE: No.

6 THE COURT: From the defense.

7 MS. GARCIA: No objection.

8 THE COURT: 40, "Actual danger."

9 Mr. Stege.

10 MR. STEGE: No objection.

11 THE COURT: Any objection, Ms. Garcia?

12 MS. GARCIA: No objection.

13 THE COURT: Okay. 41 is -- begins, "The law does not

14 require."

15 Now, I indicated off the record that I was leaning

16 toward giving this instruction that was 44 in our previous

17 discussion, and now it's 41, although I was encouraging

18 possible edits or clarification by the defense before I made

19 a final determination.

20 Have you given that further thought, Ms. Garcia, or

21 are you still asking the Court to give it as written?

22 MS. GARCIA: Your Honor, I provided a rewritten

23 instruction.

24 THE COURT: Like in the last few hours?

1 MS. GARCIA: Immediately, yeah.

2 THE COURT: And was that by e-mail to my office?

3 MS. GARCIA: It was. And to Mr. Stege.

4 THE COURT: Okay. I don't think I've seen that.

5 Does somebody have an extra copy they could provide

6 the Court, please?

7 Do we have a printer down here?

8 THE CLERK: Yes.

9 THE COURT: Could you print it out, please, Ms.

10 DeGayner?

11 As an aside, while we're working on that, we are at

12 least at 2:00 o'clock before we do opening -- I mean, closing

13 statements.

14 So the question is: The jury has been in there --

15 assuming they were all here -- since 12:30.

16 Any reason for the Court not to direct one of the

17 Deputy Sheriffs to go in and let them know the Court is

18 involved in just a few things that are taking some time, and

19 we hope to start at 2:00 o'clock, so they can be made aware

20 of what's happening?

21 Sort of like when the airline pilot says, "We have

22 some more bags to put on," or "There's a mechanical issue."

23 That way people, they are not happy with the delay, but

24 they're at least aware of a possible time frame.

1 What do you think, Mr. Stege?

2 MR. STEGE: I'm not opposed to that.

3 Respectfully, I think that might be more optimistic

4 than we ought to be, given circumstances.

5 THE COURT: How about if we say at least 2:00

6 o'clock, possibly 2:30?

7 MR. STEGE: I think they'd rather be told long and

8 surprised short.

9 THE COURT: Okay. What do you think, Mr. Picker?

10 MR. PICKER: I have no objection to them being told

11 that, Your Honor.

12 My question would be whether you were going to allow

13 them to leave the building for the next hour.

14 THE COURT: Allow them to?

15 MR. PICKER: Whether they can leave the building

16 during the next hour.

17 THE COURT: Well, if I'm going to do that, I'm going

18 to call them in here and -- let's see. Did we just ask -- I

19 really hate to have them leave the building. I would be

20 against that. I would just like to give them information so

21 that they can sort of mentally relax for the next 90 minutes

22 or so. So that's my preference.

23 Any objection if I instruct the deputy -- one of the

24 deputies to go in there in a moment, even while we're in

1 court, and just let them know that it might be another hour
2 to 90 minutes before we're ready for opening?

3 MR. PICKER: No objection.

4 THE COURT: All right.

5 So, Deputy, if you can find, please, somebody else to
6 be here to cover what you're doing right now, if you wouldn't
7 mind going in there and letting the jury know, please, that
8 it would be about another 60 to 90 minutes. I apologize for
9 the delay.

10 But I don't want you to just leave here. I want
11 another deputy here to cover your spot or get Deputy Hayes or
12 somebody else back there to cover, and then you go in there,
13 please.

14 THE BAILIFF: Okay.

15 THE COURT: Thank you.

16 All right. Let me just review this, please, for a
17 moment.

18 Okay. The Court has reviewed the edited proposed
19 what we're now calling 41. It was 44 earlier.

20 Mr. Stege.

21 MR. STEGE: It should not be given. It is wrong on
22 the law, beginning with the first sentence. "A person who
23 reasonably believes that he is about to be injured or killed
24 may use self-defense to justify a killing."

1 We've just instructed them in an elemental way about
2 self-defense. Missing here is proportionality. The mere
3 injury does not justify the use of deadly force. It does
4 not. Proportionality must apply.

5 There's very technical language used to describe the
6 imminent risks of -- I believe they say "substantial bodily
7 harm, great bodily injury." Here it's a mere injury. An
8 incorrect statement of the law.

9 Runyan has -- it took the Supreme Court -- I would
10 say they were firm in Runyan, saying: Stop citing the
11 statutes. We hereby adopt the following framework and give
12 the instructions.

13 Instructions we gave, have given so far, with the one
14 exception of the instruction I objected to, that's wrong on
15 the law. Not entitled to the instruction that is wrong on
16 the law.

17 Not entitled to a repeat instruction of an
18 instruction that's already been given on a technical area and
19 not using the proper legal language.

20 The second sentence, "Reasonably believes he is about
21 to be attacked, and that attack could cause him serious
22 bodily harm or death, is justified in using deadly force"
23 also incorrectly states the law.

24 There is no about to be attacked. The language we

1 use is "imminent." Imminent danger does not mean you get to
2 come in and interpret things in the way that means about to
3 be attacked. That sounds like premature use of self-defense
4 would be justified in your own thought that you -- a mere
5 thought that you think you're about to be attacked. A glint,
6 if you will, does not justify self-defense under Runyan or
7 the case law -- I'm sorry -- the statutes establishing a
8 basis for it.

9 Finally -- right? -- "in using deadly force against
10 the attack." "Attack" is not legally precise enough.

11 Finally, "against the attack, or in using or
12 possessing a deadly weapon." Irrelevant. Irrelevant to tell
13 the jury whether the defendant may possess a deadly weapon.
14 Irrelevant. Not at issue. Has no bearing on anything.

15 I don't see a reason why this Court would weigh in
16 and say: Hey, it's okay in this situation to have a deadly
17 weapon.

18 The question is: Is there self-defense under Runyan,
19 under our statutes, not this sort of hybrid aspirational
20 instruction?

21 Finally, and perhaps most problematically, he has no
22 duty to retreat. As a standalone sentence, that is
23 confusing, misleading, wrong on the law. We already have
24 instructed on duty to retreat, 39. Omitting what is

1 operative in this case and very important: No duty to
2 retreat if he's not the initial aggressor. This just says,
3 if you believe it, no matter what, you have no duty to
4 retreat.

5 So, for all those reasons, it should not be given.

6 THE COURT: Defense.

7 MS. GARCIA: Your Honor, at this point, I'm looking
8 at the actual language in the Earl v. State case. And I'm
9 reading from the decision.

10 "This Court has interpreted the No Duty to Retreat
11 Rule to mean that the person must reasonably believe he is
12 about to be attacked with deadly force."

13 I take issue with the State taking issue with that
14 language. It's coming directly from the decision. And then
15 that -- this case, Earl v. State, cites to C. Culberson v.
16 State.

17 So, again, that language, we are pulling it directly
18 from this case. We're not making it up. It's in the case
19 law.

20 Looking at instruction 39, there is -- at the end, it
21 does state, "A person is not required to retreat before using
22 deadly force so long as the person is not the original
23 aggressor, has a right to be present, and is not actively
24 engaged in conduct in furtherance."

1 But it doesn't get into the detail that this
2 statement gets into, which is that he doesn't have to be
3 being physically attacked at the time. And that's why we've
4 added this. We believe it adds to the jury's understanding
5 of the No Duty to Retreat Rule. I would argue that it's not
6 included in 39.

7 MR. STEGE: That last concept --

8 THE COURT: Hold on. Give me a moment, please.

9 The edits here, unfortunately, go in the wrong
10 direction. I was close to giving -- I was seriously
11 considering giving old 44, new 41. The edits here, they
12 don't improve the Court's likelihood of doing that.

13 I have taken another look at it, Ms. Garcia, and with
14 all due respect, the Court will not give this new proposed
15 one, nor 41.

16 I've gone back and looked at the other instructions.
17 I think that the law on this issue is covered.

18 I'm not saying that there's not language to this
19 effect in Nevada Supreme Court decisions, but I'm saying we
20 have a clear statement of the law. This doesn't improve it.
21 It muddles it, in the Court's estimation. It takes us
22 farther away from what the law is.

23 And so, over the objection of the defense, the Court
24 will not give either old 44/new 41, or the edited one that

1 was provided, although I do appreciate the time you've spent
2 to prepare and arguing these.

3 Let's move on.

4 42, "If evidence of self-defense is present."

5 Mr. Stege.

6 MR. STEGE: No objection.

7 THE COURT: I'm assuming no objection from the
8 State -- excuse me -- from the defense.

9 MS. GARCIA: No objection.

10 THE COURT: Okay. 43, again, this is one the State
11 has offered. And I've indicated previously I intend to give
12 it. And the defense maintains the objection previously
13 stated.

14 Is that correct, Mr. Picker?

15 MR. PICKER: Yes, Your Honor.

16 We will incorporate our prior objections to -- as to
17 the previous instructions as to number 43.

18 THE COURT: All right. So noted.

19 44.

20 Same objection, Mr. Picker?

21 MR. PICKER: Your Honor, we'll incorporate our prior
22 objections to the prior instructions as to number 44.

23 THE COURT: 45.

24 Mr. Stege, are you still seeking the Court to give

1 that instruction?

2 MR. STEGE: Yes.

3 THE COURT: Mr. Picker.

4 MR. PICKER: Your Honor, we will incorporate our
5 prior objections and argument as to instruction number 45.

6 THE COURT: 46, the Court corrected a typo on line
7 12.

8 Mr. Picker.

9 MR. PICKER: Your Honor, we will incorporate our
10 prior objections and argument as to number 46.

11 MR. STEGE: I incorporate my prior statements, as
12 well.

13 I would add, though, that we -- felony murder, under
14 burglary theory, also includes attempts, attempts to commit a
15 burglary.

16 THE COURT: Which is what we get to in the next
17 instruction.

18 MR. STEGE: Yes.

19 MR. PICKER: Your Honor, in response to that, we will
20 continue to object as to that proposal.

21 THE COURT: Understood.

22 Although I didn't turn directly to Mr. Stege on the
23 last couple, the Court will assume, unless hearing otherwise,
24 the State incorporates its arguments made previously with

1 respect to this issue.

2 All right. 47.

3 State.

4 MR. STEGE: No objections.

5 THE COURT: And, Mr. Picker, same objection; is that
6 correct?

7 MR. PICKER: Your Honor, we will incorporate our
8 prior objection and argument as to instruction number 47.

9 THE COURT: 48 is the one the Court suggested to
10 give. I made a few edits consistent with comments off the
11 record.

12 Would everyone please take another look at that and
13 tell me if they have any concerns at this point.

14 MR. PICKER: No objection to number 48, Your Honor.

15 MR. STEGE: No objection.

16 THE COURT: Thank you.

17 49, "Upon retiring."

18 MR. PICKER: No objection, Your Honor.

19 MR. STEGE: None.

20 THE COURT: Now, the verdict.

21 Do you each have a verdict form?

22 MR. STEGE: Yes.

23 MR. PICKER: Yes, Your Honor.

24 THE COURT: We did correct two typos.

1 One is, we changed the year to 2021.

2 And, two, in question number one, the word "was" was
3 added inadvertently the first time around. It now reads,
4 "Was a deadly weapon used in the commission of the offense?"

5 MR. STEGE: No objection.

6 THE COURT: All right. Mr. Picker, you previously --
7 or, Ms. Garcia, indicated off the record you would like the
8 "Not guilty" box to be under -- immediately at the top, under
9 the Count I.

10 Is that a position you're still maintaining?

11 MR. PICKER: We will continue with that position,
12 Your Honor.

13 Mr. Cameron, until a decision is made, until this
14 verdict is signed, is presumed innocent, and he -- and "Not
15 guilty" should be the first choice on the verdict form.

16 THE COURT: Okay. Mr. Stege.

17 MR. STEGE: The instruction says he's presumed
18 innocent until the contrary is proven. The moment they
19 arrive at a decision, they sign this.

20 More importantly, I cite to the Green decision, which
21 mandates that the jury first consider first-degree murder,
22 and descending in order from there. This reflects Green.

23 THE COURT: The Court will give this verdict form to
24 the jury for review and entry. Over objection, the Court

1 finds it's fair to both sides. It does not unfairly suggest
2 to the jury that they need to conclude guilt on any of the
3 possible charges. And there's no particular emphasis,
4 nothing is capitalized, bolded or highlighted. And so, over
5 the objection, the Court will give this to the jury as a
6 verdict form.

7 All right. What I intend to do, then, is --

8 MS. GARCIA: Your Honor, at this point, we'd like to
9 proffer --

10 THE COURT: Sorry. I beg your pardon. I was
11 wondering what these were for.

12 Okay. Let's go over those that each side has
13 offered, that the Court has declined to give.

14 I apologize.

15 All right. So let's start with -- I'm going to go
16 through the ones I have here. If you think I've missed any,
17 please let me know, and we'll take an approach.

18 Alternatively, if it's something that you have now
19 reconsidered and are not seeking, tell me that, as well.

20 All right. Let me start with, please, "The testimony
21 of a law enforcement official or a police officer should be
22 considered by you," that one.

23 What are you asking the Court to give, and why should
24 it?

1 MS. GARCIA: Your Honor, we're asking the Court to
2 give this instruction because, during the testimony, we saw
3 law enforcement officers arrive. They're wearing their
4 uniforms. They're often referred to by their title, such as
5 Deputy, or Detective, by the State, and sometimes by the
6 Court.

7 While we're not trying to create a second class or
8 different class of witness, that in itself applies an
9 authority to that that we believe then requires this
10 instruction.

11 This is also an issue that is vastly covered during
12 voir dire. And it is a correct and true statement that law
13 enforcement officers are to be given no less, no more
14 credibility than other witnesses.

15 Based on that, we would proffer this instruction.

16 THE COURT: Thank you.

17 Mr. Stege, why should the Court not give it?

18 MR. STEGE: By saying such a thing, it draws
19 attention and singles out law enforcement for a separate type
20 of credibility determination. There is no support for that
21 in Nevada law. In fact, the entirety of the legal
22 proposition is shaky, relying on Mitchell, which is a Federal
23 District Court order. No persuasive value. It is not
24 controlling as to this case or anything else in Nevada.

1 Secondarily, it deals with the scope of voir dire.
2 That decision is a question about: Was voir dire sufficient?
3 You know, should the judge have gone further, or not?

4 We've done that here. The purpose of voir dire is to
5 cut out those people who are so extreme in their views or so
6 strongly held in their views, both for and against officers,
7 for example, other areas we go into. That function has been
8 served. We are now to a general credibility instruction,
9 which applies to everyone in Nevada. The Supreme Court and
10 by statute has singled out for credibility determination
11 instruction accomplices, things of that nature, not law
12 enforcement.

13 We also give a special instruction on expert
14 credibility because of their important role in that they are
15 allowed to give opinions.

16 The remainder of the citations, also not strong, also
17 dealing with voir dire, as I have noted in my memorandum
18 filed with the court.

19 THE COURT: Okay. Ms. Garcia, any final thoughts?

20 MS. GARCIA: No, Your Honor. I'll submit.

21 THE COURT: Thank you.

22 Over the objection of the defense, the Court will not
23 give this instruction. The reason being that I don't think
24 it's necessary. It may open up a box that leads to other

1 potential requests. And then, pretty soon, where is the line
2 drawn? I prefer to let it be drawn by either the Legislature
3 or the Court of higher authority, as opposed to making law at
4 this level. Although, as I mentioned earlier, that does
5 happen. But I don't believe that justice calls for that in
6 this case. Accordingly, the Court will not give this
7 instruction, but it will be noted for the record.

8 Ms. DeGayner, make sure the Court signs a clean copy
9 of what I'm giving you right now.

10 What's the next one, please, Ms. Garcia?

11 MS. GARCIA: Defense instruction number 3, "Proof
12 beyond a reasonable doubt."

13 THE COURT: Okay. Give me a moment, please.

14 Okay. I have it right here. Beginning, "Proof
15 beyond a reasonable doubt is proof that leaves you firmly
16 convinced."

17 So, as you know, you're swimming uphill. The
18 statute, NRS 175.211, it's pretty clear on what the law is on
19 reasonable doubt. And courts are instructed to give that
20 instruction, and, really, no other.

21 Why do you believe the Court should vary from that?

22 MS. GARCIA: Your Honor, we're proffering this
23 instruction. It is a model jury instruction from the Ninth
24 Circuit. We believe that the language is clear, will assist

1 the jury in determining what reasonable doubt is. And so
2 that's the reason that the defense is proffering this one.

3 THE COURT: Thank you.

4 Mr. Stege.

5 MR. STEGE: I submit it on my July 5th filed
6 memorandum and the statute cited by the Court.

7 THE COURT: All right. The Court believes that,
8 aside from this proposed instruction of law not controlling
9 authority here in Nevada, but it would, in fact, run contra
10 to controlling authority, and so the Court declines to give
11 this instruction.

12 What is the next one, please, Ms. Garcia?

13 MS. GARCIA: Defense instruction number 7. This is a
14 similar --

15 THE COURT: -- argument.

16 MS. GARCIA: -- argument to be made, although this is
17 not a model instruction. Likewise, this language comes from
18 the United States Supreme Court.

19 We've also cited *Bollinger v. State*. We believe it's
20 a better and clearer explanation of what "beyond a reasonable
21 doubt" means. And that's why we're proffering it.

22 THE COURT: Thank you.

23 Mr. Stege.

24 MR. STEGE: Same argument. Adopt what I made in the

1 memorandum of the statute.

2 Also point out that the U.S. Supreme Court allows
3 states to set their own standard for reasonable doubt so long
4 as it does not offend constitutional principles, as well as
5 Bollinger versus State indicates that any change to the
6 beyond a reasonable doubt statute should come by legislative
7 action.

8 THE COURT: Okay. The Court will not give proposed
9 defense instruction 7, in part for the reasons I stated as to
10 proposed instruction 3, and also for those arguments just
11 made by the State, for which this Court adopts and finds
12 persuasive.

13 Next one, please, Ms. Garcia.

14 MS. GARCIA: Defense instruction number 8.

15 THE COURT: It begins, "In deciding the facts of the
16 case."

17 This is one where you're asking the Court to give
18 this instruction that identifies seven bullet points that the
19 jury may take into account different considerations in
20 evaluating the testimony of a witness.

21 The discussion we had previously off the record was
22 that we had one already that essentially, in the Court's
23 estimation, addressed the same issues, didn't necessarily put
24 them in a column like this, but had the same concepts in

1 there. And that the Court was inclined to follow the Nevada,
2 you know, jurisprudence on this, and not necessarily from the
3 Ninth Circuit Court of Appeals or other state law.

4 Why do you think the Court should give this, please?

5 MS. GARCIA: Your Honor, in this case, we're
6 proffering this instruction. Again, it is a model criminal
7 jury instruction from the Ninth Circuit. We believe that it
8 goes into a bit more detail than the one that was proffered
9 by the State, is easier to read and understand, and will be
10 helpful in assisting the jury; therefore, we're proffering
11 it.

12 THE COURT: Mr. Stege, any thoughts on this?

13 MR. STEGE: The subject of Nevada State jury
14 instructions rarely meets the Ninth Circuit. In this
15 instance, they have nothing to say about credibility. We
16 don't know the statute that they're relying on for this or
17 the cause or the reason for this instruction.

18 As well, the State is concerned about, first, it's
19 covered elsewhere; second, enumerating, putting in a list of
20 numbers is misleading because the factors in determining
21 credibility are infinite, in the State's view.

22 THE COURT: Okay. All right. So the reasons the
23 Court stated in its preliminary comments, the Court declines
24 to give proposed defense instruction 8.

1 Again, summarizing them, the Court finds they -- this
2 instruction has been covered. The Nevada law, in the Court's
3 estimation, does a good job of covering that. And I'm not
4 particularly enthralled with the enumeration of these factors
5 the way identified. So, for those reasons, the Court
6 declines to give proposed instruction 8.

7 MS. GARCIA: Your Honor, going slightly out of order,
8 we might address defense instruction 26, because it's
9 essentially the same topic.

10 THE COURT: Give me a moment.

11 Yes. I had that one right underneath it.

12 You're asking the Court to give 26, which is the one
13 in -- the third-page instruction with respect to other
14 factors that the jury may use in evaluating testimony.

15 Can you give the Court any additional reasons that
16 have not already been stated for the last proposed
17 instruction?

18 MS. GARCIA: No, Your Honor. My argument is the
19 same: that it gives the jury additional factors to consider.
20 It's not a Ninth Circuit model instruction. But that's our
21 basis for offering it.

22 THE COURT: You still think it's a good idea, though?

23 MS. GARCIA: Yes.

24 THE COURT: Mr. Stege, you still think it's bad idea?

1 MR. STEGE: I still think it's a bad idea, for the
2 same reasons.

3 And I would have difficulty -- this is a joke, for
4 the record -- in deciding which has less to say about Nevada
5 state law: The Ninth Circuit or --

6 THE COURT: Well, I'm not going to make comment on
7 the duly-qualified, noble men and women working hard to
8 establish rules that can be followed in jurisdictions that
9 they cover.

10 And, candidly, from time to time, we look outside
11 Nevada for areas to fill in some of the gaps in our
12 jurisprudence, whether -- not just in jury instructions, but
13 for other reasons.

14 This, however, is not an opportunity the Court
15 intends to take. For the reasons previously stated, the
16 Court will decline to give proffered 26 from the defense.

17 Ms. Garcia, what's next, please?

18 MS. GARCIA: Defense instruction number 11.

19 THE COURT: Beginning with, "If the evidence in the
20 case is susceptible to two constructions."

21 MS. GARCIA: Yes.

22 THE COURT: Why do you believe that this is a proper
23 instruction of law?

24 MS. GARCIA: Your Honor, this specific instruction

1 was given in Crane v. State, 88 Nevada 684. It's a proper
2 statement of the law. We believe it would be helpful in
3 assisting the jury, and, thus, we'd like this instruction to
4 be given.

5 THE COURT: Mr. Stege.

6 MR. STEGE: My briefing contains a long description
7 of the reasons why this should not be given.

8 THE COURT: Well, you think it's confusing and
9 incorrect.

10 MR. STEGE: Yes, it's incorrect. It's -- and what
11 the case law -- the foundation for it is very weak in our
12 case law, which is, it's a footnote to a very short opinion.
13 It does not talk about the wisdom of it. Just says it was
14 given, and we don't have a problem with that.

15 But the legal principle is, it's not error to refuse
16 it so long as the jury is properly instructed on the beyond a
17 reasonable doubt standard.

18 I think we would struggle to come up with a
19 hypothetical where a jury was not properly instructed on the
20 standard of proof, because we have a statute that says this
21 is how you do it. This is the only instruction to do it.
22 It's confusing, it's misleading, it does not accurately
23 describe what the charge to the jury is. The overall charge
24 is: Weigh the evidence in the case, decide if guilty or not.

1 It does not pit fact against fact. It also does not
2 distinguish between circumstantial and direct evidence, which
3 this instruction invites, erroneously.

4 THE COURT: Okay. Final thoughts, Ms. Garcia.

5 MS. GARCIA: I would just say we have an instruction
6 on direct versus circumstantial, so that's covered.
7 Otherwise, Your Honor, at this point, we'll submit.

8 THE COURT: All right. The Court declines to give
9 proposed instruction number 11. The Court adopts, generally,
10 arguments made by the State just now in open court, as well
11 as those set forth under -- beginning on page 5 of their
12 objections to defendant's proffered instructions that were
13 filed on or about July 5th of this year.

14 Okay. Then, Ms. Garcia, I believe we have a few
15 more.

16 MS. GARCIA: Defense instruction number 12.

17 THE COURT: One moment.

18 "Before you may rely on circumstantial evidence."
19 Okay.

20 What is the reason the Court should give this
21 instruction?

22 MS. GARCIA: As I stated before, Your Honor, when we
23 were off the record, we believe that circumstantial evidence
24 is something that can be confusing for the jury. We believe

1 that this instruction will help to clarify that. And that's
2 why we're asking that the Court give it.

3 THE COURT: Thank you.

4 Mr. Stege.

5 MR. STEGE: The reasons stated in the previous
6 objection, reasons in my July 5th memo, all hold true as to
7 this one.

8 The last point that I had argued sort of minimizing
9 or diminishing circumstantial evidence, not proper. It
10 should not be given.

11 THE COURT: Okay. The Court declines to give the
12 instruction 12. The Court adopts, as well, the argument and
13 analysis set forth by the State in court just now, the brief
14 comments, as well as those written in their brief in response
15 to the proper instructions by the defense.

16 MS. GARCIA: Defense instruction number 23.

17 THE COURT: Okay. This instruction reads, "In order
18 to establish first-degree murder, the premeditated killing
19 must also have been done deliberately; that is, with coolness
20 and reflection, deliberation, connotes a dispassionate
21 weighing process and consideration of consequences before
22 acting."

23 Your argument, as I understand from previous
24 discussion, was this comes right out of Byford. It's a

1 Nevada Supreme Court Opinion from 20 years ago. It's never
2 been overruled. And this is an accurate statement of the
3 law. The Court should give this instruction.

4 Do I have that right?

5 MS. GARCIA: You do, Your Honor.

6 And I'll just add, for the record, Byford
7 specifically deals with the issue of whether or not there
8 needs to be a separate definition for "premeditation" and
9 "deliberation" given in jury instructions. A separate
10 definition was given for "premeditation," not for
11 "deliberation."

12 The Court expressed that the concern in Byford was
13 that, without a clear definition of "deliberation," it can
14 muddy the line between first-degree and second-degree murder.
15 And so this exact language comes from Byford in a discussion
16 regarding giving a distinct definition for "deliberation."

17 Based on that, we think the instruction should be
18 given as an addition to what we've already agreed to have
19 given by the State.

20 THE COURT: Okay. Mr. Stege, why do you disagree
21 with the defense?

22 MR. STEGE: This is dicta from the Byford case.
23 Byford is a case that the Court summarizes the state of
24 premeditation, deliberation, but essentially first-degree

1 murder, and adopts what I would call the First Commandment of
2 instructing on first-degree murder, which is, there are no
3 other instructions but these instructions. So this language
4 comes from the lead-up to that, in which they say, "We set
5 forth the following instructions."

6 The instructions set forth in Byford are given in
7 this case. It is among the longest instructions that we
8 give.

9 I submit the Byford instruction has been given in
10 every murder case since 2000, and there's nothing missing
11 from it that Byford calls for.

12 THE COURT: The Court agrees with the State on this.
13 The Court will not give 23.

14 The Court finds that this, while certainly in the
15 decision, is not -- I hate to use this phrase -- not the meat
16 of it, not the essence of it, not the substantial piece for
17 purposes of instructing on the law in first-degree murder.
18 It's sort of, yeah, dicta.

19 And, so, because we have a definition, because the
20 definition is clear, because that is the law in the State of
21 Nevada, the Court declines to give defense instruction 23.

22 All right. Ms. Garcia.

23 MS. GARCIA: Your Honor, defense instruction number
24 24 I actually believe you reserved, because we hadn't yet

1 determined the issue of the felony murder.

2 We're asking you to give this instruction. Specific
3 intent is an element of -- burglary is a specific-intent
4 crime. So we believe this instruction should be given, and
5 it should be positioned in the area where the felony murder
6 instructions are being given.

7 THE COURT: All right. I'm going to need somebody to
8 give the Court a copy of that, because what I have here as
9 ones we were still considering were 6 and 25.

10 MR. STEGE: Your Honor, do you mind if it has my
11 writing on it?

12 THE COURT: As long as you show it to the defense
13 first --

14 MR. STEGE: I will.

15 THE COURT: -- and they have no concern.

16 All good, Ms. Garcia?

17 MS. GARCIA: Yes, Your Honor.

18 MR. STEGE: I'm doing my best to cross it out.
19 Please do not consider in any way my note.

20 THE COURT: Give me 10 seconds. We may have it here.
21 I'm sorry.

22 Let's not waste time. Not that my staff is wasting
23 time, but. Thank you.

24 Okay. So the proffered 24 by the defense reads,

1 "Specific intent is the intent to accomplish the precise act
2 which the law prohibits."

3 Mr. Stege, why should the Court not give that?

4 MR. STEGE: That is an accurate statement of a
5 statute. The question is: How and where does it fit into
6 here?

7 The argument goes like this: Lawyers, judges know
8 the difference between general and specific intent. It's a
9 shorthand for us to talk about specific cases, types of
10 cases.

11 The current instructions make no mention of specific
12 intent. But everywhere we are dealing with specific-intent
13 crimes -- burglary -- we properly and legally instruct them
14 burglary is an entry with intent. The same thing, burglary
15 with the intent entry, entering with the intent to accomplish
16 the act.

17 The instruction. Assault: Doing something to --
18 with the result of placing them in reasonable apprehension.

19 So I don't think anywhere we could point in the
20 currently form of the instructions to say we need specific
21 intent. It's not clear that the intent that is necessary is
22 improperly stated.

23 If we were to add this, I don't know where it goes, I
24 don't know how we -- I think we'd probably have to

1 re-formulate some of them to say: These are specific-intent
2 crimes, and this is specific intent. So.

3 THE COURT: Okay. Ms. Garcia. Or excuse me. Mr.
4 Picker.

5 MR. PICKER: Thank you, Your Honor.

6 The State has already agreed this is a correct
7 statement of the law. And to say that we don't -- because
8 lawyers deal in these terms, we shouldn't explain them to the
9 jury, is -- after going through all the jury instructions
10 we've gone through so far today, I can't even fathom that
11 argument. Because all we do in these jury instructions is
12 explain terms to the jury repeatedly in different ways.

13 The fact is, this is correct. It is required that
14 they find specific intent for burglary. And it is an
15 appropriate statement of the law to be instructed upon. It
16 is an element. It is -- it should be, in fact, under
17 McConnell v. State, 2004 -- no; I'm sorry -- under Sheriff v.
18 Hicks, if it's a necessary element, the jury must be
19 instructed on it. Not shall. Must. Under Sheriff v.
20 Hicks, and under Rossana -- R-o-s-s-a-n-a -- v. State, a
21 1997 decision, in quotes.

22 THE COURT: Where would you have the Court put it?
23 Next to which instruction?

24 MR. PICKER: Between 44 and 45, Your Honor.

1 MS. GARCIA: You know what, though? That number may
2 be off because we adjusted one earlier. So between the --
3 really, Your Honor, it should be between the one that says
4 "For the purposes of the felony murder alternative," and then
5 the next one after that would be, "Entry by breaking." It
6 should go in between.

7 THE COURT: I'll give you final thoughts, Mr. Stege.

8 MR. STEGE: I would agree if we -- that we need to
9 define it, if we ever use that term. So if the Court gives
10 it where it is proposed, it reads: Here's the felony murder.
11 Here are the elements. Entering into with the intent to
12 commit assault or battery.

13 Specific intent is, what we're finding, not -- we
14 also then need to define what general-intent crimes are, a
15 proposition that's sticky in murder cases, and also, I
16 submit, unnecessary.

17 The question as to whether it's an element, I
18 agree -- if it's the same Sheriff versus Hicks, it's
19 non-controversial on the subject of elements must be proven.
20 You should instruct on the elements.

21 I think we would all struggle to find: Is specific
22 intent an element? No. The intent is an element. The
23 elements we've stated out here. I mean, and -- perhaps this
24 is sort of reflection or reflective, sort of -- "reflective"

1 is the word I'm looking for -- response to the argument,
2 because we all talk in general, specific intent in doing the
3 work of lawyers. However, we can't point to an area where
4 you can say: Here we are defining "specific intent," and
5 here's a space where the intent for a specific-intent crime
6 is insufficiently defined.

7 MR. PICKER: Your Honor, may I address that last
8 argument?

9 THE COURT: You may.

10 MR. PICKER: Number one, in instruction number 44, it
11 specifically states as element number 3, "with the intent."
12 Again, in number 47, it says, "Defendant intended to commit
13 the crime."

14 Specific intent is not listed, but it should be,
15 because it's -- that's the element, is specific intent to
16 commit burglary. So it needs to be in there.

17 THE COURT: Okay. The Court has made a decision.

18 I'll give this instruction. And it's going to go
19 right after 44, which is the one that -- which says, "For
20 purposes of the felony murder alternative." So that's going
21 to go here, over the objection of the State.

22 MR. STEGE: Will the Court add, "Burglary is a
23 specific-intent crime? Assault is a specific-intent crime"?

24 THE COURT: To this instruction?

1 MR. STEGE: Yes.

2 THE COURT: That seems fair.

3 What do you think about that, Mr. Picker?

4 MR. PICKER: I believe it's a correct statement of

5 the law.

6 THE COURT: Say it again.

7 MR. PICKER: I believe that is a correct statement of

8 the law.

9 THE COURT: Okay. Then I'll understand that your

10 objection to this whole line of instructions continues, but

11 if the Court is going to give it, then it should be -- it's

12 burglary is a specific-intent crime.

13 MR. PICKER: Yes, Your Honor. Just because we asked

14 for specific language doesn't mean we're acquiescing to the

15 overall subject.

16 THE COURT: So that goes there.

17 All right. A few more, I believe, Ms. Garcia. Then

18 I'm going to take a break and polish these up, and then sign

19 them, make copies for everyone.

20 MS. GARCIA: Your Honor, I actually don't have any

21 more.

22 THE COURT: Anything that the State proffered that

23 the Court declined to give?

24 MR. STEGE: If so, I abandon anything submitted and

1 not given.

2 THE COURT: Okay.

3 MR. STEGE: Nothing else to offer.

4 THE COURT: So here's the order of business. I'll go
5 off the bench in just a moment. And I would ask that counsel
6 be back here at -- in 30 minutes. I will then hand out
7 everyone's copy. Flip through them, make sure there are no
8 bad pages, upside-down pages, hard to read, white pages,
9 anything like that. Then we will have a few more minutes to
10 gather your final thoughts, and then I will have the jury
11 come back in for argument.

12 Now, know this: After I instruct the jury -- this is
13 going to take about 25, 30 minutes to read all these -- then
14 the State will proceed with its opening. After the State is
15 done -- with its closing argument. After the State is done,
16 we will recess for a comfort break, to be followed by the
17 defense, and the response, if any, from the State.

18 But let me just caution each side here. If we go
19 more than 90 minutes during your argument -- and sometimes
20 these can go two, three hours -- then I do -- I hate to do
21 it, but I do interrupt counsel and say, "I'm sorry. I'm
22 going to have to ask you to pause right there. We're going
23 to take a very brief recess and get back to it."

24 So, you know, argue as long as you believe you need

1 to, but be aware that I may have to interrupt that in a few
2 minutes.

3 Anything else before the Court goes off the record
4 and finalizes these?

5 MR. STEGE: Yes, Your Honor.

6 I request -- or I relay the following request to this
7 Court. The Court had initially allowed three people per
8 side, sort of -- I don't know how it happened, but next we
9 learned that five additional would be allowed.

10 THE COURT: Eight per side.

11 MR. STEGE: Eight per side. I ask for up to 15 per
12 side. That is a request from the family. And the people
13 that are requesting this are all blood to Mr. Faust.

14 Also, it was requested of me, or suggested, by
15 Mr. Hicks that we do this.

16 I also am aware other departments are gloves off on
17 this issue. I think the nature of closing arguments, given
18 the interest in the case we have, if COVID is a concern,
19 we've been diligent, pretty diligent so far in that for the
20 short time period, given the importance of it, I would ask
21 that the Court expand that.

22 Adding to that, there have been -- that
23 three-per-side thing has been, I think, honored by the
24 parties. We have had a lot of law clerks in here. I saw

1 District Court judges in here. I saw all sorts of people in
2 here throwing that balance off. And so --

3 THE COURT: Well, the three per side, let me just
4 comment on that. The three per side anticipated a few
5 additional people, with the Court's permission, who are here
6 to understand, study and learn. Not to be disrespectful for
7 anybody that has an interest in the outcome here.

8 MR. STEGE: No. So I humbly request that.

9 THE COURT: Mr. Picker or Ms. Garcia, do you have a
10 position you'd like to share?

11 MR. PICKER: Your Honor, had we been asked about this
12 at the beginning of the day or at the end of yesterday, I
13 would have a different position. But given it is this late
14 in the proceedings, and we're in half an hour going to be
15 starting this process, I would oppose it. We don't have time
16 to contact people.

17 THE COURT: The overriding factor for the Court is
18 public safety. It's not lost on the Court that this case has
19 interest on many levels. If the numbers were trending
20 better, I would not hesitate to change materially the Court's
21 prior order. In fact, to change it from three per side to
22 eight was even a bit of a push. So, with all due respect,
23 the request is declined.

24 I understand there's interest, I understand there are

1 strong feelings on both sides, and I understand there's
2 interest from respective legal teams here. That said, for
3 public health and safety reasons, it's a polite, but firm,
4 no. And that will be the order of the Court.

5 All right. I'll see everybody here as quickly as we
6 can get these cleaned up and back down. Hopefully 20, 30
7 minutes, tops.

8 Court will be in recess until that time.

9 (Recess.)

10 THE COURT: Thank you.

11 Please be seated.

12 We are on the record in the case of State of Nevada
13 versus Wayne Michael Cameron.

14 The Court recognizes the prosecutor, Mr. Stege;
15 defense counsel, Mr. Picker and Ms. Garcia; and as well as
16 Mr. Cameron.

17 Counsel, based on some discussions we've had, some
18 technology challenges with preparation of the jury
19 instructions, and because of the time of day and the
20 anticipated length of the Court reading the instructions,
21 followed by closing statements from the State, and then from
22 the defense, and then possible rebuttal from the State, and
23 taking us through dinnertime before the jury would even get
24 the case, the Court proposes that we bring the jury in,

1 apologize for the delay, start fresh tomorrow morning, with
2 having the jury report at 8:00 o'clock, and start with
3 instructing the jury at 8:30, with closing statements to
4 follow immediately thereafter.

5 Let me start with you, Mr. Stege.

6 Any objection to that approach by the Court?

7 MR. STEGE: No, Your Honor. I'm in agreement with
8 that approach.

9 THE COURT: Thank you very much.

10 Mr. Picker.

11 MR. PICKER: Thank you, Your Honor.

12 I have discussed this with Mr. Cameron, and we are in
13 agreement with that approach, as well.

14 THE COURT: Very good. Thank you.

15 Deputy, would you, therefore, please bring the jury
16 back in.

17 All rise for the jury.

18 (The following proceedings
19 were had with the presence of
20 the jury:)

21 THE COURT: Okay. Welcome back, everyone.

22 Please be seated.

23 Bless you.

24 Mr. Stege, will you stipulate that all jurors are

1 accounted for?

2 MR. STEGE: Yes.

3 THE COURT: Thank you.

4 Mr. Picker.

5 MR. PICKER: Yes, Your Honor.

6 THE COURT: All right. Ladies and gentlemen of the
7 jury, don't get too comfortable. There's been a slight
8 change of plans.

9 First of all, thank you for being here promptly at
10 12:30 for a 1:00 o'clock start. Obviously, we didn't start
11 at 1:00. It's 3:15 almost, and we haven't started yet, nor
12 will we today.

13 It turns out a couple challenges the Court did not
14 anticipate, not the fault whatsoever of anyone on the
15 defense, not the fault whatsoever of the prosecution, of
16 course, not the fault of Mr. Cameron. Blame should rest
17 solely with me.

18 We had some technology challenges, most directly with
19 respect to print -- finalizing, printing out, reviewing,
20 editing, and then copying the instructions of law which will
21 be presented to you, and which you must apply in this case.

22 We probably could get it all done and to you for
23 instructions of law within the next couple hours, but then
24 that would push closing argument back, and then it would be,

1 you know, middle -- early to mid-evening before the case even
2 went to you. And that's late to start deliberating on any
3 case, and particularly a case where somebody is charged with
4 the crime or crimes that Mr. Cameron is.

5 In addition, I know you've been here for several
6 hours and, you know, probably getting antsy, in any event.

7 So what does this mean? What it means is, we will be
8 ready to go with closing arguments promptly tomorrow at 8:30.

9 At first, I'll instruct you on the law. That should
10 take about 30 minutes, from 8:30 until 9:00. Followed by
11 closing statement by the prosecutor. Don't know how long
12 that will take. Sometimes they take 20 minutes; sometimes
13 they take two hours and 20 minutes, or more. If it goes more
14 than 90 minutes, we'll take a comfort break in the middle,
15 and we will continue until they're done. Then the defense
16 goes. Again, same thing. Not sure how long that takes. But
17 they have the opportunity to speak to you about what they
18 believe the evidence showed and how they view this case for
19 as long as they deem appropriate. The State, having the
20 burden of proof, gets to make a brief response to the defense
21 closing. And usually that takes less time than did the
22 opening remarks during their closing.

23 So the case should be to you realistically around the
24 noon hour tomorrow. That's just my estimate.

1 Lunch will be provided. You need not bring that in.
2 You will not be leaving for lunch tomorrow, so please make
3 note of that. Then you'll begin your deliberations at that
4 time.

5 So, with the Court's apologies for having you come in
6 just to hear all this, you will be excused right now for the
7 rest of the day.

8 And I order that you report here, please, at 8:00
9 o'clock tomorrow morning. Even though we didn't do any other
10 official business, you'll still be admonished once again
11 about what you're not to do during the break.

12 During the evening recess, ladies and gentlemen, you
13 must not discuss or communicate with anyone, including fellow
14 jurors, in any way regarding this case or its merits,
15 including by voice, phone, e-mail, text, internet or other
16 means of communication, including, but not limited to, social
17 media. You must not read, watch or listen to any news or
18 media accounts or commentary about the case. You must not do
19 any research, such as consulting a dictionary, searching the
20 internet or use any reference materials. You must not make
21 an independent investigation, test a theory of the case,
22 re-create any aspect of the case, or in any other way
23 investigate or learn about the case on your own.

24 Additionally, it is your duty not to form nor express

1 any opinion regarding any issue in this case until it is
2 finally submitted to you.

3 I'll see you back here. Please be back here at 8:00
4 o'clock tomorrow, for an 8:30 start.

5 All rise for the jury, please.

6 (The following proceedings
7 were had without the presence
8 of the jury:)

9 THE COURT: All right. Thank you.

10 Anything else, Mr. Stege, before we adjourn for the
11 evening?

12 MR. STEGE: No, thank you, Your Honor.

13 We have received the packets from court staff, and
14 we're ready to go.

15 Thank you.

16 THE COURT: Very good. Thank you.

17 Anything else, Mr. Picker or Ms. Garcia?

18 MR. PICKER: Your Honor, I think you wanted to put on
19 the record the change in the number of --

20 THE COURT: Yes. So, to this point, we had
21 previously limited the amount of people who could observe
22 from each side to three for the State, three for the defense,
23 plus necessary court personnel and some of the interns or law
24 clerks in the courthouse.

That number, for purposes of closing and for verdict-taking, the Court will increase by a number of seven for each side, up to a total of 10.

The Court understands there's interest in this case, both personal and professional; however, balancing public safety and responsibility, administrative orders of the court, CDC guidelines and other reasons, the Court determines that that is the proper limit. And that will be the order of the Court.

So please identify tomorrow morning those that you are bringing in up to that number -- you know, obviously you can have less -- to the Deputy Sheriffs, so they know who is here in accordance with the Court's requirements.

All right. That will be all.

I wish everyone a very pleasant evening.

I'll see you here tomorrow morning.

Let's be ready to go at 8:30.

Other than that, the court is in recess.

(Recess.)

1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department No. 8 of the
8 above-entitled court on Thursday, July 8, 2021, at the hour
9 of 12:10 p.m. of said day, and took verbatim stenotype notes
10 of the proceedings had upon the matter of THE STATE OF
11 NEVADA, Plaintiff, versus WAYNE CAMERON, Defendant, Case No.
12 CR20-3534, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 74, all inclusive, contains a full, true and complete
16 transcript of my said stenotype notes, and is a full, true
17 and correct record of the proceedings had at said time and
18 place.

19 Dated at Reno, Nevada, this 22nd day of November,
20 2021.

21

22

23 /s/ Isolde Zihn
24 Isolde Zihn, CCR #87

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR20-3534

12

WAYNE CAMERON,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

16

Trial

VOLUME X

July 9, 2021

17

APPEARANCES:

18

For the State:

Amos Stege

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Marc Picker

Alternate Public Defender

21

Jenna Garcia

Deputy Alternate Public Defender

22

350 South Center Street

23

Reno, Nevada

24

Reported by:

Isolde Zihn, CCR #87

| | | |
|----|--------------------|-------|
| 1 | | INDEX |
| 2 | CLOSING ARGUMENTS: | Page |
| 3 | By Mr. Stege | 6 |
| 4 | By Mr. Picker | 39 |
| 5 | By Mr. Stege | 56 |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |

1 RENO, NEVADA, THURSDAY, JULY 9, 2021, 8:30 A.M.
2 (The following proceedings
3 were had without the presence
4 of the jury:)
5 THE COURT: Thank you.
6 Please be seated, everyone.
7 Okay. Welcome back.
8 We are back on the record in the case of State of
9 Nevada versus Wayne Cameron.
10 Mr. Stege, good morning.
11 Is the State ready to proceed?
12 MR. STEGE: Good morning.
13 Yes, Your Honor.
14 THE COURT: Thank you very much.
15 Mr. Picker, Ms. Garcia, good morning.
16 Is the defense ready to proceed?
17 MR. PICKER: Morning, Your Honor.
18 We are.
19 THE COURT: Thank you.
20 Good morning, Mr. Cameron.
21 All right. Deputy, please bring the jury back in.
22
23
24

1 (The following proceedings
2 were had with the presence of
3 the jury:)
4 THE COURT: Okay. Welcome back, everyone.
5 You may have a seat.
6 Will counsel stipulate to the full venire?
7 MR. STEGE: Yes.
8 THE COURT: Mr. Picker.
9 MR. PICKER: Yes, Your Honor.
10 THE COURT: All right. Thank you.
11 All right. Ladies and gentlemen, you have each been
12 provided with a packet of jury instructions, including the
13 last piece of paper being the verdict form.
14 In a moment, the Court will begin reading the
15 instructions of law. As I believe I've mentioned previously,
16 you're free to follow along with the packet, free to put the
17 packet to the side and just listen, a combination of both,
18 take notes. Anything you would like to do is fine.
19 After the Court concludes reading the instructions of
20 law, the State will make its closing argument. We'll likely
21 take a comfort break at that time, followed by defense
22 closing argument, and then a brief response, if any, from the
23 State, after which the case will be submitted to you for
24 deliberations.

1 All right. So starting with the very first
2 instruction.

3 (The Court read the instructions.)

4 THE COURT: Ladies and gentlemen, I also have
5 provided you with a copy of the two-page verdict form. Let's
6 go over it.

7 It begins as follows: "We, the jury in the
8 above-entitled case, find the defendant, Wayne Michael
9 Cameron, as follows: Count I, murder with the use of a
10 deadly weapon."

11 And then it says, "Please check the appropriate box.
12 Select only one."

13 First box, "Guilty of first-degree murder."

14 Second box, "Guilty of second-degree murder."

15 Third box, "Guilty of voluntary manslaughter."

16 Fourth box, "Guilty of involuntary manslaughter."

17 Fifth box, "Not guilty."

18 Page 2, "If you find the defendant guilty of any of
19 the foregoing offenses, please proceed to question 1.
20 Question 1: Was a deadly weapon used in the commission of
21 the offense? Please check the appropriate box. Select only
22 one, 'Yes' or 'No.'"

23 And then, "Dated this 9th day of July, 2021," and
24 then the Foreperson signs it.

1 Okay. Thank you very much for your attention while
2 the Court instructed you in the law.

3 Mr. Stege, the State may now proceed to make its
4 closing argument.

5 MR. STEGE: Thank you, Your Honor.

6 This was an execution. Gun in the face, bullet to
7 the face, bullet through the spine, execution. Straight-up
8 execution.

9 The executioner, the killer, the murderer: Wayne
10 Cameron.

11 Wayne Cameron, he, the traffic vigilante. By his own
12 words, a traffic vigilante. Without cause or reason, excuse,
13 sense, reason, a traffic vigilante. Brings us to this trial
14 this fine July. A traffic vigilante who left damning
15 evidence on scene, damning evidence which we have seen over
16 the last two weeks.

17 Damning evidence: A single .40-caliber shell casing.
18 A telltale shell casing of the murder weapon.

19 General synopsis: 8:44 p.m., February 11th, 2020,
20 around 8:45, that was Jarrod Faust's last minutes.

21 We know this from a number of sources, of course.
22 The surveillance from Mr. -- Konopisos, is how I mispronounce
23 his name. He said it here in trial. Mr. Bareuther then
24 calls Miss Caprile. The neighbors, concerned neighbors.

1 There sat Jarrod Faust's body until the officers responded,
2 the deputies, this cold, dark February night.

3 Of course, we presented throughout the course of this
4 the evidence.

5 Now, going further, the evidence continued. Deputy
6 Medina shows up. We know from his body camera -- here is a
7 still image from it. Let's go back, briefly.

8 Approaches the truck, running, in gear, the slight
9 incline. Music; right?

10 Recall, of course, that Deputy Talton recalled with
11 specificity the name of that country song, compelling in his
12 mind that it talks about being one hell of a night.

13 Importantly for the evidence, Jarrod Faust slumped
14 over, seat-belted in. The position of his feet, position of
15 the entire body is well and squarely before you in the
16 evidence.

17 He opens the door to find and learn that Jarrod is
18 dead, sitting in a pool of his own blood, soaked into his
19 clothing, a bullet through his jaw, later recovered through
20 his neck.

21 Of course, crime scene analysis occurred. Detective
22 Atkinson came and processed the scene. Painstaking in their
23 photography collection of evidence both that day, into the
24 next morning. Came back the next day, looked at the scene.

1 Came back a few days later and swabbed for parts of the door
2 to see if the offender, the killer, left their DNA.

3 Of course, later, evidence emerged in court. But,
4 initially, surveillance, 2040 Rock Haven; right? We see
5 Jarrod's truck followed by a car. We now know that is the
6 defendant's car following him.

7 Additional surveillance just down the street appears
8 just to have captured the defendant driving away.

9 Until Mr. Colarchik comes forward, and we learn
10 compellingly. Mr. Colarchik, best friend, best friend to
11 Wayne Cameron. Did the best friend thing, what was right.

12 He did what was right and said, "Wayne Cameron," the
13 traffic vigilante, traffic hero, "called me and said, 'I got
14 out of my car and went up to him.'"

15 Dave Colarchik, he of the bank. "If Dave Colarchik
16 said it, you can take it to the bank." That's what the
17 defendant said.

18 Quote from his interview: "Well, Colarchik said that
19 you said you hate when you get mad.

20 "Absolutely. If he said it, I believe it. Take it
21 to the bank."

22 Colarchik did the right thing, told the police what
23 his friend had said: that he was -- he hated that he knew
24 the law; right? That's code for hated he knew he was wrong.

1 Traffic executioner, vigilante Wayne Cameron hoped
2 that his best friend would not say anything. But Colarchik
3 knew. Colarchik, decent, honest, did the right thing, did
4 the best friend thing. From there it flows; right? From
5 there the investigation flows.

6 We know, of course, they followed the defendant.
7 They learned: He's coming in tonight. "Let's see where he
8 goes." They follow him to this dinner with his friends;
9 right?

10 Heard from Greg Herrera. Said, "Never said anything
11 about it to me"; right? And we know that; right? He never
12 told anyone. He only told Colarchik; right?

13 Of course, he would never be completely honest.
14 "Hey, I just shot a kid in the face for no reason."

15 Never told anyone else.

16 We know, in fact, from Miss Gayner, what did he do?
17 Called her up and asked her out on a date shortly thereafter.

18 This flows into a few things. The interview,
19 compelling. Damaging in the extreme. Very weighty evidence
20 of guilt, in the following manner: Every single rationale,
21 explanation, reason that one might kill some -- take the life
22 of someone else was offered up to the defendant, none of
23 which he took.

24 Begging, "I'm begging you, Wayne. Tell us. Wayne,

1 you're going to look really bad, Wayne. Tell us. Save your
2 kid, Wayne."

3 It was a powerful moment when, Nick Smith, "It's
4 shitty what you're doing. You're going to sit there at the
5 table, and your kid is going to come up and testify and,"
6 words of Detective Smith, "you are going to crush him.
7 You're going to crush him. Save your kid, Wayne."

8 You would think any -- it's such a powerful thing in
9 humanity; right? Anyone would die for their kids. Teach
10 their kids right. "Save your kid." Wayne can't do it.

11 Compelling in that interview, "It's shitty what
12 you're doing, Wayne." He walked out. Hey. Wayne goes, gets
13 his -- done. Done with it. In comes -- Wayne Cameron, his
14 son, Ethan.

15 In the way that Colarchik did the right thing,
16 decent, young Ethan, in the way that they urged the
17 defendant, "Take it like a man," Ethan, a man, "Dad, did you
18 do this? Do not do this. There's no reason for this." Shut
19 down every reason. Every reason given to the defendant,
20 every reason rejected, lies, lies, lies, lies, lies, lies.

21 You know who lies? Guilty people lie. And he lied
22 the entire time. His claim. And often what happens when
23 people lie is, they admit only what they think you know;
24 right?

1 Phantom. Up comes a phantom, a phantom motorcycle.
2 No motorcycle. Doubles down later before us on the
3 motorcycle. Phantom.
4 Wayne was never going to say anything to anybody.
5 The rationale of self-defense. "Wayne, there are
6 cases of self-defense. Tell us." Can't do it. And,
7 instead, lies.
8 The investigation continues. Search warrant for his
9 house. Many guns; right? Guns. They know they're looking
10 for a .40.
11 Before I leave the interview, the best Wayne can do
12 is, "'Hey, I said, 'You good?' 'Yeah,' he said, 'I'm good.'"
13 That's it.
14 "Hey, Wayne, there's a dead kid. His family is
15 grieving." Can't do it.
16 Wayne: "I want to talk to someone smarter."
17 Name-dropping. A name-dropper, Wayne Cameron. First thing
18 in the car, "Hey, I know cops. I was with you guys." Who
19 cares? Name-dropper. He thinks it matters.
20 The law and justice is not about who you know.
21 Never, never would be. Name-dropper. Name-dropper of Darin
22 Balaam, the Sheriff of Washoe County. Cops, they don't care.
23 "You shot someone in the face. We don't care." In a free
24 society, it does not matter.

1 Name-drops Darin Balaam.

2 His friend, Greg Herrera: "Dude, you're a stand-up

3 guy. I know you to be a stand-up guy. Tell the truth."

4 Can't do it. Lie. "I can lie."

5 In the house, no .40s.

6 In the car, 9-mill. 9-mill matches that Glock 17

7 hanging in the closet. A guy who says he doesn't know

8 anything about guns. "I don't know what guns I have."

9 9-mill from that gun in his car later, two days later.

10 .40s. .40s, he didn't know were there, and now

11 explains, well, he must have -- "I don't know how they got

12 there. They roll around."

13 Many, many, many .22s. He can name .22s and long

14 guns, long guns which he shot. Not a single .22 casing in

15 that car.

16 He thought he missed it, the .40, missed it. The two

17 .40s, didn't know they were there. Where Cheetos are in the

18 cars of people with kids, or Cheerios, .40s. Third-row seat,

19 .9. Son of a gun, those match. All the same, the bullet in

20 the head from a .40, the defendant's .40.

21 "You ever own a .40, Wayne?"

22 "I don't know. I don't know what I have."

23 Lie.

24 Moving forward, second search warrant.

1 "Wayne, we know -- what happened to that gun that you
2 bought back then?"

3 "I don't know. You have it."

4 "No, we don't."

5 It's about 8 minutes into that recording.

6 Nick Smith: "Here's the problem, Wayne. We know you
7 bought a gun. We know it's missing. Do you have any
8 explanation for it?"

9 "I don't even know. It's been a really tough --
10 hardest week of my life."

11 Irony, the complete lack of tact, all lost on the
12 traffic executioner, Wayne Cameron.

13 In any event, it's a brief summary of the evidence.
14 We brought you here to hear the evidence, but we also brought
15 you here to understand the law and to apply the law. The
16 beauty of the jury system, we take ordinary citizens, ask
17 them to listen to the evidence and to apply the law of this
18 great state.

19 And so, with that in mind, let's endeavor to apply
20 the facts that you have learned in all matters. You control
21 what the facts are. You decide what is factual and what is
22 not. Law, given to you by the judge.

23 So let us reason together, and I will now explain to
24 you why the defendant clearly is guilty of first-degree

1 murder.

2 So, what is murder? I'm going to -- I'll give you a
3 summary of what I'm going to talk about. I will talk about
4 murder in general that will be known as second-degree murder,
5 how you get from second- to first-degree murder.

6 There are two types of first-degree murder. One,
7 premeditated murder; the second being felony murder. Both of
8 those first-degree murder, guilty either way you frame it.

9 I will also talk and touch on self-defense. There is
10 no self-defense.

11 The elements of the crime of murder are -- it's
12 difficult. I'm hopeful we can speak to you, but I also want
13 you to read along with me, so if it is useful, please read
14 along. The elements of murder.

15 This is general murder, which is second-degree
16 murder. Willful and unlawful, killing with malice. First
17 two, willful, unlawful, check, check. Killing, check.

18 This malice aforethought -- right? -- that's a legal
19 terminology, a killing with malice. I've given you a little
20 preview.

21 The law says that, if you use a gun in a killing, you
22 can presume malice. Let's talk about what malice is.

23 Malice comes in two forms. It is either express --
24 and it doesn't mean expressed, like, spoken. It just means

1 obvious; right? Express malice. Deliberate intention to
2 take away the life of a fellow creature.

3 Now, you will notice that throughout this I may touch
4 on my presentation this issue of thought bubbles; right? We
5 don't walk around with thought bubbles, any of us, so what
6 we're doing here is determining a person's intent through
7 their actions, all the circumstances. That's a thing we do
8 in everyday life, and the law clearly allows for that.

9 So, implied malice: when the circumstances indicate
10 an abandoned and malignant heart. That is some strong
11 language.

12 Where does malice come from? Anger. Killing in
13 anger, hatred, revenge, ill will, spite, grudge, or any
14 unjustifiable motive, reckless indifference. Any
15 unjustifiable motive that is present during a killing, you
16 have malice, you have second-degree murder.

17 "Aforethought," this is a little footnote. The
18 instructions say "malice aforethought." That just means you
19 have to have malice in your mind before the killing, not
20 after the fact.

21 This is where I previewed before. "Malice may be
22 inferred from the intentional use of a deadly weapon in a
23 dangerous and deadly manner." Clearly, a shot to the face,
24 easy malice. Ill will, spite, all over the place.

1 Anger, ill will, spite. The letter, the notes of
2 Mr. Colarchik in evidence, "Him saying he hated when people
3 made him mad."

4 Anger, ill will, spite, malice, check, check, check,
5 check, check, done.

6 "I hate when I get angry." Another spot in here. "I
7 don't know why I got -- my eyes aren't good right now -- so
8 angry."

9 Killing in anger, malice, check.

10 Not second-degree murder, this case. This case,
11 first. This case, first because of premeditation and
12 deliberation.

13 So this is -- let's skip over this slide.
14 First-degree murder, you need three things: wilfulness,
15 deliberation and premeditation.

16 Now, important distinction. In our society, we have
17 a lot of crime shows; right? First-degree murder is like a
18 cold-blooded crime, the kind where they plan it out. Very
19 entertaining. Premeditation, deliberation, something else.

20 Big, big, important issue, which is the time that you
21 premeditate and deliberate. The law says, "as quick as
22 successive thoughts of the mind," and so what is a shorthand
23 that I will use to talk about wilfulness, deliberation and
24 premeditation.

1 "Wilfulness" means it's forming the intent to kill.
2 Put this all on top of malice, let's say anger, the
3 formation, forming an intent to kill.

4 The second, weighing the consequences for your
5 actions. In essence, weighing the life of a fellow -- the
6 law calls and says "fellow creature."

7 Third, premeditation. You form the intent, you weigh
8 the pros and cons, and, third, you do the act. The deciding
9 all three present, first-degree murder. So does not mean
10 planned or longstanding plan.

11 Here's my note. Forming the intent to kill, weighing
12 the reasons, weighing taking the life of a fellow creature,
13 and, finally, deciding. I will now move a little bit quicker
14 through what the legal definitions say.

15 Wilfulness. Says it's the intent to kill. Time,
16 I've taken directly from the instruction. "No appreciable
17 space of time between the forming of the intent to kill and
18 the act."

19 Deliberation. "Determining on a course of action to
20 kill as a result of thought, including weighing the reasons
21 for and against, and considering the consequences." Again,
22 time deliberation, a short period of time.

23 Finally, premeditation. "A determination to kill
24 distinctly formed in the mind."

1 Third, on the time thing. "It may be as
2 instantaneous as successive thoughts of the mind." No matter
3 how rapidly the act follows the determination, it is
4 premeditated.

5 And I have another slide on time. The true test is
6 the extent of the reflection. Cold, calculated judgments can
7 be arrived on in a very short period of time.

8 And so this is not a question of why, why did he do
9 it? The law doesn't say: Why did you do it? What is your
10 motive? A separate question that, sadly, in many cases is
11 unanswered, the why. The court wants to know why. The law
12 wants to know: Is there premeditation, deliberation and
13 wilfulness? Yes, yes, yes.

14 Here. From here comes first-degree. We know that
15 the defendant followed Jarrod Faust. In fact, we know from
16 the GeoTime -- right? -- turn right on Edwards. A thousand
17 feet, quarter mile, on the map. He had a quarter mile before
18 he starts to take that left-hand turn and follow him. He
19 followed him for longer than he ever even saw him.

20 In his mind is what? Vigilanteism. A self-appointed
21 guy who thinks he's special when it comes to traffic.

22 It's a lot of time to think about what and why you're
23 doing it.

24 We also know this. Jarrod Faust, his last minutes

1 was at gunpoint.

2 On TV, when someone gets shot, end scene, go to the
3 next thing; right? Here's how it works in reality. Here's
4 premeditation and deliberation.

5 The gun that he always kept under his seat --
6 although he for some reason still fought that at the end --
7 you've got to reach -- so why do you go for a gun under your
8 seat? Premeditation. Why do you -- when you get down there,
9 you've got to search for it; right? Time. The weight of
10 holding a gun is under-estimated. In that minute, that gun
11 is for killing somebody. You have to know it's loaded.

12 In this instant, the defendant -- probably lies, more
13 lies on the stand -- he says, put the mag in -- or he calls
14 it a clip, magazine. A lot of time to weigh the consequences
15 of your action.

16 Of course, this is a shot of skill. Most certainly a
17 lie on the stand when he described the way he shot. He hit
18 Jarrod Faust right in the face. No one does that.

19 So it's a hell of a thing to put sites on a fellow
20 creature. There's only one reason at that point, and then
21 that weight of that moment. If it's not already with you,
22 it's with you. It's not when you're doing this (indicating).
23 Or, if you're a hero like him, you're going to enforce some
24 traffic stuff, you already have it out.

1 Pulling the trigger, like, they have weight. Anyone
2 who has shot, or even if you haven't, there's this take-up,
3 (indicating). You know what happens when you (indicating),
4 when it breaks, (indicating), and you know in your sites is a
5 young man who did nothing.

6 Self-defense. You don't shoot a guy in the side of
7 the face, ever. Certainly not here, for premeditated, the
8 rage, the -- this guy's life is worth taking, right here.
9 Very strong and compelling evidence.

10 Now, also bear in mind, like, that's just the
11 defendant's side; right? When you kill somebody, you're
12 putting those sites on someone's face. But in this case, you
13 are so close to Jarrod Faust, I mean, you can hear the music
14 he likes. If he's saying anything, pleading, "Dude, what?"
15 you can hear him. You can smell him; right? Smell the
16 inside of someone's car. Cold night, see his breath. He
17 took his life in a premeditated, deliberate fashion all the
18 way, straight-up. Guilty.

19 More compelling evidence. "I got out of my car and
20 went up to him."

21 So he got out of his car, went up to him. All kinds
22 of time for premeditation. This is very strong on
23 premeditation. And it's a thought bubble instruction that I
24 am sort of calling the thought bubble. There can be no

1 eyewitness accounts to a state of mind, but what he does or
2 fails to do can tell you what his intent was.

3 Oh. Let's not forget we heard special evidence.
4 Very important that we -- we have segregated out this
5 evidence on intent, these prior road rage incidents,
6 indicative of intent. Also let's talk about some of his
7 actions here.

8 The destroying of the gun, the getting rid of the
9 gun, that's a thing guilty people do. That's like, yeah --
10 I'm forgetting my English, but, "Out, out damn spot," try to
11 get rid of this compellingly -- English, it's Shakespeare, I
12 think -- him getting rid of the gun. Maybe, maybe in the
13 fashion that the defendant testified about, but for sure
14 gone. A thing guilty people do. A guilty conscience, that's
15 what they call that.

16 Felony murder. Felony murder is alternatively
17 charged here. I'll give you a preview.

18 The law says, if there is a camp or a group or a
19 single person on the jury who wants to go premeditated,
20 first-degree, it's a go. If there's another camp that is --
21 likes felony murder, you can get to felony murder by a
22 mixture of people supporting either premeditated murder or
23 felony murder.

24 So what is felony murder, and why is it charged in

1 this case? Felony murder covers killings that occur during
2 certain felonies. In Nevada, those are robberies,
3 kidnapping, rape, and importantly in this case, burglary.

4 In felony murder, you don't need malice. The Felony
5 Murder Rule says even accidental or unintentional killings
6 during these certain felonies are first-degree murder. And
7 the result is, certain felonies have been segregated out for
8 their dangerousness. They are inherently dangerous.

9 Now, burglary is a crime that developed from
10 protecting people's homes. Throughout history, a person's
11 home is their castle. If someone breaks into it, it's likely
12 to get -- has a great potential to get out of control for
13 danger, for either the person inside to be hurt or the person
14 trying to do it to be hurt. So we say: Hey, if you
15 burglarize, someone dies during a burglary, congratulations.
16 First-degree murder.

17 Now, as we have evolved, our vehicles have sort of
18 become our moving castles; right? We are out so often in
19 them so that we afford special protection for them.

20 And so, as a result -- so, for example, a residential
21 burglary, a person or persons break into a house, you have no
22 idea what's going to happen. How is the owner going to
23 react?

24 Northern Nevada, they might shoot you to death. But

1 it's also possible you go in and it just goes -- as a lot of
2 people in jail say, goes south; right? But it gets out of
3 control. A woman slips and falls and dies. Or there's the
4 homeowner reacts, and some poor neighbor gets killed because
5 they have no idea what's going on. All sorts of dangerous,
6 terrible things that can happen during these crimes. So, if
7 someone dies, even accidentally, because the burglar had the
8 choice not to do it.

9 In a robbery, the robber is the one who puts things
10 in motion. How does that apply here? This was specifically
11 charged for the thing that the defendant did, which is come
12 in and say, "I was just trying to scare him"; right? "I
13 didn't shoot to kill him. I shot to scare him."

14 So burglary protection extends to -- well, I'll get
15 to that. It extends to your car, so that, if he enters, and
16 he puts his hand through the window, or shoots a bullet
17 through that window, into this protected area, intending --
18 the burglary is the crime of entering with intent to scare --
19 you do that, first-degree murder.

20 "I didn't mean to kill him. Didn't want to kill him.
21 Pure accident," you know. If he intended to throw that
22 bullet or put that arm into the window to scare Jarrod Faust.
23 All this a lie, compellingly a lie. But if not, if those
24 pile of lies lead to the conclusion that he was just trying

1 to scare him or at the moment of truth that he gave us was
2 just trying to scare him, way to go. First-degree murder,
3 felony murder.

4 So let's talk about that a little more quickly, now
5 that I've summarized it. Felony murder, don't need malice,
6 don't need premeditation, deliberation, et cetera. Covers
7 accidental and unintentional killings. There is an
8 instruction that says that.

9 It also includes attempts to commit burglary. So I
10 may come back to that. But burglary is the entry. Even
11 trying to commit a burglary would get you to a felony murder.

12 The way it's charged -- let me say it. In terms of
13 elements, might hear lawyers, myself included, use "elements"
14 meaning the things needed to be proven. Elements of felony
15 murder: willful and unlawful enter into Jarrod Faust's
16 vehicle with the intent to commit assault and battery, the
17 snapshot crime. At the time of the entry, in the defendant's
18 mind is the intent to assault or batter him. Even if he
19 doesn't scare him, even if he doesn't batter him, assault
20 being scaring, batter being any unlawful touching.

21 So, what is an entry? Insertion of his body, if that
22 happened. We know it was intermediate range. We know either
23 he's great with his sites, or he got off nice and personal
24 and could smell him, hear him, and blast him away. Or a bit

1 further, put the bullet in there, and it constitutes an
2 entry.

3 MR. PICKER: Your Honor, I'm going to object at this
4 time, based on the theory the State just proposed, which is
5 the opposite of the theory they used when you approved these
6 instructions yesterday.

7 THE COURT: Mr. Stege.

8 MR. STEGE: What? The law says: entry with his hand
9 or entry with an implement. That's the law. The Court
10 approved it. Can't un-approve what the law is, Judge. It
11 comes from the statute.

12 THE COURT: Thank you.

13 Hold on.

14 Mr. Picker.

15 MR. PICKER: Your Honor, specifically this question
16 was asked, and the State's -- and this was part of my
17 objection to these jury instructions -- and Your Honor
18 specifically on the record said there was no entry of --
19 there was no description of bullet, yesterday in our
20 discussions. It was only putting the gun into the vehicle.

21 Specifically, I will object to all of the felony
22 murder instructions at this point, and ask for a mistrial.

23 MR. STEGE: Sour grapes, Judge. That is what the law
24 says. I can argue reasonable inferences from what the

1 evidence is.

2 THE COURT: Okay. The objection is overruled.

3 The request for mistrial, the Court does not find
4 legal basis at this time.

5 The prosecution may proceed.

6 MR. STEGE: The defendant says: As the car drove
7 away, he shot. You may be asked to believe that, to say that
8 is gospel. Wayne Cameron lied for eight hours or more, and
9 then more, and then more, and then took the stand, and
10 truth -- it is the truth that he shot as Jarrod drove at him
11 or drove past him.

12 The jury decides what the facts are. A reasonable
13 inference from these facts is, the defendant's hand was up in
14 that window of the car, and Jarrod Faust just sat there.

15 Another reasonable inference is, a bullet from that
16 weapon, an implement of the defendant's intent, flew through
17 that window from a bit farther.

18 In either case, this instruction tells you that is an
19 entry for purposes of burglary.

20 Would we expect your castle to be less protected from
21 a bullet 10 inches out of your window than a spear driven
22 through it at you? N-o, period.

23 Here's the instruction on entry that we have just
24 finished talking about. Even the slightest penetration

1 constitutes an entry.

2 Assault, snapshot crime. There's two theories of
3 assault: either trying to hit him and missing, or trying to
4 scare him. So is he trying to shoot at him just to scare
5 him, or trying to shoot him, and missing?

6 In either event, I think the evidence is strong on
7 this question of felony murder, if you believe the defendant.

8 Going further, the battery, just talked about that.
9 I want to talk about where we are overall.

10 The judge pointed out to the verdict form, you have
11 to find first, second, giving all the options there. This is
12 a first-degree case.

13 After that, there is a question of: Was a deadly
14 weapon used? A gun is a deadly weapon. You have
15 instruction.

16 Recall, of course, that Mr. Elliott described the gun
17 as black and silver, black, with a silver slide, in the glove
18 box.

19 We also have the manual found by young Ethan, said
20 that the gun looked like this, a Smith and Wesson SD40VE.

21 Here's that instruction I previewed. If there's a
22 camp on first-degree murder, premeditated, if there's a camp
23 on felony murder, only -- you guys can combine to
24 first-degree. It's also possible, under the law, it's

1 perfectly reasonable to say it's both.

2 So it was asked during voir dire the question of
3 oath-taking. Everyone in this -- this is a room where truth
4 happens. Trials are where truth happens, where people come
5 in and swear to tell the truth. The defendant himself swore
6 that oath, and was not truthful.

7 The jury was sworn in and said, "We swear to follow
8 the law." There's an order-of-consideration instruction
9 which tells you it is the law in Nevada you must first
10 consider first-degree murder.

11 If you find first-degree murder, you are done, you
12 sign the verdict form, and decide whether a deadly weapon was
13 used.

14 Next, if you cannot arrive at first, you go to
15 second. Find second, et cetera, et cetera, on down. That is
16 the law of the State of Nevada.

17 Self-defense. It may be suggested with great
18 emphasis that this is a self-defense case.

19 It is not a self-defense case. Among the other
20 reasons, it's an execution.

21 Among the other reasons is, the defendant was given
22 every rationale to explain that it was self-defense. Instead
23 he explained that he was a vigilante.

24 A guy who hates that he knows the law. That's a way

1 of saying that, "I hate that I'm guilty. I wish I was not
2 guilty. I just violated the law. I hate that I did. I wish
3 I didn't." Maybe he wishes he didn't. If he had remorse, he
4 would own it.

5 Anyway, the number of requirements for self-defense.
6 I'll state this overall about the law. The law values life.
7 In a free and ordered society, we have laws that protect
8 life. With self-defense, we have self-defense, to protect
9 your own life. But to take the life of another person, it
10 must be -- this is that language you will hear -- absolutely
11 necessary. Last resort. A "him or me" moment.

12 You don't get to go out there and create -- this is a
13 dated reference here, but a Dirty Harry moment; right? A guy
14 like Wayne Cameron, with an itchy trigger finger, that's not
15 who self-defense is for. And true self-defense, it's him or
16 me. It's your life is about to end.

17 And that has a profound impact. Few people ever have
18 that, like in this situation, but, overall, a moment where
19 death is imminent. That affects people. In true,
20 legitimate, I will say honest, self-defense, it affects
21 people. It is a moment of him or you. The law says it must
22 be absolutely necessary.

23 So let's talk about a number of those. These are
24 sort of topics within self-defense, the instruction of which,

1 I think it's 39, is the number.

2 One, an actual and honest belief. That's two things.
3 You must actually believe in the need for self-defense, and
4 honestly believe in the need for self-defense. That is your
5 own subjective. That Wayne Cameron in that moment, in order
6 to benefit from self-defense, honestly and actually believed
7 that he's about to die.

8 Secondly, it must be objectively reasonable. That is
9 a way of saying you don't get to set up your own standard;
10 right? It has to be reasonable to anyone else. To your --
11 to any person. Not just you; right? Itchy trigger finger
12 guy; right?

13 Say we'll take you out of there, and we'll put a
14 reasonable person there. Would a reasonable person have
15 needed to take the life of someone else to save his own?
16 Failed it.

17 A preview. Every one of these the defendant fails.
18 Honest belief. Dishonest person in his testimony.
19 Must act on those fears alone.

20 This I will call the pure heart requirement. In this
21 society, if you're going to take someone's life, it has to be
22 for one reason alone. If you want a justified homicide, if
23 it is a justified homicide, it must be with a pure heart.

24 The defendant, on cross-examination, "Well, you were

1 mad; right?" If you throw anger in there, or revenge,
2 anything else besides pure saving your own life, you have
3 just committed first-degree murder.

4 The reason is because self-defense is about the same
5 process as first-degree: I must right now kill this person,
6 weighing the pros and cons, the consequences of it, and
7 execute it.

8 The difference in self-defense is, your life was
9 about to end, or about to be seriously injured, near death.
10 If you throw in anger, revenge, you commit first-degree
11 murder.

12 Original aggressor cannot kill in self-defense. Big
13 problem for Mr. Cameron's case, vigilante that he is. A bare
14 fear; right? Objective. Must be an objective fear.

15 Here we will hear, I imagine, "The glint." "Glint,"
16 a very interesting word to describe. The reason to kill
17 someone else: a glint and a flinch. Those are words from
18 the defendant. If you believe them.

19 That doesn't sound very compelling, at all. Doesn't
20 sound like your life is about to end. A glint and a flinch.
21 If you have a silver watch, cover it now if you're around
22 Wayne Cameron.

23 You must actually and reasonably believe there is
24 imminent danger that you are about to be killed or suffer

1 great bodily injury. Imminent. Imminent. Life or death
2 moment, him or me. Not itchy trigger finger, not, "Make my
3 day, dude," not learn how to try. Must be absolutely
4 necessary. Few things in life we give that term to,
5 "absolute necessity." You won't see that anywhere else in
6 the law.

7 And these instructions that you have, absolutely
8 necessary. Necessary and absolute, unquestionably necessary.
9 A lie told by the defendant.

10 Bare fear is insufficient. You must act solely on
11 the appearance or the need for saving your own life. Must --
12 only on those. Not revenge, not anger, frustration; right?
13 "Another traffic guy getting in my way. Another guy
14 tailgating me."

15 Any mixture besides a true heart; right? Because
16 that -- a true heart self-defense, you weighed, you
17 understood you had to take this person's life, and you
18 understood the consequences of it, and you did it.

19 This guy, cold, calculated, blasted him away.

20 An honest, but unreasonable belief. This is the --
21 if there were a situation where, like, well, maybe he
22 honestly believed it, maybe he, to himself, believed it, the
23 question is: Is this objectively reasonable? Is he
24 reasonable not on his own standard, but on our standard for

1 doing it? Nope. If he's not objectively reasonable, there's
2 no self-defense.

3 Problems, problems, everywhere for the defendant the
4 claim of self-defense.

5 Mr. Cameron took the stand in this case and said he
6 lied in that interview; a thing, I submit, that was already
7 known. It was already known that he lied in that interview,
8 the entirety of it.

9 Mr. Cameron took the stand and talked about getting
10 rid of the gun, a thing we already knew.

11 Mr. Cameron sat up here -- or after sitting here
12 through this trial, got up there and tried to fill in the
13 gaps with fantasy. An explanation for everything.
14 And our lies betray us, and Mr. Cameron's lies have betrayed
15 him.

16 Original aggressor, not available if you seek,
17 provoke, invite or engage in a difficulty of your own free
18 will, you followed the guy down the end of a street.

19 And not only do our words betray us, but our actions
20 betray us. There's a moment in Mr. Cameron's direct
21 examination, "Draw, sir, if you will, where was your car?"
22 First time, couple of lines, not very well-drawn. Second
23 time, let's zoom in and get there.

24 Betrayal. He betrayed himself because he knew.

1 How did he draw that? He drew himself boxing in
2 Jarrod. "A truck like this," Jarrod Faust. "Me like this,"
3 boxing him in. Vigilante of traffic, name-dropper. He's
4 going to show this guy.

5 Lecture. He admitted on cross his intent was to go
6 lecture the guy. Not a thing you can do. Original aggressor
7 all the way. Forced this deadly issue. Then would have us
8 believe. He comes in and tells lies on a dead kid.
9 He had to have an explanation for things we knew and the
10 things that only him and Jarrod Faust knew. Lied.

11 Claimed Faust used the word "panty" in there, MF'er;
12 right? Easy. Easy to do when the guy is dead.

13 You were given that opportunity, begged, begged. He
14 was told the story at four hours, 40 -- four hours, 40
15 minutes, and 40 seconds, 4:40:40.

16 Detective Nevills: "Let me tell you about -- I'm
17 going to give you one more chance. I'm going to tell you
18 about a thing that happened at Gold Ranch. There was a case,
19 a struggle, these guys out at the Gold Ranch, one guy stabbed
20 the other guy. That guy came in, told us what happened,
21 turned out it was self-defense." Words used by the
22 detective: self-defense. "Wayne, a line. Tell us what
23 happened. That guy is not in jail. That guy walked out of
24 here. It turned out he told us what happened." Nothing.

1 Words from Detective Nevills: "You don't have to be
2 police to understand that doesn't make sense for you to keep
3 your mouth shut now."

4 "Yeah, I agree. You don't have to be the police."

5 Common sense here. This is from your GeoTime
6 exhibit. It's in the folder called "Stills."

7 Pointing out that the distance -- if I could -- from
8 here to here. Let us assume -- right? -- because all we
9 really know about where Jarrod was is from the defendant.
10 Phantom motorcycle. Phantom motorcycle probably in both.
11 We know the defendant comes up here. He said it was off -- I
12 think this is Edwards Drive. Something about a stop sign.
13 Phantom motorcycle.

14 We know from -- about his intent. He doesn't like
15 people's headlights; right? People too close to him. He
16 makes a right-hand turn. Now, Jarrod's truck behind him.
17 It's reasonable to assume that's where the defendant first
18 encountered Jarrod. So in this space he makes the decision
19 to follow him.

20 All these times, the defendant admitted during
21 cross-examination, "Yup, that's the time. Yup, that's where
22 I was. Yup, that's the time." Follows him twice that
23 distance. Twice that distance to put a bullet in his head,
24 as a vigilante.

1 Original aggressor. You can -- you might hear this
2 from the -- during the next argument -- an original aggressor
3 can regain his right to self-defense if he ceases all conduct
4 in furtherance of his activity, retreats or withdraws from
5 the struggle, and makes a good-faith effort to decline.
6 There's no, no, no, no evidence that this is self-defense.

7 Duty to retreat. This is often called, in the
8 vernacular, stand your ground; right? Stand your ground. It
9 exists. It's on the law books in Nevada. You don't have to
10 retreat if you're not the initial aggressor.

11 Have the right to be at the location where the force
12 is used. That's a maybe. If he's in his window, no right to
13 be there.

14 And not actively involved in conduct in furtherance
15 of criminal activity. All problematic for the defendant, the
16 initial aggressor.

17 Recall, of course, that the bed of that truck leading
18 up to that window is quite high: four foot, nine inches, by
19 measurement. Giving the defendant that four-nine, four-ten,
20 a foot, 11 inches.

21 The claim of the glint. The claim of the glint at
22 the front of the car, no way. That's itchy trigger finger
23 guy. That's not for self-defense. That's a guy not to be
24 believed. Execution to the face of Jarrod Faust.

1 I thank you for your time this morning. Hopefully,
2 this has been enlightening, and you're now able to apply the
3 facts to the law and understand that the only danger, only
4 danger in this case, was created by the defendant when he put
5 a gun in a guy's face for no reason.

6 And there sat Jarrod. The guy didn't even move. He
7 couldn't move. He could not move.

8 And, you know, it's troubling to wonder how Jarrod
9 reacted to that. How is it that Jarrod, you know, wasn't
10 like this? (Indicating). If it was self-defense, it would
11 be something else; right?

12 In any event, the weight of this case, the strong,
13 overwhelming weight of this case is for first-degree murder.
14 I humbly request a verdict of first-degree murder.

15 Thank you very much.

16 THE COURT: Ladies and gentlemen, we will take a
17 20-minute recess.

18 During that recess, you must not discuss or
19 communicate with anyone, including fellow jurors, in any way
20 regarding this case or its merits. That includes in person,
21 by phone, e-mail, text, internet or other means, including
22 social media. Do not read, watch or listen to any news or
23 media accounts or commentary about the case. Do not do any
24 independent research, such as consulting a dictionary,

1 surfing the internet or using reference materials. Do not
2 make an independent investigation, test a theory of the case,
3 re-create any aspect of the case, or in any way try to learn
4 about or investigate the case on your own.

5 Additionally, it is your duty not to form nor express
6 any opinions about this matter until it is finally submitted
7 to you after closing arguments.

8 All rise for the jury, please.

9 (The following proceedings
10 were had without the presence
11 of the jury:)

12 THE COURT: Court will be in recess for 20 minutes.

13 (Recess.)

14 THE COURT: Thank you, everyone.

15 You may be seated.

16 We're back on the record.

17 The Court acknowledges the presence of the
18 prosecution, defense team, as well as Mr. Cameron.

19 Are we ready to proceed, Mr. Picker?

20 MR. PICKER: Yes, Your Honor.

21 THE COURT: Thank you very much.

22 Deputy, please bring the jury back in.

23 Please rise for the jury.

24 (The following proceedings

1 were had with the presence of
2 the jury:)

3 THE COURT: Welcome back.

4 You may be seated.

5 Mr. Stege, do you stipulate that all 14 jurors are
6 present?

7 MR. STEGE: They are.

8 THE COURT: Thank you.

9 || Mr. Picker.

10 MR. PICKER: Yes, Your Honor.

11 THE COURT: Thank you very much.

12 The defense may proceed to make its closing argument.

13 MR. PICKER: Thank you, Your Honor.

14 Good morning, ladies and gentlemen of the jury.

15 Seventeen months ago Wayne Cameron told police
16 officers the truth would come out, "The truth always comes
17 out."

18 In this trial, you've heard the truth, the story that
19 Mr. Cameron asked for advice about, said he wanted to talk to
20 somebody about, that he wanted to make sure he told in the
21 right way, and he told to the right forum: to you.

22 The State made a lot of -- drew a lot of attention in
23 Mr. Cameron's testimony to the delay in this case, the delay
24 in Mr. Cameron telling his story.

1 We know at least partially why that delay occurred.
2 Unfortunately, you're wearing the masks that are the proof of
3 that.

4 But once Mr. Cameron had the opportunity to get up on
5 that stand, take an oath to tell the truth, he told his story
6 to you. He looked you in the eye, and he told you what
7 happened on February 11th, 2020, in the cul-de-sac at the end
8 of Welcome Way.

9 The State just made some comments about, "Well,
10 Detective Nevills, he gave him every opportunity." Yes, they
11 used every trick in the book to get Mr. Cameron to talk. And
12 he said repeatedly, "I want to talk to somebody." And under
13 our law, that's appropriate. You get to talk to somebody for
14 advice.

15 Mr. Nevills told him about this event at Gold Ranch,
16 that that was self-defense. Well, at that point, Mr. Cameron
17 could have made up anything and just went with it. But he
18 continued to say, "I want to talk to somebody."

19 Now, did Wayne Cameron lie to the police? Absolutely
20 without question. And those are my questions to him when he
21 took the stand: "You lied to the police. You didn't talk to
22 Ethan. You didn't talk to Aspen. You certainly didn't tell
23 Greg Herrera when you had dinner with him on the 20th of
24 February. And you didn't tell Greg Herrera when he came to

1 visit you at the police department when you were being
2 interrogated for eight hours."

3 Well, there's a key part of that testimony -- that
4 video that we saw. There's a point where Mr. Cameron asks
5 his -- one of his good friends, somebody who is smarter than
6 him, Greg Herrera, "Don't you think I ought to be getting an
7 attorney?" or, "Do you think I should get an attorney at this
8 point?"

9 Greg Herrera, lifetime law enforcement officer, knows
10 that puts the end to interrogation, that puts the end to the
11 interview, if that's what Mr. Cameron does. So what does he
12 do? "I can't tell you that. I can't give you that advice."
13 Because that leaves the door open for Nevills and Smith to
14 come back in and go right back at Mr. Cameron.

15 What I've always told my kids is that, "The problem
16 with telling a lie is, you've got to remember what the lies
17 are, if you're going to keep telling it." Because it always
18 changes. You tell it a year apart, always changes.

19 What has not changed in Mr. Cameron's story?

20 The motorcycle, the incident on Zolezzi, that's never
21 changed; in any detail whatsoever, it's never changed.

22 The State can call it a phantom motorcycle. They can
23 call Mr. Cameron whatever name they want. They can label
24 him. Because we all know what labels mean. Labels mean

1 you're trying to belittle somebody, you're trying to make
2 them less than they are. You do that because you don't have
3 anything valid to say. You call somebody an executioner, a
4 traffic vigilante. Why do you do that? You do that because
5 you don't have the evidence.

6 What happened at Welcome Way? We'll get to that in a
7 minute.

8 Wayne Cameron is not a perfect person. I think we
9 can all agree on that. He testified to that. He gets angry
10 when people do, as he put it, stupid things. That's his
11 view.

12 Leah Mazza bumped him from behind, he pulls over, she
13 keeps going, and it made him angry. He followed her,
14 followed her to her house.

15 And what did he do when he got to her house? Well,
16 he took a picture of her license plate, and he left. No
17 threats, no gun, no going up to the door and pounding on it,
18 no yelling and screaming.

19 Mr. Cameron gets tailgated. That's out of Aspen's,
20 his daughter's mouth. These girls are tailgating. He pulls
21 over. They keep going. He follows them. She says he was
22 aggressive.

23 He said, on the phone call you heard from June 7th,
24 that he apologized to them if he scared them. But it made

1 him angry. Did he threaten them in any way? No. Because
2 they would have taken the stand and told you that. None of
3 them were here.

4 Did he pull a gun on either one of those
5 circumstances? Absolutely not.

6 So what was different about February 11th, 2020?

7 Mr. Cameron sees the incident with the motorcycle.
8 He follows the pickup, yeah. Maybe not what you or I would
9 do, but that's what Mr. Cameron did. He followed that
10 pickup. The pickup led him to the cul-de-sac on Welcome Way.
11 He didn't force it there. He followed it there. The pickup
12 looped around, pointed one direction; Mr. Cameron pointed the
13 other.

14 The State just said "He boxed him in." You saw the
15 pictures. You saw the drawings. Jarrod Faust wasn't boxed
16 in.

17 So here's Mr. Cameron. And here's Jarrod Faust, a
18 muscular, 29-year-old male, who works out at least one to two
19 times a day for an hour, hour and a half a day. And there's
20 interaction.

21 Mr. Cameron told you he saw when Mr. Faust flexed,
22 and his hand came up, he saw something silver, and he thought
23 it was a gun.

24 You heard from two patrol officers, Robert Medina and

1 Michael Talton. Especially Mr. Medina. When he looked in
2 the vehicle, he saw the glint of something silver. So he
3 investigated further because he wanted to make sure there
4 were no weapons in the vehicle. That's when he discovered it
5 was a vape pen.

6 The pictures are Exhibit 22. Pages 40 and 41 give
7 you the close-up of that vape pen.

8 At night, no street lights, the only lights being on
9 the dashboard, was it reasonable to believe that that was a
10 gun? That's for you to decide. Mr. Cameron told you what he
11 believed.

12 During the course of that eight-hour interrogation,
13 what did Mr. Cameron tell the police besides his lies? Said
14 he went to Los Compadres. They confirm that. Said he went
15 home after that. They confirm that. Said he went back out
16 and went to Murrieta's. They confirmed that.

17 Said he followed the pickup. Well, you saw the
18 GeoTime and the Life360 data that confirm it. Said he
19 followed it all the way up to Welcome Way. Did not deny
20 going up there. And said he was at that cul-de-sac.
21 Confirmed all of that.

22 If this was, as the State has argued, an execution --
23 Mr. Cameron told you that part of his training in his CCW
24 class was to pick up his brass -- why leave a .40-caliber

1 casing in the middle of that cul-de-sac if it's a cold,
2 calculated execution? Why not just pick that brass up, just
3 like he did with all the others, and leave no -- the damning,
4 evidence, so to speak?

5 See, there are problems for the State in its
6 prosecution. There are holes that they cannot fill unless
7 you give them the benefit of the doubt. But as you've been
8 instructed, reasonable doubt goes to Mr. Cameron.

9 The law in Nevada is that, if you are torn, you
10 think, "Well, this could be true, and that could be true
11 about the same fact," if you believe that, you think there's
12 two interpretations, and you equally believe them, that's
13 reasonable doubt.

14 MR. STEGE: That is an instruction the Court denied,
15 and has been resoundingly denied since its inception.

16 MR. PICKER: Your Honor, it is a true and correct
17 recitation of the law in Nevada.

18 THE COURT: Okay. The jury is reminded to review the
19 instruction on reasonable doubt, and that is the law in the
20 State of Nevada that you will follow.

21 You may proceed.

22 MR. PICKER: So what else do we have?

23 We know that what Mr. Cameron told the police -- that
24 the two vehicles were in the Welcome Way, one was pointing in

1 one direction, one was pointed the other -- and kind of laid
2 them out for them however he was doing that with his hands,
3 well, we got that confirmed by Mr. Konopisos' Ring video, his
4 surveillance video, because he pointed that out. That was
5 pointed out by Mr. Talton.

6 Let's talk about Dave Colarchik for a minute. Again,
7 this executioner over here, Mr. Cameron, within hours of this
8 incident, he calls Mr. Colarchik.

9 Now, whether you believe Mr. Cameron when he
10 testifies under oath that the first thing he said was, after
11 the pleasantries, was, "Dude, I could have been killed
12 tonight," or, as Mr. Colarchik remembers it, "You won't
13 believe what happened to me tonight," because that was
14 Mr. Colarchik's testimony, either one of those leads you to
15 the conclusion that Mr. Cameron was shook up about something
16 that happened to him that night.

17 Then it was followed by, "I think I shot somebody."

18 This cold-blooded executioner, the first thing he did
19 was call his best friend and tell him that. Didn't swear him
20 to secrecy. Didn't say, "My God, don't ever tell this story,
21 because I'll come after you." None of that happened. There
22 were no threats in that phone call. We know there were no
23 threats in that phone call because Mr. Colarchik at 2:00 --
24 between 2:00 and 3:00 a.m., decides to text Mr. Cameron, and

1 ask him if he is okay.

2 So we have a whole bunch of other witnesses.

3 Ethan Cameron. Remember the police officers make a
4 big deal of, "He was sweating. He had to keep wiping his
5 forehead. I was in a long-sleeved shirt." What did Ethan
6 Cameron tell you? "I make fun of him. He sweats all the
7 time." Okay. So we throw that one out.

8 The gun is under the seat all the time, is what the
9 State wants you to believe. Ethan Cameron: "I believe it
10 was there all the time, but, you know, I never looked. I
11 don't know that."

12 Then there's a whole series of other witnesses
13 designed to show you just how often that gun is there. Not
14 one of them had been in the car, in Mr. Cameron's vehicle,
15 for five years prior to this incident. Five years. And the
16 State's best evidence is that?

17 Let's parade up his ex-girlfriend, let's parade up
18 his ex-wife, let's parade up his brother. Not one of them
19 can tell you they've seen the gun in the car in years. Okay.
20 But we know the gun was there. Why? Because Mr. Cameron sat
21 up there under oath and told you that he had the gun in the
22 car that day, and he took it out.

23 Then we have Greg Miner. Retired cop, owns a wine
24 shop, known Mr. Cameron for about four years, considers him a

1 friend. And he comes in and tells you that, after the search
2 of the house, Mr. Cameron whispered to him, whispered to him,
3 "They'll never find that gun."

4 But we have F. Javier Lopez, a Reno Police Department
5 detective, who is careful about his reports. He doesn't put
6 things in quotes unless they're almost exactly the words that
7 a person used, because he knows that those reports are going
8 to be asked about. And what did he write?

9 "After Mr. Cameron said they took his guns, car,
10 laptop, phone and other items, Mr. Miner asked, 'So they took
11 your guns?' And Mr. Cameron replied, quote, 'Yeah. But they
12 aren't going to find anything.'" Not, "They aren't going to
13 find that gun."

14 So Mr. Miner's testimony is entirely contradicted by
15 Mr. Lopez in that Mr. Miner said he took that answer to be
16 that Mr. Cameron had gotten rid of the gun.

17 Well, you know what? Mr. Cameron disposed of the
18 gun. How do we know that? Because Mr. Cameron sat up there
19 under oath, and he told you exactly what he did with that
20 gun. He didn't have to say that. That's not one of those
21 things he had to say to make his story sound good, according
22 to the prosecution.

23 Nicholas Smith, part of that eight-hour
24 interrogation. Three hours and 10 minutes into this

1 interrogation, after Mr. Cameron has asked repeatedly to talk
2 to somebody else, talk to somebody smarter than he is, and
3 Mr. Smith says, "You put it out through lawyers, people don't
4 believe that shit."

5 Why do you say that when you're a police officer?
6 The same reason that Mr. Herrera didn't tell or refused to
7 answer Mr. Cameron's friendly-advice question: "Should I get
8 a lawyer?" Because the interview ends right there and then
9 if Mr. Cameron asks for a lawyer. Can't have that.

10 So then he told him his story was bullshit. "Well,
11 you know, you can consult an attorney, but I don't see how
12 that helps the situation or the truth."

13 When Mr. Cameron said he wanted to consult with
14 somebody, and he would come back, he was told, "You know,
15 this is your only and last chance to tell the truth. After
16 this, it has less value."

17 Mr. Smith basically was telling you that sworn
18 testimony has less value than responding to an interrogation.

19 Mr. Nevills told you that Mr. Cameron did a number of
20 things voluntarily. Told him he had guns. Pointed out the
21 gun behind the nightstand. Offered to open up all his gun
22 safes. Voluntarily went down to the police department with
23 them, voluntarily spoke to them, voluntarily gave a DNA
24 sample. And told him the truth would come out. And it has.

1 Now, the State's theory of burglary, let's talk about
2 that for a minute.

3 Well, you have jury instructions that are going to
4 help you with that. Let's start with number 43, for the
5 purposes of felony murder, elements of burglary, and number
6 2, "enter into the vehicle of Jarrod Faust."

7 So the State's first unique theory in this case is
8 that Mr. Cameron walked up and stuck the gun in the window
9 and executed Mr. Faust. Stuck the gun into a moving vehicle,
10 as it went by, shot him in the face. That's the theory.

11 Dr. Julie Schrader, the M.E., Medical Examiner. "How
12 far away was the gun when it shot?" "Several feet." Okay.
13 Must be a heck of a long barrel on that gun. Several feet.
14 Or maybe that theory doesn't hold up. Okay.

15 Then they come up with the other even more unique
16 theory: The bullet is the entry. Well, you know, jury
17 instruction number 45 is great with this one, because it
18 says, "An entry is complete when any portion of the
19 intruder's body or any instrument or weapon held by the
20 intruder and used or intended to intimidate a person or
21 remove property penetrates the space within the vehicle's
22 outer boundary."

23 So apparently the State's unique theory is that not
24 only did Mr. Cameron fire that gun, but he then grabbed the

1 bullet and pushed it through the boundary of that vehicle.
2 Because that bullet had to be in his hand. We just got that
3 from the instruction: "instrument or weapon held by the
4 intruder in their hand."

5 What an absurd reading of the law. Why does the
6 State even argue felony murder to you? I mean, they've got
7 this execution by this traffic vigilante. Why do they need
8 felony murder? Because they can't prove the first part.
9 They can't prove premeditation. They can't prove intent.
10 They can't prove any of that. So they've got to give you a
11 theory of the law that doesn't include any of those things.
12 That's how they're going to get around it.

13 Where is the entry? Because if there's no entry,
14 there's no felony, and there's no felony murder. And because
15 the State doesn't have any evidence of malice or intent, as
16 required for first-degree murder, they absolutely need you to
17 buy their unique theory, that you don't need to do because
18 it's absurd. It would mean that every time a gun was fired,
19 and it entered into a house or a vehicle, that would be a
20 burglary.

21 What's a burglary? It's entering into a vehicle or a
22 building with the intent to commit a felony therein. What's
23 the felony to commit therein? What's the entry? It's just
24 not there.

1 You know how we also know that the gun was not
2 extended through the window of that truck? We know that from
3 Monica Siewertsen. Remember, she's the criminalist who tests
4 the DNA and blood. What did she say?

5 She was brought three Under Armour sweatshirts, one
6 of which we know Mr. Cameron was wearing that night because
7 he's in the Murrieta's video wearing it. They weren't sure
8 what color, so they brought all three.

9 What did she tell you? Yup, stains on two of them,
10 not on one. Not one of those stains were blood. Not one of
11 them.

12 You saw the photos from Mr. Faust's vehicle. There
13 was blood spray on the driver's-side door, over the last
14 photos the State showed you, drops of blood on the outside of
15 the vehicle. If Mr. Cameron is standing next to the vehicle
16 extending the gun into it, how come he's got no blood on him,
17 at all?

18 Remember what I said in my opening? A lack of
19 evidence is just as important as the evidence. And in this
20 case, it truly is.

21 Miss Siewertsen also tested DNA. The interesting
22 thing in that is that there is none of Mr. Cameron's DNA in
23 any of the swabs she was given for Mr. Faust's vehicle, or on
24 the outside of Mr. Faust's vehicle. Nor is there any DNA

1 from Mr. Faust in Mr. Cameron's vehicle, inside or out.

2 The lack of evidence is just as important as the
3 existence of it in this case.

4 Let's get to self-defense, instruction number 39.
5 The State told in its PowerPoint and made a point of telling
6 you that he has to -- Mr. Cameron would have to believe that
7 somebody was going to kill him. Not true.

8 Let's look at instruction number 39. He has to
9 believe that the assailant will either kill him or cause him
10 great bodily harm. Why did the State leave that out of its
11 presentation? Because when you drive a vehicle at somebody,
12 and you cause them that fear of great bodily harm, that
13 defeats the State's theory. You've got to leave that out,
14 and hope the jury doesn't notice it. But I'm sure you did.
15 You didn't need me to remind you of that.

16 Let's look at instruction number 40. Again, killed
17 or great bodily harm, not just death. "Acts solely upon
18 these appearances and his fear and actual beliefs.

19 Now, the State is arguing that, if you're angry or
20 you seek revenge, that's impermissible.

21 I invite you to look at your jury instructions. I
22 invite you to look for the word "angry." You're not going to
23 find it, because that's not the law.

24 And the last part of instruction 40, "The killing is

1 justified even if it develops afterward that the person
2 killing was mistaken about the extent of the danger."

3 "The killing is justified even if it develops
4 afterward that the person killing was mistaken about the
5 extent of the danger."

6 And, finally, instruction 41. "The State must prove
7 beyond a reasonable doubt that self-defense did not occur,"
8 the same standard that you're provided for in the reasonable
9 doubt instruction.

10 Ladies and gentlemen, Mr. Cameron testified to you,
11 and it is uncontradicted, he was in fear, and his fear was
12 that something imminent and immediate was a threat to his
13 life or of great bodily injury. That is credible, that is
14 believable, it is reasonable.

15 Mr. Cameron is not a perfect person. He lets his
16 anger get control of him, and he follows people that he
17 thinks have wronged him on the street. Has he ever taken any
18 other action that we know of? Not from this trial. We don't
19 know of anything like that.

20 The pickup was moving toward him. He fired his gun.
21 That was why I asked him two things: "How were you taught to
22 shoot?" and, "How did you shoot that night?" And he showed
23 you both of those, without hesitation.

24 The confrontation argument and the -- let me tell you

1 one more thing. If you're the original aggressor, you have
2 to de-escalate and try and end the event. Mr. Cameron told
3 you he did that before he got his gun out. He said, "Whoa,
4 okay. We'll just call it a night. We're done." And as he
5 said, that appeared to piss Mr. Faust off a little bit more.

6 The events of February 11th, 2020, in that cul-de-sac
7 at Welcome Way are complete tragedy. There is no way that a
8 29-year-old man should have lost his life that night. No
9 question about it. We wouldn't argue that. We'd never feel
10 that way. Mr. Cameron doesn't feel that way.

11 It would have been easy to have not paid that
12 personal price in the last 17 months if Mr. Cameron didn't
13 want the truth to come out. It would have been easy for him
14 to do something other than face all of you and sit up there
15 and tell you that he fired the shot that ended Jarrod Faust's
16 life. That would have been much easier. But that's not what
17 he did. He didn't take the easy route. He came to you, and
18 he told you the truth.

19 So we leave it to you, ladies and gentlemen, to
20 determine the facts of this case and apply the law.

21 We want to thank you for your service as jurors and
22 your attention that you've paid in this case.

23 We are confident, once you go back into the jury
24 room, you will come up with a just and appropriate verdict in

1 this case.

2 Thank you.

3 THE COURT: Thank you, Mr. Picker.

4 Mr. Stege, you may proceed in rebuttal.

5 MR. STEGE: Why would we believe you, Wayne? All
6 this we just heard, "You've got to believe him," why would we
7 believe him? A man who, given the choice, deliberately lies.

8 It is suggested or inferred that there was great --
9 there was unfairness in the defendant wanting to talk to
10 someone smarter, asking for someone for advice, that they
11 kept asking him questions. Every trick in the book. "Tell
12 us the truth. Please tell us the truth. The truth doesn't
13 change. What's the big deal? Tell us the truth. Tell us
14 the truth."

15 We allow in our society, and it is just and
16 righteous, and a foundation of our country, if you don't want
17 to talk to the police, there's ways to do that. Wayne even
18 said in the interview, "I've got lawyer friends. I've got
19 cop friends." Like he doesn't know how to end an interview.
20 Instead, the deliberate lies, the lies to try to get away
21 with it.

22 The truth will come out. Do it in the right way.
23 The way he did it, not the right way. The lying way is how
24 he did it in court.

1 Why would we believe you when you, against all
2 reason, lose your house to tell a whopper? Your kid, your
3 kid had to crush you in court. Your other -- your daughter,
4 too. Strong. Crushed him. The cost? To do it the right
5 way.

6 You cannot believe him. If you don't want to talk,
7 don't talk. Lying, you come in and you lie, you toy with the
8 cops, that's a subject of fair comment.

9 The fair comment is: Why? The reality is the glint.
10 Where did the glint come from? He didn't know. Like he knew
11 at the time Jarrod didn't have a gun, because if you have --
12 basic point of self-defense, you shoot, the threats, "I'm
13 about to die." Side of the face, not the threat. So he
14 knew. Wayne Cameron, he knew he didn't have a gun. He
15 waited and waited and waited. And he's, like: All right.
16 What's my best shot? I guess I'll go for a glint. I'll lose
17 my house for a glint. That's all made up.

18 The truth will come out. I agree with that. The
19 truth did come out in this trial.

20 It was suggested that the argument was meant to
21 belittle the defendant. It was not. It is a factual
22 statement based on the evidence.

23 An attempt was made to minimize on this intent piece
24 of the case on the two prior road rages. "Oh, well, he

1 | didn't get his gun out that time. What's the big deal?"

2 | Well, that's normalizing; normalizing behavior that
3 | we all know is not. And it is highly, highly indicative of
4 | the defendant's intent. Intent in both of those, strikingly,
5 | off.

6 | As a rhetorical question: Who follows strangers home
7 | to their house because they don't like the way they're
8 | driving? Nobody. Who follows people home because they don't
9 | like the way they're driving? Lies. Lies about the bump;
10 | right? A lie. Bumped by Mazza. And then gets out of their
11 | car and confronts them. Well, that's nobody upon nobody.

12 | The intent he admitted he had when he went up, when
13 | he followed Jarrod.

14 | Very difficult behavior to normalize. Aberrant
15 | behavior, behavior indicative of premeditation and
16 | deliberation, the actions of a murderer.

17 | So, yes, he didn't pull a gun in those prior
18 | incidents. He did in this one. He lied from the beginning
19 | of that interview. Normalizing vigilanteism. A difficult
20 | task, a difficult argument to carry. Difficult to frame your
21 | argument on someone who has told so many lies.

22 | And to distinguish why he would lie, why he would
23 | suddenly tell the truth, that's not a lawyer thing, a court
24 | thing. That's how we all get through life. If you lie to

1 us, we expect you to lie some more.

2 The workout, it was sort of to point out the workout
3 by Jarrod, a guy who goes to the gym, a guy who is muscular.
4 An invitation down a path -- right? -- they're afraid to
5 explicitly say. The inference: Oh, Jarrod, muscular Jarrod.

6 This guy, Wayne, didn't know nothing about Jarrod
7 being muscular. He didn't know anything. He knew he wanted
8 to follow him. And either he surprised Jarrod, Jarrod didn't
9 know he had a gun, went boom, (indicating), blasted him. Or
10 he held him there. Rage guy, road rage guy, vigilanteism.
11 At gunpoint, Jarrod, what does he do? He takes it: the
12 anger.

13 The suggestion by Mr. Cameron attempting, as a last
14 ditch, to fill in the blanks. "He was driving by me" -- or,
15 "He was driving at me." Shoot the threat. Shoot the front
16 of the car. It wore off. And the difficulty in the argument
17 we just heard is, like, Wayne, Wayne Cameron could not even
18 admit. If you want self-defense, be a man and admit it.
19 It's like -- right? -- he can't even admit that he shot the
20 young man. "I turned my head and shot."

21 I talk about that betrayal, your body betrays you.
22 The demonstration, this: Oh, forgot. I'm going to do this.
23 Right? Try and anchor or set the bar so low, oh, maybe
24 they'll come to the middle. False.

1 The demonstration of: I'm trained to do this, but,
2 in this instance, this. Not what happened. Not what
3 happened on the evidence.

4 Glint, no glint. There was never a glint. There was
5 a gun in Jarrod Faust's face. Reliance is placed on Dr.
6 Schrader, "Several feet." I do not specifically recall the
7 number of feet she said. She said it's intermediate --
8 right? -- not close. I will argue this: Close enough for
9 gunpowder from that barrel went into Jarrod's eyes. Close.

10 She said, "If you had the gun, you would know more."
11 No gun.

12 I asked you to rely on the testimony about the CCW
13 training. It was suggested that he was trained to pick up
14 his brass. I suggest the evidence was, no, he liked -- that
15 was his excuse or his reason that there was brass in his car.
16 But even if that was the case, you know, he didn't pick up
17 his brass. Well, by his own words, too worried about getting
18 away. He had to get the heck out of there. Couldn't even be
19 bothered to check on Jarrod. True self-defense, life or
20 death.

21 Oh. The question: He didn't swear Colarchik to
22 secrecy. Exhibit 18, page 1. "You can't ever tell anyone
23 what I'm about to tell you, not even Katie," his wife. He
24 did swear him to secrecy. But that would be amoral to hold a

1 secret like that.

2 What the defendant did with the gun. Intriguing.
3 Tempted to believe him; right? Tempted to believe that he
4 did get rid of the gun that night in a trash can. This
5 question of intent, of actions illustrating intent.

6 Now, life or death. So, the testimony about the
7 sweating. Was he sweating on the stand? I don't know. Was
8 he shaking when the cops come? Shaking. Testimony is
9 shaking. Shaking on the stand, I don't know. Life or death
10 situation, shaking. "I'm about to die."

11 The manual for an SD40 shows -- he claims two things.
12 He took the -- he unloaded it, so, first stripped the mag,
13 cycle out the round, kept that so he could throw it away
14 somewhere else. Shaking hands, that's -- in order to
15 disassemble this gun, the manual says, it's about a 10-step
16 process.

17 MR. PICKER: Objection, Your Honor. This is outside
18 the scope of our argument.

19 THE COURT: I agree.

20 MR. STEGE: That --

21 THE COURT: I think it's outside the scope to discuss
22 how this particular gun would be assembled, reassembled, how
23 long it would take to load.

24 MR. STEGE: Okay.

1 THE COURT: I mean, to this level, you're fine. But
2 to get into greater detail, you probably are going over
3 things that exceed the scope of the response from the
4 defense.

5 MR. STEGE: Page 3. A difficult proposition. With
6 shaking, life or death moment, that guy is cool. First
7 thought, get rid of this gun, not a pure heart. This
8 self-defense thing is false.

9 And the instruction correctly cited, if there's
10 evidence of self-defense, the State has to disprove it.
11 First clause drawing your attention to, if there's evidence
12 of it. You are the arbiters of whether there's the evidence
13 of it. Answer: Resoundingly, no. If you believe a lie,
14 then there may be evidence of it. Do not believe lies.

15 It was argued -- or suggested in argument that the
16 defendant said he had seen a gun in the car. Please rely on
17 your memory of that, because I seem to recall a number of
18 questions on cross-examination repeatedly, "Did you see a
19 gun? Did you see a gun? Did you see a gun?" "No. No,
20 never saw a gun." So he had to come in and make up that it
21 was something else. Have to rely on the glint.

22 Exhibit 35. That's a series of digital photos on the
23 hands, the hands issue -- right? -- like, where do you see
24 Jarrod's hands? Like this.

1 The vape pen. Decide if there's a glint. Decide if
2 it could be mistaken for a gun. Decide if it's worth
3 shooting a kid over a vape pen, if he could see it, if he
4 could see into the car, if he could hear anything except
5 through the engine of the car and the music. You decide what
6 the truth is. Came in and lied, tried to fill in the gaps.

7 Very interesting argument as to the gentleman from
8 the wine shop, Mr. Miner. How is it revealing that -- let's
9 take Detective Lopez's testimony as the defense would have
10 you. "Well, Miner said, 'I took it to mean -- Wayne said,
11 'They're not going to find anything.' I took it to mean that
12 he got rid of the gun."

13 That helps the State. It does not hurt the State to
14 say: Wait a minute. The guy took it to -- either took it to
15 mean that, or, as he testified, that's what he said, when it
16 is -- it's the truth. I'd infer that he got rid of the gun,
17 if that's true. Well, son of a gun, that guy has a pretty
18 good inference. He said, "They're not going to find
19 anything" means no gun. Actual case, no gun. Not helpful to
20 them.

21 The interview was referred to as an eight-hour
22 interrogation. It's not called upon you to decide if this is
23 an eight-hour interrogation. You could call it eight hours
24 of lying.

1 Compellingly, Mr. Picker argues that the defendant --
2 so it's like they were unfair to him, yet, statement that he
3 voluntarily spoke to them, he voluntarily opened the safe,
4 pointed out the guns. Because he knew the gun they're
5 looking for wasn't there.

6 Unique theory. I'm reminded of the old saw. If you
7 have the facts, pound the facts. If you have the law, pound
8 the law. Don't have any of them, pound the other guy.

9 It's a legal theory that is allowed under the rules
10 of the State of Nevada. The judge has approved it. You
11 decide if there's felony murder. Unique theory. The law.

12 The question, "Why no blood?" we don't know how this
13 happened. We know a bullet went through his neck, he was
14 paralyzed, and blood spurted out of his mouth. TV movies,
15 something else.

16 More interestingly, the absence of DNA. Is he doing
17 this? Did he do this? No. Did this. His body betrayed
18 him.

19 What we call -- so this idea that, in self-defense,
20 if it develops later that there was no justification for it,
21 it can still be justifiable, we call that reasonable mistaken
22 belief. Reasonable and belief, neither of which are -- must
23 be objectively reasonable.

24 This is a case of overwhelming guilt of murder in the

1 first-degree.

2 I thank for your time and await your decision.

3 Thank you.

4 THE COURT: Thank you, Mr. Stege.

5 At this time, I invite Deputy Williams and Deputy
6 Hayes to please come forward and take the oath to take charge
7 of the jury during their deliberations.

8 (Bailiffs sworn.)

9 THE COURT: Thank you very much.

10 All right. Ladies and gentlemen, this is the time
11 where the previous admonitions no longer apply. In a moment,
12 all 14 of you will go into the jury room; however, all 14 of
13 you will not begin deliberations. Reason being: Two of you
14 were previously selected to be alternates.

15 Preliminarily, let me say this. It's always
16 difficult for somebody who sat through a trial and learns at
17 this point that they are an alternate and will not proceed to
18 deliberate. It's always difficult. It can be frustrating.
19 It can be different emotions. Because you've invested your
20 time and your intellect and your observations on something,
21 and then you're not one to call and deliberate.

22 Let me say, however, the system would not work were
23 it not for people to serve as alternates. Indeed, in the
24 Court's last trial, the Court had to excuse a juror, and one

1 of the alternates moved forward into serving on the jury.
2 It's not -- although it doesn't happen regularly, it
3 certainly does happen.

4 In fact, after I identify the two alternates in a
5 minute, the two alternates remain under the prior admonitions
6 of the Court not to speak with anyone, read about the case,
7 listen to anything, investigate it. The admonitions that
8 have been repeated to you regularly still apply to you.

9 Your phone number needs to be given to the deputy so
10 that, if we need to call one or both of you back, we can get
11 you on a moment's notice.

12 If the jury comes back with a verdict, and the case
13 ends, you will both -- you'll be notified both for the
14 purpose of advising that you no longer are under the
15 oversight of the Court, the admonitions no longer apply, and,
16 of course, you'll be advised what the verdict was.

17 So when the 14 of you go in, the two alternates --
18 who are Ms. McCall and Ms. Lamb -- you may gather your
19 things, say your goodbyes to people that you didn't know two
20 weeks ago, but maybe through the journey together you have
21 become friendly with some or all.

22 The deliberations of the rest of you, however, do not
23 begin until Ms. McCall and Ms. Lamb are escorted out of the
24 jury deliberation room.

1 So, at this time, everyone, you may stand up, gather
2 your notes, gather your jury instructions. The evidence will
3 be brought in shortly for review, and deliberations may
4 proceed, again, as soon as the alternates gather their things
5 and leave.

6 Everyone, please rise for the jury.

7 (The following proceedings
8 were had without the presence
9 of the jury:)

10 THE COURT: Okay. With that, ladies and gentlemen of
11 the jury, the Court will be in recess.

12 Please make sure, counsel, you don't go too far, and
13 you're available on short notice to return to the jury room
14 either for a verdict, or if there's another issue the Court
15 needs to take up before I leave the bench.

16 Mr. Stege, anything else from the State?

17 MR. STEGE: Yes. I just wanted to ensure that we are
18 holding the alternates here. I think that the new District
19 Court Rules require that.

20 THE COURT: The new Rules of Criminal Justice that
21 were just effective as of July 1?

22 MR. STEGE: That came out of the --

23 THE COURT: Mr. Picker, do you know any differently?

24 MR. PICKER: Your Honor, my understanding is that

1 they're held. But, you know, I don't interpret it the same
2 way Judge Drakulich did: that they have to be held on-site.
3 I think they have to be held to service. I think that was
4 the problem with some of the rural counties, that they
5 dismissed alternate jurors just outright.

6 So I have no problem with them leaving the building,
7 as long as they remain under your admonition.

8 THE COURT: Okay. Let's stay on the record.

9 Give me just a moment.

10 Ladies and gentlemen, you may be seated, or you can
11 leave the courtroom, if you'd like. This may take a couple
12 moments.

13 MR. STEGE: Your Honor, I believe Mr. Picker is
14 correct. The language from Rule 7, "The Court shall retain
15 alternate jurors after the jury retires to deliberate," that
16 I think can be interpreted --

17 THE COURT: -- either way.

18 MR. STEGE: -- general retainment.

19 THE COURT: The Court will not require that they
20 remain in the courthouse.

21 And by quick review of the modified Rules of Criminal
22 Procedure, do not suggest otherwise. You've heard the Court
23 indicate to them they remain under the auspices of the
24 District Court. They're not to read, talk, learn about the

1 case on their own. They will be notified when they're
2 released from service.

3 All right. Thank you very much.

4 Court is in recess.

5 (Recess.)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 RENO, NEVADA, FRIDAY, JULY 9, 2021, 2:00 P.M.

2 (The following proceedings

3 were had without the presence

4 of the jury:)

5 THE COURT: Thank you, Deputy.

6 Good afternoon.

7 Please be seated.

8 Okay. We're back on the record in the case of State

9 of Nevada versus Wayne Michael Cameron.

10 The Court acknowledges the presence of the

11 prosecutor, Mr. Stege; defense counsel, Mr. Picker, Ms.

12 Garcia; as well as the defendant.

13 Ladies and gentlemen, the Court has been advised that

14 the jury has reached a verdict.

15 Let me just remind everybody that, regardless of what

16 the verdict is, I'm expecting due respect for the Court and

17 the court process to be exhibited by all in attendance.

18 Deputy, please bring the jury back into the

19 courtroom.

20 (The following proceedings

21 were had with the presence of

22 the jury:)

23 THE COURT: Okay. Welcome back, everyone.

24 You may be seated.

1 Mr. Stege, will you stipulate that all 12 jurors are
2 present?

3 MR. STEGE: Yes.

4 THE COURT: Mr. Picker.

5 MR. PICKER: Yes, Your Honor.

6 THE COURT: Ladies and gentlemen, at this time, I'm
7 going to ask the court clerk to call roll. When you hear
8 your name, if you would please identify yourself as being
9 present.

10 Ms. DeGayner.

11 THE CLERK: Juror number 1, Scarlet Blackwell.

12 JUROR BLACKWELL: Here.

13 THE CLERK: Juror number 2, Michael Allbee.

14 JUROR ALLBEE: Here.

15 THE CLERK: Juror number 3, Derrick Bailey.

16 JUROR BAILEY: Here.

17 THE CLERK: Juror number 4, Angela Stevenson.

18 JUROR STEVENSON: Here.

19 THE CLERK: Juror number 5, Francisco Hernandez
20 Garcia.

21 JUROR GARCIA: Here.

22 THE CLERK: Juror number 6, Mohammad Reza.

23 JUROR REZA: Present.

24 THE CLERK: Juror number 7, Courtney Borsz.

1 JUROR BORSZ: Here.

2 THE CLERK: Juror number 8, Heather Coffey.

3 JUROR COFFEY: Here.

4 THE CLERK: Juror number 9, Dean Anderson.

5 JUROR ANDERSON: Here.

6 THE CLERK: Juror number 10, Edward Shaw.

7 JUROR SHAW: Here.

8 THE CLERK: Juror number 11, Joseph Delgrosso.

9 JUROR DELGROSSO: Here.

10 THE CLERK: Juror number 12, Julian Merlino.

11 JUROR MERLINO: Here.

12 THE CLERK: All are present.

13 THE COURT: All right. Thank you very much.

14 Ms. Blackwell, I noticed you walked in with an

15 envelope. Are you the Foreperson?

16 JUROR BLACKWELL: Yes, I am, Your Honor.

17 THE COURT: Thank you.

18 Have you reached a verdict?

19 JUROR BLACKWELL: Yes, we have.

20 THE COURT: Would you please hand the envelope to the

21 Deputy Sheriff.

22 Mr. Cameron, would you please stand.

23 Ms. DeGayner, would you please read the verdict.

24 THE CLERK: "In the Second Judicial District Court of

1 the State of Nevada, in and for the County of Washoe. The
2 State of Nevada, plaintiff, versus Wayne Michael Cameron,
3 defendant. Case number CR20-3534. Department Number 8.

4 "Verdict: We, the jury in the above-entitled case,
5 find the defendant, Wayne Michael Cameron, as follows: Count
6 I, murder with the use of a deadly weapon, guilty of
7 first-degree murder.

8 "Was a deadly weapon used in the commission of the
9 offense? Yes.

10 "Dated this 9th day of July, 2021. Scarlet
11 Blackwell, Foreperson."

12 THE COURT: Thank you.

13 You may be seated, Mr. Cameron.

14 At this time, I'm going to ask the court clerk to
15 poll the jury, which means, as to each of you, she will ask
16 you if this is your verdict.

17 Ms. DeGayner.

18 THE CLERK: Juror number 1, is this your verdict as
19 read?

20 JUROR BLACKWELL: Yes, it is.

21 THE CLERK: Juror number 2, is this your verdict as
22 read?

23 JUROR ALLBEE: Yes, it is.

24 THE CLERK: Juror number 3, is this your verdict as

1 read?
2 JUROR BAILEY: Yes, it is.
3 THE CLERK: Juror number 4, is this your verdict as
4 read?
5 JUROR STEVENSON: Yes, it is.
6 THE COURT: Juror number 5, is this your verdict as
7 read?
8 JUROR GARCIA: Yes, it is.
9 THE CLERK: Juror number 6, is this your verdict as
10 read?
11 JUROR REZA: Yes, it is.
12 THE CLERK: Juror number 7, is this your verdict as
13 read?
14 JUROR BORSZ: Yes, it is.
15 THE CLERK: Juror number 8, is this your verdict as
16 read?
17 JUROR COFFEY: Yes, it is.
18 THE CLERK: Juror number 9, is this your verdict as
19 read?
20 JUROR ANDERSON: Yes, it is.
21 THE CLERK: Juror number 10, is this your verdict as
22 read?
23 JUROR SHAW: Yes, it is.
24 THE CLERK: Juror number 11, is this your verdict as

1 read?

2 JUROR DELGROSSO: Yes, it is.

3 THE CLERK: Juror number 12, is this your verdict as

4 read?

5 JUROR MERLINO: Yes, it is.

6 THE COURT: All right. Thank you, ladies and

7 gentlemen.

8 Thank you, Ms. DeGayner.

9 Ladies and gentlemen, thank you for your verdict.

10 At this point, usually the Court thanks and excuses

11 the jury. Because of the nature of this particular case,

12 however, at this time, I'm going to ask you to stand, return

13 to the jury deliberation room for a few minutes. I need to

14 take up some matters outside your presence. And I'll bring

15 you back in here shortly.

16 If you could all please follow the deputy back into

17 the jury room.

18 All rise for the jury, please.

19 (The following proceedings

20 were had without the presence

21 of the jury:)

22 THE COURT: Okay, everyone. Please be seated.

23 First of all, at this stage of the proceedings, on

24 account of the jury verdict, and the penalty phase to follow,

1 the Court changes the bail status of Mr. Cameron currently at
2 three million dollars to a no-bail hold. The Court has
3 authority to do that independently, as well as pursuant to
4 NRS 175.331. All right. That's number one.

5 Number two, as we all know, the statute NRS 175.552,
6 (1) (a) directs the Court, in the event of a guilty verdict
7 on a first-degree murder, to set a sentencing hearing as soon
8 as practicable in front of the same jury that just heard the
9 underlying trial.

10 That involves, as you both know, a process involving
11 each side having the opportunity to call witnesses, the Court
12 to instruct the jury on the law, and then for both sides to
13 make argument on what they think a fair sentence is. That's
14 going to take some time.

15 Ordinarily, we give each side an opportunity to
16 prepare by setting a hearing, if possible, the next court
17 day. In our case, the next court day is this Monday. This
18 Monday would be the tenth day of our trial, and as you will
19 recall from the selection of the jury process, we had told
20 this jury it could go 10 days, so we would be keeping to our
21 estimate of 10 days if we had the hearing Monday.

22 Alternatively, we might be in the position, after a
23 recess and an opportunity to prepare and go over jury
24 instructions, to bring the jury back in, and then proceed

1 today.

2 Frankly, that would not be my preferred approach. I
3 want to make sure that both sides have the opportunity to
4 fully prepare on such a weighty issue. I want time to go
5 over the instructions of law on both sides to decide who, if
6 anyone, they want to call, in respect to the hearing.

7 Plus, it's 2:10 in the afternoon on a Friday here in
8 the summer. It's been a long two weeks. Now, that alone
9 doesn't make or break the Court's decision, but it's a
10 factor.

11 So that's a long way of saying I'm leaning toward
12 having this hearing Monday morning, at 9:00 o'clock, and
13 excusing the jury, admonishing them when they leave, and then
14 spend the rest of the afternoon with counsel here working on
15 instructions, and then directing you to prepare and see you
16 Monday, at 9:00. But my mind isn't fully made up in that
17 regard.

18 Let me hear first, please, from Mr. Stege, and then
19 from the defense.

20 Mr. Stege.

21 MR. STEGE: The State is strongly in favor of the
22 second option.

23 While we have set aside 10 days for this jury, we are
24 approaching the tenth day, we had to -- due to scheduling

1 matters, lost one day and one-half day for other matters that
2 were taken up.

3 Yesterday, in discussions that included the Court, we
4 indicated we would be ready to go directly into sentencing
5 today. I abide by that commitment. In a matter of 30
6 minutes, I will be prepared to begin calling witnesses.

7 While certainly it is within the 10-day realm, I'm
8 strongly in favor of proceeding directly. A sense of the
9 length of time that remains in today, and will be diligent,
10 as well as observant towards my obligation to strenuously
11 argue the case. So I will go so far as to say I object to
12 continuing it till Monday.

13 THE COURT: Okay. The potential penalties that the
14 jury can select from, based on the verdict of first-degree
15 murder, are what?

16 MR. STEGE: Option one, life without parole. Option
17 two, life with the possibility of parole after 20. Option
18 three, a 50-year term, with parole eligibility after 20
19 years.

20 THE COURT: All right. Thank you.

21 Mr. Picker or Ms. Garcia, what is your position,
22 please?

23 MR. PICKER: Your Honor, we would prefer to wait
24 until Monday, for a number of reasons.

1 One is that, you're right, it's a fairly emotional
2 and very heavy burden for us to move into sentencing.

3 Number two is my concern that I don't know how many
4 witnesses the State would be calling, but I anticipate a
5 number of them. And I expect that it is very likely that we
6 would be getting very close to 5:00 o'clock with just the
7 State's case. That would leave Mr. Cameron at an extreme
8 disadvantage if we were to come back, either we were to stay
9 late, or to come back on Monday to hear the defense side of
10 sentencing. Based on that, as well as Your Honor noted it's
11 Friday afternoon.

12 Our concern, additionally, is that, if the jury gets
13 the case late, there's the very real possibility, knowing
14 that they are facing the weekend, of a rush to judgment of
15 just a compromised verdict, or people agreeing to things just
16 to get out of here on a Friday afternoon.

17 THE COURT: All right. That's --

18 MR. PICKER: We strongly --

19 THE COURT: Go ahead.

20 MR. PICKER: -- strongly recommend Monday morning.

21 THE COURT: Mr. Stege, last thoughts.

22 MR. STEGE: On that last one, speculation, at best.

23 I will now express my frustration that we have ended
24 at 4:00 o'clock every day. The State has suggested on

1 numerous occasions the work that we need to do, we stayed
2 late for. It is difficult to then push us into next week on
3 a hearing of such importance that can be done. And I am well
4 aware that the courthouse staff are available to stay as late
5 as necessary. But I submit.

6 THE COURT: The Court has broad discretion to make
7 such a decision. I understand and appreciate both sides.

8 The clinching factor for the Court, though, is I do
9 not want this jury rushing their deliberation of this
10 important matter in any way. They might not get this case,
11 the penalty phase case, until 4:30, 5:00 o'clock, 5:30 or
12 6:00 on a Friday in the summer.

13 Making sure that the now-convicted Mr. Cameron has
14 his rights fully protected, and that a thoughtful exercise of
15 this very powerful discretion of a jury, which as the Court
16 understands this is the only criminal justice crime under
17 Nevada law where the jury gets to decide the penalty. And so
18 this is a weighty decision. I don't want them to rush it. I
19 want them to have the opportunity to fully contemplate the
20 consequences of their decision.

21 As a result, over the objection of the State, the
22 penalty hearing will proceed Monday morning, at 9:00 o'clock.
23 I will direct the jury to be back here at 8:30.

24 When they come back in a few moments, I will simply

1 explain to them that we have additional work to do, and
2 admonish them.

3 The only question I have in my mind is whether I
4 should identify for them the nature of what that additional
5 work is, because they're going to be wondering: Why is this
6 not over? Why have we not finished our work?

7 So I'm contemplating telling them that they have
8 further work to do with respect to the penalty phase of this
9 hearing. It will be presented to them Monday morning. And
10 then admonish them that they are not to discuss the case any
11 further, notwithstanding the verdict was just reached on the
12 underlying decision on whether guilt had been proven beyond a
13 reasonable doubt, and then direct them here by 8:30 into the
14 jury room, for a hearing start at 9:00 o'clock.

15 And then, once they leave, then I want to have
16 counsel work with the Court on jury instructions.

17 Before I make that order final, understanding the
18 frustration of the State to move it to Monday, what do you
19 think of the potential comments by the Court to the jury?

20 MR. STEGE: Indifference.

21 THE COURT: Mr. Picker.

22 MR. PICKER: Your Honor, I think they're appropriate.

23 THE COURT: Very good.

24 Thank you.

1 All rise for the jury.
2 Deputy, please bring the jury back into the room.
3 (The following proceedings
4 were had with the presence of
5 the jury:)
6 THE COURT: Okay. Welcome back.
7 You may be seated.
8 Mr. Stege, will you agree all 12 jurors are present?
9 MR. STEGE: They are.
10 THE COURT: Mr. Picker.
11 MR. PICKER: Yes, Your Honor.
12 THE COURT: All right. Ladies and gentlemen, here is
13 where we are, and here's why I called you back.
14 Based on the decision you reached on the verdict on
15 the first-degree murder, there is still a role for you to
16 play, and a very important role.
17 On Monday, you will decide the penalty that Mr.
18 Cameron will receive by virtue of your verdict.
19 The way that occurs is, we will start at 9:00
20 o'clock. So you are to report to the jury room Monday no
21 later than 8:30. The parties have the opportunity to call
22 witnesses in mitigation or in aggravation for your
23 consideration's.
24 Excuse me.

1 After that, the Court will instruct you on the law of
2 what you are to consider and what your options are.

3 After that, counsel will each make argument to you on
4 what they believe you should do.

5 After that, you will deliberate further. And once
6 you reach a verdict on the penalty, you will come back, and
7 then your role will be done.

8 When we started this proceeding two weeks ago, I
9 indicated this case was set for 10 days, and it might roll
10 into the Monday of this coming week. And it appears that
11 that is exactly what has happened.

12 Now, we are in an unusual position. You are a jury
13 that has decided guilt. Nevertheless, in a moment, I'm going
14 to read to you again the admonishment on things that you are
15 not allowed to do from this stage forward.

16 I'm going to state the obvious. There are people
17 that will wonder about your experience, that will want to
18 talk to you about your decision, your role, anything related
19 to this case. But the prior direction from the Court, the
20 prior admonitions remain. They do not change merely because
21 the last piece of this case will occur on Monday.

22 So, again, 8:30 Monday to report, 9:00 o'clock the
23 hearing starts.

24 Please listen carefully. Over the weekend, you must

1 not discuss or communicate with anyone, including fellow
2 jurors, in any way regarding the case, its merits, or
3 otherwise, including by voice, phone, e-mail, text, internet
4 or other means of communication, including by social media.
5 Do not read, watch or listen to any news or media accounts or
6 commentary about this case. Do not research independently.
7 Do not consult a dictionary. Do not surf the internet. Do
8 not review reference materials. Do not make an independent
9 investigation, test a theory, re-create any aspects of the
10 case or in any other way investigate or learn about the case
11 on your own. Do not form nor express any opinion with
12 respect to sentencing or punishment.

13 And, ladies and gentlemen, let me just add this: Do
14 not attempt to look up on your own what the options are that
15 the Court will instruct you on Monday that you will have.

16 Do not attempt to learn anything about whether this
17 case has been reported on, on the media, or not. And, of
18 course, if you happen to be watching television or in the
19 company of other people, and this subject comes up, I will
20 expect you to turn off the TV, walk out of the room, change
21 the channel and in every other way use your sincerely best
22 efforts to not in any way learn about this matter outside of
23 what happens in the courtroom.

24 So, with that, I release you for the afternoon. I

1 look forward to seeing you Monday morning, at 8:30.

2 I wish everyone a very pleasant weekend.

3 And please all rise for the jury.

4 (The following proceedings
5 were had without the presence
6 of the jury:)

7 THE COURT: What we're going to do now is take a
8 15-minute recess, then I'll meet counsel back in here on the
9 record to review jury instructions for the sentencing hearing
10 Monday.

11 Court will be in recess until approximately 2:35.

12 (Recess.)

13 THE COURT: Please be seated

14 I took the liberty of not wearing the robe because we
15 are just settling instructions. I don't mean disrespect to
16 anyone. Plus, it's very warm.

17 MR. PICKER: Can I take off my jacket?

18 THE COURT: Yes. Counsel can -- counsel, Mr. Cameron
19 and Ms. Garcia, feel free to make yourself more comfortable.

20 All right. Give me just a moment here. I want to
21 pull up the packet of proposed jury instructions that were
22 just e-mailed to us with respect to the penalty phase of the
23 case.

24 I want to first ask: Do we all have a copy?

1 MR. STEGE: Yes.

2 MR. PICKER: We do, Your Honor.

3 THE COURT: All right. I'm looking at the first

4 page. It begins, "It is my duty as judge."

5 And then underneath that, on line 22, it says

6 "Instruction number 1." That seems a little unusual to me.

7 Is that a typo, or is that how you --

8 MR. STEGE: It's a typo. It's a typo, Your Honor.

9 THE COURT: Just cross it out?

10 MR. PICKER: Your Honor, I think that -- I think the

11 next line, on line 23, "If in these instructions" should

12 actually be the beginning of the next page.

13 MR. STEGE: That's -- instruction 2 ought to start,

14 "If in these instructions," a change I'm making right now.

15 Your Honor, may my secretary join me at counsel table

16 to help with that?

17 THE COURT: Yes. Nice to see you.

18 MS. ALLEN: Thank you, Your Honor.

19 MR. STEGE: Miss Allen.

20 THE COURT: If it helps to communicate with Mr.

21 Stege, you can take the mask down, if you're comfortable

22 doing so.

23 So instruction number 1 is simply those first two

24 paragraphs; is that correct?

1 MR. STEGE: Yes.

2 THE COURT: Instruction 2 is, "If in these
3 instructions any rule, direction or idea." That would be
4 number 2.

5 Any issue there, Mr. Picker?

6 MR. PICKER: No issue with either number 1 or number
7 2, Your Honor.

8 THE COURT: All right. Thank you.

9 The next one is, "You have found the defendant in
10 this case to be guilty of murder in the first degree;
11 therefore, under the law of the State you must determine the
12 sentence to be imposed on the defendant. Murder in the first
13 degree is punishable by imprisonment in the Nevada State
14 Department of Corrections for: 1, 2 or 3."

15 Any issue with that, Mr. Stege?

16 MR. STEGE: No.

17 THE COURT: Any issue with that, Mr. Picker?

18 MR. PICKER: Could I have just a moment, Your Honor?

19 THE COURT: Yes, of course.

20 MR. PICKER: No objection.

21 THE COURT: No objection.

22 All right. And before we move on, let me just say
23 something.

24 I have reviewed the statute, I reviewed the cases --

1 | excuse me -- some of the other background information, and I
2 | think this is an accurate statement of the law. But
3 | somewhere in the back of my head I seem to have remembered
4 | hearing that the law might -- either was considered to be
5 | changed to get rid of the 20 to 50. So it was either life
6 | with or life without. That's it. But I don't believe the
7 | law has changed.

8 | And you two, who are likely more familiar based on
9 | the nature of this case than is the Court, you haven't heard
10 | that there's been any change that is in effect at this time.
11 | Is that fair?

12 | MR. STEGE: It is fair. I think -- and I agree. Mr.
13 | Picker and I would be people who would hear that news.

14 | THE COURT: Well, you know, presumably, I'm supposed
15 | to know the law, too. And I reviewed it. I just want to
16 | make sure I didn't miss something that may have gone into
17 | effect or be prospective.

18 | So let's just -- this will be instruction 3, unless
19 | somebody brings to the Court's attention between now and
20 | Monday morning something different, they learn something
21 | different. Okay?

22 | All right. Let's move on.

23 | Number 4, "Life imprisonment without the possibility
24 | of parole means exactly what it says: that the defendant

1 shall not be eligible for parole."

2 Second paragraph, "Life imprisonment with
3 possibility," this means after 20 years that he would be
4 eligible.

5 Number 3 means 50 years, eligible after 20.

6 And then the next paragraph, beginning at 14,
7 "Although under certain circumstances and conditions, the
8 State Board of Pardons Commissioners has the power to modify
9 sentences. You are instructed that you may not speculate as
10 to whether the sentence you impose may be changed at a later
11 date."

12 Is that still the law, and is that an instruction you
13 want the Court to give?

14 MR. STEGE: Yes and yes.

15 THE COURT: All right. Now, what about the fact that
16 the governor might have the power to commute a sentence? Why
17 are we particularly mentioning the State Board of Pardons
18 Commissioners as opposed to the future governor?

19 MR. STEGE: Well, because they can do nothing about
20 what their sentence would be -- would do anything about what
21 a governor might do; right?

22 So let's assume we tell them, "Oh, and the governor
23 could also commute his sentence." I don't know how they
24 would consider that except --

1 THE COURT: Well, why would we specifically tell them
2 about the Board of Pardons; right? Isn't that --

3 MR. STEGE: Well, because of this issue of parole.
4 And I would say this is sort of a long litigated issue of
5 sort of what parole eligibility means, and, you know,
6 truth-in-sentencing-type arguments.

7 THE COURT: Well, I don't want to make an issue where
8 there is none. I just want to -- it's sort of intellectual
9 curiosity why we identified that, not other potential sources
10 that could change the sentence that they come back with.

11 All right. So, Mr. Picker, I guess this is a long
12 way of saying: Any objection to number 4?

13 MR. PICKER: Yes, Your Honor. I am agreeing with
14 you. And I'm not sure, because there's no citations on the
15 copies we were given, how -- or why lines 14 through 17 are
16 appropriate.

17 I agree that it also is the Legislature can later
18 change the law. I mean, there's a lot of things that can be
19 done. I don't know why we're --

20 THE COURT: We're singling this out.

21 MR. PICKER: Yes. Why we're bringing up Pardons
22 Commission. I would ask those lines be stricken.

23 THE COURT: Do we need that, Mr. Stege?

24 MR. STEGE: Yes.

1 THE COURT: All right. And the reason?

2 MR. STEGE: The reason is so that we can fairly and
3 accurately describe to them what it means to sentence a
4 person to any of these options; that the law would change
5 again, not aggravating or mitigating the governor commuting,
6 same, same.

7 And a point of order, if you will. And I don't know
8 how persuasive this is with the Court. But the instructions
9 were included to the Court, to the defense for quite some
10 time. I submitted, as to the guilt phase, if you will,
11 contra where I was in disagreement.

12 This day, the defendant contemplated, was coming for
13 a long time.

14 THE COURT: Or at least may have been coming.

15 MR. STEGE: Well, a person on trial for murder, it's
16 in the realm of possibility. So the idea -- the Court's
17 intellectual curiosity just struck a thing that's been out
18 there and available for legitimate discussion about whether
19 it's proper, on what basis? On what legal basis is the Court
20 saying: No, not good? Don't need it. Right? These are the
21 instructions given in murder cases.

22 I'm happy to go back and look that up. But, again, I
23 will point to the delays that we have had in this case. It's
24 not unlawful, it's not misleading. Let us remember the jury

1 just hit this guy with first-degree murder. Burden of proof
2 gone; right? Presumption of innocence, gone. Accurate,
3 legitimate inquiry --

4 THE COURT: Might not be necessary, though.

5 MR. STEGE: It might be. Why is the Court getting in
6 the way of what might -- and let us remember, as well, the
7 rulings of evidence do not apply. There's no right to
8 discovery in this hearing we're about to do.

9 THE COURT: True.

10 MR. STEGE: So.

11 THE COURT: Okay. Here's the answer.

12 MR. PICKER: Your Honor, I have a point of order, as
13 well.

14 THE COURT: Go ahead.

15 MR. PICKER: The rule in this court in the Second
16 Judicial District is that all jury instructions must include
17 citations to where they come from.

18 The State has known for weeks that this moment and
19 this day might come. They didn't bother to provide citations
20 as to where this information comes from. So.

21 MR. STEGE: And yesterday --

22 THE COURT: Hold on, hold on.

23 MR. PICKER: If I can finish.

24 Given that, Your Honor, since there is no legal

1 citation given for lines 14 through 17, they are -- they
2 should not be given.

3 THE COURT: All right. Here's -- I've heard enough
4 on this. Here's where the Court is. I'm going to either
5 keep it with the paragraph, or I'm going to give it without.
6 We're all going to be -- I want to say surprised. I'm going
7 to make a decision. We're going to talk about it at 8:30
8 when I ask the parties to be here and ready to go before we
9 call the jury to begin the hearing at 9:00. This is half an
10 hour later than we've been doing. But I'll make -- I will
11 entertain additional discussion on this issue at 8:30.

12 If you have authority, Mr. Stege, bring it.

13 If you have authority against it or other reasons you
14 may have thought of that you haven't thought already, Mr.
15 Picker, let me know.

16 I'll have one form to give out with this, and I'll
17 have one form to give out without, and then we will put it in
18 instructions, and then we will be ready to go launch. So
19 TBD.

20 Number 5, "Any person who uses a firearm," up to 20
21 years, the Court will impose that.

22 Any objection, Mr. Picker, with proposed number 5?

23 MR. PICKER: Not an objection, Your Honor. Just an
24 observation that I'm not sure that advising the jury about a

1 sentence that they have nothing to do with --

2 THE COURT: Well, I think this helps the defense,
3 honestly. I mean, this is one where I'm telling them that
4 additional time is going to be pronounced by the Court, and
5 they might want to take that into consideration.

6 MR. PICKER: That's fine, Your Honor. I'm just
7 making the observation.

8 THE COURT: Okay. All right. So number 5 the Court
9 will give.

10 MR. STEGE: Can we go back to 4, Your Honor?

11 THE COURT: Go ahead.

12 MR. STEGE: Sonner versus State, 114 Nevada 321.

13 THE COURT: Okay. Say that again slowly because --

14 MR. STEGE: Yes, Your Honor. The name of the case is
15 Sonner, S-o-n-n-e- r, versus State. The citation is at 114
16 Nevada 321.

17 THE COURT: Okay. So what we'll do between now and
18 8:30 tomorrow -- excuse me -- Monday, we'll take a look at
19 that case and see what it suggests with respect to proposed
20 instruction 4.

21 All right. 5 the Court will give about the Court
22 being the one to determine the sentence on the deadly weapon
23 enhancement.

24 Number 6. Okay. Now, this one confuses me, because

1 proposed number 6 begins with, "The evidence presented both
2 during the trial and during this hearing may be considered.
3 The evidence consists of the sworn testimony based on direct
4 and cross-examination, regardless of who called it, the
5 exhibits which have been introduced, and any fact which the
6 lawyers have agreed or stipulated."

7 Now, unless I'm wrong on the law, I have the
8 authority and discretion to allow -- during the sentencing
9 hearing, to allow Mr. Cameron, if he wants to be heard, to
10 make a statement not under oath; right? Not under oath.

11 So then I guess this should say -- it says "sworn
12 testimony"; right?

13 MR. STEGE: Right.

14 THE COURT: So in the event the Court is asked to and
15 makes a determination to allow Mr. Cameron to make a
16 statement in allocution other than sworn, then this -- we
17 need to identify that as a potentiality.

18 On the other hand, if the defense knows right now or
19 will know by Monday morning, at 8:30 that he will make a
20 statement, and he'll be sworn, then this is good. If it's
21 not, we need to come up with a hybrid.

22 What do you think, Mr. Picker?

23 MR. PICKER: Your Honor, I'm going to disagree. I do
24 not think you have that discretion. I think Mr. Cameron has

1 an absolute right to do allocution without being under oath.

2 MR. STEGE: I agree with that.

3 THE COURT: Okay.

4 MR. STEGE: As to the effect on this instruction, I
5 don't know that that there is one. Allocution is not
6 evidence; right? Allocution is a mitigating-type argument.
7 I'll try to switch metaphors. The dog in this fight, indeed,
8 is small.

9 THE COURT: Mr. Picker, are you okay with this the
10 way it's written, and we won't point out that, if Mr. Cameron
11 makes a statement not under oath, not a big deal?

12 MR. PICKER: I agree, Your Honor. It's not a big
13 deal.

14 THE COURT: All right. So number 6 will be given.

15 Proposed number 7, "In reaching your verdict, you may
16 consider only the testimony of the witnesses and evidence
17 received -- consider only the testimony of witnesses and the
18 exhibits received into evidence."

19 So, there again, that's the same issue.

20 MR. STEGE: Correct. Honestly, we could omit this.
21 This is sort of the general contours of the basics of trial
22 work. Objections aren't evidence; right? Only consider the
23 evidence. Lawyer's statements, not.

24 THE COURT: But this is -- I'm not sure this shoe

1 fits with what we're doing on Monday. I mean, this is a
2 correct statement of the law, but, again, Mr. Picker, it's up
3 to you. Would you like the Court to add, clarify, edit; and,
4 if so, can you suggest a change right now?

5 MR. PICKER: I can, Your Honor.

6 Given what is in the instruction number 6, I suggest
7 we just remove lines 1 through 5 of proposed instruction
8 number 7.

9 THE COURT: Okay. Mr. Stege, what do you think of
10 that?

11 MR. STEGE: I stipulate.

12 THE COURT: That's a good idea. Done.

13 That will be instruction number 7.

14 So that will just begin with, "Arguments and
15 statements by lawyers are not evidence."

16 Number 8, "Now you will listen to the arguments of
17 counsel."

18 Okay. Any objection or any re-thinking about that
19 one, Mr. Stege?

20 MR. STEGE: No.

21 THE COURT: Any issue with number 8, defense team?

22 MR. PICKER: No objection.

23 THE COURT: Then the verdicts. First one, life
24 without parole. "We, the jury having found the defendant

1 guilty of first-degree murder, set the penalty life without
2 the possibility of parole." Second one, life with the
3 possibility of parole after a minimum of 20 years have been
4 served. And the third one, a term of 50 years, 20 to 50.

5 Any issue with any of those, Mr. Stege?

6 MR. STEGE: No.

7 THE COURT: Any issue with any of those, Mr. Picker?

8 MR. PICKER: No, Your Honor.

9 THE COURT: All right. Are there any others that the
10 State would like the Court to give?

11 MR. STEGE: No.

12 THE COURT: Any others that the defense would like
13 the Court to give?

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

15 THE COURT: All right. Here's what I'm going to do.
16 Because you've got -- I'm not inviting this, but I'm leaving
17 the door open a little bit. If over the weekend or afternoon
18 or early Monday you come across something else you'd like the
19 Court to consider giving, I will not preclude either side
20 from asking the Court, at 8:30 Monday to consider another
21 instruction somewhere.

22 But other than that, I intend to run these in final,
23 and have a set for all the jurors, have a set for counsel and
24 the Court's use and the court file when you get here Monday

1 morning, at 8:30.

2 All right. Anything else at this time, Mr. Stege?

3 MR. STEGE: We have been, I think, tracking the

4 changes that we've made today.

5 May I e-mail those to Mr. Cervantes?

6 THE COURT: Yes.

7 MR. STEGE: Or is he ahead of us?

8 THE COURT: He's ahead of you.

9 Basically, Edgar, did you get all that?

10 THE LAW CLERK: I got all that.

11 THE COURT: I wrote them on here, so.

12 MR. STEGE: Okay.

13 THE COURT: What we'll do is, we'll make the changes,

14 we'll e-mail them to you, but then we'll have hard copies, as

15 well, Monday.

16 If you notice an error, if we made a mistake, if

17 something didn't come out right, please bring it to our

18 attention.

19 All right. Mr. Picker, anything else before we

20 adjourn for the day?

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

22 THE COURT: Ms. Garcia.

23 MS. GARCIA: No, Your Honor.

24 THE COURT: Thank you.

1 Mr. Stege.
2 MR. STEGE: No. Thank you, Your Honor.
3 THE COURT: I wish everyone a nice weekend.
4 The Court will be in recess.
5 (Recess.)
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department 8 of the
8 above-entitled court on Friday, July 9, 2021, at the hour of
9 8:30 a.m. of said day, and took verbatim stenotype notes of
10 the proceedings had upon the matter of THE STATE OF NEVADA,
11 Plaintiff, versus WAYNE CAMERON, Defendant, Case No.
12 CR20-3534, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 101, all inclusive, contains a full, true and
16 complete transcript of my said stenotype notes, and is a
17 full, true and correct record of the proceedings had at said
18 time and place.

19 Dated at Reno, Nevada, this 23rd day of November,
20 2021.

21

22

23 /s/ Isolde Zihn
24 Isolde Zihn, CCR #87

1 CODE 1885

2
3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No.: CR20-3534

11 v.

Dept. No.: D08

12 WAYNE MICHAEL CAMERON,

13 Defendant.

14 _____/
15 LADIES AND GENTLEMEN OF THE JURY:

16 It is my duty as judge to instruct you in the law that
17 applies to this case, and it is your duty as jurors to follow the law
18 as I shall state it to you, regardless of what you may think the law
19 is or ought to be. On the other hand, it is your exclusive province
20 to determine the facts in the case, and to consider and weigh the
21 evidence for that purpose. The authority thus vested in you is not
22 an arbitrary power, but must be exercised with sincere judgment,
23 sound discretion, and in accordance with the rules of law stated to
24 you.

25
26 Instruction No. 1

1 The defendant in this matter, WAYNE MICHAEL CAMERON, is
2 being tried upon an Information which was filed on the 20th day of
3 November, 2020, in the Second Judicial District Court, charging the
4 said defendant, WAYNE MICHAEL CAMERON with:

5 COUNT I. MURDER WITH THE USE OF A DEADLY WEAPON, a
6 violation of NRS 200.010, NRS 200.030 and NRS 193.165 in the manner
7 following, to wit:

8 That the said defendant WAYNE MICHAEL CAMERON, on or about
9 the 11th day of February, 2020, within the County of Washoe, State of
10 Nevada, did willfully, unlawfully, and with malice aforethought,
11 deliberation, and premeditation, kill and murder JARROD FAUST, a
12 human being, by means of shooting the victim in the face with a
13 deadly weapon, which was a firearm, thereby inflicting mortal
14 injuries upon JARROD FAUST from which he died on or about February
15 11, 2020, all of which occurred at or near 13425 Welcome Way, Reno,
16 or;

17 That the said defendant WAYNE MICHAEL CAMERON, on or about
18 the 11th day of February, 2020, within the County of Washoe, State of
19 Nevada, killed JARROD FAUST in the perpetration or attempted
20 perpetration of a burglary by entering a vehicle with the intent to
21 commit assault or battery or any felony therein, in that the killing
22 occurred when the defendant followed a vehicle driven by JARROD FAUST
23 on Welcome Way, the defendant stopped his vehicle, exited his vehicle
24 with a firearm, approached the driver's side of the Chevrolet
25 Silverado occupied by JARROD FAUST, and shot JARROD FAUST in the
26 face, thereby inflicting mortal injuries upon JARROD FAUST from which

1 he died on or about February 11, 2020, all of which occurred at or
2 near 13425 Welcome Way, Reno.

3
4
5 To the charges stated in the Information, the defendant,
6 WAYNE MICHAEL CAMERON pled "NOT GUILTY".
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26 Instruction No. 2

1 An Information is a formal method of accusing a defendant
2 of a crime. It is not evidence of any kind against the accused, and
3 does not create any presumption or permit any inference of guilt.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26 Instruction No. 3

1 The burden rests upon the prosecution to establish every
2 element of the crime with which the defendant is charged, and every
3 element of the crime must be established beyond a reasonable doubt.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Instruction No. 4

1 A reasonable doubt is one based on reason. It is not mere
2 possible doubt, but is such a doubt as would govern or control a
3 person in the more weighty affairs of life. If the minds of the
4 jurors, after the entire comparison and consideration of all the
5 evidence, are in such a condition that they can say they feel an
6 abiding conviction of the truth of the charge, there is not a
7 reasonable doubt. Doubt to be reasonable, must be actual, not mere
8 possibility or speculation.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Instruction No. 5

1 Every person charged with the commission of a crime shall be
2 presumed innocent unless the contrary is proved by competent evidence
3 beyond a reasonable doubt.
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Instruction No. 6

1 In every crime there must exist a union or joint operation
2 of act and intent.

3 The burden is always upon the prosecution to prove both act
4 and intent beyond a reasonable doubt.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26 Instruction No. 7

1 There are two kinds of evidence: direct and circumstantial.
2 Direct evidence is direct proof of a fact, such as testimony of an
3 eyewitness. Circumstantial evidence is indirect evidence, that is,
4 proof of a chain of facts from which you could find that another fact
5 exists, even though it has not been proved directly. You are
6 entitled to consider both kinds of evidence. The law permits you to
7 give equal weight to both, but it is for you to decide how much
8 weight to give any evidence.

9 It is for you to decide whether a fact has been proved by
10 circumstantial evidence. In making that decision, you must consider
11 all the evidence in the light of reason, common sense and experience.

12 You should not be concerned with the type of evidence but
13 rather the relative convincing force of the evidence.
14
15
16
17
18
19
20
21
22
23
24
25

1 Intent may be proved by circumstantial evidence. It rarely
2 can be established by any other means. While witnesses may see and
3 hear and thus be able to give direct evidence of what a defendant
4 does or fails to do, there can be no eyewitness account of a state of
5 mind with which the acts were done or omitted, but what a defendant
6 does or fails to do may indicate intent or lack of intent to commit
7 the offense charged.

8 In determining the issue as to intent, the jury is entitled
9 to consider any statements made and acts done or omitted by the
10 accused, and all facts and circumstances in evidence which may aid
11 determination of state of mind.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 Instruction No. 9

1 Nothing that counsel say during the trial is evidence in the
2 case.

3 The evidence in a case consists of the testimony of the
4 witnesses and all physical or documentary evidence which has been
5 admitted.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26 Instruction No. 10

1 It is the duty of attorneys on each side of a case to object
2 when the other side offers testimony or other evidence which counsel
3 believes is not admissible.

4 When the court has sustained an objection to a question, the
5 jury is to disregard the question and may draw no inference from the
6 wording of it or speculate as to what the witness would have said if
7 permitted to answer.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 Instruction No. 11

1 To the jury alone belongs the duty of weighing the evidence
2 and determining the credibility of the witnesses. The degree of
3 credit due a witness should be determined by his or her character,
4 conduct, manner upon the stand, fears, bias, impartiality,
5 reasonableness or unreasonableness of the statements he or she makes,
6 and the strength or weakness of his or her recollections, viewed in
7 the light of all the other facts in evidence.

8 If the jury believes that any witness has willfully sworn
9 falsely, they may disregard the whole of the evidence of any such
10 witness.

1 Although you are to consider only the evidence in the case
2 in reaching a verdict, you must bring to the consideration of the
3 evidence your everyday common sense and judgment as reasonable men
4 and women. Thus, you are not limited solely to what you see and hear
5 as the witnesses testify. You may draw reasonable inferences which
6 you feel are justified by the evidence, keeping in mind that such
7 inferences should not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, passion,
9 prejudice, or public opinion. Your decision should be the product of
10 sincere judgment and sound discretion in accordance with these rules
11 of law.

1 Neither the prosecution nor the defense is required to call
2 as witnesses all persons who may appear to have some knowledge of the
3 matters in question in this trial. The defense is not required to
4 call any witnesses or to present any evidence.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26 Instruction No. 14

1 Inconsistencies or discrepancies in the testimony of a
2 witness, or between the testimony of different witnesses, may or may
3 not cause the jury to discredit such testimony. Two or more persons
4 witnessing an incident or transaction may see or hear it differently;
5 an innocent mis-recollection, like failure to recollect, is not an
6 uncommon experience. In weighing the effect of a discrepancy,
7 consider whether it pertains to a matter of importance, or an
8 unimportant detail, and whether the discrepancy results from innocent
9 error or willful falsehood.

1 If in these instructions, any rule, direction or idea is
2 stated in varying ways, no emphasis thereon is intended by me and
3 none must be inferred by you. For that reason, you are not to single
4 out any certain sentence, or any individual point or instruction, and
5 ignore the others, but you are to consider all the instructions as a
6 whole and to regard each in the light of all the others.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 Instruction No. 16

AA01457

1 If, during this trial, I have said or done anything which
2 has suggested to you that I am inclined to favor the position of
3 either party, you will not be influenced by any such suggestion.

4 I have not expressed, nor intended to express, nor have I
5 intended to intimate, any opinion as to which witnesses are or are
6 not worthy of belief, what facts are or are not established, or what
7 inference should be drawn from the evidence. If any expression of
8 mine has seemed to indicate an opinion relating to any of these
9 matters, I instruct you to disregard it.

1 The penalty provided by law for the offense charged is not
2 to be considered by the jury in arriving at a verdict.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Instruction No. 18

1 A witness who has special knowledge, skill, experience,
2 training or education in a particular science, profession or
3 occupation may testify as an expert witness. An expert witness may
4 give an opinion as to any matter in which the witness is skilled.

5 You should consider such expert opinion and weigh the
6 reasons, if any, given for it. You are not bound, however, by such
7 an opinion. Give it the weight to which you deem it entitled,
8 whether that be great or slight, and you may reject it, if, in your
9 judgment, the reasons given for it are unsound.

10 The opinions of experts are to be considered by you in
11 connection with all other evidence in the case. The same rules apply
12 to expert witnesses that apply to other witnesses in determining the
13 weight or value of such testimony.

1 You should not decide any issue merely by counting the number of
2 witnesses who have testified on the opposing sides.

3 The final test in weighing conflicting testimony is the relative
4 convincing force of the evidence and not the relative number of
5 witnesses who have testified on different sides of an issue.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Portions of certain exhibits were redacted pursuant to
2 agreement of the parties. You may not speculate as to the content
3 of any omitted portion(s), nor consider the redaction(s) in your
4 deliberations in any way.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 Instruction No. 21

AA01462

1
2 During the trial you heard evidence about prior conduct of
3 the defendant.

4 This evidence was not offered to show the defendant's bad
5 character, and you should not consider it for that purpose. Rather,
6 it was offered by the State for the limited purpose of showing motive
7 or intent regarding the charged crime. You should consider the
8 evidence for this limited purpose only, and for no other purpose. The
9 weight to be given to this evidence is for you the jury to decide.

The elements of the crime of Murder are:

1. The defendant did willfully and unlawfully;
2. kill a human being;
3. with malice aforethought, either express or implied.

Instruction No. 23

1 Express malice is that deliberate intention to unlawfully
2 take away the life of a fellow creature, which is manifested by
3 external circumstances capable of proof.

4 Malice may be implied when no considerable provocation
5 appears or when all the circumstances of the killing show an
6 abandoned and malignant heart.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 Instruction No. 24

1 Malice aforethought, as used in the definition of murder,
2 means the intentional doing of a wrongful act without legal cause or
3 excuse, or what the law considers adequate provocation. The
4 condition of mind described as malice aforethought may arise, not
5 alone from anger, hatred, revenge or from particular ill will, spite
6 or grudge toward the person killed, but may also result from any
7 unjustifiable or unlawful motive or purpose to injure another, which
8 proceeds from a heart fatally bent on mischief, or with reckless
9 disregard of consequences and social duty.

10 Malice Aforethought may be inferred from the intentional
11 use of a deadly weapon in a deadly and dangerous manner.

12 "Aforethought" does not imply deliberation or the lapse of
13 considerable time. It only means the required mental state must
14 precede rather than follow the act.

1 Murder is divided into two degrees.

2 Murder of the first degree is murder which is (1) willful,
3 deliberate and premeditated, or (2) committed in the perpetration or
4 attempted perpetration of the felony crime of burglary.

5 Murder of the second degree is all other kinds of murder.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

26 Instruction No. 26

1 Murder of the first degree is murder which is perpetrated
2 by means of any kind of willful, deliberate, and premeditated
3 killing. All three elements--willfulness, deliberation, and
4 premeditation--must be proven beyond a reasonable doubt before an
5 accused can be convicted of first-degree murder.

6 Willfulness is the intent to kill. There need be no
7 appreciable space of time between formation of the intent to kill and
8 the act of killing.

9 Deliberation is the process of determining upon a course of
10 action to kill as a result of thought, including weighing the reasons
11 for and against the action and considering the consequences of the
12 action.

13 A deliberate determination may be arrived at in a short
14 period of time. But in all cases the determination must not be
15 formed in passion, or if formed in passion, it must be carried out
16 after there has been time for the passion to subside and deliberation
17 to occur. A mere unconsidered and rash impulse is not deliberate,
18 even though it includes the intent to kill.

19 Premeditation is a design, a determination to kill,
20 distinctly formed in the mind by the time of the killing.

21 Premeditation need not be for a day, an hour, or even a
22 minute. It may be as instantaneous as successive thoughts of the
23 mind. For if the jury believes from the evidence that the act
24 constituting the killing has been preceded by and has been the

25 ///

26 ///

1 result of premeditation, no matter how rapidly the act follows the
2 premeditation, it is premeditated.

3 The law does not undertake to measure in units of time the
4 length of the period during which the thought must be pondered before
5 it can ripen into an intent to kill which is truly deliberate and
6 premeditated. The time will vary with different individuals and
7 under varying circumstances.

8 The true test is not the duration of time, but rather the
9 extent of the reflection. A cold, calculated judgment and decision
10 may be arrived at in a short period of time, but a mere unconsidered
11 and rash impulse, even though it includes an intent to kill, is not
12 deliberation and premeditation as will fix an unlawful killing as
13 murder of the first degree.

14
15
16
17
18
19
20
21
22
23
24
25
26 Instruction No. 27

1 To constitute the crime of Murder there must be in addition
2 to the death an unlawful act which was a proximate cause of the
3 death. The proximate cause of a death is a cause which, in natural
4 and continuous sequence, produces the death, and without which the
5 death would not have occurred.

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 Instruction No. 28

1 The Information in this case charges Open Murder which
2 includes the offense of Murder in the First Degree and also
3 necessarily includes the lesser-included offenses of Murder in the
4 Second Degree, Voluntary Manslaughter and Involuntary Manslaughter.
5 The defendant may only be convicted of one of these offenses.

6 You should first examine the evidence as it applies to
7 Murder in the First degree. If you unanimously agree that the
8 defendant is guilty of Murder in the First Degree, you should sign
9 the appropriate Verdict form and request the bailiff to return you to
10 court.

11 If you can not agree that the defendant is guilty of Murder
12 in the First Degree, you should then examine the evidence as it
13 applies to Murder in the Second Degree. If you unanimously agree
14 that the defendant is guilty of Murder in the Second Degree, you
15 should sign the appropriate Verdict form and ask the bailiff to
16 return you to court.

17 If you can not unanimously agree that the defendant is
18 guilty of Murder in the Second Degree, then you should examine the
19 evidence as it applies to Voluntary Manslaughter. If you unanimously
20 agree that the defendant is guilty of the crime of Voluntary
21 Manslaughter, you should sign the appropriate Verdict form and
22 request the bailiff to return you to court.

23 If you can not unanimously agree that the defendant is
24 guilty of Voluntary Manslaughter, then you should examine the
25 evidence as it applies to Involuntary Manslaughter. If you
26 unanimously agree that the defendant is guilty of the crime of

1 Involuntary Manslaughter, you should sign the appropriate Verdict
2 form and request the bailiff to return you to court.

3 The defendant, of course, can be found Not Guilty of all
4 the offenses enumerated.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 Instruction No. 29

1 Manslaughter is the unlawful killing of a human being
2 without malice express or implied, and without a mixture of
3 deliberation. Manslaughter may be voluntary, upon a sudden heat of
4 passion, caused by a provocation apparently sufficient to make the
5 passion irresistible; or, involuntary, in the commission of the
6 unlawful act, or a lawful act without due caution or circumspection.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Instruction No. 30

1 In cases of voluntary manslaughter, there must be a serious
2 and highly provoking injury inflicted upon the person killing,
3 sufficient to excite an irresistible passion in a reasonable person,
4 or an attempt by the person killed to commit a serious personal
5 injury on the person killing.

6 The killing must be the result of that sudden, violent
7 impulse of passion supposed to be irresistible, for, if there should
8 appear to have been an interval between the assault or provocation
9 given for the killing, sufficient for the voice of reason and
10 humanity to be heard, the killing shall be attributed to deliberate
11 revenge and punished as murder.

12 The heat of passion which will reduce a homicide to
13 manslaughter must be such a passion as naturally would be aroused in
14 the mind of an ordinarily reasonable person in the same
15 circumstances. A defendant is not permitted to set up his own
16 standard of conduct and to justify or excuse himself because his
17 passions were aroused unless the circumstances in which he was placed
18 and the facts that confronted him were such as also would have
19 aroused the passion of the ordinarily reasonable man, if likewise
20 situated. The basic inquiry is whether or not, at the time of the
21 killing, the reason of the accused was obscured or disturbed by
22 passion to such an extent as would cause the ordinarily reasonable
23 person of average disposition to act rashly and without deliberation
24 and reflection, and from such passion rather than from judgment.

25
26 Instruction No. 31

1 Involuntary manslaughter is the killing of a human being,
2 without any intent to do so, in the commission of an unlawful act, or
3 in the commission of a lawful act which probably might produce such a
4 consequence in an unlawful manner.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Instruction No. 32

1 If you find the defendant committed the offense charged in
2 this case, you must further determine whether a firearm or other
3 deadly weapon was used during the commission of the offense. You
4 should indicate your finding by checking the appropriate box on the
5 verdict form.

6 The burden is on the State to prove beyond a reasonable
7 doubt that a firearm or other deadly weapon was used during the
8 commission of the offense. However, the State is not required to
9 prove what specific firearm or deadly weapon was used, nor is the
10 State required to produce the subject firearm or deadly weapon at
11 trial.

12 For the purposes of this instruction, a firearm or other
13 deadly weapon is defined as:

14 Any device from which a metallic projectile, including any ball
15 bearing or pellet, may be expelled by means of spring, gas, air or
16 other force; or

17 Any device designed to be used as a weapon from which a
18 projectile may be expelled through the barrel by the force of any
19 explosion or other form of combustion.

20 The State is not required to prove both of the alternative
21 definitions as set forth above. It is sufficient if the State proves
22 any one of the alternative definitions.

1 In regard to Count I of the Information the State has
2 alleged alternative theories of murder as allowed by law.

3 Specifically, the State has alleged:

- 4 1. willful, deliberate, and premeditated murder, or
- 5 2. felony murder.

6 You must unanimously agree that the defendant is guilty of
7 murder based upon one or more of the alternative theories. However,
8 it is not necessary that you unanimously agree upon the specific
9 theory by which the murder was committed.

10 In other words, if six of you agree that a defendant is
11 guilty of willful, deliberate, and premeditated murder, and six of
12 you agree that a defendant committed felony murder, then you may
13 properly find a defendant guilty of murder.

14 The elements of each of these alternative theories of
15 murder are set forth elsewhere in these instructions.

1 Statements of the defendant made during a police interview
2 have been admitted in evidence. Such statements may be confessions,
3 admissions, or neither. If you determine any statement of the
4 defendant made during the interview to be a confession, you must
5 first determine if the statement was voluntarily made.

6 A confession is not voluntary if it was coerced by
7 physical intimidation or psychological pressure such that that the
8 defendant's capacity for self-determination was critically impaired
9 and his will was overborne at the time he or she confessed. Coercive
10 police activity is a necessary predicate to a finding that a
11 confession is not voluntary, and there must be a link between the
12 coercive conduct and the defendant's confession. A confession is not
13 rendered involuntary by moral or psychological pressures to confess
14 emanating from sources other than official coercion.

15 In making a decision about the voluntariness of a
16 confession, you should consider all of the evidence about the
17 confession, including the circumstances under which the defendant may
18 have made it. Factors to be considered in determining whether a
19 confession was voluntary include the youth of the accused; his lack
20 of education or his low intelligence; the lack of any advice of
21 constitutional rights; the length of detention; the repeated and
22 prolonged nature of questioning; and the use of physical punishment
23 such as the deprivation of food or sleep.

24 ///

25 ///

26 ///

1 If you determine a confession of the defendant was not
2 voluntary, you may not consider it for any purpose. If you determine
3 a confession of the defendant was voluntary, you may consider it like
4 any other testimony or evidence in the case.

1 The testimony of only one witness can prove any fact, if you
2 believe it beyond a reasonable doubt.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Instruction No. 36

1 If you find that a witness has been convicted of a felony,
2 you may consider that fact only in evaluating the credibility of the
3 witness's testimony. The fact of a conviction does not necessarily
4 destroy or impair a witness's credibility. It is up to you to decide
5 the weight of that fact and whether that fact makes the witness less
6 believable.

1 The killing of another person in self-defense or defense of
2 others is not a crime.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Instruction No. 38

AA01482

1 The killing of another person in self-defense is justified
2 and not unlawful where the person who does the killing actually and
3 reasonably believes:

4 1. That there is imminent danger that the assailant will
5 either kill him or cause him great bodily injury; and

6 2. That it is absolutely necessary under the circumstances
7 for him to use in self-defense force or means that might cause the
8 death of the other person, for the purpose of avoiding death or great
9 bodily injury to himself.

10 A bare fear of death or great bodily injury is not
11 sufficient to justify a killing. To justify taking the life of
12 another in self-defense, the circumstances must be sufficient to
13 excite the fears of a reasonable person placed in a similar
14 situation. The person killing must act under the influence of those
15 fears alone and not in revenge.

16 An honest but unreasonable belief in the necessity for
17 self-defense does not negate malice and does not reduce the offense
18 from murder to manslaughter.

19 The right of self-defense is not available to an original
20 aggressor, that is a person who has sought a quarrel with the design
21 to force a deadly issue and thus through his fraud, contrivance or
22 fault, to create a real or apparent necessity for making a felonious
23 assault.

24 A person is not required to retreat before using deadly
25 force so long as the person:

26 (1) is not the original aggressor;

1 (2) has a right to be present at the location where deadly
2 force is used; and
3 (3) is not actively engaged in conduct in furtherance of
4 criminal activity at the time deadly force is used.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Instruction No. 39

1 Actual danger is not necessary to justify a killing in self-
2 defense. A person has a right to defend from apparent danger to the
3 same extent as he would from actual danger. The person killing is
4 justified if:

5 1. He is confronted by the appearance of imminent danger
6 which arouses in his mind an honest belief and fear that he is about
7 to be killed or suffer great bodily injury; and

8 2. He acts solely upon these appearances and his fear and
9 actual beliefs; and

10 3. A reasonable person in a similar situation would believe
11 himself to be in like danger.

12 The killing is justified even if it develops afterward that
13 the person killing was mistaken about the extent of the danger.
14
15
16
17
18
19
20
21
22
23
24
25

1 If evidence of self-defense is present, the State must prove
2 beyond a reasonable doubt that the defendant did not act in self-
3 defense. If you find that the State has failed to prove beyond a
4 reasonable doubt that the defendant did not act in self-defense, you
5 must find the defendant not guilty.

1 Whenever death occurs during the perpetration or attempted
2 perpetration of certain felonies, the killing constitutes Murder of
3 the First Degree. The offense of Burglary is such a felony, and
4 therefore a killing which is committed in the perpetration or
5 attempted perpetration of a Burglary is First Degree Murder. This is
6 the felony murder rule.

7 In regard to the felony murder alternative, the State is
8 not required to prove that the killing was committed with malice,
9 premeditation, or deliberation. An unlawful killing of a human being,
10 whether intentional, unintentional, or accidental, which is committed
11 in the perpetration or attempted perpetration of Burglary is first
12 degree murder.

13 Therefore, the elements of felony murder of the first
14 degree, as alleged in this case are:

- 15 1) The defendant did willfully and unlawfully;
- 16 2) perpetrate or attempt to perpetrate the crime of
- 17 Burglary; and
- 18 3) the killing of Jarrod Faust occurred during the
- 19 perpetration or attempted perpetration of the Burglary.

1 For purposes of the felony murder alternative, the elements
2 of the crime of Burglary are:

- 3 1) The defendant did willfully and unlawfully;
4 2) enter into the vehicle of Jarrod Faust;
5 3) with the intent to commit assault or battery or any felony.

1 Specific intent is the intent to accomplish the precise act
2 which the law prohibits. Burglary is a specific intent crime.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Instruction No. 44

1 Entry by breaking or other force is not an element of the
2 offense of burglary. Burglary occurs and is complete when any vehicle
3 is entered with the intent to commit assault, battery or any felony
4 therein, even if entry is made with the consent of the owner, and even
5 if the assault, battery or felony is not committed thereafter.

6 "Entry" of a vehicle includes the entrance of the intruder,
7 or the insertion of any part of his body or of any instrument or
8 weapon held in his hand and used or intended to be used to threaten or
9 intimidate a person, or to detach or remove property. An entry is
10 complete when any portion of the intruder's body, or any instrument or
11 weapon held by the intruder and used or intended to intimidate a
12 person or remove property, penetrates the space within the vehicle's
13 outer boundary. Even the slightest penetration into a vehicle will
14 suffice to support a burglary.

15 "Assault" means:

- 16 1. Intentionally placing another person in reasonable
17 apprehension of immediate bodily harm; or
- 18 2. Unlawfully attempting to use physical force against another
19 person.

20
21 "Battery" consists of any willful and unlawful use of force or
22 violence upon the person of another.
23
24

25
26 Instruction No. 45

1 As applied to Felony Murder, the term "perpetration"
2 includes not only the acts that constitute the elements Burglary, but
3 also encompasses acts beyond the statutory elements of that felony to
4 include all acts following and connected to the crimes that form in
5 Burglary a part of the same occurrence. Thus, the "perpetration" of a
6 Burglary does not end the moment all of the statutory elements of the
7 felony are complete. Instead, the duration of felony-murder liability
8 can extend beyond the termination of the felony itself if the killing
9 and the felony are part of one continuous transaction.

10 Therefore, when a killing takes place in the course of an
11 unbroken chain of events flowing from the initial attempted or
12 completed Burglary, it has been committed in the perpetration of the
13 Burglary.

1 An "attempt" is an act done with the intent to commit a
2 crime, and tending, but failing to accomplish it. As it pertains to
3 felony murder, the elements of attempted burglary are the following:

- 4 1) The defendant intended to commit burglary;
- 5 2) The defendant performed some act toward the commission
6 of burglary; and
- 7 3) The defendant failed to consummate commission of
8 burglary.

9 Mere preparation to commit a crime, such as by devising or
10 arranging the means necessary for the commission of the offense, is
11 insufficient to constitute an attempt. The act done must be a direct
12 step or movement toward the present commission of the crime, although
13 it need not amount to the commission of an actual element of the
14 crime. When the intent to commit the crime is clearly shown, there
15 need only be slight acts in furtherance of the crime to constitute an
16 attempt.

1 Transcripts of witness trial testimony are not available.
2 However, in the event the jury believes a readback of a portion of a
3 witness's testimony is important to their deliberations, the Court
4 may direct a return to the courtroom and have the court reporter read
5 such portions to the jury.

6 This process is time consuming, and the jury would need to
7 identify by separate note the name of the witness, whether the
8 testimony was given on direct or cross examination, and which
9 particular area they would like to hear again.

10 The jury is encouraged to rely on their memory and any
11 notes they have taken during trial.

1 Upon retiring to the jury room you will select one of your
2 number to act as foreperson, who will preside over your deliberations
3 and who will sign a verdict to which you agree.

4 When all twelve (12) of you have agreed upon a verdict, the
5 foreperson should sign and date the same and request the Bailiff to
6 return you to court.

7
8 

9 BARRY L. BRESLOW
10 DISTRICT JUDGE
11
12
13
14
15
16
17
18
19
20
21
22
23
24

25 Instruction No. 49
26

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAYNE MICHAEL CAMERON,

Appellant.

v.

STATE OF NEVADA,

Respondent.

Case No. 83531

APPELLANT'S APPENDIX
VOLUME VII

**APPEAL FROM JUDGMENT OF CONVICTION AND
SENTENCING**

SECOND JUDICIAL DISTRICT
STATE OF NEVADA

The Honorable Barry Breslow, presiding

Richard F. Cornell, Esq.
RICHARD F. CORNELL, P.C.
150 Ridge Street, Second Floor
Reno, Nevada 89501
775/329-1141
richardcornell1553@gmail.com
Attorneys for Appellant

Washoe Co. District Attorney
Appellate Division
1 South Sierra Street, 7th Floor
Reno, Nevada 89501
775/337-5700
jnoble@da.washoecounty.us
Attorneys for Respondent

INDEX TO APPELLANT'S APPENDIX
WAYNE MICHAEL CAMERON V. STATE OF NEVADA
No. 83531

| NO | DESCRIPTION | DATE | PAGES |
|-----------|--|-------------|--------------|
| | VOLUME I | | |
| 1 | Information | 11/09/2020 | 00001-00006 |
| 2 | Motion to Admit Other Acts Evidence: Road Rage | 02/03/2021 | 00007-00037 |
| 3 | Motion to Admit Other Acts Evidence: Shootings | 02/03/2021 | 00038-00048 |
| 4 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Road Rage | 02/09/2021 | 00049-00055 |
| 5 | Defendant Wayne Cameron's Opposition to State's Motion to Admit Other Acts Evidence: Shooting | 02/09/2021 | 00056-00060 |
| 6 | Reply in Support of Motion to Admit Other Acts Evidence: Road Rage | 02/16/2021 | 00061-00066 |
| 7 | Reply in Support of Motion to Admit Other Act Evidence: Shootings | 02/16/2021 | 00067-00069 |
| 8 | Transcript of Proceedings, Motions Hearing | 06/02/2021 | 00070-00140 |
| 9 | Order on Pre-Trial Motions | 06/04/2021 | 00141-00148 |
| 10 | Transcript of Proceedings, Trial Day II | 06/29/2021 | 00149-00249 |
| | VOLUME II | | |
| 10 | Cont'd. Transcript of Proceedings, Trial Day II | 06/29/2021 | 00250-00369 |
| 11 | Transcript of Proceedings, Trial Day III | 06/30/2021 | 00370-00499 |
| | VOLUME III | | |
| 11 | Cont'd Transcript of Proceedings, Trial Day III | 06/30/2021 | 00500-00613 |
| 12 | Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00614-00749 |

| | | | |
|----|--|------------|-------------|
| | VOLUME IV | | |
| 12 | Cont'd. Transcript of Proceedings, Trial Day IV | 07/01/2021 | 00750-00818 |
| 13 | Transcript of Proceedings, Trial Day V | 07/02/2021 | 00819-00896 |
| 14 | Transcript of Proceedings, Trial Day VI | 07/06/2021 | 00897-00999 |
| | VOLUME V | | |
| 14 | Cont'd. Transcript of Proceedings, Trial Day VI | 07/06/2021 | 01000-01130 |
| 15 | Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01131-01249 |
| | VOLUME VI | | |
| 15 | Cont'd. Transcript of Proceedings, Trial Day VII | 07/07/2021 | 01250-01265 |
| 16 | Transcript of Proceedings, Trial Day VIII | 07/08/2021 | 01266-01339 |
| 17 | Transcript of Proceedings, Trial Day IX | 07/09/2021 | 01340-01440 |
| 18 | Jury Instruction, Guilt Phase | 07/09/2021 | 01441-01494 |
| | VOLUME VII | | |
| 19 | Verdict | 07/09/2021 | 01495-01496 |
| 20 | Transcript of Proceedings, Sentencing | 07/12/2021 | 01497-01602 |
| 21 | Jury Instructions, Penalty Hearing | 07/12/2021 | 01603-01612 |
| 22 | Life Without Parole Verdict | 07/12/2021 | 01613 |
| 23 | Judgment of Conviction | 09/09/2021 | 01614-01615 |
| 24 | Notice of Appeal to the Nevada Supreme Court | 09/16/2021 | 01616-01618 |

1
2
3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR20-3534

11 v.

Dept. No. D08

12 WAYNE MICHAEL CAMERON,

13 Defendant.
14 _____/

15 VERDICT

16 We, the jury in the above-entitled case, find the Defendant
17 WAYNE MICHAEL CAMERON, as follows:

18 **COUNT I. MURDER WITH THE USE OF A DEADLY WEAPON**

19 *(please check the appropriate box, select only one)*

- 20 ☒ Guilty of FIRST DEGREE MURDER
21 ☐ Guilty of SECOND DEGREE MURDER
22 ☐ Guilty of VOLUNTARY MANSLAUGHTER
23 ☐ Guilty of INVOLUNTARY MANSLAUGHTER
24 ☐ Not Guilty
25

26 ///

1 If you find the defendant guilty of any of the foregoing
2 offenses, please proceed to Question 1.

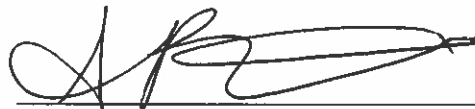
3
4 Question 1. Was a deadly weapon used in the commission of
5 the offense?

6 **(please check the appropriate box, select only one)**

7 ☒ Yes

8 ☐ No

9
10 DATED this 9 day of July, 2021.

11
12 

13 FOREPERSON

1 4185

2

3

4

5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7

IN AND FOR THE COUNTY OF WASHOE

8

HONORABLE BARRY L. BRESLOW

9

THE STATE OF NEVADA,

10

Plaintiff,

11

vs.

Case No. CR20-3534

12

WAYNE CAMERON,

Department No. 8

13

Defendant.

14

-----/

15

TRANSCRIPT OF PROCEEDINGS

Sentencing

16

July 12, 2021

17

APPEARANCES:

18

For the State:

Amos Stege

Deputy District Attorney

19

1 South Sierra Street

Reno, Nevada

20

For the Defendant:

Marc Picker

Alternate Public Defender

21

Jenna Garcia

Deputy Alternate Public Defender

22

350 South Center Street

Reno, Nevada

23

24

Reported by:

Isolde Zihn, CCR #87

| | | | | | |
|----|------------------------|--------------------|-------|-------------|---------|
| 1 | | INDEX | | | |
| 2 | STATE'S WITNESSES: | Direct | Cross | Redirect | Recross |
| 3 | Dave Nevills | 20 | 27 | 28 | |
| 4 | Jeffrey Ardito | 30 | | | |
| 5 | Jordyn Faust | 50 | | | |
| 6 | Ashley Faust | 56 | | | |
| 7 | Karen Faust | 64 | | | |
| 8 | | | | | |
| 9 | DEFENDANT'S WITNESSES: | | | | |
| 10 | Vicki Cameron | 38 | 40 | | |
| 11 | Randy Tholl | 42 | 44 | | |
| 12 | | | | | |
| 13 | EXHIBITS: | For identification | | In evidence | |
| 14 | 91 | 23 | | 48 | |
| 15 | | | | | |
| 16 | | | | | |
| 17 | | | | | |
| 18 | | | | | |
| 19 | | | | | |
| 20 | | | | | |
| 21 | | | | | |
| 22 | | | | | |
| 23 | | | | | |
| 24 | | | | | |

1 RENO, NEVADA, MONDAY, JULY 12, 2021, 8:50 A.M.

2 (The following proceedings

3 were had without the presence

4 of the jury:)

5 THE COURT: Good morning, everyone.

6 Thank you.

7 Please be seated.

8 Okay. We are on the record outside the presence of

9 the jury in the penalty phase hearing in the case of State of

10 Nevada versus Wayne Michael Cameron.

11 The Court acknowledges the presence of the

12 prosecutor, defense team, and Mr. Cameron.

13 At this point, outside the presence of the jury, I

14 want to go over and settle the brief packet of jury

15 instructions that the jury will later be charged with.

16 After we settle these, I will have my staff prepare

17 copies of the signed, numbered instructions, and have them

18 available to put on each juror's chair at the recess, after

19 the close of the hearing portion of this process.

20 Does each side have a copy of the latest version?

21 Mr. Stege.

22 MR. STEGE: Yes.

23 THE COURT: All right. Mr. Picker.

24 MR. PICKER: Yes, Your Honor.

1 THE COURT: All right. Let's go through the
2 instructions.
3 First one, "It is my duty as judge."
4 Any objection, Mr. Stege?
5 MR. STEGE: No.
6 THE COURT: Any objection, Mr. Picker?
7 MR. PICKER: No, Your Honor.
8 THE COURT: That will be number 1.
9 Number 2, "If in these instructions."
10 Any objection, Mr. Stege?
11 MR. STEGE: No.
12 THE COURT: Any objection, Mr. Picker?
13 MR. PICKER: No, Your Honor.
14 THE COURT: Number 3, "You have found the defendant
15 in this case to be guilty of murder in the first degree."
16 Any objection to that instruction, Mr. Stege?
17 MR. STEGE: No, Your Honor.
18 THE COURT: Mr. Picker.
19 MR. PICKER: No, Your Honor.
20 THE COURT: Number 4, we have two variations. The
21 only variation is that the first of the two has the fourth
22 paragraph beginning, "Although under certain circumstances."
23 The one behind it does not.
24 Mr. Stege, are you still asking the Court to give the

1 first variation?

2 MR. STEGE: Yes, Your Honor. As I rely on the
3 statements on the previous portion which was on the record,
4 referring to Sonner versus State, in which this instruction
5 was approved.

6 THE COURT: Okay. Mr. Picker.

7 MR. PICKER: Your Honor, we continue to object to 14
8 through 17.

9 THE COURT: All right. The Court has reviewed Sonner
10 versus State. The Court will sustain the objection of the
11 defense, will not give instruction 4 with the fourth
12 paragraph.

13 The Court will initial that one, and indicate to the
14 court clerk it was not given, over objection from the -- the
15 objection was sustained, and it was not given by the Court.
16 Reason being: The Court does not find Sonner versus State
17 binding and, in this case, particularly persuasive. I think
18 it's not necessary, and the Court will not give it.

19 So, number 4 will just have the three paragraphs
20 beginning, "Life imprisonment."

21 Number 5, "Any person who uses."

22 Any objection, Mr. Stege?

23 MR. STEGE: No.

24 THE COURT: Mr. Picker.

1 MR. PICKER: No, Your Honor.
2 THE COURT: Number 6, "The evidence presented."
3 Any objection, Mr. Stege?
4 MR. STEGE: No.
5 THE COURT: Mr. Picker.
6 MR. PICKER: No, Your Honor.
7 THE COURT: Number 7, "Arguments and statements by
8 lawyers are not evidence."
9 Mr. Stege.
10 MR. STEGE: No objection.
11 THE COURT: Mr. Picker.
12 MR. PICKER: No, Your Honor.
13 THE COURT: Okay. Number 8. Well, actually --
14 number 8 will say, "Your verdict as to the sentence to be
15 imposed must be unanimous."
16 Any objection to that?
17 MR. STEGE: No.
18 THE COURT: Edgar, I'm not going to sign this number
19 8 -- or excuse me -- I'm not going to number this 8 because
20 it's got different font. The font needs to be uniform with
21 the rest. So this will be 8.
22 When a new 8 is ready, just come on down, no matter
23 where we are in the process this morning, and hand it to me.
24 I will sign it and give it right back to you.

1 The next instruction, which will be 9, reads, "Now
2 you will listen to the arguments of counsel."
3 Any objection, Mr. Stege?
4 MR. STEGE: No, Your Honor.
5 THE COURT: Mr. Picker.
6 MR. PICKER: No, Your Honor.
7 THE COURT: Number 10 is, "When all 12 of you have
8 agreed," and signed by District Court judge.
9 Again, that font needs to be changed, I think, to the
10 same, so that one, as well, I'm going to hold off on for now.
11 Any objection to the form of number 10?
12 MR. STEGE: No, Your Honor.
13 THE COURT: Mr. Picker.
14 MR. PICKER: No, Your Honor.
15 THE COURT: Edgar, same thing. 8 and 10 both need to
16 be changed.
17 All right. And the three verdict forms.
18 First, "Life without parole."
19 Second one, "Life with the possibility of parole
20 after 20 years."
21 Third one, the term of 50 years, parole eligible
22 after 20 years.
23 Mr. Stege, any objection to the form of those verdict
24 forms?

1 MR. STEGE: No, Your Honor.
2 THE COURT: Mr. Picker.
3 MR. PICKER: No, Your Honor.
4 THE COURT: All right. Thank you.
5 Are there any others that the State wishes to offer
6 at this time?
7 MR. STEGE: No, Your Honor. Thank you.
8 THE COURT: Mr. Picker, any others from the defense?
9 MR. PICKER: No. Thank you, Your Honor.
10 THE COURT: All right. Thank you.
11 All right. Any reason we should not call the jury at
12 this time, Mr. Stege?
13 MR. STEGE: I believe Mr. Picker wanted to lay a
14 record on some of the exhibits.
15 THE COURT: All right. Go ahead, Mr. Picker.
16 MR. PICKER: Thank you, Your Honor.
17 We are going to object to any evidence and/or
18 testimony regarding the uncharged shootings.
19 I'm basing that upon a trio of cases, starting with
20 Denson -- D-e-n-s-o-n -- versus State, 112 Nevada 489, a 1996
21 case, in which the Supreme Court held that highly suspect and
22 impalpable evidence is not appropriate to be relied upon by
23 the Court.
24 That decision has been cited in a number of cases,

1 most recently in Taylor versus State, 472 Pacific 3d 195.
2 This is an unpublished disposition, but under Nevada Rules of
3 Appellate Procedure Rule 36 (c), it can be cited to in that,
4 again, the Court held that such evidence that is highly
5 suspect and impalpable must not be relied upon in the course
6 of making a sentencing decision.

7 The same was affirmed by the Nevada Supreme Court in
8 another unpublished opinion, being Davis versus State, which
9 was a June 11th, 2021 case.

10 Your Honor, those are the cases we relied upon.

11 THE COURT: Thank you.

12 Response, Mr. Stege.

13 MR. STEGE: I agree, generally, that that is the
14 standard. The legal standard is: highly suspect or
15 impalpable. That is a standard at the extreme of legal
16 standards that allows for virtually anything to be
17 admissible, as we know from doing our general sentencings
18 that do not occur in front of a jury.

19 This issue has been placed directly in front of the
20 defense for some time now. And, so, on that very high
21 standard that these shootings are tied to the defendant,
22 connected to the defendant, do not meet that threshold where
23 they would be excluded under this standard.

24 I would point to Mason versus State, citing the same

1 legal principle, but they indicate, as they've explained
2 before, "Evidence of unrelated offenses for which a defendant
3 has not been convicted is admissible at a penalty phase,
4 unless it is dubious or tenuous." And then going on to
5 say -- cite the standard: highly suspect or impalpable. And
6 as a result, the Court ought not to exclude the evidence.

7 THE COURT: Based on what the Court learned the issue
8 was in prior proceedings in this case, obviously, as opposed
9 to when somebody is just about to testify today.

10 MR. STEGE: Correct. And I'm not referring to the
11 motion work that was completed.

12 THE COURT: Thank you.

13 Mr. Picker, final thought.

14 MR. PICKER: Final thought, Your Honor, or the only
15 final thought is, we would refer you to the case law that we
16 provided when we argued, and that information was excluded
17 from trial.

18 THE COURT: All right. So, as we all know, different
19 standard for admission into a trial versus at a sentencing
20 hearing like this.

21 Based on the Court's recollection, understanding,
22 review, consideration, and the authorities previously cited,
23 as well as cited again today, over the objection of the
24 defense, the Court will allow at today's hearing testimony or

1 other evidence with respect to uncharged shootings that the
2 State would attempt to attribute to the defendant here. The
3 Court finds such evidence not to be highly suspect or
4 impalpable; and, therefore, the objection raised by the
5 defense is overruled.

6 All right. Anything else at this time, Mr. Picker?

7 MR. PICKER: No. Thank you, Your Honor.

8 THE COURT: All right. Very good.

9 Deputy, please bring the jury into the courtroom.

10 (The following proceedings
11 were had with the presence of
12 the jury:)

13 THE COURT: Okay. Good morning.

14 Welcome back, everyone.

15 Please have a seat.

16 Mr. Stege, will you stipulate all 12 jurors are
17 accounted for?

18 MR. STEGE: They are here, yes.

19 THE COURT: Mr. Picker.

20 MR. PICKER: Yes, Your Honor.

21 THE COURT: All right. Thank you.

22 Ladies and gentlemen, as mentioned last week, your
23 work here is not complete. That's why you're back here this
24 morning.

1 The State will in a moment begin its position with
2 respect to what it is asking you to consider by way of a fair
3 sentence, followed by the defense, and then the State has the
4 opportunity to be heard last by putting victims on the stand
5 for their thoughts, as allowed by law. After that, we will
6 likely take a short recess.

7 We have finalized the jury instructions. There's a
8 separate set. They're not lengthy. Probably 10, 11 total.
9 Should take the Court about 10 minutes to read them.

10 So, during the break, copies will be placed on your
11 chair. And then, when you get back, the Court will instruct
12 you on the law that you are to apply in your deliberation as
13 to a fair sentence.

14 After you're instructed on the law, as you did on
15 Friday, you will hear then argument again from counsel on how
16 they believe you should apply that law to the circumstances
17 here.

18 After argument, you will retire to the jury room, and
19 you will deliberate, as you did on Friday. The Foreperson
20 then, once all 12 of you have reached the unanimous verdict
21 with respect to sentencing, will indicate that it's time to
22 come back to the courtroom, and your verdict will be read.

23 And you should have your pads, as well, to take
24 notes, if you choose to. If you don't, raise your hand.

1 We'll make sure you have one.

2 At this point, the Court invites the State to proceed
3 with the presentation with respect to sentencing.

4 Mr. Stege, you may go forward.

5 MR. STEGE: Thank you.

6 This is the sentencing proceeding --

7 THE COURT: Excuse me one second.

8 Ladies and gentlemen, as with before, feel free to
9 turn your chairs, if you'd like, turn your neck, whatever
10 makes you most comfortable.

11 Please proceed.

12 MR. STEGE: The sentencing proceedings, there are
13 three options to choose from.

14 Option one, life without parole, the sentence that
15 the State will ask you to impose.

16 Life without parole means you spend the rest of your
17 natural life in prison. The appropriate sentence in this
18 case.

19 Option two, the middle option, that is life with the
20 possibility of parole after 20 years.

21 What is parole? Parole is, under this option, in 20
22 years, the defendant would be seen by the Parole Board, a
23 governing-type body -- government body in the State of
24 Nevada, based on various factors, including how the defendant

1 has behaved himself in prison, other factors that would
2 determine whether to release the defendant.

3 Option three. I will sometimes refer to this as the
4 term of years, the lowest option. Similar in structure to
5 option two, parole eligibility. Now, eligibility only means
6 that the Parole Board may give parole. They don't have to.
7 If you do not get parole, if you never get paroled, you could
8 be released in 50 years.

9 Under option two, if you never get paroled, you could
10 spend the rest of your life in prison.

11 Because the dark side of Wayne Cameron is so
12 well-hidden and so nefarious that we can never know if the
13 defendant will be reformed, only option one is appropriate,
14 in the State's view.

15 I will build in my remarks right now, as well as
16 later when we complete the evidence, on the following
17 transaction during the interview of the defendant. That is,
18 Detective Nevills indicating to the defendant, "There's an
19 old saying that people with true integrity, they're the ones
20 that do the right thing when no one is watching."

21 Later says, "It's easy to do it when everybody is
22 watching."

23 So that's page 813 of the transcript.

24 I will say, as a general principle, you will rely on

1 what you learned in the trial. The previous prohibition on
2 that, the prior road rage incidents, was only for intent.
3 Now you can use it for any purpose. You decide this sentence
4 based on virtually anything you want. The defendant's
5 character: poor character. The circumstances of the
6 crime: terrible. The impact on the victim: immense. All
7 those. Everything is on the table for you to decide what an
8 appropriate sentence is.

9 So there are two prior shootings connected to the
10 defendant. A .40 in his car matches to a shooting. The 9 in
11 his car matches to another shooting; that is, shooting at
12 people's houses in the middle of the night.

13 Let's start with this one. Whoops. PowerPoint
14 games.

15 June 22nd, 2017, 11:08 p.m., at the address of 17010
16 Mountain Blue Bird Drive. That's in the Galena Forest area,
17 far southwest part of Reno. Eight shots fired into a house.
18 .40-caliber casings recovered. One, two, three, four, five,
19 six, seven, eight casings, all .40s. They all match the .40s
20 in this case.

21 Second shooting. So, we know now -- by now we will
22 recognize this area. We know this is the defendant's house
23 on La Paz Court. We know, on October 30th of '18, October
24 30th of '18 -- this is Ms. Mazza's parents' home -- twelve

1 days before a shooting here. 9-millimeter casing. One shot
2 fired into this home, the Tate residence. Casing, a match to
3 the defendant's Glock 17.

4 Easy to do what's right when no one is watching;
5 right? Hard to have integrity in other moments.
6 We have learned about the defendant's character throughout
7 this trial, haven't we?

8 We learned the defendant's character as it relates to
9 his children; right? We learned about how he approached
10 them, about how he sacrificed them for this, for his own
11 selfish reasons.

12 And that he, in this room where truth lives, came in
13 and lied, under oath, lied. His character: poor.
14 His acts: dangerous. Dangerous.

15 The leading proposition, in the State's mind, for a
16 sentencing here, which is, who is at risk from the defendant?
17 Everybody. Everybody who drives and who has the misfortune
18 that Wayne Cameron doesn't like the way they drive. Anybody.

19 Wayne Cameron, when he was arrested, I believe he was
20 52. Add 20 years to that, 72. Can he still drive? Yes.
21 Not worth the risk. Anybody.

22 Who is he also a risk to? Anybody who lives in a
23 house. That's everybody. Everybody.

24 The only way, the surest way to ensure the safety of

1 our community, is life without parole.

2 I will call that "life without" or "life without
3 parole" during my -- it's a shorthand that I will use.

4 There will also be a portion of this trial where we
5 will hear victim-impact testimony. That is, we have not
6 learned -- we don't know that much about Jarrod Faust, to
7 date. You will hear. His family is here today.

8 His two sisters will take the stand, testify about
9 how -- we'll learn about Jarrod's life, his relationships,
10 how his loss has affected them, and not only their family,
11 but sort of the community, their community of friends.

12 We'll hear from Karen Faust, Jarrod's mother, who
13 will talk about Jarrod and his life and how profoundly his
14 loss has impacted them.

15 The State will ask at the conclusion of all of this
16 evidence that the motive of the defendant, the -- his
17 character, the facts and circumstances of this case, cry out
18 for nothing less than life without parole.

19 Thank you.

20 THE COURT: Ms. Garcia.

21 MS. GARCIA: Thank you.

22 You've spent the last two weeks listening to all the
23 details about the night of February 11th. The night when
24 Jarrod Faust lost his life, many, many lives were horribly

1 altered.

2 After listening to all the facts, you applied them to
3 the law, and you made a legal determination. You determined
4 that Wayne Cameron was guilty of first-degree murder.

5 Today you're being asked to do something very
6 different. You're not being asked to apply law and facts.
7 Rather, you're being asked to determine a sentence, a
8 sentence that is just and appropriate under the
9 circumstances.

10 A just and appropriate sentence must take into
11 account many factors, not just what's the appropriate
12 punishment for the crime, but also the defendant, as a whole.

13 The prosecutor has told you only that Mr. Cameron is
14 a bad person. Today we're going to offer you some facts
15 about the good parts of Mr. Cameron's life. Those should be
16 taken into account when determining a just and appropriate
17 sentence.

18 We submit to you that life with the possibility of
19 parole is the appropriate sentence in this case.

20 The prosecutor told you 20 years, and then that would
21 be too dangerous to have Mr. Cameron on the streets.

22 The truth of the matter is, ladies and gentlemen,
23 it's 20 years enhanced by a weapon. He's not going to be in
24 front of the Parole Board in 20 years. That's not true. You

1 need to take that into consideration.

2 But we are submitting that at some point, at some
3 point in his life, Mr. Cameron should be able to go in front
4 of that Parole Board, which will take into consideration all
5 the facts of this case, on top of his performance over the
6 past 20-plus years, and will make a determination.

7 We submit to you that, given all the facts and
8 circumstances of Mr. Cameron's life and this case, that that
9 is the appropriate sentence.

10 Thank you.

11 THE COURT: Thank you.

12 Mr. Stege, you may proceed.

13 MR. STEGE: I would call Detective Nevills, please.

14 THE COURT: Thank you.

15 Detective Nevills, welcome back.

16 Please have a seat.

17 And as before, if you could slide in, adjust the
18 microphone, speak very closely to it.

19 Please state your name for the record.

20 THE WITNESS: Dave Nevills --

21 THE COURT: Thank you. Sorry. Go ahead.

22 THE DEFENDANT: Spelling of the last name is
23 N-e-v-i-l-l-s.

24 THE COURT: Thank you very much.

1 Mr. Stege, you may proceed.

2 MR. STEGE: Thank you.

3 DAVE NEVILLS,

4 called as a witness on behalf of the State,

5 first having been duly sworn,

6 was examined and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. STEGE:

9 Q. Detective Nevills, I want to talk to you about two
10 prior shootings that have been linked to the defendant. Can
11 you please outline the one that bears Washoe County case
12 17-3384.

13 A. Yes. That occurred at -- on June 22nd, 2017, about
14 11:08 p.m. The address is 17010 Mountain Blue Bird. That's
15 the Lang residence.

16 On that particular night, Brian Lang and his son,
17 Brooks Lang, were inside the residence. Brian was watching a
18 television show which had gunfire in it. Brooks was playing
19 a video game, which also had gunfire in it.

20 They heard the shots, but at first thought they
21 related to what they were doing. Then, ultimately, there
22 were projectiles coming in the house, and they realized that
23 the house was being shot upon.

24 Q. What happened next?

1 A. After that, once the shots stopped, they called the
2 Washoe County Sheriff's Department, who responded. When
3 deputies got on scene, they discovered eight .40-caliber
4 fired cartridge casings. And they recovered five bullet
5 fragments from inside the residence.

6 A Tricia Schultz, who was in the neighborhood, heard
7 the shots. When she looked out, she saw a mid-sized SUV
8 leaving the area.

9 Q. Was -- were any suspects developed under that case?

10 A. Yes. Deputies questioned Brooks Lang about someone
11 who may have an interest in doing such a thing, and Ethan
12 Cameron was named.

13 Q. Did you -- moving forward, when was it learned that
14 the casings matched the .40-caliber weapon in this case?

15 A. So all fired cartridge casings go to the Washoe
16 County forensic lab, Firearms Division, where they use a
17 system called IBIS or NIBIN to image the fired cartridge
18 casing.

19 Every single weapon, no matter the model, has its own
20 signature as far as the types of marks that it leaves on the
21 casing. The extractor, the ejector, the firing pin and
22 breech face all leave specific marks. Those images are
23 downloaded into NIBIN. It's a national network for that.
24 When those casings were collected, they were imaged, put in

1 NIBIN, which is a storage database.

2 Then when we searched Mr. Cameron's car and
3 discovered those two .40-caliber casings, as well as the one
4 from the murder scene, they were also imaged, put in NIBIN.
5 When they run those to see if there's any other matches, it
6 hits.

7 Q. And, so, during -- during the case work in this case
8 during the murder is when this hit came back, this forensic
9 analysis identifying the .40 to this case?

10 A. Correct.

11 Q. I want to talk to you about Ethan Cameron. Was he
12 later interviewed in relation to this case by you?

13 A. Yes.

14 Q. And did he provide you any evidence about his
15 whereabouts on that day?

16 A. Yes. He provided me a screen shot of his Life360
17 application, which showed his whereabouts.

18 Q. Can you tell us the context of how that came up.

19 A. Pardon?

20 Q. What did he say?

21 A. He said he was -- he was not in the area. He
22 received a text message from Brooks, actually, that night,
23 asking him if he had just shot up his house. He had
24 responded, no, he did not. He wasn't even in the area. And

1 then sent Brooks the screen shot of his Life360 application,
2 his location.

3 (Exhibit 91 was marked for
4 identification.)

5 BY MR. STEGE:

6 Q. And publishing from Exhibit 91, is this the screen
7 shot of Ethan's whereabouts from his Life360?

8 A. Yes.

9 Q. And the location where the shooting happened, that's
10 in the Galena Forest -- correct? -- Galena Forest area?

11 A. Yes.

12 Q. Which is not on this map; correct?

13 A. Correct.

14 Q. Did Ethan further state if he saw where his father
15 was when Brooks had texted him?

16 A. He indicated that he thought that he recalled seeing
17 his father in the area of Mr. Lang's residence at the night
18 of the shooting.

19 Q. Let's continue to the case number bearing 18-5143.

20 A. That occurred at 6144 Mesa Road, also in Washoe
21 County's jurisdiction, October 18th, 2018, at about 2130
22 hours, or 9:30 p.m. That specific resident is Lisa and
23 William Tate.

24 On that particular night, they heard a loud bang.

1 Upon investigation, they didn't really notice anything, until
2 the next morning. The next morning they found a projectile
3 in a window frame below a living room window, and a
4 9-millimeter fired cartridge casing in the street.

5 They telephoned the Washoe County Sheriff's
6 Department, who responded and collected that evidence.

7 Q. And similarly to the .40 matching up to this case,
8 did that 9-mill casing outside the Tate residence match to
9 this case?

10 A. Yes. It matched the fired cartridge casing that we
11 recovered from Mr. Cameron's vehicle.

12 We also collected that Glock 17 9-millimeter from his
13 residence during the search.

14 All firearms that are collected and booked into
15 evidence go to the Firearms Division, the Washoe County
16 Forensics Division, and they do a test-fire at that time.

17 Q. And as a result, that casing is a match to the Glock
18 in this case; correct?

19 A. Correct.

20 Q. Did you -- I don't know if you can see this, but did
21 you see, during my opening remarks, the location of this 6144
22 Mesa Road address?

23 A. Yes. It's right here.

24 Q. And is that -- where is that in relation to the

1 defendant's house?

2 A. Per Google Maps, it's -- or Map Quest, it's only
3 about a two-minute drive.

4 I'm trying to find his house on here.

5 Q. Is it down here, La Paz Court?

6 A. Yes; that's correct.

7 Q. Okay. And the timing of this in relation -- so this
8 was October, you say, 12th, '18?

9 A. October 18th of '18, yes.

10 Q. And the Mazza incident, that was on October 30th of
11 '18; isn't that correct?

12 A. Yes.

13 Q. And Miss Mazza's residence is right here -- or her
14 parents' residence, corner of White Sands and Sedona;
15 correct?

16 A. Correct.

17 Q. Any known or developed explanation or motive as to --
18 or connection between the Tates and Wayne Cameron?

19 A. No connection between the Tates and Wayne Cameron.

20 Q. I want to ask you about around this time frame of
21 the -- that Ethan showed you or forwarded to you that Life360
22 screen shot from that first shooting. Did you listen to a
23 jail call between the defendant and Mr. Cameron -- and
24 Mr. Ethan Cameron?

1 A. Yes.

2 Q. In which an ultimatum was given to -- from Ethan

3 Cameron to Wayne Cameron?

4 A. Yes.

5 Q. Can you tell us about that?

6 A. Ethan basically asked his father to confess to me the

7 crimes that he had committed; and that, if he did not do so,

8 that he was not going to have any further contact with Mr.

9 Cameron.

10 Q. And because the defendant has been in jail since he

11 was arrested, you would know if he's had any contact with

12 Ethan Cameron; is that correct?

13 A. Yes.

14 Q. And has Ethan, pursuant to that ultimatum, continued

15 to not have contact with his father?

16 A. Yes.

17 Q. And that -- doesn't Ethan in that call explain that,

18 "You've always taught us to do the right thing, to own your

19 mistakes, and to be a person of character"?

20 A. Yes.

21 Q. And imploring his father to be a person of character?

22 A. Yes.

23 Q. At the pain of never speaking to his son again.

24 A. Correct.

1 MR. STEGE: Thank you.
2 I'll pass the witness.
3 THE COURT: Questions by the defense.
4 CROSS-EXAMINATION
5 BY MR. PICKER:
6 Q. Mr. Nevills, you said Mr. Cameron was in jail at the
7 time of this phone call between himself and Ethan Cameron?
8 A. Yes.
9 Q. Is there a -- are those phone calls routinely
10 recorded?
11 A. Yes.
12 Q. In fact, there's a warning at the beginning of the
13 phone call telling the person in jail that those phone calls
14 are recorded.
15 A. Correct.
16 Q. And could be subject to review by law enforcement.
17 A. Correct.
18 Q. And, in fact, when he was arrested, he was told at
19 some point his rights under Miranda versus Arizona; correct?
20 A. I did not Mirandize Mr. Cameron.
21 Q. Okay. While Mr. Cameron was incarcerated, was he
22 free to leave?
23 A. When he's in jail at the Washoe County?
24 Q. Yeah.

1 A. No.

2 Q. Was he free to make phone calls that would not be

3 recorded to anybody other than his attorneys?

4 A. No.

5 Q. Had you previously listened to any of Mr. Cameron's

6 phone calls in the 17 months -- let's say 15 months prior to

7 this phone call you just recounted for us?

8 A. I listened to all of them.

9 Q. And you wrote reports on almost all of them, didn't

10 you?

11 A. I couldn't say almost all of them. Several.

12 Q. Okay. And those police reports have been provided in

13 discovery to Mr. Cameron's counsel; is that correct?

14 A. Yes.

15 Q. So if he had read those reports, he would be

16 well-aware that you listened to all his phone calls.

17 A. Yes.

18 Q. Okay.

19 MR. PICKER: Thank you.

20 That's all I have.

21 THE COURT: Anything else, Mr. Stege?

22 MR. STEGE: Yes.

23 REDIRECT EXAMINATION

24 BY MR. STEGE:

1 Q. Did someone else Mirandize the defendant when he was
2 arrested?

3 A. Possibly Allison Jenkins. In fact, I know she did.
4 She is the one who interviewed him after he was taken into
5 custody.

6 Q. Another RPD detective; correct?

7 A. Correct.

8 Q. The defendant's -- well, you said you listened to a
9 lot of the defendant's jail calls; right?

10 A. Yes.

11 Q. Did you listen to any over the weekend?

12 A. Yes.

13 Q. Did you hear the defendant say anything about his
14 views of the make-up of this jury?

15 A. They were not a fair jury of his peers.

16 MR. STEGE: Thank you.

17 THE COURT: Anything else, Mr. Picker?

18 MR. PICKER: Nothing based on that.

19 Thank you, Your Honor.

20 THE COURT: You're welcome.

21 Thank you, Detective. Thank you for your testimony.
22 You may step down.

23 (Witness excused.)

24 THE COURT: Mr. Stege.

1 MR. STEGE: Thank you.
2 Mr. Ardito, please.
3 THE COURT: Good morning, sir.
4 THE WITNESS: Good morning.
5 THE COURT: Please raise your right hand to be sworn.
6 (Witness sworn.)
7 THE COURT: Thank you.
8 Please have a seat and make yourself comfortable,
9 adjust the microphone, slide in close.
10 And if you would kindly state your name, and spell
11 your last name.
12 THE WITNESS: Jeffrey, J-e-f-f-r-e-y, J. Ardito,
13 A-r-d-i-t-o.
14 THE COURT: Thank you very much.
15 Please proceed.
16 JEFFREY J. ARDITO,
17 called as a witness on behalf of the State,
18 first having been duly sworn,
19 was examined and testified as follows:
20 DIRECT EXAMINATION
21 BY MR. STEGE:
22 Q. How are you connected to this case?
23 A. In 1999, I met Jarrod's aunt, called Auntie. We
24 started dating, and eventually we married, and I was his

1 | uncle, in 2002.

2 | Q. Do you have any connection to Wayne Cameron?

3 | A. I do. I've known him since -- for -- well, for
4 | approximately 30 years. In a previous job I had at the
5 | university, where I worked, he was a student athletic
6 | trainer, and we met at that time.

7 | Q. And from that time forward, did you develop a
8 | relationship or have a relationship with Wayne Cameron?

9 | A. Yes. We -- we were friends. We worked together 15
10 | years at Wells Fargo. We would go to events together. He's
11 | been to my house. I've been to his house. Work trips,
12 | several opportunities that we would hang out.

13 | Q. Sort of social activities outside of work?

14 | A. Correct.

15 | Q. In the meantime, you met and married Jarrod's aunt.

16 | A. Correct.

17 | Q. So fair to say you grew up around Jarrod; is that
18 | true?

19 | A. Yes. Like I said, I met Jarrod in about 1999. We
20 | had this immediate connection. We loved sports. We always
21 | talked about sports, particularly football, with his father,
22 | Craig. They even participated in our fantasy football team.
23 | Won it the very first year that they joined it.

24 | We had a lot of connections, primarily around sports.

1 Watching him play as an SYFL football player, Galena High
2 School football player, baseball player, and other.

3 Q. And that fantasy football team that Jarrod and his
4 dad played on, was that like the same team, they shared a
5 team or --

6 A. They shared a team. And Jarrod did most of the work,
7 researching players. And they named their team the Furious
8 Fins, over their love of the Miami Dolphins. No one really
9 understands why, but Miami Dolphins.

10 Q. I want to ask you about a particular series of events
11 after Jarrod died. Can you tell us about what happened in
12 terms of obituaries, news articles, et cetera, on that
13 subject.

14 A. Yes. Jarrod died on February 11th. I believe it was
15 February 14th through the 18th the obituary ran in the Reno
16 Gazette-Journal; maybe other places. Our family and myself
17 was referenced in the obituary that ran. And --

18 Q. Can you back that up? In the obituary, it lists,
19 "Jeff Ardito, uncle of Jarrod"?

20 A. Correct.

21 Q. Was -- did you see if Jarrod was publicly in news
22 articles identified as a victim of the homicide around that
23 time?

24 A. Yes. I believe it -- an article appeared in the Reno

1 Gazette-Journal, as well, once he was identified as the
2 victim.

3 Q. This one here before you, on the 14th of February.

4 A. Yes.

5 Q. Identifying him as a victim of the homicide, and
6 showing a picture of him.

7 A. Yes.

8 Q. Take us forward.

9 A. On approximately -- it was February 27th, I was
10 contacted by Detective Lopez, who wanted to meet with me and
11 ask some questions surrounding the incident.

12 Q. And did you receive any communications from Wayne
13 Cameron before that?

14 A. Yes. The night before, would have been February
15 26th, approximately 11:30. I didn't receive the text till
16 the next morning. I got a fairly random text.

17 I can read it word by word, if I may.

18 Q. Yes, please do.

19 A. The text was at 11:39. It read, "Hey, my brother.
20 I'm dealing with some stress right now, and wanted to reach
21 out to the people I care about. I just wanted you to know I
22 consider you a great friend. Love to chat soon."

23 Q. At this point, you did not -- when you got that text,
24 no idea Wayne Cameron was involved?

1 A. No idea. After I received that text -- you know, I
2 checked my phone in the morning, I don't know, maybe around
3 6:30 -- I read that text. And on my way to work that
4 morning, I actually called him, and I said -- you know, I got
5 his voice mail, left a message -- I said, "Hey, I got this
6 crazy text from you last night. I don't know if you were
7 hacked, or something is up. Give me a call. Let me know
8 what's going on." Never heard from him.

9 Then later that day, the 27th, is -- maybe around
10 11:00 o'clock, I got the call from Detective Lopez wanting to
11 meet with me. And we met at approximately 1:00 o'clock, at
12 my office.

13 Q. And is that when you learned Wayne Cameron was
14 suspected?

15 A. Yes. He was asking me some questions. And it --
16 without coming out and immediately saying he was a suspect,
17 his questioning led me to ask him, "Are you telling me Wayne
18 Cameron is a suspect?" And he confirmed.

19 Q. And so what -- that unique position you're in of
20 knowing the defendant, and loving Jarrod, how did that affect
21 you?

22 A. I kind of slumped in my chair. And, you know, it
23 affected me greatly to hear someone I thought was a friend,
24 you know, somehow connected to this case. I guess my belief

1 was, like, betrayal, is kind of the emotion I was feeling at
2 the time. And, you know, that, on top of the other feelings
3 that I'd been dealing with with the loss of Jarrod, it
4 was -- it was pretty overpowering emotion.

5 Q. And, overall, how has this crime affected you and
6 your -- talk about your family.

7 A. Our family is one that, you know, would get together
8 often, you know, birthdays, holidays, all the regular stuff;
9 but then also just because we care so much and love each
10 other, I mean, we would get together on, you know, on a
11 Tuesday just because.

12 It's been traumatic seeing how it affects, you know,
13 the family. You know, there are just so many events that we
14 would get together with each other and, you know, the one
15 missing link was always Jarrod. He was a staple at these
16 events. He would re-work his work schedule to be there. It
17 was important to him. And we honor him and think about him
18 every time we get together.

19 Q. What was he like?

20 A. Jarrod was great. He had a quirky sense of humor,
21 very dry.

22 A buddy of mine and I, we would play racquetball at
23 the Caughlin Club. Here we are, a couple out-of-shape guys,
24 former athletes, that try to, you know, compete still. And

1 Jarrod often would work at the front desk.

2 One day I remember, after playing racquetball, we
3 came out, and we're sweating profusely after working out.
4 And he goes, "You know, you guys are probably among the top
5 racquetball players at the Caughlin Club."

6 I said, "Really? How many players are there?"
7 And he would kind of smirk and wink, "Four."

8 So he was always quick-witted and dry sense of humor.
9 And just, you know, from the time that I saw him there he was
10 well-liked by all the members of the club, always there to
11 lend a helping hand to whatever your need might be.

12 MR. STEGE: Thank you.

13 THE COURT: Examination by the defense.

14 MR. PICKER: Thank you.

15 No questions.

16 THE COURT: All right. Thank you.

17 Thank you, sir. You may step down.

18 THE WITNESS: Thank you.

19 (Witness excused.)

20 THE COURT: Thank you, Deputy.

21 Mr. Stege.

22 MR. STEGE: I would reserve the victim speakers for
23 after the defense case, so I'm prepared to pass to the
24 defense.

1 THE COURT: Thank you very much.
2 Mr. Picker or Ms. Garcia, you may proceed.
3 MS. GARCIA: Court's indulgence for just one moment.
4 THE COURT: Of course.
5 MS. GARCIA: We're going to be calling Vicki Lynn
6 Cameron.
7 Does someone want to get her? She's in the hallway.
8 THE COURT: Deputy, would you please ask her to come
9 in.
10 Good morning, ma'am.
11 (Witness sworn.)
12 THE COURT: Thank you so much.
13 Please have a seat up there at the witness stand.
14 When we cleaned, the chair swung around, facing the
15 wall. But, of course, turn it the other way. Make yourself
16 comfortable, ma'am. Slide in. If you would kindly adjust
17 the microphone down. And, please, if you would take your
18 mask off, so we can see and hear you better.
19 And when you're ready, speak really close to it, and
20 then please tell us your name.
21 THE WITNESS: Vicki, V-i-c-k-i, Cameron,
22 C-a-m-e-r-o-n.
23 THE COURT: Thank you, Ms. Cameron.
24 You may proceed, Ms. Garcia.

1 MS. GARCIA: Thank you.

2 VICKI CAMERON,

3 called as a witness on behalf of the Defendant,

4 first having been duly sworn,

5 was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MS. GARCIA:

8 Q. Miss Cameron, do you know Wayne Cameron?

9 A. Yes, I do.

10 Q. How do you know him?

11 A. I am very proud to be his aunt.

12 Q. What would you like the jury to know about Wayne
13 Cameron?

14 A. The things I know about Wayne are that he has always
15 been a good, kind, and loving person; not only to myself, but
16 to his children, and his parents, and his brother.

17 I've always known him to be of good character. He
18 has surrounded himself with friends of good character.

19 He has always been civic-minded, participating with
20 the Wolf Pack Booster Club, other charity events.

21 He's always participated in things such as the
22 Incline Village Follies, which is a charity event, and golf
23 tournaments that are charity events. I've always known him
24 to be a very charitable man.

1 Q. Do you have a good relationship with Mr. Cameron?
2 A. Yes, I do.
3 Q. Can you tell us a little bit about that.
4 A. Well, our birthdays are one day apart, so over most
5 of his life -- well, actually all of his life, we have pretty
6 much made an opportunity to spend time together to celebrate
7 that; more so when he was younger, and I was much younger.
8 But, yes.
9 We have been on trips together. We have spent
10 holidays together. Not only myself, but my son and my
11 granddaughter. And he's always been, again, a kind, caring,
12 charitable individual.
13 Q. Miss Cameron, you've sat through the last two weeks
14 of this trial; right?
15 A. Yes. The worst two weeks of my life.
16 Q. So you are well-aware of why we're here.
17 A. Yes, I am.
18 Q. And you're still here to support and show love to Mr.
19 Cameron?
20 A. Absolutely.
21 MS. GARCIA: I don't have anything further.
22 THE COURT: Thank you.
23 Mr. Stege, any questions for Ms. Cameron?
24 MR. STEGE: Yes, ma'am.

1 Thank you.

2 CROSS-EXAMINATION

3 BY MR. STEGE:

4 Q. So, naturally, ma'am, you've been in a position to
5 see how this case has affected Wayne's family; correct?

6 A. Yes. I'm part of that family.

7 Q. Including his children; correct?

8 A. I think there have been other influences on his
9 children besides what's going on. Yes.

10 Q. Besides the murder, what else is influencing?

11 A. I believe he's been -- his children have been misled
12 in many ways by outside influences.

13 Q. Would you agree that the defendant misled the jury in
14 this case?

15 A. No.

16 Q. Would you agree that he misled the detectives in his
17 interview?

18 A. I believe the detectives misled him in letting him
19 speak to a representative.

20 Q. And I want to ask you. Who is -- you say it's been
21 someone's worst two weeks of their life. Who?

22 A. Worst two weeks of my life, is what I said, sir.

23 Q. Of yours. Okay.

24 MR. STEGE: Thank you.

1 No further questions.

2 MS. GARCIA: Nothing based on that.

3 THE COURT: Thank you very much, Ms. Cameron.

4 THE WITNESS: Thank you.

5 (Witness excused.)

6 THE COURT: Ms. Garcia.

7 MS. GARCIA: The defense would call Randy Tholl.

8 THE COURT: Thank you.

9 Good morning, sir.

10 THE WITNESS: Good morning.

11 How are you?

12 THE COURT: Good.

13 (Witness sworn.)

14 THE COURT: Please have a seat.

15 THE WITNESS: Thank you.

16 THE COURT: And if you would please slide in. You

17 can adjust the microphone up a little bit. And speak fairly

18 closely to it.

19 If you would please state your name, and spell your

20 last name.

21 THE WITNESS: Yes, sir.

22 Randy Tholl, T-h-o-l-l.

23 THE COURT: Thank you very much.

24 Ms. Garcia, you may proceed.

1 RANDY THOLL,
2 called as a witness on behalf of the Defendant,
3 first having been duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MS. GARCIA:
7 Q. Good morning, Mr. Tholl.
8 A. Good morning.
9 Q. Do you know Wayne Cameron?
10 A. I do, yes.
11 Q. How do you know Wayne Cameron?
12 A. We've been friends about 10 years, and work together.
13 Q. What would you like this jury to know about Wayne
14 Cameron?
15 A. You know, a lot of times I think, in an incident like
16 this, things are -- people try to make the worst out of
17 everything.
18 Wayne is generally a -- you know, he coached youth
19 sports. He supported UNR. Currently, I didn't even know --
20 I talked to him yesterday -- he is actually mentoring some of
21 the kids coming into the jail now, so that they are making
22 better choices and better influences.
23 He understands where he's going and what's happening,
24 but he's trying to make it so it's better for somebody else

1 going through this. And, you know, knowing what he's up
2 against, and to be able to give back still to the community
3 is -- I think, shows a lot of character.

4 Q. How long have you and Mr. Cameron been friends?

5 A. About 10 years.

6 Q. And how did you guys meet?

7 A. At Wells Fargo. When I started at Wells Fargo, he
8 was one of my mentors.

9 Q. Mr. Tholl, you've had an opportunity to watch some of
10 the proceedings in this trial?

11 A. Yes. The last couple days.

12 Q. So you know why we're here and what's happening.

13 A. Yes, ma'am.

14 Q. Despite that, you're still taking the stand in
15 support of your friend, Wayne Cameron?

16 A. Yes.

17 Q. Why?

18 A. Because he's my friend.

19 Jeff Ardito is also my friend. And if roles were
20 reversed, I would stand behind him, as well.

21 And my sincere condolences, Jeff, to you and all of
22 your family. This is something terrible that, you know, your
23 entire family have had to go through. And from the bottom of
24 my heart, you have my sincere condolences.

1 MS. GARCIA: I don't have anything further for this
2 witness.
3 THE COURT: Mr. Stege.
4 CROSS-EXAMINATION
5 BY MR. STEGE:
6 Q. Do you agree with the proposition that, a person with
7 character, it's easy to do the right thing when people are
8 watching?
9 A. It's always easy to do the right thing when people
10 are watching.
11 MR. STEGE: Nothing further.
12 MS. GARCIA: Nothing, Your Honor.
13 THE COURT: Okay. Mr. Tholl, thank you very much for
14 your time and your words this morning.
15 You may step down.
16 THE WITNESS: Thank you.
17 (Witness excused.)
18 THE COURT: Thank you, Deputy.
19 Ms. Garcia.
20 MS. GARCIA: Your Honor, at this time, we don't have
21 any further witnesses, and I would just make argument.
22 THE COURT: Okay. Would Mr. Cameron like to make a
23 statement in allocution?
24 MS. GARCIA: Your Honor, at this time, Mr. Cameron

1 will exercise his right to allocute.

2 THE COURT: Okay. Mr. Cameron, you may stand up.

3 You can address everyone from right there. Please
4 take your mask off.

5 Ladies and gentlemen, please direct your attention to
6 Mr. Cameron.

7 And one moment, sir.

8 Okay. Please proceed. Go right ahead.

9 THE DEFENDANT: First of all, to Jarrod's family.
10 I'm truly sorry that these hands took the life of a son, a
11 brother, a nephew, a few friends of mine, a cousin, a friend,
12 among others.

13 I know how much families love each other. I know how
14 much parents love their kids. My kids mean the world to me.
15 I can't even imagine what you're going through. It breaks my
16 heart.

17 One thing I've always said -- this goes 30 years --
18 no parent should ever have to bury a child.

19 I'm so sorry to be a part of that. So sorry.

20 I know these words coming from me don't mean a lot at
21 this point. I still wanted to say that I've been sorry since
22 the day I learned of the death, to be part of that.

23 I also want to say to my family and friends, thank
24 you for being there for me. I love each and every one of

1 you.

2 Thank you for letting me speak.

3 Love you.

4 THE COURT: Thank you, Mr. Cameron.

5 You may have a seat, sir.

6 So, at this point, I'm not entirely sure. Does the

7 Court hear argument from the defense, followed by victim

8 statement and argument from the State, or do the victims --

9 are they heard next, and then the defense makes argument, and

10 then the State?

11

12 A. Mr. Stege.

13 MR. STEGE: Perhaps counsel and I should confer

14 briefly.

15 THE COURT: All right. Let's do this. I think --

16 even though we haven't gone too long, I think we're going to

17 take a very brief recess, 15 minutes.

18 Ladies and gentlemen, during the 15-minute recess, it

19 is your duty not to discuss or communicate with anyone,

20 including fellow jurors, in any way regarding this case or

21 its merits, including by phone, voice, e-mail, text, internet

22 or other means, or social media. Do not read, watch or

23 listen to any news or media accounts or commentary about the

24 case. Do not do any research. Do not surf the internet, use

1 any reference materials, make an investigation, test a theory
2 of the case, re-create any aspect of the case, or in any
3 other way attempt to learn about the case on your own.

4 Additionally, it is your duty not to form nor express
5 any opinions with respect to sentencing on this matter until
6 the matter is submitted to you shortly for deliberation.

7 Please rise for the jury.

8 Court will be in recess for 15 minutes.

9 (Recess.)

10 (The following proceedings
11 were had without the presence
12 of the jury:)

13 THE COURT: Thank you.

14 Please be seated.

15 Okay. We're back on the record.

16 The Court acknowledges the presence of the
17 prosecutor, defense team, and Mr. Cameron.

18 We had an opportunity for counsel to have a
19 discussion with respect to the logistics of what happens
20 next.

21 Mr. Stege, why don't you tell me, please, what you
22 believe the Court should do.

23 And then Mr. Picker or Ms. Garcia.

24 Mr. Stege.

1 MR. STEGE: I think we both agree for this case that
2 we'll hear victim-impact statements now and then argue the
3 case.

4 THE COURT: All right. Ms. Garcia, is that correct?

5 MS. GARCIA: Yes, Your Honor.

6 THE COURT: Very good. Thank you very much.
7 Deputy, please bring the jury back in.
8 All rise for the jury.

9 MR. STEGE: Yes, Your Honor.

10 Exhibit 91 contains all the sentencing exhibits I
11 have been publishing from.

12 THE COURT: Okay. Is there objection to their being
13 admitted?

14 MR. PICKER: None, other than what was previously
15 stated.

16 THE COURT: All right. So noted.
17 They're admitted.

18 (Exhibit 91 was admitted into
19 evidence.)
20 (The following proceedings were
21 had with the presence of the
22 jury:)

23 THE COURT: Welcome back, everyone.
24 Please be seated.

1 || Mr. Stege, stipulate all 12 are present?

2 MR. STEGE: Yes.

3 THE COURT: Mr. Picker.

4 MR. PICKER: Yes. Thank you, Your Honor.

5 THE COURT: Thank you.

6 Ladies and gentlemen, what happens next is, Mr. Stege
7 will call people who would like to make victim-impact
8 statements. After that, both the State and the defense will
9 make argument on what they believe -- what they're asking the
10 jury to do.

11 Mr. Stege, you may proceed.

12 MR. STEGE: Jordyn Faust, please.

13 THE COURT: Good morning.

14 Please raise your right hand to be sworn.

15 (Witness sworn.)

16 THE COURT: Thank you.

17 Please slide in, adjust the microphone.

```
18      State your name.
```

19 THE WITNESS: Jordyn Faust.

20 THE COURT: And then, at this point, Mr. Stege, you
21 may proceed.

1 JORDYN FAUST,
2 called as a witness on behalf of the State,
3 first having been duly sworn,
4 was examined and testified as follows:
5 DIRECT EXAMINATION
6 BY MR. STEGE:
7 Q. How are you related to Jarrod?
8 A. Jarrod was my older brother.
9 Q. How many years apart were you?
10 A. Just over one.
11 Q. And can you tell us about how this crime has impacted
12 you.
13 THE COURT: It looks like you brought something up to
14 the stand.
15 THE WITNESS: I did.
16 THE COURT: Sometimes people have written down notes,
17 and they read them into the record in lieu of direct
18 response, or they can have them there and just respond from
19 whatever you'd like to say. You know, it's generally one or
20 the other, but there's a little bit of leeway there.
21 Obviously, a difficult situation, but whichever way you'd
22 like to approach it.
23 Go ahead.
24

1 BY MR. STEGE:

2 Q. Would you like to read your statement, or do you want
3 me to ask you questions?

4 A. Can I read it?

5 Q. Yes. And perhaps if you could -- you're kind of
6 turning away from the mic. Maybe put the statement in front
7 of you.

8 THE COURT: And do us a favor. When you read, if you
9 could go very slowly, because it's being taken down by the
10 court reporter. And speak as loudly as you can, please.

11 THE WITNESS: "I referred to my brother as J. Furry.
12 It was a joke that started, when he was about 17 years old,
13 him and his friend made a rap song, and his rap name was J.
14 Fury. So, as a typical little sister, I decided to call him
15 J. Furry, which was something he found pretty annoying. But
16 I loved it because I thought it was funny. And so I referred
17 to him as J. Furry for over a decade. And it's now tattooed
18 on my finger, so every time I look down I can see it and be
19 reminded of him.

20 "Every Christmas Eve we would watch "The Grinch." It
21 was a tradition that him and I had every year for about eight
22 or nine years. This last Christmas was the first Christmas I
23 had without him, and I couldn't bring myself to watch it.

24 "I miss all the pranks we used to play on each other,

1 all the inside jokes we used to have, and all the
2 impersonations he used to do to try and make me laugh and
3 feel better when I was upset.

4 "Jarrod is who I would be turning to today, but Wayne
5 Cameron took him from us. Jarrod is now with our family dog,
6 Reggie, who was a teeny, tiny morkie, with a lot of health
7 issues. And I remember memories of him picking him up and
8 folding him into a taco in his bed and making funny
9 impersonations. And we spent a lot of time with him because
10 he had a lot of health problems, and we all had to work
11 around the clock to give him his medicine. And Jarrod loved
12 him very much, as with all of our other family dogs.

13 "I have two dogs. I live alone. And they spend
14 every day with me. They're like my children. And Jarrod
15 loved them, and used to play with them all the time. And my
16 dogs could hear his truck driving up the street, and they
17 would always be waiting at the garage door for him, no matter
18 what time or what they were doing, because they loved him.

19 "Every time I look at eggs, bacon and toast, with
20 strawberry jam, I always think of him because that was what
21 he ate for breakfast every single day, without fail. And
22 when I was around, he would make it for me, too, and we would
23 eat breakfast together.

24 "After Jarrod passed away, we were reached out to by

1 a lot of people, and some of them being the staff at Port of
2 Subs, because he loved Port of Subs, and he would go there
3 all the time. And they all knew him, and they all knew his
4 order, and they always had it ready when he would come in.

5 "Something that they said to us after he passed was,
6 'Jarrod was a very kind and respectful young man. He was
7 kind to all of the Port of Subs staff. We just saw him on
8 Monday for lunch. And to hear that we are no longer going to
9 see him for lunch is really impossible to believe.'

10 "Every night that I go to bed, I am reminded of the
11 phone call that I received early morning on February 12th
12 from my mom, telling me that, 'Your brother was killed.' And
13 I can still hear the screams of myself, laying in my bed, in
14 the dark, with my dogs, screaming and crying. How could
15 something like this even happen?

16 "I still see his face every time I close my eyes of
17 the picture that the Coroner sent us to identify him.

18 "I can still see my dad falling to the ground, and my
19 mom crying, and my whole family crying; and me helping my mom
20 having to fill out that report.

21 "Jarrod was a genuinely kind person. He had a
22 contagious smile. He was at a point in his life where he was
23 very happy. He loved his job. He loved his friends. He had
24 a girlfriend. And I could see a positive and fulfilling

1 future. But that was taken away. It kills me knowing that
2 he will never have the opportunity to have a family, or a
3 career that he was working towards.

4 "His nieces and nephews, and future nieces and
5 nephews, lost the best uncle ever.

6 "Our community has lost an incredible human being.
7 And we've all lost a friend.

8 "2020 would have been the year that he turned 30.
9 This year I'm about to turn 30. Today I have outlived my
10 brother by five months because Wayne Cameron made a choice to
11 take his life.

12 "Today I ask you: What would you do if this was your
13 brother or your friend, husband, or your child, or even your
14 loved one? We've already had to endure too much. Please
15 take away the small piece of fear and give us the comfort of
16 knowing that Wayne Cameron will spend the rest of his life in
17 prison without the possibility of parole."

18 THE COURT: Please don't get up just yet.

19 MR. STEGE: Thank you, ma'am.

20 THE COURT: Anything from the defense?

21 MR. PICKER: No questions.

22 Thank you, Your Honor.

23 THE COURT: All right.

24 (Witness excused.)

1 THE COURT: Thank you, Deputy.
2 Mr. Stege.
3 MR. STEGE: Ashlyn Faust.
4 (Witness sworn.)
5 THE COURT: Please have a seat.
6 Now, please tell me who you called.
7 MR. STEGE: This is Jarrod's other sister, Ashlyn
8 Faust.
9 THE WITNESS: Ashley. Ashley Faust.
10 MR. STEGE: Ashley. I'm sorry. Ashley Faust.
11 THE COURT: Very good. Yeah. Because -- all right.
12 Thank you.
13 Would you please state your name.
14 THE WITNESS: Ashley Faust.
15 THE COURT: Thank you.
16 You may proceed.
17 MR. STEGE: My apologies, ma'am.
18 THE COURT: That's all right.
19
20
21
22
23
24

1 ASHLEY FAUST,
2 called as a witness on behalf of the State,
3 first having been duly sworn,
4 was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. STEGE:

7 Q. Are you related to Jarrod Faust?

8 A. Jarrod is my older brother.

9 Q. I wonder if you could tell us a little bit, before
10 you read your statement, the make-up of the family. How many
11 people are in the family?

12 A. Our immediate family is a family of five: Me,
13 Jordyn, and Jarrod, and my two parents. And beyond that, we
14 have many cousins and aunts and uncles that are basically
15 immediate to us.

16 Q. And are any of them here today?

17 A. Yes.

18 Q. Are you comfortable pointing out who is here with you
19 guys this morning?

20 A. Yes.

21 In the front row is my father, Craig; my mother,
22 Karen; my sister, Jordyn. Next to her is my cousin, Amelia.

23 And behind them is my Uncle Jeff; my Aunt Andrea; my
24 cousin, Morgan; my cousin, Olivia; Jarrod's girlfriend,

1 Devon.

2 Behind that is Jarrod's best friend for his whole
3 life, Nick Dufur; his father, Joe Dufur; and his wife, Laura;
4 and my Aunt Chrissy.

5 THE COURT: There's some Kleenex there.

6 THE WITNESS: Thank you.

7 THE COURT: If you need some.

8 MR. STEGE: Would you like to read your statement
9 this morning?

10 THE WITNESS: Sure.

11 THE COURT: And as with your sister, if you could
12 read slowly, and as loudly as you can, please, and get close
13 to the microphone.

14 THE WITNESS: Okay.

15 "Jarrod is my older brother. Growing up, he was
16 always my protector and a best friend. He loved his family
17 fiercely, and his loyalty was unwavering.

18 "I grew up playing video games with him; falling
19 asleep with him in his room, and him letting me have the bed.
20 He almost always let me tag along with him, and never thought
21 I was his annoying little sister.

22 "When I think of my childhood, he is everywhere.
23 Countless days and nights spent watching him play baseball
24 and football, beaming with pride that he was my big brother.

1 "He worked harder than anyone to achieve the success
2 in sports that he did, all while being a kind soul and a
3 genuinely good kid.

4 "Recently, a friend of mine from high school shared
5 with me the following message."

6 This friend was four years younger than Jarrod.

7 "'I looked up to Jarrod for many years because of how
8 passionate he was playing football. He was someone who
9 motivated me to be the best I could be when I played
10 football. He was always the hardest worker in the room. It
11 is tough for me reading about what happened, and I can only
12 imagine how hard it is for your family. He was such a great
13 guy.'

14 "He was probably the easiest one of my -- for my
15 parents to raise because he didn't have a heart for rebellion
16 or disrespect in any way. He was responsible and honest. He
17 loved my parents as much as any child ever could.

18 "His relationship with my dad was particularly
19 special. They were truly best friends. My dad always
20 coached his sports teams, and took him out for extra
21 practicing throughout our childhood. And those memories are
22 really cherished by all of us.

23 "I will never be able to get the phone call from my
24 dad that night at 4:00 a.m. out of my head, hearing him

1 | barely muster the words 'Jarrod's dead,' through his sobbing.

2 | "Now we all feel a rush of emotion when we get a
3 | phone call we're not expecting. If we don't respond quickly,
4 | there's panic. Sleeping can be hard because of flashbacks
5 | and nightmares. And we have to check in regularly with each
6 | other because we're just afraid of losing someone. Loud
7 | sounds remind me of gunshots, and I instantly think of my
8 | brother sitting there in his truck.

9 | "This shooting happened in my childhood neighborhood,
10 | the neighborhood I grew up in. He took away -- Wayne Cameron
11 | took away the feelings of safety and security that I felt
12 | when I would go home.

13 | "As we all got older, and we moved on to new phases
14 | of life, I saw my brother become the world's best uncle. He
15 | magnified this role, and it came naturally to him. I have
16 | two young children, who love and adore him with all their
17 | heart.

18 | "Jarrod was always the one who you could find playing
19 | with kids whenever we were at a family gathering, even before
20 | they were mine. He would make them smile and laugh and have
21 | a good time. He carried that over to my children to an even
22 | greater level. He always made time for them, paid attention
23 | to them. And their memories with him are beautiful.

24 | "My six-year-old son, in particular, shared an

1 obsession with trucks with Jarrod. They really -- they
2 really loved trucks together. And my son's highlight of
3 every trip was always a ride in Uncle Jarrod's truck.

4 "My son has really struggled with this loss. He
5 feels so much sadness for the absence of his uncle, and not
6 getting to make memories with him anymore. He still begs me
7 for rides in his truck. He talks about how Jarrod was the
8 best uncle, and he misses him so much, and wants to play
9 puzzles with him, and wrestle with him again.

10 "He asks me, 'How could anyone ever choose to hurt
11 him?' How do I explain to my six-year-old son that there are
12 such evil people in this world that they would choose to hurt
13 an innocent person? I have to tell him.

14 "How do I tell him that Jarrod will not be there to
15 teach him to play catch or swing a bat the way he taught me;
16 that he won't be there to show my daughter the respect and
17 kindness she should expect from the men in her life? He
18 won't be able to give my kids cousins to grow up with, like
19 we had for our family.

20 "Jarrod was always there for me to cheer me on in my
21 life and support me. He always wanted the best for me.

22 "In high school, a boy played a prank on me that
23 crossed the line, and I was really upset about it. I came
24 home visibly upset, and Jarrod noticed immediately. He

1 followed me to my room, asking what was wrong, and I closed
2 my door in front of him. He waited outside my door, asking
3 if I was okay, and what had happened. And he just waited
4 there for me to talk to him. I opened the door and told him
5 what happened. And he pulled me in to hug me, and he held me
6 there as I cried. I will always remember him telling me in
7 that moment that it would be okay, and that I don't deserve
8 to be treated that way.

9 "I won't have my brother to love and support me and
10 my children through hard times. The past year has been
11 really difficult in my personal life. And he would have
12 hugged me as I cried, and then taken my kids out on
13 adventures. He would have been the man that they would need
14 in their lives.

15 "The loss of Jarrod's life will have generational
16 impact. None of us will ever be the same. Our family will
17 never be whole again, and we will have to deal with the
18 unique grief and anxiety of losing a loved one to a violent
19 and unexpected death.

20 "Jarrod would have been the most amazing father and
21 husband, and that was something he deeply looked forward to.
22 His kids would have brightened all of our lives and brought
23 so much goodness to the world.

24 "Wayne Cameron chose to murder him, and robbed him

1 and all of us of that future. He lied and proceeded to smear
2 my brother's character.

3 "This trial has been extremely painful for my family,
4 especially my mother. As a mother, I know those photos and
5 those details that we heard will haunt my mother forever.

6 "No family should ever have to feel the depth of pain
7 and loss that we have all felt and will continue to feel for
8 the rest of our lives.

9 "Wayne Cameron should spend the rest of his life in
10 prison without the possibility of parole for the way that he
11 brutally executed my brother, Jarrod Faust."

12 THE COURT: Mr. Stege, can we excuse Ms. Faust?

13 MR. STEGE: I'd like to ask her a few questions.

14 THE COURT: Go ahead.

15 BY MR. STEGE:

16 Q. I'm putting up before you a photo. I wonder if you
17 can tell us about this.

18 A. This is Jarrod. And in the middle is K. J., and on
19 the other side is Ty. They grew up playing football together
20 from the time that they were seven until they were in high
21 school.

22 And Jarrod flew down to Texas, where K. J. lives, for
23 K. J.'s wedding. And this is them holding, I believe, his
24 marriage license.

1 Q. And you did mention your brother would -- his success
2 in athletics. What can you tell us about that?

3 A. Jarrod, he was always naturally gifted and athletic.
4 He worked really hard, but he also -- through high school, he
5 played football, primarily. He was very successful as a
6 running back. And he played football in college, as well.
7 And he was always one of the most notable players on the
8 team.

9 I would usually make a shirt. My thing I would put
10 on the shirt was "Baby Faust," because I was known as
11 Jarrod's little sister.

12 Q. And I wonder if you can talk to us about this
13 photograph here.

14 A. This is Jarrod, with my daughter. She's about one in
15 this photo. And this was at my son's third birthday. I was
16 running around doing all the birthday things, and Jarrod
17 picked up my daughter because she was just needing someone to
18 hold her, and he was the only one that she would let hold him
19 that day. He's feeding her a strawberry.

20 MR. STEGE: Thank you.

21 I'll pass the witness.

22 THE COURT: All right. Would the defense like to
23 question Ms. Faust?

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

1 questions.

2 THE COURT: All right. Thank you.

3 Thank you very much. You may step down.

4 (Witness excused.)

5 THE COURT: Mr. Stege.

6 MR. STEGE: Karen Faust, please.

7 (Witness sworn.)

8 THE COURT: Thank you.

9 Ms. Faust, as before, please have a seat.

10 And, again, just for the record, will you please

11 state your name.

12 THE WITNESS: Karen Faust.

13 THE COURT: Thank you very much.

14 Mr. Stege, you may proceed.

15 KAREN FAUST,

16 called as a witness on behalf of the State,

17 first having been duly sworn,

18 was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. STEGE:

21 Q. You're Jarrod's mother; correct?

22 A. Yes, I am.

23 Q. Did you bring some notes to help you give your

24 statement?

1 A. Yes, I did.

2 Q. Would you like to proceed and give your statement,
3 please?

4 A. Sure.

5 Just a second. I have to have my glasses.

6 THE COURT: Ma'am, there's no clock here, so take as
7 much time as you need.

8 The only thing I ask is, please speak directly into
9 the microphone so everyone can hear.

10 THE WITNESS: Jarrod was our oldest child, and our
11 only son.

12 We have, as you can see, two beautiful daughters, two
13 grandchildren.

14 THE COURT: Ms. Faust, I know this is difficult.

15 THE WITNESS: Sure.

16 THE COURT: If you would please just bring the
17 microphone down a little bit so it's closer, and slide in
18 just a little bit.

19 THE WITNESS: I was born and raised in Reno, as were
20 my parents. And we raised our children here, as well. We've
21 lived in this community, as you can tell, our entire lives.

22 Jarrod loved Reno, and always wanted to stay here and
23 raise his family.

24 My husband and I worked in my family's business, with

1 my mother and father, for over 25 years. And the kids grew
2 up coming to the office a lot, and they were extremely close
3 to my parents and his.

4 It was always my dream, because I know I would take
5 over my dad's business, to have -- to work with my children.
6 And I've worked with both my daughters, worked in the
7 business periodically as we've had it. I worked in my
8 family's business until my dad passed.

9 A few months before Jarrod was taken from us so
10 violently, he started working with me. And I really loved
11 it. I believe he did, too. He seemed to have shared that
12 with his sisters and his girlfriend and other family members.

13 On the morning of February 11th, he came into the
14 office, and he was so excited. He liked coming to work. He
15 had previously worked in industries where he had to work a
16 lot of evenings and weekends, so he couldn't always come to a
17 lot of the family gatherings that we had. And as Jeff
18 explained, we had a lot. But he was great.

19 My two sisters, Andrea and Chrissy, lived here in
20 Reno, raised their family here, too. And we're each just a
21 year apart, so we're extremely close. And we're each other's
22 best friends, I like to believe.

23 And there's seven grandchildren. And they're all
24 within an age span of five years. They grew up together.

1 They went to the same sitter. Though they went to different
2 schools, they interacted and thought of each other as
3 siblings, brothers and sisters, not cousins.

4 I remember -- well, I could say I've learned a
5 tremendous more about my son since we lost him. Stories that
6 I never -- of things that he did that I never knew.

7 Things like my niece, Amelia, telling me that, when
8 she was going on a trip to Thailand with her friends, Jarrod
9 took her aside before she was leaving. Because, of course,
10 we had a dinner, you know, farewell, for her vacation. But
11 he said, "You have to be very careful. You are women
12 traveling alone, and you need to be safe and stay together."
13 And all the things that people or their fathers would tell
14 them. Jarrod was very much of a protector.

15 Come to find out he had the same conversation with
16 Amelia's sister, Olivia, when she was going on a trip for a
17 couple months to New Zealand. And my other niece, Morgan.

18 This shows you he was a really good person. He would
19 have never done the things that have been stated, told to you
20 in this trial. That is my opinion, of course.

21 But I say that in the sense that our family, we used
22 to use this kind of quirky term: We live in each other's
23 pockets. Because you couldn't tell one person, say, "Oh,
24 this is what happened, but don't tell anybody else," because,

1 I mean, within seconds it really went to everybody. But we
2 all just -- we were just one united group.

3 So, as you can imagine, this loss, thinking about how
4 we lost him, is devastating. It will continue to devastate
5 us.

6 My nieces are engaged, and we're so excited for their
7 weddings. But it colors the joy of everything. But we will
8 always think of him.

9 After it became public with the shooting, when Jarrod
10 was shot, we had such an outpouring of -- from his friends,
11 our friends, my sisters', everybody's. There were some
12 people who sent -- some of Jarrod's friends, they put stories
13 on his Facebook. And I just wanted to share a couple of them
14 with you.

15 One was written by a girl from his fifth-grade class,
16 Mrs. Richardson. It says: "Dear Jarrod, I don't normally
17 post these things, but I don't care how weird it is. You
18 were my first boyfriend, fifth grade, Mrs. Richardson's
19 class. I'm sure we only dated a few solid weeks, and hugged
20 twice. After all, we were only 11. I still remember exactly
21 what I got you for you and K. J., for your birthday party at
22 Bowers Mansion. It was a goofy alarm clock.

23 "I grew up with you, and I feel as though a part of
24 my childhood is gone. I do not know how to feel. But I hope

1 this somehow finds you, that you have a place in my heart and
2 memories."

3 K. J. was in one of the photos that you just saw. He
4 and Jarrod were born just a day apart. So for many years
5 they had the same birthday party, where they celebrated, had
6 one birthday party together. And it was a lot of fun. I
7 mean, just tons of kids coming around, playing, at whatever
8 place we were having it.

9 One of Jarrod's other friends posted this. And this
10 was Mick Johnson. It was somebody who he played youth
11 football with from elementary school through high school, and
12 then they stayed very close friends beyond.

13 "I first met Jarrod going into second grade on our
14 youth football team. I had a mullet haircut. He had a bowl
15 cut."

16 Do not judge me on that.

17 "We became fast friends. From that point on, we
18 pretty much spent every weekend with the football team group
19 of friends. That team turned into this big, beautiful family
20 that combined so many families into a village that would
21 raise us.

22 "I consider most of those teammates brothers,
23 especially Jarrod. Jarrod was insightful, and had an ability
24 to produce small one-liner jokes that would have the group of

1 us out of control in an instant. He was highly athletic, and
2 always a major contributor to every team. Jarrod always was
3 a great friend, one of the most loyal and trusted people I've
4 ever met. He took a lot of pleasure in the simple things.
5 It was never what you were doing with him that was important
6 to Jarrod; just that you were together.

7 "Jarrod loved his friends, family, unconditionally.
8 I miss him greatly.

9 "Rest in peace, my brother, until we meet again."

10 And the last one is from his friend, K. J.

11 K. J., of course, has kept in touch with us. And
12 Jarrod was so excited because he was having a boy. And he
13 just loved kids.

14 One of his other best friends has a son, too. And
15 Jarrod used to love to go over to their house and probably
16 play with Bronson more than hanging out with his friend, with
17 the dad. But, so, this is from K. J.

18 "I don't like the term 'friend.' He was not a friend
19 to me. He was my brother. Almost 20 years of being
20 brothers. There was not a day that has gone by that I don't
21 have a million memories. We were born hours apart, and
22 because of that we shared all our birthday parties together.

23 "It didn't start off as an instant brotherhood,
24 though. He didn't like me, at first. We had fourth grade

1 with Mrs. Grant. And if we weren't playing football, we just
2 didn't click.

3 "One time in class we got into an argument, and Mrs.
4 Grant had us go out into the hallway to work it out. But she
5 forgot we were there. And four hours later she came and got
6 us. But during that time we would watch the younger kids
7 play, and make fun of what they were doing and saying.

8 "And after about 30 minutes of silence" -- I'm sorry.
9 I kind of changed the order of the story here. He said the
10 first 30 minutes that they were out in the hallway they
11 didn't really speak, and then they started watching the kids
12 play and making fun of things and goofing around.

13 "And for the next several hours we just sat and
14 talked and laughed, mostly about the teacher forgetting us.
15 Which, if I saw Mrs. Grant today, I would give her the
16 biggest hug for giving me my brother. I don't know what life
17 would be like without you, and I don't want to find out. I
18 can't believe my son won't meet his goofy uncle. He will
19 know who you are, and that's a promise.

20 "I love you, man, and we will meet again someday.

21 "Rest easy, my brother."

22 When people say -- people tell you to -- "Now you can
23 move on. The trial is over," you don't. You learn to
24 hopefully move better, move forward better each day. It is a

1 struggle to allow yourself to feel joy, to go to something --
2 my grandson's sixth birthday party, the 4th of July, the last
3 Christmas celebration -- and laugh.

4 We do share stories. Though I will say this last
5 year and a half they've centered more about the trial. They
6 will be more now about Jarrod's life and the memories we had
7 with him.

8 We can never have him back. There are so many nevers
9 that we will experience, that I will experience as his
10 mother. I will never be able to hug him again. I will never
11 be able to see him grow into a father, and take care of his
12 grandchildren.

13 I'm sure many of you have children. Didn't you have
14 a dream when you decided to start your family, a dream of
15 what you hoped? What I hoped was that my children would be
16 surrounded by family, their children would be surrounded by
17 their family.

18 I would -- my husband and I would work with him. We
19 could turn the business over to him. He could have it for
20 his children. These things will never happen.

21 Back to the day that Jarrod was taken, he came into
22 the office, and he was excited. He had gotten -- he had been
23 seeing Devon for a while, and they had gotten serious, or
24 were -- you know, I know he loved her by the way he talked

1 about her, by the way he smiled.

2 And he showed me -- he goes, "Hey, Mom, you want to
3 see what I got Devon for Valentine's Day?" And he had got
4 her this bamboo plant, and was having it delivered to her
5 work. And come to find out that a couple weeks before Devon
6 had talked to him about that she really wanted to get a
7 bamboo plant because it's supposed to bring good fortune and
8 good things to people. And so he had gotten that for her.
9 And he was just so happy. They were going to -- they had
10 some plans.

11 But the next couple days, what I needed to do was
12 call him -- call Devon, and say, "I'm sorry. He delivered
13 something to you. So please don't be alarmed. Don't cry."
14 He never got to have that Valentine's Day.

15 Devon recently shared with me a card that he wrote.
16 Let's see. She keeps the plant. It's growing strong, which
17 is great. It's really neat. And she has the card taped to
18 the vase. "Knowing that I'm yours makes every new day all
19 that much sweeter."

20 I can tell you tons of stories of my son growing up.
21 And I'll remember them all. But that's all I have. He will
22 never have the opportunity to have a life.

23 It crushes me to think that the last thing he saw in
24 his life was a gun pointed at his face. It plays in my head.

1 And I don't think I'll ever get past that.

2 The picture that my daughter referenced was, Jarrod
3 was an organ donor on his driver's license. And the day
4 after he passed, we had to have a picture to identify him,
5 because we had decided to go ahead and donate whatever
6 tissues and organs, or anything that they could use. And we
7 had to see a picture of just this half of his face, and fill
8 out the paperwork.

9 There's all these things, you know, that you
10 remember, that you don't want to remember.

11 Every night when I go to sleep, I say, "Goodnight."
12 Jarrod lived with us before he was killed. And I'd always
13 say at night, "Goodnight, sweetie." So when I lay down, I
14 say, "Goodnight, sweetie," so I can picture his face. And I
15 say goodnight to him, my parents, and my grandparents, and my
16 other aunts and uncles that have passed. And I hope they're
17 all together, and that they're hugging him.

18 I feel -- me and my family feel that we are just --
19 we are just in asking you for a sentence of life without the
20 possibility of parole because, when you take a life, you
21 should not be entitled to have a life, after 20 years, in his
22 seventies, or whatever it may be. Jarrod will never have a
23 chance.

24 Sentences have to fit the crime. We have to show our

1 community, the people in our country, that we will not allow
2 these things to happen. It's not acceptable to take a life.

3 Thank you for your time. I know I was long-winded.
4 But thank you.

5 THE COURT: Mr. Stege, can we ask Ms. Faust to step
6 down?

7 MR. STEGE: I want to ask her a few questions,
8 please, Your Honor.

9 THE COURT: All right. Go ahead.

10 BY MR. STEGE:

11 Q. I wonder if you could talk to us a little bit about a
12 few of these photos that your family provided.

13 Who is in this picture, and where is it, what are the
14 circumstances of this?

15 A. This is my husband, Craig. We've been married for
16 almost 31 years. And this is he and Jarrod. They went to
17 Florida to see a Dolphins football game, and visit with some
18 of Craig's family that live there. So they're at a
19 restaurant, sharing what, to me, looks like a beer in a
20 Margarita glass. But it's a big beer. This was a few years
21 ago.

22 Q. I wonder if you would talk to us about this
23 photograph here.

24 A. This is my sister Andrea's house. And this was on

1 Mother's Day. Everybody always did Mothers on the Run. And
2 then we'd come back and have a brunch at Andrea's house.

3 This is Jarrod goofing around with his little --
4 Ashley has the white headband. And then my niece, Olivia,
5 and my niece, Morgan. Just playing around with them.

6 Q. Is there anything else you'd like us to know about
7 the impact of this crime on you or your family?

8 A. I don't know what else to say, other than it's just
9 devastated our world.

10 Ashley asked me one time, she goes, "Mom, I can't --
11 if anything" -- my mother passed away recently, this last
12 November. And she had had medical issues for a while. But
13 she took a bad turn. And my daughter says, "I know Grandma
14 is going to pass, but please don't call me during the middle
15 of the night if she passes. I can't take a call in the
16 middle of the night."

17 We're just lost. There is this hole that will never
18 be filled. Like I said, her family, my family, if I didn't
19 have them, I would have never made it through this. We are
20 all so close.

21 The loss of Jarrod affects my sisters because they
22 were like mothers to him. The kids, when one of them would
23 have something difficult in their life -- and you know how
24 the kids don't necessarily want to talk to their parents --

1 they'd talk to us, the aunts. The kids were all brothers and
2 sisters. I mean, I never had to have a babysitter my entire
3 life with my kids, other than during the day when we'd all be
4 working. Because whenever we would go out, or if we went on
5 a trip, it was always my parents or my sisters, they'd stay
6 with their cousins, or the cousins would stay with us.

7 We are just this link that's broken. Because when
8 you lose a child it's devastating; but how you lose a child
9 makes a difference.

10 I had not seen any of the crime scene photos, the
11 Coroner's reports or anything until I was here. So it was --
12 and none of us had. And though there was only three of us
13 that could be here through the trial, they were all in
14 another room watching. And when we would have breaks, we'd
15 come back together, hug, cry, tell stories.

16 But to have somebody be so close to shoot my son in
17 the face, none of us will ever get past that, ever. I mean,
18 you look at people differently.

19 I mean, we've never had any violence in our family.
20 I mean, we've been blessed that we -- even in my parents'
21 family, that nothing like this ever happened. It changes how
22 you look at people, how you interact with people.

23 I don't want to judge people based on my experiences.
24 I want to judge them based on what I learn about them.

1 That's what I always taught my children: Do not judge a book
2 by its cover. Learn for yourself what that person is.

3 And I know that Jarrod had his window rolled down
4 because he thought somebody needed some help. But that's not
5 what happened. It's just -- we're crushed.

6 MR. STEGE: Thank you, ma'am.

7 THE COURT: Anything from the defense?

8 MR. PICKER: No questions.

9 Thank you.

10 THE COURT: Thank you very much, Ms. Faust.

11 You can step down.

12 (Witness excused.)

13 THE COURT: Mr. Stege.

14 MR. STEGE: Argument?

15 THE COURT: So, what happens next, ladies and
16 gentlemen, is I am going to have the sheriff pass out to all
17 of you the jury instructions.

18 So, Edgar, if you would please give them to Deputy
19 Williams.

20 Ladies and gentlemen, feel free to stand up and
21 stretch for a moment while these are being handed out to you.

22 Of course, counsel, Mr. Cameron, ladies and gentlemen
23 in the audience, that applies to all of you, as well, if you
24 want a moment to stand up and stretch.

1 Okay. Counsel, I assume you each have a copy.

2 MR. STEGE: Yes. Thank you.

3 THE COURT: Mr. Picker, Ms. Garcia?

4 MR. PICKER: Yes, Your Honor.

5 THE COURT: All right. Thank you.

6 Ladies and gentlemen of the jury, again, as before,

7 you can follow along or just listen, please.

8 (The Court read the instructions.)

9 THE COURT: Now, ladies and gentlemen, there are

10 three verdict forms. You are to choose one.

11 The first one, life without parole. "We, the jury in

12 the above-entitled action, having found the defendant, Wayne

13 Cameron, guilty of first-degree murder, set the penalty to be

14 imposed at a term of life without the possibility of parole."

15 And then it's dated and signed.

16 Next one, life with the possibility of parole. "We,

17 the jury in the above-entitled action, having found the

18 defendant, Wayne Cameron, guilty of first-degree murder, set

19 the penalty to be imposed at life with the possibility of

20 parole, with eligibility for parole beginning when a minimum

21 of 20 years has been served."

22 And, lastly, a term of 50 years. "We, the jury in

23 the above-entitled action, having found the" -- should say

24 "defendant, Wayne Cameron, guilty of first-degree murder, set

1 the penalty to be imposed at a term of 50 years, with
2 eligibility for parole beginning when a minimum of 20 years
3 has been served."

4 All right. Thank you very much, ladies and
5 gentlemen.

6 Mr. Stege, you may proceed to argue to the jury.

7 MR. STEGE: Life without the possibility of parole is
8 the appropriate penalty in this case.

9 Where does the mitigation come from? Nowhere.
10 "Mitigation" is a lawyer word for reasons to have sympathy,
11 empathy, or to go down in a sentence. Where is that for
12 Wayne Cameron? Nowhere. Nowhere.

13 We know the true test of his character is four very
14 serious incidents representing a danger from Wayne Cameron to
15 the entirety of the community. Anyone he's around is in
16 danger.

17 There are like-situated people. There are
18 road-ragers out there. Road-ragers need to know you do not
19 engage in this activity unless you would like to spend the
20 rest of your life in prison.

21 We learned from defense witnesses that Wayne is
22 apparently a good guy. Easy to do when people are watching.
23 Wolf Pack Booster, easy to do when people are watching.
24 Coaching sports, easy to do when people are watching. Being

1 nice to your friends, easy to do.

2 The hard work is having character when the chips are
3 down.

4 We know the defendant's dark side is very
5 well-hidden.

6 So this question of parole -- right? -- apparently
7 Mr. Cameron, his whole life -- right? -- job, all the rest,
8 apparently normal. A person that, when the Parole Board
9 comes, he's going to fit right in, like he fit in before. A
10 guy who can follow the rules, but can hide his very dangerous
11 dark side. That's a person who ought never to breathe free
12 air again.

13 That danger, that -- I would say it this way. Punish
14 motive for motive. How terrible is the motive to blast a guy
15 over nothing, over the way he drives? Motive for motive.
16 Punish equally for the terror of that moment.

17 As well, test of character when confronted in the
18 interview room. I've talked a lot about it; right? Showed
19 his true character. Testimony before this Court, false,
20 lies, an affront to what holds us together.

21 And, finally, a statement of remorse. Remorse is the
22 last resort. When people are watching, it's easy to do that.
23 It's hard to own it. You know what the result is. Remorse
24 as a last resort; crocodile tears, if you will.

1 For that, for the Faust family, for the safety of
2 this community, for the risk that the defendant poses, I ask,
3 on behalf of the State of Nevada, for a penalty of life
4 without the possibility of parole.

5 Thank you for your time.

6 THE COURT: Thank you, Mr. Stege.

7 Defense.

8 MS. GARCIA: A just and appropriate sentence
9 absolutely takes into consideration what punishment is
10 deserved. Not vengeance, but punishment.

11 You can also consider other forms of punishment, the
12 things that go beyond a loss of freedom.

13 Much was made in this case about Mr. Cameron's
14 sacrifices, the things he lost to get to this point to tell
15 his story in front of a jury. There's no argument here that
16 what he's lost compares to what the Fausts lost. That's not
17 what we are saying.

18 But Wayne Cameron is going to be paying for the
19 decisions he made on February 11th for the rest of his life.
20 They're here supporting him. They've been the whole time.
21 But he's going to have to live with the pain and anguish that
22 he caused his family.

23 His relationship with his ex-wife and his children
24 have been forever altered, is certainly damaged, and that's

1 something that he is going to have to live with.

2 He's lost friends, he's lost connections, and his
3 reputation that he did spend a lifetime building.

4 The penalty he faces and suffered will go far beyond
5 the loss of freedom that's in front of you today. And you
6 can take that into consideration when determining a just and
7 appropriate punishment for Wayne Cameron.

8 In the previous phase of this case, you were only to
9 consider Mr. Cameron's actions on the night of February 11th,
10 and the preceding weeks, when determining whether the facts
11 and law met a legal conclusion. Today, though, you can
12 consider all of the other 50 years of Wayne Cameron's life.
13 And you should.

14 The district attorney has put up evidence to convince
15 you that Wayne Cameron was all bad, an all-bad person. Shows
16 you police reports from previously uncharged acts. But
17 there's more to Mr. Cameron than a day or a week. There's a
18 lot of good and positive things in his life, and they should
19 be considered.

20 Even the evidence you saw during trial showed Mr.
21 Cameron to be a very involved parent. He loves his children.
22 He was involved in their baseball and softball growing up.

23 Interestingly, the district attorney continues to
24 point to the character of Wayne Cameron's children;

1 specifically, Ethan Cameron, who said to his father, "You
2 taught me these things." And perhaps in this instance, in
3 this case, Mr. Cameron didn't live up to that. But, frankly,
4 when children are good and strong of character, we do look to
5 their parents.

6 Mr. Cameron does deserve credit for the good
7 character that his children have showed, and it shows that in
8 his lifetime he did do well in trying to be a good parent to
9 Aspen and Ethan.

10 You've heard some testimony from former friends. Mr.
11 Cameron did have a large and strong connection, a network of
12 friends in this community, that he built. He did serve on
13 boards in an attempt to make this community better. He was
14 part of the Lake Tahoe Shakespeare Foundation. He served on
15 the board of the Parasol Company, which is an umbrella for
16 non-profits. Mr. Cameron's life in total is important and
17 needs to be considered.

18 This is a man who did make an error, made a decision,
19 in this case, but it doesn't define every moment of his life.
20 And we ask you to take into consideration the other portions
21 of his life when determining a just and appropriate sentence
22 in this case. All of those things I mentioned are also a
23 part of who he is, and they should weigh in your decision.

24 We thank you for your time and consideration on this

1 really important matter. And we ask you to find that Wayne
2 Cameron's sentence should be life with the possibility of
3 parole.

4 Thank you.

5 THE COURT: Thank you, Ms. Garcia.

6 Mr. Stege, brief rebuttal?

7 MR. STEGE: Even young Ethan knows. Ethan gave his
8 dad a life without. "If you don't own this, I will never
9 speak with you again." A person of true character.

10 "Mitigation," a middle term for people who own it,
11 middle term for people who show redemption. A maximum term
12 for dangerous people.

13 One never, the State suggests, is appropriate for all
14 the nevers, all the nevers that Karen Faust talked about,
15 every single never, one never. Never again will Wayne
16 Cameron put anyone in this community at risk. A guy who can
17 slide under the radar, convince people he's a good guy, easy.
18 One never for all these nevers.

19 It's suggested, while vengeance is inappropriate, I
20 would say equality, equality before the law, justice, and
21 among the most terrible facts of this case. And I will frame
22 it this way: Eternity for eternity.

23 Recall the last witness for the State, who said, "How
24 long did it take for Jarrod to die?" "Minutes."

1 Minutes unable to move. Terror for terror. There
2 sat Jarrod, with a bullet through his neck, unable to
3 breathe, blood, unable to move. No one knew where he was.
4 Minutes.

5 The minimum description of "minutes" is two minutes.
6 Terror. Can't breathe. No one knows where you are.
7 Complete lack of understanding. "Why? Why am I dying?"

8 None of us are entitled to, but we all hope for a
9 peaceful death, a painless death. And, here, minutes to die.

10 Terror for terror, brutality for brutality, that's in
11 the jury's hands. Never for never. It is appropriate.

12 Consider that Jarrod Faust died in a terrible,
13 painful, unimaginable way.

14 His last moments were a feeling of not being able to
15 breathe, known to all, blood, if he could see, the pain, you
16 know, all that.

17 An ordinary night, a forgettable night otherwise.

18 The last breaths of Jarrod Faust warrant life
19 without.

20 That's a minimum, two minutes, minimum.

21 The appropriate verdict, you have the verdict form,
22 is life without.

23 Thank you for your time these last two weeks.

24 THE COURT: Thank you, Mr. Stege.

1 Deputy Williams, and Deputy Hayes, if he's back there
2 today, or Deputy -- yeah. If you would please come forward
3 and take the oath again to secure the jury during their
4 deliberations.

5 (Two bailiffs sworn.)

6 THE COURT: Thank you very much.

7 All right. Ladies and gentlemen of the jury, if you
8 would please gather your things, notes, water bottles,
9 whatever you brought in here. You will retire now, begin
10 deliberations. Lunch, I believe, has been ordered for you.
11 It should be here shortly.

12 And the next time I see you will be, I believe, when
13 you have reached a verdict.

14 All rise for the jury, please.

15 (The following proceedings
16 were had without the presence
17 of the jury:)

18 THE COURT: All right, ladies and gentlemen. We will
19 be in recess, pending further notice.

20 (Recess.)

21

22

23

24

1 RENO, NEVADA, MONDAY, JULY 12, 2021, 12:35 P.M.

2 (The following proceedings

3 were had without the presence

4 of the jury:)

5 THE COURT: On the record.

6 Did everyone get a copy of the note?

7 MR. PICKER: Yes.

8 THE COURT: Let me read the note into the record.

9 Of course, a copy will be filed in, as well as the

10 response, if any, the Court gives.

11 The question is: "Regarding instruction number 5, is

12 20 years added to" -- excuse me -- "added on to sentence for

13 using a deadly weapon," question mark. "As an example, would

14 it be 20 years or 40 years before parole? The jury."

15 So obviously the jury is wondering what effect, if

16 any, would be the weapons enhancement sentence to their

17 deliberations.

18 Now, we all know the factually correct answer is --

19 that their example is wrong; that the Court has discretion to

20 impose a sentence up to 20 years, with the appropriate amount

21 of time under the statute not to exceed eight years before

22 parole, or the Court can vary down from that to any number,

23 one or above.

24 So the question is: How do we answer this, and do we

1 give them an example?

2 I know we've all had it for a couple minutes. Maybe
3 you're still thinking it through.

4 But let me start first, Mr. Stege, with what would
5 you have the Court -- how would you have the Court respond to
6 the question, if at all?

7 All right. I'll push the pause button there.

8 MR. STEGE: No, I'm ready.

9 THE COURT: Go ahead.

10 MR. STEGE: Under Ernesto Gonzalez versus State, the
11 Supreme Court says that there's a bright-line exception -- in
12 a general case, guilt phase, we would resist and give an
13 Allen charge.

14 They say in that case that, where the question --
15 when the jury questions suggest confusion or lack of
16 understanding on a significant element of applicable law,
17 they ought to be given the answer.

18 I would draw a distinction, now that we're in penalty
19 phase -- right?-- sort of a different thing. The concern in
20 a guilt phase or typical trial is pushing them to any sort of
21 area or confusing them.

22 Here, this shows a misunderstanding. And really it's
23 by the argument, I think, of counsel that, "Oh, don't worry.
24 There will be more time."

1 I, as a result, propose that we answer the question
2 by saying, "The Court will separately impose a sentence of
3 between one and 20 additional years."

4 THE COURT: Leave it at that? Not tell them about
5 parole eligibility?

6 MR. STEGE: You could, but it gets more complicated
7 from there.

8 THE COURT: It does.

9 MR. STEGE: But it's factual, it's accurate. I would
10 say it indicates a confusion about an important part of this
11 case.

12 THE COURT: Well, I saw you taking notes when the
13 defense was making argument on the point of the additional
14 weapons enhancement charge, and I made a mental note
15 that: I wonder if that's going to be a question in someone's
16 mind. And it is.

17 So let me just make some notes to myself here, and
18 then I'll hear from Mr. Picker, Ms. Garcia, and everyone will
19 have a full say. Just give me a moment.

20 So let me read to you what I wrote, and then I'll
21 hear from Mr. Picker and Ms. Garcia.

22 One possible response is this: "The Court will
23 separately impose a consecutive sentence of up to 20 years
24 for the weapons enhancement. At that time, the Court will

1 also impose an amount of time that must be served before
2 parole eligibility is available on this sentence," comma,
3 "not to exceed 40 percent of the sentence imposed by the
4 Court."

5 Now, that's factually correct. It's a bit wordy. I
6 certainly am not taking pride of authorship, if there's a
7 better way to say it.

8 MR. STEGE: Perhaps as follows: "The sentencing
9 range is a minimum up to three years and a maximum of 20
10 years. Parole eligibility ranges from between one and eight
11 years."

12 THE COURT: Mr. Picker, your thoughts.

13 MR. PICKER: Your Honor, I am opposed to either of
14 those options.

15 First of all, it is legally incorrect to tell them
16 the range is one to 20 years, because the minimum has to be
17 40 percent of the top number, and we don't know what that
18 number is until you impose it.

19 Second of all -- and it's misleading in that way
20 because the jury will then assume that it will be one to 20.
21 So you would have to explain what sentencing ranges mean in
22 Nevada, and how that works. And I think that's even more
23 confusing for the jury.

24 Second of all, to reach the State's argument and your

1 comment, we only argued on behalf of Mr. Cameron regarding
2 the deadly weapons enhancement because the State argued that
3 he didn't want 70-year-old Wayne Cameron to be driving -- to
4 be released and be driving around. So that's why we
5 addressed it.

6 So this jury instruction, Your Honor, it is my
7 position -- is our position, on behalf of Mr. Cameron, that
8 your response should be, "Look to the jury instructions for
9 your answer," and go no further than that.

10 I believe, if you go any further than that, you have
11 to explain indeterminate sentencing in Nevada, you have to
12 explain the 40 percent, you have to explain parole
13 eligibility more than it's already been explained. And I
14 think that we run the danger of this being a completely
15 confusing response to a fairly simple question.

16 Because the answer is, "Yes," any -- any sentence --
17 and I think you could say that -- any sentence imposed for
18 the use of a deadly weapon will be served consecutively to
19 whatever sentence they impose. But saying anything beyond
20 that I think is inappropriate, and leads us down a rabbit
21 hole.

22 MR. STEGE: And as stated, answering "Yes" makes it
23 sound like they are correct that it's an additional 20,
24 instead of up to 20.

1 MR. PICKER: Which is why, Your Honor, I would
2 propose the "any sentence," because we don't know what that
3 sentence is, because it would be any sentence for use of a
4 deadly weapon would be served consecutively to whatever the
5 jury decides.

6 THE COURT: Okay. Amanda, do you have the
7 instructions there, please?

8 And, Mr. Picker, your point is not lost on me. I do
9 recall the State arguing 70-year-old-or-thereabouts-year-old
10 Mr. Cameron driving. So the point about responding to that
11 took a clearer picture. I understand it more in context now.

12 So the idea of "Look to the jury instructions for
13 answers" is becoming more appealing. And I'll tell you why,
14 aside from the simplicity of it.

15 But if we look at instruction 5, it says, "Any person
16 who uses a firearm or other deadly weapon in the commission
17 of a crime shall be punished by imprisonment in Nevada State
18 Prison for a term of up to 20 years."

19 So a fair reading of that should inform the jury that
20 that means the Court has discretion of an amount up to that.

21 So their question of, regarding number 5, "Is 20
22 years added to a sentence?" the answer is, "Not necessarily.
23 It's whatever the Court imposes up to."

24 But that answer is apparent by a clear, more thorough

1 reading of question 5.

2 "So look to the jury instructions for your answers,"
3 answers the first paragraph of the question.

4 The second question, the second paragraph, is a bit
5 more confusing. They want to know both if the amount of the
6 sentence is added to the parole eligibility number, or the
7 back-end number; and, second, they're assuming it would be 20
8 years and not something lower.

9 MR. PICKER: Your Honor, I would say jury instruction
10 number 5 answers that, too, because it says, "term of up to
11 20 years, consecutive to the murder count."

12 MR. STEGE: I agree with that sentence, the -- under
13 no -- do the maximum, he would not be eligible for parole,
14 and 40, he would be eligible for parole in eight, which --

15 MR. PICKER: But, again, they -- when Mr. -- other
16 than saying the sentence of life with or 50 years or life
17 without, other than that, they don't get to consider what the
18 Parole Board would do. So I don't think we answer paragraph
19 2, as in paragraph 1 is, "Look to the jury instructions," and
20 that's our answer.

21 MR. STEGE: Perhaps a better rationale, you don't
22 have to consider what the Court sentence will be as to deadly
23 weapon enhancement because that's --

24 MR. PICKER: I don't have a problem with that,

1 either.

2 MR. STEGE: Because that's to consider, were it a
3 judge sentencing, the statute says there's one penalty, or in
4 any one with a weapon enhancement, there's a statute that
5 says weapon enhancement. It's separate. Here are the things
6 to consider for weapon enhancement. They are statutorily
7 enumerated. They are sort of thought of as separate sort of
8 bunches, rather than a package.

9 So I would be fond of, "You're not to consider what
10 the Court's sentence would be as to a deadly weapon
11 enhancement."

12 THE COURT: "You are not to consider what the Court's
13 sentence will be for the deadly weapon enhancement."

14 Any objection to the Court giving that response?

15 MR. STEGE: No.

16 THE COURT: Any objection from the defense?

17 MR. PICKER: Would that be the entire response?

18 THE COURT: Yes.

19 MR. PICKER: No objection.

20 THE COURT: All right. That will be the Court order.

21 I will have both the question and the answer typed
22 up, and I'll sign it, and I'll get that both delivered to the
23 deputy within the next 20 minutes to go in the room and hand
24 off. I'll give counsel a copy shortly thereafter. And we'll

1 file both the question and the Court's response in the
2 record.

3 Anything else? Good.

4 We're off the record.

5 Thank you, everyone.

6 (Recess.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 RENO, NEVADA, MONDAY, JULY 12, 2021, 1:50 P.M.
2 (The following proceedings
3 were had without the presence
4 of the jury:)
5 THE COURT: Thank you.
6 Please be seated.
7 All right. Welcome back, everyone.
8 The Court has learned that the jury has reached a
9 verdict.
10 The record should reflect the presence of Mr. Stege,
11 representing the State of Nevada, on behalf of the Washoe
12 County District Attorney's office; Ms. Garcia, defense
13 counsel; along with Mr. Cameron.
14 Ms. Garcia, I see Mr. Picker is not present.
15 Are we able to go forward in his absence?
16 MS. GARCIA: Your Honor, we are. And we request
17 that. He had something scheduled this afternoon that could
18 not be rescheduled.
19 THE COURT: Very well.
20 Thank you.
21 MS. GARCIA: Thank you.
22 THE COURT: If his schedule changes, and he comes in,
23 obviously he'll sit down.
24 Deputy, please bring the jury back in.

1 Please all rise for the jury.
2 (The following proceedings
3 were had with the presence of
4 the jury:)
5 THE COURT: Okay. Welcome back.
6 Please be seated.
7 Mr. Stege, would you stipulate that all 12 jurors are
8 present?
9 MR. STEGE: They are, yes, Your Honor.
10 THE COURT: Thank you.
11 Ms. Garcia.
12 MS. GARCIA: Yes, Your Honor.
13 THE COURT: Thank you.
14 Ladies and gentlemen, as we did Friday, I'm going to
15 have Ms. DeGayner take roll.
16 When you hear your name, please say "Present."
17 Ms. DeGayner.
18 THE CLERK: Juror number 1, Scarlet Blackwell.
19 JUROR BLACKWELL: Here.
20 THE CLERK: Juror number 2, Michael Allbee.
21 JUROR ALLBEE: Present.
22 THE CLERK: Juror number 3, Derrick Bailey.
23 JUROR BAILEY: Present.
24 THE CLERK: Juror number 4, Angela Stevenson.

1 JUROR STEVENSON: Present.
2 THE CLERK: Juror number 5, Francisco Hernandez
3 Garcia.
4 JUROR GARCIA: Present.
5 THE CLERK: Juror number 6, Mohammad Reza.
6 JUROR REZA: Here.
7 THE CLERK: Juror number 7, Courtney Borsz.
8 JUROR BORSZ: Present.
9 THE CLERK: Juror number 8, Heather Coffey.
10 JUROR COFFEY: Here.
11 THE CLERK: Juror number 9, Dean Anderson.
12 JUROR ANDERSON: Present.
13 THE CLERK: Juror number 10, Edward Shaw.
14 JUROR SHAW: Here.
15 THE CLERK: Juror number 11, Joseph Delgrosso.
16 JUROR DELGROSSO: Here.
17 THE CLERK: Juror number 12, Julian Merlino.
18 JUROR MERLINO: Here. Present.
19 THE CLERK: All are present, Your Honor.
20 THE COURT: Thank you.
21 Ms. Blackwell, the Court understands the jury has
22 reached a verdict; is that correct?
23 JUROR BLACKWELL: Yes, Your Honor.
24 THE COURT: Thank you.

1 Would you please hand the verdict form to the Deputy
2 Sheriff.

3 Thank you.

4 Mr. Cameron, would you please stand.

5 Ms. DeGayner, would you please read the verdict.

6 THE CLERK: "In the Second Judicial District Court of
7 the State of Nevada, in and for the County of Washoe. The
8 State of Nevada, plaintiff, versus Wayne Michael Cameron,
9 defendant. Case number CR20-3534. Department Number 8.

10 "We, the jury in the above-entitled action, having
11 found the defendant, Wayne Cameron, guilty of first-degree
12 murder, set the penalty to be imposed at a term of life
13 without the possibility of parole.

14 "Dated this 12th day of July, 2021. Scarlet
15 Blackwell, Foreperson."

16 THE COURT: Thank you, Ms. DeGayner.

17 At this time, I would ask you to please poll the jury
18 and ask each juror if that was their verdict.

19 THE CLERK: Juror number 1, is this your verdict as
20 read?

21 JUROR BLACKWELL: Yes, it is.

22 THE CLERK: Juror number 2, is this your verdict as
23 read?

24 JUROR ALLBEE: Yes, it is.

1 THE CLERK: Juror number 3, is this your verdict as
2 read?
3 JUROR BAILEY: Yes, it is.
4 THE CLERK: Juror number 4, is this your verdict as
5 read?
6 JUROR STEVENSON: Yes, it is.
7 THE CLERK: Juror number 5, is this your verdict as
8 read?
9 JUROR GARCIA: Yes, it is.
10 THE CLERK: Juror number 6, is this your verdict as
11 read?
12 JUROR REZA: Yes, it is.
13 THE CLERK: Juror number 7, is this your verdict as
14 read?
15 JUROR BORSZ: Yes, it is.
16 THE COURT: Juror number 8, is this your verdict as
17 read?
18 JUROR COFFEY: Yes, it is.
19 MR. STEGE: Juror number 9, is this your verdict as
20 read?
21 JUROR ANDERSON: Yes, it is.
22 THE CLERK: Juror number 10, is this your verdict as
23 read?
24 JUROR SHAW: Yes, it is.

1 THE CLERK: Juror number 11, is this your verdict as
2 read?
3 JUROR DELGROSSO: Yes, it is.
4 THE CLERK: Juror number 12, is this your verdict as
5 read?
6 JUROR MERLINO: Yes, it is.
7 THE COURT: All right. Thank you very much.
8 Ladies and gentlemen, the Court will be with you all
9 in just a moment.
10 At this time, Mr. Cameron, the Court remands you to
11 the custody of the Washoe County Sheriff.
12 Ms. DeGayner, date and time for formal imposition of
13 sentence, please.
14 THE CLERK: Just a moment, Your Honor.
15 August 26th, at 9:00 a.m.
16 THE COURT: Okay. That will be here on the
17 Court's -- is it the in-custody calendar, or is that a
18 special set?
19 THE CLERK: It's a special set, Your Honor.
20 THE COURT: So the sentencing will occur, Ms. Garcia,
21 either here in the complex litigation courtroom, or possibly
22 upstairs on the second floor, in courtroom number 8.
23 Your client is ordered to cooperate with the State of
24 Nevada Division of Parole and Probation to assist them in

1 preparing a presentence investigation report.

2 Deputy, when you -- at the next opportunity, please,
3 you, or have one of your colleagues, notify the two alternate
4 jurors that a verdict has been reached today, and they are
5 excused from further service, and the Court, with profound
6 thanks, appreciates their service to the community.

7 THE BAILIFF: Yes, Your Honor.

8 THE COURT: Ladies and gentlemen of the jury, your
9 service is now complete.

10 This was not an easy trial for you. Aside from the
11 length of it, also the fact that we were proceeding in a
12 newly constructed courtroom on account of the pandemic. But
13 I was very impressed with the fact that you were on time, you
14 seemed attentive, you took your responsibility seriously.
15 And I know I speak for both sides when we thank you for your
16 service.

17 In a moment, when you go inside to gather your things
18 and say goodbyes to each other, please remember that this
19 community is comprised of people just like you, from all
20 walks of life; from students, from people who were going to
21 be training others, and put that aside for a while, like
22 school teachers, who are supposed to be enjoying a robust
23 summer break, to other professionals, retired people, people
24 that have had things happen to them in their life's journey

1 that have informed the person that they are and the type of
2 community citizen that you all present with. But our system,
3 our judicial system, could not function without people just
4 like you. So we sincerely thank you for your service.

5 As well, when you leave here in a moment, it's often
6 the case that the attorneys in a trial would like to chat
7 with you. They can't talk to you about any particular piece
8 of evidence, any testimony, anything specific about your
9 deliberations.

10 What they can do, though, is ask you: Is there
11 anything that they did that they could possibly be critiqued
12 on, or any constructive criticism, or any feedback that they
13 could use to learn and do their job better? Because they're
14 always -- there's room for improvement for all of us; the
15 Court, as well.

16 So to the extent you want to visit with them sort of
17 out in the hallway, we say, afterwards, that's up to you.
18 You don't have to. You can politely say, "I'd like to get on
19 with things and go on home," or you can spend a few moments
20 with either or both of the attorneys and provide some
21 feedback on your service.

22 In addition, sometimes jurors like to talk with the
23 Court and tell the Court how your experience was. Anything
24 we can do better to make your service more comfortable, more

1 understandable, so you wouldn't be waiting, and we could get
2 started a little bit sooner, things like that. We're always
3 open for feedback to help us improve the way we do things.

4 So when I leave the bench here in a moment, I will be
5 in my chambers. If any of you or even all of you want to
6 come back there and visit for a couple minutes, it would be
7 my pleasure to talk with any of you, if you so desire. Just
8 let the Deputy Sheriff know, and she'll bring you back.

9 But if you, again, a polite, "No, thank you," I will
10 not be offended, at all.

11 All right. With that, please all rise for the jury.
12 And thank you again for your service.

13 (The following proceedings
14 were had without the presence
15 of the jury:)

16 THE COURT: Okay. Thank you, everyone.

17 The Court will be in recess.

18 (Recess.)

19

20

21

22

23

24

1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3

4 I, ISOLDE ZIHN, a Certified Shorthand Reporter of the
5 Second Judicial District Court of the State of Nevada, in and
6 for the County of Washoe, do hereby certify:

7 That I was present in Department No. 8 of the
8 above-entitled court on Monday, July 12, 2021 at the hour of
9 8:50 a.m. of said day, and took verbatim stenotype notes of
10 the proceedings had upon the matter of THE STATE OF NEVADA,
11 Plaintiff, versus WAYNE CAMERON, Defendant, Case No.
12 CR20-3534, and thereafter reduced to writing by means of
13 computer-assisted transcription as herein appears;

14 That the foregoing transcript, consisting of pages 1
15 through 106, all inclusive, contains a full, true and
16 complete transcript of my said stenotype notes, and is a
17 full, true and correct record of the proceedings had at said
18 time and place.

19 Dated at Reno, Nevada, this 30th day of November,
20 2021.

21

22

23 /s/ Isolde Zihn
24 Isolde Zihn, CCR #87

1 CODE 1885
2
3
4
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR20-3534

11 v.

Dept. No. D08

12 WAYNE MICHAEL CAMERON,

13 Defendant.
14 _____/

15 It is my duty as judge to instruct you in the law that
16 applies to this penalty hearing. It is your duty as jurors to follow
17 these instructions and to apply the rules of law to the facts as you
18 find them from the evidence.

19 You must not be concerned with the wisdom of any rule of
20 law stated in these instructions, regardless of any opinion you may
21 have as to what the law is or ought to be.
22
23
24
25

26 Instruction No. 1

AA01603

1 If in these instructions, any rule, direction or idea is
2 repeated or stated in different ways, no emphasis thereon is intended
3 by me and none may be inferred by you. For that reason you are not
4 to single out any certain sentence or any individual point or
5 instruction and ignore the others, but you are to consider all the
6 instructions as a whole and regard each in the light of all the
7 others.

8 The order in which the instructions are given has no
9 significance as to their relative importance.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26 Instruction No. 2

AA01604

1 You have found the defendant in this case to be guilty of
2 Murder in the First Degree. Therefore, under the law of this state,
3 you must determine the sentence to be imposed upon the defendant.

4 Murder in the First Degree is punishable by imprisonment in
5 the Nevada State Department of Corrections for:

- 6 1) life without the possibility of parole; or
- 7 2) life with the possibility of parole, with eligibility
8 for parole beginning when a minimum of 20 years has been
9 served; or
- 10 3) a term of 50 years, with eligibility for parole
11 beginning when a minimum of 20 years has been served.

1 1. Life imprisonment without the possibility of parole means
2 exactly what it says, that the Defendant shall not be eligible for
3 parole.

4 2. Life imprisonment with the possibility of parole is a
5 sentence to life imprisonment which provides that the Defendant would
6 be eligible for parole after a period of twenty years. This does not
7 mean that he would be paroled after twenty years, but only that he
8 would be eligible after that period of time.

9 3. A term of 50 years is a sentence of imprisonment which
10 provides that the defendant would be eligible for parole after a
11 period of 20 years. This does not mean that he would be paroled
12 after 20 years, but only that he would be eligible after that period
13 of time.

1 Any person who uses a firearm or other deadly weapon in the
2 commission of a crime shall be punished by imprisonment in the Nevada
3 State Prison for a term of up to 20 years consecutive to the murder
4 count. The Court will impose that sentence.

1 The evidence presented both during the trial and during
2 this hearing may be considered by the jury in deciding the proper and
3 appropriate sentence in this case.

4 This evidence consists of the sworn testimony of the
5 witnesses, both on direct and cross-examination, regardless of who
6 called the witness; the exhibits which have been introduced into
7 evidence and any facts to which the lawyers have agreed or
8 stipulated.

1 Arguments and statements by lawyers are not evidence. The
2 lawyers are not witnesses. What they have said in their opening
3 statements, closing arguments and at other times is intended to help
4 you interpret the evidence, but is not evidence. If the facts as you
5 remember them differ from what the lawyers have stated, then your
6 memory controls.

7 Questions and objections by lawyers are not evidence.
8 Attorneys have a duty to object when they believe a question is
9 improper under the rules of evidence. You should not be influenced
10 by the objection or the court's ruling on it.

11 Testimony excluded or stricken by the court or testimony
12 which you have been instructed to disregard is not evidence and must
13 not be considered.


14 Anything you may have seen or heard when the court was not
15 in session is not evidence. You are to decide the proper punishment
16 solely on the evidence received at the trial and at this hearing.

1 Your verdict as to the sentence to be imposed must be
2 unanimous.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Instruction No. 8

1 Now you will listen to the arguments of counsel who will
2 endeavor to aid you to reach a proper verdict by refreshing in your
3 minds the evidence and by showing the application thereof to the law;
4 but whatever counsel may say, you will bear in mind that it is your
5 duty to be governed in your deliberations by the evidence as you
6 understand it and remember it to be and the law as given you in these
7 instructions, with the sole, fixed and steadfast purpose of doing
8 equal and exact justice between the defendant and the State of
9 Nevada.

1 When all twelve (12) of you have agreed up on a penalty
2 verdict, the foreperson should sign and date the same, and request the
3 Bailiff to return you to court.

4
5
6 
BARRY L. BRESLOW
District Judge
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

25 Instruction No. 10
26

1 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
2 IN AND FOR THE COUNTY OF WASHOE.

3 * * *

4 THE STATE OF NEVADA,

5 Plaintiff,

Case No. CR20-3534

6 v.

7 Dept. No. D08

8 WAYNE MICHAEL CAMERON,

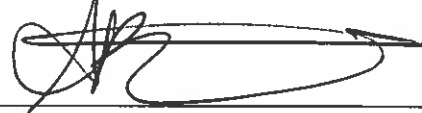
9 Defendant,

10 /

11 LIFE WITHOUT PAROLE

12 We, the jury in the above-entitled action, having found the
13 defendant, WAYNE CAMERON, guilty of First Degree Murder, set the
14 penalty to be imposed at a term of Life without the Possibility of
15 Parole.

16 DATED this 12th day of July, 2021.

17 

18
19 FOREPERSON

1 **CODE NO. 1850**

2
3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 * * *

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

Case No. CR20-3534

11 **vs.**

Dept. No. 8

12 **WAYNE MICHAEL CAMERON,**

13 **Defendant.**

14 **/**

15 **JUDGMENT OF CONVICTION**

16 The Defendant having been found Guilty by a Jury, and no sufficient cause
17 being shown by Defendant as to why judgment should not be pronounced against him, the
18 Court rendered judgment as follows:

19 That Wayne Michael Cameron is guilty of the crime of Murder with the Use of a
20 Deadly Weapon, a violation of NRS 200.010, NRS 200.030 and NRS 193.165, a category
21 A felony, as charged in the Information, and that he be punished by imprisonment in the
22 Nevada Department of Corrections for the term of Life without the possibility of parole; and
23 that the Court having specifically considered the information required by NRS 193.165 (1)
24 (a) through (e) that Wayne Michael Cameron be punished by imprisonment in the Nevada
25 Department of Corrections with a consecutive term of a minimum term of eight (8) years to a
26 maximum term of twenty (20) years for the deadly weapon enhancement. The Defendant is
27 given five hundred forty-five (545) days credit for time served.


28 The Defendant is ordered to pay restitution in the amount of Three Thousand
One Hundred Seventy-Five Dollars and Fifty-Six Cents (\$3,175.56) to Victims of Crimes. All

1 monetary payments, money and property collected from the Defendant shall be first applied
2 to pay the amount ordered as restitution to the Victim.

3 The Defendant is further ordered to pay a Three Dollar (\$3.00) administrative
4 assessment for obtaining a biological specimen and conducting a genetic marker analysis, a
5 Twenty-Five Dollar (\$25.00) administrative assessment fee, and a One Hundred Fifty Dollar
6 (\$150.00) DNA analysis fee to the Clerk of the Second Judicial District Court.

7 Any fine, fee, administrative assessment or restitution imposed today (as
8 reflected in this Judgment) constitutes a lien, as defined in Nevada Revised Statute NRS
9 176.275. Should the Defendant not pay these fines, fees, or assessments, collection efforts
10 may be undertaken against Wayne Michael Cameron.

11 DATED this 9th day of September, 2021.

12
13
14 

15 _____
DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26
27
28

CODE: 2515
Richard F. Cornell, Esq.
Nevada Bar No. 1553
RICHARD F. CORNELL, P.C.
150 Ridge Street, 2nd Floor
Reno, Nevada 89501
775/329-1141
richardcornell1553@gmail.com

IN THE SECOND JUDICIAL DISTRICT COURT FOR THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiff,

Case No.: CR20-3534

v.

Dept. No.: 8

WAYNE MICHAEL CAMERON,

Defendant.

NOTICE OF APPEAL TO SUPREME COURT

TO: THE STATE OF NEVADA, Plaintiff; and

TO: The Washoe County District Attorney's Office, its counsel:

PLEASE TAKE NOTICE that the Defendant, WAYNE MICHAEL CAMERON, hereby
appeals from the final judgment entered in this action on September 9, 2021 to the Supreme
Court of the State of Nevada.

//

/

/

/

AFFIRMATION
Pursuant to NRS 239B.030

This document does not contain the social security number of any person.

DATED this 16th day of September, 2021.

Respectfully submitted,

RICHARD F. CORNELL, PC
150 Ridge Street, Second Floor
Reno, NV 89501

By: /s/RichardCornell
Richard F. Cornell

- 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
- 26
- 27
- 28

Washoe County District Attorney's Office
Criminal Division
1 South Sierra Street, 7th Floor
Reno, Nevada 89501

Kathryn O'Bryan