

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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2 No. 82740

3  
4 **JORGE MENDOZA,**

5  
6 Appellant,

7  
8 vs.

9 **THE STATE OF NEVADA,**

10 Respondent.

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11  
12 **Appeal from the Postconviction Denial of Relief for Writ of Habeas**  
13 **Corpus - Eighth Judicial District Court, Clark County**  
14 **The Honorable Judge Bita Yeager 8<sup>th</sup> Judicial District Court Judge**  
15 **Department 1, Presiding, Findings of Fact, Conclusions of Law and**  
16 **Order Issued April 2, 2021, District Court Case No. A-19-804157-W**

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17  
18 **APPELLANT'S APPENDIX VOLUME XIV**

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Dated July 25, 2021  
BY /s/ DIANE C. LOWE  
 DIANE C. LOWE, ESQ  
 Nevada Bar #14573

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See Updates (<https://www.nvbar.org/covid-19-update/>)

## **STATE BAR OF NEVADA**

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## **Wolfbrandt, William L.**

**Bar # :** 460

**Member since:** 9/27/1982

**Status:** ATTORNEY Disbarred

**Law school :** Pepperdine U.

### **Disciplinary Actions:**

1. **Type:** Suspension

**Effective Date:** 03/25/05

**Case Number:** 43893

[ [View Document](https://www.nvbar.org/wp-content/uploads/Wolfbrandt_SS20050325_6ece01f499718eeca06c567124f2f482.pdf) ] ([https://www.nvbar.org/wp-content/uploads/Wolfbrandt\\_SS20050325\\_6ece01f499718eeca06c567124f2f482.pdf](https://www.nvbar.org/wp-content/uploads/Wolfbrandt_SS20050325_6ece01f499718eeca06c567124f2f482.pdf)).

2. **Type:** Public Reprimand

**Effective Date:** 10/05/05

**Case Number:** 04-103-0398

[ [View Document](https://www.nvbar.org/wp-content/uploads/Wolfbrandt_PU20051005_204ce150fc75acc6b770d9804e52076c.pdf) ] ([https://www.nvbar.org/wp-content/uploads/Wolfbrandt\\_PU20051005\\_204ce150fc75acc6b770d9804e52076c.pdf](https://www.nvbar.org/wp-content/uploads/Wolfbrandt_PU20051005_204ce150fc75acc6b770d9804e52076c.pdf)).

3. **Type:** Order of Suspension

**Effective Date:** 07/25/17

**Case No.:** 72316

[ [View Document](https://www.nvbar.org/wp-content/uploads/Pages-from-07-27-2017-Ntc-to-Crts-Wolfbrandt.pdf) ] (<https://www.nvbar.org/wp-content/uploads/Pages-from-07-27-2017-Ntc-to-Crts-Wolfbrandt.pdf>).

4. **Type:** Order of Disbarment

**Effective Date:** 3/9/18

**Case No.:** 75138

[ [View Document](https://www.nvbar.org/wp-content/uploads/Pages-from-03-12-18-Ntc-to-Crts-re-Morishita-74280.pdf) ] (<https://www.nvbar.org/wp-content/uploads/Pages-from-03-12-18-Ntc-to-Crts-re-Morishita-74280.pdf>).

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1 (702) 382-2200 (tel: +17023822200)



IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
WILLIAM L. WOLFBRANDT, BAR NO.  
460.

No. 72316

**FILED**

JUL 25 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
CHIEF DEPUTY CLERK

*ORDER OF SUSPENSION*

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney William L. Wolfbrandt receive a public reprimand for violations of RPC 1.3 (diligence), RPC 1.4 (communication), RPC 1.8 (conflict of interest: current clients: specific rules), RPC 1.15 (safekeeping property), RPC 8.1 (bar admission and disciplinary matters), and RPC 8.4 (misconduct). The panel also recommended that Wolfbrandt (1) be mentored for five years and submit monthly trust accountings to the State Bar; (2) complete six additional CLE credits in ethics and trust account management each year; (3) pay the costs of the disciplinary proceedings, plus \$1,500; (4) write letters of apology to two clients; (5) reimburse one client the attorney fees she paid to her bankruptcy attorney; (6) pay the State Bar \$2,500 monthly to cover restitution owed to his clients; (7) attend Alcoholics Anonymous or another such program approved by the State Bar for one year; and (8) not be subject to discipline in the next five years. The panel recommended that if Wolfbrandt does not comply with the above-listed conditions, Wolfbrandt should be ordered to surrender his license and be disbarred.

Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(b).

The State Bar has the burden of showing by clear and convincing evidence that Wolfbrandt committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). Wolfbrandt admitted to committing the violations. Thus, the record establishes that Wolfbrandt violated the above-referenced rules by misappropriating \$61,468.48 from seven different clients. Two of those clients filed the underlying bar complaint after Wolfbrandt accepted personal injury settlement funds on their behalf, failed to pay those funds to his clients' lienholders, failed to pay any funds to one of the clients, and then failed to adequately communicate with his clients about the status of their settlement funds. Wolfbrandt's failure to pay one of the client's lienholders caused her to file bankruptcy and incur an additional \$1,100 in attorney fees paid to her bankruptcy lawyer. After these two clients filed their bar complaint, Wolfbrandt failed to respond to the State Bar's letters of investigation.

Turning to the appropriate discipline, we review the hearing panel's recommendation de novo. SCR 105(3)(b). In determining the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008). We must ensure that the discipline is sufficient to protect the public, the courts, and the legal profession. See *State Bar of Nev. v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988) (noting purpose of attorney discipline).

Wolfbrandt violated duties owed to his clients (diligence, communication, conflict of interest, and safekeeping property) and the profession (failing to respond to lawful requests for information by a disciplinary authority). Wolfbrandt's conduct was knowing or intentional and harmed his clients because they or their lienholders did not receive the funds they were owed. Specifically, Wolfbrandt's conduct seriously harmed one of his clients because his failure to pay her lienholders forced her to file bankruptcy. The panel found six aggravating circumstances: (1) prior disciplinary offenses, (2) dishonest or selfish motive, (3) a pattern of misconduct, (4) multiple offenses, (5) substantial experience in the practice of law, and (6) indifference to making restitution. And while the panel found one mitigating circumstance (imposition of other penalties or sanctions), it is unclear from the record before this court that Wolfbrandt has been subject to any other penalties or sanctions. Thus, there does not appear to be any mitigating circumstances here.

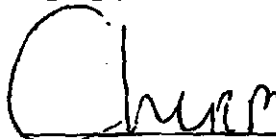
Considering all these factors, we conclude that the public reprimand recommended by the hearing panel is not sufficient to serve the purpose of attorney discipline in this case. *See Claiborne*, 104 Nev. at 213, 756 P.2d at 527-28. For Wolfbrandt's misconduct, disbarment is the generally recommended discipline. *See Standards for Imposing Lawyer Sanctions, Compendium of Professional Responsibility Rules and Standards*, Standard 4.11 (Am. Bar Ass'n 2015) ("Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client."). Additionally, while the panel recommended a public reprimand subject to conditions, we note that after the reprimand is issued, there would be no enforcement method for imposing a disbarment if Wolfbrandt does not comply with the

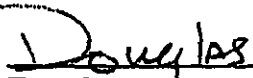
recommended conditions. We conclude, however, that a five-year suspension, with the last four years and six months stayed subject to the conditions recommended by the panel, is sufficient to serve the purpose of attorney discipline. The recommended conditions serve to protect the public, the courts, and the legal profession, especially considering that Wolfbrandt will be required to submit monthly trust accountings to the State Bar during his stayed suspension. Additionally, we note that a short suspension in this matter is more appropriate than disbarment because it allows Wolfbrandt to continue to pay restitution, which the panel found he is willing to do.

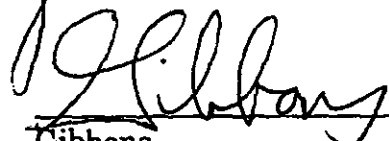
Accordingly, we hereby suspend attorney William L. Wolfbrandt from the practice of law in Nevada for a period of five years. The last four years and six months of that suspension is stayed subject to the following conditions: (1) during the stayed portion of Wolfbrandt's suspension, he shall be mentored by a mentor approved by the State Bar, which will include monthly trust accountings submitted to the State Bar by Wolfbrandt and quarterly reports submitted to the State Bar by the mentor; (2) also during the stayed portion of his suspension, he shall complete six CLE credits in ethics and trust account management per year in addition to the annually-mandated CLE hours; (3) he shall pay the costs of the disciplinary proceedings, plus \$2,500 pursuant to SCR 120, within 90 days from the date of this order; (4) he shall write letters of apology to Bobby Aleman and Tessa Kiser, indicating that he will pay them restitution; (5) he shall reimburse Tessa Kiser the \$1,100 she paid to her bankruptcy attorney within 120 days from the date of this order; (6) he shall pay the State Bar \$2,500 monthly to cover restitution owed to his clients starting within 60 days of the date of this order and until all his

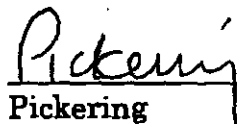
debts are satisfied; (7) he shall attend Alcoholics Anonymous or another such program dealing with gambling and/or alcohol abuse approved by the State Bar for one year; and (8) he shall not be subject to any new discipline in the next five years. The parties shall comply with SCR 115 and SCR 121.1.


It is so ORDERED.


  
Cherry, C.J.

  
Douglas, J.

  
Gibbons, J.

  
Pickering, J.

  
Hardesty, J.

  
Parraguirre, J.

  
Stiglich, J.

cc: Chair, Southern Nevada Disciplinary Panel  
William L. Wolfbrandt, Jr.  
C. Stanley Hunterton, Bar Counsel, State Bar of Nevada  
Kimberly K. Farmer, Executive Director, State Bar of Nevada  
Perry Thompson, Admissions Office, U.S. Supreme Court

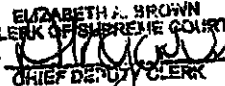
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF DISCIPLINE OF  
ROBERT R. MORISHITA, BAR NO.  
6752.

No. 74280

**FILED**

MAR 09 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

**ORDER OF DISBARMENT**

This is an automatic review of a Southern Nevada Disciplinary Board hearing panel's recommendation that attorney Robert R. Morishita be disbarred based on violations of RPC 1.1 (competence); RPC 1.3 (diligence); RPC 1.4 (communication); RPC 1.5 (fees); RPC 1.15 (safekeeping property); RPC 1.16 (termination of representation); and RPC 8.4(b), (c), and (d) (misconduct). Because no briefs have been filed, this matter stands submitted for decision based on the record. SCR 105(3)(b).

The State Bar has the burden of showing by clear and convincing evidence that Morishita committed the violations charged. *In re Discipline of Drakulich*, 111 Nev. 1556, 1566, 908 P.2d 709, 715 (1995). Here, however, the facts and charges alleged in the complaint are deemed admitted because Morishita failed to answer the complaint and a default was entered.<sup>1</sup> SCR 105(2). The record therefore establishes that Morishita

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<sup>1</sup>The State Bar attempted to serve Morishita with the complaint and other notices as required by SCR 105(2) by certified mail at his SCR 79 address. SCR 109. All mail sent to the SCR 79 address was returned as undeliverable. The State Bar also attempted to contact Morishita by phone, email, and through social media with no success. Other efforts to locate Morishita also failed.

violated the above-referenced rules by failing to diligently pursue actions on behalf of his clients, by knowingly obtaining money from his clients under false pretenses, by abandoning his law practice without properly terminating the representation of his clients, by failing to appropriately handle client files, and by failing to cooperate with the bar investigation and proceeding. Specifically, Morishita intentionally deceived a set of clients by falsifying a government document and leading the clients to the mistaken belief that their legal matter was still ongoing, and also failed to properly handle numerous client files by abandoning them in a storage unit.

As for the appropriate discipline for these violations, this court reviews a hearing panel's recommendation de novo, although the panel's recommendation is persuasive. SCR 105(3)(b); *In re Discipline of Schaefer*, 117 Nev. 496, 515, 25 P.3d 191, 204 (2001). To determine the appropriate discipline, we weigh four factors: "the duty violated, the lawyer's mental state, the potential or actual injury caused by the lawyer's misconduct, and the existence of aggravating or mitigating factors." *In re Discipline of Lerner*, 124 Nev. 1232, 1246, 197 P.3d 1067, 1077 (2008).

Morishita violated duties owed to his clients (competence, diligence, communication, safekeeping property, and terminating representation) and the profession (fees and misconduct). The conduct alleged in the complaint was done knowingly and intentionally. Morishita's clients suffered actual injury because they paid Morishita for work that was never completed, they had to pay additional money to correct issues caused by Morishita's lack of diligence, and the delays hindered their ability to profit from a business venture for nearly five years. Additionally, other clients were injured because Morishita abandoned his law practice without properly terminating their representation or returning their files.

Morishita's failure to cooperate with the State Bar's investigation also harmed the integrity of the profession, which depends on a self-regulating disciplinary system.

The baseline sanction before considering the presence of any aggravating or mitigating circumstances is disbarment. Standards for Imposing Lawyer Sanctions, *Compendium of Professional Rules and Standards*, Standard 4.11 (Am. Bar Ass'n 2017) ("Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client."); Standard 4.41 (indicating that disbarment is generally appropriate when "a lawyer abandons the practice and causes serious or potentially serious injury to a client" or "knowingly fails to perform services for a client and causes serious or potentially serious injury to a client" or "engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client"); Standard 5.11(a), (b) (providing that disbarment is appropriate when a lawyer engages in "serious criminal conduct . . . which includes intentional interference with the administration of justice" or "engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice").

The hearing panel found one mitigating circumstance; that Morishita had no prior disciplinary record. SCR 105(2). We agree with the hearing panel that this mitigating circumstance does not warrant a lesser discipline when considering the numerous aggravating circumstances found by the panel that are supported by the record (dishonest or selfish motive, obstruction of the disciplinary proceeding by intentionally failing to comply with rules or order, refusal to acknowledge the wrongful nature of conduct,



indifference to making restitution, and illegal conduct). Morishita's conduct of failing to diligently pursue his clients' matters, intentionally deceiving clients in order to misappropriate funds, and abandoning his law practice without properly terminating his clients' representation along with his indifference to the disciplinary proceedings indicate that disbarment is necessary in order to protect the public, the courts, and the legal profession. *See State Bar of Nev v. Claiborne*, 104 Nev. 115, 213, 756 P.2d 464, 527-28 (1988).

Accordingly, we disbar attorney Robert R. Morishita from the practice of law in Nevada. Such disbarment is irrevocable. SCR 102(1). Morishita shall pay the costs of the disciplinary proceedings, including \$3,000 under SCR 120, and pay \$4,100 in restitution as recommended in the hearing panel's findings of fact, conclusions of law, and recommendation, within 30 days of the date of this order. The parties shall comply with SCR 115 and SCR 121.1.

It is so ORDERED.

Douglas, C.J.  
Douglas

Cherry, J.  
Cherry

Gibbons, J.  
Gibbons

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

Parraguirre, J.  
Parraguirre

Stiglich, J.  
Stiglich

cc: Chair, Southern Nevada Disciplinary Panel  
Robert R. Morishita  
C. Stanley Hunterton, Bar Counsel, State Bar of Nevada  
Kimberly K. Farmer, Executive Director, State Bar of Nevada  
Perry Thompson, Admissions Office, U.S. Supreme Court



EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

  
CLERK OF THE COURT

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
vs. ) GJ No. 14BGJ019ABCD  
 ) DC No. C303991  
JORGE MENDOZA, ROBERT FIGUEROA, )  
SUMMER LARSEN, aka Summer Rice, )  
DAVID MURPHY, aka David Mark )  
Murphy, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Taken at Las Vegas, Nevada  
Thursday, January 8, 2015  
1:28 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 1

Reported by: Danette L. Antonacci, C.C.R. No. 222

1 GRAND JURORS PRESENT ON JANUARY 8, 2015

2

3 EDMOND JAMES, Foreperson

4 EDWARD RITCHIE, Deputy Foreperson

5 CELIA ELLIS, Secretary

6 BARBARA BROWN, Assistant Secretary

7 JAMIESON CARPENTER

8 KIM CHEEVER

9 WENDY CHISHOLM

10 JAMES ELLIOTT

11 JOYCE HAAS

12 BRIGITTE HULL

13 MICHAEL IVY

14 BARBARA LEWIS

15 STEVE MITCHELL

16 FELICIA NEWMAN

17 RAYMOND RAND

18 DIANA SHIDAKER

19

20

21 Also present at the request of the Grand Jury:

22 Pamela Weckerly, Chief Deputy District Attorney

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INDEX OF WITNESSES

Examined

ASHLEY HALL

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STEVEN LARSEN

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INDEX OF EXHIBITS

Grand Jury Exhibits

Identified

1 - PROPOSED INDICTMENT

5

1 LAS VEGAS, NEVADA, JANUARY 8, 2015

2 \* \* \* \* \*

3 DANETTE L. ANTONACCI,

4 having been first duly sworn to faithfully  
5 and accurately transcribe the following  
6 proceedings to the best of her ability.  
7

8 MS. WECKERLY: Good afternoon. My name is  
9 Pam Weckerly. I'm a chief deputy district attorney and  
10 I've been assigned to present to you today the State of  
11 Nevada versus Jorge Mendoza, Robert Figueroa, Summer  
12 Larsen and David Murphy.

13 I believe you all have a copy of the  
14 proposed Indictment which will be Grand Jury Exhibit 1  
15 and this is Case Number 14BGJ019A-D. When you look at  
16 the proposed Indictment you'll see that the alleged  
17 charges are conspiracy to commit robbery, burglary while  
18 in possession of a deadly weapon, home invasion while in  
19 possession of a deadly weapon, attempt robbery with use  
20 of a deadly weapon, murder with use of a deadly weapon,  
21 and attempt murder with use of a deadly weapon. I am  
22 sure this Grand Jury has already been instructed on the  
23 elements of these offenses. If you will just allow me a  
24 little patience I'd like to read some instructions into  
25 the record and if you have any questions about the

1 elements of the offenses I'll answer them after that.

2           Part of the charges in this case allege a  
3 conspiracy. A conspiracy is an agreement or mutual  
4 understanding between two or more persons to commit a  
5 crime. To be liable for conspiracy, a defendant must  
6 intend to commit, or aid in the commission of, the  
7 specific crime agreed to. The crime is the agreement to  
8 do something unlawful and it does not matter whether the  
9 conspiracy was successful or not.

10           Each member of a conspiracy is liable for  
11 each act and bound by each declaration of every other  
12 member of the conspiracy if the act or declaration was  
13 done in the furtherance of the conspiracy. The act of  
14 one conspirator pursuant to or in the furtherance of a  
15 common design of the conspiracy is the act of all  
16 conspirators. Every conspirator is legally responsible  
17 for the specific intent crime of a co-conspirator as  
18 long as the specific intent crime was intended by the  
19 defendant. A co-conspirator is also responsible for the  
20 general intent crime that follows as a probable and  
21 natural consequence of the object of the conspiracy.

22           Every person who commits the crime of  
23 burglary, who has in his or her possession, or gains  
24 possession of a firearm or deadly weapon at any time  
25 during the commission of the crime, or any time before



1 leaving the structure, or upon leaving the structure, is  
2 liable for burglary while in possession of a deadly  
3 weapon.

4 Every person who, by day or night, enters a  
5 residence with the intent to commit a crime is liable  
6 for burglary.

7 Home invasion is forcibly entering an  
8 inhabited dwelling.

9 Robbery is the unlawful taking of personal  
10 property from the person of another, or in his presence,  
11 against his will, by means of force or violence or fear  
12 of injury, immediate or future, to his person or  
13 property.

14 Murder is the unlawful killing of a human  
15 being with malice aforethought, either express or  
16 implied. The unlawful killing may be effected by any of  
17 the various means by which death may be occasioned.

18 Malice aforethought in the definition of  
19 murder means the intentional doing of a wrongful act  
20 without legal cause or excuse or what the law considers  
21 adequate provocation.

22 Murder in the first degree has three  
23 elements. Willfulness is one of the elements and  
24 willfulness is simply the intent to kill. Deliberation  
25 is another element and that is, deliberation is the

1 process of determining upon a course of action to kill  
2 as a result of thought, including weighing the reasons  
3 for or against the action and considering the  
4 consequences of the action.

5 Premeditation is the third element of first  
6 degree murder and that is simply a design or a  
7 determination to kill distinctly formed in the mind at  
8 the time of the killing.

9 There is another class of murder, first  
10 degree murder, called Felony Murder and that concerns a  
11 killing which occurs during the perpetration or  
12 attempted perpetration of a robbery, burglary or home  
13 invasion. A killing which occurs during the  
14 perpetration or attempted perpetration of one of these  
15 crimes is deemed to be murder in the first degree  
16 whether the killing was intentional, unintentional or  
17 accidental.

18 A person aids or abets in the commission of  
19 a crime, whether present or absent, when the person  
20 counsels, encourages, hires, commands, induces or  
21 otherwise procures another individual to commit a felony  
22 or other crime with the intent to get the crime  
23 accomplished. That person is proceeded against as a  
24 principal.

25 If one or more person commits a crime and

1 one of them uses a deadly weapon in the commission of  
2 the crime, each may be convicted or liable for using a  
3 deadly weapon even though he did not personally possess  
4 the weapon. An unarmed offender uses the deadly weapon  
5 when the offender is liable for the offense, another  
6 person liable for the offense is armed and uses the  
7 deadly weapon in the commission of the offense and the  
8 unarmed offender has knowledge of use of the deadly  
9 weapon.

10 Attempt murder is the performance of an act  
11 or acts which tend but fail to kill a human being when  
12 such acts are done with express malice, namely with the  
13 deliberate intention to unlawfully kill.

14 Do any members of the Grand Jury have any  
15 questions regarding the elements of the crime or  
16 theories of liability?

17 Seeing no hands, I will get the first  
18 witness.

19 THE FOREPERSON: Ma'am, please raise your  
20 right hand.

21 You do solemnly swear the testimony you are  
22 about to give upon the investigation now pending before  
23 this Grand Jury shall be the truth, the whole truth, and  
24 nothing but the truth, so help you God?

25 THE WITNESS: Yes, sir.

1 THE FOREPERSON: Please be seated.

2 You are advised that you are here today to  
3 give testimony in the investigation pertaining to the  
4 offenses of conspiracy to commit robbery, burglary while  
5 in possession of a deadly weapon, home invasion while in  
6 possession of a deadly weapon, attempt robbery with use  
7 of a deadly weapon, murder with use of a deadly weapon,  
8 and attempt murder with use of a deadly weapon,  
9 involving Jorge Mendoza, Robert Figueroa, Summer Larsen  
10 and David Murphy.

11 Do you understand this advisement?

12 THE WITNESS: Yes.

13 THE FOREPERSON: Please state your first  
14 and last name and spell both for the record.

15 THE WITNESS: Ashley Hall. A-S-H-L-E-Y,  
16 H-A-L-L.

17 THE FOREPERSON: Thank you, ma'am.

18 ASHLEY HALL,  
19 having been first duly sworn by the Foreperson of the  
20 Grand Jury to testify to the truth, the whole truth,  
21 and nothing but the truth, testified as follows:

22 EXAMINATION

23 BY MS. WECKERLY:

24 Q. May I call you Ashley?

25 A. Yes.

1           Q.     And I'm just going to ask you to keep your  
2 voice up a little bit. You have a little bit of a soft  
3 voice and there's a lot of us in the room. So just try  
4 to project a little. Okay?

5           A.     Okay.

6           Q.     Ashley, do you know someone by the name of  
7 Joseph or Joey Larsen?

8           A.     Yes.

9           Q.     How long have you known Joey Larsen?

10          A.     Twenty plus years.

11          Q.     And how is it that you met Mr. Larsen?

12          A.     We all grew up in the same neighborhood.  
13 He lives directly across from where my mother still  
14 lives and I grew up as a child.

15          Q.     How about Summer Larsen, do you know her?

16          A.     Yes. We grew up together as well in the  
17 same neighborhood, all went to school together.

18          Q.     And do you know someone named Tracy?

19          A.     Yes.

20          Q.     Is she from the neighborhood as well?

21          A.     She is.

22          Q.     Do you know Tracy's last name?

23          A.     Rowe.

24          Q.     And Summer and Joseph Larsen, what is their  
25 relationship to your knowledge?

1           A.     They're married.

2           Q.     And how long have they been together or  
3     been married?

4           A.     I don't know exactly how long they've been  
5     married but I know they've been together at least ten  
6     years.

7           Q.     In I guess September of 2014, do you know  
8     what the status was of their relationship?

9           A.     It was going downhill.

10          Q.     Were they --

11          A.     They were --

12          Q.     -- living together?

13          A.     Yes, but Summer was in the process of  
14     leaving.

15          Q.     So they were maybe having marital problems  
16     or --

17          A.     Yes.

18          Q.     -- splitting up around that time?

19          A.     Yes.

20          Q.     Do you know where Joseph Larsen was living  
21     as of September 2014?

22          A.     I did not then. I knew that they did have  
23     a home but I didn't know the exact location of it. I do  
24     know now.

25          Q.     Okay. We'll get to that.

1                   At the time, like on September 21st or  
2 20th, you didn't know where he lived?

3           A.     I knew the area, I didn't know the exact  
4 home.

5           Q.     Did you know where his wife Summer was  
6 living at that time?

7           A.     Yes.

8           Q.     And where was she living?

9           A.     If she wasn't there she stayed with me a  
10 couple days and then she was staying with another one of  
11 our friends.

12          Q.     Now you said you since after this incident  
13 that you're here to testify about, you since learned the  
14 address.

15          A.     Yes.

16          Q.     Can you tell us how far your place was or  
17 is from the address that you later learned belonged to  
18 Joey?

19          A.     It's a good distance. I'm, I can tell you  
20 my location and then their location if that helps.

21          Q.     Yeah.

22          A.     I'm on Durango and 95 north and then they  
23 were on Charleston and Hualapai. So they're in the  
24 middle of Summerlin. I'm out way northwest, Centennial  
25 Hills.

1           Q.     And you said that during that time period  
2 in September of 2014, Summer Larsen would sometimes stay  
3 with you?

4           A.     She did stay a few nights at my house, yes.

5           Q.     I take it that you were friends?

6           A.     Yes.

7           Q.     And you had known --

8           A.     We used to be best friends.

9           Q.     And you had known her since you were a kid?

10          A.     Since six years old.

11          Q.     Now during the time period of  
12 September 2014, did she ever discuss with you any  
13 personal issues or problems that she was having with  
14 Joseph or Joey Larsen?

15          A.     She would talk about, you know, their  
16 little arguments, so on and so forth, but nothing  
17 extreme, just bickering.

18          Q.     Normal kind of couple disputes?

19          A.     Just arguing, jealousy problems, those  
20 sorts of things.

21          Q.     Now did there come a time -- well actually  
22 during that time period, did Summer have a car?

23          A.     Yes.

24          Q.     And did there come an occasion when she  
25 needed a ride from you?



1           A.     Yes. That was later. That wasn't in  
2 September. That was -- oh geez, when was that?  
3 Probably late October.

4           Q.     Late October?

5           A.     Yes.

6           Q.     Explain how it was that she came to need a  
7 ride from you just basically.

8           A.     Well, she had let somebody borrow her car  
9 and they failed to return it back to her so she had  
10 asked me to pick her up and take her to go to a few  
11 places and look for her vehicle.

12          Q.     Now when she asked you to go look for her  
13 vehicle, is that before or after the incident that  
14 you're her to testify about?

15          A.     That was before.

16          Q.     Okay. And if I tell you that that was in  
17 September, on September 21st, do you have any idea how  
18 far before?

19          A.     It could have been. I do not know.

20          Q.     There's a point where she asks you though  
21 for a ride to go look for her car?

22          A.     Yes.

23          Q.     Where do you pick her up at?

24          A.     At a corner store, a Rebel.

25          Q.     Can you give us just generally where that

1 was?

2 A. Lake Mead and Tenaya.

3 Q. I'm sorry?

4 A. Lake Mead and Tenaya. No. Lake Mead and  
5 Tenaya or Torrey Pines. Hold on. Jones --

6 Q. East or west?

7 A. Well, there's Jones and then -- is that  
8 Torrey Pines? Yeah, it's Torrey Pines. That's where it  
9 is, Lake Mead and Torrey Pines.

10 Q. So you drive there?

11 A. Uh-huh.

12 Q. What time of day was it that you went to go  
13 pick her up?

14 A. 5:00-ish maybe. I would say it was later  
15 in the day cause I didn't get off work till 3:30 so it  
16 was probably 4:00, between 4:00 and 6:00.

17 Q. Okay. Obviously in the evening?

18 A. Yes.

19 Q. And somewhere in the area of Torrey Pines  
20 and Lake Mead I think you said?

21 A. Yes, Lake Mead and Torrey Pines at the  
22 Rebel.

23 Q. This is obviously in Clark County?

24 A. Uh-huh.

25 Q. Is that yes?

1           A.     Yes.  Sorry.

2           Q.     That's okay.

3                   When you go and pick her up, I assume  
4 you're driving your vehicle?

5           A.     I am.

6           Q.     And are you alone in your car before you  
7 pick her up?

8           A.     I am.

9           Q.     When you go to pick her up, is it just her  
10 or was there someone else with her?

11          A.     No, she had two other people with her.

12          Q.     So explain to us.  Where is it that you  
13 actually pick her up?  Just a gas station?

14          A.     Literally right at the gas station.  I  
15 pulled up, they were standing outside and they got in  
16 the car.

17          Q.     And one of the people you obviously know is  
18 Summer, your friend?

19          A.     Uh-huh.  Yes.  And then she asked me if I  
20 could give her two male friends a ride as well.  I did  
21 not know either one of them.

22          Q.     You got to my next question.  You didn't  
23 know them.  Do you remember at all what either one of  
24 them looked like?

25          A.     One was a black male and the other one was

1 a white male.

2 Q. Any idea how old, let's start with the  
3 first one, the black male. Any idea how old this person  
4 was?

5 A. Probably mid thirties.

6 Q. Tall, short?

7 A. He was tall. Probably 6'2", 6'3" maybe.

8 Q. Anything else distinguishing about him?

9 A. No. He was pretty quiet. Just, he didn't  
10 say much. They kept to themselves. He didn't say hi  
11 to me or anything.

12 Q. Did you learn his name at all?

13 A. No.

14 Q. And you said there was a white male?

15 A. Yes.

16 Q. How old did he look?

17 A. Probably about the same age, in his  
18 thirties, mid thirties probably. He was shorter. Lots  
19 of tattoos.

20 Q. Okay. So that was sort of, when you say  
21 lots of tattoos are we talking --

22 A. He had, yeah, sleeves on his arms. They  
23 were completely covered, both arms.

24 Q. So that was sort of a distinguishing  
25 feature about him?

1 A. Uh-huh. Yes.

2 Q. Okay. So all three of them get in the car?

3 A. Yes.

4 Q. Does Summer sit in the front passenger?

5 A. Yes.

6 Q. And then the two youngish men in the back?

7 A. Yes.

8 Q. And where do you go?

9 A. We went to the neighborhood, the trailer  
10 park on Alexander and Rainbow.

11 Q. That would be where you all grew up?

12 A. Yes.

13 Q. While you're driving from the gas station  
14 to the trailer park, is there any conversation amongst  
15 these three individuals?

16 A. Yes. Well, it was between the two  
17 gentlemen in the back seat. They were conversing about  
18 some, they called it a lick that they were going to do  
19 on Sunday and they were going to come up on a bunch of  
20 money.

21 Q. And do you know what a lick is in slang?

22 A. Yes.

23 Q. What is that?

24 A. They're going to rob somebody.

25 Q. So they're, the two young men in the back

1 are talking about doing a lick on Sunday.

2 A. Uh-huh.

3 Q. And what is Summer's participation if  
4 anything in this conversation?

5 A. She just would go in, she butted in and  
6 told them a time frame that I guess they needed to go  
7 and that was pretty much. It wasn't an extended  
8 conversation.

9 Q. She maybe said a time frame to accomplish  
10 the lick?

11 A. Yes. Because they were speaking about it  
12 and then the white one asked the question as to when and  
13 then she told him 8:30 p.m.

14 Q. Now did you find it odd they were having  
15 this discussion in your vehicle when you didn't really  
16 know these two young men?

17 A. Absolutely.

18 Q. Did you say anything to Summer about what  
19 they were discussing?

20 A. Not at that moment, no.

21 Q. So you drive them to the trailer park where  
22 you all grew up?

23 A. Uh-huh.

24 Q. Is that yes?

25 A. Yes.

1 Q. Okay. Sorry.

2 And then did they all get out of the car or  
3 what happens?

4 A. Yes. I dropped them all off at a home  
5 where Summer was apparently now staying. I didn't know  
6 the woman. She's new to the neighborhood.

7 Q. Do you see them all go inside one of the  
8 residences?

9 A. Yes.

10 Q. And I assume you go about your business  
11 after that?

12 A. Yes.

13 Q. Is there a point after that that you have a  
14 discussion with Summer about the conversation that took  
15 place in the car?

16 A. Yes. She had called me a few hours later  
17 that evening, probably about 9:00 p.m. and asked me if I  
18 could, you know, just me and her could go and go look  
19 for her vehicle, that she owed somebody money and they  
20 were in the neighborhood looking for her and she wanted  
21 to leave, could I please come get her. So I went and  
22 got her.

23 Q. And this is back to the trailer park?

24 A. Correct, at the same place that I dropped  
25 them off at.

1           Q.     And if you had gotten them maybe at like  
2 around 5:00 in the evening, how many hours later is  
3 this?

4           A.     Maybe, two, three. I had went home, cooked  
5 dinner, did homework with my kids and was lounging  
6 around the house and she had called again.

7           Q.     So it's dark though obviously?

8           A.     Yes.

9           Q.     So you go back, pick her up. Do you see  
10 either of the two young men?

11          A.     No, it was just her, me and her in the car.

12          Q.     So Summer gets in the car and she's looking  
13 for her car because someone took it from her?

14          A.     She had let somebody borrow her car and  
15 they apparently failed to return it for numerous weeks.

16          Q.     And so does she have an idea where she  
17 wants you to go look?

18          A.     She did. She had a few places specific  
19 that she wanted to go to, yes.

20          Q.     Did you drive based on her directions?

21          A.     Yes.

22          Q.     While she's in the car do you have any  
23 conversation with her about the lick or the earlier  
24 conversation?

25          A.     We have a conversation cause she was



1 panicking because she owed somebody money and that  
2 person was looking for her. She had asked me to borrow  
3 the money. I explained to her I didn't have it. You  
4 know. So she called a few other people on the phone and  
5 then she stated that she was going to call the gentleman  
6 that she owed the money and tell him don't worry about  
7 it, I will get it to you tomorrow because I'm going to  
8 rob Joey again.

9 Q. Now do you know the name of the person, did  
10 she tell you the name of the person to whom she owed  
11 money?

12 A. She referred to him as Snoop.

13 Q. Snoop, S-N-O-O-P?

14 A. Yes.

15 Q. Do you know who that is?

16 A. There are two different ones that I know  
17 of. I'm not aware of which one it was, no. There are  
18 two different Snoops that --

19 Q. Do you know either of their real names?

20 A. I know one of them, yes.

21 Q. What's the one real name you know?

22 A. Clint.

23 Q. Clint?

24 A. Uh-huh.

25 Q. Do you know Clint's last name?

1           A.     I don't.

2           Q.     Okay. Did he also grow up with you all in  
3 the --

4           A.     No, he came later.

5           Q.     Different guy. Or different era of life?

6           A.     Uh-huh. He came just a few years ago.

7           Q.     So if I'm understanding you, while she's in  
8 the car with you and you're looking for her car, she's  
9 calling people to ask for money, or did I misunderstand  
10 that?

11          A.     No, she asked to borrow money, yes, from a  
12 few people, or if her vehicle was there. She made a few  
13 different, numerous different phone calls.

14          Q.     Did you know who she was calling?

15          A.     No. I stay away from that whole mess. I  
16 have two kids at home so. No, I wasn't aware of who she  
17 was calling, no.

18          Q.     At one point though she does ask you for  
19 you to loan her money?

20          A.     Yes.

21          Q.     But you're not able to?

22          A.     No.

23          Q.     Is it at the end of these several calls  
24 that she calls the person you --

25          A.     No, I was the first one. That was pretty

1 much the first thing we talked about when she got in the  
2 car.

3 Q. When is it that she calls Snoop?

4 A. Probably an hour and a half later.

5 Q. While you're still looking?

6 A. As we're still driving around and she's  
7 panicking, yes.

8 Q. Could you hear what she was saying?

9 A. He didn't answer.

10 Q. Oh, okay.

11 A. So she did call him but that was what she  
12 had verbally said to me is she was going to explain to  
13 him that she would get him his money tomorrow.

14 Q. And what did she say to you exactly?

15 A. "I'm going to call Snoop and tell him don't  
16 worry, I got you tomorrow, because I'm going to rob Joey  
17 again."

18 Q. And when she said that to you did you know  
19 who she meant by Joey?

20 A. Yes.

21 Q. What was your reaction?

22 A. "Absolutely not Summer. He does not  
23 deserve that. You're not going to do that to him."

24 Q. Were you angry at her?

25 A. Yes.

1 Q. And did you kind of convey that?

2 A. Yes.

3 Q. What did she say when you told her you're  
4 not going to do that?

5 A. She hem hawed around it and had a few  
6 comments of, well he just left me high and dry and he  
7 doesn't care how I am so why do I care how he is, so on  
8 and so forth.

9 Q. Did you have any further conversation with  
10 her about that?

11 A. Yes. I told her that's absolutely not  
12 true. Because at that time he was still supporting her.  
13 He paid for a Budget Suites for her to live in when she  
14 had left her home. She could call him at any point in  
15 time and get money from him and he still would give it  
16 to her.

17 Q. How does your driving around looking for  
18 her car end or what else happens in that drive?

19 A. We were unsuccessful. I had enough after  
20 about two and a half hours and explained to her I work  
21 in the morning so where is it that you're going. She  
22 stated to me she was going to come stay the night at my  
23 house and I told her absolutely not, you know, I would  
24 help her, you know, try to get her car back but she was  
25 not welcome in my home because of the things that she

1 was doing and I have two little ones at home so.

2 Q. And your reasoning was based on what she  
3 was planning?

4 A. Just her behavior all together.

5 Q. So it was a lot of things?

6 A. The last few months, yes.

7 Q. Where do you leave her?

8 A. Back at the same house in the neighborhood.

9 Q. And obviously the car is never found with  
10 you?

11 A. No.

12 Q. After you leave her what do you do?

13 A. I go home.

14 Q. Did you attempt to call anyone or warn  
15 anyone?

16 A. No. This was Saturday was the last time  
17 that I had seen her. No, I didn't call anybody at that  
18 time. Sunday I did make a phone call, yes.

19 Q. Tell us about that.

20 A. I repeatedly tried to call Joey and he  
21 changes his number so often or breaks a phone or loses  
22 it or whatever he does so I was unsuccessful for,  
23 probably till about 2 o'clock in the afternoon. So I  
24 just talked to my friend Tracy who her mother lives  
25 three doors down from Joey's father, and I called her

1 and asked her if she was still at her mom's house, if  
2 she was could she please go and inform Joey's dad what  
3 was going to happen because I couldn't get ahold of him  
4 and I felt he needed to know.

5 Q. Did you tell Tracy who you thought would  
6 commit this crime against Joey?

7 A. We had conversation on who it could have  
8 been, but a lot of it was, you know, based on he  
9 said/she said through the neighborhood so it was, you  
10 know, there was no real determining -- I did tell Tracy  
11 about the conversation that I heard.

12 Q. So you -- I asked you that question.  
13 Did you, on this Sunday morning when you  
14 can't get ahold of Joey, you get ahold of Tracy?

15 A. Yes.

16 Q. And this is Tracy Rowe?

17 A. Uh-huh. Yes.

18 Q. And she's one of the people that you grew  
19 up with?

20 A. Yes.

21 Q. So she would know who Joey is?

22 A. Yes.

23 Q. And she would know who Summer is?

24 A. Yes.

25 Q. When you talked to Tracy on that Sunday

1 morning, do you tell her about what those guys were  
2 talking about number one?

3 A. Yes.

4 Q. And do you tell her the conversation that  
5 you later have with Summer?

6 A. Yes.

7 Q. So that's all conveyed to Tracy?

8 A. Yes.

9 Q. And then I think you said you requested  
10 Tracy to try to contact Joey's mom or dad?

11 A. Yes. Because she was closer than I was. I  
12 was currently at work actually during the day so I  
13 couldn't go anywhere. So I failed via phone so I  
14 figured that was the next best step.

15 Q. And you know something took place on Sunday  
16 night.

17 A. Yes.

18 Q. At this point obviously.

19 Did the police make contact with you?

20 A. Yes. At about 2:30 in the morning Tracy  
21 called me in a panic because they had contacted her  
22 first and she told me that they were on their way to my  
23 house, or come to her house, whatever the case may be.  
24 Her nephew actually came and picked me up from my house  
25 and I went to her house and that's where I met with the

1 police.

2 Q. And when you meet with the police they  
3 interview you and you tell them what we've heard today?

4 A. Yes.

5 Q. Did they show you any pictures?

6 A. Uhm, I believe at that point they had  
7 showed me one.

8 Q. And did you recognize who the person was?

9 A. No.

10 Q. And so whatever they show you, that isn't  
11 either one of those two guys or Summer?

12 A. No, it was not.

13 Q. Do they ever show you a picture that you  
14 did recognize?

15 A. Uhm, I did recognize a face of one of the  
16 pictures that they had shown me, yes. Could I tell you  
17 his name? No. But I had seen his face before.

18 Q. Do you know Jorge Mendoza?

19 A. I do not.

20 Q. How about Robert Figueroa?

21 A. I do not. His face is familiar but I can't  
22 pinpoint where I've seen him or --

23 Q. Okay.

24 A. -- who he is exactly.

25 Q. How about David Murphy?



1           A.     I do know who he is, yes.

2           Q.     And how does he fit in with this group?

3           A.     He's part of the neighborhood too. He's  
4 been around. He didn't always live in the neighborhood  
5 but his brother has and he's just been around since we  
6 were kids.

7           Q.     And when was the last time you would have  
8 seen him?

9           A.     I very, very seldomly seen him. Maybe as  
10 I'm driving to my mother's house he'd be outside with  
11 the kids or something like that. But I didn't have any  
12 contact with him much at all.

13          Q.     And do you have any firsthand knowledge of  
14 his involvement in this based on your own observations  
15 or conversations?

16          A.     I had no idea he had anything to do with  
17 it.

18          Q.     Okay. So fair to say there are these two  
19 guys that you don't know at all, but you do know Summer  
20 because you grew up with her?

21          A.     Yes.

22                 MS. WECKERLY: That concludes the questions  
23 I have for Miss Hall. Any questions from the Grand  
24 Jury?

25                 THE FOREPERSON: No questions.

1           By law, these proceedings are secret and  
2 you are prohibited from disclosing to anyone anything  
3 that has transpired before us, including evidence and  
4 statements presented to the Grand Jury, any event  
5 occurring or statement made in the presence of the Grand  
6 Jury, and information obtained by the Grand Jury.

7           Failure to comply with this admonition is a  
8 gross misdemeanor punishable by a year in the Clark  
9 County Detention Center and a \$2,000 fine. In addition,  
10 you may be held in contempt of court punishable by an  
11 additional \$500 fine and 25 days in the Clark County  
12 Detention Center.

13           Do you understand this admonition?

14           THE WITNESS: Yes.

15           THE FOREPERSON: Thank you, ma'am. You are  
16 excused.

17           MS. WECKERLY: Just walk right to the table  
18 and face the back and that man will swear you in.

19           THE FOREPERSON: Sir, please raise your  
20 right hand.

21           You do solemnly swear the testimony you are  
22 about to give upon the investigation now pending before  
23 this Grand Jury shall be the truth, the whole truth, and  
24 nothing but the truth, so help you God?

25           THE WITNESS: I do.

1 THE FOREPERSON: Thank you. Please be  
2 seated.

3 You are advised that you are here today to  
4 give testimony in the investigation pertaining to the  
5 offenses of conspiracy to commit robbery, burglary while  
6 in possession of a deadly weapon, home invasion while in  
7 possession of a deadly weapon, attempt robbery with use  
8 of a deadly weapon, murder with use of a deadly weapon,  
9 attempted murder with use of a deadly weapon, involving  
10 Jorge Mendoza, Robert Figueroa, Summer Larsen and David  
11 Murphy.

12 Do you understand this advisement?

13 THE WITNESS: Yes.

14 THE FOREPERSON: Please state your first  
15 and last name and spell both for the record.

16 THE WITNESS: Steven Larsen. S-T-E-V-E-N.  
17 L-A-R-S-E-N.

18 THE FOREPERSON: Thank you, sir.

19 STEVEN LARSEN,  
20 having been first duly sworn by the Foreperson of the  
21 Grand Jury to testify to the truth, the whole truth,  
22 and nothing but the truth, testified as follows:

23 EXAMINATION

24 BY MS. WECKERLY:

25 Q. And Mr. Larsen, if you could just keep your

1 voice up just a little bit --

2 A. Okay.

3 Q. -- when you're talking.

4 A. Okay.

5 Q. Sir, you're Steven Larsen; correct?

6 A. Yes.

7 Q. Is there a Joseph Larsen?

8 A. Yes, he's my son.

9 Q. And how old is your son Joseph?

10 A. Twenty-six.

11 Q. In September of 2014 where was your son  
12 Joseph living?

13 A. He was living in a house off of Hualapai.

14 Q. Do you know the street name?

15 A. Del Mar. I think it was Del Mar. I can't  
16 quite remember.

17 Q. Okay.

18 A. I should, I rented it.

19 Q. That's okay. Were you the owner of the  
20 house?

21 A. No, I rented it for him and his ex-wife so  
22 they could like start I guess, I don't know.

23 Q. Have somewhere to live.

24 So you rent the house off Hualapai, but the  
25 person who lives there is your son Joseph?

1 A. Yes.

2 Q. And his wife?

3 A. Yes.

4 Q. And what's her name?

5 A. Summer Larsen.

6 Q. Now as of September of last year, what was  
7 the status of their relationship to your knowledge?

8 A. They had broke up and they were separated  
9 for probably about eight months and living in different  
10 places.

11 Q. To your knowledge at that time in September  
12 of 2014 did Joey have a roommate living with him at the  
13 house?

14 A. Yes.

15 Q. Do you know what that man's name was at  
16 all?

17 A. Monty.

18 Q. Monty?

19 A. Yes.

20 Q. Do you know Monty's last name?

21 A. I can't remember.

22 Q. That's okay. So how long do you think  
23 Monty had been living there?

24 A. Probably, I'd say probably four or five  
25 months, you know, because when his house got robbed then

1 Monty came to live there with him to help him out so  
2 somebody would be there 24 hours.

3 Q. Now there was a incident that you're here  
4 to testify about today that took place in September of  
5 2014; correct?

6 A. Correct.

7 Q. Prior to that you indicated that there was  
8 a burglary at the house?

9 A. Yes.

10 Q. How much prior to -- you think four or five  
11 months, is that what you said?

12 A. Probably about four months. There was  
13 actually two burglaries before that.

14 Q. Were those two burglaries both about four  
15 months earlier?

16 A. Yeah.

17 Q. And then at some time after that Monty  
18 comes to be the roommate?

19 A. Right.

20 Q. Does he pay part of the rent to you then?

21 A. No, he gave it to my son.

22 Q. He gave it to Joey?

23 A. Yeah.

24 Q. But you pay the landlord?

25 A. Right.

1 Q. You're the nice dad.

2 A. Right. And Joey would give me the rent and  
3 I would go bail him out.

4 Q. Okay. Do you know a young lady named  
5 Ashley?

6 A. Yes.

7 Q. Did you see her just leave the Grand Jury  
8 room?

9 A. Yeah. Uh-huh.

10 Q. Is that yes?

11 A. Yes.

12 Q. How do you know Ashley?

13 A. They were all friends from growing up. You  
14 know, when they were kids growing up, you know, Ashley  
15 and there's like a whole bunch of them went to school  
16 together and stuff.

17 Q. Is Ashley a friend of your son Joey?

18 A. Yes.

19 Q. Do you know a young lady by the name of  
20 Tracy Rowe?

21 A. Yes.

22 Q. Is she also in that group of friends?

23 A. Yeah. Her mother lives on the corner by my  
24 house.

25 Q. Now on the 21st of September of 2014, do

1 you speak to Tracy Rowe at all?

2 A. Yes.

3 Q. Where does she come and talk to you?

4 A. She came to my house.

5 Q. And do you remember what time it was that  
6 she gets to your house?

7 A. Not the exact time. It was just about, you  
8 know, probably around 6:00, you know, a dinner time type  
9 thing.

10 Q. Now I don't want you to tell me what it was  
11 that Tracy said. Okay? Don't say what she said.

12 A. Okay.

13 Q. But based on what she said, did you do  
14 anything?

15 A. Yes, I did.

16 Q. What did you do?

17 A. I got ahold of my son and I told him that  
18 I'm going to pick him up because he's got to get out of  
19 that house.

20 Q. So when you speak to Joey and tell him I'm  
21 going to come pick you up, you need to get out of the  
22 house, what time do you think that was?

23 A. About 7:00.

24 Q. 7:00 at night?

25 A. Yeah.



1 Q. Do you actually make contact with him?

2 A. Joseph?

3 Q. Yes.

4 A. Yes.

5 Q. So you arrange, look, I'm going to come by  
6 the house and get you?

7 A. Yes.

8 Q. Are you able to do that?

9 A. I did get to his house but I couldn't pick  
10 him up, no.

11 Q. So explain. What happens, what do you do  
12 after you hang up the phone and say look, I'm going to  
13 come pick you up, what happens, what do you do next?

14 A. I was going down to the corner store first  
15 because my wife, she has third stage cancer and I was  
16 going to pick her something up, I didn't want to leave  
17 her without anything while I was gone.

18 Q. So you're getting something for your wife  
19 because she's sick?

20 A. Yeah. And I was in the parking lot of the  
21 store and Joseph called me and he was crying, upset and  
22 everything, and he said, dad, you've got to get here  
23 right away, and I said what's the matter, and he said  
24 Somebody kicked in my front door and they, with guns and  
25 they started shooting and they said, they killed my

1 friend. He kept saying they killed my friend. And then  
2 he said I think I shot one of them.

3 Q. May I interrupt you one second?

4 A. Yeah.

5 Q. You're in the parking lot of the store?

6 A. Uh-huh.

7 Q. Is that yes?

8 A. Yes.

9 Q. And I'm sorry to keep doing that. It's  
10 just so our record is clear.

11 A. That's okay.

12 Q. Joey calls you. I assume you have a cell  
13 phone?

14 A. Yes.

15 Q. You pick it up. Could you hear in his  
16 voice he was crying?

17 A. Oh yeah, he was crying, he was upset. He  
18 turns to me for almost everything, you know, and he just  
19 said you have to get here now. And I made him tell me  
20 what happened and then I said okay, get off of the  
21 telephone, I said I'll be right there but get on the  
22 phone to the police.

23 Q. Okay.

24 A. And stay on the phone to the police till I  
25 get there.

1           Q.     So he's obviously quite upset when he talks  
2 to you?

3           A.     Oh yes.

4           Q.     Did he sound stressed?

5           A.     Yes. He was crying.

6           Q.     He said they came -- actually let me not  
7 put words in your mouth. Would you just repeat please  
8 what he said to you on the phone?

9           A.     He said somebody kicked the front door in  
10 with guns and they started shooting and his friend was  
11 killed and he said he thinks he shot one of them.

12          Q.     Okay.

13          A.     Because he had a gun there, it was a  
14 licensed gun to him, you know, he has a blue card and  
15 everything, and he happened to have it downstairs  
16 because he was taking all his valuables and I was going  
17 to pick him up.

18          Q.     When he said his friend had been killed,  
19 did you know who he meant at that time?

20          A.     Yeah.

21          Q.     So you're in the parking lot and you advise  
22 him hang up and call 911?

23          A.     Uh-huh.

24          Q.     Is that yes?

25          A.     Yes.

1 Q. And then do you drive to his house?

2 A. Yes, I do.

3 Q. Explain what happens. You pull up and what  
4 do you see?

5 A. Well, I came around the corner and the  
6 police had the entrance blocked off. But because it's  
7 my house I know how to get to the house. So I went  
8 around the other direction and there was a police car  
9 sitting blocking one of the roads and I just went right  
10 by it and went up to the house because I was afraid for  
11 my son.

12 Q. Sure.

13 A. And I got out of the car and I ran into the  
14 house. And I had to jump over his friend but I ran into  
15 the house and he was just shaking, he was just standing  
16 there and he had a gun in his hand, because I didn't  
17 want the police to come into the house with him upset  
18 and having a gun in his hand.

19 Q. Sure.

20 A. So I took the gun from him. He was still  
21 talking to the police. And then the police said give  
22 the phone to your dad. So then I got the phone and they  
23 said where's his friend, I said he's laying by the front  
24 door. And they said well check him, you know. So I  
25 started pressing on his chest and stuff. And they said

1 where's the gun. And I said I have it, I stuck it in my  
2 belt. And they said well, the police are outside, put  
3 the gun away. And I said I'm outside, you know, kind  
4 of, I said I don't want to get up and go back in the  
5 house when the police are out, so I said I'll take the  
6 gun, my car is right here, I said I'll open the trunk,  
7 set it down and close the trunk. So that's what I did  
8 with it.

9 Q. When you initially arrive at the house you  
10 said like you run in. I assume you go in through the  
11 front?

12 A. Yeah.

13 Q. And you said that you had to step over --

14 A. Monty.

15 Q. -- Monty. And you recognized Monty?

16 A. Yes.

17 Q. And he's obviously been horribly injured?

18 A. Yes.

19 Q. Could you see how he had been injured?

20 A. He was, it looked like he was shot in the  
21 head and shot in the chest.

22 Q. So you actually -- he's like in the  
23 doorway?

24 A. Yeah, half in, half out.

25 Q. So you have to step over him. And where is

1 it that you see Joey your son?

2 A. About 10 feet in the living room.

3 Q. And is he kind of facing you as you come  
4 in?

5 A. Yes.

6 Q. And was he standing up or sitting?

7 A. He was standing up and had his cell phone  
8 and his gun in his hand. He was just shaking. He was  
9 crying. He said dad, do something. He said you've got  
10 to save him. Because he thinks I can do everything.

11 Q. So he's physically shaking but he has a gun  
12 in his hand?

13 A. Yes.

14 Q. And then you described how you get on the  
15 phone with 911 and you put the gun in the trunk of your  
16 car?

17 A. Right. And they told me to check Monty and  
18 keep pressing on his chest but, you know I could tell  
19 that there was nothing I could do, but I did it, you  
20 know, to appease everybody.

21 Q. Sure. As you're I guess trying to assist  
22 Monty but you kind of know that it's too late.

23 A. I've seen people shot, yeah.

24 Q. Yeah. Did the police come up on the  
25 residence?

1           A.     Oh yes.

2           Q.     Describe that for us.

3           A.     I heard somebody go he's pushing on his  
4 chest and then all of a sudden there was like eight  
5 rifles pointed at me. And so they handcuffed me, put me  
6 out on the street. And then they handcuffed Joseph.  
7 Little rough with him but.

8           Q.     Because no one knows who's who and what's  
9 going on?

10          A.     Right. I understand what they're doing but  
11 they kind of threw him in the driveway on the ground and  
12 I said wait a minute, wait a minute, I said he's the guy  
13 in the house that called you, you don't have to hurt  
14 him, you know.

15          Q.     Right. Do you eventually talk to the  
16 police?

17          A.     Yes.

18          Q.     And it gets kind of sorted out who's what?

19          A.     Yeah.

20          Q.     Do you ultimately open your trunk for the  
21 police so they can get that gun?

22          A.     I gave them my key and they opened it.

23          Q.     Once things calm down a little bit, did you  
24 notice anything about the interior of the house or did  
25 you see any other weapons or blood or anything like

1 that?

2 A. The house probably had, I'm just guessing,  
3 I really don't know, probably had about 10 or 12 bullet  
4 holes in it, the ceiling and all the walls.

5 Q. And would that be like in the front room  
6 after you go through the front door?

7 A. Yes. It was pointing toward, you know,  
8 from the front door into the house.

9 Q. And this is a silly question, but obviously  
10 that wasn't there the last time you had been to the  
11 house?

12 A. No. No.

13 Q. You interview with the police?

14 A. Uh-huh.

15 Q. Is that yes?

16 A. Yes.

17 Q. And do you tell the police about the  
18 conversation you had with Tracy Rowe?

19 A. Yes.

20 MS. WECKERLY: Thank you very much, sir.

21 I have no other questions for this witness.

22 THE WITNESS: Okay.

23 THE FOREPERSON: Any questions?

24 Sir, by law, these proceedings are secret  
25 and you are prohibited from disclosing to anyone



1 anything that has transpired before us, including  
2 evidence and statements presented to the Grand Jury, any  
3 event occurring or statement made in the presence of the  
4 Grand Jury, and information obtained by the Grand Jury.

5 Failure to comply with this admonition is a  
6 gross misdemeanor punishable by a year in the Clark  
7 County Detention Center and a \$2,000 fine. In addition,  
8 you may be held in contempt of court punishable by an  
9 additional \$500 fine and 25 days in the Clark County  
10 Detention Center.

11 Do you understand this admonition?

12 THE WITNESS: Yes, I do.

13 THE FOREPERSON: Thank you, sir. You're  
14 excused.

15 THE WITNESS: Thank you very much.

16 MS. WECKERLY: That concludes the witnesses  
17 that you'll be hearing from this afternoon. This case  
18 will be presented to you again with additional witnesses  
19 and I believe that's going to be a week from today. So  
20 thank you for your patience with the timing earlier and  
21 you'll hear more evidence in about a week. Thank you.

22 (Proceedings adjourned, to reconvene on Thursday,

23 January 15, 2015.)

24 --oo0oo--

25

### REPORTER'S CERTIFICATE

STATE OF NEVADA                    )  
  :     SS  
COUNTY OF CLARK                    )

I, Danette L. Antonacci, C.C.R. 222, do hereby certify that I took down in Shorthand (Stenotype) all of the proceedings had in the before-entitled matter at the time and place indicated and thereafter said shorthand notes were transcribed at and under my direction and supervision and that the foregoing transcript constitutes a full, true, and accurate record of the proceedings had.

Dated at Las Vegas, Nevada,  
January 12, 2015.

/s/ Danette L. Antonacci

Danette L. Antonacci, C.C.R. 222

## AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the  
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
14BGJ019ABCD:

X Does not contain the social security number of any  
person,

-OR-

\_\_\_ Contains the social security number of a person as  
required by:

A. A specific state or federal law, to-  
wit: NRS 656.250.

-OR-

B. For the administration of a public program  
or for an application for a federal or  
state grant.

/s/ Danette L. Antonacci

Signature

1-12-15  
Date

Danette L. Antonacci  
Print Name

Official Court Reporter  
Title

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EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

  
CLERK OF THE COURT

THE STATE OF NEVADA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JORGE MENDOZA, ROBERT FIGUEROA, )  
SUMMER LARSEN, aka Summer Rice, )  
DAVID MURPHY, aka David Mark )  
Murphy, )  
 )  
Defendants. )  

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GJ No. 14BGJ019ABCD  
DC No. C303991

Taken at Las Vegas, Nevada  
Thursday, January 29, 2015  
1:06 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 2

Reported by: Danette L. Antonacci, C.C.R. No. 222

1 GRAND JURORS PRESENT ON JANUARY 29, 2015

2

3 EDMOND JAMES, Foreperson

4 EDWARD RITCHIE, Deputy Foreperson

5 CELIA ELLIS, Secretary

6 BARBARA BROWN, Assistant Secretary

7 JAMIESON CARPENTER

8 KIM CHEEVER

9 JAMES ELLIOTT

10 JOYCE HAAS

11 BRIGITTE HULL

12 MICHAEL IVY

13 BARBARA LEWIS

14 STEVE MITCHELL

15 FELICIA NEWMAN

16 RAYMOND RAND

17 DIANA SHIDAKER

18

19 Also present at the request of the Grand Jury:

20 Agnes Lexis, Chief Deputy District Attorney

21

22

23

24

25

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1 LAS VEGAS, NEVADA, JANUARY 29, 2015

2 \* \* \* \* \*

3  
4 DANETTE L. ANTONACCI,

5 having been first duly sworn to faithfully  
6 and accurately transcribe the following  
7 proceedings to the best of her ability.  
8

9 MS. LEXIS: Good afternoon ladies and  
10 gentlemen of the Grand Jury. My name is Agnes Lexis.  
11 I'm a chief deputy district attorney with the Clark  
12 County District Attorney's Office. We are here on Case  
13 Number 14BGJ019ABCD. This is the State of Nevada versus  
14 Jorge Mendoza, Robert Figueroa, Summer Larsen, aka  
15 Summer Rice, and David Murphy, aka David Mark Murphy.

16 A copy of the proposed Indictment has been  
17 marked as Grand Jury Exhibit Number 1. And also for the  
18 record Grand, Jury Exhibit Number 7 are transcripts from  
19 the first day of presentation of evidence in this case  
20 which took place Thursday, January 8, 2015 beginning at  
21 1:28 p.m. when Miss Pam Weckerly called two witnesses.  
22 I just wanted that on the record.

23 I know on January 8, 2015 Miss Weckerly  
24 instructed you all concerning the law as to the charges.  
25 That was read into the record as reflected in the



1 transcripts. However, I have three additional  
2 instructions that I would like to read into the record.

3           The first is: Any evidence of a statement  
4 made by one alleged conspirator against another, other  
5 than at this proceeding, shall not be considered by you  
6 as against another alleged co-conspirator unless you  
7 shall first determine from other independent evidence  
8 that at the time the statement was made a conspiracy to  
9 commit a crime existed and unless you shall further  
10 determine that the statement was made during the course  
11 and in furtherance of the conspiracy.

12           Whenever there is slight evidence that a  
13 conspiracy existed and that the defendant was one of the  
14 members of the conspiracy, then the statements and the  
15 acts by any person likewise a member may be considered  
16 by the jury as evidence in the case as to the defendant  
17 found to have been a member, even though the statements  
18 and acts may have occurred in the absence and without  
19 the knowledge of that defendant, provided such  
20 statements and acts were knowingly made and done during  
21 the continuance of such conspiracy and in furtherance of  
22 some object or purpose of the conspiracy.

23           The second instruction is: To corroborate  
24 the testimony of an accomplice, there must be evidence  
25 of some act or fact related to the offense which, if

1 believed, by itself and without any aid, interpretation  
2 or direction from the testimony of the accomplice, tends  
3 to connect the defendant with the commission of the  
4 offense charged. However, it is not necessary that the  
5 evidence of the corroboration be sufficient in itself to  
6 establish every element of the offense charged or that  
7 it corroborate every fact to which the accomplice  
8 testifies.

9           In determining whether an accomplice has  
10 been corroborated, you must first assume the testimony  
11 of the accomplice has been removed from the case. You  
12 must then determine whether there is any remaining  
13 evidence which tends to connect the defendant with the  
14 commission of the offense. If there is not such  
15 independent evidence which tends to connect the  
16 defendant with the commission of the offense, the  
17 testimony of the accomplice does not corroborate it.

18           I read through the Grand Jury transcripts  
19 from the first date and provided the testimony as I  
20 anticipate today I would also like to review the  
21 following instruction.

22           Under Nevada law, evidence that the  
23 defendant committed offenses other than the one which  
24 are set forth in the Indictment may not be considered by  
25 you to prove that he or she is a person of bad character

1 or to prove that he has a disposition, he or she has a  
2 disposition to commit crimes. Such evidence may be  
3 considered by you only for the limited purpose of  
4 proving the defendant's motive, opportunity, intent,  
5 identity, preparation, plan or knowledge.

6 Do any of the Grand Jury members have any  
7 questions concerning these instructions?

8 I see no hands.

9 Mr. Foreperson, may I call my first  
10 witness?

11 THE FOREPERSON: Yes, ma'am.

12 MS. LEXIS: Thank you, sir. State would  
13 call Roger Day.

14 Actually the State would call Dr. Timothy  
15 Dutra.

16 THE FOREPERSON: Sir, would you raise your  
17 right hand.

18 You do solemnly swear the testimony you are  
19 about to give upon the investigation now pending before  
20 this Grand Jury shall be the truth, the whole truth, and  
21 nothing but the truth, so help you God?

22 THE WITNESS: I do.

23 THE FOREPERSON: Please be seated.

24 You are advised that you are here today to  
25 give testimony in the investigation pertaining to the

1 offenses of conspiracy to commit robbery, burglary while  
2 in possession of a deadly weapon, home invasion while in  
3 possession of a deadly weapon, attempt robbery with use  
4 of a deadly weapon, murder with use of a deadly weapon,  
5 attempt murder with use of a deadly weapon, involving  
6 Jorge Mendoza, Robert Figueroa, Summer Larsen and David  
7 Murphy.

8 Do you understand this advisement?

9 THE WITNESS: Yes, I do.

10 THE FOREPERSON: Please state your first  
11 and last name and spell both for the record.

12 THE WITNESS: Timothy, T-I-M-O-T-H-Y, last  
13 name Dutra, D-U-T-R-A.

14 THE FOREPERSON: Thank you.

15 MS. LEXIS: May I Mr. Foreperson?

16 THE FOREPERSON: Yes, ma'am, you may.

17 TIMOTHY DUTRA,

18 having been first duly sworn by the Foreperson of the  
19 Grand Jury to testify to the truth, the whole truth,  
20 and nothing but the truth, testified as follows:

21

22 EXAMINATION

23

24 BY MS. LEXIS:

25 Q. Good afternoon Dr. Dutra.

1           A.     Good afternoon.

2           Q.     Dr. Dutra, how are you employed?

3           A.     I'm a medical examiner/forensic pathologist  
4 at the Clark County Office of the Coroner.

5           Q.     And what is it that you do as a forensic  
6 pathologist?

7           A.     My primary job is to do death  
8 certification, to create death certificates with the  
9 cause and manner of death and part of that job is  
10 sometimes in some cases to do autopsies and other  
11 studies.

12                   MS. LEXIS: Can everyone hear Dr. Dutra?

13                   A JUROR: Yeah.

14 BY MS. LEXIS:

15           Q.     Okay. You mentioned that you do autopsies.  
16 But first before I ask you about that, Dr. Dutra, can  
17 you please just give the ladies and gentlemen of the  
18 Grand Jury a brief synopsis of your educational  
19 background and also your experience such that you would  
20 be qualified to testify as a forensic pathologist or a  
21 medical examiner.

22           A.     Okay. I went to USC Medical School and I  
23 also have a Ph.D. from UCLA in anatomy and cell biology.  
24 I did a general pathology residency at Harbor UCLA  
25 Medical Center, became board certified in anatomic and

1 clinical pathology. I practiced in Los Angeles, the Los  
2 Angeles County hospitals. Subsequently I did a blood  
3 banking fellowship, University of Wisconsin. I'm  
4 boarded in blood banking. After that and after a period  
5 of research I went back and did a fellowship in forensic  
6 pathology at the St. Louis City Medical Examiner's  
7 Office and I'm now board certified in forensic  
8 pathology.

9 Q. Thank you. Dr. Dutra, how long have you  
10 worked for the Clark County Coroner's Office?

11 A. Five years.

12 Q. And you mentioned that you conduct  
13 autopsies typically?

14 A. Yes.

15 Q. Can you briefly tell the ladies and  
16 gentlemen of the Grand Jury what an autopsy is?

17 A. Well, an autopsy is the internal  
18 examination of, the external and internal examination of  
19 a body. So it first begins with an external examination  
20 of the body. In a case of injury that involves  
21 documenting all of the external injuries that are seen,  
22 a review of any postmortem X-rays that were taken, and  
23 then an internal examination of the body. The torso is  
24 opened with a Y-shaped incision, the rib cage is then  
25 opened and the organs of the torso are examined. The

1 head is opened by peeling the skin back over the, off of  
2 the cranial vault and looking for hemorrhages or signs  
3 of injury underlying the scalp, looking for skull  
4 fractures, then opening the calvarial vault, removing  
5 the brain and looking for injury or disease of the  
6 brain.

7 Q. Okay. Thank you, Dr. Dutra.

8 During the course of your employment with  
9 the Clark County Coroner's Office, were you asked to  
10 perform an autopsy on an individual by the name of Monty  
11 Gibson on September 23, 2014 at approximately 2 o'clock?

12 A. Yes.

13 Q. I mean 12 o'clock.

14 A. Yes.

15 Q. Did you complete an external examination  
16 first, Dr. Dutra?

17 A. Yes, I did.

18 Q. And upon external examination of  
19 Mr. Gibson's body what if anything did you find?

20 A. I found a gunshot wound injury of the head  
21 and a gunshot wound injury of the chest.

22 Q. I am going to approach you, Dr. Dutra, with  
23 what's been marked as Grand Jury Exhibits 8, 9, 10 and  
24 11. First of all, how was Mr. Gibson identified as  
25 Mr. Gibson?

1           A.     I'd have to consult my --

2           Q.     If that would refresh your memory.

3           A.     His legal identification was based on  
4 comparison of his identification photo I assume by next  
5 of kin.

6           Q.     Okay.

7           A.     We usually do it this way or by  
8 fingerprints.

9           Q.     Okay. I am going to show you what's been  
10 first marked as Grand Jury Exhibits 9, 10 and 11. Do  
11 you recognize what's shown in Grand Jury Exhibits 9, 10  
12 and 11, Dr. Dutra?

13          A.     Yes.

14          Q.     And Dr. Dutra, what are they?

15          A.     These are the gunshot entrance wounds that  
16 I found on this decedent.

17          Q.     Okay. You indicated first that you found a  
18 gunshot wound to the head; is that right?

19          A.     That's correct.

20          Q.     And I'm going to just publish Grand Jury  
21 Exhibit Number 11.

22                   So Grand Jury Exhibit Number 11 is now on  
23 the overhead. Dr. Dutra, could you just please tell the  
24 Grand Jury what they're looking at?

25          A.     They're looking, the Grand Jury is looking



1 at the gunshot entrance wound, it's on the rim of the  
2 bony orbit of the right eye. And I, maybe because of my  
3 oblique view the image isn't real, the contrast isn't  
4 that great but.

5 Q. How about if I show Grand Jury Exhibit  
6 Number 10 which is maybe a close-up version of the same  
7 wound, Dr. Dutra.

8 A. Yeah. It's got a central defect, it has  
9 marginal abrasion. It's a very typical gunshot entrance  
10 wound.

11 Q. I'm going to show you what has been marked  
12 as Grand Jury Exhibit Number 9. What is the Grand Jury  
13 looking at now?

14 A. This is a gunshot wound of his chest and  
15 again you can see it's got a circular, in this case  
16 circular or central defect, marginal abrasion, and again  
17 this is a typical gunshot entrance wound.

18 Q. Okay. You indicated earlier that  
19 comparison was made using the victim's identification  
20 with comparing to the actual decedent?

21 A. Right.

22 Q. I'm going to show you Grand Jury Exhibit  
23 Number 8. If you could just briefly take a look at  
24 that.

25 Dr. Dutra, does the person depicted in

1 Grand Jury Exhibit Number 8 appear to be the individual  
2 depicted in Grand Jury Exhibit Number 11?

3 A. Yes, it does appear to be the same person.

4 Q. Thank you.

5 And let me show Grand Jury Exhibit  
6 Number 8.

7 For the record this is the driver's  
8 license, commercial driver's license of the decedent  
9 Monty Charles Gibson and it does have his photo; is that  
10 correct?

11 A. Yes.

12 Q. Thank you. Dr. Dutra, did you also conduct  
13 an internal examination?

14 A. Yes, I did.

15 Q. Were there any significant findings  
16 concerning the internal examination?

17 A. Yes. The gunshot wound of the head had  
18 penetrated the bones of the facial skeleton and entered  
19 the cranial cavity and had perforated the brain, gone  
20 through the brain, and then been stopped by the back  
21 wall of the cranial vault.

22 Q. Was this wound, would you consider it  
23 fatal?

24 A. Yes, this would be a fatal wound.

25 Q. How about concerning the other gunshot

1 wound?

2           A.     The other gunshot wound passed backward,  
3 downward, and it sort of grazed the chest, pardon me,  
4 grazed the rib cage, broke some ribs, and the broken  
5 ribs had caused some injury to the lung there. And  
6 there was some collapse of the lung and small amount of  
7 blood in the, or some blood in the chest cavity.

8           Q.     Dr. Dutra, would the gunshot wound of the  
9 chest also be considered fatal?

10          A.     It might not have. With medical care he  
11 might have survived that one.

12          Q.     Okay. Dr. Dutra, pursuant to your  
13 examination or the autopsy that you conducted on  
14 Mr. Gibson, did you also obtain a blood sample and  
15 submit it for a toxicology analysis?

16          A.     Yes, I did.

17          Q.     And did you receive the results of that  
18 toxicology analysis?

19          A.     Yes. I'm going to refer to my notes here.  
20 Of which I'm referring to the toxicology report from the  
21 NMS Laboratory where we send our toxicological studies.

22                   He had a blood level of methamphetamine of  
23 400 nanograms per milliliter and amphetamine 130  
24 nannograms per milliliter, and he had couple of  
25 marijuana metabolites as well.

1           Q.     Okay. What is your opinion concerning what  
2 if any effect the substances that you just named had on  
3 his death?

4           A.     Well, I am a forensic pathologist and my  
5 main concern with drugs like methamphetamine is ranges  
6 for attribution of lethality. However, methamphetamine  
7 at one time was a legally prescribable controlled  
8 substance so there are many reports in the literature of  
9 dosage equivalency with blood levels and such as that.  
10 This would be considerably higher than the usual  
11 therapeutic range for us forensic pathologists. It's in  
12 the lower part of the range that we might attribute  
13 lethality if there were no other factors involved.  
14 However, it's not within our usual reported range for  
15 attribution of lethality which typically starts around  
16 800 or a thousand.

17          Q.     So in laymen's terms, did the presence of  
18 the amphetamine, the methamphetamine and the marijuana  
19 metabolite, was it a contributing factor to his death?

20          A.     It was not a contributing factor to his  
21 death, no.

22          Q.     Dr. Dutra, upon completion of your  
23 examination of the decedent's body, were you able to  
24 ascertain a manner of death?

25          A.     Yes.

1 Q. Or, I'm sorry, the cause of death.

2 A. Yes. The cause of death were the gunshot  
3 wounds of the head and chest.

4 Q. And were you able to form an opinion as to  
5 the manner of death?

6 A. Yes. This was a homicide.

7 MS. LEXIS: Thank you. I have no more  
8 questions for Dr. Dutra. Do any of the Grand Jury  
9 members have any questions?

10 THE FOREPERSON: No.

11 By law, these proceedings are secret and  
12 you are prohibited from disclosing to anyone anything  
13 that has transpired before us, including evidence and  
14 statements presented to the Grand Jury, any event  
15 occurring or statement made in the presence of the Grand  
16 Jury, and information obtained by the Grand Jury.

17 Failure to comply with this admonition is a  
18 gross misdemeanor punishable by a year in the Clark  
19 County Detention Center and a \$2,000 fine. In addition,  
20 you may be held in contempt of court punishable by an  
21 additional \$500 fine and 25 days in the Clark County  
22 Detention Center.

23 Do you understand this admonition?

24 THE WITNESS: Yes, I do.

25 THE FOREPERSON: Thank you, sir. You're

1   excused.

2                   THE WITNESS:   Thank you.

3                   MS. LEXIS:   Let me see step outside to see  
4   who I can call as my next witness.

5                   The State calls Roger Day.

6                   THE FOREPERSON:   Sir, please raise your  
7   right hand.

8                   You do solemnly swear the testimony you are  
9   about to give upon the investigation now pending before  
10   this Grand Jury shall be the truth, the whole truth, and  
11   nothing but the truth, so help you God?

12                  THE WITNESS:   Yes, I do.

13                  THE FOREPERSON:   You are advised that you  
14   are here today to give testimony in the investigation  
15   pertaining to the offenses of conspiracy to commit  
16   robbery, burglary while in possession of a deadly  
17   weapon, home invasion while in possession of a deadly  
18   weapon, attempt robbery with use of a deadly weapon,  
19   murder with use of a deadly weapon, attempt murder with  
20   use of a deadly weapon, involving Jorge Mendoza, Robert  
21   Figueroa, Summer Larsen and David Murphy.

22                  Do you understand this advisement?

23                  THE WITNESS:   Yes.

24                  THE FOREPERSON:   Please state your first  
25   and last name and spell both for the record.

1 THE WITNESS: Roger Day. R-O-G-E-R, D-A-Y.

2 THE FOREPERSON: Thank you.

3 MS. LEXIS: May I Mr. Foreperson?

4 THE FOREPERSON: Yes, you may.

5 ROGER DAY,

6 having been first duly sworn by the Foreperson of the  
7 Grand Jury to testify to the truth, the whole truth,  
8 and nothing but the truth, testified as follows:

9

10 EXAMINATION

11

12 BY MS. LEXIS:

13 Q. Mr. Day, I want to turn your attention to  
14 September 21, 2014. Where were you living at that time,  
15 sir?

16 A. 10025 Long Cattle Avenue.

17 Q. Sir, is that here in Las Vegas, Clark  
18 County, Nevada?

19 A. Yes.

20 Q. Were you living in a home or is that an  
21 apartment?

22 A. It's a home.

23 Q. Is it located in a particular, in a  
24 neighborhood?

25 A. Yes.

1           Q.     Where does your home rest in terms of Long  
2 Cattle?

3           A.     Right where Long Cattle begins, right on  
4 the edge.

5           Q.     And what other street does your home butt  
6 up against?

7           A.     You're asking me a question now. I don't  
8 remember the name of it. I think it's Rockmere or  
9 Brockmere.

10          Q.     Broadmere?

11          A.     Yes.

12          Q.     B-R-O-A-D-M-E-R-E. Does that sound right,  
13 sir?

14          A.     Yes.

15          Q.     Who did you live in the home with?

16          A.     With my son.

17          Q.     Did something happen at or near your home  
18 on September 21, 2014 that's causing you to have to  
19 testify today?

20          A.     Yes.

21          Q.     Please tell us what happened.

22          A.     There was a home invasion in a house about  
23 three or four houses down from mine on the left on that  
24 street Broadmere. I heard shots that night. I was  
25 sitting in my living room watching TV.



1 Q. Let me stop you right there, sir.

2 Approximately what time did you hear gunshots?

3 A. I can't give you an approximate time at  
4 night.

5 Q. Okay. So you're watching TV, you hear what  
6 you believe to be gunshots. What do you do?

7 A. I walked out to my front door to look and  
8 see where the shots were coming from and that's when I  
9 saw --

10 Q. What did you see? You go out your front  
11 door. What do you see?

12 A. Well, I went to my front door, I didn't go  
13 out the door.

14 Q. Okay.

15 A. And I saw a guy in a ski mask pointing a  
16 weapon towards those homes and he was shooting and then  
17 ran down the street. So at that point in time I grabbed  
18 my cell phone and called 911.

19 Q. Okay. We're going to back up a little bit.

20 Concerning -- okay. So let's go forward.

21 You see someone with a ski mask, you  
22 believe, shooting in what direction?

23 A. Towards the home that was, that had the  
24 home invasion.

25 Q. Did you actually see that particular person

1 shoot out of whatever weapon they had?

2 A. This particular person had a handgun and he  
3 had a mask over his face.

4 Q. Do you recall what color mask?

5 A. The first guy, I think it was black with  
6 gray. It was a handkerchief over his nose and --

7 Q. A bandanna type?

8 A. Yeah, bandanna.

9 Q. So the person that you saw when you looked  
10 outside of your front door after hearing gunshots, was  
11 it a male or a female?

12 A. It was a male.

13 Q. And you said this individual had something  
14 covering their face?

15 A. Yes.

16 Q. Something like a bandanna?

17 A. Yes.

18 Q. A black bandanna?

19 A. I think it was black or black and grayish.

20 Q. Okay. And you saw this person point a  
21 handgun in the direction of the home that you later find  
22 out to have been invaded or robbed?

23 A. Yes.

24 Q. So you see that and called 911. What do  
25 you do next?

1           A.     Then I went to my closet and grabbed my  
2 handgun and I was standing there so I could make sure  
3 that, you know, I witnessed anything that was going  
4 down. And that's when I saw the other suspect, the  
5 other guy, I'm assuming he had been shot because he was  
6 scooting on his rear end down the street.

7           Q.     Let's back up. This other suspect that you  
8 saw, male or female?

9           A.     Male.

10          Q.     And was he also, could you see his face or  
11 was his face covered?

12          A.     I couldn't see his face. He had a bright  
13 orange ski mask on.

14          Q.     And when you saw this second individual  
15 now, a male with a orange ski mask over his face --

16          A.     Yes.

17          Q.     -- where was he when you first saw him?

18          A.     When I first saw him he was sitting almost  
19 in front of that house but a little bit down towards my  
20 house and he was scooting back towards my house and  
21 that's when he scooted down onto Long Cattle and he  
22 stopped right in front of my house.

23          Q.     When you say scooted when you first saw  
24 him, was he in a seated position?

25          A.     Yes.

1           Q.     Where was he in a seated position? You  
2 said in front of the home that was invaded.

3           A.     Yes.

4           Q.     Where? Was it on the street?

5           A.     In the middle of the street.

6           Q.     Middle of the street. Okay. And when you  
7 say he scooted, is that your way of describing moving  
8 without the ability to get up and stand and walk away or  
9 run away?

10          A.     Yeah, he was sitting on his butt and using  
11 both of his hands and scooting backwards.

12          Q.     What direction was he going?

13          A.     He was coming towards Long Cattle.

14          Q.     Okay. Which is the street that you live  
15 on?

16          A.     Yes.

17          Q.     While you were observing him in front of  
18 that home, what happens with the guy with the black  
19 bandanna?

20          A.     He took off. As soon as I saw him shoot,  
21 he shot two or three times, and then he ran down Long  
22 Cattle and I never saw him again.

23          Q.     And did you ever see a weapon on the  
24 individual who was scooting from the home that was  
25 invaded?

1           A.     Yes.

2           Q.     What type of weapon was that?

3           A.     Like an assault rifle.

4           Q.     Could you tell or take a guess as to what  
5 kind of assault rifle it was?

6           A.     No, it was dark. It was black. That's the  
7 most I could tell. The weapon was black.

8           Q.     And where was this rifle that you saw the  
9 suspect with the orange ski mask, where was he holding  
10 it or how was he holding it?

11          A.     He was holding it in his hand as he was  
12 scooting backwards and then when he got in front of my  
13 house he stopped and put it across his lap and he pulled  
14 his mask off and he was yelling for help or, one of the  
15 guys, whoever the guy was with him.

16          Q.     At that point could you tell or confirm  
17 whether or not he was injured?

18          A.     Yes.

19          Q.     And did it appear as though he was injured?

20          A.     Yes, it appeared his left leg, I think his  
21 left leg had been shot or was injured.

22          Q.     So sir, I just want to clarify kind of the  
23 timing. Okay. My understanding right now, correct me  
24 if I'm wrong, is that you're in your home, you're  
25 watching TV, you hear gunshots.

1           A.     Yes.

2           Q.     You go up to your front door, you look out,  
3 you see an individual with a black or gray, black and/or  
4 gray bandanna over his face.

5           A.     Yes.

6           Q.     Where was this person with the black or  
7 gray bandanna when you look out your front door?

8           A.     He was standing in the intersection of  
9 Broadmere and Long Cattle.

10          Q.     Approximately how far away were you from  
11 him if you were to estimate the distance in feet?

12          A.     I'd say 15 yards. I don't know how many  
13 feet that is.

14          Q.     When you say you heard him shoot, have you  
15 heard gunshots before?

16          A.     Yes.

17          Q.     How did the shots that you heard presumably  
18 or assumably from the individual with the black and gray  
19 bandanna over his face, how did that compare with  
20 gunshots that you had previously heard?

21          A.     It sounded weird. Almost like, like an air  
22 gun or like maybe he had a silencer or something. It  
23 sounded kind of weird.

24          Q.     Okay. So once you see that, you go back  
25 into your home, you call 911. And then what do you do?

1           A.     Like I said I grabbed my weapon then and I  
2 was standing at the door and I was on the phone with 911  
3 when I saw the second suspect scooting down the street  
4 and I was explaining to them what he had on and  
5 everything.

6           Q.     Okay. At any time after you go back into  
7 the house prior to seeing the individual with the orange  
8 ski mask, do you hear gunshots again?

9           A.     No.

10          Q.     At any point did you go outside your house?

11          A.     Yes.

12          Q.     When was that?

13          A.     I went outside, once he had made his way  
14 down Long Cattle, he scooted down the street, I went out  
15 to see where they were shooting. But like I say it was  
16 dark. I didn't see anybody else come out of the house  
17 at the time.

18          Q.     So your testimony is that the individual  
19 with the black bandanna on his face went down Long  
20 Cattle away from your home; is that right?

21          A.     Yes.

22          Q.     Is it also your testimony that the  
23 individual that you saw scooting with the orange mask,  
24 did he also go in the direction of Long Cattle?

25          A.     Yes.

1           Q.     Same direction as the individual with the  
2 black bandanna?

3           A.     Yes.

4           Q.     You testified that the individual with the  
5 orange bandanna or ski mask over his face, that he was  
6 injured. Were you able to see whether or not the male  
7 in the black bandanna was also injured?

8           A.     I couldn't tell. He ran off.

9           Q.     He ran off?

10          A.     Yes.

11          Q.     Okay. Brief indulgence please.

12                 At any point did you go upstairs to get a  
13 better look at these individuals or what was occurring  
14 outside of your home?

15          A.     Yes, I did. I was on the phone with 911  
16 and they asked me what direction he went in and I went  
17 upstairs to look, see if I could get a better look from  
18 my bedroom window to see how far he went down the  
19 street, but he was out of my range.

20          Q.     When you saw the individual with the black  
21 and gray bandanna as he was standing and you're looking  
22 at him from inside your home, did he act in such a way  
23 that would indicate to you that he had been injured?

24          A.     No.

25          Q.     Okay. So he was standing there, it wasn't



1 like he was holding any particular part of his body?  
2 Did it appear as though he was having trouble running  
3 away?

4 A. No.

5 MS. LEXIS: I have no more questions for  
6 this particular witness. Do any of the Grand Jury  
7 members have any questions?

8 BY A JUROR:

9 Q. What kind of a front door do you have?

10 A. I have a regular front door and then I have  
11 a security screen door. And the door, my regular door  
12 was open and the security screen door was closed and  
13 locked which you could see out of.

14 Q. Do you wear eyeglasses or corrective  
15 lenses?

16 A. No.

17 BY A JUROR:

18 Q. How are you employed?

19 A. I'm retired, correctional officer,  
20 California.

21 Q. Okay.

22 MS. LEXIS: Any other questions?

23 There being none.

24 THE FOREPERSON: By law, these proceedings  
25 are secret and you are prohibited from disclosing to

1 anyone anything that has transpired before us, including  
2 evidence and statements presented to the Grand Jury, any  
3 event occurring or statement made in the presence of the  
4 Grand Jury, and information obtained by the Grand Jury.

5 Failure to comply with this admonition is a  
6 gross misdemeanor punishable by a year in the Clark  
7 County Detention Center and a \$2,000 fine. In addition,  
8 you may be held in contempt of court punishable by an  
9 additional \$500 fine and 25 days in the Clark County  
10 Detention Center.

11 Do you understand this admonition?

12 THE WITNESS: Yes.

13 THE FOREPERSON: Thank you, sir. You're  
14 excused.

15 THE WITNESS: Thank you.

16 MS. LEXIS: Ladies and gentlemen of the  
17 Grand Jury, may I have a brief indulgence? I will be  
18 having an in custody witness testify before you and I  
19 just need to make sure he's here and has been  
20 transported.

21 The State calls Robert Figueroa. Also  
22 present will be my investigator Edward Dougherty and  
23 another investigator Dawn Barlow.

24 THE FOREPERSON: Please raise your right  
25 hand.

1           You do solemnly swear the testimony you are  
2 about to give upon the investigation now pending before  
3 this Grand Jury shall be the truth, the whole truth, and  
4 nothing but the truth, so help you God?

5           THE WITNESS: Yes, sir.

6           THE FOREPERSON: Please be seated.

7           You are advised that you are here today to  
8 give testimony in the investigation pertaining to the  
9 offenses of conspiracy to commit robbery, burglary while  
10 in possession of a deadly weapon, home invasion while in  
11 possession of a deadly weapon, attempt robbery with use  
12 of a deadly weapon, murder with use of a deadly weapon,  
13 attempt murder with use of a deadly weapon, involving  
14 Jorge Mendoza, Robert Figueroa, Summer Larsen and David  
15 Murphy.

16           Do you understand this advisement?

17           THE WITNESS: Yes, sir.

18           THE FOREPERSON: Please state your first  
19 and last name and spell both for the record.

20           THE WITNESS: Robert Figueroa. My first  
21 name R-O-B-E-R-T, my last name Figueroa,  
22 F-I-G-U-E-R-O-A.

23           THE FOREPERSON: Thank you.

24           MS. LEXIS: Thank you.

25           ///

1                                   ROBERT FIGUEROA,  
2   having been first duly sworn by the Foreperson of the  
3   Grand Jury to testify to the truth, the whole truth,  
4   and nothing but the truth, testified as follows:

5  
6                                   EXAMINATION  
7

8   BY MS. LEXIS:

9               Q.     Mr. Figueroa, I'm going to need you to try  
10   to speak into the microphone as much as you can. Okay?  
11   I realize that that might be a little difficult but you  
12   just let me know if you're having difficulty doing that.  
13   Okay?

14            A.     All right.

15            Q.     And please try your best to answer the  
16   questions as clearly and you wait until I'm done asking  
17   and then you talk. Okay? We have to take turns because  
18   there's a court reporter taking down everything that we  
19   say.

20            A.     Yes, ma'am.

21            Q.     Okay. Mr. Figueroa, do you know an  
22   individual by the name of Joey Laguna?

23            A.     Yes, ma'am.

24            Q.     How do you know Joey Laguna?

25            A.     Joey Laguna was my cellie in Winnemucca

1 camp for about nine months.

2 Q. Did you know him -- when were you in  
3 Winnemucca?

4 A. Back in two thousand -- it spanned for  
5 about three years, from about 2009 to about 2011.

6 Q. And how long was he your cellie in  
7 Winnemucca when you were serving time in custody?

8 A. About nine months.

9 Q. So prior to that time or after that time  
10 did you maintain contact with him?

11 A. Yes, ma'am.

12 Q. Did you develop a friendship with him?

13 A. Yes, ma'am.

14 Q. As cellies often do in custody you become  
15 friends; is that right?

16 A. Yes, ma'am.

17 Q. When are you released from custody after  
18 serving the nine months in Winnemucca, what year?

19 A. 2012, October.

20 Q. After October 2012 do you maintain contact  
21 with Joey Laguna?

22 A. Yes, ma'am.

23 Q. What type of contact would you maintain  
24 with him?

25 A. Just basically a phone call every two to

1 three weeks. He'd call, just see how I, you know, see  
2 how I was doing, I'd talk with him and he would just  
3 basically tell me what was going on with other people,  
4 himself and --

5 Q. Okay. Mr. Figueroa, I'm going to show you  
6 Grand Jury Exhibit Number 3. Do you recognize that  
7 photo?

8 A. Yes, that's me.

9 Q. I'm going to show you Grand Jury Exhibit  
10 Number 6. Do you recognize the individual in this  
11 photo?

12 A. Yes, that's Joey Laguna.

13 Q. Grand Jury Exhibit Number 6. Is this Joey  
14 Laguna that we've been speaking about on the screen  
15 right there?

16 A. Yes, ma'am.

17 Q. I want to turn your attention to  
18 September 21, 2014.

19 A. Yes.

20 Q. Just about a week or so before that did you  
21 have contact with Mr. Laguna?

22 A. No, ma'am. Probably about two or three  
23 weeks before that.

24 Q. Okay. And so you had maintained at least  
25 some kind of contact with him even through 2014?

1           A.     Yes, ma'am.

2           Q.     But specifically now on September 21, 2014,  
3 did you hear from Mr. Laguna?

4           A.     Yes, ma'am.

5           Q.     And what was the nature of your  
6 conversation? Was it on the phone or in person?

7           A.     At first on the phone and then in person.

8           Q.     What if anything did Mr. Laguna tell you on  
9 the phone?

10          A.     Basically that they, they had something  
11 lined up and they wanted me to participate in it and go  
12 along with them.

13          Q.     When you say they, when Joey Laguna first  
14 calls you September 21, 2014, did you know who they  
15 were?

16          A.     At first he just told me him and the other  
17 guy. I don't, I don't even know him by his real name.  
18 Dough Boy.

19          Q.     I'm going to show you what's been marked as  
20 Grand Jury Exhibit Number 5. Do you recognize this  
21 person?

22          A.     Yes.

23          Q.     Who do you recognize this person to be?

24          A.     That's Dough Boy.

25          Q.     And I'm going to publish Grand Jury Exhibit

1 Number 5.

2 So he told you it was going to be him and  
3 this person named Dough Boy?

4 A. Yes, ma'am.

5 Q. Did he tell you anything else during that  
6 conversation?

7 A. Yes. He told me that there was going to be  
8 another individual but I've never met him at this time.

9 Q. At that time you didn't know who this  
10 individual was going to be?

11 A. Yeah.

12 Q. Just that there was going to be another  
13 person?

14 A. Another person, yeah.

15 Q. And this phone call with Mr. Laguna, when  
16 on September 21, 2014 did it happen?

17 A. The phone call started around probably  
18 around 6:00, 6:30, 7:00, early off in the morning.

19 Q. And earlier you said you made phone contact  
20 with Mr. Laguna and then after that you saw him at some  
21 point; is that right?

22 A. Yes, ma'am.

23 Q. So if the phone call happens between  
24 6:00 and 7:00 a.m., when is it that you see him?

25 A. Probably about two hours after that.



1 Probably 9:00-ish. 8:00, 9:00-ish.

2 Q. Where are you at when you see him?

3 A. I'm at my house. Him and Jose Mendoza,  
4 they come pick me up.

5 Q. Now did you know this individual Jose  
6 Mendoza before?

7 A. No, ma'am, never seen him.

8 Q. Did you think at that time that Jose  
9 Mendoza was the person that Mr. Laguna told you about on  
10 the phone that would also be involved?

11 A. No, ma'am.

12 Q. Showing you Grand Jury Exhibit Number 2.  
13 Do you recognize this person?

14 A. Yes, ma'am.

15 Q. Who is this?

16 A. Jose Mendoza.

17 Q. At the time that you met him about 9:00,  
18 9:00 a.m. September 21, 2014, did you know his name?

19 A. No, ma'am.

20 Q. Okay. What if anything did you know about  
21 him?

22 A. I know nothing about him.

23 Q. Okay. Grand Jury Exhibit Number 2. But  
24 it's later that you know that his name is Jose Mendoza?

25 A. Yes, ma'am.

1           Q.     So at about 9:00 a.m. who comes to pick you  
2 up?

3           A.     Joey Laguna and Jose Mendoza.

4           Q.     What type of car are they in?

5           A.     A older model, like a light brown either  
6 Hyundai or like Honda or Toyota, something of that  
7 nature.

8           Q.     Who's driving?

9           A.     Jose Mendoza.

10          Q.     And where is Mr. Laguna?

11          A.     He's in the passenger seat.

12          Q.     And when they pick you up where do you go?  
13 Do you get in the car?

14          A.     Yes, ma'am.

15          Q.     And where do you sit?

16          A.     I sit behind the passenger seat.

17          Q.     Now the point that you're getting into this  
18 car, what was your understanding of what it is that you  
19 all were going to do?

20          A.     We were going to go rob a house.

21          Q.     What is it that you were going to rob this  
22 house of?

23          A.     Marijuana.

24          Q.     So by my count there's three of you in the  
25 car?

1           A.     Yes, ma'am.

2           Q.     Do you all make your way to this house that  
3 you were supposed to rob of marijuana?

4           A.     Yes, we do.

5           Q.     Can you give us the general area of town  
6 that it's at?

7           A.     About north, northwest.

8           Q.     And by the time you all make your way over  
9 there what time is it?

10          A.     It's probably around 9:30, 10:00.

11          Q.     Do you all eventually make it to that  
12 particular home?

13          A.     Yes, ma'am.

14          Q.     What happens when you make it to that  
15 house?

16          A.     I know Dough Boy is waiting around the  
17 corner with another vehicle.

18          Q.     How do you know that?

19          A.     Cause we pulled up alongside of him, we  
20 talked real quick. He basically pointed out where he  
21 was going to be at and -- yeah, he basically pointed out  
22 where he was going to be at, he's going to be over here.

23          Q.     Where did he say he was going to be at?

24          A.     Around the corner from the house.

25          Q.     Was that corner that he was going to be at,

1 was it fairly close to the home that you all had  
2 identified to rob?

3 A. Yes, ma'am.

4 Q. Would it have been running distance?

5 A. Yes, ma'am.

6 Q. Was someone else in the car with Dough Boy  
7 or was he by himself?

8 A. No, he was by himself.

9 Q. What type of car was he in?

10 A. He was in basically like a white Ford  
11 Ranger. Like a little pickup truck.

12 Q. So Dough Boy says he's going to go off on  
13 the corner?

14 A. Yes.

15 Q. And presumably sit there and wait; is that  
16 right?

17 A. Yes.

18 Q. What do you and Mr. Laguna and Mr. Mendoza  
19 do?

20 A. We go, we drive by a house. We drive by  
21 the house, it's in the cul-de-sac. We go to the end of  
22 the street and we come, and we leave for a second cause  
23 there was a whole bunch of people out there. Then Joey,  
24 he's like let's go back there, we're going to do this.  
25 So we go back there and we park the car for just a quick

1 second. Then as we were about to get out Jose Mendoza  
2 was like no, this ain't right, there's too many people  
3 outside. There was like a lawn crew and just a couple  
4 other people.

5 Q. Not an ideal time to rob this particular  
6 house?

7 A. Yes, ma'am.

8 Q. So what do you all do?

9 A. We leave and we go back to Joey's house and  
10 regroup.

11 Q. When you say we, who are you referring to?  
12 Who goes back to Joey Laguna's house to regroup?

13 A. Jose Mendoza and Dough Boy.

14 Q. And of course Mr. Laguna and yourself?

15 A. Yes.

16 Q. If you could estimate for us, Mr. Figueroa,  
17 approximately what time do you get back to Mr. Laguna's  
18 home?

19 A. Probably around 11:00, 11:30.

20 Q. And what happens after you all regroup?

21 A. Basically Dough Boy, he comes up with  
22 another plan saying that he knows about another house  
23 that we could rob later on that night.

24 Q. What type of house or what were you  
25 supposed to rob this particular house of?

1           A.     Some more marijuana.

2           Q.     But this particular house is different from  
3 the one that you all were at earlier that morning; is  
4 that right?

5           A.     Yes, ma'am.

6           Q.     And at that point did Dough Boy indicate to  
7 you at all that, of his knowledge that there would be a  
8 significant amount of marijuana at that second house?

9           A.     Yes, ma'am.

10          Q.     What exactly did he say concerning that?

11          A.     He said there could be anywhere from like  
12 30 to 40 to 50 pounds because he said he had just  
13 re-upped from the guy, from the guy in the first house.

14          Q.     So basically the guy in the first house was  
15 the supplier of the marijuana to the home, to the second  
16 home that you all identified to rob?

17          A.     Yes, ma'am.

18          Q.     Okay. All right. So you all formulate  
19 this plan to commit a robbery later that day,  
20 September 21, 2014?

21          A.     Yes, ma'am.

22          Q.     Do you remember that being a Sunday?

23          A.     Yes, ma'am.

24          Q.     So do you all meet up again that night?

25          A.     They come --

1 Q. That day.

2 A. Yes, they come again pick me up.

3 Q. So at some point you go back to your  
4 apartment?

5 A. Yeah.

6 Q. And then they come back to pick you up  
7 again?

8 A. Yes, ma'am.

9 Q. Approximately what time was that,  
10 Mr. Figueroa?

11 A. About 7:00.

12 Q. 7:00 p.m.?

13 A. Yeah, 7:00 p.m.

14 Q. When they picked you up are they in a  
15 vehicle?

16 A. Yes, ma'am. They're in the same brown  
17 Honda type of car.

18 Q. Who all is driving this time?

19 A. Just Jose Mendoza.

20 Q. Who else is in the car?

21 A. It's just me and Jose Mendoza at this time.

22 Q. And what do you and Jose Mendoza do?

23 A. We drive back to Joey Laguna's house and we  
24 go and pick up Joey Laguna and Dough Boy.

25 Q. Again there's four of you in this Honda

1 type car?

2 A. Yes.

3 Q. Once you all are in the same car what do  
4 you all do?

5 A. Mendoza gets in the back seat and he's in  
6 the back seat with me. He lets Dough Boy drive and  
7 basically Dough Boy, he's driving the car and he's also  
8 giving us a run down of the house, you know, and what he  
9 suspects, you know, what's in there and who should be in  
10 there.

11 Q. Okay. And so what does Dough Boy tell you  
12 about what should be in that house?

13 A. Just basically marijuana, money, guns.

14 Q. And who did he say was going to be in the  
15 home, that you should expect to see in the house?

16 A. I'm not sure what the victim's name is but  
17 he said him, probably like his brother, something, maybe  
18 another person.

19 Q. Okay. So the victim. Do you know that the  
20 victim is male?

21 A. Yes, ma'am.

22 Q. And perhaps the victim's brother?

23 A. Yes.

24 Q. And maybe another male or female?

25 A. Male.



1           Q.     So you're all having this conversation. At  
2 some point do you make it to the location of the second  
3 house that you're going to rob?

4           A.     Yes, ma'am.

5           Q.     Was it located in Summerlin?

6           A.     Basically that type of area.

7           Q.     Do you recall it being in the area of like  
8 Charleston and Hualapai?

9           A.     Yes, ma'am.

10          Q.     Is there a school, like a private school  
11 located across the subdivision?

12                   Do you recall that at all? If you don't  
13 just please say no.

14          A.     No, not really.

15          Q.     Approximately what time is it that you all  
16 make it to the second house?

17          A.     Around 8 o'clock.

18          Q.     And what do you do once you get to that  
19 house or the area of that house?

20          A.     He drives us by the house one time, you  
21 know, and lets us know that's the house right there.  
22 Then we circle back around and he drops us off and  
23 basically he goes and parks up the street basically on  
24 another corner.

25          Q.     How far away do you see him park or how far

1 away is the corner that he parks at?

2 A. Just the next block up, the next, you know,  
3 street, street corner.

4 Q. And by he, do you mean Dough Boy?

5 A. Yes, ma'am.

6 Q. Where Dough Boy parks, or the corner that  
7 he parks at, is it your understanding that's where he  
8 would wait for you all?

9 A. Yes, ma'am.

10 Q. And where is it exactly that Dough Boy  
11 drops you off?

12 A. He drops us off in the, basically in the  
13 driveway. He pulls up right there, right in front of  
14 the driveway and drops us off.

15 Q. And when you say drops us off, who is it  
16 that gets dropped off in front of this driveway, the  
17 home that you're going to rob?

18 A. Jose Mendoza and Joey Laguna.

19 Q. So you're all at the front of the driveway  
20 of this house?

21 A. Yes, ma'am.

22 Q. What do you do?

23 A. We start walking up to the door and they  
24 told me that I'd be the one to open up the door.

25 Q. Let me stop you right there.

1           A.     Yes.

2           Q.     So there's three of you. Let me ask you  
3 this. How are you all dressed? How are you dressed?  
4 Let's start with you.

5           A.     Me. I had a beanie and a, like a black  
6 sleeve covering my face. And I had a black sweater with  
7 some dark blue jeans with some black shoes.

8           Q.     And how about Jorge Mendoza or Jose  
9 Mendoza?

10          A.     They were just dressed regular with  
11 nothing, like no, nothing to cover themselves up with.

12          Q.     Okay. And Mr. Laguna, how was he dressed?

13          A.     With nothing. Like just regular clothes.  
14 No type of disguise or nothing.

15          Q.     Okay. And so it's determined that you're  
16 going to be the person to open the door?

17          A.     Yes, ma'am.

18          Q.     Mr. Figueroa, of course the door wasn't  
19 just wide open at this point, right?

20          A.     Yes, ma'am.

21          Q.     So how is it that you opened the door?

22          A.     I hit it with my shoulder two times and it  
23 busted open.

24          Q.     And do you walk into the home through that  
25 front door?

1           A.     Yes, ma'am.

2           Q.     Do you know who was behind you?

3           A.     I'm not completely 100 percent sure.

4           Q.     Okay. Do you know whether or not the other  
5 two people that you were with, whether they also go into  
6 the home?

7           A.     I believe they did.

8           Q.     As you were walking into the home what  
9 happens?

10          A.     As I get through the front door almost  
11 instantly I get shot in my face.

12          Q.     Where in your face do you get shot?

13          A.     Below my lip.

14          Q.     And for the record you pointed to your  
15 lower left lip?

16          A.     Yes, ma'am.

17          Q.     And so once you're shot there, what happens  
18 to you?

19          A.     It shocked me. I mean it took me off my  
20 feet, it dropped me to the floor. And right then and  
21 there I knew I was hurt.

22          Q.     Did you have a weapon when you entered that  
23 home?

24          A.     Yes, ma'am.

25          Q.     What type of weapon did you have?

1           A.     It was a .40.

2           Q.     .40 caliber?

3           A.     Yes, ma'am.

4           Q.     Do you know what type of gun it was?

5           A.     Ruger.

6           Q.     Did Mr. Laguna your friend have a weapon  
7 with him?

8           A.     Yes, ma'am.

9           Q.     What type of weapon was it, Mr. Figueroa?

10          A.     A .38 snub nose.

11          Q.     And Mr. Mendoza, what type of weapon did he  
12 have, if any?

13          A.     He had a 9-millimeter type of like short  
14 rifle type of deal.

15          Q.     Did you each have your weapons, the weapons  
16 that you just described, when you entered this home that  
17 you were going to rob?

18          A.     Yes, ma'am.

19          Q.     And so you get hit under your left lip?

20          A.     Yes, ma'am.

21          Q.     You said it shocks you, it brought you to  
22 the ground?

23          A.     Yes.

24          Q.     What happens next?

25          A.     I get up and I turn and run.

1 Q. Out the door, out the front door?

2 A. Well, as I get up and turn I get shot in my  
3 left side, on my, like right above my hip in between my  
4 rib area.

5 Q. Let me correct the record. When you said  
6 you got shot in the lip, was it your right side of your  
7 lip or your left side?

8 A. The right side of my lip, ma'am.

9 Q. I have trouble with my lefts and rights  
10 sometimes. So it was the bottom of your right lip?

11 A. Yes, ma'am.

12 Q. And for now you just indicated that you  
13 were shot on the lower side of your back?

14 A. Yes.

15 Q. Lower left side of your back?

16 A. Yes, lower left side.

17 Q. And once that happens what do you do?

18 A. That dropped me again. That dropped me  
19 again. And I continued to try to make it out the door.

20 Q. As you're trying to make it out the door,  
21 do you see whether or not Mr. Mendoza or Mr. Laguna are  
22 still in the entryway, anything like that?

23 A. I believe that they are still in the  
24 entryway. But like at this time everything is happening  
25 so fast. I'm just trying to, I'm trying to get away

1 now.

2 Q. Are you successful in getting away?

3 A. Yes, ma'am.

4 Q. So you actually get out the front door?

5 A. Yes, ma'am.

6 Q. What do you do?

7 A. I run straight down the street, not towards  
8 Dough Boy but just in a straight general direction  
9 opposite from the house.

10 Q. Could you see who was shooting at you from  
11 the house?

12 A. No, ma'am.

13 Q. So you run not towards Dough Boy where he's  
14 in a car waiting?

15 A. Yes.

16 Q. But the straightest way you could to get  
17 away?

18 A. Yes, ma'am.

19 Q. As you're running away do you continue to  
20 hear gunfire?

21 A. Yes, ma'am.

22 Q. Do you look back at all at the house and  
23 see anything?

24 A. Yes. Once I got basically halfway down the  
25 street I looked back at the house and like as I'm

1 running I'm hearing gunfire and when I looked back  
2 basically I see Joey Laguna, he's basically, he runs up  
3 to the driveway, I see Dough Boy and Dough Boy comes and  
4 picks him up and they take off.

5 Q. In which driveway? The house that you all  
6 just tried to rob?

7 A. Yes, ma'am.

8 Q. So Dough Boy picks him up. Did it appear  
9 as though Mr. Laguna was injured at all?

10 A. No, ma'am.

11 Q. The way he was running?

12 A. No, ma'am.

13 Q. Did you see what happened to Mr. Mendoza?

14 A. No, ma'am.

15 Q. So you just run away from that scene; is  
16 that right?

17 A. Yes, ma'am.

18 Q. How far away do you make it? Do you make  
19 it out of the subdivision?

20 A. No, ma'am.

21 Q. What is it that you do?

22 A. I, after I see them leave and basically I  
23 keep on running down the street, but I'm injured, I'm  
24 hurt, I'm just basically, I looked for a place to hide.  
25 Then once I find a place to hide I start calling Joey



1 Laguna to let him know come get me, I'm hurt.

2 Q. Did Joey Laguna ever come to get you?

3 A. No, ma'am.

4 Q. Did you have contact with Dough Boy?

5 A. He was calling me off of a -- well, he was  
6 texting me off of a cell phone for a little while  
7 basically asking me where I am, where I'm at. I told  
8 him and nothing. Later on he told me that his wife had  
9 to go to work.

10 Q. So you received a text message from someone  
11 who you believed to be Dough Boy?

12 A. Yes, ma'am.

13 Q. What leads you to believe that it's Dough  
14 Boy?

15 A. Just I'm assuming that's him.

16 Q. I mean did he have information about what  
17 just happened?

18 A. Yes.

19 Q. Did he talk about picking you up in a car  
20 which you knew Dough Boy to have?

21 A. Yes, he was talking about he's going to try  
22 to find someone to come get me.

23 Q. Did anyone, did Mr. Mendoza, Mr. Laguna or  
24 Dough Boy ever come and get you?

25 A. No, ma'am.

1 Q. In fact did you find a place to hide?

2 A. Yes, ma'am.

3 Q. Where is it that you hide?

4 A. I hide in a, in someone's backyard on the  
5 corner of the street that I ran down. I just hopped the  
6 wall and there was a couple tall bushes that I hid in  
7 between. I hid in between the wall and the bushes.

8 Q. How long did you remain hiding between the  
9 wall and the bushes?

10 A. About eight to nine hours.

11 Q. At this point are you able to assess your  
12 injuries?

13 A. Yes, ma'am. Like I knew that, you know, my  
14 jaw was broken, I was missing teeth. I knew I got hit  
15 in my side.

16 Q. Were you bleeding considerably at this  
17 point?

18 A. Yeah.

19 Q. And so did you hear the sirens and the  
20 police responding to this particular location?

21 A. Yes, ma'am.

22 Q. Approximately how far away were you in your  
23 hiding spot to where you could hear the police  
24 responding or to the house that you had just attempted  
25 to rob?

1           A.     The police were literally on the other side  
2 of the wall searching. And there was a news anchor,  
3 news lady there, she broadcasted news right there and I  
4 was just on the other side of the wall.

5           Q.     Could you hear her broadcasting the news?

6           A.     Yes.

7           Q.     So far what I gather, Mr. Figueroa, is that  
8 Mr. Laguna, who entered the home with you and  
9 Mr. Mendoza, he is not injured; is that right?

10          A.     Yes.

11          Q.     And he's coming out of the home and Dough  
12 Boy picks him up from that driveway?

13          A.     Yes, ma'am.

14          Q.     Meanwhile you're clearly injured.

15          A.     Yes, ma'am.

16          Q.     Is it your understanding that Dough Boy  
17 decided to pick up Mr. Laguna as opposed to you?

18          A.     Yes, ma'am.

19          Q.     Do you know why that is?

20          A.     They've known each other for way longer and  
21 they were a lot closer than me and him were.

22          Q.     How many times previous to this incident  
23 had you known, even been around Dough Boy?

24          A.     Two to three times.

25          Q.     I'm going to ask you, at some point does

1 someone pick you up?

2 A. Yes, ma'am.

3 Q. Okay. And did you have to hop a couple  
4 walls and text an address to this person who picked you  
5 up?

6 A. Yes, ma'am.

7 Q. And did you subsequently go to a hospital  
8 to be treated?

9 A. Yes, ma'am.

10 Q. Was that hospital here in Las Vegas?

11 A. No, ma'am.

12 Q. Was it in the State of Nevada?

13 A. No, ma'am.

14 Q. In fact it was in California, right?

15 A. Yes, ma'am.

16 Q. And you were treated for a gunshot wound to  
17 your face and also to your abdomen?

18 A. Yes, ma'am.

19 Q. After this incident did you find out the  
20 identity or who it was that owned the home that you all  
21 had attempted to rob?

22 A. I've never -- the man's name, I never found  
23 it out until I actually got arrested.

24 Q. Did you find out that that person's name is  
25 Joey Larsen?

1           A.     Yes, ma'am.

2           Q.     Have you seen what Joey Larsen looks like?

3           A.     No, ma'am.

4           Q.     So to date you don't know what he looks  
5 like?

6           A.     No, ma'am.

7           Q.     Up until the time of the robbery did you  
8 know an individual by the name of Joey Larsen?

9           A.     No, ma'am.

10          Q.     Now during the time that you are talking  
11 with Dough Boy and Mr. Laguna and Mr. Figueroa (sic), do  
12 you ever come to find out how it is that Dough Boy would  
13 know about Joey Larsen, where he lives and the fact that  
14 he may have marijuana, guns and cash in his home?

15          A.     Yeah. Basically I had asked him how do you  
16 know all this, what is his connection to this, and  
17 basically he told me that he was having relationships  
18 with Joey Larsen's girlfriend.

19          Q.     Had you ever met this girl that Dough Boy  
20 was having a relationship with?

21          A.     No, ma'am.

22          Q.     And by relationship, was it a sexual  
23 relationship?

24          A.     Yes. Yeah. That's the only type of  
25 relationship I believe they had.

1           Q.     So just to be clear. Dough Boy told you  
2 that he was having a relationship with the homeowner's  
3 girlfriend?

4           A.     Yes, ma'am.

5           Q.     Did he subsequently indicate that, or did  
6 he tell you that the homeowner's girlfriend told him  
7 about what items would be found in Joey Larsen's home?

8           A.     Yes, ma'am. Like I'm assuming so because  
9 how would he know without, you know, without her.

10          Q.     Okay.

11          A.     So.

12          Q.     And earlier you also indicated that at  
13 least Dough Boy knew that Joey Larsen had just re-upped?

14          A.     Yes, ma'am.

15          Q.     What does re-upped mean?

16          A.     He went and just recently bought some more  
17 marijuana that day.

18          Q.     And when you asked Dough Boy how did he  
19 know this information, did it include how did he know  
20 that Joey Larsen had just re-upped his marijuana supply?

21          A.     Yes.

22          Q.     When Dough Boy talked to you about how the  
23 girl he was having a relationship with, how she knew  
24 about Joey Larsen's house, did you also get information  
25 that the girl that Dough Boy was having a relationship

1 with, that she also knew about the first house that you  
2 tried to rob earlier that day?

3 A. Yes.

4 Q. Did that question make sense?

5 A. A little bit.

6 Q. Let me ask it a different way.

7 A. Yeah.

8 Q. Based on conversations with Dough Boy, did  
9 you come to believe that he had received information  
10 from the girl that he was sleeping with about both  
11 houses that you attempted to rob or planned to rob  
12 September 21, 2014?

13 A. Yes, ma'am.

14 Q. During your conversation -- first of all,  
15 when is it that you asked Dough Boy about how he knows  
16 about these houses?

17 A. Right after the first house when we went  
18 back to Joey Laguna's to go regroup.

19 Q. Okay. And at some point when you're  
20 talking to Dough Boy does he give you an indication that  
21 he knows that the girl that he's sleeping with is still  
22 maybe in a relationship with the guy who owns the house  
23 that you tried to rob the second time?

24 A. Yes.

25 Q. What did he tell you about that that made

1 you believe --

2 A. That she was telling -- well, he was  
3 telling me about their personal relationship, how he'll  
4 call her on the phone crying.

5 Q. How he meaning the homeowner?

6 A. Yes, ma'am.

7 Q. Would call his --

8 A. His girlfriend on the phone crying and  
9 just, you know, he was just letting me know personal  
10 details about them and that sort of stuff.

11 Q. So Dough Boy was telling you that the girl  
12 that he was having a relationship with, a sexual  
13 relationship with --

14 A. Yes.

15 Q. -- that she was telling him about what was  
16 going on between her and the guy that owned the house  
17 that you all tried to rob that night?

18 A. Yes, ma'am.

19 Q. Okay. And that the homeowner was begging  
20 for Dough Boy's, the girl that he's having a  
21 relationship with, pretty much trying to continue to  
22 have a relationship with her?

23 A. Yes, basically. Yes.

24 Q. At any time did Dough Boy tell you that  
25 this girl that he was hooking up with or having a sexual



1 relationship with, that she had tried setting up her  
2 boyfriend or the homeowner before?

3 A. Yes.

4 Q. You testified that Joey knew Dough Boy. Do  
5 you know whether they're related or whether they're  
6 friends? Do you know the nature of their relationship?

7 A. Friends. Real close friends.

8 Q. So Dough Boy had the information about  
9 which houses to hit; is that right?

10 A. Yes, ma'am.

11 Q. And did Dough Boy ever personally call you  
12 to tell you let's go do this?

13 A. No, ma'am.

14 Q. Okay. Who is it that Dough Boy would call  
15 concerning, you know, the plan that day regarding both  
16 houses?

17 A. He was calling Joey Laguna.

18 Q. And you are linked to all of these other  
19 people through Joey Laguna?

20 A. Yes, ma'am.

21 Q. And it was Joey Laguna who then conveyed  
22 the information to you and who got you in on this whole  
23 thing?

24 A. Yes, ma'am.

25 Q. I'm going to show you what's been marked as

1 Grand Jury Exhibit Number 4. Do you recognize at all  
2 the person in this photograph?

3 A. I've seen her in court.

4 Q. Okay. But prior to or up until  
5 September 21, 2014, did you know who this was?

6 A. No, ma'am.

7 Q. Had you ever seen her before?

8 A. No, ma'am.

9 Q. Okay. It's Grand Jury Exhibit Number 4.  
10 So you didn't know this person prior to or during the  
11 attempted robbery?

12 A. No, ma'am.

13 Q. Just a brief indulgence please.

14 At any time during the regrouping or the  
15 times that you were with Mr. Mendoza, Mr. Laguna, Dough  
16 Boy, were you able to determine how it is that  
17 Mr. Mendoza was recruited in this whole thing?

18 A. I believe he's related to Dough Boy through  
19 some sort of way, like down the line somewhere.

20 Q. And you have, you said you're assuming or  
21 you think. Is that just based on what you heard or the  
22 kind of --

23 A. Yeah, just basically on what I heard. Like  
24 I think he's, he was married to like his cousin or  
25 something.

1 Q. He meaning Dough Boy was married to?

2 A. No. Jose Mendoza was married to one of  
3 like Dough Boy's cousins or, you know, something down  
4 the line of that sort.

5 MS. LEXIS: I have no further questions for  
6 this witness. Do any of the members of the Grand Jury  
7 have any questions?

8 Brief indulgence please.

9 Just so the record is very clear, I  
10 indicated before questioning Mr. Figueroa that there  
11 were two investigators from my office, the Clark County  
12 District Attorney's Office, present. Miss Dawn Barlow  
13 and Mr. Ed Dougherty. They remained in the Grand Jury  
14 room the entire time that Mr. Figueroa testified.  
15 Mr. Figueroa is in custody at the Clark County Detention  
16 Center. He is in jail clothing, he was handcuffed, and  
17 has agreed to testify here today. Do any of you have  
18 any questions absent that?

19 THE FOREPERSON: No.

20 By law, these proceedings are secret and  
21 you are prohibited from disclosing to anyone anything  
22 that has transpired before us, including evidence and  
23 statements presented to the Grand Jury, any event  
24 occurring or statement made in the presence of the Grand  
25 Jury, and information obtained by the Grand Jury.

1 Failure to comply with this admonition is a  
2 gross misdemeanor punishable by a year in the Clark  
3 County Detention Center and a \$2,000 fine. In addition,  
4 you may be held in contempt of court punishable by an  
5 additional \$500 fine and 25 days in the Clark County  
6 Detention Center.

7 Do you understand this admonition?

8 THE WITNESS: Yes, sir.

9 THE FOREPERSON: Thank you, sir. You're  
10 excused.

11 THE WITNESS: Thank you.

12 MS. LEXIS: Mr. Foreperson, I don't believe  
13 I'll be going over the time that I have allotted. I  
14 think I have until 4 o'clock. If it's okay with you  
15 all, is it okay to take a ten minute break?

16 THE FOREPERSON: Sure.

17 MS. LEXIS: Is that okay?

18 THE FOREPERSON: Yes.

19 MS. LEXIS: Thank you very much.

20 (Recess.)

21 MS. LEXIS: Mr. Foreperson, the State calls  
22 Joey Larsen to the stand.

23 Joey, please have a seat right here.

24 THE FOREPERSON: Sir, if you could raise  
25 your right hand.

1           You do solemnly swear the testimony you are  
2 about to give upon the investigation now pending before  
3 this Grand Jury shall be the truth, the whole truth, and  
4 nothing but the truth, so help you God?

5           THE WITNESS: Yes.

6           THE FOREPERSON: Thank you.

7           You are advised that you are here today to  
8 give testimony in the investigation pertaining to the  
9 offenses of conspiracy to commit robbery, burglary while  
10 in possession of a deadly weapon, home invasion while in  
11 possession of a deadly weapon, attempt robbery with use  
12 of a deadly weapon, murder with use of a deadly weapon,  
13 attempt murder with use of a deadly weapon, involving  
14 Jorge Mendoza, Robert Figueroa, Summer Larsen and David  
15 Murphy.

16           Do you understand this advisement?

17           THE WITNESS: Yes.

18           THE FOREPERSON: Please state your first  
19 and last name and spell both for the record.

20           THE WITNESS: Joseph Larsen. J-O-S-E-P-H,  
21 L-A-R-S-E-N.

22           THE FOREPERSON: Thank you.

23           MS. LEXIS: May I Mr. Foreperson?

24           THE FOREPERSON: Yes, ma'am.

25           ///

1                                JOSEPH LARSEN,  
2       having been first duly sworn by the Foreperson of the  
3       Grand Jury to testify to the truth, the whole truth,  
4       and nothing but the truth, testified as follows:

5  
6                                EXAMINATION

7  
8       BY MS. LEXIS:

9                Q.       Mr. Larsen, on September 21, 2014, did you  
10       live at an address called 1661 Broadmere Street here in  
11       Las Vegas, Clark County, Nevada?

12              A.       Ma'am, I refuse to testify.

13              Q.       Okay. Mr. Larsen, you are a witness for  
14       the State of Nevada so I'm going to need you to please  
15       answer my questions. Okay? Joey?

16              A.       I refuse to, ma'am.

17              Q.       Okay. Why do you refuse to testify before  
18       this Grand Jury, Joey?

19              A.       I just don't want to.

20              Q.       You have to Joey. You're here by order of  
21       the District Court and by this Grand Jury. You have to  
22       be here today.

23              A.       I'm here.

24              Q.       Joey, why is it that you do not want to  
25       testify before this Grand Jury? Did something happen on

1 September 21, 2014 that you're not wanting to testify  
2 about?

3 A. I'm sorry, ma'am, I don't want to answer  
4 any questions.

5 Q. Joey, did something happen on September 21,  
6 2014 that caused us to subpoena you today?

7 A. I'm sorry, ma'am, I don't want to answer  
8 any questions.

9 Q. Joey, I'm going to ask you to leave the  
10 room. I need to speak with the Grand Jury.

11 (At this time, witness Joseph Larsen exits  
12 the proceedings.)

13 MS. LEXIS: Mr. Foreperson, at this point I  
14 will be contacting the chief judge, Judge Barker, and I  
15 will be asking to bring Mr. Joey Larsen before Judge  
16 Barker to hold a contempt hearing.

17 THE FOREPERSON: Okay.

18 MS. LEXIS: Brief indulgence please.

19 (Off the record.)

20 Okay. The State would like to recall Joey  
21 Larsen.

22 Q. Joey, we just took a little bit of a break  
23 and myself and Detective Barry Jensen and my  
24 investigator Mr. Ed Dougherty, we had a conversation  
25 with you in the little vestibule; is that right?

1           A.     Yes, ma'am.

2           Q.     And you have now agreed to testify before  
3 this Grand Jury about what happened on September 21,  
4 2014; is that right?

5           A.     Yes, ma'am.

6           Q.     Okay. So Joey, September -- is it okay if  
7 I call you Joey?

8           A.     Yes, ma'am.

9           Q.     Joey, September 21, 2014, where were you  
10 living?

11          A.     1661 Broadmere Street.

12          Q.     Is that here in Las Vegas, Clark County,  
13 Nevada?

14          A.     Yes, ma'am.

15          Q.     Is that near the area of Charleston and  
16 Hualapai?

17          A.     Yes, ma'am.

18          Q.     Who did you live at that house with?

19          A.     Monty Gibson.

20          Q.     What was your relationship with Monty?

21          A.     Friends.

22          Q.     How long had you been friends with him?

23          A.     Approximately ten years.

24          Q.     So he lived in that house with you?

25          A.     Yes, ma'am.



1 Q. He had a room?

2 A. Yes, ma'am.

3 Q. What is this, a two-bedroom house?

4 A. Four bedroom.

5 Q. Four bedroom. Okay. Is it one story or  
6 two story?

7 A. Two story.

8 Q. I'm going to show you what's been marked as  
9 Grand Jury Exhibit Number 8. Just take a look. Do you  
10 recognize what this is?

11 A. Yes, ma'am.

12 Q. What is it?

13 A. ID.

14 Q. Whose ID is it?

15 A. Monty Gibson.

16 Q. Monty your friend the one who lived with  
17 you at 1661 Broadmere?

18 A. Yes, ma'am.

19 Q. So Joey, September 21, 2014, did something  
20 happen that you're having to testify before the Grand  
21 Jury about?

22 A. Yes, ma'am.

23 Q. Joey, just tell us in your own words what  
24 happened.

25 A. Me and Monty were at home watching the

1 game. We heard a boom at the door, we heard another  
2 boom. Two men ran in with guns, I fired, they fired  
3 back.

4 Q. That's a very short version. We're just  
5 going to talk a little bit about that. Okay?

6 So you say that you and Monty are home  
7 watching the game. Can you hear me okay?

8 A. Yes, ma'am.

9 Q. Is this nighttime, daytime; what time of  
10 day?

11 A. I'm not sure. Approximately like 7 o'clock  
12 at night.

13 Q. And where are you and Monty watching the  
14 game?

15 A. In the living room.

16 Q. How is the house set up -- you said it's a  
17 two-story house?

18 A. Yes, ma'am.

19 Q. So when you walk into the front door of  
20 your house, what part of the downstairs are you at?

21 A. As soon as you walk in there's like a  
22 dining area and a bathroom right there.

23 Q. And then do you go further down a hallway  
24 to get to the kitchen?

25 A. It's not really a hallway. It's like an

1 open area, but yes, ma'am.

2 Q. And so there's, after you walk past the  
3 dining room area, correct me if I'm wrong, you walk into  
4 your home, the front door, right? You walk in the front  
5 door. To the right is that dining room area that you  
6 were talking about; is that right?

7 A. Yes, ma'am.

8 Q. And to the left of that is a bathroom?

9 A. Yes, ma'am.

10 Q. And you continue to walk down this hallway.  
11 What do you see next?

12 A. The kitchen on the right hand side and the  
13 living room on the left hand side.

14 Q. So when you and Monty are watching the  
15 game, you're in the living room?

16 A. We're back and forth. We had a pizza in  
17 the kitchen on, there's an island so we had our plates  
18 right there eating pizza walking back and forth watching  
19 the game.

20 Q. Now Joey, were you or Monty expecting  
21 someone to come to your home at that time?

22 A. No, ma'am.

23 Q. Had you received word earlier in the day  
24 about some people planning to do some bad things at your  
25 house?

1           A.     Yes, ma'am.

2           Q.     Tell us about that.

3           A.     Just received a phone call saying someone  
4 might be trying to rob us.

5           Q.     And when was it that you received that  
6 phone call earlier that day?

7           A.     Like an hour before.

8           Q.     And who was it that made that phone call to  
9 you?

10          A.     My father.

11          Q.     Is his name Steve Larsen?

12          A.     Yes, ma'am.

13          Q.     Your dad rents this house for you; is that  
14 right?

15          A.     Yes, ma'am.

16          Q.     And he knew you had a roommate Monty; is  
17 that right?

18          A.     Yes, ma'am.

19          Q.     So we'll back up the hour. You first  
20 talked to your dad and your dad tells you hey, some guys  
21 may be coming to rob you. Were you scared?

22          A.     No, ma'am.

23          Q.     Were you worried?

24          A.     Yes, ma'am.

25          Q.     So Joey, what do you do once you hear that

1 from your dad?

2 A. I was on my way home so I continued home.

3 When I got home I grabbed my firearm and sat on the  
4 couch to watch the game.

5 Q. Was Monty already home when you got home?

6 A. No, ma'am.

7 Q. What type of firearms did you grab and  
8 bring downstairs to watch the game?

9 A. Yes, ma'am.

10 Q. What type of firearms did you bring?

11 A. .40 caliber Glock and a .38 caliber. I  
12 don't know the brand.

13 Q. Are these guns registered to you, Joey?

14 A. No, ma'am.

15 Q. Are they registered to your father?

16 A. No, ma'am.

17 Q. So what do you do with the guns?

18 A. I put one on the, I put them on the island  
19 in the kitchen like next to the pizza.

20 Q. So the pizza, you already had pizza there?

21 A. Yes, ma'am.

22 Q. At some point does Monty come home?

23 A. Yes, ma'am.

24 Q. And what do you, do you tell Monty?

25 A. Yes, ma'am.

1           Q.     You told Monty that there were some people  
2 that may be coming to rob your house?

3           A.     Yes, ma'am.

4           Q.     Did your dad tell you who these people were  
5 going to be?

6           A.     No, ma'am.

7           Q.     Just that he had received word?

8           A.     Yes, ma'am.

9           Q.     And he was passing that information onto  
10 you?

11          A.     Yes, ma'am.

12          Q.     When does Monty get home?

13          A.     Approximately 15 minutes after I did.

14          Q.     And so you tell him what you found out from  
15 your dad?

16          A.     Yes, ma'am.

17          Q.     So the two of you just sit there and watch  
18 the game?

19          A.     And eat pizza.

20          Q.     And eat pizza. Okay. Then you said you  
21 heard a boom and then another boom; is that right?

22          A.     Yes, ma'am.

23          Q.     At that time that you heard the two booms  
24 could you tell what was causing that sound?

25          A.     No, ma'am.

1           Q.     Now that you are looking back at this event  
2 do you know what caused those sounds?

3           A.     Yes, ma'am.

4           Q.     Joey, tell the ladies and gentlemen of the  
5 Grand Jury what caused that, the two boom boom sounds.

6           A.     I believe a kick at the door, somebody  
7 kicking the door.

8           Q.     Was the door, had you locked the door?

9           A.     Yes, ma'am.

10          Q.     Do you believe Monty locked the door after  
11 he got home?

12          A.     He came through the back door, the sliding  
13 glass door, and I locked that.

14          Q.     So to your knowledge that front door was  
15 locked and you were not expecting anyone?

16          A.     Yes, ma'am.

17          Q.     So boom boom. You see two people enter?

18          A.     Yes, ma'am.

19          Q.     Were these individuals male or female?

20          A.     They had masks on.

21          Q.     Let's talk about each one. Okay? Do you  
22 remember what the first one who goes through that door  
23 that you see, do you recall what color mask he was  
24 wearing?

25          A.     An orange ski mask.

1           Q.     The second person that comes through the  
2 door, do you remember what kind of mask he was wearing?

3           A.     No, ma'am.

4           Q.     So really your view was of the male with  
5 the orange ski mask?

6           A.     Yes, ma'am.

7           Q.     Right when you see them, Joey, where are  
8 you?

9           A.     I'm in the kitchen standing next to the  
10 island.

11          Q.     Next to the pizza?

12          A.     Yes, ma'am.

13          Q.     Next to the guns that you brought down?

14          A.     Yes, ma'am.

15          Q.     You see them come through, what do you do?

16          A.     I grab the firearm and shoot.

17          Q.     Okay. Which firearm did you grab first, do  
18 you remember?

19          A.     No, ma'am.

20          Q.     Do you remember giving an interview to  
21 Detective Jensen who was just outside this Grand Jury  
22 room?

23          A.     Yes, ma'am.

24          Q.     Sometime in December of 2014; do you  
25 remember that?



1           A.     Yes, ma'am.

2           Q.     Would it surprise you that when you were  
3 interviewed at that time you said you grabbed the .38  
4 first?

5           A.     No, it wouldn't surprise me.

6           Q.     Would it surprise you that you said you  
7 believed there were only two bullets in the .38?

8           A.     No, it wouldn't surprise me.

9           Q.     And that you shot those two bullets first,  
10 ran out of ammo and grabbed your Glock?

11          A.     No, it wouldn't surprise me.

12          Q.     Does that sound about right?

13          A.     Yes, ma'am.

14          Q.     And so you fired. Do you know whether or  
15 not you shoot either of the two guys going into your  
16 home?

17          A.     Yeah, I believe I shoot the first one cause  
18 he made like a grunt sound.

19          Q.     And as he makes that grunt sound, do you  
20 continue shooting?

21          A.     No, I moved behind the wall because they're  
22 shooting back.

23          Q.     Could you tell, Joey, whether both were  
24 shooting at you or only one?

25          A.     Couldn't tell.

1 Q. You're just receiving gunfire?

2 A. Yes, ma'am.

3 Q. And you're also returning gunfire?

4 A. Yes, ma'am.

5 Q. So you think you strike one of them. Let  
6 me stop right there. Approximately how many shots do  
7 you think you get out counting the two from the .38 and  
8 then do you empty the Glock?

9 A. No, ma'am.

10 Q. So how many bullets do you think you had in  
11 the Glock?

12 A. Fifteen.

13 Q. And did you have any ammo left after  
14 looking at your gun after this?

15 A. Yes, ma'am.

16 Q. How much ammo did you have left?

17 A. I don't know.

18 Q. If you were to estimate for me, Joey, about  
19 how much of the Glock did you fire, how many bullets?

20 A. I'd say maybe six to eight.

21 Q. Okay. And then two out of the .38?

22 A. I believe so.

23 Q. Maybe. Okay.

24 So you're firing. They're firing. Do you  
25 know about how many shots are fired in your direction?

1           A.     No, ma'am.

2           Q.     Where is Monty when you are shooting at the  
3 intruders and the intruders are shooting at you?

4           A.     I'm not sure exactly where he was when the  
5 shooting was going on.

6           Q.     What happens after -- you saw that you hit  
7 one, you go behind the kitchen. Are you still firing  
8 from the kitchen?

9           A.     Yes, ma'am.

10          Q.     What happens next that you can remember?

11          A.     Like I said I was firing, they were firing  
12 back. After awhile it stopped. I looked, I didn't see  
13 nobody. Then Monty, he like came out from behind the  
14 other wall. I was kind of in the living room. He said  
15 he was going to close the door, I said all Right. I  
16 walked behind him, he went to close the door and he  
17 didn't, he kind of like looked out there and I just  
18 heard one shot and then he fell.

19          Q.     You said it stopped after awhile. Do you  
20 mean the gunshots?

21          A.     Yes, ma'am.

22          Q.     And so Monty comes out from behind the wall  
23 of the living room which is to the left of where you  
24 were and you said Monty decided to close the door,  
25 because the door was still open; is that right?

1           A.     Yes, ma'am.

2           Q.     When you looked out that kind of hallway  
3 that leads into your front door, you didn't see anyone  
4 else?

5           A.     No, ma'am.

6           Q.     About how long after the gun fire stopped  
7 did Monty decide to walk up to the door to shut it?

8           A.     I'm not sure. Approximately like 30  
9 seconds.

10          Q.     And you said you walked behind him?

11          A.     Yes, ma'am.

12          Q.     Is Monty taller than you?

13          A.     No, ma'am.

14          Q.     Are you taller than him?

15          A.     Yes, ma'am.

16          Q.     About how far away from you from Monty as  
17 he's shutting the door?

18          A.     Maybe four feet.

19          Q.     Behind him?

20          A.     Yes, ma'am.

21          Q.     When Monty shuts the door, does he shut it  
22 like you normally shut the door, you go up to the front  
23 and close it, or is he kind of back against the wall to  
24 shut it?

25          A.     He didn't never shut it. He put his hand

1 on it like he was going to push it forward and he, as he  
2 was pushing it forward he looked outside.

3 Q. He looked outside?

4 A. Yes, ma'am.

5 Q. And then you heard the gunshot and you saw  
6 him drop?

7 A. Yes, ma'am.

8 Q. So after you see Monty drop to the ground,  
9 or to the floor, where is it that he drops to the floor?

10 A. In the doorway.

11 Q. After you see this, Joey, what do you do?

12 A. I look out the door but I can't see nobody.

13 Q. What does your front door look out into?

14 A. There's a street and then a brick wall.

15 Q. And is that brick wall a wall that kind of  
16 encloses the houses, other houses?

17 A. Yes, ma'am.

18 Q. And so the street that's directly in front  
19 of your front door, is that Broadmere?

20 A. Yes, ma'am.

21 Q. And you have neighbors on each side of you;  
22 is that right?

23 A. Yes, ma'am.

24 Q. And if I am facing your front door the way  
25 I am now, is it fair to say that you go right a few

1 houses on Broadmere and then there's a street that runs  
2 kind of perpendicular to it called Cattle. Do you know  
3 what that street is?

4 A. I'm not sure of the name of that street,  
5 ma'am.

6 Q. But there is a street that runs kind of  
7 perpendicular to part of Broadmere?

8 A. Yes, ma'am.

9 Q. All right. So what happens next?

10 A. I look out the front door, I don't see  
11 nobody. I look at Monty and you could just tell he was  
12 dead so. I look at him, I back up like towards where I  
13 was at towards the wall and I'm kind of just like  
14 sitting there, I'm trying to talk to him like telling  
15 him say something, but he doesn't say nothing.

16 Q. Do you call the police?

17 A. No. I'm just sitting there like for  
18 awhile, like I didn't call the police for awhile. I  
19 thought they were already on the way, I heard police  
20 sirens.

21 Q. Do you call anyone?

22 A. I called my father.

23 Q. That's Steve Larsen?

24 A. Yes, ma'am.

25 Q. When you call him what do you tell him?

1           A.     I tell him to come over. He said he was  
2 already on the way.

3           Q.     Does your dad get there?

4           A.     Yes, ma'am.

5           Q.     To your house? Okay. Who gets there  
6 first, your dad or the police?

7           A.     My father.

8           Q.     When your father gets there what do you  
9 tell him? Do you tell him what happened?

10          A.     I'm not sure.

11          Q.     Fair to say that you were pretty shocked  
12 and stressed out at that time?

13          A.     Yes, ma'am.

14          Q.     Both when you called your father and also  
15 when you saw him when he showed up to your house before  
16 the police even got there?

17          A.     Yes, ma'am.

18          Q.     Did you at any point, Joey, get a look such  
19 that you could identify the people who went into your  
20 house that day?

21          A.     No, ma'am.

22          Q.     Could you tell, I know you didn't take a  
23 look at them because they had masks, or least the first  
24 one that you saw had an orange ski mask, could you tell  
25 what kind of weapon it was that they were using, one or

1 both were using to fire at you?

2 A. I just seen one weapon. It was like some  
3 kind of rifle.

4 Q. And that's the one that you remember?

5 A. Yes, ma'am.

6 Q. After your dad gets there do the police get  
7 there?

8 A. Yes, ma'am.

9 Q. As a matter of fact do you ever call the  
10 police?

11 A. Yes, ma'am.

12 Q. And at some point does your dad take over  
13 the police call?

14 A. Yes, ma'am.

15 Q. Joey, do you know someone by the name of  
16 Summer Rice?

17 A. Yes, ma'am.

18 Q. Or Summer Larsen?

19 A. Yes, ma'am.

20 Q. Who is that?

21 A. My ex-wife. Or my wife.

22 Q. Is she still your wife?

23 A. Yes, ma'am.

24 Q. I'm going to show you Grand Jury Exhibit  
25 Number 4. Do you recognize that?



1 A. Yes, ma'am.

2 Q. Who is it?

3 A. Summer.

4 Q. Summer your wife?

5 A. Yes, ma'am.

6 Q. Publish Grand Jury Exhibit Number 4.

7 I'm going to show you a picture. Grand  
8 Jury Exhibit Number 5. Do you know who is this, Joey?

9 A. I don't know him. I've seen him before.

10 Q. Do you know his name?

11 A. Just a nickname.

12 Q. What's his nickname?

13 A. Dough Boy.

14 Q. Dough Boy. Okay. Grand Jury Exhibit  
15 Number 5. Okay. So you say you don't know Dough Boy  
16 but you've seen him around. Where is it that you've  
17 seen him?

18 A. The neighborhood where my mother and father  
19 live.

20 Q. The neighborhood where your mother and  
21 father live?

22 A. Yeah.

23 Q. Is that fairly close to your house?

24 A. No.

25 Q. I'm going to show you Grand Jury Exhibit

1 Number 2 and 6. I want you to take a look at Grand Jury  
2 Exhibit Number 2. Do you know this person?

3 A. No, ma'am.

4 Q. I'm going to show you Grand Jury Exhibit  
5 Number 6. Do you know this person?

6 A. No, ma'am.

7 Q. Just so the grand jurors are aware, Grand  
8 Jury Exhibit Number 2 the witness indicated he did not  
9 know. I've just published for you all.

10 And Grand Jury Exhibit Number 6, also asked  
11 the witness if he knew this person, he said no.

12 Joey, how long have you been with Summer?

13 A. Approximately nine years.

14 Q. How long have you both been married?

15 A. Like 2012.

16 Q. Since 2012?

17 A. Yes, ma'am.

18 Q. If you were still married to Summer why  
19 wasn't she living at 1661 Broadmere with you?

20 A. We were just like going through a difficult  
21 time I guess.

22 Q. Some marital problems, is that fair to say?

23 A. Yes, ma'am.

24 Q. When you say marital problems, what are you  
25 talking about?

1 A. Just arguing.

2 Q. So at some point she moves out?

3 A. Yes, ma'am.

4 Q. Did she ever live with you at 1661

5 Broadmere?

6 A. Yes, ma'am.

7 Q. Do you know whether or not Summer knows the  
8 person that you identified as Dough Boy?

9 A. I don't know.

10 Q. Do you know whether or not Summer may have  
11 had a relationship with him?

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

13 Q. Do you remember that same interview that  
14 you gave with Detective Jensen, the one that was  
15 outside, dated December 10, 2014, do you remember  
16 telling Detective Jensen that you believed Summer and  
17 Dough Boy knew each other?

18 A. I don't remember saying that, ma'am.

19 Q. Okay. I'm going to show you page 10 of the  
20 voluntary statement. It's a transcript, okay, from the  
21 interview that you did with Detective Jensen. I'm going  
22 to show you the bottom part. Okay?

23 Actually start reading for me from the  
24 middle of the page down and you let me know when you're  
25 done.

1           A.     You want me to read it?

2           Q.     Oh no, not out loud. Just read it silently  
3 starting from here. Okay?

4           A.     Okay.

5           Q.     Did that refresh your memory, Joey, about  
6 what you said about whether or not Summer and Dough Boy  
7 knew each other?

8           A.     Yeah.

9           Q.     When you were interviewed by Detective  
10 Jensen December 10, 2014, did you tell him that "Yeah,  
11 they knew each other I think"?

12          A.     It's a possibility.

13          Q.     Do you have any reason to believe that you  
14 may not have said that?

15          A.     No.

16          Q.     And then Detective Jensen asks you "Did  
17 they grow up together?" You said "I'm not really," and  
18 Detective Jensen asks, "Are they fucking?" And you say  
19 "Shit, I don't know."

20          A.     Yes, ma'am.

21          Q.     "I don't really know him. I don't think,  
22 aw shit, I don't know on that one. I don't know. Like  
23 I hear she's been with a whole bunch of dudes."

24                 Do you remember, does that kind of refresh  
25 your memory?

1 A. Yes, ma'am.

2 Q. Do you have reason to believe that you  
3 didn't say that?

4 A. No, ma'am.

5 Q. Joey, do you ever have an occasion or --  
6 first of all, do you, did you ever sell marijuana out of  
7 your house?

8 A. Yes, ma'am.

9 Q. 1661 Broadmere?

10 A. Yes, ma'am.

11 Q. Is that right? Okay.

12 And did you have marijuana in your home  
13 that day, September 21, 2014, when these two men with  
14 guns and masks, or a mask, came to your house?

15 A. Just marijuana that we were smoking.

16 Q. But you had sold marijuana out of your  
17 house before; is that right?

18 A. Yes, ma'am.

19 Q. Okay. Had you ever sold marijuana out of  
20 your house when Summer was there?

21 A. Uhm, probably.

22 Q. I mean let me just ask you straight up.  
23 Did Summer know that you were sometimes selling  
24 marijuana out of your house?

25 A. Probably.

1           Q.     How long had you lived at that house before  
2 this September 21, 2014 day?

3           A.     Approximately a year.

4           Q.     Okay. And when did Summer move out of that  
5 house?

6           A.     I'm not sure of a date.

7           Q.     Okay. Two months before, one month before,  
8 two weeks? Just guess.

9           A.     Six months.

10          Q.     Six months. Okay. So you think she knew  
11 that you were selling marijuana out of there.

12          A.     It's a possibility.

13          Q.     And at some point, Joey, do you get  
14 marijuana from someone else so that you can sell it out  
15 of your house?

16          A.     Yes.

17          Q.     Do you know what the term re-up means?

18          A.     Yes, ma'am.

19          Q.     Would you re-up your marijuana supply every  
20 once in awhile?

21          A.     Yes, ma'am.

22          Q.     Do you know whether or not Summer would  
23 know when it was that you would re-up your marijuana  
24 supply?

25          A.     No, she didn't know.

1           Q.     She didn't know. Okay. Did Summer know  
2 who it was that you re-upped your marijuana supply  
3 through, like who you would get the marijuana from?

4           A.     She didn't know from me. She might have  
5 known on the streets. I don't know. But we didn't talk  
6 at that time.

7           Q.     Would your answer be the same, she didn't  
8 know from you but she may have heard on the street that  
9 you were selling marijuana out of that house?

10          A.     Yes, ma'am.

11          Q.     Okay. Would you re-up your marijuana  
12 supply pretty regularly?

13          A.     No, ma'am.

14          Q.     So there wasn't like a set day?

15          A.     No, ma'am.

16          Q.     So during this time frame you and Summer  
17 were not talking?

18          A.     No, ma'am.

19          Q.     Brief indulgence. You're almost done,  
20 Joey.

21                     The guns that you had, that you used to  
22 shoot back at the intruders to your house, what happened  
23 with those guns?

24          A.     Police took them.

25          Q.     But before the police took them did your

1 dad take them away from you?

2 A. Yeah, he put them in the trunk of his car.

3 Q. Okay. Okay. Before the police got there?

4 A. Yes, ma'am.

5 Q. Did he tell you that was because he didn't  
6 want the police to come up on you while you had guns?

7 A. I don't know what he said.

8 Q. But when your dad got there you had it in  
9 your hand?

10 A. Yes, ma'am.

11 Q. And he took them and put them in the trunk  
12 of his car?

13 A. I believe.

14 Q. How soon after Monty was shot did you call  
15 the police?

16 A. I'm not sure.

17 Q. When you walked up to Monty to see if he  
18 was okay when he was in that doorway, do you remember  
19 how many shots he had or what kind of injuries you saw  
20 on his body or on his head?

21 A. No, ma'am.

22 Q. But you said that you could tell that he  
23 was dead almost immediately?

24 A. Yes, ma'am. His eyes was rolled in the  
25 back of his head.



1           Q.     Has Summer ever tried to set up something  
2 like this with you before?

3           A.     Something like what?

4           Q.     Something like people come into your house  
5 to rob you?

6           A.     I'm not sure, ma'am.

7           Q.     That you know of?

8           A.     Not that I know of.

9           Q.     Do you know someone named Tracy?

10          A.     Yes, ma'am.

11          Q.     Do you know someone named Ashley Hall?

12          A.     Yes, ma'am.

13          Q.     How do you know Ashley Hall?

14          A.     Just from the neighborhood growing up.

15          Q.     Is she about the same age as you?

16          A.     Probably four or five years older than me.

17          Q.     And the Tracy that I was asking about, do  
18 you know someone named Tracy Rowe?

19          A.     Yes, ma'am.

20          Q.     How do you know Tracy Rowe?

21          A.     Went to middle school with her.

22          Q.     Joey, earlier you expressed concern about  
23 testifying before the Grand Jury. Is that because you  
24 fear for your safety?

25          A.     No, ma'am.

1 MS. LEXIS: Okay. I have no more questions  
2 for this witness. Do any of the Grand Jury members have  
3 any questions?

4 BY A JUROR:

5 Q. Joey, have you ever been robbed before?

6 A. No, ma'am.

7 Q. That's all I have.

8 THE FOREPERSON: No more questions.

9 By law, these proceedings are secret and  
10 you are prohibited from disclosing to anyone anything  
11 that has transpired before us, including evidence and  
12 statements presented to the Grand Jury, any event  
13 occurring or statement made in the presence of the Grand  
14 Jury, and information obtained by the Grand Jury.

15 Failure to comply with this admonition is a  
16 gross misdemeanor punishable by a year in the Clark  
17 County Detention Center and a \$2,000 fine. In addition,  
18 you may be held in contempt of court punishable by an  
19 additional \$500 fine and 25 days in the Clark County  
20 Detention Center.

21 Do you understand this admonition?

22 THE WITNESS: Yes, sir.

23 THE FOREPERSON: Thank you, sir. You're  
24 excused.

25 MS. LEXIS: Mr. Foreperson, if it's okay

1 with the ladies and gentlemen of the Grand Jury may I  
2 have a ten minute break?

3 THE FOREPERSON: Yes, ma'am.

4 MS. LEXIS: Thank you.

5 (Recess.)

6 MS. LEXIS: The State would now call Barry  
7 Jensen.

8 THE FOREPERSON: If you would, sir, please  
9 raise your right hand.

10 You do solemnly swear the testimony you are  
11 about to give upon the investigation now pending before  
12 this Grand Jury shall be the truth, the whole truth, and  
13 nothing but the truth, so help you God?

14 THE WITNESS: Yes, I do.

15 THE FOREPERSON: Please be seated, sir.

16 THE WITNESS: Thank you.

17 THE FOREPERSON: You are advised that you  
18 are here today to give testimony in the investigation  
19 pertaining to the offenses of conspiracy to commit  
20 robbery, burglary while in possession of a deadly  
21 weapon, home invasion while in possession of a deadly  
22 weapon, attempt robbery with use of a deadly weapon,  
23 murder with use of a deadly weapon, and attempt murder  
24 with use of a deadly weapon, involving Jorge Mendoza,  
25 Robert Figueroa, Summer Larsen, David Murphy.

1 Do you understand this advisement?

2 THE WITNESS: Yes, I do.

3 THE FOREPERSON: Please state your first  
4 and last name and spell both for the record.

5 THE WITNESS: My name is Barry Jensen.  
6 It's B-A-R-R-Y, J-E-N-S-E-N.

7 THE FOREPERSON: Thank you.

8 MS. LEXIS: May I Mr. Foreperson?

9 THE FOREPERSON: Yes, ma'am, you may.

10 MS. LEXIS: Thank you.

11 BARRY JENSEN,  
12 having been first duly sworn by the Foreperson of the  
13 Grand Jury to testify to the truth, the whole truth,  
14 and nothing but the truth, testified as follows:

15  
16 EXAMINATION

17  
18 BY MS. LEXIS:

19 Q. Detective, how are you employed?

20 Mr. Jensen, how are you employed?

21 A. I'm employed with the Las Vegas  
22 Metropolitan Police Department.

23 Q. What do you do with the Las Vegas  
24 Metropolitan Police Department?

25 A. I'm currently assigned to the homicide

1 detail.

2 Q. So you're a detective?

3 A. Yes.

4 Q. As my first question alluded to.

5 How long have you been a detective?

6 A. I've been a detective for approximately,  
7 oh, 19 years.

8 Q. And how long have you been a homicide  
9 detective?

10 A. Fourteen years.

11 Q. Do you work with a partner?

12 A. I do.

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

14 A. My partner currently is Tod Williams.

15 Q. Were you working as a homicide detective  
16 back on September 21, 2014?

17 A. Yes, I was.

18 Q. Were you and your partner and also your  
19 squad assigned to investigate a murder and attempted  
20 robbery involving individuals named Joseph Larsen and  
21 also Monty Gibson?

22 A. Yes, we were.

23 Q. And just to be clear, it's the murder of  
24 Monty Gibson and also the attempt robbery of the home  
25 that Mr. Gibson and Mr. Larsen lived at; is that right?

1           A.     That's correct.

2           Q.     Detective, was that home located at 1661  
3 Broadmere here in Las Vegas, Clark County, Nevada?

4           A.     Yes, it was.

5           Q.     At some point, Detective, you respond to  
6 the scene; is that right?

7           A.     That's correct.

8           Q.     And at some point do you determine whether  
9 or not the suspects, either one or more, were injured  
10 during the course of the incident?

11          A.     Yes, we did.

12          Q.     Okay. Can you just please explain that?

13          A.     When we get called as a homicide team we  
14 respond to the scene, we get a briefing by the first  
15 responders who were there and they generally tell us  
16 where our victim is, if we have any known witnesses or  
17 any known suspects and if we do where they're at. After  
18 the briefing we go to the scene to try to get a general  
19 idea of what we're going to deal with. In this case we  
20 couldn't go in the house because we didn't have a search  
21 warrant yet. I believe we had a consent to search. But  
22 we didn't have to go in because outside the home there  
23 was a large blood trail and we followed the blood trail,  
24 and we also learned some of this in our briefing, we  
25 followed the blood trail around the corner and that's

1 where Joe, Jorge Mendoza was taken into custody. The  
2 first responding officers arrived, they also followed  
3 the blood trail, they found some evidence and then they  
4 located Jorge Mendoza hiding in a car that belonged to  
5 the home he was hiding in front of.

6 Q. Let me just show you what's already been  
7 marked as Grand Jury Exhibit Number 2. Do you recognize  
8 this individual?

9 A. I do.

10 Q. Who do you recognize this to be?

11 A. That's Jorge Mendoza.

12 Q. And is he the individual found at the  
13 scene?

14 A. Yes, he is.

15 Q. Did Mr. Mendoza have injuries that you  
16 became aware of?

17 A. Yes. He was shot in the, I believe the  
18 left leg. In the thigh. It had actually broken the  
19 femur.

20 Q. And where was he found?

21 A. He was found approximately 150 yards away  
22 from the house. I don't know the name of the street  
23 offhand. Cattleman's or Cattleman's Drive or something.

24 Q. Long Cattle Avenue?

25 A. Yes, Long Cattle Avenue.

1           Q.     So he was found at the scene with an  
2 injury?

3           A.     Yes.

4           Q.     Was there any indication that another  
5 suspect had also been injured?

6           A.     Yes.

7           Q.     And how do you come to that conclusion?

8           A.     When we went to the spot where Jorge  
9 Mendoza was taken into custody, there was another blood  
10 trail that continued to go east down Long Cattle and  
11 through another little street, I believe it was called  
12 Walrus, and down another street which again I don't  
13 know, I can't remember the name of, and then yet again  
14 south. It was a long blood trail, probably I want to  
15 say it was almost three tenths of a mile long from 1661  
16 Broadmere. So seeing this blood trail we realized that  
17 that's not made by Jorge Mendoza because he stopped up  
18 here. That blood trail abruptly ended. And at the  
19 beginning of the investigation we believed that somebody  
20 in a car had picked up the person who was injured and  
21 drove them out of the scene.

22          Q.     The second individual, the second suspect  
23 who was injured, was he subsequently identified?

24          A.     Yes, he was.

25          Q.     And also taken into custody?



1           A.     Yes.

2           Q.     Please tell the ladies and gentlemen of the  
3 Grand Jury how that came about.

4           A.     We, through the investigation we developed  
5 Robert Figueroa as the other person who was injured and  
6 we had heard that he had been shot in the face and the  
7 left side. Through our computer banks through our Scope  
8 system we were able to determine that Robert Figueroa  
9 lived on the east side of town near Tropicana and Pecos  
10 I believe and that he had warrants for his arrest. So  
11 we utilized the criminal apprehension team because  
12 they're better equipped to do surveillances, they're  
13 younger, most of them are younger than us, they train  
14 for this stuff, we haven't trained for this in years, so  
15 they did the initial surveillance. They identified  
16 Robert Figueroa coming out of his apartment and they  
17 took him into custody. My partner and I contacted him.  
18 He had a healing gunshot wound to the mouth and a  
19 healing gunshot wound to the left side. We started  
20 talking to him there and ended up arresting him for the  
21 charges.

22          Q.     I'm going to show you what has been  
23 admitted as Grand Jury Exhibit Number 3.

24          A.     Uh-huh.

25          Q.     Do you recognize the individual in this

1 photograph?

2 A. I do.

3 Q. Who is that?

4 A. That is Robert Figueroa.

5 Q. Was he the individual that you saw come in  
6 and out of this room after he testified this afternoon?  
7 Did you see him come out of this room?

8 A. I did not but I did see him sitting in the  
9 back hallway.

10 Q. All right, Detective. At some point do you  
11 have an occasion to speak with Jorge Mendoza?

12 A. I did not speak with him. I spoke with the  
13 detectives who interviewed him. And if I can elaborate  
14 a little bit.

15 Q. Yes, absolutely.

16 A. When we're working these scenes, my partner  
17 and I were the detectives in charge and we, one time I  
18 will work the crime scene with the crime scene analyst  
19 and he will do the interviews and then the next time  
20 that we have a homicide I will do the interviews and  
21 he'll work the crime scene with the crime scene analyst.  
22 He was responsible for doing the interviews with other  
23 detectives to help him. So my partner Tod Williams and  
24 other detectives that night had spoken to Jorge Mendoza  
25 down at the hospital. And then through the course of

1 our investigation we'll get together and kind of brief  
2 each other on what we have found. You know, I explained  
3 to them certain aspects of what I'm seeing inside the  
4 crime scene and they'll tell me what they're picking up  
5 from witnesses and, you know, a lot of times you go wow,  
6 that really matches what we're seeing. Sometimes you  
7 scratch your head and go I've got no idea what that is.  
8 But on this particular occasion what Mendoza had told  
9 them at the hospital wasn't fitting what we were finding  
10 with the evidence.

11 Q. Did you have an occasion to look at the  
12 transcripts of the interview conducted by other  
13 detectives with Mr. Mendoza?

14 A. Yes, I did.

15 Q. Do you have any reason to believe that  
16 anything about the transcripts that you reviewed were  
17 not a fair and accurate representation of the interview  
18 that occurred between other homicide detectives and  
19 Mr. Mendoza?

20 A. I do not.

21 Q. Could you just briefly tell the ladies and  
22 gentlemen of the Grand Jury what it is that Mr. Mendoza  
23 told you happened September 21, 2014 which caused him to  
24 sustain the gunshot wound to his leg?

25 A. Okay. When he was talking to my partner

1 and the other detective, he said that he had parked his  
2 car somewhere in the neighborhood of Broadmere and  
3 another street and just got out, decided to walk, when  
4 he got approached by two guys, they had a gun, they  
5 robbed him of his car keys and shot him in the leg and  
6 got in his car and drove away. And he crawled into this  
7 car that was unlocked in the parking lot of the house  
8 that we found him in front of and even though he saw  
9 police all around him he didn't immediately jump up and  
10 say, you know, I've been robbed. He said he was scared,  
11 he didn't know who to trust because he felt that the  
12 people who had robbed him and took his car and shot him  
13 in the leg were now driving around the neighborhood  
14 looking for him and I think he said that he thought they  
15 might have been the police officers that were there.

16 Q. And before I ask this question, you  
17 indicated that his version of events just did not match  
18 up with the other evidence that you were able to obtain  
19 and review.

20 A. That's correct.

21 Q. As a homicide detective do you have access  
22 to jail calls made out of the Clark County Detention  
23 Center?

24 A. Yes, I do.

25 Q. And as far as those jail calls, Detective,

1 are they made in the regular course of activity at the  
2 Clark County Detention Center?

3 A. Yes, they are.

4 Q. And are they timed and is it logged at or  
5 near the time that the jail calls are made?

6 A. Yes. What happens is the inmate has an ID  
7 number and when they're in custody they can use the  
8 phone, they have to enter their ID number and say their  
9 name and then they will, I think they're allowed to dial  
10 the number they're dialing. And it's all, it tells them  
11 that it's all being recorded and it can be listened to  
12 at any time and it tells the person who's answering the  
13 phone on the other side, it gives them an option, you  
14 know, you're going to get a call from an inmate in the  
15 Clark County Detention Center, if you don't want to  
16 accept it, you know, press this button, and the people  
17 have an option of not to accept it, because the calls  
18 are quite expensive after awhile. So they would have to  
19 use their ID number, say their name, and then dial the  
20 phone number and the phone number they dial is all  
21 recorded, the date and time that they dial the number is  
22 all recorded.

23 Q. Okay. So records are certainly kept?

24 A. Yes.

25 Q. And as a detective you have access to these

1 calls?

2 A. I do.

3 Q. How is it that you have access to them?

4 A. It's through the computer.

5 Q. Computer program?

6 A. Computer program. And I believe it's  
7 called Jail Link. I think that's what it's called is  
8 Jail Link. And I can pull it up on my desk and sit all  
9 day and listen to phone calls. They're limited to ten  
10 minutes. Some people call a lot of people all day long.

11 Q. And so to pull it up, can you look it up by  
12 defendant name and ID number or phone number that they  
13 may have called?

14 A. I can look it up by any of those means. I  
15 can run the ID number of the inmate, I can run the  
16 inmate's name. I can run, if there's a certain phone  
17 number I'm looking for I can enter that phone number and  
18 it will tell me how many inmates have called it or other  
19 things about that number that's been called.

20 Q. Okay. At some point during the course of  
21 your investigation do you become aware of an individual  
22 by the name of Summer Larsen being taken into custody  
23 concerning this case?

24 A. Yes, I do.

25 Q. And at some point do you begin to listen to

1 her calls?

2 A. I do.

3 Q. Calls that she makes from the Clark County  
4 Detention Center?

5 A. Yes.

6 Q. And in particular did you pull two calls  
7 made by Summer on December 3rd, 2014 both to an  
8 individual that's also related to this case?

9 A. Yes, I did.

10 Q. The individual that's related to this case,  
11 who was that?

12 A. His name is David Murphy. He was not in  
13 custody at the time that Summer Larsen telephoned him.

14 Q. Does David Murphy go by a nickname?

15 A. Yes, his nickname on the streets is Dough  
16 Boy.

17 Q. Did he confirm that nickname with you?

18 A. Yes, he did.

19 Q. And based on your overall knowledge of the  
20 case and also the jail call that you listened to, do you  
21 know Summer to call him by his nickname of Dough Boy?

22 A. Yes, I do.

23 Q. When you heard these two conversations that  
24 Summer, or phone calls that Summer made to Dough Boy  
25 both on December 3rd, 2014, did you pull the calls,

1 meaning record them to a CD or to your computer?

2 A. Yes, I downloaded them directly to my  
3 computer and then I had them transcribed.

4 Q. And did you subsequently provide the  
5 transcriptions to the Clark County District Attorney's  
6 Office?

7 A. Yes, I did.

8 Q. And if you'll just give me one moment.

9 Detective, I'm going to approach you with  
10 what's been previously marked as State's Exhibits 12 and  
11 13. First 12. If you could please look through that.

12 A. Uh-huh.

13 Q. Okay. And do you recognize what's shown in  
14 State's Grand Jury Exhibit Number 12?

15 A. Yes, I do.

16 Q. And what do you recognize it to be?

17 A. This is a transcription of the phone call  
18 between Summer Rice and David Murphy.

19 Q. Okay.

20 A. Dough Boy.

21 Q. Was a phone call made on December 3rd, 2014  
22 at 2227 hours?

23 A. Yes, it was.

24 Q. And when you listened -- you actually  
25 listened to the call; is that right, Detective?



1           A.     That's correct.

2           Q.     Did you recognize Summer Larsen's voice?

3           A.     I did.

4           Q.     How do you recognize it?

5           A.     I interviewed her prior to arresting her  
6 and taking her to county jail.

7           Q.     So you became aware of her voice at that  
8 time?

9           A.     Yes.

10          Q.     And did you also recognize Mr. Murphy's  
11 voice?

12          A.     Not at first. I don't believe he was in  
13 custody at this time.

14          Q.     Okay.

15          A.     But I recognized her calling him Dough or  
16 Dough Boy. And the other way I knew this was Summer  
17 Larsen is it was her ID number and on the recording she  
18 states her name as Summer Larsen.

19          Q.     But after Dough Boy was taken into custody  
20 or immediately before, did you have an opportunity to  
21 interview him?

22          A.     Yes, I did.

23          Q.     And at that time did you become familiar  
24 with his voice?

25          A.     Yes, I did. As a matter of fact I went

1 back and re-listened to the calls.

2 Q. Okay.

3 A. And it was absolutely David Murphy's voice  
4 that she was speaking to.

5 Q. And if you could just briefly tell the  
6 ladies and gentlemen of the Grand Jury the significance  
7 or relevance of this particular call.

8 A. On this particular call Summer Rice was  
9 speaking to David Murphy and through the phone  
10 conversation she was crying a little bit, upset, and she  
11 was telling him that she's done with Joe, Joey, meaning  
12 Joey Larsen, she was going to get a divorce and that  
13 kind of thing.

14 Q. So at least with this jail call Miss Larsen  
15 acknowledges a relationship with the victim of the home  
16 invasion/murder/attempt robbery, Mr. Joseph Larsen?

17 A. That's correct.

18 Q. She acknowledged having a relationship with  
19 him?

20 A. Yes, she did.

21 Q. Did she acknowledge, not necessarily in  
22 this call, but through conversations with you or other  
23 calls, what her relationship was to Mr. Joey Larsen?

24 A. I believe they're, they call each other  
25 husband and wife, they're married. But it's a common

1 law marriage. I don't think they ever went and  
2 physically got the license and got married.

3 Q. But her last name is also Larsen.

4 A. Yes, it is. And they've lived together or  
5 been together for ten or eleven years.

6 Q. And at least in this particular call she's  
7 speaking to an individual that she refers to as Dough?

8 A. Right.

9 Q. Who you understood to be Dough Boy?

10 A. Yes.

11 Q. Whose voice you recognized to be Dough Boy?

12 A. Yes.

13 Q. I'm going to show you what has been marked  
14 as Grand Jury Exhibit Number 13. Could you please take  
15 a look at that?

16 A. Yes. This is also a transcript of a jail  
17 call between Summer Larsen/Summer Rice and David Murphy.  
18 And again David Murphy is not in custody at this time.

19 Q. Okay. And was this made December 3rd, 2014  
20 at 2341 hours?

21 A. Yes, it was.

22 Q. Could you please tell the ladies and  
23 gentlemen of the Grand Jury what the significance or  
24 relevance of this particular call, why it flagged you?

25 A. During this call -- we didn't really know

1 who Dough Boy was at the time, we had a pretty good  
2 idea. And while she, while Summer was speaking to him  
3 she asked him for his house numbers. She knew the  
4 street name, she just didn't know the numbers on his  
5 house. And he replied, I'm going off of memory, I think  
6 he said 6637. Which is, he lives at 6637 Delphinium.  
7 So that confirmed to me who Dough Boy was.

8 Q. Dough Boy. Or David Murphy, aka Dough Boy?

9 A. That's correct.

10 Q. And you've confirmed that?

11 A. Yes.

12 Q. And you've also confirmed that this  
13 conversation took place between Summer and Dough Boy  
14 because again you recognized their voices?

15 A. Yes.

16 Q. I'm going to show you what has been marked  
17 as Grand Jury Exhibit Number 5. Do you recognize this  
18 individual?

19 A. I do.

20 Q. Who is it?

21 A. That is David Murphy, aka Dough Boy.

22 Q. I'm going to publish for the jury.

23 I'm going to show you what has been marked  
24 as Grand Jury Exhibit Number 6. Do you recognize this  
25 individual?

1 A. Yes, I do.

2 Q. Who is this?

3 A. That is Joey Laguna, aka Maton, M-A-T-O-N.

4 Q. I'm going to publish Grand Jury Exhibit  
5 Number 6.

6 I'm going to show you Grand Jury Exhibit  
7 Number 4. Do you recognize this person?

8 A. Yes, I do.

9 Q. Who do you recognize this to be?

10 A. That is Summer Larsen.

11 Q. Grand Jury Exhibit Number 4 being  
12 published.

13 Grand Jury Exhibit Number 2. Do you  
14 recognize who this is?

15 A. That's Jorge Mendoza again.

16 Q. So you have these jail calls between Dough  
17 Boy and Summer?

18 A. Yes.

19 Q. Detective, during the course of your  
20 investigation, we have five individuals.

21 A. Yes.

22 Q. That we have been talking about here.

23 A. Yes.

24 Q. That you have determined to be involved  
25 somehow. Could you please tell the ladies and gentlemen

1 of the Grand Jury how it is that these individuals are  
2 linked together?

3 A. Okay. I don't know if you want to put  
4 their pictures up.

5 Q. I will. So as you tap it I'll put it up.  
6 So you tell me.

7 A. We'll start with Dough Boy. David Larsen.

8 A JUROR: Murphy.

9 THE WITNESS: David Larsen is probably --  
10 BY MS. LEXIS:

11 Q. David Murphy.

12 A. I'm sorry. David Murphy. Is probably the  
13 person who kind of planned the whole thing. He lived in  
14 the same trailer park as Summer Rice and her husband  
15 Joey Larsen.

16 Q. So I'm going to put Grand Jury Exhibit  
17 Number 4.

18 A. Joey knew him from the neighborhood.  
19 Summer knew him from the neighborhood. They became  
20 friends. When Joey Larsen and Summer Larsen split up,  
21 it was rumored that Summer Larsen and Dough Boy were  
22 having an affair. Dough Boy is married to -- I'm sorry.  
23 Do you want to put him up?

24 Q. Sure. Grand Jury Exhibit Number 2 already  
25 identified to you as Jorge Mendoza.

1           A.     Jorge Mendoza is married to David Murphy's  
2 cousin Amanda. So, you know, we would believe that  
3 David Murphy gets Jorge Mendoza to help them go in and  
4 do this home invasion/robbery.

5           Q.     And when you spoke with Dough Boy or David  
6 Murphy, did he confirm to you this relationship with  
7 Jorge Mendoza's cousin?

8           A.     Yes, he did.

9           Q.     Okay.

10          A.     The next person will be Joey Laguna.

11          Q.     That would be Grand Jury Exhibit Number 6.  
12 How is he brought into this mix?

13          A.     Joey is not charged yet, but Joey is very  
14 good friends with David Murphy. And Joey Laguna did  
15 prison time with Robert Figueroa and they were cell  
16 mates. Cellies is what they refer to each other as.  
17 And when you're a cellie in prison you become very  
18 close, like family, you watch each other's backs.

19          Q.     And sometimes maintain contact?

20          A.     Yes. And that relationship will continue  
21 even on the outside. Meaning while you're not in prison  
22 you'll remain in contact with each other and things like  
23 that. And we believe that Joey Laguna contacted Robert  
24 Figueroa and said this is what we've got and I want you  
25 to be part of it.

1           Q.     Okay. But for the moment Mr. Laguna is not  
2 yet included in the Indictment?

3           A.     That's correct.

4           Q.     Before this Grand Jury.

5                     And during that particular part of your  
6 testimony I did place Grand Jury Exhibit Number 2  
7 showing Mr. Figueroa's picture up on the Elmo.

8                     Brief indulgence.

9                     I have no more questions for Detective  
10 Jensen. Do any of the Grand Jury members have any  
11 questions?

12 BY A JUROR:

13           Q.     Mr. Jensen, you interviewed Jorge Mendoza  
14 when he's bleeding in somebody's else car with a broken  
15 leg from a gunshot wound.

16           A.     No, he was interviewed at the hospital.

17           Q.     But you found him in somebody's else car  
18 with a broken leg from a gunshot wound?

19           A.     Yes.

20           Q.     Mr. Robert Figueroa came in here and  
21 testified saying that he was there, but he told us some  
22 things, and I don't know if we should believe him or  
23 not, that he got shot and went to California to get  
24 fixed. And you guys arrested him at his apartment.

25           A.     Yes.



1 Q. Is that right?

2 A. Yes. Yes.

3 Q. How do you go to California to get fixed  
4 and not go to jail?

5 A. Can I elaborate on that?

6 MS. LEXIS: Yes, absolutely.

7 THE WITNESS: When we first contacted  
8 Robert Figueroa he didn't want to say anything. Later  
9 he met with his attorney and we contacted him and his  
10 attorney at the jail. Robert Figueroa told us that when  
11 he went into the house, he was the first guy that went  
12 through the door and he got shot first. He got shot in  
13 the mouth and the side and he turned and ran and he kept  
14 running. As a matter of fact he was not picked up by  
15 another car. We found out through him he was hunkered  
16 down under some bushes in a backyard bleeding until 5:00  
17 or 6:00 in the morning until he felt it was safe to make  
18 a better get away. When he went to California he was  
19 driven down there by his, I believe his roommate and  
20 someone else. He only seeked medical treatment for the  
21 wound in his mouth. He never reported the gunshot wound  
22 to his left side. So my opinion was he was in a lot of  
23 pain, but you've got to be pretty tough to do that. And  
24 after he got his medical treatment he returned to Las  
25 Vegas. And as a matter of fact when the criminal

1 apprehension team was surveilling him and they saw him  
2 walk out of the apartment they said on the radio that  
3 this guy doesn't look like he'd just been shot a month  
4 ago. And we thought oh, I hope we got the right guy.  
5 And when they took him into custody and I saw the  
6 gunshot wound on his mouth and the one on the side then  
7 I was absolutely positive we had the right guy.

8 MS. LEXIS: Any other questions?

9 THE WITNESS: Yes, ma'am.

10 BY A JUROR:

11 Q. Are hospitals required to report gunshots?

12 A. Yes, they are.

13 Q. Gunshot wounds?

14 A. Yes, they are.

15 Q. And they don't -- okay. So I assume he  
16 went to California to wherever he went.

17 A. Right.

18 Q. And it was reported to the authorities in  
19 California and they didn't sync it up with anything  
20 else?

21 A. No. They reported it to the, I believe the  
22 San Bernardino County Sheriff's Office and they had a  
23 deputy respond to the hospital in California. I believe  
24 it was the Loma Linda Hospital. And he told them that  
25 him and his friends were shooting guns in the desert and

1 a bullet ricocheted and hit him in the mouth. The  
2 officer documented that with a report and didn't press  
3 any further.

4 MS. LEXIS: And these statements are  
5 admissible at least as to Mr. Figueroa because he's a  
6 named defendant in this particular case. It's not  
7 hearsay because it's being offered by the State against  
8 him. It's an admission by a party at the moment is  
9 basically what it is.

10 Any other questions?

11 THE FOREPERSON: All right. By law, these  
12 proceedings are secret and you are prohibited from  
13 disclosing to anyone anything that has transpired before  
14 us, including evidence and statements presented to the  
15 Grand Jury, any event occurring or statement made in the  
16 presence of the Grand Jury, and information obtained by  
17 the Grand Jury.

18 Failure to comply with this admonition is a  
19 gross misdemeanor punishable by a year in the Clark  
20 County Detention Center and a \$2,000 fine. In addition,  
21 you may be held in contempt of court punishable by an  
22 additional \$500 fine and 25 days in the Clark County  
23 Detention Center.

24 Do you understand this admonition?

25 THE WITNESS: Yes, I do.

1 THE FOREPERSON: Thank you, sir. You're  
2 excused.

3 THE WITNESS: Thank you.

4 MS. LEXIS: Ladies and gentlemen of the  
5 Grand Jury, at this point I would submit the case to you  
6 for deliberation. Just make sure I have all the  
7 exhibits.

8 I am going to step out. Thank you so much.  
9 And these are the calls I was looking for. I'm sorry.

10 (At this time, all persons, other than  
11 members of the Grand Jury, exit the room at 3:56 p.m.  
12 and return at 4:04 p.m.)

13 THE FOREPERSON: Madame District Attorney,  
14 by a vote of 12 or more grand jurors a true bill has  
15 been returned against defendants Jorge Mendoza, Robert  
16 Figueroa, Summer Larsen and David Murphy charging the  
17 crimes of conspiracy to commit robbery, burglary while  
18 in possession of a deadly weapon, home invasion while in  
19 possession of a deadly weapon, attempt robbery with use  
20 of a deadly weapon, murder with use of a deadly weapon,  
21 and attempt robbery with use of a deadly weapon, in  
22 Grand Jury Case Number 14BGJ019ABC-D. We instruct you  
23 to prepare an Indictment in conformance with the  
24 proposed Indictment previously submitted to us.

25 MS. LEXIS: I will do so. Thank you.

1 THE FOREPERSON: Thank you.  
2 (Proceedings concluded.)  
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**REPORTER'S CERTIFICATE**

**STATE OF NEVADA**       )  
                              :   Ss  
**COUNTY OF CLARK**       )

I, Danette L. Antonacci, C.C.R. 222, do  
hereby certify that I took down in Shorthand (Stenotype)  
all of the proceedings had in the before-entitled matter  
at the time and place indicated and thereafter said  
shorthand notes were transcribed at and under my  
direction and supervision and that the foregoing  
transcript constitutes a full, true, and accurate record  
of the proceedings had.

Dated at Las Vegas, Nevada,  
February 16, 2015.

/s/ Danette L. Antonacci

\_\_\_\_\_  
Danette L. Antonacci, C.C.R. 222

## 1 AFFIRMATION

2 Pursuant to NRS 239B.030

3  
4 The undersigned does hereby affirm that the  
5 preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
6 14BGJ019A-D:  
78 X Does not contain the social security number of any  
9 person,

10 -OR-

11      Contains the social security number of a person as  
12 required by:13 A. A specific state or federal law, to-  
14 wit: NRS 656.250.

15 -OR-

16 B. For the administration of a public program  
17 or for an application for a federal or  
18 state grant.

19 /s/ Danette L. Antonacci

20 Signature

21 2-16-15  
22 Date23 Danette L. Antonacci  
24 Print Name25 Official Court Reporter  
Title

\$	2341 [1] 112/20	act [2] 6/25 29/22
\$2,000 [5] 18/19 31/7 65/3	239B.030 [1] 124/2	activity [1] 106/1
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FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

OCT - 6 2016

BY Denise Trujillo  
DENISE TRUJILLO, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA  
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STATE OF NEVADA  
VS  
JORGE MENDOZA

CASE NO.: C-15-303991-1

DEPARTMENT 5

DEFENDANT'S PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL

Attached hereto are the proposed jury instructions which were offered to the Court, but not submitted to the jury in the above entitled action.

DATED: This 6th day of October, 2016.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: Denise Trujillo  
Denise Trujillo, Deputy Clerk of the Court

C-15-303991-1

PINU

Proposed Jury Instructions Not Used At Trl:  
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INSTRUCTION NO. \_\_\_\_\_

If a homicide is justifiable, the person indicted shall upon his trial be fully acquitted  
and discharged.

INSTRUCTION NO. \_\_\_\_\_

The killing of another person in self-defense is justified and not unlawful when the person who does the killing actually and reasonably believes:

1. That there is imminent danger that the assailant will either kill him or cause him great bodily injury; and

2. That it is absolutely necessary under the circumstances for him to use in self-defense force or means that might cause the death of the other person, for the purpose of avoiding death or great bodily injury to himself.

INSTRUCTION NO. \_\_\_\_\_

A bare fear of death or great bodily injury is not sufficient to justify a killing. To justify taking the life of another in self-defense, the circumstances must be sufficient to excite the fears of a reasonable person placed in a similar situation. The person killing must act under the influence of those fears alone and not in revenge.

INSTRUCTION NO. \_\_\_\_\_

An honest but unreasonable belief in the necessity for self-defense does not negate malice and does not reduce the offense from murder to manslaughter.

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INSTRUCTION NO. \_\_\_\_\_

The right of self-defense is not available to an original aggressor, that is a person who has sought a quarrel with the design to force a deadly issue and thus through his fraud, contrivance or fault, to create a real or apparent necessity for making a felonious assault.

However, where a person without voluntarily seeking, provoking, inviting, or willingly engaging in a difficulty of his own free will, is attacked by an assailant, he has the right to stand his ground and need not retreat when faced with the threat of deadly force.

Actual danger is not necessary to justify a killing in self-defense. A person has a right to defend from apparent danger to the same extent as he would from actual danger. The person killing is justified if:

1. He is confronted by the appearance of imminent danger which arouses in his mind an honest belief and fear that he is about to be killed or suffer great bodily injury; and

2. He acts solely upon these appearances and his fear and actual beliefs; and

3. A reasonable person in a similar situation would believe himself to be in like danger.

INSTRUCTION NO. \_\_\_\_\_

The killing is justified even if it develops afterward that the person killing was mistaken about the extent of the danger.

INSTRUCTION NO. \_\_\_\_\_

If evidence of self-defense is present, the State must prove beyond a reasonable doubt that the defendant did not act in self-defense. If you find that the State has failed to prove beyond a reasonable doubt that the defendant did not act in self-defense, you must find the defendant not guilty.



INSTRUCTION NO. \_\_\_\_\_

If a person kills another in self-defense, it must appear that the danger was so urgent and pressing that, in order to save his own life, or to prevent his receiving great bodily harm, the killing of the other was absolutely necessary; and the person killed was the assailant, or that the slayer had really, and in good faith, endeavored to decline any further struggle before the mortal blow was given.