

IN THE SUPREME COURT OF THE STATE OF NEVADA

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TROY WHITE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

S.C. CASE NO. 82798

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APPEAL FROM DENIAL OF PETITION FOR WRIT OF HABEAS
CORPUS (POST CONVICTION)
EIGHTH JUDICIAL DISTRICT COURT
THE HONORABLE JUDGE RONALD J. ISRAEL, PRESIDING

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APPELLANT'S APPENDIX TO THE OPENING BRIEF  
VOLUME V  
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OPENING BRIEF APPENDIX

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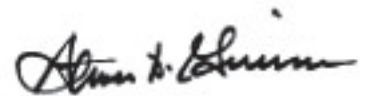
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CLERK OF THE COURT

TRAN

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * * *

THE STATE OF NEVADA

Plaintiff

vs.

TROY RICHARD WHITE

Defendant
* * * * *

CASE NO. C-286357

DEPT. NO. XI

**Transcript of
Proceedings**

BEFORE THE HONORABLE ELIZABETH GONZALEZ, DISTRICT COURT JUDGE

JURY TRIAL - DAY 4

THURSDAY, APRIL 9, 2015

APPEARANCES:

FOR THE STATE:

ELIZABETH MERCER
JEFFREY S. ROGAN
Deputy District Attorneys

FOR THE DEFENDANTS:

SCOTT L. COFFEE
DAVID LOPEZ-NEGRETE
Deputy Public Defenders

COURT RECORDER:

JILL HAWKINS
District Court

TRANSCRIPTION BY:

FLORENCE HOYT
Las Vegas, Nevada 89146

Proceedings recorded by audio-visual recording, transcript
produced by transcription service.

1 LAS VEGAS, NEVADA, THURSDAY, APRIL 9, 2015, 9:47 A.M.

2 (Court was called to order)

3 (Jury is not present)

4 THE COURT: Good morning, counsel. We had one issue
5 that you were going to follow up with for me. You were going
6 to tell me whether there were any of the portions that were
7 used to refresh recollection with the three witnesses
8 yesterday that you wanted to have admitted or otherwise
9 marked.

10 MR. COFFEE: Not from the defense side.

11 MR. ROGAN: Not from the State, Your Honor.

12 THE COURT: All right. Anything else outside the
13 presence?

14 MR. ROGAN: Just briefly from the State, Your Honor.
15 Yesterday I provided to the Court a bench brief regarding
16 character evidence. Our concern is today that with one or
17 more of the witnesses, that character evidence will be
18 discussed either of the defendant himself or the witness. And
19 we just want to be -- put everyone on notice that if they open
20 the door to certain traits of character, that we're willing to
21 rebut those under NRS 48.045 with other evidence.

22 THE COURT: Okay.

23 MR. ROGAN: And we will of course approach the bench
24 and inform the Court and ask permission before we do that.
25 But we did want to make that clear that that's a possibility

1 given the testimony and witnesses today.

2 THE COURT: Okay.

3 MR. COFFEE: Just real briefly. I understand the
4 limitations on character evidence. I expect -- the
5 relationship has been put forth front -- in front of the jury,
6 the relationship between the three individuals, the two that
7 were shot and Mr. White. I don't know how we can get into
8 part of the relationship without getting into certain traits,
9 like he was coming from work. Well, that shows he's a worker.
10 Character evidence is not inadmissible if it's relevant for
11 some other purpose. So I expect we'll have a relevant purpose
12 other than character for almost everything we're asking for,
13 and if we get into Mr. White's character, if they think we've
14 opened the door we can address that at the time.

15 THE COURT: Well, and I think what I tried to say to
16 Mr. Rogan yesterday was that he needs to make the objection at
17 the time that the question or the information is elicited,
18 because there is a factual analysis that has to be delved into
19 based upon the question related to whether it is inappropriate
20 or not inappropriate. Because there is other purposes it can
21 be used for, and given the nature of this case, in some
22 situations it's going to be relevant.

23 MR. ROGAN: Understood.

24 THE COURT: All right. So that still means you've
25 got to object if -- or ask for a bench conference or whatever

1 you want to do.

2 MR. ROGAN: Thank you, Your Honor.

3 THE COURT: But I recognize the issue. How's that?

4 MR. ROGAN: I appreciate that.

5 (Pause in the proceedings)

6 THE COURT: This is Day 4; right?

7 MS. MERCER: Yes, Your Honor.

8 THE COURT: Let's see what time we're going to start

9 on Monday so you can plan. Monday's April 13th. How do you

10 feel about 10:30?

11 MR. COFFEE: Perfect.

12 MS. MERCER: 10:30, perfect.

13 THE COURT: I've got -- it looks like 20 things on

14 my criminal calendar.

15 MS. MERCER: Okay. We'll get people here.

16 THE COURT: So instead of saying 10:15 and having

17 that be screwed up, let's say 10:30.

18 CORRECTIONS OFFICER: Is that a Monday?

19 MS. MERCER: Yes.

20 THE COURT: Does that work for you? Does it work

21 for everybody? 10:30 sound like a good time?

22 CORRECTIONS OFFICER: Whatever you want. At the

23 Court's pleasure.

24 THE COURT: You know -- no, it's not whatever I

25 want.

1 CORRECTIONS OFFICER: Pick whatever you want. We're
2 in your house.

3 (Pause in the proceedings)

4 (Jury reconvened at 9:54 a.m.)

5 THE COURT: Good morning, ladies and gentlemen.
6 Ms. Clerk, if you could please call the roll.
7 You can be seated.

8 (Jury roll called)

9 THE COURT: Counsel, stipulate to the presence of
10 the jury?

11 MS. MERCER: Yes, Your Honor.

12 MR. COFFEE: Yes, Judge.

13 THE COURT: Your next witness.

14 MR. ROGAN: State calls Dr. Lisa Gavin.
15 May I approach your clerk, Your Honor?

16 THE COURT: You may.

17 LISA GAVIN, STATE'S WITNESS, SWORN

18 THE CLERK: Please be seated, and please state and
19 spell your name for the record.

20 THE WITNESS: Good morning. I'm Dr. Lisa Gavin
21 L-I-S-A G-A-V-I-N.

22 THE COURT: And, ma'am, there is water there for you
23 if you need it. If you'd really like coffee, the marshal can
24 get it for you. And there are M&Ms in the dispenser there for
25 you.

1 THE WITNESS: Perfect. Thank you.

2 THE COURT: Counsel, you may proceed.

3 MR. ROGAN: Thank you, Your Honor.

4 DIRECT EXAMINATION

5 BY MR. ROGAN:

6 Q Ms. Gavin, how are you employed?

7 A I'm employed as a physician, a forensic pathologist
8 at the Clark County Coroner's Office here in Las Vegas.

9 Q What is a forensic pathologist?

10 A A forensic pathologist investigates the sudden
11 unexpected deaths that occur in their particular jurisdiction.

12 Q In order to be a forensic pathologist do you have to
13 have a particular education?

14 A Yes.

15 Q And what is that?

16 A I went to medical school at the University of
17 Connecticut in Connecticut. I went on to a pathology
18 residency program in Hartford Hospital, also in Connecticut.
19 I did a surgical pathology fellowship in Hartford Hospital in
20 Connecticut. I went on to do a forensic pathology fellowship
21 in New Mexico. And then I came here to Las Vegas to be
22 employed in Clark County. And I have a medical license to
23 practice here in the State of Nevada.

24 Q Thank you. As a forensic pathologist who
25 investigates these sudden unexpected deaths that occur in this

1 county, what is it that you specifically do?

2 A I will do an examination of the body. I will look
3 for evidence of injury or any kind of identifying marks and
4 scars, if you will, for identification purposes. I will do an
5 internal examination, that's an autopsy, to look at any kind
6 of evidence of injury or pathological disease. In addition, I
7 may run microscopic evaluations, toxicology, do cultures, and
8 also take into account any investigation information that may
9 be relevant to the case.

10 Q So is it fair to say that what you do is what we
11 generally, in our community, call an autopsy?

12 A Correct.

13 Q What is the purpose of the autopsy?

14 A It is one of the tools that we use to assist us with
15 determining the cause and manner of death.

16 Q And can you tell us what cause and manner of death
17 is.

18 A The cause of death is something that resulted in the
19 person's demise. For example, myocardial infarction, a heart
20 attack, or a blunt force injury as in a motor vehicle
21 collision, or a hanging, or a gunshot wound.

22 Q How many autopsies or investigations of sudden
23 unexpected deaths have you performed in your duties as a
24 pathologist here in Clark County?

25 A A little over 2,000.

1 Q And how long have you been employed at the Clark
2 County Medical Examiner's Office?

3 A A little over five and a half years.

4 Q Have you testified before in the Eighth Judicial
5 District Court regarding your investigations of sudden
6 unexpected deaths here in Clark County?

7 A Yes, I have.

8 Q About how many times?

9 A Over 50.

10 Q Okay. Have some of those investigations involved
11 homicide cases?

12 A Yes.

13 Q And again, is homicide a manner of death?

14 A Yes.

15 Q What are some other manners of death?

16 A Manners of death, there are essentially five manners
17 of death. One would be a natural death, another would be an
18 accident. For example, too many medications and an overdose
19 or a motor vehicle collision. Another would be a suicide,
20 someone caused the death at their own hands. Another would be
21 a homicide, death at the hands of another. Or if we can't fit
22 something into one of those categories or we're uncertain, for
23 example, in a situation where a skeleton's recovered in the
24 desert, we can use an undetermined manner of death.

25 Q In the course of your duties did you conduct an

1 autopsy on a woman by the name of Echo Lucas, also known as
2 Echo White, on July 28th, 2012?

3 A Yes, I did.

4 Q Where did you conduct that autopsy?

5 A Here in Las Vegas at the Clark County Coroner's
6 Office.

7 Q Was there anyone else present at the time that you
8 conducted that autopsy?

9 A Yes.

10 Q Who was that?

11 A In addition to having a forensic technician present
12 who assists us with the evisceration of the body, as well as a
13 technician who may assist us in retaining our samples for
14 toxicology, often in these cases where a homicide is an issue
15 we'll have a detective present. In this case Detective Kisner
16 was present.

17 Q Thank you. When you received the body of Echo Lucas
18 what condition was it in?

19 A Initially when the body comes to our office -- let
20 me step back just a moment. We have phone calls that we'll
21 receive when a body is found. We have investigators that go
22 out to the scene, and they will take photographs of the scene,
23 document the information about the scene, and at that time
24 they will put the body into a body bag. At that time the body
25 bag is sealed. And the way we seal a body bag is, when you

1 put the two zippers together on the bag, we put a plastic
2 hook, if you will, through that zipper and clamp it down. The
3 only way at that point to remove that and open the body bag is
4 to break the seal. So that generally is what happens at the
5 scene. So when the body is then transported to our office,
6 I'll receive it with the seal in place on the body bag and
7 then it's opened, and we begin processing the body.

8 Q If a person is transported to the hospital for
9 medical intervention, is that seal and that body bag put in
10 place at the hospital and not at the scene of the actual
11 death?

12 A Yes. Once our investigator's been called out to the
13 body, and if that body is at the hospital, the same procedure
14 will take place particularly in cases where there's suspicion
15 of homicide.

16 Q Showing you State's Exhibit 10. I'll zoom out for
17 you. Can you tell us what we're looking at in this
18 photograph, ma'am.

19 A Yes. You can't quite see the hooklets, but up on
20 this end the plastic blue piece is the seal that hooks
21 together the two eyelets of the zippers. And also attached to
22 that we put the toe tag that identifies the individual, puts
23 on our coroner case number and the information about the
24 investigator that is out on the scene will be put on the
25 label, as well.

1 Q And that coroner case number that you see in the
2 upper right-hand corner of the photograph, is that the case
3 number that pertains to the autopsy of Echo Lucas?

4 A Yes, it is.

5 Q And is Echo Lucas's name also depicted on this tag?

6 A Yes.

7 Q Are fingerprints taken of the person whose body
8 you're performing the autopsy on?

9 A Generally we take fingerprints of anyone who has
10 finger pads available. In other words, the body's not
11 skeletonized, for example. In this case fingerprints were
12 performed, and those were used for the final identification.

13 Q So subsequently they're identified -- or the body
14 was identified as Echo Lucas or Echo White through
15 fingerprints?

16 A That is correct.

17 Q So after you received the body at the Clark County
18 Medical Examiner's Office in that bag and sealed, is it
19 opened?

20 A The bag is then opened with the forensic
21 technologist as well as any crime scene analyst or
22 investigator that's present. And they'll simultaneously take
23 photographs of the body at each layer, if you will. So if
24 it's wrapped in a sheet, they'll remove -- take a picture of
25 the body wrapped in the sheet, then remove the sheet. Then if

1 there's any clothing, they'll remove the clothing. Then
2 they'll take pictures of the body uncleaned, then they'll
3 clean up the body and take pictures of the body clean. And
4 then they'll proceed on and take pictures of any kind of
5 injuries that are present, any kind of identifying marks or
6 scars, anything that they see externally.

7 And then when I view the body I may ask for
8 additional photographs at that time.

9 Q Showing State's Exhibit Number 2. What do we see in
10 this photograph now?

11 A We mentioned on the toe tag that we saw next to the
12 seal that there is a case number that's present with this
13 particular case, and we usually put in a placard card that you
14 can see at the bottom of this photograph with the case number,
15 so that we know that the photographs that we're going to be
16 seeing are related to that case. The only time you may not
17 see this card is if we need to get a close-up shot so that the
18 camera can focus on what we're looking at versus focusing on
19 the number. In this case this is the picture of Ms. Lucas,
20 it's generally used as an identification shot. We'll use it
21 as a black and white if we need to use this as a facial
22 identification, and this is the face of Ms. Lucas.

23 Q Did you notice, upon your external examination of
24 Ms. Lucas's body, was there any evidence of medical
25 intervention?

1 A Yes.

2 Q And what is medical intervention?

3 A If an individual is at a scene and then has some
4 level of consciousness perceived by the rescue services
5 they'll be transported to the hospital, and the hospital will
6 attempt to do resuscitation efforts. That could be anything
7 from defibrillator pads to try to restart the heart, to
8 extensive medical intervention as was seen in this case.

9 In this case she had a chest tube that was placed
10 into her body. It had some blood present in it. In addition,
11 she had what's called a thoracotomy incision on the left side
12 of her body. That's when they'll cut the left side of the
13 chest and try to open it so that they can actually manually
14 massage the heart to try to get it started if they're having a
15 problem with that. In addition, she had suturing down the
16 center of her abdomen where they attempted to do abdominal
17 surgery to fix what had been damaged.

18 Q Was there also some signs of medical intervention on
19 her extremities, such as her arm?

20 A Yes.

21 Q And what was that?

22 A If I recall, she had some -- she had ecchymosis as
23 well as some puncture marks. And she also had intravenous
24 lines.

25 Q Showing you State's Exhibit Number 8. You mentioned

1 ecchymosis, is ecchymosis depicted here in State's Exhibit
2 Number 8?

3 A Yes. Ecchymosis is another word for a bruise or a
4 contusion. And in this case you see them located -- this is
5 in the region of her inner part of her elbow, the inside of
6 the elbow where many of you may have had blood drawn if you
7 had any kind of blood work done. This is kind of in that
8 region. And you see several puncture marks there that were
9 probably multiple attempts to try to get a line in.

10 Q And showing you State's Exhibit Number 9. Is there
11 depicted in that exhibit also evidence of medical
12 intervention?

13 A Yes. This is the wrist, the left, I believe it's
14 the left, the left ventral wrist where she again has a fainter
15 ecchymosis, a lighter bruise, and within that you can see
16 several puncture marks. This is a region in the body where
17 they try to get blood gas information. So they'll actually
18 try to go into the artery in this area.

19 Q You also mentioned that her abdomen was open. Can
20 you describe the length of the injury -- or the condition of
21 the abdomen at the time that you saw it.

22 A They will suture up any incision that they've made
23 generally. So her abdomen was sutured up. And it was
24 probably a good 20 to 23 inches long.

25 Q So about 2 feet?

1 A About 2 feet.

2 Q Do you notice any evidence that Echo White or Echo
3 Lucas had suffered any injuries prior to her death?

4 A Nothing was clear in terms of remote injury.

5 Q What do you mean by that?

6 A It looked like the injuries that were present on her
7 body were acute at the time -- at or around the time of her
8 death.

9 Q So just before you mean?

10 A Correct.

11 Q All right. Showing you State's Exhibit Number 3.
12 Did you notice this injury on Echo White's body at the time
13 you conducted your review?

14 A Yes.

15 Q And what is that an injure -- what kind of injury is
16 that?

17 A To give you a perspective, the edge of her right
18 breast is here at the top, so her head is on the upper part of
19 this photograph, and then her legs would be at the bottom part
20 of this photograph. To the left -- as you're looking at it,
21 to the right side of this photograph is the abdominal incision
22 to which I was just referring that has been sutured. Then
23 placing this wound is in the right upper quadrant of her
24 abdomen, and this is a entrance gunshot wound.

25 Q Showing you State's Exhibit Number 4. It's a close-

1 up of that same wound?

2 A It's altered.

3 Q Sorry. This way?

4 A Let me see the first one.

5 MR. ROGAN: May I approach the witness, Your Honor.

6 THE COURT: You may.

7 BY MR. ROGAN:

8 Q Now do you recognize this as the same gunshot wound?

9 A Yes.

10 Q Okay. Can you describe for us how you knew this to
11 be a gunshot wound.

12 A The qualities of an entrance gunshot wound are in
13 addition to seeing the circular area where the missile or
14 bullet, if you will, has entered into the body you often see
15 an abrasion. And right at the edge of the wound there is a
16 slight abrasion that's present, and that's a quality that you
17 see in an entrance gunshot wound. Unlike an exit wound, in an
18 exist wound the bullet will actually tear out of the body and
19 causes a laceration to the skin. In this way the bullet's
20 pushing into the body, and it's essentially like scraping into
21 the body and that causes that abrasion cuff that's present
22 around the entrance wound.

23 In addition, the qualities of this wound that make
24 it an entrance wound is the presence of what we call
25 stippling, and that's all of these little burn marks, if you

1 will, that you see around the edges of the wound. That's
2 called stippling. And stippling results from the gun powder
3 that's present within the bullet that doesn't have time to
4 burn off by the time that it hits its target. And because of
5 that it will actually burn into the skin around the area of
6 the actual entrance wound of that missile, and the's called
7 stippling.

8 Actually, I don't know if you'll be able to get it
9 into focus, you can actually see a fragment of that unburned
10 gun powder particle within the wound itself.

11 Q So you just identified that on the screen?

12 A Correct.

13 Q Thank you very much, Doctor. So what does stippling
14 tell you about this wound?

15 A Stippling tells you, as I mentioned to you, it's
16 part of the gun powder that's in the bullet as it's
17 discharged. And it can tell you about the range of fire,
18 because you can look at the fact that there hasn't been enough
19 time for that gun powder to burn off by the time it hits its
20 target. So you can estimate the range of fire of the weapon,
21 and that would be the end of the muzzle relative to the
22 target, in this case the skin. That would be anywhere in this
23 case from about maybe around 6 inches up to a foot. It
24 depends on the weapon itself, as well. So you give a range.

25 Q So the end of the barrel was about 6 to 12 inches

1 from Echo Lucas's body at the time the gun was fired?

2 A Correct.

3 Q On your examination, your internal examination of
4 Echo Lucas's body could you determine the path that this
5 bullet traveled through her body?

6 A Once we finish our external examination and I've
7 identified any of the injuries that are present on the body,
8 this one being the one that I've mentioned to you, I'll do an
9 internal examination, the autopsy that most people think
10 about. That process is where we open up the body with the
11 help of a technician in the evisceration portion and we look
12 for the organs that are damaged by any missile that's gone
13 into the body. In this case this particular missile or bullet
14 went through the right side of her abdomen, through her
15 diaphragm, through her liver, through part of her pancreas,
16 through her aorta, which is the big vessel that carries blood
17 throughout the body from the heart. It went through part of
18 her spinous process, part of her spine, and then ended up in
19 her left back in the soft tissues and muscle present in her
20 left back.

21 Q Prior to conducting your internal examination were
22 any X-rays done of Echo Lucas's body?

23 A Yes. As part of our overall examination everyone in
24 the office that comes into the office as a patient or body, I
25 call them patients, is given a set of X-rays.

1 Q And upon review of your X-ray did you see this
2 missile or bullet inside of Echo Lucas's body at the point you
3 just mentioned before?

4 A Yes.

5 Q This is a terrible photograph, but I'm going to show
6 it anyway, Exhibit Number 5. Can you tell what that is.

7 A Can you zoom it in a little. It is a terrible
8 picture. The --

9 THE COURT: Unfortunately its auto focus is trying
10 to help, because it's such a bad picture.

11 BY MR. ROGAN:

12 Q All right. So what are we seeing here in this
13 exhibit?

14 A My apologies for that. Can you get me out.

15 THE COURT: You've got to do it. You started.
16 There you go.

17 THE WITNESS: I started. I have to finish. Okay.

18 There's this area that has a faint kind of pink look
19 in my screen, it's slightly pink in your screen, and it kind
20 of traverses up both sides here. That's the spine in this
21 particular picture. And then adjacent to the spine on the
22 left side is this radiopaque kind of oval pointed missile, and
23 that is the bullet. And it's recovered actually in the left
24 mid aspect of her back next to her spine.

25 //

1 BY MR. ROGAN:

2 Q And did you actually remove that bullet from her
3 body?

4 A I did.

5 Q Showing you State's Exhibit Number 6. What are we
6 looking at here?

7 A This is the area that I made an incision at her
8 back, and then you can see that there is the missile that's
9 present right there in the subcutaneous tissue and muscle on
10 her back.

11 Q State's Exhibit Number 7. What is depicted in that
12 exhibit now?

13 A This is the mild to moderately deformed missile that
14 was recovered in the left mid back -- left aspect of the mid
15 back in the subcutaneous tissue on Ms. Lucas.

16 Q Thank you, Doctor. You mentioned before that the
17 bullet traveled through Echo Lucas's diaphragm. What's the
18 diaphragm?

19 A The diaphragm is a muscle that essentially separates
20 the upper portion of your torso from the bottom portion of the
21 torso. So the upper portion of the body from the lower
22 portion of the body. And it is a muscle that helps create a
23 space in which your lungs can exist within a negative
24 pressure. The reason you want your lungs to exist in an area
25 of negative pressure is so that they can take in air and that

1 you can breathe. If you disrupt that diaphragm you lose that
2 negative pressure space and then your lungs can't exist in
3 that area, and they will actually collapse, and you won't be
4 able to breathe.

5 Q Due to the fact that this bullet traveled through
6 Echo Lucas's diaphragm, did her lungs in fact collapse?

7 A Yes.

8 Q You mentioned before, the aorta is a vital artery in
9 the human body; is that correct?

10 A That's correct.

11 Q And you mentioned that this bullet also traveled
12 through the artery?

13 A That's correct.

14 Q Having traveled through the diaphragm, the other
15 tissues that you mentioned, the liver and the aorta, was there
16 any blood present inside Echo Lucas's body cavity?

17 A There was still some blood present within her chest
18 cavity, both chest cavities actually, about 700 milliliters.
19 And there was blood present within her abdominal cavity, as
20 well. But also reminding you that she did undergo medical
21 intervention, and so I'm sure that they removed blood, when
22 they were trying to save her, from her abdomen. So I'm
23 certain that there was a tremendous amount more versus the
24 small amount that I found. I found approximately a liter of
25 blood, so less than the size of a regular two liter bottle of

1 soda. But that would have been after she had gone to the
2 hospital and had the chest tube put in to remove any blood and
3 to have the abdominal surgery to also try to identify the
4 injuries and hopefully fix them.

5 Q To put that amount of blood in perspective. For
6 someone of Echo Lucas's gender, size and age, how much blood
7 would she have in her entire circulatory system?

8 A She may have roughly around five liters or more for
9 her size. It can vary from individual to individual. So
10 she's lost at least a fifth of that into her body cavities
11 when I saw her, and I'm sure that there was more than that
12 that was seen at the hospital.

13 Q So you recovered about 20 percent of her likely
14 blood content inside of her chest cavity as well as her
15 abdominal cavity; correct?

16 A That's correct.

17 Q Did you notice any blunt force trauma to the head?

18 A I did not.

19 Q Did you notice any hemorrhaging inside of the brain
20 or inside of the skull?

21 A No.

22 Q Do you remember, in your report, detailing that she
23 had suffered some subscapular hemorrhage?

24 A No, I didn't recall.

25 Q Okay. Do you need to look at your report to refresh

1 your memory?

2 A Yes, please. Yes. Oh. Yes. Thank you. I
3 appreciate that.

4 Q No problem. And could you just tell us what page
5 you're referring to.

6 A The top page, which doesn't have a page number.

7 Q Thank you.

8 A It has the outline on it.

9 Q All right. Can you just review that silently to
10 yourself, please.

11 A Uh-huh.

12 Q Do you recall now whether Echo Lucas had suffered
13 some blunt force trauma to the head?

14 A Yes.

15 Q And can you tell us what that was.

16 A She had some subarachnoid hemorrhage that was
17 present on her brain. And some of that you can see as a
18 secondary effect after people have been -- suffered an injury
19 to other portions of their body. Sometimes you can see thin
20 layers of subarachnoid hemorrhage. In addition, she had some
21 kind of punctate contusion, as well. In other words, not like
22 the bruise that was saw earlier, but more of a speckling type
23 of bruise present on her. Both of those could be partly
24 related to where she ended up in her dependent position after
25 she was shot, or some of that can result after the body has

1 been injured. So you could see it in both situations.

2 Q Put that in layman's terms. What's a hemorrhage?

3 A Hemorrhage is bleeding.

4 Q And when you talked about that could be a result of
5 the position that she was put in, do you mean because she
6 likely fell to the floor after she was injured by the gunshot
7 wound?

8 A Yes, that can happen.

9 Q Doesn't necessarily mean that she was hit or bruised
10 or any type of human caused blunt force trauma; correct?

11 A Correct.

12 Q Did you determine cause of death for Echo Lucas?

13 A I did.

14 Q And what was that?

15 A She died of a gunshot wound of the abdomen.

16 Q And what was your conclusion about the manner of
17 death of Echo Lucas?

18 A A homicide.

19 Q You mentioned that she had suffered collapsed lungs.
20 What type of effects would a person see if they were to
21 observe Echo Lucas with collapsed lungs on the floor of her
22 bedroom?

23 A Sometimes you can have a person trying to struggle
24 for breath for a few moments. Sometimes they can even sound
25 like they're having gurgling sounds. And sometimes they can

1 be kind of losing consciousness.

2 Q At the time -- or would Echo Lucas, given the injury
3 that you described, have been conscious or some period of time
4 after being shot?

5 A She could be because of where the injury was in the
6 liver, but as the aorta and the heart continues to pump she's
7 going to keep losing that blood within her abdominal cavity.
8 So it won't be for very long.

9 Q How quickly do you think death ensued after Echo
10 Lucas was shot?

11 A Seconds to minutes.

12 Q Thank you.

13 MR. ROGAN: I'll pass the witness.

14 THE COURT: Cross-examination.

15 CROSS-EXAMINATION

16 BY MR. COFFEE:

17 Q The shot was certainly human caused; correct?

18 A I believe it was a human that did it.

19 Q And it was fired at close range?

20 A Correct.

21 Q Very close range, in fact?

22 A Estimated between 6 to 12 inches.

23 Q I want to go through your background just a little
24 bit. This isn't the first case you've worked on?

25 A Correct.

1 Q You've been with the Clark County Coroner's Office
2 for some number of years now; right?

3 A Correct.

4 Q You've investigated, at this point, how many
5 homicides?

6 A Usually our homicides are approximately 10 to 15
7 percent of our cases in Clark County. So estimate that
8 relative to my over 2000 cases.

9 Q Over 2000 cases you've investigated?

10 A Correct. And about say 15 percent of those would
11 probably be homicides.

12 Q The point is you're not new at this?

13 A Correct, sir.

14 Q All right. You know what to look for and where to
15 look?

16 A Yes, sir.

17 Q And you know what to look for and where to look for
18 signs of abuse for example?

19 A Correct.

20 Q On the body of Echo Lucas -- when it's a homicide
21 you take particular care to look for the evidence of abuse; is
22 that fair?

23 A That's fair.

24 Q You would look for evidence of busing, for example,
25 on the body some place; is that fair?

1 A Yes, that's fair.

2 Q You would look on the face for bruising to see if

3 they have a black eye or broken nose, that sort of thing?

4 A Yes.

5 Q You didn't see that?

6 A No.

7 Q You would look on the abdomen to see if they have

8 any kind of evidence of bruising?

9 A Correct.

10 Q You didn't see that; correct?

11 A Correct.

12 Q You would look on the back of the individual to see

13 if they had bruising on the back?

14 A That's correct.

15 Q Didn't see any bruising on the back?

16 A That's correct.

17 Q In fact, you would look at the extremities too, the

18 arms and the legs; correct?

19 A Yes.

20 Q And you saw some small injuries, but you didn't see

21 evidence of abuse aside from the gunshot wound; is that a fair

22 characterization?

23 A That's correct.

24 Q The gunshot wound was fatal?

25 A That's correct.

1 Q And quickly so?

2 A Yes.

3 Q It is not a situation -- let me ask you this. If
4 someone alleged that someone had let her lay there and die by
5 not calling help, that wouldn't be true, would it?

6 A I don't know whether that's true, whether or not
7 somebody did that?

8 Q Okay. Well, let me ask you this. After she was
9 shot, with the injuries that were caused, was she savable?
10 [Unintelligible].

11 A No.

12 Q The point being help or 911 wasn't going to make a
13 difference after these injuries were caused; is that fair?

14 A That's fair.

15 Q The cause of death was homicide; yeah?

16 A The manner of death is homicide.

17 Q Manner of death?

18 A The manner of death is homicide.

19 Q And there are multiple manners that you can assign
20 to a case; is that fair?

21 A That's correct.

22 Q Five I believe?

23 A Yes.

24 Q And they are?

25 A We covered those earlier. We can have a natural

1 death, an accidental, a suicide, a homicide, and undetermined.

2 Q Okay. This was homicide, and homicide means,
3 correct me if I'm wrong -- we've heard the term, "human cause"
4 a few moments ago, homicide means caused by human hands; is
5 that fair?

6 A Generally, in the simplest of terms it's death by
7 the hands of another.

8 Q Okay. The point being homicide doesn't tell us, for
9 example, if an act was committed in self defense. That's not
10 something you would be able to determine necessarily?

11 A That's correct.

12 Q Homicide doesn't tell you, for example, if someone
13 was struggling with a gun before the gun went off or not. Not
14 something you would necessarily be able to tell?

15 A That's correct.

16 Q Homicide doesn't tell you what's going on in the
17 mind of the person that fired the shot; correct?

18 A That's correct.

19 Q Those decisions, homicide and murder are two
20 different concepts; correct?

21 A That's correct.

22 Q Okay. Now, as far as the gunshot wound, we talked
23 about it being 6 to 12 inches. It's clear it wasn't against
24 the body?

25 A That's correct.

1 Q You would have a little different pattern and a
2 muzzle burn of some sort if it was flat against the body; is
3 that fair?

4 A In contact wounds you can often see the imprint of
5 the gun, the muzzle end of the gun, on the body, and it causes
6 what we call a muzzle imprint. And in addition you can see
7 soot present within the wound, for example. And generally you
8 won't have the stippling, because it's against the body or
9 against the area of the body, so that gun powder's going to go
10 into the body rather than being out either burning off or
11 burning into the body's surface.

12 Q And the stippling, if it was fired much more than, I
13 think you said 12 inches, perhaps a few more -- somewhere in
14 that range; is that fair?

15 A What's the question?

16 Q The core distance that the but -- shot had been
17 fired from, 12 inches, 18 inches, somewhere in there?

18 A It's a range estimate, when we see stippling as in
19 this pattern in this particular case, of about 6 to 12 inches.

20 Q Okay. And if the gunman was further back the
21 stippling gets less existent. For example, from me to you you
22 wouldn't see stippling at all?

23 A That's correct.

24 Q That's because the powder burs up before it would
25 reach you so it wouldn't cause the burns. And the burns are

1 what caused the stippling and the powder's still burning; is
2 that fair?

3 A That's fair.

4 Q This is a tested theory, and it is widely accepted
5 in the medical community when you have this sort of stippling.
6 That's accurate, too; right?

7 A What's the tested theory?

8 Q The theory of stippling. The fact that you've got a
9 close distance firing is -- that's what all the coroners use,
10 it's not something you made up --

11 A Correct.

12 Q -- it's something you're trained on?

13 A Correct.

14 Q Okay. Did you look for identifiers on the body?

15 A Yes.

16 Q And you do that so you can tell who a person might
17 be, for example?

18 A If we're unable to identify a person, for example,
19 by fingerprints or are unable to identify them by comparison
20 of radiographs before they've died till after, or dental
21 comparisons, for example. We can also get to the point where
22 we may have to use things like tattoos, but you try to be
23 careful when you use things like tattoos and scarring, because
24 people may, in fact, have the same tattoo in the same place.
25 So you really try to use these other scientific techniques

1 before you get to more circumstantial ones.

2 Q It's not unusual for people to have tattoos.
3 There's nothing criminal about that, for example?

4 A Correct.

5 Q There were some tattoos in this case; correct?

6 A That's correct.

7 Q Do you have a copy of the report with you?

8 A I do.

9 Q I want you to take a look at the top of page 3 for
10 me. Do you remember the tattoos off the top of your head?

11 A No.

12 MR. ROGAN: Your Honor, I'm going to object as to
13 relevance and ask to approach, please.

14 THE COURT: You may approach.

15 MR. ROGAN: Thank you.

16 (Bench conference)

17 THE COURT: You've already showed the tattoos in the
18 picture.

19 MR. ROGAN: And that's fine. But I think what he's
20 going to do [inaudible] content of what the tattoos themselves
21 that haven't been shown, and as the witness already said, it's
22 only necessary to look at the tattoos if in fact they couldn't
23 identify the victim. So I think there's a foundational issue,
24 too. Did they use tattoos to identify? If so, then I think
25 he can get into it. If they didn't, then I just think it's

1 irrelevant.

2 MR. COFFEE: I'm pointing out a mistake in a report.

3 THE COURT: Overruled.

4 MR. ROGAN: What's the mistake?

5 MR. COFFEE: [Inaudible].

6 (End of bench conference)

7 THE COURT: The objection's overruled.

8 You may continue, Mr. Coffee.

9 BY MR. COFFEE:

10 Q There was a tattoo on the upper-left shoulder, and

11 you described it in your report as "juicy jelly." Do you

12 remember that?

13 A Yes.

14 Q Sometimes things are hard to read. Is it possible

15 the tattoo said something else?

16 A It's possible.

17 Q Would looking at a picture of the tattoo, it was

18 taken around the time of the autopsy, help refresh your

19 recollection as to what it actually said?

20 A Possibly.

21 THE COURT: Yes, you can approach.

22 MR. COFFEE: Can I approach? Sorry.

23 THE WITNESS: Yes.

24 BY MR. COFFEE:

25 Q It actually says "juicy Joey." Right?

1 A Yes, it does.

2 Q There was another tattoo; yes?

3 A Yes.

4 Q Said, "beautiful disaster"?

5 MR. ROGAN: Objection. Same objection, Your Honor.

6 THE COURT: Overruled.

7 BY MR. COFFEE:

8 Q It said, "beautiful disaster"?

9 A Yes.

10 Q Okay. Thank you, Doctor.

11 THE COURT: Redirect.

12 MR. ROGAN: Thank you, Your Honor.

13 REDIRECT EXAMINATION

14 BY MR. ROGAN:

15 Q Dr. Gavin, you mentioned before that you use tattoos

16 that are on a body of a person in order to help you identify

17 who that person is if you cannot identify that person through

18 other means?

19 A That's correct.

20 Q And at the time that Echo Lucas's body came into the

21 Clark County Medical Examiner's Office it was already pre

22 identified as Echo Lucas; correct?

23 A The fingerprints had been performed and the

24 identification had been established by the fingerprint

25 comparison.

1 Q So you didn't need to utilize those tattoos in order
2 to identify the body as being that of Echo Lucas?

3 A That's correct.

4 Q Now, the tattoos were not helpful to your
5 investigation of cause and manner of death?

6 A That's correct.

7 Q But you do have to document them in order to be
8 complete in your examination of your body?

9 A Correct.

10 Q So these tattoos have no relevance whatsoever to
11 your investigation?

12 MR. COFFEE: Objection.

13 THE COURT: Overruled.

14 THE WITNESS: They are important in that we may be
15 able to use them for identification purposes if we're not able
16 to identify the person by the other means I described earlier.

17 BY MR. ROGAN:

18 Q Let me rephrase. They had no importance or no
19 relevance to your investigation of Echo Lucas's death?

20 A That's correct.

21 Q Mr. Coffee brought up some stippling, and you
22 mentioned that stippling -- because it's the gun -- unburned
23 gun powder that it -- I presume that it's hot; is that right?

24 A That's correct.

25 Q So it will go through clothing?

1 A Yes.

2 Q And finally, Mr. Coffee brought up the fact that
3 Echo Lucas's death was rather quick. Do you remember those
4 questions?

5 A Yes.

6 Q And he asked you, well, would have calling 911 help
7 Echo Lucas? And your answer was, probably not?

8 A Correct.

9 Q That was a conclusion you reached after your
10 thorough investigation of Echo Lucas's body; correct?

11 A That's correct.

12 Q A lay person who is not trained as you are trained
13 wouldn't necessarily know that 911 could have helped Echo
14 Lucas after she had been shot?

15 A That's true.

16 Q Nothing further.

17 THE COURT: Recross.

18 REXCROSS-EXAMINATION

19 BY MR. COFFEE:

20 Q But the allegation that calling 911 would have
21 helped would be false; wouldn't it?

22 A That's correct.

23 Q And as to the tattoos, well, we've had some
24 discussions about relevance for identification. There was a
25 mistake in the autopsy report; yeah?

1 A The writing, sometimes I can't see the way the
2 letters are written in terms of the way they do them in terms
3 of the fancy look or the way it looks to me.

4 Q Understood. It was an honest mistake, and we all
5 make those; right?

6 A Correct.

7 Q Okay. Thank you, Dr. Gavin.

8 THE COURT: Anything else?

9 MR. ROGAN: Not from the State, Your Honor.

10 THE COURT: Thank you. We appreciate your time, and
11 have a nice day.

12 THE WITNESS: Thank you.

13 THE COURT: Next witness.

14 MS. MERCER: Your Honor, the State's next witness is
15 James Jaeger.

16 Your Honor, may I approach the clerk, please.

17 THE COURT: You may.

18 JAMES JAEGER, STATE'S WITNESS, SWORN

19 THE CLERK: Please be seated, and please state and
20 spell your name for the record.

21 THE WITNESS: My name is James Jaeger. The spelling
22 is J-A-E-G-E-R.

23 THE COURT: And, sir, there's water there. If you
24 need coffee, the marshal can get it for you, and there are
25 M&Ms there.

1 THE WITNESS: Thank you.

2 MS. MERCER: May I proceed, Your Honor.

3 THE COURT: You may.

4 DIRECT EXAMINATION

5 BY MS. MERCER:

6 Q Sir, where are you currently employed?

7 A I'm currently employed for the Yavapai County
8 Sheriff's Office in Prescott, Arizona.

9 Q And in what capacity are you employed with that
10 sheriff's office?

11 A I'm a detention/booking officer.

12 Q As a detention/booking officer what are your job
13 duties?

14 A I do fingerprints, photographs. I accept new
15 prisoners that come in from the local arresting agencies.

16 Q How long have you been employed by that agency?

17 A Almost eight years come July.

18 Q And during the duration of your employment have you
19 always worked as a booking or detention officer?

20 A Yes, ma'am.

21 Q I want to direct your attention to July 27th of
22 2012. Do you recall that date?

23 A Yes, ma'am.

24 Q Were you working on that day?

25 A Yes, ma'am.

1 Q What shift would you have worked that day?

2 A I work a 0700 to 1900 shift.

3 Q On that day were you working with another detention

4 officer?

5 A Yes, ma'am.

6 Q And who was that?

7 A Officer Bray.

8 Q Where is your detention office actually located, the

9 address?

10 A The address is 255 East Gurley Street.

11 Q And I assume that's in Yavapai County?

12 A Yes, ma'am.

13 Q At approximately 5:30 or 5:45 did something rather

14 unusual happen while you were working?

15 A Yes, ma'am.

16 Q And can you tell me about that.

17 A Well, in our facility we have a back gate, and when

18 the arresting agencies come in they push a button. At this

19 time of the day the button went -- the alarm goes off, we went

20 outside, and there was a gentleman standing outside.

21 Q Okay. When the alarm goes off is there some sort of

22 a monitor or something that you can look at to see who's at

23 the gate?

24 A You can just basically make out a silhouette of a

25 person. You can't really identify who it is.

1 Q And so when the alarm went off did you actually go
2 outside?
3 A Yes, ma'am.
4 Q Did you go outside with Ms. Bray?
5 A Yes.
6 Q Or Officer Bray I should say?
7 A Yes, Ms. Bray.
8 Q When you went outside who or what did you encounter?
9 A I encountered Mr. White standing there, and he
10 explained to us that he was turning -- he wanted to turn
11 himself in.
12 Q Okay. And this gate that the -- that officers
13 typically use to bring in prisoners, is it on the front side
14 of the building or the rear?
15 A It's on the rear side of the building.
16 Q Do you recall what that individual was wearing that
17 day?
18 A He had a -- believe a red T-shirt. He had some navy
19 blue jeans and it looked like work or military black boots.
20 Q Okay. I know it's been several years --
21 A Okay.
22 Q -- but if you could do me a favor, could you please
23 look around the courtroom and tell me whether or not you see
24 the individual that you just identified as Mr. White in the
25 courtroom today.

1 A Yes, ma'am.

2 Q Could you please point to him and identify an
3 article of clothing that he's wearing today.

4 A Right there. It looks like a black jacket.

5 Q Okay. What kind of -- what color tie is he wearing?

6 A Pardon me.

7 Q What color tie is he wearing?

8 A I can't -- the monitor's blocking it. I can't --

9 Q Which position is he seated in?

10 A The middle position. It looks like a black and
11 white tie.

12 MS. MERCER: Your Honor, may the record reflect that
13 he's identified the defendant.

14 THE COURT: The record will reflect identification.

15 MS. MERCER: And permission to publish.

16 THE COURT: You may.

17 BY MS. MERCER:

18 Q Officer, I'm publishing State's Exhibit 20 on the
19 overhead. Is this the clothing that you recall the defendant
20 wearing on that date?

21 A Yes, ma'am.

22 Q When you went back to assist him what did he
23 indicate to you that he needed assistance with?

24 A He was -- he reported to us that he was talking to
25 his pastor that he was involved in a shooting in Las Vegas and

1 that his pastor advised him to turn himself in.

2 Q When you all were interacting with him did he do
3 anything to alleviate any concerns that you all might have had
4 about him being armed?

5 A Yes, ma'am.

6 Q What did he do?

7 A He raised up his shirt and said he was not armed.

8 Q Did he identify himself to you?

9 A Not by name, no.

10 Q Did he hand you a driver's license?

11 A After we went and got a deputy, yes. He handed us
12 -- well, not his license, but he had --

13 Q Some sort of --

14 A -- I believe a cell phone and some keys.

15 Q Okay. Some sort of identification in there?

16 A Correct.

17 Q When he made those statements to you, can you
18 describe for me his demeanor.

19 A Almost a little distraught but not in a panic or
20 anything. Just a --

21 Q Do you recall speaking to a Las Vegas Metropolitan
22 Police Department detective the day after this occurred?

23 A Yes, ma'am.

24 Q And that was a taped conversation; correct?

25 A Yes, ma'am.

1 Q Do you recall describing him as calm and focused on
2 what he was doing?

3 A Yes, ma'am.

4 Q Does that sound accurate?

5 A Yes.

6 Q At this point did you have any idea what he was
7 talking about?

8 A No, ma'am.

9 Q As a detention or booking officer are you permitted
10 to actually make arrests?

11 A At that time, three years ago, no.

12 Q So because of that what did you do next?

13 A We went to find a deputy that was allowed to do
14 stuff like that.

15 Q Did you end up finding a deputy?

16 A Yes, ma'am.

17 Q Which deputy would that be?

18 A Would be Deputy Bentley.

19 Q Clyde Bentley?

20 A Clyde Bentley. Yes, ma'am.

21 Q And what was Mr. Bentley doing when you found him?

22 A Their office is right next to ours. He was -- I
23 believe he was just typing reports or getting ready to leave.

24 Q Did he end up walking back outside to assist?

25 A Yes, ma'am.

1 Q Did the defendant then repeat those same statements
2 to him?

3 A Yes, ma'am.

4 Q And as a deputy he has the ability to confirm
5 whether or not that information is correct --

6 A Correct.

7 Q -- as well as place someone into custody?

8 A Place them under custody, correct.

9 Q Based upon the nature of the allegations in this --
10 that Mr. -- or that the defendant made to you, did you all
11 take some precautionary measures with regards to his custody?

12 A As in?

13 Q In other words, was he placed into handcuffs?

14 A Yes, he was placed into handcuffs, yes.

15 Q Is that because of the nature of the allegations
16 that he made to you?

17 A Correct.

18 Q And it's done for officer safety; correct?

19 A Yes, ma'am.

20 Q Is the detention facility a secured facility?

21 A Yes.

22 Q So he needed to be handcuffed before you took him
23 inside?

24 A He needed to be handcuffed because where he was was
25 outside of the facility at the time.

1 Q Okay. When you brought Deputy Bentley back with you
2 was Ms. Bray still present?

3 A I believe so, yes.

4 Q Did the defendant provide you some additional
5 information with regards to a vehicle and a firearm?

6 A Yes, ma'am.

7 Q And what did he say?

8 A He said there was a -- I believe it was a 2008
9 silver Durango parked on the front side of the building.
10 There was a handgun, unloaded, unchambered, underneath the
11 spare tire.

12 Q The front side of the building that you referred to,
13 is that the side of the building that lay persons would come
14 into the building through?

15 A Correct. That would be the Gurley Street side of
16 the building.

17 Q At the time that he was taken into custody you took
18 possession of his phone and his keys; correct?

19 A Yes, ma'am, so he could be placed into handcuffs.
20 Yes.

21 Q And then Deputy Bentley escorted him inside?

22 A Yes, ma'am.

23 Q And that was pretty much the end of your role as far
24 as Mr. White was concerned; correct?

25 A Except for --

1 Q When you watched him while Mr. Bentley --

2 A Correct. Yes.

3 Q -- went and confirmed the information given?

4 A Yes, ma'am.

5 Q Court's indulgence. I'll pass the witness, Your
6 Honor.

7 THE COURT: Cross-examination.

8 CROSS-EXAMINATION

9 BY MR. COFFEE:

10 Q "She needs help. We need to do something. She
11 needs help." He told you that; didn't he?

12 MS. MERCER: Object, Your Honor. Hearsay.

13 THE COURT: Overruled.

14 BY MR. COFFEE:

15 Q He told you that; didn't he?

16 A Yes.

17 Q And let's talk about the exact quote that you gave
18 on page 6, when you talked to the officers. Tell me if this
19 is exactly what you said. "I don't know, he was kind of -- I
20 wouldn't say he was really broken up speaking, but I mean he
21 was focused on what he was trying to accomplish with us be
22 turning himself in." That's a fair characterization; isn't
23 it?

24 A Yes.

25 Q He was focused on trying to turn himself in and

1 wasn't broken up, but shortly afterwards he said what we
2 talked about a moment ago, "she needs help, we need to do
3 something, she needs help." Yes?

4 A Yes.

5 Q And in between there he started kind of leaning over
6 and crying; is that true?

7 A Yes.

8 Q Not only that, he asked you if he could see a
9 counselor or psychiatrist; is that true?

10 A Yes.

11 MS. MERCER: Objection. Hearsay.

12 THE COURT: Overruled.

13 BY MR. COFFEE:

14 Q You got a chance to observe him for a while; yes?

15 A For the most part, yes.

16 Q And other than water the only thing he'd asked for
17 was a psychiatrist; right?

18 A Yes, sir.

19 Q You offered him food?

20 A Yes, sir.

21 Q He couldn't eat. He couldn't keep food down. Is
22 that what you were told?

23 MS. MERCER: Objection. Hearsay, again.

24 THE COURT: Overruled.

25 //

1 BY MR. COFFEE:

2 Q Do you remember?

3 A He never ate anything, so I wasn't sure if he was
4 able to keep food down.

5 MR. COFFEE: Permission to approach.

6 THE COURT: You may.

7 THE WITNESS: He was offered food though.

8 MR. COFFEE: Page 8, the bottom, counsel.

9 BY MR. COFFEE:

10 Q Does looking at this help refresh your recollection?

11 A Yes. Yes, sir.

12 Q Okay. Do you remember that now?

13 A Yes, sir.

14 Q Okay. And what had happened is you'd offered him
15 food and he said, he couldn't eat, he couldn't eat anything,
16 his stomach was tied up in knots. Is that accurate?

17 A Yes.

18 Q He was quiet most of the time he was there; is that
19 fair?

20 A Yes, sir.

21 Q It is an unusual occurrence to have somebody walk
22 into -- how long you've been on the job?

23 A Almost eight years.

24 Q Almost eight years. Is this the first person that
25 you've had walk in and say, I've shot somebody someplace --

1 turn themselves in like that?

2 A Yes, sir.

3 Q Is it the only one you had?

4 A Yes, sir.

5 Q An unusual circumstance I would imagine; yes?

6 A For our building, yes, sir.

7 Q Caused a bit of confusion I would imagine. You're

8 not really sure what to do with somebody immediately; is that

9 fair?

10 A Sure.

11 Q I want to make sure I have the language completely

12 clear --

13 A Okay.

14 Q -- that the District Attorney had talked to you

15 about. He said, "I shot someone in Vegas." Right?

16 A He was involved in a shooting in Vegas.

17 Q Involved in a shooting in Vegas. I'm sorry. Okay.

18 You used the word "shooting," you didn't say that he killed

19 anyone, nothing like that --

20 Q No, sir.

21 Q -- he was involved in a shooting. And he talked

22 about somebody needing help; yeah?

23 A Yes.

24 Q Thank you for coming in for us, Officer.

25 THE COURT: Any redirect?

1 MS. MERCER: Yes.

2 REDIRECT EXAMINATION

3 BY MS. MERCER:

4 Q Officer Jaeger, Prescott, Arizona is kind of off the
5 beaten path; correct?

6 A Yes.

7 Q Especially coming from Las Vegas?

8 A Yes.

9 Q In other words, you don't have to go through
10 Prescott to get to Phoenix?

11 A No, ma'am.

12 Q In fact, it's quite a bit out of the way; correct?

13 A Correct.

14 Q And you don't have to go through Prescott to get to
15 Tucson, Arizona; correct?

16 A No, ma'am.

17 Q Out of the way once again?

18 A It would be out of the way, yes.

19 Q Are you familiar with the Potter's House Church?

20 A Vaguely, yes.

21 Q Are you aware that there's conventions in Prescott,
22 Arizona twice a year?

23 A I wasn't sure there was a convention, no.

24 Q Okay. But you're aware that there's a presence in
25 Prescott, Arizona; correct?

1 A Yes, ma'am. Yes.

2 MS. MERCER: No further questions.

3 THE COURT: Anything further, Mr. Coffee?

4 RE CROSS-EXAMINATION

5 BY MR. COFFEE:

6 Q Have you ever heard the term "sanctuary"?

7 A Sanctuary?

8 Q Yes.

9 A Yes.

10 MR. COFFEE: Thank you. Nothing further.

11 THE COURT: Anything further?

12 MS. MERCER: No, Your Honor.

13 THE COURT: Thank you, sir. We appreciate your

14 time. Have a nice trip back, safe.

15 THE WITNESS: Thank you.

16 THE COURT: Next witness

17 MR. ROGAN: Your Honor, the State calls Clyde

18 Bentley.

19 CLYDE BENTLEY, STATE'S WITNESS, SWORN

20 THE CLERK: Please be seated, and please state and

21 spell your name for the record.

22 THE WITNESS: My name is Clyde Bentley,

23 C-L-Y-D-E B-E-N-T-L-E-Y.

24 THE COURT: Sir, there's water in the pitcher. If

25 you need coffee we can get you some. And there are M&Ms in

1 that dispenser for you.

2 THE WITNESS: Thank you, ma'am.

3 THE COURT: You may proceed, Mr. Rogan.

4 MR. ROGAN: Court's indulgence.

5 DIRECT EXAMINATION

6 BY MR. ROGAN:

7 Q Good morning, sir. How are you?

8 A I'm fine.

9 Q Sir, are you employed today?

10 A No, I'm not.

11 Q Are you retired?

12 A Yes, I am.

13 Q Back in July of 2012, where were you working?

14 A At the Yavapai County Sheriff's Office.

15 Q And what was your position at the Yavapai County
16 Sheriff's Office?

17 A At that time I was a patrol deputy.

18 Q And where is the Yavapai County Sheriff's Office
19 that you were working at at the time?

20 A At that particular time I was in Prescott.

21 Q And is there a detention center in the vicinity of
22 where you were working?

23 A Yes, in the same building in Prescott.

24 Q On July 27th, late at night or in the evening were
25 you working?

1 A Yes.

2 Q And what were you doing at the time around 5:30,
3 6:00 p.m.?

4 A Doing reports.

5 Q Is that part of your job?

6 A Yes.

7 Q Paperwork?

8 A Yes.

9 Q All right. At some point did an officer Jaeger and
10 Bray come and contact you?

11 A Yes, they did.

12 Q And what did they tell you?

13 A They told me that there was a man outside in our
14 sallyport that wanted to turn himself in for a homicide.

15 Q And at that point did you proceed with Officers Bray
16 and Jaeger to that sallyport in order to contact that person?

17 A I did.

18 Q And this is nearly three years ago. Do you think
19 you can identify that person today?

20 A I could try.

21 Q Okay. Showing you State's Exhibit 20. Do you
22 recall this being the individual that you contacted outside of
23 the building in the sallyport that day?

24 A Yes. That looks like him.

25 Q Would you recall now after seeing this photograph?

1 A Yes, I do.

2 Q Thank you. Did the person depicted in Exhibit 20

3 identify himself to you?

4 A Yes, he did.

5 Q Gave you his name?

6 A Yes.

7 Q And did he give you his name as Troy White?

8 A Yes.

9 Q Did you ask for his driver's license?

10 A I believe I did.

11 Q Did you ask him what was going on, why he was there?

12 A Yes, I did.

13 Q And what specifically did he tell you?

14 A He told me that earlier that morning he had shot his

15 estranged wife and her boyfriend.

16 Q In Las Vegas?

17 A Correct.

18 Q At that point after hearing that did you place him

19 in handcuffs?

20 A I did.

21 Q That's for your own safety as well for the safety of

22 the other officers in that facility that you were located at?

23 A Yes, everyone's safety.

24 Q Did Mr. White ever mention to you a vehicle that he

25 had traveled in to Yavapai County?

1 A Yes, he did.

2 Q And what kind of vehicle did he identify?

3 A It was either a gray or a silver 2008 Dodge Durango.

4 Q Did he mention whether there were any weapons inside
5 of that vehicle?

6 A Yes, he did.

7 Q What did he tell you?

8 A Said that there was a pistol in the spare tire
9 compartment in the car.

10 Q Did you ask him whether that pistol was the one that
11 he had used in the shooting that morning?

12 A I did.

13 Q And what did he tell you?

14 A He said, it was.

15 Q Did you ever proceed to that vehicle outside of the
16 facility you were at?

17 A Yes, I did.

18 Q Did you have a good look at it?

19 A Reasonably good, yes.

20 Q Do you think you'd remember it if I showed you a
21 picture of it?

22 A Yes.

23 Q All right. Showing you State's Exhibit Number 65.

24 A That's a Dodge Durango. I would know it if I saw
25 the license plate.

1 Q Okay. Let me get that. I'm showing you State's
2 Exhibit Number 66.

3 A Yes, that's the vehicle.

4 Q You can recognize it now because of the license
5 plate?

6 A Yes. I remember the license plate because it said,
7 USN, and I associated that with the United States Navy.

8 Q Okay. But really it also says us and pretty boys?

9 A Well, that's a way to look at it, too.

10 Q Okay. This is a rear view of that same vehicle,
11 sir?

12 A Yes.

13 Q Did you notice any, what we would call, evidence
14 tape or something of that nature on the vehicle?

15 A Yes.

16 Q And you can actually use that monitor and touch the
17 monitor and circle the evidence that you see.

18 A That seal's on the rear hatch and the door that you
19 can see.

20 Q Did you do that?

21 A Myself and Deputy Ethan Stover did.

22 Q And what's the reason for doing that?

23 A To make sure that no one gets in or out of the
24 vehicle, or removes anything, tampers with it while it's not
25 being watched. Just to make sure it's secure.

1 Q Do you know what happened to that vehicle after you
2 and Deputy Stover put those seals on the car?

3 A It was towed to the YCSO impound yard by a tow
4 truck. And Deputy Stover followed that vehicle while it was
5 being towed to our impound yard.

6 Q You yourself didn't follow it?

7 A No, I did not.

8 Q And this picture that you see depicted in Exhibit
9 65, is this the vehicle inside your secure tow facility?

10 A Yes, it is.

11 Q And it's locked?

12 A Yes.

13 Q And that's in order to prevent people from gaining
14 access to that vehicle?

15 A Correct.

16 Q After you met with Mr. White and he told you that he
17 had killed his -- shot his estranged wife and shot her
18 boyfriend did you --

19 MR. COFFEE: Can I get some clarification.
20 Permission to approach.

21 MR. ROGAN: Yes.

22 THE COURT: Can you approach, please.

23 (Bench Conference)

24 MR. COFFEE: I thought he was paraphrasing when he
25 said, estranged wife. Can we see if that's actually what he

1 said, or is that your words, estranged wife? I don't think
2 Troy used -- you get what I'm --

3 MR. ROGAN: [Inaudible].

4 (End of bench conference)

5 THE COURT: Okay.

6 BY MR. ROGAN:

7 Q Mr. Coffee wants me to ask you. Previously you used
8 the word "estranged wife." Is that the exact word that Mr.
9 White used to describe the person that he shot?

10 A I'm not sure if he used estranged or ex-wife. I
11 know that's what I put in my report, because they were
12 separated.

13 Q I see. So one of those types of words?

14 A Yes.

15 Q And, again, this is three years ago?

16 A Yes.

17 Q All right. So did you ever make contact with
18 detectives in the Las Vegas Metropolitan Police Department to
19 determine if in fact Troy White was wanted for a shooting?

20 A I did.

21 Q Do you remember the name of the office you spoke
22 with or detective that you spoke with?

23 A Not off hand I don't.

24 Q Okay. But did you confirm that in fact Troy White
25 was wanted for a shooting?

1 A Yes, I did.

2 Q And the shooting of his estranged wife and her
3 boyfriend?

4 A Yes, I did.

5 Q Were you asked to assist in the investigation of
6 that shooting?

7 A Not so much in the investigation, just in offering
8 the search warrant and possibly a physical characteristics
9 petition of Mr. White's person.

10 Q And did you do that?

11 A Yes, I did.

12 Q Did you wait -- did those detectives and other
13 persons from Las Vegas Metropolitan Police Department
14 eventually come to your location in Prescott, Arizona?

15 A Yes, they did.

16 Q Were you present when they arrived?

17 A Yes.

18 Q And did you observe or participate in any way in
19 their investigation of this case?

20 A The only thing I observed was one of their evidence
21 technicians searching Mr. White's person and collecting his
22 clothes and photographs of his person.

23 Q And did you yourself take any property off Mr.
24 White?

25 A I believe I took his car keys and his cell phone.

1 Q Did you turn those over to anyone from the Las Vegas
2 Metropolitan Police Department?

3 A No, I did not.

4 Q Who did you turn it over to?

5 A I turned them over to our Criminal Investigations
6 Lieutenant Tom Boelts.

7 Q At some point the vehicle that you see here in
8 Exhibit 65 was searched by those individuals from Las Vegas
9 Metropolitan Police Department?

10 A Yes.

11 Q Were you present for that search?

12 A No, I was not.

13 Q What about Lieutenant Boelts? Was he present for
14 that?

15 A He was present for that from my understanding.

16 Q Did you book the defendant Mr. White for the crimes
17 that he committed in Las Vegas?

18 A I booked him in for a homicide warrant. Yes, I did.

19 MR. ROGAN: I'll pass the witness, Your Honor.

20 THE COURT: Cross-examination.

21 CROSS-EXAMINATION

22 BY MR. COFFEE:

23 Q You're now retired?

24 A Yes, sir.

25 Q How long did you serve?

1 A Fifteen years.

2 Q Fifteen years. You've investigated numerous cases?

3 A Yes, sir, I have.

4 Q In this case were you in the office when Mr. White

5 came in and said there'd been a shooting in Las Vegas, so that

6 he'd shot someone in Vegas, or were you called to the scene?

7 A I was in the office and he was outside in our

8 sallyport, probably 25 feet from where I was.

9 Q Were you one of the first people he had contact with

10 or did he have contact with other officers first?

11 A I believe I was the third person. I believe he had

12 had contact with Deputies Jaeger and Bray before me, because

13 they were the ones that contacted me.

14 Q Small community, you know each other?

15 A Fairly.

16 Q Know by site anyway. You may not go to each other's

17 house every weekend, but you know who Jaeger is?

18 A Yes.

19 Q And he's the gentleman that just left our courtroom

20 a few moments ago; yes?

21 A Yeah.

22 Q Now, there was some discussion about this word

23 "estranged." Do you remember that --

24 A Yeah.

25 Q -- a moment ago? Okay. And this has been over two

1 years at this point, almost three?

2 A Almost three, yes, sir.

3 Q You did a declaration for a search warrant in this
4 case; yes?

5 A Yes.

6 Q And a declaration for a search warrant is something
7 that you fill out so you can look through people's property?

8 A Correct. It's a statement for the judge.

9 Q Statement for the judge?

10 A Yeah.

11 Q You can't, on your own, just go search things
12 without a search warrant in general, or there might be
13 problems later because we have certain privacy rights; is that
14 fair?

15 A That's fair.

16 Q The Constitution says the government can't come into
17 your house and riffle through your stuff without a search
18 warrant. So you fill out an affidavit for a search warrant?

19 A Correct.

20 Q And in that affidavit for a search warrant you make
21 this one statement; yeah?

22 A Yeah.

23 Q It is important to be fair; yeah?

24 A Yeah.

25 Q It's important to be accurate?

1 A Yeah.

2 Q It's important to be complete?

3 A Yeah.

4 Q You know a judge is going to rely on that for making
5 a decision as to whether or not or a search is appropriate?

6 A Yeah.

7 Q Do you know the courts may rely on it later? You
8 may have to ask questions about it later like today; right?

9 A Yeah.

10 Q Okay. I want to talk to you about the search for a
11 moment if I might. There was a discussion about exactly what
12 White had said. Remember putting in the search warrant Mr.
13 White approached the two detention staff members and told them
14 he was wanted -- he wanted to turn himself in as he had shot
15 someone in Vegas that morning and he was wanted there? Do you
16 remember putting that in the search warrant?

17 A I may have. I have not seen that search warrant,
18 sir, since that day. But if I wrote it, that's what it says.

19 MR. COFFEE: Permission to approach.

20 THE COURT: You may.

21 BY MR. COFFEE:

22 Q And the point being the reason you write it is
23 because memory fails on occasion; right?

24 A Yeah.

25 Q Okay. Now, we can agree at that point he says,

1 "someone." He doesn't mention estranged wife. When talking
2 to the other officers he said, "I shot someone in Vegas." Is
3 that fair?

4 A That's fair.

5 Q Part of what goes into a search warrant is
6 conversation with other officers; right?

7 A Yes, collective knowledge.

8 Q Collective knowledge. And that's important, because
9 you may not have all the facts; is that right?

10 A That's correct.

11 Q You spoke with a Sergeant Scott from Las Vegas
12 Metro; is that right?

13 A I believe I did.

14 Q Okay. And you put in your search warrant that "he,"
15 and that means Sergeant Scott; right?

16 A Yes.

17 Q "He informed me that White had shot and killed --"

18 MR. ROGAN: Objection. Hearsay.

19 THE COURT: Overruled.

20 BY MR. COFFEE:

21 Q "He informed me that White had shot and killed his
22 estranged wife and wounded her significant male other."

23 That's what you wrote in your search warrant; right?

24 A That's correct.

25 Q So might it had been Officer Scott that informed you

1 that it was the estranged wife that was shot?

2 A I don't believe so. I think he may have confirmed
3 it.

4 MR. COFFEE: Permission to approach again.

5 THE COURT: You may.

6 BY MR. COFFEE:

7 Q Your search warrant's several pages?

8 A Yeah.

9 Q If I tell you no place in that search warrant does
10 it say Mr. White said he shot his estranged wife, Mr. White
11 called his wife estranged, ex-wife, nothing like that anyplace
12 in that search warrant, would you disagree with me?

13 A I wouldn't know. I haven't read the search warrant.
14 I have not seen it since that day, as I said.

15 Q Go ahead and read through it.

16 A Okay.

17 Q Having read through it does that refresh your
18 recollection as to whether or not anyplace in the search
19 warrant Mr. White actually called his wife estranged? Does it
20 mention it anyplace in the search warrant?

21 A No, it does not.

22 MR. COFFEE: Permission to approach.

23 THE COURT: Sure.

24 BY MR. COFFEE:

25 Q That's your signature; right?

1 A Yes.

2 Q And this is subscribed and sworn, meaning you swore
3 it was the truth?

4 A Yeah.

5 Q Okay. Very good. Thank you.

6 THE COURT: Redirect.

7 MR. ROGAN: Thank you.

8 REDIRECT EXAMINATION

9 BY MR. ROGAN:

10 Q Mr. Bentley, when you -- you've drafted numerous
11 search warrants in your career; correct?

12 A Many.

13 Q Many. All right. Now, is it your practice or the
14 practice of any other police officer in your jurisdiction to
15 state specifically in quotes what a person told you when you
16 draft a search warrant?

17 A Not typically.

18 Q It's a summary; isn't it?

19 A Correct. It's a report for the judge.

20 Q It's a report of probable cause?

21 A Correct.

22 Q Right?

23 A Yes.

24 Q And you don't have to detail the particular time,
25 location, or specifically what's said by a person in that

1 search warrant; right?

2 A Correct.

3 Q It's a summary?

4 A Correct.

5 Q It's a report?

6 A Correct.

7 Q And you've just reviewed that search warrant;

8 correct?

9 A Briefly and quickly, yes, sir.

10 Q Did you see quotation marks around the part where

11 you mentioned what Mr. White had told you?

12 A Not that I recall.

13 Q And if you had intended to specifically tell the

14 Judge what Mr. White had specifically said, you would have

15 used quotation marks; correct?

16 A Correct.

17 Q All right. Thank you.

18 THE COURT: Any recross?

19 RECROSS-EXAMINATION

20 BY MR. COFFEE:

21 Q Were you an English major?

22 A No.

23 Q Okay. Do you always use correct punctuation?

24 A No, I don't. No.

25 Q Okay. You did put this in your report, and this

1 doesn't relate to what Mr. White told the two other detention
2 officers. This relates to what he told you. Did you say the
3 following, "I walked outside and contacted Mr. White, and I
4 informed him who I was. He told me --" That would indicate
5 he told you something; right?

6 A It indicates that we had a conversation. Yes, sir.

7 Q Okay. "He told me he wanted to turn himself in as
8 he had shot someone." Right? That's not ex-wife, it's not
9 estranged wife, that he had shot someone in Las Vegas that
10 morning. That's what you wrote in your warrant that he had
11 told you directly; correct?

12 A That was what we talked, yes.

13 Q Okay.

14 A That he shot someone.

15 MR. COFFEE: Nothing further.

16 THE COURT: Anything further, Mr. Rogan?

17 MR. ROGAN: I think we're finished with this. Thank
18 you, Your Honor.

19 THE COURT: Thank you, sir. We appreciate your
20 time. Travel safely.

21 THE WITNESS: Thank you, Judge.

22 THE COURT: Have a nice day.

23 Counsel, we're going to take a short recess before
24 we go to your next witness so everybody can have their break
25 for a personal convenience.

1 During this recess you're admonished not to talk or
2 converse among yourselves or with anyone else on any subject
3 connected with this trial, or read, watch, or listen to any
4 report or commentary on the trial or any person connected with
5 this trial by any medium of information, including without
6 limitation, social media, text, newspapers, television or the
7 Internet or radio, or form or express any opinion on any
8 subject connected with the trial until the case is finally
9 submitted to you.

10 We'll see you in about 10 minutes.

11 (Jury recessed at 11:06 a.m.)

12 (Jury is not present)

13 THE COURT: Counsel, a couple issues outside the
14 presence. All three of our witnesses this morning have had
15 issues where they've refreshed their recollection with various
16 reports or declarations. Does anyone feel the need for any
17 portions of those to be redacted and either marked as an
18 exhibit or admitted?

19 MR. ROGAN: Your Honor, can we just get back to you
20 after the break. I need to review that search warrant.

21 THE COURT: That's fine.

22 MR. ROGAN: Okay.

23 THE COURT: And here's my next question. We had an
24 objection related to the tattoos and the issues related to the
25 accuracy of the report with Ms. Gavin, and is there anything

1 else you want to say about the objections other than what we
2 said at the bench or to say anything else?

3 MR. ROGAN: Your bench conferences are recorded;
4 right?

5 THE COURT: You are. But as I said on the first
6 day, it's not a perfect ability to transcribe accurately what
7 happens.

8 MR. ROGAN: Then just briefly for the record, Your
9 Honor, I objected both to relevance and foundation as Dr.
10 Gavin testified that tattoos are utilized in order to identify
11 a body that they can't otherwise identify. In this particular
12 case they didn't need tattoos to identify. So I objected as
13 to relevance. That was overruled because of the reason that
14 Mr. Coffee saw an error in the autopsy where she had written
15 the tattoo stated juicy jelly when it actually read juicy
16 Joey. Again, the State didn't think that that was relevant.

17 Additionally, Mr. Coffee also brought out the tattoo
18 that said, beautiful disaster. The State, again, objected as
19 to what the relevance of that had to the autopsy that was
20 performed by Dr. Gavin. And, again, that was overruled.

21 Court's indulgence.

22 THE COURT: I think you actually objected --

23 MR. ROGAN: And it was also --

24 THE COURT: -- to the relevance to the
25 identification, not to the autopsy.

1 MR. ROGAN: Yes, the relevance of the tattoo to the
2 autopsy.

3 THE COURT: Because that's an important -- okay.
4 Anything else?

5 MR. ROGAN: No, Your Honor.

6 THE COURT: Mr. Coffee, anything else?

7 MR. COFFEE: By the ruling. Thank you, Judge.

8 THE COURT: Okay. And the concern that I had and
9 the reason I allowed the witness to answer the question was
10 because she said, the identification was done by fingerprints.
11 The fingerprints are not an immediately result. So in order
12 for her to complete her work as she normally does she had to
13 document the tattoos. Anything else? All right. See you
14 guys in a few minutes.

15 (Court recessed at 11:09 a.m., until 11:15 a.m.)

16 THE COURT: Did you guys want to say something, or
17 are we waiting for the witness and the jurors?

18 MR. ROGAN: We were just waiting for the jurors, but
19 we had just wanted to say, didn't want to introduce anything
20 based upon the --

21 THE COURT: You don't have to tell me. All I've got
22 to do is make my record that I made the offer. And you guys
23 were either going to do your job or you're not. I'm just
24 doing my part.

25 (Pause in the proceedings)

1 (Jury reconvened at 11:19 a.m.)
2 THE COURT: Counsel stipulate to the presence of the
3 jury?
4 MS. MERCER: Yes, Your Honor.
5 MR. COFFEE: Yes.
6 THE COURT: And, again, if you have questions you
7 want to ask a witness during a testimony, those pads on the
8 front are for you to write those questions on.
9 Counsel, your next witness.
10 MS. MERCER: Wanda Wilson. May I approach your
11 Court, Your Honor.
12 THE COURT: You may.
13 WANDA WILSON, STATE'S WITNESS, SWORN
14 THE CLERK: Please be seated, and please state and
15 spell your name for the record.
16 THE WITNESS: Wanda Joy Wilson, W-I-L-S-O-N.
17 Joy, J-O-Y. Wanda, W-A-N-D-A.
18 THE COURT: Thank you, ma'am. And there's water in
19 that pitcher. There are M&Ms in the dispenser, and if you
20 need some coffee the marshal can get you some.
21 THE WITNESS: Thank you.
22 THE COURT: You may proceed.
23 MS. MERCER: Thank you, Your Honor.
24 //
25 //

1 DIRECT EXAMINATION

2 BY MS. MERCER:

3 Q Good morning, ma'am.

4 A Good morning.

5 Q Where do you currently reside?

6 A 316 Altamira Road --

7 Q Is that here in Clark County?

8 A -- Las Vegas, Nevada 89145.

9 Q Okay. And that's here in Clark County, Nevada;
10 correct?

11 A Yes, it is.

12 Q How long have you lived at that address?

13 A 42 years.

14 Q Are you the original owners of that home?

15 A Yes, we are.

16 Q Are you currently married?

17 A Yes.

18 Q Who is your husband?

19 A Robert A. Wilson.

20 MS. MERCER: Permission to publish, Your Honor.

21 THE COURT: You may.

22 BY MS. MERCER:

23 Q Ma'am, I'm publishing on the overhead State's
24 Exhibit 98. Does this appear to be an aerial image of your
25 neighborhood or more specifically the street that you reside

1 on? And if you need me to me to approach with you so you can
2 see it closer, let me know.

3 THE COURT: And, ma'am, you can see it on this
4 monitor, too. I'm not sure it's as good of quality, but --

5 THE WITNESS: Oh. I'm sorry. Oh. I'm sorry.
6 Okay. Yes.

7 BY MS. MERCER:

8 Q Okay. And you see where it's marked, 325 Altamira
9 right here?

10 A Yes.

11 Q Where would 316 be in relation to that address?

12 A It would be right on the corner of Altamira and
13 Barkentine.

14 Q Can you circle it for me, please. If you'd touch
15 that monitor --

16 THE COURT: Touch the monitor with your finger.

17 BY MS. MERCER:

18 Q Okay. So you're across the street and what, one or
19 two houses down?

20 A About two.

21 Q Okay. I want to direct your attention to July 27th
22 of 2012. On that date were you familiar with the family that
23 resided at that address of 325 Altamira?

24 A No.

25 Q Never had any contact with them at all?

1 A No.

2 Q Sometime shortly -- well, in the morning hours did
3 you go out to run some errands?

4 A I went out once, yes.

5 Q And where did you go?

6 A I went to pick up my grandnephew to bring him back
7 to my house to play with my grandson.

8 Q Were you watching your grandson at the time?

9 A Yes.

10 Q What time did you actually return to your house with
11 you grandnephew?

12 A That's questionable. It was probably around 11:30,
13 probably closer to 11:30.

14 Q Okay. So shortly before noon?

15 A Yes.

16 Q As you were driving up to your house did something
17 unusual happen?

18 A As I was driving up, that as I turned into my
19 driveway and turned the car off and opened my door I could
20 hear crying, a mournful crying and sobbing.

21 Q When you heard that crying and that mournful sobbing
22 that you were describing, did it sound like it was an adult or
23 a child?

24 A I took it as being a child.

25 Q And when you looked up were you able to see where

1 that crying was coming from?

2 A No. I looked to my left and I looked to my right,
3 and I said to the boys, I said, where is that coming from?
4 And we were all looking, and then as I turned back, a little
5 boy ran in front of my car and stopped. And then we got out
6 of the car, and he headed towards my grandson who was on the
7 passenger's side.

8 Q When you heard that crying, that sobbing, were you
9 already pulled into your driveway?

10 A Yes.

11 Q And you said your car was turned off?

12 A Yes.

13 Q So it was as you were getting out of the car that
14 you were able to see where the crying was coming from?

15 A As I opened the door.

16 Q You said that he ran towards which of the children?
17 I'm sorry.

18 A My grandson who was on the passenger's side of the
19 car.

20 Q When he approached the car did you make any contact
21 with him, any verbal contact?

22 A I just got out of the car and I said, what's the
23 matter?

24 Q What did he say to you?

25 A He said, help, please. He said, my dad just shot my

1 mother and her friend.

2 Q At the time that this was taking place was your
3 husband present?

4 A My husband was coming down the street, Altamira,
5 from the south and was pulling into the driveway. And he got
6 out of the truck, and I said to him, we've got to call 911. I
7 said, this boy said his dad just shot his mother and her
8 friend.

9 Q At that point what did the two of you do?

10 A I wanted to get into the house. I was a little
11 leery, so I wanted to get the children into the house. So we
12 went in and my husband proceeded to call 911.

13 Q What were you leery of?

14 A Well, when I hear a gun or anything like that, you
15 never know where they're at and where they have that gun.

16 Q So you were concerned that the boy's father might
17 still be in the vicinity --

18 A Exactly.

19 Q -- and might harm the child or one of you all?

20 A Right.

21 Q Once you go into the house -- did you take the
22 little boy with you?

23 A Oh yes.

24 Q Did you recognize this little boy at all?

25 A No.

1 Q When you saw the little boy was he fully clothed?

2 A No. All he had on was shorts.

3 MS. MERCER: Permission to publish, Your Honor.

4 THE COURT: You may.

5 BY MS. MERCER:

6 Q I'm showing you State's Exhibit 15. Is this the
7 little boy that ran up to you sobbing?

8 A Yes.

9 Q When you went into the home did either you or your
10 husband make a call to 911?

11 A My husband did.

12 Q Were you present when he made that call?

13 A Yes, I was.

14 Q Was this young man present when you made that call?

15 A Yes. We were all standing in the living room.

16 Q Was he still crying?

17 A Yes.

18 Q Did you later learn that this little boy's name was
19 Jodey White?

20 A Yes. I asked his name.

21 Q At some point you got on the phone with the 911
22 operator, as well; correct?

23 A Towards the end I did, yes.

24 Q And that was just to find out whether you should
25 take this child back across the street where you saw police?

1 A I asked them. Yes, if I should take -- and she
2 said, no. And then about the same time as I was asking her
3 the police arrived. So I told her, I said, the police are
4 here now.

5 Q Did this child end up staying at your house --

6 A Yes.

7 Q -- for several hours?

8 A Yes, till 6:30 that night.

9 Q Did some of his siblings also come to your house?

10 A Yes. At one time I had all five of them.

11 MS. MERCER: Permission to publish again, Your
12 Honor.

13 THE COURT: You may.

14 BY MS. MERCER:

15 Q I'm showing State's Exhibit 16. Was this one of the
16 siblings that came to your house?

17 A Yes.

18 Q State's Exhibit 17.

19 A Yes.

20 Q State's Exhibit 18?

21 A Yes.

22 Q State's Exhibit 19?

23 A Yes.

24 Q Did the younger two children leave sooner than the
25 older three?

1 A Yes. I had no provisions, so they had called CPS,
2 and CPS arrived and took the baby girl and the, I believe he
3 was a three-year-old.

4 Q Okay. And looking at State's Exhibit 19, this is a
5 very small child, an infant; correct?

6 A Yes.

7 Q Wearing diapers?

8 A I'd say about seven or eight months.

9 Q Not eating solid food, obviously?

10 A I don't believe so. Although the -- Jodey had said
11 he had fed her some cereal that morning.

12 Q And looking at State's Exhibit 18, this child was
13 still in diapers, as well; correct?

14 A Right.

15 Q You didn't have diapers on hand or --

16 A I didn't. At one time I used to, but not now.

17 Q You said that the older three were at your house
18 till about 6:30 that evening?

19 A Yes.

20 Q While they were there you fed them and tried to
21 entertain them?

22 A Yes, I did.

23 Q You indicated that Jodey, the first one that came
24 over, was sobbing when he arrived at your house?

25 A Yes.

1 Q Did he express any concern to you about his mother's
2 well being?

3 A Yes. Several times he asked if he could go back
4 over and check on her.

5 Q And did he know at that point whether or not she was
6 alive or deceased?

7 A No, he didn't.

8 Q These photographs are actually taken in your home;
9 correct?

10 A Yes.

11 Q We see some of your living room in the background of
12 that picture?

13 A Right.

14 Q Do you remember this little boy saying anything
15 about the reason that his father shot his mother when he was
16 sobbing and crying about it?

17 A Yes. He said that the reason his dad shot his
18 mother and the friend was because the mother was cheating with
19 the friend.

20 Q At some point while these children were still at
21 your house were you present when they were notified that their
22 mother passed?

23 A Yes.

24 Q Which of the children was it that were advised that
25 she'd passed?

1 A The three oldest.

2 Q So Jodey --

3 A Jodey.

4 Q Jayce and Jesse?

5 A Yes.

6 Q When they were advised that their mother passed who

7 advised them that she passed, was it a family member?

8 A Well, the grandfather was there and the grandmother.

9 You know, I don't remember actually --

10 Q Okay.

11 A -- who told them.

12 Q When they were told, what was their reaction?

13 A Sobbing, crying.

14 MS. MERCER: Court's indulgence. I have no further

15 questions, Your Honor.

16 THE COURT: Cross-examination.

17 MR. LOPEZ-NEGRETTE: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. LOPEZ-NEGRETTE:

20 Q Mrs. Wilson?

21 A Yes.

22 Q You've lived at your home for quite a number of

23 years; haven't you?

24 A Yes, we have.

25 Q Before that day you hadn't had contact with your

1 neighbors --

2 A No.

3 Q -- from the son; correct?

4 A No.

5 Q But in the course of that morning you spoke with the

6 children; correct?

7 A Mostly Jodey.

8 Q With Jodey?

9 A Yes.

10 Q And towards the end of the interview with police

11 they asked you if there was anything else that you remember

12 the might help the investigation; correct? Do you remember

13 that?

14 A Yes, I do.

15 Q And at one point you said that you remembered at one

16 point seeing a YESCO truck --

17 A Yes.

18 Q -- parked in front of the neighbor's house?

19 A Well, it wasn't directly, it was a little up from

20 the --

21 Q All right. And that would have --

22 A -- but it was still in front of the house. But I

23 mean it wasn't directly in front.

24 Q And that would happen on the weekends. You'd

25 remember seeing it?

1 A On the weekends, yes.

2 Q Thank you for your time.

3 A You're welcome.

4 THE COURT: Any further direct?

5 MS. MERCER: No, Your Honor.

6 THE COURT: Okay. Thank you, ma'am. We appreciate

7 your time. Have a nice afternoon.

8 THE WITNESS: Thank you. You, too.

9 THE COURT: Next witness.

10 MR. ROGAN: The State calls Robert Wilson.

11 May we approach with regard to scheduling.

12 THE COURT: You can.

13 MR. ROGAN: Thank you.

14 (Bench conference)

15 MR. ROGAN: We have a patrol officer who's also

16 going to testify this morning. He -- I called him a moment

17 ago. He's caught at a scene. He's going to be here in 20 to

18 25 minutes. So I think we'll probably get through this

19 witness, and if he's here we can start, but if he's still on

20 his way in won't be able to start.

21 THE COURT: I think we should finish this witness

22 and then break.

23 MR. ROGAN: Okay. Perfect.

24 MR. COFFEE: Sure.

25 THE COURT: Because it's 25 till.

1 MR. ROGAN: Okay.
2 THE COURT: Okay?
3 MR. ROGAN: Thank you, Your Honor.
4 (End of bench conference)
5 THE COURT: Sir, if you'll remain standing so we can
6 swear you in, please.
7 ROBERT ARTHUR WILSON, STATE'S WITNESS, SWORN
8 THE CLERK: Please be seated, and please state and
9 spell your name for the record.
10 THE WITNESS: Name is Robert Arthur Wilson,
11 W-I-L-S-O-N.
12 THE COURT: And, sir, there's water in the pitcher
13 there, and there are M&Ms in the dispenser if you should need
14 some.
15 THE WITNESS: Thank you.
16 THE COURT: You may proceed.
17 MR. ROGAN: Thank you, Your Honor.
18 DIRECT EXAMINATION
19 BY MR. ROGAN:
20 Q Good morning, sir. How are you?
21 A Good morning.
22 Q That lovely woman that just walked out the door, is
23 that your wife?
24 A Yes, it was.
25 Q And you live together on Altamira Road here in Las

1 Vegas, Clark County?

2 A Yes.

3 Q Showing you State's Exhibit 98. Does that appear to
4 be a depiction of your neighborhood, if you can see? And I'll
5 zoom in.

6 THE COURT: And, sir, you can use this monitor
7 here --

8 THE WITNESS: It appears to be, yes.

9 THE COURT: Sir, if you'd like, you can use this
10 monitor which may be easier to see.

11 THE WITNESS: Yes.

12 BY MR. ROGAN:

13 Q All right. And you can see that Altamira is
14 previously marked on the map there for you; right?

15 A Right.

16 Q Can you circle your house for us.

17 A Right here at the corner of Barkentine and Altamira.

18 Q You can actually -- oh. I see. It's around the
19 corner, so it's the one just above that mark?

20 A On the corner.

21 Q All right. You have a pool it looks like?

22 A Yes.

23 Q Okay. Would you recognize 325 Altamira if I showed
24 it to you?

25 A I'm familiar with it, yes.

1 Q State's Exhibit 26, is that 325 Altamira Road?

2 A Yes. When we moved into the neighborhood in 1973 we
3 had a friend that lived there.

4 Q So you've lived in that neighborhood for over 40
5 years?

6 A Forty-two years next month.

7 Q Did you know the family that lived at 325 Altamira
8 back in July of 2012?

9 A I did not.

10 Q Did you know other neighbors though?

11 A A neighbor across the street and to the north of us
12 at 313.

13 Q Okay. I want to talk to you about some events that
14 took place at 325 Altamira and at your residence on July 27th,
15 2012. Do you have a distinct memory of what took place on
16 that day?

17 A Fairly good memory.

18 Q We heard prior testimony that your wife was out
19 doing errands that morning. What were you doing?

20 A I had gone to a shop in Boca Park, and my wife had
21 gone to pick up our niece's grandson, and she had our grandson
22 with her. And as I was returning from Boca Park I was coming
23 down Aragon going east, and I turned onto our street,
24 Altamira, going north. And right at that moment I saw my wife
25 coming toward me and turn into our driveway. And right after

1 that I saw a young boy wearing nothing but shorts, I estimated
2 around eight or nine years old, came running out of his front
3 yard diagonally across Altamira toward our house.

4 Q Let me stop you right there, sir.

5 A Sure.

6 Q All right. So I'm showing you, again, States
7 Exhibit Number 98. You can see Aragon Street here down at the
8 bottom of the screen; correct?

9 A Yes.

10 Q All right. So you were driving eastward on that,
11 and then you turned left onto Altamira?

12 A Yes, Altamira ends -- I mean Aragon ends at
13 Altamira.

14 Q So you were traveling north?

15 A Yes.

16 Q And you saw your wife and her car traveling
17 southward towards you?

18 A Yes.

19 Q And it's at that point as you were traveling north
20 on Altamira that you saw that young boy run diagonally across
21 the street toward your residence?

22 A Yes.

23 Q Did you see whether he was coming from 325 Altamira?

24 A I didn't pay attention to the address at the time.

25 Q Okay. But you subsequently learned that he was

1 coming from that house?

2 A He came from my right, yes.

3 Q I see. All right. Showing you State's Exhibit
4 Number 15. Is this the young man that you saw on July 27th,
5 2012?

6 A It appears to be.

7 Q You can see --

8 A I don't remember exactly what he looked like from
9 nearly three years ago, but --

10 Q Of course. But you see here there's a young man --

11 A That's how he was dressed.

12 Q Okay. You remember this is how he's dressed?

13 A Yes.

14 Q And this is your house that this photograph was
15 taken? Is that yes?

16 A Yes.

17 Q Okay. Sorry. You have to answer out loud. After
18 you saw him, did you pull into your driveway?

19 A Yes, was just after he arrived at our address and
20 was standing by my wife's car I pulled a right. It was just
21 seconds later.

22 Q Okay.

23 A And she was getting out, and I could tell that
24 Jodey, and I know his name now is Jodey, was very panicked and
25 crying. And I asked the wife, what's wrong? And she replied

1 that he said his father just shot his mother.

2 Q A moment ago when you were describing Jodey as being
3 very panicked you shook your arms. Was Jodey also shaking at
4 the time that you saw him, as you recall?

5 A He was crying and panicky and his arms going sort of
6 like so.

7 Q And you're shaking your arms as you said that?

8 A Yes.

9 Q Okay. So based upon what your wife told you what
10 did you do?

11 A We immediately took all the children inside,
12 including Jodey. She handed me the phone and said, we better
13 call 911.

14 Q And is that what --

15 A And I immediately dialed 911.

16 Q We've previously heard that 911 phone call. Have
17 you heard that 911 call since that day?

18 A Yes.

19 Q And that was your voice in that 911 call?

20 A Yes.

21 Q At some point did you -- were you asked to hand that
22 phone over to Jodey to explain to the 911 operator what
23 happened?

24 A Yes. I was just inside the front door when I made
25 the 911 call. And Jodey was crying so hard I had a hard time

1 hearing what the operator was saying. So I stepped just
2 outside the door and answered the questions that she asked me.

3 Q And after you handed that phone to young Jodey did
4 you have an opportunity to exit your house or somehow look at
5 325 Altamira to see if the police had arrived?

6 A I looked out the front door. I didn't go way
7 outside. I just looked out the front door.

8 Q And what, if anything, did you see occurring at 325
9 Altamira when you looked out the front door?

10 A I didn't see anything going on at 325.

11 Q Okay. Do you remember telling the police that you
12 saw a gray SUV back out of the driveway at 325 Altamira?

13 A I didn't see it back out.

14 Q Okay.

15 A I saw it drive by our door.

16 Q Ah. I see. All right. So you saw that car drive
17 by your door?

18 A Yes.

19 Q Traveling north from 325 Altamira?

20 A From that direction, yes.

21 Q Could you see how many people were in that car?

22 A I could see only one, but I couldn't tell if it was
23 a man or a woman.

24 Q All right. So presumably that's a driver? I'm
25 sorry. Can you answer out loud.

1 A Yes, the driver.

2 Q All right. Did you see whether that car was driving
3 -- at what rate of speed, could you tell?

4 A Well within the speed limits. Was not speeding.

5 Q Okay. Did you relate this information to the police
6 either through that 911 call or afterwards when they came to
7 your house and talked?

8 A Afterwards to the detective.

9 Q At some point other children were dropped off at
10 your house; correct?

11 A Yes. The police brought the other four children to
12 our house and asked if we could -- if they could stay there
13 until family services arrived.

14 Q And the children played in your house using your
15 grandson's toys?

16 A Yes. They were quite upset, of course. But after
17 they settled down they found the toys my grandson had and
18 shared with him, and they were -- they stayed fairly quiet.

19 Q And at some point they were informed that their
20 mother had passed?

21 A That was later on that evening.

22 Q Were you present when that happened?

23 A Yes.

24 Q Was it an emotional event for those children?

25 A It was quite emotional for them. The three were

1 sitting on our couch and their grandfather came, and he told
2 them that their mother had died. Of course there was a lot of
3 sobbing and crying. It was a sad time in their life.

4 MR. ROGAN: Thank you, sir.

5 No further questions for this witness.

6 THE COURT: Cross-examination.

7 CROSS-EXAMINATION

8 BY MR. COFFEE:

9 Q Real brief, Mr. Wilson. You helped out for several
10 hours?

11 A I'm sorry.

12 Q Oh. I'll speak up a little bit. You helped out for
13 several hours with the children?

14 A Yes. Yes, until that evening. I'm guessing
15 probably around -- around 6:00 or so.

16 Q It was the right thing to do?

17 A Oh yes. Yes.

18 Q And you said you'd stepped outside at some point
19 because you couldn't hear the 911 operator very well? The
20 child -- there was a commotion?

21 A It was when Jodey was crying.

22 Q Jodey was crying?

23 A Yes.

24 Q And it was when you were outside on the phone that
25 you saw the truck --

1 A No, no.
2 Q -- go by?
3 A Later.
4 Q Later?
5 A Yeah.
6 Q Okay.
7 A After we had hung up talking with the 911 operator.
8 Q That you saw the truck drive by?
9 A I saw the vehicle drive by.
10 Q Okay.
11 A I'm not -- I don't recall if it was a sedan or an
12 SUV, but it was light in color.
13 Q All right. Did you ever make eye contact with the
14 driver?
15 A No.
16 Q Do you know that -- do you know if Mr. White was
17 driving the vehicle that you saw drive by?
18 A I wouldn't have known, no.
19 Q You just saw a gray vehicle --
20 A I just saw there was a driver in there.
21 Q Okay. Didn't see where it came from?
22 A No.
23 Q Okay.
24 A It was traveling north on Altamira.
25 Q Okay. Thank you very much.

1 THE COURT: Any further direct?

2 MR. ROGAN: Not from the State, Your Honor.

3 THE COURT: Thank you, sir. We appreciate your
4 time. Have a very nice afternoon.

5 THE WITNESS: Thank you.

6 THE COURT: Ladies and gentlemen, we're going to
7 take our lunch recess at this time rather than starting
8 another witness right now.

9 During this recess you're admonished not to talk or
10 converse among yourselves or with anyone else on any subject
11 connected with this trial, or read, watch, or listen to any
12 report of or commentary on the trial or any person connected
13 with this trial by any medium of information, including,
14 without limitations, social media, text, newspapers,
15 television, the Internet and radio or form or express any
16 opinion on any subject connected with the trial until the case
17 is finally submitted to you. We'll see you at 1:15 outside
18 Courtroom 14A.

19 (Jury recessed at 11:43 a.m.)

20 THE COURT: Counsel, anything outside the presence?

21 MS. MERCER: No, Your Honor.

22 MR. LOPEZ-NEGRETE: No.

23 THE COURT: All right. See you at 1:15.

24 (Court recessed at 11:43 a.m., until 1:17 p.m.)

25 (Jury is not present)

1 THE COURT: How am I doing on jurors?
2 THE MARSHAL: They're present.
3 THE COURT: Go get them.
4 THE MARSHAL: Yes, Judge.
5 THE COURT: Is your witness here?
6 MS. MERCER: Yes.
7 MR. ROGAN: Yes.
8 THE COURT: Lovely.
9 (Pause in the proceedings)
10 (Jury reconvened at 1:18 p.m.)
11 THE COURT: Counsel, stipulate to the presence of
12 the jury.
13 MS. MERCER: Yes, Your Honor.
14 MR. COFFEE: Yes, Judge.
15 THE COURT: You may be seated.
16 Your next witness.
17 MR. ROGAN: Your Honor, the State calls Officer
18 Darren Martine.
19 THE COURT: Sir if you'll come forward, and please
20 remain standing when you get to the witness stand.
21 DARREN MARTINE, STATE'S WITNESS, SWORN
22 THE CLERK: Please be seated, and please state and
23 spell your name for the record.
24 THE WITNESS: It's Darren Martine. First name is
25 D-A-R-R-E-N, last name is Martine, M-A-R-T-I-N-E.

1 THE COURT: Thank you, sir. There's water there for
2 you.

3 THE WITNESS: Oh. Thank you.

4 THE COURT: If you need some coffee they can
5 probably get you some. There's M&Ms in the dispenser there.

6 MR. ROGAN: May I proceed, Your Honor.

7 THE COURT: You may.

8 MR. ROGAN: Thank you.

9 DIRECT EXAMINATION

10 BY MR. ROGAN:

11 Q Sir, how are you employed?

12 A I'm employed as a Police Officer II at the LVMPD.

13 Q And how long have you been a police officer with the
14 Las Vegas Metropolitan Police Department?

15 A It's coming up on 21 years.

16 Q Did you go through the academy here in Clark County?

17 A I did.

18 Q And have you been assigned to patrol your entire
19 career?

20 A That's a yes.

21 Q Currently what area commander -- what part of town
22 do you work in?

23 A It's the northwest area command.

24 Q Were you working out of the northwest area command
25 on July 27th, 2012?

1 A I was.

2 Q And is that area command patrol or cover the area of
3 Altamira Road, which is just north of Alta?

4 A That is correct.

5 Q On July 27th, 2012, were you dispatched to 325
6 Altamira Road in reference to a shooting that occurred there?

7 A I was.

8 Q Were there other officers who were also dispatched
9 to that home, as well?

10 A Yes.

11 Q And do you remember who they were?

12 A I remember a couple. It was Officer Matt O'Brian,
13 Officer David Horowitz and Officer Michelle Casper.

14 Q Were you one of the first officers to arrive on the
15 scene?

16 A I think I was number three or four.

17 Q Do you recall -- showing you Exhibit 27, do you
18 recall this being the residence located at 325 Altamira?

19 A Yes.

20 Q And at the time you arrived, clearly that crime
21 scene tape was not present. That's something that was put up
22 by you or other patrol officers later on; right?

23 A That is correct.

24 Q What's the first thing that you did when you arrived
25 at 325 Altamira?

1 A I came south in front of the house where those two
2 windows are, I can't really point, and then I approached up
3 the driveway to go to the front door. There was some kids out
4 in the driveway that I saw immediately. I think there was a
5 uniformed officer, too, out in the driveway. As I approached
6 I could see -- got up to the front door, the front door was
7 open. You could see more kids inside now of the residence.
8 So there's kids out in the driveway, there's kids inside the
9 residence. The kids looked extremely excited. I think some
10 were crying. I believe at that time I had directed Officer
11 Michelle Casper gather up all the kids and take the kids to a
12 neighbor's residence.

13 Q Now, sir, at this time the only information that you
14 know about what occurred at 325 Altamira is through your radio
15 communications; correct?

16 A That is true.

17 Q And what is the information that you had at the time
18 that you came upon 325 Altamira?

19 A Initially it was a young boy had gone to a
20 neighbor's house and told the neighbor that his father had
21 shot his mother. So a neighbor had called our communications,
22 and it goes from the call taker to the dispatcher to us. So
23 it was the call taker, the dispatcher, then to us, and then we
24 were dispatched.

25 Q So at the time that you arrive in the house did you

1 have any idea whether the potential shooter was still present?

2 A Yeah. Because the information, as it comes in, it's
3 not given to you all at one shot. It usually comes in pieces,
4 and usually the pieces are behind the curve. So the
5 information was being updated as officers are still going
6 there. And the updated information was, there was two
7 victims, possibly one of the victims is a friend. The
8 dispatcher was able to pull I believe prior events -- prior
9 event --

10 Q Okay. Stop right there. Let me just ask you this.
11 At the time did you know whether the shooter was still at that
12 house?

13 A Trying to remember going further, continuing on --
14 to address that question --

15 Q Well, let me ask you a different question. You're a
16 police officer, you come upon a house that apparently a
17 shooting had just taken place, for officer safety what is it
18 that you do when you first get there?

19 A Okay. I see where you're going with this. The
20 information, all we knew is that two people had been shot.
21 Didn't know if the person who did the shooting was still at
22 the scene. So I probably -- he was still there. There was no
23 information that he had left. Does that answer it?

24 Q All right. So did you enter the house and do what's
25 called clearing the house?