

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Case No. 83796

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May 27 2022 06:39 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

DONTE JOHNSON,  
Petitioner,

v.

STATE OF NEVADA, *et al.*,  
Respondent.

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Appeal From Clark County District Court  
Eighth Judicial District, Clark County  
The Honorable Jacqueline M. Bluth, District Judge  
(Dist. Ct. No. A-19-789336-W)

APPELLANT'S APPENDIX

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Defendant's (Pro Se) Request for Petition to be Stricken as it is Not Properly Before the Court, <i>Johnson v. Gittere, et al.</i> , Case No. A-19-789336-W, Clark County District Court, Nevada	04/11/2019	46	11606-11608
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77. John L. Smith, <i>Mabey takes heat for attending his patients instead of the inauguration</i> , Las Vegas Review-Journal (Jan. 5, 2007)	02/13/2019	35	8653–8656
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## **CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2022, I electronically filed the foregoing Appendix with the Nevada Supreme Court by using the appellate electronic filing system. The following participants in the case will be served by the electronic filing system:

Alexander G. Chen  
Chief Deputy District Attorney  
Clark County District Attorney's Office

/s/ Celina Moore

Celina Moore  
An employee of the Federal  
Public Defender's Office



1                   Q           Back in August of 1998 had you ever  
2 been to the Terra Linda address? Prior to the call had you  
3 ever been there to that address?

4                   A           No, sir.

5                   Q           You don't know what that house looked  
6 like before the homicide took place, do you?

7                   A           You mean go inside?

8                   Q           Right.

9                   A           No, sir.

10                  Q           You don't know if what you have  
11 described as the ransacking of the house was involved with  
12 homicide, do you?

13                  A           No, sir.

14                  Q           You don't know if there were drugs in  
15 that house before the homicides, do you?

16                  A           No, sir.

17                  Q           You didn't even in all candor do a  
18 search of the house; you simply sealed it off and waited  
19 for the proper individuals to do that?

20                  A           Incorrect, sir. I did a protective  
21 sweep of the house for my safety.

22                  Q           I apologize. I didn't mean to misquote  
23 you. I mean, you didn't actually go searching for evi-  
24 dence; you did the protective sweep that you told the jury  
25 about?

1                   A            Yes, sir.

2                   Q            Who is the possible witness that you  
3 identified? Did you say that? I missed it.

4                   A            No, sir. I don't recall his name. I  
5 just remember that he was the resident just west of the  
6 address.

7                   Q            Okay.

8                                You also said I thought in response to  
9 an earlier question from Mr. Guymon that there had to be  
10 more than one suspect in your mind because of the number of  
11 victims. Is that accurate?

12                   A            Yes, sir, that's correct. The reason  
13 being for you to control that many people and to be able to  
14 do a thorough job in taping their hands and feet, one  
15 person could not have done it alone.

16                   Q            One person could have directed one of  
17 the victims to tape the others while he stood over them  
18 with a gun?

19                   A            That's a possibility, sir.

20                   Q            So it could have been one suspect that  
21 did the damage you saw at the Terra Linda address?

22                   A            Did the damage? Can you specific  
23 "damage"?

24                   Q            The cause of the homicide that you saw  
25 at the Terra Linda address.

1                   A           That caused the homicide? I'm sorry.

2                   Q           It could have been one perpetrator that

3                   caused all four of those homicides. Is that accurate?

4                   MR. GUYMON: Calls for speculation. I am going to

5                   object.

6                   MR. CHRISTIANSEN: He opened the door.

7                   THE COURT: No, he said more than one. He can

8                   give an opinion. Could it have been more than one person

9                   that committed these homicides?

10                  THE WITNESS: I don't believe so, sir.

11                  Q           (By Mr. Christiansen) I thought you

12                  just told me one person could have come in with a gun and

13                  forced one of the people that were victims to tie the

14                  others up and tape them up?

15                  A           Could have been forced but they

16                  wouldn't have done such a thorough job. I mean, it

17                  appeared the way if you have seen the photos, sir, when I

18                  first saw this it was a very good job of taping.

19                  Q           So you thought there was at least two

20                  suspects?

21                  A           Minimum, yes, sir.

22                  Q           In truth and in fact you can't name how

23                  many suspects there were?

24                  A           No, sir.

25                  Q           I don't have anything further. Thank

1 you, Officer.

2 THE COURT: Mr. Guymon?

3 MR. GUYMON: Nothing on redirect.

4 THE COURT: Officer West, you are excused. You  
5 are admonished not to discuss your testimony with anyone  
6 until we complete the case. You are free to go.

7 The jury can look at the pictures now,  
8 please.

9 Do you have your next witness?

10 MR. GUYMON: I have one in the hall.

11 THE COURT: How long will he take?

12 MR. GUYMON: Let me ask --

13 THE COURT: Well, then, what we will do, ladies  
14 and gentlemen, we will take -- how long do you think you  
15 will take just approximately?

16 MR. GUYMON: My direct will take less than twenty  
17 minutes.

18 THE COURT: Who are you talking about?

19 MR. GUYMON: Ace Hart.

20 THE COURT: A good hour.

21 We will be in recess until approxi-  
22 mately 1:20 -- we will be in recess until 1:30. Be back no  
23 later than 1:25. When you do come back report in to the  
24 jury lounge and remain there until the bailiff comes to get  
25 you.

1                   Once again I want to admonish you you  
2 must not discuss any of the facts of this case amongst  
3 yourselves or with any other person, read, watch, or listen  
4 to any news communicate about this trial whether it be  
5 television, radio or newspaper or form any opinion about  
6 the outcome until the matter is submitted to you for your  
7 deliberation in the jury room.

8                   Mr. Bailiff, the jury is viewing those  
9 photographs. They have been admitted into evidence. When  
10 they complete the viewing of those photos we will excuse  
11 the jury until 1:20 or 1:30. 1:20. 1:30, gentlemen.

12                   MR. CHRISTIANSEN: Thank you, Judge.

13   (The noon recess was taken).

14   \* \* \* \* \*

15                   ATTEST: Full, true and accurate transcript of proceedings.

16     
17   JAMES A. HELLESO, CCR 15  
18   OFFICIAL COURT REPORTER

19  
20  
21  
22  
23  
24  
25

# EXHIBIT 182

# EXHIBIT 182

DISTRICT COURT **FILED IN OPEN COURT**

CLARK COUNTY, NEVADA **SHIRLEY B. PARRAGUIRRE, CLERK**

BY *Linda Skinner*

**ORIGINAL DEPUTY**

THE STATE OF NEVADA, )

Plaintiff, )

vs. )

CASE NO. C153624

SIKIA LAFAYETTE SMITH, )

Defendant. )

**REPORTER'S TRANSCRIPT OF JURY TRIAL**

VOLUME VI

Before the Honorable Joseph Pavlikowski  
District Judge  
Department III

Wednesday, June 16, 1999  
1:40 p.m.

For the State:

**GARY GUYMON, ESQ.**

Deputy District Attorney

**ROBERT DASKAS, ESQ.**

Deputy District Attorney

For the Defendant:

**PETER CHRISTIANSEN, ESQ.**

**ANTHONY P. SGRO, ESQ.**

REPORTED BY: LORI M. JUDD, CCR #233, RPR

LORI JUDD & ASSOCIATES  
(702) 260-9678

**CE23**

AA10616

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Exhibit 66

146

Exhibits 71

146

Exhibit 79

147

Exhibits 83, 86

148

Exhibits 89-92

149

Exhibits 93-95

150

Exhibit 96

151

Exhibit 162

152



1 LAS VEGAS, NEVADA, JUNE 16, 1999, 1:30 P.M.

2 \* \* \* \* \*

3 THE COURT: This is the continuation of  
4 the matter State of Nevada versus Sikia Smith. The  
5 record will indicate the presence of the same parties  
6 that were in court at the time we recessed.

7 Mr. Guymon, are you ready to proceed?

8 MR. GUYMON: Yes, your Honor.

9 THE COURT: Mr. Sgro?

10 MR. SGRO: Yes, your Honor.

11 THE COURT: Will counsel stipulate to the  
12 presence of the jury and the four alternates?

13 MR. GUYMON: Yes, your Honor.

14 MR. SGRO: Yes, your Honor.

15 THE COURT: Call your next witness.

16 MR. GUYMON: Ace Rayburn Hart.

17 THE COURT: Mr. Hart, up here, please.

18 Remain standing. Raise your right hand and be sworn  
19 by the clerk.

20 **ACE HART,**

21 called as a witness, and having been first duly sworn  
22 to testify to the truth, the whole truth, and nothing  
23 but the truth, was examined and testified as follows:

24

25 THE COURT: Be seated. Give us your full

1 name, spell your last name, your business address and  
2 occupation.

3 THE WITNESS: Ace Rayburn Hart, H-A-R-T.

4 THE COURT: Are you employed?

5 THE WITNESS: Yes, sir, for Santa Clara  
6 County.

7 THE COURT: Where?

8 THE WITNESS: In Bellville, Illinois.

9 THE COURT: And have you lived in Las  
10 Vegas before, Mr. Hart?

11 THE WITNESS: Yes, sir.

12 THE COURT: Were you living in Las Vegas  
13 during the month of August 1998?

14 THE WITNESS: Yes.

15 THE COURT: Where were you living?

16 THE WITNESS: On Everman Street.

17 THE COURT: Is that in Clark County,  
18 Nevada?

19 THE WITNESS: Yes.

20 THE COURT: Mr. Guymon.

21 MR. GUYMON: Thank you.

22 DIRECT EXAMINATION

23 BY MR. GUYMON:

24 Q. You indicated that you were living in a  
25 house on Everman; is that right?

1 A. Yes, sir.

2 Q. Can you tell us approximately when you,  
3 or how long you lived at the Everman house?

4 A. About five months.

5 Q. Do you know when you moved out of the  
6 Everman house?

7 A. The end of July, beginning of August.

8 Q. And what year are we talking about? This  
9 is 1999.

10 A. '98.

11 Q. '98?

12 A. Yes, sir.

13 Q. Whose house was the Everman house?

14 A. Tod Armstrong's.

15 THE COURT: Keep your voice up.

16 THE WITNESS: Tod Armstrong's.

17 MR. GUYMON:

18 Q. You had lived there how many months?

19 A. About five months.

20 Q. If we count back from August about five  
21 months, that's when you would have moved in; is that  
22 right?

23 A. Yes.

24 Q. I'm going to show you -- counsel -- I  
25 have two maps out here, or calendars, July and

1 August, that I'm going to have you refer to on  
2 occasion?

3 THE COURT: What are the numbers?

4 MR. GUYMON: They are marked now 158, and  
5 159.

6 THE COURT: 158 is July?

7 MR. GUYMON: Yes, your Honor.

8 THE COURT: 159 is August.

9 MR. GUYMON: That's correct, and Judge I  
10 move for their admission.

11 THE COURT: Any objection?

12 MR. SGRO: No, your Honor.

13 THE COURT: 158 and 159 are admitted into  
14 evidence.

15 MR. GUYMON:

16 Q. Can you see both of those?

17 A. Yes.

18 Q. When you moved into the Everman house  
19 with Tod Armstrong, what was your relationship with  
20 Tod, say, five months before August?

21 A. My best friend.

22 Q. How long had you known Tod Armstrong?

23 A. Two years.

24 Q. Do you remain best friends with Tod  
25 Armstrong?

1 A. To this day?

2 Q. Yes.

3 A. No.

4 Q. When is the last time you talked to Tod  
5 Armstrong?

6 A. Last year, September of last year.

7 Q. 1998?

8 A. Yes.

9 Q. Justin Perkins, do you know that name?

10 A. Yes.

11 Q. How do you know Justin Perkins?

12 A. I went to junior high school and high  
13 school with him.

14 Q. When is the last time that you saw Justin  
15 Perkins?

16 A. Four years.

17 Q. You have not seen him for four years?

18 A. No, sir.

19 Q. Have you discussed your testimony in this  
20 case with him at all?

21 A. No, sir.

22 Q. Has he discussed his testimony with you?

23 A. No.

24 THE COURT: Keep your voice up.

25 THE WITNESS: No, sir.

1 MR. GUYMON:

2 Q. Now, the house at the Everman address,  
3 4815?

4 A. Yes.

5 Q. Whose house was it?

6 A. Tod's.

7 Q. When you moved in with him five months  
8 before August, that would be about February, March or  
9 February?

10 A. Yes, sir.

11 Q. Who lived at Tod Armstrong's house?

12 A. Me, BJ and Tod.

13 Q. Who is BJ?

14 A. One of our other friends.

15 Q. Other than BJ, does he have a name?

16 A. Bryan Johnson.

17 Q. Bryan Johnson, and what was your  
18 relationship like with Bryan Johnson when you moved  
19 into Tod's house?

20 A. Good friends.

21 Q. Now then, you say you moved out early  
22 August?

23 A. Yes.

24 Q. Of 1998?

25 A. Yes, sir.

1 Q. Prior to you moving out of the house in  
2 early August at Everman did you have some other  
3 roommates that came to live with you?

4 A. Yes, sir.

5 Q. And who was it that came to live with  
6 you?

7 A. Donte and Terrell and LaLa.

8 Q. And you say Donte, Terrell and LaLa?

9 A. Yes.

10 Q. How long had you known Donte, Terrell and  
11 LaLa before they moved in?

12 A. About eight months.

13 Q. Okay. Now, does Terrell have a nickname?

14 A. Yes.

15 Q. What's his nickname?

16 A. Red.

17 Q. And how about Donte, does he have a  
18 nickname?

19 A. Yes, Deco.

20 Q. And LaLa, does she have a nickname?

21 A. That's all I've ever known her by is  
22 LaLa.

23 Q. Is there anyone in this courtroom that  
24 you associate with Donte, Terrell and LaLa?

25 MR. SGRO: Object to the words "associate

1 with," your Honor. It's vague.

2 THE COURT: Rephrase it.

3 MR. GUYMON:

4 Q. Do you recognize anyone in this  
5 courtroom?

6 A. Yes.

7 Q. And who do you recognize?

8 A. Sikia.

9 Q. And how do you recognize Sikia, or how do  
10 you know Sikia?

11 A. I met him through another one of my  
12 friends. I have only met him a couple times through  
13 Shawn, and I seen him at my house one time.

14 Q. Do you know what Shawn's last name is?

15 A. No, sir.

16 Q. Does Sikia have a nickname?

17 A. Yes, Tiny Bug.

18 Q. I'm showing you --

19 THE COURT: Keep your voice up. What was  
20 it?

21 THE WITNESS: Tiny Bug.

22 MR. GUYMON:

23 Q. Showing you what has been marked as  
24 State's Proposed Exhibit 160, do you recognize the  
25 persons that are in 160?



1 A. Yes.

2 Q. And who is in 160?

3 A. Red, Tiny Bug, and Deco.

4 Q. Are they appropriately named with their  
5 names underneath them?

6 A. Yes, sir.

7 MR. GUYMON: Move for the admission.

8 THE COURT: Any objection?

9 MR. SGRO: No objection.

10 THE COURT: 160 is admitted.

11 MR. GUYMON:

12 Q. Now then, if you moved out in the start  
13 of August, what month did Donte, Terrell and LaLa  
14 move into the Everman residence?

15 A. They had been there about three weeks  
16 before I moved out, so July, beginning or middle of  
17 July, probably the beginning of July.

18 Q. Now did you pay rent when you stayed at  
19 the house?

20 A. Yes.

21 Q. How much did you pay?

22 A. It was we split bills and everything. It  
23 was like \$200 a month.

24 Q. Did BJ, Bryan Johnson, pay rent at the  
25 house?

1 A. Yes, sir.

2 Q. Did he pay the same?

3 A. Yes.

4 Q. To your knowledge did Donte or Terrell or  
5 LaLa pay rent?

6 A. No, not that I know of.

7 Q. Do you have personal knowledge as to why  
8 they didn't pay rent?

9 A. No.

10 Q. Did Terrell, Donte or LaLa provide  
11 anything to Tod Armstrong or yourself?

12 A. Yes, drugs.

13 Q. Okay, and what was it that they provided?

14 A. Cocaine.

15 Q. And who would Donte give the cocaine to?

16 A. Tod.

17 Q. Tod Armstrong?

18 A. Yes, sir.

19 Q. Now would Tod have to pay for that drug?

20 A. Not that I know of.

21 MR. SGRO: If he knows. No foundation.

22 MR. GUYMON:

23 Q. You have personal knowledge? Did you  
24 ever see Tod pay money for drugs to Donte?

25 A. No, sir.

1 Q. About the time that you moved out in  
2 August, that you moved out of the house on Everman,  
3 were you familiar with the, say, the things that were  
4 in the Everman residence?

5 A. Yes, sir.

6 Q. Did the place have a sofa?

7 A. Correct.

8 Q. And a TV and things like that?

9 A. Yes, sir.

10 Q. Did you take your property out of the  
11 Everman residence when you left?

12 A. Just some of my clothes.

13 MR. GUYMON: If I could approach.

14 THE COURT: Yes.

15 MR. GUYMON: I'll show counsel what I  
16 have previously shown him, the photographs.

17 Q. Showing you what has been marked as  
18 State's Proposed Exhibit 98, do you recognize that  
19 particular place?

20 A. Yes, sir, that's my front door.

21 Q. And at the Everman house?

22 A. Yes.

23 Q. Is that as it appeared on, say, August 1  
24 when you moved out?

25 A. Uh-huh.

1 THE COURT: You have to answer yes or no.

2 THE WITNESS: Yes, sir.

3 MR. GUYMON: Move for the admission of  
4 State's 98.

5 THE COURT: Any objection?

6 MR. SGRO: Your Honor, to expedite  
7 things, I don't have a problem with any of the photos  
8 that he showed me.

9 THE COURT: 98 is admitted.

10 MR. GUYMON:

11 Q. Showing you what has been marked as  
12 State's Proposed Exhibits 99 through 112, look at  
13 those quickly and tell me if you recognize those  
14 photographs?

15 A. Yes, sir.

16 Q. All right. And what's depicted, how is  
17 it that you recognize those photographs?

18 A. This is our couch and our TV and our  
19 carpet and our bedrooms and tables.

20 Q. And is that there at the Everman  
21 residence?

22 A. Yes, sir.

23 Q. I want to ask you -- move for the  
24 admission of State's Proposed Exhibits 99 through  
25 112?

1 THE COURT: Are 99 and 112 still part of  
2 the package?

3 MR. SGRO: No objection.

4 THE COURT: 99 through 112 is admitted  
5 into evidence.

6 MR. GUYMON:

7 Q. State's Exhibit 99, it has a television?

8 A. Yes, sir.

9 Q. Was that television in that location on  
10 August 1st, when you moved out, of 1998?

11 A. Yes, sir.

12 Q. There's some other items underneath the  
13 television, do you recognize those?

14 A. Not the day that I moved out, we never  
15 had a Nintendo.

16 Q. You never had a what?

17 A. Nintendo.

18 Q. Okay, anything else in the picture that  
19 wasn't at the house on August 1st?

20 A. There was nothing there underneath the TV  
21 the day that we moved out, that I moved out.

22 Q. You say there was nothing there, there's  
23 a VCR underneath the TV. Was that there on August 1?

24 A. No, sir.

25 Q. After you moved out on August 1 did you

1 return to the residence from time to time?

2 A. Yes, sir.

3 Q. How often did you return to the residence  
4 between August 1st and August 15th, the first 15 days  
5 in August?

6 A. Quite a few times.

7 Q. Now when you returned quite a few times,  
8 to use your expression, would you have recognized  
9 that the house had a VCR if it was there, on, say,  
10 the 4th or the 7th or the 12th?

11 MR. SGRO: That sort of calls for  
12 speculation, your Honor, perhaps if he rephrased what  
13 he saw.

14 THE COURT: Rephrase it. Sustained.

15 MR. GUYMON:

16 Q. During the few times that you returned to  
17 the residence at Everman, did you see the VCR then?

18 A. No, sir.

19 Q. How about the Nintendo?

20 A. No.

21 Q. Now then, directing your attention to  
22 Exhibit 103, do you recognize that?

23 A. Yes, sir.

24 Q. And what is depicted there?

25 A. A box with Black and Miles in it and

1 stuff.

2 THE COURT: Keep your voice up.

3 THE WITNESS: And combs.

4 MR. GUYMON:

5 Q. What are Black and Miles?

6 A. Cigars.

7 Q. Whose were those?

8 A. Donte's.

9 Q. Who smoked Black and Miles at the house  
10 at Everman?

11 A. Donte.

12 Q. With what regularity did Donte smoke  
13 Black and Miles?

14 A. What was that?

15 Q. Did he smoke them often or not so often?

16 A. Yeah, he smoked them like you would smoke  
17 a cigarette.

18 Q. Did anybody else in the house smoke Black  
19 and Miles?

20 A. Not that I know of.

21 Q. Okay, and showing you what's been marked  
22 as State's Exhibit 104, do you recognize what's  
23 there?

24 A. Yes, sir.

25 Q. What's depicted in 104 and how do you

1 recognize it?

2 A. It was the bag that I seen where they had  
3 all their guns in.

4 Q. You say it was a bag?

5 A. That I seen before where they had guns in  
6 the bag.

7 Q. When did you first see that tote bag?

8 A. When they moved in.

9 Q. Who is "they"?

10 A. Donte, Red and LaLa.

11 Q. You say they brought that with them?

12 A. Yes.

13 Q. Do you have personal knowledge as to what  
14 they had in the bag when they brought the bag over  
15 when they first moved in in July?

16 A. No, sir.

17 Q. Did you later see things in the bag?

18 A. Yes, sir.

19 Q. When is it that you saw inside the bag  
20 and what did you see?

21 A. I don't know exactly when it was, but  
22 just a couple of like rifles and handguns.

23 Q. You say a couple rifles, how many?

24 MR. SGRO: Can we have at least a month?

25 THE COURT: When did you see the rifles,



1 Mr. Hart?

2 THE WITNESS: Somewhere in July, I don't  
3 know exactly.

4 THE COURT: Of 1998?

5 THE WITNESS: Yes.

6 MR. GUYMON:

7 Q. How many rifles did you see?

8 A. I can only remember two.

9 Q. Can you describe what the rifles looked  
10 like?

11 A. Like a .22 with a banana clip and another  
12 one didn't have a stock on it.

13 Q. A .22 with a banana clip and a gun that  
14 didn't have a stock on it?

15 A. Yeah, like they cut it off.

16 Q. Other than the two rifles, did you see  
17 any other guns in the handbag?

18 A. Yes, a couple handguns.

19 Q. A couple handguns? Are you familiar with  
20 handguns?

21 A. There was a .38 and it must have been a  
22 .380 because it wasn't a nine.

23 Q. You say it wasn't a nine, are you  
24 familiar with handguns?

25 A. Yes, sir.

1 Q. And how is it that you are familiar with  
2 handguns?

3 A. Just my family has them, my dad has guns.

4 Q. Do you know the difference between a  
5 revolver or an automatic?

6 A. Yes, sir.

7 Q. Were these, was the .38, or the gun that  
8 you thought was a .38, was it an automatic or  
9 revolver?

10 A. It was a revolver -- the .38?

11 Q. Yes.

12 A. Yes.

13 Q. How about the .380 that you described?

14 A. Semi-automatic.

15 Q. Any other items in the tote bag that you  
16 noticed in July?

17 A. No.

18 Q. And in this particular photograph there  
19 is some duct tape. Do you recognize duct tape or  
20 associate duct tape with the house?

21 A. I don't remember seeing the duct tape  
22 ever around.

23 Q. Okay. How about the next photograph, it  
24 is 105, what does depict there?

25 A. Jeans.

1 Q. And do you know whose jeans those are?

2 A. Either Donte's or Red's.

3 Q. Why do you say that?

4 A. Because they are their jeans.

5 Q. How about the shoes, did you recognize  
6 who the shoes belong to?

7 A. No.

8 Q. The next photograph, 106, do you  
9 recognize the items there?

10 A. Yes.

11 Q. And what's depicted there?

12 A. Jeans and three pairs of shoes, and I  
13 only know what the one pair of shoes is, Red's.

14 Q. Red's shoes are which ones?

15 A. The black Nike.

16 Q. The black Nike? Judge, may I published  
17 these?

18 THE COURT: Yes. Look at one and pass it  
19 on, ladies and gentlemen.

20 MR. GUYMON:

21 Q. Photograph 107, do you recognize what's  
22 depicted there?

23 A. Yes, two pairs of black jeans and the  
24 rifle.

25 Q. Is that the rifle you previously

1 described?

2 A. Yes, sir.

3 Q. Is that the one that had the banana clip  
4 you say?

5 A. Yes, sir.

6 Q. Whose bedroom is that?

7 A. That's the master bedroom. That's where  
8 they stayed.

9 Q. They stayed in the master bedroom?

10 A. Yes.

11 Q. Why, if you know, why didn't Tod  
12 Armstrong stay in the master bedroom if this was his  
13 house?

14 A. He never stayed in the master bedroom the  
15 whole time ever since I lived there. I don't know  
16 why. He always had the corner.

17 Q. Mr. Hart, when you first moved in back in  
18 March, what bedroom did Tod stay in?

19 A. The same one he was in the day we left.

20 Q. The day you left was August 1?

21 A. Yes, sir.

22 Q. I show you the last photographs, do you  
23 recognize what's in the -- what's there, what's that?

24 A. Our backyard.

25 Q. There at Everman?

1           A.     Yes, sir.

2           Q.     Now then, how many times did you return  
3 to the residence from August 1st to August 15th?

4           A.     Quite a few times, maybe every other day  
5 or close to it.

6           Q.     During any of the times that you returned  
7 did you ever see a VCR underneath the TV as depicted  
8 in those photographs?

9           A.     Not that I remember.

10          Q.     And on August 15th, that being Saturday  
11 of 1989, did you return to the residence of Everman?

12          A.     Yes, sir.

13          Q.     And to your knowledge who was living in  
14 the residence in August after you moved out?

15          A.     Tod, Donte, Red, and LaLa.

16          Q.     Where was Bryan Johnson staying now?

17          A.     We were both staying at his mom's.

18          Q.     So the two of you moved out together?

19          A.     Yes, sir. Well, he moved out a little  
20 bit before but he was still there every night.

21          Q.     And why is it that you returned on the  
22 15th?

23          A.     To get my dress clothes for a job  
24 interview.

25          Q.     Now, if you had moved out and gone to

1 live with BJ, why would your dress clothes be at  
2 Everman?

3 A. I just took the stuff that I wore on  
4 every day, that I wore every day.

5 Q. Did you wear interview style clothes  
6 every day back then?

7 A. No, sir.

8 Q. What kind of job were you interviewing  
9 for?

10 A. Outdoor services, Stallion Mountain  
11 Country Club.

12 Q. On August 15th of 1998, do you recall  
13 about what time it was you went back over to the  
14 Everman house to get your interview clothes?

15 A. 10:30 in the morning.

16 Q. And when you got there in the morning who  
17 did you get there with?

18 A. BJ.

19 Q. Who was home at the Everman house?

20 A. Tod, Donte, Red, and LaLa.

21 Q. When you got there around 10 -- what time  
22 did you say?

23 A. 10:00, 10:30.

24 Q. Around 10:00, 10:30 what is it that you  
25 saw everyone doing there at the house?

1 A. Watching the news.

2 Q. When you say "watching the news," who was  
3 watching the news?

4 A. Donte and Red, Tod and LaLa.

5 Q. And what did you see on the news or did  
6 you watch?

7 A. I really wasn't paying attention, I just  
8 seen that they were, you know, I was washing my  
9 clothes for a job interview and they were watching  
10 the news to see what was going on and then when I  
11 walked out is when I heard --

12 MR. SGRO: Objection to what he heard.

13 THE COURT: Sustained.

14 MR. GUYMON:

15 Q. Without telling me what you heard, what  
16 did you see on the news?

17 A. Once I heard on the news, I heard over  
18 the news that there was a quadruple murder.

19 THE COURT: Sustain the objection.

20 MR. GUYMON: Judge I'm not offering --  
21 this is the television program and what he  
22 subsequently does, I'm not offering --

23 MR. SGRO: The question should be after  
24 you heard something on the news.

25 THE COURT: Sustain the objection,

1 rephrase it.

2 MR. GUYMON:

3 Q. After you saw the story on the news did  
4 it concern you?

5 A. Yes, sir.

6 Q. Why?

7 MR. SGRO: Objection, relevancy.

8 THE WITNESS: Overruled.

9 MR. GUYMON:

10 Q. Why?

11 A. Because I recognized the house.

12 Q. What house are we talking about?

13 A. The Terra Linda house.

14 Q. Had you been to the Terra Linda house  
15 before?

16 A. Yes, sir.

17 Q. Who was it that lived at the Terra Linda  
18 house that you knew?

19 A. I was good friends with Nick and Tracey  
20 and Matt.

21 Q. And about how many times had you been to  
22 the Terra Linda house?

23 A. About three times.

24 Q. Showing you what's been previously  
25 admitted as State's Exhibit 9, do you recognize



1 State's Exhibit 9?

2 A. Yes, sir.

3 Q. And what's depicted there?

4 A. Their house, Nick's.

5 Q. When you recognized the Terra Linda  
6 house, did you say anything?

7 A. Yes, that's when I was kind of, that's  
8 when I really started paying attention to the news to  
9 see, you know, maybe it wasn't the right house or  
10 something, and after I figured out that it was them  
11 and I didn't know who it was, I just knew that I knew  
12 Nick and Tracey and Matt and I was kind of like I  
13 knew them guys that lived in that house and that's  
14 when everyone started acting really --

15 MR. SGRO: Objection.

16 THE COURT: Overruled.

17 MR. SGRO: I thought he was going to say  
18 speaking, never mind.

19 THE COURT: They were acting. It all  
20 depends who is there.

21 MR. GUYMON:

22 Q. Tell me?

23 A. I don't know where I was. I was saying  
24 that I had known the guys that lived in that house  
25 and I didn't think nothing of any of the people that

1 were at my house. I just knew I knew of them and  
2 they were good friends of mine and then that's when  
3 everybody, Donte, Tod, LaLa, everybody but me and BJ  
4 was acting real funny about what was going on.

5 Q. Now, you said everybody else but you and  
6 BJ were acting funny about what was going on?

7 A. Yeah, like they knew something that we  
8 didn't.

9 Q. Now, what did Donte, Terrell, and LaLa  
10 do, if anything, once you announced that you knew  
11 these guys?

12 A. Once I said that I knew these guys and  
13 they were nice guys and stuff, Donte and Red, LaLa  
14 stayed there, they went and they were talking, and  
15 while they were gone, Tod came up to me and said --

16 MR. SGRO: Objection.

17 MR. GUYMON:

18 Q. Without telling me what Tod said, you say  
19 while Donte and Red were gone. Where did they go?

20 A. In the back bedroom where they stayed.

21 Q. How long were they gone for from the  
22 conference?

23 A. 10, 15 minutes.

24 Q. I don't want you to tell me what Tod  
25 said, who did you speak with once Donte and Red left?

1 A. Tod.

2 Q. After speaking with Tod, how long did you  
3 speak with him for?

4 A. The whole time they were in the bedroom.

5 Q. What did you speak to him about?

6 A. What was on the news.

7 Q. After speaking to Tod about what was on  
8 the news, what did you do?

9 A. I confronted Deco.

10 Q. Who was Deco with when you confronted  
11 him?

12 A. Red.

13 Q. I don't want to know what they said, but  
14 did you speak to both of them?

15 A. Yes, sir.

16 Q. Did they both speak to you?

17 A. Yes, sir.

18 Q. Now then, did you learn some things that  
19 concerned you?

20 A. Yes, sir.

21 Q. Did you express your concern?

22 A. No.

23 Q. Without, again, telling me what they  
24 said, what was the conversation about the topic?

25 A. The Terra Linda home, what was on the

1 news.

2 Q. During the conversation was there any  
3 discussion about a pager?

4 A. Yes, sir.

5 Q. Are you familiar -- well, once you had  
6 this information, how did it make you feel?

7 MR. SGRO: Relevancy.

8 THE COURT: Not how did it make him feel,  
9 what he did. Sustained.

10 MR. GUYMON:

11 Q. With the information that you had did you  
12 do anything with it?

13 A. Not right away.

14 Q. Did you go off to your interview?

15 A. Yes, sir.

16 Q. Now, you say you didn't do anything with  
17 the information you had right away. What did you  
18 ultimately do with the information?

19 A. Talked to a detective.

20 Q. Now why is it that you would wait to talk  
21 to a detective, and how many days did you wait?

22 A. Two or three days, two days.

23 Q. Why did you wait two or three days?

24 A. Because I didn't know what we were going  
25 to do the whole time. I just knew that we knew too

1 much and it had to come out sometime or another. I  
2 didn't know what to say.

3 Q. Did you think the information you had was  
4 important to the police?

5 A. Yes, sir.

6 Q. Why?

7 MR. SGRO: Objection, relevancy.

8 THE COURT: Sustained.

9 MR. GUYMON: I'll move along.

10 Q. Now then, you said that you had  
11 recognized the boys that were at the Terra Linda  
12 house?

13 A. Yes, sir.

14 Q. How long had you known those boys?

15 A. I have known Matt and Tracey about the  
16 same amount of time. I went to middle school or  
17 junior high and high school with Matt and I went to  
18 high school with Tracey.

19 Q. Now, had Matt Mowen ever been over to  
20 your house on Everman?

21 A. Yes, sir.

22 Q. About how many times during the time that  
23 you lived there?

24 A. Two or three times.

25 Q. Do you recall what month it would have

1     been in?

2             A.     July.

3             Q.     And were you home when Matt came over to  
4     the house?

5             A.     Yes.

6             Q.     Who else was home?

7             A.     Tod and me, Bryan was there, Donte, and  
8     Red and LaLa.

9             Q.     Do you have personal knowledge as to why  
10    Matt Mowen would come to the house?

11            A.     Him and Deco dealt stuff together.

12            Q.     You say they dealt stuff together, what  
13    did they deal together?

14            A.     Drugs.

15            Q.     Were you present?

16            A.     No, no, sir.

17            Q.     Now in July were you ever home at the  
18    house when Matt came to the house and had a  
19    conversation with Deco?

20            A.     I can only recall one conversation is --

21            Q.     When was that?

22            A.     In August -- July sometime when Matt was  
23    talking to Donte, and actually pretty much everybody,  
24    they got off following the Fish concert, or Fish rock  
25    group, or whatever it is, that they were making a lot

1 of money working out of this van selling stuff, pizza  
2 and stuff out of this van.

3 Q. Did anybody comment about how much money  
4 Matt Mowen was making?

5 A. No, sir.

6 Q. When was the date of that conversation?

7 A. Sometime in July.

8 Q. Now then, you indicated earlier that you  
9 knew Sikia Smith?

10 A. Yes, sir.

11 Q. How did you know Sikia Smith?

12 A. From Shawn, I met him through Shawn.

13 Q. Is Sikia here in this courtroom today?

14 A. Yes.

15 Q. Will you point to him and describe an  
16 article of clothing that he's wearing today?

17 A. White button-up shirt with a tie.

18 Q. You say you met him with Shawn?

19 THE COURT: The record will indicate he  
20 identified the defendant, Mr. Smith.

21 MR. GUYMON:

22 Q. Where was he, Shawn, when you saw him and  
23 when was it?

24 A. It was quite awhile back, I think La  
25 Palms Motel, in their apartment.

1           Q.     Do you recall what month that would have  
2     been?

3           A.     A few months, I can't remember.

4           Q.     In relationship to, say, August, how much  
5     earlier was it?

6           A.     A month, about, is about a month, I'm not  
7     sure.

8           Q.     On that occasion did you speak with Sikia  
9     Smith?

10          A.     Just hi, you know, no conversation.

11          Q.     When you said hi to Sikia Smith did he  
12     say anything to you?

13          A.     Hi.

14          Q.     You saw him another time, you said?

15          A.     I seen him one other time, one time at my  
16     house, but we didn't talk or nothing.

17          Q.     At your house, what month was it?

18          A.     I guess July.

19          Q.     And who was he with?

20          A.     He was with Donte, Red, Scale, and Horse.

21          Q.     Now, the apartment that you said that --  
22     well, who is Horse, just so we know?

23          A.     Friends of theirs.

24          Q.     Friends of whose?

25          A.     Friends that all hung out with Donte and



1 Scale and Tiny Bug and Red.

2 Q. So Tiny Bug hung out with Horse and  
3 Scale. Who is Scale?

4 A. Just one of their friends.

5 Q. Had you, the apartment that you talked  
6 about, you say it was Shawn's apartment?

7 A. I guess so. I don't know whose it was.

8 Q. Who was staying at that apartment when  
9 you saw --

10 A. Shawn and her kids and Tiny Bug.

11 Q. Any of the other kids you mentioned,  
12 either Scale, Donte or Red, had he ever been over to  
13 that apartment that you mentioned to your knowledge?

14 A. No, sir.

15 Q. Did you ever give rides to Donte?

16 A. Yes -- well, I haven't. BJ, me and BJ  
17 picked Donte up from one of their, from Fremont  
18 before, from I guess he said Tiny Bug had stayed  
19 there.

20 Q. Now, you mentioned apartments for a  
21 minute, are you familiar with the Thunderbird  
22 apartment?

23 A. Yes, sir.

24 Q. And how are you familiar with the  
25 Thunderbird apartment?

1 A. I rented a room for Deco there.

2 Q. Who paid for that room?

3 A. Deco.

4 Q. What month was that in?

5 A. June, maybe a little bit into July.

6 Q. Do you recall what room number Donte  
7 stayed at?

8 A. No, I don't.

9 Q. Now, you talk about Donte and Terrell,  
10 how often did you see them, say, in the months of  
11 July and August?

12 A. I seen them in August -- or July and  
13 August?

14 Q. Yes.

15 A. They stayed there, they were together all  
16 the time.

17 Q. Okay, and of those two, first of all, is  
18 there a leader of those two?

19 A. I wouldn't say a leader, neither of them  
20 are a leader.

21 Q. What do you mean by that?

22 A. Nobody told another one what to do.

23 Q. Sikia, when you saw him over at the house  
24 the one time at Everman?

25 A. Yes.

1 Q. Was any one the leader then of all the  
2 guys that were over there?

3 A. No, Sikia was pretty much the only one  
4 that didn't even talk. I can just remember him. He  
5 was leaned up against the wall in my living room and  
6 he didn't talk and the other guys were talking about  
7 other stuff. I don't know what they were talking  
8 about.

9 Q. Now lastly, I want to show you, I want to  
10 return to photographs 99 and 101. I want to ask you  
11 a little bit about those. When you returned to the  
12 house on August 15th of 1998 --

13 A. Uh-huh.

14 Q. -- how had the TV area or the area where  
15 the TV was, how was it different than when you had  
16 been there before?

17 A. Messier. There was a lot of stuff on the  
18 tapes, all the tapes and stuff were stacked on top of  
19 the TV when I left that I remember and there was just  
20 my table, the end table, the coffee table was moved  
21 over next to that far wall and there was a bunch of  
22 stuff underneath there, a lot of food and like bags  
23 of food from like Sonic and stuff like that were in  
24 there.

25 Q. I'm going to show you 102. Is that the

1 coffee table that you were talking about was moved?

2 A. Yes.

3 Q. Where was the coffee table on the 15th  
4 when you went over to the house?

5 A. Against a far wall.

6 Q. Hold the picture up and show the jury  
7 where the coffee table was that's depicted in 102?

8 A. Over here (indicating).

9 Q. Now then, there is a VCR in that picture?

10 A. Yes, sir.

11 Q. Where was the VCR on the 15th when you  
12 got there?

13 A. I don't remember exactly seeing that VCR  
14 that day, but there was just a lot of stuff over  
15 there.

16 Q. You say -- was the VCR there on the 15th?

17 A. I'm not sure.

18 Q. How about the Nintendo?

19 A. Yeah. I remember seeing the Nintendo  
20 there, but we never had a Nintendo.

21 Q. You didn't have a Nintendo before?

22 A. No, sir.

23 Q. Had the VCR been there before the 15th?

24 A. No.

25 Q. And do you recall if it was there on the

1 15th?

2 A. I can't recall seeing it there.

3 Q. You say you can't recall the VCR being  
4 there?

5 A. Huh-uh.

6 THE COURT: Is that a yes, you can't  
7 recall it?

8 THE WITNESS: No, sir. There was a lot  
9 of new stuff that was underneath laying there, but I  
10 can't say it was that VCR.

11 THE COURT: Thank you.

12 MR. GUYMON:

13 Q. You say you can't say it was that VCR?  
14 Was there a VCR under the TV on the 15th?

15 A. I don't remember. I just know that I  
16 remember seeing all the videotapes from when Tod had  
17 his VCR was all scattered around, underneath the TV.

18 Q. And where had the videotapes been?

19 A. On top of the TV.

20 Q. Prior to the 15th?

21 A. On top of the TV.

22 Q. And where had the videotapes been, say,  
23 on August 1st, when you moved out?

24 A. On top of the TV.

25 MR. GUYMON: I have no other questions on

1 direct.

2 THE COURT: Mr. Sgro.

3 MR. SGRO: Your Honor, may we approach  
4 briefly?

5 THE COURT: Yes.

6 (Conference at the bench.)

7 THE COURT: Something has come up, ladies  
8 and gentlemen. I'm going to excuse you at this time.  
9 We might as well take our afternoon recess.

10 I want to admonish you that you must not  
11 discuss this case amongst yourselves or with any  
12 other person, or read, watch, or listen to any news  
13 communicate about this trial, whether it be  
14 television, radio, or newspaper, or form any opinion  
15 as to what the final result will be until the entire  
16 matter is submitted to you for your deliberation in  
17 the jury room.

18 We'll be in recess for about ten minutes.  
19 Mr. Hart, I'm going to admonish you that you cannot  
20 discuss your testimony with anyone, with the  
21 exception of the attorneys of record. Do you  
22 understand?

23 THE WITNESS: Yes, sir.

24 THE COURT: We'll take about a ten minute  
25 recess. When you do come back, go to the jury

1 lounge.

2 (Jury exited the courtroom.)

3 THE COURT: This is further consideration  
4 of State of Nevada versus Sikia Smith. The record  
5 will show the presence of the same parties that were  
6 in court at the time we recessed. The record will  
7 show the jury is not present.

8 Mr. Hart, up here, please.

9 THE COURT: Mr. Hart, something has come  
10 up that Mr. Sgro brought to the attention of the  
11 court and Mr. Guymon, and Mr. Sgro is going to  
12 inquire of what knowledge you may have about this  
13 matter.

14 Mr. Guymon, and Mr. Sgro.

15 MR. SGRO: Do you want to do it or do you  
16 want me to do it?

17 MR. GUYMON: I'll start and you can do  
18 whatever you want to do.

19 Q. Mr. Hart, here's a couple questions, has  
20 anybody from the District Attorney's Office made you  
21 any promises about any arrests or felony cases that  
22 you have ever incurred?

23 A. What now?

24 Q. Back up. Have you ever been arrested for  
25 a felony?

1 A. No, sir.

2 Q. Have you ever been arrested?

3 A. Yes.

4 Q. What kind of offenses?

5 A. Traffic warrants.

6 Q. Anything else?

7 A. Auto burglary, back two years ago.

8 Q. Auto burglary?

9 A. And then a seatbelt ticket I didn't pay  
10 and insurance tickets I didn't pay that went to  
11 warrant.

12 Q. Have you and I ever talked about your  
13 auto burglary case?

14 A. Not that I remember.

15 Q. Have I ever made any promises to you  
16 about an auto burglary case?

17 A. No, sir.

18 Q. Excuse me?

19 A. No, not that I remember.

20 Q. Have I ever made any promises to you  
21 about any of your cases?

22 A. Yes.

23 Q. What promise did I make?

24 A. Just about bringing me back here and  
25 stuff?



1 Q. Okay.

2 A. Nothing to do with any of my cases.

3 Q. We're talking about criminal charges.

4 A. No.

5 Q. Have I ever helped you in any of your  
6 criminal charges?

7 A. No, sir.

8 Q. You said I made some promises to you  
9 about bringing you back here?

10 A. Yes, you bring me back and you would make  
11 sure that I get reimbursed for everything that I had  
12 to do while I was here, like my food. My food, and  
13 my plane ticket, and the subpoena stuff.

14 Q. Okay, and who do you get reimbursed  
15 through or from, if you know, what floor do you go  
16 to?

17 A. Fifth floor, I think.

18 Q. And who do you see?

19 A. I think it's Pat, I talked to Pat about  
20 my plane ticket.

21 Q. Other than the State paying for your  
22 plane tickets and for your witness fees and food,  
23 have any other promises been made by myself or  
24 Mr. Daskas about criminal cases?

25 A. No, sir.

1 Q. Have we ever helped you on your criminal  
2 cases?

3 A. No, sir.

4 MR. SGRO: May I inquire, your Honor?

5 THE COURT: Yes.

6 VOIR DIRE EXAMINATION

7 BY MR. SGRO:

8 Q. You indicated that you were arrested for  
9 an auto burglary in 1997?

10 A. Yes, sir.

11 Q. And it was October '97; is that right?

12 A. Yeah, I don't remember exact days.

13 Q. Then there was some seatbelt things that  
14 went to warrant; right?

15 A. Yes, sir.

16 Q. What about a possession of stolen  
17 property case out of Henderson in June --

18 A. I don't --

19 Q. Hold on, Mr. Hart. Let me finish the  
20 question, okay? In June of 1998 did you get arrested  
21 for possession of stolen property?

22 A. Yes, sir.

23 Q. Why didn't you tell Mr. Guymon you had  
24 been arrested in June of '98 when he asked that  
25 question?

1           A.     I don't remember. I got that charge  
2 dismissed because it wasn't me. They know who the  
3 real person was, so I didn't think nothing of it.

4           Q.     Did that dismissal, now -- strike that.  
5                    You testified in front of the grand jury  
6 in September of 1998, do you remember that?

7           A.     Yes, sir.

8           Q.     Did the dismissal occur before or after  
9 your testimony?

10          A.     I don't remember.

11          Q.     Did you have a lawyer help you in the  
12 case out in Henderson, the possession of stolen  
13 property?

14          A.     In Henderson?

15          Q.     Did the case come out of Henderson?

16          A.     No, it was Summerlin area.

17          Q.     Okay. Did you have an attorney help you  
18 with the case that came out of the Summerlin area?

19          A.     No, sir.

20          Q.     Did you do the case yourself?

21          A.     Yes, sir.

22          Q.     Did you tell the judge at any time that  
23 you were assisting the State in a case, in a murder  
24 case?

25          A.     No, sir.

1           Q.     Did you tell the prosecutor involved who  
2 ultimately dismissed the case that you were involved  
3 in assisting the State of Nevada in a separate case?

4           A.     No, sir.

5           Q.     And you don't recall how long it took for  
6 that case in June of '98 to get dismissed?

7           A.     No.

8           Q.     And Mr. Guymon asked you if he had ever  
9 made you any promises about your criminal matters.  
10 Do you remember that?

11          A.     Yes.

12          Q.     And independent of Mr. Guymon, has any  
13 representative from the District Attorney's Office  
14 made you any promises relative to your criminal case?

15          A.     No.

16          Q.     Did you ever even bring it up or ask  
17 questions of anyone?

18          A.     No, sir.

19          Q.     So what was the disposition of the auto  
20 burglary case? Did you plead guilty to something or  
21 did that get dismissed?

22          A.     It got dismissed. My dad hired Stan  
23 Walton and I went to court on that and it was, it's  
24 not totally dismissed until I stay out of trouble for  
25 two years. I had to pay restitution fees and stuff

1 like that.

2 Q. Okay, did you have to plead guilty to  
3 anything?

4 A. I don't remember.

5 Q. Okay.

6 A. I don't remember -- not that I remember.

7 Q. And on the possession of stolen property  
8 case, your recollection is it is totally dismissed?  
9 You didn't have to do anything?

10 A. No.

11 Q. There was no stay out of trouble or fines  
12 or anything like that?

13 A. No.

14 MR. SGRO: That's all the questions I  
15 have, your Honor.

16 THE COURT: Let's take --

17 MR. GUYMON: Judge, as an officer of the  
18 court, I can say we filed a motion to disclose any  
19 promises and I can tell the court at no time have I  
20 made any promises to Mr. Hart. In fact, I learned  
21 for the first time of his arrest at the bench when  
22 the parties approached the bench. I have in no way  
23 assisted Mr. Hart in his criminal matters. I wasn't  
24 aware of them and I would certainly disclose to  
25 counsel, had I made promises to Mr. Hart.

1 THE COURT: That's his testimony.

2 MR. SGRO: One final matter, for keeping  
3 the record clean, your Honor, and I think we need a  
4 representation that he did not, in fact, sustain a  
5 felony conviction and the only concern I have is that  
6 he had some lingering part of the case that took two  
7 years, which would be consistent with a felony plea.

8 THE COURT: Not necessarily. It could be  
9 a gross misdemeanor. Stay out of trouble for two  
10 years. I do that all the time.

11 MR. SGRO: I think we need representation  
12 that he doesn't have that felony conviction.

13 THE COURT: Do you have a felony  
14 conviction, Mr. Hart, to your knowledge?

15 THE WITNESS: No, sir.

16 MR. SGRO: I would ask the State to put  
17 that on the record.

18 THE COURT: To his knowledge, Mr. Guymon  
19 didn't know anything about any felony.

20 MR. GUYMON: I never knew he had a case,  
21 Mr. Sgro. If you want me to look at his cases and  
22 tell you what I have told you, that I have never  
23 assisted him and never touched the file and he  
24 doesn't have a felony conviction.

25 THE COURT: He's telling you up front he

1 doesn't know whether he has a felony conviction or  
2 not. To his knowledge, he does not.

3 MR. GUYMON: Honestly I think that  
4 Mr. Hart would know if he had a felony conviction and  
5 I think even his mom is here and she can say --

6 MOTHER: I can help you with it.

7 THE WITNESS: I work for the Santa Clara  
8 county assessors and they run that before I could get  
9 hired for felony charges and I never had a felony.

10 THE COURT: You should have done this  
11 discovery before a jury trial, Mr. Sgro.

12 MR. SGRO: Your Honor, they have an  
13 obligation, pursuant to a motion.

14 THE COURT: He did exactly what he said  
15 he did. He can't produce what he doesn't have.

16 MR. GUYMON: I can't produce what I don't  
17 have.

18 MR. SGRO: All I'm doing is keeping --

19 THE COURT: He doesn't know anything and  
20 there's no felony conviction.

21 MR. SGRO: I have to ask, after you grant  
22 the motion and they don't produce anything, the  
23 question has to be on the record, do they in fact  
24 have anything. The answer in this case was no.

25 THE COURT: I have been working with

1 Mr. Guymon for a number of years and  
2 Mr. Christiansen, and if Mr. Guymon says he has no  
3 knowledge of any prior convictions, and he didn't  
4 furnish anything, then I have to assume there's  
5 nothing.

6 MR. SGRO: That has to be on the record.  
7 That's all that was supposed to accomplish, your  
8 Honor. I don't doubt Gary Guymon as an individual,  
9 I'm talking about talking to the black box and  
10 perfecting the record, your Honor. All I need is for  
11 those statements to appear on the record. That's  
12 all. You granted the motion. He says he doesn't  
13 have anything, that's why I did it.

14 THE COURT: When I granted the motion and  
15 I asked Mr. Guymon, I said do you have anything and  
16 he said no, and I said if you find out anything, turn  
17 it over to Mr. Sgro or Mr. Christiansen, that was  
18 taken down in the report. So if you have not  
19 received anything, I can only assume there's nothing.

20 MR. SGRO: I understand, your Honor.

21 THE COURT: Do you understand me?

22 MR. SGRO: Yes, sir.

23 THE COURT: Ten minutes lost, okay. Five  
24 more minutes and bring in the jury.

25 (Recess taken.)



1 THE COURT: This is continuation of the  
2 matter State of Nevada versus Sikia Smith. The  
3 record will show the presence of the same parties  
4 that were in court at the time we recessed. Are you  
5 ready to proceed, Mr. Guymon?

6 MR. GUYMON: Yes, your Honor.

7 THE COURT: Mr. Sgro?

8 MR. SGRO: Yes, your Honor.

9 THE COURT: Will counsel stipulate to the  
10 presence of the jury and the four alternates?

11 MR. SGRO: Yes, your Honor.

12 MR. GUYMON: Yes, your Honor.

13 THE COURT: You may proceed with  
14 cross-examination, Mr. Sgro. Keep your voice up,  
15 Mr. Hart, please.

16 CROSS EXAMINATION

17 BY MR. SGRO:

18 Q. Good afternoon, Mr. Hart.

19 A. Good afternoon.

20 Q. You indicated to the jury during your  
21 direct examination that Donte didn't pay any rent.  
22 Do you remember?

23 A. Yes.

24 Q. You were asked some questions about  
25 whether or not Donte Johnson provided cocaine to Tod

1 Armstrong or other people that lived in the house?

2 A. Yes, sir.

3 Q. And your testimony is that he did?

4 A. Yes, sir.

5 Q. And that was crack cocaine?

6 A. Yes, sir.

7 Q. It was also crack cocaine that Donte  
8 Johnson was selling to Matt Mowen?

9 A. Yes, sir.

10 Q. Now you were asked by Mr. Guymon if you  
11 ever actually observed a payment of Donte Johnson to  
12 Tod Armstrong; right?

13 A. Yes.

14 Q. And you indicated you did not?

15 A. No.

16 Q. By the same token, you never heard of any  
17 deal Tod Armstrong and Donte Johnson had where Donte  
18 was going to trade crack cocaine for rent, did you?

19 A. No, sir.

20 Q. Tod Armstrong, who you characterized  
21 previously as your best friend, can you describe him?

22 A. What he looks like?

23 Q. What does he look like?

24 A. Tall, brown hair, kind of big.

25 Q. And he's taller than you?

1 A. Yes.

2 Q. Six foot, six one?

3 A. Yes, six one.

4 Q. More or less than 200 pounds?

5 A. About 200 pounds, 190, 200.

6 Q. What's his race?

7 A. He's white.

8 Q. You were asked some questions about going  
9 in and out of the house after you had moved some of  
10 your things out; is that right?

11 A. Yes.

12 Q. And when you had made a decision to move  
13 you went and stayed with Bryan Johnson; is that  
14 right?

15 A. Yes, sir.

16 Q. Is it correct that you went to stay with  
17 Bryan Johnson with the hope that Donte and Red would  
18 leave the Everman house?

19 A. Yes, sir.

20 Q. And when they would leave, if they would  
21 leave, you had planned to move back into Everman?

22 A. Yes, sir.

23 Q. So it would be fair to say for reasons  
24 that you had you did not feel comfortable living  
25 under the same roof as Donte and Red?

1 A. Yes, and other reasons too.

2 Q. You were asked about coming in and out of  
3 the house, about what you had seen in terms of a VCR  
4 being hooked up?

5 A. Yes.

6 Q. And I think a Nintendo; is that correct?

7 A. Yes, sir.

8 Q. When you moved out on August 1st, was it  
9 your testimony that you had a VCR that belonged to  
10 Tod?

11 A. Yes, there was a VCR that belonged to Tod  
12 but it was in his bedroom.

13 Q. Okay. What, if any, VCR did you notice,  
14 aside from the one that belonged to Tod?

15 A. None.

16 Q. Okay, so you are not testifying that you  
17 observed two VCR's, are you?

18 A. No.

19 Q. And before August 1st, Tod had the VCR;  
20 correct?

21 A. Yes.

22 Q. Now the Nintendo, that's a video game  
23 that plugs into the television; is that correct?

24 A. Yes, sir.

25 Q. And that's separate from a Play Station;

1 is that right?

2 A. Yes.

3 Q. Did you have a Play Station before you  
4 left on August 1st?

5 A. Yes. Tod had a Play Station.

6 Q. And where was it located?

7 A. In his bedroom.

8 Q. And you did not know of a Nintendo game  
9 that existed prior to your departure?

10 A. No, sir.

11 Q. Do you remember when, if ever, you  
12 noticed a Nintendo game at the Everman house?

13 A. Do I ever remember a Nintendo game?

14 Q. Yes.

15 A. No, sir.

16 Q. So you were shown a photograph that  
17 depicts a Nintendo game and you say you don't  
18 recognize --

19 A. The first time I seen it is when I came  
20 back and the reason I recognized it is because it was  
21 sitting in the middle of the floor.

22 Q. And when was that?

23 A. The 15th.

24 Q. And that's the first time you had seen  
25 it?

1 A. Yes.

2 Q. But you can't tell the jury when it  
3 actually got there?

4 A. No, sir.

5 Q. And when you would go back from time to  
6 time, I think to get clothing for an interview, or  
7 whatever the case would be, would you make it a point  
8 to go through all the bedrooms in the house?

9 A. No, sir.

10 Q. You can't tell the jury then that the  
11 Nintendo wasn't in a bedroom when you may have been  
12 there on a prior occasion; right?

13 A. No, sir.

14 Q. You were asked some questions about a bag  
15 that BJ, Red and LaLa brought to the Everman  
16 residence in July of 1998?

17 A. Yes.

18 Q. Do you remember that?

19 A. Yes.

20 Q. And you remember it was the three of them  
21 together that brought this bag into the residence?

22 A. Yes, sir.

23 Q. And Mr. Smith wasn't there; correct?

24 A. Yes, sir.

25 Q. And did Donte Johnson have his own room

1 at the Everman residence?

2 A. No, all three of them shared the same  
3 room.

4 Q. And when you say all three of them,  
5 Donte, Red and LaLa?

6 A. Yes.

7 Q. Sikia Smith wasn't sharing a room?

8 A. No, sir.

9 Q. You were asked what, if any, pistols you  
10 had observed or any weapons you had observed in the  
11 bag. Do you remember that?

12 A. Yes, sir.

13 Q. And I believe you said you saw two  
14 pistols; is that correct?

15 A. There was two or three. I'm thinking  
16 only two.

17 Q. As you sit here today you think only two?

18 A. Yes, sir. It's been a while.

19 Q. I understand. And you also identified  
20 from a photograph a rifle; is that correct?

21 A. Yes, sir.

22 Q. Is it your recollection or your  
23 impression that that rifle could fit in that bag?

24 A. No. Whenever I seen it in the bag before  
25 just the back of it was in there and the barrel of it

1 stuck out.

2 Q. It didn't fit in the bag, though?

3 A. No, sir.

4 Q. You were asked to identify various  
5 articles of clothing in the photographs that you were  
6 shown earlier by Mr. Guymon; right?

7 A. Yes, sir.

8 Q. Some jeans and some shoes?

9 A. Uh-huh.

10 Q. Yes?

11 A. Yes.

12 THE COURT: You have to answer yes or no.

13 MR. SGRO:

14 Q. Would it be fair to say that the clothing  
15 you observed in the photographs either belonged to  
16 Donte Johnson or to Red?

17 A. Yes, sir.

18 Q. And Red is Terrell Young; correct?

19 A. Yes.

20 Q. And is it also fair to say that you did  
21 not describe any clothing in those photographs as  
22 belonging to Sikia Smith?

23 A. No, sir.

24 Q. You were asked some questions about when  
25 you returned on the 15th to the Everman house when



1 the newscast was on. Do you remember that?

2 A. Yes, sir.

3 Q. And you said that there was some people  
4 watching the news on television?

5 A. Yes, sir.

6 Q. And you sort of heard it in the  
7 background?

8 A. Yes.

9 Q. The persons present there were Donte,  
10 Johnson, Red and LaLa; is that correct?

11 A. Tod and BJ.

12 Q. Tod and BJ? And BJ came with you?

13 A. Yes.

14 Q. Sikia Smith was not there?

15 A. No, sir.

16 Q. You were asked about a question -- strike  
17 that. You were asked about a conversation that you  
18 had with Matt Mowen regarding the amount of money he  
19 was able to make selling pizza and some other things  
20 out of a van?

21 A. Yes.

22 Q. And this was done during the time he was  
23 touring or following a band called Fish?

24 A. Yes.

25 Q. Now, he also told you, did he not, aside

1 from pizza, he was selling sheets of acid?

2 A. Yes, sir.

3 Q. And you described the location where  
4 Sikia Smith lived as an apartment; is that right?

5 A. Yes, sir.

6 Q. And that's where you had seen Sikia? You  
7 met him through a mutual friend that you had and that  
8 he had?

9 A. Yes, sir.

10 Q. And this was a woman named Shawn?

11 A. Yes.

12 Q. Was Shawn a nickname or was it short for  
13 anything?

14 A. No, that was -- from what I know it was  
15 her name, Shawn, or LaShawn.

16 Q. LaShawn, all right. And was Shawn a  
17 white female or a black female?

18 A. Black female.

19 Q. And she had kids?

20 A. Yes, sir.

21 Q. And they stayed in the apartment  
22 together?

23 A. Yes, sir.

24 Q. And you were asked some questions about  
25 Deco and Red in these months of July and August, or

1 during the weeks there, and how much time they spent  
2 at Everman; right?

3 A. Yes, sir.

4 Q. And you said they were pretty much there  
5 all the time?

6 A. Yes.

7 Q. Is that right?

8 A. Yes.

9 Q. And you have also testified about this  
10 case in front of the grand jury; is that right?

11 A. Yes, sir.

12 Q. And you have talked to the police about  
13 this case?

14 A. Yes, sir.

15 Q. And do you recall describing Deco or  
16 Donte Johnson and Red as very good friends?

17 A. Yes, sir.

18 Q. In fact, did you say at the grand jury  
19 that they were virtually inseparable?

20 A. Yes, sir.

21 Q. And you have been asked in the course of  
22 police statements and grand jury testimony to also  
23 describe Sikia Smith; right? Do you remember those  
24 questions or not?

25 A. No, sir.

1           Q.     Do you remember telling the police that  
2     you weren't even really sure how to pronounce his  
3     name?

4           A.     Who, Sikia?

5           Q.     Sikia's name? You knew him as Tiny Bug?

6           A.     Yes, sir -- I don't even remember until  
7     after the grand jury that I didn't even know Sikia,  
8     the only people I heard that was involved in this was  
9     Donte.

10          Q.     Don't tell me what you heard, okay?

11          A.     Well, Donte --

12                 THE COURT: Just a minute, let him ask a  
13     question. Just a minute, Mr. Sgro. You may ask the  
14     question.

15                 MR. SGRO: Thank you, your Honor.

16          Q.     Do you remember being asked by the police  
17     to describe Sikia Smith and you saying you know what,  
18     I can't even pronounce his name?

19          A.     I don't recall that.

20                 MR. SGRO: May I approach the witness,  
21     your Honor?

22                 THE COURT: Yes.

23                 MR. SGRO:

24          Q.     You gave more than one statement to the  
25     police; right?

1 A. Yes, sir.

2 Q. I'm showing you a copy of what appears to  
3 be your statement. Do you see it highlighted here,  
4 September 22nd, '98?

5 A. Yes, sir.

6 Q. At 1450 hours?

7 A. Yes, sir.

8 Q. Do you recall speaking with the police  
9 sometime in September of '98?

10 A. Yes, sir.

11 Q. All right, I'm showing you page 15. Do  
12 you see in the middle of the page where I have a  
13 green highlighter?

14 A. Yes, sir.

15 Q. Can you read that sentence, the question  
16 above it, those three lines there to yourself and  
17 tell me when you are done?

18 A. This? Just this line?

19 Q. Those three lines?

20 THE COURT: To yourself.

21 THE WITNESS: Okay.

22 MR. SGRO:

23 Q. Have you read that to yourself?

24 A. Yes.

25 Q. Do you remember now telling the police

1 after being asked what's Tiny Bug's real name, do you  
2 remember saying I can't even pronounce it now, that's  
3 from reading it in the paper?

4 A. Yes.

5 Q. Did you attempt to cooperate with the  
6 police when you were interviewed by them?

7 A. Yes, sir.

8 Q. Did you do what you could to tell them  
9 the truth?

10 A. Yes, sir.

11 Q. Is there any reason to dispute what you  
12 told them back in September of 1998, that you didn't  
13 even know how to pronounce his name?

14 A. No.

15 Q. And did you also tell the police that you  
16 didn't know Tiny Bug, so you wouldn't want to protect  
17 him? Do you remember saying that?

18 A. Yes.

19 Q. And you remember describing the person  
20 you knew as Tiny Bug as being real shy?

21 A. Yes, sir.

22 Q. Never talked to anybody?

23 A. Yes, sir.

24 Q. Didn't appear to be a violent person?

25 A. Yes, sir.

1 Q. And in speaking to the police there were  
2 times when they were going to tape-record what you  
3 were going to say; correct?

4 A. Yes, sir.

5 Q. Before they turned the tape recorder on  
6 did they typically have a conversation with you off  
7 of the tape?

8 A. Yeah, one or two -- both -- two times I  
9 can remember they taped we were just going over stuff  
10 that had happened and then they turned the tape on.

11 Q. Okay, so they go over things with you and  
12 then they turn the tape on; right?

13 A. Yes.

14 Q. And did they tell you information you  
15 didn't know before they turned the tape on?

16 A. Not that I remember.

17 MR. SGRO: Okay, may I approach?

18 THE COURT: Yes.

19 MR. SGRO:

20 Q. Again, showing you the same --

21 MR. GUYMON: Counsel, may we approach?

22 (Conference at the bench.)

23 MR. SGRO: May I approach again, your  
24 Honor?

25 THE COURT: Yes.

1 MR. SGRO:

2 Q. Showing you the same statement again, it  
3 is highlighted the same; is that right?

4 A. Yes.

5 Q. On page 15 there's an answer, right?  
6 It's about six lines. Can I have you read the last  
7 sentence of that answer to yourself? Have you done  
8 that?

9 A. Yes, sir.

10 Q. Now my question was, before we went to  
11 the bench, did the police tell you things you did not  
12 know before they turned the tape on? Does that, what  
13 you just read refresh your recollection, yes or no?

14 A. No, sir.

15 Q. That doesn't help you in terms of whether  
16 or not the police told you things you didn't know?

17 A. No.

18 MR. SGRO: Court's indulgence, your  
19 Honor.

20 Q. At the time you made the statements to  
21 the police, was that very close in time to when these  
22 homicides occurred?

23 A. I don't remember.

24 Q. Do you remember how many days went by  
25 between the time these individuals were killed and



1 the time you started speaking with the police?

2 A. Two days.

3 Q. Okay, so it was pretty close to the time  
4 when the murder happened; right?

5 A. Yes, sir.

6 Q. Was Tod Armstrong still your best friend  
7 during that two-day period?

8 A. Yes, sir.

9 Q. Do you think you may have said things to  
10 the police in a certain way to protect Tod Armstrong  
11 while you were speaking to them because he was your  
12 best friend?

13 A. No, sir.

14 Q. Back in August, mid-August of 1998, what  
15 sorts of drugs were you using?

16 A. Crack cocaine.

17 Q. Anything else?

18 A. No, sir.

19 Q. When you had left and gone to where Bryan  
20 Johnson was staying and you were hopeful that Donte  
21 Johnson would move out, are you aware personally of  
22 anyone, either you or your roommates from the Everman  
23 home, ever telling Donte Johnson that he wasn't  
24 welcome there?

25 A. No, sir.

1 Q. As far as you know, between yourself and  
2 Tod, was there just kind of the hope that they would  
3 just leave?

4 A. Yes, sir.

5 Q. And just to clarify then, no one, as far  
6 as you know, ever actually said to Donte I don't want  
7 you here anymore?

8 A. No, sir.

9 MR. SGRO: Just making sure I've got  
10 everything, your Honor. That's all I have, your  
11 Honor.

12 THE COURT: Mr. Guymon, any redirect?

13 MR. GUYMON: Very briefly.

14 REDIRECT EXAMINATION

15 BY MR. GUYMON:

16 Q. Counsel showed you page 15 of your  
17 statement to the police on September 22nd, 1998. Do  
18 you recall page 15 that he showed you?

19 A. Yes.

20 Q. Tell me something, on page 15 you told  
21 the police that you had only seen Tiny Bug two times;  
22 is that correct?

23 A. Yes, sir.

24 Q. Prior to Sikia Smith's arrest on  
25 September 8th of 1998, did you know his name as Sikia

1 Smith?

2 A. No, sir.

3 MR. SGRO: I'm sorry, what was that?

4 THE COURT: Keep your voice up.

5 THE WITNESS: No, sir.

6 THE COURT: No, sir.

7 MR. GUYMON:

8 Q. In the statement to the police you didn't  
9 use his name of Sikia Smith, did you?

10 A. No, sir.

11 Q. What did you refer to him as?

12 A. Tiny Bug.

13 Q. And why?

14 A. That's all I knew him by.

15 Q. Who introduced you to Tiny Bug or how he  
16 had gotten the name Tiny Bug?

17 A. From Shawn, LaShawn.

18 Q. When you saw him in the apartment that  
19 day at Shawn's house, did he tell you his name?

20 A. No, sir.

21 Q. Shawn told you?

22 A. Yes, and I heard it from her boyfriend  
23 before because they didn't get along.

24 Q. I don't want to get into all sorts of  
25 outside things. Did Tiny Bug then respond when you

1 called him Tiny Bug that day?

2 A. Which day?

3 Q. At the apartment, Shawn's apartment when  
4 you said hello, did you call him by name, Tiny Bug?

5 A. No, sir.

6 Q. And when he was over at the house at  
7 Everman on the other time that you saw him, did  
8 anybody call him by name?

9 A. Not that I remember.

10 Q. Did you know him any other way or by any  
11 other name other than Tiny Bug when you spoke to the  
12 police in September of 1998?

13 A. No, sir.

14 Q. Now then, did you give the police,  
15 however, a description of what Tiny Bug looked like  
16 in the statement?

17 A. I don't remember.

18 MR. GUYMON: If I could approach briefly.

19 THE COURT: Yes.

20 MR. SGRO: What page, counsel?

21 MR. GUYMON: Page 15 and onto page 16.

22 Q. Read to yourself very briefly, starting  
23 with the answer there?

24 THE COURT: What line?

25 MR. GUYMON: It's actually the last

1 answer. Don't read it out loud.

2 THE COURT: On page 15, the last answer  
3 to page 16.

4 THE WITNESS: Yes.

5 MR. GUYMON:

6 Q. And onto page 16, the first two answers  
7 and actually the third answer, too.

8 Now, after telling the police officers  
9 about this person named, that you knew as Tiny Bug,  
10 did you give a description of him?

11 A. Yes, sir.

12 Q. Do you recall what you said about his  
13 size in relationship to Deco?

14 A. Yes, sir.

15 Q. What did you say?

16 A. He's a little bit taller than Deco.

17 Q. And did you further describe Tiny Bug's  
18 features?

19 A. Yes.

20 Q. And what features did you remember about  
21 him physically?

22 A. He wasn't that built, his eyes were real  
23 dark and he had a big mouth.

24 Q. Did you go on to explain what you mean by  
25 a big mouth to the police on the next page?

1 A. No.

2 Q. Now then, did the police make any  
3 promises to you in order for you to talk to them two  
4 days after the murder?

5 A. No.

6 Q. Did they make any promises to you on  
7 September 22nd when you spoke to them?

8 A. No, not that I remember.

9 Q. Did they influence your answers from  
10 their questions in any way?

11 A. No, sir.

12 Q. Did they tell you how you should answer?

13 A. No, sir.

14 Q. Has the prosecution made any promises to  
15 you?

16 A. No, sir.

17 Q. Has Mr. Daskas or myself influenced your  
18 answers in any way?

19 A. No, sir. You just told me to tell the  
20 truth.

21 MR. GUYMON: I have nothing else, Judge.

22 THE COURT: Mr. Sgro.

23 RECROSS EXAMINATION

24 BY MR. SGRO:

25 Q. You characterized Mr. Smith as having a

1 big mouth. Do you remember that?

2 A. Yes, sir.

3 Q. And did you mean big mouth like he was  
4 always talking?

5 A. No, just his features. He had big lips  
6 and just wasn't that big of a guy.

7 Q. And did you also characterize him as  
8 having a big boned mouth?

9 A. No. I don't remember saying that.

10 MR. SGRO: May I approach, your Honor? I  
11 just want this clear. Same page, counsel.

12 Q. Can you read to yourself right here above  
13 my finger?

14 A. Yes.

15 Q. Does that refresh your memory?

16 A. Yes.

17 Q. Did you say he had a big boned mouth?

18 A. Yes.

19 Q. That's where you say "but he never seemed  
20 like a violent person"?

21 A. Yes, sir.

22 Q. And in fact, you went on to describe his  
23 demeanor as someone who would turn on the music and  
24 sit in the corner the whole time?

25 A. That's what he was doing the second day I

1 ever met him. Everyone was in the living room and he  
2 was leaning against the wall.

3 Q. And he didn't say nothing?

4 A. No, sir.

5 Q. And you described a feature of his eyes  
6 for Mr. Guymon, and you said he had dark eyes; is  
7 that right?

8 A. Yes, sir.

9 Q. But you also described him as having dark  
10 circles like around his eyes?

11 A. Yes.

12 Q. Correct?

13 A. Yes, sir.

14 MR. SGRO: Okay. That's all, your Honor.

15 THE COURT: Mr. Guymon?

16 MR. GUYMON: Nothing else, Judge.

17 THE COURT: Do you have any further need  
18 for Mr. Hart?

19 MR. GUYMON: No, your Honor.

20 THE COURT: Mr. Sgro; Mr. Christiansen?

21 MR. SGRO: Not at this time, your Honor.

22 THE COURT: Do you have any objection  
23 that I release him from subpoena and if we need him  
24 we can bring him back?

25 MR. GUYMON: No objection, your Honor.



1 MR. SGRO: Well, Court's indulgence, your  
2 Honor. Okay, no.

3 THE COURT: Mr. Hart, I'm going to  
4 release you from your subpoena. Mr. Guymon, do you  
5 have his address back in Illinois if we need him  
6 again?

7 MR. GUYMON: I do, your Honor.

8 THE COURT: Then you are excused from  
9 your subpoena. You are admonished not to discuss  
10 your testimony with anyone until we complete the  
11 case. You are free to go. Thank you very much.  
12 Take your paper.

13 Call your next witness.

14 MR. GUYMON: State calls detective Tom  
15 Thowsen.

16 THE COURT: Remain standing. Raise your  
17 right hand and be sworn by the clerk.

18 **THOMAS THOWSEN,**  
19 called as a witness, and having been first duly sworn  
20 to testify to the truth, the whole truth, and nothing  
21 but the truth, was examined and testified as follows:

22 THE COURT: Be seated. Give us your full  
23 name, spell your last name, your business address and  
24 your occupation.

25 THE WITNESS: Thomas D. Thowsen,

1 T-H-O-W-S-E-N. I'm a homicide detective with the Las  
2 Vegas Metropolitan Police Department. My business  
3 address is 6753 West Charleston.

4 THE COURT: How long have you been  
5 employed with Metro?

6 THE WITNESS: A little more than 21  
7 years.

8 THE COURT: And how long have you been in  
9 the homicide division?

10 THE WITNESS: A little more than seven  
11 years.

12 THE COURT: And were you employed in that  
13 division during the months of August, September 1998?

14 THE WITNESS: Yes.

15 THE COURT: Mr. Daskas.

16 MR. DASKAS: Thank you, Judge.

17 DIRECT EXAMINATION

18 BY MR. DASKAS:

19 Q. Detective, on the 14th day of August 1998  
20 were you assigned to a homicide investigation that  
21 occurred at 4825 Terra Linda here in Las Vegas?

22 A. Yes.

23 Q. Do you work alone or with a partner?

24 A. With a partner.

25 Q. What's your partner's name?

1 A. Detective Jim Buczek.

2 Q. Was Detective Buczek your partner on the  
3 14th day of August 1998?

4 A. Yes, he was.

5 Q. At sometime did you and Detective Buczek  
6 respond to the Terra Linda residence?

7 A. Yes, we did.

8 Q. Do you recall what time of day that was  
9 on August 14th?

10 A. I believe I arrived at the scene at  
11 approximately 6:33 in the evening and Detective  
12 Buczek was there approximately the same time period.

13 Q. Were other police personnel already on  
14 the scene?

15 A. Yes.

16 Q. Was other medical or emergency personnel  
17 already on the scene?

18 A. There was no medical personnel on the  
19 scene at the point that I arrived.

20 Q. Did the crime scene appear to be secure  
21 when you arrived?

22 A. Yes.

23 Q. What leads you to that conclusion?

24 A. There were several uniformed Metro police  
25 officers in the area that were guarding it; there was

1 some yellow police crime scene taped across the front  
2 to deter anyone from walking into the crime scene  
3 itself from the street.

4 Q. What were your duties and  
5 responsibilities at the Terra Linda crime scene on  
6 August 14th, once you and Detective Buczek arrived?

7 A. When we responded to a homicide crime  
8 scene we work as a team and will alternate with one  
9 time one detective will be responsible for  
10 interviews; the next time he'll be responsible for  
11 the crime scene investigation. So on this particular  
12 night I was responsible for the crime scene  
13 investigation.

14 Q. Can you tell me what that entailed, the  
15 investigation itself?

16 A. Yes. That involves actually walking  
17 through the crime scene and working closely with the  
18 crime scene analysts as they were photographing,  
19 discovering, gathering, collecting evidence.

20 Q. Can you describe for the members of the  
21 jury briefly what that residence looked like when you  
22 arrived?

23 A. Yes. It's a single story home that had a  
24 front door that faced to the north. There was a  
25 driveway in the front with a carport. There was a

1 blue pickup truck with Idaho plates in the driveway  
2 and the front door was open slightly when I was  
3 there. The front and rear porch lights were on.

4 As you enter through the front door you  
5 are in the living room area. In the living room area  
6 there were three bodies of victims and evidence of  
7 ransacking throughout and a lot of blood on the  
8 carpeting and various pieces of evidence. Cushions  
9 had been pulled off of couches, a plant had been  
10 pulled out of its container, there was a TV set that  
11 was turned sideways and appeared like items were  
12 missing from a console there.

13 As you continued through the living room  
14 area there was a closet that looked like somebody  
15 opened it and ransacked it. As you continued  
16 straight past that closet there was a bedroom that  
17 had items of furniture that were overturned. The  
18 entire bedroom was ransacked.

19 When you come out of the bedroom and you  
20 would turn to the west, you enter into the dining  
21 room area. On the dining room floor was the fourth  
22 victim, as well as a bunch of coins like someone had  
23 spilled coins all over the floor. There was a table  
24 with items on it and again another closet that  
25 appeared to have been ransacked with items taken out

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1 and spread around.

2           Adjacent to the dining room was the  
3 kitchen area. The kitchen cupboards had been opened  
4 up, things had been pulled out onto the floor and  
5 strewn about. As you continued down the hallway past  
6 the dining room and the kitchen, to your left was a  
7 doorway that went into the master bedroom. The  
8 master bedroom appeared to have been ransacked with  
9 even the sheets pulled up and bunched up in the  
10 middle, things dumped on top of the bed, drawers  
11 pulled open.

12           There was a bathroom that was part of the  
13 master bedroom, the master bath, and that appeared  
14 also to have been ransacked. Things were opened up,  
15 there was a toilet plunger left in the bathtub.

16           As you continued down the hallway, there  
17 was another bathroom to your left. That bathroom had  
18 a blood-like substance around the toilet bowl and the  
19 seat also had the appearance of ransacking, and there  
20 was an additional bedroom that had some bricks  
21 outside of the doorway and again it looked like the  
22 closet was opened up and there was a clear space like  
23 something had been stacked up there and moved out and  
24 items were strewn about the room.

25           Q. Did the condition of the residence, the

1 ransacking, was that significant to you?

2 A. Yes, it was.

3 Q. Why?

4 A. It told me that somebody was there  
5 ransacking the place with people involved. It would  
6 be during a robbery, looking for items of value,  
7 money, what have you.

8 Q. You mentioned, I think, at one point that  
9 a plant was removed from its holder; is that true?

10 A. That's true.

11 Q. Was that significant to you?

12 A. Yes.

13 Q. Why?

14 MR. SGRO: Objection, relevancy as to the  
15 significance to him, your Honor.

16 MR. DASKAS: Judge, the relevance is that  
17 he's a detective assigned to investigate crime scenes  
18 and he's entitled to give his opinion about what he  
19 may have --

20 THE COURT: I don't think that's  
21 relevant, Mr. Daskas.

22 MR. DASKAS: I'll move on, Judge.

23 Q. Did you make a determination about  
24 whether there was any forced entry into that  
25 residence?

1 A. Yes, I did not find any forced entry.

2 Q. Tell me what you mean by forced entry?

3 A. By forced entry I would mean a broken  
4 door frame, where somebody had kicked a door in or a  
5 broken window where somebody had broken the glass to  
6 gain entry. I also noticed that the rear sliding  
7 glass door was unlocked.

8 Q. Was it significant to you that there was  
9 no forced entry into the residence?

10 A. Yes, it was.

11 Q. What's the significance of that?

12 MR. SGRO: Objection.

13 THE COURT: Overruled.

14 THE WITNESS: The significance of that in  
15 my opinion, based on experience, is that whoever came  
16 there came up to the door or knew the people to make  
17 contact with them, didn't have to force their way in.

18 MR. DASKAS:

19 Q. To your knowledge was any paper money,  
20 paper currency found inside the residence on August  
21 14th, that is after police arrived?

22 A. No.

23 Q. Was there evidence that you observed that  
24 would suggest people were looking for money inside  
25 the Terra Linda residence?



1           A.     Yes.

2           Q.     Other than the things you have mentioned,  
3     what evidence was there to suggest somebody was  
4     looking for money?

5           MR. SGRO:  Objection, your Honor.  He  
6     can't testify what evidence there was that people  
7     were looking for money.

8           THE COURT:  He can only testify to what  
9     he observed and he said the room was trashed,  
10    sustained.

11          MR. SGRO:  Thank you.

12          MR. DASKAS:

13          Q.     You mentioned there was a blood-like  
14    substance on a toilet seat; is that correct?

15          A.     That's correct.

16          Q.     Did you make any determination as to how  
17    the blood-like substance may have gotten on the  
18    toilet seat?

19          MR. SGRO:  Objection as to what his  
20    determination was, your Honor.

21          THE COURT:  Let's see what he says.  
22    Maybe there's more to it.  Overruled.

23          MR. DASKAS:

24          Q.     Detective?

25          A.     I did not determine what made the blood

1 smear.

2 Q. Let me now jump forward in your  
3 investigation to September 8th of 1998. Was somebody  
4 seated in this courtroom arrested as a suspect in  
5 this quadruple homicide?

6 A. Yes.

7 Q. Would you please point to the person that  
8 was arrested and describe something he's wearing as  
9 he sits in court today?

10 A. He would be the gentleman seated at the  
11 defense table wearing the white shirt and the striped  
12 tie.

13 MR. DASKAS: Let the record reflect the  
14 witness has identified the defendant, Judge.

15 THE COURT: The record will so show.

16 MR. DASKAS:

17 Q. Did you associate a name with the person  
18 you have identified as a suspect in this case?

19 A. Sikia Smith, otherwise known as Tiny Bug.

20 Q. Did you, in fact, speak with Mr. Smith on  
21 September 8th of 1998?

22 A. Yes, I did.

23 Q. Was anybody present other than yourself  
24 and Mr. Smith?

25 A. Detective Buczek, my partner.

1           Q.     Where did the conversation with yourself,  
2 Detective Buczek and Sikia Smith take place on  
3 September 8th?

4           A.     Off the top of my head, I can't recall  
5 that specifically.

6           Q.     Do you have something with you today that  
7 might refresh your recollection about where that  
8 conversation took place?

9           A.     Yes, I do.

10           MR. DASKAS: Judge, may he be permitted  
11 to review his notebook to refresh his recollection?

12           THE COURT: Yes.

13           MR. DASKAS: Thank you.

14           Q.     Detective, while you are doing that, let  
15 me ask you some general questions. Tell me your  
16 policy and/or Detective Buczek's policy when you  
17 interview a suspect in a homicide investigation, and  
18 what I mean is literally what do you and Detective  
19 Buczek do in terms of reading someone his or her  
20 Miranda rights and then asking questions of that  
21 person?

22           A.     To answer your previous question first.

23           Q.     Okay.

24           A.     So I can put this book down.

25           Q.     Absolutely.

1           A.     The location was the detective bureau at  
2     400 East Stewart.

3           Q.     Okay.

4           A.     For the interview.

5           Q.     I understand.

6           A.     As far as our policy on advising someone  
7     that's a suspect of their Miranda rights, what we do  
8     is provide them with a rights of person arrested  
9     card, which is a small card that's printed up for the  
10    department, and we will give it to the person, ask  
11    them if they were able to read the English language  
12    without needing glasses or anything. If they can  
13    read with no problem we have them read it aloud. If  
14    there's a problem, or they can't read it or choose  
15    not to, we read it aloud to them.

16          Q.     After, in a case where someone can read  
17    his or her Miranda rights, after the person reads the  
18    rights, would you ask the person to memorialize or  
19    indicate that the person has, in fact, read his or  
20    her rights?

21          A.     Yes, after having the person read the  
22    card we would ask them if they understood the rights  
23    that they just read and if they agree that they do  
24    understand and they are willing to speak with us, we  
25    ask them to sign the card and return it back to us.

1 Q. Would then yourself or Detective Buczek  
2 also sign that card?

3 A. Yes, one of us would, as a witness.

4 Q. Would a date also appear on that card?

5 A. A date and a time would appear on the  
6 card.

7 Q. To your knowledge were all of those  
8 things you just discussed done when Mr. Smith was  
9 interviewed on September 8th of 1998?

10 A. Yes, they were.

11 Q. Was either yourself or Detective Buczek  
12 in charge of that interview?

13 A. Detective Buczek was.

14 Q. Detective Buczek will be here to testify  
15 later and we'll allow him to introduce those items,  
16 so I won't discuss that with you. Let me ask you  
17 this question: Was the conversation with Sikia Smith  
18 tape-recorded?

19 A. The conversation with him was not. After  
20 we got done talking with him we asked him if he would  
21 be willing to give us a taped statement as to what he  
22 told us, to memorialize what he had said in his own  
23 words, and he agreed that he would do that.

24 Q. I take it, based on your answer, that you  
25 make a distinction between the conversation and the

1 question?

2 A. I make a distinction between a  
3 conversation with someone and them giving a  
4 statement, an official statement, yes.

5 Q. Am I correct on September 8th of 1998 you  
6 had both a conversation with Sikia Smith and then you  
7 followed up with some questions?

8 A. Yes.

9 Q. The conversation was not tape-recorded?

10 A. The conversation was not tape-recorded.

11 Q. Is that standard procedure that you and  
12 Detective Buczek use?

13 A. Yes, it is.

14 Q. Is there a reason for that?

15 A. Yes, it is.

16 Q. What's the reason?

17 A. When we talk to someone, whether it's a  
18 suspect or a witness, what we're trying to do is  
19 establish some rapport with the person, give them a  
20 chance to relax a little bit and find out what they  
21 know. Our goal is to find out the truth. Once we  
22 have done that in a conversation, and we believe that  
23 we have what the person is wanting to tell us, we  
24 will ask them at that point if they are willing to  
25 give us an official taped statement to memorialize

1     that.

2             Q.     And that was done in the case of  
3     Mr. Smith on September 8th?

4             A.     That is correct.

5             Q.     Have you had an opportunity to -- let me  
6     ask you this:  You mentioned his conversation, that  
7     the interview was tape-recorded.  Was a transcription  
8     made of that conversation between yourself, Detective  
9     Buczek, and Sikia Smith on September 8th?

10            A.     Yes, it was.

11            Q.     Have you reviewed the transcript from  
12     that conversation or that question and answer  
13     session?

14            A.     Yes, I have.

15            Q.     Does the transcript truly and accurately  
16     reflect both the questions that you and Detective  
17     Buczek asked and the answers that Mr. Smith gave?

18            A.     Yes.

19            Q.     Was Mr. Smith able to understand your  
20     questions?

21                   MR. SGRO:  Objection to what he was able  
22     to understand, your Honor.

23                   MR. DASKAS:  I'll rephrase.

24                   THE COURT:  Sustained.

25     ///

1 MR. DASKAS:

2 Q. Was Mr. Smith able to answer questions in  
3 the proper context that you asked?

4 A. Yes, he was.

5 Q. Did he appear to have any trouble  
6 communicating with you or Detective Buczek?

7 A. No, he did not.

8 Q. Did Mr. Smith ever indicate to you that  
9 he didn't understand a question that you or  
10 Mr. Buczek asked?

11 A. I don't recall any of the questions him  
12 not understanding and asking clarification or to be  
13 repeated.

14 Q. When you or Detective Buczek posed a  
15 question, did Mr. Smith take a long time to answer  
16 those questions?

17 A. No, he did not.

18 Q. Besides Mr. Smith, two other suspects  
19 were arrested in connection with this quadruple  
20 homicide; is that correct?

21 A. That is correct.

22 Q. In the course of your investigation and  
23 your interviews with suspects and witnesses, did a  
24 fourth suspect's name come up?

25 A. Yes.



1 Q. What's the name of that person?

2 A. Tod Armstrong.

3 Q. Has Mr. Armstrong been arrested?

4 A. No, he has not.

5 Q. Is the investigation into this quadruple  
6 homicide closed?

7 A. No, it is not.

8 Q. If, as you mentioned, Mr. Armstrong is a  
9 suspect and the investigation isn't closed, why  
10 hasn't Mr. Armstrong been arrested?

11 A. Because in order to arrest Mr. Armstrong  
12 we have to have sufficient admissible evidence to  
13 bring forward to court and we haven't reached that  
14 point at this time.

15 Q. Have you and your partner, Detective  
16 Buczek, taken steps to try and obtain admissible  
17 information against Tod Armstrong?

18 A. Yes, we have.

19 Q. Can you give me an example of steps you  
20 have taken to try to obtain that information?

21 A. Yes, we have done things like submit  
22 criminalistic requests to try and find fingerprint  
23 evidence or forensic evidence that might link  
24 Mr. Armstrong. On one occasion we had Detective  
25 Buczek and our sergeant, Sergeant Hefner, contact

1 Mr. Armstrong out of state at the same time I  
2 contacted other witnesses that were friends with  
3 Mr. Armstrong to simultaneously speak with them and  
4 then coordinate via telephone before the  
5 investigation stopped on that day to see what we  
6 could come up with.

7 Q. Did any of those efforts reveal or  
8 produce any admissible information against  
9 Tod Armstrong?

10 A. No.

11 Q. Is there also a further concern because  
12 there is more than one suspect involved in this  
13 investigation about what is and isn't admissible  
14 against these suspects?

15 A. That's correct.

16 Q. Can you explain briefly to the jury what  
17 you mean by that?

18 MR. SGRO: Objection, your Honor.

19 THE COURT: Sustained.

20 MR. DASKAS:

21 Q. If you or Detective Buczek obtain  
22 admissible information against Mr. Tod Armstrong,  
23 will he be arrested?

24 MR. SGRO: Objection, who is going to  
25 call admissible information?

1 THE COURT: Sustained.

2 MR. DASKAS: Pass the witness.

3 THE COURT: Mr. Sgro.

4 CROSS EXAMINATION

5 BY MR. SGRO:

6 Q. Good afternoon, Detective.

7 A. Good afternoon, Mr. Sgro.

8 Q. I'll pick up where Mr. Daskas left off.

9 As you sit here today, your testimony in front of  
10 this jury is there's a fourth suspect in the case; is  
11 that right?

12 A. Yes, sir.

13 Q. And for purposes of the record, of the  
14 three individuals who have been arrested, Mr. Smith  
15 is one of them; correct?

16 A. Correct.

17 Q. He is in trial today?

18 A. Yes, he is.

19 Q. And the other two individuals are  
20 awaiting trial; correct?

21 A. That is correct.

22 Q. They have trial dates coming up?

23 A. That is correct.

24 Q. Those three individuals were African  
25 Americans?

1 A. That is correct.

2 Q. And just so the record is clear, Tod  
3 Armstrong is Caucasian?

4 A. That is correct.

5 Q. And you have known for some time that  
6 this trial was going to take place; right, Sikia  
7 Smith had a trial date a long time ago?

8 A. Yes.

9 Q. Similarly, Terrell Young, who is known as  
10 Red, has had a trial date set for some time; correct?

11 A. Correct.

12 Q. As has Donte Johnson?

13 A. I'm not sure if his is set. I don't have  
14 information on a date for him.

15 Q. Okay. And I understand what your  
16 testimony is in terms of an ongoing investigation.  
17 First of all, can you explain to the jurors, is there  
18 any time limit that you face in a murder prosecution?

19 A. No.

20 Q. And the decision to continue on with the  
21 investigation or to close it, would that be your  
22 decision?

23 A. Well, it's kind of a policy, not so much  
24 my decision, but it's a policy that any unsolved  
25 homicide that we have is not closed, it's open.

1           Q.     Fair enough. They are all open, but  
2     there comes a time when the effort and energy towards  
3     the development of that prosecution curbs off and  
4     ultimately stops; fair to say?

5           A.     Correct, correct.

6           Q.     And you are working a number of different  
7     files at any given time?

8           A.     That's correct.

9           Q.     And can you tell the jury, Detective, if  
10    you had closed the Tod Armstrong investigation prior  
11    to these other three individuals going to trial, in  
12    your opinion would it help the State's case or would  
13    it hurt it?

14               MR. DASKAS: Objection, Judge.  
15    Speculation.

16               THE COURT: Sustained. I don't know how  
17    he would know that.

18               MR. SGRO:

19           Q.     You indicated you are partners with  
20    Detective Buczek; is that correct?

21           A.     That is correct.

22           Q.     For how long have you been partners?

23           A.     For between two and three years.

24           Q.     And you are the more experienced homicide  
25    detective?

1 A. That's correct.

2 Q. How long have you been in homicide?

3 A. For a little more than seven years.

4 Q. And Detective Buczek?

5 A. Since he's been my partner.

6 Q. So about two to three years?

7 A. About two to three years.

8 Q. And this occurred, the event we're here  
9 in court on, occurred about a year ago?

10 A. That's correct.

11 Q. So at the time of the event Detective  
12 Buczek would have been a homicide detective one to  
13 two years?

14 A. Correct.

15 Q. All right. And this particular homicide  
16 was divided where you had crime scene  
17 responsibilities and he did witness interviews?

18 A. That is correct.

19 Q. Relative to the crime scene, you are  
20 aware, are you not, that there were some mushrooms  
21 that were found at the Terra Linda home; correct?

22 A. Yes, that's correct.

23 Q. And mushrooms is a type of hallucinogenic  
24 controlled substance?

25 A. That's correct.

1 Q. Are you aware if any testing was done  
2 relative to those mushrooms that were found?

3 A. Yes, I remember I requested testing.

4 Q. Did you send them out to be tested?

5 A. I sent the request to our lab and they do  
6 the testing.

7 Q. To your knowledge has that test been  
8 completed?

9 A. I don't recall. I'm sure I have a form  
10 in here from them, if they have sent me one back, but  
11 off the top of my head, I don't recall that specific  
12 information.

13 Q. You were asked some questions about the  
14 absence of a forced entry, do you remember that?

15 A. Yes.

16 Q. And your knee jerk response, for lack of  
17 a better response, as a police officer tells me that  
18 might be somebody who knew the persons who lived at  
19 the home; right?

20 A. Correct.

21 Q. You are aware that this particular  
22 residence had a problem with the door knob or  
23 something like that?

24 A. Yes.

25 Q. If the door would have been open, any

1 potential assailant, whether they knew these persons  
2 or didn't know them, could have gotten in without a  
3 forced entry; correct?

4 A. That's a possibility, yes.

5 Q. Now, you were asked about conversations  
6 you had with persons who are under arrest, versus the  
7 taped statement; right?

8 A. I don't believe it was phrased that way.  
9 I think it was just a conversation about taking a  
10 statement from somebody when we're interviewing them  
11 and whether they are under arrest or not under  
12 arrest. If a person is a witness, and we're going to  
13 talk to them, what we normally do is the same thing  
14 as a suspect, where we talk to them first to find out  
15 what it is that they have to say and then go back and  
16 ask to take a statement from them.

17 Q. Would it be fair to say that one of the  
18 objectives you have during the conversation is to  
19 gather whatever information this person you are going  
20 to speak to has?

21 A. Yes.

22 Q. Would it also be fair to say that you are  
23 going to try to put it in some sort of order,  
24 chronological or otherwise, so you can go through the  
25 interview on tape more smoothly?



1           A.     I don't know that I would say that. I'm  
2     trying to, as I'm getting them to explain it, put it  
3     in a certain order. I try to get somebody, if they  
4     are going to start talking and tell me something,  
5     I'll let them tell me in whatever order that they  
6     can. Then if they have told me something in kind of  
7     a backwards order, as I go back and take a statement  
8     and I have all that information from talking to them,  
9     I'll try at that point to direct them in the proper  
10    order, if that's what you mean.

11          Q.     And it would not be uncommon for you to  
12    give them information to prompt them to remember  
13    things; correct?

14          A.     It depends what you mean by give them  
15    information.

16          Q.     Well, you might refer to someone as to a  
17    newspaper article, to remember a date, or you might  
18    refer to someone to something another witness told  
19    you that prompts them to see if they remember it the  
20    same way, is that fair to say?

21          A.     I don't really recall anything that would  
22    fit that criteria.

23          Q.     Who makes the decision as to when the  
24    tape is going to get turned on?

25          A.     The person that is going to conduct the

1 interview.

2 Q. The homicide detective?

3 A. The homicide detective.

4 Q. Okay. In this case, if we're talking  
5 about Sikia Smith, Detective Buczek would be the  
6 person who could turn the tape on whenever he  
7 desired?

8 A. What he would do is he would say at this  
9 point, Mr. Smith, we have talked to you about this.  
10 We would like to get a statement from you, is that  
11 okay with you.

12 Q. But he gets to decide when that happens?

13 A. That's true.

14 Q. You were asked about your policies in  
15 terms of Miranda rights; correct?

16 A. Yes.

17 Q. And incidentally, you are going to have  
18 an obligation if someone is arrested, or a suspect,  
19 to Mirandize them before you even engage them in a  
20 conversation?

21 A. Yes, before we ask questions.

22 Q. So conversation or tape, you still have  
23 to make sure that the person has been read the  
24 Miranda rights to your satisfaction and understands  
25 them?

1 A. Yes, the very first thing.

2 Q. After you have this conversation that's  
3 not on tape, if the person refused to be taped, you  
4 can still use their conversation against them, can  
5 you not?

6 A. That's correct.

7 Q. So the purpose of the tape is to preserve  
8 with the greatest amount of integrity the actual  
9 words that were spoken?

10 A. Yes.

11 Q. And you would agree, would you not, that  
12 you are in a better position to tell us what someone  
13 told you if it is on tape, versus what you had to  
14 remember they told you?

15 A. Yes.

16 Q. Correct? It leaves less room for  
17 discrepancy?

18 A. Yes.

19 Q. And you were asked relative to your  
20 policy whether it's your policy to do this pre-tape  
21 interview and thereafter turn the tape on, and you  
22 said it was?

23 A. Correct.

24 Q. In this particular case you indicated  
25 that there came a time when you decided to advise

1 Mr. Smith as to Miranda rights; is that correct?

2 A. Well, I said that's what I normally do.  
3 I believe in this case it may have been Detective  
4 Buczek that did that and presented him with the card.

5 Q. Fair enough. In terms of what your  
6 policy is, do you put the Miranda rights on the tape?

7 A. No.

8 Q. You though, personally, have told persons  
9 of their rights on tape, have you not?

10 A. Not very often, no. Normally I do it  
11 exactly the way I explained it to you.

12 Q. Do you tell them on tape, you know, we've  
13 talked about things, I told you what your rights are  
14 and you understood your rights, you are still willing  
15 to talk to me?

16 A. Well, or I would phrase it that I had you  
17 read your rights card, you understand the rights, you  
18 are willing to speak to me now; is that correct.

19 Q. Right, even if you don't recite them all,  
20 you put some mention of you have discussed them?

21 A. Yes.

22 Q. Once you turn the tape on?

23 A. Yes, that's fair to say.

24 Q. Does that provide further corroboration  
25 to suggest that the defendant has either read them

1 himself or herself, or that you have read them to  
2 him?

3 A. That's correct.

4 Q. That's why you do it; correct?

5 A. Yes.

6 Q. Is that your policy or your and Detective  
7 Buczek's policy?

8 A. That's mine and Detective Buczek's  
9 policy.

10 Q. So then you would expect on anything that  
11 Sikia Smith told you, I think it was September of  
12 1998, when you were both present; correct?

13 A. Yes.

14 Q. You would expect them, consistent with  
15 your policy, some reference on this statement to  
16 those rights; right?

17 A. Yes.

18 Q. Okay, and it would certainly be fair to  
19 suggest that once you turned the tape on that either  
20 you or Detective Buczek would try to guide the  
21 conversation in a certain way so that it made sense;  
22 correct?

23 A. That would be correct yes.

24 Q. You might use a chronological order;  
25 correct?

1 A. That would be correct, yes.

2 Q. And you may try to lead someone through  
3 particular groups of information to get to the end of  
4 the interview?

5 A. We would ask specific questions, if  
6 that's what you mean.

7 Q. And you were asked by Mr. Daskas if Sikia  
8 Smith answered questions on tape in the proper  
9 context in reference to the question that was asked;  
10 right?

11 A. Yes.

12 Q. And those questions and answers again  
13 came after the untaped conversation; correct?

14 A. That's correct.

15 Q. And can you tell the jury in your own  
16 estimation how long that conversation before the tape  
17 got turned on lasted?

18 A. I can't tell you off the top of my head.  
19 I could tell you that we could look at the rights  
20 card and see what time the rights card said and look  
21 at what time the statement started and that would  
22 tell you how long it was.

23 Q. And it's your recollection in this case  
24 that Mr. Smith had been read the rights or had read  
25 them himself?

1           A.     I believe, as I recall it, he had read  
2     them himself.

3           Q.     And again relative to the policy  
4     consideration of the Las Vegas Metropolitan Police  
5     Department, there's no psychiatric testing or  
6     psychological testing that you have an obligation to  
7     do prior to reading someone Miranda rights; correct?

8           A.     No.

9                     MR. SGRO: Court's indulgence. I have  
10    nothing else.

11                    THE COURT: Mr. Daskas.

12                             REDIRECT EXAMINATION

13    BY MR. DASKAS:

14           Q.     Detective, why is it that you don't  
15     tape-record every conversation you have with every  
16     witness or suspect in a case?

17           A.     Some conversations we have with people  
18     last for hours and hours and hours and we would end  
19     up with tons, literally, of superfluous information  
20     that we would have to have somebody transcribe and  
21     then to store everything somewhere and where do you  
22     draw the line at that point on how much you keep and  
23     how much you throw away.

24           Q.     You were also asked by Mr. Sgro whether  
25     you ever prompted witnesses or suspects into giving

1 certain information and you mentioned the example of  
2 a newspaper article. Do you recall that question?

3 A. I recall him asking the question, yes.

4 Q. Do you ever suggest, either in your  
5 conversation before the recorder is turned on or  
6 after the recorder is turned on, what a witness or a  
7 suspect should tell you about a case?

8 A. Absolutely not.

9 Q. Have you ever done that?

10 A. No.

11 Q. You were asked some questions by Mr. Sgro  
12 about Detective Buczek's policy and having suspects  
13 read aloud their rights from a Miranda card. Do you  
14 recall those questions?

15 A. Yes, I do.

16 Q. And your testimony when I asked you the  
17 question was that Detective Buczek indeed did that on  
18 September 8th with Sikia Smith; is that correct?

19 A. That's correct.

20 Q. Was September 8th the first time Sikia  
21 Smith was interviewed about the quadruple homicide?

22 A. No, it was not.

23 Q. When was the first date that he was  
24 interviewed?

25 A. It was a date prior to that. Again, I



1 would need to defer to reports.

2 Q. Let me ask you this: Was the first  
3 interview with Sikia Smith regarding the quadruple  
4 homicide tape-recorded?

5 A. Again, we had a conversation with him and  
6 after the conversation we took a taped statement from  
7 him.

8 Q. And was that taped statement transcribed?

9 A. Yes, it was.

10 Q. Have you had the opportunity to review  
11 that transcribed statement?

12 A. Yes, I have.

13 Q. And is it a true and correct copy or  
14 depiction of the conversation you had with Mr. Smith  
15 about the quadruple homicide, the first conversation?

16 A. Yes.

17 MR. DASKAS: Can I approach, Judge?

18 THE COURT: Yes.

19 MR. DASKAS: For the record, I'm showing  
20 defense counsel what purports to be a voluntary  
21 statement of Sikia Smith dated August 26th, 1998.

22 THE COURT: Is it marked? Just for the  
23 record.

24 MR. DASKAS: Can we approach, Judge?

25 THE COURT: It won't be admitted. I

1 won't admit it, but for the record we have to have it  
2 marked.

3 MR. DASKAS: Thank you, Judge.

4 Q. Detective, I'm handing you what's been  
5 marked as State's Proposed Exhibit 161 for  
6 identification purposes and I'll ask you if you  
7 recognize that proposed exhibit?

8 A. Yes, I do.

9 Q. Can you tell me what that is?

10 A. This is a transcription of a  
11 tape-recorded statement taken from Sikia Smith on  
12 8/26/98.

13 Q. Does that then refresh your recollection  
14 about the first date you interviewed Sikia Smith  
15 about the quadruple homicide?

16 A. Yes, it would be 8/26 of '98 is the time  
17 contained on there. Yes, it was 1734, which  
18 translates to 5:34 in the evening.

19 Q. Let me direct your attention to the  
20 second to the last page of the August 26, 1998  
21 statement and that is page 16 and on to page 17. If  
22 you would read to yourself, please, those lines that  
23 I have highlighted and let me know when you have  
24 finished reading them.

25 A. Yes.

1 Q. Have you read that?

2 A. Yes, I have.

3 Q. And is that, in fact, a transcription of  
4 the questions that you asked and the answers that  
5 Sikia Smith gave on August 26th, 1998?

6 A. Those specific questions I believe are  
7 Detective Buczek's.

8 Q. All right, and is that a true and  
9 accurate transcription of the questions Detective  
10 Buczek asked?

11 A. Yes.

12 Q. You were present when he asked those  
13 questions?

14 A. Yes.

15 Q. You were also present when Sikia Smith  
16 answered those questions?

17 A. That's correct.

18 Q. With the court's permission let me have  
19 you play the part of Detective Buczek, that is the  
20 questions that were asked -- and I'll take that back,  
21 let me ask the questions that Detective Buczek asked,  
22 and I'll have you answer the questions that Sikia  
23 Smith gave?

24 MR. SGRO: Your Honor, I'm not objecting,  
25 but this deals with August 26th, the entire direct

1 and cross was geared to September 8th and it is well  
2 beyond the scope of both direct and cross-examination  
3 so for that reason I'm going to object. If we're  
4 going to get into that, we're going to open up  
5 another entire issue and I don't know what the  
6 Court's pleasure is.

7 THE COURT: We're going to get to it  
8 sometime.

9 MR. SGRO: If we're going to get into it  
10 ultimately, that's fine.

11 THE COURT: So do you have any objection?

12 MR. SGRO: Assuming that the State  
13 intended to offer this at some point during the case,  
14 then no.

15 THE COURT: Are you going to offer that  
16 statement and enter it into the record?

17 MR. DASKAS: I'm not offering the entire  
18 statement the defendant gave, only that portion  
19 dealing with his Miranda rights.

20 MR. SGRO: On the different days.

21 THE COURT: On August 26th, 1998?

22 MR. SGRO: Yes, your Honor.

23 THE COURT: The record will indicate that  
24 he's reading from that statement given on August  
25 26th, 1998.

1 MR. DASKAS: Thank you, Judge.

2 THE COURT: I'll permit him to do so.

3 MR. DASKAS:

4 Q. Again, Detective, I'll read the question  
5 that Detective Buczek asked and if you would read the  
6 answers given by Sikia Smith?

7 "QUESTION: Prior to the interview I had  
8 you read a rights card out loud?

9 "ANSWER: Yes.

10 "QUESTION: And you read that out loud;  
11 correct?

12 "ANSWER: Yes.

13 "QUESTION: And you understood exactly  
14 what it said; correct?

15 "ANSWER: Yes.

16 "QUESTION: And you still chose to speak  
17 to us; correct?

18 "ANSWER: Yes.

19 MR. DASKAS: I'll pass the witness,  
20 Judge.

21 THE COURT: Mr. Sgro.

22 MR. SGRO: Thanks, Judge.

23 RECROSS EXAMINATION

24 BY MR. SGRO:

25 Q. The language that was just read to you

1 about how the rights were read prior and that sort of  
2 thing, is that an example of what you were describing  
3 earlier for the jury as some corroboration that  
4 rights were, in fact, read to an individual?

5 A. Yes, sir, that's correct.

6 Q. And that was on August 26th, 1998;  
7 correct?

8 A. Yes.

9 THE COURT: I don't want him to imagine  
10 something he doesn't have before him.

11 THE WITNESS: Thank you, your Honor.

12 MR. SGRO:

13 Q. It is fair to say that relative to the  
14 quadruple homicide Mr. Smith was not arrested on  
15 August 26th; correct?

16 A. That's correct.

17 Q. And the information that you gleaned on  
18 August 26th, would it be fair to characterize it to  
19 you as a police officer is little to no use, for lack  
20 of a better term?

21 A. I don't know if that would be fair to say  
22 little to no use. It wasn't enough where we would  
23 arrest Mr. Smith, if that's what you are saying.

24 Q. Okay, fair enough.

25 MR. SGRO: May I approach the witness,

1 your Honor?

2 THE COURT: Yes.

3 MR. SGRO:

4 Q. I'm going to show you the statement that  
5 took place on September 8th. Does this look like a  
6 copy to you?

7 A. You better have that marked as your next  
8 exhibit, just for the record, so we know what  
9 happens. Next in order.

10 THE CLERK: Defendant's B.

11 THE COURT: I show you Defendant's  
12 Proposed B.

13 THE WITNESS: Thank you, your Honor.

14 MR. SGRO:

15 Q. Have I shown you the right statement,  
16 Officer?

17 A. Yes.

18 Q. That's the one on September 8th; correct?

19 A. That's correct.

20 Q. Can you indulge me and flip through there  
21 and show me where you complied with your policy of  
22 some corroboration that you had read Mr. Smith his  
23 rights or that he read them out loud or anything  
24 along those lines?

25 A. No, I do not.

1 Q. In fact, on September 8th -- I'm sorry,  
2 your Honor. On September 8th you did not put  
3 anything on tape to suggest or to corroborate that  
4 you had either read Mr. Smith his rights or that he  
5 had, in fact, read them out loud; correct?

6 A. I would only point out --

7 THE COURT: Answer the question, please.

8 THE WITNESS: No, I did not.

9 MR. SGRO:

10 Q. I understand Detective Buczek was  
11 primarily responsible for this interview; correct?

12 THE COURT: Your question is did he?

13 MR. SGRO:

14 Q. Did you?

15 A. No, I would not.

16 Q. Is it anywhere on the tape that either of  
17 you did it?

18 A. No.

19 Q. Do both you and Detective Buczek ask  
20 questions during that interview?

21 A. Yes, we do.

22 Q. So consistent with your prior testimony  
23 of 20 to 30 minutes ago, you would have violated your  
24 policy if, in fact, you Mirandized Sikia Smith by not  
25 putting something on tape that you had Mirandized



1 him; correct?

2 A. That is not something that I would  
3 normally do, that is correct.

4 Q. But you violated the policy you testified  
5 Metro has, which you explained to the jury just a  
6 minute ago?

7 A. I'm not familiar with the policy Metro  
8 has. I understood what you are asking me was what I  
9 would do in normal course. That is not a Metro  
10 policy, that is what I would do in an investigation.

11 Q. Did you testify just 20 minutes or so ago  
12 that you had a policy, that Detective Buczek had a  
13 policy of putting some mention of the rights on the  
14 taped statement?

15 A. Yes, I did.

16 Q. Is it therefore a violation of your's and  
17 Detective Buczek's policy that those rights are not  
18 mentioned --

19 THE COURT: I think that's an improper  
20 question, whether it is a violation.

21 MR. SGRO: Let me ask it a different way.

22 Q. Did you comport with the policy that  
23 exists between yourself and Detective Buczek on  
24 September 8, 1998 when you spoke to Sikia Smith?

25 A. Utilizing your terms, no, I did not.

1           Q.     Now you were asked by Mr. Daskas if you  
2 have ever suggested an answer to a witness or a  
3 suspect, do you remember that?

4           A.     Yes.

5           Q.     And I don't want to engage in semantics  
6 with you, but it is certainly not uncommon for you as  
7 a homicide detective to confront an individual you  
8 believe to be untruthful with another statement;  
9 right?

10          A.     As far as?

11          Q.     You are talking to Joe Smith, the  
12 defendant. Joe Smith gives you a story you don't  
13 believe is true. You say Joe, I know you are lying  
14 because this is what Mary Jones said, and here's the  
15 statement. That's not uncommon, is it?

16          A.     That could be a possibility, yes.

17          Q.     So to that extent you are influencing an  
18 answer; right? You are trying to get the defendant  
19 who you are questioning to change his or her --

20          A.     We are trying to get to the truth.

21          Q.     Okay, you also have the opportunity as a  
22 police officer to lie to someone about evidence that  
23 you have; correct?

24          A.     That's correct.

25          Q.     You can say, you know, your fingerprints

1 are all over the murder weapon, when in fact, it is  
2 not true?

3 MR. DASKAS: I'll object to the  
4 relevance, unless that was done in this case.

5 MR. SGRO: He opened the door by --

6 THE COURT: Overruled.

7 Q. You are allowed as a police officer to  
8 tell a suspect information that's not correct; right?

9 A. Can I answer that completely, your Honor?

10 THE COURT: Just answer it. What do you  
11 want to tell me?

12 THE WITNESS: As a police officer you are  
13 allowed to do that.

14 MR. SGRO:

15 Q. Okay, and when someone gives you an  
16 initial denial, it would not be unusual for you to  
17 suggest something like that; correct?

18 A. Are you telling me to lie, that I would  
19 lie or that I would suggest something?

20 Q. To suggest -- well, again, do you  
21 characterize telling someone about information that's  
22 not actually present a lie, or do you characterize it  
23 as a suggestion?

24 A. I'm not sure I understand that.

25 MR. SGRO: I'll withdraw it, your Honor.

1 He is not going to answer me.

2 THE WITNESS: I'll be glad to answer, if  
3 I understood.

4 THE COURT: Mr. Sgro, your statement will  
5 be stricken from the record and I admonish you not to  
6 make the statement again. The jury is admonished to  
7 disregard that last statement.

8 MR. SGRO: I apologize, your Honor.

9 May I approach the witness?

10 THE COURT: Yes.

11 MR. SGRO:

12 Q. Showing you what's marked as Defendant's  
13 Exhibit C, like cat, is that a copy of a rights of  
14 persons arrested card and a consent to search card?

15 A. Yes, it is.

16 Q. And is the rights of persons card that's  
17 on top, is that what you referred to earlier?

18 A. Yes, it is.

19 Q. When Mr. Daskas was asking you, you said  
20 you signed it and dated it?

21 A. That's correct.

22 Q. And the consent to search card, was that  
23 also executed the same day?

24 A. Yes, it is.

25 Q. And that consent to search card was

1 signed by Sikia Smith; is that correct?

2 A. Yes, it was.

3 Q. And there is printing in the consent to  
4 search card where it says I, with a blank, and you  
5 inserted a name; is that correct?

6 A. Correct, that's correct.

7 Q. And there's a name inserted of Sikia  
8 Smith?

9 A. Yes.

10 Q. Who printed that in there?

11 A. I did.

12 Q. And there's a section on there that says  
13 do you hereby voluntarily consent to a search; right  
14 down below?

15 A. Yes.

16 Q. Okay, and then it says my blood for DNA;  
17 correct?

18 A. Yes.

19 Q. And who wrote that?

20 A. I did.

21 Q. Thank you, and then you signed it;  
22 correct?

23 A. I filled it out. I had him read it and  
24 if he agreed, sign his name, and then I signed it as  
25 a witness, that's correct.

1 THE COURT: Do you want to offer that?

2 MR. SGRO: I offer this.

3 THE COURT: Any objection?

4 MR. DASKAS: No, Judge.

5 THE COURT: B is admitted -- or C is  
6 admitted, ladies and gentlemen.

7 MR. SGRO: That's all, your Honor.

8 MR. DASKAS: Yes, your Honor, if I might.  
9 Judge, I'll take what's been admitted as Defendant's  
10 Exhibit C, I believe.

11 THE COURT: Yes.

12 MR. DASKAS: May I approach, Judge?

13 THE COURT: Yes.

14 REDIRECT EXAMINATION

15 BY MR. DASKAS:

16 Q. Detective, you were just shown what's  
17 been marked and admitted -- what's been marked as  
18 Defendant's Exhibit C, and you were asked?

19 MR. SGRO: Defendant's Exhibit C.

20 MR. DASKAS:

21 Q. I'm sorry, you were asked about the lower  
22 portion of the exhibit, that is the consent to search  
23 card?

24 A. That's correct.

25 Q. Is there also another portion to

1 Defendant's Exhibit C?

2 A. The top portion you are referring to?

3 Q. Yes.

4 A. Yes.

5 Q. Can you tell me what that is?

6 A. That is the rights of persons arrested  
7 card.

8 Q. And is there a signature that appears on  
9 the rights of persons arrested card?

10 A. Yes.

11 Q. Whose signature or signatures appear on  
12 that card?

13 A. The person signing is Sikia Smith, the  
14 person witnessing is Detective Buczek.

15 Q. And is there a date that appears on that  
16 card?

17 A. Yes, there is.

18 Q. What date appears on the card?

19 A. 9/8/98.

20 Q. Is that the date of the second interview  
21 between yourself and Detective Buczek with Sikia  
22 Smith?

23 A. Yes, it is.

24 Q. Is there also a time that appears on the  
25 rights of persons arrested card, Defense Exhibit C?

1 A. Yes.

2 Q. What time appears on the card?

3 A. 1640, hours which translates to 4:40 in  
4 the afternoon.

5 Q. 4:40 p.m.?

6 A. Yes.

7 Q. Let me -- Court's indulgence, please.

8 MR. SGRO: If that's the same statement,  
9 your Honor, there's already one in evidence or one  
10 has been marked.

11 THE COURT: Which statement is that?

12 MR. DASKAS:

13 Q. Detective, let me show you what's been  
14 marked as Defense Exhibit B, like boy. Do you  
15 recognize that exhibit?

16 A. Yes, I do.

17 Q. Can you tell me what that is?

18 A. This is the transcription of the  
19 statement made by Sikia Smith on 9/8/98.

20 Q. That's the transcript of the questions  
21 asked by you and Detective Buczek and the answers  
22 given by Sikia Smith on September 8? That is the  
23 second time you interviewed Sikia Smith?

24 A. That's correct.

25 Q. Does a time appear on that transcript?



1 A. Yes.

2 Q. What time appears on the transcript?

3 A. 1704.

4 Q. Which translates into what?

5 A. 5:04 p.m.

6 Q. You mentioned earlier Defendant's Exhibit  
7 C, the rights of person arrested?

8 A. 1640, or 4:40 p.m.

9 Q. Does this suggest to you that his rights  
10 of persons arrested card was provided to Sikia Smith  
11 prior to the time he was questioned at 5:04 p.m.?

12 A. Yes.

13 Q. And is that, in fact, what occurred on  
14 September 8, 1998?

15 A. Yes, it is.

16 Q. A moment ago you attempted to explain an  
17 answer regarding whether you lie to suspects or  
18 witnesses in cases?

19 MR. SGRO: Whether he can or is entitled  
20 to, your Honor.

21 MR. DASKAS: Whether you can.

22 THE COURT: Yes.

23 MR. DASKAS:

24 Q. And I don't think you had a chance to  
25 fully answer the question. Would you like to answer

1 the question now?

2 A. Yes, I would.

3 Q. Please explain what you tried to explain  
4 earlier?

5 A. As a police officer you are allowed to  
6 lie to an individual in part of your investigation as  
7 long as it is not something so severe as to shock the  
8 conscience. As a personal thing, I choose not to do  
9 that, just because I don't want to come in here and  
10 give the defense attorney the opportunity to drag me  
11 through the dirt for it. I don't do it. That's all.

12 Q. Real briefly also, you were asked earlier  
13 by Mr. Sgro what corroboration there was of Sikia  
14 Smith having read aloud his rights of person arrested  
15 card on September 8. Do you recall that question?

16 A. Yes.

17 Q. And I have just shown to you the actual  
18 rights of persons arrested card, indeed a defense  
19 exhibit, with Sikia Smith's signature on the time  
20 that appears that he was read or he read aloud the  
21 rights. Do you recall that exhibit?

22 A. Yes, I do.

23 THE COURT: Exhibit C.

24 MR. DASKAS: Is that, in fact, the  
25 corroboration?

1 MR. SGRO: This is very leading, your  
2 Honor, and it's his witness.

3 THE COURT: Sustained.

4 MR. DASKAS:

5 Q. How would you characterize Defense  
6 Exhibit C, the rights of persons arrested card, in  
7 terms of whether Sikia Smith actually read his rights  
8 aloud?

9 A. I would say the fact that he has signed  
10 his name to it indicates that he would have been made  
11 aware of those rights and signed the card and  
12 returned it to us.

13 MR. DASKAS: I have nothing else.

14 THE COURT: Mr. Sgro.

15 RECROSS EXAMINATION

16 BY MR. SGRO:

17 Q. You had Sikia Smith for 24 minutes before  
18 you turned the tape recorder on; is that correct?

19 A. That's correct.

20 Q. Okay, and you did not have any knowledge  
21 at the time as to whether Mr. Smith was or was not  
22 mentally retarded; correct?

23 THE COURT: He already answered that.

24 MR. SGRO:

25 Q. I don't know that I put it that way. Did

1 you have any information at all on September 8, 1998  
2 as to whether or not Mr. Smith was mentally retarded?

3 A. I had nothing to indicate that Mr. Smith  
4 was retarded.

5 Q. Fair enough. Would you say that as an  
6 experienced homicide detective it would be easy to  
7 guide someone through a question and answer session  
8 to get answers you wanted if you had 24 minutes with  
9 a mentally retarded person?

10 MR. DASKAS: Objection, calls for  
11 speculation, Judge.

12 THE COURT: Sustained.

13 MR. SGRO: Nothing else.

14 MR. DASKAS: One follow-up final  
15 question.

16 REDIRECT EXAMINATION

17 BY MR. DASKAS:

18 Q. Based on your interview with Sikia Smith  
19 on August 26 and interview on September 8, did you  
20 have any reason to believe that he was mentally  
21 retarded?

22 A. No, I did not.

23 MR. DASKAS: Nothing else.

24 MR. SGRO: That's all, your Honor.

25 THE COURT: Detective Thowsen, you are

1 excused. I would admonish you not to discuss your  
2 testimony with anyone until we complete the case.  
3 You are free to go.

4 MR. GUYMON: State calls Shawn Fletcher.

5 THE COURT: Up here, please. Remain  
6 standing, raise your right hand and be sworn by the  
7 clerk.

8 **SHAWN FLETCHER,**

9 called as a witness, and having been first duly sworn  
10 to testify to the truth, the whole truth, and nothing  
11 but the truth, was examined and testified as follows:

12 THE COURT: Be seated. Give us your full  
13 name, spell your last name for the record.

14 THE WITNESS: Shawn Fletcher,  
15 F-L-E-T-C-H-E-R.

16 THE COURT: Where are you employed?

17 THE WITNESS: Las Vegas Metropolitan  
18 Police Department.

19 THE COURT: In what capacity?

20 THE WITNESS: I'm a crime scene analyst.

21 THE COURT: What is a crime scene  
22 analyst?

23 THE WITNESS: A crime scene analyst  
24 basically documents the crime scene. We do that  
25 through photography, sometimes diagrams, depending on

1     what the case may be, and the collection and  
2     preservation of evidence.

3                 THE COURT:   How long have you been  
4     employed with Metro?

5                 THE WITNESS:  I have been employed as a  
6     crime scene analyst since all of 1996.  I worked for  
7     Metro for approximately nine months before that as an  
8     office assistant.

9                 THE COURT:  Do you have any training or  
10    special education to be a crime scene analyst?

11                THE WITNESS:  I started out with a  
12    bachelor's degree from Michigan in exercise science  
13    and nutrition, and when I moved out to Las Vegas I  
14    got an Associates Degree in criminal justice.  I got  
15    hired by Metro in July of 1996 and they put me  
16    through a, what they call a crime scene analyst  
17    academy, which is approximately 120 hours.  I went on  
18    an 11 week field training program after that as part  
19    of the academy.  That was eleven weeks long.

20                I have had a certificate completed  
21    through the American Institution of Applied Sciences,  
22    which is equivalent to, I believe it is approximately  
23    260 hours, and that's various training in photography  
24    and crime scene documentation.  I have had a lot of  
25    in-service training through Metro and also attended

1 three schools put on by Northwestern University in  
2 crime scene documentation.

3 THE COURT: Have you testified in the  
4 courts of Nevada as a crime scene analyst?

5 THE WITNESS: I have testified in a  
6 preliminary hearing and at grand jury.

7 THE COURT: Thank you. Mr. Guymon.

8 DIRECT EXAMINATION

9 BY MR. GUYMON:

10 Q. Thank you. As a crime scene analyst did  
11 you have occasion to go to the residence at Terra  
12 Linda, I believe it is 4825 Terra Linda, here in Las  
13 Vegas, Clark County, Nevada?

14 A. Yes, I did.

15 Q. What date was it when you first went  
16 there?

17 A. It was August 14, 1998.

18 Q. Were you the only crime scene analyst  
19 that arrived at that scene?

20 A. No, when I got there, Dave Horn, the  
21 senior crime scene analyst was there; the crime scene  
22 supervisor was there; and a crime scene analyst one,  
23 Jim O'Donnell showed up. I don't remember if he was  
24 there before I got there or not.

25 Q. Is it common to have three or four crime

1 scene analysts at a given homicide scene?

2 A. Yes.

3 Q. Now once you all get there, do you divide  
4 up your responsibilities?

5 A. Yes.

6 Q. What responsibility did you have at the  
7 crime scene?

8 A. My main responsibility at the crime scene  
9 was the documentation of the evidence. I collected  
10 the evidence and impounded the evidence and preserved  
11 the evidence for court and I also assisted Jim  
12 O'Donnell in some measurements for the crime scene.

13 Q. Can you briefly tell us what the senior  
14 crime scene analysts Horn and Perkins and the like  
15 did?

16 A. Dave Horn primarily did the photography.  
17 He took all of the notes on the crime scene itself  
18 and basically the description of the crime scene. He  
19 did all the photography and he wrote the report. He  
20 also did some fingerprint processing, which we all  
21 do. He also, Dave -- excuse me, Mike Perkins, the  
22 crime scene analyst basically supervises, guides us  
23 with various things that he wanted done and he  
24 assisted in the diagram somewhat. He also helped in  
25 the latent print process.



1           Q.     Now then, as items of evidence were  
2 pointed out by various crime scene analysts, what is  
3 it that you did with the particular items?

4           A.     We were working in several different  
5 areas in the house and as somebody found something  
6 that we thought would probably be evidence, they  
7 would point it out to me. Dave Horn would go to that  
8 area and take a photograph of it and then I would  
9 collect the evidence and help Jim O'Donnell measure  
10 it in.

11          Q.     Was the 14th of August 1998 the only day  
12 that crime scene analysts with the Las Vegas  
13 Metropolitan Police Department did any work at this  
14 particular scene?

15          A.     No. We sealed up the house at  
16 approximately 2:00 in the morning on the 15th, so we  
17 were there roughly seven hours or so the first night.  
18 We returned the next day, all four of us, at I  
19 believe around 2:00 in the afternoon, and we were  
20 there again that night until around 11:30. Also  
21 during that time two other crime scene analysts  
22 showed up to assist in some fingerprint process and  
23 the third day Dave Horn went back by himself because  
24 we did some chemical processing the night before and  
25 he went back to do some photography the third day.

1           Q.     Can you tell me in total how many hours  
2     were exhausted by crime scene analysts with the Las  
3     Vegas Metropolitan Police Department in order to  
4     thoroughly process and search the scene?

5                     MR. CHRISTIANSEN:  Objection, relevance.

6                     THE COURT:  Overruled.

7                     THE WITNESS:  I would say roughly 80  
8     hours total combination of the scene and the booking  
9     of the evidence.

10                    MR. GUYMON:

11           Q.     Was the scene documented either through  
12     photographs and/or the collection and preservation of  
13     evidence?

14           A.     Yes.

15           Q.     Showing you what has been marked as  
16     State's Proposed Exhibits 12 through 19, let me ask  
17     you, Ms. Fletcher, can you briefly go through the  
18     photographs and tell me if you recognize 12 through  
19     19?

20           A.     I recognize this as the front of the  
21     house and the open door entering into the living  
22     room.  Do you want me to be more detailed?

23           Q.     No.  In fact, if you'd go through all  
24     seven or eight of them and satisfy yourself that you  
25     recognize them, first of all?

1 MR. SGRO: If that's 12 through 19, I  
2 have no objection to the admissibility of all of  
3 them.

4 MR. GUYMON: Move for the admission of 12  
5 through 19.

6 THE COURT: They are admitted into  
7 evidence.

8 MR. GUYMON:

9 Q. As you briefly go through the photographs  
10 12 through 19, thumb them quickly, tell me why it is  
11 you would photograph the doorway?

12 A. This door here is the front door of the  
13 entrance, so I mean it was extremely relevant as to  
14 the fact that it went into the living room where we  
15 had an extensive portion of the crime scene located.

16 Q. Was the doorjamb and seal intact on the  
17 front door?

18 A. Yes, the seals are intact.

19 THE COURT: What photo are you referring  
20 to?

21 THE WITNESS: This one here, number 14.  
22 The seal is also intact on 15. This is on a window.

23 MR. GUYMON:

24 Q. What does 16 show?

25 A. I believe these are, this is going to be

1 the west side of the house.

2 Q. All right.

3 THE COURT: What number is that?

4 THE WITNESS: This would be 16.

5 MR. GUYMON:

6 Q. Are those windows intact?

7 A. They are intact, it looks like, yes.

8 Q. 17, does it show a window?

9 A. Yes.

10 Q. Is it intact?

11 A. Yes.

12 Q. 18?

13 A. Front door again.

14 Q. And 19, a sliding glass window. Does it  
15 appear to be intact?

16 A. Yes. All the seals are intact and the  
17 doors are closed. There's also a lockout knob on the  
18 front door.

19 MR. GUYMON: If I could publish those,  
20 Judge?

21 THE COURT: Yes.

22 MR. GUYMON:

23 Q. Did you find from the exterior of the  
24 house, did you find any forced signs of forced  
25 entry --

1 A. No.

2 Q. -- as you processed the scene?

3 A. No.

4 Q. Had you found signs of forced entry,  
5 would you have noted it either through documentation  
6 or reports?

7 A. Absolutely, both.

8 Q. Now then the inside, I take it you  
9 entered into the home as well?

10 A. Right.

11 Q. Showing you what has been marked  
12 previously as State's Exhibits 20 and 21, I'll ask  
13 you if they fairly and accurately depict the  
14 residence, the interior?

15 A. Yes, this one is in the dining room,  
16 number 21.

17 Q. Does that photograph fairly and  
18 accurately depict the condition of the dining room on  
19 the night in question when you began to process the  
20 scene?

21 A. Yes, it does.

22 Q. Was there evidence that the scene had  
23 been preserved so that you folks now could look at  
24 the scene and collect it without having it been  
25 disturbed, crime scene taped, and the like?

1           A.     Yes, there was crime scene tape over the  
2 gate when I arrived, absolutely.

3           Q.     Exhibit 22, does it fairly and accurately  
4 depict your observation of the living room?

5           A.     Yes, it does.

6           MR. GUYMON: Move for the admission of 21  
7 and 22.

8           MR. SGRO: No objection.

9           THE COURT: That will be admitted.

10          MR. GUYMON:

11          Q.     Showing you 24 through 27, I'd ask you if  
12 you recognize those particular photographs, if you'd  
13 look at them briefly?

14          A.     Yes. This is of the loveseat in the  
15 living room.

16          THE COURT: What number?

17          THE WITNESS: 24. This is an ashtray  
18 that was on the dining room table with three  
19 cigarette butts, number 25. This is another ashtray  
20 in the dining room table with three cigarette butts,  
21 number 26. And this is a picture of a potted plant  
22 that was pulled out and a cartridge casing on the  
23 floor next to the potted plant in the living room,  
24 27.

25          ///

1 MR. GUYMON:

2 Q. Do those photographs fairly and  
3 accurately depict your observations?

4 A. Yes.

5 MR. GUYMON: Move for the admission of 24  
6 through 27.

7 MR. SGRO: No objection.

8 THE COURT: Admitted.

9 MR. GUYMON:

10 Q. Why do you photograph cigarette butts?

11 A. We photograph because they are a source  
12 of good DNA evidence, so we photographed them to be  
13 possible evidence at that time.

14 Q. Would cigarette butts be ultimately  
15 preserved and analyzed for further evidence?

16 A. They were preserved. I'm not aware if  
17 they were analyzed.

18 Q. Showing you next what is marked as 32  
19 through 37. I'll ask you if you recognize those and  
20 if they fairly and accurately depict the scene as you  
21 processed it and documented it?

22 A. Yes, this is number 32 and there's a comb  
23 by a wallet that was underneath the loveseat in the  
24 living room. This is an open wallet that was on the  
25 living room floor near the entryway of the living

1 room. That's number 33.

2 Q. Let me back up just a minute. 32 and 33,  
3 do they depict different wallets?

4 A. Yes, they do, different wallets.

5 Q. Thus far we have two wallets on the floor  
6 in the living room?

7 A. Yes. The next one is a photograph of a  
8 piece of paper that has what appeared to be  
9 apparently bloody footwear on a piece of paper, and  
10 this was another article that was on the floor in the  
11 living room.

12 Q. Why might bloody footwear be important as  
13 a crime sign analyst?

14 A. That's important because if it is going  
15 to be footwear from a suspect's shoe to do a footwear  
16 comparison if we recover a shoe.

17 This next one, 35, is a similar type  
18 photo on another piece of paper of apparently bloody  
19 footwear. This was on the floor of the living room  
20 also. This next one is footwear on a credit card or  
21 a phone card that was developed with latent  
22 fingerprint powder and this was also on the floor in  
23 the living room.

24 Q. Where was the credit card in relationship  
25 to, say, the wallets that were found on the floor?



1           A.     This exact credit card, I'm not sure.  
2     This next photograph is a picture of a mushroom that  
3     we found on the floor in the southeast bedroom near  
4     the south wall.

5           THE COURT:   Number, please?

6           THE WITNESS:  It is number 37.  It was  
7     kind of behind the bed and it was on the floor.

8           MR. GUYMON:

9           Q.     I might ask you, are you familiar with  
10    mushrooms and are they, in fact, a controlled  
11    substance?

12          A.     I am not familiar with what a controlled  
13    substance mushroom looks like.  We thought that it  
14    was somewhat of a strange place for a mushroom to be  
15    and therefore we collected it with the possibility  
16    that it might be a narcotic type mushroom.

17          MR. GUYMON:  I move for the admission of  
18    32 through 37.

19          THE COURT:  Any objection?

20          MR. SGRO:  No, your Honor.

21          THE COURT:  Admitted.

22          MR. GUYMON:

23          Q.     Showing you what has been marked as 51  
24    through 58, I'll have you look at those quickly and  
25    ask you if those photographs fairly and accurately

1 depict your observations and what it is they depict,  
2 starting with 51?

3 A. 51 is a piece of wadded up duct tape that  
4 was found in the center drawer of the bathroom  
5 counter. It was the bathroom that was attached to  
6 the southwest bedroom.

7 Q. And what the significance was, as you  
8 observed the scene, was duct tape to this scene?

9 A. The significance of the duct tape was  
10 that all four of the victims' hands and feet were  
11 bound with duct tape. So this became extremely  
12 significant in our mind at the time, due to the  
13 extensive amount of duct tape that was located on the  
14 victims. The next one, 52, is a security I.D. card  
15 in the name of Jeffrey Biddle, next to a bag of a  
16 white powdery substance. This was located on one of  
17 the couches in the living room.

18 This next picture is of the dining room  
19 table, which shows several items consistent with  
20 narcotics paraphernalia. This is located in the  
21 dining room on the table, 53.

22 Number 54 -- or 55, I'm sorry. This is  
23 55 and is a picture of the entertainment center along  
24 the west wall of the living room. The TV is pulled  
25 out, numerous items are pulled out and appear to be

1     disturbed in this photograph. There's also several  
2     items on the floor.

3                 THE COURT: 54 through 59 are admitted.

4                 THE WITNESS: And number 56 appears to be  
5     a similar photo as to the one I just described of the  
6     entertainment center.

7                 MR. GUYMON:

8                 Q.     Do the photographs involving the  
9     entertainment center fairly and accurately show the  
10    entertainment center as you observed it?

11                A.     Yes.

12                Q.     Does there appear to be fingerprinting  
13    dust, if you will, for lack of a better word, on the  
14    TV itself?

15                A.     Actually, I can't tell in this exact  
16    photograph if that is fingerprint powder or not.  
17    There does appear to be dust disturbance in this  
18    picture where it looks like there may have been  
19    finger swipes. Whether they were in the dust on the  
20    TV or that's fingerprint powder, I'm not sure.

21                MR. SGRO: What number is that?

22                THE WITNESS: 56. The next one, 57, is a  
23    similar picture as well. However, it also contains  
24    the feet of one victim and the head of another  
25    victim. There's also a broom in the photograph.

1 MR. GUYMON:

2 Q. And lastly, 58?

3 A. This one is similar to the last one.

4 MR. GUYMON: Move for the admission of  
5 State's Proposed Exhibits 51 through 53, and 55  
6 through 58.

7 THE COURT: 54, 52 and 59 is admitted,  
8 the rest are admitted.

9 MR. GUYMON: Thank you.

10 MR. CHRISTIANSEN: No objection.

11 THE COURT: Thanks.

12 MR. GUYMON:

13 Q. Showing you what has been marked as  
14 State's Proposed Exhibits 60 through 62, do they  
15 fairly and accurately depict the scene and the  
16 condition which you observed it?

17 A. Yes. 60 is a photograph of the top of  
18 the entertainment center in the living room. 61  
19 depicts the area on the floor where one of the  
20 victims feet are resting. There's a turned over  
21 stereo speaker and a broom with apparently quite a  
22 bit of blood on it and also a scale with some blood  
23 on it.

24 Q. Okay.

25 A. That was also an empty cable.

1 Q. And 62, tell me what's depicted in 62?

2 A. 62 is a VHS video on the floor and there  
3 appears to be blood on it. There also appears to be  
4 the bullet fragments that we located are on the floor  
5 next to the video, 62.

6 Q. By looking at 62 can you tell me where  
7 the bullet fragments were in relationship to any of  
8 the decedents' heads?

9 A. This particular one basically is pretty  
10 close to where the victim's head was, the first  
11 victim as we walked into the door.

12 MR. GUYMON: Move for the admission of  
13 State's Exhibits 60 through 62.

14 THE COURT: Any objection?

15 MR. SGRO: No objection, your Honor.

16 THE COURT: They will be admitted.

17 MR. GUYMON:

18 Q. Showing you what has been marked as  
19 State's Exhibit 66, and ask you if you recognize it?

20 A. Yes, I do.

21 Q. What is depicted there?

22 A. This is a photograph showing completely  
23 two of the victims. Both victims are face down,  
24 their feet and hands are duct taped, hands are  
25 interlaced behind their backs and duct taped.

1 There's an empty wallet next to one victim and  
2 another wallet attached to one victim.

3 Q. In referring to it as an empty wallet,  
4 can you tell me, the brown wallet depicted in 66  
5 there, can you tell me if that was searched in order  
6 to make a determination as to whether or not it was  
7 empty?

8 A. Yes, this wallet here on the floor was  
9 searched. All that was found in that wallet was a  
10 small wallet-sized photograph. Nothing else was  
11 located inside that wallet. I believe there was a  
12 dime located in one of the wallets.

13 Q. You say a dime?

14 A. A dime, yes.

15 Q. I might ask you, in the brown wallet was  
16 there any cash currency, U.S. currency?

17 A. No, there was not.

18 Q. Foreign currency?

19 A. No.

20 Q. Likewise, there was another wallet next  
21 to the deceased?

22 A. I don't believe that wallet was searched  
23 by myself. As policy, since it was attached to the  
24 victim, it went with the victim to the coroner's  
25 office.

1 MR. GUYMON: Move for the admission of  
2 66.

3 MR. CHRISTIANSEN: I'm going to object.  
4 We have 81, which was introduced earlier. It depicts  
5 identical things.

6 THE COURT: Counsel approach the bench,  
7 please.

8 (Conference at the bench.)

9 THE COURT: Mr. Guymon, do you have a  
10 motion as to State's Exhibit 81?

11 MR. GUYMON: I'll withdraw that.

12 THE COURT: 81 will be withdrawn as  
13 evidence and remain in the clerk's possession.

14 MR. GUYMON:

15 Q. Showing you what has been marked as  
16 states Exhibit 66, I'll ask you if you recognize it?

17 A. Yes, I do.

18 Q. What is depicted there?

19 A. This is a picture of two of the victims  
20 lying face down. You can see partial of the third  
21 victim. There's three wallets present in the  
22 picture. One of them is the one I previously talked  
23 about that only had a wallet-sized photograph in it.  
24 The other two were attached to the victims and were  
25 not gone through at the scene.

1           Q.     Showing what you has been marked State's  
2     Exhibit Proposed 71. Does it depict yet a third  
3     wallet not depicted in the others, that is in the top  
4     corner at the foot of the sofa?

5           A.     Yes. This is a wallet that was  
6     underneath the loveseat, partially underneath the  
7     loveseat, a black wallet.

8           Q.     Was any paper currency found in that  
9     wallet?

10          A.     No, there was not.

11                 MR. GUYMON: Move for the admission of  
12     those two.

13                 THE COURT: 66, any objection?

14                 MR. CHRISTIANSEN: The objection is the  
15     one that we now say, it is more prejudicial than  
16     probative.

17                 THE COURT: How about 71?

18                 MR. CHRISTIANSEN: Same objection.

19                 THE COURT: Overruled.

20          Q.     Showing you State's Exhibit 79, I'll ask  
21     you if you recognize it?

22          A.     Yes, I do.

23          Q.     Does it also depict a wallet?

24          A.     Yes, it does.

25          Q.     Does that photograph fairly and



1 accurately depict the condition of the wallet as you  
2 observed it on that night in question?

3 A. Yes, it does.

4 Q. Was any paper currency found in that  
5 wallet?

6 A. In this particular one, I don't know,  
7 because again it was not gone through at the scene.

8 Q. All right. Move for the admission of 79,  
9 Judge?

10 THE COURT: Any objection?

11 MR. CHRISTIANSEN: Same objection.

12 THE COURT: Overruled.

13 MR. GUYMON:

14 Q. Lastly, showing you what has been  
15 previously admitted as 83 and 86, State's Proposed  
16 Exhibits, do you recognize them?

17 A. Yes, I do. This first one is the victim  
18 that was located in the dining room.

19 THE COURT: What number?

20 THE WITNESS: 83. And this next one, 86  
21 is the same victim in the dining room showing a  
22 firearm in his waistband.

23 MR. GUYMON:

24 Q. Do those photographs fairly and  
25 accurately depict the evidence as you observed it at

1 the scene?

2 A. Yes. We did not observe the gun in the  
3 waistband until the victim was rolled over by the  
4 coroner, so this was a little bit into the scene.

5 Q. Was this the only weapon found at the  
6 scene?

7 A. Yes, it was.

8 Q. Did any of the other three victims have  
9 weapons on their person?

10 A. Not that I'm aware of, no.

11 Q. Based on your processing of the scene,  
12 one person had a weapon on their person?

13 A. Yes.

14 Q. It is depicted there?

15 A. Yes.

16 MR. GUYMON: Move for the admission of  
17 those two.

18 THE COURT: Any objection?

19 MR. CHRISTIANSEN: No objection as to 86,  
20 same objection as to 83.

21 THE COURT: Overruled.

22 MR. GUYMON: And I'd ask they be  
23 published.

24 Q. Lastly, let me show State's Exhibits 89  
25 through 92, and ask you if you recognize them?

1           A.     Yes, this first one is 89. This is a  
2     cartridge casing located on one of the floors.  
3     Number 90 is another, actually two pieces of another  
4     mushroom that we found. Number 90, 91 is another  
5     cartridge casing located, this one is on the couch  
6     along the east wall in the living room and number 92  
7     is another cartridge casing located on the living  
8     room floor in the corner by the plant that had been  
9     pulled out of the pot.

10          Q.     Do those photographs fairly and  
11     accurately depict the evidence as you observed it?

12          A.     Yes, they do.

13                 THE COURT: Any objection to 91, 92, --  
14     or 89, 90, 91 and 92?

15                 MR. GUYMON:

16          Q.     93 through 95, do those photographs  
17     fairly and accurately depict the evidence as you  
18     observed it and recorded it through photographs?

19          A.     This was 93, another cartridge casing  
20     located on the floor, I believe this one is in the  
21     dining room. This next picture, 94, is a picture of  
22     a mushroom located on the floor, 94. The next one is  
23     another picture of a cartridge casing located on the  
24     floor, 95.

25          Q.     And lastly -- first of all, I move for

1 the admission of 93 through 95?

2 THE COURT: Any objection?

3 MR. CHRISTIANSEN: No, your Honor.

4 THE COURT: They are admitted.

5 MR. GUYMON:

6 Q. Last photograph, State's Proposed 96, did  
7 you recognize it, and if so how?

8 A. This is a cigar packet or a pipe tobacco  
9 cigar packet. This was located in the living room to  
10 the left of the door as you enter the residence, near  
11 victim one's feet. There's a piece of tape on the  
12 card, which I recognize as a piece of latent  
13 fingerprint tape, and it should be covering a latent  
14 fingerprint.

15 Q. So the tape is actually put there by a  
16 crime scene analyst in order to remove a fingerprint?

17 A. Yes.

18 Q. Does this fairly and accurately reflect  
19 the box as it is being processed, if you will, for  
20 latent prints?

21 A. Yes, as it is being processed, it appears  
22 to be sitting on the couch.

23 MR. GUYMON: Move for the admission of  
24 96.

25 MR. CHRISTIANSEN: No objection.

1 THE COURT: 96 is admitted.

2 MR. GUYMON:

3 Q. In total can you tell me how many  
4 cartridge cases were found at the crime scene?

5 A. There were four cartridge cases found at  
6 the crime scene and a couple pieces of a bullet  
7 fragment.

8 Q. Was a crime scene diagram actually made  
9 by yourself and/or your coworkers in order to  
10 demonstrate all of the evidence as it was found and  
11 processed?

12 A. Yes, it was.

13 Q. Are you familiar with that particular  
14 crime scene diagram?

15 A. Yes.

16 Q. Showing you what has been marked now as  
17 State's Proposed Exhibit 162, let me ask you if you  
18 recognize it?

19 A. Yes, I do.

20 Q. Does State's Proposed Exhibit 162 fairly  
21 and accurately depict the crime scene diagram as  
22 drawn by yourself or a coworker?

23 A. Yes, it does.

24 Q. Can you tell me who actually drew it?

25 A. Jim O'Donnell.

1 Q. Were you involved in the drawing or the  
2 establishing of this?

3 A. Yes, I was involved in several of the  
4 measurements in the diagram.

5 MR. GUYMON: Move to admit State's  
6 Proposed Exhibit 162.

7 MR. CHRISTIANSEN: No objection.

8 THE COURT: Admitted.

9 MR. GUYMON: You could display it and  
10 have her point out pieces of evidence as they were  
11 found.

12 MR. CHRISTIANSEN: Your Honor, may I move  
13 around?

14 THE COURT: Yes.

15 MR. GUYMON:

16 Q. Does the diagram actually depict the  
17 location of each of the decedents in relationship to  
18 one another as well as the evidence as it was found  
19 there at the scene?

20 A. Yes, it does.

21 Q. If you can position yourself so the  
22 jurors can see.

23 A. Let me go on this side.

24 Q. If you can actually show us what is  
25 depicted in the crime scene and its importance as a

1 crime scene analyst, if you will?

2 A. Okay. As we came in the door, obviously  
3 we noted the three victims right away. The entire  
4 house was ransacked extensively, so there was a lot  
5 of miscellaneous items throughout the entire house,  
6 especially in the living room. There was also what  
7 we perceived to be blood throughout the house. Prior  
8 to my arrival I was told that there were three --

9 MR. CHRISTIANSEN: Objection to what she  
10 was told, your Honor.

11 THE COURT: Overruled.

12 THE WITNESS: There were three dogs that  
13 were apparently in the house and we also noticed  
14 numerous paw prints that appeared to be paw prints in  
15 blood throughout the house. So there was quite a bit  
16 of that throughout here.

17 We did not find the cartridge casings  
18 until the victims were removed from the scene and we  
19 also discovered several items of evidence as we  
20 started going along. You can see they are marked,  
21 the cartridge casings. One of them was located here,  
22 the cigar box that you saw the photograph of was  
23 right here at victim one's feet. Another cartridge  
24 casing was located on this couch. It had fallen down  
25 between the cushions. It was actually located when

1 we removed the cushion.

2 The bullet fragments that you saw the  
3 picture of were right here on the floor next to a VHS  
4 video. This was the pot that was overturned in the  
5 corner. The plant was actually pulled out of it and  
6 a cartridge casing was located behind that against  
7 the wall.

8 This is the entertainment center. As you  
9 go through the hallway, the southeast bedroom here  
10 was also extensively ransacked. I believe the only  
11 evidence that we impounded from this was a piece of  
12 paper that had some handwriting on it. We also found  
13 that the bed was, it looked kind of funny here  
14 because the mattress was askew on the box springs.  
15 We also found the mushrooms were found in here, too,  
16 one behind the bed, another one by, this is a file  
17 box. And is where the mushrooms were located.

18 As you came out and came into the dining  
19 room we immediately saw victim four, also the  
20 cartridge casing was over here. There was extensive  
21 ransacking in here in the sense that there was a lot  
22 of miscellaneous items on the floor, baseball cards,  
23 pennies, we also had some regular playing cards, I  
24 believe, from a regular deck of cards.

25 The dining room table is where we located

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1 a lot of the apparent narcotics paraphernalia. There  
2 was a couple pipes, a butane lighter, and some  
3 baggies that contained some type of pills on the  
4 dining room table.

5 There was also a tarp or something that  
6 appeared to have been pulled out of the closet. It  
7 was partially in and out so the closet appeared to be  
8 ransacked as well. The kitchen appeared to be  
9 ransacked. There was boxes of sugar cubes down on  
10 the counter, baseball cards all over the place in the  
11 kitchen and several other items appeared to be  
12 disturbed in the kitchen.

13 As you walked down the hallway here you  
14 could enter the southwest bedroom in the adjoining  
15 bedroom. This room was extensively ransacked. I  
16 don't believe there was any evidence, per se,  
17 recovered from this bedroom.

18 As we came into the bedroom this was the  
19 sink counter where we discovered the piece of duct  
20 tape that was in the drawer there. As you come out  
21 and come down the hall we had the water heater  
22 closet, the doors were open, I believe upon our  
23 arrival there. There was another bathroom going in  
24 here and there was a lot of apparently bloody paw  
25 prints around the toilet seat, up on the rim of the

1 toilet seat and on the floor as well.

2 As you come back down the hallway and you  
3 entered the north front bedroom, this bed was askew  
4 as well. It was, I believe, just a mattress and box  
5 springs on the floor, and this room was ransacked,  
6 several items here on the floor, duffle bags, again  
7 more baseball cards, and there were other  
8 miscellaneous items over here, as well as the closet  
9 also appeared to have been ransacked.

10 The fourth bedroom, the northwest  
11 bedroom, same thing with the bed. The bed appeared  
12 to have been tossed or lifted up. The mattress was  
13 askew and I believe there were some other items over  
14 here that appeared to be all over the floor as well.

15 There was a pickup truck that was  
16 underneath the carport, and there was miscellaneous  
17 items in the backyard as well, and there was a shed  
18 over here that's not on the diagram that we didn't  
19 find anything pertaining to anything in the shed.

20 Q. Analyst Fletcher, were each one of those  
21 rooms then thoroughly processed by crime scene  
22 analysts with the Las Vegas Metropolitan Police  
23 Department over the course of the next three days?

24 A. Yes, they were.

25 Q. Throughout the search of the entire

1 residence was any paper currency found in the  
2 residence?

3 A. No. I do not believe any paper currency  
4 was found at all.

5 Q. And once the items of evidence, say, the  
6 cartridge casings, Black and Miles box, those type of  
7 items, what happened to those items?

8 A. The cartridge casings were impounded as  
9 evidence. I don't believe that the cigar box was  
10 impounded. The fingerprint itself was evidence that  
11 was recovered from the cigar box and all the other  
12 items of evidence were measured and photographed and  
13 then impounded as evidence.

14 Q. You say impounded. What do you mean by  
15 impounded? What's the process, very quickly?

16 A. Impounding basically means that you  
17 preserve it so that it can be tested for anything  
18 that it might need to be tested for later. It is  
19 sealed up into an envelope and sent to the evidence  
20 vault.

21 Q. Were all four cartridge cases that were  
22 ultimately impounded by yourself and sealed up in the  
23 evidence vault, were they all four similar to one  
24 another?

25 A. I believe they were. I would need to

1 refer to my evidence impound to be sure on that.

2 Q. Will you do that for me?

3 A. Yes, I will.

4 Q. And in fact, did you prepare an evidence  
5 impound report shortly after or simultaneous to your  
6 work in this case?

7 A. Yes.

8 Q. Would that refresh your recollection?

9 A. Yes, it would. All four cartridge  
10 casings had the same head stamp of Win. .380 auto.

11 Q. Are you familiar with what a cartridge  
12 case actually is?

13 A. Yes.

14 Q. What is that?

15 A. A cartridge casing is basically the  
16 housing for the bullet. The bullet will be extended  
17 out of the cartridge casing as it is ejected out of  
18 the firearm.

19 Q. What type of firearm ejects cartridge  
20 casings?

21 A. Usually a semi-automatic handgun does.

22 Q. And you indicated there was fragments or  
23 projectiles at the crime scene?

24 A. Right.

25 Q. What is that and how does it end up being

1 there?

2 A. The bullet fragment that we discovered at  
3 the crime scene was actually part of the jacketing, I  
4 believe, from the bullet. You have the bullet, which  
5 usually is lead and covered with some type of a  
6 jacketing. In this case I believe it was copper, and  
7 a lot of times when the bullet goes through  
8 something, the bullet may stay where it is and the  
9 jacketing may continue to travel, or vice versa.

10 Q. And at the conclusion of the three days  
11 of crime scene analyst processing this particular  
12 scene, and you being involved in that, and likewise  
13 impounding all the evidence, did that then conclude  
14 your involvement in this particular crime scene?

15 A. Yes, that concluded my involvement in the  
16 crime scene.

17 MR. GUYMON: Pass the witness, your  
18 Honor.

19 THE COURT: Mr. Christiansen.

20 CROSS EXAMINATION

21 BY MR. CHRISTIANSEN:

22 Q. Is your correct title to call you I.D.  
23 tech?

24 A. Crime scene analyst.

25 Q. Crime scene analyst, okay. Analyst

1 Fletcher, you were the newest crime scene analyst on  
2 the scene on the day of August 14th, 1998 in terms of  
3 experience?

4 A. No, actually I was not.

5 Q. Between you, Mike Perkins and Dave Horn,  
6 who was the most senior?

7 A. Mike Perkins was the most senior in the  
8 sense that he was the supervisor, Dave Horn has been  
9 on longer.

10 Q. You were the person -- what exactly is  
11 the title you would give to your assignment at this  
12 particular crime scene, what you have described for  
13 Mr. Guymon?

14 A. The evidence collection and recovery.

15 Q. You are there to take the pictures and  
16 bag it up?

17 A. I did not take the pictures, Dave Horn  
18 took the pictures. I collected the evidence.

19 Q. And you also conducted some of the  
20 measurements in terms of this report that you have  
21 referred to, your evidence impound report?

22 A. Yes. In my evidence impound report I  
23 actually did all of the measurements of the evidence  
24 myself and then I assisted with the diagram, overall  
25 general measurements.

1 Q. Is there one individual to whom you  
2 answer or who can give you orders as to what your job  
3 is when you get into a crime scene?

4 A. That would be the crime scene analyst  
5 supervisor, of course, and also the senior crime  
6 scene analyst is the one in charge of the  
7 investigation.

8 Q. What about the homicide detective, is he  
9 in charge of the crime scene?

10 A. Yes.

11 Q. Is that, in fact, in the hierarchy of  
12 things the top of the platform?

13 A. Well, the homicide detectives aren't in  
14 our chain of command, per se. However, we do work  
15 completely together, if there's something at their  
16 request that we can comply with, we certainly do  
17 that.

18 Q. Your job at this particular crime scene  
19 was to gather the evidence found by various people,  
20 including yourself, is that accurate?

21 A. Yes, that's accurate.

22 Q. The note on this evidence impound report  
23 where you had recovered certain things from, in terms  
24 of measurements, et cetera, and then it assists with  
25 the drawing of this diagram; is that correct?

1 A. Could you repeat the question?

2 Q. Once you bag the stuff up, you measure it  
3 from where it was at?

4 A. Right, I measured first.

5 Q. And then you helped draw State's Exhibit  
6 62, or 162?

7 A. Yes. Basically what I did in reference  
8 to that diagram is I pretty much held the dummy under  
9 the tape, to be blunt.

10 Q. Fair enough. I think you told Mr. Guymon  
11 it was 80 hours of processing that was done at the  
12 Terra Linda address?

13 A. It would be approximately 80 hours,  
14 including all of the work that was done at the Terra  
15 Linda address, and also all of the booking of the  
16 evidence took several hours.

17 Q. You only found one particular shell  
18 casing; correct?

19 A. I found -- oh.

20 Q. One brand?

21 A. One head stamp, yes.

22 Q. That was a Win. .380?

23 A. Yes.

24 Q. You found nothing to be indicative that  
25 there was another gun that was fired in that



1 residence that day?

2 A. No.

3 Q. Once you packaged up the mushrooms you  
4 found that you thought may or may not have been a  
5 controlled substance, do you know whether they were  
6 sent off for testing?

7 A. I do not know, no.

8 Q. How about the items depicted in State's  
9 Exhibits 52 and 53, what you referred to as  
10 drug-related items, you can look through the  
11 pictures, if you have them.

12 A. I can use my evidence impounded?

13 Q. Sure, that's fine as well, whatever is  
14 easier for you.

15 A. I found, as far as on the dining room  
16 table, there was a bag that contained some white  
17 pills. Actually, there were three baggies containing  
18 white pills on the dining room table. There was also  
19 another baggy containing white pills located on one  
20 of the couches. I also --

21 Q. I'm sorry, I didn't mean to interrupt  
22 you.

23 A. There was also a scale on the living room  
24 floor and two glass pipes on the dining room table,  
25 and there were quite a few other items as well.

1 Q. So there were a scale, some pipes, butane  
2 lighters; is that accurate?

3 A. Yes.

4 Q. Baggies with a white powdery substance;  
5 correct?

6 A. Yes, and the pills.

7 Q. And pills?

8 A. Uh-huh.

9 THE COURT: Is that a yes?

10 THE WITNESS: Yes.

11 MR. CHRISTIANSEN: Sorry, you have to do  
12 that.

13 Q. As a crime scene analyst, are you  
14 frequently called out to locations that are believed  
15 to be drug houses?

16 A. Occasionally, yes.

17 Q. And are all the items I just described  
18 for you items you would expect to find in a drug  
19 house?

20 A. They are indicative of that, yes.

21 Q. Indicative of controlled substances, use  
22 and/or sale?

23 A. Possibly, yes.

24 Q. Scales are indicative of drug sale; is  
25 that correct?

1           A.     Yes, the particular scale that we found  
2     was a small key chain type scale.

3           Q.     Used to measure small amounts of weight?

4           A.     Possibly.

5           Q.     And do you know whether any of the items  
6     which were indicative of a drug house were sent to be  
7     tested?

8           A.     I do not have firsthand knowledge of  
9     that, no.

10          Q.     Who would be the individual that I would  
11     ask whether or not they had been tested?

12          A.     That would be usually the detective would  
13     make the request on that.

14          Q.     That would be the detective in charge of  
15     the crime scene?

16          A.     Yes.

17          Q.     Who was that detective in this particular  
18     case?

19          A.     There was a sergeant there, Sergeant  
20     Hefner, and also Detective Thowsen and Detective  
21     Buczek, I believe was the other detective there.

22          Q.     Detective Thowsen was the one that just  
23     walked out when you walked in?

24          A.     Yes.

25          Q.     What would be the form that would

1 evidence such a request made by Detective Thowsen?

2 A. There was a form, basically that's a  
3 request form that you can request for items to be  
4 fingerprint processed, for toxicology to be done, DNA  
5 to be done. Basically whatever you need, you fill  
6 out the form and send it through.

7 Q. Would that form be something you kept in  
8 your records along with your evidence impound report?

9 A. Yes. I filled out a form myself, as  
10 well. However, it was for latent print processing;  
11 not for narcotics testing.

12 Q. Do you have in your packet a request for  
13 narcotics testing?

14 A. No, I do not.

15 Q. I think you told the jury that there was  
16 some duct tape found in a drawer in one of the rooms?

17 A. Yes.

18 Q. And I can't recall which picture that  
19 was. Can you refer to your evidence impound report?

20 A. I don't recall which picture it was, but  
21 the duct tape was actually located in the center  
22 drawer of the sink counter in the bathroom that was  
23 attached to the southwest bedroom.

24 Q. Fair enough. Was that request ever made  
25 by you or anybody, to your knowledge, to have that

1 duct tape compared to the duct tape on the victims?

2 A. I do not.

3 Q. There were some footprints I think you  
4 said, or what you believed to be partial footprints  
5 from blood; is that accurate?

6 A. Yes.

7 Q. And by footprints, I'm not talking about  
8 the puppy footprints, but human footprints?

9 A. Right.

10 Q. Was there any effort on your part to take  
11 photographs or memorialize those footprints so they  
12 could later be compared to possible suspects'  
13 footprints?

14 A. Yes, there was. I recovered the items  
15 and referred them to the lab and I did photograph  
16 them extensively at the lab.

17 Q. Was a request ever made that you compare  
18 them to Sikia Smith's footprints?

19 A. I don't know.

20 Q. Have you ever received a request to  
21 compare the items you retrieved from Terra Linda on  
22 August 14th through the 17th that you believed to be  
23 footprints and compare them to this defendant's  
24 footprints?

25 A. I have never received a request, only

1 because I don't do comparisons.

2 Q. As well as I think you told Mr. Guymon  
3 there was cigarette butts that you sealed up in bags  
4 to do DNA tests on in the future?

5 A. Yes. Actually, they are put in  
6 envelopes, but yes, there were several impounded.

7 Q. Do you know whether any tests were done  
8 on those cigarette butts?

9 MR. GUYMON: Judge, I'm going to object  
10 because the witness to have asked this was Detective  
11 Thowsen, as established by this witness. So she  
12 completely wouldn't know this information.

13 MR. CHRISTIANSEN: If she doesn't know, I  
14 think she said no, and that was my last question.

15 THE COURT: He can ask her.

16 MR. CHRISTIANSEN: That was the last one  
17 I had on that particular issue.

18 Q. A picture, I think it is State's Exhibit  
19 86. Is that the picture of where the victim had the  
20 gun in his waist belt? I'll let you look through  
21 there. You can't memorize it.

22 THE COURT: That's the one, 86.

23 THE WITNESS: Yes, 86.

24 MR. CHRISTIANSEN:

25 Q. That was the only picture we have that

1 shows any type of firearm other than the -- any  
2 evidence of a firearm, other than the cartridge we  
3 already talked about; correct?

4 A. Yes.

5 MR. CHRISTIANSEN: Court's indulgence for  
6 a second.

7 Nothing further, thank you.

8 THE COURT: Anything further?

9 MR. GUYMON: Nothing else, your Honor.

10 THE COURT: Ms. Fletcher, you are  
11 excused. You are admonished not to discuss your  
12 testimony with anyone until we complete the case.  
13 You are free to go.

14 Let's take our evening recess, ladies and  
15 gentlemen. I'm tired, and I'm sure you are too, for  
16 sitting here all day.

17 I want to admonish you that you must not  
18 discuss this case amongst yourselves or with any  
19 other person, or read, watch, or listen to any news  
20 communicate about this trial, whether it be  
21 television, radio, or newspaper, or form any opinion  
22 as to what the final result will be until the entire  
23 matter is submitted to you for your deliberation in  
24 the jury room.

25 Tomorrow is Thursday. I have a heavy

1 morning calendar, so I'm going to ask you to come  
2 back at 12:20 tomorrow afternoon, you wait in the  
3 jury lounge and the bailiff will come to get you.  
4 Gentlemen, 12:20 tomorrow. See you tomorrow. Have a  
5 good evening.

6 \* \* \* \* \*

7  
8 Attest: Full, true, accurate transcript of  
9 proceedings.

10  
11 

12 LORI M. JUDD,  
13 CSR #233, RPR  
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# EXHIBIT 183

# EXHIBIT 183

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT  
PAGE 1

EVENT: 980814-1600

SPECIFIC CRIME MURDER WITH DEADLY WEAPON (4 COUNTS)

DATE OCCURRED 08/14/98

TIME OCCURRED

LOCATION OF OCCURRENCE

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT ARMSTRONG, TOD ALLEN

DOB: [REDACTED]

SOCIAL SECURITY #: [REDACTED]

RACE: W

SEX: M

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS: [REDACTED]

HOME PHONE: NONE

LAS VEGAS, NV.  
89121

WORK ADDRESS: UNEMPLOYED

WORK PHONE:

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE J. BUCZEK, P# 3702, LVMPD HOMICIDE Detail, on 08/17/98. Also present is DETECTIVE T. THOWSEN, P# 1467, LVMPD HOMICIDE Detail.

Q: Tod, are you aware that this is being taped?

A: Yes.

Q: Okay. Tod, um...

A: I have a question \_\_\_\_\_ uh, if they find out that there's three people, you know what I'm saying, like how many people, witnesses, or, or people that are testifying

006CORA001249  
AA10787

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ARMSTRONG, TOD ALLEN

against them, whatever, do they find out that information, too? Like right now?

While they're in jail? 'Cause if that's a fact, too, then, um, not...

Q: \_\_\_\_.

A: Do they find out any information like that?

Q: Eventually they will.

A: Eventually?

Q: Yes.

A: Like later, like towards the trial?

Q: Yes.

A: I'm talking about...so it's before then, they won't be?

Q: Right.

A: They won't know any information about...

Q: Prior to the preliminary hearing pretty much how...

A: When, when is the preliminary hearing?

Q: It...that can vary.

A: Does that come like right away or does it, I don't know, I've never...

TT: Like a month probably.

Q: Yeah.

A: Alright.

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AA10788

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ARMSTRONG, TOD ALLEN

Q: Okay. Uh, Tod, uh, do you...where are you currently residing?

A: Excuse me.

Q: Where are you currently residing? Where's your, where's your home?

A: Uh, 4815 Everman. But I haven't been there in the last couple of days.

Q: Okay.

A: Since \_\_\_\_\_.

Q: Uh, is there, is there some other people that are living there with you?

A: Off and on, yes...staying there. They weren't really living there but they come in and out of the house...

Q: Okay.

A: \_\_\_\_ day, I guess. Considered living there.

Q: Okay. So they come and go as they please?

A: Pretty much.

Q: Okay. Um, and, and who are they?

A: Uh, Deco and Red.

Q: Deco...what's his, do you know his?

A: John White I've heard of...that's only from \_\_\_\_\_.

Q: John White?

A: That's only \_\_\_\_\_.

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ARMSTRONG, TOD ALLEN

- Q: Could you describe John White?
- A: Two teardrops on the left eye.
- Q: Okay. Is he a white male?
- A: Dark black. Dark black.
- Q: Dark black male. And, uh, approximate...how tall is he?
- A: Short and black, 5-9, 5-8 or something.
- Q: Okay. How much would he weigh would you say?
- A: I don't know...he's skinny but he's \_\_\_\_\_.
- Q: Does he have any other tattoos that you're aware of?
- A: Not that I know of. I don't know of any.
- Q: Okay. Um, who, who is the other individual?
- A: Red. And it's the only way, name I know by.
- Q: Okay. Could you describe him?
- A: Um, about 6 foot, probably 220 pounds.
- Q: Okay. And, uh...
- A: \_\_\_\_\_. Light, medium black, you know, light skinned to medium black.
- Q: Okay.
- A: He's not like a dark black but \_\_\_\_\_ kind \_\_\_\_\_.
- Q: Does he have any, uh, braids in his hair?

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ARMSTRONG, TOD ALLEN

- A: Well they both braid their hair off and on.
- Q: Okay. How was it today?
- A: Braided.
- Q: Both of them had braided hair?
- A: Yeah. Well Red's was braided to his head like to where it was on his head braided back.
- Q: Okay.
- A: And, uh, Deco had it to where it would just hang. It would hang down under.
- Q: Okay.
- A: To where it was like dreads almost.
- Q: Okay. Now how long have they been coming and going at your house?
- A: A week...between two weeks, a week and a half.
- Q: Okay. Um, one evening did they come home and, uh, tell you about something that had occurred?
- A: That they killed four people up the street from my house.
- Q: What...how did they say it, what happened?
- A: They came home and they were all sketchy. They watched...and they're trying to watch the news, whatever, they turned on the t.v. talking about watching the news because they, they just went over and killed these, these guys that I ended up, I

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ARMSTRONG, TOD ALLEN

knew for a little, little while. And that they said they tied them up and just shot them at the back of the head.

Q: Did they say how they came across them? Did they, they went over to their house and what happened?

A: They just said that they went to their house and killed them. They didn't say why.

Q: Did they say anything about someone out front watering the lawn?

A: Well, yeah, they said that Matt was out front watering the lawn.

Q: Okay. And, uh, was that...was there anyone else there with Matt?

A: Yeah. There was another person there. Um, I think it was Tracey 'cause he's the other guy that lives there.

Q: Okay.

A: And then two other people came while they were in the house.

Q: Okay.

A: They said.

Q: I'm sorry...

A: That's what they, they told me. That two other people came knocking on the door while they were in the house.

Q: Okay.

A: And he told them to come in too.

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AA10792

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ARMSTRONG, TOD ALLEN

- Q: Did they say what they happened to get from there?
- A: They didn't say anything what they got.
- Q: Alright.
- A: I know that they left the speed there. How like, they said like a half ounce of speed that they left there and pills.
- Q: And pills?
- A: Pills.
- Q: Okay. Uh, did they happen to...were they carrying bags in?
- A: Yeah.
- Q: What would they carry the bags for?
- A: Their guns. And then whatever if they got anything from 'em or whatever.
- Q: How many, how many guns did they have?
- A: Um, like five.
- Q: Could you describe them?
- A: Uh, one like a .22 automatic, uh, kind of looks like a machine gun, I guess, with the, I don't know how...what...how you explain it but the thing that pops out that...
- TT: Like a folding stock?
- A: Yeah, there you go...a folding stock that pops out. Uh, looks brand new. Uh, and a banana clip type of thing, a deal. And then the other is a, a wood...it looks like a

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ARMSTRONG, TOD ALLEN

piece of wood with a metal \_\_\_\_\_ and \_\_\_\_\_, two feet long...about a foot and a half long...about so long long, about a foot and half long. No pistol grip or anything, so, you know...with big bullets. And then, uh, there was a couple of pistols, small pistols.

Q: Okay.

A: Not like a 9 or anything like big. Well, they had a revolver.

Q: Okay. Uh, when they, when they...

A: A six shot...six shot revolver.

Q: Okay. When they came back into the house that night there, how many bags were they carrying, do you know?

A: I don't know. They usually carry around two or three bags and \_\_\_\_\_.

Q: Okay. Uh, did they say anything else about what happened at the scene?

A: Uh, no.

Q: Did they say why, why they killed 'em?

A: No. They didn't even say why they killed them but prob..., but oh yeah, actually, they, they saw 'em before so whatever they went there to do, I guess probably to rob 'em,...

Q: Okay. Did you, did you...

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A: This is my, this is my theory. I mean I don't know if, if actually \_\_\_\_ or not...but, 'cause he came...Matt came over and was talking about selling, uh, a hundred sheets of acid a day on the tour with Pfish or whatever, the alternative bands that they were with and they were just \_\_\_\_\_ the bands. And uh, that they were talking about Matt making all this money. And they went over there.

TT: That was in front of Red and Deco when he said that?

A: Yeah. That was in front of Red and Deco.

TT: That was Matt Mowen that said that?

A: Yes.

Q: When, when was that?

A: \_\_\_\_\_.

Q: When was that?

A: Middle of last week...I guess...I don't know. \_\_\_\_\_ it's been a long day for me.

Q: I understand.

A: It's hard for me to say what, what day...even come close.

Q: But, last...sometime last week is...

A: Yeah. It was, yeah, before.

Q: So, just a few days before the incident?

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AA10795

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ARMSTRONG, TOD ALLEN

A: Yeah.

Q: Okay. Did...how did they know where, where, uh, Matt and those guys stayed?

A: They used to buy drugs off 'em. Matt used to buy drugs off of Deco.

Q: Okay. So they...Deco know where he lived?

A: Yeah.

Q: Okay.

TT: Did Matt stop buying drugs off of Deco?

A: Yeah, kind of...not...mean, he didn't buy 'em all the time. He just come by and buy like he only bought...this one time...that I saw. And then, I don't know how many other times before.

TT: When he was having this conversation with Deco about selling all these sheets of acid, did it sound like he was, was doing better than he was doing in the past selling some drugs...making more money?

A: Yeah. Oh yeah. Yeah, he was talking about he was making a lot of money.

TT: You had said something earlier about Deco or Red when they were explaining this of how they went to this house and did this, something about a reason that they shot 'em because they told the victim something to do? You said something about being quiet.

A: Um, let see...uh, did I? No. No.

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AA10796

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TT: I thought you said something about they told 'em to be quiet and if they, they were quiet...you don't remember that?

A: I didn't say...that might have been \_\_\_\_\_, it wasn't me.

Q: Did you say something about them making some type of noise?

A: Oh, when they did, when they did shoot 'em. That's what...oh, now I know what you're talking about when they, when you were saying when he did shoot one of the guys, I don't know which one, he said he shot...that he made a noise like, like a \_\_\_\_\_ . And that's when I, just like, I didn't want to know anymore information.

TT: I see. So he just said he shot him because he made a (Talking over each other.) One of 'em made a noise and ...

A: Well he shot him (talking over each other).... go into detail that I didn't...I didn't want to know any of it anyways but \_\_\_\_\_.

TT: Which one was saying that?

A: Deco.

TT: Did he say which one it was that made the noise when he shot him?

A: No. Um, I, I really didn't want to know. I wasn't...it was...I didn't want to know.

TT: Did he say what they used to tie the people up?

A: Well, no, but I saw in the newspaper, duct tape. So...\_\_\_\_\_.

TT: But he didn't tell you anything?

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ARMSTRONG, TOD ALLEN

A: No.

TT: Okay.

Q: Did you happen to see any duct tape around the house? Did you have duct tape around the house?

A: I'm sure I have duct tape. I'm pretty positive, I'm sure I do. I didn't notice anything

\_\_\_\_\_.

Q: If, if you had some, where would it be located in your house?

A: I don't know. It could be in the kitchen, it could be in the closet, I mean, anywhere...it could be anywhere.

Q: Sure.

A: But it's not a really messy house but I have a lot of junk places like just want to dump something, I don't know. The laundry room.

Q: Okay.

TT: Did you invite these people to come and live at your house or did they show up uninvited at times?

A: No. Showed up uninvited. Just kind of stayed there. Well I wasn't trying to test their limits... just tell them they couldn't stay there, so...

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ARMSTRONG, TOD ALLEN

TT: Can you describe how they would act around the house on different days not including...but different days in the past and if they had any interaction with weapons when they were walking around or sleeping or anything.

A: Yeah. They would always sleep with a gun. They would always walk around with a gun. They would, uh, sit there and watch the news and anytime the news would come on, 12:00, you know, 4:00, 5:00, 6:00, 11:00..they would watch all the news if they were there and then they would just smoke weed and just be real...like, are you ready to deal us, you ready to deal us and then they'd just even go out. Then may not come home for the night, be out all night.

TT: Do you know what they were doing when they'd get ready to do this as they'd say?

A: I would say they \_\_\_\_\_ a lot of people because they always come back with more money and drugs and...

TT: Did they ever show you the money?

A: Uh, yeah, they showed me the money before.

TT: How much money would you say they would have?

A: Like about three grand. It was about a stack that...\_\_\_\_\_ thousand.

TT: \_\_\_\_\_.

A: Hundreds.

TT: You're showing a stack like three inches thick?

006CORA001261  
AA10799

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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

A: Three, four.

TT: Lot of money?

A: Well, I mean, more than I have in my possession at one time.

Q: Sure.

A: So...

TT: Do you know how they got around that night?

A: I don't know. I really don't...I just go in my room or in Ace's room, pretty much now 'cause my room is flooded with water 'cause \_\_\_\_\_ his bed is still, you can lay on. I just go in my room and just, uh, nothing....I don't know, I don't want to know.

TT: Are you afraid these guys might ever try to hurt you?

A: Oh yeah. That's why I want to be doing this but either way.

TT: Is everything that you've told us tonight the truth, Tod?

A: Yes.

TT: Okay.

Q: Okay. It's, uh, currently 1930 hours. Thank you.

A: Well there is more I can tell you. What they're doing \_\_\_\_\_ in \_\_\_\_ bar.

TT: (Talking over each other.)

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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

- A: Longhorn Casino. There was a shooting inside there. \_\_\_\_\_. If you want, they're on camera.
- TT: When was that one?
- A: At 8:00 in the morning last week.
- Q: You said the Longhorn Casino?
- A: Longhorn Casino.
- Q: It's over on Boulder Highway?
- A: On Boulder Highway.
- Q: Okay.
- A: I used to work there.
- Q: Okay.
- A: They did a shooting inside the casino.
- Q: Who did they shoot?
- A: They were shooting, I don't know, some guy that, that I don't know...some guy that shot at him.
- Q: Okay.
- A: And they were, um, from 8:00 in the morning until like 11:00 or 12:00, they were there. Was taking him out. And then shot him but he got away.
- Q: Anything else?

006CORA001263  
AA10801



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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

A: Uh, no, I don't think. No. And just all the drugs that they had and be dealing...like they would be selling.

TT: Did they ever talk about any other shootings at the, any of the casinos or businesses in town with you?

A: No, that was it. \_\_\_\_\_ it's murder.

Q: You said that one girl, Lala...

A: Yeah.

Q: She, she goes with 'em?

A: Well, let's see, yeah, I guess. I think she just met 'em too.

Q: She, she have anything unusual about her hair or anything?

A: It's short and curly.

Q: She doesn't color it or...

A: No.

Q: Anything about her nails?

A: No. Nothing in particular about it at all.

Q: Okay.

TT: Anything else you can think of?

A: That's it.

Q: Now the one at the Longhorn, did that happen right inside the casino?

006CORA001264  
AA10802

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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

A: From what they said. They said that they were there in the hallway and the guy came out and then they went up to him and "oh, they have a gun, they have a gun" and started screaming at the other guy and then Red started shooting at him through the casino, he said. And they chased him out and the guy went, he ran around by the U-Haul...there's a U-Haul place right there and ran around there and they just let him go. But they said they thought they shot him because he fell down and stumbled and like fell over when he was shooting at him.

Q: Okay.

TT: Did they say why they approached the guy in the first place?

A: I don't know. Probably previous robberies is, hell, they shot him before. I mean the guy that they, who shooting...he shot at them.

TT: Previously?

A: Yeah. I guess he was a pimp or something. And \_\_\_\_ in the Bloods.

TT: What gang are they with, which Blood gang?

A: Uh, Brims.

TT: Brim?

A: Brims. I think it is.

Q: Where is that from?

A: I think California.

006CORA001265  
AA10803

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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

Q: Okay.

A: I don't know, um, I don't know if....

TT: Are there any more guys besides Deco and Red that would come over and hang out with them and they'd get ready and go out?

A: Uh, Scale, is all I know.

TT: Scale?

A: Yeah.

TT: That's the person's nickname?

A: Yeah. That's all I know. I don't know where he stays but he when...they got, they shot at him. The Crips shot at the guy Scale. That's all I know.

TT: Was Scale there that night that he came back and told you about this murder?

A: Um...I don't know. \_\_\_\_\_. I'm trying to remember. I don't think so, no.

TT: Well you said earlier that it was probably Friday that they came over \_\_\_\_\_?

A: I don't know. I just said that because you were talking about where was I Friday night and if I stayed there Friday night, I...

TT: How long ago was it from today?

A: Couple days ago.

TT: Couple days ago?

006CORA001266  
AA10804

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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

A: Uh huh. Thursday, Friday. 'Cause I was at, let me see...last night, so it was Sunday night I came home...Saturday night, Friday night...it would be Thursday night. Because I stayed at my house last night and then the two previous nights I was at Bryan's.

Q: So when you're saying Thursday night, you...

A: Is that right? Man, I \_\_\_\_\_...think it was (mumbling to self) yeah, so it would be Thursday night then that they came back.

Q: Thursday night to Friday morning?

A: Yeah. Yeah.

Q: Okay.

A: Like early Friday morning, in-between midnight and whatever time it gets daylight. Somewhere in between there they came. And, so I guess, Friday morning.

Q: Okay.

TT: What does Scale look like?

A: Uh, 5-7, 140 pounds, 130 pounds.

TT: How old?

A: Like 16 years old...

TT: A black guy, white guy?

A: Black guy, dark.

006CORA001267  
AA10805

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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

TT: Does he have a car?

A: No. He's, he lives, he goes...he hops from hotels on Fremont.

TT: Does he go to school or \_\_\_\_\_?

A: No.

Q: Is he in a gang also?

A: Yeah. He's with the same thing that they are.

TT: It's Brim?

A: Brims.

TT: Brims?

A: Yeah.

TT: Okay. Thank you.

Q: Okay. It's currently 1935 hours. That will be the end.

**I HAVE READ THIS STATEMENT CONSISTING OF 20 PAGES AND AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS VOLUNTARY STATEMENT WAS COMPLETED AT: 6753 W. CHARLESTON-HOMICIDE OFFICE ON THE 17TH DAY OF AUGUST, 1998 AT 1935 HOURS.**

WITNESS: \_\_\_\_\_

WITNESS: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PERSON GIVING STATEMENT

006CORA001268  
AA10806

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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

/kb  
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006CORA001269  
AA10807

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PAGE 1

EVENT: 980814-1600

SPECIFIC CRIME MURDER WITH DEADLY WEAPON (4 COUNTS)

DATE OCCURRED 08/14/98

TIME OCCURRED

LOCATION OF OCCURRENCE

CITY OF LAS VEGAS

CLARK COUNTY

NAME OF PERSON GIVING STATEMENT ARMSTRONG, TOD ALLEN

DOB: [REDACTED]

SOCIAL SECURITY #: [REDACTED]

RACE: W

SEX: M

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS: [REDACTED]  
LAS VEGAS, NV.  
89121

HOME PHONE: NONE

WORK ADDRESS: UNEMPLOYED

WORK PHONE:

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

The following is the transcription of a tape-recorded interview conducted by DETECTIVE J. BUCZEK, P# 3702, LVMPD HOMICIDE Detail, on 08/17/98. Also present is DETECTIVE T. THOWSEN, P# 1467, LVMPD HOMICIDE Detail.

Q: Tod, are you aware this is being taped?

A: Yes.

Q: Okay. Uh, Tod, you brought it up to us that there were some other crimes that, uh, these guys may have committed. Uh, could you tell me, um, about an incident on Fremont Street?

006CORA001058  
AA10808

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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

A: Yeah. Uh, Deco, or John White, I guess, was in an argument with another guy and the guy hit him in the face and Deco ran back to his hotel room and grabbed a gun and then ran up to him and shot him in the face. And then, uh, I guess he ended up paralyzed from the neck down and he left and that's all I know about that one.

Q: Do you know about how long ago that was?

A: Um, from what Ace, Ace told me, it was a year ago.

Q: Okay.

A: I don't know...he just told me about it and I know...

Q: Who told you about this?

A: Ace did. And Deco did.

Q: Deco? When did Deco tell you about this?

A: He told me about it like a week ago.

Q: Okay.

A: But I already heard about it.

Q: Okay. Uh...

A: And then I know, uh, Jimmy's girl...

Q: Alright, go ahead.

A: \_\_\_\_\_ going to ask me, just go ahead and tell you. Uh, then there was a incident where a guy named Snoop from Gersons, the gang Gersons, uh, stole a

006CORA001059  
AA10809



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ARMSTRONG, TOD ALLEN

quarter piece of crack cocaine from Scale which is from \_\_\_\_\_ and they, uh, wait for him...they took his car, took him with his car, uh, and I guess they killed him. Also they tied him up and killed him and then wrapped him in a sheet from the Thunderbird Hotel.

Q: Where did they kill him?

A: I don't know where they killed him. I don't, I don't know if they killed him in the room at the Thunderbird which I don't think they did because they were talking about how they went to the store and how he was going to buy... or how Snoop...he told Snoop to buy, or Deco told Snoop to buy black and mild so he could smoke 'em while he was tied up. And so I don't think they killed him at the room, I think they probably just took him out to the desert and whatever...on I-15 I guess it was. 'Cause they were watching the news at my house telling everybody be quiet in front of like our girlfriends and everything. And, and like how they were describing how they didn't know if it was a boy or a girl. The guy that was wrapped up in the sheet which was Snoop, and uh, they were like "oh, the cops are just doing that to throw us off." To think they don't know.

Q: Okay.

006CORA001060  
AA10810

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ARMSTRONG, TOD ALLEN

- A: So they were getting sketchy like thinking that the cops knew a lot more than what they were saying. They were just doing that to throw them off to think they could drop their card.
- Q: Did they tell you how they killed him?
- A: No, uh, they didn't say how they killed him. They...I know that, um, Deco said that he was, he was playing with...like beating him up after he was dead, though.
- Q: Uh huh.
- A: Saying "you're not gonna talk shit or steal anything from us now." And then they just, they left in his car.
- Q: In whose car?
- A: In Snoop's car. It was like, it's like a Cutlass, a white Cutlass.
- Q: What do you mean they left in Snoop's car?
- A: They drove his car, um, they left the scene where, where they left the body.
- Q: Okay.
- A: They left the scene.
- Q: Did they say how they got the body out there? Was, was he dead when they got him out there?
- A: That's what I don't know. I don't know how...I don't know...I would take it so 'cause they wrapped him in a sheet.

006CORA001061  
AA10811

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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

Q: Okay.

A: And they wrapped him in a sheet from the Thunderbird from their room.

Q: Okay.

A: So, I don't know if...I take it that he was dead when they took him out there.

Q: Do you know where off of I-15 they?

A: Uh, no. I was watching, that's the only thing I can remember was off of I-15.

Q: Okay.

A: From the news.

Q: Did they, uh, uh...

A: They didn't tell me that's where they dropped him off but they were like "that's it, that's where" and then it said on the news like I-15 and I don't know where.

Q: Who told you that they did this?

A: Deco. Or Red.

Q: Who ~~else~~ was involved?

A: Uh, Scale was involved.

Q: Okay. Who's Scale?

A: Scale. I, I really don't Scale. I mean Scale came out here with Deco from California, I guess.

006CORA001062  
AA10812

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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

Q: Okay.

A: I think from California.

Q: Was there anyone else involved?

A: No. Not, not...I know Tiny Bug is involved in the robberies. No, Scale, it was Scale, Deco and Red that was involved in the robbery with the Crip that day, just ended up tying, tying up.

Q: With the what?

A: With the Crip. I don't know what kind of Crip he was. But they were, they were...went there because I guess they were supposed to have a half a \_\_\_\_ of cocaine. But that guy that had half of \_\_\_\_ of cocaine left that day on a plane. So they only ended up...they, they ended up getting like two, three grand in cash and then, uh, I don't know how much crack. They ended up like selling a bag a decent amount, probably like a quarter piece probably. And then, uh, they split it up.

Q: Okay. Uh...

A: And then the Crip that they robbed shot at Scale and Tiny Bug and a guy named Little Sam. And they came to my house to get Deco and Red to go, to go get him, to go kill him because \_\_\_\_\_. And then they went out looking for him, they didn't find him. They came back and they found out that, from some girl, some white girl, that's all they would say "the white girl"...um, paged them to buy, um, dope from 'em

006CORA001063  
AA10813

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

because I guess she, she sells dope, too. And that they went to the Longhorn to wait, to wait to see where they were...I guess he was staying in the room with her.

Q: Okay.

A: 'Cause they went into the room but they were sleeping they said and their faces were covered under, they were under the sheets but you could see that there was people sleeping but they, he didn't see who they were they said. And then he came out of the room at like 11:35 around, because they got back at my house at 12. And they said, they, I guess Tiny Bug went up to him...he goes "why did you try shooting at me" you know, or "why did, why did you \_\_\_\_\_ at me or whatever." And then the guy is like "oh, they've got guns, they've got guns" and started screaming that. And then Red started shooting, uh, um, the revolver, the six shot revolver...'cause that's...I...he came back to the house and unloaded the, the shells from the revolver. They were all empty. And, uh, they just, uh, the Crip, I guess, made a fall, I don't know if he got shot or not but he ended up falling and then they said that he ran around by the U-Haul place and then they just ran to my house and they got there at 12:00, like almost right around 12. So it happened right before 12. And then the car that they were in, they had the female Lala go back and get it and she said that she saw the cops all over there and that there was a witness, I guess, saying that she saw three suspects and that was it. And then the cops followed her

006CORA001064  
AA10814

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ARMSTRONG, TOD ALLEN

but then they just left. And like got off, like turned off of Sacks. She just parked and came back.

Q: Um, who told you about this?

A: Deco, Red and uh, Tiny Bug.

Q: Okay. And how, how long ago was this?

A: This was Tuesday, Wednesday.

Q: Okay.

A: Tuesday or Wednesday. Probably, probably, yeah about Tuesday or Wednesday.

Q: Okay. Either Tuesday or Wednesday.

A: But, uh, I don't even know like if the, anybody knew that it was, it was a shooting because everybody...they said that everybody was like looking like they had no ...like they didn't know....

Q: Shooting?

A: Yeah, if there's a shooting, most people are like, kind of like ducking, but people are running towards it, they said. And then like looking out the door. And they said they were all tripped out about that day, like, usually if there's a shooting, people will run.

Q: Yeah.

006CORA001065  
AA10815

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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

A: And they were running towards it. So I don't know...but if it was reported as a shooting I don't know.

Q: Okay.

A: But there was no shells because the shells were still in the gun because it was a revolver 'cause he cleaned...he took them out and then he cleaned 'em off. I don't know if he threw them away or then...I watched him clean 'em off in a glove.

Q: Okay.

A: And they always wore gloves. They always wore gloves.

Q: Okay. Did they dispose of any clothing from that one?

A: No. The only time they disposed of clothing was from, uh, when they killed Snoop...the shoes.

Q: Whose shoes?

A: Deco's shoes they threw away. Uh huh. And Red's shoes. I think Red ended up throwing away his shoes. They were talking about...Red didn't want to and then I remember Deco saying "we'll just buy new ones. We'll come up on a \_\_\_\_\_ or another robbery or something and we'll just buy new ones." So I think they threw his away, too.

Q: Did the police get anyone's shoes out of there?

A: Yeah. The, they said that the police got Scale's shoes.

006CORA001066  
AA10816

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

Q: Okay.

A: That they, he was sleeping and his shoes...the cops got his shoes somehow or something. I don't know. That's what I, I didn't really understand.

Q: Okay.

A: But they said that that the cops got his shoes.

Q: Okay. Are there any other incidents that you can think of that we should be aware of?

A: No. That's it. \_\_\_\_\_ I remember.

TT: Um, I was \_\_\_\_\_ for a moment, did I miss anything about the shooting involving Snoop? Did you happen to describe again what you did earlier about, uh, what it was that Deco likes to smoke?

A: Uh, black and milds. Constantly smoking black and milds.

TT: And what are they?

A: They're like a cigar, uh, with the white plastic tips...constantly...all the time.

TT: Did Deco make a comment to Snoop about the black and milds?

A: Yeah. I explained that.

TT: Okay.

A: And then, yeah. I can explain what Snoop looks like. Would that help? I...

TT: Sure.

006CORA001067  
AA10817



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

- A: Snoop, he's, um, medium black guy, braids, braided to his head, like Red has his hair now. Uh, he's about 6, 6 foot, maybe a little bit shorter and medium build and he's always wearing green 'cause he was a Gerson, so...
- TT: Okay. Do, uh, can you tell me, uh, how uh, the rooms were obtained at the Thunderbird?
- A: Uh, Ace Hart got the rooms for them at their, the Thunderbird. They had two different rooms. I don't know why.
- TT: And whose name did they put the rooms in?
- A: Ace.
- TT: Okay.
- A: Ace's room, Ace's name.
- TT: Have you seen, uh, you've obviously seen Deco. You've described him. Have you seen Scale in person before?
- A: Yes. Yes. I've seen Scale and Tiny Bug.
- TT: Tiny Bug?
- A: Yes.
- TT: Do you know what Tiny Bug's real name is?
- A: No clue. I have no, no clue at all.
- TT: Is he one of the gang members also?

006CORA001068  
AA10818

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

A: Yes.

TT: \_\_\_\_\_?

A: Yes. And he goes on Fremont, too.

TT: Okay.

A: And I could show you where he lives, too. But I don't know...

TT: Let me show you these photographs and see if you recognize...if there's anyone that you know.

A: Scale.

TT: This is a photograph of Scale. This is ID number 1588560. You have no problem recognizing him apparently?

A: Positive. Positive.

TT: Show you another photograph.

A: That's Deco.

TT: And this is ID number 1586283. Is that pretty much the way he looked like last time you saw him also with his hair like that or is his hair different?

A: Uh, it's...that's how Red's hair is right now. His hair is braided off his head just like, like dreads would...like dreads.

TT: Okay. That's all I have.

Q: Okay. This will be the end of the statement. It is currently 2155 hours. Thank you.

006CORA001069  
AA10819

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VOLUNTARY STATEMENT  
PAGE 13

EVENT: 980814-1600

ARMSTRONG, TOD ALLEN

I HAVE READ THIS STATEMENT CONSISTING OF 13 PAGES AND AFFIRM TO THE TRUTH AND  
ACCURACY OF THE FACTS CONTAINED HEREIN. THIS VOLUNTARY STATEMENT WAS COMPLETED  
AT: HOMICIDE OFFICE ON THE 17TH DAY OF AUGUST, 1998 AT 2155 HOURS.

WITNESS: \_\_\_\_\_

WITNESS: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PERSON GIVING STATEMENT

/kb  
98v0710

006CORA001070  
AA10820

**EXHIBIT 184**

**EXHIBIT 184**

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT  
PAGE 1

EVENT: 980805-1240

**SPECIFIC CRIME:** POSSIBLE MURDER

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

CITY OF LAS VEGAS

CLARK COUNTY

**NAME OF PERSON GIVING STATEMENT:** TOD ALLEN ARMSTRONG

**DOB:** [REDACTED]

**SOCIAL SECURITY #:** [REDACTED]

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**WORK SCHEDULE:**

**DAYS OFF:**

**HOME ADDRESS:** [REDACTED]

**HOME PHONE:**

Las Vegas, NV 89121

**WORK ADDRESS:**

**WORK PHONE:**

**BEST PLACE TO CONTACT:**

**BEST TIME TO CONTACT:**

The following is the transcription of a tape-recorded interview conducted by Detective K. Hardy, P#3031, LVMPD Homicide Detail, on 08-18-98 at 1100 hours. The persons present during this interview are Tod Allen Armstrong and Detective Hardy.

Q. Tod, do you understand that this statement is being tape recorded?

A. Yes, I do.

Q. Okay. And you understand that I'm gonna ask you questions in reference to a body that we found in the area of I-15 and Las, uh, the Las Vegas Speedway?

A. Yes.

015CORA000110

AA10822

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

Q. Okay. Uh, tell me, do you know whose body that was out there that, uh, was found or did you learn later whose body that was?

A. Yes. It was Snoop, uh, in a gang, uh, Gersons.

Q. With the Gersons?

A. Yeah.

Q. Okay. And, uh, he goes by the name Snoop?

A. Yes.

Q. How long have you known Snoop?

A. That's, that's the worst question. This whole time has been one day for me. Ah, I would say... month and a half.

Q. Month and a half.

A. I guess.

Q. Okay. And how did—

A. — I— (BOTH TALKING AT SAME TIME)

Q. You meet him?

A. Through Deeko (phonetic spelling).

Q. Through Deeko?

A. Yes. It was Deeko's neighbor.

Q. Okay. Let me show you a picture. It's, uh—

A. That's him.

015CORA000111

AA10823

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT  
PAGE 3

EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

Q. Clark County health card in the name of Darnell Johnson. Uh, you recognize that as Snoop?

A. Yes, I do.

Q. Okay. And, ah, how did you find out that was Snoop's body?

A. Uh, s-- Deeko and Red were back at the house and they were ta-- they were watching the news. They started talking about it, telling us how, what that they killed him.

Q. Okay. \_\_\_\_\_, uh, do you know Deeko's real name?

A. John White.

Q. John White?

A. Yeah.

Q. How long have you known John White?

A. I've known John White for month and a half.

Q. Month and a half.

A. \_\_\_\_\_ some time. Uh, well, yeah.

Q. Let me show you picture under ID number 1586283. You recognize him?

A. That's him.

Q. That's who?

A. That is John White, Deeko.

Q. Deeko. And, uh, you also mention a guy by the name of Skell.

015CORA000112

AA10824

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

A. Yes.

Q. Do you know Skell's real name?

A. No clue.

Q. Okay. Let me show you a picture under ID number 1588560. You recognize him?

A. Yes. That's him.

Q. That's Skell.

A. Yes, it is.

Q. And how long have you known Skell?

A. Ah, three weeks.

Q. Three weeks.

A. Three and a half. Three weeks.

Q. Okay. And \_\_\_\_ -- (BOTH TALKING AT SAME TIME)

A. You, you have to understand though that it's, it's vague \_\_. This has been a long time for me.

Q. Okay.

A. So...

Q. Skell.

A. Give or plus a couple days.

Q. Uh, Red, what, do you know Red's real name?

A. Uh, no, I do not.

015CORA000113

AA10825



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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

Q. Okay. How old is Red?

A. He's around 19, 20.

Q. How do you know Red?

A. Through Deeko and the, the only information I have on that at all is that he went to Chaparral High School for three days and Omar Atchison and couple of his friends \_\_\_\_\_ but they tried jumpin' him, I guess, at school. And so they wan-- he wanted to get them and they live the next street over from me.

Q. Omar Atchison?

A. Yes. Omar Atchison, Henry Atchison.

Q. Henry is his name?

A. Yes.

Q. Okay. And he went to Chaparral.

A. Yes.

Q. Okay. Same age, uh, same age as you or?

A. Henry is same age as me. Omar is, I think a year or two younger.

Q. And when did they, uh...

A. They were talking about, they-- whenever they say they would \_\_\_\_-- they were like before we, before we leave \_\_\_\_\_ 'cause they were doing like robberies and stuff, I guess, to get money so they could leave. And they were--

Q. Who was?

015CORA000114

AA10826

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

A. Deeko and Red. That's--

Q. Okay. They were doing robberies?

A. Yeah. Ah, that's what I take it as. I mean they weren't oh, I'm gonna go rob someone. They would call it I'm going out on a mission.

Q. Okay.

A. That's what they would tell me and I didn't really care to know. Ah, they would...  
I just got lost \_\_\_\_\_

Q. So Red--

A. Okay. Oh, they wanted Red just like yeah, I wanna get them before we leave.

Q. Red wanted to get Omar and Henry.

A. And Deeko was like right away.

Q. Deeko wanted to help 'em?

A. Dee-- oh, yeah.

Q. Okay. Ah, and that's because Omar and Henry jumped Red.

A. Yes.

Q. How long ago was that?

A. I don't know. That was... (breathing sound) when I was in high school. I graduated in '96.

Q. Okay. And they still have this grudge against him.

A. Yes.

015CORA000115

AA10827

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

Q. Okay.

A. It's a Crip/Blood thing also. I think they're Crips, I suppose.

Q. Okay.

A. Or hang out with the Crips. I don't know exactly. I haven't really talked \_\_\_\_\_  
that detail but I mean, ah, Red was a Blood, so it's kind of both.

Q. Uh... Okay. So they came over to your house, being Red and Deeko and \_\_\_\_\_  
\_\_\_\_\_

A. And Lala.

Q. And who?

A. Lala, the female.

Q. Who's Lala?

A. Some girl that Deeko, I guess, was kinda dating.

Q. Is that the Cuban girl?

A. Yes. Uh, yes, she is Cuban. She looks black but she's Cuban.

Q. Okay. And they came over to your house.

A. Uh-huh.

Q. And you were watching it on the news.

A. Yeah. They were watching.

015CORA000116

AA10828

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

Q. Was it that day or was it the next day the dead body was found that you were watching the news? Were they saying that it was live out there or were they saying that \_\_\_\_\_

A. \_\_\_\_\_ (BOTH TALKING AT SAME TIME)

Q. \_\_\_\_\_ (BOTH TALKING AT SAME TIME)

A. No. It was after.

Q. It was after.

A. Yeah.

Q. So coulda been the, the day that we found the bodies or could've been the next day.

A. Was then— \_\_\_\_\_, ah, yeah.

Q. We found 'em on a Wednesday— (BOTH TALKING AT SAME TIME)

A. Yeah. It could've been. (BOTH TALKING AT SAME TIME)

Q. Afternoon. Do you remember if it was Wednesday evening news or Thursday evening news?

A. \_\_\_\_\_ I...

Q. Okay.

A. No clue.

Q. So you, they, they—

A. \_\_\_\_\_ — (BOTH TALKING AT SAME TIME)

015CORA000117

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

Q. Had they told you before the news what they had done?

A. Uh, actually yes, they did. They, they, they were talking about that they, they were out, that they killed him because \_\_\_\_ Snoop, Snoop was-- I really kinda didn't like him and he was kinda one of those guys that just tried, you know, gettin' money wherever he could, stealin'.

Q. Snoop?

A. Yeah.

Q. Uh-huh.

A. And then, ah, so they told me but then towards the end, I mean I felt bad because towards the end, Snoop was kinda being like straight. He was being cool.

Q. Uh-huh.

A. Talkin' and everything. So I, I didn't know what to do. And then I didn't know if they really did. Then when the news came on, then they started talk-- that's when they started havin' all the guns around and I wasn't trying to hear or be a part of any of it. I was trying to just hibernate in my room.

Q. Okay. So Snoop, uh, they didn't come over and told you that they had taken care of Snoop?

A. Yeah. And then that--

Q. How, what'd they-- what'd they say specifically?

A. They said that they choked him out and that they \_\_\_\_\_

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

Q. They say where this happened at?

A. No. \_\_\_\_\_ I don't remember if they did.

Q. \_\_\_\_\_

A. I wasn't really trying to pay attention to \_\_\_\_\_

Q. Did they how they choked him out?

A. Uh, I guess with a sheet from the Thunderbird.

Q. From the Thunderbird Hotel.

A. Yeah. And they said that they--

Q. Is that where they were-- (BOTH TALKING AT SAME TIME)

A. Replaced the sheets and the telephone cord.

Q. Who replaced them?

A. Deeko did.

Q. Okay.

A. \_\_\_\_\_ replaced.

Q. So the... They said that it came from the Thunderbird, the sheet.

A. Yes.

Q. Okay. What did they tell you about the telephone cord?

A. They didn't say. \_\_\_\_\_

Q. Did they say what it was used for?

A. No. I just figured at the time \_\_\_\_\_

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

Q. That what you assumed—

A. \_\_\_\_\_ (BOTH TALKING AT SAME TIME)

Q. When they were telling you that?

A. Yeah.

Q. Okay. And they said that they choked him out. And what did they say, what else did they say about this incident?

A. Well, I know Deeko said after he was dead, he was playing with him \_\_\_\_\_ you ain't gonna talk shit anymore.

Q. This is while he was still there? (BOTH TALKING AT SAME TIME)

A. Smackin' him. (BOTH TALKING AT SAME TIME) While he was dead.

Q. Okay.

A. Smackin' him, beatin' him up after he was dead.

Q. Did they say where they were beatin' him up at?

A. No.

Q. What part of the body they were hittin'?

A. The face.

Q. The face.

A. And he was— he said he leaned over in his face, was yeah, yeah, just like smackin' his cheeks and hittin' him.

Q. This was after he was dead.

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

A. After he was dead.

Q. Okay. And, uh, they say how long he was there until they moved him?

A. I don't know.

Q. Okay. Did they tell you how they got him out to where they dumped him at?

A. His, Snoop's car.

Q. Do you know what kinda car that is?

A. A white Cutlass or a white Oldsmobile. A Oldsmobile \_\_\_\_

Q. And that's Snoop's car?

A. Yes.

Q. Okay. Do you know where that car is now?

A. No clue.

Q. Did they tell you where that car went to?

A. \_\_\_\_ (BOTH TALKING AT SAME TIME)

Q. Did they tell you anything about the car?

A. No. Just that they \_\_\_, they were in the car with him in it. That he left in it and they went to a gas station. I don't know what gas station.

Q. What did--

A. And they were talking about well, what about the cameras that are on the gas pumps.

Q. They went to the gas station after they dumped him?

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

A. Yeah. They went to a gas station \_\_\_\_

Q. Okay. And they were worried about the cameras.

A. Yeah. They were worried about the cameras \_\_\_\_\_ 'cause the license plates  
and \_\_\_\_\_

Q. Okay. Ah, did they tell you where they put him in the car when they moved him?

A. No.

Q. They just said that they put him in the car, took him out there?

A. They didn't even say they put him in a car. I don't know where he got killed. He  
mighta got killed out in the desert. He could've \_\_\_\_ I don't know.

Q. Okay.

A. I, I don't know if they moved him. I don't know if he got killed in the room. I, I don't  
know.

Q. They get into specifics.

A. Yeah. I, not with me, no.

Q. Okay. Uh--

A. I didn't wanna hear it.

Q. Yeah. Uh, what did they tell you about, uh, prior to this, uh, prior to Snoop gettin'  
killed, how they, uh, had met up with him that night?

A. They didn't say.

Q. Did they say that they hooked up with him and who was all, who was all together?

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TOD ALLEN ARMSTRONG

A. \_\_\_\_\_, yeah. They were together be— like they was Skell, Deeko, Red, Snoop.

Q. Uh-huh.

A. And I know they went to a gas station or they went to a convenience store and Deeko told, uh, Snoop to buy him some Black and Miles, uh, 'cause he likes cigars, for him to smoke while he, uh, had Snoop tied up. That's what he said to Snoop joking. They took— everybody started laughing. And Snoop like went along with thinking it was a joke. And so he went in the store and bought the Black and Miles and—

Q. Snoop went in the store and bought?

A. Snoop went in the store and bought the Black and Miles.

Q. Okay.

A. Came back out and, and they tied him up, I guess. And I guess Snoop was askin' him to just shoot him, don't— he, that's what Deeko was telling me. He was like he went out, he went out like a man 'cause I was choking him out, he was struggling forever, not struggling to get away but struggling for air forever. He said he was just \_\_\_\_\_ begging him just to shoot him \_\_\_\_\_

Q. Did they say they shot him at all or?

A. Uh, \_\_\_\_\_ no, they didn't shoot.

Q. Okay.

A. They said he just choked him out \_\_\_\_\_

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

Q. And this was all because... Why did they want to kill Snoop?

A. He stole drugs from Skell.

Q. From Skell?

A. Yes.

Q. Do you know how much and what kind?

A. \_\_\_\_\_ cocaine.

Q. Okay. Do you know when he stole that from him?

A. \_\_\_\_\_

Q. Did they say?

A. I believe the night before.

Q. Okay. So pretty recent.

A. Right.

Q. And, uh... they didn't tell you what store they went into to buy the Black and Miles.

A. No. \_\_\_\_\_

Q. Okay. And, uh, Snoop went in, bought the Black and Miles for Deeko.

A. Yes.

Q. And they tell you anything else? Anything else about how they, uhhh, which way they went, uh, what they were doin', any, anything else, uh, about this, uh—

A. The only thing else that they ever told me about this is that Skell, I guess was sleeping and they said that the cops got his shoes.

015CORA000124

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

Q. Who? Say that again.

A. \_\_\_\_ they said the cops got his shoes.

Q. Cops have whose shoes?

A. Skell's shoes.

Q. Okay.

A. That he was sleeping \_\_\_\_\_ cops got his shoes 'cause I was at— I was my house. Deeko and Red were at my house and they got the phone and went straight to the back room, the master bedroom, grabbed their shoes. Deeko grabbed his shoes, threw 'em away and he told Red to grab his shoes, throw 'em away. And Red was like no, that's cool. And he was like we'll just buy new ones. We'll just, we'll just \_\_\_\_\_ and we'll buy \_\_\_\_\_

Q. So they were gonna do a robbery to go buy new shoes.

A. Yeah. Go buy new \_\_\_\_\_ shoes \_\_\_\_\_ they were coming home every night with money.

Q. Okay.

A. Clothes and shoes and...

Q. Now they were at your house?

A. Yes.

Q. Were they living at your house?

A. They... I mean I... yeah. \_\_\_\_\_ they're home but they, not with my consent.

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EVENT: 980805-1240  
TOD ALLEN ARMSTRONG

Q. Right. But they went back to bedroom and got their shoes.

A. Yeah. Threw 'em away.

Q. And this is after Skell had told Deeko—

A. Yes.

Q. That the cops had his shoes.

A. Yes.

Q. Okay.

A. So they figured that they took the footprints or whatever from the desert or whatever.

Q. Anything else, Tod, that we haven't talked about that, uh, they mighta told you or anything that might help us with our investigation?

A. No. \_\_\_\_\_

Q. Alright. That'll conclude the interview. Time will be 1115. Thank you, steno.

**I HAVE READ THIS STATEMENT CONSISTING OF 17 PAGES AND AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS VOLUNTARY STATEMENT WAS COMPLETED AT LVMPD HOMICIDE OFFICE ON THE 18TH DAY OF AUGUST, 1998 AT 1115 HOURS.**

WITNESS: \_\_\_\_\_

WITNESS: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF PERSON GIVING STATEMENT

KH/im

015CORA000126

AA10838

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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**EVENT: 980805-1240**  
**TOD ALLEN ARMSTRONG**

**983050**

015CORA000127

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# EXHIBIT 185

# EXHIBIT 185

DA

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT  
PAGE 1

EVENT: 980814-1600

DATE: 8/18/98

TIME: 0445 HRS.

PLACE: LVMPD DETECTIVE BUREAU

I, CHARLA SEVERS, am 20 years of age, BF, [REDACTED], [REDACTED], and my address is [REDACTED]  
[REDACTED] N. LAS VEGAS, NV, 89030. HOME PHONE: 642-8922.

**WARNING:** *Before you are asked any questions, you must understand your rights.*

I am DET. THOWSEN of the Las Vegas Metropolitan Police Department and inform you that:

1. You have the right to remain silent.
2. If you give up that right to remain silent, anything you say can and may be used against you in a court of law.
3. You have the right to speak to an attorney before answering any questions, and to have an attorney present with you while you answer any questions.
4. If you cannot afford an attorney, an attorney will be appointed for you by the court at no cost to you, and you need not answer any questions until that attorney has been appointed for you.
5. If you decide to answer questions now, you may stop at any time and ask to talk to an attorney before any questioning continues.
6. If you decide to stop answering questions once you have begun, all questioning will stop.

**WAIVER:** *I have read this statement of my rights and I understand what my rights are. I am willing to make a statement and waive these rights. I do not want a lawyer present with me during the making of this statement. I know that I may revoke this waiver at any time during the questioning and ask that an attorney be present. No promises or threats have been made to me, and no pressure or coercion of any kind has been used against me.*

\_\_\_\_\_  
CHARLA SEVERS

The following is the transcription of a tape-recorded interview conducted by DETECTIVE T. THOWSEN, P#1467, LVMPD Homicide Detail.

Q: Would you..rather I called you Charla or "LaLa"?

A: Charla.

Q: Char...

A: I like to be called "LaLa", but you can call me Charla?

Q: Okay, Charla. First off, you're aware this statement is being tape recorded, is that correct?

A: Uh hum (affirm).

006CORA001305  
AA10841



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EVENT: 980814-1600  
SEVERS, CHARLA

Q: And I've explained to you that you're not under arrest, but I wanted to ask you some questions this morning, is that right?

A: Yes.

Q: And I had you read a uh, Rights of Person Arrested card and explained to you even though it says that on the card that you're under arrest, but you read the rights and understand those rights. Is that correct?

A: Yes.

Q: And you're willing to speak with me this morning?

A: Uh... Uh, yeah. Yeah.

Q: Okay. Can you tell me uh...Charla, whose house you were at, tonight or this morning, when the police came to the door?

A: My friend, Todd's.

Q: What's Todd's last name?

A: Armstrong.

Q: And... Can you describe Todd?

A: Tall, white male. He like...kind'a thin and he got brown hair.

Q: And how old is he?

A: Twenty.

Q: What kind of car does he drive?

006CORA001306  
AA10842

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EVENT: 980814-1600  
SEVERS, CHARLA

- A: He don't have a car.
- Q: Where is he at right now?
- A: I don't know. I think he's with, um... With his, either his girl, cause he was... He wasn't home when I got there, but I know he had been there, because the VCR was there and his girl.... It's his girls VCR.
- Q: What's his girls name?
- A: Brandy.
- Q: Brandy what?
- A: I don't know her last name.
- Q: How long have you known Todd?
- A: Just 'bout...two, three weeks now.
- Q: Have you been staying over at house or just visiting?
- A: I been staying there, hanging out. I been... I slept there a couple of days.
- Q: You told me earlier that uh, address you gave me is your mother's address?
- A: Yeah.
- Q: You don't have a regular address where your staying?
- A: No, uh.
- Q: Who are the other people that were at the house that are with you when the police showed up?

006CORA001307  
AA10843

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EVENT: 980814-1600  
SEVERS, CHARLA

- A: Um, "Debo" and Sc, "Scale". I don't know, I think... His name, "Scale", yeah.
- Q: "Debo"?
- A: And "Scale".
- Q: And what's the other guys name?
- A: "Scale".
- Q: "Scale"?
- A: Uh huh (affirm).
- Q: What's "Scale's" real name?
- A: I don't know his real name. I think it's... I know his...last name Anderson, cause I was hearing him tell the police.
- Q: His last name is what?
- A: Anderson.
- Q: Anderson?
- A: Dwain Anderson, yeah, I think.
- Q: Dwain Anderson?
- A: Yeah.
- Q: How long have you known him?
- A: Since... I met him through those... Through the guys at the house, probably 'bout, a week or two weeks, something like that.

006CORA001308  
AA10844

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EVENT: 980814-1600  
SEVERS, CHARLA

- Q: And what's "Debo's" real name?
- A: John.
- Q: Okay.
- A: Lee White.
- Q: John Lee White?
- A: Uh huh (affirm).
- Q: How long, long have you known... John White?
- A: I just met him today.
- Q: Where'd you meet him?
- A: At a tattoo shop, called "House of Flavor" on Martin Luther King and Owens.
- Q: What time was that?
- A: It was...around nine o'clock.
- Q: In the morning or evening?
- A: In the evening.
- Q: And how did you get over there?
- A: Back over here?
- Q: Uh huh.
- A: I caught the bus.
- Q: And... How did uh, Mr. White get over to the house?

006CORA001309  
AA10845

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EVENT: 980814-1600  
SEVERS, CHARLA

- A: I think he was riding with his friends.
- Q: How did end up coming over the house that you were at?
- A: Because that's where they was coming to see Todd and they hang out there and they was coming to see Todd.
- Q: — (unintelligible - talking at same time).
- A: And I told him Todd wasn't there and they hung out with me.
- Q: Are they good friends with Todd?
- A: Uh hum (affirm).
- Q: They hang out with Todd a lot?
- A: Yeah.
- Q: But you only saw him just today?
- A: Nah, I seen the other one before, but..."Debo", I just saw him today. I just met him today. I seen him before, but I met him today.
- Q: I told you that uh, I wanted to talk to you about 4 murders that happened the other day. What can you tell me about those murders?
- A: Nothing.
- Q: Has...Mr. White ever told you anything about the murders?
- A: No.
- Q: Have you ever...ridden in a car with Mr. White?

006CORA001310  
AA10846

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EVENT: 980814-1600

SEVERS, CHARLA

A: I have ridden in a car with him before, yeah.

Q: When was that?

A: Sh... – (inaudible)... When I first came over to Todd's house. It, it was... He was in the car and two other guys that they – (unintelligible) in the car and they took me over to Todd's house.

Q: You told me you rode the bus to Todd's house?

A: No, I'm not talking about today. I'm talking about...and you said when have I ever ridden in a car with him?

Q: Uh hum.

A: And they picked me up before, downtown, and they gave me...

Q: When was that?

A: and they gave me a ride. (talking at same time) Sh... It was...about a month ago. It had to be like in July, after my birthday sometime.

Q: How many times had you ridden in a car with him?

A: Sh.. That's about the only time.

Q: So, you...met him only today, but you rode in a car with him a month ago?

A: Yeah.

Q: Did, you didn't meet him that time?

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PAGE 8

EVENT: 980814-1600

SEVERS, CHARLA

A: I didn't... Nah, he was in the car, you know. They was like, what's up, but I ain't meet him as far as knowing his name and all that...and hanging out with him.

Q: What kind'a car were you in?

A: A black beamer.

Q: Who was driving?

A: "Ace". His name's, "Ace."

Q: Who's "Ace"?

A: It's another guy. He, he stays at the house with Todd. It's Todd's house, but he... He -- (unintelligible).... He also got a room in that house.

Q: Is he a black guy, white guy, oriental?

A: White.

Q: How old is he?

A: Twenty.

Q: What's his last name?

A: I don't know "Ace's" last name.

Q: Have you ever been in a...small, light colored car?

A: What color?

Q: Light colored...with Mr. White?

A: No.

006CORA001312  
AA10848

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EVENT: 980814-1600  
SEVERS, CHARLA

Q: If somebody said that they recognize you..driving a small, light colored car with Mr. White in it, what would you say about that?

A: I don't remember no light... (talking at same time)

Q: Could you just... (talking at same time)

A: light car.

Q: for, have forgotten about it, maybe, it slipped your mind and possibility that you really were in a white car with him?

A: Yeah.

Q: Or light colored car?

A: I could have been, but...you know.

Q: Okay. And so, did Mr. White tell you anything about this series of murders?

A: No.

Q: Had you heard about it happening?

A: I ain't hear about nothing.

Q: You haven't heard about it all, haven't seen it on the news, seen it in the newspaper?

A: Uh uh (negative).

Q: Heard about if from any other person?

A: Nothing. I haven't seen no... I haven't seen no news. I haven't.

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SEVERS, CHARLA

- Q: Have you ever been over to 4825 Terra Linda?
- A: I don't even know where that's at. That's for real, -- (inaudible).
- Q: It's kind'a over there by uh, Trop and Mountain Vista?
- A: Nope, cause that's was... This really my first time being in that area. Just hanging out over there period. I usually... I'm at... I'm usually in North Las Vegas, -- (unintelligible) I was just... I just got back down from... This my first time being down here.
- Q: So, it would be safe to say then, that you...never been on Terra Linda at all, probably....
- A: No.
- Q: -- (inaudible - talking at same time) 4825?
- A: I have not.
- Q: So, there should be no reason that your fingerprints would be there?
- A: No reason — (inaudible - talking at same time).
- Q: Whatsoever?
- A: Whatsoever.
- Q: Do you smoke?
- A: Yeah.
- Q: What kind of cigarettes do you smoke?

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EVENT: 980814-1600  
SEVERS, CHARLA

- A: Newport.
- Q: Any reason why one of your cigarettes would be...at the house on Terra Linda?
- A: Not — (unintelligible), no. Not unless uh... I wouldn't see why nobody...
- Q: Is it possible maybe, somebody else — (unintelligible) right in the car and somebody took some...from the car or something and put 'em there?
- A: Probably, I don't know, cause I ride with them or with the other guys so many times, everybody smoke cigarettes, so... I wouldn't — (inaudible).
- Q: So, that would be possible, you think, that you wouldn't actually have been there, but somebody might have got one of your cigarettes from the car and...dropped it there?
- A: Yeah, but I don't think so.
- Q: Okay. Did you have anything to do with killing the four people on Terra Linda?
- A: No, I didn't.
- Q: Did you have any knowledge of it at all?
- A: No.
- Q: Before or after?
- A: No.
- Q: What do you think should happen to somebody that would..kill four people like that?
- Which, which...

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SEVERS, CHARLA

- A: It depends on what they killed them for.
- Q: Okay. What, what do you mean?
- A: I mean like... If it's self defense, that's different, but if they just...out right killin' 'em.  
I think they should get locked up.
- Q: For how long?
- A: Sh... I don't know. I don't know. Ain't that much time left in the world. So, I  
couldn't tell you.
- Q: Like a...a year, two years, 10 years, a hundred years?
- A: I think... Uh, like a year or two years.
- Q: What about somebody that..didn't actually do the killing, but maybe help. Like help  
drive a car, help..hide the gun or anything like that, what should happen to them?
- A: — (inaudible) I don't... — (inaudible)... Like I said, I can't really say nothing on that,  
because people know stuff and hear stuff every day so...it ain't they fault what they  
hear and what they know, straight up. I don't — (inaudible).
- Q: Well, if they know about a murder or 4 murders then..they should... If they do  
anything, if they're not involved in it, then they should be willing to explain that,  
shouldn't they?
- A: And then they will be involved with it.
- Q: So, what do you think should happen to them?

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SEVERS, CHARLA

- A: Sh... Noth, nothing really, maybe... If they was hide, hiding guns or something, they should go... They should either go for...for the conspiracy or something, but...
- Q: What about driving the car? What should happen to them?
- A: Uh, depends on if they know or not. If they know why they're driving?
- Q: What if they didn't know? What if they didn't know...? You know, they were just said, you know, drive here, turn here, stop there, wait right here? What if it's like that, what should happen?
- A: Then they shouldn't... I don't think they should get in trouble, because they don't know nothing about that.
- Q: Okay, if...somebody had a situation like that, you think that...since they wouldn't have anything to hide, they would go ahead and explain that, if that's all that was that happened? That they didn't really know..where they were gonna go, that they were just told to go someplace and stop the car and...and wait in the car and didn't really know what was gonna happen?
- A: They sh... So, you're saying... You're asking me, um... Should they go head and do what, now?
- Q: If a person didn't know what was gonna happen and somebody had just told 'em to drive someplace and... Then the...the people driving the car just went where they

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SEVERS, CHARLA

were told and waited in the car and they didn't realize until later that something bad happened to somebody?

A: -- (unintelligible). Nah, they shouldn't get in trouble.

Q: They shouldn't get in trouble?

A: Uh uh (negative).

Q: But do you think they should go ahead and explain that then?

A: (sniffed) That I was going back to... (laughing), like I said, you don't never what happen. Somebody could explain this to this person. Just like you said, you heard that.

Q: Okay.

A: That I know something about this or whatever. You know, somebody could hear..that oh, she... She, he told them that she dropped... She drove them over here or she knew about this, I... And other stuff could happen and I don't know nothing about nothing. I don't wanna get ....

Q: Would it...

A: involved in nothing.

Q: Would it be fair to say then that, if somebody just drove the car and they didn't know anything about what was gonna happen, that they would probably be up front with the police and and say that's what it was?

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SEVERS, CHARLA

- A: Yeah, — (inaudible).
- Q: So, then if...they didn't wanna tell the police what happened, then it probably wasn't like that, it was probably, more that they knew exactly what was gonna happened and that's why they're not talking to the police? Would you say that'd be fair?
- A: No. It, uh, because then again, they could just not..trust nobody, the police or nobody and just don't wanna say nothing.
- Q: And why would they not trust the police?
- A: Because... Uh, I been in jail plenty of times, but... Sh.. I just, uh...
- Q: I mean, have you ever seen (talking at same time)...
- A: I don't...
- Q: Have you ever seen my partner and I before? Have we ever...talked to you before today?
- A: Uh uh (negative).
- Q: Have we ever done anything to try to miss lead you or..?
- A: Nah, but they all...
- Q: Or be mean to you?
- A: No, but they're all the same.
- Q: Well, that's... That's not a very fair statement about any body, is it?
- A: Uh uh (negative).

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SEVERS, CHARLA

Q: That... (talking at same time)

A: That's not.

Q: They're all the same. That's....

A: It's not. But that's just how I feel.

Q: I mean there's all kinds of people, right?

A: Uh huh (affirm).

Q: So, don't you think that it's...fair that if...you don't know what gonna happen, you're just told to go some place and then your scared. Uh, cause you find out later something happened that... The best thing to do, is to be honest and just admit it.

A: Uh huh (affirm - talking at same time).

Q: Unless you have something really bad to hide, that you really did something bad. Isn't that...? Doesn't that make sense?

A: Yeah.

Q: Do you wanna explain that for me?

A: I don't have nothing to explain, because I don't... I don't know nothing. Like I said, I don't... I don't go no where.. I don't talk... When... I don't talk about nothing. When the... When all the boys are over...the house, when I'm at the house, I just... I'm either in the room or I'm playing Nintendo, nobody... I don't... I don't know nothing.

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SEVERS, CHARLA

Q: So, if Mr. White said something contrary to that, would he be telling the truth or not?

A: Could you explain contrary?

Q: Different.

A: Different.

Q: If Mr. White said that you did know all about it?

A: That ain't the... That's not the truth. It wouldn't be the truth. And I don't know why he would say that.

Q: Did you know the people that died?

A: Uh uh (negative).

Q: Had you ever 'em before?

A: No verbal response.

Q: No? Do you know how come they died?

A: Uh uh (negative). I figuring..some drugs or something, I don't know, money.

Q: And how did they die?

A: I don't know.

Q: Why do you figure drugs?

A: Cause that's what most people... If somebody... Sh... I'm figuring if somebody got killed, that's what most people die. If..they broke in the house, they seen somebody

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SEVERS, CHARLA

home, they gone kill 'em or whatever, I don't know. That's ---- (inaudible) I --  
(inaudible).

Q: You think the people that did that went over there planning to kill 'em or do you think they..went over and maybe just looking for drugs or something like that?

A: Probably, looking for drugs or something.

Q: Probably, didn't really plan on doing it and just somebody showed up?

A: Probably, I don't know. I don't know the situation.

Q: You wanna be...truthful today?

A: I figure I am being truthful.

Q: And if you're not being truthful, what do you think should happen, because of it?  
What would be fair to happen, if you're not being truthful?

A: I'm not gonna.... I'm -- (unintelligible) truthful, nothing. Sh... And I'm just being truthful, cause it's me, you know. Cause it, it all goes back to, you never, you can't help it who you know. You can't help it what you hear. That's... That's life.

Q: Can you explain to me what happened to your eye?

A: No, because this doesn't have anything to do with it.

Q: What does it have to do with?

A: Uh, another incident. It don't have nothing to do... Uh, with why I'm here right now, so...

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EVENT: 980814-1600  
SEVERS, CHARLA

- Q: So, how did... How did you get...your right eye blackened and a cut by your right eye?
- A: Females, bottles.
- Q: When was that?
- A: It happened, just earlier.
- Q: What time?
- A: I don't remember what time, exactly.
- Q: Did Mr. White hit you in the eye?
- A: No.
- Q: Has he ever hit you?
- A: Uh uh (negative). No.
- Q: Has he ever choked you?
- A: No. Why...?
- Q: I'm just...want you to be honest with me, that's why. And you know that. Don't you?
- A: Yeah, but I...gosh. This place is crazy.
- Q: How come that you don't wanna...explain who hit you in the eye?
- A: Because, it's.. It's not that serious.
- Q: Your eye is not?
- A: Uh uh (negative - chuckle).

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